

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, as seen in Figure 2. 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 2-5. The duplex will have a maximum height of 4.5 m 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: East elevation of proposed duplex, as seen from the water



Figure 3: West elevation of proposed duplex, as seen from Marine Drive



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

Planning Context

Official Community Plan

The property is designated Multi-Unit Residential Special Character. The intent of this designation is to permit single detached dwellings and multiple unit residential in a single-detached building form with a FSR of 0.5 to a maximum FSR of 0.75 (generally 20-25 units per hectare for single detached and 20-69 units per hectare for multiple unit residential).

The OCP’s Land Use description identifies “the area on the south-east side of Marine Drive between Beach Avenue and Jacks Lane, the residential use may be combined with compatible marine related uses”. This reflects the past use of Coals Marina on the neighbouring lot, which was a boat repair shop.

Staff have assessed the proposal with the goals and objectives in the Official Community Plan, and have pulled the following policies that are relevant to the proposal:

Part B - Sea Level Rise

6.8.6– New development in close proximity to the water’s edge will be required to consider future hydrological conditions in the overall design, incorporating strategies to reduce the impact of sea level rise. Consideration should be given to the recommendations and guidelines of the British Columbia Ministry of Environment.

- A Flood Hazard Assessment has been completed for this project, and a 5.66 metre FCL has been recommended.

Part E Harbour Area Plan

5.1.2 In order to maintain a village scale and character in Gibsons Harbour area, building heights should be limited to 1 or 2 storeys on the higher side of the lot and 3 to 4 storeys as seen from the lower side of the lot depending on the degree of slope, with the exception of the site east of Gower Point Road identified on the map below, where a residential building may have up to 7 storeys and a hotel building may have up to 8 storeys, in each case as seen from the lower portion of the site. Additional exceptions may be considered through an OCP amendment on a case by case basis.

- The project proposes 1 storey on the higher side of the lot (at Marine Drive) and 4 storeys as seen from the lower side (on the waterfront), the 4 storeys includes unconditioned storage space on the ground level.

5.1.3 The form and character of multi-unit residential and commercial development in the Harbour Area is subject to the guidelines of Development Permit Area 5.

- A form and character application has been received.
- Staff recommend referring this application to the Advisory Design Panel to evaluate the proposal alongside the DPA 5 design guidelines and advise Council.

5.1.4 Development proposals requiring rezoning shall be required to comply with the Town's Affordable Housing and Community Amenity Policy and the Town will negotiate specific community amenities that developers will be required to provide to the Town on a case-by-case basis in accordance with the terms of the Affordable Housing and Community Amenity Policy.

- A CAC offer letter, in accordance with CAC Policy 3.14, is enclosed as Attachment D. The offer provides a \$5,000 community amenity contribution, per the Town's policy, for the extra residential unit.

5.1.10 Provide for a combination of housing units, including single-family and two-family homes, townhouses, and apartments in the Gibsons Landing area to support a viable and lively village heart and to accommodate the needs of different age groups.

- This proposal is for a duplex, with an elevator in each unit. This could provide for both families with young children and aging in place.

5.3.2 Require environmental impact studies in all rezonings in the Harbour Area.

- This proposal is located within three environmental Development Permit Areas for aquifer protection, flood hazards and marine shoreline protection. These Permits must be issued before a Building Permit.
- An Environmental Assessment was completed in 2021, and a Revised Flood Hazard Assessment was completed earlier this year.

5.4.4 Provide a continuous disabled-friendly footpath following the shoreline from the south-eastern breakwater (Breakwater Park) in the south to Armour's Swimming Beach in the north. Use a variety of treatments along the Harbour front walkway to create a natural feel and extend the walkway onto elevated boardwalks, where feasible.

- The sea walk will remain in place.

5.4.11 Site development should create and enhance public pedestrian linkages between

major roads and the shoreline; and both the shoreline edge and the streetscape along Gower Point Road/Marine Drive should be considered as the focal points of any development.

