



## Council Report

### For the Meeting of March 25, 2021

---

**To:** Council **Date:** March 11, 2021

**From:** Karen Hoes, Director, Sustainable Planning and Community Development

**Subject:** **Development Permit with Variances Application No. 00130 for 1150 Cook Street**

---

### RECOMMENDATION

That Council give first, second and third readings of Housing Agreement Bylaw (No. 21-031) and that, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion (amendments noted in bold text below):

"That Council authorize the issuance of Development Permit with Variance Application No. 00130 for 1150 Cook Street in accordance with:

1. Plans date stamped **February 2, 2021**.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Increase the height from 30m to 47.57m;
  - ii. Increase the number of storeys from 10 storeys to 16 storeys.
3. **Receipt of a letter from the Ministry of Environment confirming that the landowner has met the requirements of Section 557(2) of the Local Government Act with respect to contaminated sites.**
4. Final plans to be generally in accordance with plans date stamped **February 2, 2021**.
5. The Development Permit with Variances lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the Local Government Act, Council may issue a Development Permit in accordance with the applicable guidelines specified in the Official Community Plan. A Development Permit may vary or supplement the Zoning Regulation Bylaw but may not vary the use or density of the land from that specified in the Bylaw. Pursuant to Section 491 of the Local Government Act, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with updated information, analysis and recommendations for a Development Permit with Variance Application for the property located at 1150 Cook Street. The proposal is to construct a 16-storey, mixed-use building with ground-floor retail and residential above, including approximately 129 dwelling units. Variances are related to height and number of storeys.

## BACKGROUND

On December 3, 2020, Council passed a motion, included below, to forward this application to an Opportunity for Public Comment once the necessary conditions have been met. This report confirms that these conditions have been met and provides Council with updated information on the relevant design changes as well as proposed amenity contributions being offered by the applicant.

December 3, 2020 Council motion:

*That, subject to plan revisions to address the following:*

- a. Further consideration for the location of the gas meter on Cook Street and provision of additional detail for the design of the metal fence enclosure, to the satisfaction of the Director of Planning.*
- b. Clarification of the proposed architectural and landscape materials as it relates to the creation of a positive pedestrian experience, to the satisfaction of the Director of Planning.*
- c. Further consideration for access to the BC Hydro specifications and further consideration of future BC Hydro underground infrastructure to ensure that it does not negatively impact the street trees, to the satisfaction of the Director of Engineering and Public Works and Director of Parks, Recreation and Culture.*
- d. Corrections to satisfy Parks requirements and to resolve inconsistencies with the site plan, landscape plan and building cross sections as they relate to landscaping and street trees, to the satisfaction of the Director of Parks, Recreation and Culture.*
- e. Design revisions to reduce the impacts on the street trees along Cook Street, including reducing the pruning within the canopy and within the critical root zone to ensure the successful retention of these trees, to the satisfaction of the Director of Parks, Recreation and Culture.*

*And, subject to the preparation and execution of the following legal agreements in a form satisfactory to the City Solicitor to secure:*

- a. A future strata cannot restrict the rental of units, to the satisfaction of the Director of Sustainable Planning and Community Development.*
- b. Public realm streetscape improvements consistent with the Downtown Public Realm Plan and Streetscape Standard (DPRP) specifications to the satisfaction of the Director of Engineering and Public Works.*
- c. Provision of a minimum of four electric vehicle charging stations to the satisfaction of the Director of Sustainable Planning and Community Development.*

*And that subject to receipt of a letter from the Ministry of Environment confirming that the landowner has met the requirements of Section 557(2) of the Local Government Act with respect*

*to contaminated sites, Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:*

*“That Council authorize the issuance of Development Permit with Variance Application No. 00130 for 1150 Cook Street in accordance with:*

- 1. Plans date stamped September 30, 2020.*
- 2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
  - i. Increase the height from 30m to 47.57m;*
  - ii. Increase the number of storeys from 10 storeys to 16 storeys.*
- 3. Final plans to be generally in accordance with plans date stamped September 30, 2020.*
- 4. The Development Permit lapsing two years from the date of this resolution.”*

