



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 3360-20-2306/RZ000079

From: Director of Development Services

Date: August 28, 2024

Subject: **11th Street Zoning Amendment Bylaw No. 3059 – Part 68 - Comprehensive Development Forty One (CD-41) (120 11th Street)**

PURPOSE:

For Council to consider first, second and third reading of *Zoning Amendment Bylaw No. 3059 (11th Street) – Part 68 - Comprehensive Development Forty One (CD-41) (120 11th Street)* to rezone four properties from Commercial Two (C-2), Multiple Use Two (MU-2) and no assigned zone, to Comprehensive Development Forty-One Zone (CD-41) to facilitate a four-lot consolidation of the subject properties for the purpose of building a 5-storey multi-family rental apartment building. The four properties are 125 11th Street, an unaddressed City owned parcel, 120 11th Street, and 1128 Beckensell Avenue, and are legally described as:

1. [LOT A, SECTION 69, COMOX DISTRICT, PLAN 32204]
2. [THAT PART OF LOT 10, SECTION 69, COMOX DISTRICT, PLAN 3030, TAKEN FOR ROAD PURPOSES AND CONTAINING 0.27 OF AN ACRE MORE OR LESS, SHOWN IN RED ON PLAN 284BL]
3. [LOT 1, SECTION 69, COMOX DISTRICT, PLAN 6674]
4. [LOT 2, SECTION 69, COMOX DISTRICT, PLAN 6674]

BACKGROUND:

The owner of the properties at 125 and 120 11th Street and 1128 Beckensell Avenue submitted a rezoning application in October 2023, that the four parcels identified in **Figure 1** be rezoned to a comprehensive development zone to permit the construction of a 5-storey multi-family rental apartment building. The applicant has requested to purchase the unaddressed City owned lot based upon Council's decision to consider disposing of this property in 2015.

At the Council Meeting on July 31, 2024, Council received an introductory report that provided the opportunity for questions about the application to be addressed in advance of considering the zoning amendment bylaw for first reading and this report is attached.

Council asked questions to Staff and the applicant regarding; vehicle and bicycle parking, Community Amenity Contributions, archeological



status and potential for accommodating elements in support of food security and urban agriculture.

Council passed a resolution directing Staff to bring forward the application for consideration of 1st, 2nd and 3rd reading. Responses and additional details involving Council's questions from the July 31, 2024, Council Meeting are addressed in the following report.

Current Site

The properties have a gentle slope from east to west with a high point along its property line at Beckensell Avenue, and its lowest elevations along the Courtenay River.

Only one of the properties (125 11th Street) has an existing residence, an old single detached home that will be removed to accommodate the new development. At the July 31 Council meeting, the applicant clarified their intent is to move and allow the re-use of the existing home rather than demolish it. Most of the site has been previously cleared of vegetation and now primarily consists of maintained lawn and overgrown non-native vegetation, however mature trees exist primarily along the site's property lines, with others scattered intermittently throughout the four lots.

An existing landscape feature wall and mature cedar hedges currently run most of the length of the subject properties frontage and will be retained and maintained through a covenant to enhance the development's landscaping and screening.

The three parcels surrounding the City owned parcel (120/125 11th Street and 1128 Beckensell Avenue) were part of the estate of Michael Laver and sold to the applicant in 2023. Collectively, these lands have been the focus of redevelopment, most prominently a 2015 proposal for a senior's housing complex that would have also required the disposition of the City owned parcel. Critical to this proposal was also the prerequisite that the City of Courtenay no longer consider the end of 11th street as a viable option for a future third bridge crossing from west to east Courtenay. Council eliminated the 11th street crossing location as an option through a motion carried on March 14, 2016.

Proposed Development

The purpose of the rezoning application will be to rezone 4 properties, representing 6,210m², to Comprehensive Development Forty-One Zone (CD-41) to facilitate lot consolidation and the development of a 104 unit 5-storey purpose-built rental apartment building as illustrated in **Figure 2** below.

