



Committee of the Whole Report

For the Meeting of July 15, 2021

To: Committee of the Whole **Date:** July 2, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Development Permit with Variances Application No. 00150 for 1045 Yates Street**

RECOMMENDATION

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

- a. Further consideration of the design of the roof top structures including a reduction in height (with variance updated accordingly) and enhancements to the form and finishes to ensure consistency with the guidelines to the satisfaction of the Director of Sustainable Planning and Community Development.
- b. Incorporation of 2m guardrails on the roof terrace and any other wind mitigation measures that are recommended in the updated Pedestrian Wind Study to the satisfaction of the Director of Sustainable Planning and Community Development.
- c. Further consideration of the design of the public seating area at the intersection of Yates and Cook Street to ensure this space contributes positively to a vibrant streetscape experience to the satisfaction of the Director of Sustainable Planning and Community Development.
- d. Clarification of the window treatment along Yates and Cook Streets to ensure the proportion of clear glazing creates an active street edge and is consistent with the guidelines to the satisfaction of the Director of Sustainable Planning and Community Development.
- e. Further consideration to enhance the appearance of the west elevation and that practical maintenance can be achieved for the climbing vine system to the satisfaction of the Director of Sustainable Planning and Community Development.
- f. Clarification of the design of the garage doors on View Street to the satisfaction of the Director of Sustainable Planning and Community Development.
- g. Corrections to the paving patterns and street furnishings consistent with the Downtown Public Realm and Streetscape Plan to the satisfaction of the Director of Engineering and Public Works.
- h. Clarification of the details on the preliminary Utilities Plan to the satisfaction of the Director of Engineering and Public Works.
- i. Submission of an updated and corrected preliminary Electrical Plan to the satisfaction of the Director of Engineering and Public Works.

- j. Corrections to the road and curb alignment and lane configuration on View Street with associated updates to the traffic simulation models, to the satisfaction of the Director of Engineering and Public Works.
- k. Incorporation of additional building setback from the property line along Cook Street to ensure a minimum distance to any protrusion (including balconies) is no less than 1 m and greater than 1 m wherever possible to the satisfaction of the Director of Parks, Recreation and Facilities.
- l. Corrections to the landscape plan (or other relevant plan) to show all proposed trees to be removed and retained as well as proposed soil volumes for all new trees in beds and grates along Yates and View Streets to the satisfaction of the Director of Parks, Recreation and Facilities.
- m. Confirmation of whether CREST would be required to occupy equipment on the roof level for a new communication transmission site, to the satisfaction of the Fire Chief.
- n. Corrections to plans to ensure the compliance with the BC Building Code.

And that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00730, if it is approved, consider the following motion:

“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 that Council authorize the issuance of Development Permit with Variances Application No. 00150 for 1045 Yates Street in accordance with:

- 1. Plans date stamped June 15, 2021.
- 2. Development meeting all *Zoning Regulation Bylaw* requirements except for the following variances:
 - i. Increase the maximum number of storeys from 20 to 21
 - ii. Increase the maximum height from 60m to 68.51m
 - iii. Increase the maximum height allowed for rooftop structure from 5.0m to 9.46m
 - iv. Reduce the required number of residential vehicle parking stalls from 316 stalls to 268 stalls
 - v. Reduce the required number of residential visitor parking, commercial retail and daycare stalls from 117 stalls to 77 stalls
 - vi. allow for 28 short term bicycle stalls to be located further than 15m of a public entrance
- 3. Final plans to be generally in accordance with plans date stamped June 15, 2021.
- 4. The Development Permit 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 *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 revitalization of an area in which a commercial use is permitted, 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 information, analysis and recommendations for a Development Permit with Variances application for the property located at 1045 Yates Street. The proposal is for the construction of a mixed-use building consisting of ground floor commercial with residential units above including two towers ranging in height from 20 to 21 storeys. The proposal is concurrent with Rezoning Application No. 00730. Variances are required for building height, number of storeys, height of rooftop structures, vehicle parking and location of short-term bicycle stalls.

