



STAFF REPORT

TO: Advisory Design Panel

MEETING DATE: January 29, 2025

FROM: Planner II

FILE NO: 3220-North Rd-672

SUBJECT: **Development Variance Permit and Development Permit for a mixed-use building with 42-residential rental units at 672 North Road**

REPORT FOR RECOMMENDATION TO COUNCIL

PURPOSE

The Town has received a development proposal for a mixed-used building at 672 North Road, with parking and one commercial retail space on the ground floor and 42 residential rental units above, as shown in Figure 1. The purpose of this report is to obtain a recommendation from the Advisory Design Panel to Council on the applications for a Development Variance and Development Permit for form and character.



Figure 1: Application proposal at 672 North Road

BACKGROUND

This proposal involves two applications:

1. **Development Variance Permit (DVP-2024-03)** – to increase the building height by 4.25 metres, from 12-metres to 16.25-metres and reduce the parking spaces by 31 spaces from the required 64 spaces to 33 spaces
2. **Development Permit for Form and Character (DP-2024-31)** under DPA 3 – Upper Gibsons Commercial Area.

The property at 672 North Road has been subject to past applications. A Development Permit (DP-2018-16) was obtained in January 2019 for a 12-unit 3-storey “Passive Haus” mixed use building. The Development Permit was renewed under DP-2021-25 in April 2022, with two additional apartment units, bringing the total to 14 apartment units.

Both previous permits expired since substantial construction had not commenced within 24 months of permit issuance.

DISCUSSION

Subject Property and Surrounding Uses

The subject property is located to the north of the Heritage Playhouse and fronts onto North Road on the west. The subject property is opposite St Barts Church and the Sunshine Lodge Inn and currently contains a one-storey single-family home as shown in Figure 2.



Figure 2: Location of subject property

Planning Context

The property is designated Medium Density Residential under the Official Community Plan and is within Development Permit Area 3 – Upper Gibsons Commercial Area (DPA-3).

The property is zoned Upper Gibsons Commercial District 1 (C-1) under Zoning Bylaw No. 1065. The C-1 zone allows commercial uses at grade and apartments above to a maximum of 12 metres in height. The Commercial zoning does not align with the OCP's Medium Density Residential land use designation, as the zoning bylaw was not updated after the OCP was updated.

	BYLAW	PROPOSED	MET?
Use	Commercial at grade, residential above	Commercial at grade, residential above	Yes
Rear Setback	6m	6m	Yes
Interior Side Setback (North)	3m	5.5m	Yes
Interior Side Setback (South)	0m	0m	Yes
Front Setback	0m	5.5m	Yes
Height	12m	16.25m	DVP required
Lot Coverage	80 %	65 %	Yes
Vehicle Parking	Commercial: 1 space Residential: 63 spaces	Commercial:1 space Residential: 32 spaces	DVP required
Bicycle Parking	Class 1: 1.25 /dwelling = 53 Class 2: 0.2 / dwelling = 9	Class 1: 65 Class 2: 9	Yes

Application Proposal

The proposal looks to demolish the existing one-storey single family home and develop a 4-storey mixed use commercial and residential building with pitched roof, as shown in Figure 1.

The apartments will consist of 30 1-bedroom and 12 2-bedroom units. A total of 32 parking spaces will be available for the 42-units. This means 10 units will not have a parking space, if a maximum allocation of 1 parking space is given to 32 units.

An amenity space for the apartment residents is proposed on the upper storey of the building, with a 38 m² indoor space and a larger 188 m² outdoor rooftop patio, some of which is covered,

providing residents with views towards Keats Island. This is shown in yellow in Figure 3 on the top storey.

Parking will be accessed from North Road and is located under the building, at grade. The commercial unit will be located on the southwest corner of the building, adjacent to the Heritage Playhouse.

The commercial unit will be small at 43 m² and currently the applicant is thinking that it will be a laundromat or café. Due to the size of the commercial space, only one parking space is required.

The applicants will also be providing a 3-metre right of way along the north property line, to allow for a future east-west active transportation laneway, as shown in Figure 4.

The proposed use meets the C-1 zoning, however the height of the building and the parking require a variance in order to proceed.

