



## Committee of the Whole Report For the Meeting of December 7, 2023

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**To:** Committee of the Whole **Date:** November 23, 2023  
**From:** Karen Hoese, Director, Sustainable Planning and Community Development  
**Subject:** **Development Permit with Variances No. 00230 for 1050 Yates Street**

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### RECOMMENDATION

That Council, after giving notice, posting signage, and inviting written comments from the public for Council's consideration, consider the following motion:

1. "That Council authorize the issuance of Development Permit with Variances No. 00230 for 1050 Yates Street, in accordance with plans submitted to the Planning department and date stamped by Planning on November 3, 2023, subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. increase the maximum building height in Development Area 2 (DA 2) and Development Area 3 (DA 3) from 45m to 47.5m
    - ii. increase the maximum building height in Development Area 4 (DA 4) from 50m to 75.5m
    - iii. reduce the south building separation distance in DA 2 above 20m from 12m to 0m
    - iv. reduce the north building separation distance in DA 3 above 20m from 12m to 0m
    - v. reduce the building separation distance in DA 4 for residential uses between 0-20m above grade from 6m to 5.42m
    - vi. reduce the building separation distance between DA2 and DA3 above 20m from 12m to 0m
    - vii. encroach into the 1:5 setback incline on Cook Street by 3.14m
    - viii. encroach into the 1:5 setback incline on Yates Street by 7.24m
    - ix. encroach into the 1:5 setback incline on Johnson Street by 4.90m
    - x. reduce the required number of parking stalls from 300 to 166
    - xi. reduce the required number of visitor parking stalls from 48 to 10.
  - b. Registration of the following legal agreements on the property's title, with contents satisfactory to the Director of Sustainable Planning and Community Development and form satisfactory to the City Solicitor:
    - i. provision of a housing agreement to secure the residential units as rental for the greater of 60 years or the life of the building
    - ii. provision of transportation demand management measures including:
      - a. restrictions on the charging of fees for long terms bicycle parking for a period of ten years
      - b. four carshare electric vehicles (EV) with a minimum developer funded financial

- contribution of \$55,000 per vehicle towards its purchase and operation
    - c. a Modo carshare membership provided to each residential unit, including \$100 usage credit.
  - iii. provision of public realm improvements per plans dated November 3, 2023 and including:
    - a. Boulevard raingarden on the municipal frontage on Yates Street as shown on Plan L1.02.
    - c. Plan amendments to shift the proposed servicing (city services and hydro vault) to retain the existing street tree at the corner of Cook Street and Yates Street.
    - d. The applicant continues working with the City to retain the Cook Street Municipal trees currently proposed for removal and replacement and to revise the Arborist Report, and Geotech Report to reflect their retention.
    - e. Plan amendments to revisit the design of the Cook Street frontage to optimize curb alignments and the boulevard space available to support large canopy trees and an improved public realm if the retention of municipal street trees proves infeasible, to the satisfaction of the Director of Parks, Recreation and Facilities and the Director of Engineering and Public Works.
- 2. That the Development Permit with Variances (DPV), if issued, lapses two years from the date of issuance, or, if the DPV is not issued within two years from the date of this resolution, then the DPV lapses two years from the date of this resolution.
- 3. That subject to issuance of the Development Permit with Variances, Council authorize the projecting encroachments over the City right of way on Cook Street and Yates Street generally as shown on the plans submitted to the City and date stamped November 3, 2023 provided that the applicant enters into an encroachment agreement with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.”

## LEGISLATIVE AUTHORITY

Relevant Development Permit considerations relate to the application’s consistency with design guidelines.

### Enabling Legislation

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.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

In accordance with Section 483 of the *Local Government Act*, Council may enter into a Housing Agreement which may include terms agreed to by the owner regarding the occupancy of the housing units and provided such agreement does not vary the use of the density of the land from that permitted under the zoning bylaw.

## **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with variances for the property located at 1050 Yates Street.

The proposal is to create a mixed-use project consisting of two purpose-built rental buildings of 15 and 25 storeys over a common commercial ground floor and podium.

