

E.2 1017-1023 Cook Street - Development Permit with Variance Application No. 00119 (Fairfield)

Council received a report dated October 31, 2019 from the Acting Director of Sustainable Planning and Community Development presenting Council with an application to convert existing ground floor warehouse space into two rental residential units, requiring a parking variance. The report recommends moving forward to an opportunity for public comment.

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

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."

CARRIED UNANIMOUSLY



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.
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 - 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

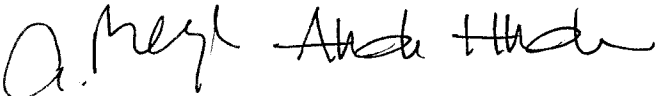
The proposal to create two new residential dwelling units utilizing existing warehouse space and associated parking variance is consistent with the Design Guidelines for Development Permit Area 16: General Form and Character. The housing agreement to secure all of the dwelling units as rental for the 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

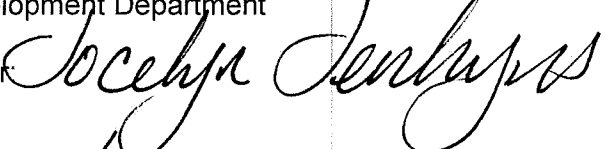
That Council decline Development Permit with Variance Application No. 00119 for the property located at 1017-1023 Cook Street.

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:

