



The Corporation of the City of Courtenay

Staff Report

To: Council
From: Acting Director of Development Services
Subject: Zoning – Amendment Bylaw No. 3108 (2270 Cliffe Ave.)

File No.: 3360-20-2304/RZ000085
Date: September 17, 2025

PURPOSE:

For Council to consider first, second and third reading of Zoning – Amendment Bylaw No. 3108 (2270 Cliffe Ave.) to establish a new Comprehensive Development Forty-Four Zone (CD-44), and to rezone the property addressed 2270 Cliffe Avenue, legally described as LOT A, SECTION 66, COMOX DISTRICT, PLAN 34998 EXCEPT THAT PART IN PLAN 49713 from Commercial Two Zone (C-2) to CD-44 to permit a six-storey mixed-use apartment building with ground-floor commercial.

BACKGROUND:

The agent on behalf of the property owner Mansfield Centre Inc. has made an application to rezone the subject property 2270 Cliffe Avenue. The approximate gross site area of the subject site is 5,914.4 m² (0.59 hectares) located at the intersection of Cliffe Avenue and Mansfield Drive, as illustrated in **Figure 1**.

The site is relatively flat, rising less than 2.0 m from its eastern boundary to its northwest corner. It contains an existing two-storey shopping centre built in 1976 with 2,112.3 m² (22,737 ft²) of leasable area, surface parking and landscaping. Existing commercial uses include retail; office; restaurant; pet grooming and training; small item sales, service and repair; studio; and cannabis retailer.

Figure 1: Subject Property Location and Context



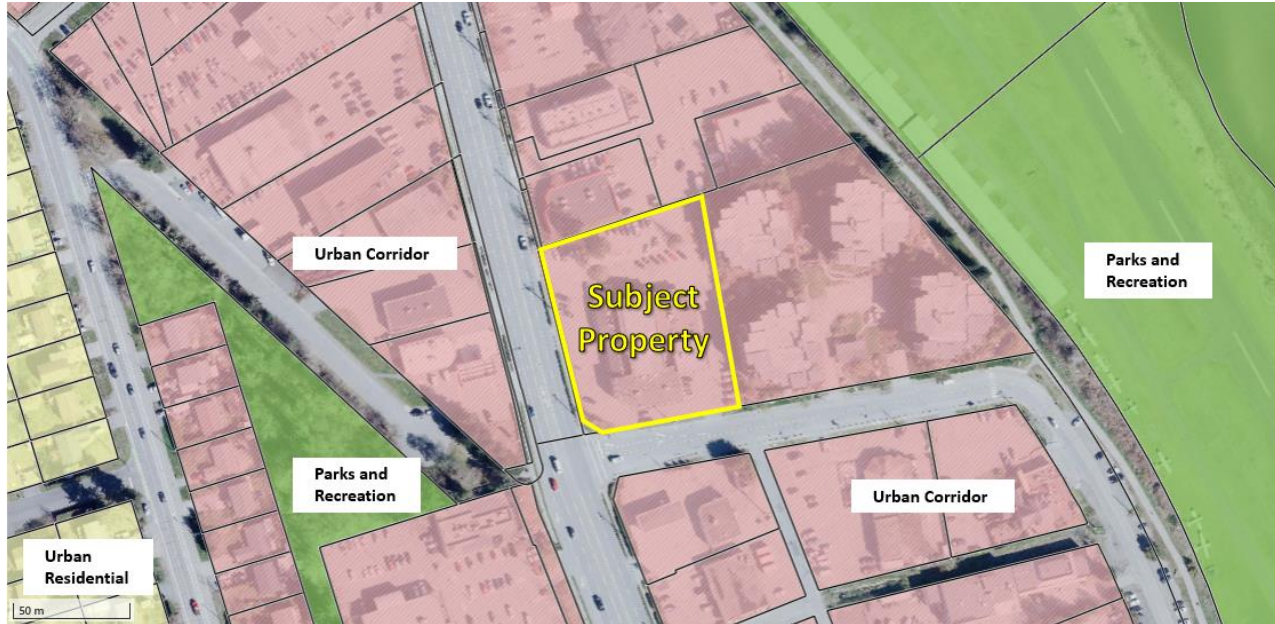
The site is in the 15-minute Walkable Area (Schedule F, Zoning Bylaw No. 2500, 2007) and is approximately 125 m from the Courtenay Riverway multi-use pathway. The Air Park with Rotary Sky Park, Bill Moore Park, Courtenay Elementary School, Driftwood Mall and Thrifty Foods are all within 1 km.

