

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

**DATE:** Monday, March 17, 2014  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

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**1.00 ADOPTION OF MINUTES**

1. Adopt March 10, 2014 Regular Council Meeting Minutes and March 12, 2014 Special Council Meeting Minutes

**2.00 INTRODUCTION OF LATE ITEMS**

**3.00 DELEGATIONS**

1. Representatives from Mark. R. Isfeld Secondary re: sign bylaw variance (see pg#77)
2. Representatives from L'Arche Comox Valley re: OCP and Rezoning Application (see pg #53)

**4.00 STAFF REPORTS**

Pg #

**(a) Community Services**

**(b) CAO and Legislative Services**

- 1 1. Shaw Go Wi-Fi Agreement

**(c) Development Services**

- 15 2. Marihuana for Medical Purposes Regulations
- 25 3. Extension of Development Permit 1226 – 2525 Mission Road
- 53 4. OCP and Zoning Amendment – 1465 Grieve Avenue
- 77 5. Development Variance Permit No. 1401 – 1551 Lerwick Road
- (d) Financial Services**
- 83 6. Parcel Tax Review Panel – 2014
- 85 7. Glacier/Chapman Sanitary Sewer Service Area-15yr Parcel Tax Option

**(e) Engineering and Operations**

## **5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

1. CVRD Financial Plan Overview (Wendy Byrne and Marc Rutten providing a presentation)
- 89 2. City of Burnaby's submission to UBCM re: Mail Delivery Service
- 105 3. Response from the Office of the Prime Minister re: VIA Rail Passenger Service
- 107 4. Jordan Huber re: sidewalk on Arden Road

## **6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

- 109 1. Memorandum – Cruise for Ciaran and the Walk for Hearts
- 111 2. Memorandum – Road Runners Race Weekend

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

## **8.00 RESOLUTIONS OF COUNCIL**

1. In Camera Meeting

That notice is hereby given that a Special In-Camera meeting closed to the public will be held March 17, 2014 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (g) litigation or potential litigation affecting the municipality

## **9.00 UNFINISHED BUSINESS**

- 115 1. Sandra Hamilton, Local Food into New Hospitals Initiative request for letter of support and matching funds of \$75,000.00

## **10.00 NOTICE OF MOTION**

## **11.00 NEW BUSINESS**

- 117 1. DCBIA Request for matching funds towards Elevate the Arts Event

## **12.00 BYLAWS**

### **For First and Second Reading**

- 119 1. "Zoning Amendment Bylaw No. 2779, 2014"  
(medical marihuana production)

- 121        2. “Official Community Plan Amendment Bylaw No. 2783, 2014”  
              (to change the designation to Mixed Use for 1465 Grieve Avenue)
- 123        3. “Zoning Amendment Bylaw No. 2784, 2014”  
              (to rezone 1465 Grieve Avenue to MU-1)

**For First, Second and Third Reading**

- 127    3    1. “Glacier/Chapman Sanitary Sewer Service Area Parcel Tax Bylaw No. 2782, 2014”

**13.00 ADJOURNMENT**



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Shaw Go Wi-Fi Agreement

**File No.:** 5500-05

**Date:** March 17, 2014

### PURPOSE:

The purpose of this report is to seek direction from Council regarding the proposed non-exclusive Shaw "Go Wi-Fi" agreement.

### CAO RECOMMENDATIONS:

That based on the March 17, 2014 staff report "Shaw Go Wi-Fi" Council approve OPTION 1 and direct staff to negotiate an agreement with Shaw Cable Systems Limited for "Public Wi-Fi access for all", subject to legal review and final approval of the agreement by Council.

Respectfully submitted,

David Allen  
Chief Administrative Officer

### BACKGROUND:

At its regular meeting held May 6, 2013 Council passed the following resolution:

*"Moved by Winchester and seconded by Ambler that the report from the Director of Operational Services regarding Shaw's "Go WiFi" proposal be received; and*

*That staff be instructed to work with Shaw towards a draft access agreement for further consideration by Council."*

Wi-Fi public access points are commonplace in urban areas, and especially in public gathering areas such as parks, downtown cores, and malls.

Municipal sponsored public Wi-Fi access points are also very common within municipalities and are available throughout the Vancouver Island area. Informa Media estimates that by 2015 there will be a 350% growth in Wi-Fi public access networks, with 5 million municipalities worldwide.

Shaw Communications has approached the City of Courtenay and numerous other municipalities from BC to Ontario. Shaw is requesting a non-exclusive agreement to place Wi-Fi infrastructure on city assets (street lights, traffic signals, etc.) and in city buildings (Lewis Centre, Florence Filberg Centre, City Hall, etc.). The initial target areas are the downtown core, major parks, and recreation centres. Shaw's intent is to provide value-added Wi-Fi service for their customers.

Shaw currently has over 30,000 Wi-Fi Hotspots in Western Canada. Some municipalities participating in Shaw Go Wi-Fi are District of Oak Bay, City of Victoria and City of Nanaimo. A complete list is available at <http://www.shaw.ca/wifi/locations/>. SHAW Communications has established partnerships throughout the Comox Valley area with many local area businesses and would be able to strengthen their Wi-Fi network with the use of city assets.



#### DISCUSSION:

Public access points are not without controversy. Attached is the "Safety of Wi-Fi Equipment" report from Health Canada. However, there are economic development, social and city operational benefits with a Public Wi-Fi network.

The three models offered by Shaw Communications are:

**1. Free Public Access for all**

This offering provides Shaw customers and non-customers with free Wi-Fi. However, all non-customers will need to provide an e-mail address for access. Shaw will reimburse the city for the costs associated to power the Wi-Fi devices.

**2. Commercial offering**

Shaw will not reimburse the city for the power consumption, but will provide \$200 per outdoor access point and \$0 for indoor access points for estimated revenue of \$3,600 per year. Only Shaw customers will have access to the Go Wi-Fi network.

**3. Secure SSID for city operational needs**

This offering provides free Wi-Fi for only Shaw customers. Shaw will reimburse the city for the costs associated to power the Wi-Fi devices and will provide a separate, and secure Wi-Fi network, so city employees can access the city's internal network when working outside.

The draft agreement for free access is attached. Staff is recommending proceeding with free public access, subject to final negotiations and a legal review.

Staff has some issues with the draft including the length of term, the indemnity clause, interference provisions, and assurances around maintaining free access for the duration of the works being installed. These issues will be resolved prior to presenting Council with a final agreement.

Staff also need to ensure that the agreement contains sufficient consideration and will not be considered "assistance to business", which is prohibited under section 25 of the *Community Charter*.

As the agreement is currently a draft only, Council is free to direct staff to negotiate additional terms as it sees fit.

**FINANCIAL IMPLICATIONS:**

Shaw has indicated that operational costs will be provided. All other costs associated to city operational needs such as road permits will also be at Shaw's expense.

Shaw also has advised they would be interested in leasing city-owned fibre conduit, junction boxes and conduit under the 5<sup>th</sup> Street Bridge to build out their network. The potential leasing of city-owned fibre conduit to Shaw is not part of this process and would be negotiated separately.

**ADMINISTRATIVE IMPLICATIONS:**

All work plans, building accesses, and road permits will be required and completed by Shaw to the appropriate city department along with all necessary documents.

There should be little, if any resources required by the City to implement this proposal. No administrative implications are contemplated other than routine follow up on any concerns or deficiencies in the future.

**STRATEGIC PLAN REFERENCE:**

The Shaw Go Wi-Fi proposal aligns with Council's strategic plan:

*An open, inclusive and vibrant community  
Support community initiatives and distinct neighbourhoods  
Support Downtown Courtenay...*

The proposed agreement aligns with the strategic plan by better connecting our downtown businesses and allowing entrepreneurs and visiting businesses people to stay connected.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

Not referenced.

**REGIONAL GROWTH STRATEGY REFERENCE:**

Not referenced.

**CITIZEN/PUBLIC ENGAGEMENT:**

In recent years, public expectation and demand for Wi-Fi access has increased. Free Wi-Fi helps provide consistent, high quality mobile access. Free Wi-Fi ensures everyone with a device can stay connected online, regardless of their ability to pay for a contract.

It also eliminates roaming charges for travellers, and therefore could be considered a significant benefit for tourism.

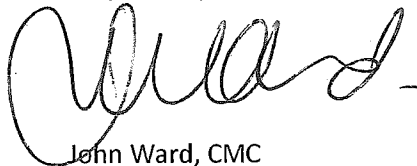
Comments were requested from the Downtown Courtenay Business Association, as well as the Comox Valley Economic Development Society.

The DCBIA is supportive of free Wi-Fi for all, and CVEDS submitted some questions which are attached to this report with answers.

**OPTIONS:**

- OPTION 1: Direct staff to negotiate an agreement with Shaw based on public access for all (recommended).
- OPTION 2: Direct staff to negotiate an agreement with Shaw for a Commercial Offering or Secure SSID for City operational needs.
- OPTION 3: Not proceed with the initiative.

Prepared by:



John Ward, CMC  
Director of Legislative Services

## FACILITIES ATTACHMENT LICENSE AGREEMENT

This Facilities Attachment License Agreement (this "**Agreement**") between the City of Courtenay (the "**City**") and Shaw Cablesystems Limited ("**Shaw**") outlines the terms agreed to by the parties regarding the granting of access to and use by Shaw of certain City facilities for the purpose of the provision of Shaw's Wi-Fi services.

In consideration of the mutual agreements and promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, Shaw and the City agree as follows:

1. **Grant:** The City hereby consents and grants Shaw a non-exclusive right and license to access and attach in, on or to the City's facilities, including, but not limited to, attaching to, on or within traffic lights, cross walk poles, aerial structures, vehicle and/or public transportation corridors, lands and/or civic buildings owned by or under the direction, control and management of the City (collectively, "**Facilities**"), to install, operate and maintain certain telecommunication devices, cable and related equipment (the "**Work**") used for the purpose of transmission, emission or reception of signs, signals, writings, images, sounds or intelligence of any nature related to Shaw's Wi-Fi services (the "**Purpose**").
2. **Term:** The term of this Agreement shall commence on July \_\_, 2013 and shall continue for a period of ten (10) years and shall auto renew for successive five (5) year periods (collectively, the "**Term**") unless a party to this Agreement notifies the other party one (1) year prior to the expiry of such renewal term. Either party may terminate this Agreement if the other party breaches any of its material obligations hereunder and fails to remedy or commence actions to remedy such breach within thirty (30) days of receipt of notice from the non-breaching party.
3. **License Requirements:** Shaw and City shall establish a permit application process for installations of its Work on and/or in Facilities.
4. **Work on the Facilities:** Shaw agrees that all Work shall: (a) be carried out in a good, workmanlike and timely manner; (b) not unduly interfere with the Facilities; (c) comply with all applicable construction and safety codes; and (d) be responsible for all of its costs for its Work. Upon completion of the Work Shaw shall restore and repair any damage caused by the Work to the Facilities to the condition in which it existed prior to the Work.
5. **No Interference:** The City shall not alter, remove or access Shaw's Work without Shaw's prior written approval nor shall the City install or permit third parties to make installations of any equipment on or in the Facilities that causes interference with the Work without Shaw's prior written consent. The City agrees that upon receipt of notice by Shaw of such interference it shall immediately make or cause to be made such adjustments to such equipment to eliminate the interference. Shaw shall not alter, remove or access any City property or third party property located on Facilities without the City's prior written approval. For the purpose of clarity, neither party is responsible for any interference caused by radio waves or other technologies used by any person at the Facilities where the Work is located.
6. **Indemnity:** Each party (an "**Indemnifying Party**") shall indemnify and save harmless the other party (the "**Indemnified Party**") from and against all actions, causes of action, proceedings, claims and demands brought against the Indemnified Party, for all losses, costs, or expenses incurred by the Indemnified Party, for damage to property, including property of the Indemnified Party or any third party, and for injury to persons incurred by the Indemnified Party,



including its employees, servants, agents, and licensees or any third party, caused by, or attributable to, the negligence or willful act or omission of the Indemnifying Party or any of its employees, servants, agents or licensees as a result of this Agreement. Neither the City nor Shaw shall be liable for indirect or consequential losses or damages, or for damages for pure economic loss, howsoever caused or contributed to, in connection with this Agreement or with any of Shaw's Work.

**7. Insurance:** Shaw shall maintain general liability insurance to protect from claims for damages, personal injury, including death, and for claims from property damages which may arise from the Work. Such insurance limits shall not be less than five million dollars (\$5,000,000.00) for each occurrence and shall add the City as an additional insured.

**8. Abandonment:** Shaw may abandon its use of part or all of the Facilities at any time during the Term. Shaw may remove any Work it abandons that is installed on Facilities.

**9. Relocation:** If at any time during the Term, the City is required to relocate a particular Facility that has Work attached to it, the City shall provide Shaw with no less than ninety (90) calendar days notice. Shaw shall at its cost remove the Work from the affected Facility immediately upon the expiry of the notice period. If Shaw fails to remove such Work, the City may remove the Work and the reasonable costs incurred by the City shall be payable by Shaw. If the affected Facility is moved to a new location Shaw shall be permitted to relocate its Work to the Facility at the new location; or in the alternative if such relocation is not feasible or if the new location is not in the immediate area of the original site, the City will reasonably assist Shaw in finding a suitable alternative location for such Work.

**10.** In consideration of the grant herein by the City to Shaw, Shaw hereby agrees to provide the general public free guest access to use the Shaw Go WiFi services. Such general public use will be subject to Shaw's Guest Access terms and policies and will be limited to use at each Facility where Shaw has installed and is operating attachment points.

**11. Ownership:** The City acknowledges that notwithstanding any rule of law or equity to the contrary, all Work installed by Shaw will remain the property of Shaw even though it is attached to the Facilities.

**12. Governing Law:** This Agreement will be governed by and construed under the laws of the Province of British Columbia. The parties agree to submit any dispute regarding this Agreement to the exclusive jurisdiction of a competent court located within the Province of British Columbia.

**13. Binding Agreement:** The parties agree that this Agreement and the agreements and understandings set out herein will be binding upon and enforceable against the parties.

**ACCEPTED AND AGREED:**

**SHAW CABLESYSTEMS LIMITED**

**CITY OF COURTENAY**

By:

By:

Name/Title:

Name/Title:

**Ward, John**

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**Subject:** FW: Shaw Go Wi-Fi

**FOR COUNCIL  
INFORMATION ONLY**

*John Ward, CMC  
Director of Legislative Services  
City of Courtenay  
(250) 703-4853*

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**From:** Bernard, Yves  
**Sent:** February-17-14 2:18 PM  
**To:** Ward, John  
**Subject:** RE: Shaw Go Wi-Fi

In the report, not directly. Jeff addressed the issues in an e-mail. See below. The questions did not come from CVEDS, but came from their computer contractor.

1. What happens after they provide an email address? Do they have to click on a link that is emailed to them to access the free wifi? If so, how do they receive this if they do not have any connection? Or does it just work after you provide it with YYY@yyy.yy? If so, what is to prevent people from making up an address?
  - The specific details of how the portal will behave are still being fleshed out by our engineering team. That being said, ideally, after a customer enters in their email address, they will be connected to the internet, where they can then check and confirm their email. After a time-out period (duration TBD), if authentication has not been made, the user would be disconnected from the WiFi and be redirected to the log-in portal.
2. What is done with the email addresses collected? Is Shaw going to spam these people for all eternity or perhaps sell the database to marketers? Will the City have access to the database?
  - The collected emails would be for Shaw purposes only and not sold to any third parties. Shaw may use the information for selected marketing activities. Additionally, it is important to know who is using the network in the event there is a request from a law enforcement agency.
3. What have other communities asked in return for shaw, what arrangements have they made. It might be worth the Cities time to make some enquiries.
  - Shaw has entered into numerous agreements with cities, including Victoria, Vancouver, Nanaimo, Oak Bay, Esquimalt, New Westminster, Winnipeg to name a few. Early agreements (early 2012) had various components that Shaw no longer offers, currently the majority of cities opt for the free guest access option, (Vancouver and Nanaimo are exceptions and have taken a commercial offering).
4. Will the wifi interfere with other units in the downtown core once it saturates the area? There are only so many channels available in the 2.4 GHz range, would it interfere with coffee shops or private homes? If it did is there a process to correct this? Will heavy use of this "free" network impact the bandwidth of paying customers in the area?
  - WiFi is designed to work with other WiFi networks in the same area such that one network should not prevent another from working. Wireless controllers manage power output of various APs to minimize interference as well as switching channels. WiFi signals only propagate a short distance so interference with other locations can generally be mitigated. In special circumstances, directional antennas can also be used to improve coverage and minimize interference.
5. who is legally responsible for the network if used for illicit purposes? Does the City have any liability in this area or just Shaw? Will Shaw do anything to block pornography or bittorrent sites?

- Neither Shaw, nor the partner venue (i.e. City of Courtenay) is legally liable for illicit use; instead, the liability is attributed to the end user. Shaw does not have a content filter (i.e. will not block pornographic or bit torrent sites). Similarly to our marketing clause mentioned above, details on liability are noted in our Terms of Service (our terms cover Shaw and the City) which the customer must agree to prior to using Shaw's Go WiFi Services.





Health  
Canada

Santé  
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Your health and  
safety... our priority.

Votre santé et votre  
sécurité... notre priorité.

Safety of Wi-Fi Equipment

Updated:

October 2011

# IT'S YOUR HEALTH

## Safety of Wi-Fi Equipment

### THE ISSUE



Wi-Fi equipment is being installed in many public places across Canada including schools, offices, libraries, shopping venues and coffee shops. Some people are concerned that radiation from Wi-Fi equipment could cause health problems and that children may be at particular risk in school environments.

### WI-FI EQUIPMENT

Wi-Fi is a technology that allows devices such as home and portable computers, digital audio players and video game consoles to communicate data wirelessly. It is often used to link home computers to the internet. Wi-Fi is the second most common form of wireless technology, next to [cell phones](#). Like other commonly used household products (cordless phones, Bluetooth devices, and remote controls for garage door openers), Wi-Fi equipment emits [radiofrequency \(RF\) energy](#).

The RF energy given off by Wi-Fi is a type of non-ionizing radiation. Unlike ionizing radiation (as emitted by [X-ray machines](#)), RF energy from Wi-Fi equipment and other wireless devices cannot break chemical bonds. While some of the RF energy emitted by Wi-Fi is absorbed in your body, the amount largely depends on how close your body is to a Wi-Fi enabled device and the strength of the signal. Unlike cellular phones where the transmitter is in close proximity

to the head and much of the RF energy that is absorbed is deposited in a highly localized area, RF energy from Wi-Fi devices is typically transmitted at a much greater distance from the human body. This results in very low average RF energy absorption levels in all parts of the body, much like exposure to AM/FM radio signals.

### HEALTH RISKS OF WI-FI

In 2011, the [International Agency for Research on Cancer \(IARC\)](#) classified RF energy as "possibly carcinogenic to humans". The IARC classification of RF energy reflects the fact that some limited evidence exists that RF energy might be a risk factor for cancer. However, the vast majority of scientific research to date does not support a link between RF energy exposure and human cancers. At present, the evidence of a possible link between RF energy exposure and cancer risk is far from conclusive and more research is needed to clarify this "possible" link. Health Canada is in agreement with both the World Health Organization and IARC that additional research in this area is warranted.

As long as RF energy levels remain below Health Canada's RF safety guidelines, current scientific evidence supports the assertion that RF energy emissions from Wi-Fi devices are not harmful. Health Canada's conclusions are consistent with the findings of other international bodies



and regulators, including the World Health Organization, the International Commission on Non-Ionizing Radiation Protection, the Institute of Electrical and Electronics Engineers and the U.K. Health Protection Agency.



RF energy exposure from Wi-Fi equipment in all areas accessible to the general public are required to meet Health Canada's safety guidelines. The limits specified in the guidelines are far below the threshold for adverse health effects and are based on an ongoing review of thousands of published scientific studies on the health impacts of RF energy. The public exposure limits apply to everyone, including children, and allow for continuous, 24/7 exposure.

## MINIMIZING YOUR RISK

Health Canada's position is that no precautionary measures are needed, since RF energy exposure levels from Wi-Fi are typically well below Canadian and international safety limits. As with any product, Wi-Fi devices should be operated in accordance with the manufacturer's instructions.

## THE GOVERNMENT OF CANADA'S ROLE

Health Canada's role is to protect the health of Canadians, so it is the Department's responsibility to research and investigate any possible health effects associated with exposure to RF energy, such as that coming from Wi-Fi equipment. Health Canada has developed guidelines for safe human exposure to RF energy (*Safety Code 6*). It is one of a series of codes that specify the requirements for the safe use of radiation-emitting devices operating in the frequency range from 3 kilohertz (kHz) to 300 gigahertz (GHz). Wi-Fi operates in the 2.4 and 5.8 GHz frequency range.



Industry Canada, the federal regulator responsible for the approval of RF communications equipment and performing compliance assessments, has chosen Health Canada's RF guidelines as its exposure standard. As long as exposures respect these guidelines, Health Canada has determined that there is no scientific reason to consider Wi-Fi equipment dangerous to the public.

## FOR MORE INFORMATION

- Health Canada *Wi-Fi* YouTube video: [www.hc-sc.gc.ca/ahc-asc/media/video/wifi-eng.php](http://www.hc-sc.gc.ca/ahc-asc/media/video/wifi-eng.php)

- Frequently Asked Questions About Wi-Fi: [www.hc-sc.gc.ca/ewh-semt/radiation/cons/wifi/faq-eng.php](http://www.hc-sc.gc.ca/ewh-semt/radiation/cons/wifi/faq-eng.php)
- Health Canada, *Cell Phone Towers* at: [www.hc-sc.gc.ca/ewh-semt/radiation/cons/stations/index-eng.php](http://www.hc-sc.gc.ca/ewh-semt/radiation/cons/stations/index-eng.php)
- It's Your Health*, *Safety of Cell Phones and Cell Phone Towers* at: [www.hc-sc.gc.ca/hl-vs/iyh-vsv/prod/cell-eng.php](http://www.hc-sc.gc.ca/hl-vs/iyh-vsv/prod/cell-eng.php)
- It's Your Health*, *Electric and Magnetic Fields at Extremely Low Frequencies* at: [www.hc-sc.gc.ca/hl-vs/iyh-vsv/environ/magnet-eng.php](http://www.hc-sc.gc.ca/hl-vs/iyh-vsv/environ/magnet-eng.php)
- World Health Organization, *Electromagnetic fields and public health: mobile phones* at: [www.who.int/mediacentre/factsheets/fs193/en/](http://www.who.int/mediacentre/factsheets/fs193/en/)
- World Health Organization, *Electromagnetic fields and public health: base stations and wireless technologies* at : [www.who.int/mediacentre/factsheets/fs193/en/](http://www.who.int/mediacentre/factsheets/fs193/en/)
- International Agency for Research on Cancer *electromagnetic fields news release* at: [www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208\\_E.pdf](http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf)

## FOR INDUSTRY AND PROFESSIONALS

- Health Canada's Consumer and Clinical Radiation Protection Bureau at: [www.hc-sc.gc.ca/ahc-asc/branch-dirgen/hecs-dgsesc/psp-psp/ccrpb-bpcrpcc-eng.php](http://www.hc-sc.gc.ca/ahc-asc/branch-dirgen/hecs-dgsesc/psp-psp/ccrpb-bpcrpcc-eng.php)
- Health Canada's RF exposure guidelines (*Safety Code 6*) at: [www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio\\_guide-lignes\\_direct-eng.php](http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php)
- Industry Canada's Radio Standards Specification 102 at: [www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01904.html](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01904.html)





Health  
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Your health and  
safety... our priority.

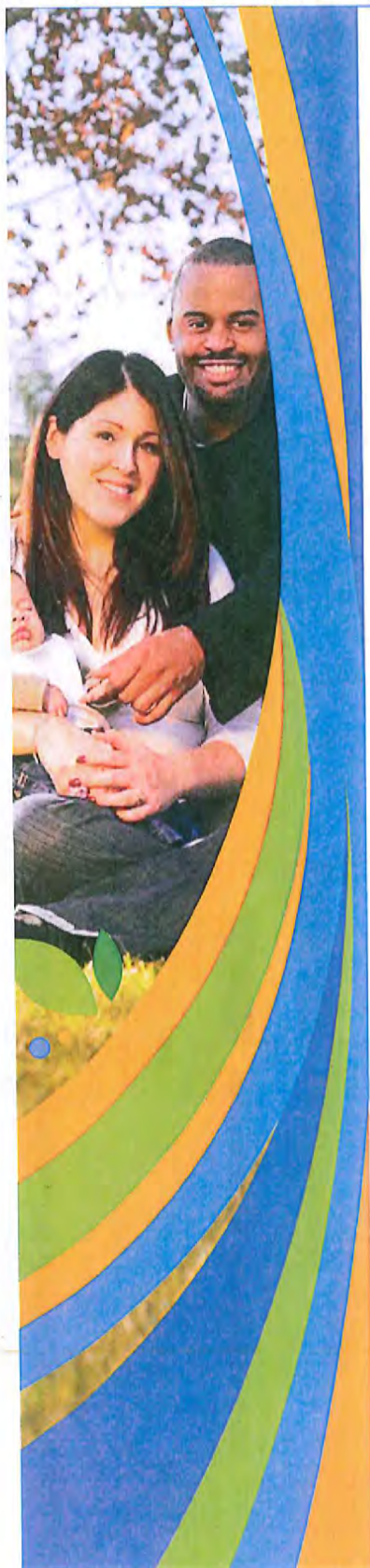
Votre santé et votre  
sécurité... notre priorité.

Safety of Wi-Fi Equipment

Updated:

October 2011

# IT'S YOUR HEALTH



- Industry Canada's *Client Procedures Circular CPC-2-0-03* at: [www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html)
- Industry Canada, *Consumer Trends Update – The Expansion of Cell Phone Services* at: [www.ic.gc.ca/eic/site/oca-bc.nsf/eng/ca02267.html](http://www.ic.gc.ca/eic/site/oca-bc.nsf/eng/ca02267.html)
- Industry Canada's *Guidelines for the Protection of the General Public in Compliance with Safety Code 6* at: [www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf05990.html](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf05990.html)
- World Health Organization, *Electromagnetic Fields* at: [www.who.int/topics/electromagnetic\\_fields/en/](http://www.who.int/topics/electromagnetic_fields/en/)

## RELATED RESOURCES

- For safety information about food, health and consumer products, visit the [Healthy Canadians](http://www.healthycanadians.gc.ca) website at: [www.healthycanadians.gc.ca](http://www.healthycanadians.gc.ca)
- For more articles on health and safety issues go to the *It's Your Health* web section at: [www.health.gc.ca/iyh](http://www.health.gc.ca/iyh)

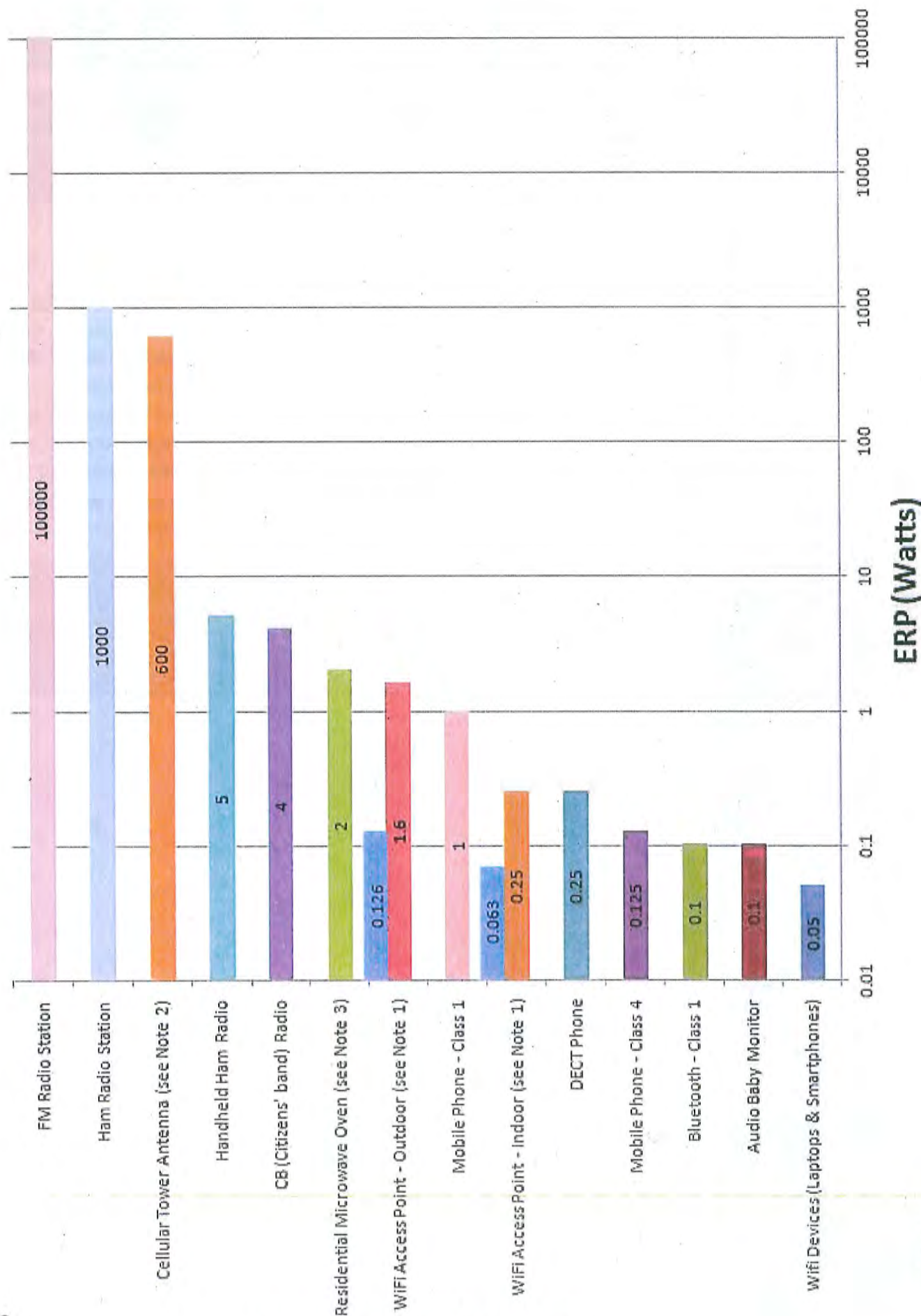
You can also call toll free at 1-866-225-0709 or TTY at 1-800-267-1245\*

Updated: October 2011  
Original: December 2010

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represented by the Minister of Health, 2011

Catalogue: H13-7/86-2011E-PDF  
ISBN: 978-1-100-19449-3

# OUTPUT POWER FROM COMMON RF EQUIPMENT & DEVICES



## Notes:

1. "Maximum" and "Typical" transmit power levels for indoor and outdoor access points (APs).

