

SUMMARY AND RECOMMENDATION

3. CD-1 REZONING: 5107-5119 Main Street and 196 East 35th Avenue

Summary: To rezone 5107-5119 Main Street and 196 East 35th Avenue from RT-2 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey building with 37 strata-titled residential units. A height of 19.5 m (64 ft.) and a floor space ratio (FSR) of 2.34 are proposed.

Applicant: Bogner Development Group

Referral: This item was referred to Public Hearing at the Council Meeting of June 8, 2021.

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 Bogner Development Group on behalf of 1144683 B.C. Ltd., the registered owner of the land located at 5107-5119 Main Street and 196 East 35th Avenue [*Lots A, B, and C of Block 4, District Lot 637, Plan 17440, PIDs: 007-277-563, 007-277-580, and 005-476-461 respectively*] to rezone the land from RT-2 (Residential) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey building with 37 strata-titled residential units at a floor space ratio (FSR) of 2.34, and a building height of 19.5 m (64 ft.), generally as presented in Appendix A of the Referral Report dated May 25, 2021, entitled "CD-1 Rezoning: 5107-5119 Main Street and 196 East 35th Avenue", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared in plans by Integra Architecture received August 24, 2020, 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 Referral Report.

- B. THAT 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.

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