

NO. 22-059

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw 80-159 by:

1. creating the CD-18 Zone, Harris Green Comprehensive Development District, and
2. rezoning land known as 903, 911 & 1045 Yates Street, 910 View Street and 1205 & 1209 Quadra Street from the R-5 Zone Central Area (Wilson Block) District, the R-9 Zone Central Area (Yates and Quadra Streets) District, the R-48 Zone Harris Green District and the S-1 Zone Limited Service District to the CD-18 Zone Harris Green Comprehensive Development 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. 1279)”.
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule “B” under the heading PART 12 – Comprehensive Development Zones by adding the following words:

“12.18 CD-18 Harris Green Comprehensive Development District”

- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule “B” after Part 12.17 the provisions contained in Schedule 1 of this Bylaw.
- 4 The lands known as 903/909, 911, 1033, 1043, 1045 and 1061 Yates Street, 1205, 1207/1209 and 1211/1213 Quadra Street, 1200 Vancouver Street, and 910, 922, 926, 930, 940, 944, 948 and 990 View Street legally described as:

PID: 009-387-994, Lot 980, Victoria City

PID: 003-697-983, Lot A, (DD 60683W) of Lots 979 and 989, Victoria City, Plan 20163

PID: 009-387-943, Lot 978, Victoria City

PID: 009-387-927, Lot 977, Victoria City

PID: 009-387-901, Lot 976, Victoria City

PID: 002-428-679, Lot 1 of Lots 986 and 987, Victoria City, Plan 26779

PID: 009-388-036, Lot 988, Victoria City

PID: 009-098-429, Lot B, of Lots 795 through 811 Inclusive, Victoria City, Plan 45965

PID: 000-847-208, Lot 1 of Lots 792, 793 and 794, Victoria City, Plan 30140



## PART 12.18 – CD-18 ZONE, HARRIS GREEN COMPREHENSIVE DEVELOPMENT DISTRICT

### 12.18.1 General Regulations

- a. This Zone is divided into Development Area 1 (DA-1) and Development Area 2 (DA-2) as shown on the map attached as Appendix 1.
- b. All regulations in this Zone apply to both Development Areas, unless expressly stated otherwise.
- c. Notwithstanding section 19 of the Bylaw, a building may straddle a lot line.
- d. Vehicle and bicycle parking subject to the regulations in Schedule C – Off-street Parking.

### 12.18.2 Definitions

In this Zone:

- a. “Care Facility” means a day care facility or residential care facility, in each case licensed under the Community Care and Assisted Living Act.
- b. “Hotel” means facilities offering transient lodging accommodation to the general public, which may provide accessory uses such as restaurant, meeting rooms and recreational facilities, and includes motels and hostels.
- c. “Parapet” means a vertical projection of a wall at the outer edge of a roof.
- d. “Residential” means a self-contained dwelling unit of any type, and includes a care facility, assisted living, and a studio that contains a dwelling unit associated with an artist’s or artisan’s studio.
- e. “Retail Trade” means the retail sale, repair, servicing, or refurbishment of consumer goods other than automobiles or automotive fuels, but does not include liquor retail store or storefront cannabis retailer.
- f. “Rooftop Structure” includes antennas, elevator penthouses, elevator landings, stair access and landings, mechanical equipment, chimneys, ventilation systems, solar heating panels, green roof systems and similar structures that project above a roof, are non-habitable and which may be enclosed or unenclosed.
- g. “Studio” means a purpose-designed work space for an artist or artisan engaged in an art or craft that is compatible with residential uses, which may include an associated dwelling unit and in which works produced in the studio may be sold.

### 12.18.3 Community Amenities

As a condition of additional density pursuant to Part 12.18.6, the following amenities must be provided as community amenities:

- a. For all Development Areas, agreements with the City securing
  - i. all dwelling units as rental accommodation in perpetuity, and

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- ii. no less than 5% of the total dwelling units (across all Development Areas) as accessible in perpetuity (“accessible” meaning, at a minimum, constructed to comply with subsection 3.8.5 – Adaptable Dwelling Units – in the *British Columbia Building Code*); and
- b. For Development Area 1, agreements with the City securing
  - i. a daycare space with a minimum of 450m<sup>2</sup> floor area,
  - ii. a public plaza no less than 100m<sup>2</sup> in size which contains a statutory right-of-way for unobstructed public access,
  - iii. no less than 80 dwelling units shall be affordable in perpetuity and allocated to median income households or lower, in accordance with Housing Agreement (1045 Yates) Bylaw (2022), No. 22-085, and
  - iv. dwelling units shall be comprised of no less than 85 two-bedroom, 2 two-bedroom plus den, 75 three-bedroom and 7 townhouse units; and
- c. For Development Area 2, agreements with the City securing
  - i. no less than 300 dwelling units shall have two or more bedrooms,
  - ii. a statutory right-of-way of 0.9m along Quadra Street for highway purposes, and
  - iii. that the following shall be provided no later than ten (10) years from the date that an occupancy permit is issued for the first building constructed within Development Area 2:
    - A. a public plaza no less than 1600m<sup>2</sup> in size that shall allow free public passage between Yates Street and View Street via a statutory right-of-way,
    - B. public art, valued at no less than \$350,000, which shall be provided within the public plaza referenced in paragraph A, and
    - C. an irrevocable offer to lease a space of approximately 930m<sup>2</sup> that is suitable for community use within Development Area 2 for a minimum term of 10 years, at a net rent of no more than \$0, with an option of four 5-year renewals.

