

PREPARED FOR: Council
FROM: Brian Green, Deputy Director of Community Building and Planning Services
MEETING DATE: April 27, 2026
SUBJECT: Official Community Plan Amendment (OCP00010), Heritage Revitalization Agreement (HRA00016) and Development Permit (DP000056) – 960 Foul Bay Road

RECOMMENDATION(S)

1. THAT Council refer the applications for Official Community Plan Amendment (OCP00010), Heritage Revitalization Agreement (HRA00016) and Development Permit (DP000056) for the property located at 960 Foul Bay Road back to staff to work with the applicant to address the following:
 - a. Exploration of design solutions to the proposed townhouses that would have the effect of allowing the *Lawson Residence* to have more prominence within the overall design including design strategies such as reduced massing, overall building height and reduced number of townhouses.
 - b. Consideration of a greater mix of unit types (number of bedrooms) and/or tenure.
 - c. Submission of a Tenant Assistance Plan.
 - d. Reduction in the impermeable surface coverage.
 - e. Inclusion of a shared amenity space for the residents of the proposed development.
 - f. Provision of wheelchair access and accessible dwelling units within the *Lawson Residence*.
 - g. Replace the proposed new window frames within the *Lawson Residence* from vinyl to wood.

 2. THAT following completion of the revisions to the applications to the satisfaction of the Director of Community Building and Planning, Council direct staff to prepare the necessary Bylaws for Official Community Plan Amendment Bylaw (OCP00010), Heritage Revitalization Agreement Bylaw (HRA00016), a Heritage Designation Bylaw and Development Permit (DP000056) for the property located at 960 Foul Bay Road.
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PURPOSE OF REPORT

The purpose of this report is to provide Council with information and analysis regarding Official Community Plan (OCP) amendment, Heritage Revitalization Agreement (HRA) and Development Permit (DP) applications for the property located at 960 Foul Bay Road. The applications propose to change the OCP land use designation of the site from Residential to Townhouse Residential and to facilitate the conversion of the existing historic house on the property to eight (8) dwelling units plus the development

of sixteen (16) additional townhouse units spread across three (3) new buildings on the site.

BACKGROUND/HISTORIC CONTEXT

The subject property is located at the southwest corner of Foul Bay Road and Brighton Avenue. The property is currently designated Residential in the OCP and zoned R-4 Residential Use. The property currently contains a large 3-storey single-family dwelling. Known as the *Lawson Residence*, this house was designed by prominent local architect Samuel Maclure and constructed in 1914 and is currently rented out by the owner and developer to 9 tenants/residents. The property is not on the Community Heritage Register or Heritage Designated by Bylaw.

The immediately adjacent properties are also designated Residential in the OCP, with properties designated Multi-Unit Residential 1 and Oak Bay Village located one (1) block to the north between Granite Street and Oak Bay Avenue. The adjacent properties to the south are also zoned R-4, with smaller lots, zoned R-5, located to the north and east (see Attachments 1-4 for site context). The property is bordered by the city of Victoria to the west. As per the City of Victoria's 2050 Official Community Plan, and Zoning Bylaw 2018, the area immediately adjacent to the subject property is designated and zoned as a Residential Priority Growth Area, which envisions the development of a range of multi-unit residential forms, including ground-oriented infill (including townhouses up to 4 storeys) and more intensive multi-unit residential forms (up to 6 storeys) on larger sites in close walking distance to village areas and transit corridors.

Previous Applications

In 2018, Council adopted Heritage Revitalization Agreement Bylaw No. 4704 and Heritage Designation Bylaw No. 4703 for the subject property authorizing the revitalization of the *Lawson Residence*, its relocation to the northeast corner of the site, and the subdivision of the lot into 4 separate lots. These bylaws expired in 2020 as the subdivision was not completed by that time. In May 2024, the property owner requested formal repeal of HRA Bylaw No. 4704 and Heritage Designation Bylaw No. 4703. Council repealed these bylaws at their July 22, 2024 meeting.

Proposed Development

The applicant is proposing to redevelop the site to create a residential development project that retains and revitalizes the *Lawson Residence*, creating 8 residential units within, and that develops a further 16 townhouse-style residential units spread across three (3) additional buildings on the property. As part of the development, the *Lawson Residence* (proposed Building A) would be moved from its present location to the northeast corner of the site, and the property would be subdivided to site the *Lawson Residence* on its own lot (proposed Lot 2). The units within the revitalized *Lawson Residence* are all proposed to be single-level 2-bedroom units. The three (3) townhouse buildings would be sited on a separate parcel (proposed Lot 1). The townhouse buildings are proposed as follows:

- Proposed Building B
 - Sited fronting Foul Bay Road directly south of the relocated *Lawson Residence*
 - Three (3) storeys
 - Four (4), 4-bedroom townhouse units

- Proposed Building C
 - Sited behind Building B to the west
 - Three (3) storeys
 - Five (5), 4-bedroom townhouse units
- Proposed Building D
 - Sited fronting Brighton Avenue directly west of the relocated *Lawson Residence*
 - Three (3) storeys
 - Seven (7), 4-bedroom townhouse units.