2. Multiple technologies (GSM/GPRS, UMTS/HSPA and future LTE) and multiple channels are assumed. Actual combined transmit power level may be higher.



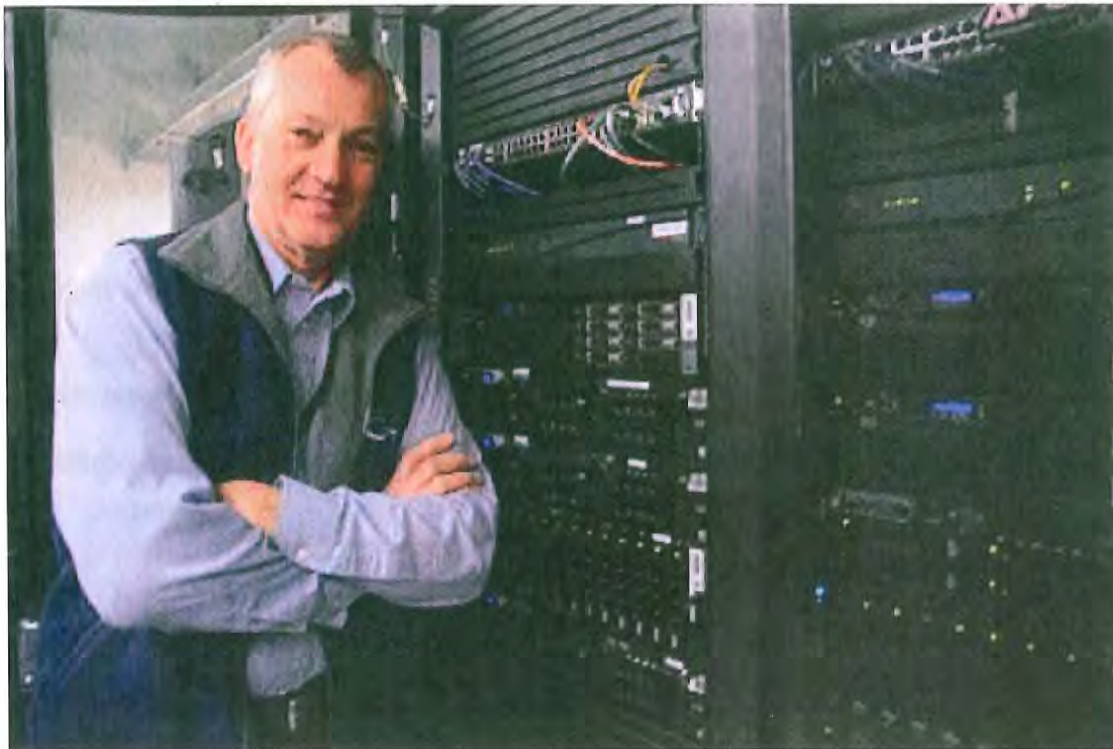
Nanaimo Daily News.

HARBOUR CITY **STAR**

## City council reverses call on issue of wireless access; Shaw will set up network of access points

[Spencer Anderson](#) / Daily News

June 25, 2013 09:00 PM



Nanaimo information technology director Per Kristensen said a new deal between Shaw Communications and the City of Nanaimo will offer residents a higher level of Internet service. Photograph by: Spencer Anderson/Daily News

Shaw Communications will be allowed to expand wireless Wi-Fi Internet services for its customers throughout the city after all.

Last week, Nanaimo council voted against a proposal from Shaw to allow the company to pay the municipality to set up a network of wireless access points throughout city parks, buildings and infrastructure. Some on council feared the move would allow Shaw an unfair advantage over competitors.

But on Monday, council reversed its decision after passing a motion by Coun. Diane Brennan to reconsider the issue. She and Coun. Fred Pattje were absent for the last vote.

Councillors also had questions for Shaw representative Jeff Bray, who appeared as a delegation. Bray, manager of government and regulatory affairs for the company, stressed the deal between the city and Shaw would be non-exclusive, meaning it wouldn't bar another telecommunications firm from approaching the city with the same offer.



The five-year deal would see Shaw pay the city \$350 for each outside device it installed, and \$40 for each inside access point. That amounts to about \$47,000 in annual revenue for the city.

Other municipalities, including Edmonton and Vancouver, have already approved agreements with Shaw.

The City of Victoria has also signed on to the service and reaps about \$80,000 a year.

Pattje asked why Victoria was receiving \$23,000 more, despite having a smaller population.

Bray said the company switched to a rate system after reaching a deal with the City of Vancouver, and added the agreement with Victoria included a bundle of other services.

"The City of Victoria (has) a significantly larger number of access points," he added.

"Their downtown alone has more access points than all of Nanaimo, indoors and outdoors." City staff members estimate 60 per cent of Nanaimo residents subscribe to Shaw, meaning they would be able to access the 'Go Wi-Fi' service for free.

Non-Shaw customers would still be able to access wireless Internet service provided by the city at public facilities.

As part of the deal, non-Shaw customers could also use the Wi-Fi signal to access the city's website (although that wouldn't include wireless service offered by private Shaw customers, including businesses).

City IT manager Per Kristensen said the deal allows the city a chance to offer residents a higher level of service.

Brennan said officials received a lot of input from the public over the previous week requesting the additional service.

"It's a bonus for our citizens and they clearly want it," she said.

The presentation also swayed councillors Diana Johnstone and Bill McKay, who voted against the motion the previous week.

Coun. Jim Kipp said he still had concerns with the proposal, but did not raise his hand to vote 'no' when the motion was called.

City staff members will next negotiate an agreement to bring forward for approval.

SAnderson@nanaimodailynews.com 250-729-4255

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THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Marihuana for Medical Purposes Regulations

**File No.:** 3360-20-1405  
**Date:** March 17, 2014

### PURPOSE:

The purpose of this report is to provide Council with staff's review and recommended amendments to the Zoning Bylaw pertaining to the new Federal Marihuana for Medical Purposes Regulations which comes into effect April 1, 2014.

### CAO RECOMMENDATIONS:

That based on the March 17, 2014 staff report 'Marihuana For Medical Purposes Regulations' Council approve Option No. 1 and proceed to First and Second readings to the City of Courtenay Zoning Amendment Bylaw No. 2779, 2014; and

That Council direct staff to reschedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2779, 2014 on April 7, 2014 at 5:00 p.m. in the City Hall Council Chambers.

Respectfully submitted,

David Allen  
Chief Administrative Officer

### BACKGROUND:

On December 16, 2012, the Federal Minister of Health sent out a media release proposing a new program, called Marihuana for Medical Purposes Regulations (MMPR) (Attachment No. 1). The existing Marihuana Access Program (MMAP) will be repealed on March 31, 2014. There is no legal non-conforming status for these licence holders and any person continuing to grow medical marihuana under a personal use production licence or a designed personal production licence after March 31, 2014 will be committing an offence. The objective of the new program is to redress problems incurred by the current Marihuana Medical Access Program, and to establish a regulated commercial market of licensed producers responsible for the production and distribution of medical marihuana. Extensive security and quality control requirements are to be established, such as:

- Employment of a quality assurance person with appropriate training, experience and technical knowledge to improve marihuana quality;
- Indoor production site in a non-residential structure to maximize security and minimize risks to human health and safety;
- Extensive security measures such as;
  - restricted-access areas, which would include all areas where a licenced activity is conducted;

- controlled access to the production site with 24/7 visual monitoring systems and an intrusion detection system to detect unauthorized access;
- valid security clearance for staff, issued by the Federal Minister of Health; and,
- full disclosure of operation to the local police force, local fire authority and local government.

Prospective producers will not become licensed until the proposed Marihuana for Medical Purposes Regulations come into effect.

Legislative changes and technological advances will assist in alleviating some of the problems associated with the current situation. The City has received several complaints regarding the growing of marihuana, however under the present Health Canada regulations, the neighbourhood concerns over smell, noise and traffic can not be addressed. The new Health Canada regulations will increase the potential for improved management practices, enforcement and better regulation of the industry. Technological advances will favour strategic capital investment to create energy efficient production in secure buildings. These will be large scale commercial/industrial type facilities which will not be permitted in a residential dwelling.

Under the new legislation, the production of medical marihuana is modelled on the manufacture of other prescription drugs (i.e. larger scale operations). All cultivation must be done indoors and the product must be packaged and labelled, same as other prescription drugs, in the same facility where it is cultivated. Federally licensed producer sales will be limited to patients registered with the producer and must be through registered mail or bonded courier. Face-to-face sales on site are prohibited.

A critical element of an application for a licence to produce (or for an amendment to the licence to produce) under the MMPR's is that the applicant must first notify the local police force, fire authority and government of the pending application for a licence, and the notices must include the address of the proposed production facility. The applicant must submit copies of these notices to the federal government as part of the materials for a licence. If the applicant has not provided the requisite notice to local authorities, the licence (or licence renewal or amendment) must be refused.

The challenge for the City is to manage risks by directing this land use into an appropriate zone or zones in a purpose built structure.

The Agricultural Land Commission (ALC) has issued two information bulletins on medical marihuana production in the Agricultural Land Reserve (ALR) (Attachment No. 2). The bulletins state "if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of said plant in the Agricultural Land Reserve (ALR) is allowed and would be interpreted by the Agricultural Land Commission as being consistent with the definition of "farm use" under the ALC Act".

The bulletin goes on to state that "Proponents of medical marihuana production facilities should contact their local government to determine the applicability of zoning bylaws, approval processes and to determine building permit requirements that may apply".

This reflects an agreement that does not preclude a local government from passing a zoning bylaw amendment to prohibit medical marihuana cultivation in the ALR.

It may be argued that prohibiting large scale, commercial Medical Marihuana Grow Operations on agricultural land would preserve agricultural land for more traditional farm uses which is consistent with the Agricultural Land Act.

Industrial zones may be considered suitable, however, the challenges associated with this use include maintaining air quality on smaller lots or in multi-tenanted structures. There are also a very limited number of industrial properties in the City. In addition, industrial sites may not be suitable for processing the significant amount of organic waste produced as part of the operation.

## DISCUSSION:

The commercial production of medical marihuana is authorized under federal legislation, however local government does retain the power to prohibit these operations. The potential effects of a medical marihuana operation on neighbouring properties and uncertainties related to odour, noise, traffic, lighting, fire and safety leads to taking a cautious approach to regulating this use.

Planning staff have met with staff from adjoining jurisdictions and have reviewed the approaches taken by a number of other municipalities. The approaches greatly vary from prohibition to permitting this use in either or both industrial and agricultural zones.

The recommendations in this report are based on addressing the potential effects on neighbouring properties. By prohibiting the use in the City, an applicant for this type of use could apply to amend the zoning bylaw which would require proceeding through a public process to seek the approval of Council. This would give Council the opportunity to consider the impacts of any proposed operation and establish the appropriate conditions if supported.

Pursuant to Section 929 of the Local Government Act, should the City receive an application for a building permit for Medical Marihuana Production Facility within a zone permitting agricultural use prior to the adoption of the recommended zoning bylaw amendments, Council can by resolution withhold a permit for a period of 30 days. It is sufficient to give a zoning amendment bylaw first reading to invoke Section 929. This provision does not apply for the period 7 days after the date of the resolution of Council to advance the zoning bylaw amendment.

### Proposed Zoning Bylaw Amendments

Medical marihuana production as proposed is a commercial operation but due to the impacts it may have in proximity to residential, commercial, industrial and institutional areas and other population serving areas, it is recommended that it be defined specifically by adding:

#### 1. Division 3 Interpretation Part 1 – Definitions:

##### *“Medical Marihuana Production Facility”*

A building or part thereof used by a licensed producer, as defined in the Marihuana for Medical Purpose Regulations under the *Controlled Drugs and Substances Act*, and any subsequent regulations or Acts, to produce marihuana for medical use, including cultivation, drying, testing and research laboratory, storage, destroying, packaging and shipping and includes the sale of marihuana only to customers who are not present on the same premises.

#### 2. Division 6 General Regulations Part 3 - Home Occupations:

By adding:

6.3.14 *Medical Marihuana Production Facility* is prohibited as a home occupation.

#### 3. Division 6, General Regulations:

By adding:

##### Part 17 Prohibited Uses in All Zones

6.17.1 Unless specifically permitted in this Bylaw, the use of land, water, buildings or structures for the following purpose is prohibited:

(a) *Medical Marihuana Production Facility*

### **Business Licence Bylaw Amendments**

Amendments to the City's Business Licence Bylaw was also considered, however, as the recommended approach is to prohibit medical marihuana operations amendments to the Business Licence Bylaw are not needed at this time.

### **FINANCIAL IMPLICATIONS:**

N/A

### **ADMINISTRATIVE IMPLICATIONS:**

The processing of development applications and updating existing bylaws is included in the current work plan as a statutory component should a future application be made.

### **STRATEGIC PLAN REFERENCE:**

Goal 2.2 Provide proactive leadership for growth management which includes addressing land use issues.

### **OFFICIAL COMMUNITY PLAN REFERENCE:**

The City recognizes the important role of the ALR and supports the aim of preserving farmland and farming activities.

### **REGIONAL GROWTH STRATEGY REFERENCE:**

It is the intent of the RGS to recognize the policies and procedures within the ALR in order to support agricultural practices.

Ensure appropriate buffers and transition zones between working landscapes and non-farm uses to minimize negative impacts.

### **CITIZEN/PUBLIC ENGAGEMENT:**

The changes to the Federal Legislation on regulating marihuana growing and the position of the Agricultural Land Commission have been widely published. Any amendments to the zoning bylaw would require a public hearing and the applicable advertising. Business Licence Bylaw requires public notification in local newspaper.

### **OPTIONS:**

OPTION 1: That Council give Bylaw No. 2779 First and Second readings and proceed to Public Hearing;

OPTION 2: That Council defer consideration of Bylaw No. 2779 pending receipt of further information;

OPTION 3: That Council not approve Bylaw No. 2779

Prepared by:

  
\_\_\_\_\_  
Peter Crawford, MCIP, RPP  
Director of Development Services

**Attachments:**

1. Health Canada News Release: Marihuana for Medical Purposes Regulations
2. ALC Information Bulletin: Medical Marihuana Production in the Agricultural Land Reserve



Home > About Health Canada > Media Room > News Releases

## About Health Canada

### Marihuana for Medical Purposes Regulations

June 2013

News Release: Harper Government Announces New Medical Marihuana Regulations

Backgrounder: Transitioning to the New System

*New Marihuana for Medical Purposes Regulations (MMPR)* will come into force in June 2013.

Following broad consultations with stakeholders, the Government of Canada was concerned that the Marihuana Medical Access Program (MMAP) was open to abuse.

The MMPR represent a comprehensive response to a number of concerns raised over the past years and during the public comment period following the introduction of the draft regulations in December 2012.

The regulations aim to treat marihuana as much as possible like any other narcotic used for medical purposes by creating conditions for a new, commercial industry that is responsible for its production and distribution. The regulations will provide access to quality-controlled marihuana for medical purposes, produced under secure and sanitary conditions, to those Canadians who need it, while strengthening the safety of Canadian communities. In addition, the new regulations will also provide more choices of marihuana strains and commercial suppliers.

Under the new regulations:

- the process for applicants and health care practitioners will be streamlined, eliminating the need for individuals to provide Health Canada with their personal information or apply to the department for an Authorization to Possess;
- personal and designated production by individuals in their homes will be eliminated on March 31, 2014;
- current options to access marihuana for medical purposes will be replaced by regulated, commercial Licensed Producers who will be able to produce a variety of strains, thereby offering more choice to individuals who use marihuana for medical purposes;
- Licensed Producers will have to demonstrate compliance with regulatory requirements such as quality control standards, record-keeping of all activities as well as inventories of marihuana, and physical security measures to protect against potential diversion;
- Licensed Producers will distribute marihuana for medical purposes to the registered client via secure courier;
- storefronts or retail outlets will not be permitted; and,

Marihuana for Medical Purposes Regulations - Health Canada Information Backgrounder ... Page 2 of 2

- for the first time, nurse practitioners will be able to support access to dried marihuana for medical purposes, if permitted within their respective province or territory.

Under the new regulations, licensed producers will have to meet extensive security and quality control requirements. For example, when potential licensed producers apply to Health Canada for a license, they must demonstrate that:

- They employ a quality assurance person with appropriate training, experience and technical knowledge to approve the quality of their dried marihuana;
- Their production site is indoors, and not in a private dwelling. This would reduce the risk of diversion posed by outdoor production and would reduce health and safety risks associated with producing marihuana in a private dwelling;
- The production site includes restricted-access areas, which would include all areas where a licensed activity is conducted with marihuana and cannabis other than marihuana (i.e. lab, production room, etc);
- Access to the production site is controlled at all times and includes 24/7 visual monitoring systems and an intrusion detection system to detect unauthorized access;
- Key personnel hold a valid security clearance, issued by the Minister of Health; and,
- They have provided a written notification of their application, providing details regarding the location of the production site, to the local police force, local fire authority and local government.

Health care practitioners will sign a medical document enabling patients to purchase the appropriate amount for their medical condition from a Licensed Producer approved by Health Canada.

To help health care practitioners, Health Canada has updated and will soon publish the *"Information for Health Care Professionals - Cannabis (marihuana, marijuana) and the cannabinoids"* on its web site. The document will present a summary of the peer-reviewed scientific and medical literature concerning potential therapeutic uses and harmful effects of cannabis (marihuana) and cannabinoids.

In order to facilitate the transition from the MMAP to the new regime, both will operate concurrently until March 31, 2014. Program participants can continue to produce marihuana for medical purposes, designate someone to produce for them, or purchase it from Health Canada until that date.

Effective October 1, 2013, new applications for personal or designated production licences will no longer be accepted by Health Canada. At any time during the transition period, individuals can move from their current means of accessing marihuana for medical purposes to purchasing it from Licensed Producers under the new regime.

The current program costs Canadian taxpayers millions of dollars each year because the \$5/gram charged to program participants who choose to purchase from Health Canada is heavily subsidized. Under the new regime, Licensed Producers will set the price for marihuana for medical purposes. Once the first established Licensed Producers have set a price for dried marihuana, Health Canada will align the price of its supply with the market price so as not to undermine the creation of this new industry.

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Date Modified: 2013-06-10





**INFORMATION BULLETIN  
MEDICAL MARIHUANA PRODUCTION  
IN THE AGRICULTURAL LAND RESERVE**  
Updated August 2013

Health Canada has proposed the Marihuana for Medical Purposes Regulation (MMPR). It is expected that the current system of personal use licenses and designated person licenses will be phased out by April 1, 2014. In its place, new Federal licenses are anticipated, geared to larger scale production facilities. For further information about the proposed changes see the following websites <http://www.hc-sc.gc.ca/dhp-mpps/marihuana/index-eng.php> and <http://gazette.gc.ca/rp-pr/p1/2012/2012-12-15/html/req4-eng.html>.

Various local governments in British Columbia are looking at their zoning bylaws to determine where these larger scale commercial production facilities should be directed. A number of local governments are considering industrial, commercial and agricultural zones, within purpose built structures and with siting regulations from property lines and residential uses.

*The Agricultural Land Commission Act* and regulations determine land use in the Agricultural Land Reserve (ALR). Due to the number of inquiries from local governments and Medical Marihuana production proponents, the ALC provides this information bulletin with regard to Medical Marihuana production in the ALR.

Section 1 of the *Agricultural Land Commission Act* defines "farm use" as:

An occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*.

Based on the above definition, if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of said plant in the Agricultural Land Reserve (ALR) is permitted and would be interpreted by the Agricultural Land Commission as being consistent with the definition of "farm use" under the *ALC Act*.

Notwithstanding the farming of land for the production of medical marijuana, not all activities associated with its production would necessarily be given the same "farm use" consideration. Accessory uses associated with the farm use include a small business office, testing lab, processing and drying, packaging shipping areas, cloning room and anything else directly related to the growing and processing of the plant. Determining an accessory use is contingent on the use being necessary and commensurate with the primary function of the property/building to produce an agricultural product. If a land use activity is proposed that is not specifically related to the growing of an agricultural product including a stand-alone research and development facility, an application to the ALC for non-farm use would be required.

The ALC would require information with respect to proposed building(s) and the uses within the building before it could provide guidance on whether a particular proposal would be considered consistent with the definition of farm use in its entirety. Proponents are therefore advised to communicate with the ALC in the early stages of developing a farm proposal and in advance of approaching a local government for building permits for a specific property that is within the ALR, to determine whether an application is required for permission under the *Agricultural Land Commission Act*.



**INFORMATION BULLETIN  
MEDICAL MARIHUANA PRODUCTION  
IN THE AGRICULTURAL LAND RESERVE**  
Updated August 2013

If a local government is considering changes to a bylaw to regulate the farm use then it is recommended that the bylaw be forwarded to the ALC for review.



**INFORMATION BULLETIN**  
**MEDICAL MARIHUANA PRODUCTION IN THE AGRICULTURAL LAND RESERVE**  
Updated January 2014

Health Canada's Marihuana for Medical Purposes Regulation (MMPR) <http://www.laws-lois.justice.gc.ca/eng/regulations/SOR-2013-119/> has changed the parameters for the production of medical marihuana in Canada. The current system of personal use licenses and designated person licenses will be phased out by April 1, 2014. In its place, new Federal licenses are geared to larger scale production/distribution facilities. For further information about the changes see the following website <http://www.hc-sc.gc.ca/dhp-mps/marihuana/index-eng.php>.

Various local governments in British Columbia are looking at their zoning bylaws to determine where these larger scale commercial production facilities should be directed. A number of local governments are considering industrial, commercial and agricultural zones, within purpose built structures and with siting regulations from property lines and residential uses. Others are looking to restrict this land use or direct to particular areas of their community.

*The Agricultural Land Commission Act* and regulations determine land use in the Agricultural Land Reserve (ALR). Due to the number of inquiries from local governments and Medical Marihuana production proponents, the ALC provides the following for clarification purposes with regard to Medical Marihuana production in the ALR.

Section 1 of the *Agricultural Land Commission Act* defines "farm use" as:

An occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*.

Based on the above definition, if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of said plant in the Agricultural Land Reserve (ALR) is allowed and would be interpreted by the Agricultural Land Commission as being consistent with the definition of "farm use" under the *ALC Act*.

Notwithstanding the farming of land for the production of medical marihuana, not all activities associated with its production would necessarily be given the same "farm use" consideration. Accessory uses associated with the farm use include a small business office, testing lab, processing and drying, packaging shipping areas, cloning room and anything else directly related to the growing and processing of the plant. Determining an accessory use is contingent on the use being necessary and commensurate with the primary function of the property/building to produce an agricultural product. If a land use activity is proposed that is not specifically related to the growing of an agricultural product including a stand-alone research and development facility, an application to the ALC for non-farm use would be required.

Municipalities are responsible for governing the use of land within the respective municipality's jurisdiction. Zoning bylaws enacted by municipalities may set out restrictions on land use, including but not limited to the use of land for medical marihuana production. Where such restrictions may apply to land within the ALR, such restrictions with respect to the particular land use of lawfully sanctioned medical marihuana production would not in and of themselves be considered as inconsistent with the *ALC Act*.

Proponents of medical marihuana production facilities should contact their local government to determine the applicability of zoning bylaws, approval processes and to determine building permit requirements that may apply.



THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

3

**To:** Council

**File No.:** 3060-20-1226

**From:** Chief Administrative Officer

**Date:** March 17, 2014

**Subject:** Extension of Development Permit 1226 for 2525 Mission Road

**PURPOSE:**

The purpose of this report is to consider an application to extend the period of validity for Development Permit 1226 for 2525 Mission Road.

**CAO RECOMMENDATIONS:**

That based on the March 17, 2014 staff report "Extension of Development Permit 1226 for 2525 Mission Road", Development Permit 1226, to allow the construction of a mixed use commercial complex on the property legally described as Lot 2, District Lot 236, Comox District, Plan VIP70439 (2525 Mission Road) be extended for a period of 12 months to March 17, 2015.

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

The subject property was rezoned on March 4<sup>th</sup>, 2013 to facilitate the proposed development and a Development Permit was issued on March 13<sup>th</sup>, 2013. Development Permits are valid for 12 months and the existing permit has now lapsed.

**DISCUSSION:**

There have been no changes to the Commercial Development Permit Guidelines or to the CD-24 zone since the original application was approved. The existing permit is attached for reference.

**FINANCIAL IMPLICATIONS:**

There are no financial implications related to the request to extend the period of validity.

**ADMINISTRATIVE IMPLICATIONS:**

Minimal staff time required, and included as a statutory component of the Development Services annual work plan.

**STRATEGIC PLAN REFERENCE:**

Not applicable.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

Not applicable.

**REGIONAL GROWTH STRATEGY REFERENCE:**

Not applicable.

**CITIZEN/PUBLIC ENGAGEMENT:**

Not applicable.

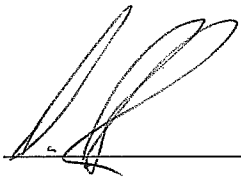
**OPTIONS:**

OPTION 1: Approve the period of validity for 12 months. (Recommended)

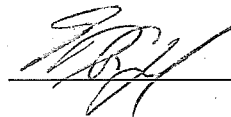
OPTION 2: Defer consideration of the request pending receipt of further information.

OPTION 3: Reject the request for extension.

Prepared by:

A handwritten signature in black ink, consisting of a stylized 'I' and 'B' followed by a horizontal line.

Ian Buck, MCIP, RPP  
Manager of Planning

A handwritten signature in black ink, consisting of a stylized 'P' and 'C' followed by a horizontal line.

Peter Crawford, MCIP, RPP  
Director of Development Services

**Attachment No. 1 – Request from Applicant**



February 20 2014

City of Courtenay  
830 Cliff Avenue  
Courtenay, BC, V9N 2J7

Re: 2525 Mission Road

Renewal of Development Permit Application # 1226

Mayor and Council:

The Development Permit for Dark Horse Holdings Ltd. for the property located at 2525 Mission Road in Courtenay expires as of March 13 2014. We are actively leasing the property and have secured an anchor tenant and we are currently in negotiations with a number of other tenants. Unfortunately because we have only one confirmed lease at this time we are not in a position to make a building permit application. We ask that the existing Development Permit be extended for an additional year so that we can continue our leasing initiative.

We are very excited about this project and encouraged by the continued interest by tenants.

Your help in this matter is greatly appreciated.

