

Report

Date May 15, 2024

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Subject Development Permit with Variance application for 3096 Gibbins Road

PURPOSE

To consider development permit application DP000339, which seeks variances to the permitted height and minimum off-street parking requirements of the Zoning Bylaw, to facilitate a 100-unit mixed-use building at 3096 (lot 4) Gibbins Road.

BACKGROUND

The 0.39 ha (0.96 ac) subject property is located west of the City of Duncan within the South End Urban Containment Boundary (UCB) and the Residential Neighbourhood Designation, as identified in Attachments 1, 2, and 3. It is a vacant lot between a commercial-zoned lot containing a medical clinic and a private institutional-zoned one containing a Vancouver Island Health Authority (Island Health) office building.

In 2008, the subject property was rezoned from a Private Institutional (PI) Zone to a Commercial General Zone (C2). As a condition of the zoning amendment, permitted uses were restricted to those allowed in the C1 zone apart from a mixed-use building.

Proposal

In order to maximize site amenities and harness land use efficiencies, the proponent is requesting to vary the minimum off-street parking requirements from 1.5 spaces per unit to one space per one-bedroom/studio unit and two spaces per two-bedroom unit (a reduction of 42 spaces) and to increase the maximum permitted building height from 12.0 m to 15.5 m to build a 100-unit mixed-use apartment building with an underground parkade, private and public bicycle facilities, rooftop amenity area, and a bus shelter. The proponent has provided a letter of rationale in support of the proposal (Attachment 4).

Staff believes that the proposed development permit with variances substantially demonstrates compliance with the applicable development permit guidelines and is, therefore, ready for consideration by Council (Attachment 5).

DISCUSSION

Local Government Act (LGA)

As per section 490(3)(a) of the LGA, a development permit must not vary *the use or density of the land from that specified in the bylaw*. Most zones provide specific density provisions stipulating the maximum density or gross floor area of buildings and structures permitted on a lot, regardless of the maximum height permitted. This isn't the case for the C2 zone in that no density or building gross floor area provisions are provided. The absence of density provisions allows the proposal to be considered as a DP

with variance, even though authorization of the proposal will result in an increase to the gross floor area permitted on the subject property.

Official Community Plan (OCP) Bylaw No. 3900, 2022

The OCP's objective for the neighbourhood residential designation (section 3.2.6) is:

"This designation is where a range of lower-density residential types create housing options for people with different needs, with sensitive infill development taking place alongside the preservation of single family homes. There are opportunities for "gentle densification" where the impacts would not be significant in terms of parking, noise/disturbance and character, but ample space for trees and landscaping is retained, beneficial to urban wildlife such as birds and pollinators."

Neighbourhood residential-related policies are identified in Table 1 (below).

Zoning Bylaw 1997, No. 2950

The subject property is zoned C2, and a mixed-use building is a principal permitted use (Attachment 5). A mixed-use building is defined as follows:

"a building wherein there are two or more single dwelling units and at least the entire bottom floor of the building is used for commercial purposes;"

Other permitted uses identified within the C2 zone are prohibited on the subject property due to a covenant (FB247199) registered on title at the time of the 2008 rezoning. This covenant limits the permitted uses of the subject property to those within the C1 zone except for a mixed-use building.

As per section 21(1) of Zoning Bylaw No. 2950, Multi-Family and Apartment developments are required to provide a minimum of 1.5 off-street parking spaces per dwelling unit alongside visitor parking requirements. This parking provision is regressive because it doesn't distinguish between different unit types and anticipated parking demand. Due to the size of the studio and the number of one-bedroom units, staff believe that only one parking space is necessary per unit as long as two parking spaces are provided for each two-bedroom dwelling unit.

Principal buildings within the C2 zone are permitted to have a maximum height of 12 m. The additional height (3.5 m) requested amounts to a 29% increase in the maximum permitted building height. This extra height allows for a fourth floor containing 22 additional units and a large rooftop deck (amenity space) containing a fire pit, outdoor lounge, dining area, play/exercise area, communal eating, and picking garden (Attachment 5 – Schedule 3).

Schedule J – Development Permit Guidelines, Section (iv) *Zoning Bylaw 1997, No. 2950* states:

"Under Part 14 of the Local Government Act, Council may issue Development Permits that vary the Municipality of North Cowichan's Zoning Bylaw or any other bylaw established under the Act (Zoning or Other Development Regulations; Subdivision and Development Requirements). Council will consider issuing Development Permits with variances that:

- (a) Facilitate conformance with the applicable guidelines; and
- (b) Achieve an objective or policy stated in the Municipality's Official Community Plan".

