

**E.1.a.b324/328 Cook Street and 1044, 1048 and 1052/1054  
Pendergast Street: Rezoning Application No. 00634 and DPV  
No. 000527 - Advance for Consideration after Signage  
Replaced (Fairfield)**

*Council discussed the following:*

- *Concerns about the proposal's affordability*

**Moved By** Councillor Young  
**Seconded By** Councillor Alto

**Rezoning Application No. 00634**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00634 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast 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. Preparation and execution of the following legal agreements:
  - a. Statutory Right-of-Way securing 1.38 metres of the site adjacent to Pendergast Street, to the satisfaction of the Director of Engineering and Public Works.
  - b. Housing Agreement ensuring that future strata bylaws cannot restrict the rental of units to non-owners, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - c. Section 219 Covenant securing an amenity contribution in the amount of \$136,163.47 toward the Local Amenities Reserve Fund, to the satisfaction of the Director of Sustainable Planning and Community Development.
  - d. Section 219 Covenant to secure the construction of the following public realm improvements, to the satisfaction of the Director of Engineering and Public Works:
    - i. raingardens along Pendergast Street;
    - ii. enhanced boulevard planting and low seating walls;  
and
    - iii. permeable and impermeable concrete sidewalk pavers.
  - e. Section 219 Covenant to secure the maintenance of the proposed rain gardens and boulevard planting for a period

of one year to the satisfaction of the Director of Parks, Recreation and Facilities.

- f. Section 219 Covenant securing an amenity contribution in the amount of \$161,356.80 toward the Victoria Housing Reserve Fund, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Update report to Council on the potential acquisition of the commercial strata unit located at 380 Cook Street at 25% below market value.

Development Permit with Variance No. 000527

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. 00634, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00527 for 324/328 Cook Street and 1044, 1048, 1052/1054 Pendergast Street, in accordance with:

1. Receipt of final plans, generally in accordance with the plans date stamped October 9, 2019, with refinement of the artwork panels and to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
  - i. increase the building height from 13.5m to 16.2m (to the projecting portions of the roof).
3. The Development Permit lapsing two years from the date of this resolution.”

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Dubow, and Councillor Isitt

**CARRIED (6 to 2)**

**E.2 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street: Rezoning Application No. 00634 and DPV No. 000527 - Advance for Consideration after Signage Replaced (Fairfield)**

Committee received a report dated June 11, 2020 from the Director of Sustainable Planning and Community Development regarding the proposed Rezoning Application and Development Permit with Variance Application for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street in order to advance the application back to Committee of the Whole for consideration now that the rezoning information signs have been reinstated on the subject properties.

**Moved By** Mayor Helps  
**Seconded By** Councillor Alto

**Rezoning Application No. 00634**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00634 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast 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. Preparation and execution of the following legal agreements:
  - a. Statutory Right-of-Way securing 1.38 metres of the site adjacent to Pendergast Street, to the satisfaction of the Director of Engineering and Public Works.
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  - c. Section 219 Covenant securing an amenity contribution in the amount of \$136,163.47 toward the Local Amenities Reserve Fund, to the satisfaction of the Director of Sustainable Planning and Community Development.
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  - e. Section 219 Covenant to secure the maintenance of the proposed rain gardens and boulevard planting for a period of one year to the satisfaction of the Director of Parks, Recreation and Facilities.
  - f. Section 219 Covenant securing an amenity contribution in the amount of \$161,356.80 toward the Victoria Housing Reserve Fund, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Update report to Council on the potential acquisition of the commercial strata unit located at 380 Cook Street at 25% below market value.

**Development Permit with Variance No. 000527**

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. 00634, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00527 for 324/328 Cook Street and 1044, 1048, 1052/1054 Pendergast Street, in accordance with:

1. Receipt of final plans, generally in accordance with the plans date stamped October 9, 2019, with refinement of the artwork panels and to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
  - i. increase the building height from 13.5m to 16.2m (to the projecting portions of the roof).
3. The Development Permit lapsing two years from the date of this resolution.