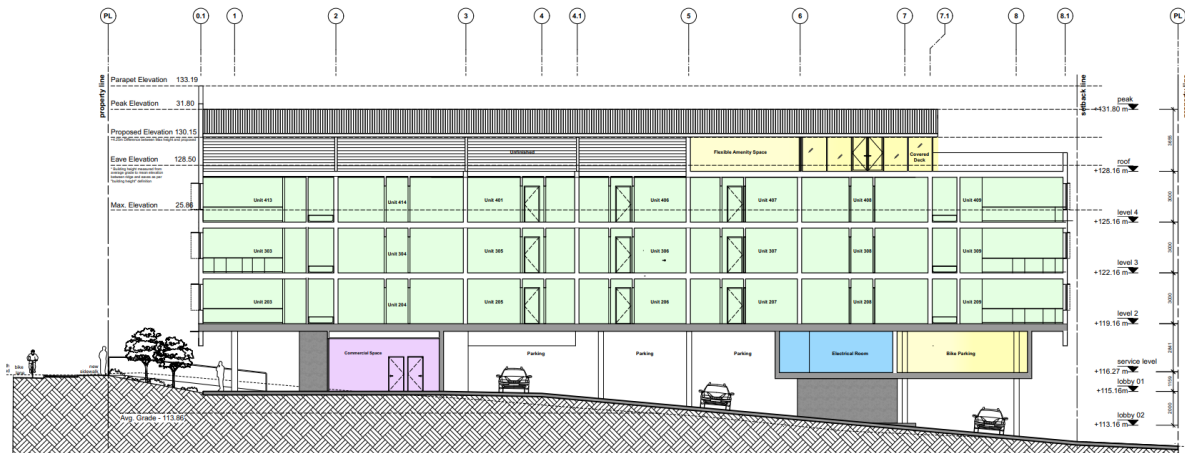


Figure 3: Cross Section of the building.

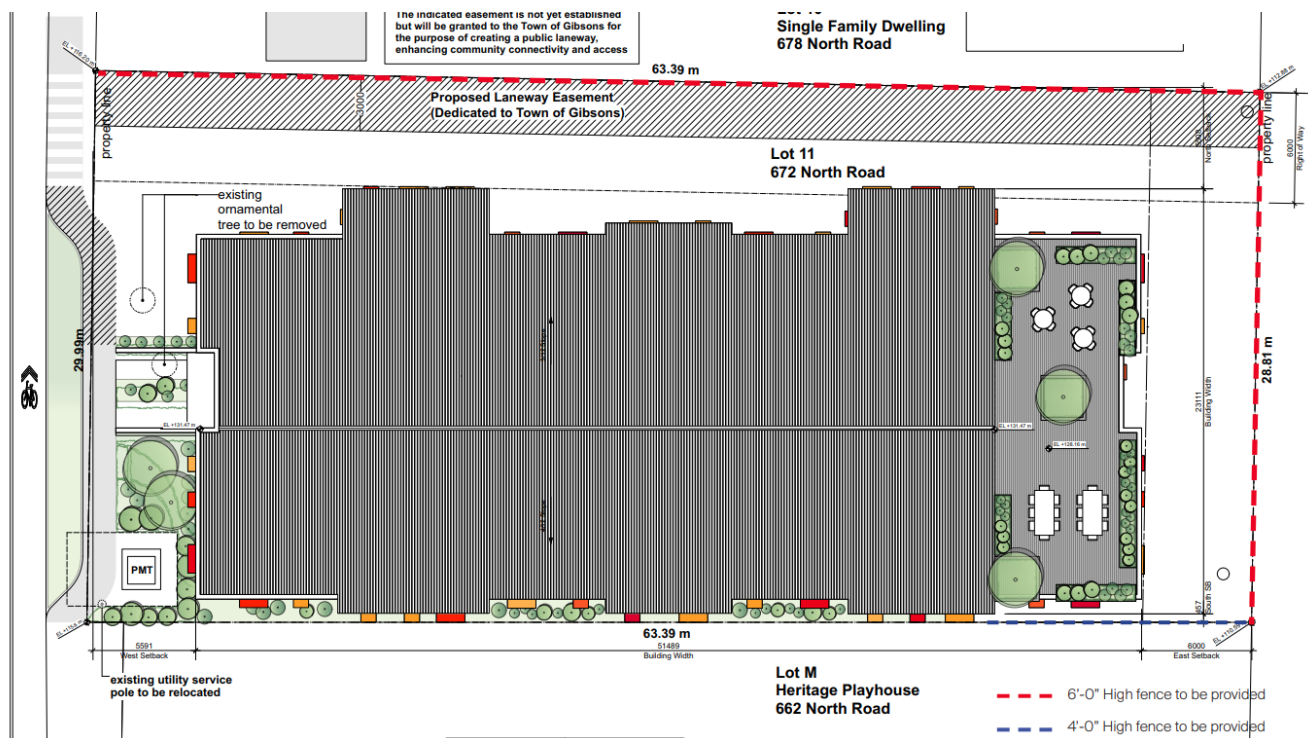


Figure 4: Location of proposed right-of-way along the North property line for future lane dedication

