



## Committee of the Whole Report For the Meeting of December 14, 2023

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**To:** Committee of the Whole **Date:** November 30, 2023

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

**Subject:** Update Report for Development Permit with Variances Application No. 00051 for 937 View Street

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### RECOMMENDATION

That Council decline Development Permit with Variances Application No. 00051 for the property located at 937 View Street.

### LEGISLATIVE AUTHORITY

Relevant Development Permit with Variance considerations relate to:

- the application's consistency with Design Guidelines
- the impact of variances.

### 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.

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 updated information, analysis and recommendations for a revised Development Permit with Variances for the property located at

937 View Street, which proposes a 23-storey residential building with approximately 269 rental units. Two variances from the existing zone are proposed and relate to an increase in the maximum height from 27m to 73.40m and an increase in the maximum number of storeys from 10 to 23 storeys.

This application was previously presented to Committee of the Whole on May 13, 2022 (see attached staff reports). At that meeting, Council directed staff to work with the applicant to refine the proposal to address concerns related to setbacks and have a greater consistency with the 2022 Design Guidelines (updated *Downtown Core Area Plan*). The application has been revised to increase the setbacks which has resulted in a further increase to the height and number of storeys.

The following points were considered in assessing this application:

- The proposal has undergone numerous design iterations, which has resulted in an incremental increase in the building height from 45m (14 storeys) at the initial submission, to 60.15m (19 storeys) when the application was last presented to Council in May 2022. The most recent revisions relate to an increase in building height to 73.40m and 23 storeys and an increase to the building setbacks through a reduction in the tower floorplate to better meet the building separation requirements expressed in the Design Guidelines
- The revised proposal remains inconsistent with the objectives and guidelines contained in Development Permit Area 7B (HC): Corridors Heritage of the *Official Community Plan, 2012 (OCP)*. In particular:
  - The proposed building height exceeds the maximum heights in the Design Guidelines by approximately 28m (roughly 10 storeys), which is considered too great a departure from the envisaged heights for the area and does not provide a sensitive response to the Heritage Corridor.
  - Although an improvement since the last design iteration, the proposed tower setbacks still do not meet the minimum 10m requirements by approximately 1m on the side yards and 2m on the rear yard.
  - The proposal does not achieve a more cohesive design nor enhance the appearance along an arterial road (as visible from Fort Street) through high quality architecture, landscape and urban design responsive to its historic context through sensitive and innovative interventions.
- The reduced floorplate and more slender tower form results in a proposal that is technically compliant with the minimum shadow study requirements in the Design Guidelines; however, the increased height variance is a further departure from the guidelines related to the location of tall buildings as the subject site is located two city blocks further east from where the greatest heights are envisaged
- The site is considered to be a relatively small site, therefore the negative impacts of a proposal that is not consistent with the guidelines are amplified. Conversely, larger sites offer greater flexibility for site planning, building placement and distribution of density. Given the existing context and development potential, land assembly with the adjacent property to the south would avoid orphaning this lot and enable a comprehensive redevelopment that is more consistent with the *Official Community Plan (OCP)* and Design Guidelines.

While the importance of secured rental housing is recognized, given the inconsistencies with the guidelines, and potential impacts on future development of adjacent sites, it is recommended that Council decline the Development Permit with Variances application. However, alternate motions

have been provided at the end of this report to advance the application subject to several minor plan revisions.

## **BACKGROUND**

### **Description of Proposal**

This proposal is to construct a 23-storey, purpose built rental residential building containing approximately 269 units and a commercial retail unit approximately 70 m<sup>2</sup> in size on the ground floor. Specific details include:

- five storey podium base with high rise slender tower above and uniform fenestration pattern
- exterior materials include curtain wall panel systems in white, light grey and dark grey stone texture
- community amenity space on the ground floor, the roof of the podium (level 6) and two additional amenity spaces on level 23 including an outdoor north facing terrace
- removal of one existing boulevard tree to allow for the driveway access
- landscaping on View Street consisting of four new street trees (two on-street in tree grates and two in raingardens)
- landscaping within the private property consisting of four new trees and shrub planting in raised planters along the north (front) property line, a trellis and associated planting along the west (side) property line and three small trees on the roof deck (level 23)
- secure bicycle parking for 310 bicycles, located at the rear of the building on the main floor
- publicly accessible bicycle parking for 29 bicycles located at the front entrance and the side lane (easement for access to 930 Fort Street to the south).

