

**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**

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

*Councillor Thornton-Joe recused herself at 12:16 p.m. due to a non-pecuniary conflict of interest as two of her friends own businesses in the area and have written letters of submission.*

Committee received a report dated April 8, 2021 from the Director of Sustainable Planning and Community Development regarding the Rezoning Application for 1120-1126 Hillside Avenue in order to allow for commercial uses within the existing commercial building.

*Committee discussed:*

- *Reasons for not reapplying for a temporary use permit.*
- *Whether the rezoning application includes the parking lot which used to be two homes adjacent to the property.*
- *Whether people can apply for a demolition of a building and turn it in to a parking lot under the OCP*

**Moved By** Councillor Alto

**Seconded By** Councillor Andrew

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.

*Committee discussed:*

- *concerns with incremental creep of commercial buildings into the residential zone.*
- *When the Temporary Use Permit expires and whether there is a grace period should the permit lapse.*

*Committee recessed at 12:32 p.m. and returned at 1:16 p.m.*

*Committee discussion:*

- *Possibility of adding more landscaping to the property.*

**Amendment:**

**Moved By** Councillor Isitt

**Seconded By** Councillor Dubow

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**

**On the main motion as amended:**

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**



## 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).



1120 & 1126 Hillside Ave  
Rezoning No.00757





1120 & 1126 Hillside Ave  
Rezoning No.00757





view of building along west property line



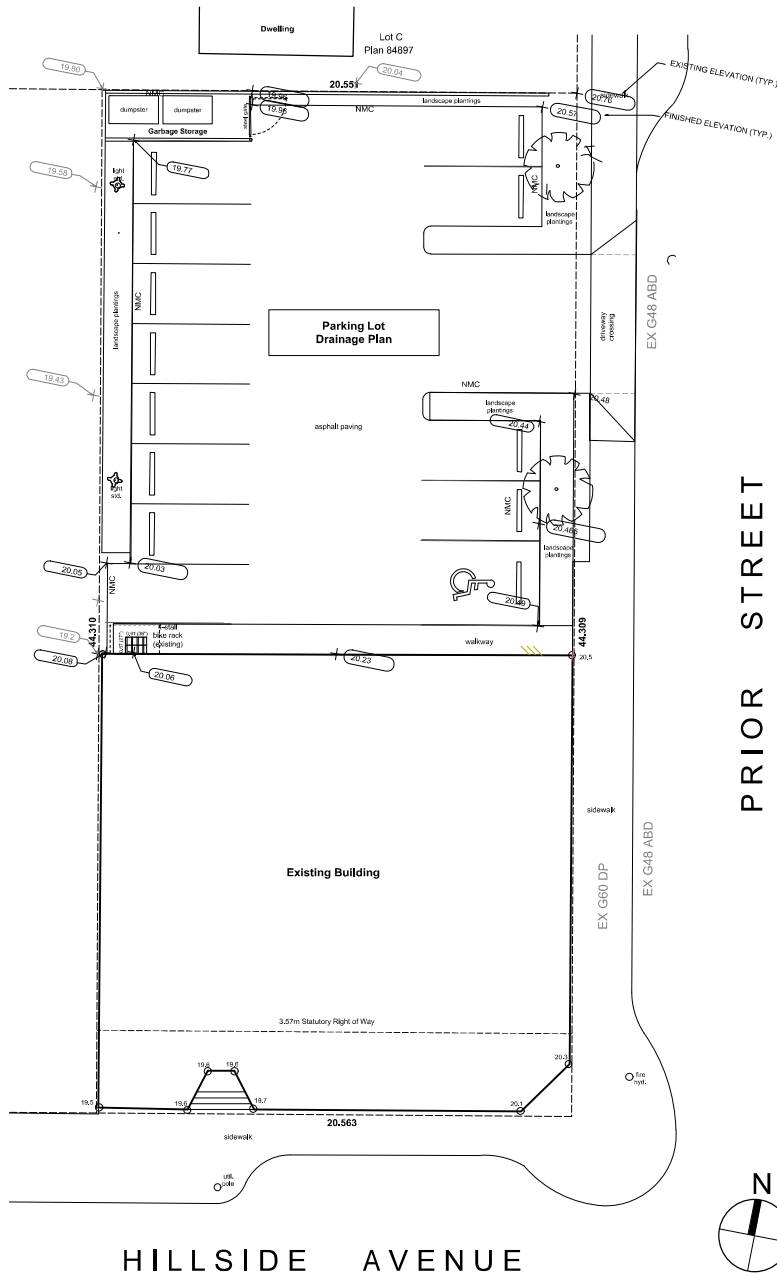
view of building at Hillside Ave, (south side)