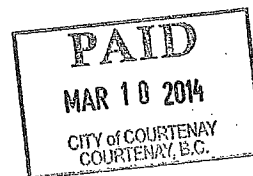
Yours truly,

Tom Moore

Architect AIBC

cc. Ian Buck

Manager of Planning



250 384 2131  
531 Herald Street, Victoria, BC  
moorearchitecture.ca

**Attachment No. 2 – Existing DP**

**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2392**

**SCHEDULE "2E"**

**Permit No. DP1226**

**DEVELOPMENT PERMIT**

March 12, 2013

**To issue a Development Permit with Variances**

**To:**     **Name:**             Rideout Construction Ltd., Inc. No. BC0514242  
          **Address:**         201-467 Cumberland Road  
                                  Courtenay, BC V9N 2C5

**Property to which permit refers:**

Legal: Lot 2, District Lot 236, Comox District, Plan VIP70439  
Civic: 2525 Mission Road

**Conditions of Permit:**

Permit issued to allow the development of a mixed use commercial complex with a total combined floor area of approximately 1,577.8 m<sup>2</sup> subject to the following conditions:

- a. Development in conformance with the plans and elevations contained in **Schedule No. 1**;
- b. All roof top mechanical equipment must be screened from view or screened to blend in with the roof and elevator penthousing and shall be incorporated into the overall architectural treatment of

- the building;
- c. Submission of landscape security in the amount of  $(125\% \times \$72,954.85)$  \$91,193.56. This security will be released in accordance with the provisions of *Development Application Procedures Bylaw No.2699, 2012*;
  - d. Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;
  - e. The following minimum depth of topsoil or amended organic soil is required on all landscaped areas of the property: shrubs – 450mm; groundcover and grass – 300mm; trees – 300mm around and below the root ball;
  - f. Issuance of a sign permit in compliance with the *City of Courtenay Sign Bylaw No. 2042, 1998* or the bylaw in effect at the time of application and the Commercial Development Permit Guidelines is required for all signage. Signage must not be internally illuminated unless otherwise permitted by the sign bylaw in effect at the time of application. This permit does not approve signage;
  - g. All building, site and sign lighting must be full cut off, flat lens in accordance with the City's Dark Skies Policy. Submission of a lighting plan and specifications is required prior to issuance of a building permit and all lighting must be approved by the City prior to installation;

#### **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.

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Date

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Director of Legislative Services



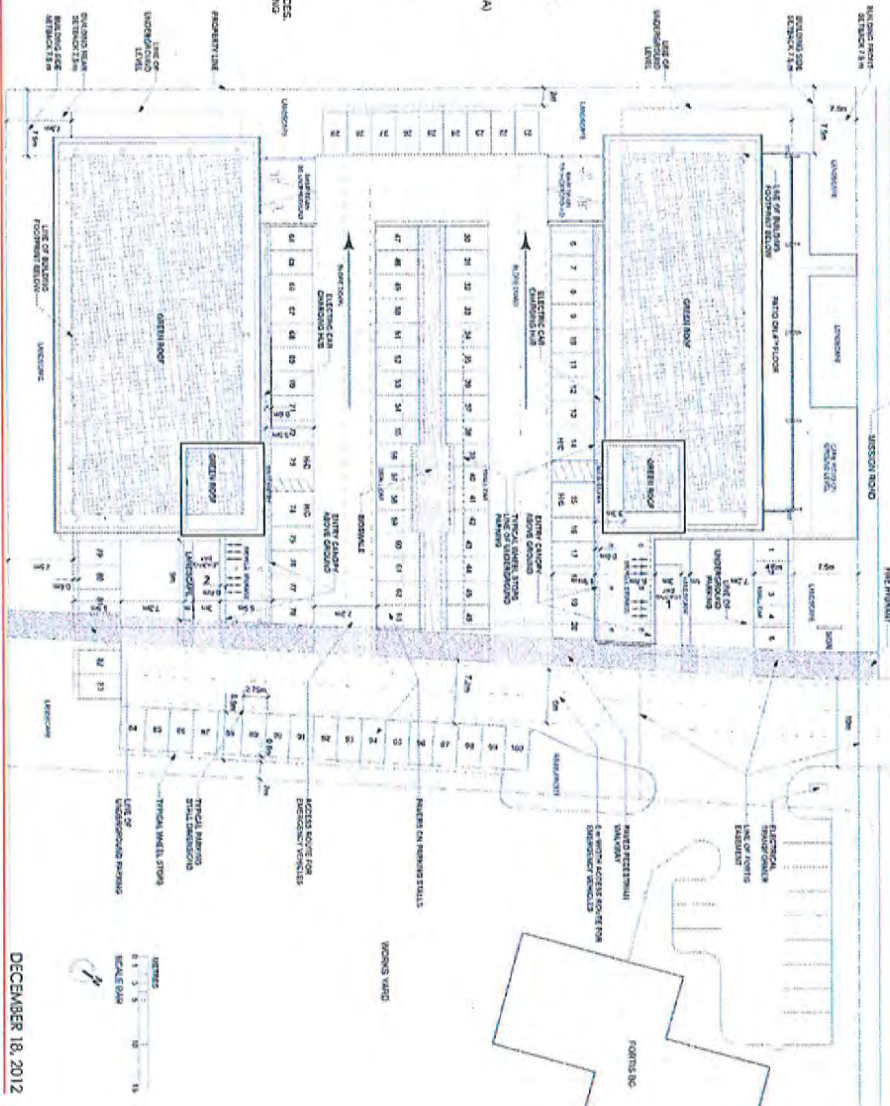
Schedule No. 1



<b>PROJECT DATA</b>	
LEGAL ADDRESS:	LOT 2 DISTRICT LOT 236, COMOX DISTRICT, PLAN VPD039
SITE AREA:	7,722.7 m <sup>2</sup> (83,125 sq. ft.)
NORTH BUILDING FLOOR AREA:	788.8 m <sup>2</sup> (8,490 sq. ft.)
SOUTH BUILDING FLOOR AREA:	2,621.3 m <sup>2</sup> (28,215 sq. ft.)
TOTAL FLOOR AREA:	3,410.1 m <sup>2</sup> (36,705 sq. ft.)
FAR:	5.463 m <sup>2</sup> /17,722.7 m <sup>2</sup> = 0.7 : 1
LOT COVERAGE:	788.8 m <sup>2</sup> + 789 m <sup>2</sup> = 1,577.8 m <sup>2</sup> (8,490 sq. ft. + 9,288 sq. ft.)
% LOT COVERAGE:	20 %
BUILDING HEIGHT:	15 m (ROOF LEVEL) + 2.6 m (EXTRA HEIGHT FOR CORE AREA) = 18.6 m (TOTAL)
SURFACE PARKING:	100 STALLS
UNDERGROUND PARKING:	40 + 40 = 80 STALLS
TOTAL PARKING:	180 STALLS*
LOADING BAY:	2

\* MAXIMUM NUMBER OF OFF-STREET PARKING SPACES FOR THIS DEVELOPMENT IS 180. ANY ADDITIONAL PARKING SPACES WILL BE OBTAINED AT BUILDING PERMIT APPLICATION TO MEET THE CITY'S REQUIREMENTS.

2525 MISSION ROAD, COURTESY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A3 - SITE PLAN



Mission Professional Centre  
Wellness - Sustainability

DECEMBER 18, 2012

MOORE ARCHITECTURE

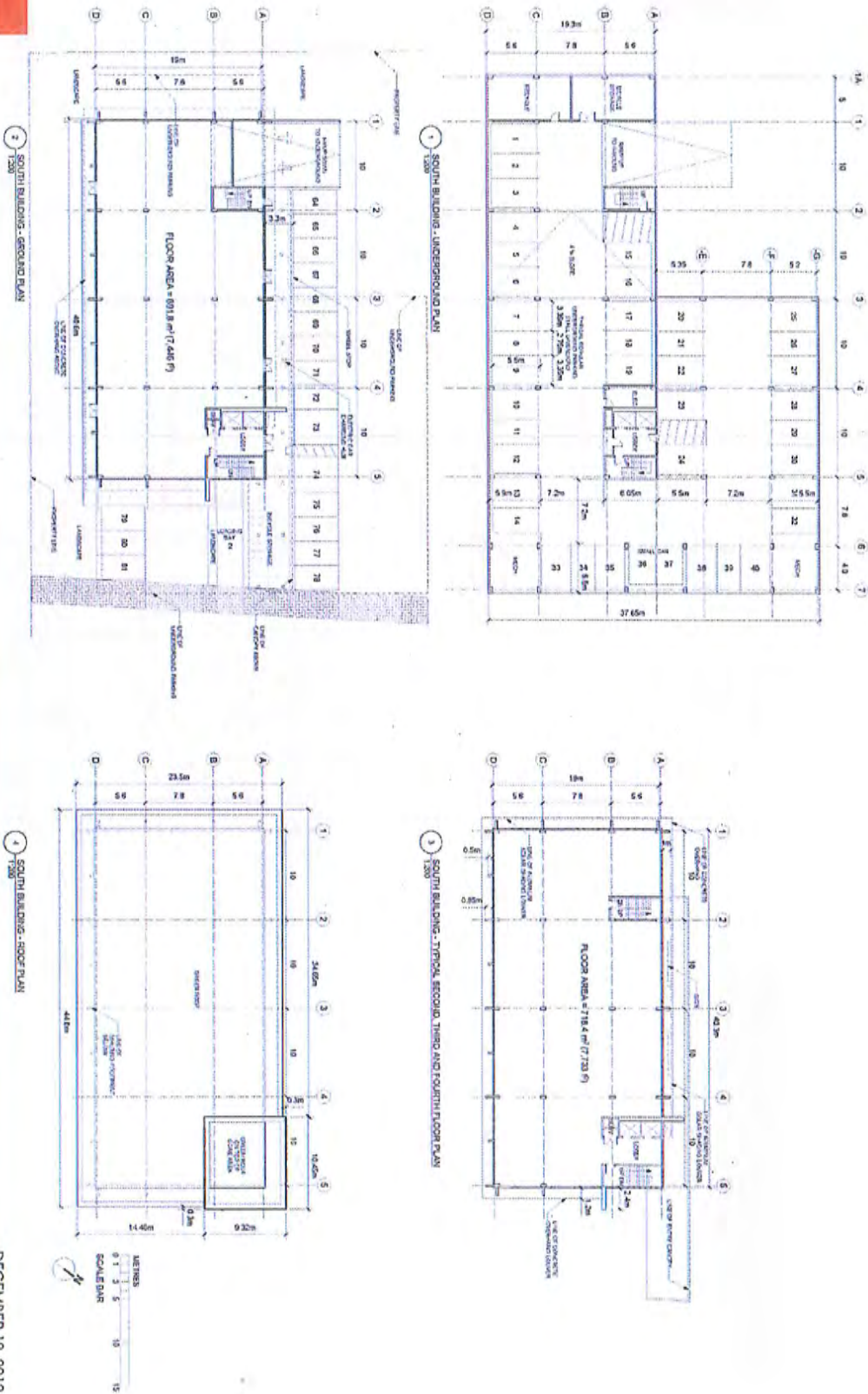


250 944 8131  
 MOOREARCHITECTURE.COM

2525 MISSION ROAD, COURTENAY, BC  
 APPLICATION FOR DEVELOPMENT PERMIT  
 SHEET A5 - FLOOR PLANS: SOUTH BUILDING

Mission Professional Centre  
 Wellness - Sustainability

DECEMBER 18, 2012







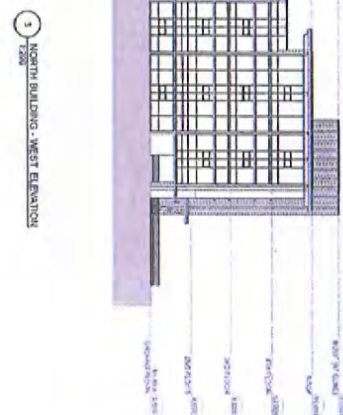
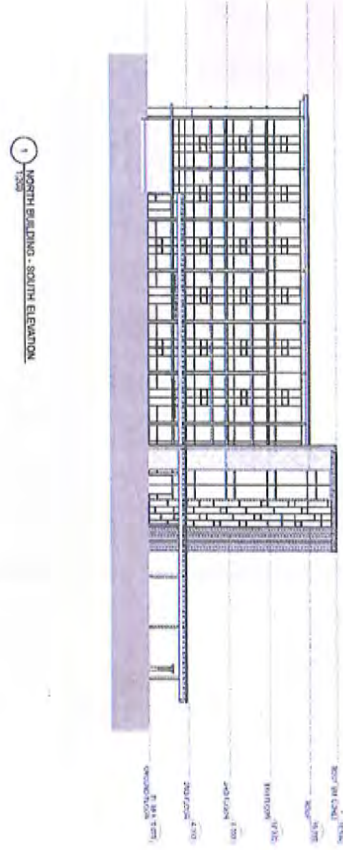
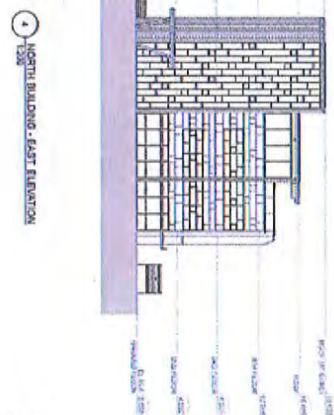
DECEMBER 18, 2012



2525 MISSION ROAD, COURTENAY, BC  
 APPLICATION FOR DEVELOPMENT PERMIT  
 SHEET A6 - ELEVATIONS: NORTH BUILDING

Mission Professional Centre  
 Wellness - Sustainability

DECEMBER 18, 2012





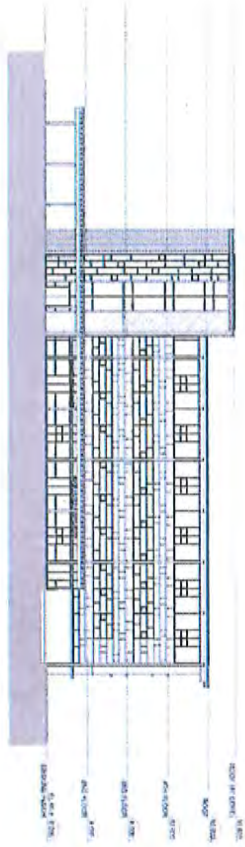
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2525 MISSION ROAD, COURTENAY, BC  
 APPLICATION FOR DEVELOPMENT PERMIT  
 SHEET A7 - ELEVATIONS: SOUTH BUILDING

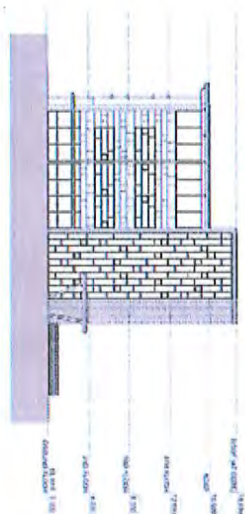
Mission Professional Centre  
 Wellness - Sustainability

DECEMBER 18, 2012

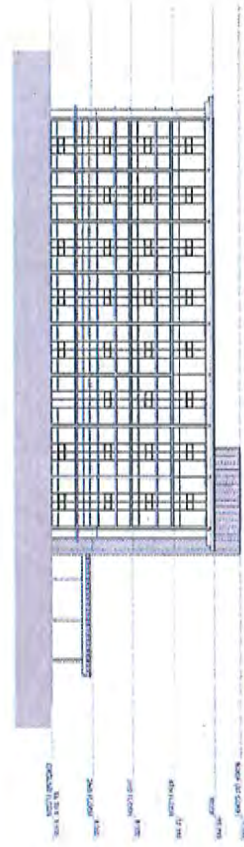
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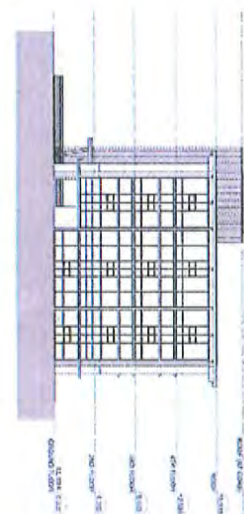
4 SOUTH BUILDING - EAST ELEVATION  
 1:500



1 SOUTH BUILDING - SOUTH ELEVATION  
 1:500



3 SOUTH BUILDING - WEST ELEVATION  
 1:500





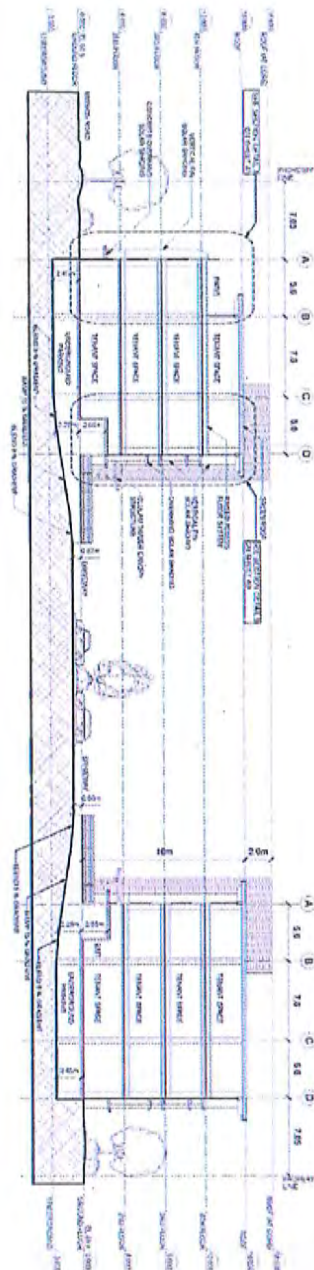


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2525 MISSION ROAD, COURTENAY, BC  
 APPLICATION FOR DEVELOPMENT PERMIT  
 SHEET A8 - BUILDING SECTIONS

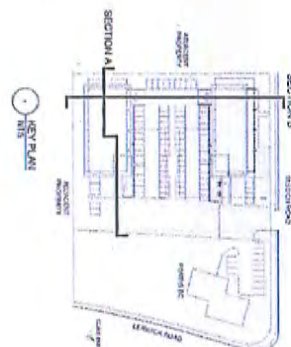
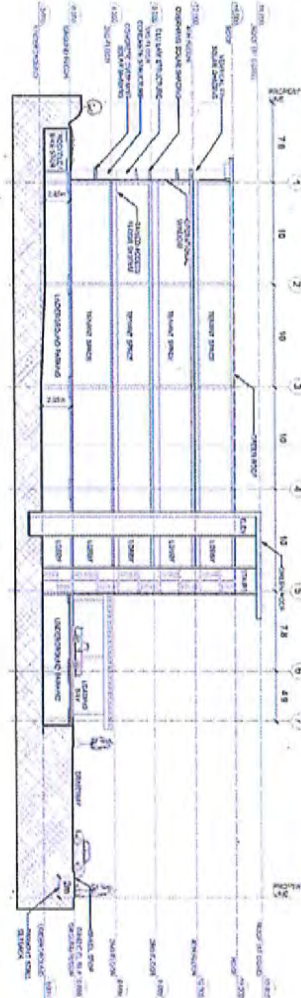
Mission Professional Centre  
 wellness - sustainability

DECEMBER 18, 2012



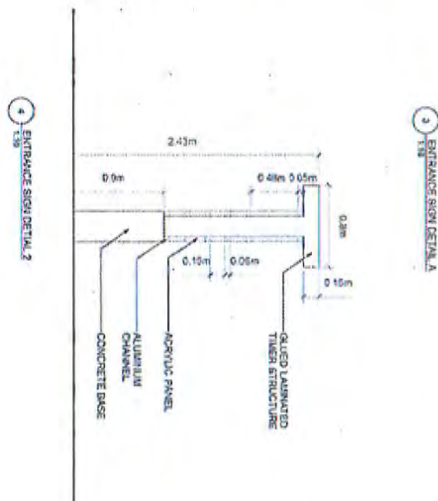
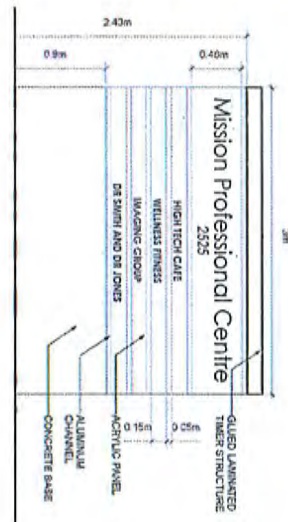
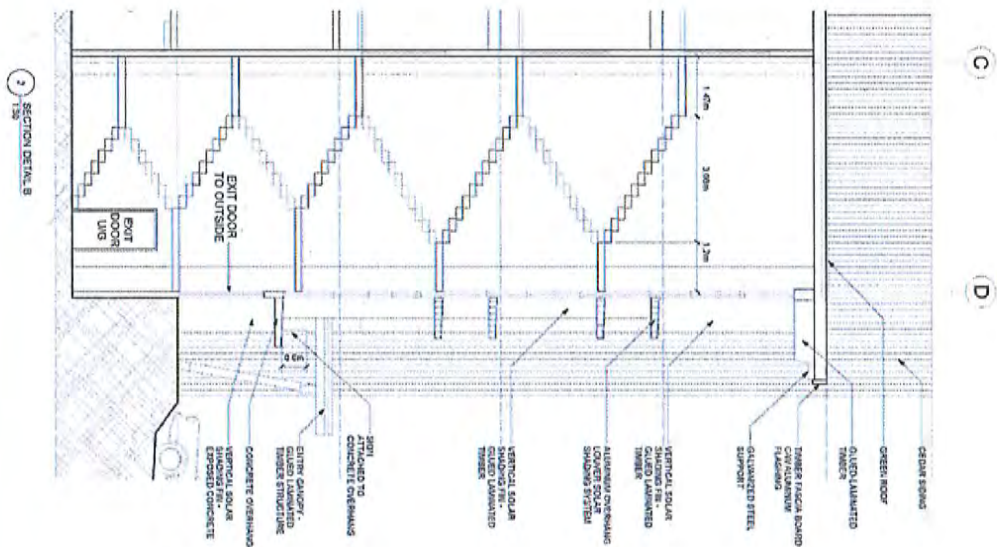
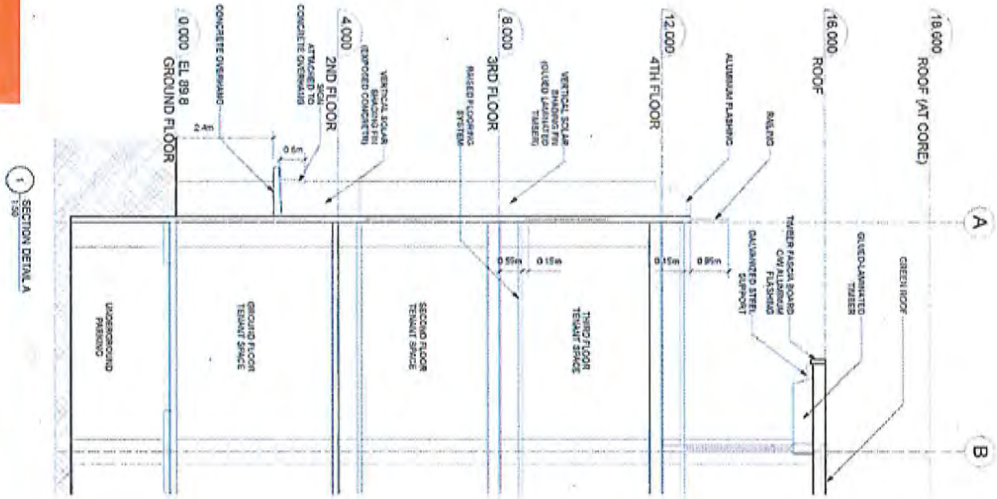
LEGEND  
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 SCALE BAR

SECTION A  
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2525 MISSION ROAD, COURTENAY, BC  
 APPLICATION FOR DEVELOPMENT PERMIT  
 SHEET A9 - BUILDING DETAILS

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2525 MISSION ROAD, COURTENAY, BC  
 APPLICATION FOR DEVELOPMENT PERMIT  
 SHEET A10 - MATERIALS AND COLORS

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1 NORTH BUILDING - SOUTH ELEVATION



- |  |   |
|--|---|
| 1 GLAZING - CLEAR GLASS  | 16 EXTERIOR VENTS, PANELS   |
| 2 GLAZING - COLORED TINTED GLASS   | 17 GALVANIZED STEEL CLADDING  |
| 3 GLAZING - HIGH PERFORMANCE ENERGY EFFICIENT LOW EMISSIVITY GLASS             | 18 GLAZED LAMINATED TIGER PLY STRUCTURAL GLASSWORKS EXTERIOR - EXTERIOR |
| 4 SPANDREL GLASS   | 19 WOODEN CLADDING IS ORIENTED SOLAR SHIELDS                            |
| 5 WINDOW FRAMES - CLEAR ANODIZED ALUMINUM                                      | 20 ALUMINUM CLADDING LOCATED SOUTH FACING & WEST                        |
| 6 FLASHINGS - CLEAR ANODIZED ALUMINUM  | 21 GREEN WALL   |
| 7 GLAZING AND SHIELDS - EXPOSED CONCRETE                                       | 22 INSULATED AIR FILL   |
| 8 GLAZED LAMINATED TIGER PLY CLADDING AND BRASS GLASSWORKS EXTERIOR - INTERIOR | 23 SIGN - ALUMINUM AND ACRYLIC  |
| 9 CEILING SIDING EXTERIOR - STEEL - VERTICAL                                   | 24 ELECTRIC CABLEWORKING 110V   |

2 NORTH BUILDING - SOUTH ELEVATION







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2525 MISSION ROAD, COURTENAY, BC  
 APPLICATION FOR DEVELOPMENT PERMIT  
 SHEET A13 - RENDERED ELEVATIONS

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1 NORTH BUILDING - EAST ELEVATION  
 1:100



2 NORTH BUILDING - NORTH ELEVATION  
 1:100





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2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A1.4 - VIEW FROM LERWICK AND MISSION LOOKING WEST

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2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A15 - VIEW FROM MISSION ROAD LOOKING EAST

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APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A16 - VIEW FROM PLAYING FIELD LOOKING NORTH

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DECEMBER 18, 2012



DETAIL VIEW OF INTERNAL PEDESTRIAN WALKWAY



DETAIL VIEW OF ENTRANCE CANOPY AND EAST FACADE



DETAIL VIEW OF SOUTH FACING BUILDING ENTRANCE



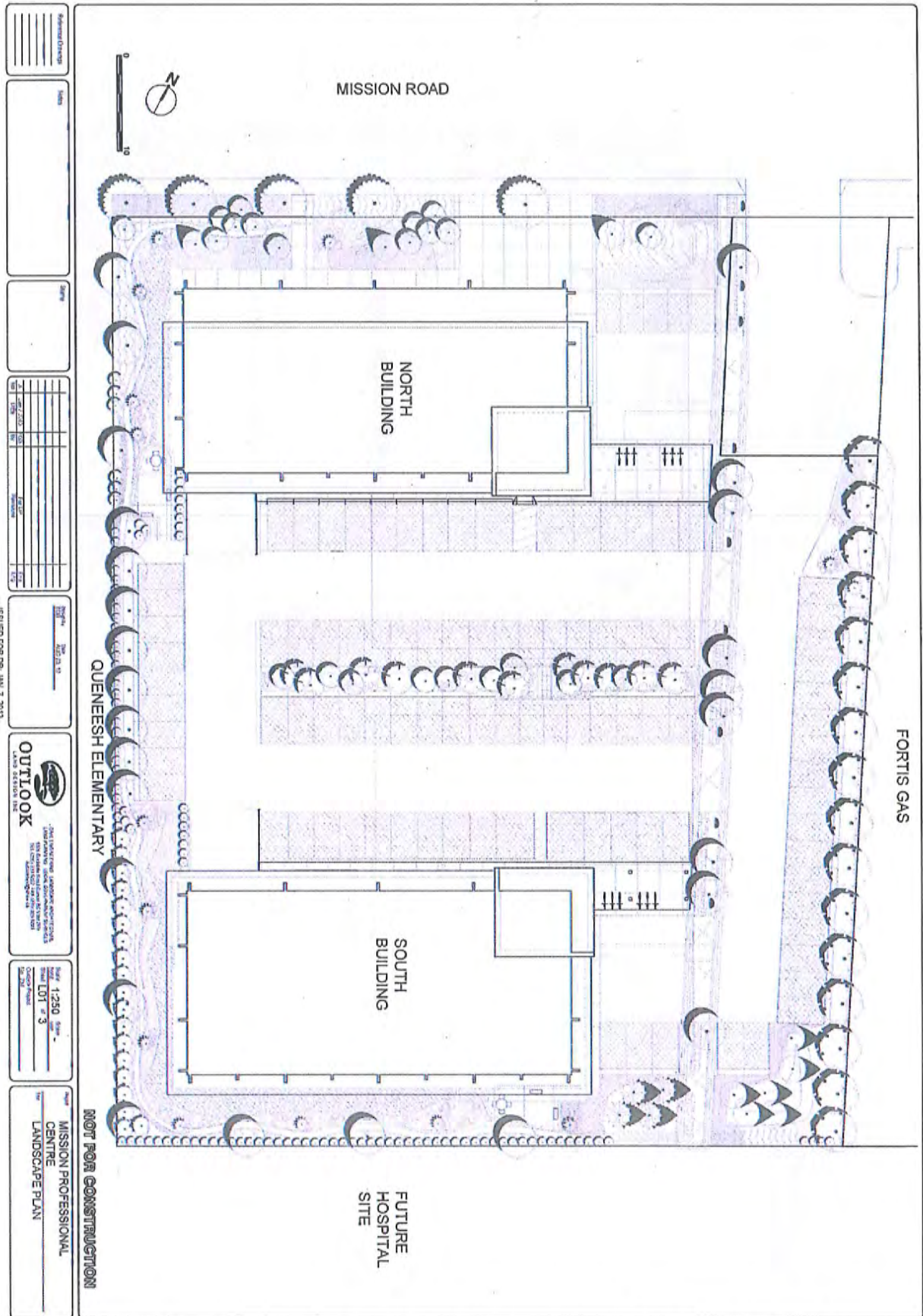
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MOORE ARCHITECTURE, INC.

