

CITY OF VANCOUVER
POLICY REPORT
URBAN STRUCTURE

Date: February 17, 2006
Author: Phil Mondor/
Sue Harvey
Phone No.: 604.873.7727
604.871.6001
RTS No.: 05734
VanRIMS No.: 11-3600-03
Meeting Date: February 28, 2006

TO: Vancouver City Council

FROM: Director of Current Planning in consultation with the Managing Director of Cultural Services

SUBJECT: **CD-1 Rezoning and Amenity Bonus: Woodward's Site** (101 and 149 West Hastings Street and 150 West Cordova Street)

RECOMMENDATION

- A. THAT City Council approves in principle an amenity bonus to facilitate development in a complex mixed-use zoning district and to obtain public open space on the Woodward's Site (defined in Recommendation C) as outlined in this report, thus realizing the potential of this site as a neighbourhood centre, subject to the execution of legal agreements prior to issuance of a development permit, as set out in Appendix B, including Section 219 Covenants providing for:
- (i) the provision of outdoor and atrium public amenity spaces by the property owner, with the design to the satisfaction of the Development Permit Board and the construction to the satisfaction of the Director of Facilities Design and Development,
 - (ii) the registration of a Statutory Right of Way to secure public access to the outdoor and atrium public amenity spaces for nominal consideration and in perpetuity, to the satisfaction of the Managing Director of Cultural Services, on terms and conditions satisfactory to the Director of Legal Services, and
 - (iii) a Community Use Agreement to allow for the use by the community of the outdoor and atrium public amenity spaces to the satisfaction of the Managing Director of Cultural Services, on terms and conditions satisfactory to the Director of Legal Services;

- B. THAT City Council approves that, as a matter of policy, the amenity bonus can be transferred to more than one receiver site, through the normal Transfer of Density rezoning process, and that such receiver sites can be in different zoning, use, density or height districts than the Woodward's Site.
- C. THAT the Director of Current Planning be instructed to make application to rezone the site at 101 and 149 West Hastings Street (Lot E, Lot 11 E 46 ft., Lot 12 W 25 ft. & Lot 12 E 25 ft. of W 50 ft., Block 4, Old Granville Townsite, Plan 168) and 150 West Cordova Street (Lot B of 5 & 6, Lot 6 W 33 ft. & Lot 7 E Half, Block 4, OGT, Plan 168), (collectively the "Woodward's Site"), from Downtown District to CD-1 District, and also increasing the maximum floor area by 16 630 m² (179,000 sq. ft.) to provide an amenity bonus as outlined in Recommendation A above, such bonus floor area to be available for transfer off-site only;

THAT the application be referred to a Public Hearing together with:

- (i) draft CD-1 By-law provisions, generally as presented in Appendix A,
- (ii) development (DE409942) drawings prepared by Henriquez Partners Architects on behalf of Westbank Projects Corp. / Peterson Investment Group Inc., subject to approval by the Development Permit Board, and
- (iii) the recommendation of the Director of Current Planning to approve the application, subject to conditions generally as contained in Appendix B; and

FURTHER THAT the Director of Legal Services be instructed to prepare a CD-1 By-law generally in accordance with Appendix A and a consequential amendment to the Downtown Official Development Plan to remove the site from all map figures, for consideration at the Public Hearing;

- D. THAT, if the application is referred to a Public Hearing, the Director of Current Planning be instructed to make application to amend the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule E (assigned Schedule "B" (DD)); and

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law for consideration at the same Public Hearing;

- E. THAT, subject to approval of the rezoning at a Public Hearing, the Noise Control By-law be amended to include this CD-1 in Schedule A; and

FURTHER THAT the Director of Legal Services be instructed to bring forward the enactment to the Noise Control By-law at or after the time of enactment of the CD-1 By-law.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of A to E.

The General Manager wishes to clarify that at the regular meeting of January 31st Council approved that a proposed amendment to the Downtown Official Development Plan to enlarge the Downtown District sub-area "C1" to accommodate an enlarged Woodward's Site be referred to Public Hearing (as recommended in the policy report "Downtown Official Development Plan - Text Amendment to include 149 West Hastings Street and 150 West Cordova street in Downtown District Sub-area "C1" (Woodward's Site)", dated January 11, 2006). This Hearing is scheduled for February 28, 2006.

The General Manager also wishes to note that there is a companion report to this one. While an amenity bonus of 16 630 m² (179,000 sq. ft.) is recommended in this report, the companion report recommends a heritage bonus of 17 372 m² (187,000 sq. ft.). Heritage incentives being available under the Heritage Building Rehabilitation Program, the developer has requested that the City enter into a Heritage Revitalization Agreement to grant transferable bonus density, property tax exemptions, facade grants and DCL relief in compensation for securing the rehabilitation and long-term conservation of the 1903/08 Building, the "W" sign and its support tower, and other heritage features.

COUNCIL POLICY

The Transfer of Density Policy and Procedure first adopted by Council in January, 1983 and last amended in August, 2002 provides opportunities for the transfer of density from one site to another provided that such a transfer will assist in one or more Council objectives including the facilitation of development in mixed use zoning as well as the creation of desirable public open space and heritage preservation.

