



**Committee of the Whole Report  
For the Meeting of May 23, 2024**

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**To:** Committee of the Whole **Date:** May 2, 2024  
**From:** Karen Hoese, Director, Sustainable Planning and Community Development  
**Subject:** **Development Permit with Variances Application No. 00273 for 902 Foul Bay Road**

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**RECOMMENDATION**

That Council consider the following motion:

- “1. That Council , after giving notice, posting signage, and inviting written comments from the public for Council’s consideration, authorize the issuance of Development Permit with Variances Application No. 00273 for 902 Foul Bay Road to permit amendments to the plans attached to the existing approved permit issued for Development Permit with Variances Application No. 00192, in accordance with plans submitted to the Planning department and date stamped by Planning on May 1, 2024, subject to the following:
  - a. Plan revisions, to the satisfaction of the Director of Sustainable Planning and Community Development:
    - i. provide an improved landscaped buffer between the parking area and the street;
    - ii. modify the plans to provide a feature to encourage play in the common outdoor amenity space; and
    - iii. retain the green roof above the one-bedroom units, utilize the flat roof area as an outdoor amenity or add additional landscaping and stormwater management features elsewhere on the site.
  - b. The proposed development meeting all City zoning bylaw requirements, except for variances permitted by the existing approved permit Development Permit with Variances Application No. 00192 and the following variance:
    - i. reduce the landscape buffer around parking areas from 1m to 0.65m.
2. That the Development Permit with Variances, if issued, expires two years from the date of this resolution.”

## LEGISLATIVE AUTHORITY

This report discusses a Development Permit with Variances application; therefore, relevant considerations relate to the application's consistency with design guidelines and impact of the variance pertaining to a landscape buffer between parking and a property boundary.

### Enabling Legislation

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan (OCP)*. A Development Permit may vary or supplement the Zoning Regulation Bylaw but may not vary the use or density of the land from that specified in the Bylaw.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding a Development Permit with Variances application for the property located at 902 Foul Bay Road. The application proposes amendments to a previously approved permit (Development Permit with Variances Application No. 00192), which was considered concurrently with Rezoning Application No. 00737 on September 29, 2022. A permit to construct two stacked townhouse dwellings containing 18 units was issued on October 6, 2022. This report outlines and analyzes the proposed amendments to the plans under the applicable design guidelines.

The following points were considered in assessing the revised proposal:

- The proposed revisions are considered generally consistent with Development Permit Area 15F: Missing Middle Housing; however, changes are recommended to maintain consistency with guidelines related to landscaping and outdoor amenity areas.
- The removal of two parking canopies with green roofs converts enclosed parking to surface parking. The guidelines encourage strategies to reduce the impact of surface parking, including a 1m minimum landscaped buffer along edges of the surface parking area. The revised proposal requires an additional variance to permit less than the 1m buffer, which is supportable with recommended revisions to improve the buffer between the parking and the street.
- The revised proposal has reduced the total landscaped area and number of plantings, however, proposed open space remains at 50.5%, drought tolerant species have been increased, and two additional trees are proposed. It is recommended that the proposal be modified to provide a feature to encourage play in the common outdoor amenity space.
- The proposed replacement of a green roof above the proposed one-bedroom units for a synthetic roof material will reduce site permeability and is inconsistent with the metal roof proposed throughout the development. It is recommended that the applicant consider retaining the green roof above the one-bedroom units, utilize the flat roof area as an outdoor amenity with planters or, alternatively, add additional landscaping and stormwater management features elsewhere on the site.

## BACKGROUND

On September 29, 2022, Bylaw 22-063 rezoned the property from the R1-G Zone, Gonzales Single Family Dwelling District, to a new site-specific zone (R2-63 Zone, Foul Bay Ground Oriented Dwelling District), which permitted ground-oriented multiple dwellings and a density of 0.72:1 floor

space ratio (FSR). The approved Development Permit with Variances application permits one stacked townhouse containing ten dwelling units fronting onto Redfern Street, and another stacked townhouse with eight dwelling units fronting onto Foul Bay Road. The approved variances include increased building height and reduced vehicle parking (27 stalls to 14 stalls), as well as reduced front, flanking street, and rear yard setbacks.

Specific details regarding the approved plans include:

- entrances oriented towards the street, inset balconies and raised front entries
- a modern architectural expression that incorporates traditional building elements (gabled roof, inset balconies, shingle siding and raised front entries)
- clustered parking accessed via Redfern Street and located under parking canopies as well as within one of the proposed buildings
- green roofs above the parking canopies and flat roof portion of the west building.