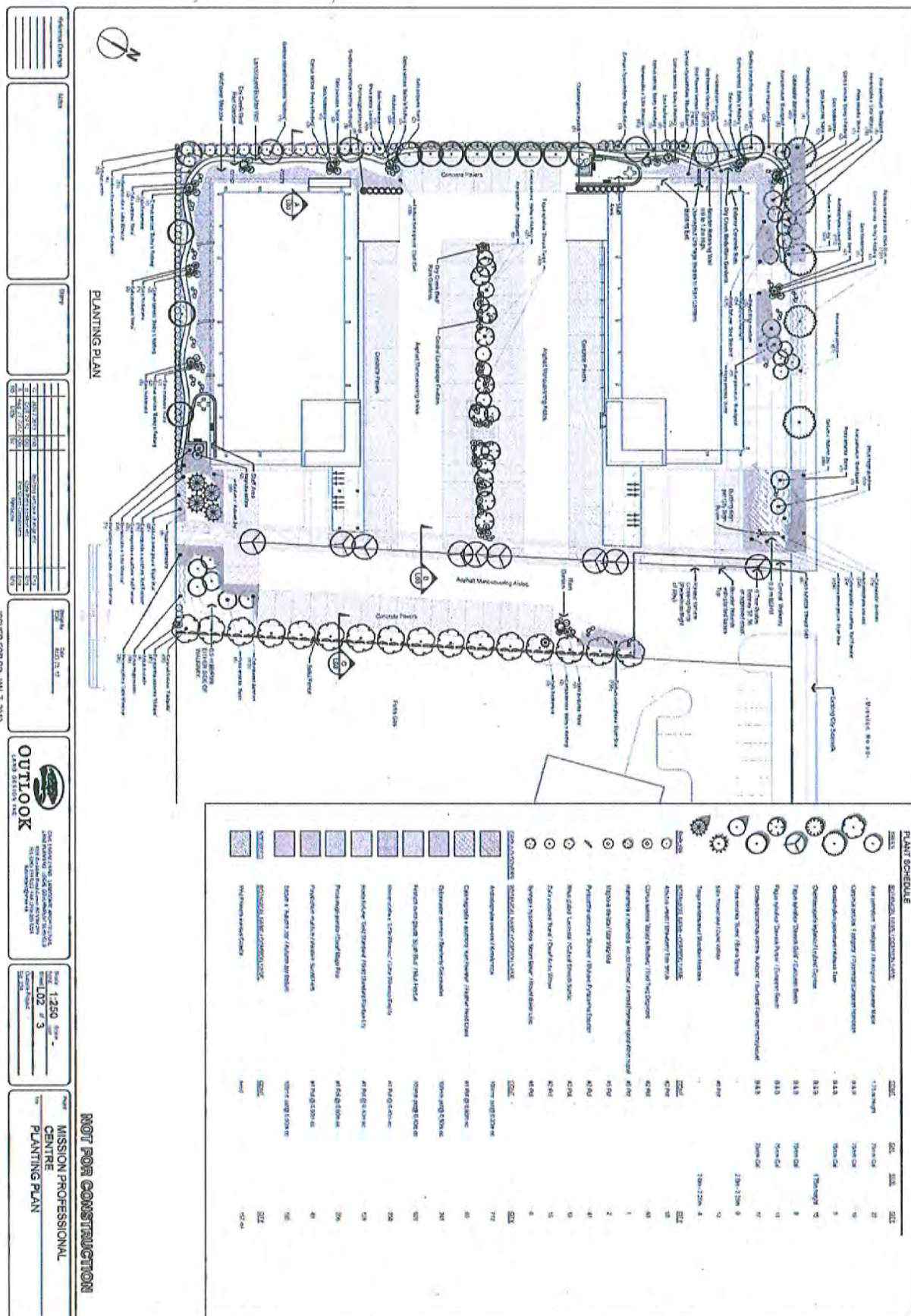
2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A17 - DETAIL VIEWS



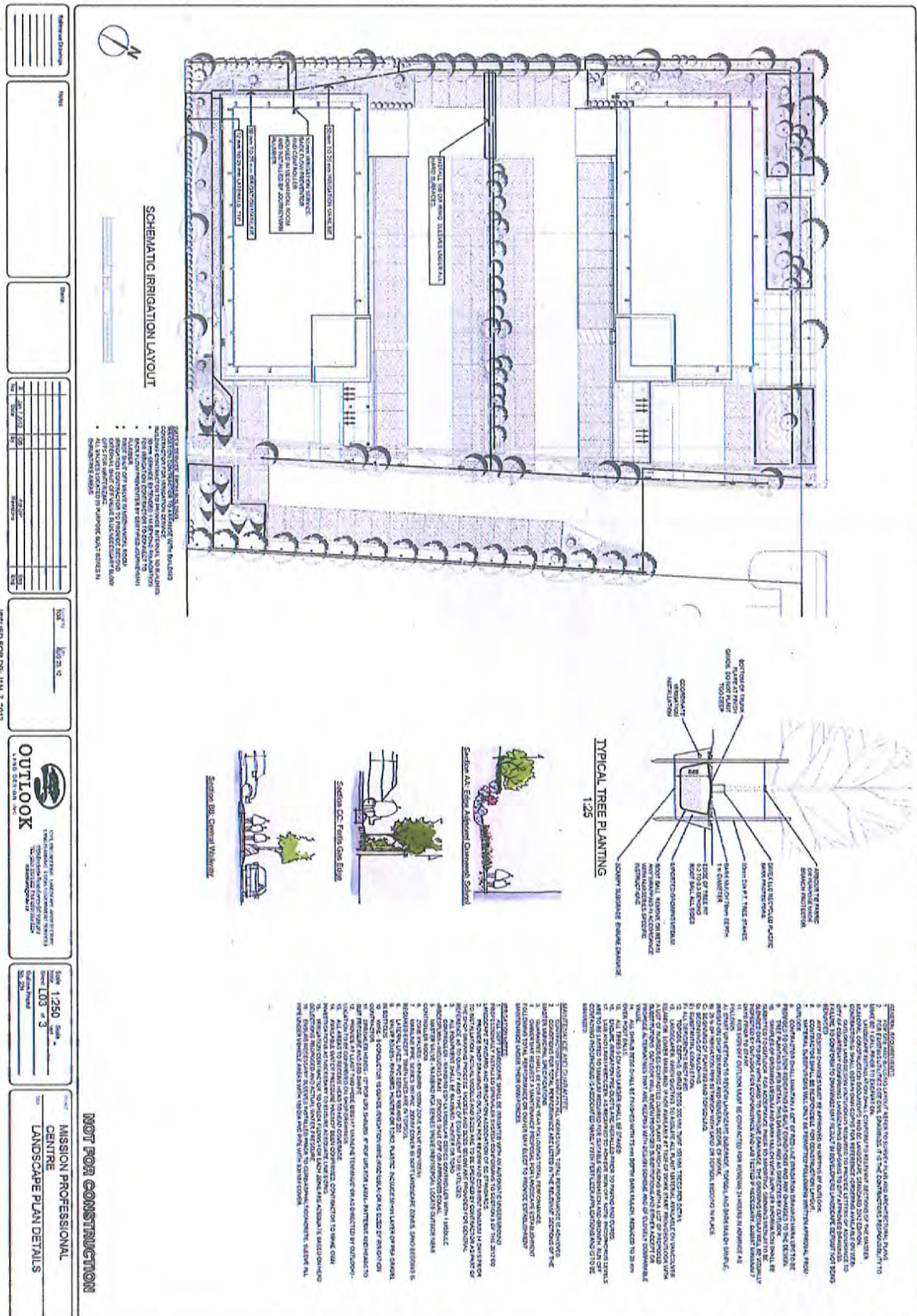
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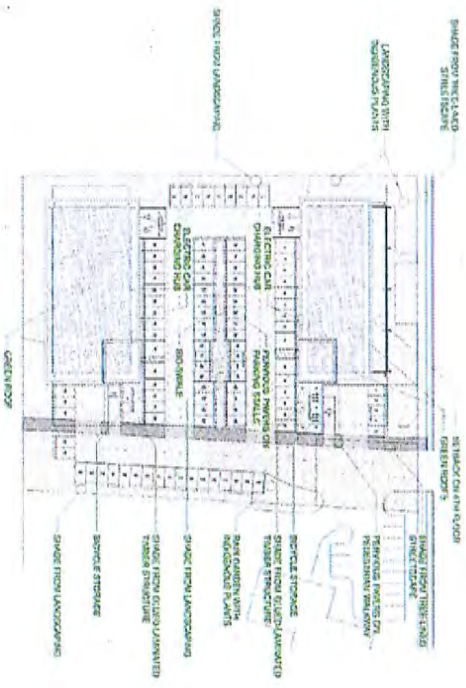


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2 PERSPECTIVE VIEW  
NIB



1 SITE PLAN  
1:500



2525 MISSION ROAD, COURTESY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A11 - SUSTAINABILITY

Mission Professional Centre  
Wellness - Sustainability

DECEMBER 18, 2012

# WELLNESS - SUSTAINABILITY

## BUILDING DESIGN FOR ENERGY EFFICIENCY

- ARTICULATE BUILDING MASS AND ORIENT DETACHES TO IMPROVE TO CLIMATE FACTORS AND LOCAL ENVIRONMENT.
- USE OF SUSTAINABLE TECHNOLOGIES AND HIGH PERFORMANCE ENERGY EFFICIENT LIGHT FIXTURES.
- RESPONSIVE DESIGN ON EXTERIOR ONE SOLAR SHADING SYSTEM ALUMINUM OVERHANG LOCATED ON GULLAY VERTICAL FAN ON SOUTH AND WEST FACADES TO DEFLECT HOT SUMMER GLAZES BUT ALLOW WARM WINTER SOLAR.
- OPENING WINDOWS TO ALLOW FOR FRESH AIR AND NATURAL COOLING FOR COMFORT AND WELL-BEING.
- HIGH EFFICIENT PLUMBING FIXTURES TO REDUCE POTABLE WATER DEMAND.
- OPTIMIZE ENERGY PERFORMANCE ON LIGHTING THROUGH HEATING AND HVAC EQUIPMENT.
- POSSIBLE USE OF DISTRICT ENERGY SYSTEM.

## ENVIRONMENTALLY FRIENDLY BUILDING ENVIRONMENT

- EXTENSIVE USE OF WOOD BRIDGING HIGH CARBON SEQUESTRATION.
- USE OF LOW VOC MATERIALS TO ENSURE HIGH QUALITY OF AIRCRAFT.
- PROVIDE SERVICE WALKS AT CONVENIENT LOCATIONS TO ENCOURAGE USE OF BICYCLES AND LESS AUTOMOBILE USE.
- ON SITE ELECTRIC CAR CHARGING STATIONS TO PROMOTE ENERGY EFFICIENT TRANSPORTATION.
- MAXIMIZE LOCAL BUILDING MATERIAL CENTER IN THE BUILDING SUCH AS GLUED LAMINATED TIMBER TRIM.
- USE OF LIGHT COLOURED PERVIOUS PAVEMENT AT PARKING STALLS TO REDUCE HEAT ISLAND EFFECT AND TO ALLOW FOR SITE STORM WATER INFILTRATION.
- USE OF LANDSCAPE, SUCH AS TREES, SHRUBS AND ARCHITECTURAL DEVICES SUCH AS CANOPY TO PROVIDE SHADE FOR THE SITE TO REDUCE HEAT ISLANDS TO MINIMIZE IMPACT ON LOCAL WEATHERS.
- GREEN ROOFS AND WALLS AND HIGH-ALBEDO MATERIALS TO REDUCE HEAT ABSORPTION.
- BIODIVERSE AND RAIN GARDENS WITH INDIGENOUS PLANTS FOR IMPROVED STORMWATER MANAGEMENT.
- ACCESSIBLE ALLEGES.
- WELL-ORIENTED PERVIOUS PAVEMENT AND SERVICE WALKWAY CONNECTING TO VEHICULAR COLLECTOR AND CORRIDOR WALKWAY SYSTEM.
- BUILDINGS ORIENTED TO VIEWS, OPEN SPACE AND LOCAL CONTEXT.
- WARMED FLOOR SYSTEM TO ALLOW FLEXIBILITY AND FUTURE ADAPTING CHANGES AS WELL AS TO FACILITATE DAILY MAINTENANCE.



December 10, 2012

City of Courtenay  
830 Cliff Avenue  
Courtenay, BC, V9N 2J7

Re: 2525 Mission Road Development Permit Application

Mayor and Council:

We are pleased to make this application for a Development Permit for the development at 2525 Mission Road in support of the rezoning currently being applied for. The following is a brief description of the project that explains our approach to the project and addresses the Commercial Development Permit Guidelines of the OCP.

#### Introduction

Dark Horse Holdings Ltd. (aka Mission Professional Centre Partnership) on September 10, 2012 applied for an OCP amendment and rezoning to facilitate a proposed redevelopment of the property located at 2525 Mission Road. The application is to redevelop this currently zoned industrial land as commercial property used for professional services, offices and ancillary commercial uses. In support of this application we are now applying for a Development Permit to be reviewed and approved concurrently with the OCP amendment and the rezoning application currently underway. By applying, at this time, for the Development Permit it gives Council and Staff the assurance that what is being proposed is what will be built.

#### The Mission Professional Centre Project

We propose to redevelop this industrial land as a commercial property used for professional services and offices, for the most part, focused on providing a state of the art medical wellness centre for the Comox Valley. This Project will provide much needed synergies and support to the recently approved Comox Valley Hospital project on the lands adjacent to this site. The project will incorporate the latest thinking in sustainability and wellness oriented medical services design, and we are in discussions with many medical related groups about locating medical services on our site that would be complimentary to those being provided in the new Hospital. These include doctors, pharmacies, chiropractors, physiotherapists, labs, teaching facilities and others.

Our Project consists of two four-storey office buildings. The design philosophy for the buildings is rooted in a modern forward looking design with a simple material palette using wood, clear anodized aluminum and glass components, and modular metal panel system. The building adjacent to Mission Road has been stepped with a 3-storey building face next to the road providing a transition from the residential to the North and West and the taller Hospital to the South and East.

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The site planning has been done to encourage walking to the site and the use of bicycles. Once on the site, covered pedestrian walkways adjacent to the parking for the project have been incorporated into the design of each of the buildings. These covered wood structured walkways give a pedestrian scale to the buildings and also provide covered bike storage adjacent to the main entrances of the two buildings.

In addition to this on site amenity, our Project has a pedestrian/bike route integrated into the site passing from Mission Road to the North, to the proposed Comox Valley Hospital to the South. This internal Pedestrian/Bike path provides a direct connection to the trail network proposed for the Hospital and North Island College site from Mission Road. We have been in discussion with VIHA about our intentions and they are supportive of this direct pedestrian connection and the synergies it will provide with our medical services buildings.

In our discussions with the School District, they expressed concern for their site at Queneesh Elementary School and the possibility that people would cross over the School property trying to gain pedestrian access through their site from Mission Road to the College and the Hospital. They plan to have a robust fence built around their play areas to make such a connection impossible. When we showed them the plan for our integrated pedestrian/bike path link, they were relieved and supportive of the idea as it takes pressure off the School property. For our Project this pedestrian link is a natural fit and to have such an amenity on our site that allows the free flow of pedestrians and bicycles between the two sites is a real benefit. The neighbours and medical professionals having the ability to walk and not drive to the hospital and college from this and adjacent sites is a sustainable solution.

We have a highly developed landscape plan with extensive hard and soft landscaping throughout the site that has been designed with sustainability in mind. Special care has been taken to provide excellent screening of surface parking through the appropriate use of trees and shrubs and to utilize a dry creek bed theme to integrate bioswales into the overall landscape design concept. Along with the living roof and wall systems on the buildings, the site utilizes on-site storm water retention systems to retain as much storm water on site as possible.

The two buildings have been designed using passive solar design criteria. The south side of both buildings use glazed wall sections to capture solar gain. High quality, state of the art materials being incorporated in these south facing curtain wall glass systems are sun shading devices designed to shade the south facing facades of the buildings during the summer months but allow for winter sun to penetrate the buildings for solar heat gain when it is needed. Conversely the north facing facades have been designed with insulated solid wall components featuring a metal paneled modular system presenting variegated colouring reminiscent of leaves in a forest and a low 'e' high performance glazing system to keep the heat in during the winter months. The other building systems are also being considered from a sustainable prospective, and will incorporate highly efficient mechanical and electrical components yielding energy savings of at least 30 % of the National Energy Code. In our drawing package is a sustainability sheet highlighting some of the 'green' measures being considered for the Project. Georexchange, district energy, and pad mounted efficient air

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source heat pumps that are being considered will eliminate the need for extensive roof top mechanical equipment.

The buildings will adopt a 'wood first' philosophy. The buildings' entrances are anchored by a wood paneled structure with a live wall and public art mosaic and a coloured translucent paneled enclosed stairwell. We are currently investigating the feasibility of constructing the entire buildings as wood structures. This presents some Building Code challenges and these challenges are currently being researched. Wood as a renewable resource and the fact that wood is the ultimate material for carbon sequestration make its use in the construction of these buildings very compelling.

As part of this Development Permit Application we are also applying for a variance for a set back for the parking that abuts the School District Property to the west. The Design Guidelines for Commercial Properties that are in the OCP requires a 7.5 M setback to the front of the parking stall. We are asking for a reduced setback to 2M. to allow for 9 badly needed surface parking stalls. We feel this variance is reasonable given two site specific situations. First the use of the land that is adjacent to this area of our site is the school staff parking lot. This lot has virtually no landscape screening but for a 1200 mm chain link fence and a grass strip. We don't feel our surface parking will unduly impact this area of their site. Second we have, in our landscape plan, provided for significant trees and other landscaping to buffer this transition to the School site. Combined with the fact that our parking is lower then the school property and recessed we don't think the cars parked in this area will have any impact on the School property.

#### **Community Engagement**

We are committed to a Community Engagement process in the rezoning of the Property and we have pursued an Engagement strategy throughout the rezoning process. Before commencing the design of the Project, The Mission Professional Centre Partnership hosted an information session on June 21, 2012 at Queneesh Elementary School to introduce the Project Team and our proposed redevelopment of the property located at 2525 Mission Road. Notice of the Open House was distributed to a broad area of the neighbourhood surrounding our Project. This exceeded the City's requirements for notice under its processes. At the first Open House roughly 30 people attended this initial event. Those in attendance were invited to fill in a contact form and make comments on the presentation boards that were presented. Most in attendance when asked supported the change from the current Industrial use to the proposed Commercial use. Favourable comments were made regarding the use of wood and other sustainability approaches identified in our presentation boards.

Issues identified that were to be addressed by the consultant team in designing the project included:

- Vehicular Traffic and access to the site
- Bicycle access to the site and along Mission Road.

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- Interface with the School and the ebb and flow of students using the school.

On November 1, 2012 over 20 people from the neighbourhood attended our second Open House at Queneesh Elementary School to review updated plans for the rezoning at 2525 Mission Road in Courtenay. At the Open House we presented our rezoning and Development Permit plans for the site, which included 5 new renderings of our proposed project. Traffic concern was the major concern that was expressed at our June Open House and we were pleased to be able to work with our Traffic Consultant to come up with a new proposal for upgrading the pedestrian safety along Mission Road. The response was positive and we were able to discuss our plan for upgrading the safety for students walking to school on Mission Road by the addition of a new pedestrian crossing at the east end of the School site.

Over the course of the last few months, we have met with City Staff on a number of occasions as they prepared their technical review of the project. We have continued to make adjustments to our plan in response to their concerns and feel that we now have a plan that can be submitted for a Development Permit.

During the course of many Open Houses with the Neighbours, Stakeholders and prospective tenants, we received very positive feedback about the use of the site and the design approach that has been taken. We heard no negative comments or concerns regarding the change of use from industrial to commercial, and received a great deal of support for inclusion of medical services in the project.

At the same time as we initiated the community engagement process, we created a Project Web Site ([www.missionprofessionalcentre.ca](http://www.missionprofessionalcentre.ca)) and have registered all participants that attended the initial Open House with the web site so they can be notified about ongoing changes and events regarding the Project. As our plans develop, updates will be uploaded on the web site and those registered or interested can see the latest developments.

#### **Benefits of the Project**

- o Friendlier, more passive uses for the site and a more positive interface with the surrounding neighbourhood than the current Industrial use. An active building façade creating 'eyes on the street' as a positive CPTED principle creating a safer environment for students coming to and going from school
- o A state of the art, Class 'A', professional medical services project creating user comfort and a safe, healthy workplace.
- o Medical offices where doctors, staff, and clients can walk to the hospital without having to use the automobile.
- o An effective buffer and transition between the proposed hospital site and the residences to the North.
- o A highly integrated, sustainable soft and hard landscape interface with the neighbourhood.

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- o A 'Wood First' Project.
- o An Environmentally Sustainable Project.
- o A Project that creates a synergy with the proposed Comox Valley Hospital Project promoting health and wellness in the community.
- o A Project that creates jobs, expands the tax base and makes a positive contribution to the Comox Valley economy.
- o Quality Building Design and Construction.

**Proposed Amenities to be Included in the Project as part of the Rezoning and Development Permit**

- o Electric Car charging stations.
- o Safety upgrades to Mission Road that include a School Pedestrian Crossing and enhanced safety at the entry to the site.
- o Integrated Pedestrian and Bike route to North Island College and the new Comox Valley Hospital from Mission Road.
- o Public Art Component to the project.
- o Contribution to Homeless Initiative for the Comox Valley.

In summary, we feel we have put forward a well designed, high quality project with many benefits and amenities for the City, the community and the surrounding neighbours. Given your support this project will become an integral part of the Comox Valley's critical infrastructure for years to come.

Yours truly,

Tom Moore Architect Architect AIBC

Principal

Moore Architecture

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THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

4

**To:** Council

**File No.:** 6480-20-1401/3360-20-1403

**From:** Development Services Department

**Date:** March 17, 2014

**Subject:** OCP Amendment Bylaw No. 2783 and Zoning Amendment Bylaw No. 2784 – 1465 Grieve Ave.

**PURPOSE:**

The purpose of this report is to consider an Official Community Plan (OCP) and zoning amendment for the property at 1465 Grieve Avenue to permit the construction of an outreach centre and residential suites for L'Arche Comox Valley.

**CAO RECOMMENDATIONS:**

That based on the March 17<sup>th</sup>, 2014 staff report "OCP Amendment Bylaw No. 2783 and Zoning Amendment Bylaw No. 2784 – 1465 Grieve Ave", OCP Amendment Bylaw No. 2783, 2014 proceed to First and Second Reading; and

That based on the March 17<sup>th</sup>, 2014 staff report "OCP Amendment Bylaw No. 2783 and Zoning Amendment Bylaw No. 2784 – 1465 Grieve Ave", Zoning Amendment Bylaw No. 2784, 2014 proceed to First and Second Reading; and

That Council direct staff to schedule and advertise a statutory public hearing with respect to OCP Amendment Bylaw No. 2783, 2014 and Zoning Amendment Bylaw No. 2784, 2014 on April 7<sup>th</sup>, 2014 at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

The subject property is a vacant lot zoned Residential Two (R-2) on Grieve Avenue. It is bound on the north and west by a public lane. The Aboriginal Education Centre and the Courtenay Elementary School are across the lane to the west. The neighbourhood is largely residential in character with a mix of single family dwellings and small walk-up style multi-family buildings.

The applicant (L'Arche Comox Valley) is proposing to amend the OCP Land Use Designation from Urban Residential to Mixed Use and to rezone the property from R-2 to Multiple Use One Zone (MU-1) to



facilitate the construction of an outreach centre, offices and five residential suites for their developmentally disabled clients.

## DISCUSSION:

### *Official Community Plan Review:*

The property is currently designated Urban Residential in the OCP. This designation is intended for a mix of single family and duplex residential developments. Although this land use designation applies to the majority of the surrounding residential neighbourhood, there are a number of small apartment complexes in the surrounding blocks.

The applicant is proposing to re-designate the property to Mixed Use. This designation is primarily found in the Crown Isle development and is intended to allow for a mix of commercial and residential uses. Since the proposed development includes a mix of residential suites, office space and multipurpose rooms, staff believes this designation is appropriate.

The OCP supports the provision and integration of special needs and affordable housing to assist in creating inclusive neighbourhoods. It also encourages housing opportunities and convenient community services for individuals having special housing requirements.

Should the proposed OCP and Zoning amendment bylaws be adopted a separate report will be brought forward for consideration of a development permit. However, the proposed design drawings and development permit compliance information has been included with this report to assist Council and the public in making an informed decision.



### *Zoning Bylaw Review:*

In considering the appropriate zone to facilitate the development, the goal of City staff was to ensure the design and uses integrate well with the existing residential character of the neighbourhood. To this end, the MU-1 zone was suggested as it closely replicates the building height, setbacks and lot coverage of the current R-2 zone. With the exception of the rear yard setback, all other building mass parameters are consistent between the existing and proposed zones. This means, the maximum size of any building constructed under the MU-1 zone would be no greater than what is currently permitted by the R-2 zone.

Zoning	Existing (R-2)	Proposed (MU-1)	Proposed Development
Lot coverage	40%	40%	37.7%
Setbacks: Front	7.5m	7.5m	7.5m
Rear	9.0m	7.5m	7.6m
Side	4.5m total with min. 1.5m	1.5m	4.5m south/ 4.99m north
Height	8.0m	8.0m	6.4m

As noted in the table above the proposed development meets all the requirements of the R-2 zone with the exception of the rear yard setback. Staff believes the 7.6m rear setback is reasonable since the property backs onto a lane and the school property.

With regard to uses, the MU-1 zone provides the flexibility needed to accommodate the development (with the exception of the number of residential units). Specifically, the zone allows a mix of residential and non-residential uses including a facility for adults with a disability and office. For residential uses, the zone currently permits only single residential or duplex dwellings. Accordingly, the draft bylaw under consideration includes a site specific provision to allow multi residential dwellings on the subject property.

The MU-1 zone also permits care facility, day care, medical clinic, parking lot and school. At the Public Information Meeting held by the applicant last year, some concern was raised regarding the impact of the zoning should the L'Arche project not proceed. To address this concern, the draft bylaw includes a restriction on medical clinic, parking lot and school at this site. Additionally, if the project does not proceed Council could consider rezoning the property back to the R-2 zone.

While the project is designed to comply with all MU-1 requirements for siting and massing, the applicant has requested a variance to the parking provisions. In this regard, the zoning bylaw requires a total of 18 units for a facility of this size (8 residential spaces and 10 community service/office spaces). Seven parking spaces will be provided on-site including two that are wheelchair accessible. A total of 10 bicycle stalls are proposed in addition to the parking stalls. The variance will be brought forward as part of the development permit consideration. However, staff believes it is justified as the residents will not be driving, the adjacent road has ample on street parking and the property is located within one block of Fitzgerald Avenue which carries three bus routes.

#### **FINANCIAL IMPLICATIONS:**

There are no direct financial implications related to the processing of development applications as the fees are designed to offset the administrative costs. However, the applicant has requested partial or full relief from municipal fees related to the proposed development, and at the February 17<sup>th</sup>, 2014 Council meeting, Council referred the request to staff to provide a report to Council. This section outlines the anticipated costs and potential sources of funds should Council wish to provide the relief requested.

To date the applicant has paid the application fees for an OCP amendment, zoning amendment, development variance permit and development permit. These fees total **\$10,000**.

Staff estimates the value of construction to be in the order of \$800,000 which would generate a building permit fee of **\$6,000**. At this stage the value is an estimate based on the plans submitted with the development permit application. The actual value will be determined at the time of detailed building permit drawings.

Development cost charges (DCC's) for the development are payable at the time of building permit and will be based on a combination of the multifamily rate and the commercial rate. Staff estimates the total DCC's will be in the range of **\$115,000**. The actual cost will be determined at the time of detailed building permit drawings. It is important to note that in accordance with Section 933(11) of *The Local Government Act (LGA)* Council is prohibited from waiving or reducing a DCC unless, subject to Section 933.1 of the *LGA*, the project is defined as an "eligible development" in the DCC bylaw. The current DCC Bylaw does not define any eligible developments.

Additional city fees will be related to service connection costs, water meter, and off-site frontage works. At this stage staff are not able to comment on the costs because detailed design has not been done.

Staff estimate the total cost of City fees and charges (DCC's, application fees, offsite works and service connections) to be in the order of **\$150,000**. Given the limited sources the City has for paying or foregoing these revenues or absorbing/finding other sources for paying these costs, and in addition to the precedent it would set as well as the costs the City will need to absorb related to the priority development of the Braidwood site project, Staff *do not* recommend that Council provide the relief requested.

Should Council wish to proceed with full or partial relief the following options may be available to assist in funding the request for cost relief. Any use of the funds however, would impact the City's ability to fund the costs related to the Braidwood project.

- Increase in property taxation to cover the revenue short fall in Municipal Fees and Charges;
- Affordable Housing Reserve – currently allocated to the Braidwood project;
- Gaming Fund – Social/Societal initiatives distribution category – currently allocated to the Braidwood Project.