Renderings and proposed architectural plans are included as Attachment 5. A rationale letter prepared by the property owner is included as Attachment 6 and a site policy analysis prepared by the applicant is included as Attachment 7. Several aspects of the proposed development have been updated based on staff comments during the internal review process that are now reflected in the revised building plans in Attachment 5.

Application Summary Table	
Application Opened	January 15, 2025
Applicant	Jennifer Travelbea, Marking Developments
Owner	960 Foul Bay Holdings Ltd.
Civic Address	960 Foul Bay Road
Legal Description	Lot A (DD S14540), Section 23, Victoria District Plan 260 PID: 006-485-944
Year Built (Existing)	1914
Existing Lot Size	3,322m ² (35,757.7 ft ²)
Existing Zoning	R-4 – Residential Use
OCP Land Use Designation	Residential (existing) Townhouse Residential (proposed)
Development Permit Area	Multi-Unit Residential (proposed)
Heritage Designation	None Designated and added to the Community Heritage Register (proposed)

LEGISLATIVE REQUIREMENTS

The applicant has applied for a Heritage Revitalization Agreement (HRA), which is a legally binding, negotiated contract between a property owner and a local government enabled by Section 610 of the *Local Government Act* that protects heritage property. It allows for varying zoning regulations—such as density, use, or parking—to make conservation financially viable in exchange for long-term heritage protection registered on the title.

ANALYSIS

Regional Growth Strategy (RGS)

As a municipality within the Capital Regional District (CRD), Oak Bay works collaboratively with the other 12 municipalities in the region to achieve regional objectives under the RGS. OCP goals, policies, and objectives must be consistent with the RGS. The objectives of the RGS are to encourage compact growth within the urban core, which includes the entirety of the district, making use of existing infrastructure, supporting diverse transportation options, and building to reduce greenhouse gas emissions.

Official Community Plan Community Framework

The subject property is currently designated Residential in the OCP Land Use Framework as outlined in Policy CF1 and on the land use framework map (Schedule B). The Residential designation supports different forms of ground-oriented infill housing of up to 4 dwelling units per lot. As the proposed development is not consistent with the intent of this designation, for the proposed development to proceed, the OCP would need to be amended to change the land use designation of the subject property to Townhouse Residential. The Townhouse Residential designation would permit low-rise townhouses, rowhouses and multiplexes of over 4 units per lot.

A full comprehensive review of all relevant policies relating to the OCP can be found in Attachment 17 - OCP Policy Review.

Multi-Unit Residential Development Permit Area

A Development Permit is required for the proposed development in accordance with the Multi-Unit Residential DPA. This DPA is designated for the purposes of establishing form and character objectives for multi-unit residential development and promoting sustainability objectives including energy and water conservation and the reduction of greenhouse gas emissions. A detailed review checklist of the proposed development in relation to the guidelines of the Multi-Unit Residential DPA is included as Attachment 13. Staff note that the project would not fit under the current Infill Housing DPA for the site and that the Development Permit submitted under the Multi-Unit Residential DPA is contingent on approval of the OCP amendment and Heritage Revitalization Agreement.

Site Planning and Building Guidelines

The proposed townhouse buildings are of a traditional form and character, drawing on the Tudor Revival elements of the *Lawson Residence* to create an architectural form that is reflective of the historic house. The townhouse buildings feature nested asymmetrical gables and steeper roof lines characteristic of Tudor Revival architecture and will be finished with contemporary materials that have a similar feel to those used on the *Lawson Residence*. Specifically, the townhouses will feature stucco and cement board panel siding, gable end bands, and wood fascia and other wood accents styled to match the *Lawson Residence*. The *Lawson Residence* will also receive new stucco finishing, board and batten siding, wood fascia and guard rails, and new windows to replace and match the original.