- The subject location is at a low point in the Sea walk. A Landscape Plan is required as part of the Development Permit for form and character, the Landscape Plan is expected to include landscaping along the sea walk frontage. No linkage between Marine Drive and the sea walk as proposed in this development.

Staff conclude that the proposal is consistent with the Harbour Area Plan but requires an amendment to the land use density as the proposal exceeds the maximum FSR of the Multi-Unit Residential Special Character Land Use Designation.

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.

Zoning Bylaw Regulations

Several sections of the Zoning Bylaw regulate development on the property:

Comprehensive Development Area Zone 1 (CDA-1)

The intent of the CDA-1 zone is to allow for existing uses to continue, pending receipt of development applications consistent with the OCP and completion of a comprehensive local area plan. The zone was put in place in 2007, prior to the adoption of the Harbour Area Plan in 2012. After the Harbour Area Plan was incorporated into the OCP, the Zoning Bylaw was not updated to implement the Harbour Area Plan.

The CDA-1 has very limiting development regulations which requires property owners to obtain a setback variance at the minimum – for example, setbacks are 10.5 m on all sides and lot coverage (footprint of impermeable area) is limited to 25%, deeming many sites with unbuildable areas.

The setbacks alone render the property at 528 Marine Drive undevelopable without obtaining both a variance and flood exemption at the very least.

The proposal is not permitted under the CDA-1 zone, and therefore a rezoning is required.

View Protection Regulations – Sub Area D

The property is located within View Protection Sub Area D.

When regulations of View Protection Sub-areas differ from setback and building height regulations of the zone (CDA-1), the View Protection area takes precedence. It should be

noted that view protection area setbacks are in addition to the Floodplain setbacks and building floor elevations.

In 1996, the View Protection Sub-areas were introduced to Zoning Bylaw No. 555, 1986, with amending Bylaw 555-79. In 2007, the Zoning Bylaw was rewritten and incorporated the 1996 View Protection Sub-Areas into Zoning Bylaw 1065 without any amendments.

Thus, the View Protection Regulations do not consider areas in the Floodplain, including the associated sea level rise setbacks (15 m in this case) or Flood Construction Levels.

No new development has occurred in View Protection Sub Area D since the View Protection Regulation was adopted into the Zoning Bylaw in 1996.

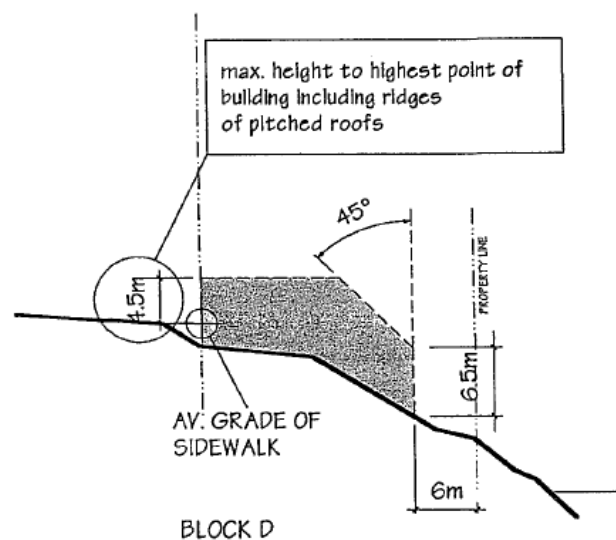


Figure 7: View Protection Sub Area D schematic

The proposal partially meets the View Protection Regulations, and a variance is required to relax them. The building meets the height limit of 4.5 m from the average grade of the sidewalk but does not meet the 6 m rear setback or the 45° setback from a height of 6.5 m from the average natural grade.

A variance would be required to relax the 6 m rear property line setback to 2 m and the 45° building angle calculation to 0°, however, this is included in the site specific conditions of the new Residential Waterfront zone.

Floodplain Regulations

Under Section 524, the Local Government Act enables local governments to designate land by bylaw as a floodplain. The Act states that local governments may specify the flood level for the floodplain, and the setback from a watercourse or body of water.