In June 1995, City Council approved *CityPlan*, a city-wide plan that provides a framework for decisions on City funding, programs, and actions over the next twenty years. Through *CityPlan*, City Council established directions for the city's future including strengthening neighbourhood centres, defining neighbourhood character and diversifying public places.

On April 22, 2003, Vancouver City Council adopted a Project Framework for the redevelopment of the Woodward's Site. Council subsequently approved a series of steps including a developer, non-profit housing and non-profit community use selection processes, heritage revitalization mechanisms, and urban design guidelines to realize this project. The Project Framework outlines the City's role in the Project as well as the City's objectives including cultural and social goals.

The Woodward's Urban Design Guidelines adopted by Council April 6, 2004 sets out the City's objectives and standards for the urban design, quality of public space and heritage character of the project.

On April 12, 2005, City Council amended the Downtown Official Development Plan to create a new sub-area "C1" in the Downtown District (DD) for the Woodward's Site (101 West Hastings Street) which was previously within sub-area "C". At Public Hearing of February 28, 2006, City Council will consider an application from the Director of Current Planning to enlarge the DD sub-area "C1" to encompass Additional Properties at 149 West Hastings Street and 150 West Cordova Street.

PURPOSE

This report recommends that the Woodward’s Site be rezoned from DD (Downtown District) to CD-1 (Comprehensive Development District) to facilitate a very large, complex mixed-used development which includes in the mix a considerable amount of non-profit and institutional spaces and also a considerable amount of desirable open and semi-enclosed public amenity spaces.

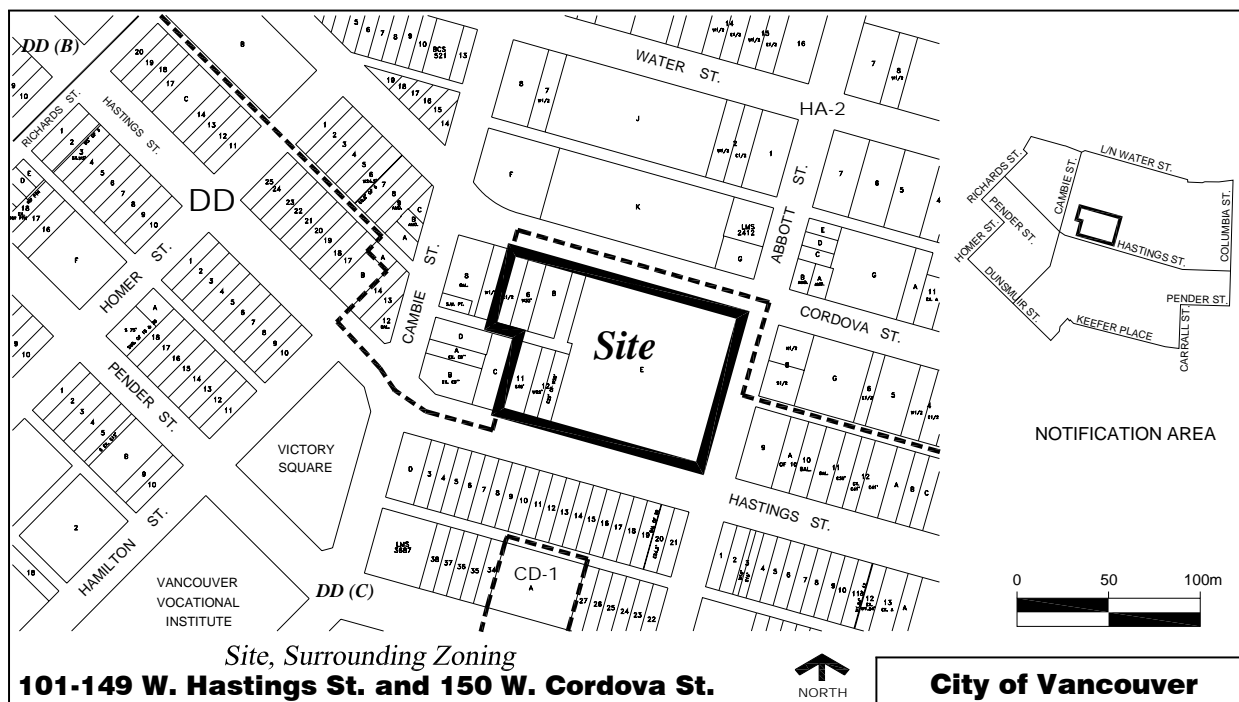
Staff also recommend that the CD-1 By-law provide bonus floor area for these purposes and that this density be made available for off-site transfer as can be considered in a rezoning application through the Transfer of Density Policy and Procedure.

Staff recommend that the Director of Current Planning be instructed to make an application to rezone the site to CD-1 and vest the bonus floor area in the CD-1 By-law.

BACKGROUND

Site Information: The Woodward’s Site initially consisted of the easterly portion of the city block at 101 West Hastings Street, bounded by West Hastings, Abbott, West Cordova and Cambie Streets. The Additional Properties at 149 West Hastings Street and 150 West Cordova Street, to be considered at the Public Hearing of February 28, 2006, and changes to the lane configuration approved by Council in September, 2005, will increase the total site area to 10 071.30 m² (108,410.11 sq. ft.).

