

SUMMARY AND RECOMMENDATION

4. TEXT AMENDMENT: 322 Davie Street (Opus Hotel)

Summary: To amend existing Comprehensive Development District (CD-1) to increase the maximum permitted height and density to accommodate an open-air restaurant at roof level.

Applicant: Alan Endall, Endall Elliot Associates

Recommended Approval: By the Director of Planning, subject to the following conditions as proposed for adoption by resolution of Council:

THAT the application by Endall Elliot Associates, on behalf of Trilogy Yaletown Development Corp., to amend CD-1 By-law No. 7948 (reference No. 384) for 322 Davie Street (Lot 21, Block 76, DL 541, Plan 3469) to increase the maximum density and height to accommodate a rooftop restaurant, generally as presented in Appendix A to policy report "CD-1 Text Amendment at 322 Davie Street (Opus Hotel)" dated September 3, 2008 be approved subject to the following conditions:

1. PROPOSED FORM OF DEVELOPMENT CONDITIONS OF APPROVAL

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by Endall Elliot Associates in plans and stamped "Received Planning Department, January 16, 2008", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) THAT, prior to final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or Development Permit Board, who shall consider the following conditions:

Design Development

- (i) design development to reduce overlook from adjacent properties;

Note to Applicant: Consider view exposures from all adjacent properties, screening as appropriate to reduce visibility. Materiality, colour, texture and height of screening should be carefully considered to present an attractive, yet unobtrusive visual buffering from adjacent sight lines. The screening should be setback sufficiently from the existing parapet so as not to be visible from the street or detract from the existing roofline.

- (ii) design development to include a landscape treatment, adding substantially more greenery to the rooftop;

Note to Applicant: Landscaping will help to provide visual and acoustical buffering between neighbours and improve overlook. Landscaping should consider seasonal changes and be well maintained throughout the year.

- (iii) design development to provide a detailed lighting plan;

Note to Applicant: Ambient light levels should consider glare and minimizing impact on neighbours.

- (iv) design development to address sustainability, with sustainability features clearly identified on the drawings and in any supporting documentation;

Note to Applicant: Note in particular those features which relate to building energy consumption and solar gain, roofing materials, and rainwater systems.

- (v) design development to reduce the number of restaurant seats to 200;

Note to Applicant: Eliminating or reducing the group seating and providing more intimate seating will help to further reduce impacts.

- (vi) submission of an acoustic study to demonstrate that the proposed rooftop restaurant does not exceed City standards for ambient noise levels, and which assesses noise impacts on adjacent properties and recommends noise mitigating measures;

Licensing - Restaurant Use

- (vii) provision of a signed Good Neighbour Agreement prior to business license issuance;

Note to Applicant: The proposal will be subject to a time-limited Development Permit to allow for review of compliance and mitigation of noise, parking and other zoning issues. The development permit will include (but may not be limited to) the following conditions:

- the rooftop restaurant will cease all food and liquor services and vacate by 11:00 p.m.; and
- amplified or acoustic music or entertainment will not be permitted.

2. **PROPOSED CONDITIONS OF REZONING APPROVAL**

- (a) THAT, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City, complete the following on terms and conditions satisfactory to the Director of Legal Services:

Charge Summary

- (viii) the applicant shall provide to the City, at his own expense, a charge summary in form and content satisfactory to the Director of Legal Services;

Heritage Density Transfer

- (ix) secure the purchase and transfer of 175.1 m² (1,885 sq. ft.) of heritage bonus density from a donor site.

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 together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

(RZ. 674/2008 - 322 Davie Street)