Development Variance Permit (DVP-2024-03)

The applicant has applied for two variances to the Zoning Bylaw:

1. Vary Section 11.09 of the Zoning Bylaw to increase the maximum building height to 16.25-metres (4.25 m increase); and
2. Vary Section 6.12 of the Zoning Bylaw to reduce the minimum parking requirements to 33 spaces for apartment dwelling units. (31 space reduction)

Council Policy 3.9

Staff provide the following analysis of the Council Policy 3.9 evaluation criteria for consideration:

1. *The same request has not been previously denied by the Board of Variance.*
 - The application has not been presented to the Board of Variance.
2. *There is a demonstrated need for variance in order to permit reasonable use of the property.*
 - **Regarding building height:** This statement assesses if there is a need to increase the building height to 16.25-metres to permit reasonable use of the property.

- The Housing Needs Assessment and Housing Strategy identifies a need for housing and supports density.
 - In order to add this much density, adding an additional floor to the building is required.
 - Previous development plans have shown how to reasonably use the property within the zoning height regulations.
 - **Regarding parking reduction:** This statement assesses if there is a need to reduce parking by 31 spaces for the residential units to permit reasonable use of the property.
 - The applicant has not provided a parking demand study but has provided a rationale (enclosed as Attachment C) that the subject property is near transit, schools and retail stores and as this is a purpose-built rental building, the property manager will be able to notify potential tenants of parking space availability before individuals submit their housing requests.
 - There is no attempt to sink parking underground, which could increase parking.
 - Previous applications have shown that it is possible to construct a building within the C-1 zoning requirements on the property, without variances. However, the previous development did not commence, and it is possible that it may not have been financially feasible.
 - **Staff consider the property could reasonably be used under current zoning with a 12-metre building. The building height limits the number of dwelling units and reduces the demand for parking.**
3. *The variance will not result in significant negative impacts on neighbouring properties.*
- **Regarding building height:** This statement assesses if a building height increase of 4.25 m would have significantly negative impacts on neighbouring properties.
 - The additional 4.25-metre height request is an additional storey.
 - The property has residential neighbours to the north and east of the property.
 - Shadow studies show that there is shading on the northern neighbour during the months of March, September, and December with shadowing limited to the subject property in June, as shown in Figure 3. Shadow studies are available in the DP package enclosed as Attachment B.
 - **Regarding parking reduction:** This statement assesses if a parking reduction of 31 spaces would have significant negative impacts on neighbouring properties.
 - The area currently has parking supply issues. Evidence of this is shown during the Heritage Playhouse's peak events which often impact both the St Bart's Church and Gibsons Elementary parking lots.

- The proposal to offset the impacts of the parking reduction is to include an additional 12 class 1 bike parking spaces over the requirements. However, there is no consideration of a car share vehicle or e-bike charging infrastructure/bike maintenance bench, or storage, etc.
- Payment-in-lieu of providing parking spaces is not available for this project, as the subject property is further than 500 m from a public parking facility owned and operated by the Town of Gibsons, and the policy applies for properties within 100 m of a public parking facility only.
- With 10 apartments without parking and no visitor parking available on site at 672 North Road, it is likely parking will impact neighbouring lots.
- **Staff consider that both variance requests will result in negative impacts on neighbouring properties regarding shadowing and parking.**



Figure 5: shadow study showing June, March and December

4. *The overall intent of the original bylaw requirement or standard is not compromised.*

- This statement assesses whether the overall intent of both the Upper Gibsons Commercial District 1 (C-1) maximum height of 12 metres and the regulation for 1.5 parking spaces per apartment unit is compromised.
 - **Regarding Building height:** While the original intent for the 12-metre height limit is not clear, staff suggest that the 12-metre, 4-storey height limit may have been intended to maintain a Small-Town character in Gibsons. The OCP's vision states in part "we will ensure this beautiful Town retains its seaside village character for the enjoyment of all...".
 - Another possible intent in the height restriction may have been due to past restrictions in the BC Building Code that limited wood construction to 4 storeys which made building to this height more feasible and more likely in Gibsons; however, building science along with the Building Code has since changed.
 - A goal of the OCP is to "preserve Gibsons' Small-Town character and livability while allowing for moderate growth and change".
 - The proposal looks to construct a 4-storey building to create 42 rental apartments.

