

Agenda

Town of Gibsons

Planning & Development Committee

January 14, 2020 at 3:00pm

Council Chambers
Town Hall, 474 South Fletcher Road, Gibsons
604-886-2274 - www.gibsons.ca

Council



Mayor Bill Beamish
Councillor David Croal
Councillor Annemarie De Andrade
Councillor Aleria Ladwig
Councillor Stafford Lumley



Planning & Development
Committee
AGENDA OF
January 14, 2020
Council Chambers, 3:00pm
474 South Fletcher Road, Gibsons, BC

1. **CALL TO ORDER**

2. **APPROVAL OF THE AGENDA**

3. **REPORTS**

- 3.1 **Director of Planning - Changes to the BC Building Code for Secondary Suites** Page(s)
5 - 11

RECOMMENDATION(S)

THAT the report titled Changes to the BC Building Code for Secondary Suites be received;

AND THAT the Planning and Development Committee recommends that Council directs staff to update the zoning bylaw to allow secondary suites in more housing types and to reflect the December 2019 BCBC update.

- 3.2 **Director of Planning - Zoning Amendment to Prohibit Cannabis Production Facilities in Gibsons** Page(s)
13 - 19

RECOMMENDATION(S)

THAT the report titled Zoning Amendment to Prohibit Cannabis Production Facilities in Gibsons be received;

AND THAT Zoning Amendment Bylaw No. 1065-53, 2020 be forwarded to Council for consideration of First and Second Readings;

AND FURTHER THAT the Planning and Development Committee recommends that a Public Hearing be scheduled on Tuesday, February 18, 2020, in Town Hall Council Chambers.

- 3.3 **Director of Planning - Zoning Amendment Application (ZA-2019-05) at 1058 Gibsons Way for a Commercial Building** Page(s)
21 - 28

RECOMMENDATION(S)

THAT the report titled Zoning Amendment Application (ZA-2019-05) at 1058 Gibsons Way for a Commercial Building be received;

AND THAT the Planning and Development Committee recommends forwarding Zoning Amendment Bylaw No. 1065-52, 2020 to Council for consideration of First and Second Readings;

AND THAT the following be required as a condition of Adoption of Bylaw No. 1065-52, 2020:

- a. A Development Cost Charge top-up difference; and
- b. A Fire Safety Plan for the building;

AND FURTHER THAT a Public Hearing be scheduled on Tuesday, February 18, 2020 at 6:00pm in Council Chambers at Town Hall, located at 474 South Fletcher Road, Gibsons.

- 3.4 **Planning Assistant - Form and Character Development Permit Application DP-2019-16 for Storage Building at 626 Shaw Road** Page(s)
29 - 50

RECOMMENDATION(S)

THAT the report titled Form and Character Development Permit Application DP-2019-16 for Storage Building at 626 Shaw Road be received;

AND THAT the Planning and Development Committee recommend that Council issue DP-2019-16.

4. INQUIRIES

5. NEXT MEETING

- 5.1 *The next Regular Planning & Development Committee meeting to be held on Tuesday, February 4, 2020 in the Town Hall Council Chambers at 3:00pm.*

6. ADJOURNMENT



STAFF REPORT

TO: Planning and Development Committee **MEETING DATE:** January 14, 2020
FROM: Lesley-Anne Staats, RPP, MCIP **FILE NO:** 6440-18
Director of Planning
SUBJECT: Changes to the BC Building Code for Secondary Suites

RECOMMENDATIONS

THAT the report titled Changes to the BC Building Code for Secondary Suites be received;

AND THAT THE Planning and Development Committee recommends that Council directs staff to update the zoning bylaw to allow secondary suites in more housing types and to reflect the December 2019 BCBC update.

Previously, secondary suites were only permitted in single family dwellings and could not exceed 40% of the floor area of the house and not more than 90 m² in size.

Effective December 12, 2019, the BC Building Code was updated to allow the construction of Secondary Suites in more types of houses, such as row housing and duplexes, as an effort to remove barriers and to allow the creation of more affordable housing.

Attached to this report is a bulletin prepared by the BC Ministry of Municipal Affairs and Housing.

POLICY / PLAN IMPLICATIONS

Strategic Plan Implications

This provincial update aligns with Council's core objective of Advocating for and facilitating a range of housing types.

Financial Plan Implications

This has no negative implications to the Town's Financial Plan.

Other Policy or Plan Implications

The Town's Zoning Bylaw No. 1065, 2007 allows secondary suites only within single family dwellings, and defines them as follows:

“SECONDARY SUITE” means an accessory dwelling unit located within a single family dwelling, and having an area no more than 40% of the total gross floor area of the building.

The Zoning bylaw definition may be interpreted as now allowing secondary suites in duplexes and townhouses, and does not allow secondary suites in conjunction with a Boarding Use, Bed and Breakfast Use, or Home Occupation of any kind.

Staff recommends that Council directs staff to update the zoning bylaw to allow secondary suites in more housing types and to reflect the December 2019 BCBC update.

Attachment

BC Ministry of Municipal Affairs and Housing – Bulletin – Changes to the BC Building Code for Secondary Suites

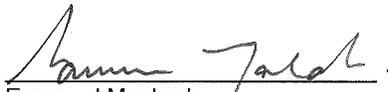
Respectfully Submitted,



Lesley-Anne Staats, RPP, MCIP
Director of Planning

CHIEF ADMINISTRATIVE OFFICER’S COMMENTS:

I have reviewed the report and support the recommendation(s).



Emanuel Machado
Chief Administrative Officer



No. B19-04
December 12, 2019

Changes to the BC Building Code for Secondary Suites

The Province of British Columbia is working to remove barriers to the creation of more affordable housing including secondary suites. Previously, secondary suites could only be built in single detached homes and could not exceed a certain size. Effective December 12, 2019, the BC Building Code will allow the construction of new secondary suites in more types of houses, such as duplexes and row housing. Size restrictions for secondary suites have also been removed. This will provide local governments with more options for land use planning.

This bulletin provides further information about Revision 2 of the BC Building Code 2018 (BC Code) for the design and construction of new secondary suites in more building types. Local governments are encouraged to share this information with local builders and property owners.

Background

Allowing the construction of secondary suites in more building types helps to create more affordable housing units while still providing an acceptable level of health and fire safety to occupants. Secondary suites help provide more affordable housing options by expanding a community's rental stock. By making more efficient use of land and infrastructure, secondary suites facilitate low-impact densification that supports community vitality and sustainability. Secondary suites can be integrated within mature neighbourhoods with limited visual impact on the street, which helps communities retain neighbourhood character while providing more options for rental housing.

The BC Code historically limited the size of secondary suites and only permitted them in single detached houses. Land use bylaws were often based on these requirements. Mid-cycle revisions to the BC Code increase the options for the design and construction of new secondary suites in a wider range of building types and remove the restrictions on size.

The introduction of new requirements for the design and construction of secondary suites in the BC Code does not allow owners to contravene existing land use bylaws. The changes only provide acceptable design and construction solutions of a technical nature.

Local governments are encouraged to review their bylaws to determine if the BC Code changes will have any impacts. Local governments may wish to amend their bylaws to remove any previous code references or if they decide to permit secondary suites in more building types.

Changes to the BC Building Code 2018

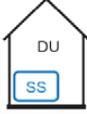
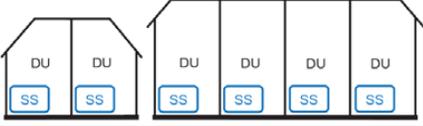
The BC Code **previously** defined a *secondary suite* as "a *dwelling unit*

- having a total floor space of not more than 90 m² in area,
- having a floor space less than 40% of the habitable space of the *building*,
- located within a *building of residential occupancy* containing only one other *dwelling unit*, and
- located in and part of a *building* which is a single real estate entity."

The contents of this Bulletin are not intended to be provided as legal advice and should not be relied upon as legal advice. For further information, contact the Building and Safety Standards Branch.

The approved mid-cycle revision **discontinues the prescribed floor space amounts and percentage distribution**. The BC Code does not require the building owner to occupy either of the units, but the two units must be a single real estate entity.

Comparison of Changes

Provision	Previous BC Code 2018	BC Code 2018 Revision 2 Change
Total floor area of the secondary suite	A secondary suite shall have a total floor space of not more than 90 m ² in area.	No limit to floor space of a secondary suite.
Percentage distribution of the floor space of the secondary suite to the habitable space of the building	A secondary suite shall have a floor space less than 40% of the habitable space of the building.	No limit to the percentage distribution of the secondary suite to the habitable space of the building.
Building type where secondary suites are permitted	A secondary suite shall be located within a building of residential occupancy containing only one other dwelling unit. 	The building may contain other dwelling units or occupancies that are horizontally adjacent; they may not be located above or below each other. 
Real estate entity	A secondary suite shall be located in, and part of, a building which is a single real estate entity.	No change: the secondary suite and the other dwelling unit in the house constitute a single real estate entity; the secondary suite may not be separately strata-titled or otherwise subdivided from the other dwelling unit.

The **new** definition states that a *secondary suite* means “a self-contained *dwelling unit* located within a *building* or portion of a *building*”:

- completely separated from other parts of the *building* by a vertical *fire separation* that has a *fire-resistance rating* of not less than 1 hour and extends from the ground or lowermost assembly continuously through or adjacent to all *storeys* and spaces including *service spaces* of the separated portions,
- of only *residential occupancy* that contains only one other *dwelling unit* and common spaces, and
- where both *dwelling units* constitute a single real estate entity.”

The change adopts and adapts permissions in the National Building Code to **allow construction of secondary suites in a building that may contain more than one dwelling unit or other occupancy**. These permissions are limited and only apply where a dwelling unit and its secondary suite are completely separated from other parts of the building with continuous vertical fire-rated construction. These permissions do not allow

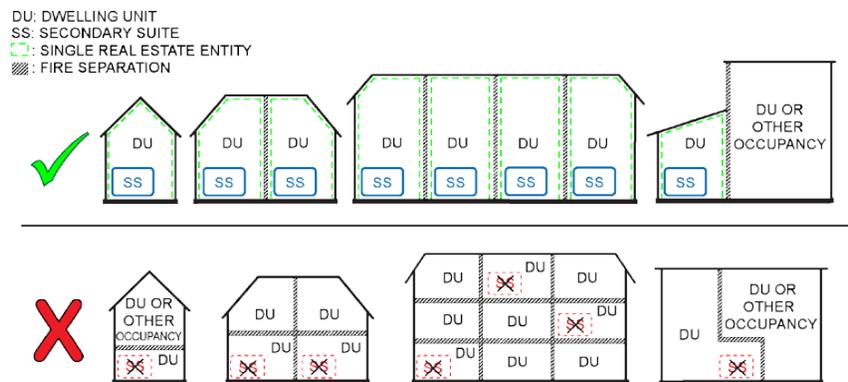
The contents of this Bulletin are not intended to be provided as legal advice and should not be relied upon as legal advice. For further information, contact the Building and Safety Standards Branch.

secondary suites to be constructed in dwelling units that are above or below multiple dwelling units or other occupancies.

