

POLICY REPORTS

1. CD-1 Text Amendment - 711 West Broadway May 27, 2008 (VanRIMS No. 11-3600-20)

- A. THAT the application, by Henriquez Partners on behalf of Westbank Projects Corp. and Peterson Investment Group, to amend CD-1 By-law No. 7648 (Reference #358) for 711 West Broadway (PID 025-491-806, Lot 1, Block 338, DL 526, Plan BCP1280) to increase the permitted floor area from 21 878 m² to 31 291 m² (4.40 to 6.31 FSR) and the building height for the northerly half of the site from 18 m above the base surface to 74.95 m above sea level, be referred to a Public Hearing, together with:
- (i) plans prepared by Henriquez Partners, received June 20, 2007, with revisions received February 29, 2008, represented in Appendix G of the Policy Report *CD-1 Text Amendment - 711 West Broadway*, dated May 27, 2008;
 - (ii) draft CD-1 By-law amendments, generally as presented in Appendix A of the Policy Report, which also update the by-law language; and
 - (iii) the recommendation of the Director Planning to approve the application, subject to conditions contained in Appendix C of the Policy Report.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law amendments generally in accordance with Appendix A for consideration at the Public Hearing.

- B. THAT, should the application be referred to a Public Hearing, the registered property owner shall submit confirmation, in the form of "Letter A", that an agreement has been reached with the registered owner of proposed donor site (101 West Hastings Street, being the "Woodwards Project") for the purchase of amenity bonus density as described in the Policy Report *CD-1 Text Amendment - 711 West Broadway*, dated May 27, 2008;

FURTHER THAT the Director of Planning be instructed to make application to amend CD-1 By-law No. 9275 (Reference #450) for 101 West Hastings Street to reduce the Floor Space Ratio by an amount equivalent to the density transferred to 711 West Broadway, and that this application be referred to the same Public Hearing as the application for 711 West Broadway and be approved consequentially should that application be approved;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law amendment generally in accordance with Appendix B of the Policy Report for consideration at the Public Hearing.

- C. THAT the Noise Control By-law be amended to include CD-1 By-law No. 7648 (Reference #358) in Schedule B as set out in Appendix D of the Policy Report;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law.

- D. THAT A and B above 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.

ADOPTED ON CONSENT