



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: September 11, 2013
Contact: Kent Munro
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VanRIMS No.: 08-2000-20
Meeting Date: September 24, 2013

TO: Vancouver City Council
FROM: General Manager of Planning and Development Services
SUBJECT: Heritage Amenity Bank and Transfer of Density Update

RECOMMENDATION

- A. THAT Council approve the continuation of the present policy with respect to the Heritage Amenity Bank that:
- i. no new heritage density will be created until such time as equilibrium in the Heritage Amenity Bank is achieved, as set out in this report; and
 - ii. community amenity contributions will continue to be used to reduce the balance of the heritage density in the Heritage Amenity Bank.
- B. THAT Council approve the following amendments to the Transfer of Density Policy and Procedure:
- i. an amendment to remove the restriction on the transfer of heritage density to only those lands within the Central Area, thereby allowing the transfer of heritage density to be considered in CD-1 rezonings on a City-wide basis ; and
 - ii. an amendment to expand the area along the Central Broadway corridor in which lands are eligible to receive heritage density as a condition of the Development Permit Board increasing the permitted floor space by up to 10 per cent, such area to be increased to include all C-3A zoned sites in the City;

which amendments are as generally set out in Appendix C.

- C. THAT, in order to immediately reduce the balance in the Heritage Amenity Bank, Council approve the following allocation of funds held by the City which were paid as community amenity contributions but remain unallocated:
- i. \$1.0 million received on the rezoning at 201-299 Burrard Street;
 - ii. \$3.8 million received on rezonings within the Triangle West area;
- AND THAT a competitive bid process be used to allocate the funds.
- D. THAT Council instruct staff to review, on an annual basis, progress towards achieving the absorption target for the Heritage Amenity Bank and the effectiveness of the recommended measures as outlined in this report; and when the absorption target has not been met, bring forward policy adjustment recommendations as appropriate, which may include further application of unallocated community amenity contributions.
- E. THAT Council affirm its support for the City pursuing its request to the Province to amend the *Vancouver Charter* to permit the Development Permit Board to increase the permitted floor space of an eligible site by up to 20 per cent (from the current 10 per cent) upon the transfer of heritage density to such site.

REPORT SUMMARY

Over the last six years, Council has taken a number of steps to manage the City's Heritage Amenity Bank. Action was taken to temporarily limit the creation of new density from heritage proposals and measures were taken to increase absorption of density in order to reduce the outstanding balance of the Heritage Amenity Bank. The purpose of this report is to provide an update on the status of the City's Heritage Amenity Bank and to propose a number of further actions to support the objective of heritage conservation in Vancouver. Specifically, this report proposes some targeted actions to reduce the outstanding balance of Heritage Amenity Bank and recommends updates to the City's Transfer of Density Policy to facilitate absorption.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

In 1983, Council approved the transfer of density policy as a tool that could be used to achieve a number of public objectives including heritage conservation. The policy was amended in 1993, to allow the "banking" of density in a "Heritage Amenity Bank" and its transferability to other sites to facilitate rehabilitation and conservation of heritage buildings in the City's Downtown and Central Broadway areas.

In 2007 and 2009, Council approved a number of actions to rebalance the Heritage Amenity Bank in order to maintain its viability as a public benefit tool. Measures included limitations on increases to the Heritage Amenity Bank and the expansion of areas where transfers could be considered. At those times, key actions included establishing an annual absorption target of 200,000 square feet and a prohibition on the creation of new heritage density until such time that the balance in the Heritage Amenity Bank achieved equilibrium. Equilibrium would

be reached when the balance in the Bank was at a level that was equal to or less than the total of the previous three years of absorption. In other words if the target of 200,000 square feet per year was achieved, equilibrium would be when the bank balance reaches 600,000 square feet).

In 2009 and 2010, several initiatives that were approved by Council created additional public benefit capacity, which introduced new or additional opportunities for potential density transfers:

- Downtown South (April 2009)
- Northeast False Creek (November 2009)
- Downtown Capacity and View Corridor Review (January 2010)
- Chinatown South (January 2010)
- Southeast False Creek (July 2010).

