

**4. REZONING: 859-883 East 33rd Avenue and 4895 St. Catherines Street**

**Summary:** To rezone 859-883 East 33rd Avenue and 4895 St. Catherines Street from R1-1 (Residential) District to RR-2B (Residential Rental) District, to permit the development of a five-storey residential rental building with a partial storey for rooftop amenity space. A floor space ratio (FSR) of 2.40 is proposed.

**Applicant:** Alabaster Developments Ltd.

**Referral:** This relates to the report entitled “Rezoning: 859-883 East 33rd Avenue and 4895 St. Catherines Street”, dated May 20, 2025 (“Report”), referred to Public Hearing at the Council Meeting of June 3, 2025.

**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 Alabaster Developments Ltd. on behalf of:

- Madan Mohan Dhir and Darshna Devi Dhir, the registered owners of 859 East 33rd Avenue [*PID 015-645-193; Lot 5, Except the South 7 Feet Now Road, of Lot 5 Block 3 District Lots 391 and 392 Plan 344*],
- Madan Mohan Dhir and Darshana Devi Dhir, the registered owners of 871 East 33rd Avenue [*PID 015-645-207; Lot 6, Except the South 7 Feet Now Road, of Lot 5 Block 3 District Lots 391 and 392 Plan 344*],
- Maria Fatima Cunha, the registered owner of 883 East 33rd Avenue [*PID 002-897-814; The West 42 Feet of Lot 7, Except the South 7 Feet, Block 5 of Block 3 District Lots 391 and 392 Plan 344*], and
- Maria De Fatima Cunha, the registered owner of 4895 St. Catherines Street [*PID 010-127-631; Amended Lot 8 (see 514872L) of Lot 5 Block 3 District Lots 391 and 392 Plan 344*],

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 approval 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; 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.

**[Rezoning: 859-883 East 33rd Avenue and 4895 St. Catherines Street]**