



STAFF REPORT

To: Council

File No.: 3360-20-2105/ RZ000058

From: Director of Development Services

Date: June 14, 2023

Subject: Zoning Amendment Bylaw No. 3037 – 1590 Piercy Ave

PURPOSE:

The purpose of this report is for Council to consider a Zoning Bylaw amendment application to establish a new Comprehensive Development 39 (CD-39) zone, and rezone the property from R-2 to CD-39 to allow a multi-unit housing development consisting of nine town house units.

LEGAL DESCRIPTION:

That Part of Lot 3, Section 41, Comox District, Plan 4764, Shown Outlined in Red on Plan 1402 R.

EXECUTIVE SUMMARY:

This report details a zoning amendment application to permit a multi-unit housing development containing nine town houses in three buildings on a 2,032 m² sized property. The subject property is located in a Secondary Growth Centre (McPhee Neighbourhood Centre) surrounded by a mix of multi-unit housing developments and single-residential homes. The proposed development is consistent with OCP land use policies. Development Services Department staff support this zoning amendment application.

BACKGROUND:

This application was originally received in May 2021. For various reasons including adoption of the new OCP, the application has not been presented for bylaw readings until now. This application is therefore reviewed in part with reference to both the old OCP and new OCP.

The subject property is approximately 0.203 ha in size and is located on Piercy Avenue between 17th Street and Cumberland Avenue. The site contains an existing single-residential building and is covered by a mix of shrubs, trees, and grasses. The site slopes west to east with an average slope of 2%. Vehicular access is from Piercy Avenue. **Figure 1** shows the subject property location.

Figure 1 – Subject Property



The subject property is within the Residential Two (R-2) zone. Surrounding properties are a mix of single-residential dwellings and multi-unit residential buildings. See Table 1 below.

Table 1 – Surrounding Zoning and Use

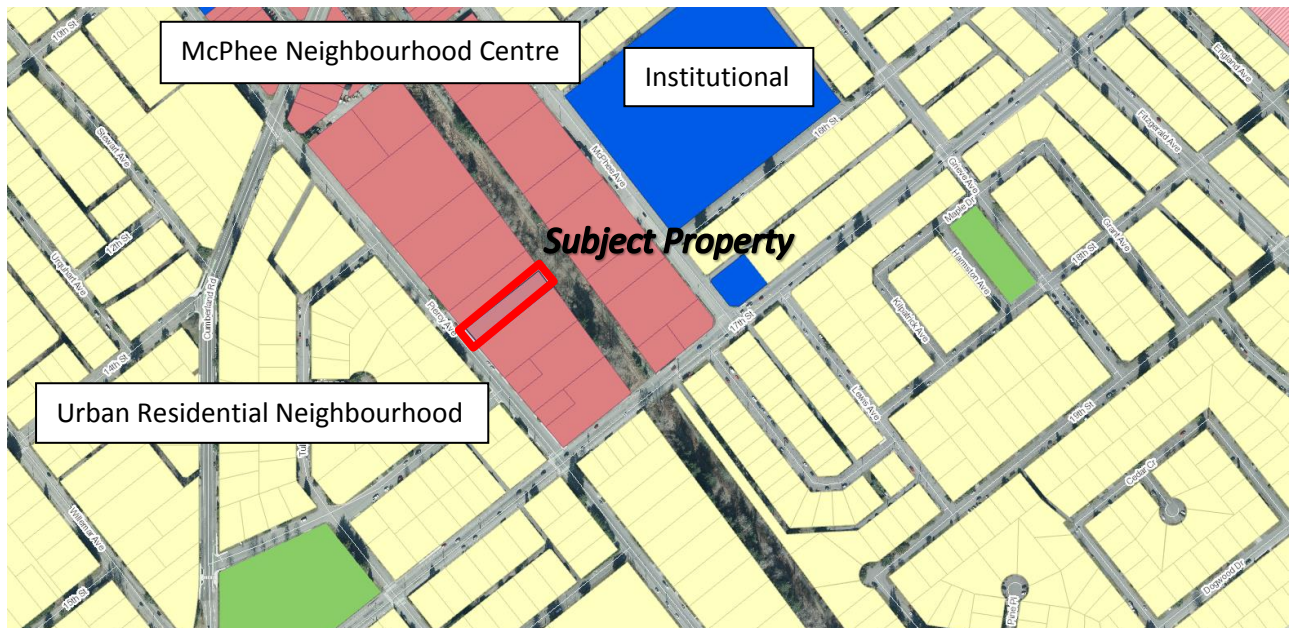
Direction	Zoning	Use
West	R-2 (Residential Two)	Multi-residential – 6 townhomes
South east	R-3 (Residential Three)	Multi-residential – 10 townhomes
South west (across Piercy Ave)	R-2 (Residential Two)	Single residential dwellings
North east (rear)	I-3 (Industrial Three)	Island Corridor Foundation right of way

By means of comparison, the subject property is slightly larger than the property at 1580 Piercy Ave, neighbour to the west that contains six units in the form of 3 duplex units. That property is approx. 1947 m² in area with a 20.5 m frontage. The subject property is 2,030 m² (0.5 ac) with a 21.6 m frontage.

The Official Community Plan (OCP) designates the subject property and properties on the east side of Piercy Avenue between as 17th Street and west of Cumberland Rd and properties across the Island Corridor as “Neighbourhood Centre”. A diversity of multi-residential housing choices and neighbourhood scale commercial uses are supported within this designation. Across Piercy Avenue the OCP Land Use designation for these properties is “Urban Residential” (Figure 2).

The OCP designates this subject property to be in the form and character Development Permit Area for Commercial, Industrial, Mixed-Use Developments, and Multi-Residential Dwellings with Three or More Units (DPA-1) and staff have reviewed for general compliance. There is no development permit application at this time and one will be required prior to building permit issuance.

Figure 2 – OCP Land Use Designations



The applicant proposes to amend the zoning bylaw to facilitate the construction of nine residential units in three buildings: a duplex that fronts Piercy Avenue; a fourplex located in the centre of the lot; and a triplex at the rear. See **Figure 3** for a site plan of the proposed development and **Figure 4** for a conceptual rendering of the development (without landscaping). The applicant’s proposal is summarized in **Attachment 1**.

Figure 3 – Conceptual Development Layout



Architectural and landscape drawings are shown in **Attachment 2 and 3**. These may be subject to refinement as part of subsequent development permit application process should the zoning bylaw amendment be approved.

Figure 4– Site Plan



DISCUSSION:

Zoning Review

The subject property is zoned R-2 which does not permit multi-residential development. The proposed development requires a zoning bylaw amendment to accommodate the infill development. Because an existing comparable zone (the R-3 zone) regulations would not permit this particular proposal, a comprehensive development zone (CD-39) based upon the R-3 zone has been drafted for Council’s consideration. The proposed CD-39 zone is attached as **Attachment 5**.

Table 2 below compares the proposed CD-39 zone to the R-3 zone to identify the differences. If the R-3 was applied to this property, these differences would require variances to be obtained by Council separately.

The proposed on-site parking reduction included in the table is supported pursuant to the parking studies (**Attachment 4**) submitted by the applicant.

Zoning Review - Table 2

	R-3 Zone	Proposed (CD-39 Zone)	Deviations that would require a variance
Lot size	1,250 m ²	2,030 m ²	Larger lot size
FAR	0.40	0.40	
Lot Coverage	none	22.3 %	
Lot Frontage	30.0 m	21.6 m	8.4 m less lot frontage width
Setbacks			
- Front	7.5 m	7.5 m	
- Rear	7.5 m	7.3 m	Rear yard setback is 7.3 m, 0.2 m less at the NE corner due to lot shape.
- Side	4.5 m total with a min of 1.5 m 6.0 m when the back of the building is adjacent to or faces a side lot line	2.8 m (NW) 1.5 (SE)	Side yard setbacks total 4.3 m, 0.2 m less due to lot width. Building 2 (triplex) rear elevation faces side lot line (east) with a 5.0 m setback due to lot width.
Building Height			
- Principle	10.0 m	6.5 m	Lower due to building form

	R-3 Zone	Proposed (CD-39 Zone)	Deviations that would require a variance
Usable Open Space	30.0 m ² for each DU with 1 bdrm 50.0 m ² for each DU with 2+ bdrms Total – 450 m ²	Total - 1,065 m ²	More useable open space to allow for private open space for each unit as well as community open suitable for family housing and will contain some furniture.
Accessory Building - Height - Size - Siting	4.5 m 50.0 m ² or 10% of rear yard In side or rear yard only. 1.5 m from side or rear lot line	Covered garbage enclosure 2.8 m 13.0 m ² Is at zero lot line, side yard (west)	Garbage enclosure is zero lot line so it's accessible to contractors.
Parking (Section 7) - Vehicular - Bicycle - EV Bicycle	1.2 per DU + 10% visitor Total – 11 + 2 = 12 Class II (Occupant) – 18 Class I (Visitor) – 2 9	1 per DU + 1 visitor Total – 9 + 1 = 10 Class II (Occupant)– 18 Class I (Visitor)– 8 9	Two fewer on-site parking stalls are proposed based upon parking analyses prepared by Watt Consulting and supported by the OCP.