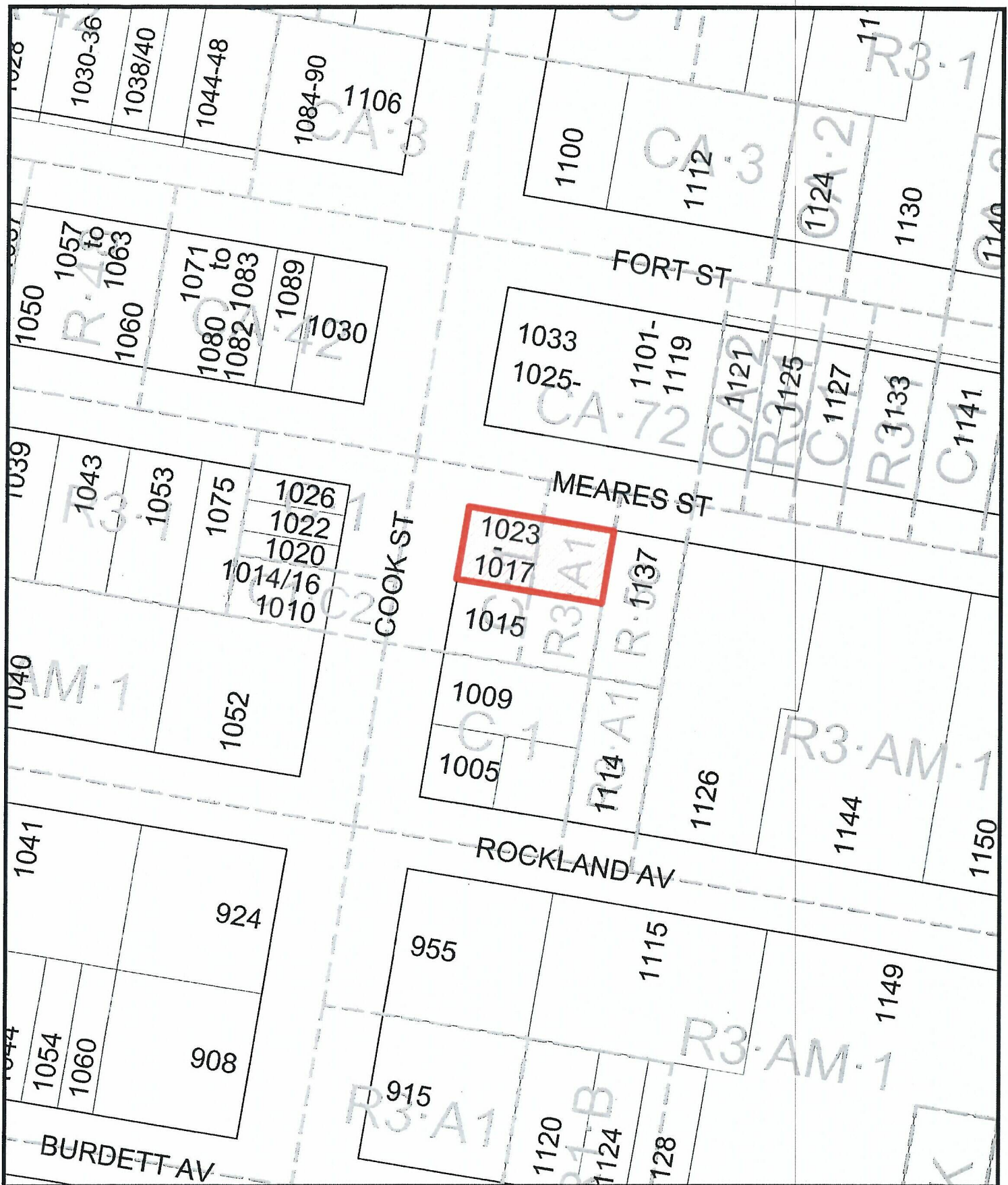


Date:

Nov 5, 2019

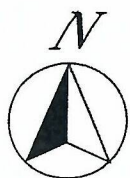
List of Attachments

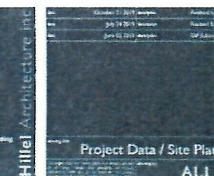
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped October 25, 2019
- Attachment D: Letter from applicant to Mayor and Council dated July 24, 2019.



1017-1023 Cook Street
Development Permit with Variance #00119



The logo of the City of Victoria, featuring a stylized wave or flag design above the text "CITY OF VICTORIA".



Explorer Land Surveying Inc

B. C. Land Surveyor's Certificate of Location for:

**THE NORTHERLY 1/2 OF LOTS 1592
AND 1593, VICTORIA CITY**

ZONING : C-1

SCALE:



All distances are in METERS and decimals thereof.

Parcel Identifier: 009-396-772 and 009-396-781
in the CITY OF VICTORIA

Prepared specifically for: GMC Projects Inc.

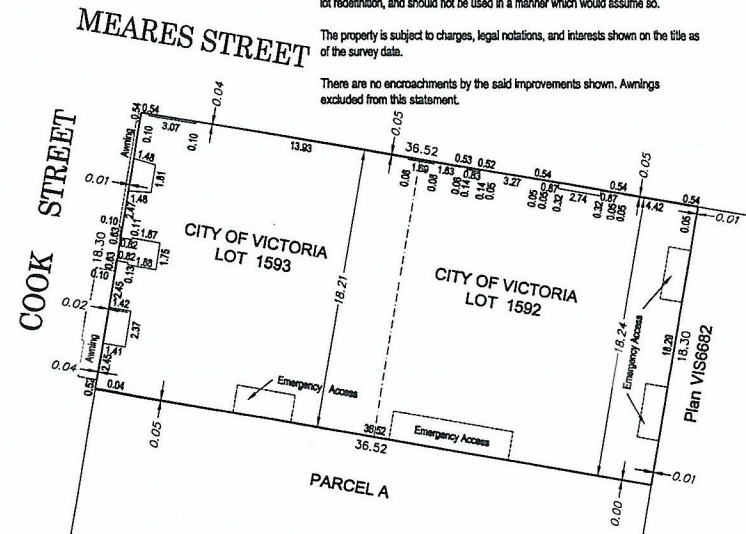
133-1335 Bear Mountain Pike
Victoria, B. C. V8S 6T9
Tel: (250) 381-2257
Email: Vonneth@explorersurvey.com
File: 11520

I have inspected the Commercial premises shown at 1021 Cook Street and hereby certify that the said structure is situate with respect to nearby boundaries as shown on this sketch.

This document is prepared for the use of the stated party and their interests, and is for inspection purposes only. This document does not represent any form of boundary or lot redefinition, and should not be used in a manner which would assume so.

The property is subject to charges, legal notations, and interests shown on the title as of the survey date.

There are no encroachments by the said improvements shown. Awings excluded from this statement.



Kenneth Ng, BCLS

Field Survey - 3 October, 2017.

Dated this 4th of October, 2017.

This document is not valid unless originally signed and sealed.
This document is copyrighted and may not be copied, transmitted, or altered in whole or part without the consent of the signatory.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or action taken based on this document.