The following points were considered in assessing this application:

- The subject property is designated Residential Mixed-Use District in the *Downtown Core Area Plan*, 2011 (DCAP), which encourages multi-residential development.
- The application is consistent with the DCAP Guidelines in terms of placemaking and urban design objectives, built form that is complementary to the local context, and design of a positive interface with the public realm and the space between individual buildings. However, it is not consistent with the policies related to building height and exceeds the maximum number of storeys by approximately six storeys.
- The application is consistent with the *Guidelines for Fences, Gates and Shutters* (2010) and the *Advisory Design Guidelines for Buildings, Signs and awnings* (1981) in terms of providing a design that is complementary to the context, comprehensive in approach, and relevant in expression.

BACKGROUND

Description of Proposal

The proposal is to construct a mixed-use building with commercial units on the ground floor fronting Yates Street and Cook Street, six townhouse residential units fronting View Street and approximately 510 residential units above, in two towers at 20 and 21 storeys in height. The proposed maximum height is 68.51m (Tower A) and the proposed density is 6.2:1 Floor Space Ratio (FSR).

Major design components include:

- shared indoor and outdoor residential amenity space located on level two
- outdoor residential amenity space located on level four and on the roof of level 21 on Tower A (western tower)
- outdoor play space for the daycare on the roof of level two
- main residential building lobby entrance and separate daycare lobby on Yates Street
- vehicle parking for 268 residential stalls, 77 visitor and commercial stalls and three car share stalls located underground in three levels
- commercial loading on the main floor to the rear of the commercial retail unit accessed off View Street
- public realm streetscape improvements on Yates Street, Cook Street and View Street

- exterior building materials including:
 - a mixture of dark and warm grey brick and white and dark grey spandrel panels for the podium with some street level sections being dark grey painted concrete and dark grey aluminium panels
 - a mixture of aluminium panels in light and dark grey and spandrel panels for the tower
 - aluminium windows in dark grey
 - dark grey balcony guardrails with clear glazing for the tower and ceramic frit glass for the podium.

The proposed variances are related to:

- an increase the maximum number of storeys from 20 to 21
- an increase the maximum height from 60m to 68.51m
- an increase the maximum height allowed for rooftop structure from 5.0m to 9.46m
- a reduction in residential vehicle parking from 433 to 348
- a reduction in commercial/visitor parking from 117 to 77
- allowing 28 short term bicycle stalls to be located in excess of 15m from a public entrance.

Sustainability

As indicated in the applicant's letter dated July 6, 2021, the proposal includes provision on raingardens in the municipal boulevard along Yates Street and View Street, passive building envelope strategies for improved building performance as well as three car share vehicles, car share memberships and electric vehicle charging stations to reduce CO² emissions.

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*. The proposed amenity areas on the second, fourth and rooftop are designed to be accessible.

Existing Site Development and Development Potential

The property is currently occupied by a car dealership and associated surface parking. Under the existing R-48 Harris Green District zone, the western portion of this property could be developed as a mixed-use residential building up to ten storeys in height. The eastern portion of the site is zoned as S-1 Limited Service District zone, and could be developed up to a density of 1.5:1 FSR and 15m in height, with a range of permitted uses including recreational and entertainment services, restaurants and garages but excluding residential use.

Data Table

The following data table compares the proposal with the existing zones, as well as the *Official Community Plan*, 2012, and *Downtown Core Area Plan* policies. An asterisk is used to identify where the proposal is less stringent than the existing zones.

