

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

**Date:** June 1, 2020  
**Time:** 4:00 p.m.  
**Location:** City Hall Council Chambers

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

**Changes to Council Meetings Due to Coronavirus COVID-19 Pandemic**

Due to the Coronavirus COVID-19 emergency, the City of Courtenay with the authority of Ministerial Order No. M139 *Local Government Meetings & Bylaw Process COVID-19 (Order No. 2)* has implemented changes to its open Council meetings.

In the interest of public health and safety, in-person attendance by members of the public at Council meetings will be prohibited until further notice. Council meetings will be presided over by the Mayor or Acting Mayor with electronic participation by Council and staff. Meetings are available for viewing via live web streaming or video recording on the City of Courtenay website and will start at 4:00 p.m. during this period.

**K'OMOKS FIRST NATION ACKNOWLEDGEMENT**

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## 8. RESOLUTIONS OF COUNCIL

### 8.1 Councillor Morin - Urban Agricultural Opportunities - Food Security

“Whereas the onset of COVID-19 has significantly impacted food security for local residents; and

Whereas there has been an upsurge and interest in urban food production, and efforts to enhance local food security; and

Whereas food security policy aligns with Council’s strategic priorities of climate change mitigation and sustainability goals;

Therefore be it resolved that Council support urban agricultural opportunities and improved food security by directing staff to prepare a draft bylaw for Council’s consideration that considers past research done by LUSH Valley Food Action Society and North Island College, and current input from the Planning department, the Comox Valley Food Policy Council, and residents, to allow small-scale commercial urban food production, including but not limited to chickens (not roosters), bees, and urban farm stands on all residential property within the City of Courtenay; and

Furthermore, that staff consult with the Town of Comox’s planning department in the interest of alignment with their proposed urban agriculture policy.”

## 8.2 Councillor Hillian - Kus-kus-sum Tax Exemption

“Whereas on June 12<sup>th</sup>, 2017, Courtenay City Council unanimously approved support in principle for a land partnership with K’omoks First Nations and Project Watershed to facilitate the restoration of the Kus-kus-sum lands, based on indigenous reconciliation and the significant aesthetic, recreational, environmental and economic benefit to the City in the form of flood mitigation, green space and restored fish habitat; and

Whereas Courtenay City Council also agreed to support the fund raising drive towards purchase of the lands by approving grant funding to cover municipal taxation during the period of the Project Watershed lease, starting in fiscal year 2018; and

Whereas Project Watershed's fundraising campaign is nearing completion, with the expectation that the Kus-kus-sum lands will soon be co-owned by K'omoks First Nation and the City of Courtenay, facilitating exemption from municipal taxation effective in 2021;

Therefore be it resolved that Council approve payment of a grant to Project Watershed from current gaming funds in the amount of \$58,580.17, said amount to be applied to the 2020 property taxes on the Kus Kus Sum lands, located at 1901 Comox Road.“

## 8.3 In Camera Meeting

That a Special In-Camera meeting closed to the public will be held June 1<sup>st</sup>, 2020 at the conclusion of the Regular Council Meeting pursuant to the following subsections of the *Community Charter*:

- 90 (1) (c) labour relations or other employee relations;
- 90 (1) (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90 (1) (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

## 9. UNFINISHED BUSINESS

## 10. NOTICE OF MOTION



## 11. NEW BUSINESS

- 11.1 Comox Valley Regional District (CVRD) - UBCM Poverty Reduction Assessment & Strategy Funding Grant Resolution (Regional Poverty Action Plan)

**Staff Note:**

At its May 19<sup>th</sup>, 2020 regular Council meeting, Council passed the following resolution:

*"That the correspondence dated March 6<sup>th</sup>, 2020 from the Comox Valley Regional District (CVRD) to create a regional poverty reduction action plan in support of the Province's "TogetherBC" poverty reduction strategy, be received for information; and,*

*That the City of Courtenay support the CVRD's application to the Union of BC Municipalities (UBCM) Poverty Reduction Action and Planning Program for grant funding on behalf of Comox Valley local governments to develop a Regional Poverty Action Plan focused on affordable housing, transportation, children and youth, and food security."*

**UBCM advised that any grant applications submitted in partnership must include the following specific language in each participating local government's resolution in order to receive final approval:**

*"(Municipality's name) provides its support for the "(applicant)" to apply for, receive, and manage the grant funding on (Municipality's name) behalf"*

**Suggested motion:**

That the May 19<sup>th</sup>, 2020 Council resolution be amended to the following:

*"That the correspondence dated March 6<sup>th</sup>, 2020 from the Comox Valley Regional District (CVRD) to create a regional poverty reduction action plan in support of the Province's "TogetherBC" poverty reduction strategy, be received for information; and,*

*That the City of Courtenay support the CVRD's application to the Union of BC Municipalities (UBCM) Poverty Reduction Action and Planning Program for grant funding on behalf of Comox Valley local governments to develop a Regional Poverty Action Plan focused on affordable housing, transportation, children and youth, and food security; **and,***

***That the City of Courtenay provides its support for the Comox Valley Regional District to apply for, receive, and manage the grant funding on the City of Courtenay's behalf."***

|      |   |    |
|------|---|----|
| 11.2 | Correspondence - Millard-Piercy Watershed Stewards (MPWS) - Request for Council Support of Proposed Piercy Creek Assessment Project | 99 |
|------|---|----|

**Staff Note:**

This item was previously scheduled to come forward at the March 16<sup>th</sup>, 2020 regular Council meeting (meeting CANCELLED to implement control measures for Coronavirus [COVID-19]); an additional (new) letter was received from the MPWS May 22<sup>nd</sup>, 2020.

|      |  |     |
|------|--|-----|
| 11.3 | CVRD Regional Active Transportation Plan Grant Funding Application Support Request | 107 |
|------|--|-----|

**12. BYLAWS**

**13. ADJOURNMENT**

## **Minutes of a Regular Council Meeting**

**Meeting #:** R13/2020  
**Date:** May 25, 2020  
**Time:** 1:00 pm  
**Location:** City Hall, Courtenay, BC, via video/audio conference

**Attending:**

**Mayor:** B. Wells, via video/audio conference  
**Councillors:** W. Cole-Hamilton, via video/audio conference  
D. Frisch, via video/audio conference  
D. Hillian, via video/audio conference  
M. McCollum, via video/audio conference  
W. Morin, via video/audio conference  
M. Theos, via video/audio conference

**Staff:**

D. Allen, CAO, via video/audio conference  
J. Ward, Director of Legislative & Corporate Services/Deputy CAO, via video/audio conference  
W. Sorichta, Manager of Legislative & Corporate Administrative Services, via video/audio conference  
I. Buck, Director of Development Services, via video/audio conference  
C. Davidson, Director of Engineering Services via video/audio conference  
T. Kushner, Deputy CAO, via video/audio conference  
D. Snider, Director of Recreation & Cultural Services, via video/audio conference  
J. Nelson, Director of Financial Services, via video/audio conference  
M. Fitzgerald, Manager of Development Planning, via video/audio conference  
B. Guderjahn, Manager of Purchasing, via video/audio conference  
E. Gavelin, Network Technician, via video/audio conference  
N. Borecky, Manager of Information Systems, via video/audio conference  
R. Matthews, Executive Assistant, via video/audio conference

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**1. ADOPTION OF MINUTES**

**1.1 Adopt May 19<sup>th</sup>, 2020 Regular Council meeting minutes (0570-03)**

**Moved By** McCollum

**Seconded By** Morin

That the May 19<sup>th</sup>, 2020 Regular Council meeting minutes be adopted.

**Carried**

Comments arising from the May 19<sup>th</sup>, 2020 Regular Council Minutes:

Mayor and Council congratulated Councillor Cole-Hamilton on his appointment to Vice-Chair of the Climate Caucus and expressed their appreciation and support for this new role.

**2. INTRODUCTION OF LATE ITEMS**

**3. DELEGATIONS**

**4. STAFF REPORTS/PRESENTATIONS**

**4.1 Recreation and Cultural Services**

**4.1.1 Courtenay and District Historical Society Memorandum of Understanding (MOU) (2240-20-CDHS)**

**Moved By** Hillian

**Seconded By** McCollum

That based on the May 25<sup>th</sup>, 2020 staff report, "Courtenay and District Historical Society Memorandum of Understanding (MOU)", Council adopt OPTION 1 and approve the attached MOU; and,

That the Mayor and Corporate Officer be authorized to execute the MOU on behalf of the City.

**Carried**

## **4.2 CAO and Legislative Services**

### **4.2.1 Lease Agreement for Courtenay Airpark (2380-30 Lot 1)**

**Moved By** Hillian

**Seconded By** McCollum

That based on the May 25<sup>th</sup>, 2020 staff report "Lease Agreement for Courtenay Airpark", Council approve OPTION 2 and refer this item back to staff for further consideration.

**Carried**

## **5. EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

### **5.1 Letter of Response from Honourable Jonathan Wilkinson, Minister of Environment & Climate Change - Local Government Resources (0410-20)**

**Moved By** Frisch

**Seconded By** Cole-Hamilton

That the letter dated March 12<sup>th</sup>, 2020 from the Honourable Jonathan Wilkinson, Minister of Environment & Climate Change, received in response to the City's letter sent September 10<sup>th</sup>, 2019 to the Federal government seeking recognition of the current climate crisis and requesting resources be allocated to equip local governments in their response to climate change, be received for information.

**Carried**

## **6. INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

## **7. REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES**

### **7.1 Councillor Frisch**

Councillor Frisch participated in the following events:

National Association of City Transportation Officials (NACTO) - "Streeteries: Creating Space for Physical Distance at Restaurants" webinar

## **7.2 Councillor Hillian**

Councillor Hillian participated in the following events:

- Comox Valley Coalition to End Homelessness meeting
- Comox Valley Economic Development Society meeting
- Comox Valley Water Committee meeting
- Comox Valley Sports Centre Commission meeting
- CVRD Committee of the Whole meeting
- Comox Valley Elected Officials weekly teleconference briefing with Dr. Charmaine Enns, Medical Health Officer
- Comox Valley Accessibility Committee meeting
- Comox Valley Social Planning Society meeting
- CVRD Director briefings; COVID-19/Regional EOC information updates (2 Total)
- Comox Strathcona Regional Hospital Board leadership meeting
- Comox Valley Community Justice Centre Board meeting

## **7.3 Councillor Morin**

Councillor Morin participated in the following events:

- Comox Valley Sewage Commission meeting
- Comox Valley Water Committee meeting
- Comox Valley Sports Centre Commission meeting
- CVRD Committee of the Whole meeting
- Food Supply Disruption sub-committee meeting - Comox Valley Food Policy Council meetings (2 Total)
- Comox Valley Food Policy Council meeting
- CVRD Director briefings; COVID-19/Regional EOC information updates (2 Total)
- Comox Valley Elected Officials weekly teleconference briefing with Dr. Charmaine Enns, Medical Health Officer

### **7.3.1 Committee Report - Comox Valley Food Policy Council**

The May 12<sup>th</sup>, 2020 committee report "Comox Valley Food Policy Council" submitted by Councillor Morin, was received for information.

## 8. RESOLUTIONS OF COUNCIL

### 8.1 In Camera Meeting

**Moved By** Hillian

**Seconded By** Morin

That a Special In-Camera meeting closed to the public will be held May 25<sup>th</sup>, 2020 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (c) labour relations or other employee relations;
- 90 (1) (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90 (1) (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

**Carried**

### 8.2 Rise and Report - COVID 19 - 2020 Preliminary Financial Impact and Tax Cycle Considerations (1970-02)

**Moved By** Frisch

**Seconded By** Hillian

That the resolution passed at the May 11<sup>th</sup>, 2020 closed (In Camera) meeting to rise and report on the COVID 19 - 2020 Preliminary Financial Impact and Tax Cycle Considerations, be received for information as follows:

COVID 19 - 2020 Preliminary Financial Impact and Tax Cycle Considerations:

*"That based on the May 11<sup>th</sup>, 2020 Staff Report "COVID 19 - 2020 Preliminary Financial Impact and Tax Cycle Considerations", Council not approve an Alternative Tax Collection Scheme bylaw in 2020 and default to the regular July 2<sup>nd</sup> due date with the 10% penalty for Class 1, 2, and 9 properties on July 3<sup>rd</sup>; and*

*That Council direct staff to draft an operating reserve fund bylaw to address current year cash flow short falls as a precaution; and*

*That Council direct staff to update the current Revenue Anticipation bylaw in place to allow for up to \$10 Million dollars to be borrowed to meet current year lawful expenditures as a precaution; and,*

*That Council rise and report on this resolution as deemed appropriate by staff."*

**Carried**

**9. UNFINISHED BUSINESS**

**10. NOTICE OF MOTION**

**11. NEW BUSINESS**

**12. BYLAWS**

**13. ADJOURNMENT**

**Moved By** Hillian

**Seconded By** Cole-Hamilton

That the meeting now adjourn at 1:55 p.m.

**CERTIFIED CORRECT**

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**Corporate Officer**

**Adopted this 1<sup>st</sup> day of June, 2020**

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**Mayor**





## STAFF REPORT

**To:** Council

**File No.:** 7130-20

**From:** Chief Administrative Officer

**Date:** June 1, 2020

**Subject:** Temporary COVID-19 Omnibus Policy Amendment - All Inspection and Maintenance Policies

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**PURPOSE:**

To extend the Policy Defence in the present COVID-19 circumstances of providing only essential services.

**POLICY ANALYSIS:**

Due to the COVID-19 event and its impact on staffing, our local government is no longer able to achieve the standard of service set out in various capital asset inspection and maintenance policies. The Municipal Insurance Association of BC (MIABC); the City's liability insurer, advises its members to adopt a temporary Policy that indicates our normally scheduled inspections will be initiated solely in response to complaints or reports from staff.

**CAO RECOMMENDATIONS:**

That based on the June 1<sup>st</sup>, 2020 staff report "Temporary COVID-19 Omnibus Policy Amendment - All Inspection and Maintenance Policies" Council approve OPTION 1 that due to the unprecedented burden that COVID-19 has placed on staff and resources, effective immediately, all inspection and maintenance policies that involve a proactive approach are converted to a reactive approach.

That inspections of assets such as sidewalks, roads, sanitary sewers, drainage systems and other capital assets and the services they provide for which a proactive inspection and maintenance policy exists, until further notice, will be initiated solely in response to complaints or in response to reports from staff who happen to become aware of an issue in the course of their other duties.

That timelines for response to a complaint mandated by any policy are no longer in effect; and,

That except for essential services and health and safety issues, any inspection or maintenance activities that cannot be performed while practicing safe physical distancing will be suspended until arrangements can be made to accommodate the orders and guidelines issued by the Province and the Provincial Health Officer.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

**BACKGROUND:**

“The Policy Defence is an important tool that helps to mitigate against liability exposure because it may remove the duty of care owed by local governments to members of the public. However, by eliminating that duty of care, the policies your government adopts commit your organization to meeting a mandatory minimum service standard.

True policy decisions are decisions made by a local government that are based on financial, economic, social or political factors or constraints. If a decision made by the local government is found by an adjudicator to be a policy decision then, as long as the Policy is made in good faith and not so irrational or unreasonable as to not constitute a proper exercise of governmental discretion, the Courts will not second guess the service level the local government has set for itself, and they cannot impose their own view of the appropriate standard.”<sup>1</sup>

During these extraordinary circumstances of the COVID-19 event the minimum service standard of capital asset inspections cannot be achieved due to essential services minimum staffing. It is unlikely this condition will change in the foreseeable future. Therefore, MIABC advises local governments in such circumstances should consider proactively and temporarily lower their inspection service standards by Policy for the duration of the existing circumstances.

MIABC posted a suggested temporary COVID-19 omnibus policy amendment template which has been modified for local use and is provided below as OPTION 1.

**DISCUSSION:**

This recommend Policy is not to be confused with a forthcoming recommended Policy specifically intended to guide organization-wide COVID-19 Recovery activities.

**FINANCIAL IMPLICATIONS:**

Nil

**ADMINISTRATIVE IMPLICATIONS:**

Nil

**ASSET MANAGEMENT IMPLICATIONS:**

Minimal

**STRATEGIC PRIORITIES REFERENCE:**

Unforeseen

- **AREA OF CONTROL:** The policy, works and programming matters that fall within Council's jurisdictional authority to act
- ▲ **AREA OF INFLUENCE:** Matters that fall within shared or agreed jurisdiction between Council and another government or party
- **AREA OF CONCERN:** Matters of interest that are outside Council's jurisdictional authority to act

**OFFICIAL COMMUNITY PLAN REFERENCE:**

Nil

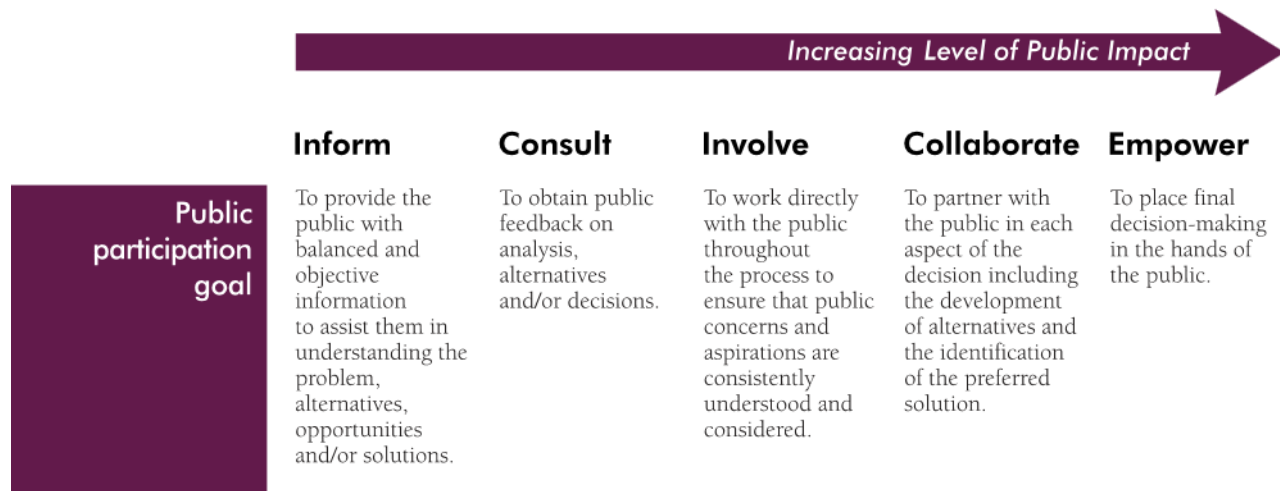
<sup>1</sup> Samantha Boyce, Legal Counsel, MIABC, May 27, 2020 <https://www.miabc.org/news-events/blogs/view-blog/ask-us-anything-covid-19-risk-management-advice-blog/2020/05/28/what-is-the-policy-defence>

**REGIONAL GROWTH STRATEGY REFERENCE:**

Nil

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff would inform the public based on the IAP2 Spectrum of Public Participation:



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**OPTIONS:**

**OPTION 1:** That based on the June 1<sup>st</sup>, 2020 staff report “Temporary COVID-19 Omnibus Policy Amendment – All Inspection and Maintenance Policies” Council approve OPTION 1 that due to the unprecedented burden that COVID-19 has placed on staff and resources, effective immediately, all inspection and maintenance policies that involve a proactive approach are converted to a reactive approach.

That inspections of assets such as sidewalks, roads, sanitary sewers, drainage systems and other capital assets and the services they provide for which a proactive inspection and maintenance policy exists; until further notice, will be initiated solely in response to complaints or in response to reports from staff who happen to become aware of an issue in the course of their other duties.

That timelines for response to a complaint mandated by any policy are no longer in effect; and,

That except for essential services and health and safety issues, any inspection or maintenance activities that cannot be performed while practicing safe physical distancing will be suspended until arrangements can be made to accommodate the orders and guidelines issued by the Province and the Provincial Health Officer. **[Recommended]**

**OPTION 2:** That Council defer approval of the Policy Amendment.

**OPTION 3:** That Council not approve the Policy Amendment.

Prepared by:

A handwritten signature in black ink, appearing to read "David W. Love", with a long horizontal flourish extending to the right.

David W. Love, CD, BA, LGM(Dip), MM, PE, PCAMP  
Senior Advisor, Strategic Initiatives



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

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**To:** Council

**File No.:** 6480-01

**From:** Chief Administrative Officer

**Date:** March 16, 2020

**Subject:** Short-term rental accommodations background report

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### **PURPOSE:**

The purpose of this report is to provide Council with general information on short-term rental accommodations for further consideration of regulatory options.

### **CAO RECOMMENDATION:**

THAT based on the March 16, 2020 staff report 'Short-term rental accommodations background report', Council determine the preferred regulatory approach for short-term rentals and direct staff to begin the process of developing regulations.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### **BACKGROUND:**

This report is prepared in response to Council's identification of 'short-term rental policy: research' as the second highest priority for the City in the "NOW" category of the November 2019 strategic priorities chart.

Short-term rental (STR) accommodations can generally be defined as a use of a dwelling unit, or one or more bedrooms in a dwelling unit, as temporary accommodation and rented out to users for less than one month or 29-30 nights. In 2018, 60% of global short-term rental supply was in urban area; 70% of properties were for a group of less than 2 or less people; and the average length of stay was 3 nights.

Hand in hand with the growth of the "sharing economy" STRs have grown in popularity in recent years as an alternative to traditional hotel stays. For instance, a study conducted by McGill University in 2017 indicates that Airbnb hosts in Canada's three largest metropolitan areas (Montreal, Toronto, Vancouver) earned a collective \$430 million in revenue in 2016, an average of \$5,310 per listing and a 55% increase over the year before. While the industry continues to grow and brings some benefits to communities, there may be associated costs to the City due to unregulated circumstances.

Like most similar sized municipalities STR accommodation exists in Courtenay, but it is not formally recognized in the City's current regulatory framework. In this regard, the City's Zoning Bylaw does not

explicitly address STRs, other than hotels and Bed and Breakfast (B&B). This lack of regulation makes it difficult for staff, operators and the community to understand if and where STR accommodations are permitted. Additionally, staff do not have the capacity to monitor the length of tenure (night/week/month) of rental homes or suites.

The exact number of STRs within the City is unknown, and it is difficult to identify due to lack of reliable sources of information. Staff estimate there are approximately 100 Airbnb rentals available in Courtenay based on map searches of the Airbnb and VRBO websites. Units range from full homes to single rooms.

In the past few years, the Development Services department staff have received roughly a dozen inquiries with respect to STR accommodations. The number is surprisingly low considering the popularity. The inquiries often relate to zoning and associated STR regulations. It is assumed most of the existing STR stock has been established without contacting the City. As such, and similar to illegal secondary suites, this can create a safety issue as units are not inspected for compliance with the health and safety standards of BC Building Code.

## **DISCUSSION:**

### **Common Perceptions**

Common concerns with STR accommodations vary but are generally summarized as the negative impacts on affordable housing supply; negative impacts on residential neighbourhood character and quality of life; and unfair competition with the hotel sector. The more commonly cited benefits of STRs include bolstering tourist accommodations and providing additional income for homeowners to offset mortgage costs. Regulatory approaches by local governments across the globe have attempted to address these issues. However, the regulations are variable and unique to the local circumstance.

In a 2018 study of select European and American Cities "*Regulating Airbnb: how cities deal with perceived negative externalities of short-term rentals*", Shirley Nieuwland & Rianne van Melik summarized the rationale behind STR regulations in the following table.

|              |   | Anaheim | Barcelona | New Orleans | Santa Monica | New York | San Francisco | Berlin | Amsterdam | Paris | Denver | London |
|--------------|---|---------|-----------|-------------|--------------|----------|---------------|--------|-----------|-------|--------|--------|
| Housing      | Protect Affordable Housing                  |         |           |             |              |          | ✓             | ✓      |           |       | ✓      |        |
|              | Protect Housing Supply                      |         | ✓         |             |              |          | ✓             |        |           |       |        | ✓      |
|              | Prevent Commercial STRs                     |         |           |             |              |          |               | ✓      |           |       |        | ✓      |
| Neighborhood | Preserve Residential Living & Neighborhoods |         |           |             |              |          | ✓             |        | ✓         | ✓     | ✓      |        |
|              | Protect Public Health & Welfare             | ✓       |           |             |              |          |               |        |           |       |        |        |
|              | Address Nuisance Issues                     | ✓       |           |             |              |          |               |        | ✓         |       |        |        |
|              | Ease Pressure of Tourism                    | ✓       | ✓         |             |              |          |               |        |           |       |        |        |
|              | Preserve Quality of Life                    | ✓       | ✓         |             |              |          |               |        |           |       |        |        |
|              | Preserve Balanced Mix of Uses               |         | ✓         |             |              |          |               |        |           | ✓     |        |        |
| Other        | Economic Interest / Taxation                |         |           |             |              |          |               |        | ✓         |       |        |        |
|              | Safety                                      | ✓       |           |             |              |          |               |        | ✓         |       |        |        |
|              | Create Level playing Field Hotel Industry   |         |           |             |              |          |               |        | ✓         |       | ✓      |        |
|              | Enforcement                                 |         |           |             |              |          |               |        | ✓         |       |        |        |

Impact on Long-Term Rental Accommodation Provision and Affordability

Since data has not officially been collected in the Comox Valley, it is difficult to definitively argue what the impacts of the increase of STR accommodations are. However, studies of larger urban centres appear to indicate negatively impacts to the availability of long-term rentals.

