

**F.1     1177-1185 Fort Street & 1043-1045 Linden Avenue: Rezoning Application No. 00731 (Rockland)**

Committee received a report dated March 11, 2021 from the Director of Sustainable Planning and Community Development regarding a rezoning application for the property located at 1177-1185 Fort Street and 1043-1045 Linden Avenue in order to legitimize the current commercial uses and recommending that it move forward to a Public Hearing.

**Moved By** Councillor Andrew  
**Seconded By** Councillor Thornton-Joe

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00731 for 1177-1185 Fort Street and 1043-1045 Linden Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing be held, but that adoption of the Bylaw be held off until confirmation has been received that the lots have been consolidated.

**CARRIED UNANIMOUSLY**



## Committee of the Whole Report For the Meeting of March 25, 2021

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**To:** Committee of the Whole **Date:** March 11, 2021

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** Rezoning Application No. 00731 for 1177-1185 Fort Street & 1043-1045 Linden Avenue

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### RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00731 for 1177-1185 Fort Street and 1043-1045 Linden Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing be held, but that adoption of the Bylaw be held off until confirmation has been received that the lots have been consolidated.

### 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 1177-1185 Fort Street and 1043-1045 Linden Avenue. The proposal is to rezone from the R3-AM-2 Zone to a site-specific zone to legitimize the current commercial uses on-site following the termination of the Land Use Contract on November 9, 2020.

The following points were considered in assessing this application:

- the proposal is generally consistent with the *Official Community Plan*, as the proposal achieves heritage conservation objectives
- the property is generally consistent with the *Rockland Neighbourhood Plan*, which notes that heritage buildings should be retained and enhanced
- the site is presently comprised of two legal lots, which requires lot consolidation to maintain consistency with the *Zoning Regulation Bylaw's* requirement that buildings and parking stalls cannot cross property lines.

## **BACKGROUND**

### **Description of Proposal**

The property located at 1177-1185 Fort Street and 1043-1045 Linden Avenue was previously regulated by a Land Use Contract (LUC). However, in 2017 the City initiated a process to terminate any Land Use Contracts that were seen as overly permissive towards broad commercial uses. Upon termination of the LUC on November 9, 2020, this property became regulated by the underlying the R3-AM-2 Zone, Mid-Rise Multiple Dwelling District, and the existing commercial uses became legally non-conforming. The property owners have applied to rezone the property to ensure the commercial uses currently operating will continue to be permitted within the *Zoning Regulation Bylaw*.

The LUC secured four main items, which are noted below along with a description of ensuing changes:

- Heritage Protection of Building – subsequently protected with a Heritage Designation Bylaw
- Five Parking Stalls – there are currently only four parking stalls located at the rear of the property, because of an addition of a rear stairwell, approved by the City, that removed one stall in 1982. Unless parking is installed in the front yard, it is not possible to add any new parking to the property. However, this is not a recommended course of action because it would detract from the heritage aesthetic and create an unpleasant public realm along Fort Street
- Tree and Landscape Protection – a peach tree and a cedar tree, both located very close to the heritage building, were removed at some point in the past
- Permitted Uses – limited to residences, offices, personal services, cafes, and a variety of retail uses. Permitting these uses through the underlying zoning is the subject of this application.

If the application is forwarded to a Public Hearing, a new site-specific zone would be created for Council's consideration that permits the commercial uses found in the C1-FH Zone for buildings constructed prior to January 1, 2020.

The existing building currently straddles two lots, this irregularity would be addressed through lot consolidation which is proposed to occur after a Public Hearing but prior to final adoption.

### **Sustainability**

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

### **Active Transportation**

The applicant has not identified any active transportation impacts associated with this application.

### **Public Realm**

No public realm improvements beyond City standard requirements are proposed in association with this Rezoning Application.

### **Accessibility**

The *British Columbia Building Code* regulates accessibility as it pertains to buildings. At this time there are no proposed changes to the existing heritage building.

## Land Use Context

The area is characterized mainly by multi-unit residential uses, with some commercial uses operating out of converted heritage houses.

## Existing Site Development and Development Potential

The existing heritage-designated building is currently occupied with several offices and one retail unit. Under the current R3-AM-2 Zone, the property could be developed for multi-unit residential purposes, but any physical changes to the exterior would require a Heritage Alteration Permit.

