

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

**DATE:** May 16, 2016  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

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**1.00 ADOPTION OF MINUTES**

1. Adopt May 2, 2016 Regular Council and May 9, 2016 Special Council meeting minutes

**2.00 INTRODUCTION OF LATE ITEMS**

**3.00 DELEGATIONS**

Pg #

1. Andrea Cupelli, LUSH Valley Food Action Society update
- 1 2. David Stapley, C.V. Conservation Strategy re: staff support participation
3. D.F.C. Electric Car Helpers request for letter of support

**STAFF REPORTS/PRESENTATIONS**

**(a) Recreation and Cultural Services**

**(b) CAO and Legislative Services**

- 3 1. Billy D's Pub and Bistro Structural Change Approval

**(c) Development Services**

**(d) Financial Services**

**(e) Engineering Services**

- 19 2. Weekly Farmers Market

**(f) Public Works Services**

**5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

**6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

- 23 1. Briefing Note: 5<sup>th</sup> Street Bridge Repainting

**7.00 REPORTS FROM COUNCIL MEMBERS REGARDING CITY RELATED ACTIVITIES INCLUDING REPORTS FROM COUNCIL AND EXTERNAL COMMITTEES**

**8.00 RESOLUTIONS OF COUNCIL**

**In Camera Meeting:**

That notice is hereby given that a Special In-Camera meeting closed to the public will be held May 16, 2016 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

**9.00 UNFINISHED BUSINESS**

**From Delegation to the May 2, 2016 Regular Council Meeting**

- 25 1. Jeff Lucas, GM, Cascadia Liquor Store requesting Council consideration that the City of Courtenay should review current zoning bylaws and definitions regarding retail liquor outlets

**10.00 NOTICE OF MOTION**

**11.00 NEW BUSINESS**

**12.00 BYLAWS**

**For First, Second and Third Reading**

- 35 1. "Business License Amendment Bylaw No. 2847, 2016"  
(provisions for food trucks)

**13.00 ADJOURNMENT**

## Effective Environmental Development Permit Area Regulations Workshop

Friday June 10, 1-4 pm (location to be announced)

This workshop will provide an opportunity to learn about what makes effective environmental development permit area (EDPA) regulations from an environmental law perspective. The workshop will focus on:

- Brief overview of the EDPA legal framework
- Comparison of EDPAs in other BC municipal and regional district jurisdictions
- Key elements for achieving environmental protection
- Trouble shooting: the Saanich EDPA experience

The workshop will be structured to allow for participants to engage with the instructor and other planning professionals to share experiences and challenges in the development and implementation of EDPA regulations. Please bring your questions and issues to discuss.



Instructor Deborah Curran is the Hakai Professor in Environmental Law and Sustainability at University of Victoria faculty of Law. Focusing primarily on land use law, Deborah has significant experience in analyzing and making recommendations on how local governments approach regulation and planning for environmental protection, particularly in the context of smart growth and ecosystem integrity. Deborah recently completed a review of the EDPA regimes in Saanich, Kelowna, Nanaimo and the Regional District of the Central Okanagan.

### Registration

This workshop is being provided at no cost for all Comox Valley local government planning department staff by the Comox Valley Conservation Strategy Community Partnership through the generous support of the Real Estate Foundation of British Columbia.

To register please contact David Stapley, Program Manager at: [info@cvconservationstrategy.org](mailto:info@cvconservationstrategy.org)





## STAFF REPORT

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**To:** Council  
**From:** Deputy Chief Administrative Officer  
**Subject:** Billy D's Pub and Bistro Structural Change Approval

**File No.:** 4320-20  
**Date:** May 16, 2016

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### PURPOSE:

The purpose of the report is to provide a Council resolution to the Liquor Control and Licencing Board (LCLB) regarding the application by Billy D's Pub and Bistro for a structural change to allow for an outdoor patio.

### CAO RECOMMENDATIONS:

That, based on the May 16, 2016 staff report, "Billy D's Pub and Bistro Structural Change Approval", Council adopt the prescribed resolution as shown in Option 1 recommending approval of the structural change application by Billy D's Pub and Bistro to allow for the addition of an outdoor patio.

Respectfully submitted,

John Ward, CMC  
Deputy Chief Administrative Officer

### BACKGROUND:

As Council is aware, Billy D's Pub and Bistro has applied to the LCLB for a structural change to allow for an outdoor patio.

At its regular meeting held May 2, 2016 Council passed the following resolution:

*That based on the May 2, 2016 staff report "Billy D's Pub and Bistro Structural Change", Council approve Option 1 and direct staff to post notice on the City's website requesting public input on the proposed structural change for an outdoor patio for Council consideration at the regular meeting schedule for May 16, 2016; and*

*That the Downtown Courtenay Business Improvement Association (DCBIA) be advised of the application.*

As per Council's direction, notice was placed on the City's website, and the DCBIA was notified.

In addition, the RCMP were contacted, and they have no concerns from a public safety perspective. Staff normally contact the RCMP for all liquor licence applications.

**DISCUSSION:**

There were a total of 11 responses to the notice, with 9 in favour and 2 opposed. All responses are attached for Council's reference. It is important to note that that this process was limited to the application for structural change through the LCLB to allow liquor to be served on an outdoor patio, and not the actual pilot patio project through the City. The concerns raised seem to be directed towards the patio concept itself.

Staff contacted the LCLB to determine if it would be possible to recommend approval of the structural change on a temporary basis, and were advised that once approval is granted, it is permanent.

The parallel application through the City by Billy D's Pub and Bistro for a sidewalk café has been approved; however if approval of the liquor licence amendment is not granted, the LCLB will not allow the patio to be constructed.

**FINANCIAL IMPLICATIONS:**

None.

**ADMINISTRATIVE IMPLICATIONS:**

Administration of liquor licence amendments is included in the general statutory duties of the Legislative Services Department work plan. This application has taken 4 hours of staff time.

