



## Council Report

For the Meeting of September 1, 2022

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**To:** Council **Date:** August 18, 2022

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** **Update on Rezoning Application No. 00737 for 902 Foul Bay Road and Associated Development Permit with Variances Application No. 00192 and Heritage Alteration Permit No. 00250**

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### RECOMMENDATION

#### Rezoning Application No. 00737

That Council give first and second reading of Zoning Regulation Bylaw Amendment No. 22-063 (Amendment No. 1280) and Heritage Designation (902 Foul Bay Road) Bylaw No. 22-065 (Amendment No. 1) amending Heritage Designation (902 Foul Bay Road) Bylaw No. 495, and give first, second and third reading of Housing Agreement (902 Foul Bay Road) Bylaw No. 22-064.

#### Development Permit with Variances Application No. 00192

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00737, if it is approved, consider the following motion:

"1. That Council authorize the issuance of Development Permit with Variances Application No. 00192 for 902 Foul Bay Road, in accordance with:

- a. Plans date stamped **July 28, 2022**.
- b. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. increase the building height from 10.5m to 11.54m;
  - ii. reduce the vehicle parking from 27 stalls to **14 stalls** and the visitor parking from two stalls to one stall;
  - iii. **reduce the short-term bicycle parking from 12 stalls to four stalls**
  - iv. **reduce the separation distance between long-term bicycle parking racks from 45cm to 40cm**
  - v. reduce the front (Quamichan Street) setback requirement from 6m to 3.10 (to building) and **1.38m** (to stairs);

- vi. reduce the flanking street (Redfern Street) setback from 6m to 3.37m (to building) and 0.37m (to stairs);
- vii. reduce the flanking street (Foul Bay Road) setback from 6m to 3.73m;
- viii. reduce the rear yard setback from 4m to 3m
- ix. reduce the minimum separation distance for an accessory building from 2.4m to 1.9m.**

c. That the Development Permit lapses two years from the date of this resolution.”

### **Heritage Alteration Permit No. 00250**

That Council, after the Public Hearing for Rezoning Application No. 00737, if it is approved, consider the following motion:

- “1. That Council authorize the issuance of Heritage Alteration Permit Application No. 00250 for 902 Foul Bay Road, in accordance with:
  - a. Plans date stamped **July 28, 2022**.
  - b. The Rock Wall Heritage Conservation Plan by Donald Luxton and Associates Inc. dated March 2020.
  - c. That the Heritage Alteration Permit lapses two years from the date of this resolution.”

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with an update regarding the Rezoning Application, Development Permit with Variances Application and associated Heritage Designation Amendment and Heritage Alteration Permit Application for the property located at 902 Foul Bay Road. The proposal is to create a new site-specific zone that permits an increase in density and allows for 18 ground-oriented multiple dwellings. The applicant has fulfilled the conditions set by Council and the application is ready to advance to Public Hearing.

### **PUBLIC HEARING CONDITIONS**

In accordance with Council’s motion of March 10, 2022 (see attached minutes), the following conditions have been fulfilled.

### **Legal Agreements**

#### Affordable Home Ownership Units

The applicant has worked with the Capital Regional Housing Corporation (CRHC) to secure four affordable home ownership units. This arrangement has been secured through a housing agreement bylaw and covenant with the Capital Regional District. The agreements provide flexibility to the CRHC to make adjustments to the qualifying incomes to ensure the long-term success of the affordable home ownership program.

The following table provides details on the affordable home ownership units:

	One-Bedroom Units	Three-Bedroom Units
Number of units	2	2
Qualifying Income Limit	\$85,000 <sup>^</sup>	\$156,420 <sup>*</sup>
Below market value sale price (minimum)	20%	20%
Qualified Buyer Criteria	<ul style="list-style-type: none"> <li>• First time home buyer</li> <li>• Resident of Capital Region for at least 1 year</li> <li>• Preference given to those without a vehicle</li> </ul>	<ul style="list-style-type: none"> <li>• Resident of Capital Region for at least 1 year</li> <li>• Preference given to those without a vehicle</li> </ul>
Rental Restrictions	Yes	Yes
<sup>^</sup> Qualifying income is generally consistent with the City's Housing Strategy for Affordable Home Ownership Units <sup>*</sup> Qualifying income is 10% below BC Housing middle income limit and considered suitable for larger three-bedroom units		

#### Unit Mix and Limit on Rental Restrictions

In addition to securing the affordable home ownership units, the applicant has registered a covenant on title to secure the provision of 16 three-bedroom units. The applicant has also executed a housing agreement that ensures a future strata cannot restrict rentals to non-owners with the exception of the four units secured as affordable home ownership units with the CRHC.

