

SUMMARY AND RECOMMENDATION

4. REZONING: 1940 Main Street

Summary: To rezone 1940 Main Street from IC-2 (Industrial) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building containing at-grade and below-grade commercial retail space, 49 strata residential units, and a 37-space City-owned childcare facility. A building height of 22.7 metres (74.5 feet) and a floor space ratio (FSR) of 3.75 are proposed.

Applicant: Formosis Architecture

Referral: This item was referred to Public Hearing at the Regular Council Meeting of November 5, 2019.

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 Formosis Architecture, on behalf of Main Street Arts 2 Investments Inc. (PortLiving), to rezone 1940 Main Street [*Lots A and B, both of Block 16, District Lot 200A, Plan 7965, and Lot 4, Block 16, District Lot 200A, Plan 197, PIDs: 010-249-702, 010-249-745 and 010-249-770 respectively*] from IC-2 (Industrial) District to CD-1 (Comprehensive Development) District, to provide residential and commercial uses and to increase the floor space ratio (FSR) from 3.00 to 3.75 and building height from 18.3 m (60 ft.) to 22.7 m (74.5 ft.) to permit development of a six-storey mixed-use building consisting of at-grade and below-grade commercial retail space, 49 strata-titled residential units, and a 37-space City-owned childcare facility, generally as presented in Appendix A of the Policy Report dated October 22, 2019, entitled "CD-1 Rezoning: 1940 Main Street" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Formosis Architecture and received December 20, 2018, provided 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 Policy Report.

- B. THAT the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated October 22, 2019, entitled "CD-1 Rezoning: 1940 Main Street", be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Noise Control

By-law, generally as set out in Appendix C of the Policy Report dated October 22, 2019, entitled “CD-1 Rezoning: 1940 Main Street”.

- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Parking By-law, generally as set out in Appendix C of the Policy Report dated October 22, 2019, entitled “CD-1 Rezoning: 1940 Main Street”.
- E. THAT A through 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.

[RZ – 1940 Main Street]