The following Council Policies are relevant to this report:

- *Transfer of Density Policy and Procedure*
- *Heritage Policies and Guidelines*
- *Zoning and Development By-law*
- *Downtown Official Development Plan.*

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Planning and Development Services supports the recommendations of this report.

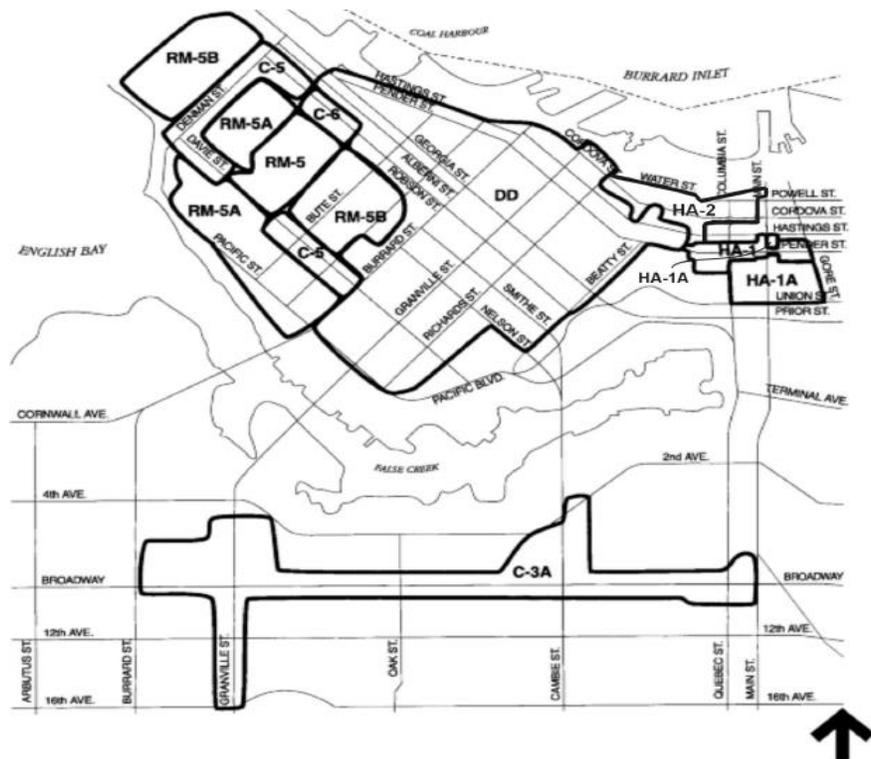
REPORT

Background/Context

Transfer of Density as a Tool for Heritage Conservation

The City's Heritage Policies and Guidelines facilitate heritage conservation throughout Vancouver. One of the tools that can be used allows granting of transferable bonus density as an incentive to conserve, rehabilitate and designate (protect) a heritage building. In exchange for protecting and upgrading an otherwise unprotected building, the tool allows the owner of a heritage building to offset the costs of undertaking heritage rehabilitation work with the creation of an asset with commensurate value, namely bonus floor space or density. In cases where it is not possible to realize the bonus density on site, it may be possible to transfer it to another site as outlined in the Transfer of Density Policy and Procedures. The density can be held or "banked" (and is recorded in the City's Heritage Amenity Bank) and then transferred to one or more other site(s). At the present time, the policies limit transfers within and between sites located in the "Central Area" (downtown peninsula and Central Broadway between Main Street and Burrard Street) (see Figure 1).

Figure 1. Existing Transfer of Density donor and receiver site areas



Note: Under current policies, transfers are permitted from Chinatown (HA-1) and Gastown (HA-2) but not into these areas

A transfer of density is approved either by Council in the context of a rezoning or by the Development Permit Board in the context of a development permit application. Under existing policies, all approvals can only occur within the geographic locations defined (Figure 1). While Council is not limited in the amount of transferable density it can approve on a rezoning, existing policies (and the Vancouver Charter) limit the amount of density that can be approved by the Development Permit Board to a maximum of 10 per cent over the total permitted floor space.