**12.18.4 Permitted Uses in this Zone**

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

- a. Assembly
- b. Assisted Living Facility
- c. Brew Pub (beer, spirits, wine)
- e. Civic Facility
- f. Cultural Facility
- g. Drinking Establishment
- h. Financial Service

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- i. Food and Beverage Service
- j. Home Occupation, subject to the regulations in Schedule D – Home Occupation
- k. Hotel with a maximum total floor area of 2000m<sup>2</sup>
- l. Office
- m. Personal Service
- n. Public Building
- o. Residential
- p. Restaurant
- q. Liquor Retail Store with a maximum total floor area of 330m<sup>2</sup>
- r. Retail Trade
- s. Studio

**12.18.5 Siting of Permitted Uses**

- a. No first storey office or financial service use is permitted within 6m of the wall of any building that abuts a street, plaza or pedestrian walkway.
- b. Only one liquor retail store is permitted in the zone, which may be located in either Development Area 1 or Development Area 2.
- c. Residential use is not permitted on the first storey of a building except for dwelling units fronting View Street, Vancouver Street, and the southerly portions of the main plaza in Development Area 2.

**12.18.6 Floor Space Ratio**

- a. Floor space ratio where the amenities have not been provided pursuant to Part 12.8.3 (maximum) 3:1
- b. Floor space ratio (maximum) for Development Area 1 where the community amenities have been provided pursuant to Part 12.8.3 6.2:1
- c. Floor space ratio (maximum) for Development Area 2 where the community amenities have been provided pursuant to Part 12.8.3 6:1

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### 12.18.7 Height

- |   |      |
|---|------|
| a. Principal <u>building height</u> (maximum)                                 | 60m  |
| b. Except for the following projections above maximum <u>height</u> (maximum) |      |
| i. <u>Parapets</u>  | 1.0m |
| ii. <u>Rooftop Structures</u>   | 5.0m |

### 12.18.8 Setbacks, Projections

- |  |      |
|--|------|
| a. Cook Street   |      |
| i. <u>First storey setback</u> (minimum)   | 3.0m |
| ii. <u>Setback</u> for any portion of the <u>building</u> above the <u>first storey</u> and up to 18.0m in <u>height</u> (minimum) | 2.0m |
| iii. <u>Setback</u> for any portion of the <u>building</u> above 18.0m and up to 20.0m in <u>height</u> (minimum)                  | 4.5m |
| iv. <u>Setback</u> for any portion of the <u>building</u> above 20.0m in <u>height setback</u> (minimum)                           | 6.0m |
| b. Quadra Street and Yates Street  |      |
| i. <u>First storey setback</u> (minimum)   | 3.0m |
| ii. <u>Setback</u> for any portion of the <u>building</u> above the <u>first storey</u> and up to 18.0m in <u>height</u> (minimum) | 2.0m |
| iii. <u>Setback</u> for any portion of the <u>building</u> above 18.0m and up to 20.0m in <u>height</u> (minimum)                  | 4.5m |
| iv. <u>Setback</u> for any portion of the <u>building</u> above 20.0m in <u>height</u> (minimum)                                   | 9.0m |
| c. Vancouver Street  |      |
| i. <u>First storey setback</u> (minimum)   | 4.0m |
| ii. <u>Setback</u> for any portion of the <u>building</u> above the <u>first storey</u> and up to 18.0m in <u>height</u> (minimum) | 2.0m |
| iii. <u>Setback</u> for any portion of the <u>building</u> above 18.0m and up to 20.0m in <u>height</u> (minimum)                  | 4.5m |
| iv. <u>Setback</u> for any portion of the <u>building</u> above 20.0m in <u>height</u> (minimum)                                   | 6.0m |

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### d. View Street

- i. First storey setback (minimum) 4.0m

Except for the following maximum projections into the setback:

- Steps/Patio 2.3m

- ii. Setback for any portion of the building above the first storey and up to 15.0m in height (minimum) 3.0m

