

**CORPORATION OF THE CITY OF COURTENAY  
COUNCIL MEETING AGENDA**

*We respectfully acknowledge that the land on which we gather is the  
unceded traditional territory of the K'ómoks First Nation*

**DATE:** August 07, 2018  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

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**K'OMOKS FIRST NATION ACKNOWLEDGEMENT**

**1.00 ADOPTION OF MINUTES**

- 1 1. Adopt July 16<sup>th</sup>, 2018 Regular Council meeting minutes

**2.00 INTRODUCTION OF LATE ITEMS**

**3.00 DELEGATIONS**

1. Morris Perrey & Dave Melin, Courtenay Airpark Association

**4.00 STAFF REPORTS/PRESENTATIONS**

**(a) Recreation and Cultural Services**

- 7 1. Art Installation at the Centre for the Arts Plaza

**(b) Development Services**

- 25 2. New Liquor Primary Licence Application (Carlos O'Bryan's Neighbourhood Pub) - 2910 Kilpatrick Avenue
- 29 3. Development Variance Permit No. 1802 - 1902 Robert Lang Drive
- 53 4. Development Variance Permit No.1805 - 4737 Oakridge Drive
- 71 5. Development Variance Permit No. 1806 - 4952 Topland Road

**5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

- 89 1. City of Pitt Meadows - Moratorium on Cannabis Cultivation on ALR Land
- 91 2. City of Pitt Meadows - Letter of Support for Moratorium on Cannabis Cultivation

**6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

**7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES**

**8.00 RESOLUTIONS OF COUNCIL**

**1. Mayor Jangula Resolution - Recreational Use and Sale of Cannabis**

“WHEREAS,

- 1) in consideration of the proposed Federal and Provincial changes to allow the recreational use of cannabis; and
- 2) that to date, neither the Federal or Provincial Governments have provided municipalities with information concerning the additional impact and costs to local governments associated with administration and policing; and
- 3) the Provincial Government’s confirmation that Municipal Governments will continue to have jurisdiction over the use and distribution of Cannabis within their jurisdiction; and
- 4) the recent actions by B.C. Municipalities including neighbouring Comox Valley governments recognizing the benefits of adopting “precautionary” zoning bylaws to prohibit the sale of recreational cannabis until such time that the Federal and Provincial Governments establish their regulations; and
- 5) that once those regulations and information become available, the City and our community will have the opportunity to revisit this matter and decide if, how and where recreational cannabis will be sold within the City of Courtenay; and,

THEREFORE BE IT RESOLVED THAT Council direct staff to implement the following measures concerning the recreational use and sale of cannabis in the City of Courtenay, including:

- 1) creation and adoption of a bylaw to ban the production of, warehousing, wholesale and retail sales of Cannabis within the City of Courtenay and
- 2) instruct staff to provide council with the proposed steps and considerations for cannabis regulation once federal and provincial laws have been enacted and clearly communicated to the city and
- 3) instruct staff to provide council with anticipated additional costs associated with the cultivation, sales and use of cannabis in our city and how to mitigate those associated costs

**9.00 UNFINISHED BUSINESS**

**10.00 NOTICE OF MOTION**

**11.00 NEW BUSINESS**

- 93 1. Vancouver Island North Film Commission - Letter of Support - Filming Location September 10 - 14, 2018

**Staff Recommendation: That any Council endorsement should be subject to receipt of approved Traffic Management Plan and Ministry of Transportation and Infrastructure permitting**

**12.00 BYLAWS**

**13.00 ADJOURNMENT**

**NOTE:** There is a Public Hearing scheduled for 5:00 p.m. in relation to  
Bylaw No. 2929, 2018 A bylaw to rezone property from C-2A to R-4A to allow a 79 unit  
multi residential development - 911 Braidwood Road





**R14/2018 – July 16, 2018**

**Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, July 16, 2018 at 4:00 p.m.**

**Attending:**

**Mayor: L. V. Jangula**  
**Councillors: E. Eriksson**  
**D. Frisch**  
**D. Hillian**  
**R. Lennox**  
**M. Theos via Teleconference**  
**B. Wells**

**Staff:**

**D. Allen, CAO**  
**W. Sorichta, Manager of Corporate Administrative Services**  
**I. Buck, Director of Development Services**  
**T. Kushner, Director of Public Works Services**  
**D. Snider, Director of Recreation and Cultural Services**  
**A. Guillo, Manager of Communications**  
**T. Setta, Manager of Planning**

**1.00 ADOPTION OF MINUTES**

**.01** Moved by Wells and seconded by Lennox that the July 3<sup>rd</sup>, 2018  
MINUTES Regular Council meeting minutes be adopted.  
**Carried**

**2.00 ADOPTION OF LATE ITEMS**

**3.00 DELEGATIONS**

**4.00 STAFF REPORTS/PRESENTATIONS**

**.01** Moved by Frisch and seconded by Wells that based on the July  
SUBLEASE 16<sup>th</sup>, 2018 staff report “Sublease for Lot 4 100 - 20<sup>th</sup> Street”, Council  
AGREEMENT FOR adopt OPTION 1 and authorize the attached sublease between Airspeed  
LOT 4 100 - 20<sup>TH</sup> High Ultraflight School and Sealand Aviation Ltd. for the property  
STREET having a legal description of PID: 000-892-149, Lot 1, Plan 14942,  
2380-30 LOT 4 Section 66, Comox Land District Plan 14942 except any portion of the  
bed of the Courtenay River and further identified as Lot 4 on Plan  
VIP64872; and

That the Mayor and the Director of Legislative and Corporate Services be  
authorized to approve the sublease on behalf of the City.

**Carried**

**R14/2018 – July 16, 2018**

**.02**  
DOWNTOWN  
REVITALIZATION  
TAX EXEMPTION  
BYLAW  
0250-20/3900-2937

Moved by Frisch and seconded by Wells that based on the July 16<sup>th</sup>, 2018 staff report, “Downtown Revitalization Tax Exemption Bylaw”, Council proceed to First and Second Readings of Bylaw 2937, 2018; and

That statutory notice for the Downtown Revitalization Tax Exemption Bylaw be published pursuant to section 227 of the Community Charter prior to adoption of the bylaw.

**Carried with Councillor Eriksson opposed**

**.03**  
DEVELOPMENT  
VARIANCE PERMIT AT  
1290 - 10<sup>TH</sup> STREET  
EAST  
3090-20-1709

Moved by Frisch and seconded by Lennox that based on the July 16<sup>th</sup>, 2018 staff report “Development Variance Permit at 1290 - 10<sup>th</sup> Street East”, Council support approving OPTION 1 and proceed with issuing Development Variance Permit No. 1709.

**Carried**

**.04**  
ZONING AMENDMENT  
BYLAW NO. 2929 -  
911 BRAIDWOOD  
ROAD  
3360-20-1806

Moved by Wells and seconded by Lennox that based on the July 16<sup>th</sup>, 2018 staff report ‘Zoning Amendment Bylaw No. 2929 - 911 Braidwood Road’ Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2929, 2018;

That Council direct staff to schedule and advertise a statutory public hearing with respect to the above-referenced Bylaw on August 7<sup>th</sup>, 2018 at 5:00 p.m. in City Hall Council Chambers.

**Amending motion:**

Moved by Lennox and seconded by Frisch that Council direct staff to investigate options and implications to make rezoning of 911 Braidwood Road conditional; and

That staff discuss options with the proponent to enter into a housing agreement per section 483 of the Local Government Act and provide a report back to Council at a future Council meeting.

**Defeated**

**New motion:**

Moved by Frisch and seconded by Hillian that Council permit the proponent, Brett Giese (Applicant), to speak to Council regarding an affordable housing agreement on the development property located at 911 Braidwood Road.

**Carried**

**The main motion was carried**

**5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

**.01** Moved by Wells and seconded by Lennox that the correspondence from the Union of BC Municipalities (UBCM) regarding the 2018 Application for Community Excellence Awards - Excellence in Asset Management, be received for information.  
**Carried**

CORRESPONDENCE  
UNION OF BC  
MUNICIPALITIES  
(UBCM) 2018  
APPLICATION FOR  
COMMUNITY  
EXCELLENCE  
0400-20

Councillor Lennox expressed her appreciation to Council, David Allen, CAO, and City staff for their continued excellence in asset management practices.

**The council meeting recessed at 5:09 p.m.**

**The meeting reconvened at 5:13 p.m.**

**6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

**7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES**

COUNCILLOR  
HILLIAN

Councillor Hillian reviewed his attendance at the following events:

- Community Health Network Transition Team meeting
- July 1<sup>st</sup> Committee de-brief meeting
- Project Watershed and K’omoks First Nation Kus-kus-sum project meeting

Councillor Hillian mentioned that the recent Nomadic Tempest fundraising event was discussed at the meeting and expressed on behalf of Project Watershed the importance of their initiatives; that they remain non-partisan and non-political.

COUNCILLOR  
WELLS

Councillor Wells reviewed his attendance at the following events:

- CVRD Water Committee meeting
- 2018 Musicfest

Councillor Wells mentioned the implementation of BC Transit’s “Nextride” App; an App to more accurately forecast bus arrival at a transit stop through the use of GPS locating

**8.00 RESOLUTIONS OF COUNCIL**

**.01**  
IN CAMERA  
MEETING

Moved by Hillian and seconded by Lennox that a Special In-Camera meeting closed to the public will be held July 16<sup>th</sup>, 2018 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (c) labour relations or other employee relations;
- 90 (1) (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

**Carried**

**9.00 UNFINISHED BUSINESS**

**.01**  
REPRESENTATION ON  
THE COMOX VALLEY  
LIQUID WASTE  
MANAGEMENT PLAN  
PUBLIC ADVISORY  
COMMITTEE (PAC)  
0360-20

Moved by Frisch and seconded by Wells that Council appoint Councillor Eriksson as representative and Councillor Frisch as alternate to participate on the Comox Valley Liquid Waste Management Plan (LWMP) Public Advisory Committee (PAC) for the duration of the LWMP planning process.

**Carried**

**10.00 NOTICE OF MOTION**

**11.00 NEW BUSINESS**

**.01**  
CORRESPONDENCE  
FROM COMOX  
VALLEY REGIONAL  
DISTRICT RE: NON-  
BINDING  
COMMUNITY  
OPINION QUESTION -  
GOVERNANCE  
RESTRUCTURE  
STUDY

Councillor Hillian requested to vote separately on the two questions posed for consideration by Council; *Council Procedure Bylaw No. 2730 Section 27 (5)*.

Moved by Wells and seconded by Lennox that Council support the non-binding community opinion question to consider a governance restructure study for Comox Valley local governments as posed in the June 19, 2018 correspondence received from the Comox Valley Regional District; and

That the question:

*“Are you in favour of conducting a study, in partnership with the Province of BC, to review the governance structures and policies of the City of Courtenay and other local governments within the Comox Valley to consider the feasibility and implications of restructure?”*

*YES or NO*

Be included on the October 20, 2018 local government general election ballot.

**Carried**

Moved by Wells and seconded by Lennox that Council consider up to \$10,000 from the Comox Valley Regional District (CVRD) member municipalities and electoral areas administration services be used to support the Comox Valley Chamber of Commerce in promoting awareness and a clear understanding of the local governance restructure study referendum in the 2018 local government election.

**Defeated**

**In Favour: Councillors Eriksson and Wells**

**Opposed: Mayor Jangula, Councillors Frisch, Hillian, Lennox and Theos**

## **12.00 BYLAWS**

**.01**

BYLAW NO. 2929,  
2018

ZONING AMENDMENT  
(911 BRAIDWOOD  
ROAD)

Moved by Frisch and seconded by Wells that “Zoning Amendment Bylaw No. 2929, 2018” pass first and second reading.

**Carried**

**Councillor Lennox recused herself from the vote at 5:36 p.m. citing a potential conflict of interest due to family property located within the boundary of the downtown area referenced in Bylaw No. 2937.**

**.02**

BYLAW NO. 2937,  
2018

DOWNTOWN  
COURTENAY  
REVITALIZATION TAX  
EXEMPTION

Moved by Wells and seconded by Frisch that “Downtown Courtenay Revitalization Tax Exemption Bylaw No. 2937, 2018” pass first and second reading.

**Carried with Councillor Eriksson opposed**

**Councillor Lennox returned to her seat at 5:37 p.m.**

**.03**

BYLAW NO. 2933,  
2018

REZONE PROPERTY  
TO ALLOW FOR  
SECONDARY SUITE  
(4659 WESTERN  
ROAD)

Moved by Hillian and seconded by Frisch that “Zoning Amendment Bylaw No. 2933, 2018” pass third reading.

**Carried**

Moved by Wells and seconded by Lennox that “Zoning Amendment Bylaw No. 2933, 2018” be finally adopted.

**Carried**

**.04**

BYLAW NO. 2935,  
2018

CREATE ZONING  
REGULATIONS FOR  
RETAIL SALE OF  
CANNABIS

Moved by Wells and seconded by Lennox that “Zoning Amendment Bylaw No. 2935, 2018” pass third reading.

**Carried**

Moved by Hillian and seconded by Lennox that “Zoning Amendment Bylaw No. 2935, 2018” be finally adopted.

**Carried**





THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

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**To:** Council

**File No.:** 2240-20 CVAGS

**From:** Chief Administrative Officer

**Date:** August 7, 2018

**Subject:** Art Installation at the Centre For the Arts Plaza

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### **PURPOSE:**

The purpose of this report is to approve an agreement for the art installation project at the Centre For the Arts plaza.

### **CAO RECOMMENDATIONS:**

That based on the August 7, 2018 staff report "Art Installation at the Centre For the Arts Plaza" Council approve OPTION 1 and authorize the attached art installation agreement between the City of Courtenay and Comox Valley Art Gallery (CVAG) for a period of five (5) years less a day as set out in the Agreement.

That the Mayor and the Director of Legislative and Corporate Services be authorized to approve the sublease on behalf of the City.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### **BACKGROUND:**

The Comox Valley Art Gallery Society (CVAGS) currently occupies the main and basement floor of the Centre For the arts as permitted by the licence of occupation agreement between the City and CVAGS.

CVAGS is requesting permission to install art pieces in the Centre For the Arts Plaza including the installation of an indigenous plant garden in the existing planting beds as illustrated in the attached concept site plan – Attachment "A".

Since the existing Licence of Occupation does not include the use of the Centre For the Arts plaza, the City may grant CVAGS permission through a separate agreement to address the scope of the project and responsibilities of each party.

**DISCUSSION:**

The art installation will have three major components:

1. A stand-alone art piece designed by local Northwest Coast artist Andy Everson.
2. Two totem poles installed at the entrance of the Centre for the Arts designed and carved by traditional Northwest Coast Totem Pole Artists: Karver Everson, Randy Frank and Calvin Hunt.
3. An indigenous plant garden developed consultation with K'ómoks First Nations elder input.

CVAGS has secured funding in the amount of \$106,925 for this project through the following funding sources: Canada Council For the Arts, First People's Cultural Council and BC Gaming Capital. In addition CVAGs will be contributing \$15,000 in-kind towards staff administration and coordination for the project. Any remaining funds will be used toward courtyard improvements in phase 2 of the project.

The Art Installation Agreement - Attachment "B" outlines the responsibilities of each respective party: the City and CVAGS.

CVAGS is responsible for:

- all costs associated with the project including artists fees, insurance fees, materials, electrical and lighting.
- structural engineering fees and electrical engineering fees for lighting,
- all costs associated with the indigenous garden installation including removing of the existing City plantings and irrigation adjustments to be executed by Parks Division staff,
- ongoing maintenance and repair of the art installations
- cultural consultation with K'ómoks First Nations.

The City's contribution is:

- cost of a landscape architect to develop the site plans and planting layout.
- on-going maintenance of the indigenous plant garden.

The art pieces will be owned by CVAGS. The term of the art installation agreement is for five years less a day and shall continue on a year to year basis thereafter subject to rights of termination by either party by providing three months advance notice or the City may request CVAGS to relocate the artwork if the Site is required for purposes deemed necessary or expedient by City Council.

**FINANCIAL IMPLICATIONS:**

The consultant cost of the landscape architect is \$10,000 and will be covered under the Recreation and Cultural Services operating budget. The ongoing maintenance of the indigenous plant garden will remain within the Public Works Services – Parks Division. Since the Parks Division maintains the existing beds, this change will not represent a service level increase.

**ADMINISTRATIVE IMPLICATIONS:**

The art installation agreement will be administered by the Recreation and Cultural Services Department, Business Administration Division.



**ASSET MANAGEMENT IMPLICATIONS:**

The agreement stipulates that the cost of the art installation and all associated future repair and maintenance is borne by CVAGS. Also, there will be no change to the landscape maintenance requirements conducted by the parks division in the maintenance of the indigenous garden. For these reasons the City service levels will remain the same for the assets at the Centre For the Arts plaza.

**STRATEGIC PRIORITIES REFERENCE:**

There are two strategic areas of control that apply:

**We actively pursue vibrant economic growth**

- Revitalizing our downtown is critical to our economic future
- Continue to improve our relationship with business in our community

**We invest in our key relationships**

- We value and recognize the importance of our volunteers
- We will continue to engage and partner with service organizations for community benefit
- ▲ We actively engage with our K'ómoks First Nation neighbours on issues of mutual interest and concern



- **Area of Control**  
The policy, works and programming matters that fall within Council's jurisdictional authority to act.
- ▲ **Area of Influence**  
Matters that fall within shared or agreed jurisdiction between Council and another government or party.
- **Area of Concern**  
Matters of interest outside Council's jurisdictional authority to act.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

Not applicable.

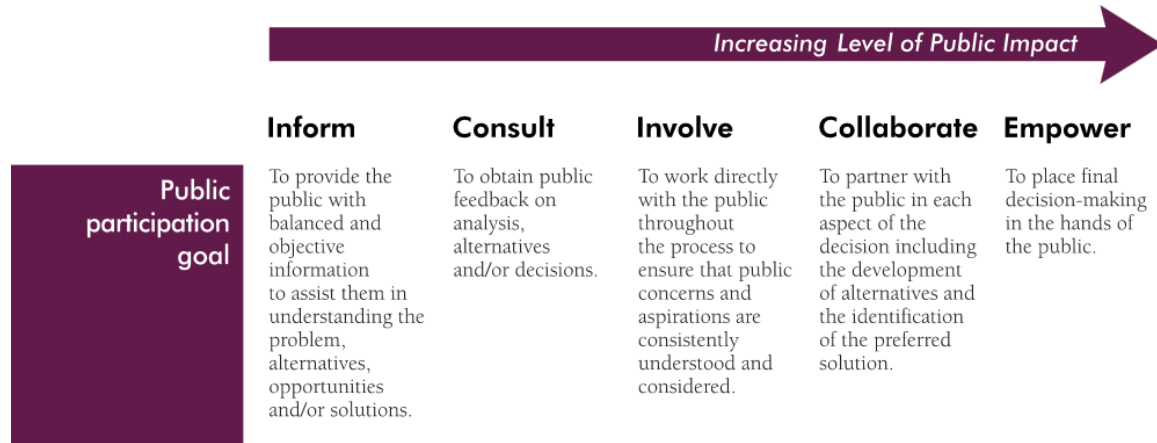
**REGIONAL GROWTH STRATEGY REFERENCE:**

Not applicable.

**CITIZEN/PUBLIC ENGAGEMENT:**

No public consultation is required; however based on the the *IAP2 Spectrum of Public Participation*, consultation on this project has been executed through collaboration with the City’s partners.

The Comox Valley Art Gallery has consulted with the K’ómoks First Nations in regards to the cultural appropriateness of this installation.



**OPTIONS:**

**OPTION 1:**

That Council authorize the attached art installation agreement between the City of Courtenay and Comox Valley Art Gallery (CVAG) for a period of five (5) years less a day as set out in the Agreement.

That the Mayor and the Director of Legislative and Corporate Services be authorized to approve the sublease on behalf of the City.

**OPTION 2:** That Council not approve the art installation in this location.

**OPTION 3:** That Council refer this item back to staff for further consideration.

Prepared by:

Dave Snider RLA  
Director of Recreation and Cultural Services

*Attachment A: Concept Site Plan*  
*Attachment B: Art Installation Agreement*



## ART INSTALLATION AGREEMENT

THIS AGREEMENT made this \_\_\_\_<sup>st</sup> day of \_\_\_\_\_, 2018.

**BETWEEN:** THE CORPORATION OF THE CITY OF COURTENAY, a municipal corporation incorporated pursuant to the Community Charter and having its offices at:  
830 Cliffe Avenue, Courtenay, BC V9N 2J7

(the “City”)

**AND:** THE COMOX VALLEY ART GALLERY SOCIETY (Inc. No. 11024) a Society duly incorporated under the laws of the Province of British Columbia with mailing address of:  
580A Duncan Avenue, Courtenay, BC V9N 2M7

(the “Society”)

WHEREAS the Society has been approved by the City for the Art Works installation hereinafter called the “Art Works”;

AND WHEREAS this Agreement constitutes the entire agreement between the parties and it replaces and supersedes all previous written oral agreements and understandings;

NOW THEREFORE, in consideration of the mutual promises hereinafter set out, the parties hereto mutually undertake and agree as follows:

### **DEFINITIONS**

1. In this Agreement:

- (a) “Art Works” means the final pieces of art designed and fabricated by the Artist for display more particularly described in the attached Schedule “A”;
- (b) “Artist” means the individual contracted by the Society to produce the Art Works per the agreement attached for reference in Schedule “B”;
- (c) “Garden” means the location where indigenous healing plants are installed as described in the landscape site plans and plant listings attached in Schedule “A”;
- (d) “Site” means the location where the Art Works is installed, as identified on Schedule “A”.

## SCOPE OF WORK

2. The Society shall carry out the following Scope of Work:
  - (a) The Society will install the Art works and Garden at its sole cost according to the specifications and site plans as mutually approved by both parties and set out in the attached Schedule “A”.
  - (b) Changes to the Art Works and Garden which depart from the site plans and specifications in Schedule “A” including location of installation will not be made unless first approved in writing by both parties.
  - (c) The Society will liaise with the City in the development of the Site of and will consult with the City regarding the design, installation of the Art Works and Garden at the Site.
  - (d) The Society will supply in advance a proposed plant list for the Garden to be approved by the City.
  - (e) The Society will supply or arrange to have supplied at its sole cost, risk and expense all materials, furnishings, labour, machines and supplies necessary for the Art Works including equipment, services and anchoring devices required for the installation of the Art Works at the Site.
  - (f) The Society will reimburse the City for the full cost of the Garden to be installed by the City as per the specifications and layout identified in the site plans identified in 2(a) including the cost to remove the existing garden, plant materials and any irrigation adjustments.
  - (g) The Society will ensure adequate and appropriate K'ómoks First Nations consultation has been carried out during all phases of the project and during the term of this Agreement.
  - (h) The Society in contract with the Artist or any third persons in the performance of this Agreement will be fully responsible for ensuring compliance with this Agreement and agrees that the Society is not an agent of the City for the purposes of contracting of the Artist or any third persons.

