

SUMMARY AND RECOMMENDATION

4. REZONING: 1059-1075 Nelson Street

Summary: To rezone 1059-1075 Nelson Street from RM-5B (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a 60-storey residential building. A building height of 178.5 metres (585.5 feet) and a floor space ratio (FSR) of 24.7 are proposed.

Applicant: IBI Group Architects

Referral: This item was referred to Public Hearing at the Council Meeting of April 28, 2020.

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 Henson Development Ltd., on behalf of Nelson Street Residences Ltd. to rezone 1059-1075 Nelson Street [*Lots 11 and 12, Block 7 District Lot 185 Plan 92; PIDs 005-605-946 and 015-749-916 respectively*] from RM-5B (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.75 to 24.70 and the building height from 18.30 m to 178.46 m to permit the development of a 60-storey residential building which would contain 102 social housing units, 50 secured market rental units and 328 market strata units, generally as presented in Appendix A of the Referral Report dated April 14, 2020, entitled "CD-1 Rezoning: 1059-1075 Nelson Street" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by IBI Group Architects and received on March 1, 2019, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the Referral Report.

- B. THAT, if after Public Hearing Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report, dated April 14, 2020, entitled "CD-1 Rezoning: 1059-1075 Nelson Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning by-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, and the General Manager of Arts, Culture and Community Services.

- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Noise Control By-law, generally as set out in Appendix C of the Referral Report dated April 14, 2020, entitled "CD-1 Rezoning: 1059-1075 Nelson Street".
- D. THAT A through 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.

[RZ – 1059-1075 Nelson Street]