FOR (7): Mayor Helps, Councillor Alto, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

OPPOSED (1): Councillor Dubow

**CARRIED (7 to 1)**



## **Committee of the Whole Report**

### **For the Meeting of June 18, 2020**

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**To:** Committee of the Whole **Date:** June 11, 2020

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

**Subject:** **Rezoning Application No. 00634 and Development Permit with Variance Application No. 000527 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street – Advance for Consideration after Signage Replaced**

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## **RECOMMENDATION**

### **Rezoning Application No. 00634**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00634 for 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast 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. Preparation and execution of the following legal agreements:
  - a. Statutory Right-of-Way securing 1.38 metres of the site adjacent to Pendergast Street, to the satisfaction of the Director of Engineering and Public Works.
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  - e. Section 219 Covenant to secure the maintenance of the proposed rain gardens and boulevard planting for a period of one year to the satisfaction of the Director of Parks, Recreation and Facilities.
  - f. Section 219 Covenant securing an amenity contribution in the amount of \$161,356.80 toward the Victoria Housing Reserve Fund, to the satisfaction of the Director of Sustainable Planning and Community Development.

2. Update report to Council on the potential acquisition of the commercial strata unit located at 380 Cook Street at 25% below market value.

### **Development Permit with Variance No. 000527**

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. 00634, if it is approved, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00527 for 324/328 Cook Street and 1044, 1048, 1052/1054 Pendergast Street, in accordance with:

1. Receipt of final plans, generally in accordance with the plans date stamped October 9, 2019, with refinement of the artwork panels and to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
  - i. increase the building height from 13.5m to 16.2m (to the projecting portions of the roof).
3. The Development Permit lapsing two years from the date of this resolution.

### **EXECUTIVE SUMMARY**

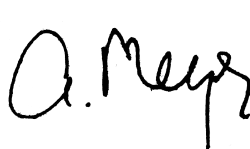
The purpose of this report is to advance a Rezoning Application and Development Permit with Variance Application for the properties located at 324/328 Cook Street and 1044, 1048 and 1052/1054 Pendergast Street back to Committee of the Whole for consideration now that the rezoning information signs have been reinstated on the subject properties in accordance with the Land Use Procedures Bylaw.

### **BACKGROUND**

This proposal was presented to Committee of the Whole (COTW) on May 21, 2020 where it was advanced to Public Hearing and Opportunity for Public Comment. However, following the COTW meeting, it was brought to staff's attention that the rezoning information signs were removed from the subject properties for maintenance purposes prior to COTW. The *Land Use Procedures Bylaw* requires that the signs be posted on the subject properties for a minimum of 10 days prior to the initial Committee meeting and maintained on-site until the Public Hearing for the application has been held. The signs were reinstated on May 29, 2020; therefore the proposal is being brought back to COTW to confirm the direction provided by Council on May 21, 2020. No changes have been made to the proposal.

Respectfully submitted,

  
Alec Johnston  
Senior Planner  
Development Services Division



  
Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: June 12, 2020

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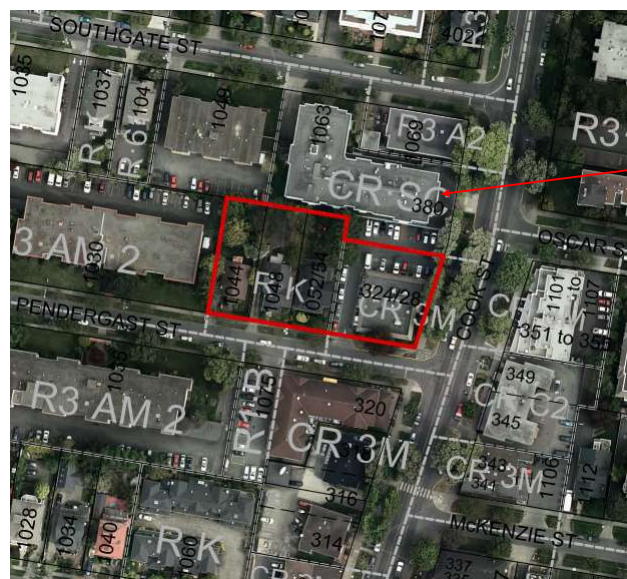
Update on  
Rezoning & Development  
Permit Applications  
for 324/328 Cook Street &  
1044, 1048, 1052/1054  
Pendergast Street