The value of density is tracked in the Heritage Amenity Bank and transactions among sellers and buyers occur in an open market. Should a development approval result in an allocation of heritage amenity as part of its Community Amenity Contribution, that applicant would facilitate a transaction with a holder of transferable density to purchase the allocated density, with the result being a decrease in the overall balance of the Heritage Amenity Bank.

Heritage Conservation Achievements with Transfer of Density

The conservation of heritage resources is a City-wide amenity that is enjoyed by all citizens and visitors to Vancouver. In addition to the obvious improvements to the physical environment, heritage preservation results in other benefits to the public through cultural, economic and social rejuvenation. Since 1993, 50 heritage buildings throughout Vancouver have been conserved, rehabilitated and protected by availing themselves of the City's heritage programs and the transfer of density tool. Some of the more notable examples of projects that were facilitated by the City's transfer of density tool include the Stanley Theatre on South Granville, Simon Fraser University Segal Graduate School of Business at Granville and West Pender), the new YMCA on Burrard Street, an entire block of six buildings on the south side of Water Street at Maple Tree Square in Gastown, the Woodward's redevelopment on West Hastings and Christ Church Cathedral at Burrard and Georgia Streets (see Appendix A).

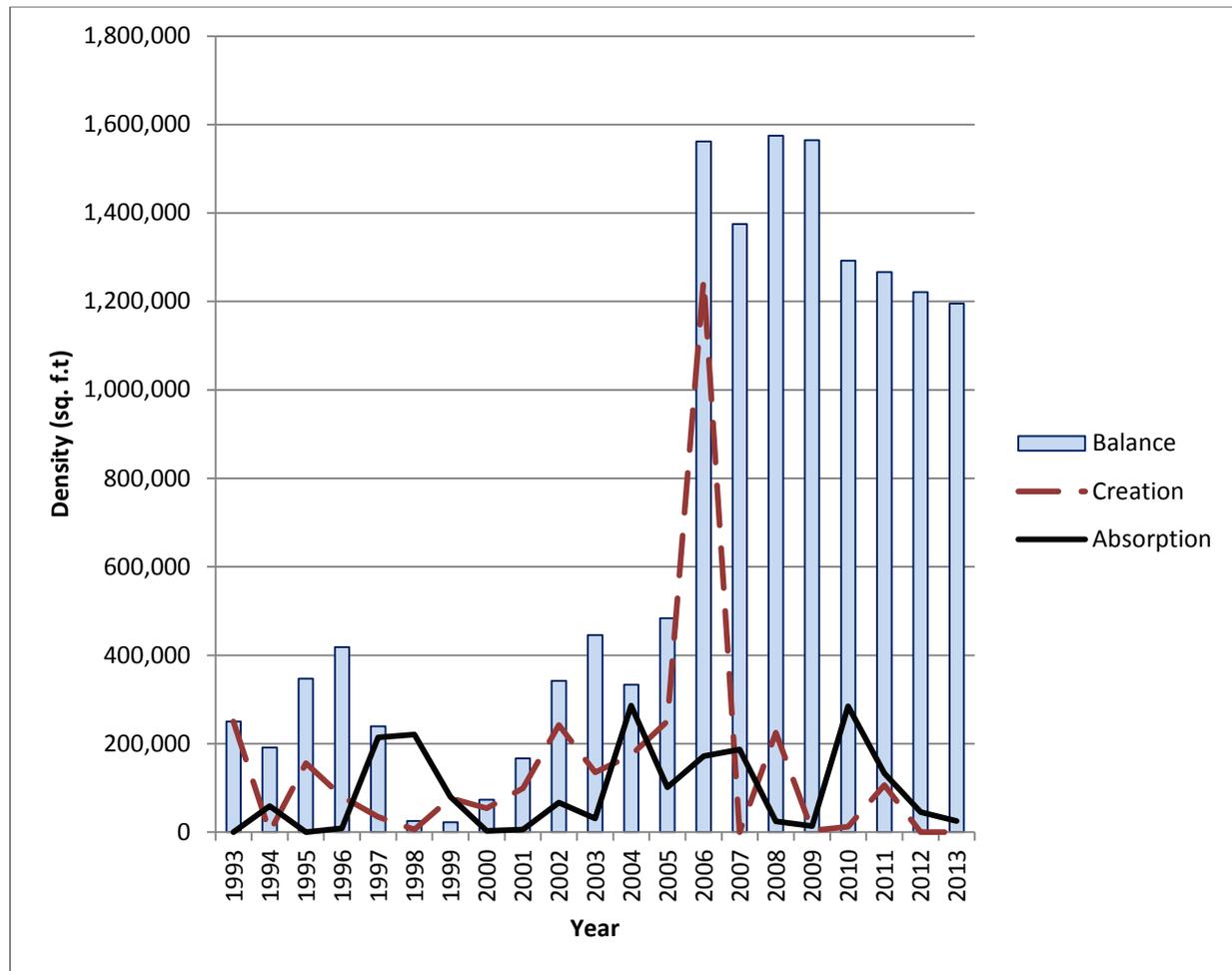
The City has a number of funding mechanisms to provide public benefits, including tax-supported funding, development cost levies, contributions from senior government and external funding partners, contributions secured through conditions of development, and public benefit contributions through most rezonings (CACs). Of these, the public benefit contribution (CACs) is the principal mechanism used to support heritage conservation and is the one used to absorb heritage amenity density.

