

SUMMARY AND RECOMMENDATION

4. CD-1 REZONING: 131-163 West 49th Avenue

Summary: To rezone 131-163 West 49th Ave from RS-1 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of a four-storey mixed-use building with ground-floor commercial space, office space and 68 strata-titled residential units. A building height of 17.7 m (58 ft.), with additional height for rooftop amenity, and a floor space ratio (FSR) of 2.5 are proposed.

Applicant: Yamamoto Architecture

Referral: This relates to the report entitled “CD-1 Rezoning: 131-163 West 49th Avenue”, dated May 24, 2022, (“Report”), referred to Public Hearing at the Council Meeting of June 7, 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 Yamamoto Architecture, on behalf of 1327278 B.C. Ltd.¹, the registered owner of the lands located at:

- 131-161 West 49th Avenue [*Lots 15 to 20, all of Block 1163 District Lot 526 Plan 4757; PIDs 007-472-528, 011-324-414, 011-324-431, 011-324-449, 011-324-481 and 011-324-503, respectively*] and
- 163 West 49th Avenue [*PID 011-602-546; Lot A of Lot 7 Block 1000 District Lot 526 Plan 21840*],

to rezone the lands from RS-1 (Residential) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 0.7 to 2.5 and the maximum building height from 10.7 m (35 ft.) to 17.7 m (58 ft.) to permit the development of a four-storey mixed-use building containing 68 strata-titled residential units with commercial space on the ground floor, 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 Yamamoto Architecture, received July 27, 2021 and supplemental plans received September 9, 2021, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

¹ Represented by Alabaster Developments Ltd.

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

- B. THAT subject to enactment of the CD-1 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 CD-1 By-law.

- C. THAT subject to approval of the CD-1 By-law, the application to amend the Sign By-law to establish regulations for the CD-1, generally as set out in Appendix C of the Report, be approved.

- D. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include the CD-1, 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 Noise Control By-law at the time of enactment of the CD-1 By-law.

- E. THAT Recommendations A to D 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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