Examples where secondary suites are now permitted include side-by-side duplexes and row houses where a vertical fire separation separates the secondary suite from the remainder of the building.

Examples where secondary suites are not permitted are up/down duplexes and apartment buildings where dwelling units are above or below other dwelling units.

Figure 1: Examples of permissible and non-permissible secondary suites



Resources

The new BC Code definition of “secondary suite” is included in the Appendix to this bulletin.

More Information

[Technical Bulletin B19-05](#) provides information about the Revision 2 changes to the BC Code for the design and construction of new secondary suites.

Please direct any questions about land use bylaws to:

Ministry of Municipal Affairs and Housing
Planning and Land Use Management Branch
Telephone: 250-387-3394
Email: PLUM@gov.bc.ca

Please direct any questions about technical code requirements to:

Ministry of Municipal Affairs and Housing
Building and Safety Standards Branch
Telephone: 250-387-3133
Email: Building.Safety@gov.bc.ca

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Appendix: Definition of “Secondary Suite” (from BC Building Code 2018 Revision 2)

Secondary suite means a self-contained *dwelling unit* located within a *building* or portion of a *building*

- completely separated from other parts of the *building* by a vertical *fire separation* that has a *fire-resistance rating* of not less than 1 h and extends from the ground or lowermost assembly continuously through or adjacent to all *storeys* and spaces including *service spaces* of the separated portions,
- of only *residential occupancy* that contains only one other *dwelling unit* and common spaces, and
- where both *dwelling units* constitute a single real estate entity.

(See Note A-1.4.1.2.(1) of Division B.)

A-1.4.1.2.(1) Defined Terms.

Secondary Suite

A secondary suite is a self-contained dwelling unit that is part of a house containing not more than two dwelling units (including the secondary suite) and any common spaces such as common storage, common service rooms, common laundry facilities or common areas used for egress. Secondary suites are typically created within an existing single dwelling building (house) either constructed as an addition or an alteration to an existing house or incorporated during the construction of a new house. A secondary suite may have more than one storey and may be on the same level as the other dwelling unit of the house or be above or below it.

Examples of buildings where secondary suites are permitted include individual detached houses, or where the secondary suite is located in a portion of a building, semi-detached houses (half of a double and also known as a side-by-side) and row houses where a vertical fire separation separates the portion from the remainder of the building.

Where a building has multiple vertically separated occupancies, the secondary suite can only be created in a vertically separated portion of the building that is of residential occupancy. A vertical fire separation that extends continuously through all crawlspaces, storeys and attic spaces of the building is required to vertically separate portions of a building. Apartment buildings have dwelling units above and below others that share a horizontal assembly and are therefore not permitted to have secondary suites. Figure A-1.4.1.2.(1)-C shows building types where secondary suites are permitted as well as building types where other dwelling units or other occupancies are located above or below such that secondary suites are not permitted.

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DU: DWELLING UNIT
SS: SECONDARY SUITE
□: SINGLE REAL ESTATE ENTITY
▨: FIRE SEPARATION

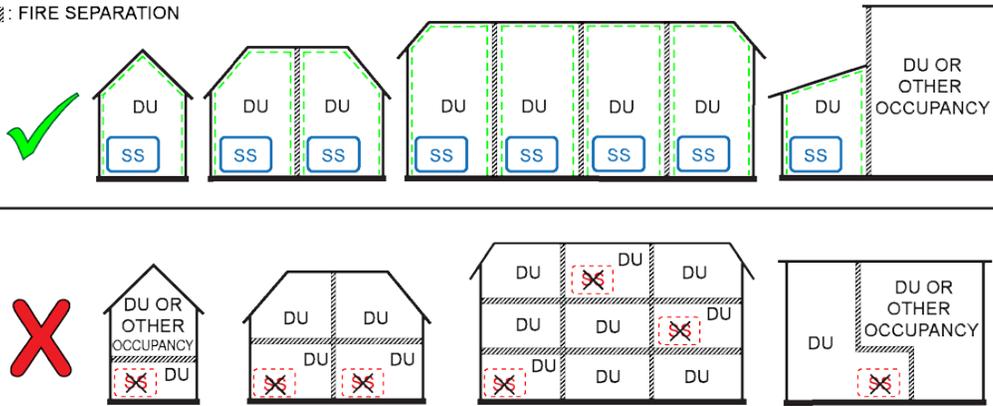


Figure A-1.4.1.2.(1)-C
Building Types where Secondary Suites are Permitted

Neither the secondary suite nor the other dwelling unit in a house can be strata-titled or otherwise subdivided from the remainder of the house under provincial or territorial legislation. This means that both dwelling units are registered under the same title.

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STAFF REPORT

TO: Planning and Development Committee **MEETING DATE:** January 14, 2020
FROM: Lesley-Anne Staats, RPP, MCIP **FILE NO:** 0340-50-Policies
Director of Planning
SUBJECT: Zoning Amendment to Prohibit Cannabis Production Facilities in Gibsons

RECOMMENDATIONS

THAT the report titled Zoning Amendment to Prohibit Cannabis Production Facilities in Gibsons be received;

AND THAT Zoning Amendment Bylaw No. 1065-53, 2020 be forwarded to Council for consideration of First and Second Readings;

AND FURTHER THAT the Planning and Development Committee recommends that a Public Hearing be scheduled on Tuesday, February 18, 2020, in Town Hall Council Chambers.

BACKGROUND / PURPOSE

On December 17, 2019, the Planning and Development Committee made the following recommendation (in part) to Council:

THAT it be recommended to Council that staff proceed with the preparation of a policy which sets criteria for consideration of spot rezoning applications for retail cannabis stores along with consideration of provincial referrals for Town approval of such stores;

AND THAT it be recommended to Council that staff proceed with the preparation of a policy which sets criteria for consideration of spot rezoning applications for cannabis production facilities and a zoning amendment which prohibits such facilities except where specifically permitted;

AND THAT the policy comes forward with a communication plan for consultation with the community including the number of stores, the buffer distance from schools, the distance between stores, the size of store and that the policy identify storefront form and character guidelines that do not market to minors;

AND THAT the policy come back to the Planning & Development Committee once drafted;

This report provides Council with the zoning amendment. A report will be brought forward to a future Planning and Development Committee with a draft policy which sets criteria for spot rezoning applications.

DISCUSSION

The zoning bylaw is currently silent on cannabis production, and therefore introducing clarity to the bylaw makes it easier and more efficient for staff to interpret the bylaw. Additionally, introducing a Cannabis Policy for spot rezoning applications requires the bylaw to prohibit cannabis production facilities in all zones.

Cannabis production is considered a “farm use” according to the *Agricultural Land Reserve Use Regulation*, meaning that in the Agricultural Land Reserve (ALR), cannabis production is allowed and cannot be prohibited. The Town has a limited amount of ALR within its boundaries, with only three properties.

The zoning amendment introduces a new definition of cannabis production (defined below), and prohibits cannabis production in all zones, except on the Agricultural Land Reserve or where specifically permitted.

“cannabis production” means the use of any land, building or structure for the growing, production, processing, destruction, storage or distribution of cannabis, but does not include a cannabis store.

Because local governments cannot forbid cannabis production outright on ALR land due to the provincial regulations, the Cannabis Policy that will set criteria for spot rezoning applications for cannabis production facilities and will consider permitting production facilities in certain service commercial or industrial zones as way of alleviating pressure on ALR land which could then be used for food crops while cannabis producers utilize often less expensive industrial facilities for indoor growing.

CONSULTATION

The amendment bylaw was referred to the following agencies for comment on December 30, 2019.

- Sunshine Coast Regional District
- Vancouver Coastal Health
- Ministry of Transportation and Infrastructure – no objection
- Agricultural Land Commission – recommends adding reference to ALR
- School District 46
- RCMP
- Squamish Nation
- Gibsons and District Volunteer Fire Department
- Gibsons Building Department – no objection
- Gibsons Infrastructure Services Department – no objection

No objections have been received to date. Referral comments received have been incorporated into the bylaw. Additional comments received will be provided to Council before consideration of first and second readings.

POLICY / PLAN IMPLICATIONS

Strategic Plan Implications

The 2019-2022 Strategic Plan includes a core objective to plan for sustainable growth, which includes a priority of implementing a Cannabis Policy. Adopting this bylaw is part of the process in implementing a new policy, as the new policy is intended to set criteria for consideration of spot rezoning applications.

Financial Plan Implications

This zoning amendment has no negative impacts to the Financial Plan.

NEXT STEPS

All proposed amendments to a Zoning Bylaw must undertake a public consultation process as prescribed by the *Local Government Act*. This includes notice by advertisements in a local paper and a statutory Public Hearing after first reading and before the third reading.

Staff will bring a report to a future Planning and Development Committee outlining a consultation and communications plan for the proposed Policy.

RECOMMENDATIONS / ALTERNATIVES

Staff's recommendations are on Page 1 of this report.

Attachments

- Attachment A – Zoning Amendment Bylaw No 1065-53, 2020
- Attachment B – Referral Comments received

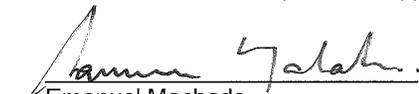
Respectfully Submitted,



Lesley-Anne Staats, MCIP, RPP
Director of Planning

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I have reviewed the report and support the recommendation(s).



Emanuel Machado
Chief Administrative Officer



ATTACHMENT B

Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033
www.alc.gov.bc.ca

December 31, 2019

Reply to the attention of Shannon Lambie
ALC Planning Review: 46708
Local Government File: ZA-2019-08

Lesley-Anne Staats
Director of Planning
lstaats@gibsons.ca

Delivered Electronically

Re: Zoning Amendment to prohibit Cannabis production facilities

Thank you for forwarding a draft copy of the Town of Gibsons (“Gibsons”) Zoning Bylaw Amendment for cannabis production facilities (the “Proposed Amendments”) for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Proposed Amendments are consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the “General Regulation”), the Agricultural Land Reserve Use Regulation (the “Use Regulation”), and any decisions of the ALC.