## INSPECTIONS

3. The City, its staff or consultants may visit the Site to monitor the Art Works as it is being installed and the Society shall permit these visits. Any deficiencies noted by the City, its staff or consultants will be corrected to the City's satisfaction.

## **TERM**

4. The Term of this Agreement shall continue for a period of five (5) years less a day, years commencing September 1, 2018 and ending August 31, 2023 and shall continue on a year to year basis under the same terms and conditions, subject to termination pursuant to section 20 and removal pursuant to section 25.

## **COMPLETION OF WORK**

5. The Society shall complete the Art Works installation at the Site according to the Project Schedule as approved by both parties and attached in Schedule "D".
6. Prior to the execution of this agreement, the Society shall present any changes the Society is proposing to make to the Art Works or Garden design concerning scope, design, color, size, materials, plants or texture to the City in writing for further review and written approval at least one (1) month in advance of the installation.

## **INSTALLATION**

7. The Society shall notify and coordinate with the City and other involved parties with the timing and the details of the installation of the Garden in accordance with timelines set out in the Project Schedule.
8. The Society shall be responsible for all matters associated with the transportation of the Art Works to the Site, including scheduling and all associated costs.
9. The Society shall be responsible for the preparation and fabrication of the Art Works by the Artist offsite.
10. The Art Works shall be delivered to the Site in a condition suitable for installation.
11. If the City deems it necessary, the Society shall provide a site assessment and installation specification report by a professional engineer at the Society's own expense.
12. The Society shall be responsible for all costs, disbursements and expenses related to the transportation, delivery and installation of the Art Works save and except the cost of the City's employees and landscape consultants.
13. The Society shall be responsible for all costs, disbursements and expenses related to the transportation, delivery and installation of the Garden.

14. The Society shall provide the City with a written Notice of Completed Installation in the form set out in Schedule “B” immediately after the Art Works has been installed at the Site and approved by a professional engineer pursuant to section 11.
15. In the event that the City provides a notice of deficiency pursuant to section 23(c), the Society shall clear the deficiencies within a period of time mutually agreed upon by the parties, which shall not be more than thirty (30) days, and shall provide another Notice of Completed Installation.

## **PROTECTION AND CLEAN-UP**

16. Where necessary during fabrication, transportation and installation of the Art Works and until project hazards are eliminated, the Society, at its own expense, shall apply protective coatings, wrappings or other appropriate measures and materials and remove them when they are no longer required.
17. At the time of installation, the Society shall, at its own expense, keep the Site safe, clean and protected from any danger or hazards to the public.
18. Upon completion of the installation of the Art Works and Garden, the Society shall, as soon as practicable and at its own expense, remove all waste materials, excess materials, tools and Society’s equipment (owned or contracted) from the Site.

## **INSURANCE**

19.
  - (a) The Society agrees and has confirmed to the City that the Society shall insure the Art Works against all risks of direct physical loss or damage while in transit or at the Site.
  - (b) The Society shall provide and maintain in force during the Term, a Commercial General Liability Insurance policy at its own expense, carry and maintain liability insurance against third party claims with inclusive limits of not less than two million dollars (\$2,000,000.00) and shall include:
    - A thirty (30) day advance notice cancellation clause on the insurance with a provision naming the City as an additional insured.
    - Addition of a Cross Liability Clause requirement for the General Liability insurance.
    - The proof of insurance must read “a certificate of insurance signed and dated by an authorized representative of the insurance broker”.
    - The certificate of insurance must be in force for the duration the Art Work is on site including installation and removal.

- (c) The Society hereby releases the City, its agents, servants, employees, trustees, officers and representatives from all costs, losses, damages and disbursements including those caused by personal injury, death, property damage, loss and economic loss arising out of, suffered or experienced by the Society, its officers, servants and agents, contractors and sub-contractors as a result of any matter arising or related to this Agreement.
- (d) The Society will ensure the Society meets all Workers Compensation Act assessments and related requirements for all of the Society's employees, contractors and any other persons as applicable to this Agreement. The Society accepts all responsibilities of Prime Contractor as outlined in the Workers Compensations Act and shall execute all forms required by the City to confirm the same.

## **TERMINATION RIGHT**

20.

- (a) Either Party reserves the right to terminate this Agreement for any reason with advance three (3) month written notice to either Party.
- (b) Notwithstanding the foregoing, the City retains the right to request the removal of the Art Work by exercising the termination rights under 20.(a) or request the Society to relocate the Work to an alternate site mutually approved by both parties if the Site is required for purposes deemed necessary or expedient by City Council.

## **WARRANTY**

21. By executing this Agreement, the Society warrants that the Art Works will be free from failure and deterioration and warrants that it is free of defects in workmanship and material, excluding normal weathering, wear and tear, and abuse, for the Term of this Agreement.

## **INFORMATION**

22.

- (a) The City shall make reasonable efforts to provide to the Society the available technical information related to the Site, required to carry out the Society's obligations related to this Agreement.
- (b) The Society shall perform such testing or information verification as is necessary fully to perform its obligations under this Agreement to ensure that the Art Works is created to endure and is installed safely.

## **MAINTENANCE**

23.

- (a) In the event the Art Works is damaged by a third party or other cause or otherwise altered, or requires maintenance or repair at any time after the City has accepted the Notice of Completed Installation, the Society will at its sole expense coordinate and contract maintenance or repairs which during the Artist's lifetime will be carried out by



the Artist or in consultation with the Artist any acceptable repairs or restorations supervised by the Society in accordance with best practice and recognized principles of conservation. Notwithstanding the foregoing the Society and the City will mutually approve the scope of the repair work.

- (b) Upon completion of the installation of the Garden the City will be responsible for maintaining the Garden including any irrigation systems and the Society will notify the City if there are any issues or concerns regarding the Garden.
- (c) At any time that the Society does not perform its obligations under this Agreement, the City may, but is not required to, perform these obligations on the Society's behalf and at the Society's cost.

## **ACCEPTANCE**

24.

- (a) Once the City has received the Notice of Completed Installation from the Society pursuant to Section 14, the City shall immediately inspect the Art Works and shall, within five (5) days of receipt by the City, of the Notice of Completed Installation, provide the Society with the following:
  - (b) Written notice that the Art Works has been accepted as is (Notice of Acceptance); or
  - (c) A Notice of Deficiency that the Art Works has not been accepted with detailed reasons for non-acceptance.
- (d) If the City provides a Notice of Deficiency as set out in Clause 24. (c), the Society shall correct the deficiency to the City's satisfaction.

## **RIGHTS OF OWNERSHIP AND RELOCATION RIGHTS**

25.

- (a) During the term of this agreement the Art Works shall remain the property of the Society and the Society shall remove the art Works at the Society's expense, within thirty (30) days of receipt of Notice of Termination of this Agreement.
- (b) Notwithstanding the foregoing the City retains the right to remove by exercising its termination rights or relocate the Art Work or Garden if the Site is required for purposes deemed necessary or expedient by City Council. The City will consult with the Society when the Art Work or Garden is to be relocated to determine a new location as mutually approved by both parties.

## **COPYRIGHT**

- 26. The City shall have the right to reproduce an image or images of the Art Works and Garden for municipal non-profit use, public relations and documentation purposes only.

## **DELAYS**

27. If either party is unable to meet any of the timelines imposed by this Agreement that party shall notify the other Party immediately upon becoming aware of the inability.

## **SUCCESSORS**

28. This Agreement shall ensure to the benefit of and be binding upon the Parties, their executors, administrators, successors, heirs, legal representatives and assigns.

## **SEVERABILITY**

29. If any provision in this Agreement or its application to any party or circumstances is for any reason restricted, prohibited or unenforceable, such provision shall be ineffective only to the extent of such restriction, prohibition or unenforceability without invalidating the remaining provisions which shall remain in full force and effect.

## **NOTICE**

30. Any notice required or desired to be sent pursuant to this Agreement shall be either hand delivered or sent by prepaid first class mail to the addresses shown below and such notice shall be deemed to be received on the earlier actual receipt or five (5) days from its mailing, whichever is earlier.

31. Either party may change its address by first serving notice on the other party.

City of Courtenay  
Recreation and Cultural Services Department  
830 Cliffe Avenue,  
Courtenay, BC V9N 2J7  
Attention: Director of Recreation and Cultural Services

The Comox Valley Art Gallery Society  
580A Duncan Avenue,  
Courtenay, BC V9N 2M7  
Attention: Executive Director

IN WITNESS WHEREOF each of the said parties have subscribed its signature, or being a corporate body, has hereunto affixed its corporate seal duly attested by its proper officers.

) The CITY OF COURTENAY  
)  
) \_\_\_\_\_  
) Larry Jangula, Mayor  
)  
) \_\_\_\_\_  
) John Ward, Director of Legislative and  
) Corporate Services  
)  
) The COMOX VALLEY ART GALLERY  
) SOCIETY  
)  
)  
) \_\_\_\_\_  
Date: \_\_\_\_\_

Date: \_\_\_\_\_

DRAFT

**SCHEDULE "A"**

Site Plan: Centre for the Arts: 580A Duncan Avenue, Courtenay, BC

DRAFT

**SCHEDULE "B"**  
**ARTIST(S) CONTRACT**

DRAFT

**SCHEDULE "C"**  
**PROJECT SCHEDULE**

DRAFT

**SCHEDULE "D"**

**NOTICE OF COMPLETED INSTALLATION**

The COMOX VALLEY ART GALLERY SOCIETY gives notice to the CITY OF COURTENAY that the Society has satisfactorily completed the installation of the Art Works located at:

580 Duncan Avenue, Courtenay, BC

Furthermore, the Society has clear title to the Art Works.

\_\_\_\_\_  
Name:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.







THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 4320-20

**From:** Chief Administrative Officer

**Date:** August 7<sup>th</sup>, 2018

**Subject:** New Liquor Primary Licence Application (Carlos O'Bryan's Neighbourhood Pub) – 2910 Kilpatrick Avenue

### PURPOSE:

The purpose of the report is to obtain Council direction to request public input with respect to a new liquor primary licence application for Carlos O'Bryan's Neighbourhood Pub at 2910 Kilpatrick Avenue.

### CAO RECOMMENDATIONS:

THAT, based on the August 7<sup>th</sup>, 2018 staff report, 'New Liquor Primary Licence Application (Carlos O'Bryan's Neighbourhood Pub) – 2910 Kilpatrick Avenue', Council approve OPTION 1 and direct staff to post notice on the City's website requesting public input on their new liquor primary licence application for Council consideration at the regular meeting scheduled for August 20<sup>th</sup>, 2018.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The applicant, a Kelowna-based company, is in the process of making application for a new liquor primary licence to the Liquor Control and Licencing Branch (LCLB) for the property at 2910 Kilpatrick Avenue.

Pursuant to section 38 (3)(c) of the *Liquor Control and Licensing Act*, the local government must gather the views of residents when the applicant has given the local government notice of the application. In order to gather the views of residents, the City will post notice of the application on the City's main website for two weeks.

### DISCUSSION:

The subject location is zoned Commercial Two (C-2), which permits the intended use. The existing building was previously occupied by a restaurant, but it has been vacant since the restaurant closed several years ago. The applicant is leasing the building and planning on opening a new restaurant which also includes a licenced area.

The applicant is not proposing to make any major changes or alterations to the exterior of the building except a few minor changes such as new signs and façade painting, which is not subject to development permit requirement. Some interior functions such as seating layout, kitchen and bathroom will be remodelled or upgraded in accordance with the building code.

The proposed hours of service are from 9:00 a.m. to 1:00 a.m. all week except Sunday (closes at 12 a.m.). The proposed liquor primary licenced area is boarded in red on Figure 2 below and the remaining areas including the patio will be licenced under a food primary licence. Food primary licences allow liquor to be consumed on-site when food is served.



Figure 1. Proposed exterior with signs

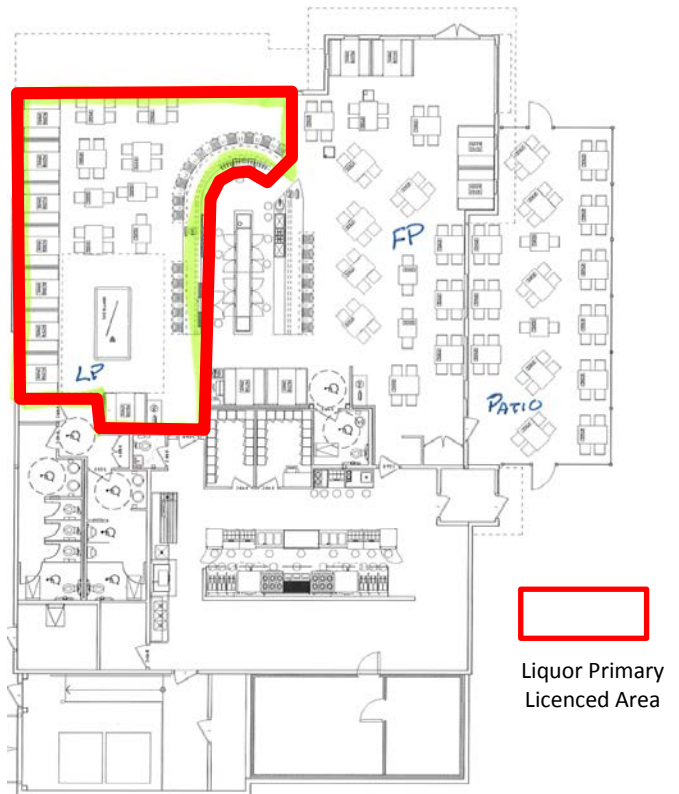


Figure 2. Proposed floor plan

Section 71 (9) of the *Liquor Control and Licensing Regulation* states that a local government or first nation that wishes to provide comments and recommendations for the LCLB under section 38 (3) of the Act must do so in accordance with the following requirements:

- (a) the comments and recommendations must be in writing;
- (b) the comments must include the views of the local government or first nation on
  - (i) the impact of noise on the community in the immediate vicinity of the establishment unless subparagraph (ii) or (iii) apply,
  - (ii) in the case of an application that involves a temporary use area endorsement, the impact of noise on the community in the immediate vicinity of the proposed locations of event sites under corresponding temporary use area authorizations,
  - (iii) in the case of an application that involves a lounge or special event area endorsement, the impact of noise on the community in the immediate vicinity of the location of the service area under the endorsement,

- (iv) the general impact on the community,
- (c) if the local government or first nation has gathered the views of residents under section 38 (3) (c) of the Act, the comments must include
  - (i) the views of the residents, and
  - (ii) a description of the method used to gather those views;
- (d) the recommendations must include whether the application should be approved or rejected; and
- (e) the recommendations must include the reasons on which they are based.

With respect to the requirement in section 38 (3) (c) of the *Liquor Control and Licensing Act*, the current practice is to advertise a notice on the City's website. Staff consider that it will satisfy the requirements of the LCLB. Once Council receives public input on the application, a resolution addressing these points will be forwarded to the LCLB for final consideration. A proposed resolution in the correct format will be presented to Council for consideration at the regular Council meeting scheduled on August 20<sup>th</sup>, 2018.

**FINANCIAL IMPLICATIONS:**

There is no direct financial implication related to this application.

**ADMINISTRATIVE IMPLICATIONS:**

Administration of liquor licencing is included in the City's general statutory duties. To date, staff has spent two hours processing the application. It is anticipated an additional four hours will be required to complete the notification requirements, work with the applicant on the neighbours' concerns and bring a report back to Council.

**ASSET MANAGEMENT IMPLICATIONS:**

There is no direct asset management implication related to this application.

**STRATEGIC PRIORITIES REFERENCE:**

We focus on organizational and governance excellence

- We support meeting the fundamental corporate and statutory obligations



- **Area of Control**  
The policy, works and programming matters that fall within Council's jurisdictional authority to act.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

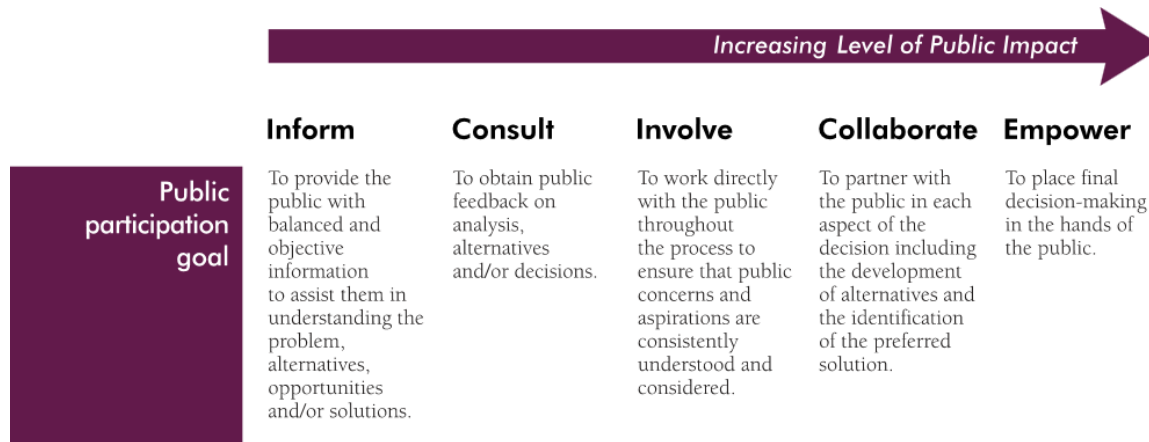
There is no direct reference related to this application.

**REGIONAL GROWTH STRATEGY REFERENCE:**

There is no direct reference related to this application.

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff will **consult** members of the public based on the IAP2 Spectrum of Public Participation:



The public comment gathering period will be open between August 8<sup>th</sup> and August 20<sup>th</sup>, 2018 on the City's website. Any comments received from the public and the standard referral procedure will be attached to staff report for the Council meeting on August 20<sup>th</sup>, 2018.

**OPTIONS:**

- Option 1: Direct staff to publish notice on the City's website requesting public input on the proposed new liquor licence for Council consideration at the regular meeting scheduled for August 20<sup>th</sup>, 2018. **(Recommended)**
- Option 2: Direct staff to obtain public input through an alternative method.
- Option 3: Direct staff not to proceed with the application and advise the LCLB that the City does not support the request.

Prepared by:

Tatsuyuki Setta, MCIP, RPP  
Manager of Planning

Reviewed by:

Ian Buck, MCIP, RPP  
Director of Development Services



## STAFF REPORT

**To:** Council

**File No.:** 3090-20-1802

**From:** Chief Administrative Officer

**Date:** August 7, 2018

**Subject:** Development Variance Permit No. 1802-1902 Robert Lang Drive

### PURPOSE:

The purpose of this report is for Council to consider a Development Variance Permit to facilitate the construction of a secondary suite at 1902 Robert Lang Drive.

### CAO RECOMMENDATIONS:

That based on the August 7, 2018 staff report "Development Variance Permit No. 1802 – 1902 Robert Lang Drive," Council approve Development Variance Permit No. 1802 (OPTION 1).

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The subject property is located at 1902 Robert Lang Drive, legally described as Lot O, District Lot 118, Plan 21709, as shown in *Figure No. 1*. The property is zoned Residential Two Zone (R-2), is approximately .25 acres (1,041 m<sup>2</sup>) in size and is serviced by City services. The property has road frontages along Rod and Gun Road and Robert Lang Drive. Site access is provided from an existing driveway off of Robert Lang Drive.

The site is located within an established residential area in West Courtenay. A majority of the surrounding properties are zoned R-2 and contain single family residential uses. The subject site is developed with an existing single family residential dwelling and attached garage and the property is partially landscaped around its perimeter with mature conifers, fruit trees and lawn.



*Figure No. 1: Subject property outlined in red*

The applicant is proposing to construct a secondary suite on the property as an addition to the existing single family home. The applicant's site and floor plan indicates that the suite is 44.9m<sup>2</sup> (484 ft<sup>2</sup>) in size and includes a bathroom, a combined living room and bedroom area and a small kitchen. The future tenant will have access to green space in the front, side and rear yards and off street parking is being provided in the side yard adjacent to the driveway. The applicant plans to build the development on an existing foundation for an accessory building that was previously approved by the City's building department in 2015.

With this application the applicant has provided a site plan, floor plans and elevation drawings (*Schedule No. 1 of the draft permit*).

In order to accommodate the construction of the suite the applicant requires a variance to the rear yard building setback. Table No. 1 compares the applicant's proposal with the rear setback requirement in the R-2 zone.