Figure 1. Site and Surrounding Zoning



Site Zoning: The Woodward's Site was previously in sub-area "C" of the Downtown District (DD) of the Downtown Official Development Plan (DODP). In this sub-area the maximum floor space ratio (FSR) is 5.00 and a wide range of uses are permitted including commercial (retail, service and office), light industrial, public and institutional, and also residential. However, residential use is limited to a maximum floor space ratio (FSR) of 3.00.

The DODP was amended to create a new DD sub-area "C1" for the original Woodward's store property in early 2005, with the maximum FSR increased to 8.2 for all uses, including residential. A further staff-initiated DODP amendment which is now in progress, if approved, would enlarge sub-area "C1" to include the Additional Properties immediately to the west of the original site and would increase the FSR to 9.0.

Proposed Development: On September 29, 2004, Council selected Westbank Projects Corp. and Peterson Investment Group Inc. to be the developer of the City-owned portion of the Woodward's Site. Council authorized that agreements be negotiated for the sale of the site to the developer and for the proposed development of the site. Council also directed staff to revise the project design development to improve its scale and the proportional relationships of the tower and street-walls to the historic precinct, to improve heritage conservation, and to improve general accessibility and clarity of public and semi-public access to the public open space, both open-air and covered.

On September 13, 2005, Council approved the Woodward's Steering Committee recommendations of the Administrative Report entitled "Woodward's - 101 West Hastings Street: Design Development Update", dated September 6, 2005, which provided for changes in project design and funding and also an increase in project footprint and inclusion of abutting City lanes in the project footprint.

Development application DE409942 was submitted on December 5, 2005 for the proposed redevelopment of the Woodward's Site. The Urban Design Panel unanimously supported the land uses, density and form of development proposed in the application, including the enlarged public realm resulting from the inclusion of the Additional Properties. The development application is scheduled for decision at Development Permit Board meeting, but with any approval to be 'in principle' only, subject to Council approval of the staff-initiated DODP text amendment to enlarge sub-area "C1" of the Downtown District to encompass the Additional Properties which will enable a larger project.

DISCUSSION

The proposed land uses, density and form of development envisioned for the Woodward's Site have evolved over the last couple of years through the involvement of the developer, City staff, the Woodward's Steering Committee and the Community Advisory Committee.

The development (DE) application which was then submitted in December, 2005 has been reviewed by staff and review bodies such as the Urban Design Panel. A report to the Development Permit Board (DPB) is now being completed which recommends approval of the application under Downtown Official Development Plan (DODP) provisions for DD sub-area "C1" and subject to conditions, including anticipated DODP text amendments which are proceeding to Public Hearing.

In the current proposal to rezone the site to CD-1, it has not been necessary to review anew a rezoning application which proposes the same land uses, on-site density and form of development as proposed in the development application. It will be sufficient to formulate a CD-1 By-law for the Woodward's Site which encompasses the project as recommended for approval by the DPB.

While the purpose of the proposed CD-1 rezoning is to vest density resulting from an amenity bonus, it will first be helpful to provide as context a brief description of the proposed land uses, density and form of development which would be governed by the recommended CD-1 By-law. Following this, discussion will turn to the proposed public amenity spaces and the amenity bonus which is recommended for this purpose.

1. **Land Use:** The proposed mixed-use development will contain residential, commercial (retail, office and service), institutional, and cultural and recreational uses. This wide range of uses is permitted by the DODP which governs the use and development of the site, and no changes are needed in a CD-1 By-law to accommodate them. A range of tenures too is anticipated, including public, non-profit/non-market, institutional uses and market or private sector uses.

2. **Density:** A total project floor area of 86 917 m² (935,600 sq. ft.) is proposed, at most recent approximation, representing about 8.63 times the total site area. To provide for future Simon Fraser University expansion on the site, and in light of continuing evolution of the building program, including some changes since the DE application was submitted, a maximum floor space ratio (FSR) of 9.0 is proposed to be established through the DODP text amendments now underway to provide for an additional 13 014 m² (40,090 sq. ft.). Apart from the amenity bonus provision, discussed further below, no increase in FSR is sought.

3. **Form of Development:** The proposed development of the Woodward's Site is a large, mixed-use residential, retail, office and institutional use project comprising four buildings framing a centralized plaza and atrium, all over two levels of underground parking and loading facilities. The site plan in Figure 2 on page 8 illustrates the siting of the buildings and disposition of public amenity spaces on the site.

The buildings can be described as follows:

Heritage Building

- Retention and rehabilitation of the 6-storey 1903/08 portion of the Woodward's Department Store building and the "W" sign and its supporting tower,
- Retail use at grade on both West Hastings and Abbott Streets,
- Non-profit community use space on the 2nd through 5th floors, and
- A 37-space child daycare facility on the 6th floor with an adjacent outdoor play area (roof deck);

West Hastings Building (9 storeys)

- Retail use at grade, including a drug store,
- SFU School for the Contemporary Arts below grade and 1st through 3rd floors, and
- Residential use (Singles non-market) on the 4th through 9th floors;

Abbott Building (31 storeys)

- Retail use at grade on both Abbott and West Cordova Streets, including a food store,

- Office use on the 2nd and 3rd floors,
- Residential use (Family non-market) on the 4th through 10th floors, and
- Residential use (market) on the 11th through 31st floors; and

W Building (40 storeys)

- Retail use at grade, and
- Residential use (market) on the 2nd through 40th floors.