Table 1 (below) identifies both OCP and development permit guideline goals, objectives, and policies that are supported by the proposed variances:

Table 1	
Official Community Plan (OCP)	
<p>Goals (Chapter 2.3)</p> <ul style="list-style-type: none"> • 1 – Focus Growth and Development... • 2 – Build Resilient, Supportive, Inclusive Communities... • 3 – Encourage and Enable a Diverse Mix of Housing Types, Tenures and Levels of Affordability... 	<p>The proposal is a purpose-built rental mixed-use building that maximizes the efficient use of land by maximizing the number of units and providing amenity spaces and onsite features that support alternative transportation options. Particular attention has been given to site accessibility and a pedestrian centric design.</p>
<p>3.1.4 (d) "Require development within the UCB to have high standards of site-adaptive and urban design."</p>	<p>The proposal's design (Attachment 5—Schedule 1, page 8) meets a high standard of site design by framing the street, providing public realm improvements, and incorporating natural wood elements into the façade.</p>
<p>3.1.5 (b) "Make the most effective use of land and provide a variety of housing unit sizes and types within development proposals."</p>	<p>The proposal consists of a 100-unit purpose-built rental mixed-use building containing 60 studio suites between 393ft² to 417ft², 32 one-bedroom units, of which two are designed to be accessible between 447ft² to 453ft² and eight two-bedroom units between 836ft² to 915ft².</p>
<p>3.2.7 (a) "Encourage development to be predominantly lower-density residential retaining trees and landscaping, although there may be opportunities for zoning to designate individual convenience stores and low-impact service commercial and cultural or public uses that help make neighbourhoods livable and walkable."</p>	<p>Even though the proposal isn't considered low-density, its design utilizes the site's topography to minimize the mass of the building at street level. This building form supports walkability and the use of alternative transportation options, along with providing neighbourhood commercial and office spaces.</p>
<p>4.6.2 (z) "Ensure that parking for bikes and other alternative modes of transportation is provided in public spaces and facilities, and within private development."</p>	<p>The proposal offers 22 covered visitor bicycle parking spaces and a secure bicycle parking area for residents capable of storing 100 bikes with a minimum of 50% of spaces equipped with electrical outlets for e-bike charging.</p>
<p>4.6.2 (ad) "Consider parking relaxation for affordable housing projects, innovative development projects, projects close to transit or where ample street parking exists."</p>	<p>Rental apartment units are generally more affordable than traditional single-detached dwellings and are considered to contribute positively to the housing market. The proposal supports the transit network by offering to work with the Cowichan Valley Regional District (CVRD) to pay for and install a public bus shelter in front of the subject property.</p>

4.6.3 (a) "Maximize opportunities for transit by locating denser development projects along transit corridors."	As previously mentioned, the subject property is on the #2 Mt Provost bus route, which provides service through the downtown City of Duncan, Berkey's Corner and Cowichan Commons regional shopping centre. Due to the adjacent bus route and nearby services and amenities, private vehicle use will not be required for residents' daily needs.
4.6.3 (b) "Prioritize design that supports active transportation uses, providing convenient and secure facilities."	Further to the above, the proposal provided convenient and secure (Type 1 and 2) bicycle facilities.
4.6.3 (c) "Incorporate bike parking, charging for e-bikes and storage in new multifamily and commercial developments, including opportunities for public use where appropriate e.g. within a courtyard, parking or common use areas associated with multiple commercial uses."	The visitor bike parking area is located away from the street and is fully protected from the elements. Furthermore, the rear door access and windows from the Commercial Rental Unit provide additional visibility, enhancing security.
4.6.4 (a) "Working with other jurisdictions and agencies, including BC Transit and the CVRD, to maintain existing public transit service delivery, and focus service improvements in growth areas."	Further to the above, a public bus shelter is proposed as part of the development permit and will be installed with the cooperation of the CVRD at the developer's expense.
5.1.2 (b) "Assess and consider how proposals for new housing meet the needs identified in the most recent Housing Needs Assessment Report."	North Cowichan's 2019 Housing Needs Assessment Report identifies an acute rental shortage and indicates that by 2025, most households only need a one-bedroom unit. The proposed unit mix aligns substantially with the 2019 Housing Needs Assessment Report.
Development Permit (DP) Guidelines "A" – General (Form and Character)	
<p>1.3.1.1 Safety and Accessibility Standards:</p> <ul style="list-style-type: none"> a) "New developments should incorporate principles related to "Crime Prevention Through Environmental Design" (CPTED) and the "safety lens." b) "Well-defined public and private spaces, adequately lit exterior spaces and clear sightlines should be considered to create healthy, safe environments". <ul style="list-style-type: none"> i. "Parking lots should be designed so that pedestrian access is clearly separated from driveways and parked vehicles. At the main entrance, the public street and parking areas should be linked by a walkway". c) "Building designs should enhance public safety and comfort by providing protection from the elements through the use of awnings, canopies and overhangs". 	<p>The proposal integrates safety and accessible design practices throughout. Stone pavers delineate spaces designed for pedestrians, separating vehicles, and pedestrians to the greatest extent possible.</p> <p>Clear site lines and adequate exterior lighting are provided throughout. Where vehicles and pedestrians are near each other, protective bollards are used to maintain separation.</p> <p>All entrances are well-defined and are protected from the elements using roof overhangs.</p>

