

# Planning and Land Use Committee Report For Meeting on July 17, 2014

Date:

July 3, 2014

From:

Lucina Baryluk, Senior Process Planner

Subject:

Rezoning Application #00432 and Development Permit Application #000345

for 2340 Richmond Road - Application to allow commercial uses

## **Executive Summary**

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the property located at 2340 Richmond Road. The proposal is to allow a range of commercial uses (office, retail, 50-seat restaurant, studio and day care) within an existing building (CNIB Building). The existing zoning of the subject property limits the use of the building to a non-profit facility.

The following factors were taken into consideration in reviewing this application:

- Allowing a range of commercial uses is consistent with the Official Community
   Plan policies which support freestanding commercial uses at the intersection of
   major roads. Permitting a broader range of uses will also allow adaptive reuse of
   the existing building.
- As the existing building is to remain and no specific redevelopment proposal is provided, the proposed site-specific zone will recognize the existing density and siting.
- The property is subject to Development Permit Area 16: General Form and Character. Only minor changes to the existing structure are proposed and the landscaping would be renewed which would open up the views to the building.

Staff recommend that Committee support these applications.

## Recommendations

- That Council instruct City Staff to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in Rezoning Application #00432 for 2340 Richmond Road to allow the following uses: daycare, medical offices, professional offices, retail, restaurant and veterinarian clinic (without kennelling).
- 2. That Council consider giving first and second readings to the *Zoning Regulation Bylaw* amendments after the amendment has been drafted.
- 3. That Council schedule a Public Hearing after the *Zoning Regulation Bylaw* amendment has received first and second reading, subject to the completion of the following condition prior to the Public Hearing:
  - Registration of a Statutory Right-of-Way of 2.44 m on Richmond Road and 1.5 m on Bay Street to the satisfaction of the Director of Engineering and Public Works.
- 4. Following consideration of Rezoning Application #00432, that Council considers passing the following resolution to authorize the issuance of Development Permit Application #000345 in accordance with:

a) plans date stamped June 10, 2014;

b) development meeting all Zoning Regulation Bylaw requirements;

c) final plans to be generally in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

Respectfully submitted,

Lucina Baryluk

Senior Process Planner

**Development Services** 

Deb Day, Director

Sustainable Planning and

Community Development

Report accepted and recommended by the City Manager:

Jason Johnson

Date:

July 9,2014

LB:aw

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# 1.0 Purpose

The purpose of this report is to present Council with information, analysis and recommendations regarding a Rezoning Application and Development Permit Application for the property located at 2340 Richmond Road.

# 2.0 Background

# 2.1 History of the Building and Description of Proposal

In the early 1980's, the subject property was rezoned to allow the Canadian National Institute for the Blind (CNIB) to construct a purpose-built facility for their operations. The existing building on the site was constructed in 1986, with a further expansion in 2001 for additional office and storage space. The CNIB has sold the building but will continue to lease space.

The applicant proposes to retain the existing building. The existing building has 820  $\text{m}^2$  floor area on the main floor and 266  $\text{m}^2$  on the second storey, for a total floor area of 1086  $\text{m}^2$ . It is intended that the CNIB will remain a tenant in a portion of the building and two other tenant spaces will become available for other commercial uses. The proposal is to allow a range of commercial uses (office, retail, 50-seat restaurant, studio and day care) within an existing building (CNIB Building). The full range of allowable uses is detailed in the Issues section of this report.

The existing parking lot accommodates 29 parking stalls. Bicycle parking would be provided in compliance with the Schedule C requirements of the *Zoning Regulation Bylaw*.

No building expansion is contemplated at this time. Only minor changes to the exterior of the building are proposed, which would result in changes to window and door placement. Changes to the landscaping include thinning the vegetation along Richmond Road and Bay Street to open up views to and from the building, as well as creating a path from Bay Street to the existing outdoor seating area.

# 2.2 Existing Site Development and Development Potential

The Zoning Regulation Bylaw is very restrictive as it applies to this property: limiting the use, users and operators. Under the current R1-C Zone, Single Family Dwelling District (Extended Use), the permitted uses allow for a building that may be used for the relief of the poor, aged or infirm or as a home for the care of children or a hostel or centre for young persons provided that:

- (a) such use is exclusive of all other uses and is not carried on for profit or gain, and
- (b) such building is held or occupied by a charitable or philanthropic organization, supported in whole or in part by public funds.

In order to provide more flexibility for the use of this property, a rezoning is required.

## 2.3 Improvements to the Transportation Network

The subject property is located at a critical intersection. Both Richmond Road and Bay Street are classified as secondary arterials. Both of these roads are substandard in width which creates a challenge in terms of accommodating future transportation needs for improvements to bus lanes, bike lanes, sidewalks and boulevard placement. To accommodate these needs, the City will secure a 1.5 m Statutory Right-of-Way on Bay Street and a 2.44 m Statutory Right-of-Way on Richmond Road as a condition of rezoning.

