

G. **REPORTS OF COMMITTEE**

G.1 **Committee of the Whole**

G.1.a **Report from the April 5, 2018 COTW Meeting**

Temporary Use Permit Application No. 00011 for 1120-1126 Hillside Avenue

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00011 for 1120-1126 Hillside Avenue, in accordance with:

1. Plans date stamped March 9, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. The Temporary Use Permit lapsing three years from the date of this resolution."

CARRIED UNANIMOUSLY

F. LAND USE MATTERS

Councillor Thornton-Joe withdrew from the meeting at 10:16 a.m. due to a pecuniary conflict of interest with the following item due to a friend living in close proximity to this property.

F.1 1120-1126 Hillside Avenue - Temporary Use Permit Application No. 00011 (Hillside)

Committee received a report dated March 22, 2018, regarding an application to allow commercial use of the property for a period of up to three years at 1120 - 1126 Hillside Avenue.

Committee discussed:

- *Potential future redevelopment of the site.*

Moved By Councillor Isitt

Seconded By Councillor Coleman

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00011 for 1120-1126 Hillside Avenue, in accordance with:

1. Plans date stamped March 9, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. The Temporary Use Permit lapsing three years from the date of this resolution."

CARRIED UNANIMOUSLY



Committee of the Whole Report or the Meeting of April 5, 2018

To: Committee of the Whole **Date:** March 22, 2018

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Temporary Use Permit Application No. 00011 for 1120-1126 Hillside Avenue

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00011 for 1120-1126 Hillside Avenue, in accordance with:

1. Plans date stamped March 9, 2018
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. The Temporary Use Permit lapsing three years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 493 of the *Local Government Act*, Council may issue a Temporary Use Permit. A Temporary Use Permit may allow a use not permitted by zoning, may specify conditions under which the temporary use may be carried on, and may allow and regulate construction of buildings and structures in respect of the use of which the permit is issued.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Temporary Use Permit Application for the property located at 1120-1126 Hillside Avenue. The proposal is to permit commercial use in the existing building for three years.

The following points were considered in assessing this Application:

- the stand-alone commercial proposal is inconsistent with the Urban Residential designation in the *Official Community Plan*
- the *Official Community Plan* designates the entire City for the issuance of Temporary Use Permits for uses that would otherwise not be permitted
- the proposal is consistent with the "Maintain Current Zoning" designation in the *Hillside-Quadra Neighbourhood Plan*, as a Temporary Use Permit does not amend the *Zoning Regulation Bylaw*

- the subject property previously had legal non-conforming status. The commercial use was discontinued for a period longer than six months and therefore the legal non-conforming status is no longer applicable
- there is an existing vacant commercial building and associating surface parking lot on site. This Temporary Use Permit would be in place while the *Hillside Quadra Neighbourhood Plan* is updated through the Neighbourhood Planning process.

BACKGROUND

Description of Proposal

The proposal is for a Temporary Use Permit to allow commercial use of the property for a period of up to three years. There is an existing building and a 13-stall surface parking lot currently on site. The property and building were previously used for commercial purposes through legal non-conforming status; however, the use was discontinued for a period longer than six months and therefore the legal non-conforming rights have ceased to exist.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The Application proposes the addition of three Class 1 bicycle stalls and four Class 2 bicycle stalls, which support active transportation.

Public Realm Improvements

No public realm improvements are proposed in association with this Temporary Use Permit Application.

Existing Site Development and Development Potential

The site is presently a vacant one-storey commercial building with a surface parking lot at the rear of the site.

Under the current R-2 Zone, Two Family Dwelling District, the property could be developed as a single family dwelling with either a secondary suite or a garden suite, or as a two-family dwelling.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on March 6, 2018 the Application was referred for a 30-day comment period to the Hillside-Quadra CALUC. At the time of writing this report, a letter from the CALUC had not been received.

ANALYSIS

Official Community Plan

The *Official Community Plan (OCP)* identifies this property within the Urban Residential designation, which envisions commercial uses as part of a mixed-use residential development. Stand-alone commercial uses are not envisioned within this designation and therefore a rezoning and OCP amendment would be required for permanent stand-alone commercial. However, the OCP also designates the entire City for the issuance of Temporary Use Permits for uses that would not be permitted on the lands for which they are proposed.