The planning and design of these four buildings has involved considerable attention and effort to allow for and design increased public open space as described in the Guiding Principles and Urban Design Guidelines for the Woodward's development. With the inclusion of the Additional Properties, the Project now includes a total of five public open spaces on the ground-floor level which create a series of small, medium and large gathering opportunities, both indoor and outdoor, for the use of the entire neighbourhood, as follows: (the *letters in parentheses below refer to the amenity spaces shown on Figure 2 on the next page*)

Indoor Atrium (A) - The centre of the project is anchored by a light-filled "urban room". This glazed atrium is the retail and community heart of the project. Within the atrium is a large urban garden which will be an oasis for the year round enjoyment of the community and residents. The intention is to create a public realm which is enlivened by retail kiosks, community festivals, performances and concerts.

Public Outdoor Plaza and Park (B and C) - The enlarged site has made it possible to open up the project and create a large public outdoor area of over half an acre at the northwest corner of the site. This urban plaza is an extension of the Cordova Street axis, which penetrates the site and terminates at the *Heritage Building*, below the W sign. The outdoor plaza is large enough to incorporate an outdoor stage for events, markets, a water feature, a bosque of trees and café seating and will become the central focus of outdoor activities on the site.

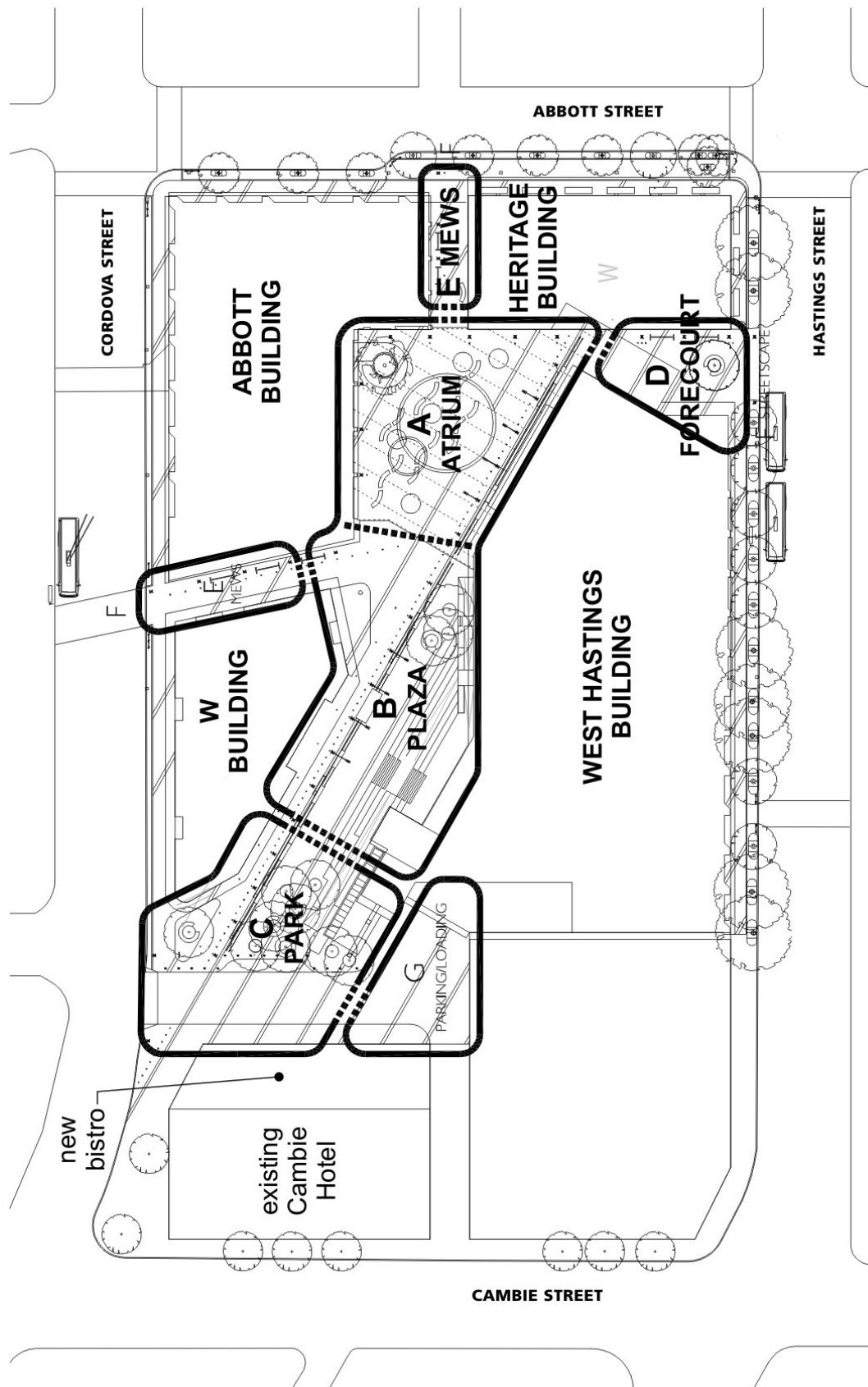
Hastings Entry Plaza/Forecourt (D) - West of the *Heritage Building* off West Hastings Street is a triangular-shaped forecourt, which acts as the front porch of the Hastings Street approach. The plaza will include water features and shade trees to create a welcoming entry to the retail and non-profit community spaces on either side framing the atrium entry.