# 2.4 Data Table and Parking Requirements

#### 2.4.1 Data Table

The following data table provides data based on the existing building. The existing building is compared to the OCP Urban Place Designation, Traditional Residential, as the OCP provides the most relevant guidance for development of the site. "N/A" indicates that the OCP does not provide direction or standards.

Zoning Criteria	Existing building	OCP Traditional Residential	
Site area (m²) - minimum	2627.0	N/A	
Total floor area (m²) – maximum	1087.0	2627.0 (if maximum density is permitted)	
Density (Floor Space Ratio) - maximum	0.4:1	1:1	
Height (m) - maximum	7.8	N/A	
Site coverage (%) - maximum	32	N/A	
Storeys - maximum	1.5	3	
Setbacks (m) – minimum North – Emerson South – Bay East – Richmond West – interior lot line	13.2 8.9 4.8 4.9	N/A N/A N/A N/A	

## 2.4.2 Off-Street Parking, Schedule C, Zoning Regulation Bylaw

Based on Schedule C of the *Zoning Regulation Bylaw*, the following data table details both the "required" and "provided" number of parking stalls based on the proposed uses:

Existing Permitted Use	Number of stalls provided	Required
Auditorium	15	15
Office	15	13
Total	29	28

## 2.5 Land Use Context

The dominant building in the neighbourhood is the Royal Jubilee Hospital, which is directly across Richmond Road from the subject parcel. It is noted that Richmond Road forms the eastern boundary between the District of Saanich and the City of Victoria.

The west side of Richmond Road, between Bay Street and Denman Street, is generally comprised of single family dwellings. Further south along Richmond Road there is a transition to multiple dwelling units and office use.

Bay Street, to the south, between Shelbourne Street and Richmond Road, is residential with some multiple dwelling units interspersed among the single family homes. Emerson Street, to the north, is not a through street. There are approximately 45 single family homes on Emerson Street.

## 2.6 Legal Description

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Lot A, Section 25, Victoria District, Plan 43084.

## 2.7 Consistency with City Policy

## 2.7.1 Official Community Plan, 2012

The Official Community Plan (OCP) sets out a vision for the Jubilee Neighbourhood in a Citywide context. The OCP identifies the subject lands within the Traditional Residential designation which envisions a maximum density of up to 1:1 FSR. As the subject property is at the intersection of two major roads, freestanding commercial is within the guidelines of the OCP.

The OCP also places the property within Development Permit Area 16, General Form and Character, for the purposes of establishing objectives for the form and character of commercial development. The applicable guidelines are Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012). As this is an existing building and the applicant is proposing only minor changes to the building exterior (window and door placement) to accommodate potential leaseholders, no further analysis of the application with respect to the Development Permit Guidelines, as they relate to the building, is deemed necessary.

With respect to landscaping, the existing buffer between the subject property and the residential buildings to the west will be retained and the existing trees on the property will also be retained. The vegetation at the corner of Bay Street and Richmond Road will be thinned to provide visibility to the building and the proposed restaurant use.

## 2.7.2 Jubilee Neighbourhood Plan

The Jubilee Neighbourhood Plan (1996) places the subject property in a category of maintaining the current zoning. On Plan Summary Map 1, a notation indicates that there should be limited expansion of non-profit societies along Richmond Road. By inference, the issues behind this notation would appear to be that non-profit societies are regional in nature and, therefore the users are heavily dependent on car trips and the use does not contribute to "enlivening" the local community.

Although the subject property is not recognized as commercial in the *Jubilee Neighbourhood Plan* and as the OCP takes precedence over neighbourhood plans, the *Jubilee Neighbourhood Plan* policies and objectives on commercial land uses can be extrapolated to provide general guidance. The following objectives from the *Jubilee Neighbourhood Plan* are considered to be relevant to the proposal:

- encourage commercial growth within the defined areas by permitting a broad range of businesses that are compatible with the neighbourhood (Policy 5.3.1)
- recognizing the regional nature of many of the businesses in the Jubilee neighbourhood, new development should respond to surrounding properties and the scale of the neighbourhood (Policy 5.3.5)
- provide adequate parking for commercial uses without undue impact on residential streets (Policy 5.3.6).

# 2.8 Community Consultation

The North Jubilee Neighbourhood Association hosted a Community Association Land Use Committee (CALUC) Community Meeting on December 12, 2013. A follow-up letter from the Neighbourhood Association, dated February 12, 2014, is also attached to the report.

#### 3.0 Issues

The following are the key issues associated with this application:

- density
- range of uses.