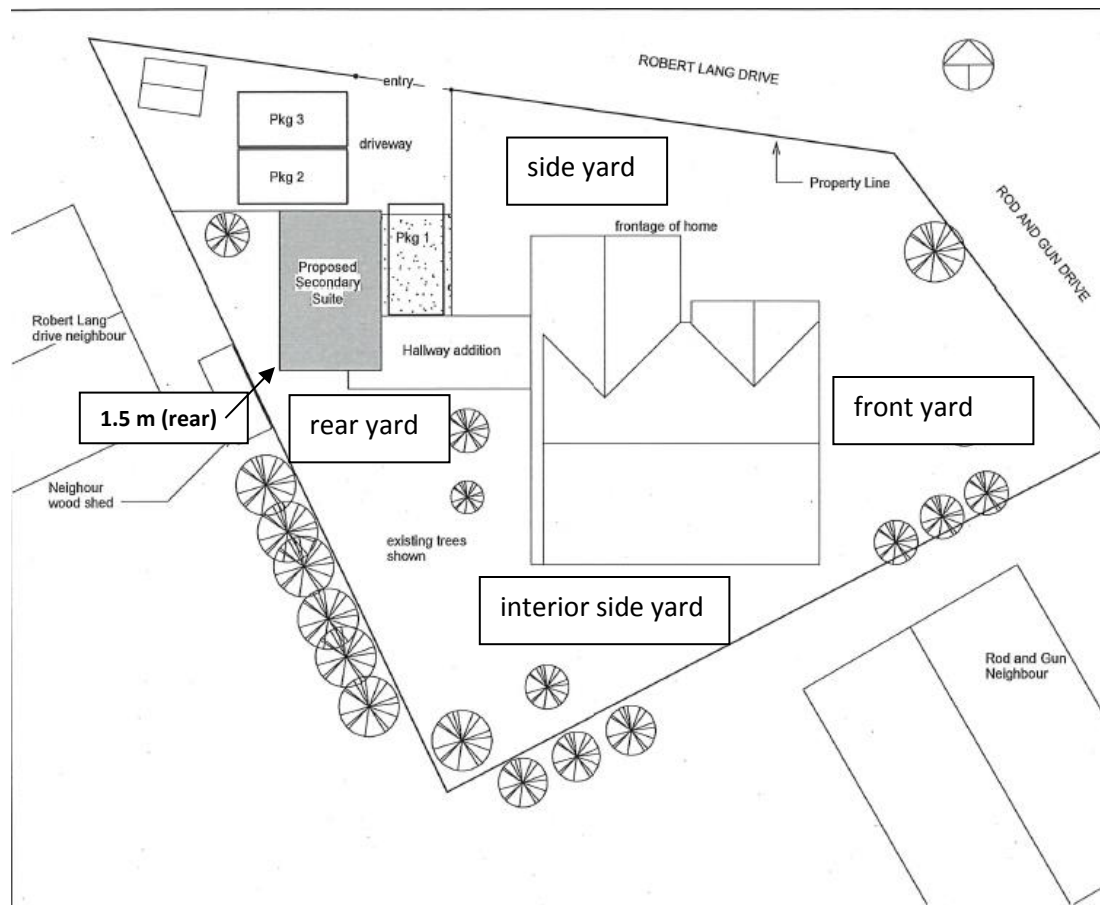


Figure No. 2: Site Plan Illustrating Variance

Zoning Criteria	Proposal
Section 8.2.7(a)(2) Rear Yard Setback – 9.0 m	Rear Yard Setback – 1.5 m



## **DISCUSSION:**

### Official Community Plan Review

The subject property is designated as Urban Residential in the Official Community Plan (OCP). The proposal is consistent with the Urban Residential designation which supports the development of serviced single family lots ranging in size from 650 m<sup>2</sup> to 2500 m<sup>2</sup> that keep with the scale and character of the neighbourhood.

The inclusion of secondary suites within the R-2 zone and the urban residential land use designation aligns with the OCP and the City's Affordable Housing Strategy which promotes secondary suites in single residential areas as a way of distributing affordable housing options across the city and as a means of increasing neighbourhood density and the variety of available housing types without significantly altering the character of established single family residential neighbourhoods.

The proposed addition is contemporary in style and visual interest is created by variations in building height, colour and the addition of a new shed style roofline. Building facades have been articulated with cedar trim around windows and doorways and the building's northern façade incorporates glazing and wood accents. Perceived building mass is reduced by breaking up larger glazed areas into smaller components and varying the building's roof line.

Because the suite is an addition to the existing dwelling it has been designed to complement the architectural elements and exterior finishes of the principal dwelling. The applicant is proposing a colour scheme of teal, gray, brown which is complementary to the colours used in the existing dwelling and the construction materials (glass, wood, concrete) are not only durable but they have been utilized in the construction of the existing single family home.

### Zoning Review

A secondary suite is a permitted use in the R-2 zone. The existing lot meets land use regulation for lot depth, lot frontage and minimum size. Upon completion, development will meet zoning requirements for front and side yard building setbacks, lot coverage, building height and parking.

This project requires a variance to Section 8.2.7 (a)(2) of Zoning Bylaw No. 2500 which regulates the siting of buildings in the R-2 zone.

### Rear Yard Setback

Buildings are required to be setback 9.0 metres from the rear property line. The applicant is proposing to reduce the rear yard building setback to 1.5 metres.

Staff has reviewed the applicant's plans and note that the addition will be setback 6.5 metres from the side yard adjacent to Robert Lang Drive. Also, the building has been designed so that its western façade contains only one window. These design considerations were implemented by the applicant to assist in maintaining sun exposure and view corridors for the adjacent property owner to the west whose front and rear yards are adjacent to the development. Staff also notes that the height of the addition has been kept at 4.8 metres to further assist in maintaining views for the adjacent property owner.

To reduce privacy impacts the applicant is planting fruit trees in the rear yard along the southern building facade.

Two properties across Robert Lang Drive will be in direct view of the development. Staff notes that the applicant has setback the addition 6.5 metres from the road; a similar distance to building setbacks on adjacent residential properties.

#### Landscaping

The site contains landscaping (trees and shrubs) in the side yard and the rear yard is partially landscaped. The remainder of the site contains lawn areas in the front, rear and side yards. To ensure privacy is maintained for the future tenant and adjacent residential users the applicant will be retaining all existing trees and will also be planting new fruit trees in the rear yard adjacent to the southern building façade. The applicant does not require a tree cutting permit and meets the required tree density target for the property.

#### Parking

The driveway, carport and off-street parking area is accessed from Robert Lang Drive. The applicant is providing three off-street parking spaces; two spaces allocated for the single family dwelling and one additional space for the proposed secondary suite. The proposed parking plan complies with City parking regulations within Division 7 of Zoning Bylaw No. 2500 for the number of spaces, required parking stall widths and lengths and width of driveway access.

#### Secondary Suite Regulations

In addition to the regulations outlined within the R-2 zone, Zoning Bylaw No. 2500 includes floor area and occupancy regulations for secondary suites. A review of the applicants land title and floor plans indicates the proposal meets these regulations. The total floor area of the suite is 44.9m<sup>2</sup> which represents than 19% of the habitable floor space of the building, the suite will be located within a building of residential occupancy containing one dwelling unit and the suite is within a building that is a single real estate entity.

The proposed density and building form are appropriate for this neighbourhood and the applicant has received neighbourhood support for the project. Staff considers the requested variance to be minor in nature and will not disrupt the character of the residential neighbourhood. **Staff assess the requested variance as minor and supportable.**

#### **FINANCIAL IMPLICATIONS:**

There are no direct financial implications related to the processing of this development variance permit application as the fees are designed to offset the administrative costs. The fee for this development variance permit was \$1,000.

Properties with secondary suites are currently charged a second utility fee (sewer, water, garbage) for the additional dwelling unit. However, secondary suites are exempt from paying Development Cost Charges to the City and the Regional District.

Building Permit application fees will also be collected at a rate of \$7.50 for every \$1,000 of construction value.

#### **ADMINISTRATIVE IMPLICATIONS:**

The processing of development applications is included as a statutory component in the current work plan. Staff has spent 16 hours reviewing the application, conducting a site visit and meeting with the applicant to request additional information and revised application submissions.



If approved, there will be approximately one additional hour of staff time required to prepare the notice of permit, have it registered on title and close the file. Additional staff time will be required for processing and issuing a building permit, and related inspections.

**ASSET MANAGEMENT IMPLICATIONS:**

There are no direct asset management implications related to this application. This is an infill development that will utilize existing City infrastructure.

**STRATEGIC PRIORITIES REFERENCE: change and ADD HOUSING SANTOS REPORT**

Development applications fall within Council’s area of control and specifically align with the strategic priority to support meeting the fundamental corporate and statutory obligations of the City. This application also meets the goal to support densification aligned with the regional growth strategy.



**OFFICIAL COMMUNITY PLAN REFERENCE:**

4.4.2 Goals

(7) Preserve the integrity and character of existing residential areas with any redevelopment proposal.

4.4.3 Policies

(4) The Urban Residential description is for the single and duplex residential development with a broad range of fully serviced subdivisions and the provision for a variety of lot sizes in a neighbourhood. Lot sizes may range from 650 m<sup>2</sup> to 2500 m<sup>2</sup>.

4a) limited infill will be considered only in keeping with the character and scale of an existing neighbourhood.

**REGIONAL GROWTH STRATEGY REFERENCE:**

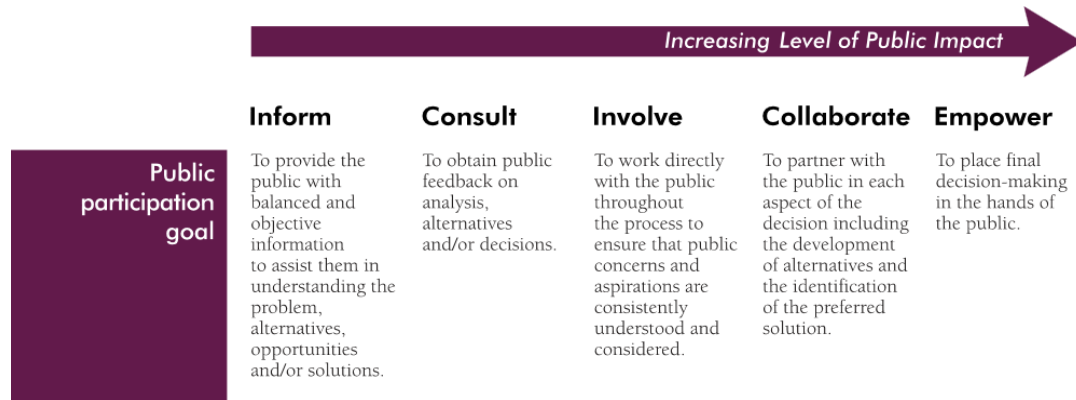
The development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” including:

Objective 1-A: Locate housing close to existing services; and

Objective 1-C: Develop and maintain a diverse, flexible housing stock.

**CITIZEN/PUBLIC ENGAGEMENT:**

The level of public input that has been undertaken is “**Consult**”. In accordance with the *Local Government Act*, the City has notified property owners and occupants within 30m of the subject property with regard to the proposed amendment.



The applicant held a public information meeting on March 14, 2018 and five neighbours from three adjacent households attended. The applicant indicated that all attendees present at the meeting were supportive of the project. Also the applicant received phone calls in support of the project from adjacent neighbours located at 1910 Robert Lang Drive and 25 Rod and Gun Road. To date, the City has received two written responses (*Attachment No. 3*).

In accordance with the Local Government Act, the City has notified property owners and occupants within 30 metres of the subject property of the requested variances and provided the opportunity to submit written feedback. To date, staff has received no responses.

**OPTIONS:**

**OPTION 1:** (Recommended): Approve Development Variance Permit No. 1802.

**OPTION 2:** Defer issuance of Development Variance Permit No. 1802 pending receipt of further information.

**OPTION 3:** Not approve Development Variance Permit No. 1802.

Prepared by:

Dana Beatson, MCIP, RPP  
Land Use Planner

Reviewed by:

Ian Buck, MCIP, RPP  
Director of Development Services

*Attachments:*

1. *Attachment No. 1: Draft Development Variance Permit No. 1802*
2. *Attachment No. 2: Applicants Submissions and Rationale*
3. *Attachment No. 3: Public Information Meeting Summary and Public Comments*

**THE CORPORATION OF THE CITY OF COURTENAY**

**Attachment No. 1**

**Draft Permit**

**Permit No. 3090-20-1802**

**DEVELOPMENT VARIANCE PERMIT**

August 7, 2018

**To issue a Development Variance Permit**

**To:** Andrew Thomas & Claire Guiot  
1902 Robert Lang Drive  
Courtenay BC V9N 1A3

**Property to which permit refers:**

Legal: Lot O, District Lot 118, Comox District Plan 21709

Civic: 1902 Robert Lang Drive

**Conditions of Permit:**

Permit issued to allow the construction of an addition containing a secondary suite with the following variance to the City of Courtenay Zoning Bylaw No. 2500, 2007:

**8.2.7 (a)(2) Rear Yard Setback**

Reduce the required side rear yard setback from 9.0 metres to 1.5 metres.

Development Variance Permit No 1802 is subject to the following conditions:

1. That development shall be in conformance with the plans contained in *Schedule No.1*;
2. All parking lots must be developed in accordance with Zoning Bylaw No. 2500, 2007, Division 7, Off-Street Parking and Loading Spaces; and
3. All parking lots that accommodate two or more vehicles must be surfaced with a bituminous or other dust free surface.

**Time Schedule of Development and Lapse of Permit**

That if the permit holder has not substantially commenced the construction authorized by this permit within (12) months after the date it was issued, the permit lapses.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Legislative Services

**Schedule No. 1**

**DVP application**

**A. Thomas**

**1902 Robert Lang Secondary Suite**

No.	Description	Date
	setback noted as 1.5m	

PROPOSAL:  
 ADDITION OF A SECONDARY SUITE OF 494SQ FT. (INCLUDING MEZZANINE LEVEL OF 122 SQ FT) PLUS HALLWAY OF 183 SQ FT  
 total sq ft of whole building house plus new hallway plus suite 2552  
 total sq ft of secondary suite 494, (958 allowed maximum)  
 18.9% of floor space (40% allowed maximum)

PROPOSED MEZZANINE LEVEL 122(952x100 = 33.7% OF MAIN LEVEL (40% allowed maximum))

ZONING R2

SETBACKS:  
 FRONT REQUIRED 7.5m PROPOSED 8.0 m  
 BACK REQUIRED 9.0M PROPOSED 1.5 M  
 SIDE REQUIRED total 4.5m - no change to existing 10.1m

