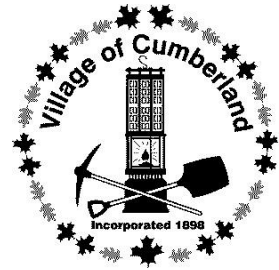


**The Corporation of the Village of Cumberland
Advisory Planning Commission Agenda**

**September 12, 2024 at 4 p.m.
Council Chamber, 2675 Dunsmuir Avenue**



We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.

1. Approval of the Agenda

2. Minutes

None

3. Unfinished Business

None

4. New Business

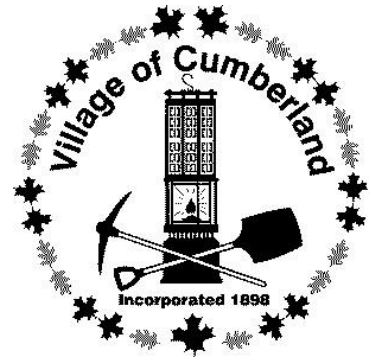
4.1 Rezoning application of Lot A, Ulverston Avenue – Draft zone (Attachment)

5. Next Meeting

The next regular scheduled meeting of the Advisory Planning Commission is on Thursday, October 10, 2024, at 4 p.m.

6. Adjournment

ADVISORY PLANNING COMMISSION REPORT



REPORT DATE: 9/6/2024
MEETING DATE: 9/12/2024

File No. 3360/2023-02-RZ

TO: Mayor and Councillors
FROM: Karin Albert, Senior Planner
SUBJECT: Zoning Amendment Bylaw 1215 – Lot A, Ulverston Avenue

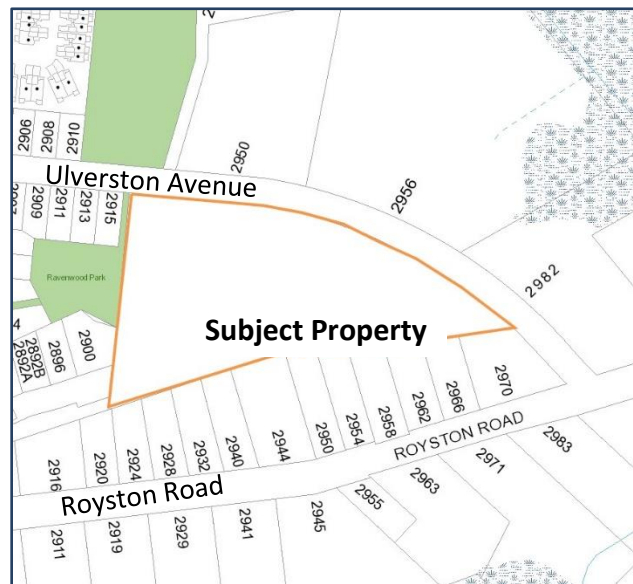
RECOMMENDATION

- i. THAT the Advisory Planning Commission comment on the proposed Bylaw 1215, cited as “Zoning Amendment Bylaw No. 1215, 2024”.

PURPOSE

The purpose of this report is to:

- present the Draft Zoning Amendment Bylaw No. 1215, 2024 (Bylaw 1215) for comment; and
- present further information on the development permit process for evaluation and approval of the form and character of buildings and site design of the proposed development.



The APC provided feedback on an earlier version of the proposal and elements of the new zone at their meeting on August 8, 2024.

BACKGROUND

Proposed Development

The application to amend the Zoning Bylaw is to permit mixed use, multi-family residential development of a 2.67 ha vacant property, located close to the intersection of Ulverston Avenue with Royston Road. The proposal is consistent with the Official Community Plan Bylaw No. 990,

2014 (OCP) land use designation and policies that encourage multi-family housing, rental housing, and new growth locating close to the historic Village commercial core.

The proposal is for a mix of ground level commercial, townhouses, and 4-storey apartment buildings. At least 50% of the apartment units would be rental units and 10% of those must be rented at below market rates. A new park would be dedicated to the Village along the south side of the property to protect a creek corridor, wetland, and mature trees. Within the park, the developer would construct a trail along the historic Wellington Colliery railway grade with connections to the Ravenwood Park trails and Carlisle Lane.

The applicant provided a concept plan with four townhouses, two 4-storey apartment buildings with a total of 180 units including several ground level commercial units, and surface parking (Attachment 1 – Development Concept Plan). This site design is conceptual and not detailed, for the purpose of demonstrating how the lot could be developed within the regulations of the new MU-2 Mixed Use Two zone proposed in Bylaw 1215. More detailed design will be required for the development permit application, and the configuration of buildings, units, and outdoor space may change, within the confines of the developable area outside of the park and setbacks. The development permit is subject to Council approval and must comply with the guidelines in Development Permit Area 8 – Mixed Land Use that address landscaping, outdoor amenities, form and character of the buildings, and other topics.

Pursuant to section 9.6 of the OCP, the applicant was required to provide development approval information including a riparian area assessment to establish setbacks from wetlands and creeks on the property, an environmental impact assessment, a survey and arborist report to identify the location and health of the mature trees on the property, a geotechnical assessment, a preliminary servicing review, traffic impact and parking assessments.

Regional Growth Strategy

The proposed rezoning is supported by the following Regional Growth Strategy objectives and policies:

- *Objective 1-A: Locate Housing Close to Existing Services and Supporting Policies 1A-1 and 1A-2* state that housing should be located close to existing services with 90 percent of new residential development directed to core settlement areas and that the focus of higher density developments shall be within existing municipal areas.
- *Objective 1-B: Increase Affordable Housing Options and Supporting Policy 1B-2* seek to encourage residential multi-unit or multi-lot developments to contribute to affordable housing options.
- *Objective 2-D: Ensure Access to Parks, Recreation Areas and Supporting Policy 2D-1* state to require new developments to link to, improve or expand the existing greenway network.

Official Community Plan

a. Land Use Designation

The future land use designation in OCP for the property is Mixed Use (MU). The intent of this land use designation is to include commercial and residential uses. A mixed-use community may include live/work, live above (commercial units with residential units above), as well as free-standing residential units.

b. OCP Policies

The proposed development is supported by the following OCP policies.

General Land Use Policy 5.1.5 (1) envisions that the majority of new development will be located in close proximity to or within the Village Centre. Policy 5.1.5 (6) asks that zoning and amendments demonstrate how they will benefit the community.

Housing Policies 5.2.3 (1), (4) and (9) seek to give priority to development proposals for small and compact forms of housing such as small-lot single detached homes, town homes, coach houses, and apartments; to support the creation of new, and the retention of existing, rental housing and provide opportunities for attainable housing through new multi-family units.

Growth Management Policy 5.3.6 (12) foresees that the majority of new growth, particularly higher density residential uses, will be located in close proximity to the Historic Village Commercial Core (HVCC) to promote walkable, pedestrian friendly neighbourhoods.

The OCP includes a number of policies that speak to encouraging active transportation. **General Transportation Policies 5.6.2 (4) and (5)** state that transportation and land uses be integrated with alternative development road standards, bicycle lanes, pedestrian movement and mixed use, so residents can live, work, and shop close to home and that emphasis be placed on alternative modes of transportation (walking, cycling, transit). Further, **5.6.4 Pedestrian and bicycle-Oriented Policies 5.6.4 (1), (2) and (5)** seek to promote Cumberland as a pedestrian and bicycle friendly community and ensure that new residential developments and subdivisions have active transportation links to the nearest arterial or major collector roads at developer cost.

c. Development Permit Area

The property is located within Development Permit Area 8 - Mixed Land Use (DPA 8) ([Part D, section 10 of the OCP](#)). The goal of DPA 8 is to promote a high standard of design in residential - commercial mixed-use projects and guide the integration of new developments into an area.

If the Zoning Bylaw amendments are adopted, prior to building permit, the applicant ,must submit a development permit application for review and approval of the form and character of the development by Council. The DPA 8 guidelines will direct the form and character of the development to ensure it complements the neighbourhood and is attractive and functional for its residents and neighbours.

For example, the guidelines require that site layout:

- locate buildings and parking areas so that they are set back and create a distinct landscape zone between buildings, parking, and adjacent roadways
- incorporate plazas, courtyards or similar pedestrian amenities

Landscaping is required to:

- provide shade and climate control
- break up the mass of buildings
- soften architectural materials
- provide screening of service structures
- enhance the streetscape/parkway environment
- define building and parking area entrances
- provide buffers between incompatible land uses or site areas

- use drought tolerant plant species native to the region

Building form and character is regulated, requiring:

- commercial use to be on ground level
- siting of buildings to ensure the visual privacy of adjacent residential properties, as well as protection from site illumination and noise
- the use of smooth surfaced, wood, concrete board, acrylic stucco, brick, baked enamel-finished metal siding, or metal panels over unfinished concrete, metal, or vinyl siding
- rooftop mechanical equipment to be concealed behind screens or parapets
- buildings to include architectural design treatments to reduce massing and to promote architectural definition and interest
- building massing to consider the preservation or enhancement of view corridors
- building massing to respond to a human scale with materials and details that are proportionate to human height and provide visual interest at street and sidewalk level
- building design to be visually compatible with development on adjacent sites
- building forms to be articulated and massed with significant wall articulation (e.g., insets, canopies, wing-walls, trellises)

The DPA 8 guidelines also require energy conservation and greenhouse gas emission reduction measures to be included.

d. Community Benefits

OCP policy states that applications to amend a zoning bylaw are evaluated by Council and staff on the basis of the benefits the proposed development provides to the community as a whole, the extent to which the proposal provides a use that responds to a community need, how the development integrates with the immediate surrounding, and the types of amenities it provides for the benefit of Cumberland residents. ([OCP section 5.1.5 6a](#)). In relation to the amenities, the policy provides a list of possible amenities:

- affordable housing (with a signed housing agreement with the Village),
- park dedication (above the five percent requirement at subdivisions),
- fire and emergency services department contributions,
- provision of off-site infrastructure, or upgrades, and
- inclusion of universal designed and adaptable housing.

This list is not to be read as being exclusive or prescriptive.

Zoning Bylaw

Zoning Bylaw No. 1027, 2016 (Zoning Bylaw) zones the property RU-1 Rural Zone, permitting garden nursery retail and one single family dwelling. Permitted accessory uses are secondary suite, home occupation, market garden, urban agriculture and accessory buildings and structures. The minimum lot size is 2.0 ha.

a. Permitted Uses

The rezoning is necessary to allow for the proposed uses and density. Since the Zoning Bylaw does not have a zone that fits the proposed combination of uses, Bylaw 1215 creates a new MU-2 Mixed Use Two zone (Attachment 2 – Bylaw 1215). Table 1 identifies the proposed permitted uses in the MU-2 zone.

Table 1: Proposed permitted uses in the MU-2 zone

Apartment (incl. a percent of rental tenure)	Personal Service
Townhouse	Professional Service
Mixed-Use	Recreational Facility
Daycare	Restaurant, Minor
Office	Retail, Convenience

b. Density

The proposed density for the property is expressed in Floor Area Ratios (FAR) for the different uses. The FAR for the apartment units is 2.6, to account for a limited footprint and up to four storeys. Using an FAR as a measure of density, rather than units per hectare, allows more flexibility in sizing the units to meet the demand. The current concept plan assumes 180 apartment units. Of those 12 are shown as studio units, 134 as 1-bedroom units, and 34 as 2-bedroom units.

The FAR for the townhouse use is 1.5 and for the commercial uses 1.3.

c. Principal Building Height

Bylaw 1215 sets the maximum building height for the apartment buildings at 13.5 metres. This permits four storeys. While the Village Core Commercial Mixed-Use zone (VCMU-1) also allows for up to four storeys, the height limit in that zone is higher, at 15 metres, because the VCMU-1 zone requires a minimum floor-to-ceiling height of 4.2 metres on the ground floor. For reference, the MU-1 Mixed-Use zone which covers Coal Valley Estates permits a maximum building height of 15 metres for multi-family dwellings and mixed-use buildings.

The maximum building height for the townhouse units is 10 metres, corresponding to the permitted maximum height of single-family homes in other zones in Cumberland.

The commercial uses can be on the ground floor of the apartment units or may be free standing. If free standing, the maximum building height is 10.0 metres.

d. Parking Requirements

The Bylaw 1215 establishes parking requirements based on the requirements for the same uses in other zones. This is supported by a parking assessment completed by WATT Consulting. As per table 2 below, other than for the commercial spaces, the proposed parking meets or exceeds the parking ratios identified by WATT Consulting. Table 2 shows the assessed parking demand, Zoning Bylaw requirement, and the spaces proposed by the developer.

Table 2: Parking Demand of Proposed Development

Use	Zoning Bylaw Rate	WATT Group Parking Demand Rate	Units or Space	WATT Group Assessed Need	Zoning Bylaw	Proposed spaces
Townhouse	1 space per unit; 1 for visitors	1.41 spaces per unit; 0.1 for visitors	4	6	8	8

Use	Zoning Bylaw Rate	WATT Group Parking Demand Rate	Units or Space	WATT Group Assessed Need	Zoning Bylaw	Proposed spaces
Apartment	0.9 spaces per unit and 0.1 for visitors	0.91 spaces per market unit; 0.1 space for visitors	171	173	180	180
		0.9 spaces per affordable rental unit (10% of rentals); 0.1 space for visitors	9	9		
Commercial	Varies by use	1 space per 47m ² of commercial space	558 m ²	12	10-16 depending on use	10
		Total		200	198~204	198

For the commercial uses, the WATT group assigned a per m² parking requirement while the Zoning Bylaw assigns the requirement based on the actual use. As the occupants and the use of the commercial spaces have not been identified yet, the parking requirement will not be finalized until that can be confirmed.

e. Setbacks

Bylaw 1215 establishes the minimum front yard setback to Ulverston Avenue at 3.0 m. Minimum rear and side setbacks correspond to other multi-family zones, that is 7.5 m to the rear and 3.0 m to the side.

f. Lots created by Subdivision

This section of the zoning regulations in Bylaw 12 15 remain to be reviewed with legal counsel to determine whether minimum lot sizes are required.

ANALYSIS

Regional Growth Strategy

The proposed development satisfies the Regional Growth Strategy policies by locating housing close to existing services, increasing affordable housing options, and ensuring access to parks.

OCP Policies

Land Use Designation

The proposed development meets the intent of the OCP mixed-use land use designation.

Community Benefit and Amenities

The proposed development meets a community need by providing additional housing and adding to the Village’s housing diversity. The development also provides the following benefits identified in OCP policy: affordable housing with a signed housing agreement with the Village; park dedication above the minimum required five percent requirement at subdivision; off-site infrastructure upgrades.

a. Housing Need

The proposed development contributes to meeting the Village’s 20-year housing need. The 2024 Draft Housing Needs report (see May 13, 2024 Council [meeting agenda item 7, p. 16](#)) projects that Cumberland will need to add 1,210 housing units by 2043 to meet the projected housing need. This development proposes to add about 184 residential units. The currently anticipated unit mix includes studio, 1-bedroom and 2-bedroom units. The 2024 draft Housing Needs Report for Cumberland identifies housing need in all those unit sizes. The need is the highest for studio and 1-bedroom units (Draft Housing Needs Report, [May 13, 2024 Council agenda, p. 47](#)).

b. Housing Options

The proposed development responds to a community need for a greater diversity of housing options by providing rental apartments, condominiums, and townhouse units. All of those housing types are currently underrepresented in Cumberland’s housing supply which consists to 65 percent of single-family homes, 29 percent homes with secondary suites, duplexes or townhouses, and four percent apartments (2021 Census).

c. Affordable Housing

The applicant will be seeking mortgage loan insurance through the Canada Mortgage and Housing Corporation’s (CMHC) Multi-Unit MLI Select Program to be able to make a commitment that 10% of the rental units will be rented at 30% of median renter income.

The CMHC program requires a minimum 10-year commitment to affordable rents. Borrowers can gain additional points to qualify for low mortgage loan insurance rates if the affordability commitment is extended to 20 or more years. Points are also awarded for meeting energy efficiency and accessibility criteria above a given baseline.

One of the conditions of rezoning will be an affordable housing agreement and section 219 covenant to secure the affordable housing component.

The applicant is also offering a one-time contribution to the Village’s Affordable Housing Reserve Fund in the amount of \$32,000. This amount is based on a \$200 contribution per unit and a unit count of 158 units, the number of units originally proposed. The amount would enable a local non-profit housing society to obtain a concept drawing to support a funding application for an affordable housing project.

The financial contribution will be a condition of rezoning and secured through registration of a 219 covenant (see Conditions of Rezoning below).

d. Park Dedication

The development provides park dedication greater than the minimum 5 percent requirement at subdivision.

The proposed park recognizes the historic alignment of the Wellington Colliery railway that followed the southern boundary of the property. The applicants would be constructing a multi-use pathway that connects the new development, Ravenwood Park, the end of Carlisle Lane and Ulverston Avenue.

The park protects a watercourse, wetland and a stand of mature second-growth Douglas-fir trees. It provides habitat to silver-haired bat, a species recently listed as endangered under COSEWIC. Federal and provincial endangered species listings are expected to follow.

Finally, the park provides a green buffer between the development and the backyards of the single-family properties along Royston Road.

As part of the studies required by the Village under the OCP development approval information regulation, the applicant completed a survey of the mature trees on the property and an arborist report to make recommendations about ensuring their long-term health. A large number of the mature trees on the property will be protected within the proposed park, ensuring continued canopy cover and the protection of the habitat they provide to bats and other small mammals and birds. The multi-use trail will be constructed outside of the riparian setback and in a way to minimize impact on the trees' root zones and overall tree health.

e. Off-site Infrastructure Upgrades

At subdivision, the applicant will be required to pave half of the road fronting the proposed development, construct trails in the park and create and install two interpretive signs about the historic Wellington Colliery railway that used to cross the property.

The Village would be responsible for paving the other half of Ulverston Road. Road and sidewalk improvements on this section of road is identified as a high priority Development Cost Charges project (project R3) in the [2022 DCC Background Report](#).

f. Other Amenity Contributions

Other possible amenity contributions listed in the OCP policy are the inclusion of universal designed and adaptable housing and fire and emergency services department contributions.

The CMHC mortgage loan insurance program requires that a minimum of 15 percent of units are accessible, follow universal design or receive Rick Hansen Foundation accessibility certification.

Zoning Bylaw Regulations

Proposed Permitted Commercial Uses

The development proposes 558 m² (6000 sqft) of commercial space. As per table 1 above, the applicant is proposing the following commercial uses be permitted in the MU-2 zone: daycare, fitness studio, office, personal service (e.g. hairdresser), professional service (e.g. bookkeeper), restaurant minor (less than 150 m²), retail convenience (less than 300 m²).

The above uses would provide services to the residents within the development as well as to the larger community. They are not expected to compete with the commercial uses permitted in the downtown commercial core, the VCMU-1 zone. Daycare and fitness studios are not permitted in VCMU-1 zone. Commercial fitness studio was identified in 2020 as a use that could be more easily accommodated on the edge of the Village core (one is currently permitted through a Temporary Use Permit in a light industrial area).

In the downtown core a broader range of commercial uses are permitted than in the MU-2 zone. Those uses animate the street, including small and large restaurants, medium sized retail stores, artisan commercial, brewery, hostel, motel, hotel, farmer's market, and market garden.

There is some overlap in uses between the VCMU-1 and the proposed MU-2 zone. Both zones permit office, personal service and professional service. As those uses generally do not contribute to animating the street life and experience, it is desirable to see them locate outside of the downtown commercial core. The MU-2 zone would accommodate some of those types of businesses.

Conditions of Rezoning

The following conditions of rezoning have been confirmed with the applicant to secure the amenities and multi-family housing:

- a. Registration of a housing agreement and section 219 covenant to establish the affordable rental component on the property.
- b. Registration of Section 219 covenants to:
 - secure the park dedication
 - commit the property owner to construct multi-use trails, produce and install two heritage interpretation signs, and make the required Ulverston Avenue frontage upgrades
 - commit the owner to contribute a minimum of \$32,000 to the Village's Affordable Housing Reserve Fund.
 - limit the total floor area of commercial and townhouses over the entire lot, ensuring they do not displace multi-family apartments

The Village is also reviewing with the applicant and legal counsel how to covenant the requirement that a minimum of 50% of the apartment units are to be rentals at all stages of development. As the property may be subdivided with one of the newly created lots being used for rental apartments only and another for strata-titled condominiums, but the zone would remain MU-2 for the new lots, a blunt 50% per lot requirement in the zone would make it difficult to develop the property in an efficient way.

PUBLIC NOTIFICATION AND CONSULTATION

In accordance with the requirement in the Village's Development Applications Procedures Bylaw No. 1187, 2023, the applicant held a public information meeting at the Masonic Hall on March 14, 2024 from 5:00 pm to 7:00 pm. The meeting was advertised in the March 2024 issue of *Currently Cumberland* and via the Village's email newsletter.

The meeting was attended by 60-70 people. The applicant prepared the attached summary of the feedback they received at the meeting including the concept and renderings (Attachment 3 – Public Information Meeting and Public Comments Summary). The Village posted information about the proposed development, including the concept plan, at cumberland.ca/current-development/ and, on February 28, mailed out notices to homes within 75 metres of the subject property.

The Village has posted an update on the development, including the most recent concept plan, to the cumberland.ca/current-development webpage. If given first and second reading, Bylaw 1215 will also be posted. Council may ask for a second public information meeting to gather further feedback.

Between March 10, 2024 and June 28, 2024, the Village received emails from 49 residents commenting on the development (Attachment 3 – Public Information Meeting and Public Comments Summary). Those who commented were divided in their support. Some welcomed the

additional housing proposed for the property; many expressed concerns or opposition to the development.

Following is a summary of the comments received and a brief review of how many of the concerns raised will be addressed.

Housing

Positive feedback was received in support of rental housing, density close to the downtown core and more diverse housing options. A few asked for a greater affordable, non-market housing component and more rentals.

- Half of the apartment units, about 90, will be rental units, representing a significant addition to Cumberland's rental housing supply.
- Nine of the rental units are proposed to be rented at below-market rents for a minimum of ten years.

Building Heights and Density

A number of those who wrote in felt that four storeys are too high and do not fit with the existing housing mix in Cumberland or with the Village's character. The area in Courtenay by the Superstore was cited as having a look that should be avoided.

- The building height allows addition of more density close to the downtown core and address the low supply of rental apartments in the Village. The maximum height of 13.5 metres is 1.5 metres lower than the building height permitted on Dunsmuir Avenue (which is higher to permit for the high commercial ground floor ceiling heights).
- The developer will have to meet the mixed-use development permit area guidelines discussed earlier in the report. Council will review the design against those guidelines and can require changes to the design if the buildings are visually uninteresting.
- If four storey buildings are by their nature obtrusive to some, the generous setbacks (larger than 25 metres) of the buildings to any neighbouring backyard, the tall mature trees to be retained within the park, and the street trees proposed to be planted on the site, will provide a generous buffer to backyards and, if not entirely obscure, will soften the visual impact of the buildings' height.

Greenspace

Comments sought the retention of the mature trees on the property. A few were concerned about the possible impacts on the creek and wetland and the displacement of wildlife and asked for wider riparian setbacks.

- A riparian assessment and report completed by a professional biologist was one of the studies required by the Village. The biologist's report establishes a 15 metre wide riparian setback to protect the creek, wetland and many of the mature trees on the property. The entire riparian area will be protected within the proposed parkland (see Attachment 1 – Development Concept Plan).

Playground

A playground was identified as a desired amenity.

- The development permit area guidelines require a playground as part of multi-family developments.

Alternative Transportation and Traffic

Several emails pointed out the need for additional active transportation corridors for walking and cycling safely to school, better transit, an upgrade of Ulverston Avenue in that area from gravel to pavement and the addition of sidewalks on Ulverston Avenue and Royston Road.

- The WATT Consulting group conducted a Traffic Impact Assessment. The assessment does not foresee that an additional transit facility would be required but recommends paving of Ulverston Avenue, a sidewalk along the Ulverston Avenue frontage of the development and cycling lanes.
- As part of the subdivision of the site, Ulverston Avenue will be paved. The developer will be required to construct a sidewalk and cycling lane.
- Corridor improvements along Dunsmuir Avenue from 7th Street to Union Road are a Village Development Cost Charges project (project R8) and include a sidewalk and other active transportation improvements.

Parking and Traffic

Several submissions cautioned that underground parking would not be possible and the buildings may need to be higher as a result. There were also concerns that there would not be enough parking provided on the site, impacts on street parking in the neighbourhood, and more traffic on Ulverston where kids cycle to school.

- As per table 2 above, the total number of proposed parking spaces closely corresponds to the requirement in the Zoning Bylaw and the parking assessment completed by the WATT Consulting Group. The applicant will have to meet the parking requirements identified in Bylaw 1215.
- The revised concept abandons underground parking for surface parking but retains the four storeys.
- The development does not trigger the need for intersection upgrades but the report recommends adding a safe crossing for cyclists and pedestrians and encourages roundabouts at the Royston Road/Ulverston Avenue and Royston Road/Union Road intersections. Roundabouts at those locations are identified as desired future improvements in the Village's 2024 Transportation Master Plan.
- The assessment recommends a speed limit of 30 km/hr on Ulverston Avenue in the future for traffic safety.

Additional Information

A few comments requested more information on the size of the units, ownership structure, parking, and public amenities.

- The updated design and this staff report provides that information. More detailed designs will be available as part of the development permit review process.

Other Impacts

One comment expressed concern about possible future complaints from residents about sounds and smells in the area, impacts on the sewer system, the capacity of the Village's water resources to meet the needs of additional density, and competition with downtown businesses.

- Noise is regulated by Village bylaws. A referral is recommended to Island Health, as neighbour and owner of the hospital laundry, to comment on the proposed development.
- Newcastle Engineering completed a servicing review for the developer and identified that a sanitary sewer pipe located and sized to accommodate the development will be required. The developer will be responsible to construct and connect the required sanitary sewer and any supporting infrastructure such as a pump station. The developer will also be required to provide a water service to meet the domestic and fire suppression demand.
- As per the Village's [Long Term Water Supply Strategy, 2016](#), the Village's surface water sources can meet the projected demand to year 2063. An update to the strategy is planned for 2025/2026.

ADVISORY PLANNING COMMISSION COMMENTS

At their August 8, 2024 meeting, the Advisory Planning Commission (APC) provided comments on an earlier development concept plan in which the applicant proposed two 5-storey apartment buildings and eight townhouse units. This was a change made to the concept presented to the public at the March 2024 public information meeting to accommodate larger riparian setbacks and park area but still keep a similar density. APC members expressed concern about the fit of 5-storey buildings with Cumberland and wanted assurance that the rental apartments are in fact constructed on the site. Members also wanted to see more EV charging capacity as currently required in the Zoning Bylaw, no natural gas connections, and several smaller apartment buildings with less units in each. The APC passed a resolution to recommend that Council request the following changes to the development concept prior to proceeding with a Zoning Bylaw amendment:

- a) maximum of 4 stories
- b) requirement of 50% rentals units at all stages of development
- c) appropriate EV charging requirements
- d) commitment to no fossil fuel connection
- e) reduced units per building so that individual buildings are smaller than shown on the concept plan

(Attachment 3 – August 8, 2024 APC meeting minutes)

A representative of the applicant was in attendance at the meeting to answer questions. Following the meeting, the applicant revised the concept plan to reduce the overall building height back to four storeys. The Village and the applicant are discussing how best to ensure that 50% percent of the apartment units built will be rentals at all stages of development.

The applicant has proposed to equip 10 percent of parking stalls with level 2 EV plug-ins and make all parking spaces EV ready (install the necessary infrastructure to add more plug-ins in the future). A commitment to no natural gas is part of the requirement to qualify for CMHC preferential mortgage insurance.

ATTACHMENTS

1. Revised Development Concept Plan
2. Bylaw 1215
3. August 8, 2024 APC meeting minutes

CONCURRENCE

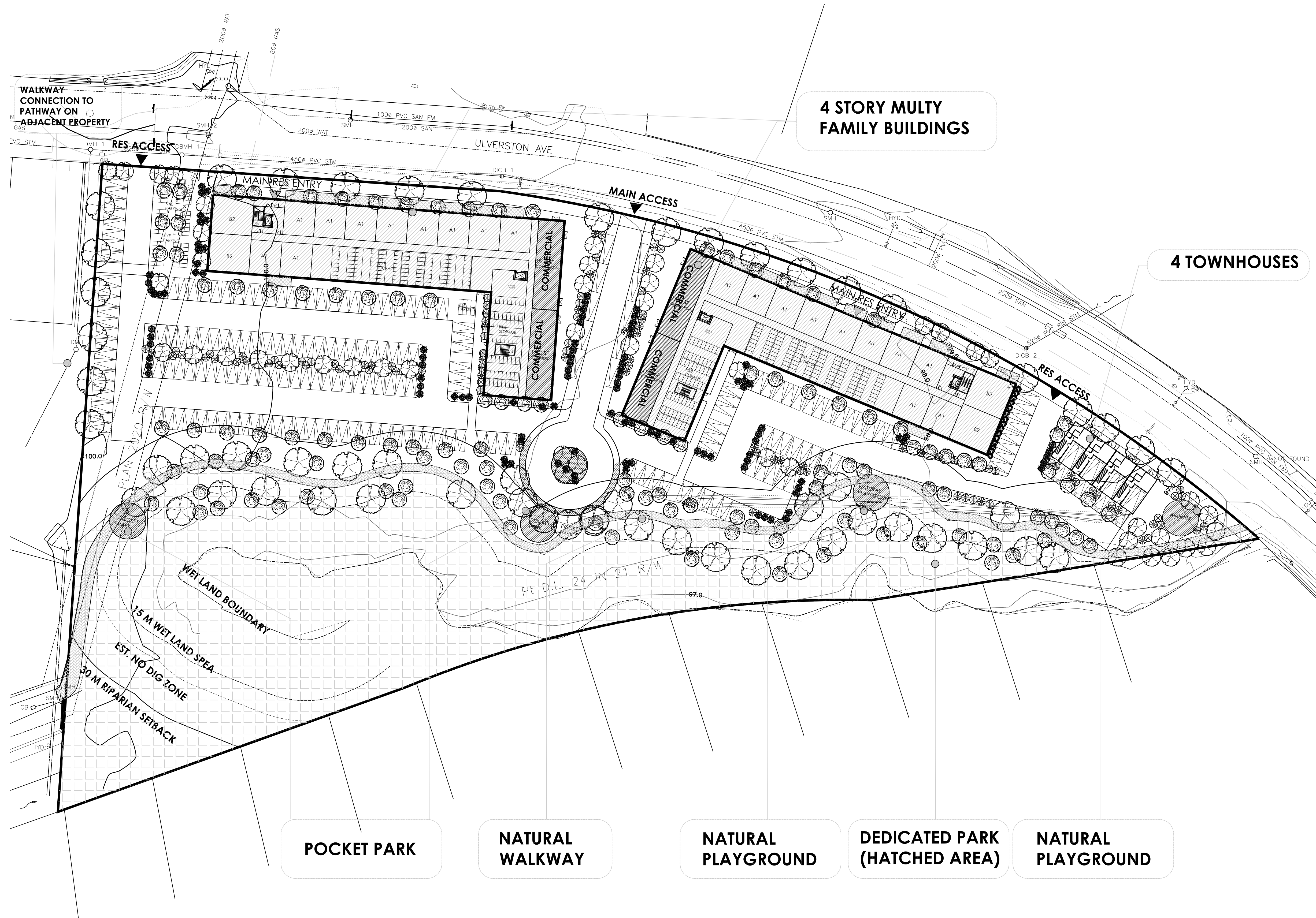
Courtney Simpson, Director of Development Services and Bylaw **CS**

Respectfully submitted,

Karin Albert

Karin Albert
Senior Planner

ULVERSTON AVE, CUMBERLAND PROPOSED REZONE:



Scale: 1:500

DATA- ULVERSTON AVE, CUMBERLAND

FOR REZONE	
SITE AREA:	287,252 SF <small>(2.66 Ha)</small>
	107,400 SF <small>(DEDICATED PARK AREA)</small>
	179,852 SF <small>(1.47H. NET AREA)</small>
USE:	MIXED PRIMARY USE - RESIDENTIAL SUBSIDIARY USE - COMMERCIAL
DENSITY:	113 uph <small>(PARK AREA EXCLUDED)</small>
LOT COVERAGE:	28% <small>(PARK AREA EXCLUDED)</small>
BUILDING HEIGHT:	13.5 M 4 STORY - MF BUILDINGS 3 STORY - TOWNHOUSE
FAR:	1.1 RES - 170,000 SF TOWNHOUSES - 6800 SF COMMERCIAL - 6000 SF LONG TERM BIKE STORAGE - 14,600 SF TOTAL: 197,400 SF
UNITS:	180 UNITS - APARTMENT STYLE - <small>(UNITS 90/BUILDING X 2)</small> 4 UNITS - TOWNHOUSE RESIDENTIAL 4 UNITS - COMMERCIAL TOTAL UNITS = 188
UNITS TYPE:	MULTI FAMILY RESIDENTIAL: TYPE S1 : 400 - 600 SFT (12 Units) <small>(STUDIO)</small> TYPE A1 : 400 - 700 SFT (134 Units) <small>(1 BED + 1 BATH + DEN)</small> TYPE B1 : 800 - 1000 SFT (06 Units) <small>(2 BED + 2 BATH)</small> TYPE B2 : 800 - 1000 SFT (28 Units) <small>(2 BED + 2 BATH)</small> TOWNHOUSES: 1500 SFT (04 Units) <small>(3 BED + 2.5 BATH)</small> TOTAL RESIDENTIAL: (184 Units)
PARKING: <small>(SURFACE)</small>	198 CARS <small>(PROVIDED)</small> 180 CARS - MF 1:1 <small>(0.9 - RES CARS & 0.1 - VISITOR CARS)</small> 08 CARS - TOWNHOUSE 2:1 10 CARS - COMMERCIAL 3.5/100 sm <small>(0.5 - EMP CARS & 3.0 - VISITOR CARS)</small>
SETBACKS:	FRONT: 3.0 M REAR: > 4 M SIDE: > 1.5 M
BIKE PARKING:	SHORT TERM: 94 <small>(PROVIDED)</small> <small>(0.5/dwelling)</small> LONG TERM: 282 <small>(PROVIDED)</small> <small>(1.5/dwelling)</small> <small>(BIKE PARKING FOR TOWNHOUSES WILL BE PROVIDED)</small>

JOYCE REID TROOST ARCHITECTURE
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ARCH. STAMP
REGISTERED ARCHITECT
JOYCE REID TROOST
2024-08-20

LOT A ULVERSTON AVE REZONE
ULVERSTON AVE, CUMBERLAND

CLIENT
Dreger Holdings Ltd.

REV. DATE	NUMBER	DESCRIPTION
JULY 31, 2024	01	REZONE REV 1
AUG 07, 2024	02	REZONE REV 2
AUG 20, 2024	03	REZONE REV 3

DATE: JULY 05, 2024
SCALE: Scale: 1:500
DRAWN BY: JRT
SITE PLAN AND DATA
A100

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

DRAFT BYLAW NO. 1215

A Bylaw to amend the Zoning Bylaw No. 1027, 2016

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw shall be cited as “Zoning Amendment Bylaw No. 1215, 2024”.

Text Amendments

2. “Zoning Bylaw No. 1027, 2016” is hereby amended as follows:
 - (a) in Part 1, Section 1.8 **Zoning Maps, Designations and Abbreviations**, subsection b), by *adding* the following row to the table below the Mixed Use Residential Zone row:

Mixed Use Residential Zone Two	MU-2
--------------------------------	------

- (b) in Part 2, Section 2.2 **Definitions**, by *deleting*:

Mixed Use	means the use of land, <i>building</i> or other <i>structures</i> with a range of uses that can be mixed horizontally and vertically, including but not limited to residential.
Residential Rental Tenure	means, in relation to a dwelling unit in an un-stratified multi-residential building, a tenancy governed by a landlord tenancy agreement that complies with the Residential Tenancy Act.

substituting:

Mixed Use	means the use of land, <i>building</i> or other <i>structures</i> with a range of uses that can be mixed horizontally and vertically, including but not limited to residential. Within a <i>mixed use</i> zone, the <i>mixed use</i> can only include the permitted uses in that zone.
Residential Rental Tenure	means, in relation to a dwelling unit in a multi-residential building, a tenancy governed by a landlord tenancy agreement that complies with the Residential Tenancy Act.

(c) in Part 4, Section 4.7 **Home Occupations**, by *adding after subsection (c)*:

(c) In *apartment* units and *townhouse dwellings*, home occupation as a permitted use is restricted to *office*.

and re-lettering the subsections that follow sequentially.

(d) in Part 6, Table 6.3.1 **Primary Use Residential**, by *adding* the following rows at the end of the table:

	Min Vehicular	Max Vehicular	Min Visitor Vehicular	Max Visitor Vehicular
MU-2 (Mixed Use Residential Two)				
Apartment	0.9/Dwelling Unit	1.5/Dwelling Unit	0.1/Dwelling Unit	0.15/Dwelling Unit
Daycare	0.75/Employee	1.0/Employee	0.075/Child or Adult Spot	0.125/Child or Adult Spot
Fitness Studio	0.3/Employee	0.9/Employee	10.0/100m ² GFA	13.0/100m ²
Micro Brewery, Winery, Distillery (Note: Production Component Only).	Use lesser of 0.75/Employee or 3.2/100 ² GFA	Use greater of 1.0/Employee or 4.25/100m ² GFA	0	3
Office	Use letter of 0.5/Employee or 0.64/100m ² GFA	Use greater of 0.75 Employee or 0.85/100 m ² GFA	0.05/100m ² GFA	0.15/100m ² GFA
Personal Service	Use lesser of 0.50/Employee or 0.15/100m ² GFA	Use greater of 0.75/Employee or 0.30/100m ² GFA	1.0/100m ² GFA	1.5/100m ² GFA
Retail, Convenience	Use lesser of 0.50/Employee or 0.15/100m ² GFA	Use greater of 0.75/Employee or 0.30/100m ² GFA	1.0/100m ² GFA	1.5/100m ² GFA
Restaurant, Minor				
Townhouse	1/Dwelling Unit	1.5/Dwelling Unit	0.75/Dwelling Unit	1/Dwelling Unit

(c) in Part 6, Table 6.4.1 **Primary Use Residential - Cycling**, by *adding* the following rows at the end of the table:

Land Use	Minimum Bicycle Parking Stalls	
	Class 1	Class 2
MU-2 (Mixed Use Residential Two)		
Apartment	1.5/Dwelling Unit	0.5/Dwelling Unit
Daycare	0.3/Employee	0.3/Child or Adult Spot
Fitness Studio	Use greater of 0.50/Employee or 1.5/100m ²	4/100m ² GFA
Micro Brewery, Winery, Distillery (Note: Production Component Only).	Use greater of 0.25/Employee or 0.75/100m ² GFA	0
Office	Use greater of 0.50/Employee or 0.5/100m ²	0.1/100m ² GFA

Land Use	Minimum Bicycle Parking Stalls	
	Class 1	Class 2
Personal Service	Use greater of 0.15/Employee or 0.05/100m ² GFA	1.0/100m ² GFA
Retail, Convenience	Use greater of 0.50/Employee or 1.25/100m ² GFA	1.0/100m ² GFA
Restaurant, Minor		
Townhouse	2/Dwelling Unit	0

(d) in Part 6, Table 6.5.1 **Tandem Parking Stalls**, by *adding* the following rows at the end of the table:

Land Use	Tandem Vehicular Parking
MU-1 (Mixed Use Residential Zone)	
Townhouse (per Unit)	Up to 1 (x2) Stall

(e) in Part 7, by *adding* the following subsection after subsection 7.12:

7.13 MU-2 – Mixed Use Residential Two

1. Principal Uses		<i>Apartment</i> <i>Daycare</i> <i>Mixed Use</i> <i>Office</i> <i>Personal service</i> <i>Recreational Facility</i> <i>Restaurant, Minor</i> <i>Retail, convenience</i> <i>Townhouse</i>	
2. Accessory Uses	On any lot	<i>Accessory buildings and structures</i> <i>Home occupation</i>	
3. Lots Created by Subdivision	Area, minimum (under review)	<i>Townhouse</i>	
		<i>Apartment</i>	
	<i>Frontage, minimum</i>	<i>Townhouse</i>	15.0metres (49.2feet)
		<i>All other uses</i>	20.0metres (65.6feet).
4. Density	<i>Building GFA, maximum</i>	<i>Accessory buildings</i>	<i>Accessory buildings</i> shall have a maximum combined floor area of 50.0square metres(538.2square feet) or 10% of the area of the lot, whichever is less.

Density continued		<i>Recreational Facility, Office, Personal Service, Retail, Convenience</i>	The total maximum combined gross floor area of 1,000square metres (10.764square feet) with no individual unit exceeding 300square metres (3,2299square feet).
		<i>Daycare</i>	The total maximum combined gross floor area of the daycare use is 200square metres (2153square feet).
	<i>Floor area ratio</i>	<i>Townhouse</i>	1.5 FAR
		<i>Apartment</i>	2.0 FAR
		<i>Mixed Use Building</i>	2.0 FAR
All other uses		1.3 FAR	
5. Lot Coverage	Coverage, maximum	<i>Townhouse</i>	50%
		<i>Apartment</i>	65%
		<i>Mixed Use Building</i>	65%
6. Principal Buildings and Structures	<i>Townhouse Setbacks, Minimum</i>	Front	3.0metres (9.8feet)
		Rear	4.5metres (14.8feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	<i>Apartment Mixed-Use Building Setback, Minimum</i>	Front	3.0metres (9.8feet)
		Rear	7.5metres (24.6feet)
		Side	7.5metres (24.6feet)
		Side, Exterior	3.0metres (9.8feet)
	<i>Townhouse, Setbacks, Minimum</i>	Front	3.0metres (0.0feet)
		Rear	7.5metres (9.8feet)
		Side	7.5metres (0.0feet)
		Side, Exterior	3.0metres (9.8feet)
	All other uses	All lot lines	3.0metres (24.6feet)
	Height, maximum	<i>Townhouse</i>	10.0metres (32.8feet)
		<i>Apartment</i>	13.5metres (45.92feet)
<i>Daycare</i>		10.0metres (32.8feet)	
<i>Mixed use Building</i>		13.5metres (45.9feet)	
All other uses		10.0metres (39.4feet)	

7. Accessory Buildings and Structures	<i>Setbacks, minimum</i>	Front	3.0metres (9.8feet)
		Rear	1.5metres (4.9feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum	4.5metres (14.8feet)	
8. Conditions of Uses	a) A minimum of fifty percent of all apartment units in this zone are required to be under <i>residential rental tenure</i> . (wording under review) b) Surface parking shall not front Ulverston Avenue.		

End • MU-2

Map Amendment

- Schedule A Zoning Map and Schedule B Zoning Map Village Core of “Zoning Bylaw No. 1027, 2016” are amended as follows:

The zoning of the parcel legally described as Lot A, District Lot 24, Nelson District, Plan VIP72022 and shown boldly outlined in Schedule A to this bylaw is amended from RU-1 – Rural One to MU-2 – Mixed Use Residential Two.

Severability

- If any section or subsection of this Bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

READ A FIRST TIME THIS	DAY OF	2024.
READ A SECOND TIME THIS	DAY OF	2024.
PUBLIC HEARING HELD THIS	DAY OF	2024.
READ A THIRD TIME THIS	DAY OF	2024.
ADOPTED THIS	DAY OF	2024.

 Mayor

 Corporate Officer

**The Corporation of the Village of Cumberland
Advisory Planning Commission Meeting Minutes**



**August 8, 2024 at 4:00 p.m.
Council Chamber, 2675 Dunsmuir Avenue**

Members Present: Genevieve Burdett (chair)

Jaye Mathieu
Ryan Camp
Jason Ross
Nick Ward (via Zoom)

Staff Present: Karin Albert, Senior Planner
Courtney Simpson, Director of Development and Bylaw Services (secretary)

Applicant: Daniel Martinez, representative for Dreger Holdings, applicant

The chair called the meeting to order at 4:10 pm.

1. Approval of Agenda

Moved by: Mathieu
Seconded by: Ross
THAT the APC approve the Agenda for August 8, 2024
Carried Unanimously

2. Minutes

Moved by: Camp
Seconded by: Ross
THAT the APC adopt the minutes of June 27, 2024
Carried Unanimously

3. Unfinished Business

None

4. New Business

4.1 Rezoning Application for Lot A Ulverston

Ms Albert introduced the application.

A Committee member asked if a new ladder truck would be required for this 5-storey building. Staff responded that the Village fire department has a reciprocal agreement with the Courtenay fire department to employ their ladder truck. The Village is also putting funds into a reserve every year to fund their own ladder truck in the future.

Daniel Martinez, representative for Dreger Holdings, provided an overview of the proposed development.

Questions and comments from Committee members and responses:

- How is the cost of paving Ulverston shared between developer and Village?
 - At subdivision, developer has to pave to centre line. Village will pave other half. Funded through Development Cost Charges.
- The riparian setbacks need to be assessed consistently between applications, following Develop With Care.
 - Biologists report was completed to identify the Streamside Protection Enhancement Area. The updated concept plan includes that entire area within the proposed park.
- What is the timeline for build out?
 - Two years for the first building.
- What portion would be owned vs rental?
 - Planning 50% of apartments as rental; all townhouses would be for sale.
- Don't think one parking space per unit is enough. Where will extra cars park?
 - A parking needs assessment was completed by the WATT Consulting Group to arrive at the current parking ratio.
- How many accessible units are being proposed?
 - New building code requires all units to be universal design.
- Are these buildings the same size as the new buildings beside Superstore?
 - Likely smaller. Example was given of similar style building with about 80 units near the bridge in Courtenay.
- Increased density and rental zoning are supported.
- Comfortable with one parking space per unit.
- Concerned about losing a vegetated buffer on the west side for parking.
 - Setback to private property line to West is about 28 m. Two rows of vegetation are proposed.
- Question about the meaning of the different riparian setbacks shown on the site plan.
 - No dig zone is for the trees that are along the 15m setback line – to protect root zones.
- How will the rental be portioned? Will 50% of the first building built be rental, or will the entire first building be condos?
 - Developer commented that it's not decided but typically one building would be rental and the other owned as that is easier to manage.

- Committee member suggested mix within one building would be better to have assurance that rentals are in fact built.
- Would like to see affordability for longer than 10 years.
- Prefer 4 stories instead of 5.
- There are large Douglas-firs on the west side of the property that would be removed in this concept plan.
- What are the EV charging requirements? Would like to see the entire development pre-serviced for 100% EV charging.
- Comparison was made to Stoneleigh Station and how this density compares.
- The two large apartment blocks are out of character for community, do not support this at this time. Would like to see 12-unit townhouse-style buildings. Example of Hawthorne Place in Nanaimo and Stoneleigh Station.
- Multi-Family DP needs to include wellness and liveability guidelines.
 - Multi-family DP is strong and includes related guidelines.
- Would like to see rentals built first.
- Consider tree retention covenant.
- Consider noise and odour covenant.
- Want to make sure the frontage works are done before the development
- 5 Stories is too high.
- Doesn't fit with our community.
- Creation of this much housing is something the community is familiar with (ie Coal Valley).
- Would rather go up than out.
- Impact on immediate neighbours would be small.
- Could there be a viewshed analysis on the height? Developer response – the existing buffer trees are 6-8 metres taller than the proposed buildings.

Moved by: Camp

That the Advisory Planning Commission recommend rezoning of Lot A, District Lot 24, Nelson District, Plan VIP72022 on Ulverston Avenue, as recommended with consideration for form and character to reduce the visual and massing impact.

- Would like to see mix of 3 and 4 stories and buildings broke into smaller blocks.
- Would prefer smaller buildings.
- Like 4 stories instead of 5.
- Danger that we turn down a pretty good plan and end up with nothing.
- We are defining a new part of town, want to start right.
- Would like to try to move ahead with something with this developer.

Moved by: Ward

Seconded by: Camp

That the Advisory Planning Commission recommends to Council to request the following changes to the development concept prior to proceeding with a zoning bylaw amendment for Lot A, District Lot 24, Nelson District, Plan VIP72022 on Ulverston Avenue:

- a) maximum of 4 stories
- b) that the 50% rental proportion is maintained at all stages of development
- c) appropriate EV charging requirements
- d) commitment to no fossil fuel connection

Amendment proposed by: Burdett

add "e) reduced units per building so that individual buildings are smaller than shown in the concept plan"

Seconded by: Ross

Carried Unanimously

Vote on main motion:

That the Advisory Planning Commission recommends to Council to request the following changes to the development concept prior to proceeding with a zoning bylaw amendment for Lot A, District Lot 24, Nelson District, Plan VIP72022 on Ulverston Avenue:

- a) maximum of 4 stories
- b) that the 50% rental proportion is maintained at all stages of development
- c) appropriate EV charging requirements
- d) commitment to no fossil fuel connection
- e) reduced units per building so that individual buildings are smaller than shown on the concept plan

Carried Unanimously

Discussion on agenda item 4.2 OCP review deferred to a separate meeting to be scheduled for late August.

5. Next Meeting

The next regular meeting of the Advisory Planning Commission is September 12, 2024, 4 pm

6. Adjournment

Moved by: Camp

That the APC adjourn the meeting at 6:10 pm

Carried Unanimously