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 66, Block 4, Section 4, Victoria District  
Plan 258 (Except The Southwely 70' Thruout Taken For Road Purposes)

**APPLICANT**  
Rainbow Holdings Ltd. (Adam Orser)  
401 Pike, 888 Fort St.  
Victoria, B. C. V8W 1T8  
Cell: (250) 506-4300  
Fax: (250) 477-9496

**ZONING & USAGE**  
Existing R-2 Zone: Two-Family Dwelling District  
Proposed: Site Specific (need in existing building)

**LOT SIZE**  
910-90 sq. m.

**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:  
February 23, 2021



**BAREFOOT PLANNING**  
barefootplanning.com  
778.967.2275  
evan@barefootplanning.com

Copyright Reserved  
This plan and drawings, and all of their contents, are the exclusive property of the project engineer and cannot be used or reproduced without written consent. Any person who does so without written consent will be liable for damages, including costs and fees, and any other suit or action of any nature for the damages and costs incurred in the making.

NO.	REVISION	DATE
1	Updated for Temporary Use Permit Updated for Zoning Amendment	Feb 5, '18 Sep 5, '20

DATE	February 5, 2018
DRAWN BY	Barefoot Planning
ARCHITECTURAL	
STRUCTURAL	
MECHANICAL	
ELECTRICAL	

1120 Hillside Ave.  
Victoria, B. C.

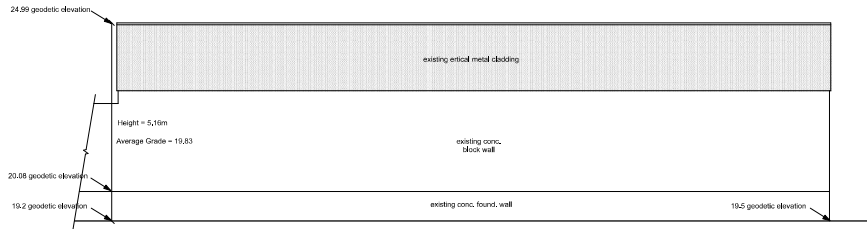
Proposed Zoning  
Amendment App.

