

SUMMARY AND RECOMMENDATION

2. REZONING: 160 West 44th Avenue

Summary: To rezone 160 West 44th Avenue from RS-1 (Single-detached Houses and Duplexes) District to RM-8A (Multiple Dwelling) District to allow for a townhouse or rowhouse development with a maximum floor space ratio (FSR) of 1.20.

Applicant: Matthew Cheng Architect Inc.

Referral: This relates to the report entitled "Rezoning: 160 West 44th Avenue", dated March 29, 2022, ("Report"), referred to Public Hearing at the Council Meeting of April 12, 2022.

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 Matthew Cheng Architect Inc., on behalf of 1289499 B.C. Ltd.¹, the registered owners of the land located at 160 West 44th Avenue [*PID: 010-645-411; Lot 5 Block 1083 District Lot 526 Plan 7386*], 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 amendment by-law, prepared for the Public Hearing in accordance with Appendix A of the Report, be approved in principle;

AND 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 amendment 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 amendment 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;

¹ Beneficially owned and controlled by Irene Fung Yee Fong, Eddy Leung and John Chilung Yu

- (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.

[Rezoning: 160 West 44th Avenue]