Current Proposal:

The Proposed Amendments include:

- a) adding the following definition to Section 2.1 of Zoning Amendment Bylaw No. 1065-53, 2020

“**cannabis production**” means the use of any land, building or structure for the growing, production, processing, destruction, storage or distribution of cannabis, but does not include a cannabis store.

- b) Adding the following to Section 3.7

(8) The use of land, buildings, or structures for cannabis production is prohibited in all zones, except where specifically permitted.

Legislative History:

In January 2014, the ALC released an information bulletin for medical marihuana production in the ALR in response to the 2013 amendments to Health Canada’s Marihuana for Medical Purposes Regulation (MMPR). The information bulletin advised that medical marihuana production is considered a farm use and permitted within the ALR, so long as the facility is licensed under the federal licensing program.

In August 2018, the ALC released an information bulletin for cannabis production in the ALR in response to amendments to the ALCA to regulate cannabis production in the ALR. The information bulletin advised that, as of July 13, 2018, cannabis is considered a designated farm

use so long as it is produced in a field or inside a structure that has a base consisting entirely of soil, or a pre-existing structure that was constructed for the purpose of growing crops inside of it.

In May 2019, the ALC released a revised information bulletin for cannabis production in the ALR in response to new amendments to the ALCA. The information bulletin advised that, as of February 22, 2019, cannabis is considered a farm use (no longer a “designated farm use”) meaning that all forms of cannabis production are now considered a farm use (i.e. not just when produced in a field or inside a structure that has a base consisting entirely of soil, or a pre-existing structure that was constructed for the purpose of growing crops inside of it). Local governments now have the authority to prohibit cannabis production facilities beyond those uses described above.

ALC Staff Response:

Due to the February 22, 2019 amendments to the ALCA, local governments may not prohibit cannabis production consistent with Section 8 of the Use Regulation. Section 8 of the ALR Use Regulation provides:

(1) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced

(a) outdoors in a field, or

(b) inside a structure that, subject to subsection (2), has a base consisting entirely of soil.

(2) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced inside a structure that meets both of the following conditions:

(a) the structure was, before July 13, 2018,

(i) constructed for the purpose of growing crops inside it, including but not limited to producing cannabis lawfully, or

(ii) under construction for the purpose referred to in subparagraph (i), if that construction

a) was being conducted in accordance with all applicable authorizations and enactments, and

b) (continues without interruption from the date it began until the date the structure is completed, other than work stoppages considered reasonable in the building industry;

b) the structure has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base.

As such, ALC Staff recommend that Gibsons revise Section 3.7 (8) “The use of land, buildings, or structures for cannabis production is prohibited in all zones, except where specifically permitted” as follows:

(8) “The use of land, buildings, or structures for cannabis production is prohibited in all zones, except in the Agricultural Land Reserve, where cannabis may be produced when consistent with Section 8 of the ALR Use Regulations (outdoors, inside a structure that has a base consisting entirely of soil, or in a pre-existing structure that was constructed for the purpose of growing crops inside of it).

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

If you have any questions about the above comments, please contact the undersigned at 604-660-7005 or by e-mail (shannon.lambie@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Shannon Lambie, Regional Planner

CC: Ministry of Agriculture – Attention: Alison Fox

46708m1



STAFF REPORT

TO: Planning and Development Committee **MEETING DATE:** January 14, 2020
FROM: Lesley-Anne Staats **FILE NO:** ZA-2019-05
Director of Planning
SUBJECT: Zoning Amendment Application (ZA-2019-05) at 1058 Gibsons Way for a Commercial Building

RECOMMENDATIONS

1. **THAT the report titled Zoning Amendment Application (ZA-2019-05) at 1058 Gibsons Way for a Commercial Building be received;**
 2. **AND THAT the Planning and Development Committee recommends forwarding Zoning Amendment Bylaw No. 1065-52, 2020 to Council for consideration of First and Second Readings;**
 3. **AND THAT the following be required as a condition of Adoption of Bylaw No. 1065-52, 2020:**
 - a. **A Development Cost Charge top-up difference; and**
 - b. **A Fire Safety Plan for the building;**
 4. **AND FURTHER THAT a Public Hearing be scheduled on Tuesday, February 18, 2020 at 6:00 pm in Council Chambers at Town Hall, located at 474 South Fletcher Road, Gibsons.**
-

BACKGROUND / PURPOSE

The Town received a rezoning application from Relova Holdings Ltd. for a property located at 1058 Gibsons Way, Gibsons, as shown in Figures 1 and 2. The owners are requesting to change the land use of the property from "industrial" to "commercial" for the purpose of opening a bakery café in the building.



Figure 1: Location Map



Figure 2: 2018 aerial image of 1058 Gibsons Way - the building straddles a property line as side setbacks are 0 m

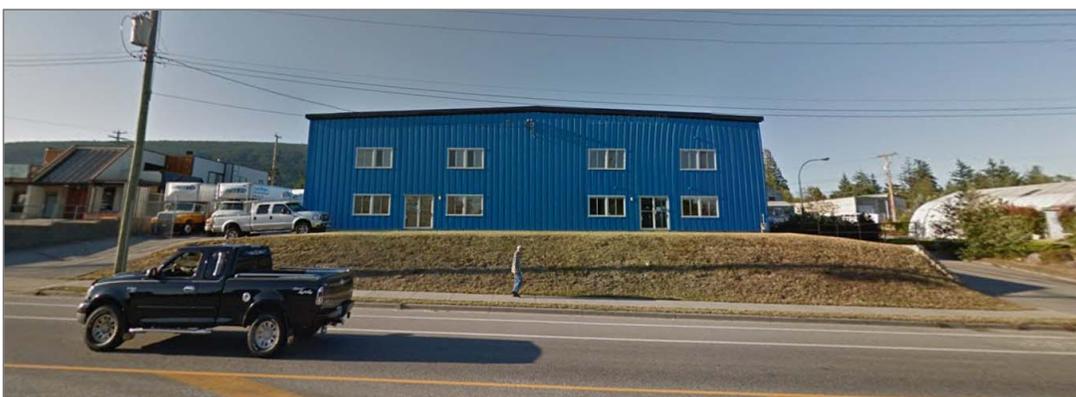


Figure 3: View of 1058 Gibsons Way from Gibsons Way (Google Street View image) – landscaping has been updated since this photo was taken

The purpose of the application is to better align the zoning with current and desired future uses of the building and allow a café use attached to a new bakery within one of the units. There are no proposed changes to the site or building in conjunction with the rezoning application with the exception of a tenant improvement Building Permit for the new bakery. Should the zoning amendment be approved, the bakery will include seating for a café use.

The purpose of this report is to summarize the proposal for the Planning and Development Committee and to obtain the Committee's recommendation to Council on whether to support or reject the rezoning application as presented.

DISCUSSION

Site and Surrounding Uses

The property is approximately 1178 m² in area and is designated Mixed-Use Commercial within the Official Community Plan (OCP). The zoning and OCP Land Use Designations for the surrounding area are included in Table 1 and Figure 4 below.

The following commercial businesses are currently established in the building:

- Lone Wolf Bakery (bakery and proposed café)
- Elphi Cycles (bicycle service and sales store)
- Cypress Power (development and distribution of smart electrical monitoring software and equipment)
- Kickstart Entertainment (Animation Studio)
- Hooray Truffles (Production of chocolate goods)
- Relova Holdings (software development and distribution)
- Trident boots (shoe cobbler)

Table 1: Surrounding Uses, Zoning and Land Use Designations

	Existing Land Use	Existing Zoning	OCP Designation
North	Industrial (Summerhill Construction / Blue Frog Insulation)	Light Industrial Zone 1 (I-1)	Service Commercial / Industrial
South	Commercial (Dave Coyle's House Furnishings / More's Café)	SCRD Commercial Five Zone (C5)	Mixed-Use Commercial
East	Industrial (Len Wrays Moving and Storage)	Light Industrial Zone 1 (I-1)	Mixed-Use Commercial
West	Commercial (Coastline Health and Performance)	Upper Gibsons Commercial District 1 (C-1)	Mixed-Use Commercial

Official Community Plan (OCP)

The OCP envisions Gibsons Way as the centre of the Upper Gibsons commercial area, providing the major commercial and service centre serving the Gibsons community and its surrounding area. The OCP anticipates that over time, this area will redevelop with a stronger retail orientation, with less emphasis on service and automotive uses. The following Commercial Area objectives are outlined in the OCP:

- *Support a strong and vibrant commercial sector with distinct functions and appearances in the Gibsons Landing and Upper Gibsons areas.*
- *Encourage innovative, high quality design that enhances the appearance and distinct identities of Upper Gibsons and Gibsons Landing.*
- *Support the continued development of Upper Gibsons as the primary commercial centre for the residents of Gibsons and surrounding area.*
- *Adhere to the principles of Smart Growth in order to revitalize the Upper Gibsons corridor to a more pedestrian oriented mixed use Town Centre.*
- *Support the redevelopment of automotive and industrial uses on Gibsons Way to more compatible commercial and retail uses.*
- *Upgrade the safety and appearance of Gibsons Way through the provision of sidewalks, cycling paths, and landscaping, and the reduction of direct access in favour of planned development with access through controlled intersections.*

Figure 4 below shows the Gibsons Way commercial corridor in red from the OCP's Land Use Plan.



Figure 4: OCP land use plan map - subject property shown with yellow star

Zoning

The subject property is zoned Light Industrial Zone 1 (I-1), which the OCP envisions in the purple areas of the map shown in Figure 4. The zoning request is to change the zone to Upper Gibsons Commercial District 1 (C-1), to allow a broader range of commercial uses instead of light industrial uses, which is consistent with the OCP's vision for areas in red shown in Figure 4. A commercial OCP objective is to support the redevelopment of automotive and industrial uses on Gibsons Way to more compatible commercial and retail uses

Zoning amendment bylaw No. 1065-52, 2020 is enclosed as Attachment A. Staff recommends forwarding the bylaw to Council for consideration of first and second readings, then scheduling a Public Hearing on Tuesday, February 18, 2020.