Strategic Analysis

Update on the Heritage Amenity Bank

Since its establishment in 1993, the Heritage Amenity Bank's balance has remained relatively stable, with fluctuations up and down but never exceeding 500,000 square feet until 2006. At that time, a record thirteen projects gained approval resulting in 1.3 million square feet being added to the balance in a short period of time (see Figure 2). Actions were immediately taken to slow the creation of additional density and to facilitate absorption, and the outstanding balance has declined somewhat since that time. Nevertheless, the balance remains high and the pace at which the balance is declining continues to be of concern for both the City and for buyers and sellers of density. For the tool to be available for use in future applications that seek to pursue heritage preservation, it is essential for the historically high balance of the Heritage Amenity Bank to be significantly reduced.

Figure 2. Heritage Amenity Bank - Creation, Absorption and Balance



As illustrated, at the end of June 2013 the Heritage Amenity Bank balance is 1.2 million square feet. The balance has been declining slowly over the past few years. In 2009, Council established an annual absorption target of 200,000 square feet and while this was exceeded in 2010, it was not met in 2011 and 2012 (for details see Appendix B). Activity in this current year (2013) is also tracking below the target, although it is noted that some rezoning applications are expected to be reported to Council later this autumn and those could have a potential to reduce the balance by approximately 100,000 square feet. While progress has been made, it is evident that more has to be done to meet or exceed Council's 2009 absorption target and it is, therefore, recommended that additional actions be taken to facilitate a reduction of the overall balance to a level that will improve the utility and effectiveness of the transferable density tool for heritage preservation in the City.

Further Proposed Actions

One of the key challenges in meeting the annual absorption target has arisen from the limitations inherent in the existing Transfer of Density policy. At present, the policy limits the

Staff are recommending a number additional actions to further address the challenges in reducing the outstanding balance in the City's Heritage Amenity Bank as discussed above. The proposed recommendations in this report are founded in the principle of expanding opportunities to lower the Heritage Amenity Bank balance which will better enable Council to meet and/or exceed the absorption target of 200,000 square feet per year.

