

A. REPORTS OF COMMITTEE**E.1 Committee of the Whole****E.1.a Report from the October 28, 2021 COTW Meeting****E.1.a.d 903, 911 & 1045 Yates Street, 910 View Street and 1205 & 1209 Quadra Street: Update Report for Rezoning Application No. 00730 and associated Official Community Plan Amendment and Development Permit with Variances Application No. 00150 (Harris Green)**

Moved By Councillor Alto
Seconded By Councillor Potts

Rezoning No. 00730

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
 - h. to include the requirement for the plaza to be mostly park-like green space with clear standards for evaluating future Development Permits against
 - i. to include the requirement for an acoustic study for all rooftop mechanical equipment as part of all Development Permits (current and future).
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. Secure in the new zone in exchange for bonus density the irrevocable offer of a community space of approximately 930m² to be leased to the City for no base rent for the use of community and arts groups generally in accordance with the terms set out in Schedule B (Attachment E) and amended as follows to the satisfaction of the Head of Real Estate, the Director of Sustainable Planning and Community Development and the City Solicitor.
 - a. that the community space to be provided within 10 years of the completion of Phase 2
 - b. the duration of the lease being a 10-year term with four 5-year renewals for a total period of 30 years
 - c. the terms of the lease to be registered on title
 - d. provision to allow the City to sub-lease the space to third party operators and/or non-profit community groups
 - e. the community space having a minimum active frontage of 12m accessed directly off the central plaza.
 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 for all phases in perpetuity to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. Secure the provision of no less than 85 two-bedroom, 2 two-bedroom plus den and 75 three-bedroom units and 7 townhouse units and a minimum of 40 units within Phase 1 as affordable in perpetuity and allocated to median income households (or lower) as defined in the Victoria Housing Strategy to the satisfaction of the Director of Sustainable Planning and Community Development.
 - c. Secure the provision of no less than 300 two-bedroom or larger units and a minimum of 40 units within Phase 2 and 3 combined being affordable in perpetuity and allocated to

- median income households (or lower) as defined in the Victoria Housing Strategy to the satisfaction of the Director of Sustainable Planning and Community Development.
- d. Secure the affordable studio units across all phases as being a minimum size of 290 ft² (27m²) to the satisfaction of the Director of Sustainable Planning and Community Development.
 - e. Restrict strata titling of the buildings in all phases, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - f. Secure in perpetuity in the new zone in exchange for bonus density the provision and maintenance of a public plaza no less than 1600m² (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 be mostly park like and shall incorporate a high quality public art installation valued at no less than \$350,000, all of which will be provided within 10 years of the completion of Phase 2, to the satisfaction of the Director of Sustainable Planning and Community Development.
 - g. Secure the provision of a daycare of approximately 450m², in Phase 1, for a minimum period of 10 years to the satisfaction of the Director of Sustainable Planning and Community Development.
 - h. 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), and an equivalent provision for subsequent phases to be determined to the satisfaction of the Director of Engineering and Public Works to the satisfaction of the Director of Sustainable Planning and Community Development.
 - i. Secure Statutory Rights of Way (SRW)s for unobstructed public access over the central plaza on the 900 block (no less than 1600m² in size) and the mini-plaza at the intersection of Cook and Yates Street (no-less than 100m² in size) and a SRW of 0.9 metres along the Quadra Street frontage; terms and conditions to the satisfaction of the Director of Engineering and Public Works and the Director of Planning and Sustainable Development.
 - j. Secure TDM measures for Phase 1 including two shared vehicle parking stalls, two shared vehicles, 113 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 and the Director of Planning and Sustainable Development.
 - k. Secure the design, supply and installation of the City's Downtown Public Realm Plan and Streetscape Standards (DPRP) across all phases, 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.

- l. Secure the detailed design, supply, and installation of a new traffic signal associated with Phase 1, 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.
- m. Secure required traffic signal upgrades associated with Phase 1 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.
- n. Secure upgrades to the existing mid-block crosswalk associated with Phase 2, as necessary on the 900 block of Yates Street, to the satisfaction of the Director of Engineering and Public Works.
- o. Secure the design and installation of the two-way protected bike lane associated with Phase 2 on Yates Street as detailed on the conceptual plans included in the Rezoning Booklet date stamped June 15, 2021.
- p. Secure the provision of soil cells across all phases 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.
- q. Secure City of Victoria standard tree guards across all phases for all street trees in grates to the satisfaction of the Director of Parks, Recreation and Facilities.
- r. Secure the provision and installation of the proposed boulevard rain gardens associated with Phase 1 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.
- s. Secure the design, provision and installation of a stormwater management infiltration system across all phases 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.
- t. 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.
- u. Secure no less than 5% of the total units (across all phases of the development) as being accessible in perpetuity, which shall achieve at a minimum accessible entrances, accessible bathrooms and accessible kitchens, all with associated fixtures and fittings as detailed in the letter from the applicant dated October 28, 2021 and meeting an overall standard of accessibility to be identified by and to be to the satisfaction of the Direction of Sustainable Planning and Community Development.
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.

Recommendation For Development Permit with Variances No. 00150

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:
 - a. Increase the maximum number of storeys from 20 to 21
 - b. Increase the maximum height from 60m to 68.51m
 - c. Increase the maximum height allowed for rooftop structure from 5.0m to 9.46m
 - d. Reduce the required number of residential vehicle parking stalls from 282 stalls to 273 stalls
 - e. Reduce the required number of residential visitor vehicle parking stalls from 52 to 39
 - f. Reduce the required number of commercial parking stalls from 60 to 43
 - g. Reduce the required number of daycare parking stalls from 5 to 3

- h. 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.”

That the applicant provide a shadow study of the proposed green spaces when this matter returns to Council.

That Council direct staff to engage the applicant on providing displaced residential tenants in any phase of the project with a similar rental unit at their current rent levels in either a geographically proximate location, or in a previously constructed phase of this project.

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

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

CARRIED (5 TO 3)

This item was recalled at Councillor Andrew's request.

Moved By Councillor Alto

Seconded By Councillor Loveday

To allow Councillor Isitt to speak a third time on the item.

FOR (5): Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe

OPPOSED (3): Mayor Helps, Councillor Andrew, Councillor Young

CARRIED (5 TO 3)

On the main motion:

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

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

CARRIED (5 TO 3)