**ASSET MANAGEMENT IMPLICATIONS:**

None.

**STRATEGIC PRIORITIES REFERENCE:**

<p><b>We actively pursue vibrant economic growth</b></p> <ul style="list-style-type: none"><li>● Revitalizing our downtown is critical to our economic future</li><li>● Continue to improve our relationship with business in our community</li></ul>	<p><b>We focus on organizational and governance excellence</b></p> <ul style="list-style-type: none"><li>● We support and encourage initiatives to improve efficiencies</li><li>● We support meeting the fundamental corporate and statutory obligations</li></ul>
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● **Area of Control**  
The policy, works and programming matters that fall within Council's jurisdictional authority to act.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

Not referenced.

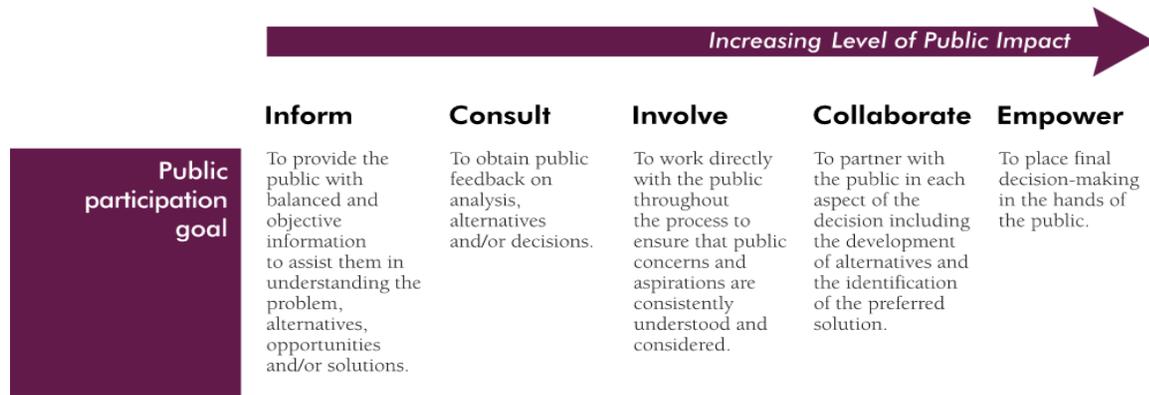
**REGIONAL GROWTH STRATEGY REFERENCE:**

Not referenced.

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff consulted based on the public based on the IAP2 Spectrum of Public Participation:

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)



**OPTIONS:**

- Option 1:
1. *“Be it resolved that the Council of the City of Courtenay recommends the approval of the application by Billy D’s Pub and Bistro for a structural change to allow for the addition of a new outdoor patio.*
  2. *Council’s comments on the prescribed considerations are as follows:*
    - (a) *If the Billy D’s Pub and Bistro amendment application were approved, it would not result in an increase of noise in the area;*
    - (b) *If the application were approved, it would have a positive impact on the community based on the submissions received from the public; and*
    - (d) *In order to gather the views of residents, the City of Courtenay posted a notice on the City’s website outlining the Billy D’s Pub and Bistro application to allow for an outdoor patio, and accepted written submissions concerning the application. Nine submissions in favour of application were received, and two opposed. In addition, the City of Courtenay provided notice to the Downtown Courtenay Business Improvement District (DCBIA)”. (Recommended)*

Option 2: Not recommend approval of the application.

Option 3: Postpone the application to a future date.

Prepared by:

John Ward, CMC  
Director of Legislative Services

Attachments: 11 written submissions received.

## Ward, John

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**From:** c mongkolsute  
**Sent:** May-10-16 9:59 AM  
**To:** Ward, John  
**Subject:** Billy D's Pub & Bistro

Hello John,

I am sending this message to express how pleased I am that Billy D's is putting in a patio. We have such a beautiful downtown core and I believe that this addition will help bring more people to enjoy our wonderful city.

Sincerely,

Crystal Denbigh

## Ward, John

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**From:** Maggie Shaw  
**Sent:** May-05-16 7:39 PM  
**To:** Ward, John  
**Subject:** Outdoor patio

Great idea for a downtown patio at Billy D's Pub. Bring some life to the downtown core!  
Maggie

Sent from my iPad

**Ward, John**

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**From:** RIKI JAGER  
**Sent:** May-05-16 9:52 PM  
**To:** Ward, John  
**Subject:** Outside patio.

I hope she gets her license. I would like this idea. It will give it an European influence and liven up 5 Street.  
May be not till 6 am though!

Sent from Outlook Mobile

**Ward, John**

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**From:** Rob Van Haarlem  
**Sent:** May-05-16 11:20 PM  
**To:** Ward, John  
**Subject:** Billy D's pub and patio

Excellent idea. A patio will definitely add to the liveliness of the town. They have my support. Rob Van Haarlem

Sent from my iPad

## Ward, John

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**From:** Elaine  
**Sent:** May-06-16 7:38 PM  
**To:** Ward, John  
**Subject:** Billy Ds

We support the request for outdoor patio wholeheartedly to bring new life to downtown Courtenay wonderful idea.

Paquet Family  
Sent from my iPad

**Ward, John**

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**From:** Chris Pollock  
**Sent:** May-06-16 8:50 PM  
**To:** Ward, John  
**Subject:** Billy Ds Patio

Hello

Just writing to say I strongly am in favour of an outside patio at Billy Ds pub. It's a great location and I feel it is a desired location for an outside patio.

Thanks

Chris Pollock

## Ward, John

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**From:** Brian Copeland  
**Sent:** May-06-16 1:16 PM  
**To:** Ward, John  
**Subject:** Billy D's patio

Council should be pleased to see local downtown business owners taking the initiative to formally introduce new social facilities which are directly aligned with our social values and cultural themes.

The newly installed patio located 4th (Gladstone ) has resulted in a well utilized social outlet and provides the impetus for similar outlets.

