

SUMMARY AND RECOMMENDATION

3. REZONING: 5327-5477 Oak Street 1006-1008 West 37th Avenue

Summary: To rezone 5327-5477 Oak Street and 1006-1008 West 37th Avenue from RT-1 (Two-family dwelling) District to RM-8AN (Multiple Dwelling) District, to allow for a townhouse or rowhouse development with a maximum floor space ratio (FSR) of 1.20.

Applicant: Formwerks Architectural Inc.

Referral: This relates to the report entitled "Rezoning: 5327-5477 Oak Street 1006-1008 West 37th Avenue", dated January 25, 2022, ("Report"), referred to Public Hearing at the Council Meeting of February 8, 2022.

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 Formwerks Architectural Inc., on behalf of Oak 37 BT Limited, the registered owner of the lands located at:

- 5475, 5423, 5387, 5347, and 5327 Oak Street and 1006 West 37th Avenue [*Lots 1-3 and 5-7, Block 915 District Lot 526 Plan 11811; PIDs: 009-003-592, 004-076-621, 005-264-511, 009-003-622, 009-003-631 and 009-003-649 respectively*] and;
- 5367 and 5369 Oak Street [*Strata Lots 1 and 2, District Lot 526 Strata Plan VAS2829; PIDs: 016-914-368 and 016-914-376; and PID: NPA; Common Property, Strata Plan VAS2829*];

to rezone the lands from RT-1 (Two-family Dwelling) District to RM-8AN (Multiple Dwelling) District, be approved in principle;

FURTHER THAT the draft zoning by-law, prepared for the Public Hearing in accordance with Appendix A of the Report, be approved in principle;

FURTHER THAT the above approval be subject to the Conditions of Approval contained in Appendix B of the Report.

B. THAT Recommendation 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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