

G.1 Bylaw for 1120-1126 Hillside Avenue: Rezoning Application No. 00757

Moved By Councillor Potts
Seconded By Councillor Alto

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1282) No. 22-069

CARRIED UNANIMOUSLY

DRAFT



Council Report

For the Meeting of August 4, 2022

To: Council **Date:** July 21, 2022

From: Karen Hoesel, Director, Sustainable Planning and Community Development

Subject: **Update Report for Rezoning Application No. 00757 for 1120-1126 Hillside Avenue**

RECOMMENDATION

That Council give first and second reading to Zoning Regulation Bylaw Amendment (Bylaw No. 22-069).

EXECUTIVE SUMMARY

Revised Plans

The applicant has submitted revised plans to confirm that the proposed bicycle parking complies with Schedule C of the *Zoning Regulation Bylaw* and to update the landscape plan with photographs showing the current landscaping.

Statutory Right-of-Way

A legal agreement has been executed to secure a Statutory Right-of-Way of 3.57m on Hillside Avenue.

BACKGROUND

The application was considered by Council at the Committee of the Whole meeting on April 22, 2021, and it came before Council on May 6, 2021, where the following resolution was approved:

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.

3. *An updated landscape plan and photographs showing the current landscaping.*

CONCLUSIONS

The applicant has fulfilled the conditions from the Council motion on May 6, 2021. The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Mike Angrove
Senior Planner – Development Agreements
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Committee of the Whole Report dated April 22, 2021
- Attachment B: Minutes from Committee of the Whole Meeting dated April 22, 2021
- Attachment C: Plans date stamped June 15, 2022
- Attachment D: Bylaw No. 22-069.



VIEW OF BUILDING ALONG WEST PROPERTY LINE



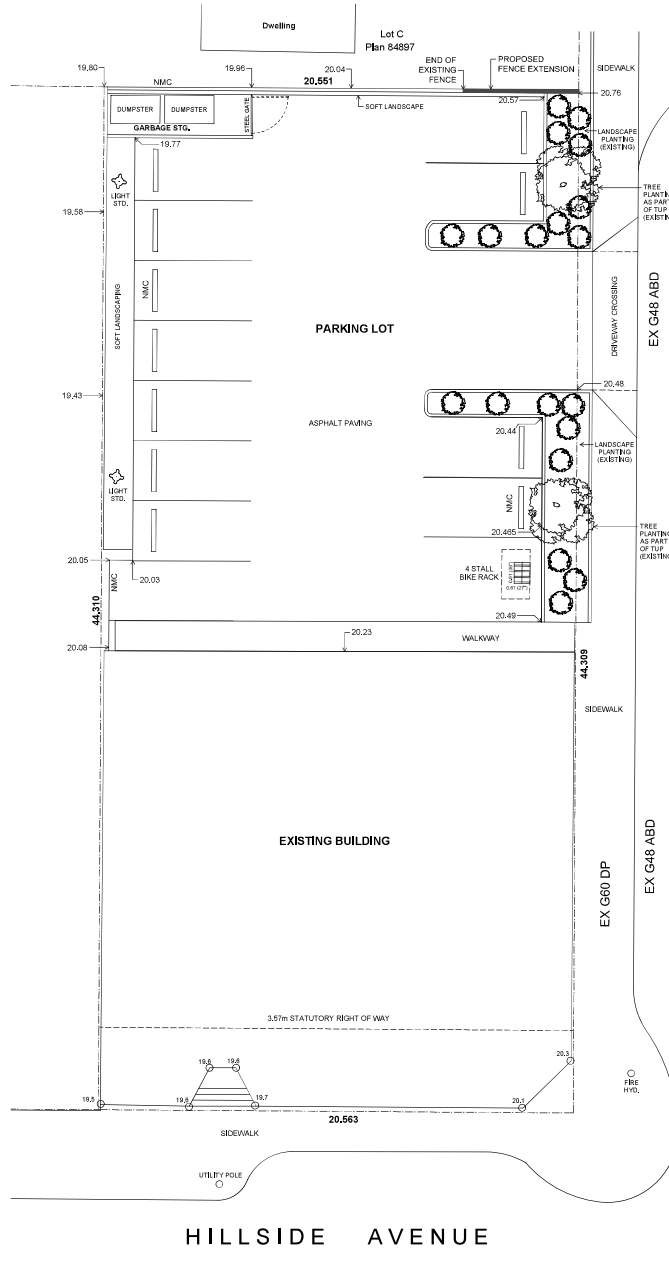
VIEW OF BUILDING AT HILLSIDE AVE. (SOUTH SIDE)



VIEW OF FRONT & PRIOR STREET SIDE (EAST)



VIEW OF REAR OF BUILDING AND PARKING LOT (NORTH SIDE)