The following differences from the R-48 Zone, Harris Green District, are proposed and require variances:

- an increase in the maximum height from 27m to 73.40m
- an increase in the maximum number of storeys from 9 to 23 storeys.

### **Land Use Context**

The area is characterized by a mix of residential, commercial and surface parking lot uses.

Immediately adjacent land uses include:

- North – Harris Green commercial complex (a rezoning application for a multi-phased mixed use proposal was recently approved by Council in April 2023)
- South – surface parking lot (a development permit for a 13-storey mixed use building expired in September 2022 as construction had not substantially commenced)
- East – a six-storey, purpose built rental building was approved on February 10, 2022 and is under construction
- West – existing 19-storey multi residential building (View Towers).

### **Existing Site Development and Development Potential**

The site is presently used as a surface parking lot and is shown in Figure 1.

Under the current R-48 Zone (Harris Green District), the property could be developed at a height

of ten storeys (if commercial use is included on the ground floor) to accommodate a range of uses, including but not limited to residential, retail, office, restaurant, theatres or day cares. The current zone does not prescribe a maximum density.



**Figure 1: Aerial view of site**

### Data Table

The following data table compares the proposal with the R-48 Zone (Harris Green District) as well as the *Downtown Core Area Plan* policies and the previous proposal. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

Zoning Criteria	Current Proposal	May 2022 Proposal	R-48 Zone	DCAP
Site area (m <sup>2</sup> ) – minimum	1572.30	1572.30	N/A	1600
Density (Floor Space Ratio) – maximum	7.86:1	7.97:1	7.97:1 <sup>1</sup>	5.5:1
Total floor area (m <sup>2</sup> ) – maximum	12,356	12,539		8647.65
Height (m) – maximum	<b>73.40*</b>	<b>60.15*</b>	30	45.00
Storeys – maximum	<b>23*</b>	<b>19*</b>	10	15
Site coverage (%) – maximum	69.00	62.00	N/A	-

<sup>1</sup> The R-48 zone is silent on density. However, a theoretical density calculation has been provided based on the permitted heights and setbacks of the existing zone.

Zoning Criteria	Current Proposal	May 2022 Proposal	R-48 Zone	DCAP
Open site space (%) – minimum	31.00	38.00	N/A	-
<b>Setbacks (m) – minimum</b>				
Front (View Street)	3.59	3.50	3.50	0 – 3
Rear (south)	0 (level 1) 8.19 (tower)	0 (level 1) 3.03 (levels 2-9) 6.03 (levels 10-19)	N/A	10
Side (east)	0 (level 1-6) 9.03 (tower)	0 (level 1) 4 (levels 2-9) 6.55 (levels 10-19)	N/A	10
Side (west)	7.62 (level 1) 8.98 (tower)	7.62	N/A	10
Parking – minimum	0	0	0	-
Bicycle parking stalls long term – minimum	310	290	273	-
Bicycle parking stalls short term – minimum	29	27	27	-

### Sustainable Mobility

The application proposes the following features which support active transportation:

- 310 secure bicycle stalls located at the rear of the building on the main floor (exceeding the minimum requirements in the *Zoning Regulation Bylaw* by 20 stalls), 88 of which are proposed to have electric charging outlets
- 16 publicly accessible bike racks located on View Street and 11 publicly accessible bike racks located on the side lane including bicycle repair benches.

The electrical charging outlets for the bicycle stalls would be secured through a legal agreement should Council decide to advance the application.

### Public Realm

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

- streetscape improvements along the development frontage as per the *Downtown Public Realm Plan* 'New Town' District specifications, including the provision and installation of furnishings, materials and one decorative pedestrian light
- provision and installation of soil cells to achieve recommended soil volumes and depths for two of the four new street trees in the sidewalk along View Street
- provision and installation of the City standard tree guards for the two street trees in grates
- two boulevard rain gardens along View Street.

Should Council decide to advance the application these would be secured with a Section 219 covenant, registered on the property's title, prior to Council giving final consideration of the

Development Permit with Variances. The applicant has expressed a willingness to enter into this agreement.