Table 1: Data Table (Harris Dodge Site)

Zoning Criteria	Proposal	R-48 Zone, Harris Green District	S-1 Zone, Limited Service District	OCP Policy	Downtown Core Area Plan (DCAP) Policy
Site Area (m ²) – minimum	6337	N/A	N/A	-	-
Density (Floor Space Ratio) – maximum	6.2*	N/A 9.82 Theoretical	1.5	5.5	5.5
Height (m) – maximum	68.51* (Tower A) 65.56* (Tower B)	30.00	15	-	45
Storeys – maximum	21* (Tower A) 20* (Tower B)	10	N/A	20	15
Setbacks (m) – minimum Yates Street (N)	3.00 (ground floor) 2.00 (podium) 0.45* (balconies) 9.00 (tower)	0.50	0.00	-	0.00 – 3.00
View Street (S)	0.75 (steps) 4.00 (ground floor building) 3.00 (podium)	0.00	0.00	-	0.00 – 3.00
Cook Street (E)	3.00 (ground floor) 2.00 (podium) 0.67 (balconies) 6.00 (tower)	0.00	0.00	-	0.00 – 3.00
Interior (W)	0.00*	0.00	3.00 (lots that adjoin residential use)	-	Building Separation Guidelines
Vehicle parking – residential – minimum	268*	0	316	-	-

Zoning Criteria	Proposal	R-48 Zone, Harris Green District	S-1 Zone, Limited Service District	OCP Policy	Downtown Core Area Plan (DCAP) Policy
Vehicle parking – residential visitor, commercial retail and daycare – minimum	77*	0	117	-	-
Car Share Stalls	3	N/A	N/A	-	-
Bicycle parking – long term – minimum	587	586	586	-	-
Bicycle parking – short term – minimum	70	70	70	-	-
Number of short term bicycle parking stalls within 15m of a building entrance	42*	70	70	-	-

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Downtown Residents Association CALUC at a Community Meeting held on December 3, 2019. A letter dated March 8, 2020 is attached to this report. Through the design revision process, a second CALUC meeting was triggered by an increase in height and density. A 30-day online consultation period was conducted, and the comments received during this process are attached to this staff report. A total of 182 online responses and two separate emails were received and the general theme was concerns related to height, density, loss of views, access to sunlight and construction disturbance. The majority of responses oppose the proposed development.

If further correspondence from the CALUC is received it will be forwarded to Council for consideration.

Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel at its January 13, 2021 meeting (minutes attached) and the Panel recommended the development permit be declined and that the following revisions be made:

- break up the mass of the podium
- more consideration of materiality of towers in terms of richness and variation
- consideration of providing access to some public open space or connection between View Street and Yates Street.

Staff feel that the applicant has adequately addressed the Advisory Design Panel's concerns as follows:

- the mass of the podium has been broken up by providing a deeper recess mid-block along Yates Street and two additional brick colours have been used to also help break up the massing
- the spandrel glass used on the two towers was changed to include feature metal panels with distinct colours to enhance variety and provide an identity for each tower
- a public seating area has been provided at the intersection of Yates Street and Cook Street in a space created by increasing the setback at the ground floor
- an enlarged space at the corner of Cook and View Street has been created and includes street furniture and custom paving.

A public access between Yates and View Street was not considered desirable due to potential safety concerns and the intention to include public access through the proposed plaza to the west, as part of subsequent development phases. Other design revisions have been incorporated into the proposal in response to the general discussion at ADP as well as comments from staff and include:

- reducing the overall podium height from five storeys to four storeys on View Street, with a break in the podium massing at the level four
- an additional storey for Tower B (Cook and View Street)
- increased setbacks on level five facing Yates Street from approximately 4m to 4.5m for the building face
- increased setbacks from approximately 3.2m to 3.5m for the southern portion of the building facing Cook Street as well as the introduction of a pattern of Juliet balconies and regular balconies in response to the boulevard trees
- relocating the residential vestibule entrance from View Street to Cook Street allowing for a greater setback (approximately 1.5m on View Street) and additional street furniture and custom paving
- realignment and reduction in width of the driveway entrances on View Street to enhance the pedestrian experience and safety
- inclusion of a climbing vine system on the west elevation
- relocation of the long-term bike storage from the lower levels to the first level of underground parking.

ANALYSIS

The following documents were considered in assessing this application:

- *Official Community Plan* (2012)
- *Downtown Core Area Plan* (2011)
- *Advisory Design Guidelines for Buildings, Signs and Awnings* (2006)
- *Guidelines for Fences, Gates and Shutters* (2010)
- *900-Block Yates and 1045 Yates Urban Design Manual* (proposed).

