

NO. 20-081

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the CR-CP Zone, Cook and Pendergast District, and to rezone lands known as:

- (a) 324/328 Cook Street from the CR-3M Zone, Commercial Residential Apartment Modified District; and
- (b) 1044, 1048 and 1052/1054 Pendergast Street from the R-K Zone, Medium Density Attached Dwelling District,

all to the CR-CP Zone, Cook and Pendergast District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the “ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1233)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the caption PART 4 – GENERAL COMMERCIAL ZONES by adding the following words:

“4.102 CR-CP Cook and Pendergast District”

- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 4.101 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 324/328 Cook Street, legally described as PID: 000-309-745, Lot 1, Fairfield Farm Estate, Victoria City, Plan 34863 and shown hatched on the attached map, is removed from the CR-3M Zone, Commercial Residential Apartment Modified District, and placed in the CR-CP Zone, Cook and Pendergast District.
- 5 The properties described below and shown cross-hatched on the attached map are removed from the R-K Zone, Medium Attached Dwelling District, and placed in the CR-CP Zone, Cook and Pendergast District:
 - (a) 1044 Pendergast Street, legally described as PID: 000-217-107, Lot 24, Fairfield Farm Estate, Victoria City, Plan 28; and
 - (b) 1048 Pendergast Street, legally described as PID: 000-772-887, Lot 23, Fairfield Farm Estate, Victoria City, Plan 28; and
 - (c) 1052/1054 Pendergast Street, legally described as PID: 002-477-921, Lot 22, Fairfield Farm Estate, Victoria City, Plan 28.

READ A FIRST TIME the **12** day of **November** 2020

READ A SECOND TIME the **12** day of **November** 2020

Public hearing held on the day of 2020

READ A THIRD TIME the day of 2020

ADOPTED on the day of 2020

CITY CLERK

MAYOR

PART 4.102 – CR-CP ZONE, COOK AND PENDERGAST DISTRICT**4.102.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. Multiple dwelling
- b. Financial service
- c. Office
- d. Retail sales
- e. Restaurant
- f. Personal service
- g. High tech
- h. Day care
- i. Home occupation subject to the regulations in Schedule “D”
- j. Accessory Buildings subject to the regulations in Schedule “F”

4.102.2 Location and Siting of Permitted Uses

- a. Commercial uses must be located on the first storey in those parts of the building that are within 35 metres from Cook Street.
- b. Residential uses are not permitted on the first storey in those parts of a building within 30 metres from Cook Street.

4.102.3 Lot Area

- a. Lot area (minimum) 2800m²

PART 4.102 – CR-CP ZONE, COOK AND PENDERGAST DISTRICT**4.102.4 Community Amenities**

- a. As a condition of additional density pursuant to Part 4.102.5, a monetary contribution of \$161,356.80 must be provided to the Victoria Housing Reserve Fund prior to issuance of a Building Permit.
- b. As a condition of additional density pursuant to Part 4.102.5, a monetary contribution of \$136,163.47 must be provided to the Local Amenities Reserve Fund prior to issuance of a Building Permit.
- c. As a condition of additional density pursuant to Part 4.102.5, the owner shall grant the City, prior to issuance of a Building Permit, an irrevocable right of first refusal, to purchase a space of no less than 230m² (2,500 sq. ft.) suitable for community use within a building in the City, at a price no more than 79.6% of the fair market value of that space, as determined by a mutually agreed upon Appraisal Institute of Canada appraiser.
- d. Until the amenity contributions identified in Part 4.102.4 a. and b. are paid in full, they shall be adjusted annually on January 1 commencing the second calendar year following the year Bylaw #20-081 is adopted and each year thereafter, by adding to the base contribution amounts in Part 4.102.4 a. and b. an amount calculated by multiplying that base contribution as of the previous January 1 by the annual percentage increase in the CPI for the most recently published 12 month period.
- e. For the purposes of this Part 4.102.4 “CPI” means the all-items Consumer Price Index for Victoria published by Statistics Canada or its successor in function.

4.102.5 Floor Area, Floor Space Ratio

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|---|--------|
| a. <u>Floor space ratio</u> where the amenities have not been provided pursuant to Part 4.102.4 (maximum) | 1:1 |
| b. <u>Floor space ratio</u> where the amenities have been provided pursuant to Part 4.102.4 (maximum) | 2.19:1 |

4.102.6 Height, Storeys

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| a. Principal <u>building height</u> (maximum) | 13.5m |
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PART 4.102 – CR-CP ZONE, COOK AND PENDERGAST DISTRICT**4.102.7 Setbacks, Projections**

