

COUNCIL REPORT



REPORT DATE: 1/2/2025
MEETING DATE: 1/13/2025

File No. 2024-02-RZ; 2020-08-DV

TO: Mayor and Councillors
FROM: Brigid Reynolds, Consulting Planner
SUBJECT: Zoning Bylaw Amendment 3345 Second Street (K̓wax̓dzi’dzas Housing)

RECOMMENDATION

- i. THAT Council give first and second reading to Bylaw 1223 cited as “Zoning Amendment Bylaw No. 1223, 2025”. For the property described as Lot A, Block 32, District Lot 24, Nelson District, Plan EPP 103460.
- ii. THAT Council support, in principle, amendments to the housing agreement to increase the number of Vancouver Island Health Authority (VIHA) staff dedicated units from 4 to 6, and expand requirement that staff are employed within the Village of Cumberland to within the Comox Valley Regional District, and direct staff to pursue locating up to 12 parking spaces for 3345 Second Street on the adjacent VIHA-owned lot.



Subject Property

PURPOSE

The zoning amendment to add a fourth storey to the proposed K̓wax̓dzi’dzas affordable housing was initiated by Council in September 2024. The purpose of this report is to recommend first and second reading of Zoning Amendment Bylaw No. 1223, 2024. Bylaw 1223 amends Section 7.11, RM-4 – Residential Multi-Family Zone to increase the permitted density from 85 units per hectare to 145 units per hectare and increases the maximum principal building height from 12.5 metres to 14.5 meters. Bylaw 1223 also adds the RM-4 zone to parking tables that was overlooked in the previous zoning amendment that created the RM-4 zone for this property. This report also presents a draft amended development variance permit (2020-08-DV).

PREVIOUS COUNCIL DIRECTION

Date	Resolution
October 28, 2024	THAT Council approve a memorandum of understanding (MOU) agreement, dated October 28, 2024, between M’akola Housing Society and the Village of Cumberland for the Society to be the proponent for the affordable housing

	development at 3345 Second Street, and THAT Council authorize the Mayor and Chief Administrative Officer to execute the MOU; and THAT Council commits the Village to working with M’akola Housing Society on the affordable housing development at 3345 Second Street, including establishing a long term mortgageable interest for the Society to lever funding and financing, and support for funding applications.
September 9, 2024	THAT Council direct staff to negotiate the terms of an agreement with M’akola Housing Society to act as a funding applicant and proponent for the affordable housing development at 3345 Second Street. THAT Council release the resolution to the public.
September 9, 2024	THAT Council direct staff to bring back a zoning amendment bylaw to allow for a fourth floor in the zone for the 3345 Second Street affordable housing development.
September 11, 2023	THAT Council approve the Development Permit (2020-11-DP) and Development Variance Permit (2020-08-DV) for the property legally described as Lot A, District Lot 24, Nelson District, Plan EPP103460 (3345 Second Street).
July 10, 2023	THAT Council adopt Official Community Plan Amendment Bylaw No. 1136, 2020. THAT Council adopt Zoning Amendment Bylaw No. 1137, 2020.

BACKGROUND

The property is owned by the Vancouver Island Health Authority and leased to the Village of Cumberland for the purpose of constructing an affordable multi-family development. It is currently zoned for a 3-storey, 22-unit, multi-family affordable housing development. The original proponent of the development was the Comox Valley Transition Society (CVTS). CVTS submitted applications to BC Housing’s Community Housing Fund in 2022 and 2023 however, the project was not funded. In 2024, CVTS gave notice to the Village that it was terminating its lead role in this project. Before withdrawing their lead role, CVTS was successful in receiving \$200,650 in project development funding from BC Housing.

To improve the possibility of making a successful application for funding, Council directed staff to bring back a zoning amendment bylaw to increase the building height to four stories to increase the number of units. BC Housing aims to make the most impact with its limited funding and smaller buildings have higher per unit costs for construction and operation, than larger buildings. Feedback from the two unsuccessful applications noted that a building with more units would have received a higher score. The high proportion of larger units for families in this project has been a key element since it was first envisioned. Simply converting the four and three bedroom units to one or two bedroom units to achieve more units within three stories would likely increase project viability but was not considered an option for K̓wax̓dzi’ dzas.

As the Village does not have the staff capacity to lead the construction project or be the operator once completed, On November 18, 2024, Council entered into a Memorandum of Understanding to partner with M’akola Housing Society (MHS). M’akola Development Services is a non-profit

organization related MHS and will lead the development and construction. MHS will be the operator.

A new call for proposals to the BC Housing Community Housing Fund is anticipated in early 2025. The request for proposals is typically open for a three-month period. Applicants are encouraged to submit a shovel ready project, with zoning in place and development permit issued.

Official Community Plan

With the proposed increase in density, the development continues to be consistent with the OCP and is supported by the following policies:

- **General Land Use Objectives 5.1.2 (2)** identifies density requirements from the Regional Growth Strategy 2011, which is 100-150 combined residents and jobs per hectare and a minimum of 75 combined residents and jobs per hectare for ground oriented housing.
- **Housing Policies 5.2.3 (1), (4) and (9)** seek to give priority to development proposals for small and compact forms of housing such as small-lot single detached homes, town homes, coach houses, and apartments; to support the creation of new, and the retention of existing, rental housing and provide opportunities for attainable housing through new multi-family units.
- **Growth Management Policy 5.3.6 (12)** foresees that the majority of new growth, particularly higher density residential uses, will be located in close proximity to the Historic Village Commercial Core (HVCC) to promote walkable, pedestrian friendly neighbourhoods.

Off-Site Infrastructure Upgrades

A condition of the building permit is the construction of 14 angle parking stalls on Second Street fronting the development. Subject to detailed design, one of these spaces will be accessible and four will be for small cars. To accommodate these parking spaces within the right-of-way, the sidewalk will be constructed on the subject property and a statutory right-of-way will be required as a condition of building permit.

Development Permit Area

The property has a land use designation of Multi-Family and is within Development Permit Area (DPA) 7 - Residential Multi-family. The purpose of the DPA designation is to promote a high standard of design for medium to high density multi-family housing projects.

The original proposed development was issued development permit (2020-11-DP) in 2023. The addition of the fourth storey requires that the DP be amended. Staff have included a revised site plan and architectural drawings prepared by MacDonald Hagarty Architects Ltd., dated December 1, 2024, attached to this report. Staff will bring back the DP for Council's review at the time of 3rd reading.

Housing Demand

The September 2024 Housing Needs Report (HNR) estimates that the Village will need an additional 1,350 housing units to be built by 2041. Specifically, the addition of 315 affordable / below market units and 45 deeply affordable units would fill a particular need. The report notes that market housing demand will likely focus more on 2- and 3- bedroom units and non-market solutions on studio and 1-bedroom dwellings. But as noted below, there are lone parents in core

housing need who need large units and they will not be able to afford these larger units in the open market. The proposed unit mix is laid out in Table No. 1. Based on the anticipated rent formulas and unit mix, this development will provide necessary housing for people who are in core housing need, one person households, like seniors as well as families with children.

Table No. 1– Proposed Unit Mix, Number and Size

Type of unit	Number of units
One bedroom	8
Two bedrooms	3
Two bedrooms accessible	3
Three bedrooms	16
Four bedrooms	4

In 2021, 8% of local households were in core housing need and these households were typically renters, single people, and lone parents. Families with children experienced the highest rate of growth and make up the highest share of total households, from 38% to 41% between Census periods.

Rents for the proposed development will be established by BC Housing’s Community Housing Funds requirements. The following unit break down and estimated rent amounts are based on the 2024 program as the 2025 program has not yet been announced:

- 20% of units – rent geared to income deep subsidy (approximately 7 units). Estimated monthly rents are \$500/1-bed, \$695/2-bed, and \$717/3+bed
- 50% of units – rent geared to income (30% of household income) (approximately 17 units). Estimate rents are \$770/1 bed; \$971/2 bed; and \$1146/3 bed.
- 30% of units – near market rent (10.2 units (approximately 10 units)). Market rents are set once construction has been completed, based on a market rent appraisal and approved by BC Housing. Eligible applicants must meet [current low-and moderate income limits](#).

Tenant selection is based on the BC Housing Operating Agreement. Rent Geared to Income and Shelter Rate unit tenants are selected from the BC Housing Registry. Market units (other than Island Health units) would be managed under the M’akola Affordable Rental Program, with direct housing applications accepted. As an Indigenous housing provider, MHS prioritizes Indigenous tenants. All units will be income tested to ensure units are allocated on a need-based approach and in line with the Operating Agreement.

Zoning Bylaw

Density

The RM-4 zone was created for the subject property and does not apply to any other properties at this time. It establishes a maximum base density of 85 units per hectare. For this development, based on the lot size of 2,000 square metres, the maximum number of permitted units is 17. The bylaw also includes a density bonus provision whereby the number of units may be increased by 25 units per hectare when 20% or more of the units are affordable housing units. Permitting a total of 22 units. The Zoning Bylaw establishes a maximum building height of 12.5metres (41.0 ft)

which is a three storey building. The RM-4 zone was created for the original proposal of 22 units and 3 storeys.

The proposed Zoning Bylaw amendment would amend the base number of units per hectare regulation in the RM-4 zone to 145 units per hectare. Together with the existing density bonus provision of an additional 25 units per hectare where the units meet the affordable housing criteria, 34 proposed units are permitted.

Another measure of density is Floor Area Ratio (FAR) instead of units per hectare, and is used on other zones in the Village. FAR is calculated by dividing the gross floor area of the building, with some exceptions, with the area of the lot. If FAR were used as the density measure, for the revised proposal, it would have an approximate FAR of 1.6. This is slightly less than the VCMU-1 – Village Core Commercial Mixed Use Zone which permits a maximum floor area of 2.0. And slightly more than the PA-1- Public Use and Assembly Zone (Cumberland Lodge zoning) which permits a maximum floor area of 1.5. VCMU-1 zone.

Height

The maximum height in the RM-4 zone is 12.5 metres (41.0 feet), permitting a 3 storey building. The proposed amendment would permit a taller building with a maximum height of 14.5metres (47.5ft) (4 storeys) with a peaked roof. Currently two other zones permit four storey buildings. The Village Core Commercial Mixed-Use zone (VCMU-1) and the MU-1 Mixed Use zone (Coal Valley Estates) both permit a maximum height of 15 m, or four storeys.

Additional Zoning Bylaw Amendments

The vehicular, bicycle and tandem parking requirements are included in this Zoning Amendment Bylaw because this was overlooked when the RM-4 zone was originally created. All other zones have these associated parking regulations. These amendments are effectively housekeeping in nature.

Development Variance Permit

Council approved a development variance permit (2020-08-DV) for the original proposed development reducing the rear yard setback from 7.5 metres to 2.0 metres for the three storey building and vehicle parking requirements from 22 spaces to 8 spaces. Due to the revised proposal amendments to the DVP are necessary as follows:

- a. change the variance to the minimum number of vehicular parking spaces from 22 to 8 (current variance), to 34 to 8 parking spaces.
- b. change the variance to the minimum number of courtesy parking spaces for pregnant women and persons with young children from one to zero (current variance), to two to zero.
- c. reduce the minimum rear yard setback from 7.5 metres to 2.0 metres for the fourth storey.

Should Council grant third reading of the zoning amendment bylaw, staff will bring the amended DVP back to Council at that time. A draft of the permit is attached to this report.

Parking

For this 34-unit development, the Zoning Bylaw requires a total number of 34 parking spaces including visitor parking and those spaces with a 'special' designation, for example EV parking spaces. Table No. 2 details the Bylaw requirements.

Table No. 2 – Required Parking

Type of Parking Space	Number of Required Spaces	Number of Provided Spaces	Variance Required
General Parking	31	8	23
Visitor Parking	3	0	3
Accessible Parking	2	3	0
Courtesy Parking	2	0	2

As shown on the site plan attached to the development permit, 8 parking spaces will be constructed on the subject property. To offset the reduction in onsite parking, 14 angle parking stalls on Second Street fronting the development will be constructed. This will be a requirement at the time of building permit. Subject to detailed design, one of these spaces will be accessible and four will be for small cars. To accommodate these parking spaces within the right-of-way, the sidewalk will be moved onto the subject property and a statutory right-of-way will be required as a condition of building permit. One of these public parking spaces will be dedicated for a vehicle that is part of a car share program. Until such time as there is a carshare program in the Comox Valley, the parking space would be available for a vehicle that is registered with the TURO car rental marketplace (turo.com).