The recommended actions are as follows:

1. *Expand use of the Transfer of Density tool to areas beyond the City's Central Area*

An amendment is proposed that would allow heritage amenity (transfer of density) to be considered in CD-1 rezonings anywhere in the City. Under current policy, transfer of density can only be considered as part of a public benefit contribution for the rezoning of a site located in the Central Area. As noted, this has precluded use of the transferable density tool from many rezoning applications around the City, a number of which were large-scale and resulted in significant Community Amenity Contributions. Heritage conservation in Vancouver is an amenity that benefits all citizens and, therefore, staff contend that it is appropriate for the Transfer of Density tool to be available - for both creation and absorption - throughout the City. Allowing heritage amenity density to be considered as a public benefit on a City-wide basis will provide more opportunities to reduce the balance in the City's Heritage Amenity Bank as it could be considered for any future rezoning application. A key principle will be to allocate or absorb modest amounts, commensurate with the scale of proposed development, across the wider geographic area; this approach will ensure that local needs will continue to be met and that all of the other public benefits that arise from any rezoning will not be significantly impacted. It is recognized the expansion of sites eligible for creation will be realized over the long term as no new sites will be eligible until the balance in the bank is at equilibrium as per Council direction.

2. *Extend the C-3A area which is eligible to receive up to 10% transfer through Development Permit Board approval*

Under current policy, the authority of the Development Permit Board to approve an additional 10% floor space through Transfer of Density only applies to sites within a portion of the Central Broadway C-3A zone. The Central Broadway C-3A area which currently can be a receiver site ends at Main Street to the east and Burrard Street to the west, even though the area C3-A continues for a few blocks. Extending the area to be consistent with the C-3A zone would not only simplify the policy but it would create additional capacity by allowing for modest increases to permitted floor space (up to the maximum 10%) that can be approved (see Figure 3 for proposed extension areas). It should be noted that development permit applications proposing transfers would continue to adhere to applicable regulations and guidelines that mitigate any impacts; as is currently the case, not every application may be a candidate for a transfer.

It is noted that as per previous Council direction (May 2009), a request to amend the Vancouver Charter to allow the Development Permit Board to permit transfers of up to 20% instead of the current 10% has been submitted to the Province. Further supporting information and rationale has recently been requested by the Province, and staff are preparing a response. If the Charter amendment is approved by the Province, staff will be

reporting to Council to bring forward the necessary by-law amendments to implement this measure.

3. *Direct staff to give higher priority to heritage amenity when allocating public benefits in rezoning applications, until such time as the Heritage Amenity Bank balance reaches equilibrium*

As discussed, the outstanding balance in the Heritage Amenity Bank remains at a relatively high level and, the average rate of absorption over past few years, has been lower than the target set in 2009. Public benefit contributions that arise from rezonings vary as they are not only affected by the number and scale of applications but also by the demands for many other community amenities that are essentially competing for the limited resources available. Given the actions proposed herein that will expand the eligibility areas, it can be expected that many more opportunities for Transfer of Density will arise should Council approve of those recommendations. In order to reduce the balance in the Heritage Amenity Bank, greater focus will be necessary when decisions about public benefit allocations are being made. Should Council endorse the recommendations herein, staff intend to elevate the priority given to heritage amenity as part of the public benefit allocations that are recommended in rezoning applications presented to Council until such time as the Heritage Amenity Bank balance is sufficiently reduced. In addition, staff will strive to include targets when future public benefit strategies are being developed.

4. *On a one-time and immediate basis, apply \$4.8 million of unallocated public benefit contributions to a reduction of the Heritage Amenity Bank*

Sometimes specific public benefits are not specified at the time of a rezoning approval with the result that a Community Amenity Contribution (CAC) is received but is not allocated. Such circumstances can, for example, occur where an application is approved in advance of the completion of a Public Benefits Strategy. Unallocated CAC funds are set aside in reserves and are spent on public benefits in accordance with approvals by Council. Typically, Council considers the amenity needs in and around the specific geographic area where the development that generated the CAC occurred.

Staff have recently identified some unallocated CAC funds associated with two largely developed and built-out precincts in the downtown core, areas that are currently within the eligibility areas for Transfer of Density. Through rezoning applications in the Triangle West area (bounded by Coal Harbour to the south, Cardero Street to the west, Bute Street to the east, and Alberni Street to the North) \$3.8 million has been collected and remains unallocated. In addition, \$1 million was collected through the rezoning at 201-299 Burrard Street and remains unallocated. Accordingly, staff recommend that these funds be allocated by Council at this time towards an immediate reduction of the Heritage Amenity Bank balance.