OCT 25 2018

Site Survey

metric scale 1:150
[Survey Information provided by
Explorer Land Surveying Inc dated 04 October 2017]

1021 Cook Street Suite Conversion

1021 Cook Street Victoria BC

Current Survey Building

1021 Cook Street

1021 Cook Street

1021 Cook Street

1021 Cook Street

1021 Cook Street

1021 Cook Street

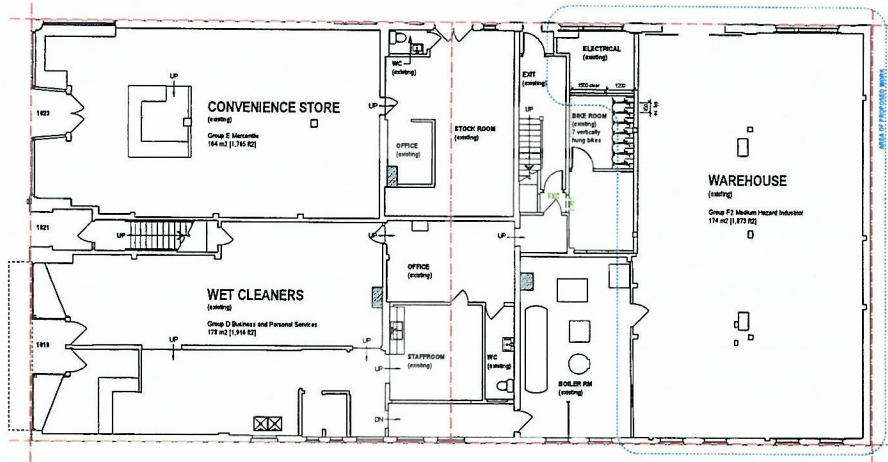
1021 Cook Street

1021 Cook Street

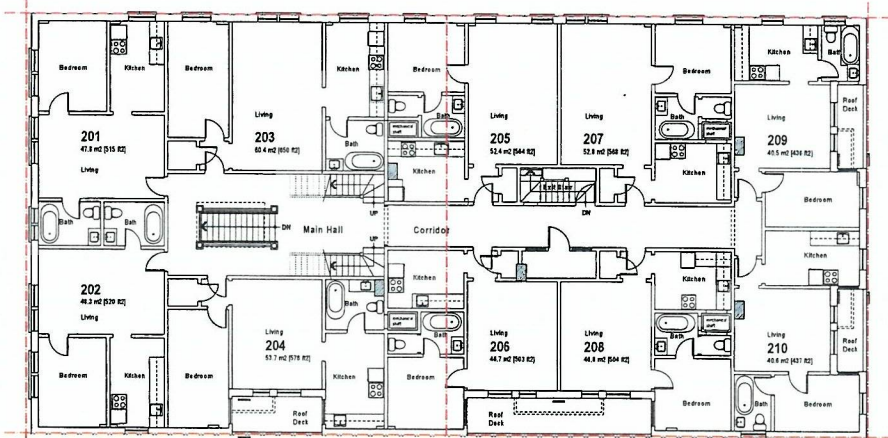
Miller Architects Inc

Existing Site Survey

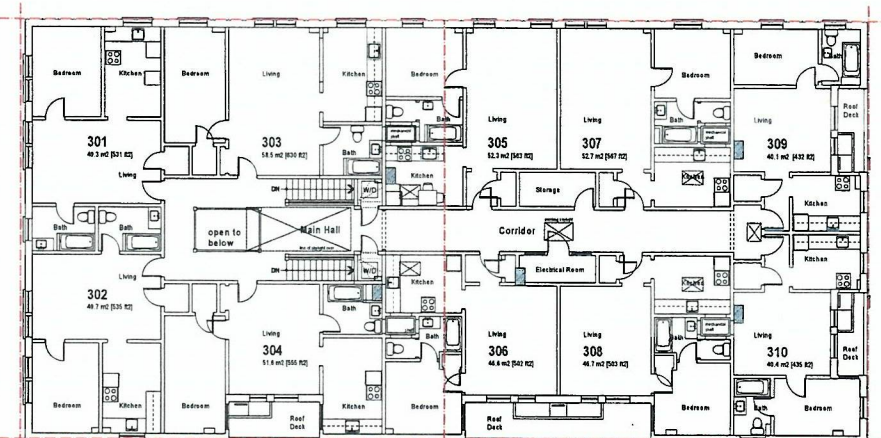
A1.2



Existing Ground Floor Plan
metric scale 1 : 100



Existing Second Floor Plan
metric scale 1 : 100



Existing Third Floor Plan
metric scale 1 : 100

1021 Cook Street Suite Conversion

1021 Cook Street, Victoria, BC

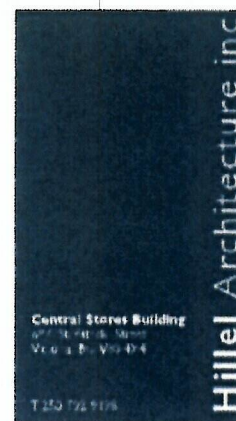


24 JULY 2019

Mayor and Council
CITY OF VICTORIA
1 Centennial Square
Victoria BC V8W 1P6

RE: **WAREHOUSE CONVERSION TO RESIDENTIAL**
1021 Cook Street, Victoria BC

Development Permit Application with Variances



Mayor and Council,

We hereby submit, on behalf of GMC Projects, a development permit application with variances to permit the conversion of existing warehouse space into two residential suites in a three-storey building rich in original character, located at the corner of Cook Street and Meares Street.

The first two storeys of the Bell Building were built in 1912 and included 3,955 sq.ft. of commercial space and 2,450 sq.ft. of warehouse space on the ground floor, and 10 one bedroom apartments on the second floor. In 1944, a third floor was added to provide 10 more one bedroom apartments. Following a fire in 2017, which saw the building vacated, the prior owners decided to sell and GMC Projects acquired the property in 2018 with the goal of rehabilitating the building as rental housing while keeping history in mind.

The warehouse space, accessible from Meares Street, is no longer relevant nor the right use given the surrounding context of residential and live/work space and its inclusion in a building like this would not be permitted today in its current configuration as it does not comply with current building codes. In consultation with the code consultant who participated on the upgrades to the building and life safety aspects of the building following the fire, it was determined that the most appropriate use [and safest] for the space, given its location in the building would be residential in keeping with residential above. Given the ongoing need for rental housing units in our community and the owners' recognition of warehouse use not being as compatible with the neighbourhood today as it was when the building was first built, the owners would like to convert the existing space within the building into two new unique residential units. In doing so, GMC Projects is offering to secure the tenure of the 2 new proposed units and 20 existing units as rental housing through a housing agreement. The timeframe for the covenant would apply for the remainder of the life of the existing structure which has just seen a substantial upgrade and investment by GMC Projects.

