

PlanningAlias

From: Joel Kositsky
Sent: Wednesday, June 23, 2021 12:22 PM
To: PlanningAlias; Fitzgerald, Matthew
Subject: Errata of submission
Attachments: Lot A Submission v2.docx

Please replace my previous submission (a few minutes ago) with the new version (attached)

Or

Please delete the sentence, found in my submission page 8 "The developer quotes that the density of the development is 6.3 units per hectare"; whereas counting the actual number of dwellings (not the number of lots) there would be more like 10 dwellings per hectare." as these figures are probably incorrect.

Replace with "Density of the development should be calculated based on the number of dwellings per hectare, and not the number 'units' per hectare."

Thank You
Joel Kositsky

The Proposed Development of Lot “A”, 2650 Copperfield Road

June 22, 2021

As a resident of Copperfield Road, and as a concerned citizen and tax-payer, I am opposed to the proposed development of Lot “A”, 2650 Copperfield Road. There are many reasons why this development is inappropriate, overly costly to the City, and in variance with the stated values in the OCP and the LAP; some of which are discussed in this letter. Other objection will undoubtedly be enumerated by my concerned neighbours. Even Mr. Tuer (architect for the developer) said that if he were a resident of Copperfield Road he would probably be opposed to the proposed development.¹

Opening Remarks

During the virtual council meeting of Oct. 5, 2020, Mr. Tuer commented that builders are not adverse to regulations about building requirements, but bristle at changes in these requirements... the metaphorical “moving of the goal posts.” This Application for rezoning if approved would do just that viz-a-viz the current residents of Copperfield Road and adjacent areas. When I bought my lot and built my home (2562 Copperfield Road), I did so knowing the zonings around my property, and the requirements set out in the OCP and LAP. Among other things, the LAP is “intended to provide residents, property owners, and others with an interest in the area with a reasonable level of certainty about future land use and quality of life to be achieved within that area.”² I do know that rezoning and change are a part of life and a part of the growth of the City, but I would expect council to use discretion and the Precautionary Principle³ as set out in the LAP’s statement of objective, in reviewing all rezoning applications, being particularly cautious in proportion to the number and extent of the requested variances requested by developers.

The current application for rezoning is asking for several MAJOR changes in the OCP, many of which also run afoul of the letter, and the spirit, of the LAP. The city, correctly, has the right to amend zoning requirements when such amendments are for the “greater good” of the city’s residents. Change is unavoidable, and I am not against development. But I am against development plans that run roughshod over the stated development principles of our community.

The amount of *return on investment* is all about profits⁴ for developers and builders and is easily calculated; while the *return on investment* for the City (gains by the community and the City, measured against the number and type of concessions that the community is willing to make) is harder to measure. The guiding principle is (and should be) the Precautionary Principle as spelled out in the LAP. “It is a principle used by policy makers to exercise “caution in advance” in order to “err on the side of caution” in making decisions that may affect the public”. As the number of concessions that are requested in this Application for Rezoning are extreme and extensive, the amount of caution should be proportionally large.

After reading the Applicant’s proposal, I conclude that the amendments requested in this rezoning application are out of keeping with the return for the “greater good” of our community (of both the local neighbourhood and the City at large). In this case, it behooves Council to definitely err on the side of caution, and deny the proposal.

¹ On-line meeting (October 2020)

² Arden Corridor Local Area Plan (Dec 2013); pg. 5

³ The “principle used by policy makers to exercise ‘caution in advance’ in order to ‘err on the side of caution’ in making decisions that may affect the public” Arden Corridor Local Area Plan (Dec 2013) pg. 9

⁴ Please note that I am certainly not against developers and builders making a profit.

Applicant's Conclusions

The applicant's section on Conclusions⁵ claims that the "proposed development meets the objectives of:

- a. Conformity with the Arden Corridor Local Area Plan
- b. Housing Affordability,
- c. Minimal environmental Impact;
- d. Marketability,
- e. Responds [sic] to Local Neighbourhood Context."

I will address each in turn, before raising other concerns that I have.

1) Applicant's Conclusions: Conformity with the Arden Corridor Local Area Plan (LAP)

The claim: *"The proposed development of Lot "A" does respond to the strategic principles, housing policies and Conceptual Land Use Plan of the Local Area Plan"*

My claim: The proposed development in no way *"maintains the character of the existing neighbourhood"*.

The developer's claim is incorrect on each point. There are so many clauses and principles in the LAP that are in variance to this aspect of the application, that I will only list a few.