The immediate area is serviced by public transit (bus stops for Routes 4, 5 and 10). The southbound stop is across Cliffe Avenue with signalized Cliffe Avenue crossings at 26th St and 19th St, approximately 200 m and

550 m from site. A neighbourhood bikeway along Mansfield Drive and across Cliffe Avenue is featured in the 2023 Long Term Cycling Network Plan.

The subject property and adjacent properties are a mix of commercial and residential land uses consistent with the Urban Corridor land use designation established in the Official Community Plan Bylaw No. 3070, 2022 and illustrated in **Figure 2**. A development permit application has been submitted, pursuant to Development Permit Area 1 – Commercial, Industrial, Large-scale Residential and Mixed Use, and is being processed concurrently with the Zoning – Amendment Bylaw No. 3108 (2270 Cliffe Ave.) application.

Figure 2: OCP Land Use Designations



Proposed Development

The application proposes to rezone the subject property from Commercial Two Zone (C-2) to Comprehensive Development Forty-Four Zone (CD-44), to permit a future development of a six-storey mixed-used building and an accessory garage storage building, with landscaping and on-site and off-site circulation improvements as set out in the proposed CD-44 zone (Attachment 1), proposed Concept Renderings (Attachment 4) and illustrations in **Figures 3 and 4**.

Figure 3: Perspectives facing northeast across Cliffe Avenue and Mansfield Drive and southwest from above



The top five floors include 137 dwelling units: 17 studios, 44 one-bedroom plus den units, 71 two-bedroom plus den units and 5 three-bedroom plus den units. All units can access a common second-floor outdoor amenity area and 128 units have private decks or balconies.

The ground floor commercial includes 1,158 m² (12,465 ft²) of leaseable area across 11 commercial retail units fronting Cliffe Avenue and Mansfield Drive.

Figure 4: Proposed site plan with ground floor layout



Parking includes 101 underground stalls, 36 in a rear parkade, and 19 outdoor stalls, totaling 166. Two loading/drop-off spaces are near the main entrance. Bicycle parking will exceed the minimum 235 stalls required for the zone.

The proposed site plan has unrestricted vehicular access on Mansfield Drive, similar to existing, and right-in/right-out access on Cliffe Avenue with a new separating island. A third existing access, from Mansfield Drive near Cliffe Avenue, will be removed. Separate pedestrian circulation will be provided along three building faces with landscaping and seating, connect into public sidewalks on both Cliffe and Mansfield.

An accessory building in the northeast corner, located below the neighbouring property’s existing 1.5 m wall topped with a 1.5 m fence, will separate commercial refuse from the residential refuse area in the main building.

DISCUSSION:

The subject property is currently designated Urban Corridor in the Official Community Plan (OCP), which is intended to be one of the primary focus areas of commercial and residential densities outside the downtown and supports a mix of uses that include a variety of higher-density housing choices as well as regional retail destinations. The designation supports uses including multi-unit residential, mixed use and commercial, in built forms including mid-rise buildings (five or six storeys) and high-rise (seven to eight storeys). The proposed commercial and residential uses remain consistent with the Urban Corridor designation.

Currently the City’s zoning bylaw does not include a mixed-use zone that would support mid-rise density and is under review as part of the 2025-26 zoning bylaw update. To facilitate this active application, staff have drafted CD-44. Table 1 provides a comparison of attributes for the proposed CD-44 zone to the existing C-2 zone and the R-4A zone on the adjacent property which is the highest-density general residential zone.

