

E.2 903, 911 & 1045 Yates, 910 View and 1205 Quadra: Rezoning Application No. 00730 for 903, 911 & 1045 Yates, 910 View and 1205 Quadra and Associated OCP Amendment, Development Permit with Variances Application No. 00150 for 1045 Yates (London Drugs) (Harris Green)

Committee received reports dated July 2, 2021 from the Director of Sustainable Planning and Community Development regarding a Rezoning Application to rezone one and a half city blocks to a site-specific zone in order to construct a multi-phased mixed-use development including commercial, daycare and office uses with purpose built rental residential above, and a Development Permit with Variances application for the property located at 1045 Yates Street, respectively.

Moved By Mayor Helps
Seconded By Councillor Alto

REZ No. 00730 for 903, 911 and 1045 Yates St, 910 View St and 1205 Quadra and Associated OCP Amendment

That Council instruct staff to prepare the necessary Official Community Plan (OCP) Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00730 for 903, 911 and 1045 Yates Street, 910 View Street and 1205 and 1209 Quadra Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Minor plan revisions as detailed in concurrent Development Permit with Variances Application No. 00150.
2. Incorporation of the following additional design guidelines within the “900-Block Yates and 1045 Yates Urban Design Manual” to the satisfaction of the Director of Sustainable Planning and Community Development:
 - a. to ensure the design of the roof top mechanical structures contribute positively to the urban skyline in terms of visually interesting shapes and high-quality materials
 - b. to limit the number of towers to no more than three on the 900 block of Yates Street
 - c. to incorporate a minimum 2.5m setback from the fifth floor of the podium on Vancouver Street
 - d. to include the requirement for a mini-plaza no less than 100m² on the corner of Yates Street and Cook Street finished with high quality, durable materials
 - e. to provide specific reference to the requirement for wind mitigation interventions at the corner of Yates and Quadra Streets and other affected areas as identified in the updated Wind Study
 - f. to include the requirement for public art within the main plaza

- g. to include standards for interim landscaping.
- 3. Updates to the Pedestrian Wind Study to reflect the proposal in relation to building heights, to the satisfaction of the Director of Sustainable Planning and Community Development.
- 4. Updates to the Tenant Assistant Plan including further details related to information and communication with existing tenants to the satisfaction of the Director of Sustainable Planning and Community Development.
- 5. Confirmation from BC Hydro that the relocating of services underground is not supported to the satisfaction of the Director of Sustainable Planning and Community Development.
- 6. Preparation of the following legal agreements, executed by the applicant, in a form satisfactory to the City Solicitor, to:
 - a. Secure the rental units in perpetuity to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. Secure the provision of the two-bedroom, three-bedroom and townhouse units generally in accordance with the Plans dated June 15, 2021, and a minimum of 23 units within Phase 1 as affordable in perpetuity and allocated to median income households as defined in the Victoria Housing Strategy to the satisfaction of the Director of Sustainable Planning and Community Development.
 - c. Restrict strata titling of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - d. Secure in perpetuity the provision and maintenance of a public plaza no less than 1600m² in size (minimum value to be verified by a Quantity Surveyor or other registered professional) centrally located on the 900 block between Yates and View Streets, which shall incorporate a high quality public art installation valued at no less than \$350,000, all of which will be provided concurrently with the construction of Phase 3 to the satisfaction of the Director of Sustainable Planning and Community Development.
 - e. Secure the provision of a daycare of approximately 185m² for a minimum period of 10 years to the satisfaction of the Director of Sustainable Planning and Community Development.
 - f. Secure the provision of a minimum of four Energized Electric Vehicle Outlets (charging stations) plus a minimum of 90 stalls (subject to consultation with BC Hydro) with the necessary infrastructure to be converted to Energised Electric Vehicle Outlets in the future (EV Ready) to the satisfaction of the Director of Sustainable Planning and Community Development.
 - g. Secure a Statutory Right of Way (SRW) for unobstructed public access over the plaza and an SRW of 0.9 metres along the Quadra Street frontage; terms and conditions to the satisfaction of the Director of Engineering and Public Works.

