

REQUEST FOR DECISION

TO: Council **MEETING DATE:** January 15, 2025
FROM: Tyson Baker, Senior Development Planner
SUBJECT: Development Permit, with Variance - 6086 Poise Island Drive
FILE NO: 3060-2024-09

RECOMMENDATION

1. That Development Permit, with a variance, 2024-09 be approved.
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PURPOSE

A development permit was previously approved as a condition of rezoning, which was adopted in 2018. However, because no works started, the development permit lapsed after two years. The property owners have re-applied for a development permit with variance for the construction of a resort hotel on the subject property.

OPTIONS

1. Defer the application pending additional information.

DISCUSSION

Summary

The property owners have applied for a form and character development permit with a variance for a proposed resort hotel located at 6086 Poise Island Drive. The development is subject to Development Permit Area No. 9 – Commercial Area (Outside Downtown). The development would consist of a 20-room hotel and reception centre, a convention centre and 12 cabins. The plan is to construct the cabins first and the hotel and convention centre in the second phase. The applicants indicate that the proposed development could create up to 40 new employment opportunities. The facility would also add tourist accommodation within Sechelt.

A variance is requested to reduce the front setback for one of the cabins. The reason for this variance is because a portion of the property needs to be dedicated as road for public access purposes to Porpoise Bay, and this changes the setback requirements within the zoning bylaw. The design for the project was completed before it was later determined that the access to Porpoise Bay is more secure as a road dedication rather than a statutory right of way over private property, and therefore there is a larger setback requirement in the Zoning Bylaw. Given the access is for pedestrian only and not vehicle access, staff support the variance request to reduce the setback.

Legislative Context

Local governments have the authority to establish objectives for the form and character of intensive residential development within the Official Community Plan. Guidelines are specified to provide direction for developers to meet the objectives. The relevance of guidelines can vary depending on the context and form of development. Guidelines can also range in importance from required to optional. It is a discretionary decision by Council to determine if sufficient guidelines have been incorporated to meet the objectives of the development permit area.

The review of development permit applications is restricted to consideration of guidelines and objectives in relation to the proposed development. The level of density or use of the land may not be regulated through the development permit process.

The *Local Government Act* limits that development permits may only include requirements respecting the character of the development, including landscaping, siting, form, exterior design and finish of buildings and other structures.

Table 1 – Application Information

Applicant	Yoko Chen
Owner	Li Xu
Civic Address	6086 Poise Island Drive
Legal Address	Lot A District Lot 1509 Plan EPP53374
Size of Properties	10,307.50 m ² (1.3 ha)
OCP Designation	Residential
Zoning Designation	C-2 (Tourist and Commercial)
DP Areas	No. 9 – Commercial Area (Outside Downtown)



Figure 1 – Subject Property Location

The proposed development consists of 12 cabins, a hotel lobby and reception and a 20-room hotel divided into four separate buildings. There is an accessible elevator between the two levels of the main building, restaurant, bar, spa, outdoor ramps, decks, staircases, swimming pool, and hot tubs. Additionally, there will a small convention centre intended for small conferences and weddings. The building also includes hotel laundry, staff spaces, and a proposed guest gym on the second storey.

The table below outlines the functions of the corresponding buildings:

Building	Function	
Hotel – Main Building	Lobby/Reception Offices	Spa
Hotel – Central Wing	8 Rooms	Pool
Hotel – North Wing	6 Rooms	
Hotel South Wing	6 Rooms	
Convention Centre	Bar/Lounge	Gym
Cabins (12)	Accommodation	

The applicant has indicated that up to approximately 40 employment opportunities may result in the development of the proposed hotel and resort.

A breakdown of the number of employees and corresponding uses are described in the table below:

Service	Number of Employees (Approximate)
Dining and Accommodation	20
Specialized Spa	10
Wedding and Corporate Event Hosting	10

ANALYSIS

Development permit Area No. 9 – Commercial Area (Outside Downtown)

Development Permit Area (DPA) No. 9 was established to regulate the form and character of commercial development outside of the downtown area.