In order to provide an equal opportunity to all current holders of density in the Heritage Amenity Bank who have it available for sale, and to achieve the best value for the City, it is proposed that a competitive bid process be used whereby holders of density will be invited, through a competitive process, to submit their "best offer" to have density purchased and thereby removed from the Heritage Density Bank. The lowest bids will be given preference until the proposed \$4.8 million of unallocated CACs are exhausted. The maximum bid price will be established at \$65 per square foot, which is the prevailing rate

at which density for transfer is created. The allocation of \$4.8 million in unallocated CACs, if approved, could result in a reduction of the Heritage Amenity Bank balance by approximately 74,000 square feet (\$4.8 million at \$65 sq. ft.), but it is anticipated the total amount could be higher given the competitive bidding process proposed.

5. *Institute an annual review of the absorption target and the effectiveness of the proposed measures, and bring forward to Council for consideration further policy recommendations to bring the density bank into balance, including the possible use of unallocated CACs to address absorption target shortfalls*

As mentioned above, in some recent years the target annual absorption rate of 200,000 square feet has not been met. It is anticipated that the actions proposed above, if approved, will result in a greater likelihood of the target being achieved. The annual report to Council on public benefits achieved through approvals for additional density records the approvals for additional density and the community amenity contributions achieved (including density transfers). As part of the annual review, staff will assess the effectiveness of the proposed measures in bringing the density bank into balance, and recommend further policy adjustments as appropriate. In future years where the annual absorption target has not been met, staff propose to include additional options for Council consideration, which may include further application of unallocated CACs to the Heritage Amenity Bank. Recommendation D will direct staff to implement such a procedure for reporting this to Council in future years. It should be noted that the number and scale of applications varies and the public benefit strategies for neighbourhoods throughout the City will need to be considered in the staff analysis and factored in to the recommendation; accordingly, there may not always be unallocated CACs available.

Financial Implications

\$4.8 million of unallocated CACs are available from the Triangle West area in the downtown core. The Triangle West area is within the current area which allows for public benefit allocations to be directed toward purchases of transferable density. As the public benefit needs in this area have largely been met, staff recommend that these unallocated CACs be used to reduce the Heritage Amenity Bank balance on a one-time basis through a competitive bid process. Any future public benefit requirements will be addressed through future rezonings.

For long-term financial planning purposes, staff will incorporate heritage allocation into future public benefit strategies as part of the Capital Plan and Budget processes.

Public Consultation

On June 24, 2013, staff met with stakeholders to provide information on the current status of the Heritage Amenity Bank, to review the actions and proposed in this report, to receive feedback on the proposals, to seek additional ideas, and to foster a greater understanding of the Transfer of Density tool. Invitees to the meeting included current holders of density, representatives from Council appointed bodies (Vancouver Heritage Commission, Chinatown Historic Area Planning Committee, Gastown Historic Area Planning Committee, Vancouver City Planning Commission, Vancouver Heritage Foundation), and representatives from the Business Improvement Associations, the Vancouver Board of Trade and the Urban Development

Institute. The response from the approximately thirty attendees was broad support for the proposed actions in this report and a number of additional ideas were brought forward by attendees most of which revolve around the City continuing to take an ongoing and active role in management of the Heritage Amenity Bank.

Stakeholders put forward ideas that included the City directly purchasing density from holders and taking on the role of a broker, establishing a minimum value or selling price, converting or monetizing the density incentive to credits to cover other development-related costs and taxes, and using other tools to facilitate heritage conservation. Several of the ideas suggested would involve the City taking a more significant and integral role in the direct management of the Heritage Amenity Bank particularly in terms of financial commitment. Staff do not recommend the City taking on this more interventionist role of broker.

