



**Barefoot Planning Ltd.**  
 910 Lucas Ave, Victoria, BC  
 evan@barefootplanning.com  
 barefootplanning.com  
 778.967.2575

# REZONING APPLICATION

To: City of Victoria  
 From: Evan Peterson, Barefoot Planning  
 Date: December 10, 2020  
 Att: Mayor & Council  
 Re: Rezoning for 1120 Hillside Avenue

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## INTRODUCTION

This letter report provides an overview and rationale for the proposed rezoning at 1120 Hillside Ave. Inside, you will find:

1. An Overview of the project;
2. A summary of the proposal Rationale;
3. A summary of Community Feedback to date;
4. A overview of the Proposed Zoning Regulations; and,
5. A Summary of the proposal.

Appendix A provides a proposed site-specific zone for consideration.

## OVERVIEW

Below is a brief overview of the recent history of the site:

- Despite its R-2 zoning, the subject property 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 with the intention of operating a retail business and developing the required parking stalls to support the operations.
- The applicant received City approval to develop the parking lot.
- While developing the parking lot, the planned retail business became no longer viable, and the non-conforming status expired prior to finding another tenant.
- Once a suitable tenant was found, the proponent applied for and was granted a 3-year Temporary Use Permit (TUP). Monarch Furnishings, a local business, is the current tenant of 1120 Hillside Avenue and plans to remain.
- However, the TUP is now running out (and the Hillside Corridor Plan is just beginning).



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Therefore, the purpose of this rezoning application is to:

- A. Legitimize the current and historical retail use of the commercial building on site, in order to avoid successive TUPs, while...
- B. Purposefully restricting the permitted uses and development potential, in order to...
- C. Encourage the proponent to undertake a future rezoning in response to the Hillside Corridor Plan.

No changes to the existing building, site layout, or use are proposed.

## **RATIONALE**

### **Policy & Bylaw Direction**

- **Hillside Quadra LAP**
  - The existing LAP is very outdated (1996) and is not particularly relevant to this process.
  - The City has initiated a new Corridor Plan process for the area.
- **Victoria OCP**
  - The site is designated as Urban Residential in the OCP, which allows for a mix of housing types, including low to mid rise multifamily, as well as mixed use buildings on arterials roads (e.g., Hillside Ave).
  - This designation may be updated following the Hillside Corridor Plan process.
- **Land Use Directions**
  - City Staff and Community Association feedback suggests that the site will likely be designated for mixed use development in the future, supporting ground-floor retail.
- **Off-Street Parking**
  - The proposed use (retail) would require ten (10) vehicular parking stalls; the existing parking lot provides thirteen (13).
  - Six (6) bike stalls are required; seven (7) are provided – four (4) Class 2 (3 required) on the exterior of the building and three (3) Class 1 (3 required) inside the building. All of these are existing.



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## Neighbourhood Needs & Benefits

- The east end of the Hillside corridor in Victoria lacks commercial space, and securing long-term tenancy in this space helps the present and future of the neighbourhood.
- 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 (presently non-conforming) retail use, consistent with historic use and probable future land use direction.
- A local business, Monarch Furnishings, was in need of a location – and would likely leave the City without an attainable space such as this.

## Servicing

- The site is served by all necessary public infrastructure and services, including bus routes and public and private off-street parking.

## Neighbourhood / Appropriateness

- 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 will not be possible without a TUP or rezoning.

## Impacts & Impact Mitigation

- Proponent already constructed a 13 stall parking lot to accommodate customer traffic.
- Since moving in over 2 years ago, neither the City nor tenant have received any complaints about traffic issues related to the site.
- Tenant worked with City to add 3 additional public on-street parking spots in place of an unused loading zone.
- The existing use generates relatively low amounts of vehicular traffic yet contributes to the vibrancy and safety of the neighbourhood.

## Design

- The proponent and tenant have made a number of exterior building improvements since acquiring the property, including painting, additional glazing (windows), a new vibrant mural, pedestrian- and vehicular-oriented signage, pedestrian-level lighting, and landscaping – along with a higher level of overall property maintenance.



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- The interior was also completely remodelled and brought up-to-date for the current tenants.
- A second round of improvements (exterior paint, new loading doors) was finalized in October, 2020.

## COMMUNITY FEEDBACK

During the Community Meeting/Feedback process, the City distributed the development notice, which directed people to the Development Tracker, *and* the proponent presented at a Quadra Village Neighbourhood Action Committee meeting on October 29, 2020 (via Zoom).