The townhouse buildings are proposed to have a similar pattern of massing and fenestration as the *Lawson Residence*, thereby creating a uniform character along the street frontages. The proposed buildings are oriented towards both the Foul Bay Road and Brighton Avenue frontages, with the *Lawson Residence* (Building A) relocated to the northeast corner of the site near the intersection of Foul Bay Road and Brighton

Avenue, Building B fronting Foul Bay Road, and Building D fronting Brighton Avenue. The townhouse units of Buildings B and D are proposed to have individual entries and patios facing the street. The main entry to the *Lawson Residence* will front Foul Bay Road, with outdoor patios, a deck, and extensive landscaping incorporated between the *Lawson Residence* and Brighton Avenue to add visual interest to that portion of the frontage.

Utility infrastructure is sited to minimize the impact on neighbouring properties and public spaces, with garbage and recycling areas located within individual townhouse garages and in a central screened enclosure at the rear of the *Lawson Residence*. Heat pump units for the townhouse buildings are proposed on the rooftops of each building. Staff note that details of how these units will be screened in accordance with Site Planning and Building Guideline #16 have not been provided on the plans (see Attachment 13). Heat pump units for the *Lawson Residence* will be located on the building's north side adjacent to Brighton Avenue. Extensive landscape screening is proposed to minimize their visual impact from the street.

The proposed buildings also include the following sustainable design features:

- High efficiency lighting and fixtures, including low-flow fixtures for water conservation;
- High performance windows;
- Solar ready roof design;
- Passive energy design;
- 27 secure bike parking spaces and a 6-space rack and 2 oversize spaces at the rear of the property between Buildings C and D; and
- Conduits for EV charging stations for each townhouse unit.

Landscape Guidelines

Internal landscaped areas feature drought-tolerant and ecologically focused plantings, including native species and a limited number of non-native ornamental species such as lavender, azalea, maple, and evergreen hedging. Non-native species have been selected for their resilience to changing climate scenarios, their ability to support pollinators, and for livability and year-round interest. Modest lawn spaces are also included within the private yards of each of the townhouse units to provide functional outdoor space for children and pets. For proposed Buildings B and D, these amenity spaces are located adjacent to the street frontage, while Building C offers more private yard spaces located adjacent the south property line. All proposed lighting will be selected based on dark sky principles in accordance with Landscape Guideline #12 and OCP policy BE9. Staff note that as the proposed impermeable surface coverage is relatively high for the site there may be opportunities to incorporate additional soft landscaping or permeable materials into the development in accordance with Landscape Guideline #3 (see Attachment 13).

Landscaping is also proposed along both frontages. An extended landscaped boulevard is proposed along the Brighton Avenue frontage focusing on the creation of a welcoming and vibrant greenspace that also supports biodiversity and healthy ecosystems. As per Parks staff comments, plantings along this frontage will use native species exclusively, creating habitat for local wildlife. A mixture of Garry oak and maple species are proposed, as well as native shrubs and flowering plants, creating a layered habitat to support a Garry oak meadow ecology. Parks staff requested that

approximately half of the trees along this frontage be Garry oak, with the other half comprised of a mixture of maples and this is now reflected on the Landscape Plan.

Access, Circulation and Parking Area Guidelines

Vehicular access to the proposed development is located off Brighton Avenue, with one shared driveway proposed for access to the entire development. Internal driveways are proposed running in a ‘T’ shape in the middle of the property to provide vehicular access to individual townhouse units and surface parking areas. In addition, a pedestrian walkway is proposed between Building A (*Lawson Residence*) and Building B connecting the internal portions of the development, including Buildings C and D, to Foul Bay Road.

Parking will be largely accommodated within the garages of each individual townhouse unit, with limited surface parking in the driveways of the individual townhouse units in Building C. Parking for the units in the *Lawson Residence* are proposed at grade between townhouse Buildings B and C at the south end of the property. Garage entries are all located off the internal driveway on the rear façades of the townhouse buildings. Plantings are included in and adjacent to surface parking areas to break up the hard surface area.

Staff find that the proposed development generally meets the intent of the Multi-Unit Residential DPA guidelines if the property is redesignated to Townhouse Residential. In addition, the design of the site integrates new townhouses into the neighbourhood in a manner that responds to the character of the existing neighbourhood, in accordance with the following OCP objectives and policies outlined earlier in this report.

