

SUMMARY AND RECOMMENDATION

5. REZONING: 2596-2660 East 41st Avenue

Summary: To rezone 2596-2660 East 41st Avenue from RS-1 (Residential) District to RR-2B (Residential Rental) District, to permit the development of a five-storey market rental building. A height of 16.8 m (55 ft.) and a floor space ratio (FSR) of 2.20 are proposed.

Applicant: 2596-2660 E 41st Ave Limited Partnership

Referral: This relates to the report entitled “Rezoning: 2596-2660 East 41st Avenue”, dated May 30, 2023, (“Report”), referred to Public Hearing at the Council Meeting of June 13, 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 2596-2660 E 41st Ave Limited Partnership, on behalf of 2596-2660 E 41st Ave Holdings Corp., the registered owner of the lands located at:

- 2596 East 41st Avenue [*PID 002-443-015; Lot 9, Except the North 17 Feet, Now Road, Block 5 District Lot 721 Plan 1828*],
- 2608 East 41st Avenue [*PID 004-488-491; Lot 8 Block 5 District Lot 721 Plan 1828*]
- 2622-2660 East 41st Avenue [*Lots 7, 6, 5, and 4, Except the North 17 Feet, Now Road, Block 5 District Lot 721 Plan 1828; PIDs 014-264-128, 014-267-101, 014-267-071, and 007-469-632 respectively*]

to rezone the lands from RS-1 (Residential) District to RR-2B (Residential Rental) District, generally as presented in the Report be approved in principle;

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

AND 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 amendment 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 zoning amendment 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 zoning amendment by-law.

- D. THAT Recommendations A to C 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; 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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