The CVRD is completing a Housing Needs Assessment. It is intended that this assessment will reveal new information regarding how short-term rental accommodations in the region impact the region’s long-term rental accommodation market.

As part of the response to challenges of affordable housing, regulation of short-term rental accommodation is becoming more common amongst local governments. Typical approaches include the requirement that the owner occupy the home and a cap on the number of days per year that a unit can be rented. These regulations generally aim to encourage owners to make units available year round in the form of long term rental leases and thereby increase the supply.

Impact on Neighbourhoods/Reported Nuisance Issue

There are very few nuisance complaints that have been reported to the City with respect to short-term rental accommodations. According to the Bylaw Enforcement division, the City has never received complaints related to short-term rental accommodation. However, as the STR sector continues to grow and the number of short-term rental accommodations increases, proactive approaches such as establishment of regulatory tools with clear definition may be of benefit for the City.

The Comox Valley Regional District (CVRD) staff have indicated they received a total of six (6) complaints in 2019, mostly during the summer months.

Requirements for the primary resident to occupy the home aim to reduce nuisance in neighbourhoods and prevent tenants from illegally listing the units as STRs.

### Unfair Competition with Hotels

#### Taxation

One of the common concerns raised by commercial hotel operators is the unfair tax burden they experience compared to STR operators. Some believe short-term accommodation operators do not pay taxes.

The BC government included online accommodation platforms (OAP) be enabled to collect Provincial Sales Tax (PST) in late 2018 under the Municipal and Regional District Tax (MRDT) originally introduced in 1987. The revenues are administered jointly by the Ministry of Finance, Ministry of Tourism, Arts and Culture, and Destination BC for local tourism marketing, programs and projects, and affordable housing projects. Operators of short-term rental accommodations are required to registered and pay appropriate provincial sales taxes under the BC legislation, unless exempted (i.e. only listed on an online accommodation platform that itself is registered to collect Provincial Sales Tax (PST) and MRDT or an accommodation earns less than \$2,500 in the previous 12 months are exempted). All short-term rental accommodations with in the City pays 2% of MRDT in addition to the 8% PST.

#### Business Licenses

Given the lack of regulation, the majority of STRs in the City are operating without a business licence. The current business licence bylaw does not provide a fee specific to STRs. As discussed in the background section when asked staff advise that licensing is done through the bed and breakfast category which is \$75.00 annually. Staff note that the owner must occupy the home to function as a bed and breakfast.

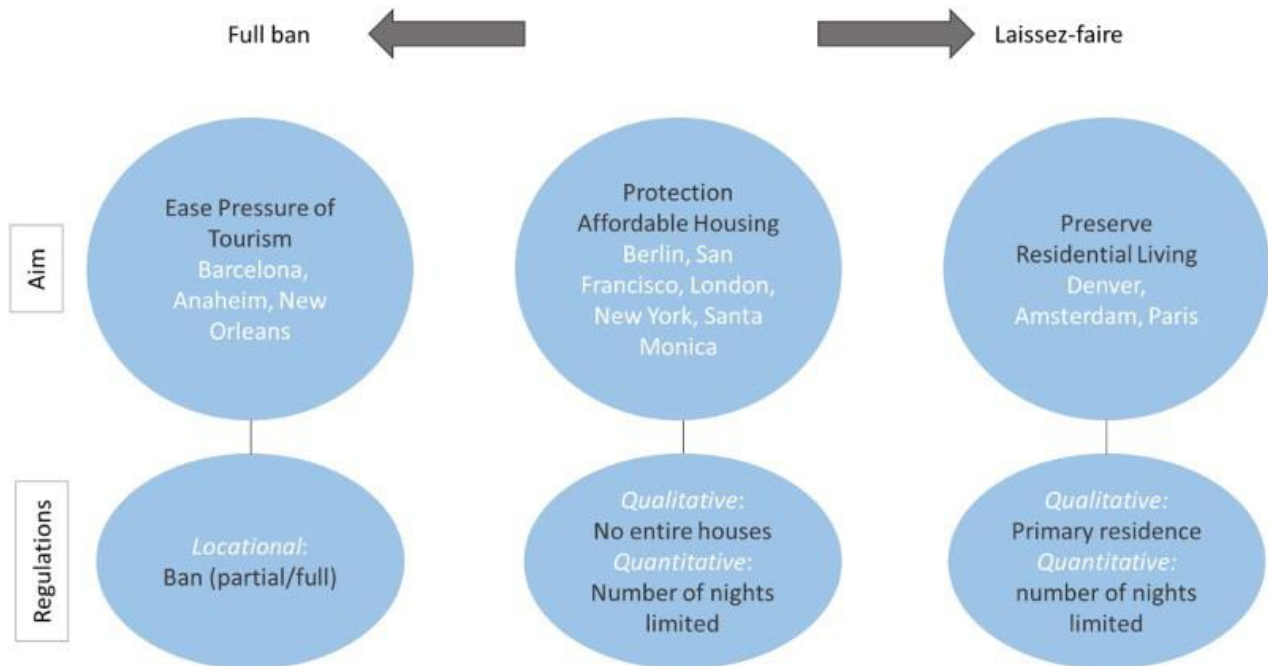
Rental buildings with 10 or more units are charge \$150 annually and those less than 10 units pay \$50. Renting out two units or less (e.g. secondary suite or secondary residence) are not charged a fee.

Staff note that some local governments charge business licence fees for all rental accommodation but have different rates for STR accommodations, depending on the circumstances of the STR.

### Recent Trends in Regulation

As noted above the regulatory framework for STRs varies widely depending on the local experience. The following diagram from the "Regulating Airbnb: how cities deal with perceived negative externalities of short-term rentals" article provides a visual representation of the spectrum of options.





Similarly a 2017 report by the Canadian Centre for Policy Alternatives’ Ontario office entitled “*Regulating Airbnb and the Short Term Rental Market – An overview of North American regulatory frameworks*” provides the following comparison of approaches. Of note this table was compiled before the implementation of the MRDT and PST on STRs in 2018.

Comparison of regulatory models across North America

|               | Licence/<br>registration | Restrictions<br>on number<br>of days | Primary<br>residence | Number of<br>homes<br>restricted | Hotel/<br>sales tax | Requirement of<br>safety/liability<br>insurance | Zoning |
|---------------|--------------------------|--------------------------------------|----------------------|----------------------------------|---------------------|---|--------|
| Anaheim       | ✓                        |                                      |                      |                                  |                     |   |        |
| Chicago       |                          | ✓                                    |                      |                                  | ✓                   |   |        |
| Denver        | ✓                        |                                      |                      |                                  |                     | ✓   | ✓      |
| Houston       |                          |                                      |                      |                                  | ✓                   |   |        |
| Las Vegas     | ✓                        |                                      |                      |                                  |                     |   |        |
| Louisville    | ✓                        |                                      |                      |                                  | ✓                   | ✓   |        |
| Miami Beach   | ✓                        |                                      |                      |                                  | ✓                   |   | ✓      |
| New Orleans   |                          |                                      |                      |                                  | ✓                   | ✓   |        |
| New York      | ✓                        | ✓                                    |                      |                                  |                     |   |        |
| Philadelphia  |                          | ✓                                    |                      |                                  | ✓                   |   | ✓      |
| Phoenix       | ✓                        |                                      |                      |                                  | ✓                   |   |        |
| Portland      | ✓                        |                                      |                      |                                  | ✓                   | ✓   |        |
| Quebec        | ✓                        |                                      |                      |                                  | ✓                   |   |        |
| San Francisco | ✓                        | ✓                                    |                      |                                  | ✓                   |   |        |
| Seattle       | ✓                        |                                      | ✓                    |                                  | ✓                   |   |        |
| Tofino        | ✓                        |                                      |                      |                                  |                     |   | ✓      |
| Toronto       | ✓                        |                                      | ✓                    |                                  | ✓                   | ✓   | ✓      |
| Vancouver     | ✓                        |                                      | ✓                    |                                  |                     |   |        |
| Whistler      | ✓                        |                                      |                      |                                  |                     |   |        |

## **British Columbia Context**

Staff research of BC communities has found the following regulatory approaches.

### **Major Cities and Popular Tourist Destinations**

|                                 | Regulatory Framework Snapshots   |
|---------------------------------|--|
| City of Vancouver               | <p>Principal residence, which is the home where primary residents live and secondary homes or basements suites if the operator lives there full-time are permitted.</p> <ul style="list-style-type: none"> <li>• Be an entire home, or a room within that home, that is rented for less than 30 consecutive days at a time</li> <li>• Only be operated from your principal residence – the home where you live, as an owner or tenant, and use for bills, identification, taxes, and insurance</li> <li>• Operators must have a business licence and include their licence number in all online listings and advertising</li> </ul>                                |
| City of Victoria                | <p>Victoria City Council passed short-term rental regulations in April 2018, with the full suite of enforcement taking effect in December 2018:</p> <ul style="list-style-type: none"> <li>• Short term rentals are rentals under 30 days and include those listed on online platforms</li> <li>• Short Term Rental are allowed in principal residences only, either within a dwelling unit while the occupant is present, or in the whole home on occasion, for example when the normal resident is on vacation</li> <li>• Short term rentals are permitted as a home occupation in single family dwellings</li> <li>• Business Licences are mandatory</li> </ul> |
| District of Tofino              | <p>The district have been regulating short-term rentals since 2016.</p> <ul style="list-style-type: none"> <li>• Short-term rentals are defined as rentals for a period of less than one month</li> <li>• Short-term rentals are allowed in the R1, R4, RA1, RA2, RA3, A1, A2, A3, A4, and CD(EL) zones as well as the Fred Tibbs condos</li> <li>• Owners or operators of Short-term rentals are required to hold valid business licences</li> </ul>  |
| Resort Municipality of Ucluelet | <ul style="list-style-type: none"> <li>• Typical short term rentals are defined as vacation rentals and regulated by the Zoning Bylaw.</li> <li>• A valid business licence is required</li> </ul>  |

### **Neighbouring Municipalities**

City staff conducted phone and email interviews to collect information from neighbouring municipalities.

| <b>Municipality</b>            | <b>Current Status</b>  |
|--------------------------------|--|
| Comox Valley Regional District | <p>Currently not regulated. Similar use is defined as an agri-tourism accommodation cabin and they are permitted only in certain zones. No amendment to the Zoning Bylaw is currently planned.</p> |

|                        |  |
|------------------------|--|
| Town of Comox          | <p>Currently there are no regulations specific to short-term rentals. Staff are directed to prepare a report to Council regarding:</p> <ul style="list-style-type: none"> <li>• Options for local government provision of affordable housing;</li> <li>• Options for the use of rental zoning; and</li> <li>• Impact of short term rentals on the supply of affordable housing, including an allowance for rental of primary units.</li> </ul>   |
| Village of Cumberland  | <p>Staff are directed by Council to wait until the Housing Needs Assessment is completed before looking at possibly amending the Zoning Bylaw to further regulate vacation rentals</p>   |
| City of Campbell River | <p>Staff are in contact with the planning department. Formal response is not yet received.</p>   |
| City of Parksville     | <p>Short term vacation rentals are regulated as if they were “bed and breakfast” operations and are limited to the following:</p> <ul style="list-style-type: none"> <li>• contained within a single family dwelling</li> <li>• operated by the owner/occupant of the dwelling</li> <li>• limited to two rooms within the dwelling (the entire dwelling may not be used for short term rentals)</li> <li>• limited to four guests maximum at any one time</li> <li>• provide one additional off street parking space for each room rented</li> <li>• operator must obtain a business licence to operate in the city and must renew the licence annually</li> <li>• if the dwelling contains a secondary suite, no short term rental is permitted in the single family dwelling or the secondary suite</li> <li>• if the property contains a carriage house, the carriage house may not be used for short term rental purposes</li> </ul> |
| Qualicum Beach         | <p>Council direct staff to prepare a report for the legalization, monitoring and enforcement of short-term vacation rentals in residential areas of Qualicum Beach.</p>  |
| City of Nanaimo        | <p>The City’s Zoning Bylaw and Business License regulations are currently under reviewed. A public open house was held in November 2019 and the public comments were collected. Further information is not yet available.</p>  |

**Summary**

At present short-term rental accommodations are not considered a problem from a bylaw enforcement perspective. However, the lack of regulation makes it difficult for staff to provide clear direction when they receive an inquiry regarding STRs and while data is not available there is an assumed negative impact on the provision of long term rental units.

As outlined there is an array of regulatory options to consider should Council wish to purpose a more formal approach. As the number is growing each year in the community, some clarification will certainly assist both the public and operators in understanding parameters of short-term rental accommodations.

**ADMINISTRATIVE IMPLICATIONS:**

Development Services department staff spent approximately 25 hours conducting interviews with neighbouring municipalities and organizations, collecting information, researching, and writing the report.

**FINANCIAL IMPLICATIONS:**

There are no direct financial implications at this time.

**ASSET MANAGEMENT IMPLICATIONS:**

There are no direct asset management implications at this time.

**2019 - 2022 STRATEGIC PRIORITIES REFERENCE:**

**November 2019 Strategic Priority Chart**

- Short Term Rental Policy: Research (NOW)
- Housing Need Assessment (NEXT)

**Strategic Priorities 2019 - 2022**

**We proactively plan & invest in our natural & built environment**

- ▲ Support social, economic and environmental sustainability solutions

**We support diversity in housing & reasoned land use planning**

- Complete an update of the City's OCP and Zoning Bylaw

**OFFICIAL COMMUNITY PLAN REFERENCE:**

Not specifically referenced but the project aligns with the current work on updating the OCP.

**REGIONAL GROWTH STRATEGY REFERENCE:**

Not referenced.

**CITIZEN/PUBLIC ENGAGEMENT:**

As a background research report there has been no public engagement at this time. Should Council direct staff to proceed with new regulation staff will **"consult"** based on the IAP2 Spectrum of Public Participation.

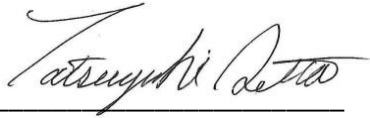
**OPTIONS:**

- OPTION 1: THAT based on the March 16, 2020 staff report 'Short-term rental accommodations background report', Council determine the preferred regulatory approach for short-term rentals and direct staff to begin the process of developing regulations.  
**(Recommended)**

OPTION 2: THAT Council defer making decisions on this matter until the completion of the OCP.

OPTION 3: THAT Council not pursue the regulation of short term rental accommodation.

Prepared by:



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Tatsuyuki Setta, MCIP, RPP  
Manager of Community and Sustainability Planning

Reviewed by:



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Ian Buck, MCIP, RPP  
Director of Development Services





## STAFF REPORT

**To:** Council

**File No.:** 4320-20

**From:** Chief Administrative Officer

**Date:** June 1<sup>st</sup>, 2020

**Subject:** Permanent Change to Liquor Licence Application (Crown Isle Golf Club) – 399 Clubhouse Drive

### PURPOSE:

The purpose of the report is to obtain Council direction to request public input with respect to Crown Isle Golf Club's application for a permanent change to expand the hours of service for a liquor primary licence at the above referenced business location, allowing the Timber Room Pub and its patio to open at 9:00am.

### CAO RECOMMENDATIONS:

That based on the June 1<sup>st</sup>, 2020 staff report, "Permanent Change to Liquor Licence Application (Crown Isle Golf Club) - 399 Clubhouse Drive", Council approve OPTION 1 and direct staff to publish notice on the City's website requesting public input on Crown Isle Golf Club's proposed permanent change to a liquor primary licence application.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The applicant is making application for a permanent change to their existing liquor licence to the Liquor & Cannabis Regulation Branch (LCRB) for the property at 399 Clubhouse Drive. The proposed change is to increase the hours of operation for the liquor primary licensed area to open at 9:00am daily to allow service of beverages such as coffee with liqueur, mimosas and Caesars. The license includes a 105-person patio, a 75-patron interior space, a 12-patron interior space, and two beverage carts. The subject pub and patio are located at the rear of the clubhouse building (**Figure 1**) and currently has permitted hours of operation of 11:00am to 1:00am (midnight Sundays).



Figure 1. Context

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

**DISCUSSION:**

The subject location is zoned Comprehensive Development One B (CD-1B), which permits the intended use. The applicant is not proposing to make changes or alterations to the building and is not subject to development permit requirements.

The total number of patrons and seating is not expected to change (**Figure 2**). The patio is located at the southwest corner of the building, backing onto the golf course but largely unscreened from residences starting about 100m away. The earlier opening hours could increase noise nuisance for some of these residents; however, much of the patio in question had until recently been allowed to open at 9:00am under a previous food primary licence, and 9:00am-11:00am noise is expected to be minimal.

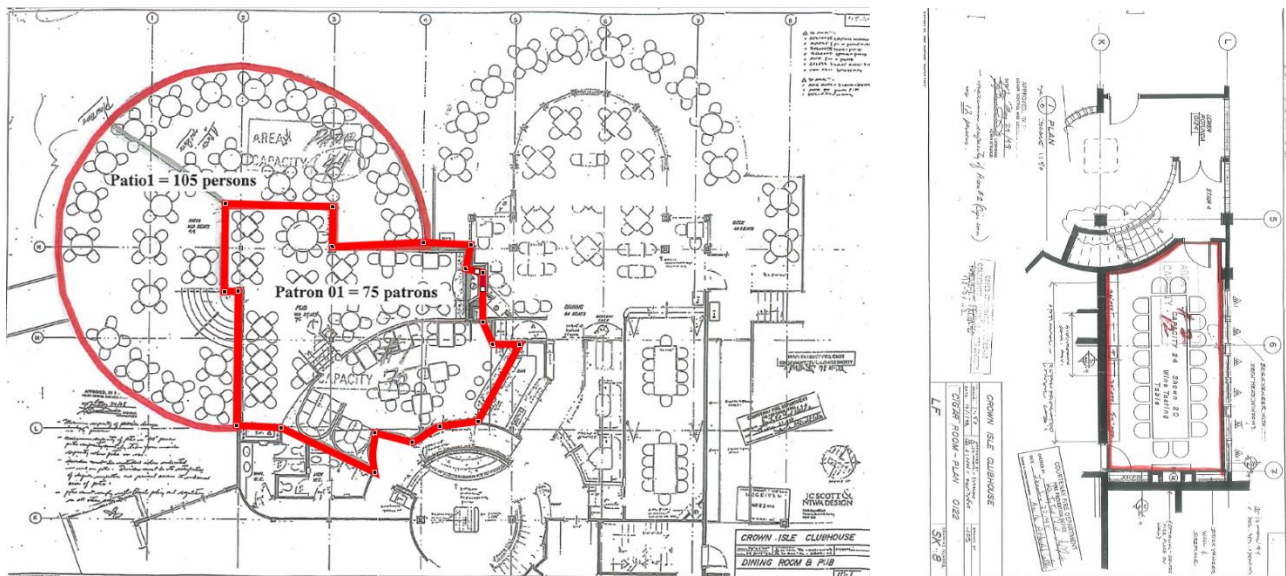


Figure 2. Plans

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

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



- (iii) in the case of an application that involves a lounge or special event area endorsement, the impact of noise on the community in the immediate vicinity of the location of the service area under the endorsement,
  - (iv) the general impact on the community,
- (c) if the local government or first nation has gathered the views of residents under section 38 (3) (c) of the Act, the comments must include
- (i) the views of the residents, and
  - (ii) a description of the method used to gather those views;
- (d) the recommendations must include whether the application should be approved or rejected; and
- (e) the recommendations must include the reasons on which they are based.

With respect to the requirement in section 38 (3) (c) of the *Liquor Control and Licensing Act*, the current practice is to advertise a notice on the City's website. Staff consider that it will satisfy the requirements of the LCRB. Once Council receives public input on the application, a resolution addressing these points will be forwarded to the LCRB for final consideration.

**FINANCIAL IMPLICATIONS:**

There is no direct financial implication related to this application. The application fee for all types of liquor licence applications is \$500 plus GST.

**ADMINISTRATIVE IMPLICATIONS:**

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

**ASSET MANAGEMENT IMPLICATIONS:**

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

**2019 – 2022 STRATEGIC PRIORITIES REFERENCE:**

The November 2019 Strategic Priorities Check-in does not include any additional relevant references.



We focus on organizational & governance excellence

- Communicate appropriately with our community in all decisions we make
- Responsibly provide services at levels which the people we serve are willing to pay

● **Area of Control**

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

**OFFICIAL COMMUNITY PLAN REFERENCE:**

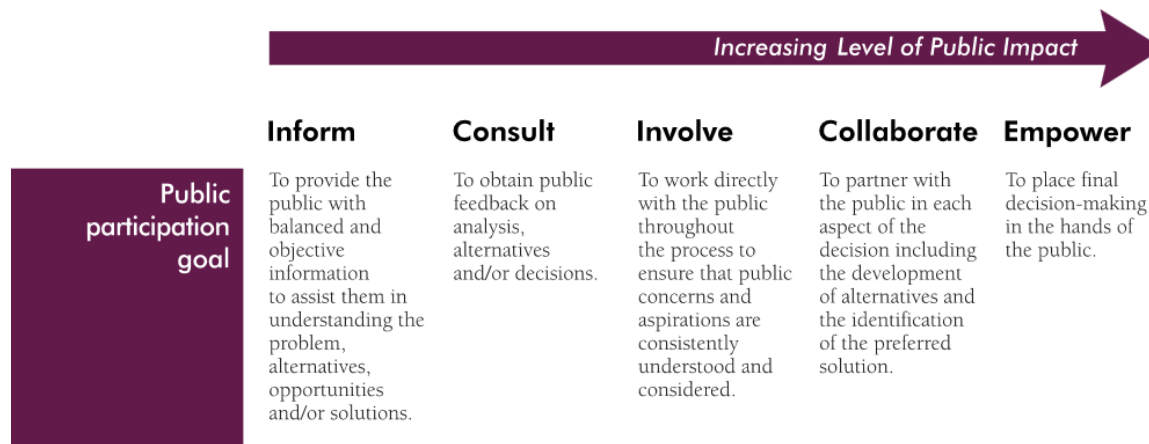
There is no direct reference related to this application.

**REGIONAL GROWTH STRATEGY REFERENCE:**

There is no direct reference related to this application.

**CITIZEN/PUBLIC ENGAGEMENT:**

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



The public comment gathering period will be open between June 2<sup>nd</sup> and June 15<sup>th</sup>, 2020 on the City's website. Any comments received from the public and the standard referral procedure will be attached to the staff report for Council's final consideration at a future Council meeting.

**OPTIONS:**

- Option 1: Direct staff to publish notice on the City's website requesting public input on the proposed permanent change to a liquor primary licence for Council consideration at a future meeting. **(Recommended)**
- Option 2: Direct staff to obtain public input through an alternative method.
- Option 3: Direct staff not to proceed with the application and advise the LCLB that the City does not support the request.

Prepared by:

Mike Grimsrud  
Planner 2

Reviewed by:

Ian Buck, MCIP, RPP  
Director of Development Services



## STAFF REPORT

To: Council

File No.: 3060-20-1906

From: Chief Administrative Officer

Date: June 1, 2020

Subject: Development Permit with Variances No. 1906 – 925 Braidwood Road

### PURPOSE:

The purpose of this report is for Council to consider a Development Permit with Variances to allow the construction of a five-storey senior care facility at 925 Braidwood Road with variances to building and fence height and landscape screen height.

### CAO RECOMMENDATIONS:

That based on the June 1<sup>st</sup>, 2020 staff report “Development Permit with Variances No. 1906 - 925 Braidwood Road” Council approve OPTION 1 and proceed with issuing Development Permit with Variances No. 1906.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The subject property is located on Braidwood Road between Old Island Highway and Back Road, legally described as Lot 8, Section 16, Comox District, Plan 6065 Except Part in Plan 1149RW (925 Braidwood Road). It was rezoned Residential Four A (R-4A) to facilitate construction of a senior’s facility consisting of a mix of independent living units, assisted living units and memory care units as well as associated facilities. The zoning amendment bylaw was adopted by Council February 18<sup>th</sup>, 2020.