Housing Supply Act

As part of the implementation of the provincial *Housing Supply Act*, the District is subject to a Housing Target Order and is required to achieve mandated housing targets. The proposed development will increase the unit density on the subject property from 1 unit to 24, adding 23 net new housing units to the District. However, the current boarding use that accommodates 9 renters would be lost. The following table presents information regarding the proposed development in relation to District housing targets:

Housing Supply Act Metrics	Numbers	Comments
Number of Net New Housing Units	23	16 townhouse units and 8 heritage conversion units
Units by Tenure		
Rental	-1 (9 renters)	
Owned	24	All units are proposed to be strata ownership units
Bedrooms	16 4-bedroom units 8 2-bedroom units	

Heritage Revitalization Agreement (HRA)

The applicant is proposing to enter into an HRA with the District to facilitate an extensive revitalization of the *Lawson Residence*. The use of an HRA to facilitate the

proposed revitalization is supported by OCP Heritage policy HR1, mentioned earlier in the report.

The applicant has submitted a Statement of Significance (SoS) for the property and a Heritage Conservation Plan (HCP) in support of the long-term conservation of the building (Attachment 14). As outlined in the SoS and HCP, the house is characteristic of the Edwardian Tudor Revival architectural style. It was designed by prominent local architect, Samuel Maclure, who designed numerous commercial and residential structures throughout BC between 1887 and 1929. The *Lawson Residence* is a modest example of a pre-war Maclure residence, featuring gable roofs, half-timbering, and tall chimneys. The house was constructed for Henry Graham Lawson, a prominent lawyer and the son of early immigrants from Scotland to Victoria. Lawson and his family lived in the house until his death in 1945. Key elements that define the heritage character of the *Lawson Residence* include:

- It's location along Foul Bay Road, on the border with the City of Victoria;
- Its multi-family residential use (from the late 1970s onwards);
- Its twin gable roof with two gables at the front and two at the back, with modest gable finials and simple eave brackets;
- Its characteristics of the Tudor Revival Style including its wood frame construction, tall brick chimneys, and half-timbering applied to the gable ends at the rear, on its west façade;
- Its centred front entrance with a sleeping porch above with a decorated balustrade; and,
- Its mixed form and pattern of fenestration.

The proposed revitalization includes the relocation of the *Lawson Residence* to the northeast corner of the site, maintaining its historic orientation but making it more prominent and visible from the street. As per the Standards and Guidelines for the Conservation of Historic Places in Canada, the work proposed for the *Lawson Residence* includes aspects of preservation, restoration and rehabilitation, as detailed in the table below:

Proposed Heritage Conservation Work		
Preserved	Restored	Rehabilitated
Overall structure	Standalone nature through the removal of the mid-20th century large-scale addition, connected to the house to the south	Relocating the house within the lot onto a new foundation, extending its physical life and allowing for new seismic security
Multi-family residential use	Removing the roof's later addition skylights and restoring chimneys	Minor amendments to the roof form, including adding two side dormers and removing one heavily deteriorated rear chimney
Tudor Revival elements: • Wood-frame construction	Returning fences and gates along Foul Bay Road and Brighton	Reconfiguring the interior layout to improve livability and usability as a multi-

Proposed Heritage Conservation Work		
<ul style="list-style-type: none"> · Brick chimney forms · Half-timbering gable ends · Modest drop finials · Simple eave brackets 	Avenue taking cues from originals	unit dwelling, with some exterior updates as well, such as providing balconies and decks for outdoor living
Form and pattern of fenestration, where possible	Sleeping porch to its previous unenclosed form and adding back window decoration detailing at the front	Installing new vinyl windows, where needed

In addition to the revitalization of the *Lawson Residence*, the HRA will enable the development of 16 new townhouse units spread across 3 new buildings on the property. The three (3) townhouse buildings have been designed to be sympathetic to and reflective of the style of the *Lawson Residence*, employing a similar scale and massing, and drawing inspiration from the Tudor Revival style in their architectural elements.

The District adopted the *Standards and Guidelines for the Conservation of Historic Places in Canada* as part of the recently updated OCP. *The Standards and Guidelines for the Conservation of Historic Places in Canada* is intended to promote responsible conservation practices that help protect Canada’s irreplaceable historic places. They provide a philosophical consistency for project work; and while neither technical nor case-specific, they provide the framework for making essential decisions about which features of an historic place should be maintained, and which can be altered. The standards and a link to the guidelines can be found in Attachment 15. Relevant standards relating to this application include the following:

3 – Conserve heritage value by adopting an approach calling for minimal intervention.

11 – Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

Standard 11 encourages the design of new built elements to be physically and visually compatible with, subordinate to and distinguishable from the historic place. Although care has been taken to design the townhouse buildings in a manner that is visually compatible with the *Lawson Residence*, staff feel that the design of townhouse buildings could be altered to allow them to be more distinguishable from the *Lawson Residence*. For example, a more contemporary or muted design could strike a greater contrast between the *Lawson Residence* and the townhouse buildings, allowing the historic house to occupy a more conspicuous position on the streetscape.