Abbott Street and Cordova Street Mews Entries (E) - Entries mid-block on both Abbott and Cordova Streets provide clear and easy pedestrian access into and through the site. These two 20 ft.-wide pathways will enhance access to the Cordova Parkade and generate more pedestrian retail activity at street level.

This program of public open space, about 3 251 m² (35,000 sq. ft.) altogether, represents about a third of the total site area. Of special note and discussed in more detail below, much of this open space will be secured in the public domain as public amenity space, the outdoor plaza and green space which have a combined area of approximately 1 533 m² (16,500 sq. ft.) and the atrium which is about 847 m² (9,115 sq. ft.) in size.

The proposed land uses, density and form of development, including the significantly enlarged public amenity spaces, received the unanimous support of the Urban Design Panel in December, 2005.

FIGURE 2: SITE PLAN



4. **Open Space Program:** Ensuring access to appropriate and affordable public spaces is a challenge in any major city. It is especially challenging in new development, and even more so in developments which have a long history of public use and enjoyment. In order to ensure community access to essential public spaces, the City actively seeks opportunities to enhance the creation of neighbourhood centres, and to secure public access and community use through zoning incentives. The outdoor plaza and green space and public atrium proposed on the Woodward's Site seek to respond to this important public objective which was articulated broadly in *CityPlan* and then in Guiding Principles for the Woodward's Site.

On June 6, 1995 Vancouver City Council adopted *CityPlan: Directions for Vancouver* as a broad vision for the city to guide policy decisions, corporate work priorities, budgets, and capital plans. Among the direction approved, five are particularly relevant to this proposal:

Neighbourhood Centres - To ensure that neighbourhoods are places to live, shop, play, and feel part of a community, provide a "heart", provide public places that are safe and inviting, and a place to meet with neighbours and join in community life.

Distinctive Neighbourhood Character - Even with growth, Vancouver will keep much of what gives its neighbourhoods their look and feel — trees and greenery, heritage buildings and areas, distinctive area identities. The major changes in building scale and character will occur in and around the downtown and in neighbourhood centres where the existing character of the neighbourhood will be retained.

Art & Culture in a Creative City - Vancouverites want art and culture to contribute more to their city's identity, their neighbourhood's character, and their own learning and self-expression. Art and cultural activity will increase through more co-operation between arts organizations and business, recreation, and education partners.

New & More Diverse Public Places - Vancouverites seek new and more diverse public places — places where people can relax, socialize, celebrate, and play including more welcoming public places downtown.

Sense of Community - Residents want a city where people of all ages, incomes, cultures, and abilities feel a sense of belonging, caring and safety.

The original site of the Woodward's store has long been associated with community activity. First opened in 1903, Woodward Department Store at the corner of Hastings and Abbott Streets grew over the years to become a Vancouver icon. As it grew, it became a major attraction in downtown Vancouver and an important neighbourhood centre for the Downtown communities. Woodward's was always a community gathering place. And while the type of community and public access has changed over the years, community pride and sense of belonging in this special place has remained.

The Guiding Principles adopted by Council for the Woodward's project, and which were crafted based on extensive community input, call for a lively, open, accessible and inclusive scheme of development. There are two significant public amenity qualities that must be secured to achieve these principles and pursuant to Council's further instructions when selecting the proposal which is now being finalized:

- the creation of a diversely mixed-use project including a significant component of non-profit space to address unique needs in the community; and
- the provision of a major public gathering place, both indoors and outdoors, available to all citizens and useful for the activities and events that contribute to a healthy community culture.

The amenity qualities and provisions are essential because the Woodward's development is expected to provide a coherent, complete, attractive and useful neighbourhood centre for the surrounding communities of the Downtown Eastside, Gastown, Chinatown and Victory Square. This neighbourhood centre is sorely needed to meet currently unfulfilled day-to-day service needs and also to offer a "crossroads" and meeting place for the wide diversity of people who live and work nearby. This neighbourhood centre will then be a key component in the civic program for revitalization of this part of the city.

An unusually diverse and rich mixture of uses is essential. This includes commercial services (especially food and household provisions). It also includes social and community services, most of which are of a non-profit nature. It includes both market and non-market housing and the university campus and government offices that will energize the place and provide jobs and learning opportunities. Such a mix goes far beyond the expectations and economic capacity of a typical project and it consumes space normally reserved for profitable uses. For example, many retail uses would normally be seen as marginally viable in this area, especially those which occupy a larger floor area. Also, the proportion of non-profit uses is significantly greater than typical. Moreover, the wide array of uses focused on this one limited site, to make the neighbourhood centre work, necessitates building forms and arrangements that are less than optimal from a structural, circulation, access and marketability perspective. Nonetheless, the intensive mix of uses, including many community uses, must be facilitated or the neighbourhood centre simply will not come together.