### General

There was only 1 feedback submission via the Development Tracker during the pre-application period. The submission did not include any comments, and the position stated was “uncommitted at this point”.

Additionally, the proponent receive 3 phone calls during the pre-application period. Each caller (2 residents and 1 business owner) expressed general support for the application.

### Neighbourhood Association

The feedback received at the Quadra Village NAC meeting is summarized below:

- Very strong support for Monarch Furnishings (existing tenant) as a neighbourhood asset.
- Support for maintaining the existing building and commercial use.
- General support for the long-term approach of a future rezoning based on the directions of the Hillside Corridor Plan.
- Some concern for the breadth of potential tenants, including more impactful tenants – like cannabis dispensaries (which would not be permitted under the proposal).
- Concern for potentially-impactful future tenants under seemingly broad permitted uses, such as the initially proposed “high-tech”, including those that may produce significantly more traffic in the neighbourhood
- The applicant removed “High-tech” as a result of this feedback, as the Zoning Bylaw definition includes manufacturing as a permitted activity.



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## PROPOSED ZONING REGULATIONS

### Zoning Overview

The current zoning for the site is R-2 (Two Family). We are open to working with staff to create either:

1. An adapted R-2 zoning that accommodates the existing commercial building and uses (perhaps in existing/historic building only); or,
2. A site-specific zone without reference to the existing R-2 zone, which also restricts development to the existing conditions.

### Approach

The long-term intent for this site is to undertake a subsequent rezoning that corresponds to the upcoming Hillside Corridor Plan. Therefore, the proposed regulations seek to [a] extend the existing use and activity on the site while [b] avoiding the need for successive Temporary Use Permits.

Additionally, the zoning purposefully restricts that proponent's ability to redevelop beyond the existing permitted density, in order to encourage a future rezoning consistent with the Hillside Corridor Plan.

### Proposed Zoning

The following represents the key zoning regulations to be included in a site-specific zone for the subject property. See Appendix A for the full proposed zoning criteria (to be refined and finalized with City staff).

- *Permitted Uses*
  - *Retail stores*
  - *Professional businesses*
  - *Business offices*
- *Floor Area of the Principal Building*
  - *Floor area (maximum): 380m<sup>2</sup>*
- *Height, Storeys, Roof Decks*
  - *Commercial buildings (maximum): 5.8m*
- *Setbacks and Projections*
  - *Front yard setback (minimum): 0m*
  - *Side yard setback from interior lot lines (minimum): 0m*
  - *Combined side yard setbacks (minimum) 0m*
  - *Rear yard setback (minimum): 20m*
- *Site Coverage, Open Site Space, Parking*
  - *Site coverage (maximum): 45%*



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## 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 expired. The approved (current) Temporary Use Permit allowed this use to continue; however, it too will expire.

This rezoning will formalize the appropriate retail use of the commercial building on site, while restricting new development and enabling the proponent to wait until the Hillside Corridor Plan is complete to come forward with a future proposal consistent with the community's vision.

We appreciate your consideration of this application.

Sincerely,

Evan Peterson  
Principal  
Barefoot Planning



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## APPENDIX A. PROPOSED SITE SPECIFIC ZONE

PART X.1 - SITE SPECIFIC ZONE (1120 HILLSIDE AVE)	
X.1.1 Permitted Uses	
a. Those permitted in R-2 Zone, Two Family Dwelling District (Part 2.1), subject to the regulations set out in Part 1.2 of the Zoning Regulation Bylaw b. Business offices c. Professional businesses d. Retail stores	
X.1.2 Floor Space Ratio	
e. No building shall have a floor space ratio in excess of	0.45 to 1
X.1.3 Height of Buildings	
f. The height of any building shall not exceed	5.8m
X.1.4 Setbacks	
g. Front yard setback (minimum)	0m
h. Rear yard setback (minimum)	20m
i. Side yard setbacks from interior lot lines (minimum)	0m
j. Combined side yard setbacks (minimum)	0m
k. Side yard setbacks on a flanking street for a corner lot (minimum)	0m
X.1.5 Site Coverage & Parking	
l. Site coverage (maximum)	45%
m. Parking – subject to parking regulations in Schedule “C”	
X.1.6 Accessory Buildings	



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- a. No accessory buildings shall occupy more than 10% of the area of the site, nor more than 30% of the area of the rear yard, nor shall any such accessory building exceed one storey or 4m in height.
- b. An accessory building shall be situated in the rear yard of the building to which it is accessory and shall conform to the restrictions prescribed in this Part.
- c. An accessory building shall be so situated as to provide a passage of not less than 2.4m in width between the accessory building and the main building.