For this application, staff recommend that additional consideration be given to the heritage value of the site as the subject property is not currently on the Oak Bay Community Heritage Register, nor is it heritage designated. Through this HRA, it is recommended that Council consider a second bylaw to designate the *Lawson*

Residence as a heritage property and add the property to the Community Heritage Register. This would only apply to the proposed lot on which the *Lawson Residence* would be sited (proposed Lot 2), not proposed Lot 1 (Townhouses).

Zoning and HRA Provisions

The subject property is currently zoned R-4 – Residential Use. This zone allows up to 4 units per lot subject to a Development Permit. Given the size of the subject property, the site is large enough to be subdivided into three lots, each of which could have up to 4 dwelling units per lot.

As the applicant has applied for an HRA, the property will retain its R-4 zoning through the redevelopment process. Although an HRA does not rezone a property, it does override zoning regulations for the affected site. As per Section 610 of the *Local Government Act*, HRAs may vary or supplement provisions contained within a land use regulation bylaw, including use and density provisions contained in a zoning bylaw. As a result, an HRA functions in a similar manner to a rezoning.

Proposed zoning parameters that would be conferred through the HRA are outlined in the table below. Variances from the underlying R-4 zone are shown in **bold**. Staff note that because the underlying R-4 zone (which would remain) does not anticipate residential development of this intensity, most of the R-4 zoning regulations will be varied through the proposed HRA. In addition, the HRA will be drafted with specific protections, including restricting development on proposed Lot 2 (*Lawson Residence*) such that it may only be used for the revitalized and converted heritage house in accordance with the submitted plans. Staff note that exact dimensions of each of the proposed lots are to be confirmed prior to consideration of 1st reading.

Zone Analysis Table			
Regulation	R-4 Zone (Current)		Proposed HRA
Lot Dimensions			
		Lot 2 (Lawson Residence)	Lot 1 (Townhouses)
Lot Area (min.)	948.00m ² (10,204.52ft ²)	594.3m² (6,397ft²)	2,586.2m ² (27,837ft ²)
Lot Frontage (min.)	21.34m (70.00ft)	~25.1m (Brighton Ave) (TBC)	~25.4m (Foul Bay Rd) (TBC)
Lot Width (min.)	21.34m (70.00ft)	~20m (TBC)	~24.8m (TBC)
Buildings			
		Lot 2 (<i>Lawson Residence</i>)	Lot 1 (Townhouses)
Principal Buildings (max)	2	1	3
Setbacks			
		Lot 2 (<i>Lawson Residence</i>)	Lot 1 (Townhouses)
Front (min.)	6.0m	6.0m (Brighton Ave)	3.26m (Foul Bay Rd)

Zone Analysis Table			
Rear (min.)	7.6m	0.68m	3.0m
Interior Sides (min.)	1.5m	3m	1.3m (Building B to proposed Lot 2) 3.28m (Building B to south lot line)
Exterior Side (min.)	3.7m	3.26m (Foul Bay Rd)	6.0m (Brighton Ave)
Total Sides (min.)	4.6m	6.26m	7.3m
Second Storey (min.)	3.0m	3.0m	1.3m (Building B to proposed Lot 2) 3.28m (Building B to south lot line)
Between buildings / structures (min.)	3.0m	N/A	12.0m
Projections into a required setback (stairs and decks)	1.2m	2.0m (front lot line)	N/A
Height			
		Lot 2 (<i>Lawson Residence</i>)	Lot 1 (Townhouses)
Building Height (max.)	7.32m (8.5m for 3+ units)	10.27m (existing)	Building B – 8.71m Building C – 8.87m Building D – 8.92m
Roof Height (max.)	9.14m (10m for 3+ units)	10.68m (existing)	Building B – 11.71m Building C – 11.87m Building D – 11.92m
Storeys (max.)	3	3	3
Lot Coverage and Paved Surfaces			
		Lot 2 (<i>Lawson Residence</i>)	Lot 1 (Townhouses)
Lot Coverage	30%	51%	42%

Zone Analysis Table			
(max.)			
Front Yard Paved Surface (max.)	30%	Exempt	Exempt
Rear Yard Paved Surface (max.)	25%	Exempt	Exempt
Live Landscaping Coverage (min.)	35%	23% (Exempt from 35m2 rectangle requirement)	17% (Exempt from 35m2 rectangle requirement)
Impermeable Surface Coverage (max.)	50%	72%	72%
Density			
		Lot 2 (<i>Lawson Residence</i>)	Lot 1 (Townhouses)
Dwelling Units (max.)	4	8	16
Floor Area Ratio (max.)	0.4 (0.8 for 3-4 units)	1.2	1.2

