

QB Town

From: [REDACTED]
Sent: Wednesday, May 24, 2023 9:08 AM
To: QB Town
Cc: [REDACTED]
Subject: Comments re Zoning Amendment - 230 Second Avenue West, Qualicum Beach - PUBLIC HEARING - May 24, 2023
Attachments: Written Comments Public Hearing May 24 23.docx

Please see my attached Public Hearing comments regarding the Zoning Amendment - 230 Second Avenue West, Qualicum Beach.

Thank you.

[REDACTED]

Public Hearing - May 24, 2023 - Written Comments Submitted - Zoning Amendment Bylaw No. 580, 137, 2022 at 230 Second Avenue West

The flyer that was mailed out to the residents in the immediate vicinity of the Zoning Amendment Bylaw No. 580, 137, 2022 at 230 Second Avenue West stated that “We’re Listening”. Council and Staff may be hearing, but I, for one, believe you are not truly listening and understanding.

It is my opinion that both the majority of the Zoning Amendment Bylaw and Development Permit process have, from the outset, been flawed. This is reflected in what transpired at the January 25, 2023 Advisory Planning Commission meeting, the March 22 and May 3, 2023 Council meetings and the Public Information meeting held March 8, 2023.

My experience around this proposed development, the development permit and Zoning Amendment process has been both disappointing and very stressful to say the least. The Town encourages people to become residents in the down town core, yet the residents become invisible when it comes to discussing such things as this proposed development. I have heard ample discussion regarding height variances, step codes, green roofs, stats around the # of Air B&Bs in Qualicum, the numbering for step codes, spot regulations, and urban design...but at no time have I heard any discussion around the impact of this proposed development on the people, the residents, the tax payers who live here. We appear to be irrelevant to the discussion at hand.

I attended the January 25, 2023 Advisory Planning Commission and took extensive notes of what was said regarding the “Zoning Amendment and Development Permit: 230 Second Avenue West”. Subsequently I watched the Advisory Planning Commission meeting on youtube.com numerous times so should staff wish they can authenticate what I am communicating here today.

Luke Sales provided an overview of the application and the architect Carsten Jensen made a presentation on the application.

During the applicant’s presentation Mr. Jensen stated that the majority of Council is/was in favour of the proposed development. That was not an accurate statement. I have watched the Council meeting on youtube.com several times and only Council Harrison was gung ho. The Mayor and other Councillors were thoughtful in their approach and comments.

Following the applicant’s APC’s presentation questions were asked pertaining to the property setbacks and the walkways along both sides of the proposed building. One metre (3.2880 feet) setbacks are the minimum in the zone.

Walter Hoogland asked about the one metre width of the walkways (aggregate concrete sidewalks) on both sides of the proposed building indicating that, in particular on the west side where the entrance to the 2nd floor short term rentals units are, it would be a challenge to bring

luggage down such a narrow walkway. He asked if indeed the walkways were one meter / 3.2880 feet? Mr. Jensen stated that the walkways along the sides of the building are 4.5 feet wide. Mr. Hoogland expressed that 4.5 feet was a bit better. Interestingly though, page 29 of the conceptual drawing indicate that the aggregate concrete sidewalks along both side of the proposed building are one metre / 3.2880 feet. Which is correct? Is there an updated version of the conceptual drawings that Council and the public don't yet have? If an additional 1.2 feet have been added to both the walkways where is that extra footage coming from? Is the proposed building footprint now 2.4 feet narrower?

There were several comments and questions pertaining to environmental factors associated with the building such as the use of electric heat pumps and the possibility of solar panels "down the road". Solar panels "down the road" sounds good. Why would they not be included at the outset? "Down the road" may actually mean never.

The proposed development may meet the Village Design Guidelines with its minimum "heritage imagery" but it certainly is not in keeping with the more recently built buildings at the west end of 2nd avenue. One Commission member stated that it complements the building across the street. One can only assume he meant the very old Bodysculptors Fitness building as it is the only rectangular "boxy" building across the street. The other buildings have character and style in their design and roof lines. The choice of colours of the newer buildings and Chilham Village across the street as well as to the east of the proposed development complement and, in turn, balance one another.