Local Area Plans

The *Hillside-Quadra Neighbourhood Plan (1996)* identifies the property within the "Maintain Current Zoning" designation. The proposal is generally consistent with this designation, as there is no rezoning occurring and thus the underlying zoning is remaining the same. In addition, this Temporary Use Permit will temporarily allow the commercial use while a new neighbourhood plan is developed for the Hillside-Quadra neighbourhood.

Regulatory Considerations

City policy for Hillside Avenue contemplates a wider road right-of-way in order to meet future transportation-related needs such as cycling infrastructure. When the road right-of-way is insufficient, it is common that a Statutory Right-of-Way (SRW) be provided in conjunction with development applications. In this case, the proposal relates to use only and there are no plans for new construction. The property owner has indicated willingness to accommodate the City in providing a SRW in the future when the site is rezoned for any redevelopment. Therefore, in this instance foregoing the SRW requirement may be warranted.

CONCLUSIONS

Stand-alone commercial would normally not be supportable by staff within the Urban Residential designation. However, the property has an existing vacant commercial building on-site and associating surface parking lot, is located along an arterial road and is adjacent to another stand-alone commercial use. In addition, the renewal of the *Hillside-Quadra Neighbourhood Plan* may be underway or completed by the time this Temporary Use Permit expires, at which time future land uses could be determined. Therefore, staff recommend Council consider supporting the proposal.

ALTERNATE MOTION

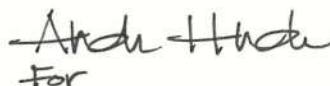
That Council decline Temporary Use Permit Application No. 00011 for the property located at 1120-1126 Hillside Avenue.

Respectfully submitted,



Michael Angrove
Planner
Development Services

JH.



For
Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

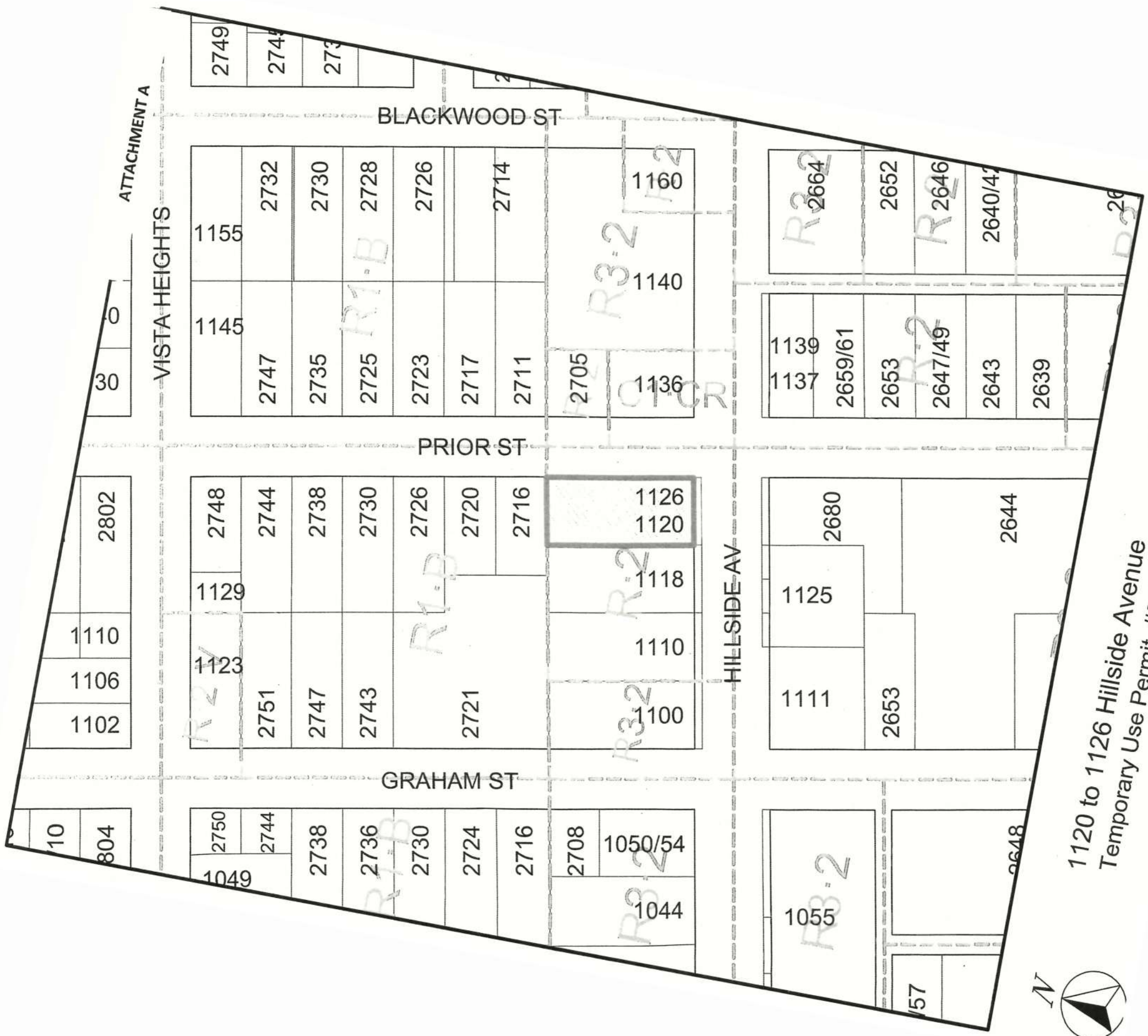
Report accepted and recommended by the City Manager.