- **Regarding Parking reduction:** The requirements for 1.5 parking spaces per apartment unit have been in place since Zoning Bylaw Number 241, which was adopted in 1973. This may be due to the location of Gibsons on the Sunshine Coast, a linear community along the coast that relies on vehicles to travel up and down it. There is also limited reliable public transportation, requiring a need for vehicles to access amenities beyond the Gibsons municipal boundary. While parking spaces for single family homes increased from 1 space in 1980 to 2 spaces in 1986, the parking for apartment units has remained consistent.
 - 10 of the proposed dwelling units will not have a parking space.
 - **Staff considers the bylaw requirement to be compromised.**
5. *The variance does not appear to establish a precedent for other properties, but responds to a site-specific situation or difficulty;*
- It is unclear what the site-specific situation or difficulty is.
 - Staff considers that prior height variances have already established a precedent for added height in the C-1 zone.
 - Height and parking variances have been approved for two proposed rental buildings in Town. Both of which were required to place Housing Agreements on title to secure the rental housing and affordable housing components.
 - 835 Gibsons Way for a 20.5-metre building with 81 dwelling units. The Variance has a number of conditions including entering into a Housing Agreement with the Town of Gibsons to secure the development as a mixed-market rental building for a minimum 20-year term and that 28 of the units will be rented at affordable rates for a 15-year term. The Housing Agreement will be presented to Council in due course.
 - 718 North Road for a 20-metre mixed use building with 124 dwelling units. The height variance included a condition for a Housing Agreement securing the proposed proportion of rental and affordable housing units.
 - A height variance was approved for 629 Mahan Road for a 15.5-metre building, however the building is not rental and parking requirements were met.
 - The applicants have stated that they are open to a Housing Agreement or covenant for a 10-year duration. Staff and the applicants will meet next week and can update the ADP members if any affordable units are to be secured.
6. *As per the Municipal Act [now the Local Government Act] provisions, does not result in a change in land use or an increase in permitted density.*
- The C-1 zone does not include a density limit and therefore there is no increase in permitted density in the zone.

7. *The variance results in suitable development that is an asset and compatible in the context of surrounding uses.*

- This statement assesses if a 16.25-metre building with reduced parking is an asset and compatible in the context of surrounding uses.
- The subject property is within walking distance of the public transportation network, active travel routes, grocery stores, shopping centres, and other public amenities, provide a high walkability score – therefore, it is a great location for added density.
- The OCP contains policies in Section 10.2 (Upper Gibsons Commercial Area) that speak to creating “an Upper Gibsons “Town Centre” focused on the area between School/North Roads and Payne/Pratt Roads”. Staff suggest that the “Town Centre” would be the most suitable area for increased height in the Town, along the transit corridor and within the commercial area. The subject property is slightly outside the “Town Centre”.
- The property is adjacent to a detached residential property to the north and east is arguably not compatible with the property to the north, or east at this time However, it is also adjacent to the Heritage Playhouse and is compatible with the uses to the south (Kern’s Plaza).
- When deciding on where to place density, staff considers that (a) it must be determined that there is a need for density – which the Housing Needs Assessment and Housing Strategy identifies and supports; and (b) livability, walkability, and access to amenities are key factors in placing density. Therefore, staff **considers this development to be an asset and compatible in the context of surrounding uses.**

8. *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 land owners are considered.*

- Not applicable, no requested variance to Subdivision and Development Bylaw No.1175

Development Permit (DP-2024-31)

All commercial and mixed-use buildings must obtain a Development Permit for form and character prior to applying for a Building Permit.

Staff have reviewed the plans with the Upper Gibsons Commercial Development Permit Area 3 (DPA3) guidelines and provide the following comments:

General form and Character

The general form and character guidelines speak to creating a high quality, visually appealing development with a safe, comfortable pedestrian environment.

The guidelines suggest locating the buildings near the front of the parcel with the building's front face and main access facing the street, with parking to the rear or side. The proposed building is set along the front property line of North Road, facing the street, with parking under the building, hidden from view from the street, as shown in Figure 6.



