



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3360-20-2102

From: Chief Administrative Officer

Date: September 27, 2021

Subject: Updated Proposal - Zoning Amendment Bylaw No. 3030 - 3040 Kilpatrick Avenue

PURPOSE:

The purpose of this report is to provide Council with an overview of an updated proposal for a Zoning Amendment to rezone the property legally described as Lot 1, Section 67, Comox District, Plan EPP79267 Except Air Space Plan EPP81977 (3040 Kilpatrick Avenue) from Comprehensive Development Twenty-Six (CD-26) to Comprehensive Development Twenty-Six A (CD-26A) to facilitate multi residential development.

CAO RECOMMENDATIONS:

That based on the September 27th, 2021 staff report “Updated Proposal - Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue” and the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3030, 2021; and

That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw.

Respectfully submitted,

Geoff Garbutt, M.Pl., MCIP, RPP
Chief Administrative Officer

BACKGROUND:

A detailed report of the subject proposal entitled Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue was submitted to Council for consideration at the September 27th, 2021 meeting. Council chose to defer consideration with a request for more information about proposed amenity contribution and bicycle parking.

The applicant has since submitted a draft housing agreement for five affordable units as well as revised plans showing the units and 42 X 2.5-foot wide bike stalls.



Figure 1: Subject Property and Context

DISCUSSION:

Community Amenity Contribution

The applicant proposes dedicating five residential units as affordable housing with purchase prices thirty percent below the market rate for similar units, comprising one studio unit, three one-bedroom units, and one two-bedroom unit, as shown in **Schedule No. 3** and featured in plans dated September 9th, 2021 by Dulex Building Solutions & Design. The applicant’s proposed key terms of a housing agreement stipulate that these units must be sold to Courtenay residents for principal residences and that resales are subject to these terms for ten years. The agreement also allows for additional potential eligibility criteria to be mutually agreed upon by Newport Village Courtenay and the City of Courtenay (**Schedule No. 1**).

Bicycle Parking

Bicycle parking was expanded since the September 7th Council report proposal, with stalls all widened to 30” (0.76m). In order to accommodate the larger stalls, an additional secured bicycle parking area has been proposed. Plans dated September 9th, 2021 by Dulex Building Solutions & Design attached to the draft bylaw (**Schedule No. 2**) show thirty 6’ X 2.5’ horizontal bike stalls in the underground bike parking room and twelve 3.5’ X 2.5’ vertical bike stalls in the ground floor bike parking room.

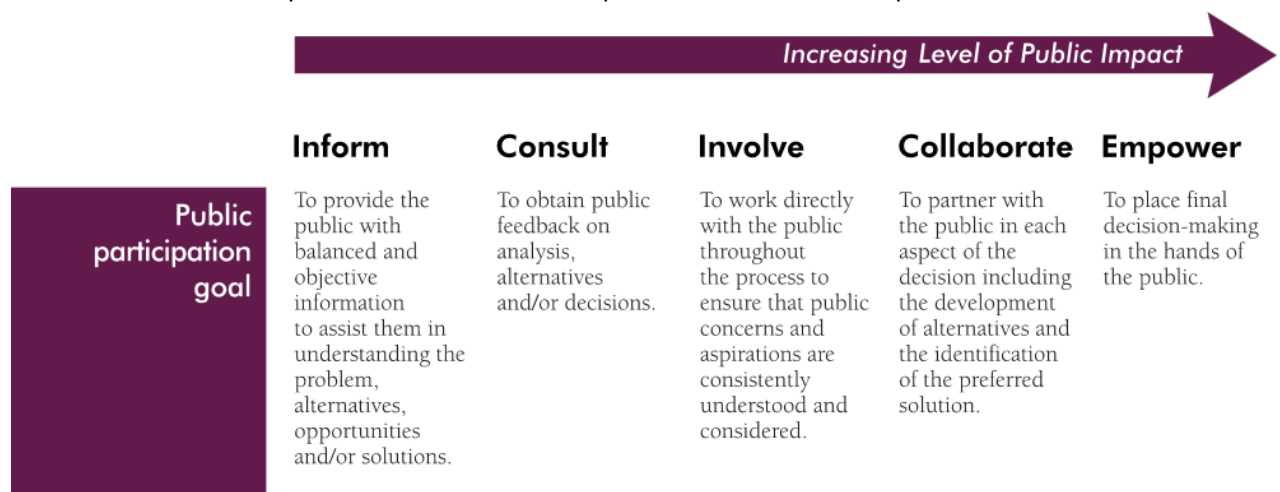
The City of Courtenay does not have bike parking specifications and the proposed widths are sufficient for wide handlebars and are greater than typically proposed in the City. Vertical spaces can be difficult for some users but are a commonplace, acceptable solution for limited spaces, especially when some horizontal spaces are also available onsite for those who need them (71% horizontal proposed).

