

**Public Hearing – December 8, 2021**

**Notes of a Public Hearing held Wednesday, December 8, 2021 at 5:00 p.m. electronically via Zoom video/audio conferencing for the purpose of receiving representations in connection with:**

**Bylaw No. 3030 - A bylaw which proposes an amendment to *Zoning Bylaw No. 2005, 2007* by rezoning the property legally described as Lot 1, Section 67, Comox District, Plan EPP79267, Except Air Space Plan EPP81977 (3040 Kilpatrick Avenue) from Comprehensive Development Twenty-Six (CD-26) to a new site specific Comprehensive Development Twenty Six A Zone (CD-26A) to accommodate a 41 unit multi residential development.**

**Bylaw No. 3040 - A bylaw which proposes an amendment to *Zoning Bylaw No. 2005, 2007* by allowing “carriage house” as a permitted use on Lot 10, District Lot 159, Comox District, Plan 41314 (1236 Malahat Drive) to allow a carriage house in addition to the existing single family residence.**

**Present:**

**Chair: B. Wells**  
**Councillors: W. Cole-Hamilton**  
**D. Frisch**  
**D. Hillian**  
**M. McCollum**  
**W. Morin**  
**M. Theos**

**Staff: G. Garbutt, CAO**  
**A. Guillo, Manager of Communications**  
**N. Borecky, Manager of Information Systems**  
**R. Matthews, Executive Assistant/Deputy Corporate Officer**  
**E. Hayden, Executive Assistant**

Mayor Wells opened the public hearing at 5:02 p.m.

**Bylaw No. 3030 – 3040 Kilpatrick**

**Angela Gilbert, 221/211 - 3030 Kilpatrick Avenue, Courtenay**, spoke in opposition to the proposed rezoning application. The speaker raised concerns regarding the impact the proposed development would have on existing businesses including a loss of exposure due to the change in zoning and the financial impact of loss of business through the construction phase. The speaker said the proposed units are not affordable housing and are not suitable for senior housing as the access to Kilpatrick Avenue is a safety concern. The speaker proposed stipulations for the developer if the zoning amendment were to be passed including prohibiting the developer from parking large vehicles or construction materials at this address as well as the continuation of two-lane traffic to access the building.

**Ted Sklarchuk, 811/821 - 3030 Kilpatrick Avenue, Courtenay**, spoke in opposition to the proposed rezoning application. The speaker shared many concerns regarding the proposed development including: the density being too large for the site; the potential lack of sunlight a 5-story building would create; the developer continuing to seek larger scale zoning amendments; and the developer’s behavior towards existing residents. As a business owner, the speaker was also concerned about public being able to access the building and said the development moving forward would not have a significant impact on the overall housing market.

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**Scott Johns, 3551 Cameron Road, Royston**, spoke in support of the proposed zoning amendment. The speaker spoke to the current housing crisis in the area, the lack of affordable housing and lack of rental properties.

**Mona Robertson, 640 21A Street, Langley**, spoke in favour of the proposed amendment as the speaker is looking to retire to the island and said there is very little housing available. The speaker spoke to the favourable location of the proposed development.

**Scott Gilbert, 221/211 - 3030 Kilpatrick Avenue, Courtenay**, spoke in opposition of the proposed zoning amendment. The speaker spoke to the negative effect the covid-19 pandemic has had on small businesses. The speaker proposed measures to be implemented in the event that the development does happen including limiting the developer from parking equipment at this address as well as ensuring the free flow of current two-lane traffic is maintained. The speaker also proposed that the developer be required to install a sign for South Gate Village.

**Amanda Van Delft, 524 Salish Street, Comox**, spoke in favour of the proposed zoning amendment. As a local realtor, the speaker said that housing supply is needed and the proposed location would be good for senior residents.

**Kyle Yore, 3070 Kilpatrick Avenue, Courtenay**, spoke in favour of the proposed zoning amendment as the speaker is currently renting in the building and is hoping to buy into a unit in the proposed development. The speaker noted that they have been looking to buy a property, but there is little available.

**Richard Vary, 4711 MacIntyre Avenue, Courtenay**, spoke in favour of the proposed zoning amendment. As a realtor, the speaker spoke to the housing crisis. The speaker said that developers are focusing on rental properties, but there is a lack of inventory for people looking to purchase.

**Evan Huber, 680 Murrelett Drive, Comox**, spoke in favour of the proposed zoning amendment. The speaker said that developments of this nature create access to the housing market for many people looking to purchase. The speaker spoke to the high-quality product of other developments that have been completed by the developer.

**Zeljka Dukic, 214 - 3070 Kilpatrick Avenue**, spoke in favour of the proposed zoning amendment. As an owner in the existing building, the speaker expressed a desire to purchase a unit in the proposed development. The speaker spoke to the benefit of a development during a housing shortage.

Without objection, Mayor Wells declared the public hearing for Bylaw No. 3030 – 3040 Kilpatrick closed at 5:42 p.m.

**PUBLIC HEARING SUMMARY OF REPRESENTATIONS**

There were **32** written submissions (attached) received in regard to Bylaw No. 3030.

  
Rayanne Matthews, BCom  
Deputy Corporate Officer

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## PlanningAlias

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**From:** ARLENE BERNDL  
**Sent:** Tuesday, December 7, 2021 2:22 PM  
**To:** PlanningAlias; CouncilAlias  
**Subject:** Proposed re-zoning of 3040 Kilpatrick Avenue, Courtenay, BC

I am writing to advise that as a resident owner at 3030 Kilpatrick Avenue, Courtenay, BC, I am opposed to the proposed re-zoning application.

Regards

Arlene Berndl  
#321 3030 Kilpatrick Avenue

## PlanningAlias

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**From:** tyrell terryberry  
**Sent:** Friday, October 15, 2021 10:15 AM  
**To:** PlanningAlias  
**Subject:** 3040 Kilpatrick proposal

As a current resident at Newport Village, I am very concerned about how they plan to manage parking at the units with an addition of another building. Parking at the current building is an absolute nightmare. This is evident by people constantly looking to rent additional parking spots from other units, people complaining about parking and people constantly getting towed for parking in the wrong spots (because they have no other place to park). There are maybe 8 additional parking spots available currently that aren't reserved for units and with the addition of a 3rd building I don't see how they could improve upon this. These non-reserved spots are already being taken up by people who live in two-vehicle households scrambling to find parking.

Parking at Wal-Mart or neighbouring businesses is not even an option as all nearby stores have no overnight parking signs in their lots.

Not to mention when the second building was being built the dozens of vehicles driven by construction workers clogged up all the parking spaces that are now designated as reserved or visitor parking. Unless they are planning on removing even more parking from the residents to give to the construction workers there will be absolutely no place for them to park.

Another big issue I see would be congestion during construction. When the second building was being built it was often very difficult when leaving and coming home. Often the path in and out was blocked by vehicles, large equipment, etc. often making myself and others late for work. I feel like this problem would only be amplified with the 3rd building as it is more "in the way" of the exits than the second one was.

Finally, I think it is unfair to residents to burden them with the constant noise of construction, especially with the number of night shift workers in the building. The original plans when I and many others moved into the building showed the area proposed for the 3rd building as a parking lot. Myself and others were expecting the construction noise to cease after the 2nd building and for this additional parking lot to help mitigate the parking issues. A 3rd building would not only no longer help solve these issues but make them exponentially worse.

## PlanningAlias

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**From:** Shane Bone  
**Sent:** Friday, December 3, 2021 8:51 AM  
**To:** PlanningAlias  
**Subject:** RE: 3040 Kilpatrick Ave

Dear Courtenay Mayor, Council and Staff;

My name is Shane Bone and I live in Courtenay,  
I am writing to you in regards of the proposed Newport village building.

I fully support the idea and think they should have approval for many reasons, we are in a rental crisis and there are many people around town that are struggling to find homes to live in. And unfortunately have to live in mobile trailers at camp sites, or even worse on the streets.

I already know a few people who have moved into the previously built Newport buildings and are very happy with their new homes, and am positive more people will feel the same in a newer building.

I would also like to point out that these are very clean modern beautiful buildings that make our city look great, we need to add more buildings like this to our city to entice people to want to move to our fine city.

This location is perfect for new housing as it is within walking distance to Walmart and the mall. As well as our bus routes.

In addition being a construction worker this creates alot of local work for guys like myself who constantly struggle to find work at home. Currently I am working in Victoria all week which does not give me much time at home with my family.

I hope that Mayor and Council will support Newport Village Courtenay's proposal.

Thank you  
Shane Bone

Sent from my Galaxy

## PlanningAlias

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**From:** Lex Burnham  
**Sent:** Wednesday, December 8, 2021 1:51 PM  
**To:** PlanningAlias  
**Subject:** Public Hearing 3040 Kilpatrick Ave

Hi Mayor and City council of Courtenay,

Lex Burnham writing in to communicate that I fully support Newport Village developments phase 3. Being a young 25 year old from Vancouver, I've been weighing my options of where I can afford to purchase a place of my own. I think the affordable housing component is a great thing for the community, and makes it achievable for the younger generations looking into having home ownership.

I think this project is a step in the right direction and I support it 100%.

Thanks,  
-Lex Burnham

## PlanningAlias

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**From:** Jason Drew  
**Sent:** Tuesday, December 7, 2021 10:10 PM  
**To:** PlanningAlias  
**Subject:** Public Hearing 3040 Kilpatrick Ave

Re: Rezoning Application – Newport Village

Dear Mayor and Council,

My name is Jason Drew, owner of a unit in 3070 Kilpatrick Ave (phase 1) and I am emailing you to let you know that I support the proposed project at 3040 Kilpatrick Avenue. The project is located in a very desirable neighbourhood - close to many restaurants and stores. It would make sense that the project would only serve to advance the neighbourhood and offer much needed housing to those wanting to settle in the area.

I think the approval of this next development will serve the City well. I hope you will support this proposed development and help continue providing opportunities for people to live in this awesome City.

Kind regards,

Jason Drew

## PlanningAlias

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**From:** Angela Gilbert  
**Sent:** Tuesday, September 14, 2021 8:10 PM  
**To:** CouncilAlias  
**Cc:** PlanningAlias  
**Subject:** Re: 3040 Kilpatrick Ave proposal  
**Attachments:** Newport photos letter.pdf

Please find attached a letter with photos to illustrate some of our concerns. Thank you.

Angela Gilbert



Sept 13, 2021

**Dear Mayor & Council:**

Please take a moment to review these images and descriptions of our concerns about the development proposal at 3040 Kilpatrick Ave, currently zoned for commercial use, with a proposal to rezone for a 5-story residential building containing 41 units.

**Visibility Matters & Neighborhood Fit**

While 3030 may not have a lot of exposure at the street, it can be seen so that people know that something is there. A commercial space, as was always intended for the site at 3040, would draw consumers closer to these 30 work / live spaces and the businesses in them, while a 5-story block of residential would make those units disappear from view. Residential traffic is different from commercial traffic. Commercial traffic is varied. Residential traffic is the same people every day. Commercial traffic is heaviest during business hours, while residential traffic is typically after hours. The development team contradicts itself in its traffic and business comments, commenting in several places in the staff report that more residential will increase business to businesses, and in other places commenting that residential will reduce traffic significantly compared to a small commercial space. The type of traffic matters.