Bottom line: superb idea which has potential to encourage growth in our local social community.

Let's not deprive ourselves of this wonderful improvement to our Valley.

Brian Copeland

**Ward, John**

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**From:** shelly combs  
**Sent:** May-05-16 11:07 PM  
**To:** Ward, John  
**Subject:** billy d's patio

I really enjoy Billy D's Pub on 5th street and fully support an outdoor patio area. A lovely place to sit outside and have a nice meal and a beer.

Thanks

Shelley Combs

## Ward, John

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**From:** CORRIE VAN HAARLEM  
**Sent:** May-06-16 12:14 PM  
**To:** Ward, John  
**Subject:** Billy D patio

We both feel this would be a welcome addition to 5th Street. We will definitely support an outside patio. We think it will brighten up this shopping street and we think it is marvelous to have a drink and something to eat after a show at the Sid Williams Theatre or while you are out shopping. Do something like they have at the Comox Coffee Grind. Give up a parking spot for a much livelier 5th Street. We feel it is definitely a bonus to this shopping street.

Corrie and Rob Van Haarlem.

Sent from my iPad

## Ward, John

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**From:** David Frisch <frisch.david@gmail.com>  
**Sent:** May-07-16 12:25 PM  
**To:** Charles Massey  
**Cc:** Ward, John; InfoAlias; Jangula, Larry; Eriksson, Erik; Frisch, David; Hillian, Doug; Lennox, Rebecca; Theos, Manno; Wells, Bob; Allen, David  
**Subject:** Re: BILLY D's

Hello Mr. Massey,

Thanks you for your questions and feedback. I'll do my best to answer your four questions.

The parking spot(s) will not be replaced. The premise for supporting the change of use for that public space is that people are more interested in having an animated street than having more parking. It's certainly a difficult priority decision and I hope it is fruitful.

Billy D's is not required to financially compensate other stores, however I suspect neighboring stores will find a dramatic increase in pedestrian traffic. This will increase sales and profits.

There is no direct rent to the city, though there is a fee associated with the permit. Similarly, there is no fee to stores for the parking, sidewalks, or other amenities, which the public and businesses pay for through general taxation.

Lastly, yes we are prepared to deal with other similar requests that come to the city. I know council and staff will do our best to keep downtown vibrant and viable for the entire community.

If you or someone you know is having difficulty finding parking downtown, I find that there is always space in the city hall lot at Cliffe and 8th.

All the best,

Councillor Frisch

> On May 7, 2016, at 11:16 AM, Charles Massey <[chapchuk@shaw.ca](mailto:chapchuk@shaw.ca)> wrote:

>

> Re: Billy D's wanting a patio...

>

> Question... where are you going to put the parking spots which we will be losing if this goes through?

>

> Question... How much compensation is Billy D's going to pay the store operators who lose business because of lost parking?

>

> Question... How much rent is Billy D's going to pay the city for closing the sidewalk and using it for its own purposes?

>

> Question... This is the tip of the iceberg... a precedent... for the rest of the businesses on 5th street... which you will have a great deal of difficulty saying "NO" to if you allow this to go through... how well are you prepared to deal with that?

>

> I know you are trying to rejuvenate 5th Street... This is not the way to do it.

>

>  
> C. Massey

:  
>  
>

> This e-mail communication may be confidential and legally privileged. If you are not the intended recipient, please notify me by return e-mail and delete this communication and attachment, and any copy, immediately. Thank you.

>  
>

Re: Billy D's Pub & Bistro Structural Change Application  
File 4320-20

May10, 2016

We Charlie and Judi Zerkee are the owners of 274A 5th St. - the building adjacent to Billy D's Restaurant. We are not in favour of Council approving this application.

We are not against outdoor cafes but believe that 5th street is too busy a thoroughfare for such a venue as this application presents. Recently a coffee shop in Comox added an outdoor seating area but this was not on a main street but rather a "back" street with much less traffic than 5th St.

Other Restaurants in Courtenay have "brought the outdoors in" by reconfiguring their buildings to make this possible without affecting the flow of pedestrians or the loss of parking spaces on a main street. Union Street Grill, Cappuccino Grande Cafe and Hot Chocolates are the three that come to mind. We believe this a preferable and more attractive possibility which would enhance rather than detract from Downtown.

At a minimum this application is likely to require the removal of 3 parking spots which will be of benefit to only one business and detrimental to many others. The proposed plan is also in our opinion unattractive - unlike Hot Chocolates outdoor seating area which adds to the ambience of Downtown.

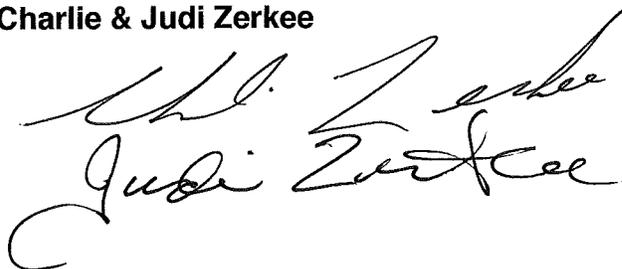
The proposed re-routing of the sidewalk tends to cut off the corner window space of our building diverting the existing flow of traffic from going entirely past the window to cutting the corner, no one wants to walk right up to people seated at a table to view something in a window. Any retailer knows the value of window space - frontage is reflected in our taxes.

We currently have our building for sale and have had inquiries regarding usage as a restaurant. Should this application pass are you setting a precedent for other restaurants or businesses that wish to access the sidewalk space and perhaps have no concern of loss of parking spots.

The owner of building on the other side of Billy D's is not likely to voice any concern as to the best of my knowledge it is the same owner.

**We are always supportive of proposed changes and venues that benefit the downtown as a whole, we believe this application only benefits 1 business and is indeed detrimental to ourselves as well as others.**

Sincerely  
Charlie & Judi Zerkee

Handwritten signatures of Charlie and Judi Zerkee in black ink. The signature of Charlie is on top and Judi's is below it.





THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

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**To:** Council **File No.:** 5460-08-1617  
**From:** Deputy Chief Administrative Officer **Date:** May 16, 2016  
**Subject:** Comox Valley Farmers Market – Weekly Closure of 5th Street between England and Fitzgerald Avenues

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### PURPOSE:

The purpose of this report is for Council to consider the temporary closure of 5<sup>th</sup> Street between England Avenue and Fitzgerald Avenue, for the purpose of the Comox Valley Farmers Market. The closure would be in effect midweek on Wednesdays from 7:00 AM to 2:00 PM, starting June 1 through September 14, 2016.

### CAO RECOMMENDATIONS:

That based on the May 16<sup>th</sup>, 2016 staff report entitled “Comox Valley Farmers Market – Weekly Closure of 5<sup>th</sup> Street between England and Fitzgerald Avenues,” Council approve Option 1 and approve the weekly Wednesday closure from 7am to 2 pm between June 1 and September 14, 2016; and

That Council approve the expenditure up to \$1,000 for advertising of the road closure to mitigate the impact on peak traffic volumes.

Respectfully submitted,

John Ward, CMC  
Deputy Chief Administrative Officer

### BACKGROUND:

The midweek Comox Valley Farmers Market was established in 1997 to accommodate vendors with crops that needed to be harvested more than once a week during the summer months. Beginning in 2013, Council approved the temporary closure of England Avenue between 5th and 6th Street in support of market activities in the downtown area.

In 2015, the Farmers Market received Director approval to hold a Thursday evening market on 5<sup>th</sup> Street, from England to Fitzgerald Avenue, in addition to the midweek, morning market on England Avenue. This closure of 5<sup>th</sup> Street did not generate any traffic complaints. It began at 3:30 PM and was re-opened by 9:00 PM.

**DISCUSSION:**

For 2016, the Farmers Market has proposed midweek, morning closure of 5th Street from England Avenue to Fitzgerald Avenue. The market requires the closure from 7:00 AM to 2:00 PM to allow for set up and take down. They have moved away from holding a Thursday evening market in favour of the larger 5th Street Wednesday morning market. An Event Permit application has been received by staff requesting to continue with this road closure from June 1 to September 14, 2016.

As part of the event permitting process, applicants are required to submit a letter of support from the Downtown Business Improvement Area (DCBIA) where events are held on roadways within its boundary. The DCBIA has submitted a letter to Council indicating that they have consulted with the effected businesses and confirmed support for this proposal.

The Director of Engineering Services has the authority and discretion under the City's Traffic Regulation Bylaw (No. 1926, 1996) to approve (or deny) applications for event permits resulting in road closures. Historically, those event organizers requesting closures along 5<sup>th</sup> Street in the downtown have been brought forward for Council consideration. Fifth Street is an arterial roadway and conveys a significant amount of traffic through the City. A closure of this route has implications for traffic movements in the downtown.

Recent traffic counts (March 17, 2016) at 5<sup>th</sup> Street and Fitzgerald Avenue indicate that the proposed closure will occur during peak traffic volume on 5<sup>th</sup> Street. This peak volume occurs between 11:00 AM and 1:00 PM, with the bulk of the traffic entering the downtown from west Courtenay. A closure of 5<sup>th</sup> Street during this time will displace this flow of traffic onto adjacent roadways and will likely generate traffic complaints. Despite the inconvenience this closure may cause commuters, closures of this nature align with Council's Strategic Priorities to support the downtown business community and promote events in the downtown City's core.

**FINANCIAL IMPLICATIONS:**

Based on option 1, staff requests a budget of up to \$1,000 be allocated from the City's advertising budget for print and media ads advising of the road closure in order to mitigate traffic impacts and the potential for complaints. The City's annual advertising budget is \$15,300. This request does not form part of the expected expenditures from this account and may result in a budget overrun at the end of the year.

**ADMINISTRATIVE IMPLICATIONS:**

The processing of event permits requiring the use of City Road Allowance form part of staff's statutory work. Staff has spent approximately 3 hours to date processing the application and preparing this staff report. An additional 2 hours will be required to complete the permit approval and coordinate advertising. Traffic inquiries and complaints resulting from this closure will be addressed by staff and may delay staff from completing other planned work.

**ASSET MANAGEMENT IMPLICATIONS:**

None.

**STRATEGIC PLAN REFERENCE:**

**We actively pursue vibrant economic growth**

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

**OFFICIAL COMMUNITY PLAN REFERENCE:**

The Official Community Plan Road Network Map classifies 5<sup>th</sup> Street as a minor arterial road. Transportation Goal 5.2 (3) is to “protect the integrity of the road classification system to facilitate the purpose and function of the specific road types.”