SITE COVERAGE MAX ALLOWED 40% PROPOSED 24.5%

HEIGHT MAX ALLOWED 8.0m PROPOSED 4.8m

FRONTAGE No change to existing

PARKING REQUIRED 2 for main residence, 1 for suite

**Site**

Project number 0001  
 Date Issue Date  
 Drawn by Author  
 Checked by Checker

**A101**

Scale 1 : 200

ROBERT LANG DRIVE

ROD AND GUN DRIVE

Neighbour wood shed

Robert Lang drive neighbour

1.52M

zoning 'rear' yard

Proposed Secondary Suite

Hallway addition

Pkg 1

Pkg 2

Pkg 3

driveway

entry

zoning 'side' yard

frontage of home

Property Line

zoning 'side' yard

existing trees shown

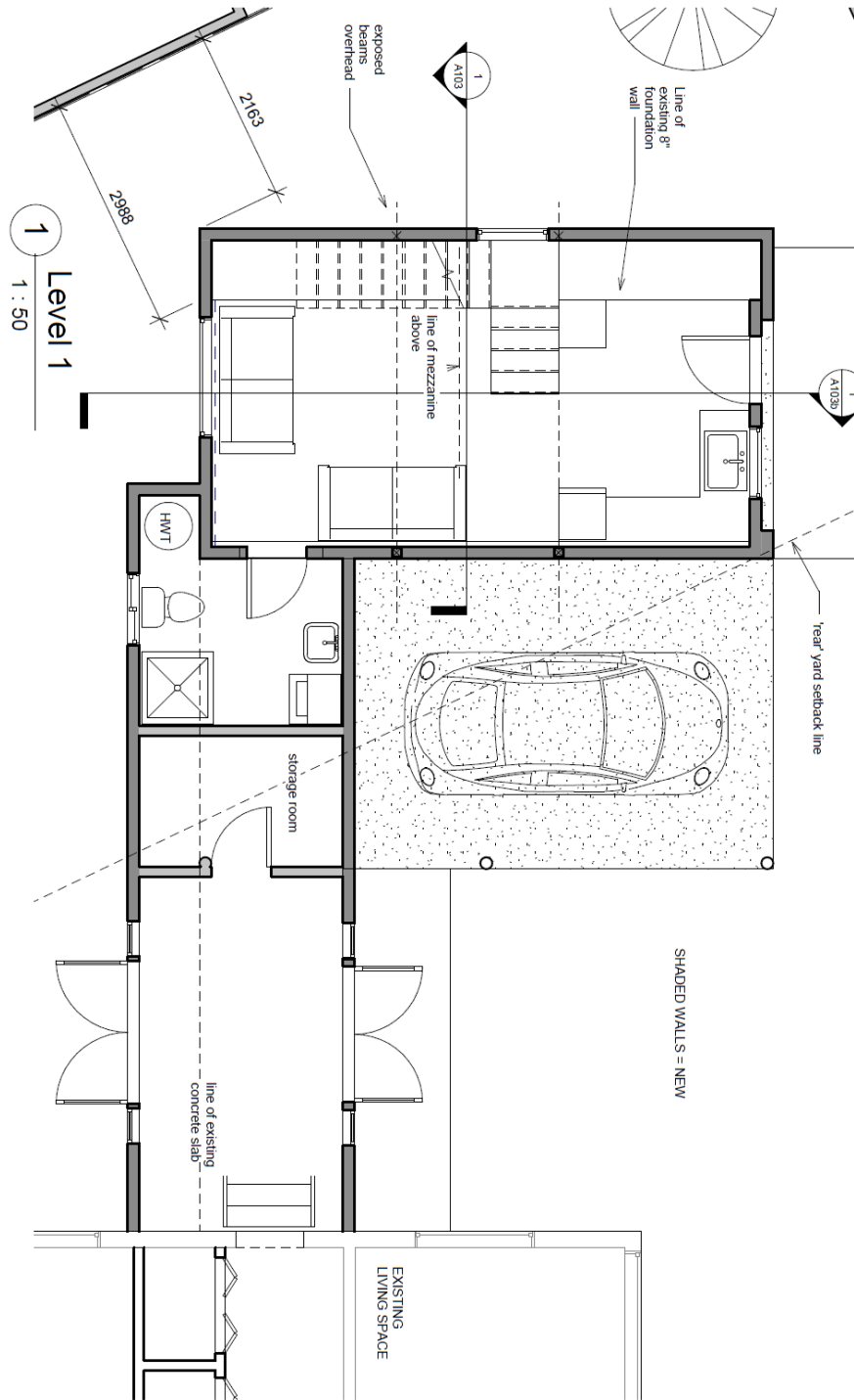
zoning 'rear' yard

zoning 'front' yard

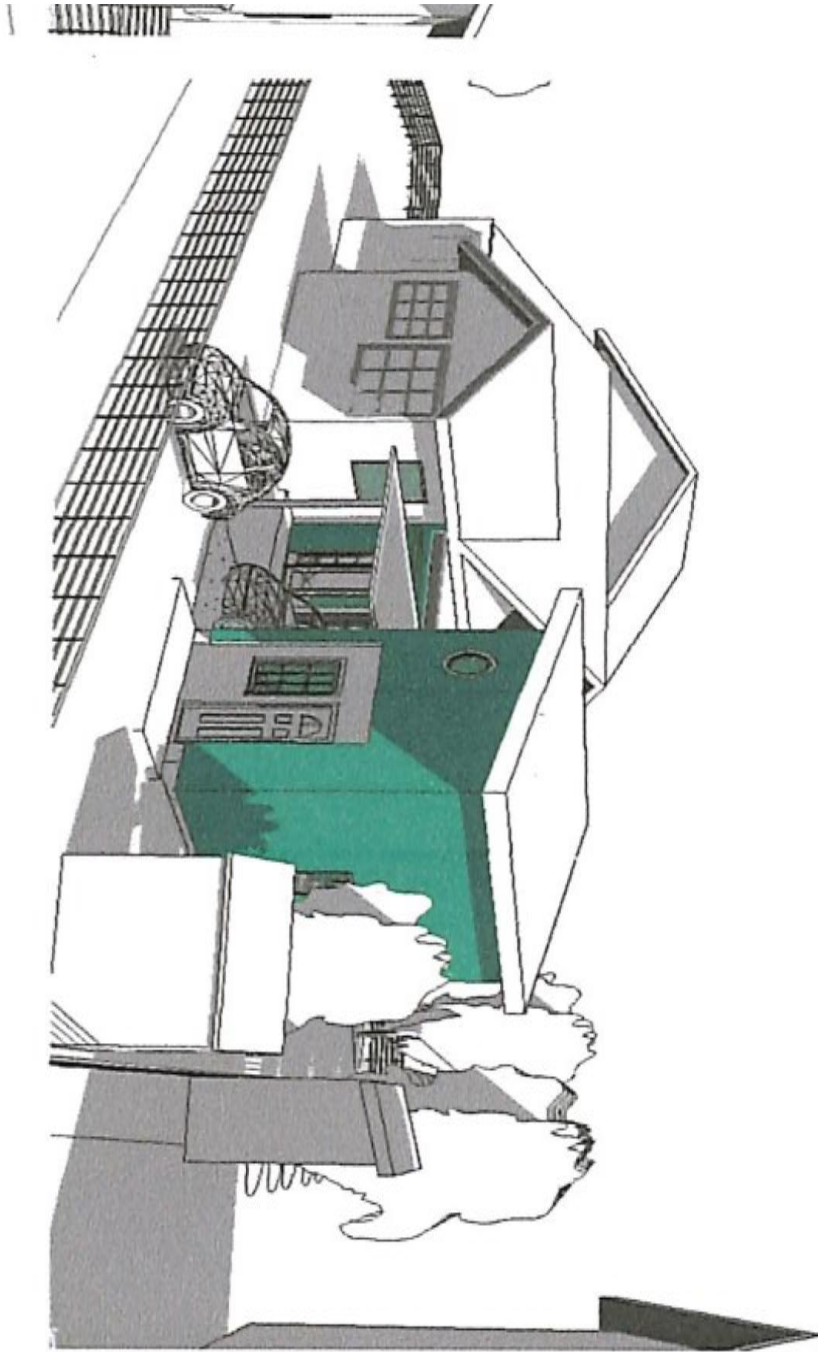
Rod and Gun Neighbour

GEODETIC ELEVATION 21.0m

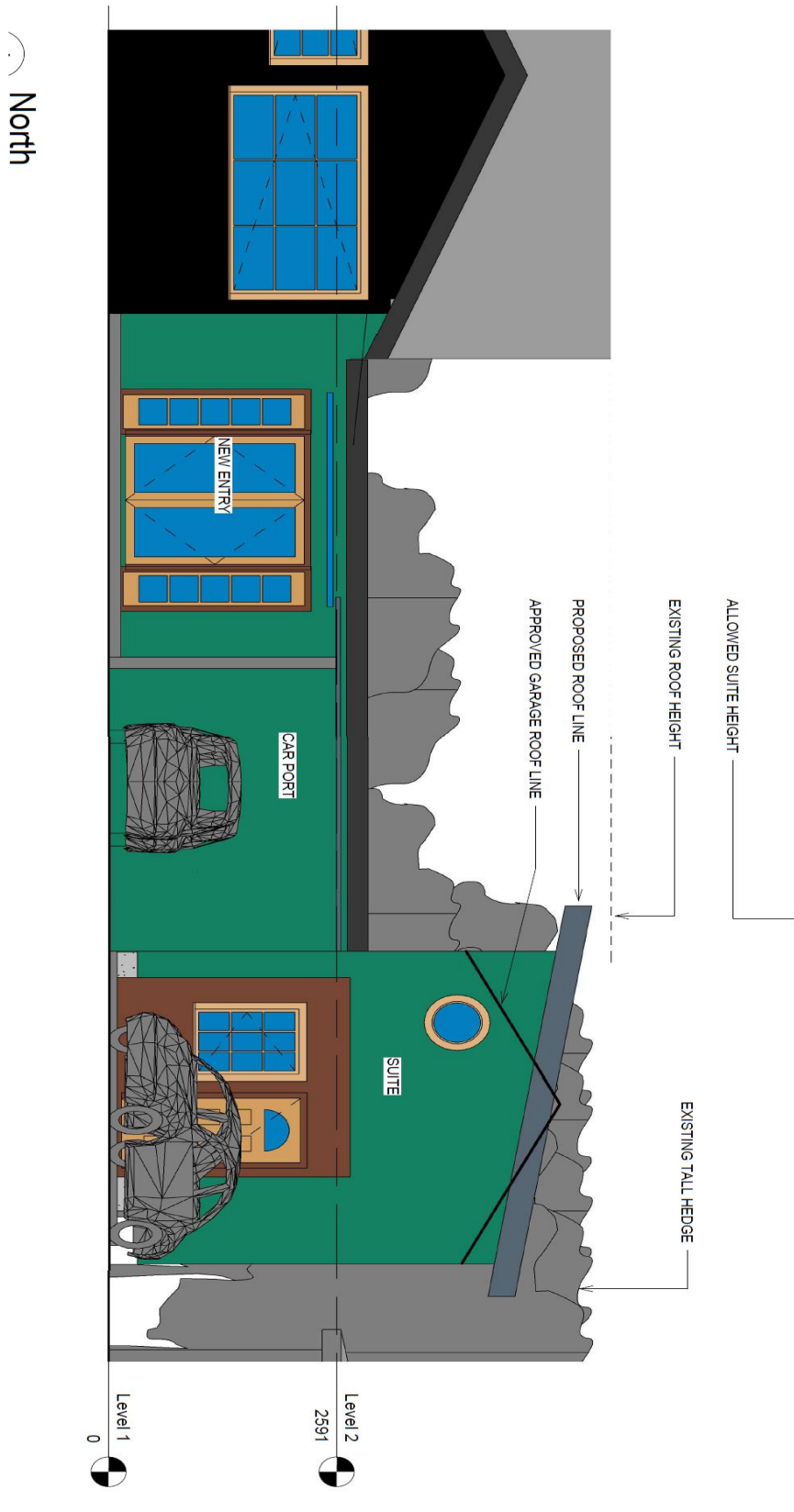
FIRE HYDRANT LOCATIONS as indicated

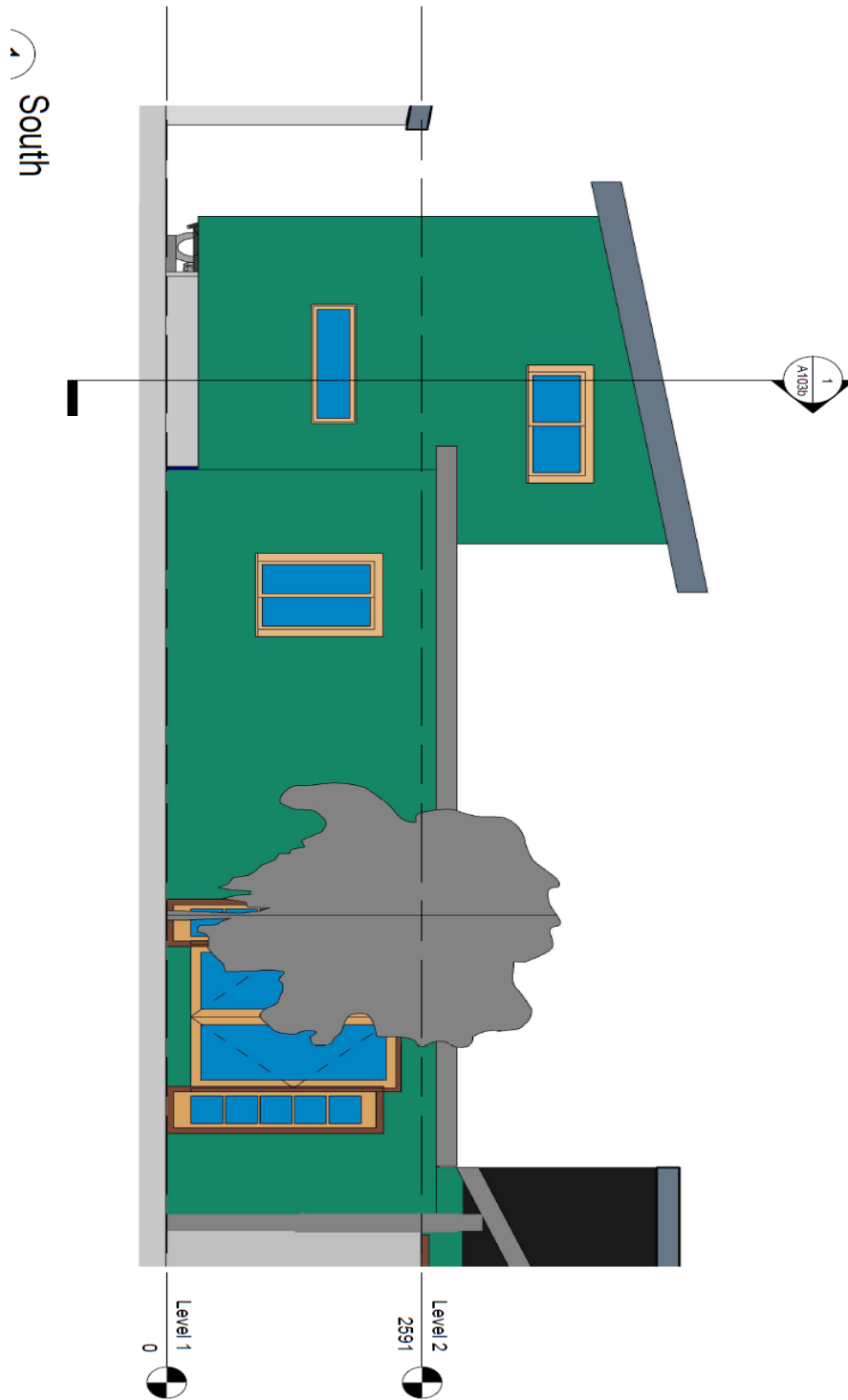


Schedule No. 1



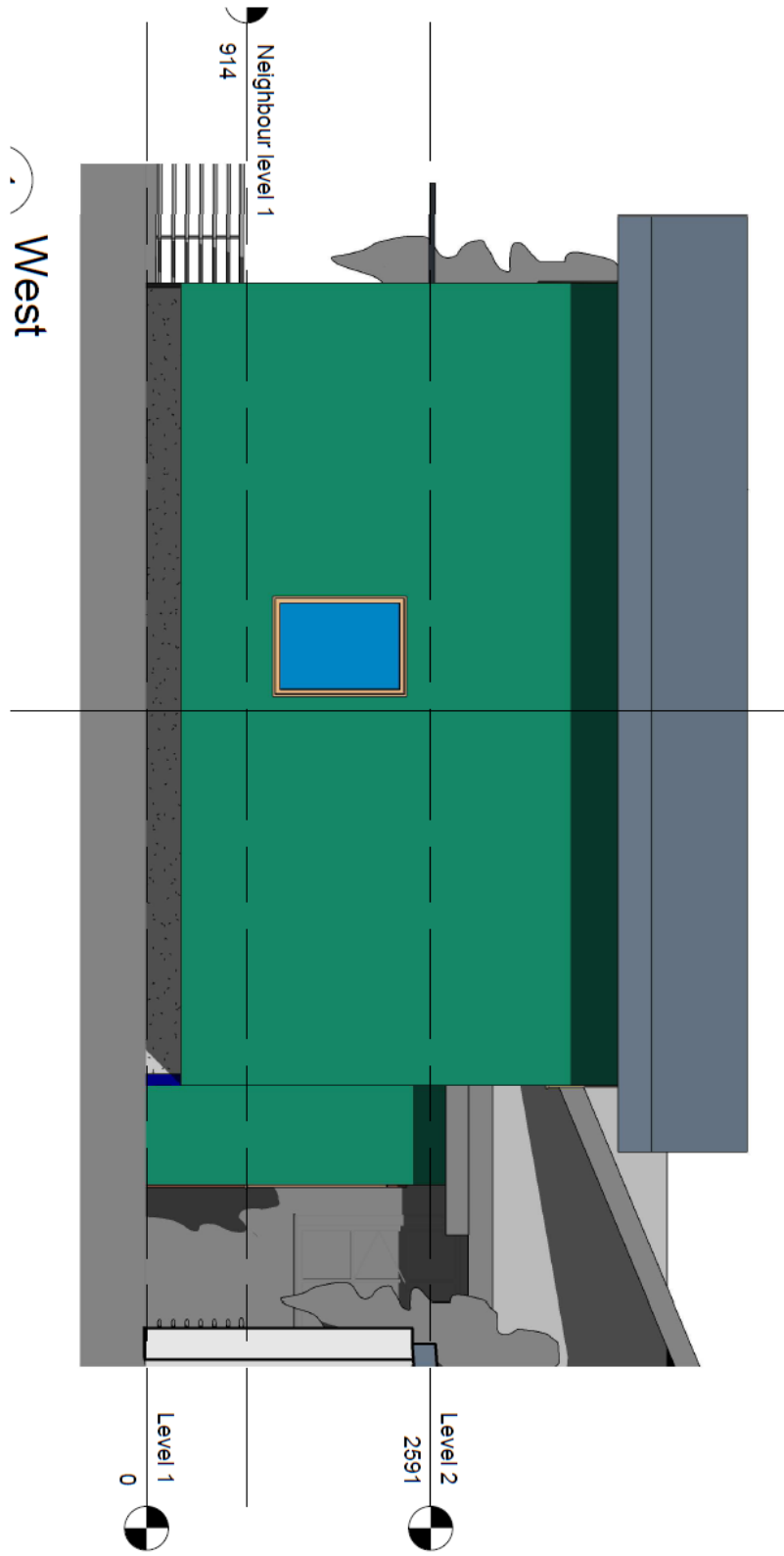
Schedule No. 1





*Schedule No. 1*





Schedule No. 1

**Attachment No. 2  
Applicant's Submissions and  
Rationale**

Andrew Thomas and Claire Guiot

1902 Robert Lang Drive, Courtenay V9N 1A3  
250 334 4433  
at67@yahoo.com  
Feb 19, 2018

City of Courtenay Planning Department

RE: Development Variance Application

Please find enclosed drawings and information in application for a Development Variance Permit for the above named property.

This request for a setback variance is to allow a suite to be built on an existing garage foundation, rather than a garage. Height would be approximately 12" higher than a garage and it would now be attached to the main household. Although a building permit has already been granted for building a garage, a 'secondary suite' has different setback requirements. Variance would be from a 9.0m to a 1.5m setback. This is coherent with this location being the 'side' yard rather than the 'rear' yard it seems inappropriately currently designated as, due to there being a small lot line to the side of our property.

We wish to build a suite instead of a garage to accommodate our growing family. We have two children under the age of 6 and one daughter aged 19. Our 19 year old is studying full time for the next 4 years and requires more privacy and independence. A 23 year old fourth child may also soon return to live with us.

**The rationale** for allowing the change to the required setback is:

**Setbacks** - Conforming to required setbacks for a secondary suite would make the space non-functional, creating inside rooms with no windows, alter the character of the original home and may have to go to two stories because of the unusual site shape and position of the existing building on it. The suite will be close to the same size and shape as the already permitted garage would have been.

**Neighbours** - We have consulted our neighbours and have issued drawings and rationale to them and have only received positive feedback. Careful attention has been spent to ensure that privacy and views are not affected adversely for anyone. A secondary suite would also meet the needs of our city by increasing the stock of affordable rental housing in our community once our children have left.

**Zoning figures:**

Site coverage is proposed to be 24.5% rather than the 40% allowed.

Height proposed is 4.8m rather than the 8.0m allowed.

**Parking** – Parking for all potential residents already exists. We currently have spaces for at least 4 vehicles on site, room for a further 3 spaces off road between our property line and the road and approx. 10 spaces across the road that are used only occasionally by visiting dog walkers. Requirement is for 3 spaces on our property.

**Yard space** - Will we be creating yards that are too small by decreasing this setback allowance? No.

If we went by prescribed minimum lot sizes and setbacks for this zoning the minimum required rear lot size is approx. 180m<sup>2</sup>. With the proposed development, counting the rear of the buildings as the rear lot, we have 290m<sup>2</sup>. The required side yards minimum combined would be 79m<sup>2</sup>, we would have 181m<sup>2</sup>; The required front yard minimum would be 150m<sup>2</sup>, we would have 345m<sup>2</sup>. We hope this makes it evident that we are not trying to maximize any development of this property but simply enhance it for our family and for our street. The reason we cannot conform to suite setback requirements is because our lot is an awkward shape which turns our side yard into a rear yard from a zoning perspective. If the front of our house was our 'front' this suite would fit into all requirements very easily.

**Affordability** – Creation of a high quality one bedroom living space with its own private side yard and parking space will be a welcome addition to diversity and affordability in our neighbourhood. With large lots, we enjoy a beautiful area with parkland and river access with extensive trails directly across our road and the very popular Puntledge Park at the end of our road, only 5 minutes walk with children's play area and recreational beach and swimming hole. Singles, couples or students for whom this would be perfect would be a welcome addition to the street.

**Aesthetics** - With reference to how we would make our suite look, we have already spent many thousands of dollars updating this home over the last 2 years and continue to receive so many comments from passers by and area users on how we have improved the appearance of our property.

Please peruse the attached information and forms and contact us if you have any further questions or concerns. We hope you agree that this suite will be a valuable addition not only to our family but to the street and community and look forward to your reply with regard to permission.

Warm regards,

Andrew Thomas  
Attached: Land survey, Development Variance Permit Application Form, Sustainability Evaluation Form, Architectural drawings (Site, Floor plan and Front elevation), Certificate of Title.

# Andrew Thomas

1902 Robert Lang drive, Courtenay V9N 1A3  
250 334 4433  
at67@yahoo.com

09 April 2018

## **DVP Review - questions reply**

RE: Secondary Suite, 1902 Robert Lang Drive

Hi Dana,

Many thanks for your DVP review letter dated 27 March 2018. Crazy that it took so long via mail to get to my house from your offices. If you send more letters feel free to just call or email me and I can come and pick it up personally. Below are answers to any questions asked that I hope meet your requirements. Please let me know if I can be of any further assistance too.

### **Parking**

Parking stalls as shown on the submitted plans are all shown at 5.5m x 2.75m. I am happy for the 4<sup>th</sup> stall to either be removed from the plans or enlarged accordingly. Removal is probably easier. Do you need me to resubmit an adjusted plan?

### **Building permit**

We received a building permit (#13331) for the garage and foundations on 30 October 2015.

### **Building Design Considerations**

To protect views and maintain privacy for our neighbors we have placed and designed the suite in such a way as to:

- i. Placed the suite back from the roadside to not affect any sun exposure and lateral views from the neighbours' yards, front or back.
- ii. Placed it far enough from the natural rear of the property to avoid any encroachment on privacy of our neighbour's rear yard on Rod and Gun Drive. Fruit trees have also been planted in our rear yard to further ensure their rear yard privacy, even if it was from a distance.
- iii. Put the side of the suite along the side of our neighbour's home and placed only one window on that side of the suite. This window looks onto the side of the neighbor's house that has no existing windows in it.

- iv. Height has been kept to a minimum, below any allowed restrictions, to avoid blocking any longer, extended views from our neighbours yard and avoid sun blocking in any direction.
- v. Location is also masked by our neighbours existing woodshed and high hedge so they will only be able to see the building if they look from their front yard between their building and ours. Their entrance is to the other end of their building so visibility of the suite is minimal.
- vi. Neighbours from Mitchell Rd will not be able to see the building at all by virtue of the placement, beside our direct neighbours and behind existing hedging.
- vii. For views from Robert Lang Drive only two, across the road, neighbours will be able to see the building. The frontage of the building has been designed to be the narrow side so this is also minimized and location is further from the street front mirroring neighbouring properties. Design will be similar to the existing home on the property and those neighbours have expressed that they think the proposed design is very pleasant.

# Andrew Thomas

1902 Robert Lang Drive

**Attachment No. 3**  
**Public Information Meeting**  
**Summary and Public Comments**

250 334 4433  
at67@yahoo.com

15 March 2018

## PUBLIC INFORMATION MEETING SUMMARY

RE: Secondary Suite, 1902 Robert Lang Drive

Please find below a summary of the public information meeting (PIM) regarding the above address DVP application. The meeting was held on March 14, 2018 at 'The Creator Space board room, River Heights Church, Robert Lang Drive 6:00 – 7:00pm.

Invitations for the official PIM were hand delivered to all addresses that were supplied by the City. Copy of invitations attached. Prior to submitting our application to the City we also hand delivered information and drawings of our proposed building and invited our neighbours for comment one evening at our home. Five neighbours from three different households came and discussed the proposal. All were in favour which is why we decided to proceed with the application.

For the presentation we displayed two full sets of drawings on walls, including Site plan, location, aerial photo, floor plans, elevations, and one set on the table for review, plus zoning information and supplied any information requested by attendees during the meeting.

Attendees arrived from two households as noted on the sign in sheet. We did however also receive support from some of those who could not attend the meeting as follows:

A written letter of support was provided by [REDACTED]  
1940 Robert Lang Drive and a copy is attached.


Telephone calls in favour of our proposed suite were received from [REDACTED]  
[REDACTED] 1895 Robert Lang Drive and [REDACTED] 1903 Robert Lang  
Drive.

Verbal support was given from [REDACTED] 1910 Robert Lang Drive and [REDACTED]  
[REDACTED] of 25 Rod and Gun Road on previous occasions.

Discussion and feedback during the meeting was overwhelmingly positive toward the development. There was excitement around the improvements. Each attendee felt fully informed and appreciative of the way in which the process was being carried out and agreed that the design proposed is a better alternative than a scheme that would otherwise fit into the current zoning setback but be much less attractive or fitting for the streetscape. To date we have received no negative feedback from any of our neighbours.

If you would like to discuss this meeting in any further detail please do not hesitate to contact me.

Your sincerely,



Andrew Thomas

Attached: Sign in sheet, Comment sheet, Neighbour invitation letter package, Photos of PIM setup, Set of drawings that were presented at the PIM.

Hi Neighbour,

**OFFICIAL PUBLIC INFORMATION MEETING – 6:00-7:00pm, Wednesday 14 March - Riverside Church Creator Space boardroom, Robert Lang Drive.**

Many thanks to those of you who have already expressed support and given feedback on our proposed plans. Having applied to the City we invite you to an official public information meeting where you can voice any concerns you might have.

The City have provided us with sign in sheets and comment sheets that you may fill in and return to the city as you see fit. You may fill them in at our meeting and we can give them to the City or you may return them to the City yourselves or simply ignore them.

Recap of proposal: Last winter we poured the foundations for a new garage and carport. Since then our family has outgrown our house so we would like to build a secondary suite instead of the garage, so that Ellie, our 19 year old, can have more space and privacy. However, the city's rules and regulations for secondary suites are different to those for garages. To build a suite on the existing foundations we need to apply for a Development Variance Permit because the setback requirements are different. This includes asking for feedback from our neighbours.

Enclosed is a drawing and related info regarding the suite. We've tried to ensure its design will compliment the existing house and fit well into the general street appeal. The drawing also indicates what is currently approved by the City if we were to revert to building a garage instead of a suite.

Please look over the information and let us know if you have any concerns or feedback at our public meeting.

Meeting will be open for drop in between 6:00pm – 7:00pm at the church at the end of our street. The entrance is down the slope at the near side as you enter the site. We will have multiple drawings available to view and be there to answer any of your questions about the proposed suite and will provide snacks. Mood is casual and kids are welcome.

We look forward to seeing you.

Warm regards,  
Andy and Claire

Andy: 250-650-7306 or [at67@yahoo.com](mailto:at67@yahoo.com)  
Claire: 250-703-3632 or [claireguiot99@yahoo.com](mailto:claireguiot99@yahoo.com)







**PUBLIC INFORMATION MEETING**  
**14 March 2018**

**SIGN IN SHEET**  
**FOR**

**Re: Secondary Suite, 1902 Robert Lang Drive**

<b>NAME (Please Print)</b>	<b>ADDRESS</b>
ANDY THOMAS	1902 ROBERT LANG DRIVE
	15 Rod and Gun Road.
	1870 ROBERT LANG DRIVE



Letter of support from neighbours at 1940 Robert Lang Drive.

On Mar 12, 2018, at 2:42 PM, [REDACTED]

My husband and I live two doors over from Andrew and Claire, and we both support their plans for a secondary suite.

Since the purchase of their home 3 years ago, they have made significant improvements to their property. They have done extensive landscaping, tree planting and exterior work to add to the appeal of their home. The foundation for a garage has already been put in place. The additional building height to accommodate the suite will not cause any significant impact to the character of our neighborhood.

Andrew and Clair have explained that the suite will not add to parking demands on our street. I do not have any concerns around parking availability. Street parking is rarely used on our block, and the street is wide enough to accommodate street parking in both directions.

Our community is in need of more rental options for both younger and older residents. This application would help to meet some of that demand.

[REDACTED]



## STAFF REPORT

**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Development Variance Permit No.1805 – 4737 Oakridge Drive

**File No.:** 3090-20-1805  
**Date:** August 7<sup>th</sup>, 2018

### PURPOSE:

The purpose of this report is for Council to consider a Development Variance Permit (DVP) to reduce the minimum front yard setback and minimum driveway length for an existing single family lot at 4737 Oakridge Drive to facilitate the construction of a carport.

### CAO RECOMMENDATIONS:

That based on the August 7<sup>th</sup>, 2018 staff report 'Development Variance Permit No.1805 – 4737 Oakridge Drive', Council support approving OPTION 1 and approve Development Variance Permit No. 1805.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The subject property is 0.3 acres (1,240 m<sup>2</sup>) in size located east of Old Island Highway and accessed from Oakridge Drive, legally described as Lot 1, Section 18, Comox District, Plan 17873 (4737 Oakridge Drive). The property is currently zoned Rural Residential Two (RR-2) and occupied by a single detached dwelling. The applicant/owner is proposing to construct a new carport over the existing driveway.

To facilitate the development the applicant is required to obtain a development variance permit for a reduction of the minimum front setback and the minimum driveway length to the face of a carport.



Figure 1: Location Map

**DISCUSSION:**

**Official Community Plan (OCP)**

The subject property is designated as Suburban Residential in the OCP and is within the Sandwick/Headquarters Local Area Plan. The proposed application generally meets the policies.