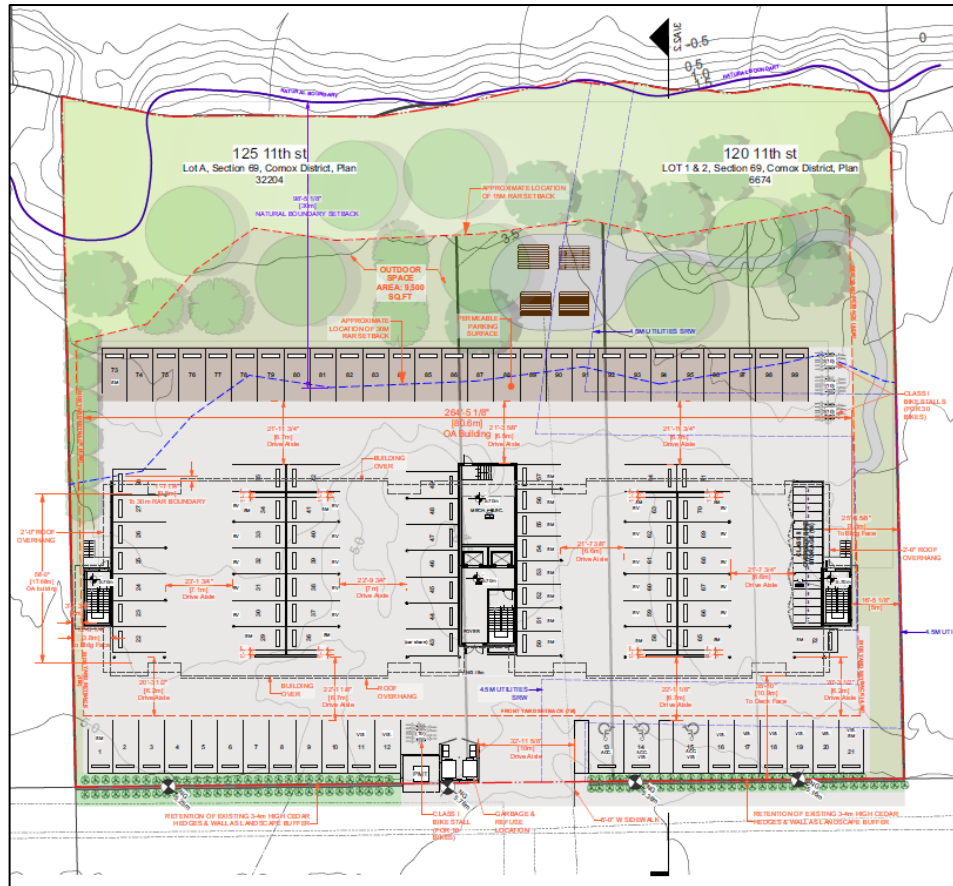
Figure 2: Perspective drawing of west (street facing) building elevation along Beckensell Avenue



The proposed development contains a unit mix of 40 smaller studios, 32 larger studios (executive suites), 24 one-bedroom and 8 two-bedroom units. Four residential floor sit atop one level of at grade parking

comprising of 99 parking stalls. The above grade parking lot is designed to address requirements for construction in the floodplain to have habitable areas above the established flood construction levels. Access to the property will be solely from Beckensell Avenue.

Figure 3: Proposed Site Plan



The applicant has requested to purchase the unaddressed City owned lot. Staff and the applicant understand it is Council’s decision to dispose of the land, following the legislative process laid out in Sections 26 and 94 of the *Community Charter*.

DISCUSSION:

Since Council received the introductory report on July 31, the following changes to the site design have occurred:

- Vehicle parking stalls decreased from 100 to 99. The 99 stalls are comprised of 79 regular stalls and 20 small car parking stalls (20%) including 20 Class 2 EV charging stalls, 3 accessible stalls, 1 car share stall and 10 visitor stalls.
- The Zoning Bylaw requires 7.2 m drive isles, and the applicant has increased most of their drive isles from 6.2 m to 6.5 metres. This drive isle width is support by the applicant’s traffic engineer.
- Bike parking decreased slightly from 1.3 Class II spaces per unit (126) to 1.2 Class II spaces per unit (122) based upon bike usage in similar developments. Including Class I, the ratio is 1.6 spaces per unit (164).

- The *floor area ratio* increased slightly from 0.9 FAR to 1.0 FAR. This is to accommodate a potential reduction in total lot area that may occur during the lot consolidation process.
- The addition of shared garden beds within the rear yard outdoor amenity space (see landscape plan).

All of these final design details are captured in the Architectural Drawings (**Attachment No. 1**).

Proposed CD-41 Zone and Land Use Designation

The subject properties are designated Urban Corridor and are immediately adjacent to the Downtown Town Centre land-use designation. The Urban Corridor designation are intended to be primary focus areas of commercial and residential densities outside the downtown. These areas are designated to support a mix of uses that include a variety of higher-density housing choices as well as regional retail destinations. Multi-unit residential developments, including rental apartments, are permitted uses.

Below is a table that shows the variations between the proposed CD-41 zone compared to the existing Multi-Use 2 zone that is designated on two of the parcels and the R4-B zone that allows for higher density multi-residential.