#### **ADMINISTRATIVE IMPLICATIONS:**

The processing of development applications falls within the core administrative duties of the Planning Services Division.

#### **STRATEGIC PLAN REFERENCE:**

Not referenced.

#### **OFFICIAL COMMUNITY PLAN REFERENCE:**

The OCP supports the provision and integration of special needs and affordable housing to assist in creating inclusive neighbourhoods. It also encourages housing opportunities and convenient community services for individuals having special housing requirements. The character of the proposed development meets the objective of preserving the integrity and character of the surrounding residential area.

#### **REGIONAL GROWTH STRATEGY REFERENCE:**

The proposed development is consistent with the RGS goals and objectives to ensure a diversity of housing options to meet evolving demographics and needs, and to locate housing in core settlement areas close to existing services.

#### **CITIZEN/PUBLIC ENGAGEMENT:**

The applicant held a Public Information Meeting on January 15, 2013 well in advance of making the application to gauge neighbourhood reaction to the proposal. The feedback was generally positive as seen in the attached meeting minutes and the written submissions from some of the attendees.

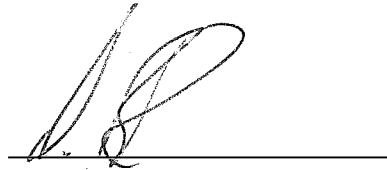
**OPTIONS:**

**OPTION 1** (Recommended): Give Bylaws 2783 and 2784 First and Second Readings and proceed to Public Hearing.

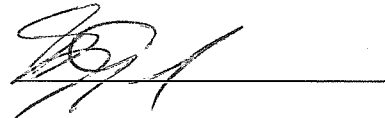
**OPTION 2:** Defer consideration of Bylaws 2783 and 2784 with a request for more information.

**OPTION 3:** Defeat Bylaws 2783 and 2784.

Prepared by:

A handwritten signature in dark ink, appearing to be 'IB', written over a horizontal line.

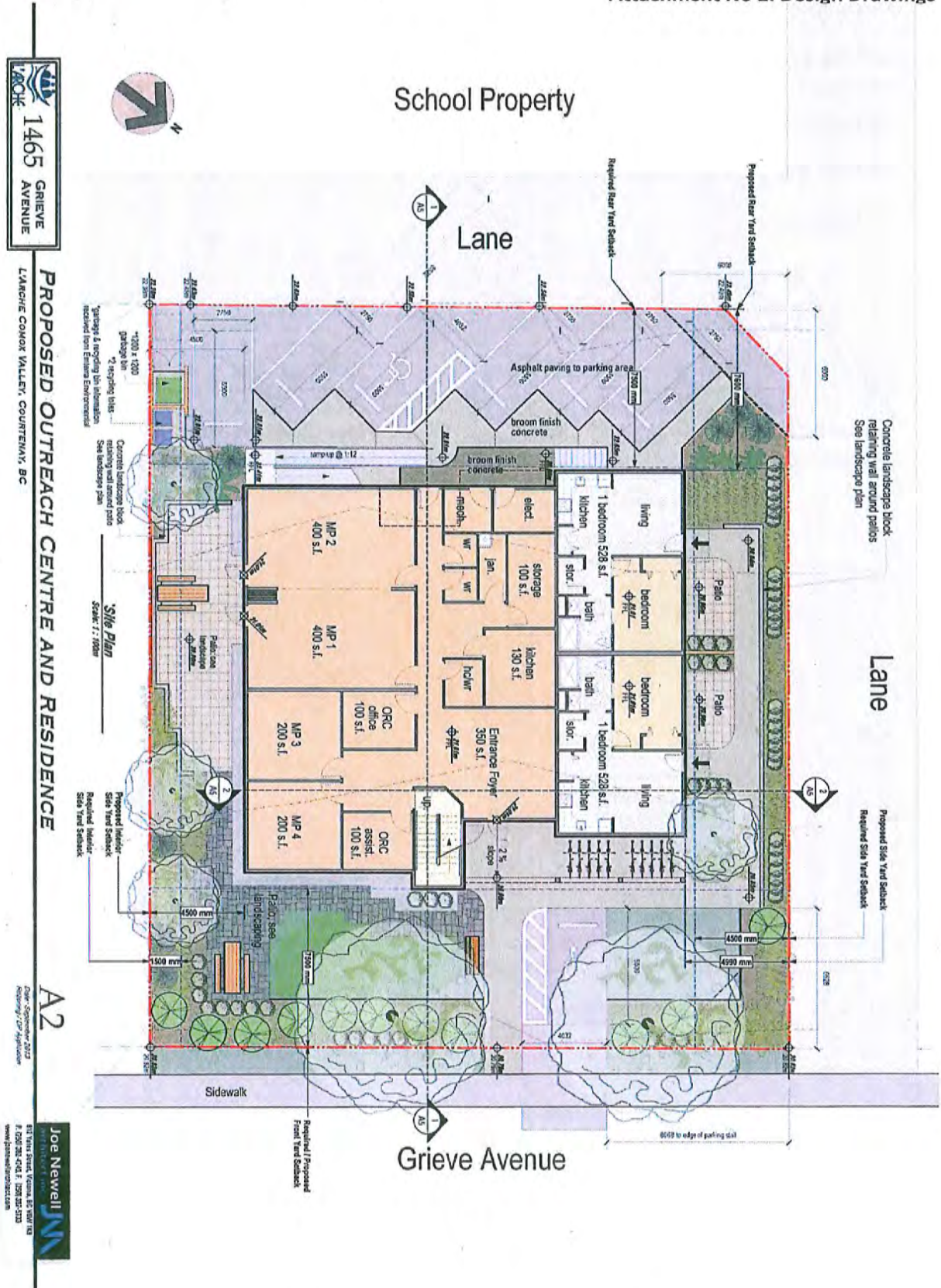
Ian Buck, MCIP, RPP  
Manager of Planning

A handwritten signature in dark ink, appearing to be 'PC', written over a horizontal line.

Peter Crawford, MCIP, RPP  
Director of Development Services



**Attachment No 1. Design Drawings**



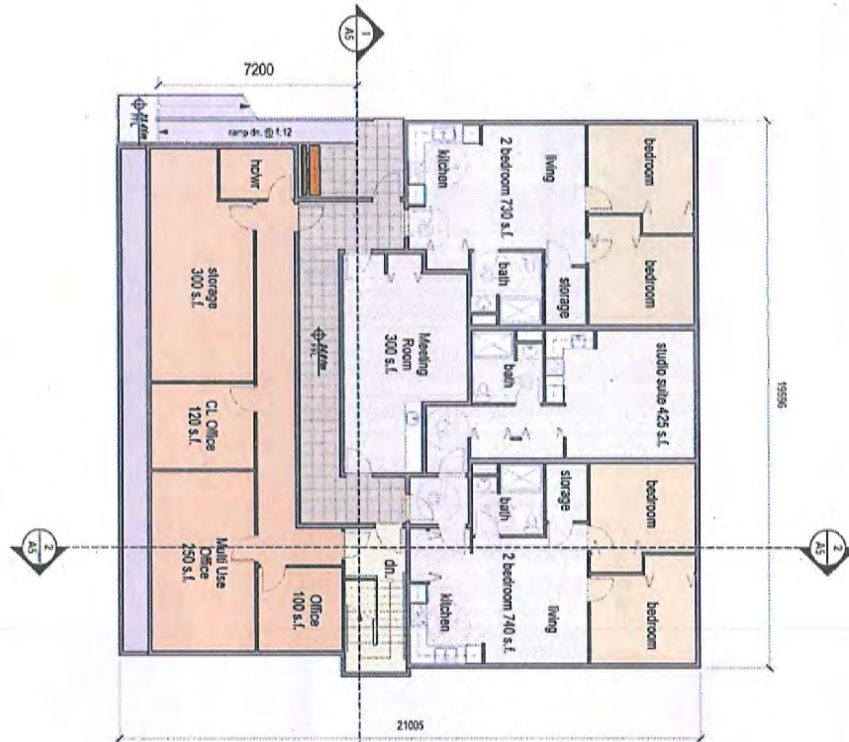


**PROPOSED OUTREACH CENTRE AND RESIDENCE**  
**L'ARCHE COMOX VALLEY, COURTENAY, BC**

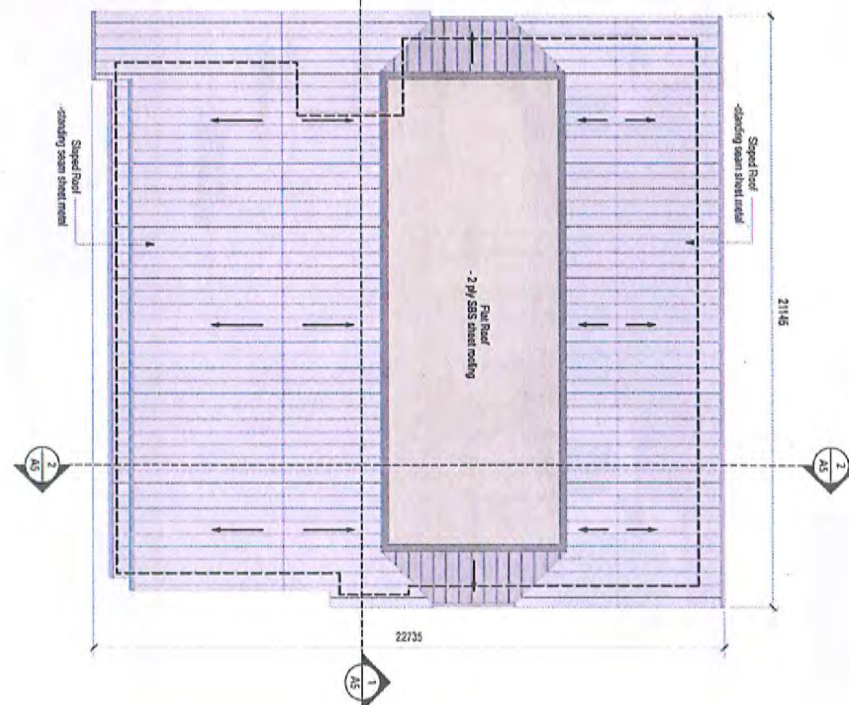
A3

**Joe Newell**  
architect inc.   
612 Yates Street, Victoria, BC V8W 2A5  
P: (250) 383-4240, F: (250) 383-5733  
[www.joewellarchitect.com](http://www.joewellarchitect.com)

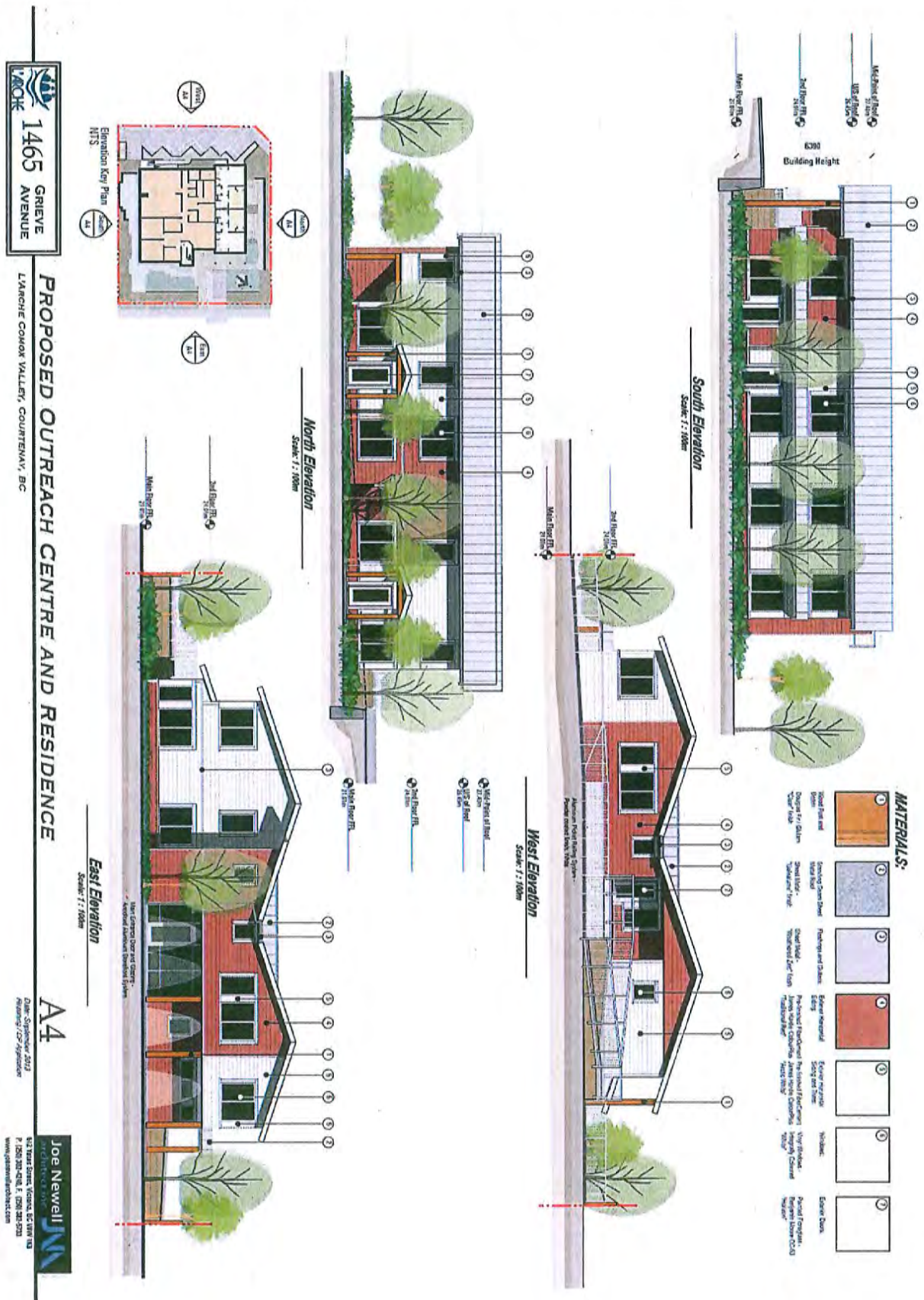
**2nd Floor Plan**  
Scale: 1 : 100mm



**Roof Plan**  
Scale: 1 : 100mm





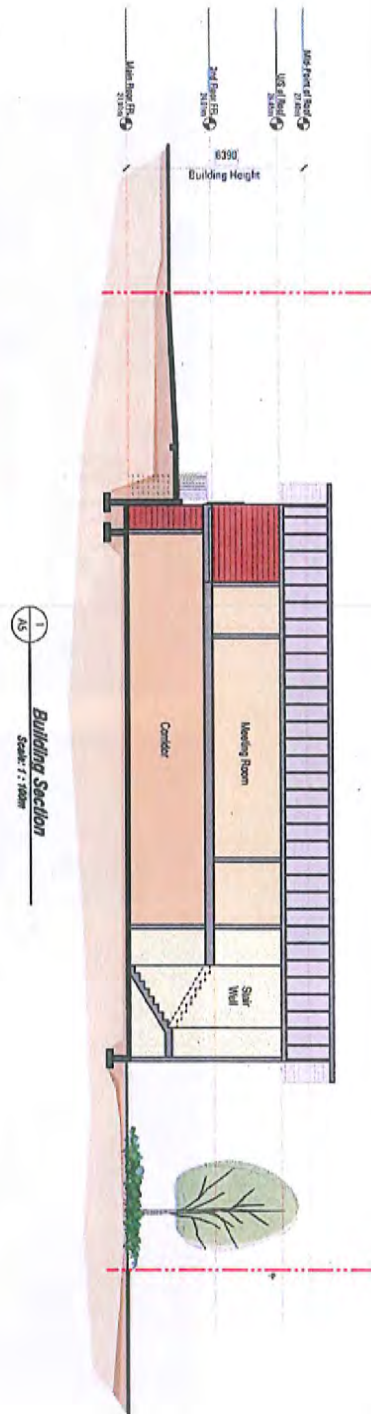




**PROPOSED OUTREACH CENTRE AND RESIDENCE**

**A5**

Arch. Drawing: 2012  
Drawing: 2013/2014







**PROPOSED OUTREACH CENTRE AND RESIDENCE**

**A6**

June, September 2012  
Revising / 1st Approval



Note: Accessible parking stall has been re-configured since this image was prepared

**Attachment No 2. Written Submissions**

**L'Arche Comox Valley Outreach Centre and Residential Suites  
Written Statements on Affordable Housing Policy and Sustainability**

**Affordable Housing Policy****September, 2013**

The Grieve Avenue project is for L'Arche Comox Valley and provides a mix of one and two bedroom rental suites. L'Arche homes and programs operate according to a not-for profit community model, where people with developmental disabilities, and those who assist them, live together and build community in a stable home environment. The 5 suites contained within this building will provide affordable housing for clients of L'Arche Comox Valley and allow the possibility for caregivers to reside with their clients. One suite is designed to function as a respite suite in conjunction with the adjacent 2-bedroom caregiver suite.

Also contained in the building is the Outreach Centre, which will provide support services for the residents as well as for daytime clients.

This project will provide much needed affordable housing for this client group, and will also make an important contribution to the social well being of the community of Courtenay.

**Sustainability Evaluation Checklist****September, 2013****1.0 Land Use**

- 1.1 The project provides a mix of one and two bedroom suites for both clients of L'Arche and also for caregivers to reside with their clients. In addition there will be one suite that can be used as a respite suite in conjunction with a 2-bedroom caregiver suite.
- 1.2 The scale and massing of the proposed building will be in keeping with the footprint of houses immediately adjacent to the site and will be in scale with other multi family properties in the neighbourhood. The proposal is smaller than what could be constructed under the current zoning in terms of building envelope, coverage and FSR / FAR.
- 1.3 The proposal is a mixed-use development. The uses intended include the Outreach Centre, and administration offices for the Society, as well as the residential rental suites intended for clients of the Society.
- 1.4 The proposal is in a neighbourhood in close proximity to the downtown shopping and business centre of Courtenay. Walking to activities, such as shopping, entertainment and recreation will be encouraged for residents that have sufficient mobility. Parking is provided for staff and caregivers primarily, as residents will not have cars. Bicycle storage is provided at the front of the building to encourage cycling to and from the facility.
- 1.5 The rental housing component of the project contains only 5 suites and is intended for the developmentally disabled clients of the Society. It is intended as affordable

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housing. There will be no market rate rental units or strata units. The proposal does not impact existing scenic views from adjacent properties. The site is currently a bare lot with no trees. The proposal will back onto the back wall of the Aboriginal School across the lane. Properties to the North are hidden from the proposal by their own high fences along the lane running East / West. Setbacks along the property line to the South are in keeping with those in a single-family neighbourhood so that the proposed building does not impact that neighbour. *The proposed landscape plan provides a positive influence on the landscape scenery of Grieve Avenue and the Lane to the North through the use of street tree and buffer planting.*

- 1.6 The property does not have any trails across it now, being a single lot in a single family neighbourhood. It is currently covered with grasses and wild plants and weeds. The proposed landscaping will re-instate trees and shrubs and will maintain as much of the site as greenspace as possible, after the building footprint and parking is taken into account.

## 2.0 Building Design

- 2.1 The project exhibits a high standard of design, being thoughtfully laid out to respond to programmatic requirements while utilizing the existing grades to allow efficient circulation systems. Suites are well designed with universal design principles and efficient floor plans. All spaces in the suites and in the Outreach Centre will be well day-lit with large windows on all sides of the building. The Outreach Centre is also designed with universal access being key.

*The landscape architecture plan exhibits a high standard of landscape design through the thoughtful use and placement of plant material and green-space in combination with decorative exterior patios, block walls, fencing and pedestrian circulation. Environmental sensitivity is exhibited through the use of native and non-native, drought tolerant and deer resistant planting. 'Lawn' areas have been replaced with a drought-tolerant, low-maintenance clover alternative. Where appropriate permeable pedestrian surfaces and pathways have been incorporated into the plan. In addition to the use of environmentally sensitive plant material, a low-volume rotary irrigation system designed in combination with 'smart' irrigation control has been proposed in order to reduce outdoor water use.*

- 2.2 A high standard of quality in terms of materials and colours will be maintained throughout the proposal. The building is designed in the round, meaning it does not turn its back on any one side of the property. Visually aesthetic colours, fenestration and materials are used throughout, including natural wood elements.
- 2.3 The proposed building will be highly articulated with the different functions of Outreach Centre and Housing informing the massing of the exterior as well as the placement of windows and doors. The 1<sup>st</sup> and 2<sup>nd</sup> floors are offset to some degree, with the 2<sup>nd</sup> floor being set back from the 1<sup>st</sup> at points along the elevations. The roof is varied and interesting as a result of the articulated facades. Stairs and ramps will be expressed



on the exterior of the building, with roofs and canopies over these elements adding interest to the general roofline.

2.4 The proposed building is compact in footprint and does not have any long lines or elevations that contribute to a strip development appearance. The intent is to have the project appear residential in nature, in keeping with the neighbouring dwellings.

2.5 The proposal does not target LEED certification due to the increased cost of the certification process, however, the intent will be to adhere to accepted green building practices as much as possible. The Architect has experience designing LEED certified projects and so has the skills and resources to ensure that the project is designed and built in as sustainable a manner as possible.

#### 2.6 Environmentally Preferable Products and Materials

- Products will be Environmentally Preferable Products where such are available. These will include recycled / recyclable or re-useable products as much as possible.
- Low VOC paints, stains, adhesives, carpets and flooring will be used.
- Highly durable siding and roofing materials will be used.
- Sheet metal roofing has a 50-year lifespan and is recyclable if and when it is replaced.
- Fibre cement siding carries a 30-year warranty on the actual siding and a 15 year warranty on the finish. This durability reduces or eliminates the need to replace the siding during the life of the building and significantly reduces the re-finishing intervals required.
- Locally sourced / produced products will be used as much as possible. Panelized construction is being considered as a means to improve energy performance of the building shell while reducing waste on site and construction time.
- Windows and doors will be Energy Star rated for insulation values.
- Increased insulation values will be incorporated into walls, and roofs for energy conservation. Spray foam insulation carries an R22 insulation value and increases the air tightness of the building to reduce energy loss through air infiltration. Products available now include plant based foams, which don't rely on fossil fuels for the oil base.
- Appliances and lighting fixtures will be Energy Star compliant.
- Plumbing fixtures will be low water / reduced flow types to reduce potable water use. Toilets will be either dual flush technology or ultra low water HET technology.
- Recirculating hotwater lines in conjunction with tankless heater technology is being considered for domestic hot water supply.
- Heat recovery ventilation will be utilized to recover heat energy from exhaust air, while allowing a constant supply of fresh tempered air for occupant health and comfort.
- Other initiatives such as motion detector light and fan activation, air or ground source heat pumps will be considered. Solar energy will also be considered although budget may veto the use of these more costly technologies.

2.7 The project is in close proximity to the downtown core. Accessibility directly off the sidewalk on Grieve avenue, encourages pedestrian activity to and from the project.

2.8 No underground parking – cost prohibitive.

2.9 *CEPTED principals are met by using compact plant material that will maintain clear sight lines from within and without the site.*

The architectural design allows visibility from all sides of the project as well as a continuous presence on site by the live in caregivers. The building does not turn it's back on any one side of the site and all areas of the property are visible from windows into habitable spaces.

### 3.0 Transportation

3.1 Grieve Avenue is one block West of Fitzgerald which is a major route for at least 3 buses serving Courtenay, Cumberland and Royston. The route connects downtown Courtenay to these other centres as well as Driftwood Mall in Courtenay. The route is within easy walking distance of the proposed project. The project is also within reasonable walking distance or cycling distance of Downtown Courtenay. The routes for walking are largely quieter residential streets.

3.2 – 3.5 Grieve Avenue is an existing street and appears wide enough to accommodate a variety of users. The proposal encourages, pedestrian, bicycle and alternative transportation. It is not large enough in area to accommodate an alternative to the public road or recreation areas, aside from those provided on the site for the use of residents or clients of the Society. There are no environmentally sensitive areas on the site and transit routes as noted in item 3.1 are located to the East on Fitzgerald Street.

*Cycling to and from the site is encouraged with the provision of a bike rack located at the front of the building.*

### 4.0 Infrastructure

4.1 Hard surfaced patios and walkways will direct storm water runoff onto landscaped areas to infiltrate into underlying soils. Roof drainage will be discharged to the City storm drain system. Sheet metal roofing means that that the roof runoff will not require treatment for oils or silt.

4.2 Ground source heat pumps will be researched. Since the capital cost of geothermal is significantly more than a conventional system, we will be researching utilities that amortize the cost of installation. Otherwise the intent is to install an air source heat pump for heating and cooling of the facility. Photovoltaic electrical generation is still a costly proposition. If funding permits, this avenue will be explored. Depending on whether ground source heat pumps are used, solar ready hot water will also be reviewed as an alternative energy source. The ground source heat pumps are efficient

enough that additional hot-water sources would likely not be required. A LEED accredited Mechanical Engineer will be engaged for the design of these systems.

4.3 Site Servicing Design has been executed to City standards, this being in a serviceable area of the City.

## **5.0 Character and Identity**

5.1 This site is not situated along waterfront or along frontage road.

### **5.2 - 5.5 Design Quality**

- *Street tree and shrub planting along Grieve Avenue enhances the streetscape while maintaining the single-family residential feel of the neighbourhood.*
- *Private (residential suites) and semi-public (Outreach Centre) spaces are provided throughout the site in the form of decorative patios and pedestrian circulation.*
- *The landscape design is oriented mainly toward Grieve Avenue and the Lane to the north.*
- *Building is designed in the round so that it presents an attractive façade to all sides, from all angles.*
- *Front yard is designed as a landscaped open useable space that lets residents and clients potentially engage with passersby and neighbours, while maintaining a zone of personal space.*
- *The site is a vacant lot at the moment and any heritage features are nonexistent. The project has been designed with a domestic feel in keeping with the predominantly residential neighbourhood in which it is located.*
- *Openness and involvement in the community is a key mandate of the Society and in keeping with that philosophy, the building presents an open and inviting façade and front yard to Grieve Avenue*

## **6.0 Environmental Protection and Enhancement**

6.1 The project has no riparian areas within its bounds nor in close proximity. There are no environmentally sensitive areas in close proximity to the proposal.

6.2 *Native plant species are used throughout the planting plan.*

6.3 *Street trees are provided along the Grieve Avenue frontage*



### **L'Arche Comox Valley Outreach Centre and Residential Suites Development Rationale**

#### **Project Description**

**September, 2013**

The Grieve Avenue project is for L'Arche Comox Valley, and is a mixed use development, providing Residential Units, in the form of one and two bedroom rental suites, and an Outreach Centre, which will provide support services for the residents as well as for daytime clients.

This project will provide much needed affordable housing for this client group, and along with the Outreach Centre, will make an important contribution to the social well being of the community of Courtenay.

The project is located in an established residential neighbourhood, and is designed to appear residential in nature, in keeping with the scale of neighbouring dwellings.

The residential quality of the building is in keeping with the philosophy of L'Arche, whereby people with developmental disabilities, and their caregivers, share life and daytime activities together in family like settings that are integrated into local neighbourhoods.

#### **Compliance with Development Permit Guidelines**

**September, 2013**

##### **A Land Use**

1. The design of the project is residential in nature. A high standard of quality in terms of materials will be maintained throughout the proposal with the use of a sheet metal roof, pre-finished fiber cement siding and natural wood columns and fencing.
2. The building is designed in the round, meaning it does not turn its back on any one side of the property. The Outreach Centre fronts onto Grieve Avenue, with Residential Units fronting the lane to the north and Offices accessed from the lane to the west.
3. The building is residential in scale, with low roofs over the building entrances and projections on the main floor.
4. The building is designed to complement the neighbourhood, through scale, character, visual cues and building materials.
5. The listed points have all been considered and are reflected in the architectural and landscape submissions.
6. n/a
7. There are no garages or carports. All surface parking is accessed off the rear lane, with the exception of a single accessible stall off Grieve Avenue, which reflects the parking arrangement of the existing single family homes fronting onto Grieve Avenue.
8. n/a
9. The building takes advantage of the sloping site, and addresses all the streets it faces with patios to the northwest, east and south.
10. The building is residential in scale, with twin gables to break up the mass.
11. Sloped roofs complement the existing residential neighbourhood.
12. Unit patios and entrances are clearly separate and defined.
13. n/a

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**B Signage**

1. Any project signage will comply with this requirement.

**C Siting, Landscaping and Screening**

- 1 – 16. All applicable points are addressed in the Landscape plans L1, L2 and L3.
17. A storm water management plan has been prepared by the Civil Engineer and is included in this application.
- 18 - 20. n/a
21. Refer to Landscape plan L3 for planting notes including soil depths.
22. Refer to Landscape plan L2 for irrigation plan.

**D Lighting**

- 1 - 2. Lighting will comply with these requirements. Building lighting fixtures will be soffit mounted so will not create glare; exact fixtures will be selected by an Electrical Engineer to meet these requirements.

