

Planning and Land Use Committee Report For the Meeting of October 15, 2015

To:	Planning and Land Use Committee	Date:	October 1, 2015
From:	Jonathan Tinney, Director, Sustainable Planni	ng and Com	munity Development
Subject:	Development Permit Application No. 00488	for 59 Coo	k Street

RECOMMENDATION

Staff recommend that Committee forward this report to Council and, after the Public Hearing for Rezoning Application No. 00488, if it is approved, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00488 for 59 Cook Street, in accordance with:

- 1. Plans date stamped September 15, 2015.
- 2. Development meeting all Zoning Regulation Bylaw requirements.
- 3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *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.

Pursuant to Section 920 (8) of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping, siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 59 Cook Street. The proposal is to create two lots, retaining the existing five- unit house conversion on the R1-B lot and constructing one new small lot house.

The following point was considered in assessing this Development Permit Application associated with the small lot house:

 The proposal is consistent with the objectives and guidelines for sensitive infill contained in Development Permit Area 15A: Intensive Residential – Small Lot of the Official Community Plan 2012 (OCP).

BACKGROUND

Description of Proposal

The proposal is for a small lot house. Specific details include:

- two-storey building
- contemporary design with elements such as horizontal lines, a flat roof, exposed wood beams and large windows facing the street
- exterior materials include cedar and stucco siding, wood fascia boards, beams and soffits
- parking would be provided between the existing and new houses with a shared access driveway
- new hard and soft landscaping would be introduced.

Sustainability Features

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

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with the small lot house proposal.

Public Realm Improvements

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

Existing Site Development and Development Potential

The site is currently in the R1-B Zone, Single Family Dwelling District.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted with the Fairfield-Gonzales CALUC at a Community Meeting held on May 25, 2015. The minutes from this meeting are attached to this report.

ANALYSIS

Development Permit Area and Design Guidelines

The Official Community Plan (OCP) identifies this property within Development Permit Area 15A: Intensive Residential – Small Lot. The proposed design of the new small lot house is consistent with the Design Guidelines for Small Lot House (2002).

The proposal is for a two-storey single family house. The small lot house has a contemporary design incorporating architectural elements such as horizontal lines, a flat roof, exposed wood beams and large windows facing the street. Windows are maximized on the front elevation and minimized at the rear and on the side facing the adjacent existing single family house.

The required number of parking stalls would be provided between the existing house conversion and the proposed small lot house with a shared access off Woodstock Avenue. The new small lot house would have one stall located in a car port under the second storey.

The applicant is proposing a mix of hard and soft landscaping in the front and rear yards of both properties. Permeable pavers are proposed for the driveway and parking stalls.

CONCLUSIONS

The proposal is to construct a new small lot house and is consistent with Development Permit Area 15A: Intensive Residential – Small Lot. The small lot house is a form of sensitive infill development and, despite not being of traditional style, fits in with the existing neighbourhood. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Development Permit Application No. 00488 for the property located at 59 Cook Street.

Respectfully submitted,

Rob Bateman, Planner Development Services Division

Jonathan Tinney, Director Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:

M

Date:

Octoberl

List of Attachments

- Zoning map
- Aerial map
- Applicant's letter Mayor and Council dated July 7, 2015
- Minutes from Fairfield-Gonzales Community Association meeting (May 25, 2015)
- Small Lot Housing Rezoning Petition
- Plans dated September 15, 2015.









59 Cook Street Rezoning #00488 Bylaw #



07 July 2015 59 Cook Street

Submitted on behalf of Conrad Nyren (Dennis Eric Nyren) 3 - 59 Cook Street Victoria BC V8V 3W7

RE: 59 Cook Street Redevelopment Victoria BC Proposal For Small Lot Subdivision

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Attention Mayor and council, City of Victoria

Please find enclosed with this cover letter, a submission for the application of the small lot R1S2 zoning Bylaw to a subdivision of 59 Cook Street.

Received

Planning & Development Departme Development Services Division

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Hillel Architecture developed a conceptual solution for discussion with immediate neighbours, which demonstrated the current 59 Cook Street multi-family residence on a portion of the existing lot, being left undisturbed, and a smaller portion of the rear lot area being subdivided, creating a small lot conforming to the R1S2 zoning. The drawings proposed a single family home compliant with the zoning. This concept was introduced to the City Planning department similarly for initial commentary.