Andrew Brown noted that there is no space allotted for kitchens in the 2nd floor units and that it "appears to have crammed in as much sleeping space as possible". He noted the if the units were to become longer term rentals (which is what we need in Qualicum Beach) that will be a real problem. Mr. Jensen commented that Council has recognized the need for hotel rooms in the downtown part of Qualicum Beach as they help support the commercial units, like restaurants. His comment may have some merit, however, within the context of the real estate market, Andrew Brown noted that "residents are being driven out of town by all the short term rentals...we are not adding to the regular stock for people to rent or buy a home. Our community needs affordable housing". Truer words could not be spoken. As then Councillor Teunis Westbroek was quoted as saying in 2021 "There's a lot of people who are homeless or close to homeless because there's no place for them they can afford to rent. But they work in the town and living in their vehicles or couch surfing...". "It's hard to keep younger people living and working in the area if they can't find places to live. Our most vulnerable people, including low income seniors, also deserve the chance to have an affordable roof over their heads."

Should Council determine that affordable long-term rentals are more important to our community than four short term rentals units I hope they will, in their wisdom, decide not to approve the proposed zoning amendment and development permit as presented, but rather encourage the owner of the property to build long term affordable rentals with kitchens.

Bill Scott asked what would be the minimal occupancy should the units be short term rentals; that four days to a week is regular. A discussion followed. All the comings and goings would certainly increase the already high level of noise for the local residents; on top of Jones Street currently being the “chosen” street for those who already like to race their cars down the street at night.

Bill Scott expressed his opinion that gables and rooflines on 2nd avenue are dated – they come from the 90’s – and that the Villa Rose is very gabled and that some people have said to the architect that Qualicum Beach has too many gables. That is, of course, his opinion, particularly given that the Villa Rose and the newer buildings across the street on 2nd Avenue were built post 2006, not in the 1990’s. No one commented on his views at the time. An opposing opinion to that of Mr. Scott’s is that gables and dormer add a lot of character to a building both inside and out. They are in keeping with the Village Design Guidelines to protect, preserve and enhance the village character of Qualicum Beach, along with ensuring that new and infill buildings are in keeping historic village character. The proposed development does absolutely nothing to protect, preserve and enhance the village character of Qualicum Beach.

The proposed development will definitely stand out should it be built as is. It will stand out as a huge rectangular red/terracotta box with black trim; with minimum “heritage imagery” and no true style or character. Basically it will stand out like a huge red sore thumb.

Bill Young then focused on the lack of residential accommodations in Qualicum Beach. He asked “if we didn’t approve short term rentals what would you do?”. Carsten Jensen replied “we would redesign the 2nd floor to put in a kitchen and one less bedroom.” Luke Sales responded to a question regarding the “lock offs” indicating that as a residential unit the locked off single rooms could not exist.

Following this Susan Hong asked Mr. Jensen “how many windows at the Villa Rose would be covered”? Carsten Jensen response was “none”. Mr. Jensen’s response was completely inaccurate and extraordinarily misleading.

There was a relatively lengthy discussion on how important natural light is to mental health and a sense of well-being. Andrew Brown asked “how do you get daylight into the building?”. Mr. Jensen responded “we will be having some skylights, not currently showing on the plans.” Skylights will certainly add additional light to the owner’s unit on the 3rd floor, however, questions and discussion followed regarding how skylights will benefit those on the 2nd floor. Commissioner Hoogland then stated “Light is life”.

When asked again later about the loss of natural light for the Villa Rose, Jensen said there “would be no effect on Villa Rose”. And then again, at the Public Information Meeting, when asked the same question, he backtracked and acknowledged that there would be some effect on Villa Rose but focused his response to the question of loss of natural light on how the windows have been positioned on the proposed development to maximize privacy. Hello?? It was noted at the PIM that the light and shadow study clearly indicate the west side of the

“adjacent building” (meaning the Villa Rose) would be in shadow 24/7, any time of year, anytime of day.