Parking

The Parking Facilities Bylaw requires 0.5 parking spaces per dwelling unit for developments within the R-4 zone with more than 2 dwelling units on a lot. For the proposed development, this translates to a total of 12 spaces (4 for proposed Lot 2 (*Lawson Residence*) and 8 for proposed Lot 1 (Townhouses). The Parking Facilities Bylaw also contains parking requirements for multi-unit residential (RM) zones, which are more typically associated with residential developments of this intensity. In these zones, the bylaw requires 1 parking space per unit, plus additional guest parking of 1 space per 4 dwelling units for a total of 30 parking spaces.

The proposed development complies with the applicable parking requirements of the R-4 zone and, although not applicable to the proposed development, also complies with the requirements for development within the RM zones. The applicant is proposing a total of 39 parking spaces for the site. 23 of these spaces are proposed to be located within garages for the individual townhouse units. An additional 7 spaces are proposed in the driveways of the individual townhouse units in Building C. The remaining 9 spaces are proposed to be located at grade between townhouse Buildings B and C at the south end of the property. The siting of the proposed parking aligns with the following OCP policy:

H34 – Encourage parking underground, below grade or under the building on larger Townhouse projects with higher densities. For smaller projects where the parking is

at grade, locate parking lots or parking garages behind buildings away from the primary street to the degree possible.

Although no variances to the number of parking spaces are required in this instance, as all of the proposed parking is located on Lot 1 (Townhouses), the proposed HRA will include a provision that the parking required for Lot 2 (*Lawson Residence*) may be located on Lot 1 (Townhouses).

The “no parking” areas along Brighton Ave. would remain to ensure access to the proposed driveway for firefighting vehicles.

Although the Parking Facilities Bylaw does not currently require bike parking, the applicant is proposing 27 bike parking spaces within the garages of the individual townhouse units, and a 6-space rack and 2 oversize spaces at the rear of the property between Buildings C and D.

Summary / Conclusion

The applicant has applied for an Official Community Plan amendment, a HRA and a DP for the property located at 960 Foul Bay Road to redesignate the property from Residential to Townhouse Residential and to facilitate the conversion of the existing *Lawson Residence* into an 8-unit multiplex and the development of 16 additional townhouse units on the site. Staff note that the applications do not align with the land use framework adopted by the District in December 2025, which outlined a 20-year supply of housing, and which provides the primary basis for evaluating development applications. The OCP does, however, provide policy support for consideration of the OCP and HRA applications specifically through the following policies:

- *CF7 – provides the basis for considering changes to the land use framework to achieve heritage conservation objectives*
- *BE5 – encourages support for the conservation and rehabilitation of historic buildings; and,*
- *H22 – supports townhouse development of greater density than that typically permitted in the Residential designation on large lots, corner lots, and on lots fronting BC Transit routes.*

The proposed HRA would enable the rehabilitation and conversion of the historic *Lawson Residence*, conferring site specific density and siting provisions to support the conservation of the *Lawson Residence*. The proposed development would also be facilitated by a DP under the Multi-Unit Residential DPA Staff have reviewed the application and find it to be in general alignment with the intent of the DPA guidelines that would apply if the OCP amendment is approved.

Overall, while the proposed development does not align with the recently updated and adopted land use framework of the OCP, staff are of the opinion that the proposed development merits consideration on the basis that it would support the long-term revitalization and conservation of a significant historic building on the site and would provide a new housing development suitable for both seniors wishing to age in place or downsize in the community as well as providing new family housing adding housing diversity to the districts housing stock. The proposed development is located on a large, corner previously developed site that is located on a transit route and which is a highly

sustainable location that is within walking distance of local services and amenities and employment centres.

PUBLIC INFORMATION MEETING

The District's Development Applications Procedure Bylaw requires an applicant to hold a Public Information Meeting (PIM) prior to Council considering an application for an Official Community Plan amendment. This is an opportunity for the applicant to share information with the public and for the public to access information and to enquire about the application. Staff do not organize, facilitate, or control the content of PIMs.

The applicant held a public information meeting (PIM) on April 15, 2025, from 6pm to 8pm at Oak Bay United Church located at 1355 Mitchell Street where they shared their plans with the neighbourhood through an open house style event. The applicant reports that an invitation was mailed two weeks prior to the event to all properties within 200m of the proposed development in the District of Oak Bay and all properties within 100m of the proposed development in the City of Victoria. Approximately 80 people attended the event.