PROJECT DATA	
CIVIC ADDRESS	1120 Hillside Avenue, Victoria, B. C. V8T 2A7
LEGAL	Lot 60, Block 4, Section 4, Victoria District, Plan 290 Except The Southely 710' Thereof Taken For Road Purposes
APPLICANT	Barefoot Planning (Evan Peterson) Victoria, B. C. Cell: (778) 967 2575 Email: evan@barefootplanning.com
ZONING & USAGE	Existing R-2 Zone, Two-Family Dwelling District Proposed: Site Specific (retail in existin building)
LOT SIZE	910.30 sqm
LOT COVERAGE	No change to existing non-conforming lot coverage (43.3%)
SETBACKS	No change to current setbacks
BUILDING HEIGHT	5.16 – no change to existing building height

Revisions

Received Date:
June 15, 2022

Final Approved Plans

Adopted Date:
June 15, 2021

BAREFOOT PLANNING
barefootplanning.com
778.967.2575
evan@barefootplanning.com

NO. REVISIONS			DATE
1	Updated for Temporary Use Permit		Feb 8, '18
2	Updated for Zoning Amendment		May 27, '21
3	Updated for Zoning Amendment		June 14, '22

DATE	June 14, 2022
DRAWN BY	Barefoot Planning
ARCHITECTURAL	
STRUCTURAL	
MECHANICAL	
ELECTRICAL	

JOB TITLE

**1120 Hillside Ave.
Victoria, B. C.**

Proposed Zoning
Amendment App.

SHEET TITLE

**Site Plan
Project Data**

SCALE 1:100

DRAWING NUMBER

A1.0

SHEET 1 OF 3

PHOTOS OF CURRENT CONDITIONS



BAREFOOT PLANNING
barefootplanning.com
778.967.2575
evan@barefootplanning.com

Copyright Reserved

This plan and design are the property of Barefoot Planning. No reproduction or use of this plan or design is permitted without the written consent of Barefoot Planning. The user of this plan or design assumes all liability for any errors or omissions. The user of this plan or design warrants that it is for the sole use of the user and not for any other purpose. The user of this plan or design warrants that it is for the sole use of the user and not for any other purpose. The user of this plan or design warrants that it is for the sole use of the user and not for any other purpose.

NO.	REVISIONS	DATE
1	Updated for Temporary Use Permit	Feb 8, '18
2	Updated for Zoning Amendment	Sep 8, '20
3	Updated for Zoning Amendment	May 27, '21

DATE: May 27, 2021
DRAWN BY: Barefoot Planning
ARCHITECTURAL
STRUCTURAL
MECHANICAL
ELECTRICAL

JOB TITLE

**1120 Hillside Ave.
Victoria, B. C.**

Proposed Zoning
Amendment App.

SHEET TITLE

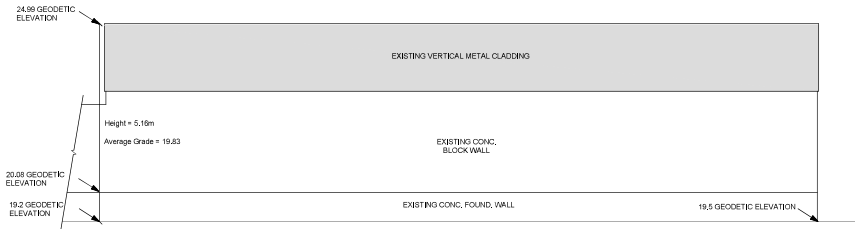
Landscape Plan

SCALE: 1"=100'