1.3.1.2 (j) "Maximize the amount of shared multi-purpose amenity space that includes covered outdoor multi-purpose areas for recreation, the hanging of laundry, storage for bicycles and garden equipment, and scooter and stroller parking."	The bicycle parking area and rooftop multi-purpose space provide substantial space for residents to gather and foster community.
1.3.1.3 (q) "Provide individual private outdoor amenity space for each dwelling unit in multi-family residential and mixed use commercial sites: at grade for townhouse units and ground-level apartment units; and as balconies for second-storey and higher dwelling units."	All the units have private balconies in addition to the shared rooftop deck.
1.3.2 Improve the Public Realm - Developing land in ways that respect and enhance the public realm encourages community interaction, which in turn creates lively "people places" that attract residents and visitors and supports local commerce.	The front of the building enhances the public realm by incorporating landscaping alongside areas in front of the office and commercial units. The terraced building façade uses large balconies, furthering community interaction and "eyes on the street."
1.4.3 Managing Vehicular Impacts a) "Reduce negative visual and land use impacts of parking and parking garages by locating them underground or at the rear of a site. Reduce the amount and size of at-grade parking areas and locate them away from public areas, views and streetscapes by giving preference to locating parking underground where feasible and at the rear of the property where underground parking is not feasible."	All vehicle parking areas are hidden from the street and away from public view, with the majority of them located underground.

The following is a summary of considerations and potential implications of the requested building height and parking variance:

Land Use:

- The requested variances allow for an intensification of the mixed-use building, increasing the number of dwelling units on the subject property and freeing up additional space for onsite amenities such as secure bicycle parking and a rooftop deck.
- The extent of the variance requested makes this application akin to a land use (zoning) amendment, allowing for a larger mixed-use building than what would generally be permitted.
- The subject property is near services and amenities that can easily be assessed without a vehicle, which reduces the proposed development's overall parking demand.

Form, Character, and Urban Design:

- Due to the subject property's orientation, the requested height increase is not anticipated to impact adjacent residential properties. As identified in Attachment 5 (Schedule 1), the shadow impacts will mainly be observed over the neighbouring medical clinic and Island Health office building.

- Development permit guidelines "A.1" identify several design objectives and guidelines for new mixed-use multi-family development, including improving the public realm, standards for safety and accessibility, incorporating active transportation facilities, managing vehicular impacts, and building and landscape design considerations. In staff's opinion, the proposal meets the intentions of applicable objectives and guidelines.

Summary:

- The design, size, and siting of the mixed-use building will contribute positively to the public realm and are not anticipated to impact the adjacent properties negatively.
- The off-street parking and height variances allow for additional rental units along with improved amenities for the building's residents.
- The proposal supports public transit by providing a new public bus shelter.
- Even though the subject property is not in a village centre and is designated neighbourhood residential, it is next to commercial and institutional-zoned lands, on a transit route, and near services and amenities. Therefore, it is well suited for the area and will contribute positively to the affordable housing market.

Conclusion

Staff believe the proposed variances further OCP policy objectives and support development permit guideline compliance by benefiting the design and livability of the proposal, future occupants, and the surrounding community. Furthermore, the proposal is not anticipated to impact neighbouring parcels negatively.

Options

1. **(Recommended Option)** THAT Council:
 1. Grant the variance to Section 21(1) of Zoning Bylaw 1997, No. 2950 to reduce the minimum number of residential off-street parking spaces from 150 to 108 and to Section 69(6) of Zoning Bylaw 1997, No. 2950 to increase the maximum permitted building height from 12 metres to 15.5 metres; and,
 2. Issue the development permit with variance DP000339 to Gibbins Road Holdings Inc. for a 100-unit mixed-use building at 3096 Gibbins Road (PID: 006-410-723).
2. THAT Council deny Development Permit with Variance Application DP000339.

IMPLICATIONS

If the proposal is approved as recommended, the applicant would be required to obtain a building permit before construction occurs on the subject property. Just like all development permits, the authorized development permit with variance (DP000339) would be valid for two years from the date of issuance. It would expire if the owner does not substantially commence construction within that period.

Should Council deny the application (Option 2), the applicant would not be permitted to develop the property as proposed and would be required to submit a new application. Furthermore, the proposed transit shelter and rooftop amenity space would likely be removed from the proposal.

RECOMMENDATION

THAT Council:

1. Grant the variance to Section 21(1) of Zoning Bylaw 1997, No. 2950 to reduce the minimum number of residential off-street parking spaces from 150 to 108 and to Section 69(6) of Zoning Bylaw 1997, No. 2950 to increase the maximum permitted building height from 12 metres to 15.5 metres; and
2. Issue the development permit with variance DP000339 to Gibbins Road Holdings Inc. for a 100-unit mixed use building at 3096 Gibbins Road (PID: 006-410-723).

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Approved to be forwarded to Council:



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Attachments:

- (1) Location Map
- (2) Orthophoto
- (3) Zoning Map
- (4) Letter of Rationale
- (5) Draft Development Permit with Variance