



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Director of Development Services
Subject: Zoning Amendment Bylaw No. 3094 – 1560 Grieve Ave

File No.: 3360-20-2301/ RZ000074

Date: November 8 2023

PURPOSE:

Staff are recommending that Council not hold a public hearing as per section 464(2)(B) of the *Local Government Act*, as the proposal is consistent with the City's Official Community Plan, and issue public notice as per Section 467 of the *Local Government Act* that a public hearing will not be held for Zoning Amendment Bylaw No. 3094 for the property legal described as Lot 14, Section 41, Comox District.

EXECUTIVE SUMMARY:

Staff have received an application to amend Zoning Bylaw No. 2500, 2007 from R-2 to Comprehensive Development Thirty-Eight Zone (CD-38), which will permit 16-unit multi-residential development contained in six buildings on a 1,630 m² property for diverse abilities to be operated by a non-profit charitable organization. The subject property is designated Urban Residential and is consistent with the OCP land use policies. Staff support the proposed Zoning Amendment Bylaw 3094 which is detailed in this report.

BACKGROUND:

The subject property is approximately 0.163 ha in size and is located at 1560 Grieve Avenue as illustrated in **Figure 1**. The site contains an existing single-residential building and vegetation including a variety of mature trees and within 200 metres of the site contains many services including a community hub run by the L'Arche Organization who are the operators of this proposed development. It is zoned Residential Two (R-2) zone and has a single-family dwelling on the lot.

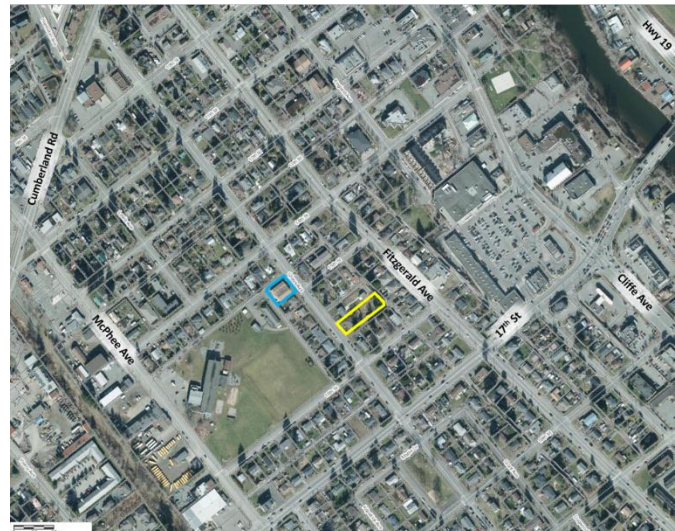
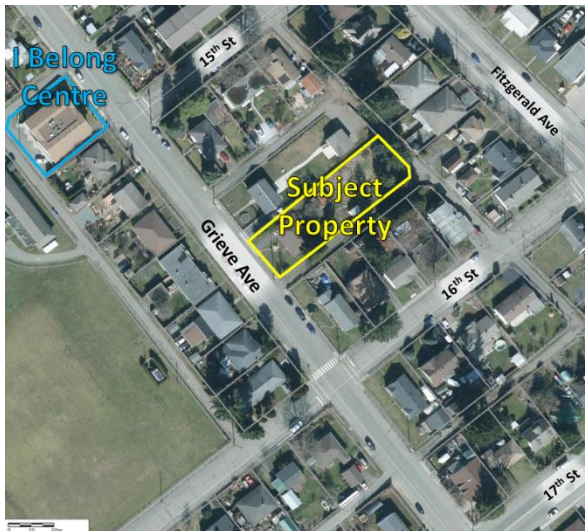


Figure 1: Subject Property Location and Context

The Official Community Plan (OCP) designates this subject property as Urban Residential and DPA-1 Development Permit Area for Commercial, Industrial, Mixed-Use Developments, and Multi-Residential Dwellings with Three or More Units as illustrated in **Figure 2**. A development permit application has been submitted and is being processed concurrently with the Zoning Amendment Bylaw No. 3094 application.