REFERENCES AND IMPLICATIONS:

Financial, Administrative and asset management implications were presented in the September 7th report to Council, along with references to 2019-2022 strategic priorities, the Official Community Plan, and the Regional Growth Strategy.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will “consult” the public based on the IAP2 Spectrum of Public Participation:



Should Zoning Amendment Bylaw No. 3030, 2021 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*. Prior public engagement was presented in the September 7th Council report.

The Procedures Bylaw outlines the requirements for Alternative Public Information Meetings. These requirements were established in response to COVID gathering restrictions and requires that the applicant send all owners and occupants a letter advising them of the proposal, providing a link to the City's application website where plans and supporting materials can be viewed, the contact information for the applicant and a time for when comments and questions may be directed to the applicant.

In this case the applicant sent out the letter on May 3rd, 2021 to all owners within 100m. He did not directly mail the renters within the applicant owned 3080 Kilpatrick Ave; rather, he directly emailed them. In the weeks that followed the applicant and City received responses from 36 people representing 32 addresses. Eighteen addresses where respondents own, live or work, were within the 100 m notice area, including four each from 3070 and 3080 Kilpatrick Avenue.

In addition, the applicant elected to hold two Zoom meetings on March 30th and May 4th and posted a questionnaire on the company website. The results of these meetings, the questionnaire and the Alternative Public Information Meeting process were summarized in by the applicant which was attached to the September 7th, 2021 staff report.

OPTIONS:

OPTION 1: (Recommended)

That based on the September 27th, 2021 staff report “Updated Proposal - Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue” and the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3030, 2021; and

That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw.

OPTION 2: Defer consideration of Bylaw No. 3030 with a request for more information.

OPTION 3: Defeat Bylaw No. 3030.

Prepared by:



Mike Grimsrud,
Planner II

Reviewed by:



Matthew Fitzgerald, RPP, MCIP
Manager of Development Planning

Concurrence by:



Ian Buck, RPP, MCIP
Director of Development Services

Concurrence by:



Geoff Garbutt, M.Pl., MCIP, RPP
Chief Administrative Officer

Attachments:

- Schedule No. 1: Proposed Key Terms of Housing Agreement
- Schedule No. 2: Draft Zoning Amendment Bylaw No. 3030
- Schedule No. 3: Affordable Unit Plans

Schedule No. 1: Proposed Key Terms of Housing Agreement**CADMAN LAW CORPORATION**

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September 10, 2021 **REVISION 1**

Mayor and Council
c/o City of Courtenay
830 Cliffe Avenue
Courtenay, BC
V9N 2J7

Dear Sirs / Mesdames:

Re: Newport Village Courtenay Developments Ltd.
Development at 3040 Kilpatrick Avenue, Courtenay, BC

We are the solicitors for Newport Village Courtenay Developments Ltd. ("Newport Village Courtenay").

