

#### 4.1 Development Permit with Variances Application No. 000590 for 1514 and 1520 Foul Bay Road

The proposal is for two four-unit townhouse buildings on two lots which are proposed to be consolidated.

Applicant meeting attendees:

Wayne Foster - Norm Foster Properties, Developer  
 Rus Collins - Zebra Design Group, project designer  
 Bianca Bodley - Biophilia Design, Landscape Architect  
 Chase Collins - Zebra Design Group  
 Miles Craig - Developer  
 Devin Hutchinson - Hutchinson Contracting, builder

Rob Bateman provided the Panel with a brief introduction of the application and the areas that Council is seeking advice on, including the following:

- Street orientation and interface
- Impact on adjacent properties
- Open space
- Accessibility
- any other aspects of the proposal on which the ADP chooses to comment.

Wayne Foster provided the Panel with a detailed presentation of the site and context of the proposal, and Bianca Bodley provided the Panel with details of the proposed landscape plan.

The Panel asked the following questions of clarification:

- This proposal is not meeting the zoning requirements of Missing Middle Design Guidelines such as there are no accessibility units or secondary suits, how will this be mitigated? The proposal was designed prior to Missing Middle and the new requirements of Missing Middle including accessible units. On a corner lot there is more opportunity to apply the guidelines but having a driveway down the middle of the townhomes, provides a safe space for families, and less paving. Lots of neighbourhood support and went with this design that the neighbourhood supported. Regarding secondary suites, those were not included, and accessibility was a challenge with this design, that the garage at the end would need to be larger to accommodate an elevator. The units with lower rooms could be made accessible.
- Missing Middle policy would recommend a houseplex at this site, it is hard to gauge what the developer would have been looking at pre- Missing Middle and now what staff are recommending based on new missing middle regulations. The Missing Middle Design Guidelines now apply to this proposal. but there is high-level overlap of policy goals between the guidelines that previously applied and the new Missing Middle Design Guidelines.
- What are the sizes of the trees? The height of maturity and spread, the location will allow the deciduous trees to achieve full heights.
- Clarify that any residential site is eligible for Missing Middle, this proposal is compared against Missing Middle, is the applicant not allowed to apply for a site specific rezoning?

The proposal meets the definition in the Missing Middle DPA in the OCP, and no exemptions apply, therefore a development permit is required and the Missing Middle guidelines apply. Is the project not still under Multi-Family Design Guidelines which is what they would have been referring to pre- Missing Middle? The multi-family guidelines no longer apply. Although the proposal is being compared to the Missing Middle regulations, if it is approved it would require a site-specific zone.

- What applications are being vetted against Missing Middle policy? This is one of the first ones, but the guidelines may apply to other active applications. We have not received a new application that is doing Missing Middle housing yet.
- Where does the rain water garden at the back of the site get its water from? Water drains from the hard surfaces to the back and goes to rain garden then to storm water.
- Did the applicant consider making the ground floor of the rear unit an adaptable secondary dwelling unit and making the two-storeys on top another non-adaptable unit? Personal elevators were examined, the two-story unit arose as the concern of neighbours not be as tall of a building beside their property line.
- Were interlocking modules looked at on the upper floor to allow 3-bedrooms? Yes, but the rooms would be too small.

Panel members discussed:

- What is applicable to this proposal? Staff have indicated where the proposal does not meet the current Missing Middle Guidelines. The applicant designed the proposal based on the pre- Missing Middle guidelines. The policy piece will be left with staff and focus on how the panels feedback from a design standpoint. The street orientation is supported, and the proposal seems more optimal than what Missing Middle allows. The Missing Middle Design Guidelines apply, but Schedule P does not apply to the proposal.
- It is important to note that this proposal was substantially proposed prior to Missing Middle, but does meet the intent and spirit of the OCP and missing middle by proposing townhomes, the scale was thoughtfully done, fits with the density of the neighbourhood, the applicant had significant engagement and consultation with the neighbours and tried to accommodate the feedback into the proposal, as well as storm water management integration and 4:1 inclusion of replacement trees. It would not meet the Missing Middle because it is not including more specific missing middle criteria such as a secondary suite or accessibility requirements.

**Motion: David Berry**

**Seconded by: Devon Skinner**

That the Advisory Design Panel recommend to Council that Development Permit Application No. 000590 for 1514 Foul Bay Road be approved as presented.

**For:** David Skinner, David Berry, Pamela Madoff,  
Sean Partlow, Colin Harper, Ben Smith,  
Will King, Tamara Bonnemaision (8)

**Opposed: 0**

**Carried Unanimously**