**E Parking**

1. 2 small parking areas are provided; 6 parking stalls are provided off the rear lane, with 1 accessible parking stall off Grieve Avenue. All parking is for staff and caregivers as residents will not have cars.
2. The Grieve Avenue stall is designed to reflect the typical residential pattern of an entrance driveway. This stall will be used for parking and /or drop off for clients of the Outreach Centre.
3. The balance of the parking is located to the rear of the building.
4. Pedestrian pathways from parking areas are provided to all of the building entrances. Benches are provided along pedestrian routes. Building Entrances are below overhangs, or have porch roofs.

**Attachment No 3. Public Information Meeting**

**L'Arche Comox Valley Minutes  
Tuesday, January 15, 2013 - 7:00 p.m. – 9 p.m.  
Held at Aboriginal Centre, Courtenay, B.C.**

**L'Arche Representatives:** Tony Reynolds Christine Monier Dale Jeffrey  
Greg Knowles Joe Newell Claire Donovan

**Public Attending:** 11

1. **Welcome and Introduction** – Greg Knowles gave a brief introduction and run down of the public meeting.

2. **What is L'Arche and What does it do?** – Christine Monier, Community Leader/Executive Director explained to all present information about What L'Arche is and What does it do?

3. **Activity at the L'Arche Community Centre** – Claire Donovan, Co-ordinator of Day Program gave a brief explanation of our Outreach Centre, the programs offered and adults involved weekly.

4. **Description of the Project** – Tony Reynolds, Chair of the Board of L'Arche Comox Valley gave a description of the upcoming project plans.

5. **Technical Aspects of the Project** – Joe Newell, Architect from Victoria who designed the plans for the L'Arche project. Our goal was to design a building that was residential in appearance. In keeping with the philosophy of L'Arche we want to give people a home and place of belonging. Joe Newell explained that the current zoning is R2 and needs to be amended MU1. We are asking for special dispensation or variance to have 5 units.

6. **Questions and Discussion:**

**Kelli McGrady** – Own home but have tenants in house which is right beside the project. We're very happy that L'Arche has purchased the lot. You've answered a lot of our questions but privacy was their main concern and what will the lighting be like around the building?

Joe Newell explained that there will be roof soffits all around and the lighting will be shining down and there will not be lighting shining out. Our goal with lighting will be that it does not spread too far that it will be shining down on the doorways. Joe Newell also explained that the application will require a landscape architect and resident's privacy considered. There will also be fencing along the property line.

Greg Knowles explained that the City of Courtenay is very specific about their landscaping requirements. You mentioned that you had several questions?

**Kelli McGrady** – my other questions were answered by the explanation of the plans. They were basically where the entrances were to be located.

**Lesley Watts** – I live on 14<sup>th</sup> Street – lane side. I must tell you I was really delighted that L'Arche has purchased property. Is Jubilee House going to continue? And the second is I really understand the nature of funding and was wondering when will construction start?



Christine Monier – responded that Jubilee House will definitely continue, we're not going to close and move those people into this project. This project was for those who live semi-independently and need some extra support or support workers or members of the community.

Tony Reynolds – we don't know when the construction will begin? We need to raise enough money so that we can obtain a mortgage. That might take us a year, it might take us two years. Currently, we rent the facility and there is an income stream that comes with the running the current Outreach Centre. We feel with the present income and an enlarged program together with the rental income we would be able to handle a mortgage which is about 2/3 of the cost of building the facility. We estimate that we need to raise \$300,000 to \$400,000 and once we have that money in the bank or pledges to that and can proceed to get a mortgage. At that point in time we will move for a development permit and that could take two to three years. Then it could be nine months to one year to build. It could be any 18 months before any action on the site.

Lawrence Burns – Plans to rezone, and now we assume it gets passed to MU1 which covers a lot of things and looking at worse case scenario, if you want to put it that way. What would happen if you can't proceed what would get put there? I think it's a great thing you're planning but what happens if you can't put it there?

Joe Newell – Under the MU1 Zone, anyone else would have to apply to the City. The City may well put in some safe guards that it reverts back to the R2 Zone.

Lawrence Burns – I was just wondering, I think this is a great and I have no problems, all in favour of the L'Arche Project.

Joe Newell – the City planners are very aware and do not want any kind of commercial activity there.

Wally Rogers – My concern is very similar to Lawrence's. I'm all in favour of L'Arche but the re-zoning concerns me especially if the project does not go forward. I've seen a situation on the mainland where the project did not go through and a halfway house was built on the site. Being re-zoned you can't go back and re-zone.

Greg Knowles – if you look at L'Arche Comox Valley – we have taken all projects at reasonable and careful steps. The needs are strong and the support is very strong. We have a very very strong roots and I hope that gives you some confidence. L'Arche Comox Valley although small belongs to a National and International organization.

Christine Monier – we are non-profit and we do rely on donations and we do fundraising activities but we do receive Government funding to support Jubilee House and support individuals that we assist. We support people who have elderly parents. There is funding that is provided by the provincial government.

Greg Knowles – we are growing and our day programs are expanding. We are here for the long term.

Tony Reynolds – we are taking notes of all comments because the City wants to know what your concerns are and we will pass those concerns to the City.

Dale Petterson – Live on 19<sup>th</sup> but I live right by L'Arche House (4 individuals and 4 staff). Six possible parking spots taken up with staff alone. I'm just being devil's advocate will staff parking spill over onto the streets?

Lawrence Burns – the City is very diligent and concerned about parking.

Greg Knowles – Parking and green space requirements are being evaluated and carefully considered. During the off hours we will work with the Aboriginal Education Centre.

Kelli McGrady– It is a wide street and if I lived next door the parking would not be a concern.

Andre Ruel – We live on the corner of 12<sup>th</sup> and Fitzgerald and during the day our street is surrounded with parked cars but this would never happen here because there is not a commercial building like a medical clinic.

Mary Catherine Ruel – I like the feel of the building looking like a residence and not an institution.

Jeanne Hawthorne – Are you planning on putting outside signs?

Greg Knowles – the City is very specific about signage. Any sign will be discreet.

Greg Knowles – thanked everyone for attending and coming out tonight. If you have any questions or comments on the back of your agenda there is a form for comments which you can mail in to the L'Arche office. If you think of something in the next day or two please let us know.

Meeting adjourned 8:20 p.m. Public satisfied and happy with explanations provided overall general feeling was that all pleased that L'Arche had purchased the property.

**L'Arche Comox Valley 1465 Grieve Avenue, Courtenay, BC**

S:\PLANNING\Development Applications\Zoning\2014\1403-1465 Grieve (L'Arche)\Report to Council\SR DDS 2014-03-17 Zoning and OCP Amendments for 1465 Grieve.docx



FOR

**L'Arche Comox Valley 1465 Grieve Avenue, Courtenay, BC**

[illegible]

**Public Information Meeting**

Tuesday, January 15, 2013 7:00 - 9:00 pm - Aboriginal Education Centre

L'Arche Comox Valley ORC &amp; Residences, proposed for 1465 Grieve Avenue, Courtenay.

**COMMENT SHEET**Name: LAWRENCE BURNS Email: \_\_\_\_\_Address: 668-14TH ST COURTENAY Phone: 250-334-2891  
V9N 1W6

L'Arche Comox Valley is preparing to apply to the City of Courtenay for a OCP & Zoning Amendment to enable construction of a multi-use building at 1465 Grieve Avenue. The proposed building would include community activity rooms, society administration offices, and handicapped-accessible one and two-bedroom apartments.

Given the information you have received regarding this project, do you have any comments or questions?

I am impressed with the Proposal & encourage it. The only concern or question I expressed: - If it is "Re-zoned MU1" & your proposed project isn't successful (Hopefully this won't happen) with that zoning in place what would it open it up to? Possibly this is a City question.

All the Best for your proposal both for rezoning & funding etc. A great asset to a lovely neighbourhood. Thank you.

*Lawrence Burns*

Please return your comments by January 22, 2013.

Comments can be submitted by one of the following methods:

1. Hand in your comment sheet at the meeting
2. Drop your comment sheet off at the L'Arche office at 1736 England Ave or L'Arche ORC at 1001B Fitzgerald Avenue
3. Email your comments or comment sheet to [office@larchecomoxvalley.org](mailto:office@larchecomoxvalley.org)





THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Development Variance Permit No. 1401 – 1551 Lerwick Rd

**File No.:** 3090-20-1401  
**Date:** March 17, 2014

**PURPOSE:**

The purpose of this report is to consider a Development Variance Permit to increase the maximum height of a freestanding sign located on a property with an institutional use.

**CAO RECOMMENDATIONS:**

That based on the March 17th 2014 staff report "Development Variance Permit No. 1401 – 1551 Lerwick Road" Council approve Development Variance Permit No. 1401 (OPTION 1).

Respectfully submitted,

David Allen  
Chief Administrative Officer

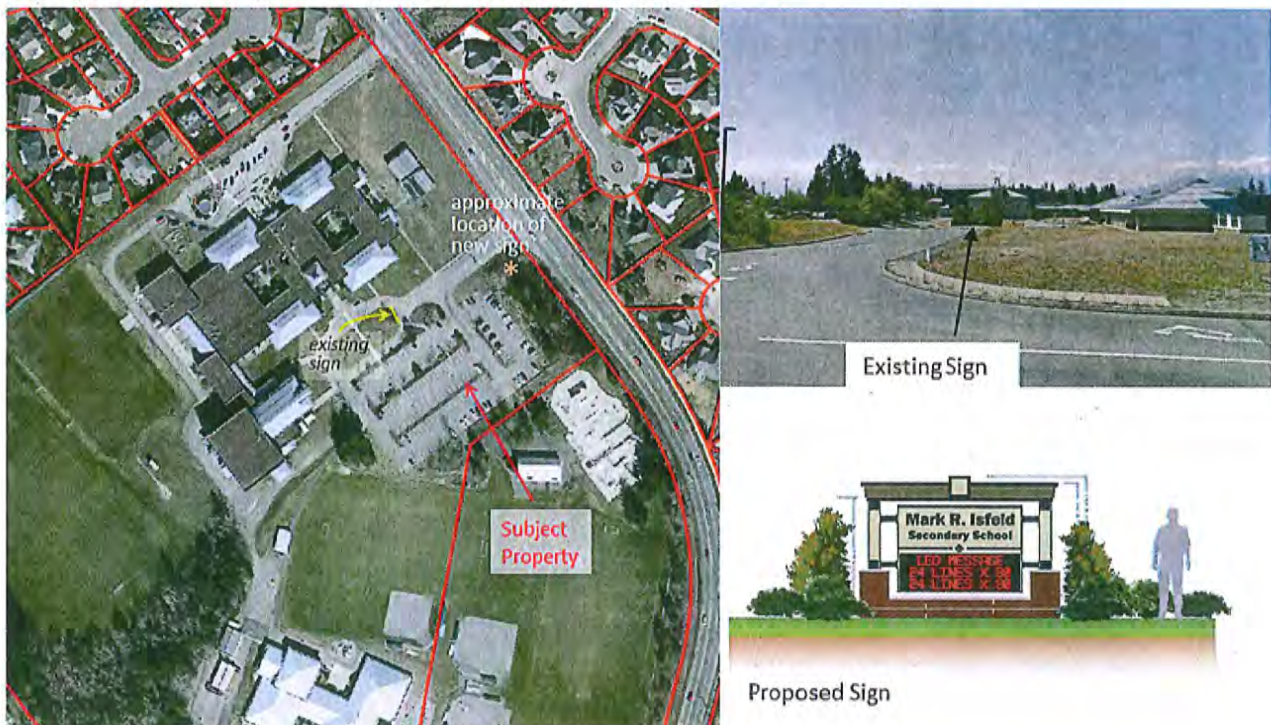
**BACKGROUND:**

The subject property is Mark R. Isfeld Secondary School. The applicants would like to replace the existing freestanding sign located between the building and parking lot with a new sign located along the Lerwick Road frontage. The proposed freestanding sign is architecturally integrated with the building design but requires a minor variance for the height of the sign. Drawings showing the proposed sign design and location are included in this report.

**DISCUSSION:**

Mark R. Isfeld Secondary School serves as a community hub hosting various community groups and civic functions. However, local citizens and visitors have indicated that the school is difficult to locate. There is an existing freestanding sign on the property but the sign has poor visibility from the street due to its location and the low profile design of the sign. The applicants would like to install a new freestanding sign closer to Lerwick Road to better identify the school and to communicate information related to school activities or community events occurring on the school property.





The proposed sign meets the provisions of the Sign Bylaw with the exception of height. The maximum height for a freestanding sign on an institutional property is 2.0 metres (6.56 ft). The applicants are proposing a sign height of 2.4 metres (7.9 ft). The sign design can be modified to meet the height restriction however for aesthetic reasons, the applicants are requesting a 0.4 m variance to accommodate the top portion of the sign in order to better integrate the design of the sign with the design of the school.

The proposed variance is minor in nature, is not likely to have a significant impact on surrounding properties, and will result in a more attractive sign design.

#### **FINANCIAL IMPLICATIONS:**

NA

#### **ADMINISTRATIVE IMPLICATIONS:**

The processing of development applications is included in the current work plan as a statutory component.

#### **STRATEGIC PLAN REFERENCE:**

Updating the Sign Bylaw was previously included as part of Council's strategic plan. The update is now complete with the adoption of the new Sign Bylaw in October 2013. The school administration and Parent Advisory Council for Mark R. Isfeld were involved in the stakeholder and public consultation activities related to the sign bylaw review.

#### **OFFICIAL COMMUNITY PLAN REFERENCE:**

No specific reference.

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**REGIONAL GROWTH STRATEGY REFERENCE:**

No specific reference.

**CITIZEN/PUBLIC ENGAGEMENT:**

Pursuant to the requirements of the *Local Government Act*, surrounding property owners and tenants were notified of this Development Variance Permit application prior to Council's consideration. To date, no correspondence has been received.

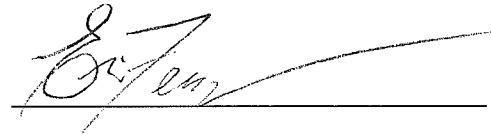
**OPTIONS:**

OPTION 1: Approve Development Variance Permit No. 1401. (Recommended)

OPTION 2: Defer consideration of Development Variance Permit No. 1401 pending receipt of further information.

OPTION 3: Not approve Development Variance Permit No. 1401.

Prepared by:



Erin Ferguson, MCP  
Land Use Planner



Peter Crawford, MCIP  
Director of Development Services

Attachment No. 1  
Applicant's Letter of Rationale

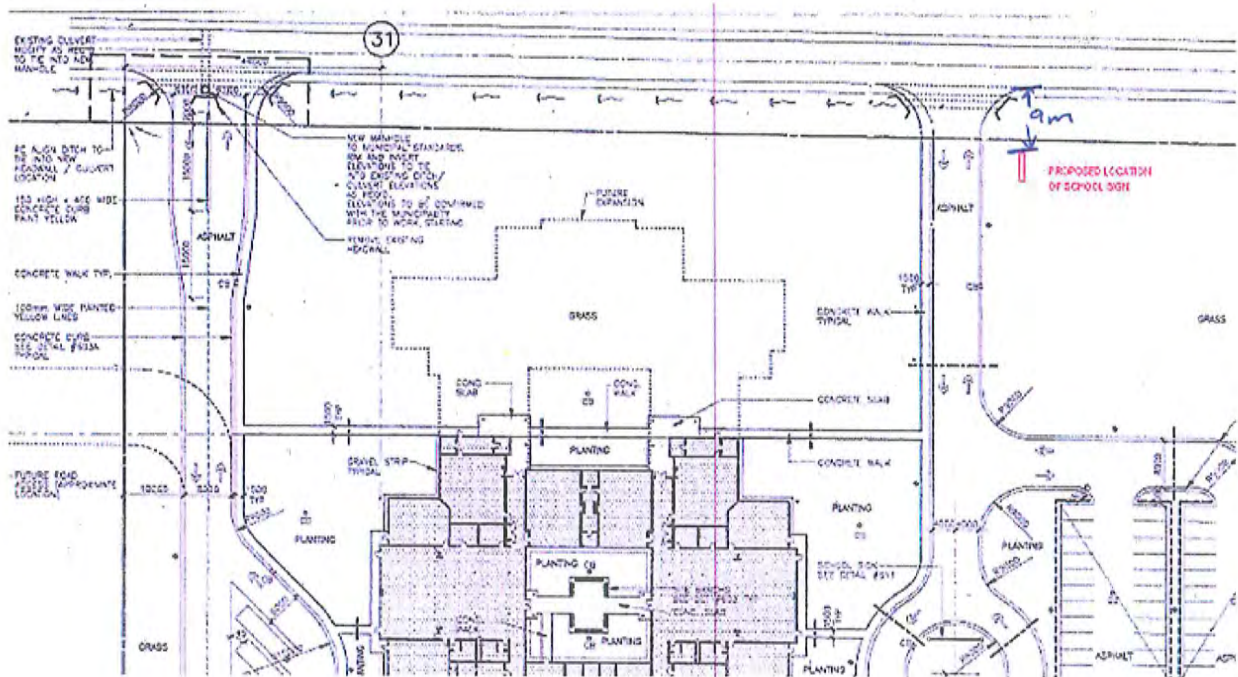
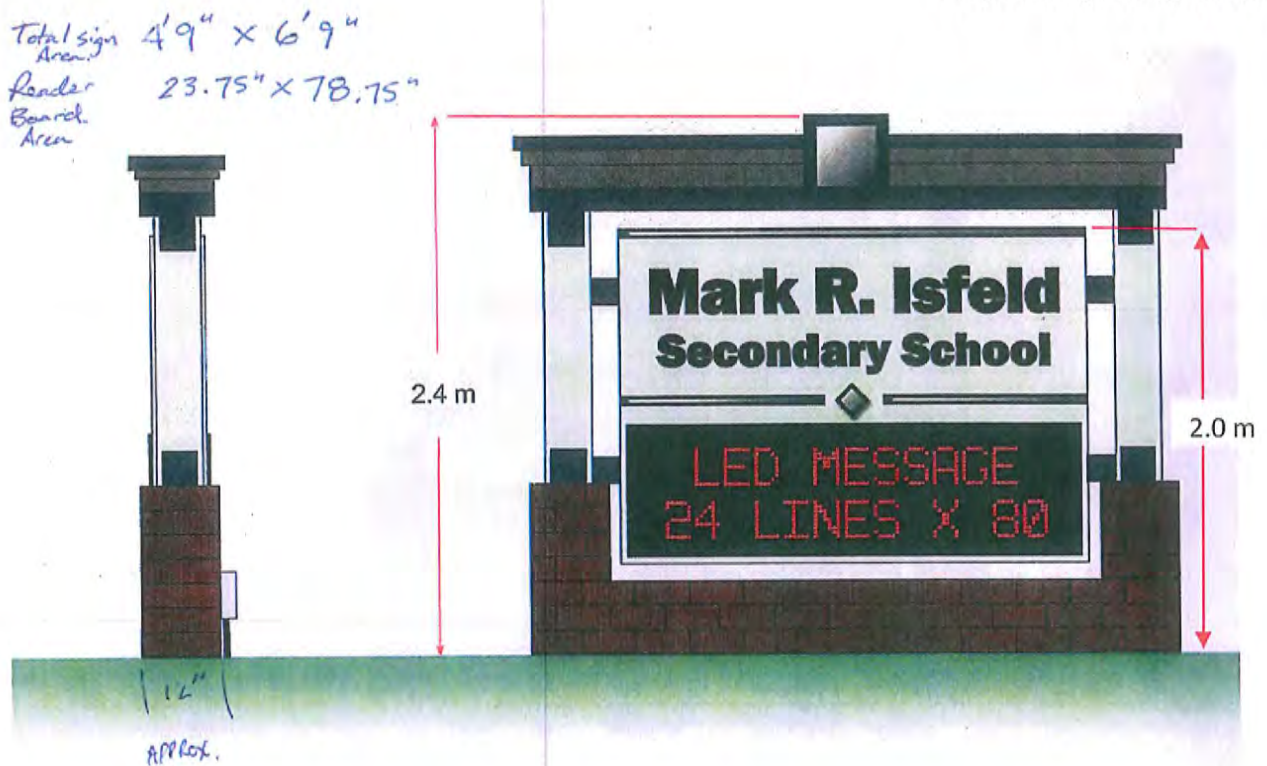
**Brief Project Description**

Mark R. Isfeld Secondary is the busiest school in the Comox Valley in terms of community activities, yet we regularly hear members of the community tell us they had difficulty finding the school. This is most common during elections, when Isfeld is used as a polling station, but it happens throughout the year for other events as well. This is likely because the school is set well back from Lerwick Road, and currently has no presence for the passing motorist.

The project involves placing a sign at the corner of the property to indicate the location of Isfeld Secondary and to provide information on local events pertaining to the school or happening on school property. The proposed sign completely conforms with the sign by-law for institutional use, with the exception of height. The design is in keeping with the spirit of the by-law, in that it is made of materials that are also incorporated in the building it represents. It is intended to visually enhance its surroundings, but does require a height variance of 0.4 metres (approximately 15 inches) to be aesthetically proportioned. Again, the variance request is not intended to push the limit of what is allowable under the by-law, but only to put in place the most appealing sign design that is available within our budget.



Attachment No. 2  
Proposed Sign Design & Location









THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Parcel Tax Review Panel - 2014

**File No.:** 1950-02  
**Date:** March 17, 2014

**PURPOSE:**

The purpose of this report is to establish the time and place for the sitting of the 2014 Parcel Tax Review Panel.

**POLICY ANALYSIS:**

Section 204(2) of the *Community Charter* states that, before a parcel tax is imposed for the first time, a parcel tax review panel must consider any complaints respecting the parcel tax roll, and must authenticate the roll in accordance with this Division of the *Community Charter*. Council must appoint at least 3 persons as members of the review panel, establish the time and place, and provide advance notice of the time and place.

**EXECUTIVE SUMMARY:**

The establishment of the Parcel Tax Review Panel and the time and place of sitting, is an annual action of Council. The time and place of the 2014 Parcel Tax Review Panel is proposed to be April 30, 2014, at 4:00 pm in the City of Courtenay's Council chambers. Council members appointed to the Parcel Tax Review Panel include Councillors Theos, Ambler, and Winchester.

**CAO RECOMMENDATIONS:**

That based on the March 17, 2014 staff report "Parcel Tax Review Panel-2014", Council approve OPTION 1 to establish the time and place of the Parcel Tax Review Panel as April 30, 2014, 4:00 pm, City Hall Council Chambers.

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

In accordance with Sections 204-206 of the *Community Charter*, prior to a parcel tax being imposed for the first time, a Parcel Tax Review Panel must consider any complaints respecting the parcel tax roll, and must authenticate the roll so that it may be added to the annual property tax levy.

**DISCUSSION:**

Each year parcel taxes are calculated and assessed on all new or newly subdivided properties added to the water and sewer distribution system within the City of Courtenay. The property owners are provided notice of the amount to be added to their annual property tax notice, and that they have an opportunity to make an appeal at the annual Parcel Tax Review Panel. The panel reviews the complaints, makes a decision, and authenticates the final parcel tax roll for the year. The parcel tax roll must be authenticated in advance of its addition as a levy on the 2014 property tax notice.

**FINANCIAL IMPLICATIONS:**

Parcel taxes for water and sewer are assessed in accordance with the water and sewer frontage tax bylaws, and for 2014 are anticipated to generate \$680,000 for the water fund, and \$1.8 million for the sewer fund. These revenues assist in the funding required to carry out capital and operational works for the provision of these two utility services, and have been included in the respective 2014-2018 Financial Plans.

**ADMINISTRATIVE IMPLICATIONS:**

On Council approval of the time and place for the Parcel Tax Review Panel, staff will notify affected property owners by letter of both their assessment for 2014, as well as their opportunity to appeal the assessment with the review panel.

**STRATEGIC PLAN REFERENCE:**

While not specifically referenced in the City's strategic plan or strategic priorities, this activity is a statutory requirement, and utilizes staff resources in carrying out the actions required.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

There is no applicable reference in the Official Community Plan.

**REGIONAL GROWTH STRATEGY REFERENCE:**

There is no applicable reference in the Regional Growth Strategy.

**CITIZEN/PUBLIC ENGAGEMENT:**

Affected property owners are notified in writing of both the amount of the parcel tax assessed, and their opportunity to appeal the assessment.

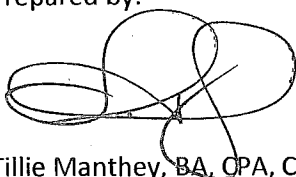
**OPTIONS:**

OPTION 1: That Council approve the time and place for the sitting of the Parcel Tax Review Panel as April 30, 2014, 4:00 pm, City Hall Council Chambers.

OPTION 2: That Council set another time and place for the sitting of the Parcel Tax Review Panel.

While Option 2 is offered, Council should be aware that sufficient time for mailing the notice letters to property owners, meeting the statutory advertising requirements, and meeting of the panel to review and authenticating the 2014 parcel tax roll must all be considered in setting the date. April 30<sup>th</sup> provides staff with the sufficient time required.

Prepared by:



Tillie Manthey, BA, CPA, CGA

Director of Financial Services/Deputy CAO



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

To: Council

File No.: 1970-14

From: Chief Administrative Officer

Date: March 17, 2014

Subject: Glacier/Chapman Sanitary Sewer Service Area – 15 Year Parcel Tax Option

### PURPOSE:

The purpose of this report is to establish a fifteen year parcel tax payment option for the properties within the Glacier and Chapman Roads sanitary sewer extension service area.

### POLICY ANALYSIS:

Sections 200 through 209 of the *Community Charter* allow Council to impose a parcel tax to provide all or part of the funding for a service.

### EXECUTIVE SUMMARY:

The Glacier/Chapman Roads sanitary sewer extension was substantially complete in January 2014 and letters of advice were issued on January 9, 2014 to the owners of the thirteen properties within this new sewer service area that the line was ready for use. The mandatory connection fee imposed, in accordance with Bylaws 2342 and 2742, is \$8,000.00. Council is asked today for consideration of a fifteen year parcel tax bylaw which would provide property owners a commutation option. The annual parcel tax is calculated to be \$576.99 per year for fifteen years, and would be levied with the annual property taxes.

### CAO RECOMMENDATIONS:

That based on the March 3, 2014 report "Glacier/Chapman Sanitary Sewer Extension Service Area" Council approve OPTION 1 and consider adopting the "City of Courtenay Glacier/Chapman Sanitary Sewer Parcel Tax Bylaw 2782, 2014" which provides for the following:

For property owners within the Glacier/Chapman sanitary sewer extension service area, the proposed bylaw provides a fifteen year parcel tax option for payment of the connection fee of \$8,000.00.

Respectfully submitted,

David Allen  
Chief Administrative Officer



**BACKGROUND:**

The Glacier and Chapman Road areas are within the North Courtenay boundary extension area which took place in November 2002. The recently constructed sewer extensions into these two roads has been in the sewer capital budget for several years, however due to cost to extend into this area, had been delayed in anticipation of additional development in the area which could contribute to the cost of construction.

**DISCUSSION:**

Additional development in this area did not materialize to support the project construction as anticipated. The City received repeated expressions of concern regarding septic systems in disrepair within area and a desire for the service to be provided immediately. Taking this under advisement, the project was advanced in priority for delivery in 2013.

Under our current bylaws, a mandatory connection and capital contribution charge of \$8,000.00 per connection is imposed on the Glacier and Chapman Road properties. By letter, these property owners have been advised that the sanitary sewer service has been completed and is ready for use. A connection deadline of March 31, 2014 was provided.

In order to provide property owners with an alternative method of payment, rather than payment in full of the connection charge, the proposed fifteen year parcel tax bylaw has been drafted and is brought forward for Council consideration. Under this bylaw, owners would be levied \$576.99 per year for fifteen years (beginning in 2015).

**FINANCIAL IMPLICATIONS:**

The sewer extension into Glacier and Chapman Roads was undertaken at a cost of \$314,000. The mandatory sewer connections in the service area will provide \$112,000 in funding, and the balance of the project cost has been funded by the City at large.

**ADMINISTRATIVE IMPLICATIONS:**

Subsequent to the passage of three readings of these bylaws, next steps include updating the property tax system for those property owners who have chosen the fifteen year payment option.

**STRATEGIC PLAN REFERENCE:**

While there is no specific reference to the extension of sewer into Chapman and Glacier Roads, this has been an outstanding and intended project since this area was annexed into the City in 2002.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

6.3 Sanitary Sewer Treatment

**REGIONAL GROWTH STRATEGY REFERENCE:**

5-D Sewer: Encourage sewer management approaches and technologies that respond to public health needs and maximize existing infrastructure.

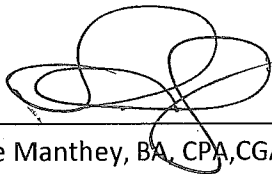
**CITIZEN/PUBLIC ENGAGEMENT:**

In January 21 2013, letters were issued to residents advising them that the project would be designed in that fiscal year and that construction was pending the outcome of the design process. Once the design was complete and a construction schedule was eminent, a second letter was sent on October 17 2013 to advise residents of this affect and outlining the cost of servicing. The final notice was issued on January 9 2014 to encourage residents to confirm their preferred method of payment for the sewer service connection. Property owners have communicated directly with the Engineering Division with any queries they had over the course of the project.