Landscape details on the approved plans include:

- common outdoor space with playground
- retention of the heritage rock wall and iron gate with a new pedestrian gate onto Quamichan Street
- benches constructed with repurposed heritage stone
- variety of permeable surfaces
- extensive planting with primarily native species
- 28 trees removed, 14 trees retained, 42 new trees planted.

Exterior materials on the approved plans include:

- painted shingle and panel cladding
- architectural and rendered concrete
- metal roof, awning and picket guard rails.

The approved variances are related to:

- increase the building height from 10.5m to 11.54m
- reduce the vehicle parking from 27 stalls to 14 stalls and the visitor parking from two stalls to one stall
- reduce the short-term bicycle parking from 12 stalls to four stalls
- reduce the separation distance between long-term bicycle parking racks from 45cm to 40cm
- reduce the front (Quamichan Street) setback requirement from 6m to 3.10 (to building) and 1.38m (to stairs)
- reduce the flanking street (Redfern Street) setback from 6m to 3.37m (to building) and 0.37m (to stairs)
- reduce the flanking street (Foul Bay Road) setback from 6m to 3.73m
- reduce the rear yard setback from 4m to 3m
- reduce the minimum separation distance for an accessory building from 2.4m to 1.9m.

## **Revised Proposal**

The proposed amendments to the plans include:

- removal of the parking canopies (with green roofs) and green roof above the west building

- playground removed and replaced with passive outdoor space (landscaped garden and meadow)
- two benches along Redfern Street removed and two benches relocated to the common amenity area
- native Garry Oak grass and meadow seed mix substituted for perennial and shrub plants underneath existing trees
- total landscaped area reduced
- total plantings (perennials, bulbs and grasses) reduced but potted shrubs added
- percentage of pollinator and native species increased
- revisions to hardscape walkway to gravel surface.

The proposed plans also include a revised list of exterior building materials, which includes revising painted shingle and panel cladding to cementitious shingle and panel cladding and revising window well retaining walls proposed as mortared heritage stone to concrete.

## ANALYSIS

### Design Guidelines

The approved plans were subject to and considered consistent with design guidelines applicable to Development Permit Area 16: General Form and Character; however, since that time, Development Permit Area (DPA) 15F was amended. As a ground oriented multiple dwelling development, this application is now subject to DPA 15F: Missing Middle Housing and the applicable design guidelines include the *Missing Middle Design Guidelines* and the *Advisory Design Guidelines for Buildings, Signs and Awnings*.

The objectives of the *Missing Middle Design Guidelines* include:

- a more compact residential building form that provides green space and opportunities for permeability
- enhanced public streets and pedestrian activity
- high architectural quality with human-scale proportions
- sensitively integrated parking and services
- high quality, durable materials
- support for the urban forest and amenity space for residents.

While the proposal is generally consistent with the broad objectives of the guidelines, the following section provides assessment of plan aspects proposed for revision, namely vehicle parking design, landscaping, outdoor amenity spaces, and proposed materials.

### Vehicle parking

The two parking canopies with green roofs covering nine parking spaces and the waste area (northwest portion of the property) have been removed from the proposal. The amount and location of vehicle parking have not changed, and the surface spaces now proposed would be permeable concrete to minimize the lost stormwater management benefits of the green roofs.

A main objective of the guidelines is to prevent vehicular access and parking from becoming the dominant aspect of a development. This is generally achieved by reducing parking to 0.77 spaces per unit and providing a consolidated parking area with a single driveway crossing. However, the

design guidelines also encourage features to manage stormwater, such as permeable paving, landscape features designed for rainwater management and green roofs. While the revised proposal does provide permeable surfaces, the use of green roofs in the approved proposal yields greater benefit in terms stormwater management and also other benefits, including contributing to bird friendly design, reducing heat island effect, and mitigating the visual impact of parking.

The guidelines also encourage integrating landscaping to soften the appearance of parking areas, including incorporating a minimum one metre landscape buffer along edges of parking areas. While some landscaping is proposed along the edges of the surface parking, the minimum buffer is not achieved and requires an additional variance. The variance is considered supportable as the reduced buffer has been necessitated to minimize the impact on tree retention on Redfern Street without further reducing the amount of vehicle parking. However, it is recommended that the plans be modified to provide an improved landscaped buffer between the parking area and the street, which could be achieved by shifting three parking spaces in the northwest corner further to the east.

### Landscaping

The intent of the proposed revisions to landscaping, as stated by the applicant, is to simplify the landscaping for less maintenance and increased drought tolerance. The total landscaped area has been reduced from 804m<sup>2</sup> to 682m<sup>2</sup>, largely due to removal of the green roofs as well as planted areas near window wells (west sides of both buildings). Similarly, plantings of perennials, bulbs and grasses have been reduced by 298 plantings, although 93 potted shrubs were added to partially offset the removed perennial plants. The percentage of pollinator and native species has been increased while the percentage of food bearing has been marginally reduced. The total number of new trees has been increased from 24 to 26 onsite trees.