With respect to establishing a minimum value or selling price, some owners stated they have had additional financing costs while holding the density and want these costs to be factored into the values established when density purchases are made. The market value of density in the Heritage Amenity Bank is determined by open market transactions between willing buyers and willing sellers. Establishing minimum value or selling prices could be administratively difficult over time, and may disrupt the proper functioning of an open market system in which price is determined by the market place. Staff do not recommend that the City intervene in any way with the market dynamics of the Heritage Density Bank.

Other ideas put forward by stakeholders included allowing limited transfers to other zones such as commercial districts (C2) and into single-family zones (i.e. basements, laneway houses). Further expansion of the areas or scope of eligibility for transferable density would require additional analysis to better understand the potential costs and benefits, which may be undertaken in the future. In addition, suggestions were made to explore the use of other incentives such as grants and property tax exemption more broadly (currently available in Chinatown, Gastown, Hastings Corridor); those ideas need further study and will be discussed in an upcoming report on the Heritage Conservation Program which has been requested from Council. In the meantime, staff are recommending the above immediate actions to address the heritage density bank balance.

CONCLUSION

Transfer of Density is an important tool that has been successfully utilized to achieve heritage conservation objectives across the City. In order to maintain the viability of the tool, a number of actions are being recommended to reduce the balance in the Heritage Amenity Bank. Staff are recommending that Council endorse the proposed actions which are intended to enhance the viability of the tool and to further support the City's heritage conservation objectives while resisting any significant intervention in the market dynamics which were integral to the original concept of the heritage density Bank.

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Figure 1. Examples of heritage conservation projects supported by density transfer tool

<p>Stanley Theatre 2750 Granville Street</p>	
<p>Christ Church Cathedral 690 Burrard Street</p>	
<p>Burns Block 18 West Hastings Street</p>	
<p>YMCA 955 Burrard Street</p>	

Byrnes Block
2 Water Street



Kane Building, Robinson Block
Terminus Hotel, Grand Hotel, Cordage
Building, Nagle Bros. Garage
Unit block Water Street



SFU Business School
500 Granville Street



York Theatre
639 Commercial Drive



Woodward's
101 West Hastings Street



Pennsylvania Hotel
412 Carrall Street



Wing Sang Building
51 East Pender Street



Electra (former BC Hydro Head Office)
970 Burrard Street



Heritage Amenity Bank - Creation, Absorption and Balance in Recent Years

Year	Density Creation	Density Absorption	Balance
2009	3,693	13,971	1,564,407
2010	12,707	284,640	1,292,474
2011	106,793	133,089	1,266,178
2012	0	45,156	1,221,022
2013 (to June 28)	0	25,634	1,195,388
Total	123,193	502,490	1,195,388

TRANSFER OF DENSITY POLICY AND PROCEDURE

Adopted by City Council on January 25, 1983

*Amended September 11, 1984, July 7, 1987, July 30, 1991, September 2, 1993,
December 8, 1994, April 2, 1996, July 29, 1997, August 1, 2002, July 20, 2010, and
April 19, 2011 and (insert date of approval).*

Rezoning applications, or Heritage Revitalization Agreements in the case of (1) below, which involve the transfer of density from one site to another site will be considered, provided that such a transfer will assist in achieving one or more of the following public objectives:

- (1) To preserve heritage buildings or site, listed on the Vancouver Heritage Register, particularly where it is demonstrated that residual and/or bonus density required for the buildings' rehabilitation cannot be used on the heritage site;
- (2) To create desirable public open space or park land;
- (3) To facilitate development in areas with mixed use zoning;
- (4) To achieve and improve urban design;
- (5) To help implement Council-approved view protection policy in Downtown South;
- (6) To help protect existing Single Room Occupancy Stock in Downtown South;
- (7) And provided further, that the following limitations are respected:

(a) Except for heritage sites as defined in (b), the sites are not separated by a zoning boundary or use, density or height district boundary in an Official Development Plan, unless the sites involved are both within the same block; or the donor site is in the 800-1200 blocks of Granville Street and the recipient site is in Downtown South;