**OPTIONS:**

1. That Council endorses the Glacier/Chapman Sanitary Sewer Service Area Parcel Tax Bylaw No. 2782, 2014, which provides for a 15 year parcel tax payment option for property owners within this new service area.
2. Defer readings of the proposed bylaw for further discussion.

Prepared by:

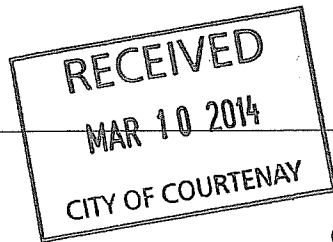


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Tillie Manthey, BA, CPA, CGA

Director, Financial Services/Deputy CAO





*For info.*

CITY OF BURNABY  
OFFICE OF THE MAYOR  
DEREK R. CORRIGAN  
MAYOR

2014 March 04

File: 03300-02

Mayor and Council  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

Dear Mayor and Council:

**Subject: Community Impacts of the Proposal to Eliminate Home Mail Delivery Service by the Canada Post Corporation**  
(Item No. 01, Manager's Reports, Council 2014 February 17)

Burnaby City Council, at the Open Council meeting held on 2014 February 17, received a report from the Director of Planning and Building regarding the Community Impacts of the Proposal to Eliminate Home Mail Delivery Service by the Canada Post Corporation and adopted the following recommendations contained therein, AS AMENDED:

1. THAT Council, through the Office of the Mayor, write to the Federal Government and the Canada Post Corporation, through the federal Minister of Transportation, to express its opposition to the current proposal to replace home mail delivery service with community mailboxes and request immediate review and amendment of the Canada Post Corporation's '5-Point Action Plan,' as outlined in this report, to:
  - a) require full and meaningful public consultation and engagement with municipalities in order to review all options in order to preserve continued home mail delivery service in Canada's urban centres;
  - b) ensure that any new mail delivery service proposal provides for the continued security of citizens' private information and property;
  - c) ensure that all proposals related to home mail delivery provide for the necessary safety and protection of seniors and persons with mobility restrictions;
  - d) address specific issues related to the impact of any proposed home mail delivery changes to existing federal, provincial and local government

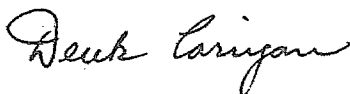


obligations related to the statutory notification of property owners and citizens;

- e) remove the discretion of the Federal Government under the Canada Post Corporation Act to utilize City-owned property for any community mailbox program in urban centres, without the direct consultation and approval of local governments.
2. THAT Council endorse the resolution for submission to the 2014 Lower Mainland Local Government Association (LMLGA) Annual General Meeting and Union of BC Municipalities (UBCM) Convention, as outlined in Section 4.0 of this report, and to the Federation of Canadian Municipalities (FCM).
3. THAT a copy of this report be sent to:
  - Burnaby MLA's and MP's;
  - The Honourable Coralee Oakes, Minister of Community, Sport and Cultural Development;
  - BC Chief Electoral Officer - Mr. Keith Archer, Elections BC;
  - All Members of the Lower Mainland Local Government Association (LMLGA), the Union of BC Municipalities (UBCM) and Metro Vancouver;
  - Federation of Canadian Municipalities;
  - Canadian Union of Postal Workers (CUPW) – National Office (377 Bank Street, Ottawa, Ontario K2P 1Y3, and CUPW- Pacific Region (999 Carnarvon Street, New Westminster, B.C. V3M 1G2).
4. THAT this report be forwarded to the Social Issues Committee, Traffic Safety Committee, Environment Committee and the Mayor's Task Force on Graffiti, Voices of Burnaby Seniors and the Seniors Centres in Burnaby for information.

In accordance with the recommendation no. 3, a copy of the report is *enclosed* for your information.

Very truly yours,



Derek R. Corrigan  
MAYOR



Meeting 2014 February 17

COUNCIL REPORT

TO: CITY MANAGER

DATE: 2014 February 11

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 2125 20

Reference: UBCM

SUBJECT: COMMUNITY IMPACTS OF THE PROPOSAL TO ELIMINATE HOME MAIL DELIVERY SERVICE BY THE CANADA POST CORPORATION

PURPOSE: To outline the City's opposition to the proposal to eliminate Home Mail Delivery Service by the Federal Government and the Canada Post Corporation.

RECOMMENDATIONS:

1. THAT Council, through the Office of the Mayor, write to the Federal Government and the Canada Post Corporation, through the federal Minister of Transportation, to express its opposition to the current proposal to replace home mail delivery service with community mailboxes and request immediate review and amendment of the Canada Post Corporation's '5-Point Action Plan,' as outlined in this report, to:
  - a) require full and meaningful public consultation and engagement with municipalities in order to review all options in order to preserve continued home mail delivery service in Canada's urban centres;
  - b) ensure that any new mail delivery service proposal provides for the continued security of citizens' private information and property;
  - c) ensure that all proposals related to home mail delivery provide for the necessary safety and protection of seniors and persons with mobility restrictions;
  - d) address specific issues related to the impact of any proposed home mail delivery changes to existing federal, provincial and local government obligations related to the statutory notification of property owners and citizens;
  - e) remove the discretion of the Federal Government under the Canada Post Corporation Act to utilize City-owned property for any community mailbox program in urban centres, without the direct consultation and approval of local governments.
2. THAT Council endorse the resolution for submission to the 2014 Lower Mainland Local Government Association (LMLGA) Annual General Meeting and Union of BC Municipalities (UBCM) Convention, as outlined in Section 4.0 of this report.

To: City Manager  
From: Director Planning and Building  
Re: Community Impacts of the Proposal to Eliminate Home Mail  
Delivery Service by the Canada Post Corporation  
2014 February 11.....Page 2

3. THAT a copy of this report be sent to:

- Burnaby MLA's and MP's;
- The Honourable Coralee Oakes, Minister of Community, Sport and Cultural Development;
- BC Chief Electoral Officer - Mr. Keith Archer, Elections BC;
- All Members of the Lower Mainland Local Government Association (LMLGA), the Union of BC Municipalities (UBCM) and Metro Vancouver;
- Federation of Canadian Municipalities;
- Canadian Union of Postal Workers (CUPW) – National Office (377 Bank Street, Ottawa, Ontario K2P 1Y3, and CUPW- Pacific Region (999 Carnarvon Street, New Westminster, B.C. V3M 1G2).

4. THAT this report be forwarded to the Social Issues Committee; Traffic Safety Committee; Environment Committee and the Mayor's Task Force on Graffiti for information.

## REPORT

### 1.0 INTRODUCTION

At its meeting on 2014 January 27 under 'New Business', Council requested staff to prepare a report outlining the issues and implications of the recently announced Canada Post service changes. Canada Post has developed a proposal that would eliminate the existing home mail delivery service for urban centers, which would cause significant impacts and issues for Canadian communities and citizens.

In response to Council's request, this report outlines the context and implications of the decision by the Federal Government to proceed with the plan advocated by the Canada Post Corporation. Specifically, this report details issues identified related to the lack of the required public process and consultation; security of private information and property; service for seniors and persons with mobility restrictions; statutory obligations related to legislated government notification to citizens and property owners; and the appropriateness and impact of existing Canada Post powers related to the use of municipally-owned property.

In light of the significant and direct impacts the proposal presents, this report highlights specific concerns for the City and its residents, including the safety of our most vulnerable citizens. In response, this report calls for the immediate review of the proposal to cancel home delivery in

To: City Manager  
From: Director Planning and Building  
Re: Community Impacts of the Proposal to Eliminate Home Mail  
Delivery Service by the Canada Post Corporation  
2014 February 11..... Page 3

urban centres to ensure full public consultation and actions to protect the interests of all Canadians.

## 2.0 BACKGROUND

Canada Post is a Crown Corporation, operating under the Canada Post Corporation Act, and overseen by the Federal Minister of Transportation – the Honourable Lisa Raitt. It is governed by a Board of 11 individuals, including the Chairperson and the President and Chief Executive Officer. All directors, other than the previously mentioned two positions, are appointed by the Minister for a term of up to four years, which can be renewed.

The Chairperson and President and CEO are appointed by the Governor in Council<sup>1</sup> for an appropriate term. The current Chairperson of Canada Post is Mr. Marc A. Courtois and the President and CEO is Mr. Deepak Chopra.

On 2013 December 11, Canada Post announced its '5-Point Action Plan'<sup>2</sup>. The plan's five main components are:

- **Community mailboxes:** Over the next five years, Canada Post will phase out home delivery to urban centers, to be replaced by community mailboxes. The plan states that this change will not affect the two thirds of residential addresses that currently receive their mail through community mailboxes, grouped or lobby mailboxes (i.e. high density residential buildings such as apartment towers or seniors homes), or rural mailboxes.
- **Tiered Pricing:** Beginning 2014 March 31, pending regulatory approval, stamp purchases in booklets or coils will cost \$0.85 per stamp. Individual stamp purchases, not in booklets or coils, will cost \$1 each.
- **Postal Franchises:** Canada Post will expand its retail network and open more franchised postal outlets in stores, while retaining corporate (Canada Post owned) post offices.
- **Operational Changes:** Operations will be centralized and/or streamlined with technology (i.e. more centralized warehouses, with mail sorter equipment).
- **Labour Restructuring:** Canada Post expects to eliminate 6,000 – 8,000 jobs partially through retirement (the 'Plan' states that 15,000 employees are expected to retire in the next 5 years). Pension plan adjustments will also be considered.

On 2014 January 29, Canada Post released a statement outlining that affected postal walks in densely populated urban areas will be the last stage for implementation in the 5-year process, given the acknowledged complexity of siting large community mailboxes installations in these environments. Canada Post is expected to announce which communities will be subject to the installation of community mailboxes and cancellation of home delivery service by the end of February, 2014.

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<sup>1</sup> The Governor in Council (GIC) appointments process is a core function of the Senior Personnel Secretariat in the Privy Council Office, on behalf of the Prime Minister and his Office.

<sup>2</sup> For a full copy of the 'Plan', please visit: [https://www.canadapost.ca/cpo/mc/assets/pdf/aboutus/5\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/aboutus/5_en.pdf)



To: City Manager  
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The local governments of Vancouver, Victoria, Saanich, New Westminster, Medicine Hat, Montreal, Sault Ste. Marie and Ottawa and the Union of Nova Scotia Municipalities have all passed motions, directed to Canada Post through the Federation of Canadian Municipalities (FCM), and/or released statements outlining their opposition or stating their concerns with the approach and requesting more information.<sup>3</sup>

The Official Opposition – the Federal New Democratic Party (NDP), and the Federal Liberal Party have both expressed their concerns regarding the ‘5 Point Action Plan’. The Liberal Party has filed several ‘Access to Information and Privacy’ requests through the Treasury Board of Canada, for documents of communication between Transport Canada, the Privy Council office and Canada Post.

On 2014 January 28, MP Olivia Chow of the Federal NDP tabled an opposition motion in the House of Commons regarding the Canada Post service changes. According to the motion, should this implementation move forward, Canada would be the only country, among the G7 nations<sup>4</sup>, not to have any level of door-to-door mail delivery service within its urban centres.

On 2014 January 29, Canada Post CEO Mr. D. Chopra, through the FCM, released a statement to Canadian local governments. This statement outlined that Canada Post will investigate ‘alternative approaches’ for persons with disabilities, seniors and others who would find travelling to a community mailbox an unacceptable hardship. The release also stated that many businesses will continue to have their mail delivered directly to their premises – specifically businesses in well-established commercial centres and those receiving a large volume of mail. However, some other businesses in more isolated areas, excepting those served by rural mailboxes, may be affected. These details were also included in the nation-wide Canada Post news statement of the same date referenced above.

### 3.0 COMMUNITY ISSUES

This section outlines the identified major issues, concerns and impacts of the proposal by Canada Post to eliminate home delivery service, as identified by staff as part of the analysis of the ‘5 Point Action Plan’, accompanying press releases and limited background information made available by Canada Post. These identified issues and impacts will affect both Burnaby and other local governments across the country.

#### 3.1 Lack of Consultation with the Public and Key Stakeholders

Of significant concern with regard to the Canada Post proposal has been the overall lack of consultation regarding this important postal service issue with the public and key stakeholders,

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<sup>3</sup> This list may not be complete, as additional local governments may have issued statements or passed motions since the time this report was written.

<sup>4</sup> The ‘G7’ is the current ‘wealthiest countries’ by measure of national net wealth – the United States, Japan, France, Germany, Italy, U.K. and Canada.

To: City Manager  
From: Director Planning and Building  
Re: Community Impacts of the Proposal to Eliminate Home Mail  
Delivery Service by the Canada Post Corporation  
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including local governments. From the limited available information it has been determined that the consultation completed to date has been advanced without benefit of the general public being provided with information of the specific proposals presented for implementation.

### *Public Consultation*

Canada Post maintains that their consultation process focussed on engaging with members of the public and the business community. According to the limited information being released by Canada Post, the corporation contends that it conducted a 5-month public consultation process from April – August, 2013. This ‘consultation process’ included a 2013 April 24 news release, an online forum available for discussion through the Canada Post website, signage in post offices and franchise outlets, information on printed postal receipts, and participation of Canada Post leaders in over 40 talk and call-in shows. In addition, Canada Post maintains that it held 46 community forums with invited representatives from different sectors (e.g. business) and neighbourhoods with different types of delivery service. In the Lower Mainland, these conversations occurred in Vancouver and Coquitlam.

Generally, however, staff would conclude that the process undertaken for this consultation process does not meet the basic threshold required for either public engagement or consultation for an issue of such national importance and scope. Given the implications of the changes proposed, a wider and more sustained discussion should have included presentation of facts and issues, followed with specific options that reflected public feedback and concerns. Additionally, the general public should have been provided an opportunity to participate in the process and attend public information meetings. At a basic level, the Canada Post Corporation’s claim of wide public consultation and engagement is not well supported, as it was too broad, high-level, severely limited direct public involvement and did not disclose the true intent of the wide-spread and important changes being contemplated for immediate implementation.

### *Stakeholder Consultation – Local Government*

Local governments, as a key stakeholder, would be most directly impacted by these proposed changes in terms of the proposal’s impact on residents, corporate services, urban form and land-use policies. Canada Post maintains that as part of its consultation process that it met directly with the Mayors and senior administrative officials of six local governments. It is noted that the information provided by Canada Post does not identify the six communities or the range of issues that were reviewed or if any of the known technical aspects related to the proposal were advanced for review. The size, location and nature of the communities has also not been disclosed by Canada Post.

Again, given the importance of the issues being advanced, the lack of engagement with Canada’s local governments, or their regional or national organizations, erodes confidence that the stakeholder review process was in any sense complete or comprehensive. As British Columbia’s third largest City, Burnaby should have had an opportunity to review the proposals being advanced and to participate in a technical review to analyze and comment on specific proposals.

To: City Manager  
From: Director Planning and Building  
Re: Community Impacts of the Proposal to Eliminate Home Mail  
Delivery Service by the Canada Post Corporation  
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As outlined, to the City's knowledge, no urban municipality, or agency representing Canadian cities, was specifically engaged on the issues of replacing home delivery services with community mailboxes.

Given the implications of the Canada Post proposal to all urban municipalities and their citizens, staff are of the opinion that a more sustained and substantive consultation process with local governments prior to the service delivery changes being decided upon and announced would have been of benefit in identifying and determining issues and impacts of these service changes, including possible remediation approaches.

*It is therefore proposed that Council advance its opposition to the proposal on the basis of the lack of wide public and local government review, and request the Federal Government require full and meaningful public consultation and engagement with municipalities, in order to review all options related to preserve continued home mail delivery in Canada's urban centres.*

### 3.2 Mail Security

Another immediate and important concern with the proposal to eliminate home-delivery service is the high level of crime and vandalism experienced at existing community mailboxes. While Canada Post maintains that it locates community mailboxes in areas of natural surveillance, community mailboxes are more prone to many security concerns regardless of their location. The most serious concern is theft of mail through vandalism and breaking locks and access points to community mailboxes. The design and quality of the Canada Post community mailboxes have proven not to be secure and have left citizens' property vulnerable to theft. Additionally, mailboxes are a target of vandalism through graffiti and damage.

According to an investigative report by the Canadian Broadcasting Corporation (CBC), community mailboxes in the Lower Mainland and other urban/suburban areas are particular targets. Burnaby itself is reported to have had several dozen incidents over the past 5 years, including one act of arson, four acts of theft, and several Canada Post mailboxes being over turned and damaged. The number and severity of incidences appear to increase in communities with more community mailboxes already in place. For example, the City of Surrey is reported to have experienced almost 900 incidences over the same period, while the District of Maple Ridge and the City of Langley and District of Langley are reported to have experienced upwards of 400 incidences<sup>5</sup>.

The issue of crime and vandalism of the existing community mailbox program has other widespread impacts that have been demonstrated in a number of recent incidents across Canada. Canada Post does not have the capacity or infrastructure to maintain the existing community mailbox program in order to respond quickly and effectively to repair all of the mailboxes that can be damaged by organized criminal activities. In some instances several community

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<sup>5</sup> For more information, see the CBC Investigative Report at: <http://www.cbc.ca/news/canada/british-columbia/are-canada-post-s-community-mailboxes-really-safe-1.2460515>.

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mailboxes within a city are targeted within a single crime event. The impacts to citizens include the suspension of mail delivery for several weeks to affected communities. In some cases resident's mail would be made available through a Canada Post outlet until repairs can be completed. However, these locations can be located far away from affected neighbourhoods and without the staffing available to effectively serve the public.

The proposal to increase the number of community mailboxes in urban areas will exacerbate the issue of mail theft and impact many more citizens on an ongoing basis. Of specific and serious concern is the vulnerability of community mailboxes to crimes related to identity theft through access to personal information and sensitive mail. Direct theft of cheques, currency, gifts, and parcels has also been reported and associated with community mailboxes. The impact of crime associated with the introduction of community mailboxes on local police detachments through an increase in service calls has not been analyzed or reviewed. Additionally, none of these issues have been fully addressed by Canada Post or included in any public consultation efforts related to the discussion of the proposal to cancel home mail delivery.

*It is therefore proposed that Council advance its opposition to the proposal on the basis of the lack of study and information related to implementation of provisions for theft prevention and mail security, and request the Federal Government ensure that any new mail delivery service proposal provides for the continued security of citizens' private information and property.*

### **3.3 Safety and Access for Seniors and Persons with Mobility Restrictions**

For many senior citizens and persons with mobility restrictions, living in areas currently receiving the home delivery postal service, the proposal to restrict their mail delivery to community mailboxes will represent a significant hardship. For many such persons, it may be difficult or impossible to travel to community mailboxes particularly in inclement weather, if they do not drive, are not in an area well-served by public transit, or have few family members and/or others whom they can ask for assistance.

For some persons with disabilities, there may also be hand-dexterity considerations as keys are required to open each mail slot.<sup>6</sup> Another potential issue is with the height of assigned mail slots. For some persons utilizing a wheelchair or another mobility device, or who have limited upper body movement, they may be unable to reach up significantly to access their mail slot. Finally, for many individuals isolation is also a factor and the 'human connection' of home delivery service provides a much needed and valuable opportunity for daily conversation, interaction and connection to the wider community.

It is of great concern that Canada Post did not identify these important social planning issues as part of any public consultation program for citizens which should have ensured that vulnerable citizens and their issues were adequately addressed as part of the proposed change to the home

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<sup>6</sup> When persons move into a neighbourhood serviced by a community mailbox, keys to an assigned slot are available for pick-up at a local postal outlet.



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delivery service. Subsequent assurances by Canada Post to further study the issue, as outlined in Section 2.0 of this report, further emphasize the lack of planning and consultation that has occurred to date regarding this important issue and does not provide any confidence that the matter would be resolved through a consultative public process.

*It is therefore proposed that Council advance its opposition to the proposal and request the Federal Government ensure that all proposals related to home mail delivery provide for the necessary safety and protection of seniors and persons with mobility restrictions.*

### **3.4 Provincial Statutory Public Notification Procedures**

Of significant concern is the fact that the Canada Post proposal has been advanced without consultation and review with regard to addressing any conflicts with existing B.C. Provincial Statutory Public Notification procedures. While these processes, and any requirements of mail notification through Canada Post, remain the responsibility of the Provincial Government, there are many impacts on local governments and its citizens. These include but are not limited to the Local Government Act, Elections BC and other statutory municipal notifications.

The proposal to cancel home mail delivery has been advanced without benefit of oversight or any review related to the legal implications regarding a local municipality's responsibility to ensure public notification under the Local Government Act. These laws were originally developed under the basis of existing daily home mail delivery services. For example, notices of a Public Hearing must, as mandated by Section 892 (4)(b) of the Local Government Act, be mailed or otherwise delivered by local governments to all property owners at least 10 days before the hearing date. While Canada Post may maintain that community mailboxes would provide postal service to all residents, many issues remain of concern. Notification may not be deemed to have occurred within the statutory timeframe as property owners would only receive their mail upon collection at a community mailbox, which may not provide timely notification. However, currently home mail service has been deemed to provide legal notification to property owners upon its delivery to a private residence.

Additionally, Burnaby, other local governments and government agencies have not had the opportunity to review and comment on the potential impact of the proposal related to its internal corporate and bylaw practices concerning the legal notification of property owners and residents. This includes taxation notices, bylaw infraction notices, local elections notices and emergency response information and procedures. It is unclear at this point whether the existing notification procedures and stated periods are still adequate or need to be reviewed and updated, based on the current or future mail delivery changes being considered by Canada Post.

Canada Post has also not addressed how it will maintain mail service to hundreds of thousands of citizens that occupy legal and illegal secondary suites, located in single-family homes, duplexes and other building types, which are common in many of the country's urban centres. A high percentage of these citizens may be new immigrants and/or have low incomes. Tenants of private properties, for a variety of reasons (lack of knowledge, language barriers, etc.), may not

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have the opportunity, knowledge, or financial ability to make application and maintain their own mailing addresses and community mailboxes under the proposal by Canada Post.<sup>7</sup> Although many tenants now share a common home delivery mailbox and therefore can receive and reasonably safeguard their own mail, this opportunity could be lost through the proposed system of community mailboxes. Concerns include a tenant's mail not being safeguarded, or conveniently available, as their access to mail may effectively be controlled by a property owner, who could maintain sole access to the property's designated community mailbox.

These important issues, which have not been identified or addressed by Canada Post, have many implications for all citizens and communities. The proposed discontinuance of the home mail system in urban areas may lead to the erosion of maintaining accurate mailing address lists and government databases, as tenants may not continue to report their own home mailing addresses as they would lose direct access to Canada Post mail delivery.

Elections BC in part provides voting rights on the presentation of various identifications, which includes providing a residential mailing address. Additionally, Elections BC provides mailed 'Voter Notifications' to residential addresses to provide citizens with the location of their designated polling stations. The proposal by Canada Post to cancel home mail delivery has the potential to take away the right of all citizens to be provided with their rightful enumeration and notification by mail for inclusion and participation in Federal, Provincial, and local elections and/or public referendums. The overall impact of the Canada Post proposals would not only erode the reliability of public notification and citizen enumeration, but could harm the very fabric of Canada's ability to serve and ensure that all citizens have an opportunity to fully participate with the election system, which has to date relied primarily on the home mail delivery system.

Given these important inter-related and complex issues, a full review of the position and responsibility of the senior levels of government needs to be completed and fully addressed in any proposal by Canada Post. As stated, this consultation with key stakeholders would specifically include, but not be limited to, the B.C. Minister for Community, Sport and Cultural Development who oversees the Local Government Act and the Chief Elections Officer who is responsible for Elections BC. This consultation should be undertaken with the full notification to and engagement of all citizens, B.C. municipalities and other impacted government agencies.

*It is therefore proposed that Council request the Federal Government to address specific issues related to the impact of any proposed home mail delivery changes to existing Federal, Provincial, and local government responsibilities related to the statutory notification of property owners and all citizens.*

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<sup>7</sup> It is noted that the cost of the replacement of lost or stolen Community Mailbox keys is currently \$29.

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### 3.5 Location of Community Mailboxes on City-owned property

The proposal to cancel home delivery in favour of community mailboxes by Canada Post poses specific urban land use issues that have not been fully reviewed or addressed and reflect the lack of consultation with local governments that was outlined in Section 3.1 of this report. In dense urban communities, such as Burnaby, the location and placement of the proposed community mailboxes raises a number of important issues and implications for the City. These include increased legal liability for municipalities who would be faced with many new locations on public property for large installations of community mailboxes, which could pose safety hazards for drivers and pedestrians.

The power to impose this type of development without municipal approval or consultation is provided by the Federal Government through the Canada Post Corporation Act and the regulations made under this Act including the "Mail Receptacles Regulations"<sup>8</sup>. The broad sweeping power of this imposition on local governments was originally intended to serve the distribution of mail under the current system of a home mail delivery model. The use of this power to implement community mail boxes within densely populated urban places was never contemplated or advanced with any consultation with local government concerning the potential impacts.

It is unclear what process Canada Post intends to implement to locate the new community mailboxes. The dimensions of Canada Post's typical suburban community mailboxes are approximately 1668 mm (5.5 feet) long and 470 – 490 mm (1.7 feet) wide. The proposal for urban community mailboxes are expected to be much larger to accommodate more mailboxes including enough space for package delivery.

Canada Post's current criteria<sup>9</sup> for the placing of community mailboxes in new sub-divisions or other suburban residential developments, states that community mailboxes should be:

- placed a minimum of nine metres from intersection corners;
- not installed at major intersections;
- placed in areas not with heavy traffic volume;
- visible to multiple houses or buildings for natural surveillance;
- installed in proximity to the addresses it serves;
- located adjacent to areas where 'pulling over' into the shoulder or street parking area is allowable 24 hours a day;
- installed near a natural 'entry point' to a neighbourhood or development; and
- installed near existing street lighting fixtures.

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<sup>8</sup> Specifically, "The Corporation may install, erect or relocate or cause to be installed, erected or relocated in any public place, including a public roadway, any receptacle or device to be used for the collection, delivery or storage of mail." [Canada Post Corporation Act, Mail Receptacles Regulations (SOR/83-743)]

<sup>9</sup> For more information, please visit: [http://www.canadapost.ca/cpo/mr/assets/pdf/business/standardsmanual\\_en.pdf](http://www.canadapost.ca/cpo/mr/assets/pdf/business/standardsmanual_en.pdf)

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Currently, Canada Post places its required infrastructure on the City of Burnaby lands without the approval or any consultation with city staff (for the small letter mailboxes or postal carrier mail pick-up boxes). As a result, the Engineering Department would be required to contact Canada Post should any traffic or community issues be identified by staff or citizens. Canada Post currently is not obliged by law or any corporate policies to comply with community concerns regarding the location of its postal boxes. Canada Post has also developed no criteria that would provide guidelines for the implementation of Community mailboxes in dense urban areas, such as Burnaby. These guidelines would presumably also be reflected in an updated "Mail Receptacles Regulations" which would be amended by the Government of Canada.

There is some uncertainty if the proposal could be successfully integrated into some neighbourhoods given the lack of space within the streetscape to accommodate large installations of this type in multiple locations. This will pose difficult choices in locating community mail boxes and may be intrusive and of great inconvenience for many neighbourhoods and citizens. Additionally, it is unclear whether or not the "Mail Receptacles Regulations" provides the legal right for Canada Post to place community mailboxes on any municipal, school district or provincially-owned titled properties which may be included in the definition of the law's use of the term "public place". There are a host of concerns that have been identified related to Burnaby accommodating community mailboxes on City-owned lands which include:

- the availability and suitability of locations for mailboxes to serve all neighbourhoods;
- the ability to serve rapidly expanding residential areas effectively;
- the visual impact of community mailboxes in an urban environment;
- the impact on neighbouring properties and local land uses;
- the need for selective sidewalk and road improvements;
- the need and responsibility for community consultation;
- safety or access concerns (i.e. blocks traffic 'sight lines' or does not leave sufficient sidewalk space for a wheelchair to pass);
- any legal costs or liability from arising injuries or accidents;
- ability for location to accommodate the need for resident street parking;
- traffic volumes, movement and safety around community mailbox locations;
- security and lighting;
- snow and ice removal;
- vehicle access for Canada Post delivery staff;
- vandalism, graffiti and theft; and
- the need for provisions for litter clean-up and garbage removal.

All of these concerns carry with them a new level of municipal responsibility and costs that could become a significant financial burden for Burnaby's taxpayers and other municipalities.