We confirm that Newport Village Courtenay has instructed our office to prepare a Section 219 covenant in favour of the City of Courtenay over that portion of its 3040 Kilpatrick Avenue property where Newport Village Courtenay proposes to build Phase 3 of its development which will consist of approximately 41 units (the "Proposed Development"). The terms of this covenant, which would be subject to the approval of the City of Courtenay, would state:

- (a) five (5) of the units within the Proposed Development will be dedicated as affordable housing with the purchase price of those units to be thirty percent (30%) below the market rate for similar units (the "Affordable Housing Units"). The type of units selected as Affordable Housing Units will be mutually agreed to between Newport Village Courtenay and the City of Courtenay and will be prorated based on the total number and type of units built in the Proposed Development. Accordingly, if 75% of the total units in the Proposed Development are one-bedroom/studio units and 25% of the total units in the Proposed Development are two-bedroom units, 1 studio, 3 one bedroom units and 1 two-bedroom unit will be designated as Affordable Housing Units;
- (b) The Affordable Housing Units can only be sold to residents of the City of Courtenay who would occupy these units as their principal residence. Additional criteria necessary to be eligible for an Affordable Housing Unit would be mutually agreed to by Newport Village Courtenay and the City of Courtenay;
- (c) The Affordable Housing Units would contain a restriction that they could not be sold for at least 10 years after its purchase at market value. If an Affordable Housing Unit is sold prior to this 10-year period, it must be re-sold on the same terms and conditions under which it was purchased (i.e. 30% below the market rate for similar units).

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If you have any questions or concerns regarding the terms of the proposed Section 219 covenant please feel free to contact our offices to discuss the same.

Sincerely,

CADMAN LAW CORPORATION



Brian P. Kaminski
Barrister & Solicitor

cc: client

Schedule No. 2: Draft Bylaw

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3030

A bylaw to amend Zoning Bylaw No. 2500, 2007

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 3030, 2021**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) Amending Division 8 – Classification of Zones through the addition of:

Part 53 – Comprehensive Development Twenty-Six A Zone (CD-26A) 3040 Kilpatrick Avenue as attached in **Attachment A**.

 - (c) by rezoning Lot 1, Section 67, Comox District, Plan EPP79267 Except Air Space Plan EPP81977 (3040 Kilpatrick Ave.) as shown in bold outline on **Attachment B** which is attached hereto and forms part of this bylaw, from Comprehensive Development Zone Twenty-Six (CD-26) to Comprehensive Development Zone Twenty-Six A (CD-26A).

 - (d) That Schedule No. 8, Zoning Map be amended accordingly.

3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this	day of	, 2021
Read a second time this	day of	, 2021
Considered at a Public Hearing this	day of	, 2021
Read a third time this	day of	, 2021
Finally passed and adopted this	day of	, 2021

Mayor

Corporate Officer

Approved under S.52(3)(a) of the Transportation Act

Tallina McRae, Development Services Officer
Ministry of Transportation and Infrastructure
Vancouver Island District

Attachment A

Part 53 - Comprehensive Development Twenty-Six A Zone (CD- 26A) (3040 Kilpatrick Ave.)

8.53.13 Intent

The CD-26A Zone is intended to accommodate a multi residential development on the property legally described as Lot 1, Section 67, Comox District, Plan EPP79267 Except Air Space Plan EPP81977. This property shall be developed substantially in accordance with Schedules A, B, and C, which form part of this zone

8.53.14 Permitted Uses

The following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Multi Residential*
- (2) *Home Occupation*

8.53.15 Lot Coverage

A *lot* shall not be covered by buildings to a greater extent than 20% of the total area of the *lot*

8.53.16 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 0.82

8.53.17 Minimum Lot Size

A *lot* shall have an area of not less than 0.40 hectares

8.53.18 Minimum Lot Frontage

A lot shall have a *frontage* of not less than 60.0 m

8.53.19 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front Yard*: 8.0 m for that portion of a building with a height less than 11.5 m and for railings above and affixed to said portion
20.5 m for that portion of a building with a height greater than 11.5 m
Despite the required *front yard setbacks* above, architectural fence details may project into the front yard setback up to 2.0 m with a height up to 2.0 m
- (2) *Rear Yard*: 18.0 m except for underground parking structures which shall be at least 14.0 m