Noted changes from existing C-2 to proposed CD-44 are:

- Increase in building height.
- Increase floor area ratio (the sum of the areas of all floors with limited exceptions, divided by the lot area) and increase height, to increase development density.
- Changes building and landscape setbacks along street frontages while improving public-private space interface.
- Reduce useable open space from 20.0 m² to 14.5 m² per dwelling unit.
- Reduce vehicle and bicycle parking requirements in keeping with recently approved projects.
- Reduce permitted commercial uses to uses that are compatible with high-density mixed-use.

Table 1: Zone Comparison – Attributes

Attribute	Existing Zone (C-2)	Comparable Zone (R-4A)	Proposal (CD-44 Zone)
Permitted Uses	Commercial, Limited mixed-use (See Table 2)	Multi-residential, no Mixed-use	Mixed-use*
Lot Size (min.)	1,250 m ² (mixed-use)	1,250 m ²	5,000 m ²
Frontage (min.)	20.0 m	30.0 m	60.0 m
Floor Area Ratio (max.)	0.6 (mixed-use)	1.33	2.21
Commercial Floor Area (max.)	N/A	N/A	1,200 m ²
Lot Coverage (max.)	N/A	N/A	57%
Building Height (max.)	13.5 m (mixed-use)	14.0 m	22.0 m excluding solar array and elevator equipment
Front Yard Setback (min.)	7.5 m	6.0 m	5.2 m main building wall, 3.4 m projections

Rear Yard Setback (min.)	4.5 - 7.5 m	6.0 m	13.0 m
Side Yard Setback (min.)	4.5 m (mixed-use)	4.5 m (Cliffe); 6.0 m rear of building on side lot line	West (Cliffe): 7.3 m main building wall, 3.2 m projections East: 7.3 m bottom 4 storeys, 10.0 m 5 th storey, 13.5 m 6 th storey
Accessory Height (max.); Setbacks (min.)	4.5 m (height); 7.5 m (front), 1.5 m (rear and side)	4.5 m (height); 1.5 m (rear and side)	3.1 m (height); 80.0 m (front), 60.0 m (west side), 0.25 m (east side), 2.0 m (rear)
Landscape width (min.) – Cliffe	7.5 m	7.5 m	7.3 m
Landscape width (min.) – Mansfield	4.5 m	4.5 m	5.2 m
Landscape width, height (min.) – properties	2.0 m, 2.0 m	3.0 m, 3.0 m	1.8 m (rear width), N/A height, N/A (east side)
Landscape height (min.) – features	2.0 m refuse, loading	N/A	N/A
Useable Open Space (min.)	20 m ² / dwelling unit (DU) (2,740 m ²)	20 m ² / dwelling unit (DU) (2,740 m ²)	14.5 m ² / dwelling unit (DU) (1,986.5 m ²)
Vehicle Parking (min.)	1.2 stalls / DU (165 stalls) including visitor parking + commercial parking (varies by use e.g. retail @ 1 per 35 m ²)	1.2 stalls / DU (165 stalls) including visitor parking + commercial parking (varies by use e.g. retail @ 1 per 35 m ²)	165 total stalls including 0.94 stalls / DU (129 stalls) + commercial parking (at reduced rates e.g. retail @ 1 per 47 m ²). Additional residential visitor parking can share with some commercial uses
Small Car Stalls (max.)	10% (16)	10% (16)	44 required stalls (27%)
Additional width abutting wall or building for stall, aisle (min.)	0.6 m (stall), 0.6 m (aisle)	0.6 m (stall), 0.6 m (aisle)	0.3 m (stall), 0.0 m (aisle)
Level 2 charging conduit (min.)	N/A	N/A	100% of required stalls (165)
Level 2 charging installed (min.)	N/A	N/A	22 stalls
Bicycle Parking (min)	(302 stalls)	(302 stalls)	(235 stalls)
Residential (min.)	2.0 / DU (274 Class II)	2.0 / DU (274 Class II)	2.0 / 2+bedroom DU; 1.0 / 0-1 bedroom DU (213)

Visitor (min.)	10% of Class II (28 Class I)	10% of Class II (28 Class I)	10% of required residential (22 visitor)
Oversized (min.)	10% of required (31)	10% of required (31)	10% of required (24)
Additional specifications	Detailed in Zoning Bylaw Section 7.3.2	Detailed in Zoning Bylaw Section 7.3.2	N/A

**See Attachment 4: Land Uses - Zone Comparison (C-2, MU-2 and proposed CD-44)*

Height and Density (Floor Area Ratio)

The proposed maximum building height is 22.0 m. The Urban Corridor designation supports high-rise development of eight or more storeys. To minimize the visual impact on adjacent properties, the building incorporates a flat roof design, and benefits from the adjacent residential development being elevated by a 1.5 m retaining wall along the shared property line.