- h. Secure TDM measures for Phase 1 including three shared vehicle parking stalls, three shared vehicles, 169 car share memberships, and long term, end of trip facilities, and an equivalent provision for subsequent phases to be determined to the satisfaction of the Director of Engineering and Public Works.
- i. Secure the design, supply and installation of the City's Downtown Public Realm Plan and Streetscape Standards (DPRP), specifically the 'New Town District', including furnishings, materials, sidewalk scoring patterns, basalt banding and decorative heritage pedestrian lights, within the public plaza as well as along the Quadra Street, Yates Street, Vancouver Street, Cook Street and View Street frontages, to the satisfaction of the Director of Engineering and Public Works.
- j. Secure the detailed design, supply, and installation of a new traffic signal, with all associated hardware (poles, bases, junction boxes, conduits, loops, etc.) and software, at the intersection of Cook Street and View Street and in cooperation with adjacent concurrent developments to the satisfaction of the Director of Engineering and Public Works.
- k. Secure required traffic signal upgrades at the Yates Street and Cook Street intersection and required hardware (poles, bases, junction boxes, conduits, loops, etc.) and software upgrades to adjacent existing traffic signals that may be required as a result of lane configuration changes, as determined by City Engineering staff, to the satisfaction of the Director of Engineering and Public Works.
- l. Secure upgrades to the existing mid-block crosswalk, as necessary on the 900 block of Yates Street, to the satisfaction of the Director of Engineering and Public Works.
- m. Secure the design and installation of the two-way protected bike lane on Yates Street as detailed on the plans for the concurrent Development Permit with Variances Application No. 00150.
- n. Secure the provision of soil cells to achieve recommended soil volumes for all new street trees along the municipal frontage of Yates and View Streets to the satisfaction of the Director of Parks, Recreation and Facilities.
- o. Secure City of Victoria standard tree guards for all street trees in grates to the satisfaction of the Director of Parks, Recreation and Facilities.
- p. Secure the provision and installation of the proposed boulevard rain gardens on Yates Street and View Street, to the satisfaction of the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities.
- q. Secure the design, provision and installation of a stormwater management infiltration system along the municipal frontages of Quadra Street, Yates Street, Vancouver Street, Cook Street and View Street for treatment of road water runoff, to the satisfaction of the Director of Engineering and Public Works.

- r. Secure requirement of a geotechnical report prior to application for a Building Permit including the implementation of recommendations from a qualified geotechnical engineer for City property surrounding the development site to the satisfaction of the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities.
- 7. That Council determine, pursuant to section 475(1) of the Local Government Act that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
 - a. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
 - b. That Council specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
 - c. That Council give first reading to the Official Community Plan Amendment Bylaw.
 - d. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
 - e. That Council give second reading to the Official Community Plan Amendment Bylaw.
 - f. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
- 8. That Council authorize the following encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted:
 - a. excavation encroachments in the City property during construction for the parkade walls, at the fee of \$750 plus \$25 for each square metre of

excavation face supported with anchor rods or shoring, with form and contents satisfactory to the City's solicitor and the Director of Engineering and Public Works.

- b. anchor-pinning in the City right-of-way, with form and contents satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Development Permit with Variances Application No. 00150 for 1045 Yates

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.”

Blair Erb of Coriolis spoke regarding the Land Lift Analysis

Committee discussed the following:

- *The land lift analysis and how it factors in the heights and views*
- *The proposed density is the result of the buildings being fully rental and the formula required to make the project viable*
- *Phase 1 would likely be supportable on its own as its height impacts are lower*
- *The rationale behind the recommended OCP height amendment through public amenities and rental housing*
- *The Housing Futures report and the numbers of housing units the City is short of right now*
- *The statutory right-of-way applies to the entire plaza*
- *The plaza would be reviewed when the development permit application comes to staff in 2-3 years time*

Committee recessed at 12:31 p.m. and reconvened at 1:17 p.m.

Councillor Dubow and Councillor Isitt were absent when the meeting reconvened.

Councillor Isitt returned to the meeting at 1:22 p.m.

Councillor Dubow returned to the meeting at 1:27 p.m.

Motion to refer:

Moved by Councillor Isitt

Seconded by Councillor Thornton-Joe

That the application be referred to staff to work with the applicant to revise the application to achieve greater consistency with the OCP particularly as it pertains to the height of the towers and the density.

