

7. REZONING: 197 West 26th Avenue

Summary: To rezone 197 West 26th Avenue from RS-1 (Single-detached Houses and Duplexes) District to RM-8A (Multiple Dwelling) District, to permit a townhouse development with a maximum floor space ratio (FSR) of 1.20. If rezoning is approved, a subsequent development permit process would entail review of a proposed form of development.

Applicant: B Squared Architecture Inc.

Referral: This relates to the report entitled “Rezoning: 197 West 26th Avenue”, dated October 5, 2021, (“Report”), referred to Public Hearing at the Council Meeting of October 19, 2021.

Recommended Approval: By the General Manager of Planning, Urban Design and Sustainability, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by B Squared Architecture Inc. on behalf of Nora West 26 G.P. Inc., the registered owner of the land located at 197 West 26th Avenue [*PID: 013-324-578; Lot 27 Block 683 District Lot 526 Plan 2913*], to rezone the land from RS-1 (Single-detached Houses and Duplexes) District to RM-8A (Multiple Dwelling) District, generally as presented in the Report, be approved in principle;

FURTHER THAT the draft zoning by-law, prepared for the Public Hearing in accordance with Appendix A of the Report, be approved in principle;

FURTHER THAT the above approval be subject to the Conditions of Approval contained in Appendix B of the Report.

- B. THAT, subject to approval of the zoning by-law, the Subdivision By-law be amended, generally as set out in Appendix C of the Report;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the zoning by-law.

- C. THAT Recommendations A and B be adopted on the following conditions:

- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;

- (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

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