



STAFF REPORT

TO: Committee of the Whole

MEETING DATE: November 2, 2021

FROM: Kirsten Dafoe
Planner I

FILE NO: 3220-Kiwanis-840

SUBJECT: Development Variance Permit – 824 and 840 Kiwanis Way

RECOMMENDATIONS

THAT the report titled Development Variance Permit – 824 and 840 Kiwanis Way be received;

AND THAT neighbours be notified of the date of Council's decision on the issuance of the development variance permit requesting to vary Section 13.10 of the Zoning Bylaw by 1.2m at 824 Kiwanis Way from 12.2m to 13.4m to allow the construction of the proposed addition to the existing senior's housing building.

AND THAT neighbours be notified of the date of Council's decision on the issuance of the development variance permits requesting to vary Section 13.10 of the Zoning Bylaw by 2.8m at 840 Kiwanis Way from 12.2m to 15.0m to allow the construction of the proposed replacement senior's housing building.

AND THAT this recommendation be forwarded to tonight's Council meeting for adoption.

BACKGROUND / PURPOSE

The Town of Gibsons has received two Development Variance Permit (DVP) applications to increase the maximum height for principal buildings in the Public Assembly (PA) zone from 12.2m to 13.4m at 824 Kiwanis Way and from 12.2m to 15.0m at 840 Kiwanis Way. Figure 1 shows the location of the subject lots. The purpose of this report is to provide Council with the application details and obtain direction on whether to proceed with notification of neighbours.



Figure 1: Location of the subject properties 824 (blue) and 840 (yellow)

DISCUSSION

Site and Context

The subject properties are zoned Public Assembly (PA) and are both owned by the same owner (Kiwanis Club of the Sunshine Coast). The original Kiwanis single storey building at 840 Kiwanis Way was constructed in 1973 and has been described as in poor condition. The three-storey building located on 824 Kiwanis Way was constructed in 1992, following a 1989 Zoning Amendment (555-23) from its previous Single-Family and Two-Family Residential 3 (R-3) zone to its current PA zoning which was approved to allow for the “ancillary extension of an existing adjacent use” (i.e. Kiwanis). The proposed new construction will not change this existing use.

The properties are surrounded by a variety of uses, as summarized in Table 1.

Table 1: Properties adjacent to 824 and 840 Kiwanis Way

North	820 Kiwanis Way	Northwoods Strata Corporation (residential)
West	840 Gibsons Way	Elphinstone Secondary School (athletic track)
South	840 Gibsons Way	Elphinstone Secondary School (ESPRIT Daycare)

East	841 Kiwanis Way	Sumac Place (specialized mental health facility operated by Vancouver Coastal Health)
	PID 015-430-740	Vacant

Proposal

The applicants intend to construct a four-storey addition to the north of the existing three-storey building at 824 Kiwanis Way. The addition will be located over the existing parking area for the building, with new parking proposed below the power lines within the BC Hydro easement at the rear of the site. In addition, the existing single storey senior’s housing building at 840 Kiwanis Way will be removed and a new four-storey building constructed in its place. The proposed addition is 13.4m in height, whereas the proposed new building is 15.0m in height. Together, this will result in 76 new dwelling units for a total of 98 dwelling units across both properties. The need for 76 units is related to requirements set by BC Housing for their financing of the project.

A preliminary version of this proposal with a similar number of units was presented to Council on May 27, 2021, when a resolution (R2020-248) passed to acknowledge that the Kiwanis Housing Society’s objectives were consistent with the Town of Gibsons 2019-2022 Strategic Plan.

R2020-248 Council Correspondence

MOVED by Councillor Croal
 SECONDED by Councillor De Andrade

THAT the Town of Gibsons acknowledges that the Kiwanis Housing Society's objectives are consistent with the Town of Gibsons 2019-2022 strategic plan.

CARRIED

- a) The addition at 824 Kiwanis Way will commence immediately upon approval. The existing tenants at 840 Kiwanis Way will move into the addition once it has been constructed.
- b) Once the tenants move, the existing building at 840 Kiwanis way will be demolished and the new building will commence construction.

Variance Request and Rationale

Because of the substantial restriction on building footprints imposed by the BC Hydro transmission easement on the properties, four-storey buildings are necessary to achieve the 76 unit count required to ensure continued funding from BC Housing. With attention to affordable construction, the design of each four-storey building results in a height greater than the 12.2m maximum height permitted in the PA zone.

The requested Variances are as follows:

Vary Section 13.10 of the Zoning Bylaw by 1.2m at 824 Kiwanis Way from 12.2m to 13.4m to allow the construction of the proposed addition to the existing senior's housing building.

Vary Section 13.10 of the Zoning Bylaw by 2.8m at 840 Kiwanis Way from 12.2m to 15.0m to allow the construction of the proposed replacement senior's housing building.

POLICY / PLAN IMPLICATIONS

Council Policy 3.9

Council Policy 3.9 provides a framework for Council to assess variance requests. Staff have reviewed the proposal at 824 and 840 Kiwanis Way with the Policy's criteria as outlined below:

(1) The request is not within the jurisdiction of the Board of Variance;

Under Section 540 of the Local Government Act, an application to the Board of Variance is to vary or exempt an individual to relieve hardship. This application does not identify hardship.

(2) The same request has not been previously denied by the Board of Variance;

The application has not been presented to the Board of Variance.