A shadow study has been submitted (**Attachment 3, page 10**) to demonstrate the anticipated impacts on surrounding properties. The proposal also includes specific height exemptions for solar panels and elevator equipment—elements not currently identified among allowable projections in the general zoning bylaw’s height exemption provisions. The Airpark Association verified that the height does not conflict with airport use and supports the proposal.

The proposed maximum floor area ratio (FAR) is 2.12 consisting mostly of residential. The 137 proposed units equate to 232 units per hectare (UPH), within the Regional Growth Strategy’s High Density category (greater than 74 UPH) and comprises 30% of the City’s target housing development in Comox Valley Regional Growth Strategy Bylaw No. 120, 2010. The increased residential density provides opportunities to secure affordable housing detailed below.

Setbacks, Landscaping and Useable Open Space

The proposal’s setbacks, landscaping and useable open space suit local context:

- **Front:** The Mansfield Drive front building setback at 5.2 m with projections to 3.4 m and wide 5.2 m landscape setback enlivens the sidewalk and the view corridor impact is mitigated by 2300 Mansfield Drive’s approximately 4.5 m front setback.
- **Side (street):** The generally wide 7.3 m Cliffe Avenue side building setback has roof and pilaster projections permitted to 3.2 m for weather protection and visual interest through a 7.3 m landscape area including vegetated areas and decorative pavers and airplane-themed benches.
- **Side (lot):** The already wide 7.3 m side yard setback widens to 13.5 m for the top storey and is over 40 m above the first-floor central courtyard, reducing solar and visual impact on the neighbouring residential lot. Existing 3.0 m wall and fence barrier and internal landscaping remove need for edge landscape buffer.
- **Rear:** The wide 13.0 m rear building setback includes surface parking and a slightly narrow 1.8 m landscape area that is sufficient for screening planting.
- **Accessory Building:** Facilitating only a specific commercial refuse building, low 3.1 m height approximately equals neighbouring fence beside narrow 0.25 m side setback. Wide 2.0 m rear setback allows trees and wider 60-80 m setbacks to streets fix location.
- **Landscape Height:** Landscape buffers only specify widths because height is controlled more effectively through development permitting with associate landscape bonding.

- **Useable Open Space:** The relatively small 14.5 m² average useable open space per dwelling unit is all high-quality (decks, balconies, and second floor common amenity space) and exclude significant programmed landscaped areas along street frontages. The Courtenay Riverway multi-use path is 125 m away, connected to the Rotary Sky Park. Comprehensive Development 41 Zone (120 11th Street) requires 13.0 m² per unit at a comparable location.

Transportation Impact

Cliffe Avenue is a Restricted Access Highway under the jurisdiction of the Ministry of Transportation and Transit (MoTT). The proposed development will increase vehicle volumes, and discussions are ongoing with the Ministry regarding a potential pedestrian signalized crosswalk across Cliffe Avenue. The applicant has offered to contribute design services for this improvement.

A Transportation Impact Assessment by Watt Consulting, dated February 21, 2025, indicates acceptable levels of service at the Cliffe Avenue and Mansfield Drive intersection for all movements, except for westbound left turns, which are currently below standard even without the proposed development. This may be mitigated through monitoring and potential turn restrictions, as Mansfield Drive is a crescent with alternate signalized access.

Removal of the existing third vehicle access on Mansfield Drive (within 15 m of Cliffe Avenue) is expected to improve traffic safety. Proposed landscaping, including benches and shade trees, will enhance the pedestrian environment without impeding visibility for drivers and cyclists.