The enclosed submission has incorporated the commentary from 2 CALUC presentations, multiple meetings with direct neighbours, and update meetings with the planning department. The first CALUC meeting to the Neighbourhood Association membership was rewarding for owners and architect alike. A mostly complimentary evening, and concluding with a very limited list of concerns. The second CALUC meeting was rewarding by the lack of attendence, perhaps indicative of a lack of concern. This submission package also contains letters from directly affected neighbours, each stating that they are in support, some with complimentary additional comments. Throughout the process they state they have been involved and informed.

Design Outcome: The Site

The residence proposed complies with the small lot two storey zoning bylaw without requested variances. The proposal subdivides an original ±1237 m2 [±13,315 ft2] property in to one 318.06 m2 lot for the new residence conforming to R1S2, and one 918.86 m2 Lot with its original R1-B zoning remaining with the existing home. The severance of this lot from the rear yard area of the original home reduces the rear yard setback to less than that prescribed by that original zone and therefore a variance is stated in this proposal that requests the consideration of reducing the permitted rear yard setback from 7.5 m to 4.6m on the parcel remainder. It should be noted at this time

Hillel Architecture Inc.

that the parcel remainder is still a substantial lot and remains at almost twice the minimum lot sizes permitted, with its front yard on the opposing side being 11.92m to the building face, and over 9.5m to its substantial colonnade.

As the original stately main building maintains its generous front yard and side yard setbacks on Woodstock Avenue, its prominence on this street corner is therefore not lessened by this proposal. In addition, the new home was designed to occupy the same location as the existing hipped roof two car garage, and is no closer to the neighbouring properties than this structure currently is, as a benefit to the neighbourhood and as a sign that we wished to minimize the impact of this new work. In the enclosed drawing package the streetscape illustrates what appears a completely normal streetscape, with side yard setbacks no closer and no denser than any other view corridor would show from the neighbourhood.

This proposal, by using the existing driveway entry, does not affect any current street trees, or boulevard greenspace. This landscaping maturity that is present - remains. Both neighbours and the owners alike prefer the mature trees, the existing stone fencing, and the matured hedging that remain both sides of this shared driveway entry.

The History

The existing building was originally designed as a multi-person / multy unit dwelling containing six residences (a brothel). These were five recognized legal suites for residents, and one "Chinaman" suite, whom was not recognized at that time as an equal . The "chinaman" (their term at the time, not ours) had a kitchen, a washroom, a living space and private sleeping quarters. All of us would recognize this as "another suite", another home, another dwelling. Each of us would refer to this building as containing six suites. At that time the City referred to it as five suites.

But the storey at 59 Cook Street has yet another twist on terminology. This building was renovated in 1944 to its current plans enclosed in this package. At that time the term "chinaman" was dropped, correctly, and the term "Janitors Suite" is shown on those drawings. It was therefore recognized as a five unit + janitors suite building. The "Janitor's " home still not recognized as equivalent to others in the building, but one step better, and the term no longer culturally discriminating, just discriminating in another manor. However, without recognizing the Janitor's suite as being equal to the others, the title remains listed as only 5 units.

Over time this Janitors suite became no longer rented to a resident janitor, and instead became rented to a resident. Occupied by six suites in this configuration, but on title being still recognized only as the five suites from the original brothel. These five legal units will be respected, and it is a pleasure to remove one last "discrimination" from this property title, although sadly not from recognizing it as equal, but from its removal.

Design Outcome - The proposal;

This proposal recognizes those units registered on title, and should this proposal be acceptable to council, this original six unit composition will return to its current legal entitlement of only five units in the main house, and

Hillel Architecture Inc.

relocates an unrecognized sixth suite into the proposed new residence. A non-conforming six units becomes a conforming six units. No additional density is actually added to the neighbourhood, but the outcome becomes conforming, and in some ways, rights a past wrong doing, from another era long ago. (*Note: the outline above of the internal history is supported by documents, original drawings, and the subsequent 1944 renovation drawings.*)

Design character and materials;

The new home on Woodstock is a transition piece from the larger stately proportions of the 59 Cook Street original home, to the smaller cottage like qualities of neighbours. The design takes many design ques from neighbouring building volumes both beside and across the road, the desires of the owners, the mix of the casual cottage, and the crisp contemporary of the streetscape.