1. A view of the site from 30<sup>th</sup> St. Imagine a 5-story building in the space at the front.

Some of the councillors mentioned at the Sept. 7 meeting that they were not aware that phase 2 of Newport Village had commercial units. Likely, this is because they can't be seen from the road. There is a large sign there for business names should they become occupied, and yet it is still difficult to notice the commercial units. These commercial spaces will be almost impossible to see with a 5-story residential block reducing street exposure further, whereas a small commercial building with an open parking lot would bring people into direct view of the commercial spaces and make it obvious that the community is a mixed use one, not residential-only.



2. View of the commercial spaces in building 2 of Newport Village from the sidewalk. Imagine a 5-story residential block the entire width of the undeveloped lot behind this construction fence. Then imagine a small commercial space on the northwest corner and the portion of the site visible here as parking spaces, bringing commercial traffic into direct view of the commercial spaces in building 2.



3. A view from the driveway of the commercial units in building 2 of Newport, and of the large sign.



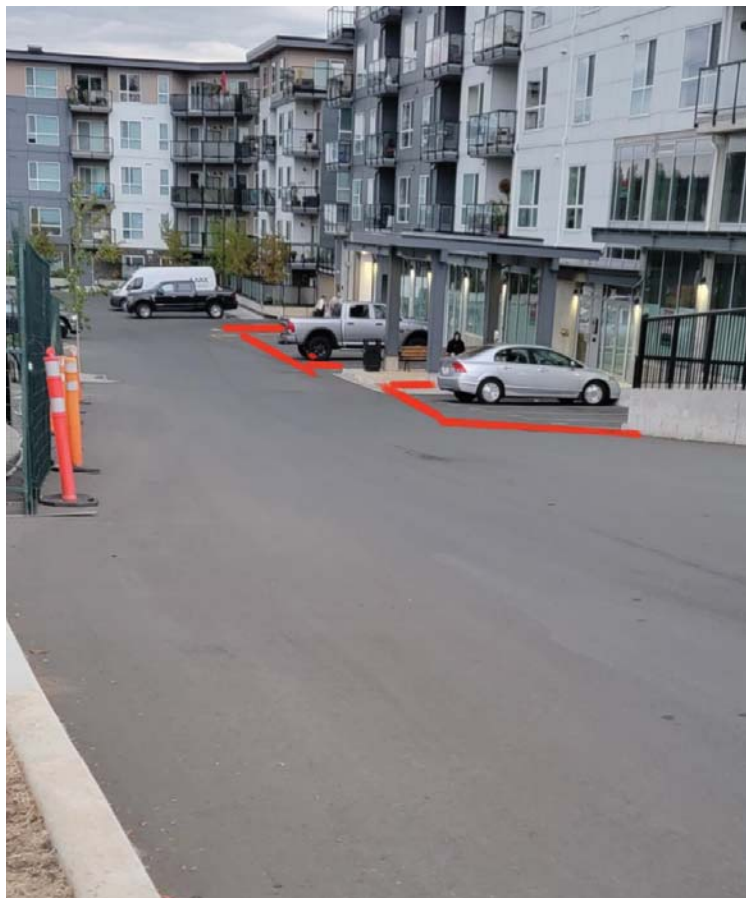
4. A view from the south, exiting the Walmart complex. The work / live units at 3030 are currently visible. With a small commercial building on the North West corner as originally proposed and parking lot, not only would these remain visible, traffic would be drawn closer to the businesses. A 5-story residential block would obstruct them completely and limit their exposure to people living in the residential block, the same people, each day.

**Construction and Footprint Size**

The commercial space already approved for this site would have a small footprint and a parking lot, and would not have a below-grade parkade. Construction would be less invasive, require less equipment and wouldn't require the construction of a parkade. There would be adequate room on the site itself for construction staging. The proposed 5-story residential block would take up almost the entire footprint of the site. Having witnessed the construction of the other two midrise buildings and parkades at 3070 & 3080, we are aware that the proposal would require a lot of space around the site itself for things like excavators, dump trucks, a large concrete pumping truck, and multiple cement trucks in a steady line to supply the concrete pumper. A crane would also be required on site for months, taking up a significant amount of space. Many, many different tradespeople and construction workers and their vehicles would also need a place to park. Significant building materials would be required to be stacked and stored. During the construction of building 2, the entire lot at 3040 was used as a staging area, and construction

vehicles were parked on neighbouring commercial properties from early morning until late evening, causing issues for other businesses.

The development team's answer to our concerns about space for construction was that it will be staged in the commercial spaces at building 2 (17 spaces). This is physically impossible given the scale of the project. It is not enough space and is on the opposite side of a busy driveway from the site. There is nowhere in the neighbourhood for tradespeople and workers to park, and part of the parking lot that currently has some spaces allocated for phases 1 and / or 2 of Newport is going to have to be torn up for construction of the parkade, leaving a deficit in parking during a year and a half or longer of construction. Those of us who have residences and businesses at 3030 are very concerned about keeping not just access, but unobstructed access via the north driveway during construction. All surrounding residents need to have unfettered access to their residences as well. Construction vehicles and equipment should not be allowed to be parked or stored on either driveway.



5. A view of the parking spaces for commercial units at 3080, where the development team answered construction would be staged. This is unrealistic.



6. A view of the site of the proposal from the work / live units at 3030 and some of the construction equipment currently on site. The footprint of the proposed building would take the entirety of the empty space, and stalls visible here would have to be torn up to put the forms in for the underground parkade. Where is the huge concrete pumper going to go during work on the parkade? What about the crane that will be needed for months on the site? Where are construction workers going to park?



7. A view of the site from Google Earth. There is nowhere to stage construction without impeding access since the proposed residential block would take the entire footprint of the site. There is nowhere for tradespeople or workers to park without taking the parking of neighbourhood businesses meant for their customers. You can also note the lack of any open areas. The “Play area” is the very small, dark spot near the centre and is comprised of two benches and cigarette butt cans, some rubber matting and a small strip of grass. It is about three car lengths.



8. The fire lane on the right side of this garden had to be installed during the construction of phase 2, as construction workers were parking in the parking spaces of 2998 and along this curb, preventing delivery trucks from being able to access the businesses at 2998. They also had to install parking signage and arrange a towing contract, a financial consequence to them, to prevent Newport residents and visitors from parking in the spaces meant for their businesses.

### Refuting Development Team Claims

In the photo above, two survey stakes are visible in the garden between 3030/40 and 2998. The developer claims to have erroneously submitted drawings with our access re-routed through 2998, between these two stakes. An existing covenant gives us access through 3040, but one does wonder how this could be accidentally drawn, surveyed, and submitted. This is the second time we've had to worry about our driveway access being removed by this development team, which is why we had concerns when we saw our access re-routed on the drawings and why we were skeptical about the answer.

Throughout the staff report in the agenda, there were complaints from residents in phase one and two about not enough parking provided, and complaints from businesses at 2998 and the work live units at 3030 about Newport residents parking in their spaces. Those complaints were dismissed out of hand by the development team.

The development team answered in the staff report (page 55 in the staff report) that they didn't have any internal stop signs when it was pointed out that they refused to add a stop line to add safety since people were running a stop sign. That internal stop sign is visible in the photo above, left side. Below are some photos of the parking issues.

The parking issues are improved at 2998 with only a few people parking there from Newport currently, since signs and a towing contract were put in place, and since it appears that Newport may have made a few more stalls available, at least until construction begins. However, there are still a dozen or more cars from Newport residents parking in the Northeast corner of the Walmart parking lot closest to the

development, which may not seem important in a large parking lot, but it is during busy times and during snow events when clearing is done after hours when the lot is normally empty. There are still visitors periodically parking at 3030 in the evenings, which you may not think matters overnight when small businesses are closed, but it does matter when you live above a business and racous visitors return noisily to their cars in the middle of the night, or if the cars are still there in the morning as businesses are opening.



9. Top left and centre, 2998 parking lot as seen in the staff report and dismissed as it was during business hours. Top right and middle row, corner of Walmart parking lot September and March, early morning. Bottom, early morning in front of 2998 before they had signs installed and towing contract. Many of the same cars are seen in several photos.



10. Another view of the internal stop sign as it exists at the intersection of the parking lot on the prosed site and the north driveway. Drivers run through it consistently. It could benefit significantly from the addition of a white stop line.

## Ad for unit in 3080

### Rental Location



 3080 Kilpatrick Ave  
Courtenay, BC, V9N 7S7

[Get Directions](#)

### Driving Time


Add an address to see how long it takes to get there from this property.

[Add Address](#)

### Description

New Vinyl Plank Flooring, New Carpets in Bedrooms, New Tile Floors in Washrooms, New Stainless Steel Appliances (Fridge, Stove, Dishwasher and Overhead Microwave/Fan), New Cabinets, New Under Cabinet Lighting, New Everything and New Washer and Dryer. Units range from 1975-2100

1 year lease then month to month rental, non smoking, new building, pet friendly



Tenant pays for hot water, parking, electricity, cable, telephone, internet and parking at \$25/ stall per month

The building has an Elevator, Amenity Room, Large Common Patio, Children Play Area, Key Fobs Systems, Parking is Extra Cost and Common Area Cameras as well an Electric Car Re-Charge Stall.

Nicely located within a few minutes walking distance of the Shopping, Restaurants, Banks and plus a lot of retail outlets stores and easy access to transportation.

3080 Kilpatrick Ave, Courtenay, V9N 0G7,

Pet Friendly, No smoking, Available anytime

 This large two bedroom will fit three queen size beds...2 queens in 1 bedroom and 1 queen in the other bedroom. 

Thanks

Abigail  
Agent Manager [Read Less](#)

11. This is an advertisement, screen captured from Facebook on Sept. 13, 2021. You can see that parking is extra, and that it is marketed as being able to fit 3 queen sized beds. The rent is high, so it's understandable multiple roommates might be necessary, but it is likely a factor in the parking issues that we've experienced in the neighbourhood. <https://www.facebook.com/marketplace/item/798815220934120/>



## Summary

All of these issues should have been more appropriately addressed before the proposal was presented to council. The development team complains about not being able to lease their high lease rate, oversized commercial spaces that don't have exposure or enough parking for their size, and yet wants to reduce their exposure even further.

The development team argues that 41 more units of residential blocking the businesses at 3030 from view will support those businesses, but also argues that it will reduce traffic, and hasn't succeeded in filling its own commercial spaces right below and beside more than three times the residential units.

The development team says that construction will be staged in a very small space that will not be nearly enough and refuses to be informative about where the remainder would be staged, and where construction workers will park, only stating that we will still have access. This is unacceptable. With several businesses at 3030, that vague answer is not reassuring that our clients will have unfettered access, and we are worried about surviving the construction phase, let alone afterward when we will be blocked in by a 5-story building if this goes ahead as proposed. Construction vehicles and equipment should not be allowed to be parked or stored on either driveway.

This proposal has been allowed to go before council without any alterations to address our concerns about the massive scale of the building, and the impact it will have on the work / live spaces at 3030. This proposal simply does not fit in the neighborhood and would change the open, mixed use feel to a blocked off, private neighborhood feel. There is no open space or green space in the proposal. There will be nothing to welcome people in. Instead of a welcoming business, there will be an imposing tower.