Vehicle Parking

Proposed parking provision follows recommendations in a parking study by Watt Consulting, dated July 3, 2025, and supports fewer stalls and a higher proportion of small car stalls than generally required in Division 7 of Zoning Bylaw No. 2500, 2007:

- **Total parking spaces:** Minimum 166
- **Small car spaces:** Maximum 44 of required spaces (26.5%). Standard is 10%. 30% or more permitted in Campbell River, parts of Comox and Cumberland. Courtenay's CD-26 zone allows 25%. 31 of the 44 small spaces are small car length but standard width and more convenient than other small stalls.
- **Residential requirements:** Minimum of 0.94 parking spaces per residential unit plus 0.1 visitor space, slightly lower than the standard 1.2 parking spaces per unit including 10% visitor, based on comparable developments. The parking study notes a walk score of 81, suggesting most errands can be accomplished on foot. A bus shelter at the bus stop on the Cliffe Avenue frontage is proposed.
- **Commercial requirements:** Reduced for retail and office by approximately 1/3, and for medical clinic to 1 per 37.5 m² from a more complex 3 to 5 per doctor depending on the number of doctors. Recommendations based on a survey of Courtenay properties, industry standards, and a draft Esquimalt parking bylaw (that received first reading June 9).
- **Shared parking:** Up to 50% of residential visitor stalls can be shared with businesses that close by 6pm rather than requiring separate parking, based on complementary time of day demand patterns.
- **Barrier buffer:** Minimum additional width where abutting wall or building is reduced from 0.6 m to 0.3 m for parking spaces (totalling 3.05 m) following cities such as Langford and Saanich and to 0.0 m for driving aisles (totalling 7.2 m) following recent Courtenay developments with proven viable drive aisle widths of 6.5 m (totalling 7.1 m with the added 0.6 m buffer).

- **Electric Vehicle (EV) charging:** Level 2 electric vehicle charging which is encouraged in the OCP, is defined as featuring an energized outlet of 208-240V AC (as in the OCP) and minimum 40A circuit breaker, and is required for a minimum of 22 parking spaces. All required parking spaces must have adequate conduits to provide, at minimum, future Level 2 charging.

The proposal includes three additional ground floor small car spaces that are not counted toward any totals because they are subject to final ramp headroom allowance at construction, and the rebuilt Mansfield Drive frontage has space for four vehicles also not counted toward off-street parking totals.

Bicycle Parking

Bicycle parking requirements in the draft zone do not conform to Division 7 Part 3 of Zoning Bylaw No. 2500, 2007; instead been developed specifically for this proposed development (similar to CD-41 for 120 11th Street) and incorporate scaling to unit composition, similar to the new RM-1 (townhouse) zone. It requires a minimum of two bicycle parking spaces per dwelling unit with two or more bedrooms and one space per unit with fewer than two bedrooms, plus 10% as secure, illuminated visitor parking at grade. Oversized bicycle parking spaces must be provided at a minimum rate of 10% of the total required number.

Division 7 Part 3 would require a total of 301 spaces (137 X 2.2), all horizontal and meeting additional specifications; the proposed zone requires 235 spaces for the subject development based on unit composition, including 213 for residents and 22 for visitors, with 22 oversized, and allows flexible configuration. The proposed development shows 286 spaces, including 238 for residents, 40 for visitors and 25 oversized and the zone allows the flexibility to adjust to suit user preferences such as spaces for commercial visitors or changing the layout and vertical/horizontal mix currently at 64% horizontal located in large and small rooms, parking areas and near business entrances.

Residential and Commercial Land Uses

Proposed permitted land uses include multi-residential dwelling, which must be located above storeys used for commercial purposes and cannot share a storey except accessory elements like parking and refuse; an accessory building; and a number of commercial uses. The CD-44 Zone includes the uses allowed in the existing C-2 zone and the Multiple Use Two Zone (MU-2). **Attachment 4** provides a detailed comparison of zones.

This comparison also identified non-compatible uses permitted in MU-2 that are not permitted in CD-44, including lower-density residential types, “funeral home”, “hotel and motel”, “nightclub”, “parking lot”, and “theatre”.