The rezoning application was first read by Council December 17<sup>th</sup>, 2018, after which the applicant, at the request of Council, explored an option to add a public walkway by reducing the building footprint and adding a fifth storey. This five-storey design presented in the revised application and

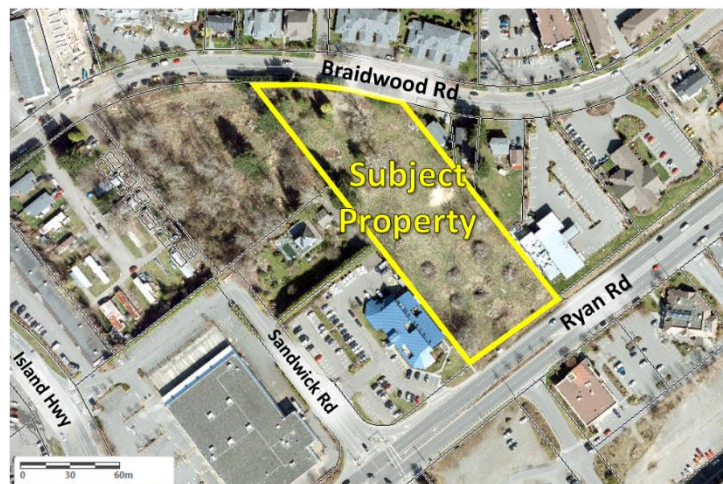


Figure 1. Location Map

ultimately approved by Council closely resembles that which is presented herein for variance approval and form and character consideration.

The property borders Ryan Road to the southeast; an RCMP station, a single family home and a new five-storey apartment building to the southwest, Braidwood Road to the north; and three single family homes and a restaurant to the northwest (**Figure 1**). The public walkway will be a three-metre road dedication along the northwest property line, as required by Covenant CA7889996 that was registered as a condition of rezoning. **Figure 2** below shows the Ryan Road frontage now and with the proposed development. **Figure 3** shows the site plan with context.



Figure 2. Ryan Road Present Frontage (left); Proposed Façade (right)

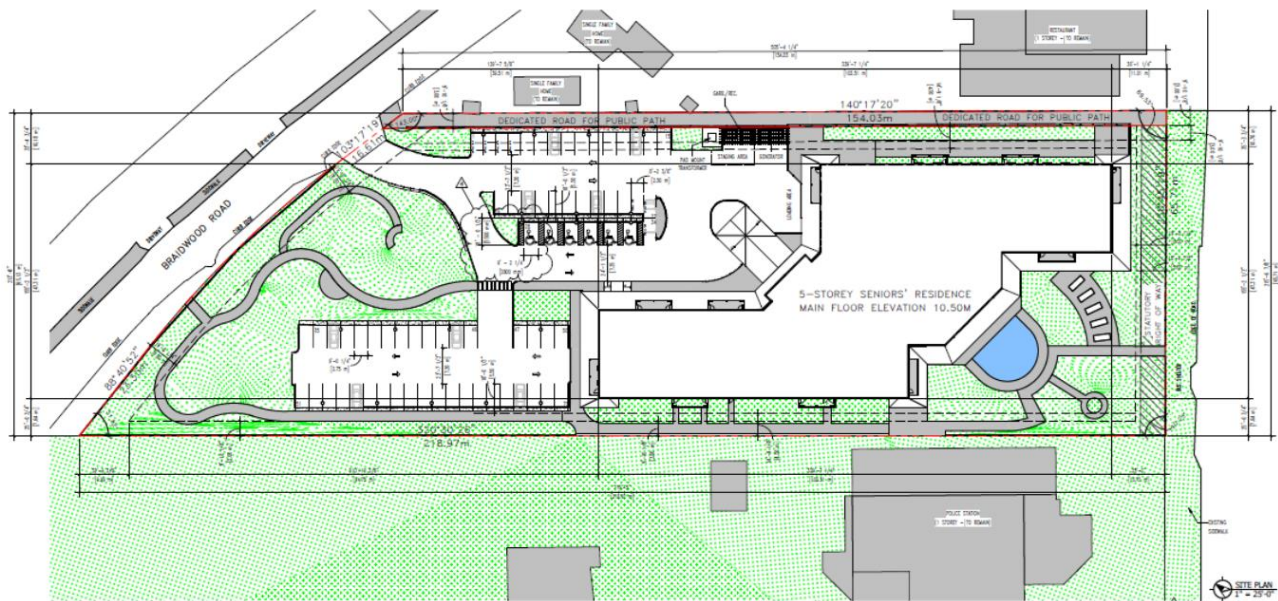


Figure 3. Site Plan

**DISCUSSION:**

Zoning Review

The proposed development will meet the provisions of the Residential Four A (R-4A) zone with the exception of *Sections 6.8.2, 8.4.16 and 8.4.20(1)* summarized below. **Table 1** below shows zoning requirements and proposed development specifications.



Table 1. Bylaw Requirements and Proposed Specifications

| Bylaw 2500, 2007 Section | Attribute  | Requirement  | Proposed                           |
|--------------------------|--|--|------------------------------------|
| <b>6.8.2</b>             | <b>Side Yard Fence Height Max</b>                | <b>2.0m</b>  | <b>3.5m*</b>                       |
| 8.4.11                   | Permitted Uses                                   | Care Facility  | Care Facility                      |
| 8.4.14                   | Max. Floor Area Ratio                            | 1.0 (care facility)  | 1.0 (excluding public path)        |
| 8.4.15 (1)               | Front Setback                                    | 6.0m   | >6.0m                              |
| 8.4.15 (2)               | Rear Setback                                     | 6.0m   | >6.0m                              |
| 8.4.15 (3)               | Side Setback                                     | 3.0m   | >3.0m                              |
| <b>8.4.16</b>            | <b>Max. Building Height</b>                      | <b>14.0m</b>   | <b>19.2m**</b>                     |
| <b>8.4.20 (1)</b>        | <b>Min. Landscape Screening Width and Height</b> | 3.0m width, <b>3.0m height</b>   | >3.0m width; <b>0m height</b>      |
| 8.4.20 (2)               | Min. Landscape Street Buffer                     | 7.5m Ryan Rd; 4.5m Braidwood Rd.   | 7.9m Ryan Rd.; >4.5m Braidwood Rd. |
| 7.1.2(1) Schedule 7A     | Parking Spaces                                   | 71 spaces:<br>Institutional care facility: 59 beds @ 1 per 3 bed = 20;<br>Residential care facility: 101 units @ 0.5 per unit = 51 | 71 spaces                          |
| 8.4.20 (2)               | Parking Min. Dimensions                          | 5.5m X 2.75m   | 5.5m X 2.75m                       |

\*3.5m maximum, includes retaining wall height

\*\*19.2 as measured from grade at front of building including some allowance for builder error; 18.73m actual drawn height

## Variances

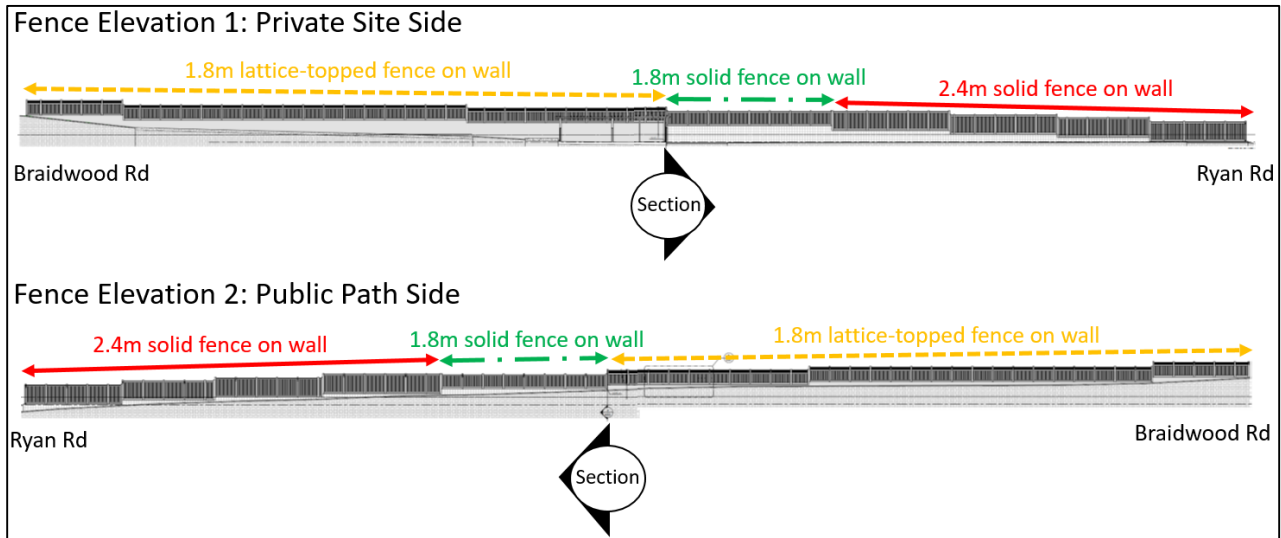
### **Building Height**

The proposed development requires a variance to allow an increase of the maximum building height to 19.2m from 14.0m. The building is planned to be 18.73m in height; the applicant requests a variance up to 19.2m to allow for a margin of error for construction. A fifth storey was added to the proposal during rezoning in order to add the public pathway along the northwest side of property and maintain the desired density and required space for parking and outdoor amenity, adding about 3.25m in height to the original 4-storey plan. Also the long, relatively narrow lot slopes down about 4m from Braidwood Road to Ryan Road which is considered the front property line for zoning purposes. While the building will have a substantial presence on Ryan Road, the proposal is consistent with the plan proposed at zoning and from finished grade is 2.88m (9'4") more than the approximately 15.85m height of the 5 storey, 911 Braidwood Road residential development adjacent.

### **Fence Height**

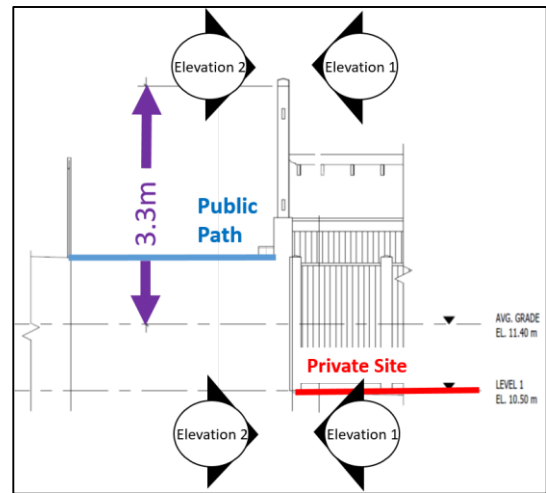
The side yard fence height along the public walkway on the northeast side requires a variance to allow a maximum height of 3.5m, as measured to the average elevation within 1.0m on either side of the fence.

This is intended to facilitate a 2.44m (8') security fence for the memory care wandering garden and a 1.83m (6') privacy fence atop a retaining wall varying in height along the balance of the lot line (**Figures 4 and 5**).



**Figure 4. Fence and Retaining Wall Elevations and Section**

The Zoning Bylaw No. 2500 Section 6.8.2 maximum is 2.0m. The fence is planned to be a maximum of 3.3m in height; the applicant requests to round up to 3.5m to allow for a margin of error for construction and property grading. The taller security fence is needed to prevent memory care residents from climbing out of the wandering garden. The retaining wall needs to be tall near the middle of the lot to maintain the natural elevation on the public walkway, to avoid damaging roots of trees on a neighbouring property, and for reduced elevation on the subject property side to the building.



**Figure 5. Fence and Retaining Wall Section (max. height at pergola and garbage/generator enclosure)**

At the Braidwood Road end the fence will be regulation height, it will be topped with lattice for a more open feel over half its length, and its tallest point (near the middle) appears less than 2.5m tall including lattice on the public side. Toward Ryan Road, the solid memory care fencing reaches as high as 3.2m (10.5') on the public side; however, the fence on the adjacent property is chain-link bringing some openness, the walkway will be lit every 7.3m (24'), and the walkway is a formalization of an important active transportation link previously achieved through trespassing. Details for each fence type are included on **Attachment No. 2 Schedule No. 2**.

**Landscape Screen Height**

The landscape screen height along the southwest side of the property (adjacent to the RCMP building) requires a variance to allow screening as low as 0.0m, to facilitate context-appropriate fencing and landscaping. The Zoning Bylaw No. 2500 Section 8.4.20(1) minimum is 3.0m is width *and height*, and the

proposal complies only with width. Effective landscaping screening is provided along the parking lot and the open area to the rear and front of the building, but not along the property line alongside the building. Here plants that may reach one to two metres grow along the building wall in foundation plantings and a private path runs along the property line. A 1.2m split rail fence, intended as a friendly, open, psychological barrier, is used across the front yard as well as along the southwest side lot line bordering the police station and the 911 Braidwood apartment building. This allows more light into the site, and is also thought to improve security through only partially obstructed sightlines. A 1.8m lattice-topped wood fence is planned for the portion bordering the 276 Sandwick Road residential property, which with a line of Beech trees along half its length balances the eight-foot screen request by the homeowner during the rezoning with the ambiance of the aforementioned split rail.

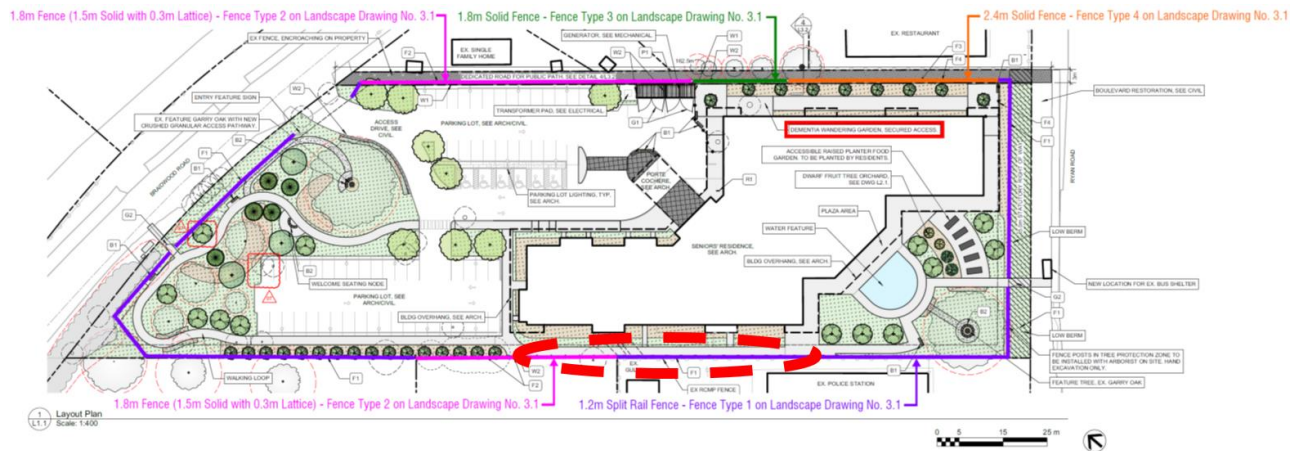


Figure 6. Landscape Plan – landscape screen requiring height variance shown with thick red dash

**Development Services assesses the requested variances as supportable.**

Multi Residential Development Permit Guidelines

**Form and Character**

The building and site design is consistent with the direction established in the Multi-Residential Development Permit Guidelines. At five storeys and a floor area ratio of 1.0, the building is large and prominent on Ryan Road; however, more than half of the façade is recessed 22-41m (72-135’) which breaks up the massing and avoids a box-like appearance. The building shape and orientation affords most suites mountain views. A pedestrian level veranda on the Ryan Road side adds some stepping to further reduce boxiness and add visual interest, as does a stepped pattern of cladding. Balconies and awnings add articulation and contrast to the solid synthetic stone chimney-like portion of façades. The Braidwood Road side features most of the same elements, but with a porte-cochere rather than a large veranda, and the building is further recessed and set back from the street more than 75m at its closest point. Rooftop mechanical equipment is screened by parapets; the flat roof is also articulated by ornamental gables.

Finish is largely a textured cladding with fibre cement trim, synthetic stone along the base of the building, cedar-looking columns and truss forms, and natural brown/red metal roofing, intended to give a sense of resiliency and durability in subdued yet cheerful tones. The metal roofing and cladding tie in with the police station and adjacent restaurant building, respectively, while balconies and gables add more residential design elements. Multi Residential and Multi Residential Buildings Above 3 Storeys development permit area checklists are included in **Attachment No. 3**, along with a written statement on conformance to the Sustainability Evaluation Checklist and the Affordable Housing Policy.

***Landscaping and Parking***

A detailed landscape plan was submitted for this application and forms part of the attached draft development permit (***Attachment No. 2 Schedule No. 2***). It is consistent with development permit guidelines and indicates that the site will be well landscaped with plants, open spaces, internal pathways, rest areas and other features. Age and ability-appropriate recreational areas include a curvilinear walking trail in the front through a mix of mature and new trees and gardens, an open lawn space in the back with a water feature and dwarf fruit tree orchard, and a secure memory care wandering garden on the northeast side. The walking trail connects to Braidwood Road and to internal pathways through parking areas, around the building (with security gates for the memory care area), through and around the rear open space and to a bus shelter on Ryan Road. The front and back gardens each retain a feature Garry Oak tree; site-wide existing native trees are retained as much as possible. Tree removal activities will be reviewed for approval under a separate tree cutting permit.

Seventy-one parking spaces are provided, all outdoor, including six convenient spaces for people with a disability and seven small car spaces, all arranged into two landscape-screened groupings accessed from Braidwood Road. All parking will be paved and dust-free and two Level 2 electric vehicle charging stations will be provided, with additional charging stations planned to follow at a future time.

***Lighting and Signage***

Outdoor lighting will be Full-Cut Off/Flat Lens per the City's Dark Skies Policy. Proposed lighting for the public walkway as located on the landscape plan is detailed at the end of ***Attachment No. 3***. Signage will be reviewed for approval under a separate sign permit.

**FINANCIAL IMPLICATIONS:**

City and Regional District Development Cost Charges are applicable to this project. The total amount of these charges will be finalized at the time of building permit issuance.

**ADMINISTRATIVE IMPLICATIONS:**

The processing of development applications is included in the current work plan as a statutory component. Staff has spent 80 hours reviewing the application to date. If approved, there will be approximately one additional hour of staff time required to prepare the notice of permit, have it registered on title and close the file. Additional staff time will be required for processing and issuing a building permit and related inspections.

**ASSET MANAGEMENT IMPLICATIONS:**

The City will inherit:

- New pedestrian pathway connecting Braidwood Road with Ryan Road built per City Standards
- Upgraded frontage along Ryan Road and Braidwood Road per Subdivision and Development Servicing Bylaw No. 2919, 2018



### **2019 – 2022 STRATEGIC PRIORITIES REFERENCE:**

The November 2019 Strategic Priorities Check-in does not include any additional relevant references.

▲■ Identify and support opportunities for lower cost housing and advocate for senior government support

●▲ Encourage and support housing diversity

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

#### **Residential Policy:**

4.4.2 (3) Support the development of housing options for seniors.

4.4.2 (5) Ensure the provision and integration of special needs and affordable housing.

4.4.2 (8) Ensure all new development includes the provision of amenities including buffer areas along major roads, neighbourhood parks, sidewalks and trails, and public facilities.

4.4.3 City supports the designation of multi residential housing in a variety of locations to avoid large concentrations of the same type of housing in one area and to help provide more diversity within neighbourhoods. In this regard,

(a) Multi residential limited in size and scale outside of downtown

(b) the multi residential description is subject to the following criteria:

- should include sufficient amenity space for the recreational needs of the development
- have access to schools, parks, walkways, transit and complementary commercial/ service uses
- provide adequate buffer areas from major roads and adjacent land uses

#### **Parks Policy:**

4.6.5 (6) Native vegetation should be preserved, protected and retained within the greenway areas and replaced where feasible.

#### **Climate Change Policy:**

Objective 1 (4): The City will reduce the ratio of parking for new developments within its jurisdiction.

Objective 5 (4): The City will review and amend all landscaping policies for all land uses to promote naturoscaping principles to screen and protect sensitive ecosystems, control and direct surface run-off and ensure that only plant species native or non-invasive to Courtenay are used.

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

The proposed development is consistent with the following Regional Growth Strategy policies: locating housing close to existing services, directing new residential development to Core Settlement Areas; directing higher density developments to Municipal Areas and increasing housing opportunities within existing residential areas in Core Settlement Areas by encouraging multi-family infill developments.

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

Public consultation, including a public hearing, was held in relation to the development at the time of rezoning. As the proposal is substantially similar to the plans presented in advance of the public hearing additional neighbourhood consultation is not required with this application.

**OPTIONS:**

**OPTION 1: (Recommended):** Approve Development Permit with Variances No. 1906.

**OPTION 2:** Defer consideration of Development Permit with Variances No. 1906 pending receipt of further information.

**OPTION 3:** Not approve Development Permit with Variances No. 1906.

Prepared by:



---

Mike Grimsrud  
Planner 2

Reviewed by:



---

Ian Buck, MCIP, RPP  
Director of Development Services

*Attachments:*

- 1. Attachment No. 1: Application Rationale*
- 2. Attachment No. 2: Draft Development Permit No. 1906*
- 3. Attachment No. 4: Additional Materials*

**Attachment No. 1: Application Rationale**

**JM Architecture Inc.**

Registered in BC | AB  
Joe M. Minten principal  
Architect AIBC | AAA | MRAIC

May 30, 2019

The Atrium At Braidwood ~ 925 Braidwood Road

**Design Rationale**

**General Description:**

The Atrium at Braidwood is a multi-unit seniors residence providing independent living and care to all seniors. There are 100 units of independent living, 14 units dedicated to memory care and 47 units providing assisted living care within the building.

The proposed five-storey building shall be constructed of non-combustible materials throughout and protected by a fire suppression (sprinkler) system and a monitored fire alarm system to meet the most current British Columbia Building Code (2018 edition) regulations.

Pursuant to the Official Community Plan and current Zoning By-laws which regulate the development of all such projects the following description shall provide the reader a design overview of the project as it relates to the OCP guidelines for multi-residential buildings.

The project site is located within zone 5 Commercial Area as noted in Map 5 Development Permit Areas. Although currently zoned as C-2A for Commercial Two A use. There is a rezoning application currently being processed to R4A with specific amendments to suit the proposed development.

OCP: 8.5 Multi-Residential Guidelines

**Form + Character**



The Atrium at Braidwood is located at the transition of commercial and residential development areas which generally inform both its context and form. As a residence for seniors the building is proposed to reflect strong traditional values through recognizable traditional residential forms such as verandahs, wood like columns, sloped and gabled roofs with timber like truss forms. These are also forms and character seen throughout the greater Courtenay area residential neighbourhoods as evident in a few snap shot views of areas in Courtenay.

The materials used evoke a sense of resilience and durability are stone, shingles, Hardie panel, steel and glass and the colours are both subdued and cheerful. In combination we feel there is a strong sense of respect to community and individual character which harmonizes well to its immediate surroundings.



Bldg 4 -15243 91<sup>st</sup> Avenue  
Surrey, B.C. V3R 8P8  
604 583-2003 -T  
[joe@jmarchitecture.ca](mailto:joe@jmarchitecture.ca) - E

**JM Architecture Inc.**

Registered in BC | AB  
 Joe M. Minten principal  
 Architect AIBC | AAA | MRAIC

The building fronts on to Braidwood Road by means of a curved access driveway which echoes the topographic contours of the site. A landscaped front yard with paths and trees invite users and guests to the front entry Porte Cochere and interior of the residence. Existing trees are retained where possible and manicured to present an informal screen to the surface parking areas and a welcoming view to the entrance of the building.

The building layout represents two functional wings sheared from each other and shifted to form a long building mass which reduces the apparent bulk of the building as well as providing individual landscape zones on the site. By shifting the form in this manner the building presents a more comfortable relationship to its immediate neighbours and to the community at large. As seen from Ryan Road the building atrium is quite evident and very inviting - creating a vibrant and energetic face to the commercial neighbours opposite the street.

Internally the atrium unites all three floors of the care units and provides a dynamic atmosphere within the complex.