(b) Transfer of density may be considered for approval *through:*

- (i) *CD-1 rezonings on a city-wide basis (approved by City Council); or*
- (ii) *for increases of up to ten percent over the permitted floor space,* by the Development Permit Board involving heritage sites located within and between the various zones of the Central Area including: Downtown District ODP, RM-5, RM-5A, RM-5B, C-5, C-6, HA-1, HA-1A, HA-2 and CD-1, and ~~those portions of C-3A located west of Main Street, north of 16th Avenue, and east of Burrard Street,~~ except that no heritage density may be transferred onto sites located in the HA-1 and HA-2 Districts;

(c) Sites located within the Southeast False Creek Official Development Plan boundary (SEFC) may receive transferable density from sites located outside SEFC, subject to approval of Council (Note: transferable density may not be transferred from inside SEFC onto any site located outside of SEFC);

(d) If the objective to be served is (4) urban design, the sites are within the same block or separated only by a single street;

(e) The aggregate development potential for the sites remains unchanged by the transfer;

- (f) The aggregate development potential for any specific use remains unchanged by the transfer;
- (g) No bonuses for public, social or recreational facilities are transferred;
- (h) Except for transfers involving heritage sites, no more than two sites are involved in any transfer and a site is not involved in more than one transfer;
- (i) The proposal has been demonstrated to further the intent of Council's policies and regulations for the area; and
- (j) Heritage bonuses may be transferred if Council has previously decided under its heritage bonus policy that all or part of the bonus density cannot be used on the heritage site without undue impact on the character and context of the preserved building, or without an unacceptable impact on surrounding properties.

The following procedure is to be followed in applying the density transfer policy:

(1) For transfers to achieve heritage objectives:

- (i) Heritage features to be preserved on the donor site shall be defined by the Director of Planning or the Development Permit Board on the advice of the Vancouver Heritage Commission;
- (ii) Residual (and bonus) density may be held on a heritage donor site through the use of a development limitation covenant which shall be amended as density is disbursed and ultimately discharged when all density is transferred;
- (iii) Preference will be given to proposals which use heritage buildings for cultural, social, recreational and educational uses, especially when that use is historically associated with the building;
- (iv) For any site located within the HA-1, HA-1A or HA-2 District, where a development application is submitted to establish density available for transfer to another site, Council approval for the creation of the transferable density will be required as a condition of development permit issuance, although rezoning of the donor site is not required;
- (v) Within the Central Area as defined in (b) above, the following steps (2) to (8) involve either the rezoning or the establishment of a Heritage Revitalization Agreement on the heritage donor site only; the receiver site is approved by the Development Permit Board;
- (vi) Density on receiver sites shall be sensitive to the impact of additional density on shadowing, floor plate shape and size, height and view corridors; and
- (vii) The following shall be excluded as receiver sites within the Central Area [as defined in (b)]:
 - sites already receiving a 15 percent hotel bonus;
 - sites already receiving a heritage density bonus;

- sites containing a single room occupancy (SRO) hotel, unless arrangements are made to secure or replace units; and
- sites zoned CD-1, unless a provision is included in the CD-1 by-law.

(2) Developer reviews his proposals with the Director of Planning.

(3) Developer makes formal application for rezoning or enters into negotiations for a Heritage Revitalization Agreement, with appropriate supporting material to indicate details of and rationale for the proposal and analysis of relevant impacts. In the case of a rezoning, the Director of Planning may require that the developer concurrently file a preliminary development permit application.

(4) Director of Planning coordinates staff review of proposal in consultation with Engineering, Social Planning, Park Board staff as required, including whatever public review process he deems appropriate to the specific proposal, and may include consideration of a preliminary development permit application by the Development Permit Board and the Urban Design Panel.

(5) Council considers the proposal and staff review at Public Hearing and gives decision.

(6) Appropriate legal agreements are drawn up according to recommendations in staff review of proposal.

(7) In the case of rezoning, Council enacts by-law.

(8) In the case of rezoning, Development permit application process is followed as in CD-1 development sites.