Table 1: Zone Comparison Matrix

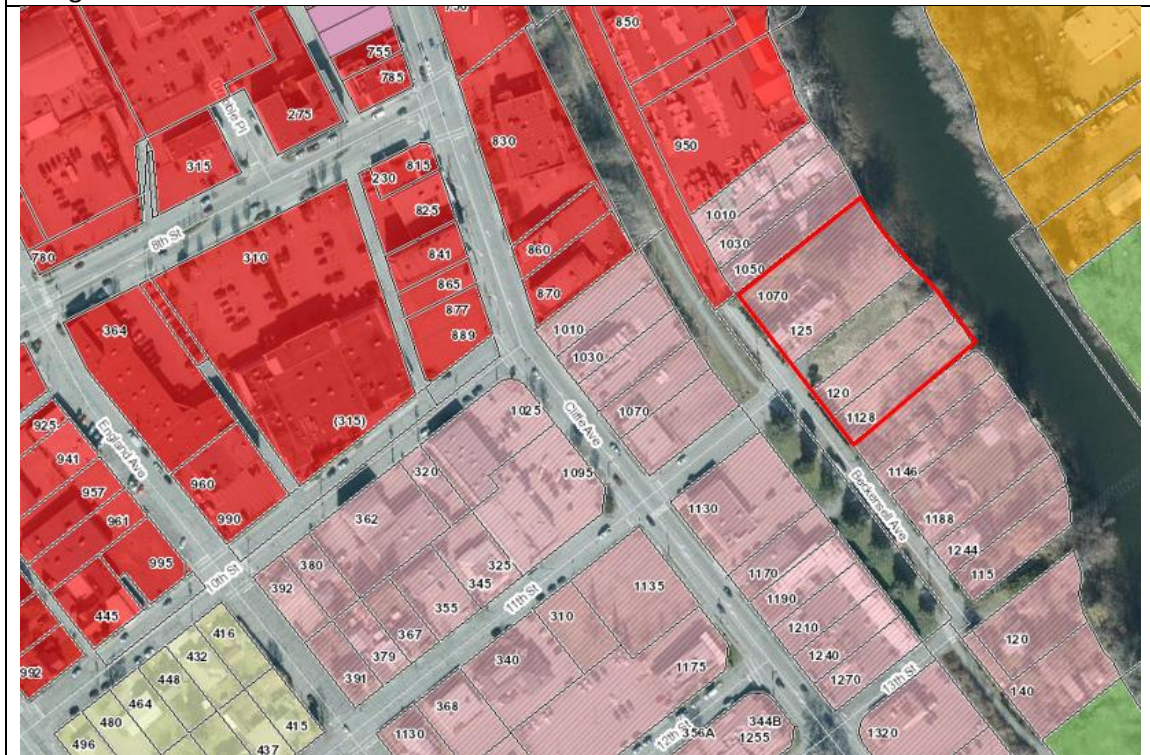
| | Existing Zone (MU-2) | Comparable Zone (R-4A) | Proposal (CD-41 Zone) |
|----------------------------|--|--|---|
| Min Lot Size | 850 m ² | 1,250 m ² | 6,000 m ² |
| Use | Multi-residential | Multi-residential | Rental apartment Accessory structure |
| Floor Area Ratio (FAR) | N/A | 1.33 | 1.0 |
| Lot Coverage | 40% | N/A | 22% |
| Building Height | 10.0 m | 14.0 m | 18.5 m |
| Front Yard Setback | 7.5 m | 6.0 m | 10.5 m |
| Rear Yard Setback | 7.5 m | 6.0 m | 30 m, except at the site's northeast corner where it is 25.0 m |
| Side Yard Setback | 4.5 m | 3.0 m | Southeast Side: 4.5 m Northwest Side: 0.5 m to the stairwell exit otherwise, 2.5 m |
| Landscape – Beckensell | 4.5 m | 4.5 m | 0 m |
| Landscape – Southeast Side | 2.0 m | 3.0 m | 4.5 m |
| Landscape – Northwest Side | 2.0 m | 3.0 m | 1.0 m |
| Useable Open Space | 20m ² /unit (2,080 m ²) | 20m ² /unit (2,080 m ²) | 13.0m ² /unit |
| Vehicle Parking | 1.2 stalls/unit (125 stalls) | 1.2 stalls/unit (125 stalls) | 0.9 stalls/unit (99 stalls) |
| Standard Vehicle Stalls | 113 | 113 | 79 |
| Small Car Stalls | No more than 12 (10%) | No more than 12 (10%) | 20 (20%) |
| Bicycle Parking | 2.2/unit (229 stalls) | 2.2/unit (229 stalls) | 1.6/unit (164 stalls) |

| | | | |
|----------------------|-----|-----|-----|
| Class II | 208 | 208 | 122 |
| Class II (Oversized) | 21 | 21 | 14 |
| Class I | 21 | 21 | 42 |
| Class I (Oversized) | 2 | 2 | 2 |

Some of the more notable changes from Multi-Use 2 to CD-41 are:

- Increase height from 10 metres to 18.5 metres to accommodate a 5-storey building in line with the land use designation supporting higher densities and heights in this area.
- Maintain a lot coverage comparable to other higher density developments after considering the fact that a significant proportion of the site cannot be developed due to environmental sensitivity.
- Reduce vehicular and bicycle parking requirements to more accurately reflect the location’s transportation context and the needs of primarily single and small household units;
 - This includes a greater percentage of small car parking and a reduction in the drive isle widths and the width of parking stalls that abut walls.
- Reduce useable open space requirements from a standard of 20 m² per unit to on average 14.6 m² as provided in a common open space, and through the provision of private patios. This is in recognition of the proximity of large community parks nearby (Simms, Lewis and Standard Park).

Figure 4: Land use designations in the area. Subject properties shown in red outline. Properties in pink are Urban Corridor designation, properties in red are Downtown Town Centre designation.