The matters under consideration are the supportability of the variances and the consistency with the relevant design guidelines.

Official Community Plan

Development Permit Area and Design Guidelines

The *Official Community Plan*, 2012 (OCP) identifies this property in Development Permit Area 3 (HC): Core Mixed-Use Residential, which supports buildings up to approximately 20 storeys. The key objectives of this designation are:

- to transform the function, form and character of the Core Residential area through mid-to-high-rise residential mixed-use and commercial buildings, with the greatest heights along Yates Street and Blanshard Street
- to conserve and enhance the heritage value and special character of significant historic buildings, features and characteristics of this area
- to enhance the area through high quality architecture, landscape and urban design.

The proposal is generally consistent with the objectives of DPA 3 (HC) for the construction of a multi-unit and commercial building that responds to the surrounding context of mid and high-rise buildings.

The proposal is also generally consistent with the placemaking policies for buildings and sites including consideration of new infill that responds to context, encouraging human scale in tall buildings with particular attention to street level, and maximizing shop windows and entrances at ground level to support active land uses and for pedestrian interest. Two residential towers are proposed at 20 and 21 storeys above a podium that is appropriately scaled to the context.

The architecture of the new building is generally consistent with the design guidelines that apply in Development Permit Area 3 (HC), each of which will be discussed below.

Downtown Core Area Plan

The *Downtown Core Area Plan* (DCAP) sets out urban design objectives that seek to ensure an attractive, livable urban space while supporting economic viability, sustainability and placemaking. Additional objectives aim to promote contextual design, integrated with its surrounding area that address and respond to future changes in use, lifestyle, economy and demographics.

Built Form, Scale and Massing

The DCAP includes a number of design guidelines related to built form, which include reducing the building bulk of upper storeys to minimize the effects of shading and wind vortices, to maintain views to the open sky and to avoid the presence of bulky upper building mass. The application includes generously sized sidewalks, building façade heights appropriate to the street width proportions, stepped-back building massing, recessed entries, and a well-defined podium and tower consistent with the streetscape objectives in the guidelines.

Building setbacks from the property line are in excess of those outlined in the DCAP. The ground floor is set back 3m from the property line on Yates Street and 4m from the property line on Cook and View Streets, while the DCAP suggests a minimum setback between 0 and 3m. Above the ground floor, the lower portions of the podium are set back between 2m and 4m from the property line on all frontages and upper storeys on the podium are setback an additional 2.5m from primary building face. The majority of the tower is set back 9m from the property line on Yates and View Streets and 6m to 8m from the property line on Cook Street (the range by virtue of the tapered form of the tower). Based on the DCAP guidelines, a zero-lot line setback

up to level four for Yates and Cook Streets and up to level three for View Street would be consistent with the guidelines. Above the podium a 3m setback for the secondary street wall and a 6m setback for portions of the building up to 30m for Yates and Cook Streets and up to 25m for View Street would be consistent with the guidelines.

The table below summarizes the proposed setbacks in comparison with those envisioned in the DCAP. All setbacks are measured from the property line and expressed in meters.

Table 2: DCAP Setbacks

	Street Level (Primary Street Wall)	Lower Podium (Primary Street Wall)	Upper Podium (Secondary Street Wall)	Setback for Tower
DCAP	0 - 3	0 - 3	3 – 6	6
Proposal Yates Street	3	2 (L2 – L4)	4.5 (L5)	9
Proposal Cook Street	4	2 to 3.4 (L2 – L4)	4.5 (L5)	6 – 8
Proposal View Street	4	3 to 4 (L2 – L3)	5.5 (L4)	9

In terms of floor plates, DCAP specifies maximum floor plate sizes to mitigate the overall scale and massing of taller buildings and to contribute to a more graceful skyline. For residential buildings, portions of the building between 20m to 30m in height should not exceed 930m² and above this the maximum floor plate should not exceed 650m². The proposal includes floorplates that are 648m² for the entire length of the towers, which is consistent with the guidelines.