Interestingly, the original brothel contained a side entry in the form of a porte cochere so that gentlemen could be dropped off in a more discrete fashion. Today this Porte Cochere maintains its front porch like appearance on Woodstock Avenue. The immediate neighbour to the opposing side, also contains an attractive inviting front porch. The new building continues this tradition with a new entry gate, pathway, and porch facing the street. Similar to its cottage like neighbour, this porch is a social space, an attractive welcoming space that is also accessed from its prime living spaces inside, benefiting from the sun and views over the landscaped front yard.

Height and Setbacks

The proposed new residence is compliant with these zoning requirements.

Parking variance

The existing home, with its five legal suites requires to be serviced by a minimum of .8 stalls per dwelling according to Schedule C Parking Regulations. Therefore this existing multi-family residence requires 4 stalls. The new residence on its independent lot requires 1 stall as a single family residence. It was decided early on that the design would be developed to share the existing entry to the lot, and preserve the existing stone fence. Sharing a driveway entry allowed the parking to be concealed from the street and place these cars behind both buildings. By reciprocal easement agreements, registered on both properties, these two buildings share access to their independent parking facilities. In sharing a driveway, the increase in green space over the current condition will lessen the impact of this parking area than exists at this time. One can notice in the original ariel photo of this existing site, a large area of exposed concrete paving. In the new design the bulk of this paving area is moved further back out of view, and in its place a narrow driveway permits a greater area of landscaping serving to enclose and conceal from view, the rear parking area. The streetscape benefits, the neighbours benefit. A little more greenery gets added to our perception of the neighbourhood.

Bicycle Parking

Hillel Architecture Inc.

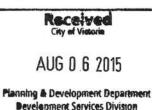
The proposal contains a 6 bike rack for use by the multi-family residence for guests, as required by the Bylaw. The original 59 Cook Street contains class A bike parking facilities for its tenants in the lower floor area formerly the "Chinaman's Suite".

We trust the enclosed submission meets with submission requirements, and that through this process, eventually meets with acceptance of Council.

Yours sincerely, HILLEL ARCHITECTURE INC., Karen Hillel MAIBC

Minutes of Community Meeting Planning and Zoning Committee Fairfield-Gonzales Community Association (FGCA) May 25, 2015

Facilitators for the FGCA: George Zador (Chair) Susan Snell Ken Roueche



Subject property: 59 Cook St; small lot subdivision. (99 notices sent) Proponent/ presenter Mr. Conrad Nyren This project was presented previously in April 2014, but for personal reasons, the proponent did not proceed further at the time.

Attendance: 2 people, representing one neighbouring home.

Attendee Questions and Comments:

- Familiar with the project from the earlier submission.
- · Asked for details of site coverage, parking, etc. Proponent gave thorough explanation.
- Would the new house be for market: no, proponent lives in the main house at present, wants to build the home for his own family. On-site parking is provided.
- · Concern about parking for workers during construction phase. Proponent will control.
- No objection to this project, but feels that further similar subdivisions would increase density which is undesirable in this neighbour's view.

New of Victoria AUG 0 6 2015 FA THFUL Planning & Development Department Development Services Division 1 COOK ST -..... 12 WOODSTOCK AVE MARLBOROUGH ST 1257

SUMMARY SMALL LOT HOUSE REZONING PETITION

loceived City of Victoria AUG 0 6 2015 Planning & Development Department **Development Services Division**

I. <u>CONIZAD NYREN</u>, have petitioned the adjacent neighbours* in compliance with

the Small Lot House Rezoning Policies for a small lot house to be located at 59 Cosk 4-

and the petitions submitted are those collected by TVNE 19, 2015 **

Address	In Favour	Opposed	Neutral (30-day time expired)
	\checkmark	\checkmark	\checkmark
35 COOK ST	V		
67 Coold ST	~		
1120 WOODSTOCK	~		
1121 WOODSTOCK	\checkmark		
UNIT 1-35 COOK (TENANT)			\checkmark
" 2-35 coole "			V
11 3-35 Cook "	2		~
" 4-35 Cook "	_		V
1' 5 - 35 Coold "			V
" 6-35 coste "			~
" 7-35 cook "			~
" B-3(coole "			~
11 9-35 coole 11			~

SUMMARY	Number	%	
IN FAVOUR	4	100%	
OPPOSED	0		
TOTAL RESPONSES		100%	

*Do not include petitions from the applicant or persons occupying the property subject to rezoning.

