



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 3360-20-2404/000083

From: Director of Development Services

Date: August 28, 2024

Subject: **Zoning Bylaw Amendment No. 3154 – Part 70 - Comprehensive Development Forty Three Zone (CD-43) (925 Braidwood Road)**

PURPOSE:

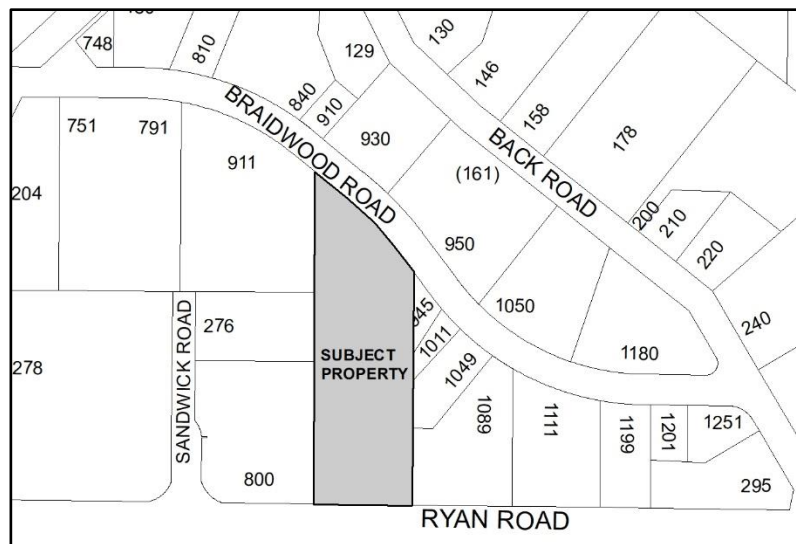
For Council to consider first, second and third reading of *Zoning Bylaw Amendment No. 3154 – Part 70 - Comprehensive Development Forty Three Zone (CD-43) (925 Braidwood Road)* which proposes to amend Zoning Bylaw No. 2500, 2007 to permit supportive, transitional and non-market multi-residential housing at 925 Braidwood Road (Lot 8, Section 16, Comox District, Plan 6065 Except Part in Plan 1149RW) and rezone the subject property from Residential Four A (R4-A) to Comprehensive Development Zone Forty-Three (CD-43).

BACKGROUND:

In March 2024, the Provincial Rental Housing Corporation (BC Housing) purchased 925 Braidwood Road with the intent of developing the land to construct a purpose-built shelter and supportive housing in a permanent location for people experiencing homelessness in the Comox Valley.

On July 15, 2024, BC Housing submitted a rezoning application to rezone the site's current R4-A to a comprehensive development zone to allow the uses and density proposed in the development application. The rezoning proposal includes a 132-bed purpose-built shelter with nearly 3,300 ft² of space for supportive services, 70 units of supportive housing in a 4-storey building and an undetermined amount of future, non-market housing. Construction will start with the shelter followed by the supportive housing. The future non-market multi-residential housing will be developed once funding has been identified and secured.

Figure 1: Subject Property - 925 Braidwood Road



The 3-acre subject property is bounded by Braidwood Road to the north and Ryan Road to the south and is designated in Courtenay's Official Community Plan as part of the lower Ryan Road *Town Centre*. Areas with *Town Centre* land-use designations are intended to be primary areas of commercial and residential densities outside of the downtown and should support a mix of uses and higher density housing choices. The permitted primary uses include *purpose-built shelter*, *supportive housing*, and *non-market housing*. The permitted secondary uses are community services, offices and accessory buildings and structures.

The properties directly adjacent to the site also carry *Town Centre* land use designations, with a mix of commercial and low-density residential uses to the east and a mix of high and low density residential and

institutional (RCMP detachment) to the west. To the north, across Braidwood Road, the area consists mainly of medium-density residential housing. To the south, across Ryan Road, the area is predominantly high-density residential and commercial, with a focus around the Real Canadian Superstore.

Figure 2: Land Use Context - Town Centre in Pink, Commercial in Yellow



Table 1 – Surrounding Zoning and Use

Direction	Zoning	Use
West	PA-1 - (800 Ryan Rd) C-2A - (276 Sandwich Rd) R-4A - (911 Braidwood Rd)	RCMP Detachment Single Residential Dwelling Multi-Residential Dwellings – 79 homes
East	C-2A - (945 Braidwood Rd) C-2A - (1011 Braidwood Rd) C-2A - (1049 Braidwood Rd) C-2A - (1089 Braidwood Rd)	Single Residential Dwellings Single Residential Dwellings Single Residential Dwellings Building Supply/Showroom
North (across Braidwood Rd)	R-4 (950 Braidwood) R-4 (930 Braidwood)	Multi-Residential Dwellings Multi-Residential Dwellings
South (across Ryan Rd)	CD-32 (801 Ryan Rd) MU-2 (1001 Ryan Rd) C2-A (1015 Ryan Rd)	Multi-Residential Dwellings Multi-Residential Dwellings Bank/Commercial

The subject property is currently undeveloped and is mostly covered by a mix of invasive plants and mature trees. The site is largely flat but it slopes to the southwest with its low point along the property line abutting the RCMP detachment. There are six protected Gary Oaks but no Environmentally Sensitive Areas on-site.

The subject property was rezoned in 2019 to construct a seniors housing development and a 219 covenant was registered on title that required that a sidewalk be provided from Ryan Road to Braidwood. The proposed seniors’ development did not proceed and the owner of the lands selected to sell the land and BC Housing purchased it.

DISCUSSION:

Zoning Review

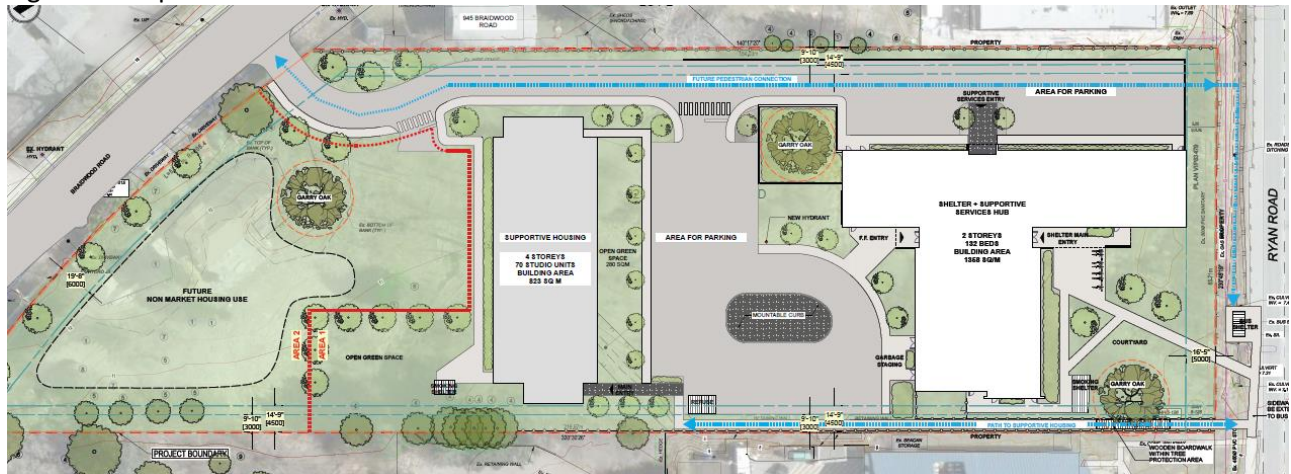
925 Braidwood Road is currently zoned R-4A which does permit the uses or allow for the density required for the proposed development. Because existing zone regulations would not permit this particular proposal, a comprehensive development zone (CD-43) has been drafted for Council’s consideration. The proposed CD-43 zone can be reviewed in **Attachment 1**.

Table 2- Zoning Review

	R-4A Zone	Proposed (CD-43 Zone)
Minimum Lot size	1,250 m ²	12,000 m ²
FAR	1.33 for apartments 0.85 for all other residential 1.0 for <i>care facility</i>	1.4
Lot Coverage	N/A	60% permeable
Lot Frontage	30.0 m	20.0 m
Building Height	14m	21.0 m
Setbacks		
- Front	6.0 m	6.0 m
- Rear	6.0 m	5.0 m
- Side	3.0 m	4.5 m
Usable Open Space	20 m ² /unit	20 m ² /unit (for non-market housing only)
Accessory Building		
- Height	4.5 m maximum height	4.5 m maximum height
- Size	Maximum building area of 100m ²	Maximum building area of 100m ²
- Siting	1.5 m from side lot lines	3.0 m from side lot lines
Vehicle Parking	1.2 vehicle stalls per dwelling unit	0.15 vehicle stall per shelter bed 0.2 vehicle stall per supportive housing unit 1 vehicle stall per non-market dwelling unit
Bicycle Parking	2.2 bicycle spaces per dwelling unit	Purpose-built shelter: 0.5 secure bicycle lockers per shelter bed Supportive housing: 0.5 secure bicycle lockers per supportive housing unit Non-market housing: - 1 secure bicycle parking spaces for each studio unit

	R-4A Zone	Proposed (CD-43 Zone)
		<ul style="list-style-type: none"> - 2 secure bicycle parking spaces for each 1-bed unit - 4 secure bicycle parking spaces for each 2 or more-bedroom unit

Figure 3: Proposed Site Plan



Transportation

Traffic Impact

The Transportation Review provided by the applicant showed that the increase in peak hour vehicle trips would amount to less than 50 (44 in the AM and 39 in the PM). As a result, the applicant was not required to conduct a full Traffic Impact Assessment (TIA). Instead, as a part of the Development Permit process for the future non-market housing in Area 2, if the increase in traffic volumes is shown to exceed 50 vehicle trips per peak hour, which is likely, the City will request a TIA at that time to ensure traffic impacts can be understood and mitigation efforts can be taken. Access is solely from Braidwood Road and no vehicle access from Ryan Road.

On-site Parking

The parking demand for shelter and supportive housing is different than that of other housing types. Courtenay’s Zoning Bylaw does not currently provide direction on an appropriate amount of parking to allocate for shelter or supportive housing. To address this gap, BC Housing provided an analysis of similar developments they own or operate across Vancouver Island and B.C., recommending 0.2 to 0.25 parking stalls be provided per shelter bed or supportive housing unit. BC Housing’s past experience shows that few, if any, people accessing shelter or supportive housing require a parking stall. For the most part, the number of stalls that will be provided based on the proposed ratios are to provide sufficient parking for the staff members who support the operations within the shelter, supportive services and supportive housing.

The number of required parking stalls for the future non-market housing (area 2) is 1 stall per dwelling unit with 10% of those spaces to be retained for visitor parking. The 1:1 ratio is near the Zoning Bylaw’s current requirement of 1.2 per dwelling unit for multi-residential buildings, with the slight reduction imitating variances that have been given to housing developments that are located near key services and public transit.

The parking ratios written into the draft CD zone are as follows:

- Purpose-built shelter – 0.15 parking stalls per shelter bed

- Supportive housing – 0.2 parking stalls per supportive housing unit
- Non-Market Housing – 1 stall per dwelling unit
- Community Services and Office – 1 stall per 37.5m² (current Zoning Bylaw requirement)

Bicycle Parking

Similar to the on-site parking requirements, the bicycle parking needs for shelter and supportive housing are different than most other residential uses. Courtenay's Zoning Bylaw only regulates bicycle parking for multi-residential buildings, therefore additional information was provided by BC Housing to help inform the bicycle parking requirements for the shelter and supportive housing. Based on BC Housing's experience, it was determined that the proposal and draft zone would provide bicycle parking or storage facilities at a rate of 0.5 secure locker per bed or unit. Rather than using the Zoning Bylaw's bicycle stall requirements for size and type, a secure locker that can accommodate bicycle or other personal items, is preferred by BC Housing and is being advanced in this application. Bike racks to accommodate approximately 8 visitor bicycles will also be provided outside the main entrance to the shelter.

Council and Staff are aware that the current bike parking requirements in the Zoning Bylaw are not designed to tailor themselves to different types of development and site contexts. Therefore, bike parking requirements for the future affordable non-market housing have been adapted to require bicycle parking based on a sliding scale for unit count and mix. This is incorporated into the draft CD zone as:

- 1 stall for each studio unit,
- 2 stalls for each 1-bed unit
- 4 stalls for each 2 or more bedroom unit
- 10% of all resident bicycle parking spaces, must be oversized and be able to accommodate cargo and other larger bicycles
- In addition to the resident specific bicycle parking spaces, the number of visitor bicycle parking to be provided is determined as 10% of the number of resident bicycle parking spaces required

Multi-use Path

When the subject property was rezoned in 2019 to allow for the senior's care facility, it was a requirement of the development to provide a 3-metre-wide walkway through the entire property. This was secured through a Section 219 Covenant as detailed earlier in this report. This connection was a contribution that Council actively sought, even as the applicant at the time preferred not to provide such a path with the rationale that it compromised the safety of their future residents.

Earlier versions of this application's site plan had proposed a continuous pathway connecting Ryan Road through to Braidwood Road via a path along the site's west property line. However, the path was amended to no longer extend through the site following the public engagement session with neighbours and the wider community on July 18 where overwhelming opposition from the community for a public thoroughfare at this location was expressed. The comments are found in the BC Housing Summary attached to this report.

Staff are recommending that the CD zone retain a public pathway through the site which can be further designed as part of the Development Permit and finalized at Building Permit. The proposed draft zone continues to require a minimum 1.5m thoroughfare be provided through the site connecting Ryan and Braidwood roads. If Council does not support this connectivity the CD-43 zone will require a resolution from Council to amend the CD-43 zone to remove it from the zone.

Environment

Environmental Impact Assessment

As part of the City's requirement for properties over 4,000m², the development proposal provided an Environmental Impact Assessment (EIA) to determine if any environmentally sensitive features or areas exist on the subject property.

With respect to terrestrial ecosystems, the report concluded that no protected wildlife or plants species were observed within the subject property and no protected habitat or communities were identified that would interfere with the proposed development. The author did note that Common Garter Snakes were observed utilizing piles of wood debris and should be removed according to Provincial Develop with Care recommendations and that a bird nesting assessment should be conducted just prior to construction to meet the *Wildlife and Migratory Bird Convention Act*.

These two recommendations were included in an Environmental Mitigation Plan appended to the EIA and will be required by the developer as a condition of the Development Permit and prior to issuance of a Building Permit.

The only watercourse within the vicinity of the site was a ditch along Ryan Road. The ditch was determined not to contain fish or fish habitat and was neither subject to the *Riparian Areas Protection Regulation (RAPR)* or the *Water Sustainability Act (WSA)* nor does it require a setback for development.

Based on the results of the Environmental Impact Assessment, no Environmentally Sensitive Areas are identified or impacted and this proposal is exempt from needing an Environmental Development Permit.

Tree Protection and Management Bylaw No. 2850, 2016

The City of Courtenay tree density target for this property is 62. There are currently 48 trees on-site an undetermined number of which will have to be removed to facilitate the construction across the different phases. There are also 6 trees of a protected species (Garry oak) identified on site.

The Tree Density will be secured through approved landscape plans as part of the project's Development Permits and through conditions of the development's tree cutting permit(s). A 3:1 replacement ratio will be required for all trees removed via a tree cutting permit and the protected Gary Oak that is proposed to be removed will require a 3:1 replacement of the same species.

Archaeology

Portions of this property are located within a registered archaeological site (DkSf-26). K'ómoks First Nation (KFN) has conducted a site survey and initial report which identified archaeological material on the surface.

KFN requested an Archaeological Impact Assessment (AIA) be applied for, which is in process via Kleanza Consulting. Prior to the issuance of Building Permit, the applicant must meet KFN's requirement for an AIA Cultural Heritage Investigation Permit and the ability to review the AIA report prior to approving any archaeological site alteration.

Infrastructure

Roads

There are known deficiencies to both the Ryan and Braidwood road right of ways. Along Ryan Road, the development will contribute to the sidewalk network by extending the sidewalk to the BC Transit bus shelter, approximately a third of the way along the length of the property abutting Ryan Road. Improvements along Braidwood Road to align it with the Braidwood Road Complete Street standard, including a widening of the

roadway and a midblock crosswalk, will be secured through a Works and Services Agreement during the Building Permit process.

Utilities

There is a known lack of capacity within the water system to adequately service the development as proposed. As a result, further modelling needs to be done at the expense of the developer and the necessary upgrades will be secured through a Works and Services Agreement prior to issuance of Building Permit.

Although to a lesser degree than water, concerns about sanitary and storm water deficiencies also exist. Similarly, additional modelling and infrastructure upgrades for both sanitary and storm water will be provided at the developer's expense and secured through the Works and Services Agreement at the building permit stage.

Landscaping

Landscape plans were not required as part of the Zoning Bylaw Amendment application and do not form part of the draft CD-43 Zone. The draft CD zone requires that the property meets Part 14, General Landscaping Requirements of the Zoning Bylaw, and requires fencing along the site's property lines to maintain screening and privacy between adjoining properties.

As part of the rezoning application, the applicant has provided design principles and visuals that will guide the overall landscaping for the site and the landscape plans that will be required and bonded for as part of the Development Permit process. As such, the City can expect future landscape plans to incorporate green buffers and pedestrian connectivity, Indigenous art and welcoming entry points, open space for each of the different areas, stormwater management and preservation of Gary Oaks and native vegetation and removal of invasive species.

Land Title

There is a Section 219 covenant on the property's land title that was registered by the City in 2019 as a component of the rezoning at that time to accommodate a proposed senior's residence. While that development was never realized, the covenant remains on title and continues to place a no-build restriction the land until the conditions of the covenant for amenity contributions, road dedications and traffic impact assessments have been met.

As the covenant is immaterial to the current development proposal but is necessary to advance this project, the removal of the covenant is proposed as a condition of rezoning.

Housing Need

As identified in the 2023 Point-in-Time Homeless Count, at least 272 people experience homelessness in the Comox Valley, a number that has increased over 100% since 2020 alone.

The Comox Valley does not have enough purpose-built shelter space to meet the current needs of the community. The Connect centre, owned by the City and operated by the Comox Valley Transition Society, provides approximately 33 beds but is inadequate to meet the on-going need for shelter and was always intended to be temporary. Area 1 of rezoning application proposes a purpose-built shelter at a permanent location and a significant increase in the number of shelter beds within Courtenay. The accompanying health and community support spaces proposes to bring commonly accessed services directly to those experiencing homelessness.

The 70 units of supportive housing proposed in area 1, would provide a significant increase to the number of supportive housing units in Courtenay. The individual studio apartments would offer future residents independent living with wrap-around supports and 24/7 staffing. Similar to the shelter beds on-site, supportive housing makes up an important piece of the housing safety net required for a well-rounded housing system.¹

Area 2 proposes an undetermined amount of affordable rental housing. This future housing would benefit from BC Housing's ownership and its central location and proximity of variety of commercial and community services. In addition to the shelter and supportive housing, the size of the overall site can carry additional housing while still meeting the OCP's vision. The amount of affordable rental housing that could be developed in area 2 will be regulated through a Floor Area Ratio (FAR) that will ensure the amount of new housing at that time meets the form and character, servicing and context of the neighbourhood. All new affordable rental housing will positively contribute to meeting the overall supply of housing need within Courtenay.

Conditions of Rezoning:

- Discharge Section 219 Covenant (CA7889996)

POLICY ANALYSIS:

Official Community Plan (OCP)

Courtenay's Official Community Plan supports a healthy housing stock that is inclusive of a spectrum of housing types including shelter, supportive and affordable rental units. The OCP also recognizes the Comox Valley's housing needs and the viewpoint that the private market is unlikely able to meet all housing need, especially that of shelter, supportive and subsidized rental housing.

This proposal addresses in a significant way the non-market provision of shelter, supportive and subsidized rental housing. The number of proposed shelter beds would (132) would more than double the number in Courtenay, after taking in account the closure of the temporary Connect Centre. The 70 supportive housing units represent a significant increase in the number of homes for people who also benefit from 24/7 supports. And the future affordable rental housing, if developed through BC Housing's Community Housing Fund or a similar program, would provide much needed affordable rental housing across a range of different levels of affordability.

OCP Policies that support the rezoning application include:

- *Rezoning applications for long-term care, supportive, and transitional housing will be supported in all land use designations except Future Growth, Agricultural, Service Commercial, Light Industrial, and Parks and Recreation.* – General Land Use Policy #4, pg. 57
- *New non-market housing is actively pursued and supported* – Affordable Housing Objectives #3, Pg. 113
- *Remain aware of local equity-priority and demographic needs for housing over time and focus support and incentives, including housing agreements, on residents who need it most including, but not limited to, seniors, Indigenous residents, low to moderate income earners, and those at risk of homelessness...* – Affordable Housing Policy #14, pg. 118
- *Advocate for senior government funding for affordable housing projects and initiatives.* – Affordable Housing Policy #18, pg. 119

¹ <https://www.comoxvalleyrd.ca/media/15063 pg.7>

- *Continue to support regional partners on program administration and delivery for homelessness, poverty prevention, mental health, addiction, and overdose prevention programs – Social Infrastructure Policy #8, pg. 152*

Regional Growth Strategy (RGS)

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."

FINANCIAL IMPLICATIONS:

Council may choose to utilize funds from the Affordable Housing Reserve to pay for the DCCs as per *Development Cost Charges Waiver (Affordable Housing) Bylaw No. 3118*. There are no financial implications for the City with respect to this Zoning Bylaw Amendment.

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 the zoning bylaw amendment be adopted, additional work will be required to process the subsequent development and building permits.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Affordable Housing - Explore approaches to develop affordable housing: Clarify municipal role in housing affordability
- Good Governance - Review and streamline development process and set targets for application processing times
- Social Infrastructure - Continue working with community agencies to deliver day services. Explore role in the provision of social support services, including future of Connect Centre.
- Social Infrastructure - Identify roles for the City in the delivery of social infrastructure outlined in the OCP; Implementation plan for delivery of social infrastructure

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, BC Housing, voluntarily held a community engagement on Thursday, July 18, for neighbouring residents and the wider community to see drawings of the proposed development. The applicant, their consultants, and City Staff were available to answer questions and receive feedback on potential design changes. The engagement began with a one-hour session specifically designed for nearby neighbours and was attended by 38 people. The remainder of the event, open to the wider public was attended by 69 people. For community members who wanted to provide feedback but were unable to attend in-person or preferred providing written comment, a feedback form had been available since June 21, available online and in-person at City Hall and the community engagement event. Collectively, 75 of these forms were submitted.

The primary concern of those who attended or submitted feedback forms related to safety. There was also a good deal of interest around the operations of the site, primarily the shelter. The most important design elements for those engaged were:

- 70% privacy fences
- 58% lighting around the building
- 41% use of native, fruit bearing or medicinal plants
- 40% seating and gathering areas
- 26% water features
- 26% community art

Based on the engagement, BC Housing removed the pedestrian/bike path connecting Braidwood Road and Ryan Road and is considering perimeter fencing that would be higher in certain areas and gating the driveway for controlled access in and out of the site.

Beyond the neighbour and wider community engagement, BC Housing also hosted targeted engagement sessions with service providers and people with lived and living experience of homelessness. Both of these workshops were hosted on Friday, July 19. The Service Provider Design Workshop was attended by 21 attendees representing a wide array of service providers and agencies who work with the unhoused community and the Lived and Living Experience Workshop had 30 attendees with lived experience. Feedback from these workshops will help to ensure that final building design for the shelter is well informed from operational and user perspectives.

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. 3154*. 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.

Comments are being received and will be provided to Council as part of the regular council meeting agenda.

OPTIONS:

1. 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. 3154 *Zoning Bylaw Amendment No. 3154 – Part 70 - Comprehensive Development Forty Three Zone (CD-43) (925 Braidwood Road)* to rezone the land legally described as Lot 8, Section 16, Comox District, Plan 6065 Except Part In Plan 1149RW from R-4A to CD-43; and
THAT Council direct the Director of Development Services to discharge Section 219 Covenant CA7889996
2. That Council deny the application for Zoning Amendment Bylaw No. 3154.
3. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. *Attachment No. 1 – Draft CD-43 Zone*
2. *Attachment No. 2 – Draft Zoning Bylaw Amendment No. 3154*
3. *Attachment No. 3 – Architectural Drawings*
4. *Attachment No. 4 – Landscape Mood Board*
5. *Attachment No. 5 – BC Housing Engagement Summary*

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)