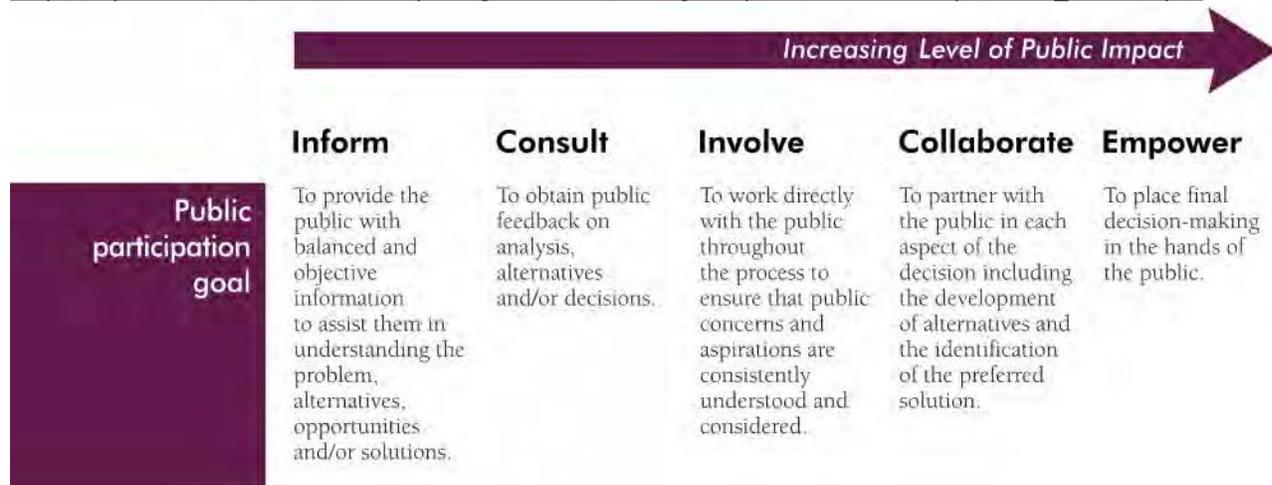
**REGIONAL GROWTH STRATEGY REFERENCE:**

None.

**CITIZEN/PUBLIC ENGAGEMENT:**

This staff report and subsequent event advertising represent an “Inform” level of public engagement in respect to this subject, as represented by the IAP Spectrum of Public Participation:

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)



**OPTIONS:**

Option 1: That Council approve the temporary road closure of 5<sup>th</sup> Street (England to Fitzgerald Avenues) from 7:00 AM to 2:00 PM weekly on Wednesdays from June 1<sup>st</sup> to September 14<sup>th</sup>, 2016 for the Comox Valley Farmers Market, upon staff's receipt of all applicable permit application materials; and

That Council allocate up to \$1,000 from the City's advertising budget specifically for this recurring closure to mitigate traffic impacts.

Option 2: That Council does not approve the temporary closure of 5th Street and directs staff to advise the Comox Valley Farmers Market to either remain on England Avenue or select an alternative, non-arterial roadway venue.

Prepared by:



Lesley Hatch, P.Eng.

Director of Engineering Services



## BRIEFING NOTE

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**To:** Council

**File No.:** 5400-02

**From:** Deputy Chief Administrative Officer

**Date:** May 12, 2016

**Subject:** New Building Canada Fund Grant Application – 5<sup>th</sup> Street Bridge Repainting

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### ISSUE:

Council has requested clarification on cost increases associated with the project that were identified through the 2016 budget process.

### BACKGROUND:

In 2015, the City applied for a New Building Canada Fund – Small Communities Fund grant for the 5<sup>th</sup> Street Bridge repainting project. This is a 2/3<sup>rd</sup> grant funding program with the balance being funded by the City through general revenue and existing borrowing. This application was endorsed by Council through a resolution on February 10, 2015. Notification was received from the grant administrator in August 2015 that the application was not successful. The application was re-submitted in the 2016 intake prior to the end of April deadline.

At approximately the same time as the initial grant application for the Small Communities Fund, another grant application was made to the Strategic Priorities Fund. This application included the 5<sup>th</sup> Street Complete Streets Pilot Project, the Integrated Stormwater Management Program, and the Bridge Repainting and decking works. The City received the grant funding for the Complete Streets project. This grant provided 100% funding for applicable project costs.

### KEY CONSIDERATIONS:

Within the initial Council report regarding the grant application, staff identified that the project was estimated to cost \$2.2 million. This included the repainting of the structure and limited repair to the bridge deck.

When staff developed the business case for the grant application, the full replacement of the bridge deck was included. The existing bridge deck has degraded such that the aggregate has become exposed and rounded due to extended use. Based on the recommendations of our consultants, scope was increased and the additional cost added to the project for a total grant application of \$2,947,400.

The grant will provide for 2/3<sup>rd</sup> of the eligible project costs. As such, the City provided a grant application for the value of \$1,964,800. As identified above, the grant application submitted in April 2016 was for the same value.

The 2016 capital budget included an increased budget of \$3.7 million between 2016 and 2018. This increased budget includes the design and construction of widened sidewalks on the bridge. The additional \$750,000 was added to the project budget for financial planning purposes and will be refined over 2016 once the bridge structural assessment is complete. At the current time, it has not been confirmed that the existing bridge will be able to accommodate this extension; this is part of staff's ongoing work with the consultants.

Given the uncertainty associated with the additional scope of work, staff was unable to include it in the 2016 grant application. Should the widening be deemed possible and the City successful at obtaining the grant funding, staff will request a scope change to the grant application for additional funding consideration.

Prepared by,



Craig Perry, P.Eng.  
Manager of Transportation & Utilities – Engineering



Lesley Hatch, P.Eng.  
Director of Engineering Services

unf. Bus.

I am speaking as a representative of Liquor retailers within the city of Courtenay, including City Centre Spirits, Liquor Plus, Mex Beer and Wine and the Whistle Stop. At the Feb 9 Council Meeting, I submitted a letter about recent Retail Liquor Policy changes by the BC provincial government which I feel could have a negative impact on our City. From this letter, and the discussion that followed between councilors, it was clear that we needed to provide more information to allow you to make an informed decision about how to control the effect of this policy on our community.

We have collected information from our regional Medical Health Officer, our local RCMP detachment, and our Area Liquor Inspector. As a group of concerned Liquor retailers, we are worried about how implementation of this policy could adversely affect our industry and the health of our community. Throughout Courtenay, EVERY grocery store that could potentially sell liquor already has a private or government liquor store within 100m of it.

A brief history: after a comprehensive Liquor policy review by the BC Government, they announced 73 recommendations in April 2015. The Minister of Justice has implemented many of these changes already, while other recommendations may or may not be implemented in the future.

First, here is our current situation in Courtenay:

Liquor in the City of Courtenay is only sold in either 5 Private liquor stores or in 1 Government liquor store.