## 4.0 Analysis

## 4.1 Density

The application, at this time, does not involve increasing the size of the building or removing and replacing the existing building. The existing density on the site would, therefore, simply be reflected in the new zone with the expanded range of uses as outlined in this report. This means that, if there is redevelopment of the site that results in an increase in density, a rezoning would be required. At that time, the development proposal would receive a full analysis that would also address changes to traffic volumes and parking demands.

# 4.2 Range of Uses

There are two key issues in determining the appropriate uses for the building. The first issue is the appropriateness to the context and the OCP Land Use Designation of "Traditional Residential." The second issue is the parking demand for the use. The on-street parking situation in the neighbourhoods bordering the Royal Jubilee Hospital is a major consideration in any application as parking demand spills over into the adjoining streets. It is, therefore, critical that any development provides adequate off-street parking to service the users within the development and by extension it is important that uses that are known to create a significant parking demand are not introduced onto the site until a comprehensive redevelopment of the site occurs.

The applicant has requested a broad range of uses including: daycare, doctors' office, business and professional office, financial institutions, retail, restaurant, high tech, call centre and veterinarian clinic. For the most part, this range of uses will contribute to the local neighbourhood and the required parking can be provided on the site as long as there is a combination of tenants that have varying parking requirements as specified in Schedule C – Off Street Parking Requirements of the *Zoning Regulation Bylaw*. In other words, if the entire building was occupied by a use which has a high parking demand and hence a high parking requirement as expressed in Schedule C (e.g. restaurant), a parking variance would be required.

Given these considerations, the range of uses noted above is appropriate, with the exception of the request for high-tech, call centres and financial services as these uses are typically associated with more intense land use designations such as "Core Employment" or "Town Centre."

The staff recommendation provided for Committee's consideration advances the more limited list of uses described above; however, an alternate motion is provided for Committee's consideration should the full range of uses be preferable.

#### 5.0 Resource Impacts

There are no resource impacts anticipated.

#### 6.0 Conclusions

The current zoning of the property is very restrictive and limits the permitted uses to a non-profit care facility. This restriction reflected the ownership and purpose of the building at the time of construction. This building has now been sold to a private developer who wishes to have a broader range of uses to enable the commercial viability of the building. Permitting a broader range of uses will also allow adaptive reuse of the existing building; however, allowing high tech, call centre and financial services are seen to go beyond the intent of the OCP "Traditional Residential" land use designation. Staff therefore recommend that Committee support broadening the range of uses for the property to allow daycares, medical offices, professional offices, retail, restaurant and veterinarian clinic (without kennelling) noting that it may be appropriate to consider a more extensive range of uses when the site is fully redeveloped.

#### 7.0 Staff Recommendations

- That Council instruct City Staff to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in Rezoning Application #00432 for 2340 Richmond Road: daycare, medical offices, professional offices, retail, restaurant and veterinarian clinic (without kennelling).
- 2. That Council consider giving first and second readings to the bylaw amendments after the *Zoning Regulation Bylaw* amendment has been drafted.
- 3. That Council schedule a Public Hearing after the Zoning Regulation Bylaw amendment has received first and second reading, subject to the completion of the following condition prior to the Public Hearing:
  - a) Registration of a Statutory Right-of-Way of 2.44 m on Richmond Road and 1.5 m on Bay Street to the satisfaction of the Director of Engineering and Public Works.
- 4. Following consideration of Rezoning Application #00432, that Council considers passing the following resolution to authorize the issuance of Development Permit Application #000345 in accordance with:
  - a) plans date stamped June 10, 2014;
  - b) development meeting all Zoning Regulation Bylaw requirements;
  - c) final plans to be generally in accordance with the plans identified above, to the satisfaction of the Director of Sustainable Planning and Community Development.