The Cumberland Lodge has two parking lots. Staff and VIHA have discussed whether the 12-space shortfall could be accommodated in these parking lots. While there is initial interest in accommodating some of the parking spaces, particularly the 6 that could be for VIHA staff, at the time of writing this report, this proposal has not yet been confirmed.

Zoning Bylaw section 6.7 *Shared Parking Provisions* allows for parking stalls to be shared between a combination of uses on adjacent or nearby (within 200m) properties. The concept is that some uses have a higher parking demand in the evening (such as restaurants) and others have a higher demand during the day (such as office), so the same spaces can be shared for uses with alternate parking requirements. The list of applicable uses does not include residential or institutional, the applicable uses on the VIHA and Kwaxdzi'dzas properties. However, the principal may be applicable, where the VIHA property has a higher parking demand on weekday, daytime where the highest complement of staff are present, and the residential use would have a higher parking demand on evenings, overnights and weekends. Staff are exploring this in more detail with the aim of accommodating some of the 12-space shortfall on the VIHA property. Whether or not this is successful, and variance for the 12 spaces is required.

M'akola Housing Society manages more than 1,600 homes across the Province. Based on this experience in large and small communities, M'akola staff have indicated that it's not uncommon that some residents do not own cars for various reasons, such as limited resources or physical abilities. This is particularly true for seniors who live on their own in one-bedroom units.

In May 2024, the Comox Valley Regional District Department of Transit and Facilities launched a pilot E-bike Share Program that is currently operating in Comox and Courtenay. At the Regional Board's December 10th meeting, project managers updated the Board on the project noting that in the short period, 2,249 trips were made by 1,136 riders. The presentation included the positive responses received by users. The next step for the program is to set up drop stations in different parts of the Regional District including Cumberland. A drop station could be considered to be located at the subject property and access to this amenity could benefit tenants who do not own cars.

The Zoning Bylaw requires two courtesy vehicle parking spaces for pregnant women and persons with young children. This is understood to have been intended for commercial uses and is recommended not to be required; it is included in the draft amended development variance permit.

Zoning Bylaw, Section 6.2 provides an option of paying cash in lieu of providing visitor parking stalls in the zone. The amount would be \$11,400 for the 3 visitor stalls (3 x \$3,800). The variance to the visitor parking requirement, if approved, provides an exemption from paying cash-in-lieu.

Council Policy 13.4 "Review of Development Variance Permits for Parking in VCMU-1 zone" includes a provision that supports the reduction of residential parking for affordable housing units where the owner has entered into a housing agreement. While the subject property is not located in the VCMU-1 zone the policy reflects Council's desire to support affordable housing projects by considering parking reductions.

A number of the comments received from neighbours and residents express concern about the reduced number of parking spaces, despite the proposed mitigations. Informal reviews by staff of on-street parking in the surrounding neighbourhood indicate that perhaps on street parking congestion occurs during peak community events, such as Woodstove festival. Councils across North America are faced with this trade off to permit (affordable) housing and to ensure the parking requirements are met. The requested parking variance allows for retention of a mature tree, creation of a functional open space and will reduce project costs and potentially annual operating costs. Approval of the variance reflects the Village's financial support for the project and strengthens applications for funding to senior levels of government like BC Housing.

Rear Yard Setback

The RM-4 Multi-Family Residential zone establishes a rear setback of 7.5 metres. The development is located closer to the rear setback to maximize the separation from the two single family homes on the north side and to retain the large Douglas-fir on Second Street. The development variance permit must be amended to permit the addition of the fourth storey. The amended variance will have a relatively small impact on the adjacent Cumberland Lodge property as the rear of the proposed development abuts a Village lane and parking lot.

Bicycle Parking

The Zoning Bylaw requires 51 secure (class 1) stalls and 17 unsecured (class 2) stalls. A revised site plan with bike storage is being prepared and will be brought back to Council at 3rd Reading of the bylaw. The site plan attached to this report shows a secure bike storage area is located beside the

garbage and recycling area on the north-west corner of the building, beside the main entrance. Class 2 bike parking stalls are also located adjacent to the main entrance.

Agreements

There are three existing agreements for this project that must be amended should zoning and DVP amendments be approved. All three agreements are between the Village and VIHA, and the housing agreement includes the operator (formerly CVTS):

1. Access agreement. This agreement grants permission for the Village and subcontractors to locate a portion of the 8 parking spaces and to allow vehicular on the Cumberland Lodge driveway.
2. Land lease agreement contains details of the proposed development that are changing, i.e. unit count and operator. Also, this agreement expires June 23, 2025 and a reasonable extension to the time frame is needed.
3. Housing agreement. This agreement is adopted by bylaw and has clauses that must be amended. Specifically, VIHA has requested that the number of VIHA dedicated units be increased from 4 to 6, and that the residency criteria be expanded from within the Village of Cumberland to the Comox Valley Regional District. A draft amended Housing Agreement is attached for Council's review.

Revised agreements would be completed as a condition of adoption of the zoning amendment.

ANALYSIS

Zoning Bylaw Regulations

Density and Height

The proposed amendments to height and density are linked. Together these amendments accommodate the needed mix of unit sizes from one to four bedrooms and maintain the original building footprint that retains the mature Douglas fir and community open space. The proposed height of 14.5 m and proposed density of 34 units or 1.6 floor area ratio are not dissimilar to other zone districts such as Village Core Commercial Mixed-Use zone (VCMU-1) with a permitted height of 15.0 and density of 2.0 floor area ratio. The OCP envisions apartment heights up to 4 stories.

Some increase to shading of the properties across the street on the east side will occur and the worst time will be in the winter months when the sun angle is lower. There is some shading currently caused by the tall trees on the subject property. As noted above, the taller building with more units will fill some of the immediate housing needs and will improve the chance that this project may receive funding from BC Housing.

Parking

The proposal includes 8 parking stalls on the subject property. Council approved the original proposal of 22 units and granted a variance of 14 spaces. Therefore, the variance being sought with the revised application is for 12 spaces. Proposed mitigations include 14 public parking spaces on Second Street, up to 12 potential parking spaces in the Cumberland Lodge parking lot, a dedicated car share parking space on Second Street, a sidewalk along the Second Street frontage to improve pedestrian safety and possible establishment of an EV bike share drop station. These mitigations will potentially reduce some of the possible impacts. Also, as noted above, M'akola's

experience reflects that not all residents own a car thereby reducing the demand for parking spaces. A transit stop is located 240 meters away from this property.

Rear Yard Setback

The amended variance will have a relatively small impact on the adjacent Cumberland Lodge property as the rear of the proposed development abuts a Village lane and parking lot. Siting the building closer to the rear of the lot means that neighbours across the street are less impacted than if the rear setback was being met.

Council at its July 10, 2023, regular meeting previously approved a zoning amendment to permit a three storey multi-family apartment building on this property.

Development Variance Permit (2020-08-DV)

A copy of the draft development variance permit amendment is attached for Council's review. The further variances to parking and setback are required with the increased number of units and height of the building. The DVP will return to Council for approval with final reading of the amendment bylaw.

Housing Agreement

The Housing Agreement between the Village and VIHA includes a clause which dedicates four (market rent) units to VIHA staff working at the Cumberland Lodge. VIHA staff have requested that with the overall increase in units in the building, that two more units be dedicated to VIHA staff. They have also requested that the residency requirements be expanded for VIHA staff members working in the Comox Valley; the current agreement is that they must be working in Cumberland. Considering that many health care services for residents of Cumberland are located outside of the Village, such as the North Island Hospital in Courtenay, this is supported by staff. A copy of the draft amended Housing Agreement is attached for Council's review. The Housing Agreement states that if VIHA does not have eligible employees available to rent these units, VIHA has the option to pay the rent for the units until such time that an eligible employee is available or VIHA can make the units available to M'akola to rent.

Conditions of Rezoning

The following conditions of rezoning are proposed. Completion of these would be required prior to adoption of the zoning amendment bylaw:

- a. Adoption of revised Housing Agreement.
 - *CVTS is signatory to the Housing Agreement as the operator, so this must be amended to replace with M'akola Housing Society.*
 - *If Council agrees to the increase in the number of VIHA dedicated units from 4 to 6, and expansion of the residency criteria from within the Village of Cumberland to the Comox Valley Regional District, these would also be updated.*
- b. Amended Lease Agreement
 - *to increase the number of units and to extend the timeframe by which construction must commence.*

PUBLIC NOTIFICATION AND CONSULTATION

As required under the Village of Cumberland’s Development Procedures and Fees Bylaw No. 1073, 2018, the required sign was placed on-site. A public information meeting was held on Tuesday December 10, 2024, from 5:00 p.m. to 7:00 p.m. in Council Chambers. The meeting was advertised in the Comox Valley Record and the notice hand delivered to neighbours within a 75-metre radius. Recent changes to the *Local Government Act*, prohibit the Village from holding a public hearing for Zoning Amendment applications that are consistent with the Official Community Plan and the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development. Notice of 1st reading of a Zoning Amendment Bylaw in the local newspaper is required and was posted in the January 1st and January 8th edition of the Comox Record, mailed to owners and residents within a 75-metre radius, and posted on the Village website.

Between November 27, 2024 and January 9, 2025, the Village received emails from 19 residents including two petitions. Thirty-four comment sheets were received from the Public Information Meeting (PIM). A petition with 63 signatures was also submitted from community members opposed to the proposed development. Those who submitted comments were divided in their support. Some welcomed the addition of an affordable housing project regardless of the increase in units and height and reduced parking; others expressed concerns or opposition to the development, in particular to the height and reduced parking. A summary of the comments received including those from the PIM are attached to this report.

The original application was reviewed by both the APC and HAH committees prior to Council’s approval. Both committees recommended approval of applications 2020-11-DP and 2020-08-DV. Because Council directed staff to prepare the revised application, it was not sent back to these committees prior to Council consideration of the first reading.

ALTERNATIVES

1. THAT Council refer these amendments to the Zoning Bylaw and development variance permit for the property described LOT A DISTRICT LOT 24 NELSON DISTRICT PLAN EPP103460 (3345 Second Street) to [some or all of] the Advisory Planning Commission, Homelessness and Affordable Housing Committee, and Accessibility Committee for comment.
2. THAT Council request further information or clarification.

STRATEGIC OBJECTIVE

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

FINANCIAL IMPLICATIONS

Parking cash-in lieu payable for 3 visitor stalls and one EV stall/charging station is \$11,400. If the variance is approved, those funds will not be available for parking improvements in the Village. The Village has hired consultants, planner and architect, to assist with preparing this application resulting in consulting fees totaling approximately \$10,000. These will be recovered from BC Housing Project Development Funding for this project.

Based on current Development Cost Charge (DCC) rates, the DCCs payable for this development at 34 units is \$365,744.46. With the currently approved size of 22 units, the DCCs payable would be \$236,658.18. There is no DCC reduction for affordable housing available in the Village's DCC Bylaw. Reducing DCCs for affordable housing is a common step a local government can take to support construction of affordable housing in their community, however, the amount of the DCC reduction must be paid for through Village budget and deposited in the applicable DCC reserves. There is currently no budget identified to cover a reduction in DCCs for this development.

The Village would consider an application for a permissive property tax exemption pursuant to the Financial Plan Bylaw Part C: The Use of Permissive Tax Exemptions. This includes Council's policy for permissive tax exemptions. Council does not generally support exemptions. Taxpayers within the various property classes are treated equitably and policies are established for each class and not for individual property owners. There are three exceptions to this policy and the exception that relates to properties offering affordable rental housing states:

Permissive property tax exemptions will be considered on assessed improvement value of properties offering affordable rental housing when the organization owning or leasing and managing the property meet the following qualifying criteria:

1. *Have a signed current housing agreement with the Village*
2. *Be the registered owner of the property, or a tenant under a lease requiring it to pay taxes directly to the Village*
3. *Be a British Columbia registered charity or not for profit society*
4. *Qualifies for an exemption under the provisions of the Community Charter Part 7, Division 7, Section 224 2 (a):*
 - (a) *land or improvements that*
 - (i) *are owned or held by a charitable, philanthropic or other not for profit corporation, and*
 - (ii) *the council considers are used for a purpose that is directly related to the purposes of the corporation;*
5. *Principal use meets Council's objective of offering affordable rental housing to the residents of the Village*
6. *Follows municipal policies, plans, bylaws, and regulations (i.e. zoning, permits, etc.)*

Applicants are required to provide annually:

- a. *Copy of financial statements for last 3 years for first time applicants and for the last year for current tax exemption recipients*
- b. *Copy of current and next year operating budget*
- c. *Copy of registered charity or not for profit society information*
- d. *Copy of title certificate or lease agreement, as applicable*
- e. *In the case of a lease agreement, documents are required which indicate that the applicant will benefit from the exemption. Documents should demonstrate that the lease is currently, or will, on approval of the exemption, be reduced by the amount of the exemption, or that other considerations will be provided by the landlord equivalent to the value of the exemption.*
- f. *Scale drawing of property (buildings, parking lots, landscaping, etc.)*

- g. Description of any third-party use of the subject land/improvements including user group names, fees charged, space used, terms of use.*

The organization applying for a permissive property tax exemption for affordable rental housing will provide the required documentation by July 15, in order to be considered for an exemption the next year.