**Zoning Review**

The proposal indicates the construction of new carport requires several variances to comply with the regulations of the zoning bylaw. The table below outlines these variances. Please note the variances are slightly larger than what is shown in the attached plans to provide some flexibility at the construction stage.

<b>Applicable Sections</b>	<b>Required</b>	<b>Proposed</b>
S. 8.7.6 (1) <i>Front yard setback</i>	7.5 meters	1.63 meters
S.7.1.6 (8) Minimum distance from the front of a carport to property line	6.0 meters	2.34 meters

A single family dwelling was constructed on the subject property in 2015 which includes an attached garage. The applicant is currently parking his vehicle in the driveway and is requesting the variances in order to construct a carport over the driveway to protect the vehicle from ice and snow. According to the applicant’s letter, mobility issues make it difficult for him to manoeuvre in the slippery environment to clear the vehicle (**Attachment No. 3**).

The intent of the 6.0 meters setback to the face of a garage or carport in the zoning bylaw is to ensure that adequate parking length is available in the driveway for vehicles. In this instance staff are supportive of the relaxation as the parking area in front of the existing garage will be retained and there is approximately 7.0 meters of additional driveway between the property line and the travelled portion of the road that could accommodate additional parked vehicles.

With respect to the front yard variance, the intent of the 7.5 meters setback is to limit the impact of the overall building mass on the streetscape. In this instance the front property line is on an angle and the proposed 1.63 meters setback only applies to the northern corner of the carport, while the southern corner is approximately 6.0 meters from the property line. **Staff assess the requested variance as minor and supportable.**

**FINANCIAL IMPLICATIONS:**

The application fee for a Development Variance Permit is \$1,000. This fee covers the administrative costs of processing the application including staff time, advertising and materials. Should the variance be granted, the application is required to obtain a building permit.

**ADMINISTRATIVE IMPLICATIONS:**

The processing of development applications is included in the current work plan as a statutory component. Staff has spent 5 hours reviewing the application, conducting meeting with the applicant to request additional information, and preparing a staff report.

If approved, there will be approximately one additional hour of staff time required to prepare the notice of permit, have it registered on title and close the file.

**ASSET MANAGEMENT IMPLICATIONS:**

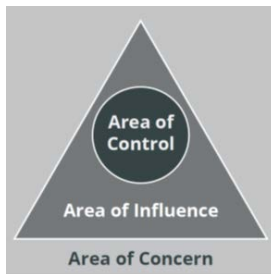
There are no direct asset management implications related to this application.

**STRATEGIC PRIORITIES REFERENCE:**

Development applications fall within Council’s area of control and specifically align with the following priorities:

**We focus on organizational and governance excellence**

- We support meeting the fundamental corporate and statutory obligations



- **Area of Control**  
The policy, works and programming matters that fall within Council’s jurisdictional authority to act.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

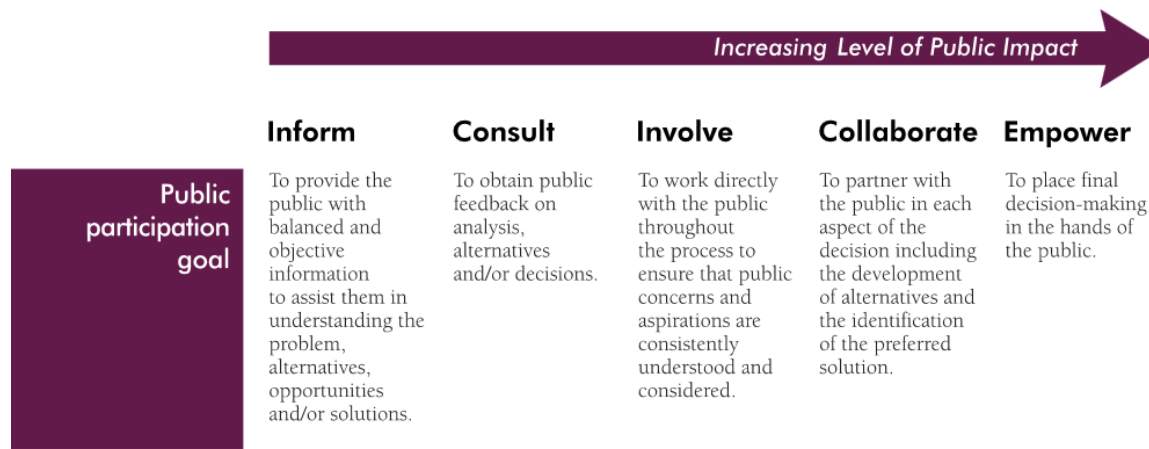
The property is within the Sandwich/Headquarters Local Area Plan area. Residential development in the plan area is envisioned to be a predominantly residential with single detached dwellings.

**REGIONAL GROWTH STRATEGY REFERENCE:**

There is no direct implication to the Regional Growth Strategy.

**CITIZEN/PUBLIC ENGAGEMENT:**

The level of public input staff is **Consult**. In accordance with the Local Government Act and Council policy, the City notified eight property owners and occupants within 30m of the property with regard to the proposed variances prior to the Council meeting. Staff have not received any public comments regarding this application. As part of the application process, the owner approached the same neighbours to introduce the proposal and get feedback. All persons contacted responded stating that they have no issue with the proposal (**Attachment No. 4**).



**OPTIONS:**

**OPTION 1: (Recommended)** That based on the August 7<sup>th</sup>, 2018 staff report 'Development Variance Permit No.1805 – 4737 Oakridge Drive', Council support OPTION 1 and proceed with issuing Development Variance Permit No. 1805.

**OPTION 2:** Defer consideration of Development Variance Permit No. 1805 pending receipt of further information.

**OPTION 3:** Not approve Development Variance Permit No. 1805.

Prepared by:

Tatsuyuki Setta, MCIP, RPP  
Manager of Planning

Reviewed by:

Ian Buck, MCIP, RPP  
Director of Development Services

**Attachments:**

1. Attachment No.1: Draft Development Variance Permit No. 1805
2. Attachment No.2: Draft Development Variance Permit No. 1805 Schedule
3. Attachment No.3: Applicant's application cover letter
4. Attachment No.4: Public Comment



**Attachment No. 1: Draft Development Variance Permit No. 1805**

**THE CORPORATION OF THE CITY OF COURTENAY**

**Permit No. DVP 1805**

**DEVELOPMENT VARIANCE PERMIT**

August 7<sup>th</sup>, 2018

**To issue a Development Variance Permit**

**To:** Name: GREGORY ROBERT BEEUSAERT  
Address: 4737 Oakridge Drive, Courtenay, BC V9N 6A7

**Property to which permit refers:**

Legal: Lot 1, Section 18, Comox District, Plan 17873  
Civic: 4737 Oakridge Drive, Courtenay, BC V9N 6A7

**Conditions of Permit:**

Permit issued to allow for the following variances to the *City of Courtenay Zoning Bylaw No. 2500, 2007*:

**Section 8.7.6 - Setbacks**

(1) Front yard: 7.5 meters to 1.63 meters

**Section 7.1.6 – Specifications (off-street parking and loading spaces)**

(8) Minimum distance from the face of a carport to property line from 6.0 meters to 2.34 meters.

Development Variance Permit No. 1805 is subject to the following conditions:

- That the development shall conform to the plan as shown in Schedule No. 1
- The carport shall not be enclosed
- That a formal amendment application is require if the plans change or additional variances are identified after the permit is issued

**Time Schedule of Development and Lapse of Permit**

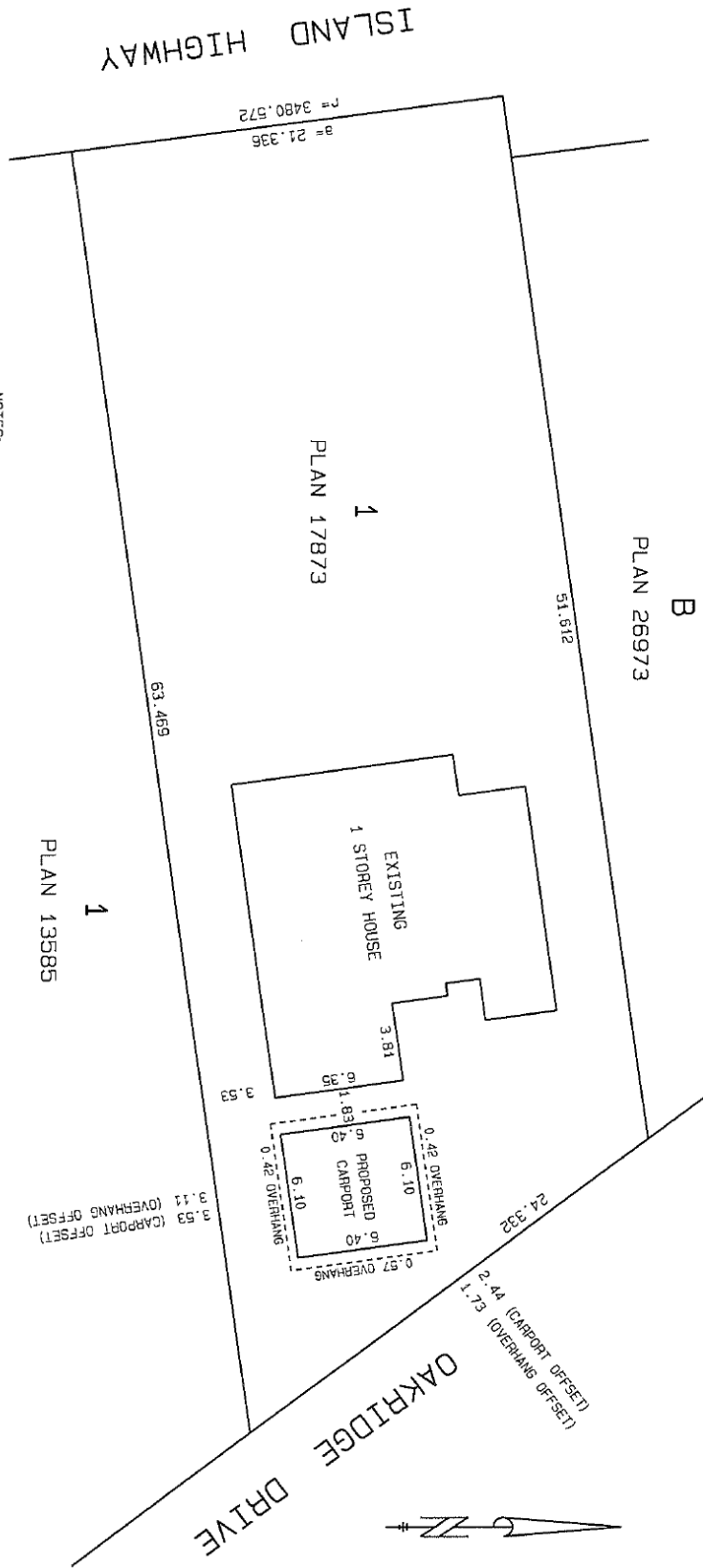
That if the permit holder has not substantially commenced the construction authorized by this permit within (12) months after the date it was issued, the permit lapses.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Legislative Service

Attachment No.2: Draft Development Variance Permit No. 1805 Schedule

PLAN OF PROPOSED CARPORT LOCATION FOR PART OF  
 LOT 1, SECTION 18, COMOX DISTRICT, PLAN 17873.



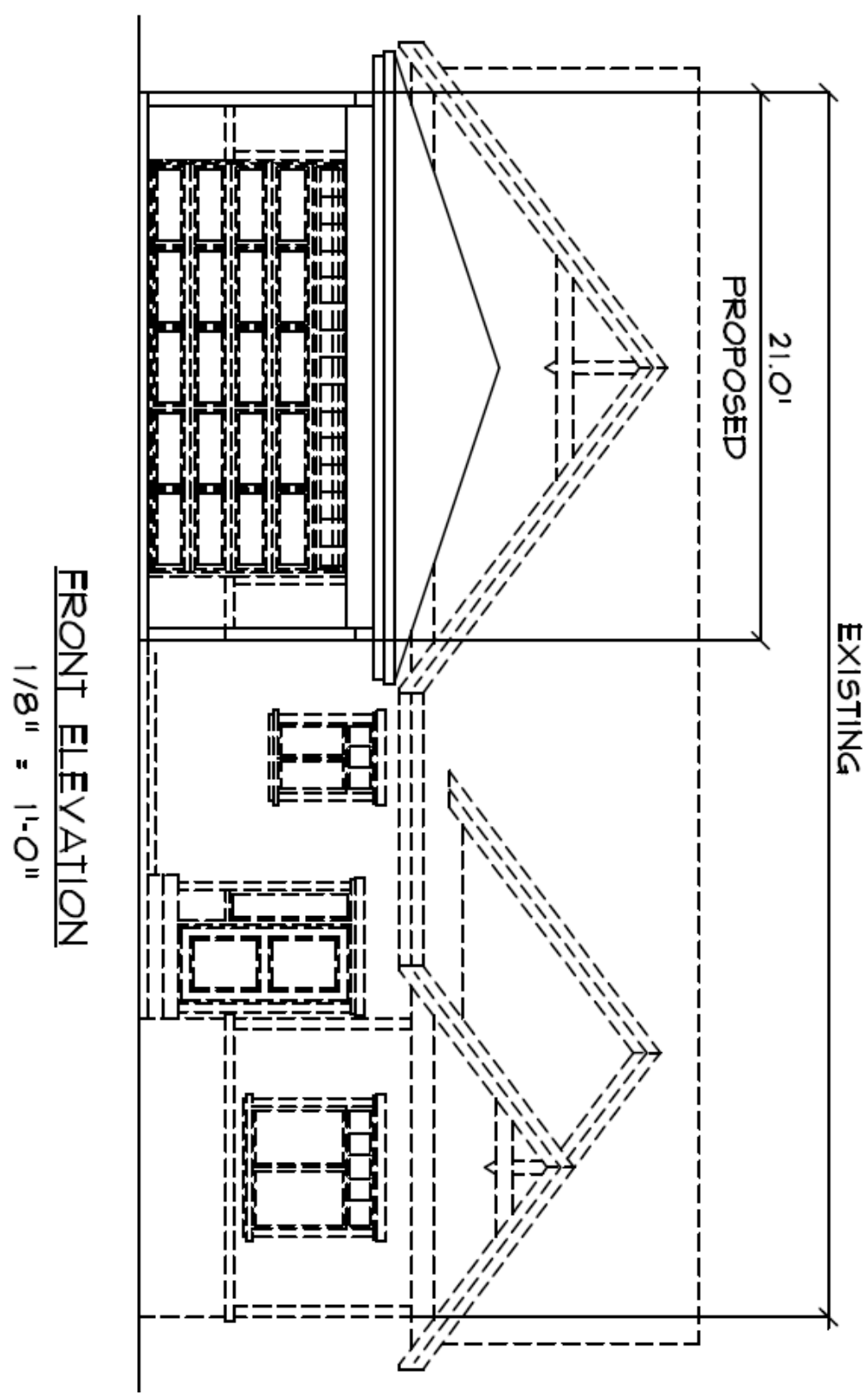
4737 OAKRIDGE DR, COURTEMAY  
 SCALE 1 : 250 (METRIC)

JULY 8, 2018  
 ERIC HOERBURGER, B.C.L.S.

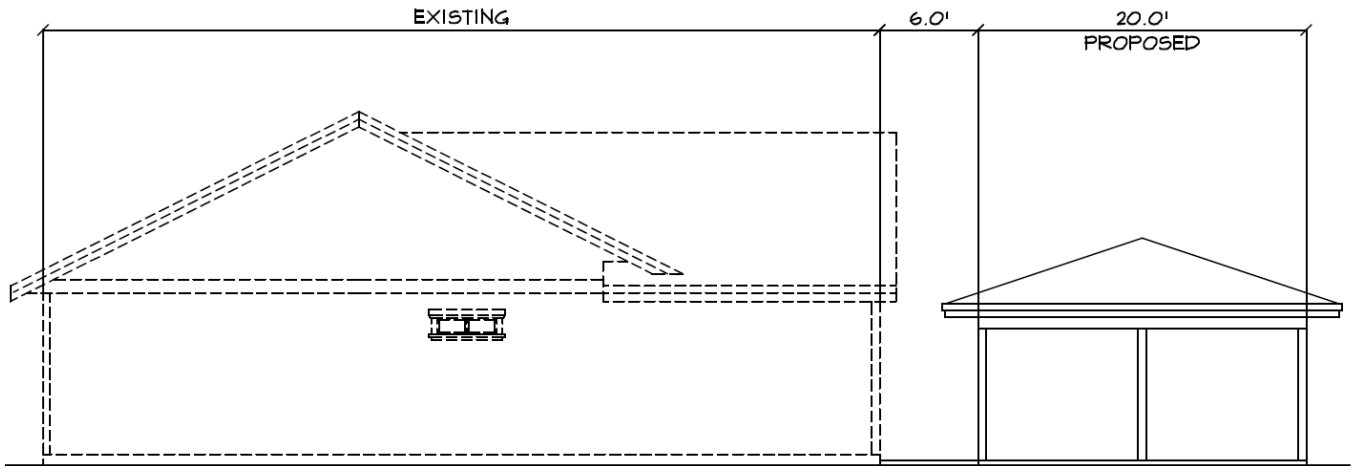
NOTES:  
 OFFSETS SHOWN ARE NOT TO BE USED FOR DEFINING LOT BOUNDARIES.  
 LOT DIMENSIONS AND OFFSET DISTANCES SHOWN COULD VARY  
 UPON A COMPLETE RESURVEY OF THE SUBJECT PROPERTY.

HOERBURGER LAND SURVEYORS  
 COMOX, B. C.  
 (250) 890 - 0100  
 FILE: 1719PRO2

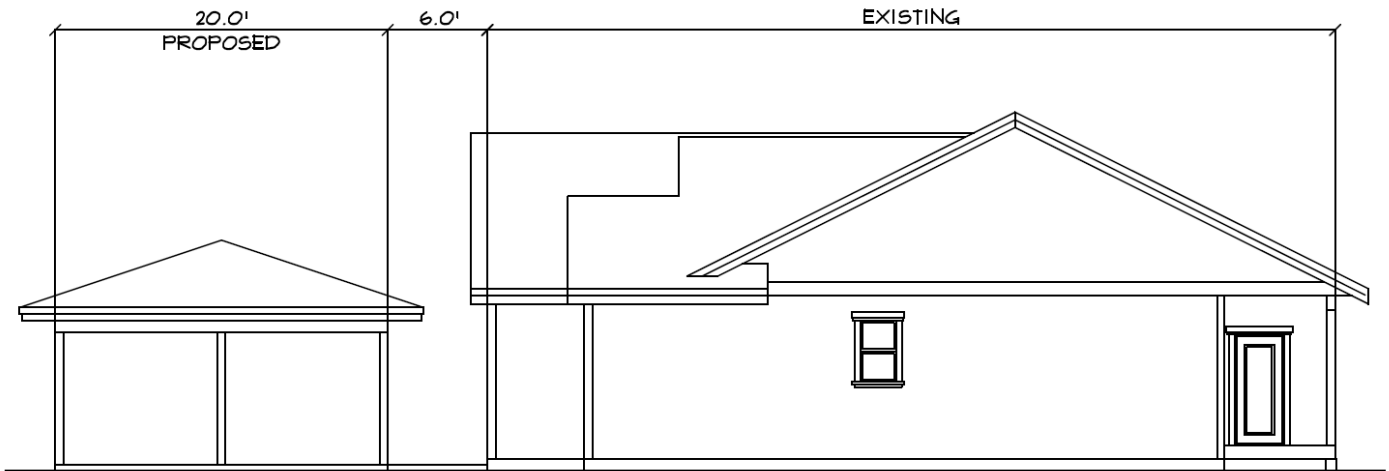
Attachment No.2: Draft Development Variance Permit No. 1805 Schedule