## Data Table

The following data table compares the proposal with the C-1 Zone, which is a standard commercial zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone. Two asterisks are used to identify a legal non-conforming condition.

| Zoning Criteria                                     | Proposal  | Zone Standard C-1 |
|---|---|-------------------|
| Site area (m <sup>2</sup> ) – minimum               | 862.5   | N/A               |
| Density (Floor Space Ratio) – maximum               | 0.75  | 1.4               |
| Height (m) – maximum                                | 10.06   | 12.0              |
| Storeys – maximum                                   | 2.5   | N/A               |
| <b>Setbacks</b> (m) – minimum                       |   |                   |
| Front   | 8.3   | 6.0               |
| Rear  | 6.85  | 6.0               |
| Side (east) – when adjoining property is commercial | 0.39  | 0                 |
| Flanking Side Street (Linden Ave)                   | 2.55 – building<br><b>2.06 - porch posts **</b><br><b>0 - stairs **</b> | 2.4               |
| Parking – minimum                                   | <b>4 **</b>   | 12                |

## Relevant History

On February 23, 2017, Council directed staff to begin the early termination of all remaining Land Use Contracts within the City of Victoria. Staff subsequently brought forward reports that resulted in Council terminating 13 LUCs that were seen as overly permissive towards commercial uses. The Land Use Contract regulating the subject property was among the 13

LUCs terminated by the City in 2017, and the LUC was officially terminated on November 9, 2020.

## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant had preliminary conversations with the Rockland CALUC. The Rockland CALUC concluded that a community meeting was not required for this proposal (Attachment E).

## **ANALYSIS**

### **Official Community Plan**

The subject property is designated Urban Residential within the *Official Community Plan, 2012* (OCP), within which commercial uses along arterial roads are only envisioned as part of mixed-use developments. However, the OCP also indicates that guidelines can be varied when goals towards heritage conservation are achieved. Staff believe the proposal is consistent with the OCP since the building is heritage-designated, the uses are already legally present on site and formalizing them in a new zone helps to ensure ongoing flexibility in the repurposing of this heritage resource.

### **Rockland Neighbourhood Plan**

The *Rockland Neighbourhood Plan* strongly encourages conservation, maintenance, and enhancement of heritage properties. Staff believe this objective is achieved by permitting the commercial adaptive reuse of the heritage designated building to continue. The plan also notes that expansion of commercial activities along Fort Street should not be permitted; however the commercial uses on-site predate the *Rockland Neighbourhood Plan* and are therefore considered to be existing.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no *Tree Preservation Bylaw* impacts and there are no impacts to public trees with this application. As part of the previous Land Use Contract, the landscaping was to be maintained and preserved. There is currently one birch tree on the property, and one sumac tree that is shared with the eastern neighbour. The rest of the landscaping consists of shrubs and lawn. A peach tree and a cedar tree, both located very close to the heritage building, were previously removed with no record as to their removal.

The subject property is located within Development Permit Area 7B(HC) – Corridors Heritage, which requires a Development Permit for landscaping changes.

## **CONCLUSIONS**

The proposal to rezone the property at 1177-1185 Fort Street and 1043-1045 Linden Avenue is consistent with the heritage goals in both the OCP and *Rockland Neighbourhood Plan*. Staff therefore recommend Council consider supporting this application.

## **ALTERNATE MOTION**

That Council decline Rezoning Application No. 00731 for the property located at 1177 Fort Street & 1043-1045 Linden Avenue.