OPERATIONAL IMPLICATIONS

The addition of new off-site improvements such as parking stalls and stormwater infrastructure will add to the Village's assets and require related ongoing maintenance.

CLIMATE CHANGE IMPLICATIONS

The building will be constructed to Step 3 of the BC Energy Code. The HVAC system will be powered by electricity and no natural gas. A condition of the development permit is that the building be constructed so it's solar ready. Two mature trees on the property will be retained which improves rainwater infiltration and absorption, immediate area air quality, and provides shade for units on the east side of the building, potentially reducing summer cooling needs. All these initiatives will result in a building that is energy efficient and has a low carbon footprint.

ATTACHMENTS

1. Bylaw 1223, 2025
2. Site Plan and Architectural Plans, prepared by McDonald Hagarty Architects Ltd, dated November 26, 2024
3. Public Comments Summary and Comments Actual, December 2024
4. 2020-08-DV Amended
5. Draft amended Housing Agreement

CONCURRENCE

Courtney Simpson, Manager of Development Services **CS**

Respectfully submitted,

B. Reynolds

Brigid Reynolds
Consulting Planner

M. Mason

Michelle Mason
Chief Administrative Officer

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1223

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

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

1. This Bylaw shall be cited as “Zoning Amendment Bylaw No. 1223, 2025”.
2. “Zoning Bylaw No. 1027, 2016” is hereby amended as follows:
 - (a) in Part 6 Parking and Loading Requirements, Table 6.3.1 **Primary Use Residential**, by *adding* the following rows between RM-3 (Comprehensive Residential Multi-Family) and RM-5 (Rental Tenure Multi-Family):

	Min Vehicular	Max Vehicular	Min Visitor Vehicular	Max Visitor Vehicular
RM-4 (Residential Multi-Family)				
Apartment	0.9/Dwelling Unit	1.5/Dwelling Unit	0.1/Dwelling Unit	0.15/Dwelling Unit
Townhouse	1/Dwelling Unit	1.5/Dwelling Unit	0.75/Dwelling Unit	1/Dwelling Unit

- (b) in Part 6 Parking and Loading Requirements, Table 6.4.1 **Primary Use Residential - Cycling**, by *adding* the following rows between RM-3 (Comprehensive Residential Multi-Family) and RM-5 (Rental Tenure Multi-Family):

Land Use	Minimum Bicycle Parking Stalls	
	Class 1	Class 2
RM-4 (Residential Multi-Family)		
Apartment	1.5/Dwelling Unit	0.5/Dwelling Unit
Townhouse	2/Dwelling Unit	0

- (c) in Part 6 Parking and Loading Requirements, Table 6.5.1 **Tandem Parking Stalls**, by *adding* the following rows between RM-3 (Comprehensive Residential Multi-Family) and MU-1 (Mixed Use Residential Zone):

Land Use	Tandem Vehicular Parking
RM-4 (Residential Multi-Family)	
Townhouse (per Unit)	Up to 1 (x2) Stall

- (d) in Part 7 Residential Zones, Section 7.11 **RM-4 – Residential Multi-Family Zone**, subsection 4 Density, in the third column of the table, by *removing* 84uph and *replacing* with 145uph.
- (e) in Part 7 Residential Zones, Section 7.11 **RM-4 – Residential Multi-Family Zone**, subsection 6 Principal Buildings and Structures, in the row for “Height, maximum”, by *removing* 12.5 metres (11.5 feet) and *replacing* with 14.5 metres (47.5feet).

Severability

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

READ A FIRST TIME THIS	DAY OF	2025.
READ A SECOND TIME THIS	DAY OF	2025.
READ A THIRD TIME THIS	DAY OF	2025.
ADOPTED THIS	DAY OF	2025.

Mayor

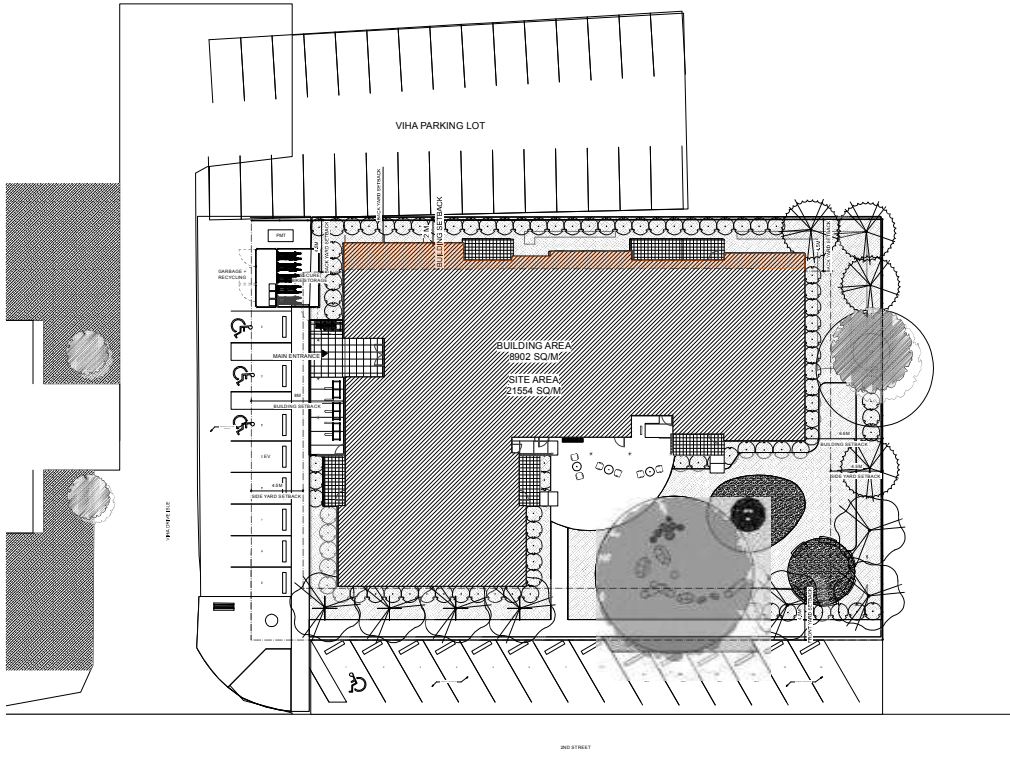
Corporate Officer



VILLAGE CONTEXT 



NEIGHBOURHOOD CONTEXT 



1 PROPOSED SITE PLAN
Scale: 1:200

PROJECT INFORMATION

Authority Village of Cumberland
Street Address 3345 2nd street
Legal Description LOT A, DISTRICT LOT 24, NELSON DISTRICT, PROPOSED PLAN EPP103460 (SEE SURVEY FOR FURTHER DETAIL)

PID 031-335-284

Project Description This project is a four storey wood frame building with 34 apartments ranging from single bedroom to 4 bedroom units. The building is organized in an 'L' along the south and west property lines to provide maximum usable open space with a large sheltered courtyard and play area. The siting also retains existing trees and keeps the mass of the building back from the main street of small houses. The four storey massing provides a transition between the taller, institutional buildings of the adjacent Cumberland Lodge and the smaller scale residential character of the rest of the street. The building also is set to the south side of the lot to provide a generous separation from the single-family home on the north side. The building form is a series of volumes that reference the simple window layouts, wood cladding, steep gables, and proportions of Cumberland's early industrial buildings. Indigenous art and design will be incorporated throughout and featured on the exterior facade.

LOT SUMMARY/FSR

Total Lot Area 2000 SQ/M
 Total gross floor area 3362 SQ/M

ZONING SUMMARY LOT COVERAGE	REQUIRED	PROPOSED
	65%	42%

SETBACKS	RM-4	REQUIRED	PROPOSED
FRONT		7.5 METERS	4.5 METERS
BACK		7.5 METERS	2.2 METERS
NORTH SIDE		4.5 METERS	6.7 METERS
SOUTH SIDE		4.5 METERS	4.5 METERS

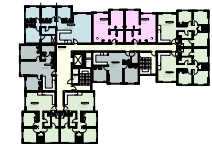
BUILDING HEIGHT	RM-4	REQUIRED	PROPOSED
		Max 15 Meters	14.32 Meters * SEE ELEVATIONS FOR BUILDING HEIGHTS

BUILDING STATISTICS	Description	Unit Count	Area (GROSS)
	Main Floor	7	825.32
	2nd Floor Residential	9	838.92
	3rd Floor Residential	9	838.92
	4th Floor Residential	9	838.92
	Total	34	3342.08

OFF STREET PARKING	REQUIRED	PROPOSED
23 Dwelling Units Total	RM-4	8 STALLS ON SITE 15 STALLS (PROVIDED ON CITY PROPERTY) 23 STALLS PROVIDED TOTAL

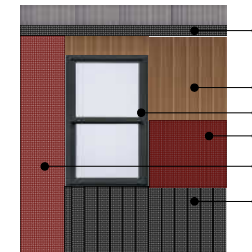


2 Main floor program
Scale: 1:500



3 2nd- 4th floor program
Scale: 1:500

MATERIAL BOARD



- Material Legend**
- ① 6" Mini flush metal panel - colour Charcoal
 - ② Metal panel with wood pattern
 - ③ Charcoal Vinyl window
 - ④ 5X10 hardie sheet. Artwork tbd.
 - ⑤ Hardie Board - Smooth finish - Colour Charcoal
 - ⑥ 7/8 Corrugated steel cladding - Colour Burgundy



gwax/dzi dsas

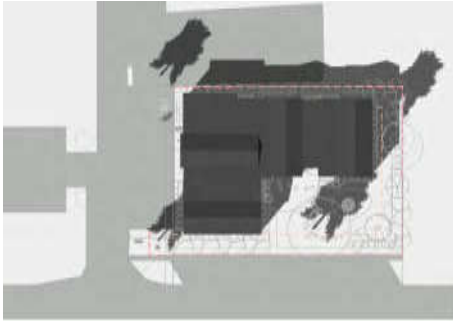
Family Housing
 339,3341.3345 2ND
 STREET CUMBERLAND
 BC

5 2024-11-28 Issued for Review
 0 2024-11-03 Issued for Review
 18 2023-09-17 ISSUED FOR DEVELOPMENT PERMIT
 18/11/2023 Date

PROJECT INFORMATION

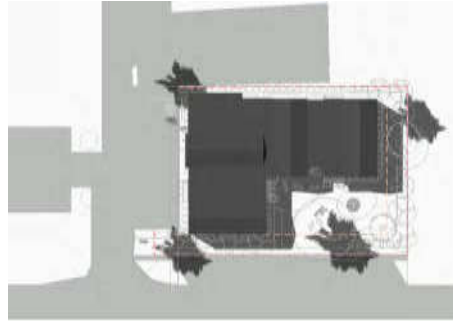
A0.01

10 AM



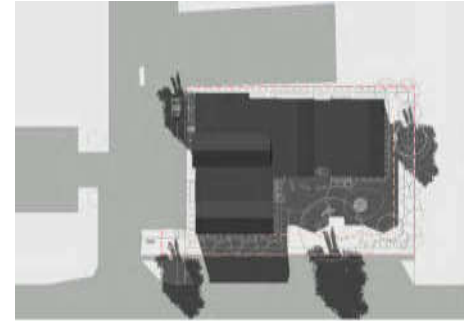
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Scale: 1:500

