

SUMMARY AND RECOMMENDATION

3. CD-1 TEXT AMENDMENT: 745 Thurlow Street

Summary: To amend CD-1 By-law (493) for 745 Thurlow Street to increase the maximum allowable floor space ratio (FSR) from 15.4 FSR to 16.1 FSR.

Applicant: Mark Thompson, Musson Cattell Mackey Partnership

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

- A. THAT the application from Musson Cattell Mackey Partnership to amend the CD-1 By-law (493) 745 Thurlow Street to increase the maximum allowable floor space ratio from 15.4 FSR to 16.1 FSR, generally as presented in Appendix A, to the Policy Report, *"CD-1 Text Amendment - 745 Thurlow Street"*, dated September 7, 2010, be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning who shall have particular regard to the following:

Design Development

1. Design development to reduce the height of the building to ensure that there is no penetration into the "Heather Bay to Lions" View Cone;

(Note to applicant: Building height must not exceed 300 ft., as per the CD-1 By-law.)

Sustainability

2. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold; and

(Note to applicant: The LEED® checklist and written description of how the Gold level will be achieved should be incorporated into your development application drawing set.)

Engineering

3. One percent (1%) of the total number of required parking spaces must be designated as "Shared Vehicle Parking" spaces.

CONDITIONS OF BY-LAW ENACTMENT

- (b) That, prior to enactment of the CD-1 By-law amendments, the registered owner shall, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services, and to the Director of Planning, the General Manger of Engineering Services and the Approving Officer as necessary, make arrangements for the following:

Public Art

1. Amend the Public Art Agreement registered in the Land Title Office under number BB1169637 to secure payment of additional public art fees in the amount of \$32,902 based on the new public art rate of \$1.81 per square foot.

B. THAT recommendation A be adopted on the following conditions:

- (i) THAT the passage of the above resolution 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 costs;
- (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.

(RZ. 719/2009 - 745 Thurlow Street)