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Aerial Map



Cook Street  
Village Activity  
Centre



2



## Rendering



3

## Council Direction

- Direct staff to work with BC Housing and/or the applicant to incorporate affordability into the project, including the option of securing 10-20% of the units as affordable rental housing in perpetuity and ensure the tenants who are being displaced have first right of refusal provided they meet the eligibility requirements for the affordable units.
- Direct staff to work with the applicant to revise the plans to remove the three parking stalls on Pendergast in exchange for green space.
- Ask staff to report back on the process for determining the vulnerability of tenants with respect to this application and all future applications.
- Update report to Council on the proposed day-care facility located at 380 Cook Street and execution of any necessary legal agreements, to the satisfaction of the Director of Sustainable Planning and Community Development.



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## Subject Site



324/328 Cook Street



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## Subject Site

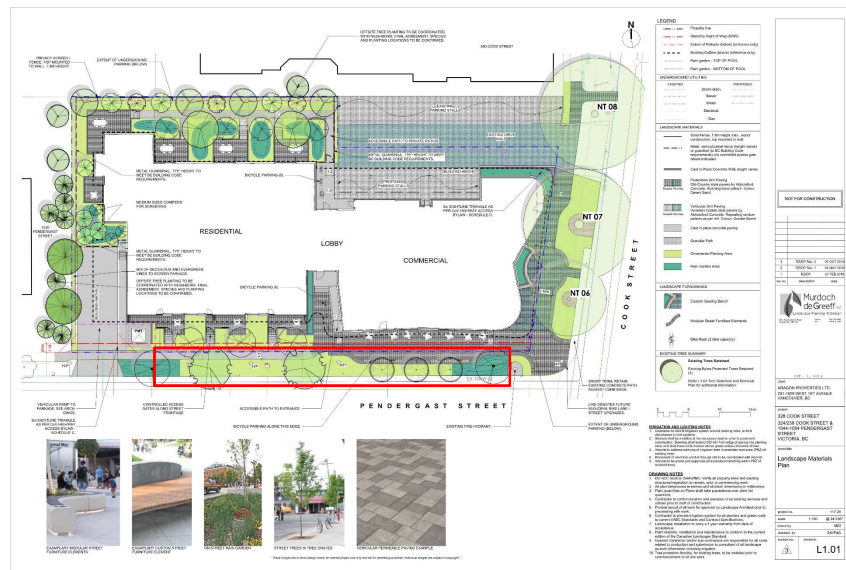


1044, 1048, 1052/1054 Pendergast Street



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# Site/Landscape Plan



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## Community Amenity Contribution



- \$136,163.47 toward the Local Amenities Reserve Fund, consistent with the Density Bonus Policy, 2016
- \$161,356.80 toward the Victoria Housing Reserve Fund



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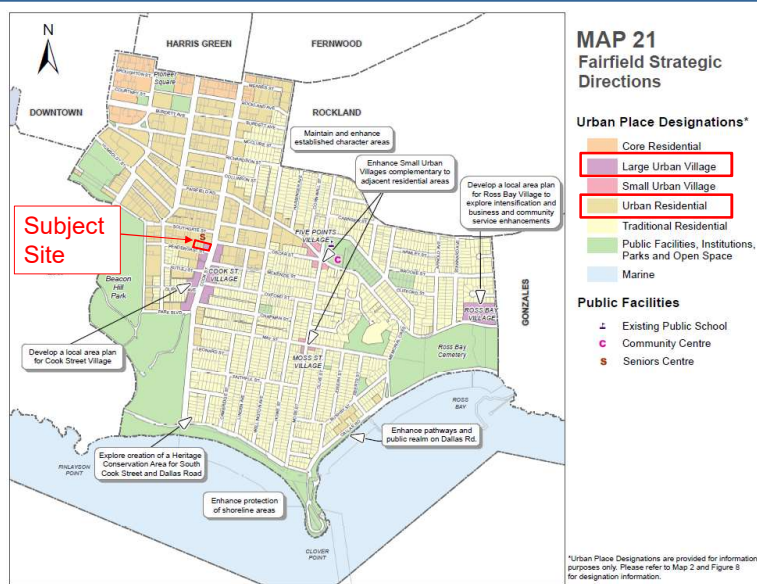