Joseph Jenkys

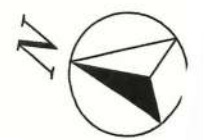
Date: *March 26, 2018*

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 9, 2018
- Attachment D: Letter from applicant to Mayor and Council dated February 14, 2018.



1120 to 1126 Hillside Avenue
 Temporary Use Permit #00011



ATTACHMENT A

VISTA HEIGHTS

BLACKWOOD ST

PRIOR ST

GRAHAM ST

HILLSIDE AV

2749
2744
2739

1155
2732
2730
2728
2726
2714
1145
2747
2735
2725
2723
2717
2711
2705
1136
1140
1160

2664
2652
2646
2640/42
1139
1137
2659/61
2653
2647/49
2643
2639

2748
2744
2738
2730
2726
2720
2716
1129
1123
2751
2747
2743
2721
1126
1120
1118
1110
1100

2680
1125
1111
2653
2644

1049
2750
2744
2738
2736
2730
2724
2716
2708
1050/54
1044

1055
1048
57

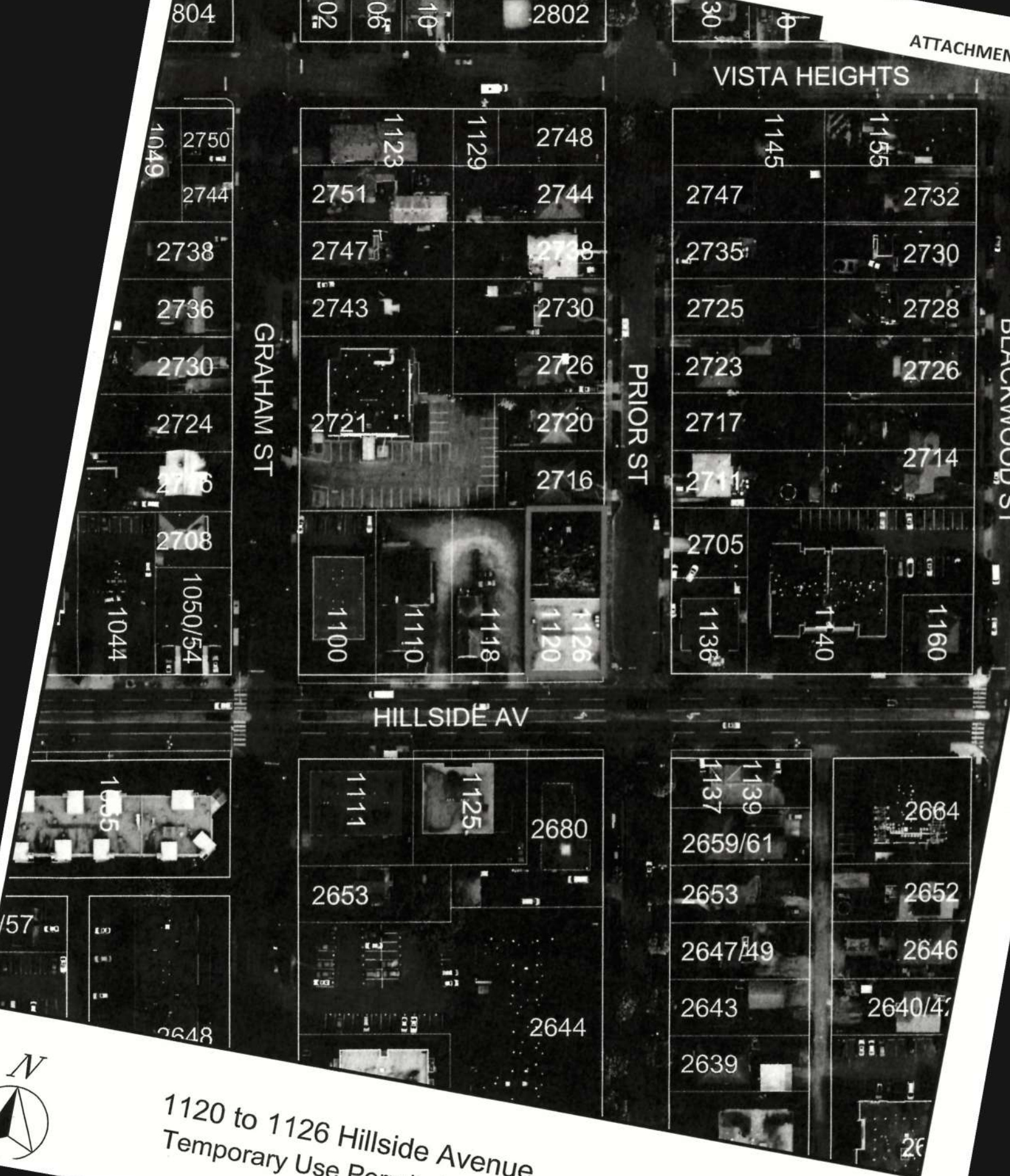
30

2802

1110
1106
1102

10

VISTA HEIGHTS



GRAHAM ST

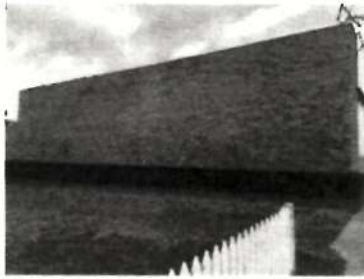
PRIORITY ST

BLACKWOOD ST

HILLSIDE AV

1120 to 1126 Hillside Avenue
Temporary Use Permit #00011





view of building along west property line



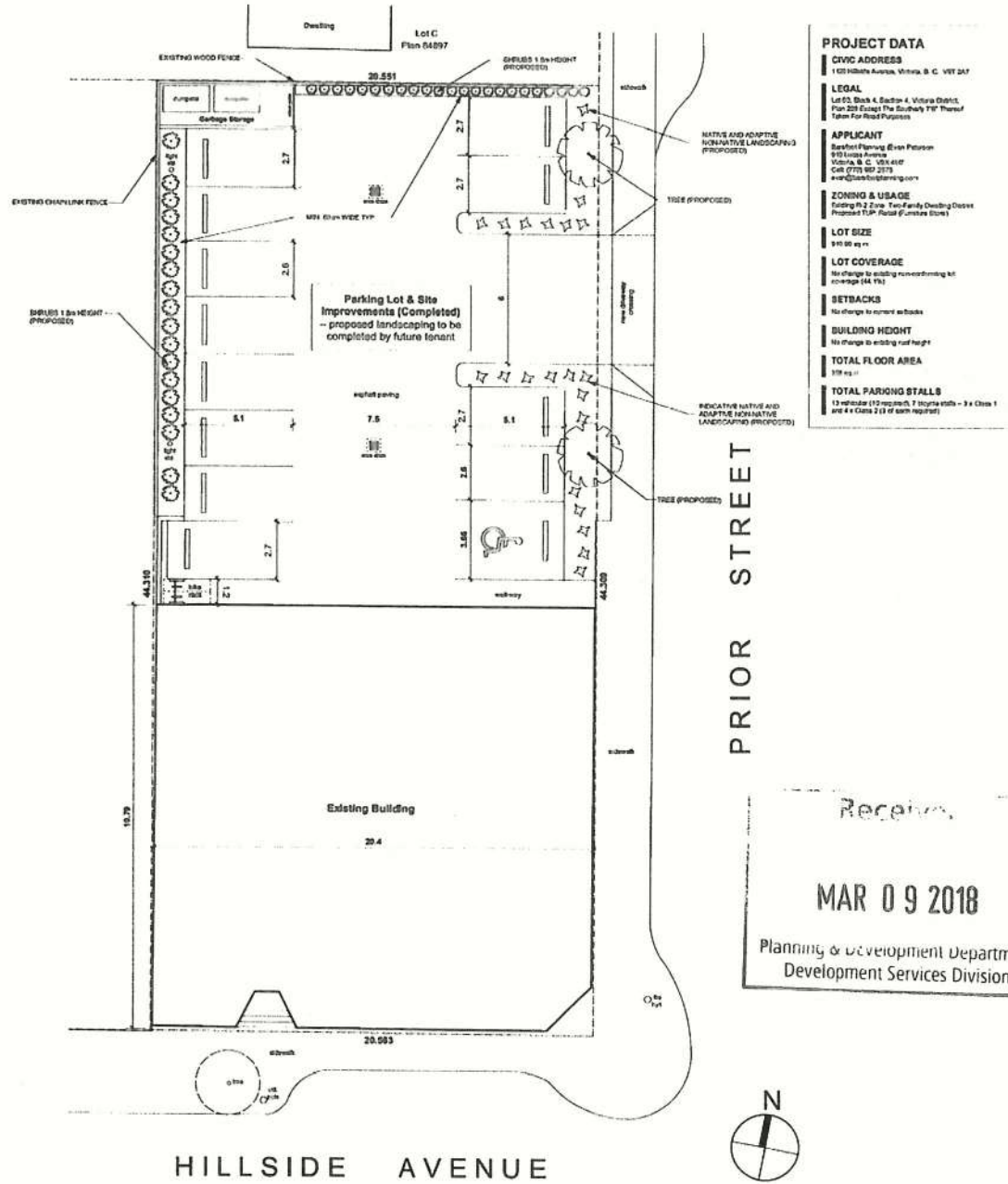