Parallel to the mix of uses, the neighbourhood centre needs ample provisions for community gathering, events and activities arranged so as to facilitate people meeting one another. In this neighbourhood, a private mall will not do. Public access must be secured for all people and a capacity for programming must be in place. Also, because of the intensity of surrounding development and the modest amount of other public gathering places nearby, an unusually spacious area is essential, including both open and enclosed areas.

The proposed public open spaces on the site described earlier, including outdoor plaza and green space, public atrium, forecourt and mews, have a combined area of about 3 251 m² (35,000 sq. ft.), representing about a third of the site area. Given the size of the site, this scale of public space goes well beyond what would normally be expected of a private development as do the encumbrances necessary to guarantee public access and use to the plaza and green space and atrium which will be secured as public amenity space. The construction, delivery and maintenance of this space is clearly challenging to the economics of the project and exacerbates the problems of mixed-use outlined above.

5. Amenity Bonus: To facilitate the extraordinary mix of uses in this project and secure the public amenity spaces to manifest the neighbourhood centre will require an amenity bonus. The normal economics of the project cannot carry such obligations as they go well beyond what is necessary for the viable scheme that would have occurred without this array of public demands.

Real Estate staff have reviewed the project pro forma, focusing on the public amenity space costs and the premium for the community-driven land use mix, all in the context of a complex mixed-use scheme, and have concluded that bonus floor area in the amount of 16 630 m² (179,000 sq. ft.) should be provided. The mix will be tied down through the business arrangements for the project as well as the approval of the development permit. The public amenity spaces will be secured by statutory right-of-way and community use agreement, as proposed in RECOMMENDATION A, and set out in Appendix B.

The recommended bonus represents two elements. First, about two thirds of the density is necessary to compensate the developer constructing, finishing, and fitting up of the proposed public amenity spaces. The various costs involved, totaling \$9.8 million, include the following:

- enlarging the site area and reconfiguring the buildings so as to provide a larger open space at the centre of the site,
- constructing the open space and atrium to a high community standard, and
- providing the right-of-way.

A second component is proposed to compensate the developer for the liabilities and opportunity costs of providing this mixed-used project which includes many non-profit, public and institutional elements, in addition to a large array of market elements. It is this combination of market and non-market uses, and the desire to maximize the amount of accessible public outdoor space, that make the economics of such a mixed-use project less than optimal. Compensation of \$5.2 million is proposed to facilitate and ensure a mix of market and non-market uses on the site which is best suited to the neighbourhood. This is quite distinct and separate from the heritage-related compensation recommended in the Heritage Revitalization Agreement, and represents the shortfall of identifiable costs after the heritage and public space elements have been accounted for and which must be addressed if the non-market elements of this catalyst for neighbourhood revitalization are to be fully present from the beginning to ensure a dynamic and vibrant neighbourhood centre.

These two elements in the development pro forma of the Woodward's project have a combined value of \$15 million and are proposed to be bonused in the amount of 16 630 m² (179,000 sq. ft.) of density, on the basis of a value of \$85.00 per sq. ft., and thereby effectively keeping it out of the heritage 'density bank', as discussed further immediately below.

6. Inventory of Unsold Heritage Density: Due to recent and anticipated fluctuations in the balance of unsold density in the heritage density 'bank', staff wish to provide a complete picture, and also describe the impact of the current HRA applications scheduled for public hearing in the very near future. These include applications at 51 East Pender Street, 1285 West Pender Street and 101 West Hastings Street (Woodward's). Considering applications approved or submitted for both donor and receiver sites, as of February 7th there was 348,000 sq. ft. generated from donor sites and 353,000 sq. ft. earmarked for receiver sites, resulting in no floor area remaining in the bank. Approximately 132,000 sq. ft. is currently being held out of the bank by owners wishing to retain the density for their own future purposes.

The three HRA donor sites identified above, if approved, will add 388,000 sq. ft. of heritage density to the bank (and this includes 100,000 sq. ft. from Woodward's) resulting in a net

balance of 383,000 sq. ft. in the density bank. This would represent a healthy balance, consistent with the balance reported to Council over the last two years, and is supported by staff. It is noted that 87,000 sq. ft. heritage density from Woodward's will effectively be held out of the bank by agreement that its value will be set at \$85.00 per sq. ft., significantly higher than the currently trading rate of approximately \$50.00 per sq. ft. It is further noted that the density bonus recommended in the present report for an additional 179,000 sq. ft. will also have its value set at \$85.00 per sq. ft. and thereby also effectively keeping it out of the bank. The total transferable density generated by the Woodward's Project will therefore be 366,000 sq. ft., of which only 100,000 sq. ft. will be trading in the bank.

In the next six months staff anticipate approximately 243,000 sq. ft. additional heritage density from donor sites (based on applications in process and application enquiries) and anticipate absorption of approximately 120,000 sq. ft. on receiver sites. In the 18 months following it is anticipated approximately 420,000 more sq. ft. of heritage density could be generated and approximately 355,000 sq. ft. absorbed. If the uptake proceeds as estimated this could result in a balance of unsold density of approximately 570,000 sq. ft. in two years time. The balance in the bank has been this high before - and through that period heritage projects continued and were not adversely affected.