In April 2015, legislation has given Grocery stores the ability to sell Liquor through one of 2 different types of licenses. FIRST, They could purchase an existing private liquor store license and then move that license into their store. With this kind of license, some rules included, but not limited to are:

- 1) A redline of the entire retail area that restricts access to any unaccompanied minor.
- 2) A separate door and walled off area where liquor may be sold or stored.
- 3) No private or government store can be located within 1 KM of each other.

The SECOND option to grocery stores is to operate an existing or dormant VQA liquor license which allows them to sell BC wine today, but with the understanding that in the future, craft beer and spirits may be added to the offerings. The province has made no mandate as to density of liquor outlets within a community. Each store can set up this retail liquor regardless of proximity to other liquor retailers. In the city of Courtenay, we have 5 major grocery stores which all qualify to set up a liquor licensed section in their existing locations. Under the new regulations, these food/liquor stores operate under a different set of rules including, but not limited to:

- 1) Having alcohol on the shelves with no barrier so that there is unrestricted access to all patrons regardless of age.
- 2) They can locate anywhere in BC with no distance criteria required between their store and either Private or Government Liquor retailers.

I'd like to outline how I think this change could affect our community on 3 separate, but connected fronts:

- 1) Medical Health
- 2) Policing
- 3) Liquor Regulations and Inspections

We believe that Courtenay should consider implementing a 1km distance rule between any new liquor retailers.

We respectfully ask council to direct staff to draft a bylaw that maintains the same distance regulation for all liquor retailers which the province currently has in place when considering the movement of a private liquor store license. I encourage you to reach out to our local medical health office, RCMP and BC Liquor Inspector to get their feedback directly.

**RECOMMENDATION:** the City of Courtenay should review current zoning bylaws and definitions regarding retail liquor outlets.

Ensure that language in current and future legislation is not unintentionally self-limiting (i.e., "Liquor Stores" vs. "retailers of beverage alcohol" or use "pursuant to Liquor Control and Licensing Act".)

Ensure that any retailer of alcohol is required to meet the common minimum standard of safety that is applied to a private or government liquor store.

Implement a distance criterion that prevents concentrations of liquor retail. As of April 1, 2015, a 1KM rule has been applied by the Province to any new private liquor stores and Government Liquor Stores. Retailing safeguards of this nature in Courtenay would allow for responsible liquor retail development in identified mature and immature comprehensive development zones.

We believe Courtenay should consider implementing the same 1KM distance rule as a safe and fair way to manage liquor retail outlets.

Courtenay residents would be well served by distance criteria for liquor retail that would not be dissimilar to future potential retail policies around other controlled substances (dispensaries etc...). This rule would include Government Liquor Stores, Private Liquor Stores and Grocery Stores.

Such policies would protect jobs, investment in the community; provide future investment certainty and most importantly, it would maintain the safety for the citizens and taxpayers of Courtenay.

Please see below to see that throughout the island and our Province, there are many other progressive communities have already taken these municipal land use matters into their own hands in order to preserve the health and safety of their communities.

**Some municipal examples:**

*City of Kamloops* – 1km distance requirement from any liquor retail sale use

*City of Penticton* – instruction to staff to impose 1km distance criteria between alcohol retailers

*Town of View Royal* – no additional licensed retail stores are permitted on land within 320m of the original licensed retail store. Beer, wine, spirits or other liquor cannot be sold within a grocery store or supermarket

*City of Langford* – policy to discourage applications with 800 meters of any other retail liquor store (including grocery)

*City of Victoria* – general distance requirement of 200 meters and avoid concentrations in same block or intersection. Distance requirements of 200 meters from schools.

*City of Richmond* – 500 meter distance criteria for liquor retail

*City of Coquitlam* – increase distance requirement from 300 meters to 1km

*City of Vancouver* – rejection of applications for liquor on grocery store shelves. In process of developing policy about density limitations

*City of North Vancouver* – 1km separation between all licensee retail stores

*City of Kelowna, Vernon, Port Alberni* – investigating policies to control density of retail sales of alcohol

Appendix:

- 1) 73 recommendations of BC Liquor Policy Review  
[http://www2.gov.bc.ca/local/haveyoursay/Docs/liquor\\_policy\\_review\\_report.pdf](http://www2.gov.bc.ca/local/haveyoursay/Docs/liquor_policy_review_report.pdf)
- 2) Municipal Alcohol Policy Template  
<http://www.uvic.ca/research/centres/carbc/assets/docs/report-helping-municipal-govts.pdf>



**cascadia  
LIQUOR STORES**

January 26th, 2016

City of Courtenay  
830 Cliffe Avenue  
Courtenay, British Columbia  
V9B 2X8

**Re: Retail liquor policy changes and impacts on local government**

Dear Mayor and Council:

As largely small, independent, and family-owned businesses, private liquor store operators are a key part of the business community. With the ongoing roll-out of provincial changes to liquor retailing, there are key issues that we ask the City of Courtenay to consider.

Grocery and alcohol-on-the-shelf:

The province is allowing grocery stores around the province to sell wine on open shelves, in standard, uncontrolled aisles and shopping areas. The "BC wine only" stipulation is under trade challenge and these licences are already being expanded to other types of alcohol.

The list of rules and regulations that are imposed on private and public liquor stores regarding access of unaccompanied minors; storage; stock room layout; security; distance requirements and more are long, significant, and generally appropriate. They prevent people with substance abuse problems from being unwillingly exposed to alcohol when they are buying necessities such as food. The rules and regulations have also reduced alcohol related policing costs.

Liquor is a controlled substance and special regulations are needed. Alcohol, whether it is beer or wine is still alcohol. It is unfair and dangerous to have a different set of rules for two different retailers.

Small businesses have invested significantly in liquor retail stores in Courtenay and their profits are reinvested in the local community. Courtenay liquor retailers have purchased expensive licenses under the governments assurances around the "1km rule" and have taken on long term lease obligations and made significant long term investments in their properties.