Development Cost Charge (DCC) Implications

A zoning change for this property from Industrial to Commercial means that the DCC rates under the Transportation and Drainage categories would increase and the Water and Sanitary DCC would fractionally decrease.

A change from Industrial to Commercial will result in an increase of \$52.64/m² of building floor area in Transportation DCCs and an increase of \$10,534.37/hectare in Drainage DCCs. Based on preliminary areas provided, this calculates to an estimate of \$45,700 in Transportation DCCs and \$1,090 in Drainage DCCs, for a combined estimate of \$46,790.

To obtain the top-up difference in DCC's, it is typically charged at the time of building permit or subdivision. The mechanism for the collection of DCCs for this property will not be triggered, because a building permit is not required and a subdivision is not occurring. However, a DCC top-up may be required as a condition of Adoption.

Staff recommends that Council requests the DCC top-up difference as a condition of the Adoption of the zoning amendment bylaw.

COMMUNICATION

In late November 2019, this application was referred to the following agencies for comment:

- Vancouver Coastal Health – no objections; VCH permits and regular inspections required for café
- Ministry of Transportation and Infrastructure – no objections
- Town of Gibsons Infrastructure Services Department – no objections
- Town of Gibsons Building Department – no concerns
- Gibsons and District Volunteer Fire Department (GDVFD) – approval recommended and an updated Fire Safety Plan is required before occupancy permit is issued
- Squamish Nation – no comments received

No objections have been received from the referral agencies. As a building permit is not required, staff recommends that a Fire Safety Plan be required as a condition of Adoption. The applicant is working with the GDVFD to complete the Fire Safety Plan.

POLICY / PLAN IMPLICATIONS

Strategic Plan Implications

One of Council's core objectives in its Strategic Plan is to Plan for Sustainable Growth. Zoning Amendments that align with the Smart Plan OCP are planned to build out the Town in a sustainable approach, valuing the unique character of our Town and its neighbourhoods; creating spaces that promote a sense of community; and supporting local business and fostering a diverse economy.

Financial Plan Implications

There are no negative implications for the Financial Plan. Assessments for taxation are based on usage and the property has historically been assessed as commercial.

NEXT STEPS

All proposed amendments to a Zoning Bylaw must undertake a public consultation process as prescribed by the *Local Government Act*. This includes notice to neighbours, notice by advertisements in 2 consecutive issues of a local newspaper and a statutory Public Hearing. A Public Hearing is required prior to consideration of third reading.

RECOMMENDATIONS / ALTERNATIVES

Staff's recommendations are on page 1 of this report. The Planning and Development Committee may suggest that additional authorities/organizations be consulted as follows:

THAT staff refers this application to _____, in addition to the previously referred authorities/organizations for early and ongoing consultation.

Attachments

Attachment A – Zoning Amendment Bylaw No 1065-52, 2020

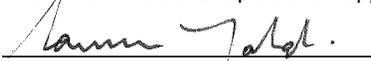
Respectfully Submitted,



Lesley-Anne Staats, MCIP, RPP
Director of Planning

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I have reviewed the report and support the recommendation(s).



Emanuel Machado
Chief Administrative Officer



STAFF REPORT

TO: Planning and Development Committee **MEETING DATE:** January 14, 2020
FROM: Kirsten Rawkins
 Planning Assistant **FILE NO:** 3220-Shaw-626
SUBJECT: Form and Character Development Permit Application DP-2019-16 for
 Storage Building at 626 Shaw Road

RECOMMENDATIONS

THAT the report titled Form and Character Development Permit Application DP-2019-16 for Storage Building at 626 Shaw Road be received;

AND THAT the Planning and Development Committee recommend that Council issue DP-2019-16.

BACKGROUND / PURPOSE

The Town of Gibsons has received a form and character Development Permit application for a proposed Quonset hut storage building with trellis and hedge landscape screening at 626 Shaw Road. The purpose of the building is to provide rental storage space on the property, replacing two non-conforming shipping containers in the northeast corner of the property. The proposal was submitted in response to Town requirements that uses on the property be brought into conformance with bylaw requirements.

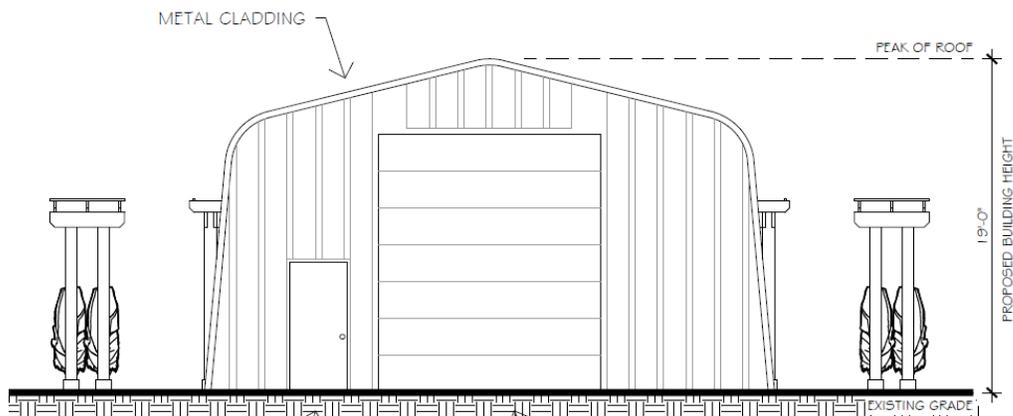


Figure 1 - Proposed Storage Building: South Elevation

Zoning Bylaw 1065 zones the property as Light Industrial 1 and requires that all permitted uses on the property be conducted within a building.

The lot at 626 Shaw Road is within the OCP's Live/Work Form and Character Development Permit Area No. 7 (DPA 7); the OCP requires that all buildings and structures greater than 10m² in areas conform to the guidelines of the Development Permit Area.

The purpose of this report is to provide details of the proposal to the Planning and Development Committee (PDC) and to obtain a recommendation to Council regarding the form and character of the proposed building and landscape changes in relation to Development Permit Area 7 guidelines.

DISCUSSION

Site Location and Context

The subject property, outlined in blue on the map below (Figure 2), is a panhandle lot accessed off of Shaw Road. The site is tucked behind the Rona store and the *Soames Place* commercial/residential development on the south side of Gibsons Way.



Figure 2- Location of subject property, outlined in blue.

Surrounding uses, as indicated on the air photo (Figure 3) and shown in site photos below (Figures 4 through 7), include *Soames Place* to the north; three undeveloped lots designated for Medium Density Residential and Mixed Use (commercial/ residential) to the east; a townhouse complex to the south and Rona appliance store on Shaw Road to the west.

The proposed storage building will not easily be seen from the street due to its enclosed location. It will be visible, however, from the townhouse units immediately to the south at 624 Shaw Road, as shown in Figure 6, from the apartments of *Soames Place* above, to the north, at 875 Gibsons Way as shown in Figure 4, and eventually from future medium and high density

mixed-use residential development on the lots to the east, according to the buildout envisioned in the OCP.



Figure 3 - Subject lot and surrounding uses, shown in 2016 air photo



Figure 4 - Undeveloped east side of lot; proposed storage building to replace shipping containers



Figure 6 – South view: townhouse units at 624 Shaw Road



Figure 5 – West view: Live/work units and Rona stock building

An existing building on the west portion of the property (Figure 7,) houses five business and three accessory residential units.



Figure 7 - live/work building at 626 Shaw Road houses five businesses and three dwellings; Soames Place behind

PROPOSAL

Plans for the proposed storage building and landscape installation are attached to the report as Attachments A and B.

The proposed building is a prefabricated aluminum Quonset hut with a floor area of 134 m² (1440ft²). It is to be sited at the northeast corner of the property, as shown in the site plan in Figure 8, and screened with cedar trellises and cedar hedging as detailed in Figure 9.

The siding is uncoloured and textured, with a garage door and standard door facing the south side. Figures 8 through 13 below show elevation views of the proposed building and landscape screening.