**Building Height**

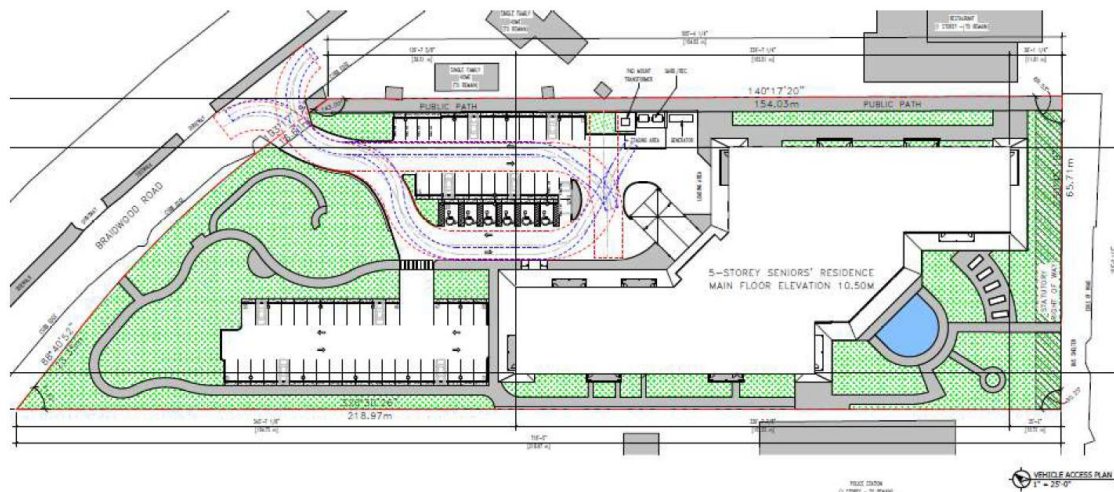
The proposed height is set to 5 storeys as defined in the rezoning application.

**Signage**

A freestanding sign will be proposed at the Development Permit phase and most likely be located to the west of the entry drive. the form and character of the sign shall be integrated to the character of the residence and shall not exceed 2.0m in height.

**Siting, Landscaping and Screening**

The siting of the proposed building has been carefully designed to ensure harmony with the neighbouring properties, internal security of its residents, and adherence to zoning by-laws. The reader shall also reference landscape plans and civil plans which illustrate planting plans, paths and grading/ drainage for the development.



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 Surrey, B.C. V3R 8P8  
 604 583-2003 -T  
[joe@jmarchitecture.ca](mailto:joe@jmarchitecture.ca) - E

**JM Architecture Inc.**

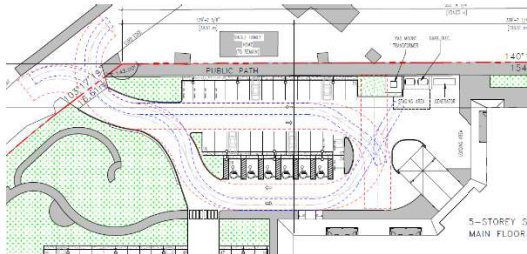
Registered in BC | AB  
Joe M. Minten principal  
Architect AIBC | AAA | MRAIC

**Lighting**

Site lighting shall respect the night sky and restrict spread to adjacent lots. Security and safety shall be the guiding principles for selection of fixtures to be presented at the DP phase.

**Parking**

All parking is located at the surface and to the front of the building. There are two 'pods' of parking which respect the contours of the site as well as lessen the visual impact of the paved areas. All accessible parking spaces are located nearest the front entry of the building. There is a drop off zone under the Porte Cochere and a temporary bus/taxi zone is also next to the Porte Cochere. All emergency and service vehicles have easy access to the building entry points as illustrated in the plan below.



Pedestrian routes from the street to the building and to Ryan street have been defined and provide safe and easy access residents and guests.

end of document  
Author:

Joe Minten Architect AIBC | AAA | MRAIC  
principal

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2019-05-30





May 14, 2020

**Re: Rationale Letter for Additional Variance Requests on DPwV1906-925 Braidwood**

**Project:** *Atrium at Braidwood*  
**Location:** *925 Braidwood Road*  
**Owner:** *Courtenay Braidwood General Partnership Inc.*  
**Developer:** *Altiveris Developments Inc.*

To whom it may concern:

Please accept this letter as our rationale for 2 additional variances that we are requesting for the above-mentioned project. During the Zoning Amendment process, our request for a variance on Building Height was addressed – as we redesigned the building and site, in order to provide the City with a Road Dedication and construct a Public Path along the northeast property line – as requested by City Council, and in order for us to get Zoning Amendment approval. During the Development Permit review process, it was discovered that 2 additional variances would be required, in order for the project to receive Development Permit approval – 1. Height of Fence, and 2. Height of Screening.

---

1. Height of Fence

We are requesting that a variance be added to our Development Permit application to address the maximum height of the fence and retaining wall combination along the northeast property line of our site. In order for us to get Zoning Amendment approval, we were required by Council to dedicate to the City, a 3m strip of land along the northeast side of our site, and build a public path at our cost. At that time, we expressed concerns for the safety, security, and privacy of our residents – so agreed to the public path, as long as we were allowed to build solid fence between what will be the City-owned public path, and our property.

This is particularly important along approximately 1/3 of the fence's length, as it would be dividing the public path on one side, and on the other side, a secure "wandering garden" for our Memory Care residents. These residents are living with various forms of dementia that require a secure environment to keep them safe,

and a calm environment to keep them from getting anxious and potentially agitated. So along this section in particular, the fence needs to be high enough on the public side to make it less easy for members of the public to unintentionally, or intentionally, disturb our Memory Care residents. On the Memory Care side of the fence, we also require that the fence be non-climbable, and a minimum of 2.4m in height. Most of the remaining 2/3 of the length of the fence – that is not adjacent to the Memory Care wandering garden – is 1.5m of solid fence with 0.3m of lattice on top, with a relatively short section that is 1.8m solid fence (no lattice).

Please refer to the attachment to this letter entitled - 2020-05-21 Markups of - Landscape Plans DP Application 3360-20-1813 (2020.05.14).pdf – which I have more clearly highlighted the locations of the different fence types on the Layout Plan on Sheet L1.1, and which relate to the fence and retaining wall details on Sheet L3.1.

Because of the grade change along the northeast edge of the property, a retaining wall is required, and therefore the fence must sit on top of the retaining wall. This creates different height conditions for the combined retaining wall and fence along the entire length, and in some locations, very different height conditions on one side of the fence vs. the other side. As per the bylaw, the average grade was used to determine the greatest differential between the top of fence and the average grade. On our July 25, 2019 DP Addendum 2 submission, we included sheet A301 in the Architectural set, that illustrated the greatest differential being approximately 3.3m. In an email sent to Tatsuyuki Setta on July 26, I stated – *“In case there is a difference in height – because of unforeseen conditions once the wall and fence are installed – we have requested that the variance be for 3.5m.”*

Please refer to the attachment to this letter entitled - 2020-05-21 Markup of Sheet A301 from Architecture DP (Addendum 4). pdf – which I have more clearly highlighted the changes in the fence and retaining wall elevations, and the determination of height for the variance request.

With respect to the safety and security of the public using the City’s path, we have included in our budget, the supply and installation of LED path lighting mounted on the fence. The other side of the public path is bordered by existing chain link fence on neighbouring residential properties, and one neighbouring commercial property, so the path is not hidden from view of these neighbouring properties. Please note however, that a portion of the chain link fence along the residential properties will need to be relocated, as it presently encroaches on the development property.

## 2. Height of Screening

With respect to the southwest property line – in our Development Permit application, we had proposed a 1.8m fence (1.5m solid with 0.3m lattice) on the property line adjoining with the single family residence / heritage home at 276 Sandwich Road, as was requested by the homeowner at the Public Information Meeting that we held during the Zoning Amendment process. As this home is at an elevation approximately 1.5m less than the elevation of the shared property line, I don’t think that a fence twice as high as the one proposed would be warranted.

With respect to the balance of the southwest property line (side yard), and the front and rear yards – with exceptions for openings for vehicle or pedestrian access – we had proposed in in our Zoning Amendment and DP applications, a “friendlier” split rail fence approximately 1.2m high to act more as a “psychological barrier”, and less of a physical barrier or screen – therefore allowing more light penetration on our site, and the adjoining RCMP site at 800 Ryan Road, and the new 5-storey apartment building site at 911 Braidwood Road. For security reasons, I think that it is also beneficial for us, and the RCMP site, and apartment building site, to have view lines into and out of these sites that are not impeded by a 3m visual screen.

Please refer to the attachment to this letter entitled - 2020-05-21 Markups of - Landscape Plans DP Application 3360-20-1813 (2020.05.14).pdf – which I have more clearly highlighted the locations of the different fence types on the Layout Plan on Sheet L1.1, and which relate to the fence and retaining wall details on Sheet L3.1.

---

Thank you for your consideration, and we look forward to the opportunity to bring this significant project, and new seniors’ residence, to the City of Courtenay.

Sincerely,



Bob Armeneau

President – Courtenay Braidwood General Partnership Inc.

President – Altiveris Developments Inc.

Contact: bob.armeneau@altiveris.com



**Attachment No. 2: Draft Development Permit No. 1906****THE CORPORATION OF THE CITY OF COURTENAY****Permit No.** DPV 1906**DEVELOPMENT PERMIT WITH VARIANCES**

June 1, 2020

**To issue a Development Permit with Variances****To:**

Name: Sussex Retirement Living (2015) Inc.  
Address: #114, 1101 Prince of Wales Drive  
Ottawa, ON K2C 3W7

**Property to which permit refers:**

Legal: Lot 8, Section 16, Comox District, Plan 6065 Except Part in Plan 1149RW  
Civic: 925 Braidwood Road

**Conditions of Permit:**

Permit issued to permit construction of a five-storey senior care facility on the above referenced property with variances granted as described below:

**Variances to Zoning Bylaw No. 2500, 2007:**

*Section 6.8.2 – Side Yard Fence Height from a maximum of 2.0m to 3.5m.*

*Section 8.4.16 – Maximum Building Height from a maximum of 14.0m to 19.2m.*

*Section 8.4.20 (1) – Landscaped Screen, Fence or Combination Thereof Height from a minimum of 3.0m to a minimum of 0.0m.*

Development Permit with Variance No. 1906 is also subject to the following conditions:

1. The development shall be substantially consistent with the plans as shown in **Schedule No. 1**, as designed by JM Architecture Inc., dated May 22, 2020;
2. That landscaping shall be in substantial conformance with the plans and specifications contained in **Schedule No. 2**, as designed by Lanarc 2015 Consultants, Ltd., dated May 22, 2020;
3. Submission of landscape security in the amount of \$942,238.75 (\$753,791 x 125%) is required, as contained in **Schedule No. 3**, as estimated by Lanarc 2015 Consultants, Ltd., dated May 29, 2019;
4. Landscaping must be completed within one year of the date of issuance of the occupancy permit by the City;
5. The minimum depth of topsoil or amended organic soil on all landscaped areas is to be as follows:  
shrubs – 450mm; groundcover and grass – 300 mm; and trees -300 mm.

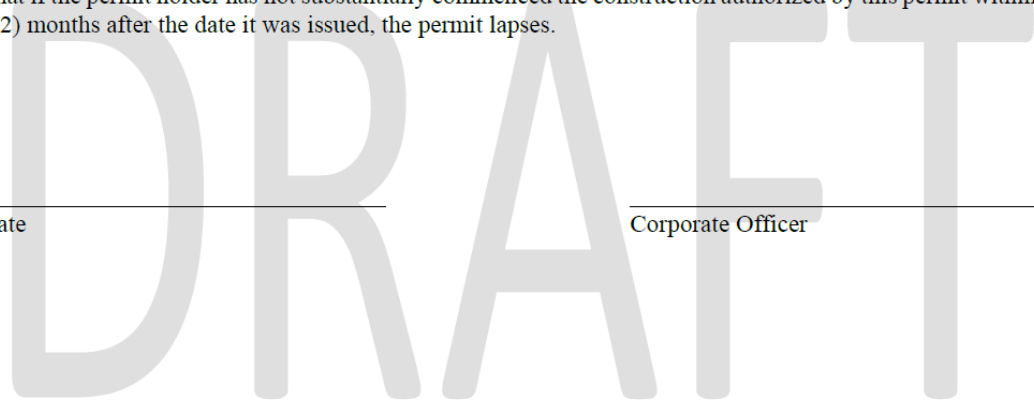
- 6. All new street lighting in the proposed development must use Full Cut Off/Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas, as well as the dedicated public walkway. Exterior building lighting must have FCO lighting fixtures;
- 7. A minimum of two Level 2 electric vehicle charging stations shall be provided onsite;
- 8. Any removal of trees on the property requires a Tree Cutting Permit;
- 9. Development must comply with protected species tree retention and protection per the Arborist report by Walter Ernst dated May 29, 2019.
- 10. A sign permit shall be obtained prior to any signage being installed on the property;
- 11. The development shall meet all other applicable requirements, standards and guidelines; and
- 12. No alterations or amendments shall be made without the City's permission. A formal amendment application is required if the plans change or additional variances are identified after the permit is issued.

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Corporate Officer









DPV1906

Schedule No.1: Plans & Elevations  
 Page 3 of 8

| Material                   | Color    |
|----------------------------|----------|
| 1. HORIZONTAL MATERIALS    | 1.05.002 |
| 2. SYNTHETIC STONE         | 2.01.005 |
| 3. ASYMMETRIC WOOD ELEMENT | 3.01.001 |
| 4. METAL SYSTEM            | 4.01.001 |
| 5. CLAY TILE               | 5.01.001 |
| 6. CLAY TILE               | 6.01.001 |
| 7. METAL SYSTEM            | 7.01.001 |
| 8. ALUMINUM PANEL          | 8.01.001 |
| 9. ALUMINUM PANEL          | 9.01.001 |

**OPERATIONAL INFORMATION**

DATE: 2019-07-01

PROJECT: ATRUM RETIREMENT LIVING

CLIENT: SUSSEX DEVELOPMENTS

ARCHITECT: J.M. ARCHITECTURE INC.

**DISCLAIMER**

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DPV1906

Schedule No.1: Plans & Elevations  
Page 4 of 8













DPV1906

Schedule No.1: Plans & Elevations

Page 8 of 8



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| NO. | DATE    | DESCRIPTION        | BY  |
|-----|---------|--------------------|-----|
| 1   | 2018-07 | ISSUED FOR PERMITS | APD |

START DATE: 2018-07  
PROJECT NO.: 1906  
JOB NO.: 1906  
SCALE:  
ADDRESS LINE:



**3D VIEWS**  
1 1 2018-07 A900

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| NO. | DATE    | DESCRIPTION        | BY  |
|-----|---------|--------------------|-----|
| 1   | 2018-07 | ISSUED FOR PERMITS | APD |

START DATE: 2018-07  
PROJECT NO.: 1906  
JOB NO.: 1906  
SCALE:  
ADDRESS LINE:

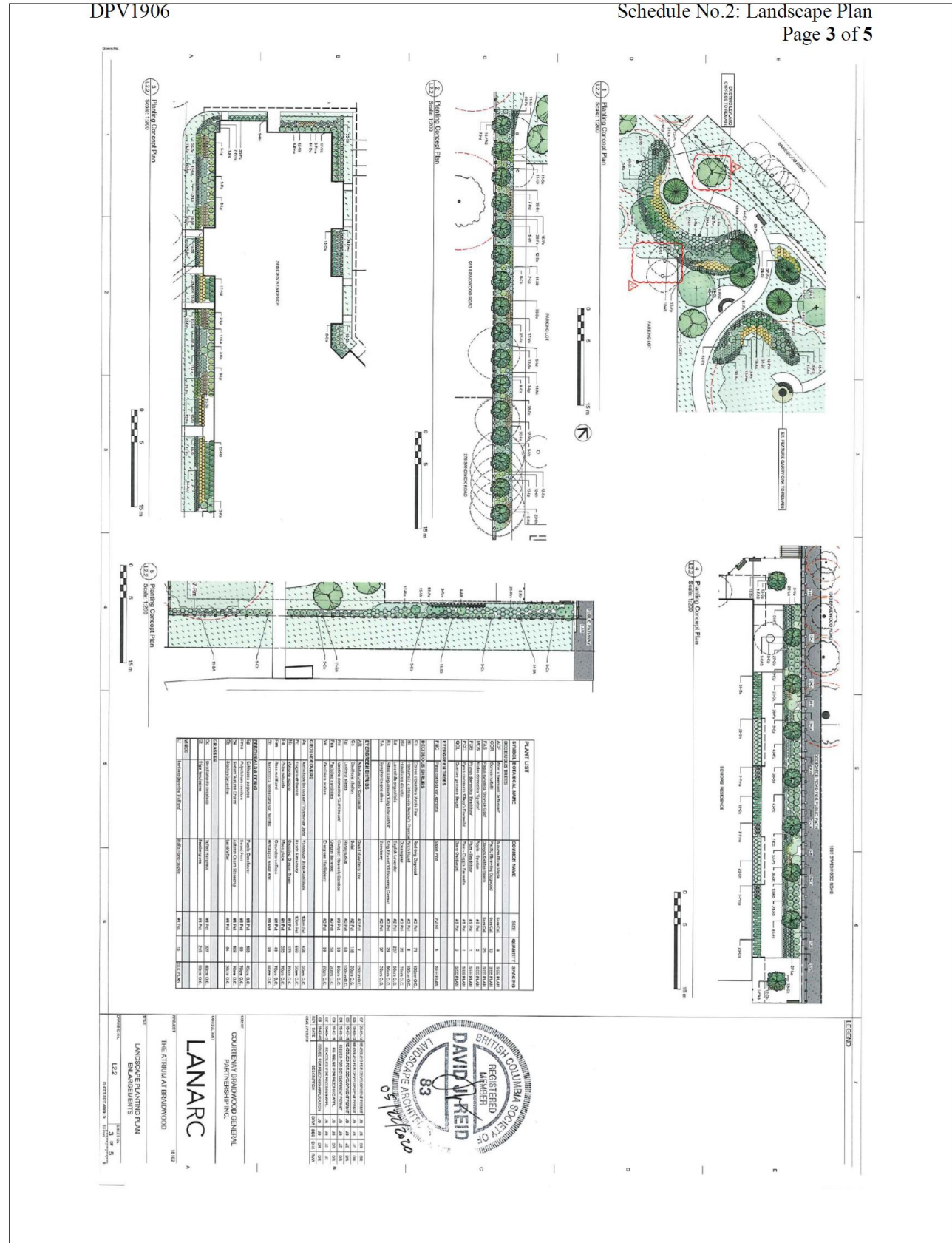


**3D VIEWS**  
1 1 2018-07 A900



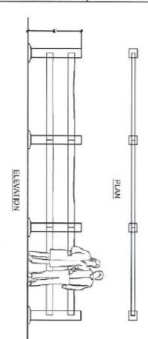






DPV1906 Schedule No.2: Landscape Plan  
Page 4 of 5

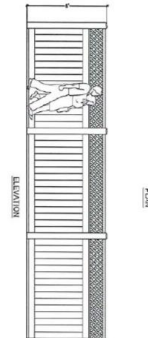
**1 FENCE TYPE 1: CEDAR SPLIT RAIL FENCE**



**NOTES:**

1. ALL WOOD TO BE WESTERN RED CEDAR OR YELLOW CEDAR. FENCE FROM FINISH AND MOIST TO BE LOCALLY SOURCED WHEN AVAILABLE.
2. HEAVY CEDAR SPLIT RAIL POSTS: 4" DIA. x 8' LONG x 8" DIA. x 8' LONG.
3. RAILING TO BE 2" x 4" x 8' LONG x 8" DIA. x 8' LONG.
4. RAILS TO BE 2" x 4" x 8' LONG x 8" DIA. x 8' LONG.
5. RAILS TO BE 2" x 4" x 8' LONG x 8" DIA. x 8' LONG.
6. RAILS TO BE 2" x 4" x 8' LONG x 8" DIA. x 8' LONG.
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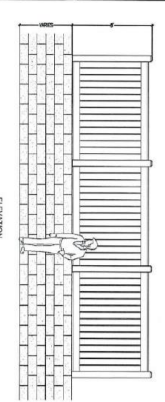
**2 FENCE TYPE 2: CEDAR PRIVACY FENCE W/ LATTICE**



**NOTES:**

1. ALL WOOD TO BE WESTERN RED CEDAR OR YELLOW CEDAR.
2. FENCE TO BE 6' HIGH.
3. FENCE TO BE 4" ON CENTER.
4. FENCE TO BE 4" ON CENTER.
5. FENCE TO BE 4" ON CENTER.
6. FENCE TO BE 4" ON CENTER.
7. FENCE TO BE 4" ON CENTER.
8. FENCE TO BE 4" ON CENTER.
9. FENCE TO BE 4" ON CENTER.
10. FENCE TO BE 4" ON CENTER.

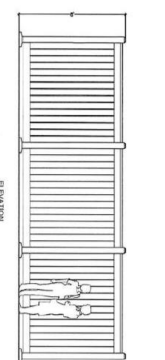
**3 FENCE TYPE 3: CEDAR PRIVACY FENCE w/ BLOCK WALL**



**NOTES:**

1. ALL WOOD TO BE WESTERN RED CEDAR OR YELLOW CEDAR.
2. FENCE TO BE 6' HIGH.
3. FENCE TO BE 4" ON CENTER.
4. FENCE TO BE 4" ON CENTER.
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10. FENCE TO BE 4" ON CENTER.


**4 FENCE TYPE 4: CEDAR PRIVACY FENCE**



**NOTES:**

1. ALL WOOD TO BE WESTERN RED CEDAR OR YELLOW CEDAR.
2. FENCE TO BE 6' HIGH.
3. FENCE TO BE 4" ON CENTER.
4. FENCE TO BE 4" ON CENTER.
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7. FENCE TO BE 4" ON CENTER.
8. FENCE TO BE 4" ON CENTER.
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10. FENCE TO BE 4" ON CENTER.


**5 WALL TYPE 1: CURB CONCRETE RETAINING WALL**



**NOTES:**

1. CURB IN PLACE ABOVE RETAINING WALL.
2. RETAINING WALL TO BE 4' HIGH.
3. RETAINING WALL TO BE 4' HIGH.
4. RETAINING WALL TO BE 4' HIGH.
5. RETAINING WALL TO BE 4' HIGH.
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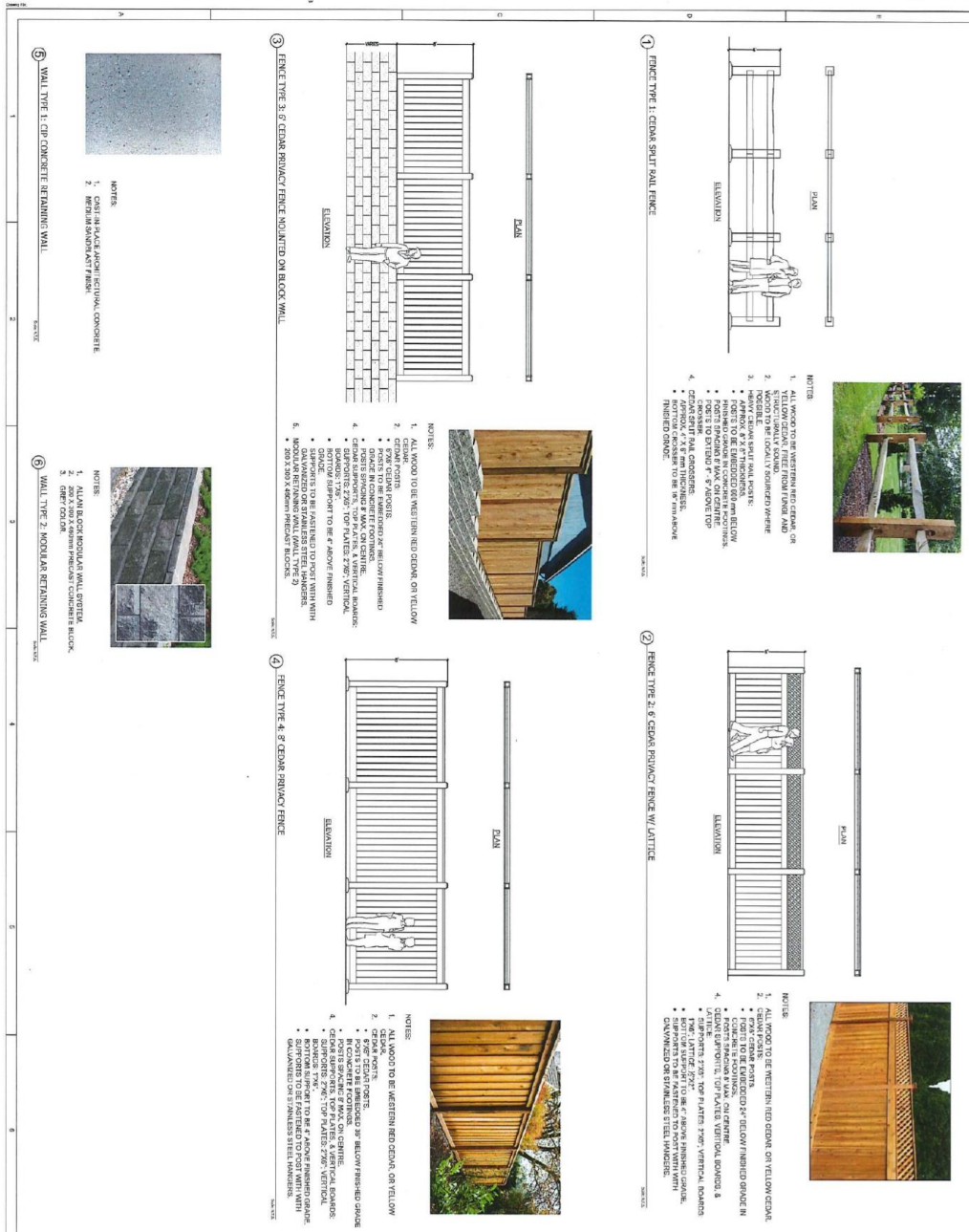
**6 WALL TYPE 2: MODULAR RETAINING WALL**



**NOTES:**

1. ALL WALLS TO BE MODULAR RETAINING WALL.
2. WALL TO BE 4' HIGH.
3. WALL TO BE 4' HIGH.
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10. WALL TO BE 4' HIGH.