view of building at Hillside Ave. (south side)



view of front & Prior Street side (east)



view of rear of building and parking lot (north side)



PROJECT DATA
CIVIC ADDRESS
 1120 Hillside Avenue, Victoria, B. C. V8T 2A7
LEGAL
 Lot 53, Block 4, Section 4, Victoria District, Plan 288 Except The Boundary TYP Thereof Taken For Road Purposes
APPLICANT
 Barefoot Planning (Evan Peterson)
 915 Linden Avenue
 Victoria, B. C. V8L 4L6
 Cell: (778) 987 2575
 e:van@barefootplanning.com
ZONING & USAGE
 Existing PL-2 Zone Two-Family Dwelling District
 Proposed T1-PF Rural (Farmhouse Store)
LOT SIZE
 910.00 sq m
LOT COVERAGE
 No change to existing non-combusting lot coverage (64.7%)
SETBACKS
 No change to current setbacks
BUILDING HEIGHT
 No change to existing roof height
TOTAL FLOOR AREA
 118 sq m
TOTAL PARKING STALLS
 13 stalls (12 standard, 1 bicycle stalls - 3 x Class 1 and 4 x Class 2 (1 of each required))



NO.	REVISIONS	DATE
1	Submitted for Review and Review	Feb 11, 2018
2	Updated for Public Review Process	Mar 7, 2018

