



## Committee of the Whole Report

For the Meeting of March 5, 2026

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**To:** Committee of the Whole

**Date:** February 19, 2026

**From:** Karen Hoese, Director, Planning and Development

**Subject:** Rezoning Application No. 00904 for 1101 Yates Street and associated Development Permit with Variances Application No. 00301

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### RECOMMENDATION

#### Rezoning Application

1. That Council instruct the Director of Planning and Development to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in the staff report dated February 19, 2026, for 1101 Yates Street.
2. That after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the zoning bylaw amendment be considered by Council once the following conditions are met:
  - a. Further exploration of adding a rooftop amenity space on the east building, if determined to be feasible while maintaining the current building program
  - b. That subject to third reading of the zoning amendment bylaw, the applicant completes the following prior to adoption of the bylaw:
    - i. prepare and execute legal agreements, with contents satisfactory to the Director of Planning and Development and form satisfactory to the City Solicitor, to secure:
      1. The property shall be rental in perpetuity;
      2. The provision of no less than 52 two-bedroom and 33 three-bedroom dwelling units;
      3. The provision of no less than 34 units as affordable rental, to be rented at the published CMHC Median Market Rents, as adjusted from time to time, for a minimum of sixty years, in accordance with the following requirements:
        - a. three studio, 15 one-bedroom, and 13 two-bedroom units, and three three-bedroom units be allocated to median and moderate-

income households with incomes as prescribed by the Victoria Housing Strategy and Affordable Housing Standards Bylaw;

4. Provision of no less than 20 accessible units, in accordance with the standards in the *British Columbia Building Code*;
  - ii. Provision of the base building shell for a dedicated childcare facility of no less than 400m<sup>2</sup> indoor space and 417m<sup>2</sup> outdoor play space, to be leased to a third-party operator with a restriction on child care use for a minimum period of 25 years;
  - iii. Rooftop of the west building to have conduit provisioning for future solar panel installation;
  - iv. Building Life Cycle Assessment.
- c. Prepare and execute legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor, to secure:
- i. A 2.2m wide volumetric statutory right of way along View Street for public access.
  - ii. Provision of transportation demand management measures including:
    1. 49 shared vehicle parking stalls to be shared between visitor, restaurant, and conference centre uses depending on time of day;
    2. Provision of 50% of long-term bicycle parking spaces with access to an electrical outlet to enable E-bicycle charging;
    3. Provision of 21 on-site long-term oversized cargo bicycle sized stalls 2.4m long x 0.9m wide;
    4. Contribution to the BC Transit EcoPASS program in the amount of \$13,280 for use by building residents and employees of commercial uses;
    5. Provision of 23 long-term bicycle stalls and 17 short-term bicycle stalls in excess of minimum *Zoning Regulation Bylaw 2018* long-term and short-term bicycle stall requirements;
    6. Provision of a bicycle wash and repair station with a functioning spigot and drain in a dedicated bicycle maintenance area;
    7. End of trip facilities including two shower and change room areas located on the second or third level of the west building when the commercial interior premises is built out.
3. That adoption of the zoning bylaw amendment will not take place until:
- a. all of the required legal agreements that are registrable in the Land Title Office have been so registered to the satisfaction of the City Solicitor.
4. That the above Recommendations be adopted on the condition that they create no legal rights for the applicant or any other person, or obligation on the part of the City or its officials, and any expenditure of funds is at the risk of the person making the expenditure.

## Development Permit with Variances Application

That Council, after giving notice, and after adoption of the necessary zoning bylaw amendment, if it is adopted, consider the following motion:

- “1. That Council authorize the issuance of Development Permit with Variances No. 00301 for 1101 Yates Street, in accordance with plans submitted to the Planning and Development department and date stamped on November 26, 2025, subject to:
- a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. increase maximum building height from 45.0m to 63.0m;
    - ii. increase maximum rooftop structure projection from 5.0m to 6.5m;
    - iii. increase maximum roof coverage for a rooftop structure from 20% to 44%;
    - iv. decrease the setback for rooftop structures from roof edge from 3.0m to 0.0m
    - v. reduce the side (Yates Street) setback for buildings greater than 23.0m in height supporting residential use from 10.0m to 8.0m for the portion of the building greater than 18m in height;
    - vi. reduce the side (View Street) setback for buildings greater than 23.0m in height supporting residential use from 10.0m to 5.4m for that portion of the building greater than 18.0m in height;
    - vii. reduce the side (north internal) setback for buildings greater than 23.0m in height supporting non-residential use from 10.0m to 3.6m for that portion of the building greater than 18.0m in height;
    - viii. reduce the rear (east-south) setback for buildings greater than 23.0m in height supporting residential use from 8.0m to 5.0m for that portion of the building greater than 5m in height;
    - ix. reduce the residential vehicle parking from 130 stalls to 125 stalls; and,
    - x. reduce the commercial vehicle parking from 80 stalls to 67 stalls.
2. That the Development Permit with Variances, if issued, lapses two years from the date of issuance, or, if the DPV is not issued by two years from the date of this resolution, then the DPV lapses two years from the date of this resolution. “

## LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a concurrent Development Permit with Variances (DPV) Application.