1 PM

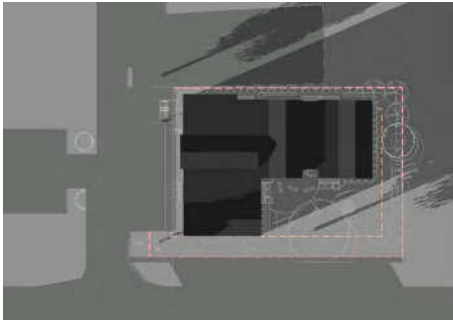


3 June 21st 1pm
Scale: 1:500

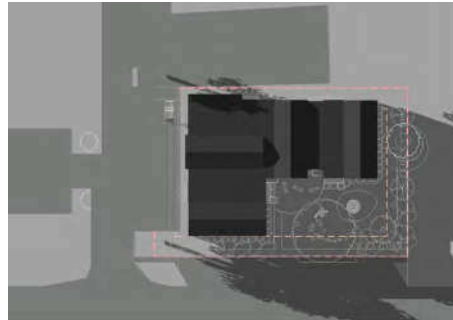
3 PM



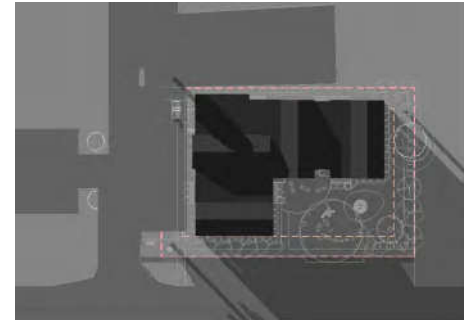
4 June 21st 3pm
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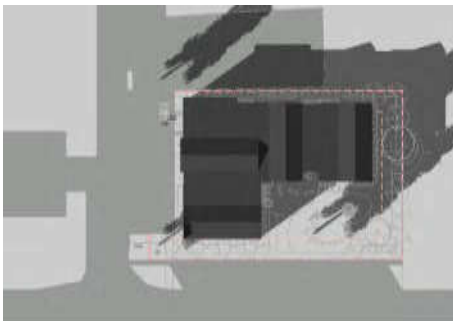
5 December 21st 10 am
Scale: 1:500



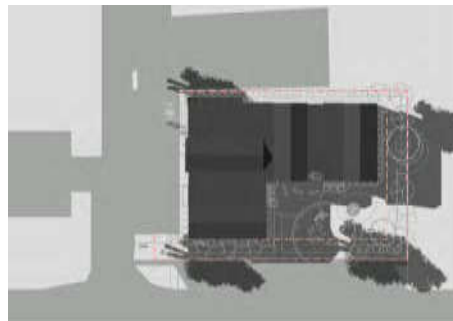
6 December 21st 1pm
Scale: 1:500



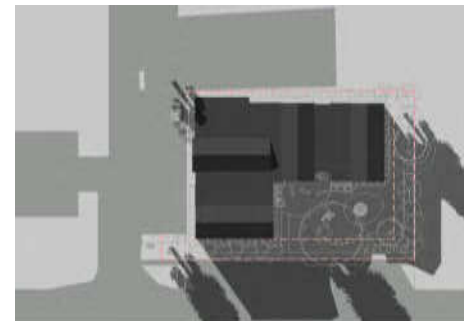
7 December 21st 3pm
Scale: 1:500



8 March 21st 10am
Scale: 1:500



9 March 21st 1pm
Scale: 1:500



10 March 21st 3pm
Scale: 1:500

gwax'dzi dsas

Family Housing
339.3341.3345 2ND
STREET CUMBERLAND
BC



VIA DRIVE ISLE

1 Main floor Plan
Scale: 1:100

- 1 2024-11-26 Issued for Review
- 0 2024-11-03 Issued for Review
- 0 2024-10-28 Request for Development Permit Increased Parking
- 0 2024-10-28 Issue

Main floor plan

A1.01

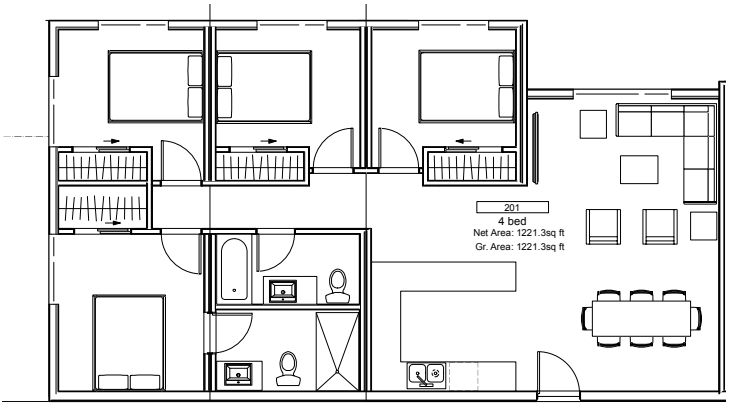


VIA DRIVE ISLE

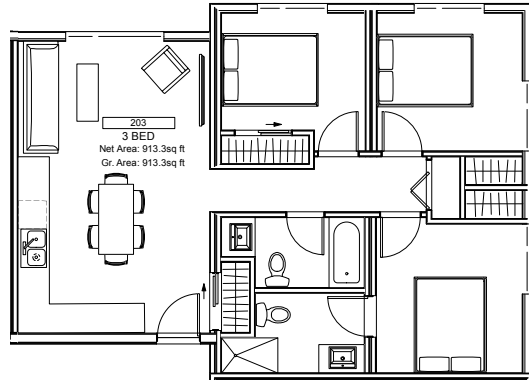
2 2nd and 3rd Floor Plan
Scale: 1:100

- E 2024-11-26 Issued for Review
- D 2024-11-03 Issued for review
- B 2023-09-17 ISSUED FOR DEVELOPMENT PERMIT
- REV 1 0 0 Date

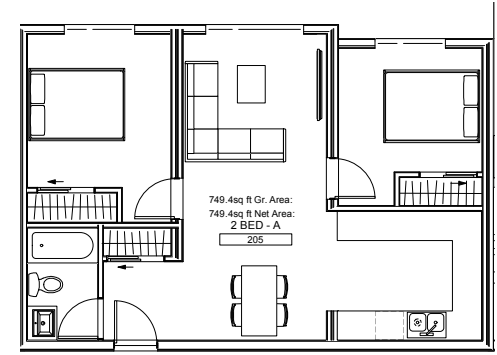
2nd - 4th floor typical



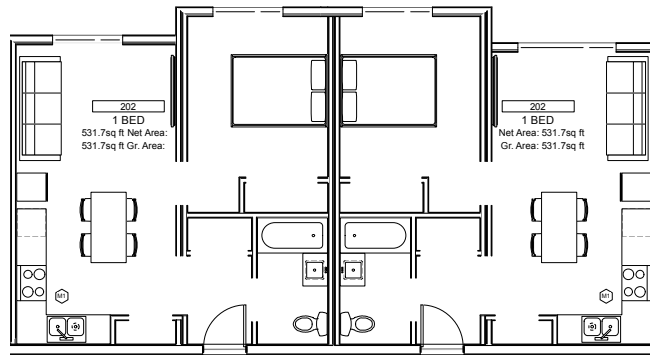
1 Typical 4 bedroom layout
Scale: 1:50



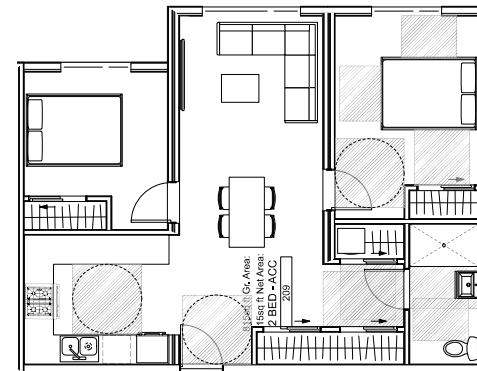
4 Typical 3 bedroom layout
Scale: 1:50



5 Typical 2 bedroom layout
Scale: 1:50



2 3 bedroom accessible layout
Scale: 1:50



3 2 bedroom accessible layout
Scale: 1:50

E 2024-11-28 Issued for Review
D 2024-11-03 Issued for review
B 2023-09-17 ISSUED FOR DEVELOPMENT PERMIT
REV 1 2 3 4 5 6 7 8 9 10 11 12

Typical unit layouts



2 2nd STREET ELEVATION
Scale: 1:100



3 2nd STREET ELEVATION
Scale: 1:100

4 2nd STREET ELEVATION
Scale: 1:100

E 2024-11-28 Issued for Review
D 2024-11-03 Issued for review
B 2023-09-17 ISSUED FOR DEVELOPMENT PERMIT
REV 1 2 3 4

ELEVATIONS

A2.01



Public Comment Summary

January 9, 2024

3345 Second Street Zoning Amendments and DVP amendments

A Public Information Meeting was held on December 10, 2024 from 5:00 pm to 7:00 pm in Council Chambers. Approximately 40 people attended. 29 comment sheets were submitted from the PIM. Transcribed comments are attached.

18 emails were received regarding this development. Five of the emails were received from people who submitted comments at the PIM. Copies of these emails are attached.

17 of the PIM comment sheets supported the project, noting the need and that this is an opportunity. Some respondents said adding one-bedroom units is a positive addition. The larger family units are also much needed.

Respondents who expressed concerns about the project made comments related to the following:

- Potential safety implications for pedestrians. The site's proximity to school and a day care compounds potential safety concerns.
- Increased vehicular traffic also a safety factor. The lack of sidewalks on the surrounding streets compounds pedestrian safety concerns.
- Parking issues – not enough onsite and less than original proposal because of the increased number of units. This will result in people parking on the street which is already congested.
- The development is too large on a small lot. It's not in character with the surrounding single family neighbourhood.
- The density is too great for the small area.
- The building is too tall, will block sunlight for neighbours and reduce their privacy.
- On-site management is important for security.
- Ongoing communication with neighbours throughout the process is important to reduce negative impacts on neighbours.
- Residents may need services that are not available in Cumberland including affordable groceries, social services, and public transit is inadequate in the Village so residents will rely on cars which will compound the potential parking impacts.
- Adequacy/capacities of water, sanitary sewer and stormwater utilities to service the development.
- Schools are at capacity and will be impacted.
- This is a green space, and it should remain as such.
- Mature trees will be removed.
- Alternate locations were suggested such as across from the laundry facilities or beside the pharmacy, beside the old junior school, , for example.
- Some respondents said they preferred alternative housing typologies and more family sized units.
- While some recognized the need for affordable housing in Cumberland they felt this location is not suitable.

- Some noted they didn't support the original proposal.

The PIM comment sheets posed the question “do you or anyone in your family or close friends need affordable housing”? Eighteen respondents noted that they know of people in need, or they are aware that in the broad community affordable housing is a need. Some respondents who said they are aware of the need but did not support this project.

December 10, 2024 Public Information Meeting Comments

Q1 - Do you or anyone in your family or close friends need affordable housing?	Q 2 - Do you have any comments about the proposed zoning amendment
Not us particularly - but it's clearly needed	I picture the residents like dacha's in Russia - each with their own little space of land to grow and raise a few things.
Yes, a number of friends of mine struggle to make ends meet due to significant increases in their everyday costs. Housing hugely impacts this. More affordable housing would be a way for them to be able to afford other aspects of a healthy life.	I wholeheartedly support this proposal. This is very needed in our community. Whatever the council feels will increase the chances of this proposal being accepted has my support.
Yes, I know several friends who need affordable housing in Cumberland and Comox Valley region. Note: We really need more low income housing for seniors and poor working class folks.	I totally support the proposed zoning amendment for 3345 Second Street. I have been a strong supporter of this project since the beginning!! We need all types of social housing in Cumberland! This helps build a better community in Cumberland - more kind and cooperative Village! I urge our council to support the zoning amendment for 3345 Second Street.
Everyone needs affordable housing (particularly in BC)!!! Based on annual income numbers per Comox Valley residents, me and many people in my direct community qualify for affordable housing assistance. I find the unit type split for the 4 story building to be less favourable than the original 22 unit plan if the main goal is to provide housing for families (which is well-suited to our community)	I would prefer to see a reduced number of single occupant units. Given that most renters are living in unsuitably small units, families should be prioritized to free up smaller rental units for other residents struggling with housing costs with no financial assistance.
Yes, I know many people who are good friendly who really need affordable housing especially in a walkable and rideable town like Cumberland.	I think it's a great spot for something like this.
I know that friends have been forced to live elsewhere due to a lack of affordable housing.	I think it looks great. I hope the new proposal is approved.
No, not at this time but when I was a single parent raising 6 children (many years ago) I was happy that affordable housing was available to us.	I am in total favour of any proposal that helps people be properly housed. I am a neighbour of this development and will be happy to see it growing. I understand that there are concerns regarding density and parking but I feel that they will be ironed out as the buildings develop - not everyone moving in will have a vehicle. We have opened up other areas of Cumberland to welcome new people into our village and I am happy to welcome new neighbours into the area where I live.