DATE	March 7, 2018
DRAWN BY	Barefoot Planning
ARCHITECTURAL	
STRUCTURAL	
MEDICAL	
ELECTRICAL	

Received
MAR 09 2018
 Planning & Development Department
 Development Services Division

1120 Hillside Ave.
 Victoria, B. C.
 Proposed Temporary
 Use Permit: Retail
 Site Plan
 Project Data

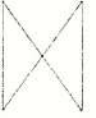


HILLSIDE AVENUE

PRIOR STREET

ATTACHMENT C

SCALE: 1:1000
 DRAWING NO: **A1.0**
 SHEET 1 OF 2



BAREFOOT PLANNING
barefootplanning.com
778 567 2575
enr@barefootplanning.com

MAR 09 2018

Planning & Development Services Division
Development Services Division

CREATED BY

PROJECT NO. 1120
ISSUED FOR TEMPORARY USE PERMIT APPLICATION
ISSUED FOR TEMPORARY USE PERMIT APPLICATION
ISSUED FOR TEMPORARY USE PERMIT APPLICATION
ISSUED FOR TEMPORARY USE PERMIT APPLICATION

NO.	REVISIONS	DATE
1	Issued for Temporary Use Permit Application	Feb 13, 18
2	Issued for Application Review	March 8, 18

DATE: March 8, 2018
DRAWN BY: Janelle Fleming
ARCHITECTURAL
STRUCTURAL
MECHANICAL
ELECTRICAL

JOB NO.