Figure 2: OCP Land Use Designations

The applicant is proposing to construct a residential community for 15 adults with diverse abilities who meet specific criteria:

- Have an existing funding agreement with Community Living British Columbia [CLBC is a Crown Corporation that supports adults who have developmental disability and helps adults who have autism or FASD and need support with daily tasks];
- Desire to live independently of family, and are supported in their choice by family and friends;
- Possess, or are able to readily acquire the necessary skills for daily living and are able to live alone safely with some supports;
- Have ability to access transportation [residents are unlikely to have cars or drivers' licences]; and
- Desire to be part of an intentional community, developing friendships and participating in group activities.

The proposed Development will be phased and the phases are outlined in Figure 3 below. The first phase would include 7 units that are identifies in green which includes three single-storey units and a two-storey four-unit apartment building along with the central amenity building with caretaker suite. The second phase in grey will have 8 units in two, two-storey buildings at the rear of the lot. **Figure 4** is development rendering of the proposed development. The applicant's proposal is summarized in **Attachment 2**. The proposed development plans and elevations are found in **Attachment 3**.

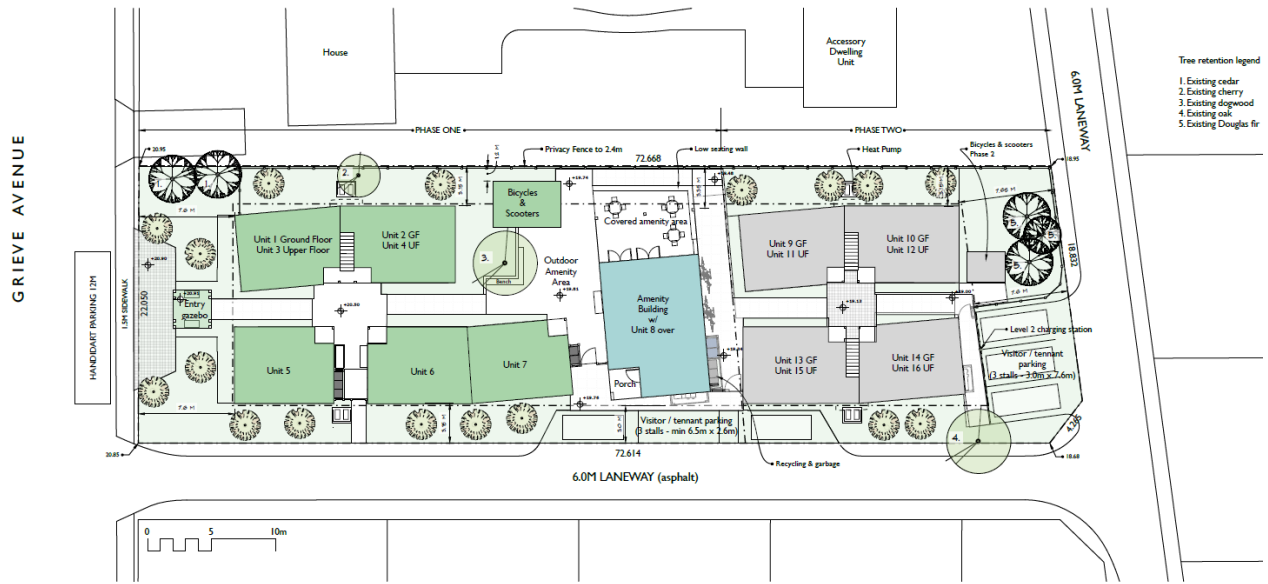


Figure 3: Site Plan



Figure 4: Rendering

DISCUSSION:

Zoning Review

The subject property is zoned R-2 which does not permit multi-residential development, a Comprehensive Development Zone CD-38 has been developed (Zoning Bylaw Amendment No. 3094) which is consistent with the OCP (draft bylaw Attachment **1**).

Zoning Analysis

The proposed CD-38 is based upon the R-3 zone; **Table 1** below compares the proposed CD-38 zone to the R-3 zone and the existing R-2 zone to demonstrate the variations required to support this residential development for diverse disabilities which has program considerations. This CD-38 zone relative to R-3 zone generally seeks:

- reduced building and landscape setbacks;
- reduce frontage width;
- reduced vehicular and bicycle parking requirements to suit target resident needs;
- and proposes significantly lower height than R-3 more in line with R-2 massing.
- The zone includes propose-built rental and will secure below-market rents to a priority equity group of people with diverse intellectual abilities through a housing agreement.

