



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 6480-20-2201 & 3360-20-2111

From: Chief Administrative Officer

Date: July 25, 2022

Subject: **OCP Amendment Bylaw No. 3059 and Zoning Amendment Bylaw No. 3051 – 1790 15th Street**

PURPOSE:

The purpose of this report is for Council to consider an Official Community Plan and Zoning Bylaw amendment application to change the land use designation and rezone a property on 15th Street in west Courtenay. The proposed amendments include: 1) re-designate the subject property from "Urban Residential" to "Multi Residential" and 2) rezone the subject property from R-2 to CD-35.

CAO RECOMMENDATIONS:

OPTION 1: (Recommended if OCP Bylaw 3070 is not adopted)

That based on the July 25th, 2022 staff report, "OCP Amendment Bylaw No. 3059 and Zoning Amendment Bylaw No. 3051 – 1790 15th Street" Council approve OPTION 1:

1. That Council give First and Second Reading of "OCP Amendment Bylaw No. 3059" to designate the subject property as "Multi Residential";
2. That Council give First and Second Reading of "Zoning Amendment Bylaw No. 3051" to create a new CD-35 Zone and rezone the subject property to CD-35; and
3. That Council direct staff to schedule and advertise a statutory public hearing with respect to OCP Amendment Bylaw 3059 and Zoning Amendment Bylaw 3051 on August 29th, 2022 at 3:15pm.

OPTION 2: (If the new OCP Bylaw 3070 is adopted this is the recommended option)

That based on the July 25th, 2022 staff report, "OCP Amendment Bylaw No. 3059 and Zoning Amendment Bylaw No. 3051 – 1790 15th Street" Council approve OPTION 2:

1. That Council give First and Second Reading of "Zoning Amendment Bylaw No. 3051" to create a new CD-35 Zone and rezone the subject property to CD-35; and
2. That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw 3051 on August 29th, 2022 at 3:15pm.

Respectfully submitted,

Geoff Garbutt, M.P.I., MCIP, RPP
Chief Administrative Officer

BACKGROUND:

The subject property is approximately 2,024 m² (0.50 acre) and currently has a single family house and a shed on the property, legally described as Lot 8, District Lot 96, Comox District, Plan 6619. It is located at the end of 15th Street, between Willemar Avenue and Burgess Road. Other nearby land uses include an adjacent Public Assembly One Zone (PA-1), Industrial Two Zone (I-2) along Cumberland Road, and Residential Two Zone (R-2) including single-family, duplexes and multi-family residential dwellings. There is a private footpath through the church property to the south that allows access to Burgess Road





Figure 2: Proposal as seen from 15th Street, McPhee Avenue

Zoning Review

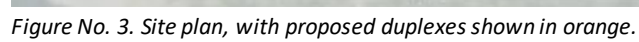
The proposed development requires Zoning Bylaw amendments as the current R-2 zone does not permit this scale of multi-unit development. While the lot would be large enough to subdivide with a panhandle lot in the rear, and be generally compliant with the R-2 zone, the R-2 zone specifically prohibits duplexes to be constructed on panhandle lots. The applicant has also elected to create a strata rather than subdivide for two lots. This will result in four units, and is deemed multi-residential, which necessitates an OCP amendment from urban residential to multi residential. The requirements for the existing R-2 zone and proposed CD-35 zone requirements are shown below in **Table No. 1**. Frontage and landscape buffers are less than what would be required with a comparable multi-family zone (i.e., R-3), as discussed in more detail below.

Table 1: Zoning Analysis

	Current R-2 Zone	Proposal for CD-35 Zone
Permitted Uses	Single family with or without a suite, duplex, carriage house, etc. (2 dwelling unit maximum)	Duplex dwellings
Max. Lot Coverage	40%	N/A
Max. FAR	N/A	0.40
Min. Lot Size	900 m ² (duplex)	1250 m ²
Min. Lot Frontage	20.0 m	25.0 m
Front Setback	7.5 m	7.5 m
Rear Setback	6.5 m	7.5 m
Side Setback	1.5 m minimum 4.5 m total	1.5 m minimum 4.5 m total
Useable Open Space (UOS)	N/A	30.0m ² per each one bedroom dwelling unit; and 50.0 m ² per each dwelling unit with 2 or more bedrooms
Building Height	8.0 m	10.0 m
Accessory Building Height	4.5m	4.5m
Accessory Building Size	50.0m ² or 10% of the rear yard, whichever is greater.	50.0m ² or 10% of the rear yard, whichever is greater. Except where the structure is used to cover parking, in which case, the floor area shall not exceed 20% of the rear yard and shall not extend for more than 2/3 of the length of any property line, or 30.0m, whichever is less.
Accessory Building Siting	Permitted only in side or rear yard. 1.5m setback, 4.5m when flanking a street.	Permitted on in side yard or rear yard. Not permitted at the front of a principle residence. 1.5m setback.
Min. Landscape Buffer Width / Flanking Street	N/A	Buffer required only along southern* property boundary 3.0m in height 1.5m in width
Min. Parking Spaces Per Residential Unit (Section 7)	Duplex - 2 per unit (8 total)	Duplex – 2 per unit (8 total)

*South considered to be the right side yard of the property

Table No. 1: Zoning Comparison



DISCUSSION:

The Comox Valley Regional Growth Strategy (RGS) is the guiding document for changes to the City's OCP land use designations. The RGS supports directing the vast majority of the region's growth to Core Settlement areas which include the City of Courtenay. The strategy continues by supporting infill and intensification of existing areas over development in fringe areas or outside of the Core Settlement Centres. In turn, the proposed Multi Residential designation supports all forms of multi-unit housing at a variety of densities and layouts which is ultimately shaped by the context of the specific proposal.



Figure 4: OCP Land Use Designations

Land Use Compatibility

The subject property is situated near a mix of land uses as shown in **Figure No. 4**. The current OCP encourages the designation of multi residential housing in a variety of locations to avoid large concentrations of the same type of housing in one area and to help provide more diversity within neighbourhoods. Further, the proposal for the two duplex buildings aligns with the common land use designation in the neighbourhood – urban residential. A multi-residential designation is proposed because four units is considered multi-family. The scale of the project is in keeping with the existing single-family and duplex buildings in the neighbourhood. The project recognizes the overall need to integrate a diversity of different forms of housing – into existing neighbourhoods throughout the City.

The process of OCP and rezoning is more of a technicality given the lot configuration necessitates a panhandle subdivision for two duplexes to be constructed, but in the R-2 zone, panhandles are not permitted. The OCP's urban residential land use designation also discourages panhandle lots. There are a few existing panhandle lots on 15th Street. Further staff note that under the proposed new OCP, both multi-family and panhandle developments would be supported. However, at the time of application, this was not permitted.

Location and Connectivity

Two convenience stores and Lake Trail Middle School are located within 500m of the subject property. Grocery, restaurants, banking, pharmacy and other businesses and several parks are located within 1.5km (a 15-20-minute walk). A #8-Downtown bus stop is within 325m. A buffered separated bicycle lane is planned for 17th Street between Willemar Avenue and Fitzgerald Avenue funded through federal and provincial grant money.

Use of Existing Infrastructure

The development will benefit from the use of existing City infrastructure including water and sanitary, roadway and drainage. The applicant will be expected to provide a cul-de-sac at the end of 15th Street through Section 219 Covenant of the *Land Title Act*, and has provided a preliminary layout that includes this (**Figure No 3**).

Housing Diversity and Affordable Housing

The OCP encourages a mix of housing and specifically encourages affordable and social housing to be integrated throughout the City. Housing diversity has numerous benefits including allowing residents to remain in their neighbourhoods or communities, moving into unit types and sizes that meet their needs through different phases of life. The strata duplexes will provide more opportunity for middle-income families to buy in this residential neighbourhood.