## Relevant History

On May 26, 2022 Council passed the following motion at the Committee of the Whole meeting (see attached link to previous staff report):

*“That the matter be referred back to staff to work with the applicant to address concerns related to setbacks and have greater consistency with the 2022 guidelines.”*

A number of design changes have since been incorporated into the proposal including:

- a simplified building form, eliminating the multiple street walls and building step backs
- an increase in building height to 73.40 (23 storeys)
- inclusion of a commercial retail unit (approximately 70m<sup>2</sup>) with patio on the ground floor
- Juliet balconies for the north facing (View Street) units within the podium (levels 1 – 5)
- addition of a second rain garden (previously proposed as planted boulevard)
- modifications to the floor plans to accommodate the changes to unit mix
- a reduction in tower floorplate size from 644m<sup>2</sup> (above level 10 in the previous submission) to 477.5m<sup>2</sup>
- increases to building setbacks as detailed in the data table
- an additional community amenity space on the roof of the podium (level 6) including planters for urban agriculture and a dog run.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant was first referred for a 30-day comment period to the Downtown Residents Association (DRA) CALUC on September 5, 2017. Revised plans have also been circulated to the CALUC but no further correspondence has been received since Council last considered the application.

Pursuant to section 31 of the City's *Land Use Procedures Bylaw*, Council may provide an opportunity for public comment before considering a development permit with variance application. However, notice of the application must still be sent to all owners and occupiers of the subject property and adjacent properties. The notice would invite recipients to provide written comments prior to Council's consideration of the application. Should Council choose to advance the application and hold an opportunity for public comment, an alternate motion has been provided at the end of this report.

The associated application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

## ANALYSIS

### Official Community Plan

The *Official Community Plan, 2012 (OCP)* identifies this property within Development Permit Area 7B (HC): Corridors Heritage. Key objectives of this designation include conserving the heritage

value, special character and the significant historic buildings, features and characteristics of this area. The Core Residential Urban Place Designation notes that heights may be up to 20 storeys in select areas; however, the OCP also includes language (Policy 6.4) which notes that *decisions about the use, density and scale of building for an individual site will be based on site-specific evaluations of proposed developments in relation to the existing and envisioned context of the site, block and local area which may be informed by several factors* including consistency with all relevant local area plans. So, whilst 20 storeys may be acceptable in some locations, the local area plan provides additional guidance and is discussed in more detail below.

The OCP also notes that heights are generally envisioned to be taller in the central area of the Downtown Core and taper outward. Although revisions to the proposal have resulted in increased tower setbacks and a more simplified building form, the increased height amplifies the deviation from policy, raising concerns that the tower is too great a departure from the envisaged heights for the area and that the building does not provide a sensitive response to the Heritage Corridor.

The OCP encourages the logical assembly of development sites to enable the best realization of development potential for the area. The site is considered to be a relatively small site, therefore the negative impacts of a proposal that is not consistent with the guidelines are amplified. Conversely, larger sites offer greater flexibility for site planning, building placement and distribution of density. Staff have consistently encouraged the applicant to consider lot consolidation with adjacent parcels as a means of achieving a development more consistent with the policies in the OCP and Development Permit Area Design Guidelines through appropriate site planning.

To the south is a surface parking lot; Council previously approved a development permit for a 13-storey mixed use building – this however expired in September 2022. Prepared under the former *Downtown Core Area Plan* (DCAP), the same proposal would not be supported under the current DCAP as it would not meet building separation distances, setbacks or tower placement. Advancing a proposal that contains significant height and density at 937 View Street would undermine the development potential for the property to the south, which is contrary to the objectives in the OCP. Staff maintain that lot consolidation would offer more flexibility in density distribution at lower heights within the parameters of the Design Guidelines.

### **Downtown Core Area Plan**

The *Downtown Core Area Plan* DCAP provides both broad urban design objectives for the Downtown Core and more detailed Design Guidelines for specific districts.

The subject site is designated Residential Mixed-Use District in the DCAP which envisions multi-residential development up to a height of 45m. The base density for a mixed-use development is a floor space ratio (FSR) of 3:1 and a maximum of 5.5:1. The proposed height is 73.40m and the density is 7.86:1 FSR, therefore the proposal is inconsistent with the height and density provisions in the DCAP.

