



## Committee of the Whole Report

### For the Meeting of April 22, 2021

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**To:** Committee of the Whole **Date:** April 8, 2021

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

**Subject:** Rezoning Application No. 00757 for 1120-1126 Hillside 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. 00757 for 1120-1126 Hillside Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of a legal agreement to secure a Statutory Right-of-Way of 3.57m off Hillside Avenue, to the satisfaction of the Director of Engineering.
2. Revised plans, to the satisfaction of the Director of Sustainable Planning and Community Development, confirming the specifications of the bicycle parking as per Schedule C of the *Zoning Regulation Bylaw*.

### 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 1120-1126 Hillside Avenue. The proposal is to rezone from the R-2 Zone, Two Family Dwelling District, to a site-specific zone to allow for commercial uses within the existing commercial building.

The following points were considered in assessing this application:

- There is an existing commercial building and associated surface parking lot on site that has been operating as a furniture retailer under a Temporary Use Permit (TUP) since June 28, 2018 and prior to Council authorizing the TUP other commercial uses were

accommodated at this site.

- The proposal is inconsistent with the Urban Residential designation in the *Official Community Plan* (OCP), which does not envision stand-alone commercial businesses. However, the OCP also notes the importance of site-specific evaluations to determine the degree of “fit” within the immediate area and in this instance a commercial use has been in existence, on and off, over the last 60 years without significant negative consequences.
- The proposal is inconsistent with the “Maintain Current Zoning” designation in the *Hillside-Quadra Neighbourhood Plan*, as the zoning would change from the R-2 Zone to a site-specific zone that allows for commercial uses; however, again the proposal is to formalize an existing situation.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to rezone from the R-2 Zone, Two Family Dwelling District to a site-specific zone in order to allow for business offices, professional business, and retail stores within the existing commercial building. The property and building were previously used for commercial purposes through legal non-conforming status and subsequently through a Temporary Use Permit.

The new site-specific zone would be based on the R-2 Zone with the above listed uses permitted in the existing building. The siting of the existing building would be grandfathered under legal non-conforming status; a new commercial or mixed-use building would require Council approval through a rezoning.

Staff recommend that Council make a condition of rezoning a Statutory Right-of-Way (SRW) of 3.57m off Hillside Avenue to meet future transportation-related needs. The property owner is amenable to providing this SRW.

### **Sustainability**

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

### **Active Transportation**

The property has four Class 1 bicycle stalls and four Class 2 bicycle stalls, which support active transportation.

### **Public Realm**

No public realm improvements beyond the City’s standard requirements are proposed in association with this application; however, a 3.57m SRW will be provided off Hillside Avenue.

### **Accessibility**

The *British Columbia Building Code* regulates accessibility as it pertains to buildings. The corner entrance is at-grade with the public sidewalk, providing for an accessible entrance.

## **Land Use Context**

The property is located on the Hillside Avenue corridor, which is mainly characterized by a variety of residential uses. A sport equipment store is located across the street and Norway House is located one property away to the west.

## **Existing Site Development and Development Potential**

The site is presently a 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.

## **Relevant History**

On June 28, 2018, Council approved a three-year Temporary Use Permit to allow for a furniture store within the existing commercial building, which had lost its legal non-conforming status due to inactivity. The applicant has now requested a rezoning to allow for a wider variety of commercial uses within the existing building. This would provide greater certainty for the current tenant while providing additional options for the property owner should the tenant choose to vacate the premises in the future.

## **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Hillside-Quadra CALUC at a Community Meeting held on October 29, 2020. A letter dated December 7, 2020 is attached to this report. In addition, comments received during the 30-day comment period have also been attached to this report.

## **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 generally not envisioned within this designation. However, the OCP also notes that “decisions about use, density and scale of building for an individual site will be based on site-specific evaluations of proposed developments in relation to the site, block and local area context”. In this instance, the current building was constructed for commercial use, there are other standalone commercial buildings in the immediate vicinity, and the existing commercial use has proved to be a positive addition to the local area.

### **Hillside-Quadra Neighbourhood Plan**

The *Hillside-Quadra Neighbourhood Plan* (1996) identifies the property within the “Maintain Current Zoning” designation. The proposal is inconsistent with this policy as a change of zoning is required to permit the commercial uses; however, the proposal is intended to legitimize an existing situation rather than introducing new commercial uses to the area.

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

There are no *Tree Preservation Bylaw* impacts with this application and there are no impacts to public trees with this application.

### **CONCLUSIONS**

Stand-alone commercial uses would not normally be recommended as supportable by staff within the Urban Residential designation. However, the property has an existing commercial building on-site and the associated surface parking lot, is located along an arterial road and is adjacent to another stand-alone commercial use. In addition, the previous Temporary Use Permit allowing for a furniture store has demonstrated that commercial uses at this location are viable and a positive addition to the local area. Therefore, staff recommend Council consider supporting the proposal.

### **ALTERNATE MOTION**

That Council decline Rezoning Application No. 00757 for the property located at 1120-1126 Hillside 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 date stamped February 23, 2021
- Attachment D: Letter from applicant to Mayor and Council dated December 10, 2020
- Attachment E: Community Association Land Use Committee Comments dated December 7, 2020 and Pre-Application Consultation Comments from Online Feedback Form
- Attachment F: Correspondence (Letters received from residents).