## 7.1 Alternative Recommendation (decline)

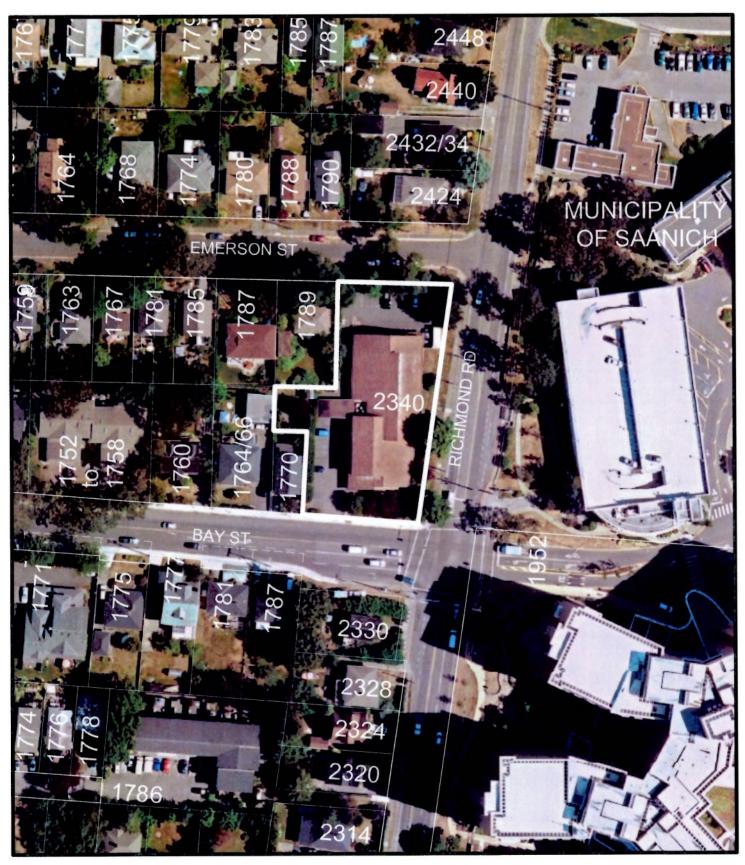
That Rezoning Application #00432 for 2340 Richmond Road be declined.

# 7.2 Alternate Recommendation (Applicant's preferred range of uses)

That staff be directed to include the full range of permitted uses as requested by the applicant in the applicant's letter.

#### 8.0 List of Attachments

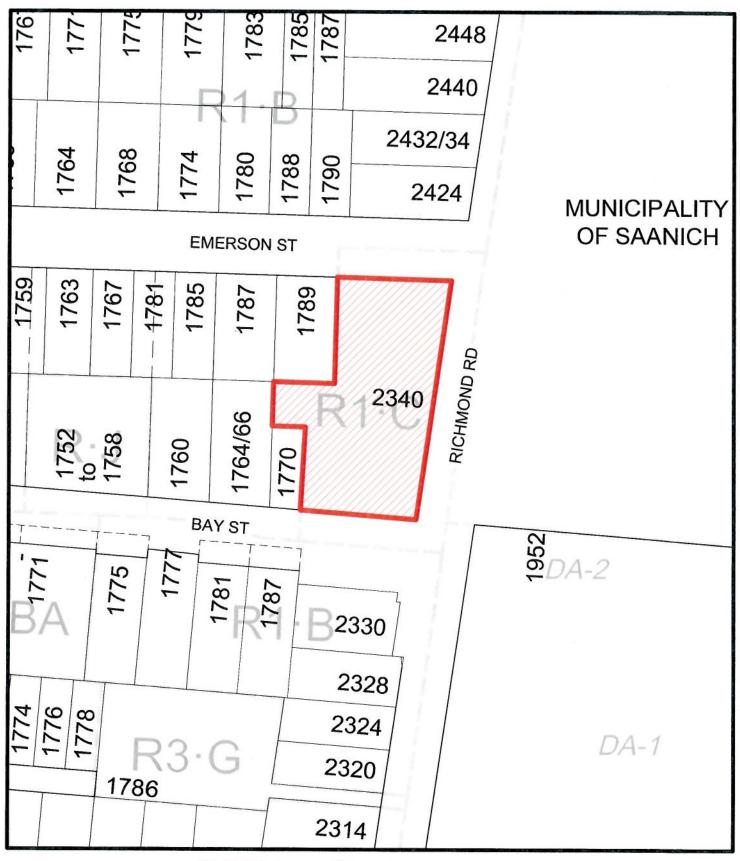
- Aerial Map
- Zoning Map
- Plans dated June 10, 2014
- Letters from applicant dated January 10, 2014
- North Jubilee Neighbourhood Association, Letters dated January 17, 2014, February 12, 2014, and June 30, 2014.





2340 Richmond Road Rezoning #00432 Bylaw #







2340 Richmond Road Rezoning #00432 Bylaw #



January 10, 2014

Mayor Fortin and Council City of Victoria #1 Centennial Square Victoria, BC Received City of Victoria

IAN 10 2014

Planning & Development Department Development Services Division

Mayor Fortin and Members of Council,

## RE: 2340 RICHMOND ROAD - REZONING AND DEVELOPMENT PERMIT APPLICATION

I respectfully request your consideration of my application to rezone the property at 2340 Richmond Road from R1-C, Single Family Dwelling Extended Use to a new zone based on the R1-C that would permit a number of commercial uses for the existing Canadian National Institute for the Blind (CNIB) building, in order to support its ongoing economic viability. The existing zone limits the use of the property to non-profit societies. The building is not economically viable for CNIB to continue to own or maintain as a non-profit society and subsequently has been sold.

The proposal is in keeping with policies in the Official Community Plan which calls for the adaptive reuse of existing buildings and the Jubilee Neighbourhood Plan, which recommends limiting the expansion of non-profit societies on Richmond Road.

