

## SUMMARY AND RECOMMENDATION

**3. CD-1 (832) Amendment: 319-359 West 49th Avenue (319 West 49th Avenue)**

**Summary:** To amend CD-1 (832) (Comprehensive Development) District By-law for 319-359 West 49th Avenue to increase the FSR from 2.30 to 2.50 for a four-storey mixed-use building and permit an increase in commercial units from five to seven and strata-titled residential units from 51 to 64.

**Applicant:** Winston Chong Architect

**Referral:** This relates to the report entitled “CD-1 (832) Amendment: 319-359 West 49th Avenue (319 West 49th Avenue)”, dated December 20, 2022, (“Report”), referred to Public Hearing at the Council Meeting of January 17, 2023.

**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 Winston Chong Architect on behalf of Killarney Enterprises (49th) Ltd., the registered owner of the lands located at 319-359 West 49th Avenue (now 319 West 49th Avenue) [*PID 031-722-342; Lot A Block 999 District Lot 526 Group 1 New Westminster District Plan EPP115225*] to amend CD-1 (Comprehensive Development) District (832) By-law No. 13484, to increase the FSR to 2.50 for additional commercial and strata-titled residential units in a mixed-use development, generally as presented in the Report, be approved in principle;

FURTHER THAT the draft by-law to amend CD-1 (832) By-law No. 13484, 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 Winston Chong Architect, received March 7, 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 Recommendation A 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.

**[CD-1 (832) Amendment: 319-359 West 49th Avenue (319 West 49th Avenue)]**