## **UPDATE**

### **Design Revisions**

Revisions to the plans were required to improve the pedestrian experience, reduce the impact on the street trees and to resolve inconsistencies with the site plan, landscape plan and cross sections as they relate to landscaping and street trees. Staff can confirm that the following changes have been incorporated:

- The gas meter has been relocated from the commercial frontage along Cook Street to the east side of the drive aisle on the underground parkade.
- Grey spandrel panels on the main floor commercial retail unit have been replaced with fritted spandrel panels, and the relocation of interior columns has enabled a larger proportion of clear glazing at the corner of the building.
- The setback of the building face (including decks and balconies) for the podium along Cook Street has increased from 0.5m to 1m.
- Cross sections have been updated to accurately reflect the street trees along Cook Street.
- The arborist report has been updated to account for future growth and maintenance of horse chestnut trees along Cook Street.

An external BC Hydro transformer will not be required, and a private substation located within the building will service the development, as confirmed by the applicant's electrical consultant.

### **Legal Agreements**

In accordance with the Council motion of December 3, 2020, the necessary legal agreements have been prepared and executed. A Housing Agreement Bylaw to ensure that future strata cannot restrict the rental of units has been prepared and is attached for Council's initial consideration (Bylaw No. 21-031). In addition, staff can confirm that a legal agreement has also been prepared and executed to secure public realm streetscape improvements consistent with the Downtown Public Realm Plan and Streetscape Standards (DPRP) and to secure the provision of a minimum of four electric vehicle charging stations.

### **Traffic Signal Contribution**

The applicant will be required to complete, and fund all works at the corner of Cook and View Street as a condition of building permit towards a future signal. This includes all related infrastructure such

as poles, bases, junction boxes and conduit. This contribution, estimated at \$80,000, is intended to reflect a proportion of new transportation demand generated from this development while considering anticipated demand from another proposed development immediately to the north (a concurrent Rezoning and Development Permit application is currently in stream but has not yet been considered at a Committee of the Whole meeting). The traffic signal is anticipated to be completed at a future date in coordination with other neighbouring developments. The details of the work associated with the traffic signal has been incorporated into the public realm and streetscape improvement covenant, and the applicant is agreeable to these terms.

### **Housing Reserve Fund Contribution**

As noted in the applicant's letter, a voluntary contribution of \$50,000 has been offered to the Victoria Housing Reserve Fund; however, this is not a relevant consideration for a Development Permit, and therefore has not been factored into staff's consideration or assessment of the application. Should Council decide to approve the application, this voluntary contribution would be payable at the time of building permit.

### **Ministry of Environment Release**

The previous motion included a condition that the City receive a letter from the Ministry of Environment confirming that the landowner has met the requirements of Section 557(2) of the Local Government Act with respect to contaminated sites, prior to setting an Opportunity for Public Comment. The applicant has confirmed that this process has been initiated but that a formal release letter may take some months to obtain. As such, the applicant has requested to move forward to an Opportunity for Public Comment and defer the formal release letter as a condition of the issuance of the Development Permit. The updated motion includes appropriate wording to ensure the Development Permit would not be issued until the release is received from the Ministry of Environment. Should Council decide to approve the proposal at an Opportunity for Public Comment, the applicant would have two years to obtain the release and substantially commence development, prior to the Development Permit expiring.

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on January 5, 2021 the revised application was referred to the Downtown Residents Association CALUC. A response had not been received from the CALUC at the time of writing. This 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.

### **CONCLUSIONS**

As per Council's motion on December 3, 2020, the applicant has incorporated revisions to improve the pedestrian experience and ensure the successful retention of street trees along Cook Street to the satisfaction of staff. The recommendation provided for Council's consideration contains appropriate language to advance the application to an Opportunity for Public Comment.

Respectfully submitted,

Charlotte Wain  
Senior Planner – Urban Design  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

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

**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped February 2, 2021
- Attachment D: Letter from applicant to Mayor and Council dated February 23, 2020
- Attachment E: Staff report and attachments presented at the November 26, 2020 Committee of the Whole meeting
- Attachment F: November 26, 2020 Committee of the Whole meeting minutes
- Attachment G: December 3, 2020 Council meeting minutes
- Attachment H: Bylaw No. 21-031.