Respectfully submitted,

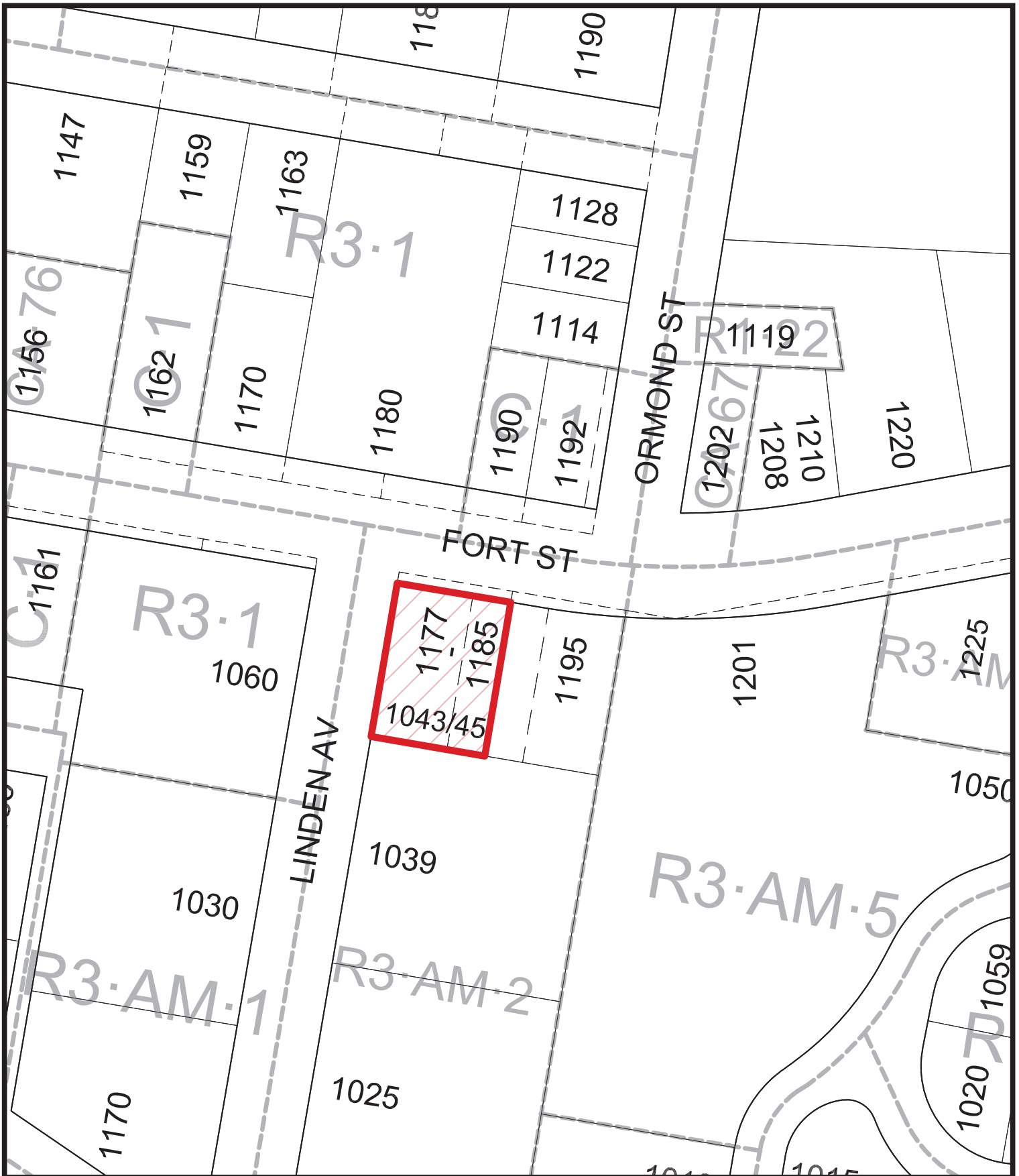
Mike Angrove  
Senior Planner  
Development Services Division

Karen Hoesel, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped February 26, 2021
- Attachment D: Letter from applicant to Mayor and Council dated February 13, 2020
- Attachment E: Community Association Land Use Committee Email dated August 14, 2019.



1177-1185 Fort Street & 1043/1045 Linden Avenue  
Rezoning No.00731







1177-1185 Fort Street & 1043/1045 Linden Avenue  
Rezoning No.00731





NOTES

ALL INFORMATION DERIVED FROM BUILDINGS DEPARTMENT RECORDS & ZONE REASSESSMENT; THIS APPLICATION PROVIDES GOING TO WASTE/SCRAP CANCELLED LAND USE CONTRACT. ALL CONTINGENT USES EXISTING IN WORK IS DEPENDENT TO DESIGNATED HERITAGE DESIGNATED BUILDINGS.

NOTE UPDATE:

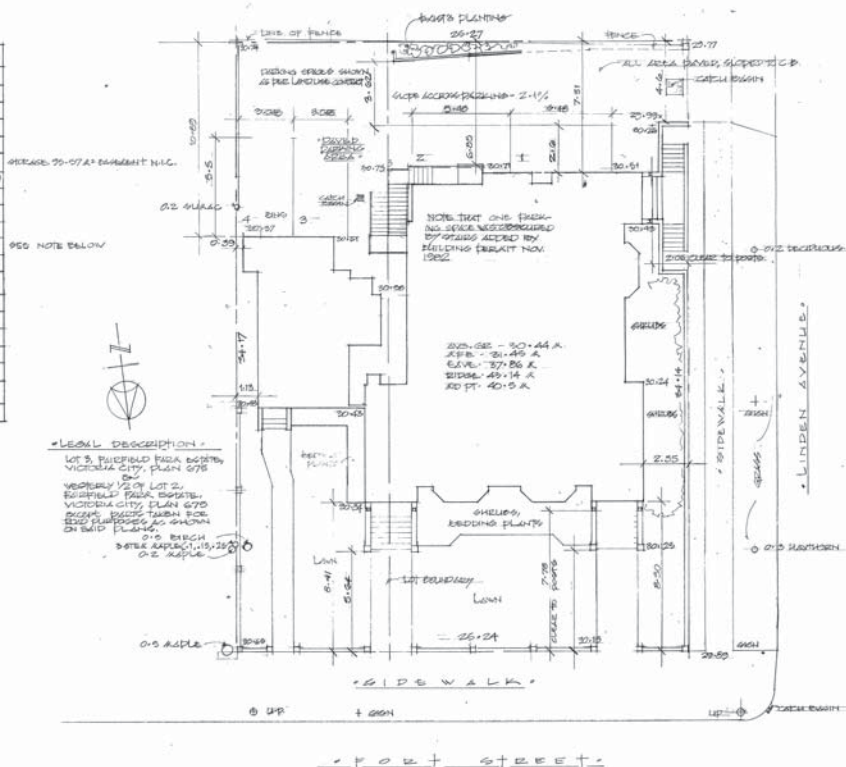
ALL SITE INFORMATION IS RECEIVED FROM SITE VISITS CONDUCTED BY GUYANA DEPT. OF GUYANA, 22 MAR. 2020. FILE NO. 20-03-0241

REMARKS:

BURNED AS PER L.U.C. (1900) FIREBURN (8 SPACES) DAMAGED BY BUILDINGS DEPT. ISSUED IN NOV. 1952. ONE SPACE RECOVERED - 4 REMAIN.

LAND:

EXISTING DEVELOPMENT STRADDLES 2 LOTS. LOTS WILL BE CONSOLIDATED AT COMPLETION OF REPAIRING PROGRAM.



REVISED - PLANNING - FEB 26 21  
REVISED - PLANNING - FEB 06 21  
REVISED - PLANNING - JUN 30 21  
REVISED - CURRENT GUIDE 29/06/21

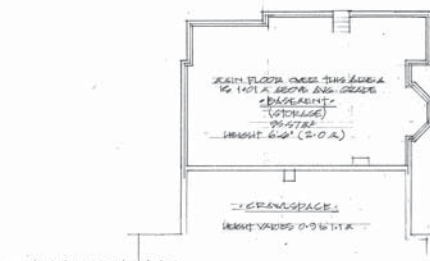
DRAWING NO.                       
 DATE APRIL 10, 2019  
 DESIGN BY                       
 CHECKED BY                       
 APPROVED BY                       
 PROJECT NO.                       
 SHEET NO.                      OF                     

**banks  
design**

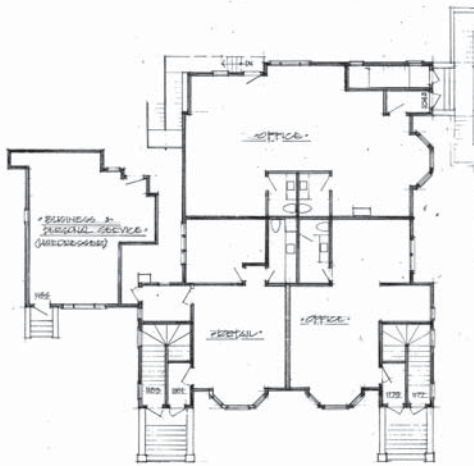
• PROPOSED REZONING  
for  
1177-1183 FORT ST. •  
• SITE PLAN & PROJECT INFORMATION •  
1177-1186 FORT ST. •

ATTEST: J. W. C.

