

## SUMMARY AND RECOMMENDATION

**3. CD-1 REZONING: 5079-5161 Ash Street**

**Summary:** To rezone 5079-5161 Ash Street from RS-1 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential building. A height of 21.4 m (70 ft.) and a floor space ratio (FSR) of 2.0 are proposed.

**Applicant:** Pennyfarthing Development Group

**Referral:** This relates to the report entitled "CD-1 Rezoning: 5079-5161 Ash Street", dated May 16, 2023, ("Report"), referred to Public Hearing at the Council Meeting of May 30, 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 Pennyfarthing Development Group on behalf of:

- Pennyfarthing Ash Street Properties Ltd., Inc. No. BC1300849, the registered owner of 5079-5137 Ash Street [*Lots 47-49 of Block 839 District Lot 526 Plan 8710; PIDs 009-956-824, 009-956-832 and 009-956-859, respectively*], and
- Pennyfarthing Properties Ash St. South Ltd., Inc. No. BC1103975, the registered owner of 5161 Ash Street [*PID 006-038-182; Lot 50 Block 839 District Lot 526 Plan 8710*],

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 2.0 and the maximum building height from 10.7 m (35 ft.) to 21.4 m (70 ft.) to permit the development of a six-storey residential building containing 62 strata-titled residential 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 Shift Architecture, received March 14, 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 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 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.

**[CD-1 Rezoning: 5079-5161 Ash Street]**