The DCAP categorizes Yates and Cook Streets as a “Wide Streets” which establishes a step-back parameter for building massing above 20m. View Street is a “Narrow Street” and so the step-back applies after 15m above grade. This step-back is expressed as an imaginary angled line that rises after these points at a ratio of 5m vertically for every 1m horizontally. The proposal does not meet this guideline with the upper four storeys encroaching into this step back on Cook Street. However, as noted previously, the towers are positioned with a generous setback from the property line and any further step-back at the upper storeys would result in a non-functional building. In this case, staff are of the opinion that taller slender towers positioned back from the podium edge with generous spacing between them is a preferred building form that still meets the intent of the design guidelines which seek to maintain views to the open sky and to avoid the presence of bulky upper building mass.

The guidelines require tall buildings to be designed to incorporate elements that define a base, body and top and that design details should express and identify the building top within the skyline and to provide visual articulation within the overall skyline. The proposed design incorporates a well defined podium as a base with towers above. The current design includes a rooftop mechanical structure on each tower, with Tower A (west) including an elevator machine room and overrun that provides access to the rooftop amenity space. The rooftop structures are proposed to be painted concrete. Given the heights being proposed, there are opportunities to refine the overall design of the rooftop structures to ensure they contribute positively to the skyline in terms of form and materiality. The recommendation includes appropriate wording to ensure this aspect of the design be reconsidered.

The DCAP encourages articulation of building facades and rich detailing in order to provide a high degree of public interest along streets. The west elevation of the podium presents challenges since the privacy of the adjacent residential units must also be considered. A blank wall is proposed along much of this elevation, and the applicant has attempted to provide visual interest on the southern section through a climbing vine system, through planters on the terraces of residential units. Staff recommend the applicant revisit this aspect of the design to ensure the proposed vine system is functional and can be maintained over time. Further design revisions are also warranted to enhance the appearance for the remainder of the wall currently proposed as painted concrete. The appropriate language is included in the recommendation.

Building Height

The proposed height of the towers at 20 and 21 storeys (and a maximum height of 68.51m) exceeds the maximum heights within the guidelines by 6 storeys, or approximately 23m. However, the OCP does support buildings up to approximately 20 storeys in the Core Residential Urban Place Designation and the proposal has incorporated small floorplates and generous tower separation to mitigate the perceived massing, therefore the proposed height is considered supportable. Under the Downtown Zoning Regulation Bylaw 2018, rooftop structures are excluded from calculations for height and number of storeys provided they do not exceed 5m in height. Although the subject site falls outside the downtown core, it is anticipated that the regulations from the Downtown Zoning Regulation Bylaw 2018 will apply to the Harris Green neighbourhood in the future, therefore staff are proposing the same definition for rooftop structures be incorporated into the new zone. However, since the tallest rooftop structure for Tower A is 9.46m in height, the proposal is not consistent with this definition, therefore staff have included appropriate wording to request the applicant consider lowering the height of the rooftop structures.

Staff are proposing that in the concurrent rezoning application a height limit consistent with the number of storeys prescribed in the OCP (20 storeys) and 60m be included, which is lower than the proposed development. As a result, this application and any future Development Permit applications will include a height variance and require Council consideration and an opportunity for public comment.

Shadow Analysis

A shadow analysis for the proposal has been included in the architectural plans and a more detailed shadow study is also attached for Council's consideration as Attachment I. With a project of this scale, there will inevitably be shading on the public realm. However, the compact podium and building separation between the two slender towers does help to mitigate the impacts to a certain extent. In addition, the Rezoning booklet submitted by the applicant includes a shadow analysis that compares a number of different scenarios including massing that is compliant with the current DCAP guidelines at both 5.5:1 FSR and 6:2 FSR. Although there are a number of massing configurations that could in theory be compliant with the current guidelines, the study does help to demonstrate that in both of these scenarios, the impact of a taller bulkier podium (allowed under the current DCAP) does have a greater shading effect on the public realm, and whilst the proposed towers cast longer shadows than a building that meets the maximum heights in the current guidelines, their smaller floorplates allow for dispersed access to sunlight along the street.