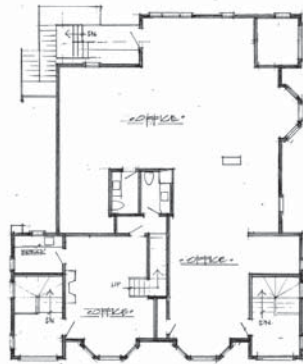




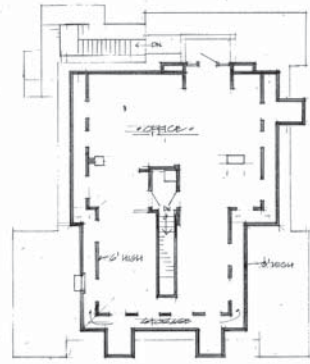
BASMENT PLAN  
95.57A (1025.75 SF)



MAIN FLOOR PLAN  
202.07A (3055.74 SF)



SECOND FLOOR PLAN  
225.67A (2425.24 SF)



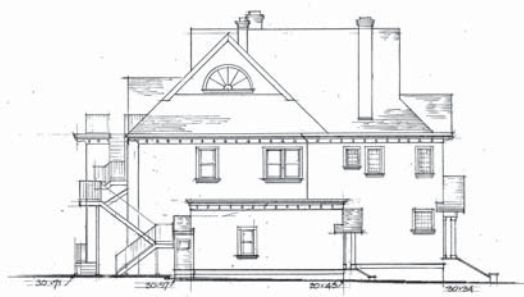
THIRD FLOOR PLAN  
189.6A (1901.72 SF)

DOWN: 100  
DESIGN: 100  
SCALE: 1/8" = 1'-0"  
DATE: APRIL 10, 2009  
REV: 100

PROPOSED REZONING  
1177-1185 FORT STREET  
FLOOR PLANS  
1177-1185 FORT STREET  
1177-1185 FORT STREET



REV: JAN 20/21 - 1177-1185 FORT STREET



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION (FOOT STREET)



WEST ELEVATION (LINDEN AVENUE)

DRAWN BY: MIB  
 DESIGN: MIB  
 SCALE: 1/8" = 1'-0"  
 DATE: 11/10/10  
 PROJECT: 1177-1185

PROPOSED ZONING:  
 1177-1185 FOOT STREET  
 BUILDING ELEVATION  
 1177-1185 FOOT ST.  
 1177-1185



02/10/10 - 1177-1185 - 1177-1185 - 1177-1185



13-Feb-20

Mayor Lisa Helps and Councillors,  
Corporation of the City of Victoria,  
1 Centennial Square,  
Victoria, B.C. V8W 1P6

RE: Proposed Rezoning of 1177-1185 Fort Street  
Lot 3, Fairfield Farm Estate, Victoria City, Plan 675

Dear Mayor Helps and Councillors:

We are pleased to submit our application for the above noted property, to put in place a zone that will accurately reflect the present use and occupancy, and bring the property into closer conformity with the official plan.

This application is driven by the Province's decision to terminate Land Use Contracts, under which this property was regulated. While the underlying zoning of R3-AM2 dictated residential use, the heritage designated building has been used for office, retail and service occupancies for decades, and those uses were approved under modifications to the original land use contract

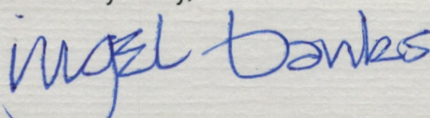
Discussion with the Planning Department led to the conclusion that the existing CA-2, Fort Street Special Commercial zone is good fit for the property, meeting almost all criteria. There are a few non-conformities, such as parking, these were considered legal non-conformities under the now cancelled land use contract.

There is no work or alteration of any kind required for the building under this application; nor would there be any impact on existing tenancies. The existing building and its context are maintained exactly as is, and uses are brought much more in line with zoning. The proposal will also preserve neighbourhood amenity through zero disruption of the existing streetscape.

We have presented the proposal to the Rockland Neighbourhood Association land use committee, and they have determined that it does not require a full public meeting, as there are no proposed changes to the subject property.

Thank you for your consideration of this application.

Yours Very Truly,



Nigel Banks, on behalf of  
Barbara and Howard Ginsberg



**ATTACHMENT E**



Nigel Banks [REDACTED]

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**re: 1117/85 Fort Street**

1 message

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**Bob June** [REDACTED]

Wed, Aug 14, 2019 at 1:20 PM

To: Nigel Banks [REDACTED]

Cc: Dave McWalter [REDACTED]

Lawrence Bortoluzzi [REDACTED]

Phil Calvert [REDACTED]

Pamela Madoff [REDACTED]

Good afternoon Nigel:

My apologies. I have been remiss in following up with you.

On discussion the Rockland LUC discussed the proposed rezoning of 1177/85 Rockland from land Use contract and support the process moving.

The proviso is that the plan unfold as presented to our committee and no significant changes be introduced.

We will not be requesting a CALUC community meeting for this rezoning.

We certainly appreciate the owners desire to maintain the site as is and applaud the retention of a historic building.