Site Plan  
Project Data

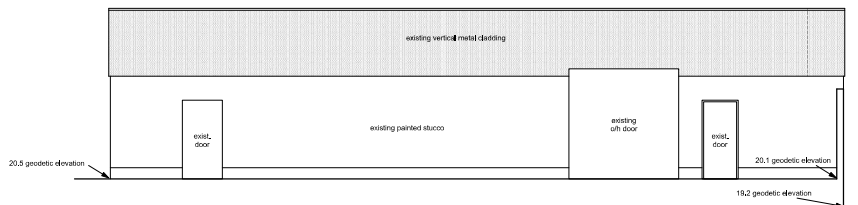
SCALE: 1:100

DRAWING NUMBER  
**A1.0**

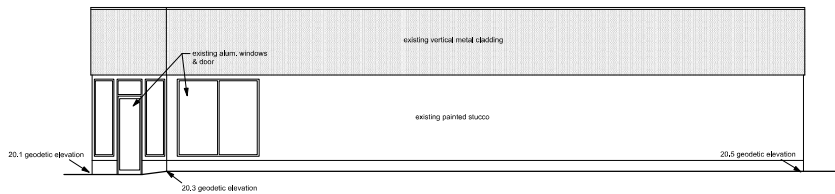
SHEET: 1 OF 2



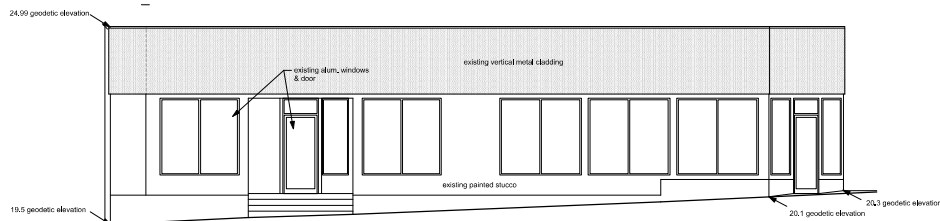
**5 West Elevation**  
3/16" = 1'-0"



**4 North Elevation**  
3/16" = 1'-0"

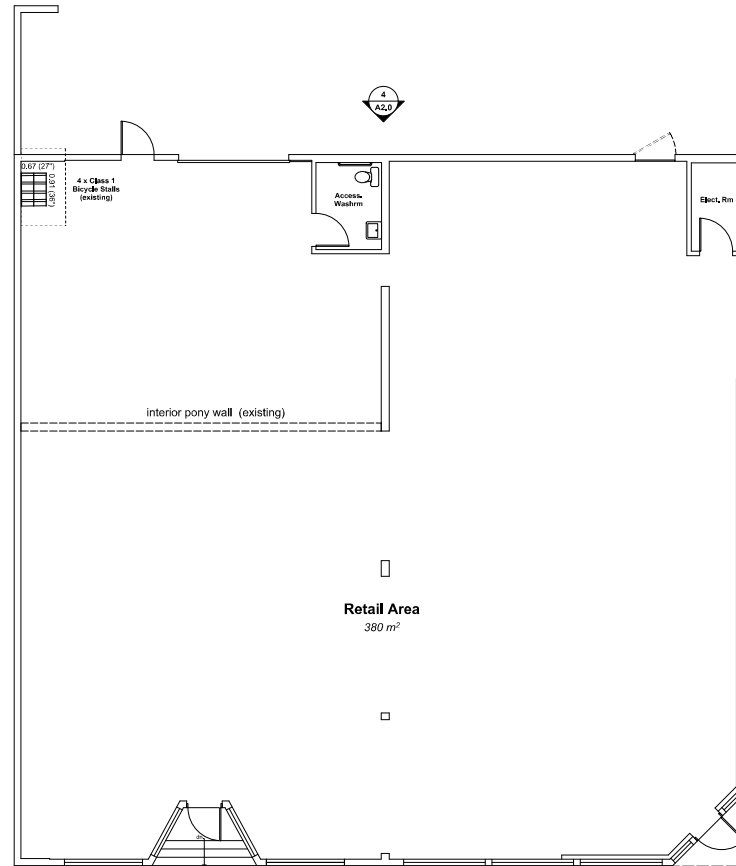


**3 East Elevation**  
3/16" = 1'-0"



**2 South Elevation**  
3/16" = 1'-0"

NOTE: Corrugated metal cladding, paint, and other exterior improvements already completed by proponent.



**1 Existing Floor Plan**  
3/16" = 1'-0"

CONSULTANTS

Copyright Reserved  
This document contains confidential information and is the property of the author. No part of this document may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system, without the written permission of the author.

NO.	REVISIONS	DATE
1	Updated for Temporary Use Permit	Feb 8, 18
2	Updated for Zoning Amendment App	Dec 9, '20
3	Zoning Amendment - Changes	Feb 22, '21

DATE	February 22, 2021
DRAWN BY	Barefoot Planning
ARCHITECTURAL	
STRUCTURAL	
Mechanical	
ELECTRICAL	

JOB TITLE  
**1120 Hillside Ave.**  
Victoria, B. C.  
  