(3) The variance will not result in significant negative impacts on neighbouring properties;

Impacts arising from taller buildings are primarily related to shading on adjacent properties and visual size incompatibility impacts. Due to the separation distances from the uses located on 840 Gibsons Way, such impacts to the south and west will not be significantly negative. In considering the effects to the north and east, it is important to compare the shading and visual impacts that buildings complying with the Zoning Bylaw could have with what the proposal has the potential to create. In the case of the property lines with both 820 Kiwanis way and 841 Kiwanis Way, a building of 12.2m height could be built as close as 6m from the lot line. With a maximum height of 13.4m at 12m or more from the northern lot line and a maximum height of 15m at 8.3m or more from the eastern property line, the impacts on the above listed properties are lesser than what could result from a development not needing any variances. Therefore, such impacts of the proposal are not considered to be significantly negative.

(4) There is a demonstrated need for the variance in order to permit reasonable use of the property;

Affordable senior's housing under Kiwanis' programming is a reasonable use of the property, as affirmed Council Resolution R2020-248. To ensure the units will be affordable, the support of BC Housing is needed; this support is contingent on the

provision of 76 additional units. Because of the BC Hydro easement on the site, four storey buildings are needed to achieve the provision of 76 units. This will result in buildings taller than the maximum permitted height of 12.2m. As such, a variance is needed to support the reasonable use of the site.

(5) The overall intent of the original bylaw requirement or standard is not compromised;

The provision of maximum heights in the Zoning Bylaw is to ensure consistency and compatibility of buildings with their surroundings. As the PA zone exists in many different contexts throughout Gibsons, adjacent to a wide range of residential, commercial, and other uses, an appropriate height to achieve this intent can be difficult to determine. Even on the 824 Kiwanis Way property, there is a history of variance to maximum allowable height that alludes to this difficulty: in November 1990 a variance was granted to increase the maximum height for the building constructed in 1992 from the 10.5m maximum from that time to 12.9m. Despite also being taller than the current maximum permitted height of 12.2m, the now-existing building is not incompatible with its surroundings. Similarly, and as demonstrated in the consideration of other criteria in this section, it is not considered that the increased heights requested in this variance will result in buildings which are incompatible with their surroundings or that compromise the overall intent of the original bylaw requirement.

(6) The variance does not appear to establish a precedent for other properties but responds to a site-specific situation or difficulty.

It is not considered that approval of this proposal would establish a precedent for other properties. The presence of the BC Hydro easement on the site is a site-specific difficulty that precludes the development of a 76-unit, three-storey structure with a larger footprint that a property not so encumbered may have proposed.

(7) As per the (Municipal Act) Local Government Act provisions, does not result in a change in land use or an increase in permitted density;

The PA zone does not control permitted density, and the use is a continuation of the use existing on the properties.

(8) The variance results in suitable development that is an asset and compatible in the context of the surrounding uses;

The provision of affordable senior's housing where there is a current shortage represents an asset to Gibsons. Council resolution R2020-248 affirms this. Furthermore, by creating a concentration of such residences, the community and quality of life for seniors may be advanced and the efficiency of providing medical services improved. While the height of the buildings as proposed is taller than would generally be anticipated in the PA zone, the location of the properties and the siting of the buildings on them avoids significant negative impacts on neighbouring properties and is therefore considered suitable development.

(9) In the case of variance of specific development standards for off-site servicing, that

any additional costs that may be incurred by the municipality or future landowners are considered.

This criterion is not applicable, as variances are not requested to off-site servicing standards.

COMMUNICATION

Referrals

The application was referred to Skwxwú7mesh Úxwumixw (Squamish Nation), BC Hydro, the Infrastructure Services and Building Departments at the Town, and the Gibsons and District Volunteer Fire Department on 9/29/21.

At the time of writing, the following comments had been received:

Referral	Date	Summary of Comments
Skwxwú7mesh Úxwumixw (Squamish Nation)		
BC Hydro		
Infrastructure Services	10/12/21	<ul style="list-style-type: none"> • Storm ROW on north property line seems unaffected by proposal • Tree cutting permit may be required for the trees on the north side of 840 Kiwanis Way • Confirmation from BC Hydro that parking allowed in ROW is needed.
Building Department	10/18/21	No concerns
Gibsons and District Volunteer Fire Department	10/07/21	Interests unaffected by proposal

Notification

The *Local Government Act* requires neighbours to be notified of the application and the date Council will decide on it. The Town's *Development Applications Procedures Bylaw No. 1166, 2014* requires letters to be delivered to neighbours within 50 m of the property. A notification

sign has also been posted on both properties.

Should Council wish to consider the application, staff recommends that it direct staff to begin notifications for the Development Variance Permit Application at 824 and 840 Kiwanis Way (DVP-2021-10 and DVP-2021-11). Staff will report back with submissions received.

OPTIONS

The Committee of the Whole may choose one of the following options for a decision:

1. Option 1 – direct staff to notify neighbours of the date of Council’s decision on the two DVP requests. This is staffs recommended option.

THAT neighbours be notified of the date of Council’s decision on the issuance of the development variance permit requesting to vary Section 13.10 of the Zoning Bylaw by 1.2m at 824 Kiwanis Way from 12.2m to 13.4m to allow the construction of the proposed addition to the existing senior’s housing building.

THAT neighbours be notified of the date of Council’s decision on the issuance of the development variance permits requesting to vary Section 13.10 of the Zoning Bylaw by 2.8m at 840 Kiwanis Way from 12.2m to 15.0m to allow the construction of the proposed replacement senior’s housing building.

2. Option 2 – deny DVP request.

THAT Council does not support the following DVP applications:

- a) Vary Section 13.10 of the Zoning Bylaw by 1.2m at 824 Kiwanis Way from 12.2m to 13.4m to allow the construction of the proposed addition to the existing senior’s housing building.*
- b) Vary Section 13.10 of the Zoning Bylaw by 2.8m at 840 Kiwanis Way from 12.2m to 15.0m to allow the construction of the proposed replacement senior’s housing building.*

NEXT STEPS

With Council’s authorization, staff will notify neighbours of the variance request and date of Council decision on the application. Staff will then report back with neighbour submissions and referral comments received for Council’s decision prior to deciding on the DVP request.

Should the variance be approved, the property owner would then apply for a building permit.

RECOMMENDATIONS/ ALTERNATIVES

Staff recommends that the Council direct staff to begin notifications for the Development Variance Permit Applications at 824 and 840 Kiwanis Way (DVP-2021-10 and DVP-2021-11).

Recommendations are listed on Page 1 of this report.

Alternatively, Council may deny the request with the following resolution:

THAT Council does not support the following DVP applications to:

- a) *Vary Section 13.10 of the Zoning Bylaw by 1.2m at 824 Kiwanis Way from 12.2m to 13.4m to allow the construction of the proposed addition to the existing senior's housing building.*
- b) *Vary Section 13.10 of the Zoning Bylaw by 2.8m at 840 Kiwanis Way from 12.2m to 15.0m to allow the construction of the proposed replacement senior's housing building.*

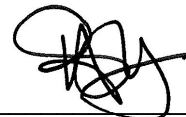
ATTACHMENTS

- Attachment A – Development Plans
- Attachment B – Draft Neighbour Notification Letter

Respectfully Submitted,



Kirsten Dafoe
Planner I



Lesley-Anne Staats, MCIP, RPP
Director of Planning

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

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



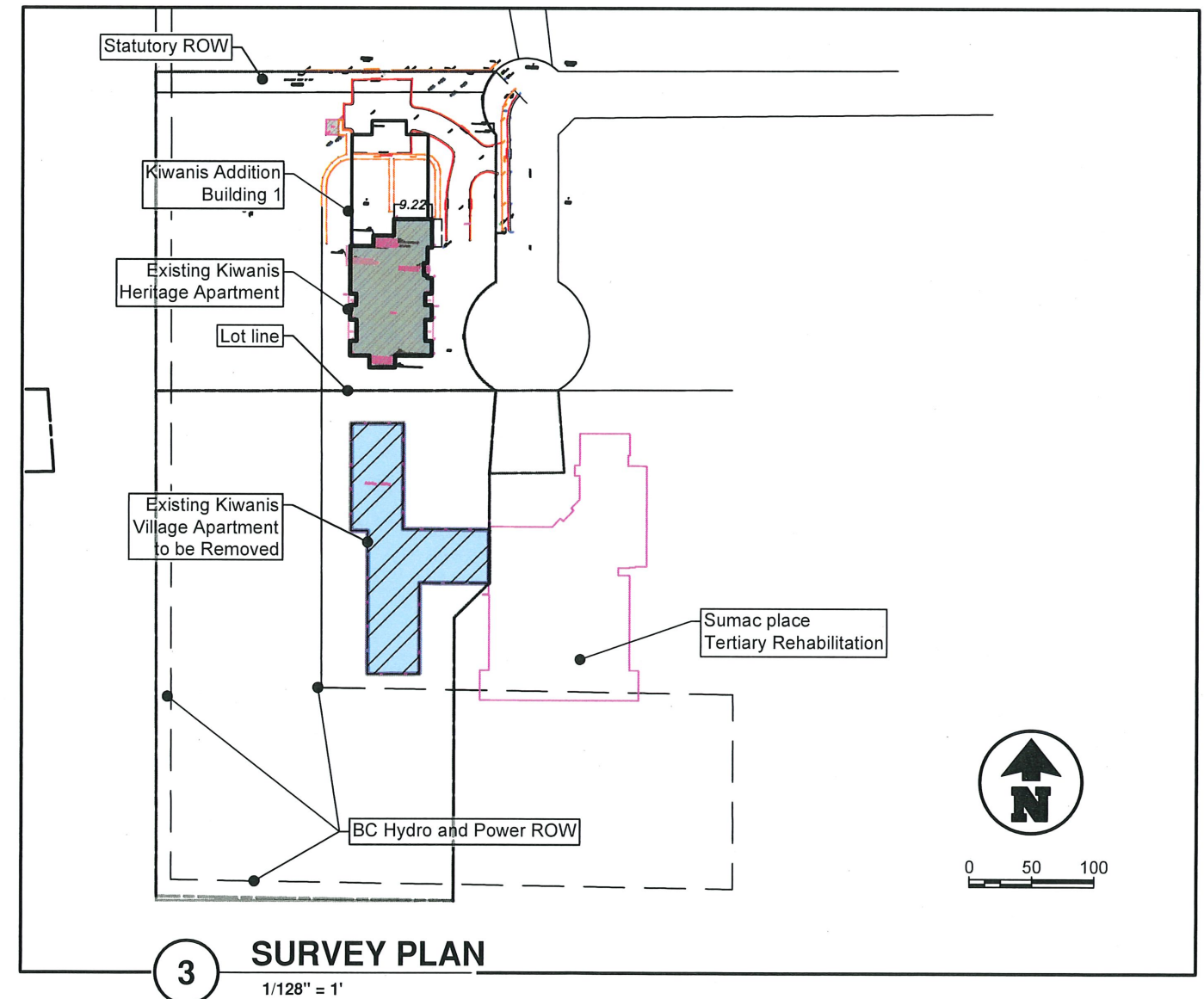
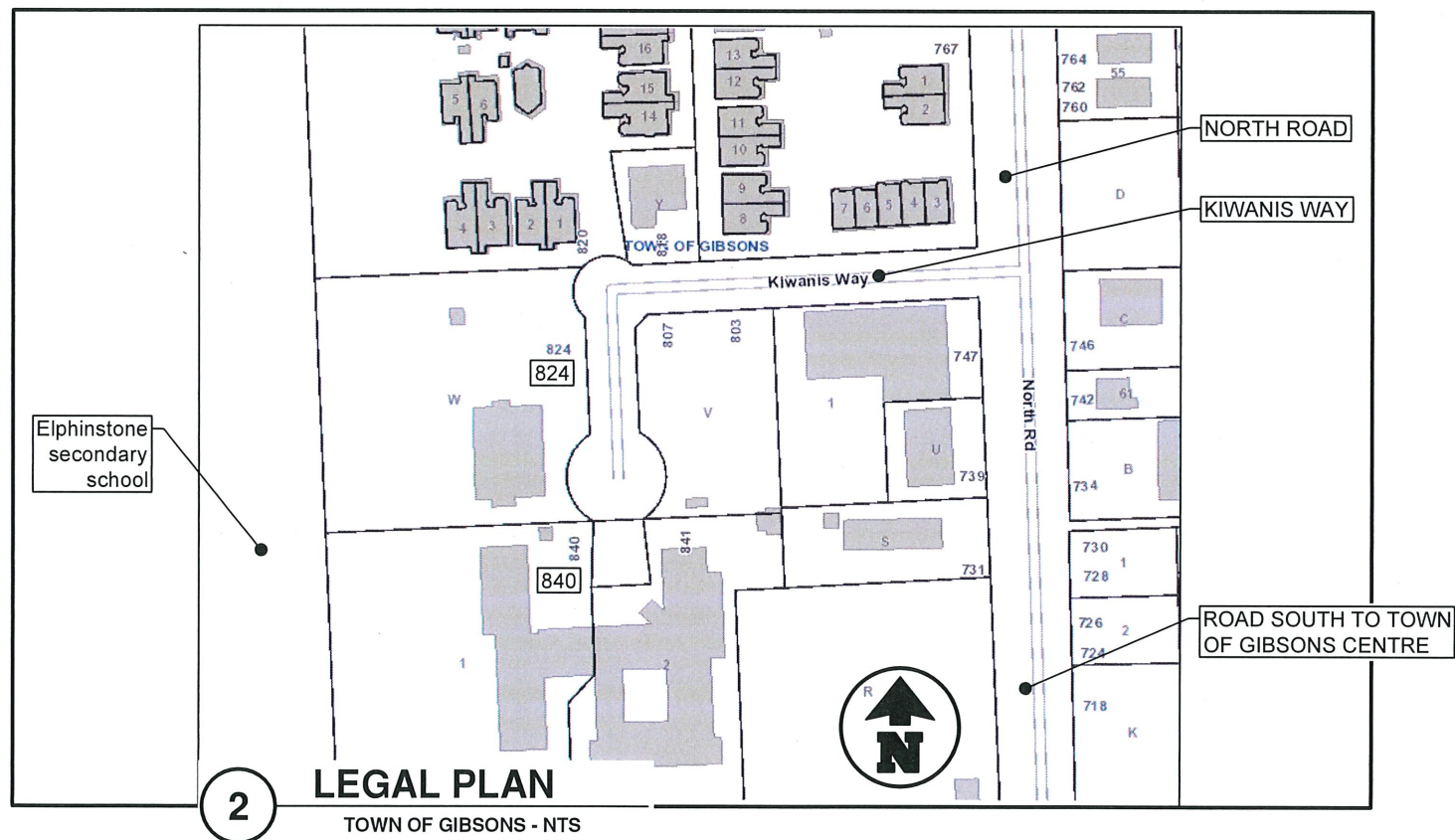
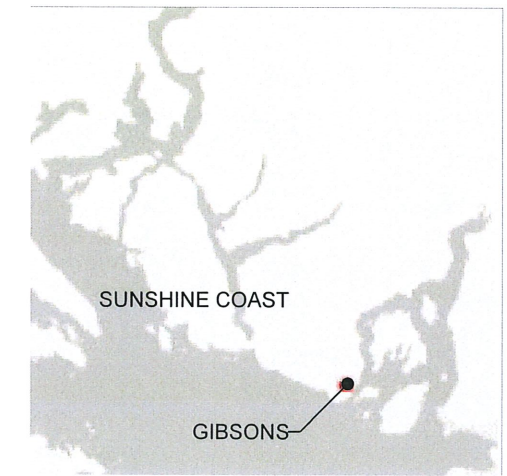
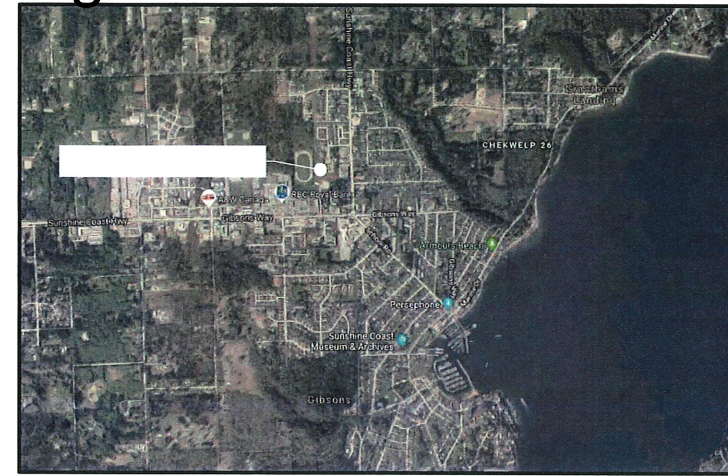
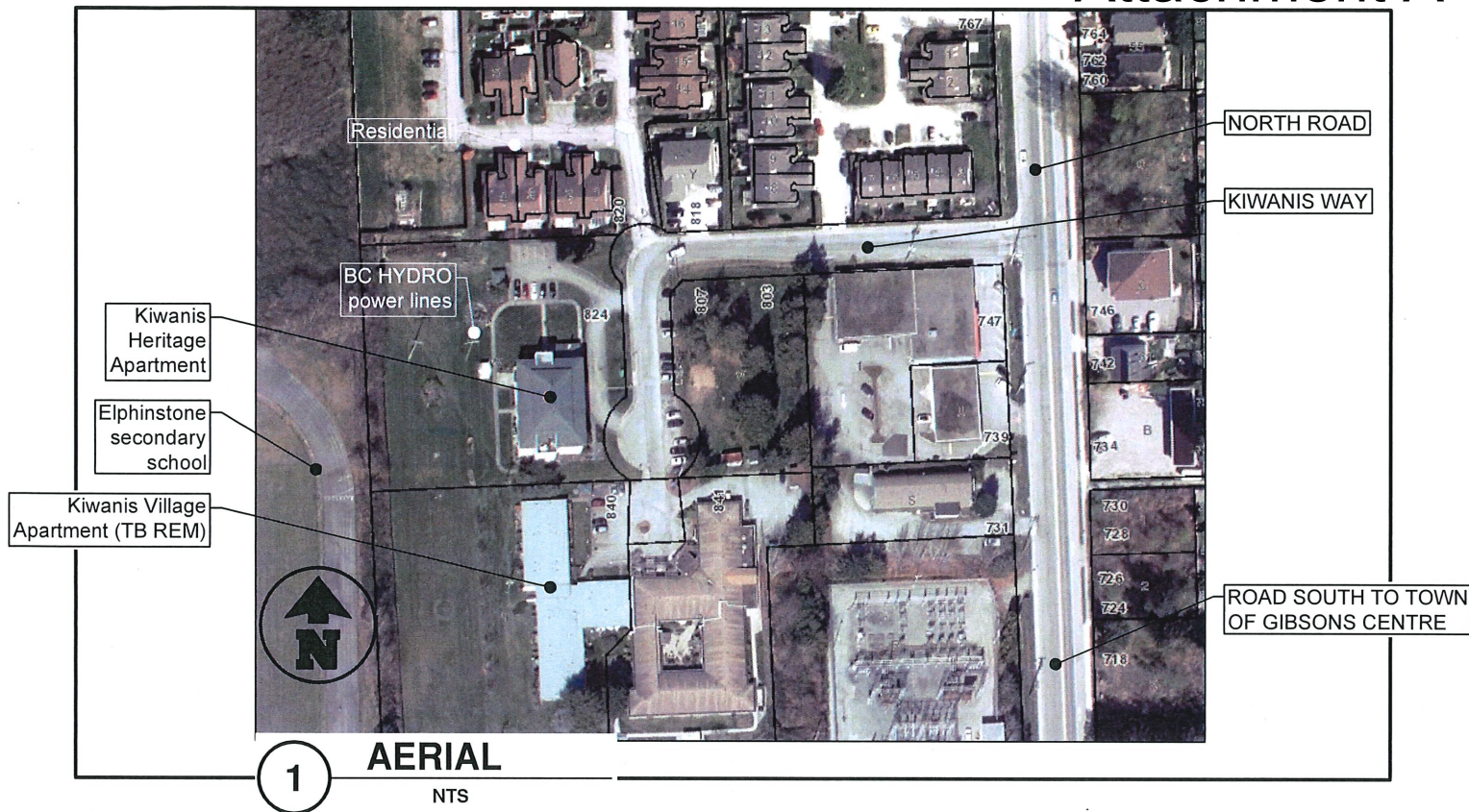
Mark Brown
Chief Administrative Officer

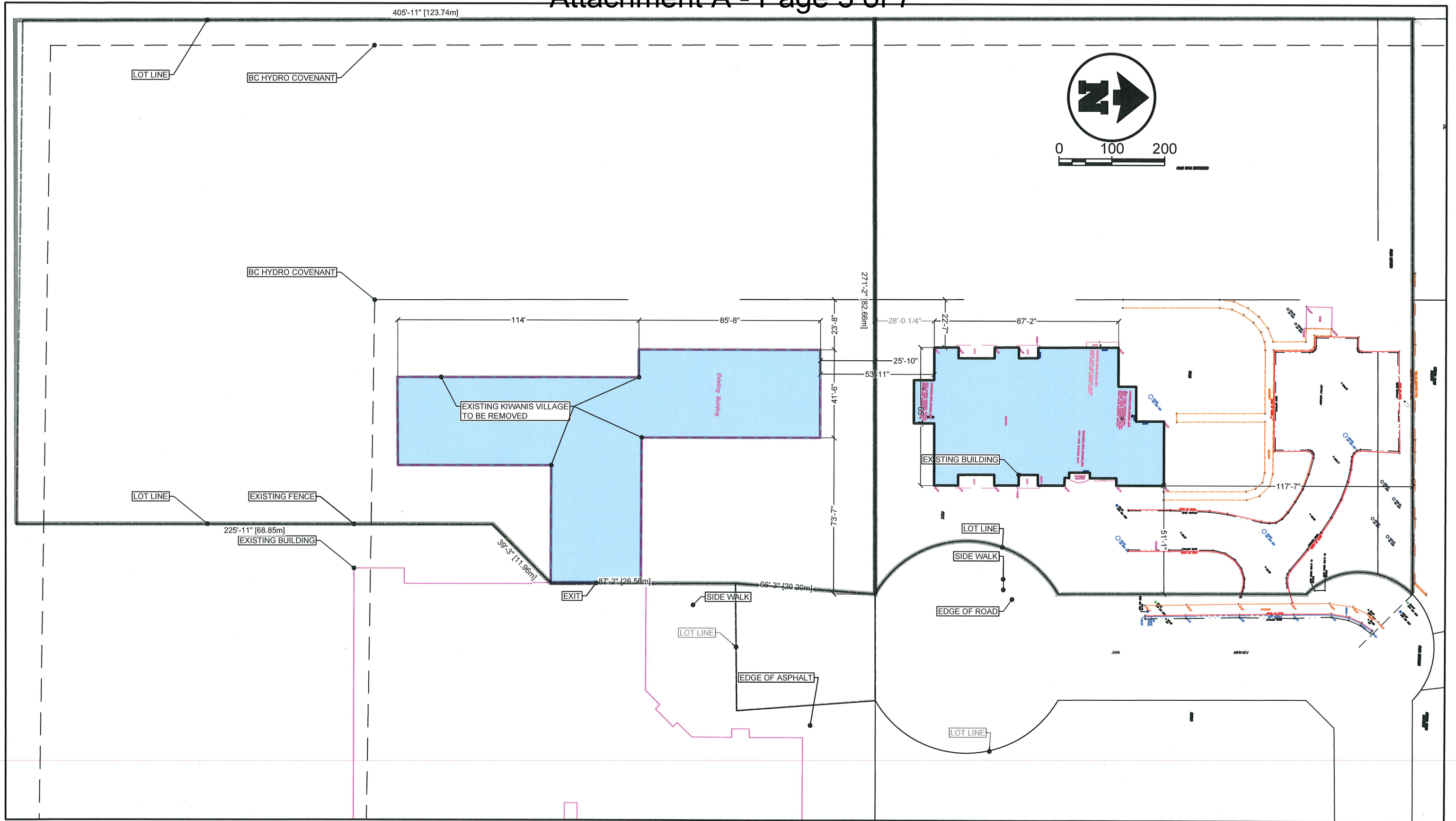
Kiwanis Housing Project: Height Variance Application

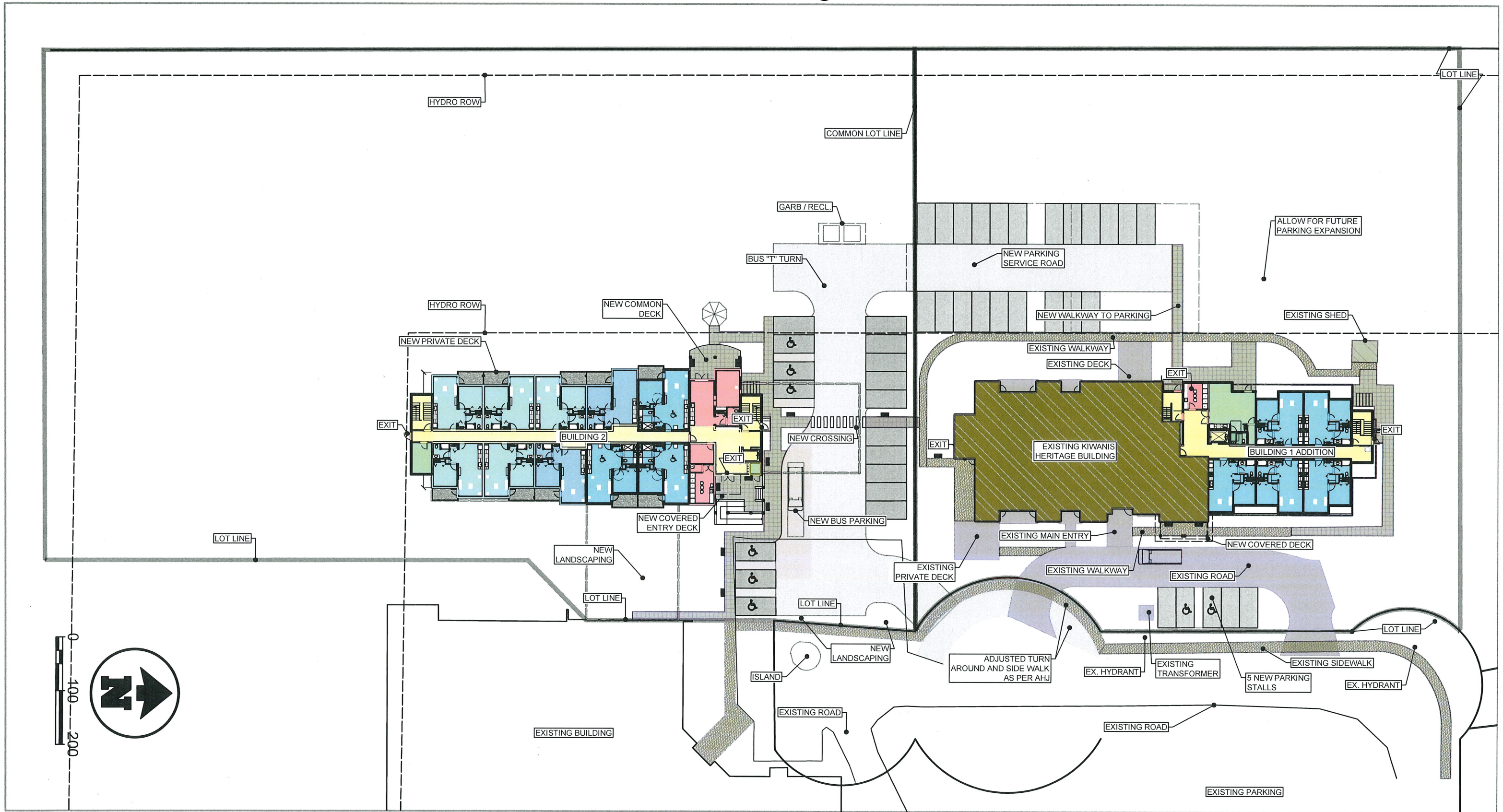
1. Context Plan
2. Site Plan - Existing
3. Proposed Site Plan
4. Building 1 Elevations
5. Building 1 Elevations
6. Building 2 Elevations



AUGUST 26, 2021







Kiwanis Housing Project

Proposed Site Plan

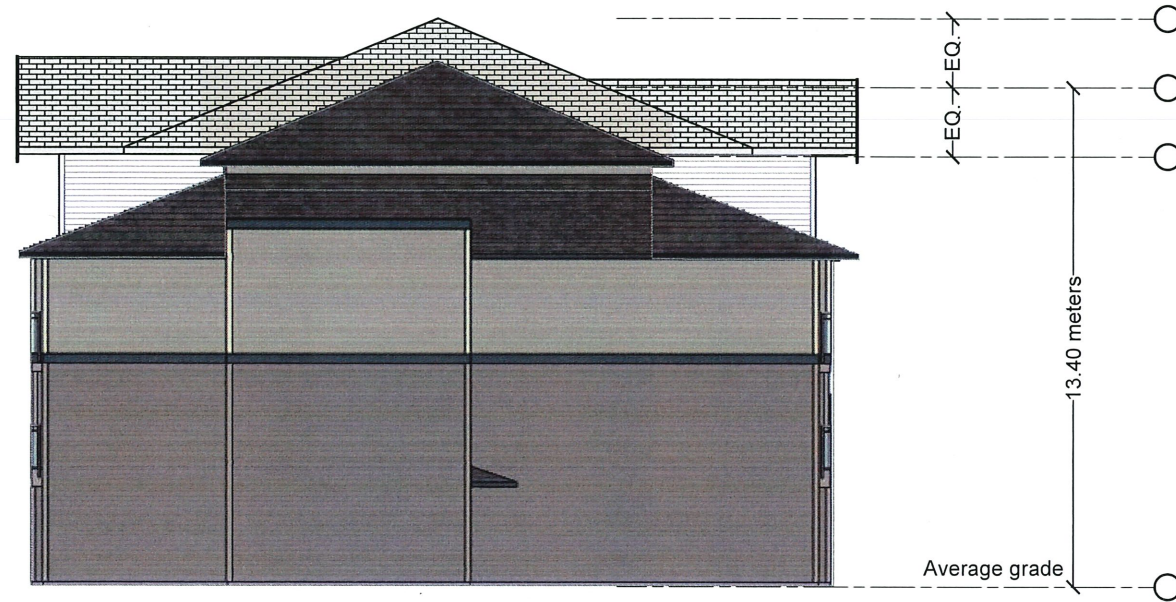


Existing East Elevation

1 Addition East Elevation
1/16" = 1'



2 Addition North Elevation



1 Addition South Elevation
1/16" = 1'



2 Addition West Elevation

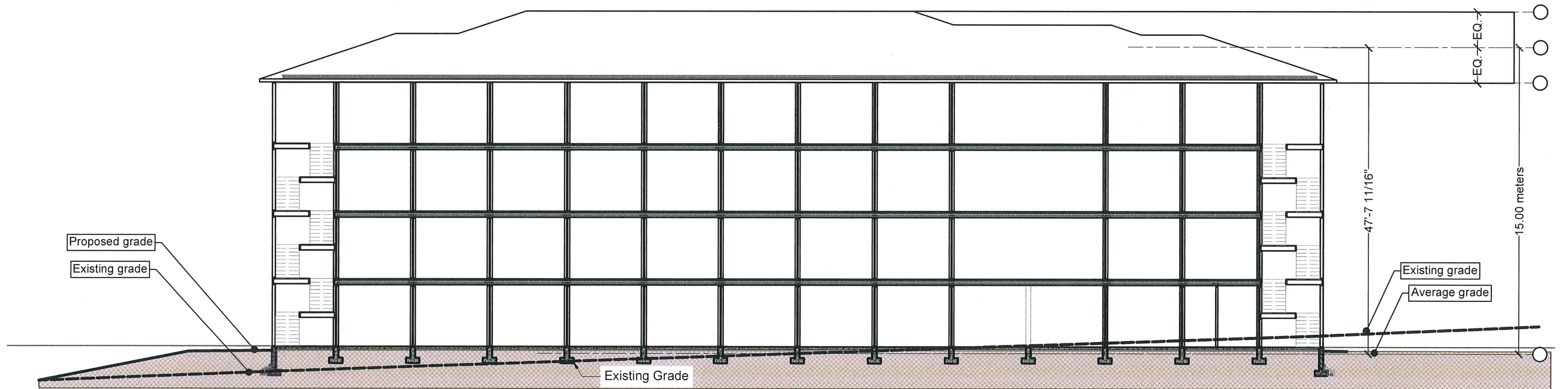
Existing West Elevation



1 North Elevation
NTS



2 East Elevation
NTS



3 South Elevation
NTS



TOWN OF GIBSONS

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474 South Fletcher Road
Gibsons BC | V0N 1V0

info@gibsons.ca
www.gibsons.ca
604-886-2274

November 3, 2021

File No.: 824 Kiwanis Way/DVP-2021-10
840 Kiwanis Way/DVP-2021-11

Dear Property Owner/Tenant;

Re: Notice of Application for Development Variance Permits for 824 and 840 Kiwanis Way

This letter is to advise you that the Town has received Development Variance Permit applications for the properties at 824 and 840 Kiwanis Way.

The applicant is requesting to increase the maximum permitted height from 12.2m to 13.4m to build an extension to the senior's housing building at 824 Kiwanis Way and from 12.2m to 15.0m to build a new senior's housing building at 840 Kiwanis Way to replace the existing building. The addition and new building will each be comprised of four storeys and will create 76 new units of affordable senior's housing overall.

Please take notice that Council will consider the application at its online meeting on **Tuesday, November 16th, 2021**, beginning at 7:00 p.m.

1. **Before the meeting:** Written comments must be received by Kirsten Dafoe, Planner I, before noon on November 15th, 2021, and may be submitted in one of the following ways:

Email: planning@gibsons.ca
Regular Mail: PO Box 340, Gibsons, BC, V0N 1V0
In Person: Gibsons' Town Hall, 474 South Fletcher Road, Gibsons, BC

2. **At the online meeting:** Individuals may attend the online meeting and will be provided an opportunity to present verbal submissions. The Council meeting is scheduled for **7 pm on Tuesday, November 16th, 2021** and the meeting be held electronically on Zoom. The link to the meeting can be found at: www.gibsons.ca/online-meetings, instructions can be found on the reverse of this letter.

A copy of the application and staff report explaining the application in more detail are available for review on the Town of Gibsons website at: www.gibsons.ca/current-development-applications.

Regards,
TOWN OF GIBSONS

Kirsten Dafoe
Planner I

TOWN OF GIBSONS

"Nature is our most valuable asset"

Online Meetings

To ensure that our citizens may continue to actively participate in Council and committee meetings during the COVID-19 pandemic, the Town of Gibsons began conducting public online meetings on Tuesday, April 7th, 2020.

These meetings are to be convened by electronic means as authorized by Ministerial Order No. M192, “Local Government Meetings and Bylaw Process (COVID-19) Order No. 3” .

As of November 16, 2020, and due to new COVID-19 restrictions on gatherings, we are currently unable to offer seating at Town Hall for residents to view online meetings. We will update this policy as required, based on guidance from BC’s Public Health Officer.

To participate online, in real time

- Go to www.gibsons.ca/online-meetings
- Click on the link provided on the webpage: Council meeting November 16th, 2021
- You will then be asked to register to join the meeting as an “attendee”. Once you have provided your name and email address, a link to join the meeting will be provided on the registration confirmation screen and to the email address you provided.
- Registering for the meeting enables you to participate in the meeting during the designated “Inquiry” times.
- To ask a question during the Inquiry segment, please use the ‘raise hand’ feature by clicking on the red hand icon found at the bottom of your screen. The meeting administrator will then “unmute” you and you will be able to ask your question. You may also email questions in advance to: clerk@gibsons.ca.

To view the meeting on YouTube

If the meeting has ended, or if you’d like to watch a meeting in process, but do not want to participate, you may view it on our YouTube channel.



Excerpt of the building elevations for the addition at 824 Kiwanis Way (top) and 840 Kiwanis Way (bottom). Note that the Town of Gibsons Zoning Bylaw defines Building Height as: *“building height” means the vertical distance from average grade to the mean elevation between the average eave level and the ridge top of the sloped roof.*