GMC Projects proposes to create two ground-oriented units overlooking Meares Street. Exterior modifications are modest with existing masonry openings being re-used to provide new entrances and glazing to the residential suites along with a new required exterior entrance to an expanded Hydro Room approved under a separate permit. Black anodized aluminum framing is proposed to complement the recently completed bold paint scheme and to respect the light industrial nature of the warehouse space. New wall-mounted light fixtures are proposed adjacent to the suite entrance doors for identification, wayfinding and safety. The existing windows at the rear of the proposed suites will also be replaced with new black anodized aluminum windows to match the new ones at the front, complete with internal fire rated shutters.

OFF-STREET PARKING REQUIREMENTS

When the building was first built and then expanded, the property was not required to provide off-street parking and therefore does not have any. As the building is built to zero lot line on all sides, there has never been any space for off-street parking.

The change in use from warehouse to residential triggers a parking variance for the entire building. If the use of any portion of a building changes, as in this case from warehouse to residential, where the new use requires parking which is an increase from what the bylaw required for the previous use when the previous use was put in place, in this case 1912, then the whole building loses lawful non-conforming protection under the Local Government Act.

The only actual increase in parking demand comes from the creation of two additional residential suites [2 parking spaces] and the visitor parking requirement of 2 parking spaces based on the new Schedule C Off-Street parking Regulations. The existing warehouse space would require 2 parking spaces based on the current Schedule C so in reality, there is no net increase to the parking demand if the existing warehouse use was to continue.

If, as required, we apply the current Schedule C requirements to the entire building, a parking variance to reduce the parking requirement from 32 stalls to 0 is required.

A parking variance given the above context is supportable. Of significant note is that the building is located within the core and walking distance of an increasingly vibrant commercial area, which provides residents with vital and easy access to a wide range of amenities, goods and services, public transit and cycling corridors. In addition, the true net increase in parking demand based on current Schedule C requirements is zero given that the existing warehouse space requires the same amount of parking as the two new residential suites. GMC projects is removing a use that no longer fits within the neighbourhood context and improves the life safety of the tenants and is replacing it with new rental stock without adding any floor area and without increasing the parking demand, effecting positive change for the surrounding neighbourhood.