The sign at building 2 has obviously not been enough to make people aware that there are commercial spaces in that building, as is evidenced by the fact that some councillors weren't aware that it was there. While a similar sign, if supplied at the developer's expense, would be appreciated by the businesses at 3030 should this development poorly planned proposal be approved, it would need to have a covenant to guarantee that it would remain in perpetuity once the building is stratified, and it would certainly not make up in value for the lost street exposure and being blocked in by a residential tower.

A small commercial building would draw business in, and would keep the vibrant, mixed use feel already established in the neighbourhood. A 5-story residential building that only supplies 41 units of housing, that is a concrete jungle, and that is not family-friendly, is not going to significantly impact the housing issues in this community. Such a development will severely and negatively impact the 30 work / live units adjacent to it, will negatively impact the commercial units in the developer's own building, will negatively impact the hundreds of residents of phases one and two of Newport, and will negatively impact the neighbourhood as a whole.

Thank you for taking the time to review our concerns.

Angela & Scott Gilbert

## PlanningAlias

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**From:**  
**Sent:** Monday, December 6, 2021 8:52 AM  
**To:** PlanningAlias  
**Subject:** 3040 Kilpatrick  
**Attachments:** Presentation.pdf

If Zoom cooperates, this is what I intend to present at the hearing on Wednesday, but I'm not confident that Zoom will cooperate. Please include this in the package for council in case I have technical difficulties. Thank you.

Angela Gilbert  
211-3030 Kilpatrick Ave

## From the September 5, 2017 meeting Staff Report Regarding the Original Newport Proposal:

Staff support the proposed commercial and residential uses but have concerns with the proposed scale and density of the development in this location. Increased density near major commercial areas is encouraged, but the proposed development has one of the highest residential densities in Courtenay in an area where access to schools, playgrounds, active park space and civic amenities are quite limited. The proposed development will also add density at a location on Kilpatrick with poor sightlines due to the existing grade and curvature of the road. The site itself is quite tight and the applicants are seeking relaxations to maximum building height, parking ratios, parking stall widths, parking aisle widths, and building setbacks in order to accommodate the proposed density and given the shape of the development site.

# Urban Jungle

- These are children who live at Newport, playing in the driveway and parking lot, because the last slide was correct. Access to schools, playgrounds, active park space and civic amenities is quite limited.



# Lack of Accessibility

- People using walker or wheelchairs use the north driveway to access Kilpatrick. The proposed parkade entrance / exit would be to the left of these ladies. It will be extremely unsafe for them to use this driveway in this way if this is built as proposed.





- The reason people with mobility aids use the north driveway is because the sidewalk accessing Kilpatrick from Newport has a steep staircase.

# Exposure Current Proposal vs. Previous



While 3030 doesn't have frontage, the buildings can be seen from the road. We have views of the road, sidewalk, buildings across the street. With a single story commercial where the construction trailer and excavators are, the buildings at 3030 would still have some visibility so that customers would be able to find them.





With a 5-storey tower, I've drawn a line from the street level corner of the building on the right. The buildings at 3030, and the businesses in them, are blocked from view, and this will appear to be a residential-only complex from the street.



Exposure from the south of 3030 would be completely blocked with a 5-storey tower. A single-storey commercial as proposed in the northwest corner would not block 3030 and its businesses from view.



# No Exposure

- This view is from the edge of the south driveway. The commercial in building 2 is not noticeable. Even with the large sign it's difficult to know that there is commercial in that building due to the grade and the fencing. With a large building it will be even less visible. With a small commercial it would have business traffic facing it.



# Visibility

- The commercial in building 2 is less visible from the sidewalk, even without a tall building blocking it. It's unlikely to attract businesses willing to pay the high lease rate with its lack of exposure and lack of parking.



# Construction Staging Concerns.

- The lot is very small, the footprint of the building is very large, and there is no space to stage construction without severely impacting surrounding businesses and residents.
- This photo also demonstrates how, even with the large items stored currently on 3040, 3030 still has a view to the Loomis building, the sidewalk, and the building across Kilpatrick. It won't have any exposure with a 5-storey tower.



# Construction Staging – Developer’s Answer

- When asked where construction would be staged, the parking area in front of the commercial spaces in building 2 was the answer. That’s the area marked in red. It’s likely not sufficient for supplies, let alone vehicles and equipment.
- This is why we are so concerned about maintaining unfettered access to our businesses via the north driveway, and why we are concerned about parking in the neighbourhood during construction given that this larger scale building will not leave any room on the site itself, and will take approximately 18 months to build.



# In Conclusion

- There is no debate about whether this will impact our businesses at 3030, all parties agree that it will.
- We are small businesses, and small businesses are an important part of the economy.
- The work/live spaces at 3030 are “the missing middle” and are at risk. We bought our property knowing that the site in question was commercially zoned. So did the developer.
- This is our sole family income. We can't afford to move our home and business. This could be devastating for us, especially as we are still suffering the financial impacts of the pandemic.
- If Council allows this project to go forward, which we hope it will not, we need protection. A promise to do their best from the development team is not enough.
- We would like a stipulation attached to the permit that the developer cannot park or store anything on the north driveway that accesses 3030 so that it can maintain unimpeded traffic as much as possible.
- Whatever happens, the city and the developer will move on after its completion, but those of us in the neighbourhood will be dealing with the impacts of this decision forever.

## PlanningAlias

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**From:** Angela Gilbert  
**Sent:** Monday, November 29, 2021 8:32 AM  
**To:** PlanningAlias; CouncilAlias  
**Subject:** 3040 Kilpatrick Proposal - The Missing Middle  
**Attachments:** Letter for public hearing 3040 Kilpatrick.pdf

Please find attached a letter touching on some of the points I want to address at the public hearing, but will unlikely have enough time to cover within the five minute time limit.

Thank you for taking the time. I do recognize that this file and correspondence, including my own, regarding it has taken time, and I appreciate it.

Angela Gilbert

221 / 211 – 3030 Kilpatrick Ave. Courtenay

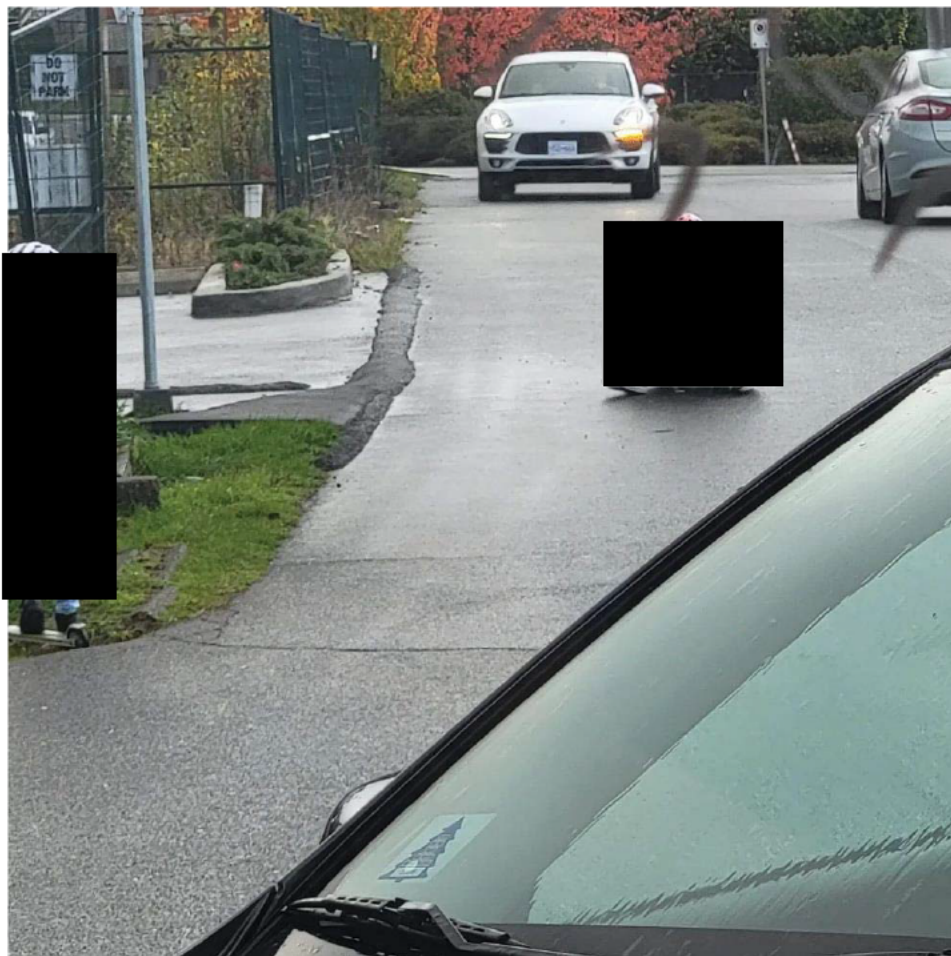


Dear Mayor and Council:

Re: 3040 Kilpatrick Ave proposal and the "missing middle".

This proposal is a significant change from a small single-story coffee shop in one corner of the lot to a 5-story residential tower requiring "wobble room" for setbacks. I understand that municipalities are trying to address the "missing middle" and densify, and didn't oppose the first two phases of this project because I agree that housing is needed.

However, buildings to the maximum height allowance is not addressing the missing middle. Instead, it's creating one. Addressing the missing middle should see developments between single-family homes and maximum height / density buildings. This proposal is a maximum height and density building. Addressing the missing middle should see more variety of housing, not housing that is all the same. A mix of single-family homes, apartment buildings of various heights and density, row houses, patio homes, and work / lives like those that we live and work in at 3030 is the missing middle. Addressing the missing middle should see well-planned communities that mix residences and businesses in a complementary way that works for both. It should result in walkable neighbourhoods with green space. Neighbourhoods where people live because they want to, because they are nice, well-planned communities; Communities that people want to stay in long term, not ones that are transitional for people until they can find or afford something better.



1. This is where children from Newport play.

What we're seeing though, is single-family homes and apartment buildings pushed to the maximum allowable height and setbacks or even to variances beyond the maximum, with very little in between. Green space is being traded for roof top common spaces, parking is being traded for density, and small businesses are not being considered and integrated into the plan. In the developments proposed or recently built in Courtenay, the middle, between high density apartment / condo blocks and single-family homes, is often still missing. It's just on a slightly different scale than in larger cities where the maximum height is higher, and perhaps maximum height restriction changes will be next.

In the case of this specific project, all parties agree that this proposal will impact our businesses at 3030. There is no debate about that.

A commercial space would draw the public closer. A residential tower will block us from view and keep the public farther away, reducing exposure for the businesses at 3030 and for the commercial spaces on the ground floor of building 2 in the proponent's own development. There has been no willingness to change the type of residential building, or to have a commercial element. It's just another tower to the limit of allowable height that maximizes density and minimizes green space and amenities. These units are not social or affordable housing, and are not particularly suited to families, seniors, or anyone with mobility issues.

It's been very frustrating to see this get to this stage without a single change to address the concerns expressed by neighbours.

The question then becomes, as the development team put it, whether this project is worth the impact on the small businesses at 3030. These are small businesses, not big corporations, and believe me, we would rather be focusing on our work than pleading our case to you, but we have to. Our business, our livelihood, is being backed into a corner, figuratively and literally by this proposal.

With this proposal, 3030 will keep all of the financial obligations and disadvantages of a commercial area, but will lose the existing exposure and the potential gained exposure of development under the current zoning. We will lose the professional "feel" of being in a commercial area, closed in behind and below this tower. Any impact on our business will be felt, and we are genuinely worried about surviving construction.