Table 1: Zoning Analysis

Attribute	Existing R-2 Zone	R-3 Zone	Proposed CD-38 Zone
Permitted Use	<ol style="list-style-type: none"> 1. Max. 2 residential units, types depend on lot size 2. Accessory buildings and structures 3. Home occupation 	Single residential, secondary suite duplex, multi residential, accessory buildings and structures, <i>facility for adults with a disability</i> , home occupation, <i>care facility</i>	<ol style="list-style-type: none"> 1. Rental residential in <i>single, duplex and apartment dwelling units</i>; 2. One amenity building for shared resident use that may have a second-floor dwelling unit for a support person; 3. One <i>dwelling unit</i> for a support person located above a shared indoor resident amenity space 4. Accessory buildings and structures
Density (min. lot size)	750 m ² + depends on buildings	1,250 m ²	1,600 m ²
Density (max. Floor Area Ratio)	N/A	.60 (apartments) .40 (all other residential)	0.55
Lot Frontage (min.)	20.0 m; 21.5 m if corner	30.0 m	N/A (22.1 m)
Lot Depth (min.)	35.0 m	N/A	N/A (>35.0 m)
Lot Coverage (max.)	40%	N/A	40%
Front Setback (min.)	7.5 m	7.5 m	7.5 m
Rear Setback (min.)	9.0 m	7.5 m except for apartments: 9.0 m 2nd storey; 10.0 m 3 rd storey	7.5 m
Side Setbacks (min.)	1.5 m and total 4.5 m both sides;	1.5 m and total 4.5 m both sides; 4.5 m any one side that flanks street;	3.0 m except 1.5 m for seating wall of amenity building (NW); 3.0 m (SE);

Attribute	Existing R-2 Zone	R-3 Zone	Proposed CD-38 Zone
	4.5 m any one side that flanks street;	6.0 m where back of bldg. adjacent or facing side lot line	
Principal Bldg. Height (max.)	8.0 m	10.0 m	8.5 m
Accessory Bldg.	50.0 m ² / 10% rear yard max. size; 4.5 m max. height; 1.5 m min. side/rear setbacks; Permitted in front	50.0 m ² / 10% rear yard max. size; 4.5 m max. height; 1.5 m min. side/rear setbacks; Not permitted in front	Only bike/scooter storage and entry gazebo; 3.5 m max. height; 4.0 m rear setback; 1.0 m NW side setback; 2.5 m SE side setback; 2.5 m front setback
Usable Open Space (min.)	N/A	30.0 m ² per 1-br unit; 50.0 m ² per 2+br unit; 10.0 m ² per care facility unit	450 m ² + 50 m ² indoor amenity (total 31.25 m ² per unit)
Frontage Landscape Width (min.)	N/A	4.5 m	N/A (varies 0-7.5 m)
Landscape/Fence Screening Height (min.); Width (min.);	N/A	3.0 m (h.); 3.0 m (w.) on all property lines adjoining properties	2.0 m (h.) landscape or fence on property lines adjoining properties; N/A (w.)
Side/Rear Yard Fence Height (max) (Division 6)	2.0 m	2.0 m	2.5 m
Vehicular Parking Stalls (min.) (Division 7)	2 per single residential unit	1.2 per dwelling unit, including 10% (0.12 per unit) visitor	6 total (0.33 per dwelling unit), including 3 visitor (0.17 per unit)
Bicycle Parking Count (min.) (Division 7)	N/A	2 Class II per unit; 0.2 Class I per unit	0.875 Class II per unit; 0.25 Class I per unit
Bicycle Parking Details (min.) (Division 7)	N/A	1.8 m (l.); 0.6 m (w.); 2.1 m (h.) (standard) 10% oversized - 3.0 m (l.), 0.9 m (w.) Additional rack, entrance distance, outdoor shelter, door and lighting specifications	N/A – plan shows standard 1.8 m (l.), 0.6 m (w.), 2.1+ m (h.); N/A – None 3.0 m long, 3 0.9 m wide N/A – See discussion

Outdoor Amenity Space, Landscaping and Trees

The total outdoor amenity space is 463 m² which includes patios, plazas, lawn and accessible garden areas, with benches under a front gazebo and about other paving stone plazas; an additional 64 m² of indoor amenity area features a full kitchen, activity area and lounge. Yards for individual units are not provided as there is a strong focus on community interaction programming. These high-quality amenity spaces together exceed the 30 m² per unit R-3 zone requirement.