*"Maintaining the character and environmental protection is critical to the success of the Plan [LAP] and the vision contained herein."*⁶ The applicant claims that this requirement is met by citing the recent Copperfield Ridge development which, despite its name, is neither on, nor even contiguous with Copperfield Road.⁷

Lot "A" is surrounded by CVRD land to the north, undeveloped land to the west, parkland to the east, and most importantly by Copperfield Road to the east. Although the applicant quotes that "the Copperfield Ridge development is immediately below [sic] Lot A", Lot "A" is actually not contiguous with the Copperfield Ridge development, there is a strip of parkland between them. But, even if Copperfield Ridge development were adjacent to the subject property on one side, the character of the Copperfield Road community (not that of the recent Copperfield Ridge development) should still be the yardstick by which to assess "the character" to be protected by the LAP, as this is the only access to Lot "A". Also, the Copperfield Road neighbourhood has been here for decades, unlike the very recent Copperfield Ridge Development; and is actually contiguous with Lot "A". The community (and Lot "A") are zoned R1A, and I have no problem with the development of Lot "A" with that zoning which would be in keeping with the semi-rural character of the Copperfield Road community.

The principle of maintaining the character of the existing community is underscored in the LAP by frequent references such as, among others:

- i) *"Maintaining the character and environmental protection is critical to the success of the Plan and the vision contained herein."*

⁵ Executive Summary: See *Web-RevisedSummary(8May2020).pdf*

⁶ Unless otherwise noted, quotes in this section can be found in Arden Corridor Local Area Plan (Dec 2013)

⁷ Would someone please tell Mr. Tuer that it is at the end of Copperfield Road and not Copperhead Road.

ii) “The LAP is also intended to provide residents, property owners, and others with an interest in the area with a reasonable level of certainty about future land use and quality of life to be achieved within that area.”

iii) “...to maintain the rural character of the community”

iv) “Where infill development is permitted, it is in keeping with existing neighbourhood character.”

Just a few examples of how it is NOT in keeping with the existing neighbourhood:

a) Current Copperfield Road lots have 24 m (80 ft.) frontages ... proposed lots are about 40% of this.

b) Current Copperfield Road lots are about 0.13 hectare, while the proposed average lot are only about 20% of this⁸

c) Current Copperfield Road homes are exclusively single family dwellings, proposed lots will have townhouses, duplexes, carriage houses, granny suites etc.

d) The setbacks of the proposed developments are a fraction of those on Copperfield Road.

e) The character of the Copperfield Road is suburban; the proposed development would be like, as Mr. Tuer claims, “a small town”⁹

How can the developer, in honesty, claim that their design is in keeping with existing neighbourhood character except with possibly the recent Copperfield Ridge development which is not even contiguous with Lot “A” and has only been here for a couple of years?

Other clauses in the LAP referencing preservation of local character, which would be contravened by the Application include

i) “*Preserve contiguous parcels of Green space to protect against forest and habitat fragmentation.*” The development as envisioned by the applicant, while maintaining some greenspace, would disrupt the movement of wildlife and lead to habitat fragmentation. I currently frequently see deer on my property and even bear, from time to time. Can you picture these animals strolling through the proposed “*small town*”?

ii) “*Vehicular road access will be reviewed upon each development application in which new roads are proposed to ensure that new roads adhere to the vision of this Plan and that traffic impacts to the existing neighbourhood are reduced.*”

iii) “*Housing Objectives • Strive for a housing form that maintains a ‘rural aesthetic’*”, not the aesthetic of a “small town”.

iv) “*The objective of the LAP is to project and respond to anticipated growth in the Arden Corridor through regulation of land use and servicing that is in keeping with the **values of the community**¹⁰, the identity of the City, and the City’s commitment to environmental protection.*” I know that most, if not all, of my neighbours do not believe that the proposed development is in keeping with the values of our community. I know this, because we know our neighbours, and we speak with each other, even though our set-backs are greater than those of in the proposal.

⁸ For this calculation I used a 33’ frontage and 100’ lot depth. Other lots may be somewhat larger or smaller.

⁹ A term used by Mr. Tuer to describe the proposed development in the on-line meeting of October 2020.

¹⁰ Emphasis added

2) Applicant's Conclusions: Housing Affordability

The claim: The applicant claims that by using very small lots, the dwellings will provide affordable housing.