It is council's prerogative to change zoning if it believes it's in the best interest of the community. The reality of that is that it changes the rules to the benefit of some and detriment of others though. You may not want to be, but you really are picking winners and losers. If this goes forward, we have a lot to lose. It's our livelihood, our sole family income, how we put food on the table and pay our bills. It's our future retirement.

We bought our property knowing that the lot at 3040 was commercially zoned. So did the developer. We never thought for a moment that the zoning would ever be changed to block businesses behind a residential tower. You are deciding whether a developer from Port Moody gets to change the rules at the expense of Courtenay small businesses. Whether his gains will be our loss. This is not a matter of NIMBY, anti-development complaints. The concerns of those at 3030 are real, legitimate concerns about the viability of our businesses if this rezoning is allowed.

**Developments like the work / lives at 3030 are the missing middle, and this proposal is putting us at real risk.**

For the city, 41 units is a small percentage of those being discussed by council in the last month. The first two phases supplied 132 units of housing. We did not object to those, though in the staff report from September 2017 shows that staff were concerned at that time about the density of those units. Here is an excerpt from that report:

Staff support the proposed commercial and residential uses but have concerns with the proposed scale and density of the development in this location. Increased density near major commercial areas is encouraged, but the proposed development has one of the highest residential densities in Courtenay in an area where access to schools, playgrounds, active park space and civic amenities are quite limited. The proposed development will also add density at a location on Kilpatrick with poor sightlines due to the existing grade and curvature of the road. The site itself is quite tight and the applicants are seeking relaxations to maximum building height, parking ratios, parking stall widths, parking aisle widths, and building setbacks in order to accommodate the proposed density and given the shape of the development site.

Whatever happens, Council and the planning department will go on to the next project, and the developer will move on. Those of us living and working in the neighbourhood will be living with the decision and its impacts on our homes and businesses forever. For us, it's personal, it's emotional and it matters.

If you decide to go ahead with this proposal, I hope you will help us survive construction by attaching a stipulation to the permit that the developer can't park anything or store anything on the north driveway during construction so that it can maintain two-way traffic as much as possible. The construction phase is the scariest part for us and we simply can't rely on a promise to try not to block access without any way to enforce it. Customers don't like driving through a construction zone. Since the neighbouring businesses had to mark all of their parking and mark the curb line between us and them as a fire line to prevent, first construction workers for phases one and two of Newport, and then its residents from taking all of their parking, customers can't avoid the construction by parking elsewhere for a few minutes, and they shouldn't have to.

I would also like to see the entrance to the north driveway widened, as the developer re-did the sidewalk near completion of phase two and cars can't enter and leave at the same time, they have to wait, causing congestion on the road.

The planning department should look at accessibility issues and see what can be done. People from Newport with mobility issues requiring wheelchairs or walkers use the north driveway to access Kilpatrick as the sidewalk from the development has a significant number of stairs. They won't be able to safely do so with the current proposal. If the parkade entrance was on the south driveway, rather than the north, perhaps a sidewalk could have been added for these people to use on the north side between the building and the driveway.



*2. People requiring wheelchairs and walkers use the north driveway. The sidewalk at Newport to access Kilpatrick has a lot of stairs. The proposal would have the parkade exit / entrance to their left and they would no longer be able to (relatively) safely use this driveway to walk on. This photo also shows the short distance between entrance to the existing Newport surface parking lot, which will remain, and the road. Adding the other entrance / exit where people have to turn left to exit just above it is likely to cause accidents when a large building limits visibility, and will certainly cause congestion at the street due to the narrow opening of the driveway where cars entering have to wait for cars leaving.*

I hope that council can help us with these things if this goes ahead. My first choice would be for the lot to remain commercial, which would benefit surrounding businesses instead of harming them, or a smaller scale mix of commercial and residential, but if this is going to go ahead as is, dealing with these issues would help increase the chances that our business will survive construction.

My apologies for writing yet again, but I know I will not be able to cover all points within the 5 minute limit at the public hearing.

Thank you for taking the time.

Angela Gilbert

## PlanningAlias

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**From:** Scott Gilbert  
**Sent:** Tuesday, December 7, 2021 8:52 PM  
**To:** PlanningAlias  
**Cc:** CouncilAlias  
**Subject:** 3040 Kilpatrick Ave, Development Proposal  
**Attachments:** citypublicmeetingfull.docx

Please find attached a statement of my comments for the public hearings on Dec 8th, 2021

Mr. Mayor, Council,

Thank you for the opportunity to speak today about the proposed development at 3040 Kilpatrick Ave.

I am here to oppose the development. However, I have an additional concern that dearly needs to be addressed. If this proposed development goes through despite the objection of the neighbourhood businesses and residents that will be negatively affected, I would like to propose some small reasonable measures to give those thirty residential and business units at 3030 Kilpatrick Ave. who will be affected most of all a fighting chance to survive the years long construction process in order to be located and viable during construction and after completion. This is desperately needed as we all know the Covid pandemic has disproportionately affected small businesses more than most. There are a number of small businesses with self-employed owners at 3030 Kilpatrick. They are Thoughtful Paws Grooming, Your Repair Depot, HS Design, Skin Deep Tattoos, KC Wholesale, Abode Zero Waste Cleaning Solutions, Betty's Best Cleaning and Wild Earth Massage therapy. Another business, Dance It Again a costume consignment boutique and tailoring service was also hoping to open post-covid but that will now be determined by this outcome amongst other considerations. So eight and potentially nine small businesses employing an estimated fifteen to sixteen people could be severely negatively affected by this development proposal and disrupted access.

I am here today to ask, if this development proposal is approved by city council despite all objections, to have the stipulation added to the permit that the development company, other than transiting to 3040 Kilpatrick Ave. at no time, park or place or allow to be placed construction equipment, construction supplies, contractor vehicles and their equipment, construction workers personal vehicles or anything else that obstructs the free flow of the current two lane traffic on the driveway that provides access to the thirty business and residential units of 3030 Kilpatrick Ave. This should provide no challenge to the developer as he has stated on record he plans to use the commercial parking in front of 3080 Kilpatrick to stage all his materials and construction equipment and parking.

I also ask, that upon completion of the proposed development if approved at 3040 Kilpatrick Ave., the development company, at their own expense, place at the end of the driveway at the edge of 3040 Kilpatrick Ave. adjacent to the driveway a lit sign. This sign should match the existing Newport sign located at 3080 Kilpatrick with the same dimensions and design with the address for 3030 Kilpatrick Ave. and the title Southgate Village and have it registered with the land titles office so it cannot be removed by future owners without the agreement of the majority of all affected strata's at 3030 and 3040 Kilpatrick. After completion those businesses at 3030 Kilpatrick Ave. will assume all maintenance and related costs of the sign for the foreseeable future. This will, to a small extent, offset some of the greatly concerning negative effects of having an extremely large and imposing residential building blocking commercially zoned properties at 3030 Kilpatrick Ave. This impact was acknowledged by a developer representative during one of their information sessions this last Spring. This will also greatly aid in locating and separating local addresses by emergency vehicles and others to locate not just 3030 Kilpatrick Ave. but 3070 and 3080 Kilpatrick as well. In the past two and a half years I have personally had to redirect the fire department two times, an ambulance one time and the police department countless times as they could not easily find those at the affected street addresses. The small cost to the developer for this sign should be easily absorbed considering the millions of dollars in profit that should be realized after completion and sale of the units.

The reasons for these requests is that in the past four and a half years the development company, in the quest to be as profitable as possible, has imposed itself in a number of ways to the detriment of the neighbourhood and especially to those at 3030 Kilpatrick Ave. It started as follows:

The first impromptu introduction after property purchase with lead developer Sasha Rasovic out front of our business he stated they would not be relocating our driveway (which I thought was a strange statement) and would not be tying in to our two strata shared water system behind our city water meter in any way.

The developer attempted to remove our driveway access twice. At first with their initial proposal over four years ago they proposed removing our driveway access and provide access through 3080 Kilpatrick Ave. with a series of left and right turns and place a building right in front of all our units. When we objected to this at their informational meeting held at the then Holiday Inn Express as we stated it would put us out of business we were told by Sasha Rasovic of the development company that it was his property and he could do with it as he wished and that he only had to provide access, which is incorrect. When we said we would bring this up with the city he stated, and I quote, "If you give me a hard time with this, not only will you lose the driveway I will build a wall and plant trees and no one will ever see you." This early attempt at driveway removal can be confirmed by Mr Setta of the City development department as we met with him about this and other development issues.

The developer's site manager Joe Wilson installed silt traps in two of our parking lot drains on our property. Unfortunately, for months on end in the fall with no construction activity on site the traps filled with debris and water began to back up into our parking area and began to flood. Over months we repeatedly called them to complain and were told because they were not local and were on the lower mainland they couldn't fix it and were not going to come over to do so. They only said to try to find something to poke a hole in it to help let some water through. We attempted this with little to no success. Eventually, after many months of repeated flooding we told the developer we would complain to the city. Only then did they have a local contractor, Leighton Contracting, send a worker out to remove the silt traps who explained the developer should have removed and serviced the traps monthly to prevent blockage and our months of repeated flooding impacting our homes, businesses and customers.

Months later the developer also attempted to illegally connect to our water lines behind our city water meter citing 3030's standing easement agreement for access and services to the road. Of course he was incorrect as was confirmed by legal advice. During a meeting where the developer informed both our stratas of his plans he was asked by a local unit owner, "What exactly are you asking for?" He replied, "I'm not asking for anything. I'm telling you what I'm doing." The audio of this meeting was recorded and can be provided upon request. It took a letter from a lawyer, signed by both strata's presidents denying him access to our metered water to get him to change his plans. This can be confirmed by Connie Law and Rich Feucht at the city development department as they were also consulted about this and advised that we consult with a lawyer.

The latest initial proposal with the residential building at 3040 Kilpatrick the developer proposed removing our driveway temporarily for up to an estimated minimum year and half if not more during construction with side access through 2998 Kilpatrick Ave. He did not consult with those of us at 3030 Kilpatrick or those who owned or operated businesses at 2998 Kilpatrick. Again, this would have put all those small businesses at 3030 Kilpatrick Ave. out of business for the developer's convenience during

construction. The only reason they could not do this was because of the covenant guaranteeing access to 3030 Kilpatrick Ave. through 3040 to the road and could not be violated.

It was also disclosed to us by Dana Beatson, the previous planner for this development since removed that there was an existing note on the development file for city staff to closely monitor the developer to ensure he does what is required as he might not always do so. This was also confirmed by Michael Grimsrud, the current city planner when he took over this development file.

The property owners of 2998 Kilpatrick Ave. had to meet with the developer to address the issue of his construction employees and contractors taking the vast majority of the parking and impacting other business tenants at that address negatively during and after his short tenancy. They have since placed a large no parking fire lane along the curb separating 2998 and 3040 Kilpatrick Ave. and parking enforcement signs on all other spaces to ensure they would no longer be negatively affected by the developer or his properties utilizing their parking.

It can be clearly seen the developer has no qualms with negatively affecting those in the neighbourhood in the pursuit of making their development ventures as profitable as can be. This is why, I implore City Council and Mayor to help protect our small businesses, our jobs, and our homes with these two reasonable requests if this troubled development goes forward which, with all things considered, it really should not.

