



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3360-20-2201/RZ000065

From: Director of Development Services

Date: July 26 2023

Subject: Zoning Amendment Bylaw No. 3063 – 1814 Grieve Ave

PURPOSE:

At the regular meeting of Council held on July 12, 2023, Council passed a resolution not to hold a public hearing as per Section 464(2)(b) and gave notice as per Section 467 of the *Local Government Act*. As per Bill 26, notice has been given prior to First reading of Zoning Amendment Bylaw No. 3063. The purpose of this report is for Council to consider an application to rezone the property located at 1814 Grieve Avenue from Residential One S Zone (R-1S) to Residential One E Zone (R-1E). This would facilitate a proposed subdivision for the creation of two additional lots while retaining the existing home on the remainder lot. Staff are recommending First, Second, and Third readings of Zoning Amendment Bylaw No. 3063.

LEGAL DESCRIPTION: Lot 4, Section 68, Comox District, Plan 15115

BACKGROUND:

The subject property currently has a single detached house in the centre of the property with a secondary suite above the attached garage and is located at 1814 Grieve Avenue (**Figure 1**).

The property has a total area of 1,560 m² (0.4 acre), is within the Residential One S (R-1S) zone and designated Urban Residential within the Official Community Plan. The property was rezoned from R-1 to R-1S to allow the secondary suite in June 2021 (Bylaw No. 3027).



Figure 1: View of Subject Property at 1814 Grieve Ave

The subject property is located diagonally across from Maple Park, within 500 m of Courtenay Elementary School and Thrifty Foods, and within 1 km of Downtown, the Driftwood Mall and numerous parks. (**Figure 2**).

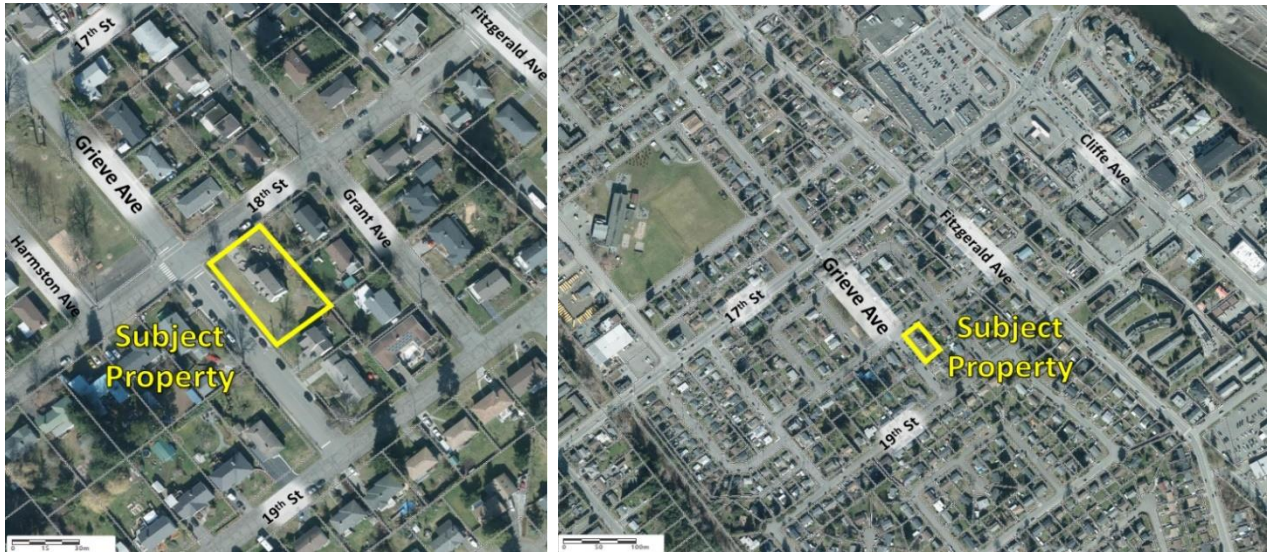


Figure 2: Subject Property Location and Context

These destinations are easily accessible by car or bicycle and within walking distance to bus stops. Nearby land use is mostly single detached residential (zoned R-1) with a number of townhouses on Fitzgerald Avenue.

