

SUMMARY AND RECOMMENDATION

1. CD-1 REZONING: 1515 West 49th Avenue

Summary: To rezone 1515 West 49th Avenue from RS-3 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of two three-and-a-half storey residential townhomes with eight secured market rental residential units. A height of 13.5 m (44.3 ft.), and a floor space ratio (FSR) of 1.51 are proposed.

Applicant: Stuart Howard Architects Inc.

Referral: This relates to the report entitled “CD-1 Rezoning: 1515 West 49th Avenue”, dated May 3, 2022, (“Report”), referred to Public Hearing at the Council Meeting of May 17, 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 Stuart Howard Architects Inc., on behalf of Bhagwan Dhir, the registered owner of the land located at 1515 West 49th Avenue [*PID 018-090-273; Lot G of Lot 6 Block 3 District Lot 526 Plan LMP8588*], to rezone the lands from RS-3 (Residential) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 0.16 plus 130 sq. m (1,400 sq. ft.) to 1.51 FSR and the maximum building height from 10.7 m (35 ft.) to 13.5 m (44.3 ft.), to permit the development of two three-and-a-half storey residential townhome buildings containing a total of eight secured market rental housing units, generally as presented in the Report, be approved in principle;

FURTHER THAT the draft CD-1 By-law, prepared for the Public Hearing in accordance with Appendix A of the Report, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Stuart Howard Architects Inc., received on March 13, 2020, with revisions submitted February 24, 2022, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

- B. THAT subject to approval in principle of the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Report, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 By-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Planning, Urban Design and Sustainability.

- C. THAT, subject to approval of the CD-1 By-law, the Subdivision By-law be amended generally as set out below:

DRAFT AMENDMENT TO THE SUBDIVISION BY-LAW NO. 5208

Council amends Schedule A of the Subdivision By-law in accordance with the plan labelled Schedule A and attached to and forming part of this By-law, by deleting the following property from the RS-1, RS-3, RS-3A, RS-5 and RS-6 maps forming part of Schedule A of the Subdivision By-law:

- (a) PID 018-090-273; Lot G of Lot 6 Block 3 District Lot 526 Plan LMP8588

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 CD-1 By-law

- D. THAT Recommendations A to C 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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