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February 27, 2023

City Of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Attn: Mayor & Council

Re: 320 Cook Street / 1075 Pendergast Street Text Amendment to Zoning

Dear Mayor & Council,

Enclosed please find an application for a text amendment to the existing zone at 320 Cook Street / 1075 Pendergast Street (the "Building") to allow for the continuation of Office, Service Commercial, Retail and Professional uses on the 2nd floor of the existing building. We acquired this Building in 2021 based on our high regard for the livability and vibrancy of Cook Street Village. The Building is home to Starbucks, The Village Taverna and a podiatrist's office on the ground floor. In 2021 we applied for and subsequently received a Temporary Use Permit to allow Office, Service Commercial, Retail and Professional uses on the 2nd floor of the building inline with how the building had originally been built out and used. We have since tenanted the 2nd floor with a Health Care Co-Op and two locally owned technology companies.

We are not proposing any physical changes to the building or deviations from its historic pattern of use as part of this application. This application is to permit the building to continue to be tenanted on the 2nd floor in keeping with how it has been used since it was constructed in 1980. There is 585 square meters of space on the second floor demised into three separate office spaces.



Figure 1 - Existing Building Cook Street



Figure 2 - Existing Building Pendergast Street

The site was developed in its present form in 1980. It is our understanding that the second-floor office space was initially fit-out for WorkSafe BC. While this second-floor use did not conform with zoning, it was exempt given it was for a Provincial Government entity and would remain exempt for subsequent non-governmental users as long as the 2nd floor office space did not sit vacant for more than six months. Subsequent to WorkSafe BC, the space was occupied by private sector tenants, but then sat vacant for more than six months prior to us taking ownership of the property. To re-activate this space, we applied for and received a Temporary Use Permit which allows us to tenant the space for the 3-year term of the Temporary Use Permit. We found there was high demand for the space and were particularly happy to see health care use return to the property as when we consulted neighbours about what type of user groups they desired, health care services came back as the resounding priority.

A text amendment to the zone would permit this use to continue until such a time as the site is redeveloped. While the site has redevelopment potential, the current structure has considerable residual life in it that is well in excess of the 3-year term of the Temporary Use Permit. Providing long term certainty would help ensure the current users remain committed to the location and, from a sustainability perspective, forestall the demolition and redevelopment of useable infrastructure, conserving resources and reducing waste. When we consulted the community regarding the Temporary Use Permit a preference was stated to preserve the building and forestall redevelopment. Considering these factors this proposed text amendment supports a diverse and sustainable local economy and preserves a unique building that contributes to the character of Cook Street Village in the short to medium term.

The proposed text amendment supports many of the objectives and principles of the Victoria Official Community Plan (OCP), the Cook Street Village Design Guidelines (Design Guidelines), and the Fairfield Neighbourhood Plan (Neighbourhood Plan). There are no specific policies or guidelines in these documents that prohibit commercial use on the second level of buildings, meaning that though these uses are nonconforming with the zone, they are not in contravention with other relevant policy frameworks, and in fact, support and further many important goals of the city. The OCP identifies Cook Street Village, including 320 Cook Street / 1075 Pendergast, as a 'Large Urban Village.' The existing Building on site functions as an important commercial and community hub serving the Fairfield neighbourhood, and meets the supportable built form, place character features, uses, and densities for its Urban Place Designation. The provision of a range of community services, including health care is encouraged in the area, promoting the health and well-being of local residents and providing a public benefit to the community. The OCP also acknowledges the importance of the technology industry as a positive area of economic growth for the city. It identifies the technology sector as one of several key economic drivers that are critical to the city's long-term prosperity. Both sectors are additive components to vibrant and healthy communities and contribute to the city's long-term goal of creating complete Large Urban Villages.

The Neighbourhood Plan indicates that Cook Street Village should be a lively, attractive, and safe pedestrian-oriented area, with a mix of uses that includes retail, restaurants, and community facilities. A diversity of building forms, character which celebrates the eclectic look and feel of the street, and the creation of visual interest is encouraged. The OCP underscores these objectives by prioritizing the enhancement and animation of centres, villages, and nodes through human scale design that provides visual interest, texture, and comfort through elements such as landscaping, pedestrian lighting, and signage. The proposed text amendment aligns with the Neighbourhood Plan and OCP in this regard by preserving commercial uses which are well integrated with surrounding community services and amenities, as well as by extending the lifespan of a unique and distinctive structure which contributes to the diverse building stock in the area. This Building enhances the pedestrian-oriented environment and character of Cook Street Village by nature of its uses and its architectural expression, furthering fundamental principles such as street vitality, human-scale design, and a pedestrian-focused public realm (refer to Figures 1 & 2 for the existing building's relationship to the public realm including signage and awning configuration, patio space, boulevard condition, and landscape buffer).



