

SUMMARY AND RECOMMENDATION

2. TEXT AMENDMENT: 988 WEST BROADWAY

Summary: To amend CD-1 (Comprehensive Development) District (618) By-law No. 11317 for 988 West Broadway, to increase the floor space ratio from 5.22 to 5.52 and building height from 40.3 m (132.2 ft.) to 40.6 m (133.2 ft.).

Applicant: Chris Dikeakos Architects Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of February 2, 2016.

Recommended Approval: By the Acting General Manager of Planning and Development Services, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by Chris Dikeakos Architects Inc., on behalf of 984 Developments Inc., Inc. No. BC0961682 (Blue Sky Properties), to amend CD-1 (618) By-law No. 11317 for 988 West Broadway [*PID: 015-184-676; Lot B, Block 356, District Lot 526, Plan 590*] to increase the floor space ratio from 5.22 to 5.52 and building height from 40.3 m (132.2 ft.) to 40.6 m (133.2 ft.), generally as presented in Appendix A of the Policy Report dated January 19, 2016, entitled "CD-1 Text Amendment: 988 West Broadway", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Chris Dikeakos Architects Inc., and stamped "Received Planning & Development Services (Rezoning Centre) July 30, 2015", provided that the Acting General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Acting General Manager of Planning and Development Services, who shall have particular regard to the following:

Design Development

1. Design development to increase floor-to-ceiling height of the ground-level retail spaces to a minimum of 14 feet.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the Acting General Manager of Planning and Development Services, the General

Manager of Engineering Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Heritage Density Transfer

1. Secure the purchase and transfer of a total of 520 m² (5,600 sq. ft.) of heritage density (which has a total value of \$364,000) from a suitable donor site (or sites).

Note to applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$65.00 per buildable square foot as of this date, the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density above \$65.00 per buildable square foot unless bona fide market conditions demonstrate transactional evidence to the contrary.

Note to applicant: "Letter B" in the City's standard format is to be completed by both the owner of the subject site, also referred to as the "receiver" site, and the owner of the "donor" site, and submitted to the City prior to enactment together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

Public Art

2. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to applicant: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application. Note to applicant: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT Recommendation A 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; 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.

[TA - 988 West Broadway]