#### **REPORTS OF COMMITTEES**

#### 1. <u>Committee of the Whole – October 5, 2017</u>

#### 5. Rezoning Application No. 00555 for 308 Menzies Street (James Bay)

#### Motion:

It was moved by Councillor Young, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 000555 for 308 Menzies Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

#### Carried Unanimously

### 6. Development Permit with Variances Application No. 00026 for 308 Menzies Street (James Bay)

#### Motion:

It was moved by Councillor Young, seconded by Councillor Coleman, 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. 00555, if it is approved, consider the following motion:

"That Council authorizes the issuance of Development Permit Application No. 00026 for 308 Menzies Street, in accordance with:

- 1. Plans date stamped July 26, 2017 (as amended to address overhead canopy design to the satisfaction of the Director of Sustainable Planning and Community Design.)
- Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
  Schedule C, Section 16(c), reduce the required number of parking spaces from fifteen to eight;
  - ii. Zoning Bylaw No. 80-159, Part 4.1.6, reduce the required rear yard setback from six metres to 1.52 metres.
- 3. The Development Permit lapsing two years from the date of this resolution."

#### Carried Unanimously

## 5. LAND USE MATTERS

## 5.1 Rezoning Application No. 00555 for 308 Menzies Street (James Bay)

Committee received a report dated September 18, 2017, from the Director of Sustainable Planning and Community Development regarding the proposal to rezone the property located at 308 Menzies Street to a site specific zone to add office and retail as permitted uses at this location.

Committee discussed:

- How the contamination of the site will be addressed and when that will have to take place.
- **Motion:** It was moved by Councillor Coleman, seconded by Councillor Young, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 000555 for 308 Menzies Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY 17/COTW



## Committee of the Whole Report For the Meeting of October 5, 2017

| То:      | Committee of the Whole                       | Date:       | September 18, 2017  |
|----------|--|-------------|---------------------|
| From:    | Jonathan Tinney, Director, Sustainable Plann | ing and Cor | mmunity Development |
| Subject: | Rezoning Application No. 00555 for 308 Me    | enzies Stre | et                  |

## RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 000555 for 308 Menzies Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

## LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 308 Menzies Street. The proposal is to rezone from the C-SS Zone, Special Service Station District, to a site specific zone to add office and retail as permitted uses at this location.

The following points were considered in assessing this Application:

- the proposal is consistent with the Official Community Plan (OCP) in terms of providing ground oriented commercial and employment uses within a ten minute walk of existing businesses and community services
- the proposal is consistent with the James Bay Neighbourhood Plan with respect to providing mixed use buildings along Menzies Street toward the Harbour and small scale convenience stores to complement the commercial centre.

### BACKGROUND

#### **Description of Proposal**

This Rezoning Application is to add office uses in a second storey addition to an existing gas station building and to covert the existing ground floor repair garage to a convenience store. The proposal includes the construction of two overhead canopies over the two existing gas bar islands. Specific details are identified in association with the concurrent Development Permit Application for this property. The only change to the current zone that is being proposed would be the addition of retail and office uses; however, two variances (parking and rear yard setback) are also requested which are addressed in a concurrent Development Permit with Variance Application report.

#### Sustainability Features

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

### **Active Transportation Impacts**

The applicant proposes to double the required amount of Class 1 and Class 2 bicycle racks with two Class 1 and two Class 2 bicycle racks which supports active transportation.

### Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

### Land Use Context

The area is characterized by multi-family housing along Menzies Street, surface parking and small convenience stores leading to the centre of the James Bay Village. Additionally, Irving Park is to the immediate south of the subject property.

#### Existing Site Development and Development Potential

The site is presently occupied by a single storey gas station and a three bay repair garage.

Under the current C-SS Zone, the property could be developed to accommodate a three storey building, not exceeding 11m in height. A minimum building setback of 4.5m to property boundaries with residential land uses would be required. Land uses would be limited to service stations only.