Objectives

DPA 9 has the following goals and objectives:

- To create a strong sense of place and visual identity through high standards of urban design and development.
- To reflect the unique setting and character of each neighbourhood through building design, signage, and landscaping.
- To emphasize the orientation to the waterfront.
- To improve the pedestrian environment and streetscape of all new development.

Guidelines in DPA 9 are categorized as follows:

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| • Site Planning | • Lighting |
| • Form and Character | • Screening |
| • Materials | • Sustainable Development |
| • Pedestrian Orientation | • Neighbourhood Commercial Areas |
| • Landscaping | • Regional Commercial Areas |
| • Parking | • Waterfront Commercial |
| • Signage | • Mixed Uses |

The site plan proposes that the orientation of the buildings take advantage of the property's topography which allow it to face the waterfront in a tiered formation down the slope that overlooks Porpoise Bay. The site will be accessed from either Ripple Way to the south or Poise Island Drive to the north. The driveway and all parking (45 spaces) will be located on-site and abut the western property line and will be landscaped and screened.

The whole development utilizes natural and composite materials, such as cedar cladding, timber for support columns, hardie panelling and other such materials for accent and trim. The design of the buildings utilized sloped roof lines in various angles and configurations to reduce massing and increase architectural interest.

The site will make use of landscaping of grasses, shrubs, deciduous and conifers throughout, water features and rain/rock gardens nestled in between buildings. Many of the pedestrian pathways, viewing platforms, and deck will also be landscaped.

The development meets the intent of the guidelines of Development Permit Area 9 and is ready for consideration of approval from Council. The attached drawings show the site plan and architectural design of the buildings.

In addition to the commercial area development permit, the property is also located within Development Permit Areas (DPA) No. 3 – Marine Foreshore Shoreline, No. 4 – Rocky Beach Front Escarpment Slope Hazard, and No. 5 – Steep Slopes.

- *DPA No. 3 – Marine, Foreshore, and Shoreline Areas* applies to all land and water areas extending 15 metres upland of the highest high-water mark (HHMW) to 15 metres below the low tide line of all shoreline and foreshore areas along Georgia Strait and Sechelt Inlet. This is meant to protect and enhance the ecological health of the marine water, foreshore and upland areas as well as mitigate properties from storm wave erosion and coastal flooding.
- *DPA 4 – Rocky Beach Front/Escarpment, Rockfall and Upland Slope Hazards* applies to all upland areas abutting the ocean, beach areas, or areas with rockfall hazards. The objective of this DPA is to protect from hazardous conditions.
- *DPA No. 5 – Steep Slopes* applies to all lands with a slope greater than 20 – 30% or more and is intended to protect development from hazards and protect natural habitat.

The details and requirements of Development Permit Area No. 3, 4, and 5 are forming part of this Development Permit in addition to Development Permit Area No. 9. An existing section 219 restrictive covenant (BM250697) is registered on the property barring any buildings or structures from occurring within 15 m upland of the natural boundary and 1.5 m above the natural boundary of Porpoise Bay. This is further reinforced by an environmental assessment, prepared by Coastal Raintree Consulting Ltd. that recommends a 15-metre setback from the oceanfront and retention of the native trees and plants where possible.

Additionally, the environmental assessment report concludes that should the recommendations be followed, the proposed development should not have adverse effects on the structure or function of the marine habitat. Additionally, the environmental assessment along with the geotechnical report concludes that proposed development is feasible from a geotechnical perspective subject to the recommendations therein. The recommendations from the reports form conditions of Development Permit No. 2024-09.

The proposed resort buildings are all setback more than 15 metres from the waterfront. The waterfront dock development, associated with the resort, will be considered under a separate development permit.