Relevant rezoning considerations include:

- Increasing the density from 1.5:1 to 4.85:1 floor space ratio.
- Adding residential, childcare facility, and assembly as permitted uses.

Relevant DPV considerations include the application’s consistency with design guidelines and the impact of variances.

## Enabling Legislation

Attachment E describes the relevant sections of the *Local Government Act* listed here.

- Section 479, Zoning Bylaws
- Section 483, Housing agreements for affordable housing and special needs housing
- Section 489, Development permits
- Section 491, Development permits: specific authorities
- Section 464(3), Public hearing prohibited

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application and Development Permit with Variances Application for the property located at 1101 Yates Street. The proposal is to rezone from the S-1 Zone, Limited-Service District, to a new zone to increase the density and allow a mixed-use development consisting of two buildings (six storeys and 19 storeys) over a shared underground parkade. Uses include ground floor retail/restaurant use, licensed childcare, conference and commercial office spaces and 175 rental residential units.

The application is being made in partnership with the BC General Employees' Union (BCGEU) and its affiliated non-profit housing organization, Affordable BC Housing Society. Affordable BC Housing Society, a non-profit housing provider, is intended to be the long-term owner and operator of the residential rental units. Twenty percent of units will be secured as below-market rental units and 20% as accessible dwelling units. There is a concurrent DPV Application pertaining to the proposed form, character, exterior design, finishes and landscaping, as well as water and energy conservation and the reduction of greenhouse gases. Variances are required for vehicle parking, building height, building setbacks, roof structure projection, and roof structure coverage.

While the project is recommended for support as it advances key housing objectives and community benefits, there are several policy areas and design objectives on which the application falls short, including shared amenity space and building floorplate size. Further, City policy encourages low-embodied carbon forms of development, and although the applicant has not committed to pursuing zero carbon construction standards, the applicant has agreed to provide a Life Cycle Assessment for the proposed building. The following points were considered in assessing the Rezoning Application:

- The proposal is consistent with the Principles of Good Urban Design in the Official Community Plan (OCP), including but not limited to building and site design that creates positive relationships with surroundings, supports street vitality, and uses green infrastructure to mimic natural systems.
- The proposal is generally consistent with the urban structure concept for the downtown core in the OCP.
- The proposal is consistent with the Housing Prioritization policy in the *Rezoning and Development Policy (2025)* by addressing housing needs identified as key areas of local need in the 2020 Housing Needs Report including: rental housing, non-market housing, accessible housing, and housing for families.
- The proposal exceeds the minimum number of required family housing units (two- and three-

bedroom units).

- The proposal is inconsistent with the Downtown Core Area Plan (DCAP) guidance on density, number of storeys, building height, and tapering of heights at the edges of the downtown core area. Departures from the DCAP is supportable due to the rental tenure, secured affordability, accessible units, childcare facility, and exceeding the family housing requirements.

The following points were considered in assessing the Development Permit with Variances:

- The proposal is inconsistent with the Downtown Core Design Guidelines related to floorplate size and a lack of vertical break in the east elevation but is otherwise generally consistent with the guidelines.
- The setback variances are recommended for support as the subject property is a corner site that has frontages on Cook Street, View Street, and Yates Street, and reducing the View Street setback provides a building to street relationship that promotes vitality.
- At 18 stalls, the parking variance is minor given the overall parking demand and is recommended for support given the proposed transportation demand management measures, which includes a contribution to a BC Transit EcoPASS fund, bicycle parking in excess of the minimum requirements, provision of over-sized bike parking stalls, bicycle wash and repair station, and end-of-trip facilities.
- The height variance is recommended for support, as the departure from the DCAP concept is recommended as detailed in above. The proposal also meets the design guidelines related to shadowing impacts.
- The increase in roof coverage is recommended for support to accommodate the required mechanical equipment, and the architectural merit of the rooftop structure.

## DESCRIPTION OF PROPOSAL

This proposal is to rezone the subject property to allow a mixed-use development consisting of two buildings (19 storeys on the west portion of the site and six storeys on the eastern portion of the site) over a shared underground parkade, as follows:

- Uses in the west building include ground floor restaurant use, conference and commercial office spaces and 143 rental residential units.
- The ground floor use in the east building consists of a 37-space licensed childcare operation, with the remaining 32 residential rental units above.
- 20 percent of units, distributed across both buildings, will be secured at below market rental rates.
- 20 percent of units will also be accessible homes, as defined per the *British Columbia Building Code* (BCBC).

The application is being made in partnership with the BC General Employees' Union (BCGEU) and its affiliated non-profit housing organization, Affordable BC Housing Society. Affordable BC Housing Society, a non-profit housing provider, is intended to be the long-term owner and operator of the residential rental units.

The following differences from the standard CBD-1 zone are being proposed and would be accommodated in the new zone:

- increase the FSR from 1.5:1 to 4.85:1
- add residential, childcare facility, and assembly as permitted uses.

The zoning data table attached to this report (Attachment D) provides a more detailed comparison of the proposal to the standard zone.