Despite being in excess of the maximum density prescribed in the relevant policy documents, the application does not exceed the theoretical density that could be achieved under the existing R-48 Zone, which is 7.97:1. As a result of complying with the zoning, the application qualifies for being processed as a Development Permit with Variance.

The DCAP also includes policies related to the design of buildings. Although improvements have been made to the proposal, the current design does not sufficiently meet the relevant Design

Guidelines. The following sections outline how the updated proposal responds to the key policies contained within the DCAP.

### Built Form and Massing

The updated proposal has improved with a simplified form in a tower and five-storey podium configuration that meets the required street wall guidelines for base buildings, and the middle (tower) portion has improved through increased building setbacks, although not fully-compliant with the guidelines.

However, the proposal does not include the required 3m tower step back from the street wall along View Street, with the corner units stepping back only 1.8m and the front facing three units situated on the same plane as the base building (0m step back from the street wall). The proposal also does not respond to guidelines related to incorporating a distinctive roof top to terminate towers, distinguish the building and contribute to an interesting and varied skyline. With the increased height variance, the importance of meeting this guideline is amplified.

DCAP suggests a minimum parcel size of 1600m<sup>2</sup> for tall building on interior lots, which the subject site is deficient by approximately 30m<sup>2</sup>. In addition, the guidelines recommend lot consolidation across rear property lines to achieve desired building separation distances for tall buildings. In these circumstances, an innovative and creative response is required to meet the intent of the guidelines, on key issues such as form and massing, building separation, privacy and access to sunlight. The proposals inability to comply with the guidelines on building separation suggests that the subject site is not a candidate for a tall building.

### Building Separation Distances

Staff have previously expressed concerns with the building separation distances and the impacts on livability for the proposed units and adjacent parcels. The previous proposal included units oriented to the east elevation at the podium level which created challenging interfaces with the proposal and the adjacent parcel to the east which includes a six-storey, purpose built rental building.

The updated proposal has revised the floorplans to include eight three-bedroom units oriented in a north-south direction on levels 2 to 5, eliminating the windows on the east elevation, but reducing the side yard setback from 4m to 0m. Although the building is situated closer to the adjacent building currently under construction, this is in conformance with the guidelines which allow for zero setbacks on side yards for buildings up to 23m in height (approximately six storeys), as the guidelines allow for this to encourage continuous street walls in a perimeter block configuration.

The removal of the windows does improve the privacy concerns, although opportunities exist to enhance this blank wall to make it more visually appealing to the future residents that will face this elevation and be situated 3-5m from the property line. Appropriate wording is included in the alternate recommendation should Council decide to advance the application. Window openings have also been reduced on the west side yard at the podium level although one unit per floor is directly oriented to the west and contains a large living room/bedroom window for a studio unit. The current impacts on privacy are likely to be minimal as these units currently face the stairwell of the adjacent building (View Towers) but should this site be redeveloped in the future, the 1m encroachment into the minimum setbacks may create challenges for future development proposals.



In terms of building setbacks, the previous proposal was significantly below the minimum recommended side and rear setbacks for tall buildings. The guidelines recommend a minimum 8m rear yard setback for portions of the building located above the first storey that contain residential uses (up to 23m) which increases to 10m for mid-rise (up to 36m in height) and tall buildings (greater than 36m in height). The previous proposal included a rear yard setback of 3.03m and the updated proposal meets the minimum recommendations for the lower portion of the building with a rear yard setback of 8.19m. However, the remainder of the tower still falls short of the minimum rear setback recommendations by 1.81m, which creates challenging interface conditions and overlook concerns between future potential development proposals. A minimum 10m side yard setback is recommended for buildings above 36m in height and the updated proposal has increased the side yard setbacks to be generally in compliance with this guideline, although a small portion of the tower encroaches into this setback by approximately 1m.

### Relationship to the Street

The Residential Mixed-Use District encourages multi-residential development appropriate to the context, respecting the allowable building heights in the neighbourhood. The Design Guidelines encourage human scaled design and building proportions, which refers to architectural features, details, and building design elements that are scaled and proportioned to support pedestrian activity. The proposal has improved the relationship to the street by incorporating a more human scaled design and building proportions through a five-storey podium base, and by including a commercial unit at grade with a patio accessed directly from the street. These improved features enhance the vitality and pedestrian activity along the street.