Regards;

RNA LUC

Bob June co-chair

Dave McWalter, co-chair



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# Rezoning Application for 1177-1185 Fort Street & 1043-1045 Linden Avenue



1

## Aerial View

2



2

## Subject Property

3



3

## Neighbouring Properties

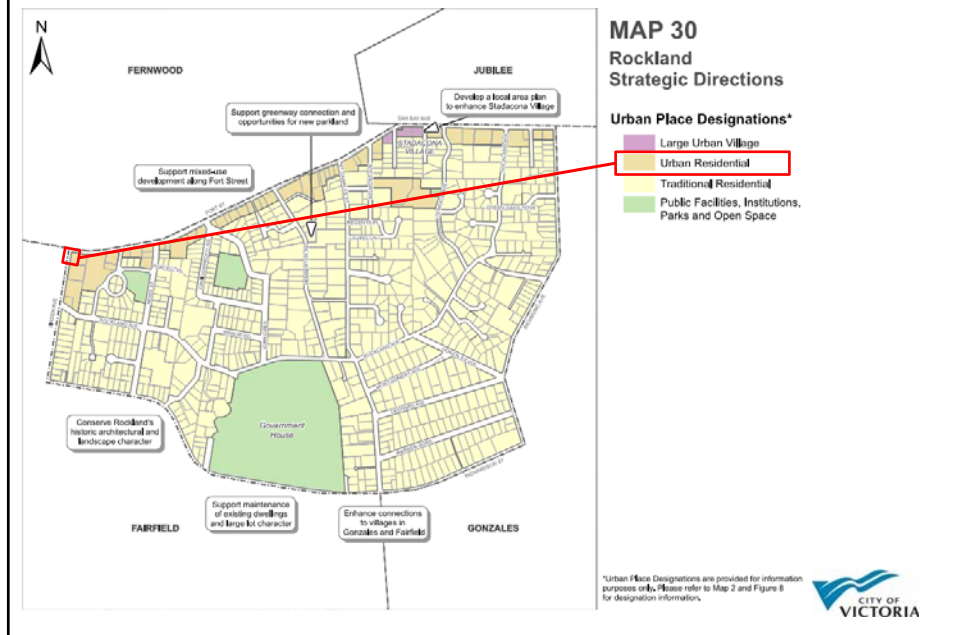
4



4

# Official Community Plan

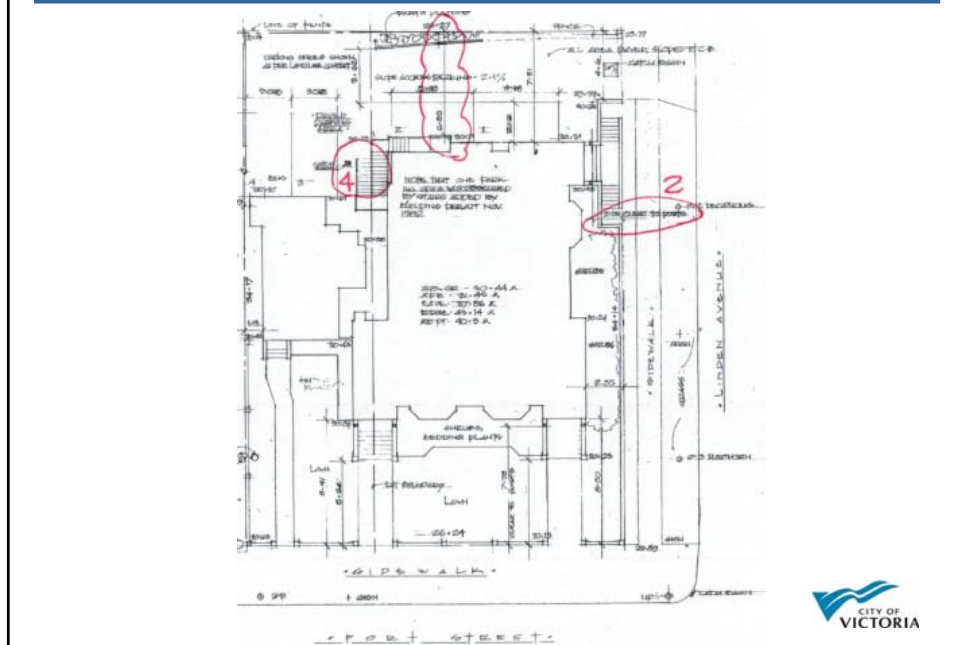
5



5

## Site Plan

6



6

## Elevations

7