The associated DPV is for the form, character, water and energy conservation, reduction of greenhouse gases and landscaping of the proposed redevelopment and includes the following variances:

- increase maximum building height from 45.0m to 63.0m;
- increase maximum rooftop structure projection from 5.0m to 6.5m;
- increase maximum roof coverage for a rooftop structure from 20% to 44%;
- decrease the setback for rooftop structures from roof edge from 3.0m to 0.0m;
- reduce the side (Yates Street) setback for buildings greater than 23.0m in height supporting residential use from 10.0m to 8.0m for the portion of the building greater than 18.0m in height;
- reduce the side (View Street) setback for buildings greater than 23.0m in height supporting residential use from 10.0m to 5.4m for that portion of the building greater than 18.0m in height;
- reduce the side (north internal) setback for buildings greater than 23.0m in height supporting non-residential use from 10.0m to 3.6m for that portion of the building greater than 18.0m in height;
- reduce the rear (east-south) setback for buildings greater than 23.0m in height supporting residential use from 8.0m to 5.0m for that portion of the building greater than 5.0m in height;
- reduce the residential vehicle parking from 130 stalls to 125 stalls; and,
- reduce the commercial vehicle parking from 80 stalls to 67 stalls.

## **BACKGROUND**

### **Land Use Context and Site Development Potential**

The subject property is at the periphery of the downtown core on the western edge of the Fernwood neighbourhood (see Figure 1: Subject Property). It is situated at the southeast corner of the intersection of Yates Street and Cook Street, stretching south and east to View Street. The site is surrounded by a range of residential uses at varying scales, as well a range of commercial, office, and retail uses.

Immediately adjacent land uses include medical offices (1121 Yates Street), residential (1138 View Street), commercial/office (1175 Cook Street), and mixed used commercial/residential (1100 Yates Street and 1045 Cook Street – the eastern extent of the Starlight Development).

The site was previously used as a vehicle dealership that is no longer in use. It is currently used as an artist space, vehicle and equipment rental, and a privately operated pay parking lot.

Under the current S-1 Zone – Limited-Service District, the property could be developed for a range of service, commercial, and industrial uses at a 1.5:1 floor space ratio (FSR).



## COMMUNITY CONSULTATION

### Pre-Application Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, prior to submission of the application:

- it was posted on the Development Tracker along with an invitation to complete a comment form on June 27, 2025
- the applicant participated in an in-person meeting with the CALUC on July 15, 2025
- mailed notification was sent to owners and occupiers of property within 100m of the subject property advising that a consultation process was taking place and that information could be obtained and feedback provided through the Development Tracker
- a sign was posted on site, to notify those passing by of this consultative phase

A letter dated August 31, 2025, along with the comment forms are attached to this report.

In response to the consultation the applicant has reduced the height of the west tower by one storey and increased the height of the east building by one storey.

### Consultation Prior to Consideration of Approval

Consistent with the *Land Use Procedures Bylaw*, following submission of the application:

- it was posted on the Development Tracker on June 27, 2025
- on-site signage notifying the public of the application was posted on February 6, 2026.

The *Local Government Act* prohibits a local government from holding a public hearing for a rezoning application that is consistent with the OCP and is intended to permit residential development. However, notice must still be sent to all owners and occupiers of adjacent properties prior to introductory readings of the zoning regulation bylaws.

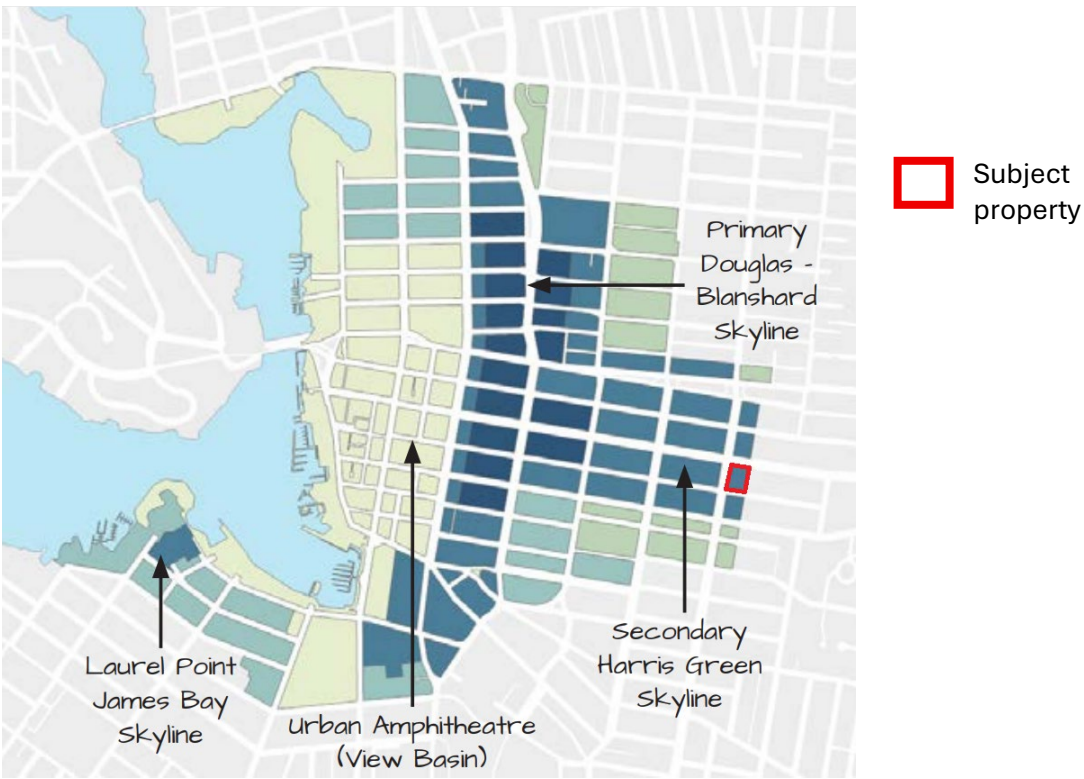
The associated application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

