



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:** December 6 2023

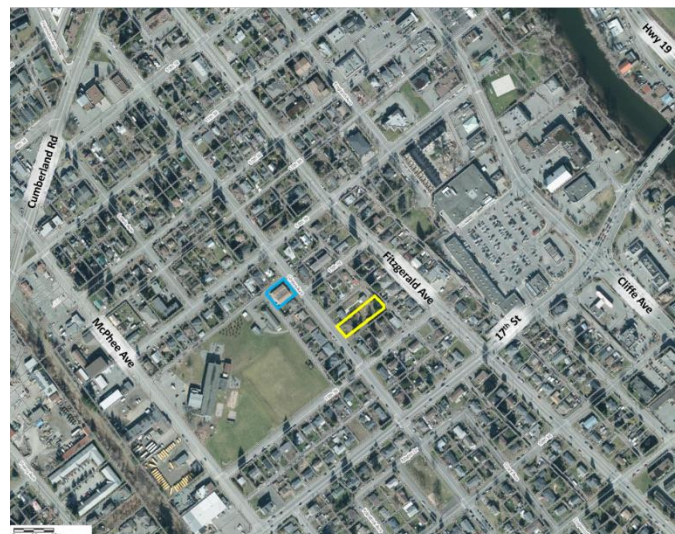
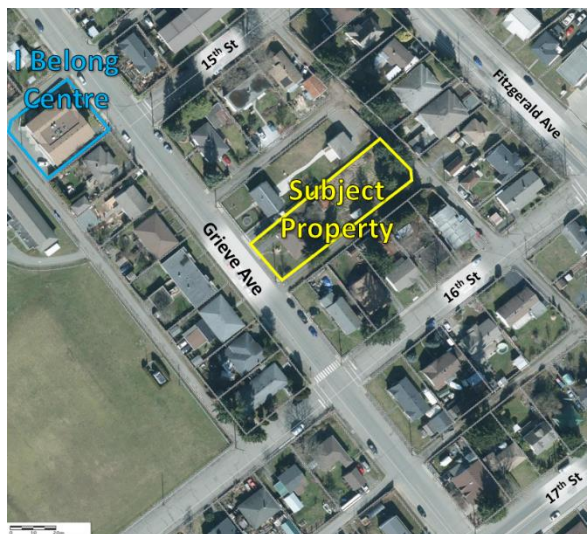
### PURPOSE:

For Council to consider first, second and third reading of Zoning Amendment Bylaw No. 3094 to permit 16-unit multi-residential rental development with amenity building for the property legally described as Lot 14, Section 41, Comox District, Plan 9456.

### BACKGROUND:

Council passed a resolution at the regular meeting of November 8, 2023 to not hold a public hearing as per section 464(2)(b) of the *Local Government Act (LGA)* and directed staff to send notices as per section 467 of the *Local Government Act (LGA)*. The staff report from the regular council meeting held on November 8<sup>th</sup> which outlines the application to amend Zoning Bylaw No. 2500, 2007 from R-2 to Comprehensive Development Thirty-Eight Zone (CD-38), to permit a 16-unit multi-residential rental development containing in six buildings on a 1,630 m<sup>2</sup> property for people with diverse abilities to be operated by a non-profit charitable organization is attached to this report. Staff support the proposed Zoning Amendment Bylaw No. 3094.

The subject property is designated Urban Residential and is consistent with the OCP land use policies 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

## 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**). The staff report dated November 8, 2023 has the detailed zoning analysis.

### Zoning Analysis

The proposed CD-38 is based upon the R-3 zone and seeks to:

- reduce building and landscape setbacks;
- reduce frontage width;
- reduce 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.

Figure 2 Site Plan indicates the two phases of the proposed development, number of units, parking, and access. Figure 3 illustrates the proposed massing of the development.

