



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3360-20-2105/RZ000058

From: Director of Development Service

Date: July 26, 2023

Subject: Zoning Amendment Bylaw No. 3037 – Third Reading Report – 1590 Piercy Avenue

PURPOSE:

The purpose of this report is for Council to Consider Third Reading of Zoning Amendment Bylaw No. 3037.

LEGAL DESCRIPTION:

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

BACKGROUND:

The zoning amendment application is 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 at the subject property shown in Figure 1.

Council gave First and Second Reading to “Zoning Amendment Bylaw No. 3037” (1590 Piercy Avenue) on June 14, 2023 to create a new Comprehensive Development 39 Zone (CD-39) and rezone the subject property to CD-39.

At the June 14 meeting, Council requested that Electric Vehicle (EV) charging infrastructure be installed for vehicular parking stalls. The applicant’s proposal is included in the discussion below.

A Public Hearing was held July 19, 2023, during which a letter of support was provided and a number of questions and concerns were raised by three members of the public. Staff provide clarification on technical matters in the discussion below. The public comment is attached to this report and minutes form part of the July 26, 2023 agenda.

Figure 1 – Subject Property



DISCUSSION:

Public hearing comments and concerns

Questions were raised, and answered, as follows:

1. Concern over traffic impact and traffic safety to intersections of Piercy Avenue and Cumberland Road and Piercy Avenue and 17th Street.
 - Staff comment, and clarification: The parking studies provided for the proposal did not examine the impact of the development to the identified intersections. During the review of the application, staff and other agencies did not identify a concern with the service or safety levels of either of these intersections at this time.
2. Parking proposal is inadequate
 - Staff comment: the parking proposal is for 1 stall per dwelling unit and 1 visitor parking for the 9 unit development for a total of 10 stalls. This is a lower parking ratio than the standard vehicular parking ratios outlined in the Zoning Bylaw which would otherwise require a total of 13 stalls. AS this is a CD zone, the city can modify parking requirements to achieve the OCP policies to support active transportation and Climate Change.
 - As such the reduction of three parking stalls was permitted, as the parking studies identified the ability for e-bikes to provide meaningful alternatives to vehicle use given the close proximity of the proposed development to the city centre. Each dwelling unit will be provided with a minimum of two dedicated, secured and electrified bike parking stalls. Electrified visitor bike parking will also be provided.
3. How is the application meeting City's tree requirements, how will these be enforced?
 - Staff comment: The City's Tree Bylaw sets expectations regarding retention of healthy mature trees and replacement of trees when removing trees on a property, and that a target of 50 trees per hectare be achieved.
 - Properties smaller than 4000 m² (approximately 1 acre) may meet their tree density target (TDT) through retention, replacement of paying cash-in-lieu into the Tree Planting and Replacement Reserve Fund. Half of the replacement trees to achieve the Tree Bylaw replanting requirements shall be native.

This property is approximately 2000 m², and has a TDT of 10 trees. The applicant is proposing to retain two mature trees and replant 32 more. Of these, three replacements will be required to be native species which will be achieved through the landscape plan. The landscape plan is registered on title as part of the form and character Development Permit, which will be obtained following a successful rezoning outcome. The City requires that securities be provided for all landscaping to ensure that it is installed as planned.

4. How is the proposal contributing to affordable housing?
 - Staff comment: Affordable housing is a key amenity identified for rezoning application amenity negotiations. The OCP provides guidance on amenity negotiations, identifying the preference for 15% of net increase in number of units to be price restricted. The OCP also provides monetary targets options in lieu or in tandem with price restricted units (or provision of any other amenities). The target contribution is \$4,000/new multi-residential

unit that may be placed into the City's Affordable Housing Reserve Fund. The applicant has offered \$40,000 into this fund. Price restricted units are evaluated as not appropriate for a development of this scale.

The application is for townhouse units in two and three bedroom configurations. These are commonly referred to as 'missing middle' forms of housing which inherently contribute to a greater diversity and affordability range within the larger housing market.

5. 1590 and 1580 Piercy Avenue shared property line: Garbage enclosure location concern and fencing
 - A neighbour stated concerns over placement of the waste receptacle facilities and odour.
 - Staff comment: The waste receptacle facilities location is adjacent that of the facility at 1580 Piercy Avenue, thus focusing the area impacted by waste facilities across the two developments. Other locations of the facility at 1590 Piercy would not be accessible by waste management services given the proposal's overall site design. The enclosure will be designed to minimize odour and visibility with use of materials and screening.

The fencing between the two properties is in good shape and will continue to remain. No disruption to that existing fencing is proposed.

6. There are currently drought restrictions. Is there enough water to service this new development?
 - Staff response: Water use is estimated to nearly triple in the summer as a result of outdoor water use. Water conservation is particularly important during these summer months when the Comox Lake reservoir is being drawn down prior to the seasonal rainfall/snowpack melt replenishment. There is adequate water to meet new resident's needs provided that water is used efficiently. The Comox Valley Regional District and member municipalities collectively are working towards water conservation by reducing water demand of outdoor water use during the summer months, and with improved efficiency of water fixtures, appliances, and usage behaviours.

EV parking stall charging

OCP policy supports EV charging as part of parking standards, and directs that the Zoning Bylaw be updated to incorporate EV standards. Until such time as the Zoning Bylaw is updated, the City lacks a regulatory framework to require or direct specifications on EV charging facilities in new developments.

The applicant has responded to Council's request by proposing that all 10 parking stalls will include separate 240 volt "Level 2" charging facilities. This includes the one stall for each dwelling unit as well as the one shared visitor's parking stall. The design details will be addressed during the building permit application.

OPTIONS:

1. THAT Council give Third Reading to Zoning Bylaw No. 3037, 2023 (1590 Piercy Ave); and THAT Final Reading of the bylaw be withheld pending:
 - a. registration of a Section 219 covenant to secure the community amenity contributions of \$40,000, to be provided prior to issuance of a building permit; and
 - b. registration of an easement to permit drainage from the subject property on to the Island Corridor Foundation lands.
2. THAT Council defer consideration of Bylaw No. 3037 with a request for more information.

3. THAT Council Defeat Bylaw No. 3037.

ATTACHMENTS:

1. June 14, 2023 Staff Report at First Reading
2. Bylaw No. 3037
3. Electric Vehicle parking stall charging proposal
4. Public Comment

Prepared by: Nancy Gothard, RPP, MCIP, Manager of Community and Sustainability Planning

Reviewed by: Marianne Wade, RPP, MCIP, Director of Development Services

Concurrence: Kate O'Connell, Acting City Manager