

## SUMMARY AND RECOMMENDATION

**3. REZONING: 101 and 149 West Hastings Street and 150 West Cordova Street**

**Summary:** To rezone the Woodward's Site from DD to CD-1 to facilitate a large, complex, mixed-used development which includes public amenity spaces that will be secured in the public domain for community use, in order that the development realizes its role as a neighbourhood centre. Rezoning approval will also increase the maximum density by the amount of an amenity bonus which will be available for off-site transfer only.

**Applicant:** Director of Current Planning

**Recommended Approval:** By the Director of Current Planning in consultation with the Managing Director of Cultural Services, subject to conditions:

- A. THAT the application of the Director of Current Planning to rezone the site at 101 and 149 West Hastings Street (Lot E, Blk 4, OGT, Plan LMP40092 and 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 Comprehensive Development District, generally as outlined in Appendix A of the Policy report dated February 17, 2006 entitled "CD-1 Rezoning and Amenity Bonus: Woodward's Site (101 and 149 West Hastings Street and 150 West Cordova Street)", be approved, subject to the following conditions:

**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:

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- (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 m<sup>2</sup> (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.

- B. THAT subject to approval of the rezoning at Public Hearing, consequential amendments to the Parking By-law deleting references to Sub-area "C1" wherever they appear, be approved.

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendments to the Parking By-law at the time of enactment of the CD-1 By-law.

(RZ - 101 and 149 West Hastings Street and 150 West Cordova Street)