

REQUEST FOR DECISION

TO: Council **MEETING DATE:** February 5, 2025
FROM: Andrew Allen, Director of Planning and Development
SUBJECT: **Development Permit for 5750 Anchor Road**
FILE NO: 3060-2022-25

RECOMMENDATION

That Development Permit 2022-25 be approved.

PURPOSE

Council has considered this application at two previous meetings; the applicant has not accepted the development permit that was approved for issuance by Council and requested an additional consideration. The issue relates to the request to cover the staircase, and it is now recommended to proceed without the cover.

The request to cover the staircase from the parking area up to the first unit and elevators was based on a recommendation from the Advisory Planning Commission, and staff determined the request fit within the general objectives and guidelines for the development permit area.

The previous recommendation was to increase comfort for future owners and provide weather protected access as part of a unique development. It would also add to the visual appeal of the building. However, it is not a critical element where its absence would prevent the proposal from meeting the objectives and guidelines of the development permit area. It also does not provide a vital life and safety feature. Future residents will be responsible for the care and maintenance of the staircase in adverse weather conditions.

OPTIONS

1. Council can choose to approve the DP 2022-25 based on APC advice for a cover over the staircase.

DISCUSSION



Figure 1 – Subject Property Location

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 decision point for Council is whether guidelines have sufficiently been achieved rather than approve or not approve of the housing development.

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.

POLICY AND BYLAW IMPLICATIONS

The proposed development is for two duplexes, stacked close together with a single shared access. Overall, the application meets the objectives and guidelines of Development Permit Areas No. 4, 5, and 8. Council directed staff to work with the applicant to resolve the question of elevator vs. stairs (covered or uncovered) and it appears the resolution to enable this application to proceed is to remove the requirement for covered stairs.

The following provides a summary of design options and Building Code challenges for Council consideration.

Applicant Proposal

The applicant proposes to install an elevator system to serve three out of four dwelling units, with the lowest dwelling unit served by the stairway that provides access to the elevators. The applicant's proposal does include the stairway (uncovered) continuing further to provide access to the other three dwelling units in order to meet BC Building Code requirements for egress.

BC Building Code Challenges

The BC Building Code will provide significant challenges for the applicant to work through in terms of the elevator design and capacity, and fire separation for the dwelling units.

Staircase:

In terms of the staircase, the BC Building Code does not require it to be covered. That is a condition coming out of the Development Permit application review. The stairway would need to be a minimum of 3 m away from the face of the building(s) and needs to comply with 3.4.3.2. and 3.4.6. (2024 BCBC). It is in the interest of the building occupants to keep the stairway in good repair and clear of snow and ice.

Elevators:

The BC Building Code as well as other Provincial regulations apply to elevator design. The elevators, as proposed, do not appear to be large enough to allow furniture etc. The design may change during building permit review, which could lead requiring minor amendments to an approved Development Permit. This is within the scope of the Director of Planning and Development's delegated authority to approve amendments.

Fire Separation:

Duplexes are typically side by side, however, in this case they are stacked on top of each other. The Building Code generally envisions the separation between buildings to be in that side-by-side configuration rather than stacked vertically. Fire wall considerations extend through the roof and exterior walls and beyond into the immediate space outside the building.

In this proposal, the prescriptive requirements of Division B of the Building Code for this configuration would consider the building a four-storey building with four dwelling units. For this proposal to be considered as two separate duplexes under the BC Building Code, a robust alternative solution would need to be proposed from a qualified Building Code Consultant. Alternative solutions are intended to meet the objectives, functional statements and intent of the prescriptive requirements of Division B of the Building Code. More work will be required between development permit and building permit.

SUSTAINABILITY PLAN IMPLICATIONS

1. Social Sustainability and Community Well Being
3. Environmental Sustainability
6. Sustainable Community Growth and Development

STRATEGIC PLAN IMPLICATIONS

1. Effective Growth
2. Housing
5. Commitment to Climate Change Mitigation, Adaptation, and the Preservation of the Natural Environment

COMMUNICATIONS

If Council approves the Development Permit, then it can be issued relatively quickly as the security has been paid.

Respectfully submitted,

Andrew Allen, Director of Planning and Development

Attachments:

1. Development Permit 2022-25