On-site Parking

Vehicle Parking

The current proposal provides 99 parking stalls, 20 of which are small car stalls. In addition to the designated small car stalls, the proposal includes 10 parking stalls reserved for visitors, 20 parking stalls outfitted with level 2 electric vehicle charging stations, 3 accessible parking stalls (1 tenant and 2 visitor stalls) and 1 parking stall reserved permanently for a car share available to the residents that will be secured through a Section 219 covenant.

Although the proposed off-street parking is less than what is required in the Zoning Bylaw currently, the location of the building within walking and cycling distance of key services and amenities, as well as the significant percentage of small units (92% of units as one bed-room or less) lend themselves to a lower parking demand. The applicant provided the current demand for parking at another rental apartment building they operate within close proximity that showed only 83% of the units required parking stalls. Staff reviewed parking requirements in three other comparable municipalities and in each instance found that had the other municipalities' parking requirements applied to this development, it would have generated a lower requirement than the 99 stalls being proposed.

To further support the application's reduced off-street parking and provide future residents a transportation alternative to car ownership, the applicant has proposed a car share for the apartment complex. As commercial and larger non-profit car share providers (Evo, Modo, etc.) are not available to the Comox Valley at this time, the applicant is proposing to establish a car share option, by purchasing and maintaining a car for exclusive use of the residents. The car share program will be secured by a Section 219 covenant as part of the rezoning amendment process.

Bicycle Parking

The development is proposing 164 bicycle parking spaces. The 164 spaces are comprised of 108 secure resident bicycle parking spaces located in either a dwelling unit or a secure room within the building, 40 spaces intended for visitors located at grade, illuminated and in a manner which a bicycle can be securely locked to a fixed rack and 16 secure oversized bike parking stalls located at grade and within a separate, enclosed bicycle parking room. The proposal also includes different designs for the bike parking than standard Zoning Bylaw prescribes, such as allowing for wall mounted options and allowing for some of the residential stalls to be located within tenant units instead of only within a centralized location part of the residential building.

Staff have identified that the current bike parking requirements in the Zoning Bylaw may be disproportion and overly prescriptive and do not reflect the requirements for comparable communities within BC. This is in large part because Courtenay does not have a sliding scale for bike parking based on unit size and Courtenay's Zoning Bylaw's has a requirement for length, width, and height dimensions to be met for every bike parking stall.

In the case of this proposal, the standard bylaw requirement would require over 2 bike stalls per unit even though the majority of the units are one bedroom or less. Further, the current requirements do not reflect the high quality, space efficient orientation many vertical wall mounted bike racks can provide. However, Staff are cognizant that not all users may be capable of using a vertical bike rack or that the space allotted for a bike parking space may be used for other mobility devices or storage. As a result, the applicant looked to strike a balance between the number of stalls provided based on the building's unit mix, and the three-

dimensional size of the bike spaces proved to allow some bikes to be positioned horizontally or to allow the space to be used for things other than bike parking.

Site specific bicycle parking ratios and dimensions are written into a Comprehensive Development (CD) zone, thus not requiring a Development Variance Permit.

Landscaping

The landscaping on-site is impacted by the environmental assessment report that establishes the 15 metre Environmentally Sensitive Area (ESA) from the bank of river. The ESA will be secured through a Section 219 no build covenant as a condition of rezoning.

The landscaping within the Environmentally Sensitive Area (0-15m) will be prescribed through a restoration and enhancement plan as a requirement of the Environmental Development Permit. These works will be developed and monitored by a registered professional biologist and will be bonded for separately from the rest of the site's landscaping.

The landscape plan for the remainder of the site (**Attachment No.2**) includes 25 trees (2 retained and 23 planted) and beyond hardscaped features consists exclusively of native riparian planting within the 15-30 metre setback and a mixture of native and ornamental species with the areas outside of the 30 metres. Some seating and gardening areas will be permitted in the 15-30 metre area and this area will be covered by the Section 219 to limit disturbance of the area and maintenance of native species.

The landscape plan includes the retention of a landscape feature wall and mature cedar hedges that currently run along the frontage of the subject property, and are located on City property (See Figure 5). The applicant has offered to retain this existing landscaping and enter into a Section 219 covenant that provides for the retention and maintenance of existing frontage landscaping in city right of way. This agreement will be registered on title.

Figure 5: Existing landscape feature wall and mature cedar hedges located on Beckensell Avenue.



While front yard landscape buffers are generally deeper in most residential zones (*see Table 1*), Staff evaluate this as an appropriate street frontage landscape proposal given particular street context, balance of greenspace across the proposal, and recognition that this property is close to the downtown where the downtown urban form does not require deep landscape setbacks.

The 4.5 metre landscape buffer to the southeast, serves as both the statutory right-of-way for the site's utilities while doubling to restrict activity and development along the property line it shares with another residential property. There are a number of mature trees along within the neighbouring property and near the property line that enable good screening and privacy for the adjacent parcel. These trees have been identified within the tree assessment and protection plan as having Root Protection Areas that do not extend into the development site and therefore the trees should not be negatively impacted by the development. The developer has also engaged with the property owners at 1146 Beckensell to discuss additional possibilities for increased privacy, such as screening the top floor rear facing decks that may be incorporated in the proposal's Development Permit.