<p>I know people who are or have grown/live in cars. We need more housing and housing that people who need if they can afford!</p>	<p>Its difficult to understate the importance or accessible and affordable housing. Although it would remove a long time green space in Cumberland, the housing and living resources that this would give far outway the previous land. The plan is executed thoughtfully and insightfully and I look forward to its construction and possibilities!</p>
<p>We are okay</p>	<p>Supportive of zoning amendment. Village needs this kind of development/housing, and more. Need more land for future developments.</p>
<p>Many people with small children that I know need this. I am fortunate not to, but this is needed. We have too many community members living in cars.</p>	<p>What an incredible and well thought out development. I am exceptionally happy to see a large percentage of 3+ bedroom units, this is needed in such a young community, and will keep the key family focused energy in this neighborhood. 3+ bedroom units are also very limited in the whole Comox Valley, so I would be proud to have this in my community. I also like the idea of including some units for VIHA staff! We need housing for healthcare professionals and this would be an excellent partnership. Very happy to see an expansion with this building. Thank you for supporting!</p>
<p>I do not currently need affordable housing (although I would like it) but I do know people in need of it.</p>	<p>I support the amendments. I believe any available funding and land should be utilised to the maximum level. Stable, affordable housing benefits individuals and communities in so many ways, everyone will benefit from more affordable housing in Cumberland.</p>
<p>Not currently. Many friends are seeking affordable rentals in my family.</p>	<p>I think the facility is well placed and will fill up quickly. The extra storey is not ideal but if it creates the number of units to achieve funding, I support the amendments.</p>
<p>No.</p>	<p>I have previously been involed with an agency that provided "affordable" housing. The project was funded by BC Housing. The goal was to allow families to save in order to purchase their own homes. Common space for community meeting was available for specific programs., i.e. Strong Start. There were also accessible units provided. This is an example of what we need to see provided. My choice/preference for space is the lot across from the laundry facility (Ulverston?). It is a larger property, can accommodate parking, and is close to the Village Park for recreation for yound and old. Affordability, as defined by BC Housing is defined 30% of gross income. I understand other factors may come into play. We <u>do not</u> need market housing. I am in full support of affordable housing run by not-for-profit.</p>

Yes, so many sleeping rough, in their cars, RVs, in sheds and couch surfing. There is a larger need than public seem to realize.	This project has been a special opportunity from the start. Please help keep pushing it forward, this will be life changing for so many and neighbours can go for a walk if they need sunshine. Also parking hasn't been an issue at Rideout and likely won't be here.
Yes. 26 years ago on disability. Literally anyone making minimum wage.	I think it looks great. Good addition to add 1 bedrooms. Ideally a few studios as well.
No	As a start, expanding 24 to 36 units in this case is desperately needed. As is housing everywhere. If another storey can take away some of the desperation of our times, then build it! Future requirements for developers must include multi-family units - do away with single family dwellings for a good long time! Thank you.
Social housing is a concern of everyone.	The scale of this development is too large. <ul style="list-style-type: none"> - Too much on street parking - building too tall, the setbacks too small - people's privacy and sunlight (gardening) will be negatively impacted. - School already at capacity - lack of public safety regarding traffic.
No Comment written	Too congested already. No room for extra children in our schools. No doctors. No policing. 34 families in a space where 3 families were.
No	I am in full support!
I personally do not, however my partner would qualify under the current guidelines. Most of my peers do qualify and as needed as affordable housing is, it's the multi-bedroom units that are most needed.	I do understand the delicate balance between density and the current neighbourhood aesthetic, however I do feel that a four storey building with a peaked roof is a little out of touch with the surrounding area.
Yes I live right in front of this proposed development	I am opposed to this proposal and believe it a beneficial green space that serves our community. There is not enough space for this kind of scale of development in regards to parking, emergency services and just plain living.
No Comment written	I live across the street from this proposal. The amendment for 34 units is <u>too much</u> . Concerns of safety, accessibility (for emergency vehicles) will there be room on the back side for an alleyway? Water run off from the street, where will it go? Lots more to list. Please find a new, better place for this.

Yes, in this economy, we all.	We know that this lot is not sufficient for the original proposal, nor this proposal, so we oppose the amendment and more importantly, we oppose the development. Affordable housing is definitely needed, but the location is not appropriate. We have shared our point of view with BC Housing and the Village of Cumberland. Reasons include: delivery trucks are not safe for pedestrians nor children, medical facility is in operation 24 hr a day, the street can't handle more parking, the proposed sidewalk is not adequate, etc.
No Comment written	I feel this project is beyond the capacity of the infrastructure within the village, and is not in line with the existing values of retaining a successful community.
Doesn't everyone?	I'm not in favour of the amendment. Oing from 3 to 4 floors and increasing the number of units to 34 are my main concerns, especially without the provision of adequate parking for all these units. I'm also concerned about the increase in traffic around an already busy shcool zone. On a positive note, I am still in favour of a development like the one originally proposed (3 stories, 22 units or so, with adequate parking).
No	This is not where it should be built. Too small fo lot, not enough parking (Lodge Employees) who already are parking (all day) on Windermere Avenue. <u>Safety of our school children</u> who live in this area. Good idea, just not the right location.
Not yet.	I object to this building on 2 grounds: 1) Size - 34 units in such a tiny space - whilst it might be efficient building - it is too many people, too many cars in a heavily used area - cars, bikes, children going to school, people going to the hospital. 2) Resources - affordable housing - implies needs for community resources such as food bank, social services, cheaper supermarket - all things that Cumberland doesn't have - together with sproadic buses - increased carbon footprint of cars needing to go to Courtenay school - very busy, health services - a new way to being full.

No	I have sent in a letter listing some of my objectives. I object to the first proposal for the same reasons but the size and height of this building is totally inappropriate for this location with lack of parking, traffic and congestion. Snow removal would be a real issue too with all the cars on the street. I have gone into this in more detail in my letter. My thoughts are that with only a small number of subsidised suites available to rent subsidised that would be available to the whole valley and not just Cumberland, this project should not go ahead.
Yes - a family member is reliant on other family for housing	<p>Parking - my main concern is around the lack of parking for the residents of the development. There will be a large number of people circling the neighbourhood looking for a place to park. This is not fair to families who may have kids/parcels/groceries to manage and are now making their way through dark streets to get home. this feels dangerous.</p> <p>Height - the additional floor seems too much for the area.</p> <p>Privacy is impacted for neighbours.</p> <p>Trees - there should be protection for all the existing mature trees, the "Forest in the Village" is a theme we should continue to embrace. I would like to see stated protection for existing trees.</p> <p>I understand the competitive nature of the race for funding. But this does not mean that we should be chasing BC Housing and making concession after concession. There was merit in the original proposal (though parking was not solved). Let's not accept variance after variance just for the sake of funding that is not for sure.</p>
No Comment written	Totally disagree. Cumberland has enough problems with water shortage, sewage. Our infrastructure cannot handle more, our roads are already in disrepair. Our school systems is full. Medical system. I lived here all my life have no family doctor, no parking in Cumberland now. Where are all these extra people going to park? Only on 3 lots (not a whole block).

Submitted Email Comments for 3345 Second Street

Dear Council and Planning

I live at [REDACTED] Second Street, immediately across the street from the proposed development. I would like to submit my strong objections to the rezoning for this development.

The number of units and the height of the building are completely unsuitable for this location.

Ulverston and Second Street are already busy with traffic for the Health Unit and the Lodge with supply and service trucks, employees and visitors as well as the traffic that uses this route to access First, Rydal and the Kendal area. It is used as an alternative way to get to the new area via Second, Ambleside and First.

Second Street would no longer be a safe pedestrian route for all the families and children who now use it to go to school or to walk to the village. With the 14 public parking spots on the west side of the road as well as the random street parking for the rest of the residents and their guests that this doesn't accommodate.

The 4 stories and the peaked roof will dwarf everything else around it and block the light from the small homes surrounding. Especially the small homes across the street which are already steeply downhill from that lot.

I hope you will seriously consider the objections of the community as this large development will have a serious impact on the neighbourhood including Traffic, parking and snow removal.

With respect,

[REDACTED]

[REDACTED]

Sent: November 27, 2024 9:35 PM
To: Planning <Planning@cumberland.ca>
Subject: Zoning amendment at 3345 2nd street

I would like to object to this amendment.

When the previous planning application was put in I also objected on the grounds that the development was too large at 23 units. Now it has been increased to 34!

I feel this development is too large because it is being squeezed into a small plot of land, in an area with older single family homes with gardens. It is completely out of character with its' surroundings. To construct 14 parking spaces on 2nd Street also seems ridiculously overcrowded. The intersection nearest the development is already dealing with people and deliveries going in and out of the hospital, and children and their families going to school- many on bikes. Having this large extra number of cars and people in this small intersection will increase the risk of accidents.

My other objection is that this is a huge increase in a population of people requiring "affordable" low income housing, and often social services, foodbank, and other resources which Cumberland cannot provide as they are all in Courtenay. The bus service is infrequent. These people will be under served.

The only food shop in Cumberland can be very expensive if you are on a low income. Is the council going to provide resources?

Also, this is a huge unattractive building (if the drawing is to be believed) warehousing people who already have many needs. It is enormous and will remove our privacy as it is high enough to oversee our yard.

I am all for people having housing who need it and being treated with dignity and respect- but this building is bigger -as I understand it- in order to attract a grant. The main influence on its' construction being money, not sense. The setback is less to accomodate it- making less outdoor space for kids. It is totally utilitarian- which I think is a horrible shame as it is a roof- better than nothing for some- but without the resources, space, or spirit to make it a home.

I know my objections will be read as irrelevant - as they were last time- and I feel even more upset about it this time- but I am expressing them anyway as I feel we should be able to do better.

[REDACTED]

[REDACTED]

Sent: December 6, 2024 6:39 AM
To: Planning <Planning@cumberland.ca>
Subject: 3345 Second Street

Regarding the proposed:

As residents directly adjacent to the above our concerns remain... They are outlined as follows & presented without prejudice:

The increase in units (with now an extra floor) will seriously impact both pedestrian & vehicle traffic on both Second & Ambleside streets. We'd like to affirm that as long time residents we have observed on a daily basis many parents accompanying their children on foot to the nearby classrooms . Increased traffic flow from the increased angle parking spaces will create a greater potential for detrimental human/car interactions. It is also our impression that the home based daycare that is directly across from our property will also be impacted given the parents who drop off their children there. Of course we cannot speak to the mindset of that operator. We speak only to an observable reality as more cars coming & going nearby means more potential for unintentional consequences...

Our second concern (that still remains from the last meeting in 2021) is of course "security". We want to hear of any proposed or soon to be proposed measure being taken to ensure that an " on site manager/management of some type is included in the proposal . Having lived in Victoria in the early 90's as government contractors for the province, we know the value of on site support & supervision for a multiple residential service. Essentially it mitigates the inherent social issues that tend to emerge from managing just such a unit. A " body in the building" is feasible from both sides of the dynamic.

Our third & final concern is how will the impact of adding so many individuals to such a small space define our new reality as professional contracted caregivers for this province to 2 vulnerable adults. As such Our first priority is to them . What issues will we face as we continue to give them support? The construction site alone presents a threat to them while they endeavour to access their community. We speak from experience as this was a genuine issue when the village went forward with the Ambleside Road improvements less than a year ago. A competent & experienced contractor actually assisted us with ensuring that our 2 clients understood their process by often engaging with them directly as they departed their residence to do a walkabout.

To summarize: we not only expect that all of the above has or will be appropriately addressed but also that we will be included in that process.

[Redacted signature block]

[Redacted header]

Sent: December 10, 2024 1:48 PM
To: Village of Cumberland <info@cumberland.ca>
Subject: Second Street Housing Project

To Whom it May Concern

This letter is to address the problems with your proposed project on Second Street.

I would like you to think about listening to the neighbours and not approving your rezoning application. This is a conflict of interest.

Two village lots cannot accommodate 14 parking spots. you have removed angle parking from the rest of the village and now you want it to squeeze in the required spots. If you follow the rules of the road, all the residents should drive around the block to park. Is this realistic? The staff traffic, school traffic, plus Health Lodge deliveries will congest this corner.

The single-story houses across the street will have the sunset at noon. Have you done an assessment of this or considered them at all?

Another concern is that if you do provide housing what else as far as services will you also provide? Cumberland does not have any amenities for income-challenged people.

You will be creating a strain on our schools and our infrastructure. The school is more than full and other development plans are being denied because of the lack of waste water and water resources.

This project should be smaller and this project should be closer to the main street, if not on it. What about the property the Village owns next to the old junior school? It also has two lots and is close to Dunsmuir, not in the middle of a residential section.

Please deny your application for rezoning and listen to your voters and your villager's concerns.