Amendment:

Moved by Councillor Dubow

Seconded by Councillor Isitt

That the application be referred to staff to work with the applicant to revise the application to achieve greater consistency with the OCP particularly as it pertains to the height of the towers and the density **and revise the number of units to reflect more 2-3 bedrooms.**

Amendment to the amendment:

Moved by Councillor Isitt

Seconded by Councillor Loveday

And revise the ~~number of units~~ **unit mix** to reflect more 2-3 bedrooms.

CARRIED UNANIMOUSLY

On the amendment:

That the application be referred to staff to work with the applicant to revise the application to achieve greater consistency with the OCP particularly as it pertains to the height of the towers and the density **and revise the unit mix to reflect more 2-3 bedrooms.**

FOR (8): Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
OPPOSED (1): Mayor Helps

CARRIED (8 to 1)

Motion to extend:

Moved by Councillor Thornton-Joe
Seconded by Councillor Potts

That the meeting be extended until 3:30 p.m.

CARRIED UNANIMOUSLY

Amendment:

Moved by Councillor Thornton-Joe
Seconded by

That the application be referred to staff to work with the applicant to revise the application to achieve greater consistency with the OCP particularly as it pertains to the height of the towers and the density and revise the unit mix to reflect more 2-3 bedrooms.

- **Meet with the Downtown Residents Association Land Use Committee to confirm that a plaza is the most desired amenity for the neighbourhood**

FOR (8): Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
OPPOSED (1): Mayor Helps

CARRIED (8 to 1)

Amendment:

Moved by Councillor Thornton-Joe
Seconded by Councillor Isitt

That the application be referred to staff to work with the applicant to revise the application to achieve greater consistency with the OCP particularly as it pertains

to the height of the towers and the density and revise the unit mix to reflect more 2-3 bedrooms.

- Meet with the DRA LUC to confirm that a plaza is the most desired amenity for the neighbourhood
- **More affordable units be provided**

FOR (7): Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe

OPPOSED (2): Mayor Helps, Councillor Young

CARRIED (7 to 2)

On the motion to refer:

FOR (4): Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, Councillor Young

OPPOSED (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Potts

DEFEATED (5 to 4)

Amendment:

Moved by Mayor Helps

Seconded by Councillor Alto

That at least 15% of the units over both phases of the development achieve the median income of affordability in the city's affordability plan.

Amendment to the amendment:

Moved by Councillor Potts

Seconded by Councillor Loveday

That at least 15% of the units **with at least one-third in the first phase** ~~over both phases~~ of the development achieve the median income of affordability in the city's housing affordability strategy.

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

On the amendment:

That at least 15% of the units, **with at least one-third in the first phase** of the development, achieve the median income of affordability in the city's housing affordability strategy.

FOR (8): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe
OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Amendment:

Moved by Councillor Dubow
Seconded by Councillor Loveday

Revise the unit mix to reflect more 2-3 bedroom units for all phases.

CARRIED UNANIMOUSLY

Amendment:

Moved by Mayor Helps
Seconded by Councillor Loveday

That the public plaza be mostly park-like green space and that a development permit for the plaza be submitted now with an expiration timed with the proposed build out of phase 2.

CARRIED UNANIMOUSLY

Amendment:

Moved by Councillor Andrew
Seconded by Councillor Loveday

5% accessible units across all phases of the development.

CARRIED UNANIMOUSLY

Amendment:

Moved by Councillor Andrew
Seconded by Mayor Helps

That at least 450 square metres be designated for childcare

CARRIED UNANIMOUSLY

Motion to extend:

Moved by Councillor Andrew
Seconded by Councillor Young

That the meeting be extended to 4:30 p.m.

CARRIED UNANIMOUSLY

Committee recessed at 3:29 p.m. and reconvened at 3:36 p.m.

Councillor Isitt was absent when the meeting reconvened

Councillor Isitt returned to the meeting at 3:38 p.m.