## ANALYSIS

### Rezoning Application

#### Official Community Plan

The subject property is designated within the Downtown Core in the *Official Community Plan Bylaw, 2025 (OCP)*. Sites within the Downtown Core are envisioned to have a range of heights, with intensive and taller building forms tapering up from the harbour and back down towards the outer shoulders of the core, as represented in Figure 2 (Figure 8 of the OCP) and guided by City policy. The darker blue colour represents the higher built forms, with lighter blue and green showing heights trending downwards.



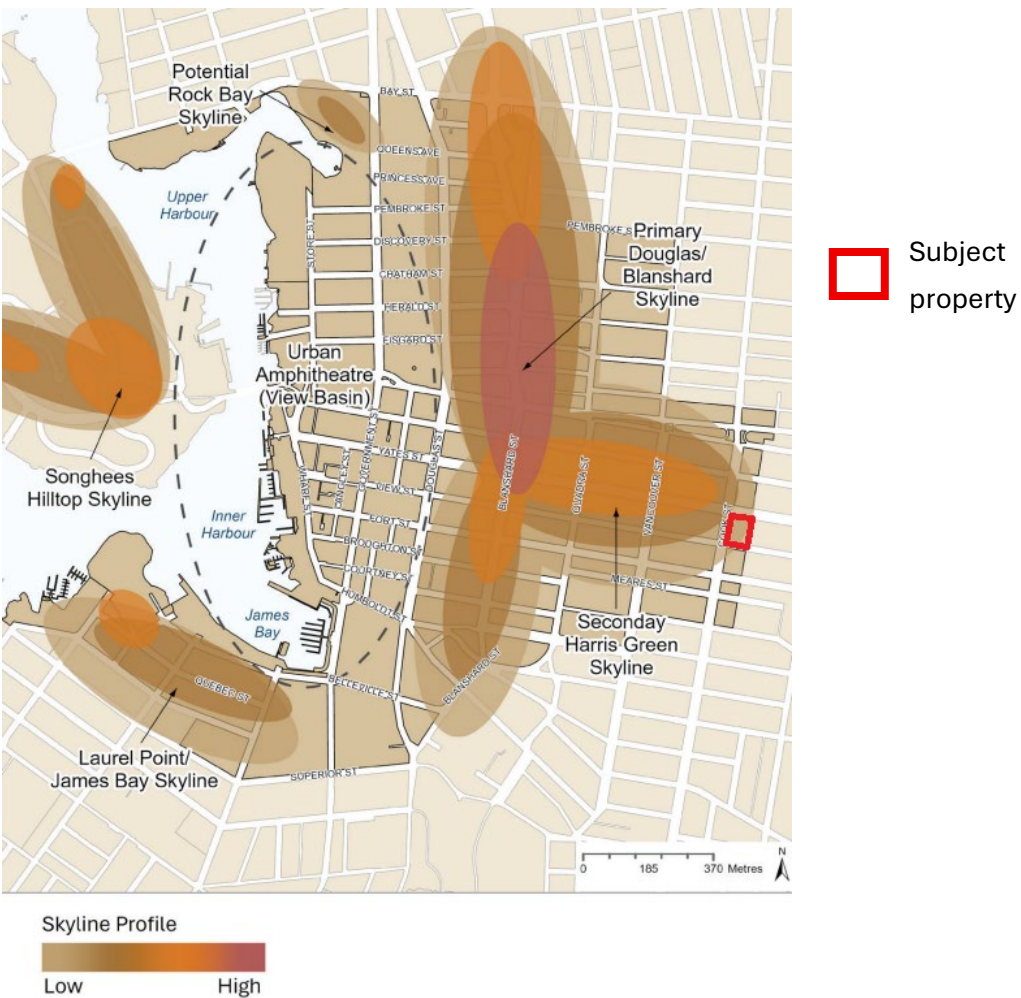
**Figure 2: OCP Figure 8**

At 19 storeys, the proposal is generally consistent with the expected built form as guided by the OCP Urban Structure Concept.

In addition, the project meaningfully advances housing affordability and address OCP objectives of supporting climate forward growth. The applicant has committed to completing a Lifecycle Assessment of the design to estimate embodied carbon from building materials and indicate a below-baseline goal for embodied carbon reduction.

Downtown Core Area Plan

Under the *Downtown Core Area Plan* (DCAP, 2025) the subject property is with the Residential Mixed-Use District and envisioned to develop at a density of up to 3:1 FSR and a maximum height of 45m and 15 storeys. Complimenting the OCP urban structure concept noted above, the urban amphitheater concept in the DCAP calls for the skyline profile to be trending downwards at the edges of the downtown core (See Figure 3: DCAP Map 20: Urban Amphitheater Concept).