At its narrowest, the landscape buffer along the northwest property is approximately 1 metre where the parking lot and one of the building's stairwells protrude however, it widens to nearly 3 metres with continuous tree planting as it progresses to the rear yard. The site adjacent to the north west property line (Home Hardware Central Builders) is zoned commercial (C-2) and therefore a lower level of buffering and screening is understood to be acceptable than that along property lines adjoining residential lots.

A final landscape plan substantially consistent with the attachment to this report will be finalized and bonded for as a conditions of the site's Development Permit.

Summary of Proposed Conditions of Rezoning

As part of the rezoning application the following conditions must be met prior to consideration of adoption of any bylaws:

- An executed Purchase and Sale Agreement
- Consolidation Plan
- Section 219 covenant for the retention and maintenance of existing frontage landscaping on City ROW
- A Housing Agreement bylaw registered as Section 219 covenant on title
- A section 219 covenant to secure a car share program
- A section 219 covenant to secure transportation and infrastructure requirements
- A section 219 covenant to secure environmental setback requirements

Land Appraisal and Disposition

As per the Legislative requirements, an appraisal by Cunningham & Rivard Appraisals Ltd. was completed in December 2023 that determined the estimated market value for the City's parcel is \$360,000.00 if it were to be consolidated with the surrounding lots and zoned to allow a 5-storey apartment. If Council approves first, second and third reading of *Zoning Amendment Bylaw No. 3059 (11th Street)* a resolution to direct Staff to give notice of disposition of City owned land and to enter into a Purchase and Sale Agreement will need to be considered by Council to initiate the disposition process. A copy of the draft Purchase and Sale Agreement (**Attachment No. 5**) is attached to this report and will be finalized in accordance with relevant legislation and executed with payment of the lands as a condition prior to adoption.

Community Amenity Contributions

The OCP's CAC policy looks to secure as non-market, both 15% of the units and a unit mix of the net increase in development rights achieved through rezoning; i.e. the density increase.

These units will be secured in perpetuity at 30% below the Median Market rate for comparable buildings in Courtenay as defined by CMHC from time to time. This will require as a condition of the rezoning a Housing Agreement Bylaw be executed by the owner prior to adoption of the proposed zoning amendment bylaw and be registered on title. A Housing Agreement Bylaw is required and this report is under a separate report on the Council agenda.

The 6 units proposed to be secured by the Housing Agreement account for a mixture of unit sizes (1 two-bed, 2 one-beds, three studios) and represent approximately 15% of the units and 16% of the square footage that would be gained if the rezoning is approved.

As part of the Housing Agreement, the developer will provide Development Services staff with an annual Statutory Declaration to ensure rent levels are being maintained at the appropriate thresholds determined in the Housing Agreement.

The applicant has relayed that if any further housing amenity was provided, the project would not be financially viable and could not proceed based on the current markets (housing, labour, materials). While not an amenity, it's also notable that the proposal is for purpose built rental and that through rezoning rental tenure will be secured through the zone.

Archaeological Information

The application was referred to K'ómoks First Nation (KFN) to understand possible Cultural Heritage Investigation Permit (CHIP) requirements. A Preliminary Field Reconnaissance was conducted by KFN where it determined that although no archaeological remains were observed during the site visit, there is still a high chance that remains due exist below the surface and may be unearthed during construction. The high probably of remains is based on the site proximity to the Courtenay River and the sites location in-between two previously recorded archaeological sites.

KFN staff provided instruction to the applicant with options on how to proceed with the development proposal should Council approve the Zoning Amendment Application. The applicant has chosen to pursue an Archaeological Impact Assessment so that permits can be issued through the BC Archaeology Branch and K'ómoks First Nation in advance of construction and whereas construction would then advance with an archaeologist and KFN monitoring and testing occurring during construction.

Environmental Development Permit

The proposed development is adjacent the Courtenay River and contains associated riparian areas which are Environmentally Sensitive Areas (ESA) and therefore requires Environmental Impact Assessments and the issuance of an Environmental Development Permit (EDP) as part of the development approval process. Department of Fisheries and Oceans (DFO), Ministry of Water Land and Resource Stewardship (WLRS) and the local conservation stewardship sector were referred the rezoning application. DFO and WLRS (provided responses which have informed the Environmental Impact Assessment (EIA). Staff have also retained the services of a third-party Registered Professional Biologist to assist with analysis of development proposals that could have impact on local ESAs.

Based on the environmental assessment and review by authorities with jurisdiction, the Courtenay River and adjacent riparian areas are the only ESAs on the property. The Riparian Area Protection Regulations (RAPR) does not apply to this portion of the Courtenay river due to the adjacent shoreline's estuarine environment (saltwater). To respond to other environmental protection best practices and regulatory requirements, the proposal includes a 15-metre environmental setback from the Courtenay River. Within this area development is not permitted except for restoration and enhancement which will be required in the form of invasive species removal, native tree, shrub and groundcover replanting and the installation of terrestrial habitat features such as bird and bat boxes.

