



Council Memo

To: Council **Date:** March 28, 2023
From: Lisa van den Dolder, Assistant City Solicitor
Subject: 903, 911 & 1045 Yates Street, 910 View Street, and 1205 & 1209 Quadra Street:
Additional Legal Agreement related to Council Requirements of February 16, 2023

On February 16, 2023, after the public hearing for the rezoning, *Official Community Plan* amendments, and development permit with variances pursuant to the proposed Harris Green development, Council passed the following motions:

That Council approve, in principle, Third Reading of the Official Community Plan amendment and rezoning application subject to registration of agreements, in the form satisfactory to the City Solicitor, that:

1. Ensure, in phases two and three of the project, that all of the energy systems (heating, cooling, hot water, cooking, etc.) used in the proposed buildings at Harris Green use exclusively electricity, except commercial uses which are legally required (under applicable enactment or legal agreements in existence at the time of adoption of the rezoning bylaw) to use other energy sources;
2. Modify the Transportation Demand Management provisions across all the phases of the project to:
 - a. Increase the number of carshare cars and dedicated parking spaces to at least 15;
 - b. Increase the number of bike parking stalls to at least 2,500;
 - c. Ensure that that at least 50% of the total number of bike parking stalls have adequate access to electrical charging for e-bikes;
 - d. Add a bike maintenance and repair station as part of each end-of-trip facility;
 - e. Ensure that, during the first three years following completion of each phase of the project, all new tenants without vehicles are provided with an optional free bus-pass for up to three months;
3. Ensure in addition to existing commitments for electrical charging infrastructure, that all residential parking spaces be suitably wired and ready for installation of a level 2 charger.
4. Limit overall residential vehicle parking on the site (across all the phases) to no more than 0.34 parking stalls per dwelling unit, provided however, that phase 1 may provide up to 0.52 parking stalls per dwelling unit.

A legal agreement has now been registered in the Land Title Office securing that the applicant will provide all of the above Council requests within the proposed development, aside from three requirements that the applicant is unable or unwilling to meet. Those discrepancies, and the reasoning for them as provided by the applicant, are as follows:

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- (a) With respect to item 2.a., the applicant is to provide 9 rather than 15 carshare cars and dedicated parking spaces.
Reasoning: The applicant advises that based on consultation with a traffic consultant and car share companies, there is not sufficient demand to warrant 15 carshare cars.
- (b) With respect to item 2.e., the applicant is to provide the first residential leaseholders without a leased parking stall in Phase 1 with 100 bus tickets (per dwelling unit) – rather than providing across all three phases all new tenants without vehicles an optional free bus pass for up to three months.
Reasoning: The applicant advises they believe that because transit passes expire and are non-transferrable as between occupants, transit tickets are preferable to passes.
- (c) With respect to item 4., the applicant is to provide within Phases 2 and 3 the number of parking stalls required by Schedule C of the Zoning Bylaw at the time of making the application, and to lease any unused residential parking stalls to members of the public – rather than 0.34 parking stalls per dwelling unit in Phases 2 and 3. (They agree to the 0.52 parking stall per dwelling unit ratio for Phase 1 specified by Council.)
Reasoning: The applicant advises that based on consultation with transportation consultants, they will provide the 0.52 ratio specified by Council for Phase 1, though they believe this is below current demand. However, for Phases 2 and 3, the applicant wants to provide parking stalls in accordance with the requirements of the Zoning Bylaw. The applicant believes that leasing unused stalls to members of the public will help reduce on-street parking demand in the area.

Consideration of final approval of the proposed development is scheduled for the April 6 Council meeting following Committee of the Whole.

Respectfully submitted,

Lisa van den Dolder
Assistant City Solicitor