1120 Hillside Ave.
Victoria, B. C.

Proposed Temporary
Use Permit: Retail

DATE PLOT:
Existing Floor Plan
Exterior Elevations

SCALE: 3/16" = 1'-0"

GRAPHIC SCALE

A2.0

DATE: 2 OF 2



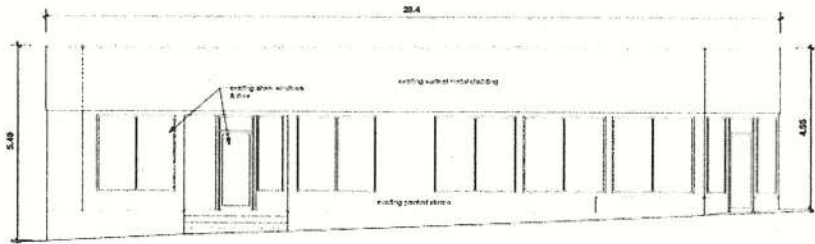
5 West Elevation
31'0" x 1'-0"



4 North Elevation
31'0" x 1'-0"

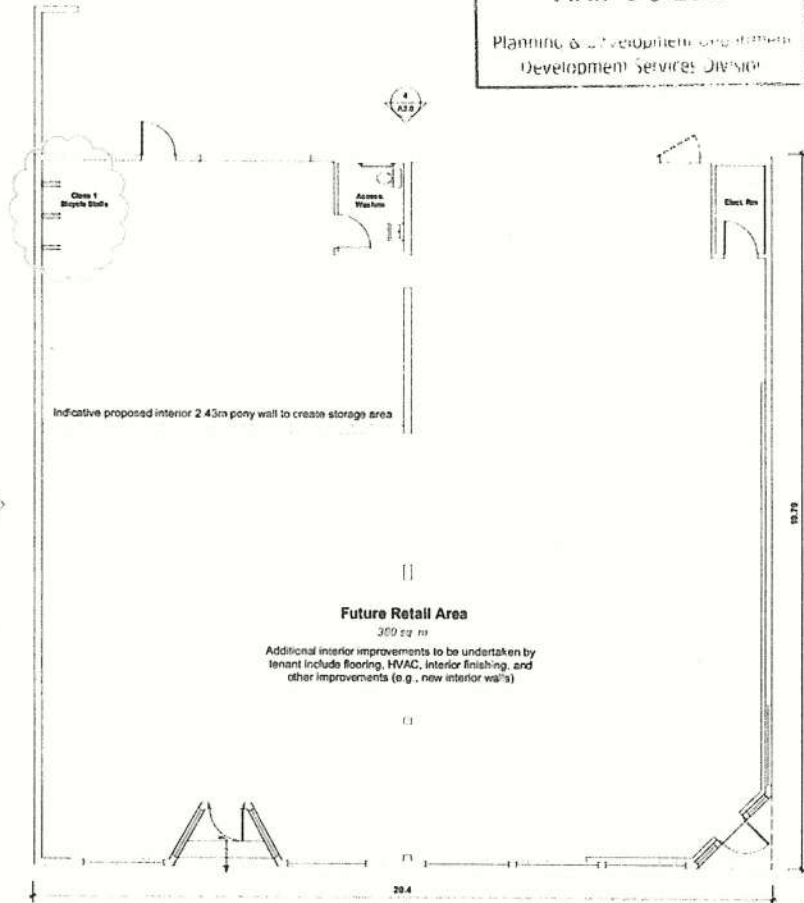


3 East Elevation
31'0" x 1'-0"



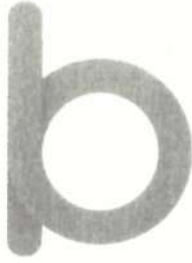
2 South Elevation
31'0" x 1'-0"

NOTE: All suggested wall cladding, paint, and other exterior improvements are subject to regulatory requirements.