Measurements from the laneway behind the proposed building toward the front of the 2nd floor of the proposed development start 5.7 metres / 18.7 feet from the laneway over top of five of the ground floor parking stalls (#’s 5 to 9), as well as part of parking stalls #1 and #2. The height/elevation of the 2nd floor and 3rd floor at the rear southwest corner blocks approximately 2/3rd of the 2nd and 3rd southwest floors of the Villa Rose.

At the front of the proposed development, the set back is 1 metre / 3.2880 feet from the property line. The measurement from the property line back to the first window of the condo on the northwest second floor of the Villa Rose is 17 feet / 518.16 cm.

Southwest unit 310 and 210 would lose 65% to 70% of their natural window light from the west, and northwest units 301 and 201 would lose 100% of their natural window light from the west, as well as approximately 85% of the natural light and view from the units’ second balcony off one of the bedrooms. The north facing windows in both those units get very little natural light to begin with, so, in essence the proposed development will eliminate the majority of natural light for both northwest facing units. With measuring tape, paper and pen in hand, Council members determined these calculations, measuring the actual distances, while employing the architect’s rendering measurements as a reference for the starting points.

The complete loss of natural light to the Villa Rose’s two northwest units is further evidenced if one looks at the shadowing created by the proposed development on the Villa Rose on page 28 – the Summary and Perspective – illustration #1 – View At West Second Ave – Looking South.

One can only conclude that if the issue of natural lighting is vitally important to the mental health and well-being of the people residing on the 2nd floor of the proposed development so is the natural lighting vitally important to the mental health and well-being of the owners residing in the Villa Rose.

Council has a responsibility to represent the citizens of QB in an equitable manner including those who are very elderly and are virtually housebound spending much of their time sitting by their living room windows looking out at the sunshine and going on in their immediate neighborhood. Their mental health and wellbeing are just as important as the wellbeing of someone who plans to replicate a property she was the landlord of in Ontario by building a structure that will rob her elderly neighbours (and younger neighbours) of their quality of life purely for commercial profit. There is nothing stopping the vacant lot property owner at 230 Second Ave West from creating a structure that minimizes the loss of light for her immediate neighbours, as well as a structure that is conducive and complimentary to the existing West Coast architecture of the buildings in the immediate community, rather than a building that will stand out like a rectangular red sore thumb. Nothing at all except the desire to maximize her commercial gain.

The Commission then asked Mr. Jensen about staff housing (affordable housing) for those who would work in the commercial units on the ground floor. Mr. Jensen responded that his client is very practical and that if the two businesses proposed need housing they would look to the 2nd floor. That begs the question as to whether his client will also feed them as the cost of eating all their meals each and every day in restaurants or the on-site tapa bar will undoubtedly deplete them of more than what they earn each day. Mr. Jensen later indicated that the children of the owner may be employed to work in the commercial units. Will they live and eat their meals with their parents on the 3rd floor or reside in one or more of the 2nd floor units? No further clarification was forthcoming.

Maureen Dyson commented of the “boxiness” of eastern buildings (assuming the eastern part of our country – Ontario – where the owner comes from?) and expressed her concerns about light, specifically the fact that the skylights and possible light wells/tunnels would only serve the 3rd floor; the owner’s residence. Carsten Jensen indicates something about opening up an area of the east side a bit more on the 2nd floor and possibly the 3rd floor; no one being exactly sure what he was referring to. Even though the issues pertaining to the lack of light for the 2nd floors short term rentals were not satisfactorily addressed no one pursued the concerns for some reason.