*Attachment No.2: Draft Development Variance Permit No. 1805 Schedule*

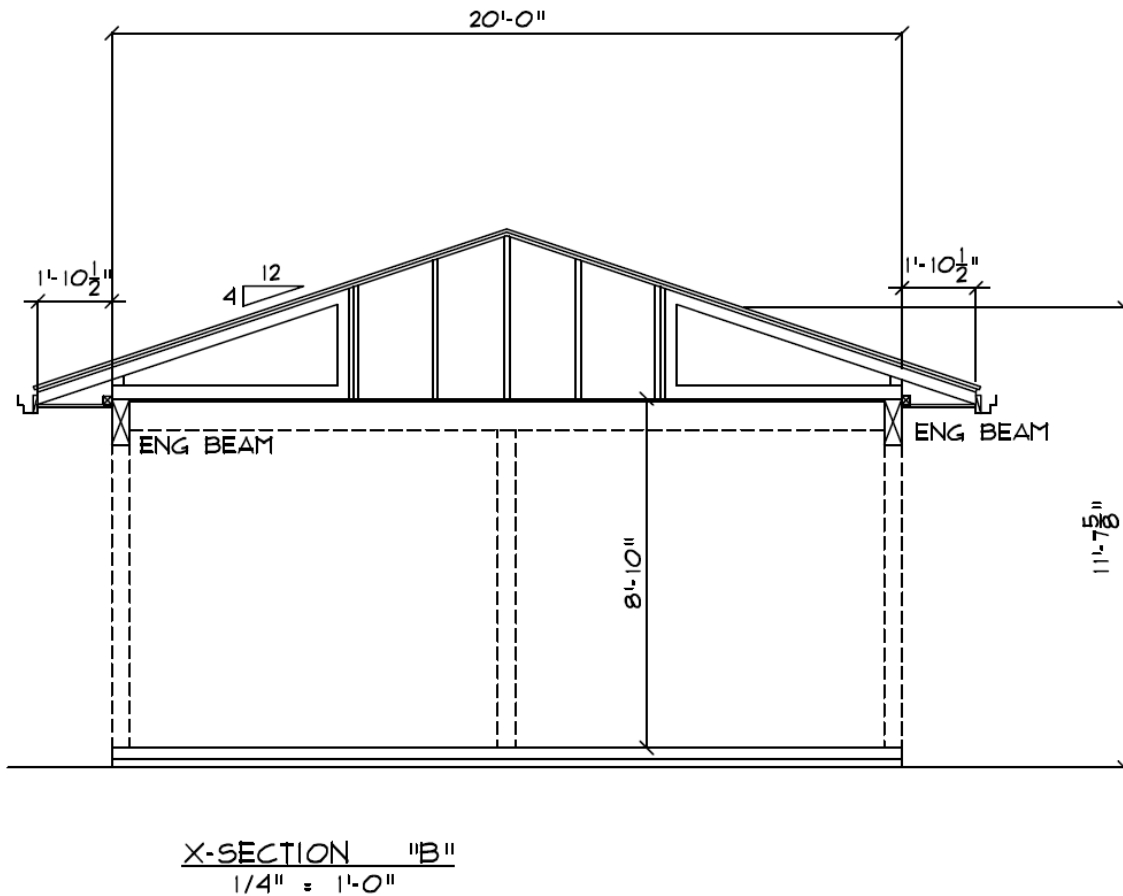
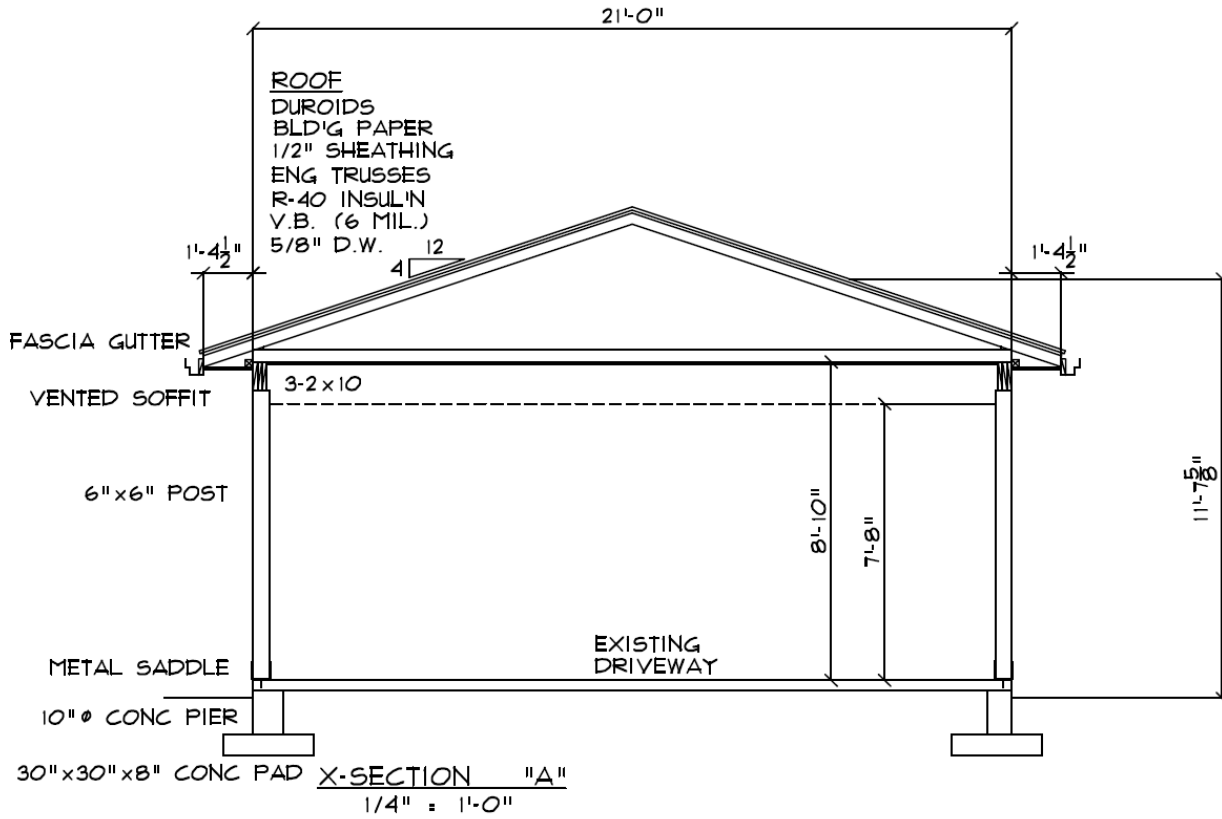


LEFT ELEVATION  
1/8" = 1'-0"



RIGHT ELEVATION  
1/8" = 1'-0"

Attachment No.2: Draft Development Variance Permit No. 1805 Schedule



March 14, 2018

*Attachment No.3: Applicant's Cover letter*

**Greg Beeusaert**  
4737 Oakridge Drive  
Courtenay, BC  
V9N 6A7

**City of Courtenay**  
830 Cliffe Avenue  
Courtenay, BC  
V9N 2J7

**Attn: Planning Services – Setback Variance application**

Good Day,

I am a retired resident that moved into the City from rural Courtenay two years ago. In 1980 I had an accident at work with BC Hydro and over the years I have underwent many surgeries and could no longer make it up and down the stairs at my old residence. Since moving to Oakridge Street I have had one knee replaced and will be going for the second one on March 27, 2018. WCB now classes me as 68.7% disabled which will probably rise after the next knee replacement surgery.

My request for this variance is to construct a detached carport over my existing driveway. My main reason is to stop snow and ice from covering my vehicle which requires me to remove it. As it is usually slippery and hard to maneuver I have difficulty doing it. It would also protect my vehicle from the sun and heat in the summer.

I have met with all the neighbors within the required distance and have enclosed their approvals including a sample of the handout that I discussed with them. As the property line is at an angle, one of the edges of the foundation encroaches the setback more than the other so I have asked for the larger variance. There is also another 23 feet more of ROW that exists so the carport would be a fair bit back from the road. I feel that with the design I have chosen it would not impact any views or esthetics in the neighborhood.

I have enclosed all the required documents and drawings and will be looking forward to your reviewing my request. After my surgery I will be a bit immobile for a while and will try to attend any meetings as required.

Kind Regards,



Greg Beeusaert

Attachment No.4: Public Comment (1/8)

## Application for Set Back Variance

I have met with Greg Beusaert who resides at 4737 Oakridge Drive in Courtenay

Greg is applying for a "set back" Variance in order to construct a 24 x 24 carport as shown in the attached drawings.

The project was reviewed with me and I understand that I will be notified of an upcoming meeting as required.

Given the information that was reviewed I have the following comments or questions on this project.

Sent documents x1A email +  
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\_\_\_\_\_

I understand the project and have no objections to it being completed

Name: \_\_\_\_\_  
Address: 591 HUMMINGBIRD LANE, GOLD RIVER  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Please return your comments :

### Greg Beusaert

**From:** \_\_\_\_\_  
**Sent:** Saturday, March 17, 2018 11:51 AM  
**To:** Greg Beusaert  
**Subject:** Re: Variance Application

I have reviewed the attached documents and have no issues.

\_\_\_\_\_  
\_\_\_\_\_

Attachment No.3: Public Comment (2/8)

## Application for Set Back Variance

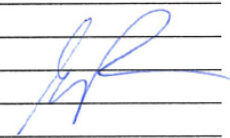
I have met with Greg Beeusaert who resides at 4737 Oakridge Drive in Courtenay

Greg is applying for a "set back" Variance in order to construct a 24 x 24 carport as shown in the attached drawings.

The project was reviewed with me and I understand that I will be notified of an upcoming meeting as required.

Given the information that was reviewed I have the following comments or questions on this project.

EMAILED GREG THE ATTACHED DOCUMENTS - MAR 19/2018



I understand the project and have no objections to it being completed

Name: [REDACTED]  
Address: 2962 CHAPMAN RD.  
Email: [REDACTED] Phone: [REDACTED]

Please return your comments :

### Greg Beeusaert

**From:** [REDACTED]  
**Sent:** Monday, March 19, 2018 6:13 PM  
**To:** Greg Beeusaert  
**Subject:** Re: 4737 Oakridge Rd Variance

Hi Greg, We are okay with the proposed garage. [REDACTED]

Sent from my iPhone



Attachment No.4: Public Comment (3/8)

## Application for Set Back Variance

I have met with Greg Beeusaert who resides at 4737 Oakridge Drive in Courtenay

Greg is applying for a "set back" Variance in order to construct a 24 x 24 carport as shown in the attached drawings.

The project was reviewed with me and I understand that I will be notified of an upcoming meeting as required.

Given the information that was reviewed I have the following comments or questions on this project.

OK

I understand the project and have no objections to it being completed

Name: [REDACTED]

Address: 4740 Island Hwy NORTH.

Email: [REDACTED] Phone: [REDACTED]

Please return your comments by: January 31, 2018

- Return to Greg
- Email to [planning@courtenay.ca](mailto:planning@courtenay.ca)
- Fax to 250-334-4241

Attachment No.4: Public Comment (4/8)

## Application for Set Back Variance

I have met with Greg Beeusaert who resides at 4737 Oakridge Drive in Courtenay

Greg is applying for a "set back" Variance in order to construct a 24 x 24 carport as shown in the attached drawings.

The project was reviewed with me and I understand that I will be notified of an upcoming meeting as required.

Given the information that was reviewed I have the following comments or questions on this project.

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I understand the project and have no objections to it being completed

Name: [REDACTED]

Address: 4745 OAKRIDGE DRIVE

Email: [REDACTED] Phone: [REDACTED]

Please return your comments by: January 31, 2018

- Return to Greg
- Email to ~~planning@courtenay.ca~~
- Fax to ~~250-334-4241~~

Attachment No.4: Public Comment (5/8)

## Application for Set Back Variance

I have met with Greg Beeusaert who resides at 4737 Oakridge Drive in Courtenay

Greg is applying for a "set back" Variance in order to construct a 24 x 24 carport as shown in the attached drawings.

The project was reviewed with me and I understand that I will be notified of an upcoming meeting as required.

Given the information that was reviewed I have the following comments or questions on this project.

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I understand the project and have no objections to it being completed

Name: [Redacted]

Address: 4746 Oakridge Drive

Email: [Redacted] Phone: [Redacted]

Please return your comments by: January 31, 2018

- Return to Greg
- Email to [planning@courtenay.ca](mailto:planning@courtenay.ca)
- Fax to 250-334-4241

Attachment No.4: Public Comment (6/8)

# Application for Set Back Variance

I have met with Greg Beeusaert who resides at 4737 Oakridge Drive in Courtenay

Greg is applying for a “set back” Variance in order to construct a 24 x 24 carport as shown in the attached drawings.

The project was reviewed with me and I understand that I will be notified of an upcoming meeting as required.

Given the information that was reviewed I have the following comments or questions on this project.

Ok with project

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I understand the project and have no objections to it being completed

Name: [REDACTED]  
Address: 4732 Oakridge Dr Courtenay BC  
Email: [REDACTED] Phone: [REDACTED]

Please return your comments by: January 31, 2018

- Return to Greg
- Email to [planning@courtenay.ca](mailto:planning@courtenay.ca)
- Fax to 250-334-4241

Attachment No.4: Public Comment (7/8)

## Application for Set Back Variance

I have met with Greg Beeusaert who resides at 4737 Oakridge Drive in Courtenay

Greg is applying for a "set back" Variance in order to construct a 24 x 24 carport as shown in the attached drawings.

The project was reviewed with me and I understand that I will be notified of an upcoming meeting as required.

Given the information that was reviewed I have the following comments or questions on this project.

NO QUESTIONS -

I understand the project and have no objections to it being completed

Name:

[REDACTED]

Address:

4738 OAKRIDGE DR

Email:

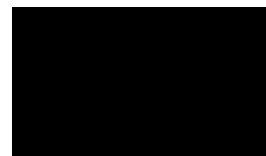
[REDACTED]

Phone:

[REDACTED]

Please return your comments by: January 31, 2018

- Return to Greg
- Email to [planning@courtenay.ca](mailto:planning@courtenay.ca)
- Fax to 250-334-4241



Attachment No.4: Public Comment (8/8)

## Application for Set Back Variance

I have met with Greg Beeusaert who resides at 4737 Oakridge Drive in Courtenay

Greg is applying for a “set back” Variance in order to construct a 24 x 24 carport as shown in the attached drawings.

The project was reviewed with me and I understand that I will be notified of an upcoming meeting as required.


Given the information that was reviewed I have the following comments or questions on this project.

*I am perfectly happy with this*

I understand the project and have no objections to it being completed

Name: 

Address: *4733 oakridge*

Email: \_\_\_\_\_ Phone: 

Please return your comments by: January 31, 2018

- Return to Greg
- Email to [planning@courtenay.ca](mailto:planning@courtenay.ca)
- Fax to 250-334-4241



## STAFF REPORT

**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Development Variance Permit No. 1806 – 4952 Topland Road

**File No.:** 3090-20-1806  
**Date:** August 7<sup>th</sup>, 2018

### PURPOSE:

The purpose of this report is for Council to consider a Development Variance Permit to permit construction of a detached garage that in combination with an existing shop on the property exceeds the total floor area permitted for accessory buildings.

### CAO RECOMMENDATIONS:

That based on the August 7<sup>th</sup>, 2018 staff report “Development Variance Permit No. 1806 – 4952 Topland Road”, Council approve OPTION 1 and proceed with issuing Development Variance Permit No. 1806.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The subject property is an approximately 2,614m<sup>2</sup> (0.65 acre) residential lot located on Topland Road (**Figure 1**). The lot is legally described as Lot B, Section 20, Comox District, Plan 39201. The property is zoned Rural Residential Four (RR-4) and is currently developed with a one-storey single residential dwelling and a 22.3m<sup>2</sup> shop. **Figure 2** shows a view from Topland Drive.

The applicant is applying for a variance to the maximum total floor area in order to allow for the construction of an 80.3m<sup>2</sup> garage at the back of the property without removing the shop, which the family has recently renovated and uses for projects and crafts. The proposed site plan and garage elevations are shown in **Figures 3 and 4**. The garage would be used for secure weatherproof storage of antique vehicles and any reduction in size would result in it fitting fewer cars or risking body damage.



Figure 1: Location Map. Property shown in yellow.





Figure 2: View from Topland Rd

**DISCUSSION:**

Zoning Bylaw Review

The building conforms to the RR-4 zoning requirements with the exception of the total floor area of accessory buildings.

Table 1: Proposal's achievement of relevant zone requirements		
	Required	Requested
Lot coverage (maximum)	30%	13%
Accessory Structure Yard Setbacks (minimum)	Side: 2.0m Rear: 2.0m	Side: 2.7m Rear: 15.5m
Accessory Structure Height (maximum)	4.5m	3.8m
Accessory Structure Total Floor Area (maximum)	90.0m <sup>2</sup>	<b>102.6m<sup>2</sup></b> (80.3m <sup>2</sup> new garage + 22.3m <sup>2</sup> existing shop)

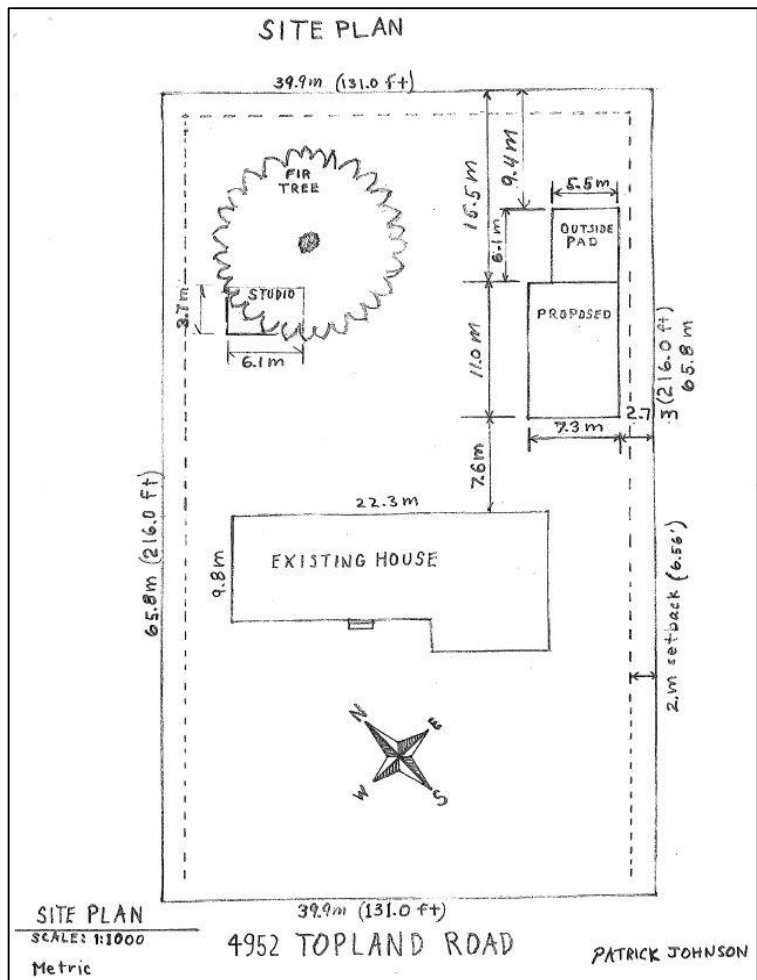
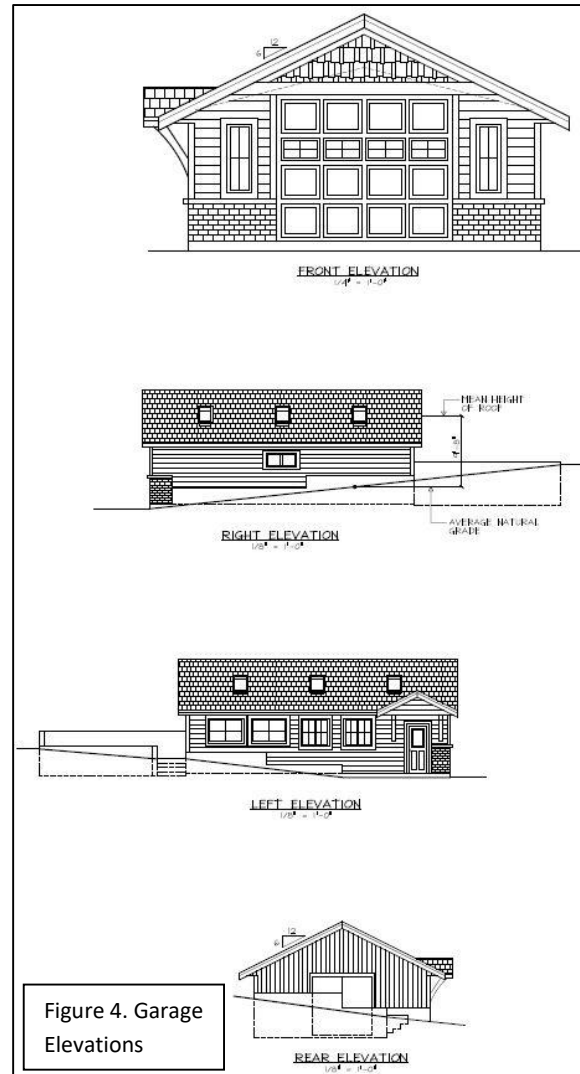
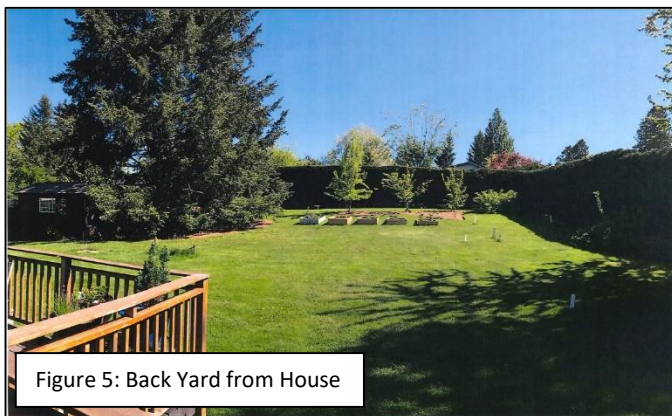


Figure 3. Site Plan



The garage would be 7.315 metres wide by 10.973 metres long, allowing four vehicles and 0.61m (2') shelving along one side (**Attachment No. 2**). The exterior would match the house, with the same Hardie plank, lower brick veneer and duroid roof. A 33.45m<sup>2</sup> uncovered concrete pad would be added behind the structure for washing and working on the cars (**Attachment No. 1**).

The intent of a 90.0m<sup>2</sup> maximum total floor area for accessory structures in this zone is to preserve open and natural space and views while allowing sufficient built area for uses accessory to low-density, bucolic living. Because of the slope of the land and the surrounding 4.9m (16') lalandii Cyprus hedge (**Figure 5**), neighbours would see little of the new structure and the existing workshop is partially concealed beneath a large fir tree. With the garage construction, the large lot would still feature wide open spaces and less than half the allowable lot coverage.



Overall, staff assess the visual impact of the garage and of all accessory structures on the property to be minimal and note there is sufficient open space within the back yard. **Staff assess the requested variance as minor and supportable.**

**FINANCIAL IMPLICATIONS:**

Application fees have been collected in order to process the Development Variance Permit application. Should the proposed Development Variance Permit be approved, a Building Permit and associated application fees will apply.

**ADMINISTRATIVE IMPLICATIONS:**

The processing of development applications is included in the current work plan as a statutory component. Staff have spent 20 hours meeting with the applicant, reviewing the application, conducting review of the plans, coordinating with the applicant to request additional information and writing the report.

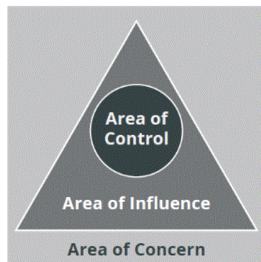
If approved, there will be an additional hour of staff time required to prepare the notice of permit, have it registered on title, and close the file. Additional staff time will be required for processing and issuing a Building Permit and related inspections.

**ASSET MANAGEMENT IMPLICATIONS:**

There are no direct asset management implications related to this application.

**STRATEGIC PRIORITIES REFERENCE:**

Development applications fall within Council’s area of control and specifically align with the strategic priority to support meeting the fundamental corporate and statutory obligations of the City.



● **Area of Control**

The policy, works and programming matters that fall within Council's jurisdictional authority to act.

- We focus on organizational and governance excellence
- We support meeting the fundamental corporate and statutory obligations

**OFFICIAL COMMUNITY PLAN REFERENCE:**

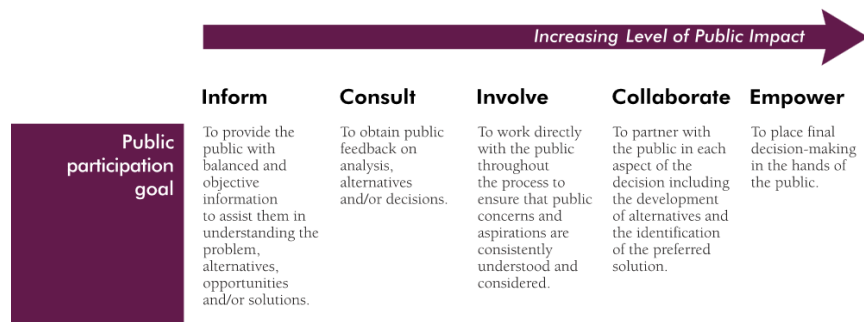
There is no direct reference related to this application.