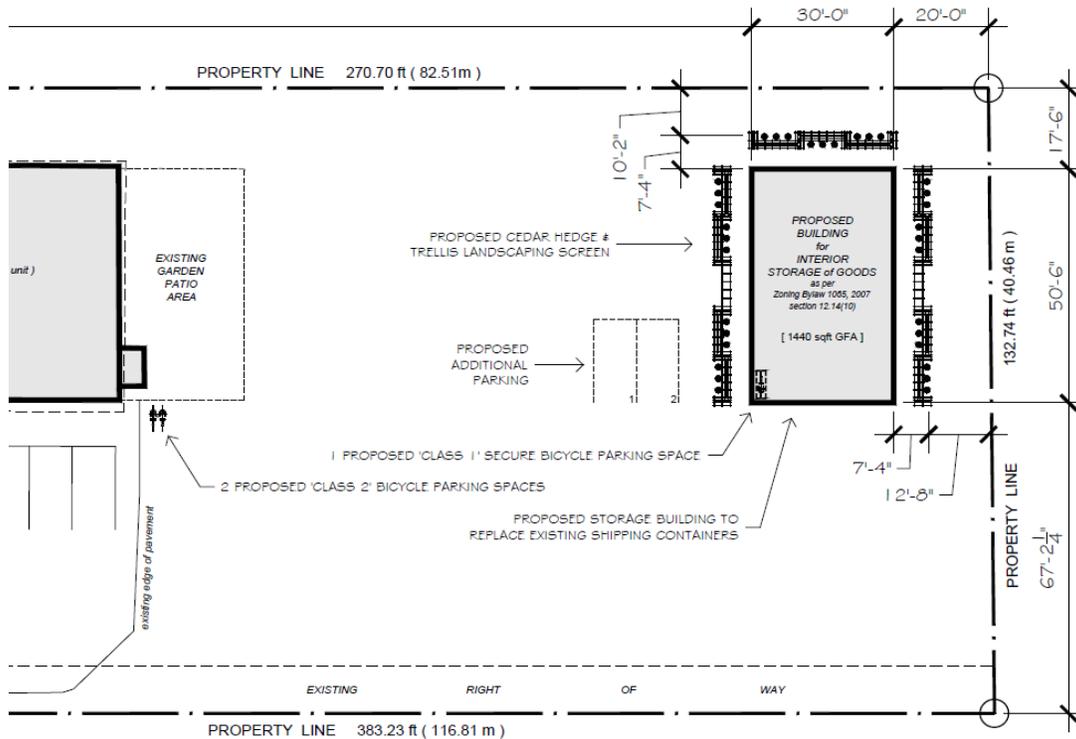


Figure 8 - Partial Site Plan showing proposed building location

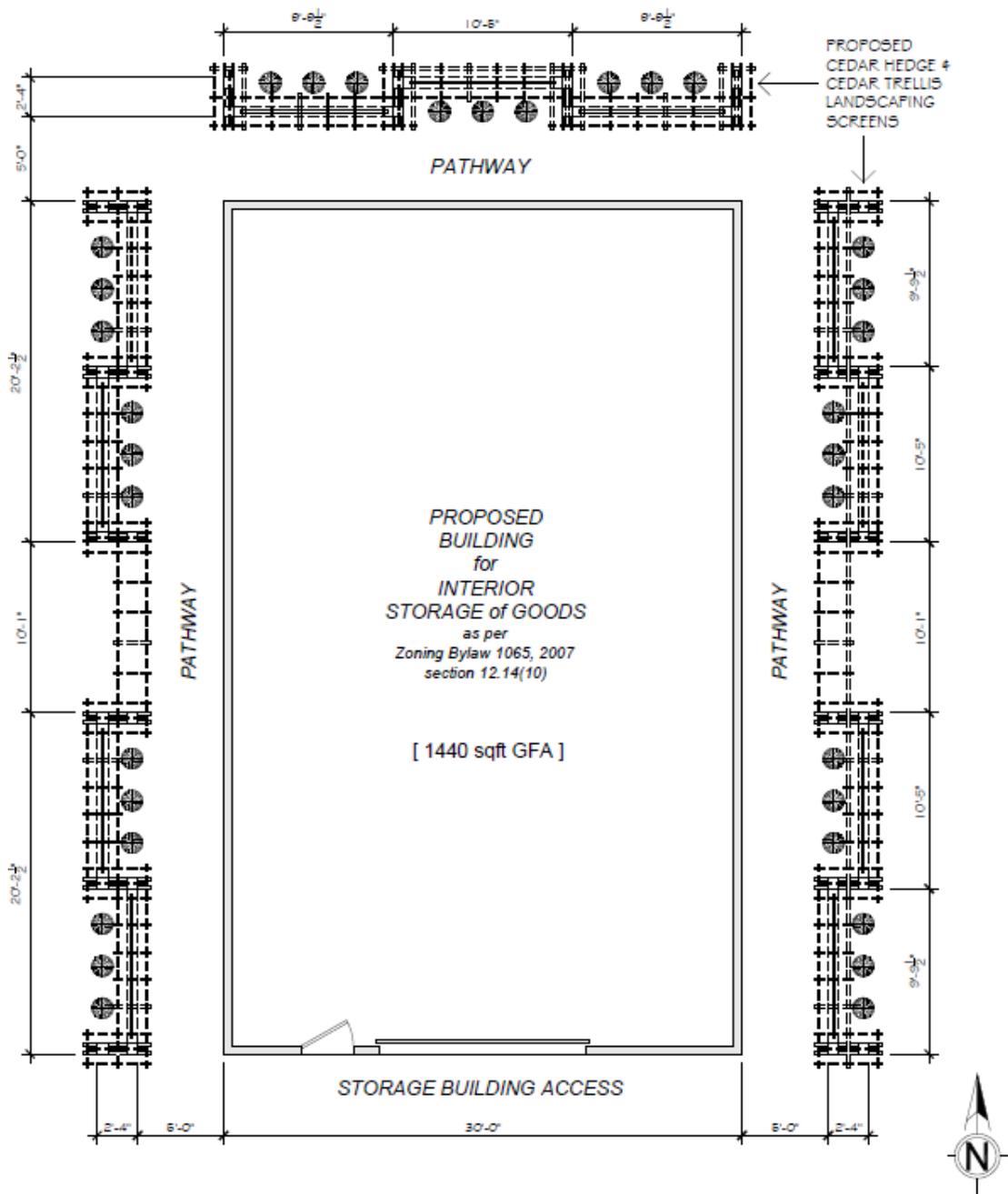


Figure 9 - Building and cedar landscape details: Plan view

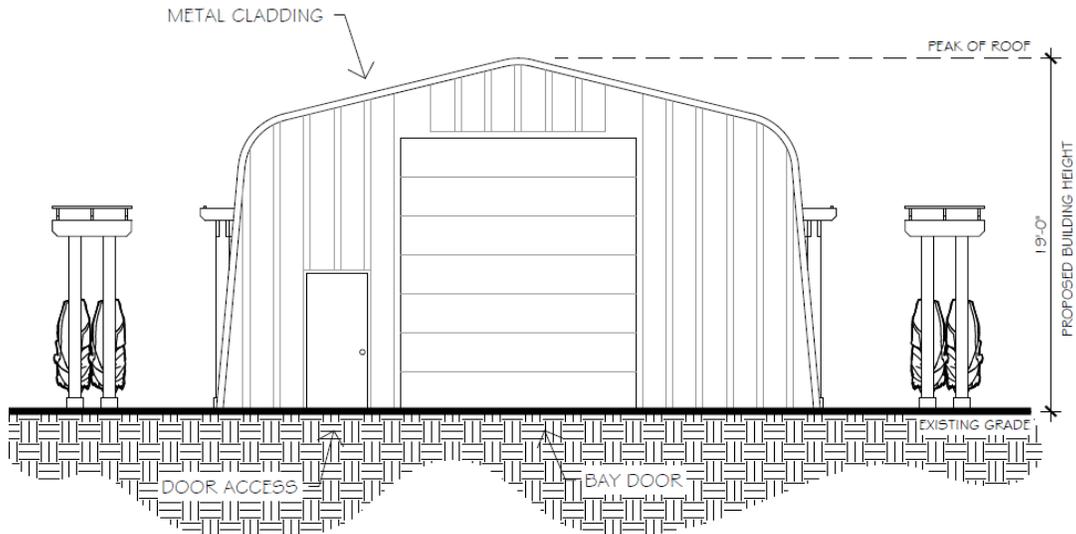


Figure 10 – South side elevation; as seen from Townhouses at 624 Shaw Road

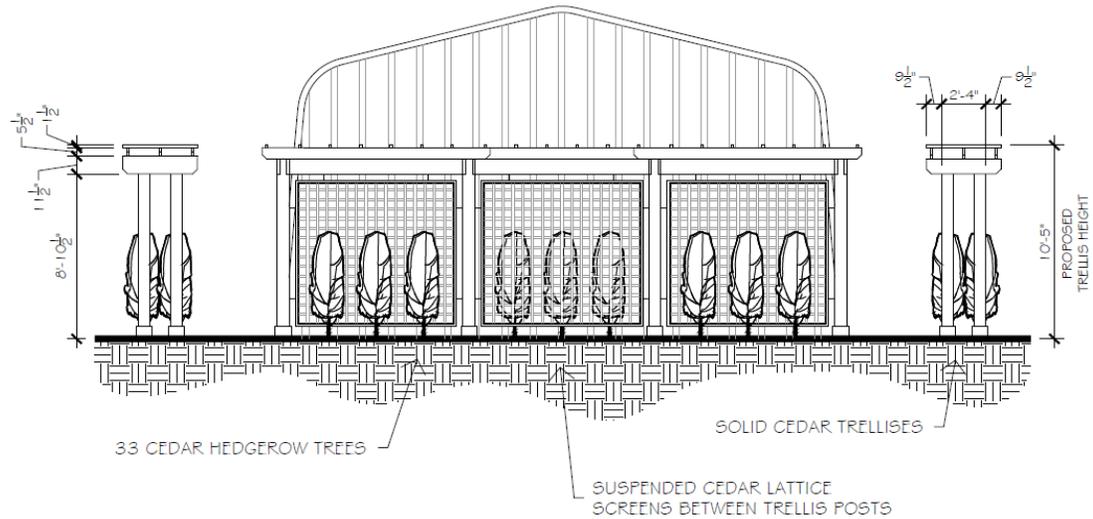


Figure 11 - North side elevation; as seen from Soames Place parkade

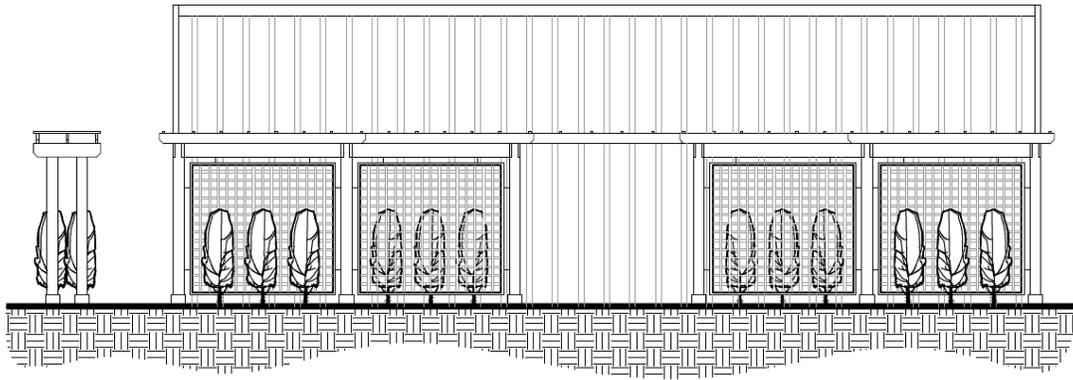


Figure 12 - West side elevation; as seen from patio

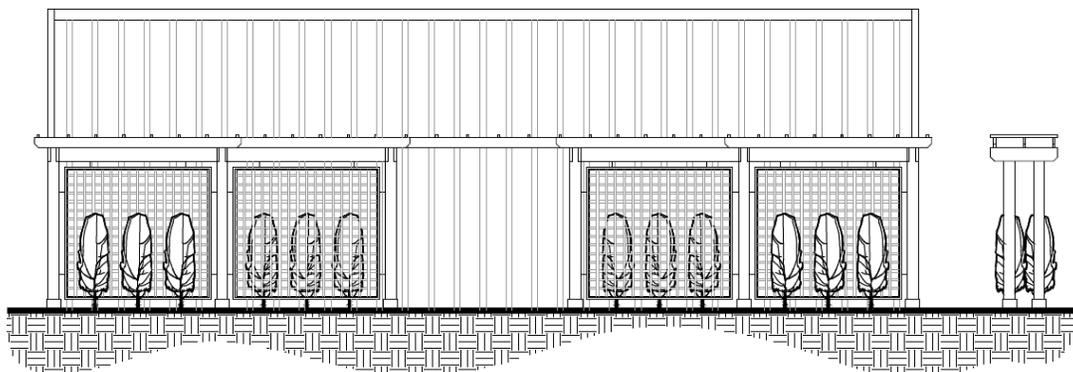


Figure 13 - East side elevation; as seen from undeveloped lots designated for future multi-family and mixed use residential development

The proposed building materials are unpainted textured steel cladding with grey doors and trim. The natural wood-stained trellises with hedge cedars will provide natural accents to the metal building congruent with the aesthetic of the storage building on the neighbouring Rona property.