The following uses are permitted in CD-44 but not MU-2:

- “Cannabis retailer” was introduced as a permitted use in the C-2 zone for #103-2270 Cliffe Ave through Zoning Amendment Bylaw 2957, 2019. One “cannabis retailer” is proposed to be permitted on the subject property so the existing business can resume after building demolition and construction.
- “Small item sales, services, rental and repair” is similarly included to suit an existing business.
- “Personal service” is added, defined in the zoning bylaw as an establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

- Additional specific uses added include “convenience store”, “florist”, “general service”, “meat and fish market” and “printing shop” at the request of the applicant, none of which are expected to produce nuisance or parking demand greater than other proposed permitted uses.

Community Amenity Contributions (CACs)

The OCP’s CAC policy seeks to secure 15% of additional units created through rezoning as below-market housing, priced at least 30% below market in perpetuity. These units should reflect the overall unit mix, with a focus on providing two-bedroom or larger homes.

Relative to OCP Community Amenity Contribution Policy (Section B), the applicant is proposing:

- 14 residential units (10.2%);
- rents set below 30% of the median renter income for a minimum commitment of 10 years;
- smaller, less diverse unit type (which would be approximately two studios, four 1-bedrooms, seven 2-bedrooms and one 3-bedroom for 14 total units); and
- a different but comparable rental rate (based on a CMHC posted rate currently \$1,150/month, not 30% below market, new studio market rates currently listed at approximately \$1400-\$1600/month).

Regarding type of rent-controlled units:

- The applicant’s financier has relayed in writing they will apply for CMHC mortgage insurance to finance construction of this project. The borrowing meets the CMHC requirements for rental housing (rental rate, 14 studio units and term of 10 years) and reducing rents on larger units would increase costs and jeopardize the project’s financial viability.
- Staff note recent apartment developments in the City comprise mainly smaller units and the City of Courtenay 2024 Housing Needs Report anticipates 69% of the demand for affordable / below-market housing demand to 2041 will be for studio/1-bedroom units.
- CAC is required as a condition of the rezoning; secured via a Housing Agreement Bylaw adopted by Council prior to adoption of the proposed zoning amendment bylaw and registered on title.

Archaeological, Floodplain and Environmental Information

The subject property is not located in a recorded archaeological site but is within an area of high archaeological potential. The applicant applied for a K’ómoks First Nation (KFN) Cultural Heritage Investigation Permit (CHIP) which was issued September 12, 2024. The CHIP requires fieldwork undertaken under the permit to include a KFN Guardian Watchman or KFN Archaeological Monitor.

According to current digital mapping information the site is not located within a floodplain nor environmentally sensitive areas. A tree-cutting permit will be required under Tree Protection and Management Bylaw No. 2850, 2016, which will require that the property meet the Tree Density Target of 34 trees, at least half of which must be native species. The proposal’s landscape plan submitted for development permit shows 75 trees including 48 native species.

SERVICING INFRASTRUCTURE:

Sewer

An assessment of the City sewer and water system found there were no direct constraints on the proposed development; however historically there has been surcharging of the downstream sanitary sewer system during storm events. The risk of surcharging will be addressed with the completion of the South Courtenay Sewer project currently included in the Financial Plan for design in 2025 and construction in 2026. Should

construction of the South Courtenay Sewer Project be deferred past 2026 when this proposed development is occupied, the downstream system will surcharge more frequently increasing the cost to manage and the risk to the public along the Riverway and the environment when the sewage surcharges to the surface.

Crosswalk

With construction of the proposed development there will be a significant increase in pedestrians, cyclists and transit users desiring to cross Cliffe Avenue. This is especially pronounced as the nearest crosswalks on Cliffe Avenue are at 19th and 26th Avenues, 200 and 500 meters away respectively. As such a Transportation Engineering assessment was completed and determined that due to the latent demand and nature of the Cliffe Avenue corridor a pedestrian crosswalk with activated flashers should be installed. The 2023 Implementation Plan for the 2019 Cycling Plan shows a 40 kph Neighbourhood Bikeway with intersection improvements crossing Cliffe Avenue at Mansfield Drive and the applicant has offered to facilitate design of pedestrian-activated flashing lights. Further discussion is needed with the Ministry of Transportation and Transit to finalise the details of the proposed pedestrian crossing.