- (3) *Side Yard*: 9.5 m north side
13.5 m south side

8.53.20 Height of Buildings

Maximum *building height* shall be in accordance with Schedule B and includes the elevator and roof top mechanical systems. Maximum *building height* is 15.0 m to roof parapet and 17.0 m to top of elevator measured from curb height. For clarity, the curb height is determined as the average curb height along the lot frontage

8.53.21 Useable Open Space

Useable open space must be provided and include at minimum:

- (1) 70 m² play area as shown in Schedule A
- (2) 250 m² rooftop amenity area
- (3) Patios or balconies for averaging 9 m² per unit, with a minimum size of 4.5 m²

8.53.22 Off-Street Parking and Loading

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except:

- (1) 52 *parking spaces* shall be provided for 41 dwelling units on the property and corresponding visitor parking
- (2) 33 *parking spaces* shall be provided for 3080 Kilpatrick Avenue commercial and residential use
- (3) Minimum parking stall dimensions are 2.6 m in width and 5.5 m in length for standard stalls
- (4) Minimum aisle width in the underground parking structure can be reduced to 6.7 m in accordance with Schedule C
- (5) Minimum additional space for *parking spaces* and manoeuvring aisles where abutting a wall or building can be reduced in accordance with Schedule C
- (6) No more than 25% of *parking spaces* can be designated as small car *parking spaces*
- (7) Bicycle parking facilities must be provided at a rate of one secure stall per unit

8.53.23 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 14 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped area of not less than 4.0 m in width shall be provided inside all property lines adjoining residential use and public parkland except reduced widths shown in Schedule A
- (2) Where a *lot* in this zone adjoins a *street*, a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line except reduced widths shown in Schedule A
- (3) Storage areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

Schedule A

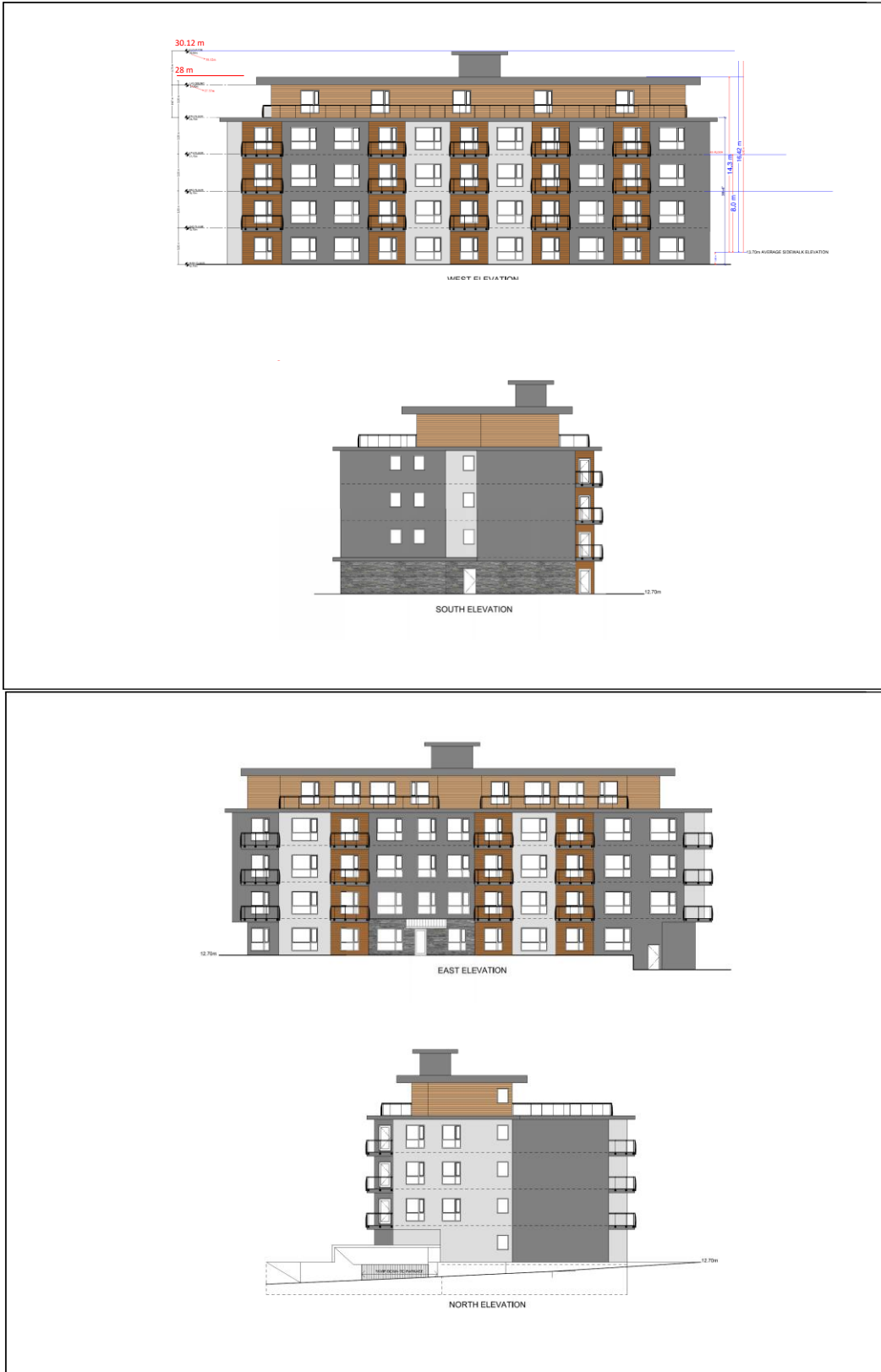
Note: Please refer to full size drawings in file 3360-20-2102