Pedestrian Wind Study

The applicant has submitted a Pedestrian Wind Study to assess the potential impacts of the proposed development on the public realm and private amenity areas. The report concludes that wind conditions on and around the proposed development, including the sidewalks and walkways bounding the site, are generally predicted to be appropriate for the anticipated pedestrian usages throughout the year. Wind conditions on most terrace levels are expected to be suitable for the intended use throughout the year. However, higher than desired wind speeds are predicted on the roof of the proposed towers, which is primarily a result of exposure of higher elevations to southeasterly winds. The report recommends 2m guardrails around the roof terraces to help mitigate the effects, and the staff recommendation includes the requirement for this plan revision, along with any other wind mitigation measures recommended in the updated Pedestrian Wind Study.

Building Separation Distances

Minimum separation distances are required in DCAP between the faces of tall multi-residential buildings to enhance privacy, open up views between buildings and allow access to sunlight and views of the sky. The proposal is generally consistent with the guidelines, which require a minimum clearance from the side and rear property line of 3m for the building and 3.5m for balconies for portions of the building up to 30m in height. After this the setback increases by an additional 3m for the building face and by 2.5m for balconies. Above 45m and where buildings are directly adjacent to an existing building that is greater than 45m in height, a minimum side yard clearance of 10m is required. This guideline is applicable given the location of Regent Towers immediately west of the subject site (which is taller than 45m in height) and the proposal exceeds the minimum standard by 6.5m for the northern half of the property line. However, given the jog in alignment of the western interior lot line, the southern portion of the site is approximately 3m below the minimum standards. Given that the western-most Tower A is located approximately 26m from Regent Towers at this pinch point, this deviation to the guidelines is considered to be acceptable. In addition, it is worth noting that the distance between the two proposed towers is 24m, which is a positive aspect of the design since this is something not currently regulated in the existing design guidelines.

Relationship to the Street

New buildings should be designed to relate well to public streets and sidewalks through multiple entrances and clear glazing. The guidelines also encourage high quality architectural materials and detailing in building bases and street walls. The large format retail unit on the ground floor has only one proposed entrance off Yates Street and no entrances off Cook Street. Opportunities exist to provide an additional entrance at the proposed seating area at the intersection of Yates and Cook Street which would improve the functionality of this space. Typically, large format retail stores utilize blank walls or install opaque glazing materials to hide back of house areas; however, the proposed *“900-Block Yates and 1045 Yates Urban Design Manual”* include specific requirements to ensure that a minimum of 50% of the frontage is clear glazing. Further details are required on the architectural plans to ensure the proposal meets this standard. The proposed recommendation captures the requirement for clarification in these areas.

Green and Open Space

Given the proportion of the ground-floor dedicated to commercial use, opportunities for green space and open space are limited. A total of ten boulevard trees are proposed to be removed

on Yates Street and View Street, which would be replaced with new street trees, as noted in the Urban Forest section. In addition to the private patios for ten dwelling units on the roof of the podium on level two, a common patio area is provided which includes an outdoor kitchen, outdoor seating, projector screen, ping pong tables and a flexible fitness area. A total of six dwelling units have direct access to outdoor areas on View Street. A roof top amenity area is provided on the roof of Tower A, although programming details are yet to be determined. The overall provision of outdoor space is more than what is typically found in similar developments in this area and is consistent with the DCAP policies.

900-Block Yates and 1045 Yates Urban Design Manual (proposed)

The applicant has prepared the proposed “*900-Block Yates and 1045 Yates Urban Design Manual*” to guide the development and decisions on Development Permit Applications for all development phases. An Official Community Plan amendment is required to reference these Guidelines in the Development Permit Area 3 (HC): Core Mixed-Use Residential which covers the site, which is being managed via the concurrent Rezoning and OCP Amendment applications. The proposal is consistent with the Guidelines through the creation of a tower on podium building typology, achieving a human scaled built form and the creation of an interesting streetscape that encourages pedestrian activity.