POLICY ANALYSIS:

Regional Growth Strategy

The rezoning and development proposal align with the Comox Valley Regional Growth Strategy (RGS) Bylaw No. 120, 2010 and help advance the RGS shared vision for managing growth and impacts on the region's diverse communities. This includes diversity of affordable housing options (Goal 1), transportation (Goal 4) and growth management principles (Part 4) and the following supporting polices:

- Housing Policy 1A-2: "The focus of higher density and intensive developments shall be within the existing Municipal Areas. Within the Municipal Areas, densification and intensification of development is required, including infill and redevelopment."
- Housing Policy 1C-1: "Provide a diversity of housing types in the Municipal Areas using the following housing type targets for new developments by 2030: These targets are for Municipal Areas in aggregate.
 - 40% Low Density Single unit residential, town homes, semi-detached, secondary suites, 4-24 units per hectare
 - 30% Medium Density Low-rise multi-unit up to four storeys, 24-74 units per hectare
 - 30% High Density Over four storey multi-unit's minimum, 74 units per hectare" [the proposed development is 232 UPH]
- 4A-1: "Implement the growth management strategy, as outlined in Part 4, as an overall framework for transit-supportive land-use planning throughout the Comox Valley."
- 4.4 (7): "Promote intensification, compact growth, and supportive public transit services throughout Municipal Areas as the primary means of accommodating population and employment growth."

Official Community Plan (OCP)

The Cliffe Avenue Urban Corridor is recognized in the OCP as a primary growth location due to proximity to the downtown core, key services and public and active transportation options. Along with location, the development's mix of uses and unit types, its affordable housing commitment and its electric vehicle charging support the realization of the following OCP policies:

- Land Use Policy LU 1: allocates growth consistent with the Land Use Designation Map to meet Courtenay's GHG emission target and support compact urban form;

- Land Use Policy LU 2: directs residential intensification to the primary and secondary growth centres including Urban Corridor in accordance with the land use designations;
- Land Use Policy LU 6: supports co-locating residential, commercial, and suitable employment-generating land uses in land uses including the Urban Corridor;
- Streets and Transportation Policy ST 16: advocates amending off-street parking requirements to consider reduced parking space requirements in all land uses and Level 2 charging (208/240 V) among other considerations;
- Affordable Housing Policy AH 6: encourages the provision of 3+ bedrooms as part of a mix of unit types in new multi-residential buildings to create more housing choices for families; and
- Affordable Housing Policy AH 16: seeks below-market rental units as priority amenities when negotiating Community Amenity Contributions in rezoning applications for multi-residential projects.

FINANCIAL IMPLICATIONS:

If the rezoning advances as proposed by the applicant and detailed in this report, Development Cost Charges will be required to be paid by the applicant prior to building permit approval.

ADMINISTRATIVE IMPLICATIONS:

Processing Zoning Bylaw amendments is a statutory component of the corporate work plan and a core duty of the Department of Development Services. Work to date has primarily been carried out by Development Services staff, although other departments have provided referral comments.

Should the Zoning Bylaw amendment receive third reading, a Housing Agreement Bylaw and report will be drafted for Council to consider prior to Zoning Bylaw adoption. Should the Zoning Bylaw amendment be approved by Council, a form and character development permit application will continue to be processed separately and considered by the Director of Development Services. To streamline processing time and minimize modifications after rezoning, staff have already begun substantial work on the development permit application.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Buildings and Landscape - Update Zoning Bylaw - review maximum building heights
- Buildings and Landscape - Review and update land use regulations and bylaws for consistency with OCP
- Good Governance - Review and streamline development process and set targets for application processing times

PUBLIC ENGAGEMENT:

As the applicant held an open house, the Director of Development Services waived the requirement for a separate Community Information Meeting under Section 7.2 of Development Procedures Bylaw No. 3106, 2023."

The applicant held an open house June 28, 2024 at the Lewis Centre from 4:30pm to 6:00pm and submitted a report summarizing the event and feedback (**Attachment 5**). The event was advertised in the Comox Valley Record June 19, 2024 and attracted approximately 15 attendees including one Courtenay City Planner.