Staff reviewed the proposed development against DPA 3, 4, 5, and 9 and considered, overall, that the proposed development meets the objectives and guidelines for all applicable areas.

POLICY AND BYLAW IMPLICATIONS

Official Community Plan

The Official Community Plan's (OCP) "Resort" designation recognizes Sechelt's historic role as a tourist destination and that resorts can form low-impact, tourism-oriented development, providing local jobs and commercial tax assessment. Smaller-scale, tourist oriented, resorts are preferred.

Zoning Bylaw

The C-2 (Tourist and Marine Commercial) zone permits hotels and resorts as well as accessory uses such as convention centre (assembly), lounges and restaurants, amongst other uses. The proposed development is therefore consistent with the C-2 zone. However, a variance will be required to vary (section 1.13.4) the front setback from 6.0 m to 3.0 m in order to accommodate a public stairway providing an access to Porpoise Bay. A public stairway was meant to be constructed in the Ripple Way road right-of-way, however, due to topographical constraints, the stairway was constructed on the subject property and therefore requires that portion of the property being dedicated as road, or alternatively a statutory right-of-way be registered on the property. The District's Engineering Division prefers that the portion of the property be dedicated over registering a statutory right-of-way. The property owner is amicable to either option.

Aside from the forementioned variance, the proposed development is consistent with the Official Community Plan and the Zoning Bylaw for the subject property.

Background

In 2013, an application was submitted to rezone the subject property from a residential use to that of a commercial use to permit the future construction of a hotel and resort. As part of the rezoning process, the applicant was to complete the following:

- Construct Ripple Way from the site to Fairway Avenue
- Install infrastructure and utilities along Ripple Way
- Construct Ripple Way beach access
- Provide pedestrian access from Poise Island Park to Ripple Way via a public waterfront walkway
- Provide emergency vehicle access from Poise Island Drive to Ripple Way
- Complete an archaeological assessment of the property.
- Amendment of the foreshore lease dock from residential to commercial.
- Completion of SCRD water service conditions.
- Removal of strata legal notation on the property title.

All of the above points were either completed as a condition of rezoning or required by a Service Agreement.

As a condition of rezoning, a development permit for form and character subject to DPA No. 9 was required. In 2014 Council approved the development permit (Development Permit 2014-17)

whereas the rezoning was later approved in 2018 to enable the construction of a resort and hotel on the subject property. Since that time, the development permit lapsed and without construction having started, the applicant was therefore required to apply for a new development permit to allow for the resort hotel.

In June 2015 a separate application to rezone (Bylaw No. 25-267, 2015) the waterfront leased dock area, and the amending bylaw received 3rd reading. Adoption of that bylaw is dependent on a number of conditions, including the adoption of the proposed zoning amendment for the upland subject property. This rezoning was approved by Council in 2018.

In August 2015, Council endorsed entering into a Development and Latecomer Agreement with the Owner of the property in conjunction with the property's rezoning, development, servicing, and the provision of extended works and services. In November 2015, the applicant purchased two nearby residential zoned properties fronting Ripple Way. The applicant then focused their efforts in completing the first phase of the 15 single-family lot subdivision before proceeding again with the resort hotel development.

The Ripple Way infrastructure servicing requirements for both the resort hotel and the subdivision were combined into one Servicing Agreement that was signed in May 2018.

The Servicing Agreement includes construction of Ripple Way from Fairway Avenue to the subject property; construction of additional infrastructure works; and the beach access trail. The value of the works is secured by an irrevocable Letter of Credit in the amount of approximately \$2.5 million at that time or \$3,015,405.67 adjusted for inflation.

SUSTAINABILITY PLAN IMPLICATIONS

2. Economic Sustainability

STRATEGIC PLAN IMPLICATIONS

2. Housing
4. Ensuring Financial Balance

Respectfully submitted,

Tyson Baker
Senior Development Planner

Attachments:

- 1 - Development Permit with Variance No. 2024-09
- 2 – Public Comment