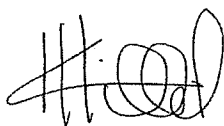
To offset the existing parking shortfall, a portion of the existing warehouse space has already been converted into a secure bike storage room, a change that was made following the base building upgrades post fire. Exterior bicycle parking will also be provided to municipal standards within the City boulevard on Meares Street.

With regards to a car share program, a car share program forms part of a development proposal by GMC Projects for the adjacent property at 1015 Cook Street, which, should it be approved, will provide residents of both 1015 and 1021 Cook Street with access to car share vehicles.

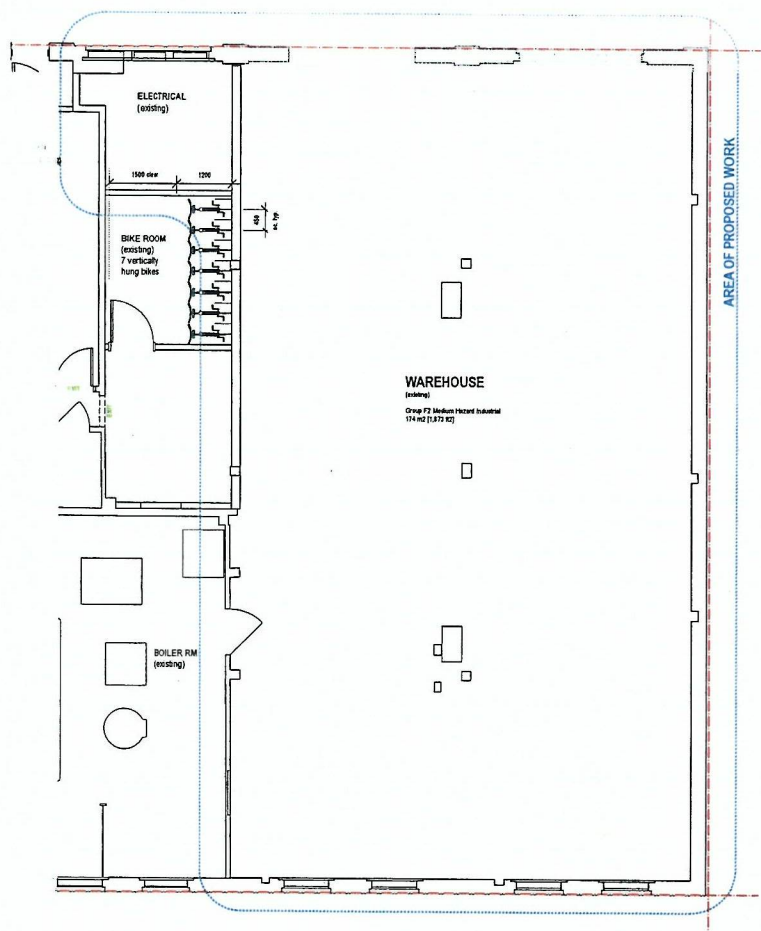
The existing driveway crossing within the boulevard on Meares Street that serves the warehouse space will be removed, and replaced with a new curb and sod to municipal standards.

We trust that the foregoing provides you with enough information to proceed with your review process. Should you require additional information or clarification, please do not hesitate to contact us.

