

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

Date: September 27, 2021
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*

AMENDED AGENDA

K'OMOKS FIRST NATION ACKNOWLEDGEMENT

Pages

1. ADOPTION OF MINUTES

1.1. Adopt September 7th, 2021 Regular Council meeting minutes

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1.2. Adopt September 7th, 2021 Special Council meeting minutes

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2. INTRODUCTION OF LATE ITEMS

3. DELEGATIONS

3.1. Comox Valley Art Gallery RE: Annual Operations

Presentation by:

- Glen Sanford, Executive Director

3.2. Courtenay & District Museum RE: Annual Operations

Presentation by:

- Deborah Griffiths, Executive Director

3.3. Comox Valley United Soccer Club RE: Need for Additional Facilities

Presentation by:

- Stefan Szkwarek, President

4. STAFF REPORTS/PRESENTATIONS

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Presentation by:

- Lindsay Monk, Manager of Development, M'akola Development Services
- Jamie Bégin, Project Coordinator, M'akola Development Services
- Roger Kishi, Program Coordinator, Wachiay Friendship Centre; and,
- Maris MacDonald, Principal, MacDonald Haggarty Architects Ltd.

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4.4. Public Works Services

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5. EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 5.1. Ambulance Paramedics of British Columbia - Emergency Paramedics and Dispatchers

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(Includes a request to write to both the Minister of Health, Adrian Dix, and BC Health Critic to advocate for enhanced paramedic services and healthcare in the community)

6. INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

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

- 7.1. Councillor Cole-Hamilton
7.2. Councillor Frisch
7.3. Councillor Hillian
7.4. Councillor McCollum
7.5. Councillor Morin
7.6. Councillor Theos
7.7. Mayor Wells

8. RESOLUTIONS OF COUNCIL

- 8.1. In Camera Meeting

That a Special In-Camera meeting closed to the public will be held September 27th, 2021 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- 90 (1) (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- 90 (1) (c) labour relations or other employee relations.

9. UNFINISHED BUSINESS

10. NOTICE OF MOTION

11. NEW BUSINESS

- 11.1. Development Application Procedures Amendment Bylaw No. 3052, 2021 235

Suggested motion:

Whereas “Development Application Procedures Bylaw No. 2790, 2014” delegates various authorities to the Director of Development Services; and

Whereas Council desires to allow for the efficient oversight and approval of development applications in the absence of the Director of Development Services due to annual vacations, medical leave or other vacancy of the position;

Now therefore Council gives “Development Application Procedures Amendment Bylaw No. 3052, 2021” First, Second and Third Readings to amend “Development Application Procedures Bylaw No. 2790, 2014” to replace all references to the Director of Development Services with “Director responsible for overseeing development services or in their absence the Chief Administrative Officer”.

12. BYLAWS

- 12.1. For First and Second Reading

- 12.1.1. Official Community Plan Amendment Bylaw No. 3028, 2021 (1679 McPhee Avenue) 237

(A bylaw to amend Official Community Plan Bylaw No. 2387, 2005 to change the land use designation from Industrial to Multi-Residential and amend Map #2 Land Use Plan - 1679 McPhee Avenue)

- 12.1.2. Zoning Amendment Bylaw No. 3029, 2021 (1679 McPhee Avenue) 239

(A bylaw to amend Zoning Bylaw No. 2500, 2007 to create a new Comprehensive Development Thirty-Four Zone (CD-34) and rezone the subject property from Industrial Two (I-2) to Comprehensive Development Thirty-Four Zone (CD-34) and amend Schedule No. 8 Zoning Map - 1679 McPhee Avenue)

12.1.3.	Zoning Amendment Bylaw No. 3030, 2021 (3040 Kilpatrick Avenue)	247
	(A bylaw to amend Zoning Bylaw No. 2500, 2007 to rezone property from Comprehensive Development Twenty-Six Zone (CD-26) to Comprehensive Development Twenty-Six A Zone (CD-26A) to facilitate multi-residential development)	
12.1.4.	Zoning Amendment Bylaw No. 3040, 2021 (1236 Malahat Drive)	255
	(A bylaw to amend Zoning Bylaw No. 2500, 2007, S. 8.1.1 adding "notwithstanding any provision of this bylaw, a carriage house is a permitted use" - 1236 Malahat Drive)	
12.2.	For First, Second and Third Reading	
12.2.1.	Tax Exemption 2022 Bylaw No. 3047, 2021	257
	(A bylaw to exempt certain lands and improvements from taxation for the year 2022)	
12.2.2.	Tax Exemption Churches 2022 Bylaw No. 3048, 2021	263
	(A bylaw to exempt certain lands and improvements, set apart for public worship, from taxation for the year 2022)	
12.2.3.	2022-2031 Tax Exemption Bylaw No. 3049, 2021	267
	(A bylaw to exempt certain lands and improvements to the extent indicated for the years 2022 to 2031)	

13. ADJOURNMENT

Minutes of a Regular Council Meeting

Meeting #: R16/2021
Date: September 7, 2021
Time: 4:00 pm
Location: City Hall Council Chambers and via video/audio conference

Attending:

Mayor: B. Wells
Councillors: W. Cole-Hamilton
D. Frisch
D. Hillian
M. McCollum
W. Morin
M. Theos

Staff: G. Garbutt, CAO
I. Buck, Director of Development Services, via video/audio conference
J. Nelson, Director of Financial Services, via video/audio conference
K. O'Connell, Director of Corporate Support Services, via video/audio conference
S. Saunders, Director of Culture, Recreation, and Community Services, via video/audio conference
M. Fitzgerald, Manager of Development Planning, via video/audio conference
A. Berard, Manager of Financial Planning, Business Performance, and Payroll, via video/audio conference
R. Matthews, Executive Assistant/Deputy Corporate Officer, via video/audio conference
E. Gavelin, Network Technician, via video/audio conference

Due to the COVID-19 pandemic, and in accordance with Ministerial Order No. M192/2020 and the Class Order (mass gatherings), Council meetings are conducted virtually and live-streamed on the City of Courtenay's YouTube channel.

The Mayor respectfully acknowledged the lands on which the meeting was conducted is the unceded traditional territory of the K'ómoks First Nation.

1. ADOPTION OF MINUTES

1.1 Adopt July 26th, 2021 Regular Council meeting minutes (0570-03)

Moved By Frisch

Seconded By Morin

THAT the July 26th, 2021 Regular Council meeting minutes be adopted.

Carried

2. INTRODUCTION OF LATE ITEMS

VARY AGENDA

Moved By Cole-Hamilton

Seconded By Frisch

THAT following Item 3.1 Brian Scott Fine Art Ltd. - Art in the Park (*Under 3. Delegations*):

THAT Council vary the order of the September 7th, 2021 Regular Council agenda as outlined:

Following Item 3.2 Broadstreet Properties Ltd./Seymour Pacific Developments Ltd. - Applicants for Rezoning Application at 801 Ryan Road (*Under 3. Delegations*), Council consider:

- Item 4.3.1 Zoning Amendment Bylaw No. 3017 - 801 Ryan Road (*Under 4. Staff Reports/Presentations*) AND for First and Second Reading, Item 12.1.1 Zoning Amendment Bylaw No. 3017 (801 Ryan Road) (*Under 12. Bylaws*); and,

Following Item 3.3 Newport Village Courtenay Developments Ltd. - Applicants for Rezoning Application at 3040 Kilpatrick Avenue (*Under 3. Delegations*), Council consider:

- Item 4.3.2 Zoning Amendment Bylaw No. 3030 - 3040 Kilpatrick Avenue (*Under 4. Staff Reports/Presentations*) AND for First and Second Reading, Item 12.1.2 Zoning Amendment Bylaw No. 3030, 2021 (3040 Kilpatrick Avenue) (*Under 12. Bylaws*).

Carried

3. DELEGATIONS

3.1 Brian Scott Fine Art Ltd. - Art in the Park

Brian Scott, Owner, Brian Scott Fine Art Ltd., presented information to Council regarding an idea called ‘Art in the Park’ to allow fine artists paint and sell on location in Lewis Park which would require an amendment to *Business Licence Bylaw No. 2523, 2008*.

3.2 Broadstreet Properties Ltd. /Seymour Pacific Developments Ltd. - Applicants for Rezoning Application at 801 Ryan Road

Rachel Ricard, Development Manager, Kris Mailman, CEO, and Yulia Liem, Traffic Engineer, Bunt & Associates representing Broadstreet Properties Ltd. /Seymour Pacific Developments Ltd., presented information regarding their rezoning application for 801 Ryan Road.

4.3.1 Zoning Amendment Bylaw No. 3017 - 801 Ryan Road (3360-20-2011)

Moved By Cole-Hamilton

Seconded By McCollum

THAT the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3017 - 801 Ryan Road” be received for information.

Carried

Moved By McCollum

Seconded By Cole-Hamilton

THAT based on the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3017 - 801 Ryan Road” Council approve OPTION 2 to postpone consideration of Bylaw No. 3017 with a request for more information.

Carried

12.1.1 Zoning Amendment Bylaw No. 3017, 2021 (801 Ryan Road)

Council passed a motion under Item 4.3.1 to postpone consideration of *Zoning Amendment Bylaw No. 3017, 2021* therefore first and second readings were not considered.

3.3 Newport Village Courtenay Developments Ltd. - Applicants for Rezoning Application at 3040 Kilpatrick Avenue

Sasha Rasovic, Director, and Bill Laidler, Development Manager, Newport Village Courtenay Developments Ltd., presented information regarding their rezoning application for 3040 Kilpatrick Avenue.

Councillor Cole-Hamilton left Council Chambers at 5:55 p.m.

Councillor Cole-Hamilton returned to Council Chambers and took his seat at 5:57 p.m.

Councillor McCollum left Council Chambers at 6:08 p.m.

Councillor McCollum returned to Council Chambers and took her seat at 6:10 p.m.

4.3.2 Zoning Amendment Bylaw No. 3030 - 3040 Kilpatrick Avenue (3360-20-2102)

Moved By McCollum

Seconded By Cole-Hamilton

THAT the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3030 - 3040 Kilpatrick Avenue” be received for information.

Carried

Moved By Cole-Hamilton

Seconded By Morin

THAT based on the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3030 - 3040 Kilpatrick Avenue” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3030, 2021;

THAT Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw; and

THAT Final Reading of the bylaw be withheld pending the registration of a Section 219 Covenant; and,

THAT subject to the registration of a housing agreement regarding five units reflective of the overall unit mix to be available at 30% below market cost.

Withdrawn

New motion:

Moved By Frisch

Seconded By Cole-Hamilton

THAT Council postpone a decision on the main motion (OPTION 1) of the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3030 - 3040 Kilpatrick Avenue” until a future Council meeting as determined by staff; and,

THAT this item be REFERRED back to staff to allow for a report that provides additional information regarding issues raised during discussion at the September 7th, 2021 regular Council meeting.

Carried

12.1.2 Zoning Amendment Bylaw No. 3030, 2021 (3040 Kilpatrick Avenue)

Council passed a motion under Item 4.3.2 to REFER consideration of *Zoning Amendment Bylaw No. 3030, 2021* therefore first and second readings were not considered.

4. STAFF REPORTS/PRESENTATIONS

4.1 Recreation, Culture and Community Services

4.1.1 Elections Canada Request to use Bill Moore Park Lawn Bowling building for Election Polling (0430-01/2380-20/7900-02)

Moved By Frisch

Seconded By Hillian

THAT based on the September 7th, 2021 staff report, "Elections Canada Request to use Bill Moore Park Lawn Bowling building as for Election Polling", Council approve OPTION 1 and approve the Polling Place Standard Lease between Elections Canada and the City of Courtenay for the use of the Bill Moore Park Lawn Bowling building for the purpose of operating a polling place for the upcoming Federal Election and,

THAT the Mayor and an Officer of the City be authorized to execute all documentation relating to the Polling Place Standard Lease.

Carried

4.2 CAO and Legislative Services

4.2.1 Council Meetings, Committee Meetings, and Public Hearings - Meeting Models (0570-00/0590-00)

Moved By McCollum

Seconded By Morin

THAT based on the September 7th, 2021 staff report "Council Meetings, Committee Meetings, and Public Hearings - Meeting Models", Council approve OPTION 1 and support the following meeting models until such time as Council Procedure Bylaw No. 2730 is amended to address in more detail electronic participation in public meetings under the newly granted authorities of Bill 10-2021:

- Council and Committee Meetings to be conducted using a "hybrid" model with spectators, delegates, and members of Council having the option of virtual or in-person participation/attendance.
- Public Hearings to be conducted "electronically" with participants having the option to participate via telephone, web conferencing or written submission, and members of Council having the option to participate electronically or in-person.

Carried

4.2.2 Lease Agreement for Lot 3, 100-20th Street - Courtenay Airpark (2380-30 Lot 3)

Moved By Hillian

Seconded By Cole-Hamilton

THAT based on the September 7th, 2021 staff report "Lease Agreement for Lot 3, 100-20th Street - Courtenay Airpark", subsequent to the publication of notice, Council approve OPTION 1 and authorize the lease assignment from North Bend Ventures Ltd. to The Property Centre Inc. (TPC) for the property having a legal description of PID: 000-892-149, Lot 1, Section 66 Comox Land District Plan 14942 except any portion of the bed of the Courtenay River and further identified as Lot 3 on Plan VIP64872; and,

THAT the Mayor and an Officer of the City be authorized to execute all documentation relating to the lease agreement.

Carried

4.2.3 Encroachment Agreement for 660476 BC Ltd. dba Island Honda (2250-20)

Moved By Frisch

Seconded By McCollum

THAT based on the September 7th, 2021 staff report, "Encroachment Agreement for 660476 BC Ltd. dba Island Honda", Council approve OPTION 1 and authorize:

- a. An encroachment agreement with Island Honda (660476 BC Ltd.) for 486 square metres of City Property with the civic address 1109 Comox Road, Courtenay, BC V9N 3P7 legally described as PID: 000-364-291, Lot 1, Section 13, Comox Land District; and,

THAT staff provide public notice to satisfy the statutory advertising requirements for the disposition of City Lands as per Section 24, 26, and 94 of the *Community Charter*; and,

THAT the Mayor and an Officer of the City be authorized to execute all documentation relating to the lease.

Carried

4.3 Development Services

4.3.3 Development Variance Permit No. 2101 - 356 14th Street (3090-20-2101)

Moved By Morin

Seconded By Frisch

THAT based on the September 7th, 2021 staff report "Development Variance Permit No. 2101 - 356 14th St", Council approve OPTION 1 and proceed with issuing Development Variance Permit No. 2101.

Carried

4.4 Financial Services

7:06 p.m. Councillors Hillian and Morin recused themselves citing a possible conflict of interest as Councillor Hillian is involved with one of the organizations applying for the permissive tax exemption in 2022; and, Councillor Morin is employed by two of the organizations applying for the permissive tax exemption in 2022.

4.4.1 Consideration of 2022 Permissive Property Tax Exemptions (1960-20)

Moved By Frisch

Seconded By Cole-Hamilton

THAT based on the September 7th, 2021 staff report "Consideration of 2022 Permissive Property Tax Exemptions", Council approve OPTION 1 as follows:

1. That Council consider the list of new applications for permissive tax exemption for 2022 as detailed on Schedule A attached;
2. That Council approve exemptions for new applications as recommended in Schedule A;
3. That Council direct staff to prepare the applicable bylaws for permissive tax exemption in 2022 based on the attached Schedules A, B, C, D and E; and,
4. That statutory notice of the proposed permissive exemption bylaws pursuant to Section 227 of the *Community Charter* be published for two consecutive weeks prior to final adoption of the bylaws.

Carried

5. EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

5.1 Comox Valley Coalition to End Homelessness (CVCEH) Request for Extension of Licence to Occupy 685 Cliffe Avenue

Moved By McCollum

Seconded By Frisch

THAT the correspondence dated August 24th, 2021 from the Comox Valley Coalition to End Homelessness (CVCEH) regarding a request to extend the Licence to Occupy 685 Cliffe Avenue to continue operations for Connect, be received for information.

Not voted on

New motion:

Moved By Hillian

Seconded By Frisch

THAT the August 24th, 2021 correspondence item entitled “Connect Extension” from the Comox Valley Coalition to End Homelessness (CVCEH) be referred to staff for a report; and,

THAT the current Licence of Occupation Agreement between the Comox Valley Transition Society and the City of Courtenay for the Connect Warming Centre at 685 Cliffe Avenue be temporarily extended under the current terms and conditions until November 30th, 2021 to permit the continuation of day-centre services.

Carried

6. INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

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

7.1 Councillor Hillian

Councillor Hillian participated in the following events:

- Comox Valley Community Justice Centre Committee meeting
- Official Community Plan (OCP) Update - Lunch and Learn with staff
- K’ómoks First Nation Main Treaty Table meeting
- Meeting with citizens re: neighbourhood issues
- Comox Valley Sewage Commission meeting
- Comox Valley Water Committee meeting
- CVRD Board meeting (2 total)
- Comox Valley Community Justice Centre Board meeting
- Habitat for Humanity’s Groundbreaking Ceremony at 1375 Piercy Avenue
- Solid Waste briefing meeting
- Comox Valley Recreation Commission meeting
- Meeting with Coordinator of Comox Valley Coalition to End Homelessness (CVCEH)
- Comox Valley Exhibition Fall Fair opening ceremonies
- Meeting re: Food Security

Councillor Hillian acknowledged the official opening of the Comox Valley Water Treatment Plant and looks forward to the opening ceremony on September 21st.