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*It is therefore proposed that Council, as part of its opposition to the overall program, request the Federal Government to remove the discretion of the Canada Post Corporation to utilize City-owned property for an expanded community mailbox program for urban centres, without the direct consultation and specific approval of any affected local government.*

#### **4.0 LMLGA AND UBCM RESOLUTION**

In light of the significant, complex, unaddressed issues outlined in this report and that the proposed Canada Post service delivery changes are of considerable scope and affect both Burnaby and other local governments nation-wide, the following resolution has been prepared for Council's consideration. It has been reviewed for submission with the concurrence of the City Solicitor, the Director Engineering, the Director Parks, Recreation and Cultural Services, and the RCMP 'Officer in Charge':

##### ***RESOLUTION: Suspension of Canada Post Home Delivery Service***

**WHEREAS** local governments have a direct interest in the security and stability of Canada's postal system, both in terms of municipal corporate operations and services available to citizens;

**AND WHEREAS** the service delivery changes would directly impact local governments, including in relation to land-use policy, requirements for municipal land and rights-of-ways, infrastructure for paving, lighting, and waste management, and public safety considerations (etc.);

**THEREFORE BE IT RESOLVED** that the Lower Mainland Local Government Association (LMLGA) and the Union of BC Municipalities (UBCM) call on the Federal Government and Canada Post, through the Federation of Canadian Municipalities and other avenues as appropriate, to suspend the Canada Post delivery changes until a sustained, substantive consultation process with local governments and the public is completed and identified issues are addressed.

*It is therefore proposed that Council endorse the resolution for submission to the 2014 Lower Mainland Local Government Association (LMLGA) in order to advance to Annual General Meeting of the Union of BC Municipalities (UBCM) Convention. Further it is proposed that Council advance a copy of this report to all members of Metro Vancouver, the LMLGA and the UBCM for their information.*

#### **5.0 CONCLUSION**

This report provides, for Council's information, a broad overview of the major identified issues and impacts of the proposed Canada Post service delivery changes and its specific implications for the City of Burnaby and other local governments. Although it is acknowledged that this review has been based on limited information released by Canada Post, there remain too many

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important issues of great concern to local governments and citizens that require immediate response. These issues include the lack of consultation with the public and local governments; mail security, safety and access for seniors and persons with limited mobility; impacts on existing federal, provincial and local government obligations related to statutory notification; and issues associated with the location of community mailboxes in urban areas including the impacts on the operations and legal liabilities for municipalities.

It is therefore proposed that Council, through the Office of the Mayor, write to the Federal Government and the Canada Post Corporation, through the Federal Minister of Transportation, to express its opposition to the current proposal to replace home mail delivery service with community mailboxes and request immediate review and amendment of the Canada Post Corporation's '5-Point Action Plan,' as outlined in this report, to:

- require full and meaningful public consultation and engagement with municipalities in order to review all options in order to preserve continued home mail delivery in Canada's urban centres;
- ensure that any new mail delivery service proposal provides for the continued security of citizens' private information and property;
- ensure that all proposals related to home mail delivery provide for the necessary safety and protection of seniors and persons with mobility restrictions;
- address specific issues related to the impact of any proposed home mail delivery changes to existing federal, provincial and local government obligations related to the statutory notification of property owners and citizens;
- remove the discretion of the Canada Post Corporation to utilize City-owned property for an expanded community mailbox program in urban centres, without the direct consultation and approval of local governments.

These issues are of wide interest to all Canadians and other local governments and warrant the City to advance a resolution to garner the support of the LMLGA and UBCM.

A resolution has been prepared for Council's consideration to seek support from other affected local governments for its concerns regarding the potential impacts of the decision by the Canada Post Corporation. This is for submission to the 2014 Lower Mainland Local Government Association (LMLGA) Annual General Meeting and Union of BC Municipalities (UBCM) Convention, as outlined in Section 4.0 of this report.

It is recommended that a copy of this report be sent to: Burnaby MLA's and MP's; The Honourable Coralee Oakes, Minister of Community, Sport and Cultural Development; BC Chief Electoral Officer - Mr. Keith Archer, Elections BC; all Members of the Lower Mainland Local Government Association (LMLGA) and the Union of BC Municipalities (UBCM); the Federation of Canadian Municipalities; and the Canadian Union of Postal Workers (CUPW) and CUPW- Pacific Region.

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From: Director Planning and Building  
Re: Community Impacts of the Proposal to Eliminate Home Mail  
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A copy of this report is proposed to be forwarded to the Social Issues Committee; Traffic Safety Committee; Environment Committee and the Mayor's Task Force on Graffiti for information.

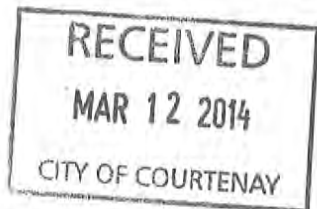
Lou Pelletier, Director  
PLANNING AND BUILDING

RM/JW:sa:sla

cc: Deputy City Managers  
Director Engineering  
Director Finance  
Director Parks, Recreation and Cultural Services  
OIC – RCMP

Fire Chief  
Chief Building Inspector  
Chief Librarian  
City Solicitor  
Deputy City Clerk

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Office of the  
Prime Minister



Cabinet du  
Premier ministre

Ottawa, Canada K1A 0A2

*FOR  
INFO.*

March 3, 2014

His Worship Larry Jangula  
Mayor  
The Corporation of the City of Courtenay  
830 Cliffe Avenue  
Courtenay, British Columbia  
V9N 2J7

Dear Mayor Jangula:

I would like to acknowledge receipt of your correspondence of February 7 addressed to the Prime Minister regarding VIA Rail passenger service on Vancouver Island.

Please be assured that your comments, offered on behalf of the Corporation of the City of Courtenay, have been noted. A copy of your correspondence has been forwarded to the Honourable Lisa Raitt, Minister of Transport. I am certain that the Minister will also appreciate being made aware of your views.

Thank you for taking the time to write.

Yours sincerely,

M. Bourque  
Executive Correspondence Officer





Karvalics, Susie

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For  
Info

**From:** jordan knox <jordknox@hotmail.com>  
**Sent:** March-13-14 9:48 AM  
**To:** InfoAlias  
**Subject:** Student safety, Arden Road

Good day,

I am writing because I am concerned that there is no sidewalk on Arden Road, in between Cumberland Road, and Lake Trail Road.

My children attend Arden Elementary school, and are not eligible to ride the bus as I believe we are just shy in distance of qualifying for that privilege. More to the point, I would prefer that my children could walk to school. Unfortunately I do not feel that this is a safe option for them unless I accompany them due to the lack of a safe route with a sidewalk. This section of Arden road is quite busy, especially with large dump trucks. I know that with the high levels of inactivity in kids, obesity rates and environmental concerns, having children be able to walk to school would be a nice option. I feel this is not a safe option for my children but I am hoping that you can help this become a safe option by putting a sidewalk on Arden Road in this area. I believe that the addition of a sidewalk here would greatly increase the feeling of safety of many other parents in the area to allow their children to walk to school.

I have raised these concerns once before about two years ago, and was told that there would be a "study done" with speed and traffic on the road between 8 and 9 am on a school day. This to my knowledge has never actually happened.

One point that was made to me was that one side of the Arden road is Regional District, and the other side of the The City Of Courtenay. Which sounds to me like each wants to "pass the buck" to the other. Let me point out, that these are all our children of this community, and their safety should be important to all of us.

I would ask that this kindly be included in minutes of your upcoming meeting.

Thank You

Jordan Huber  
Concerned Parent

jordknox@hotmail.com  
250 334 1843





THE CORPORATION OF THE CITY OF COURTENAY  
**MEMORANDUM**

FOR  
info

**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Special Events: Cruise for Ciaran and the Walk for Hearts

**File No.:** 5460-08  
**Date:** March 17, 2014

**ISSUE:**

This memorandum is intended to provide Council with notification of two upcoming special events being held in the Comox Valley: the Cruise for Ciaran on Saturday, April 12, 2014, and the Walk for Hearts on Sunday, May 4, 2014.

**BACKGROUND:**

The first annual Cruise for Ciaran is being held to raise awareness of the importance of wearing helmets when using skateboards, scooters, and bicycles and to draw attention to the BC Transplant service and the value of organ donation.

The First Open Heart Society of British Columbia's Walk for Hearts is an annual event to raise money for, and awareness of, local cardiac care initiatives. This event is held annually in the Comox Valley and involves participants walking from the Air Park to the Florence Filberg Centre.

**KEY CONSIDERATIONS:**

Neither event requires a road closure. Event participants will use multi-use pathways or be on the sidewalk or shoulder of the road. Volunteers for both events will assist participants in following the rules of the road, so there will be no impact to traffic.

Respectfully Submitted,

David Allen  
Chief Administrative Officer

Prepared by,

Lesley Hatch, P.Eng.  
Senior Manager of Engineering







THE CORPORATION OF THE CITY OF COURTENAY

## MEMORANDUM

Comox  
Info

**To:** Council

**File No.:** 5460-08

**From:** Chief Administrative Officer

**Date:** March 17, 2014

**Subject:** Road Runners Comox Valley Race Weekend, March 22-23, 2014

### ISSUE:

This memorandum is intended to provide Council with notification of the Comox Valley Road Runners' Race Weekend, which involves two days of events: the 5k Fun Run and the Half Marathon. In order to facilitate the Road Runners' Half Marathon it will be necessary to implement the closure of Anderton Avenue between 1st Street and 5th Street. The temporary closure will be for all traffic, with the exception of emergency service vehicles, and will be implemented on Sunday March 23, 2014, from 9:00 am to 5:00 pm. The 5k Fun Run does not require a road closure as all participants will run on the sidewalk or along the shoulder of the road.

### BACKGROUND:

The Comox Valley Half Marathon is one of the largest events in the annual Frontrunners Island Series and attracts over 600 participants. The race has been held annually for more than 30 years. In previous years, the Road Runners have donated a portion of the race proceeds to local charities.

### KEY CONSIDERATIONS:

Bus routes will be affected and bus service will be re-routed for the duration of the closure. Watson and Ash Transportation Co. Ltd. have been notified of the closure.

Temporary traffic control will be provided by volunteer police officers. A map of the race route is attached for reference.

In order to accommodate the start/finish line, parking restrictions adjacent to the Florence Filberg Centre have been requested during the closure period.

Event organizers will circulate community notices to every household, apartment complex and business along Anderton Avenue in advance of the closure.

The DCBIA is aware of the event.

Respectfully Submitted,

David Allen

Chief Administrative Officer

Prepared by,

Lesley Hatch, P.Eng.

Senior Manager of Engineering

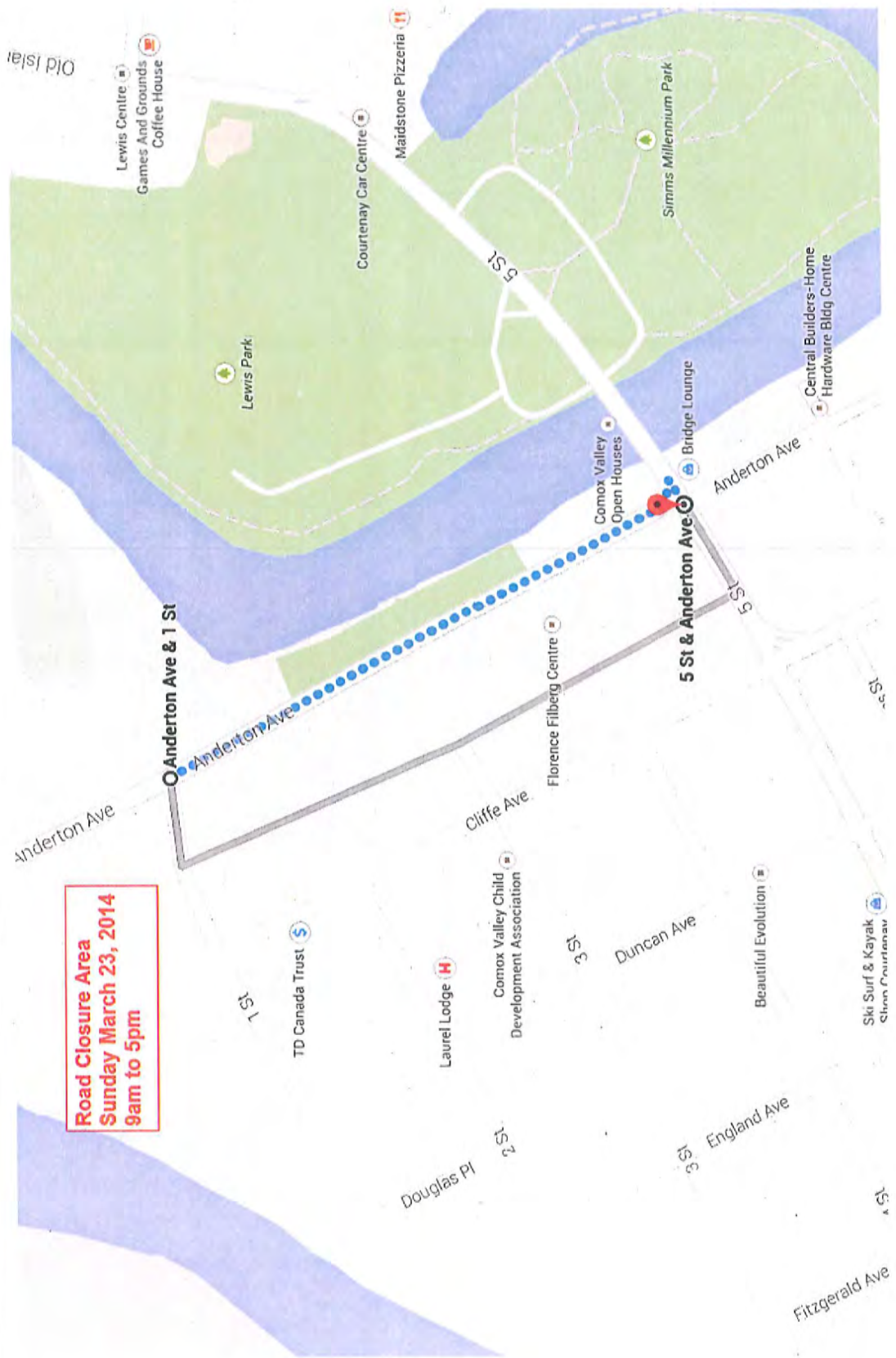




THE CORPORATION OF THE CITY OF COURTENAY

## MEMORANDUM

**Road Closure Area**  
**Sunday March 23, 2014**  
**9am to 5pm**









**Sandra Hamilton**  
Business Development Consultant

Tel: 250-890-9386  
Sandra@SandraHamilton.ca

## Part One: Local Food into New Hospitals Initiative

Part Two: Social Impact Purchasing . The Comox Valley as showcase for Social Innovation?

**Sandra Hamilton**

### Local Food into New Hospitals Initiative

Request: Letter of Support

Match Funding: \$75K grant available

**FEED** Comox Valley

**F**ood

**E**nvironment

**E**conomic

**D**evelopment



- April 4<sup>th</sup> grant deadline
- Hamilton currently seeking match funding
- March 18th Joint Farmers Institute, Farmers Market
- North Island College lead partner and researcher
- Island Health support confirmed to supply procurement data to enable research
- 96% of our food arrives by ferry. High carbon footprint & GHG
- Can the gas tax be used to support this research initiative?

### The Research Question

By matching commercial scale local farm supply to secure institutional demand, could Vancouver Island's new hospitals provide the market security needed to re-invigorate commercial scale agricultural production on Vancouver Island?

### The Research Objective

To determine under what circumstances it is economically viable to supply island food, on a commercial scale, to Vancouver Island Hospitals.

## Sandra Hamilton Part Two

Social Impact Purchasing . The Comox Valley as showcase for Social Innovation?

Request: Develop a Social Impact Procurement Policy

1. What is Social Innovation, Social Enterprise and Social Impact Purchasing?





**2. Social Innovation & The Social Economy**

Sandra Hamilton, a BC Partners for Social Impact

The importance of Public Sector Procurement to drive demand  
Leveraging Tax Dollars to achieve society's required social outcomes  
Finding new solutions to intractable problems  
Social Innovation challenges & advances our thinking. Disrupts normal.  
Don McRae is Canada's first Minister of Social Innovation

**3. Social Enterprise**

The use of business models to build community and improve social outcomes.  
The Local Multiplier Effect. Social enterprise stimulates Passion, People & Profits in our communities. When Social Enterprises profit, society profits.  
Examples of big businesses owned by Charities: Bosch, The Inn at Laurel at Point

**4. Social Impact Purchasing (SIP)**

Hamilton is advocating at the provincial level for the introduction of a SIP policy in BC.  
SIP is now law in the UK and Europe for public sector procurement and is an important driver for in rural economic development.

- Leverages every tax dollar to achieve maximum value
- Community Benefit Clauses/Agreements (CBA'S)  
Vancouver 2010 Olympics, to Glasgow 2014 Commonwealth Games  
to the Toronto 2015 Pan Am Games.

---

*"The world is changing and so must we –  
the demand for public services is going up, whilst resources are going down.  
Our public sector must change to meet the long-term challenges  
and ensure we live within our means."*

**Francis Maude,  
UK Minister for the Cabinet Office**

January 15<sup>th</sup>, 2014. The Council of European Municipalities and Regions welcomed the European Parliament's adoption of the new EU public procurement directives "as it represents a step in the right direction for local government interests. The new legislation for the first time sets "common EU standards on concession contracts to boost fair competition and ensure best value for money by introducing new award criteria that place more emphasis on environmental considerations, social aspects and innovation," the EU parliament said in a statement.

Indeed, by introducing the **Most Economically Advantageous Tender (MEAT)** criterion, environmental and social aspects will also be taken into account more prominently.



DOWNTOWN  
COURTENAY

Downtown Courtenay Business Improvement Association

New Bus.

**PRESIDENT**

Mark Middleton  
CV Echo  
250-334-4722

**VICE-PRESIDENT**

Deana Simkin  
Billy D's Pub & Bistro  
250-334-8811

**TREASURER**

Keith Currie  
CV Echo  
250-334-4722

**RECORDING SECRETARY**

Evelyn Gillespie  
Laughing Oyster Bookstore  
250-334-2511

**DIRECTORS**

Christine Wilson  
The Butcher Block Meats  
250-338-1412

Danielle Duncan  
Union Street Grill & Grotto  
250-897-0081

Jason McMahon  
Sock Soiree  
250-334-1992

Jenny Deters  
Rattan Plus  
250-650-2338

Jorden Marshall  
Hot Chocolates and  
Cakebread Bakery  
250-338-8211

Tony McCloskey  
Red Living  
250-871-1325

Vicky Weber  
Velvet Underground Hair Group  
250-897-1800

**EXECUTIVE DIRECTOR**

Kim Stubblefield  
250-703-3790  
[info@downtowncourtenay.com](mailto:info@downtowncourtenay.com)

RECEIVED

MAR - 7 2014

CITY OF COURTENAY

March 6, 2014

Mayor Jangula & Councillors  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

Dear Mayor Jangula and Councillors:

**Re: Elevate the Arts Event Sponsorship 2014**

The Downtown Courtenay BIA are excited about the Elevate the Arts event happening in Downtown Courtenay again this year, and have committed to sponsoring it with \$2,500 out of our marketing budget. Individual businesses are also committing both in-kind donations and financial donations to help make this successful. The previous two years have proven that the organizers can bring individuals and families into the downtown core with dynamic engaging and creative things happening, and we trust that they will do so again this year.

We ask that the City of Courtenay match DCBIA funds this year with \$2,500 towards the event as well.

Thank you for your consideration of supporting the arts and the downtown core in this regard.

Sincerely,



Mark Middleton, President  
Downtown Courtenay Business Improvement Association

cc: Meaghan Cursons – Elevate the Arts representative



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2779

A bylaw to amend Zoning Bylaw No. 2500, 2007

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 2779, 2014”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:

(a) by amending Division 3 Interpretation - Part 1 Definitions by adding the following:

*“Medical Marihuana Production Facility”* means a building or part thereof used by a licensed producer, as defined in the *Marihuana for Medical Purpose Regulations* under the *Controlled Drugs and Substances Act*, and any subsequent regulations or Acts, to produce marihuana for medical use, including cultivation, drying, testing and research laboratory, storage, destroying, packaging and shipping and includes the sale of marihuana only to customers who are not present on the same premises.

(b) by amending Division 6 General Regulations – Part 3 Home Occupations by adding the following:

6.3.14 *Medical Marihuana Production Facility* is prohibited as a home occupation.

(c) by amending Division 6, General Regulations, by adding the following:

Part 17 Prohibited Uses in All Zones

6.17.1 Unless specifically permitted in this Bylaw, the use of land, water, buildings or structures for the following purpose is prohibited:

(a) *Medical Marihuana Production Facility*

3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 17<sup>th</sup> day of March, 2014

Read a second time this 17<sup>th</sup> day of March, 2014

Considered at a Public Hearing this      day of      , 2014

Read a third time this      day of      , 2014

Finally passed and adopted this      day of      , 2014

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Mayor

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Director of Legislative Services





THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2783

A bylaw to amend Official Community Plan Bylaw No. 2387, 2005

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as **“Official Community Plan Amendment Bylaw No. 2783, 2014”**.
2. That “Official Community Plan Bylaw No. 2387, 2005” be hereby amended as follows:
  - (a) by changing the land use designation of Lot 19, Section 41, Comox District, Plan 9230, as shown in bold outline on Attachment A which is attached hereto and forms part of this bylaw, from Urban Residential to Mixed Use;
  - (b) That Map #2 Land Use Plan be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 17<sup>th</sup> day of March, 2014

Read a second time this 17<sup>th</sup> day of March, 2014

Considered at a Public Hearing this                      day of                      , 2014

Read a third time this                      day of                      , 2014

Finally passed and adopted this                      day of                      , 2014

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Mayor

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Director of Legislative Services



# THE CORPORATION OF THE CITY OF COURTENAY

## BYLAW NO. 2784

### A bylaw to amend Zoning Bylaw No. 2500, 2007

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 2784, 2014**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
  - (a) by rezoning Lot 19, Section 41, Comox District, Plan 9230, as shown in bold outline on Attachment A which is attached hereto and forms part of this bylaw, from Residential Two Zone (R-2) to Multiple Use One Zone (MU-1);
  - (b) By amending Division 8, Part 13, Section 8.13.1 to add “(4) Notwithstanding items 1-3 a mixed use building containing multi-family residential dwelling units is permitted and medical clinic, parking lot and school are prohibited on the property legally described as Lot 19, Section 41, Comox District, Plan 9230 (1465 Grieve Ave.)”;
  - (c) That Schedule No. 8 be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 17<sup>th</sup> day of March, 2014

Read a second time this 17<sup>th</sup> day of March, 2014

Considered at a Public Hearing this                      day of                      , 2014

Read a third time this                      day of                      , 2014

Finally passed and adopted this                      day of                      , 2014

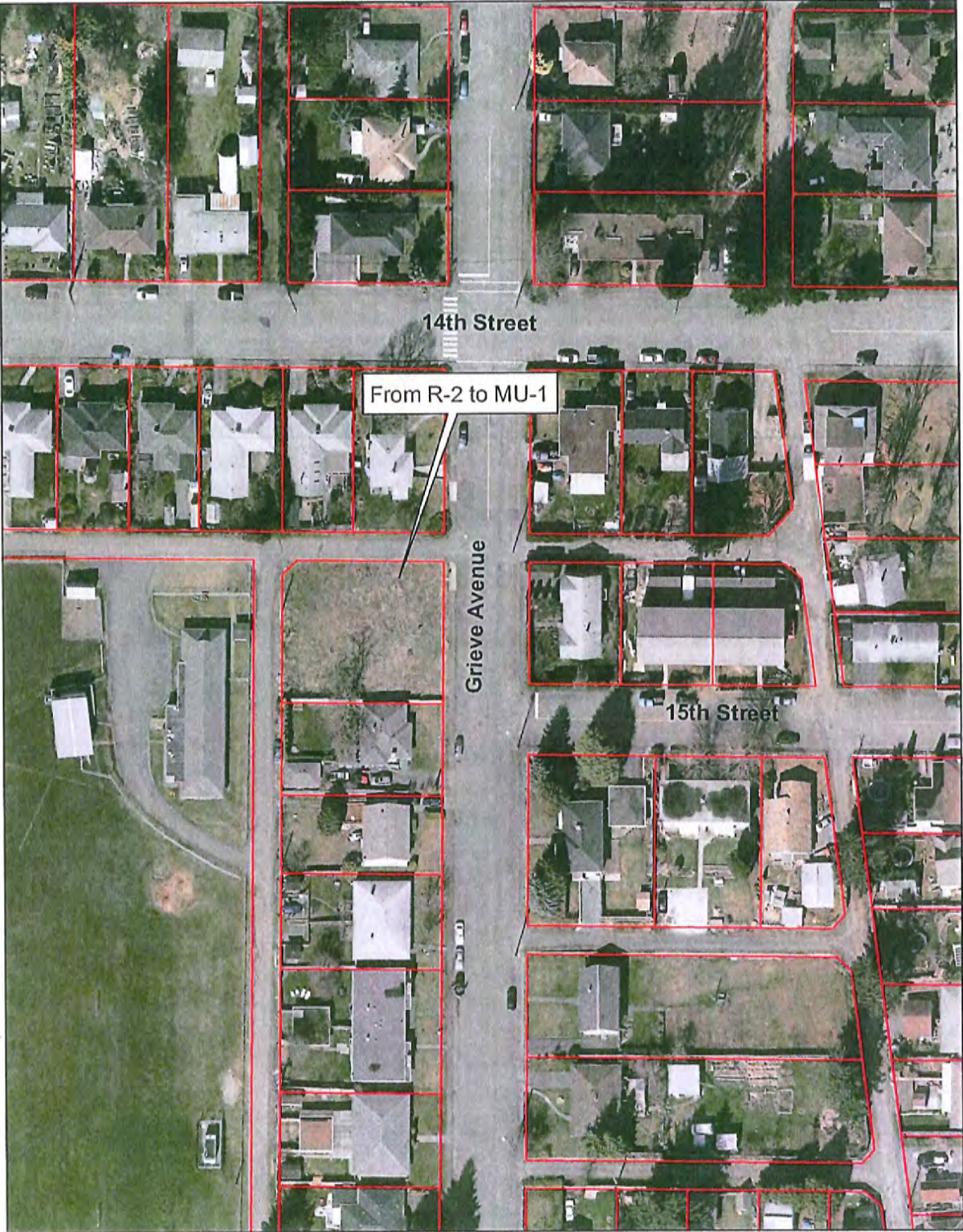
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Mayor

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Director of Legislative Services

ATTACHMENT A TO BYLAW 2784





ATTACHMENT A TO BYLAW 2783





# **THE CORPORATION OF THE CITY OF COURTENAY**

## **BYLAW NO. 2782**

### **A bylaw to impose a Parcel Tax on Property in the Glacier/Chapman Sanitary Sewer Service Area**

WHEREAS the Council has constructed sanitary sewer extensions to service additional properties on Glacier and Chapman Roads;

AND WHEREAS Council has imposed a mandatory fee per connection of \$8,000 in accordance with Bylaws 2342 and 2742, to provide for part of the funding for construction of the works;

AND WHEREAS under the provisions of Section 200 of the *Community Charter*, the Council of the City of Courtenay may, by bylaw, impose a parcel tax to provide all or part of the funding for a service;

AND WHEREAS under the provisions of Section 202 of the *Community Charter*, the Council of the City of Courtenay may, by bylaw, direct the preparation of a parcel tax roll for the purposes of imposing a parcel tax;

NOW THEREFORE, the Council of the City of Courtenay in open meeting assembled enacts as follows:

1. In this Bylaw, unless the context otherwise requires:

“Parcel” means any lot, block or other area in which real property is held or into which it is sub-divided.

“Group of Parcels” means where a building or other improvement extends over more than one parcel of land, those parcels, if contiguous may be treated by the Assessor as one parcel and assessed accordingly.

2. The service for which the tax is imposed is for the extension of the sanitary sewer into the Glacier and Chapman Roads service area.
3. A parcel tax roll for the Glacier/Chapman sanitary service area is hereby directed to be prepared, consisting of those properties in areas as follows:

Schedule A: Glacier/Chapman Sanitary Sewer Service Area

4. The tax is imposed for fifteen (15) years, beginning with 2014 and up to and including the year 2028.
5. The parcel tax is imposed on the basis of an amount per connection on each parcel on the Glacier/Chapman service area parcel tax roll.

6. The parcel tax shall be levied on each parcel or group of parcels of real property within the Glacier/Chapman service area parcel tax roll, unless the owner or previous owner of the parcel has already paid the fee in full on connection.
7. The parcel tax roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to Section 204 of the Community Charter.
8. The parcel tax hereby imposed shall be:
  - a) Nil for each parcel of land or real property for which the owners or prior owners have chosen to prepay the connection fee(s).
  - b) \$576.99 per connection on each parcel of land or real property for which the owners or prior owners have chosen to pay the bylaw connection fee(s) over fifteen years as an annual parcel tax.
9. The parcel tax shall be levied annually upon the owner of each parcel of land or real property and shall be collected in the same manner and with like remedies as ordinary taxes upon the land are collected.
10. The Bylaw and the annual parcel tax hereby imposed shall remain in force from year to year until altered or repealed.
11. This Bylaw may be cited for all purposes as **“Glacier/Chapman Sanitary Sewer Service Area Parcel Tax Bylaw No. 2782, 2014”**.

Read a first time this 17<sup>th</sup> day of March, 2014

Read a second time this 17<sup>th</sup> day of March, 2014

Read a third time this 17<sup>th</sup> day of March, 2014

Finally passed and adopted this            day of March, 2014

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Mayor

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Director of Legislative Service