Outdoor Amenity Space, Landscaping and Trees

The total outdoor amenity space is 1065 m² which includes front yards and private rear porches for each unit and a larger amenity area located between the four townhouses and three townhouses. This area will contain some outdoor furniture.

The garbage/recycling enclosure located west of the parking area is to be located at zero lot line. This enclosure is small at 13.0 m² and 2.8 m height. It will be constructed of materials that complement the building materials. The location of the enclosure at the zero lot line is necessary given site constrictions and waste receptacle access requirements. The enclosure of the garbage/recycling facility was proposed to address comments from the neighbour.

Landscape buffers will be planted around the perimeter of the property ranging from 1.2 m in width to 3.4 m in width for the north side yard (left), between 1.5 to 1.8 m in the south side yard (left) and 4.5 m buffers will be planted in the rear and in front yards except for driveway. In addition to the landscape buffer around the perimeter a 1.8 m wood fence will be installed as well as privacy fences between patios. Site furniture is also proposed including benches and a picnic table. Refer to **Attachment 3** of this report for the landscape plan.

The landscape plan shows protection of two mature maple trees and tree replacement for those that are being removed (32 new trees). The arborist report notes that trees located in the perimeter are cottonwood or red-alder and are not suitable for the landscape plan. These species are also not eligible for tree bylaw retention candidates (outside of Environmentally Sensitive Areas). Other trees have structural characteristics which preclude them from maturing into healthy, defect-free trees.

Access, Parking and Bikes

Parking for this project is detailed in the two traffic/parking studies prepared by WATT Consulting Group, dated March 30, 2020 and July 4, 2022 (***Attachment 4***). The studies determined the total expected parking demand for the proposed development is 10 parking spaces total: one per dwelling unit and one visitor parking space for a total of ten, or 1.11 spaces per unit.

The parking area and 2.0 m wide strip of the driveway will be permeable surfaces of core grass/core gravel and meets OCP policy NE 16 to limit the extent of impervious surfaces on private and public land.

On-street parking use was observed for both studies, in the evening hours, the peak demand time for residential use. The 2020 study observed a 9% occupancy rate, out of 157 total spaces. And the 2022 study observed a 23% occupancy rate based on 143 parking spaces. These findings reflect that the surrounding residential land uses do not rely heavily on on-street parking during peak demand time for residential use.

The subject property will be served by a 6 m wide driveway access. The parking area will be permeable surfaces of core grass/core gravel.

Infrastructure

The applicant proposes to discharge via point source flows directly into the adjacent private Island Corridor Foundation (ICF) property. The applicant has provided confirmation from ICF confirming they will permit this action and will enter into an easement with the proponent. This easement will be required to be registered on the title of the property prior to Council's consideration of final approval.

POLICY ANALYSIS:

This proposal meets the following objectives detailed in Official Community Plan Bylaw 3070, 2022.

Land Use:

- ***Objective 1:*** Community growth is located away from hazardous lands, agricultural lands and environmentally sensitive areas.
 - The subject property contains no environmentally sensitive areas.
- ***Objective 2:*** The majority of community growth is strategically guided into growth centres to create more 10-minute neighbourhoods
 - The subject property is located in the McPhee Neighbourhood Centre 1.1 km from commercial/retail amenities and personal and professional services. There are two bus stops within a 6-minute walk and another stop within 11-minute walk. Sidewalks are located on both side of Piercy Avenue. There is an existing bike route 600 m from the subject property and 900 m from a future proposed bike route. The Island Corridor multi-use pathway, runs along the rear property line.
- ***Objective 3:*** Moderate infill development occurs across the entire city outside growth centres
 - The development proposes a floor area ratio of .40 and is consistent with the R-3 zone, the most similar low-density multi-residential zone.
 - The nine units are located in three buildings and are similar to surrounding multi-unit developments.