**Figure 3: Downtown Core Area Plan Map 20: Urban Amphitheater Concept**

At 4.85:1 FSR, and the east building at approximately 63m and 19 storeys (not including rooftop mechanical equipment and screening), the proposal is inconsistent with density, height, and storey guidance in the DCAP. The DCAP encourages the concentration of tall buildings between Douglas Street and Blanshard Street and along Yates Street east of Douglas Street.

The proposal furthers several other DCAP goals, including:

- developing diverse housing types for both families and individuals
- supporting new residential development that blends market and non-market housing
- incorporating green infrastructure
- redevelopment of vacant and under-developed sites with more intensive uses that support the economic function of downtown
- provision of a childcare facility within the downtown core area
- transit supportive uses (e.g., office use) and higher density development are accommodated and focused along primary transit corridors (Cook Street and Yates Street)
- improved public realm environments for pedestrians.

While the density of development exceeds what is contemplated in the DCAP, the proposal delivers a range of other benefits that support an increase in the density.

The proposed development is also consistent with the emerging built form of the immediately adjacent context. The site currently under construction at 1050 Yates Street has buildings of 28 storeys and 15 storeys; also under construction, phase one of the Harris Green Village development at 1045 Yates Street has buildings of 23 and 22 storeys; and the completed project at 1100 Yates Street is 12 storeys.

### Rezoning and Development Policy

The *Rezoning and Development Policy, 2025* (RDP) provides additional policy guidance on rezoning applications, in conjunction with the OCP. The RDP provides general and site-specific guidance; as the downtown core is not specifically referenced in the RDP, only the general policies are applicable.

Rezoning and Development Policy sets out a more flexible decision-making framework to facilitate development of housing, that provides:

- affordable housing
- rental housing
- housing for people with disabilities
- housing for seniors
- housing for families
- homelessness.

The proposal advances four of the above key areas by providing secured rental housing, 20% secured below market units, 20% accessible dwelling units, and 49% family housing units (30% two-bedroom and 19% three-bedroom units).

### Public Realm and Sustainable Mobility

There are a number of public realm and sustainability mobility improvements associated with this application provided as per the *Works and Services Bylaw*. These include:

- 2.2m-wide volumetric statutory right-of-way (SRW) on View Street for public access (e.g. sidewalk and increased pedestrian area)
- streetscape elements consistent with the *Downtown Public Realm Plan*
- soil cells for all new street trees
- traffic calming features – curb bulb-outs on View Street
- stormwater infrastructure in public boulevards.

The following Transportation Demand Management measures would be secured with a Section 219 covenant, registered on the property's title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment:

- enhanced bike parking (additional quantities, cargo and electric bike parking, maintenance facilities)
- end-of-trip facilities (showers, lockers, change rooms)
- contribution to BC Transit EcoPASS program in the amount of \$13, 280.

## Housing

The application, if approved, would add approximately 175 new residential rental units in perpetuity, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

### *Affordability Targets*

The applicant is proposing to secure 20% (35 units) as affordable units for a term of 60 years. The affordable units will be leased at Canada Mortgage and Housing Corporation (CMHC) Median Market Rents, targeting median income households (for studio, one- and two- bedroom units) and low to moderate income households (for three-bedroom units). The income limit for three-bedroom units is higher to reflect the higher income required to meet the corresponding rent rate.

As of October 2025, CMHC Median Market Rents, by bedroom type, in Victoria are as follows:

- Studio \$1,318
- One-Bedroom \$1,620
- Two-Bedroom \$1,980
- Three Bedroom \$3,300

This amount is adjusted annually based on CMHC published rates with updated rates applied to new tenancies. The applicant is proposing to secure a range of unit types as affordable (see Housing Mix section below.)

### *Housing Mix*

The Rezoning and Development Policy specifies that rezoning applications should meet the minimum unit type percentages specified in a standard residential zoning – 30% of total units should be two- or three- bedroom, with 10% as three-bedroom or larger for rezoning applications for new multi-unit residential construction consisting of four or more stories.

As submitted, this application proposes a unit mix (See Table 1: Proposed Unit Mix) that exceeds the minimum family housing targets for two- and three-bedroom units, with nearly half (85 units or 48%) of all units meeting the definition of a family housing unit.

	<b>West Building</b>	<b>East Building</b>	<b>Total</b>
<b>Total Units</b>	<b>143</b>	<b>32</b>	<b>175</b>
<b>Total affordable units</b>	<b>29</b>	<b>6</b>	<b>35 (20%)</b>
Studio (market)	13	0	16 (9%)
Studio (affordable)	3	0	3 (2%)
1-Bedroom (market)	38	21	74 (42%)
1-Bedroom (affordable)	10	5	15 (9%)
2-Bedroom (market)	35	4	52 (30%)
2-Bedroom (affordable)	12	1	13 (7%)
3-Bedroom (market)	28	1	33 (19%)
3-Bedroom (affordable)	4	0	4 (2%)

**Table 1: Proposed Unit Mix**

## *Legal Agreements*

A legal agreement is being proposed which would secure the rental tenure of all residential units in perpetuity and the affordable units for a minimum of 60 years as described above, as well as 20 percent accessible dwelling units.

