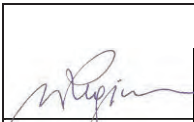


**TOWN OF COMOX
PLANNING REPORT**

TO:	JORDAN WALL, CHIEF ADMINISTRATIVE OFFICER
FROM:	MARVIN KAMENZ, DIRECTOR OF DEVELOPMENT SERVICES REGINA BOZEROCKA, PLANNER I
SUBJECT:	REZONING APPLICATION: RZ 18-6 DEVELOPMENT PERMIT APPLICATION: DP 18-4 DEVELOPMENT VARIANCE PERMIT APPLICATION: DVP 19-7 2310 GUTHRIE ROAD
DATE:	JULY 15, 2020 RCM FIRST AND SECOND READING REPORT File: 3360-20 / RZ 18-06

 Submitted by	 Concurrence	 Approval
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Planner’s recommendation:

1. That Comox Zoning Amendment Bylaw 1897 be given First Reading, (**Attachment 5**)
2. That Comox Zoning Amendment Bylaw 1897 be given Second Reading.
3. That Comox Phased Development Agreement Authorization Bylaw 1898: 2310 Guthrie Road be given First Reading. (**Attachment 6**)
4. That Comox Phased Development Agreement Authorization Bylaw 1898: 2310 Guthrie Road be given Second Reading.
5. That a Public Hearing in respect of Bylaws 1897 and 1898 be scheduled by the Town at a suitable time and location having regard to COVID-19 restrictions, and the Town publish the requisite notices as required by the *Local Government Act*.

Proposal:

The proposed zoning amendment is to rezone the subject property from CD13 to a new Comprehensive Development CD27 zone to permit a mixed-use development comprised of 42 townhouse units and approximately 530 square metres of commercial space.

The proposed Phased Development Agreement is for the provision of the following amenity to the Town: \$60,842.00 cash payment as a contribution to the Town's Affordable Housing Reserve Fund.

The proposed development includes the provision of the following specific features that are not required to be provided under current Town regulations:

1. Provision of a 4.5 metre wide road dedication for a pedestrian walkway connection from Tracker Place to Guthrie Road;
2. Provision of road dedication for an approximately 300 m² public square at the McDonald and Guthrie Roads intersection;
3. Construction of at least five townhouse units in accordance with Comox Zoning Bylaw 1850, Section 5.20 Special Needs Housing Standards – Adaptable Housing;
4. Construction meeting BC Building Code Energy Step 3 requirements;
5. Townhouse units within 35.0 metres of Guthrie Road to have sound attenuation that meets Canada Mortgage and Housing Corporation Standards, in accordance with *Town of Comox, Acoustical Standards for Residential Developments*, a report prepared by Wakefield Acoustics, dated October 30, 2014 and having alternative means to window opening for ventilation;
6. Provision of electrical conduits in the garages of all townhouse units to facilitate future extensions of wiring for electrical vehicle charging facilities; and
7. Provision of a minimum 9 Class I (bike racks) bicycle parking spaces for the commercial units.

Development Permit application DP 18-4 is for the form and character of the proposed development, in compliance with Development Permit Area DPA# 4 Mixed Use: Commercial-Residential guidelines.

In anticipation of the Applicant's intention to develop the subject property in a phased manner, Development Variance Permit application DVP 19-7 is being brought forward at this time. The "inter-phase" setback variations are discussed in a section at the end of this Report and are a normal processing step in the phased development of a multi-family project.

The Application Summary is contained in **Attachment 1**. The applicant's rationale and key development documents and drawings are contained in **Attachment 4**. Full size drawings are available in the Planning Department.

Background:

The subject property is a vacant, approximately 1.0 ha parcel, located on the south-east corner of the Guthrie and McDonald Road intersection, at the western entry to the Town of Comox. In 2012, rezoning and DP applications were approved for a commercial development on the subject property, which did not proceed. The applicant is currently proposing a mixed use, commercial – residential development.

In accordance with Comox Planning Procedures Bylaw 1780, the applicant conducted pre-application neighbourhood consultation for the purpose of identifying development impacts and determining if any negative impacts can be mitigated. The applicant also installed a development information sign on the subject property. The public submissions received by the applicant are contained in **Attachment 8**. No written submissions have been received by the Town to-date.

Comments submitted by the public in the pre-application consultation process include:

- Desire to maintain pedestrian and bicycle connectivity between Tracker Place and Guthrie Road;
- Desire to provide an extension of the “very popular” McDonald Greenway and “self made routes” through the subject property and link them via Aspen and Hector Roads to destinations to the north;
- Concerns about compatibility with surrounding development;
- Concerns about height and density.

Processing Procedures:

Attachment 2 lists the processing steps that will allow Council’s concurrent consideration of the Rezoning, Development Permit and Development Variance Permit applications, based on holding a Public Hearing.

While the *Local Government Act* does permit the waiving of a public hearing for a zoning amendment bylaw, if the bylaw is consistent with the OCP, no such waiver option exists for a phased development agreement bylaw.

Attachment 9 contains a list of the external organizations and authorities to which the application was referred, along with their responses.

OCP Implications:

Land Use

The OCP land use designation of the subject property is Mixed Use: Commercial-Residential. Mixed Use: Commercial-Residential Objectives include diversifying the local economic base to create new employment opportunities. This land use designation, which does not limit the maximum number of stories, is intended to accommodate development consisting of two or more different land use types on the same site.

OCP policies specific to this land use designation include:

- At 2310 Guthrie Road the preferred types of commercial uses are neighbourhood-orientated retail and services (2.1.4.3(g));
- Commercial uses in mixed use developments must respect the scale and privacy of adjacent residential uses (2.1.4.3 (d));

- Use the principles of massing, setbacks and design character for mixed use developments to encourage building forms that minimize the domination of the street frontage, foster diversity and fit within the context of the neighbourhood (2.1.4.3 (e)); and
- Integrate local orientated commercial development into the neighbourhood through the encouragement of pedestrian level architectural details and overall human scale (2.1.4.3 (f)).

The implementation of these policies is through development permit guidelines, zoning regulations and is addressed in the Development Permit Area Guidelines and Zoning Implications sections of this Report.

Road Network

The Town's road network is designed to provide a continuous and efficient road system for mobility and access through a hierarchy of arterial (highest traffic volume), major collector, minor collector and local roads (lowest traffic volume): OCP policy 2.4.1.4(a). Guthrie Road, which abuts the west lot line of the subject property, is one of two primary Arterials connecting the Town and Courtenay (the other one being Comox Avenue). McDonald Road, which abuts the north lot line of the subject property, is a north-south Major Collector providing a connection for local and through traffic to and from Back Road, which in turn provides a secondary connection between the Town and Courtenay.

Affordable Housing

OCP policy 2.1.2.3 (f) states, "the Town may consider an affordable housing amenity for rezoning applications for four or more principal residential buildings."

At the April 17, 2019 Regular Council Meeting, Council resolved to increase the target affordable housing contribution to Comox's Affordable Housing Reserve Fund from 10 to 15%.¹

The proposed development on the subject property and other applications that had substantially completed their development proposal as of April 17, 2019, are excluded from this increase. The proposed \$60,842 affordable housing contribution meets the 10% target.

