

SUMMARY AND RECOMMENDATION

4. CD-1 REZONING: 2735 East 41st Avenue

Summary: To rezone 2735 East 41st Avenue from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a five-storey mixed-use building with commercial space on the ground floor and 32 secured market rental units. A height of 15.5 m (50.8 ft.) and a floor space ratio (FSR) of 2.46 are proposed.

Applicant: Barnett Dembek Architects Inc.

Referral: This relates to the report entitled “CD-1 Rezoning: 2735 West 41st Avenue”, dated October 5, 2021, (“Report”), referred to Public Hearing at the Council Meeting of October 19, 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 Barnett Dembek Architects Inc. on behalf of Gulf and Fraser Fishermen's Credit Union, the registered owner of the lands located at 2735 East 41st Avenue [*PID 009-711-899; Lot 9 of Lot C Blocks 2 and 3 District Lot 50 Plan 9268*], to rezone the lands from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.20 to 2.46 and the building height from 10.7 m (35.1 ft.) to 15.5 m (50.8 ft.) to permit the development of a mixed-use building containing 32 secured market rental residential units and ground floor commercial space, 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 Barnett Dembek Architects Inc., received November 30, 2020, 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 in principle of the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Report, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning by-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Planning, Urban Design and Sustainability.

- C. THAT subject to approval of the CD-1 By-law, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Report, be approved.
- D. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1, 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 Noise Control By-law at the time of enactment of the CD-1 By-law.

- E. THAT Recommendations 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.

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