## *Housing Prioritization*

The *Rezoning and Development Policy* prioritizes the delivery of sufficient and diverse housing within a livable, sustainable community. The delivery of housing – particularly those types that are identified as priority needs in the Housing Needs Report – can be prioritized with a flexible decision-making process in situations where issues such as site constraints, site characteristics, or policy conflicts make full compliance with all City objectives unachievable.

The *Capital Regional District Housing Needs Assessment for the City of Victoria (2020)* identifies affordable housing, rental housing, housing for people with disabilities, and housing for families as key areas of support, among others. The application as proposed delivers on all of these priority areas to some degree.

Projects that are considered under the Housing Prioritization framework are still expected to uphold the core objectives of the OCP and principles of good urban design as set out in the applicable design guidelines. Site-specific constraints or conditions may require trade-offs on policy objectives, standards, and regulatory requirements may be necessary. The flexibility, while guided by the applicable development permit guidelines, may be considered to support housing outcomes. As the proposal furthers several city goals related to housing development, in particular below market units, the Housing Prioritization policy supports the departure from the DCAP density and height (and floor plate maximums) envisioned for this location.

## **Development Permit with Variances Application**

### Official Community Plan: Design Guidelines

The *Official Community Plan (OCP)* identifies this property within DPA 2, Downtown Core Area and is therefore subject to the *Downtown Core Design Guidelines (2025)*. The *Downtown Core Design Guidelines* are intended to ensure that new development applications are a ‘good fit’ for the downtown core. The guidelines provide direction on how new development should:

- interact with adjacent streets
- provide open space
- contribute to the urban forest
- create comfortable, human scaled and pedestrian oriented public spaces
- reinforce the block pattern of development
- accommodate a broad diversity of land uses and building types
- integrate taller building forms through defined base, middle, and top building elements, with design that is both contemporary and contextual.

The proposal is generally consistent with the guidelines as identified above; however, there are some areas where the proposal is inconsistent with the guidelines, as discussed in sections below.

### *Floorplate Size*

For high-rise residential and mixed-use buildings (over 36m), the Downtown Core Design Guidelines recommend that building forms be slender point towers, with generous separation distances. This includes guidance that building floorplates be limited to 650m<sup>2</sup>. The proposal exceeds the minimum, at over 825m<sup>2</sup>. The application includes a massing rationale document (see Attachment F) detailing the justification for the larger floorplate. The primary reason for the larger floorplate is the efficiency of the unit layouts, and the delivery of approximately 16 fewer units (or potentially more) if the building was required to meet the maximum floorplate size.

The proposed tower floorplate size does comply with other guidelines, including being under the maximum width of 24m (at 22m), and being oriented north-south to minimize shadowing of public streets and open spaces.

If the floorplate size is revised to be closer to the guidelines, it is likely that the overall unit count would be reduced, including the number of below-market units – an estimated reduction of approximately four units. As noted in the Rezoning Application Analysis section above, there is OCP and other city policies that support design departures to achieve other objectives, such as diversity of housing types and below market units.

### *Façade Composition and Building Massing*

The Downtown Core Design Guidelines suggest that building façades provide visual interest to pedestrians through design interventions such as horizontal or vertical articulation such as recessed façades, projecting bays, balconies, changes in building plane, or varying colours and textures. The guidelines further describe that the apparent horizontal length of façades greater than 35m should be mitigated by incorporating a significant vertical break in the façade.

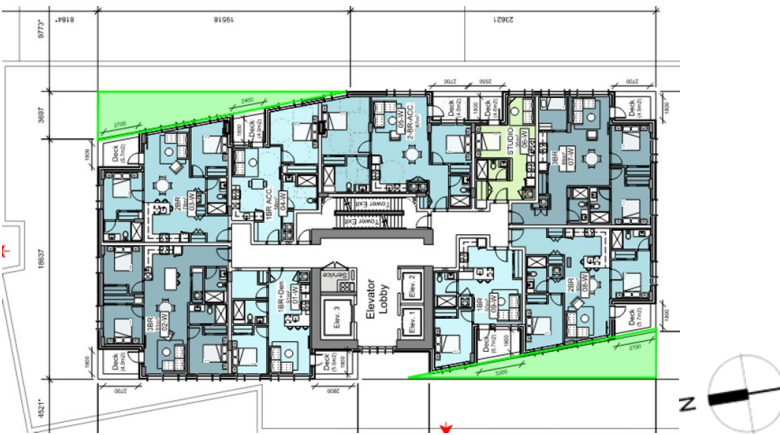
The tower portion of the proposal is approximately 43m north-south; therefore, in accordance with the guidelines, there should be a significant vertical break in the façade to mitigate the appearance of the building mass. There is a significant vertical break of approximately 5.5m in the west facing façade, but no such break exists for the east facing façade.



**Figure 4: Location of vertical break in west façade (shown in green)**



**Figure 5: Suggested location of vertical break in west façade (shown in red)**



**Figure 6: Areas of angled east and west façade (shown in green)**

The proposed building does angle portions of the east and west façade to reduce the massing along one plane as shown in Figure 6. This angling of the façade mitigates the impact of not incorporating a vertical break.

### *Outdoor Common Spaces*

The Downtown Core Design Guidelines specify that developments should incorporate outdoor common spaces into upper storey terraces, rooftops and/or internal courtyards to support a variety of activities, social interaction, and gathering space.