The applicant is proposing to create two single residential dwellings with secondary suites to either side of the existing dwelling (**Figure 3**). A subdivision application will be required to create the two proposed lots as illustrated in Figure 4 below:

- A 390 m² corner lot (proposed Lot 1)
- A 669 m² central lot retaining the existing suited house
- A 474 m² interior lot suitable for another suited residence (proposed Lot 2)

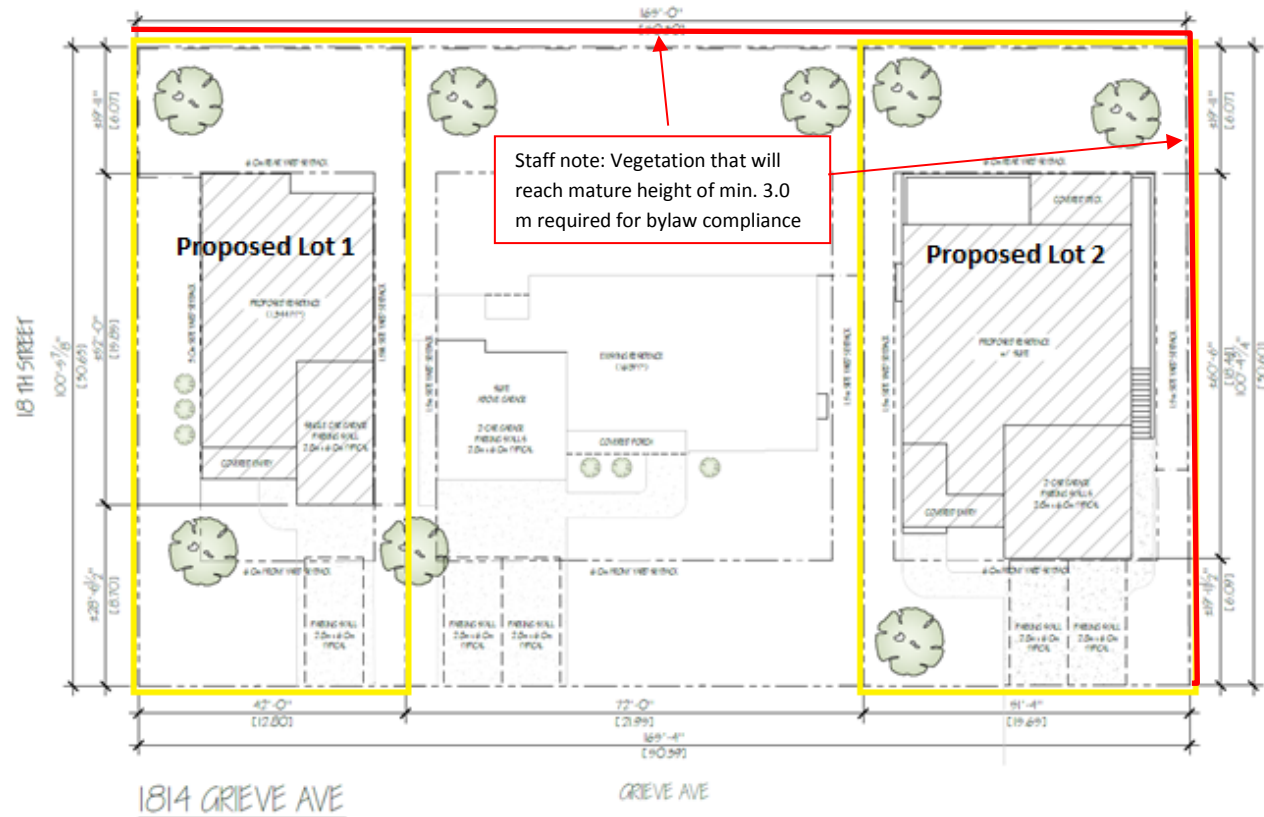


Figure 3: Site Plan

The development proposal facilitates infill development within an established neighbourhood, designated Urban Residential in the Official Community Plan (OCP). The property is not subject to a Local Area Plan. The **Figure 4** conceptual rendering shows the existing house and secondary suite with 2 new proposed homes of similar styles on either side.