The lighting proposed for the building is a single 'dark sky' exterior light to be installed above the bay door, as shown in the attached plans.

Zoning

The property is zoned Light Industrial (I-1). The proposed use of the building is consistent with the permitted uses of the zone, which includes "storage of goods and rental of storage space, limited to indoor storage."

Table 1 provides a summary of zoning requirements per the I-1 Zone. The Town has worked with the applicant to ensure that each of the zoning requirements is satisfied. These are summarized as follows:

Table 1: Zoning Review

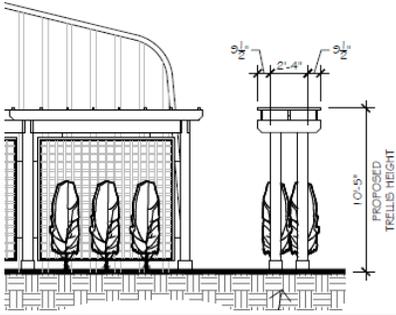
	Zoning Bylaw Requirements	Proposed	
Lot Coverage	80%	37.5 %	
Height	12 m	8 m	
Parking	2 additional spaces	2 additional spaces	
Loading Space	1	1	
Bicycle Parking	Add 2 short term/ 1 long term	Additional 2 / 1	
Setbacks	Interior Side (West)	Not abutting residential: 0.0	100 m
	Interior side (North)	Abutting residential: 4.5 m	5.3 m
	Interior side (South)	Abutting residential: 4.5 m	20.5 m
	Setback Rear (East)	Abutting residential zone: 6.0 m	6.1 m

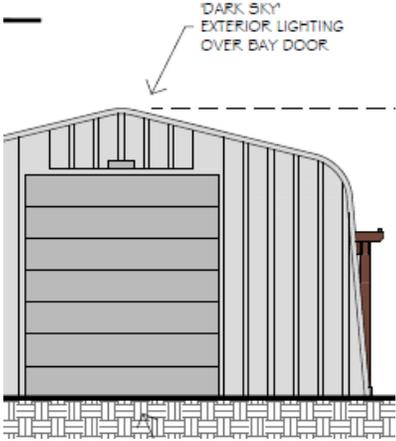
Official Community Plan (OCP)

Reflecting the property's Live/Work land use designation, the Official Community Plan (OCP) designates 626 Shaw Road in the Live/Work Development Permit Area No. 7 (DPA 7). All development (buildings and structures) within the DPA is subject to a Development Permit and must meet the form and character guidelines of the DPA to the satisfaction of Council. The intent of DPA 7 is to ensure that Live/Work development respects the existing form and character of the Town, is compatible with adjacent land uses, and provides residents with high-quality housing in combination with commercial space

Staff have reviewed the development application for consistency with DPA 7 Guidelines. This review is summarized in Table 2 (following).

Table 2 – Staff Review of Proposal per Form and Character Development Permit Area No. 7 Guidelines

DPA 7 Guideline :	Comments	Guideline Satisfied?
<p><i>Form & Character Development should promote a small town character by encouraging architecture, landscape design and environmental settings that respect the surrounding context.</i></p>	<p>The proposed building may be seen to respect the context of the neighbourhood having the impression of an accessory building to existing and/ or future live/work development on the lot. The building and landscape screening provide an aesthetic improvement to the site over previous use of shipping containers and outdoor storage. Remaining landscape areas would benefit from further improvement and planting in concert with future development.</p>	<p>Y/N</p>
<p><i>To achieve harmonious integration with surroundings, development should be sensitive to the scale, mass, and form of adjacent buildings.</i></p>	<p>The proposed building is of small scale relative to surrounding uses. Appropriate to the Light Industrial zoning of the lot, the proposed form is more utilitarian in aesthetic than surrounding uses. The proposed landscape screening helps to harmonize the building forms.</p>	<p>Y</p>
<p><i>Local and natural building materials such as timber and stone, or alternatively metal siding or concrete, or a mix of these preferred materials, should be used. The use of natural colours is also encouraged.</i></p>	<p>Unpainted textured steel cladding is proposed, with a prefabricated industrial appearance. Cedar trellises soften the appearance using a local and natural design element.</p> 	<p>Y</p>
<p><i>A variety of building materials and colours should be used to promote visual variety.</i></p>	<p>Building materials and colour are shades of grey and steel, though the trellis and landscape screening provide colour and visual variety.</p> 	<p>Y</p>

DPA 7 Guideline :	Comments	Guideline Satisfied?
<i>Buildings should be oriented to maximize solar exposure while minimizing shadow impacts on adjacent buildings and common areas.</i>	No windows are proposed as the building designed for storage only; shadow impacts to adjacent buildings are nil.	Y
<i>Development should make use of green infrastructure such as green building materials, thermal insulation, and green roofs, where possible.</i>	No explicit effort to employ green materials. Efficient and minimal use of materials due to simple design, and locally available materials used in landscape. Plantings close to building are may provide some microclimate benefits. In terms of insulation, the project will have to meet 2018 BC Building Code for industrial buildings.	N
<i>Design lighting to minimize light spill, glare and sky glow by using non-glare full cutoff fixtures.</i>	<p>A single 'dark sky' light proposed above bay door</p> 	Y
Screening and Landscaping		
<i>Buildings and roadways should be sited to retain existing trees, vegetation, and other important natural features to reinforce a “green” image and provide a natural and visual amenity</i>	No existing natural vegetation to be removed	Y

DPA 7 Guideline :	Comments	Guideline Satisfied?
<p><i>If land that is designated for green space has been previously cleared, this land should be replanted with native trees and shrubs to provide a continuous buffer against adjacent properties.</i></p>	<p>There is no land on this property specifically dedicated for greenspace, though a maximum impermeable lot cover of 80% per zoning may be seen to imply an intended minimum 20% provision of green space.</p> <p>A planted buffer is provided to the proposed building for an improvement over the fully cleared site (cleared between 2006 and 2009) though does not address screening to adjacent properties of the site as a whole.</p> <div data-bbox="734 825 932 1016" data-label="Image"> </div> <p>The proposed planting includes hedging cedars that are locally appropriate and may include cultivars of native species such as the example shown here</p> <p><i>Figure 14 - Thuja plicata 'Exelsa'</i></p>	<p>Y/N</p>
<p><i>A minimum 30% tree cover on each lot should be retained where possible.</i></p>	<p>Lot substantially cleared between 2006 and 2009 as indicated by air photos; proposed plantings improve tree cover to approximately 6%</p>	<p>N</p>
<p><i>Street and yard trees are encouraged wherever possible and should be appropriately sourced to ensure design consistency and regularly spaced to provide adequate shade in summer and solar gain in winter. Species should be selected that are non-intrusive and damaging to adjacent pavements and underground servicing.</i></p>	<p>Proposed trees are hedge cedars in conjunction with the proposed trellis surrounding the building on the west, north and east sides. The selection is appropriate to the site for ground level screening of the proposed building and may provide some climate protection and temperature regulation to the building. The proposed plantings do not provide shade or canopy cover for the greater undeveloped area of the site.</p>	<p>Y/N</p>
<p><i>The use of solid fencing or continuous buffers of vegetation fronting the primary dwelling unit should be avoided.</i></p>	<p>n/a</p>	<p>n/a</p>

DPA 7 Guideline :	Comments	Guideline Satisfied?
<i>Landscaping should be provided for garages and parking pads that are visible from the street</i>	Parking not visible from street.	Y
Parking and Access		
<i>A walking path providing direct access to the building should be clearly visible from the street.</i>	No; a path may be requested, however primary pedestrian access is to live/work building, whereas the use of the proposed building is storage, presumably not requiring significant pedestrian access.	N
<i>All lots should have direct access to the larger pedestrian circulation system via park corridors, pathways, and/or sidewalks.</i>	Pedestrian connections to be improved to connect lot to Farnham Road and/or Gibsons Way through future development of adjacent lots. Current proposal does not impede future pedestrian connections.	Y/N
<i>All lots should be designed for safe fire access</i>	Clear access maintained to both buildings.	Y
<i>The use of cul-de-sacs should be avoided.</i>	No cul-de-sac.	Y
<i>Parking pads and garages should be located to the rear or side of the building wherever possible</i>	Proposed parking located at south side of building, visible from townhouses to south but not from street.	Y

Staff find that the proposal provides a site and context-appropriate improvement to the lot that will reduce the impacts of Light Industrial activities on residential neighbours. It is the view of staff that further site improvement including replacement of some canopy cover and site screening lost through extensive site clearing may be achieved through future development. The Planning and Development Committee may wish to make recommendations to further achieve the intent of the Development Permit Area 7 Guidelines as it deems appropriate to the current proposal.

COMMUNICATION

The Form and Character Guidelines of the OCP were developed through a public participation and community consultation process; the guidelines referred to in this report are thus considered to reflect the vision of the community regarding the form of development desired for the site.

The proposal was referred to the Building Department, Infrastructure Services Department and Gibsons and District Volunteer Fire Department with no concerns about the proposal (see

Table 3)

Table 3 - Referral Comments

Building	No concerns; permit required.
Infrastructure Services	No concerns; DCC fees required.
GDVFD (Fire Dept.)	Approval recommended.

POLICY / PLAN IMPLICATIONS

Strategic Plan Implications

The 2019-2022 Strategic Plan includes a commitment to consider the impact of all decisions and seek opportunities for mitigation of and adaptation to climate change. The proposed development helps to bring uses on the site onto conformance with bylaws and building code, enabling compliance with and enforcement of regulations designed to protect land, water and people.

Financial Plan Implications

The proposed development, through a Building Permit, will contribute DCC fees to cover the site's share of Town-wide infrastructure maintenance and improvement.

NEXT STEPS

Recommendations of the Planning and Development Committee on whether to issue the Development Permit and/or regarding changes to better meet DPA 7 guidelines will be forwarded to Council. The draft permit is attached to this report as Attachment C.