The proposal delivers a significant outdoor common space at the fourth level of the west building, which provides opportunities for gathering and social interaction. There is no common outdoor amenity space dedicated to the east building; a rooftop amenity space is not provided. The ground level outdoor space is dedicated to the childcare use.

The outdoor space provided in the west building will be available to all residents of both buildings. However, it may not be practical for residents of the east building to access the outdoor space on the west building. There is no indoor amenity space provided in the east building. Therefore, as proposed, the east building is deficient on amenity space for residents. The applicant has indicated that it is not structurally feasible to add rooftop amenity space to the east building and has provided a letter from the project’s structural Engineer (see Attachment H). It is recommended that this be explored further, and that an amenity space be added to the rooftop if determined to be feasible while maintaining the building program.

### VariANCES

A number of variances are proposed, relating to height, setbacks, parking, and rooftop structures, and these are discussed in more detail below. It should be noted that variances are a tool for achieving the best outcome possible in development proposals, and the additional attention they afford will often result in positive design solutions that achieve City objectives such as urban forest goals or meaningful advancement of affordability objectives. Variances are recommended, instead of enshrining the changes in the site-specific zone, so that in the event this proposal does not

proceed to construction, any future proposals are considered against standard zoning requirements to ensure the potential impacts of variances are mitigated by good design solutions.

### Height

The applicant is proposing an increase to the building height from 45m to approximately 63m. As noted in the Analysis section above, this represents a departure from the DCAP. The rationale for the departure from the height is guided by the *Rezoning and Development Policy* housing priority policies provided in that section; therefore, given the housing considerations the associated height variance is recommended for support.

The guidelines require tall buildings to maintain access to sunlight and sky view from public open spaces. The applicant has conducted a shadow study to demonstrate compliance with the DCAP guidelines on shadowing of adjacent streets.

### Setbacks

The proposal requires setbacks for both the west (19 storey) building and the east (six storey) building. Given the “L” lot shape, and the span from Yates Street to Cook Street, the setback labels applicable to each lot line are outlined in Figure 7 for clarity and discussed below.



Figure 7: Setback labels

Only the portion of the west building above 18m in height requires a setback, from the recommended 10m to 8m. The recommended setback is intended to guide the tower placement on site, by stepping back the tower from the podium wall. In this instance, the tower is shifted slightly northward, in part to accommodate the outdoor amenity space on level four. If the Yates Street setback were to be increased, it would likely have a negative impact on the size of the outdoor area. Given the trade-off of improved outdoor space, the setback variance for the west building is recommended for support.

The built form of the east building differs significantly from the west, as it is a six-storey form with no podium or tower. However, the same zone standard and lot lines apply. The result is that the View Street side, internal side, and rear (south portion) lot line setbacks all require variances.

The View Street elevation maintains the 3.0m setback that is proposed at ground level; there is no stepping back of the building. Given the preference to have the building close to the street to maintain a positive building-street interface, the reduced setback above 18m is recommended for support.

The side internal setback similarly requires a 10m setback above 18m. However, due to lot shape, the side internal setback functions more as a rear setback for the east building. The 3.6m setback variance required is also only to accommodate an exit staircase with no windows, all habitable areas of the east building are at least 5.6m from the side internal lot line. At a height of 20m, the portion of the building above 18m subject to the 10m setback is minimal.

The rear setback for the east building is the easternmost lot line and is expected to be 8m for the portion of the building above 5m in height, which would involve stepping back the upper storeys. Due to lot layout and site design, the eastern most lot line functions more as a side lot line. Stepping back the eastern side of the building would affect the efficiency of the floorplate and likely result in the loss of units.

The setback variances for the east building are minimal and mitigated where impact would be greatest. Therefore, the variances are recommended for support.

### *Parking*

The proposed parking variance is relatively minor at 18 vehicle parking stalls, or 9% of total required parking stalls. To offset the reduction in the vehicle parking spaces, the applicant has indicated an increased supply of bicycle parking stalls: 23 (10% more than required) long-term stalls and 17 (49% more than required) short-term stalls. The applicant is also proposing 21 oversized bicycle (i.e. cargo bicycle) stalls and that 50% of all bike stalls will have access to an electrical outlet for e-bike charging. Other facilities offered include a bicycle repair station and end of trip facilities (shower and changeroom) in the office space. A contribution of \$13,280 towards a BC Transit EcoPASS fund will also be provided, calculated to correspond to the projects identified parking variance. The fund will be accessible to all residents and employees on the site.

The applicant is also proposing to share 50 vehicle spaces between uses that will likely have different demands depending on time of day. The proposed stalls would be shared between visitor, restaurant, and conference centre uses. The conference centre is expected to generate more parking demand during daytime office hours (e.g. 9 a.m. to 5 p.m.), whereas visitor and restaurant use will likely be highest after 5 p.m.

These elements that exceed minimum requirements will be secured with a Section 219 covenant, registered on the property's title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

The proposed Transportation Demand Management (TDM) measures are considered to be sufficient to offset the vehicle parking stall reduction and are recommended for support.

### *Rooftop Structures*

The rooftop design requires three variances – the rooftop structure projects 1.4m above the 5m permitted and is 0.0m from the roof edge (3m is required), and the proposed roof coverage is 44% (typically limited to 20%). The 0m setback is only required for one portion of the west side of the rooftop, the south and east.