Figure 6: View from North Road

The guidelines speak to the form and character supporting and enhancing the small-town character, use of West Coast design features and encouraging the use of natural colours with complementary colours as accents to promote visual interest.

Building Form, Scale and Massing

This section provides guidelines to encourage varied building forms and avoid the creation of a commercial strip image.

On sloped sites, building forms should gradually step down to follow the slope of the site. As shown in Figure 7, the site slopes from North Road to the east. While the building itself does not necessarily follow the grade, the top storey patio provides a transition down in height.

Proposals with commercial at grade and residential use on upper floors should incorporate a graded transition in the building height, to ensure adjacent properties are not faced with a massive wall. When looking at Figure 8, the proposal's southern walls lack a graded transition in building height and is very visually prominent with context with the Heritage Playhouse adjacent, however, Staff note that the DPA 3 does not speak to any heritage features or colors.



Figure 7: North Elevation



Figure 8: Rendering showing the proposed building from the Gibsons Way/North Road/School Road intersection

Residential/Commercial Buffers

The subject property has residential neighbours to the north and east, the guidelines state that fencing, combined with a broad area of landscape plantings, or dense shrubbery capable of impeding travel through to adjacent properties creates effective transitions between commercial areas and adjacent properties.

The Landscape Plan, pages 53-57 of the DP package set enclosed as Attachment B, does not show any planting along the north or east property lines. Staff suggest the lack of plantings along the north property line will likely be due to the right of way for the future lane dedication. A 6-foot high fence is to be provided along the north and east property line instead of plantings.

Pedestrian Environment

The guidelines speak to the transition from Gibsons Way (North Road in this instance) edge to the building, should attempt to reduce the apparent width of the road and encourage a “pedestrian friendly” environment and create a “green area” to reduce impacts of traffic.

This can be achieved with an emphasis on fenestration, and inclusion of weather protection, integral with the building form along outside pedestrian routes, as well as sidewalks well separated from the highway edge.

Figure 6 shows an activated street edge with prominent glazing. The building is set back 5-metres from the highway as per the Ministry of Transportation and Transit (MoTT) requirements, helping to create a public realm away from the highway. The sidewalk is to be offset from the edge of the highway as per the Town’s Subdivision and Development Bylaw Number 1175. The sidewalk will not be covered, however, as shown in Figure 9, there will be a covered entryway to the residential lobby and commercial unit.