Amendment:

Moved by Councillor Thornton-Joe

Seconded by Councillor Young

That reduction of height be considered for towers C, D, and E

FOR (3): Councillor Isitt, Councillor Thornton-Joe, Councillor Young

OPPOSED (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts

DEFEATED (3 to 6)

Amendment:

Moved by Councillor Andrew

Seconded by Councillor Thornton-Joe

That noise mitigation be in place for all rooftop equipment

CARRIED UNANIMOUSLY

On the main motion as amended:

1.
 - a. That at least 15% of the units, with at least one-third in the first phase of the development, achieve the median income of affordability in the city's housing affordability strategy.
 - b. revise the unit mix to reflect more 2-3 bedroom units for all phases
 - c. That the public plaza be mostly park-like green space and that a Development Permit for the plaza be submitted now with an expiration timed with the proposed build out of phase 2.
 - d. 5% accessible units across all phases of the development
 - e. That at least 450 square metres be designated for childcare
 - f. That noise mitigation be in place for all rooftop equipment
2. Minor plan revisions as detailed in concurrent Development Permit with Variances Application No. 00150.
3. Incorporation of the following additional design guidelines within the "900-Block Yates and 1045 Yates Urban Design Manual" to the satisfaction of the Director of Sustainable Planning and Community Development:

- a. to ensure the design of the roof top mechanical structures contribute positively to the urban skyline in terms of visually interesting shapes and high-quality materials
 - b. to limit the number of towers to no more than three on the 900 block of Yates Street
 - c. to incorporate a minimum 2.5m setback from the fifth floor of the podium on Vancouver Street
 - d. to include the requirement for a mini-plaza no less than 100m² on the corner of Yates Street and Cook Street finished with high quality, durable materials
 - e. to provide specific reference to the requirement for wind mitigation interventions at the corner of Yates and Quadra Streets and other affected areas as identified in the updated Wind Study
 - f. to include the requirement for public art within the main plaza
 - g. to include standards for interim landscaping.
4. Updates to the Pedestrian Wind Study to reflect the proposal in relation to building heights, to the satisfaction of the Director of Sustainable Planning and Community Development.
 5. Updates to the Tenant Assistant Plan including further details related to information and communication with existing tenants to the satisfaction of the Director of Sustainable Planning and Community Development.
 6. Confirmation from BC Hydro that the relocating of services underground is not supported to the satisfaction of the Director of Sustainable Planning and Community Development.
 7. Preparation of the following legal agreements, executed by the applicant, in a form satisfactory to the City Solicitor, to:
 - a. Secure the rental units in perpetuity to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. Secure the provision of the two-bedroom, three-bedroom and townhouse units generally in accordance with the Plans dated June 15, 2021, and a minimum of 23 units within Phase 1 as affordable in perpetuity and allocated to median income households as defined in the Victoria Housing Strategy to the satisfaction of the Director of Sustainable Planning and Community Development.
 - c. Restrict strata titling of the building, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - d. Secure in perpetuity the provision and maintenance of a public plaza no less than 1600m² in size (minimum value to be verified by a Quantity Surveyor or other registered professional) centrally located on the 900 block between Yates and View Streets, which shall incorporate a high quality public art installation valued at no less than \$350,000, all of which will be provided concurrently with the construction of Phase 3 to the

satisfaction of the Director of Sustainable Planning and Community Development.