Staff will continue to explore strategies to maintain a healthy balance of unsold density including, for example, negotiating the trading value with applicants and other means to manage the release of density from donor sites, and pursuing new policy initiatives including expanding receiver site density potential. Staff will be reporting back to Council on this matter later in the year.

7. Density Transfer: Staff recommend that the bonus floor area be vested in a CD-1 By-law for the site, with explicit provision for the off-site transfer of these density rights. The ability to transfer density in a rezoning application is something which can be considered under the terms of the City's Transfer of Density Policy and Procedure for achieving one or more of several stated public objectives. In the present case, the facilitation of development in a mixed-use zone (Section 3) and the creation of desirable public open space (Section 2) are the primary public objectives for which a density transfer should be accommodated.

The Transfer of Density Policy specifies many limitations which typically are respected. Several apply to heritage bonuses, and thus will not apply in the present case for the reason that it is not heritage bonus density which is proposed to be transferred. Of the limitations which do apply, one is very ably met, requiring that a "proposal has been demonstrated to further the intent of Council's policies and regulations for the area" (Section 7(h)), as described earlier in this report.

Two limitations cannot be met. One of these is not possible to achieve, requiring that the sites involved in a density transfer not be separated by a zoning boundary or use, density or height district boundary in an Official Development Plan (Section 7(a)). Insofar as the Woodward's site is, prior to CD-1 rezoning, within its own unique zoning and density district (i.e., DD sub-area "C1"), it would be incapable of any off-site transfer. Of course, this is also true once this site is rezoned to a separate CD-1. Considering this, and the other unique aspects of the site in terms of public objectives addressed, future bonus density transfers should be exempt from this particular limitation, and should be possible on sites in a different zoning, use, density or height district than the Woodward's Site, as set out in

RECOMMENDATION B.

Another limitation which is not expected to be met states that the transfer of a density bonus other than a heritage density bonus should involve no more than two sites (section 7(g)). Given the relatively large amount of bonus density involved, staff recommend that the amenity bonus be transferable to more than one receiver site, to limit the impact of this density on receiver sites and their surroundings. The Council resolution set out in RECOMMENDATION B will provide clear policy guidance when future rezoning(s) for transfer of density is considered.

One policy provision states that the aggregate development potential for any specific use is to remain unchanged by a transfer (Section 7(e)). This will not apply in the present case for the reason that the DODP contemplates the full range of land uses in the DD sub-area "C1", as is also proposed in the CD-1 By-law for the Woodward's Site. The bonus floor area will thus not be limited to any specific use. What will remain unchanged by a transfer is the total development potential, rather than the potential for any specific use, thus meeting the limitation in Section 7(d) of the policy.

Another provision states that a bonus for 'public, social or recreational facilities' should not be transferred (Section 7(f)). This limitation does not apply in the present circumstances for it is not a facility, or building, which is proposed to be bonused but rather some public open space in the form of plaza and green space and a public atrium which encloses what would otherwise be open space, and which in fact will be designed to be semi-enclosed, i.e., opened up, in good weather. Such spaces are not facilities as that term is normally understood.

As a final observation, the Transfer of Density Policy and Procedures states for transfers of heritage bonus density that "density on receiver sites shall be sensitive to the impact of additional density on shadowing, floor plate shape and size, height and view corridors." This will also be the case for transfers of amenity bonus density. Furthermore, it is helpful to keep in mind that receiver sites for amenity bonus density will require City Council approval of a rezoning application at a Public Hearing.

8. Securing of Public Amenity Spaces: Staff recommend that ongoing, permanent community access to the public amenity spaces (outdoor plaza and green spaces and atrium) be secured in perpetuity through legal agreements including:

- a statutory right of way, and
- a Community Use Agreement.

The statutory right of way will ensure ongoing and permanent public access to the proposed public amenity areas. The community use agreement will ensure access by community users, at nominal cost and for a specified minimum amount of time every week. In addition to access, the agreement will define and secure ancillary features and elements of both the outdoor and atrium spaces to enhance and support community programming of the space while ensuring compatibility with the uses which will adjoin these spaces, including the retail floor area and SFU.

Through these two legal instruments, the public amenity areas will serve as a community gathering place, a place for performances and exhibits, a hub and point of connectivity for people who live, work, study and play in and around the development. Nonetheless, responsibility for maintenance and upkeep will remain with the property owner.

Subject to zoning enactment, staff recommend that a Statutory Right of Way and a Community Use Agreement be secured under the terms outlined in this report and as set out in Appendix B to the satisfaction of the Director of Legal Services as a condition of approval of a Development Permit.

PUBLIC NOTIFICATION

Staff propose to undertake standard notification of Public Hearing, as was done for the previous DODP text amendments in April, 2005 and for those going to Public Hearing of February, 2006. This will include legal and courtesy advertisements in newspapers and a notification letter to property owners within a two-block radius of the site and to neighbourhood community groups and associations.

FINANCIAL IMPLICATIONS

Approval of the report recommendations will have no financial implications with respect to the City's operating expenditures and revenues, fees, or staffing.