While size of lots and dwellings do affect cost of ownership, size alone is not the only (or even the principal) parameter that affects cost. Even Mr. Tuer offered that the cost of a lot is not very dependent on its size. At the meeting he said "*The value of land today is in your entitlement to build the dwelling unit, it's not how big the site is. I have found 10 acre sites are not much more expensive than 1 acre sites.*" He further added: the cost of "*a 35 foot lot may not be that much different from a 45 foot lot*". And he is right.

Whether we like it or not, the largest determinant of cost of the proposed lots is, and will be, the cost of lots in the Comox Valley. The developer and the builders will understandably want to make as much profit as possible, and will ask for what the market will bear. We need only look at Coal Valley development in Cumberland, where small houses on small lots are going for outrageous amounts. Mr. Nye (developer's representative) said that if he weren't living in his current abode, that he would want to live in a development like this. That suggests that this development would attract wealthy people, causing the hoped for "affordable" houses to become something other than affordable.

The developer also claims that: "*this rezoning application will permit an increased supply of zoned and serviced housing lots which should serve to stabilize or reduce housing prices.*" Does the developer really believe that their development will materially affect the cost of dwellings in Courtenay as a whole?

The developer asserts that smaller irregular lots "*beg for creative design solutions.*" "Beg" here is an appropriate term.¹¹ To builders and architects, creative solutions on irregular lots, of course, mean extra expenses. So much for keeping the dwellings affordable.

Of course, buying the lot and designing and building a non-standard dwelling is not the end of the story. Expenses such as those for maintaining the bridge, the rain gardens, the tiny park, the strata roadways, snow removal, extra strata insurance, and other expenses that go along with bare land strata, will continue in perpetuity.

One way that has been proposed for owners to help pay for their quaint little, creatively designed and built houses, would be to build carriage houses to rent out. The rents for these dwelling spaces would not necessarily be "affordable", as the owners will also charge what the market can bear. Also, the idea of the carriage houses brings up another claim: namely the claim that owners will be able "*to enjoy the view of their gorgeous back yards*" where they will see their detached garages/carriage houses. But fortunately for them, their yard space will be very small, so they won't need to spend much effort mowing their patch of grass.

3) Applicant's Conclusions: Minimal environmental Impact

The claim: The applicant claims that "*The proposed development of the property limits the extent of site disturbances on critical habitat, riparian areas and hydrological features*". While it's nice to know that the damage will be limited, the nature of the property will invariably be permanently altered. What constitutes "minimal" is, of course, rather subjective, and should thus be evaluated by council under the

¹¹ See remarks on builders and guidelines, page 7.

rubric of the Precautionary Principle as spelled out in the LAP. The impact, will certainly exceed the standard set by the current properties on Copperfield Road.

4) Applicant's Conclusions: Marketability

The claim: *"The proposed development provides [for] a diversity of housing types that are attractive to young couples, families, and seniors."* While this is nice, there is no demographic study to show that this is actually so. The "attraction" may be there, but the cost of ownership, including maintenance of facilities and structures such as the required bridge, the holding ponds, the mini-park¹², the rain garden and the trails, may possibly make this unaffordable to young couples. The distance to shopping, public transportation and other services, may make this less attractive to seniors.

5) Applicant's Conclusions: Responds to Local Neighbourhood Context

The claim: *"The proposed development maintains the character of a single family neighbourhood while providing [for] the option of more affordable multi-family dwellings."*

The applicant aims to make the development "look like" a single family home neighbourhood, while planning for duplexes, townhouses, carriage houses, granny suites etc. Rather than planning on keeping with the actual neighbourhood context, the developer feels it is sufficient with clever facades to fool the eye into thinking this is a single family home development¹³. In the on-line meeting, they cited such things as being able to paint your part of the duplex a different colour, or decorating your balcony in your own style as being equivalent to having the type of dwellings that are actually in keeping with the LAP, and the current neighbourhood, and what people want.

Other Applicant Claims

Claim: During the on-line meeting, Mr. Tuer said that people currently living on Copperfield Road should keep in mind that they may actually profit from their children possibly making new friends in the proposed development. A fine, but rather speculative, sentiment. But as long as we are speculating: it may also mean that the amount of traffic, the number of noisy motorcycles and diesel trucks, the increase in number of barking dogs are also quite possible (and a lot more likely).

