

SUMMARY AND RECOMMENDATION

1. REZONING: 3529-3589 Arbutus Street and 2106 West 19th Avenue

Summary: To rezone 3529-3589 Arbutus Street and 2106 West 19th Avenue from R1-1 (Residential) District to RR-2B (Residential Rental) District, to permit the development of a five-storey rental building. A height of 16.8 m (55 ft.) and a floor space ratio (FSR) of 2.40 are proposed.

Applicant: Andrew Cheung Architects, Inc.

Referral: This relates to the report entitled “Rezoning: 3529-3589 Arbutus Street and 2106 West 19th Avenue”, dated October 3, 2023, (“Report”), referred to Public Hearing at the Council Meeting of October 17, 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 Andrew Cheung Architects Inc., on behalf of DXX Investments Ltd., the registered owners of the lands located at:
- 3529-3589 Arbutus Street [*Lots 10 to 13 Block 531 District Lot 526 Plan 4998; PIDs 010-724-559, 011-259-671, 007-550-341, 011-259-698 respectively*];
 - 2106 West 19th Avenue [*Lot 9 Block 531 District Lot 526 Plan 4998; PID 011-259-655*];

to rezone the lands from R1-1 (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, 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; 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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