Adaptable Housing

OCP policy 2.1.1.3 (l) states, "Residential developments are encouraged to have accessible design elements for bathrooms and kitchens as well as even surfaces and passages wide enough for wheelchairs, to accommodate the needs of mobility impaired persons and aging in place."

¹ The Affordable Housing contribution is determined using the Town's Affordable Housing Calculation Tool; based on the pre-rezoning land value, the calculation determines 10% of the "lift" (i.e. the difference in additional number of dwelling units allowable after rezoning), as a cash-in-lieu contribution.

At the time of rezoning, it is the Town practice to seek conformance of at least 10% of new housing units to Comox's Adaptable Housing standards. These standards are designed to accommodate individuals with physical limitations, without the need for structural alterations to the unit, e.g. door and hallway widths accommodate wheelchair maneuvering.

The applicant proposes that 5 of the 42 townhouse units would meet Comox's Adaptable Housing standards.

OCP Sustainability Implications:

Climate Change

Climate change is caused by the increasing concentrations of greenhouse gas (GHG). Two major sources of GHG emissions that are impacted by Local Government decisions are buildings and transportation.

The key OCP policies for the reduction of GHG emissions are:

- Transit-Oriented Development – development within 400 metres of existing public transit routes, where development at higher densities can be supported, subject to compliance with Development Permit guidelines, where applicable. (s. 1.8 and 2.3.11);
- Encouragement of alternate forms of transportation (s.2.4.1.1); and
- Energy efficient construction (s 2.3.13(k)).

Related sustainable development features proposed for this development include:

- Locating new residential density:
 - adjacent to:
 - existing Guthrie and McDonald Road bike lanes;
 - McDonald Greenway;
 - northbound BC Transit stop (Guthrie Road is an existing bus route and part of the frequent transit network linking Comox to North Island College, the new hospital, Downtown Courtenay and the Anfield Centre (Driftwood Mall));
 - and Lancaster Park;
 - within walking distance of:
 - southbound BC Transit stop (connecting to Downtown Comox);
 - grocery store and other services; and
 - Aspen Park Elementary School and Aspen Park.
- Provision of a minimum of 9 Class I bike parking spaces (racks) for the commercial units;
- Provision of electrical conduits in the garages of all townhouse units to facilitate future extension of wiring for EV charging;
- Minimum BC Building Code Energy Step 3 conformance (note, the October 16, 2019 Council resolution to seek Step 3 or 4 as an amenity contribution excluded instream applications, such as the proposed development);
- Provision of a 4.5 metres wide road dedication for public access from Tracker Place to Guthrie Road; and
- Provision of road dedication for an approximately 300 m² public square with landscaping and seating area at the McDonald / Guthrie Roads intersection. The shaded seating area would

provide not only an element of interest at a key entrance into the Town, but also a resting stop (for both an aging population and small children) in relation to pedestrian travel along Guthrie Road and the extensive McDonald Greenway and park system of Comox and Courtenay, as illustrated in **Attachment 3**. The proposed public square landscaping detail is included in **Attachment 4**, Applicant's submissions. The main feature of the square is an accent Red Sunset Maple in a raised planter surrounded by several benches, and 5 smaller trees, with shrubs and perennials as perimeter planting.

Development Permit Area Guidelines

The subject property is located within Development Permit Area (DPA) # 4: Mixed Use: Commercial-Residential. DPA #4 specifies guidelines for the form and character of multi-family and commercial development, the promotion of energy and water conservation; and the promotion of greenhouse gas reduction. DPA #4 form and character guidelines are a regulatory mechanism, by which the following OCP Mixed Use: Commercial-Residential Policies are implemented:

- Use the principles of massing, setbacks and design character for mixed use developments to encourage building forms that minimize the domination of the street frontage, foster diversity and fit within the context of the neighbourhood (2.1.4.3 (e))²; and
- Integrate local orientated commercial development into the neighbourhood through the encouragement of pedestrian level architectural details and overall human scale (2.1.4.3 (f)).

This DPA #4 guideline analysis focus is on the community concerns of building height, density and compatibility with surrounding development, and the OCP Land Use Policies noted above. DPA #4 guidelines utilize the following design principles to address these issues:

- The visual impact of the building's height and vertical mass is reduced by providing sufficient detail and drawing a person's eye to the ground floor of a building; and
- Similarly, vertical design features such as roof projections, projections from the building façade and variations in colour or materials provide focal points to reduce the visual impact of horizontal building mass.

The development proposes to limit building mass by breaking up the development into 9 relatively small buildings (three with 6 townhouse units and six with 4 units), provision of pathways between buildings and a public square at the Guthrie / McDonald intersection. Building mass is further mitigated and ground floor pedestrian interest enhanced by terracing of the second and third storeys relative to the ground floor commercial storefronts along Guthrie Road, tapering the third storey at key corners, provision of street oriented residential patios and pedestrian entrances on the ground floor, variations in exterior materials and colours and provision of robust architectural focal points.

Provincial requirements for increased building energy efficiency affects building design. This restricts the ability to taper building mass on all storeys or provide substantial projections in the

² References to sections of Comox's Official Community Plan DPA# 4 Guidelines are cited in brackets in this part of the Report.

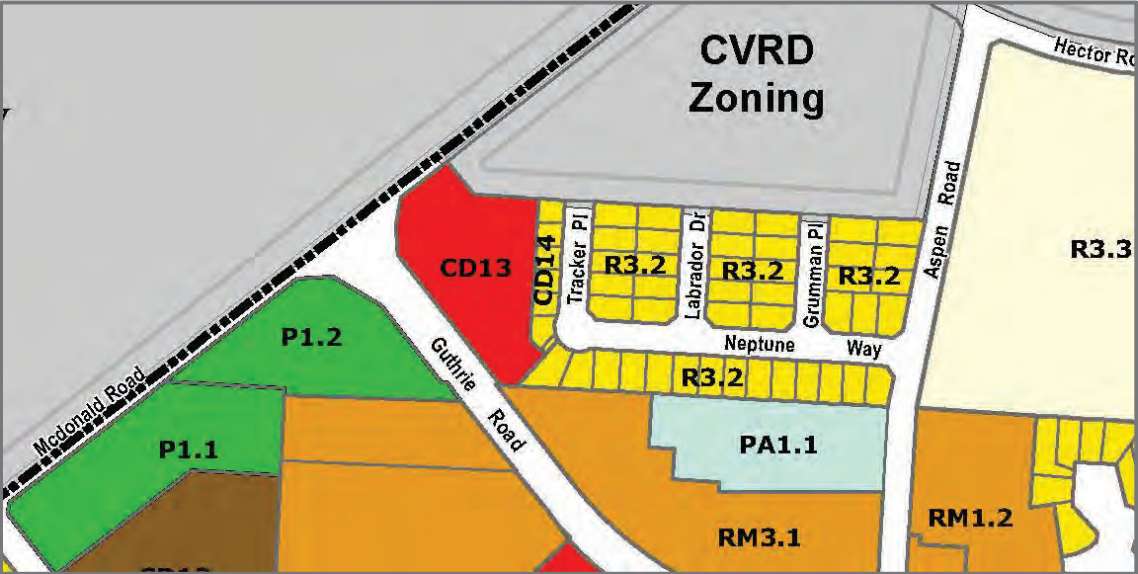
building face, as both of these design features reduce the energy efficiency of a building. With less articulation (e.g. no large tapering or projections), developments will increasingly rely on colour, trim elements and roof features to meet DPA form and character guidelines.