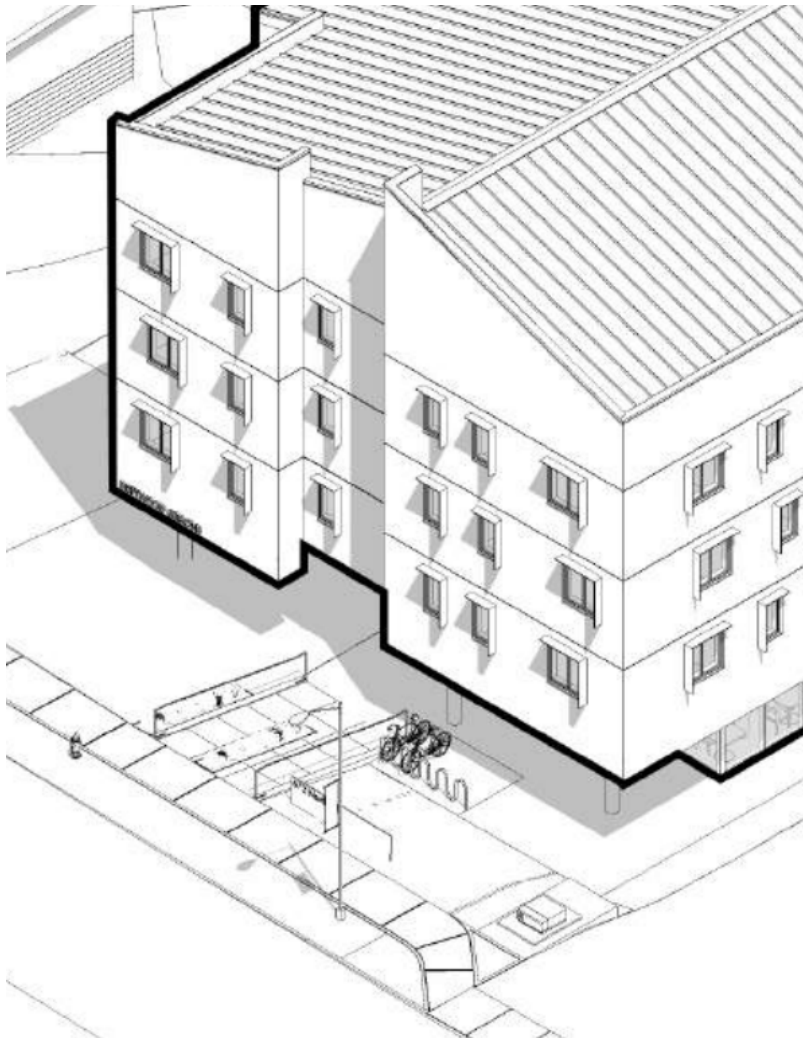


Figure 9: Pedestrian Environment

Landscaping

The guidelines speak to landscaping of commercial and multi-family areas in Upper Gibsons being key to improving the image and character of the area.

A professional landscaping plan has been submitted, pages 53-57 of the DP package set enclosed as Attachment B, and as shown in Figure 10. The plan focusses on the road frontage and south property line. No original trees will be retained

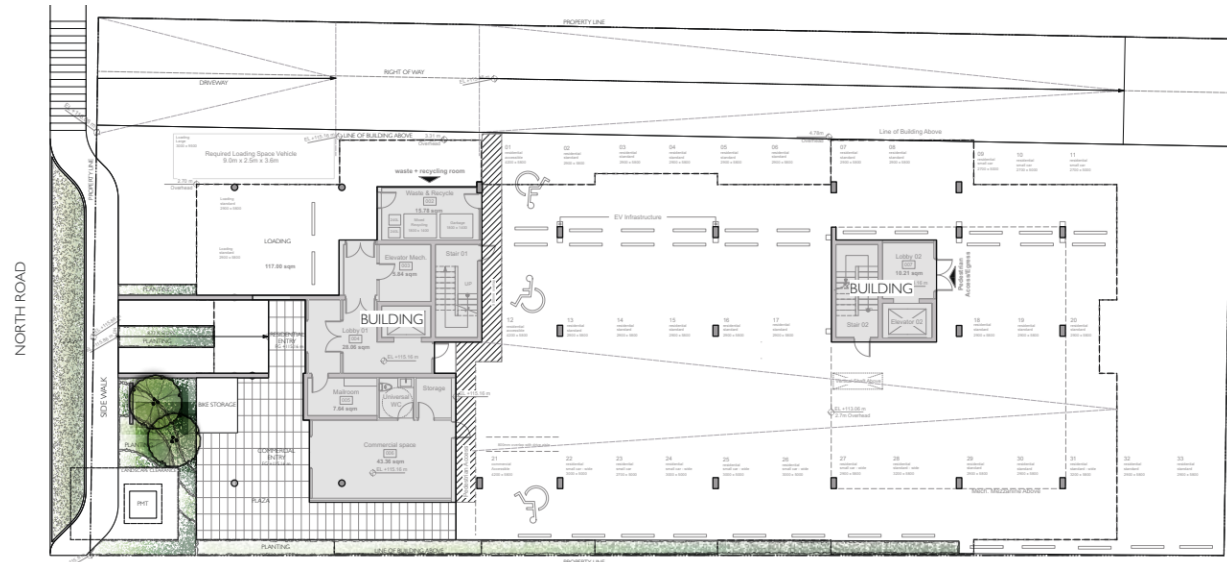


Figure 10: Landscape Plan

COMMUNICATION

An on-site sign has been installed. Neighbours within 50-metres of the property were initially mailed notice of the application and were invited to the Jan 21 Committee meeting, and due to unforeseen reasons, were re-notified that this application is postponed to Feb 18th.

To date the Town has received one submission from the adjacent property to the north. The submission opposes the variance requests, citing the proposed height of the new building will reduce sunlight, create a wall and diminish the value and enjoyment of their property, and that the parking reduction will negatively impact the surrounding area.

REFERRALS

The proposal was referred to the following agencies/departments, with a summary of the comments received.