The Town has designated floodplain areas in the Zoning Bylaw and in the OCP's Development Permit Area 1 for geotechnical hazards. Areas near creeks and all shoreline areas are identified in a Floodplain.

Section 4.11 of the Zoning Bylaw requires a 15-metre setback from the natural boundary of the sea and the underside of any floor system of habitable space to have an elevation of 1.5-metres above the natural boundary of the sea to address flood risks.

The subject site is approximately 10 m from the natural boundary and has an average depth of only 13.7 m. With a building setback of 15 m from the natural boundary, and a front setback of 10.5 m, there is no permitted space for a building footprint.

Therefore, this application includes a request for a flood exemption, which is supported by a qualified professional.

Floodplain setbacks cannot be varied, they can only be exempted. The flood setbacks are more restrictive than the building setbacks outlined in the CDA-1 zone and view protection regulations outlined in Sub Area D.

Flood Exemption Request

The property is designated in a Floodplain under Section 4.11 (2) of the Zoning Bylaw. Occasionally, the Town receives requests for permission to exempt these provisions, for example for additions to existing buildings or for new development in Floodplains. The Local Government Act does not consider this a regular variance, but it does provide Council (or a delegated authority) the power to allow an exemption. The local government can consider exemptions, for example, based on a report from a professional engineer.

The Flood Exemption is a separate approval besides any required Development Permits and requires its own resolution from Council.

A Flood Hazard Assessment has been provided by North West Hydraulics. The assessment looks specifically at Coast Flood Hazards, as the property is a considerable distance from major creeks. The report notes that erosion hazards are deemed low for the site, and this will remain so if the riprap shoreline protection is maintained.

The NHC Flood Hazard Assessment recommends a setback of 7.5 m from the present-day natural boundary (roughly equal to the Highest High Water Large Tide). The property is deemed suitable for development provided that:

- all recommendations in the report are met, including an FCL of 5.66 metres or higher.
- a save harmless covenant describing the hazard and building requirements and a liability disclaimer

The flood exemption for the property 528 Marine Drive is supported by qualified professionals to be safe.

Should Council authorize a Floodplain exemption – to relax the floodplain setback from 15 m to 7.5 m, the owner will be required to register a save harmless covenant on Title prior to the issuance of a development permit, which relieves the Town of liability for building within a floodplain.



Figure 8: Plan view of the proposed development- 7.5m setback from Natural Boundary highlighted in Yellow.

Official Community Plan Amendment Bylaw No. 985-37, 2024

The OCP must be amended to allow a duplex on the property.

Staff have drafted a new Land Use Designation for the site which could be applied to residential waterfront lots located along Marine Drive and Marine Crescent, enclosed as Attachment B.

The Land Use Designation is Residential Waterfront and has the following description and intent:

To allow single detached, duplexes, triplexes and townhouses along the waterfront of Marine Drive and Marine Crescent.

This land use designation allows existing single-detached residential uses and the redevelopment of sites along the waterfront. No density is provided, to allow flexibility in designing with Flood Construction Levels and narrow lots.

Zoning Amendment Bylaw No. 1065-82, 2024

The zoning bylaw must be amended to allow a duplex on the property.

Staff have drafted a new zone, Residential Waterfront (RW), enclosed as Attachment C. The intent of the zone is to accommodate a variety of detached residential uses along the waterfront, while maintaining view corridors towards the ocean. This mimics some of the waterfront residential use currently in place and is intended to maintain the current form and scale of development along the waterfront.

The Residential Waterfront zone supports gentle density, in a building form that looks like a detached dwelling or row housing.

Permitted Uses

Single family dwellings, duplexes, three-family dwellings, and townhouses are permitted in the new zone.

Density

A density bonus has been written into the zone, with a base density of one unit and a maximum density of four units. This means one dwelling unit can be built on the lot outright and up to four with a Community Amenity Contribution (CAC). The current CAC Policy recommends a \$5000 rate per dwelling unit to be paid to the CAC Reserve fund and the Affordable Housing Reserve fund for each additional unit.