Subject to resolution of the **Outstanding Items** and **Development Permit Conditions** contained in **Schedules 1 and 2**, staff is of the opinion that the proposed development is in compliance, or substantial compliance, with the applicable DPA #4 guidelines.

Zoning Implications:

The subject property is currently zoned Comprehensive Development 13: 2310 Guthrie Road (CD13), which does not permit residential development and allows a broad range of commercial uses. The proposal is to rezone the subject property to a new Comprehensive Development zone (CD27), which would permit townhouse dwellings and commercial uses, limited to neighbourhood-oriented retail and services. A summary comparison of the CD13 and CD27 zones is contained in **Attachment 1**. An excerpt from zoning map, illustrating the current relationship between adjacent zones is included in Figure 1 below.

Figure 1.



The following zoning implication analysis focus is on the applicable OCP Mixed Use: Commercial Residential Policies noted in the OCP section of this Report and community concerns of building height, density and compatibility with the surrounding neighbourhood:

1. The proposed CD 27 zone limits permitted commercial uses to low impact retail, service and office activities and restricts commercial development to the ground floor of buildings abutting Guthrie Avenue. The permitted use of the remainder, and majority, of the subject property is limited to townhouse development, to act as a transitional buffer to the existing single-family

dwelling along the west side of Tracker Place. The properties on the west side of Tracker Place are zoned CD14, a single family zone with a 280 m² minimum parcel size, designed to act as a transitional buffer between the properties zoned R3.2 Single-Family 450 m² Parcel on the east side of Tracker Place and the current commercial CD13 zoning of the subject property.

2. While proposed CD27 zone restricts the location of commercial uses to the Guthrie Road frontage in order to increase compatibility with surrounding development and provide for an active pedestrian orientated streetscape, it means that accessible parking spaces, which are located within the center of the proposed development, are not immediately adjacent to the commercial unit entrances. In contrast, the accessible parking spaces for adaptable townhouse dwellings are all located at their respective unit entrances.
3. The proposed CD27 zone limits building height to 11.5 m and three stories. A 6.0 m minimum setback³ is proposed from the lot line that abuts the single-family properties along west side of Tracker Place (CD14). In comparison, under the CD14 zone these abutting single-family dwellings have a minimum setback of 4.0 m, and maximum height of 9.0 m and 2 storeys.

Subject to resolution of the **Outstanding Items, and DVP Conditions** contained in **Schedules 1 and 2**, the proposed development is in compliance with the proposed CD27 zone regulations.

Development Variance Permit Implications:

The applicant is proposing to develop the project in 9 phases by way of a phased strata plan, as shown in **Attachment 4**, drawing A0.05. Upon completion of Phase 1, the subject property is split into two separate legal parcels: Phase 1 and the remainder. As subsequent phases are completed they are added to the strata, resulting in an increase in the size of the strata and decrease in the size of the remainder. The phased strata plan outlines the anticipated sequence for each phase. At each phase, the developer may opt not to proceed with subsequent phases, in which case the property becomes subdivided into 2 parcels: the strata and remainder. Such a subdivision can result in the Strata being in non-conformance with zoning provisions, complicating land use regulations for both strata unit owners and the Town. Phase specific variances by Development Variance Permit is one way to avoid zoning non-conformance, should not all of the phases be completed.

In regard to the proposed Phasing Plan, the 9 phases constructed in accordance with the proposed sequence will comply with the CD27 zone regulations, with the exception of the setbacks between phases. Proposed DVP 19-7 would vary Section 827.9 of the proposed Zoning Amendment Bylaw 1897, to allow 0.5 metre setbacks between phases (see phasing plan in **Attachment 4**).

³ Permitted projection into the front and interior side setbacks for balconies, decks, eaves, and similar ornamental features is proposed to be 2.0 metres.

**Discharge of Restrictive Covenants and Statutory Right of Ways:
CA2781106, CA2781107, CA4861634, CA4861635:**

The restrictive covenants and SRWs in favour of the Town were registered on the subject property in relation to the previous commercial development proposal. Schedule 1, Outstanding Items, includes discharge of these covenants and SRWs. A summary of terms and copies of these documents are included in **Attachment 7**.

Asset Management Implications:

The asset management implications of the proposed development are positive, given the proposed density and that the site is fully serviced. The proposed public square and walkway maintenance can be done within existing operations budget. However, multiple minor additions to public spaces maintenance over time can increase the operations costs.

Engineering Implications:

Schedule 3 contains a preliminary engineering analysis. As the engineering analysis is preliminary the comments are subject to change.

MK/ RB

Schedules:

- 1 Outstanding Items
- 2 DP and DVP conditions
- 3 Engineering review

Attachments:

- 1 Application Summary
- 2 Processing steps
- 3 Greenways network: Comox and Courtenay
- 4 Applicant's Submissions
- 5 Proposed Zoning Amendment Bylaw 1897
- 6 Proposed Phased Development Agreement Bylaw 1898
- 7 Legal documents proposed to be discharged
- 8 Written public submissions
- 9 Referral responses

Cc: Jim Agius, #1 – 7045 Filed Street, Powell River, B.C. V8A 0A1

SCHEDULE 1

Items to be resolved prior to adoption of proposed bylaws 1897 and 1898.

A. Provide a complete set of Development Permit and Development Variance Permit drawings in accordance with items listed below, with details and statements that are internally consistent, dimensioned, labelled with applicable revision numbers and dates. Remove any superseded information.

Architectural drawings

1. Indicate Grade in metric, on section and elevation drawings, in order to determine height as defined in Zoning Bylaw 1850.
2. Provide key dimensions in metric on all drawings.
3. Ensure all buildings, structures or other development elements conform to applicable CD27 zone setbacks and projection allowances.
4. Provide final location of site lighting poles, coordinated on all drawings and a detail or statement confirming lighting pole's total height including any pedestals does not exceed 4.5 metres.
5. Revise parking plan and site plan:
 - a. do not show "cars", but dimensioned and numbered parking stalls, with "commercial/ visitor" and "small" cars labelled, per application checklist requirements;
 - b. in accordance with Zoning Bylaw 1850, provide curbing or wheel stops at 1.0 m distance for commercial/ visitor parking stalls;
 - c. provide minimum 1.0 m setback from the property line for parking stalls #13 and 14;
 - d. consider the following to increase the total number of available stalls for commercial/ visitor parking:
 - i. reduce the number of accessible parking stalls for the commercial component from 3 to 2 and locate them adjacent to each other with a combined width of approximately 7.0 metres including the shared accessible path in the middle (a minimum of one accessible parking stall is required); and
 - ii. increase the number of "small" stalls .
6. Remove from all drawings the references to SRW VIP81718 and update site plans with proposed alignment of road dedication connecting Tracker Place and Guthrie Road.
7. Ensure final drawings have applicable notes on building plans indicating the tapering of third storey corners on buildings 4 and 5.