The existing 1,039 m² (11,183 ft²) 1 and ½ storey building was purpose built for the CNIB in the 1980's. The 2,627 m² (28,273 ft²) property encompasses the entire western frontage (72.5 m/238 ft) on Richmond Road from Emerson Street (north) to Bay Street (south). There are 2 driveways one at the rear of the property on Emerson Street and one on Bay Street which accesses 2 different parking areas. There is parking for 30 cars on site. The properties immediately adjacent to the site and which face onto both Emerson and Bay Street are single-family dwellings. The Jubilee Hospital complex is across Richmond Road to the east.

Few changes are contemplated to the exterior of the building except minor changes to the windows, entries and the potential for future signage to make the spaces more leasable. These are described in the attached drawings. I have made the concurrent application for a Development Permit for these changes to facilitate the timely leasing of the spaces. The internal space will be reconfigured to meet potential tenant's needs. The landscaping will also be improved on the street frontages.

Possible tenants include a daycare, doctors' offices and a coffee shop, uses that would compliment the neighbourhood and the major institution across the street. The key for making this building economically viable and sustainable over the long term will be to provide greater flexibility for its use. The additional uses being requested are: Business & Professional office, Financial Institutions including Chartered Banks, Credit Unions, Trust, Insurance and Mortgage companies, Retail stores, Restaurants, Coffee Shops, Bakeries, High Tech, Call Centers, Studios, Veterinarian Clinic, Kindergarten, Daycare Center. This is critical for the future of the building.

January 10, 2014 2340 Richmond Road Page 2 of 2

The pattern of use of the site is well established and it is ideally located for commercial use; Bay Street and Richmond Road are both arterial roads and are well served by transit. The driveways and parking already existing and have an established relationship with adjacent properties. The building, floor space and use were approved with 30 on-site parking spaces. The parking functions well and although the existing use of the space would technically require more parking it can be considered to be non-conforming. As already mentioned, the site is well served by transit and many of the people likely to access the uses will already be coming to or from the hospital.

In conclusion, the properties location and established pattern of use lends itself to providing the flexibility to permit these additional uses. The adaptive reuse of this building will not only support its long-term economically viability but will complement other uses in the neighbourhood. This proposal will also reintroduce the property into the City's tax base; as a commercial property it would no longer require a tax exemption.

I thank you for your consideration of my application and look forward to discussing it with you.

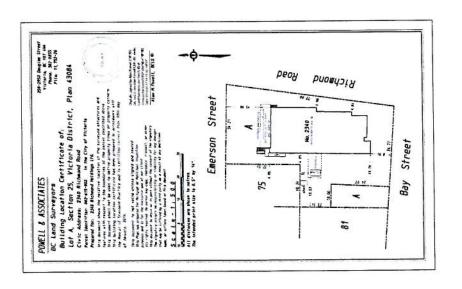
Leonard Cole,

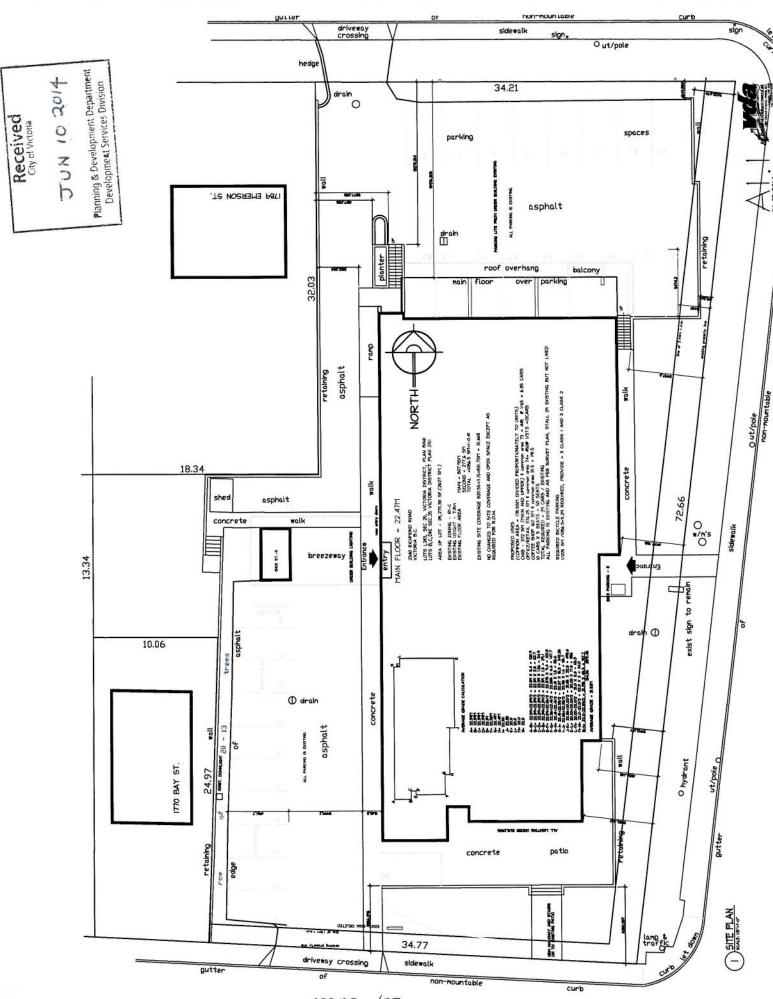
Urban Core Ventures Ltd.