Figure 3 – Victoria Official Community Plan - Human Scale

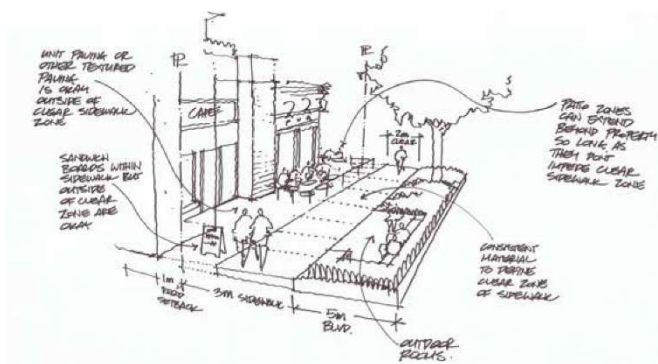


Figure 4 – Cook Street Village Design Guidelines & Fairfield Neighbourhood Plan – Illustrative Example of Elements Contributing to Street Vitality

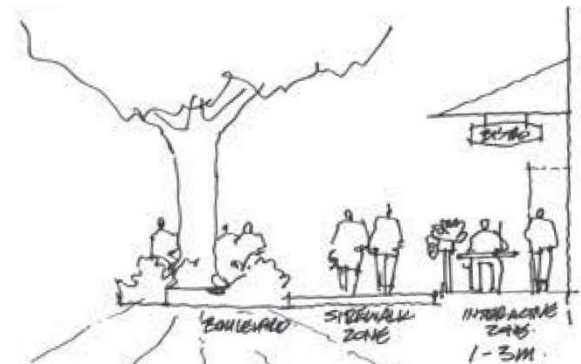


Figure 5 - Fairfield Neighbourhood Plan - Illustrative Example of Elements Contributing to a Pedestrian Focused Public Realm

These documents emphasize the enhancement and animation of urban villages through human-scaled design and encourage a diversity of building forms in these locations with the aim of creating vibrant and attractive environments with a unique sense of place. As stated in this letter, we believe that the existing Building embodies these principles, and that its commercial uses on the 2nd floor complement the city's objectives, which justifies the proposed text amendment. However, to limit the long-term effects of this text

amendment to the zone, we also suggest that it is tied to the existing structure, meaning that it would essentially expire upon the demolition of the current building, reverting to the current CR-3M which stipulates multiple dwelling use above the ground floor.

The building is currently served by 19 on site surface parking stalls in an adjacent surface parking lot. Sixteen of the 19 parking stalls are in a different zone and therefore do not count towards the parking figures noted in the table below, however in practice these 16 parking stalls also serve the building. The site currently has 6 long term and 8 short term bicycle parking spaces. The building was presumably constructed in accordance with the parking requirements prevailing at the time factoring in the usage of commercial retail use on the ground floor and office space above. The table below summarizes the current and Schedule C required parking provisioning but excludes the 16 stalls in the adjacent zone as noted above.

	Current	Schedule C Requirement
Vehicle	3	37
Long Term Bicycle	6	6
Short Term Bicycle	8	8

In alignment with the city’s vision of a vibrant and sustainable urban community, this proposal strives to strike a balance between parking requirements and other sustainable transportation options that contribute to a walkable and livable community. Although the current parking provision falls short of the requirements outlined in Schedule C, the location of the building in the heart of Cook Street Village, well-served by transit routes and bike lanes, justifies some flexibility in parking regulations.

In summary, the proposed text amendment will allow the 2nd floor of the Building to remain activated, supporting the provision of employment opportunities and services in key sectors within Cook Street Village. This is consistent with the original, historic, and current use of this property, and supports many objectives, policies, and guidelines within the OCP, Neighbourhood Plan, and Cook Street Design Guidelines. It is our position that a successful text amendment will be a positive step towards maintaining a lively and diverse community, providing certainty and stability for the current and potential users of the site, encouraging long-term commitments and investments in the Building, and therefore enhancing and supporting the dynamic, pedestrian oriented neighbourhood in which it is situated. A text amendment to the zone that is tied to the existing structure also ensures that the amendment’s lasting impacts to the site are limited, safeguarding the long-term interests of the neighbourhood.

Thank you for considering this application.

Sincerely,

Karen Jawl

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