Advisory Design Guidelines for Buildings Signs and Awnings

These Guidelines state that an acceptable application will include consideration of an attractive streetscape and that the architecture and landscaping of the immediate area be identified and acknowledged. In evaluating a design, particular emphasis will be placed on the solution to these general aspects: comprehensive design approach, relevancy of expression, context, pedestrian access, massing, scale, roofline, detailing, street relationship, vistas, landscaping plan, colours and textures. The proposal is consistent with these Guidelines.

Guidelines for Fences, Gates and Shutters

The *Guidelines for Fences, Gates and Shutters* provide a framework for considering the proposed installation of fences and gates in the development to ensure they are well designed and complement their surroundings. The guidelines encourage fences and gates to complement the character of the street, to integrate with building design, finishes and materials, be subordinate to the building façade, be constructed of high quality and durable materials, and to be incorporated into the landscape design with consideration of crime prevention through environmental design (CPTED) principles. On the View Street frontage, a significant portion of this elevation is dedicated to vehicle access, and limited details are provided on the architectural plans. Staff are continuing to work with the applicant to refine and enhance View Street for pedestrians and urban forestry while ensuring vehicle movements into and out of the property can be safely accommodated. The staff recommendation includes appropriate wording to ensure these revisions are provided in subsequent plans.

Tree Preservation 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. The proposal was received on January 30, 2020, therefore it falls under Tree Preservation Bylaw No. 05-106 consolidated November 22, 2019.

Table 3: Tree Impact Summary

Tree Type	Existing	To be REMOVED	To be PLANTED	Net Change
On site trees, bylaw protected	0	0	0	0
On site trees, non-bylaw protected	0	0	6	+6
Municipal trees	14	10	13	+3
Neighbouring trees, bylaw protected	1	1	2	+1
Total	15	11	21	+10

Based on the tree inventory in the Arborist Report (attached), there are no bylaw protected trees on site. There is one bylaw protected flowering plum (36 cm DBH) on a neighbouring property that is proposed to be removed due to construction activities associated with development. Two replacement trees will be required as per the *Tree Preservation Bylaw*.

There are 14 municipal trees impacted by this development, 10 municipal trees are proposed to be removed and four municipal trees are proposed to be retained; 13 new municipal trees are proposed to be planted on adjacent street frontages. The removal of municipal trees along the subject property frontages along Yates and View Streets is due to proposed construction works, above and below ground, and access requirements. All four existing municipal trees along the Cook Street frontage are to be retained and protected through development.

The applicant has indicated their intention to use soil cells to achieve recommended soil volumes for replacement trees along View Street. It is recommended that all new street trees proposed along the municipal frontages of Yates and View Streets use soil cells to achieve recommended soil volumes and that this be captured in a legal agreement registered on title. It is also recommended that tree guards for all new municipal trees in grates be included in this agreement. The use of soil cells also achieves stormwater management objectives, as requested by Engineering. The concurrent Rezoning Application No. 00730 includes appropriate wording in the staff recommendation to ensure these requirements are met.

Staff are also requesting revisions to the Site Plan to show the minimum setback of all building protrusions along the Cook Street frontage to be a minimum of 1m from the property line, instead of 0.6m as currently proposed. The setback range along Cook Street should therefore be 1m – 3m, allowing adequate space for the canopy of the existing chestnuts on Cook Street, while providing safe distances from balconies and overhead utilities.

Regulatory Considerations

Height Variance

The maximum heights prescribed in the current DCAP guidelines is 15 storeys. However, staff are proposing that the new zone sets a maximum height limit consistent with the OCP, which is 20 storeys. As such, a height variance of one storey and 8.51m is proposed as part of this application. The additional storey is considered supportable given positive aspects of the form and massing mentioned earlier. The height variance is attributed to the upper three habitable stories, and is considered supportable given the efforts made to incorporate a more human scale podium at the street level. Although rooftop structures are proposed to be excluded from

height (consistent with the regulations in the Downtown Core) the proposed rooftop structure exceeds the maximum height by 4.46m (which includes a mechanical room, elevator overrun and elevator machine room), therefore the recommendation includes a request that the applicant reconsider this aspect of the design to determine if this extra height can be reduced or otherwise mitigated.