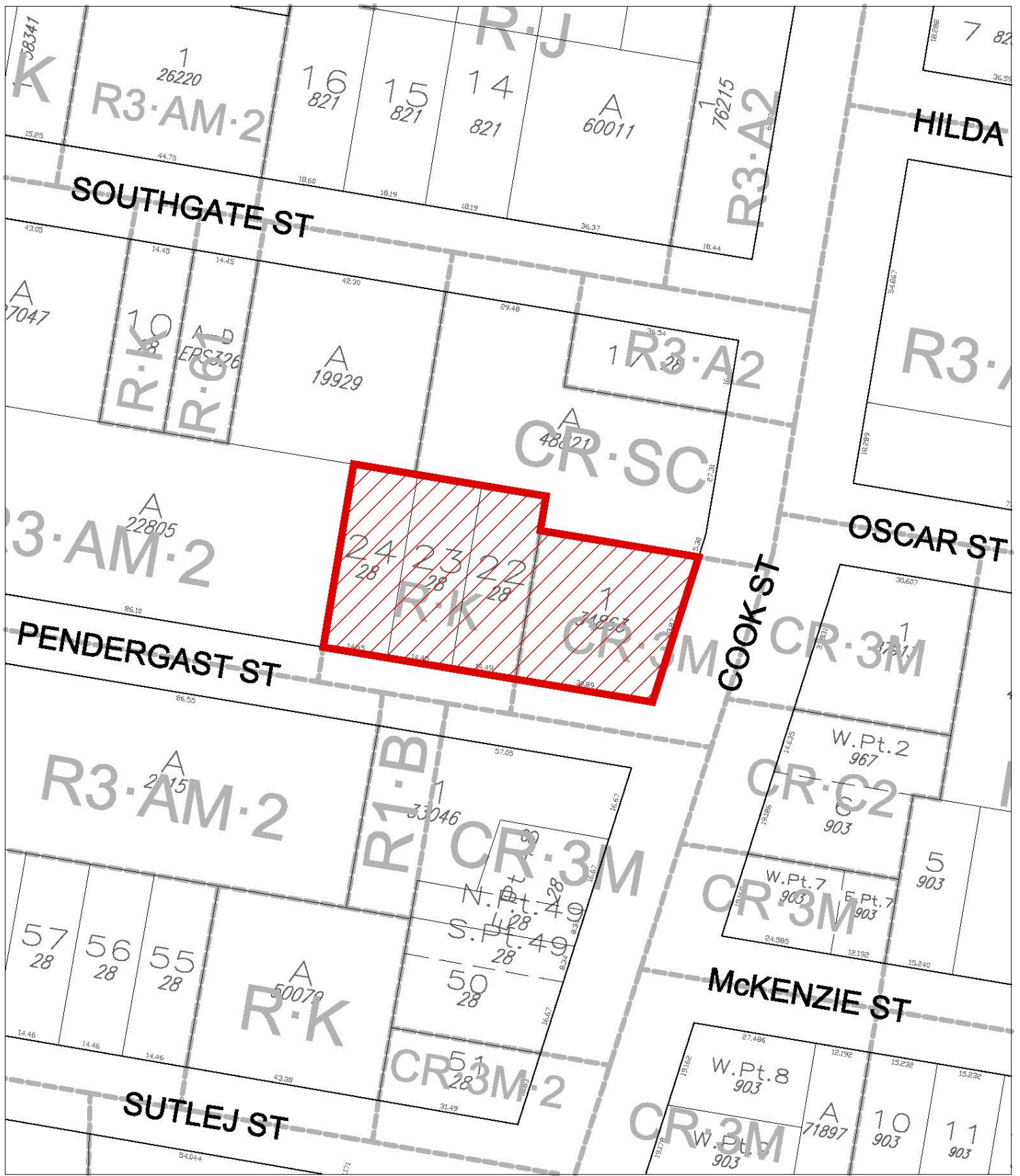
- | | |
|---|---|
| a. Cook Street <u>setback</u> (minimum) | 0.0m for the first <u>storey</u> of a <u>building</u>
2.5m for portions of a <u>building</u> above the first <u>storey</u> |
| b. <u>Rear yard setback</u> (minimum) | 3.5m for portions of a <u>building</u> that are more than 0.6m above <u>grade</u> |
| c. <u>Side yard setback</u> from interior <u>lot lines</u> (minimum) | 4.0m |
| d. <u>Side yard setback</u> on a flanking street for a <u>corner lot</u> (minimum) | 3.0m |
| e. Any <u>balcony</u> , stairs, canopy or deck may project into a setback (maximum) | 2.5m |

4.102.8 Site Coverage, Open Site Space

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|-------------------------------------|-----|
| a. <u>Site Coverage</u> (maximum) | 66% |
| b. <u>Open site space</u> (minimum) | 34% |

4.102.9 Vehicle and Bicycle Parking

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| a. Vehicle parking | Subject to the regulations in Schedule "C" |
| b. Bicycle parking | Subject to the regulations in Schedule "C" |



324-328 Cook Street,
1044, 1048, 1052-1054 Pendergast Street
Rezoning No.00634