The proposal includes a 30-metre setback from the Courtenay River which is divided into a no build area from 0-15 (ESA) metre and an area of limited disturbance from 15-30 m. Between the 15 environmental setback and the 30-metre limited disturbance setback only the following uses will be permitted: landscaping and environmental restoration in the form of high tree canopy cover, open space use by rental building residents in the form of limited gravel pathways, amenity BBQ and seating area, shared garden beds and a limited portion of the parking area in the form of permeable surfaces. See **Figure 3** for these different setbacks.

Section 219 covenants identifying acceptable, restricted, and required uses within these two setback areas are a part of zoning approvals.

Tree Protection and Management Bylaw No. 2850

According to the proposal's Tree Inventory Assessment a total of 37 mature trees (>20cm DBH) exist on site with an additional 7 trees on the neighbouring property (1146 Beckensell Avenue) that could be affected by the proposed development and which require monitoring.

Tree bylaw requirements apply to portions of the development proposal outside of the environmental setbacks and are proposed to be met through landscape replanting around the perimeter of the property to also support aesthetic and privacy goals, and cash-in-lieu option into the City's Tree Replanting Reserve Fund.

Of the 37 trees on-site, the 12 trees that are within the environmentally sensitive area will all be retained as a part of the restoration and enhancement plan and will be protected by the Section 219 covenant for the 15 m ESA setback.

For the remainder of the site outside of the environmentally sensitive area, approximately 1.17 acres, the Tree Density Target for a lot this size is 25 trees. Therefore, while the site currently meets the Tree Density Target, of the 25 trees that fall within the *net developable area*, 23 are to be removed. For each of these 23 trees to be removed, there is a 3-to-1 replacement ratio or 69 replacement trees.

To meet the 69-tree requirement, 23 of trees will be replanted on-site as shown in the landscape plan, with the remaining 46 to be accounted for via cash in lieu.

The final numbers for tree removal and replacement are still subject to minor changes. The Tree Density will be finalized and secured through an approved landscape plan as part of the project's Development Permit and through conditions of the development's tree cutting permit(s).

Floodplain Management Bylaw No. 1743

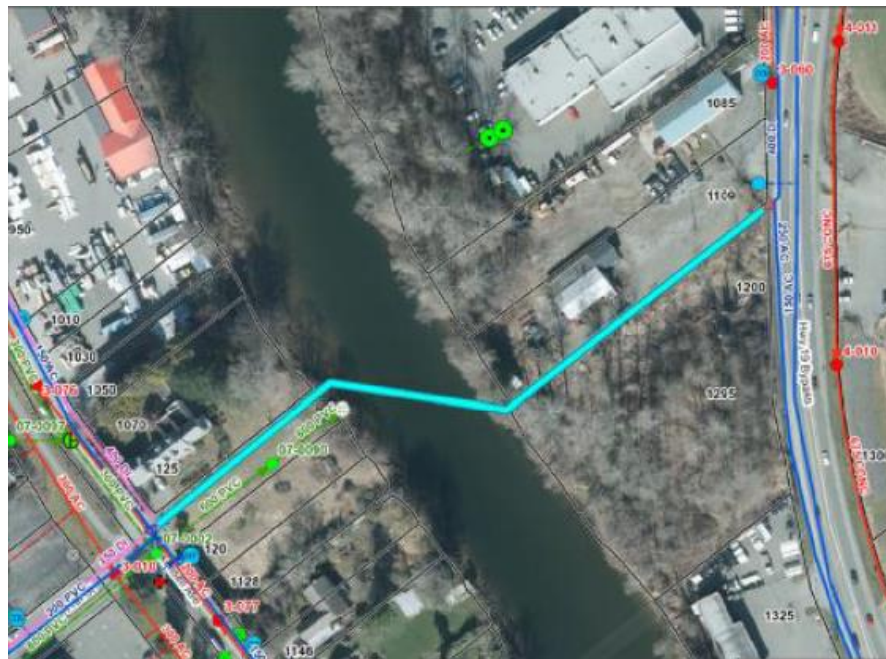
The subject property falls within the floodplain as defined in *Floodplain Management Bylaw No. 1743*. To meet the Bylaw’s requirements, the development will have to be constructed above the Flood Construction Level (FCL) as determined by a Geotechnical Engineer.

A geotechnical report from a qualified professional will be required to satisfy both the structural requirements needed to design the building above the FCL and to withstand damages during a flood event. If the information in the report satisfies both of the floodplain specifications, then the development will satisfy the bylaw requirements and the geotechnical report will be appended to a Section 219 ‘Save Harmless’ Covenant and registered on title prior to the issuance of a Building Permit.

Servicing Infrastructure

Prior to issuance of a Building Permit, security for the off-site works will be required for the frontage improvements along Beckensell Avenue. As part of the works and services agreement, the owner will also need to remove an abandoned CVRD water main that runs underneath the roadway dedication, through the proposed development and under the Courtenay River. The main will be removed only from the west property line to the boundary of the environmental setback determined by the Environmental Development Permit, where the remainder will be capped and deserted (see **Figure 6** for abandoned watermain alignment). An active 600mm PVC storm water pipe also runs underneath the city owned parcel and will need to be realigned by the applicant outside of proposed building footprint to allow future public maintenance access through a statutory right-of-way (SRW) this will be a condition of the rezoning and the SRW to be registered prior to final inspection as part of the building permit application process.

Figure 6: Abandoned CVRD watermain in blue that runs across the Courtenay River and that will be removed off the development site shown. 600mm PVC storm water pipe shown in green on City owned property.



The property is already connected to City sewer, water and storm water services. As part of the zoning amendment application process, the applicant will be required to pay for modeling for sanitary and water flow to determine if any off-site infrastructure improvements are necessary to permit the development.

Transportation Impact Assessment

A Transportation Impact Assessment (TIA) has been provided to support staff with understanding the impacts to the City's transportation networks and to provide potential mitigation recommendations where impacts exist. Overall, it was the opinion of the TIA's authors the proposed development would have negligible impacts on traffic conditions in the study area.

“The proposed development is anticipated to generate approximately 40 vehicle trips (10 inbound, 30 outbound) in the AM peak hour and 40 vehicle trips (25 inbound, 15 outbound) in the PM peak hour based on ITE rates. The Midday peak hour trip generation was conservatively based on the PM peak hour, due to a lack of data to accurately estimate this volume for residential land use. Based on this, the project is anticipated to generate 1 new vehicle on the road network every 1-2 minutes at peak times. This is not considered to be significant.” (Page 1, TIA, Attachment #4)

The three intersections that were studied for this proposal included:

- Cliffe Avenue and 11th Street,
- Cliffe Avenue & 13th Street, and
- 11th Street & Beckensell Avenue/Site Access (future).

Notably, all intersections continued to operate within an acceptable performance range with the additional traffic generated from the development currently (opening day). The study however did find future operation (+10 years) was likely to result in failure at the two intersections on Cliffe, with the Level of Service (LOS) projected to be E during peak midday hours.

As a result of this and other findings, the applicant will be required or has agreed to the following transportation improvements which will be secured with a Section 219 covenant:

- Financial contribution toward the future construction of a signalized intersection at Cliffe and 11th Avenue as part of the Building Permit application process. This is an infrastructure upgrade identified in the Transportation Master Plan.
- An additional leg (east) of the intersection at 11th and Beckensell will be created, acting as the sole access to the property. The TIA recommends a 4-leg all-way stop controlled intersection.
- The proposal currently requests that the City create a 'no stopping' zone along the south edge of Beckensell Avenue, for a length of 20 metres to ensure parked/stopped vehicles to not obstruct the outbound vehicle's minimum required sight distance of 35 metres. This looks to protect uses of the multi-use path by providing clear sight lines for vehicles exiting the development but will result in 20 less metres of on-street parking.
- Provide additional improvements around the newly created intersection. This includes, stop signs and painted stop bars and zebra crossing and Pedestrian crossing signs for the intersections south leg.
- The applicant has indicated willingness to install benches at the north and south bound bus stops on Cliffe Avenue.
- Traffic Demand Management (TDM) Strategies will be incorporated into the development including providing a bicycle repair station on the property and promotional material to the residents about active and alternative transportation, in addition to the car share opportunity described above.

POLICY ANALYSIS:Regional Growth Strategy

The rezoning and development proposal align with the Comox Valley Regional Growth Strategy (RGS) Bylaw No. 120, 2010 and help advance the RGS shared vision for managing growth and impacts on the region's diverse communities. This includes goals around a diversity of affordable housing options (Goal 1), transportation (Goal 4) and growth management principles (Part 4) as well as the following supporting policies:

- 1A-2: "The focus of higher density and intensive developments shall be within the existing Municipal Areas. Within the Municipal Areas, densification and intensification of development is required, including infill and redevelopment."
- 4A-1: "Implement the growth management strategy, as outlined in Part 4, as an overall framework for transit-supportive land-use planning throughout the Comox Valley."
- 4.4 (7): "Promote intensification, compact growth, and supportive public transit services throughout Municipal Areas as the primary means of accommodating population and employment growth."

Official Community Plan (OCP)

The Cliffe Avenue Corridor is also recognized within the OCP as a Primary Growth Corridor due to its proximity to the downtown core, key services and public and active transportation options. Due to the site's location and the development of purpose-built rental housing, the proposed rezoning and development can be seen to support numerous OCP climate, transportation and housing goals. This includes among others:

- *Land Use Objective 2* which strategically guides the majority of community growth to growth centres to create more *10-minute neighbourhoods* (OCP, Pg. 53),
- *Land Use Policy 1 (LU-1)* which allocates growth consistent with the Land Use Designation Map to meet Courtenay's GHG emission target and support compact urban form (OCP, Pg. 53),
- *Affordable Housing Policy 10 (AH-10)* which seeks to implement *Residential Rental Tenure Zoning* to protect rental housing stock (OCP, Pg. 118), and
- *Affordable Housing Policy 16 (AH-10)* which seeks below market units as priority amenities when negotiating CACs in rezoning's for multi-residential projects (OCP, Pg. 118).

FINANCIAL IMPLICATIONS:

The appraised value of the public land estimated at \$360,000 would be received by the City through a purchase and sale agreement and the funds will be allocated to be used for future purchase or improvements of public lands.

ADMINISTRATIVE IMPLICATIONS:

Processing zoning bylaw amendments is a statutory component of the corporate work plan and a core duty of the Development Services Department. Work to date has primarily been carried out by Development Services staff, although other departments have provided referral comments.

Should Council adopt *Zoning Amendment Bylaw No. 3059 (11th Street)*, two Development Permit Applications (Environmental and Form and Character) will be processed separately and considered by the Director of Development Services. To determine the developable area of the site, inform the proposed site plan and the draft CD zone, Staff have already begun substantial work on drafting the Environmental Development Permit.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic housing priorities:

- Good Governance - Review and streamline development process and set targets for application processing times
 - Through adoption of Development Procedures Bylaw No. 3106, the Delegate was able to waive the Public Hearing for a rezoning that conforms to Courtenay's OCP. This reduced the number of times this rezoning has to be considered by Council and allowed for a shorter timeframe for being considered for adoption.
- Buildings and Landscape - Update Development Cost Charges (DCC) Bylaw
 - This project will be subject to the new Development Cost Charges as recently set through *Development Cost Charges Amendment Bylaw No. 3116, 2023*.

PUBLIC ENGAGEMENT:

The Community Information Meeting requirements for this development have been waived at the discretion of the Director of Development Services, as per Section 7.2 of *Development Procedures Bylaw No. 3106, 2023*.

The applicant, Pacific Swell Developments, voluntarily held a community engagement on Wednesday, July 3, for neighbouring tenants and property owners to see drawings of the proposed redevelopment. The applicant's consultants were available to answer questions and provide feedback. The primary concern of those who attended related to privacy. Based on these conversations, the developer adjusted the site plan by moving the garbage/recycling from the south side of the property to the centre to avoid smell and noise, removed the bike racks along the south property line to reduce activity and noise and is engaged in ongoing discussion with the owners of the lot to the south about adding fencing and a row of hedges.

As defined in section 464 (3) of the *Local Government Act*, a public hearing for this proposed rezoning is prohibited as it meets the criteria laid out in this section. Specifically,

- (a) there is an official community plan in effect for the area that is the subject of the zoning bylaw amendment;
- (b) the proposed zoning bylaw amendment is consistent with the official community plan,
- (c) the sole purpose of the proposed zoning bylaw amendment is to permit a development that is, in whole or in part, a residential development, and
- (d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.

Notification in accordance with section 467 of the *Local Government Act* was given in advance of First reading of the proposed *Zoning Amendment Bylaw No. 3059 (11th Street)*. The public notification was given in the form of an advertisement posted on the City's website, social media channels and in Comox Valley Records for two consecutive weeks on August 14 and August 21, 2024, and mailed out to residents within 100 metres.

OPTIONS:

THAT Council receive for information the prohibition on holding a public hearing and the public notice given of such a prohibited public hearing; and

THAT Council give first, second and third readings of *Zoning Amendment Bylaw No. 3059 (11th Street)* to rezone the properties legally described as (1) LOT A, SECTION 69, COMOX DISTRICT, PLAN 32204; (2) THAT

PART OF LOT 10, SECTION 69, COMOX DISTRICT, PLAN 3030, TAKEN FOR ROAD PURPOSES AND CONTAINING 0.27 OF AN ACRE MORE OR LESS, SHOWN IN RED ON PLAN 284BL (“Unaddressed Municipal Property”); (3) LOT 1, SECTION 69, COMOX DISTRICT, PLAN 6674; and (4) LOT 2, SECTION 69, COMOX DISTRICT, PLAN 6674; and

THAT Council direct Staff to provide notice of disposition of the Unaddressed Municipal Property in accordance with the requirements in Section 286 of the *Local Government Act* and Sections 26 and 94 of the *Community Charter*; and

THAT Council direct the Director of Development Services to enter into a Purchase and Sale Agreement for the lands described as Unaddressed Municipal Property, for the fair market value of \$360,000.00; and

THAT Section 219 Covenants for the car share program, landscaping retention and maintenance on City lands, transportation contributions towards intersection improvements and protection of a 15 metre environmentally sensitive area from the Courtenay River be prepared and executed by the applicant prior to adoption; and

THAT the Housing Agreement be executed by the applicant prior to adoption.

1. That Council deny the application for *Zoning Amendment Bylaw No. 3059 (11th Street)*.
2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. *Attachment No. 1 – Architectural Drawings*
2. *Attachment No. 2 – Landscape Plan*
3. *Attachment No. 3 – Draft CD-41 Zone*
4. *Attachment No. 4 – Draft Zoning Bylaw Amendment No. 3059*
5. *Attachment No. 5 – Draft Purchase and Sale Agreement*
6. *Attachment No. 6 – Draft Housing Agreement*

Prepared by: Jacob Cramer, Planner 1 – Development Planning
Reviewed by: Marianne Wade, RPP, MCIP, Director of Development Services
Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)