Streets and Transportation:

- ***Objective 6:*** The amount of land dedicated to parking is minimized
 - The parking proposed is located on impervious surfaces. Two fewer parking spaces are proposed based upon two professional parking studies.

- *Objective 7:* Parking standards reflect electric vehicle and cycling needs
 - The proposal includes required bike parking and EV charging facilities.

Buildings and Landscape:

- *Objective 2:* New buildings are highly energy and water efficient, perform at net-zero emissions standard and produce renewable energy
 - These Part 9 buildings will be constructed to the BCBC Step 3 high energy performance standards.
- *Objective 4:* The designs of new buildings complement neighbourhood character
 - The proposed design and layout is consistent with the surrounding townhouse developments.

Affordable Housing:

- *Objective 1:* A variety of housing options are permitted and positively integrated in all neighbourhoods
 - *Policy AH 1:* Support higher housing densities, including amending the Zoning Bylaw to permit two dwelling units per single residential lot, in all residential land use designations, as described in the Managing Growth Policy section of this Plan, and in accordance with protection of Environmentally Sensitive Areas policies.
 - The proposed development increases the number of units from two to nine.
 - *Policy AH 6:* Encourage the provision of 3+ bedroom units as part of a mix of unit types in new multi-residential buildings to create more housing choices for families.
 - The proposal includes two-three bedroom units. Also, the large useable open space in the middle of the development will allow for outside play space for young children.

Natural Environment:

- *Objective 3:* Courtenay's air, water, and soil are clean
 - *Policy NE 16:* Limit the extent of impervious surfaces on private and public land.
 - The percent of impervious surfaces for paved areas and buildings is 48% in total. The pervious areas include the driveway, parking area, landscape buffers, and open space.

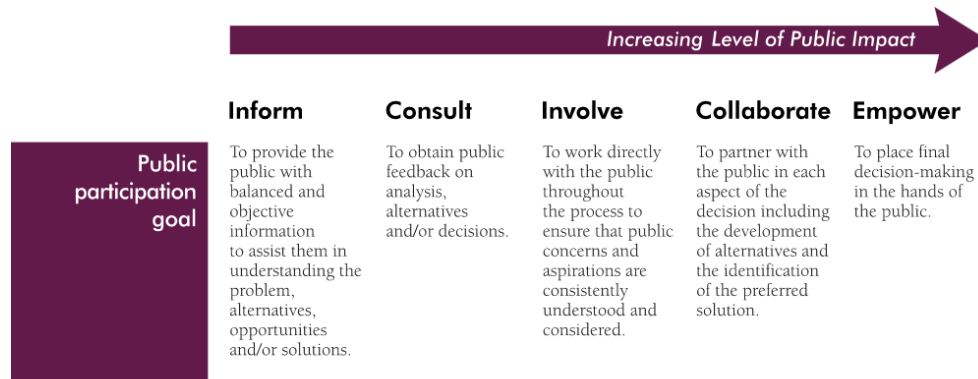
Community Amenity Contribution

The applicant has confirmed amenity contributions of \$40,000. See **Attachment 6** for a copy of the applicant's letter.

Prior to final adoption of Bylaw No. 3037, a section 219 covenant to secure the community amenity contributions of \$40,000 must be completed and registered on the title of the subject property. The amenity contribution will be provided prior to issuance of the building permit.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will “Consult” the public based on the IAP2 Spectrum of Public Participation:



The applicant mailed out a public information package on May 28, 2021 to 80 property owners and resident occupiers within 100 m of the subject property. The Public Information meeting (PIM) mail out can be found in **Attachment 7**. The comments received by the City and applicant can be found in **Attachment 8** together with staff responses. The following summarizes some of the substantive comments received and staff responses:

1. The garbage area is located too close to the neighbouring units.
This comment resulted in the garbage area being redesigned so it is enclosed. The proposed location is necessary to accommodate the garbage trucks turning radius.
2. Proximity of one of the buildings to the neighbouring units is too close and privacy will be lost. The landscape buffer should be of larger trees.
The proposed duplex dwelling units will be located between 1.5 m (4.95 ft) and the rear triplex 2.2 m (7.3 ft) from the property lines. This siting is permissible in most residential zones. A large maple is being retained in the rear of the triplex building and a landscape buffer is proposed to be planted around the perimeter of the property.
3. The (first) parking study methodology has flaws regarding when it was completed, the comparable developments that were used and assessment of on street parking
This comment resulted in the applicant providing an updated parking study. Both studies are attached. The consultants concluded that the proposed number of on-site parking stalls is suitable for the proposed residential use and that there is adequate on street parking for the residential use.
4. Traffic light should be installed at 17th St and Piercy Ave.
The City's Transportation Plan (2019) does not identify this intersection as a high collision intersection. However, Piercy Ave itself is a recognized cycling route in the City's Cycling Network Plan and cycling improvements at the intersection of Piercy and 17th are budgeted in the 2023 work plan.