### Amenity Space

The DCAP acknowledges the challenges associated with keeping up with short- and long-term growth forecasts, without damage to the natural environment or the livability and quality of life in the Downtown Core Area. As a response to this challenge, the Design Guidelines encourage well-designed and diverse built forms and a range of amenities to serve the daily needs of residents including the provision of useable balconies and other private outdoor spaces to contribute to liveability.

The proposal includes 269 compact rental units within a high-rise building form. The provision of private amenity space is therefore critical to the health and vitality of residents in the building. Only 14 units (5% of the total units) have private terraces (two on the ground floor, seven on level 2 and five on level 6). While Juliet balconies are now shown for the north facing (View Street) units within the podium, most of the units in the building remain without useable private outdoor space.

The previous proposal included a ground floor amenity space and a rooftop amenity space (two interior spaces and a shared north facing patio). The updated application includes some revisions to the common amenity spaces proposed for the building.

- The introduction of a commercial retail unit facing View Street has resulted in the ground floor common amenity space being reduced in size and relocated to area behind the commercial unit
- An outdoor common space has been added on the roof of the podium (level 6) which includes raised planter beds, increasing opportunities for social connection amongst residents.

However, staff are of the opinion that alternative lower scaled building forms would provide a better response to the livability objectives contained within the Design Guidelines.

## Wind Study

Since the application was last presented to Council, and at the request of staff, the applicant has submitted a wind study. The report is attached for Council's consideration and includes recommendations for areas of the proposal that are anticipated to have higher than desired wind speeds, primarily on the level 6 and level 23 terraces. Wind speeds above the comfort threshold for standing are generally higher than ideal for outdoor amenities and the report recommends mitigating the effects by increasing the height of the railings along the southeast and southwest edges of the terrace to at least 2m and by adding overhead features wrapping around the southeast and southwest tower corners. Taller railings would address the direct exposure of the targeted areas to southwesterly and southeasterly winds, while overhead features such as trellises/canopies will help deflect the down washing winds away from the terrace. The updated proposal includes guard rails in the specified locations, but these do not meet the minimum 2m height recommended in the wind study. Should Council decide to advance the application, staff recommend the plans be amended to incorporate the taller wind screens.

## **Variances**

### Height and Number of Storeys

An increase in the height from 30m to 73.40m and an increase in the number of storeys from 10 to 23 is being requested. The R-48 Zone allows for an additional storey and 3m in building height from the previous proposal as the updated plans include commercial use at grade. Although the height allowance has increased slightly, the requested height variance has also increased in magnitude by an additional four storeys and 13.25m. As outlined in the previous report to Council, at the time of the initial submission in 2017, the proposal met the maximum height limits recommended in the guidelines (45m). However, each design iteration has gradually increased in height with the proposal being presented to Council now exceeding the recommended height guidelines in the DCAP by 28m or eight storeys (previously the proposal exceeding the guidelines by 15m and four storeys).

The increased height variance is contrary to Council's request for the proposal to have greater consistency with the 2022 DCAP. The Design Guidelines anticipate building heights that rise gradually from the north and south ends of the Downtown Core Area to an apex within the Central Business District (CBD), with greatest heights along Douglas/Blanshard Street and Yates Street. The subject site lies outside the CBD, two city blocks further east from where the tallest buildings in the city are envisaged. As a result, the proposed 23 storey building would exceed the height of its neighbouring building View Towers by approximately 12m, in an area where heights are intended to be tapering down.

Although a more slender tower form would provide some improved access to sunlight and views to the sky compared to the previous more bulky proposal, the fact remains that the proposal includes a significant height variance, located adjacent to an existing tall building, which is contrary to policy that seeks to stagger towers within a block. Given the inconsistencies surrounding heights, tower placement within neighbourhood blocks and the impacts on the evolution of the city skyline, staff recommend for Council's consideration that the proposed height variance be declined.