**7 LANDSCAPE**



**LEGEND**

|    |     |     |     |     |     |     |
|----|-----|-----|-----|-----|-----|-----|
| 1  | 2   | 3   | 4   | 5   | 6   | 7   |
| 8  | 9   | 10  | 11  | 12  | 13  | 14  |
| 15 | 16  | 17  | 18  | 19  | 20  | 21  |
| 22 | 23  | 24  | 25  | 26  | 27  | 28  |
| 29 | 30  | 31  | 32  | 33  | 34  | 35  |
| 36 | 37  | 38  | 39  | 40  | 41  | 42  |
| 43 | 44  | 45  | 46  | 47  | 48  | 49  |
| 50 | 51  | 52  | 53  | 54  | 55  | 56  |
| 57 | 58  | 59  | 60  | 61  | 62  | 63  |
| 64 | 65  | 66  | 67  | 68  | 69  | 70  |
| 71 | 72  | 73  | 74  | 75  | 76  | 77  |
| 78 | 79  | 80  | 81  | 82  | 83  | 84  |
| 85 | 86  | 87  | 88  | 89  | 90  | 91  |
| 92 | 93  | 94  | 95  | 96  | 97  | 98  |
| 99 | 100 | 101 | 102 | 103 | 104 | 105 |

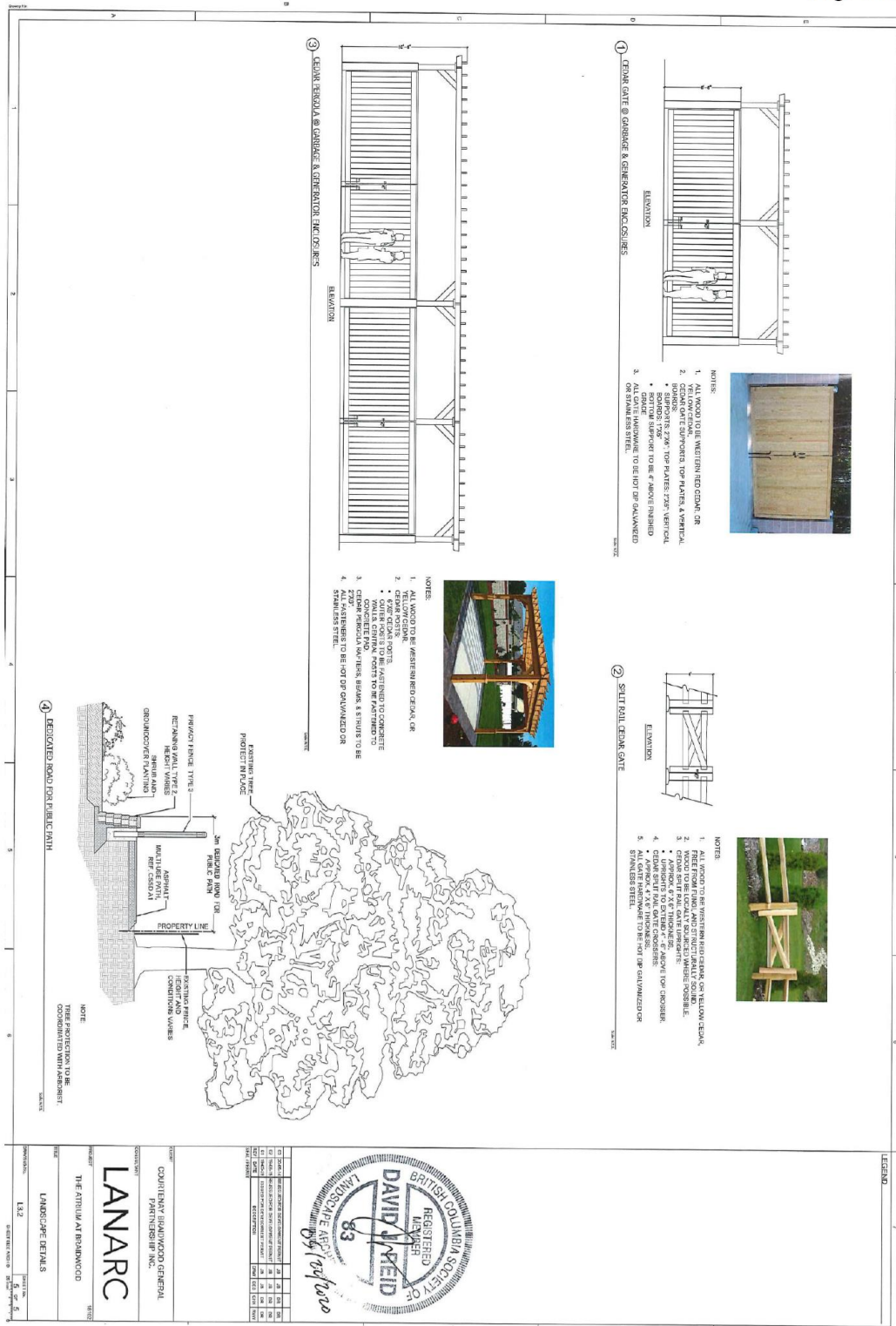
**LANARC**  
 LANDSCAPE ARCHITECTS  
 THE ATTORNEY AT BURNABY  
 1000  
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**DAVID FREID**  
 REGISTERED MEMBER  
 BRITISH COLUMBIA SOCIETY OF  
 LANDSCAPE ARCHITECTS  
 6/1/2020



DPV1906

Schedule No.2: Landscape Plan  
 Page 5 of 5



DPV1906

Schedule No.3: Landscape Cost Estimate

Page 1 of 1

**Cost Estimate - Landscape Concept Plan**

May 29, 2019

**The Atrium at Braidwood**

Lanarc 2015 Consultants Ltd.

Development Permit Application - Schedule of Items & Descriptions  
 LANDSCAPE BUDGET ESTIMATE

| REF No.                                  | ITEM                | DESCRIPTION   | UNIT           | QUANTITY | UNIT COST | TOTAL                |
|--|---------------------|---|----------------|----------|-----------|----------------------|
| <b>1. HARD LANDSCAPE - PAVING</b>        |                     |   |                |          |           |                      |
| 1.1                                      | Pedestrian Paving A | CIP Concrete, non-vehicle bearing                                 | m <sup>2</sup> | 1840     | \$ 90.00  | \$ 165,600.00        |
| 1.2                                      | Pedestrian Paving B | Crushed Granular Paving, non-vehicle bearing to feature Garry oak | m <sup>2</sup> | 87       | \$ 55.00  | \$ 4,785.00          |
| 1.3                                      | Pedestrian Paving C | Feature paving areas  | m <sup>2</sup> | 125      | \$ 140.00 | \$ 17,500.00         |
| <b>Subtotal, HARD LANDSCAPE - Paving</b> |                     |   |                |          |           | <b>\$ 187,885.00</b> |

|   |                               |   |           |   |              |                     |
|---|-------------------------------|---|-----------|---|--------------|---------------------|
| <b>2. HARD LANDSCAPE - FORM &amp; FEATURES</b>        |                               |   |           |   |              |                     |
| 2.1   | Water Feature                 | Ornamental Display                        | allowance | 1 | \$ 50,000.00 | \$ 50,000.00        |
| 2.2   | Entry feature at Braidwood Rd | Entry signage, with boulders and planting | LS        | 1 | \$ 10,000.00 | \$ 10,000.00        |
| <b>Subtotal, HARD LANDSCAPE - Form &amp; Features</b> |                               |   |           |   |              | <b>\$ 60,000.00</b> |

|                                 |   |  |                |      |           |                      |
|---------------------------------|---|--|----------------|------|-----------|----------------------|
| <b>3. SOFT LANDSCAPE</b>        |   |  |                |      |           |                      |
| 3.1                             | Growing Medium - shrub and groundcover planting areas | 400 mm Average Depth after settlement (450mm depth for shrub areas, 300mm for groundcover areas) | m <sup>2</sup> | 398  | \$ 80.00  | \$ 31,872.00         |
| 3.2                             | Growing Medium - seeding areas                        | 300mm Depth after compaction and settlement  | m <sup>2</sup> | 819  | \$ 75.00  | \$ 61,425.00         |
| 3.3                             | "Structural Soil Growing Medium                       | fill areas in tree protection zones, 300mm Depth (supply & install)"                             | m <sup>2</sup> | 16   | \$ 100.00 | \$ 1,600.00          |
| 3.4                             | Mulch for Planted Areas                               | 75mm Depth after settlement, as per City of Courtenay specifications                             | m <sup>2</sup> | 80   | \$ 90.00  | \$ 7,209.00          |
| 3.5                             | Large Deciduous Tree                                  | 60mm cal., #5 Pot, incl. supply, installation & compost  | ea             | 44   | \$ 600.00 | \$ 26,400.00         |
| 3.6                             | Dwarf Fruit Tree                                      | incl. supply, installation & compost   | ea             | 4    | \$ 100.00 | \$ 400.00            |
| 3.7                             | Large Evergreen Tree                                  | 2m height, incl. supply, installation & compost  | ea             | 6    | \$ 300.00 | \$ 1,800.00          |
| 3.8                             | Shrub & Groundcover Planting                          | combination of native and drought tolerant plants (+/- 35% of soft landscape area)               | m <sup>2</sup> | 996  | \$ 57.50  | \$ 57,270.00         |
| 3.9                             | Lawn Seeding  | grass mix seeding and establishment (+/- 65% of soft landscape area)                             | m <sup>2</sup> | 2730 | \$ 5.00   | \$ 13,650.00         |
| 3.10                            | Berm along Ryan Road                                  | grading  | m <sup>2</sup> | 534  | \$ 2.50   | \$ 1,335.00          |
| <b>Subtotal, SOFT LANDSCAPE</b> |   |  |                |      |           | <b>\$ 202,961.00</b> |

|                                   |   |   |      |     |              |                      |
|-----------------------------------|---|---|------|-----|--------------|----------------------|
| <b>4. SITE FURNISHINGS</b>        |   |   |      |     |              |                      |
| 4.1                               | Bench (free-standing)                   | 1800mm length   | ea   | 9   | \$ 1,800.00  | \$ 16,200.00         |
| 4.2                               | Circular Bench                          | 2000mm diameter, embedment mount  | ea   | 3   | \$ 3,000.00  | \$ 9,000.00          |
| 4.3                               | Bicycle Rack                            | Accommodates 2-bicycles per rack, steel, powdercoated finish, embedment mount                           | ea   | 1   | \$ 1,000.00  | \$ 1,000.00          |
| 4.4                               | Accessible Raised Planter               | Cedar structure, 800mm height, 400mm depth topsoil over 400mm depth 20mm dia. Non-compacted washed rock | each | 5   | \$ 1,200.00  | \$ 6,000.00          |
| 4.5                               | Garbage & Generator Enclosure Screening | Masonry Concrete back and side walls, 2m height, 31 l.m., c/w with cedar trellis cover, gate            | LS   | 1   | \$ 20,000.00 | \$ 20,000.00         |
| 4.6                               | Fence Type 1                            | Cedar post and rail, 4' height  | l.m. | 285 | \$ 60.00     | \$ 17,100.00         |
| 4.7                               | Fence Type 2                            | Cedar privacy fencing with visually permeable lattice at top, 6' height                                 | l.m. | 122 | \$ 150.00    | \$ 18,300.00         |
| 4.8                               | Fence Type 3                            | Cedar privacy fencing, non-climbable, 6' height   | l.m. | 53  | \$ 150.00    | \$ 7,950.00          |
| 4.9                               | Fence Type 4                            | Cedar privacy fencing, non-climbable, 8' height   | l.m. | 41  | \$ 230.00    | \$ 9,430.00          |
| 4.10                              | Retaining Wall Type 1                   | CIP concrete retaining wall, medium sandblast finish, 2m avg. height                                    | l.m. | 80  | \$ 1,020.00  | \$ 81,600.00         |
| 4.11                              | Retaining Wall Type 2                   | Allan Block modular retaining wall system, 1m avg. height   | l.m. | 161 | \$ 250.00    | \$ 40,250.00         |
| <b>Subtotal, SITE FURNISHINGS</b> |   |   |      |     |              | <b>\$ 226,830.00</b> |

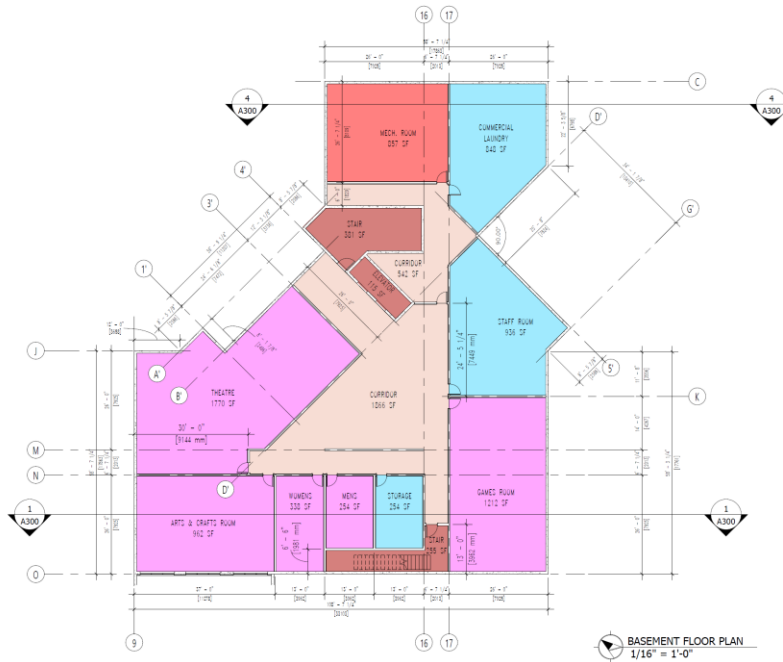
|   |                      |  |                |      |              |                     |
|---|----------------------|--|----------------|------|--------------|---------------------|
| <b>5. LANDSCAPE MAINTENANCE &amp; IRRIGATION</b>        |                      |  |                |      |              |                     |
| 5.1   | Permanent Irrigation | Irrigation distribution piping, heads, complete automatic system | m <sup>2</sup> | 3741 | \$ 15.00     | \$ 56,115.00        |
| 5.2   | 1-Year Maintenance   |  | LS             | 1    | \$ 20,000.00 | \$ 20,000.00        |
| <b>Subtotal, LANDSCAPE MAINTENANCE &amp; IRRIGATION</b> |                      |  |                |      |              | <b>\$ 76,115.00</b> |

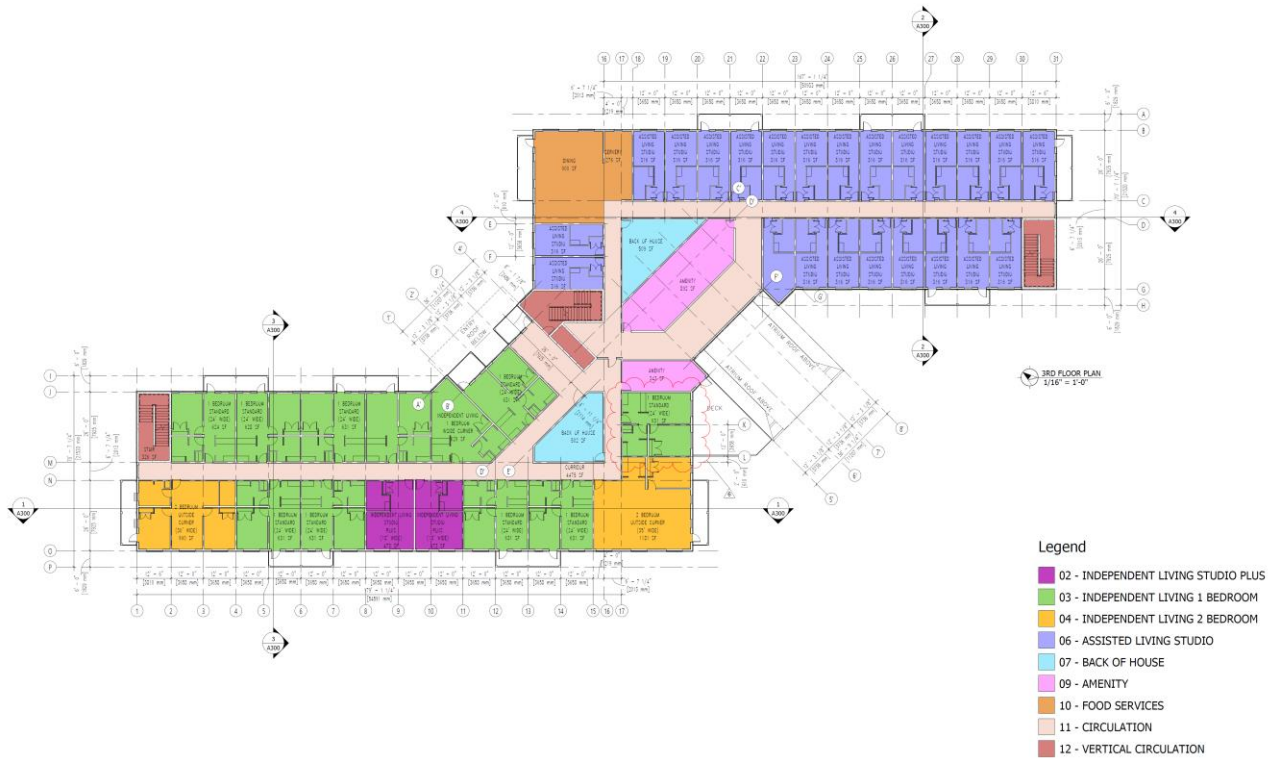
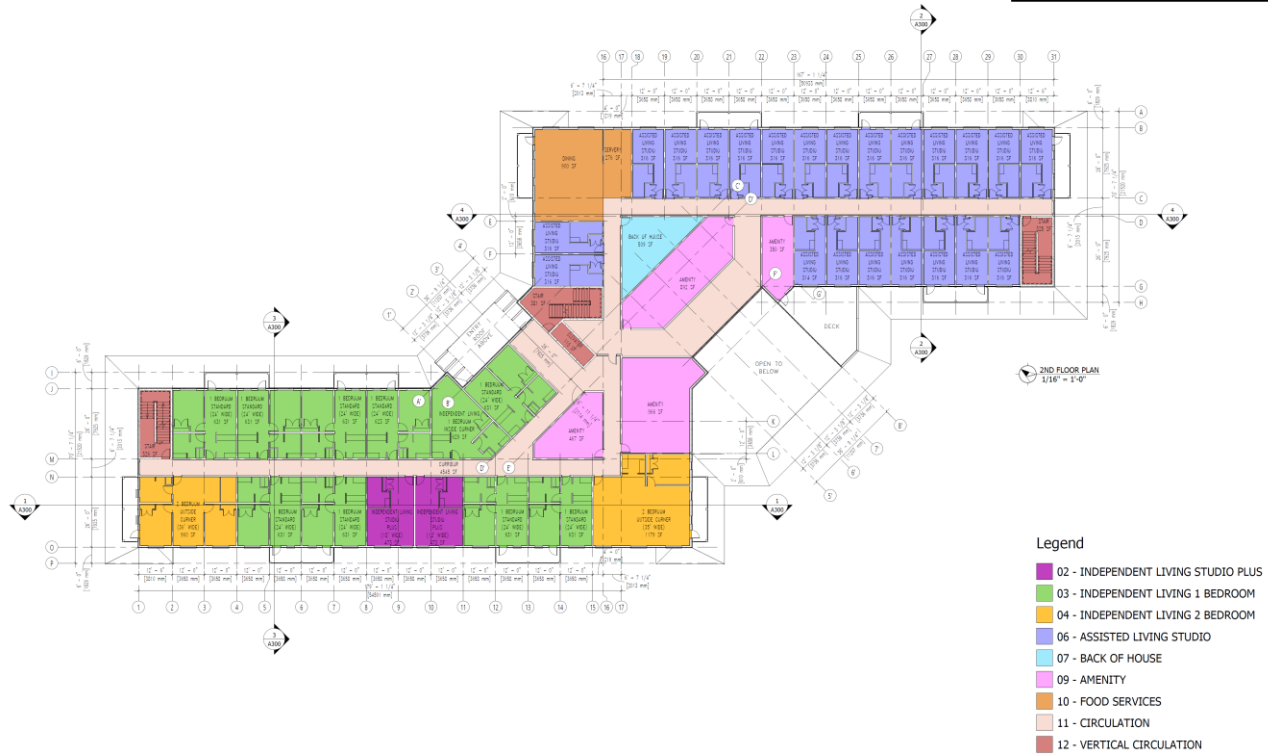
|   |                            |                              |                |     |              |                     |
|---|----------------------------|------------------------------|----------------|-----|--------------|---------------------|
| <b>6. PUBLIC PATHWAY ADDITIONAL COSTS</b>               |                            |                              |                |     |              |                     |
| 6.1   | Pedestrian Paving D        | Asphalt, non-vehicle bearing | m <sup>2</sup> | 433 | \$ 15.00     | \$ 6,495.00         |
| 6.2   | Tree Preservation Measures | Soil cells, structural soils | LS             | 1   | \$ 20,000.00 | \$ 20,000.00        |
| <b>Subtotal, LANDSCAPE MAINTENANCE &amp; IRRIGATION</b> |                            |                              |                |     |              | <b>\$ 26,495.00</b> |

|  |  |  |  |  |  |                      |
|--|--|--|--|--|--|----------------------|
| <b>Opinion of Probable Cost (not incl. applicable taxes)</b>         |  |  |  |  |  | <b>\$ 753,791.00</b> |
| Note: Budget Estimate is Class 'C', and does not include contingency |  |  |  |  |  |                      |



**Attachment No. 3: Additional Materials**











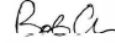

**CITY OF COURTENAY**  
**Planning Services**

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 Tel. 250-334-4441 Fax: 250-334-4241  
 Email: [planning@courtenay.ca](mailto:planning@courtenay.ca)