Thank you.



## PlanningAlias

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**From:** Joe Wilson  
**Sent:** Friday, December 3, 2021 4:56 PM  
**To:** PlanningAlias  
**Subject:** 3040 Kilpatrick Ave

Dear Mayor and Council,

My name is Joeseph Gordon. I own a unit in Newport Building 1 at 3070 Kilpatrick. I live and work in Courtenay. I am writing to you today regarding the development project on Kilpatrick Avenue. I am in full support of this development.

There are already other apartments in the area, so it fits with the neighbourhood.

We need a wider variety of housing in the Courtenay area, and the proposed project will help fill the gap.

I hope that you support this development to go ahead Sincerely, Joe Gordon

## PlanningAlias

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**From:** Leigh Hauck  
**Sent:** Wednesday, December 8, 2021 1:33 PM  
**To:** PlanningAlias  
**Subject:** Public Hearing 3040 Kilpatrick Ave

City of Courtenay,

I want to start off by saying that I am in full support of the proposed project on Kilpatrick Ave.

My name is Leigh Hauck and I am just finishing up my undergraduate degree. I am looking to move to the Valley but I am unable to find affordable housing options. I am looking forward to seeing this project come to fruition.

Regards,  
Leigh Hauck

## PlanningAlias

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**From:** Rhi Holo  
**Sent:** Friday, October 8, 2021 10:22 AM  
**To:** PlanningAlias  
**Subject:** 3040 Kilpatrick Ave

Good morning,

To whomever this reaches, I would like you to know previous emails of the tenants here have been disregarded due to previous management being apart of the conversation. They are no longer managing this building due to his poor management. We, as well as many tenants here at 3080, would like the comments & emails sent before, that were responded to by them, to be reconsidered and responded to by the appropriate person(s).

3040 Kilpatrick is not a good idea. There is so much traffic trying to leave our building, it causes near accidents every day with the busses in the way on the left, and the construction zone that's been left there; on the right. There is also an absurd amount of crime that has gone on in 3070 & 3080, and this should be addressed not only by the landlords, and the management on site, but the city as well.

I hope you take all of this into consideration at the meeting, for the sake of the tenants here, and the drug problem this city has..

Cheers.

## PlanningAlias

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**From:** Grimsrud, Michael  
**Sent:** Wednesday, October 13, 2021 9:34 AM  
**To:** PlanningAlias  
**Subject:** FW: Public Hearing Comments for Mayor & Council -Oct 27 Public Hearing (Bylaw No. 3030-3040 Kilpatrick Ave)

-----Original Message-----

**From:** Rhi Holo  
**Sent:** Friday, October 8, 2021 8:26 PM  
**To:** Grimsrud, Michael <mgrimsrud@courtenay.ca>  
**Subject:** Re: Public Hearing Comments for Mayor & Council -Oct 27 Public Hearing (Bylaw No. 3030-3040 Kilpatrick Ave)

Good evening,

Thankyou for your response. The comments made by tenants in the building and businesses around the 3070 & 3080 kilpatrick ave, as you know, you can view online where the city has posted the responses made by Glen Smith ( responses made by him, at emails from businesses & anonymous tenants ) were all quite inaccurate and should not be accounted for as he's not long apart of the management for this building.

I would absolutely love if you could bring up some of my comments in the meeting as all of us here at 3080 feel very concerned about a new apartment building being built due to the traffic trying to get in and out of the parking lot here, theft inside these buildings due to the overpopulation of people allowed to rent in such a small space, and the parking stalls that would be taken up by workers instead of being given to tenants that need them.

Thankyou for your concern & time!

>  
> On Oct 8, 2021, at 11:43 AM, Grimsrud, Michael <mgrimsrud@courtenay.ca> wrote:  
>  
> Good Morning,  
>  
> A virtual Public Hearing scheduled for October 27 at 5pm. General Public Hearing information is provided here: <https://www.courtenay.ca/EN/main/city-hall/mayor-council/public-hearings.html>. Would you like your email to be sent to Council ahead of the meeting? Do you wish to provide any additional comments? I'm not confident I understand which comments and emails you're referring to. I think you mean comments and emails between tenants and property management that the City does not have. Perhaps you could clarify?  
>  
> Regards,  
>  
>  
> Mike Grimsrud  
> Planner II - Development  
> Phone: 250-334-4441 | mgrimsrud@courtenay.ca | www.courtenay.ca The  
> City of Courtenay proudly serves our community by providing a balanced range of sustainable municipal services.  
> OUR CORE VALUES: People Matter | Be Accountable | Depend on Each Other  
> | Pursue Excellence | Celebrate Success

>  
>  
>  
> -----Original Message-----  
> From: Rhi Holo  
> Sent: Friday, October 8, 2021 10:22 AM  
> To: PlanningAlias <planning@courtenay.ca>  
> Subject: 3040 Kilpatrick Ave  
>  
> Good morning,  
>  
> To whomever this reaches, I would like you to know previous emails of the tenants here have been disregarded due to previous management being apart of the conversation. They are no longer managing this building due to his poor management. We, as well as many tenants here at 3080, would like the comments & emails sent before, that were responded to by them, to be reconsidered and responded to by the appropriate person(s).  
> 3040 Kilpatrick is not a good idea. There is so much traffic trying to leave our building, it causes near accidents every day with the busses in the way on the left, and the construction zone that's been left there; on the right. There is also an absurd amount of crime that has gone on in 3070 & 3080, and this should be addressed not only by the landlords, and the management on site, but the city as well.  
>  
> I hope you take all of this into consideration at the meeting, for the sake of the tenants here, and the drug problem this city has..  
>  
> Cheers.

## PlanningAlias

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**From:** Scott Johns  
**Sent:** Wednesday, December 8, 2021 11:40 AM  
**To:** PlanningAlias  
**Subject:** Newport Phase 3 support letter  
**Attachments:** Newport Village Courtenay Phase 3 Support.eml

Good morning,

Please see attached support letter for the project on Kilpatrick ave. We are in desperate need for house at this time, I hope that this weighs heavily on your decisions today.

-Scott

Dear Mayor,

My name is Scott and I live and work in the Comox Valley. I am writing to you today regarding the development project on Kilpatrick Avenue. I am in full support of this development.

We need more housing in the Courtenay area, and the proposed project will help fill the gap. There are already other apartments in the area, so I think it fits with the neighbourhood.

I hope that you support this development as well.

Sincerely,

Scott

## PlanningAlias

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**From:** chantee lynn  
**Sent:** Thursday, December 2, 2021 12:59 PM  
**To:** PlanningAlias  
**Subject:** Public Hearing 3040 Kilpatrick Ave

Hello City Council and Mayor Wells,

My name is Chantee, and I live at 4758 Kilmarnock Dr. Courtenay.

I am emailing to you today in support of the proposed Phase 3 at Newport Village.

I am a 3-year resident of the Comox Valley and I have noticed that Courtenay and the Comox Valley has become an increasingly expensive place to live. There never seems to be enough housing.

We need to build more housing in Courtenay to not only maintain affordability, especially for its locals, but to also attract new residents and create a thriving but diverse community.

I will be unable to attend the Public Hearing, but I think that it is very important that the council vote in favour of this project.

Thank you,

Chantee

4758 Kilmarnock Dr. Courtenay



## PlanningAlias

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**From:** S. L.  
**Sent:** Monday, December 6, 2021 8:35 AM  
**To:** PlanningAlias  
**Subject:** Hearing for 3040 Kilpatrick Meeting

My name is Stephanie Lytle, and I live in 3070 Kilpatrick.

I've lived here for two years now, just as the first building was being finished.

Now, I completely agree with building more rental units in the Valley. They're desperately needed. Sure, this building would block out all sunlight into my unit and ruin any view I have, but I won't be that person. We need more rentals.

We need affordable rentals. Most jobs here in the Valley are minimum wage, and yet the 500 square foot units in these complexes go for \$1600 a month. That means a single person has to make \$40 an hour to pay HALF their monthly income on rent. If you squeeze two people in, it still means two people making minimum wage are paying closer to 70% of their monthly income on rent to live here, and they's IF they're getting full time work, which isn't likely here.

These buildings are on a bus route, which means they're perfect for low-wage workers living in town. Which also helps since there's a severe parking issue already here at the complex. Owners and tenants are having their spots stolen in the lot and even the parkade. Well, with rents the way they are, units in these buildings sometimes have 6 or more people living in them. And pretty much every working person needs a car here, Courtenay and Comox are not walkable and the bus routes aren't good enough.

And my other issue is with the management of the buildings itself. We already have issues of break ins, assaults, animals and people (yes, people, I've seen 4 separate men and women myself from my windows) defecate and urinate everywhere in and around the buildings. Every morning I wonder to myself, what's the elevator going to be smeared with today? Urine? Poop? Blood? Other fluids? We've had it all, and it's always one or more. People puke in the hallways. The parkade is covered in poop, I have had 3 poop piles in my parking spot for two months now that I've forwarded on to management several times, it's still not cleaned up. The doors are constantly broken and locks aren't fixed, this building is not secure. Anyone can get in. And they do, people sleep in the lobby or hallways, the floors are not secure either and anyone can get anywhere inside. We have drug dealers living in the building and they have their customers come to the building to buy. I hear it through the call box every day and night as my windows are over it. Some have been very erratic and frightening. At least one has died, I watched the body bag being rolled out.

Management can't even keep one building safe, and now they want to add a third?

I'm all for more affordable rentals. But only if there's sufficient parking and issues that threaten our safety are addressed.

## PlanningAlias

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**From:** Christine Dennis  
**Sent:** Thursday, December 2, 2021 1:51 PM  
**To:** PlanningAlias  
**Subject:** Gary Marcus Trucking

To: [planning@courtenay.ca](mailto:planning@courtenay.ca)

RE: 3040 Kilpatrick Ave

Dear City of Courtenay: Public Hearing for New Development on Kilpatrick Ave.

As a Courtenay resident, I am happy to hear about the proposed development at Kilpatrick Ave. I know people bought into Newport Village.

Getting into the real estate market is extremely difficult. It will be great to see some new apartments here rather than another drive thru.

These apartments will be a great addition to the City for years to come.

Single Family homes with a big yard and a white picket fence are not a realistic option for people unless they want to move out of the city.

I hope to see the project approved by Council. Best Wishes, Gary Marcus :

*Gary Marcus*

**Gary Marcus Trucking Ltd.**

746 Webb Road

Courtenay BC V9N 9L9

## PlanningAlias

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**From:**  
**Sent:** Thursday, December 2, 2021 10:52 AM  
**To:** PlanningAlias  
**Subject:** 3040 kilpatrick public hearings

to whom it may concern

hello; my name is ron mcintosh. i am from port alberni. i am a co-owner of 302 3040 kilpatrick with my daughter and her boyfriend. they have been through one condo building being built. the noise is overwhelming. { my daughter being a shift worker}. the conjection trying to get in and out of that place is a choir. manipulating around people workin and delivering goods. there already is no parking to speak of. my daughter has to park on the otherside of the street. there is no parking in the lparking lot outside. they have 1 spot in the underground parking. tow trucks are ther steady towing cars away. pretty sad you have to cross a major street to go find a place to park. which brings us to the question. where are they going to find parking for another 41 tenantss when there current parking situation is beyond efficient? thanks ron mcintosh

## PlanningAlias

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**From:** Dawson Milburn  
**Sent:** Wednesday, December 8, 2021 11:16 AM  
**To:** PlanningAlias  
**Subject:** 3040 Kilpatrick

Dear Council members, I would like to take a moment to voice my utmost support on the phase three project that has been proposed. With the status of the rental market and vacancy rates, how is turning this down even a possibility? Personally I have family members living with family members based on unavailability of housing. As a born resident of the comox valley it's hard to watch people have to leave town because of lack of housing. As far as the area goes, perfect location for condos. They have built a quality set of buildings with a good looking exteriors and themes that totally compliment the area.

