

SUMMARY AND RECOMMENDATION

2. CD-1 Rezoning: 1026-1108 West 41st Avenue

Summary: To rezone 1026-1108 West 41st Avenue from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey, 164-unit Community Care Facility. A floor space ratio (FSR) of 3.36 and a height of 26.2 m (86 ft.) with additional height for a rooftop amenity space are proposed.

Applicant: Marcon Developments Ltd.

Referral: This relates to the report entitled “CD-1 Rezoning: 1026-1108 West 41st Avenue”, dated April 23, 2024, (“Report”), referred to Public Hearing at the Council Meeting of May 7, 2024.

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 Marcon Developments Ltd., on behalf of Amica West 41st Seniors Inc. (Inc. No. BC1394670), the registered owner of the lands located at:
- 1026 West 41st Avenue [*PID 010-629-122; Lot 11 Block 995 District Lot 526 Plan 7421*];
 - 1042 West 41st Avenue [*PID 010-629-084; Lot 10 Block 995 District Lot 526 Plan 7421*];
 - 1068 West 41st Avenue [*PID 010-629-068; Lot 9 Block 995 District Lot 526 Plan 7421*];
 - 1088 West 41st Avenue [*PID 003-586-740; Lot 8 Block 995 District Lot 526 Plan 7421*];
 - 1092 West 41st Avenue [*PID 010-629-033; Lot 7 Block 995 District Lot 526 Plan 7421*]; and
 - 1108 West 41st Avenue [*PID 010-629-009; Lot 6 Block 995 District Lot 526 Plan 7421*];

to rezone the lands from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 0.70 to 3.36 and the maximum building height from 11.5 m (38 ft.) to 26.2 m (86 ft.) and to 30.0 m (98 ft.) for the portion with rooftop amenity, to permit the development of a six-storey, 164-unit Community Care Facility – Class B, 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 Shift Architecture, received May 25, 2023, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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 of the CD-1 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 CD-1 By-law.

- C. THAT Recommendations A and B 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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