

SUMMARY AND RECOMMENDATION

3. TEXT AMENDMENT: 2124-2130 Burrard Street and 1798 West 5th Avenue (Fifth Avenue Cinemas)

Summary: To amend CD-1 (Comprehensive Development) District (332) By-law No. 7389 for 2124-2130 Burrard Street and 1798 West 5th Avenue, to increase the permitted floor space ratio (FSR) for theatre uses from 0.66 to 1.00. This would allow for a 324 m² (3,489 sq. ft.) expansion of the existing theatre lobby into existing vacant ground-floor retail space. The total site FSR would remain 2.42 and the amendment would not result in any substantive change to the form of development that had been originally approved on March 7, 1995.

Applicant: Formwerks Architectural Incorporated

Referral: This item was referred to Public Hearing at the Regular Council Meeting of June 10, 2014.

Recommended Approval: By the 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 Formwerks Architectural Incorporated on behalf of Cineplex Entertainment, to amend CD-1 (Comprehensive Development) District (332) By-law No. 7389 for 2124-2130 Burrard Street and 1798 West 5th Avenue [*PID: 019-117-141; Lot G Block 268 District Lot 526 Plan LMP20900*] to increase the permitted floor space ratio for theatre uses from 0.66 to 1.00 to allow for expansion of the theatre into 324 m² (3,489 sq. ft.) of existing vacant ground-floor retail space, generally as presented in Appendix A of the Policy Report dated June 2, 2014, entitled "CD-1 Text Amendment: 2124-2130 Burrard Street and 1798 West 5th Avenue (Fifth Avenue Cinemas)", be approved.
- 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.