- Daycare facility proposed at 380 Cook Street was not supported by Building Strata
- Offer to sell commercial unit to the City at 25% below market value
- Unit could house expanded Cook Street Village Activity Centre



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## Urban Place Designation



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## Elevations



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## Context Rendering



**CITY OF VICTORIA**

12

## Context Rendering



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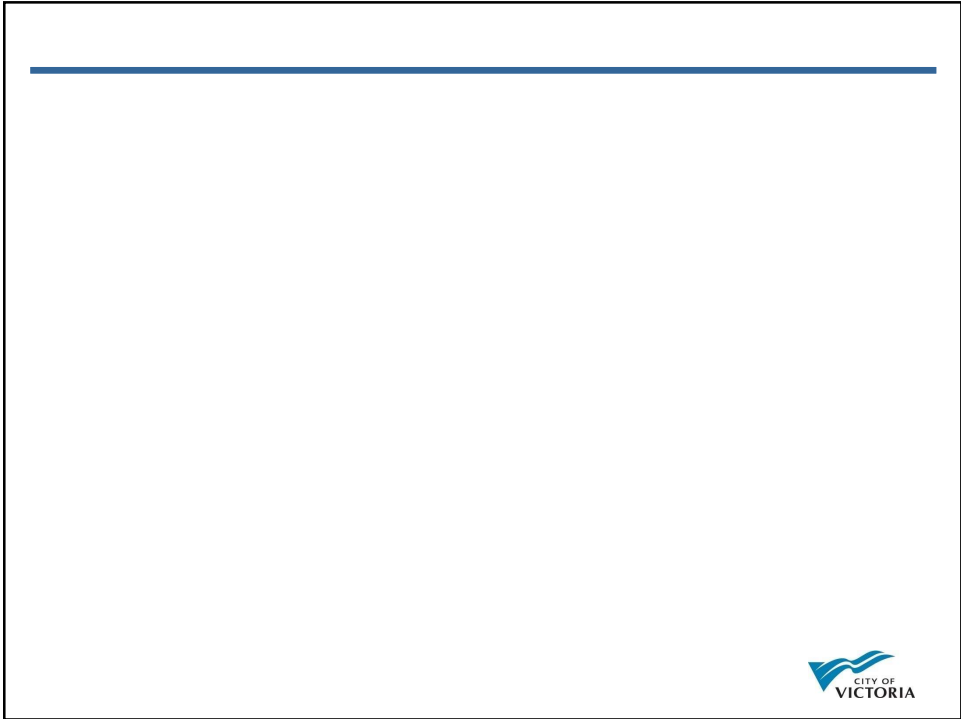
## Renderings



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## Renderings



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## Renderings



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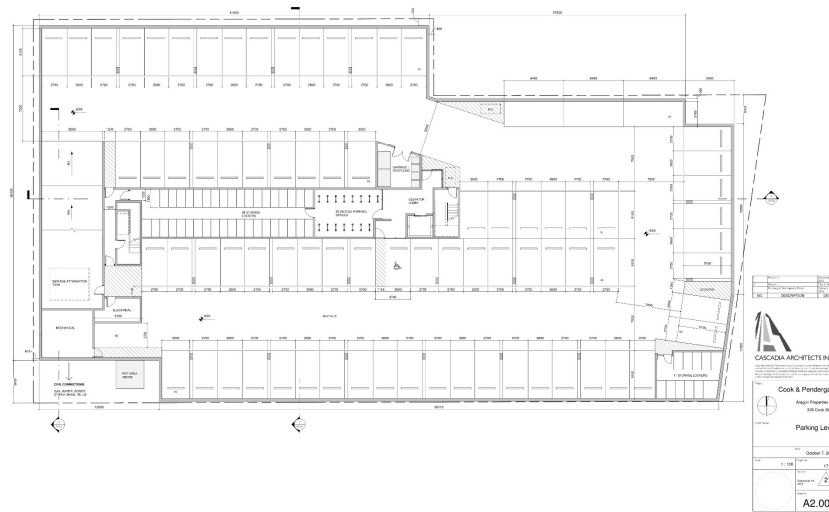