Agency/ Department	Comments
Fire Department	Approval recommended with BC Building Code requirements to be followed. The Fire Department have asked for confirmation as to

	<p>whether the fire hydrant on the civil plans will be installed on the east side of North Road.</p>
<p>Building Department</p>	<ul style="list-style-type: none"> • Separate demo permit required for existing dwelling. • Zero overhangs not recommended. • Diagonal siding not recommended. • Spatial separation to be considered. • Fire department access to be considered. • All construction to comply with the 2024 code, except for the new adaptable dwellings and seismic requirements that will come into effect in March of 2025. Applications submitted before the March cutoff will not need to comply with the new requirements, however the rest of the 2024 code will still apply. • Full building code review to be conducted once building permit application comes through.
<p>Public Works</p>	<p>No concerns with the proposal, other than parking. No parking permitted on North Road and this promotes parking on Hillcrest Road.</p>
<p>Ministry of Transportation and Transit (MoTT)</p>	<p>Original comments dated November 23, 2021 still stand</p> <p>Utilities:</p> <ul style="list-style-type: none"> • Any new utilities proposed within the highway right of way as part of this • development will require a highways permit. <p>Landscaping/Sidewalks:</p> <ul style="list-style-type: none"> • Under the Ministry's maintenance contract, our contactor provides landscaping and maintenance services related to highway safety and do not undertake work for aesthetic reasons. The Town of Gibsons would be responsible for all future maintenance of proposed works. Proposed sidewalks and landscaping located within Ministry Right of Way will require a provincial highways permit application. <p>Access:</p> <ul style="list-style-type: none"> • The developer shall provide an update to the Ministry on the access design. The Ministry has not issued a permit for the access to date. <p>Storm Water Management:</p> <ul style="list-style-type: none"> • No storm drainage shall be directed into Ministry of Transportation and Infrastructure systems. This would include, but is not limited to, collection/run-off of any internal road system. All storm water is to be directed to a municipally maintained storm system.
<p>School District 46</p>	<p>Proposal to be reviewed at the Operations Committee meeting scheduled for January 28, 2025.</p>

POLICY / PLAN IMPLICATIONS

Strategic Plan Implications

Staff have reviewed the Priorities and Goals of the 2023-2027 Strategic Plan. The proposal meets Goal 6 – Support Rental Housing, with the proposed development providing 42 new purpose built rental units.

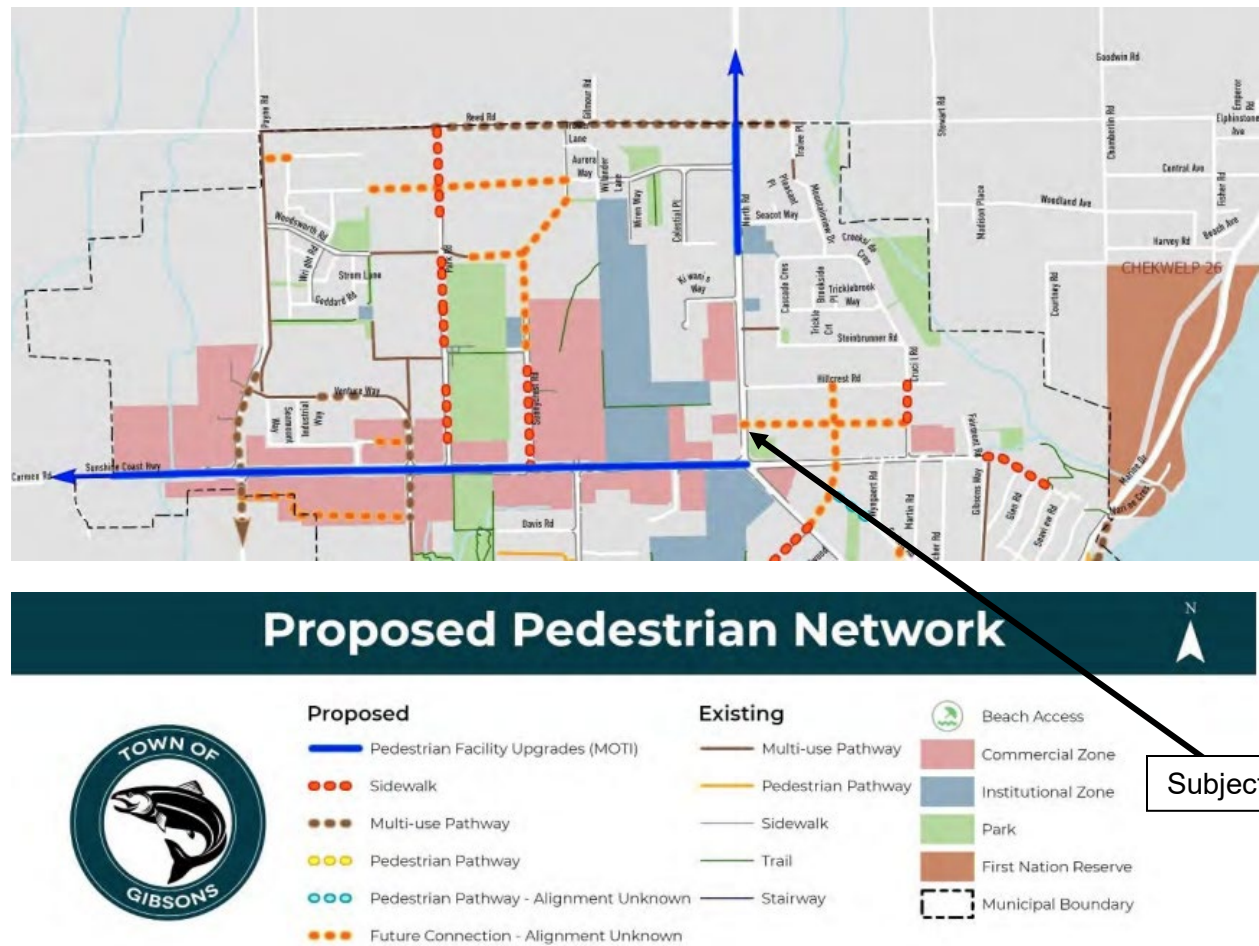
Active Transportation Network Plan (ATNP)

