

SUMMARY AND RECOMMENDATION

4. CD-1 REZONING: 5490 Ash Street

Summary: To rezone 5490 Ash Street from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District, to permit the development of a four-storey residential building, with 14 strata-titled residential units. A floor space ratio (FSR) of 2.03 and a height of 13.7 m (45 ft.) with additional height for a rooftop amenity space or mechanical appurtenances are proposed.

Applicant: South Seas Development Ltd.

Referral: This relates to the report entitled “CD-1 Rezoning: 5490 Ash Street”, dated February 27, 2024 (“Report”), referred to Public Hearing at the Council Meeting of March 12, 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 South Seas Development Ltd., on behalf of 1309910 B.C. Ltd., Inc., the registered owner of the lands located at 5490 Ash Street [*PID: 009-972-421; Lot 10 Block 875 District Lot 526 Plan 8664*], to rezone the lands from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 2.03 and the building height from 11.5 m (38 ft.) to 13.7 m (45 ft.) to permit a four-storey residential building containing 14 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 Ankenman Marchand Architects, received March 21, 2023, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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.

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