Please feel free to reach out if needed, thank you very much for your time.

Dawson Milburn

## PlanningAlias

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**From:** Vladimir Music  
**Sent:** Tuesday, December 7, 2021 3:58 PM  
**To:** PlanningAlias  
**Subject:** Public Hearing 3040 Kilpatrick Ave

Dear City Council and Mayor Wells,

My name is Vladimir Music and I am the owner of unit 314 at 3070 Kilpatrick Avenue.

I am writing today in regards to proposed phase 3 development and I would like you to know that I am in support of this project.

Over last few years, the province of BC including Comox Valley has experienced a housing boom and we are seeing record low inventory levels across the board. As a result, sales and rental prices have sky rocketed, making the housing dream simply unattainable for many British Columbians. I strongly believe that projects like this one will continue to benefit the community and allow number of first time buyers an opportunity to enter already though housing market.

Comox Valley continue to grow and I believe it is important for the council to vote in favor of this project and continue to create more housing in Comox Valley.

Sincerely,

Vladimir Music  
Real Estate Professional  
Pemberton Holmes - Oak Bay

## PlanningAlias

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**From:** Sean Nakatsu  
**Sent:** Tuesday, October 12, 2021 1:26 PM  
**To:** PlanningAlias  
**Subject:** File # RZ000056  
**Attachments:** City of Courtenay Planning Department.docx

Please see attached regarding File # RZ000056

*Thank you*

*Sean Nakatsu*

October 12, 2021

City of Courtenay Planning Department

I, an owner at Strata VIS4464 at 3030 Kilpatrick Avenue are opposing the development proposal at 3040 Kilpatrick Avenue.

I feel that the proposal is far from the original proposal of a single story, commercial building such as a coffee shop. A Residential building will add to parking and congestion problems already existing in the area and will negatively impact residents and businesses. Since buildings 1 and 2 have been completed, parking in the area has become a major issue that is causing conflict in the neighborhood. The existing buildings do not have enough parking for the people living in them, let alone visitors. This has forced their overflow parking to other businesses and residences in the neighborhood. I have had to ask people many times not to park in our spaces, sometimes with conflict and have had to make inquiries with towing companies about enforcement contracts. Given that we are still under health orders barring non-essential travel and visiting households, I anticipate that will worsen when restrictions are lifted. I also expect that it will worsen once the commercial spaces in building 2 become occupied. Every neighbouring business and residence will incur the added costs and monitoring, risking confrontations with angry drivers. Traffic around Kilpatrick Avenue is already a problem, with both pedestrian and vehicle traffic significantly increasing. It is very difficult and dangerous entering and exiting the two access points to 3030, 3040, 3070 and 3080 Kilpatrick, with heavy traffic, a hill and curve, a busy commercial area, bus stops. Adding a significant number of residents and another tall building to interfere with visibility will only exacerbate the problem.

Visibility for the businesses at 3030 Kilpatrick is also a problem, impacting our businesses in a time that is already challenging. 3040 was meant to be a community of small businesses, which the existing plan would compliment. It would also, provide better visibility and viability to the commercial portion of this developer's own project.

I respectfully ask that the City staff and Council consider denying the zoning amendment for this proposal. Failure to do so would have a serious negative impact on local residences and businesses and exacerbate already existing challenges.

Thank you for your consideration.

A black rectangular redaction box covering the signature of Sean Nakatsu.

Sean Nakatsu

312-3030 Kilpatrick Ave.

Courtenay, BC

## PlanningAlias

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**From:** Michael Noc  
**Sent:** Monday, December 6, 2021 11:22 AM  
**To:** PlanningAlias  
**Subject:** Newport Village rezoning application

**Importance:** High

Dear Mayor and other Council members,

I have been a property owner in the first Newport Building on Kilpatrick since it opened. I would like to voice my support of the next project at 3040 Kilpatrick Avenue. We need additional housing in Courtenay and this is a great location. It's a great neighborhood near many restaurants and services.

I hope you will support this project.

Thanks,

Michael Noc  
#304 – 3070 Kilpatrick Avenue

Michael F. Noc, BBA, CIM®, CFP®, CLU, ChFC  
Insurance and Portfolio Management



MTM Wealth Planning Ltd. / iA Private Wealth

#1480- 1075 W. Georgia St.  
Vancouver, BC V6E 3C9





## PlanningAlias

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**From:** Mike Plotnikoff  
**Sent:** Friday, December 3, 2021 10:00 AM  
**To:** PlanningAlias  
**Subject:** Fully Support Development at 3040 Kilpatrick Ave  
**Attachments:** Public Hearing - 3040 Kilpatrick Ave.pdf

**Importance:** High

Please find the attached document to be submitted at the Public Hearing Dec 8, 2021

Regards,

Mike



**Mike Plotnikoff**  
**EVP, Sales and Business Development**  
Lite Access Technologies

a: 20108 Logan Ave  
Langley, BC V3A 4L6

Mayor and Council

830 Cliffe Ave

Courtenay BC

V9N 2J7

December 3, 2021

Reference: Proposed Development Project at 3040 Kilpatrick Ave

I am not able to attend the public meeting on December 8, 2021, however, please be advised, I fully support this development.

I believe the development will help provide affordable homes in Courtenay and the proximity to shops and restaurants is perfect for all families.

Do the right thing and allow this development to proceed

Thanks,

Mike Plotnikoff



210-3070 Kilpatrick Ave

Courtenay, BC

## PlanningAlias

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**From:** nancy\_rice  
**Sent:** Wednesday, December 8, 2021 12:56 PM  
**To:** PlanningAlias  
**Subject:** Public Hearing 3040 Kilpatrick Ave

To whom it may concern;

My name is Nancy Rice, I'm a current resident(tenant) of 3070 Kilpatrick Ave. I have lived in Comox Valley since 2018 as a renter and that experience for me has highlighted the significant need for more affordable housing and smaller scaled living. In today's market I believe that options to purchase will only be possible for a large part of our population, with options such as the proposed build at 3040 Kilpatrick Ave.

I fully support this development at 3040 Kilpatrick Avenue Courtenay.

Nancy Rice

## PlanningAlias

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**From:** Scott Robertson  
**Sent:** Thursday, December 2, 2021 5:30 PM  
**To:** PlanningAlias  
**Subject:** Public Hearing 3040 Kilpatrick Ave  
**Attachments:** 3040kilpatrick.pdf

Please see my attached letter of support for this project.

Scott Robertson

December 2, 2021

Dear Council,

**Subject:** Public Hearing 3040 Kilpatrick Ave

I support this new development on Kilpatrick Ave in Courtenay.  
I cannot take part in the public hearing next week as I will be working that afternoon and evening.

I know people who bought units in the first Newport Village building. I would like to purchase in the next building. The location is great for me and my wife. The layouts and style look good also.

I am currently a Langley resident and I am hoping to retire to Vancouver Island in the next couple of years. Courtenay is our first choice right now.

Please approve this development.

Thank you,

*Scott*

**Scott Robertson**

City of Courtenay, Planning Department

830 Cliffe Avenue

Courtenay, BC V9N 2J7

December 2, 2021

**Re: Proposed Zoning Amendment (RZ000056) 3040 Kilpatrick Avenue**

To whom it concerns,

I am strongly opposed to the above mentioned zoning change for the following reasons:

**Visibility & Exposure**

The proposed five story building will not only hide our complex from Kilpatrick Ave, it will also block most of sun exposure. We already see diminished sunlight from this development (Building 2), it makes our "afternoon" sun come later in the day as it has to come around the building. Another building similar in height (directly in front of us) will make our homes very dark and cold, we essentially will be in a "hole"...in the winter months the frost might never thaw. Our landscaping will also suffer from lack of sunlight.

**Commercial vs Residential**

The property was already rezoned from commercial, the developer has already increased the density that was originally proposed for the site..."upzoning" an "upzoning seems ridiculous. It is my understanding that Courtenay will be seeing hundreds of new conodo/apartment units in the near future, is this new increase necessary? The developer will complain that there is not a need for commercial in Courtenay (as his commercial is vacant), this is a circumstance of timing, maybe the development needs to wait until there is more of a demand. Perhaps an alternative is to reconfigure the existing commercial to residential? If Courtenay is to grow we will need more space for the businesses that will support that growth.

**Parking**

The developer has a traffic study to argue that parking will not (and is not) be an issue, in reality it is already...add 41 more units it will be worse. Newport cannot support their own parking, I would argue the commercial being undesirable is because of the lack of , not sure how more units will remedy this.

Regards,

Ted Sklarchuk

811 & 821 3030 Kilpatrick Avenue

## PlanningAlias

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**From:** VINCE STANCATO  
**Sent:** Thursday, December 2, 2021 3:21 PM  
**To:** PlanningAlias  
**Subject:** PUBLIC HEARING 3040 KILPATRICK AVENUE

December 2, 2021

Courtenay Mayor & Council  
830 Cliffe Avenue  
Courtenay, BC  
V9N 2J7

### **RE: NEWPORT VILLAGE PHASE 3**

Dear Mayor and Council,

My name is Vincent Stancato and I am an owner at #309-3070 Kilpatrick Avenue and have been since 2019. I am writing to express my support for the Development Project at 3040 Kilpatrick Avenue.

Having owned at Newport Village for the past couple of years, I know that this project will provide much needed, affordable and quality housing in the Comox Valley. Developments like this are extremely positive for the Courtenay/Comox area and the existence of this type of affordable housing certainly encourages young adults to want to stay in the area, rather than look elsewhere to settle down. Speaking personally, as a middle-aged individual it took quite some time before I was able to afford my first home, mostly because options like this project were not available or scarce at the time. Most young individuals and/or couples cannot afford a detached family home and they are forced to either rent or find another affordable option in a less desirable area. Newport Village Phase 3 provides options for folks that normally wouldn't be available to them!

Please think hard about this proposal and our community and do the right thing by supporting this project. I have reviewed the initial information that is available and don't see any downside to the project whatsoever – as such, I ask that you please add my name to the list of supporters.

Sincerely,

Vincent Stancato

#309 3070 Kilpatrick Avenue  
Courtenay, BC  
V9N 8P1



## PlanningAlias

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**From:** CINDY VAN KOLL  
**Sent:** Tuesday, November 30, 2021 6:04 PM  
**To:** PlanningAlias  
**Subject:** Public Hearing 3040 Kilpatrick Courtenay

Dear City Council & Mayor Wells,  
Please approve this construction.

I like the design of these units. I want to retire to Vancouver Island to be near my [REDACTED].

I like Courtenay. This is an area I can see myself living in.

I support this proposed development, Newport Village, on Kilpatrick Avenue.