7.2 Councillor Morin

Councillor Morin reviewed her attendance at the following event:

- *International Overdose Awareness Day* event at the Comox Valley Art Gallery's outdoor plaza

7.7 Mayor Wells

Mayor Wells reviewed his attendance at the following events:

- *International Overdose Awareness Day* event at the Comox Valley Art Gallery's outdoor plaza
- Habitat for Humanity's Groundbreaking Ceremony at 1375 Piercy Avenue
- *Party in the Parks* event hosted by the City of Courtenay

8. RESOLUTIONS OF COUNCIL

9. UNFINISHED BUSINESS

10. NOTICE OF MOTION

11. NEW BUSINESS

11.1 Changes to September-November 2021 Council Meeting Schedule

Moved By Frisch

Seconded By McCollum

WHEREAS a Canadian federal election will take place on September 20th, 2021; and,

WHEREAS the City of Courtenay seeks to encourage residents to exercise their democratic right and to "Get Out and Vote".

THEREFORE BE IT resolved that the September 20th, 2021 Council meeting be cancelled; and,

BE IT FURTHER RESOLVED that the September 27th, 2021, October 25th, 2021, and November 29th, 2021 Committee of the Whole Meetings be changed to Regular Council Meetings.

Carried

12. BYLAWS

12.2 For Third Reading

12.2.1 Zoning Amendment Bylaw No. 3031, 2021 (815 Williams Road)

**Moved By Frisch
Seconded By McCollum**

THAT "Zoning Amendment Bylaw No. 3031, 2021" pass third reading.
Carried

12.3 For Final Reading

12.3.1 Zoning Amendment Bylaw No. 3031, 2021 (815 Williams Road)

**Moved By Hillian
Seconded By Frisch**

THAT "Zoning Amendment Bylaw No. 3031, 2021" be finally adopted.
Carried

13. ADJOURNMENT

**Moved By Cole-Hamilton
Seconded By McCollum**

THAT the meeting now adjourn at 7:28 p.m.
Carried

CERTIFIED CORRECT

Deputy Corporate Officer

Adopted this 27th day of September, 2021

Mayor

Minutes of a Regular Council Meeting

Meeting #: S6/2021
Date: September 07, 2021
Time: 12:31 pm
Location: Council Chambers and via video/audio conference

Attending:

Mayor: B. Wells
Councillors: W. Cole-Hamilton
D. Frisch
D. Hillian
M. McCollum
M. Theos

Staff: G. Garbutt, CAO
R. Matthews, Executive Assistant/Deputy Corporate Officer
E. Gavelin, Network Technician, via video/audio conference

Due to the COVID-19 pandemic, and in accordance with Ministerial Order No. M192/2020 and the Class Order (mass gatherings), Council meetings are conducted virtually and live-streamed on the City of Courtenay's YouTube channel.

The Mayor respectfully acknowledged the lands on which the meeting was conducted is the unceded traditional territory of the K'ómoks First Nation.

1. RESOLUTIONS OF COUNCIL

1.1 In Camera Meeting

Moved By Frisch
Seconded By Cole-Hamilton

THAT Council now adjourns to a Special In-Camera meeting closed to the public pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (c) labour relations or other employee relations; and,
- 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

2. ADJOURNMENT

Moved By Frisch
Seconded By Hillian

THAT the meeting now adjourn at 12:33 p.m.
Carried

CERTIFIED CORRECT

Deputy Corporate Officer

Adopted this 27th day of September, 2021

Mayor



STAFF REPORT

To: Council

File No.: 0620-20

From: Chief Administrative Officer

Date: September 27, 2021

Subject: 2019-2021 City of Courtenay Strategic Plan Review and Update

PURPOSE:

The purpose of this report is to provide an overview of the process to review the City of Courtenay Strategic Plan, present outcomes with respect to Council Priorities and Operational Strategies to date and amendments to the Plan to establish Strategic Priorities for 2021-2022.

EXECUTIVE SUMMARY:

First adopted by Council in 2018, the 2019-2021 City of Courtenay Strategic Plan (Strategic Plan) was reviewed and Operational Strategies were updated mid-2019. As result of the COVID-19 pandemic and ongoing operational requirements, the current version of the Strategic Plan was not reviewed and outcomes were not reported in 2020.

Beginning in May of 2021 Council worked with staff in a series of facilitated sessions to review the Strategic Plan and if required, make adjustments to priority actions and timing. Attached is a summary of the Strategic Plan review process (Schedule No. 1), key accomplishments undertaken or completed in support of the existing Plan (Schedule No. 2) and the amended list of Strategic Priorities for 2021-2022 (Schedule No. 3). In addition to the day-to-day core activities of the City, this list of key Strategic Priority Projects will form the work program for the City's service departments for the remainder of term of City Council and support the development of the 2022 Financial Plan and Five Year Financial Plan.

CAO RECOMMENDATIONS:

THAT the September 27th, 2021 staff report "2019-2021 City of Courtenay Strategic Plan Review and Update" be received for information; and,

THAT the 2019-2022 Strategic Priorities Chart be amended as outlined in Schedule No.3.

Geoff Garbutt, M.Pl., MCIP, RPP
Chief Administrative Officer

BACKGROUND:

Beginning in May of 2021, Council worked with staff in a series of four facilitated workshops to review the Strategic Plan and if required, make adjustments to priority actions and timing. Guided by the organizations Core Values and the Objectives and Goals contained within the existing Strategic Plan the focus of the 2021 Council Strategic Priorities Update Process was to:

- Review the status of Council's 2019 - 2022 Priorities;
- Revise and adjust as needed the priorities and timing;
- Make any additions or deletions to the priorities; and

- Provide an opportunity to strengthen communication and the working relationship between the Council and staff.

Through this process, Council agreed that the Objectives and Goals (strategic themes) identified in the 2019-2022 Strategic Plan would remain as is and the efforts at this late stage of Council's term would focus on revising and updating the Strategic Priorities Chart in the 2019-2022 Plan. Schedule No. 1 attached provides an overview of the Strategic Plan review process.

During the past two years the City of Courtenay has faced many challenges and uncertainties due to the COVID-19 pandemic which required immediate operational and program responses. Throughout this two year period, we effectively adjusted daily operations and altered how business was conducted in order to both maintain core service levels as well as showing significant progress with respect to the Council Priorities and Operational Strategies identified in the 2019-2022 Strategic Plan. Schedule No. 2 attached provides an overview of the key accomplishments undertaken or completed in support of the established Council Priorities and Operational Strategies by Department.

DISCUSSION:

As outlined in the summary of the strategic planning review process, Council and staff engaged in a detailed discussion of ongoing projects and emerging issues within the overall Objectives and Goal contained within the existing Strategic Plan as well as the workplan funded through the approved 2021 Budget. Out of this discussion the list of priority actions for 2021-2022 was developed for delivery by Department. Schedule No. 3 attached provides an overview of these Strategic Priorities for the remainder of 2021 and for 2022. This list approved by Council will guide the development of more detailed work plans and resourcing estimates by staff that will feed into the 2022 budget process. At that time Council will be able to review the City's ability to resource and advance the work required to deliver these items. Further, the detailed listing of priorities in Schedule No. 3, will be used by staff as the basis for reporting to Council on progress delivering on this significant work.

An important aspect that came out of the four facilitated workshops was the discussion of current and future Strategic Priorities that link 2021 and 2022 actions beyond the term of this Council into future years. Schedule No. 4 attached provides an overview of these key areas of focus, a description of timing on this work and future budget information. This schedule will be used for reporting, be used to guide longer term financial planning and in the orientation of the incoming Council in fall/winter of 2022/23.

FINANCIAL IMPLICATIONS:

All work related to the review of the 2019-2022 Strategic Plan and those priority actions identified for 2021 are captured in the current financial plan approved by Council. The 2022 updated Strategic Priorities will be included for consideration during the 2022 financial planning process as well as the five year financial plan.

ASSET MANAGEMENT IMPLICATIONS:

The implementation of Strategic Priority Actions will be considered and addressed through the City of Courtenay Asset Management Policy and Plans.

STRATEGIC PRIORITIES REFERENCE:

The review and update of the 2019-2022 City of Courtenay Strategic Plan ensures that the financial plan, organizational activities and work program are consistent with and address the identified Objectives and Goals of Mayor and Council. The updated Strategic Priorities for the remainder of 2021 and 2022 will impact and will continue to move the organization forward on all six strategic theme areas across all service delivery areas of the City of Courtenay.

OFFICIAL COMMUNITY PLAN REFERENCE:

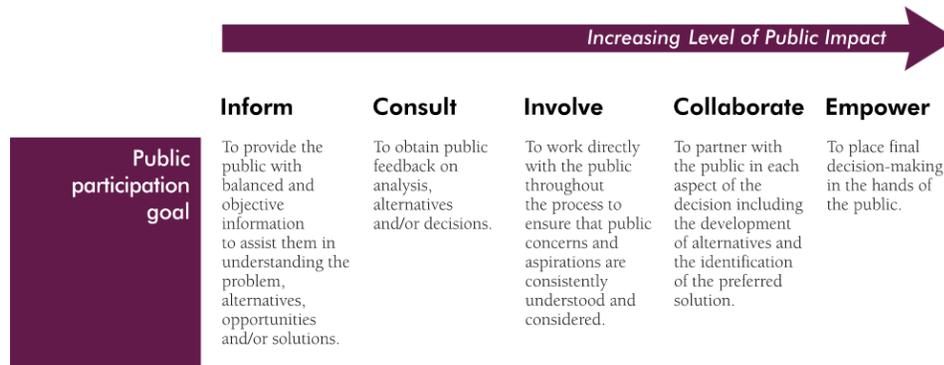
N/A

REGIONAL GROWTH STRATEGY REFERENCE:

The updated Strategic Priorities for the remainder of 2021 and 2022 are consistent with and will support the vision and policies contained within the Regional Growth Strategy with a particular focus on future development, active transportation, and economic development.

CITIZEN/PUBLIC ENGAGEMENT:

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



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OPTIONS:

1. THAT the September 27th, 2021 staff report "2019-2021 City of Courtenay Strategic Plan Review and Update" be received for information; and,

THAT the 2019-2022 Strategic Priorities Chart be amended as outlined in Schedule No. 3.
2. THAT Council provide staff with alternate direction.

Prepared by,

Geoff Garbutt, M.Pl., MCIP, RPP
Chief Administrative Officer

- Attachments: Schedule No. 1 - City of Courtenay Strategic Planning Workshop Report
Schedule No. 2 - City of Courtenay Strategic Planning Completed Initiatives
Schedule No. 3 - City of Courtenay Strategic Priorities 2021-2022
Schedule No. 4 - City of Courtenay Strategic Priorities 2021-2022 and Beyond



REPORT OF CITY OF COURTENAY STRATEGIC PLANNING

September 2021

Allison Habkirk
BA MA MPA MCIP
*Strategy
Facilitation
Training*

In May 2021 Council undertook a mid-term update of the City of Courtenay 2019-2022 Strategic Plan. A mid-term update is always a prudent undertaking but given the stresses of managing the City organization through the COVID 19 pandemic and numerous staff transitions and changes it was especially valuable to reflect on and update the strategic plan at this time.

The key objectives of the 2021 Council Strategic Priorities Update Process were:

- To review the status of Council's 2019 - 2022 Priorities;
- To revise and adjust as needed the priorities and timing;
- To make any additions or deletions to the priorities; and
- To provide an opportunity to strengthen communication and the working relationship between the Council and staff.

The process included four workshops held on June 4, with senior staff, June 18 with Council, June 24 and September 17 with Council and Staff. The workshops served to examine the existing Strategic Plan, identify those items that have been completed in the term, and consider amendments and additions to the Plan.

It was generally agreed that the goals identified in the 2019-2022 Strategic Plan would remain as is and the efforts at this late stage of Council's term would focus on revising and updating the Strategic Priorities Chart in the 2019-2022 Plan.

The process of revising and updating the Plan resulted in the creation of several key documents all of which are attached:

- The *City of Courtenay Completed Initiatives* lists items from the 2019-2022 Strategic Plan that have been completed in this term to date.
- The *City of Courtenay Strategic Priorities 2021 – 2022* is a public facing document that summaries the priorities of this Council for the remainder of the term.
- The *City of Courtenay Strategic Priorities 2021 – 2022 & Beyond* is a detailed listing of all significant priorities either currently underway or planned for 2021-2022 and beyond with timing and resources noted.

The list of priority actions for 2021-2022 will guide the development of more detailed work plans and resourcing estimates by staff that will feed into the 2022 budget process. At that time Council will be able to review the priorities again and the City's ability to resource and therefore advance them.

Further, the detailed listing of priorities will be used by staff as the basis of reporting to Council on a regular basis to apprise Council of the progress of significant work. It will also be used to guide longer term financial planning and in the orientation of the incoming Council in 2022.



City of Courtenay
Completed Initiatives
2018 - 2021
 September 2021

Chief Administrative Officer	<ul style="list-style-type: none"> • Finance Select Committee - Report Complete • Kus-kus-sum – MOU Extension Complete /Trust Purchase • Regulatory Services/Government Report • Business Performance Pilot Project • Economic Development Contract Aug 2021 • MRDT Bylaw Amendment and Implementation
Financial Services	<ul style="list-style-type: none"> • Grant-in-Aid Policy • Adopted Borrowing Bylaws, 5th Street Bridge/Greenwood Trunk • Budget Process Schedule Complete - New Process for 2022-26 • Finance Select Committee: Ongoing/Review • COVID Financial Management and Process Response • Gaming Fund Strategy • Implement Online Tax Certificates • Implement Electronic Funds Transfer (EFT) • Implement Credit Card (Option Pay) • Implement Electronic Timesheet Program for Payroll • Provincial Home Owner Grant Centralization Project
Development Services	<ul style="list-style-type: none"> • OCP Background Report • Short Term Rental Policy Research • Urban Agriculture Bylaw Amendments • Building Bylaw 2323 & Step Code Implementation • Housing Needs Assessment
Engineering Services	<ul style="list-style-type: none"> • Willemar Culvert: Update Options Analysis • 5th St./6th St. Bridges Public Consultation • 5th Street Bridge Remediation Tender
Public Works Services	<ul style="list-style-type: none"> • Liquid Waste Management Plan transferred to PWS Complete CVRD • Waste Collection Contract Extension • Organics Facility Decision (CVRD) Complete • North Connector - Signage (MoTI) Complete
Recreation Culture & Community Services	<ul style="list-style-type: none"> • Cultural Services Review • Parks and Recreation Master Plan • Recreation Program Registration Software Implementation • COVID-19 Pandemic Response • Centre for the Arts Welcome Pole Project • Share the Harvest Community Garden with LUSH • LOU with Courtenay Recreation Association • South Riverway Trail Extension - Phase 1 • Service Agreement with Comox Valley Community Arts Council
Protective Services	<ul style="list-style-type: none"> • East Courtenay Fire Hall: Detailed Design • RCMP Contract • RCMP Annual Review
Legislative and Corporate Support Services	<ul style="list-style-type: none"> • Implemented Electronic Council Meetings and Public Hearings • Completed 5th Street Bridge Alternate Approval Process and related Borrowing Bylaw • CoW Agenda Format/Report Complete

- Completed Airpark Lease including environmental monitoring and reporting
- Implemented IT COVID work from home business continuity processes
- Developed Electronic Timesheet Program for Finance Services Department



City of Courtenay Strategic Priorities 2021 – 2022

September 2021

Financial Services

- Asset Retirement Obligations
- Municipal and Regional Tax (MRDT) Reimplementation
- Social Procurement and update Purchasing Policy
- Activate & Utilize Finance Select Committee
- Community Works Fund - Gas Tax options report
- Borrowing Bylaws – 6th Street Bridge
- Policy Implementation – Investing (include fossil fuel divestment)
- Budget software Implementation

Engineering Services

- 5th St Bridge rehabilitation
- 6th St Bridge detailed design
- Greenwood Sewer Trunk Construction
- Air Quality Initiative (Partner CVRD)
- South Courtenay Sewer Servicing Options Analysis
- Integrated Rainwater Management Plan
- East -West Multi Use Path Connector

Recreation Culture & Community Services

- COVID Restart for Recreation
- Park Planning: McPhee Meadows
- Outdoor Memorial Pool & Aquatic Services Study
- Parks and Recreation Master Plan Implementation Plan
- Parks and Recreation Fees and Charges Review and Recommendations
- Cultural Master Plan
- Social and Community Development Framework

Protective Services

- New Fire Hall Background Report to Council
- Ladder Truck Purchase

Corporate Support Services

- Communication Strategy Development
- City Branding
- Smoking Bylaw
- Parks and Public Space Regulation Bylaw
- Update Delegation of Authority Bylaw
- Bylaw Service Review and Update Bylaw Enforcement Policy
- Employee Training/Development Program - Ongoing

Development Services

- OCP Bylaw Fall
- Targeted Zoning Bylaw Changes/OCP Implementation
- Short Term Rental Bylaw
- New early engineering approval process
- Developers Advisory Group terms of reference
- Subdivision and development servicing bylaw updates
- Kus Kus Sum development and rehabilitation
- Harmston Precinct development plan
- Social and community development framework (w RCCS)

Public Works Services

- Water Smart Action Plan (Implementation Plan - DMZ)
- Cycling Network Plan update and implementation
- Water/Sewer Master Plans Adoption
- Asset Management Plan 20 Yr
- Solid Waste Management Service Contract - RFP
- Organics Collection Implementation Plan

Legislative Services

- Update Council Procedure Bylaw
- Enhance Council Meeting Workflow and Communication Processes
- Municipal Pre-Election Workshops
- 2022 General Election

Chief Administrative Officer

- New Work Planning/Budget Process
- Strategic Plan Implementation and Reporting - Management Report
- Indigenous Relations and Reconciliation Plan
- Economic Development Review

Advocacy & Partnerships

- Property Tax Allocation-Waste Management (CVRD)
- Reconciliation Actions (KFN)
- IR2 Services: (KFN)
- Kus-Kus-Sum Site: (KFN)
- 6th Street Bridge Grant Application
- Small Business Tax Options (UBCM)
- Regional Air Quality Initiative (CVRD)
- Organics (CVRD)
- Affordable and Supportive Housing (BC Housing)



City of Courtenay Strategic Priorities 2021 – 2022 & Beyond

September 2021

Financial Services	Timing	Resourcing
2021-2022		
<ul style="list-style-type: none"> Asset Retirement Obligations (ARO) 	Spring 2022	Current Resources Professional Fees - Budget Discussion
<ul style="list-style-type: none"> MRDT Reimplementation 	Fall 2021	Current Resources
<ul style="list-style-type: none"> Social Procurement and update Purchasing Policy 	2022	Current Resources
<ul style="list-style-type: none"> Activate & utilize Finance Select Committee 	2022	Current Resources
<ul style="list-style-type: none"> Community Works Fund - Gas Tax options report 	2021	Current Resources
<ul style="list-style-type: none"> Borrowing Bylaws – 6th Street Bridge 	2022	Current Resources
<ul style="list-style-type: none"> Policy Implementation – Municipal Investments (include fossil fuel divestment) 	2022	Current Resources
<ul style="list-style-type: none"> Budget Software Implementation 	2022-2023	Current Resources Professional Fees - Budget Discussion
2023 and Beyond		
<ul style="list-style-type: none"> Financial Policies subject to completed Asset Management Plans 	2023-2024	Professional Fees - Budget Discussion
<ul style="list-style-type: none"> Policy updates Tangible Capital Assets (ARO Implementation) 	2023-2024	Current Resources
Development Services	Timing	Resourcing
2021-2022		
<ul style="list-style-type: none"> OCP Bylaw Fall 	2021-2022	Current Resources
<ul style="list-style-type: none"> Targeted Zoning Bylaw Changes/OCP Implementation 	2022	Current Resources
<ul style="list-style-type: none"> Short Term Rental Bylaw 	2022	Current Resources
<ul style="list-style-type: none"> New early engineering approval process 	2022	Current Resources
<ul style="list-style-type: none"> Developers Advisory Group terms of reference 	2022	Current Resources
<ul style="list-style-type: none"> Subdivision and development servicing bylaw updates 	2022	Current Resources
<ul style="list-style-type: none"> Kus Sum Development and Rehabilitation 	2022	Current Resources
<ul style="list-style-type: none"> Harmston Precinct Development Plan 	2022-2023	Current Resources
<ul style="list-style-type: none"> Social & Community Development Framework (w RCCS) 	2022-2023	Funded
2023 and Beyond		
<ul style="list-style-type: none"> Downtown Playbook Update 	2023	Budget Discussion
<ul style="list-style-type: none"> Greenway Connectivity Study RCCS/CVRD 	2022/23	Current Resources
<ul style="list-style-type: none"> Comprehensive Zoning Bylaw Update 	2023	Current Resources
<ul style="list-style-type: none"> DCC bylaw update 	2023	Current Resources Budget Discussion - Professional Fees
<ul style="list-style-type: none"> Tree Bylaw update 	2023/24	Budget Discussion

Engineering Services	Timing	Resourcing
2021-2022		
• 5 th St Bridge Rehabilitation	2021	Funded
• 6th St Bridge Detailed Design	2021	Current Resources
• Greenwood Sewer Trunk Construction	2021-2022	Funded
• Air Quality Initiative (Partner CVRD)	2021-2022	Resourced 2021 Budget Discussion 2022
• South Courtenay Sewer Servicing options analysis	2021	Funded
• Integrated Rainwater Management Plan	2021-2022	Funded
• East -West Multi Use Path Connector	2022	Design 2022 Budget Discussion 2023/24
2023 and Beyond		
• Willemar Culvert Upgrade/Replacement	2022-2024	Funded
• Puntledge/Comox Rd Sewer Crossing	2022-2024	Design 2022 Budget Discussion 2023/24
• 1st Street Lift Station	2022-2023	Design 2022 Budget Discussion 2023/24
Public Works Services	Timing	Resourcing
2021-2022		
• Water Smart Action Plan (Implementation Plan - DMZ)	2021	Funded
• Cycling Network Plan Update and Implementation	2021	Funded
• Water/Sewer Master Plans Adoption	2021/22	Funded
• Asset Management Plan 20 Yr	2 QTR 2022	Current Resources
• Solid Waste Management Service Contract RFP	2022/23	Current Resources
• Organics collection implementation Plan	2021	Current Resources
2023 and Beyond		
• Public Works Building: Business Case	2023/24	Funded
• Comprehensive Parking Study Budget	2023	Funded
• South Courtenay – Water Transmission Main (CVRD/KFN)	2023/24	Not Funded
• Cycling Network Plan Implementation	Ongoing	Funded
• Multi Use Paths report	2023	Not Funded

Recreation Culture & Community Services	Timing	Resourcing
2021-2022		
<ul style="list-style-type: none"> • COVID Restart for Recreation 	2021	Current Resources
<ul style="list-style-type: none"> • Park Planning: McPhee Meadows 	2021-2022	Design Funded Capital Budget Discussion
<ul style="list-style-type: none"> • Outdoor Memorial Pool & Aquatic Services Study with CVRD 	2021-2022	2021 Funded 2022 Budget Discussion
<ul style="list-style-type: none"> • Parks and Recreation Master Plan Implementation Plan 	2021-2022	2021 Funded 2022 Budget Discussion
<ul style="list-style-type: none"> • Parks and Recreation Fees and Charges Review and Recommendations 	2021-2022	Funded
<ul style="list-style-type: none"> • Cultural Master Plan 	2022	Funded
<ul style="list-style-type: none"> • Social and Community Development Framework (w DS) 	2022- 2023	Funded
2023 and Beyond		
<ul style="list-style-type: none"> • Marketing and Sponsorship Strategy 	2023	Budget Discussion
<ul style="list-style-type: none"> • Recreation Facilities Planning 	2022- 2023	Budget Discussion
<ul style="list-style-type: none"> • Regional Recreation Pass Review 	2023	Current Resources
<ul style="list-style-type: none"> • Cultural Facilities Space Assessment 	2022- 2023	Budget Discussion
<ul style="list-style-type: none"> • Implementation of the Parks and Rec Master Plan priorities 2022-2032 	2022-2032	Budget Discussion
<ul style="list-style-type: none"> • Special Events and Hosting strategy 	2023	Budget Discussion
<ul style="list-style-type: none"> • Greenspace Connectivity Plan: ToR (Partner with CVRD) 	2023	
Protective Services	Timing	Resources
2021-2022		
<ul style="list-style-type: none"> • New fire hall background report to Council 	2021	Current Resources
<ul style="list-style-type: none"> • Ladder truck purchase 3 QTR 2022 	2022	Funded
2023 and Beyond		
<ul style="list-style-type: none"> • Emergency Program 	2023/24	Contracted Service - Review CVRD
<ul style="list-style-type: none"> • Fire Service Contracts 	2023	Contracted Service - Review CVRD
<ul style="list-style-type: none"> • Fire Service regional cooperation and climate change 	2023 Ongoing	Current Resources
Legislative Services	Timing	Resources
2021-2022		
<ul style="list-style-type: none"> • Update Council Procedure Bylaw 	2021-2022	Current Resources
<ul style="list-style-type: none"> • Enhance Council meeting workflow and communication processes 	2022	Current Resources
<ul style="list-style-type: none"> • Municipal Pre-Election Workshops 	2022	Budget Discussion
<ul style="list-style-type: none"> • 2022 General Election 	2022	Budget Discussion

Corporate Support Services	Timing	Resources
2021-2022		
• Communication Strategy Development	2022	Budget Discussion
• City Branding	2022	Budget Discussion
• Smoking Bylaw	2021	Current Resources
• Parks and Public Space Regulation Bylaw	2022	Budget Discussion
• Update Delegation of Authority Bylaw	2022	Current Resources
• Bylaw Service Review and Update Bylaw Enforcement Policy	2022-2023	Budget Discussion
• Employee Training/Development Program	2022	Funded - Ongoing
2023 and Beyond		
• Employee Engagement Strategy	2023	Budget Discussion
• City Website Review	2023	Budget Discussion
Chief Administrative Officer	Timing	Resourcing
2021-2022		
• Work Plan/Budget: Schedule Ongoing New Process	2021	Current Resources
• Strategic Plan Implementation and Reporting - Management Report	2021	Current Resources
• Indigenous Relations and Reconciliation Plan	2022/25	Budget Discussion
• Economic Development Review	2021-2022	Current Resources
2023 and Beyond		
• City Land Strategy/Acquisition & Disposition - Resources/Implementation	2022/24	Budget Discussion
• Corporate Operational Plan	2023	Current Resources
• Council Orientation and Strategic Plan Process	2023	Current Resources
• Economic Development Review	2023	Budget Discussion
• Corporate Climate Change and Adaptation	2023/24	Budget Discussion



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 6480-20-2101 & 3360-20-2101

From: Chief Administrative Officer

Date: September 27, 2021

Subject: **OCP Amendment Bylaw No. 3028 and Zoning Amendment Bylaw No. 3029 – 1679 McPhee Avenue**

PURPOSE:

The purpose of this report is for Council to consider an Official Community Plan and Zoning Bylaw amendment application to change the land use designation and rezone the property legally described as Lot 5, Section 41, Comox District, Plan 13075, Except Part in Plan VIP68431. The proposed amendments will 1) Redesignate the subject property from "Industrial" to "Multi Residential", 2) create a new CD-34 Zone, and 3) rezone the subject property from I-2 to CD-34.

CAO RECOMMENDATIONS:

That based on the September 27, 2021 staff report, "OCP Amendment Bylaw No. 3028 and Zoning Amendment Bylaw No. 3029 – 1679 McPhee Avenue" Council approve OPTION 1 and complete the following steps:

1. That Council give First and Second Reading of "OCP Amendment Bylaw No. 3028" to designate the subject property as "Multi Residential";
2. That Council give First and Second Reading of "Zoning Amendment Bylaw No. 3029" to create a new CD-34 Zone and rezone the subject property to CD-34; and
3. That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaws.

Respectfully submitted,

Geoff Garbutt, M.Pl., MCIP, RPP
Chief Administrative Officer

BACKGROUND:

The subject property is 1200 m² (0.30 ac.) in area and currently developed as a parking lot used by the neighbouring Wachiay Friendship Centre (WFC) Society, located at the intersection of 17th Street and McPhee Avenue. Other nearby land uses include an adjacent convenience store, single-family homes including the 40 Houses historic neighbourhood across 17th Street, a church across McPhee Avenue, townhouses, bus yards, the E & N rail corridor Rotary Trail and Courtenay Elementary School.



Figure 1: Subject Property and Context

The Official Community Plan (OCP) designates the subject property as “Industrial” (**Figure 3** below). The current I-2 zone reflects the land use designation and intended for light industrial and business land uses.

The applicant proposes to amend the OCP and zoning bylaw to facilitate the construction of a 5-storey apartment building comprising 40 bachelor and one-bedroom residential units and a community space for residents. Units are to be affordable and intended primarily for seniors, with priority going to Indigenous applicants. Some parking will remain onsite and additional parking will be available at the neighbouring WFC property and the church across the street through access agreements.

A comprehensive development zone (CD zone) is proposed because no existing zone specified in Zoning Bylaw No. 2500, 2007 would permit the type of development proposed without numerous subsequent variances; a CD zone is proposed to streamline the development approval process while still giving Council, staff and the general public appropriate opportunity to consider the proposal. The applicant’s proposal is summarized in **Schedule No. 2. Schedules No. 1, 4 and 5** show architectural and landscape drawings that may be subject to refinement during subsequent development permit processing should this OCP and Zoning Bylaw amendment application be successful.



Figure 2: Proposal as seen from 17th Street, McPhee Avenue and their intersection

Zoning Review

The proposed development requires zoning bylaw amendments as the current I-2 does not permit this scale of multi-unit development. **Table 1** below shows proposed building and landscape attributes alongside requirements for the existing I-2 zone and the common high-density multi-unit residential R-4A zone. Parking requirements and front and rear setbacks are significantly reduced, and the Floor Area Ratio is notably higher than R-4A permits. The 17th St. building face has all floors but the ground floor recessed to what would comply with R-4A. Landscape buffers are narrower than required by I-2 or R-4A and usable open space is limited and intermixed with landscape buffers contrary to zoning interpretation precedent, but the available unbuilt land is thoughtfully appointed (see **Schedule No. 5** landscape drawings). The proposed CD zone is attached as **Schedule No. 1**.

Table 1: Zoning Comparison

	Current I-2 Zone	Proposal	R-4A
Permitted Uses	Variety of light industrial and business uses	multi residential	Multi-units type land uses
Max. Lot Coverage	60%	52%	Not Applicable
Max. FAR	N/A	2.01	Apartments – 1.33
Min. Lot Size	1250 m ²	1200 m²	1250 m ²
Min. Lot Frontage	20.0 m	~30 m	30.0 m
Front Setback	7.5 m	3.8 m*	6.0 m
Rear Setback	4.5 m	2.1 m	6.0 m
Side Setback / Flanking Street	0 m / 7.5 m	Interior side 5.9 m / 17th Street 3.4 m ground floor; 5.1 m upper floors*	3.0 m / 4.5 m 4 th storey or flanking street / 6.0 m back of building on side street
Building Height	15.0 m	15.8 m to roof parapet; 17.4 m to elevator top	14.0 m for apartment
Useable Open Space (UOS)	20.0 m ² / Dwelling Unit	<12.2 m² per unit**	20.0 m ² per unit for apartment
Min. Landscape Buffer Width / Flanking Street	3.0 m / 6.0 m	Interior varies / 1.0 m width 17th St; 3.0 m McPhee Ave	3.0 m height and width interior / 4.5 m width street
Min. Screening Height Loading, Refuse	2.0 m	N/A	N/A
Min. Parking Spaces Per Residential Unit (Section 7)	1.5	10 for 40 units (0.25) + offsite access	1.5
Min. Parking Space Width; Length (Section 7)	2.75 m; 5.5 m	2.74 m; 5.5 m	2.75 m; 5.5 m
Min. Extra Space Against Wall (Section 7)	0.6 m	0.6 m	0.6 m
Max. Small Car Proportion (Section 7)	10%	0%	10%

*2.4 m to front canopy, 2.2 m to 17th St. side 1st floor canopy, 4.2 m to 17th St. roof

** Indoor and outdoor amenity space detailed below, including indoor community space, private patios for ground units, and access to green areas and sitting areas, totaling ~12.2 m² but in significant part within landscape buffer not normally counted toward useable open space; plus WFC Urban Garden access

DISCUSSION:

The Comox Valley Regional Growth Strategy (RGS) is the guiding document for changes to the City’s OCP land use designations. The RGS supports directing the vast majority of the region’s growth to Core Settlement areas which include the City of Courtenay. The strategy continues by supporting infill and intensification of existing areas over development in fringe areas or outside of the Core Settlement Centres. In turn, the proposed Multi Residential designation supports all forms of multi-unit housing at a variety of densities and layouts which is ultimately shaped by the context of the specific proposal.

Land Use Compatibility

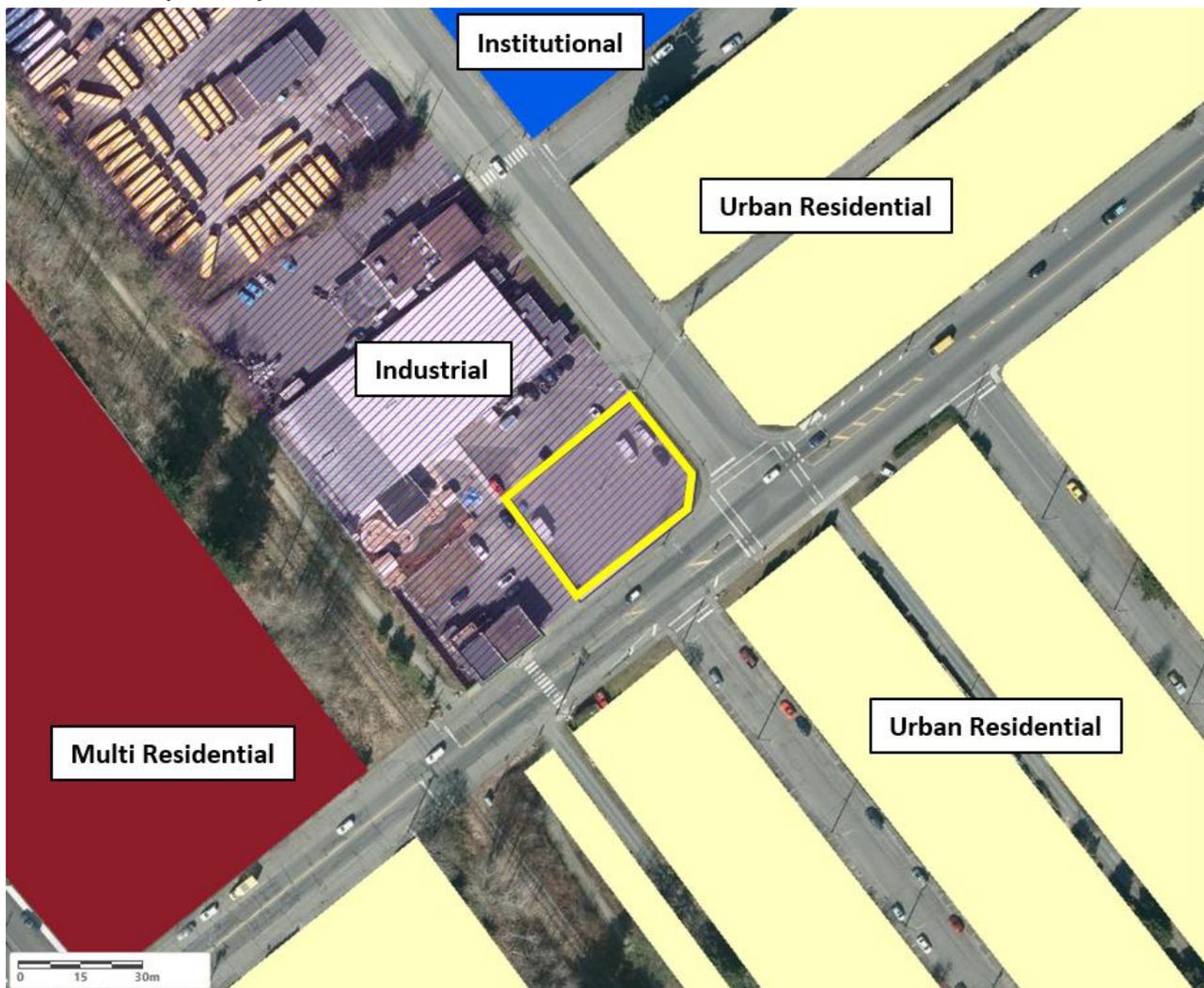


Figure 3: OCP Land Use Designations

The subject property is situated near a mix of land uses as shown in **Figure 3**. As mentioned above, adjacent are Industrial-designated Wachiay Friendship Centre (WFC) Society and E & B Market convenience store. Across both streets are Urban Residential-designated properties including Faith Lutheran Church across McPhee Avenue and the 40 Houses historic neighbourhood of single detached houses across 17th Street. Within 100 m along McPhee Avenue are other Industrial properties housing Shaw Communications and First Student’s school bus yard, as well as the Institutional Courtenay Elementary School. Several Multi Residential properties are located on Piercy Avenue across the Rotary Trail along 17th Street including townhouses within 100 m.

The adjacent WFC is an important resource for many intended residents, some of whom may have mobility challenges such as seniors or low-income individuals. The Draft OCP shows this as a growth node and neighbourhood hub area suiting development focus, with a large section of McPhee shifting from Industrial to a mixed-use designation.

The current OCP encourages 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. While recognizing that sensitivity to nearby single detached housing and school use is needed, this proposal contributes to the evolving land use pattern in the area and is a good candidate for intensification given its location, connections and use of existing infrastructure as well as the overall need to integrate a diversity of different forms of housing – especially affordable housing – into neighbourhoods throughout the City.

Location and Connectivity

In addition to the adjacent WFC and convenience store, grocery, restaurants, banking, pharmacy and other businesses are located within 800 m, as are several parks, and a #8-Downtown bus stop is within 300 m. Downtown and Driftwood Mall goods and services are within 1.5 km, a 15-20-minute walk. A buffered separated bicycle lane is planned for 17th Street between Willemar and Fitzgerald Avenues in the short term funded through federal and provincial grant money. Currently only four bicycle parking spaces are identified on the landscape plan but this will be reviewed as part of the subsequent development permit.

A transportation impact assessment by Bunt & Associates (June 25th, 2021, ***Schedule No. 8***) shows negligible impact on vehicle volumes in any direction on the McPhee Avenue / 17th Street. It also notes that trip generation modelling used is based on Institute of Transportation Engineers available data for market-priced mid-rise multi-family residential developments located largely in suburban locations with minimal walking, cycling or transit, and that actual impact would likely be less for affordable units with less expected resident vehicle ownership.

Parking provision for this project is detailed in the attached parking study by M’akola Development Services submitted August 25th 2021 (***Schedule No. 7***) and summarized below in ***Table 2***. The proposed building would be sited on an existing parking lot that is currently used by the neighbouring Wachiay Friendship Centre (WFC) to supplement its 20-stall lot. As such, the study examined the overall parking demand of both sites.

According to the applicant’s study of parking usage at comparable residential developments, well-located single-occupant, affordable seniors rental housing produces parking demand far below zoning requirements. The study concludes that the proposed 0.25 spaces per unit is sufficient for the proposed project. The future tenants or visitors would also have access to the WFC lot after-hours. However, as a result of this development, the WFC would be deficient by nine stalls. To address this, the applicant has secured an agreement with the church across the street to use ten spaces during construction and is working to secure a similar agreement with this or another property for post-construction parking.

Table 2: Required and Proposed Parking (1625 + 1679 McPhee Ave.)

Use	Zoning Bylaw Requirement	1625 + 1679 McPhee Ave. Requirement per Zoning	Expected Usage	Proposed On-site
Community Service	1 stall per 37.5m ²	42 stalls for 1570m ²	24 stalls	20 stalls
Daycare	1 stall per employee	5 stalls for 5 employees	5 stalls	
Residential	1.5 stalls per dwelling unit	60 stalls for 40 units	10 stalls	10 stalls
Total		107 stalls	39 stalls	30 stalls

Use of Existing Infrastructure

The development will benefit from the use of existing City infrastructure. Full water and sanitary models have been completed and show that the development will not trigger capacity issues nor require system upgrades. The development also benefits from the established roadway and drainage network.

Housing Diversity and Affordable Housing

The area already benefits from a healthy mix of housing types and tenures. The OCP encourages a mix of housing and specifically encourages affordable and social housing to be integrated throughout the City. Housing diversity has numerous benefits including allowing residents to remain in their neighbourhoods or communities, moving into unit types and sizes that meet their needs through different phases of life. This affordable housing project is intended primarily for Indigenous singles, especially Elders, who may have strong cultural connections that proximity to the WFC can help maintain.

The City's Affordable Housing Policy advocates comprehensive development zoning to increase densities for affordable housing and encourage compact community, and supports increased densities near major destinations which the WFC may be for intended residents. This project has submitted a proposal for BC Housing's Community Housing Fund (CHF), and has been approved to proceed with this application. The CHF framework prescribes a range of affordability rates, including Deep Subsidy (20%), Rent-Geared-to-Income (RGI - 50%), and Affordable Market Rental units (30%). The final rental structures will be determined by the proponents final agreement with BC Housing.

This project has been identified in the Comox Valley Coalition to End Homelessness' 2021 Housing Plan with the goal to "build 24-40 studio and 1-bedroom units with some support for Elders" and per the Housing Plan has significant potential funding from BC Housing and the CVRD. The project has already been awarded Pre Development Funding from BC Housing's Community Housing Fund as well as CMHC seed funding and funding from CVRD Homelessness Support Service and the Federation of Canadian Municipalities Green Municipal Fund. The applicant might additionally pursue CMHC Co-Investment funding. The bulk of funding, however, will require BC Housing Final Project Approval, for which the Wachiay Friendship Centre must enter an operating agreement with BC Housing that secures the rental structure for 60 years. A Land Title Act Section 219 Covenant and Option to Purchase will also be registered on title in favour of BC Housing, designating the building use as affordable housing. Consequently, there is no need for the City to secure units as affordable units through a housing agreement.

Site and Building Design

The site is slightly smaller than the minimum size for both the existing I-2 zone and the highest-density regular multi-residential zone, R-4A. In order to accommodate all 40 small units mentioned in the 2021 Housing Plan, as well as a shared amenity room, the building is five storeys and covers just over half the lot. It is sited and configured to maintain parking where possible beside and underneath, with reduced setbacks proposed for the front, rear and 17th Street side (**Figure 4**).

OCP Amendment Bylaw No. 3028 and Zoning Amendment Bylaw No. 3029 – 1679 McPhee Ave.

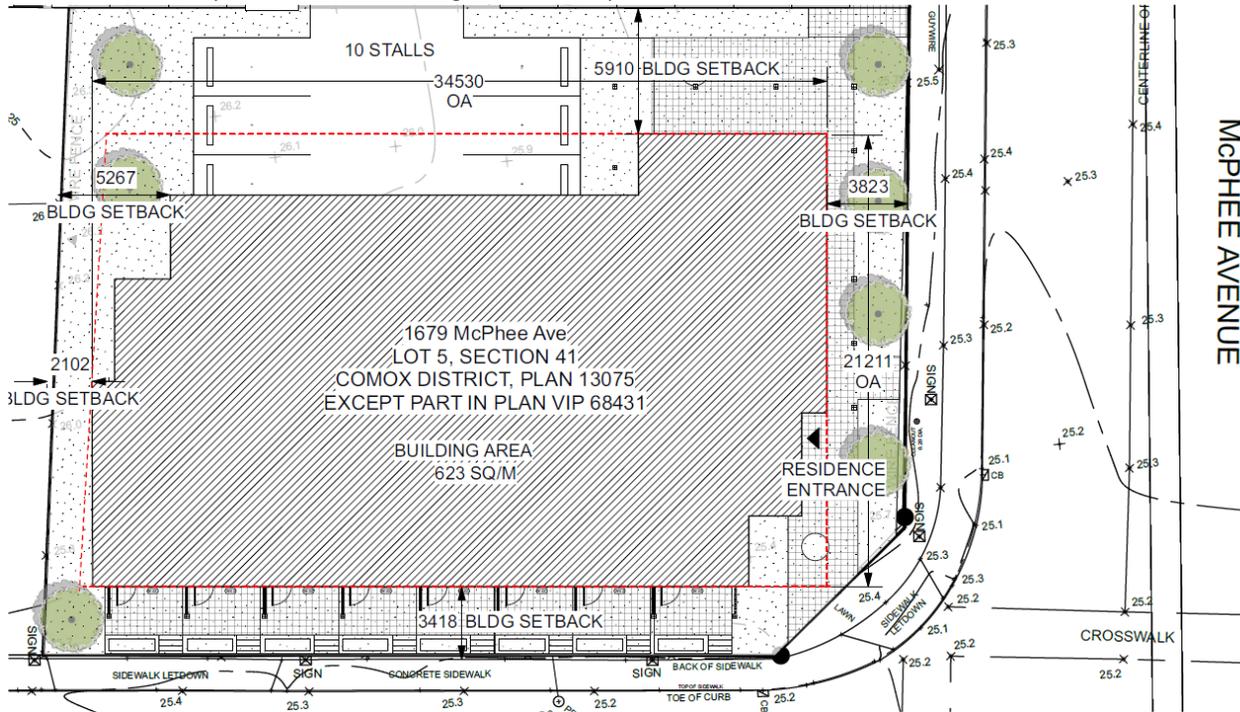
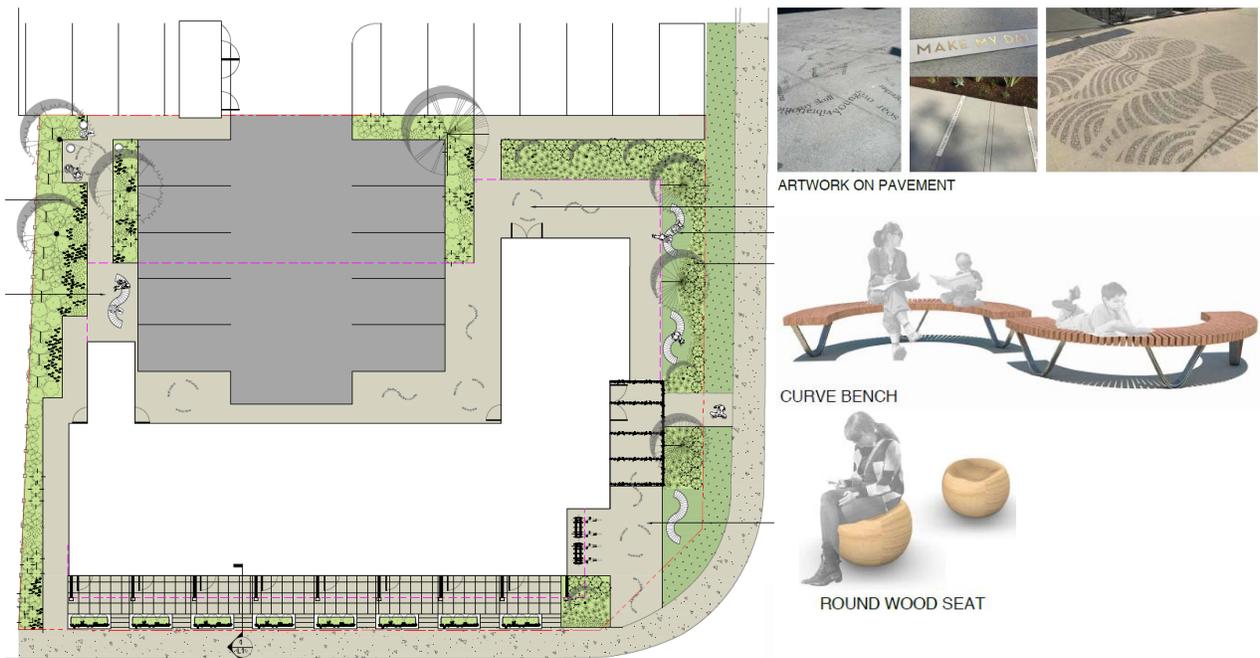


Figure 4: Site Plan

The ground-floor units face and are entered from the 17th Avenue side, with private patios one metre from the sidewalk elevated and separated by shrubbery and slated fencing, separated from each other by perforated privacy screens (**Figure 5**). This is a more intimate public/private space relationship than commonly seen in the City, but physical separation elements help delineate the space. Other units share common hallways to front (McPhee Avenue) and rear entrances.



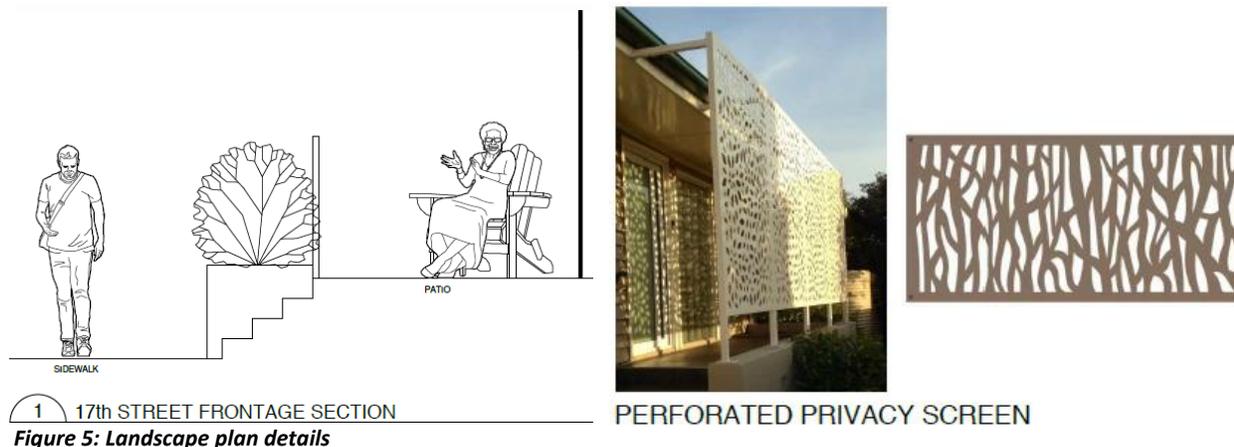


Figure 5: Landscape plan details

The building's height does not shadow any of the nearby homes (see Shadow Study, **Schedule No. 4**). Stepped setbacks on the 17th Street face, the recessed south corner, and variation in complementary cladding colours and textures help de-emphasize the building's scale. Proposed finish materials are attractive and include cementitious board with wood batten and timber frame elements, as well as Indigenous art. Per the Sustainability Evaluation Checklist (**Schedule No. 5**), the development is targeting Step 4 of the BC Building Code, exceeding the City's current requirement of Step 2.

Other Related Regulations

Local Government Act – s.477 (3)

The proposed OCP amendment has been reviewed in relation to the City's Financial Plan and the Regional Waste Management Plan. Staff have found the bylaw to be complementary to these plans.

Form and Character Development Permit

Multi-residential development is subject to form and character development permitting.

FINANCIAL IMPLICATIONS:

There are no direct financial implications related to the processing of this OCP and zoning bylaw amendment application as the fees are designed to offset the administrative costs.

The development will also be subject to City and Regional District development cost charges which will be determined at time of Building Permit dependent on final building design.

ADMINISTRATIVE IMPLICATIONS:

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff has spent 80 hours processing and reviewing this application. Should the proposed bylaws receive First and Second Readings, staff will spend an additional 5 hours in preparation for the public hearing, final reading of the bylaw, and updating the bylaws and maps.

ASSET MANAGEMENT IMPLICATIONS:

Any servicing and/or offsite improvements required to comply with the standards contained in Subdivision and Development Servicing Bylaw No. 2919 will be evaluated at time of building permit application. Following a condition assessment, infrastructure may be required to be altered/modified/replaced to meet these standards, at the cost of the applicant. The developer will be required to contribute to intersection improvements up to the centerlines of McPhee Ave. and 17th St. as part of the "Parking Protected Bike Lanes with Curb Extension Improvements" City project that will extend along 17th St. to Fitzgerald Ave. The developer will also replace any existing damaged sidewalks and/or curb-gutter on remaining frontage, upgrade street lighting if it is insufficient for the road classification, and provide a deposit for street trees.

2019 – 2022 STRATEGIC PRIORITIES REFERENCE:

- Communicate appropriately with our community in all decisions we make
- ▲■ Support actions to address Climate Change mitigation and adaptation
- ▲■ Identify and support opportunities for lower cost housing and advocate for senior government support
- ▲ Encourage and support housing diversity

OFFICIAL COMMUNITY PLAN REFERENCE:**Official Community Plan****3.1 Growth Management:**

3.1.2 Goals

1. provide for managed growth
2. ensure equitable taxation for services provided and received
3. support efficient infrastructure development
4. protect environmentally sensitive areas
5. support sustainable development practices

4.4 Residential:

4.4.2 Goals

1. Optimize the use of existing lands in the City with a long term consideration to expand boundaries and protect adjoining lands from further development to meet the future needs of the City.
2. To encourage multi residential development in the Downtown area of the City, and in areas identified through the Local Area Planning process.
3. Support the development of housing options for seniors.
4. Ensure the provision and integration of special needs and affordable housing.
5. Encourage housing opportunities and convenient community services for individuals having special housing requirements.
6. Ensure new housing projects introduce innovative and creative design and streetscapes.
7. Preserve the integrity and character if existing residential areas with any redevelopment proposal.
8. Ensure all new development includes the provision of amenities including buffer areas along major roads, neighbouring parks, sidewalks and trails, and public facilities.

4.4.3 Policies

1. balance land uses to create a vibrant and diverse neighbourhood and community;
2. create neighbourhoods that will offer a variety of transportation choices;
3. preserve and enhance open spaces, greenways and environmentally sensitive areas;
4. encourage green buildings and infrastructure; and
5. lead in creating inclusive neighbourhoods for housing.

Densities

5. 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 development shall be limited in scale and size outside of the downtown area
 - b) have sufficient amenity space for the recreational needs of the development, access to schools, parks, walkways, transit and complementary commercial/service uses, adequate buffers areas from major roads and adjacent land uses
 - c) priorities for multi-residential development will be:
 - high – downtown area including along riverfront

- medium – intensification of existing sites
- low – peripheral expansion subject to Local Area Plan

10.0 Planning for Climate Change:

10.3 Objective 1 Policies:

- 1: The City will encourage and support initiatives that reduce the number of passenger vehicle trips throughout the community.
- 4: The City will reduce the ratio of parking for new developments within its jurisdiction.

Objective 2 Policies:

- 3: To encourage incremental infill development in core and suburban settlement areas, the City will: a) Encourage compact developments within 400 m of service corridors

REGIONAL GROWTH STRATEGY REFERENCE:

The development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” and most of the relevant objectives’ supporting policies which include:

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

1A-1 Based on RGS growth management strategy locate housing close to existing services and direct 90 percent of new, residential development to Core Settlement Areas.

1A-2 The focus of higher density and intensive developments shall be within existing Municipal Areas. Within the Municipal Areas densification and intensification of development is required including infill and redevelopment.

1A-4 Within Settlement Nodes densification and intensification of development is required however it will be less intensive than in Municipal Areas. These nodes are to be developed with centres that are walkable and limited to local services with a range of housing types focusing on low density multi residential and medium density.

Objective 1-B: Increase affordable housing options;

1B-2 Encourage residential multi-unit or multi-lot developments to contribute to affordable housing options including, but not limited to a range of unit sizes and types, lot sizes, multifamily or attached-unit buildings, rental units, and secondary suites. These contributions could take the form of land, cash buildings or other such items as supported by the local governments.

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

1C-1 Provide a diversity of housing types in the Municipal Areas using the following housing type targets for new developments by 2030: These targets are for all Municipal Areas in aggregate.

- 40% Low Density Single unit residential, town homes, semi-detached, secondary suites, 4-24 units per hectare
- 30% Medium Density Low-rise multi-unit up to four storeys, 24-74 units per hectare
- 30% High Density Over four storey multi-units minimum, 74 units per hectare

1C-5 Encourage multi-family housing, and small-lot housing in the Core Settlement Areas wherever it can be supported by regular transit and infrastructure services.

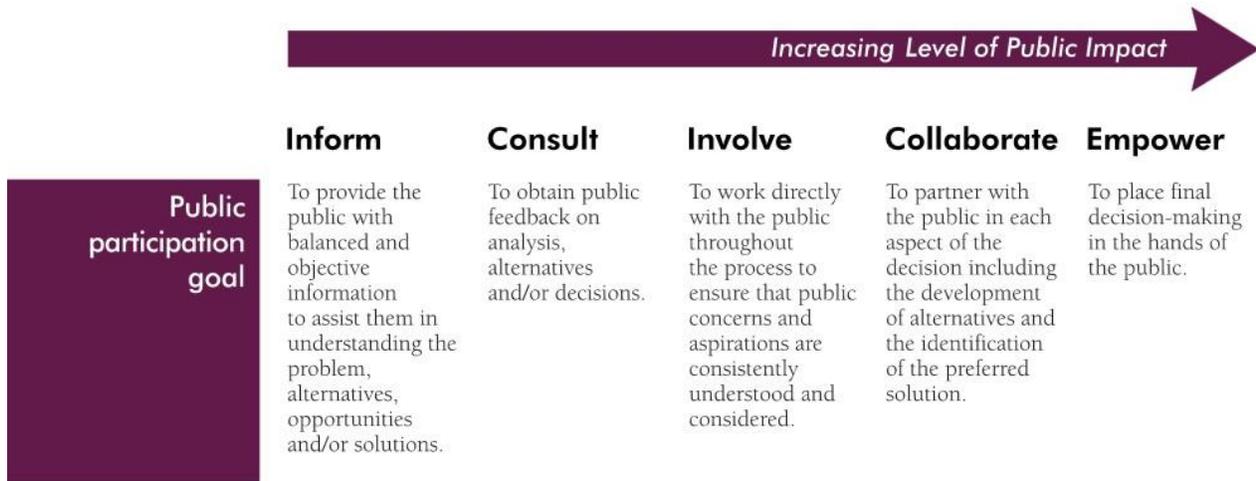
Objective 1-D: Minimize the public costs of housing;

1D-1 Direct the majority of new housing to areas that are or will be serviced through publicly owned water and sewer systems.

1D-2 Direct new housing away from high risk natural hazard areas such as flood plains, areas exposed to sea-level rise, fire hazard areas, and steep unusable slopes.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will “**Consult**” the public based on the IAP2 Spectrum of Public Participation:



Should OCP Amendment Bylaw No. 3028 and Zoning Amendment Bylaw No. 3029 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*.

The applicant mailed out a public information package on March 17th and 18th, 2021 to property owners and occupiers within 100 m of the subject property, and held a community engagement event on July 13th, 2021 from 6pm-8pm on the subject site. Summaries of both included in **Schedule No. 3**, along with public comments and applicant responses.

OPTIONS:

OPTION 1: (Recommended)

That based on the September 20, 2021 staff report, “OCP Amendment Bylaw No. 3028 and Zoning Amendment Bylaw No. 3029 – 1679 McPhee Avenue” Council approve OPTION 1 and complete the following steps:

1. That Council give First and Second Reading of “OCP Amendment Bylaw No. 3028” to designate the subject property as “Multi Residential”;
2. That Council give First and Second Reading of “Zoning Amendment Bylaw No. 3029” to create a new CD-34 Zone and rezone the subject property to CD-34; and
3. That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaws.

OPTION 2: That Council postpone consideration of OCP Amendment Bylaw No. 3028 and Zoning Amendment Bylaw No. 3029 with a request for more information.

OPTION 3: That Council not proceed with OCP Amendment Bylaw No. 3028 and Zoning Amendment Bylaw No. 3029.

Prepared by:



Mike Grimsrud,
Planner II

Reviewed by:



Matthew Fitzgerald, RPP, MCIP
Manager of Development Planning

Concurrence by:



Ian Buck, RPP, MCIP
Director of Development Services

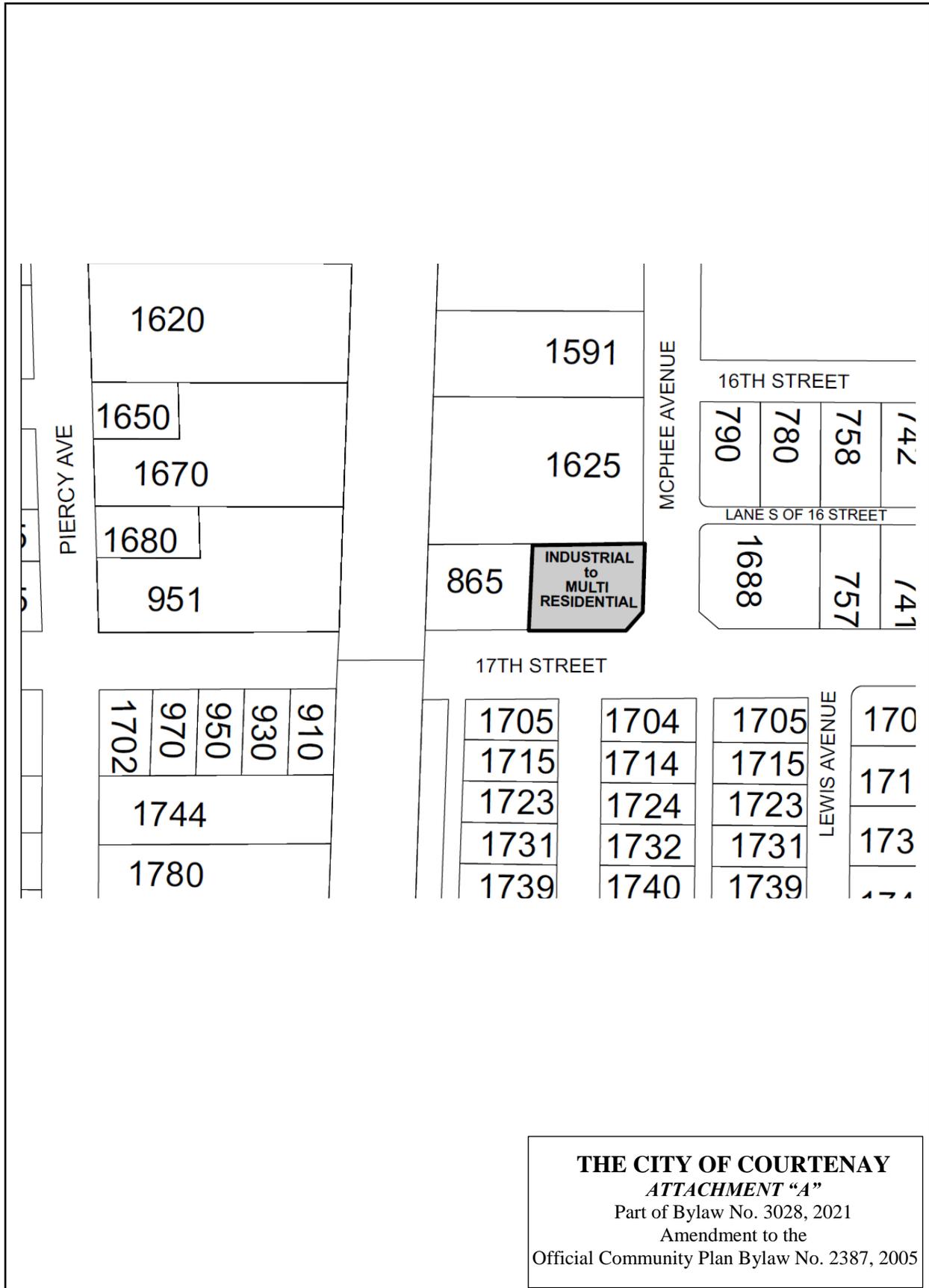
Concurrence by:



Geoff Garbutt, M.PI., MCIP, RPP
Chief Administrative Officer

Attachments:

- Schedule No. 1: Draft OCP Amendment Bylaw No. 3028 and Zoning Amendment Bylaw No. 3029
- Schedule No. 2: Applicant’s Written Project Description
- Schedule No. 3: Alternative Public Information Mailout and Meeting Summary
- Schedule No. 4: Supplementary Architectural Drawings
- Schedule No. 5: Landscape Plan
- Schedule No. 6: Sustainability Evaluation Compliance Checklist
- Schedule No. 7: Parking Study
- Schedule No. 8: Transportation Impact Assessment



THE CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 3028, 2021
 Amendment to the
 Official Community Plan Bylaw No. 2387, 2005

Attachment A

Part 61 - Comprehensive Development Thirty Four Zone (CD-34) (1679 McPhee Ave.)

8.61.1 Intent

The CD-34 Zone is intended to accommodate an affordable housing multi residential development on the property legally described as Lot 5, Section 41, Comox District, Plan 13075, Except Part in Plan VIP68431. This property shall be developed substantially in accordance with Schedule A which forms part of this zone

8.61.2 Permitted Uses

The following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

(1) *Multi Residential*

8.61.3 Lot Coverage

A *lot* shall not be covered by buildings to a greater extent than 55% of the total *lot area*

8.61.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 2.1

8.61.5 Minimum Lot Size

A *lot* shall have an area of not less than 1200 m²

8.61.6 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front Yard*: 4.0 m; canopy may project 2.0 m into setback
- (2) *Rear Yard*: 2.0 m
- (3) *Side Yard (NW)*: 5.5 m
- (4) *Side Yard (SE)*: 3.0 m ground floor; canopy may project 1.3 m into setback
5.0 m all other floors; roof may project 1.0 m into setback

8.61.7 Height of Building

Maximum *building height* shall be 17.5 m.

8.61.8 Useable Open Space

Useable open space must be provided and include at minimum:

- (1) Internal pathways with furnished rest areas
- (2) 40 m² indoor amenity area
- (3) Patios for ground floor residents

8.61.9 Off-Street Parking and Loading

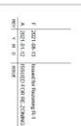
Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except:

- (1) Parking shall be provided at a rate of 0.25 *parking spaces* per *dwelling unit* inclusive of visitor parking
- (2) Minimum parking stall dimensions are 2.7 m in width for standard stalls



A1.01

MAIN FLOOR PLAN



Wachliay
Affordable
Housing Project
1679 McPhee Ave
Courtenay, BC

MHA
MacDonald Hagarty Architects Ltd.
1822 Unit 3 Courtenay Ave
Courtenay, BC
V9M 1M7
WACHLIAY
Friendship Centre

MATERIAL BOARD



- 1) Contrasting wood batten
- 2) 4" board and batten, cementitious wood print
- 3) Charcoal Vinyl window
- 4) cementitious Board - Smooth Finish - Cedar Charcoal
- 5) Wood trim/beltline Elements
- 6) 4" metal panel wood print



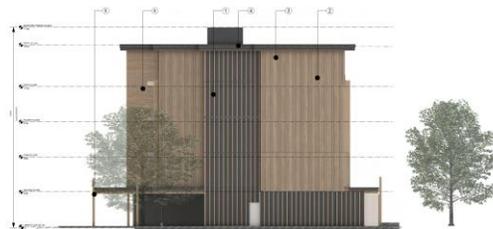
4 NORTH ELEVATION Scale: 1/32



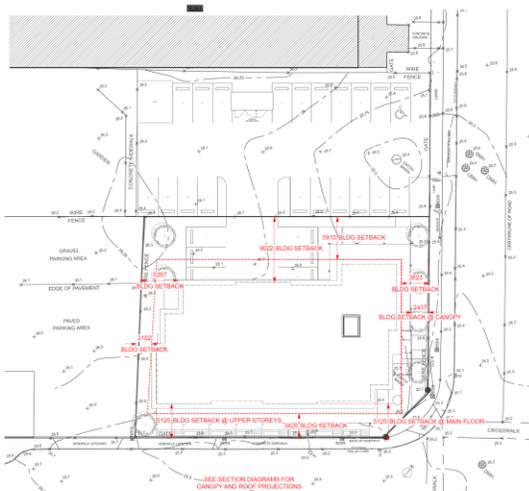
3 SOUTH ELEVATION Scale: 1/32



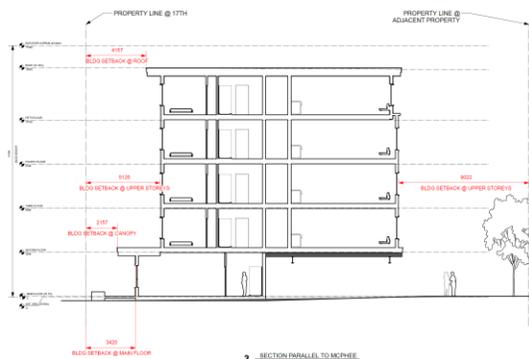
1 EAST ELEVATION Scale: 1/32



2 WEST ELEVATION Scale: 1/32



4 SETBACKS Scale: 1/320



3 SECTION PARALLEL TO MCPHEE Scale: 1/100



1 SECTION PARALLEL TO 17TH Scale: 1/100



Wachiy Affordable Housing Project

1679 McPhee Ave. Courtenay, BC



Issued for 2021/09/11

ELEVATIONS

A2.01



Wachiy Affordable Housing Project

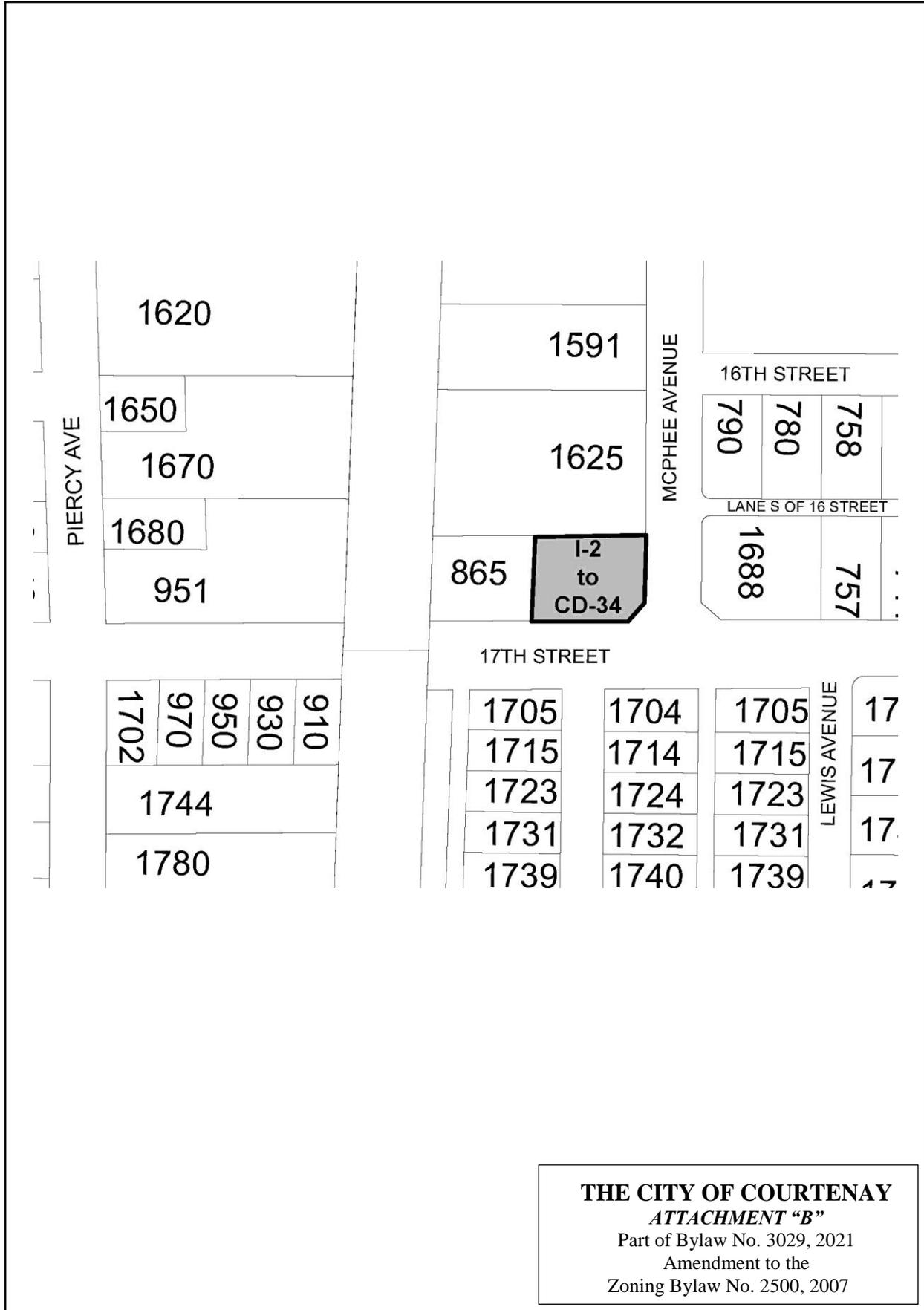
1679 McPhee Ave. Courtenay, BC



Issued for 2021/09/11

SETBACK DIAGRAM

SK1.2



THE CITY OF COURTENAY
ATTACHMENT "B"
 Part of Bylaw No. 3029, 2021
 Amendment to the
 Zoning Bylaw No. 2500, 2007

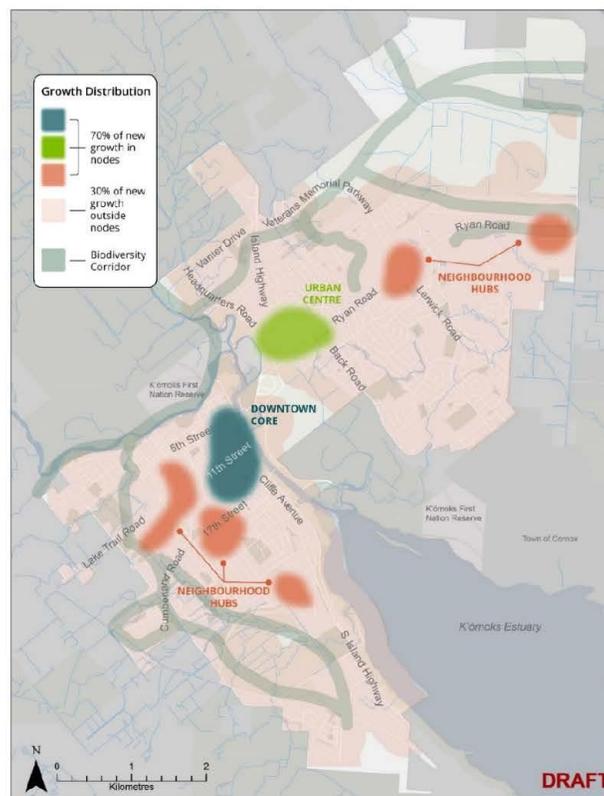
Schedule No. 2: Project Description

WACHIAIY REZONING SUBMISSION: WRITTEN STATEMENTS

AFFORDABLE HOUSING POLICY CONFORMANCE

The site is currently zoned Industrial Two (I-2) and designated for industrial use in the existing Official Community Plan (Bylaw No. 2387, 2005). On advice of Planning staff, the project is pursuing a Comprehensive Development zone. The City of Courtenay is in the process of revising their Official Community Plan (OCP) and the project team believe that the revised OCP supports the vision for affordable housing on the site. The City of Courtenay’s Draft OCP Land Use Growth Map signals support for re-development of the site, which is designated as a growth node and neighbourhood hub where the City would prioritize re-development¹. The site is also intended for future bike lanes along 17th Street, so the design takes advantage of this proposed change.

Draft City of Courtenay OCP Draft Land Use Growth Map



In addition, the draft OCP Vision and Goals (August 2020) include “Housing Choices For All” as a primary goal for the OCP and states that “*Courtenay will enable housing choices in all neighbourhoods of the city*”

*in which all residents have access to homes that are affordable, healthy, green, and appropriate for diverse needs, life stages and aspirations”.*¹¹ This project will directly contribute achieving the goal of providing Housing Choices For All. The proposed development is also supported by the following policies in the City of Courtenay’s existing Affordable Housing Policy (2007):

Policy 2.1: *Density housing and/or comprehensive development zoning be used to increase densities which provides an opportunity to negotiate public amenities including affordable housing. It can also encourage a variety of housing types and more compact community.*

Policy 2.4: *Continued support for mixed use developments and increase in densities near or adjacent to major destinations in the City.*

Policy 2.8: *Reducing application and permit fees by 50% for an affordable housing project subject to an agreement with the City or agency approved by the City.*

In addition to these City policies, the proposed development is identified as an action in the Comox Valley Coalition to End Homelessness’ 5-Year Plan 2019-2024 (2020). The Comox Valley Coalition to End Homelessness is made up of twenty-five member agencies that deliver a range of social support services in the Comox Valley. The Coalition works as a collective to plan, coordinate, recommend and implement community responses to homelessness. The proposed development is included as an action under Strategy #1: Create Additional Housing and Necessary Supports.

Both the City of Courtenay and the Comox Valley Regional District (CVRD) serve as advisory members to the Coalition. The CVRD has demonstrated support for the Coalition through the adoption of the Comox Valley Homelessness Supports Service Establishment Bylaw No. 389, 2015 (CVRD HSS). This bylaw allows the CVRD to use property tax revenues to provide funding to non-profit organizations that work to address homelessness. This bylaw demonstrates a strong level of support for addressing homelessness in the Comox Valley and provides a sustainable source of funding for local non-profit organizations whose core functions and are to address homelessness. This project was successful in receiving funding through the CVRD HSS in 2020 and has been recommended for funding for 2021.

The CVRD’s 2018 Regional Growth Strategy (RGS) also includes a focus on affordable housing: Goal #1 in the RGS is to “ensure a diversity of housing options to meet evolving demographics and needs”. The proposed development helps achieve this goal as well as the following objectives in the RGS:

- **Objective 1-A: Locate housing close to existing services:** The proposed development is located within walking distance to various commercial services and is next door to the WFC where a range of social and support services are offered. The RGS designates the subject property as a “Municipal Area” where development is expected to occur through infill and more compact development compared to outlying areas.
- **Objective 1-B: Increase affordable housing options:** This development intends to include units at a range of affordability rates, including: Rent-Geared-to-Income (50%), Deep Subsidy (20%), and Affordable Market Rental units (30%).
- **Objective 1-C: Develop and maintain a diverse, flexible housing stock:** The Comox Valley has an aging population and this proposed development will serve seniors specifically. Seven of the 1-bedroom suites are fully accessible.

- **Objective 1-D: Minimize the public costs of housing:** The proposed development does not require the expansion of city infrastructure (roads, sewers, etc.) and will meet high standards for energy efficiency.

DESCRIPTION OF PROPOSED DEVELOPMENT AND RATIONALE

PROJECT OVERVIEW

The proposed senior housing development will be a five-storey, wood frame building with a total of 40 units, including an indoor amenity space. Given that the proposed building will serve seniors, all units are studios or one-bedroom units. The table below outlines key features of the development.

Table 1 - Proposed Project

Proposed Project	
Project name	Wachiay Friendship Centre Society Affordable Housing Project
Address	1679 McPhee Avenue Courtenay BC, V9N 3A5
Owner	Wachiay Friendship Centre Society
Property manager	M'akola Housing Society
Total site size	1,197 sq m (0.3 acres)
Type(s) of housing	Apartment
Target tenant(s)	Low to Moderate Income Seniors
Building size (# of storeys)	5
Gross Floor Area	2,417.5 sq. metres
Total # of units	40
Total # of people housed	40
Parking	10

The concept for this project including type of development, number of units and mix of suite type based on the targeted resident population represents the local context. It was developed based on direct experience working in the community and is grounded in need and demand data.

Rental housing in Courtenay is a challenge that disproportionately affects the most vulnerable residents of the community, especially seniors and Elders, the demographic that WFC intends to serve with the project. Across the entire Comox Valley, the number of renters is increasing (up nearly 25 percent since 2006) and renter households are increasingly less able to meet their needs in the private housing market. Renter households earn significantly less income than owner households (\$38,394 annually compared to \$73,367) and a recent affordability analysis indicates that 35% of renter households in Courtenay are in core housing need. A large proportion of renter households are seniors or Elders, whose numbers have grown dramatically, increasing nearly 60% between 2006 and 2016. **Demand projections** indicate that by 2025, Courtenay will need at least 175 additional studio and 1-bedroom units; the vast majority are expected to be rental tenure.

WFC’s work supporting the urban Indigenous population in Courtenay through their Housing and Homelessness programs has also demonstrated the crucial need for safe, affordable, and culturally appropriate housing: almost 500 individuals accessed Wachiay’s Homeless Outreach services in 2019, seeking shelter, and another 200 + accessed Homeless Prevention programs, seeking to maintain their housing. As outlined above, seniors and Elders are facing some of the most challenging housing conditions

in Courtenay. WFC is committed to meeting the housing needs of Courtenay’s most vulnerable residents and is ready to address an acute and immediate need in the City through this project.

The following table provides a high-level summary of the site location details and benefits.

Table 2 - Site Details

Site Details	
Site location	1679 McPhee Avenue
Legal description	LOT 5 Plan VIP13075 Section 41 Land District 15 Except Plan VIP684311 PID 004-711-823
Current registered owner	Wachiay Friendship Centre Society
Surrounding land use	Mix of Industrial and Residential
Proximity to public transportation	Bus stop = 0.50 km; airport = 10 km
Proximity to commercial services	Grocery store = 0.7 km; bank = 0.7 km; fitness centre = 0.7 km; shopping centre = 0.7 km
Topography/soil/drainage	Flat, currently paved
Utilities	All utilities available at site
Road access	1 existing access that is currently fenced off from 17 th Avenue 1 existing access from McPhee Street through adjacent property owned by WFC.
Green Space	The City of Courtenay’s Rotary Trail runs behind the neighbouring properties, running parallel to McPhee Street

DEVELOPMENT PERMIT GUIDELINES

1679 McPhee Ave is not included in a Development Permit Area.

PARKING REQUIREMENTS

In the City of Courtenay Zoning Bylaw 2500 (2007) ('Zoning Bylaw'), under Schedule 7A – Required Number of Off-Street Parking spaces, 1.5 spaces per dwelling unit with 10% of the requires spaces being provided and retained for visitor parking is required for Multi residential dwellings. This would result in 60 spaces required for 40 dwelling units. The site is currently zoned Institutionally, which, under the *Care Facility* use, would require 1 space per 3 beds. This would result in 14 spaces required for 40 dwelling units.

Because this development is pursuing a Comprehensive Development Zone, we are proposing 31 parking stalls across 1679 McPhee and 1625 McPhee, where WFC’s activity centre is located. 10 of the units will be reserved exclusively for tenants of the housing facility and the remainder of the parking will be shared between tenants and staff of WFC. An access easement will be registered across the two properties in favour of 1679 McPhee. An informal parking study of the existing space yielded an estimate of 20 spaces used by Friendship Centre staff, who also have access to ample on-street parking.

The parking area where the development is proposed currently provides parking for staff and visitors at the WFC and daycare. The proposed building has been designed to minimize impact on parking and maintains a ground-level parking area. Through the rezoning process, MDS will examine the parking needs and demands to determine a parking requirement that will result in a functional site. A formal parking study may also be commissioned during the rezoning process. The team has designed a comprehensive zone with site-specific parking requirements. Because is it not anticipated that the majority of tenants

will have access to a vehicle, services are within walking distance, the site is served by transit, and because there is ample street parking available to staff on McPhee Ave, the project team strongly believe that the parking proposed will be sufficient for the development. WFC also provides transportation for Elders using their 12-passenger van and minivan, as part of WFC programming, and will offer these services to tenants at the building. One EV charging station for two stalls, one stall dedicated for car sharing, and two stalls dedicated for WFC group transportation vehicles would be provided.

ON-SITE PARKING ANALYSIS AND DISCUSSION

Transportation Demand Management (TDM) aims to reduce automobile travel demand. As the site is located in a proposed growth node, the easy access to public transportation, public amenities and commercial services is expected to reduce tenants’ reliance on personal cars. There is a bus stop 500 metres away, and it is within 800 metres of 17th Street and Cliffe Ave, which is a commercial and transportation corridor. There are also multiple parks within 1,000 metres of the site. In addition, the project design includes bike parking, electric vehicle charging stations, the potential for designated car sharing parking, and the potential for resident share parking. These provisions will encourage other forms of transportation over vehicle use. At the same time, seniors are on average less likely to own a personal vehicle after age 75,¹ as the likelihood of increased mobility challenges may restrict them from operating a vehicle. As a result, seniors tend to have an overall lesser demand for parking spaces. This often results in senior housing developments that underutilize the parking spaces available on-site.

The following tables provide an overview of the distances between the site and nearby points of interest, as well as the parking provided at nearby seniors housing projects, and at other housing development sites across Vancouver Island.

Distance from the Subject Site to Surrounding Amenities

Amenity Type	Distance
Public transportation	Bus stop = 300 m on Piercy at 18 th St
Public amenities	Library = 1.6 km; Friendship Centre = 50 m; Woodcote Park = 500m
Commercial services	Grocery store = 0.7 km; bank = 0.7 km; fitness centre = 0.7 km; shopping centre = 0.7 km

Vancouver Island Examples of Parking Spaces Offered in Residential Projects

City	Project	Address	# units	# Parking Stalls		
				Total	Total in Use	In Use /Unit
Courtenay	Wachiy Affordable Housing	1679 McPhee Ave	40	10	N/A	0.25
Courtenay	Washington Apartments	1029 Ryan Rd.	120	130	65 (50%)	0.54
Courtenay	Braidwood Apartments	810 Braidwood Rd.	35	14	14 (100%)	0.4
Sooke	Hope Centre	6750 West Coast Rd	25	15	8 (53%)	0.32
Victoria	Medewiwin Apartments	360 Gorge Rd. E.	26	7	7 (100%)	0.27

¹ Office of the Seniors Advocate. (2018). Seniors Transportation.

Victoria	Waterview	264 Gorge Rd E	49	25	5	(20%)	.10
Victoria	Campbell Lodge	2326 Government St	100	24	24	(100%)	.24
Victoria	Esquimalt Lions	874 Fleming St.	77	21	21	(100%)	0.27
Victoria	Sitkum Lodge	411 Sitkum Rd.	75	29	29	(100%)	0.39
Average			62	31	22	(70%)	0.35

Based on a review of parking statistics of similar developments, it is expected that the Wachaiy project will have a lower vehicle ownership rate than required under existing zoning. The proposed parking and fits with the amenity-rich location, unit mix, and tenant profile.

For these reasons, MacDonald Hagarty Architects, Wachaiy Friendship Centre Society and M’akola Development Services are confident that the on-site parking spaces will meet the current and future needs of the residents.

i

<https://www.courtenay.ca/assets/Departments/Development~Services/OCP~Update/20200731%20Courtenay%20OCP%202031%20Places%20for%20Growth-WEB.jpg>

ii

<https://www.courtenay.ca/assets/Departments/Development~Services/OCP~Update/20200731%20Courtenay%20OCP%20DRAFT%20Vision%20and%20Goals.pdf>

Schedule No. 3: Alternative Public Information Mailout and Meeting Summary



1679 MCPHEE AVE REZONING

MAILOUT FEEDBACK

The attached mail-out was distributed by mail on March 17th and March 18th.

In response, Wachiay received 3 comments, 2 by email and 1 by mail. The City of Courtenay (CoC) received 8 responses, which appear to be a combination of 4 emails and 4 letters. Two of the responses were submitted to both Wachiay and CoC, making the total number of responses received 9.

Q: Will the Individuals living in this building be Indigenous?

A: Yes. Indigenous Elders and Indigenous individuals are the priority tenant group.

Q: Will there be 24/hour supervision? How will development impact the safety of the neighbourhood?

A: Tenants will not be supervised. This is an independent affordable rental building, not supportive housing, or assisted living. There will be access to support services for residents through the Wachiay Friendship Centre.

Residents in the neighbourhood will experience heightened safety due to the increased outdoor lighting and number of “eyes on the street” between the ‘40 Houses’ community and the industrial area along McPhee.

Q: How will the development fit into the neighbourhood’s heritage neighbourhood status?

A: While the 1679 McPhee site is not a part of the ‘40 Houses’ Neighbourhood, the project team understands the importance of tradition. The development will seek to honour the Indigenous heritage and history of the region, while also maintaining a form and character that complement the existing neighbourhood.

Q: How will a 5-storey building fit into the existing neighbourhood?

A: This will be a new housing type for this neighbourhood, but to effectively address the need and demand for affordable housing in Courtenay we are proposing a denser building form. The development is in a “Neighbourhood Hub” growth node as per the City of Courtenay’s Official Community Plan. As such, it is a priority for redevelopment.

Although 5-stories will be a new housing type for the neighbourhood, it is being designed to complement the neighbourhood and provide 100% affordable rental housing. This proposed development will replace a concrete parking lot with a thoughtfully landscaped, and beautifully designed housing option for seniors and single individuals.

Currently, the lot is zoned for industrial use including manufacturing, storage, automobile service and repair centres, and heavy equipment sales. The proposed development, including landscaped outdoor areas and indigenous art features, will have a more pleasant street appeal than many of the industrial uses the lot is currently zoned for.

Q: Will there be any green space or trees planted as part of this development? Will there be landscaping setbacks?

A: The landscaping plan for the proposed building is currently being designed. Although designs are not yet finalized, there will be trees, landscaped green space and gardens included as part of this development. There will also be outdoor seating areas and pathways, providing outdoor space for tenants to enjoy.

The landscaping will be within the property's boundary, and the sidewalks will be unaffected. The rendering on the mailout was very preliminary in nature.

Q: Will there be fencing surrounding the property?

A: There will be fencing between the parking lot and the west property line, separating the development from its neighbour. There will be privacy screens and landscaping separating the sidewalk and the patios along 17th Street.

Q: What are the parking requirements for a 40-unit building?

A: The parking requirements of this building have not yet been determined. We are going through a comprehensive rezoning process with the City of Courtenay, which will determine the parking requirements for this proposed development.

Q: Where will the residents park their vehicles? How will the development impact street parking in the area?

A: Residents will be able to park their vehicles on-site, in the 10 available parking spaces included in the development proposal. There may be an opportunity for a parking agreement with the Wachiay Friendship Centre which would allow tenants to use their lot at night, as their parking stalls are only used by staff during the day. There is also access to street parking along McPhee Ave, 16th Ave and 17th Ave. The building is near public transit, services and amenities and residents will have access to the Wachiay Friendship Centre shuttle buses. There will also be access to bike and scooter parking.

We anticipate relatively low vehicle ownership rate amongst future tenants based on data compiled from projects that serve similar tenant groups in Courtenay, and cities with similar car-dependence.

Q: Where will the current users of the parking lot park once the site starts to be developed?

A: Current users will be able to access Wachiay's other parking lot which will not be affected as part of this development. We will be preparing a parking plan to ensure that current staff and daycare users have access to parking and safe drop-offs. As well, there is a new "park and ride" parking lot on Grant Ave, that has the potential to alleviate some parking congestion. We will also create a parking plan for the construction period to address increases in vehicle traffic immediately around the site.

Q: How will the building affect traffic in the area? Will increasing density along this roadway make traffic worse?

A: It is unlikely that the building will increase traffic in the neighbourhood due to low anticipated vehicle ownership among the senior and low-income residents. We will be conducting an engineered traffic assessment as part of the rezoning process.

The development is in a "Neighbourhood Hub" growth node as per the City of Courtenay's Official Community Plan. As such, it is a priority for redevelopment. Increasing density along major roadways, and in proximity to services and amenities, provides an opportunity for less car

dependant populations and less sprawl. By increasing density near the downtown core, we will reduce the number of individuals needing to commute by car on our already busy roadways.

Q: Will construction overlap with the 5th street bridge project?

The timeframe for construction is still unknown, as the proposal is subject to rezoning, development permitting, and building permitting processes. Based on the project timelines for permitting, the construction period will not overlap with the scheduled maintenance of the 5th street bridge, which has increased traffic over the 17th street bridge.

Q: Who will have access to the cultural gathering place?

The cultural gathering space is intended for tenants of the proposed rental building. It will not attract visitors and increase traffic or parking demands.

Mail-Out



WACHIA Y
Friendship Centre

Wachiay Affordable Housing Project - 1679 McPhee Avenue

The Wachiay Friendship Centre is proposing to develop its parking lot into an affordable rental building with cultural gathering space for Indigenous elders and individuals in Courtenay, BC.

The Wachiay Friendship Centre is a non-profit society whose mandate is to provide services and supports to the Urban Indigenous population in the Comox Valley Regional District, and on the unceded traditional territories of the K'ómoks First Nation.

Project Overview:

- Creation of a 5-storey wood frame building,
- Quick and easy access to the Wachiay Friendship Centre, its services and community garden,
- 40 affordable rental units targeted towards Indigenous Elders and individuals,
- Cultural gathering space included in the building design,
- Project is identified as an action in the Comox Valley's 5-year Plan to End Homelessness,
- Rezoning from I-2 Zone to a Comprehensive Development Zone.





WACHIAY Friendship Centre

Work to Date:

- Preliminary Design Development,
 - 5-storey wood-frame building,
 - 40 studio and one-bedroom units, including:
 - 9 fully accessible units,
 - 8 ground level studio suites with patios,
 - Cultural gathering space,
 - In suite laundry for all units,
- Major funding proposal submitted to BC Housing in January 2021 (under review),
- Completion of preliminary and schematic designs,
- Submission of rezoning package to the City of Courtenay in January 2021.

Project Team:

- **Wachiay Friendship Centre** - Owner
- **M'akola Development Services** - Development Consultant
- **MacDonald Hagarty Architects** - Architect
- **Biophilia Design Collective** - Landscape Architect
- **Herold Engineering** - Civil Engineer

We will be providing additional engagement opportunities to solicit community feedback throughout the Spring. For more information and to keep up to date on this project, please visit:

www.courtenay.ca/devapptracker - Folder Number OCP00011

and

www.wachiay.org/housing

If you have any comments, questions or concerns, please provide them by April 9, 2021 to:

Roger Kishi, Program Coordinator - Homelessness and Housing Programs

Wachiay Friendship Centre

e: roger@wachiay.com | ph: 778-255-0308

and/or

City of Courtenay Planning Department

e: planning@courtenay.ca | ph: 250-703-4839

Mail-out Responses: Wachiay

April 8, 2021

Roger Kishi, Program Coordinator-Homelessness and
Housing Programs,
Wachiay Friendship Centre,
Courtenay, B.C.

Dear Mr. Kishi,

Thank you for inviting community feedback re the proposed Wachiay Affordable Housing Project at 1679 McPhee Avenue, on the unceded traditional territories of the Komoks First Nation. I own the duplex at 780/772-16th Street, which has been my family's residence since the early '90's.

Wachiay has been a very good neighbour and a very positive addition to our neighborhood. My concern is regarding parking. Many businesses use McPhee and 16th Street for parking... school bus employees, Shaw Customers, Wachiay visitors, parents of school children and sports activities on weekends. Granted, it is much quieter since the pandemic. The City of Courtenay requires that I have 2 parking spots per unit on my property. What are the parking requirements for a 40 unit apartment building?

My other concern is the height of the proposed building and the number of units. I am not sure what a Comprehensive Development Zone means but feel that 5 storeys and 40 units are too drastic for our neighborhood.. There are 5 storey units being built on Cliffe Avenue and Newport Place by Walmart but these are very active commercial areas. We are very much a residential single family home neighborhood. I do find the photo of the proposed building a bit misleading as it stands alone in a very tranquil scene with trees and greenery. Are there actually plans to plant trees on McPhee and 17th Street?

My final concern is safety. I welcome Indigenous Elders and individuals and respect the mandate to provide services and supports to the Urban Indigenous population in the Comox Valley. Are the individuals also Indigenous? Is there going to be 24 hour supervision in the building?

Thank you for the opportunity to express my concerns and I look forward to learning more about this exciting project.

[REDACTED]
780-16th St., COURTENAY, BC, V9N 1K7

[REDACTED]
788-16th St
Courtenay, BC
cc: City of Courtenay


1731 McPhee Ave
Courtenay, BC V9N 3A9
250-338-6337

April 2, 2021

Planning Department
City of Courtenay
RE: 1679 McPhee Ave

To Whom it May Concern,

This letter is to express our opposition to the proposed rezoning and development of the current parking lot at the Wachiy Friendship Centre.

Concerns are as follows:

- The height of the building proposed to be 5 stories, is too tall for the lot. There are no other buildings in and around the area of a similar height. 2-3 stories seems a more reasonable height for the location.
- There will not be enough parking for the number of tenants. Additionally, street parking is already busy with staff from First Student Bus Terminal and on Sundays parishioners attending the Faith Lutheran Church, also park on the street. Once construction is under way, where will all the work crew park?
- During the construction phase there will be increased traffic at the 3 way stop to contend with. 17th street is already a busy road that gets a lot of emergency vehicles and parents going to drop children off at Courtenay Elementary. If construction coincides with work on the 5th street bridge, expect there to be even more traffic. This will become a noisy, busy, unsafe intersection.

While in agreement there needs to be affordable housing in the valley, this project, the way it has been proposed, does not fit into our neighbourhood, which has been designated a heritage neighbourhood.

Sincerely,



From: [REDACTED]
Sent: Wednesday, March 24, 2021 6:19 PM
To: e.planning@courtenay.ca; roger@wachiay.com
Subject: proposed 5-storey apartment building

Gentlemen:

I've looked at the 2-page outline regarding the apartment building proposed for the current parking lot at 17th and McPhee and I wonder:

1. where residents will park their vehicles
2. where current users of the surrounding buildings who park in the lot will park their vehicles when it is supplanted by the apartment building
3. how the building and its footprint will affect area traffic
4. whether the trees in the design proposal will be planted and if so, where
5. whether there will be a fence surrounding the property, and
6. whether any greenspace is included in the design.

I'll be very interested in the answers to these questions.

Thank you for your attention.

Regards,

[REDACTED]

some circumstantial evidence is very strong, such as when you find a trout in the milk. - Thoreau

Mail-out Responses: City of Courtenay

[REDACTED]
1731 McPhee Ave
Courtenay, BC V9N 3A9
[REDACTED]

April 2, 2021

Planning Department
City of Courtenay
RE: 1679 McPhee Ave

To Whom it May Concern,

This letter is to express our opposition to the proposed rezoning and development of the current parking lot at the Wachiay Friendship Centre.

Concerns are as follows:

- The height of the building proposed to be 5 stories, is too tall for the lot. There are no other buildings in and around the area of a similar height. 2-3 stories seems a more reasonable height for the location.
- There will not be enough parking for the number of tenants. Additionally, street parking is already busy with staff from First Student Bus Terminal and on Sundays parishioners attending the Faith Lutheran Church, also park on the street. Once construction is under way, where will all the work crew park?
- During the construction phase there will be increased traffic at the 3 way stop to contend with. 17th street is already a busy road that gets a lot of emergency vehicles and parents going to drop children off at Courtenay Elementary. If construction coincides with work on the 5th street bridge, expect there to be even more traffic. This will become a noisy, busy, unsafe intersection.

While in agreement there needs to be affordable housing in the valley, this project, the way it has been proposed, does not fit into our neighbourhood, which has been designated a heritage neighbourhood.

Sincerely,

[REDACTED]

[REDACTED]
1740 McPhee Ave
Courtenay, BC V9N 3A8
[REDACTED]

March 27, 2021

Planning Department
City of Courtenay
RE: 1679 McPhee Ave

To Whom it May Concern,

This letter is to express my opposition to the proposed rezoning and development of the current parking lot for the Wachiy Friendship Centre.

My concerns are as follows:

- The height of the proposed building far exceeds any other structure in the neighbourhood. A search of the surrounding area reveals structures and specifically apartments, *none* in excess of 3-4 stories.
- There is insufficient parking for the proposed number of tenants. My feeling is the parking analysis is short sighted and based on assumption that not all tenants will have vehicles. Additionally, street parking can become quite busy with staff from First Student Bus Terminal already parking in front of the Wachiy Friendship Centre and on Sundays parishioners attending the Faith Lutheran Church, also parking on the street.
- When there are functions at the Wachiy Friendship Centre and people coming to the proposed Cultural gathering space, where are they expected to park?
- Before the structure is even occupied there will be construction noise and increased traffic in the area to contend with, including where the workers will park during the construction.
- Increased traffic during construction will be a great concern in such close proximity to Courtenay Elementary.

While I agree there is a great need for affordable housing, I feel this structure is too large for the existing space and neighbourhood and will have a negative impact on the residents in the area.

Sincerely yours,
[REDACTED]

Grimsrud, Michael

From: [REDACTED]
Sent: Monday, March 22, 2021 3:22 PM
To: PlanningAlias
Subject: Wachiy Friendship Centre rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Hi there,
I would like to openly oppose the proposed development of the Wachiy Friendship Centre parking lot. If further action is required by me in order to have my comments recorded please let me know how to proceed.
Thank you,
[REDACTED]

Grimsrud, Michael

From: [REDACTED]
Sent: Monday, March 22, 2021 9:05 PM
To: PlanningAlias
Subject: Wachiy Project - 1679 McPHEE AVENUE

I would like to express my opposition to the proposed rezoning of the current parking lot for the Wachlay Friendship Center from I-2 Zone to a Comprehensive Development Zone.

Current zoning basically allows for light industrial and small business use. No building is permitted to exceed a height of 15.0m. and there are landscaping and setback requirements laid out.

My concerns with the proposed development are:

* There appear to be no landscaping setbacks on either 17 St. or McPhee Ave. The sidewalk on 17th appears to have been removed and trees are planted in the existing roadway. 17th St. has become a major traffic artery and to impede the flow of traffic is shortsighted.

* The height of the building far exceeds any other structure in the neighbourhood. In fact, I don't know of any other 5 story building currently in the Comox Valley. There is a building going up on Ryan Rd. that may be 5 stories but the setting is far different from the lot at 1679 McPhee Ave.

* There appears to be no parking for the 40 units. The reality is that most of the tenants will have vehicles and it is not reasonable or possible for them to park on the road.

Such a development will significantly impact our neighbourhood. This is not a minor adjustment in our city plan by any means. While I applaud efforts to build affordable housing, I do not believe this site is appropriate. It is far too small.

Yours truly,

[REDACTED]
1724 McPhee Ave.,
Courtenay, BC

Apr 8, 2021

City of Courtenay Planning Department

I am writing to express my opposition to the proposed rezoning of the area of land currently being used as parking for the Waching Friendship Centre. The change to Comprehensive Development Zone would allow the construction of a proposed 5 story building.

My concerns with the development are:

- 1) The proposed 5 story building is too tall. There are no buildings anywhere near this height in the area. It could not blend in no matter how you try to beautify the look and landscaping. Current buildings being built at this height are in more commercial areas not among existing residential areas.
- 2) The city designated the 1700 block of McPhee/Lewis a heritage neighbourhood and this size of building right across the street will impact the uniqueness of the area.
- 3) 17th St is an artery for traffic flow. With all the development occurring out Cumberland/Arden Rd areas, this will only increase. Adding more congestion to an already busy intersection/school crossing will not help especially in view of the city's plan to have 17th St. be part of the long term cycling network.
- 4) The artist rendering of the building shows no sidewalks and places trees in the existing roadway therefore narrowing the street and thus further complicating the issues cited in #3.

5) Parking. - The proposed building is to have 40 residential units and a cultural gathering place yet mentions no parking. The site is barely the size of 3 of our small neighbourhood lots. Where are the residents/guests to park? With a cultural gathering place, I'm assuming there will be gatherings that will attract people that will drive there. Where are they to park? Street parking on McPhee/16th is already at a premium for the residents. With the school also on McPhee, at certain times of day there is NO parking. 17th St. also has no parking signs in this area. There is also a daycare attached to the Friendship Center. Parents need an area designated for safe drop off and pick up. The existing parking lot can be half full most days, I'm assuming with staff from the Friendship Center and Daycare. They will be displaced and where are they to park? The residential streets surrounding this site cannot handle anymore vehicles without compromising existing residents ability to park.

I feel allowing the proposed zoning change is not in keeping with the area and will have a serious negative impact on our existing neighbourhoods. While I am in favour of affordable housing initiatives, this site is not appropriate for the size of the development. I believe it would be shortsighted of council to allow this type of density in this area of town.

Yours truly,

[REDACTED]
1705 McPhee Ave.
Courtenay B.C.

Grimsrud, Michael

From: [REDACTED]
Sent: Wednesday, March 24, 2021 9:31 PM
To: PlanningAlias
Subject: Rezoning Application 1679 McPhee Avenue

I am writing to the planning department to express my opposition to the application for rezoning for the property at 1679 McPhee avenue. As a resident of the neighbourhood I have concerns that the location selected for this development is not well suited to the size of its plan, and will directly impact every resident currently living in the immediate area.

As our community grows, roads become busier, 17th Street from Cumberland Road to Cliffe Avenue is at best of times a highway of vehicles, many of which do not abide by posted speed limits. The three way "Stop" (if you can even call it that) at 17th and McPhee has become a yield and roll through. Adding 40 units of additional residents directly into this intersection and immediate area will only further this congestion at this busy intersection.