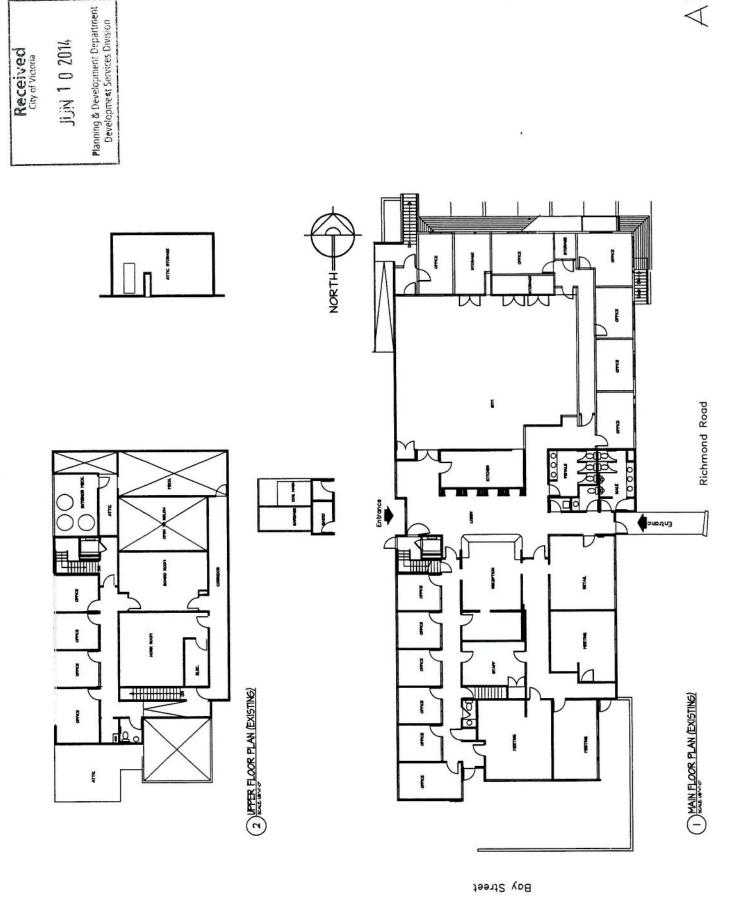








Bay Street

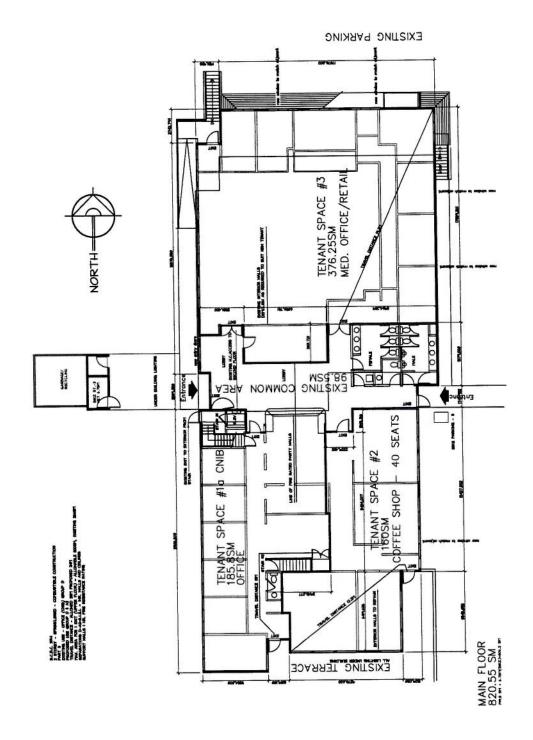


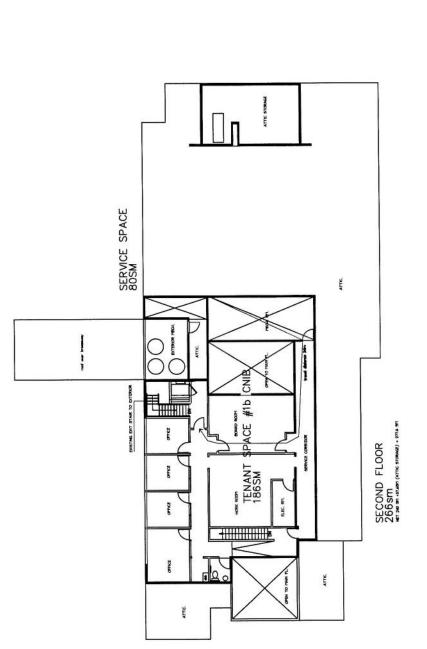
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Received City of Victoria

