

# THE CORPORATION OF THE CITY OF COURTENAY

## PUBLIC HEARING AGENDA

*We respectfully acknowledge that the land on which we gather is the unceded traditional territory of the K'ómoks First Nation*

**DATE:** Monday, December 14, 2020  
**PLACE:** Electronic Meeting  
**TIME:** 5:00 p.m.

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## AGENDA

### K'OMOKS FIRST NATION ACKNOWLEDGEMENT

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#### 1.00 PUBLIC HEARING NOTICE

The City of Courtenay Council hereby gives notice that it will hold a Public Hearing to receive representations in connection with proposed amendments to Covenant CA2638428; and, Zoning Bylaw 2500, 2007".

**Due to the COVID-19 pandemic, and in accordance with Ministerial Order No. M192/2020 and the Class Order (mass gatherings), the following Public Hearings will be conducted virtually and live-streamed on the City's website. The public may participate in the meeting via Zoom Webinar and telephone, or provide comments to Council in writing. All persons who believe they are affected by a proposed bylaw shall be afforded a reasonable opportunity to be heard:**

**1. Submit written comments to Council:**

Email to [planning@courtenay.ca](mailto:planning@courtenay.ca)

Mail to: City of Courtenay, Development Services, 830 Cliffe Avenue, Courtenay, BC, V9N 2J7

**PLEASE NOTE ALL WRITTEN SUBMISSIONS MUST BE RECEIVED BY 2:00 P.M. ON MONDAY, DECEMBER 14, 2020 AND CONTAIN WRITER'S NAME AND ADDRESS WHICH WILL BECOME A PART OF THE PUBLIC RECORD.**

**2. Participate LIVE through a Zoom Webinar**

See details and instructions on the City's website [www.courtenay.ca/publichearings](http://www.courtenay.ca/publichearings)

Participate LIVE through Zoom Phone Conferencing

Dial toll free 1-855-703-8985

Passcode 843 1781 0195# and follow participation instructions provided

**3. Watch the Public Hearing LIVE**

Via LIVE webcast City of Courtenay YouTube Channel:

[City of Courtenay's YouTube Channel](#)

Reports, bylaws, and related information respecting the development permit with variances (amendment to covenant) and zoning bylaw amendments are available on the City’s website: [www.courtenay.ca/devapptracker](http://www.courtenay.ca/devapptracker) (search by file number) and <http://www.courtenay.ca/councilmeetings> .

**NO PRESENTATIONS WILL BE RECEIVED BY COUNCIL AFTER THE CONCLUSION OF THE PUBLIC HEARING**

**2.0 CALL TO ORDER**

**3.0 DEVELOPMENT PERMIT WITH VARIANCES**

**3.1. DEVELOPMENT WITH VARIANCES - COVENANT CA2638428 - 2800 ARDEN ROAD**

In general terms, the development permit with variances proposes an amendment to a covenant registered on the property to allow the construction of an eight-unit multi-residential development with variances to the rear yard setback, maximum number of driveways per road frontage, front yard fence height, and landscape screening width. Amendments to the covenant are to increase the maximum number of units from seven to eight, allow two, four-unit buildings, and decrease fencing requirements on the property legally described as Lot A, District Lot 231, Comox District, Plan EPP710858 (2800 Arden Road).

- 1                   ▪       **Staff Report - Development Permit with Variances No. 1908 - 2800 Arden Road**

**4.0 ZONING BYLAW AMENDMENTS**

**4.1 BYLAW NO. 2977 - 2355 MANSFIELD DRIVE**

In general terms, Bylaw No. 2977 proposes an amendment to Zoning Bylaw No. 2500, 2007 to rezone from Commercial Two Zone (C-2) to Comprehensive Development Zone 28 (CD-28) to allow for a combined commercial/residential development consisting of 30 residential units located above a pub and liquor store on the property legally described as Lot B, Section 66, Comox District, Plan 28292 (2355 Mansfield Drive)

- 61                   ▪       **Staff Report - Zoning Amendment Bylaw No. 2977 - 2355 Mansfield Drive**

- 195                  ▪       **Zoning Amendment Bylaw No. 2977, 2020**

#### **4.2 BYLAW NO. 2989 - 4070 FRASER ROAD**

In general terms, Bylaw No. 2989 proposes an amendment to Zoning Bylaw No. 2500, 2007 to rezone the property from Rural Eight (RU-8) to Comprehensive Development Zone Twenty-One (CD-21) and Public Use and Assembly Two Zone (PA-2) to allow a 12 Lot subdivision and City parkland as a permitted use on the property legally described as Lot 8, District Lot 153, Comox District, Plan 1887, Except Part in Plan 43279 (4070 Fraser Road)

205                   ▪       **Staff Report - Zoning Amendment Bylaw No. 2989 to allow for a Subdivision at 4070 Fraser Road**

237                   ▪       **Zoning Amendment Bylaw No. 2989, 2020**

#### **4.3 BYLAW NO. 3024 - HOME OCCUPATION REGULATIONS**

In general terms, Bylaw No. 3024 proposes an amendment to Zoning Bylaw No. 2500, 2007 under Division 6 - General Regulations, Part 3 to update the regulations pertaining to Home Occupations.

241                   ▪       **Staff Report - Zoning Amendment Bylaw No. 3024 - Update to the Home Occupation Regulations**

249                   ▪       **Zoning Amendment Bylaw No. 3024, 2020**

#### **4.00 ADJOURNMENT**





THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

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**To:** Council

**File No.:** 3060-20-1908

**From:** Chief Administrative Officer

**Date:** May 4, 2020

**Subject:** Development Permit with Variances No. 1908 – 2800 Arden Road

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### PURPOSE:

The purpose of this report is for Council to consider a Development Permit with Variances to allow the construction of two, four-unit multifamily buildings at 2800 Arden Road with variances to the rear yard setback, maximum number of driveways per road frontage, front yard fence height, and landscape screening width. A covenant will also have to be amended to allow the eight unit, building form and fence requirements.

### CAO RECOMMENDATIONS:

That based on the May 4, 2020 staff report entitled “**Development Permit with Variances No. 1908 – 2800 Arden Road**” Council approve OPTION 1 and complete the following steps:

1. That Council direct staff to schedule a Public Hearing for the requested modifications to Covenant CA6752450 when regular Council meetings resume or an alternative Public Hearing format is authorized by the Province and approved by Council; and
2. That a final decision on “**Development Permit with Variances No. 1908 – 2800 Arden Road**” be withheld until Covenant CA6752450 is modified to permit the proposed development.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

**BACKGROUND:***Parcel Context and History*

The subject property is located at 2800 Arden Road and is 2,505m<sup>2</sup> (0.62 acres) in size. It was created in May 2018, subdivided from 2880 Arden Road after receiving OCP and zoning amendments (Bylaws 2682 and 2683) to Multi Residential and Residential Three (R-3) in 2012. These allow townhouses and apartments as well as other residential uses. It has since remained vacant, but was partially cleared since the City's 2018 aerial photo was taken (**Figure 1**), including conifers near the front lot line and interior fruit trees, but leaving natural vegetation at the rear of the lot.

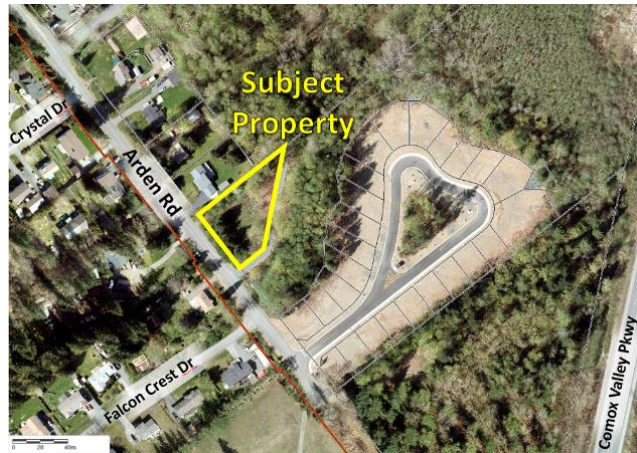


Figure 1. Location Map

During the 2012 OCP/Zoning amendment, Covenant CA2638428 was registered on title. This covenant was meant to facilitate a seven-unit development; the concept plan the covenant was based on is shown in **Figure 2**. In addition to requiring a number of impact mitigation measures, the covenant noted that the multi residential land was intended to be sold to a not-for-profit housing provider – a point recently emphasized by some neighbours – but also allowed for alternatives if a deal is not reached. Specifically, Section 3. (e) thereof detailed providing a simple interest in the land to Habitat for Humanity or a similar not-for-profit for nominal consideration to induce City Council to rezone. Section 3. (f), however, allowed that if the Grantor, despite commercially reasonable efforts, is unable to transfer the subject property as in 3(e), the Grantor will pay into amenity funds prior to building on the lot. At the request of the applicant, in the summer of 2017 staff reviewed all correspondence (including council reports) related to this condition and it was clear the intent was to sell the land to Habitat for Humanity at a rate slightly less than market.

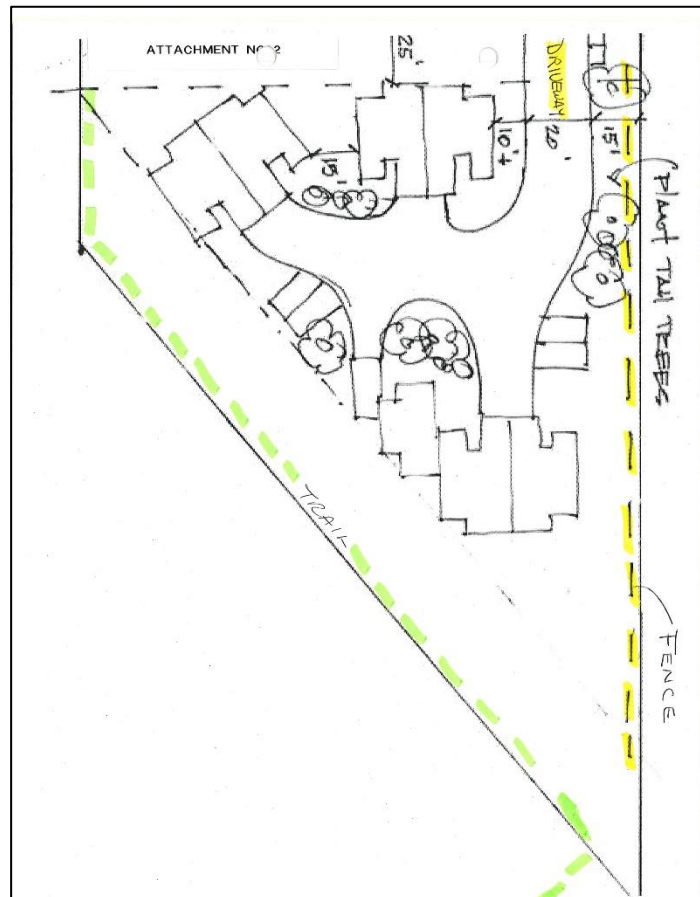


Figure 2. Covenant Concept Plan

In the fall of 2017 City staff met with the then land owner and a representative of Habitat for Humanity to discuss Habitat for Humanity's interest in purchasing the land. The City was advised in the meeting that the location was too far from services (schools, shopping, etc.) to be viable for Habitat for Humanity's model of

housing low income families with children; as such they opted not to acquire this property. Accordingly, when the subject property was subdivided from the parent lot in 2018 a new covenant was registered on the subject property with modified conditions pertaining to affordable housing amenity contributions. Congruent with section 3(f) of the 2012 covenant the new covenant requires that prior to any building permits being issued on the subject property the applicant must make a monetary contribution to the affordable housing reserve fund. The original developer of the parent property also provided an amenity contribution to the affordable housing reserve fund at the time of subdivision approval for each of the 25 bare land strata lots created on the parent parcel just south of the current subject property. All other conditions of the 2012 covenant remain intact. The current applicant purchased the lot in 2019.

### Neighbourhood Context

**Figure 1** above shows the subject property location, between a single family home and a park with a stream and a public path intended to link in the future to Piercy Creek Greenway. Single family homes dominate the neighbourhood, typically set low on the sloping natural grade. The Transportation Master Plan classifies Arden Road as a collector though it is rural in character with the nearest public transit stop at Cumberland Rd about 800m away.

**Figure 3** shows a view across the front of the property from the public path at Arden Road.

### Development Proposal

The applicant intends to construct two, four-unit multifamily buildings, each comprising two two-storey units and two basement units. The upper units are about 145m<sup>2</sup> (1545ft<sup>2</sup>) plus garage and the lower units are 71m<sup>2</sup> (767 ft<sup>2</sup>). **Figure 4** shows the proposed site plan with variances highlighted as well as covenant conflicts. **Figures 4-7** show elevations, with additional drawings attached to **Attachment No. 2 – Draft Permit**.

The applicant maintains that the concept plan the covenant was based on is unworkable for a number of technical reasons (**Attachment No. 1**), and has proposed an alternative plan. Consequentially, CA6752450 would need to be amended or released for the application to be approved, to allow the eighth unit, the 4-unit building form and the shortened fence length as discussed below. While public hearings are not required as part of development permit applications, in this instance the covenant was registered as part of a public zoning process. While some covenant conditions, such as the not-for-profit housing requirement provide for alternatives, other conditions such as the unit count and housing form are fixed. Accordingly, best practice is to follow the same process to amend the covenant that was used to formulate the conditions of the covenant – a Public Hearing.



**Figure 3. Subject Property and Neighbours along Arden Rd**

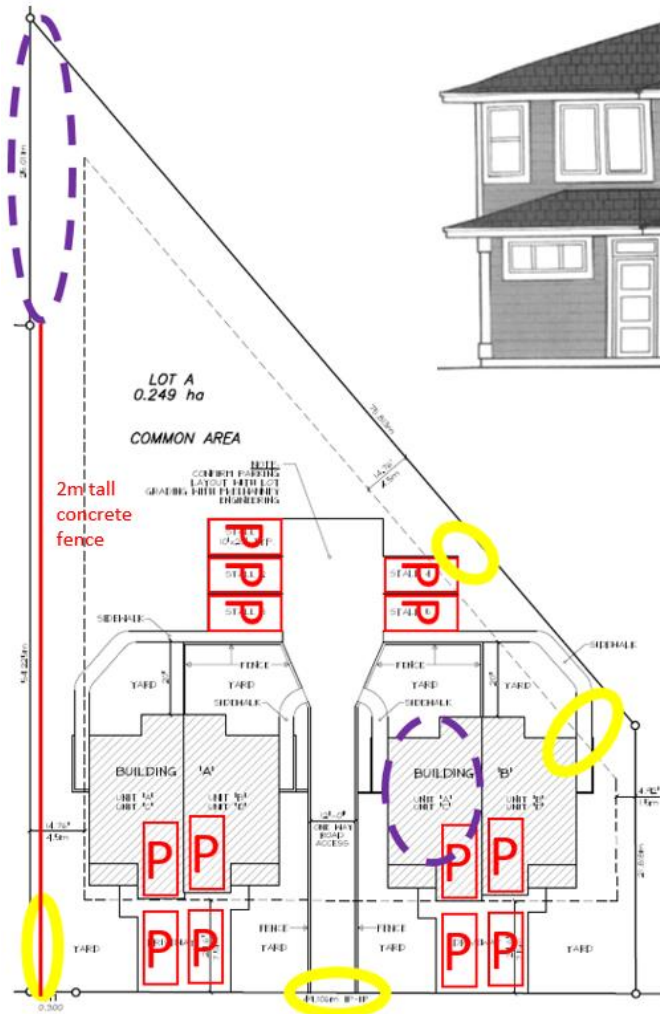


Figure 4. Site Plan with Variances (yellow) and Covenant amendments (purple)



Figure 5: Proposed Front Elevation (north bldg. detail)



Figure 6: Proposed Rear Elevation



Figure 7: Proposed Side Elevation (south)

Note: Applicant wishes to increase basement ceiling height by 0.3m (1') above that pictured to keep back grade low, addressing neighbour preference in **Attachment No. 3, p. 21**. No impact on building height and no concern from Development Services.

**DISCUSSION:**

Zoning and Subdivision and Development Servicing Bylaw Review

The proposed development will meet the provisions of the Residential Three (R-3) zone with the exception of *Sections 6.8.1, 8.3.5 (2) and 8.3.10* summarized below. It meets or exceeds zoning parking requirements, but it does not meet *Subdivision and Development Servicing (SDS) Bylaw No. 2919, 2018, Section 17 C*, which refers to *Master Municipal Construction Documents (MMCD) Design Guideline Section 5.14.2* also summarized below. **Table 1** below shows zoning requirements, along with the abovementioned SDS-required MMCD guideline, and proposed development specifications.



**Table 1. Bylaw Requirements and Proposed Specifications**

Bylaw 2500, 2007 Section	Attribute	Requirement	Proposed
<b>6.8.1</b>	<b>Front Yard Fence Height Max</b>	<b>1.25m</b>	<b>2.0m (note this is required by covenant)</b>
8.3.1	Permitted Uses	Includes Multi residential	Multi residential
8.3.4	Max. Floor Area Ratio	40%; 60% (apartment)	34.2%
8.3.5 (1)	Front Setback	7.5m	7.5m
<b>8.3.5 (2)</b>	<b>Rear Setback</b>	<b>7.5m; apartment 9.0m 2<sup>nd</sup> storey, 10.0m 3<sup>rd</sup> storey</b>	<b>3.5m (4.2m to building minus 0.6m roof overhang and 0.1m error margin)</b>
8.3.5 (3)	Side Setback	4.5m total; 1.5m min.	9m total; 4.5m min.
8.3.6	Max. Height	10m	6.3m
8.3.7	Useable Open Space	50m <sup>2</sup> /2+ bed unit (400 m <sup>2</sup> )	652m <sup>2</sup>
<b>8.3.10</b>	<b>Min. Landscape Screen/Fence Height; Width</b>	3m; <b>3m</b>	3m; <b>1.75m</b>
Schedule 7A	Parking Spaces	12	13
Schedule 7B	Parking Min. Dimensions	5.5m X 2.75m	5.5m X 2.75m
Bylaw 2919, 2018 Section	Attribute	Requirement	Proposed
<b>17 C --&gt; MMCD Design Guideline 5.14.2 and TAC Table 8.9.2</b>	<b>Number of Driveways (Max.)</b>	<b>2 per road frontage</b>	<b>3 on one frontage</b>

\*Bylaw 2919, 2018 Section 17 C requires following Master Municipal Construction Documents (MMCD) Design Guidelines unless specifically modified in Bylaw 2919.

## **Variances**

### ***Number of Driveways***

The development, as proposed, has three driveways in total on Arden Road, one more than is permitted under Subdivision and Development Servicing Bylaw No. 2919, 2018, Section 17 C. In this regard, Bylaw 2919 follows the Master Municipal Construction Documents (MMCD) Design Guidelines, which also incorporate the use of many other guiding technical manuals including the Transportation Association of Canada's (TAC) Geometric Design Guide for Canadian Roads. Chapter 8 of the TAC Guide deals with access and Table 8.9.2 outlines the suggested number of driveways based on the width of road frontage. These are two driveways for frontages between 16m and 50m and three driveways for frontages between 51m and 150m. The subject property has 49.4m of frontage which permits two driveways. It is just one metre shy of the required frontage to have three.

The proposed development, which had Planning staff input early on for balancing unit density with neighbourhood fit, has a driveway for the front/top units of each building and one for the rear/bottom units of both buildings. Additional driveways in an urban road cross section can add maintenance costs for taxpayers and can reduce road safety with additional collision points, though these factors are mitigated considerably by the location's low traffic and the road's rural design standard. The Arden Road Local Area Plan calls for maintaining this rural standard into the future.

## **Setbacks**

The proposed development requires a rear yard setback reduction to 3.5m in one location on the lot's shallow south side due to the irregular lot shape. This allows 4.2m to the building wall plus 0.6m for roof overhang and a 0.1m margin of error. The Zoning Bylaw No. 2500 Section 8.3.5 (2) requirement for a rear yard setback is 7.5m except for apartments which shall be 9.0m for the second storey and 10.0m for the 3<sup>rd</sup> storey. In this regard, *apartment* is defined (in part) as a building of not less than three units and not being a townhouse, and *townhouse* is defined (in part) as having no dwelling unit located above another. Accordingly, the proposed fourplex buildings are considered apartments and the 10m requirement would apply in this case. Maintaining a 10.0m rear yard setback would decrease the buildable area on the southeast side of the property, disallowing two residential units from the proposed plan and likely requiring development to be concentrated on the northwest side which borders a residential property (if an alternative plan was to build the proposed number of units). The extent of non-compliance is limited to a corner of one building, a landscape buffer will be in place at the location of proposed setback variance and reach 3m+ in height near the property line, total usable open space far exceeds the zoning requirement, and the neighbouring property on this side is a park.

In order to fit the rear parking lot, the Zoning Bylaw Section 8.3.10 (1) landscape screen/fence requirement would need to be reduced from 3m to 1.83m in width where the eastern corner of the rear parking lot meets the rear lot line. 1.75m allows a small margin of error. Moving rear parking to fully comply with Section 8.3.10 (1) would cut significantly into usable open space and also create grading and stormwater retention problems, as the relatively flat lot area would need to extend farther back, steepening the hill behind it to the stormwater pond (See Grading Plan in **Attachment No. 4**). The parking lot design previously had one more space and a landscape screen as narrow as 0m in one corner. One space was removed to improve the screening. The proposal still has one more than zoning requires which is likely warranted considering the units' number of bedrooms and distance to public transit. As with the rear yard setback variance request, this is mitigated by its limited extent, only at one point along the rear lot line, and by the adjacent park use.

A variance is also requested to Zoning Bylaw Section 6.8.1, to allow a covenanted 2.0m concrete fence in the front yard along the northern property line (offset 1m into the subject property), rather than reducing it to 1.25m. The covenant requires in part that the Grantor or subsequent owner, will install a two-metre high concrete fence offset one metre along the northern property line of the lot. This is interpreted as requiring the full height along the entire property line. Here, compliance with Zoning would require noncompliance with a covenant condition that is important to the next door neighbour. The 1.25m front yard fence height maximum is intended to facilitate open, welcoming streets and crime prevention through design 'eyes on the street', but a taller fence provides better sound-proofing and is already covenanted with the City on the property.

**Development Services staff assesses the requested variances as supportable.**

### Covenant CA675240

The applicant wishes not to construct the rear portion of the aforementioned concrete fence interpreted as being required along the entire property line, instead building only to the northwest neighbour's rear lot line, so as to leave the rear 25m open for wildlife to pass into the property's largely undisturbed vegetation area. Building the additional length would fully enclose the rear of the property. It would add expense, potentially require additional tree removal, reduce opportunity for wildlife access and provide limited clear benefit to neighbours. The applicant's proposal is consistent with the fence location in the original concept drawing (figure X above).

Covenant CA675240 also requires no more than seven (7) dwelling units on the Land in the form of two duplexes and one triplex. As noted above the applicant is proposing eight units total in the form of two fourplexes adding one more unit than the covenant allows. The applicant contends that the seven-unit clause was based on a concept plan that cannot be built due to numerous spatial inadequacies such as for building separation, drive aisle geometry, driveway depth, and parking stall conflicts, detailed in **Attachment No. 1**. Staff confirm that the lot doesn't have sufficient width to accommodate the design the covenant was based on.

### Multi Residential Development Permit Guidelines

#### **Form and Character**

The applicant addresses Multi Residential development permit area form and character requirements in a checklist and adds further detail in a response to a review letter in **Attachment No. 4** at the end of this report.

These are a new building type for the neighbourhood though they appear as duplexes which are permitted on many nearby R-2-zoned properties. While they are set significantly higher and farther forward than some of the closest neighbours on the same side of the street, neighbours across the street or further down the same side have similarly short front yards and/or tall height. The angled rear lot line and high sanitary sewer main elevation are problematic for setting buildings lower and farther back. The building locations meet minimum front yard setback requirements.

Both buildings front onto Arden Road and have high-quality fibre cement siding with wood trim. Siding on both buildings is mostly horizontal; one building is punctuated by Boothbay Blue board and batten, the other Gray Slate shingle to colour-match each building and bring visual interest and differentiation. Roofs are sloped with a 3.5:12 pitch, flatter than typically recommended for duplexes but reducing total height for neighbourhood fit. Minimal side windows on the bottom two floors facilitate privacy. Massing is broken up through setting the sides and top floor of each building back and by separating the two buildings with a driveway and landscaping.

#### **Landscaping and Parking**

A detailed landscape plan was submitted for this application and forms part of the attached draft development permit (**Attachment No. 2 Schedule No. 2**). It includes new coniferous and deciduous trees for screening and beautification, including six Pacific Dogwoods, a protected species in the City of Courtenay. The plan exceeds the Tree Density Target of twelve trees. The back of the property is to feature a new stormwater detention pond and have invasive species removed but otherwise be largely left in its natural state and accessible to bordering forested lands at 2201 Ronson Road. Tree removal is not required, some clearing already having been previously done. Any future tree removal, such as if required for the pond or as requested by a neighbour (discussed under citizen/public engagement below) would be subject to separate permitting under Tree Protection and Management Bylaw No. 2850, 2016.

The proposal does not have a play structure but does have clearly defined yards for each unit, including some fencing, which may be more desirable and adaptable at this scale of development. There is also shared backyard open space and there are six parking spaces in the back, accessed by a central driveway fenced off from unit yards. Two additional driveways each serve two upstairs units; including garages, upstairs units each have two legal spaces plus a third de facto space in the driveway in front of the property on Arden Road, the lot line about six metres back from the curb. All outdoor parking will be paved and dust-free.

### **FINANCIAL IMPLICATIONS:**

There are no direct financial implications related to the processing of development applications as the fees are designed to offset the administrative costs.

### **ADMINISTRATIVE IMPLICATIONS:**

The processing of development applications is included in the current work plan as a statutory component. Staff have spent 70 hours reviewing the application, conducting review of the plans and coordinating with the applicant to request additional information.

If approved, there will be approximately one additional hour of staff time required to prepare the notice of permit, have it registered on title and close the file. Additional staff time will be required for processing and issuing a building permit and related inspections.

### **ASSET MANAGEMENT IMPLICATIONS:**

The City will inherit 49.1m of upgraded frontage to a rural standard per Subdivision and Development Servicing Bylaw No. 2919, 2018 and the Arden Corridor Local Area Plan.

### **2019 – 2022 STRATEGIC PRIORITIES REFERENCE:**

The November 2019 Strategic Priorities Check-in does not include any additional relevant references.

▲■ Identify and support opportunities for lower cost housing and advocate for senior government support

●▲ Encourage and support housing diversity

### **OFFICIAL COMMUNITY PLAN REFERENCE:**

The proposed development is consistent with the Multi Residential land use designation of the OCP.

#### **Residential Policy:**

4.4.5 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 the downtown area

(b) the multi residential description is subject to the following criteria:

- sufficient amenity space for the recreational needs of the development
- access to schools, parks, walkways, transit and complementary commercial/ service uses
- adequate buffer areas from major roads and adjacent land uses

#### **Climate Change Policy:**

Objective 1 (4): The City will reduce the ratio of parking for new developments within its jurisdiction.

Objective 5 (4): The City will review and amend all landscaping policies for all land uses to promote naturoscaping principles to screen and protect sensitive ecosystems, control and direct surface run-off and ensure that only plant species native or non-invasive to Courtenay are used.

#### Arden Local Area Plan

##### **9.6.4.4. Housing Objectives:**

- Strive for housing form that maintains a 'rural aesthetic'

- Maintain housing opportunities for a diversity of resident demographic profiles including young families, family members and seniors

**Policies:**

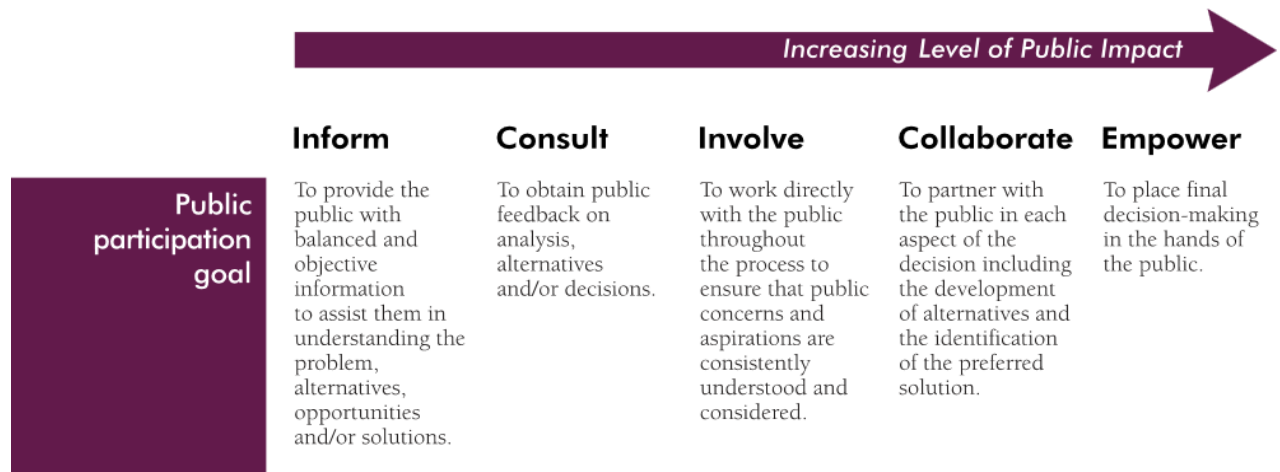
3. Concentrate higher density housing along Arden Road, near the intersection of Arden and Cumberland and near the Arden Elementary school. Aim for 10 units/acre as desired density in these locations to support transit services [the proposal works out to 12.9 units/acre].

**REGIONAL GROWTH STRATEGY REFERENCE:**

The proposed development is consistent with the RGS goal to ensure a diversity of housing options to meet evolving demographics and needs. It is consistent with Objectives 1-C: Develop and maintain a diverse, flexible housing stock [through introducing under-represented medium-density housing]. It is also generally consistent with Objective 1-A: Locate housing close to existing services [near Tin Town via developing trails though not highly central]; Objective 1-B: Increase affordable housing options [2-bedroom downstairs units may be relatively affordable though market]; and Objective 1-D: Minimize the public costs of housing [through multifamily building efficiencies and low-hazard location, though driveways can add some maintenance costs].

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff **consulted** the public based on the IAP2 Spectrum of Public Participation:



In accordance with the *Local Government Act* and City regulation, the City has notified property owners and occupants within 100m of the subject property with regard to the proposed amendment.

Prior to this application proceeding to Council, the applicant held a public information meeting on Tuesday, August 13<sup>th</sup>, 2019 at 5:00-6:30pm at the Florence Filberg Centre. The applicant misplaced the sign-in sheet but in the detailed summary (**Attachment No. 3**) noted that ten residents signed in, and an estimated 20 attended. Reported topics of discussion included covenant requirements and proposed amendments thereto, parking provision, building height, and neighbourhood consistency.

The applicant also reported three subsequent meetings with the property owner of 2770 Arden Road. One of the topics discussed was a not-for-profit development intent of the multi-family rezoning and whether the zoning should remain in the absence of not-for-profit development.

The aforementioned property owner also requested lowering the buildings, altering the planned fence to follow covenant specifications, lowering the rear parking lot, and removing some cottonwood trees at the rear of the property. The applicant maintains that lowering the buildings and parking lot are not feasible. Building height is also well within zoning allowance if significantly higher than the neighbour. The applicant did change plans for the fence in response to the neighbour comment, however, originally asking for it to be wooden, along the property line, and only 1.8m. As reflected in the Public Information Meeting summary, the applicant's intention is not to remove rear yard cottonwood trees; however, the applicant has subsequently indicated openness to allowing at a future time removal of a small number of the cottonwoods which may affect the neighbour's septic system and neighbourhood drainage, if the City supports it and approves it under a separate tree cutting permit. Meeting topics are summarized in Table 2.

**Table 2. Public Information Meeting and Subsequent Meetings**

Topic	Original Proposal	Changes
Covenant requirements	Requires amendment to unit count & configuration; fence height, length, material & location. Other requirements met.	Changes to fence height, material and location, plus some increase in length to better-align with covenant.
Onsite parking (add more)	14 spaces (2 more than required)	No change
Building height (lower)	6.3m tall (10m allowed);	No change
Building location (back up)	7.5m front setback (7.5m allowed)	No change
Neighbourhood (single family home) consistency	Two four-unit buildings that look like duplexes from road (allowed in R-3 zone)	No change
Not-for-profit housing (should be)	Market housing with some amenity contribution (allowed by zoning and covenant – though unit count and configuration require covenant amendment)	No change
Parking lot height (lower)	Finished grade ranges 38.2m-38.6m	No change
Cottonwood trees (remove some)	To be retained (encouraged under tree protection bylaw unless	No change at this time but amenable in future if City supports

Development Services received written comments from twelve people representing six addresses (**Attachment No. 3**). All were against the development and all mentioned insufficient off-street parking, though the proposal provides two more than bylaw requires. Most comments also mentioned pedestrian infrastructure and safety (children walking in the area and there being no sidewalks), the neighbourhood's rural/single family dwelling character, eight units being too many, and potential problems with rentals. Many discussed the property being intended for low-cost/not-for-profit housing, honouring covenants, and traffic control – especially for the Cumberland Road-Arden Road intersection. More than one also brought up speed reduction, a need for a playground in the area, and concerns about building height and the northern property line fence. Also mentioned were mailbox move location, lack of nearby transit, water run-off, erosion, stream security, geotechnical safety, soil contamination testing, northern landscape buffer, cottonwood trees, general landscaping, beautification, bonding, development cost charges, building type/classification, property value and crime. For the more technical topics, the applicant provided the studies and documentation required at this stage in the development process to City staff's satisfaction – should this application be approved, additional items may be required for building permit.

**OPTIONS:****OPTION 1:** (Recommended):

That based on the May 4, 2020 staff report entitled “**Development Permit with Variances No. 1908 – 2800 Arden Road**” Council approve OPTION 1 and complete the following steps:

1. That Council direct staff to schedule a Public Hearing for the requested modifications to Covenant CA6752450 when regular Council meetings resume or an alternative Public Hearing format is authorized by the Province and approved by Council; and,
2. That a final decision on “**Development Permit with Variances No. 1908 – 2800 Arden Road**” be withheld until Covenant CA6752450 is modified to permit the proposed development.

**OPTION 2:** Defer issuance of Development Permit with Variances No. 1908 pending receipt of further information.

**OPTION 3:** Not approve Development Permit with Variances No. 1908.

Prepared by:



Mike Grimsrud  
Planner 2

Reviewed by:



Ian Buck, MCIP, RPP  
Director of Development Services

**Attachments:**

1. *Attachment No. 1: Application Rationale*
2. *Attachment No. 2: Draft Development Permit No. 1908*
3. *Attachment No. 3: Public Engagement*
4. *Attachment No. 4: Additional Materials*

**Attachment No. 1: Application Rationale**



June 11, 2019

Our File: 2211-47530-00

Mr. Matthew Fitzgerald, MCIP, RPP  
Planning Supervisor  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

Dear Mr. Fitzgerald,

**LOT A, DISTRICT LOT 231, COMOX DISTRICT, PLAN EPP710858-  
PROPOSED MULTI-FAMILY DEVELOPMENT OF 2800 ARDEN ROAD- DEVELOPMENT SYNOPSIS**

The following development synopsis has been prepared on behalf of Supreme Convenience Stores Ltd. (BC0384657) in support of the following applications:

1. Text amendment to covenant CA6752450;
2. Development Permit;
3. Development Variance Permit.

**1.0 GENERAL**

The subject property is legally described as Lot 1, District Lot 231, Comox District, Plan EPP71085 (PID #030-431-450), and is located at 2800 Arden Road, Courtenay. The 2,505 square meter property lies within an area bounded by single family residential (north), Piercy Creek Greenway (east and south), and Arden Road (west). Refer to McElhanney drawing SK-03 entitled "Existing Site Plan", overleaf.

The property generally slopes from west to east and is covered in a mixture of grasses and cottonwood trees. The property does not contain any environmentally sensitive areas or existing structures.

The development proposes two (2) three storey buildings. Each building half contains a basement suite and a first/second floor suite; for a total of four (4) dwelling units per building and eight (8) units total. Suites are configured in either two bedroom (basement) or three bedrooms (first/second floors).

This is a purpose-built rental unit project, with property ownership being retained by the developer.

**2.0 TEXT AMENDMENT TO COVENANT CA6752450**

This request for a text amendment pertains to Item #2 of covenant CA6752450. Specifically, the following:

**Staff Note: Applicant now intends to sell units; they still might be rented out by new owners, or might be owner-occupied**

1211 Ryan Road  
Courtenay BC  
Canada V9N 3R6

Tel 250 338 5495  
Fax 855 407 3895  
mcelhanney.com





June 11, 2019  
Matthew Fitzgerald, City of Courtenay  
2800 Arden Road Development Synopsis

- (a) no more than seven (7) dwelling units to be built on the land in the form of two duplexes and one triplex.
- (b) the entrance driveway shall be located at least 4.5 meters from the north property line.
- (c ii) a two meter high concrete fence offset one meter along the northern property line of the land.

Generally, the conceptual development plan that formed the basis of the above noted requirements (attachment 2 of covenant CA2638428) contains several fundamental design flaws that preclude this plan from being implemented. These being:

- The overall parcel width is not sufficient to support the two (2) buildings, associated building separation, driveway, and required building side yard setbacks.
- The proposed drive aisle and building access geometry shown does not meet applicable road design specifications.
- There is not sufficient space provided in front of the proposed buildings to achieve the required 6 meter vehicle parking requirement.
- The vehicle parking stall sizes shown do not meet applicable design specifications.
- The location of the auxiliary vehicle parking spaces does not allow access/egress without conflicting with vehicles parked in front of the garages.

In recognition of the above limitations, we have collaborated with City Planning staff to derive a proposed development plan that meets the overall objectives of the covenant. Highlights of this plan include the following:

- Two (2) duplex style buildings are orientated to Arden Road.
- A 4.5 meter wide building setback is provided along the north property line.
- A 1.8 meter high concrete fence is proposed along a section of the north property line. This is a modest reduction from the covenant requirement (2.0 meters) in an effort to reduce the overall visual impacts of the fence while maintaining a comparable level of screening.
- All vehicle parking stalls are provided off-street (14).
- Required front and side yard setback requirements are respected.
- A modest variance to the rear yard setback is required to accommodate the Arden Road building orientation given the shallow length of the south property line.
- No building decks back onto the existing adjacent properties.
- An expansive greenspace is provided within the eastern quadrant of the site.
- A total of eight (8) dwelling units are proposed, four (4) first/second floor and four (4) basement suites. In spite of the additional one (1) dwelling unit, the proposed building scale and massing is consistent with the duplex buildings shown on the covenant plan.
- The overall building/development hardscape footprint is reduced.



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2800 Arden Road Development Synopsis

- Building designs consider the existing site topography and incorporate walkout basements. Thus, the requirement for changes in site grading that would have otherwise been required have been marginalized.

Based on the above rationale, we request that the City support this covenant text amendment request.

### **3.0 DEVELOPMENT PERMIT**

The development proposal complies with the City's land use and multi-family development permit policies as follows:

- Provides higher residential unit density utilizing existing municipal infrastructure.
- The subject property is immediately adjacent to greenway walkway networks promoting alternative modes of transportation and opportunities for leisure activities.
- Expands on existing housing diversity within the local area, providing options for various social and economic needs.
- Adds eight (8) dwelling units to the local housing rental market.
- Building massing and orientation is consistent with the character of the existing neighborhood.
- The proposed development does not impact any environmentally sensitive areas.
- Stormwater management designs will be in accordance with the Water Balance Model of BC strategies.
- Building surface treatments include hardi-plank siding, board & baton, and hip roofs; consistent with existing homes within the immediate area.
- All buildings maintain an Arden Road streetscape orientation.
- A network of walkways link unit entrances to vehicle parking areas.
- An extensive landscape treatment is proposed; utilizing native and drought resistant materials.
- All vehicle parking requirements are met on-site.

### **4.0 DEVELOPMENT VARIANCE PERMIT**

The following development variance to Zoning Bylaw 2500 are requested:

- Section 8.3.5 (2): reduce the building rear yard setback from 7.5 meters to 4.2 meters.
  - This variance request is a result of maintaining the two (2) buildings orientated towards Arden Road. Unfortunately, the south property line is quite short and results in the rear corner of one of the buildings projecting to within 4.2 meters of this property line. The subject building corner is adjacent to the park/walking trail and additional landscape screening has been proposed within the immediate area to marginalize the visual & acoustical impacts of this setback reduction.



June 11, 2019  
Matthew Fitzgerald, City of Courtenay  
2800 Arden Road Development Synopsis

- Section 8.3.10: reduce the required fence height from 3.0 meters to 1.8 & 1.2 meters.
  - A 1.8 meter high concrete fence is proposed along a portion of the north property line. This reduction request is a reduction from both the Bylaw and covenant requirement. This request is intended to reduce the overall visual impacts of the fence while maintaining a comparable level of screening.
  - A 1.2 meter high black chain link fence was installed along the south property line (adjacent to the park/greenway) during the development of the parent parcel. The developer sees no need to replicate another fence immediately adjacent to the existing.

## 5.0 SUSTAINABILITY

Confirmation of the development's compliance with the City's sustainability strategies is detailed within the Sustainability Evaluation Checklist included with this Application.

## 6.0 AFFORDABLE HOUSING AMENITY & PARKS, RECREATIONAL, CULTURAL, AND SENIORS FACILITIES AMENITY RESERVE FUND

The developer supports the City's affordable housing & community initiatives and will provide a cash contribution to these efforts in accordance with Covenant 6752450.

Yours truly,

MCELHANNEY LTD.

Derek Jensen, ASCT

Reviewed by:

Bob Hudson, P.Eng.  
Branch Manager

Cc: BC0982942 Ltd., Don Cameron

**Attachment No. 2: Draft Development Permit No. 1908**

**THE CORPORATION OF THE CITY OF COURTENAY**

**Permit No.** DPV 1908

**DEVELOPMENT PERMIT WITH VARIANCES**

May 4, 2020

**To issue a Development Permit with Variances**

**To:**

Name: Supreme Convenience Stores Ltd. (BC0384657)  
 Address: PO Box 3730  
 Courtenay, B.C. V9N 7P1

**Property to which permit refers:**

Legal: Lot A, District Lot 231, Comox District, Plan EPP71085  
 Civic: 2800 Arden Road

**Conditions of Permit:**

Permit issued to permit construction of two four-unit multifamily buildings on the above referenced property with variances granted as described below:

Variances to Zoning Bylaw No. 2500, 2007:

*Section 6.8.1 – Front Yard Fence Height from a maximum of 1.25m to 2.0m.*

*Section 8.3.5 (2) – Rear Setback from a minimum of 7.5m for the first storey, 9.0m for the second storey, and 10.0m for the third storey, to 3.5m.*

*Section 8.3.10 – Landscaped Screen, Fence or Combination Thereof Height and Width from a minimum of 3.0m in width to 1.75m in width*

Variances to Subdivision and Development Servicing Bylaw 2919, 2018:

*Section 17 C, referencing MMCD Design Guidelines 5.14.2 and TAC Table 8.9.2 – Maximum number of driveways per road frontage, from 2 to 3.*

Development Permit with Variance No. 1908 is also subject to the following conditions:

1. The development shall be substantially consistent with the plans as shown in *Schedule No. 1*, as designed by D Bell Designs, issued to the City June 20, 2019;
2. That landscaping shall be in substantial conformance with the plans and specifications contained in *Schedule No. 2*, as signed by Mystic Woods Landscape Design, dated April 23, 2020;
3. Submission of landscape security in the amount of \$76,551.25 (\$61,241 x 125%) is required,

as estimated by Corrine Matheson and Alison Mewett, dated April 23, 2020;

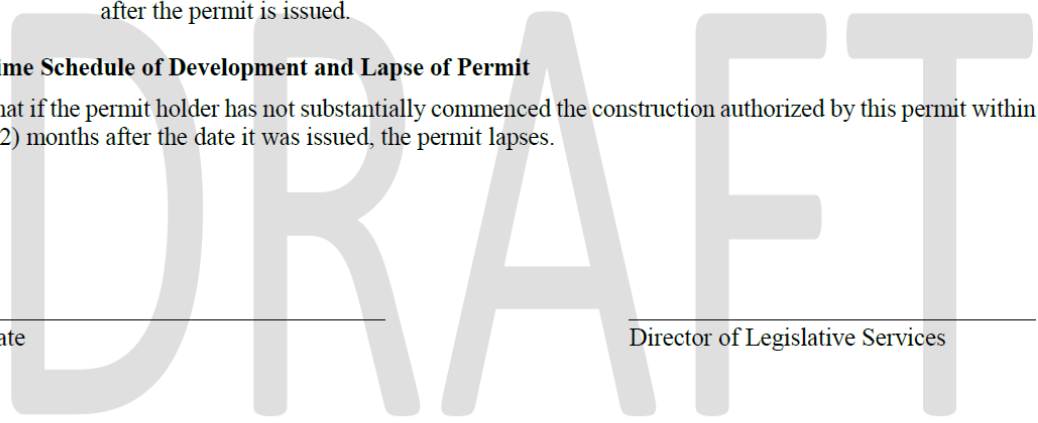
4. Landscaping must be completed within one year of the date of issuance of the occupancy permit by the City;
5. The minimum depth of topsoil or amended organic soil on all landscaped areas is to be as follows:  
shrubs – 450mm; groundcover and grass – 300 mm; and trees -300 mm.
6. All new street lighting in the proposed development must use Full Cut Off/Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas. Exterior building lighting must have FCO lighting fixtures;
7. Any removal of trees on the property requires a Tree Cutting Permit;
8. A sign permit shall be obtained prior to any signage being installed on the property;
9. The development shall meet all other applicable requirements, standards and guidelines; and
10. No alterations or amendments shall be made without the City’s permission. A formal amendment application is required if the plans change or additional variances are identified after the permit is issued.

**Time Schedule of Development and Lapse of Permit**

That if the permit holder has not substantially commenced the construction authorized by this permit within (12) months after the date it was issued, the permit lapses.

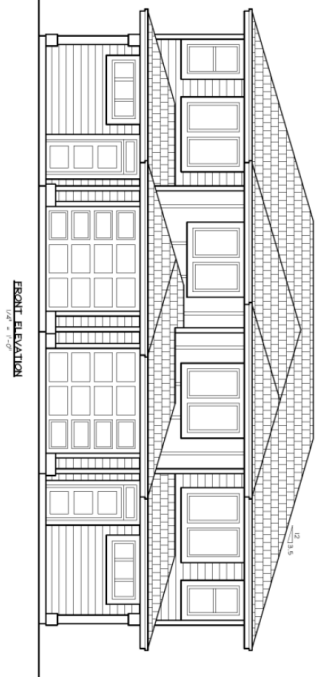
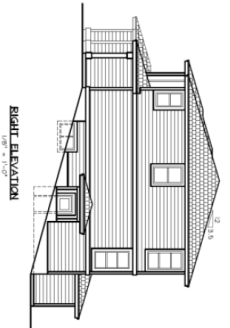
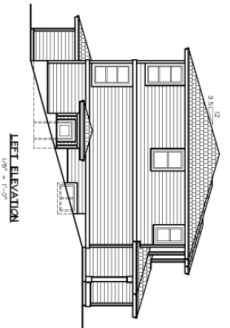
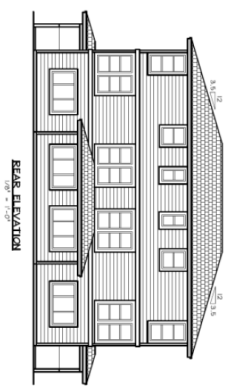
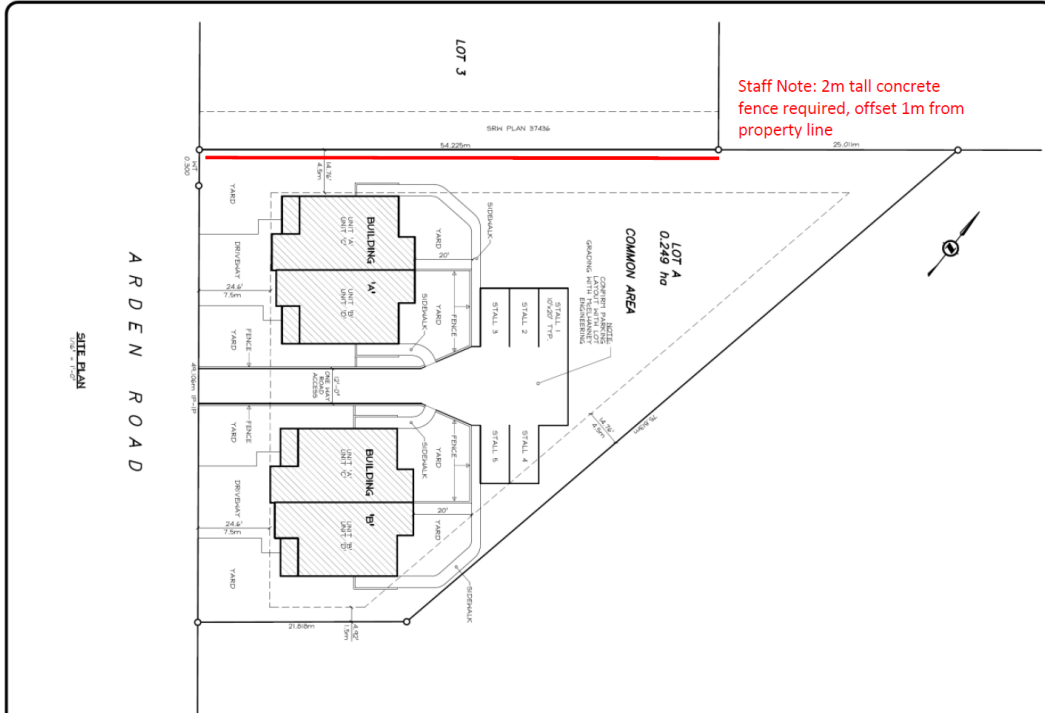
\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Legislative Services



DPV1908

Schedule No.1: Plans & Elevations  
Page 1 of 2



**D. Bell Designs**  
REGISTERED PROFESSIONAL DESIGNER - ARCHITECTURE

PROJECT: 2800 ARDEN RD 2800 ARDEN RD  
2800 ARDEN RD 2800 ARDEN RD

**CAMERON CONTRACTING LTD**  
2800 ARDEN ROAD  
DEVELOPMENT

BUILDING 1A  
SITE PLAN  
4 ELEVATIONS

DATE: 2020.05.04  
SCALE: AS SHOWN

DPV1908

Schedule No.1: Plans & Elevations  
Page 2 of 2



Hardie Siding - Gray Slate  
Hardie Shingle - Gray Slate  
Trim - Ultra White  
Shingle - Dual Black

**FRONT ELEVATION**  
1/4" = 1'-0"

South building



Hardie Siding-Boothbay Blue  
Board and Baton - Boothbay Blue  
Trim- Ultra White  
Shingle-Dual Black

**FRONT ELEVATION**  
1/4" = 1'-0"

North Building

DPV1908 Schedule No.2: Landscape Plan

Page 1 of 3

**BC ONE CALL**  
 Call Before You Dig  
 1-800-474-4886  
 Website: www.onecall.ca

GENERAL NOTES:  
 1. ALL PLANTINGS TO BE INSTALLED PER THE PLANTING SPECIFICATIONS AND THE ILLUSTRATIONS PROVIDED.  
 2. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND VARIANCES.  
 3. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.  
 4. ALL MATERIALS AND PLANTS MUST BE DELIVERED TO THE SITE AND PLANTED WITHIN THE SPECIFIED TIMEFRAME.  
 5. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE SITE UNTIL ALL PLANTINGS ARE ESTABLISHED.

**BRONS SIBIRIANA SPECIE**  
 FICUS ONCHOKA BUNGS

**LANDSCAPE SPECIFICATIONS**  
 1. ALL PLANTINGS SHALL BE INSTALLED PER THE PLANTING SPECIFICATIONS AND THE ILLUSTRATIONS PROVIDED.  
 2. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.  
 3. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE SITE UNTIL ALL PLANTINGS ARE ESTABLISHED.

**CLIENT:** CAPESIDE CONSULTING  
**PROJECT:** TALENTI LUBES  
**LOCATION:** 2800 ARDEN ROAD  
**DATE:** MAY 4, 2020

**DESIGNER:** BRONS SIBIRIANA SPECIE  
**SCALE:** 1:80  
**DATE:** MAY 4, 2020

Staff Note:  
 Four Pacific  
 Crabapple  
 trees to be  
 planted on  
 property  
 near front  
 lot line  
 instead of  
 four bigleaf  
 maple trees  
 pictured off  
 subject  
 property



DPV1908

Schedule No.2: Landscape Plan  
Page 2 of 3

Staff Note:  
Four Pacific  
Crabapple  
trees to be  
planted on  
property  
near front  
lot line  
instead of  
four bigleaf  
maple trees  
pictured off  
subject  
property

**EC ONE CALL**  
Call Before  
You Dig  
1-800-474-6886  
Callers: 46826

**ALL PLANTS LISTED BELOW ARE MATIVES TO VANCOUVER ISLAND EXCEPT THE FEW CRABAPPLE TREES**

PLANT NAME	COMMON NAME	HEIGHT	SPACING	PLANTING DATE
...	...	...	...	...

**PLANTS FOR DETENTION POND**

PLANT NAME	COMMON NAME	HEIGHT	SPACING
...	...	...	...

**PLANTING DETAIL - DECIDUOUS TREE**

**PLANTING DETAIL - CONIFEROUS TREE**

**PLANTING DETAIL - SHRUBS**

**PLANTING DETAIL - PALM TREES**

**PLANTING DETAIL - OTHER TREES**

**PLANTING DETAIL - CRABAPPLE TREES**

**PLANTING DETAIL - OTHER SPECIES**

**PLANTING DETAIL - OTHER SPECIES**

**PLANTING DETAIL - OTHER SPECIES**

**PLANTING DETAIL - OTHER SPECIES**

**PLANTING DETAIL - OTHER SPECIES**

DPV1908

Schedule No.2: Landscape Plan  
Page 3 of 3

**BC ONE CALL**  
Call Before You Dig  
1-800-474-4886  
Callers: 4886

**GENERAL NOTES:**  
1. All work shall be in accordance with the BC Building Code and all applicable municipal bylaws.  
2. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.  
3. All materials and workmanship shall be in accordance with the BC Building Code and all applicable municipal bylaws.  
4. The contractor shall be responsible for protecting all existing utilities and structures on the site.  
5. All work shall be completed within the specified time frame.  
6. The contractor shall be responsible for maintaining access to all adjacent properties at all times.  
7. All work shall be completed in accordance with the schedule of work.  
8. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.  
9. All materials and workmanship shall be in accordance with the BC Building Code and all applicable municipal bylaws.  
10. The contractor shall be responsible for protecting all existing utilities and structures on the site.  
11. All work shall be completed within the specified time frame.  
12. The contractor shall be responsible for maintaining access to all adjacent properties at all times.  
13. All work shall be completed in accordance with the schedule of work.