Landscaping drawings

8. Ensure any revisions to the Site Plan are coordinated with the Landscaping Plans.
9. Provide an updated landscape budget, including cost estimate, to the satisfaction of the Parks Superintendent;
10. Provide an Irrigation Plan, to the Parks Superintendent's satisfaction;
11. Provide a separate irrigation plan with separate water metering for landscaping material within all existing and proposed road dedications, to the Parks Superintendent's satisfaction;
12. Revise Landscape Drawing L1 "Notes: #9" to say "There will be no substitutions of material, products, size, or quantities without the prior consent of the Landscape Architect or Owner's Representative AND the written consent of the Town of Comox Park's Superintendent."
13. Relocate the proposed street tree at the south east corner of the development away from the road dedication for the pedestrian connection (currently SRW VIP81718) and coordinate with final layout of Building 4 units pathways to Guthrie Road.
14. Ensure 2 proposed trees at the south-east corner of the McDonald Rd / Guthrie Rd intersection will not inhibit intersection sight lines within 6.0 x 6.0 metres corner.
15. Provide wrapping or screening details for all above ground utility boxes and utility transformers, in conformance with Zoning Bylaw Section 8.9.
16. Consider provision of an exterior faucet for each of the townhouse units that have ground level patios, to facilitate optional container gardening.

Engineering drawings

17. Consider realignment of storm and sanitary service manholes, so that they are not located on the main pedestrian path from public square to commercial parking area (potential tripping hazard).
18. Coordinate sanitary pump station location and access with recycling enclosure, electrical room location, trees and bench location on all drawings.
19. Provide Oil Grit Separators to service parking areas and driveways.

Services

20. Prior to Bylaw adoption, the Town will submit an updated referral to Emterra showing updated Site Plan and any applicable details for Emterra's confirmation of ability to service the proposed development.

B. Items provided in Trust to Young Anderson Barristers and Solicitors

Prior to the proposed bylaws adoption, payment of the \$60,842 cash contribution to the Town's Affordable Housing fund in trust to Young Anderson on the undertaking that Young Anderson will not pay such funds to the Town until bylaws have been adopted, and if bylaws are not adopted, funds will be returned to the Applicant.

C. Discharge from the subject property Title of the covenants, SRWs (CA4861634, CA4861635, CA2781106, CA2781107) and termination of previous Phased Development Agreement.

D. Registration of Section 219 restrictive covenants for the provision of the following:

1. Dedication of 4.5 metres wide road, for the purpose of construction of pedestrian walkway connection from Tracker Place to Guthrie Road, within current VIP81718 area and construction of concrete walkway;
2. Dedication of approximately 300 m² road, for the purpose of public square creation at the Guthrie and McDonald Roads intersection and installation of landscaping in accordance with approved DP landscaping plan.
3. Construction of at least five townhouse units in accordance with Zoning Bylaw, Section 5.20 Special Needs Housing Standards – Adaptable Housing;
4. Construction of all new buildings meeting or exceeding BC Building Code, Energy Step 3 requirements.
5. Construction of townhouse units located on subject property within 35.0 metres of Guthrie Road to have sound attenuation that meets Canada Mortgage and Housing Corporation Standards, in accordance with *Town of Comox, Acoustical Standards for Residential Developments*, a report prepared by Wakefield Acoustics, dated October 30, 2014 and to have alternative means to window opening for ventilation;
6. Construction of conduits that will allow future installation of wiring for electric vehicle charging facilities within garages of all townhouse units; and
7. Provision of a minimum 9 Class I bicycle parking spaces for the commercial units, in accordance with Zoning Bylaw standards.

SCHEDULE 2**DEVELOPMENT PERMIT CONDITIONS**

1. At time of Building Permit Issuance provision of a landscape security, based on 125% of the on-site and off-site landscaping and irrigation cost estimates;
2. All development shall be in accordance with approved updated development drawings;
3. All landscaping shall to be serviced with automatic watering system;
4. Landscaping and fence combination shall be provided for the purpose of screening the subject property from abutting Residential or Multi-Family Residential zoned parcels, except where existing hedge and chainlink fence is already provided at south-east and south-west lot lines of Lot 1 District Lot 170 Comox District Plan EPP24381;
5. Minimum of 6 boulevard trees along Guthrie Road and minimum of 3 boulevard trees along McDonald Road frontages shall be provided within 1.2 x 1.2 metre tree wells, with a minimum 10 m³ for small and 15 m³ for large trees appropriate soil mix inside Silva cell system or approved equal, and equipped with irrigation to the satisfaction of the Parks Superintendent;
6. Except for cedar, all wooden landscape components shall be treated with paint, stain, or other preservative;
7. Fencing must be robust and minimum commercial grade. Wood fencing must have minimum 15 x 15 cm in posts and 5 x 10 cm in horizontal supports at the top and bottom of fence panels;
8. Garbage compounds shall be screened in accordance with Comox Zoning Bylaw 1850 Section 8.7;
9. Issuance of any sign permits shall be in conformance with Town of Comox Sign Bylaw No. 1197;
10. Per Zoning Bylaw, Parking and Loading, Section 6.12(10) Signage: one-way vehicle movement for internal driveway shall be clearly indicated at the entrance to the subject property, or be clearly marked with traffic flow directional arrows on the driveway surface;
11. All new services shall be placed underground;
12. All exterior building and exterior site lighting fixtures (including those in parking areas but

excluding townhouse unit entrance, balcony and patio lighting) shall:

- a. produce illumination levels in accordance with common engineering practices and standards;
- b. be of a metal halide type or a type which provides a similar light spectrum;
- c. minimize illumination of adjacent properties;
- d. consist of full cut off/flat lens pole lighting or fully shielded wall lighting;
- e. be arranged so rays of light are directed upon the parking, walking, loading, or corridor areas and not upon adjacent land or streets; and
- f. excluding light fixtures that are incorporated into canopies, lighting of off-street parking and loading areas shall:
 - i. be so arranged that no part of any fixture is more than 4.5 m above finished ground level, and
 - ii. not overhang maneuvering aisles or loading spaces.

DEVELOPMENT VARIANCE PERMIT CONDITIONS

1. This Development Variance Permit is to facilitate construction of a mixed-use development comprised of 42 multi-family dwelling units and approximately 530 m² commercial space, in substantial conformance to the Phasing Plan, A0.05 prepared by ATA Architectural Design Ltd., as contained in an image below.
2. *Town of Comox Zoning Bylaw 1850* is varied as follows:
 - i. Section 827.9(3) Required Interior Side Setbacks is varied to not less than 0.5 m from the phase boundary lines for Phases 1 through 9.



SCHEDULE 3

ENGINEERING REVIEW

TO: Marvin Kamenz, Municipal Planner	FILE: RZ 18-6, DP 18-4
FROM: Shelley Ashfield, Municipal Engineer	DATE: Sept. 4, 2018
SUBJECT: 2310 Guthrie Road – Strata Development	

In preliminary review of the 2310 Guthrie Road rezoning and development permit applications, Public Works Department offers the following:

General:

- The applicant will require the services of a Professional Engineer registered within the Province of British Columbia to submit designs for review and approval by the Town of Comox and supervise all aspects of construction. The Engineer must provide cost estimates and submit certified as-built drawings upon project completion. The Professional Engineer will also be responsible to review the elevations of the existing gravity mains within the SRW Plan VIP81718 off Tacker Place and designate the minimum floor elevations for Buildings 1 to 9.
- A performance bond for work within the Municipal right-of-way must be posted prior to commencing work within an existing road dedication or statutory right-of-way. The amount of this bond shall be the equivalent of 125% of the cost as determined by the engineer’s estimate. Works within the municipal right-of-way, or those to be transferred to the Town of Comox, shall be covered by a one-year maintenance period that shall include a maintenance bond equivalent to 10% of the total construction cost.