The City's Affordable Housing Policy advocates comprehensive development zoning to increase densities for affordable housing and encourage compact community. This minor increase in units helps bring a net increase of three dwelling units onto an existing lot with a single family home, adding to neighbourhood infill and density.

Legal Agreements

Community Amenities

- A contribution to the Park, Recreation, Cultural and Senior Facilities Amenity Reserve Fund in the amount of \$2500 will be required.
- A contribution to the Affordable Housing Amenity Fund in the amount of \$2500 will be required.

As this rezoning application is only permitting three additional residential units on the subject property and the applicant has been working under the understanding that they would be paying the existing OCP Community Amenity Contributions from the time of application, Staff are not recommending that the new OCP Community Amenity Contribution be charged.

Infrastructure

- The developer will be required to contribute a road turnaround at the end of 15th Street prior to building occupancy.
- The road turnaround should utilize the available width on 15th Street to provide as much turning radius as available.
- Works and Services will be required. The development is required to verify and provide adequate water, sanitary and storm services to the property.
- Ensure street lighting adjacent to the property frontage meets the lighting levels for the road classification.
- Water, sanitary and stormwater service connections are required to be provided and upgraded as necessary per City Bylaw 2919
- A water model analysis is required to confirm that sufficient capacity exists for the required fire flows of this development at full build out. The City's consultant will run the model following the developer providing security to perform the model as well as the required design flows.
- A sanitary model analysis is required to confirm that sufficient downstream capacity exists for the development at full build out. The City's consultant will run the model following the developer providing security to perform the model as well as the required design flows. Provide a Site Servicing report to address stormwater management

Form and Character

Should the OCP and zoning amendment be approved, a subsequent Duplex Form and Character Development Permit will be required to fully assess visual impact of the proposal. At this time, staff have assessed the current proposal for general compliance with Duplex Development Permit guidelines and the proposed CD-35 zoning, as discussed below.

Taking the narrow lot configuration into consideration, the applicant is requesting the CD-35 Zone to reflect a minimum frontage of 25.0m, which is smaller than the typical requirement of the comparable R-3 zone (30.0m). Both duplexes are oriented towards 15th Street, with the second duplex behind the first with the panhandle driveway access along the eastern side of the property. Duplex #1 is separated from duplex #2 with a rear yard and a driveway for duplex #2.



Figure No. 5. Front and rear elevations

The proposed duplexes are both proposed to be two stories. The front of the building features driveways and garages, along with a stepped appearance and covered front entrances. Parking is being provided in accordance with Division 7 of *Zoning Bylaw No. 2500* with each duplex development making available two parking stalls through an attached single car garage and driveways accessed from 15th Street and the panhandle access.

Different landscape buffer requirements are requested for the CD-35 Zone than is typical of multi-residential zones. The applicant is proposing landscaping screening at a lesser width of 1.5m (3.0m is typical) be required only along the southern boundary, rather than all interior boundaries. Staff note that for the R-2 zone, which permits duplexes, there are no landscaping buffer requirements.

In terms of building design, the duplex buildings match the general form and character guidelines for duplexes and buildings in the surrounding neighbourhood. At two storeys, the scale of the buildings will be similar to several in the neighbourhood, however, many homes on 15th remain modest in size. The scale of the buildings has been reduced through the use of staggered building facades, recessed entryways and pitched roofs with multiple gables.

The main entrances to the units are at the front of each building, enhanced with concrete walkways and patios and some landscaping. To reduce the overall mass of the buildings the applicant has intentionally staggered the appearance of the units on both the upper and lower building front façades (**Figures No. 2 & No. 5**).

Staff note that window placement in relation to neighbouring properties is consistent with that of a conventional single family home. Window opening on the sides of the duplexes adjacent to existing single family homes is minimized with four windows on each building.

To further enhance privacy, fencing is being installed around the property. Both buildings will include landscaping in the front, side and rear yards consisting of soft landscaping, grass and trees. It is intended that future residents moving into the duplex buildings will be implementing the landscaping on these lots. Landscaping and tree locations are shown in **Attachments No. 4 and No. 5**.

Tree Cutting

While the applicant intends to retain most of the mature trees on site, some tree removal is anticipated within the proposed building footprints. As per the Tree Bylaw, 10 trees are required on the subject property and the applicant anticipates the total number of trees retained and added will total approximately 20 trees.

FINANCIAL IMPLICATIONS:

There are no direct financial implications related to the processing of this OCP and Zoning Bylaw amendment application as the fees are designed to offset the administrative costs.

The development will also be subject to City and Regional District development cost charges which will be determined at time of Building Permit dependent on final building design.

ADMINISTRATIVE IMPLICATIONS:

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff has spent 45 hours processing and reviewing this application. Should the proposed bylaws receive First and Second Readings, staff will spend an additional 5 hours in preparation for the public hearing, final reading of the bylaw, and updating the bylaws and maps.

ASSET MANAGEMENT IMPLICATIONS:

Any servicing and/or offsite improvements required to comply with the standards contained in Subdivision and Development Servicing Bylaw No. 2919 will be evaluated at time of building permit application. Following a condition assessment, infrastructure may be required to be altered/modified/replaced to meet these standards, at the cost of the applicant.

2019 – 2022 STRATEGIC PRIORITIES REFERENCE:

- Communicate appropriately with our community in all decisions we make
- ▲ Encourage and support housing diversity

OFFICIAL COMMUNITY PLAN REFERENCE:

Official Community Plan

3.1 Growth Management:

3.1.2 Goals

1. provide for managed growth
2. ensure equitable taxation for services provided and received
3. support efficient infrastructure development
4. protect environmentally sensitive areas
5. support sustainable development practices

4.4 Residential:

4.4.2 Goals

1. Optimize the use of existing lands in the City with a long term consideration to expand boundaries and protect adjoining lands from further development to meet the future needs of the City.
2. Preserve the integrity and character of existing residential areas with any redevelopment proposal.
3. Ensure all new development includes the provision of amenities including buffer areas along major roads, neighbouring parks, sidewalks and trails, and public facilities.

4.4.3 Policies

1. balance land uses to create a vibrant and diverse neighbourhood and community;
2. create neighbourhoods that will offer a variety of transportation choices;
3. preserve and enhance open spaces, greenways and environmentally sensitive areas;

5. City supports the designation of multi residential housing in a variety of locations to avoid large concentrations of the same type of housing in one area and to help provide more diversity within neighbourhoods. In this regard,
- a) multi residential development shall be limited in scale and size outside of the downtown area
 - b) have sufficient amenity space for the recreational needs of the development, access to schools, parks, walkways, transit and complementary commercial/service uses, adequate buffers areas from major roads and adjacent land uses
 - c) priorities for multi-residential development will be:
 - high – downtown area including along riverfront
 - medium – intensification of existing sites
 - low – peripheral expansion subject to Local Area Plan

REGIONAL GROWTH STRATEGY REFERENCE:

The development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” and most of the relevant objectives’ supporting policies which include:

Objective 1-A: Locate housing close to existing services;

1A-1 Based on RGS growth management strategy locate housing close to existing services and direct 90 percent of new, residential development to Core Settlement Areas.

1A-2 The focus of higher density and intensive developments shall be within existing Municipal Areas. Within the Municipal Areas densification and intensification of development is required including infill and redevelopment.

1A-4 Within Settlement Nodes densification and intensification of development is required however it will be less intensive than in Municipal Areas. These nodes are to be developed with centres that are walkable and limited to local services with a range of housing types focusing on low density multi residential and medium density.

Objective 1-B: Increase affordable housing options;

1B-2 Encourage residential multi-unit or multi-lot developments to contribute to affordable housing options including, but not limited to a range of unit sizes and types, lot sizes, multifamily or attached-unit buildings, rental units, and secondary suites. These contributions could take the form of land, cash buildings or other such items as supported by the local governments.

Objective 1-C: Develop and maintain a diverse, flexible housing stock;

1C-1 Provide a diversity of housing types in the Municipal Areas using the following housing type targets for new developments by 2030: These targets are for all Municipal Areas in aggregate.

- 40% Low Density Single unit residential, town homes, semi-detached, secondary suites, 4-24 units per hectare
- 30% Medium Density Low-rise multi-unit up to four storeys, 24-74 units per hectare
- 30% High Density Over four storey multi-units minimum, 74 units per hectare

1C-5 Encourage multi-family housing, and small-lot housing in the Core Settlement Areas wherever it can be supported by regular transit and infrastructure services.

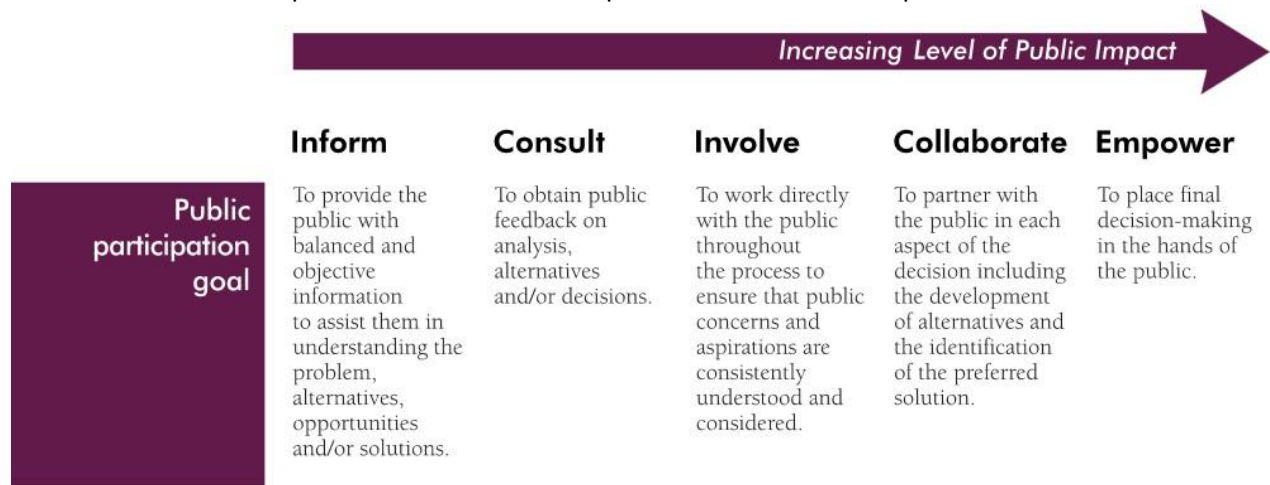
Objective 1-D: Minimize the public costs of housing;

1D-1 Direct the majority of new housing to areas that are or will be serviced through publicly owned water and sewer systems.

1D-2 Direct new housing away from high risk natural hazard areas such as flood plains, areas exposed to sea-level rise, fire hazard areas, and steep unusable slopes.

CITIZEN/PUBLIC ENGAGEMENT:

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



Should OCP Amendment Bylaw No. 3059 and Zoning Amendment Bylaw No. 3051 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*.

The applicant mailed out a public information package on September 16th, 2021 to property owners and occupiers within 100 m of the subject property. No comments were received. The City has also received no comments to date. The Public Information Meeting (PIM) mail out can be found in **Attachment No. 6** and the applicant addresses that there were no comments from the mail out in the written project description (**Attachment No. 2**).

OPTIONS:

If Council adopts OCP Bylaw 3070, the OCP Amendment for this application will not be required because the new OCP designates this property as Urban Residential. This particular designation permits panhandle lots and the increased density. With this in mind, Staff have provided an option below that does not include the OCP amendment.

OPTION 1: (Recommended if OCP Bylaw 3070 is not adopted)

That based on the July 25th, 2022 staff report, “OCP Amendment Bylaw No. 3059 and Zoning Amendment Bylaw No. 3051 – 1790 15th Street” Council approve OPTION 1:

1. That Council give First and Second Reading of “OCP Amendment Bylaw No. 3059” to designate the subject property as “Multi Residential”;
2. That Council give First and Second Reading of “Zoning Amendment Bylaw No. 3051” to create a new CD-35 Zone and rezone the subject property to CD-35; and
3. That Council direct staff to schedule and advertise a statutory public hearing with respect to OCP Amendment Bylaw 3059 and Zoning Amendment Bylaw 3051 on August 29th, 2022 at 3:15pm.

OPTION 2: (If the new OCP Bylaw 3070 is adopted this is the recommended option)

That based on the July 25th, 2022 staff report, “OCP Amendment Bylaw No. 3059 and Zoning Amendment Bylaw No. 3051 – 1790 15th Street” Council approve OPTION 2:

1. That Council give First and Second Reading of “Zoning Amendment Bylaw No. 3051” to create a new CD-35 Zone and rezone the subject property to CD-35; and
2. That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw 3051 on August 29th, 2022 at 3:15pm.

OPTION 3: That Council postpone consideration of OCP Amendment Bylaw No. 3059 and Zoning Amendment Bylaw No. 3051 with a request for more information.

OPTION 4: That Council not proceed with OCP Amendment Bylaw No. 3059 and Zoning Amendment Bylaw No. 3051.

Prepared by:



Cassandra Marsh
Planner II

Reviewed by:



Chris Marshall, RPP, MCIP
Director of Development Services

Concurrence by:



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

Attachments:

Attachment No. 1: Draft OCP Amendment Bylaw No. 3059 and Zoning Amendment Bylaw No. 3051

Attachment No. 2: Applicant's Written Project Description

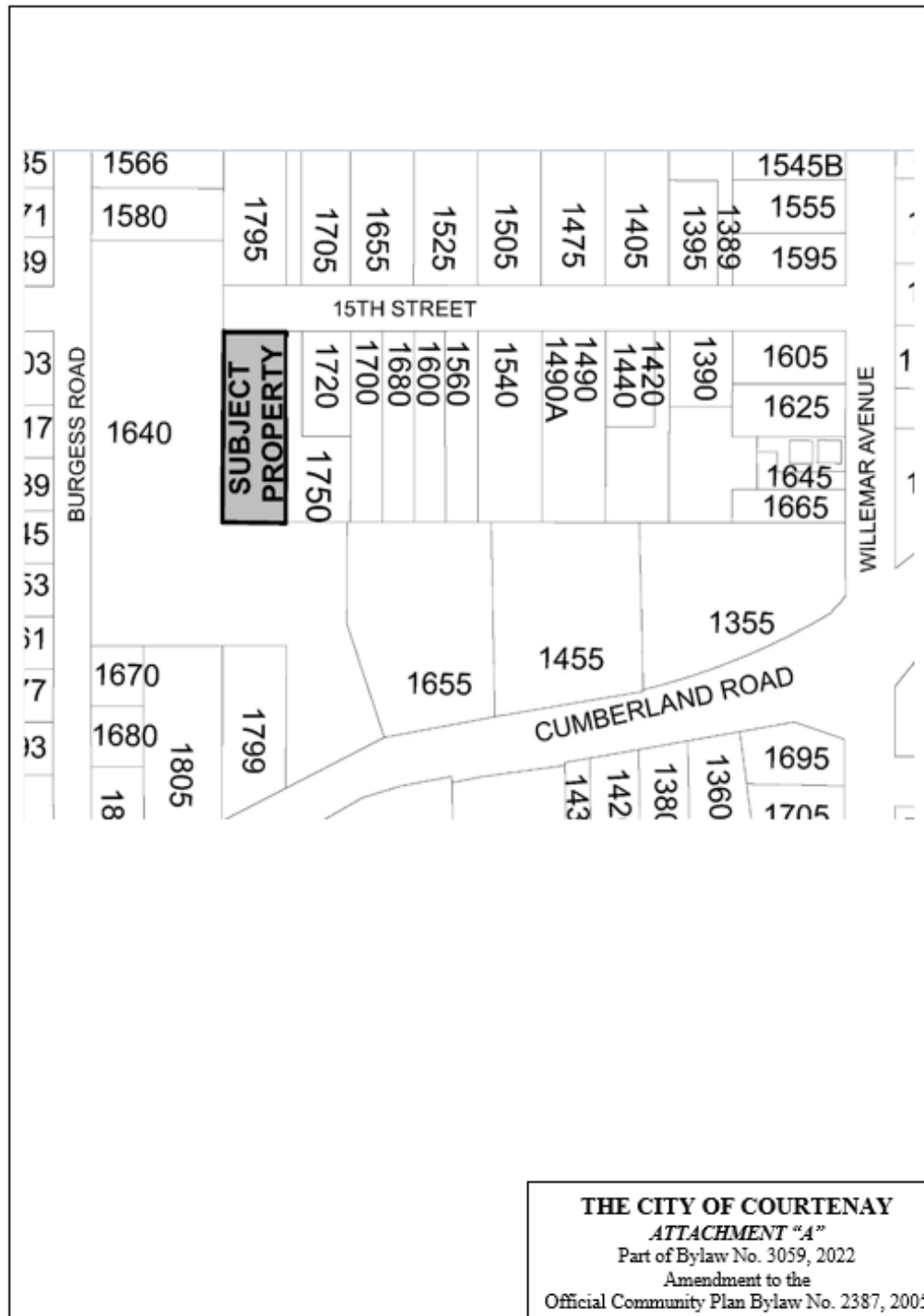
Attachment No. 3: Site plan and elevations

Attachment No. 4: Landscaping Plan

Attachment No. 5: Tree location map

Attachment No. 6: Alternative Public Information Mailout and Meeting Summary

Attachment No. 7: Sustainability Evaluation Compliance Checklist



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. 3051, 2022"**.
2. That "Zoning Bylaw No. 2500, 2007" be hereby amended as follows:

(a) Amending Division 8 – Classification of Zones through the addition of:

Part 61 – Comprehensive Development Thirty Five Zone (CD-35) 1790 15th Street as attached in **Attachment A**.

(c) by rezoning Lot 8, District Lot 96, Comox District, Plan 6619 (1790 15th Street) as shown in bold outline on **Attachment B** which is attached hereto and forms part of this bylaw, from Residential Two (R-2) to Comprehensive Development Zone Thirty Five (CD-35).

(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 _____, 2022

Read a second time this _____ day of _____, 2022

Considered at a Public Hearing this day of , 2022

Read a third time this _____ day of _____, 2022

Finally passed and adopted this day of , 2022

Mayor

Corporate Officer

Attachment A

Part 60 - Comprehensive Development Thirty Five Zone (CD-35) (1790 15th Street.)

8.60.1 Intent

The CD-35 Zone is intended to accommodate a strata development of two duplexes on the property legally described as Lot 8, District Lot 96, Comox District, Plan 6619. This property shall be developed substantially in accordance with Schedule A which forms part of this zone

8.60.2 Permitted Uses

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

- (1) *Duplex dwellings*
- (2) *Accessory buildings and structures*
- (3) *Home occupation*

8.60.5 Minimum Lot Size

A lot shall have an area of not less than 1250 m²

8.60.3 Minimum Lot Frontage

A lot shall have a frontage of not less than 25.0 m

8.60.4 Floor Area Ratio

Providing all other applicable size, shape and siting conditions are met, the maximum *floor area ratio* shall not exceed 0.40.

8.60.6 Setbacks

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

- (1) *Front Yard:* 7.5 m
- (2) *Rear Yard:* 7.5 m
- (3) *Side Yard:* The *side yard setbacks* shall total 4.5 m with a minimum *side yard setback* on one side of 1.5 m.

8.60.7 Height of Building

Maximum *building height* shall be 10 m.

8.60.8 Useable Open Space

Useable open space must be provided on a *lot* in the amount of 30.0 m² for each one-bedroom *dwelling unit* and 50.0m² for each *dwelling unit* with two or more bedrooms.

8.60.9 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5m in *height*
- (2) Shall have a total building area not exceeding 50.0m² or 10% of the *rear yard*, whichever is greater, except where the structure is used to cover parking, in which case, the *floor area* shall not exceed 20% of the *rear yard* and shall not extend for more than 2/3 of the length of any property line or 30.0m, whichever is less.
- (3) Shall be permitted in the side and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw.
- (4) Shall not be permitted at the front of a principal residence.
- (5) Shall not be located within 1.5, from the side and rear *lot line*.

8.60.10 Off-Street Parking and Loading

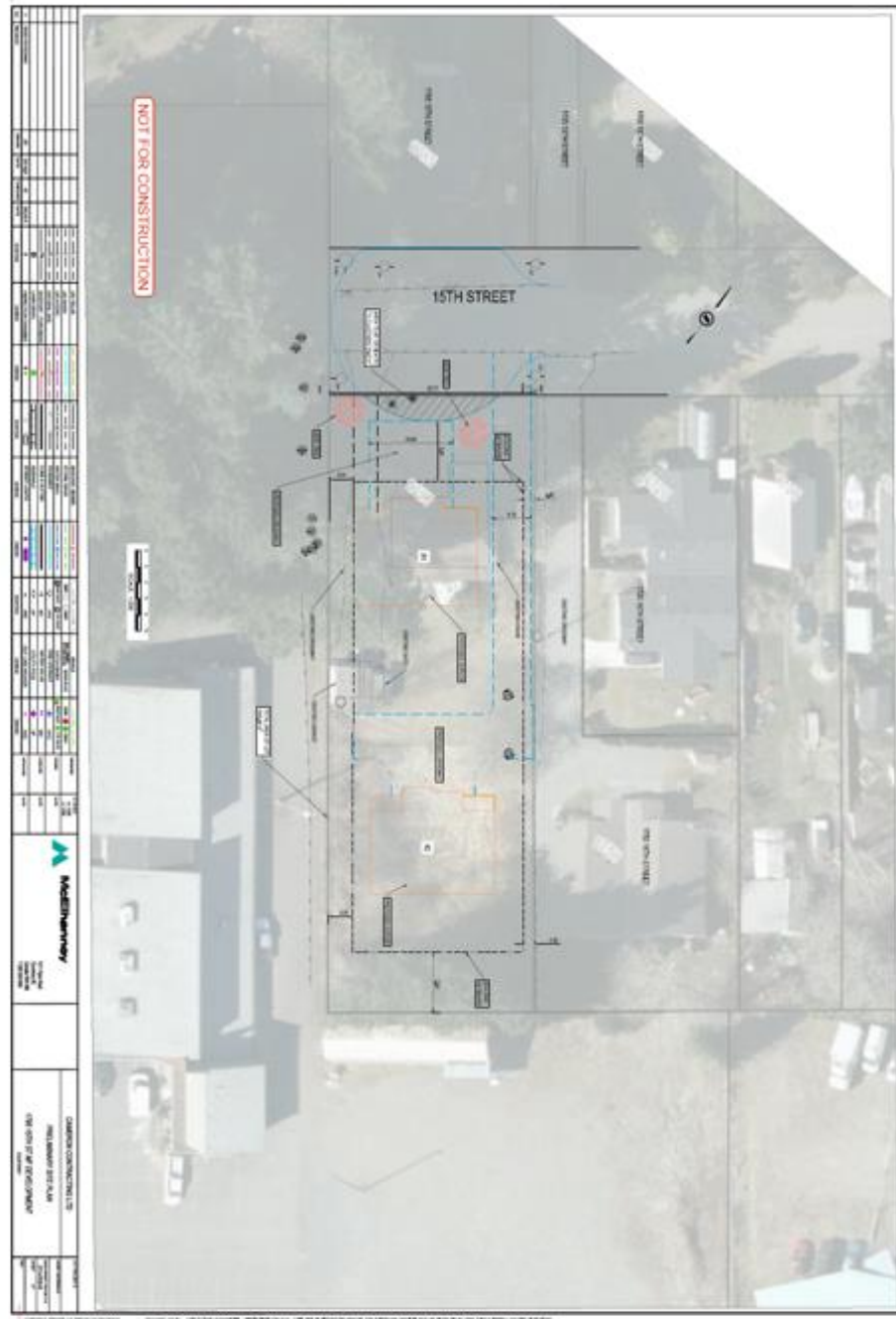
Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

8.60.11 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 screen, *fence* or a combination thereof of not less than 3.0m in *height* and 1.5m in *width* shall be provided and maintained along the southern property boundary.

Note: Please refer to full size drawings in file 6480-20-2201 / 3360-20-2111



Project Renderings

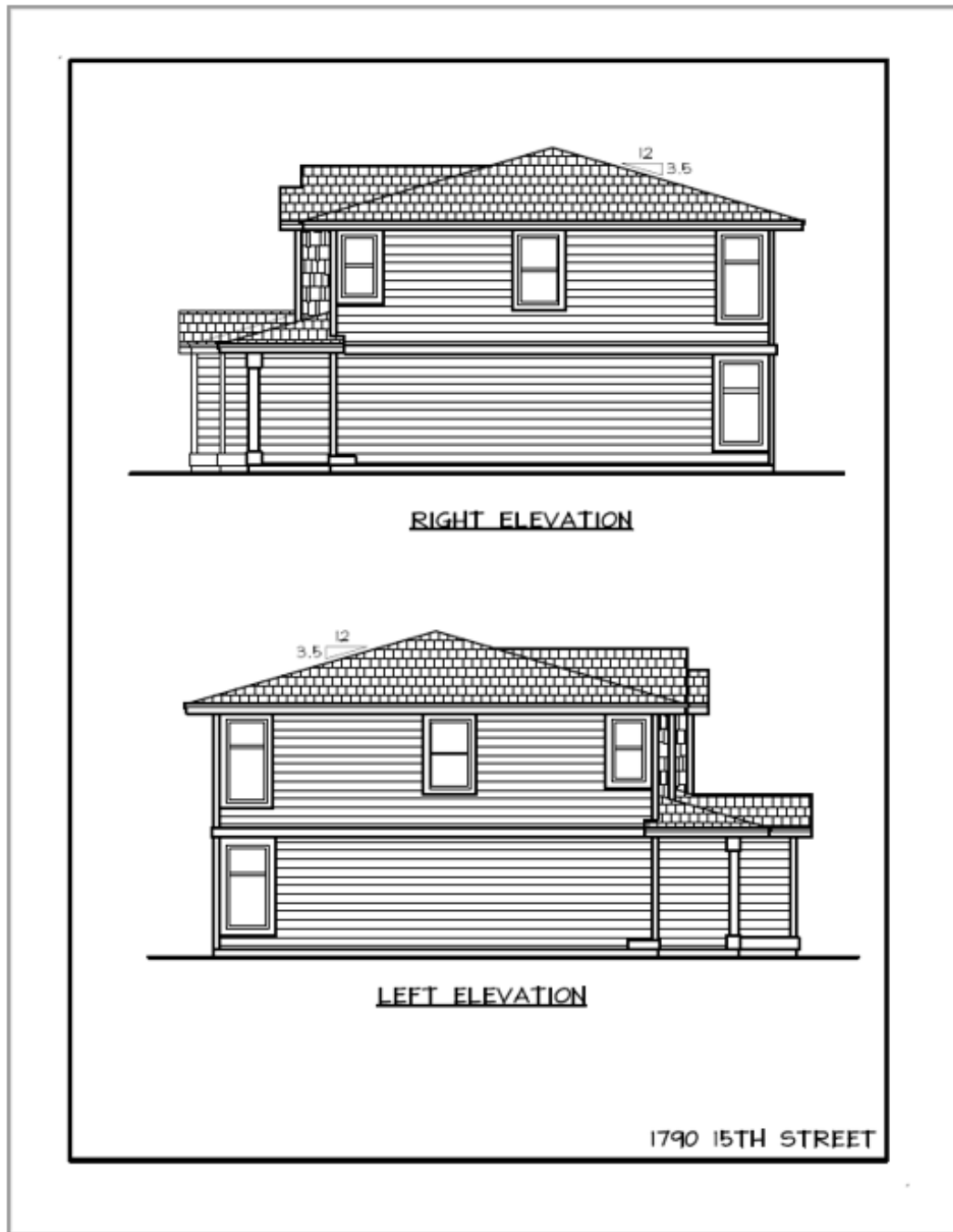


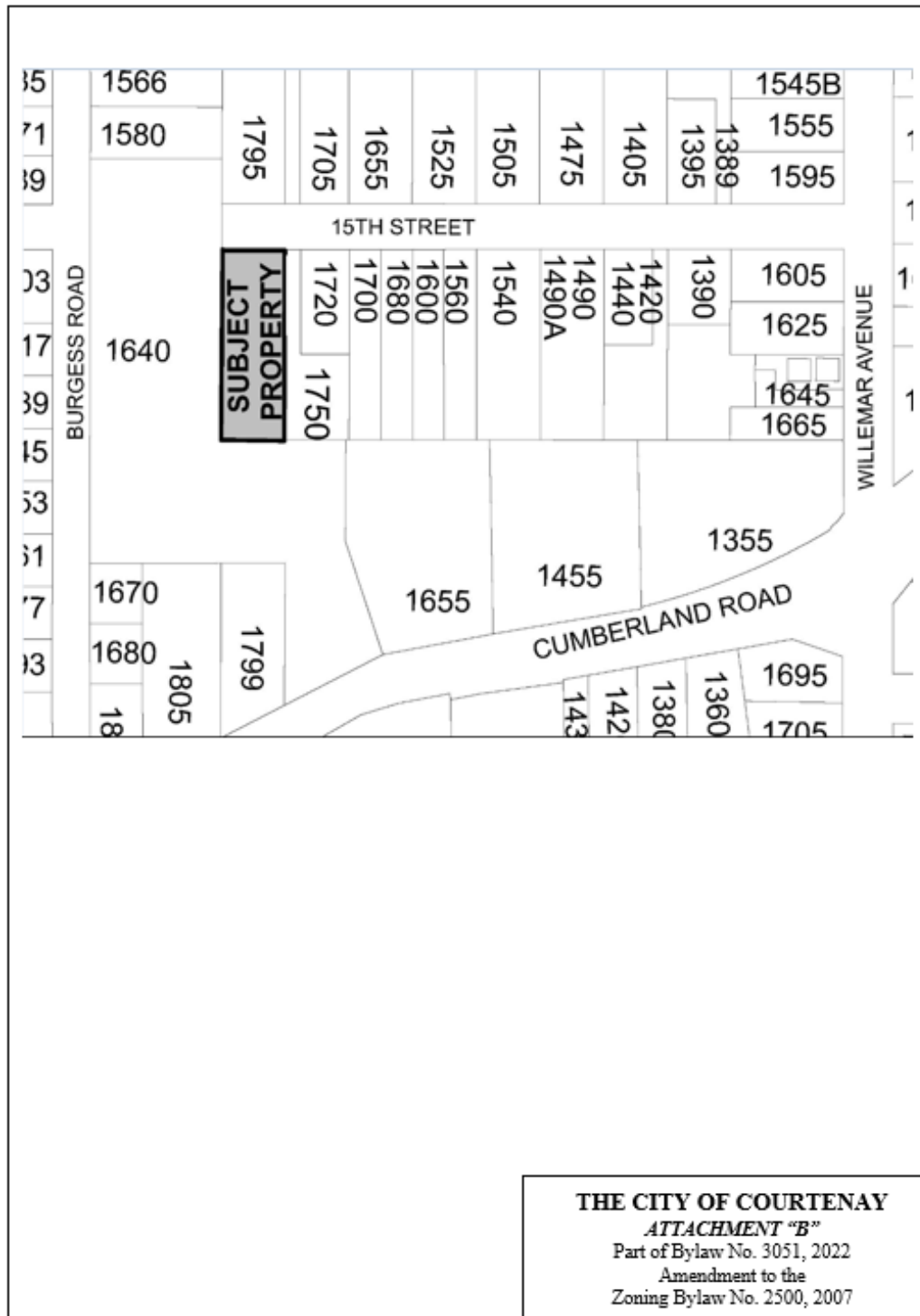












Attachment No. 2: Applicant's Written Project Description



Our File: 2211-47636

August 24, 2021

City of Courtenay
Development Services Department
830 Cliffe Avenue
Courtenay, BC
V9N 2J7

Attention: Mike Grimsrud, Planner II

Rationale for Rezoning – 1790 15th Street

On behalf of Don Cameron of Cameron Contracting Ltd., I am pleased to submit this application to amend the City of Courtenay's Zoning Bylaw to enable a residential infill development at 1790 15th Street. This proposal seeks to rezone the 0.2 ha subject property from its current, Residential Two (R-2) Zone to a new Comprehensive Development (CD) Zone to increase the permitted density from two units to four units. Detailed in the application submission, the development would see the removal of the existing single-family home on the property and the construction of two new duplex buildings.

We believe that the proposal responds to the property's "Urban Residential" Land Use designation and housing objectives contained within City's Official Community Plan (OCP) by delivering affordable housing opportunities (in the form of duplex units) while considering of the established neighbourhood character of the immediate area - a neighbourhood already zoned for and containing duplex housing. Shown in the submitted Site Plan and Building Elevations, the proposed duplexes are similar in size and scale to a single-family home, providing sizeable setbacks (7.5m from front and rear), building height (2-storeys) and parcel coverage (13%).

The proposed CD Zone (attached to this letter) is consistent with the City's existing R-3 Zone aside from the following minor differences:

- 1) In order to maintain an accessible drive aisle to access the second duplex at the rear of the property, the CD Zone eliminates the requirement for a landscaped buffer along the NE property boundary (adjacent to 1720 and 1750 15th Street). We believe this is appropriate given that this property line abuts an existing drive aisle that provides access to the neighbouring properties. A reduced landscaped buffer of 1.5m along the southern boundary is proposed, which will enable pedestrian circulation.
- 2) The existing frontage of the subject property is 25.7m. The R-3 Zone requires a minimum frontage of 30.0m, thus the existing frontage would not comply with this minimum frontage requirement. The proposed CD Zone, therefore, establishes a minimum parcel frontage of 25m.

McElhanney
1211 Ryan Road, Courtenay, BC
Tel. 250-338-5495 | info@mcelhanney.com | www.mcelhanney.com

Page 1

Our File: 2211-47636 | August 24, 2021

- 3) To remove the option for multi-residential dwellings (which is permitted in the R-3 Zone) the proposed CD Zone removes multi-residential as a permitted use.

Tailoring the CD Zone to the proposed development by reducing landscape buffer and frontage length requirement is intended to avoid the need for development variance permits. The proposed CD Zone is also intended to offer as much upfront clarity to the City and neighbouring residents as possible and minimize any potential concerns with the potential for a higher-density (i.e. apartment building) type of development.

Site layout and building design has also considered the City's Development Permit Guidelines for Duplexes. The scale and form of the proposed duplexes consider the surrounding neighbourhood context, which includes both single family and duplex housing. Building design features multiple breaks in the façade, different sized windows and high-quality building materials; culminating in a visually interesting building that complements the neighbourhood. Each duplex unit is also staggered to avoid being 'mirror imaged' and garage doors feature windows. The site layout creates opportunities for ample private open space and retention of most mature trees on site. Though additional design will take place at time of Development Permit, it is our view that the proposal is consistent with the City's relevant DP guidelines.

Finally, the development of this property has considered the direction of the City's Affordable Housing Policy. The policy recognizes that a range of housing opportunities will contribute to the overall social well-being of a community. It remains a fact that persons in the City of Courtenay with moderate incomes finding housing within their financial means has become very challenging. The prospect of owning a single-family home, particularly for those entering the housing market, is largely out of reach. This proposal seeks to deliver a more affordable housing type while being sensitive to the existing, lower density character of the surrounding neighbourhood.

Thank-you for considering our rezoning application.

Sincerely,



Andy Gaylor, MCIP, RPP
Planner

agaylor@mcelhanney.com | 250-718-7274

Attachments:

- 1) Draft CD Zone

cc: Don Cameron, Cameron Contracting



Attachment 1

Draft CD Zone

Permitted Uses:

- (1) *Duplex dwellings*
- (2) *Accessory buildings and structures*
- (3) *Home occupation*

Minimum Lot Size:

A *lot* shall have an area of not less than 1,250 m².

Minimum Lot Frontage

A *lot* shall have a frontage of not less than 25.0 m.

Floor Area Ratio

Providing all other applicable size, shape and siting conditions are met, the maximum *floor area ratio* shall not exceed 0.40 *floor area ratio*.

Setbacks

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

- (1) *Front yard:* 7.5m
- (2) *Rear yard:* 7.5m
- 2) *Side yard:* The *side yard setbacks* shall total 4.5 m with a minimum *side yard setback* on one side of 1.5 m.

Height of Buildings

The *height of a principal building* shall not exceed 10 m.

Useable Open Space

Useable open space shall be provided on a *lot* in the amount of 30.0 m² for each one-bedroom *dwelling unit* and 50.0 m² for each *dwelling unit* with two or more bedrooms.



Our File: 2211-47636 | August 24, 2021

Accessory Buildings and Accessory Structures

- 1) Shall not exceed 4.5 m in *height*.
- 2) Shall have a total *building area* not exceeding 50.0 m² or 10% of the *rear yard*, whichever is greater, except where the *structure* is used to cover parking, in which case, the *floor area* shall not exceed 20% of the *rear yard* and shall not extend for more than 2/3 of the length of any property line or 30.0m, whichever is less.
- 3) Shall be permitted in the side and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw.
- 4) Shall not be permitted at the front of a principal residence.
- 5) Shall not be located within 1.5 m from the side and rear *lot line*.

Off-street Parking and Loading

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

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 screen, fence, or a combination thereof of not less than 3.0m in *height* and 1.5m in *width* shall be provided and maintained along the southern property boundary.





Our File: 2211-47636

Your File: RZ000063

December 22, 2021

City of Courtenay
830 Cliffe Avenue
Courtenay, BC
V9N 2J7

Attention: Cassandra Marsh, Planner

1790 15 Ave – Revised Submission

The purpose of this letter is to address questions raised as part of City Staff's review of this Zoning Bylaw amendment and submit a revised proposal reflecting City comments. This revised submission includes / proposes the following:

Official Community Plan (OCP) Amendment:

Should the proposed rezoning be successful, the property owner will be proceeding with a "building strata" whereby each of the four dwelling units will be made for sale. It is understood that the City's OCP considers anything more than 3 dwelling units on a single property as a "Multi-Residential" development and City staff consider the development as 4 dwelling units on one property, therefore requiring an amendment to the property's "Urban Residential" Land Use Designation to facilitate the proposal. According to staff, it is understood that the City's new *draft* Official Community Plan is intended to accommodate proposals such as the proposed development without the need to amend the OCP. Given that our proposal is intended to offer relatively affordable "missing middle" housing for sale and would be aligned with the new OCP, it is our view that the proposed OCP amendment is minor in nature.

Landscaping / Screening (northern property boundary):

Staff have raised a concern with respect to a lack of proposed landscaping along the northern (side yard), east (rear yard) and west (front yard). To clarify, it is our intention to retain an existing treed buffer along the rear yard, and street trees will be planted within the 7.5m front yard setback area. While we propose to vary the 3.0m buffer requirements along the property sides given limitations associated with drive aisle widths and building siting, a solid screen fence will be installed on each side, with a 1.5m landscaped buffer along the southern property boundary.

McElhanney
1211 Ryan Road, Courtenay BC Canada V9N 3R6
Tel. 250-338-5495 | Fax. 1-855-407-3895 | www.mcelhanney.com

Page 1

Our File: 2211-47636 | December 21, 2021

Modified cul-de-sac:

Shown on the attached Site Plan (*Attachment #2*) and in response to staff comments, a 39.25m² land dedication is proposed in order to facilitate the future construction of a modified vehicle turnaround. The design of this modified cul-de-sac is based on Drawing CSSD R3 in the City's Subdivision and Development Servicing Bylaw, but excludes a boulevard or sidewalk, per City direction. While some building siting adjustment is needed to accommodate the road dedication, as shown on the attached plan, complying with a 7.5m front yard setback is achievable. It is understood that these improvements will be required prior to building occupancy.

Amenity Contribution:

Pursuant to Section 7.7, Policy 6 (c), as the total proposed m² is estimated to be approximately 572 m², an amenity contribution in the amount \$2,500 will be submitted prior to bylaw adoption.

Public Information Meeting Summary:

Per staff instructions, notification letters (*Attachment #3*) were circulated to properties within the surrounding area, presenting the development proposal. The letter gave residents three weeks to submit any responses to our office. No responses were received.

Once again, we appreciate your comments and diligence in reviewing this rezoning application.

Sincerely,
McElhanney Ltd.



Andy Gaylor, MPA, RPP, MCIP
agaylor@mcelhanney.com | 250-718-7274



[illegible]

Project Renderings











FRONT ELEVATION



REAR ELEVATION

1790 15TH STREET



RIGHT ELEVATION

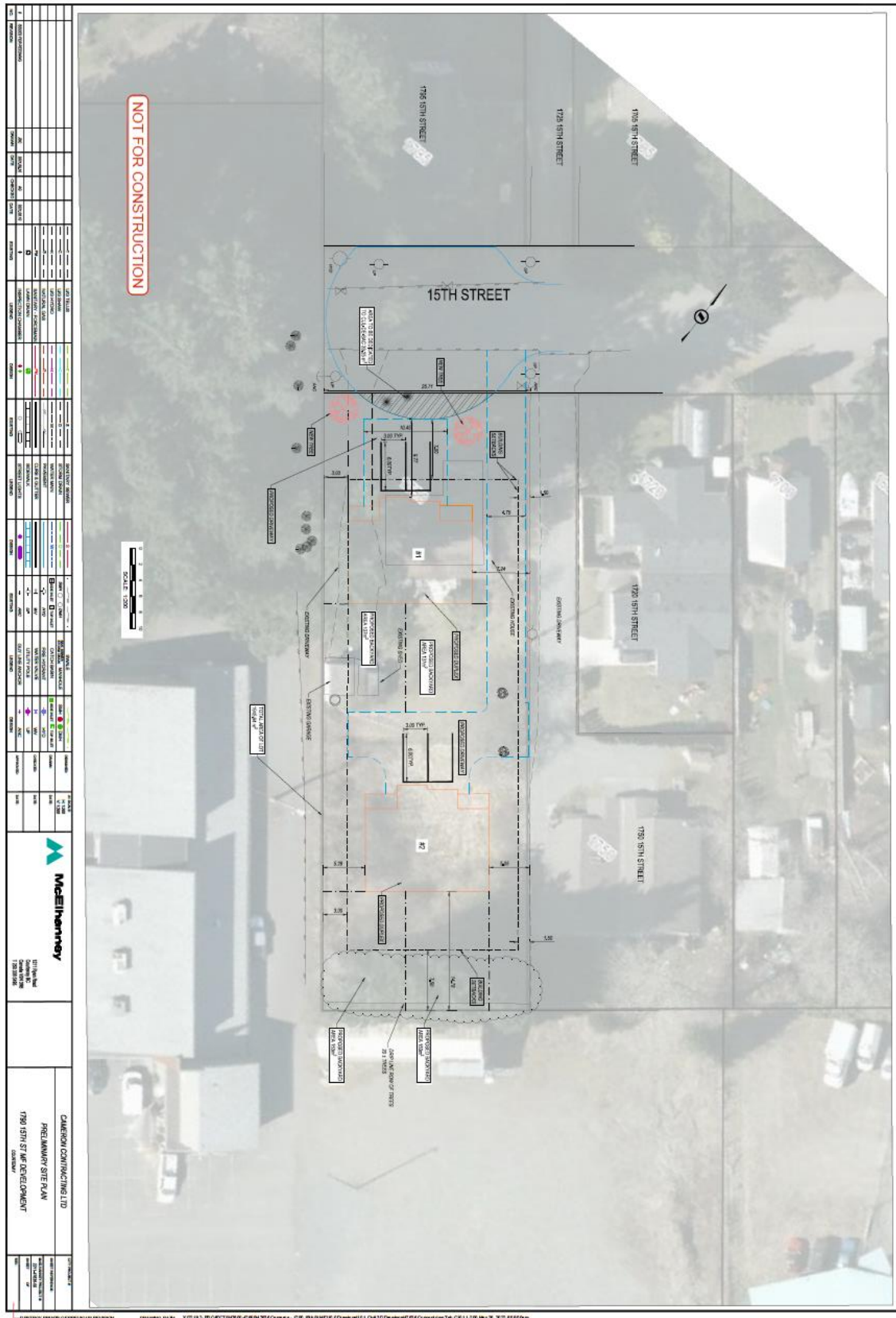


LEFT ELEVATION

1790 15TH STREET

[illegible]

Attachment No. 5: Tree location map



Attachment No. 6: Alternative Public Information Mailout and Meeting Summary



Our File: 2211-47636

September 16, 2021

Dear Homeowner / Occupant,

Notice of Proposed Development – 1790 15th Street

On behalf of Don Cameron of Cameron Contracting Ltd., owner of the above noted property, we are pleased to advise you that an application has been made to the City of Courtenay to amend the zoning designation of the property to allow a modest residential infill development, comprised of two duplex buildings for a total of four (4) units. The existing zoning of the property is Residential Two (R-2) and allows a maximum of two units, and the proposed zoning is a Comprehensive Development Zone. A site plan showing the layout of the two buildings, proposed building renderings, and a location map are attached for your review.

It is our belief that the proposal provides more diverse housing options in the community (in the form of duplex units) while considering the established neighbourhood character of the immediate area. Shown in the submitted site plan and building renderings, the proposed duplexes are similar in size and scale to a single-family home, providing sizeable setbacks and reduced building height (2-storeys).

Great effort has been made to make the buildings appealing to complement the neighbourhood. The design features multiple breaks in the building façade and building footprints have been staggered, adding further visual interest.

As the submission of the application has recently been made, we are unable to forecast when this application will be presented to City Council. Should Council grant "first and second" reading to the proposed bylaw amendment, a Public Hearing will be scheduled, and you will be notified by the City of Courtenay of the Public Hearing date and how to participate in the hearing. In the meantime, you can view details of the submitted application and status of this application by visiting the City's Development Applications Website at www.courtenay.ca/devapptracker (search by file number: RZ000063).

Providing Feedback

We welcome feedback regarding the proposal that you may have at this time. A comment sheet has been attached to this letter. We respectfully ask that you provide comments within three weeks from the date

McElhanney

1211 Ryan Road, Courtenay BC Canada V9N 3R6
Tel. 250-338-5495 | Fax. 1-855-407-3895 | www.mcelhanney.com

Page 1

Our File: 2211-47636| September 15, 2021

of this letter (before October 7, 2021). It is important to note that input received will be reviewed by City staff as part of their review of the development proposal.

Comments can be submitted by one of the following methods:

- Drop your comment sheet off at the McElhanney office at 1211 Ryan Road, or mail: McElhanney, 1211 Ryan Road, Courtenay, BC, V9N 3R6.
- Email your comments to: courtenav@mcelhanney.com

Thank-you for taking the time to review our proposal and providing any comments that you may have.

Sincerely,
McElhanney Ltd.



Andy Gaylor, Planner
agaylor@mcelhanney.com | 250-718-7274

Attachments:

- 1) Location Map
- 2) Site Plan
- 3) Building Renderings
- 4) Comment Sheet



Page 2

Attachment No. 7: Sustainability Evaluation Compliance Checklist

CITY OF COURTENAY
Development Services
 830 Cliffe Avenue
 Courtenay, BC, V9N 2J7
 Tel: 250-703-4839 Fax: 250-334-4241
 Email: planning@courtenay.ca

SUSTAINABILITY EVALUATION

COMPLIANCE CHECKLIST

The following checklist provides a quick reference list of required sustainability criteria that, where applicable, shall be satisfied for all development applications including Official Community Plan (OCP) and Zoning Bylaw amendments, Development Permits, Development Variance Permits, Tree Cutting and Soil Removal Permits, Agricultural Land Reserve and Subdivision applications. These criteria are established to ensure that the goals and objectives of the OCP are satisfied. Please briefly state in the "Description" column how the application achieves the stated criterion. Where an element of the development proposal does not comply with a sustainability criterion, a justification stating the divergence and the reason shall be made. A separate sheet may be used to provide comment. Incomplete forms will result in application delays.

The Sustainability Evaluation Checklist Policy states: *Proposed developments will be considered where a development:*

- a. *provides substantial benefits to the City;*
- b. *will not negatively impact on the City's infrastructure, neighborhood or environment;*
- c. *new development that supports destination uses such as the downtown, Riverway Corridor or a Comprehensive Planned Community;*
- d. *Meets applicable criteria set out in the OCP.*

The complete Sustainability Evaluation Checklist policy is contained within the City of Courtenay Official Community Plan No. 2387, 2005.

Project Address: 1790 15th Street	Date: August 16, 2021
Applicant: McElhanney Ltd.	Signature:
APPLICATION REQUIREMENTS To be filled out by applicant	
Land Use. The application:	Description of how the criteria are met
a) Provides a mix of housing types and sizes;	Projects provides new, more affordable duplex housing and increases housing diversity in the neighbourhood.
b) Balances the scale and massing of buildings in relation to adjoining properties;	Buildings are two storeys in height, and setbacks, parcel coverage and densities are generally consistent with neighbouring properties
c) Complements neighboring uses and site topography;	the development is consistent with existing duplex and single family uses in the neighbourhood
d) Provides or supports mixed used developments or neighborhoods;	the development represents a significant investment in the neighbourhood while considering existing character
e) Promotes walking to daily activities and recreational opportunities;	the development is in walking distance to parks (Woodcote), transit route (Downtown/ Anfield), grocery (Willemar Grocery) and schools.
f) Supports a range of incomes;	duplex units available for sale will be more modestly priced compared to single family homes
g) Is a positive impact on views and scenery;	Development is not anticipated to have any impacts on existing view planes.
h) Preserves and provides greenspace, trails and landscaping;	development provides private outdoor greenspace for residents. Two fruit trees will be removed, but larger veteran trees at the rear of the property will be retained.

Building Design. The application:	Description of how the criteria are met
a) Exhibits high standard of design, landscaping and environmental sensitivity;	No known environmental sensitivities are onsite, but site design features ample useable open space, street trees, and landscaping buffering along the southern lot line.
b) Maintains a high standard of quality and appearance;	Building design features breaks in the facade, different sized windows, and high quality building materials, culminating in a high quality, visually interesting building.
c) Includes articulation of building faces and roof lines with features such as balconies, entrances, bay windows, dormers and vertical and horizontal setbacks with enhanced colors;	The building features an articulating building facade, multiple rooflines and a mix of building colour to enhance building appearance.
d) Avoids creating a strip development appearance;	Not applicable
e) Satisfies Leadership in Energy and Environmental Design (LEED) certification (or accepted green building best practices);	The development will be constructed to meet Step Code requirements for Part 9 buildings in accordance with the City's Building Bylaw.
f) Uses environmentally sensitive materials which are energy sensitive or have accepted low pollution standards;	Effort will be made at later stages of development to include materials that are environmentally sensitive. Existing building will be recycled where possible.
g) Builds and improves pedestrian amenities;	Any required frontage upgrades will be undertaken in accordance with the City's Works and Services Bylaw at time of Building Permit.
h) Provides underground parking;	Not achievable at this scale of development
i) Applies CPTED (Crime Prevention Through Environmental Design) principles;	The development will include pedestrian scale lighting along driveway. Future landscape plans (at DP) will also incorporate CPTED principles.
Transportation. The application:	Description of how the criteria are met
a) Integrates into public transit and closeness to major destinations;	The project is within walking distance to a transit route (Downtown / Anfield) along Cumberland and Willemar Roads
b) Provides multi-functional street(s);	Not applicable.
c) Prioritizes pedestrian and cycling opportunities on the public street system and through the site location that can provide an alternative to public road;	Too small of a scale of a development and no opportunities to provide provide formal connectivity through the site (i.e. no adjacent roads or rights of way). Though ample informal connectivity adjacent to the property is available.
d) Provides or contributes towards trail system, sidewalks, transit facilities, recreation area or environmentally sensitive area;	Not applicable.
Infrastructure. The application:	Description of how the criteria are met
a) Includes stormwater techniques that are designed to reduce run-off, improve groundwater exchange and increase on-site retention;	Larger yards / open space for residents promotes onsite retention. Additional stormwater management review to occur at later stages of development.
b) Utilizes renewable energy sources (i.e. solar, geothermal) within servable area to City standards;	Not achievable at this scale of development.

Character & Identity. <i>The application:</i>	Description of how the criteria are met
a) Provides a positive image along waterfront areas and fronting road;	The building and frontage landscaping create a positive image fronting 15th street.
b) Is designed with quality and variety of features within the project (i.e. street furniture, street lights, signs, curb treatments);	Street trees and frontage improvements will be provided if required by the City's Works and Services Bylaw.
c) Provides public and private amenity space;	Private amenity space will be provided, but the property is too small and impracticable for the provision of public amenity space.
d) Preserves heritage fixtures;	Not applicable.
e) Orients to views, open space and street;	The building addresses the street
Environmental Protection & Enhancement. <i>The application:</i>	Description of how the criteria are met
a) Protects riparian areas and other designated environmentally sensitive areas;	No known riparian and environmentally sensitive areas are known on the property.
b) Provides for native species, habitat restoration/improvement;	No known riparian and environmentally sensitive areas are known on the property.
c) Includes tree lined streetscapes.	Street trees will be provided along the property frontage.