**EXISTING MATERIALS:**  
1. All existing materials shall be in good condition and shall be used in accordance with the BC Building Code and all applicable municipal bylaws.  
2. The contractor shall be responsible for identifying and protecting all existing materials on the site.  
3. All existing materials shall be used in accordance with the schedule of work.

**CONSTRUCTION:**  
1. All construction shall be in accordance with the BC Building Code and all applicable municipal bylaws.  
2. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.  
3. All materials and workmanship shall be in accordance with the BC Building Code and all applicable municipal bylaws.  
4. The contractor shall be responsible for protecting all existing utilities and structures on the site.  
5. All work shall be completed within the specified time frame.  
6. The contractor shall be responsible for maintaining access to all adjacent properties at all times.  
7. All work shall be completed in accordance with the schedule of work.

**PLANTING:**  
1. All planting shall be in accordance with the BC Building Code and all applicable municipal bylaws.  
2. The contractor shall be responsible for identifying and protecting all existing plants on the site.  
3. All planting shall be in accordance with the schedule of work.

**IRRIGATION:**  
1. All irrigation shall be in accordance with the BC Building Code and all applicable municipal bylaws.  
2. The contractor shall be responsible for identifying and protecting all existing irrigation systems on the site.  
3. All irrigation shall be in accordance with the schedule of work.

**FINISHES:**  
1. All finishes shall be in accordance with the BC Building Code and all applicable municipal bylaws.  
2. The contractor shall be responsible for identifying and protecting all existing finishes on the site.  
3. All finishes shall be in accordance with the schedule of work.

**CONTRACTOR'S OBLIGATIONS:**  
1. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.  
2. All materials and workmanship shall be in accordance with the BC Building Code and all applicable municipal bylaws.  
3. The contractor shall be responsible for protecting all existing utilities and structures on the site.  
4. All work shall be completed within the specified time frame.  
5. The contractor shall be responsible for maintaining access to all adjacent properties at all times.  
6. All work shall be completed in accordance with the schedule of work.

**DATE:** May 2020

**SCALE:** 1:50

**PROJECT:** 2800 ARDEN ROAD

**CLIENT:** [Client Name]

**DESIGNER:** [Designer Name]

**APPROVED:** [Signature]

**DATE:** [Date]

DPV1908

Schedule No.3: Landscape Cost Estimate

Page 1 of 1

**LANDSCAPE INSTALLATION ESTIMATE**

April 23, 2020

**LANDSCAPE ARCHITECT**

Alison Mewett, BCSLA  
766 Lazo Road  
Comox, BC V9M 3V6  
(236) 255-1055  
amewett@gmail.com

**PROJECT**

Cameron Contracting  
Multi-family Residential  
2800 Arden Road  
Courtenay, BC

Planting beds: 537m<sup>2</sup> (5,780 ft<sup>2</sup>)  
Detention pond: 270m<sup>2</sup> (2,906 ft<sup>2</sup>)  
Xeric Lawn: 677m<sup>2</sup> (7,287 ft<sup>2</sup>)

Plant material	\$ 12,390
Topsoil @ 450mm (18") for shrubs – 320 cuyd @ \$35	11,200
Topsoil @ 300mm (12") for groundcover/lawn – 430 cuyd @ \$30	12,900
Fine mulch, delivered @ 100mm (4") – 71 cuys @ \$55	3,905
Flex MXE Bag Wall system materials	1,200
Hydroseed lawn – 7,287 sqft @ \$0.16	1,166
Fertilizers and miscellaneous	400
Machine work to grade and move materials	5,070
Labour to install plant materials and other work to complete	8,500
Irrigation system installed	<u>5,000</u>
<b>Total (not including taxes)</b>	<b>\$ 61,241</b>

Concrete fence construction (by others)

Materials estimated at cost.

This estimate is approximate and may not reflect actual cost to install.

Alison Mewett, BCSLA  
Landscape Architect

Corinne Matheson, CLD, QP  
Mystic Woods Landscape Design



**Attachment No. 3: Public Engagement**



Our File: 2211-47530-00

City File: 3060-20-1908

January 22, 2020

Mike Grimsrud  
 Planner II  
 City of Courtenay  
 830 Cliffe Avenue  
 Courtenay, BC V9N 2J7

Dear Mr. Grimsrud,

**2800 ARDEN ROAD DP & DVP- NEIGHBOURHOOD PUBLIC INFORMATION MEETING SUMMARY**

This summarizes the outcomes of both the neighborhood public information meeting as well as subsequent meetings with the property owner of 2770 Arden Road.

**1. Public Information Meeting**

A neighbourhood public information meeting regarding the above application was hosted by Cameron Contracting and McElhanney Ltd. (McElhanney) on Tuesday, August 13, 2019. Detailed meeting summary as follows:

- Meeting notifications were mailed on August 1, 2019, per the contact list provided by the City of Courtenay (City).
- The meeting was conducted at the Florence Filberg Centre, beginning at 5:00pm and completing at 6:30pm.
- Staff from McElhanney and Cameron Contracting Ltd. were available to present the development proposal and answer any questions from the public.
- The following development documents were presented for public viewing:
  - McElhanney Site Plan and Lot Grading Plans.
  - Mystic Woods Landscape Plans.
  - Bell Design Architectural Plans.
  - Cameron Contracting Building Façade Rendering Plans.
- We have record of ten residents attending the meeting. However, we estimate that approximately 20 members of the public likely attended (we noticed that several members of the public did not sign the sign-in sheet).
- One (1) written comment was received.
- A summary of the discussion topics brought forward by the public and McElhanney's response to the same are summarized as follows:

**McElhanney**

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

- *Why is the development application inconsistent with the covenant (CA6752450) on title and the concept land use plan that formed the basis of same.*

**Covenant requirement - No more than seven (7) dwelling units to be built on the land in the form of two duplexes and one triplex.**

The conceptual development plan that forms the basis of the maximum dwelling unit yield noted above contains several fundamental design flaws that precludes the ability to implement the same. Specifically, the following:

- The overall parcel width is not sufficient to support the building orientation, required building separation, and driveway accesses, while maintaining the required building side yard setbacks.
- The proposed drive aisle and building access geometry does not meet applicable road design specifications.
- Building locations do not meet the 6m driveway depth requirement.
- Auxiliary vehicle parking stalls conflict with other vehicle parking provisions.

The development proposal includes a total of eight (8) dwelling units in the form of two (2) duplex buildings. The addition of one (1) dwelling unit (beyond the covenant requirement) is a modest density increase and occupies the same building footprint as the two (2) duplex building configuration required by the covenant.

**Covenant requirement - The entrance of the driveway shall be located at least 4.5 meters from the north property line.**

The development proposal locates all driveway accesses in excess of 4.5 meters from the north property line.

**Covenant requirement - Install a landscape buffer of at least 4.5 meters in width along the north property line and install a two meter high concrete fence (at an offset of one meter) along the northern property line.**

The development application provides a 5.0 meter building setback along the north property line for landscape treatment.

The initial development application included a wooden fence along a portion of the north property line. Subsequent to this public information meeting, a two meter high concrete fence (at an offset of one meter) will now be provided along the north property line and adjacent to 2770 Arden Road.

**Covenant requirement - All dwelling units on the land shall be oriented towards Arden Road and the back of the land.**



The development proposal orientates all dwelling units towards Arden Road and the back of the land.

**Covenant requirement - Amenity contributions towards the City's Affordable Housing Reserve Fund and Parks, Recreation, Cultural, and Seniors Facilities Amenity Reserve Fund shall be provided when applying for a building permit.**

The developer supports these important City initiatives and has agreed to provide the requisite contributions in accordance with City policy.

**Covenant requirement - Construction of the land is subject to the Multiple Residential Development Permit Guidelines.**

The development application conforms to the applicable Multiple Residential Development Permit Guidelines as presented within the development permit application submission, and is summarized as follows:

- Provides higher residential unit density utilizing existing municipal infrastructure.
  - The subject property is immediately adjacent to greenway walkway networks promoting alternative modes of transportation and opportunities for leisure activities.
  - Expands on existing housing diversity within the local area, providing options for various social and economic needs.
  - Building massing and orientation is consistent with the character of the existing neighborhood.
  - The proposed development does not impact any environmentally sensitive areas.
  - Stormwater management designs will be in accordance with the Water Balance Model of BC strategies.
  - Building surface treatments include hardi-plank siding, board & baton, and hip roofs, consistent with existing homes within the immediate area.
  - All buildings maintain an Arden Road streetscape orientation.
  - A network of walkways link unit entrances to vehicle parking areas.
  - An extensive landscape treatment is proposed, utilizing native and drought resistant materials.
  - All vehicle parking requirements are met on-site.
- *There is not enough on-site parking and people will start parking along Arden Road. While there is garage parking provided, people use these areas for storage, and they shouldn't be counted as parking stalls.*

The development proposes a total of 14 off-street vehicle parking stalls; two (2) additional parking stalls beyond the minimum required by Bylaw (12 stalls). To this end, we confirm that the development proposal has exhausted all available on-site opportunities for off-street vehicle parking.



We do note that until such time as Arden Road is widened beyond its current configuration (if ever), there is sufficient building setback from Arden Road to allow two (2) vehicles to park in front of each garage. While not included within the development parking stall calculation, there is an opportunity for an additional four (4) vehicles to park on-site without impacting vehicle/pedestrian traffic on Arden Road (18 total off-street parking stalls).

- *The proposed buildings are much higher than some of the existing homes on the east side of Arden Road. Is there an opportunity to lower the buildings? Also, is there an opportunity to set the buildings back further from Arden Road?*

The site grading plan has been derived on the understanding that re-grading of the existing land is to be minimized (DP Guideline). To this end, the proposed floor elevations of the 3 storey structures have been established to be below Arden Road, reduce the requirement for retaining walls, and match existing site grades at the rear of the buildings to the extent possible. Further, the building elevations also recognize the existing gravity sanitary sewer elevation within the Arden Road corridor and maintain the minimum elevation required to facilitate gravity sanitary service to the main & upper building floors.

In summary, the proposed building elevations are as low as possible without significant site regrading, and allowing gravity sanitary service to the main and upper floors.

Due to the irregular shape of the subject property, the proposed buildings cannot be set back from Arden Road any further than proposed.

- *The proposed buildings are inconsistent with the existing single family homes fronting Arden Road.*

The subject property is zoned R-3 Multi-family Residential. The development proposal is consistent with this land use, the multifamily development permit guidelines, and covenant CA6752450. Further, building massing, façade finishes, and orientation is consistent with existing neighborhood homes.

## **2. Meetings with the Property Owner of 2770 Arden Road.**

Further to the neighborhood public information meeting, McElhanney and/or Cameron Contracting Ltd. have participated in three (3) additional and separate meetings with the property owner of 2770 Arden Road. Topics of discussion and related outcomes are as follows:

- *The intent of the prior rezoning of this property to multi-family was to facilitate a not-for-profit development. Recognizing that this is no longer occurring, the property should be zoned back to single family.*



The subject property was rezoned to multi-family prior to the developer (and current property owner) purchasing same. As such, the reason(s) why a not-for-profit group did not proceed at this location are unclear to us. The developer has made a development application consistent with the current zoning regulations.

- *The proposed buildings are much higher than my home. Is there an opportunity to lower the buildings?*

The site grading plan has been derived on the understanding that re-grading of the existing land is to be minimized (DP Guideline). To this end, the proposed floor elevations of the 3 storey structures have been established to be below Arden Road, reduce the requirement for retaining walls, and match existing site grades at the rear of the buildings to the extent possible. Further, the building elevations also recognize the existing gravity sanitary sewer elevation within the Arden Road corridor and maintain the minimum elevation required to facilitate gravity sanitary service to the main & upper building floors.

- *The covenant requires a two (2) meter high concrete fence along the north property line. Can the development plan be altered to accommodate this?*

Since this discussion, the development plan and application has been amended to include a two (2) meter high concrete fence at a one (1) meter offset from the north property line (and adjacent to 2770 Arden Road) as requested.

- *Is there an opportunity to lower the on-site parking lot area and reduce the potential visual impacts resulting from parking cars at this location?*

The elevation of the on-site parking area has been designed to the maximum applicable design criteria to ensure this area is as low as possible. Proposed finished parking lot grades range from 38.2 meter to 38.6 meters. The top of the proposed concrete fence adjacent to this area will range from 39.0 meters to 39.8 meters (0.4 to 1.2 meters above the parking lot surface).

- *There are a number of cottonwood trees at the rear of the property. Can they be removed?*

The development proposal limits tree removal to only that necessary to facilitate the buildings, supporting infrastructure, and landscape treatments. The balance of the property will remain in a natural state in accordance with the City's Tree Protection Bylaw.



We trust you find the above information in order. Please don't hesitate to contact the undersigned should any additional information or clarification be required.

Sincerely,  
McElhanney Ltd.



Derek Jensen, ASCT  
[djensen@mcelhanney.com](mailto:djensen@mcelhanney.com)

Reviewed by:



Chantal Richard, P.Eng.  
[crichard@mcelhanney.com](mailto:crichard@mcelhanney.com)

DJ/njg

Cc: City of Courtenay, Matthew Fitzgerald  
Cameron Contracting, Don Cameron

## PUBLIC INFORMATION MEETING

August 13, 2019

2800 Arden Road - Development Permit & DVP

### COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]  
Address: 2875 Arden Rd Phone: [REDACTED]

Cameron Contracting has applied to the City of Courtenay for a DP and a DVP for a proposed multi-family residential development - comprised of 2 buildings - each containing 2 basement suites and 2 - 2 storey suites for a total of 8 units. This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

Beautification - walking paths - playground - landscaping  
2 parking spots for each rental - guest parking  
sidewalks curbs and speed bumps - lower speed to 40  
Has the soil been tested for contaminants? Comprehensive geotech  
for soil erosion & flooding Riprap in ditches leading to creek  
Crossing light at Cumberland & Arden Bids.  
Development cost charges - What are they being used for?  
Will they be used for beautification and improvements to  
our area  
What kind of insurance is there that the fish stream will  
not be compromised  
Is the bond from the builder enough to ensure all  
is complete?  
Is there a property manager who screens tenants?  
How onerous are the bonds imposed on the builder  
that insures what is planned is done?

**Please return your comments by Monday, Aug 26, 2019**

Comment sheets can be submitted by one of the following methods:

1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave, Courtenay, BC V9N 2J7
2. Email your comments to [planning@courtenay.ca](mailto:planning@courtenay.ca)
3. Fax your comments to: 250-334-4241

Where is the low cost housing as we were led to believe from Chris Grage. Habitat was to have this land - given for this purpose. Seven unit is enough.

**Grimsrud, Michael**

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**From:** [REDACTED]  
**Sent:** Thursday, August 22, 2019 9:55 PM  
**To:** PlanningAlias  
**Subject:** I Regarding the proposed 3 storey 4-plexes on 2800 Arden Road:

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**From:** [REDACTED]  
**To:** "planning" <planning@courtenay.ca>, "mgrimsrud" <mgrimsrud@courtenay.ca>  
**Sent:** Thursday, August 22, 2019 9:51:40 PM  
**Subject:** Regarding the proposed 3 storey 4-plexes on 2800 Arden Road:

To Courtenay Planning Dept.:

Regarding the proposed 3 storey 4-plexes on 2800 Arden Road:

We live @ 2770 Arden Rd. right beside this proposed project and possibly the one resident who it affects the most.

Starting from the beginning:

This lot should never have been rezoned to R-3 Multi -family in the first place. It was rezoned to this after City Council was told it was to be for Habitat for Humanity (Non-Profit Society) and therefore the rezoning was passed but with many covenants attached to the property to protect our residence and the surrounding neighbourhood. This took place in 2012. Now 7 years later a private developer (Cameron Contracting) purchased this terribly rezoned property which in an area is totally rural with acreage & half acre properties abound and decides to negate a bunch of covenants put in place by the City of Courtenay which is to protect us and our neighbours in this rural area.

These are the covenants they are trying to change with variances that we are opposed to.

1) Going from 7 units to 8:

- 8 units instead of 7 creates more people living on an already congested lot (.61 of an acre) with on-street parking everywhere
- Arden Rd. as it stands now is a narrow road and with on-street parking it will become dangerous
- Remember there is not a single duplex on the whole South Arden road so parking on the street is almost unheard of or seen.
- transit is not an option this far out of the city.

2) No altering of land:

- In drawings that have been viewed it shows Cameron Contracting building up the front & side yards anywhere from 3 to 7 feet in order to make this project work.
- The problem is it creates 2 major issues
- 1) an extremely high building (3 storeys, which will dwarf our property and not fit in with the character of the neighbourhood)
- 2) creates water run off onto our property

3) A full North property fence line.:

- Cameron Contracting wants to reduce the length of the fence line to half way down.
- Shortening the fence line makes no sense because it is needed for privacy but also for safety and liability as there is a proposed retention pond on the property.
- Whoever heard of a proposed project especially R-3 in a single family neighbourhood that does not have full fencing.

4) North property fence to be concrete & 2 metres high:

- Cameron Contracting wants to lower the height to 1.8 metres.
- Lowering the fence height makes no sense either because privacy is huge in this instance because of the height of these units.(3 storey)


5) **4.5 metre full length Landscape buffer on North property line:**

- Cameron Contracting wants to shorten length of buffer.
- Landscape buffer covenant should be enforced for privacy.

On a side note: by shortening the fence length Cameron Contracting is bypassing another issue which is the huge/menacing Cottonwood trees on the bottom North property line. They lean heavily onto our property as well as Cameron's lot with roots growing into our whole backyard. I had asked the previous owner to remove them (8 or 9 trees) but to no avail.

In closing this very controversial rezoning in the first place with a new owner/developer that wants to take even more advantage of the situation by getting rid of covenants that protect our property and neighbours from this previous terrible rezoning. This proposed project with its footprint isn't so bad but it's the height that does not fit in with the neighbourhood. With it's extreme 3 storey height and invasive nature and dismissal of covenants it will immediately reduce our property value drastically. Someone has to rethink or readjust this proposal or what is the point in having covenants. The current owner knew what he was purchasing with these covenants in place so why doesn't he stick to the rules instead of trying to bully them away, so it's time to enforce them rather than let him take financial advantage of them.

Thank you for your time



## PUBLIC INFORMATION MEETING

August 13, 2019

2800 Arden Road - Development Permit & DVP

### COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]  
Address: 2674 ARDEN ROAD, COURTENAY Phone: [REDACTED]

Cameron Contracting has applied to the City of Courtenay for a DP and a DVP for a proposed multi-family residential development - comprised of 2 buildings - each containing 2 basement suites and 2 - 2 storey suites for a total of 8 units. This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

To Whom It May Concern  
THE PROPOSED BUILDING OF 8 UNITS ON ARDEN RD IS  
UTTERLY UNACCEPTABLE - ALL HOUSES IN THIS AREA ARE  
SINGLE STRUCTURES AND 2 STOREY BUILDINGS WOULD  
BE WAY OUT OF PLACE AND 8 UNITS ARE FAR TOO  
MANY FOR THAT VERY SMALL PLOT OF LAND.  
PARKING ALSO IS A BIG CONCERN, TRAFFIC  
ON ARDEN IS BUSY AND WE DO NOT WANT TO SEE PARKING  
ON THE STREET LIKE THEY HAVE ON 20<sup>TH</sup> ST [AN ACCIDENT  
WAITING TO HAPPEN]. ARE YOU AWARE THAT WE HAVE A DAY  
CARE ON ARDEN AND THESE CHILDREN GO FOR WALKS EVERY DAY.  
PARKED CARS ON SIDE OF ROAD FORCE PEOPLE TO WALK AROUND  
VEHICLES INTO TRAFFIC.  
CAMERON CONTRACTING PLEASE THINK OF RESIDENTS AND  
NOT DOLLAR SIGNS.

**Please return your comments by Monday, Aug 26, 2019**

Comment sheets can be submitted by one of the following methods:

1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave, Courtenay, BC V9N 2J7
2. Email your comments to [planning@courtenay.ca](mailto:planning@courtenay.ca)
3. Fax your comments to: 250-334-4241

### PUBLIC INFORMATION MEETING

August 13, 2019

2800 Arden Road - Development Permit & DVP

#### COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]  
Address: 2674 ARDEN ROAD, COURTENAY Phone: [REDACTED]

Cameron Contracting has applied to the City of Courtenay for a DP and a DVP for a proposed multi-family residential development - comprised of 2 buildings - each containing 2 basement suites and 2 - 2 storey suites for a total of 8 units. This project is under review by staff in the Planning Department of the City.  
Given the information you have received regarding this project do you have any comments or questions?

Please see attached:-

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**Please return your comments by Monday, Aug 26, 2019**  
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1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave, Courtenay, BC V9N 2J7  
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3. Fax your comments to: 250-334-4241

I have several comments regarding the Cameron Contracting at 2800 Arden Road.

Firstly, I feel that the new zoning was handled very underhandedly. We were told that the land was to be given to Habitat for Humanity but when they turned the proposal down Cameron Contracting came from no where and suddenly there are going to be 8 units built on the property??!! Eight units on that one piece of land is far too much, if you look at the Arden and surrounding streets all the homes are single family dwellings. I feel that this new development will look VERY out of place and not fit in with the current houses in the area not to mention we will lose the rural feel that we currently have, especially after now learning that the 8 units are to be rentals.

Cameron Contracting has already built several large homes at the top of Arden Road so why can't they build the same kind of thing on this property?? It will be less units but at least the feel & look of area will be unchanged.

Secondly, if there are 8 units being build on this one property where are all the residents that rent these units going to park?? These day's it is common for families to have at least two cars, if not more, so where will they park?? On the road?? We do not have any sidewalks on Arden Road as it is so will we be expected to maneuver around parked cars while dodging vehicles driving past?! I brought this up with Cameron Construction at the meeting we had last Tuesday and he was unable to answer my question. He said that there will be a parking space for each of the units, so if there is more than one vehicle per unit they will be fighting over parking spaces?? And if they are unable to get a parking space where are they going to park?? If you look at the development Cameron on 20<sup>th</sup> Street, which is the same proposed development, the street is full of parked cars on both 20<sup>th</sup> Street and the other side on Cumberland Road. Yes the units may have driveway's that technically fits two cars, one behind the other, but they are so small and narrow the majority of people park on the street and if there is room people don't want to park behind one another as they constantly have to move cars when leaving. And what happens when the residents have visitors, where do they park?? If there were less units built there would be no issues with parking.

I understand that Courtenay is growing and there is a lack of housing for people, but we purposely chose Arden Road to make our home and raise our family because of the quiet, rural & friendly neighbourhood feel to the area. If these eight units get the go ahead there will be far more traffic, more people and the friendly neighbourhood feel will be lost.

Cameron Contracting are only looking out for themselves, which I understand, they are there to make money for themselves, but at what expense does that come at?? They want to build as many units as they can as more units means more money. But after the units are built and Cameron Contracting are long gone, we are the ones that will be left with all the issues afterwards not them.

Since the trail at the bottom of Ronson Road has been built we have watched the number of people using it increase consistently, the majority of which continue their walk up Arden Road, so what is the purpose of putting in a trail to promote walking and then build 8 units, where there are no side walks, where are people supposed to walk??

I urge you to please think everything through before approving the plans for 8 units, it is far too many for the size of the land and I also feel that having them all be rental's will have a huge negative impact on the neighbourhood.

Thank you for taking the time to read my comments.

[Redacted signature]

[Redacted address]

## PUBLIC INFORMATION MEETING

August 13, 2019

2800 Arden Road - Development Permit & DVP

### COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]  
Address: 2674L ARDEN ROAD COURTENAY Phone: [REDACTED]

Cameron Contracting has applied to the City of Courtenay for a DP and a DVP for a proposed multi-family residential development - comprised of 2 buildings - each containing 2 basement suites and 2 - 2 storey suites for a total of 8 units. This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

All homes in this area are single family homes and NOT rental's, this proposed development will have a negative impact on the street & 8 units is far too many for that plot of land. Not only will the development look out of place i.e there are no buildings that look like that on the street, but where are these new tenants going to park? There are no sidewalks on Arden as it is and it is hard enough to take my 7 year old for a walk, bike/scooter ride as it is due to the traffic on the road & now we'll be dodging parked cars aswell!!!

There is no way that there will be enough parking 'off road' for the tenants & their visitor's as the land is far too small. Our Street will look like 20<sup>th</sup> Street (the other Cameron development) where cars are parked all along the street & even on the Cumberland road side.

Have a look at the area before seeing how much money there is to be made. Most house holds have at least two →

**Please return your comments by Monday, Aug 26, 2019**

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vehicles, we actually have 4 vehicles in our house hold and I know that another neighbour has 5 vehicles & another 3. So if this is the case for the new tenants where will they be forced to park?... On Arden Road of course!

There is also a daycare right across from the proposed development & those children go on daily walks. How are they supposed to navigate both on-coming traffic & parked vehicles with no sidewalks.

I feel that if this development goes ahead it will ruin the 'rural feel' of the neighbourhood and create lots of headaches and accidents waiting to happen.

yours truly

[REDACTED]

[REDACTED]

**Grimsrud, Michael**

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**From:** [REDACTED]  
**Sent:** Sunday, August 25, 2019 2:34 PM  
**To:** PlanningAlias  
**Cc:** [REDACTED]  
**Subject:** 2800 Arden Road- Development Permit and DVP Comments and Questions

City of Courtenay Planning Department,

[REDACTED]  
2825 Arden Road

Return email addresses:

[REDACTED]

**Questions:**

1.) How did this property sell to Cameron Contracting when it was set out in the covenant that this property, lot 26, 2800 Arden Rd, was to be given to Habitat for Humanity or to a not for profit society? I would like to add as well that the price in which it was purchased was very low and below asking price. Were there other non-profit organizations approached before it was listed? What other societys were approached? We would like to see proof that Habitat for Humanity was approached or that other organizations. L'Arche, Transition Society, John Howard Society?

Where does it state in the R-3 Zoning that duplex dwellings are permitted to have a secondary suite? To add at your meeting Mc Elhanney writes in his statement calls these units 'duplex style'- where in the R-3 zoning is this type of building? To me this is not a duplex as it has suites, which I do not see in the R-3 zoning so I can only make the assumption that this is a 4 plex?

2.) Is the building being built on current grade? My understanding is that the land is not to be altered and the plans indicate that the driveways will be the same grade as Arden Rd. How is this possible?

3.) Are there going to be street lights? How many? And where will they be located?

4.) The covenant states that there will only be 7 units and now they are asking for 8 units. We are not in favor of more. The engineer states that it is impossible to build 7 strategically. Please explain to us why? Could they not just be smaller units or simply less units?

5.) New developments must 'suit' the neighborhood. Can you explain to me how 2, 3000 square foot facades will suit the current residential area? Not to mention that these were also to be awarded to people in need, a community that helps those in need so they can also live affordably -instead you are putting in higher end homes with suites that are going to be solely FOR PROFIT to a company that already makes money most likely above the average person.

**Comments and Concerns:**

1.) Street Parking and Mailbox being moved only slightly, south down the road.

People turn around all the time at the mailboxes. Now you are asking people to turn around in basically an intersection with Falcon Crest and then people battling with street parking along the same side. **Would it not make sense to put the mailbox at the first street of the recipients addresses to avoid half of the residents doing u-turns every day in unsafe areas?**

Not to mention that the children's bus stop is at the pathway system to the right of this property, this is a safety concern- children won't be seen in between the cars parked on one side or both sides of the road.

The city has just declared the stream and culverted area a sensitive fish habitat, now you are getting cars to park on roads, whom some leak oil/gas into the ditches that drain into this culverted fish habitat.

It doesn't make sense to award 1.5 parking spots to 8 units where there is no practical public transportation where people will have to use cars to commute.

Petty theft happens often around here, all of our cars have been broken into more than once and it is a fact that street parking increases petty theft- that concerns us as a community that has struggled with this for years.

The variances do not reflect the stated covenant that is put in place to protect a neighborhood and the neighboring properties. The variances are asking to push the green space buffers and the heights of fences for the neighboring property, we do not agree.

We are stating in this email that we are **NOT** in favor of the variances that Cameron Contracting is asking for.

We would really appreciate answers to our questions and concerns as well as next steps in which you will take with our questions, comments and concerns.

Sincerely,



## PUBLIC INFORMATION MEETING

August 13, 2019

2800 Arden Road - Development Permit & DVP

### COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]  
Address: 2737 Arden rd Phone: [REDACTED]

Cameron Contracting has applied to the City of Courtenay for a DP and a DVP for a proposed multi-family residential development - comprised of 2 buildings - each containing 2 basement suites and 2 - 2 storey suites for a total of 8 units. This project is under review by staff in the Planning Department of the City.

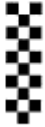
Given the information you have received regarding this project do you have any comments or questions?

We do not feel there is adequate parking  
aloted for this development. Arden rd has no  
sidewalks so if vehicles are parked on the  
road it is a definite safety concern for all  
of the area residents. It is already often  
unsafe for people walking as with it being  
straight people often drive to fast, we believe  
there should be speed bumps or rumble areas  
installed. With all of the development in the  
area the city should have also done improvements  
to the arden/cumberland intersection as it is  
very dangerous (a roundabout!) and installed  
a children's playground in the immediate areas.

**Please return your comments by Monday, Aug 26, 2019**

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3. Fax your comments to: 250-334-4241



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ARDEN ELEMENTARY

PAGE 01/01

### PUBLIC INFORMATION MEETING

August 13, 2019

2800 Arden Road - Development Permit & DVP

#### COMMENT SHEET

Name: [Redacted] Email: [Redacted]

Address: 2610 falconcrest drive Courtenay Phone: [Redacted]

Cameron Contracting has applied to the City of Courtenay for a DP and a DVP for a proposed multi-family residential development - comprised of 2 buildings - each containing 2 basement suites and 2 - 2 storey suites for a total of 8 units. This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

My concerns regarding this development is the re-zoning from a 1 unit to 8 unit. Going to an 8 unit is going to create a parking catastrophe. Just 700ft down the road the same developer developed a higher end subdivision & is now trying to put in beside a rental property. Our neighbourhood has been a well established residentially owned neighbourhood. If this application does proceed & is operated by a property mgmt company, I can see our neighbourhood not maintaining its quiet urban atmosphere. Parking will def become an issue. Renters & visitors will be parking on Arden Rd. Guarantee there will be 2 cars / basement suite & 2 cars upstairs. Check out other developments & you can see parking is an issue. I am strongly opposed to this development.

**Please return your comments by Monday, Aug 26, 2019**

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2. Email your comments to [planning@courtenay.ca](mailto:planning@courtenay.ca)
3. Fax your comments to: 250-334-4241

**Grimsrud, Michael**

**From:** [REDACTED]  
**Sent:** Tuesday, September 3, 2019 10:58 AM  
**To:** Grimsrud, Michael  
**Subject:** Overheight building and cottonwoods on lot 2800 Arden Rd.  
**Attachments:** pic3.jpg; pic2.jpg; pic1.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Michael Grimsrud- Planner II- Development Planning:

Hi my name is [REDACTED] My family and I reside at 2770 Arden Road, right beside lot 2800, the potential fourplex building site. After earlier consultation with you at city hall I am submitting some photos of the foreseen overwhelming height issues presented by this three-storey project. The tall grade stake in one photo is actually an indicator of the garage entrance or bottom of the second-floor height. This gives you an idea just how high these massive units will be. In the back of the lot 2800 the units will look exceedingly higher of course. Also, if you research the existing grade heights (submitted on the grade site drawings) you will see just how much Cameron Contracting is wanting to raise this development from its natural grade. This includes the units, driveways, sidewalks, and parking lot-almost to an alarming degree. Always cheaper and easier than excavating down but at our expense. Someone has to take steps to lower this development.

I have also included a photo as you suggested of the 100ft cottonwood trees (eight in total), but they do not do justice to the problem. Only a visual can appreciate the leaning of them towards my property as well as root issues all over my backyard and ditch. Once again, I would encourage a site meeting with anyone from the planning department to further discuss this complicated development.

Thank-you for your time and consideration

[REDACTED]



**Zilkie, Rhonda**

**From:** [Redacted]  
**Sent:** December 03, 2019 6:58 PM  
**To:** [Redacted]  
**Subject:** Arden Road Proposal

Staff note sender brought in printed copy of email; sender mostly obscured recipient name; and recipient is not a City of Courtenay Councillor.

Dear Councillor [Redacted]

Re: The proposed 2-3 storey four-plexes on 2800 Arden Road on a 0.61 acre property.

We live at 2770 Arden Road right beside this proposed project and probably the one residence that is affected by this project the most. Some history- starting back in 2012, this lot was and should never have been re-zoned to R-3 "multi-family" in the first place. It was re-zoned to this designation after city council was told it was to be given to Habitat for Humanity or a non-profit society for a nominal fee, thus inducing the council to grant the re-zoning. This is an area of single family homes and large properties. In the re-zoning process Peter Crawford (the head city planner at the time) then put covenants in place on this property to protect our residence, knowing full well it was a questionable re-zoning to begin with. These covenants are supposed to continue with whoever owns the lot as reconfirmed to us back in January 2019 by Tatsuyuki Setta (manager of planning at that time).

Fast-forward to March 2019, a private developer purchased this complicated re-zoned property and wants to build two 3-storey four-plexes on the lot, but also wants in turn, to disregard or alter these important covenants that the City of Courtenay put in place to protect us.

These protective covenants are:

- 1) No more than 7 residences on the lot, this is for privacy and traffic.
- 2) A 2 metre high concrete lap fence to run the full length of the North property line, for privacy and noise buffer.
- 3) A 1 metre offset of the fence onto lot 2800 for further buffer.
- 4) A 4.5 metre full landscape buffer on North property line with high trees promised by Peter Crawford.

The developer is trying to shorten the length of the fence, lower the height of the fence, and not recess it 1 metre onto lot 2800. They are not wanting to do the full 4.5 metre landscape buffer the full length of the North property line with tall trees. Additionally, they are planning to build 8 units instead of 7, increasing on-street parking. On a side note, on the North property line there are extremely dangerous 100-foot tall cottonwood trees. Their root systems are encroaching onto and throughout our backyard, with the possibility and potential of damaging our septic field. I had asked the previous owner about removing some, but to no avail.

Also of significant disappointment is the height of these two four-plexes. The developer wants to build up the front of the property as high as 7 feet to the front entrance, making it disturbingly high. All surrounding dwellings have built with the lay of the land on this heavily sloped section of Arden Road. With the extreme height of the proposed 3 storey high units and invasive nature it is out of character with the neighborhood. In saying all this, we are not against development and do not mind the footprint of this project. We just would like to see the project lowered on the lot if at all possible and of course the covenants enforced so that our privacy and property value will not take such a hit. We have reached out to Ian Buck and Michael Grimsrud many times about our concerns with this project with good dialogue and will continue to do so. We have even had a meeting with the developer also expressing our issues and hopefully will continue to communicate with him as in our eyes it is the best policy. We understand the O.C.P. and we get the need for rental units in the city, but please think about the existing residents in such a rural area right beside such a tall and densified project. This email is just to give you some history and awareness of the project going forward.

Thank you for your time,

[Redacted Signature]

**Grimsrud, Michael**

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**From:** [REDACTED]  
**Sent:** April 23, 2020 8:17 AM  
**To:** Grimsrud, Michael  
**Subject:** lot 2800 height issue

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Mr. Mike Grimsrud - City of Courtenay ;Planning Dept.

As to earlier discussions on the 1 foot clerical error on buildings for lot 2800 Arden Rd, these are our preferred solutions in order from best to worst.

#1 best - lower front main elevation by 1 foot ( this helps to reduce overall height of 3 storey project.)

#2 2nd best - leave main and basement floor elevations alone and increase basement wall height by 1 foot ( a compromise solution.)

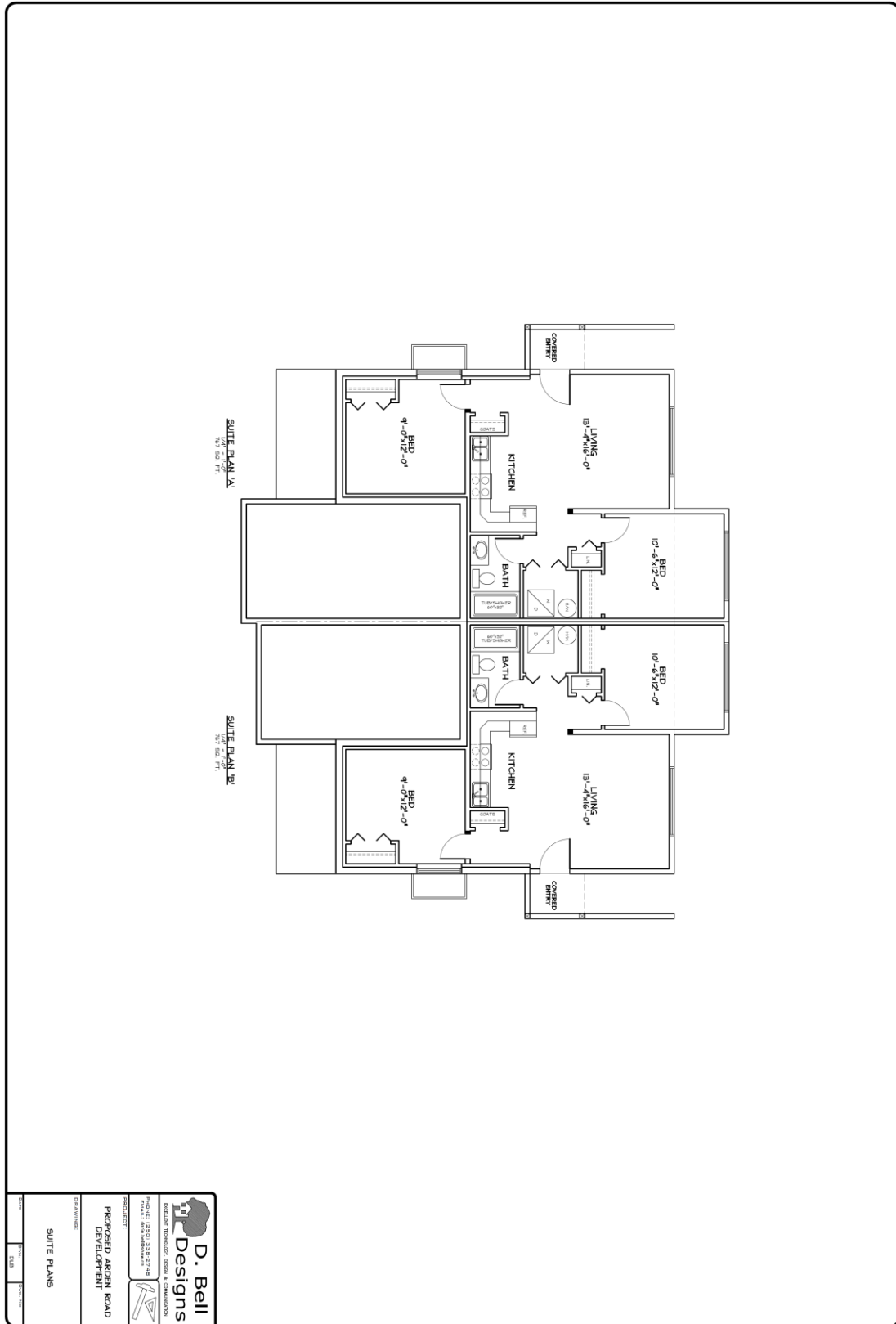
#3 worst solution - raise basement elevation 1 foot ( this also raises backyard elevation thus creating further rear property privacy loss.)

Thanks for allowing our input into this issue as our residence is right along side this proposed development and is adversely effected by this

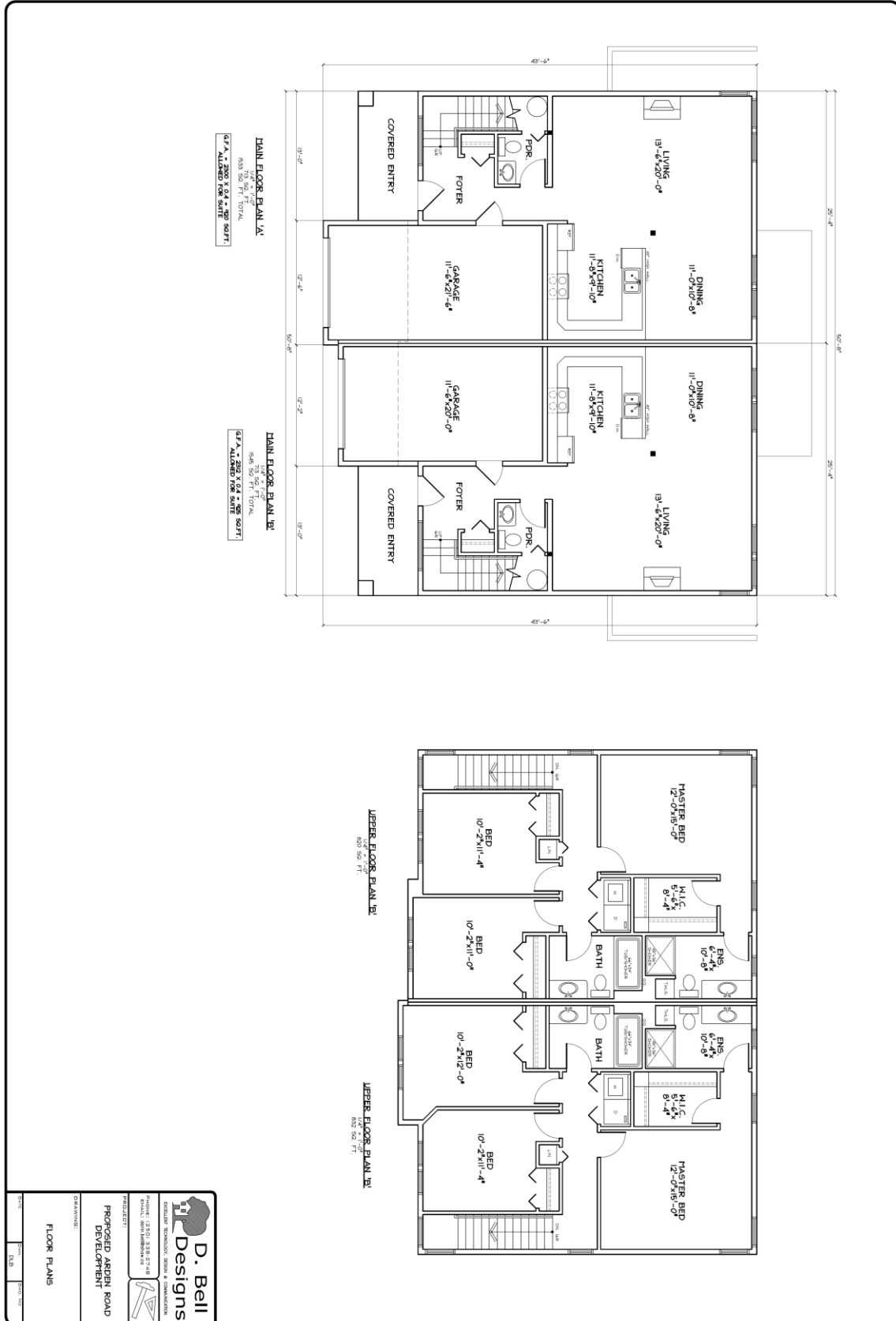
[REDACTED] - 2770 Arden Rd.

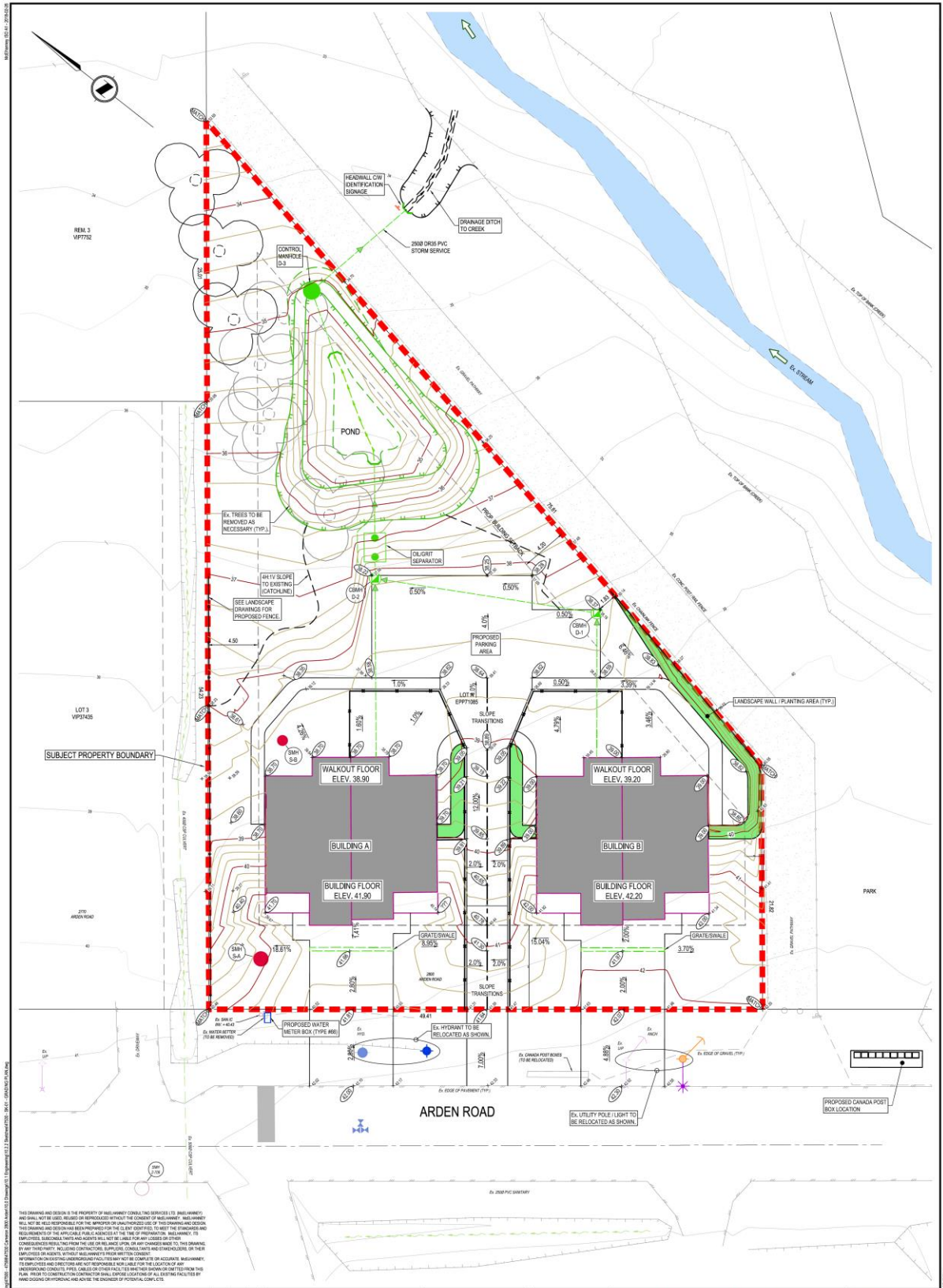


**Attachment No. 4: Additional Materials**



**D. Bell Designs**  
 DESIGNER: TERRILL, KERR & COMPANY  
 PROJECT: PROPOSED ARDEN ROAD DEVELOPMENT  
 DRAWING: SUITE PLANS  
 DATE: 05/04/2020

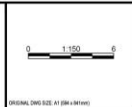




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Rev	Date	Description	Drawn	Checked	App'd
4	2020-04-21	UPDATED TO REMOVE ONE PARKING STALL	PVI	VR	DJ
3	2019-04-12	ISSUED FOR SUB APPLICATION	CE	VR	DJ
2	2019-04-11	ISSUED FOR APPROVAL	VR	VR	CE
1	2019-04-08	ISSUED FOR REVIEW	VR	VR	CE
0	2019-04-03	ISSUED FOR REVIEW	VR	VR	CE

**McElhanney**  
 1211 Royal Road  
 Courtenay BC  
 Canada V9R 3R6  
 Tel: 250.338.6465



**PRELIMINARY NOT FOR CONSTRUCTION**  
THIS DRAWING HAS NOT BEEN APPROVED BY ANY GOVERNMENT AGENCY AND SHOULD NOT BE USED FOR CONSTRUCTION.

**CAMERON CONTRACTING LTD.**  
 640 ANDERTON ROAD, COMOX, BC V9M 2J3  
**2800 ARDEN ROAD MULTIFAMILY PRELIMINARY FLOOR ELEVATION AND GRADING PLAN**  
 2800 ARDEN ROAD, COURTENAY, BC

Drawing No.	<b>SK-01</b>
Project Number	2211-47530
Rev.	4


**CITY OF COURTENAY  
Planning Services**

 830 Cliffe Avenue  
 Courtenay, BC, V9N 2J7  
 Tel: 250-334-4441 Fax: 250-334-4241  
 Email: [planning@courtenay.ca](mailto:planning@courtenay.ca)

# COMPLIANCE CHECKLIST

## MULTI RESIDENTIAL DEVELOPMENT PERMIT AREA

The following checklist provides a quick reference for compliance with the guidelines contained within Section 8.5 Multi Residential Development Permit Area of the City of Courtenay Official Community Plan No. 2387, 2005. Applicants are required to complete this checklist and indicate in the comment box how their proposal complies with each development permit guideline. Where an element of the design does not comply with a guideline, 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.**

<b>Project Address:</b> 2800 ARDEN ROAD, COURTENAY		<b>Date:</b> OCT 30/19	
<b>Applicant:</b> DERIK JENSEN		<b>Signature:</b> <i>[Signature]</i>	
A. FORM AND CHARACTER	Yes	No	Comment
1. The design of buildings shall reflect the heritage of the City of Courtenay and the use of materials such as stone, brick, ornamental work and wood with varied details and columns is required. All designs will be assessed to compare the submitted design with these guidelines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE ATTACHED.
2. All multi residential projects shall front or appear to front onto abutting roadways. This may be achieved through appropriate treatment of the building exteriors and through the provision of pedestrian entranceways and walkways directly to the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BUILDINGS ORIENTATED TO ARDEN ROAD.
3. Buildings located on corner lots, lots adjacent to a single residential building, and lots next to public open spaces shall be stepped down toward the flanking street, adjacent building, or public open spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE ATTACHED.
4. The design and introduction of a new building type to a residential neighbourhood shall provide harmony and lend continuity to the neighbourhood and should not create excessive disruption of the visual character of the neighbourhood.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE ATTACHED
5. The design of a new project or an addition to an existing project shall be based on a comprehensive design concept and shall give adequate attention to the general architectural style, detailing, scale, materials, character of fenestration, character and materials of roofs, treatment of entrances, gradation of heights, relationship of indoor and outdoor spaces, design and placement of play areas, access parking arrangement and circulation, and landscape character and design. Plans submitted with Development Permit applications shall illustrate the aforementioned points.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE ATTACHED
6. No more than four townhouse units shall be linked in a row unless warranted by special design treatment.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
7. Where townhouse units have attached garages or carports, the units shall be wide enough to allow the creation of attractive entrances to the individual units between garages. Where lane access is available, parking entrances shall be limited to lane access.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
8. Where individual townhouse or multi-family units have vehicular access via public street, combined driveway access points are required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEE ATTACHED.

9. The design and siting of buildings and individual units shall take advantage of views, natural amenities and adjacent open spaces and shall provide the maximum of units with good sun exposure to enhance the liveability of units.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE ATTACHED.
10. Stepped or alternating massing shall be used in the design of buildings in order to break up the volume of the building(s) and to avoid a box like appearance.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEE ATTACHED
11. Sloped roofs shall be encouraged to harmonize with surrounding residential areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SLOPED ROOFS PROVIDED
12. Building shall ensure visual privacy between units and also between private amenity spaces such as balconies or patios.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. Where a development is to be constructed in several phases, the proposed phasing plan indicating the sequence and timing of construction shall be included as part of the development permit application.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<b>B. SIGNAGE</b>	<b>Yes</b>	<b>No</b>	<b>Explanation of Non-Conformity</b>
1. All signs shall conform to the City of Courtenay Sign Bylaw No. 2760, 2013 and all amendments thereto.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<b>C. SITING, LANDSCAPING AND SCREENING</b>	<b>Yes</b>	<b>No</b>	<b>Explanation of Non-Conformity</b>
1. A Landscape Architect or registered professional shall prepare a plan which will incorporate plant species, quantities and installation suitable for the project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. A detailed landscaping and screening plan, drawn to scale and showing the type, size and location of proposed landscaping, shall be submitted with the development permit application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Recreation and play areas shall be provided within each project and shall be sensitive to the needs of the all age groups likely to reside in the development.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
4. Care will be taken in developments intended for family living to ensure that the fundamental needs of family living are not compromised. This includes adequate storage, places for outdoor play, attention to sound and sight separation, and safe convenient parking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. A continuous landscaped buffer area of at least 7.5 metres in width shall be provided along the inside of all property lines adjacent to Cumberland Road, 17 <sup>th</sup> Street, 29 <sup>th</sup> Street, Island Highway, Cliffe Avenue, Ryan Road and Lerwick Road. A perimeter landscaped buffer area of at least 4.5 metres in width shall be provided along the inside of all property lines adjacent to all other roads and at approved access points.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8m LONG SECTION OF PARKING AREA REQUIRES A VARIANCE TO 0.3m (MIN)
6. If a property is adjacent to the Agricultural Land Reserve boundary, a fence and landscaped buffer area of at least 10 metres in width shall be provided along the inside of the property line.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
7. Buildings shall be sited to ensure the privacy of residences and adjoining properties, retain view amenities, and minimize the impact of noise or other off-site effects. Noise attenuation fencing will be required adjacent to arterial and collector roads.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE ATTACHED.

