

**December 10, 2024**

Mayor and Council, City of Courtenay  
City Hall  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7  
Dear Mayor and Council:

**Re: Development Variance Permit Application No. 2403 – 407 4th Street**

Dear Mayor and Council,

We write on behalf of a diverse group of local residents concerned about the proposed development at 407 4th Street. Given our concerns listed below, we request that Council defer their decision about the application for a development variance permit at the December 11 Council meeting. Tabling a decision on the variance request for this development will allow the community time and opportunity to organize and present sufficient information in order to provide a fulsome, community-based response to this variance permit application.

Due to the holiday season, many community members, including renters, did not receive notice of the development and the application for variance. The postal strike and hand delivery of only a few notices to a select few neighbours have contributed to delays in communication. Despite this lack of communication and short timelines for variance approval, local residents were able to organize on short notice a well-attended meeting. At that meeting attendees expressed dismay and surprise that a proposed development of this size, mass, height, density, design and form, on land bordering the designated heritage area of Old Orchard, was somehow this far in the approval process.

We are not opposed to the densification of this site, our concerns are the *proposed* development exceeds the specific details of the Official Community Plan for Courtenay, in ways that directly impacts the residential community adjacent this development. For example, page 72 of the OCP, point #3 states that development, in reference to the Old Orchard area of the city: “Ensure a suitable interface and transition between the downtown commercial areas to traditional residential qualities of the neighbourhood.” This “suitable interface” is actually specified on Page 62 of the OCP, which describes “Low-rise” densification where this densification *is adjacent to a residential area*. The proposed development on 4<sup>th</sup> street is definitely *not* low-rise; in fact, according to the OCP, this development would be best described as, “mid-rise.” At 5 stories (from the back), the proposed 4<sup>th</sup> street development clearly does not conform to the OCP for the area, which is precisely why the developers are seeking a variance for height and size on the lot. In other words, *the developer is seeking to circumvent the OCP adopted by the city of Courtenay two years ago*. In this way, we believe that the development presents a serious, problematic breach of the trust between the residents of Courtenay and the city’s official plan.

There are several other issues with the proposed development. The development plans to decrease the required set-backs indicated in the bylaws. While the frontage decrease makes sense

for 4<sup>th</sup> street, we believe that this set-back should *not* be permitted for the sides and, especially, back of the building for the following reasons:

- a. The application for variance in setbacks represents a significant loss of green space, in complete contradiction to the OCP and Province of BC direction for community growth.
- b. The variance will create a line-of-sight issue for seeing traffic while attempting to cross 4<sup>th</sup> street along England.
- c. The design, particularly the above-ground parking structure and its three-story height difference from neighboring homes, raises concerns about the loss of sunlight and subsequent effect on the quality of life to adjacent homes.

Section 7.2 of the Development Procedures Bylaw of the City of Courtenay, a community information meeting is required if the Development Variance Bylaw meets any the following concerns:

- a) the potential impact of the development on the surrounding neighborhood due to the scale of the development;
- b) whether the proposal aligns and is consistent with the OCP; and
- c) the complexity of the Application.

In the appendix below, we articulate in more detail how the variances as proposed meets *all* of these concerns and therefore requires a community information meeting.

Given that:

- The rationale for permitting a development clearly does not adhere to the City's OCP.
- The residential community adjacent to the development has not been provided with any opportunity for a community meeting with the city Planning Department, despite this clearly existing as a bylaw requirement.
- And, as a community, we do not have enough information in the documents provided by the developer to make a fulsome response to the variance permit request,

***We therefore request that our City Council table the application for variance.***

The extra time, which need not be long, would allow Council to subsequently direct staff to organize a community meeting about this development in order to acquire such information and discuss a building that meets the criteria of the OCP. We believe this delay is very important; the proposed project, with its size, mass, and impact on green space, sets a significant precedent for future developments in both commercial and residential areas. In essence, the application for variance, if approved, means that the OCP can be effectively invalidated by developers. We see this as a serious, problematic precedent for the future development of our city.

Old Orchard, the residential neighborhood adjacent to this proposed development, is a historic area and its preservation is important to residents. Our Local Area Plan (LAP), aligned with the OCP, was created in collaboration with the City to guide development in a manner that respects the community's heritage and emphasizes green space while attending to the critical need for growth to address the housing shortage. We believe the new development can align with these

goals through community input on the current planning developments; in fact, we see this project *as an opportunity* to work together—City, Community, and Developers—to create developments that ensure a thoughtful, gentle transition to densification.

In summary, our request is that Council adopt the following resolution:

**THAT Council defer a decision on variance for Permit Number 2403**

**THAT Council request additional information from Staff following meetings with the surrounding community and developer regarding the development and the Development Variance Permit No. 2403 (407 4th Street).**

We look forward to your response and the opportunity for further discussion.

On Behalf of the Residents listed below,

[REDACTED]

[REDACTED]

480 3<sup>rd</sup> Street, Courtenay, B.C.