 <p>dlbs DESIGN LEADING BUILDING SYSTEMS & SERVICES 1000 BAYVIEW AVE. SUITE 100 MISSISSAUGA, ONTARIO L4Y 1A8 TEL: 905.882.2222 WWW.DLBS.COM</p>	<p>LANDSCAPE BUFFER SITE SETBACKS</p> <p>NEWPORT WALKER CONSULTING ENGINEERS LTD.</p> <p>BUILD 3</p> <p>OCP & RE-ZONING APPLICATION</p> <p>2021.09.09</p> <p>A - 1.02</p>
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Schedule B

Note: Please refer to full size drawings in file 3360-20-2102



dbb
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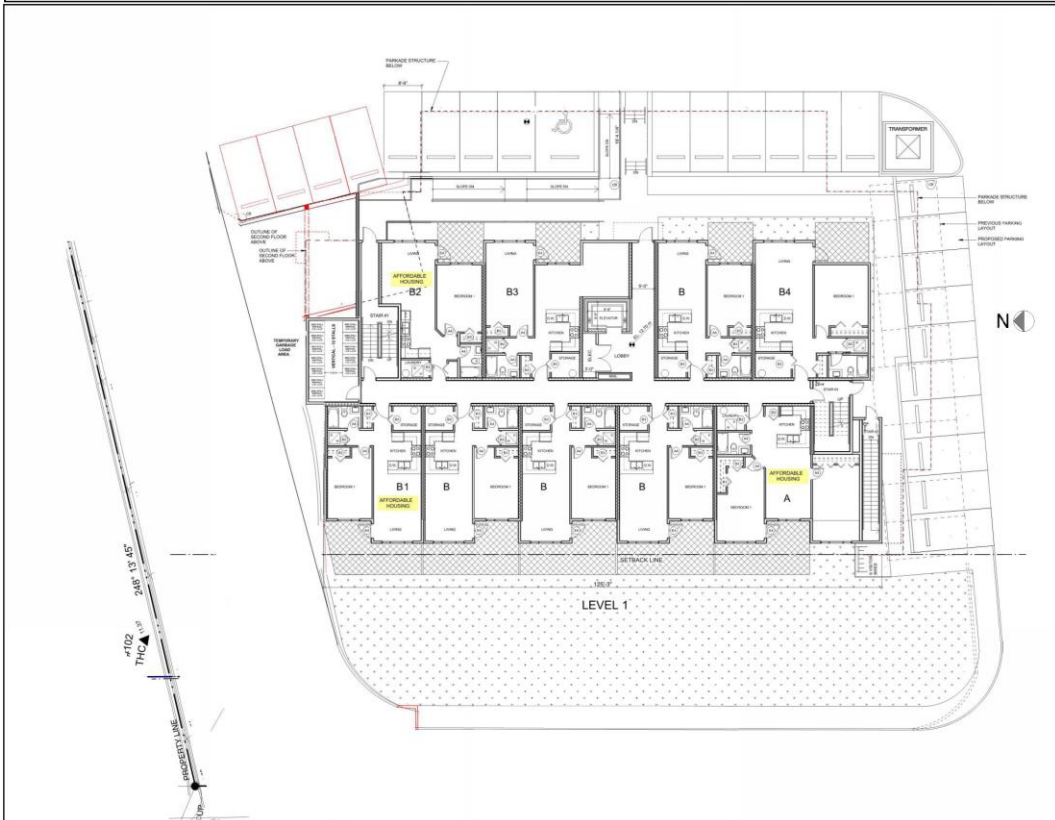
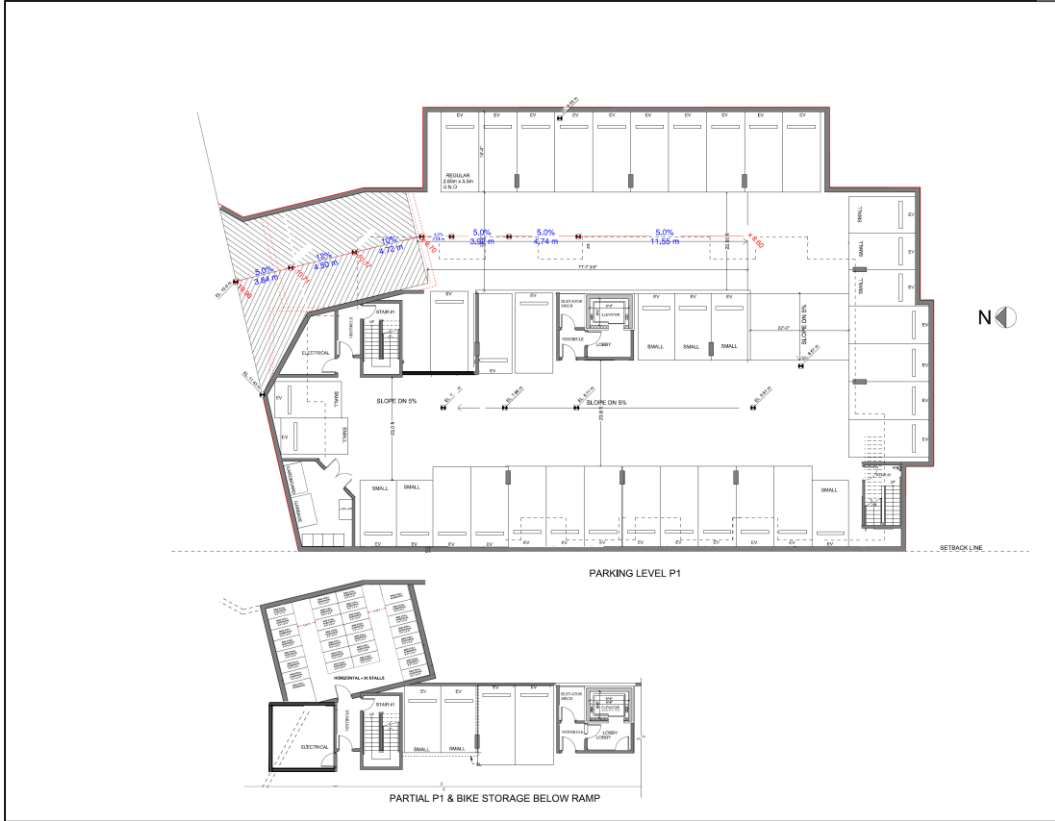
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Schedule C

Note: Please refer to full size drawings in file 3360-20-2102

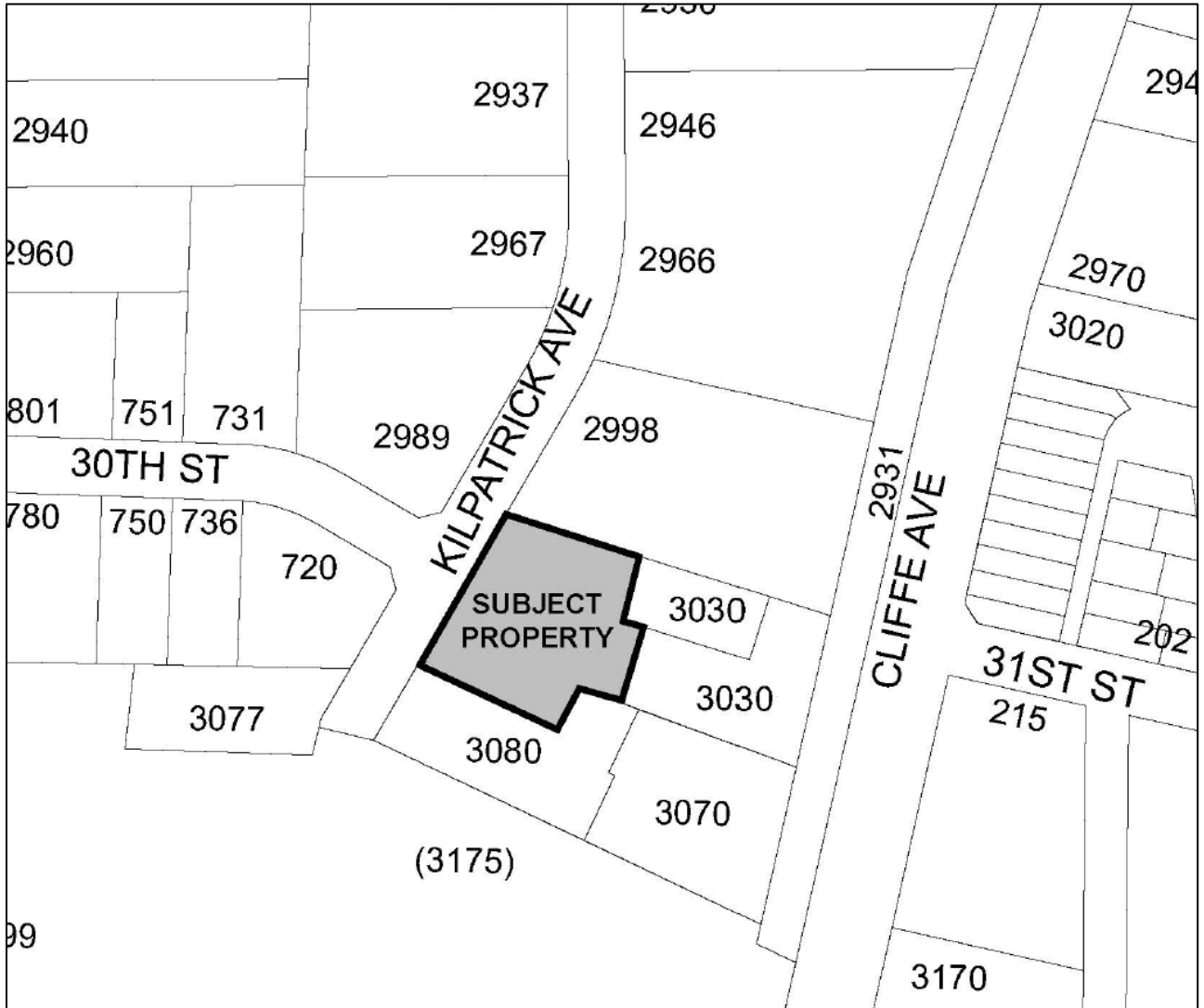


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