



Committee of the Whole Report For the Meeting of November 14, 2019

To: Committee of the Whole **Date:** October 31, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Development Permit with Variance Application No. 00119 for 1017-1023 Cook Street

RECOMMENDATION

That, subject to the preparation and execution of legal agreements to secure the rental of all dwelling units for the life of the building, to the satisfaction of the Director of Sustainable Planning and Community Development, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No. 00119 for 1017-1023 Cook Street, in accordance with:

1. Receipt of final plans generally in accordance with the plans date stamped October 25, 2019, to revise the siting of the proposed bicycle parking rack located on the public right-of-way to the satisfaction of the Director of Engineering and Public Works.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the minimum vehicle parking from 34 stalls to 0 stalls.
3. Council authorizing the street-level projecting canopies over the City Right-of-Way on Cook Street, provided that the applicant enters into an Encroachment Agreement in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.
4. Final plans generally in accordance with plans date stamped October 25, 2019.
5. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 1017-1023 Cook

Street. The proposal is to convert existing ground floor warehouse space into two rental residential units. The proposed change of use triggers a parking variance. Although the variance needs to be identified as a reduction in parking from 34 to 0 stalls to account for the entire building, which is currently legally non-conforming with regards to parking, the new additional parking requirement is only for two new stalls associated with the two new residential units being proposed. The following points were considered in assessing this application:

- the proposed exterior changes to provide ground-oriented entrances to the units are consistent with the Design Guidelines for Development Permit Area 16: General Form and Character
- the proposal is consistent with the Fairfield Neighbourhood Plan which encourages opportunities for more people to live close to downtown with access to jobs, amenities and transit
- the voluntary housing agreement to secure all the dwelling units as rental for the life of the building advances the housing objectives of the *Official Community Plan (2012)*
- an existing driveway access on Meares Street would be removed with this proposal, providing space for on-street parking and additional boulevard space for future tree planting
- to help off-set the impact of the parking variance, the applicant proposes additional long-term bike parking within a secure bike room, as well as, off-street bike parking located at the corner of Cook Street and Meares Street.

BACKGROUND

Description of Proposal

The proposal is to convert existing ground floor warehouse space into two rental residential units. The proposed change of use triggers a parking variance for the entire building, which is currently legally non-conforming with regards to parking.

Specific details include:

- originally constructed in 1912, the building extends to the property lines and has never provided any off-street parking for the ground floor commercial uses and 20 apartments above
- the new unit entries and windows would replace the existing warehouse entry and windows to limit the changes to the exterior of the building.

New exterior materials include:

- glazed unit entry doors with black anodized aluminium door and window frames
- entry lighting
- steel access door, wood framing and black stucco finish for the electrical room entrance.

The proposed variances are related to:

- reducing the required off-street parking from 34 stalls to 0 stalls
- the proposed new residential use has the same parking requirement (two stalls) as the existing warehouse use; however, with a change of use, the entire building loses its legal non-conforming status with regards to parking and must be brought into compliance with the current *Zoning Regulation Bylaw* requirements.

Affordable Housing Impacts

The applicant proposes the creation of two new residential units, which would increase the overall supply of housing in the area. A Housing Agreement is also being proposed which would ensure that future Strata Bylaws could not prohibit the rental of units. A Housing Agreement is also being proposed to secure all the units in the building as rental for the life of the building.

Sustainability Features

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

Active Transportation Impacts

The application proposes a six-stall bike rack at the corner of Cook Street and Meares Street, as well as seven long term bicycle parking stalls which support active transportation.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Existing Site Development and Development Potential

The site is presently occupied by a three-storey mixed use building. There are two ground floor commercial units fronting Cook Street and a ground floor warehouse space fronting Meares Street. Twenty rental apartments are located above the ground floor.

Data Table

The property is split zoned with the west half zoned C-1, Limited Commercial District, and the east half zoned R3-A1, Low Profile Multiple Dwelling District. The following data table compares the proposal with these zones. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to identify existing legal non-conformities.