#### Statutory Right of Way

The applicant has registered a covenant on title securing a 2.18m statutory right-of-way along a portion of the Foul Bay Road frontage to accommodate a new sidewalk and additional space for a new boulevard with street trees.

#### Transportation Demand Management

The applicant has registered a covenant on title securing the following transportation demand management measures to off-set the potential impacts of the proposed parking variance:

- carshare memberships for each dwelling unit with \$100 in usage credits per membership
- enhance bicycle parking facilities that include:
  - a minimum of 30 long term bicycle parking spaces, two of which must accommodate oversized bicycles
  - a minimum of 50% of the spaces with electric bicycle charging capabilities
  - a bicycle repair stand with tools, pump and wash area

## Public Realm Improvements

The Council motion directed the applicant to enter into a legal agreement securing the construction of two curb bulbs on Quamichan Street. However, this type of sidewalk and curb construction is now part of the City's *Subdivision and Development Servicing Bylaw*; therefore, a covenant was deemed unnecessary and is no longer proposed with this application.

## **Plan Revisions and Tree Considerations**

Several revisions have been made to the plans to address Council's motion. These include:

- a ramp access has been added to the three-bedroom unit near the corner of Quamichan Street and Redfern Street to create an adaptable unit
- the long-term bicycle storage has been relocated to the north end of the building fronting Redfern Street in an area under the building that was previously proposed as vehicle parking
- the open space near the corner of Quamichan Street and Foul Bay Road, which was previously occupied by a bicycle storage building, now accommodates visitor bicycle parking, a bicycle repair/wash area, an expanded play space for children and an additional tree
- species selection for new trees has changed in coordination with Parks staff to ensure long-term viability of the new on-site trees
- the proposed hydro servicing has changed to reduce impacts on on-site and off-site trees
- short-term bicycle parking proposed near Redfern Street has been removed to reduce the impacts of installing a concrete pad within the critical root zone of the protected trees in that area.

In addition to the plan changes listed above, the applicant has provided a tree retention and trade off analysis, which assesses the potential impacts on the proposal of retaining additional trees. The analysis is attached to this report. Essentially, retaining additional trees would result in a loss of dwelling units, reduced parking or effect siting and servicing, which in turn, could result in further tree impacts. Ultimately, the applicant has chosen not to reduce the unit count noting this would result in a loss of the affordable units associated with this proposal.

## **Variances**

The plan revisions have resulted in changes to the variiances associated with this proposal. The revised variiances are shown in bold text in the recommendation for Council's consideration.

### Long-term Bicycle Parking

Stacked bicycle storage with lift assist is now proposed for 22 of the 30 long-term bicycle parking stalls. The proposed stacking unit provides 40cm of horizontal separation between stalls instead of the 45cm required by the *Zoning Regulation Bylaw*. This variance is considered supportable because the stalls are staggered vertically to provide sufficient clearances between bicycles.

### Short-term Bicycle Parking

The amount of short-term bicycle parking has been reduced from 12 stalls to four stalls. As mentioned, two of the stalls were removed to reduce impacts on protected trees. The remaining

stalls were removed to accommodate an accessible parking stall and pathway. The requirement for 12 visitor stalls is triggered by the separation of the dwelling units into two buildings because the *Zoning Regulation Bylaw* calculates minimum short-term bicycle parking as the greater of six stalls per building or 0.1 stalls per unit. Based on this requirement, a sixty-unit building would only require six short-term bicycle parking stalls, whereas this proposal for two buildings with 18 units requires 12 stalls. Due to this technicality, the variance to reduce the short-term bicycle parking to four stalls is considered supportable.

### Vehicle Parking

The proposed vehicle parking has been reduced to accommodate the new bicycle parking room, which has increased the parking variance by two stalls. The parking variance is considered supportable given the TDM measures proposed.

### **CONCLUSIONS**

The applicant has fulfilled the conditions set by Council. The recommendation provided for Council's consideration contains the appropriate language to advance these applications to a public hearing and an opportunity for public comment.

Respectfully submitted,

Alec Johnston  
Manager, Development Process

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

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

### **List of Attachments**

- Attachment A: Aerial Map
- Attachment B: Revised Plans dated July 28, 2022
- Attachment C: March 10, 2022 Council meeting minutes
- Attachment D: February 24, 2022 Committee of the Whole meeting staff report
- Attachment E: February 24, 2022 Committee of the Whole meeting minutes
- Attachment F: Tree Retention and Trade-Off Analysis