[REDACTED], 480 3<sup>rd</sup> Street, Courtenay  
[REDACTED], 480 3<sup>rd</sup> Street, Courtenay  
[REDACTED], 320 2<sup>nd</sup> Street, Courtenay  
[REDACTED], 444 3<sup>rd</sup> Street, Courtenay  
[REDACTED], 444 3<sup>rd</sup> Street, Courtenay  
[REDACTED], Apt # 3, 375 3<sup>rd</sup> Street, Courtenay  
[REDACTED], Apt # 3, 375 3<sup>rd</sup> Street, Courtenay  
[REDACTED], 407 4<sup>th</sup> Street, Courtenay  
[REDACTED], 291 3<sup>rd</sup> Street, Courtenay  
[REDACTED], 420A, 3<sup>rd</sup> Street, Courtenay  
[REDACTED], 420A, 3<sup>rd</sup> Street, Courtenay  
[REDACTED], 520 3<sup>rd</sup> Street, Courtenay  
[REDACTED], 560 3<sup>rd</sup> Street, Courtenay  
[REDACTED], 467 3<sup>rd</sup> Street, Courtenay  
[REDACTED], Apt #3, 374 3<sup>rd</sup> Street, Courtenay  
[REDACTED], Apt #3, 374 3<sup>rd</sup> Street, Courtenay

#### Appendix 1: Four Areas Where the Design Variance Requires a Community Information Meeting

As per the Section 7.2 of the Development Procedures Bylaw, the criteria for holding a community information meeting for a Development Variance Permit are:

- d) the potential impact of the development on the surrounding neighborhood due to the scale of the development;

- e) whether the proposal aligns and is consistent with the OCP; and
- f) the complexity of the Application.

For the Development Variance Permit in question, there are four major areas where the design deviates from zoning requirements:

Sight Triangle

- Section 6.7.1 – Sight Triangle – from 6.0 m from the point of the street intersection to 3.0 m

Vehicle Parking

- Section 7.1.10(1) – Small Car Parking – from 10% of the total number of parking stalls for small cars to 26% of the total number of parking stalls for small cars.

Bicycle Parking

- Section 7.3.2 (1) – Bicycle Parking Specifications – from each standard bicycle parking space shall be a minimum of 1.8 metres (length) to 1.2 metres (length) and from 0.6 metres (width) to 0.3 metres (width).
- Section 7.3.2 (2) – Bicycle Parking Specifications – from 10% to 5% of minimum required bicycle parking spaces shall be designed for oversized bicycle parking spaces and from 3.0
- Section 7.3.2 (3) – Bicycle Parking Specifications – remove the requirement for each bicycle parking space must be independently accessible from a sturdy rack designed for frame, not wheel-only, support.
- Section 7.3.2 (6) – Bicycle Parking Specifications – from access shall be provided from each bicycle space to a street, excluding a lane to access shall be provided from each bicycle space to a street, including a lane.
- Section 7.3.2 (14) (c.) – Bicycle Parking Specifications – from no more than 20 bicycles [parking stalls] to no more than 30 bicycles [parking stalls] shall be provided in each bicycle room.

Building Height

- Section 8.13.7 – Height of Building – from no building in this zone shall exceed 13.5 m to no building in this zone shall exceed 16.0 m.

The following table summarizes how each of these variances meet the criteria for a public information meeting:

	potential impact on surrounding neighborhood	alignment and consistency with the OCP	complexity of the Application
Sight Triangle	A sharp corner without other design accommodations makes it less safe and more difficult for pedestrians and wheelchair users to	A corner bulb and associated landscaping could contribute positively towards the pedestrian and greenspace policies	Yes, project is complex. It is a mixed-use building at a much larger scale than the vast majority buildings in the city, with

	<p>navigate the corner. A bulb at the corner would help mitigate this and enhance the pedestrian realm. This requirement is primarily a matter of traffic safety and has been signed off by an engineer, provided that a bulb is also included in the design.</p>	<p>laid out in the OCP, including the requirements of DP-1 to which the OCP links. Without the smaller triangle and no bulb, the corner would be a traffic safety concern and it would not meet the OCP/DP-1 policy of corner cuts. Since that specific part of DP-1 is not mandatory, however, this is not so strong a</p>	<p>underground parking and other elements that add to its complexity.</p>
<p>Vehicle Parking</p>	<p>The increase of the proportion of small parking spaces means a reduction of regularly-sized parking spaces. With the high proportion of SVUs and trucks in our community, this reduced number of appropriately sized parking spaces will lead to parking overflow in surrounding neighbourhoods, which will already be under pressure with the SSMUH zoning.</p>	<p>Less automobile dependence is a clear priority throughout the OCP, but always in combination with better transportation choices. With all the variances that are proposed to reduce bicycle storage areas, automobile dependence is only reinforced further.</p>	
<p>Bicycle Parking</p>	<p>The impact of inadequate bicycle storage on surrounding neighbourhoods is to encourage more driving and further pressure surrounding</p>	<p>A strong cycling infrastructure is a central theme to the OCP, and clearly set out in the zoning bylaw. The proposed variances are in direct contravention to both. The bicycle</p>	

	<p>street parking, as described above.</p>	<p>room is smaller than zoning requires for the number of stalls (there should be 2), and has primarily vertical storage areas positioned with far too tight spacing. This is totally inadequate for the 280 occupants, as estimated per code requirements and included on architectural drawings. Even if actual occupant numbers are lower, this bicycle room is tiny for such a large building. There is no demonstration that bike room is at all functional.</p>	
<p>Building Height</p>	<p>The scale of this development and complete lack of transition to the residential area immediately adjacent is a major concern to the community, as noted by the accompanying letter from neighbours.</p>	<p>DPA-1, as referred to in the OCP and included within the Zoning Bylaw, has many specific policies relating to height, which would require a step-back transition towards 3<sup>rd</sup> Street, as well as other massing strategies. A list of the relevant DP-1 requirements is provided separately. Any addition to the height is clearly in contravention of the DPA-1 requirements, even if below the 25% threshold.</p>	