## Renderings



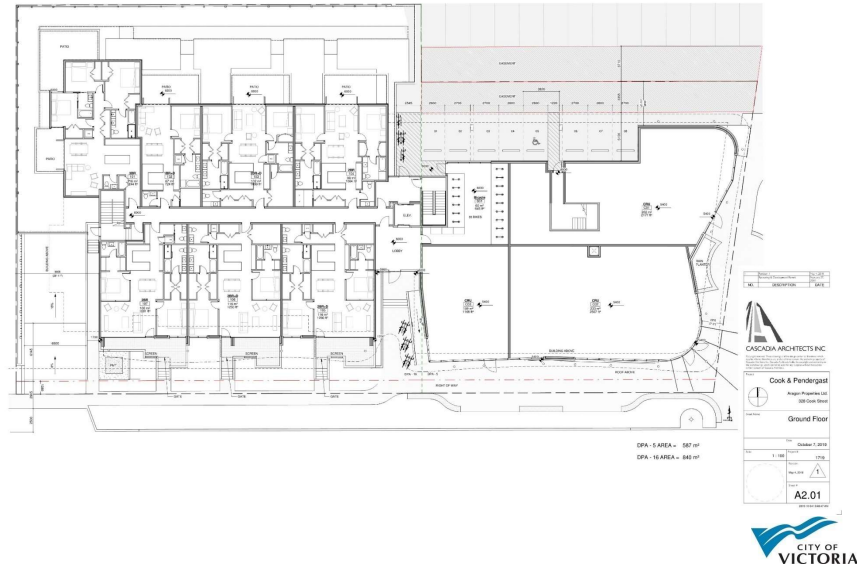
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## Parking Level



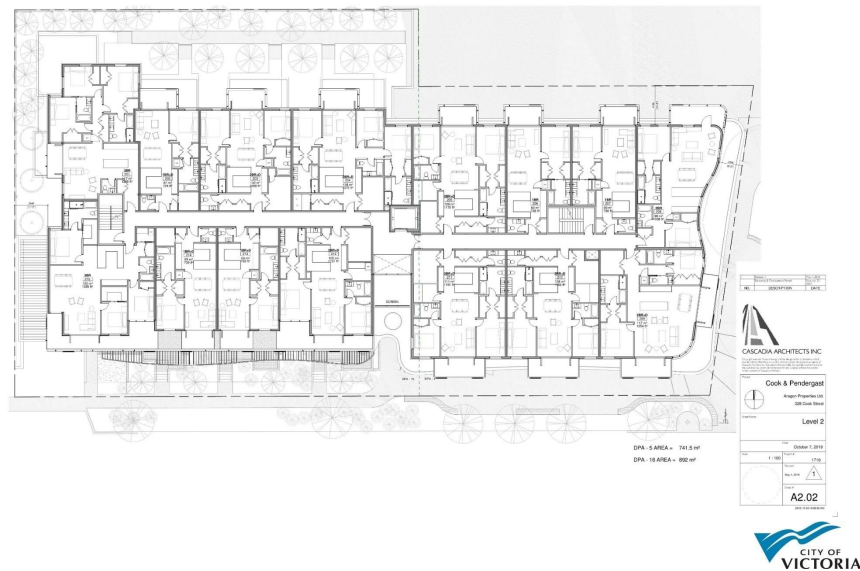
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## Ground floor