## Fence Height

The previous proposal included security fencing around a pad mounted transformer, which would have required a variance to Schedule S of the *Zoning Regulation Bylaw*. Revisions have been incorporated to the ground floor plan which removes the need for the security fence and therefore this variance has been eliminated. The proposal will now be serviced by a private substation.

## **Housing and Unit Mix**

The revised proposal includes 269 secured rental units. The following table identifies the changes to the unit mix since the application was last presented to Council in May 2022.

Unit Type	May 2022 Proposal			Current Proposal		
	Unit size range (m <sup>2</sup> )	Number of Dwelling Units	% of Total Units	Unit size range (m <sup>2</sup> )	Number of Dwelling Units	% of Total Units
Studio	< 32	107	40%	< 30	33	12.2%
1-bedroom / 1 bath	< 45	126	47%	< 45	219	81.4%
1-bedroom / 1 bath	> 45	33	13%	-	-	-
2-bedroom / 1 bath	-	-	-	< 45	1	0.4%
3-bedroom / 1 bath	-	-	-	> 45	8	3%
3-bedroom / 2 bath	-	-	-	> 45	8	3%
<b>Total</b>		<b>266</b>	<b>100%</b>		<b>269</b>	<b>100%</b>

Although proportionately small relative to the total units being provided, the inclusion of one two-bedroom and sixteen three-bedroom units does provide a more diverse unit mix from the previous proposal. The current unit mix better aligns with the goals of the OCP, which identifies the need for a diverse range of housing units including family housing.

Since this application is for a Development Permit with Variances, housing tenure and affordability considerations cannot be required. However, the applicant has offered to secure the rental tenure of the building in perpetuity (previously this was for the greater of 60 years or the life of the building). In addition, the applicant is also proposing to contribute \$50,000 toward the City's Housing Reserve Fund. Should Council decide to advance the application, the rental tenure of the proposal and the larger two and three-bedroom units will be secured, and appropriate wording is included in the alternate motion.

## **Public Realm**

The updated proposal includes revisions to the public realm, including an additional rain garden (previously proposed as planted boulevard), provision of soil cells to support the growth of the trees in grates and minor corrections to the paving patterns to be consistent with the *Downtown Public Realm Plan and Streetscape Standards*. In addition, the proposal will be serviced by a private substation that will include anti-graffiti wrap. The applicant has expressed a willingness to secure the features beyond the Subdivision and Development Servicing Bylaw, which includes the structural soil cells for municipal street trees and rain gardens.

It should be noted that as currently presented, the two trees in the sidewalk along View Street may not be feasible as the clearance width between the proposed building is only 1.3m. City

standards require a minimum sidewalk width of 1.5m, not including the tree grates. Should Council choose to advance the application, a revision will be required to ensure minimum clearance widths are maintained. If it is not possible to relocate the tree grates closer to the curb then the proposed trees in grates will not be feasible.

## CONCLUSIONS

The proposal has improved upon building separation distances in response to direction from Council, although the side and rear yard setbacks are still not fully being met. Although the proposal would contribute to a significant supply of rental housing in the Downtown, the proposed building significantly exceeds the maximum heights in the guidelines and the increased height variance is contrary to Council's request for the proposal to have greater consistency with the 2022 DCAP. Staff are of the opinion that the remaining inconsistencies related to tower placement from adjacent tall buildings, the inability to fully meet setback requirements, the lack of a proper stepping back of the tower from the podium, the potential redevelopment limits imposed on adjacent undeveloped sites and the detrimental impacts of a 23 storey tower on the evolution of the city skyline in this location are too further a departure from city policy.

Given the longstanding nature of the application, it is therefore not recommended the applicant be directed to prepare an alternate design. Should Council wish to advance the proposal, an alternate recommendation is provided to advance the current design with minor revisions.