8. Buildings shall be sited to retain existing tree stands and terrain as much as possible. Protective barriers, such as snow fencing, shall be installed around all existing plantings which will be retained at the drip line for the duration of construction. No material or temporary soil deposits may be stored within these areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	EXISTING MATURE TREES TO BE RETAINED WHERE POSSIBLE
9. Buildings shall be sited to ensure the privacy of residences and adjoining properties, retain view amenities, and minimize the impact of noise or other off-site effects, noise attenuation fencing or buffering will be required adjacent to arterial and collector roads.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE ATTACHED.
10. Grading requirements of a development shall be resolved within the property boundary. Cut and fills shall be minimized and blended into the existing terrain. Stepped retaining walls shall be used where possible. Stepped foundation walls and floor levels for buildings shall be used on sloped sites. Slopes shall be determined to promote opportunity for re-planting.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE ATTACHED.
11. Buildings shall locate refuse containers, utility services, etc. to minimize visibility and they shall be screened by landscaping and fencing to a minimum height of 2 metres. In general, chain link fencing shall be used only when screened by landscaping. Similarly, utilities, meters, exhaust elements, satellite dishes, etc., shall be screened by landscaping, fencing or roof elements.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
12. To separate internal roads, parking, service or storage areas from adjacent properties, a landscaped buffer area of at least 30 metres in width.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
13. Development shall include installation of street trees and sidewalks along all adjacent streets. Boulevards of adjacent streets shall be landscaped, irrigated and maintained by adjacent developments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Undeveloped areas of the site shall be left in its natural state if there is substantial existing native vegetation. Otherwise, the owner will undertake vegetation control within 6 months of building occupancy satisfactory to the City.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
15. Any development adjacent to or near stream or wetland areas shall adhere to the requirements of the Streamside Stewardship, 1993 guidelines and the "Land Development Guidelines for the Protection of Aquatic Habitat 1992" prepared by the Department of Fisheries and Oceans and the Ministry of Water, Land and Air Protection along all streams and their tributaries.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
16. The City may require an environmental analysis of site conditions in areas subject to natural hazards such as slope slippage, drainage, or high vegetation value, prior to development.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
17. It is City policy to limit the peak run off from areas of new development to that which the same catchment areas would have generated under the pre-development land use. A storm water management plan will be required as part of any development and shall be prepared by a Professional Engineer to comply with the City's stormwater management policies and plans and the City's Water Balance Model.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
18. Setbacks areas abutting stream areas shall be fenced prior to development occurring to prevent encroachment of equipment or material into the stream system.	<input type="checkbox"/>	<input type="checkbox"/>	N/A

19. A biophysical assessment of the site prepared by a professional biologist may be required outlining any environmental values to be protected during and after developments and the methods to achieve this to the satisfaction of the City and federal and provincial agencies.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
20. Prior to the subdivision or development of land containing a stream, the natural watercourse and surrounding area shall be considered for dedication to the Crown, the Municipality or other public agencies committed to the protection and preservation of natural watercourses			N/A
21. The City will require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property: <ul style="list-style-type: none"> <li>• shrubs – 450 mm</li> <li>• groundcover &amp; grass – 300 mm</li> <li>• trees – 300 mm around and below the root ball</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
22. All landscape areas shall be serviced by an underground irrigation system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>D. LIGHTING</b>	<b>Yes</b>	<b>No</b>	<b>Explanation of Non-Conformity</b>
1. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or the sky.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
2. All new, replacement and upgraded street lighting in existing and proposed developments will be Full-Cut Off/Flat Lens (FCO/FL) luminaires to light roads, parking, loading and pedestrian areas. Exterior building lighting will also be required to have FCO lighting fixtures.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<b>E. PARKING</b>	<b>Yes</b>	<b>No</b>	<b>Explanation of Non-Conformity</b>
1. Large surface parking areas should be broken down into smaller parking lots evenly dispersed throughout the development and integrated with planted landscaped areas. Visitor parking spaces shall be clearly identified within each development. Tree Planting is required in parking areas.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
2. Parking areas shall be screened from adjacent properties and from direct views of parking vehicles from the street. The screening should consist of landscaping and fencing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE ATTACHED 1
3. Outdoor parking and loading areas should be located to the sides and rear of buildings. Parking areas shall include landscaped areas, defined by concrete curbs, to provide visual breaks between clusters of approximately ten stalls.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE ATTACHED
4. Direct and functional pedestrian pathways to connect building entrances to parking areas and sidewalks of the abutting streets shall be provided. Installation of features such as distinct paving, special landscaping with trees and benches, and overhead weather protection on exterior building walls where appropriate is required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE ATTACHED.



October 30, 2019

Our File: 2211-47530-00  
City File: DVP 3060-20-1908

Mr. Michael Grimsrud  
Planner 1  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

Dear Mr. Grimsrud,

**LOT A DISTRICT LOT 231, COMOX DISTRICT, PLAN EPP71085 - PROPOSED MULTIFAMILY DEVELOPMENT OF 2800 ARDEN ROAD**

This is in response to the City of Courtenay's (City) September 19, 2019 email correspondence and provides the clarification and/or additional project information requested by the City (italics below).

- 1) *Per Subdivision and Development Servicing Bylaw No. 2919, the MMCD Design Guidelines Section 5.14.2 allows for only one driveway per road frontage. The proposal shows 3 driveway entrances. This would require a variance for Council consideration. Please add this variance request and initial your application form or authorize me to do so.*

Please proceed with adding this additional variance request on our behalf.

- 2) *Per Zoning Bylaw No. 2500 Section 8.3.10 (1), a landscape screen, fence or a combination thereof of not less than 3.0m in height **and width** shall be provided and maintained to the satisfaction of the City on all property lines adjoining all other adjoining properties. The landscaping proposed may provide sufficient screening to meet the height requirement in places, but is as narrow as about 0.5m between the rear lot line and parking lot. Please provide me the actual buffer width at this narrowest point and please re-write this request on your application form to specify both height and width accordingly or authorize me to do so.*

The separation distance between the property line and the parking lot at this location is 0.3m. Please proceed with adding this additional variance request on our behalf.

- 3) *Please confirm that the two front elevations given are one for each building and clarify which is which.*

We confirm that the blue colored building rendering represents Building A (northern building) and that the grey colored building rendering represents Building B (southern building).

*Page 1 of 8*

1211 Ryan Road  
Courtenay BC  
Canada V9N 3R6

Tel 250 338 5495  
Fax 855 407 3895  
mcelhanney.com





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4) *Please provide an ISA arborist assessment of existing trees to be retained.*

The existing on-site mature trees are limited to the northeast quadrant of the site. The development proposal seeks to retain these trees to the extent possible (see landscape plan and site servicing plans). The Owner advises that an ISA arborist assessment will not be provided to support this application.

5) *The big leaf maple trees planned for the front of the lot are native, in keeping with the Arden Corridor Local Area Plan (LAP), but are problematic in that they appear to be in the boulevard, and that they would conflict with the power lines overhead. Please update the plans to show trees of a more appropriate native species that will not conflict with power lines and are planted inside the property line. BC Hydro has a guide available online.*

Having coordinated this request with Mystic Woods, Pacific Crabapple will be substituted for the four (4) big leaf maple trees noted on the landscape drawings. We further confirm that these same trees will be located on the subject property. We request the City note these design changes on the submitted drawings.

6) *Please review the plans submitted for consistency with Multi Residential development permit areas guidelines available at <https://www.courtenay.ca/assets/Departments/Development~Services/MultiResDPChecklist.pdf> and fill out a checklist with comments; improvements or commentary on the following items may be of particular interest:*

A. *Form and Character*

- *The design of the buildings shall reflect the heritage of the City of Courtenay and the use of materials such as stone, brick, ornamental work and wood with varied details and columns is required. All designs will be assessed to compare the submitted design with these guidelines.*

Building facades are consistent with both local residential construction and houses. Hardi-plank siding and wood trim will be utilized.

- *Buildings located on corner lots, lots adjacent to a single residential building, and lots next to public open spaces shall be stepped down toward the flanking street, adjacent building, or public open spaces.*

Reduced building massing on the 2<sup>nd</sup> storey is not possible with this development proposal, as the building width is constrained by the parcel width.

- *The design and introduction of a new building type to a residential neighbourhood shall provide harmony and lend continuity to the*



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*neighbourhood and should not create excessive disruption of the visual character of the neighbourhood.*

Building facades are consistent with both historical and new building construction within the Arden Road corridor.

- *Where individual townhouse or multi-family units have vehicular access via public street, combined driveway access points are required.*

A combined driveway access for this development is not possible given the size and configuration of the subject property.

**C. Siting, Landscaping and Screening**

- *A continuous landscaped buffer area of at least 7.5 metres in width shall be provided along the inside of all property lines adjacent to Cumberland Road, 17th Street, 29th Street, Island Highway, Cliffe Avenue, Ryan Road and Lerwick Road. A perimeter landscaped buffer area of at least 4.5 metres in width shall be provided along the inside of all property lines adjacent to all other roads and at approved access points.*

A robust development landscape plan has been prepared. Further to our application submission, we note that a 2m high concrete fence located 1m into the subject property and extending the full length of Lot 3 Plan VIP37435 will be provided in accordance with the covenant document.

- *Buildings shall be sited to ensure the privacy of residences and adjoining properties, retain view amenities, and minimize the impact of noise or other off-site effects. Noise attenuation fencing will be required adjacent to arterial and collector roads.*

Buildings have been setback from Arden Road in accordance with the zoning requirements and in consideration of the shape of the subject property. The building locations are not expected to impact adjacent property view corridors.

- *Grading requirements of a development shall be resolved within the property boundary. Cut and fills shall be minimized and blended into the existing terrain. Stepped retaining walls shall be used where possible. Stepped foundation walls and floor levels for buildings shall be used on sloped sites. Slopes shall be determined to promote opportunity for re-planting.*

Great care has been taken with the development site grading to match the existing site topography where feasible. To this end, significant on-site earthworks have been avoided.



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**E. Parking**

- *Parking areas shall be screened from adjacent properties and from direct views of parking vehicles from the street. The screening should consist of landscaping and fencing.*

Vehicle parking for the main level units is located in front of the building as expected. Vehicle parking for the basement units is provided at the rear of the property, screened from the adjacent neighbor by landscape material and 2m high concrete fence.

- *Outdoor parking and loading areas should be located to the sides and rear of buildings. Parking areas shall include landscaped areas, defined by concrete curbs, to provide visual breaks between clusters of approximately ten stalls.*

The proposed vehicle parking for the basement units is located at the rear of the property. This parking is not large enough to incorporate landscape islands as it contains six (6) stalls.

**7) For Building Permit:**

**A. General**

- *All servicing and/or offsite improvements are required to comply with standards contained with the Subdivision and Development Servicing Bylaw No. 2919.*

Understood.

- *Per Covenant CA6752450 the developer is required to provide a landscaping buffer along the north property line, a 2 meter high concrete fence one meter off the northern property line of the land as well as amenities for the Parks, Recreation, Cultural and Seniors Facilities Amenity Reserve Fund as well as The Affordable Housing Reserve Fund.*

Per above, the developer has agreed to install a 2m high concrete fence located 1m off the northern property line. The developers amenity contribution obligations are understood.

- *A Covenant will be required on the property for stormwater infrastructure maintenance. For this purpose provide a stormwater infrastructure maintenance manual to be included on the Covenant.*

Understood.



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**B. Roads**

- *The development shows an intention to relocate the existing mailbox. For purposes of Public Safety the City requires setbacks from the lane adequate for a vehicle to park and a Canada Post employee or passenger to safely exit the vehicle to access the mail box. Further inquiry with Canada Post has informed the City that a 6 meter setback with a 12 to 18 meter minimum pullout length is preferred. Increase the paved road width and structure base to provide these dimensions in front of the relocated infrastructure. The pullout for the relocated Canada Post box must additionally avoid the Park trailhead so as to reduce incidence of the general Public using this space as a pullout or parking.*

The requirement to relocate the existing Canada Post mailbox station is understood and based on our coordination effort with the same, the preferred mailbox location is in front of the City's park. On behalf of the owner, we can confirm that this development will not be contributing to the Arden Road improvements noted above, in support of this alternate mailbox location.

**C. Water and Sanitary Servicing**

- *The relocated hydrant is required to have a direct connection to the water main on Arden Road per MMCD Drawing W4. Any existing services of insufficient size/location to be abandoned with applicable disconnection fees.*

Understood.

**D. Stormwater**

- *On-site source control facilities must demonstrate that they will not result in downstream breakout and include a geotechnical report supporting their implementation.*

On-site stormwater attenuation requirements will be achieved via the proposed stormwater pond. As no stormwater infiltration systems are proposed, please clarify why a geotechnical report commenting on downstream breakout is warranted.

- *The June 12<sup>th</sup>, 2019 McElhanney Consulting Services Ltd. Site Servicing Report notes that the Pond will flood at the 100 year storm and water will flow overland to the creek. Provide upgrades to the gravel pathway as necessary to ensure it will not be negatively impacted if the overland flows cross it.*

Understood.



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- *The outfall must be extended to the creek and designed in a manner to prevent erosion of the creek bank. A "Storm Outfall" sign is required.*

Understood.

**E. Building**

- *BC Building Code does not permit suites within a multi-unit building (more than one dwelling) so the suites according the Building Code will be required to comply with all fire separation and fire ratings as if it were a unit in a multi-unit building. This will mean that the Building code would consider each building as a 4 plex unit requiring 1 Hr fire ratings between units, along with BC Housing Documents (HPO) reflecting 4 units per building. The Covenant on the property limits the maximum unit count to 7 with 2 duplexes and on Triplex, so according to the Building Code requirements this property would have 8 units on the property in the form of 2 four plexes.*

Understood.

- *The noted "Sanitary Pump Package" on the services drawing will require a Professional Engineer to design, install, and inspect to ensure compliance with all required Acts, Standards, and Bylaws. This could be included in the overall Civil Engineers Designs with supporting documentation about the equipment (tank, pumps, alarms, backup power, etc.) and Schedule B, along with approvals from Development Engineering.*

Understood.

- *Limiting distance requirements between the two units may limit the amount of unprotected openings to 8-10% of the wall area.*

Understood.

**8) For Your Information:**

- *Public Works Staff does not support the proposal of several multi-family driveways to the development due to the increase of maintenance costs to the taxpayer.*

Please see rationale for variance request above.

- *The Draft Transportation Master Plan, viewable at <https://www.courtenay.ca/assets/City~Hall/Council/Agendas/2019/2019-07-02%20DRAFT%20Transportation%20Master%20Plan.pdf>, shows future Arden Rd collector connection to the Comox Valley Parkway (P. 34).*

Understood.



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- *BC Hydro has no objections to the development; however:*

*Modifications to the BC Hydro system will be necessary in order to extend the electrical system to this development. BC Hydro will need to complete a thorough system study and design to provide a cost estimate for this work. Clearance must be maintained for any new development from our primary lines. We require 3m clearance from the lines and 6m clearance from and transformers. The developer must submit an application for service with our BC Hydro Express Connect Department by phone @ 1-877-520-1355 or online.*

Understood.

- *Emterra Environmental curb-side collection can be provided.*

Understood.

- *The proposal maintains a large percentage of pervious surfaces, consistent with Arden Corridor LAP policy, however pervious hard scape surfaces (e.g. parking lot) are also encouraged.*

As noted, the development proposal includes a large percentage of permeable surfacing. Additional permeable surfacing is not being considered.

- *Arden Corridor LAP states that housing shall be inspired by illustrative examples provided in plan, objectives of which are to maintain a 'rural aesthetic' which includes elements such as: front porches, having the building appear more as a single family home (rather than mirror), dormers, more roof variety, stepped massing, rear garages.*

See response above.

Beyond the above, we note the following development proposal consistencies with the City's multifamily development permit guidelines:

- Provides higher residential unit density utilizing existing municipal infrastructure.
- The subject property is immediately adjacent to greenway walkway networks, promoting alternative modes of transportation and opportunities for leisure activities.
- Expands on existing housing diversity within the local area, providing options for various social and economic needs.
- Adds eight (8) dwelling units to the local housing rental market.
- Building massing and orientation is consistent with the character of the existing neighborhood.
- The proposed development does not impact any environmentally sensitive areas.



October 30, 2019  
City of Courtenay  
File 47530 – 2800 Arden Road

- Stormwater management designs will be in accordance with the Water Balance Model of BC strategies.
- Building surface treatments include hardi-plank siding, board & baton, and hip roofs, consistent with existing homes within the immediate area.
- All buildings maintain an Arden Road streetscape orientation.
- A network of walkways links unit entrances to vehicle parking areas.
- An extensive landscape treatment is proposed, utilizing native and drought resistant materials.
- All vehicle parking requirements are met on-site.

Please contact the undersigned if any further information is required

Yours truly,

MCELHANNEY LTD.

A handwritten signature in blue ink, appearing to read 'D Jensen'.

Derek Jensen, ASCT  
Project Manager

Reviewed by:

A handwritten signature in blue ink, appearing to read 'Bob Hudson'.

Bob Hudson, P.Eng.  
Branch Manager

Cc: 0384657 BC Ltd, Don Cameron







THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 3360-20-1912

**From:** Chief Administrative Officer

**Date:** July 6, 2020

**Subject:** Zoning Amendment Bylaw No. 2977 - 2355 Mansfield Drive

### PURPOSE:

The purpose of this report is for Council to consider a Zoning Bylaw amendment application to create a new Comprehensive Development Twenty Eight Zone (CD-28), and rezone the property legally described as Lot B, Section 66, Comox District, Plan 28292 from C-2 to CD-28.

### CAO RECOMMENDATIONS:

That based on the July 6<sup>th</sup>, 2020 staff report "Zoning Amendment Bylaw No. 2977 - 2355 Mansfield Drive" Council approve OPTION 1 and complete the following steps:

1. That Council give First and Second Reading of "Zoning Amendment Bylaw No. 2977" to create a new CD-28 Zone and rezone the property legally described as Lot B, Section 66, Comox District, Plan 28292 from C-2 to CD-28;
2. That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw following the resumption of regular council meetings or upon approval of an alternate process; and
3. That Final Reading of the bylaw be withheld pending the registration of a Section 219 covenant on the subject property.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The subject property is 2,792 m<sup>2</sup> (0.69ac.) in area and located within a mixed use neighbourhood defined by a mix of commercial and residential uses along Mansfield Drive, the Courtenay Airpark and automobile oriented retail and services along Cliffe Avenue.

The property is relatively flat and is occupied by the existing Whistle Stop Neighbourhood Pub and liquor store which is located in the southeast corner of the property. The remainder of the site consists of an asphalt-surfaced parking lot, grass boulevards and two driveways accesses. An undeveloped City laneway and a deck are situated along the southern property boundary and the Courtenay River Walkway is located on the opposite side of Mansfield Drive.

Vehicular access to the property is from Mansfield Drive, a City road abutting the north and east property boundaries. The City’s Transportation Master Plan classifies Mansfield Drive as a local road whereas Cliffe Avenue is classified as a highway and is under the jurisdiction of the Ministry of Transportation. Mansfield Drive intersects with Cliffe Avenue to the north and south of the development site.



Figure 1: Subject Property and Context

The City’s Official Community Plan (OCP) designates the subject property as “Mixed Use”. When referencing the surrounding land use designations the intent is that this property marks a transition between the multi-family development envisioned along Mansfield Drive and commercial development along Cliffe Avenue.



Figure 2: Land Use Designations

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The Multi-Residential designation envisions a mix of residential uses. Implementation along Mansfield Drive has been relatively slow with the condominiums at 2300 Mansfield Drive representing the most significant example of additional density being added to the neighbourhood. Properties along Cliffe Avenue are designated “Commercial”, a broad designation which includes all forms of retail, office and commercial services. Balancing, and providing a transition between these two land uses is a key element of the “Mixed Use” designation in this context.

Proposed is an amendment to the zoning bylaw to facilitate the construction a new five-storey building. At ground level the building includes a new 250 seat pub, an expanded outdoor patio and a new 266m<sup>2</sup> (2,863 ft<sup>2</sup>) liquor store. Storeys two to five of the building contains 30 condominium units.

Based on neighbourhood comments related to this proposal and other recent applications in the area staff have some concern with increasing the pub capacity beyond what exists today. However, at this point the application is dealing only with the proposed land use – which staff support at this location. If this zoning amendment is approved the applicant will be required to make an application to the Liquor and Cannabis Regulation Branch (LCRB) for structural changes to the existing pub for increases in seating capacity, changes to the pub’s floor plan and expansion of the pub’s patio. At that time staff will review the licensing proposal in detail and neighbourhood feedback specific to the increased capacity in order to provide an opinion for Council’s consideration.

Parking for the proposed development is provided through a combination of surface parking and in a two storey underground parking facility accessed at the southwest corner of the building. The underground parking facility provides a majority of the off-street parking with 32 stalls on the first level of the parkade and 26 stalls on the second level for a total of 58 underground parking stalls.

Within the underground parkade parking stalls will be labelled using signage. Signage will be posted on each stall delineating whether the stalls are for residential, visitor parking or pub parking. Residents, visitors and pub patrons will access the pub through the use of the stairway and elevator located within the parkade. The parkade door will be controlled to allow free access during the pub and liquor store opening hours. After-hours access for residents will be through sensor or key fob system. Pub patrons will be able to access their vehicles parked underground after hours through the use of a door access system. A further 28 surface parking stalls are provided to service both the pub and liquor store uses.

The applicant has designed the site to enable the existing pub and liquor store to remain in operation during construction of the new building. Once the new building is constructed the existing Whistle Stop building will be demolished and surface parking will be provided. During construction, should the applicant wish to continue operating the pub and liquor store, off street parking on an adjacent parcel must be secured. This will be a condition of the section 219 covenant to be registered prior to adoption of this bylaw and proof of the agreement must be provided to the City prior to issuance of a building permit. Failure to secure off street parking on an adjacent property will result in the pub and liquor store being closed during construction.

Mansfield Drive is a local City road with a posted speed limit of 50km/hr. There are sight line issues as a result of the curve in Mansfield Drive. As a result, the speed will be posted as 30km/hr around this curve in the street. The addition of the new signs as well as enhancements to the existing crosswalk at the curve in Mansfield will be conditions of the rezoning and secured through a covenant. The applicant’s Civil

Engineer has confirmed the proposed access is safe for the proposed use, subject to the reduction in speed.

To accommodate the proposed density and other site-specific aspects of the development, the applicant is proposing a new comprehensive development zone (CD zone). None of the existing zones within the Zoning Bylaw permit the density, height and parking ratio the applicant is proposing. Also, because of where the new building is being located on the property none of the existing zones would permit the siting of the development in its proposed location without a series of setback variances.

The applicant's plans for the property are summarized in **Schedule No. 1**. Given that this is a CD zone, the applicant has provided detailed architectural plans that describes the CD zone (**Schedule No. 2**). The City has also been supplied with a parking study (**Schedule No. 3**), a TIA and a proposal for Advisory Signage (**Schedule No. 4**).



Figure 3: Perspective Elevation (Mansfield Drive Frontage Looking South)



Figure 4: Perspective Elevation (Mansfield Drive Frontage Looking Southwest)



Figure 5: Perspective Elevation (Mansfield Drive Looking North-East)

**Zoning Review**

The proposal requires rezoning as the current Commercial Two Zone (C-2) zone does not permit the desired density, building height or building setbacks to accommodate the development. In addition, the applicant proposes reduced parking requirements. The table below summarizes the proposal relative to the existing C-2 zone as well as the Residential Four A (R4-A) zone, a zone typically used for medium and higher density multi-family proposals.

	Existing Zone (C-2)	Comparable Zone (R4-A)	Proposal (CD Zone)
FAR	0.60	1.33	1.54
Lot Coverage	Max of 4,500m <sup>2</sup> per floor	No requirement	43.8%
Front yard setback	7.5m	6.0m	North 0m East 2.7m South: 19.5m West: 0.5m
Rear yard setback	4.5m	6.0m	
Side yard setback	No side yard required	3.0m 4.5m – for fourth storey flanking street	
Building Height	13.5m	14.0m	18.0m
Usable Open Space	20m <sup>2</sup> /dwelling unit (600m <sup>2</sup> )	20m <sup>2</sup> / dwelling unit (600m <sup>2</sup> )	27.5m <sup>2</sup> /dwelling unit (826.1m <sup>2</sup> )
Parking Base Requirements	Residential - 1.5 stalls per unit (45 stalls)  Restaurant - 1.0 stall per 6 seats (42 stalls)  Liquor Store Use – 1.0 stall per 12 m <sup>2</sup> of retail	Residential - 1.5 stalls per unit (45 stalls)	Residential - 1.1 stalls per unit (33 stalls)  Restaurant (250 seats) - 1.0 stall per 6 seats (42 stalls)  Liquor Store – combined retail and warehouse floor area

	floor area (16 stalls) plus 1.0 stall per 20 m <sup>2</sup> of warehouse area (2 stalls)  Total: 105 stalls		(11 stalls)     Total: 86 stalls
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Table 1: Zoning Analysis

Compared to the existing C-2 and the R-4A zone, the proposal seeks increases in density (FAR), building height and a decrease in off-street parking. However, staff note the proposal exceeds the residential useable open space requirements established in the R4-A zone.

**DISCUSSION:**

The OCP’s “Mixed Use” land use designation is limited to two properties along Mansfield Drive. They include the subject property and the adjacent parcel to the west located at 2299 Mansfield Drive designed as a transition between the Commercial and Multi Residential land use designations as discussed above.

In assessing this proposal five key themes emerged to guide the evaluation of the application:

1. Land Use Compatibility;
2. Intensification;
3. Location and Connectivity;
4. Use of existing services; and
5. Form and character.

**Land Use Compatibility**

The subject property is located within an existing mixed use neighbourhood surrounded by commercial and residential uses. Commercial uses are located to the north, east and south of the property and include: restaurants, auto body repair shops, convenient stores, and grocery stores and office space for private corporations, local businesses and government agencies. The subject property is currently used for commercial purposes.

Integrating residential uses with commercial uses and locating higher density residential uses close to commercial corridors supports the local economy and local businesses by bringing more people and customers to the area. Also, mixed-use developments including new and expanded commercial services creates local employment opportunities and strengthens the local economy.

Lands east of the property are occupied by City parkland including: the Courtenay Riverway a linear greenway with a multi-use path and multiple accesses from 5<sup>th</sup> Street, the Courtenay Airpark and the Courtenay Rotary Skypark. The City leases land adjacent to the river to the Courtenay Airpark Association (CAA) who operates a runway and leases a marina adjacent to the airport for pleasure craft.

The Courtenay Skypark located southeast of the property includes a children’s playground and has direct access to the greenway system. The development’s close proximity to the City’s greenway system is beneficial in that it promotes active forms of transportation including walking and cycling along the Riverway path which reduces vehicle dependency and road congestion.

A parking study was supplied in support of the proposal. The project site currently consists of the Whistle Stop Neighbourhood Pub and the Whistle Stop Cold Beer and Wine Store and provides 45 off-street

parking stalls. The development proposes 86-stalls within two underground levels of parking and a surface parking lot. Based on the City’s parking regulations, the proposed development requires 107 off-street parking stalls, representing an overall deficit of 21 stalls.

Use	Parking required	Parking Provided
Multi- Residential Dwellings	45 stalls	33 stalls
Pub (250 seat capacity)	42 stalls	42 stalls
Liquor Store (Retail)	20 stalls (combined retail and warehouse space)	11 stalls (combined retail and warehouse space)
Liquor Store (Warehouse)		
<b>Total Stalls Required</b>	107 stalls	86 stalls

The parking study examined stall availability and demand rates in surrounding locations including a nearby restaurant/ pub. Parking counts were conducted and average lengths of stays were examined at the select survey locations. The parking study concludes that the mixed-use development is expected to provide sufficient off-street parking to accommodate parking demands and that additional parking stalls are not required. This is consistent with many recent mixed used proposals which have reductions in parking requirements based on actual usage levels.

***Intensification***

This development proposes to intensify a property within an existing neighborhood through redevelopment and infill. Because this neighbourhood is located within a mixed use area, is serviced by City and Transit services and is located in close proximity to one of the City’s larger commercial corridor, this neighbourhood is an appropriate location for considering higher density development including residential intensification.

Locating higher density developments within existing neighbourhoods maximizes the use of land, increases housing opportunities, creates diverse and inclusive neighbourhoods supports the existing transportation system, and leads to healthier transportation choices and results in a more efficient investment in and use of City services and infrastructure as discussed below.

***Housing***

The development, if approved, will increase opportunities for housing within this neighborhood. The proposal offers units sizes and floor plans that will appeal to a wide range of income levels, demographics and families structures (single households, two person households, seniors and young families).

Regarding unit composition, the development offers three different unit types including one bedroom units with a den ranging in size from 785ft<sup>2</sup> to 850ft<sup>2</sup>; two bedroom units ranging in size from 850ft<sup>2</sup> to 1,055 ft<sup>2</sup> and a two-bedroom plus a den that is 1,819ft<sup>2</sup>.

***Location and Connectivity***

The development site is centrally located within the City and well connected to Cliffe Avenue, one of the City’s larger commercial corridors.

A traffic impact assessment (TIA) was prepared in support of this proposal and discusses opportunities for alternative and active forms of transportation including transit, cycling and walking.

Within 200m of the property there are a number of well-connected bus routes along Cliffe Avenue. Transit stops for routes 4, 5, and 10 are located on the east side of Cliffe Avenue within a 5 minute walk from the property. These three routes take passengers in a northbound direction along Cliffe Avenue with multiple stops with service terminating at Courtenay's Downtown Exchange on 4<sup>th</sup> Street, Comox Mall and the Comox Valley Sports centre on Vanier Drive.

The Driftwood Mall Exchange is 500 metres southwest of the development site. This exchange is serviced by multiple bus routes and provides access to other bus routes and exchanges including the North Island College Aquatic Exchange. In addition to the routes listed above, other bus routes from this exchange includes: Anfield Centre/Comox Mall, Arden Road, Anfield Centre/Downtown, Union Bay and Cumberland.

Cycling facilities on the road network exists as paved lanes shared by cyclists and motorists. The Courtenay Riverway, located east of Mansfield Drive, provides a well-connected cycling connection through most of the commercial areas in West Courtenay. Based on the Connecting Courtenay Cycling Network Plan (2019) the Courtenay Riverway is positioned as a key corridor in the bicycle network, increasing in importance with the development of the complete cycling network, in the long-term.

The proposed development supports transportation options of all types (cycling, walking, transit, automobile use). An interior bicycle parking storage area has been integrated into the underground parking facility on parking level two and outdoor bicycle racks for use by the public have been placed next to the loading area along the north face of the building, the residential entrance way and within the landscape areas along the eastern property boundary.

The development will provide off-street parking for commercial customers, residential occupants and liquor store patrons. To promote the utilization of electric vehicles within the City the applicant has provided electric vehicle (EV) charging stations and EV-ready parking spaces within the proposed surface parking lot for a capacity of up to six vehicles.

Locating higher density mixed use developments and intensifying residential development close to major commercial corridors such as Cliffe Avenue creates efficiencies in the transit system by making better use of existing transit network service levels and capacity.

The TIA prepared for this development details little change to the current base level. The TIA concludes that the development will have minimal impact on the overall traffic operations at the study intersections but notes that due to high traffic volumes travelling northbound and southbound along Cliffe Avenue, traffic operations are expected to slightly degrade during PM peak hours (3:00pm to 6:00pm) at the westbound left-turning movement at Cliffe Avenue/Mansfield Drive North.

The development will add some minor delays for vehicles waiting to turn left onto Cliffe Avenue off Mansfield Drive North. However, some mitigation will be provided by active transportation options as residents occupying the development are much more likely to walk, cycle or take transit to key destinations.

### ***Use of Existing Infrastructure***

The development will utilize existing City services. A recent assessment concluded that the existing water and sanitary capacity is adequate to service the development. Approving developments that intensify existing neighbourhoods and promote infill results in a more efficient investment in and use of City



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infrastructure as the City's costs are lowered in the provision of new services and maintenance of existing services.

***Building Design and Massing***

The proposed building has an attractive modern design. To provide visual interest, the exterior facades incorporate a combination of natural stained wood, gray brick, glass and concrete. The ground floor commercial area is further articulated with stained burgundy wood panels, large expanses of glass and exterior doors with a natural wood finishes.

To break up the mass of the building, the residential tower steps back from the ground floor level commercial podium along the east and north building elevations. Building mass is further reduced through articulation of the building's roofline, staggering of the building facades and the use of varying siding materials and color schemes that have been customized to compliment the site's context. The building design, orientation and material selection are of high quality and complementary to other adjacent buildings in the neighborhood.

The proposed building is five-storeys and has a building of height 18m. To mitigate height impacts, the building has been designed so that the residential component of the building steps away from the commercial ground floor component. A shadow study was submitted in support of the development application. A review of the study suggests that the location of the proposed building creates minimal shadow cast for the adjacent residential property to the north. The shadow study demonstrates that sunlight on the sidewalk north across the street and the multi-residential towers located at 2300 Mansfield Drive will be maintained for more than four consecutive hours during spring and fall equinoxes (March 21 and September 21). The shadow study also demonstrates that the development maintains appropriate levels of sunlight and sky view for adjacent properties.

Concerning building height, in October 2019 City staff consulted with the Courtenay Airpark Association (CAA) to determine if they had concerns regarding the development and building height. The CAA leases land from the City and operates an asphalt surfaced runway for private plane operators and a marina adjacent to the airport for pleasure craft. It was noted by the CAA Board of Directors in an email to Planning Staff that the proposed development will not impact their operations from a safety standpoint and that they have no objections to the proposal.

The development enhances the pedestrian streetscape through the provision of outdoor amenity space including a pedestrian sidewalk separated from the street by a landscaped boulevard, landscape buffers and the provision of outdoor bicycle racks and seating areas for public use.

For residents occupying the units, private amenity space has been integrated into the building design through private outdoor patios and balconies that are situated to take advantage of views of the estuary and mountains.

According to the applicant's landscape plans, the eastern perimeter of the property and portions of the south perimeter are landscaped with lawn areas interspersed with clusters of plantings containing a mix of trees, shrubs and groundcovers. Landscaping has also been incorporated into private amenity space through landscape planters located on rooftop patios.

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## **Other Related Regulations**

### *Amenity Contributions*

Staff did discuss amenity contributions with the applicant and were notified that the applicant was opting to make contributions towards the City's *Parks, Recreation Culture and Senior's Facilities Amenity Reserve Fund* and the City's *Affordable Housing Amenity Reserve Fund* outlined in section 7.7 of the OCP.

The applicant' contribution to the City's *Parks, Recreation Culture and Senior's Facilities Amenity Reserve Fund* will in part be used by the City to implement safety improvements (the installation of activated safety flashers) to the existing crosswalk located on Mansfield Drive north of the property.

### *Form and Character Development Permit*

Subsequent to the rezoning application the applicant will require a development permit. Based on the plans submitted in support of the rezoning application, the building design and site design are generally consistent with the policies contained within the Commercial and Multi-family Development Permit Guidelines.

### *Tree Cutting Permit*

A tree assessment was not provided with this application. If any of the trees being removed on the property are larger than 20cm diameter at breast height (dbh) a tree cutting permit application will be required in advance of any tree removal on the property.

### *Archaeological Monitoring*

During the referral process the K'ómoks First Nation (KFN) were consulted about the proposed development. The subject property is located within the KFN statement of intent area and is in close proximity to the Courtenay River. KFN has requested that a Guardian Watchman be in attendance, at the developer's cost, during periods of soil disturbance on the property in order to protect and monitor any archaeological resources onsite. The applicant has agreed to retain a KFN Guardian Watchman to be in attendance during any soil disturbance.

### *Floodplain Considerations*

The southeast corner of the site is located lies within the 200 year floodplain boundary Courtenay River. The applicant has agreed to provide the City with a flood hazard assessment at the time of building permit submission in order to satisfy Section 56 of the Community Charter certifying that the site is safe for the use intended.

### *Provincial Liquor Licence and Cannabis Regulation Branch*

If this development is granted approval by the City the applicant will be required to make an application to LCRB for approved structural changes to the pub's seating capacity, physical changes to the pub's floor plan and the expansion of the outdoor patio.

## **FINANCIAL IMPLICATIONS:**

The development is subject to City and Comox Valley Regional District Development Cost Charges. Amenity contributions as outlined in Section 7.7 of the OCP will be required.

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**ADMINISTRATIVE IMPLICATIONS:**

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff has spent 40 hours processing and reviewing this application, conducting a site visit and communicating with the applicant to request additional information.

Should the proposed bylaws receive First and Second Readings, staff will spend an additional five hours in preparation for the public hearing, preparation of the covenant, final reading of the bylaw, and updating the bylaws and maps.

**ASSET MANAGEMENT IMPLICATIONS:**

The City will inherit new road infrastructure (curb, gutter and sidewalk) and upgraded service infrastructure built to current City standards. The crosswalk running from the north property boundary will also be upgraded to include activated flashers. These will be incorporated to the City's asset registers for ongoing maintenance.

**2019 – 2022 STRATEGIC PRIORITIES REFERENCE:**

The November 2019 Strategic Priorities Check-in identified the following priorities under the “Next Council Priorities” subsection:

- Communicate appropriately with our community in all decisions we make
- ▲■ Support actions to address Climate Change mitigation and adaptation
- ▲ Explore opportunities for Electric Vehicle Charging Stations
- ▲ 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

3.2 Regional Context Statement

3.2.2 Goals

Goal 1: Housing: Ensure a diversity of housing options to meet evolving demographics and needs.

Principles:

- (1) balance land uses to create a vibrant and diverse neighbourhood and community.
- (5) lead in creating inclusive neighbourhoods for housing.

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## 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. To encourage multi residential development in the Downtown area of the City, and in areas identified through the Local Area Planning process.
3. Support the development of housing options for seniors.
4. Ensure the provision and integration of special needs and affordable housing.
5. Encourage housing opportunities and convenient community services for individuals having special housing requirements.
6. Ensure new housing projects introduce innovative and creative design and streetscapes.
7. Preserve the integrity and character of existing residential areas with any redevelopment proposal.
8. Ensure all new development includes the provision of amenities including buffer areas along major roads, neighbourhood parks, sidewalks and trails, and public facilities.

### REGIONAL GROWTH STRATEGY REFERENCE:

The development proposal is consistent with the RGS goal (3.2.1) “to ensure a diversity of housing options to meet evolving demographic needs” as well as the objectives 1A, 1C and 1D listed below:

#### 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 the existing Municipal Areas. Within the Municipal Areas densification and intensification of development is required including infill and redevelopment.

1A-3 Identify specific Town Centres in Municipal Areas through the OCP review process. These Town Centres are to be developed as walkable and complete communities, providing for a range of housing types focusing on medium and high density housing, employment and commercial uses. There will be a minimum of one Town Centre in the City of Courtenay, one Town Centre in the Town of Comox and one Town Centre in the Village of Cumberland.

1A-6 Increase housing opportunities in existing residential areas in Core Settlement Areas by encouraging multi-family conversions, secondary suites, and small lot infill.

#### 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.

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**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 development 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

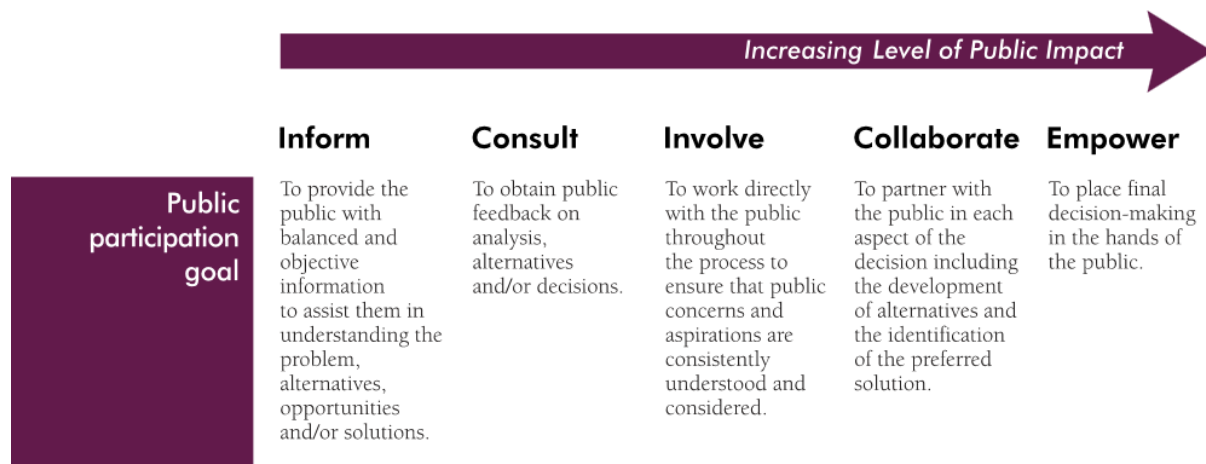
1C-4 Encourage infill units and secondary suites in residential zones in the Core Settlement Areas.

**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.

**CITIZEN/PUBLIC ENGAGEMENT:**

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



Should Zoning Amendment Bylaw No. 2977 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*.

Prior to this application proceeding to Council, the applicant held a public information meeting on August 27, 2019 from 5:00 to 7:00pm at the project site. According to the information provided by the applicant there were approximately 30 attendees at the meeting with a majority of the attendee’s residing in the existing condo development across the street at 2300 Mansfield Drive. The applicant’s meeting summary and sign-in sheet are included as **Schedule No. 5** along with the public comments that were submitted for this application.

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The key concerns expressed by adjacent residents include: increases in local traffic; building height; pedestrian safety on Mansfield Drive, the provision of parking for construction crews and contractors and increases in noise levels stemming from the newly expanded pub and outdoor patio.

Regarding increased traffic on Mansfield Drive, the development is expected to bring more residents and vehicles to the neighborhood, however increases in traffic congestion will be partially mitigated through active transportation opportunities available for residents occupying the new building including the Courtenay Riverway, a multi-use greenway for both pedestrians and cyclists and the site's close proximity to a number of transit routes within a 5 to 10 min walk of the project site.

Some residents expressed concerns regarding decreases in road safety for pedestrians resulting from increased traffic along Mansfield Drive. To address this concern the applicant has agreed to improve the safety of the existing crosswalk north of the site by adding activated flashers. The City is also requiring the developer to move the 30km/hr playground sign west of its current location so that travel speeds can be reduced sooner along the road. These improvements will be formalized in a covenant registered on the property as a condition of rezoning.

Residents have expressed concerns regarding off-street parking for contractors during construction. To address this concern the applicant is proposing to provide off-street parking for construction crew vehicles through a private parking agreement with owners on adjacent sites. This agreement is required to be in place prior to any development occurring on the project site.

Regarding noise, some residents expressed concerns about increases in noise levels stemming from patrons leaving the patio and pub after hours. From a land compatibility perspective, staff have concerns over the expected noise levels from the expanded pub and patio addition. Staff anticipate that increases in noise levels will continue to remain a concern among adjacent residential users. This will be a key consideration when reviewing and assessing the future liquor licence application the City will be referred from the LCRB for structural changes to the pub and the proposed increase in seating capacity.

#### **OPTIONS:**

##### **OPTION 1: (Recommended)**

That based on the July 6<sup>th</sup>, 2020 staff report entitled "Zoning Amendment Bylaw No. 2977 – 2355 Mansfield Road" Council approve Option No. 1 and complete the following steps:

1. That Council give First and Second Reading of "Zoning Amendment Bylaw No. 2977" to create a new CD-28 Zone and rezone the property legally described as Lot B, Section 66, Comox District, Plan 28292 from C-2 to CD-28;
2. That Council directs staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw following the resumption of regular council meetings or upon approval of an alternate process; and
3. That Final Reading of the bylaw be withheld pending the registration of a Section 219 covenant on the subject property.

**OPTION 2:** That Council postpone consideration of Bylaw No. 2977 with a request for more information.

**OPTION 3:** That Council not proceed with Bylaw No. 2977.

Prepared by:



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Dana Beatson, RPP, MCIP  
Planner II

Reviewed by:



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Ian Buck, RPP, MCIP  
Director of Development Services

Concurrence by:



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David Allen, BES, CLGEM, SCLG  
Chief Administrative Officer

*Attachments:*

- 1. Schedule No. 1 – Applicant’s Project Description*
- 2. Schedule No. 2 – Architectural Submissions*
- 3. Schedule No. 3 – Parking Study*
- 4. Schedule No. 4 – Traffic Impact Assessment and Confirmation of Safe Site Distance*
- 5. Schedule No. 5 – Public Information Meeting Summary and Public Comments*
- 6. Schedule No. 6 – Draft Zoning Amendment Bylaw No. 2977*
- 7. Schedule No. 7– Sustainability Evaluation Compliance Checklist*

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## Schedule No 1: Applicant's Project Description

The Whistle Stop Development consists of a new Mix-Use Multi-Residential development on the site of the current Whistle Stop Neighbourhood Pub. The development will include a new 250 seat Whistle Stop Pub with expanded outdoor patio area and a new Whistle Stop Liquor Store on the ground level commercial podium. Four floors of condos will be provided above the commercial podium with 7-8 units per floor for a total count of 30 units. Under-ground parking will be provided for residents as well as pub patrons.

The existing Whistle Stop Pub & Liquor Store is in need of renovations and improvements. Upon a review of the existing building it was determined that the best strategy was to build a new pub on the existing site as the work needed to upgrade the existing building would be extensive. The addition of the residential condo units above the ground level commercial will provide increased density in the desirable area adjacent to the harbour and Courtenay Riverwalk and promote more pedestrian activity in the area.

The proposed design allows for the existing pub and liquor store to remain operational through the construction of the new building. Once the new building is complete the existing Whistle Stop building will be demolished and surface parking will be provided. This will reduce the down time for the Whistle Stop Pub to the time it takes to demolish the existing building and complete the parking lot. The intent is not to open the new pub and liquor store until the full development is complete. During construction of the new building a covered walkway will provide access to the existing building and an off-site parking solution will need to be found.

The existing street interface and sidewalk will be improved through the construction of a continuous sidewalk, landscaped boulevard, and curb to street. The intent is to bury the existing overhead lines along the east of the site. Bicycle parking and benches will be provided for the public within the landscaped boulevard. The surface parking lot, as well as the underground parking levels will provide both accessible parking stalls and electric vehicle charging stations. The underground parking level will also provide storage lockers for all residential units.

Underground parking access, residential loading and garbage pick-up area are located to the south of the site off the new parking lot. Commercial loading is proposed to be along the north face of the building with a signed on-street "loading only" stall between the hours of 7:30 am and 9:30am. It is anticipated loading will occur once a day five times a day for a total of five deliveries per week. Garbage pick-up is designed such that bins would need to be rolled out of the enclosure to allow for pick-up.

### STATEMENT ON CONFORMANCE TO THE AFFORDABLE HOUSING POLICY

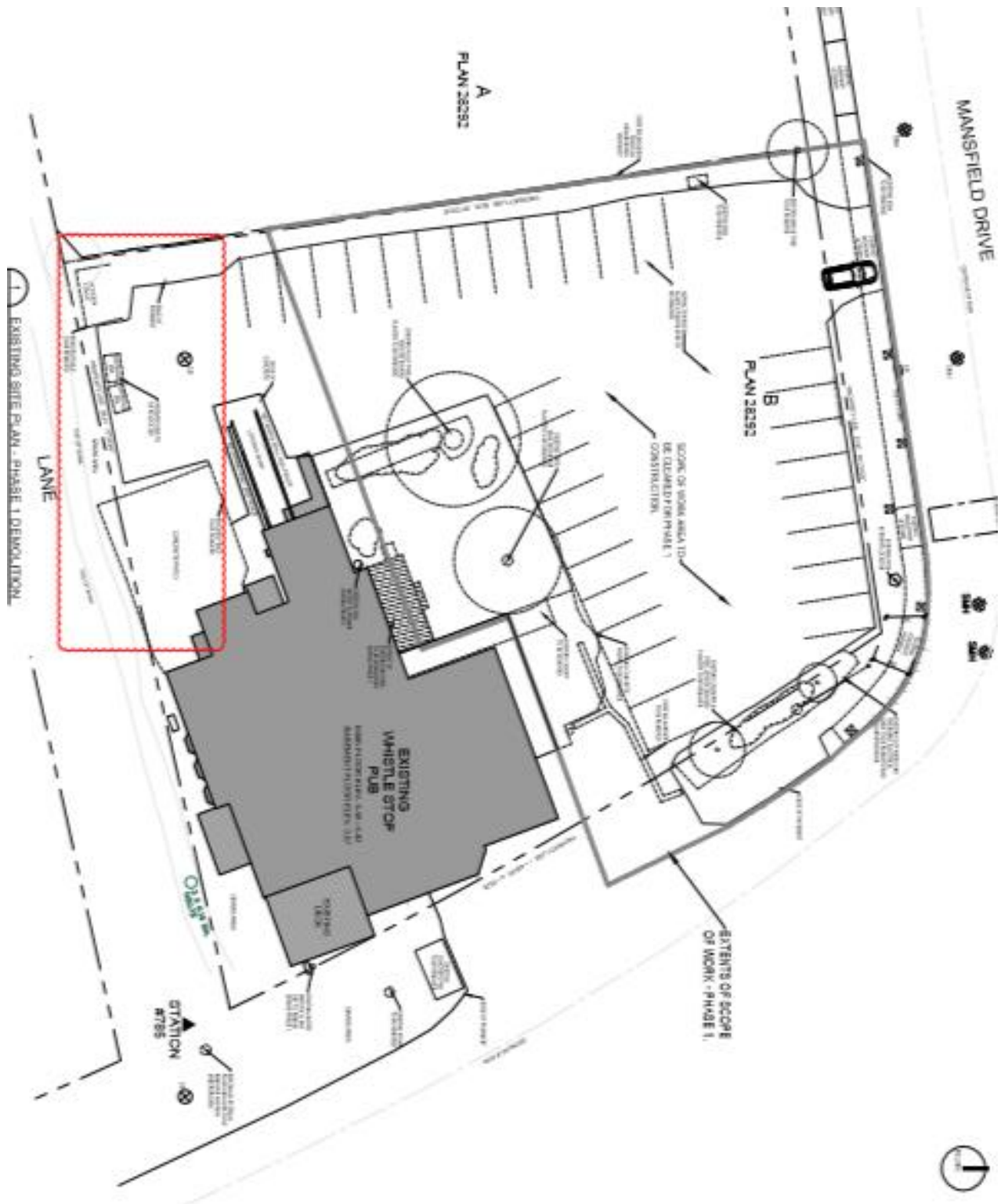
The proposed Whistle Stop Development does not conform with the Affordable Housing Policy in that it does not provide housing below market value. However, the development has been designed with a range of unit sizes including smaller 785 sq.ft. units that will be within reach of a wider range of buyers.

In conformance with the Affordable Housing Policy the development will allow for a denser housing solution provides a range of residential unit sizes and more compact community. As a mixed-use development adjacent to Mansfield Drive and the Courtenay Riverwalk the site is ideally located for pedestrian travel and within 200 meters of 2 bus sites.