Figure 4: Conceptual Rendering

DISCUSSION:

Zoning Bylaw No. 2500, 2007 Review

The R-1E zone was created to facilitate compact lot creation and development to enable residential intensification while preserving existing housing stock. The applicant’s rationale for the rezoning can be found in **Attachment 3**. Table 1 below compares the R-1S Zone to the proposed R-1E zone.

Section 8.1.55 (1) requires that a vegetated buffer that will reach a minimum of 3.0 m in height upon maturity shall be provided and maintained to the satisfaction of the City on all pre-existing property lines

adjoining all other adjoining properties. The intent is to provide screening for neighbours to improve fit of increased residential density. A section 219 covenant will be required to ensure this buffer is maintained.

Table 1: Zoning Analysis

Attribute	Existing R-1S Zone	R-1E Zone	Proposed Development
Permitted Use	a. Single residential; b. Secondary suite; c. Accessory buildings and structures	a. Single residential; b. Secondary suite (min. lot 450 m ²); c. Secondary residence (min. lot 600 m ²); d. Carriage house (min. lot 600 m ²); e. Home occupation; f. Accessory buildings and structures	Single residential; Secondary suite (min. lot 474 m ²)
Density (min. lot size)	a. 650 m ² ; b. 725 m ² (corner)	300 m ² (3,230 ft ²)	390 m ² (4,199 ft ²)
Density (max. Floor Area Ratio)	N/A	0.7	<0.7 to be required for building permit
Min. Lot Frontage	a. 18.0 m; b. 19.5 m corner	a. 10 m; b. 13 m corner lot	13 m
Max. Lot Coverage	40%	40%	<40%
Front Setback (minimum)	7.5 m	6.0 m (a 1.0 m projection is permitted)	6.0 m
Rear Setback (minimum)	9.0 m	6.0 m (a 1.0 m projection is permitted)	6.0 m
Side Setbacks (minimum)	a. 1.5 m and total 4.5 m both sides; b. 4.5 m any one side that flanks street	a. 1.5 m; b. 3.0 m any side that flanks a street, excluding a lane; c. 3.0 m on one side of the principal building where a secondary residence or carriage house behind the principal building lacks side or rear street or laneway access (in order to ensure access)	a. 1.6 m; b. 3.0; c. N/A
Principal Bldg. Height	8.0 m	8.0 m	<8.0 m to be required for building permit
Vehicular Parking Stalls	2 per single residential unit; 1 per secondary suite. Standards in accord with Zoning Div. 7	2 per single residential unit; 1 per secondary suite. Standards in accord with Zoning Div. 7 as well as zone specific options described in rows below	Design complies – see next row
Parking Reduction option for strata lots when 2	N/A	Minimum requirement for primary residence may be reduced by 1 vehicular space	Existing residence can use garage for bikes to meet (3-1=2)

Attribute	Existing R-1S Zone	R-1E Zone	Proposed Development
Secure Covered Bicycle Spaces provided			requirement if subdivision occurs before garage is renovated to face Grieve Ave
Parking Max. Yard Area	N/A	50%	<50%
Landscape Screening Height Min.	N/A	3.0 m (upon maturity, along pre-existing property lines, to City's satisfaction)	To be required for building permit
Min. Driveway Width (Division 7)	4.57 m	4.57 m	Corner lot driveway needs to broaden as annotated by staff – easily accommodated

Infrastructure

At subdivision, security for the off-site works will be required for the frontage improvements to centreline of Grieve Avenue and 18th Street fronting 1814 Grieve Avenue. These road works including removal and replacement of pavement, concrete curb, pavement markings, signage, sidewalk, boulevards and driveway letdowns on Grieve Avenue; and new pavement & replacement of the existing driveway letdown with new sidewalk on 18th Street per Bylaw 2919.

Landscaping

Tree cutting (permit required) on site will occur to facilitate the proposed subdivision and construction thereafter. The Tree Density Target for this property is 8 trees. The site plan (**Figure 3**) shows the 8 proposed trees as well as the additional 3 m landscape screening to be secured by a *Land Title Act* Section 219 covenant at building permit stage.