Yours truly,

Cindy van Koll

## PlanningAlias

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**From:** Samantha Vanderwal  
**Sent:** Thursday, December 2, 2021 1:11 PM  
**To:** PlanningAlias  
**Subject:** Public Hearing 3020 Kilpatrick Ave

Hello,

My name is Samantha Vanderwal and I am a resident in Courtenay. I wanted to express my support for Newport Villages Phase 3 condo project. I am 25 years old and would like to own my own home soon. However, currently there is no available supply of new homes and paired with the increasing demand, prices are becoming extremely unaffordable. I also really like the location of Newport Village being close to transit and Walmart. I was able to view units in the second phase and the layouts are very appealing to me. Please approve this project.

Thank you, Samantha Vanderwal

## **Blamire, Susan**

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**From:** Matthews, Rayanne  
**Sent:** Wednesday, October 13, 2021 12:00 PM  
**To:** Blamire, Susan; PlanningAlias  
**Cc:** Fitzgerald, Matthew  
**Subject:** FW: Safety and development issues related to permit application RZ000056  
**Attachments:** Attention City of Courtenay Councilllors.docx

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**From:** Hillian, Doug  
**Sent:** Wednesday, October 13, 2021 11:18 AM  
**To:** Matthews, Rayanne <rmatthews@courtenay.ca>  
**Cc:** Garbutt, Geoff <ggarbutt@courtenay.ca>; Wells, Bob <mayor@courtenay.ca>  
**Subject:** Fw: Safety and development issues related to permit application RZ000056

Hello Rayanne. Not sure of this message was copied to staff but, if not, should be added to public record.

Thanks.

Doug

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**From:** Justin White  
**Sent:** October 12, 2021 10:16 AM  
**To:** Wells, Bob; Cole-Hamilton, Will; Frisch, David; Hillian, Doug; McCollum, Melanie; Morin, Wendy; Theos, Manno  
**Subject:** Safety and development issues related to permit application RZ000056

**Dear City of Courtenay Councillors and Mayor Wells,**

**I am reaching out to you as the elected city officials in regards to an application for a zoning amendment at 3040 Kilpatrick Ave, Courtenay. Folder RZ000056 dated Feb 25, 2021.**

**My name is Justin White and I am the owner of two properties located at 3030 Kilpatrick, unit 511 and unit 212 . I am also the business owner/operator of Your Repair Depot located in unit 211 which directly faces Kilpatrick Ave.**

**The proposed zoning change from CD-26 to CD-26A to allow a 41 unit multi residential development concerns me as an investor, a business owner and a concerned citizen for the well-being and safety of the people living in 3030 & 3070 Kilpatrick Ave and for residents in the city of Courtenay.**

**As you will see in the attached letter I have clearly detailed and outlined the apparent risks associated with this proposed development.**

**I look forward to hearing from you at your earliest convenience.**

**Sincerely,**

**Justin F. White**

Attention City of Courtenay Counselors/Councilor Hillian

This letter is in regards to an application for a zoning amendment at 3040 Kilpatrick Ave, Courtenay. Folder RZ000056 dated Feb 25, 2021.

My name is Justin White and I am the owner of two properties located at 3030 Kilpatrick, unit 511 PID 026-763-257 and unit 212 PID 023-987-201. I am also the business owner/operator of Your Repair Depot located in unit 211 which directly faces Kilpatrick Ave.

The proposed zoning change from CD-26 to CD-26A to allow a 41 unit multi residential development concerns me as an investor, a business owner and a concerned citizen for the well-being and safety of the people living in both 3030 & 3070 Kilpatrick Ave.

**As an investor:**

I purchased unit 511 in 2016 before phase 1 of Newport Village 3070 Kilpatrick Ave was constructed. This area of town was a quiet tucked away area with low crime & low traffic issues. The parking in our unit was not assigned and there was never an issue. During the construction of phase 1 & 2 of Newport Village, the construction staff began parking in front of our units & business leaving dirt and debris in the parking lot and in the entry to our complex.

Currently both of these investment properties have a view of the sun setting towards the west. They are bright and warm as the sun enters the living rooms/kitchen area and the long term renters enjoy the sub from their balconies during the warm summer months.

**If this development is permitted to go through it will create a 5 story wall which will shade all units and dwarf us behind its shadow.** Not only is the proposed unit 5 stories in height, it is also elevated an extra story due to the natural land elevation creating an even higher wall blocking out all possibilities of receiving light. This will directly affect the ability for rental and the property's future resale value.

These two properties are currently zoned C-2 with commercial on the bottom and residential above. We are being taxed at a commercial rate which is higher than a traditional residential rate. **If this development is permitted it will make it extremely difficult to find businesses located at 3030 Kilpatrick Ave.** Currently it is already challenging to rent commercial units located in the building backing onto Cliffe Ave as they are 'buried' in the back of the complex. If this new 41 unit complex is permitted it will make it even more difficult to find the commercial units and to rent them. The commercial units will be in the shade and impossible to be seen from Kilpatrick Ave. Why are we paying a commercial rate of taxes if the city decides to allow us to be 'boxed in'? As a business owner in Courtenay employing Courtenay residents and contributing to our local economy, I purchased these properties as part of my family's retirement plan. My wife and I do not work for the government and we do not have pension plans. These two rental properties ARE our retirement fund. It is not easy to be a business owner these days battling the issues of online sales, box stores and struggling through a pandemic...these two properties are our back up plan and now they are being threatened by the profiting developer of Newport Village. A development company that is located in Port Moody and hires the majority of its trade's people from the lower mainland based on the cheapest price and the lowest quality. Ask them for the percentage of trades that were hired

locally versus those from the lower mainland and you will see the disparity.



#### **As a business owner:**

My family opened Your Repair Depot in January 2019. It was a slow start for the first year as the location is set back from the busy Kilpatrick Ave. We struggled to make an online presence and to do local advertising like billboards at YQQ, bus shelter advertising and teaming up with local trades' people to service their employees' electronic repair needs. We slowly built up our customer base despite not having the frontage that we desperately needed to take advantage of the passing traffic going to the box stores such as Walmart, Bestbuy and Staples (All American Companies). Once Newport Village started construction we were threatened with closing our doors. Our driveway was constantly blocked with supply delivery trucks, concrete trucks, concrete pumper trucks, construction trades, etc. The direct line of sight was blocked by their construction trailer/office, piles of lumber/sewer pipe/building supplies and the supervisor's RV parked parallel to Kilpatrick Ave. We pleaded to Joe (their site manager) and to Sasha (the developer) about blocking our only entrance/exit, the dirt and dust from the site and how we felt boxed in. He permitted us to put up a banner on his construction fence at the cost of \$500, only to have one of his employees rip it down 2 weeks later and throw it in a dumpster. This is the type of character the developer (Sasha) is.

This is when parking became an issue and continues to be an issue still. The trade's people started to park out front of my business taking up the only 3 spaces we have for our business AND for the tenants. Most days all three spots were full of cars and trucks from his workers and they could not be located to move them. My staff, my tenants and I were forced to park in the Walmart parking lot, next door at the commercial units in front of Calais Spas and on the top of 30<sup>th</sup> street and Moray Ave. At our expense, multiple parking signs were constructed and posted, stanchions and ropes were used to block off parking areas and our staff were constantly going out to confront people who parked in front of our business and were walking away. AND THIS CONTINUES with Newport Village residents and tenants to this day!! The parking shortage is a real problem and creating 41 new units

will only escalate this issue. This is a REAL problem and will only be magnified when Newport village successfully rents out the commercial units located in phase 2. Even my own personal truck incurred damage due to the construction delivery trucks as it was backed into and no responsibility taken for the incident. It backed into the front fender well parked outside my business as trucks tried to navigate around the already tight parking area.

My concern is that **if this development is permitted it will put me out of business permanently. First, the proposed building will create a wall having NO VISIBLE line of sight to our location from Kilpatrick Ave. Second, by blocking the only entrance and exit to our business which is also shared by the residents of 3070 Kilpatrick Ave both phase 1&2 making it an extremely busy and dangerous egress already.**



**As a concerned citizen of Courtenay:**

Currently there is just a one vehicle wide driveway serving both as an entrance and exit for 3030 Kilpatrick Ave. It services 18 family residences, 18 commercial businesses AND Newport village Phase 1 & 2 at 3070 Kilpatrick Ave. Although Newport has another exit onto Kilpatrick Ave, it is a steep inclined driveway with limited vision and contends with the traffic flowing out of the Walmart/Box store area. The majority of Newport residents use our driveway located at 3030 Kilpatrick Ave and are promoted to do so by management of Newport. As you can see from the picture below they have hung a sign on the construction fence to guide their residents. If there was any type of emergency where an ambulance, fire truck or emergency vehicle required quick access to any of the units this could be a difficult and deadly situation. **If this new 41 unit development is permitted it will ONLY magnify the existing problem of traffic flow and access. This is a recipe for disaster and the possibility of loss of lives too! Who would be held responsible for this decision?** As mentioned above, there were problems with construction trucks during the previous construction of Phase 1 & 2 and they had a staging area which

will now become the construction site. Where do they intend to store their building supplies, equipment, excavators, security trailer, etc now that the lot is the actual building site? This problem has not been addressed by the developer.



On a side note, since Newport Village completed Phase 1 & 2 there has been a rise in crime in the area. On May 17<sup>th</sup>, 2021 a man entered our business and asked about purchasing a used phone. Our staff member allowed the customer to compare two phones and once he had them in his hands he darted out the door and ran into the Newport Village buildings. Police were called and attended but the location of which unit the tenant lived in could not be located. On September 2<sup>nd</sup>, 2021 a person was confronted by a young [REDACTED] staff member stealing from our garbage. Again the police were notified and the suspect gave his address of 3070 Kilpatrick Ave. The owner and management of Newport Village have total disregard over who they rent to and have no screening process. Currently I have two [REDACTED] [REDACTED] that are moving into one of my rentals at 3030 Kilpatrick Ave as they do not feel safe living at Newport Village. (See message below). These problems will only compound by creating 41 new units.

Sun 10:48 AM

Helic [redacted] thank you for reaching out. Are you still looking for a place?

Why are you moving out of Newport?

Sun 11:12 AM

[redacted] So far yes, and I'm moving out of Newport because I don't feel safe where I'm at, there are some safety concerns that haven't been addressed properly by management, so that's my mainly reason why me and my roommate want to move out

Below are current statements posted publicly on social media stating the risk to our community and children directly caused by the ill regard to proper building management displayed by the developer/owner of Newport Village.

It is really sad , I bring her grandchildren to see her and there is constant drug addicts and dealers there making deals and whatever god knows and even seeing needles laying around the buildings.  
Thank you for people who reached out so quick and hopefully this will be a good cautionary tale for future potential renters or current ones , keep a eye on everything .

Like · Reply · 6h

10

I currently live in the building and I hate it! Thank you for sharing this I had no idea it was happening!

Like · Reply · 6h

9

I lived there for a year, worst place I've ever lived

Like · Reply · 2h

I live in 3080 the one directly beside it and there's ALWAYS sketchy shit happening. There's always druggies coming in and out. I have at least 10 horror story of my places over here and I'm sure the same stuff happens there as well. It was unfortunately more then likely a break in. 2 weeks ago a dude was buzzing everyone's doors at 4 AM saying he "Had something for them" trying to get in and when nobody let him in he smashed the front door to get in. I've heard people saying he was asking for a Narcan kit but idk how true it is. It could be the same dude? Idk.