Perspectives from architectural drawings were posted around the room to show the proposal in detail. The applicant notes having received 13 responses through email and written letters during and after the open house. No respondents self-identified as current tenants or residents and questions on feedback forms were structured around general community needs rather than site-specific details but feedback was entirely positive. Anticipating neighbour concern about shading, plans were modified to step back the top two floors beside Trumpeter’s Landing as reflected in the current plans and elevations (**Attachment 3**) and proposed zone specifications (**Attachment 1**). A zoning amendment notice sign is posted on the corner of Cliffe Ave and Mansfield Dr, noting that the application is to allow for a six-storey mixed-use building, as had been standard procedure at the time of application in 2023.

A public hearing for this proposed rezoning is prohibited per section 464 (3) of the *Local Government Act* as it meets the criteria specified in this section. Specifically,

- (a) the OCP is in effect for the area that is the subject of the zoning bylaw amendment,
- (b) the proposed zoning bylaw amendment is consistent with the OCP,
- (c) the purpose of the proposed zoning bylaw amendment is to permit a development that is, in whole or in part, a residential development, and
- (d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.

Notification that a public hearing is not being held in accordance with 464 (3) was given in advance of first reading of the proposed Zoning – Amendment Bylaw No. 3108 (2270 Cliffe Ave.) in accordance with section 467 of the *Local Government Act*. Notification consisted of advertisements posted on the City’s website and social media channels for two consecutive weeks in advance of bylaw reading, mailed out to residents within 100 metres and run in the Comox Valley Record August 13 and August 20, 2025.

Written comments received in advance of this meeting will be provided to Council as part of the regular council meeting agenda.

Through the formal referral process, the Airpark Association provided a response in support of the proposed development and the term “Skypark Landing”. They also noted aircraft noise may be a consideration for residents; mitigated by their operational hours.

PROPOSED CONDITIONS FOR REZONING:

The following conditions must be met prior to consideration of adoption of rezoning:

- Section 219 covenant for the Owner to provide cash-in-lieu for frontage improvements up to the centreline on the full frontage of Mansfield Drive and for frontage improvements for full frontage behind curb and gutter on Cliffe Avenue and to provide bus shelter prior to building permit final building inspection;
- A Housing Agreement Bylaw registered as Section 219 covenant on title; and
- Zoning amendment bylaw approval by the Ministry of Transportation and Transit. The subject property is located within 800 m of numerous intersections with Cliffe Avenue, a controlled access highway. In accordance with Section 52(3) of the *Transportation Act* the Ministry of Transportation and Transit must grant its approval prior to adoption of the bylaw.

OPTIONS:

1. THAT Council receive for information the proposed rezoning which aligns with the Official Community Plan and a public hearing is prohibited per the *Local Government Act* section 464 (3) and the public notice has been given.

THAT Council give first and second readings to “Zoning – Amendment Bylaw No. 3108 (2270 Cliffe Ave.)”.

2. THAT Council receive for information the proposed rezoning which aligns with the Official Community Plan and a public hearing is prohibited per the *Local Government Act* section 464 (3) and the public notice has been given.

THAT Council give first and second and third readings to “Zoning – Amendment Bylaw No. 3108 (2270 Cliffe Ave.)”.

3. THAT Council request additional information from staff through a resolution.

4. THAT Council not proceed with the application.

ATTACHMENTS:

1. Proposed Zoning – Amendment Bylaw No. 3108 (2270 Cliffe Ave.)
2. Applicant’s Written Project Description, dated February 10, 2025
3. Proposed Concept Renderings & Shadow Study, dated July 4, 2025
4. Land Uses - Zone Comparison (C-2, MU-2 and proposed CD-44)
5. Applicant’s Community Engagement Summary Report, dated November 4, 2024

Prepared by: Mike Grimsrud, RPP, MCIP, Planner III – Land Use

Reviewed by: Jamai Schile, RPP, MCIP, Manager of Development Planning
Pat Maloney, RPP MCIP, Acting Director of Development Services

Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)