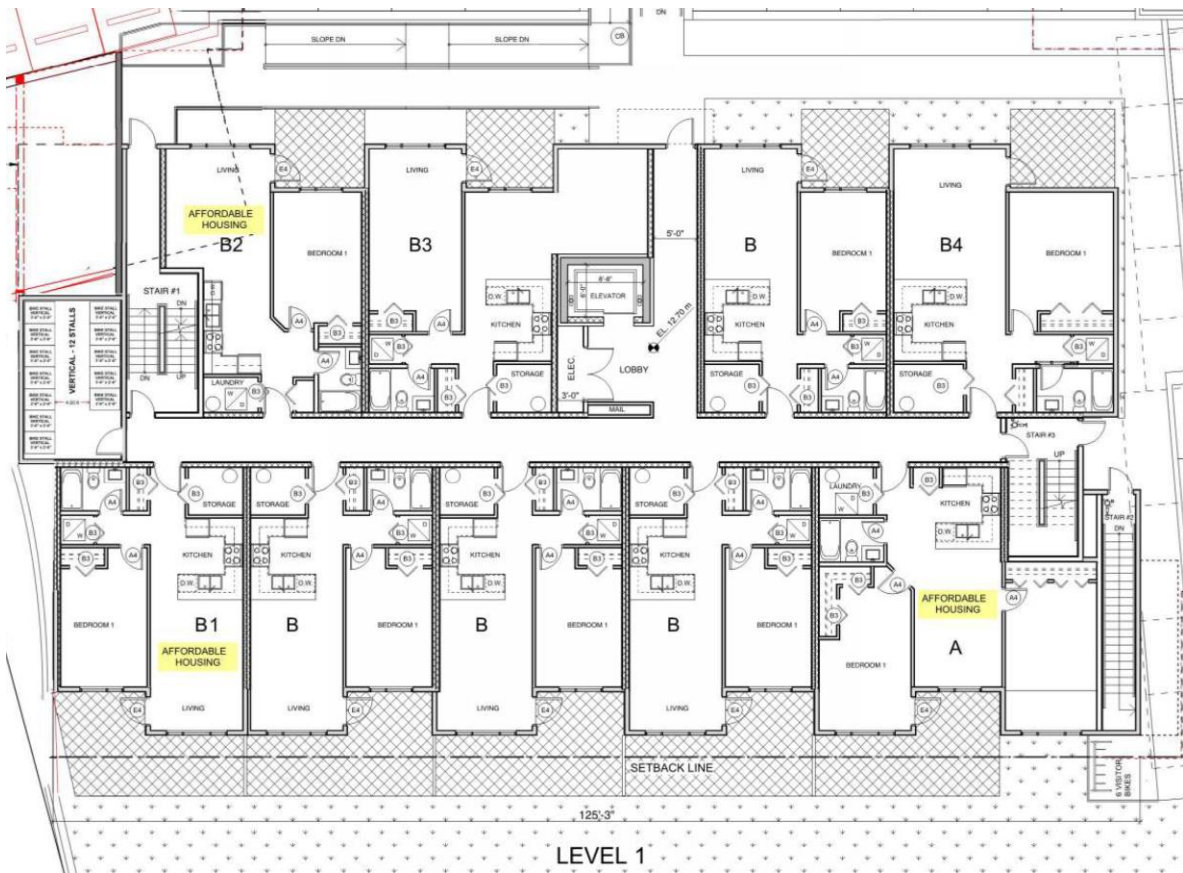


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Attachment B



Schedule No. 3: Affordable Unit Plans



LEVEL 2