[REDACTED]

[REDACTED]
Sent: December 14, 2024 12:21 PM
To: Village of Cumberland <info@cumberland.ca>
Subject: 2nd st affordable housing project

Hello Mayor and Council,

I just wanted to extend my utmost support for the 2nd street affordable housing proposal. While I hear the fear from others that it may be too large for this community, I'd counter that the housing crisis is too big of a problem to not act aggressively, especially if this is

simply what BC Housing requires to help fund this project. Considering they haven't approved the last few proposals, the need to conform a bit to their wishes seems to be the best route forward.

Signed, a recent 2nd st / Maryport resident (now living 500m away), who believes this piece of land is well suited for the project.

[REDACTED]

[REDACTED]
Sent: December 14, 2024 12:38 PM
To: Village of Cumberland <info@cumberland.ca>
Subject: 2nd St Affordable Housing Proposal

Hi,

When I first learned about the proposed affordable housing project on 2nd St, I was living one block away on 2nd. I was excited to hear that a development that is so desperately needed would be moving forward in an ideal location for increased density within the village.

I now live elsewhere in Cumberland, but I think the updated version of this project that includes senior housing is even better than the first. The property is very close to downtown, directly on the bus route, and only has one direct residential neighbour. I think there is even a lane along the back of the property.

I am writing this email because I heard that this project was not well received by a vocal group of residents during public consultation. We planned to attend this, but my partner was sick. I want to let the village know that there are residents in Cumberland that are very hopeful that this project can move forward. The location makes perfect sense and the village should take advantage of the funds being made available for projects like this.

Thanks for everything you do :)

[REDACTED]

[REDACTED]
Sent: December 16, 2024 12:16 PM
To: Village of Cumberland <info@cumberland.ca>
Subject: Development Variance Permit 2020-08-DV

Dear Cumberland Mayor and Council –

I am writing to express my hope that you will not approve the Development Variance Permit 2020-08-DV at 3345 Second Street. I believe this project has strayed so far from its' original rationale and the proposed complex is now a poor fit for the neighbourhood as well as a disservice to any future residents of this development.

The original proposal included eight parking spaces (for the twenty-two units) with the village providing fifteen additional spaces along Second Avenue. It seems that the amendment proposal has the exact same number of parking spaces. Where does the council envision that the additional vehicles will be parking? The parking impact of the original proposal already put stress on the surrounding neighbourhood where sidewalks, marked pedestrian crossing, lighting are already in short supply. The addition of ten or more cars circling the surrounding streets looking for a place to park will endanger pedestrians even further and cause conflicts between neighbours. When in snows and most of that street parking becomes home for piles of snow the problem of parking become exacerbated. The council would be taking on all the additional costs of sidewalks, crosswalks, and making the surrounding area safe for the existing people walking through the area as well as all the new families we would be welcoming to Cumberland. I do not think it is reasonable to assume that families can manage life in Cumberland without access to at least one vehicle if not two.

I also have concerns around what the lack of parking would mean for the future residents of this development. At worst we could have some poor mother trying to manage young children along with the shopping as she is forced to navigate through dark, slippery streets without sidewalks for blocks as the parking in front of her complex is full. I know a sidewalk is planned for the area immediately in front of the building, but that does not help anyone who is forced to park further away. I don not believe it is fair to bring vulnerable families into our village and provide a neighbourhood that is lacking in the basic amenities. Reducing the size of the development would allow for enough parking for all resident on site and increase the safety of the project.

Though there is reference to "most" of the mature trees on the site being kept, I would like to see this guaranteed in writing. The drawings shown at the Community Information Meeting did not show any evergreen trees at all. Instead, small deciduous trees were shown. The benefit of the evergreen trees, (besides their size and maturity), is that they give the surrounding neighbours a sense of privacy. The deciduous trees are shorter, no where near the height of the building, and provide less privacy once they lose their leaves. If the council is going to approve this variance, which I hope they do not, they should have it explicitly stated that the mature evergreen trees must be saved as this would help mitigate the reduction in privacy for at least some of the neighbours. My final concern is regarding the proposed height of the new proposal. At three stories, the development would tower over most of the homes in the neighbourhood. This impacts people's ability to enjoy their private yards. The new development needs to be a part of the neighbourhood not stand out like a sore thumb. At four stories, all the problems grow

exponentially impacting more neighbours. I noticed that the shadow study from the Community Meeting was done in March. I would ask that the council consider that in winter when the sun is lower for much longer, then the impact of shadow on the homes across the street is that much greater.

I worry that in their eagerness to address the very real need for affordable rental housing in Cumberland, council finds themselves agreeing to an ever-increasing number of variances and amendments in an attempt to rise above the competition for dollars at BC Housing. Abandoning the design principles that were part of the original proposal has encouraged poor design, increased neighbourhood stresses and decreased safety for pedestrians. It is not enough to simply work to build as many units as possible on a site; council needs to look to building a complex that is safe, accessible, livable, and positive environment for people to raise their children. Should council and their development partners return with a design that is smaller, provides enough parking and is a better fit for the existing villagers, I believe the neighbourhood would be happy to welcome this development.

Sincerely,

[REDACTED]

[REDACTED]
Sent: December 16, 2024 12:15 PM
To: Village of Cumberland <info@cumberland.ca>
[REDACTED]
Subject: Zoning Amendment at 3345 Second Street

To Mayor and Council,

Thank you for taking the time to read and consider my feedback and concerns regarding the proposed zoning amendment at 3345 Second Street.

Affordable housing is a concern in Cumberland but this larger, revised proposal will not solve our housing challenge and only serve to exacerbate existing challenges while being unfair to the surrounding neighbourhood.

The increased scale of this proposal is being driven by BC Housing's urban and funding metrics and not by Cumberland. We must find housing solutions that fit into Cumberland's unique strengths, like taking advantage of our large expanses of vacant land, and not retrofitting a dense city sized development into what translates into three lots in a rural village.

The revised proposal does not provide adequate on-site parking thus creating parking problems for both current and future residents. This proposal shifts their parking obligations onto the Village where surrounding neighbours will inevitably be forced to deal with issues like not being able to park in close proximity of their homes. These types of parking problems generally escalate and eventually require resident only parking zones and bylaw officer enforcement. No neighbourhood in Cumberland wants this.

Increased traffic congestion due to the scale of this development raises multiple safety issues. Diagonal parking makes it more difficult for drivers to see cyclists and motorized wheelchairs on the street. Despite sidewalks being built in front, many surrounding street do not have them. Increased pedestrian traffic will exacerbate our current challenge of uneven, poorly designated walking paths often blocked by parked cars. Keep in mind Cumberlanders walk on the street when there's no sidewalk. Surrounding streets and intersections will be challenged to deal with the additional vehicles especially in the beginning of the day when people are leaving for work, driving their children to the nearby school and coming to the health centre for appointments. Overcoming these traffic challenges will require significant investment in surrounding infrastructure that is not being budgeted.

The overall density of this project will add to Cumberland's overcapacity challenges with our school, food cupboard, water supply and sewage system. This project will be a withdrawal from our urban tree canopy. Its scale will rob residents of privacy and during winter months take away the sun. Being a sustainable community means living within our means and growing responsibly, not marching to the drum of outside parties like BC Housing.

The right solution to our affordable housing challenge is an integrated, sustainable, and diversified approach and not a single megaplex sacrificing one neighbourhood to meet BC Housing's funding model. This is NOT a made in Cumberland solution.

Sincerely,

[Redacted signature block]

Sent: December 20, 2024 2:21 PM

To: Planning <Planning@cumberland.ca>

Subject: 3345 Second Street Development Proposal Feedback

Good afternoon,

I hope this email finds you well as the advent countdown continues and winter solstice, just around the corner! This email is in reflection to the proposed housing development project at 3345 Second Street here in Cumberland BC. As well as some additional

feedback after attending the open house for the amended proposal hosted at the Village a couple of weeks ago.

I was grateful to have the opportunity to attend the open house housing development plan for 3345 Second Street. I may even fall in some low income housing brackets. But as a community member and resident who lives just across the street from this proposal, I am opposed to this zoning amendment and development on this lot.

The volume and capacity would greatly change this area and block, from its current peace and quiet. The scale of this proposal is simply too large for this lot and surrounding community, including the lack of parking, inadequate space, increased crime rate with growing population, increased traffic, as well as the height of the proposed structure, which would tower above everything. Blocking natural sunlight to the surrounding homes and greenspace. Along with water runoff, which this time of year serves as a great example for the current drainage challenges.

Which is also why this area is an essential community green space. This area is currently being used as overflow VIHA parking and community natural green space. I watch daily, many Cumberland Lodge visitors and employees, and community residents stroll through the area, to catch their breath, feel the space, and walk their dogs. It also serves as a wildlife corridor connected to the other green spaces that braid through town, and run on a diagonal line. That includes green space of the Peace Park, around the community schools and the pharmacy leading down to our beloved Cumberland Forest.

It's concerning and I hope this reaches those invested in considering the current changes under review for the proposed development. What about the space right beside the pharmacy, that is much closer to town center?! Thank you so much for your time and consideration. Wishing you a wonderful holiday season!

Sincerely

[REDACTED]

[REDACTED]

[REDACTED]

Sent: January 3, 2025 10:08 AM
To: Planning <Planning@cumberland.ca>
Subject: Variance 3345 Second street

Hello.

I am writing to express my concern for the project for construction at 3345 Second Street. In particular the 4 stories and extreme lack of parking causes much concern. I believe that

is dangerous and ill conceived to have so little on site parking. I would like to request a feasibility study on all direct and indirect impacts ie. traffic, pedestrian safety, snow removal, parking, privacy, noise, etc.

Please ensure that the request for a feasibility study is put forward at the council meeting on January 13th.

Thank you

[REDACTED]

3345 Second Street Development Comments

To: The Members of the Cumberland Village Council

Hello,

My name is [REDACTED] and I moved to 2nd & Ulverston in Cumberland in May 2024 with my husband and new baby. We are submitting a signed petition in the hopes that you will stop the construction of the 4-storey, 34-unit development proposed for the corner of 2nd and Ulverston. I have fresh eyes on the street activity at the site of the proposed development. It is clear to me, from my experience living around housing developments in Vancouver for the last 20 years, that this proposed housing development will not provide the future tenants with human needs, is not suited for the lot assigned to it and will have harmful trickle down effects to many of the aspects of Cumberland. I do recognize the need for housing, especially for those in need and those in the village, but these units will leave the tenants underserved, in addition to starting a chain of trickle down effects that will be impossible to stop once construction begins.

My husband and I walked around the surrounding streets of the development to chat with neighbors and collect signatures on the petition. The direct neighbors to the proposed development received the info-packet from the Village of Cumberland, but the majority of adjacent residents were not aware of the proposed development. This development is too dense, another use for the land must be determined.

It is hard for me to mention aesthetic reasons when facing the importance of underserved future tenants and residents of Cumberland, but losing the trees will continue the momentum of the loss of green coverage. The height of the building on top of the hill will change the landscape and its shadow will completely change our new home. The trickle down effects of a development this large will be pressure for more tall buildings which could change Cumberland to a service desert.

Top reasons explained:

1. City vs. Village Problems: This development is too big for Cumberland to sustain. Cumberland does not have the same level of support/infrastructure bandwidth like the other developments by Ma' Kola in Courtney for the current community, let alone a whole new group of folks, who will need policing, first responders, etc. In fact, the Village of

Cumberland is already stretched thin. In addition to infrastructure failure, the future tenants will not have their regular daily needs met of parking/grocery/commuting/city in this semi-rural area which is dressed up as a suburb, but it is not quite there.

2. Traffic Safety Problems: When we first moved to [REDACTED] Second St. in May 2024, we adjusted to the intermittently busy traffic of the Cumberland Lodge: patients, daily staff and delivery trucks. We watch the kids walk by to and from school everyday on both Second and Ulverston with no sidewalks, and I don't think that either number of users can be increased without conflict between the two. In the evening we watch the lost drivers trying to access Rydal/Kendal having to back out of the dead end at Second and Ambleside, not knowing to drive with the care of a street that pedestrians share with the cars. The last block of Second Street seems quiet and small but there is quite a bit of traffic on a narrow section of street. If we add all of the pedestrians and the cars (taxi, uber, delivery, rides) relating to the development, we will be over the limit for this infrastructure. Emergency services attending to this building will block a main route, and operations at the Cumberland Lodge.

3. Parking Problems: This is the topic that most people easily understand will have harmful implications in Cumberland. Most of the neighbours whose houses we walked to to ask if they wanted to sign our petition agree that without parking spots, the building will rely on the neighborhood too heavily to provide parking that is already full. Asking someone to live without a car in Cumberland sounds great but it is not realistic and it will be the current residents who will absorb these trickle down harms. When snow comes, the plow will plow into the angle parking, rendering it useless.