The three variances are linked as they are all proposed to accommodate the rooftop structure that will enclose the mechanical equipment. The structure has also been designed as the base on which future solar panels will be mounted. The proposed screening of the mechanical equipment is consistent with the architecture (including materiality) of the building, and the peaked form of the screening provides visual interest and a 'top hat' to the building form. This approach is consistent with the Downtown Core Design Guidelines, which encourage rooftop mechanical equipment to be screened creatively.

The impacts of the increased variances are minor, especially when viewed from street level. Given the architectural merit of the proposed screening, the rooftop variances are recommended for support.

### Accessibility

The proposed pedestrian frontages surrounding the proposed building are designed to be accessible. Twenty percent of the dwelling units will be fully accessible dwelling units that provide access for persons with disabilities, as defined by the *British Columbia Building Code*. This exceeds the minimum BCBC requirement that one in five dwelling units (20%) be designed and constructed as adaptable dwelling units – units that facilitate future modification to provide access for persons with disabilities. As this commitment to provide those access modifications at time of occupancy exceeds the minimum requirements, it is recommended that the accessible units be secured with a Section 219 Covenant, registered on the property's title, prior to Council giving final consideration to the proposed Zoning Regulation Bylaw amendment.

### Sustainability

As indicated in the applicant's letter dated August 11, 2025, the entire development has been designed to target Step 3 of the BC Energy Step Code, which exceeds the minimum requirement for the west building (Step 2), but is the minimum BC Energy Step Code requirement for the east building.

As noted above, the OCP encourages applications that advance low-embodied carbon development solutions and/or provide significant climate action benefits. To achieve this outcome, the applicant has committed to completing a Life Cycle Assessment (LCA) to estimate embodied carbon from building materials and indicate a below-baseline goal for embodied carbon reduction, including

describing the steps that they intend to take to do so.

Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel on October 22, 2025. At that meeting, the following motion was passed:

*That the Advisory Design Panel recommend to Council that Development Permit with Variances Application No. 00301 for 1101 Yates Street be approved as presented.*

The application has remained essentially unchanged from Advisory Design Panel review.

Tree Protection Bylaw and Urban Forest Master Plan

The goals of the Urban Forest Master Plan include protecting, enhancing, and expanding Victoria’s urban forest and optimizing community benefits from the urban forest in all neighbourhoods. Based on 2019 LiDAR analysis, Fernwood canopy cover is 32%.

A total of 13 trees has been inventoried. Of these, there are five bylaw protected trees on the subject lot and one protected tree located offsite on a neighbouring property. There are currently four boulevard trees along the Cook Street frontage, three along the Yates Street frontage and none along View Street. All trees on the subject lot will require removal to enable parkade and building excavation. Two boulevard trees on the Yates Street frontage will require removal to facilitate offsite works. The offsite tree and five boulevard trees will be retained following mitigation measures outlined in the arborist report.

The landscape plan shows 22 new trees which meet the minimum replacement tree requirements outlined in the tree bylaw. Under the current proposal, the applicant will be required to pay \$12,000 for six replacement trees not planted. Three new boulevard trees are proposed along the Yates Street frontage, and five are proposed in turf boulevards and rain gardens along the View Street frontage. All new boulevard trees will be irrigated.

Increased Inventory	Annual Maintenance Cost
Street Tree – 5 net new	\$300
Rain Gardens	\$4000
New Grass Boulevards	\$210
Irrigation System	\$1600

**OTHER POLICY CONSIDERATIONS**

Community Safety and Wellbeing Plan

Victoria’s Community Safety and Wellbeing Plan (2025) sets out recommendations for enhancing the quality of life for the community, residents, workers, businesses, and visitors. Consistent with the plan, the proposal provides additional housing options for residents, with 20% of units secured as below market. The proposal is also consistent with the goal of improving the downtown public realm by providing public realm contributions above minimum standards, as secured on title. The

proposal further provides economic opportunities by locating commercial, office, and assembly uses downtown.

## **CONCLUSIONS**

The proposal is generally consistent with the OCP's urban structure concept. The proposal also significantly advances several city goals related to rental, below-market, family, and accessible housing. City policy provides a flexible decision-making framework for projects that delivers meaningfully on housing priorities. As the proposal does deliver on several of those priorities, it is recommended for support.

Respectfully submitted,

Geordie Gordon  
Senior Planner  
Development Services Division

Karen Hoese  
Director  
Planning and Development Department

**Report accepted and recommended by the City Manager.**

## **List of Attachments**

- Attachment A Subject Map
- Attachment B Plans date stamped November 26, 2025
- Attachment C Letters from applicant to Mayor and Council dated August 11, 2025, and November 26, 2025
- Attachment D Zoning Data Table
- Attachment E Enabling Legislation
- Attachment F Massing Rationale dated November 20, 2025
- Attachment G Parking Study dated November 14, 2025
- Attachment H Structural Engineer letter dated February 17, 2026
- Attachment I Minutes from the October 22, 2025, Advisory Design Panel
- Attachment J Community Association Land Use Committee Comments dated August 31, 2025
- Attachment K Pre-Application Consultation Comments from Online Feedback Form
- Attachment L Correspondence (Letters received from residents)