

SUMMARY AND RECOMMENDATION

4. CD-1 Rezoning: 5055 Joyce Street

Summary: To rezone 5055 Joyce Street from C-2C (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a 35-storey mixed-use building with 360 secured rental housing units, including not less than 10 rental units at below-market rates, and commercial uses at grade. A height of 96.4 m (316.3 ft.) and a floor space ratio (FSR) of 16.1 are proposed.

Applicant: Perkins & Will

Referral: This item was referred to Public Hearing at the Council Meeting of September 15, 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 Perkins & Will on behalf of 5055 Joyce Property Inc. (Westbank), the registered owner of the lands located at 5055 Joyce Street [*PID 024-143-111, Lot 1 Block 17 District Lot 51 Group 1 New Westminster District Plan LMP37967*], to rezone the lands from C-2C (Commercial) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 3.0 to 16.1 and the building height from 13.8 m (45.3 ft.) to 96.4 m (316.3 ft.) to permit the development of a 35-storey mixed-use building which would contain 350 secured market rental housing units, 10 secured below-market rental housing units, and 479.4 sq. m (5,160 sq. ft.) of at grade commercial floor area, generally as presented in Appendix A of the Referral Report dated September 1, 2020 entitled "CD-1 Rezoning: 5055 Joyce Street" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Perkins & Will and received on March 11, 2020, 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 Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report, dated September 1, 2020 entitled "CD-1 Rezoning: 5055 Joyce 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 and the General Manager of Planning, Urban Design and Sustainability.

- C. THAT, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Referral Report dated September 1, 2020 entitled “CD-1 Rezoning: 5055 Joyce Street”, be approved.
- D. 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 September 1, 2020 entitled “CD-1 Rezoning: 5055 Joyce Street”.
- E. THAT A through D 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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