In accordance with the Development Applicant Procedures Bylaw, the applicant has submitted a report summarizing the PIM (Attachment 16). As indicated in the report, views shared at the meeting were mixed, with support expressed by some attendees for adding diverse housing options to this area of Oak Bay, the rehabilitation and conversion of the existing heritage home, the style of architecture proposed, and improvements to the Brighton Avenue frontage. Other attendees expressed concern regarding the proposed density of development on the site, the impacts of vehicular access off of Brighton Avenue, changes to the Brighton Avenue frontage, affordability of the units, the amount of greenspace and impacts on trees. Many attendees also suggested considering a mix of rentals and more affordable housing options. Staff confirm that the report meets the bylaw requirements for a PIM.

ADVISORY BODY

The Advisory Planning Commission reviewed the OCP amendment application on March 18, 2026, and passed the following motion:

THAT the Advisory Planning Commission recommend to Council that Official Community Plan Amendment (OCP00010) for the property located at 960 Foul Bay Road be approved.

The Heritage Commission reviewed the HRA application on April 1, 2026, and passed the following motion:

THAT Heritage Commission recommend to Council that Heritage Revitalization Agreement (HRA00016) for the property located at 960 Foul Bay Road be approved with the following considerations:

- *that the height of the additional buildings on the lot be no higher than the Lawson house,*
- *that the number of units in terms of the townhomes be reduced from 16 to a maximum of 12; and*
- *additional green space be considered around the heritage home.*

The Advisory Design Panel reviewed the development permit application on April 14, 2026, and passed the following motion:

THAT the Advisory Design Panel recommend to Council that Development Permit (DP00056) for the property located at 960 Foul Bay Road be approved subject to the following considerations:

- *Incorporate wheelchair access and accessible units in the Lawson Residence*
- *Reduce parking on site to reduce the amount of impermeable surface within the development.*

FINANCIAL IMPACT

The applicant paid a total application fee of \$17,000 for the OCP amendment, HRA and Development Permit applications.

The applicant would also be responsible for paying the District's legal fees to draft and register any legal agreements including the HRA.

Amenity Cost Charges and Development Cost Charges

The District has adopted an Amenity Cost Charge and Development Cost Charge Bylaw to help recover the capital costs of off-site infrastructure needed to support growth. The Bylaws include the relevant capital projects that these charges would help fund. The following charges would be payable at time of Building Permit:

ACC and DCC Calculation Table				
Lot	Units and Type for ACCs and DCCs	ACC Rate	DCC Rate	Sub-Total of ACC + DCC x Number of Units
Proposed Lot 1 (Townhouses)	16 Medium-Density Residential	\$6,441 per unit	\$16,747 per unit	\$371,008
Proposed Lot 2 (<i>Lawson Residence</i>)	8 High-Density Residential	\$3,921 per unit	\$10,871 per unit	\$118,336
Subtotal:				\$489,344
Applicable Credits:				\$35,652
Total ACCs and DCCs Assessed (Subtotal – Applicable Credits):				\$453,692

OPTIONS

Option #1 (Staff Recommended)

Council could choose to proceed with the proposed applications subject to revisions to the proposed applications; the following motion would be in order :

1. THAT Council refer the applications for Official Community Plan Amendment (OCP00010), Heritage Revitalization Agreement (HRA00016) and Development

Permit (DP000056) for the property located at 960 Foul Bay Road back to staff to work with the applicant to address the following:

- a. Exploration of design solutions to the proposed townhouses that would have the effect of allowing the *Lawson Residence* to have more prominence within the overall design including design strategies such as reduced massing, overall building height and reduced number of townhouses.
 - b. Consideration of a greater mix of unit types (number of bedrooms) and/or tenure.
 - c. Submission of a Tenant Assistance Plan.
 - d. Reduction in the impermeable surface coverage.
 - e. Inclusion of a shared amenity space for the residents of the proposed development.
 - f. Provision of wheelchair access and accessible dwelling units within the *Lawson Residence*.
 - g. Replace the proposed new window frames within the *Lawson Residence* from vinyl to wood.
2. THAT following completion of the revisions to the application to the satisfaction of the Director of Community Building and Planning, Council direct staff to prepare the necessary Bylaws for Official Community Plan Amendment Bylaw (OCP00010), Heritage Revitalization Agreement Bylaw (HRA00016), Heritage Designation Bylaw and Development Permit (DP000056) for the property located at 960 Foul Bay Road.