Three garbage/recycling enclosures are all located just inside gates of fences along the lane, confirmed by a waste removal company as easily accessible. Corrugated metal side and rear fences will be up to 2.5 m in height, for safety and security of the potentially vulnerable resident population.

Landscaping is to include 8 retained trees, meeting the Tree Density Target, including a Garry Oak and a Pacific Dogwood which are protected species. Another Garry Oak, growing alongside the fence line, will be retained if possible. One Pacific Dogwood in poor health will need to be removed with a tree cutting permit, along with additional trees as required for construction. Landscaping will add 16 trees, numerous shrubs and groundcover, with a focus on native and low-maintenance species offering screening/softening around the site's perimeter. Refer to **Attachment 4** for the landscape plan.

Access, Parking and Bikes

Pedestrian and handyDART access are along Grieve Avenue, vehicular through laneways. Parking for this project is located in two areas noted on the site plan in **Figure 3**. Level-2 EV charging will be available for three spaces along the laneway to the east of the property. The applicant, L'Arche is open to formally restricting vehicle use through zoning text or covenant to the support person and one other resident, with the balance for visitors given their experience in resident's use of vehicles. The City's zoning bylaw requires two visitor spaces be required for a 16-unit multi-residential development, regardless of bedroom count; here a minimum of six stalls are being provided for 4 visitors, one for the support person and one for a resident. The applicant is requested a decrease in parking requirements to meet resident's needs.

Secured bicycle / scooter parking is housed in two buildings; the Phase 1 building has 8 bike stalls and 2 scooters stalls and the Phase 2 building has 3 bike stalls and 1 scooter stall for a total of 14 stalls for 16 units. L'Arche finds that only about half of the residents in their other residential properties ride bikes and are proposing not providing a space for each residential unit.

Infrastructure

Staff have received an engineer report on the condition of the laneway and are working through the required upgrades with public works which will be brought back with the next council report along with the frontage improvements associated with removing and replacing the driveway letdown along Grieve Avenue. Any requirements for off-site servicing will be secured by a Section 219 covenant prior to final reading.

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 not located in a growth centre but is within 200 m of the Urban Corridor and within 150 m of major bus routes and bike routes along Fitzgerald Avenue.
- *Objective 3:* Moderate infill development occurs across the entire city outside growth centres
 - The development proposes a floor area ratio of .55, consistent with apartments in the R-3 zone, the most similar low-density multi-residential zone.
 - The single-bedroom units are located in house-sized buildings with a maximum of four units and two storeys.

Streets and Transportation:

- *Objective 6:* The amount of land dedicated to parking is minimized
 - Only six parking spaces are proposed for 16 units, all accessed directly from the lane.
- *Objective 7:* Parking standards reflect electric vehicle and cycling needs
 - The proposal includes Type 1 and 2 bike parking exceeding expected need and there is a Level 2 EV charging station to service three parking stalls used for visitors and maybe residents.

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.
 - Units will be climate-controlled with energy-efficient heat pumps and buildings will feature extensive use of grid-tied rooftop solar panels
 - Low-flow plumbing features will be used throughout
- *Objective 4:* The designs of new buildings complement neighbourhood character
 - The proposed design and layout add density through building forms approximating the massing of nearby homes and tapering down to the lane and the project features high-quality cladding and landscaping.

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 permitted units from two to sixteen.
- *Objective 2:* No net loss of rental housing
 - *Policy AH 10:* Implement Residential Rental Tenure Zoning to protect existing and proposed rental housing stock.

- The proposed CD zone specifies that 15 of the 16 units must be rental tenure (the other being caretaker / support person housing) which will be further secured through a housing agreement.
- **Objective 4:** The City provides incentives to create below-market housing
 - **Policy AH 15:** Develop and adopt a tiered below-market incentive program in which more incentives are offered to those projects in which more units are offered at deeper levels of below-market affordability. Incentives may include but not be limited to application processing timeline targets, parking, zoning, and servicing variances, and waiving or reducing fees and charges.
 - In the spirit of incentivizing below-market housing, which may include waiving or reducing fees, the applicant requests relief from Development Cost Charges and assistance with off-site services as detailed under Financial Implications below.
 - **Exempt from Community Amenity Contributions exceeds the exemption target of 15% of the units be below 30% of market rent.**

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 50% in total, including buildings and some of the outdoor amenity areas and walkways.