- e. Secure the provision of a daycare of approximately 185m² for a minimum period of 10 years to the satisfaction of the Director of Sustainable Planning and Community Development.
- f. Secure the provision of a minimum of four Energized Electric Vehicle Outlets (charging stations) plus a minimum of 90 stalls (subject to consultation with BC Hydro) with the necessary infrastructure to be converted to Energised Electric Vehicle Outlets in the future (EV Ready) to the satisfaction of the Director of Sustainable Planning and Community Development.
- g. Secure a Statutory Right of Way (SRW) for unobstructed public access over the plaza and an SRW of 0.9 metres along the Quadra Street frontage; terms and conditions to the satisfaction of the Director of Engineering and Public Works.
- h. Secure TDM measures for Phase 1 including three shared vehicle parking stalls, three shared vehicles, 169 car share memberships, and long term, end of trip facilities, and an equivalent provision for subsequent phases to be determined to the satisfaction of the Director of Engineering and Public Works.
- i. Secure the design, supply and installation of the City's Downtown Public Realm Plan and Streetscape Standards (DPRP), specifically the 'New Town District', including furnishings, materials, sidewalk scoring patterns, basalt banding and decorative heritage pedestrian lights, within the public plaza as well as along the Quadra Street, Yates Street, Vancouver Street, Cook Street and View Street frontages, to the satisfaction of the Director of Engineering and Public Works.
- j. Secure the detailed design, supply, and installation of a new traffic signal, with all associated hardware (poles, bases, junction boxes, conduits, loops, etc.) and software, at the intersection of Cook Street and View Street and in cooperation with adjacent concurrent developments to the satisfaction of the Director of Engineering and Public Works.
- k. Secure required traffic signal upgrades at the Yates Street and Cook Street intersection and required hardware (poles, bases, junction boxes, conduits, loops, etc.) and software upgrades to adjacent existing traffic signals that may be required as a result of lane configuration changes, as determined by City Engineering staff, to the satisfaction of the Director of Engineering and Public Works.
- l. Secure upgrades to the existing mid-block crosswalk, as necessary on the 900 block of Yates Street, to the satisfaction of the Director of Engineering and Public Works.
- m. Secure the design and installation of the two-way protected bike lane on Yates Street as detailed on the plans for the concurrent Development Permit with Variances Application No. 00150.

- n. Secure the provision of soil cells to achieve recommended soil volumes for all new street trees along the municipal frontage of Yates and View Streets to the satisfaction of the Director of Parks, Recreation and Facilities.
 - o. Secure City of Victoria standard tree guards for all street trees in grates to the satisfaction of the Director of Parks, Recreation and Facilities.
 - p. Secure the provision and installation of the proposed boulevard rain gardens on Yates Street and View Street, to the satisfaction of the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities.
 - q. Secure the design, provision and installation of a stormwater management infiltration system along the municipal frontages of Quadra Street, Yates Street, Vancouver Street, Cook Street and View Street for treatment of road water runoff, to the satisfaction of the Director of Engineering and Public Works.
 - r. Secure requirement of a geotechnical report prior to application for a Building Permit including the implementation of recommendations from a qualified geotechnical engineer for City property surrounding the development site to the satisfaction of the Director of Engineering and Public Works and the Director of Parks, Recreation and Facilities.
8. That Council determine, pursuant to section 475(1) of the Local Government Act that the affected persons, organizations and authorities are those property owners and occupiers within a 200m radius of the subject properties; that the appropriate consultation measures would include a mailed notice of the proposed OCP Amendment to the affected persons; posting of a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.
- a. That Council, having provided the opportunity for consultation pursuant to Section 475(1) of the Local Government Act with persons, organizations and authorities it considers will be affected, specifically, the property owners and occupiers within a 200m radius of the subject properties have been consulted at a Community Association Land Use Committee (CALUC) Community Meeting, consider whether the opportunity for consultation should be early and ongoing, and determine that no further consultation is required.
 - b. That Council specifically consider whether consultation is required under Section 475(2)(b) of the Local Government Act and determine that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the provincial and federal governments and their agencies due to the nature of the proposed amendment.
 - c. That Council give first reading to the Official Community Plan Amendment Bylaw.

- d. That Council consider the Official Community Plan Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management Plan pursuant to Section 477(3)(a) of the Local Government Act, and deem those Plans to be consistent with the proposed Official Community Plan Amendment Bylaw.
 - e. That Council give second reading to the Official Community Plan Amendment Bylaw.
 - f. That Council refer the Official Community Plan Amendment Bylaw for consideration at a Public Hearing.
9. That Council authorize the following encroachment agreements, to be executed at the time of the building permit approval, if the other necessary approvals are granted:
- a. excavation encroachments in the City property during construction for the parkade walls, at the fee of \$750 plus \$25 for each square metre of excavation face supported with anchor rods or shoring, with form and contents satisfactory to the City's solicitor and the Director of Engineering and Public Works.
 - b. anchor-pinning in the City right-of-way, with form and contents satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Development Permit with Variances Application No. 00150 for 1045 Yates

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."

FOR (5): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Potts

OPPOSED (4): Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, Councillor Young

CARRIED (5 to 4)