The following points were considered in assessing this application:

- The proposal would facilitate the “build-out” of the remaining three phases of the Fire Hall comprehensive development area (rezoned in 2019), which was initially conceived as four phases, with the firehall being the first phase.
- Although the zone permits strata-residential tenure, the proposal is for approximately 481 purpose-built market rental residential homes, which would be secured through a housing agreement for the greater of 60 years or the life of the building, consistent with the Official Community Plan (OCP) housing objectives. As a Master Development Agreement (MDA) condition of the 2019 rezoning, the proposal will deliver a public plaza located on Yates Street and a widened sidewalk that extends onto the subject property, completing an enhanced and accessible public realm.
- Consistent with OCP objectives for improved sustainable mobility options, the proposal includes a relocated bus shelter on Yates Street and improved in-lane transit curbside stop and transit waiting area.
- Height variances are requested; however, the application is generally consistent with the density and massing anticipated in the Downtown Core Area Plan (DCAP) insofar as creating a perimeter block, locating taller buildings mid-block and with the provision of adequate building separations. The main height variances relate to the mid-block tower on Yates Street, however, the slenderness of this building, below the guideline floor plate maximums, reduces the impacts of the tower on adjacent properties and the public realm.
- Variances for building separation distances are proposed between DA2 and DA3 however, because the proposal combined DA2 and DA3 and proposed only two buildings instead of three, as was originally envisioned, these buildings separations and the variances to them are not applicable. Greater building separations than are required in the zone were achieved with the proposed building layout.
- The proposal infringes into some of the setback planes identified in the zone, however, the key setback plane, along Cook Street, is respected and the largest infringement is in a location where the impacts fall onto the subject site rather than the public realm.
- TDM measures are sufficiently proposed to help offset the parking shortfall and the proposal's central location, along well serviced transit routes, make it a viable option for a car light lifestyle in support of the proposed parking variance.

Council may wish to allow this project to advance to the point of final Council consideration by waiving the formal opportunity for public comment while continuing with the practice of allowing for written comments. Other aspects of the process that ensure transparency and notification of the public would be maintained. Additionally, Council may wish to ratify the motion at the Council meeting immediately following the Committee of the Whole meeting to expedite the final approval. Appropriate wording has been added to the motion to this effect. Should Council wish to hold an opportunity for public comment, an alternate motion (alternate motion option 1) is also provided.

## **BACKGROUND**

### **Description of Proposal**

This proposal is to create a mixed-use project consisting of two purpose built rental buildings of 15 and 25 storeys over a common commercial ground floor and podium. Key aspects of the proposal include:

- a continuous podium around Cook, Yates and Johnson streets at five storeys high, with the first storey devoted to commercial uses, a residential lobby entrance and private townhouse entrances on Johnson Street
- a 15-storey mid-rise building (Building B), oriented north south and fronting Cook Street
- a 25-storey slender tower (Building A), composed within two main blocks of ten and nine storeys, with alternating overhanging faces
- a roughly 330m<sup>2</sup> plaza area, facing south, strategically located to receive maximum access to sunlight, anticipating future building placements on the site to its south
- five, two-level townhouses facing Johnson Street
- two levels of underground parking.

The differences from the CA-90 Zone, Mid Cook District are listed below and require variances:

- increase the maximum building height in DA 2 and DA 3 from 45m to 47.5m
- increase the maximum building height in DA4 from 50m to 75.5m
- reduce the south building separation distance in DA2 above 20m from 12m to 0m
- reduce the north building separation distance in DA3 above 20m from 12m to 0m
- reduce the building separation distance in DA4 for residential uses between 0 and 20m above grade from 6m to 5.42m
- reduce the building separation distance between DA2 and DA3 above 20m from 12m to 0m
- encroach into the 1:5 setback incline on Cook Street by 3.14m
- encroach into the 1:5 setback incline on Yates Street by 7.24m
- encroach into the 1:5 setback incline on Johnson Street by 4.90m
- reduce the required number of parking stalls from 300 to 166
- reduce the required number of visitor parking stalls from 48 to 10.

### **Land Use Context**

The area is characterized by primarily residential apartments ranging in height from five storeys to 18 storeys and smaller commercial and retail buildings of one to two storeys. The subject property is also immediately north of the recently approved development proposal for the half block bound by Cook, Yates, and View streets. That proposal includes a perimeter podium of five storeys and two towers of 20 and 21 storeys. Currently under construction, to the east, across Cook Street, is a new development with residential mixed-use buildings ranging from six storeys to twelve storeys.