Each Commissioner expressed their final thoughts prior to voting on the selection of motions offered with respect to supporting or refusing the development application. Only Andrew Brown’s comments stood out. Mr. Brown stated that “urban infill – we are on the right track. I am not quite sure why it is that colour. I have thought this through and people who like B&Bs. They are not cheap. They are money makers and if we are doing to allow people to make money, I think we have a moral obligation to provide housing that people can afford. Why aren’t we doing the right thing?” The “right thing” is open to interpretation, however, based on Mr. Brown’s comments throughout the meeting one can only presume he meant rejecting the accessory short-term rentals and supporting, should the owner choose to, long-term rentals. Susan Hong expressed her concerns regarding the lighting and the accommodations on the 2nd floor being quite dark because of their placement. She also shared her thoughts with respect to the big concern regarding people being able to rent in QB; there is nothing out there and people are being displaced; it is really sad for QB not to have any place for people to live anymore.

Andrew Brown was the only one with the courage to recommend that the application be refused until they have a better understand of the implications of the rental policies in light of the larger rental disaster that is happening in the town. Andrew Brown’s motion was lost as there was not a seconder.

Following the Commissioners’ comments there was considerable dialogue and chaos around which of the three alternative within option #1 versa options #2 and #3 they were supporting or refusing. Much clarification was sought though it is highly questionable as to whether there was clarity realized in the end. What Mr. Brown actually recommended was that the Commission “refuse until we understand the rental situation”. Heaven forbid that logic and careful deliberation should actually find its place in the proceedings. His suggestion, sadly, was

lost in all the confusion. The chaos surrounding the explanation of the three options (one of which had three options within it) and the voting process was very disconcerting and was ultimately completely void of clarity. At the end of the day the Chair pushed for a specific zone, like a comprehensive development; it is a “one off”, a unique zoning bylaw specifically only this property and only to this form and character.

The Commissioners should have taken a recess to reflect on the options staff had presented; then come back allowing further time to re-present and digest all the options before them in such a manner that a fruitful discussion could take place. Their discussion was all over the map. It was painful to listen to. They could have started at the beginning addressing each motion staff had presented in order, rather than jumping all over the map. As I said at the start – the process that took place was grossly flawed....as was the outcome. Once again, Andrew Brown was the only Commissioner present who opposed the motion. He was the only one present who did the “right thing”. I am grateful to Mr. Brown for having the courage of his convictions.

The information provided to Council from staff regarding the Public Information Meeting on March 8 further exemplifies my extremely disappointing and stressful experience. The “information” shared with Council follows:

- a) “A variety of comments were received and include, but are not limited to, the following:
 - i. Proposed building colour;
 - ii. Adding “accessory short-term rental” as a permitted use;
 - iii. Number of off-street parking spaces; and,
 - iv. Impact on adjacent building.”

Although technically factual the inconsequential language used to describe what actually was expressed by many very concerned and distraught community members from the immediate neighbourhood would almost be comical if it wasn’t for the seriousness of the situation for those community members affected.

Regardless of the “selective” information provided to Council, Council is responsible and accountable for asking the right questions; digging, and seeking the “broader” truth; doing due diligence from ALL aspects of the questions at hand, and looking out for, and after, the overall wellbeing of its citizens – the citizens that elected them – even those of us choosing to live in the core – and not simply passing a zoning amendment or bylaw because it will enhance the commercial tax base and generate additional revenue for the local retail outlets etc..

The March 8 meeting drew much distress and opposition over a multitude of concerns not shared with Council by staff. Community members repeatedly expressed their concerns over:

- 1) the proposed short-term rentals, when it is crystal clear that Qualicum Beach is in desperate need for long-term affordable housing;

- 2) the increased parking issues already being experienced by residents in the immediate neighbourhood that will be added to from the hotel's guests and potential use of lock-off rooms;
- 3) the rectangular shape of the proposed building that is in complete opposition to the other newer buildings in the immediate neighbourhood; those with character and complimentary styles;
- 4) the majority of natural light that will be lost for the units with windows and balconies on northwest and southwest side of Villa Rose if the proposed development gets approved in its current rectangular design;
- 5) what decisions were made that led to the proposed development's heat pumps being mounted on the east side of the building and the resulting lifetime noise implications for the residents of Villa Rose;
- 6) the increase in traffic on the alleyway, resulting from the proposed development, that already has a high number of cars and trucks utilizing it during business hours. How will this issue be mitigated?
- 7) the proposed landscaping on the east wall, especially the Japanese Maple whose root system could encroach on both the proposed development and the Villa Rose over time;
- 8) questions pertaining to why the proposed development isn't putting in underground parking; and
- 9) the increase in noise that will be generated by patrons (and possibly music) from the tapas bar patio in the evening.