**REGIONAL GROWTH STRATEGY REFERENCE:**

There is no direct reference related to this application.

**CITIZEN/PUBLIC ENGAGEMENT:**

As per Council’s direction, under the IAP2 Spectrum of Public Participation the level of public input that has been undertaken is “Consult”.



Property owners and occupants within 30 meters of the property were advised of the variance request and invited to a Public Information Meeting held by the applicant on June 17, 2018. There were no attendees but the applicant subsequently visited with a couple that had intended to attend the Public Information Meeting and the applicant relieved their building height and use concerns. This couple and another wrote in support of the development and staff did not receive any other public comments for this application. A summary of the meeting and visit is provided by the applicant in **Attachment No. 3**.

Public notice was also sent to property owners and occupants who reside within 30 meters of the property lines as part of statutory public notice requirements for variance applications. To date, Development Services has not received any responses or inquiries from this notice.

**OPTIONS:**

**OPTION 1:** (Recommended): Approve Development Variance Permit No. 1806.

**OPTION 2:** Defer issuance of Development Variance Permit No. 1806 pending receipt of further information.

**OPTION 3:** Not approve Development Variance Permit No. 1806.

Prepared by:



Mike Grimsrud  
Planner 1

Reviewed by:



Ian Buck, MCIP, RPP  
Director of Development Services

*Attachments:*

1. *Attachment No. 1: Draft Development Variance Permit No. 1806*
2. *Attachment No. 2: Applicant's rationale for variance request*
3. *Attachment No. 3: Public Information Meeting documentation and Public Comments*

## THE CORPORATION OF THE CITY OF COURTENAY

Permit No. DVP 1806

### DEVELOPMENT VARIANCE PERMIT

August 7, 2018

#### To issue a Development Variance Permit

**To:**

Name: Michele Courtney and Patrick Johnson  
Address: 4952 Topland Road  
Courtenay, B.C. V5N 5Y2

#### Property to which permit refers:

Legal: LOT B, SECTION 20, COMOX DISTRICT, PLAN 39201  
Civic: 4952 Topland Road

#### Conditions of Permit:

Permit issued to allow construction of a garage that in combination with an existing shop exceeds the total floor area permitted for accessory buildings, including the following variance to the *City of Courtenay Zoning Bylaw No. 2500, 2007*:

- Section 8.9.8 (2) Accessory Buildings and Accessory Structure  
Increase the maximum allowable total floor area from 90.0m<sup>2</sup> to 102.6m<sup>2</sup>

Development Variance Permit No. 1806 is subject to the following conditions:

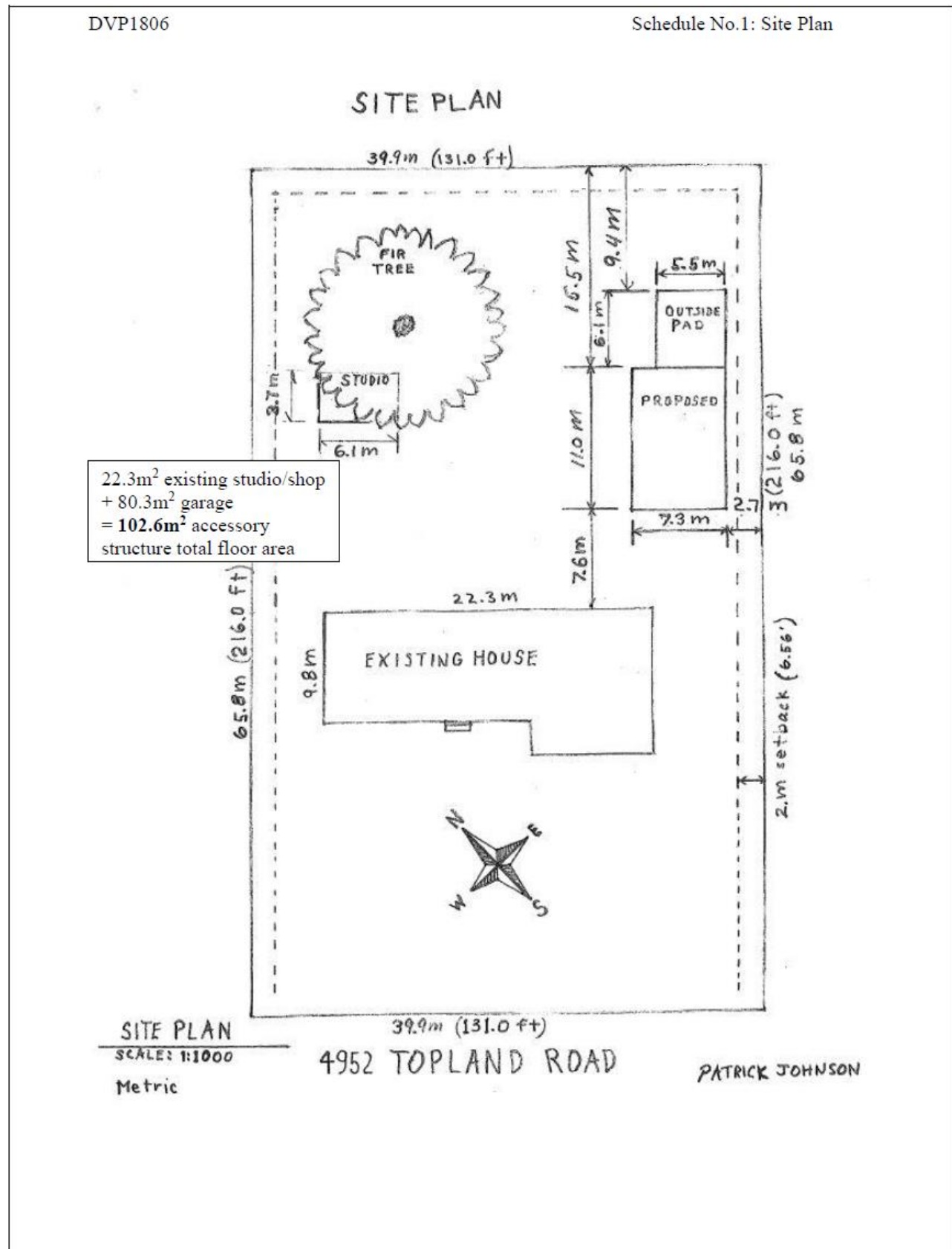
- a) Development must be in conformance with the site plan contained in *Schedule No.1* and the plans, drawn by D. Bell Designs dated May 23, 2018, contained in *Schedule No.2*;
- b) The variances stated are for the existing structures as shown in *Schedule No.1* and *Schedule No.2* only and shall not apply to any new structures;
- c) No alterations or amendments shall be made without the City's permission. If any amendments are required the applicant shall apply for either an amendment to the development permit or a new development permit.

#### Time Schedule of Development and Lapse of Permit

That if the permit holder has not substantially commenced the construction authorized by this permit within (12) months after the date it was issued, the permit lapses.

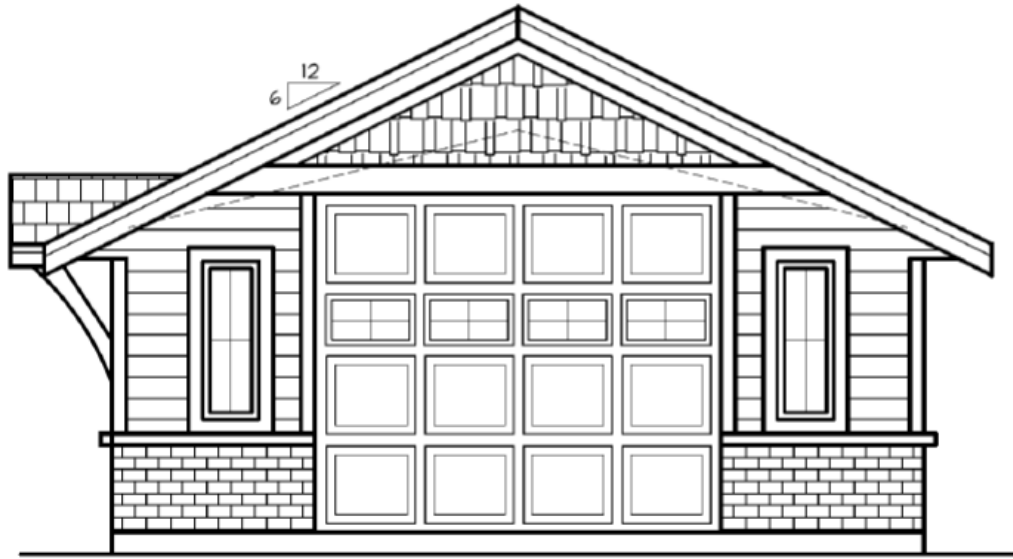
\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Legislative Services

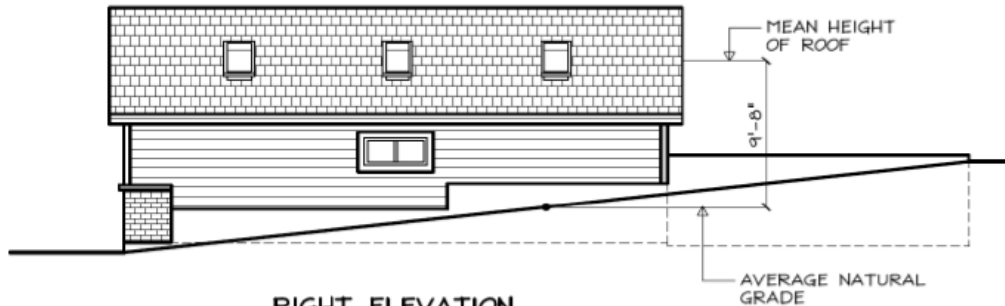


DVP1806

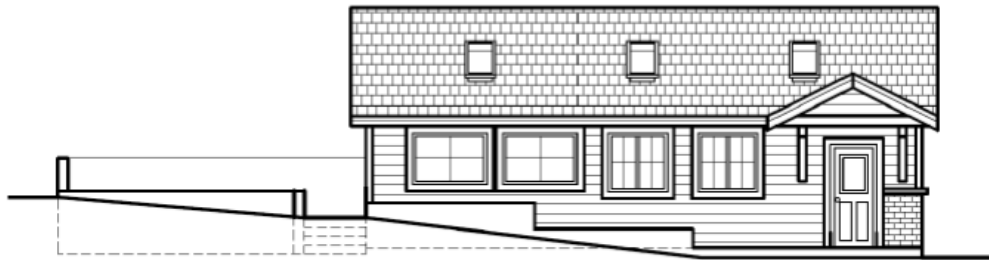
Schedule No.2: Garage Plans



**FRONT ELEVATION**  
1/4" = 1'-0"



**RIGHT ELEVATION**  
1/8" = 1'-0"

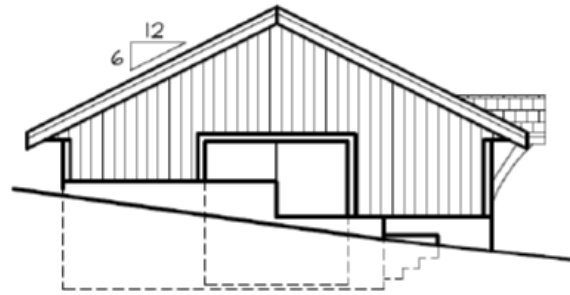


**LEFT ELEVATION**  
1/8" = 1'-0"



DVP1806

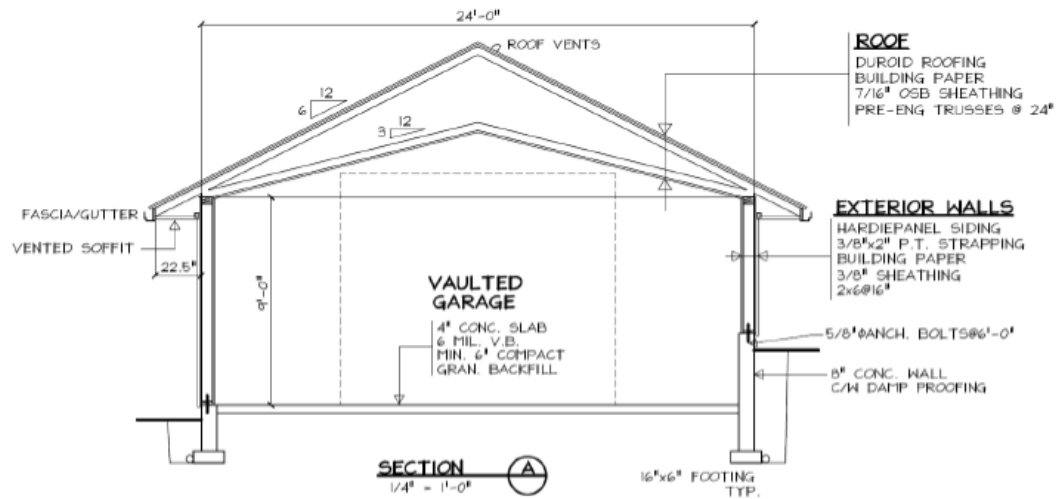
Schedule No.2: Garage Plans

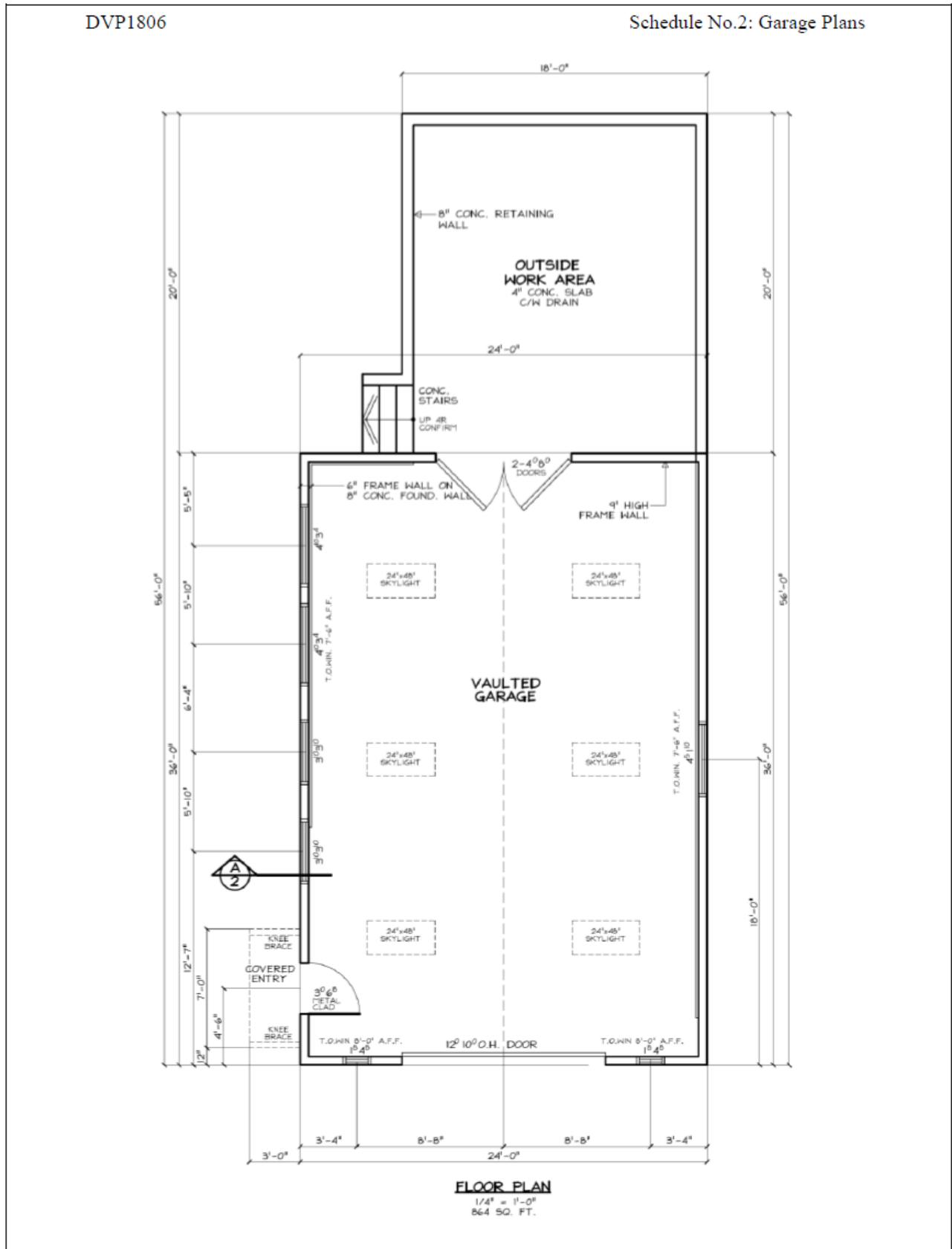


**REAR ELEVATION**  
 1/8" = 1'-0"

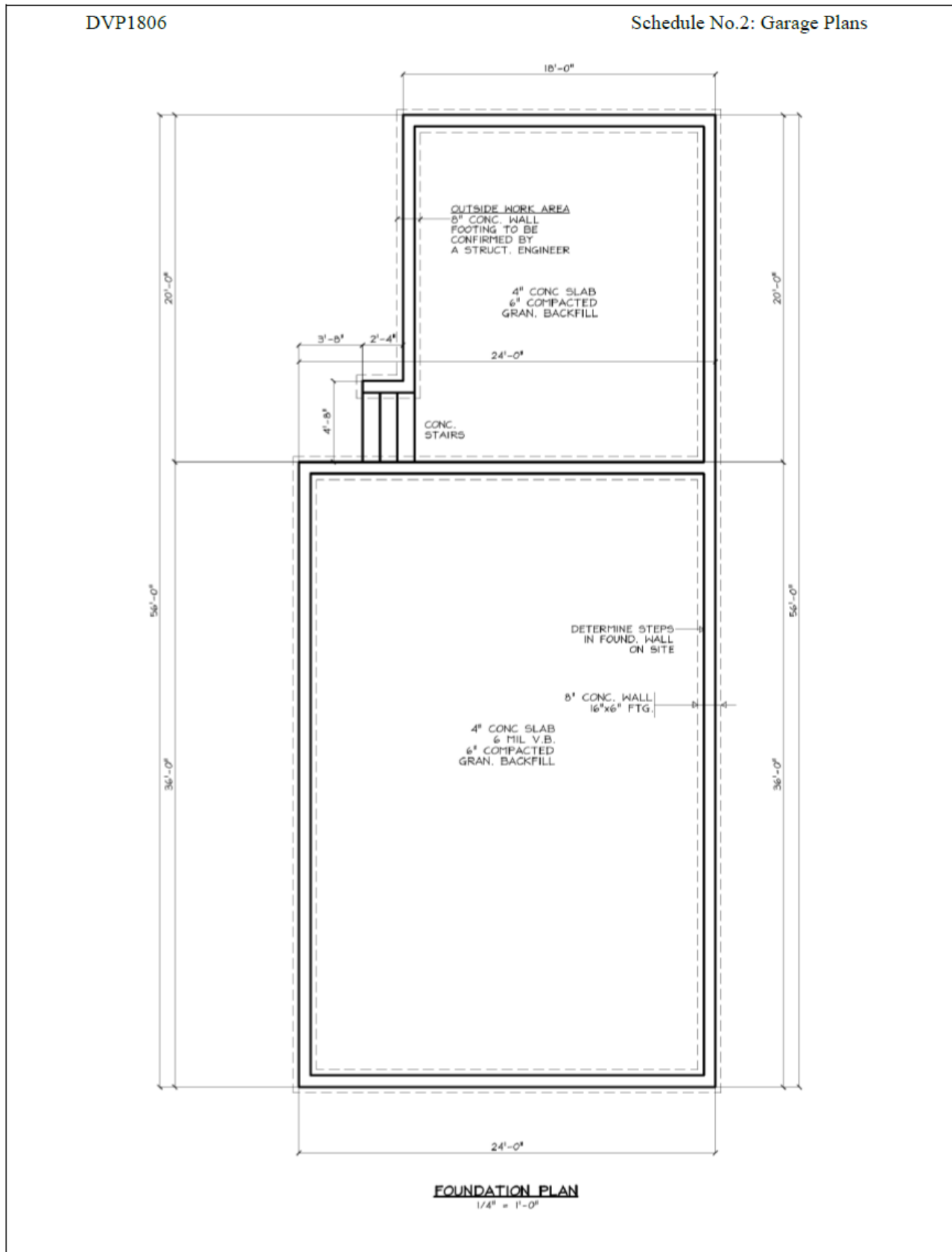
**GENERAL NOTES**

VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.  
 ALL CONSTRUCTION TO COMPLY TO THE B.C.B.C 2012  
 FLOOR JOISTS, LINTELS (2-2x10) & BUILT UP BEAMS TO BE SPF #2 OR BETTER.  
 FLASH, RAINSCREEN & CAULK AS REQUIRED TO ENSURE A WEATHER TIGHT BUILDING.  
 ELECTRICAL, MECHANICAL AND PLUMBING TO BE SPEC'D BY OWNER.









4952 Topland Road  
Courtenay, BC V9N 5Y2  
May 15, 2018

Courtenay City Council

Re: Rationale for Variance Proposal

Dear Council

My intention is to safely store my antique vehicles in a dry, secure garage while consciously maintaining the semi rural ambiance of our property.

The proposed garage would be 7.315 meters wide by 10.973 meters long. These would be the minimum dimensions to accommodate my antique cars without risking body damage from opening car and truck doors between vehicles and counter/shelving units (.61meters deep) on one side of the garage (see Addendum/diagram for garage layout). A smaller/narrower garage that complies with current RR-4 zoning would effectively prevent me from storing two of the four vehicles. Outdoor storage of antique and vintage vehicles rapidly compromises their integrity and is therefore an impractical alternative to safe, dry and secure storage.

The exterior of the proposed garage would be constructed with identically matching Hardie plank, lower brick veneer and duroid roof as is our house. Ideally, I would like it to appear as if the garage was built originally with the house.

The property is a rather private, .66 acres surrounded by a mature sixteen-foot-high lalandii cypress hedge. There is an eight-foot grade that rises to the rear of the property and so the garage would be partially below grade and rather inconspicuous in that regard.