Zoning Criteria	Proposal	R3-A1 Zone	C-1 Zone
Site area (m ²) – minimum	669.1 **	920.00	-
Density (Floor Space Ratio) – maximum	2.71 **	1.00	1.40
Height (m) – maximum	11.46 **	10.70	12.00
Storeys – maximum	3	3	-

Zoning Criteria	Proposal	R3-A1 Zone	C-1 Zone
Site coverage (%) – maximum	100 **	33	-
Open site space (%) – minimum	0 **	30	-
Setbacks (m) – minimum			
Front (Cook)	0 **	7.50	6.00
Rear	0 **	10.50	6.00
Side (South)	0 **	5.73	2.87
Flanking Street (Meares)	0 **	5.73	2.40
Parking – minimum	0 *	34	
Bicycle parking stalls – minimums			
Long term – minimum	7	0	
Short term – minimum	6	0	

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on June 17, 2019, the application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan (OCP)* identifies this property within Development Permit Area (DPA) 16: General Form and Character. This DPA seeks to integrate new multi-unit residential development in a manner that is complementary to the place character of the neighbourhood and enhances the streetscape. The proposed conversion of existing warehouse space to residential dwellings with ground-oriented units facing the street is considered by staff to be consistent with this objective.

The OCP identifies the site within Development Permit Area (DPA) 16: General Form and Character where the key design guidelines are the *Design Guidelines for Multi-Unit Residential*,

Commercial and Industrial (2012). The proposal complies with the Guidelines by utilizing existing openings within the building and adding complimentary windows and doors to create ground-oriented dwelling units that preserve and enhance the streetscape character. Staff also consider replacing the driveway access with grassed boulevard to be consistent with the Guidelines, which encourage additional greenspace that contributes to the place character of the neighbourhood.

Fairfield Neighbourhood Plan

The Fairfield Neighbourhood Plan identifies this property within the Northwest Area and Fort Street Corridor. Staff consider the proposal to be consistent with the Fairfield Neighbourhood Plan which encourages opportunities for more people to live close to downtown with access to jobs, amenities and transit within this Area.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no impacts to bylaw-protected or public trees with this application.

Regulatory Considerations

The proposed new residential use has the same parking requirement (two stalls) as the existing warehouse use under Schedule C of the *Zoning Regulation Bylaw*. However, with a change of use, the entire building loses its legal non-conforming status with regards to parking and must be brought into compliance with the current parking requirements resulting in the parking variance to reduce the parking from 34 stalls to 0 stalls. Staff consider the variance as supportable given the siting of the building cannot accommodate vehicle parking in accordance with Schedule C, the site is in a walkable location with access to transit along both Cook Street and Fort Street, and the applicant is proposing to add bicycle parking to offset the impact of reduced vehicle parking.

Encroachment Agreement

Existing street-level canopies along Cook Street project above the City Right-of-Way. These are encouraged in the Guidelines to provide pedestrian weather protection and welcoming streetscapes. In order to facilitate these building features, the applicant is required to enter into an Encroachment Agreement with the City. Appropriate wording is included in the recommendation for Council's consideration.

CONCLUSIONS

The proposal to create two new residential dwelling units utilizing existing warehouse space and associated parking variance is consistent with the Design Guidelines for Development Permit Area 16: General Form and Character. The housing agreement to secure all of the dwelling units as rental for the life of the building also furthers the housing goals of the *Official Community Plan*. Therefore, staff recommend that Council consider forwarding the application to an opportunity for public comment.

ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00119 for the property located at 1017-1023 Cook Street.

Respectfully submitted,

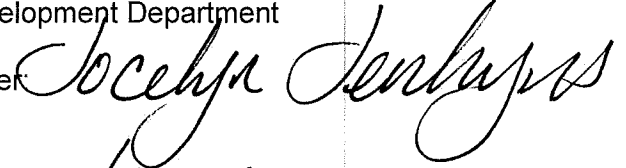


Alec Johnston
Senior Planner
Development Services Division



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Nov 5, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped October 25, 2019
- Attachment D: Letter from applicant to Mayor and Council dated July 24, 2019.