## Data Table

The following data table compares the proposal with the existing C-SS Zone, Special Service Station District, for applicable regulations. An asterisk is used to identify where the proposal is less stringent than the existing zone. Two asterisks are used to identify where the building is legally non-conforming with regard to the existing zone.

| Zoning Criteria                              | Proposal                              | Zone Standard<br>C-SS, Special<br>Service Station<br>District |
|--|---------------------------------------|---|
| Site area (m <sup>2</sup> ) - minimum        | 1096.25                               | n/a   |
| Density (Floor Space Ratio) -<br>maximum     | 0.36                                  | 1.40  |
| Total floor area (m <sup>2</sup> ) - maximum | 391.21                                | 1534.75   |
| Height (m) - maximum                         | 8.00                                  | 12.00   |
| Storeys - maximum                            | 2.00                                  | n/a   |
| Site coverage % - maximum                    | 35.50                                 | n/a   |
| Open site space % - minimum                  | 14.10                                 | n/a   |
| Setbacks (m) - minimum:<br>Front             | 13.2 Building<br>5.9 Gas Bar**        | 6.00  |
| Rear (east)                                  | 1.52*                                 | 6.00  |
| Side (north)                                 | 2.85                                  | 2.40  |
| Flanking Street (south)                      | 12.46 Building<br>4.5 Gas Bar columns | 2.40  |
| Parking - minimum                            | 8*                                    | 15  |
| Bicycle parking stalls (minimum)             | 2 Class 1<br>2 Class 2                | 1 Class 1<br>1 Class 2  |

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the James Bay CALUC at a Community Meeting held on *December 14, 2016*. A letter dated December 22, 2016 is attached to this report.

## ANALYSIS

## Official Community Plan

The proposal is consistent with the *Official Community Plan* (OCP) in terms of supporting ground oriented commercial within the James Bay Village Centre. The Urban Place Designation for the subject property is Large Urban Village, which envisions commercial and mixed use buildings with floor space ratios up to 1.5:1. While the proposal is consistent with the OCP, it is proposing notably less density than the OCP envisioned, which is, however, consistent with policy around careful transitions to adjacent areas.

#### CONCLUSIONS

The proposed addition of second storey offices to the existing gas station building and the conversion of the existing repair garage to a convenience store is consistent with the OCP objectives to provide mixed use buildings within the Large Urban Village of James Bay and provides a sensitive transition to adjacent areas. The proposed rezoning to permit office and retail land uses is supportable based on advancing the aforementioned OCP objectives. Staff recommend that Council consider supporting this Application.

#### ALTERNATE MOTION

That Council decline Rezoning Application No. 00555 for the property located at 308 Menzies Street.

Respectfully submitted,

Miko Betanzo Senior Planner - Urban Design Development Services Division

Jonathan Tinney, Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager

1 26 2017

### List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped July 26, 2017
- Attachment D: Letter from applicant to Mayor and Council dated December 20, 2016
- Attachment E: Community Association Land Use Committee comments dated December 22, 2016.







308 Menzies Street Rezoning No.00555







# **ISSUED FOR REZONING**

#### 308 MENZIES STREET

VICTORIA, BRITISH COLUMBIA PROJECT NUMBER 16-473

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19 JULY 2017



#203 - 1110 Government St., Victoria, British Columbia t 250.360.2668

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#### ATTACHMENT D





December 20, 2016

City of Victoria #1 Centennial Square Victoria, British Columbia V8W 1P6

Attention: Mayor Helps and Council

Re: Rezoning proposal at 308 Menzies Avenue, Victoria, British Columbia

Your Worship Mayor Helps and Councillors;

We are pleased to submit this rezoning application for your consideration. The existing gas station/repair garage located at 308 Menzies Avenue is located within the James Bay Large Urban Village area. The repair garage was built in 1967 and our client would like to convert the repair garage to a convenience store in association with the existing gas bar. We are also proposing a second storey office area above the convenience store.

The site in question is zone C-SS Special Service Station District and we would like to rezone the property to the C1-S Limited Commercial Service Station District. The only permitted use in the C-SS zone is a service station. The repair garage is a legal non-conforming use as the original plans submitted to the City in 1967 had the repair garage shown on the drawings and it has been in use as such since the building was constructed. The C-SS zone refers to the C1-S zone for all of its other regulations.