Parking Variance

A variance is requested to reduce the required number of residential parking stalls from 433 to 348 and to reduce the required number of residential visitor, commercial retail and daycare stalls from 117 to 77. To help mitigate some of the anticipated parking shortfall associated with the development, the applicant is proposing three shared vehicle parking stalls, three shared vehicles, 169 car share memberships, and long term, end of trip facilities (changing areas, and showers) that will be available to commercial tenants, all of which will be secured by legal agreement as part of the concurrent rezoning report. Four electric vehicle charging stations are also proposed, and since this is in excess of the bylaw requirements that applied at the time the application was submitted, it is also recommended to secure these through a legal agreement. In addition, the proposal exceeds the minimum requirements for bicycle stalls (by three stalls for long term and by one stall for short term). Although staff consider the variance supportable, there will likely be some impact to on-street parking availability in the area.

The *Zoning Regulation Bylaw* requires that all short term bicycle stalls are located within 15m of a public entrance. Due to the quantity of short term stalls being provided (70) it is not possible for all these stalls to meet the zoning standards and since the 28 non-compliant stalls are approximately within 18m of a building entrance, staff are supportive of this variance.

Resource Impacts

The City would incur the following annual maintenance costs for the planting of three new municipal trees (net change for municipal trees), rain gardens, and irrigation system.

Table 4: Resource Impacts

Increased Inventory	Annual Maintenance
New municipal trees (net change for municipal trees)	\$180
New rain gardens	\$8,500
Irrigation	\$750

CONCLUSIONS

The proposal to construct a mixed-use commercial and residential building with two towers at 20 and 21 storeys is not consistent with the maximum heights prescribed in the guidelines, however, it is consistent with the built form principles in the Core Residential designation of the OCP, which supports mixed-use buildings up to approximately 20 storeys. The proposal is generally consistent with the objectives for Development Permit Area 3 (HC), Core Mixed-Use Residential which seeks to transform the function, form and character of the area through mid-to-high-rise mixed use and commercial buildings with greatest heights along Yates Street. The proposal would enhance the area through high-quality architecture, landscape and urban design which reflects the function of a major residential centre on the edge of a central business district in scale, massing and character. The application advances these objectives as it demonstrates

general consistency with the relevant guidelines and policy. On this basis, staff recommend for Council's consideration that the application be supported.

ALTERNATE MOTION (decline)

That Council decline Development Permit with Variances Application No. 00150 for 1045 Yates Street.

Respectfully submitted,

Charlotte Wain
Senior Planner
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: Letter from applicant to Mayor and Council dated July 6, 2021
- Attachment D: Plans date stamped June 15, 2021
- Attachment E: Rezoning Booklet date stamped June 15, 2021
- Attachment F: 900-Block Yates & 1045 Yates Urban Design Manual date stamped March 10, 2021
- Attachment G: Tenant Assistance Plan, dated June 25, 2021
- Attachment H: Pedestrian Wind Study Draft Report, dated May 4, 2020
- Attachment I: Shadow Studies, dated June 9, 2021
- Attachment J: Transportation Impact Assessment, dated May 11, 2020
- Attachment K: Arborist Report, dated November 13, 2020
- Attachment L: Land Lift Analysis by Coriolis, dated June 22, 2021
- Attachment M: Public Engagement Summary, dated August 2019
- Attachment N: Advisory Design Panel Report, dated December 2, 2020
- Attachment O: Advisory Design Panel Minutes from the meeting of January 13, 2021
- Attachment P: Community Association Land Use Committee Comments dated March 8, 2020
- Attachment Q: Consultation Comments from Online Feedback Form
- Attachment R: Correspondence (Letters received from residents).