**Proposed Zoning  
Amendment**

SHEET TITLE  
**Existing Floor Plan  
Exterior Elevations**

SCALE  
3/16" = 1'-0"

DRAWING NUMBER  
**A2.0**

SHEET 2 OF 2





**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

## 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).



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

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.



**Barefoot Planning Ltd.**

910 Lucas Ave, Victoria, BC

evan@barefootplanning.com

barefootplanning.com

778.967.2575

## 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.



**Barefoot Planning Ltd.**

910 Lucas Ave, Victoria, BC

evan@barefootplanning.com

barefootplanning.com

778.967.2575

- 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 received 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.



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

## 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%*



**Barefoot Planning Ltd.**

910 Lucas Ave, Victoria, BC

evan@barefootplanning.com

barefootplanning.com

778.967.2575

## 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



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

## 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	



**Barefoot Planning Ltd.**

910 Lucas Ave, Victoria, BC

evan@barefootplanning.com

barefootplanning.com

778.967.2575

- 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.

By email to: Michael Angrove,  
City of Victoria mangrove@victoria.ca

07 December 2020

Dear Michael Angrove:

Re: Hillside-Quadra CALUC Community Meeting for 1120-1126 Hillside Avenue

### Community Meeting Details

Date: 29 October 2020

Location of meeting: Online – Zoom format

### Attendees

Proponent: Evan Peterson of Barefoot Planning for owners The Rootcellar company

Neighbours: 5: 2 in notification distance, 3 outside notification area

Meeting facilitators: Hillside Quadra Neighbourhood Action Committee (NAC): 3 members

Meeting Chair: Jon Munn

Note taker: John Hall; Zoom Host: Rowena Locklin

### Proposed Development Details

The proponent—Evan Peterson of Barefoot Planning presented the proposal and answered questions.

The purpose of this proposal is to legitimize the long-standing non-conforming commercial use of the property. The current three-year 2018 Temporary Use Permit will expire in 2021. The proposed rezoning will allow:

[a] a local business to continue, and

[b] restrict new development or alternative uses (without a further rezoning/development permit).

Permitted Use: retail furniture store by 3-year Temporary User Permit (TUP) (June 2018)

Land Use Zone: R-2 ZONE, TWO FAMILY DWELLING DISTRICT

Official Community Plan (OCP) Urban Place Designation: Urban Residential

Currently, the lot at 1120-1126 Hillside Avenue is occupied by Monarch Furniture and owned by the Rootcellar company. The previous use was a food/ convenience store which operated for many years as a non-conforming use within the R-2 zone.

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, but while developing the parking lot, the planned retail business became no longer viable, and the non-conforming status expired prior to finding another tenant.

The parking lot has 13 spaces permitted and 10 are required. Bicycle parking is also provided.

The proponent is seeking an unnamed site-specific new zone to permit commercial retail uses and not permit a residential use. The proposed retail uses included: retail store, professional businesses, business offices, and high tech. The proponent stated that a Local Area planning process is currently underway in the neighbourhood, so very limited uses is proposed. The land owners do not want to be involved in the neighbourhood planning process, but may accept a proposed future mix of uses that also permits commercial retail.

It was noted that the OCP Urban Residential designation states that the future use consist *primarily of multi-unit residential in a wide range of detached and attached building forms, including townhouses and row-houses, low and mid-rise apartments ....* No commercial uses are stated.

## Discussion

### Issues

The issues discussion was covered traffic/ parking, and use.

### Proposed Uses

Questions were posed about the definition and scope of the proposed uses. What did retail include? Could it include cannabis retail? Was green grocer specifically prohibited in the TUP? Did high tech include manufacturing of computers?

Evan indicated that the zone proposed would be quite narrow and would not raise any concerns. He did not have all the answers at hand, but would get back to the CALUC Chair within a week and confirm.