As the property is within the James Bay Large Urban Village designation, the uses envisioned for this designation are low to mid-rise multi-residential and mixed use, commercial, including visitor accommodation, live/work and home occupations. The uses within the C1-S zone would be generally consistent with this policy direction.

We have been working with our environmental consultant, Active Earth Engineering Ltd. on the site remediation. A copy of the site profile sent to the Ministry of Environment and their Scenario 4 Release are included with this application

The proposed renovations and addition will add a small 400 square foot addition to the west of the existing building and a 1900 square foot second floor office addition. The existing building and structure will be kept in place and we will be cladding the exterior with brick and hardi-panels. The existing footprint of the building will remain in the same location.

The 4 gas pumps and the underground tank are being upgraded and the gas bar should be in operation again by February 2017. We are proposing an overhead canopy over the two gas bar islands and we will require a setback variance the canopies to overhang past the required setbacks on the Michigan and Menzies. It is typical for gas bars to have canopies over their gas islands to protect customers from the inclement weather. The main structure for the canopies will be within the setbacks.

Our proposal is for the building is less than 0.36:1.0 in floor space ratio compared to the allowable 1.4:1.0 within the zone. Our requested height is 7.96 metres and the allowable height in this zone is 11.0 metres.

We attended a JBNA CALUC meeting on December 14, 2016 to shared our proposal with the neighbourhood association. A copy of the minutes of that meeting will be forwarded to you from the JBNA in the near future.

We feel the proposed addition and renovations to the existing building will update this building and enhance the neighbourhood. It is the only gas station in James Bay and we feel the complimentary uses on this site will be a benefit to the users.

We trust that this proposed rezoning meets the intent of the neighbourhood plan and the official community plan. If you have questions or concerns, please contact our office at 250-360-2888.

Thank you for your time and consideration.

Yours truly,

Howkine

Alan Lowe, MAIBC Alan Lowe Architect Inc.

ATTACHMENT E



## James Bay Neighbourhood Association

jbna@vcn.bc.ca Victoria, B.C., Canada www.jbna.org

December 22<sup>nd</sup>, 2016

Mayor & Council, City of Victoria

## Re: CALUC Community Meeting - 308 Menzies St

The community meeting to consider the Gas Station rezoning proposal at 308 Menzies was held on December 14<sup>th</sup> (47 attendees). Attached please find an excerpt of the General Meeting minutes regarding the proposal.

Although the gas station is recognized as a needed amenity for James Bay due to the high residential density of James Bay coupled with the closure of many, if not most, gas stations in the City over the past. Concerns were expressed by residents, particularly those living in adjacent properties. Concerns could be summarized as:

- Shadowing on the properties to the north and west
- Potential night-time disruption depending on hours of operation
- Possibility of future higher construction
- o Security
- Need to better define the boundaries (fence or other) to discourage public use of neighbouring property for short-cut.

In response to the concern of night-time disturbance, Alan Lowe committed to discussing the matter 'voluntary' hour restrictions with the owner and forwarding response to JBNA for forwarding to concerned neighbours. As of date of writing this letter, response not received.

For your consideration,

Marg Gardiner, President, JBNA CALUC Co-Chair

Cc: Alan Lowe, Alan Lowe Architect Inc. CoV Planning

JBNA ~ honouring our history, building our future

## EXCERPT from JBNA December 14th, 2016 Minutes

## JAMES BAY NEIGHBOURHOOD ASSOCIATION MINUTES - General Meeting December 14<sup>th</sup>, 2016 – 47 present

5. CALUC: Community Meeting Rezoning 308 Menzies (gas station) at Michigan Alan Lowe, Architect

Marg Gardiner reported on the Development Review Committee (DRC) pre-meeting: On November 1<sup>st</sup>, JBNA DRC Committee members, Tim VanAlstine, Wayne Shillington, Trevor Moat and Marg Gardiner met with Alan Lowe to review the project. The project is to rezone the gas station with a service bay into a gas station with offices and commercial activities (offices on second floor and convenience store on adapted main floor). Lower floor =1867 sqft, second would be 1592 sqft.