## ALTERNATE MOTIONS

### Alternate Motion One - Approve without Opportunity for Public Comment

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. 00051 for 937 View Street, in accordance with plans submitted to the Planning department and date stamped by Planning on September 27 (as amended), subject to:
  - a. Proposed plan revisions including:
    - i. Incorporation of wind mitigation features as detailed in Image 9 of the Wind Study dated April 12, 2023
    - ii. Relocation of the two municipal street trees in grates to maintain a minimum 1.5m sidewalk clearance (excluding grates)
    - iii. Revisions to the long-term bicycle parking area to ensure cargo bicycle stalls are 0.9m in width and all bicycle stalls are an accurate representation consistent with the requirements of Schedule C of the *Zoning Regulation Bylaw*
    - iv. Space is provided in the bicycle parking area for mobility scooters.
  - b. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. Increasing the building height from 30m to 73.40m
    - ii. Increase the number of storeys from 10 to 23.
  - c. 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. The property shall be rental in perpetuity
  - ii. The dwelling units shall not be strata titled, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - iii. The provision of no less than 1 two-bedroom and 16 three-bedroom units
  - iv. Provision of transportation demand management measures including:
    - the provision of electric outlets for no less than 25% of the bicycle stalls to the satisfaction of the Director of Sustainable Planning and Community Development
    - the provision of no less than 29 long-term secure cargo bicycle stalls.
  - ii. Provision of the following public realm improvements including:
    - streetscape improvements along the development frontage as per the Downtown Public Realm Plan 'New Town' District specifications, including the provision and installation of furnishings, materials and one decorative pedestrian light to the satisfaction of the Director of Engineering and Public Works
    - the provision and installation of soil cells to achieve recommended soil volumes and depths for the 2 new street trees in grates within the sidewalk along View Street
    - the provision and installation of the City of Victoria standard tree guards for all street trees in grates
    - two boulevard rain gardens along View Street
    - irrigation for rain gardens and trees in grates.
2. That the Development Permit with Variances, if issued, lapses two years from the date of issuance, or, if the Development Permit with Variances is not issued by two years from the date of this resolution, then the Development Permit with Variances lapses two years from the date of this resolution.”

#### Alternative Motion Two - Approve with 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. 00051 for 937 View Street, in accordance with plans submitted to the Planning department and date stamped by Planning on September 27 (as amended), subject to:
  - a. Proposed plan revisions including:
    - i. Incorporation of wind mitigation features as detailed in Image 9 of the Wind Study dated April 12, 2023
    - ii. Relocation of the two municipal street trees in grates to maintain a minimum 1.5m sidewalk clearance (excluding grates)
    - iii. Revisions to the long-term bicycle parking area to ensure cargo bicycle stalls are 0.9m in width and all bicycle stalls are an accurate representation consistent with the requirements of Schedule C of the *Zoning Regulation Bylaw*
    - iv. Space is provided in the bicycle parking area for mobility scooters.
  - b. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
    - i. Increasing the building height from 30m to 73.40m
    - ii. Increase the number of storeys from 10 to 23.

- c. 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. The property shall be rental in perpetuity
  - ii. The dwelling units shall not be strata titled, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - iii. The provision of no less than 1 two-bedroom and 16 three-bedroom units
  - iv. Provision of transportation demand management measures including:
    - the provision of electric outlets for no less than 25% of the bicycle stalls to the satisfaction of the Director of Sustainable Planning and Community Development
    - the provision of no less than 29 long-term secure cargo bicycle stalls.
  - v. Provision of the following public realm improvements including:
    - streetscape improvements along the development frontage as per the Downtown Public Realm Plan 'New Town' District specifications, including the provision and installation of furnishings, materials and one decorative pedestrian light to the satisfaction of the Director of Engineering and Public Works
    - the provision and installation of soil cells to achieve recommended soil volumes and depths for the 2 new street trees in grates within the sidewalk along View Street
    - the provision and installation of the City of Victoria standard tree guards for all street trees in grates
    - two boulevard rain gardens along View Street
    - irrigation for rain gardens and trees in grates.
2. That the Development Permit with Variances, if issued, lapses two years from the date of issuance, or, if the Development Permit with Variances is not issued by two years from the date of this resolution, then the Development Permit with Variances lapses two years from the date of this resolution.”

Respectfully submitted,

Charlotte Wain  
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 September 27, 2023
- Attachment C: Letter from applicant to Mayor and Council dated November 2, 2023
- Attachment D: Wind Study dated April 12, 2023
- Attachment E: Link to COTW report and attachments, May 26, 2022:  
[Committee of the Whole - May 26, 2022 \(escribemeetings.com\)](https://www.victoria.ca/committees-and-panels/committees/committee-of-the-whole)
- Attachment F: COTW minutes, May 26, 2022