Claim: Having dwellings so close to each will encourage neighbours to get to know each other. Another fine sentiment, but we all know that this is not what happens. People living for decades in apartment buildings, for example, rarely know their neighbours' names. Compare this with the residents of Copperfield Road, who despite not being crammed together, know many of their neighbours, communicate with them, and enjoy their company. Proximity more frequently leads to clashing over noise, weeds, fences, parking, trash, late parties and the like. Proximity also exacerbates the risk of fires spreading, and the difficulty of evacuations during emergencies.

Claim: Houses on small lots are a positive thing, as this promotes creativity. As noted above, creativity in building usually means, non-standard designs and building issues, with the ensuing added expense, thus negating some of the supposed savings due to smaller units and sharing of interior walls. More likely builders and owners will opt for the less expensive cookie-cutter houses to try and keep costs down¹⁴.

¹² The applicant says that the park would be 15,600 square feet. This is a big number and it may sound like a big park, but expressed in metric (as it should be in 2021) it amounts to a mere 0.145 hectares.

¹³ Although there is no way to force builders to adhere to the guidelines. See below, page 7.

¹⁴ See also the discussion of builder/owners not keeping to guidelines, next page.

Counter suggestion: When asked (at the on-line meeting) about alternatives if this project does not get approval, Mr. Nye basically said that there is no alternative that makes economic sense. He went on to say that without a rezoning there could only be 2 lots on this parcel. From 2 dwellings to the 65 or so dwellings (not “units”, not “lots”) shows the large scale of the change that is desired in the proposed rezoning. Of course, he is mistaken: Lot “A” could be subdivided into about 8 units without rezoning. I suggest that the same creativity and flexibility that he lauds for buildings on the proposed small lots, can better apply to him being more creative in how to develop Lot “A” within the context of the existing R1A zoning.

Claim: *“Parks need not be large to be functional and it is often said [by whom??] that the best designed neighbourhood parks are large enough to provide for playground equipment, park benches and passive green space, yet small enough to feel safe and connected to the adjacent homes.”* So if you asked the residents if they would prefer a small or large park, you claim that they would opt for a small park. Really?

Costs to the City and the Taxpayer

As there will likely be substantial cost to the City for supplying adequate pressure and volume of water to the development, the entire taxpayer base should be made aware of this burden, as it will affect every resident and taxpayer in the City. Every resident of Courtenay should be invited to comment on this proposal, as such a large financial outlay by the City for a single development will, of necessity, affect the City’s ability to supply services and funds for other projects.

I didn’t hear anyone addressing the question of the cost or responsibility of widening the existing Copperfield Road, and the possible upgrades (such as gutters and side-walks) to accommodate the extra foot, bike and vehicle traffic caused by the development. Will this too fall on the City?

Other costs will of necessity follow, including storm sewers, sidewalks and gutters on Arden Road. The dangerous and busy intersection of Arden, Cumberland Roads as well as the very close intersection with 20th St will need to be addressed sooner rather than later with the extra 60+ dwellings on Lot “A”. In addressing this concern, Mr. Tuer commented that in North Vancouver large high-rises are springing up with no regard to traffic issues. Do we really want North Vancouver to be a model for the City of Courtenay?

Also, more expenses will possibly be requested by the developer: Mr. Nye, for example, said in the on-line meeting that *“one thing to keep in mind is if the developer pays for the cost of the road and bridge construction, they will have less money to put towards the water system upgrades”*¹⁵ Not surprisingly, the developer will try to get the City to pay for more of their development. The City, of course, is not responsible in seeing that the developer makes good on his investment.

¹⁵ On-line meeting, Oct 2020. The audio was not totally clear, and I may have misquoted his actual words, but the gist is correct.

Utilities

While there has been discussion about the need for adequate water pressure (and VOLUME) for the new development, council may not be aware that natural gas piping is currently also not available on Copperfield Road. When I was building my house a few years ago, I asked Fortis if they would supply gas to my dwelling. They said that such service would require a levy of about \$25,000 on every dwelling on Courtenay Road (there are 20 such houses). I do not know if the natural gas lines would cost more or less if laid at the same time as the increased water (and sewage?) lines. But that should be followed up by Staff. Also, contrary to what the developer claims, Telus is not currently available on Copperfield Road.

General Remarks

It is difficult to get a true sense of the proposal as terms like “units”, “sub-units” and “dwellings” are used ambiguously and the number of each is different in different places in the application documents. This is partially understandable at this stage of development, but it makes it difficult to estimate densities, required utilities, amount of traffic etc.