Water System:

- Fire flow capacity to this site is thought to be marginal. Public Works are in agreement with the applicant's servicing report, the applicant should submit to Koers and Associates the commercial-residential site design for modeling of the available fire flows. Any offsite works required to meet fire flows shall remain the responsibility of the applicant.
- The commercial-residential site is a multi-building site, and as such, metering must be installed at the property line. Meter types used can be Ultra-sonic or Sensus “AccuMag” magnetic. The meter must be compatible with the Sensus AutoRead software, Sensus M3600 Vehicle Transceiver and the Sensus AR5502 Handheld reader. Meter vaults must be accessible from the public road network and be contained within the road right-of-way or statutory right-of-way dedicated to this purpose.
- Water meters are to be concrete boxes with steel lids for all areas.
- Offsite landscaping irrigation to be serviced separately of municipal water system, including a separate water meter and approved backflow assembly.
- Applicant’s engineer shall submit bacteriological testing demonstrating no contamination prior to connecting the onsite system to the municipal.

Sanitary Sewage System:

- Public Works are in agreement with the applicant's servicing report, the applicant should have McElhanney Consulting Services run the sanitary model to confirm there is adequate capacity in the sanitary sewer. Please bear in mind that the minimal grades for any onsite mains will be dictated by the BC Plumbing code, not the Town of Comox Subdivision and Development Standards.
- The Applicant's Engineer must establish minimum habitable floor elevations to ensure limitations posed by the depth of the sanitary connections are known.
- The proposed sanitary lift station will not form part of the municipal infrastructure and as such, the operation, maintenance and repair of this facility will remain the sole responsibility of the private property owner.
- Use of the sanitary system for dewatering or disposal of contaminated water is prohibited. The applicant must ensure all clean-outs, service laterals and manholes remain sealed for the duration of the construction process.

Storm Drainage System:

- The area encompassed by SRW 81718 forms the overland flood route for the bulk of the Tracker/Grumman/Neptune subdivision. Any proposed works within this SRW must conform to the design grades and cross-sectional elements so as not to impede this flood route. The flood route is to be maintained at all times with above ground swale and clear of large trees and shrubs or any structure, which prevents reasonable access for the Town forces.
- The current area of SRW plan VIP81718 will be dedicated as road, for public pedestrian path connecting Neptune Way and Guthrie Road, as well as existing underground services and overland flood route.
- The Applicant's Engineer must establish minimum habitable floor elevations to ensure limitations posed by the depth of the storm connections are known.

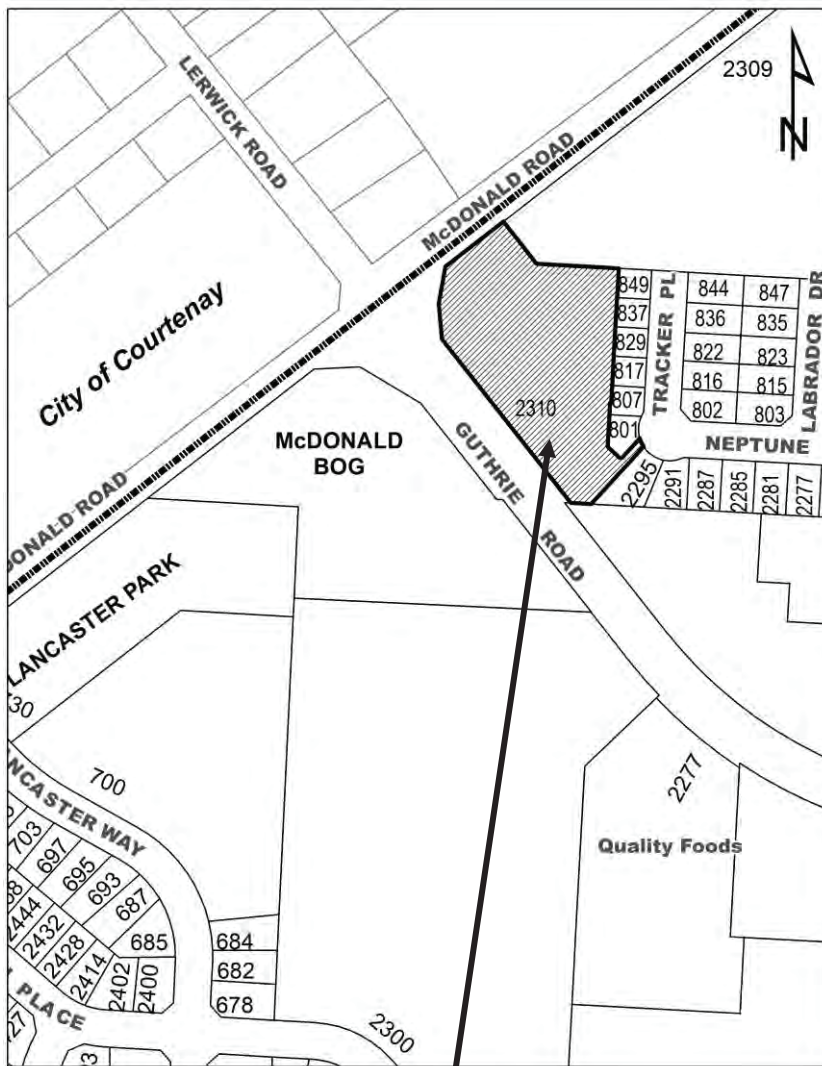
Roads and Sidewalks:

- Access to the development must be designed by a Professional Engineer with due care to sight lines and traffic movements. Supervision of construction, estimates for bonding and record drawings must similarly be completed by a Professional Engineer.
- Full movement access on McDonald Road is acceptable, but shall not be situated closer to the McDonald/Guthrie intersection than is currently indicated.
- The pedestrian pathway (secured by SRW and covenant CA4861634 plan EPP24382) is to be discharged and provided within road dedication, current area of SRW VIP81718.

BC Hydro, Telus, Fortis Gas, and Shaw Cable:

- Advise utilities for their servicing comments; and
- As-built drawings must include the location of non-municipal utilities.

ATTACHMENT 1
APPLICATION SUMMARY



Subject Property:
2310 Guthrie Road
 PID: 029-724-121
 LOT 7 DISTRICT LOT 170 COMOX DISTRICT
 PLAN EPP24381

Proposal: The proposal zoning amendment is to rezone the subject property from CD13 to a new CD 27 zone, to permit a mixed-use development comprised of 42 townhouse units and approximately 530 square metres of commercial space.

Development Permit application DP 18-4 is primarily for the form and character of the proposed development, in compliance with Development Permit Area DPA# 4 Mixed Use: Commercial-Residential guidelines.

To facilitate development of the subject property in a phased manner, Development Variance Permit application DVP 19-7 is proposing “inter-phase” setback variations.