Evan was asked if the application would include an OCP amendment, because commercial uses were not in the OCP urban place designation for the property. He stated that he believed some OCP policies supported commercial uses in urban residential, but would need to investigate and get back with an answer.

One neighbour thought that Monarch was a good neighbour and were concerned that another tenant could negatively affect the neighbourhood.

### Transportation/ Parking

It was noted that many neighbours had been excited to learn Rootcellar could move in when they heard a rumour several years ago. An attendee noted that they were glad Rootcellar did not move in because the number of delivery trucks and customer vehicles would increase traffic in the residential block to the north.

### Design – Building Form and Character

Some building design elements were discussed. An illustration of the building facades was shared. Favourable comments were offered regarding the art/ murals and the lighting.

The Chair indicated that he would add any additional comments received by the proponent and state that the comments were received after the meeting.

#### ADDITIONAL COMMENTS

Provided via email by Evan Peterson November 3, 2020.

- 1. The existing TUP only allows for "Retail sales of furniture".*
- 2. While we have not submitted the final application, the uses that we intend to include are: Business Offices, Professional Businesses, and Retail Stores*
- 3. As previously noted, the proposed permitted uses were taken from other comparable Victoria zones (namely C-1); however, none of the above are defined in the Zoning Bylaw and are meant to include "normal" businesses within those categories.*
- 4. On that note, the neighbourhood can be assured that more impactful businesses, like cannabis dispensaries or liquor stores, are not included in the general "retail stores" use and would be prohibited.*
- 5. As previously noted, we will likely remove High-tech from the final application, as the definition in the Zoning Bylaw does allow for manufacturing, which was raised as a concern at the meeting.*

Provided via email by Evan Peterson December 1, 2020.

*At this point, we are submitting a rezoning under the current Land Use designation [no proposed OCP amendment re: Urban Residential designation]. Staff seem to be OK with this, so far.*

Jon Munn  
CALUC Co-Chair  
Hillside Quadra Neighbourhood Action Committee

cc. Hillside Quadra NAC, Evan Peterson

**1120 Hillside Avenue (Hillside/Quadra Neighbourhood)**

*All feedback received from the Development Tracker online comment form.*

Name	Position	Comments	Address	Email	Date
Grant Walker	Uncommitted at this point		751 Fairfield		2020-10-23 6:04

Want to add my 100% support for this application from Residential to existing commercial/retail. We own the property at 1100 Hillside Ave and feel this will add the "community feel" we want to maintain and encourage. Feel Free to call or email me for any further clarification etc.

Kevin Wensley

To: City of Victoria  
Att: Mayor & Council  
From: Al Klieber & Rose Del Rosario (1136 Hillside Ave and 2705 Prior Street)

Re: Rezoning of 1120 Hillside Ave – REZ00757

Dear Mayor & Council,

We are the owners of Courtside Sports (1136 Hillside Ave. across Prior Street from the subject property) as well as 2705 Prior Street, and are writing in support of the Zoning Amendment application for 1120 Hillside Ave (REZ00757). We previously supported the Temporary Use Permit application for this site and would like to continue to see another small business here, as it brings additional safety and vibrancy to our neighbourhood. We believe that the proposed zoning regulations appropriately restrict redevelopment while allowing needed retail/office use to continue in an existing commercial building.

We encourage you to approve this application.

Thank you,

Al Klieber & Rose Del Rosario  
1136 Hillside Ave/2705 Prior St

# Eidsvold No. 53 Sons of Norway

1110 Hillside Avenue, Victoria BC, V8T 2A7

March 16, 2021

By email to: [mayorandcouncil@victoria.ca](mailto:mayorandcouncil@victoria.ca) and  
[mangrove@victoria.ca](mailto:mangrove@victoria.ca)

City of Victoria  
City Hall  
1 Centennial Square  
Victoria, BC V8W 1P6

**Attention: Mayor and Council  
City of Victoria Area Planning**

Ladies and Gentlemen:

Re: Rezoning Application – 1120 Hillside Avenue, Victoria

Our non-profit society is the owner of 1110 and 1118 Hillside Avenue, Victoria (Norway House and an adjacent residence).