Setbacks

Front setbacks are permitted at 1.5 m, due to the shallow depth of the lots; interior side yard setbacks are to be 1.5 m, to provide 3 m view corridors towards the ocean between buildings; and a rear property line setback is 2.0 m to allow for non-habitable structures (such as a free-standing deck for patio furniture).

Staff note that the provisions of Section 4.11 (development in areas subject to flooding) applies to this property, which requires a 15 m setback from the natural boundary of the sea and a 1.5 m elevation above the natural boundary of the sea. Section 4.11 will need to be exempted in this case, and likely in others too.

A Site-Specific Condition has been added to the zone for 528 Marine Drive to allow for 77% lot coverage and a 0-metre front setback, to accommodate the duplex and flood construction levels on the small, narrow lot.

Height (and view protection)

The Residential Waterfront zone provides a maximum building height of 4.5 m from the average grade of the property line at Marine Drive or Marine Crescent, which would be the sidewalk on the uphill side of the site. This is consistent with the maximum building height in the view protection regulations and aligns with the historic intent.

Staff note that the new RW zone would not be in the view protection area. Instead, a 4.5 m building height limitation is the same as the view protection height limitation. Both the height limit and 1.5 m side setback requirement is intended to maintain view corridors through to the ocean between and above buildings on the site.

Parking

The RW zone permits one parking space per unit for townhouse uses. This differs from the rest of the Zoning Bylaw due to the proximity of the units to Lower Gibsons, the bus route and on-street parking for visitors.

Reducing the parking requirements helps to reduce the site coverage and may allow designers to be more creative with parking design and add more landscaped features.

COMMUNITY AMENITY CONTRIBUTION

Community Amenity Contributions (CAC) are monetary (or in-kind) contributions made by the developer to the Town as part of the rezoning process. CACs are intended to help offset the cost of providing community amenities associated with new residential development that are seeking a change in use or change in density.

The CAC program applies to all new residential development in Gibsons that requires rezoning approval from the Town, including single-family subdivisions, duplexes, townhouses, and apartment uses. CACs are payable by the rezoning applicant prior to Council consideration of adoption of the Zoning/OCP Amendment Bylaw.

Council Policy 3.14 outlines target rates for multi-family development at \$5000 per unit.

The applicant has committed to paying a total of \$5,000 for the one additional unit proposed, in accordance with Policy 3.14. The CAC offer letter is enclosed as Attachment D.

PLAN IMPLICATIONS

Pursuant to Section 477 of the Local Government Act, Council must consider Official Community Amendment Bylaw 985-37, 2024 in conjunction with the Town's Financial Plan and Waste Management Plan.

Financial Plan

- Increased density generally has a positive impact on the Financial Plan as it enables the Town to collect comparatively more property taxes and user fees without significant infrastructure expansion being required.
- Development of the vacant lot will translate into new taxation and user fee revenue on the improvements, where previously revenue was limited to taxation on the vacant land only.
- Additional Development Cost Charges to be collected at Building Permit issuance.
- Frontage contribution and servicing upgrades to be provided at the cost of the applicant.

Waste Management Plan

The SCRD is responsible for regional solid waste management and planning. This application was referred to the SCRD. The SCRD provided the following comments:

The applicant is encouraged to ensure building design includes adequate space for storage and servicing of recycling, food waste and garbage receptacles and ensuring the storage space is inaccessible to wildlife.

Through the construction phase, the applicant is encouraged to review materials accepted at the Sechelt Landfill and sort accordingly to maximize diversion and ensure compliance with recyclable materials and controlled waste. Consideration should also be given to make sure any containers for separating garbage, recycling and food waste remain accessible to collection service providers during construction and will be accessible post-construction

REFERRAL COMMENTS

The following referral comments have been received:

Referral Agency	Comment
Skwxwú7mesh Úxwumix	No comments
Gibsons and District Volunteer Fire Department	Please follow the BCBC and BCFC for this project. The fire department would like this to be a sprinklered building. Also, with the sprinkler system in place is there any consideration for outside wall sprinklers for spatial separation from the neighbouring buildings?
Sunshine Coast Regional District	See under Plan Implications
Town of Gibsons Finance Department	See further information under Plan Implications.
Town of Gibsons Infrastructure Services Department	<ol style="list-style-type: none"> 1) Design should take into consideration that there is a long-term plan to raise the sea walk by about 75 cm. 2) Currently no required frontage works on the waterside of the development. However, the Town has an environmental consultant, who will review the proposed landscaping plan on the foreshore and will likely provide an approved plantings list. 3) Currently, the northern driveway appears to be too close to Beach Avenue intersection. Please show on the drawings the driveway measurements, including the distance of the northern driveway to the Beach Avenue intersection. 4) Consider mirroring the building so that driveway access and parking are at the centre of the building and only one central driveway is

	<p>required. Alternatively, consider moving the two driveways closer together with a small strip of landscaping (approximately 1 meter wide) in between the driveways.</p> <p>5) Frontage works on Marine Drive to include sidewalks.</p>
<p>Town of Gibsons Building Department</p>	<p>All construction must conform with the 2024 BC Building Code.</p> <p>Compliance to be determined upon Building Permit application review.</p>

Table 2: Referral comments

RECOMMENDATIONS / ALTERNATIVES

Option 1: Proceed with the proposal – First Reading.

This option puts the proposal on the table for consideration and further discussion. As an OCP amendment is being considered, a Public Hearing is required and must be scheduled.

1. *THAT Official Community Plan Amendment Bylaw 985-37, 2024 be given first reading;*
2. *AND THAT pursuant to Section 477 of the Local Government Act, consideration be given to Official Community Amendment Bylaw 985-37, 2024 in conjunction with the Town’s Financial Plan and Waste Management Plan;*
3. *AND THAT Zoning Amendment Bylaw No. 1065-82, 2024 be given first reading;*
4. *AND THAT a Public Hearing be scheduled for November 5, 2024 at 5:30 p.m. in Council Chambers.*
5. *AND THAT an exemption be granted to the Zoning Bylaw’s Flood Plain requirements for 528 Marine Drive subject to:*
 - *meeting the conditions outlined in the Flood Hazard Assessment report by Northwest Hydraulic Consultants dated May 3, 2024;*
 - *the registration of a save harmless covenant in favour of the Town of Gibsons; and*
 - *the adoption of Zoning Amendment Bylaw 1065-82, 2024.*

OPTIONAL:

Optionally, Council may also wish to; accept the CAC offer of \$5000.00, refer the application to the Advisory Design Panel for input on the form and Character development permit, request changes, a public information meeting, or further information second reading, such as reducing lot coverage:

6. *AND THAT the Community Amenity Contribution of \$5,000 for Zoning Amendment Bylaw No. 1065-82, 2024, for 528 Marine Drive be accepted.*
7. *AND THAT the application for 528 Marine Drive be referred to the Advisory Design Panel for input on the Development Permit for form and character;*
8. *AND THAT prior to second reading, the proposal be revised to meet 75% lot coverage;*
9. *AND THAT prior to the public hearing, a public information meeting be held by the developer and feedback collected be reported back to Council;*
10. *AND THAT prior to second reading, the following information be received:*

- ...

Option 2 – Reject the proposal

This option rejects the proposal. Council may provide the developer with feedback on why Council feels it is not appropriate for the Town of Gibsons.

THAT Official Community Plan Amendment Bylaw 985-37, 2024 be rejected.

AND THAT Zoning Amendment Bylaw No. 1065-82, 2024 be rejected.

Attachments

- Attachment A – Application drawings
- Attachment B – Draft Bylaw 985-37
- Attachment C – Draft Bylaw 1065-82
- Attachment D – CAC letter

Respectfully Submitted,

Katie Thomas
Planner II

Report reviewed by:

X	Chief Administrative Officer
	Director of Corporate & Legislative Services
	Director of Finance
	Director of Infrastructure Services
X	Director of Planning and Development