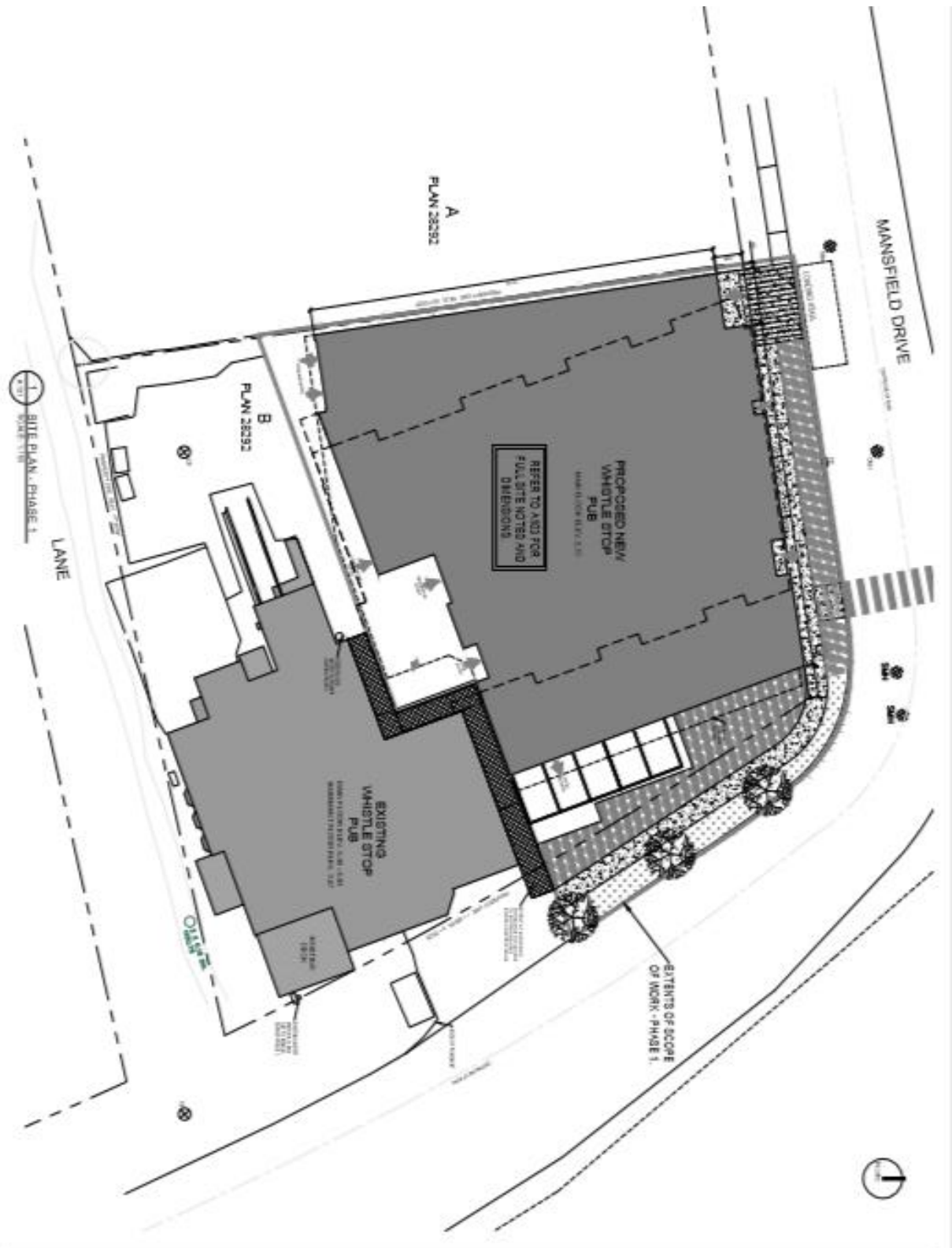


**Schedule No. 2: Architectural Submissions**

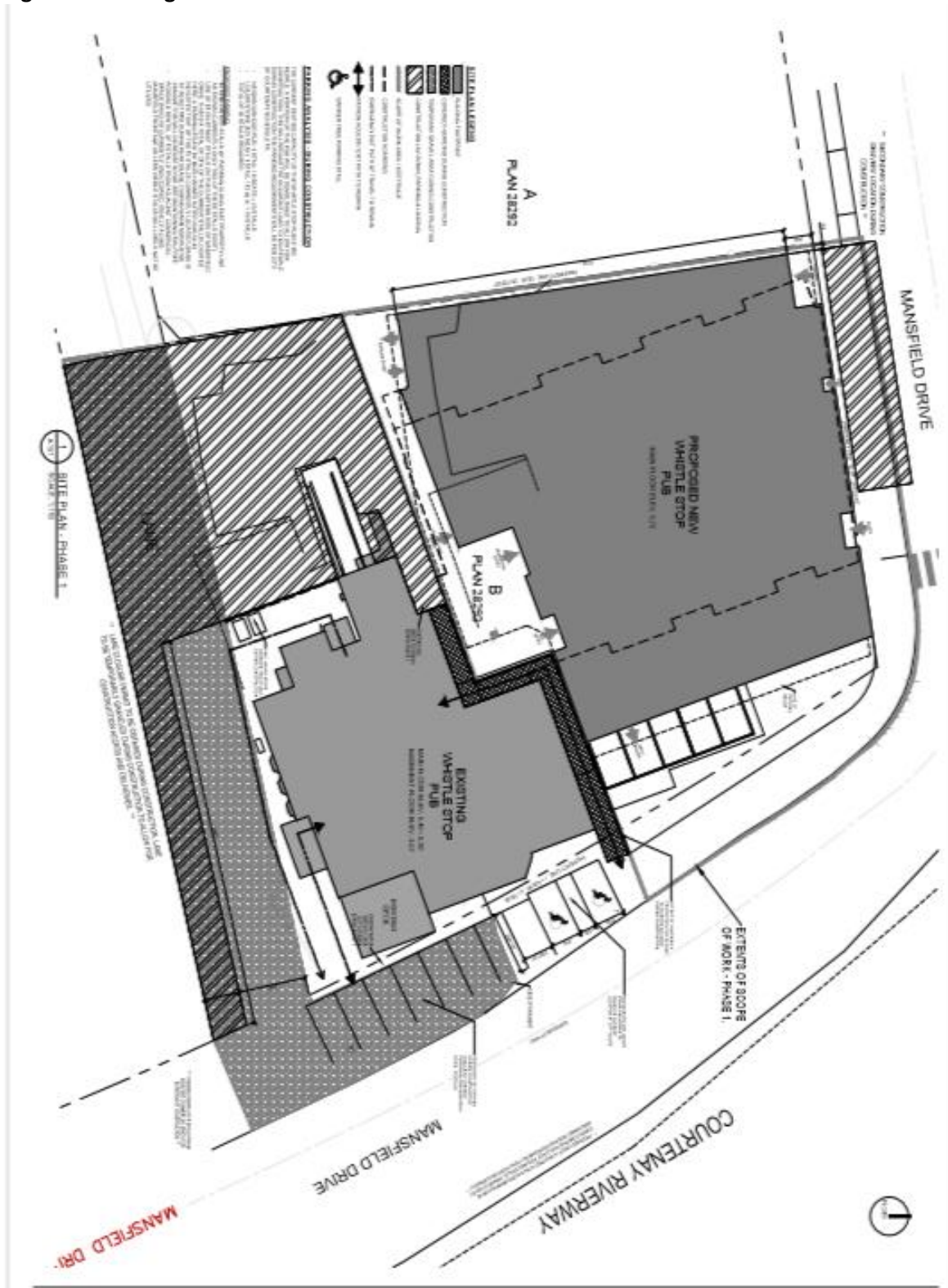
**Existing Site Plan- Phase 1 Demolition**



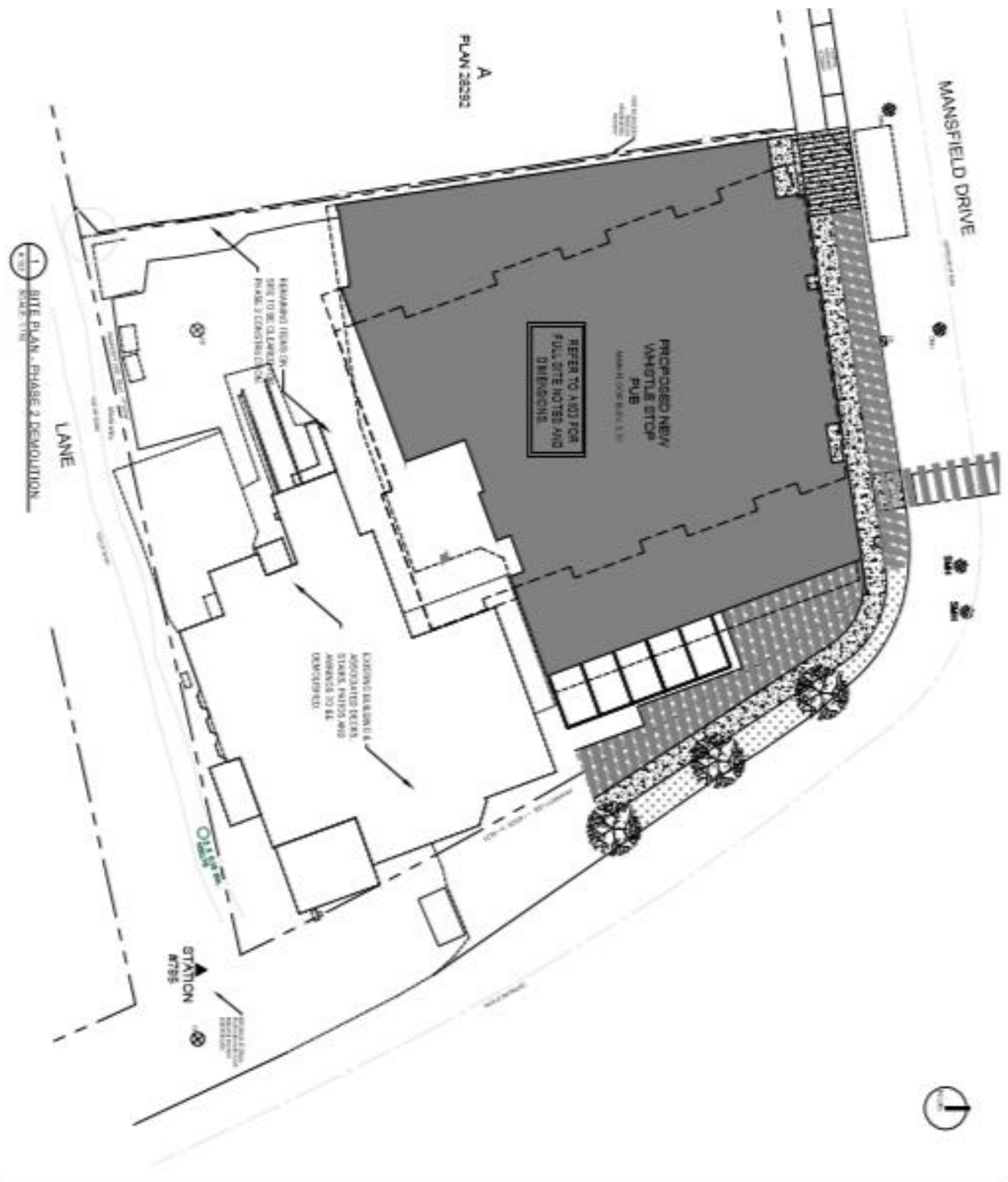
**Site Plan- Phase 1**



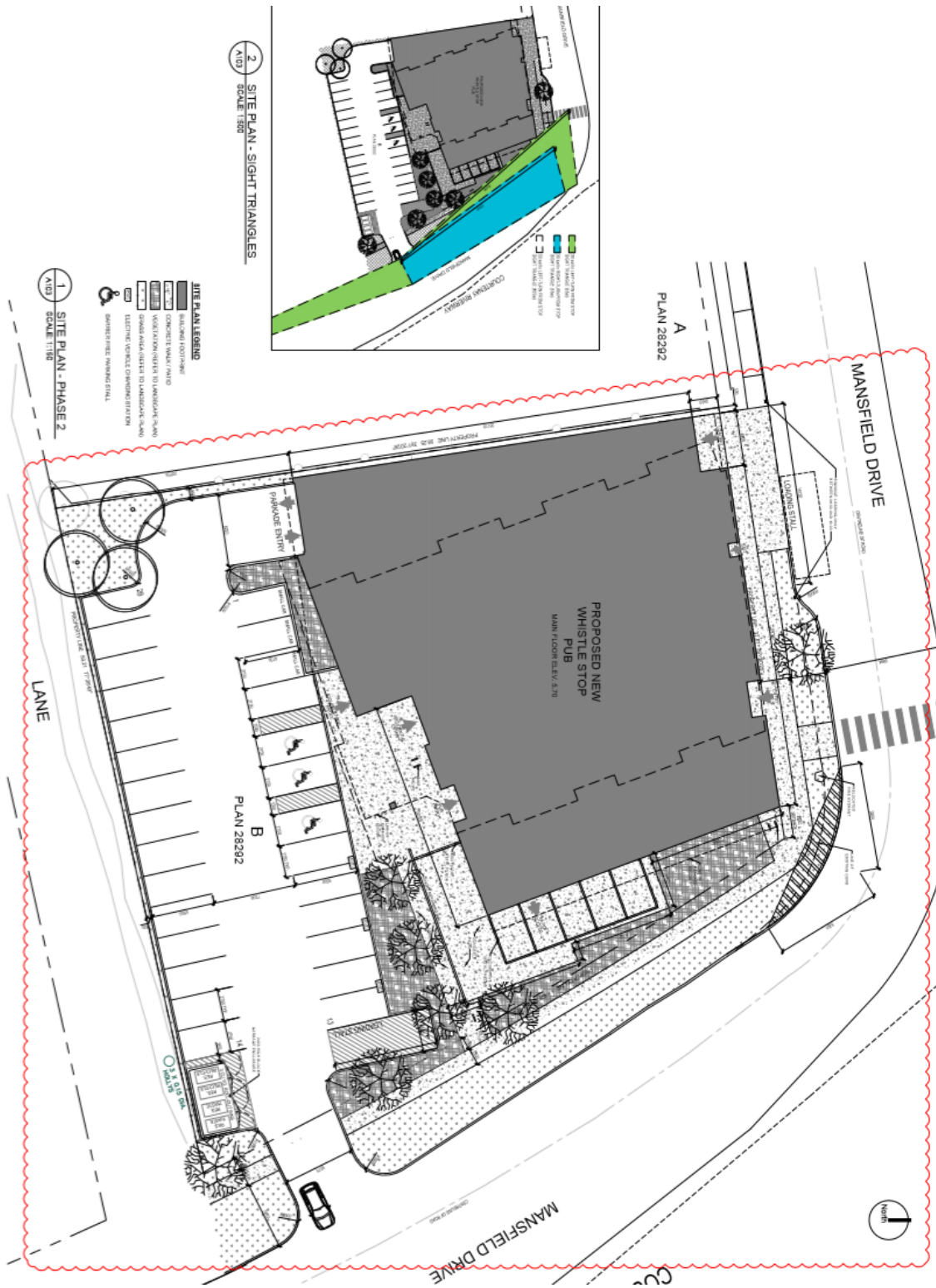
### Site Plan- Phase 1 Parking Access During Construction



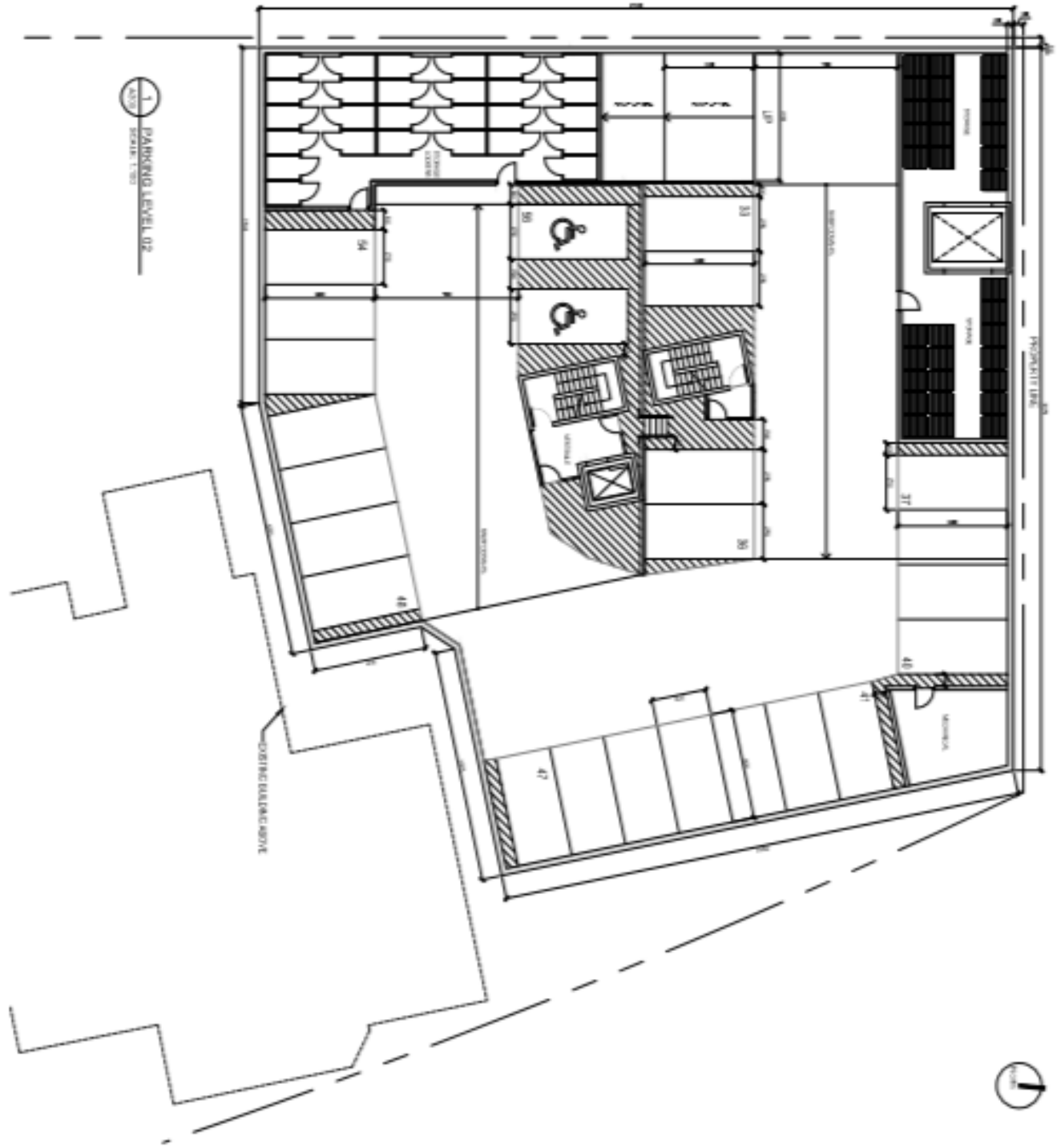
**Site Plan – Phase 2 Demolition**



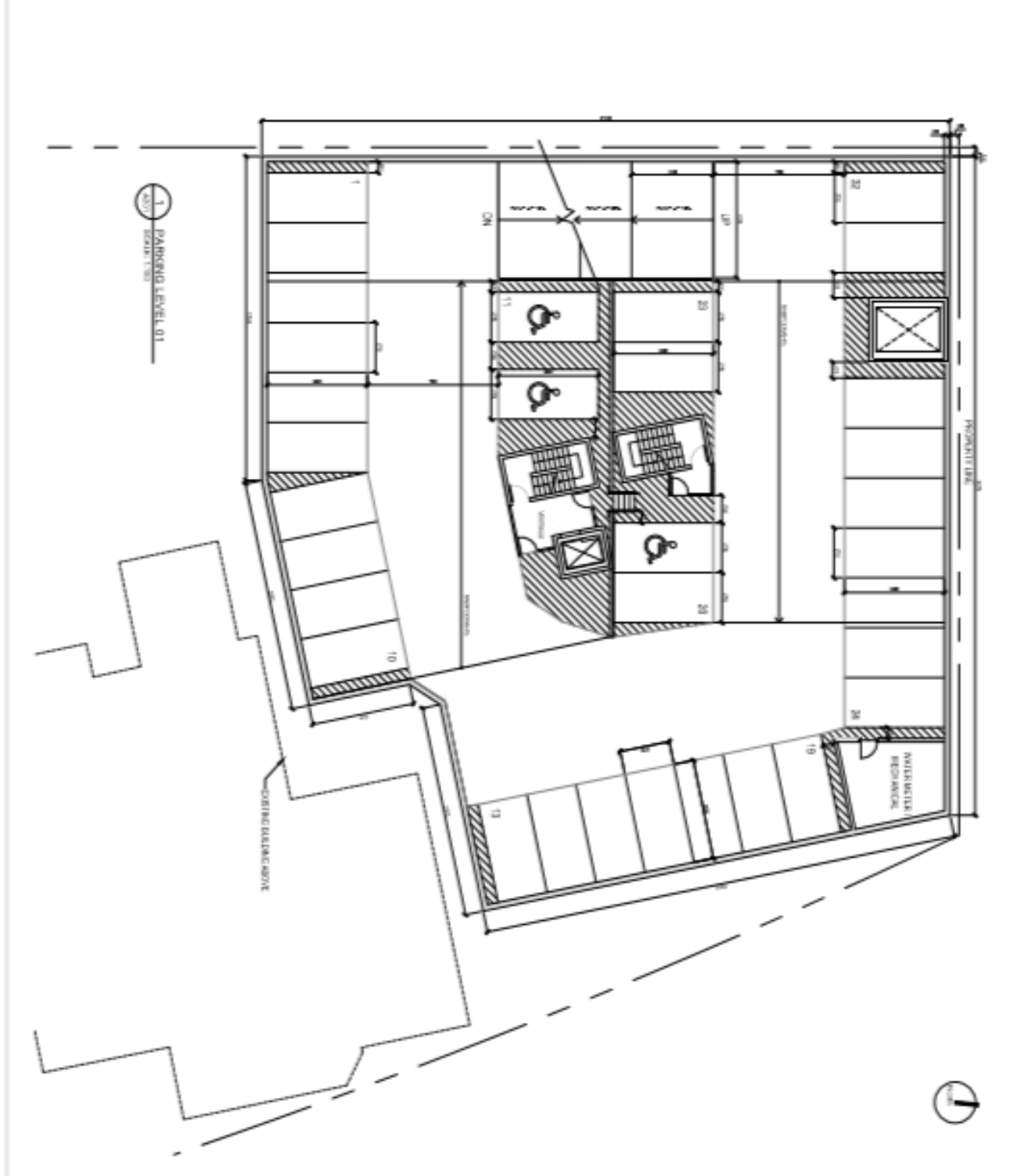
### Site Plan- Phase 2 (including Sight Triangles)



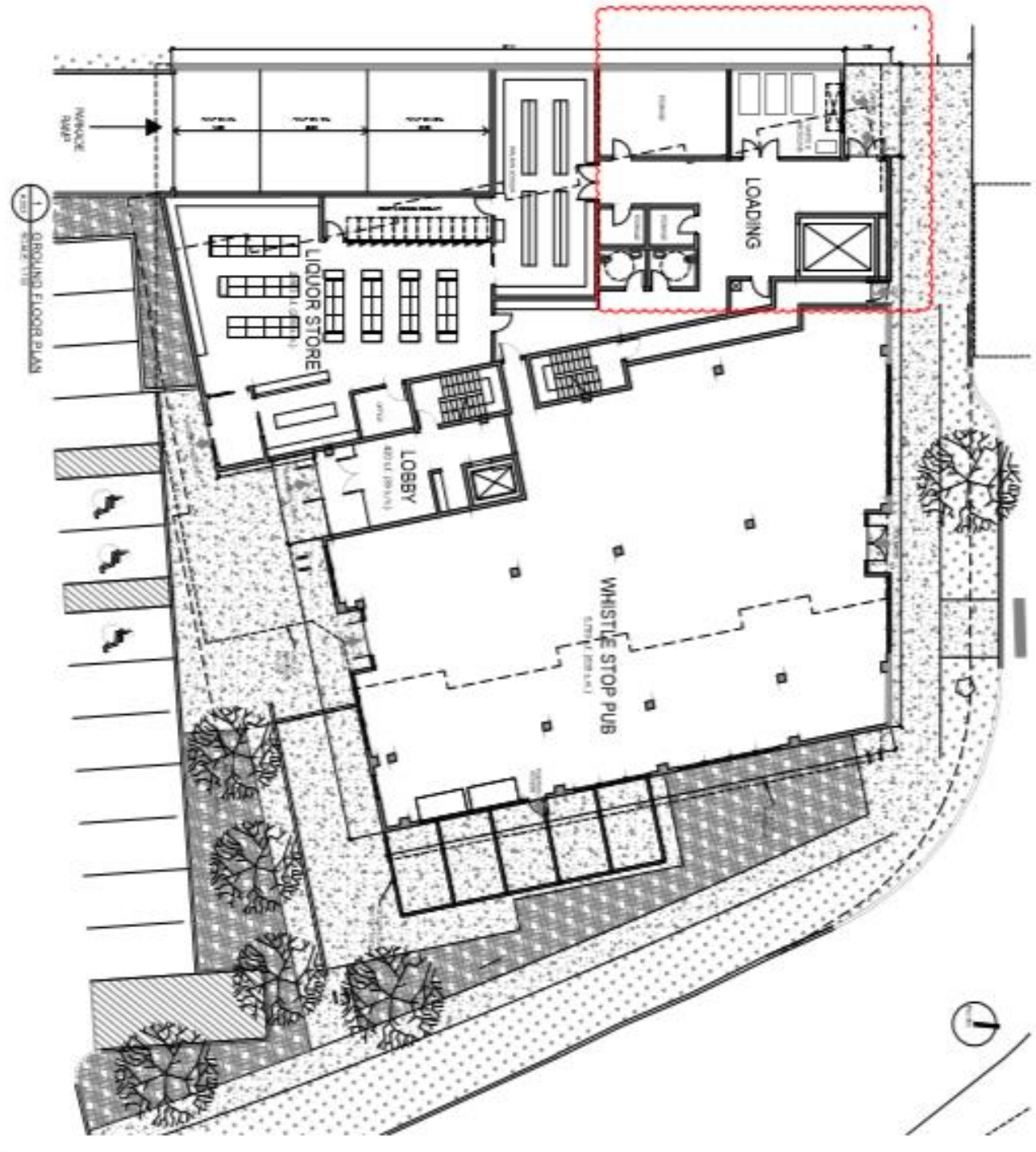
### Underground Parking Plan Level 2



### Underground Parking Plan Level 1



**Floor Plan – Ground Floor**





**Floor Plan – Second Floor**



**Floor Plan – Third Floor**



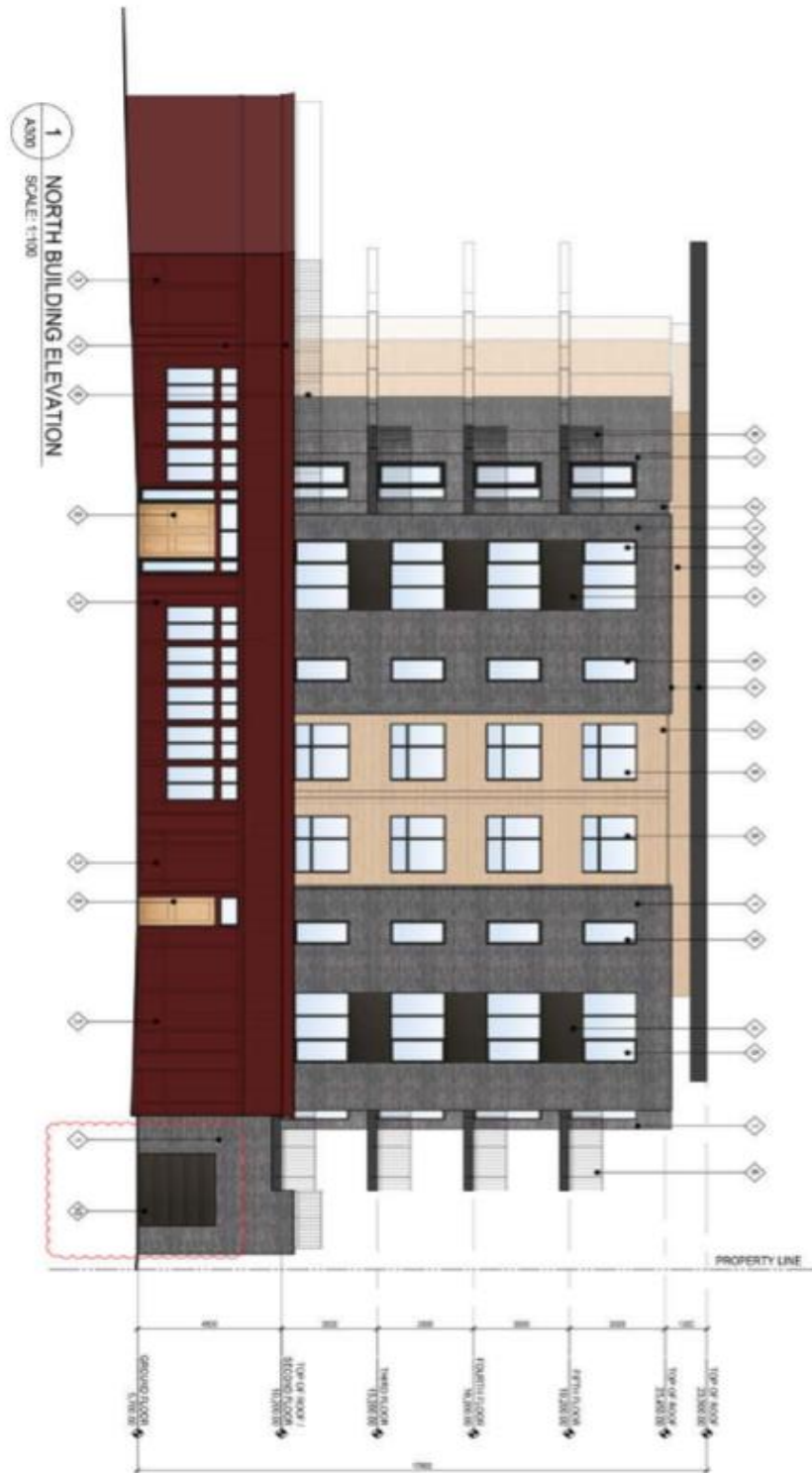
**Floor Plan – Fourth Floor**



**Floor Plan – Fifth Floor**



**Building Elevation – North Elevation**



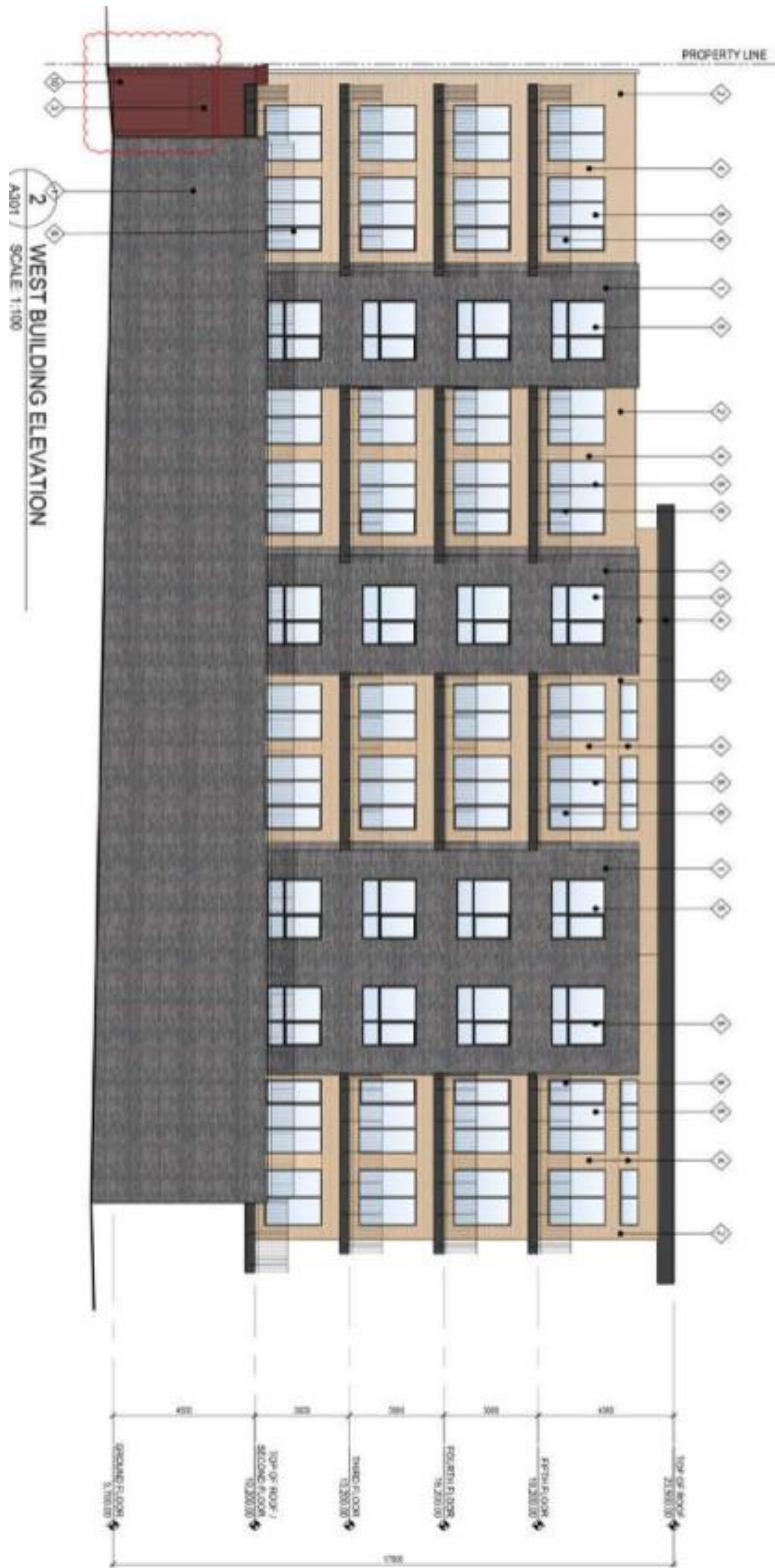
**Building Elevation – East Elevation**



**Building Elevation – South Elevation**



**Building Elevation – West Elevation**





Landscape Plan – Ground Level



SITE PLAN NOTES:

1. ALL PLANTING SHALL BE INSTALLED WITHIN THE SPECIFIED PLANTING AREAS.
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IRRIGATION NOTES:

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PLANTING LEGEND:

KEY QTY	BOTANICAL NAME	COMMON NAME	SIZE
4	<i>Acer glaberrimum</i>	Red Maple	6m Cal
3	<i>Aspen</i>	Aspen	6m Cal
3	<i>Thuja occidentalis</i>	Green Cedar	6m Cal
11	<i>Thuja occidentalis</i>	Green Cedar	6m Cal
15	<i>Prunella laurocerasus</i>	Prunella	6m Cal

KEY QTY	BOTANICAL NAME	COMMON NAME	SIZE
30	<i>Prunella laurocerasus</i>	Prunella	6m Cal
41	<i>Prunella laurocerasus</i>	Prunella	6m Cal
29	<i>Prunella laurocerasus</i>	Prunella	6m Cal
80	<i>Prunella laurocerasus</i>	Prunella	6m Cal
56	<i>Prunella laurocerasus</i>	Prunella	6m Cal
22	<i>Prunella laurocerasus</i>	Prunella	6m Cal
31	<i>Prunella laurocerasus</i>	Prunella	6m Cal
22	<i>Prunella laurocerasus</i>	Prunella	6m Cal
19	<i>Prunella laurocerasus</i>	Prunella	6m Cal
141	<i>Prunella laurocerasus</i>	Prunella	6m Cal



REPRESENTATIVE PLANTING IMAGES:

**Landscape Plan – Rooftop Level**



**SITE PLANNING NOTES:**

1. ALL PLANTINGS SHOWN ARE TO BE INSTALLED AND MAINTAINED BY THE OWNER.
2. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF WINDSOR PLANNING DEPARTMENT'S PLANNING STANDARDS.
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**PLANNING LEGEND:**

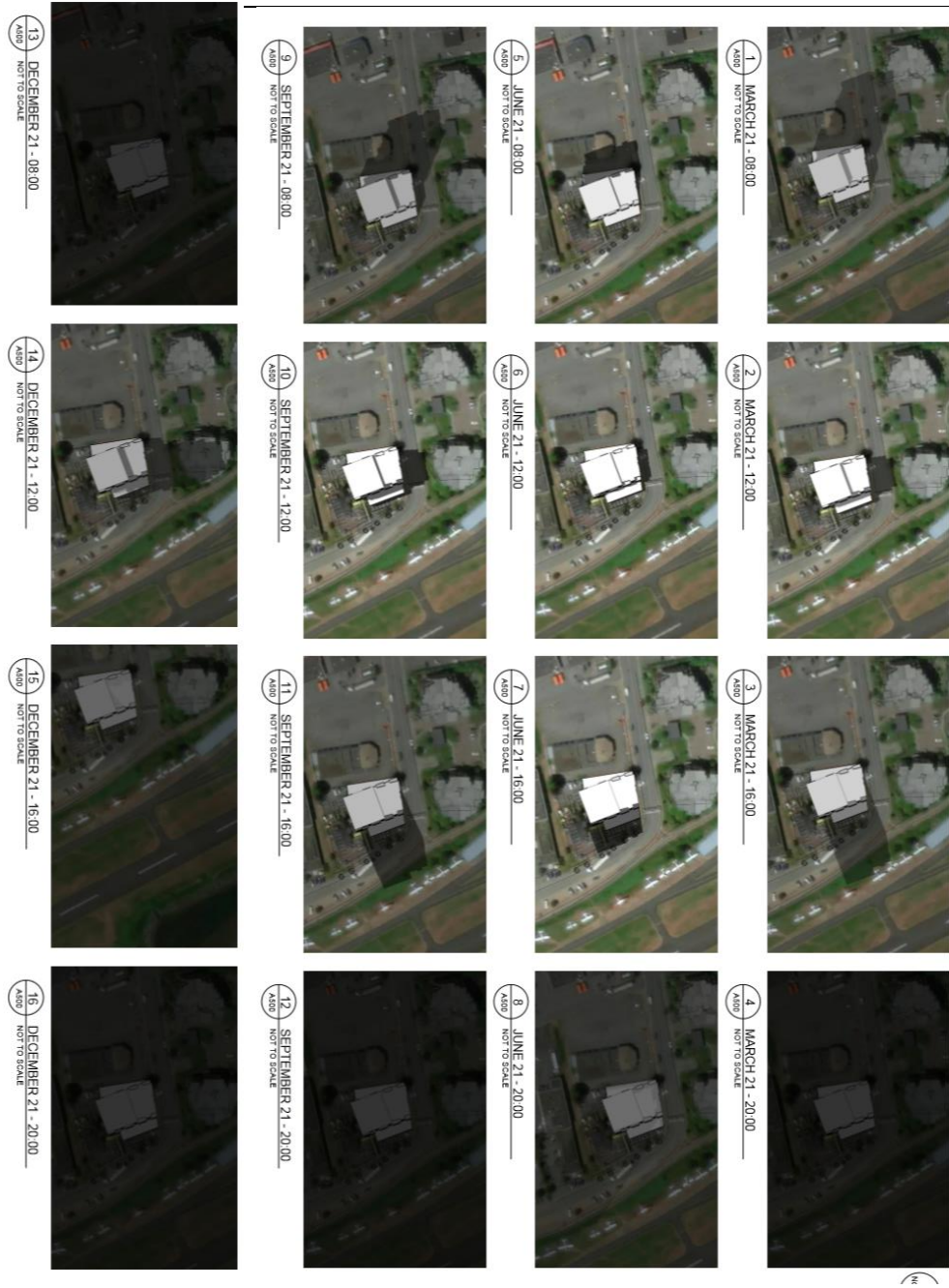
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**WHISTLE STOP PUB - PLANT LIST**

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE
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2	1	<i>Aspidistra</i>	Aspidistra	4m x 2m
3	1	<i>Aspidistra</i>	Aspidistra	4m x 2m
4	1	<i>Aspidistra</i>	Aspidistra	4m x 2m
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26	1	<i>Aspidistra</i>	Aspidistra	4m x 2m
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**REPRESENTATIVE PLANTING IMAGES:**

SHADOW STUDY



**Schedule No. 3: Parking Study**



Our File: 2211-47564-00

# TECHNICAL MEMO

<b>To</b> Erica Lowe, Principal Architect, AAA, AIBC LOLA Architecture	<b>Prepared by</b> Emily Shibata, Traffic Engineering Tech. Branch 2111 / Traffic and Road Safety
	<b>Reviewed by</b> Parm Nahal, P.Eng. Branch 2111 / Traffic and Road Safety
<b>Re</b> Whistle Stop Mixed-Use Development – Parking Study	<b>Date</b> February 14, 2020

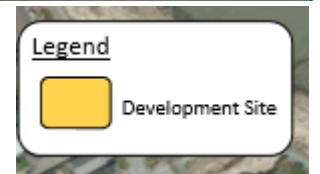
The purpose of this technical memorandum is to review existing and proposed parking conditions for the Whistle Stop mixed-use development in Courtenay, British Columbia.

## 1. Introduction

The City of Courtenay (the City) has requested that Lola Architecture (the Client) conduct a parking study to better understand parking availability and utilization at the Whistle Stop Neighbourhood Pub and its surrounding area. A mixed-use, multi-family development is proposed at this site. Lola Architecture engaged McElhanney Ltd. (McElhanney) to undertake this task.

### 1.1. PROJECT LOCATION

The Whistle Stop development site is located in Courtenay, British Columbia on an approximately 3000 m<sup>2</sup> lot bounded by Mansfield Drive to the north and east and Cliffe Avenue to the west. The development location is presented in *Figure 1*.



## 1.2. EXISTING PARKING LOT CONDITIONS

The Whistle Stop project site currently consists of the Whistle Stop Neighbourhood Pub, the Whistle Stop Beer & Wine Store, and 45 on-site parking spaces.

## 1.3. PROPOSED DEVELOPMENT AND PARKING LOT CONDITIONS

The proposed Whistle Stop mixed-use development is expected to relocate the existing Whistle Stop Neighbourhood Pub and the Whistle Stop Beer & Wine Store, and construct four residential storeys above the relocated pub and store. A total of 30 dwelling units is expected. Development details are based on the technical memorandum *Traffic Impact Assessment for Whistle Stop Mixed-Use Project in Courtenay, BC* prepared by McElhanney for Lola Architecture on July 19, 2019.

Parking for the development will be accessible from Mansfield Drive and will consist of a parking garage with two underground levels and a surface lot. The proposed development is expected to provide a total of 86 spaces:

- 28 regular and 4 accessible spaces on parkade level P1
- 23 regular and 3 accessible spaces on parkade level P2
- 22 regular, 3 small car, and 3 accessible spaces on the surface lot

An overview of the parking layout is found in [Appendix A](#).

## 2. Parking Survey

To better understand parking availability and utilization, McElhanney conducted parking counts at the Whistle Stop Neighbourhood Pub and its surrounding area.

### 2.1. SURVEY LOCATIONS

Survey locations in the surrounding area were determined based on availability of public parking. A nearby restaurant / pub was also surveyed based on its similar use to the Whistle Stop Neighbourhood Pub. Five areas were surveyed as a part of this study:

- Area 1 – Whistle Stop Neighbourhood Pub / Whistle Stop Beer & Wine Store
- Area 2 – Mansfield Drive, north of Whistle Stop Pub
- Area 3 – Mansfield Drive, east of Whistle Stop Pub
- Area 4 – Courtenay Riverway
- Area 5 – Kelly & Carlos O'Bryan's Neighbourhood Restaurant and Pub

An overview of the survey locations can be seen in [Figure 2](#).





## 2.2. STUDY TIMING AND CONDITIONS

Parking counts were conducted on Friday, February 7<sup>th</sup>, 2020 and Saturday, February 8<sup>th</sup>, 2020 between 3:30 PM and 9:00 PM. As the current establishment is a neighbourhood pub, it was assumed this period would best encompass peak parking demands. There were no unusual public events scheduled within the Comox Valley on either count day. A summary of past and future local events in the area can be found on the What's On Digest at <https://whatsondigest.com/comoxvalley/>.

## 3. Summary of Collected Data

The number of available spaces and parked vehicles were determined at the five study areas during the study period. License plates of vehicles parked at the Whistle Stop Neighbourhood Pub were recorded. Detailed count sheets are included in *Appendix B*.

### 3.1. PARKING AVAILABILITY

The number of available parking spaces at each location are summarized in *Table 1* below.

*Table 1: Available Parking Spaces*

Area #	Location	Number of Available Spaces	Parking Type
1	Whistle Stop Neighbourhood Pub	45	Off-Street
2	Mansfield Drive, North of Whistle Stop Pub	15	On-Street
3	Mansfield Drive, east of Whistle Stop Pub	70	On-Street
4	Courtenay Riverway	38	Off-Street
5	Kelly & Carlos O'Bryan's Neighbourhood Restaurant and Pub	61	Off-Street

### 3.2. PARKING DEMAND

The hourly parking demand between 3:30 PM and 9:00 PM at each study area is summarized below.

#### Area 1 – Whistle Stop Neighbourhood Pub

As shown in *Figure 3*, the hourly parking demand ranged between 20 and 27 parked vehicles on Friday, February 7 and between 13 and 33 on Saturday, February 8. The demand did not exceed capacity during the study period.





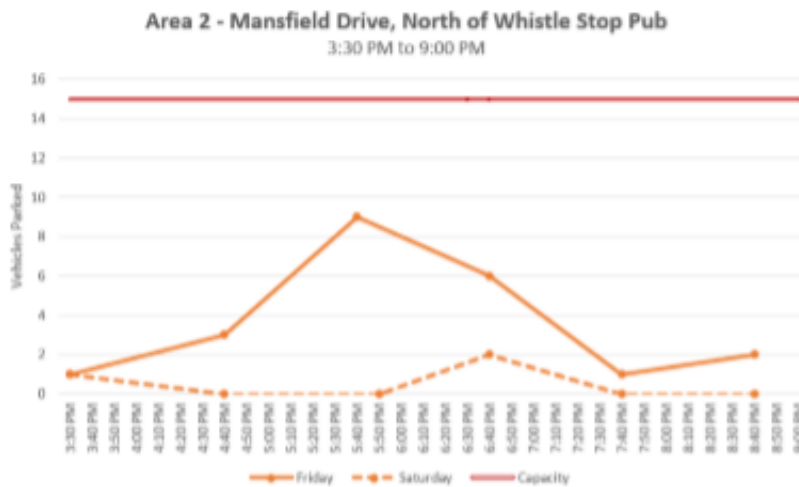
Figure 3: Whistle Stop Neighbourhood Pub Parking Lot Demand



Area 2 – Mansfield Drive, North of Whistle Stop Pub

As shown in Figure 4, the hourly parking demand ranged between 1 and 9 parked vehicles on Friday, February 7 and between 0 and 2 on Saturday, February 8. The demand did not exceed capacity during the study period.

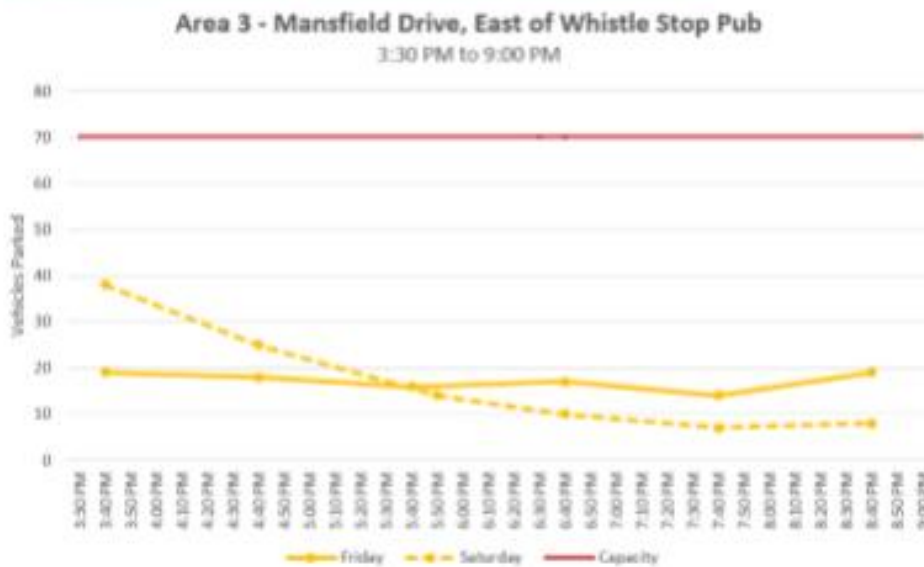
Figure 4: Mansfield Drive (North of Whistle Stop Pub) Parking Demand



### Area 3 – Mansfield Drive, East of Whistle Stop Pub

As shown in *Figure 5*, the hourly parking demand ranged between 14 and 19 parked vehicles on Friday, February 7 and between 7 and 38 on Saturday, February 8. The demand did not exceed capacity during the study period.

*Figure 5: Mansfield Drive (East of Whistle Stop Pub) Parking Demand*

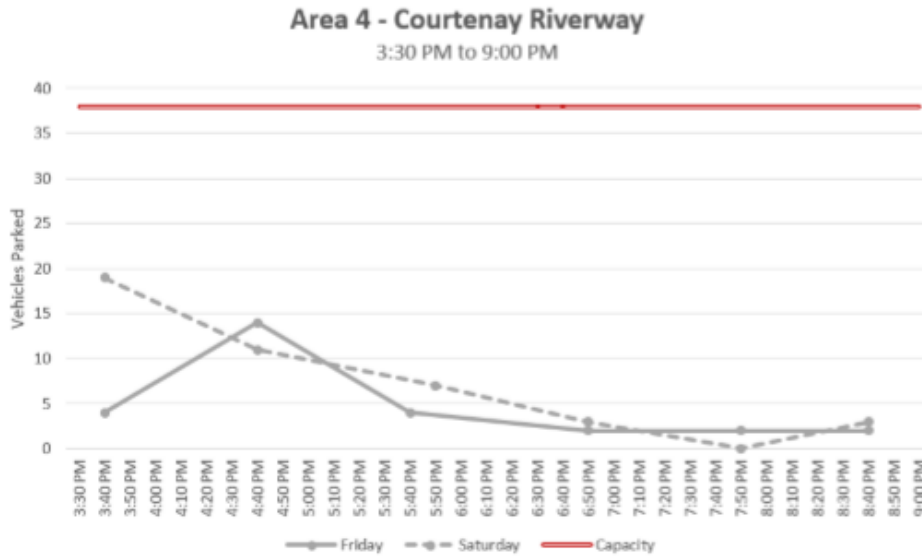


### Area 4 – Courtenay Riverway

As shown in *Figure 6*, the hourly parking demand ranged between 2 and 14 parked vehicles on Friday, February 7 and between 0 and 19 on Saturday, February 8. The demand did not exceed capacity during the study period.



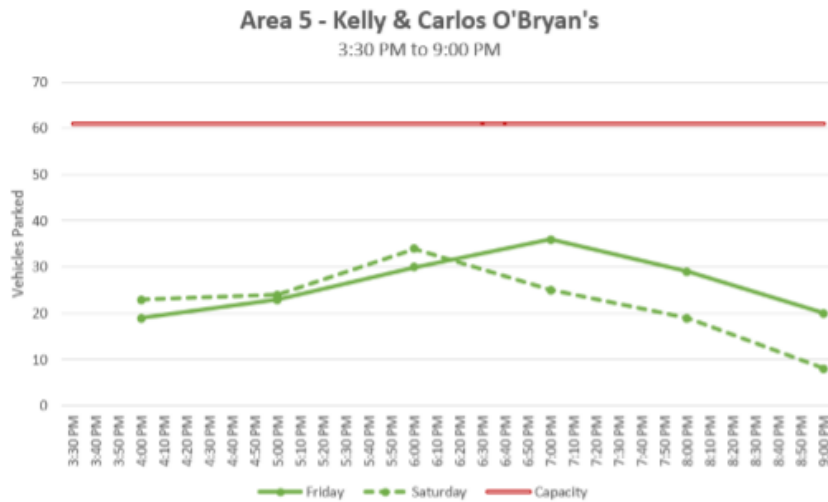
Figure 6: Courtenay Riverway Parking Demand



Area 5 – Kelly & Carlos O’Bryan’s Neighbourhood Restaurant and Pub

As shown in Figure 7, the hourly parking demand ranged between 19 and 36 parked vehicles on Friday, February 7 and between 8 and 34 on Saturday, February 8. The demand did not exceed capacity during the study period.

Figure 7: Kelly & Carlos O’Bryan’s Neighbourhood Restaurant and Pub Parking Lot Demand



### 3.3. PARKING UTILIZATION

The hourly parking demand was compared to the available number of spaces at each location to determine the hourly utilization rate. Parking utilization rates between 3:30 PM and 9:00 PM for Friday, February 7 and Saturday, February 8 are summarized in *Figure 8* and *Figure 9*, respectively.

*Figure 8: Hourly Parking Utilization – Friday, February 7, 2020*

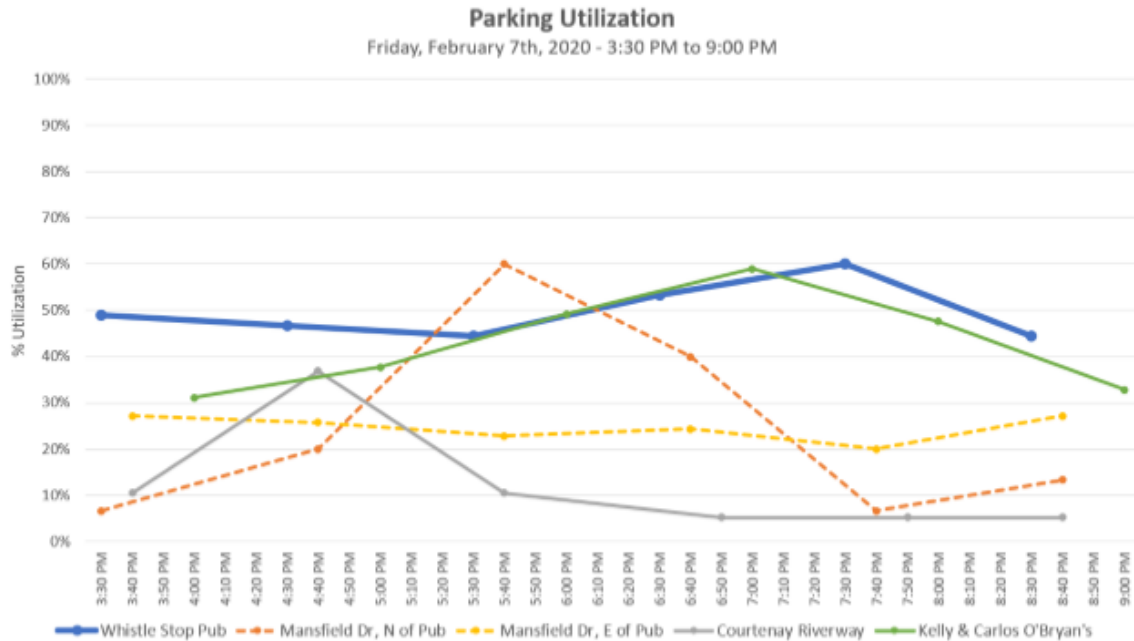
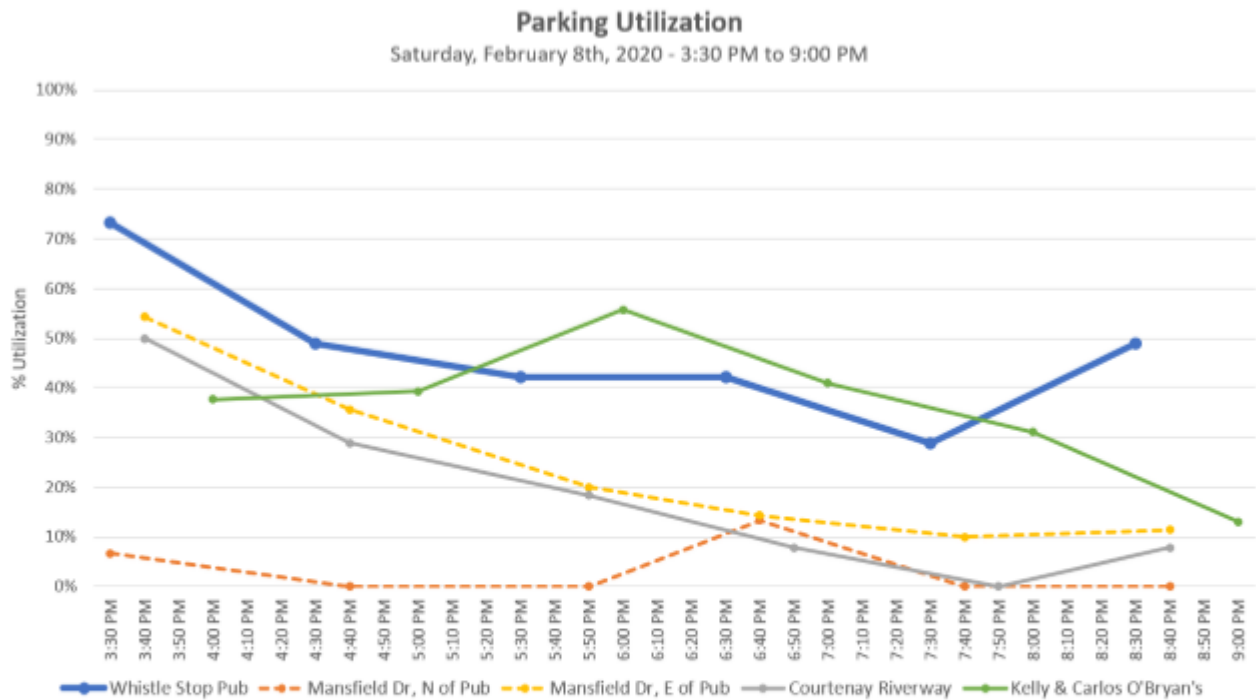


Figure 9: Hourly Parking Utilization – Saturday, February 8, 2020



As shown in *Figure 8* and *Figure 9*, parking demand at all study areas remained within capacity during the 3:30 PM to 9:00 PM study period. On Friday, February 7, the maximum utilization rate of 60% occurred at 5:40 PM on Mansfield Drive, north of the Whistle Stop Pub, and again at 7:30 PM at the Whistle Stop Pub. On Saturday, February 8, the maximum utilization rate of 73% occurred at 3:30 PM at the Whistle Stop Pub. The number of available spaces and maximum utilization rates are summarized in *Figure 10*.



### 3.4. LENGTH OF STAY

License plates were recorded at the Whistle Stop Neighbourhood Pub parking lot to determine the average length of stay of parked vehicles. The average length of stay between 3:30 PM and 9:00 PM was approximately 43 minutes on Friday, February 7, and approximately 47 minutes on Saturday, February 8.

## 4. Parking Requirements

Parking requirements for the mixed-use development were evaluated based on the proposed supply compared to the estimated parking demand per the *ITE Parking Generation Manual, 5<sup>th</sup> Edition (2019)* and required parking supply per the City's zoning bylaw.

### 4.1. CITY OF COURTENAY PARKING BYLAW

The proposed mixed-use, multifamily development site is zoned C-2, as shown in *Appendix C*, and subject to the City's parking bylaw requirements as described in *Division 7, Schedule 7A – Required Number of Off-Street Parking Spaces of the City of Courtenay Zoning Bylaw 2500*. *Table 2* shows the number of parking spaces the development is required to provide according to the zoning bylaw.