Prior to building permit issuance, the landscape plan and cost estimate that includes plants and growth medium, prepared by a qualified professional, is required to meet Zoning Bylaw No. 2500, 2007, Section 8.1.55 (1) requirements for each proposed lot. Security for estimated cost must be provided, to be released upon confirmation of acceptable planting by the qualified professional.

Subdivision

An application will need to be made to support the zoning amendment and a requirement for a Preliminary Layout Review (PLR) will be required to be issued prior to zoning adoption.

POLICY ANALYSIS:

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

Urban Residential Land Use Designation:

- *Policy 1:* Support gentle infill that encourages greater housing choices and tenure types

- The small lots proposed suit construction of modest-sized detached residences while retaining the existing house and adding one more secondary suite.

Buildings and Landscape:

- *Objective 4:* The designs of new buildings complement neighbourhood character
 - The proposed design is consistent with the existing and neighbouring home and the new dwellings to be permitted are single detached dwellings and suites in keeping with the neighbourhood.

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 five.
 - Policy AH 2: Amend the Zoning Bylaw to reduce the minimum lot size requirements and establish maximum lot size requirements in the Urban Residential designation to support densification of existing and future neighbourhoods. In the establishment of lot sizes, ensure that the ability to accommodate a secondary dwelling unit is considered, and that wherever Environmentally Sensitive Areas are present, their protection shall take precedence.
 - The proposal re-zones the Urban Residential property to R-1E, the residential zone with the smallest minimum lot size (300 m²) and allowance for secondary suites at 450 m², which the proposal will meet for two of the three lots post-subdivision.
 - Policy AH 4: Require that a diversity of housing types and unit sizes be provided in new rezoning applications for subdivisions. Ensure that development of multi-residential units occur in early phases of the subdivision.
- *Objective 2:* No net loss of rental housing
 - The proposal retains the existing house with its secondary suite while increasing supply.

Community Amenity Contribution

Staff have been empowered to negotiate the community amenity monetary contributions as part of a rezoning application for net gain in density, the increase in density is two lots.

The OCP does not provide an exemption for zoning amendment applications made prior to the adoption of the OCP. This application was made prior to the adoption of the OCP and considerable time was spent with the applicant in the pre-application process. There is no guidance in the OCP for staff to negotiate community amenity contributions in this situation in Part D, Section B Community Amenity Contribution Policy.

New OCP Bylaw No. 3070, 2022, preferentially targets affordable housing units and 'in-kind' capital community amenity assets, or monetary contributions in lieu, of \$5,000 per net new lot up to 650 m² per net new lot for the Affordable Housing Amenity Reserve Fund and \$1,000 per net new lot for the Parks,

Recreation, Culture, and Senior Facility Reserve Fund. The total contribution to meet these monetary targets would be \$12,000 for the proposed development.

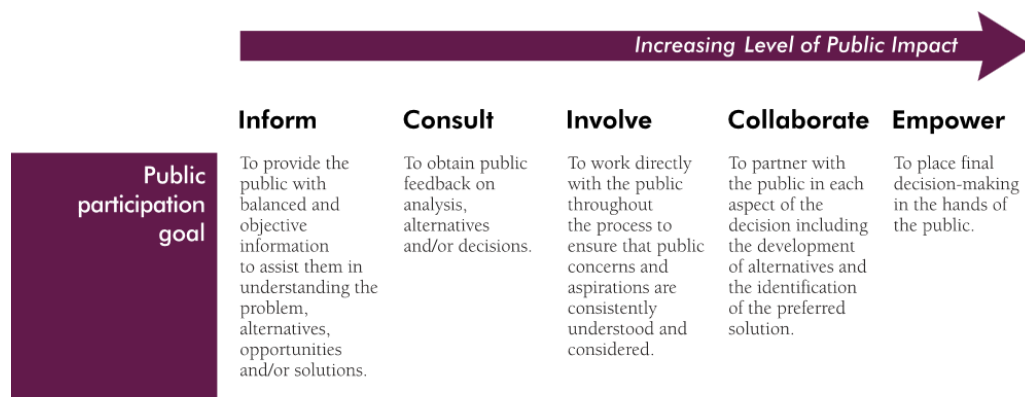
The applicant has provided a letter of willingness to provide community amenity contributions based on the now repealed OCP CAC policy as follows: \$1,000 per net new lot to the Affordable Housing Amenity Reserve Fund as well as \$1,000 per net new lot to the Parks, Recreation, Culture and Senior Facilities Reserve Fund, totalling \$4,000.