RECOMMENDATIONS / ALTERNATIVES

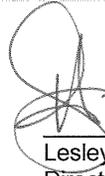
Staff recommendations are listed at the beginning of the report. Alternatively, the Planning and Development Committee may suggest changes to the form and character to more closely align with the DPA No. 7 guidelines.

Attachments

- Attachment A – Building Plans
- Attachment B – Site Plan
- Attachment C – Draft Permit



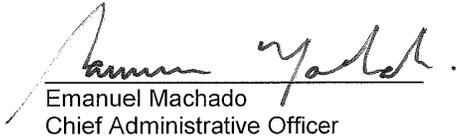
Kirsten Rawkins, BSc-GRS, MLA
Planning Assistant



Lesley-Anne Staats, RPP, MCIP
Director of Planning

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I have reviewed the report and support the recommendation(s).

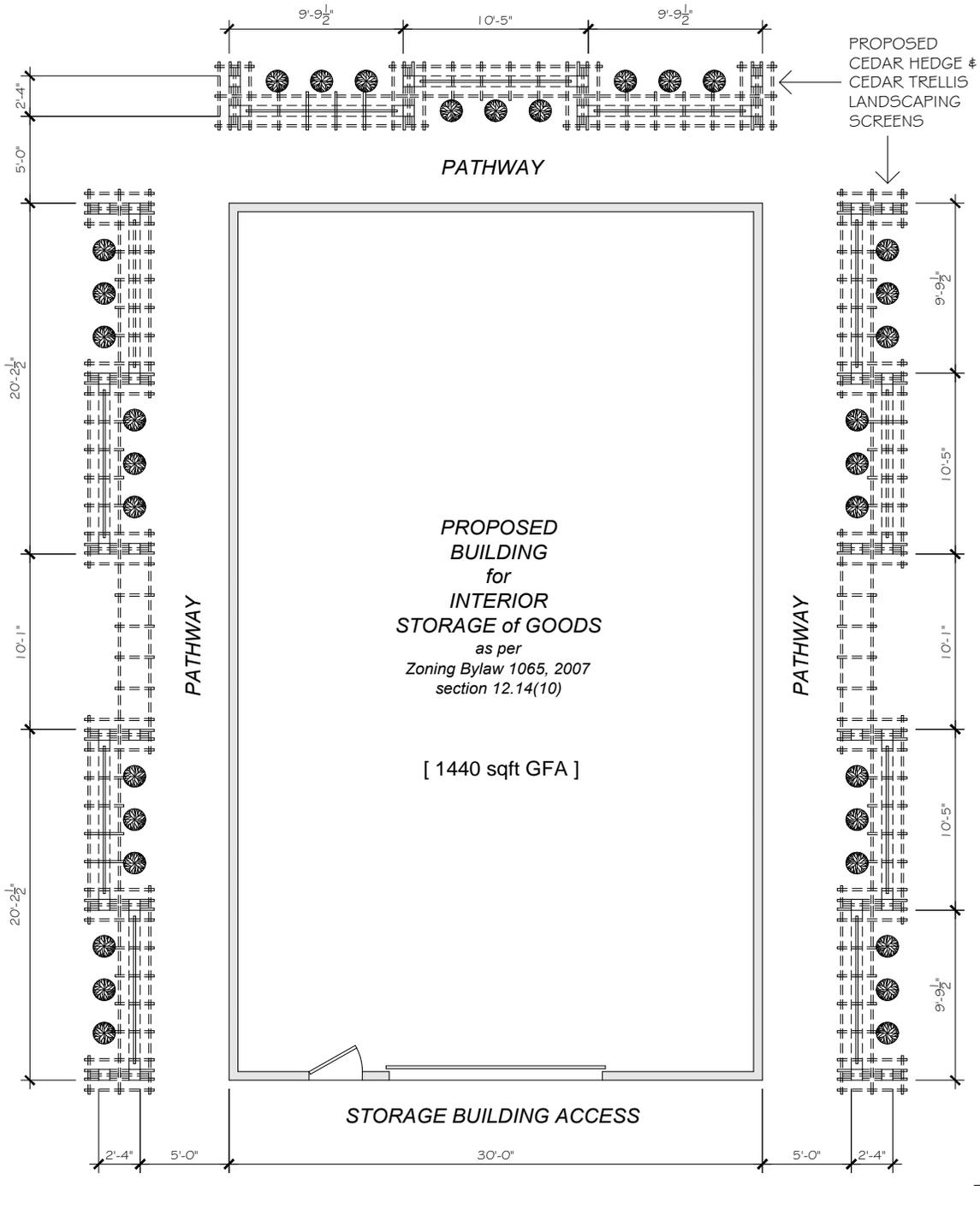


Emanuel Machado
Chief Administrative Officer

FLOOR PLAN

1/8"=1'-0"

Attachment A
Page 1 of 3
January 3rd, 2020



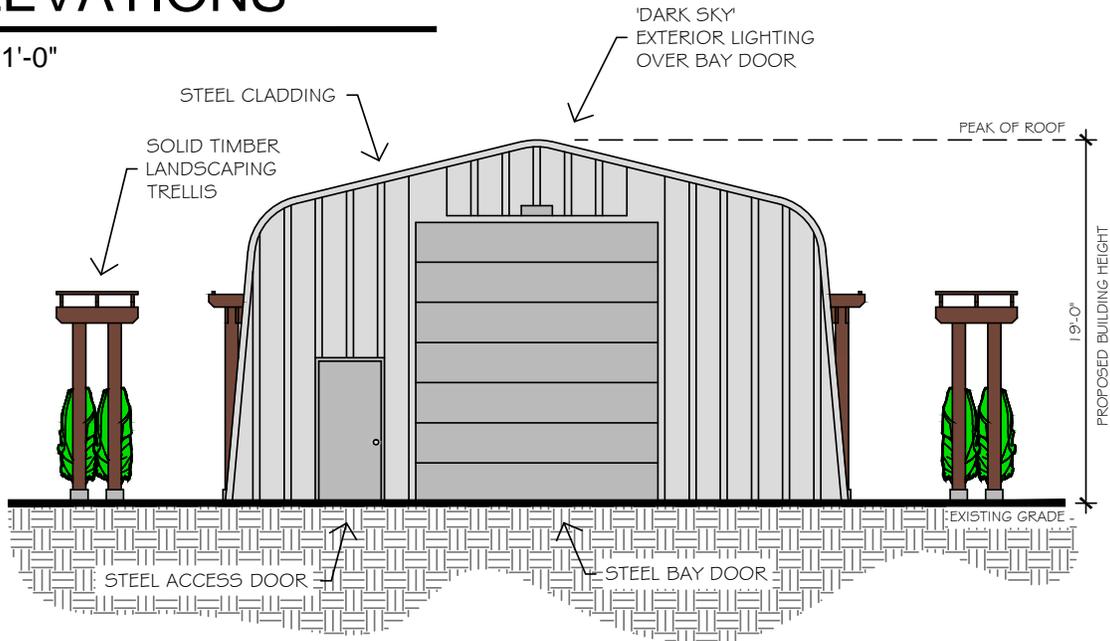
PROPOSED STORAGE BUILDING

Shaw Road, Gibsons, B.C.



ELEVATIONS

1/8"=1'-0"