Option #2

Council could choose to request further revisions to the proposed applications; the following motion would be in order:

1. THAT Council refer the applications for Official Community Plan Amendment (OCP00010), Heritage Revitalization Agreement (HRA00016) and Development Permit (DP000056) for the property located at 960 Foul Bay Road back to staff to work with the applicant to address the following:
 - a. Exploration of design solutions to the proposed townhouses that would have the effect of allowing the *Lawson Residence* to have more prominence within the overall design including design strategies such as reduced massing, overall building height and reduced number of townhouses.
 - b. Consideration of a greater mix of unit types (number of bedrooms) and/or tenure.
 - c. Submission of a Tenant Assistance Plan.
 - d. Reduction in the impermeable surface coverage.
 - e. Inclusion of a shared amenity space for the residents of the proposed development.
 - f. Provision of wheelchair access and accessible dwelling units within the *Lawson Residence*.
 - g. Replace the proposed new window frames within the *Lawson Residence* from vinyl to wood.
 - h. **(Council to advise)**

2. THAT following completion of revisions to the applications to the satisfaction of the Director of Community Building and Planning, Council direct staff to prepare the necessary Bylaws for Official Community Plan Amendment Bylaw (OCP00010), Heritage Revitalization Agreement Bylaw (HRA00016), Heritage Designation Bylaw and Development Permit (DP000056) for the property located at 960 Foul Bay Road.

Option #3

Council could choose to proceed with the proposed applications without any revisions; the following motion would be in order:

THAT Council direct staff to prepare the necessary Bylaws for Official Community Plan Amendment Bylaw (OCP00010), Heritage Revitalization Agreement Bylaw (HRA00016), Heritage Designation Bylaw and Development Permit (DP000056) for the property located at 960 Foul Bay Road.

Option #4

Council could choose to deny the applications; the following motion would be in order:

THAT Official Community Plan amendment (OCP00010), Heritage Revitalization Agreement (HRA00016) and Development Permit (DP000056) for the property located at 960 Foul Bay Road be denied given that the proposed redesignation of the subject property is contrary to OCP policy CF1.

Should Council choose to deny the applications staff have provided draft rationale for council consideration to assist the applicant should they choose to resubmit a future application.

COUNCIL PRIORITY SUPPORTED

Housing

IAP2 FRAMEWORK ENGAGEMENT

INFORM **CONSULT** **INVOLVE** **COLLABORATE**

A sign notifying neighbours of this application has been posted on the property as per the Development Application Procedures Bylaw No. 4844.

Should Council proceed with the applications, following 1st and 2nd reading of the bylaws a Public Hearing would be held and staff would place two advertisements in the local newspaper and give notice of the application by sending a notification letter to all property owners and tenants within 50m of the subject property. The Public Hearing is the formal opportunity for the public to provide their input on the proposal with Council.

TIMELINE/PROCESS/NEXT STEPS

Should Council wish to move forward with the applications as recommended in option 1 of this report, staff would work with the applicant on revisions and then bring forward bylaws based on the revised plans for consideration of first and second readings and a Public Hearing date would be scheduled.

Respectfully submitted,

Brian Green, Deputy Director of Community Building and Planning Services

With respect to the Financial Impact described in this report, I concur with the staff recommendation.

Rianna Lachance

Rianna Lachance, Director of Finance and Asset Management

Reviewed and approved by the Director of Corporate Services.

Crystal Anderson

Crystal Anderson, Director of Corporate Services

I have read and consider staff's recommendation to be supportable for Council's consideration.

Michelle Hunt

Michelle Hunt, Chief Administrative Officer

ATTACHMENT(S):

[Attachment 1 - Location Map](#)

[Attachment 2 - Ortho Photo](#)

[Attachment 3 - Zoning Map](#)

[Attachment 4 - Site Photos](#)

[Attachment 5 - building plans](#)

[Attachment 5b - Renderings](#)

[Attachment 6 - Applicant Rationale Letter](#)

[Attachment 7 - Applicant's Rationale and Policy Analysis Revised V2](#)

[Attachment 8 - Landscape Plans](#)

[Attachment 9 - Tree Management Plan](#)

[Attachment 10 - Traffic Impact Assessment](#)

[Attachment 11 - Traffic Impact Assessment Addendum](#)

[Attachment 12 - Geotechnical Report](#)

[Attachment 13 - Multi-Unit Residential DP Area Design Guidelines Review Checklist](#)

[Attachment 14 - Heritage Conservation Plan](#)

[Attachment 15 - Standards and Guidelines](#)

[Attachment 16 - Public Information Meeting Summary](#)

[Attachment 17 - OCP Policy Review](#)