Community Amenity Contribution

The OCP exempts housing developments consisting of or including a sufficient number of dedicated price-restricted units operated by a non-profit organization. Per OCP CAC Policy 5a, the preference for multi-unit rental developments is a provision of below-market units at a minimum of 15% of units at 30% below market rental rates. The housing agreement for this property is intended to consider all units except the caretaker unit and proposes 80% approximately will be below 30% of the market rent for a one-bedroom unit.

Prior to final adoption of Bylaw No. 3094, a housing agreement will secure affordable rental rates. L'Arche Comox Valley (LCV) has submitted a letter indicating intent to produce below-market rental (**Attachment 5**).

PUBLIC ENGAGEMENT:

The Public Information Meeting requirements for this development have been waived at the discretion of the Director of Development Services, per *Section 8.4 of Development Application Procedures Bylaw No. 2699, 2012*.

L'Arche Comox Valley (LCV) has submitted a summary of public engagement (**Attachment 6**), which details that a project information session was held August 26, 2022 outside the I Belong Centre at 1465 Grieve Avenue and an open house was held inside the Centre June 8th 2023. The former event was advertised with flyers to the surrounding neighbourhood using an address list provided by the City and featured prominently displayed project information. The latter was advertised on social media and to strategic partners and public figures. LCV reports that both events were well-attended and received only positive

feedback and provided a written statement from the adjacent neighbour supporting the development (**Attachment 7**).

If Council supports not holding a public hearing for the proposed Zoning Amendment No. 3094, an advertisement will be posted in the newspaper and a notice will be mailed out to residents within 100 metres informing them that the public hearing will not be held. The advertisement and mailout provide an opportunity for the public to comment. Any comments received will be brought forward to Council by staff.

Alternatively, Council has the discretion to direct staff to schedule a public hearing and provide statutory notice. This would have to be done through a resolution.

The subject property is located within 800 m of the Cliffe Avenue intersection with 17th Street, a controlled intersection. 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:

The applicant has provided a letter (see **Attachment 8**) requesting consideration of reduction of DCCs and off-site services. Once the costs of the offsite services are determined, Staff can provide this information in the next Council report for their consideration. Non-profit organizations providing affordable housing through a council resolution, have had these costs paid through the Affordable Housing Reserve fund. This would form part of the Council report for first readings of the bylaw at a future council meeting.

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.

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.

STRATEGIC PRIORITIES REFERENCE:

Explore approaches to develop affordable housing

- A housing agreement to ensure affordability for tenants will be presented to Council with the development proposal for first reading.

Social Infrastructure: Identify roles for the City in the delivery of social infrastructure outlined in the OCP

- The OCP's Equity cardinal direction details that equitable cities are those in which all people can participate, prosper, and reach their full potential, and specifically includes persons with disabilities as an equity-priority group. This is echoed in Goals #2 – Housing Choices for All and #7 – A City for Everyone

OPTIONS:

1. THAT Council not hold a public hearing per Section 464(2)(b) of the *Local Government Act* as "Zoning Amendment Bylaw No. 3094" (1560 Grieve Avenue) is consistent with the City's Official Community Plan; and
THAT Council direct staff to issue public notice per Section 467 of the *Local Government Act* that a public hearing will not be held for "Zoning Amendment Bylaw No. 3094" (1560 Grieve Avenue);
2. THAT Council request additional information from staff through a resolution.
3. THAT Council direct staff to hold a public hearing under section 464(1)(b) and to give notice under section 466.
4. THAT Council not proceed with the application.

ATTACHMENTS:

Attachment 1 – Bylaw 3094 and CD-38 Zone

Attachment 2 – Applicant Rationale

Attachment 3 – Plans and Elevations

Attachment 4 – Landscape Plans

Attachment 5 – Below Market Rental Intent Letter

Attachment 6 – Public Engagement Summary

Attachment 7 – Public Comment

Attachment 8 – Financial Assistance Request Letter to Council

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