*Table 2: Off-Street Parking Requirements Based on City of Courtenay Zoning Bylaw 2500*

Land Use Description	Quantity	Unit	Parking Spaces/Unit	Required Parking Spaces
Mid-Rise Residential	30	Dwelling Units	1.50	45
Neighbourhood Pub	250	Seats	0.17	42
Liquor Store	190	m <sup>2</sup> (retail)	0.08	16
Liquor Store	76	m <sup>2</sup> (storage)	0.05	4
<b>Total</b>				<b>107</b>

Per City bylaw, the development is required to have a total of 107 off-street parking spaces. Therefore, the proposed parking supply of 86 spaces is 21 spaces short of the requirement stated in the City's parking bylaw.

### 4.2. ESTIMATED PARKING DEMAND

As a comparison tool, the expected peak parking demand was calculated based on the proposed land uses. Parking demand was determined using rates from the *ITE Parking Generation Manual, 5<sup>th</sup> Edition (2019)*. The ITE parking generation rates and resulting estimated parking demand is summarized in *Table 3*.



*Table 3: ITE Parking Generation Rates and Estimated Peak Parking Demand*

Land Use Description	Quantity	Unit	Parking Generation Rates			Estimated Parking Demand		
			33 <sup>rd</sup> %ile	Average	85 <sup>th</sup> %ile	33 <sup>rd</sup> %ile	Average	85 <sup>th</sup> %ile
Mid-Rise Residential	30	Dwelling Units	0.63	0.90	1.27	19	27	39
Neighbourhood Pub	5.76	1000 Sq. Ft.	4.57	6.47	12.37	27	38	72
Liquor Store	2.86	1000 Sq. Ft.	1.49	1.72	2.79	5	5	8
<b>Total</b>						<b>51</b>	<b>70</b>	<b>119</b>

Based on the ITE parking generation rates, the development is expected to have a maximum weekday peak demand of 51 to 119 parking spaces.

### 4.3. SUMMARY OF PARKING REQUIREMENTS

Table 4 shows a summary of the parking needs for the proposed development.

*Table 4: Summary of Parking Needs*

Source	On-Site Parking Spaces	Parking Surplus (+) / Deficit (-)
Proposed Parking Supply	86	-
City Parking Bylaw	107	-21
ITE Estimated Parking Demand (33 <sup>rd</sup> %ile)	51	+35
ITE Estimated Parking Demand (Average)	70	+16
ITE Estimated Parking Demand (85 <sup>th</sup> %ile)	119	-33

Based on the City's parking bylaw, the proposed development would require 107 on-site parking spaces. Overall, the proposed supply compared to the City's requirements would result in a parking deficit of 21 spaces.

Based on the City's parking bylaw, the proposed development would require 107 on-site parking spaces. Overall, the proposed supply compared to the City's requirements would result in a parking deficit of 21 spaces.

Based on the ITE parking generation rates, the proposed parking supply of 86 spaces would result in a 16-space surplus compared to estimated average weekday peak parking demand.

In addition, there is an abundance of nearby on-street parking available, as summarized in [Section 3.1](#). Combined with the utilization rates from [Section 3.3](#), it is expected that the proposed parking supply will meet the average parking demand of developments of this type.





## 5. Conclusions and Recommendations

The purpose of this technical memorandum is to review existing and proposed parking conditions for the Whistle Stop mixed-use development in Courtenay, British Columbia.

### 5.1. CONCLUSIONS

The Whistle Stop project site currently consists of the Whistle Stop Neighbourhood Pub, the Whistle Stop Beer & Wine Store, and 45 on-site parking spaces. The proposed mixed-use development is expected to feature an 88-space parkade with two underground levels and a surface lot.

To better understand existing parking conditions at the Whistle Stop Pub and its surrounding area, the number of available spaces and parked vehicles during the Friday and Saturday 3:30 PM to 9:00 PM peak period was determined at five study areas. The parking demand at all study locations did not exceed capacity, with an average utilization rate of 28% and a maximum utilization rate of 73%. Based on collected license plate data, the average length of stay at the Whistle Stop Neighbourhood Pub and the Whistle Stop Beer & Wine Store was approximately 45 minutes.

Per the City of Courtenay bylaw, the proposed Whistle Stop mixed-use development is required to have a total of 107 off-street parking spaces. The proposed parking supply of 88 spaces is 21 spaces short of this requirement.

However, based on the ITE parking generation rates, the proposed parking supply is 18 spaces greater than the estimated average weekday peak parking demand. In addition, survey results showed there is an ample amount of on-street parking available on Mansfield Drive during the Whistle Stop Pub's peak period. Pub patrons may also utilize other modes of transportation such as public transit or ride hailing services, further decreasing the demand for on-site parking.

### 5.2. RECOMMENDATIONS

Based on the parking occupancy survey and ITE parking generation rates analysis conducted as for this report, the proposed Whistle Stop mixed-use development is expected to provide sufficient on-site parking to accommodate peak parking demands. Additional parking spaces are not required at this time.



## 6. Closing

The information within this memo is true and accurate to the best of our knowledge. If you have any questions or concerns regarding this analysis, please contact the undersigned.

McELHANNEY LTD.

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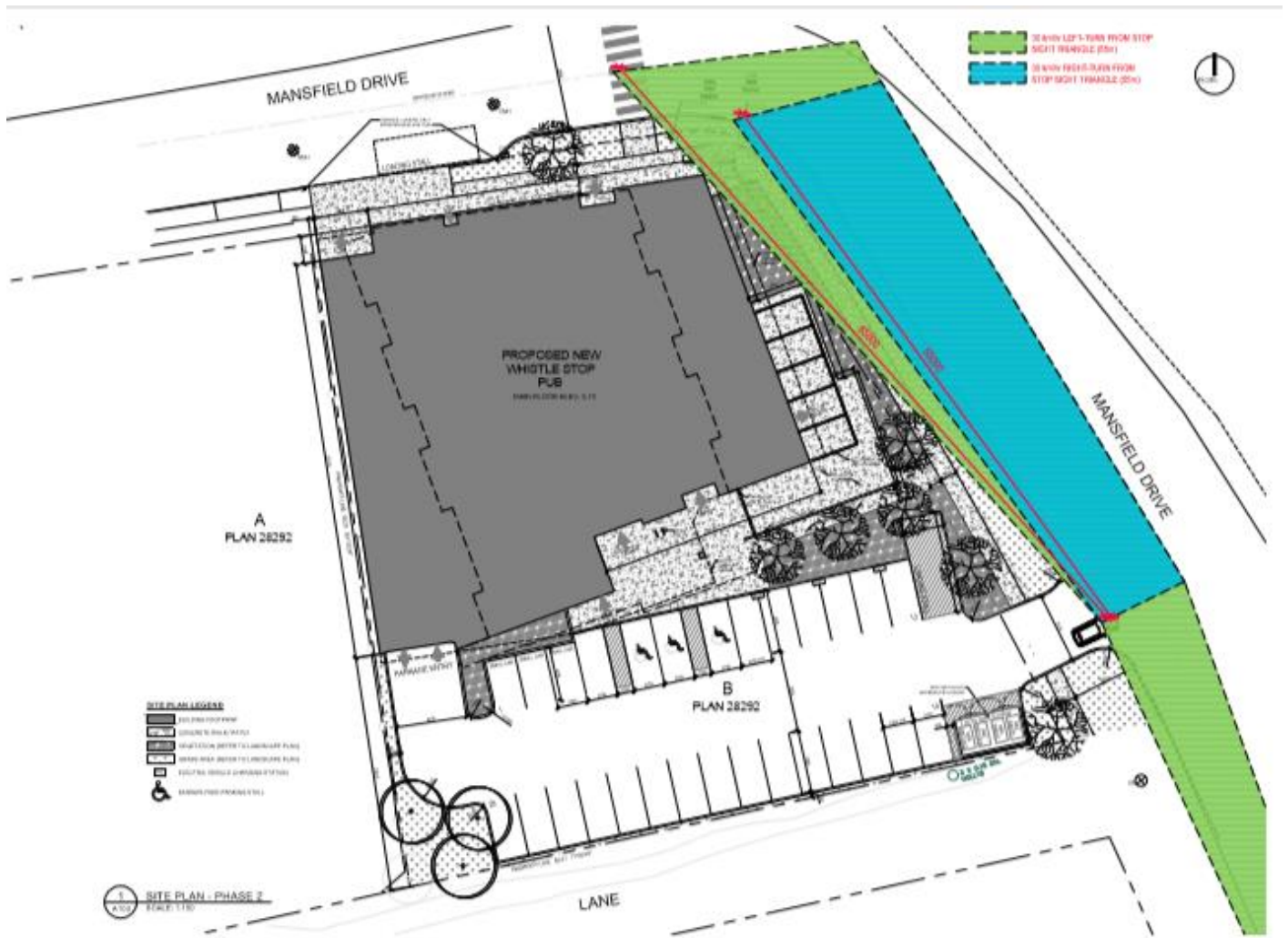
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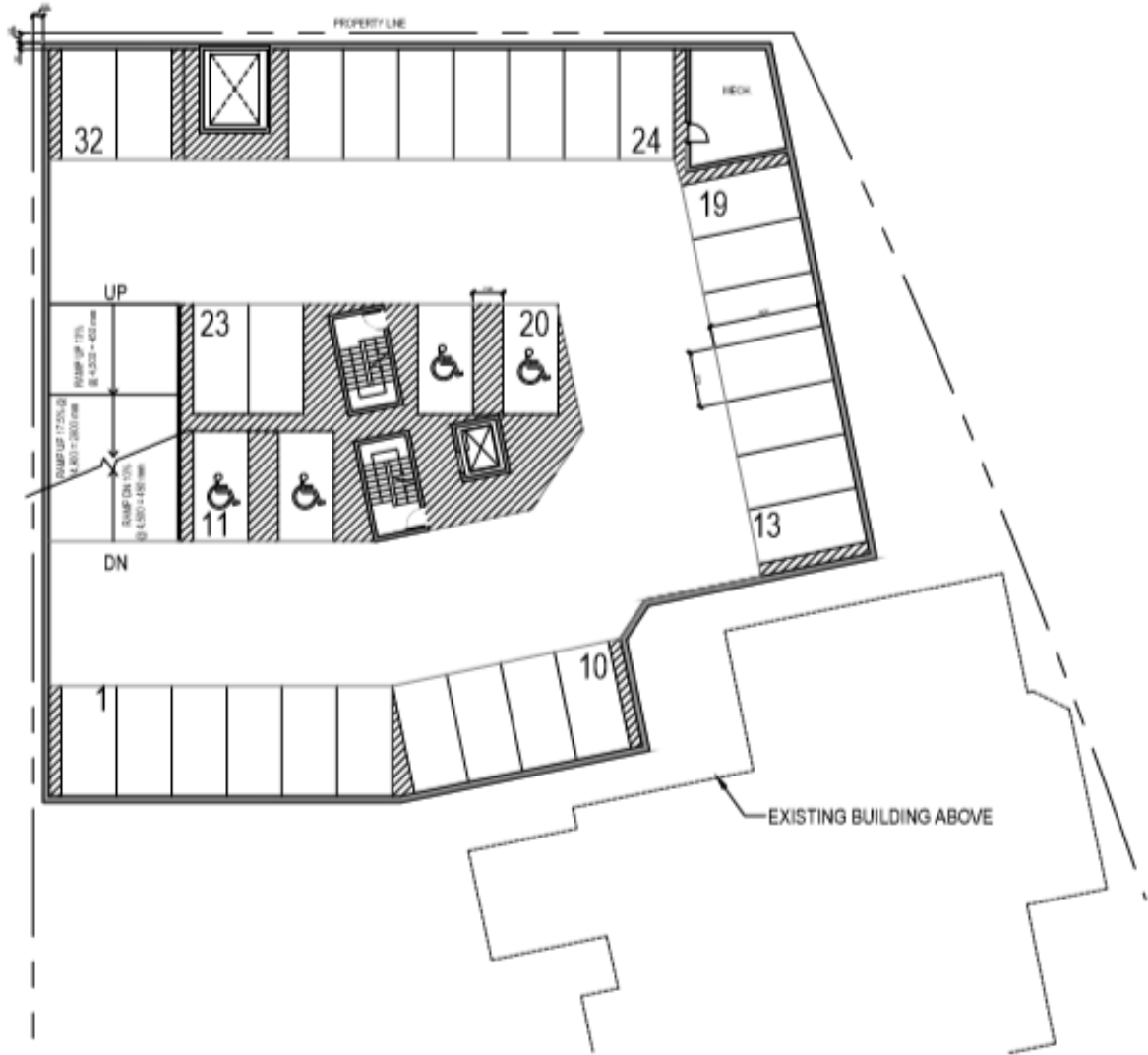


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## APPENDIX A – PARKING LOT SITE PLAN







## APPENDIX B – PARKING SURVEY COUNT DATA

PARKING COUNTS - Friday, February 7, 2020					
Time	Whistle Stop Pub	Mansfield Drive North of Pub	Mansfield Drive East of Pub	Courtenay Riverway	Kelly & Carlos O'Bryan's
	Area 1	Area 2	Area 3	Area 4	Area 5
3:30 PM	22	1	-	-	-
3:40 PM	-	-	19	4	-
4:00 PM	-	-	-	-	19
4:30 PM	21	-	-	-	-
4:40 PM	-	3	18	14	-
5:00 PM	-	-	-	-	23
5:30 PM	20	-	-	-	-
5:45 PM	-	9	16	4	-
6:00 PM	-	-	-	-	30
6:30 PM	24	-	-	-	-
6:40 PM	-	6	17	-	-
6:45 PM	-	-	-	2	-
7:00 PM	-	-	-	-	36
7:30 PM	27	-	-	-	-
7:40 PM	-	1	14	-	-
7:45 PM	-	-	-	2	-
8:00 PM	-	-	-	-	29
8:30 PM	20	-	-	-	-
8:40 PM	-	2	19	2	-
9:00 PM	-	-	-	-	20
<b>Available Spaces</b>	<b>45</b>	<b>15</b>	<b>70</b>	<b>38</b>	<b>61</b>

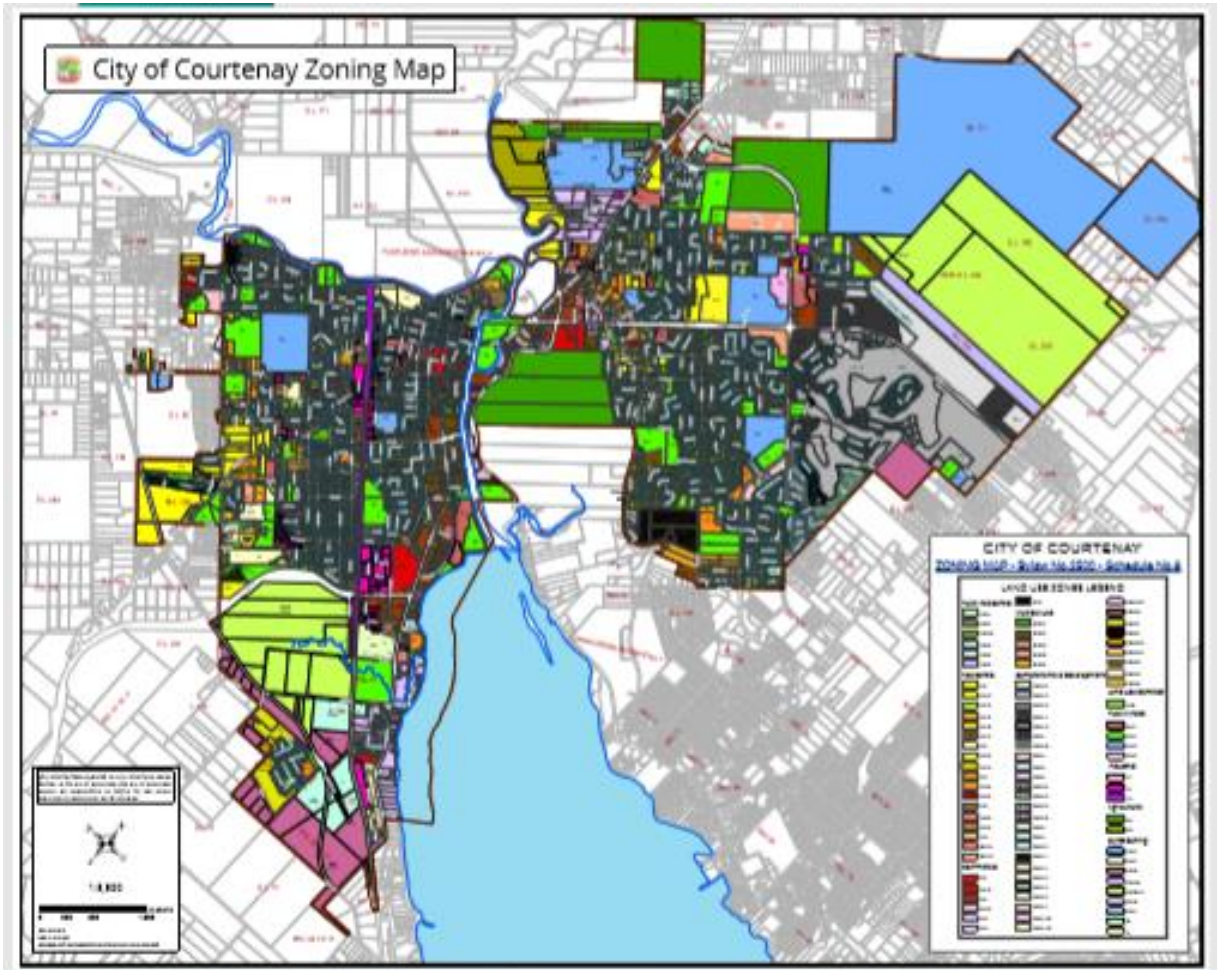
PARKING COUNTS - Saturday, February 8, 2020					
Time	Whistle Stop Pub	Mansfield Drive North of Pub	Mansfield Drive East of Pub	Courtenay Riverway	Kelly & Carlos O'Bryan's
	Area 1	Area 2	Area 3	Area 4	Area 5
3:30 PM	33	1	-	-	-
3:40 PM	-	-	38	19	-
4:00 PM	-	-	-	-	23
4:30 PM	22	-	-	-	-
4:40 PM	-	0	25	11	-
5:00 PM	-	-	-	-	24
5:30 PM	19	-	-	-	-
5:45 PM	-	0	14	7	-
6:00 PM	-	-	-	-	34
6:30 PM	19	-	-	-	-
6:40 PM	-	2	10	-	-
6:45 PM	-	-	-	3	-
7:00 PM	-	-	-	-	25
7:30 PM	13	-	-	-	-
7:40 PM	-	0	7	-	-
7:45 PM	-	-	-	0	-
8:00 PM	-	-	-	-	19
8:30 PM	22	-	-	-	-
8:40 PM	-	0	8	3	-
9:00 PM	-	-	-	-	8
<b>Available Spaces</b>	<b>45</b>	<b>15</b>	<b>70</b>	<b>38</b>	<b>61</b>

PARKING PLATES ID - Friday, February 7, 2020						
Stall #	3:30 PM	4:30 PM	5:30 PM	6:30 PM	7:30 PM	8:30 PM
1	gt8	ka7				u149
2	saab	saab		gr7	gr7	gr7
3	jt2	jt2	jt2	jt2	jt2	jt2
4			jb7	dr7		o83
5	cw5	cw5		oo3		
6	nc775	nc775		881	881	
7		gno	as8	as8	ff9	ff9
8	ai5	hn7	kts		o26	
9	mj	kts		80		
10						
11	gn1				hh2	hh2
12	es1	mj		kh4	kc2	kc2
13		gco	gco	397	397	kn (taxi)
14	299	163v	163v	1gma	8754	8754
15	632	111	111	je5		
16		pa1		42		
17	6665	nc772	7877	ah5	o42	
18	111		iw	jh8	ah5	
19	hb5		mazda	840	jh8	
20					cv5	cv5
21					be0	be0
22			he			
23						
24			ad9	ad9	ad9	ad9
25						
26			gc3			
27			pa5		gt6	gt6
28			ee9		dx2	dx3
29						
30			px1	jt3	jt3	dh5
31				ka3	ka3	ka3
32						
33			nh1	jt1		
34						
35						
36			6o5			
37			889	ff1	ff1	
38				605	605	
39					ce5	ee7
40						cej
41				jt0		hn1
42				ea7	ea7	
43				ab9	ab9	
44					982	982
45					pk6	pk6



PARKING PLATES ID - Saturday, February 8, 2020						
Stall #	3:30 PM	4:30 PM	5:30 PM	6:30 PM	7:30 PM	8:30 PM
1	jp9				lt73	lt73
2	gr7	gr7	gr7	gr7	gr7	
3	ka7	ka7				dc3
4	164f	swe				kc9
5	850e	9962h	9962h	9962h		hr8
6	wpgj			ee07	ee07	
7	294f	nc78	beo	beo		hjo3
8	163v					702h
9	lm84	lm84		gn9		781d
10						
11	071r	071r				
12	cm32		gw6	gw6		
13				933		
14	o54	221v	emo9	em09	hn1	hn1
15			hs6	354r		
16	208x	730m	as8		nh21	nh21
17	mn26			dr5	540s	540s
18	665x	665x	hb3		dx6	dx3
19	550n	550n	am6	am6	cb5	cb5
20	gf18	gf18		6421b		hb8
21	gw5	fs6				
22						
23						
24	kc7		my55	my55		
25						
26	gc3	gc3	gc3			
27	fc9	fc9	fc9			
28						
29	lt9	lt9	lt9	lt9		
30			ad9	ad9	ad9	ad9
31	7908j		ee0	ee0	ee0	ee0
32	862g	862g		7846l		
33	be9	nk97	254c			
34					555	555
35						
36	gn5	gn5	gn5	gn5		
37		8627k				
38	bg6					ga9
39	jp5					hb15
40						g705
41	hlp4	hlp4				pa8
42	ja2		ja2		cg6	cg6
43	360f	78nha				
44	217n					
45	mn25					

# APPENDIX C – CITY OF COURTENAY ZONING MAP



## Schedule No. 4: Traffic Impact Assessment

### TECHNICAL MEMO



<b>To</b> Erica Lowe, Principal Architect, AAA, AIBC	<b>Prepared By</b> Winnie Zhuang
	<b>Reviewed By</b> Parm Nahal, P.Eng.
<b>Company</b> LOLA Architecture	<b>Branch</b> 2111 - Surrey
<b>Re</b> Traffic Impact Assessment for Whistle Stop Mixed-Use Project in Courtenay, BC	<b>Date</b> July 19, 2019
	<b>File Number</b> 2211-47564-00

## 1. INTRODUCTION

The purpose of this technical memo is to review traffic operations for the proposed mixed-use, multi-family project located at the Whistle Stop site located in Courtenay, British Columbia. This traffic impact assessment (TIA) evaluates the AM and PM peak hour conditions in Existing Conditions (2019), Opening Year (2022), and a future horizon year, Opening Year plus ten years (2032). To quantify traffic impacts with the added site-generated trips, the 2022 and 2032 traffic scenarios were analyzed using base volumes (without the proposed development) and developed volumes (base volumes plus site-generated trips) throughout the study area.

The following presents our assumptions, analysis results, and recommendations.

### 1.1. Project Description

The proposed development site is located in Courtenay, British Columbia and will consist of a wood-frame construction with a commercial podium on the ground level. This mixed-use project will include the relocated Whistle Stop Neighbourhood Pub as well as the Whistle Stop Beer & Wine Store on the ground level. Above, there will be four residential storeys with a total of 30 dwelling units, as per the development overview shown in *Attachment A* and correspondence with the client. This proposed project is assumed to be completed by 2022.

### 1.2. Project Location

The project site is approximately 3000 square metres bounded by Mansfield Drive (north and east) and Cliffe Avenue (west). An overview of the project location is shown in *Figure 1*.





### 1.3. Study Intersections

The following is a list of study intersections that were analyzed to quantify impacts associated with the proposed development:

- Cliffe Avenue / Mansfield Drive North (side-street stop-controlled)
- Cliffe Avenue / Mansfield Drive South (side-street stop-controlled)

### 1.4. Existing Roadway Conditions

All roads in the study area have a posted speed limit of 50 km/h. Left-turn bays are provided at the westbound approach of the Cliffe Avenue/Mansfield Drive North and Cliffe Avenue/Mansfield Drive South intersections. Moreover, there are two-way left-turn lanes provided for the northbound and southbound approaches at these intersections.

## 2. TRAFFIC VOLUMES

### 2.1. Existing Traffic Volumes

Traffic counts for the Cliffe Avenue/Mansfield Drive North intersection were conducted on April 11, 2019 by McElhanney. The traffic volumes for the Cliffe Avenue/Mansfield Drive South intersection were established based on traffic volumes at the Cliffe Avenue/Mansfield Drive North intersection. Peak hours were determined using the counts which were recorded on a weekday from 7:00 AM – 9:00 AM and 3:00 PM – 6:00 PM. The peak volumes were established by finding the hour with the highest volume for each study intersection.

Existing Conditions (2019) weekday AM and PM peak hour traffic volumes at the study intersections are shown in *Figure 2*. Detailed traffic count sheets are included in *Attachment B*.





## 2.2. Background Volume Development

Background volumes were developed by applying an annually compounded growth rate of 2.2% (obtained from the *City of Courtenay 25 Year Vision for Multi-Modal Transportation, 2014*) to existing traffic volumes and grown to the opening year horizon (2022) and future horizon (2032).

The Year 2022 (Opening Year) and Year 2032 (Opening Year + 10 Years) weekday AM and PM peak hour background volumes are presented in *Figure 3* and *Figure 4*, respectively.







### 2.3. Trip Generation

Trip generation refers to the process to estimate the vehicular traffic a development adds to the surrounding roadway system. For the proposed development, the total number of generated trips entering and exiting the road system was calculated for the weekday AM and PM peak hours.

Trip generation estimates for the development were calculated using trip rates from the *Trip Generation Manual, 10<sup>th</sup> Edition* by the Institute of Transportation Engineers (ITE). The proposed multifamily residential development is expected to consist of four storeys only, while the commercial podium is expected to consist of the existing pub and liquor store. *Since traffic counts captured the existing pub and liquor store trips*, only ITE land use code 221: *Multifamily Housing (Mid-Rise)* was used to determine new trips generated from the development. A summary of the estimated site-generated trips for the proposed development is provided in *Table 1* below.

*Table 1: Trip Generation Summary*

Type	Quantity	Period	Trip Rate	In / Out Ratio		Trips		
				IN	OUT	IN	OUT	Total
Multifamily Housing, Mid-Rise (221)	30 DU <sup>1</sup>	AM	0.36	26%	74%	3	8	11
		PM	0.44	61%	39%	8	5	13

**Notes:**

- 1. DU = dwelling units

The proposed site is expected to add 11 vehicles (3 in / 8 out) during the AM peak hour and 13 vehicles (8 in / 5 out) during the PM peak hour to the surrounding road network.

### 2.4. Trip Distribution

The trip distribution of traffic generated by the project development was estimated based on traffic volumes at the Cliffe Avenue/Mansfield Drive North intersection. For this TIA, the new site-generated trips for the 30 dwelling units will be distributed to the surrounding road network in the opening year (2022) as follows:

- 85% to/from the north along Cliffe Avenue
- 15% to/from the south along Cliffe Avenue

The trip distribution assumptions are shown in *Figure 5*.





## 2.5. With Project Traffic Volumes

To determine traffic volumes for the scenarios with the development (i.e. combined volumes), the development trips estimated for the project development (*Table 1*) were added to the background traffic volumes for the 2022 and 2032 study scenarios. The site-generated traffic volumes used in "with development" traffic analyses for years 2022 and 2032 are shown in *Figure 6*. The combined weekday AM and PM peak hour traffic volumes are presented in *Figure 7* and *Figure 8* for the 2022 and 2032 study scenarios, respectively.







### 3. TRAFFIC OPERATIONS ANALYSIS

Traffic operations analysis was conducted for the following scenarios:

- 2019 (Existing Conditions)
- 2022 (Opening Year)
- 2032 (Opening Year + 10 Years)

All scenarios were analyzed during weekday AM and PM peak hours, and the 2022 and 2032 scenarios were analyzed without and with the addition of trips generated by the proposed development.

#### 3.1. Synchro Analysis Software

Synchro software, version 10.0, was used to report the level of service (LOS) and average delay at each of the study intersections. Synchro is a traffic software used to determine traffic conditions based on volumes, laning, and type of traffic control. Synchro calculates average delays and queue lengths for each movement at an intersection. Average delays are then translated into LOS. It should be noted Synchro results are calculated, and therefore are typically conservative compared to observed traffic flow, which is affected by driver behaviour. Detailed Synchro analysis reports can be found in *Attachment C*.

#### 3.2. Intersection Level of Service Criteria

Operations of roadway facilities are described in terms of Level of Service (LOS), which is a qualitative description of traffic flow based on factors such as speed, travel time, delay, and freedom to manoeuvre. Six service levels are defined, ranging from LOS A, the best operating conditions, to LOS F, the worst operating conditions. LOS E corresponds to "at or near capacity" operations. When volumes exceed capacity, it results in stop-and-go conditions, which is designated as LOS F. The delay thresholds and corresponding LOS are presented in *Table 2*. The typical criterion for acceptable operation is LOS D. Therefore, any movement or intersection operating at LOS E or worse may require improvement.

For unsignalized (side-street stop-controlled) intersections, the LOS calculations were conducted based on the methodology in the *Highway Capacity Manual 6<sup>th</sup> Edition (HCM6)*, Transportation Research Board, 2016. The LOS rating is based on the average delay expressed in seconds per vehicle. For controlled approaches composed of a single lane, the control delay is computed as the average of all movements in that lane.



Table 2: Intersection Level of Service Definitions

Level of Service	Delay Criteria (s/veh)	Description
	Unsignalized Intersections	
A	≤ 10	Represents free flow. Individual users are virtually unaffected by others in the traffic stream. Usually no conflicting traffic
B	> 10 to 15	Stable flow, but the presence of other users in the traffic stream begins to be noticeable. Occasionally some delay due to conflicting traffic
C	> 15 to 25	Stable flow, but the operation of individual users becomes significantly affected by interactions with others in the traffic stream. Delay is noticeable, but not inconveniencing.
D	> 25 to 35	Represents high-density, but stable flow. Delay is noticeable and irritating; increased likelihood of risk-taking.
<b>E</b>	<b>&gt; 35 to 50</b>	<b>Represents operating conditions at or near the capacity level. Delay approaching tolerance levels; risk-taking behaviour is likely.</b>
<b>F</b>	<b>&gt; 50</b>	<b>Represents forced or breakdown flow. Delay exceeds tolerance level; high likelihood of risk-taking.</b>

**NOTES:**

Values shown are in seconds/vehicle. **BOLD** indicates unacceptable LOS.

It should be noted that although Synchro reports overall intersection LOS at side-street stop-controlled unsignalized intersections, the overall LOS is not a good indicator of the side street performance, as it is calculated from the average delay for all vehicles. As a result, the overall LOS is typically heavily skewed toward the LOS for the free flow major movement, particularly where the proportion of free flow volume on the major street is very high. To better acknowledge side street performance, only the individual movement LOS is presented for unsignalized side-street stop-controlled intersections.

### 3.3. Level of Service Results

#### Existing Conditions (2019)

Traffic analysis was conducted at the study intersections for the 2019 (Existing Conditions) scenario. A summary of the AM and PM peak hour intersection LOS results (v/c ratio, delay, LOS, and 95<sup>th</sup>-percentile queue length) can be found in Table 3. The detailed results can be found in *Attachment C*.

Table 3: Existing Conditions (2019) Peak Hour Intersection Level of Service Results

Intersection	Attribute	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	Overall
<b>AM Peak Hour</b>														
Cliffe Avenue / Mansfield Drive North	w/c Ratio <sup>1</sup>	-	-	-	0.03	-	0.11	-	0.38	0.20	0.14	0.33	-	-
	Delay (s) <sup>2</sup>	-	-	-	27	-	13	-	0	0	11	1	-	1
	Level of Service <sup>3</sup>	-	-	-	D	-	B	-	A	A	B	A	-	A
	95% Q (m) <sup>3</sup>	-	-	-	< 5	-	5	-	0	0	5	< 5	-	-
Cliffe Avenue / Mansfield Drive South	w/c Ratio	-	-	-	0.02	-	0.02	-	0.37	0.20	0.02	0.31	-	-
	Delay (s)	-	-	-	20	-	12	-	0	0	10	0	-	0
	Level of Service	-	-	-	C	-	B	-	A	A	B	A	-	A
	95% Q (m)	-	-	-	< 5	-	< 5	-	0	0	< 5	< 5	-	-
<b>PM Peak Hour</b>														
Cliffe Avenue / Mansfield Drive North	w/c Ratio <sup>1</sup>	-	-	-	0.03	-	0.20	-	0.43	0.23	0.10	0.47	-	-
	Delay (s) <sup>2</sup>	-	-	-	32	-	15	-	0	0	11	1	-	1
	Level of Service <sup>3</sup>	-	-	-	D	-	B	-	A	A	B	A	-	A
	95% Q (m) <sup>3</sup>	-	-	-	< 5	-	5	-	0	0	< 5	5	-	-
Cliffe Avenue / Mansfield Drive South	w/c Ratio	-	-	-	0.02	-	0.04	-	0.44	0.24	0.02	0.48	-	-
	Delay (s)	-	-	-	26	-	13	-	0	0	11	0	-	0
	Level of Service	-	-	-	D	-	B	-	A	A	B	A	-	A
	95% Q (m)	-	-	-	< 5	-	< 5	-	0	0	< 5	< 5	-	-

Notes:

1. **BOLD** indicates w/c ratio is greater than 0.85
2. **BOLD** indicates LOS/delay is unacceptable (LOS E or worse)
3. 95<sup>th</sup>-percentile queue length given in metres; converted from number of vehicles assuming that vehicle length and spacing = 7.5m per vehicle

As shown in Table 3, all study intersections are operating at an acceptable LOS.

### Opening Year (2022)

Traffic analysis was conducted at the study intersections for the 2022 (Opening Year) scenario. A summary of the AM and PM peak hour intersection LOS results (v/c ratio, delay, LOS, and 95<sup>th</sup>-percentile queue length) can be found in *Table 4* and *Table 5*. Results are presented without and with the trips generated by the proposed development. The detailed Synchro results can be found in *Attachment C*.

*Table 4: Opening Year (2022) Background Peak Hour Intersection Level of Service Results*

Intersection	Attribute	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	Overall
<b>AM Peak Hour</b>														
Cliffe Avenue / Mansfield Drive North	v/c Ratio <sup>1</sup>	-	-	-	0.03	-	0.13	-	0.43	0.22	0.17	0.36	-	-
	Delay (s) <sup>2</sup>	-	-	-	33	-	14	-	0	0	12	2	-	1
	Level of Service <sup>3</sup>	-	-	-	D	-	B	-	A	A	B	A	-	A
	95% Q (m) <sup>3</sup>	-	-	-	< 5	-	5	-	0	0	5	5	-	-
Cliffe Avenue / Mansfield Drive South	v/c Ratio	-	-	-	0.02	-	0.03	-	0.41	0.22	0.02	0.35	-	-
	Delay (s)	-	-	-	22	-	13	-	0	0	11	0	-	0
	Level of Service	-	-	-	C	-	B	-	A	A	B	A	-	A
	95% Q (m)	-	-	-	< 5	-	< 5	-	0	0	< 5	< 5	-	-
<b>PM Peak Hour</b>														
Cliffe Avenue / Mansfield Drive North	v/c Ratio <sup>1</sup>	-	-	-	0.05	-	0.24	-	0.47	0.25	0.13	0.52	-	-
	Delay (s) <sup>2</sup>	-	-	-	<b>46</b>	-	16	-	0	0	12	1	-	1
	Level of Service <sup>3</sup>	-	-	-	<b>E</b>	-	C	-	A	A	B	A	-	A
	95% Q (m) <sup>3</sup>	-	-	-	< 5	-	5	-	0	0	5	5	-	-
Cliffe Avenue / Mansfield Drive South	v/c Ratio	-	-	-	0.03	-	0.05	-	0.49	0.26	0.02	0.54	-	-
	Delay (s)	-	-	-	30	-	14	-	0	0	12	0	-	0
	Level of Service	-	-	-	D	-	B	-	A	A	B	A	-	A
	95% Q (m)	-	-	-	< 5	-	< 5	-	0	0	< 5	< 5	-	-

**Notes:**

- BOLD** indicates v/c ratio is greater than 0.85
- BOLD** indicates LOS/delay is unacceptable (LOS E or worse)
- 95<sup>th</sup>-percentile queue length given in metres; converted from number of vehicles assuming that vehicle length and spacing = 7.5m per vehicle

Table 5: Opening Year (2022) Combined Peak Hour Intersection Level of Service Results

Intersection	Attribute	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	Overall
<b>AM Peak Hour</b>														
Cliffe Avenue / Mansfield Drive North	v/c Ratio <sup>1</sup>	-	-	0.04	-	0.15	-	0.43	0.22	0.17	0.36	-	-	-
	Delay (s) <sup>2</sup>	-	-	34	-	14	-	0	0	12	2	-	-	1
	Level of Service <sup>3</sup>	-	-	D	-	B	-	A	A	B	A	-	-	A
	95% Q (m) <sup>3</sup>	-	-	< 5	-	5	-	0	0	5	5	-	-	-
Cliffe Avenue / Mansfield Drive South	v/c Ratio	-	-	0.02	-	0.03	-	0.41	0.22	0.02	0.35	-	-	-
	Delay (s)	-	-	22	-	13	-	0	0	11	0	-	-	0
	Level of Service	-	-	C	-	B	-	A	A	B	A	-	-	A
	95% Q (m)	-	-	< 5	-	< 5	-	0	0	< 5	< 5	-	-	-
<b>PM Peak Hour</b>														
Cliffe Avenue / Mansfield Drive North	v/c Ratio <sup>1</sup>	-	-	0.13	-	0.29	-	0.47	0.26	0.18	0.52	-	-	-
	Delay (s) <sup>2</sup>	-	-	<b>75</b>	-	17	-	0	0	13	2	-	-	1
	Level of Service <sup>3</sup>	-	-	<b>F</b>	-	C	-	A	A	B	A	-	-	A
	95% Q (m) <sup>3</sup>	-	-	5	-	10	-	0	0	5	5	-	-	-
Cliffe Avenue / Mansfield Drive South	v/c Ratio	-	-	0.03	-	0.05	-	0.49	0.26	0.02	0.54	-	-	-
	Delay (s)	-	-	30	-	14	-	0	0	12	0	-	-	0
	Level of Service	-	-	D	-	B	-	A	A	B	A	-	-	A
	95% Q (m)	-	-	< 5	-	< 5	-	0	0	< 5	< 5	-	-	-

Notes:

1. **BOLD** indicates v/c ratio is greater than 0.85
2. **BOLD** indicates LOS/delay is unacceptable (LOS E or worse)
3. 95<sup>th</sup>-percentile queue length given in metres; converted from number of vehicles assuming that vehicle length and spacing = 7.5m per vehicle

Compared to the 2019 conditions, the background traffic operations in 2022 are expected to degrade at the study intersections. Specifically, the westbound left-turning movement at Cliffe Avenue/Mansfield Drive North is expected to degrade to LOS E with approximately 46 seconds of delay in the PM peak hour scenario. Although this movement has a low volume during the AM (4 vehicles/hour) and PM (4 vehicles/hour) peak hours, the high northbound and southbound Cliffe Avenue volumes result in minimal gaps, thus increasing delays for the side street.

With the addition of development traffic, operations are expected to degrade slightly when compared to the background traffic operations in 2022, however the impact is not significant overall. The Cliffe Avenue/Mansfield Drive North westbound left-turn approach is expected to operate at LOS F with the development in the PM peak hour scenario.

**Opening Year + 10 Years (2032)**

Traffic analysis was conducted at the study intersections for the 2032 (opening year + 10 years) scenario. A summary of the AM and PM peak hour intersection LOS results (v/c ratio, delay, LOS, and 95<sup>th</sup>-percentile queue length) can be found in Table 6 and Table 7. Results are presented without and with the trips generated by the proposed development. The detailed results can be found in Attachment C.



Table 6: Future (2032) Background AM Peak Hour Intersection Level of Service Results

Intersection	Attribute	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	Overall
<b>AM Peak Hour</b>														
Cliffe Avenue / Mansfield Drive North	w/c Ratio <sup>1</sup>	-	-	-	0.06	-	0.26	-	0.60	0.32	0.35	0.51	-	-
	Delay (s) <sup>2</sup>	-	-	-	<b>35</b>	-	19	-	0	0	18	4	-	1
	Level of Service <sup>3</sup>	-	-	-	<b>E</b>	-	C	-	A	A	C	A	-	A
	95% Q (m) <sup>3</sup>	-	-	-	< 5	-	10	-	0	0	10	10	-	-
Cliffe Avenue / Mansfield Drive South	w/c Ratio	-	-	-	0.06	-	0.05	-	0.59	0.31	0.05	0.49	-	-
	Delay (s)	-	-	-	<b>40</b>	-	16	-	0	0	14	1	-	0
	Level of Service	-	-	-	<b>E</b>	-	C	-	A	A	B	A	-	A
	95% Q (m)	-	-	-	< 5	-	< 5	-	0	0	< 5	< 5	-	-
<b>PM Peak Hour</b>														
Cliffe Avenue / Mansfield Drive North	w/c Ratio <sup>1</sup>	-	-	-	0.09	-	0.51	-	0.67	0.36	0.28	0.74	-	-
	Delay (s) <sup>2</sup>	-	-	-	<b>59</b>	-	29	-	0	0	19	3	-	2
	Level of Service <sup>3</sup>	-	-	-	<b>F</b>	-	D	-	A	A	C	A	-	A
	95% Q (m) <sup>3</sup>	-	-	-	< 5	-	20	-	0	0	10	10	-	-
Cliffe Avenue / Mansfield Drive South	w/c Ratio	-	-	-	0.08	-	0.11	-	0.69	0.37	0.05	0.76	-	-
	Delay (s)	-	-	-	<b>51</b>	-	19	-	0	0	16	1	-	0
	Level of Service	-	-	-	<b>F</b>	-	C	-	A	A	C	A	-	A
	95% Q (m)	-	-	-	< 5	-	5	-	0	0	< 5	< 5	-	-

Notes:

- 1. BOLD** indicates w/c ratio is greater than 0.85
- 2. BOLD** indicates LOS/delay is unacceptable (LOS E or worse)
- 3. 95<sup>th</sup>-percentile** queue length given in metres; converted from number of vehicles assuming that vehicle length and spacing = 7.5m per vehicle

Table 7: Future (2032) Combined AM Peak Hour Intersection Level of Service Results

Intersection	Attribute	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	Overall
<b>AM Peak Hour</b>														
Cliffe Avenue / Mansfield Drive North	w/c Ratio <sup>1</sup>	-	-	-	0.06	-	0.28	-	0.60	0.32	0.36	0.51	-	-
	Delay (s) <sup>2</sup>	-	-	-	<b>36</b>	-	20	-	0	0	18	4	-	1
	Level of Service <sup>2</sup>	-	-	-	<b>E</b>	-	C	-	A	A	C	A	-	A
	95% Q (m) <sup>3</sup>	-	-	-	< 5	-	10	-	0	0	10	10	-	-
Cliffe Avenue / Mansfield Drive South	w/c Ratio	-	-	-	0.06	-	0.05	-	0.59	0.31	0.05	0.49	-	-
	Delay (s)	-	-	-	<b>40</b>	-	16	-	0	0	14	1	-	0
	Level of Service	-	-	-	<b>E</b>	-	C	-	A	A	B	A	-	A
	95% Q (m)	-	-	-	< 5	-	< 5	-	0	0	< 5	< 5	-	-
<b>PM Peak Hour</b>														
Cliffe Avenue / Mansfield Drive North	w/c Ratio <sup>1</sup>	-	-	-	0.15	-	0.58	-	0.67	0.36	0.36	0.74	-	-
	Delay (s) <sup>2</sup>	-	-	-	<b>72</b>	-	33	-	0	0	21	4	-	2
	Level of Service <sup>2</sup>	-	-	-	<b>F</b>	-	D	-	A	A	C	A	-	A
	95% Q (m) <sup>3</sup>	-	-	-	5	-	25	-	0	0	10	10	-	-
Cliffe Avenue / Mansfield Drive South	w/c Ratio	-	-	-	0.08	-	0.11	-	0.69	0.37	0.05	0.76	-	-
	Delay (s)	-	-	-	<b>52</b>	-	20	-	0	0	16	1	-	0
	Level of Service	-	-	-	<b>F</b>	-	C	-	A	A	C	A	-	A
	95% Q (m)	-	-	-	< 5	-	5	-	0	0	< 5	< 5	-	-

Notes:

- BOLD** indicates w/c ratio is greater than 0.85
- BOLD** indicates LOS/delay is unacceptable (LOS E or worse)
- 95<sup>th</sup>-percentile queue length given in metres; converted from number of vehicles assuming that vehicle length and spacing = 7.5m per vehicle

Compared to the 2022 conditions, the background traffic operations in 2032 are expected to degrade at the study intersections. Namely, the westbound left-turning movements at both study intersections are expected to operate at LOS E in the AM peak hour. Additionally, these movements are anticipated to degrade to LOS F in the PM peak hour.

With the addition of development traffic, operations are expected to degrade slightly when compared to the background traffic operations in 2032; there are no changes in level of service between the background and combined scenarios for both study intersections and their respective movements.

## 4. PARKING

Parking requirements for the mixed-use, mid-rise development were evaluated based on proposed supply compared to estimated parking demand per the ITE *Parking Generation Manual, 5<sup>th</sup> Edition* (2019) and required parking supply per the City's zoning bylaw. Similar to trip generation, parking demand and supply are directly linked to the land use type(s) and size.

### 4.1. Proposed Parking Supply

Parking for the development will be accessed from Mansfield Drive and consist of an underground parking garage (two levels) and a surface lot. The proposed development will provide a total of approximately 85 spaces.

The site parking would consist of:

- 28 regular and 4 barrier free stalls (parkade level P1)
- 22 regular and 2 barrier free stalls (parkade level P2)
- 23 regular, 2 small car, and 4 barrier free stalls (surface lot)
- Totals 85 stalls

### 4.2. City of Courtenay Parking Bylaw

The proposed mixed-use, multifamily development site is zoned C-2 (see *Attachment D* for the City's zoning map) and subject to the City's parking bylaw requirements, as described in *Division 7, Schedule 7A – Required Number of Off-Street Parking Spaces of the City of Courtenay Zoning Bylaw 2500*. *Table 8* shows the number of parking spaces the development is required to provide according to the zoning bylaw.

*Table 8: Parking Requirements Based on City of Courtenay Zoning Bylaw 2500*

Land Use Description	Quantity	Unit	Parking Spaces/Unit	Required Parking Spaces
Mid-Rise Residential	30	DU <sup>1</sup>	1.50	45 <sup>2</sup>
Neighbourhood Pub	250	Seats	0.17	42
Liquor Store	190	m <sup>2</sup> (retail)	0.08	16
Liquor Store	76	m <sup>2</sup> (storage)	0.05	4
			<b>Total:</b>	<b>107</b>

*Notes:*

1. DU = dwelling units

2. 1.5 spaces per dwelling unit with 10% of the required spaces being provided and retained for visitor parking; 40 dwelling parking spaces, 5 visitor parking spaces

Per City bylaw, the development is required to have a total of 107 parking spaces. Therefore, the proposed parking supply is 22 stalls short of the requirement stated in the City's parking bylaw.

### 4.3. Estimated Parking Demand

As a comparison tool, the expected peak parking demand was calculated based on proposed land uses. Parking demand was determined using rates from the ITE *Parking Generation Manual, 5<sup>th</sup> Edition* (2019). The ITE parking generation rates are shown in *Table 9* and the estimated parking demand is summarized in *Table 10*.

*Table 9: ITE Parking Generation Rates*

Land Use Description	Quantity	Unit	Average	85 <sup>th</sup> Percentile	33 <sup>rd</sup> Percentile
Mid-Rise Residential	30	DU <sup>1</sup>	0.90	1.27	0.63
Neighbourhood Pub	5.76	KSF <sup>2</sup>	6.47	12.37	4.57
Liquor Store	2.86	KSF	1.72	2.79	1.49

**Notes:**

1. DU = dwelling units
2. KSF = 1000 square feet

*Table 10: Estimated Peak Parking Demand*

Land Use Description	Quantity	Unit	Average	85 <sup>th</sup> Percentile	33 <sup>rd</sup> Percentile
Mid-Rise Residential	30	DU <sup>1</sup>	27	39	19
Neighbourhood Pub	5.76	KSF <sup>2</sup>	38	72	27
Liquor Store	2.86	KSF	5	8	5
<b>Total:</b>			<b>70</b>	<b>119</b>	<b>51</b>

**Notes:**

1. DU = dwelling units
2. KSF = 1000 square feet

Based on ITE parking generation rates, it is assumed that the proposed development would demand approximately 51 to 119 parking spaces.

Because the proposed development is close to the goods and services at Driftwood Mall and access to public transit, it is estimated that the parking demand would remain between the 33<sup>rd</sup> percentile and average demand rates, with a maximum weekday peak demand of 70 parking spaces.

#### 4.4. Parking Summary

Table 11 shows a summary of the parking needs for the proposed development.

*Table 11: Parking Summary*

Source	Parking Spaces	Parking Surplus (+) / Deficit (-)	Parking Spaces with Reduction	Parking Surplus (+) / Deficit (-) with Reduction
Parking Supply	85	-	-	-
City Parking Bylaw	107	-22	-	-
ITE Parking Demand	70 <sup>1</sup>	+15	51 <sup>2</sup>	+34

**Notes:**

1. Calculated from the average ITE parking demand rate
2. Calculated from the ITE 33<sup>rd</sup> percentile parking demand rate



As per the City's parking bylaw, the proposed development would require 107 parking spaces. Overall, the proposed supply compared to the City's requirements would result in a parking space deficit of 22 spaces.

Based on the information above, the proposed parking supply of 85 total spaces is greater than the estimated average parking demand predicted by ITE, for a development of this type, by approximately 15 spaces. This increases to a 34-space surplus if compared to the 33<sup>rd</sup> percentile parking demand rates for similar land uses.

In summary, it is expected that the proposed development parking supply will meet the average parking demand of developments of this type.

## 5. ACTIVE MODES ASSESSMENT

### 5.1. Pedestrians

There are pedestrian facilities, such as sidewalks, built out near the proposed development; the roadways in the study area feature a sidewalk on both sides of the road. Adjacent to Mansfield Drive is the Courtenay Riverway, a multi-use greenway for both pedestrians and cyclists.

### 5.2. Cyclists

Most of the bicycle facilities on the road network adjacent the proposed development currently exist as paved lanes shared by both cyclists and motorists. The Courtenay Riverway, which is located east of Mansfield Drive, is a paved, multi-use path.

Based on the *Connecting Courtenay Cycling Network Plan* (2019) there is a proposed cycling network for the community. Adjacent to Mansfield Drive, the Courtenay Riverway is expected to be connected to a complete bicycle network in the long-term.

The proposed long-term cycling network, as well as the short-, medium-, and long-term cycling facilities are provided in *Attachment E*. A complete map of the existing cycling network for Courtenay is also provided in *Attachment E*.

### 5.3. Transit

The project development has access to BC Transit bus routes within the immediate vicinity. There are two bus stops, serving three bus routes, within 200 metres of the proposed development:

- Route 4: Driftwood Mall / Comox Mall
- Route 5: Vanier
- Route 10: Fanny Bay

Also, the Driftwood Mall Exchange is located at Fitzgerald Avenue, approximately 400 metres southeast of the proposed development. The Driftwood Mall Exchange is serviced by the bus routes accessed near the project site, which provides access to other bus routes and exchanges. In addition to the routes listed above, other bus routes from the Driftwood Mall Exchange are:

- Route 1: Anfield Centre / Comox Mall
- Route 7: Arden

- Route 8: Anfield Centre / Downtown
- Route 14: Union Bay
- Route 20: Cumberland (via Royston)

A complete map of the transit system for Courtenay can be seen in *Attachment F*.

## 6. SIGHT DISTANCE EVALUATION

To accommodate drivers of all levels of ability and experience, it is crucial that there is adequate sight distance provided prior to any potential obstacles on the roadway. Stopping, decision, and intersection sight distances were assessed for the site access on the east side of the proposed development, as detailed in the development plan (*Attachment A*), per the Transportation Association of Canada's (TAC) *Geometric Design Guide for Canadian Roads (2017)*. To note, there is a potential sight distance issue along Mansfield Drive by the north east corner of the site due to horizontal geometry. This location also lacks curvature and restricted sight line warnings.