**Note that petitions that are more than six months old will not be accepted by the City. It is the applicant's responsibility to obtain new petitions in this event.

SWALL LUI TOUSE RELONING FLITTON

In preparation for my rezulting application to the City of Victoriu, I,

COWRAD NAREN, am conducting the petition requirement	nts for the
property located at 59 COOK STREET.	Received City of Viatoria
to the following Small Lot Zone: RISZ	AUG 0.6 2015
to the following Small Lot Zone	Planning & Development Department Bevelopment Sarvices Division
The City of Victoria's Small Lot Rezoning Policy requires that the applican age residents and owners of neighbouring lots to determine the acceptable proposal. Please note that all correspondence submitted to the City of Vic response to this Petition will form part of the public record and will be public meeting agenda when this matter is before Council. The City considers y relevant to Council's consideration of this matter and will disclose this per- information. However, if for personal privacy reasons you do not wish to it name, please indicate your address and indicate (yes or no) if you are the owner. Please do not include your phone number or email address .	ility of the ctoria in lished in a our address sonal include your
Please review the plans and indicate the following:	
NAME: (please print) Joshva KALEF (see note a	bove)
ADDRESS: 25 COOK ST. VILLORIG	VRN ZWIT

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Are	you	ine	registered	owner?	res	L'U

I have reviewed the plans of the applicant and have the following comments:

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No 🗌

Support the application.

I am opposed to the application.

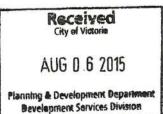
Comments:

THIS DEWSIFICUTION IS APPROPRIOF OUR NEIGHBORHOOD AND VISUALLY A NICE IMPROVEMENT.

10 2015

Signature

SMALL LOT HOUSE REZONING PETITION



In preparation for my rezoning application to the City of Victoria, I,

(print name)	REN	_, am conduc	ting the pe	etition requirements for the
property located at	.59	Cook	ST:	
to the following Small Lot Zone:		RIS	2	_

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address**.

Please review the plans and indicate the following:

An Kony + Kalky Lawell (see note above) NAME: (please print) CODK VICTORIA, PT ADDRESS: Are you the registered owner? Yes C No 🗌 I have reviewed the plans of the applicant and have the following comments: I support the application. I am opposed to the application. Comments: closk me 15/13 avelle Signature

SMALL LOT HOUSE REZONING PETITION

Rec	el Vicu	osia
AUG	06	2015
Planning & Deve Developmen	Hopmo t Servi	ent Departme ces Division

In preparation for my rezoning application to the City of Victoria, I,

WENCHI Parkie	, am conduc	_, am conducting the petition requirements for the		
property located at 59	Cook	st.		
to the following Small Lot Zone	RIS2	121 -		

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address**.

Please review the plans and indicate the following:

NAME: (please print) Wendy Payne	_(see note above)
ADDRESS: 1120 Woodstock Ave	
Are you the registered owner? Yes 🗹 No 🗌	

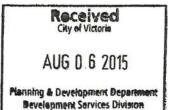
I have reviewed the plans of the applicant and have the following comments:

I support the application.

I am opposed to the application.

Comments: am nei REDO

SMALL LOT HOUSE REZONING PETITION



In preparation for my rezoning application to the City of Victoria, I,

CONZAD NYRE (print name)	N	, am c	onducting the	petition requirements for the
property located at _	59	Cotk	STREET	
to the following Smal	II Lot Zon	e:R	152	

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address**.