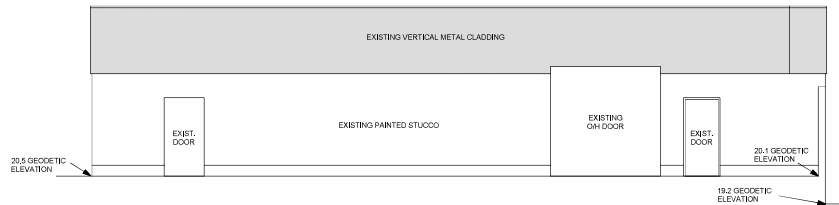
DRAWING NUMBER

A1.2

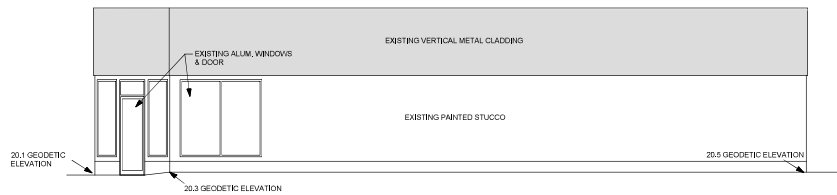
SHEET 2 OF 3



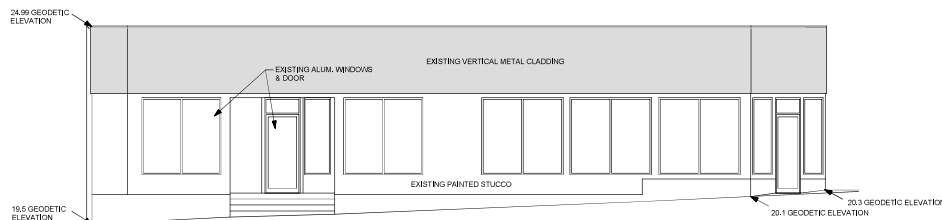
5 West Elevation



4 North Elevation

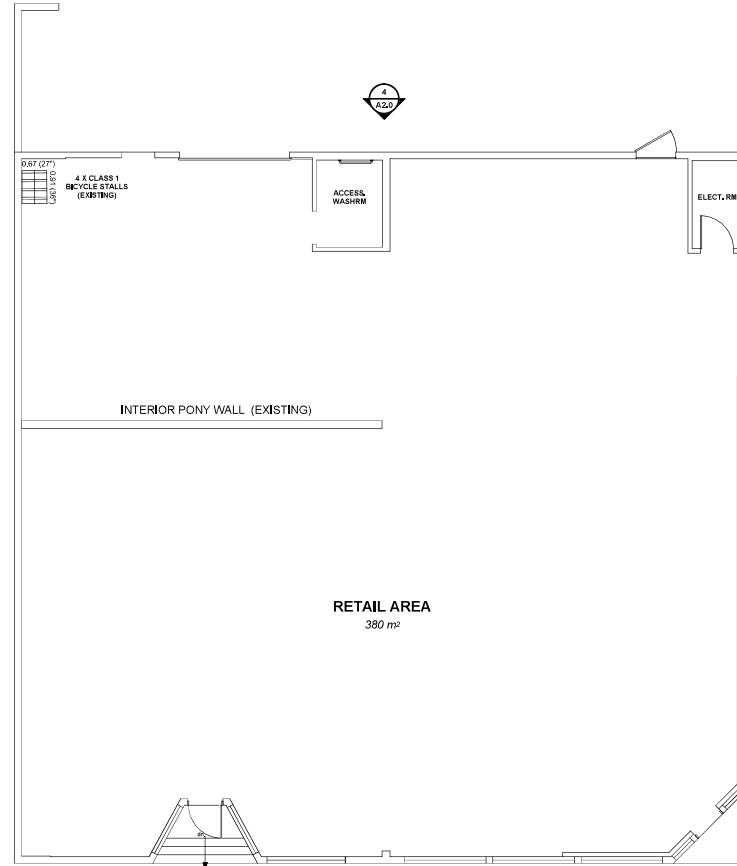


3 East Elevation



2 South Elevation

NOTE: CORRUGATED METAL CLADDING, PAINT, AND OTHER EXTERIOR IMPROVEMENTS ALREADY COMPLETED BY PROPONENT.



1 Existing Floor Plan



BAREFOOT PLANNING
barefootplanning.com
778.967.2575
evan@barefootplanning.com

Copyright Reserved

This plan and design are used at all times under the authority of the professional seal and signature of the registered professional engineer and architect. The user of this plan and design is responsible for its use and for its accuracy. The user of this plan and design is responsible for its use and for its accuracy. The user of this plan and design is responsible for its use and for its accuracy.

NO.	REVISIONS	DATE
1	Updated for Temporary Use Permit	Feb. 8, '18
2	Updated for Zoning Amendment	Sep. 8, '20
3	Updated for Zoning Amendment	May 27, '21

DATE	May 25, 2021
DRAWN BY	Barefoot Planning
ARCHITECTURAL	
STRUCTURAL	
MECHANICAL	
ELECTRICAL	

JOB TITLE

1120 Hillside Ave.
Victoria, B. C.

Proposed Zoning
Amendment App.

SHEET TITLE

Elevations

SCALE 1:100

DRAWING NUMBER

A2.0

SHEET 1 OF 1



Committee of the Whole Report

For the Meeting of April 22, 2021

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

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).

F.1 Committee of the Whole

F.1.a Report from the April 22, 2021 COTW Meeting

**F.1.a.c 1120-1126 Hillside Avenue: Rezoning Application No. 00757
(Hillside/Quadra)**

Councillor Thornton-Joe withdrew from the meeting at 4:30 p.m. due to a non-pecuniary conflict of interest, as two of her friends own property nearby.

Moved By Councillor Andrew
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. 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.
3. An updated landscape plan and photographs showing the current landscaping

CARRIED UNANIMOUSLY

PART 4.108 – C1-HC ZONE, HILLSIDE COMMERCIAL DISTRICT

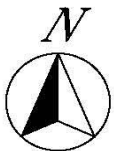
4.108.1 Permitted Uses in this Zone

The following uses are the only uses permitted in this Zone:

- a. Uses permitted in the R-2 Zone, Two Family Dwelling District, subject to the regulations set out in Part 2.1 of the Zoning Regulation Bylaw
- b. Business offices
- c. Professional businesses
- d. Retail

4.108.2 General Regulations

- a. Subject to the regulations in this Part 4.108, the regulations in the R-2 Zone, Two Family Dwelling District apply in this Zone.



Page 2 of 1