# COMPLIANCE CHECKLIST

## MULTI RESIDENTIAL DEVELOPMENT PERMIT AREA

The following checklist provides a quick reference for compliance with the guidelines contained within Section 8.5 Multi Residential Development Permit Area of the City of Courtenay Official Community Plan No. 2387, 2005. Applicants are required to complete this checklist and indicate in the comment box how their proposal complies with each development permit guideline. Where an element of the design does not comply with a guideline, a justification stating the divergence and the reason shall be made. A separate sheet may be used to provide comment. **Incomplete forms will result in application delays.**

| <b>Project Address:</b> 925 Braidwood Road  |                                     | <b>Date:</b> April 3, 2020  |   |
|---|-------------------------------------|---|---|
| <b>Applicant:</b> Courtenay Braidwood GP Inc.   |                                     | <b>Signature:</b>  |   |
| A. FORM AND CHARACTER   | Yes                                 | No  | Comment   |
| 1. The design of buildings shall reflect the heritage of the City of Courtenay and the use of materials such as stone, brick, ornamental work and wood with varied details and columns is required. All designs will be assessed to compare the submitted design with these guidelines.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | "Cedar timberframe" details (the building is non-combustible, so actual wood elements aren't code-compliant in most areas). Synthetic stone is used along the base of the building, and completely clads the end fire exits.                      |
| 2. All multi residential projects shall front or appear to front onto abutting roadways. This may be achieved through appropriate treatment of the building exteriors and through the provision of pedestrian entranceways and walkways directly to the street.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | The main entrance of the building is clearly visible from its' access (vehicle or pedestrian) off of Braidwood Road - as it is below the largest ornamental gable, behind a prominent porte cochere, and through a glazed, atrium entrance.       |
| 3. Buildings located on corner lots, lots adjacent to a single residential building, and lots next to public open spaces shall be stepped down toward the flanking street, adjacent building, or public open spaces.  | <input type="checkbox"/>            | <input checked="" type="checkbox"/>   | The building itself is not "stepped" (wouldn't be as functional or economically feasible), but - lower floor than NE adjacents; SW adjacents are RCMP building or buffered by mature trees; zig-zag footprint increases distance from residences; |
| 4. The design and introduction of a new building type to a residential neighbourhood shall provide harmony and lend continuity to the neighbourhood and should not create excessive disruption of the visual character of the neighbourhood.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | veranda at pedestrian level simulates a "step"; colors and stepped pattern of exterior cladding visually reduces mass and scale.<br>Comparable 5-storey building at 911 Braidwood Rd  |
| 5. The design of a new project or an addition to an existing project shall be based on a comprehensive design concept and shall give adequate attention to the general architectural style, detailing, scale, materials, character of fenestration, character and materials of roofs, treatment of entrances, gradation of heights, relationship of indoor and outdoor spaces, design and placement of play areas, access parking arrangement and circulation, and landscape character and design. Plans submitted with Development Permit applications shall illustrate the aforementioned points. | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | No comment  |
| 6. No more than four townhouse units shall be linked in a row unless warranted by special design treatment.   | <input type="checkbox"/>            | <input type="checkbox"/>  | Not applicable  |
| 7. Where townhouse units have attached garages or carports, the units shall be wide enough to allow the creation of attractive entrances to the individual units between garages. Where lane access is available, parking entrances shall be limited to lane access.  | <input type="checkbox"/>            | <input type="checkbox"/>  | Not applicable  |
| 8. Where individual townhouse or multi-family units have vehicular access via public street, combined driveway access points are required.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | There is only one access point.   |

|  |                                     |                                     |  |
|--|-------------------------------------|-------------------------------------|--|
| 9. The design and siting of buildings and individual units shall take advantage of views, natural amenities and adjacent open spaces and shall provide the maximum of units with good sun exposure to enhance the liveability of units.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | No comment   |
| 10. Stepped or alternating massing shall be used in the design of buildings in order to break up the volume of the building(s) and to avoid a box like appearance.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | The building is not "stepped" (see comment on 3), but utilizes other architectural strategies to break up the volume, and to avoid a box-like appearance.  |
| 11. Sloped roofs shall be encouraged to harmonize with surrounding residential areas.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | The roof is flat, but the design utilizes ornamental gables.   |
| 12. Building shall ensure visual privacy between units and also between private amenity spaces such as balconies or patios.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | No comment   |
| 13. Where a development is to be constructed in several phases, the proposed phasing plan indicating the sequence and timing of construction shall be included as part of the development permit application.  | <input type="checkbox"/>            | <input type="checkbox"/>            | Not applicable   |
| <b>B. SIGNAGE</b>  | <b>Yes</b>                          | <b>No</b>                           | <b>Explanation of Non-Conformity</b>   |
| 1. All signs shall conform to the City of Courtenay Sign Bylaw No. 2760, 2013 and all amendments thereto.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |  |
| <b>C. SITING, LANDSCAPING AND SCREENING</b>  | <b>Yes</b>                          | <b>No</b>                           | <b>Explanation of Non-Conformity</b>   |
| 1. A Landscape Architect or registered professional shall prepare a plan which will incorporate plant species, quantities and installation suitable for the project.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |  |
| 2. A detailed landscaping and screening plan, drawn to scale and showing the type, size and location of proposed landscaping, shall be submitted with the development permit application.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |  |
| 3. Recreation and play areas shall be provided within each project and shall be sensitive to the needs of the all age groups likely to reside in the development.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |  |
| 4. Care will be taken in developments intended for family living to ensure that the fundamental needs of family living are not compromised. This includes adequate storage, places for outdoor play, attention to sound and sight separation, and safe convenient parking.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |  |
| 5. A continuous landscaped buffer area of at least 7.5 metres in width shall be provided along the inside of all property lines adjacent to Cumberland Road, 17 <sup>th</sup> Street, 29 <sup>th</sup> Street, Island Highway, Cliffe Avenue, Ryan Road and Lerwick Road. A perimeter landscaped buffer area of at least 4.5 metres in width shall be provided along the inside of all property lines adjacent to all other roads and at approved access points. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |  |
| 6. If a property is adjacent to the Agricultural Land Reserve boundary, a fence and landscaped buffer area of at least 10 metres in width shall be provided along the inside of the property line.   | <input type="checkbox"/>            | <input type="checkbox"/>            | Not applicable   |
| 7. Buildings shall be sited to ensure the privacy of residences and adjoining properties, retain view amenities, and minimize the impact of noise or other off-site effects. Noise attenuation fencing will be required adjacent to arterial and collector roads.  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | The project's SE property line average grade is 1.09m higher than the average grade along Ryan Road, and the building main floor elevation is 2.65m higher than the average grade along Ryan Road. In addition, we had inquired with Mr. Seta last year regarding the requirement for a noise attenuation fence, and we were told that one was not required given our site conditions. |



|   |                                     |                                     |  |
|---|-------------------------------------|-------------------------------------|--|
| 8. Buildings shall be sited to retain existing tree stands and terrain as much as possible. Protective barriers, such as snow fencing, shall be installed around all existing plantings which will be retained at the drip line for the duration of construction. No material or temporary soil deposits may be stored within these areas.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |  |
| 9. Buildings shall be sited to ensure the privacy of residences and adjoining properties, retain view amenities, and minimize the impact of noise or other off-site effects, noise attenuation fencing or buffering will be required adjacent to arterial and collector roads.  | <input type="checkbox"/>            | <input type="checkbox"/>            | This is the exact same question as No. 7?  |
| 10. Grading requirements of a development shall be resolved within the property boundary. Cut and fills shall be minimized and blended into the existing terrain. Stepped retaining walls shall be used where possible. Stepped foundation walls and floor levels for buildings shall be used on sloped sites. Slopes shall be determined to promote opportunity for re-planting.                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |  |
| 11. Buildings shall locate refuse containers, utility services, etc. to minimize visibility and they shall be screened by landscaping and fencing to a minimum height of 2 metres. In general, chain link fencing shall be used only when screened by landscaping. Similarly, utilities, meters, exhaust elements, satellite dishes, etc., shall be screened by landscaping, fencing or roof elements.          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |  |
| 12. To separate internal roads, parking, service or storage areas from adjacent properties, a landscaped buffer area of at least 30 metres in width.  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | This is how the OCP reads, but shouldn't it read 3m instead of 30m? Our project would conform if it read 3m - which is essentially how Bylaw 2500 reads. |
| 13. Development shall include installation of street trees and sidewalks along all adjacent streets. Boulevards of adjacent streets shall be landscaped, irrigated and maintained by adjacent developments.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |  |
| 14. Undeveloped areas of the site shall be left in its natural state if there is substantial existing native vegetation. Otherwise, the owner will undertake vegetation control within 6 months of building occupancy satisfactory to the City.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |  |
| 15. Any development adjacent to or near stream or wetland areas shall adhere to the requirements of the Streamside Stewardship, 1993 guidelines and the "Land Development Guidelines for the Protection of Aquatic Habitat 1992" prepared by the Department of Fisheries and Oceans and the Ministry of Water, Land and Air Protection along all streams and their tributaries.                                 | <input type="checkbox"/>            | <input type="checkbox"/>            | Not applicable   |
| 16. The City may require an environmental analysis of site conditions in areas subject to natural hazards such as slope slippage, drainage, or high vegetation value, prior to development.   | <input type="checkbox"/>            | <input type="checkbox"/>            | Not applicable   |
| 17. It is City policy to limit the peak run off from areas of new development to that which the same catchment areas would have generated under the pre-development land use. A storm water management plan will be required as part of any development and shall be prepared by a Professional Engineer to comply with the City's stormwater management policies and plans and the City's Water Balance Model. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |  |
| 18. Setbacks areas abutting stream areas shall be fenced prior to development occurring to prevent encroachment of equipment or material into the stream system.  | <input type="checkbox"/>            | <input type="checkbox"/>            | Not applicable   |

|  |                                     |                                     |   |
|--|-------------------------------------|-------------------------------------|---|
| 19. A biophysical assessment of the site prepared by a professional biologist may be required outlining any environmental values to be protected during and after developments and the methods to achieve this to the satisfaction of the City and federal and provincial agencies.  | <input type="checkbox"/>            | <input type="checkbox"/>            | Not applicable - although an Arborist has provided a Tree Inventory Report.   |
| 20. Prior to the subdivision or development of land containing a stream, the natural watercourse and surrounding area shall be considered for dedication to the Crown, the Municipality or other public agencies committed to the protection and preservation of natural watercourses  |                                     |                                     | Not applicable  |
| 21. The City will require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property: <ul style="list-style-type: none"> <li>• shrubs – 450 mm</li> <li>• groundcover &amp; grass – 300 mm</li> <li>• trees – 300 mm around and below the root ball</li> </ul>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |   |
| 22. All landscape areas shall be serviced by an underground irrigation system.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |   |
| <b>D. LIGHTING</b>   | <b>Yes</b>                          | <b>No</b>                           | <b>Explanation of Non-Conformity</b>  |
| 1. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or the sky.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |   |
| 2. All new, replacement and upgraded street lighting in existing and proposed developments will be Full-Cut Off/Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas. Exterior building lighting will also be required to have FCO lighting fixtures.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |   |
| <b>E. PARKING</b>  | <b>Yes</b>                          | <b>No</b>                           | <b>Explanation of Non-Conformity</b>  |
| 1. Large surface parking areas should be broken down into smaller parking lots evenly dispersed throughout the development and integrated with planted landscaped areas. Visitor parking spaces shall be clearly identified within each development. Tree Planting is required in parking areas.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |   |
| 2. Parking areas shall be screened from adjacent properties and from direct views of parking vehicles from the street. The screening should consist of landscaping and fencing.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |   |
| 3. Outdoor parking and loading areas should be located to the sides and rear of buildings. Parking areas shall include landscaped areas, defined by concrete curbs, to provide visual breaks between clusters of approximately ten stalls.   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Not feasible to locate loading or parking to the sides or rear of the building on our site.<br>Re breaks between stall clusters - this is how the OCP reads, but it is not in the Parking or R-4A sections of Bylaw 2500, and was never brought up by Mr. Setta in our Zoning Amendment or DP reviews. It is possible for us to do this, but it would require removing existing, mature trees, in order to expand parking into the west corner of the site. |
| 4. Direct and functional pedestrian pathways to connect building entrances to parking areas and sidewalks of the abutting streets shall be provided. Installation of features such as distinct paving, special landscaping with trees and benches, and overhead weather protection on exterior building walls where appropriate is required. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |   |





**CITY OF COURTENAY**  
**Planning Services**  
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 Email: [planning@courtenay.ca](mailto:planning@courtenay.ca)

# COMPLIANCE CHECKLIST

## MULTI RESIDENTIAL BUILDINGS ABOVE 3 STOREYS DEVELOPMENT PERMIT AREA

The following checklist provides a quick reference for compliance with the guidelines contained within Section 8.5.1 Multi Residential Buildings Above 3 Storeys Development Permit Area of the City of Courtenay Official Community Plan No. 2387, 2005. Applicants are required to complete this checklist and indicate in the comment box how their proposal complies with each development permit guideline. Where an element of the design does not comply with a guideline, a justification stating the divergence and the reason shall be made. A separate sheet may be used to provide comment. **Incomplete forms will result in application delays.**

| <b>Project Address:</b> 925 Braidwood Road  |                                     | <b>Date:</b> April 3, 2020   |  |
|---|-------------------------------------|------------------------------|--|
| <b>Applicant:</b> Courtenay Braidwood GP Inc.   |                                     | <b>Signature:</b> <i>Bob</i> |  |
| A. FORM AND CHARACTER   | Yes                                 | No                           | Comment  |
| 1. Plans submitted for development permits must illustrate a general architectural style detailing, scale, materials, treatment of entrances, gradation of building heights, indoor/outdoor space relationships, recreational area design, and parking layout. In particular, the following design aspects must be addressed: <ul style="list-style-type: none"> <li>Stepped or alternate massing to break up the volume of a building to avoid a boxlike appearance;</li> <li>Articulated walls detailed with varied cladding material, windows and doors, and patio features to create visual interest;</li> <li>Sloped an varied roof lines;</li> <li>Screened rooftop mechanical equipment incorporated into overall architectural treatment of buildings.</li> </ul> | <input checked="" type="checkbox"/> | <input type="checkbox"/>     | The building itself is not "stepped" (wouldn't be as functional or economically feasible), but utilizes other architectural strategies to break up the volume, and to avoid a box-like appearance; veranda at pedestrian level simulates a "step"; colors and stepped pattern of exterior cladding visually reduces mass and scale. The zig-zag footprint of the building, and balcony elements provide articulation. Varied cladding materials, and various colors are utilized to create visual interest. Ornamental gables are utilized to vary the roof line. Rooftop mechanical equipment is screened by a parapet. |
| 2. All development shall maximize sun penetration to pedestrian levels and to neighbouring public and private spaces to provide for outdoor activity areas.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>     | No comment   |
| 3. Buildings shall be designed and sited to ensure view corridors, view opportunities and solar access are maintained.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>     | No comment   |
| B. COMPATABILITY WITH SURROUNDING LAND USES   | Yes                                 | No                           | Explanation of Non-Conformity  |
| 1. Attention should be paid to overall architectural style and detailing, scale, and quality of finishing materials to achieve a harmonious integration with the neighbourhood. The choice of building materials shall contribute towards an appearance of solid, quality construction and long term durability. Buildings shall include design features such as stepping back the buildings mass from the street or surrounding land use and providing pitched roofs with varied roof lines.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>     |  |

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Registered in BC - AB  
Joe M. Minten - principal  
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May 30 2019

**Written Statement on the Conformance to the Sustainability Evaluation Compliance Checklist**

**Project:** *The Atrium at Braidwood*  
**Location:** *925 Braidwood Road*  
**Owner:** *Courtenay Braidwood General Partnership Inc.*

We have responded directly to each item listed on the City of Courtenay's Sustainability Evaluation Compliance Checklist to facilitate your review, as follows:

**Land Use**

- Provides a mix of housing types and sizes

*The Atrium at Braidwood is a full-service, multiple-care-level (Independent Living, Assisted Living, Memory Care) seniors' retirement residence. The residence has a mix of studio, one-bedroom, and two-bedroom suites for Independent Living residents. The average size of these suite types is 59 m2 respectively. In addition, the residence has studio suites for Assisted Living residents that are 29 m2 in size, and studio suites for Memory Care residents that are 29 m2 in size.*

- Balances the scale and massing of buildings in relation to adjoining properties

*The proposed seniors' residence is a five-storey building, with single-storey residential buildings and a single-storey restaurant building along the adjoining northeast property line – but because of a grade change across the 1.23 ha site, the buildings along this property line have a higher main floor elevation than the proposed building.*

*The buildings along the adjoining southwest property line are at a lower elevation than the proposed building, but consist of the single-storey RCMP building (albeit with a tall roof element), a two-storey residential building, and a five-storey apartment building that is under construction.*

*The subject site has a large number of mature trees that help to buffer it from the smaller buildings on the adjoining properties, we have made a conscious effort in our site-planning, building design, and exterior finishes to balance the juxtapositions.*

*We have used a "zig-zag" shape for the building in order to provide as much distance as possible from the single-storey residential buildings along the southeast property line that would be most impacted by our development.*

*We have also carefully chosen a combination of exterior finishes and colors, including a dark color for the fourth-floor of the building, in order to visually reduce its' massing and scale.*

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Compliments neighboring uses and site topography

*As mentioned above, there is a five-storey apartment building under construction on an adjacent site, and there are other multi-unit buildings nearby, that will be complimented by our seniors' residence - as we employ a large number of staff who would appreciate nearby, affordable rental accommodation.*

*With respect to topography, we engaged a prominent Vancouver Island Landscape Architecture firm (LANARC) to assist us with a site plan that worked with the existing grades to minimize any unnecessary changes in the topography.*

Provides or supports mixed use developments or neighborhoods

*The significant number of residents and staff resulting from this development will help to support the local businesses, and the services provided to the residents within the building, will also require supplies that will help to support local businesses. This new development, as well as others planned for the area, will in turn encourage more mixed use developments to grow the local economy.*

Promotes walking to daily activities and recreational opportunities

*We have designed a network of paths for residents and guests to walk throughout the site and enjoy the park-like setting. In addition, we have provided links for our residents to connect with existing sidewalks to safely walk across Ryan Road at controlled intersections.*

*There will also be outdoor spaces provided for residents to enjoy a yoga class, or bocce ball, or gardening in raised planters.*

*Staff will also be encouraged to ride their bicycles to work.*

Supports a range of incomes

*As mentioned above, this development will provide a range of suite types and sizes in order to accommodate a corresponding range of income levels.*

Is a positive impact on views and scenery

*The site has a large number of mature trees and shrubs on the site, but some are not in the best of health, and some overgrown and invasive plant species have been identified. Our plan for the site will be to work with the Landscape Architect and Arborist to direct the removal of the unhealthy, overgrown, or invasive plant material, and take active steps to improve the health and appearance of the remaining trees and shrubs. The views and scenery will also be positively impacted with the addition of significant new plantings.*

Preserves and provides greenspace, trails and landscaping

*We have worked with the Landscape Architecture firm and an Arborist based on Vancouver Island to create a plan to preserve nearly all of the significant trees and shrubs on*

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*the site, and all of the protected species (Garry Oaks and Pacific Dogwoods) that the Arborist's report recommended retaining.*

*We have also worked with the Landscape Architect to develop a plan to enhance the natural attributes of the site with a water feature, and landscape structures that compliment the building on the site. The trails and paths also encourage movement of residents and guests throughout the site to tranquil destinations - not just to and from vehicles.*

### **Building Design**

- ❑ Exhibit high standard of design, landscaping and environmental sensitivity  
*The architecture of the building and the landscape structures, echoes a West Coast style, sensitive to the surroundings and history of the area. As such, we have utilized timberframe details on the building and landscape structures, and are conscious of the BC government's Wood First Initiative. However, our building is non-combustible so we are presently exploring the use of actual timbers on the building vs. wood cladding material vs. cladding material that looks like wood. The timberframe structures in the landscape will be actual timbers.*
  
- ❑ Maintains a high standard of quality and appearance  
*In addition to the timberframe details, synthetic stone is used at the base of the building to provide a solid "foundation", and synthetic stone is also used up the five-storey sides of the fire exits to create a traditional "chimney" appearance.*  
*In addition, the choice of building materials such as cementitious panels, metals and glass, are low-maintenance and have long-lasting finishes that signify a robust and durable building that is time-honored and familiar to the public at large.*
  
- ❑ Includes articulation of building faces and roof lines with features such as balconies, entrances, bay windows, dormers and vertical and horizontal setbacks with enhanced colors.  
*The building in its 'zig-zag' configuration is further enhanced by the inclusion of protruding balcony elements and dormer-style roof elements.*  
*The two- and three-storey atrium elements extending outward from the face of the building, allow the upper storeys of the building to be stepped back at these central focal points.*  
*The three colors on the cementitious panels are complimentary, but provide some contrast, as they are "read" from the bottom up, as medium, light, and then dark. The colors are also patterned to provide some visual interest, rather than just being horizontal bands of color.*
  
- ❑ Avoids creating a strip development appearance  
*This item is not applicable to this development.*

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- Satisfies Leadership in Energy and Environmental Design (LEED) certification (or accepted green building practices)

*The project will not be pursuing any specific certification, however, the developer is targeting a number of measurable goals to exceed the performance of standard construction details and practices.*

1. Goal #1: Energy Efficiency

*To achieve an Energy Star score of 75 or higher.*

1.1. Building Envelope:

1.1.1. Reduce thermal Bridging:

1.1.1.1. *Slab edges covered by a minimum 1/2 of wall R-value*

1.1.1.2. *Balcony slabs thermally broken*

1.1.1.3. *Parapets and upstands insulated to min 3/4 of wall R-value*

1.1.1.4. *Architectural eyebrows and features on standoffs*

1.1.1.5. *Columns and girts within the walls covered by a minimum of 3/4 of wall R-value*

1.1.1.7. *Un-insulated elements which completely penetrate the envelope insulation limited to 0.5% of the total building envelope.*

1.1.2. Effective R-values & U-values:

1.1.2.7. *Increase the effective thermal performance by 10-15% over the prescribed ASHRAE standard*

1.1.3. Air leakage:

1.1.3.7. *Increase the effective air leakage performance by 10-15% over the prescribed ASHRAE standard*

1.1.4. Cool roofing:

1.1.4.7. *Use of reflective, rather than absorptive, roofing material*

1.2. Electrical

1.2.1. *Daylight sensors in all rooms with sufficient daylighting capacity (as determined by daylighting model)*

1.2.2. *Occupancy sensors in: exit stairs, kitchen, public washrooms*

1.2.3. *LED lighting as standard throughout*

1.2.4. *Energy Star + equipment selection (computers, printers, washers, dryers, fridges, stoves, microwaves)*

1.2.5. *Dark-sky lighting principles for outdoor areas*

1.3. Mechanical:

1.3.1. *Identify opportunities for heat recovery, especially central exhaust systems and air conditioning loads.*

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*1.3.2. Prioritize HVAC systems that incorporate “energy sharing” like VRF and central heat-pump based systems.*

2. Goal #2: Occupant Comfort

- 2.1. *User adjustability – strive to provide individuals with a means to adjust their own environment, through HVAC control for each resident and common spaces, consider operable windows and shades*
- 2.2. *Consider glazing areas and SHGC spec for occupied areas subject to high glare and solar heat gains*
- 2.3. *Design to provide daylight for 75% of all regularly occupied rooms at 9am and 3pm on the equinox. Spaces which are overlit or underlit will not be counted as daylight. Shades should be provided for occupant control.*
- 2.4. *Design to provide high quality views for 90% of all regularly occupied areas*
- 2.5. *Reduce drafts by creating a tight building envelope (see strategies above in energy efficiency)*
- 2.6. *Provide opportunities for learning and walking, including looped walking routes and strong linkages beyond the site*
- 2.7. *Provide exterior opportunities for resting (benches, seating opportunities)*
- 2.8. *Encourage walking by making stairways accessible and inviting for users*
- 2.9. *Utilize current best-practices for Memory Care and Assisted Living Interior Design*

3. Goal #3: Indoor Air Quality

- 3.1. *Demand-controlled ventilation & CO2 Monitoring*
  - 3.1.1. *based on occupancy/CO2 sensors for indoor spaces*
- 3.2. *Construction IAQ Management:*
  - 3.2.1. *Create an Indoor Air Quality Management Plan for during Construction, including:*
    - 3.2.1.7. *Procedures and locations to protect absorptive materials stored on-site, from moisture or VOC emissions*
    - 3.2.1.8. *Corrective measures for what to do when absorptive materials have accidentally been exposed to moisture/VOC emissions*
    - 3.2.1.9. *Absorptive materials include, at minimum: any gypsum board, carpet, or wood products that will be installed inside the air barrier*
    - 3.2.1.10. *Dust management:*

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- 3.2.1.10.1. *Dust covers on saws*
  - 3.2.1.10.2. *Wood cutting area enclosed*
  - 3.2.1.10.3. *Use dust suppressing agents and vacuum regularly*
  - 3.2.1.11. *Requirement to use walk-off mats and poly sheathing (or other dust barriers) to separate areas with carpeting from areas still under construction, to limit the dust and VOCs absorbed by the carpet*
  - 3.2.2. *Restrictions on vehicle idling and use of tools/heaters with combustible fuels, near/in building enclosure area.*
  - 3.2.3. *Corrective measures and consequences for what to do when the plan is not followed*
  - 3.3. *Scheduling:*
    - 3.3.1. *Construction timelines to include an alternate location to store absorptive material if the building has not yet been enclosed before the material are delivered*
    - 3.3.2. *Schedule construction to avoid the need for temporary heaters to be used within the building after it is enclosed.*
  - 3.4. *Limit the number of indoor air contaminants used inboard of the weather barrier including:*
    - 3.4.1. *Low VOC Adhesives, Sealants, Coatings, Primers, paints, sealers, coatings and grouts.*
    - 3.4.2. *Vinyl, Linoleum, laminate, engineered wood, and rubber flooring all to meet FloorScore compliance*
    - 3.4.3. *Carpet and Carpet pad to meet CRI Green Label Plus and Green Label programs*
    - 3.4.4. *Composite Wood and Agrifiber products to have No Added Urea Formaldehyde*
    - 3.4.5. *Furniture Purchased and installed by the owner to be low VOC, no added Urea Formaldehyde.*
  - 3.5. *Develop a permanent strategy for limiting dust, dirt and other harmful pollutants from entering into the building on shoes (eg: permanent grill or grate at the regularly used doors).*
  - 3.6. *Sufficiently exhaust and close off each area where hazardous gases or chemicals may be present/used (parking garages, janitorial areas, photocopying areas)*
  - 3.7. *Create a green cleaning program which uses non-toxic and environmentally friendly cleaners, which don't have harmful off-gassing*
4. Goal #4: Water Efficiency and Stormwater Management