We currently have an existing hobby shop which is nestled under a very large fir tree with an extensive curtain that drapes over most of the structure (see site plan and photos).

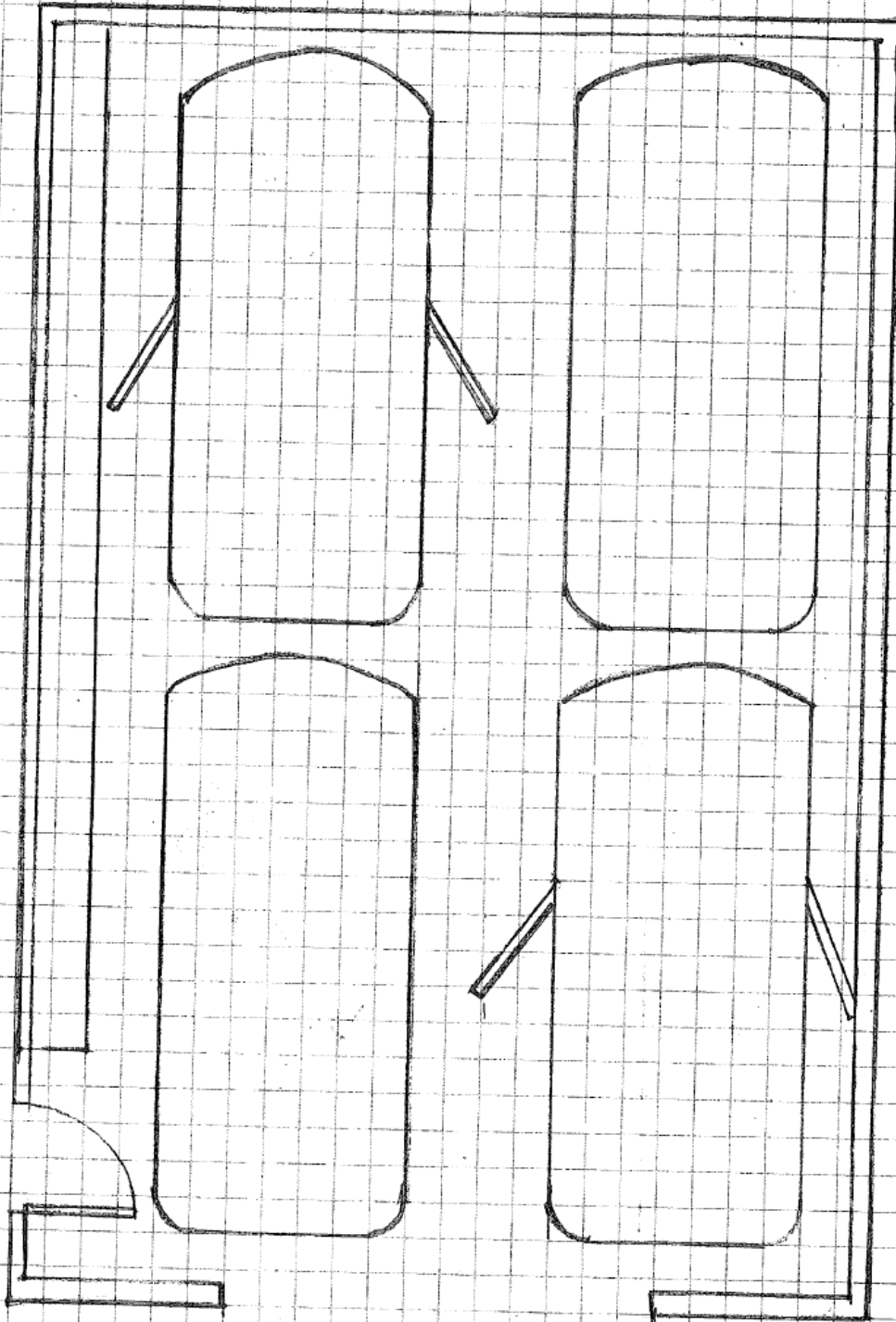
We recently invested in a new duroid roof on the hobby shop (matches the house) and it is insulated. We would certainly prefer to keep the hobby shop as it has been here since 1985 as the family experiences much enjoyment with projects and craft work.

We have invested considerably into our home and property as we appreciate the unique and lovely vantage that this location affords here at the end of Topland Road. We are equally determined to apply the same consideration to our proposed garage.

Thank you.

Dr. Patrick Johnson

# Addendum for garage layout



scale:  $\frac{1}{4}'' = 1\text{ft}$  (0.305 metre)

4952 Topland Rd

## Public Information Meeting Summary

City of Courtenay Senior staff and Counsel,

On June 17<sup>th</sup>, 2018, my wife, Michele Courtney and I held a Public Information Meeting at the Bayside Café, #5-2760 Cliffe Ave, Courtenay, regarding our zoning variance application. An invitation to the meeting was mailed out June 5<sup>th</sup>, 2018 and included the specifics of the zoning variance application as well as a note stating that their feedback would be welcomed and appreciated. Our names and postal address were also included. A list of neighbors was provided by the City Planning Department and is attached. All parties indicated on the list were invited to the Meeting. We indicated that the meeting started promptly at 10:00am. No one attended the meeting and by 10:45am we departed.

Later the same day, we understood that one party, Peter and Louise Deck of 4941 Cotton Rd, had mistakenly gone to the Driftwood Café (also on Cliffe Ave). My wife and I promptly visited them at their home with all the information we had regarding the zoning application. They wished to know if the proposed garage would be two stories high or exceed the height restrictions for accessory buildings in RR-4 zoning. I indicated to them that the height of the one story garage would be well below the 4.5 meter maximum and in fact would be 2.946 meters.

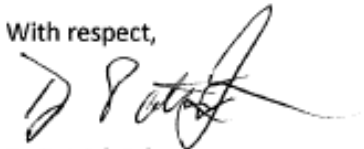
They also inquired as to whether I planned to open and operate a home-based auto repair business. I informed them that my livelihood was chiropractic (Ocean Chiropractic) and that Michele was a Remax real estate agent. I told them that I simply wanted a secure storage garage for my vehicles. They were pleased about the information we provided and shortly later, provided us with a letter of support for our zoning variance application.

Lynn Black and Ron Nolan of 4935 Cotton Rd., emailed us upon receipt of their invitation and indicated to us that they would not be able to attend but extended their support and consent regarding the proposed zoning variance.

A copy of their email is attached.

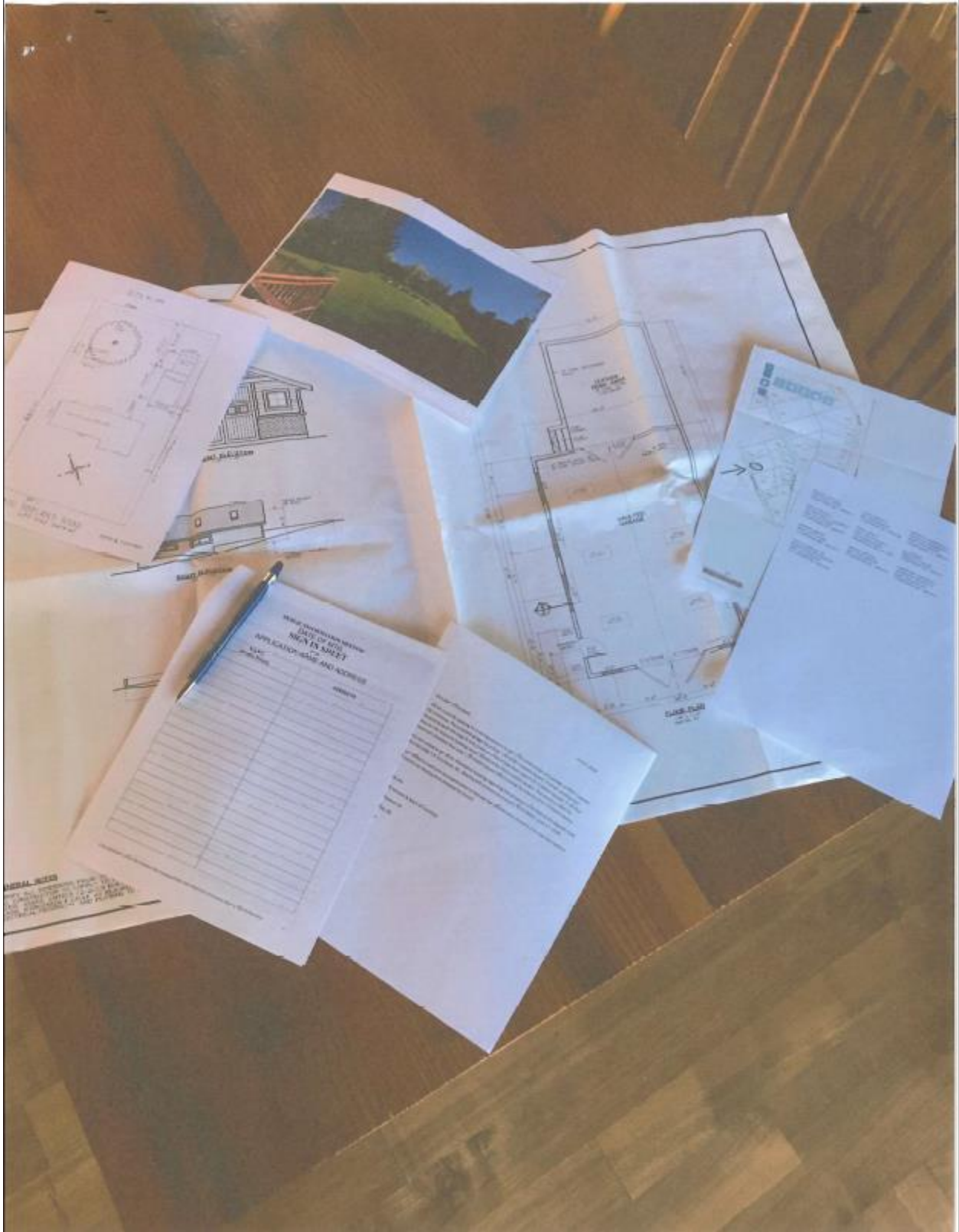
A picture of the information material we provided at the meetings is also attached.

With respect,



Dr Patrick Johnson

Staff clarify that the building height is 3.8m measured to the elevation of the natural grade along the front of the building and 2.946m to the average natural grade along the side.



7/12/2018

FW: Good morning lovely!!!! - dr.patrick.chiro@gmail.com - Gmail

From: [REDACTED]  
Sent: June 17, 2018 8:03 AM  
To: Michele Courtney <michele@courtneyanglin.com>  
Subject: Good morning lovely!!!!

Hi Michele,

Unfortunately we won't be able to make the meeting this morning at Bayside. As we discussed in Tofino we do not have a problem with your proposal. If you need signatures from us please let me know and I can pop over to your place.

I hope you and Patrick had a good ride yesterday. What a glorious day and more to come.

Happy Father's Day to Patrick.

Hugs,

[REDACTED]

FROM:

[REDACTED]

4935 Cotton Rd.  
Courtenay, BC  
VAN 5Y1

Staff confirm that the writer is listed as the owner of 4935 Cotton Rd.

Hi Patrick & Michele

We want to apologize again for our mistake yesterday. If we had GOOGLED the address or CAFE name we would have known we were in the wrong location. We hope that the enclosed note will assist you in receiving the zoning amendment.

(Submitted by [REDACTED]  
[REDACTED] of 4941 Cotton Rd  
Patrick Johnson)

Staff clarify that the applicant identified the writer at the request of planning staff – this note accompanied the following comment to the City and explains absence from the public meeting. Staff also clarify that the application is for a variance rather than a rezoning to build the garage.

City of Courtenay  
Council members

We have met with Patrick Johnson & Michele Courtney and discussed the proposed garage at 4952 Topland Rd. We have no objections to the building of said structure. We also agree to the zoning amendment on this site.



Staff clarify that the application is for a variance rather than a rezoning to build the garage.

4941 Cotton Rd.  
Courtenay B.C.  
V9N 5Y1





*City of Pitt Meadows*  
OFFICE OF THE MAYOR

July 17, 2018

File: 01-0230-20 / 4844-099

The Hon. John Horgan  
Premier of BC  
West Annex Parliament Buildings  
Victoria, BC V8V 1X4  
Sent via email: [premier@gov.bc.ca](mailto:premier@gov.bc.ca)

Dear Premier Horgan,

Re: Moratorium on Cannabis Cultivation on ALR Land

---

On behalf of Pitt Meadows City Council, I am writing to you today with respect to cannabis cultivation on ALR Land within our municipality. At the Tuesday, July 10, 2018 Regular Meeting of Council, the following resolution was passed:

*THAT a letter requesting a moratorium of cannabis production on Agricultural Land Reserve Lands until such time as farmers, municipalities, industry, and the public are consulted, be forwarded to Premier John Horgan.*  
**CARRIED.**

We have received numerous concerns and complaints from our citizens regarding cannabis cultivation in our community, including odour complaints, safety concerns, crime-related activity, bylaw infractions, noise offences, and a real sense of fear for the future of our farming community. As a Council, we feel compelled to respond to these concerns and beseech you to place a moratorium on cannabis production on ALR land until such time as a fulsome, multi-stakeholder consultation process led by the province is complete.

Thank you for your assistance with this urgent matter. Should you wish to discuss it

further, please do not hesitate to contact me at 604.465.2410 or  
[jbecker@pittmeadows.bc.ca](mailto:jbecker@pittmeadows.bc.ca)

Yours Truly,



John Becker  
Mayor

cc: The Hon. Lana Popham, Minister of Agriculture  
The Hon. Mike Farnworth, Minister of Public Safety and Solicitor General  
Lower Mainland Local Government Association  
Union of British Columbia Municipalities



*City of Pitt Meadows*

OFFICE OF THE MAYOR

July 17, 2018

File: 01-0230-20 / 4844-099

Mayor Jack Froese  
Township of Langley  
20338 65 Avenue  
Langley, BC V2Y 3J1  
Sent via email: jfroese@tol.ca

Dear Mayor Froese,

Re: Letter of Support for Moratorium on Cannabis Cultivation

---

Thank you for your letter dated July 10, 2018 regarding cannabis production in the Township of Langley. Pitt Meadows City Council voted to add your letter as a late addition to their regular council meeting that same evening. After a fulsome discussion, the following resolution was passed:

*THAT Council direct a letter of support be forwarded to the Township of Langley regarding their demand for a moratorium of cannabis production on Agricultural Land Reserve lands; AND THAT a letter requesting a moratorium of cannabis production on Agricultural Land Reserve Lands until such time as farmers, municipalities, industry, and the public are consulted, be forwarded to Premier John Horgan.*

*CARRIED.*

The City of Pitt Meadows is experiencing challenges and concerns very similar to your community and is in full support of a moratorium until such time as a full consultative process is complete. Thank you for bringing this matter forward to the provincial level.

Yours Truly,

  
John Becker  
Mayor

cc: UBCM Municipalities





August 2, 2018

Mayor and Council, City of Courtenay

Letter of Support re- Change in Filming Locations

Dear Mayor and Council,

We are requesting a **revised letter of support** for filming on Highway 19 from the communities of Cumberland and Courtenay.

Due to the summer paving contracts taking place between Buckley Bay and Cook Creek Hedgehog Film Inc. is working with the Ministry of Transportation and Infrastructure ( MOTI) to reposition the filming from Buckley Bay / Cook Creek north to the section between Buckley Bay and Exit 117 (Cumberland/ Courtenay / Comox).

The production is currently developing a revised traffic engineering and management report for MOTI which will include consultation with both Cumberland and Courtenay Public Works.

Hedgehog Films Inc. is planning to film scenes for the feature film entitled "SONIC" for Paramount Pictures Studios, on **Sept 10<sup>th</sup> through to Sept 14<sup>th</sup>** approximately between the hours of **6:00AM to 9:00PM** each day. Sept 16 and 17 as proposed inclement weather options should it rain.

Hedgehog Films Inc. understands concerns regarding "**highway detour**", and will **do their very best to expedite re-opening the highway, once the scenes are completed each day.** Hedgehog Films Inc. has been working diligently with MOTI in an effort to minimize impacts on the area, they have arranged a **detour route** onto **Highway 19A** during these times. This in an effort to keep the motoring public flowing North and South, from the Buckley Bay interchange north to Exit 117 (Cumberland/Courtenay/Comox).

We emphasize that changes to highway detours are temporary, and appreciate your cooperation during these times. Should you require assistance within the controlled area or if you have any questions or concerns, please contact me through the Burnaby Production Office at 604-637-1260. General inquiries regarding filming on the North Island may be directed to the Vancouver Island North Film Commission at 250-287-2772 or online at [www.infilm.ca](http://www.infilm.ca).

Your cooperation with this activity is very much appreciated.

Yours truly,

A handwritten signature in blue ink, appearing to read "Joan Miller". The signature is written in a cursive style and is positioned above the printed name of the signatory.

Joan Miller, Film Commissioner

AUG 03 2018

Background Information:

Time Sensitive Request - Filming is scheduled to begin on Sept 10th.

The timeline for the highway sequence is locked in and can't be changed as production has already permitted the other Vancouver Island locations.

Once it was determined that filming needed to look for a new location there were 3 options which included another location somewhere else in BC or taking it back to the US.

Vancouver Island Region MOTI provided 2 alternate options.

1. Courtenay / Cumberland exit to Buckley Bay or
2. Campbell River bypass Jubilee to Willis Road.

Prep on the previous location (Buckley to Cook Creek) was 4 months into planning and permitting when new information came to light. Production was unaware that the paving taking place before filming would only be one lane on each side leaving the look of the highway mottled and unusable for the creative onscreen. Changing locations means that everyday between now and filming is required to do what's needed once a new MOTI permit is approved.

Permitting Process -

Production is working with an engineering company on a new traffic management plan and will respond to Courtenay's Public Works staff request for information as soon as it is completed. They will be addressing all Public Works questions regarding increased traffic / timing of lights and all the details required by MOTI to safely manage the detour which includes a very well crafted media and communications plan to inform the public.

Local Economic Impact -

Millions of dollars of direct economic impact will be generated by way of accommodation, restaurants, rental companies, local services, local hires etc. We are working diligently to support all parties involved in order to keep the production based out of the Comox Valley.

Stakeholder Support -

Ministry of Transportation and Infrastructure permit requires local stakeholder support in order to move forward with the new permit, - letters of support pending from :

- MLA's Ronna Rae Leonard ( CV ) & Minister Scott Fraser ( Alberni Cumberland )
- Village of Cumberland.
- City of Courtenay
- Existing support is already provided by CVRD

Outcome:

A letter of support that approves the productions request to proceed with MOTI permitting in principal contingent on receiving a final approved traffic management plan.



## Ward, John

---

**From:** Ms Joan Miller <joan.miller@infilm.ca>  
**Sent:** August-02-18 4:18 PM  
**To:** Ward, John  
**Subject:** Location change Sonic

Hi John

I appreciate your assistance on this time sensitive request.

Production is working with an engineering company on a new traffic management plan and will respond to Scotts request for information as soon as it is available, hopefully tomorrow or Tuesday. They will be addressing all your concerns regarding increased traffic / timing of lights and all the details required by MOTI to safely manage the detour which includes a very well crafted media and communications plan to inform the public.

I am confident that the new traffic management plan will provide detailed information for public works.

The timing of this change is tight, we have been months on the details to permit Buckley to Cook Creek and it was really unfortunate that the new paving schedule information came to light at the last minute. Production was unaware that the paving would only be one lane on each side that would leave the look of the highway mottled and unusable for the creative onscreen look they required.

Filming is scheduled to begin on Sept 10th, not a lot of time to do whats needed once a permit is approved for the new filming location.

MOTI provided 2 alternate options #1) Courtenay / Cumberland Exit to Buckley Bay **or** Campbell River Bypass Jubilee to Willis Road.

We are working very hard to keep millions of dollars of direct economic impact in the Valley by way of accommodation, restaurants, rental companies, local services, local hires etc.

Are you able to craft a letter of support that approves the productions request to proceed with MOTI permitting in principal contingent on receiving a final approved traffic management plan?

Unfortunately waiting until August 20th does not give production enough time to carry out the details of the traffic management plan before filming is scheduled to begin. The timeline for the highway sequence is locked in now and can't be changed as production has already permitted the other locations.

We have letters of support coming in from MLA's Ronna Rae Leonard ( CV ), Minister Scott Fraser ( Alberni Cumberland) and the Village of Cumberland. Existing support is already in from The CVRD.

I hope this information will assist in councils decision to support Sonic setting up production in Courtenay. If Council has any questions I am happy to answer or find the answers for them.

Much appreciated

Joan

Joan Miller, CFC  
Vancouver Island North Film Commission  
Suite 100 #401 11th Ave  
Campbell River, BC  
Canada, V9W 4G2  
250-287-2772 work  
250-287-6948 cell  
[www.infilm.ca](http://www.infilm.ca)  
Follow us on Twitter  
Find us on Facebook





## Ward, John

---

**From:** Ward, John  
**Sent:** August-02-18 2:49 PM  
**To:** 'Ms Joan Miller'  
**Cc:** Tanya Price; Stevens, Scott; Shaw, Kyle; Kushner, Trevor; Allen, David  
**Subject:** RE: Revised letter of support film production

**Importance:** High

Joan, I have received some comments from Scott Stevens.

I understand you were going to be sending a copy of your traffic management plan sometime this week, but we have not yet received it.

According to Scott, the traffic that will be diverted through the City will have a significant impact on volume as all vehicles from the Inland Island Highway will be rerouted through the Island Highway, Cliffe Avenue, and up 29<sup>th</sup> Street.

Without a copy of the Traffic Plan, this is not something that Public Works can support until we know the impacts it will have on our roadways and intersections.

I am not comfortable taking the letter to Council until we have more information, since they would rely on staff input before approving.

The next Council meeting is August 20<sup>th</sup>. We could potentially take it to that meeting.

Thanks  
John

---

**From:** Ms Joan Miller [<mailto:joan.miller@infilm.ca>]  
**Sent:** August-02-18 1:26 PM  
**To:** Ward, John  
**Cc:** Tanya Price  
**Subject:** Revised letter of support film production

Good afternoon John,

Attached is the request for a new letter of support for the filming of Sonic on Highway 19.

I really appreciate you arranging for this to go before Council next week as we require the letter as part of the MOIT permit.

Background:

The production will base out of the CV, they have booked all their crew rooms in Courtenay and will be purchasing services and rentals in the Valley.

They are currently in discussions with Courtenay public works staff, Kyle Shaw is on vacation so Scott Stevens is working with production.

Please let me know you have received this attachment.

Thanks Joan