1 Existing Floor Plan
31'0" x 1'-0"





Barefoot Planning Ltd.
 2100 Commercial Street, Suite 201
 Victoria, BC V8W 2E1, Canada
 Tel: 250.363.1234
 Fax: 250.363.1235
 www.barefootplanning.com

MEMO

To: City of Victoria
 From: Evan Peterson, Barefoot Planning
 Date: February 14, 2018
 Att: Mayor & Council

Re: Temporary Use Permit for 1120 Hillside Avenue

INTRODUCTION & OVERVIEW

This brief memo provides a rationale for the proposed Temporary Use Permit (TUP) at 1120 Hillside Ave.

Despite its R-2 zoning, the subject property has historically had a non-conforming retail use (convenience store) in the commercial building on the corner of Hillside Ave and Prior St. The proponent purchased the subject property – on which two severely dilapidated houses were also located – with the intention of developing a parking lot in support of a new retail use in the commercial building. The applicant received City approval to develop the parking lot; however, the non-conforming (retail) status has now expired. Therefore, **the purpose of this TUP is to essentially re-instate the non-conforming retail use in the existing commercial building**, with the long-term goal of undertaking a rezoning to be consistent with the future LAP.

The property was originally purchased by the proponent to be used for a green grocer. The adjacent houses (in serious disrepair) were replaced with a new parking lot via an approved Development Variance Permit.

In time, the green grocer was no longer viable. However, the proponent retained the property with the goal of [a] providing a viable commercial space for a local business that integrates well into the community (they have turned away numerous Marijuana Dispensary proposals) and [b] long-term consideration for redevelopment, including a potential grocery store.

Monarch Furniture, a local business currently located downtown, is in need of a new, affordable location and has agreed to move into 1120 Hillside Avenue, if a TUP is received in a timely manner. (Their alternative location option is the Westshore.)



RATIONALE & SUPPORT

- **LAP**
 - The existing LAP is outdated, and a new LAP process is expected to be initiated in the next ~2 years.
 - Staff and Community Association feedback suggests that the site will likely be designated as some type of mixed use through the LAP process, supporting retail on the ground floor.
- **Off-Street Parking**
 - The proposed use (retail) would require 10 vehicular parking stalls; the newly constructed parking lot provides 13 plus 4 bike parking spots (2 required).
- The north end of the Hillside corridor in Victoria lacks commercial space, and leaving this building empty benefits no one.
- Provides an active ground floor use in the community, which supports community vibrancy, safety, and pedestrian comfort.
- Helps activate a key neighbourhood corner along the Hillside corridor
- Utilizes existing infrastructure and a newly constructed parking lot to support a non-conforming retail use, consistent with historic use and probable future land use direction.
- A local business, Monarch Furniture, is in need of a new location – and will likely leave the City without an attainable space such as this.
- The site is served by all necessary public infrastructure and services, including bus routes and public and private off-street parking.
- As a corner lot on a major arterial with historic commercial use, and now an adequately sized parking lot, this is a strategic location to permit modest-scale retail use within the neighbourhood..
- The City approved a parking lot to support retail use on this site; however, this use is no longer possible without a TUP.
- Proponent already constructed a 13 stall parking lot to accommodate customer traffic.
- A furniture store will generate far less traffic than a grocery store (a previous concern); however, it still contributes to the vibrancy and safety of the community.



Barefoot Planning, LLC
1120 Hillside Ave, Suite 100
Berkeley, CA 94704
www.barefootplanning.com
415.863.1120

- Proponent has made exterior building improvements (e.g., paint, cladding, roof), among other improvements, and added public art in the windows while the building sits vacant.
- Once TUP is received, Monarch Furniture will complete landscaping and interior building improvements (e.g., flooring, finishing, HVAC).

SUMMARY

The proponent purchased the property and invested in significant (City approved) improvements with the intention of utilizing the existing commercial building and its long-time non-conforming retail use. However, in making these improvements, engaging the community, and searching for a suitable tenant, the site's non-conforming use status has expired.

Therefore, this TUP will allow an appropriate retail use for a limited time and enable the proponent to come forward with a future proposal consistent with the community vision established through the upcoming LAP process.

We appreciate your consideration of this application.

Sincerely,

Evan Peterson
Principal
Barefoot Planning

Temporary Use Permit
Application
for
1120-1126 Hillside Avenue

