

Refers Item 3.
Public Hearing of January 19, 2010

MEMORANDUM

January 8, 2010

TO: Mayor Robertson and Councillors

CC: P. Ballem, City Manager
S. Johnston, Deputy City Manager
M. Coulsen, Acting City Clerk
D. McLellan General Manager of Community Services
B. Toderian, Director of Planning
K. Munro, Assistant Director of Current Planning, Planning
M. Flanigan, Director, Real Estate Services
T. Timm, General Manager of Engineering Services
F. Connell, Director of Legal Services

FROM: M. Naylor, Senior Rezoning Planner

SUBJECT: CD-1 Text Amendment - 111 and 141 West Hastings Street, 351 Abbott Street and 128 West Cordova Street (Woodwards)

This memo is provided for Item 3 in lieu of a policy report. The proposed text amendment is for the donor site of a density transfer which is explained in the Policy Report titled "*CD-1 Text Amendment - 711 West Broadway*", dated May 27, 2008. Most of the content of that report concerns the proposed development at the receiver site at 711 West Broadway and 728 West 8th Avenue. Information from the report, relevant to the donor site (Woodwards), is provided below.

BACKGROUND

The CD-1 By-law for 111 and 141 West Hastings Street, 351 Abbott Street and 128 West Cordova Street ("Woodwards"), created in 2006, contains amenity bonus density that is "vested" within the by-law's 10.68 FSR density provision. Development on the site is restricted to 9.03 FSR by a Development Limit Covenant registered on title to the lands in 2007. The balance of the by-law density is 1.65 FSR or 179,000 sq. ft. This density is for transfer off site in exchange for provision in the Woodward's development of a public amenity consisting of exterior open space and an interior atrium. With each transfer of density off site, the Woodward's CD-1 needs to be reduced by an amount equal to the transfer, until all the available density has been transferred. The item before Council is a reduction resulting from a transfer of 70,000 sq. ft. of bonus density to 711 West Broadway and 728 West 8th Avenue.

DISCUSSION

On June 10, 2008, Council referred to public hearing an application to amend an existing CD-1 for 711 West Broadway to add a new residential building on the 8th Avenue frontage of the site (728 West 8th Avenue), as described in the Policy Report titled "*CD-1 Text Amendment - 711 West Broadway*", dated May 27, 2008. As part of the referral, the Director of Planning was instructed to make application to amend the Woodwards CD-1, which would be required should the transfer of density be approved. Council also referred that application to public hearing. Draft amendment provisions were provided in Appendix B of the Policy Report (attached to this memo).

On July 22, 2008, in approving the application for 711 West Broadway after a public hearing, Council approved in principle the transfer of 70,000 sq. ft. of amenity bonus density from the Woodwards site to the proposed residential development at 728 West 8th Avenue. On December 15, 2009, the by-law amending the CD-1 for 711 West Broadway was enacted, giving final approval to the transfer of the bonus density to the receiver site.

The Woodwards CD-1 now needs to be amended to remove 70,000 sq. ft. or 0.6478 FSR of density. The Director of Planning has made application to reduce the FSR in Section 4 of the by-law, from 10.68 to 10.0322, and a draft by-law has been posted reflecting this amendment.

The Development Limit Covenant regulates the development constructed on the Woodwards lands. It will not be affected by the transfers of density, and corresponding reductions of the FSR in the by-law, until such time as all of the available amenity bonus density has been transferred and the by-law FSR equals the limit imposed by the covenant (9.03 FSR). When that occurs, the covenant can be removed from title.

After the transfer of 70,000 sq. ft. of amenity bonus density to 711 West Broadway, 109,000 sq. ft. of transferable density remains vested in the Woodwards CD-1. Of this remaining density, 16,578 sq. ft. has been tentatively approved for transfer to 999 Seymour Street in a CD-1 rezoning that was approved at public hearing on January 15, 2008. This rezoning has not proceeded to enactment. If and when it does, a similar amendment to the Woodwards CD-1 would be brought forward, to reduce the FSR by another 16,578 sq. ft. To date, no other transfers of amenity bonus density from Woodwards have been approved by Council.

Staff note that transferable *heritage* bonus density was also approved as part of the 2006 rezoning of Woodwards. Heritage bonus density is vested in the Heritage Revitalization Agreement (HRA) and does not affect the CD-1 By-law. While several transfers of heritage density from Woodwards have been approved for various receiver sites, the density transfer for 711 West Broadway was entirely *amenity* bonus density.

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MN/ws

101 Hastings Street (Woodwards)
DRAFT AMENDMENT TO CD-1 BY-LAW NO. 9275 (REFERENCE #450)

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

- Revise Section 4, Density, to reduce the floor space ratio by the amount of amenity bonus floor space being transferred to 711 West Broadway.

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*Excerpted from Policy Report titled
"CD-1 Text Amendment - 711 West Broadway", dated May 27, 2008*