### 6.1. Stopping Sight Distance

Stopping sight distance (SSD) is the distance it takes to bring a vehicle to a complete stop upon brake application. This distance is calculated based on design speed, deceleration rate, and driver reaction time, as shown in the following equation (*TAC Geometric Design Guide for Canadian Roads, Eqn. 2.5.2*):

$$SSD = 0.278Vt + 0.039 \frac{V^2}{a}$$

Where:

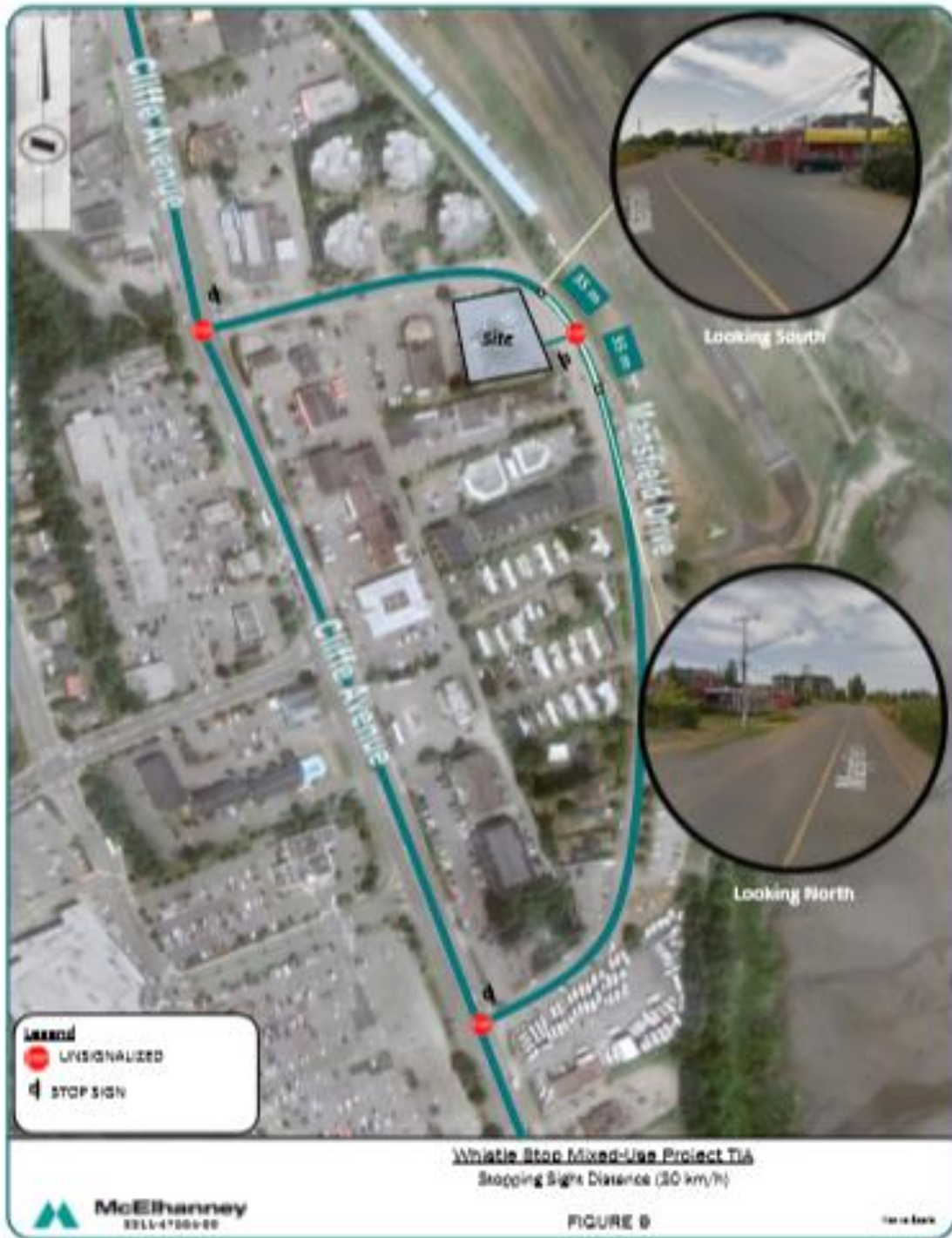
SSD = Stopping sight distance (m)

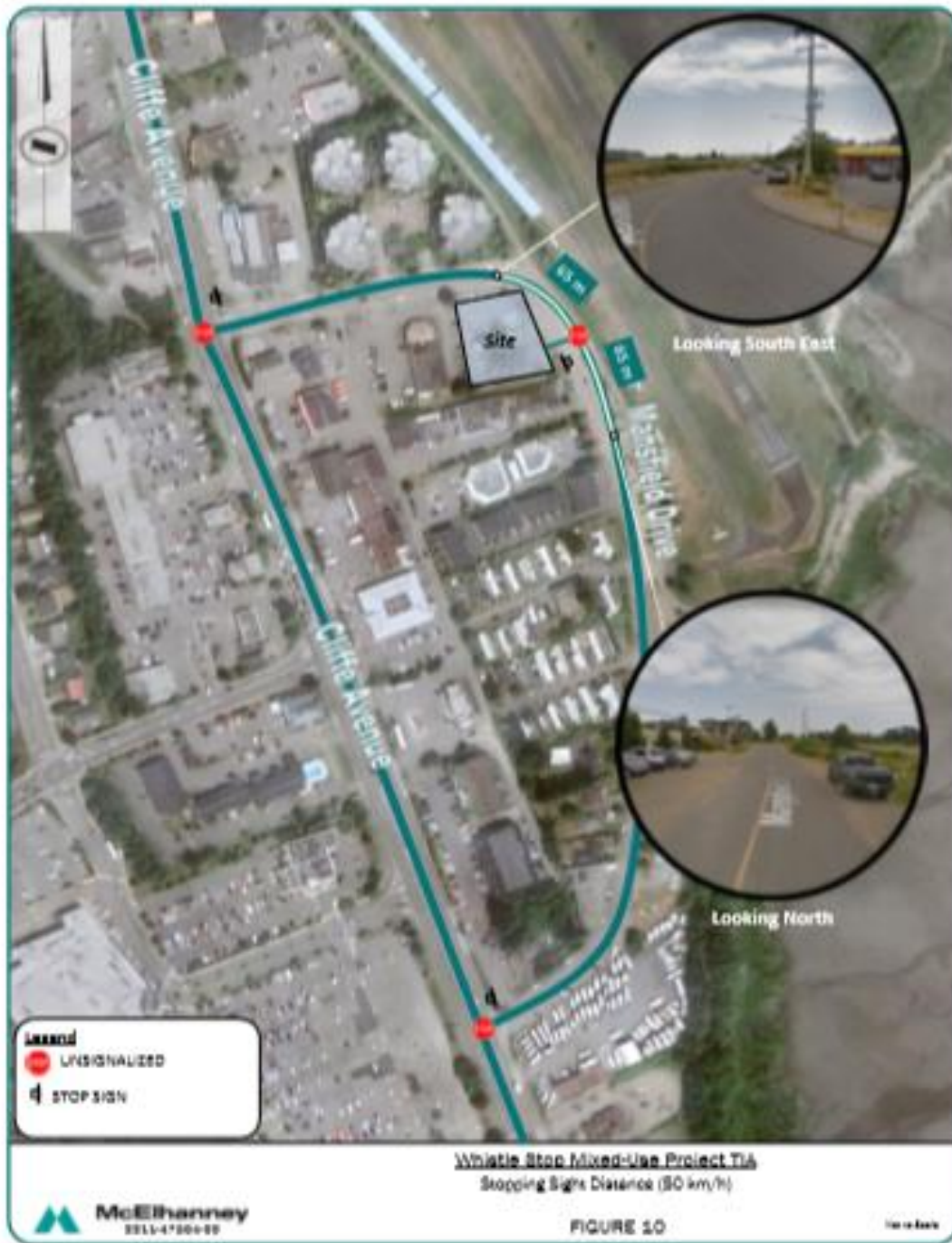
t = Brake reaction time, 2.5 s

V = Design speed (km/h)

a = Deceleration rate (m/s<sup>2</sup>)

On level roadways with a design speed of 50 km/h, the SSD is calculated to be 65 m. However, given the proposed site access' proximity to the sharp curve on Mansfield Drive, it can be assumed that vehicles will be driving at a lower speed (i.e. 30 km/h). The SSD for a 30 km/h and 50 km/h design speed is illustrated in *Figure 9* and *Figure 10*, respectively, along with screenshots of Google Street View perspectives of each sight distance.





As shown, the proposed site access meets the stopping sight distance requirements for both 30 km/h and 50 km/h design speeds.

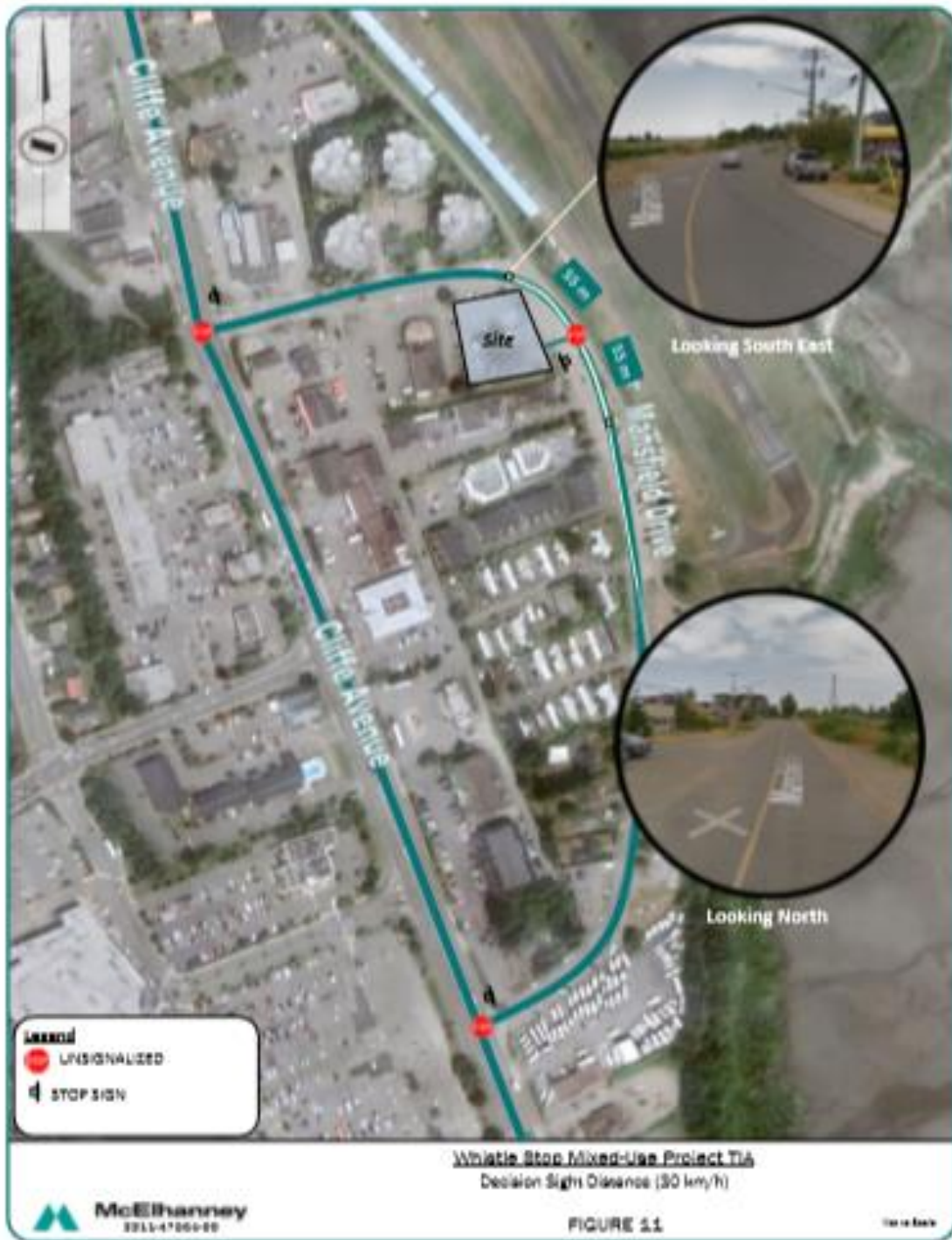
## 6.2. Decision Sight Distance

In cases where drivers are required to make unusual maneuvers or difficult decisions, the decision sight distance (DSD) allows drivers to interpret potentially dangerous situations and decide on a control action. This distance is determined based on the complexity of the action carried out by the driver as well as the difficulty of the driving environment (e.g. interchanges, changes to the roadway geometry, traffic control devices, etc.). Maneuver difficulty is denoted by letters A through E, with the least complex maneuver denoted by A. The table below, *TAC Geometric Design Guide for Canadian Roads, Table 2.5.6: Decision Sight Distance*, was used to determine the DSD for the proposed site access.

Table 12: Decision Sight Distance

Design Speed (km/h)	Decision Sight Distance for Avoidance Maneuver (m)				
	A	B	C	D	E
50	75	160	145	160	200
60	95	205	175	205	235
70	125	250	200	240	275
80	155	300	230	275	315
90	185	360	275	320	360
100	225	415	315	365	405
110	265	455	335	390	435
120+	305	505	375	415	470

On level roadways with Avoidance Maneuver A and a design speed of 50 km/h, the DSD is suggested to be 75 m. However, given the proposed site access' proximity to the sharp curve on Mansfield Drive, it can be assumed that vehicles will be driving at a lower speed (i.e. 30 km/h). Therefore, a DSD of 55 m was extrapolated from *Table 12* for this lower design speed. The DSD for a 30 km/h and 50 km/h design speed is illustrated in *Figure 11* and *Figure 12*, respectively, along with screenshots of Google Street View perspectives of each sight distance.





As shown, the proposed site access meets the decision sight distance requirements for the 30 km/h design speed. However, in the 50 km/h design speed case, the curve along Mansfield Drive by the north side of the proposed site creates a sight distance issue for vehicles approaching the site access from the north. The DSD to the north of the site access is blocked by vegetation and could potentially be blocked by the proposed development structure.

### 6.3. Intersection Sight Distance

The methodology for calculating intersection sight distance (ISD) stated in the *TAC Geometric Design Guide for Canadian Roads (2017)* is according to the American Association of State Highway and Transportation Officials' (AASHTO) *Policy on Geometric Design of Highways and Streets, 6<sup>th</sup> Ed. (2011)*. In intersection design, departure sight triangles are used to determine adequate sight distance for a stopped driver on a minor-road approach controlled by stop or yield signs, as shown in the figure below from the *TAC Geometric Design Guide for Canadian Roads (2017)*.

Figure 13: Departure Sight Triangles

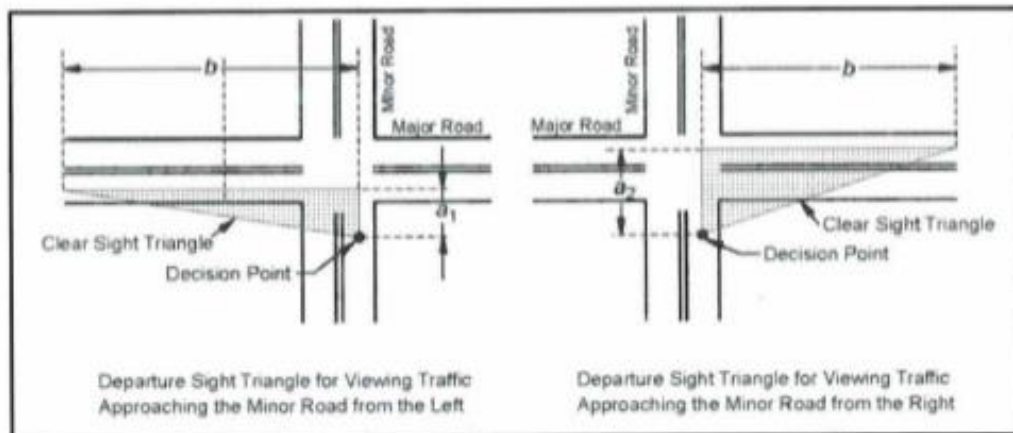


Figure 9.9.2: Departure Sight Triangles (Stop-Controlled)



Intersection sight distance for intersections with stop control on the minor road is calculated based on the design speed of the major road and the time gap for the minor road vehicle to enter the major road, as shown in the following equation adopted from AASHTO's *Policy on Geometric Design of Highways and Streets, 6<sup>th</sup> Ed. (TAC Geometric Design Guide for Canadian Roads, Eqn. 9.9.1)*:

$$ISD = 0.278V_{major}t_g$$

Where:

ISD = Intersection sight distance (length of the leg of sight triangle along the major road) (m)

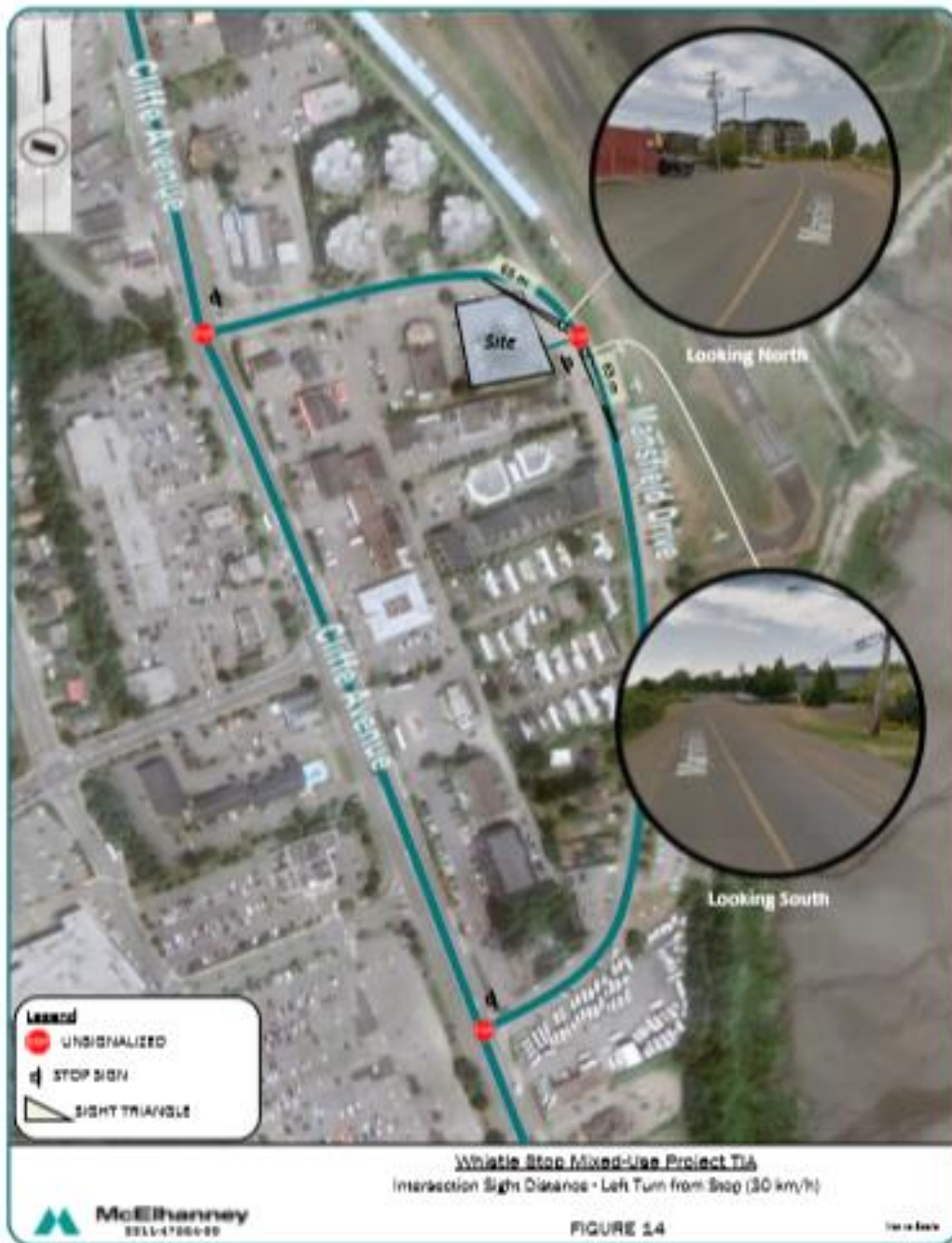
$V_{major}$  = Design speed of the major road (km/h)

$t_g$  = Time gap for minor road vehicle to enter the major road (s)

### Left Turn from Stop

A passenger car turning left onto a two-lane roadway should be provided sight distance equivalent to a time gap of 7.5 seconds in major-road traffic, as stated in the AASHTO methodology. Therefore, with a design speed of 50 km/h, the ISD is calculated to be 105 m for vehicles turning left from a stop. However, given the proposed site access' proximity to the sharp curve on Mansfield Drive, it can be assumed that vehicles will be driving at a lower speed (i.e. 30 km/h). Therefore, an ISD of 85 m was calculated for this lower design speed.

The departure sight triangles for a vehicle turning left from site with the context of a 30 km/h and 50 km/h major road design speed are illustrated in *Figure 14* and *Figure 15*, respectively, along with screenshots of Google Street View perspectives for each sight distance figure.







As shown, the proposed site access ISD is approximately 60 m north of the access, which does not meet the intersection sight distance requirements for the 30 km/h (65 m) and 50 km/h (105 m) design speeds. The curve along Mansfield Drive by the north side of the proposed site creates a sight distance issue for vehicles approaching the site access from the north. The sight triangle looking to the north of the site access is blocked by vegetation and could potentially be blocked by the proposed development structure.

### Right Turn from Stop

A passenger car turning right should be provided sight distance equivalent to a time gap of 6.5 seconds, as stated in the AASHTO methodology. For right-turning vehicles, the ISD is calculated to be 95 m for a design speed of 50 km/h, and 55 m for a lower design speed of 30 km/h. In this case, only a departure sight triangle for traffic approaching from the left is required. The departure sight triangles for a vehicle turning right from the site with the context of a 30 km/h and 50 km/h major road design speed are illustrated in *Figure 16* and *Figure 17*, respectively, along with screenshots of Google Street View perspectives for each sight distance figure.





As shown, the proposed site access meets the intersection sight distance requirements for the 30 km/h design speed. However, in the 50 km/h design speed case, the curve along Mansfield Drive by the north side of the proposed site creates a sight distance issue for vehicles approaching the site access from the north. The sight triangle looking to the north of the site access is blocked by vegetation and could potentially be blocked by the proposed development structure.

## 7. CONCLUSIONS AND RECOMMENDATIONS

The purpose of this technical memorandum is to review traffic operations for the proposed mixed-use, multi-family project located at the Whistle Stop site located in Courtenay, British Columbia. This study evaluates the 2019 (Existing Conditions), 2022 (Opening Year), and 2032 (Opening Year + 10 Years) AM and PM peak hour weekday traffic conditions without and with site-generated trips.

The proposed development is bounded by Mansfield Drive (north and east) and Cliffe Avenue (west). It is expected to consist of a commercial podium on the ground level and four residential storeys (30 dwelling units in total), as per development plans and correspondence with the client.

### 7.1. Conclusions

Traffic analysis was conducted for the study during the weekday AM and PM peak hour periods for three scenarios: Existing Conditions (2019), Opening Year (2022), and Opening Year + 10 Years (2032).

Based on 2022 opening year traffic volumes, the background traffic operations are expected to degrade at the study intersections. Specifically, the westbound left-turning movement at Cliffe Avenue/Mansfield Drive North is expected to degrade to LOS E in the PM peak hour scenario. Although this movement has a low volume during the AM (4 vehicles/hour) and PM (4 vehicles/hour) peak hours, the high northbound and southbound Cliffe Avenue volumes result in minimal gaps, thus increasing delays for the side street. The addition of the development related traffic has only a minimal impact on the overall operations of the study intersections.

Under the 2032 background conditions, westbound left-turning movements at the study intersections operate at LOS E or F. All other intersections operate at acceptable levels. With the addition of development traffic, these movements are expected to continue to operate at the same LOS they were operating at in the background scenario during both peak hours.

With regards to parking demand, the proposed parking supply of 85 spaces does not meet the City's current parking bylaw requirements. However, it is expected that the proposed parking supply will meet the average parking demand of developments of this type, as per ITE's *Parking Generation Manual, 5<sup>th</sup> Edition* (2019).

Given the proposed site access' proximity to the sharp curve on Mansfield Drive, there are some potential sight distance issues; the sight lines to the north of the site access is blocked by vegetation and could potentially be blocked by the proposed development structure. While the requirements for stopping sight distance are fulfilled for both the 30 km/h and 50 km/h design speeds, the decision and intersection sight distances for the proposed access are not sufficient in the 50 km/h design speed case.



## 7.2. Recommendations

### Mansfield Drive Curve Warnings

The existing curve along Mansfield Drive by the north east corner of the site poses potential sight distance and safety issues for road users. It is recommended that the combination of single curve warning (WA-2R/L, Canada MUTCD) and advisory speed tab signs (WA-7S, Canada MUTCD) should be installed prior to the Mansfield Drive curve on the north and south ends of the curve, as pictured the right.



Reducing the speed adjacent to the site access allows sufficient sight distances for drivers approaching and leaving the site. The proposed site access fulfills the SSD and DSD requirements for a 30 km/h design speed, and the ISD requirements are marginally met.

Existing signage and pavement markings should be monitored to ensure that drivers have appropriate warnings and signage, which increase driver awareness and roadway safety.

### Site Access Signage

Signage should be provided prior to the site access for vehicles driving along the Mansfield Drive curve to ensure that drivers are prepared for vehicles entering and exiting the hidden driveway immediately after the curve.



## 8. CLOSING

The information within this memorandum is true and accurate to the best of our knowledge. If you have any questions or concerns regarding this analysis, please contact the undersigned.

Sincerely,

McELHANNEY LTD.

Prepared by:



Winnie Zhuang  
Traffic Technician  
Traffic & Road Safety Division  
wzhuang@mcelhanney.com  
604-566-0391

Reviewed by:



Parm Nahal, P.Eng.  
Traffic Engineer  
Traffic & Road Safety Division  
pnahal@mcelhanney.com  
604-424-4881

Attachments: Development Site Plan  
Traffic Data  
Synchro Reports  
City of Courtenay Zoning Map  
Cycling Network  
Transit System Map

cc. Bob Hudson, McElhanney  
Chantal Richard, McElhanney

**\*All Attachments for the Traffic Impact Assessment have been made available on the City's Development Tracker at the following website: <https://www.courtenay.ca/EN/main/departments/development-services/planning-division/current-development-applications.html>**



Our File: 2211-47564-00

June 5, 2020

Ms. Erica Lowe, Architect, AAA, AIBC  
LOLA Architecture Inc.  
3623 61 Avenue SW  
Calgary, AB T3E 5J1

Dear Ms. Lowe,

**WHISTLE STOP PUB MIXED USE PROJECT, 225 MANSFIELD, COURTENAY**

In response to the clarification requested by the City of Courtenay regarding sight triangles for the site driveway in relation to the corner of Mansfield Drive, we have completed a review of the Intersection Sight Distance based on the proposed building location and revised driveway location.

Based on TAC Geometric Design Guide for Canadian Roads, 9.9.2.2, Case B1 – left turn from stop, using a design speed of 30km/h, the attached figure SK03 illustrates that adequate sight distance is achieved with the proposed configuration. Therefore, based on the current guidelines and available information, the proposed access is considered safe for its intended use.

We trust this provides you with the information you require to move forward. If you have any further questions, please do not hesitate to contact the undersigned.

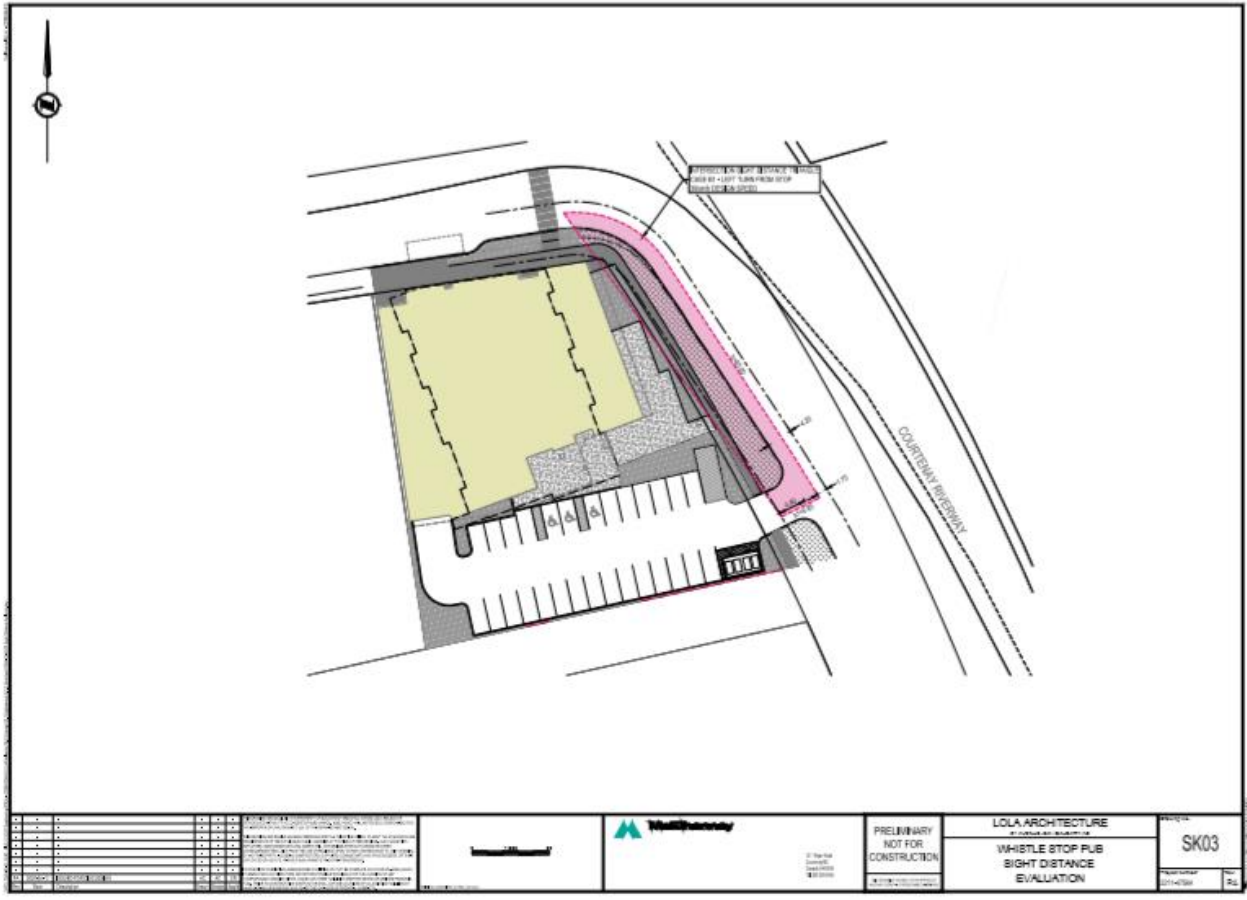
Sincerely,  
McElhanney Ltd.

Chantal Richard, P.Eng.  
[crichard@mcelhanney.com](mailto:crichard@mcelhanney.com)



Parm Nahal, P.Eng.  
[pnahal@mcelhanney.com](mailto:pnahal@mcelhanney.com)

CR/njg



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**Schedule No. 5: Public Information Meeting Summary and Public Comments**

August 29, 2019

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

Dear Dana Beatson,

**Re: Whistle Stop Pub & Liquor Store Public Information Meeting Summary  
File No.: 3360-20-1912**

Lola Architecture held a Public Information Meeting for the proposed Whistle Stop Development (Zoning Amendment Application RZ00035) on August 28<sup>th</sup> from 5-7 pm at the Whistle Stop Neighbourhood Pub (2355 Mansfield Drive). The meeting was advertised by a mail-out notice (attached) to all surrounding property owners as well as a verbal notification to pub patrons prior to the meeting. The attached labels were used for the mail-out.

During the meeting the following information was provided:

- 6 information boards that included the site plan, floor plans, landscape plan, elevations and renderings (see attached)
- Printed copy of the Zoning Amendments Application
- Printed copy of the Site Servicing Report
- Printed copy of the Geotechnical Assessment
- Printed copy of the Traffic Impact Assessment
- Two 11x17 colour sets of the drawings that were submitted for the application

There were +/- 30 people in attendance, many of them being residents from the existing condo across the street and the townhouse development on Mansfield Drive. The feedback was mainly positive with around 10% voicing concerns with the development. The majority of the questions were related to traffic, and the existing intersection at Cliff Avenue. Two people questioned the building height. A gentleman who lives in the neighbouring condo development expressed that his view would be blocked, but that over the past three years it has been blocked by the trees, so he was not concerned.

Below is a summary of the questions and comments raised during the meeting. Attached is a copy of the sign-in sheet, comment sheets received, and an email received from an area resident that was unable to attend the meeting.

**Comments / Questions**

- It's a very nice-looking building.
- Is there a way to dampen the noise from pub when door opens? (we spoke about adding a vestibule)
- What is the anticipated construction schedule?

Whistle Stop Neighbourhood Pub  
Public Information Meeting Summary  
File No.: 3360-20-1912

- Why five stories?
- Looks too nice to be the Whistle Stop.
- There's a current traffic issue – happy with the driveway being moved to the other side.
- Can we change parking on Mansfield to 2hr or 4 hr to stop multiday parking?
- We need traffic lights at Mansfield and Cliff.

If you require any further information on the Public Information Meeting please do not hesitate to contact us.

Thank you,



**ERICA LOWE**  
PRINCIPAL  
Architect AAA

## Public Information Meeting

### Whistle Stop Neighbourhood Pub Proposed Development

**Date:** August 27<sup>th</sup>, 2019

**Time:** 5:00 pm – 7:00 pm

**Location:** 2355 Mansfield Drive, Courtenay, BC

The Whistle Stop Pub development will consist of a new Mix-Use, Multi-Residential structure on the site of the current Whistle Stop Neighbourhood Pub. The development will include a new 250 seat Whistle Stop Pub, with expanded outdoor patio area, and a new Whistle Stop Liquor Store on the ground level. Additionally, four floors of condos will be built with 7-8 units per floor for a total count of 30 units, which will provide increased density and promote more pedestrian activity in the area. It will also include under-ground parking for residents and pub patrons.

The proposed design allows for the existing pub and liquor store to remain operational through the construction of the new building. Once the new building is complete, the existing Whistle Stop building will be demolished and surface parking will be provided.

To ensure the citizens of Courtenay and patrons of The Whistle Stop Neighbourhood Pub are informed about the proposed development, LOLA Architecture is holding a public information meeting on August 27<sup>th</sup>, 2019. We encourage you to attend, ask any questions and have all concerns addressed. If you are unable to attend, please contact LOLA Architecture at the coordinates below.

We look forward to hearing from you!



August 27th, 2019  
**SIGN IN SHEET**

FOR

Whistle Stop Neighbourhood Pub - 2355 Mansfield Drive

NAME (Please Print)	ADDRESS
[REDACTED]	4845 GREVILLE CR. COURTENAY
[REDACTED]	#11-119 20 <sup>TH</sup> ST COURTENAY
[REDACTED]	3225 LOCKWELL RD. COURTENAY
[REDACTED]	134-2300 MANSFIELD DR COURTENAY
[REDACTED]	33 1970 Fitzgerald.
[REDACTED]	33 <del>1775</del> 1771 birch AVE
[REDACTED]	415-2300 MANSFIELD DRIVE
[REDACTED]	137 MANSFIELD DR.
[REDACTED]	11-2475 Mansfield Drive.
[REDACTED]	12-2475 Mansfield Drive.
[REDACTED]	55- Rod & Bean Rd
[REDACTED]	343- 2300 Mansfield Dr.
[REDACTED]	333-2300 Mansfield Dr.
[REDACTED]	446- 2300 Mansfield Dr.
[REDACTED]	1440-13 <sup>TH</sup> ST. COURTENAY
[REDACTED]	111-2300 Mansfield Drive
[REDACTED]	6409 Island Hwy S Union Bay
[REDACTED]	6409 Island Hwy S Union Bay
[REDACTED]	#337-2300 MANSFIELD DR. COURTENAY
[REDACTED]	111-2300 Mansfield Drive



**PUBLIC INFORMATION MEETING**  
August 27th, 2019  
**SIGN IN SHEET**  
FOR  
Whistle Stop Neighbourhood Pub - 2355 Mansfield Drive

	ADDRESS
	203 STAFFORD AVE, COURTESY
3666 Royal Vista Way	
N <sup>o</sup> 111 1944 RIVERSIDE LANE	
2078 Hawk Dr. Courtesy	
1171 2nd St, Courtesy BC.	
2691 Cumberland - Rd BC	

**PUBLIC INFORMATION MEETING**

August 27th, 2019 5:00 - 7:00 pm

Whistle Stop Neighbourhood Pub - 2355 Mansfield Drive, Courtenay

**COMM**

Name:

Address:



LOLA Architecture has applied to the City of Courtenay for an OCP and Zoning Amendment for the Whistle Stop Neighbourhood Pub. The development will include a new Whistle Stop Pub, new liquor store, four floors of condos and underground parking. This project is under review by staff in the Planning Department of the City. Given the information you have received regarding this project do you have any comments or questions?

IT WOULD BE HOPED THAT ZONING AMENDMENTS TO THE WISTLE STOP INCLUDE CHANGES TO PARKING REGULATIONS ON MANSFIELD DR, GOING DUE EAST FROM CLIFFE AVE TO THE WISTLE STOP.

SINCE THE 5 DRIVEWAYS WITHIN A FEW FEET, ADJASCENT TO THE WISTLE STOP ARE PERMANENTLY ABUSED BY RV'S AND OLD TRUCKS, PERMANENTLY PARKED. OBSTRUCTING VISIBILITY.

**Please return your comments by August 29th, 2019**

Comment sheets can be submitted by one of the following methods:

1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave.

August 27th, 2019 5:00 - 7:00 pm

Whistle Stop Neighbourhood Pub - 2355 Mansfield Drive, Courtenay

**COMMENT SHEET**

Name: [REDACTED]

Address: 203 STAFFORD AVE, COURTENAY [REDACTED]

LOLA Architecture has applied to the City of Courtenay for an OCP and Zoning Amendment for the Whistle Stop Neighbourhood Pub. The development will include a new Whistle Stop Pub, new liquor store, four floors of condos and underground parking. This project is under review by staff in the Planning Department of the City. Given the information you have received regarding this project do you have any comments or questions?

OH FOR IT! IT WOULD BE A GREAT ADDITION TO  
OUR COMMUNITY.

**Please return your comments by August 29th, 2019**

Comment sheets can be submitted by one of the following methods:

1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave, Courtenay, BC V9N 2J7

**PUBLIC INFORMATION MEETING**

August 27th, 2019 5:00 - 7:00 pm

Whistle Stop Neighbourhood Pub - 2355 Mansfield Drive, Courtenay

**COMMENT SHEET**

Name: \_\_\_\_\_

Address: 343-2300 mansfield Dr.

LOLA Architecture has applied to the City of Courtenay for an OCP and Zoning Amendment for the Whistle Stop Neighbourhood Pub. The development will include a new Whistle Stop Pub, new liquor store, four floors of condos and underground parking. This project is under review by staff in the Planning Department of the City. Given the information you have received regarding this project do you have any comments or questions?

Looks like a great development, nice addition to the local area.  
I have attended the whistle stop many times and think it is a great local pub.  
Generally very quiet and never notice any disturbance to the local area.  
\* I look forward to the new development. \*

Please return your comments by August 29th, 2019

### PUBLIC INFORMATION MEETING

August 27th, 2019 5:00 - 7:00 pm

Whistle Stop Neighbourhood Pub - 2355 Mansfield Drive, Courtenay

#### COMMENT SHEET

Name: [REDACTED] Email: \_\_\_\_\_  
Address: #11-119 20<sup>th</sup> St Courtenay Phone: [REDACTED]

LOLA Architecture has applied to the City of Courtenay for an OCP and Zoning Amendment for the Whistle Stop Neighbourhood Pub. The development will include a new Whistle Stop Pub, new liquor store, four floors of condos and underground parking. This project is under review by staff in the Planning Department of the City. Given the information you have received regarding this project do you have any comments or questions?

*The plans I'm looking @ are very nice, Courtenay can use a beautiful place to eat & drink a local wonderful place to live. Thank you.*

**Please return your comments by August 29th, 2019**  
Comment sheets can be submitted by one of the following methods:  
1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave.



Thu 8/29/2019 1:24 PM

Comments/questions re Whistle Stop Neighbourhood Pub at 2355 Mansfield Drive

To PlanningAlias

Dear Courtenay Planning Department

We received information re the LOLA Architecture Zoning amendment and have the following questions/ concerns.

What is the current capacity of the Whistle Stop Pub? 250 seat appears to be considerably larger and will result in increased traffic on Mansfield.

How much parking will there be underground for patrons of the pub? It seems like there will need to be considerably more parking for a larger pub? How much parking will be for the condos? Will it include visitor parking? There is limited street parking now and we anticipate the new brewpub will create more traffic and parking needs too.

How will the size of the new liquor store compare to the existing liquor store. Our concern here is again parking (surface lot?)

Will the condos be rentals or for sale? We have a need in this community for affordable housing ( rental and for sale) and wonder if these units will fit that criteria?

We note that the pub and liquor store will remain open during the new construction. That sounds like a parking nightmare. How long will the construction take?

Access to Cliffe from either end of Mansfield is already difficult as there is no light or crosswalks. This development will increase pedestrian and car traffic significantly. Will traffic needs be addressed by the city?

These are our main concerns at this time. We are not against development but feel there are many considerations in the proposed development. It will greatly increase the density which will impact parking and traffic. Is it the type of housing we need in Courtenay? It does not sound like appropriate housing for families or seniors ( over a pub) which is what we need in our community. Allowing the pub and liquor store to stay open during construction will be problematic. However, if they close there will be job losses which will be unfortunate for the employees.

Thank you for the opportunity to express our comments and we hope you will carefully plan for this proposed development and scale it the neighbourhood.

323 2300 Mansfield Drive  
Courtenay BC  
V9N 3S3

**PUBLIC INFORMATION MEETING**

August 27th, 2019 5:00 - 7:00 pm

Whistle Stop Neighbourhood Pub - 2355 Mansfield Drive, Courtenay

RECEIVED  
AUG 29 2019  
CITY OF COURTENAY

**COMMENT SHEET**

Name: [REDACTED]

Address: 324-2300 MANSFIELD DR. [REDACTED]

LOLA Architecture has applied to the City of Courtenay for an OCP and Zoning Amendment for the Whistle Stop Neighbourhood Pub. This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

I live at 2300 Mansfield Drive and plan to call it my home for some time in the future. I have no reason to object to the condo development however a 250 seat pub plus expanded patio is too dense for this area (2355 MANSFIELD DR)  
① MANSFIELD DR HAS HEAVY <sup>USE</sup> FOR THE AIR PARK PATHWAY AND THE ROTARY CHILDREN'S PLAYGROUND (CAR AND PEDESTRIANS)  
② THE PROPOSED APPROVAL FOR A BREW PUB NEXT DOOR WILL ADD MORE TRAFFIC AND NOISE TO THE NEIGHBOURHOOD WITH 250+ MORE PATRONS  
③ AT TIMES IT IS IMPOSSIBLE TO TURN LEFT ONTO CLIFF AND ONE HAS TO USE THE MANSFIELD EXIT BESIDE THE SUNNYSIDE RV CENTRE TO DO SO.  
Please give serious consideration to the added traffic and noise that certainly will evolve with a 250 seat pub. Please cut the number down.  
I was unable to attend the information meeting on August 27 and appreciate your letting me express my concern at this time



Thu 8/29/2019 7:57 AM

[Redacted]

To PlanningAlias; hello@lolaarchitecture.ca

Good morning,

I was unable to attend the meeting on August 27 regarding the proposed development of the Whistle Stop Pub. I am a resident of Trumpeter's Landing on Mansfield Drive.

With the new Whistle Stop Pub development in the planning, and the recent mailer from Lola Architecture, it was noted that the development will "promote more pedestrian activity". However, it will also promote more vehicle traffic for the additional 30 condo units being built across the street and the new 250 seat Whistle Stop Pub. There already is a lot of traffic along Mansfield for people who want to walk the Airpark pathway and come to the current Pub. It can be very difficult to make a left turn at the intersection of Mansfield and Cliffe Avenue near the Husky Station during busy traffic times. I feel Mansfield Drive needs lights or a crosswalk at the Husky/Mansfield intersection.

Right now there is a lack of crosswalks for pedestrians along Cliffe Avenue in this area. If the development will promote more pedestrian activity in the area then I think it follows that having an additional crosswalk for pedestrians to safely cross Cliffe Avenue should be considered by the City of Courtenay.

Thank you for taking the time to consider my comments.

[Redacted]

#234-2300 Mansfield Drive



August 27th, 2019 5:00 - 7:00 pm

Whistle Stop Neighbourhood Pub - 2355 Mansfield Drive, Courtenay

**COMMENT SHEET**

Name: [REDACTED]

Address: 446-2300 Mansfield Drive Phone: \_\_\_\_\_

LOLA Architecture has applied to the City of Courtenay for an OCP and Zoning Amendment for the Whistle Stop Neighbourhood Pub. This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

The Whistle Stop site is well-suited for mixed use development. There are plenty of services nearby that are walkable and the site is across the street from the River walk and airpark, which everyone ~~enjoys~~ enjoys. The ~~area~~ neighbourhood would benefit from the increased residential density by adding pedestrians to the streetscape.

The additional building height is not likely to affect views, as there are few residential buildings in the area. Trumpeter's Landing may be affected slightly regarding views, but not by much.

It's my understanding that the pub will remain open during construction. It would be wise to ensure the applicant has access to alternate ~~parking~~ parking, so that the boulevard airpark parking isn't impacted during construction.

**Please return your comments by August 29th, 2019**

Comment sheets can be submitted by one of the following methods:

1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave, Courtenay, BC V9N 2J7



Tue 8/27/2019 9:56 AM

To: Planning

Information Your



Hello,

I recently received a mailer from Lola Architecture regarding a new mixed use building on the current site of Whistle Stop Pub.

I welcome a new building on that site, and additional residences. I also like the idea of mixed use, with the existing pub, and perhaps additional business on the ground floor.

I am opposed to the expansion of the pub to 250 seats, although not opposed to the pub remaining in the new building.

I support the recommendation of traffic lights installed at the intersection of Mansfield Dr and Cliff near the Husky.

Thank you,



### PUBLIC INFORMATION MEETING

August 27th, 2019 5:00 - 7:00 pm

Whistle Stop Neighbourhood Pub - 2355 Mansfield Drive, Courtenay

#### COMMENT SHEET

Name: [REDACTED]

Address: 237-2300 MANSFIELD Phone: [REDACTED]

411-1167 Rothesay St. WAB MB.

LOLA Architecture has applied to the City of Courtenay for an OCP and Zoning Amendment for the Whistle Stop Neighbourhood Pub. This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

\* WE ARE AGAINST THIS PROJECT. THE EXPANSION OF THE WHISTLE STOP IS VERY CONCERNING AS IN IT'S CURRENT FORMAT IT GENERATES A LOT OF NOISE AT CLOSING TIME.

IN IT'S CURRENT STATE IT IS A NOISE NUISANCE WITH IMPAIRED DRIVERS AND INTOBRATED PEOPLE LEAVING THE PUB. I CAN ONLY IMAGINE THE NOISE AFTER THE EXPANSION TO 250 SEATS.

THIS AREA IS RESIDENTIAL AND THERE IS NO ROOM FOR THIS TYPE OF ESTABLISHMENT.

\* WE ARE NOT OPPOSED TO THE RESIDENTIAL CONDO DEVELOPMENT. \*

Please return your comments by August 29th, 2019

Comment sheets can be submitted by one of the following methods:

1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave, Courtenay, BC V9N 2J7

### PUBLIC INFORMATION MEETING

August 27th, 2019 5:00 - 7:00 pm

Whistle Stop Neighbourhood Pub - 2355 Mansfield Drive, Courtenay

#### COMMENT SHEET

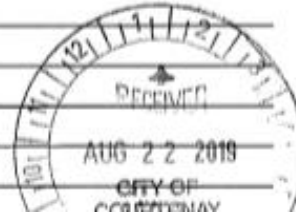
Name: [REDACTED]

Address: 324 2300 MANSFIELD DR. Phone: 2505376437

LOLA Architecture has applied to the City of Courtenay for an OCP and Zoning Amendment for the Whistle Stop Neighbourhood Pub. This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

*ALL parkings should be underground.  
The demolition and curbside parking  
area should be landscaped to reflect  
the long term rehab plan for the  
estuary and be a natural landscape  
transition zone.  
Design should reflect the taste and  
quality of Trumpeters Landing across  
the street.*





Wed 8/21/2019 4:40 PM

Whistle Stop Pub - Lola Architecture

To PlanningAlias

Attn Planning Dept, City of Courtenay


Having reviewed the full application and details of the proposed redevelopment, we have the following concerns:

- 1 - the current seating capacity of the pub is 150. The proposal is for a new pub with seating capacity for 250. This is an enormous increase with the resultant extra noise and traffic.
- 2 - the application does not conform with the City's own requirement for parking spaces.
- 3 - will the new pub follow BC regulations regarding no smoking? Currently the patio is a smoking den, contravening all regulations.
- 4 - what type of condos are planned - rentals or sales?
- 5 - the new pub will face the most dangerous part of Mansfield Drive - right on the curve, opposite the parking ramp for 2300 Mansfield Drive.
- 6 - the proposed height of 5 levels means the building will be higher than any others allowed in the neighbourhood (Trumpeter's Landing, Riverstone, etc).

While we definitely would welcome a sleeker pub and a revitalization of that area, this development is simply too big.

Please present these concerns on our behalf.

Thank you.

  
2300 Mansfield Drive



Wed 8/21/2019 11:54 AM

Whistle Stop Pub Zoning AAmdment

To PlanningAlias

Hello Development Services of Courtenay,

We are unable attend the August 27th, 2019 meeting regarding this project and zoning amendment.

We do have questions and concerns regarding this application and have included them below.

-We are concerned about the current amount of traffic at the Mansfield/Husky station corner which is making this dangerous to pedestrians and motor vehicle traffic. This project would only increase the volume. There is a need for a traffic light at this intersection.

- We are concerned about the limited parking in the area for patrons of the pub, a new condo development, visitors to the condo and also limited community parking for access to the Air park. There is a currently insufficient parking without this new development.

Our questions are:

-Has the traffic and pedestrian volume been reviewed and is there a light being installed at the Mansfield/Cliffe Husky intersection?

- Has the parking issue been addressed? In addition to the parking for 30 condo units how many spaces will be added for the pub, for visitors to the condo? Is there a city plan for additional parking for community use?

We appreciate having input regarding this project.

Sincerely,

[Redacted signature]

August 27th, 2019 5:00 - 7:00 pm

Whistle Stop Neighbourhood Pub - 2355 Mansfield Drive, Courtenay

**COMMENT SHEET**

Name: [REDACTED]

Address: #14 - 2625 MANSFIELD DR. [REDACTED]

LOLA Architecture has applied to the City of Courtenay for an OCP and Zoning Amendment for the Whistle Stop Neighbourhood Pub. This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

BARRY, HAS BEEN AN ASSET TO THE  
COMMUNITY FOR OVER 25 YRS. SO, ITS A PERFECT  
LOCATION FOR HIM!! AS LONG AS IT DOES  
"NOT" AFFECT OUR HOME!! OR RELOCATION  
OF OUR MOBILE TRAILER PADS, OR  
CHANGE OUR ONLY HOMES + MAKE US  
HOMELESS!! + ALSO THE 30 UNITS ARE  
LOW INCOME HOMES, NOT EXCEEDING  
\$700-\$1200 A MONTH, AND HELPS SOME  
PEOPLE WHO JUST CAN NOT AFFORD WHERE  
THIS FUTURE IS GOING! HAVE COMPASSION  
FOR PEOPLE + HELP PEOPLE, AND MY WIFE  
EQ. PARTNER HAVE NO PROBLEM! IF HE IS NOT  
DOING GOOD, THEN, ?? DO NOT GIVE HIM  
CONSENT TO BUILD A SHIT HOUSE!!

**Please return your comments by August 29th, 2019**

Comment sheets can be submitted by one of the following methods:

1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave, Courtenay, BC V9N 2J7
2. Email your comments to [planning@courtenay.ca](mailto:planning@courtenay.ca)

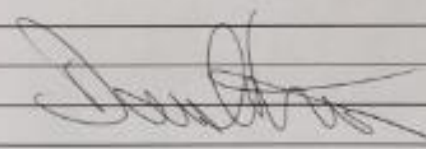
**PUBLIC INFORMATION MEETING**  
August 27th, 2019 5:00 - 7:00 pm  
Whistle Stop Neighbourhood Pub - 2355 Mansfield Drive, Courtenay

**COMMENT SHEET**

Name: [REDACTED]  
Address: 231-23rd MANSFIELD DR. Phone: [REDACTED]

LOLA Architecture has applied to the City of Courtenay for an OCP and Zoning Amendment for the Whistle Stop Neighbourhood Pub. This project is under review by staff in the Planning Department of the City.  
Given the information you have received regarding this project do you have any comments or questions?

I AM AGAINST THE 4 STORY DEVELOPMENT AS IT WILL BLOCK THE VIEW FOR TRUMPETERS LANDING RESIDENTS AND ADD TO THE ALREADY DISRUPTIVE ACTIVITY AT WHISTLE STOP.



**Please return your comments by August 29th, 2019**

Comment sheets can be submitted by one of the following methods:

1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave, Courtenay, BC V9N 2J7
2. Email your comments to: planning@courtenay.ca






Mon 8/19/2019 2:37 PM

Whistle Stop Pub Proposed Development

To PlanningAlias

 You forwarded this message on 8/19/2019 2:53 PM.

I am a resident of Trumpeter's Landing and I want to share a concern I have with hopes that you "hear" me and make the necessary change to our Mansfield Drive by installing street lights at the Husky intersection.

With the new Whistle stop development in the planning, and the recent mailer from Lola Architecture, it was noted that the development will "promote more pedestrian activity". Of course it will also promote more vehicle traffic for 30 more units being built across the street. There already is a large amount of traffic coming to Mansfield for folks wanting to walk the Airpark pathway. It is near impossible to make a left turn at that intersection during busy traffic times.

I have previously asked the City of Courtenay to address the lack of crosswalks along Cliff (up to 1km between lights, which is a long way to walk for some folks). Your answer was the City doesn't "own" Cliff Avenue. It is run by the Department of Transport, "talk to them". I have tried to reach out to them with no response.

This new development will increase the volume of traffic on Mansfield. For the safety of the public can we please have lights at Mansfield at the Husky?

Thank you,

---

**Schedule No. 6 – Draft Zoning Amendment Bylaw No. 2977**

**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2977**

**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. 2977, 2020**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:

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

Part 55 – Comprehensive Development Twenty Eight Zone (CD-28) 2355 Mansfield Drive as attached in **Attachment A**.

(b) by rezoning Lot B, Section 66, Comox District, Plan 28292 (2355 Mansfield Drive) as shown in bold outline on **Attachment B** which is attached hereto and forms part of this bylaw, from Commercial Two Zone (C-2) to Comprehensive Development Zone Twenty Eight (CD-28)

(c) 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                                 , 2020

Read a second time this                             day of                             , 2020

Considered at a Public Hearing this             day of                             , 2020

Read a third time this                             day of                             , 2020

Finally passed and adopted this                day of                             , 2020

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Mayor

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Director of Legislative Services

## Attachment A

### Part 55 – Comprehensive Development Twenty Eight Zone (CD-28) (2355 Mansfield Drive)

#### 8.55.1 Intent

The CD-28 Zone is intended to accommodate a combination of commercial and multi-residential uses on the property legally described as Lot B, Section 66, Plan 28292. The property shall be developed substantially in accordance with Schedules A and B which form part of this zone.

#### 8.55.2 Permitted Uses

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

1. *Multi residential*
2. *Liquor Store*
3. *Licensed premises*
4. *Retail*
5. *Restaurant*

#### 8.55.3 Lot Coverage

A lot shall not be covered by buildings to a greater extent than 50% of the total area of the lot.

#### 8.55.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 1.6.

#### 8.55.5 Minimum Lot Size

A lot shall have an area of not less than 2,792 m<sup>2</sup>.

#### 8.55.6 Setbacks

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

- (1) Front Yard (interpreted as the yard adjacent to the north property line): 0m
- (2) Rear Yard (interpreted as the yard adjacent to the south property line): 19.5m
- (3) Side Yard (interpreted as the yard adjacent to the west property line): 0.5m
- (4) Side Yard (interpreted as the yard adjacent to the east property line): 2.7m

#### **8.55.7 Height of Buildings**

Maximum building height shall be 18.0m and in accordance with Schedule B and includes rooftop parapets, elevator and roof top mechanical systems.

#### **8.55.8 Usable Open Space**

A minimum of 826m<sup>2</sup> of useable open space must be provided as shown in Schedule B. For clarity this includes private amenity space in the form of private balconies or patios.