CONCLUSION

Staff recommend an amenity bonus to facilitate a complex mixed-use development on the Woodward's Site which includes non-profit, institutional uses and public amenity spaces in the form of outdoor plaza and green space areas and an atrium. Staff also recommend that the Woodward's Site be rezoned from DD (Downtown District) to CD-1 (Comprehensive Development District) for these purposes, thus constituting a well-focused neighbourhood centre to support and encourage viable community and social activities for the adjacent neighbourhoods.

Staff recommend that the Director of Current Planning be instructed to make application for this purpose and to increase the maximum density of the site by the amount of the amenity bonus, and that the application be referred to a Public Hearing, together with draft CD-1 By-law provisions generally as shown in Appendix A and conditions of approval listed in Appendix B.

This rezoning will confirm and secure for the public the neighbourhood centre which is vital to the revitalization of this significant part of Vancouver.

* * * * *

**Woodward's Site
DRAFT CD-1 BY-LAW PROVISIONS**

A draft CD-1 By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting, to the satisfaction of the Director of Legal Services.

1. Land Uses

Subject to Council approval of the form of development and to conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Cultural and Recreational,
- (b) Dwelling,
- (c) General Office Live-Work,
- (d) Light Industrial,
- (e) Office,
- (f) Parks and Open Space,
- (g) Public and Institutional,
- (h) Retail,
- (i) Service,
- (j) Accessory Use customarily ancillary to any of the uses listed above.

2. Conditions of Use

Dwelling units are in an "activity zone" as defined in the Noise Control By-law, and, as a result, are subject to noise from surrounding land uses and street activities at levels permitted in industrial and downtown districts.

3. Floor Area and Density

3.1 The maximum floor space ratio, based upon the computation provisions of the Downtown Official Development Plan (sections 3.5, 3.6, 3.7 and 3.10) will be 10.65, and subject to the additional provisions below.

Note: This floor area maximum includes FSR 9.0 available for development on the site, and 1.65 (representing a floor area of 179,000 sq. ft.) available for transfer off-site.

3.2 For the purposes of floor space ratio calculation the site area is deemed to be 10 071.30 m² (108,410.11 sq. ft.).

3.3 Notwithstanding the provisions of section 3.6(b) of the DODP, computation of floor space ratio may exclude floor area in interior public space, including atrium or other similar space, provided that such floor area does not exceed 11 115 m² (12,000 sq. ft.) and if it secured by covenant and right of way, in favour of the City, which set out public access and use.

4. Height

The building height, measured above the base surface and to the top of all rooftop mechanical appurtenances and/or decorative elements, must not exceed 45.72 m. (150 ft.), except that the Development Permit Board may increase this height to a maximum of 137.16 m. (450 ft.), subject to View Protection Guidelines and other applicable Council policies and guidelines.

(Note: View cones 3.2.3, 9.2.2, and 9.1 apply to the site, the most restrictive limiting total height of any building to 119.67 m (392.62 ft.). The maximum building height calculated for view protection includes all rooftop appurtenances such as mechanical penthouses, decorative roofs and aerials.)

5. Parking, Loading and Bicycle Parking

Any development or use of the site requires the provision, development and maintenance of off-street parking, loading, bicycle and passenger spaces in accordance with the HA Districts provisions of the Parking By-law. By-law provisions for relaxation, exemptions and mixed-use reduction will also apply.

6. Acoustics

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

* * * * *

Woodward's Site
PROPOSED CONDITIONS OF APPROVAL

Draft rezoning approval conditions will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to the finalization of the agenda for the public hearing, to the satisfaction of the Director of Legal Services.

FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as shown in development drawings (DE409942) prepared by Henriquez Partners Architects on behalf of Westbank Projects Corp./Peterson Investment Group Inc. and approved by the Development Permit Board, 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.

DEVELOPMENT APPROVAL

- (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.

AGREEMENTS

- (c) THAT, prior to enactment of the 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, make arrangements for the following:
 - (i) execution of a Section 219 Covenant providing for the design and construction by the property owner of public amenity spaces in the development, including outdoor plaza and green space and atrium space, with a minimum area of 2 322.5 m² (25,000 sq. ft.), to be designed to the satisfaction of the Development Permit Board and to be constructed to the satisfaction of the Director of Facilities Design and Development,
 - (ii) registration of a statutory right of way to secure public access to public amenity spaces, as specified in (i) and generally as described in this report, at nominal cost and in perpetuity,
 - (iii) execution of a Section 219 Covenant providing a Community Use Agreement to the satisfaction of the Managing Director of Cultural Services, and
 - (iv) execution of a Section 219 Covenant providing an agreement to the satisfaction of the Director of Current Planning limiting development on the site to a maximum floor space ratio of 9.0 as defined in the CD-1 By-law, with related provisions, to the satisfaction of the Director of Legal Services.

Note: Where the Director of Legal Services deems appropriate, the preceding arrangements and agreements are to be drawn, not only as personal covenants of the property owner, but also as Covenants pursuant to Section 219 of the Land Title Act.

Agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law; provided however the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, to the satisfaction of the Director of Legal Services, prior to enactment of the by-law.

Agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

* * * * *