Applicant: Jim Agius, 2310 Guthrie Development Corp. Inc. No. BC0920625

Legal Description: 029-724-121
LOT 7 DISTRICT LOT 170 COMOX DISTRICT PLAN EPP24381

Civic Address: 2310 Guthrie Road

Official Community Plan

Land Use Designation: Mixed Use: Commercial-Residential

Development Permit Areas: DPA # 4 Mixed Use: Commercial-Residential

Zoning:	EXISTING	PROPOSED
Permitted uses:	Comprehensive Development CD13 Range of commercial uses, including retail stores, liquor stores and recreational cannabis retail stores	Comprehensive Development CD27 Townhouse dwellings and range of commercial uses, including neighbourhood- oriented retail stores and services, but excluding liquor stores and recreational cannabis retail stores
Density:	n/a	50 UPHa
Parcel frontage:	55 m; a lot line common with Tracker Place shall not be used to determine parcel frontage;	40 m;
Parcel area:	550 m ²	5,000 m ²

Parcel coverage:	n/a	n/a
Height and stories:	Maximum 10.00 m and 1 storey	Maximum 11.50 m and 3 storeys
Required setbacks:		
Front:	n/a	2.5 m (McDonald Rd side)
Rear:	4.5 m	3.0 m
Side (interior):	<ul style="list-style-type: none"> • interior side setback shall not be less than 1.2 metre where abutting the CD 14 Comprehensive Development 14: Single Family-Tracker Place zone; in all other instances, the interior side setback shall not be less than 3.5 metres. 	<ul style="list-style-type: none"> • interior side setback shall not be less than 6.0 metres where abutting the CD 14 Comprehensive Development 14: Single Family-Tracker Place zone; • in all other instances, the interior side setback shall not be less than 3.0 metres.
Side (exterior):	n/a	n/a (Guthrie Rd side)
<hr/>		
Accessory Buildings and outside storage:	<ul style="list-style-type: none"> • not exceed 4 metres in height; and • not exceed 70 square metres in gross floor area 	<ul style="list-style-type: none"> • not exceed 4.0 metre in height; and • not exceed 40 square metres in gross floor area
Off-street parking	in accordance with sec. 6 Parking and Loading	84 surface and garage parking stalls for townhouse units; 14 stalls for commercial patrons and visitors
Surrounding Land Uses:	Multi-Family residential development to the south-east; Park to the south-west; Single-family development to the east and west; and Vacant land to the north.	
<hr/>		
DVP for phased construction		All setbacks between phases shall be not less than 0.5 metres
<hr/>		

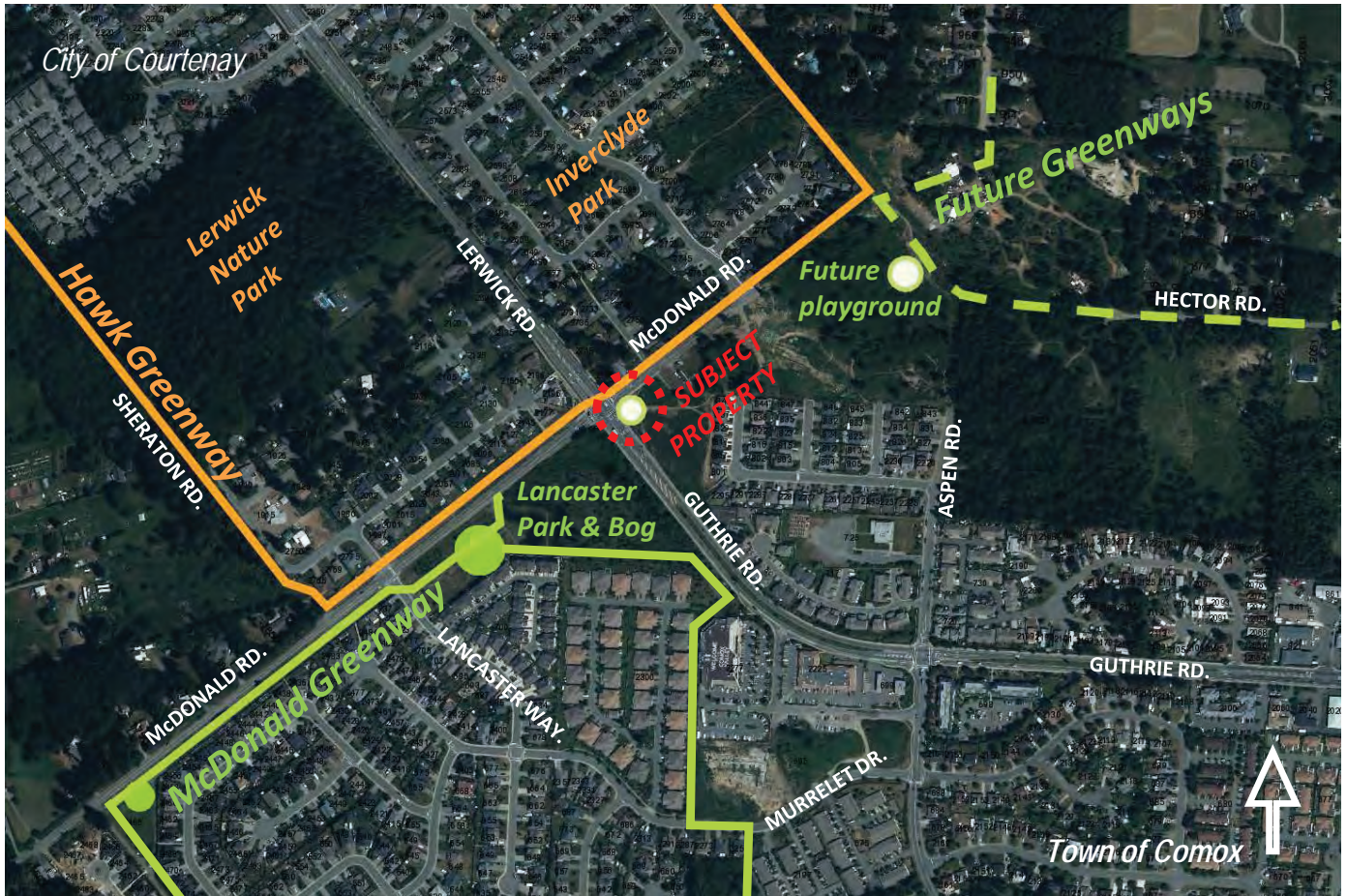
ATTACHMENT 2
PROCESSING PROCEDURES

The following process would allow Comox Zoning Bylaw Amendment Bylaw 1897, Comox Phased Development Agreement Authorization Bylaw 1898: 2310 Guthrie Road; Development Permit DP 18-4, and Development Variance Permit DVP 19-7 to be considered concurrently.

1. First and Second Reading of proposed Bylaws 1897 and 1898;
2. Public notification of a Public Hearing for proposed Bylaws 1897 and 1898;
3. Public notification of proposed Development Variance Permit DVP 19-7;¹
4. Public Hearing for proposed Bylaws 1897 and 1898;
5. Third Reading of proposed Bylaws 1897 and 1898;
6. Completion of Schedule 1 Outstanding items to be resolved prior to Adoption of proposed Bylaws;
7. Adoption of proposed Bylaws 1897 and 1898;
8. Issuance of the Development Permit DP 18-4 and Development Variance Permit DVP 19-7;
9. Town signature of new Phased Development Agreement (PDA); and
10. Discharge of notice on title of previous PDA and registration of notice on title of new PDA.