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- 4.1. *Reduce water use, erosion, and stress on city stormwater infrastructure, and mitigate non-point source pollution in stormwater runoff through source control strategies.*
  - 4.2. *Stormwater to be managed through onsite landscaping features*
  - 4.3. *Low flow showers and faucets in all locations*
  - 4.4. *Low flow toilets to be considered where appropriate*
  - 4.5. *Water efficient equipment, including dishwashers and washing machines*
- Uses environmentally sensitive materials which are energy sensitive or have accepted low pollution standards  
*All construction and finish materials are chosen mindful of environmental standards. Best practices in landscape and building design will be applied to achieve optimal indoor air quality and energy efficiency with low embodied energy and higher recycled content.*
- Builds and improves pedestrian amenities  
*Circulation is planned to facilitate active living for residents in immediate proximity to the building, with benches, looped walking routes and strong linkages beyond the site.*
- Provides underground parking  
*The project will not provide underground parking, as per the Geotechnical Report, it would not be economically feasible. There will still be enough parking to adequately meet the requirements for residents, staff and visitors.*
- Applies CPTED (Crime Prevention Through Environmental Design) principles  
*CPTED principles are addressed with reduced jogs in the building form, ample site lighting (suited to aging eye sight), and a single, clearly identified, point of entry. The landscape design establishes transitional boundaries between public private zones, and creates a strong sense of identity at building entrances. Tree and shrub species are carefully selected and positioned to maintain visibility and sight lines. Windows overlooking parking lots and sidewalks will promote a natural surveillance resource and crime deterrent.*

**Transportation**

- Integrates into public transit and closeness to major destinations

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*There is a public transit bus stop on Ryan Road directly in front of the site, that will be convenient for residents, staff, and visitors alike. The project is also in close proximity to local shopping and services.*

- Provides multi-functional street(s)  
*Not applicable to this project.*
- Prioritizes pedestrian and cycling opportunities on the public street system and through the site location that can provide an alternative to public roads  
*Not applicable to this project.*
- Provides or contributes towards trail system, sidewalks, transit facilities, recreation area or environmentally sensitive area  
*As part of our requirements for off-site improvements, we will be providing a connection to the bus stop in front of the site on Ryan Road, extending the sidewalk in front of the RCMP station to the bus stop, and raising the elevation of the bus shelter to accommodate the new sidewalk.*  
*In addition, we are constructing a 3m wide public path on the northeast side of the property, connecting Braidwood Road and Ryan Road, and dedicating this public path, and the land it is on, to the City of Courtenay.*

**Infrastructure**

- Includes storm water techniques that are designed to reduce run-off, improve groundwater exchange and increase on-site retention  
*The site has a high percentage of soft landscaping that will naturally reduce run-off, improve groundwater exchange, and increase on-site retention of stormwater.*  
*The areas of hard landscaping will utilize permeable or semi-permeable paving stones where applicable, as we also must avoid tripping hazards for our senior residents.*  
*The project will also utilize a closed in-ground Stormtech storage system – which also provides removal of oil from run-off. See Civil Engineering report for more details.*
- Utilizes renewable energy sources (i.e. solar, geothermal) within servable area to City standards  
*Not applicable to this project.*

**Character & Identity**

- Provides a positive Image along waterfront areas and fronting road  
*Not a waterfront property, but the project offers a significant landscaped buffer between the building and the public realm. Keeping the building more to the inside of the property*

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*provides more of a park-like setting to the street. To further enhance this park-like aspect, the entry driveway is curved and offers a gentle relief to the public street.*

- Is designed with quality and variety of features within the project (i.e. street furniture, street lights, signs, curb treatments)

*There is an array of well-lit paths and resting areas designed in the landscape zones which provide relaxation in a comfortable, safe and secure for the residents.*

- Provides public and private amenity space

*Further to the paths and resting areas there is a water feature and gardening features which provide amenities to the project.*

- Preservation of heritage fixtures

*Not applicable to this project – although there are significant historic trees species on the site which are being retained wherever possible.*

- Orients to views, open space and street

*The 'zig-zag' shape of the building layout creates two large open spaces, with the southern open space in particular, having views of the mountains and the Comox Glacier. The building also orients this way so that the majority of the suites will have views of the mountains and the Comox Glacier, and the upper floors may also have views over top of the Comox Bay Farm, to the estuary and the ocean.*

**Environmental Protection & Enhancement**

- Protects riparian areas and other designated environmentally sensitive areas

*Not applicable to this project – other than the protected tree species mentioned earlier.*

- Provides for native species, habitat restoration/improvement

*As much as possible there is an attempt to retain existing native species within the landscape design program.*

- Includes tree lined streetscapes

*With the retention of native trees along the property lines and within the site this project will maintain and enhance the residential natural streetscape inherent in this concept.*

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May 30, 2019

### **Written Statement on Conformance to the Affordable Housing Policy**

The developers of the Atrium at Braidwood seniors' residence are supportive of the City of Courtenay's policy to address the need for affordable housing alternatives and support services that contribute to the overall social well-being of their communities – and in particular, the residence specializes in providing housing and care for the growing seniors' population in Courtenay. The residence provides smaller, more affordable, suites in each of the three general levels of support or care – Independent Living, Assisted Living, and Memory Care. However, because the rental rates include a component for support or care, in addition to the housing component, it is difficult to determine if the lowest rental rates are able to meet the criteria for “non-market affordable housing units”?

Regardless of the answer to the above question, the developer will be contributing to the Affordable Housing Amenity Reserve Fund – as per the clause agreed to with the City of Courtenay, to be included in the Covenant Agreement:

*Prior to applying to the City for a building permit in respect of the Land, pay to the City the amenity amount for the City's "Affordable Housing Reserve Fund" for each residential unit to be built upon the Land, calculated under the formula set out in section 7.7(6)(c) of the City's Official Community Plan, as amended from time to time, but in any event no less than \$500 per multi-family residential unit. For clarity, this section will apply to each independent living unit in the independent living facility but no amenity fee will be required for the assisted living or memory care units proposed for the Land;*



**FEATURES & SPECIFICATIONS**

**INTENDED USE** — The OVWP provides years of maintenance-free general illumination for commercial or residential outdoor applications such as driveways, patios, loading areas and warehouses.

**CONSTRUCTION** — Rugged cast-aluminum, corrosion-resistant rear mounting plate. Impact resistant polycarbonate front cover/diffuser resists fading and cracking. Driver operates at 120V.

Operating temperature -40°C to 40°C.

**OPTICS** — High-performance LEDs maintain 70% of light output at 35,000 hours of service. (LED lifespan based on IESNA LM-80-08 results and calculated per IESNA TM-21-11 methodology.) Lenses are engineered for superior lighting distribution, uniformity and fixture spacing. See Lighting Facts Labels for specific fixture performance.

**INSTALLATION** — Designed for wall mounting more than 4' above the ground. Mounts to a recessed junction box (by others).

**LISTINGS** — ETL Listed to US and Canadian safety standards for wet locations.

**WARRANTY** — 1-year limited warranty. Complete warranty terms located at: [www.aculitybrands.com/CustomerResources/Terms\\_and\\_conditions.aspx](http://www.aculitybrands.com/CustomerResources/Terms_and_conditions.aspx)

**Note:** Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

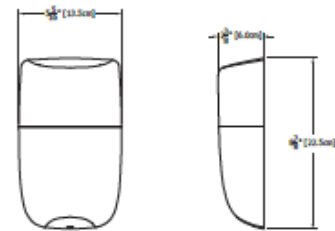
|                |
|----------------|
| Catalog Number |
| Notes          |
| Type           |



Outdoor General Purpose

**OVWP**

LED WALL PACK



All dimensions are inches (centimeters) unless otherwise indicated.

**ORDERING INFORMATION** All configurations of this product are considered "standard" and have short lead times. **Example: OVWP LED 40K 120 PE BZ**

| Series   | Lumens / Color temperature (CCT) <sup>1</sup> | Voltage  | Control             | Finish    |
|----------|---|----------|---------------------|-----------|
| OVWP LED | 40K 4000K                                     | 120 120V | PE Button photocell | BZ Bronze |

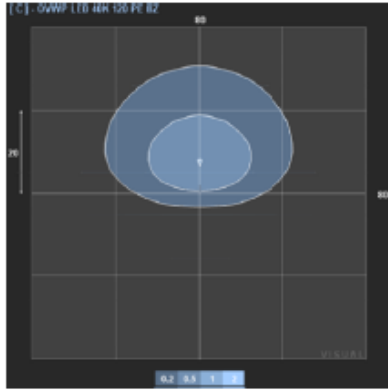
**Notes**  
 1 Nominal Correlated Color Temperature (CCT) per ANSI C78.377-2008.

## OVWP LED Wall Pack

### PHOTOMETRIC DIAGRAMS

To see complete photometric reports or download .ies files for this product, visit the OVWP home page on [www.lithonia.com](http://www.lithonia.com). Tested in accordance with IESNA LM-79 and LM-80 standards.

#### OVWP LED 40K 120 PE BZ



**LED lighting facts**  
A Program of the IESNA

|                            |       |
|----------------------------|-------|
| Light Output (Lumens)      | 1242  |
| Watts                      | 14.1  |
| Lumens per Watt (Efficacy) | 88.09 |

|                             |    |
|-----------------------------|----|
| Color Accuracy              | 80 |
| Color Rendering Index (CRI) |    |

Light Color  
Correlated Color Temperature (CCT) 4000 (Bright White)

2700K 3000K 4000K 6000K

All results are according to IESNA LM-79-2008 Approved Method for the Electrical and Photometric Testing of Solid-State Lighting. The U.S. Department of Energy (DOE) certifies product test data and results.

Visit [www.lightingfacts.com](http://www.lightingfacts.com) for the Label Reference Guide.

Registration Number: NLSM-AT108P (4213111)  
Model Number: OVWP LED 40K 120 PE BX  
Type Luminaire: Other



OVWP





## STAFF REPORT

**To:** Council

**File No.:** 3030-00-01

**From:** Chief Administrative Officer

**Date:** June 1, 2020

**Subject:** Temporary Patio Program and Temporary Expanded Service Area Authorization

### PURPOSE:

The purpose of this report is for Council to consider measures to facilitate temporary patios for businesses across the City and obtain Council's direction regarding the Liquor and Cannabis Regulation Branch's Temporary Expanded Service Area Authorization program.

### CAO RECOMMENDATIONS:

1. That based on the June 1, 2020 Staff Report "Temporary Patio Program and Temporary Expanded Service Area Authorization" Council authorizes staff to suspend enforcement of Zoning Bylaw 2500 parking requirements until November 1, 2020 for Restaurants, Fast Food Restaurants, and Neighbourhood Pubs who need to erect a temporary outdoor seating and dining areas on existing parking areas provided that:
  - a. The combined indoor and outdoor seating does not exceed pre-COVID 19 maximum seating capacities;
  - b. The patio occupies a maximum of 50% of the business' required parking stalls;
  - c. The only structures permitted are fencing/translucent shields and ramps;
  - d. The patio must not be located over any landscaped area;
  - e. The patio must not be located within a yard adjacent to any residential use; and,
  - f. The patio can only be used between 7:00 am and 10:00 pm daily.
2. That the City of Courtenay provides the Liquor and Cannabis Regulation Branch pre-approval for all food primary, liquor primary and manufacturing licensees within the City who may apply for an expanded service area.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The initial recovery from the COVID 19 pandemic presents a challenging scenario for the City's restaurants as they look to reopen while balancing physical distancing requirements with the need to maintain seating capacities necessary to make the business financially viable.





In a May 7, 2020 letter co-signed by the BC Restaurant and Foodservices Association, Alliance of Beverage Licensees, BC Wine Institute, and BC Craft Brewers Guild (**Attachment A**) the group requests Local Governments allow for additional seating space and provisions for patios.

At the May 19<sup>th</sup> Council Meeting Council endorsed changes to the Sidewalk Patio guidelines to allow for additional options and more seating on public land. These changes apply only to the Downtown Business Improvement Area. As a result, this proposal is a separate effort to provide City-wide flexibility for restaurants needing additional space for seating on private land as a result of COVID-19 public health restrictions.

In a May 20<sup>th</sup> 2020, report the Town of Comox outlines similar measures as proposed in this report be implemented for patios. This report also provided an outline of changes to the Town's Parklet program which will be dealt with in a future staff report for the City.

On May 22, 2020 the Liquor and Cannabis Regulation Branch initiated the Temporary Expanded Service Area Authorization program. This program allows local governments to subscribe to an expedited liquor licensing process whereby the municipality provides the LCRB pre-approval for all applications for expanded services areas (**Attachment B**).

The recommended changes described below are designed to coordinate and enhance the three initiatives described below.

## PROPOSED CHANGES

### 1. City's Temporary Patio Program

Across the City different land uses have parking requirements which correlate to the size of the business or other aspects such as the number of seats. When establishing a business, either in an existing or new building, on-site parking requirements must be met. This is the case with three types of dining businesses listed in the zoning bylaw as shown below:

| Land Use             | Parking Ratio                     |
|----------------------|-----------------------------------|
| Restaurant           | 1 stall per 6 seats               |
| Fast Food Restaurant | 8 stalls plus 1 stall per 6 seats |
| Neighbourhood Pub    | 1 stall per 6 seats               |

Physical distancing requirements mean that restaurants need more seating area to meet spacing requirements. Temporarily using on-site parking areas for seating presents an opportunity to expand the seating area and maintain the number of customers needed for business to be financially viable.

The temporary patio program proposes to suspend the City's enforcement of off-street parking requirements to allow for patio areas and seating to be installed until November 1, 2020. Five conditions have been recommended if this program is initiated. The first concerns the number of seats and ensuring the seating does not increase as a result of this program. This is an important limit as the number of seats is dictated by occupancy load calculations which in turn specify aspects such as fire protection requirements and washroom capacity.

The second condition is a limit on the number of stalls that can be used for the patio area. Half of a business' required parking may be used. For a typical 100 seat restaurant this correlates to a maximum of eight stalls of the required 17 parking stalls can be used for patio area.

The third condition specifies the types or structures that may be used which are limited to fencing, shields and ramps. The intent is to keep the patios temporary and also to avoid requirements for other City processes like development permits which may be required if more substantial structures were integrated.

In terms of siting, the patios must not be located over an existing landscaped area and cannot be located in a yard between the business and a residential use. The intent of this condition is to avoid any potential impact on residences in terms of additional noise or loss of privacy. The final condition limits the hours of operations to between 7:00 AM and 10:00 PM.

## **2. LCRB's Temporary Expanded Service Area Authorization Program**

The LCRB has created a program where existing licensees can temporarily expand their service area until October 31, 2020. The intent of this program is again to respond to physical distancing requirements and balance the need to maintain enough customers so that the business is financial viable. This program will apply to all existing food primary, liquor primary and manufacturing licensees.

To expedite approval the LCRB has given local governments the opportunity to pre-approve all applications for expanded service areas. As a result, individual applications would not be referred to the City for comments. Currently, all applications are referred to the City and advertised to the community to obtain feed-back prior to responding to the LCRB who ultimately approves permits.

**Given the need to coordinate with the other two initiatives and support the recovery of local businesses staff recommend that Council subscribes to the program and gives pre-approval for applications by existing licensees for temporary expanded service areas.**

## **3. City's Downtown Sidewalk Patio Program**

At the May 19, 2020 Council meeting Council approved changes to the downtown sidewalk patio program that allowed a third type of patio erected within parking stalls. This option is in addition to two other patio configurations previously permitted upon the sidewalk. The LCRB's Temporary Expanded Service Area Authorization Program will further enhance this program and allows for liquor service on patios.

### **OPTIONS:**

#### **OPTION 1: (Recommended)**

1. That based on the June 1, 2020 Staff Report "Temporary Patio Program and Temporary Expanded Service Area Authorization" Council authorizes staff to suspend enforcement of Zoning Bylaw 2500 parking requirements until November 1, 2020 for Restaurants, Fast Food Restaurants, and Neighbourhood Pubs who need to erect a temporary outdoor seating and dining areas on existing parking areas provided that:
  - a. The combined indoor and outdoor seating does not exceed pre-COVID 19 maximum seating capacities;
  - b. The patio occupies a maximum of 50% of the business' required parking stalls;
  - c. The only structures permitted are fencing/translucent shields and ramps;
  - d. The patio must not be located over any landscaped area;
  - e. The patio must not be located within a yard adjacent to any residential use; and,
  - f. The patio can only be used between 7:00 am and 10:00 pm daily.

2. That the City of Courtenay provides the Liquor and Cannabis Regulation Branch pre-approval for all food primary, liquor primary and manufacturing licensees within the City who may apply for an expanded service area.

**OPTION 2:** That Council postpone consideration of the changes with a request for more information.

**OPTION 3:** That Council not proceed with the changes.

Prepared by:



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Matthew Fitzgerald, RPP, MCIP  
Manager of Development Planning

Reviewed by:



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Ian Buck, RPP, MCIP  
Director of Development Services

***Attachments:***

*Attachment No. 1: May 7, 2020 Letter from the BC Restaurant and Foodservices Association, Alliance of Beverage Licensees, and BC Craft Brewers Guild*

*Attachment No. 2: May 22, 2020 Letter and email from Liquor and Cannabis Regulation Branch*

**Attachment No. 1: May 7, 2020 Letter from the BC Restaurant and Foodservices Association, Alliance of Beverage Licensees, BC Craft Brewers Guild and BC Wine Institute**



May 7, 2020

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

VIA EMAIL

Your Worship and Council:

On behalf of the British Columbia's 14,500 hospitality businesses—including restaurants, bars, craft breweries, and winery tasting rooms—we are writing to request your urgent support to aid the survival of local hospitality businesses and thousands of livelihoods during this pandemic crisis. Specifically, we are requesting your assistance for flexible, innovative, and expedited patio permitting.

**British Columbia's hospitality industry is facing collapse.** While the global COVID-19 pandemic has reverberated throughout our economy, our industry's local small hospitality businesses were hit first, hit hardest, and will be among the last to recover. The majority of BC's restaurants, bars, and tasting lounges have closed, laid off staff, and are facing bankruptcy and financial collapse. Even those businesses remaining opening during this pandemic to offer limited takeout and delivery services and are experiencing dramatically reduced revenues and are struggling to survive.

The collective economic disruption in our sector has been staggering:

- Job losses within the restaurant sector alone are estimated at 121,500.
- At least 1 in 10 restaurants have already closed forever with associated permanent job losses.
- Over 50 per cent of smaller independent restaurants say they will be bankrupt within three months from the start of this crisis (i.e. by June of this year).
- 80 per cent of BC's hospitality businesses have been forced to temporarily lay off the vast majority of BC's 192,000 foodservice employees.
- 80 per cent of Liquor Primaries (i.e. pubs, bars, nightclubs) are closed.
- Liquor Primaries who remain open for take-out/deliver services have experienced 90-95 per cent decline in revenues.

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**BC Restaurant and Foodservices Association** 600-890 West Pender Street, Vancouver, BC, V6C 1J9

- 2 -

- Over 70 per cent of BC's hotels are closed.
- BC's tourism sector has laid off 70 per cent of all employees totaling over 130,000 workers.
- All 197 craft brewery tasting rooms in BC are closed, reducing average brewery revenues by over 80 per cent.
- All 366 licensed BC winery tasting rooms in BC are closed, reducing average revenues by over 50 per cent.
- 83 new breweries opened in BC since 2017, including 28 in the last 12 months. These new or recently opened businesses face the biggest threat of permanent closure for our industry.
- Over 250,000 hospitality and tourism workers have already been laid off in BC since the start of this COVID crisis.

While we are working with our provincial and federal governments partners on protocols for a gradual and phased reopening of our sector, BC's local communities have a key role to play in supporting economic recovery. We ask you to support our industry with fast, flexible, and nimble permitting and business services to help our industry get back up and running.

The first opportunity to offer concrete support is with regards to patios, as they offer a hospitality experience within the relative public trust of outdoor space. We ask that your municipality work creatively and collaboratively with operators to help expand current patio areas, add new patios quickly, and permit dining, liquor service and manufacturer's sampling in controllable public spaces.

Specifically, we request your support to:

1. Increase flexibility for patio types and sizes (including consideration for pre-detailed designs and formats), expedited permitting including applications and renewals, as well as the number of patios allowed;
2. Increase the space use of existing patios or picnic areas to allow chairs to be spread out to meet distancing requirements (i.e. many patios have more space than the current floor plans allow them to use);
3. Allow pop-up outdoor dining and manufacture sampling spaces;
4. Allow and increase the use of parklets and public space for dining;
5. Allow any increase in patio, picnic area or outdoor space be considered a continuation of an establishment's existing approved alcohol service area or manufacture's sampling area to provide samples and not require additional endorsements or authorizations.
6. Coordinate with any relevant bodies—such as the Liquor and Cannabis Regulation Branch, Fire Department, etc.—to reduce red tape and speed approval timelines wherever possible.

As a sample, we have attached a recent motion from Vancouver Councillor Sarah Kirby-Yung that is resoundingly supported by BC's hospitality businesses.

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It is our sincere hope that we can work with your council to find significant and meaningful measures to ensure our critical industry survives. We recognize that some of these measures may only be made possible for a limited time to help respond to the COVID-19 crisis. Short term assistance is as important as long term as our industry has never before faced a crisis of this magnitude. The very survival our industry's small businesses and the jobs they create now depend on urgent leadership and bold action from our government partners in communities such as the City of Courtenay.

Thank you in advance for your support. We would also like to offer our sincere thanks and appreciation to Council and staff for your diligent work to keep British Columbians healthy and safe during this provincial state of emergency and global crisis.

We remain at your disposal to offer advice and perspective on these issues. Please do not hesitate to contact us at any time.

Sincerely,



Ian Tostenson, President & CEO  
**BC Restaurant and Foodservices Association**



Jeff Guignard, Executive Director  
**Alliance of Beverage Licensees**



Ken Beattie, Executive Director  
**BC Craft Brewers Guild**



Miles Prodan, President & CEO  
**BC Wine Institute**

Cc: Hon. Carole James, Minister of Finance  
Hon. Harry Bains, Minister of Labour  
Hon. Adrian Dix, Minister of Health  
Hon. Lisa Beare, Minister of Tourism, Arts and Culture  
Hon. David Eby, Attorney General  
Trevor Hughes, Deputy Minister of Labour

**BC Restaurant and Foodservices Association** 600-890 West Pender Street, Vancouver, BC, V6C 1J9

## Attachment No. 2: May 22, 2020 Letter and email from Liquor and Cannabis Regulation Branch

**From:** LCRB Liquor Policy LCRB:EX [<mailto:LCRBLiquorPolicy@gov.bc.ca>]  
**Sent:** Friday, May 22, 2020 9:44 AM  
**To:** LCRB Liquor LCRB:EX <[LCRBLiquor@gov.bc.ca](mailto:LCRBLiquor@gov.bc.ca)>  
**Subject:** Policy Directive 20-13 – Temporary Expanded Service Area Authorization

Hello,

The Liquor Control and Regulation Branch (LCRB) is aware of the significant ramifications the pandemic has had on B.C.'s hospitality sector and we understand that with reopening efforts underway, it is critical that licensees are supported in their needs to adhere to Provincial Health Officer's (PHO) direction and recommendations as they aim to resume operations.

As such, the LCRB has announced [Policy Directive 20-13](#), that permits food primary, liquor primary and manufacturing licensees to temporarily expand their service area footprint **until October 31, 2020**.

Helping licensees increase their service area will allow them to decrease the density of patrons in their establishments and to continue to serve patrons while complying with PHO orders and guidelines regarding physical distancing.

To support this directive, we have implemented an expedited process for the authorization of temporary expansions to service areas. These temporary authorizations will be focused on expanding licensee service areas only and will not increase currently approved person/patron capacities or occupant loads. This will allow the LCRB to expedite approvals while mitigating any public safety risks or local government requirements. Licensees will still be subject to any PHO orders requiring reduced occupancy loads and must also comply with all local bylaws and health and fire regulations.