SOUTH



Natural Stain

Solid Timber Trellis



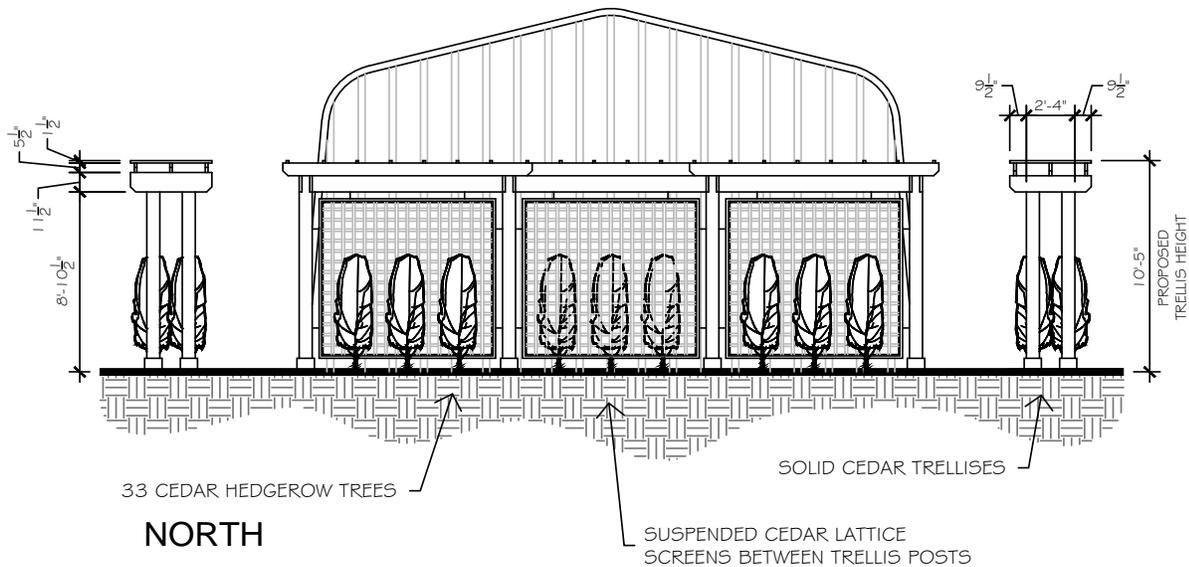
Plain Steel

Steel Cladding



Grey

Steel Doors & Trim

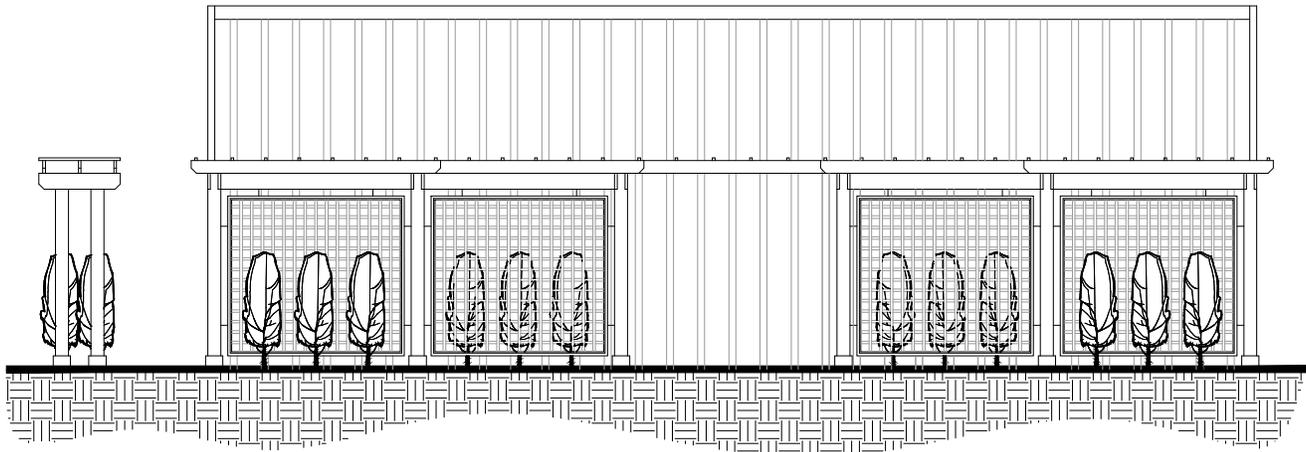


PROPOSED STORAGE BUILDING

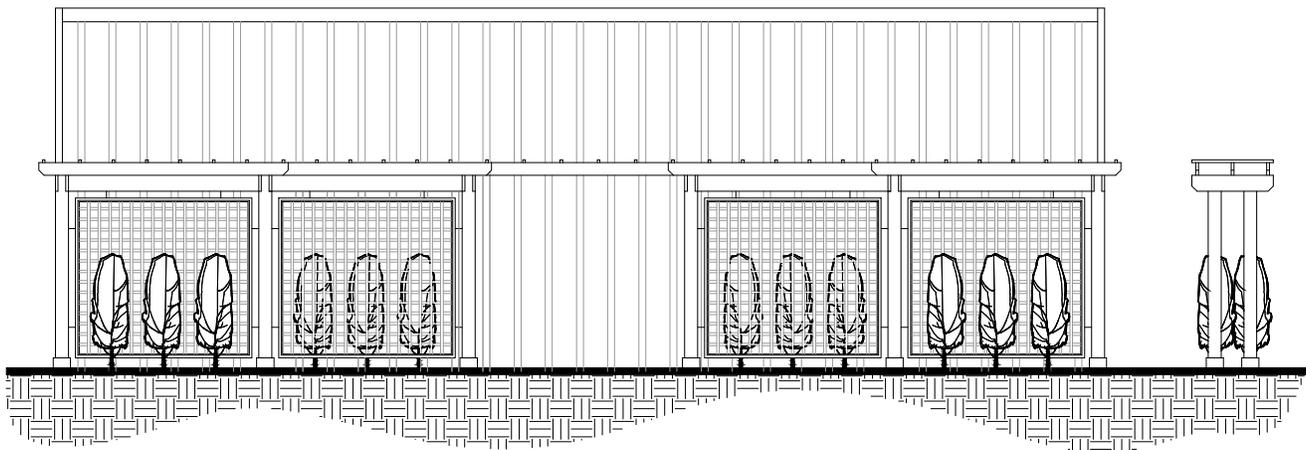
Shaw Road, Gibsons, B.C.

ELEVATIONS

1/8"=1'-0"



WEST



EAST

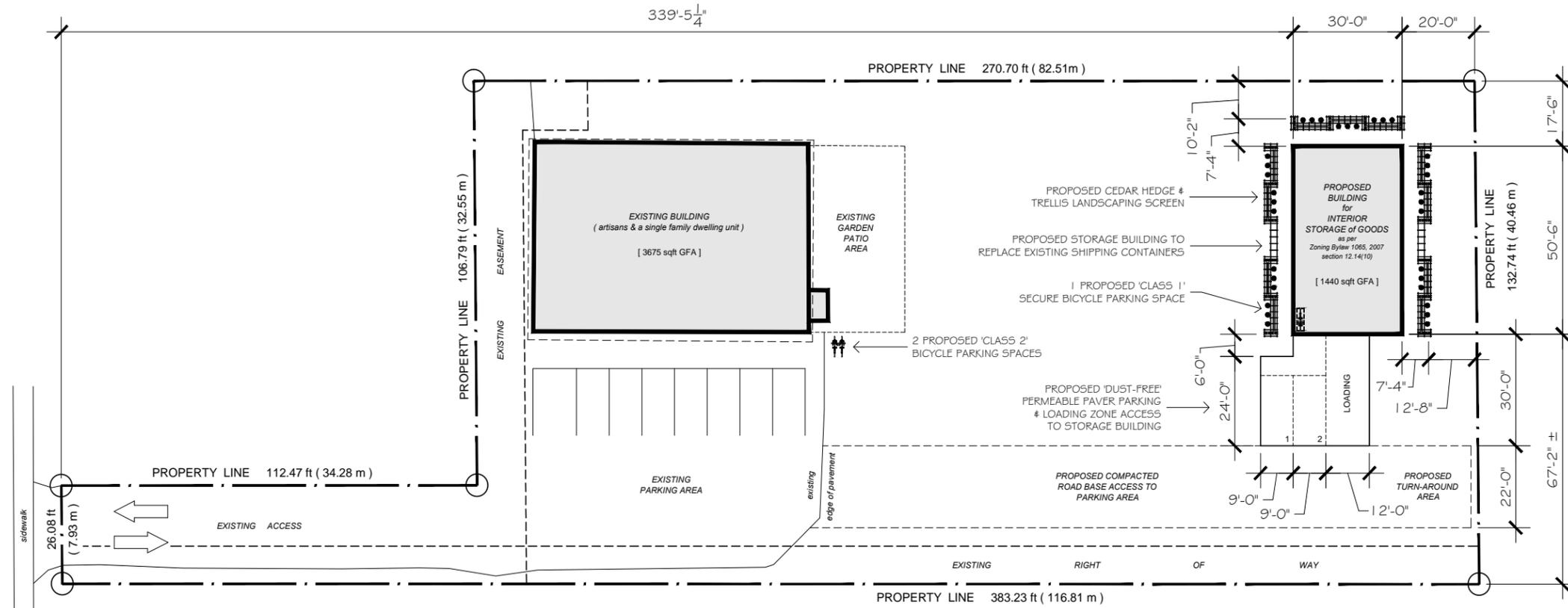
PROPOSED STORAGE BUILDING

Shaw Road, Gibsons, B.C.

SITE

1/32"=1'-0"

SHAW ROAD



PROPOSED



Shaw Road, Gibsons, B.C.



DRAFT DEVELOPMENT PERMIT

NO. DP- 2019-16

TO: **Brent Kachman**

ADDRESS: **626 Shaw Road
Gibsons, B.C. V0N 1V8
(Permittee)**

- 1) This Development Permit is issued subject to compliance with all of the Bylaws of the Town of Gibsons applicable thereto, except those specifically varied or supplemented by this Permit.
- 2) The Development Permit applies to those "lands" within the Town of Gibsons described below:
Parcel Identifier: 007-589-344
Legal Description: Lot 3, Block, District Lot 1328, Plan 16038
Civic Address: 626 Shaw Road
- 3) The lands are within Development Permit Area No. 7 for form and character.
- 4) The "lands" described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part thereof.
- 5) The building form and character is required to conform to the following plans:
 - *Development Plans titled: Proposed Storage Building, Shaw Road, Gibsons, B.C., dated January 3, 2020.*
 - *Site Plans titled: Site - Proposed, Shaw Road, Gibsons, B.C., dated January 6, 2020.*
- 6) In conjunction with the plans outlined under 5, the following further specifications apply:
 - *< list conditions or last minute changes approved for the permit >*
- 7) This Development Permit applies to the form and character on the site. For details shown in off-site areas the plans may be subject to change following the provisions of a Servicing Agreement.
- 8) Minor changes to the aforesaid drawings that do not affect the intent of this Development Permit or the general appearance of the buildings and character of the development may be permitted, subject to the approval of the Director of Planning.
- 9) If the Permittee does not commence the development permitted by this Permit within twenty four months of the date of this Permit, this Permit shall lapse.
- 10) This Permit is NOT a Building Permit.

1/3

Development Permit 2019-16

- 11) As a condition of the issuance of the Building Permit, Council requires that the Permittee provide security for the value of **\$ 4,500** to ensure that the on-site landscaping component of the development is carried out in accordance with the terms and conditions set out in this permit.
- (a) The condition of the posting of the security is that, should the Permittee fail to carry out the development hereby authorized according to the terms and conditions of this Development Permit within the time provided, the Town may carry out the development or any part of it by its servants, agents or contractors and deduct from the security all costs of so doing, it being understood that the surplus, if any, shall be paid over to the Permittee.
 - (b) If on the other hand, the Permittee carries out the landscaping component of the development permitted by this Development Permit within the time set out herein, the security shall be returned to the Permittee.
 - (c) Prior to issuance of a Building Permit, the Permittee is to file with the Town an irrevocable Letter of Credit or Certified Cheque as security for the installation of hard and soft landscaping in accordance with approved plans, such Letter of Credit to be submitted to the Town at the time of the Building Permit application.
 - (d) The Permittee shall complete the landscaping works required by this permit within six (6) months of issuance of the Building Permit.
 - (e) If the landscaping is not approved within this six (6) month period, the Town has the option of continuing to renew the security until the required landscaping is completed or has the option of drawing the security and using the funds to complete the required landscaping. In such a case, the Town or its agents have the irrevocable right to enter into the property to undertake the required landscaping for which the security was submitted.
 - (f) Upon completion of the landscaping, a holdback of 10% of the original security, plus any deficiencies, will be retained for a 1-year period, to be returned upon written final approval from the Landscape Architect.
 - (g) The following standards for landscaping are set:
 - (i) All landscaping works and planting materials shall be provided in accordance with the landscaping as specified on the Site Plan and Landscaping Plan which forms part of this Permit.
 - (ii) All planting materials that have not survived within one year of planting shall be replaced at the expense of the Permittee.

Development Permit 2019-16

AUTHORIZING RESOLUTION PASSED BY COUNCIL

THIS THE XX DAY OF <month>, 2020.

ISSUED THIS ___ DAY OF _____, 2020.

William Beamish
Mayor

Lindsey Grist
Corporate Officer

DRAFT