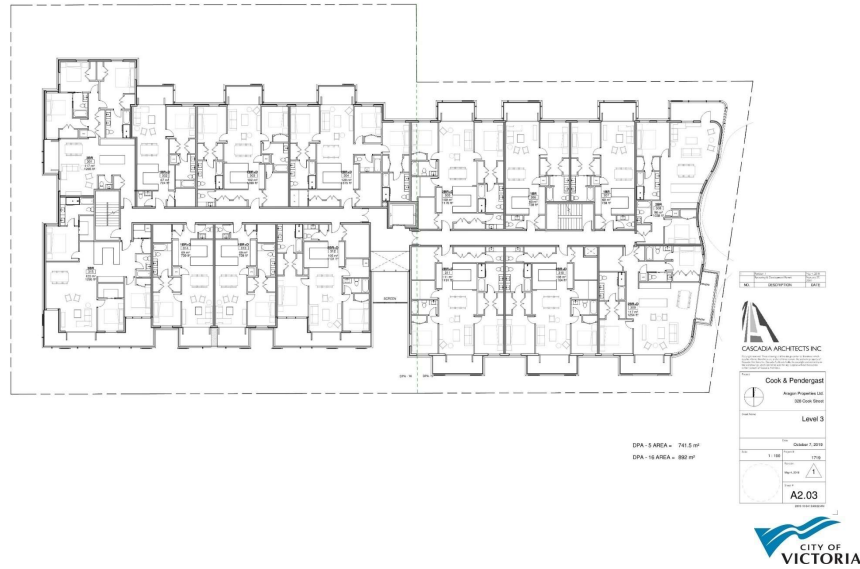
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## Second floor



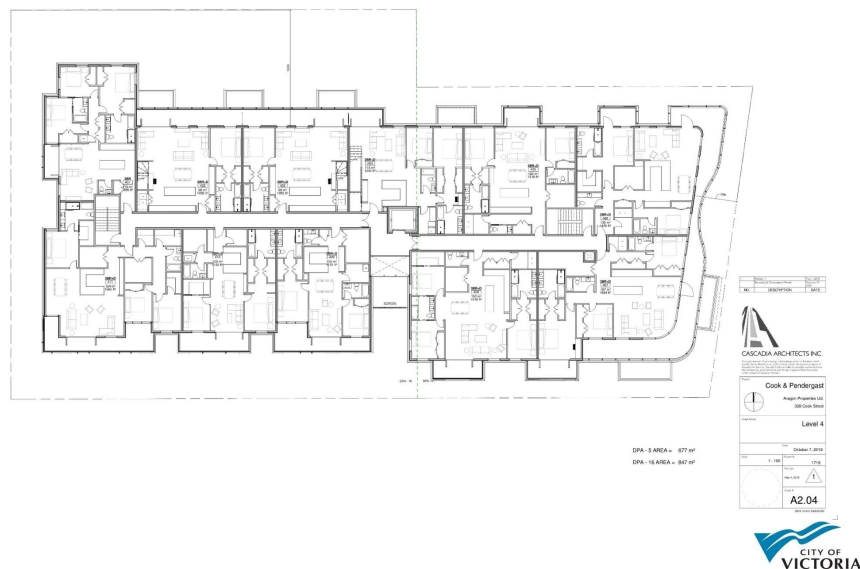
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## Third floor



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## Fourth floor



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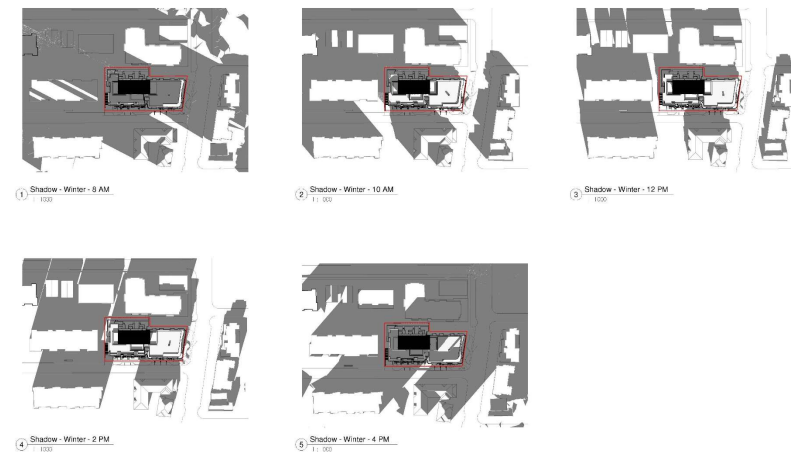


## Shadow Study



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## Shadow Study



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