

## SUMMARY AND RECOMMENDATION

**3. TEXT AMENDMENT: 140 West 1st Avenue (Playhouse Theatre Company Site)**

**Summary:** To amend Comprehensive Development By-law CD-1 (462) to permit an increase in the maximum permitted height from 47 m (154.2 ft.) to 52 m (170.6 ft.), an increase in the maximum permitted floor area from 33 150 m<sup>2</sup> (356,835 sq. ft.) to 36 666 m<sup>2</sup> (394,682 sq. ft.) and a reduction in the required family units from 25% to 20%.

**Applicant:** Stuart Lyon, GBL Architects Inc.

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

- A. THAT the application by GBL Architects Group on behalf of Wall Financial Corporation to amend CD-1 (462) - By-law No. 9594 - for 140 West 1st Avenue to permit an increase in the maximum permitted height from 47 m (154.2 ft.) to 52 m (170.6 ft.), an increase in the maximum permitted floor area from 33 150 m<sup>2</sup> (356,835 sq. ft.) to 36 666 m<sup>2</sup> (394,682 sq. ft.) and a reduction in the required family units from 25% to 20% generally as presented in Appendix A of the Policy Report dated November 2, 2010, entitled "CD-1 Text Amendment - 140 West 1st Avenue (Playhouse Theatre Company Site)" be approved subject to the following conditions:

**CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT**

- (a) That the revised form of development be approved by Council in principle, generally as prepared by GBL Architects Group, and stamped "Received City Planning Department, May 26, 2010", provided that the Director of Planning 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 Director of Planning, who shall have particular regard to the following:
- (i) design development to satisfy the Southeast False Creek Design Guidelines For Additional Penthouse Storeys during a more detailed design review at the Development Permit stage; and
  - (ii) provision and review of a red-dotted overlay of the previous floor plans and elevations for detailed comparison of the approved and revised designs.

**CONDITIONS OF BY-LAW ENACTMENT**

- (c) That, prior to enactment of the amended CD-1 By-law, 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, as necessary, make arrangements for the following:

## 1. Public Art

Revise the public art agreement to increase the public art contribution by \$68,503, satisfactory to the Director of Legal Services and the Managing Director of Cultural Services.

## 2. Community Amenity Contribution

The agreed Community Amenity Contribution of \$3,631,400 is to be paid to the City and such payment is to be made prior to enactment of the amendment to By-law CD-1 (462), at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

- B. THAT consequential amendments to the Southeast False Creek Official Development Plan to increase the floor area limits for maximum total floor area and for maximum residential floor area for the whole of the Southeast False Creek area and for Area 2B, generally as presented in Appendix C of the Policy Report dated November 2, 2010, entitled "CD-1 Text Amendment - 140 West 1st Avenue (Playhouse Theatre Company Site)" be approved; and
- C. 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 cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law to amend By-law CD-1 (462) and that any costs incurred in fulfilling requirements imposed as a condition of amending By-law CD-1 (462) 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. 728/2010 - 140 West 1st Avenue (Playhouse Theatre Company Site)]