The ATNP identifies the area between Gibsons Way and Hillcrest as a proposed pedestrian and cycling connection, with the alignment currently unknown. Figure 12 provides the Proposed Pedestrian Network map from the ATNP.

The proposal looks to provide a 3-metre Right-of-Way for the future lane along the north property line, as shown in Figure 11. Should the property to the north develop, a right of way would also be taken along their south property line, driveways would be located on the lane, reducing traffic entering from multiple driveways onto North Road.



Figure 11: Schematic of the future laneway



Subject property

Figure 12: Excerpt of the Active Transportation Network Plan’s Proposed Pedestrian Network map

NEXT STEPS

The application will be presented to the Committee of the Whole on February 18, 2025.

The staff report along with the minutes and recommendations from the ADP will be provided. Affected neighbours will have an opportunity to submit comments in writing prior to the meeting, or verbally at the meeting. The Committee’s recommendation will then be forwarded to Council for ratification on March 4.

RECOMMENDATIONS / ALTERNATIVES

The ADP is requested to comment on the variance requests for added height and reduced parking as well as the Development Permit for form and character.

Options are provided for the ADP’s consideration.

Option 1 Proceed with the proposal as presented

THAT the Advisory Design Panel recommends to Council that the Development Variance Permit (DVP-2024-03) and Development Permit DP-2024-31 for the mixed-use building with commercial at grade and 42 residential rental units above at 672 North Road be supported as presented.

Option 2 Proceed with changes

- *THAT the Advisory Design Panel recommends to Council that the Development Variance Permit (DVP-2024-03) to increase the building height by 4.25 m at 672 North Road be*
 - a) *Supported*
 - b) *Supported with changes*
 - c) *Not supported because...*
- *AND THAT the Advisory Design Panel recommends to Council that the Development Variance Permit (DVP-2024-03) to reduce the parking requirements by 31 spaces at 672 North Road be*
 - d) *Supported*
 - e) *Supported with changes*
 - f) *Not supported because...*
- *AND THAT the Advisory Design Panel recommends to Council that the Development Permit DP-2024-31 for the mixed-use building with 42 residential rental units at 672 North Road be*
 - g) *Supported*
 - h) *Supported with changes*
 - i) *Not supported because...*

Option 3 Recommend Permits not be issued

THAT the Advisory Design Panel recommends to Council that the Development Variance Permit (DVP-2024-03) and Development Permit DP-2024-31 for the mixed-use building with commercial at grade and 42 residential rental units above at 672 North Road be rejected.Attachments

- Attachment A – Drawings
- Attachment B – DP Brochure (includes Landscape and Civil drawings)
- Attachment C – Parking Rationale

Respectfully Submitted,

Katie Thomas
Planner II

Report reviewed by:

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