We write in support of the Rezoning Application (REZ00757) filed by the owners of our neighbouring property, 1120 Hillside Avenue.

We supported the previous Temporary Use Permit Application for the site. The responsible, local family-run small business has operated effectively and we have had a positive relationship over the years. The business has been a respectful neighbour and has contributed to the vibrancy of the area. We support the rezoning application to permit retail/office use of the space, even though the site is currently zoned as residential.

If you have questions or require further information, please contact me at [REDACTED] or by email at [REDACTED]. Thank you.

Yours truly,



Linda J. Murray, LL.B., CFE  
President  
Eidsvold No. 53, Sons of Norway

/LJM

cc Evan Peterson, Barefoot Planning + Design

1

# Rezoning Application for 1120-1126 Hillside Avenue



1

2

## Aerial View



2

## Subject Site

3



view of building at Hilda Ave. (south side)



view of rear of building and parking lot (north side)



view of front of Prior Street side (east)



view of building along west property line

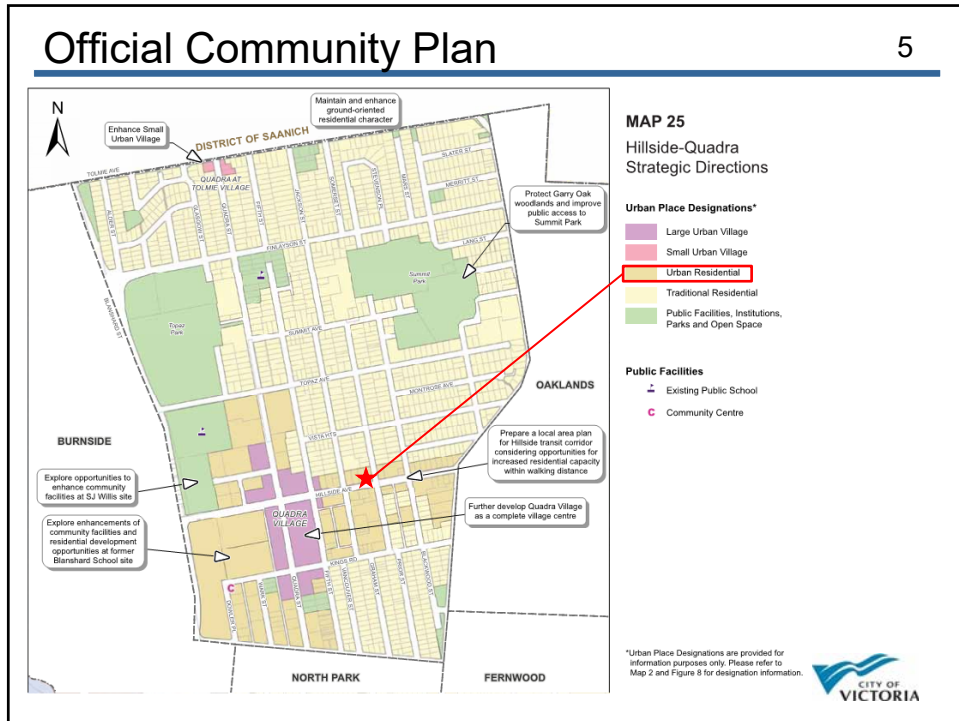
3

## Neighbouring Properties

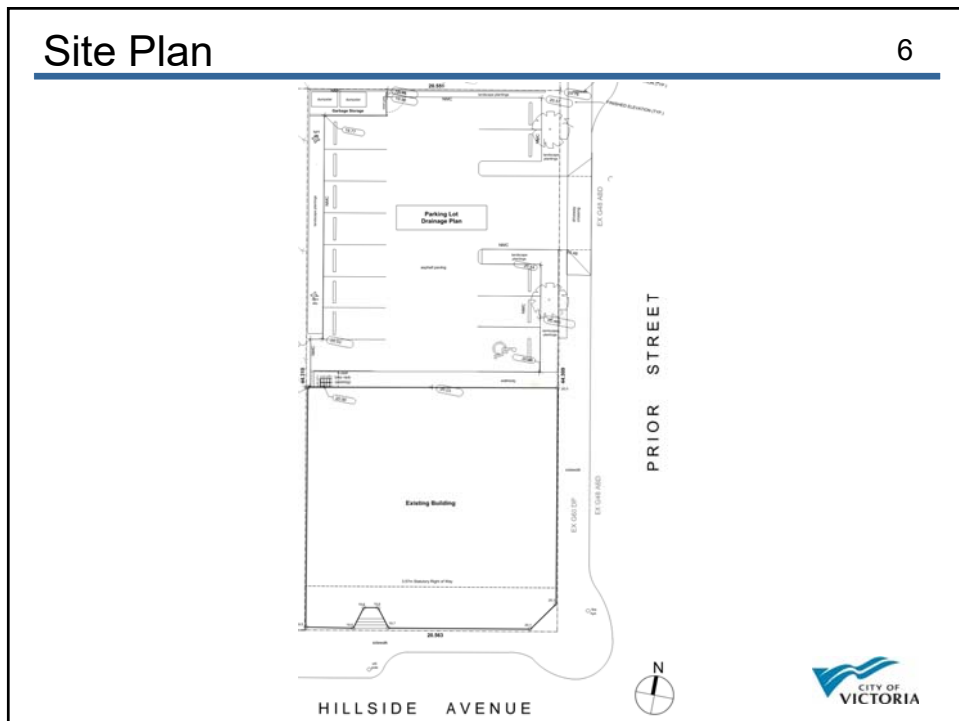
4



4



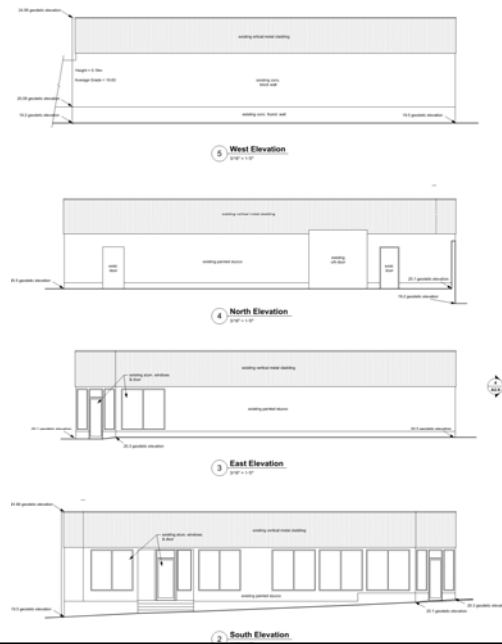
5



6

## Elevations

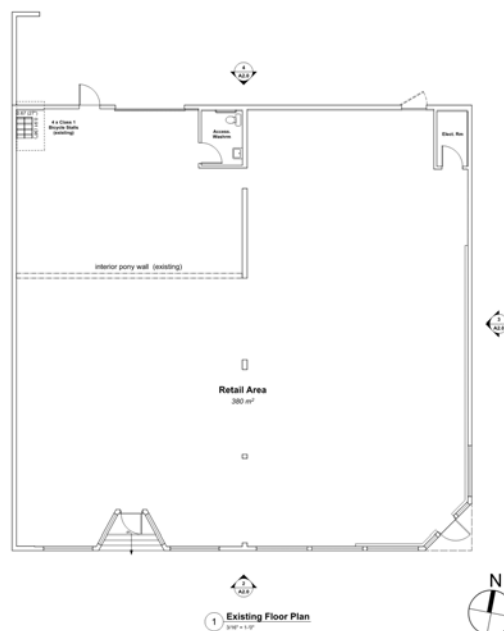
7



7

## Floor Plan

8



8