The application claims that there are 39 “units” proposed, but we know that the number of dwellings would be greater: assuming 2 per duplex, 3 per Manor house, and 3 for the townhouse that comes to about 55 individual dwellings. The number of Carriage houses and Granny suites is also not specified but could add around another 10 dwellings, for a total of about 65 dwellings. The number of people and vehicles in the development, would thus be much larger than the quoted 39 “units” would lead us to believe.

Guidelines to Builders

The developer plans on having design guidelines for the builders. This is good, but as Mr. Tuer points out there is no way to enforce the guidelines, and that there are “*always bad-apple builders*”. We are reduced to hoping that the builders (who are primarily concerned with making a living) will buy into the area concept, and forgo maximizing their profits. I personally don’t hold out much hope for that.

Traffic

The traffic on Copperfield Road would definitely increase substantially. Mr. Tuer said that though he did not have the numbers, he estimated that if there were currently 1 vehicle/15 minutes moving on Copperfield Road now, that this would only increase to be only about 1 vehicle/10 minutes, after the development is in place. There are currently 20 dwelling places on Copperfield Road. With the extra 65 or so dwellings, the traffic would most likely increase substantially; certainly not increase by the small amount implied by Mr. Tuer.

Once again the developer is confusing units with dwellings. Mr. Tuer stated that the 39 units would not appreciably increase traffic on Copperfield Road. However, as I have explained above, the 39 units actually translate to more like 65 dwellings, each of which would certainly have 1, and probably have 2 cars. I am pleased to hear him say that he is not worried about the extra traffic, but more to the point, I and the other residents of Copperfield Road are concerned, very concerned. The fact that this issue was so readily glossed over in the meeting, causes me to worry even more.

In fact, a study done by McElhanney, estimated that there would be an additional 336 trips per day on Copperfield Road; this is substantial but is still an underestimate. As shown in the following chart (from a memorandum between Mr. Nye and McElhanney), the figure of 366 new trips per day does not include traffic from the residents of either the carriage houses, or the granny flats. Again, the developer is confusing “lots” or “units” with “dwellings”.

Table 1: Trip Generation Summary

Development Type	Land Use Code ¹	Description	Units	# of Units	Period ⁴	Trip Rate	In / Out Ratio		Trips		
							IN %	OUT %	IN	OUT	Total
Townhome	220 ²	Low-Rise Multifamily Housing	Dwelling Units	6	Daily	7.32	50	50	22	22	44
					AM	0.46	23	77	1	2	3
					PM	0.56	63	37	2	1	3
Triplex	220 ²	Low-rise Multifamily Housing	Dwelling Units	9	Daily	7.32	50	50	33	33	66
					AM	0.46	25	75	1	3	4
					PM	0.56	63	37	3	2	5
Duplex	210 ³	Single-Family Detached Housing	Dwelling Units	2	Daily	9.44	50	50	9	9	18
					AM	0.74	25	75	0	1	1
					PM	0.99	63	37	1	1	2
Single-Family	210	Single-Family Detached Housing	Dwelling Units	22	Daily	9.44	50	50	104	104	208
					AM	0.74	25	75	4	12	16
					PM	0.99	63	37	14	8	22
TOTAL						Daily		168	168	336	
						AM		6	18	24	
						PM		20	12	32	

1. From ITE Trip Gen Manual, 10th Edition
2. Low-rise multifamily housing includes apartments and townhouses with at least three other units
3. Trip generation rates for single-family detached housing were used to remain conservative
4. AM and PM rates correspond to peak hour of adjacent street traffic

Density of the development should be calculated based on the number of dwellings per hectare, and not the number “units” per hectare. Crowding of people does not result in friendlier neighbours, or why not just build a large tenement of affordable, “creatively” small units to house a few hundred friendly people.

Parking

Parking was calculated¹⁶ by McElhanney assuming the need for 2 spaces per each of the lots, with an additional 33 spaces reserved for visitors. However, while there are 39 lots, there would be about 65 residences, once you count the number of dwellings per lot (e.g. 3 per townhouse), plus the number of dwellings in carriage houses, and granny suites. This would leave quite a shortfall of parking spaces.

Dangerous Intersection

I have already mentioned the need for more City expenditures to address the further exacerbation of the Intersections near Arden and Cumberland Road by the addition of over 100 more vehicles due to the development.

Joel Kositsky
2562 Copperfield Road

¹⁶ Web-RevisedSummary(8May2020).pdf; Executive Summary pg 20