Please review the plans and indicate the following:

NAME: (please print) SHARYN AND MIKE ROMAINE (see note above)
ADDRESS: 1121 Wood STOCK AUL.
Are you the registered owner? Yes Mo
I have reviewed the plans of the applicant and have the following comments: I support the application.
Comments:

JUNE 18

AUG 0 6 2015

Planning & Development Department Development Services Division

REQUEST TO MEET

Hello. my name is Conrad Nyren. I live right across Woodstock from you at 59 Cook Street at the corner of Woodstock and Cook.

I am in the process of making an application to the City of Victoria to rezone a portion of my property from R1B, single family zone, to R!S2, small lot two story zone, to permit a subdivision and construction of a new, smaller, single family home, located approximately where the existing garage is now located.

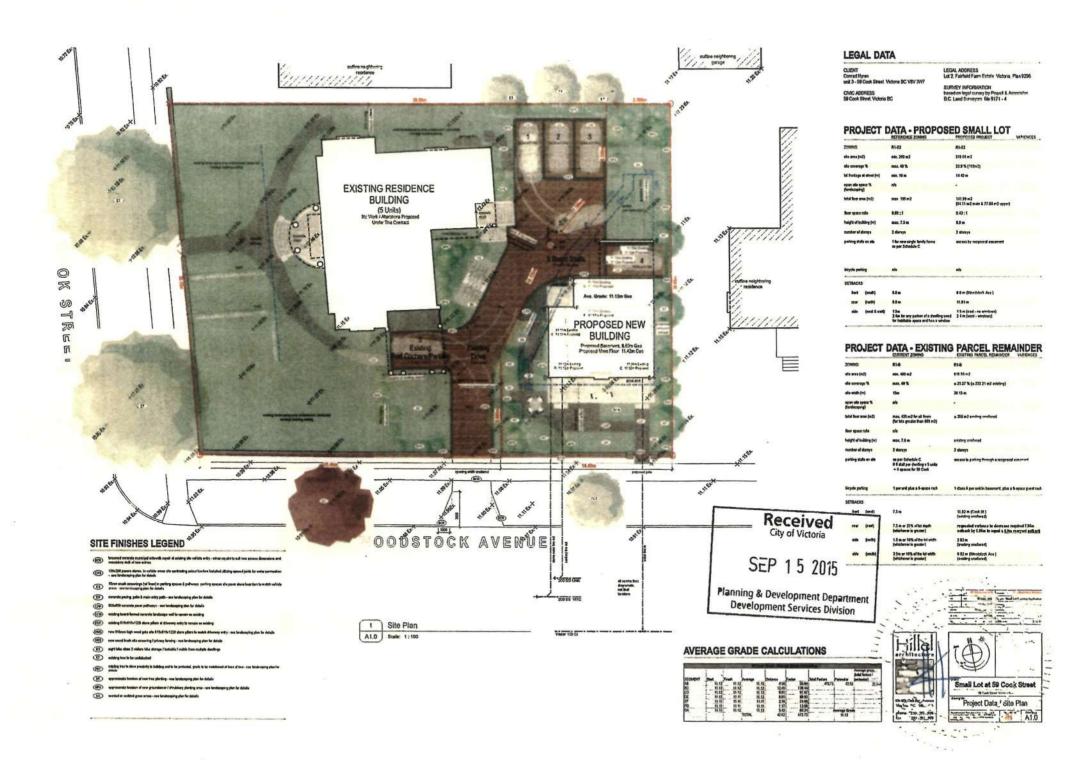
As part of my neighbourhood consultation process, I would greatly appreciate a few minutes of your time to familiarize you with the architectural and landscape plans and hear your comments. I attach a copy of the City's form "SMALL LOT REZONING PETITION"