Issues discussed: community concern re a chain convenience store or any 24hr store, width of sidewalk for mobility scooter access, bike parking for both employees and customers, and possibility of pollinator garden or other plantings in the planters to support food production in the community. It was also recommended that nearby neighbours to the west and north be consulted in advance of a community meeting.

#### Community Meeting presentation:

Alan Lowe described the proposal including the work currently underway to remove existing under-ground gas tanks and replace with new tanks. Existing repair/garage does not meet current zoning. The repair/garage will be removed and in its place will be a convenience store. A second storey will be added to provide for office while lower floor will be the convenience store. The building will not extend further towards Michigan. At rear (west) of existing building an additional one-storey structure will be attached to the existing building. Storefronts will replace the existing garage doors and store front windows will correspond on the new second floor. Hardy-board will be installed on the rear of the building. Zoning change required to accommodate the new storey and convenience store; will be changed from C-SS to C1-S. The existing building will be renovated, not demolished. Station manager asked customers to sign a petition of support and 100 customers signed, supporting the change.

Q – Michigan neighbour – crumbling fence inadequate to separate properties – will new fence be constructed.

A – Yes a new fence will be constructed – will be 6 feet high

C - Neighbour wants it of solid construction

Q – Michigan neighbour - windows, backyard will be impacted by second storey, will allow no light. Pollinator garden shouldn't be there as soil needs to be tested, our soil is contaminated, has been tested, could not be determined if from garage or fuel. Minimum distance between properties 4.4 meters, will the addition in the back not bring the building closer. Am very concerned about shadowing.

A – setbacks, 4.5 meter set back is for next to a R-1 property - does not apply due to the existing set back requirement. May lose a bit of morning sun.

C - Neighbour requesting shadow studies be done.

Q – Menzies strata north neighbour – second storey will block sun from south side, very concerned. North side of station property has problems where people collect (urinate etc). Concerns are shadowing and security.

A – a fence will be constructed to property line on Menzies, and the small area to the north of the building will be gated off.

Q – Michigan resident – 2 storeys now – could it be increased to 5 storeys at a later date. A – No not allowed to go up 5 storeys, parking limits this.

Q - Soil and tank removal

A - Golden Assoc. an environmental consultant work on this.

Q - Michigan resident - will hours be expanded.

A - don't know but doesn't expect this will be 24 hours, will most likely close by midnight.

Q – is there an appetite for the owner to make a commitment now to residents on hours of operation?

A - Alan will approach owner

C - Marg (Chair) asked the 2 residents to leave e-mail addresses so that Alan's response could be forwarded to them.

Q - will traffic flow change

A – doubtful – expect same use as now gas up and go.

Q – Menzies resident – what kind of earth work to get tanks out? Will there be pounding? A – will use an excavator – equipment to test soil. Once clearance to place the new tank. There will be no blasting or pile driving.

#### Residents beyond the 100m community meeting notice area

Q - Does C1 zone require the gas station to be part of the facility or optional? Could it change from convenience store only from gas station?

A – the owner wants both the gas station and convenience, doesn't see it not continuing to be a gas station as only one in JB.

C – Nearby neighbour - Doesn't make any sense to neighbour of how convenience store will sustain itself if not open 24 hrs, and feels that the convenience store and gas bar can be achieved with existing one storey. No need for the second storey. Too large for neighbourhood.

Q – Will the offices be used for only the gas station and convenience store? A – Will be used for his operations.

Q – Can the office space be rented out?

A - Yes the office space could be rented out.

Q - Nearby neighbour - could do more than 2 storeys now you say 3 storeys

A - Can build to 12 meters or 36 to 38 feet.

Q - is it a new owner?

A – Owner is Mr. Shan – general manager is here tonight

Q – Victoria Adams – can it be combined for commercial and residential use.

A - yes technically can but owner did not direct that

C – Since residences are near-by, ask that lighting be directed downwards to minimize impact on homes

C - Lighting on site be directed away for the residential properties.









































2018-07-18