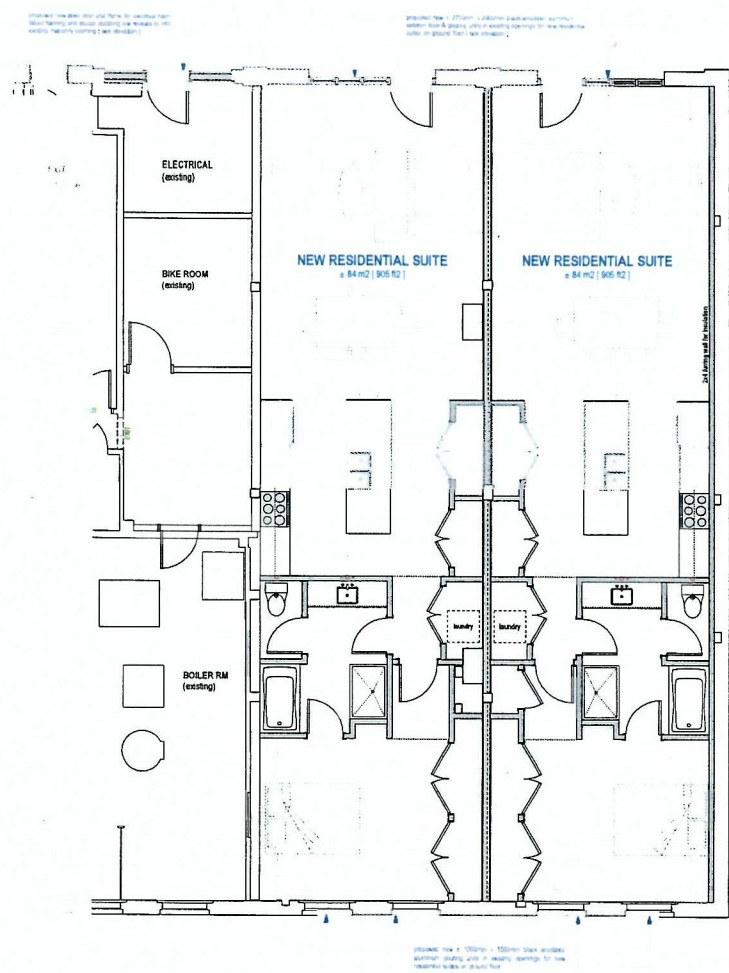
Regards,



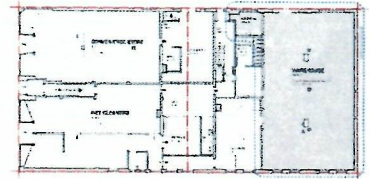
Karen Hillel Architect AIBC



Existing Ground Floor Plan
metric scale 1 : 50



Proposed Ground Floor Plan
metric scale 1 : 50



Building Key Plan
metric scale NTS

Stamp: OCT 25 2019
Handwritten signature: [Signature]

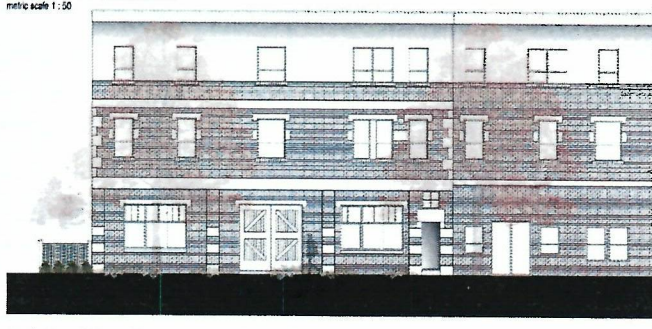
1021 Cook Street Suite Conversion

1021 Cook Street, Victoria, B.C.

Hilleg Architecture Inc. 1021 Cook Street Victoria, B.C. V8T 2C2 Tel: 250-363-1111 Fax: 250-363-1112 Email: info@hilleg.ca Web: www.hilleg.ca	Project Name: 1021 Cook Street Suite Conversion Project No.: 1021-2019-01 Date: OCT 25 2019 Drawn by: [Name] Checked by: [Name] Approved by: [Signature]	Project No.: 1021-2019-01 Date: OCT 25 2019 Drawn by: [Name] Checked by: [Name] Approved by: [Signature]
	Floor Plans A2.2	
	Hilleg Architecture Inc. 1021 Cook Street Victoria, B.C. V8T 2C2 Tel: 250-363-1111 Fax: 250-363-1112 Email: info@hilleg.ca Web: www.hilleg.ca	
	Project Name: 1021 Cook Street Suite Conversion Project No.: 1021-2019-01 Date: OCT 25 2019 Drawn by: [Name] Checked by: [Name] Approved by: [Signature]	



Proposed Elevation
metric scale 1:50



Existing Elevation
metric scale 1:100



Handwritten signature in blue ink.

1021 Cook Street Suite Conversion

1021

Central Bank Building
1021 Cook Street
Chicago, IL 60604
312.467.1000

Hillel Architecture Inc.

Architect	Hillel Architecture Inc.	Project No.	1021
Client	Central Bank Building	Address	1021 Cook Street
City	Chicago, IL	State	IL
Country	USA	Project Name	1021 Cook Street Suite Conversion
Scale	1:50	Sheet No.	A3.1
Author	J. Hillel	Check	J. Hillel
Drawn	J. Hillel	Approved	J. Hillel
Date	10/1/2017	Project Manager	J. Hillel

Elevation

A3.1