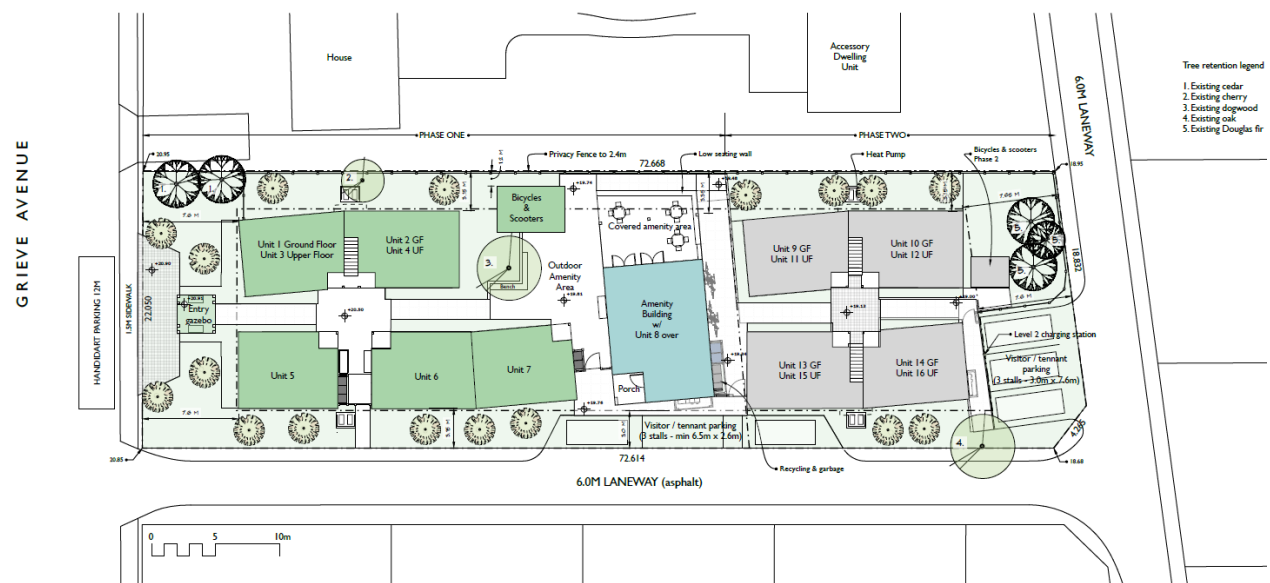


Figure 2 Site Plan



Figure 3: Rendering

### **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. Fire has confirmed that they do not need to have the lane upgraded for the fire truck as they can utilize the fire hydrant on 16<sup>th</sup> street. Any requirements for off-site servicing will be secured by a Section 219 covenant prior to final reading.

### **POLICY ANALYSIS:**

This proposal meets the objectives detailed in Official Community Plan Bylaw 3070, 2022 as outlined in the staff reported dated November 8, 2023 (**Attachment 2**).

### **Community Amenity Contribution**

A housing agreement for this property has been drafted that considers that 15 units will have rents that are 30% below the CMHC average market rent for a one-bedroom unit. As per section 483 of the *Local Government Act*, this housing agreement will form a Housing Agreement Bylaw to be considered by Council at the next regular council meeting. The draft housing agreement is in **Attachment 3**.

### **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 (Attachment 8 of the **Attachment 2** – November 8<sup>th</sup> Council Report) requesting consideration of reduction of DCCs and off-site services. The City does not have policy for reductions of off-site servicing costs but staff have confirmed that the development will not be required to repair and upgrade the lane, which would have been a significant cost given that the lane spans two property lines.

The development would incur District and City DCCs. District DCCs would be \$67,672 for each phase, at current per-unit rates. The District would have to pass a resolution to reduce the fees and identify a source of funding to cover the fees.

Estimated City DCC charges would be \$19,633.53 for Phase 1 and \$14,069.78 for Phase 2 based on floor areas in plans provided. The city does not have a DCC exemption bylaw for the reduction of DCC fees for affordable housing and staff is working on this bylaw for Council's consideration. To date Council has passed a resolution to pay for DCC fees from the Affordable Housing Reserve fund.

No housing agreement fee is required because this file was opened prior to adoption of Fees and Charges Amendment Bylaw No. 3107. The owner will be required to reimburse the City for any legal costs occurred.

#### **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.

## **PUBLIC ENGAGEMENT:**

Notice as per Section 467 of the *Local Government Act* to 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 has been done. The opportunity to comment on the application, with written submissions to be received no later than 1:00 pm Wednesday December 6<sup>th</sup> 2023, was given in two editions of the Comox Valley Record on November 22<sup>nd</sup> and November 29<sup>th</sup> 2023, and 88 notices were mailed to residents and owners of properties within 100 m of the subject property on November 21<sup>st</sup>. No responses have been received by staff at time of writing; any responses received prior to the Council meeting will be forwarded to Mayor and Council.

The subject property is located within 800 m of the Cliffe Avenue intersection with 17<sup>th</sup> 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.

As noted in the November 8<sup>th</sup> staff report, the applicant held a community open house and there was no requirement for a public information meeting. The applicant provided a summary of the open house for the November 8<sup>th</sup> 2023 staff report and is attached to it.

## **OPTIONS:**

1. THAT Council give First, Second and Third readings of "Zoning Amendment Bylaw No. 3094" (1560 Grieve Avenue); and  
THAT prior to Council consideration of the adoption of "Zoning Amendment Bylaw No. 3094", the owner execute the Housing Agreement to form "Housing Agreement Bylaw No. 3117" for Council's consideration.
2. THAT Council request additional information from staff through a resolution.
3. THAT Council not proceed with "Zoning Amendment Bylaw No. 3094".

## **ATTACHMENTS:**

1. Bylaw 3094 and CD-38 Zone
2. November 8<sup>th</sup> 2023 Council Report with Attachments
3. Draft Housing Agreement

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