Should Zoning Amendment Bylaw No. 3037 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*.

As required by Section 52(3) of the **Transportation Act** where the subject property is located within 800 m of a controlled access highway, the Ministry of Transportation must grant its approval prior to Council's consideration of approval. The subject property is located within 800 m of Cliffe Avenue, a designated highway.

REGIONAL GROWTH STRATEGY REFERENCE:

The Comox Valley Regional Growth Strategy (RGS) is a framework for future land use, and sets basic direction for planning, policies, and action for all member municipalities, including Courtenay. The RGS is guided by a number of growth management principles that are incorporated by this proposed application:

- Promote the efficient use of land, provide greater transportation choices, reduce public servicing costs, and achieve environmental benefits through compact growth.
- Promote intensification, compact growth and supportive public transit services throughout designated Municipal Areas as the primary means of accommodating population and employment growth.

FINANCIAL IMPLICATIONS:

There are no direct financial implications related to the processing of this Zoning Bylaw amendment application as the fees are designed to offset the administrative costs.

The application, if approved, will be required to apply for and be issued a form and character development permit. The development will also be subject to City and Regional District development cost charges which are determined at time of building permit based on the final building design. Because this is an infill development no new civil infrastructure is being developed beyond replacing existing.

ADMINISTRATIVE IMPLICATIONS:

Processing this application is part of the core duties of the Department of Development Services. Should Council not move forward with the zoning bylaw amendment a rezoning application could not be considered for a year unless Council considers a request to reconsider with 2/3 vote in favour.

ASSET MANAGEMENT IMPLICATIONS:

The applicant submitted engineered civil plans for water, sewer, and stormwater to service the development. The submissions are adequate to confirm the site can be serviced. Final engineering plans will be required as part of the building permit application.

The off-site transportation related improvements include removing and relocating the driveway let down and replacing the existing sidewalk on the Piercy Avenue frontage.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses some of the goals that guide Council's strategic priorities:

- The proposal provides nine two- and three-bedroom units of infill housing with common amenity space located in walking distance to the downtown and services. This location is along public transportation and cycling routes and cycling infrastructure is included in the development allowing for reduced vehicle dependence. Infill housing also makes efficient use of existing municipal infrastructure

OPTIONS:

1. THAT Council give First and Second Reading to "Zoning Amendment Bylaw No. 3037" (1590 Piercy Avenue) to amend Zoning Bylaw NO. 2500, 2007 create a new CD-39 Zone and rezone the subject property to CD-39 with the following conditions met prior to final adoption:
 - a. A section 219 covenant registered on title to secure the community amenity contributions of \$40,000 to be provided prior to issuance of the building permit.

b. An easement to permit drainage from the subject property on to the Island Corridor Foundation lands; and

THAT Council direct staff to advertise a statutory Public Hearing for “Zoning Amendment Bylaw No. 3037”.

2. THAT Council give First Reading of Zoning Bylaw No. 3037 (1590 Piercy Ave) and refer to staff for further information prior to second reading.
3. That Council deny Zoning Amendment Bylaw No. 3037 (1590 Piercy Ave) . (please see Administrative Implications).

Staff recommends Option 1

Prepared by: Brigid Reynolds, RPP, MCP, MCIP, Contract Planner

Reviewed by: Nancy Gothard, RPP, MCIP Manager of Community and Sustainability Planning
Marianne Wade, Director of Development Services, RPP, MCIP

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

Attachments to the staff report

Attachment 1 - Applicant proposal

Attachment 2 - Architectural plans

Attachment 3 - Landscape plans

Attachment 4 - Parking studies

Attachment 5 - Bylaw 3037 and CD-39 Zone

Attachment 6 - Letter of confirmation for amenity contribution

Attachment 7 - PIM mail out notice

Attachment 8 - Comments received and staff responses