



## Committee of the Whole Report

### For the Meeting of October 4, 2018

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**To:** Committee of the Whole  
**From:** Councillor Alto  
**Date:** September 28, 2018  
**Subject:** Proposed Amendments to the C1-L Zone Myrtle Avenue

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### Background

Residents living in the 1600 block of Myrtle Avenue are concerned that the spirit and intent of Zoning Bylaw C1-L has not been respected in the recent approval of a development at 1387 Hillside Avenue, as that use encroaches on what was thought to be limited permitted uses on, and access to, Myrtle Street as set out in the C1-L zone.

A special C1-L zone was created in 1984 to establish a 9 metre setback or landscaping buffer of grass and shrubs on the north side of Myrtle Avenue to maintain the residential character of the street behind the strip mall at 1537-1585 Hillside Avenue. The city planning department in 1984 used the phrase "to buffer residential uses" in its advice to Council, and noted that to be effective, the setback must have an unobstructed view to the street and not be hidden behind a fence, as well as being free of any commercial activity. Further, residents at the time were assured that the setback was created as a buffer between commercial and residential, and "it was intended to ensure that the commercial activities on Hillside did not spill over to Myrtle". C1-L states that "No loading area, parking lot, driveway, or accessory building may be located within 9 metres of the rear street."

In May 2108, a fence higher than 6 feet was constructed behind 1537 Hillside Avenue, encompassing the full extent of the private property within the 9 metre buffer zone, the grass replaced with gravel and artificial turf, and the existing landscaping removed.

The C1-L zoning wording states that Myrtle Avenue (rear street) "*shall be landscaped with grass and shrubs, which shall be maintained in a healthy condition*", and that "*no loading area, parking lot, driveway, or accessory building may be located within 9 m of the rear street*". Elimination of the previous roadside landscaping, and the installation of a gate facilitating entrance and egress to the development, seemed to undermine the intent of both these sections of the C1-L zone.

The development at 1537 Hillside Avenue and its apprehension of the private property space within the 9 metre 'protected' zone may set a precedent for future development, contrary to the spirit and intent of the C1-L zone.

Residents have suggested that a clarification of the language within the C1-L zoning bylaw would eliminate any ambiguity about the zone's purpose and application, and would limit the possibility of future development undermining the residential character of the rest of Myrtle Avenue.

To respond to this concern, it is proposed that the C1-L Bylaw should be amended, as noted in the Motion.

In addition, many neighbours are concerned with a potential increase in traffic, safety considerations for pedestrians and cyclists, increased noise levels, and emerging traffic and parking infractions as a result of the likely daily drop-off and pick-up use of what was assumed to be an Island Health required emergency gate from the development to Myrtle Street (the gate is required under the BC Building Code).

### **Motion**

- A. That staff be directed to amend the C1-L zoning bylaw in the following manner:
  - 1. add a preamble to clarify that the purpose of the C1-L zone is to create a landscape buffer with no commercial activity and to maintain the residential character of Myrtle Avenue,
  - 2. clarify that "landscaped with grass and shrubs" in Section 2 (1), refers to "living grass and living shrubs",
  - 3. add "no structures of any kind, including fences," to the exception list in Section 2 (2),
  - 4. add that there will be protection of the large trees on the buffer boulevard on the north side of Myrtle Avenue
- B. That Staff be directed to investigate and report back on measures to traffic calm the 1600 block of Myrtle Avenue.

Respectfully submitted,



Councillor Alto