Planning & Development Department Development Services Division



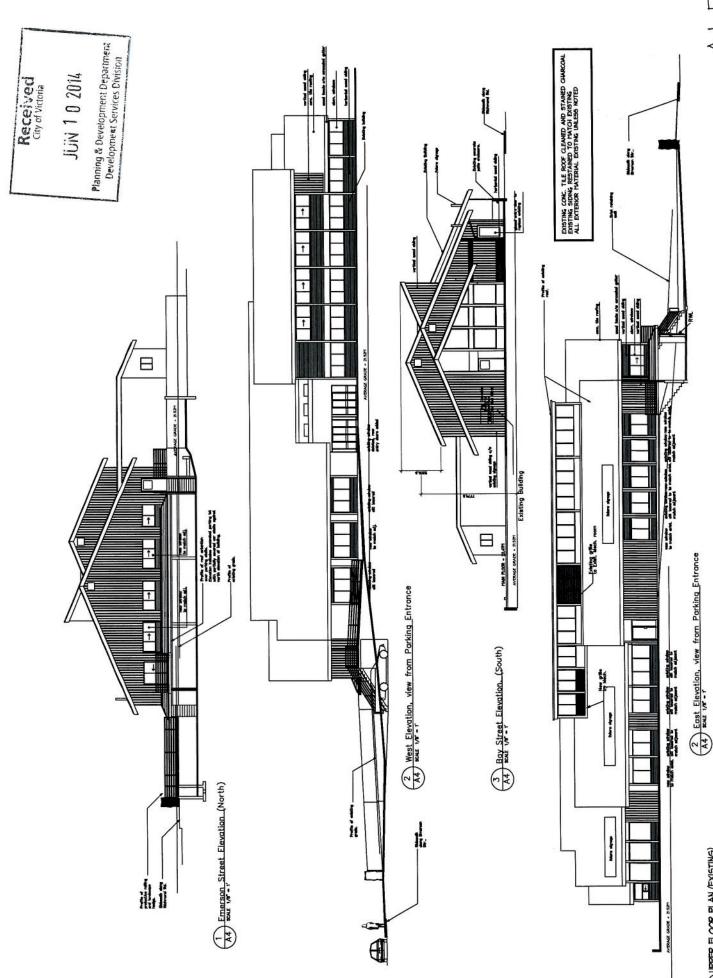


Received City of Victoria

Planning & Development Department Development Services Division



(I) UPPER FLOOR PLAN (EXISTING)





1766 Haultain Street Victoria, B.C., V8R2L2

January 17, 2014

Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B.C., V8W1P6

Re: Proposed Rezoning 2340 Richmond Road (CNIB Building)

Dear Mayor and City Council:

The North Jubilee Neighbourhood Association's Land Use Committee hosted a Community meeting in connection with the proposed rezoning for 2340 Richmond Road which was held December 12, 2013 in the Woodward Room, Begbie Hall, 2101 Richmond Road, RJH Campus. Four North Jubilee residents were in attendance. Leonard Cole, Urban Core Ventures and Des Bazett, Vic Davies Architect Ltd. made the presentation for the proponent. Undated plans were viewed which outlined 30 parking spaces; tenant spaces #1, 2000 sq. ft., #2, 1700 sq. ft., and #3, 3860 sq. ft. There is also a 930 sq. ft. common area on the upper level. The CNIB will be leasing space #1 for a 5-year leasing term. The working drawing presented for the exterior elevations was prepared for the alterations and renovations for the CNIB in 2000. Also shown was an enlarged photo of the surrounding properties. Copies of these plans were not available for NJNA after the meeting, but were delivered to the Association on January 8, 2014 and the Land Use Committee requested an extension for providing comments from this meeting.

As this is an application to rezone the property from R1-C, Single Family Dwelling Extended Use to a new zone that would permit a number of commercial uses and not limited to non-profit societies, possible options only were discussed at the meeting. These included a daycare, doctor's offices, pharmacy, coffee shop, dance center, retail, and financial institutions. As a coffee shop could be located in Tenant Space #2 which has an existing outdoor terrace, smoking at this location is a concern due to its close proximity to the hospital campus. The proponent advised that few changes would be made to the exterior of the building and these would be done on the windows, entries and for signs required by new tenants. Improvements are to be made to the present landscaping.