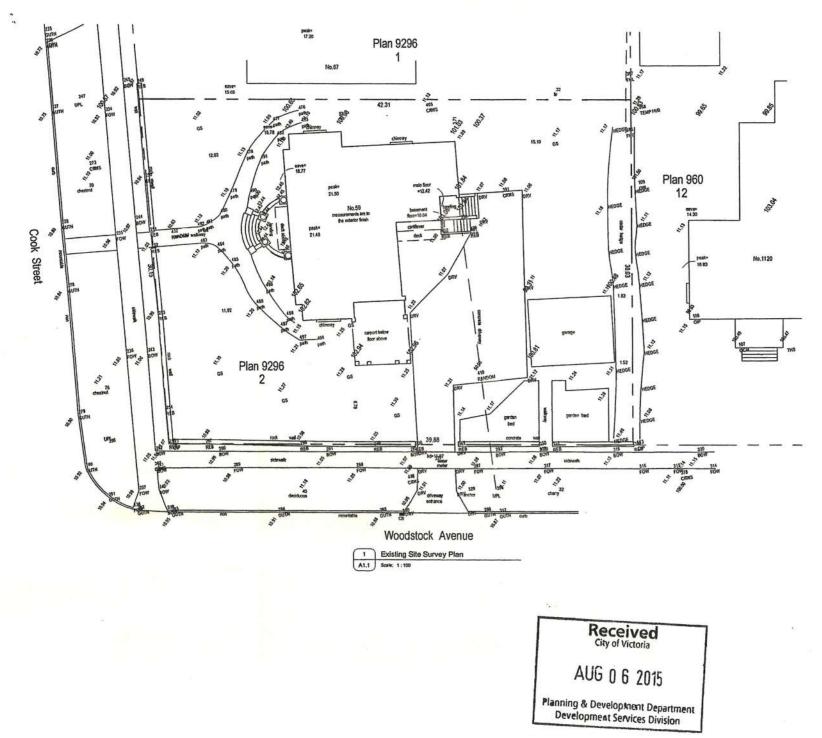
Please email or phone me to set up a time to meet, and thank you in advance for your time and consideration.

Conrad Nyren 59 Cook Street April 10, 2015

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35 Cook STIZEET 1157 WOODSTOCK APRIL 10,2015 TO: I THRU 9 UNITS 1 THRU 7





LEGAL DATA

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unit3- 59 Cook Street, Victoria BC VEV 3W/	SURVEY INFORMATION
CIVIC ADORESS	based on fegal survey by Powell & Associates
50 Cook Street Victoria BC	B.C. Land Surveyors, Sie 9171 - 4



2 Context Site Plan A1.1 Not to Scale



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Cook Street - Subject Property Existing Residence



Woodslock Avenue - Subject Property Existing Residence



Woodstock Avenue - Subject Property & Project Area



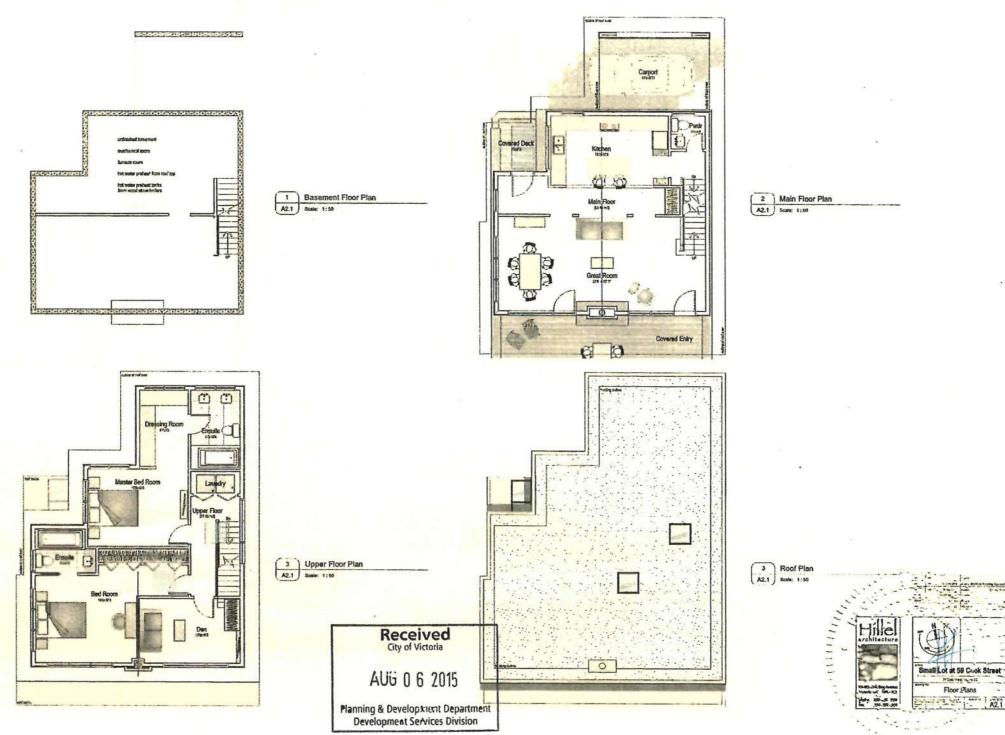
Woodstock Avenue - Adjacent Neighboring Properties