How is it that the majority of residents fears expressed at the information meeting were simply disregarded in the materials prepared for the following Council meeting? Will the residents that are here today, at this Public Hearing experience the same thing? Will Council and Staff hear, but not really listen to what is being communicated here today? What action will Council take to genuinely respond to the realities in which we live, to our anxieties – particularly those anxieties that relate to allowing this proposed development to destroy those residents' homes on the northwest and northeast of the "adjacent building", their quality of life, and their mental, emotional and physical well-being forever.

It is time Council broadened their perspectives as to what is important in their meeting discussions and decision making processes. Yes, talk of the numbering for step codes and spot regulations but of equal important is their discussion regarding their responsibility to serve the mental, emotional and physical well-being of Qualicum Beach's citizens.

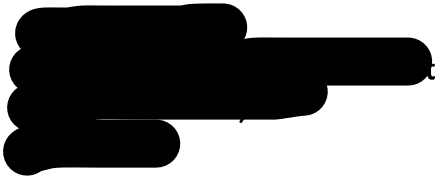
As an aside, Council Young should have recused herself from the vote at each of the readings as she has a conflict of interest given her retail store a block or so away from the proposed development and stands to gain from it, as she more or less indicated when referencing the parking in the area.

I can guarantee that if Council members resided in our neighbourhood, they would pay far more attention to the concerns being expressed and never allow this development to proceed as

proposed or pass the Zoning Amendment Bylaw to basically exempt this development from existing zoning.

The proposed development can be designed in such a manner that minimizes the loss of light for the adjacent building, includes underground parking, incorporates desperately needed long term rentals and compliments the existing building in the immediate vicinity while still making a profit. Yes, there will be a cost in the redesign. However, being a community minded neighbour and realizing a good return on investment are not mutually exclusive. They can co-exist and flourish together.

Thank you.

A large black rectangular redaction covering the signature and name of the author.

QB Town

From: [REDACTED]
Sent: Tuesday, May 23, 2023 9:28 PM
To: QB Town
Subject: Public Hearing re 230 Second Avenue West

Importance: High

Categories: Forwarded

I am writing to express my objection to the proposed development and related proposed bylaw change for the property at 230 Second Avenue West, Qualicum Beach.

As a resident [REDACTED] a property purchased to serve as a principal residence for the remainder of my life, this development will have an adverse impact not only on the quality of life and access to natural light which the suite currently enjoys, but it will also negatively impact any potential resale value. The current image on the Planning and Development page of the Town of Qualicum Beach gives the impression that the front of the proposed building at 230 Second Avenue West is even/level with that of the Villa Rose. However, architectural renderings indicate a clear protrusion at the front of the property which will also block light to the front balcony of the suite. Whether the building is zoned commercial or commercial tourism, the fact of the matter is that it will completely block light to a total of 4 windows in the suite and 1 balcony; it will also impact the light/view from the balcony at the front of the property. As a resident and tax payer to the Town of Qualicum, I am absolutely livid at the impact this business proposal will have on my residence and quality of life. The other properties across the street and extending to Jones Street are also residential, as are the properties behind us on Fern Street. Please do not allow this development to proceed.

Thank you for considering my concerns,

QB Town

From: [REDACTED]
Sent: Wednesday, May 24, 2023 8:24 AM
To: QB Town
Subject: Public Hearing - 230 Second Avenue West - Land Use and Subdivision Bylaw Amendment ("Bylaw Amendment")

Categories: Forwarded

Council and Staff:

While I support the development of this parcel in the core of the Town, I am writing to express my concerns about the Town proceeding at this time with third reading of the Bylaw Amendment. In my view, the Town is not in a position to approve a short-term rental zoning classification and doing so on a site-specific basis for this application is ill-advised. However, I believe the development of this parcel would be a benefit to the Town and support the issuance of a development permit based on the existing C1 zoning or a simplified amendment or other measure to allow for the height increase.