CNIB requires 6 parking spaces which leaves 24 on-site spaces for other tenants. As all residential streets in North Jubilee are restricted to "resident parking only", parking problems and concerns were discussed at length. The parking lot is not large and has not generated a great deal of car trips in the past due to the original intended use of the building. On behalf of the community, the Land Use Committee would recommend that the applicant constantly monitor all parking issues. Parking by non-residents in the North Jubilee neighbourhood requires constant awareness by residents due to parking on our streets by hospital campus staff and visitors. RJH also generates a heavier traffic volume on Richmond Road, Bay and Fort Streets and the proposed commercial use of this building will also

generate increased traffic. The intersection at Bay and Richmond would be pressed to tolerate the level of activity that would be take place with some of the proposed tenants and thus the impact of traffic and parking is a major concern.

The applicant, Leonard Cole, advised that he had personally made contact with many of the adjacent neighbours in the area prior to the Community Meeting.

Yours truly,

Jean Johnson Land Use Chair

(Wilma Peters and Pat May...NJNA Land Use Committee)

Cc: Lucina Baryluk

Leonard Cole, Urban Core Ventures

Shellie Gudgeon, North Jubilee City Council Liaison



c/o 1766 Haultain Street
Victoria, B.C., V8R2L2
February 12, 2014

Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B.C., V8W1

Re: REZ #00432 and DP#000345 for 2340 Richmond Road

Dear Mayor and City Council:

In reply to the January 10, 2014 letter from Anita Walper, Administrative Assistant in connection with the above proposed rezoning and development permit, please be advised that the North Jubilee Land Use Committee did examine the attachments forwarded to us. It was noted on the landscape plan that the existing hedging is to be replaced with ground cover along Richmond Road and Bay Street to improve visibility at the corner. Is the removal of the mature shrubs necessary to meet criteria set by the Traffic Department? These landscape changes were not shown on the plans at the Community Meeting. Future landscaping is an important part of this corner development in our neighbourhood and ground cover replacement appears minimal.

On Plan A1.5 the bottom elevation shown is from Richmond Road, not from the Parking Entrance.

Neighbourhood concerns raised at the December 12, 2013 Land Use Community Meeting re parking were outlined in our January 17, 2014 letter to you and they still remain a major concern. As the RJH Campus forms part of North Jubilee, the traffic in our area generated by staff, patients and visitors already leads to very busy streets. Mr. Cole lists a daycare, doctors' offices, coffee shop, financial institutions, retail stores, bakery, veterinarian clinic, etc. as possible future tenants. Such uses will all add to North Jubilee traffic especially on heavily travelled Richmond Road.

As North Jubilee already has a predominance of medical offices, there is a concern about further commercial development that is closed to the neighbourhood after hours.

Yours very truly on behalf of the North Jubilee Neighbourhood Association Land Use Committee,

Jean Johnson, Chair

Cc: Lucina Baryluk

Shellie Gudgeon, North Jubilee Council Liaison



1766 Haultain Street

Victoria, B.C.

June 30, 2014

Mayor Dean Fortin and City Council

1 Centennial Square

Victoria, B.C., V8W1P6

Re: REZ #00432 and DP#000345 for 2340 Richmond Road

Dear Mayor and City Council:

In reply to Anita Walper's May 30, 2014 letter in connection with the above rezoning proposal and development permit application, please be advised that the plans in the 8 1/2"x11" format included with her letter are difficult to read even while using a magnetic sheet. The legibility of the printing re the landscaping is therefore a problem, but in the community's February 12, 2014 letter, we questioned the replacement of existing hedging by ground cover along Richmond Road to Bay Street to improve visibility at the corner which still appears to be taking place. Is the removal of mature landscaping necessary to meet criteria set by a City Department?

On Plan A1.5 the east elevation shown is from Richmond Road, not from the Parking Entrance.

Neighbourhood concerns raised at the December 12, 2013 Land Use Community Meeting re parking were outlined in our January 17, 2014 letter to you and again in our February 12, 2014 letter and they still remain a major consideration. However, Silver Threads will be leasing a portion of the space in this building and the community association has met with them and is looking forward to their presence in our community. They are aware of the parking limitations in the residential streets, but as the bus service in the area is plentiful; and their clients are often dropped off and picked up by family or the handi-dart, it was felt that the parking spaces available to them are adequate. The statement re the traffic generated in this area by the RJH campus is still valid as is the concern re the needs of the third lessee still to be named.

Yours very truly on behalf of the North Jubilee Neighbourhood Association Land Use Committee,

Jean Johnson, Chair for Wilma Peters and Patrick May

Cc: Lucina Baryluk

Shellie Gudgeon, North Jubilee Council Liason