To the Mayor and Councilors of the Village of Cumberland,
I really appreciate that you are all taking the time to consider my perspective.
I would look forward to discussing any matter, please contact me.

Thanks,

[REDACTED]

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

[REDACTED]

Sent: January 5, 2025 1:40 PM

To: Planning <Planning@cumberland.ca>

Subject: Second Street Rezoning Amendment

Mayor and Council:

I am in total disagreement on the Proposed Bylaw No 1223,2025 amendment for this Second Street property.

The proposed 4 Storey Housing development has too high of a density in such a small confined area: not enough parking spaces (only 8), with 34 homes ! (Unreal where there was originally only 3 houses) where will these people park? The street is narrow and residents who live there already park on the street. The staff at the Cumberland Lodge..they are parking on Windermere now all day . This is going to be a nightmare!

I cannot believe that the Mayor and Council of this Village thinks this is reasonable !

I have signed the Petition and will be attending the meeting .

[REDACTED]
Resident for over 70 years!

PS I do agree more affordable housing is needed, just not at this location.

Sent: January 5, 2025 3:47 PM

To: Village of Cumberland <info@cumberland.ca>

Subject: Fwd: Proposed 4 story housing unit

[REDACTED]
Date: January 5, 2025 at 11:40:00 AM PST

To: info@cumberland.cs

Subject: Proposed 4 story housing unit

Mayor and council I am writing to oppose the 4 story building proposed for Cumberland. I am not opposed to affordable housing but the four storey building in such a populated area. Has this been fully studied by the board on whether there is enough room in the school system to accommodate more children? This area would be more favourable for Habitat for Humanity housing because of the size. The large area by Emterra would be a more favourable area. I am asking the council to further consider this proposal.

Respectfully [REDACTED]

Sent from my iPhone

To: Council, Planning Department and CAO

Re: 3345 2nd Street proposed rezoning

In Section C of our OCP it states "...where and how buildings are constructed, linkage between neighbourhoods, the form and character of land uses, densities of use and connection to public space are all critical elements that will influence how Cumberland evolves toward the Vision."

Goal 15 states: “The Village will encourage opportunities for residents, stakeholders, First Nation community too actively participate in community planning and discussion

In the OCP Multi family it states medium to high density is greater than 15 units per acre. This lot is .494 of acre or 1/5th of a hectare. I worry what Council thinks is high density if medium density is more than 68 units per acre how many in high density?

5.2 10) support infill density through sensitive appropriately scaled and design of multi-family properties.

Section D

9.1.2 2) Accessible convenient transparent engagement tactic and processing will be used to inspire engagement by all interested residents and stakeholders who may not normally express their views.

Residents will be engaged at an early stage in community planning and decision making.

In reflecting on the proposed amendment and plan, I do not see how Council has followed the OCP which is to be the basis of all bylaws and policies that follow. Let alone the advertising requirements in the Community Charter.

Firstly, the property at 3345 2nd Street should have its own development zone. If in the Zoning Bylaw RM4 gets amended then it applies to all RM4 designated lands. This one should be RM4.1 or a whole new number so it would be specific to the development that would take place.

Secondly, in the new zone RM 4.1 the actual building design should form part of the bylaw and input must be obtained from residents, stakeholders and First Nations as to design.

The drawings on the storyboards don't cut it. Too high in many people's opinion, no balconies, no green space, don't see any bicycle parking, the roofline would have snow falling to block the windows of the first floor, need the actual details of what will be there not just a concept plan. Will units have heat pumps, windows that open? In unit laundry? It is definitely not being a transparent process. Council has been in discussions but not with the residents. RM4 say there can be affordable housing. The storyboards say it will provide affordable housing but it is different than the OCP glossary which states 30% of a person's income. At no time did the Village reveal at an early stage that the development would only provide less than 1/3 of the units would rent at less than 80% of the average rent of a similar unit, that some would be at or near market rent and some at market rent. And if you look at the Policy Council recently passed affordable is defined as less than 80% of the median income of the Village which by the last census is \$86,000.00

As there are many people making substantially less than \$86,000.00 then the Village needs to have discussions with all residents to become transparent in what the plans are prior to agreeing without the consultation that is required by the OCP. This is also a requirement under the Community Charter

Transparency would set out what the actual plan is rather than keeping it quiet.

I would like this to be stopped until such time as an actual architectural design with input from the neighbourhood and any resident, stakeholder or First Nation Community who wants to be involved to actually rezone, if it proceeds, this property only not the whole RM4 rezoned include AND include which units are 30% of income, near market value and market value so people can have a clear or transparent understanding of what is being proposed.

Otherwise, if all of RM4 is rezoned then early and ongoing transparent community planning is not happening. The planning department gets to make Cumberland how they see it no longer a vision of the community as defined in our OCP.

Let us all do better.

Respectfully submitted

[Redacted signature]

[Redacted signature]

Sent: December 27, 2024 7:04 PM

To: Village of Cumberland <info@cumberland.ca>

Subject: To: Mayor and Council regarding the 3345 development proposal

To the Mayor and Councilors of the Village of Cumberland,

I am submitting a signed petition in the hopes that you will reevaluate the proposal to amend the bylaw and proceed with the 4-storey, 33-unit development proposed for the corner of 2nd and Ulverston.

I/we believe that the proposed development overlooks several important and glaring issues. Firstly, the size and scale of the project are not appropriate for the amount of land available. The height and mass of the proposal will significantly alter the character of the village, particularly since the site is located on higher ground and is intended to be the tallest building in the area. This development sets a concerning precedent for future projects, potentially opening the door to higher-density and multi-storey developments driven by developers' interests, rather than being in line with the community's values and vision for the area.

Moreover, the number of suites and residents will result in an unusually high concentration of people in a small, under-serviced area. This raises concerns about the adequacy of infrastructure and services to support the new population, particularly in terms of traffic, parking and transit. The developers have made minimal provisions for parking, which is insufficient not only for residents, but also for deliveries and emergency services. This will directly impact access to the nearby Seniors Lodge, as well as traffic flow for parents and students commuting to the local school.

Additionally, by potentially adding over 100 new residents to an area that lacks access to essential services—such as jobs, grocery stores, and other basic needs—this development risks isolating vulnerable residents. It would essentially create an “island” with limited resources, which could exacerbate the challenges faced by low-income families and hinder their ability to thrive in the community.

The proposal also calls for the removal of nearly all of the mature trees on the property, continuing a concerning trend in the village of losing green space and parkland near residential developments. This not only diminishes the aesthetic value of the area but also impacts the overall environmental health of the community.

I have attached photographs of similar projects by the same developer in the Comox Valley to highlight the discrepancies between those developments and this proposal. The other projects not only provide better access to schools, grocery stores, and parking but are also more appropriate in scale for their respective locations. Notably, the only other 4-storey project in the area is adjacent to a grocery store and includes underground parking, which addresses many of the concerns raised by this proposal.

While I wholeheartedly agree with the ongoing need for affordable housing, I am concerned that this development, as currently proposed, fails to address several critical issues necessary for it to be a sustainable, community-focused project. Given the experience of similar developments in larger municipalities, it is vital that we take a careful, thoughtful approach to ensure that this project contributes positively to the long-term health and well-being of our community.

Thank you for taking the time to review this information and consider all the concerns presented.

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



Petition to the Cumberland Village Council Regarding the Proposed Development at 3345 Second Street

Date	:	
Petition Organizer	:	
Address	:	
Contact	:	

To: The Honorable Members of the Cumberland Village Council

We, the undersigned residents and concerned citizens of Cumberland, respectfully petition the Village Council to halt or reevaluate the planned development at 3345 Second Street. We believe that this development is not in alignment with the core values of our community and fails to serve the long-term interests of our residents.

Key Concerns:

1. **Inadequate Infrastructure:** The proposed site lacks the necessary municipal infrastructure, including transportation, utilities, and public services, to adequately support such a large-scale development. This could place unnecessary strain on existing resources and negatively affect the quality of life for current residents.
2. **Social Impact:** Cumberland's community dynamics and social fabric will be disrupted by the scale and nature of the proposed development. We believe that a more balanced approach, considering both the physical and social infrastructure, is essential to preserve the unique character of our village.
3. **Alternative Locations:** This development is better suited for an area with existing infrastructure and urban planning that can support such growth. Other locations with more robust municipal and social amenities could provide a better foundation for this venture.

We respectfully ask that the Village Council reconsider or delay the approval of this development until a more thorough assessment of its impact on the community has been conducted. We also urge the council to prioritize public consultation and community input throughout this process.

We appreciate your consideration of this matter and hope for a decision that reflects the values and needs of Cumberland's residents.

Sincerely the undersigned.

To: Council, Planning Department and CAO

Re: 3345 2nd Street proposed rezoning

In Section C of our OCP it states "...where and how buildings are constructed, linkage between neighbourhoods, the form and character of land uses, densities of use and connection to public space are all critical elements that will influence how Cumberland evolves toward the Vision."

Goal 15 states: "The Village will encourage opportunities for residents, stakeholders, First Nation community too actively participate in community planning and discussion

In the OCP Multi family it states medium to high density is greater than 15 units per acre. This lot is .494 of acre or 1/5th of a hectare. I worry what Council thinks is high density if medium density is more than 68 units per acre how many in high density?

5.2 10) support infill density through sensitive appropriately scaled and design of multi-family properties.

Section D

9.1.2 2) Accessible convenient transparent engagement tactic and processing will be used to inspire engagement by all interested residents and stakeholders who may not normally express their views.

Residents will be engaged at an early stage in community planning and decision making.

In reflecting on the proposed amendment and plan, I do not see how Council has followed the OCP which is to be the basis of all bylaws and policies that follow. Let alone the advertising requirements in the Community Charter.

Firstly, the property at 3345 2nd Street should have its own development zone. If in the Zoning Bylaw RM4 gets amended then it applies to all RM4 designated lands. This one should be RM4.1 or a whole new number so it would be specific to the development that would take place.

Secondly, in the new zone RM 4.1 the actual building design should form part of the bylaw and input must be obtained from residents, stakeholders and First Nations as to design.

From: [REDACTED]
Sent: January 7, 2025 11:23 PM
To: Village of Cumberland <info@cumberland.ca>
Subject: 3345 Second Street

[REDACTED]

To Whom It May Concern

I would like to take this last opportunity to have a say in the development that is trying to be planned out for my neighbourhood.

I have previously emailed my concerns to the village which I am afraid may fall on deaf ears. I appreciate that you are trying to do the right thing by providing much-needed affordable housing for our community, but I think that you are pigeonholing your plans for the wrong piece of property in the wrong neighbourhood.

You do not own the land and you do not have the funds to build this project. Maybe it's time to reassess your options.

Please listen to the community about their unhappiness with the size of your rezoning application. Do not approve yourselves without considering the impact of the single-story houses in the vicinity.

If you approve your application again, I will find some way to appeal it. There is something wrong with the fact that the village keeps applying for a rezoning application and approving itself. It is a conflict of interest and I believe it is corrupt.

This is a busy street corner with staff, school traffic and delivery vehicles. The parking will be a mess. Why take away all the angle parking in the village, but approve it for this situation?

Why doesn't the village use its own property near the school?

[REDACTED]

From: [REDACTED]
Sent: January 7, 2025 2:16 PM
To: Village of Cumberland <info@cumberland.ca>
Subject: Re: Development Variance Permit Amendment – 3345 Second Street

Hello,

While I absolutely support the need for densification and affordable housing in our community, I'd like to register my opposition to this, and to all future four-storey development variances - particularly for mixed-income projects that will only offer 30% below-market rental opportunities.

Why are we even considering bending the rules for four-storey development in this location when dormant sites exist in the village core?

Let's push more affordable mixed-use, mixed-income projects forward while being mindful of site and context, and avoid becoming Squamish West. More 3-storey affordable development, please.

All the best,

[REDACTED]

From: [REDACTED]
Sent: January 3, 2025 12:46 AM
To: Planning <Planning@cumberland.ca>
Subject: Comments on Proposed Development at 3345 Second St.

Hello,

In addition to [REDACTED] petition with physical signatures, I started an identical petition at Change.Org to collect signatures online. I will attach the information below from the online petition to be reviewed. Please get in contact if you have any questions or need clarifications.

Thanks,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

63 Signatures Currently: [signatures redacted]

Petition Text:

We, the undersigned residents and concerned citizens of Cumberland, respectfully petition the Village Council to halt or reevaluate the planned development at 3345 Second Street. We believe that this development is not in alignment with the core values of our community and fails to serve the long-term interests of our residents.