- iii. Setback for any portion of the building above 15.0m and up to 21.0m in height (minimum) 5.5m

- iv. Setback for any portion of the building above 21.0m in height (minimum) 9.0m

### e. Setback from internal boundary for Development Area 1, west

- i. First storey setback (minimum) 0.0m

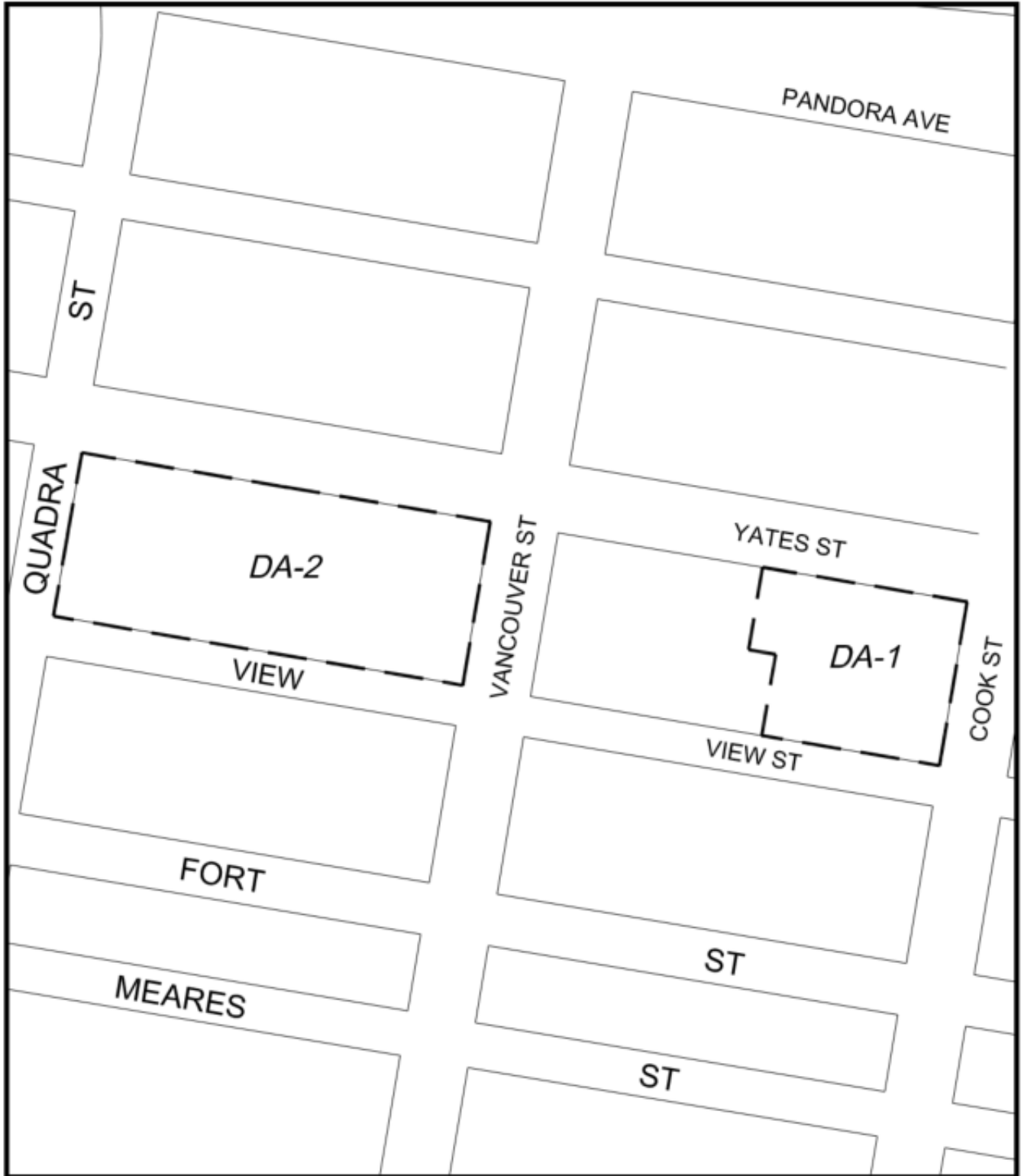
- ii. Setback for any portion of the building above the first storey and up to 9.0m in height (minimum) 0.0m

- iii. Setback for any portion of the building above 9m and up to 21.0m in height (minimum) 4.5m

- iv. Setback for any portion of the building above 21.0m in height (minimum) 16m

- f. Notwithstanding subsections a – e, a balcony or deck that faces a street or internal boundary may project into a setback to a maximum of 1.6m

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**Appendix 1**

Development Areas

Harris Green Comprehensive Development District



Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw