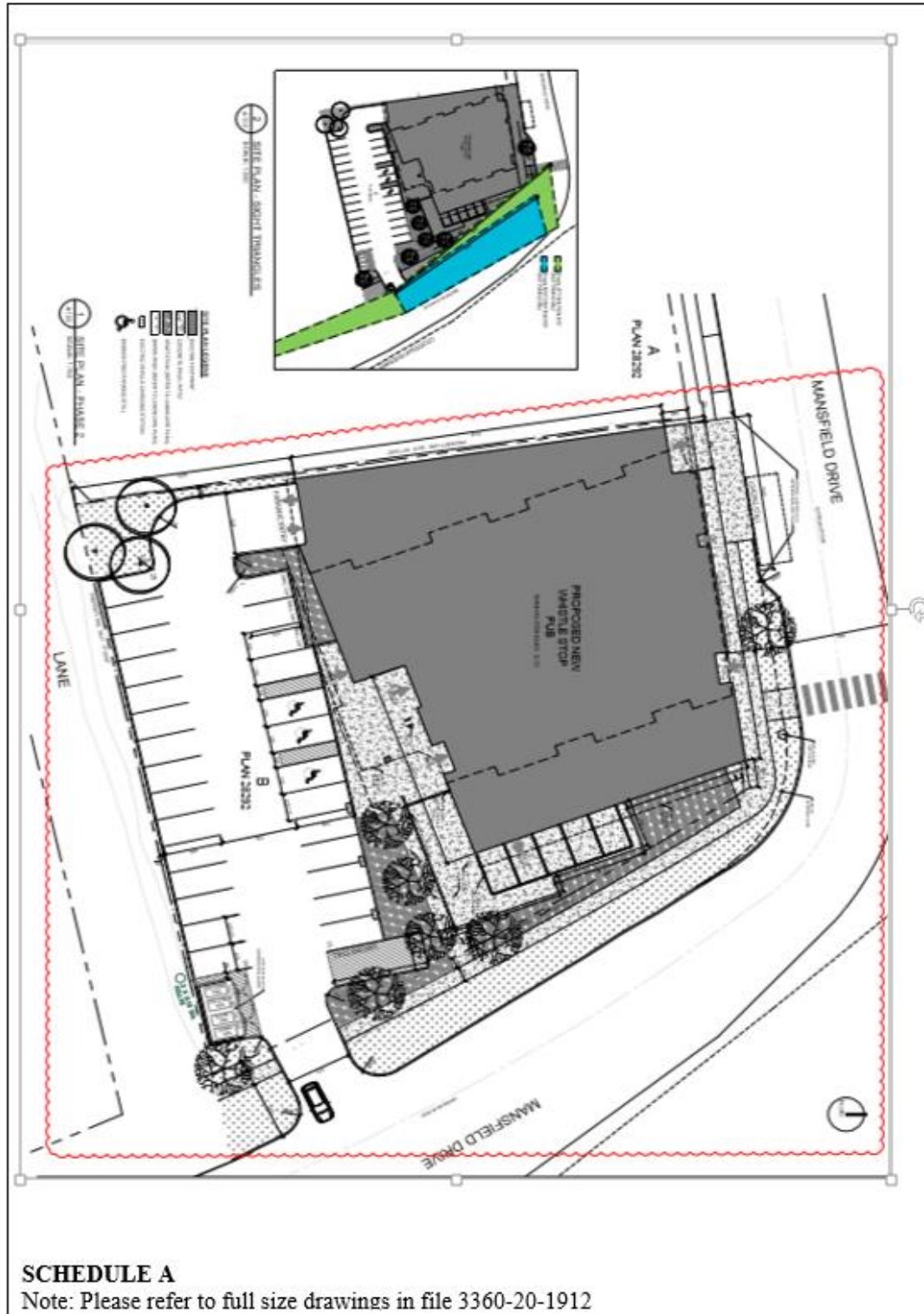
#### **8.55.9 Accessory Structures**

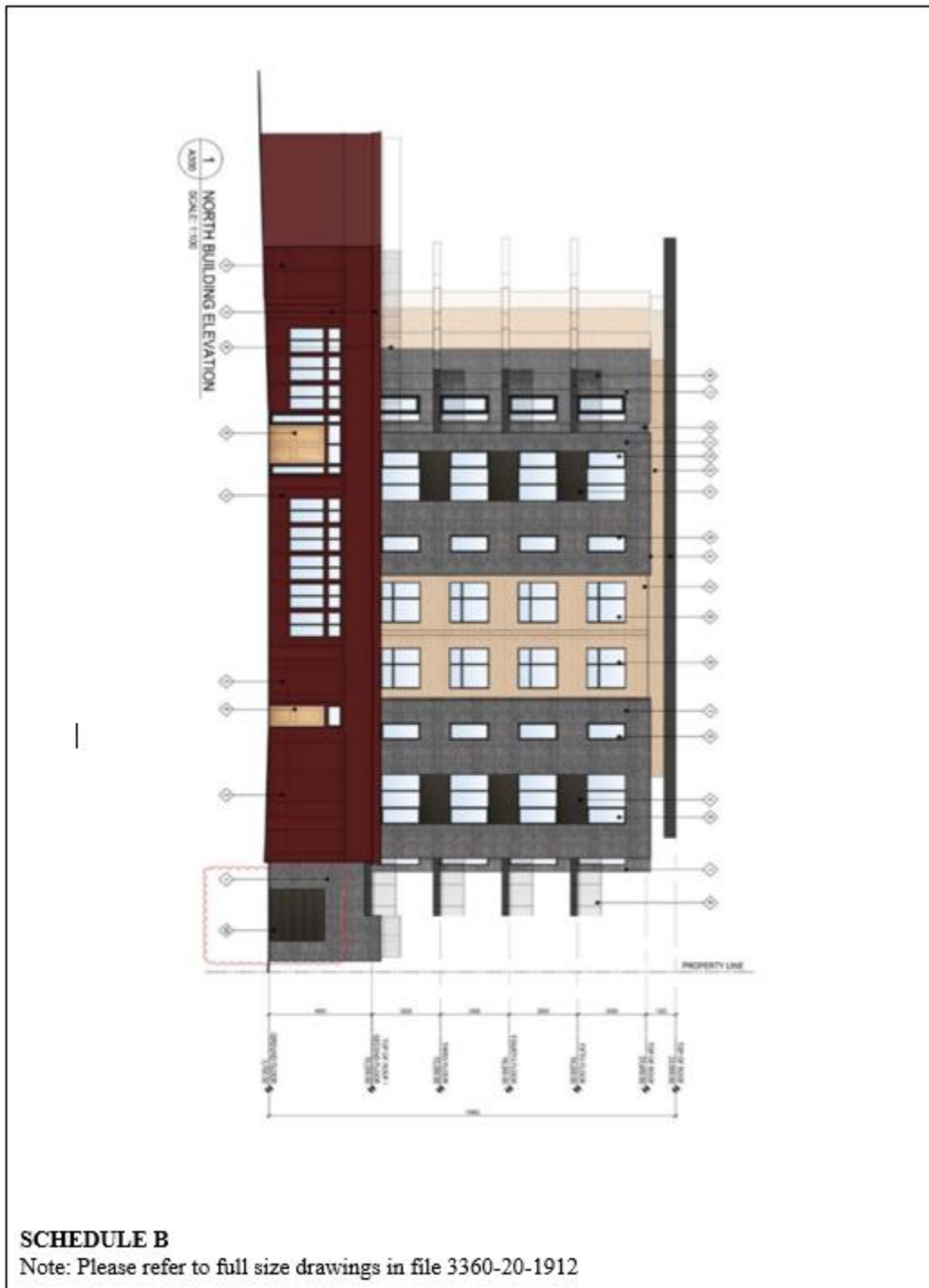
Shall not be permitted except for waste and recycling facilities.

#### **8.55.10 Off-Street Parking and Loading**

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

- (1) For *Multi Residential* uses parking shall be provided at a rate of 1.1 parking spaces per *dwelling unit* inclusive of visitor parking;
- (2) For *Liquor Store* use parking shall be provided at a rate of 1 space per 20m<sup>2</sup> of *floor area*; and
- (3) For *Neighborhood Pub use* parking shall be provided at a rate of 1 space per 6 seats.

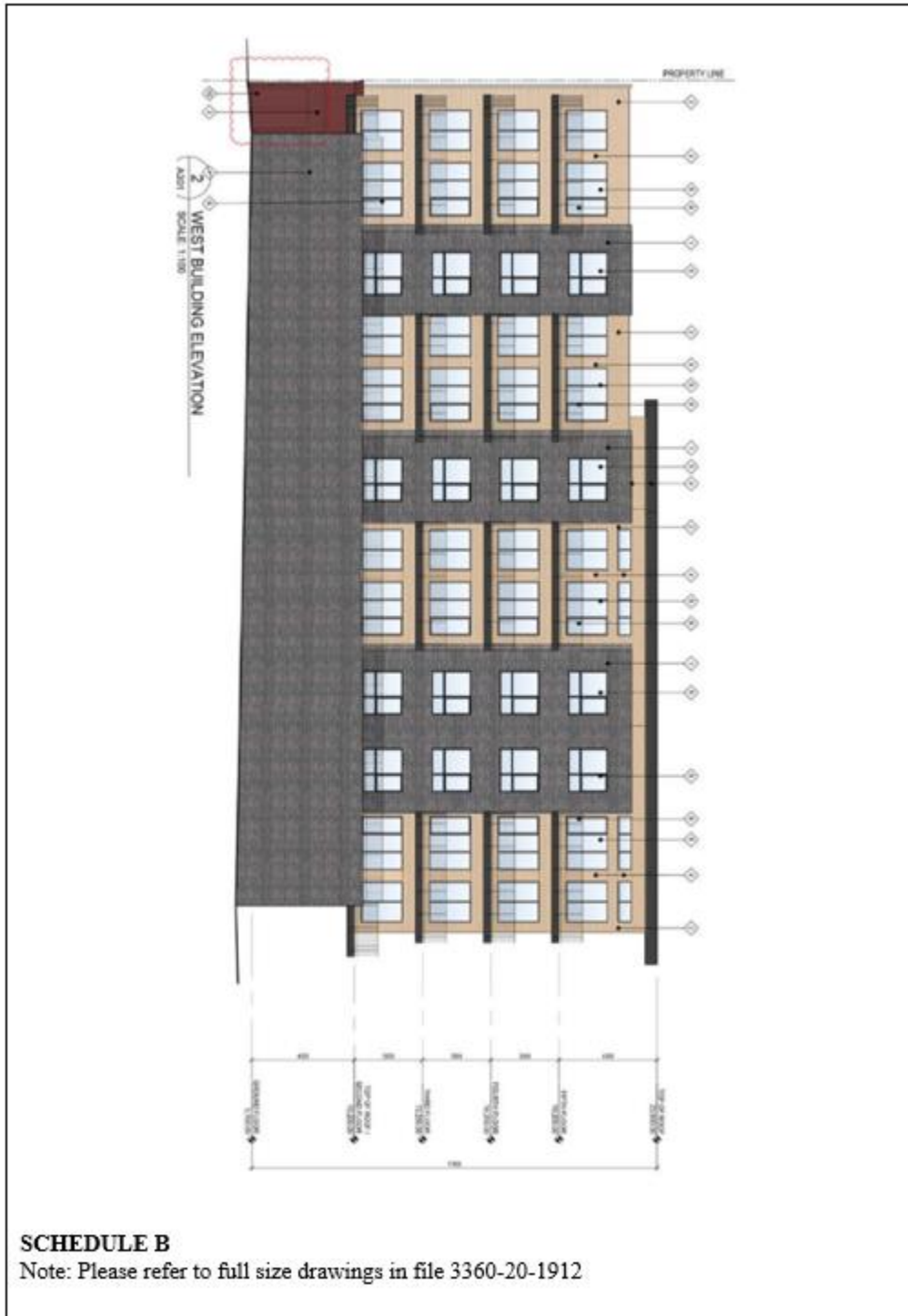






**SCHEDULE B**

Note: Please refer to full size drawings in file 3360-20-1912



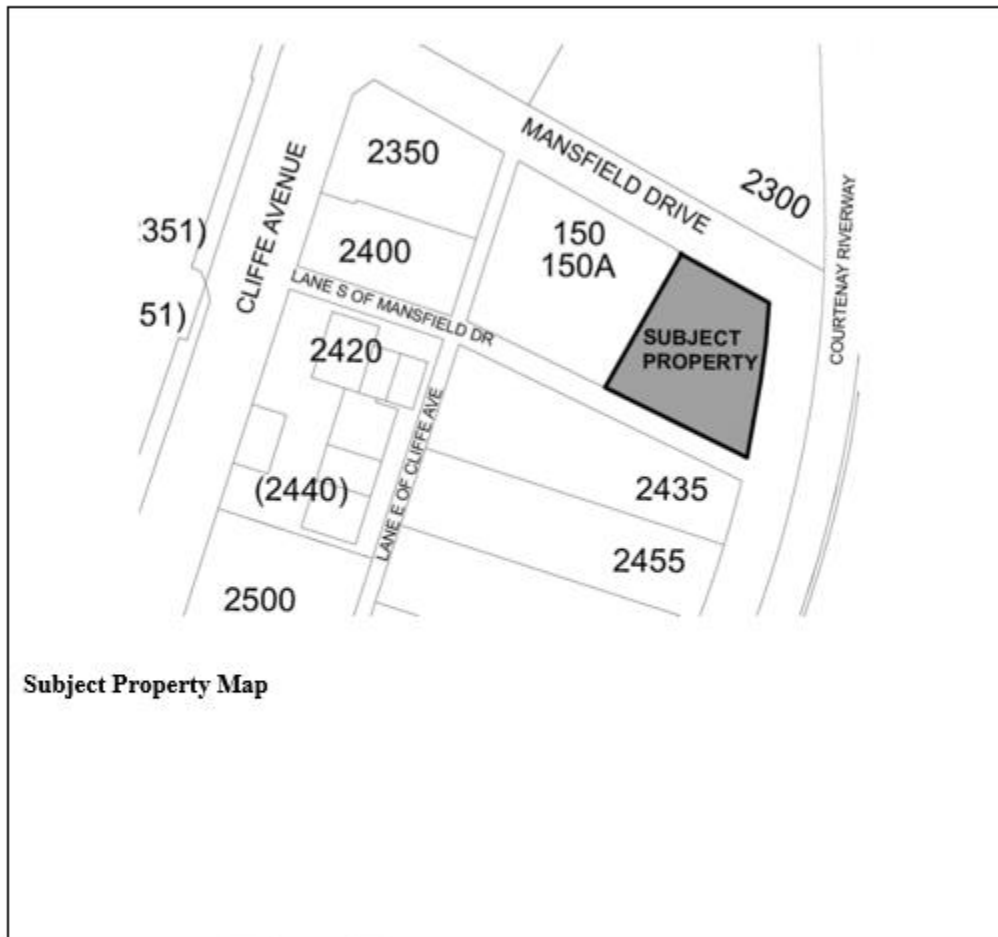




**SCHEDULE B**

Note: Please refer to full size drawings in file 3360-20-1912

**Attachment B**



**Subject Property Map**

**Schedule 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](mailto: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:*

- provides substantial benefits to the City;*
- will not negatively impact on the City's infrastructure, neighborhood or environment;*
- new development that supports destination uses such as the downtown, Riverway Corridor or a Comprehensive Planned Community;*
- 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.

<b>Project Address:</b> 2355 Mansfield Drive, Courtenay BC	<b>Date:</b> 2019-07-19
<b>Applicant:</b> LOLA Architecture	<b>Signature:</b>

**APPLICATION REQUIREMENTS** To be filled out by applicant

Land Use. <i>The application:</i>	Description of how the criteria are met
a) Provides a mix of housing types and sizes;	The development provides 30 condo units. Units include smaller 785 sq.ft. units with one bedroom plus den, 900 sq.ft. units with two bedrooms and 1,819 sq.ft. 2 bed + den units.
b) Balances the scale and massing of buildings in relation to adjoining properties;	The building looks to the adjacent development to the north which is a four storey development with raised semi-underground parking. The development contains a commercial podium and steps back four upper levels of residential.
c) Complements neighboring uses and site topography;	The commercial podium uses are replacing existing uses on the site. The addition of the residential above complements the existing residential in the area. As the street slopes down to the east the development adds a fifth storey to match the height of the adjacent uses.
d) Provides or supports mixed used developments or neighborhoods;	The proposed development is a mixed-use development with a commercial podium and residential above.
e) Promotes walking to daily activities and recreational opportunities;	Provides a neighbourhood pub and liquor store which area residents can walk to. Increases residents in the area who will be within walking distance to the adjacent commercial uses and air park.
f) Supports a range of incomes;	The range of unit sizes will be suited to a range of incomes. In addition the Whistle Stop Pub is known as an inclusive destination with affordable dining options for all.
g) Is a positive impact on views and scenery;	Durable, natural materials and pedestrian oriented design will provide a positive impact. The existing street scape is non-existent. The proposed development will greatly improve the appearance of this prominent corner lot.
h) Preserves and provides greenspace, trails and landscaping;	Increases greenspace, public sidewalk access and landscaping. The new development will provide a continuous green boulevard and paved sidewalk along the entire corner lot.

<b>Building Design. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Exhibits high standard of design, landscaping and environmental sensitivity;	Durable, natural materials and pedestrian oriented design will provide a positive impact. The existing street scape is non-existent. The proposed development will greatly improve the appearance of this prominent corner lot.
b) Maintains a high standard of quality and appearance;	Durable, natural materials and pedestrian oriented design will provide a positive impact. The existing street scape is non-existent. The proposed development will greatly improve the appearance of this prominent corner lot.
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 residential tower steps back from the commercial podium on the east and west. To the south the tower provides a covered entry for the residents. The roof level is stepped and balconies are provided for each unit. The commercial podium provides a rooftop patio for residents.
d) Avoids creating a strip development appearance;	The building has been moved to the more visible corner of the site and parking to the rear of the site to avoid a strip development appearance. The pub and patio area directly interact with the street while the liquor store has been moved to interact with the parking.
e) Satisfies Leadership in Energy and Environmental Design (LEED) certification (or accepted green building best practices);	A green building system to build to has yet to be chosen; as such the building has been designed to conform to multiple systems with improved building envelope and efficient systems selections.
f) Uses environmentally sensitive materials which are energy sensitive or have accepted low pollution standards;	Natural and durable materials have been selected throughout with an aim to avoid 'red list' products in the product selections.
g) Builds and improves pedestrian amenities;	The existing street is being improved with the addition of a continuous sidewalk. The new sidewalk will be separated from the street with a green boulevard. Benches will also be incorporated.
h) Provides underground parking;	Provides 56 underground parking spaces.
i) Applies CPTED (Crime Prevention Through Environmental Design) principles;	Designed with CPTED principals in mind with eyes on the street and build environment and no hidden pockets.
<b>Transportation. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Integrates into public transit and closeness to major destinations;	The location of the development is adjacent to existing commercial destinations, and is directly on the Courtenay Riverway path system. The site is also located close to existing transit. Refer to the attached TIA.
b) Provides multi-functional street(s);	Not Applicable. The existing street is being improved with the addition of a continuous sidewalk and bike racks.
c) Prioritizes pedestrian and cycling opportunities on the public street system and through the site location that can provide an alternative to public road;	The existing street is being improved with the addition of a continuous sidewalk and bike racks.
d) Provides or contributes towards trail system, sidewalks, transit facilities, recreation area or environmentally sensitive area;	The existing street is being improved with the addition of a continuous sidewalk and bike racks. The new sidewalk will be separated from the street with a green boulevard.
<b>Infrastructure. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Includes stormwater techniques that are designed to reduce run-off, improve groundwater exchange and increase on-site retention;	The existing site is fully developed and stormwater management will remain as per the existing site. Refer to the attached report.
b) Utilizes renewable energy sources (i.e. solar, geothermal) within servable area to City standards;	Not applicable. Measures will be taken to reduce energy use through improved building envelope and efficient equipment selections. Reduced use has proven to be a more effective solution than generation.

<b>Character &amp; Identity. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Provides a positive image along waterfront areas and fronting road;	Durable, natural materials and pedestrian oriented design will provide a positive impact. The existing street scape is non-existent. The proposed development will greatly improve the appearance of this prominent corner lot.
b) Is designed with quality and variety of features within the project (i.e. street furniture, street lights, signs, curb treatments);	Simple, durable and natural materials will lead to a quality design, with an improved boulevard / street interface that actually has a curb to the street. Seating will be provided and lighting related to the Whistle Stop pub.
c) Provides public and private amenity space;	The development greatly improves the boulevard / street interface providing benching and bike racks for public use. Private rooftop patios and balconies are provided for all residences.
d) Preserves heritage fixtures;	Not applicable. However, the design, siding and colour of the podium level will pay homage to the existing Whistle Stop Pub.
e) Orients to views, open space and street;	Units are located to take advantage of the views to the harbour as well as the Cornox Glacier. The pub is situated to maximize views and provide a patio along the air park / harbour.
<b>Environmental Protection &amp; Enhancement. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Protects riparian areas and other designated environmentally sensitive areas;	Not applicable
b) Provides for native species, habitat restoration/improvement;	Native species have been specified within the landscaped planting areas. Refer to the landscape drawings.
c) Includes tree lined streetscapes.	Yes, trees are provided along the boulevard between the sidewalk and street where possible.



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(c) 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 6<sup>th</sup> day of July, 2020

Read a second time this 6<sup>th</sup> day of July, 2020

Published in two editions of the Comox Valley Record on the 2<sup>nd</sup> day of December, 2020 and the 9<sup>th</sup> day of December, 2020

Considered at a Public Hearing this                      day of December, 2020

Read a third time this                      day of                      , 2020

Finally passed and adopted this                      day of                      , 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

# Attachment A

## Part 55 - Comprehensive Development Twenty Eight Zone (CD-28) (2355 Mansfield Drive)

### 8.55.1 Intent

The CD-28 Zone is intended to accommodate a combination of commercial and multi-residential uses on the property legally described as Lot B, Section 66, Plan 28292. The property shall be developed substantially in accordance with Schedules A and B which form part of this zone.

### 8.55.2 Permitted Uses

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

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A lot shall not be covered by buildings to a greater extent than 50% of the total area of the lot.

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### **8.55.7 Height of Buildings**

Maximum building height shall be 18.0m and in accordance with Schedule B and includes rooftop parapets, elevator and roof top mechanical systems.

### **8.55.8 Usable Open Space**

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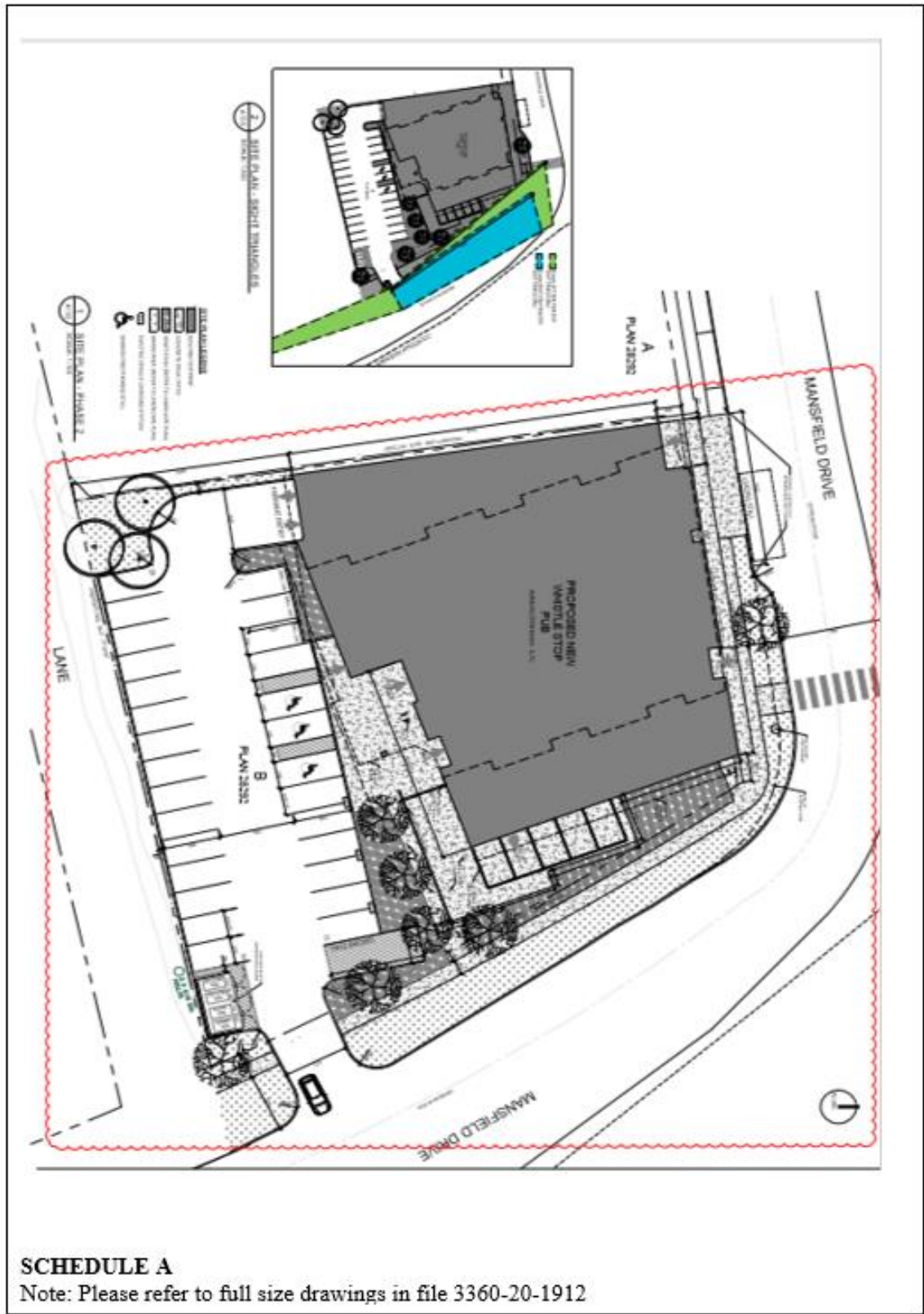
### **8.55.9 Accessory Structures**

Shall not be permitted except for waste and recycling facilities.

### **8.55.10 Off-Street Parking and Loading**

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

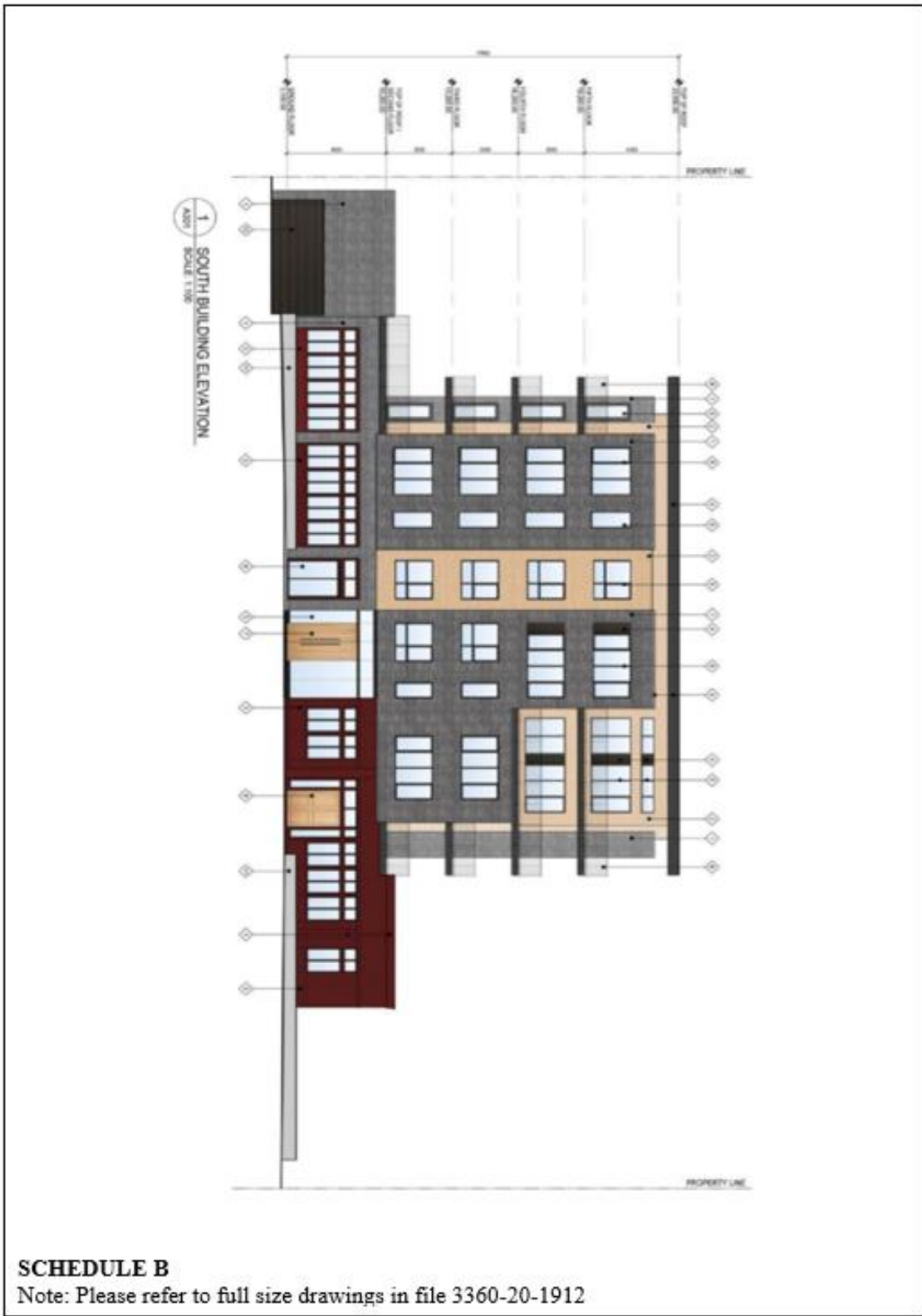
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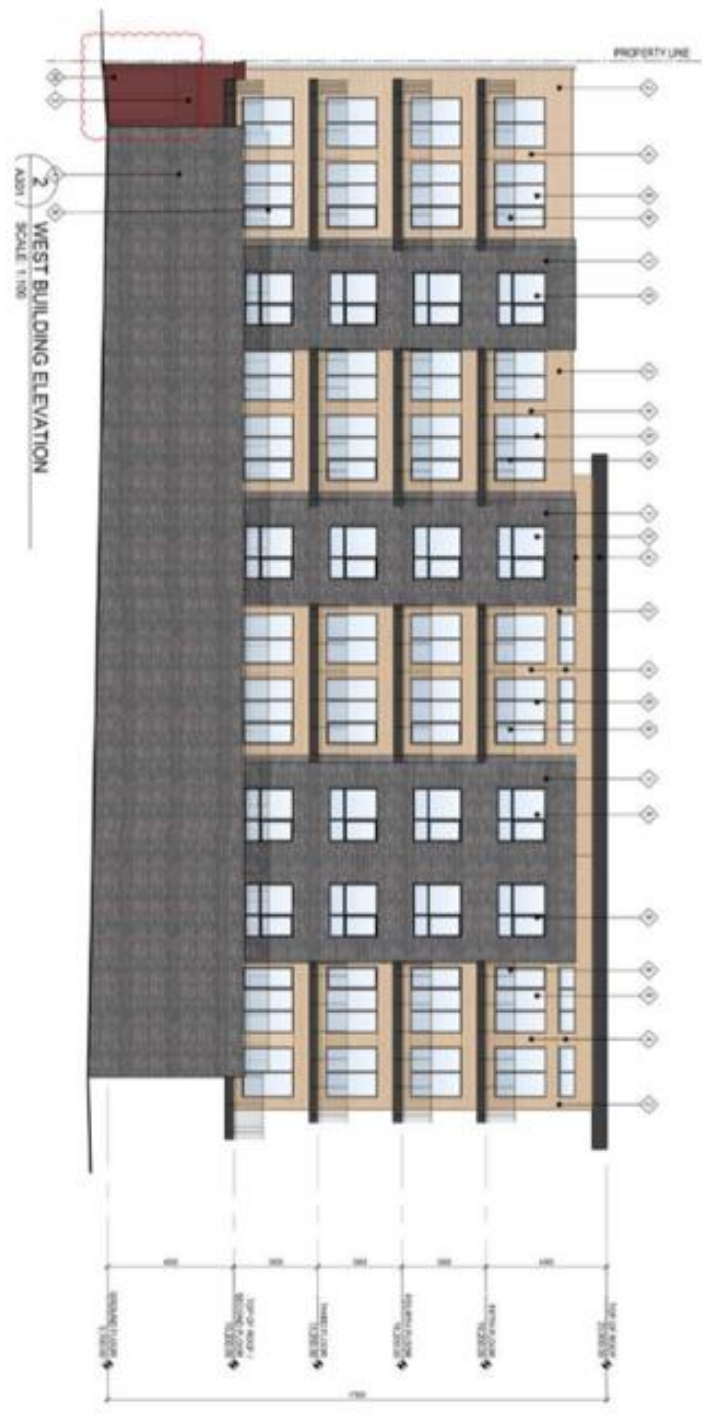




**SCHEDULE B**

Note: Please refer to full size drawings in file 3360-20-1912



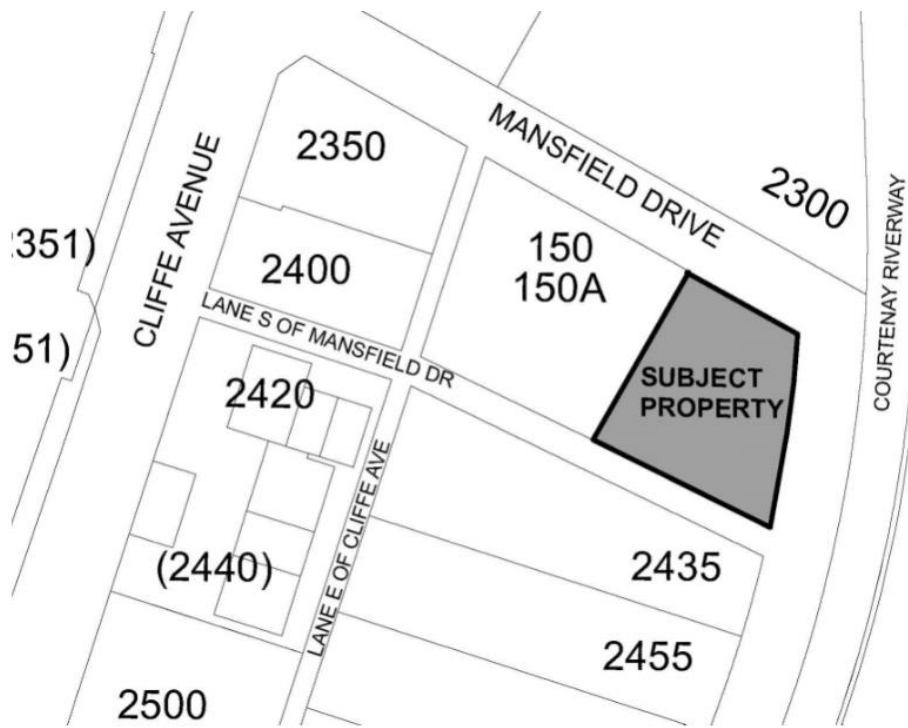


**SCHEDULE B**

Note: Please refer to full size drawings in file 3360-20-1912



**Attachment B**



**Subject Property Map**







## STAFF REPORT

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**To:** Council

**File No.:** 3360-20-1915

**From:** Chief Administrative Officer

**Date:** September 8<sup>th</sup>, 2020

**Subject:** Zoning Amendment Bylaw No. 2989 to allow for a Subdivision at 4070 Fraser Road

---

### **PURPOSE:**

The purpose of this report is for Council to consider a Zoning Bylaw amendment application to rezone the property at 4070 Fraser Road from RU-8 to CD-21 and PA-2 to facilitate a 12 lot subdivision and City parkland.

### **CAO RECOMMENDATIONS:**

THAT based on the September 8<sup>th</sup>, 2020 Staff report, "Zoning Amendment Bylaw No. 2989 to allow for a subdivision of 4070 Fraser Road " Council approve OPTION 1 and complete the following steps:

1. That Council give First and Second Reading of Zoning Amendment Bylaw No. 2989, 2020 to rezone the subject property to CD-21 and PA-2;
2. THAT Council considers Zoning Amendment Bylaw No. 2989, 2020 consistent with the City's Official Community Plan;
3. THAT Council waives the requirement to hold a public hearing with respect to Zoning Amendment Bylaw No. 2989, 2020 pursuant to Section 464 (2) of the *Local Government Act* and directs staff to give notice of the waiver of the public hearing pursuant to Section 467 of the *Local Government Act* in advance of consideration of 3<sup>rd</sup> Reading of the bylaw;
4. THAT Final reading of the bylaw be withheld pending the completion of the park land disposal process; and
5. THAT Final Reading of the bylaw be withheld pending the registration of a Section 219 covenant on the subject property.

Respectfully submitted,

Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

### **BACKGROUND:**

The subject property is located in South Courtenay and was annexed into the City during a 2007 municipal boundary extension. The property is bound by Fraser Road and Millard Creek to the west, parkland to the north and east and agricultural land to the west and south which also correspond with the City's boundary with the CVRD.

The subject property is a 2.21 ha (5.46 acres) rural residential lot located at 4070 Fraser Road in South Courtenay (**Figure 1**). The property is relatively flat with a sloped area near Millard Creek which transects the property. The site is mainly cleared with remaining trees along the edges and clustered along Millard Creek.

The property is zoned Rural Eight (RU-8) and is occupied by a 163m<sup>2</sup> (1,800 ft<sup>2</sup>) single family dwelling and two barns (**Figure 2**). The development proposal includes the retention of the existing single family dwelling on one of the proposed lots, the demolition of the two barns and the development of 12 bare land strata lots.

The property's existing access is from Fraser Road with a driveway bridge crossing Millard Creek to the house. Fraser Road is classified as a Rural-Collector Road under the jurisdiction of the Ministry of Transportation. New vehicular access will be established from a private road connected from Harbourview Boulevard ensuring that all servicing infrastructure for the development is located within municipal boundaries. The City's Transportation Master Plan classifies Harbourview Boulevard as a collector road.



Figure 1: Subject Property and Context



Figure 2: Existing Single Family Dwelling (to be retained on proposed Strata Lot 1)

Consistent with the properties to the north and east of the site, the subject property was designated Master Planned Residential with the adoption of the South Courtenay Local Area Plan. The proposed development is consistent with that designation.



Figure 3: Zoning Context

The subdivision will create 12 strata lots with sizes between 603m<sup>2</sup> and 1328m<sup>2</sup> with the exception of proposed lot 1 at approximately 6,830m<sup>2</sup>, where the owner plans to reside in the existing single family dwelling. Strata lot 1 is a substantially larger than the remaining lots as it contains some land that is located within the 30m setback from Millard Creek.

As part of the zoning amendment application the applicant submitted a preliminary subdivision plan (as seen in **Attachment No. 1**). Staff note that this plan has not yet been finalized, this will be completed through the City's subdivision process should the parcel be rezoned.

Millard Creek is situated on the western portion of the site. *Zoning Bylaw No. 2500* requires all development to be located 15m from the natural boundary of the creek. The applicant has provided a larger buffer of 30m as a no disturbance zone to minimize disturbance to this watercourse and its associated riparian vegetation and habitat. Millard Creek has confirmed fish presence and the development site overlaps with potential critical habitat for the western painted turtle. Providing buffering between the creek and the proposed subdivision is important for the maintenance of a healthy aquatic resources (as it limits the probability of erosion, flooding and bank instability) and provides both movement corridors and nesting areas for wildlife, birds and waterfowl. An environmental development permit will be required prior to subdivision approval should the development proceed.

For the strata road to be constructed a 233m<sup>2</sup> portion of City Park (i.e. the Millard Greenway) is proposed to be closed. Also, a 151.7m<sup>2</sup> strip of land will be dedicated as parkland east of Lot 44 on Harbourview Boulevard which will provide a pedestrian connection to the adjacent "Ridge subdivision". Lot 44 was created in 2019 during the third phase of "The Ridge" subdivision.

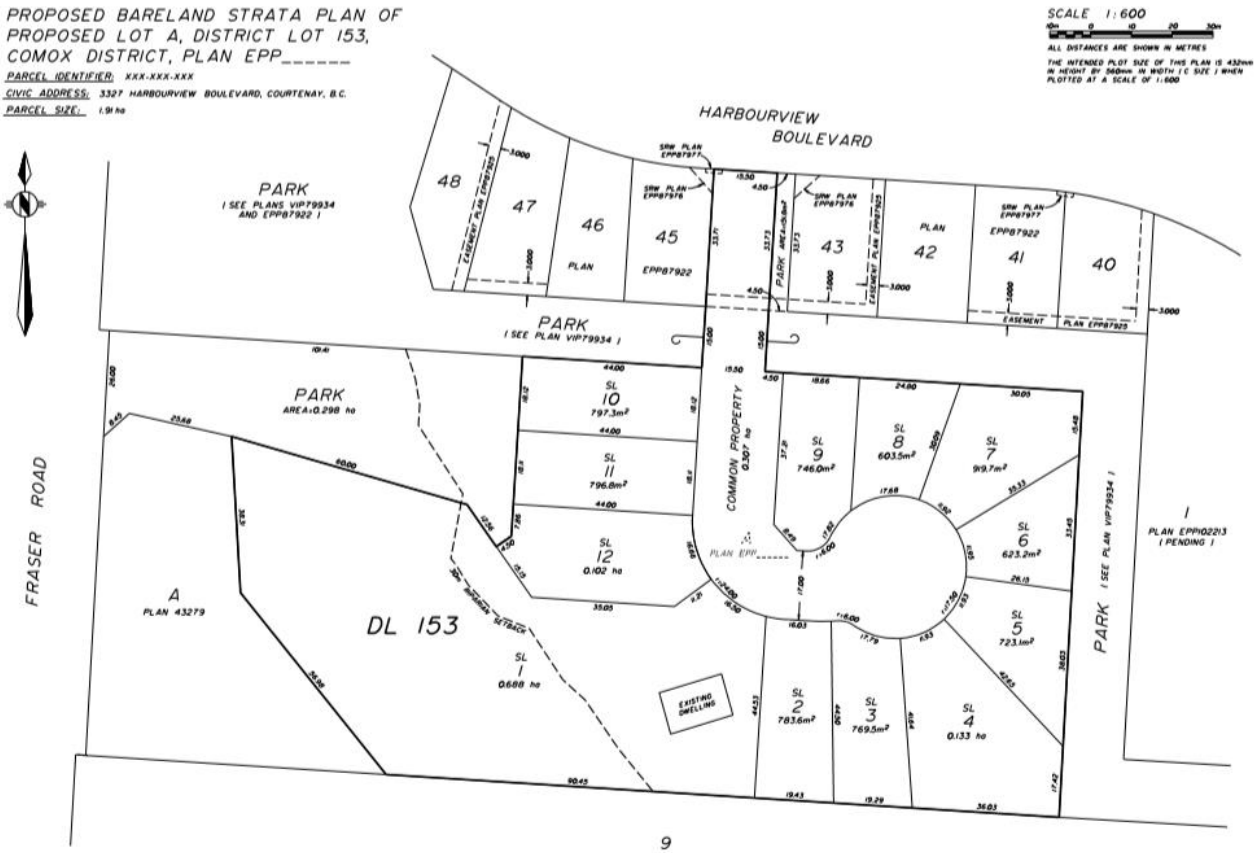


Figure 4: Proposed Site Access, Park Closure and Dedication

The park disposal process will be initiated if Zoning Amendment Bylaw No. 2989 is granted first and second reading and will run concurrently with the rezoning application.

Disposing of Parkland is a separate City process from the zoning amendment application. Under the powers of the Community Charter, Council may dispose of municipal parkland through the adoption of a bylaw that has received the approval of the electors (for example through an Alternative Approval Process). Council can choose to take proceeds (funds) from the disposal of parkland or choose to take land. Council may also choose to take a combination of both proceeds (funds) and lands. Any proceeds from the disposal are required to be placed into a parkland acquisition reserve fund.

Regarding parkland dedication, the applicant is proposing to dedicate and approximately 0.298ha (2,980m<sup>2</sup>) of City parkland on the northwest portion of the site. Within this dedicated park approximately 2,087m<sup>2</sup> of land is within the Millard Creek riparian area with the remaining park dedication located outside the riparian area. Additionally, the 151.8m<sup>2</sup> portion of land dedicated to the east of Lot 44 on Harbourview Boulevard is proposed as a strip park and will provide connectivity to the lands to the “Ridge” subdivision to the north.

Staff note that there is strong policy support in the City’s OCP and LAP for residential developments in this neighborhood to promote walking and biking through a system of parks and greenway systems. There is also policy support for the expansion of parkland, natural areas and greenway systems. During the application process staff discussed park dedication options with the applicant and presented a proposal for the applicant’s consideration. To enhance the existing greenway system City staff recommended the

dedication of the 30m setback and associated riparian area of Millard Creek on the northwest portion of the site (currently located on proposed lot 1); a 15m strip of parkland dedicated at the rear of proposed strata lots 2, 3 and 4 which would extend the existing greenway connection in a western direction; a 6m wide trail at the rear of proposed strata lot 1 that would provide a connection through the park on the northwest portion of the site and a new trail corridor constructed around the perimeter of the subdivision in the greenway. The dedication of the riparian area would also be consistent with OCP policy to support protection of the Millard Creek.

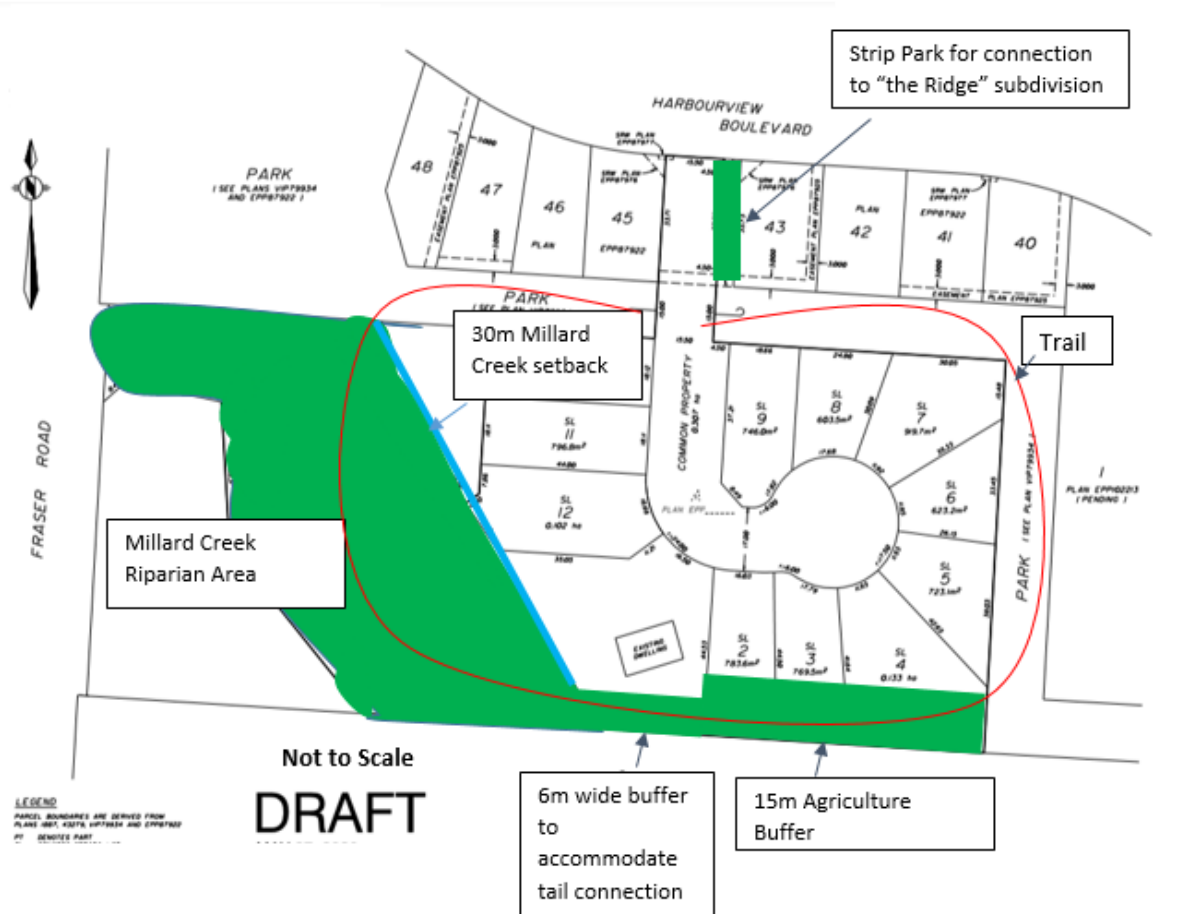


Figure 5: City Staff Recommended Park Dedication Areas

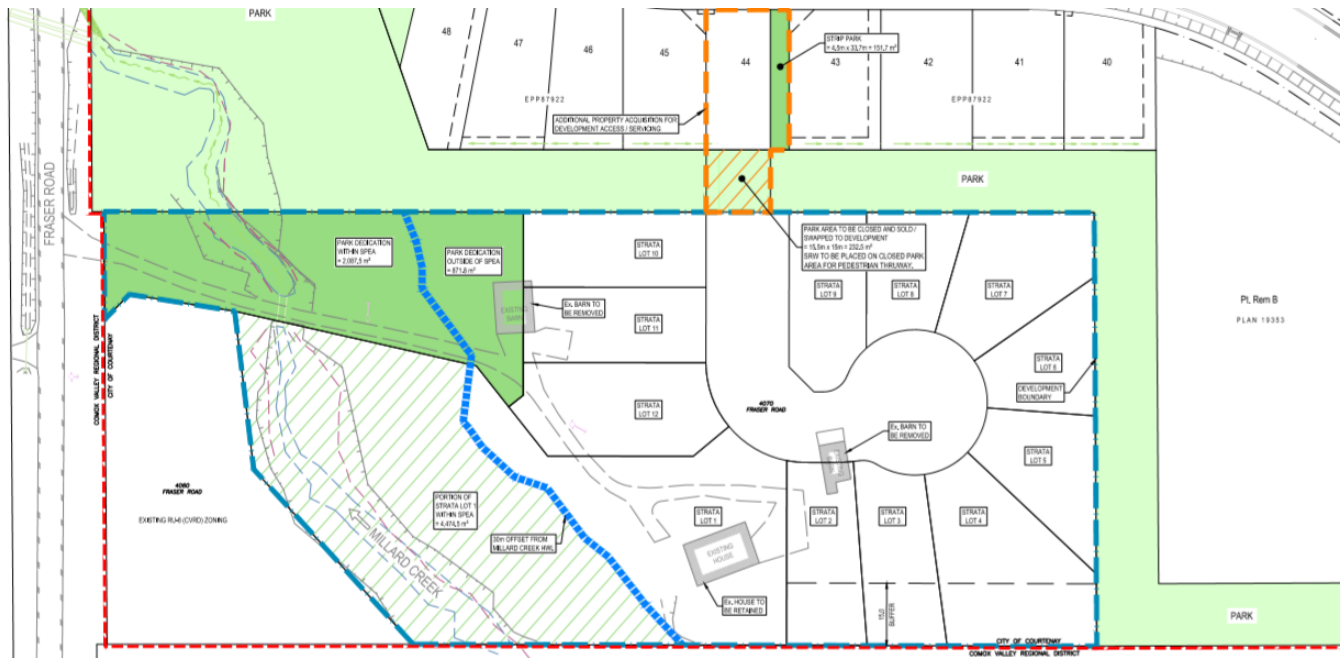


Figure 6: Applicant's Proposed Park Dedication Areas

The applicant did consider the City's parkland dedication proposal and ultimately decided not to amend the parkland dedication based on City staff's recommendation (as seen in **Schedule No. 4**).

## DISCUSSION

### Official Community Plan

Over 20ha of land located in South Courtenay is designated "Master Plan Residential" including the subject parcel. Lands in this designation are intended to facilitate intensive residential development that provides a mix of housing types, live-work uses and active transportation opportunities.

In assessing this proposal two themes emerged to guide the evaluation of the application:

1. Land Use Compatibility; and
2. Implementing the South Courtenay Local Area Plan.

### Land Use Compatibility

Properties to the west and south are zoned and designated for agricultural use and are within the Agricultural Land Reserve (ALR).

The City supports the protection of farmland and the OCP contains policies that aim to preserve agricultural lands and minimize conflicts between farm and non-farm uses. Land use conflicts that can arise from siting residential uses adjacent to farmland include trespass and complaints from residents about noise and odor and dust from farming operations. Also, domestic pets from new subdivisions can harass livestock on adjacent farmland pastures.

The proposed subdivision has been designed to minimize conflicts between residential dwellings and adjacent farmland by providing a transition zone (buffer) along the south property boundary. The proposal provides a 22.5m wide buffer (transition zone) between residential uses on proposed strata lots 2, 3, and 4 and the agricultural land to the south with the exception of the existing dwelling on proposed strata lot 1.

This buffering is achieved through a 15m land buffer and the rear yard setbacks on the proposed lots. As recommended by the Ministry of Agriculture, 15m of the buffer will be vegetated with the exception of the buffer separating lot 1 which is 14 .1m. Also, the Ministry of Agriculture recommended that fencing be installed along the ALR boundary.

The development is adjacent to two residential subdivisions approved to the north and northeast of the site; the “Ridge “and the development approved at 4100 Fraser Road. A review of the applicant’s subdivision plan indicates that the proposal is similar to adjacent subdivisions in terms of lot layout (dwellings orientated towards the street), building setbacks, lot depth and lot size.

The architecture of the proposed dwellings is consistent with the style and building materials used in neighboring developments. The proposed dwellings will include a mix of ranchers with walk out basements and two-storey split level homes with asymmetrical front facades, varied rooflines (hip and gable rooflines), and trim and detailing on facades and around windows and doorways. Building materials utilized will include cement fiber board, acrylic stucco and stone.

Also, parking arrangements, garages and driveways are consistent with the prevailing pattern in the neighborhood with respect to location of the garage relative to the house, the size and configuration of the garage and the manner of access.

The applicant has provided housing typologies with the rezoning application (as seen in **Attachment No. 1**) which demonstrate compatibility with the surrounding neighborhood as well as consistency with the form and character development permit guidelines in the South Courtenay Local Area Plan.

Residents living in the development will have access to the walkways within the Buckstone Trail system in the adjacent Ridge subdivision. This trail system provides connections through the subdivision and extends from Lockwell Road south to Eagleview Crescent. This system of trails will connect overtime to the waterfront and the Riverway trail via Beachwood Road.



Figure 7: Millard Greenway and Adjacent Park and Trails

Locating residential uses in close proximity to the greenway and trail system is beneficial because it provides opportunities for active living and transportation (walking and cycling).

**Implementation of the South Courtenay Local Area Plan (SCLAP)**

The South Courtenay area is comprised of approximately 217 hectares (536 acres). This area was incorporated into the City in 2007 and in 2009 the Local Area Plan was adopted by Council after extensive community consultation.