The site is presently occupied by the recently completed Victoria Fire Station 1 and its incorporated residential mid-rise building above. Other areas of the property are un-used following the closure of the former commercial car dealership and service garage to make way for the fire hall redevelopment. Under the existing CA-90 Zone, the property could be developed as three strata-residential buildings ranging in height from 15 to 18 storeys.

The location of the site is shown in Figure 1.

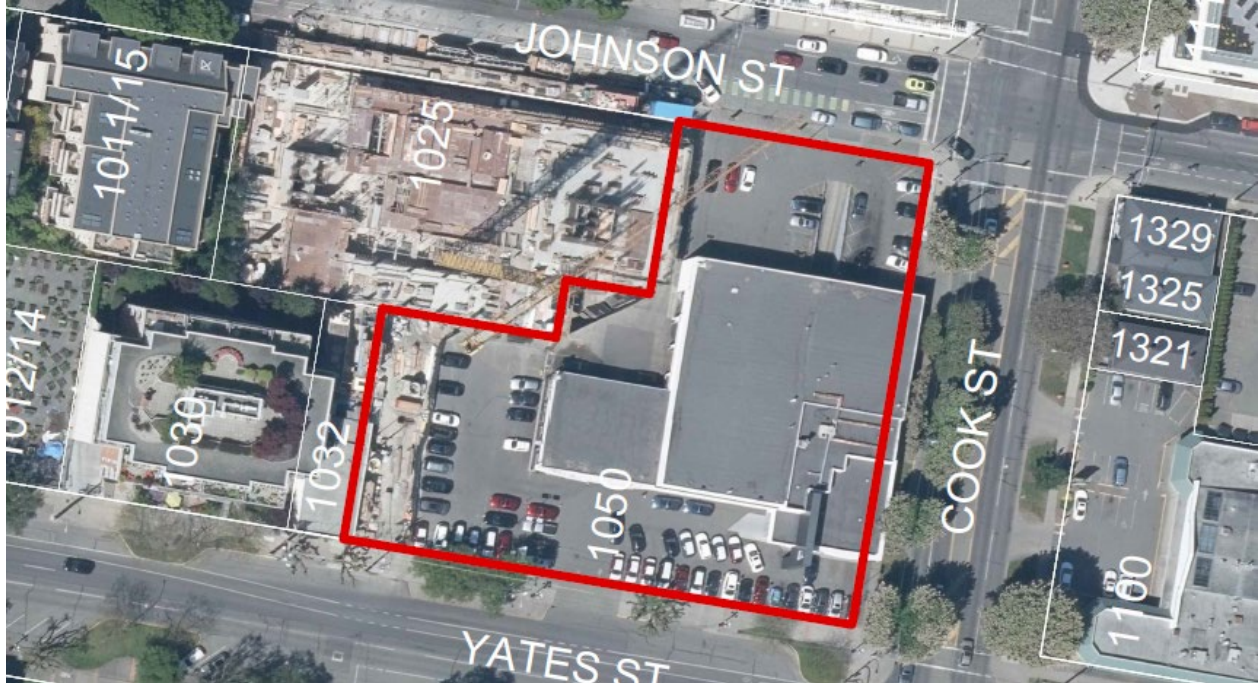


Figure 1: Existing Site Development and Development Potential

### Data Table

The following data table compares the proposal with the CA 90 Zone, Mid Cook District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Proposal	Zone Standard (CA-90)	OCP	Downtown Core Area Plan (DCAP)
Density (Floor Space Ratio) – maximum	7.42	7.42	7.42	n/a
Total floor area (m <sup>2</sup> ) – maximum	48,957.44	48,957.44	n/a	n/a
<b>Vehicle Parking</b>				
Residential parking	<b>166*</b>	300		
Residential Visitor parking	<b>10*</b>	48		
Residential accessible parking	10	9	n/a	n/a
Commercial parking	30	30		
Commercial accessible parking	1	1		

Zoning Criteria	Proposal	Zone Standard (CA-90)	OCP	Downtown Core Area Plan (DCAP)
<b>Bicycle Parking</b>				
Long term (all uses)	604	584		
Short term (all uses)	60	60		

