

SUMMARY AND RECOMMENDATION

1. REZONING: 817-837 West 28th Avenue and 4375 Willow Street

Summary: To rezone 817-837 West 28th Avenue and 4375 Willow Street from RS-1 (Residential) District to RM-8A (Residential) District, to allow for a townhouse or rowhouse development with a maximum floor space ratio (FSR) of 1.20.

Applicant: SHAPE Architecture

Referral: This relates to the report entitled "Rezoning: 817-837 West 28th Avenue and 4375 Willow Street", dated January 31, 2023, ("Report"), referred to Public Hearing at the Council Meeting of February 14, 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 Shape Architecture Inc., on behalf of 1348857 B.C. Ltd. , the registered owners of the lands located at 817-837 West 28th Avenue and 4375 Willow Street [*Lots 8 to 11 Block 717 District Lot 526 Plan 5377; PIDs 011-166-371, 008-494-355, 011-166-398 and 007-147-881 respectively*], to rezone the lands from RS-1 (Residential) District to RM-8A (Residential) 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 approvals 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;

- (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: 817-837 West 28th Avenue and 4375 Willow Street]