Wine and alcohol in grocery will NOT be subject to the 1km rule, meaning you could have a shopping plaza with a Government Liquor Store (GLS) or Private Liquor Store (LRS) next door to a grocery store with a large section of wine and other types of alcohol. In many cases this puts too many retail liquor options on the same property or in an area of concentration.

Wine and alcohol sales are the only part of our business. As private liquor retailers we are not permitted to act as a grocery or any other kind of retail store.

These two sets of rules the Province has outlined, benefit large corporate grocery chains, but do not create a level playing field, instead, they hurt small business and have an impact on public safety and policing costs. We respectfully ask Mayor and Council to consider our recommendations.

**RECOMMENDATION:** the City of Courtenay should review current zoning bylaws and definitions regarding retail liquor outlets.

Ensure that language in current or future legislation is not unintentionally self-limiting (i.e., "Liquor Stores" vs. "retailers of beverage alcohol" or use "pursuant to Liquor Control and Licensing Act".)

Ensure that any retailer of alcohol is required to meet the common minimum standard of safety that is applied to a private or government liquor store.

Implement a distance criterion that eliminates concentrations of liquor retail. As of April 1, 2015, a 1,000 meter (1km) rule has been applied by the Province to any new private liquor stores and Government Liquor Stores. Retailing safeguards of this nature would not be a detriment in terms of reasonable access to alcohol in Courtenay and would still allow for responsible liquor retail development in identified mature and immature comprehensive development zones.

We believe Courtenay should consider implementing a distance rule and believe reducing to a metric just under 1km would be acceptable and a fairer way to manage liquor retail outlets.

Courtenay residents would be well served by distance criteria for liquor retail that would not be dissimilar to future potential retail policies around other controlled substances (dispensaries etc...). This rule would include Government Liquor Stores, Private Stores and Grocery Stores.

Such policies would protect jobs, investment in the community; provide future investment certainty while insuring public access and appropriate safeguards to the citizens and taxpayers of Courtenay.

Respectfully,



---

Jeff Lucas  
GM, Cascadia Liquor Store

**Some municipal examples:**

*District of Saanich* – bylaw restrictions to one Liquor Retail Store per shopping centre

*Town of View Royal* – no additional licensed retail stores are permitted on land within 320m of the original licensed retail store. Beer, wine, spirits or other liquor cannot be sold within a grocery store or supermarket

*City of Victoria* – general distance requirement of 200 meters to avoid concentrations in the same block or intersection. Distance requirements of 200 meters from schools.

*City of Kamloops* – 1km distance requirement from any liquor retail sale use

*City of Richmond* – 500 meter distance criteria for liquor retail

*City of Vancouver* – rejection of applications for liquor on grocery store shelves. In process of developing policy

*City of North Vancouver* – 1km separation between all licensee retail stores

*City of Kelowna, Vernon, Port Alberni* – investigating policies to control density of retail sales of alcohol

**Example:**

**INTERPRETATION Division 3 – Definitions**

**AMEND:**

“Liquor Store” means the business through which a person may retail to the general public liquor and liquor products.

**TO:**

"Licensed Retail Store" means any premises licensed pursuant to the Liquor Control and Licensing Act (whether principal in nature or not) that engages in the retail sale of wine, beer, spirits and/or any other liquor for offsite consumption. Display, storage and sales of all bottled or canned alcoholic beverages must take place in an area of the store that is separately enclosed or segregated from any area where any other product is displayed, stored or sold.

**OCP/BYLAW AMENDMENT:**

Policies or directives in the OCP that discourage zoning for Licensed Retail Store use if there is already a Licensed Retail Store within “X” meters of the proposed site.



**CITY OF COURTENAY**

**BYLAW REFERENCE FORM**

**BYLAW TITLE**

“Business Licence Amendment Bylaw No. 2847, 2016”

**REASON FOR BYLAW**

To amend the business licence bylaw to include update regulations regarding mobile food vending.

**STATUTORY AUTHORITY FOR BYLAW**

*Community Charter, SBC 2003 Chapter 26 Sections 8(6)and15(1)*

**OTHER APPROVALS REQUIRED**

Public notice pursuant to section 59 of the *Community Charter*

**STAFF COMMENTS AND/OR REPORTS**

Pursuant to the Council resolution dated April 18, 2016.

**OTHER PROCEDURES REQUIRED**

May 12, 2016

J. Ward  
Staff Member



**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2847**

**A bylaw to amend Business Licence Bylaw No. 2523, 2008**

WHEREAS Council may, pursuant to Section 8(6) of the *Community Charter*, regulate in relation to business;

AND WHEREAS pursuant to Section 15(1) of the *Community Charter*, Council may provide terms and conditions that may be imposed for obtaining, continuing to hold or renewing a licence, permit or approval and specify the nature of the terms and conditions and who may impose them;

AND WHEREAS Council has given notice of its intention to adopt this bylaw and has provided an opportunity for persons who consider they are affected by this bylaw to make representations to Council pursuant to Section 59 of the *Community Charter*,

NOW THEREFORE the Council of the City of Courtenay in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "**Business Licence Amendment Bylaw No. 2847, 2016**".

2. "Business Licence Bylaw No. 2523, 2008 is hereby amended as follows:

(a) By deleting the following definitions from Section 1.2 DEFINITIONS:

**"Mobile Stores and Restaurants"** means a vehicle registered to operate on a highway, which is used in carrying on a business as a mobile store or a mobile restaurant.

**"Mobile Vending Push Cart"** means a vehicle not registered to operate on a highway, which is designed for use as a food and beverage vending outlet.

(b) By adding the following definitions to Section 1.2 DEFINITIONS:

**"Food Cart"** means a non-motorized mobile cart with a maximum area of 4.65m<sup>2</sup>, from which food and/or drink is dispensed, and where the entire stock of goods offered for sale is carried and contained in the cart and which may change locations from time to time, and which is not located in a permanent building or structure, and is removed from public access when not in use.