Key Concerns:

1. **Inadequate Infrastructure:** The proposed site lacks the necessary municipal infrastructure, including transportation, utilities, and public services, to adequately support such a large-scale development. This could place unnecessary strain on existing resources and negatively affect the quality of life for current residents.
2. **Social Impact:** Cumberland's community dynamics and social fabric will be disrupted by the scale and nature of the proposed development. We believe that a more balanced approach, considering both the physical and social infrastructure, is essential to preserve the unique character of our village.
3. **Alternative Locations:** This development is better suited for an area with existing infrastructure and urban planning that can support such growth. Other locations with more robust municipal and social amenities could provide a better foundation for this venture.

We respectfully ask that the Village Council reconsider or delay the approval of this development until a more thorough assessment of its impact on the community has been conducted. We also urge the council to prioritize public consultation and community input throughout this process.

We appreciate your consideration of this matter and hope for a decision that reflects the values and needs of Cumberland's residents.

Petition to the Cumberland Village Council Regarding the Proposed Development at 3345 Seco




Started

December 19, 2024

63 Signatures 100 Next Goal

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TO: Vancouver Island Health Authority

OF: 1952 Bay Street, Victoria BC, V8R 1J8

AGENT: Robert Guenther, Manager Space Optimization, Real Estate & Leasing

This Development Variance Permit Amendment (2020-08-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purposes of reducing the parking requirement for the proposed 34-unit apartment building at 3345 Second Street, as shown on the attached plans.

1. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

Legal Description: LOT A DISTRICT LOT 24 NELSON DISTRICT PLAN EPP103460

Folio: 516 00417.001 **PID:** 031-335-284

Civic Address: 3345 Second Street

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

3. The Zoning Bylaw No.1027, 2016 is varied as follows:

Table 6.3.3 Reducing the minimum number of vehicular parking spaces from 34 to 8 parking spaces.

Section 6.9 b) i) Reducing the minimum number of courtesy parking spaces for pregnant women and persons with young children from two to zero.

Section 7.11.14 Reducing the minimum rear setback from 7.5 metres (24.6feet) to 2.0 metres (6.6feet).

3. **Security**

None.

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Development Variance Permit

does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

5. **Timing and Sequencing of Development**

None.

6. **Contaminated Sites Regulation**

A site disclosure statement is not required for a development variance permit.

7. This Permit is **not** a Building Permit.

CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on XXX, 2025.

Corporate Officer

DRAFT

HOUSING AGREEMENT AND SECTION 219 COVENANT

WHEREAS

- A. Under section 483 of the *Local Government Act*, a local government may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*;
- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of a local government in respect of the use of land or construction on land;
- C. The Vancouver Island Health Authority ("VIHA") is the registered owner in fee simple of the Land as defined in this Agreement, and is the initial "**Transferor**";
- D. VIHA intends to lease the Land to the Village so that the Village of Cumberland ("**Village**") can sub-lease the Land to a Housing Society for the purposes of constructing a residential housing development that includes housing units provided at subsidized rents, with VIHA securing access to up to four (4) market rental units for purposes of employee housing;
- E. The Village, as local government, is the initial the "**Transferee**", and may also become the "**Transferor**", per their interest in registered leasehold, should the Village and VIHA agree to modify this Agreement to apply to the leasehold interest only. As the Housing Society would be operating the housing development, they are also a party to this agreement, and the parties are agreed that the practical operating and reporting requirements would be their obligations to report to the Village and VIHA;
- F. The Parties wish to enter into this Agreement as a housing agreement pursuant to section 483 of the *Local Government Act*, and a covenant under Section 219 of the *Land Title Act* to secure the agreement that certain Dwelling Units to be constructed on the Land shall be used to provide housing at subsidized.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act* and section 219 of the *Land Title Act*, and in consideration of the premises and covenants contained in this Agreement, the parties agree each with the other as follows:

1.0 Definitions

- 1.1** Unless otherwise stated, the definitions of the Village of Cumberland Zoning Bylaw (firstly) and Official Community Plan (secondly), as amended and replaced from time to time, apply to this Housing Agreement and Covenant.
- 1.2** In this Agreement
 - (a) "**Affordable Housing Funder**" means an entity such as BC Housing or Canada Mortgage and Housing Corporation, that provides a grant or

preferential rate loan to support the development of Affordable Housing Units on the Land;

- (b) **"Affordable Near Market Rental Unit"** means a unit on the Land where the rental price is linked to market conditions in Cumberland or the Courtenay/Comox region and the rental rate is approved by an Affordable Housing Funder;
- (c) **"Affordable Rental Unit"** means a unit on the land where the rental price must be less than 80% of the Median Market Rent as defined by Canada Mortgage and Housing Corporation;
- (d) **"Agreement"** means this agreement, including its recitals;
- (e) **"Dwelling Unit"** means either a studio, one bedroom, two bedroom, three bedroom, or four bedroom residential unit that is to be used by occupants as a primary residence;
- (f) **"Final Occupancy Date"** means the date upon which the entirety of the New Building has been approved for occupancy by the building inspector for the Village of Cumberland;
- (g) **"Land"** means those parcels of land legally described as:
 - a. Lot A, Block Lot 24, District Lot 24, Nelson District, Plan EPP103460;
- (h) **"Median Market Rent"** means the median monthly rents by unit type as determined in the annual fall survey of rents for the prior calendar year published by the Canada Mortgage and Housing Corporation;
- (i) **"New Building"** means the residential building to be constructed on the Land, or any multi-unit residential or mixed use building constructed on the Land;
- (j) **"Subdivision" or "Subdivide"** means the division of land into two (2) or more parcels whether by plan, apt descriptive words or otherwise, and includes subdivision under the *Strata Property Act*, SBC 1998, Chapter 43 and the creation, conversion, organization or development of "cooperative units" or "shared interests in land" as defined in the *Real Estate Development Marketing Act*, SBC 2002, Chapter 41;
- (k) **"Tenancy Agreement"** means an agreement between the Transferor or its agent and a tenant with respect to the possession and occupation of a Dwelling Unit in the New Building;
- (l) **"Transferor"** includes a person which acquires an interest in the Land, or any part of it and is thereby bound by this Agreement.

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2.0 Housing Agreement

2.1 The parties covenant and agrees that, for a period of fifty (50) years (or 60 years

if the Affordable Housing Funder is BC) commencing on the Final Occupancy Date that:

(a) Rents for at least 30% of the units must be at less than 80% of the Median Market Rent,

(b) The average rental price in the New Building must be less than 80% of the Median Market Rent, and

(c) The average rental price in the New Building may be achieved through a combination of Affordable Near Market Rental Units and Affordable Rental Units provided the proposed unit mix complies with sections 2.1(a) and 2.1(b).

2.2 VIHA Staff Housing:

(a) Up to ~~four (4)~~ six (6) Dwelling Units that are market rental must be reserved for VIHA for use as employee housing of health workers working within the ~~Village of Cumberland~~ Comox Valley Regional District. For certainty, the requirement to be employed in ~~the Comox Valley Regional District Cumberland~~ only applies at initial tenancy, and a VIHA employee is not, by this Agreement, required to cease tenancy if transferred elsewhere.

(b) VIHA may make those units available to the Housing Society, but agrees to be responsible for market rents when not available to the Housing Society, whether the units are occupied or not.

(c) VIHA agrees that it shall not use these units in a manner that jeopardizes senior government funding of the proposed development.

3.0 219 Covenant

3.1 The Land shall not be used or built upon or subdivided the Lands except in strict accordance with this Agreement.

3.2 The Transferor covenants and agrees not to make any application to deposit a subdivision plan, strata plan, or any other plan if depositing the plan would result in the New Building or the Dwelling Units in the New Building being subdivided.

3.3 The Lands shall not be used or built upon for residential purposes unless such residential use or construction is in accordance with Article 2.0 of this Agreement.

4.0 Reporting

4.1 The Housing Society covenants and agrees to provide to the Village no later than March 1 of each year following the execution of this Agreement and no later than March 1 of each following year up to and including fifty (50) years (or 60 years if the Affordable Housing Funder is BC) following the Final Occupancy Date, a report in writing confirming compliance with the provisions of this Agreement including without limitation article 2.0 and section 3.3.

4.2 The parties acknowledge that the Village will not impose reporting requirements more than once per calendar year, unless there are reasonable grounds to believe that there may be a breach, in fact or in spirit, of this Housing Agreement (as determined at the Village's sole discretion, for the purposes of reporting).

4.3 For greater certainty, the Housing Society is not required to provide a Statutory Declaration and accompanying report unless the Village so requests, but when the Village requests a report the Village may request the information for the year in which such report is requested and for previous years not previously reported.

4.4 The parties agree that VIHA has no reporting obligations under this Agreement.

5.0 Notice to be Registered in Land Title Office

5.1 Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the Village in accordance with section 483(5) of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Land after registration of the Notice.

5.2 Further, the restrictions and covenants herein contained shall be covenants running with the Land and shall be perpetual, and shall continue to bind all of the Land when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Transferee as a first charge against the Land.

5.3 The parties intend this Agreement to be perpetual, however if, after fifty (50) years following the Final Occupancy Date, all residential uses of the Lands cease, and the building is either destroyed, demolished, converted to other use or no longer suitable for residential purposes, then VIHA may require the Village to execute and deliver a release in registrable form of this Agreement.

5.4 Provided the proposed lease between VIHA and the Village adequately secures the Village control of the Land for purposes of the proposed development, VIHA may require the release of this Agreement from the fee simple for registration only against the Village's leasehold interest, if permitted by law.

5.5 The parties agree that this Agreement may be amended in writing without further public hearing.

6.0 General Provisions

6.1 Notice

If sent as follows, notice under this Agreement is considered to be received seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and on the date of delivery if hand-delivered, to the Transferee:

Village of Cumberland
2673 Dunsmuir Avenue
Cumberland, BC V0R 1S0
Attention: Corporate Officer

to the Transferor:

Vancouver Island Health Authority
1952 Bay Street
Victoria, BC V8R 1J8
Attention: Capital Planning & Leasing

To the Housing Society

~~Comox Valley Transition Society~~
~~625 England Ave~~
~~Courtenay, BC V9N 2N5~~
~~Attention: Heather Ney Executive Director~~
~~M'akola Housing Society~~
~~104-550 Goldstream Avenue~~
~~Victoria, BC V9B 2W7~~
~~Attention:~~

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If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail service or facsimile service is interrupted by strike, work slow-down, force majeure, or other cause,

- (a) notice sent by the impaired service is considered to be received on the date of actual receipt, and
- (b) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand delivering the notice.

Time

6.2 Time is of the essence of this Agreement.

Binding Effect

6.3 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees.

Equitable Remedies

6.4 The Transferor acknowledges and agrees that damages would be an inadequate remedy for the Transferee for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

Waiver

6.5 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

6.6 The enforcement of this Agreement shall be entirely within the discretion of the Transferee and the execution and registration of the Agreement against title to the Land shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision of the breach of any provision of this Agreement.

Headings

6.7 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

Language

6.8 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

Cumulative Remedies

6.9 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

Entire Agreement

6.10 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

No Derogation from Statutory Authority

6.11 Nothing in this Agreement shall:

- (a) limit, impair, fetter or derogate from the statutory powers of the Transferee all of which powers may be exercised by the Transferee from time to time and at any time to the fullest extent that the Transferee is enabled and no permissive bylaw enacted by the Transferee, or permit, licence or approval granted, made or issued thereunder shall estop, limit, or impair the Transferee from relying upon and enforcing this Agreement;
- (b) impose any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Housing Agreement & Covenant or the breach of any provision in this Housing Agreement & Covenant;
- (c) impose any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, on the Village with respect to its exercise of any right or remedy expressly provided in this Housing Agreement & Covenant or at law or in equity; or
- (d) relieve the Transferor from complying with any enactment, including the Transferee's bylaws, or any obligation of the Transferor under any other

agreement with the Transferee.

Further Assurances

6.12 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

Amendment

6.13 This Agreement may be amended from time to time upon terms and conditions acceptable to the parties.

Law Applicable

6.14 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

Priority

6.15 At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Lands.

IN WITNESS WHEREOF the parties ~~covenant and agree~~ as of the date of registration of this Agreement:

VILLAGE OF CUMBERLAND, by its authorized signatory(ies):

Name: _____

Name: _____

VANCOUVER ISLAND HEALTH AUTHORITY, by its authorized signatory(ies):

Name: _____

Name: _____

~~**M'AKOLA HOUSING SOCIETY COMOX VALLEY
TRANSTION SOCIETY**~~, by its authorized signatory(ies):

Name: _____

Name: _____