The difference between the new CAC Policy and the repealed CAC policy is \$8000. Council can request staff to revisit the negotiation of CAC contributions with the applicant as noted in Council Options.

Should Council support the proposed Community Amenity Contribution, a *Land Title Act* Section 219 covenant will be required to secure the community contribution prior to adoption of the bylaw.

PUBLIC ENGAGEMENT:

Staff inform and consult the public based on the IAP2 Spectrum of Public Participation.



The first Public Information mailout was provided February 3rd, 2022. The applicant distributed an alternative public information package to property owners and occupants within 100 m of the property and collected and summarized feedback. Unfortunately, the mailout contained errors.

A second mailout was provided March 17th within a two-week period in accordance with the Alternative Development Information Meeting process. The information and summary of the consultation process and public comments can be found in **Attachment 2**.

One comment was received in support of the development based on expected impact on property values, noted in the second summary. The City received three comments opposing the development after the applicant completed the summary report. Issues raised include neighbourhood fit and density, trees and greenspace, vehicle parking and traffic, building height, and uncertain affordability impact.

As per Section 467 of the *Local Government Act*, notices of a public input opportunity for the regular meeting of Council on July 26 were mailed on July 13, 2023 by the City to the 53 owners and/or occupants of properties within a 100 m radius of the subject property. Two consecutive newspaper advertisements were published in the Comox Valley Record on July 12th and 19th publication (**Attachment 4**). As of the date of writing this report no comments have been received. Any written received by 1:00 pm July 26 will be sent to Council and Staff will update Council at the meeting.

The subject property is located within 800 m of Cliffe Avenue, a designated highway. In accordance with Section 52(3) of the **Transportation Act** the Ministry of Transportation must grant its approval prior to adoption of the bylaw.

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:

This development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” including:

- 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 application as the fees are designed to offset administrative costs.

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. It is not expected to cause delays for other projects.

Should Council deny the rezoning amendment a zoning amendment could not be reconsidered for a year unless Council considers a request to reconsider with 2/3 vote in favour.

ASSET MANAGEMENT IMPLICATIONS:

The applicant submitted a site servicing report on servicing capacity and a general site servicing plan. Based on this, staff confirmed site servicing. Detailed engineering plans will be required as part of the subdivision application. Staff have identified in review of the preliminary engineering plans that Grieve Ave and 18th St frontage improvements will be required as part of the subdivision PLR.

STRATEGIC PRIORITIES REFERENCE:

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

- The proposal provides allows two net new small lots for infill housing located in walking distance to the downtown and services. This location is near the Frequent Transit Route #1 Anfield Centre / Comox Mall and cycling routes allowing for reduced vehicle dependence. Infill housing makes efficient use of existing municipal infrastructure.

OPTIONS:

1. Recommended Option
THAT Council give First, Second and Third Readings to “Zoning Amendment Bylaw No. 3063” (1814 Grieve Ave) subject to the following conditions prior to adoption:
 - a. 219 Covenant for Community Amenity Contributions;
 - b. 219 Covenant to ensure a 3 m vegetation buffer is installed along the northeast and southeast property lines; and
 - c. A Preliminary Layout Review be issued.

2. THAT Council give First Reading of “Zoning Amendment Bylaw No. 3063” (1814 Grieve Ave) and request further information from staff. (see Community Amenity Contributions)

3. THAT Council defeat “Zoning Amendment Bylaw No. 3063” (1814 Grieve Ave) (see administrative implications)

ATTACHMENTS:

- Attachment 1 Concept Site Plan and Perspectives
- Attachment 2 Public Information Mailout Summary
- Attachment 3 Applicant’s Summary
- Attachment 4 Newspaper Advertisement
- Attachment 5 Zoning Amendment Bylaw No. 3063

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