Like · Reply · 1h

1



**RECAP of issues associated with the application for a zoning amendment at 3040 Kilpatrick Ave, Courtenay. Folder RZ000056:**

- 1. Boxing in and dwarfing of units located at 3030 Kilpatrick Ave. This will directly affect property values and rental potential.**
- 2. Blocking line of sight from Kilpatrick Ave, blocking sunlight and making it challenging for customers to locate existing business.**
- 3. Compounding the existing issue of limited parking in this area creating frustration and stress for both residents and businesses.**
- 4. Safety issue for emergency vehicles to have access during and after the construction is complete.**
- 5. Entrance/exit access during construction with the increased traffic of construction trucks and trade people.**
- 6. Storage and allocation for construction vehicles, staff and building supplies.**
- 7. The general public's safety as Newport Village has a track record of allowing problem residents and disregard for public safety.**

I look forward to hearing from you.

Sincerely,

Justin F. White

## PlanningAlias

---

**From:** Kyle Leyenda  
**Sent:** Tuesday, December 7, 2021 12:12 PM  
**To:** PlanningAlias  
**Subject:** Newport Development

Hi Everyone,

My name is Kyle Yule and i live at 533-3080 Kilpatrick and have lived here since built. I really love it here. I am in full support of this building. I missed the opportunity to buy in the previous building however being pre approved im excited to buy into the new phase. There are no ownership opportunities in South Courtenay and i am really hoping Council will do the right thing and approve this project.

Thank You!

## PlanningAlias

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**From:** Hunter Zandee  
**Sent:** Wednesday, December 8, 2021 1:49 PM  
**To:** PlanningAlias  
**Subject:** Public Hearing 3040 Kilpatrick Ave

Hello,

I am in full support to approve phase 3 of 3040 Kilpatrick Ave. It brings affordable housing options to the city of Comox. This will help with the current housing crisis, and it is a place I would like to live.

Thank you,

**Hunter Zandee**  
**Marketing & Sales**



|

Bay 112, 2880 107 Avenue SE | 2000,520 5th Avenue SW  
Calgary, AB T2Z 3R7 | Calgary, AB T2P 3R7





## **Public Hearing – December 8, 2021**

Mayor Wells opened the public hearing for Bylaw No. 3040 at 5:43 p.m.

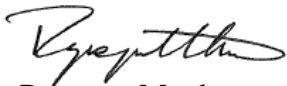
### **3.2 Bylaw No. 3040 – 1236 Malahat Drive**

There were no speakers regarding Bylaw No. 3040 – 1236 Malahat Drive.

Mayor Wells declared the public hearing for Bylaw No. 3040 – 1236 Malahat Drive closed at 5:45 p.m.

### **PUBLIC HEARING SUMMARY OF REPRESENTATIONS**

There were **8** written submission (attached) received in regard to Bylaw No. 3040.



Rayanne Matthews, BCom  
Deputy Corporate Officer

## PlanningAlias

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**From:** SHANNON BELSHAM  
**Sent:** Friday, October 22, 2021 10:39 PM  
**To:** PlanningAlias  
**Subject:** Virtual public hearing Oct. 27th for File No.RZ000059

Hi there,

My husband and I own the property at 1235 Malahat Drive across the road from 1236 Malahat Drive (File No. RZ000059)  
We don't have concerns about the request for the amendment that our neighbors at 1236 have applied for.

Thanks,  
Shannon and Curtis Belsham

Robert and Marilvn Bourne  
1190 Malahat Drive  
Courtenav. B.C.  
V9N 8B2

06 December 2021

City of Courtenay  
Development Services  
830 Cliffe Avenue  
Courtenay, B.C.



Reference: 1236 Malahat Drive Application for text amendment to Residential One Zone R-1) to allow a carriage house in addition to the existing single family residence.

Greetings.

The undersigned have been owners / occupants at 1190 Malahat Drive for the past 32 years. We have enjoyed the peace and quiet of this area and we do not wish to see the density level increased through the allowing of "carriage homes" in the backyards of our R1 neighborhood. This is especially important to us in our senior years.

We understand that this "carriage home" may have originally been constructed as a garage / workshop and that the living quarters were added without city permission or permit. We submit that, if true, this clandestine construction with approval submitted afterwards should not to be encouraged or rewarded as it does not allow for a full staff review and consultations to be carried out pre-construction.

We understand that this is a "text amendment" to to the Residential One Zone. If this is because the "carriage Home" does not even meet the Height / building area / siting requirements for accessory buildings / structures allowed under R1S Zoning then this application is most certainly circumventing our existing Residential Zone system.

There is no mention if this "carriage home" meets mobility and access standards for disabled persons.

We also are concerned that, while there appears to be sufficient parking spaces on this property the lay out of the driveway will require several vehicles to be moved onto the street each time a vehicle is moved in or out of the garage. We submit that in practice this will result in vehicles being parked on the street throughout the day, and likely the evening and night.

Are there any restrictions of the type of occupancy on this "carriage home". Will short term rental, such as Air B&B be allowed? What will be the maximum occupancy? Has the Fire Department approved this "carriage home" for occupancy.

As such, we request that this application be denied.

Robert Bourne

Marilvn Bourne

## PlanningAlias

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**From:** Bobbi Lacroix  
**Sent:** Friday, December 3, 2021 8:58 PM  
**To:** PlanningAlias  
**Subject:** 1236 Malahat drive

I am definitely opposed to this home opening up to more people, vehicles. This street is already a drag race strip for those wishing to get around Ryan rd. Anymore parking on the street (which WILL happen, it's already happening with other homes on this road), the owners cannot completely assure us parking will not spill onto the street...it's only a matter of time before there's an accident. We have blind corners and hills. NO development at this property!!!

Thank you  
Lily Lacroix  
1314 Malahat

Sent from my iPhone



## PlanningAlias

---

**From:** Paul Roberts  
**Sent:** Friday, October 15, 2021 7:53 AM  
**To:** PlanningAlias  
**Subject:** File RZ: 000059, 1236 Malahat

Hello,

I'm writing to voice my support for the rezoning application of the existing building at 1236 Malahat Drive to a carriage house. My yard backs on to this property and I have no issue with it being a rental. This city needs more of these type of small infill rentals. I'd rather see these than the massive complexes we're starting to see across the Valley.

Most of the opposition seems to be about parking or setting a precedent for more rezoning. The street parking on Malahat Drive isn't an issue for this property and maybe having some vehicles on Malahat actually helps slow traffic that tends to speed up and down the road.

I don't see one rezoning as precedent setting. I think the lengthy process and cost to make a change on an individual property allows each case to be assessed on its own merit.

I believe the owners have been diligent in their application and I support this rezoning.

Regards,

Paul Roberts  
1460 Griffin Drive

Sent from my iPhone

## PlanningAlias

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**From:** [REDACTED] laurel  
**Sent:** Tuesday, October 19, 2021 8:49 PM  
**To:** PlanningAlias  
**Subject:** File No RZ000059

**RE:** 1236 Malahat Drive - Public Hearing Oct 27th.

Bylaw Number 3040  
File No RZ000059

Please accept this written submission as support for the proposed rezoning application. I have no objections to this application, but rather support such.

Housing availability, high rent costs and the futile possibility of home ownership in this current real estate market, is a significant barrier to the success of, and retention of the young adult demographic. It is these young people that are necessary to sustain, invigorate and grow our community. They are the future as they attend college, work, and start their early careers in this community. Housing options, such as this rezoning application, which provides housing for a single person or couple on a secondary building of an owner's home, should be embraced as an excellent opportunity to provide safe and affordable housing which will be of overall benefit to the community and it's workforce.

Thank you for the opportunity to provide feedback on this hearing.

Laurel Steed  
1480 Griffin Drive  
Courtenay BC  
V9N 8M6

## **Blamire, Susan**

---

**From:** Marsh, Cassandra  
**Sent:** Tuesday, October 19, 2021 11:29 AM  
**To:** Blamire, Susan  
**Subject:** FW: Rezoning of 1236 Mallard Drive

Good afternoon:

The building at 1236 Malahat according to the plan Leigh Windsor sent you is called an accessory building and is 29 ft high. According to the city plan it cannot be this high. If this is allowed in a R1 zone and as it is already built what is to stop everyone from doing the same. I have been told by the city planning on two occasions that no one would ever live in this building, 29 feet high and very close to our house. A structure like this should never have been allowed. The planning dept. has listed a few reasons this accessory building should be approved and because of the extra noise and location I would hope they would reconsider their approvals.

Thank you for your attention to this matter.

Gary Watson  
1375 Mallard Dr

## PlanningAlias

---

**From:** Gary Watson  
**Sent:** Friday, October 22, 2021 8:56 AM  
**To:** McCollum, Melanie; Hillian, Doug; PlanningAlias  
**Subject:** Re: Rezoning of 1236 Mallard Drive

Thanks for your reply. I have been going over 3001 and it covers my many concerns. Emergency vehicles are covered in (17.1) and I have many other issues with this "rezoning" if that is what it is called. I have issues with the OCP not being followed and all the future building that will stay empty if infill is always rubber-stamped. If we drive around the Valley and see all the New Appartements and Condos plus all the ones listed for future development, when we are all one water restrictions for a good part of the year, you have to wonder where this will stop. I see Leigh Windsers point on affordability and supplementing income but this one drives property values up and makes housing less affordable. I have read all the letters for and against but I still feel that all the time that is spent on the OCP it should be followed. I do not agree with " Spot " development and I have read the letter dated 2011 in the local paper Concerning all property's in zone 2 being zoned for Carriage Houses but not Z1. Our Vote is against this Carriage House because we do not feel it is Necessary with all the Appartements, Condos etc soon to be available. And other issues I feel the planning Dept should revisit this issue and take into account emergency vehicles and site lines that where missed as well as many issues I am sure they are aware of.

Gary Watson

On Oct 22, 2021 8:00 AM, "McCollum, Melanie"

wrote:

>  
> ?Hello Gary,  
>  
>  
> Thank you for this email. A public hearing was scheduled for this rezoning application October 27th, but it appears to be postponed to a later date. I'll seek clarity from our Planning staff around the issue you've raised in the meantime. The rezoning is not approved until the zoning by-law has passed fourth and final reading.

>  
> Best Wishes,

>  
>  
> Melanie McCollum  
> Councillor, City of Courtenay  
> 250-792-5805

>  
>  
>  
> \_\_\_\_\_  
> From: Gary Watson  
> Sent: October 18, 2021 5:00 PM  
> To: McCollum, Melanie; Hillian, Doug; Marsh, Cassandra  
> Subject: Rezoning of 1236 Mallard Drive

>  
> Good afternoon:

>  
> The building at 1236 Malahat according to the plan Leigh Windsor sent you is called an accessory building and is 29 ft high. According to the city plan it cannot be this high. If this is allowed in a R1 zone and as it is already built what is to stop everyone from doing the same. I have been told by the city planning on two

occasions that no one would ever live in this building, 29 feet high and very close to our house. A structure like this should never have been allowed. The planning dept. has listed a few reasons this accessory building should be approved and because of the extra noise and location I would hope they would reconsider their approvals.

>

> Thank you for your attention to this matter.

>

> Gary Watson

> 1375 Mallard Dr

~ ~ ~ ~ ~

END OF DECEMBER 8, 2021 HEARING MINUTES