With its current Official Community Plan and bylaws, the Town is not well-positioned to consider this Bylaw Amendment or other applications for diverse and flexible tourist accommodation and housing. A review and update of bylaws should be prioritized to clarify unit types and where and how such uses will be permitted. When one looks at the Land Use and Subdivision Bylaw ("Zoning Bylaw"), the new definitions that have been approved on recent amendments, and the new definition of "accessory short term rental unit" in this Bylaw Amendment, it is confusing. There is no definition or guidance on lock-off units that are referred to in the Pheasant Glen zoning amendment, and are now proposed for 3022 Island Hwy West and in this application.

This application is not a large, comprehensive development for which a site-specific zone and new use definition may be appropriate, but is a relatively small mixed-use development where there is ground floor commercial and residential/rental use above. If another developer is proposing condos with lock-offs, is the Town going to do a similar site-specific zoning?

The Town has not developed a comprehensive strategy for dealing with short-term rentals, including appropriate zoning definitions and classifications; guidelines for the layout, design or construction of short-term rental units; consideration of stratification; and rules for the management of short-term rentals by the owner/operator. It has been anticipated that the Province would bring in province-wide regulation, and while that may occur this fall, it is unclear how far it will go. It may still be left to local governments to regulate short-term rentals as appropriate for their communities as some local governments have already done.

In some communities where short-term rentals (and lock-off units) are permitted, there are bylaws, guidelines, rules and/or handbooks that apply. If the rental unit is a secondary or accessory use, it is typically part of a larger dwelling unit that will be occupied by the operator as their principal residence. The local government may also ensure (by covenant) that the lock-off units cannot be defined as a separate strata lot in a strata plan.

It is important that the Town clarify its approach for the benefit of residents, existing tourist accommodation operators, potential developers, potential lenders, and the travelling public.

If Council is supportive of this Bylaw Amendment, I suggest the following:

1. When considering this or any other development, the Town should consider what could occur as intentions and circumstances change over time and put appropriate controls or restrictions in place, including by covenant. For example, the 2nd floor units and the 3rd floor unit may be stratified and sold to different investors. The 3rd floor unit has been described as an owner unit, but there is nothing in this application, or the Town's response to it, to ensure that occurs or ties the 3rd floor owner to the management of the 2nd floor rental units. Based on the wording in the proposed CT4 zone, couldn't all of the units be short-term rentals?
2. The "accessory short term rental unit" definition should be revised as it has incorporated wording from the "accessory hotel" definition that relates to a multitude of units, not a single unit; add " after "rental unit" on the 1st line; the numbering (a, b, etc.) needs to be fixed; "sleeping units" are referred to (and are also in the "accessory hotel" and "resort

condominium definitions) but don't appear to be defined in the Zoning Bylaw. In the CT4 schedule, under "Permitted Use", the word "Accessory" should be inserted before "Short-term Rental".

I appreciate the opportunity to provide input on this application.

Sincerely,

A large black rectangular redaction box covering the signature and name of the sender.

QB Town

From: [REDACTED]
Sent: Wednesday, May 24, 2023 8:04 AM
To: QB Town
Subject: Zoning Amendment: 230 Second Avenue West Bylaw No. 580,137, 2022

Categories: Forwarded

May 24, 2023

Dear Sir/ Madame;

We are concerned about the short-term rental units proposed for 230 Second Ave. W. in Qualicum Beach. We are opposed to short term rental units and we suggest that long term rental units should be considered instead. The four short term rental units have many bedrooms and perhaps a pull-out couch. Multiple parking spaces would be required if the units were fully booked to capacity. The parking spaces planned for the development do not seem to be sufficient. This parking situation would affect all of the residential units and businesses in the area in a negative way.

Also, we feel that short term rentals have a history of a busy and disruptive effect in neighborhoods.

Sincerely,