Zoning Criteria	Proposal Building A (Tower)	Zone Standard	Downtown Core Area Plan (DCAP)
Height (m) – maximum	<b>75.50*</b>	50	50
Storeys – maximum	<b>25*</b>	18	17
Building Separation (north)	17.78	12	20
Building Separation (east)	27.8	12	20
Building Separation (west)	<b>5.42*</b>	6.0	10
<b>Setback Plane (m) – minimum</b>			
Yates St. (20m above grade)	<b>7.24*</b>	0	0
Zoning Criteria	Proposal Building B (Mid-Rise)	Zone Standard	Downtown Core Area Plan (DCAP)
Height (m) – maximum	<b>47.04*</b>	45	45
Storeys – maximum	15	15	15
Building Separation (north/west)	21.5	12	20
Building Separation (south/west)	27.8	12	20
Building Separation (south) above 20m	<b>0*</b>	12	20
Building Separation (north) above 20m	<b>0*</b>	12	20
<b>Setback Plane (m) – minimum</b>			
South - Yates St. (20m above grade)	<b>2.96*</b>	0	0
East - Cook St. (20m above grade)	<b>3.14*</b>	0	0
North - Johnson St. (15m above grade)	<b>4.9*</b>	0	0

## Sustainable Mobility

The application proposes the following features which support multi-modal transportation:

- enhanced bike parking (provision of an additional 20 stall above bylaw requirements, cargo and electric bike parking, and maintenance facilities)
- end-of-trip facilities (showers, lockers, change rooms)
- four EV carshare vehicles and driving credits
- improved Yates Street frontage works to accommodate an in-lane curbside transit stop.

## Public Realm

The following public realm improvements are proposed in association with this application:

- A publicly accessible plaza, of an area no less than 250m<sup>2</sup> is a requirement of the existing Master Development Agreement (MDA). The applicant has proposed to provide a 330m<sup>2</sup> plaza, positioned in anticipation of development to the south to maximize sunlight.
- The ground floor of the proposal is set back 2.5m for a minimum of 50% of the frontage length (as a condition of the existing MDA), creating more generous sidewalk widths which, in turn, helps to support street trees and the overall site accessibility.

These public realm features are already secured through the existing MDA as part of the 2019 site-wide rezoning, and they are being delivered with this project.

## Relevant History

This proposal completes the build-out of the comprehensive firehall rezoning from 2019. At that time, a Master Agreement was secured that set out conditions requiring a 250m<sup>2</sup> publicly accessible plaza be delivered prior to the final phase of the comprehensive development. In addition, to inform the design of the plaza, a community design charrette was required as an MDA condition. To that end, a public charrette was held in person on February 1, 2023. A presentation and survey was also distributed online and the feedback received has been used to shape the final design of the plaza.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Variance Applications*, prior to submission of the application, it was posted on the Development Tracker on May 4, 2023, along with an invitation to complete a comment form. Mailed notification was sent to owners and occupiers of immediately adjacent properties advising that a consultation process was taking place and that information could be obtained and feedback provided through the Development Tracker. A sign was also posted on site, to notify those passing by of this consultative phase.

A letter from the Downtown Residents Association CALUC was not received at the time of writing this report.

While the staff recommendation includes the necessary language to waive the Opportunity for Public Comment, all other aspects of the process that ensure transparency and notification of the public would be maintained. The *Local Government Act* requires that a notice be placed in a newspaper and that a mailed notice be provided within the distance specified in the City's bylaws. In this instance, notification requirements involve adjacent properties, therefore, consistent with the *City's Land Use Procedures Bylaw*, mailed notice would be sent to owners and occupiers of

the subject site and adjacent properties. This notice would still invite recipients to provide written comments on the proposal if they felt inclined. Also, in accordance with the City's *Land Use Procedures Bylaw*, a sign would be posted on the property notifying the public of Council's upcoming consideration of the matter along with an invitation to provide written feedback.

## **ANALYSIS**

### Official Community Plan: Design Guidelines

The *Official Community Plan, 2012* (OCP) identifies this property within DPA 3, Core Residential. The objectives of this designation are to transform the function, form and character of the area through mid-to-high-rise residential mixed use and commercial buildings. As part of the Firehall rezoning, an OCP amendment was approved by Council in 2019, making this application consistent with the densities outlined in the OCP. Similarly, a purpose-built rental building and the proposed public plaza helps to advance OCP housing and public realm objectives.

At this location, the OCP envisions buildings of approximately 20 storeys. The proposal is for a maximum height of 74.22m (25 storeys). This is in excess of the OCP by five storeys, however generally consistent with the immediate and emerging building context. Given this contextual fit, concerns around affecting land values and spurring speculation are minimal. Additionally, the proposal includes a more slender tower form, less than that outlined in the design guidelines, making the impacts of the tower less on adjacent properties and the public realm. The increased tower height was also in part a function of the increased proposed plaza area, meaning that more open space is available at ground level to offset the impact of additional height. These factors together meet the intents of the OCP insofar as mitigating the impacts of height while at the same time recognizing that the proposed height variance is not out of context with the immediate surroundings, making the height variance supportable.

### Downtown Core Area Plan (DCAP)

Overall, the proposal is generally consistent with the Downtown Core Area Plan insofar as creating a perimeter block, including a recessed plaza area and by utilizing diverse building forms with both a tower and mid-rise. Where the proposal deviates from the DCAP is outlined below.

### Building A (tower on Yates Street)

Building A is the 25-storey tower, fronting Yates Street. The height variance is approximately 24m or roughly seven storeys beyond the zoning. A mitigating factor of the proposed tower is its slender floor plate, proposed at 600m<sup>2</sup> where policy sets maximums of 650m<sup>2</sup>. As noted above, the reduced tower bulk and increased adjacent public realm sufficiently offset the impacts of the proposed additional height.

### Building B (mid-rise on Cook Street)

Building B is the mid-rise building facing Cook Street. A height variance of 2.04m is proposed for this building. This equates to less than a single story. Mitigating factors that make this variance acceptable are that the building is oriented north/south, which reduces its shadowing impact. Additionally, the variance is only for a portion of the building and not its entire length.

The design guideline recommended floorplate maximums are also exceeded with Building B. The guidelines call for floor plate maximums of 900m<sup>2</sup> and the proposal is for 1533m<sup>2</sup>. Floor plate limitations are intended to reduce the impact of large buildings, minimize shadowing, retain



access to sunlight and views of the sky, and to ensure a level of diversity in the built form, commensurate with a human scaled city. However, the guidelines also anticipate circumstances where floor plate maximums may be exceeded and that includes when buildings are oriented north/south, as is proposed. North/south orientations limit shadowing impacts because the narrowest portion of the building faces south. Additionally, this flexibility is supported to enable applicants to design to the context which typically results in more diverse building typologies. On this basis, the proposal is consistent with the massing promoted in the guidelines, making this variance supportable.

Variances for building separation distances are proposed between DA2 and DA3 however, because the proposal combined DA2 and DA3 and proposed only two buildings instead of three, as was originally envisioned, these buildings separations and the variances to them are not applicable. Greater building separations than are required in the zone were achieved with the proposed building layout.

The proposed buildings also infringe into setback planes on Johnson and Yates streets. The infringements from Building B are negligible however, the infringements by Building A (the tower) are more significant, at over eleven metres. Notably, the tower is still set back from the property line by over 3m and is atop a podium, which mitigates its impact felt at pedestrian level. With the tower location on the north side of the street as well, its shadowing impact falls onto the subject property rather than the public realm. Given the trade-offs for increased open space achieved in the proposed plaza, the slenderer tower and the factors outlined above, this variance would be recommended as supportable.

### Parking Variance

A variance of 172 parking stalls is proposed. To offset the parking shortfall a number and transportation demand management (TDM) measures are proposed. These include:

- on-site car share program supplied in partnership with Modo, to support a car-light lifestyle for residents
- diverse selection of secure bike parking, in excess of Schedule C, provided on L1 and P1, accessed via dedicated ramp at grade
- bike parking to accommodate larger cargo bikes, accessible bikes and EV bikes through the inclusion of charging outlets
- a separate dedicated fully equipped bike repair centre
- end-of-trip bike facilities (including WC, shower and private lockers)
- relocation of the bus stop on Yates Street to include the enlargement of the sidewalk with public seating.

These TDM measures, along with the central, walkable location of the proposal on well-served transit routes helps offset the parking shortfall.

### Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

## Sustainability

As indicated in the applicant's letter dated November 21, 2023, the following sustainability features are associated with this proposal:

- designed and constructed to LEED Gold Certification
- enhanced landscape and stormwater management strategies including a raingarden on the Yates Street frontage to achieve Victoria's Rainwater Management Standards
- a fully electrified building

## Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel on June 28, 2023. At that meeting, the following motion was passed:

*That the Advisory Design Panel recommend to Council that Development Permit Application No.000230 for 1050 Yates Street be approved with the following changes:*

- *Applicant to consider the massing of the Bar building (B) to lighten the architecture given the length of the building along Cook Street and Yates Street.*
- *Further consideration of the materiality of cladding on Building B.*
- *Panel supports the applicant's willingness to further explore items listed in the staff report below:*
  - *The south elevation of Building B, above the podium with respect to its composition, interest, materials and articulation and the north elevation overhang above the podium*
  - *The lobby entrance on Building B and its legibility within the overall design*
  - *Infringements into the setback plane for Building B.*

In response, the applicant made the following changes:

- provided a setback for the Building A tower above the podium
- introduced more vertical elements to Building A
- added balconies and windows to the south façade of Building B
- increased the legibility of the Building B lobby entrance
- reduced the overhang of the rectilinear volume on Building B to decrease its setback infringement.

## 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 neighborhoods. This proposal is in an area of low canopy cover; Downtown and Harris Green have canopy covers of nine and 17 percent respectively.

A total of 13 trees have been inventoried, all of which are on municipal property: five trees on the Cook Street frontage and eight trees on the Yates Street frontage.

The proposal identifies five horse-chestnut trees on the Cook Street boulevard to be removed to allow for the construction of the adjacent building. Trees range in size of 52 cm to 96 cm Diameter at Breast Height (DBH). The removal of these trees is not supported and retention is

recommended to align to the goals of the Urban Forest Master Plan, Downtown Core Area Plan, and previous community feedback regarding the mature horse-chestnuts along Cook Street.

The developer has been asked to retain the trees and revise the arborist report and geotechnical report to reflect their retention status. If the retention of these trees proves infeasible due to underground utility conflicts such as BC Hydro, the recommended motion includes language to require the applicant to revisit the design of the Cook Street frontage to optimize curb alignments and the boulevard space available to support replacement of new large canopy trees and an improved public realm.

To meet the Tree Protection Bylaw's Tree Minimum requirements of 23 trees on the subject site, Cash-in-Lieu of \$16,000 will be required (\$2,000 for each tree not planted meeting the Bylaw Requirements).

Eleven municipal replacement trees are proposed however, this will be revised with updated plans which retain the trees on the Cook Street frontage. Currently, there are seven trees proposed in irrigated soil cells to replace the horse-chestnut trees on the Cook Street frontage and four trees proposed along Yates Street in rain gardens and grass boulevards.

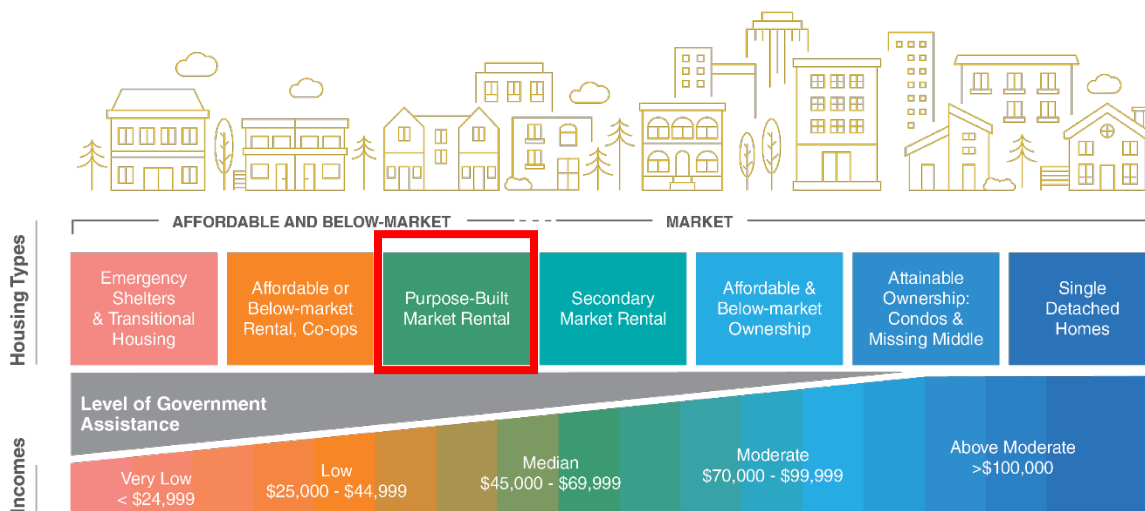
### Resource Impacts

Summarized in the table below are the annual maintenance costs that would be incurred with this application:

<b>Increased Inventory</b>	<b>Annual Maintenance</b>
Tree Irrigation for seven tree rings on Cook	\$700
Rain Garden Maintenance 76 m <sup>2</sup>	\$2700
Rain Garden Irrigation	\$1000
New turf boulevard on Yates 100 m <sup>2</sup>	\$2000

### Housing

Since this application is for a Development Permit, housing tenure and affordability considerations cannot be required. However, the applicant has proposed all units as purpose built rental. The application would add approximately 481 net new market residential rental units, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.



**Figure 1. Housing Continuum**

### *Housing Mix*

At present a policy that provides targets regarding housing mix and unit type does not exist. However, the OCP identifies a mix of units as an objective and identifies the need for a diverse range of housing units including family housing. As submitted, this application proposes:

- 20 studio units
- 297 one-bedroom units
- 149 two-bedrooms units
- 15 three-bedroom units.

### *Security of Tenure*

A Housing Agreement is being proposed which would secure all proposed units as rental for the greater of 60 years or the life of the building.

### *Existing Tenants*

There are no existing tenants.

### **Encroachment Agreement**

A number of street-level canopies are proposed along Yates, Cook and Johnson streets, which project above the City Right-of-Way. These are encouraged in the Guidelines to provide pedestrian weather protection and welcoming streetscapes. To facilitate these canopies, the applicant is required to enter into an Encroachment Agreement with the City. Appropriate wording is included in the recommendation for Council's consideration.

### **CONCLUSIONS**

The proposal is generally consistent with the relevant design guidelines and OCP objectives for the area. Where it is inconsistent, design features or alternatives are proposed that sufficiently offset the impacts of these inconsistencies. This includes a more slender tower than the guidelines call for and increased open space with a larger than required plaza to offset the height impacts

for Building A. Building B's inconsistency with floor plate maximums is mitigated with its orientation, which reduces shadowing and with design features that help to break up its apparent length. TDM measures are sufficiently proposed to help offset the parking shortfall and its central location, along a well serviced transit route make the proposal a viable option for a car-light lifestyle. Most notably, the provision of nearly 500 purpose-built rental units advances OCP housing objectives and completes the vision from the 2019 comprehensive firehall rezoning. For these reasons, it is recommended for Council's consideration that the application be approved.

## **ALTERNATE MOTION**

### Alternate Option 1 (Hold Opportunity for Public Comment)

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

1. "That Council authorize the issuance of Development Permit with Variances No. 00230 for 1050 Yates Street, in accordance with plans submitted to the Planning department and date stamped by Planning on November 3, 2023, subject to:
  - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
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      - b. four carshare electric vehicles (EV) with a minimum developer funded financial contribution of \$55,000 per vehicle towards its purchase and operation
      - c. a Modo carshare membership provided to each residential unit, including \$100 usage credit.
    - iii. provision of public realm improvements including:
      - a. Boulevard raingarden on the municipal frontage on Yates Street as shown on Plan L1.02.

- c. Plan amendments to shift the proposed servicing (city services & hydro vault) to retain the existing street tree at the corner of Cook Street & Yates Street.
  - d. The applicant continues working with City to retain the Cook Street Municipal trees currently proposed for removal and replacement and to revise the Arborist Report, and Geotech Report to reflect their retention.
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  3. That subject to issuance of the Development Permit with Variances, Council authorize the projecting encroachments over the City right of way on Cook Street and Yates Street generally as shown on the plans submitted to the City and date stamped November 3, 2023 provided that the applicant enters into an encroachment agreement with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.”

#### Alternate Option Two (Decline)

That Council decline Development Permit with Variances application No. 00230 for 1050 Yates Street.

Respectfully submitted,

Miko Betanzo  
Senior Planner- Urban Design  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

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

#### **List of Attachments**

- Attachment A: Subject Map
- Attachment B: Plans date stamped November 3, 2023
- Attachment C: Letter from applicant to Mayor and Council dated November 21, 2023
- Attachment D: Draft Advisory Design Panel minutes