**"Food Truck"** means a motorized, mobile, self-contained vehicle that is equipped to cook, prepare and/or serve food or beverages but does not include food trailers or food carts.

**"Food Trailer"** means a portable, self-contained trailer that is equipped to cook, prepare and/or serve food or beverages but does not include food carts.

"**Mobile Food Vending**" means the operation of a food service business from a food cart, food trailer or food truck.

(c) **SECTION 10 MOBILE STORE, MOBILE RESTAURANTS AND MOBILE VENDING PUSH CARTS** is deleted in its entirety and replaced with the following:

**10. MOBILE FOOD VENDING**

- 10.1 No person shall operate mobile food vending within the City of Courtenay without first obtaining and maintaining a valid Mobile Food Vending licence for each mobile food vending unit in operation. Licences will be issued on a first come first served basis. Depending on demand for Mobile Food Vending on Public Property, time limits on the duration of stay may be imposed by the licence inspector.
- 10.2 No person shall operate mobile food vending without providing proof satisfactory to the City that the following permissions have been obtained, and regulations met:
- (a) Island Health Approval;
  - (b) BC Safety Authority Approval;
  - (c) Proof of Motor Vehicle Insurance (Food Trucks and Food Trailers);
  - (d) Proof of Liability Insurance coverage which meets the following minimum requirements:
    - i. Inclusive limit of \$2,000,000 and Public Liability & Property Damage;
    - ii. Cross Liability Clause
    - iii. City of Courtenay named as joint insured under the policy
    - iv. Provide that the coverage under the policy cannot be cancelled or any provisions changed or deleted unless thirty days' prior written notice is given to the City by the Insurer.
  - (e) A Discharge Management Plan satisfactory to the City of Courtenay that describes how and where fats, oils and grease will be disposed.
- 10.4 No person shall sell goods other than food and beverages from mobile food vending.
- 10.5 No person shall operate mobile food vending in locations other than the following:

- (a) Private Property zoned for Restaurant Use with the Mobile Food Business being at least a distance of 30 metres from an existing permanent food service establishment.
  - (b) City property and park locations as specified in Schedule 'B' attached hereto and forming part of this bylaw.
- 10.6 No person shall operate mobile food vending on private property, without first supplying the Licence Inspector with a written letter of permission from the owner of the property on which the vendor will be locating.
- 10.7 No person shall carry on a Mobile Food Vending business on public property unless located in a location specified in Schedule 'B' attached hereto and forming part of this bylaw, or under a permit issued by the City for Special Events.
- 10.8 No person shall operate or provide mobile food vending that is not maintained at all times in good sanitary and aesthetically pleasing condition.
- 10.9 No person shall operate or provide mobile food vending without its own power and water source. No person shall operate generators used to provide power if they, in the opinion of the City, create a disturbance.
- 10.10 No person shall operate or provide mobile food vending without providing proper waste and recycling receptacles adequate to ensure the cleanliness of the adjacent area. No person shall operate a mobile vending unit without a cleanup within a 10 metre radius after service at a location, and removing of all collected garbage from the location.
- 10.11 No person shall operate mobile vending without maintaining clearance on all sides of the mobile food vending unit such that pedestrians are able to easily and safely pass by without congestion.
- 10.12 No person shall operate mobile food vending in a manner that restricts or interferes with the ingress or egress of the adjacent property owner or constitute an obstruction to adequate access by emergency services, City services, or sanitation vehicles.
- 10.13 No person shall leave mobile food vending unattended.
- 10.14 No person shall store mobile food vending on public property overnight.
- 10.15 No person shall operate mobile food vending without maintaining a location log that tracks the time and duration of the food truck/trailer at each location and making the log available to the Licence Inspector upon request.

10.16 No person who is providing or operating mobile food vending shall use or allow to be used any polystyrene (Styrofoam), non-recyclable or non-biodegradable materials in relation to the sale or delivery of food.

10.17 No person shall operate mobile food vending in public locations outside the following hours where applicable:

Public Property: 7:00 a.m. to 10:00 p.m.; or  
Park opening hours.

10.18 No person shall operate mobile food vending within:

- (a) 30 metres of an existing permanent food service establishment;
- (b) 100 metres of any elementary school;
- (c) 150 metres of a special event or festival (except where permission from the event coordinator has been obtained); and
- (d) Residentially zoned areas unless approved by the Licence Inspector for a special event such as a Block Party.

## 2. FOOD TRUCKS & FOOD TRAILERS

Size and Configuration:

2.1 No person shall provide or operate a food truck or trailer more than:

- (a) 2.5 metres in width; and
- (b) 8 metres in length.

(d) By adding the following to Schedule 'A':

22.	Mobile Food Vendor on private property.....	\$150.00
	(fees will not be prorated)	
23.	Mobile Food Vendor on Public Property.....	\$450.00
	(fees will not be prorated)	

3. If any section, paragraph or phrase in this Bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, that portion shall be severed and the remainder of this Bylaw shall continue in full force and effect.

4. This Bylaw shall come into full force and effect on adoption.

Read a first time this    day of May, 2016

Read a second time this    day of May, 2016

Read a third time this    day of May, 2016

Finally passed and adopted this    day of    , 2016

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Mayor

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Director of Legislative Services

## SCHEDULE 'B'

### Mobile Restaurant Locations on Public Property

Mobile Restaurants may operate on Public Property only in the following locations:

Location	Total Food Truck spots	Details
Lewis Park	4	<ul style="list-style-type: none"><li>• west of playing field near river and washrooms</li><li>• north of playing field to the right of the park entrance</li></ul> <p><i>(On selected dates, food truck spots would be unavailable due to special events in the park)</i></p>
Airpark	2	Grassy median off Mansfield Drive, south of Rotary Skypark
Standard Park	1	Gravel parking area

Specific locations are shown on the following maps.



Food Truck Location: Airpark near Rotary Skypark (two spots)



Food Truck Location: Lewis Park (four spots)



Food Truck Location: Standard Park (one site)