Woodstock Avenue - Neighboring Properties







1

A2.1



1 Streetscape Elevation - Woodstock Ave A3.1 Scale: 1:75

54





ELEVATION FINISH LEGEND

List of finishes typical of all elevations.

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- (2) Wood haces boards dear Shilares Cecil Snish
- (ii) Exposed wood beams clear Salvers Cale Inich
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- (1) Building mounted down lighting & botum lighting (2) Content based shaces, smooth travel (such - same gray aclose
- (07)



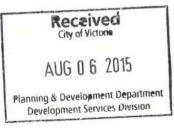


1 Front Elevation (South) A32 State 1:50





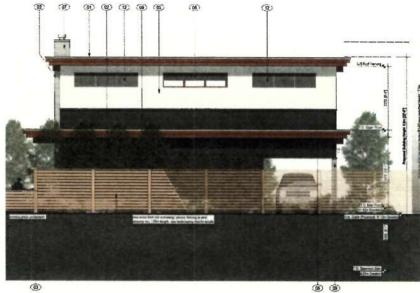
2 Side Elevation - (West) A3.2 | Scale: 1:50





ELEVATION FINISH LEGEND

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 administratives
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- (16) Cedar sides: 100mm econum warm churcoal grav stein echour (07) Exposed baard-form concrete channey - saaled linah
- Wood window units & doors u'w glasing panels door Silvans Catri Seah
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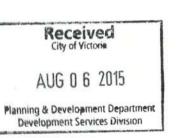
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A3.3 Bcate 1:50

2 Side Elevation - (East)

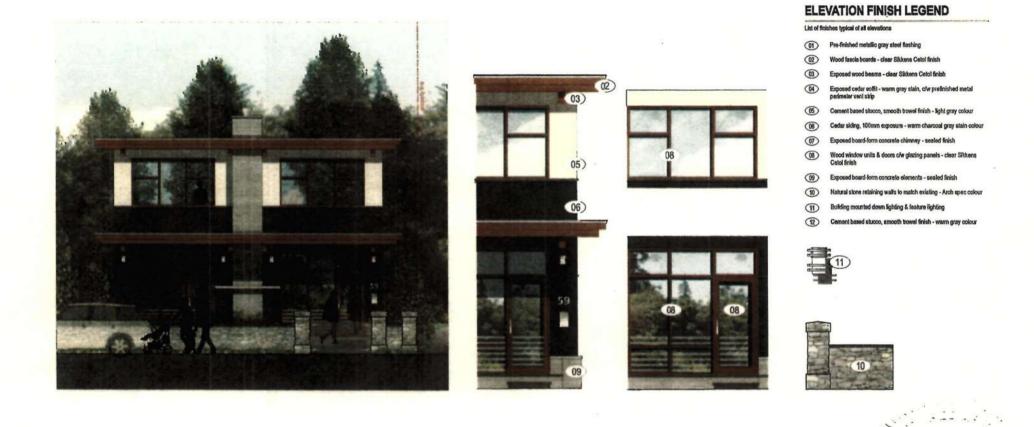


1 Rear Elevation (North) A3.3 , Scale 1:50





Colour And Materials Palette





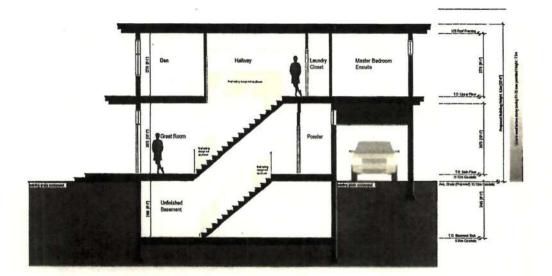
SMALL LOT AT 59 COOK STREET

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Planning & Development Department Development Services Division