Licensees will be able to submit applications for **Temporary Expanded Service Area Authorizations** via our [online portal](#) at no charge. This user-friendly online system will ensure information is gathered from licensees efficiently and will enable faster processing times.

We understand that some local governments may want applications in their jurisdiction approved as soon as possible, while others may want an opportunity to review individual applications more extensively. Therefore, the LCRB is offering the following two options for local government input into the temporary authorization application process for liquor primary and manufacturer licensees:

1. Local governments may provide one pre-approval to cover all liquor primary and manufacturer establishments within their jurisdiction who may apply for an expanded service area.

Considerations:

- This will enable the fastest processing of applications in your jurisdiction.
- You will not have an opportunity to see individual requests before they are approved by the LCRB.
- Applicants will be required to disclose that they have met all local government requirements when applying.
- You will receive notice when the expanded service area is authorized by the LCRB.
- If you have wish to use this expedited process but have specific concerns, please contact the LCRB immediately.

*If you choose this option, please send confirmation directly to our local government liaison, Allan Lingwood, at [Allan.Lingwood@gov.bc.ca](mailto:Allan.Lingwood@gov.bc.ca) so that your pre-approval can be recorded in our system.*

2. Local governments may choose to review and approve all individual requests for liquor primary and manufacturer expansions prior to licensees submitting their applications to the LCRB.

Considerations:

- This will increase the time required for businesses to begin operating their expanded areas.
- You will have the ability to determine what information you require from applicants seeking your approval, and to withhold approval if you have concerns.
- If you approve the application, you will be asked to provide written approval directly to the applicant (email is sufficient). The applicant will be required to include this information with their application to the LCRB.
- You will receive notice when an expanded service area is authorized by the LCRB.

**Please note:** *This is the default process. You do not need to contact LCRB if you wish to follow this process.*

*Local governments who choose to review/approve all individual requests will be required to provide written approval to each applicant (via letter or email) prior to submission, with the following information:*

1. *Establishment name*
2. *Licence number*
3. *Establishment address*
4. *Local Government's confirmation of "no objection"*
5. *Permission to use publicly owned spaces, if applicable*
6. *Comments, if any.*

Since food primary establishments are not generally required to obtain prior local government approval to expand their service areas, the LCRB will continue to process food primary requests for expanded service areas without requiring local government approval. Food primary licensees are responsible for following all local bylaws and for obtaining any permits as required by their local government. You will receive notice when an expanded food primary service area is approved by the LCRB.

Finally, it's important to note that the LCRB will not require evidence from licensees ensuring they have appropriate permissions (including the use of publicly owned spaces like parking lots, sidewalks, etc.) from local governments, if their local government has selected the blanket-approval approach. It is the responsibility of the licensee to ensure they abide by all local bylaws and acquire any necessary permits. However, all applicants will be required to affirm through an online disclosure that they have met all local government requirements.

Please quickly decide your local governments approach and either communicate your decided administrative process to the LCRB, or the licensees and applicants that will be likely reaching out to you soon.

The LCRB will also continue with its end-to-end review of the existing permanent structural approval process, with the goal of streamlining and modernizing the process, making future applications more straightforward and aligned with today's business needs.

We look forward to continuing to work with you to ensure B.C. businesses have the support they need during this challenging time.

If you have any questions, please contact our local government liaison, Allan Lingwood, at [Allan.Lingwood@gov.bc.ca](mailto:Allan.Lingwood@gov.bc.ca).

Sincerely,

Mary Sue Maloughney  
Assistant Deputy Minister and General Manager  
Liquor and Cannabis Regulation Branch  
Ministry of Attorney General



**Liquor and Cannabis Regulation Branch**  
**POLICY DIRECTIVE**  
**No: 20 - 13**

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**Date:** May 22, 2020

**To:** All LCRB Staff  
All Licensees  
All Industry Associations  
All local government, First Nations and police agencies

**Re:** **Temporary Expanded Service Area Authorization**

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### **General Manager Authority**

Under the Liquor Control and Licensing Regulation (LCLR), s. 109.1, the General Manager (GM) of the Liquor and Cannabis Regulation Branch (LCRB) may issue a Temporary Expanded Service Area Authorization to food primary, liquor primary, and manufacturer licensees.

### **New Policy**

In response to the COVID-19 pandemic, the Province's March 2020 declaration of a state of emergency and the Provincial Health Officer's March 2020 declaration of a public health emergency, the GM is putting in place time-limited measures to support the Provincial Health Officer's (PHO) direction and recommendations.

This new authorization permits a licensee to temporarily expand their service areas **until October 31, 2020**. The increased service area will allow licensees to serve patrons while complying with the PHO's guidelines regarding physical distancing.

Accordingly, food primary, liquor primary and manufacturer licensees (i.e., wineries, breweries, distilleries) may apply for a Temporary Expanded Service Area Authorization.

To meet the intent of this temporary authorization, licensees will not be permitted to increase or exceed their currently approved person/patron capacities or occupant loads. All means of access to the service area must also be supervised to the satisfaction of the GM. Finally, licensees must comply with all local bylaws and health and fire regulations.

An expedited online application will be available for licensees at no charge. Please check our website for a link to the application.

### **Explanation**

The new policy is provided in the context of the provincial state of emergency and public

health emergency related to the COVID-19 pandemic. Increasing the size of existing service areas is expected to support licensees in complying with requirements under the Provincial Health Orders and recommendations, in particular with respect to social/physical distancing.

**Further Information**

Further information regarding liquor and cannabis regulation and licensing in British Columbia is available on the Liquor and Cannabis Regulation Branch website at <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing>

If you have any questions regarding these changes, please contact the Liquor and Cannabis Regulation Branch toll free in Canada at 1-866-209-2111 or 250 952-5787 if calling from the Victoria area.

*Original signed by*

Mary Sue Maloughney  
Assistant Deputy Minister and General Manager  
Liquor and Cannabis Regulation Branch



## BRIEFING NOTE TO COUNCIL

**To:** Council

**File No.:** 5335-20/5400-02

**From:** Chief Administrative Officer

**Date:** June 1, 2020

**Subject:** Update on 6<sup>th</sup> Street Multi-Use Active Transportation Bridge Project

### **PURPOSE:**

The purpose of this Briefing Note is to provide a progress report on the 6<sup>th</sup> Street Multi-Use Active Transportation Bridge Project, and to report on the status of the grant application for the recently completed Options Analysis.

### **BACKGROUND:**

The January 27, 2020 presentation to Council detailed various options for the proposed 6<sup>th</sup> Street Multi-Use Bridge. The City of Courtenay is currently developing and evaluating these options for improving active transportation connections across the Courtenay River adjacent to downtown.

On February 3, 2020, Council provided the following direction to staff:

“That Council affirm the priority construction of the 6<sup>th</sup> Street multi-use pedestrian-bike bridge project and direct staff to include the 6<sup>th</sup> Street multi-use Pedestrian-bike Bridge project on the list of Council priorities.”

A 6<sup>th</sup> Street Multi-Use Bridge is included in the recently completed Parks & Recreation Master Plan and referenced in the Transportation Master Plan for the City of Courtenay. The bridge is listed as a long-term improvement in the Parks and Trails Master Plan. In addition, the Downtown Courtenay Playbook also notes an additional crossing at 6<sup>th</sup> Street should be explored further.

A 6<sup>th</sup> Street Multi-Use Bridge would provide a dedicated cycling and pedestrian connection between downtown and Simms Millennium Park as well as a connection to the future cycling network along 6<sup>th</sup> Street and Anderton Avenue, the Courtenay Riverway Trail, and the Lewis Park pathway connection to the Lewis Centre.

### **UPDATE:**

The scope of work for 2020 will include a Detailed Options Analysis which will advance the design of the four previously studied options, and of the connections to the existing walking and cycling infrastructure on each side of the bridge. High-level stakeholder engagement will also take place. This report will summarize all work done to date, and recommend a preferred option for Council’s consideration to move forward into detailed design.

#### **1. Approved Grant Funding**

On February 28, 2020, the City received confirmation that the application for grant funding from the Federation of Canadian Municipalities (FCM) Green Municipal Fund for the recently completed 6<sup>th</sup>



Street Bridge Options Analysis/Feasibility Study was successful. The grant will fund approximately 50% of the study, or \$29,300. The study was presented to Council on January 27, 2020.

**2. Request For Proposal – Detailed Options Analysis**

On May 4, the City issued a Request for Proposal (RFP) for a formal competitive public procurement process to secure a qualified engineering design consultant to develop the Detailed Options Analysis. This analysis will help inform Council’s decision on which bridge option to select for detailed design.

**3. Potential Additional Funding**

As work on the project progresses, efforts to identify potential additional funding sources will continue. There may be opportunity for further FCM grant funding through the Green Municipal Fund for both detailed design and construction of the bridge.

In addition to obtaining grant funding, there may be opportunities to partner with local community groups and clubs to help fund the project.

**NEXT STEPS**

1. Q2/Q3 of 2020 - Proceed with procurement for consulting services, and development of the Detailed Options Analysis.
2. Q4 of 2020 - Report back to Council on findings of Detailed Options Analysis.
3. Q4 of 2020 - Council to provide direction to proceed or not with Detailed Design of 6<sup>th</sup> St Bridge, and direction on style of bridge (which bridge option) subject to budget approval.
4. Q1 of 2021 – Pending Council direction, proceed with procurement for consulting services, and development of the Detailed Design.

**PROJECT BUDGET AND WORKPLAN**

Major project phases and estimated costs are planned to proceed as per the below table:

| <b>BUDGET</b> |                       |                                |
|---------------|-----------------------|--------------------------------|
| <b>Year</b>   | <b>Estimated Cost</b> | <b>Phase</b>                   |
| 2020          | \$50,000              | Detailed Options Analysis      |
| 2021          | \$150,000             | Detailed Design and Permitting |
| 2022          | \$4,000,000           | Construction                   |

**PROJECT SCHEDULE**

A preliminary project schedule is presented below. This schedule is subject to Council’s decision to proceed, available funding, and design and construction timelines.

If Council decides to proceed with the project, the detailed design and permitting for the bridge would likely take up to one year to complete.

Construction would be expected to last five to seven months depending on the preferred concept, and would be scheduled to align with environmental construction windows. To minimize impacts to the community and better manage the City’s internal capacity, if approved, construction on the project is recommended for 2022, after the Fifth Street Bridge Rehabilitation Project is completed.

| SCHEDULE                         |           |           |            |           |           |           |            |           |           |           |            |           |
|----------------------------------|-----------|-----------|------------|-----------|-----------|-----------|------------|-----------|-----------|-----------|------------|-----------|
| Deliverable                      | 2020      |           |            |           | 2021      |           |            |           | 2022      |           |            |           |
|                                  | Jan – Mar | Apr – Jun | Jul – Sept | Oct – Dec | Jan – Mar | Apr – Jun | Jul – Sept | Oct – Dec | Jan – Mar | Apr – Jun | Jul – Sept | Oct – Dec |
| Procurement for Detailed Options |           |           |            |           |           |           |            |           |           |           |            |           |
| Detailed Options Analysis        |           |           |            |           |           |           |            |           |           |           |            |           |
| Procurement for Detailed Design  |           |           |            |           |           |           |            |           |           |           |            |           |
| Detailed Design and Permitting   |           |           |            |           |           |           |            |           |           |           |            |           |
| Tender Process                   |           |           |            |           |           |           |            |           |           |           |            |           |
| Construction                     |           |           |            |           |           |           |            |           |           |           |            |           |

Prepared by:



Chris Davidson, P.Eng.  
 Director of Engineering Services

Reviewed by:



Trevor Kushner, BA, DLGM, CLGA  
 Deputy Chief Administrative Officer

Concurrence by:



David Allen, BES, CLGEM, SCLGM  
 Chief Administrative Officer





## **Millard/Piercy Watershed Steward**

P.O. Box 3761 Courtenay, B.C. V9N 7P1

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

March 2, 2020

Attention: Mayor and Councilors, David Allen CAO

Request for support of proposed Piercy Creek assessment project

The purpose of this letter is to request support from the City of Courtenay for a proposed Millard/Piercy Watershed Steward (MPWS) project to update a fish habitat assessment of the Piercy Creek watershed north of the Comox Valley Parkway. This proposed project will be an important assessment to determine our next steps to sustain or increase the salmonid population in the Piercy Creek watershed. We have prepared an application for funding from the Pacific Salmon Foundation for \$12,636(38%) of the estimated project cost of \$32,800.

Following is a summary of the project:

### Project Rationale

While MPWS have continued yearly monitoring programs of the complete Millard - Piercy watershed including; water quality, smolt counting, spawner surveys, riparian planting, public education and development referral reviews, we recognize that the Northern Piercy watershed has been seriously impacted by the pace of creek-side urban development.

Over the last 10 years most areas along Piercy Creek and its' tributaries have been impacted by housing developments. In most cases the Riparian Area has been 10 to 15m, with total tree loss outside that area. While Riparian Areas have recently increased to 30m, there is now very little undeveloped land left to apply this to. The resulting exacerbated creek flows are further damaging fish habitat. Additionally, there are several road culverts where fish access is limited.

*We all live in a watershed!*

As a result of these conditions MPWS have not considered restoration projects in the urbanized areas of the Piercy system.

Conversely, the Millard Creek watershed and Piercy Trib 1 are less impacted as the area is mainly rural, separated from urbanization by the Comox Valley Parkway and include Agricultural Land Reserve (ALR) land, a large park and an ecological preserve. Creeks flows are all year and are less extreme. MPWS have completed two successful habitat restoration projects in these areas, in 2015 and 2017.

In order to determine the most effective restoration options over the next several years we need to update assessment of the habitat, creek flows, fish presence and fish barriers focusing on the Piercy Creek watershed north of the Parkway.

MPWS recognize and value working in partnership with development community and city as an important aspect of all of our projects. Therefore, this project also contains a public education component that builds on our “Urban Watershed brochure” (funded by develops and the City in 2016) to engage and inform private property owners on the value of our urban watersheds.

### Project Plan

The project will be completed over the next 12 months from May 2020 to March 2021 and will involve approximately 14 of our stewards, in both field work and analysis, resulting in much greater knowledge and experience gained by our volunteers.

The project activities include:

- Creek-side landowner/homeowner contact to introduce MPWS, handout of MPWS “Urban Watershed Guide” and request for access where needed
- Desk review of existing reports, updated maps and data to determine areas of focus
- Field assessment of fish habitat and streams for Piercy and main tributaries
- Field assessment of fish presence summer and winter
- Field assessment of summer and winter water levels and flows
- Evaluation of all data, mapping, report and recommendations

MPWS will contract Current Environmental to design and lead the project, direct and supervise our volunteer stewards, and report completion.

### Project costs and funding

Estimated costs for professional services are \$22,000.

MPWS volunteer time is estimated to total a minimum of 100days or 700 hrs. with an “in-kind” value of \$10,500.

Total project cost is \$32,500.

Proposed Funding sources include:

- Pacific Salmon Foundation = \$12,500
- MPWS = \$2,000
- CVRD (2020 grant in aid) = \$2,500
- City of Courtenay = \$5,000
- DFO (contribution tbd) = \$
- Total cash funds = \$22,000



### **Request for support and funding**

**This project will have important ramifications for MPWS's future efforts to sustain the salmon population in the Piercy watershed but also for the City's current and future planning, developments, infrastructure and public health. Therefore, MPWS respectfully request the City's support and funding of \$5,000 to complete this project.**

**Unfortunately, the timing of this proposal and request has missed the City Grant in Aid deadline.**

**However, we hope you are still able to support this important project this year.**

A short presentation to Council is requested to allow dialogue of this proposal. A delegation request has been submitted to the Director of Legislative Services.

Thank you for your continued support.

Steve Williams

VP, MPWS

Pacific Salmon Foundation  
300 - 1682 West 7th Avenue  
Vancouver, British Columbia  
Canada V6J 4S6

t. 604.664.7664 www.psf.ca  
f. 604.664.7665



April 21, 2020

CSP 20S 074

Steve Williams  
Millard-Piercy Watershed Stewards  
Box 3761  
Courtenay, BC  
V9N 7P1

### **Piercy Basin Habitat Assessment**

On behalf of the Board of Directors of the Pacific Salmon Foundation, we are pleased to advise that Community Salmon Program (CSP) funding has been approved in the amount of **\$12,636** to support your project. CSP funds are raised through Fisheries and Oceans Canada's Recreational and Commercial Fishing Salmon Conservation Stamp Program and PSF dinners, auctions and donations from throughout the Pacific region.

To release your grant, the attached Release of Grant/Disclosure form needs to be completed and returned to us six weeks prior to the commencement of your project.

If you need to make changes to the project, workplan or approved expenses as described in your application please contact us prior to spending the PSF grant portion of your budget. PSF is aware there may be unanticipated impacts of the COVID-19 pandemic on your project, which may delay its completion or the proposed budget. If so, please contact us at the phone number below. As well, verify any unconfirmed cash and in-kind contributions with PSF staff upon receipt of this letter in order to have your funds issued.

A Final Report is required as a condition of this grant, and must be submitted with invoices for PSF authorized payments and photos once your project is completed. A Final Report template for this project is attached.

The Pacific Salmon Foundation requests acknowledgment of our support in your project signage, promotion and media articles. PSF will be publicizing CSP funding results in our media releases and publications, and you may be contacted by PSF staff or media agencies in this regard to discuss your project.

If you have questions or need additional assistance please contact Jim Shinkewski, Salmon Programs Manager, at 604-783-8168.

Sincerely,

Dianne Ramage  
Director, Salmon Programs



# Pacific Salmon Foundation Community Salmon Program

#300 – 1682 West 7<sup>th</sup> Avenue, Vancouver BC, V6J 4S6

Telephone 604-664-7664 Fax 604-664-7665 jshinkewski@psf.ca

## RELEASE OF GRANT FUNDS and DISCLOSURE DECLARATION

|                        |                                   |
|------------------------|-----------------------------------|
| <b>Project Number</b>  | 20S 074                           |
| <b>Organization</b>    | Millard-Piercy Watershed Stewards |
| <b>Project Title</b>   | Piercy Basin Habitat Assessment   |
| <b>Grant Amount</b>    | \$12636                           |
| <b>Address</b>         | Box 3761 Courtenay, BC V9N 7P1    |
| <b>Primary Contact</b> | Steve Williams                    |

### Cheque Information

Mail Cheque To (If different from above) :

In the Amount of \$12636

We would like to receive project funds by \_\_\_\_\_  
Month / Day / Year

**Applicant: Authorized Personnel Signature for Release of Grant**

\_\_\_\_\_

### **Disclosures:**

**Conflict**, as a recipient of Federal funds the Pacific Salmon Foundation is required to request all Applicants (your Group) to disclose the involvement in their project of any former federal employees who are under the *Conflict of Interest and Post-Employment Code for Public Office Holders* or the *Values and Ethics Code for the Public Service*.

**Debts to Canada**, as a recipient of Federal funds the Pacific Salmon Foundation is required to request all Applicants (your Group, not as individuals) to declare any amounts owing to Canada under any legislation or other contribution agreements.

***We are not aware of any conflicts under these Codes or debts to Canada***

**Applicant: Authorized Personnel Signature for Disclosures**

\_\_\_\_\_

Our File: 2211 Eng/Gen/Millard-Piercy

March 2, 2020

Mr. Steve Williams  
Millard/Piercy Watershed Stewards  
PO Box 3761  
Courtenay, BC V9N 7P1

Via email: [stevegwilliams.williams@gmail.com](mailto:stevegwilliams.williams@gmail.com)

Dear Mr. Williams,

### **Funding Support for Flow Data Collection within the Millard and Piercy Creek Watersheds**

This is further to our recent conversation regarding the ongoing work that the Millard/Piercy Watershed Stewards (MPWS) are undertaking, particularly within the Piercy Creek watershed. We understand from our conversation that capturing continuous stream flow data within Piercy Creek would benefit the restoration works that are planned for the watershed. McElhanney would be pleased to assist the Stewards in the acquisition of this data. Our local staff have expertise in flow monitoring and data analysis/interpretation, and have carried out similar assignments for many public and private sector clients within the Comox Valley.

McElhanney Limited would like to offer the Millard/Piercy Watershed Stewards an in-kind donation of \$5,000 of professional time, to assist in the deployment, calibration, monitoring, and downloading of data loggers, and interpretation of stream flow data. We would also propose to use this time to train MPWS staff in the operation of flow monitoring equipment, with the goal of ultimately having MPWS staff take over this process entirely.

We would like to thank the Millard Piercy Watershed Stewards for their tireless work, and look forward to assisting in this exciting project. Should you have any questions, or wish to discuss further, we would ask that you please contact the undersigned.

Thank you

Sincerely,  
McElhanney Ltd.



Bob Hudson, P.Eng.  
Branch Manager  
[bhudson@mcelhanney.com](mailto:bhudson@mcelhanney.com) | 250-338-5495



## **Millard/Piercy Watershed Steward**

P.O. Box 3761 Courtenay, B.C. V9N 7P1

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

May 22<sup>nd</sup> 2020

Attention: Mayor and Councilors, David Allen CAO

### **Update on request for support of proposed Piercy Creek assessment project, Letter dated March 2<sup>nd</sup> 2020**

MPWS have received approval and funding of \$12,636 for the Piercy Creek assessment project from Pacific Salmon Foundation (PSF) subject to confirmation of other funding. Their letter is attached.

In addition, we have received \$5,000 of in-kind support from McElhanney to help with creek flow monitoring. This is a meaningful commitment of collaboration that is a great step forward for our community. Their letter is also attached.

An application for funding to purchase flow monitoring equipment has also been made to the Mustang Survival Water Life Fund.

While MPWS has been unable to continue our monitoring projects this spring we are still planning to complete this important project in the near future.

The project schedule will need to be revised due to COVID 19 restrictions, however we are hopeful to complete some work late summer/fall this year and finalize the project next year.

*We all live in a watershed!*

Following the postponement of MPWS delegation to the City Council to ask for support we would like some feedback on what support we may expect from the City as this is critical to completing the project.

We recognize this is a difficult time but are committed to continue our efforts to keep the salmon in Piercy Creek.

Thank you for your support.

Stay safe and well!

MPWS

Attachments

Previous March 2<sup>nd</sup> letter

PSF letter

McElhanney letter



File: 0400-60

March 09, 2020

Sent via email only: [dallen@courtenay.ca](mailto:dallen@courtenay.ca)

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

Dear Mayor and Council:

**Re: Regional Active Transportation Plan Grant Funding Application**

I am reaching out to request your support for the Comox Valley Regional District' (CVRD's) regional application to the BC Active Transportation Infrastructure Grants Program, offered through the Ministry of Transportation and Infrastructure. The CVRD proposes to undertake a regional active transportation planning exercise intended to identify gaps and barriers in regional active transportation facilities, clarify jurisdictional roles and identify opportunities for action. This work aligns with key 2019-2022 CVRD Board initiatives including the multi-modal Regional Transportation Implementation Agreement and will build on our work to advance service outcomes such as reducing greenhouse gas emissions.

On February 25, 2020, the CVRD Board approved the following:

*“THAT staff be authorized to make an application to the BC Active Transportation Infrastructure Grants program to undertake gap analysis work in support of a regional active transportation plan;*

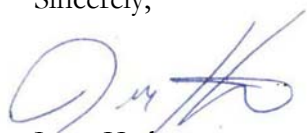
*AND THAT the Comox Valley Regional District send a request to each member municipality requesting permission to make the grant application on their behalf;*

*AND FINALLY THAT the Comox Valley Regional District serve as the primary applicant to apply for, receive and manage the grant funding on behalf of the Village of Cumberland, the Town of Comox and the City of Courtenay.”*

If successful in obtaining grant funding CVRD planning staff, in consultation with the Regional Growth Strategy Technical Advisory Committee and Steering Committee, will lead this initiative and be responsible for administering the grant, overseeing any consulting help, delivering the community engagement and final reporting. Key community partners will include the Ministry of Transportation and Infrastructure, School District No. 71, and K'ómoks First Nation.

The funding intake deadline was February 20, 2020. The CVRD has submitted an application and it would be appreciated if your Council would consider supporting a resolution to endorse your municipality's participation in this regional project at your next meeting. It is our view that a regional approach to the preparation of an active transportation plan, beginning with a gap analysis, will create efficiencies for each local government and enable us to plan for an integrated network of active transportation routes and facilities.

Sincerely,



Jesse Ketler  
Chair

cc: John Ward, Director of Legislative Services, City of Courtenay  
Russell Dyson, Chief Administrative Officer  
Alana Mullaly, Senior Manager of Sustainability and Regional Growth Strategy