

SUMMARY AND RECOMMENDATION

4. CD-1 (836) TEXT AMENDMENT: 1075 Nelson Street (Formerly 1059-1083 Nelson Street)

Summary: To amend CD-1 (Comprehensive Development) District (836) to permit the conversion of floor area originally intended for social housing into market rental housing. The social housing obligation of the project will be met through a cash-in-lieu payment, which will be used to deliver off-site social housing. The amendment would also allow for balconies on the building's east and west elevations to be enclosed and excluded from the floor space ratio (FSR) calculations, for the purpose of meeting Passive House standards.

Applicant: Brivia Group

Referral: This relates to the report entitled "CD-1 (836) Text Amendment: 1075 Nelson Street (Formerly 1059-1083 Nelson Street)", dated January 21, 2025, ("Report"), referred to Public Hearing at the Council Meeting of February 4, 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 Brivia Group, on behalf of 1075 Nelson Development Holdings Ltd., the registered owner of the lands located at 1075 Nelson Street [*PID 031-725-953; Lot A Block 7 District Lot 185 Group 1 New Westminster District Plan EPP118708*], to amend CD-1 (Comprehensive Development) District (836) By-law No. 13488 to permit the conversion of floor area originally intended for social housing into market rental housing and to allow for balconies on the building's east and west elevations to be enclosed and excluded from floor space ratio (FSR) calculations, for the purpose of meeting Passive House standards, generally as presented in the Report, be approved in principle;

FURTHER THAT the draft by-law to amend CD-1 (836) By-law No.13488, prepared for the Public Hearing in accordance with Appendix A, of the Report, be approved in principle;

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.

[CD-1 (836) TEXT AMENDMENT: 1075 Nelson Street (Formerly 1059-1083 Nelson Street)]