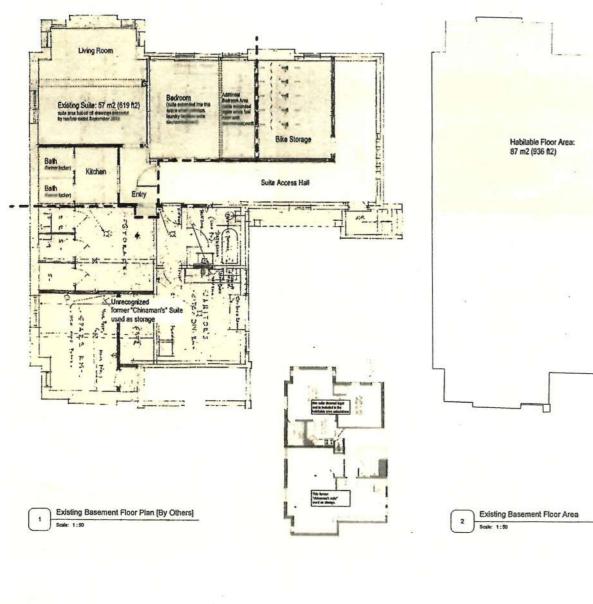


1 Building Section A4.1 Scale 1:50

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	Received City of Victoria
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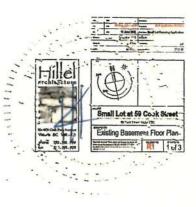




	CLIENT Contrad Hyran unit 3 - 59 Co	n sok Skreet, Victoria BC V8V 3W7	LEGAL ADDRESS Lot 2, Fahlehd Farm Estate, Victoria, Plan 9295
<u> </u>	CIVIC ADDRE 59 Cook Sire		SURVEY INFORMATION based on legal mover by Powel & Associates B.C. Land Surveyore, file 9171 - 4
	PROJE	ECT DATA - EXIST	
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1	bicycle patiby	1 per unit plue a B-spece rac	A Tatasa A per und in longer and plus a 8-space predicad
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	turt (m	mil) 7.5 m	11.82 m (Cook St) (svistny undersel)
	enn fo	sel) 7.5 m ar 25% of let depty (whichever is greater)	requested variance to decrease required 7.26m authors by 2.19m to equal a <u>4.6m reprint orthors</u>
	-	orb) LS as or 10% of the let widt (shichever is grader)	
		n(h) 350 or 11% of the lot width	6.82 m (Woodstech Are)

		CURRENT ZOWING	EXISTING PARCEL REMANDER	VARENCES		
ZONINO		R14	RSB			
(fer) erm alle		min 406 m2	\$18 85 m2			
nie covarge S		80.475	a 25.27 % (s 232 21 m2 existing)			
sta with (n) open alls space % (undecapleg)		15m	30.15 m			
		n	*			
tatal Row area (m2)		mar 420 m2 for al form (for late granter then 100 m2)	a 352 m3 mining walkered			
feer space rais		m ¹				
height of building (m)		##.73m	eviding unafored			
number of starsys		2 darays	2 storeys			
parting state on siz		as per Schedule C 9 8 stat per dealing + 5 units = 4 apaces for 59 Cost	acases to porting through a raciprocit	ansawd.		
bicycle patiby		1 per unit plus a B-spice rack	1 states A per series in Somement, plus a	6-spars partrad		
SETBACK	3					
Ind	(tend)	75m	11.92 m (Conk St) (reistry unalered)			
-	(100)	7.5 m at 25% of lat depth (whichever is greater)	requested variance to decruze an authorit by 2.11m to equal a <u>4.1m</u>	rugered 7.56m rugered onfland		
-	(101)	1.5 m or 19% of the lat width (whichever is greater)	2 83 m (mining unstance)			

SCHEDUI	E'G' - HABITABL	E AREA
HANTABLE FLOOR AR		and the state
Beconard	*	67 m2 (138 62)
Find Floor		105 m2 (1,278 M2)
Second Poor		193 m2 (7,977 83)
Tabal	445m2 = 5 dealing units allowable as per Schedule W	448 ml (4,200 ml) 5 mining contro units



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