

SUMMARY AND RECOMMENDATION

1. CD-1 REZONING: 1045 Burnaby Street

Summary: To rezone 1045 Burnaby Street from RM-5A (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of a 16-storey residential building, with 20 percent of the residential floor area secured with below market rents. There are 170 secured-rental housing units proposed, of which 133 are market rental and 37 are below-market rental. A height of 49.0 m (160.8 ft.) and a floor space ratio (FSR) of 6.19 are also proposed.

Applicant: Gracorp Properties Ltd.

Referral: This relates to the report entitled “CD-1 Rezoning: 1045 Burnaby Street”, dated March 14, 2023, (“Report”), referred to Public Hearing at the Council Meeting of March 28, 2023.

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 Gracorp Properties Ltd., on behalf of 1318743 B.C. Ltd.¹, the registered owner of the lands located at 1045 Burnaby Street [*Strata Lots 1 to 36 District Lot 185 Strata Plan VR. 322, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1.; PIDs 003-853-535, 003-853-543, 002-715-881, 003-295-303, 003-853-551, 003-853-560, 003-853-578, 003-853-586, 003-853-594, 003-853-608, 003-853-616, 003-853-624, 003-853-632, 002-570-840, 003-853-641, 003-853-659, 003-853-667, 003-202-216, 003-853-675, 003-853-683, 003-853-691, 003-853-705, 003-853-713, 003-853-721, 003-853-730, 003-853-748, 003-853-756, 003-853-764, 002-441-411, 003-853-772, 003-853-781, 03-853-799, 003-853-802, 003-853-811, 003-853-829, and 003-853-837 respectively*], to rezone the lands RM-5A (Residential) to CD-1 (Comprehensive Development) District to increase the maximum floor space ratio (FSR) from 2.2 to 6.19 and permit the development of a 16-storey residential building with a maximum height of 49.0 m (160.8 ft.), containing 133 secured-market rental units and 37 below-market rental units, 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 in plans by GBL Architects, received April 28, 2022, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

¹ Beneficially owned and controlled by Bruce Black, Jake McEwan, Peter McFarlane and William Secnik

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 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 CD-1 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 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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