The Local Area Plan forms part of the OCP and provides a policy framework for addressing issues such as land use, infrastructure, transportation, environment, housing and parks. The Plan also contains policies that guide where and how future growth and redevelopment should happen.



In the Plan the property is designated master planned residential and envisions residential neighborhoods that:

- provide a mix of housing types and units for residents of various ages and income levels as well as opportunities for live-work uses;
- contribute affordable housing units, land or funds;
- dedicate park land through the subdivision process;
- provide urban services that are developer financed;
- promote walking and biking through a fine-grained system of parks and greenways;
- maintain a clear separation between rural and urban lands;
- keeps environmentally sensitive areas free of development;
- require development permits for all subdivisions; and
- improve energy and water conservation.

The proposal encourages a mix of housing types for residents of various ages and income levels by providing opportunities for single family dwellings with secondary suites. Secondary suites assist in increasing the supply of rental housing within the City for single occupants, couples and small families. The proposed zoning also contributes to complete communities by supporting live work uses (home occupations). Staff note that with this development the applicant will be allocating funds towards the City's affordable housing reserve fund through their amenity contribution offer.

The proposal dedicates 0.298ha (2,980m<sup>2</sup>) of parkland to the City at the time of subdivision and assists in promoting walkability through the dedication of a pedestrian trail to the east of the proposed cul-de-sac. Also, the developer will be financing all services for the development. Furthermore, as a bare land strata ongoing operating and maintenance costs of the infrastructure within the development will be the responsibility of the strata, not the City.

As discussed previously, the subdivision layout provides a clear separation between residential uses and rural farmlands to the west and south of the development.

In order to preserve and protect environmentally sensitive and natural areas onsite, particularly those areas along watercourses Policy 4.10.3 of the OCP requires all development be located a minimum 30m from Millard Creek. The applicant has designed the subdivision to meet this requirement and the proposal provides a 30m no disturbance buffer on both sides of the creek. Because the no disturbance zone is partially located on private property (i.e. proposed strata lot 1) a covenant protecting the land from any disturbance or development will be registered on the land title prior to final adoption of the zoning amendment bylaw. Additionally, the lands within 30m of the creek will be zoned Public Areas Two Zone (PA-2) and the applicant will be required to install permanent fencing along the 30m creek setback to ensure encroachment does not occur.

To ensure the development exhibits a high standard of design and that appropriate protection measures are put in place for Millard Creek and its associated habitat, the applicant is required to obtain an approved form and character and an environmental development permit from the City prior to development occurring.

Energy and water conservation measures are also being incorporated into the development. In this regard builders will be required to construct at minimum to Step 3 of the BC Energy Step Code for permits applied for after January 1, 2021. Also, builders and homeowners will be encouraged to utilize pervious surfaces for

driveways, rainwater collection schemes and drip irrigation systems with moisture sensors for landscaped areas.

In assessing this development proposal, staff have deemed it consistent with the intent of the Master Planned Residential designation and policies contained in the SCLAP. Also, the proposed density and zoning of this subdivision is similar to the CD-21 zone, which is prominent zoning in the surrounding neighbourhood.

**Zoning Review**

The proposal requires rezoning as the current zoning (RU-8 Zone) does not permit the density the applicant is seeking. The proposed zoning for the residential subdivision is the CD-21 zone and PA-2 for the lands that are dedicated as City Parkland.

Table No. 1 below summarizes the proposal relative to the current RU-8 zone and the CD-21 zone, the zone in the adjacent “Ridge” subdivision. The applicant is proposing minor modifications to the CD-21 zone to accommodate smaller front yard setbacks (6.0m rather than 7.5m), lot frontages (11m rather than 16m) and rear yard setbacks of 7.5m for all lots. Within the CD-21 zones structured so that lots that have depths that are 36m or larger require rear yard setbacks of 9.0.

The proposal will reflect the CD-21 standards with the exception of the modified lot frontages and front and rear yard setbacks. The proposal meets the remaining CD-21 zoning regulations for use, lot size, lot depth and coverage and building height.

	Existing Zone (RU-8)	CD-21 Zone	Proposal
Permitted Uses:	Single Family Dwelling Home Occupation Secondary Suite Carriage Home Accessory Buildings Home Based Business  <u>Other:</u> Agriculture Aminal Hospital Fish Hatchery Silviculture Aquaculture	Single Family Dwelling Home Occupation Secondary Suite Duplex Carriage Home Accessory Buildings	Single Family Dwelling Home Occupation Secondary Suite Duplex Carriage Home Accessory Buildings
Minimum Lot Size	8.0 hectares	Single Family Dwelling (600m <sup>2</sup> )  Duplex (900m <sup>2</sup> must be corner or double frontage lot)  Carriage House (750m <sup>2</sup> must have lane access, have frontage onto Buckstone Road or a corner lot)	Single Family Dwelling (600m <sup>2</sup> )  Duplex (900m <sup>2</sup> must be corner or double frontage lot)  Carriage House (750m <sup>2</sup> must have lane access, have frontage onto Buckstone Road or a corner lot)
Lot Coverage	15%	60%	60%
Minimum Lot Frontage	10% of the perimeter of the lot	16m 20m (for corner lots)	11m* 20m (for corner lots)

Lot Depth	N/A	Not less than 26 m	Not less than 26m
Setbacks Single Family Residence			
Front yard setback	7.5m	7.5m	6.0m*
Rear yard setback	7.5m	9.0m for lots with depths over 36m)  7.5m (for lots with depths less than 36 m)	7.5m (for all lots)*
Side yard setback	1.75 m 7.5m - for flanking street	4.5m with a minimum of 1.5m on one side 4.5m –for flanking street	4.5m with a minimum of 1.5m on one side 4.5m –for flanking street
Building Height	Principal Building - 10m Accessory Building 4.5m - 6m	Principal Building - 9m Carriage House – 7.5m Accessory Building - 4.5m	Principal Building - 9m Carriage House – 7.5m Accessory Building - 4.5m
Parking Base Requirements	Single Family Residence -2 stalls Secondary Suite - 1 stall Carriage Home - 1 stall	Single Family Residence or Duplex - 2 stalls Secondary Suite - 1 stall Carriage Home - 1 stall	Single Family Residence or Duplex - 2 stalls Secondary Suite - 1 stall Carriage Home - 1 stall

Table 1: Zoning Analysis (\* denotes minor modifications made to CD-21 zoning for this application)

### Other Related Regulations

#### *Amenity Contributions*

The applicant is making contributions towards the City's *Parks, Recreation Culture and Senior's Facilities Amenity Reserve Fund* and the City's *Affordable Housing Amenity Reserve Fund* as outlined in Section 7.7 of the OCP.

#### *Form and Character Development Permit*

Subsequent to the rezoning application the applicant will require a development permit. Based on the plans submitted in support of the rezoning application, the building design is consistent with the policies contained in the South Courtenay Development Permit Area (DPA).

#### *Environmental Development Permit*

Due to the presence of environmentally sensitive features (Millard Creek) and the fact the property overlaps with the potential habitat area for the Western Painted Turtle, a species at risk, the applicant will be required to obtain an approved Environmental Development Permit (EDP).

#### *Tree Cutting Permit*

A tree cutting permit was applied for and approved for this property in 2018 for the removal of hazard trees outside the Millard Creek Area. There are approximately 75 trees remaining on the property. The tree retention plan submitted with this application notes that further tree removal is required to accommodate the proposed lots, therefore, a tree cutting permit is required.

### *Covenant*

As set out in a formula in the OCP, the applicant will make monetary contributions towards the City's Affordable Housing Fund and the City's Parks, Recreation, Cultural, and Senior's amenity reserve fund for the additional density created through rezoning. The amenity contributions will be secured through a covenant registered on the land title and will be payable at time of subdivision.

Additionally, the covenant will address park land dedication, protection of the non-disturbance zone for the Millard Creek riparian area including the installation of permanent fencing and the maintenance of the buffer, fencing and signage between the development site and the agricultural lands to the south. All legal fees will be paid by the developer.

### **FINANCIAL IMPLICATIONS:**

The development is subject to City and Comox Valley Regional District Development Cost Charges. Amenity contributions as outlined in Section 7.7 of the OCP are required. Should the proposed zoning amendment bylaw be adopted, development permit, subdivision and building permit application fees will also apply.

Properties with a secondary residence are charged a second utility fee (sewer, water, garbage) for the additional dwelling unit. Should the rezoning and subsequent applications be approved, the additional utility fees will be charged to the property at the time of occupancy.

### **ADMINISTRATIVE IMPLICATIONS:**

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff has spent 28 hours processing and reviewing this application, conducting a site visit and communicating with the applicant to request additional information.

Should the proposed bylaws receive First and Second Readings, staff will spend an additional five hours in preparation for the public hearing, preparation of the covenant, final reading of the bylaw, and updating the bylaws and maps.

### **ASSET MANAGEMENT IMPLICATIONS:**

The rezoning application has no asset management implications, but it would facilitate subdivision of new lots that require water, sanitary sewer and storm service connections at Harborview Boulevard. The City will inherit this infrastructure (storm, water, sewer) built to City standards and they will be incorporated to the City's asset registers for ongoing maintenance. As noted above, the assets internal to the bare land strata will be the responsibility of the strata.

### **2019 - 2022 STRATEGIC PRIORITIES REFERENCE:**

The November 2019 Strategic Priorities Check-in does not include any additional relevant references.

- ▲■ Identify and support opportunities for lower cost housing and advocate for senior government
- Communicate appropriately with our community in all decisions we make
- ▲ Encourage and support housing diversity

## **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

#### **3.2 Regional Context Statement**

##### **3.2.2 Goals**

Goal 1: Housing: Ensure a diversity of housing options to meet evolving demographics and needs.

Principles:

- (1) balance land uses to create a vibrant and diverse neighbourhood and community.
- (3) preserve and enhance open spaces, greenways and environmentally sensitive areas.
- (5) lead in creating inclusive neighbourhoods for housing.

### **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. Encourage housing opportunities and convenient community services for individuals having special housing requirements.
3. Ensure new housing projects introduce innovative and creative design and streetscapes.
4. Preserve the integrity and character of existing residential areas with any redevelopment proposal.
5. Ensure all new development includes the provision of amenities including buffer areas along roads, parks and sidewalks and trails.

### **Agricultural**

#### **4.5.3 Policies**

4. The City will work towards reducing conflicts between agricultural uses by ensuring buffering requirements for non-agricultural uses adjacent to agricultural lands.

### **Parks**

#### **4.6.3 Goals**

5. To ensure that parks, both active and passive, are distributed throughout the community.
7. To acquire and protect environmentally sensitive areas.

### **REGIONAL GROWTH STRATEGY REFERENCE:**

The development proposal is consistent with the RGS goal (3.2.1) “to ensure a diversity of housing options to meet evolving demographic needs” as well as the objectives 1A, 1B, 1C and 1D, 2D, 2C, 5A, 5D, and 6A listed below:

**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 the existing Municipal Areas. Within the Municipal Areas densification and intensification of development is required including infill and redevelopment.

1A-6 Increase housing opportunities in existing residential areas in Core Settlement Areas by encouraging multi-family conversions, secondary suites, and small lot infill.

**Objective 1-B: Increase affordable housing options**

1B-2 Encourage residential 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 development 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-4 Encourage infill units and secondary suites in residential zones in the Core Settlement Areas.

**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.

**Objective 2-C: Promote environmental best practices in Agricultural and Resource Areas.**

2C-5 All local governments will ensure appropriate buffers and transition zones between working landscapes and residential areas to minimize negative impacts from residential development on farm and resource land. Buffer and transition zones will be promoted to support ecological connectivity and ecological system functions.

**Objective 2-D: Ensure access to parks, recreation areas.**

2D-2 Require new developments to link to, improve or expand the existing greenway network.

**Objective 5-A: Promote water conservation and efficiency throughout the Comox Valley.**

5A-1 The majority of growth should be focused in Core Settlement Areas where appropriate publicly owned water servicing systems already exists.

**Objective 5-D: Encourage sewage management approaches and technologies that respond to public health needs and maximize existing infrastructure.**

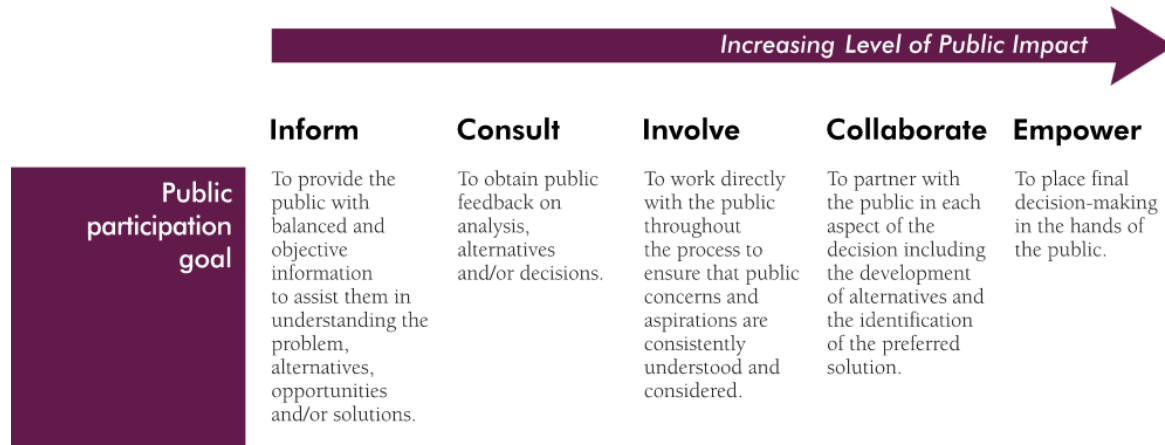
5D-1 The majority of growth should be focused in Core Settlement Areas where appropriate sewer servicing already exists.

**Objective 6-A: Protect land for existing and future agriculture and associated activities.**

6A-3 All local governments will ensure appropriate buffers and transition zones between working landscapes and residential areas to minimize negative impacts from residential development on farm and resource land. The need for and extent of buffers and transition zones will be site specific.

**CITIZEN/PUBLIC ENGAGEMENT:**

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



Prior to this application proceeding to Council, the applicant held a public information meeting on Wednesday January 29<sup>th</sup>, 2020 at 5:00 pm at the McElhanney Consulting offices located at 1211 Ryan Road and four persons attended. During the meeting the land use, site servicing and tree retention plans for the proposal were provided to the meeting attendees. A review of the meeting minutes note that the public had questions on the timeline for City approval of the project, servicing, protection of the creek area and the character of the dwellings. Overall attendees were supportive of the proposal. No public comments were received by the applicant or by City staff. A copy of the sign in sheet provided at the meeting for the summary is included in **Attachment No. 2**.

Should Zoning Amendment Bylaw No. 2989, 2020 receive First and Second Readings, staff are recommending the public hearing be waived in accordance with Section 464 of the *Local Government Act*. In this regard, where Council considers a zoning bylaw is consistent with the Official Community Plan (OCP) for the area that is subject to the bylaw it may waive the holding of a public hearing.

In respect of this bylaw there was no opposition at the public information meeting and in the opinion of staff, as outlined above, the bylaw is consistent with the OCP. Notice of waiver of the public hearing will be provided and the public will have an opportunity to provide written comments for Council’s consideration.

**OPTIONS:**

**OPTION 1: (Recommended)**

1. That Council give First and Second Reading of Zoning Amendment Bylaw No. 2989, 2020 to rezone the subject property to CD-21 and PA-2;
2. THAT Council considers Zoning Amendment Bylaw No. 2989, 2020 consistent with the City's Official Community Plan;
3. THAT Council waives the requirement to hold a public hearing with respect to Zoning Amendment Bylaw No. 2989, 2020 pursuant to Section 464 (2) of the *Local Government Act* and directs staff to give notice of the waiver of the public hearing pursuant to Section 467 of the *Local Government Act* in advance of consideration of 3<sup>rd</sup> Reading of the bylaw;
4. THAT Final reading of the bylaw be withheld pending the completion of the park land disposal process; and
5. THAT Final Reading of the bylaw be withheld pending the registration of a Section 219 covenant on the subject property.

**OPTION 2:**

1. THAT based on the September 8<sup>th</sup>, 2020 Staff report, "Zoning Amendment Bylaw No. 2989 to allow for a subdivision of 4070 Fraser Road "Council approve OPTION 2 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2989, 2020;
2. THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2989, 2020 when regular Council meetings resume or an alternative public hearing format is approved by Council;
3. THAT Final reading of the bylaw be withheld pending the completion of the park land disposal process; and
4. THAT Final Reading of the bylaw be withheld pending the registration of a Section 219 covenant on the subject property.

**OPTION 3:** THAT Council postpone consideration of Bylaw No. 2989 with a request for more information.

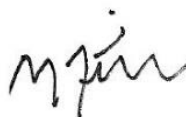
**OPTION 4:** Defeat Bylaw No. 2989.

Prepared by:



Dana Beatson  
Planner II – Planning Services

Reviewed by:



Matthew Fitzgerald, RPP, MCIP  
Manager of Development Planning

Concurrence by:



Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer



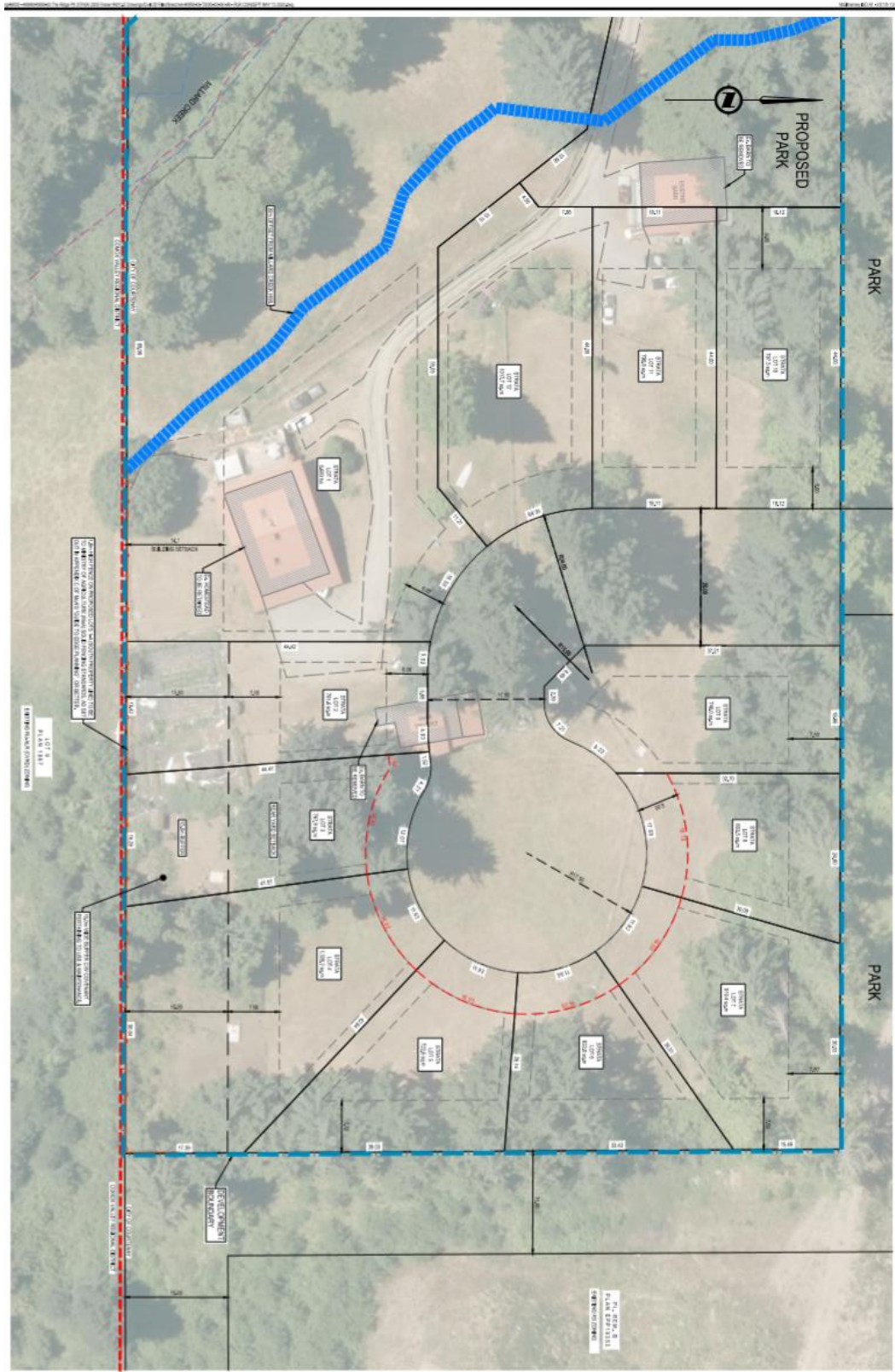
Ian Buck, RPP, MCIP  
Director of Development Services



*Attachments:*

1. *Attachment No. 1: Conceptual Subdivision Plan and Housing Typologies*
2. *Attachment No. 2: Public Information Meeting Sign in Sheet, Public Comment and Meeting Summary*
3. *Attachment No. 3: Applicant's Development Synopsis and Sustainability Evaluation Checklist*
4. *Attachment No. 4: Applicant's Response Letter to City Staff's Park Recommendation*

### Attachment No. 1: Conceptual Subdivision Plan (s) and Housing Typologies





**Single Family Ranchers (some with walk-out basements)**



**Two Story Single Family**



**Attachment No. 2: Public Information Meeting Summary, Sign in Sheet and Comments**

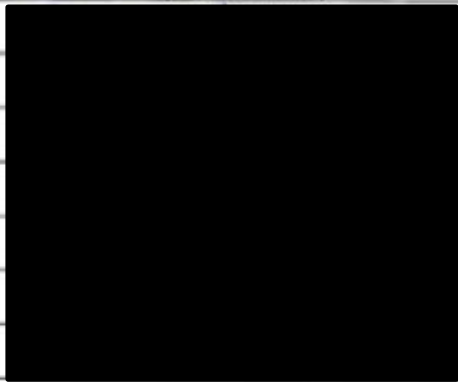
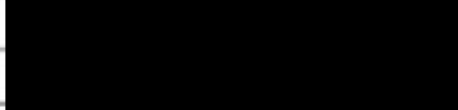
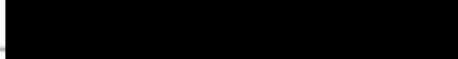
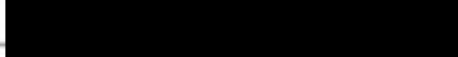
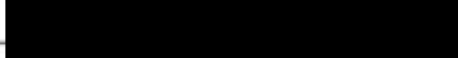










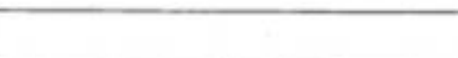
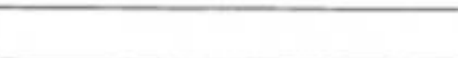
**PUBLIC INFORMATION MEETING**

**January 29, 2020**

**SIGN IN SHEET**

**FOR**

**Rezoning of 4070 Fraser Road**

<b>NAME (Please Print)</b>	<b>ADDRESS</b>
	4060 FRASER RD
	4220 Chancellor Cres., Courtney Girlic, Martha
	115 STAFFORD ST. COMEX.
	15            11            11
	
	
	
	
	
	
	
	
	
	
	
	
	

### PUBLIC INFORMATION MEETING

January 29, 2020

Mohler Rezoning Application - 4070 Fraser Road

#### COMMENT SHEET

Name: [REDACTED]

Address: 4220 Charrelle Cres, Courtenay Phone: [REDACTED]

John and Linda Mohler have applied to the City of Courtenay for a Zoning Bylaw Amendment. This application is to being made to allow for the development of 10 strata lots and parkland in addition to existing home. This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

I think this is a wonderful idea and would be  
a logical extension of the Ridge.

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**Please return your comments by:** February 7, 2020

Comment sheets can be submitted by one of the following methods:

1. Drop your comment sheet off at the Development Services Department, City of Courtenay  
830 Cliffe Avenue
2. Email your comment sheet to [planning@courtenay.ca](mailto:planning@courtenay.ca)
3. Fax your comment sheet to 250-334-4241

### Public Information Meeting Summary

**From:** Chris Ewing [mailto:cewing@mcelhanney.com]  
**Sent:** July-02-20 11:05 AM  
**To:** Beatson, Dana <dbeatson@courtenay.ca>  
**Subject:** RE: public information meeting comments and meeting summary

Dana,

- Buckstone Investments asked questions regarding timing. This is a big one to Bruce as his Lot 44 is on hold waiting for the Mohler development. Additionally, he was interested in the contents of the City review letter; specifically, the portions which pertained to the access from Harbourview Blvd and potential works within Harbourview Blvd.
- Bruce indicated that he was in support of the project noting that the zoning and building scheme was to be as per The Ridge. Additionally, he noted he would be happy to see the barn and accessory buildings be removed.
- Bruce did convey some concern over the City's requested park strip in Lot 44 and indicated that he would want to see the final grading and landscape plans; this to convince himself that his lots 43 and 45 were not getting the short end of the stick.
- John's parents asked process questions: timing, applications, etc. Understandably, they were in support of the development.
- Steve asked questions regarding the SPEA and Riparian Area setbacks. He was more interested in how City bylaws, policy, etc, which was being applied to John's property, could be applied to his property.
- Steve also wanted to know how his property could be serviced noting that the Mohler's development was going to be a strata. We discussed the sanitary servicing issue at length and provided some thoughts on how his property could be serviced for both sanitary and water either through the strata or along Fraser Road; both options would have to cross Millard Creek.
- Steve indicated his support for John and the development. He noted that this process would give him an opportunity to discuss his property with the City (I told him that you were the person to start his chat with).

With regards to the information provided in hard copy at the meeting, we had copies of the following.

- City Application Review letter dated January 23, 2020
- McElhanney Land Use Plan, C-200, Rev. PA
- McElhanney Site Servicing Plan, C-102, Rev. PA
- McElhanney Tree Retention Plan, C-300, Rev. PA

Chris Ewing, ASCT | Engineering Technologist  
McElhanney  
D 778 225 0208 | T 250 338 5495



### Attachment No. 3: Applicant’s Development Synopsis and Sustainability Evaluation Checklist



November 15, 2019,

Our File: 2211-46958-03 TASK 2005

Matthew Fitzgerald, MCIP, RPP  
Planning Supervisor - Development Services  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

Dear Matthew,

**Rem LOT 8, DISTRICT LOT 153, COMOX DISTRICT, PLAN 1887  
PROPOSED SINGLE FAMILY DEVELOPMENT AT 4070 FRASER ROAD- DEVELOPMENT SYNOPSIS**

The following development synopsis has been prepared on behalf of John and Linda Mohler in support of the rezoning application for the subject project.

#### **1.0 GENERAL**

The subject property is legally described as Rem lot 8, District Lot 153, Comox District, Plan 1887 and is located at 4070 Fraser Road. The 2.12 ha property lies within the area bound by Fraser Road, and Millard Creek to the west, a linear park along the north and east side of the property, and ALR land to the south. The proposed development will be accessed off Harbourview Boulevard which was recently constructed as part of the Ridge Phase 3. Refer to drawing titled "Land Use Plan" for reference.

The property generally slopes from east to west to Millard Creek and is covered in a mixture of grasses, natural vegetation along the creek corridor, and mature trees. Please refer to drawing titled "Tree Retention Plan".

The development proposes (11) single family bare land strata lots, contribution of park and a trail network.

#### **2.0 LAND USE**

The subject property currently carries the RU-8 Zoning and is proposed to be rezoned to CD-21 designation and represents a continuation of the prior and similar development in the area.

This development proposal reflects the City’s land use policy values and priorities as follows:

- Provides higher density development and housing proximal to downtown which will expand business markets.



- Existing infrastructure promotes alternate modes of transportation to local businesses; while also providing opportunities for leisure activities.
  - New trail network immediately adjacent to the development site.
  - BC Transit bus stops are available in the area (Comox Valley Parkway)
  - Sidewalks are available from the development along Harbourview Boulevard.
- Expands the existing housing diversity within the local area; providing options for various social and economic needs.
- Represents an infill development; utilizing existing municipal infrastructure capacity.
- The location is proximal to public facilities, shopping, and employment; while maintaining the character and scale of the existing neighborhood.
- Stormwater management designs will be in accordance with the City current servicing bylaw.

### 3.0 SINGLE FAMILY DEVELOPMENT PERMIT

This application reflects the owner's desire to create a development that is architecturally compatible with the adjacent single detached homes, consistent with the neighborhood's existing diversity of housing types; while also maintaining continuity with previous development phases.

The proposed development is compliant with the Single Family Residential Development Permit guidelines as follows:

- Meets the objectives of the OCP as demonstrated within Section 2.0.
- Building assimilation with the local neighborhood will be achieved by utilizing the following architectural details and building materials:
  - Diverse external building treatment orientation.
  - Private entrance/garage.
  - Private rear patio.
  - Natural building exterior finishing products; including rock and "Hardi Plank".
  - Building wall and roof articulation.
- All buildings are accessed from an external road network.
- Stormwater management designs will be in accordance with the City's current servicing bylaw.
- Extensive landscaping will cover all permeable areas, supported by an automatic irrigation system.
- On-site curbside refuse and recycling collection is proposed.

### 4.0 SUSTAINABILITY

The development proposal is compliant with the City's sustainability objectives as follows:

- The application complies with the OCP policies and priorities.



- Creation of an infill development within the current City boundaries; which utilizes existing infrastructure capacity.
- Expands on the existing housing type diversity within the local neighbourhood.
- The subject property is located within walking distance to both daily activities as well as recreational opportunities. All of which can be accessed by existing sidewalk and greenway pedestrian networks.
- Overall density and building layout promotes Crime Prevention Through Environmental Design principles.
- The site is positioned within proximity to BC Transit pickup locations.
- All plumbing fixtures will be of a low flow designation.
- Stormwater management designs will be in accordance with the City's current servicing bylaw.

Yours truly,

McELHANNEY LTD.

Randy Watson, P. Eng.  
Senior Project Manager

Chris Ewing, AscT  
Senior Designer

Enclosures

RW:ldg

cc. John and Linda Mohler



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

<b>Project Address:</b> 4070 Fraser Road, Courtenay, BC	<b>Date:</b> November 15, 2019
<b>Applicant:</b> McElhanney Ltd.	<b>Signature:</b>

**APPLICATION REQUIREMENTS** To be filled out by applicant

Land Use. <i>The application:</i>	Description of how the criteria are met
a) Provides a mix of housing types and sizes;	Residential Development (single family homes). Rancher and two storey design. Opportunity to have basement suites.
b) Balances the scale and massing of buildings in relation to adjoining properties;	Housing is evenly spaced with mix of rancher and two storey.
c) Complements neighboring uses and site topography;	Walk-out basement provided on low side (north) of road.
d) Provides or supports mixed used developments or neighborhoods;	Neighbouring the "The Ridge" development with a mix of residential and potential commercial opportunities.
e) Promotes walking to daily activities and recreational opportunities;	Will be providing multi-use trails/sidewalks with connection to neighbouring development and near-by commercial areas.
f) Supports a range of incomes;	Opportunity for basement suites, which would help support income and affordability.
g) Is a positive impact on views and scenery;	Continuation of neighbouring development - including park and tree preservation.
h) Preserves and provides greenspace, trails and landscaping;	Designation of park area to protect Millard Creek.

<b>Building Design. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Exhibits high standard of design, landscaping and environmental sensitivity;	House designers will be encouraged to utilize & promote the use of quality design standards, landscaping to enhance & integrate to match surrounding "green" area and design features to protect
b) Maintains a high standard of quality and appearance;	Will be implemented.
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;	Will be implemented.
d) Avoids creating a strip development appearance;	Accomplished with cul-de-sac configuration, varied housing layout, heights and setbacks
e) Satisfies Leadership in Energy and Environmental Design (LEED) certification (or accepted green building best practices);	Will be implemented.
f) Uses environmentally sensitive materials which are energy sensitive or have accepted low pollution standards;	Will be implemented.
g) Builds and improves pedestrian amenities;	Sidewalks and multi-use pathway connections are planned.
h) Provides underground parking;	N/A.
i) Applies CPTED (Crime Prevention Through Environmental Design) principles;	Provided as part of our design requirements and standards.
<b>Transportation. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Integrates into public transit and closeness to major destinations;	Increasing the density in the area will help promote the need for local transit service.
b) Provides multi-functional street(s);	With sidewalks/pathways and low volume roadway, the opportunity for walking and biking is greatly enhanced and encouraged.
c) Prioritizes pedestrian and cycling opportunities on the public street system and through the site location that can provide an alternative to public road;	Sidewalks/pathways and greenways promote opportunity for walking and biking.
d) Provides or contributes towards trail system, sidewalks, transit facilities, recreation area or environmentally sensitive area;	Will be providing pathways/greenways and a park within and around the development.
<b>Infrastructure. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Includes stormwater techniques that are designed to reduce run-off, improve groundwater exchange and increase on-site retention;	Will be implementing Storm Water Best Management practice to reduce run-off and improve water quality.
b) Utilizes renewable energy sources (i.e. solar, geothermal) within servable area to City standards;	Houses will be designed to provide a high level of energy efficiency and utilize other energy sources where available.

<b>Character &amp; Identity. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Provides a positive image along waterfront areas and fronting road;	Cul-de-sac configuration and design features function to integrate this development with surrounding areas.
b) Is designed with quality and variety of features within the project (i.e. street furniture, street lights, signs, curb treatments);	To meet or exceed the standard requirements of the City's & local guidelines.
c) Provides public and private amenity space;	Park and greenway connection is planned.
d) Preserves heritage fixtures;	Not applicable.
e) Orients to views, open space and street;	Will be encouraged and provided if applicable.
<b>Environmental Protection &amp; Enhancement. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Protects riparian areas and other designated environmentally sensitive areas;	All environmentally sensitive areas shall be protected using best management practices and setbacks.
b) Provides for native species, habitat restoration/improvement;	Coordination with Strategic Natural Resources to ensure preservation and restoration of habitat.
c) Includes tree lined streetscapes.	Yes.

**Attachment No. 4: Applicant's Response Letter to City Staff's Park Recommendation**



Our File: 2211-48958-03 (T2005)

August 21, 2020

Dana Beatson, MCIP, RPP  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

Dear Dana,

**4070 FRASER ROAD – PARK DEDICATION REQUEST**

On Friday, August 14, 2020, City staff and McElhanney's Chris Durupt participated in a video conferencing meeting to discuss a City proposal / preference for park dedication and trail creation (see attached sketch provided by the City). As indicated during the meeting, McElhanney has put the option / preference to the Owner for consideration. At this time, we note that the Owner wishes to decline the City option.

With regards to Owner rationale for declining the City option, four separate parts have been identified / discussed for said option:

**PARK DEDICATION OF HOMESTEAD LANDS WITHIN RIPARIAN AREA**

As discussed at previous meetings with City staff, the Owner wishes to retain a portion of the property within the riparian area; this to be part of Strata Lot 1. The Owner is of the understanding that this will be accomplished by covenant on the aforementioned land which limits use, building, landscaping, etc. as previously discussed with City staff. This was originally understood to be a benefit by the City as it would be maintained by the Owner.

**PARK DEDICATION ALONG SOUTH PROPERTY LINE**

- a) With regard to the 8m wide park request behind the existing dwelling, the Owner does not wish to introduce a walking trail this close to the rear of his home.
- b) With regard to the 15m wide park request behind proposed strata lots 2-4, McElhanney and the City discussed/negotiated the proposed buffer/covenant area earlier this year, to the eventual agreement of both parties. Assuming that those discussions / negotiations are still valid, the Owner would like to continue on with the ALR interface buffer as shown on McElhanney dwg. 2211-48958-03 (T2005), sketch SK-08, Rev. 2, dated June 17, 2020.

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

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**TRAIL CONSTRUCTION**

Noting the points above, we believe the trail construction should be discussed during the Development Permit stage and once the park dedication, park swap, and/or park purchase have been finalized.

**OVERALL PARK CONTRIBUTION**

The assumed park contribution requirement of 5% of the total development (or 1,112 sq. m) plus the area required for the park "swap" (232 sq. m.) is equal to 1,344 sq. m. This new proposal would increase the park dedication to 7,455 sq.m. (27.7% of the total development area). This is not currently acceptable to the Owner and is a significant departure to what the Owner had assumed was agreed upon with City planning staff to date.

Please contact the undersigned if the City requires any further information regarding this item.

Sincerely,  
McElhanney Ltd.

Reviewed by:



Chris Ewing, AScT  
Senior Designer  
[cewing@mcelhanney.com](mailto:cewing@mcelhanney.com)



Chantal Richard, P.Eng.  
Project Engineer  
[crichard@mcelhanney.com](mailto:crichard@mcelhanney.com)

CE/njg  
Enclosure  
cc: John and Linda Mohler





**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2989**

**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. 2989, 2020**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
  - a. by rezoning Lot 8, District Lot 153, Comox District, Plan 1887, Except Part in Plan 43279 (4070 Fraser Road) as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Rural Eight (RU-8) to Comprehensive Development Zone Twenty-One Zone (CD-21) and Public Use and Assembly Two Zone (PA-2);
  - b. by rezoning a portion of Lot 44, Plan EPP87922, District Lot 153, Comox Land District, as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Comprehensive Development Zone Twenty-One Zone (CD-21) to Public Use and Assembly Two Zone (PA-2);
  - c. by amending Section 8.48.4 by adding (a) notwithstanding the above, a minimum lot frontage of 11.0m is permitted on Lot 8, District Lot 153, Comox District, Plan 1887, Except Part in Plan 43279 (4070 Fraser Road) as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw;
  - d. by amending Section 8.48.7 (1) by adding (a) notwithstanding the above, front yard setbacks of 6.0m are permitted on Lot 8, District Lot 153, Comox District, Plan 1887, Except Part in Plan 43279 (4070 Fraser Road) as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw;
  - e. by amending Section 8.48.7(2) by adding (a) notwithstanding the above, rear yard setbacks of 7.5m are permitted on Lot 8, District Lot 153, Comox District, Plan 1887, Except Part in Plan 43279 (4070 Fraser Road) as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw; and
  - f. 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 8<sup>th</sup> day of September, 2020

Read a second time this 8<sup>th</sup> day of September, 2020

Published in two editions of the Comox Valley Record on the 2<sup>nd</sup> day of December, 2020 and the 9<sup>th</sup> day of December, 2020

Considered at a Public Hearing this                      day of December, 2020

Read a third time this                      day of                      , 2020

Finally passed and adopted this                      day of                      , 2020

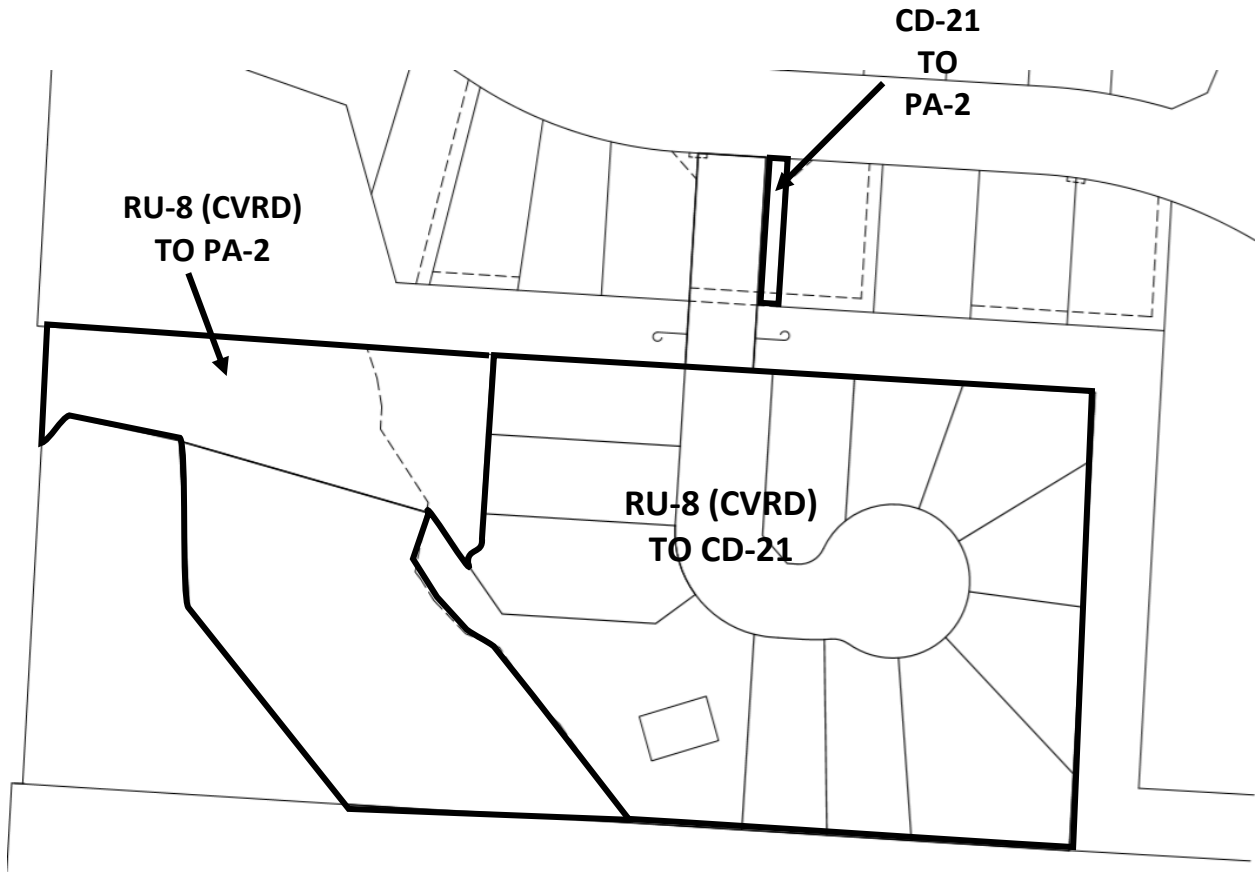
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

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

\_\_\_\_\_  
Brendan Kelly, Senior Development Services Officer  
Ministry of Transportation and Infrastructure  
Vancouver Island District

ATTACHMENT A







THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.** 3360-20-2013

**From:** Chief Administrative Officer

**Date:** October 5<sup>th</sup>, 2020

**Subject:** Zoning Bylaw Amendment 3024 - Update to the Home Occupation Regulations

### PURPOSE:

The purpose of this report is for Council to consider an amendment to the Home Occupation regulations of Zoning Bylaw No. 2500, 2007.

### CAO RECOMMENDATIONS:

That based on the October 5<sup>th</sup>, 2020 staff report "Update to the Home Occupation Regulations" Council approve OPTION 1 and complete the following steps:

1. That Council give First and Second Reading of Zoning Amendment Bylaw No. 3024 to amend the Home Occupation regulations of Zoning Bylaw No. 2500, 2007; and,
2. That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw.

Respectfully submitted,

Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

### BACKGROUND:

Through the zoning bylaw the City permits certain uses to be conducted as home occupations (home based businesses). Currently, the uses permitted are relatively limited and are accompanied by a series of regulations designed to limit the scale of the home occupation as well as any impact on the surrounding neighbours and neighbourhood. Staff understand that in addition to limiting impact on residential neighbourhoods the intent of the City in drafting the regulations in 2007 was to support existing commercial areas and, in particular, the downtown by restricting the types of businesses that could work from home.

On September 8<sup>th</sup>, 2020 Council passed the following resolution relative to home occupations:

*"Whereas the onset of COVID-19 has created significant challenges for local businesses, and in some cases, has contributed to their permanent closures;*

*Whereas businesses are adapting to these challenges by reducing costs such as rent by working from home, and the City's zoning bylaw is considered restrictive in the types of allowable home occupations, particularly in relation to other local jurisdictions; and*

*Whereas the City of Courtenay has joined with other local governments to implement a COVID economic recovery task force, and has identified economic growth as a strategic priority;*

*Therefore be it resolved that Council expand support of small business by directing staff to look at options for an amendment to the zoning bylaw to expand permitted home occupations to include (but is not limited to) hairdressing, dog grooming, counselling, massage, and acupuncture; and other such businesses that do not create additional noise and parking challenges."*

The intent of home occupation regulations is to allow for limited business activity in zones which are otherwise restricted to residential land uses. This is done by stipulating uses which are allowed as home occupations and then attaching a series of conditions aimed at ensuring the business remains secondary to the residential use and does not impact the overall character of a neighbourhood.

The City currently allows the following home occupations:

1. Home crafts (hobby and related crafts)
2. Music, dancing and related lessons providing that the number of pupils on the premises at any one time are five (5) or less
3. Office only for agents or trades, excluding financial and medical services
4. Small appliance repairs where appliances serviced have a maximum volume of 23 cubic m
5. Schools or kindergartens for five (5) children or less
6. Day care pursuant to the Care Facility Act
7. Photography

When compared with Comox and Cumberland, the businesses allowed in Courtenay are the most restrictive. Table 1 compiles and compares the different uses listed in each municipality's zoning bylaw and groups them according to the general land use type. "Personal services" shows the greatest discrepancy between the three municipalities with all services allowed in Cumberland, selects services allowed in Comox and none allowed in Courtenay.

The other categories are all generally comparable across the three municipalities with the exception of office uses which are restricted to certain types of offices in Courtenay and Cumberland with all types allowed in Comox.

**Table 1: Home Occupation Use Comparison**

(Green = Permitted, Yellow = Unclear if Permitted, Red = Not permitted)

General Use Category	Business Type	Courtenay	Comox	Cumberland
Art and Music	Home crafts (hobby and related crafts)	Y	Y	Y
	Manufacture of novelties, souvenirs, handicrafts or furniture	N	Y	Y
	Artist studio;	N	Y	Y
	Music, dancing and related lessons providing that the number of pupils on the premises at any one time are five (5) or less	Y	Y	Y
	private music, dancing, art and art lessons and academic tutoring providing that the number of pupils receiving instruction on the premises at any one time is four or less	Y	Y	Y
	Individual instruction in academics, art, crafts or music	Y	Y	Y
	Stamp or coin collecting or other uses similar in character	Y	Y	Y
	Photography	Y	Y	Y
Office	Office (general)	N	Y	N
	Office only for agents or trades, excluding financial and medical services	Y	Y	N
	Office use, catering businesses and dog grooming	N	Y	Y
	Stenographer, typist, or other uses similar in character	?	Y	Y
Repair	Small appliance repairs where appliances serviced have a maximum volume of 23 cubic m	Y	Y	Y
Personal Services	Seamstress, tailoring, hat making, or other uses similar in character	N	Y	Y
	Acupuncture by a registered acupuncturist;	N	Y	Y
	Massage therapy by a registered massage therapist	N	Y	Y
	Physiotherapy by a registered physiotherapist	N	Y	Y
	Personal Services (general)	N	N	Y
	Denturist labs	N	Y	Y
Care for People	Hellerwork by a certified hellerwork practitioner	N	Y	Y
	Either the keeping of not more than four foster children or not more than two boarders	?	Y	?
	Schools or kindergartens for five (5) children or less	Y	Y	Y
	Day care pursuant to the <i>Care Facility Act</i>	Y	Y	Y
Operation of an in-home-multi-age child care facility for not more than eight children, as allowed under the <i>Community Care and Assisted Living Act</i> of British Columbia	Y	Y	Y	

Council’s direction is to add uses including but not limited to hairdressing, dog grooming, counselling, massage, and acupuncture to the lists of permitted businesses. With the exception of “dog grooming” these uses are classified as “personal service” uses by the zoning bylaw which contains the current definition: defined as: “Personal service means an establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.” This definition encompasses a wide variety of businesses including message therapy, nail salon, tailors as well as hair dressing, counselling, massage and acupuncture listed in Council’s resolution. Adding “personal services” to the list of permitted home occupations will align Courtenay with Cumberland and be more permissive than Comox.

To permit dog grooming Cumberland provides an example where this is treated as an office use, allowing home office specifically for dog grooming services. Rather than citing very specific home office uses (such as dog grooming), Council may want to be more permissive and allow “office” generally as a permitted home occupation. This would align the City with Comox and allow for the many different manifestations of an office use ranging from accounting and other professional services, to dog grooming office and sales agents.

The second component of any change to the regulations is assessing whether additional regulations are necessary to limit the scale and impact of a home business. The zoning bylaw already contain general regulations which place limits on the scale of businesses and deal with other aspects such as parking. No changes are needed as a result of inclusion or “personal services” use and the generalization of “office” uses. The changes proposed are the deletion of a redundant clause and the removal of the limit of one home business per dwelling as summarize in Table 2.

Home Occupation Regulations	Proposed Action
Notwithstanding the above, the use of a dwelling unit as the mailing address or registered office of a business, no part of which is actually carried out in or about the dwelling, shall be permitted.	No change
6.3.2 A home occupation office and a home occupation consisting of home crafts shall be permitted in any zone that includes residential use as a permitted use.	Delete due to redundancy
6.3.3 The home occupation must be carried on only by a person residing in the dwelling unit in question, with no outside assistance.	No change
6.3.4 The premises must not be used for manufacturing, welding or any other light industrial use, and the home occupation carried on therein shall not produce noise, vibration, smoke, dust, odour, litter, or heat, other than normally associated with a dwelling, nor shall it create or cause a fire hazard, glare, electrical interference or traffic congestion on the street.	No change
6.3.5 Such home occupation shall not involve the use of mechanical equipment save as is similar to that ordinarily employed in purely private domestic and household use or for recreational hobbies.	No change
6.3.6 No part of the premises shall be used as a warehouse or retail outlet.	No change



<p>6.3.7 Not more than one home occupation shall be permitted per dwelling unit, and no home occupation shall occupy more than 50 m<sup>2</sup> or 50% of the dwelling unit whichever is the lesser.</p>	<p>Delete the limit of one home occupation but leave the size restrictions as stated.</p>
<p>6.3.8 The home occupation must be carried on wholly within the dwelling unit, except:  (i) that in the case of day nurseries, schools and kindergartens, the rear yard of the property can be used as a play area;</p>	<p>No change</p>
<p>6.3.9 The premises must give no exterior indication of the home occupation either by stored materials, displays, floodlighting, or otherwise, or by any variation from the residential character of the dwelling unit. However, a home occupation may have one un-illuminated fascia sign not exceeding 0.5 m<sup>2</sup> which includes the name of the home occupation as well as that of the license holder.</p>	<p>No Change</p>
<p>6.3.10 Provides for the off-street parking of all vehicles associated with the residence and business under the requirements of Division 7. The front yard shall not be considered as constituting the required parking spaces to be provided.</p>	<p>No Change</p>
<p>6.3.11 Materials and commodities shall not be delivered to or from the residence in such bulk or quantity as to require regular or frequent delivery by commercial vehicle or trailer.</p>	<p>No Change</p>
<p>6.3.12 Any person intending to carry on a home occupation shall apply for an application for a business license pursuant to the regulations of the City of Courtenay Business License Bylaw.</p>	<p>No Change</p>
<p>6.3.14 Medical Marihuana Production Facility is prohibited as a home occupation.</p>	<p>No Change</p>

Table 2: Home Occupation Regulations Proposed Change Summary

**FINANCIAL IMPLICATIONS:**

Due to the difference between Residential and the Commercial property tax rates, home based businesses pay less property tax than a business located in commercially assessed property. However, home based businesses have size and other restrictions limiting their scale. In comparison, businesses operating in commercial zones have no size restrictions and are generally much larger scale operations.

BC Assessment has a home-based business policy outlining the general parameters of how they assess home based businesses. In general the policy states that properties are placed in “Class 1 – residential” unless they are highly visible or of significant size. For the most part, the restrictions in the zoning regulations would keep most home businesses in Class 1, however this is a decision of the BC Assessment Authority.

The following is taken from the policy found at <https://info.bcassessment.ca/services-and-products/APPs/Home-Based-Business-Live-Work-Policy.pdf>

*A live/work property is a property where a business or commercial function is carried out in conjunction with the residential use. The property is primarily residential in nature, but a portion of the property is devoted to a business or commercial purpose.*

*As a rule, we will only consider a split classification for a residential property with a secondary commercial use where (1) the secondary commercial use is a significant and obvious use of the property, or (2) where a section 219 covenant or zoning requires a portion or percentage of the property to be used for a commercial purpose in conjunction with the residential purpose.*

#### **ADMINISTRATIVE IMPLICATIONS:**

The drafting of the bylaw and associated public hearing preparations require approximately three days of cumulative staff time.

#### **ASSET MANAGEMENT IMPLICATIONS:**

There are no immediate asset management implications related to the proposed bylaw.

#### **2019 - 2022 STRATEGIC PRIORITIES REFERENCE:**

- Communicate appropriately with our community in all decisions we make.

#### **OPTIONS:**

##### **OPTION 1: (Recommended)**

That based on the October 5<sup>th</sup>, 2020 staff report entitled "Update to the Home Occupation Regulations" Council approve Option No. 1 and complete the following steps:

1. That Council give First and Second Reading of Zoning Amendment Bylaw No. 3024 to amend the Home Occupation regulations of Zoning Bylaw No. 2500, 2007; and,
2. That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw.

**OPTION 2:** Defer consideration pending receipt of further information.

**OPTION 3:** Not proceed with the zoning bylaw amendment.

Prepared by:



Matthew Fitzgerald, RPP, MCIP  
Manager of Development Planning

Concurrence by:



Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

Reviewed by:



Ian Buck, RPP, MCIP  
Director of Development Services



**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 3024**

**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. 3024, 2020**”.

2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:

(a) Amending Division 6 – General Regulations, Part 3 – Home Occupation, Section 6.3.1 by deleting the Section and replacing it with the following:

“6.3.1 The following *home occupations* are permitted subject to all conditions of this Bylaw:

- i. office (general)
- ii. personal service
- iii. home crafts (hobby and related crafts)
- iv. music, dancing and related lessons providing that the number of pupils on the premises at any one time are five (5) or less
- v. small appliance repairs where appliances serviced have a maximum volume of 23m<sup>3</sup>
- vi. schools or kindergartens for five (5) children or less
- vii. day care pursuant to the *Community Care and Assisted Living Act*
- viii. photography”;

(b) Amending Division 6 – General Regulations, Part 3 – Home Occupation by deleting Section 6.3.2; and,

(c) Amending Division 6 – General Regulations, Part 3 – Home Occupation by replacing Section 6.3.7 with the following:

“6.3.7 No home occupation shall occupy more than 50m<sup>2</sup> or 50% of the dwelling unit whichever is the lesser.”

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

Read a first time this 5<sup>th</sup> day of October, 2020

Read a second time this 5<sup>th</sup> day of October, 2020

Published in two editions of the Comox Valley Record on the 2<sup>nd</sup> day of December, 2020 and the 9<sup>th</sup> day of December, 2020

Considered at a Public Hearing this                      day of December, 2020

Read a third time this                      day of                      , 2020

Finally passed and adopted this                      day of                      , 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer