

From: **"Mochrie, Paul"**

To: **"Direct to Mayor and Council - DL"**

Date: 2024-05-27 3:39:07 PM

Subject: Memo - 2596-2660 E 41st Street - Public Art Agreement

Attachments: Council Memo 2596-2660 E 41st St - Public Art Agreement.pdf

Dear Mayor and Council,

For your information, the attached memo is to notify Council that the applicant for the rezoning of 2596-2660 East 41st Avenue is no longer required to enter into a Public Art Agreement, which is a condition of rezoning enactment as contemplated at the Public Hearing held July 11, 2023. The applicant intends to satisfy their remaining rezoning enactment conditions and the enactment by-law may be scheduled to go to Council for consideration as early as June 11, 2024.

Please feel free to contact me or Matt Shillito if you have any questions regarding this matter.

Best,
Paul

Paul Mochrie (he/him)
City Manager
City of Vancouver



The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and səlilwətaʔ (Tsleil-Waututh) Nations.

MEMORANDUM

May 23, 2024

TO: Mayor and Council

CC: Paul Mochrie, City Manager
Armin Amrolia, Deputy City Manager
Karen Levitt, Deputy City Manager
Sandra Singh, Deputy City Manager
Katrina Leckovic, City Clerk
Maria Pontikis, Chief Communications Officer, CEC
Teresa Jong, Administration Services Manager, City Manager's Office
Mellisa Morphy, Director of Policy, Mayor's Office
Trevor Ford, Chief of Staff, Mayor's Office
Jeff Greenberg, Assistant Director of Legal Services
Margaret Wittgens, General Manager of Arts, Culture, and Community Services
Casey Peters, Acting Director, Rezoning Centre, Planning, Urban Design and Sustainability

FROM: Matt Shillito, Acting Director of Planning, Planning, Urban Design and Sustainability

SUBJECT: Rezoning: 2596-2660 E 41st Avenue – Waiver of Public Art contribution

RTS #: 15781

The purpose of this Memo is to notify Council that the applicant for the rezoning of 2596-2660 East 41st Avenue is no longer required to enter into a Public Art Agreement, which is a condition of rezoning enactment as contemplated at the Public Hearing held July 11, 2023. The applicant intends to satisfy their remaining rezoning enactment conditions and the enactment by-law may be scheduled to go to Council for consideration as early as June 11, 2024.

Overview of the Public Art Policy and Procedures for Rezoned Developments

The Public Art Policy and Procedures for Rezoned Developments (the “Policy”) requires that a rezoning applicant contribute towards public art in the City through either the provision of a public art installation on site or cash-in-lieu. The Policy applies to rezoning applications for developments that could result in at least 100,000 square feet of buildable floor area.

The requirement to contribute to public art is imposed as a rezoning enactment condition and is secured through entry into a Public Art Agreement prior to rezoning enactment.

Rezoning at 2596-2660 East 41st Avenue

The rezoning application at 2596-2660 East 41st Avenue was approved in principle at Public Hearing on July 11, 2023. The proposed development rezones the subject lands from RS-1 (Residential) District to RR-2B (Residential Rental) District to permit development of a five-storey rental building under the Secured Rental Policy.

The Referral Report specified the site area as approximately 4,515.1 sq. m (48,600 sq. ft.), resulting in 9,931 sq. m (106,920 sq. ft.) of buildable floor area based on a FSR of 2.20, which is the maximum permitted density under the RR-2B District Schedule. As a result, the threshold specified in the Policy was met and a Public Art Agreement was included as condition 2.9 of rezoning enactment. As specified in the Referral Report, the value of the public art contribution was \$211,702, subject to adjustment per the Policy.

After the Public Hearing, the applicant advised staff that the site area is 4,104.2 sq. m (44,177 sq. ft.) rather than 4,515.1 sq. m (48,600 sq. ft.). Staff then confirmed based on a site survey that the correct site area is indeed 4,104.2sq. m (44,177 sq. ft.). The correct site area results in 9,029.2 sq. m (97,189 sq. ft.) of buildable floor area using 2.20 FSR. As this is below the 100,000 sq. ft. threshold required in the Policy, a public art contribution is not applicable and should not have been included as a condition of rezoning enactment.

Staff have therefore concluded that a public art contribution should be waived.

Staff do not consider that this creates any material difference to Council's decision regarding the rezoning application, nor does it impact the rezoning by-law.

No action is required by Council.

Thank you for your consideration. If you have any questions or concerns, please do not hesitate to reach out to Casey Peters at casey.peters@vancouver.ca.

Regards,



Matt Shillito
Interim Director of Planning, Planning, Urban Design and Sustainability
604.707.5487 | matt.shillito@vancouver.ca