Landscaping guidelines aim to achieve a range of benefits, including supporting the urban forest, providing privacy, emphasizing pedestrian accesses, providing amenity space, reducing stormwater runoff, and ensuring that front and rear yards are not dominated by parking. The guidelines also encourage plants that will tolerate a degree of drought and a diversity of trees. Although total landscaped area has been reduced, the proposed open space remains relatively high at 50.5% (33.4% landscaped area), the number of drought tolerant species has increased, and the new proposal accommodates two additional onsite trees.

### Outdoor Amenity Space

A proposed playground area with structures has been removed, with the applicant now proposing a passive outdoor space as an alternative common amenity area. In addition, four repurposed stone benches have been removed along Redfern Street; however, two of these benches are now proposed in the passive outdoor space.

The design guidelines prioritize integrating opportunities for play in both soft and hardscaped design. Although removal of pea gravel playground area does expand the area proposed for landscaping, the applicant is encouraged to reconsider providing a feature to encourage play in the common outdoor amenity space, which would retain the suitability of space for children.

### Materiality

There are several changes proposed to site and building materials. A green roof to cover a portion of the west building has been removed and replaced with a low slope synthetic rubber roof. Also, window well retaining walls proposed as mortared stone (utilizing stone salvaged from the original

house) have been revised to concrete. In addition, the proposed central courtyard path has been revised from permeable concrete walk to a gravel screening path.

The design guidelines encourage durable and natural building materials, such as masonry, stone, and natural wood. Building façades should create visual interest when approached by pedestrians and incorporate a range of design details and architectural treatments. The use of mortared stone in window wells, and green roof above the one-bedroom units (west building) contribute to visual interest for pedestrians. It is recommended the green roof be retained above the one-bedroom units to retain this visual interest and avoid additional impermeable area.

In terms of site design, the guidelines highlight the use of accented paving treatments to define entrances and amenity spaces. A high standard of accessibility is also prioritized, ensuring landscape design is inclusive of all users, including smooth walking surfaces. The proposal, as revised, effectively provides patio paver treatments to distinguish residential entries from municipal sidewalks, adding interest along the street. The revisions now propose a gravel surface to replace permeable concrete in the central pathway, which is beneficial in terms of permeability and distinguishing the path from other pedestrian walkways but may not achieve the same level of accessibility for all users of the common amenity space.

## **CONCLUSIONS**

The revised proposal, which will amend the plans approved as part of the rezoning and is associated with Development Permit with Variances Application No. 00192, includes changes that would remove green roofs, reduce overall landscaped area, remove a playground that supports families with children, and substitute materials that add visual interest. However, adequate landscaped open space and the revised communal outdoor amenity will contribute to the green character of the area. In addition, the clustered surface parking with a shared driveway access could be more sensitively integrated with minor revisions to buffer parking from the street.

While the overall design, as revised, is considered generally consistent with the applicable guidelines, the recommendation includes conditions for revisions to improve open space and stormwater management through additional landscaped area and an amenity feature to encourage play.

## **ALTERNATE MOTIONS**

### **Alternate Option 1**

#### **APPROVE WITHOUT CONDITIONS**

That Council consider the following motion:

- “1. That Council, after giving notice, posting signage, and inviting written comments from the public for Council’s consideration, authorize the issuance of Development Permit with Variances Application No. 00273 for 902 Foul Bay Road to permit amendments to the plans attached to the existing approved permit issued for Development Permit with Variances Application No. 00192, in accordance with plans submitted to the Planning department and date stamped by Planning on May 1, 2024, subject to the following:
  - a. The proposed development meeting all City zoning bylaw requirements, except for variances permitted by the existing approved permit Development Permit with Variances Application No. 00192 and the following variance:

- i. reduce the landscape buffer around parking areas from 1m to 0.658m
2. That the Development Permit with Variances, if issued, expires two years from the date of this resolution.”

### **Alternate Option 2**

DECLINE

That Council decline Development Permit with Variances Application No. 00273 for the property located at 902 Foul Bay Road.

Respectfully submitted,

Patrick Carroll  
Senior Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

### **List of Attachments**

- Attachment A: February 24, 2024 Committee of the Whole report
- Attachment B: September 1, 2024 Council Update Report
- Attachment C: February 24, 2022 Committee of the Whole Meeting minutes
- Attachment D: March 10, 2022 Council to Follow Committee of the Whole Meeting
- Attachment E: Plans date stamped May 1, 2024
- Attachment F: Development Permit with Variances No. 00192
- Attachment G: Correspondence