¹ The proposed Development Variance Permit would be advertised concurrently with the notification of a Public Hearing.

ATTACHMENT 3
 GREENWAYS, PARKS



LEGEND



Subject property: proposed public square

Greenways and trails



Comox: existing and future

Courtenay: existing



Existing and future points of interest

A1

A2

A3

A4

A5

RZ 18-6, DP 18-4, DVP 19-7
2310 GUTHRIE ROAD
JULY 15, 2020

ATTACHMENT 4

APPLICANT'S SUBMISSION

Town of Comox
1809 Beaufort Avenue
Comox, BC
V9M 1R9

June 10, 2018

Attention: Marvin Kamenz

Re: Design Rationale – 2310 Guthrie Road, Comox BC

This Design Rationale is prepared for the proposed rezoning of 2310 Guthrie Road, Comox, BC. The current zoning is CD13, primarily commercial use. The proposed rezoning consists of 42 multi-family residential townhomes with a total of 9 buildings, consisting of 3-6 unit and 6-4 unit buildings on the site, appropriately-scaled and adjacent to single and two story single family homes on the east side supporting integrated neighborhoods.

Along the Guthrie Road corridor, 3 of these buildings, 1-6 unit and 2-4 unit, will front 14 commercial retail units (CRU). The size of the CRU are approximately 40 sq. meters each, will have access from Guthrie Rd and from an internal parking lot. The intent of the use of each of the 14 CRU's will be a modified BCBC Group D, Business and Personal Services use. An example is attached in Schedule A.

The Residential and Commercial development will have strict design guidelines to compliment the neighbourhood character by maintaining architectural elements such as, fiber-cement siding, wood detailing, glass railings etc. In order to maintain the appearance and continuity of the single-family homes in the neighbourhood, each home will include single car garages with adequate front yards. The proposed building forms will be compact yet spacial and include characteristics of a modern and contemporary façade.

The 14 Commercial Component echoes the same neighbourhood character with the objective of truly establishing a sense of place. The three buildings which contain the 14 CRU's are designed and oriented to address the street – a

strategy aimed at promoting human interaction across private areas and the public realm – in a manner that provides clear visual cues and respects the neighbourhood context.

A modern contemporary theme is applied to the architectural, with generous wood paneling and flat roof lines to bring the 3-story height of the buildings down to a scale that is not overbearing, while preserving components critical to commercial viability such as signage visibility, clear access points, pedestrian cover and adequate exposure.

Apart from the architecture, the proposed mixed-use development plan is designed to promote alternative transportation options within a walkable community. Bike racks, seating areas and multiple pedestrian access points are located at key areas in and around the site. The development is also planned with an environmental aesthetic in mind as landscape design is employed throughout the site, particularly along the edges where buildings and open areas meet with adjacent public and private spaces.

The 2310 Guthrie site has adequate public service infrastructure, as well as a landscape design that will screen all utility kiosks etc and provide upscale landscape screens, fencing and plantings.

The development proposal includes providing a level of Built Green Canada Silver to all buildings/units as well as electric car charging station ready junctions in each of the 42 residential units.

The Town of Comox adaptable housing standards are met with proposing 5 units that meet the standard.

The Town of Comox affordable housing contribution will be met using the online calculator tool.

A community open house was held on July 7, 2017 and approximately 24 persons attended. The proposed development was well received and all letters that were received by the proponent have been submitted to the Town.

In order to make this development a safe and enjoyable experience for the community, the site is designed with enhanced visual linkages to and from the development and well-lit pathways will be equipped with fully-shielded exterior luminaries such that lighting impact on neighbouring sites will be eliminated.

Yours truly,

Jim Agius

2310 Guthrie Development Corp..

Schedule A

307. C5.1 Residential-Oriented Mixed Use (#1513 jun 7/06)

307.1 Permitted Uses:

In the C5.1 zone, the following uses are permitted, and all other uses are prohibited:

- (2) Artist studios
- (4) Dental clinics
- (5) Denturist labs
- (6) Dwelling units
- (7) Financial institutions
- (8) Home occupations
- (9) Libraries –
- (10) Locksmiths
- (11) Medical clinics including the retail sale of merchandise that is incidental, subordinate and exclusively devoted to the medical clinic
- (12) Museums –
- (13) Offices
- (14) Personal service establishments – do not include pet grooming
- (15) Professional Engineering, Surveyors, Designers, Consultants.
- (16) Massage and Physio Therapists
- (17) Retail stores ---
- (19) tailors, seamstress or hat maker (would add a definition for these activities that includes retail sales of items produced onsite by the tailor, seamstress or hatmaker)
- (20) Art gallery (would add a definition that allows retail sales of art not made on site)

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NO.	DATE	DESCRIPTION



BUILDING 1-4



BUILDING 1 & 5



BUILDING 5 LEFT



BUILDING 4

SEAL:

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PROJECT:
GUTHRIE TOWNHOUSES
2310 GUTHRIE RD. COMOX BC

SHEET TITLE:
PRESENTATION

CHECKED BY: ATA
DRAWN BY: Author
START DATE: Jan. 30, 2017
SCALE: NTS
PROJECT NO.: 17-01
DRAWING NO.: A0.00

PROJECT INFORMATION

ADDRESS: 2310 GUTHRIE RD, COMOX B.C.
LEGAL DESCRIPTION: LOT 7 DISTRICT LOT 170 COMOX DISTRICT PLAN EPP24381
 PID 029-724-121
TOTAL LOT AREA: 105,271.04 SF (0.978 ha)
CURRENT ZONING: COMPREHENSIVE DEVELOPMENT 13
PROPOSED ZONING: COMPREHENSIVE DEVELOPMENT
ZONING REQUIREMENT:

	<u>PERMITTED</u>	<u>PROPOSED</u>
DENSITY:	N/A	N/A
PARCEL AREA:	MIN 550 SM (5,920 SF)	11,636.8 SM
PARCEL FRONTAGE:	MIN 55.0 M (180.5 SF)	
PARCEL DEPTH:	N/A	
PARCEL COVERAGE:	N/A	
HEIGHT AND STORIES:	MAX HEIGHT 10.0 M	
SETBACKS:		
FRONT:	N/A	
REAR:	MIN 4.5 M	
SIDE-INTERIOR:	MIN 1.2 METRE ABUTTING COMPREHENSIVE DEVELOPMENT 14: SINGLE FAMILY-TRACKER PLACE ZONE IN ALL OTHER INSTANCES, THE INTERIOR SIDE SETBACK SHALL NOT BE LESS THAN 3.5 METRES	
SIDE-EXTERIOR:	N/A	

TOTAL NUMBER OF RESIDENTIAL UNITS: 42
 TOTAL NUMBER OF OFFICE UNITS: 14

PARKING:	REQUIRED	TOTAL REQUIRED	TOTAL PROVIDED
DWELLING UNIT,	1 PER UNIT+ = 14	=18	=84 (25% SMALL CAR = 21)
ABOVE COMMERCIAL USE	0.25 PER UNIT FOR VISITOR = 3.5		
DWELLING, TOWNHOUSE	1.5 PER UNIT+ = 42	=49	
	0.25 PER UNIT FOR VISITOR: = 7		
OFFICE	1 PER 40 M2: = 14	=81	=98 (25% SMALL CAR = 4)
TOTAL:			

BICYCLE FOR COMMERCIAL USE:
 REQUIRED 1 PER 125SM

BUILDING 1 = 228.05 SM
 BUILDING 2 = 154.26 SM
 BUILDING 3 = 151.51 SM
 TOTAL = 533.82 SM / 125 SM = 4.27 OR 5 BIKE RACK REQUIRED
 PROVIDED = 6 CLASS 1 BICYCLE RACK

PROJECT CONSULTANTS

ARCHITECTURAL	LANDSCAPE	MECHANICAL	ELECTRICAL	STRUCTURAL	CIVIL	GEOTECHNICAL
ATA ARCHITECTURAL DESIGN LTD 200-1887 WEST BROADWAY VANCOUVER, BC V6J 1Y2 ANDREW TERRETT 604 738 3750 ANDREW@ATARCHITECT.CA	MAREL SWANN MAREL SWANNA LANDSCAPE DESIGN 204-2002 LAMBERT DRIVE COURTENAY B.C. V9N 1Z8 250-871-7110 MARELSWANN@SHAW.CA	RANDY WATSON MCELHANNAY ASSOCIATES LAND SURVEYING LTD. 7 250 338 5495 C. 604 202 5293 RWATSON@MCELHANNAY.COM	MUIR ENGINEERING 1522 HIGHRIDGE DRIVE COMOX, BC V9M 3L6 250-890-0870 BRIAN@MUIRENG.CA			



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NO.	DATE	DESCRIPTION

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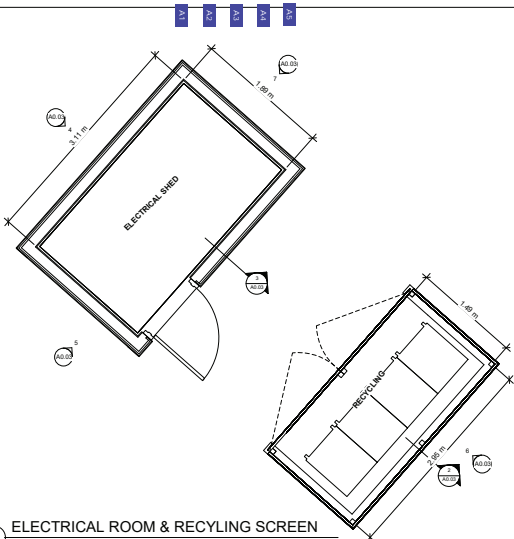
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PROJECT:
GUTHRIE TOWNHOUSES
 2310 GUTHRIE RD, COMOX, BC

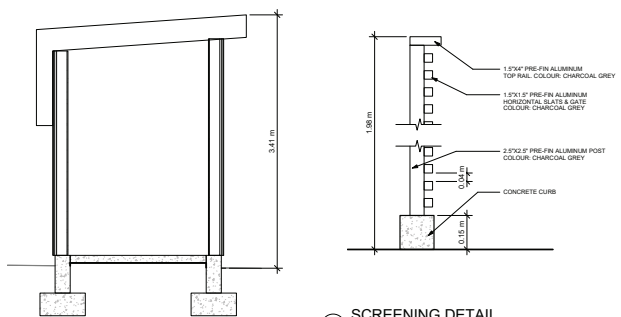
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1 ELECTRICAL ROOM & RECYCLING SCREEN
1:25

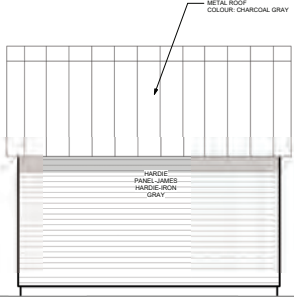


2 SCREENING DETAIL
1:8

3 ELECTRICAL ROOM SECTION
1:24



7 SOUTH ELEV-ELECTRICAL RM & RECYCLING
1:24



4 EAST ELEV-ELECTRICAL RM & RECYCLING
1:24



5 NORTH ELEV-ELECTRICAL RM & RECYCLING
1:24



6 WEST ELEV-ELECTRICAL RM & RECYCLING
1:24

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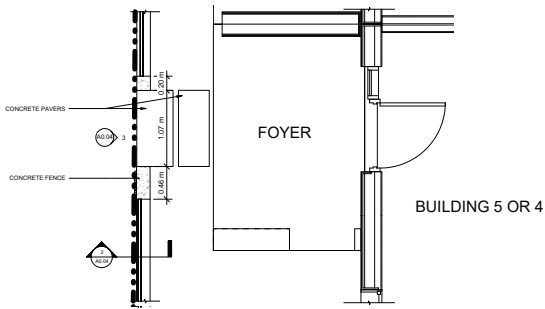
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PROJECT:
GUTHRIE TOWNHOUSES
2310 GUTHRIE RD. COMOX BC

SHEET TITLE:
DETAILS - ELECTRICAL RM. RECYCLING CENTER

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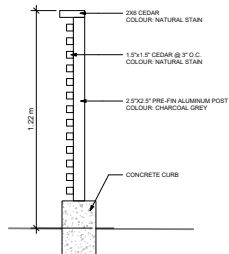
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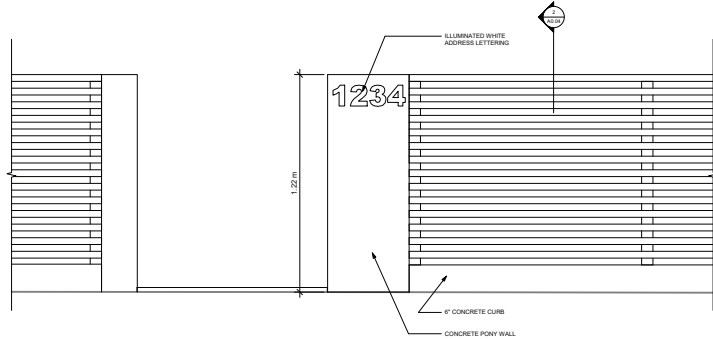
1 FRONT STREET FENCE
1: 25



4 BUILDING 5



2 STREET FENCE DETAIL
1: 10



3 STREET FENCE ELEVATION
1: 10

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PROJECT:
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2310 GUTHRIE RD. COMOX BC

SHEET TITLE:
DETAILS - STREET FENCE

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A1 A2 A3 A4 A5

PHASES	BUILDING FOOTPRINT (m ²)	LOT AREA (m ²)	PARCEL COVERAGE AFTER EACH PHASE
1	497	3,367	15 %
2	335	647	21 %
3	335	632	25 %
4	248	653	27 %
5	371	801	29 %
6	371	966	31 %
7	248	690	31 %
8	248	704	31 %
9	248	776	32 %
TOTAL		9,236	32 %

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SHEET TITLE:

PHASING PLAN

CHECKED BY: ATA
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PAGE 160



