



STAFF REPORT

TO: Advisory Design Panel

MEETING DATE: October 2, 2024

FROM: Planner II

FILE NO: 3220-Marine Drive-528

SUBJECT: Form and Character Development Permit for a Duplex at 528 Marine Drive

REPORT FOR RECOMMENDATION TO COUNCIL

PURPOSE

The purpose of this report is to obtain a recommendation to Council on the form and character of the proposed duplex for a Development Permit.

BACKGROUND

In January 2023 a rezoning application was denied by Council for a 4-unit townhouse complex on this property. After that, the property was sold and is now under new ownership. The new owner would like to construct a duplex.

The Town has received the following applications:

1. **OCP Amendment (OCP-2024-01)** to redesignate the land use from Multi-Unit Residential Special character to a new land use, specific to waterfront properties. The OCP Amendment has received a recommendation to give First Reading - this will be ratified at Council on October 8th.
2. **Zoning Amendment (ZA-2024-03)** to change the zoning from Comprehensive Development Area Zone 1 (CDA-1). The Zoning Amendment has received a recommendation to give First Reading - this will be ratified at Council on October 8th.
3. **Development Permit (DP-2024-21)** to assess the form and character under DPA 5-Gibsons Landing. At the Committee of the Whole meeting on September 24th it was recommended to refer the application to the ADP.
4. **Flood Exemption (FL-2024-01)** to reduce the floodplain setback of 15-metres from the natural boundary of the sea to 7.5-metres, with a Flood Construction Level of 5.66-metres.

The Flood Exemption has a recommendation of approval on condition that:

- a. a save harmless covenant be registered,
- b. the conditions outlined in the Flood Hazard assessment are met; and
- c. the adoption of the OCP and Zoning Bylaws.

The flood exemption has been recommended for approval pending the October 8th Council Meeting.

A link to the Committee of the Whole report outlining the OCP and Zoning Amendments and the proposal can be found here: [Committee of the Whole \(civicweb.net\)](https://www.civicweb.net)

DISCUSSION

Site and Surrounding Areas

The property is on the waterfront, with access from Marine Drive. The property is located beside Marina House and the former Cole's Marina, as shown in Figure 1. The surrounding uses are shown in Table 1.

The small, steep lot has a total area of 416 m². The site is vacant with several concrete retaining walls left from the previous building. The grade difference between the road dedication and sea walk is approximately 8 metres, and the width of the site is 14 metres.



Figure 1: Location of subject property

Table 1: Surrounding Uses, Zoning and Land Use Designation

	Existing Land Use	Existing Zoning	OCP Designation
North	Marina House	Comprehensive Development Area Zone 1 (CDA-1)	Multi-Unit Residential Special Character
South	Vacant	Comprehensive Development Area Zone 1 (CDA-1)	Multi-Unit Residential Special Character
East	Sea walk and foreshore	Comprehensive Development Area Zone 1 (CDA-1)	Marine Recreation
West	Residential single family	Single Family and Two-Family Residential 3 (R-3)	Multi-Unit Residential Special Character

Proposal

The applicant proposes to construct a 3-storey duplex building with unconditioned storage space on the ground level. The duplex has one 3-bedroom unit and one 4-bedroom unit. Parking is enclosed in the garages and is accessed from Marine Drive. The proposal has an FSR of 1.1.

The site plan shows a 1.5 m side setback to the building, with a 0.6 m roof overhang, as permitted by the Zoning Bylaw. The drawings are enclosed as Attachment A, and shadow studies are included.

Images of the proposal are shown in Figures 2-6. The duplex will have a maximum height of 4.5-metres as measured from Marine Drive, shown in Figure 6.

The building is proposed to be raised by 6.5-metres which is above the 5.66-metre Flood Construction Level (FCL) outlined in the Coastal Flood Hazard Assessment, completed by Northwest Hydraulic Consultants Ltd. on May 3rd, 2024, for 528 Marine Drive.



Figure 2: West elevation of proposed duplex, as seen from Marine Drive



Figure 3: East elevation of proposed duplex, as seen from the water



Figure 4: Rendering of the south elevation from the sea walk, showing the modulation of the building and materials proposed



Figure 5: Rendering of the north elevation from the sea walk



Figure 6: Cross Section showing view protection regulations marked in pink lines

Development Permit Areas

The subject property is in the following four Development Permit Areas. A Development Permit is required prior to obtaining a Building Permit.

- DPA 1 - Geotechnical Hazard Area.
- DPA 2 - Environmentally Sensitive Area.
- DPA 5 - Gibsons Landing Development Permit Area (Form and Character); and
- DPA 9 - Gibsons Aquifer Protection Area.

This report specifically pertains to the design guidelines under Development Permit Area 5, and the Harbour Area Plan.

Development Permits are required for all commercial and multi-unit developments within the Harbour Area. As the proposal is for more than one residential unit, and there are no exemptions for duplex developments, a Development Permit is required.

The Harbour Area Plan, Part E of the Official Community Plan, divides the Harbour Area into four Character Areas:

1. Village Landing
2. Village Waterfront
3. Village Cultural Precinct
4. Legacy Residential

The design guidelines are divided into those that pertain to the Harbour Area in general – “Area-wide Design Guidelines”, and those that pertain specifically to the Village Landing Character Area, “Village Landing Design Guidelines”. The property is located within the “Legacy Residential” character area within the Harbour Area Plan and therefore the “Area-Wide Design Guidelines” apply to this development.

Staff have assessed the proposal with the guidelines, it should be noted that some of the guidelines that did not apply to this development have been removed for ease of reading.

Building Scale and Massing

The guidelines suggest that building massing be low near the waterfront, ‘stepping back’ from the water with varied roof heights, encouraging variety in roofscape and skyline.

Figure 2 provides an image from Marine Drive; the height is kept low at 4.5 m with varying roof lines to create interest. Figure 6 shows a cross-section with the building stepping back on the second to third storeys.

View Protection

The guidelines reference building scale and massing being designed with careful consideration of impacts on views from uphill buildings. The building has a height of 4.5 m and side setbacks allow for views between and over the building.

For development proposals that don't conform to the framework of Part 5 – View Protection and Massing of the Zoning Bylaw, the guidelines request that applicants demonstrate the potential impact of the proposed development on views from key locations in the Town.

The proposal does not meet the 45-degree step back, as shown in Figure 6 in pink, however, this doesn't impact uphill properties. It may impact side views from neighbouring vacant properties to the south, if a building were constructed. The property directly to the North (Marina House) is not impacted due to the location of the building, a right of way through the Marina House property between the subject property and Marina House also limits any further additions to the lot.

View Corridors

The guidelines request a 3-metre-wide unobstructed view corridor every 30 metres. The proposal meets this guideline.

Roofs

The guidelines encourage sloped roofs and discourage flat roofs except where they are green roofs or used for open space. The proposal has varied flat roofs, to meet the view protection guidelines. The proposal does not meet this guideline for sloped roofs but meets the guideline for articulating roof forms and maintaining views.

Transitions

The guidelines encourage landscape elements within the transitions between the waterfront walkway and adjoining properties. The building has an approximately 1-metre-wide area from the property line to landscape, however, there may be an opportunity to landscape a portion of the right-of-way with Town permission.

Parking

The guidelines discourage surface parking, and the proposal provides a double garage on each side of the duplex, built into the building.

Staff conclude that the proposal meets most of the Development Permit guidelines.

RECOMMENDATIONS / ALTERNATIVES

Option 1 – Support the proposal

THAT the ADP advises Council to support the form and character (DP-2024-21) proposal for a duplex at 528 Marine Drive as presented.

Option 2 – Support the proposal with some changes

THAT the ADP advises Council to support the form and character (DP-2024-21) proposal for a duplex at 528 Marine Drive subject to the following conditions/changes:

a)...

b)...

Option 3 – Do not support the proposal

THAT the ADP advises Council to reject the revised proposal at 528 Marine Drive for the following reasons

a)...

b)...

Attachments

- Attachment A – Application drawings

Respectfully Submitted,

Katie Thomas
Planner II

Report reviewed by:

X	Director of Planning and Development
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