The height of the building exceeds what I would find to be reasonable for the area in question. The surrounding area is primarily residentially zoned and is made up mainly of single family dwellings that come nowhere near the height and size of this planned development. I would expect that a community plan should maintain a certain order of what size and layout of building is built. This development does not fit the current area well. Right across the street there is the "40 houses". A neighbourhood which I reside in. This neighbourhood has kept its size and shape of the homes and the city has gone as far as to signify this neighbourhood with a sign and plaque. I cannot see how this development, sitting directly across the street, fits the area as it towers over the neighbouring houses.

I am not opposed to the developer reapplying with a more modest plan for a smaller building. For example, a 2-3 storey building with 15-25 units would still do a great deal to help those in need of affordable housing without being as big of a disruption to the existing area. I understand Homelessness is an ongoing crisis for many, and will need to be properly planned for by cities and developers if communities want to grow as a whole. But that planning process needs to consider all of the residents and citizen. Slapping up a 5 storey building in the midst of a mainly residential neighbourhood is not going to be the end of housing issues, and will likely carry negative impacts for the surrounding residents for years after.

Thank you

[REDACTED]
790 18th Street



WACHIAY FRIENDSHIP CENTRE AFFORDABLE HOUSING PROJECT

COMMUNITY ENGAGEMENT EVENT

The Wachiay Friendship Centre Society (WFCS) hosted an engagement event on Tuesday, July 13th 2021, from 6pm- 8pm on the site of the proposed Affordable Housing Project (1625 McPhee Ave). Event invitations were distributed by Wachiay staff members to 125 neighbouring residential and commercial addresses. The event was also advertised on the WFCS website, and on social media.

Presentation materials including the proposed landscape drawings, building elevations, typical floor plans, and shadow study were available to inform the public of the Society's plans for the site. Staff from the Society, the project's architect, and the project's development team were available to answer questions and listen to community concerns.

Approximately 23 community members attended the event. Community members were given an option to leave their contact information in order to receive project updates. The project team will continue to provide updates regarding project milestones. Project updates are also posted on the WFC website as they become available.

WHAT WE HEARD

HOUSING NEED

Community members who attended the event all acknowledged the desperate need for affordable housing options in the Comox Valley, especially for seniors. Many attendees that work in healthcare commented on the positive impact an increase of affordable and accessible housing will have on our community's health and wellness. Attendees were happy to see that accessible units were being provided, and that additional units could be adapted to allow accessibility as required.

LANDSCAPE DESIGN

Overall, community members were very happy with the proposed landscape design. Specifically, attendees were happy that the project was re-introducing green space to the currently paved lot. Many commented that they specifically liked the way benches and seating options were integrated into the landscaping design, as the target tenants are seniors.

HEIGHT

Some community members were concerned about the height of the proposed building in comparison to the neighboring residential buildings. . The shadow study confirmed that the development will not shadow the neighboring residential buildings at any time of day or year and therefore there should be no impact from the building's height on neighbours' enjoyment of their outdoor space.

TRAFFIC

Neighbors to the proposed development had concerns about the increase in traffic resulting from the project. A traffic study has been completed to determine the effect of the development and determined the project will have an insignificant impact on the McPhee Ave and 17th St intersection. Regardless of whether or not the development were constructed, the parking study found that the intersection would be rated a "B" on a scale from "A" to "F". An "A" represents minimal queuing time conditions while "F" represents an over-capacity condition with considerable congestion and/or queuing time.

PARKING

The proposed parking plan for the affordable housing development at 1625 McPhee Ave includes 10 parking spots for 40 tenants, not including any of the spots in the Friendship Centre's lot at 1679 McPhee. Community members were of mixed opinion on whether they believed this was enough parking for the development. Some community members believed due to the proximity of the site to the downtown core, and the target tenant group, the parking allotment felt appropriate. Other community members believed that the parking provided would be insufficient and would result in additional demand for street parking on adjacent streets.

A suggestion from an attendee was to implement "Residential Parking Only" signage, and enforcement on the residential streets adjacent to the proposed development. The project team is in support of the proposed solution as a means of alleviating the community's parking concerns, while obviously outside the scope of this development.

Many businesses along McPhee have staff parking requirements that far exceed the on-site parking available at their sites. Wachiay understands that the parking demand during working hours is a concern to neighbors, and is committed to reducing their impact wherever possible, while reducing homelessness in the Comox Valley. We are in the process of preparing a parking plan for the Wachiay Friendship Centre to identify staff parking demand and reduce its impact on the community.

PRESS

See attached article from the Comox Valley Record, published on August 4th, 2021 and written by Mike Chouinard.



Jamie Begin, Lindsay Monk, Maris MacDonald, Monica Goodheart and Roger Kishi show off plans for Wachiay Friendship Centre's housing project during an open house in July. Photo by Mike Chouinard

Wachiay planning next steps for housing project in Courtenay

BC Housing funding was approved for the 40-unit proposal during the spring

MIKE CHOUINARD / Aug. 4, 2021 1:30 p.m. / LOCAL NEWS / NEWS

After a grant application was approved this spring, Wachiay Friendship Centre is waiting to clear the next hurdle for its planned housing project.

The organization had applied to BC Housing for funding from its Community Housing Fund and learned it was successful in early June.

"We thought that our application was really strong," said Roger Kishi, Wachiay program co-ordinator of homeless and housing programs.

Another local project, a project by the Comox Valley Affordable Housing Society, was also approved for Comox. Many others, including ones in this area, were not. Kishi knows of seven here and 49 on Vancouver Island.

“There were a number of applications,” he said.

In July, Wachiay held an open house at the site, which currently functions as its parking lot on McPhee Avenue. There, they made plans available for the public to see the proposed five-storey building that will have 40 units.

RELATED STORY: [Affordable housing set for Comox to replace former D’Esterre Gardens building](#)

RELATED STORY: [Friendship Centre proposes affordable housing project on its Courtenay property](#)

The next step is to get the zoning in place for the project, and the consultants from M’akola Development Services have applied to the City of Courtenay. The city confirmed the project application is currently being reviewed by staff before the bylaw can proceed. The planning department is waiting for a submission in response to a letter sent to the applicant at the end of April. Once it gets a response, staff will prepare a report for council on the application.

The overall plan is to change the use designation from industrial to multi-residential and rezone the site from Industrial Two Zone (I-2) to a new Comprehensive Development Zone that is site-specific for the multi-residential development and indoor cultural gathering space.

As is the case in many places, the demand is high for affordable housing, says Kishi. While there is construction taking place in the Comox Valley, it is not necessarily helping many feeling the housing pinch most severely.

“Although there is a lot of construction, these are private market rentals,” he said.

For the Wachiay housing project, 20 per cent will be set at \$375, or the income assistance shelter rate for a unit, 30 per cent at the low end of market value and half geared to income through subsidized rent.

Still, more homes are needed, Kishi said, adding that even buildings with longstanding rents can go up dramatically once a tenant leaves.

“As units turn over, the rents are going up,” he said. “It’s happening globally.”

Kishi said the proponents have been in contact with local and provincial government officials lately, and as to the amount of BC Housing funding they can expect, he expects they could find out about a project manager this month so they can begin work on the next phase.

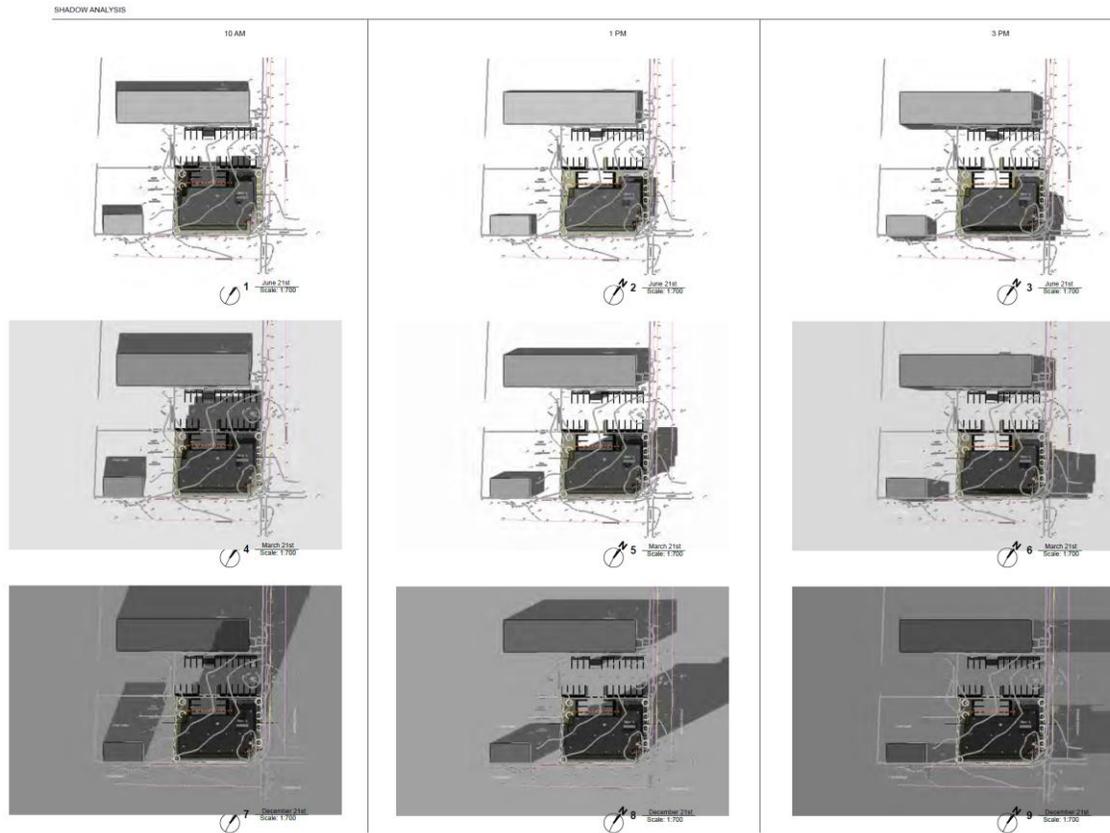
(The article has been changed to correct a dollar amount.)

mike.chouinard@comoxvalleyrecord.com

Like us on [Facebook](#) and follow us on [Twitter](#).

AFFORDABLE HOUSING

Schedule No. 4: Supplementary Architectural Drawings



WACHIAI
Friendship Centre

Wachiaiy
Affordable
Housing Project

8079 McPhee Ave.
Courtenay, BC

Issued for Project No. 1
2021-09-17

Shadow Study

SK.01

WACHIAI
Friendship Centre

Wachiaiy
Affordable
Housing Project

8079 McPhee Ave.
Courtenay, BC

Issued for Project No. 1
2021-09-17

SK.01

A1.02



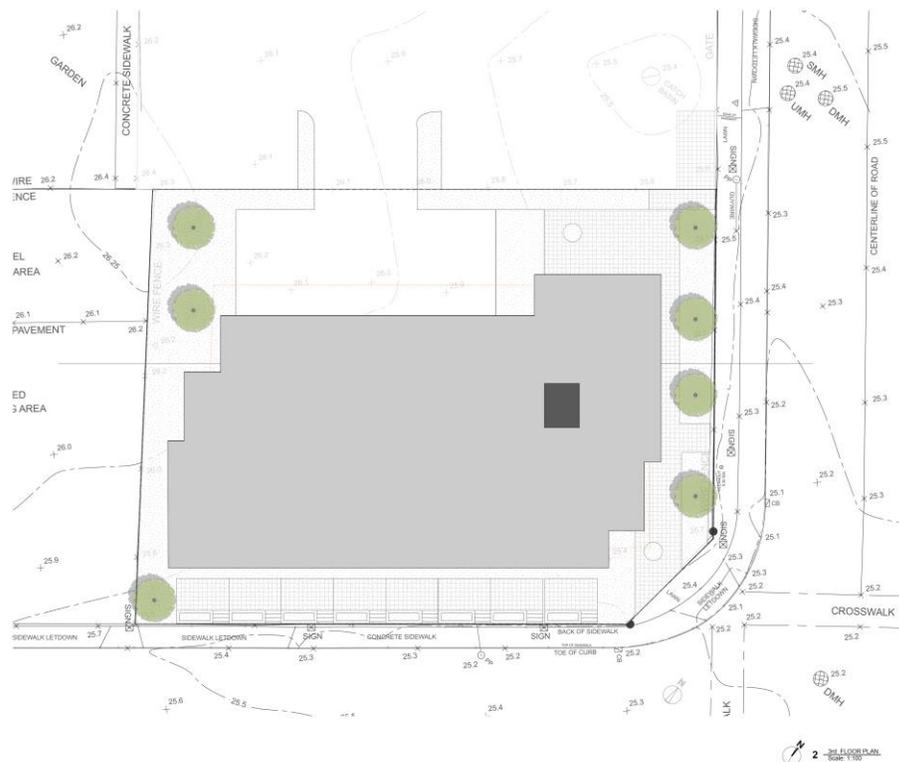
MHA
Municipal Housing Authority

WACHIAJ
Friendship Centre

Wachiaj Affordable Housing Project
1679 McPhee Ave
Custermey, BC

Issued by [Signature]
1

A1.05



MHA
Municipal Housing Authority

WACHIAJ
Friendship Centre

Wachiaj Affordable Housing Project
1679 McPhee Ave
Custermey, BC

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ROOF PLAN

A1.06

Schedule No. 6: Sustainability Evaluation Compliance Checklist



**CITY OF COURTENAY
Development Services**

830 Cliffe Avenue
Courtenay, BC, V9N 2J7
Tel: 250-703-4839 Fax: 250-334-4241
Email: planning@courtenay.ca

**SUSTAINABILITY
EVALUATION
COMPLIANCE CHECKLIST**

The following checklist provides a quick reference list of required sustainability criteria that, where applicable, shall be satisfied for all development applications including Official Community Plan (OCP) and Zoning Bylaw amendments, Development Permits, Development Variance Permits, Tree Cutting and Soil Removal Permits, Agricultural Land Reserve and Subdivision applications. These criteria are established to ensure that the goals and objectives of the OCP are satisfied. **Please briefly state in the “Description” column how the application achieves the stated criterion.** Where an element of the development proposal does not comply with a sustainability criterion, 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.**

The Sustainability Evaluation Checklist Policy states: *Proposed developments will be considered where a development:*

- a. provides substantial benefits to the City;
- b. will not negatively impact on the City’s infrastructure, neighborhood or environment;
- c. new development that supports destination uses such as the downtown, Riverway Corridor or a Comprehensive Planned Community;
- d. Meets applicable criteria set out in the OCP.

The complete Sustainability Evaluation Checklist policy is contained within the City of Courtenay Official Community Plan No. 2387, 2005.

Project Address:	Date:
Applicant:	Signature:

APPLICATION REQUIREMENTS To be filled out by applicant

Land Use. The application:	Description of how the criteria are met
a) Provides a mix of housing types and sizes;	Mix of 1 bedroom and studio
b) Balances the scale and massing of buildings in relation to adjoining properties;	The project is buffered by a church, a convenience store and existing industrial buildings.
c) Complements neighboring uses and site topography;	Site topography is flat. See drawings for neighbouring uses.
d) Provides or supports mixed used developments or neighborhoods;	The development is within walking distance of groceries and restaurants.
e) Promotes walking to daily activities and recreational opportunities;	Within walking distance of the riverwalk and all major bus routes.
f) Supports a range of incomes;	This development will be for low income earners.
g) Is a positive impact on views and scenery;	The development will improve the streetscape.
h) Preserves and provides greenspace, trails and landscaping;	n/a. currently the site is a parking lot

Building Design. <i>The application:</i>	Description of how the criteria are met
a) Exhibits high standard of design, landscaping and environmental sensitivity;	The building will be buffered from 17th and McPhee Avenue by a landscaped border.
b) Maintains a high standard of quality and appearance;	Resilient materials that require little maintenance will be used for the facade.
c) 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;	We have made considerable effort to articulate the facade to break down the building scale.
d) Avoids creating a strip development appearance;	Yes, see above.
e) Satisfies Leadership in Energy and Environmental Design (LEED) certification (or accepted green building best practices);	Development will be targeting Step 4 of the BC Energy Step Code.
f) Uses environmentally sensitive materials which are energy sensitive or have accepted low pollution standards;	as much as possible as required by BC Housing Guidelines.
g) Builds and improves pedestrian amenities;	A considerable effort has been made to improve the pedestrian experience along both streets.
h) Provides underground parking;	semi-underground parking is provided on the site.
i) Applies CPTED (Crime Prevention Through Environmental Design) principles;	as much as possible.
Transportation. <i>The application:</i>	Description of how the criteria are met
a) Integrates into public transit and closeness to major destinations;	yes, within walking distance of all major transit routes.
b) Provides multi-functional street(s);	n/a
c) Prioritizes pedestrian and cycling opportunities on the public street system and through the site location that can provide an alternative to public road;	yes, Bicycle parking will be included in future site design.
d) Provides or contributes towards trail system, sidewalks, transit facilities, recreation area or environmentally sensitive area;	sidewalks along McPhee will appear more generous
Infrastructure. <i>The application:</i>	Description of how the criteria are met
a) Includes stormwater techniques that are designed to reduce run-off, improve groundwater exchange and increase on-site retention;	see Civil report
b) Utilizes renewable energy sources (i.e. solar, geothermal) within servable area to City standards;	no

Character & Identity. <i>The application:</i>	Description of how the criteria are met
a) Provides a positive image along waterfront areas and fronting road;	yes, the use of heavy timber will create a more friendly pedestrian scale.
b) Is designed with quality and variety of features within the project (i.e. street furniture, street lights, signs, curb treatments);	Landscaping and hardscaping will be designed to improve the pedestrian experience.
c) Provides public and private amenity space;	A meeting room is provided for the society and residence.
d) Preserves heritage fixtures;	n/a
e) Orients to views, open space and street;	no
Environmental Protection & Enhancement. <i>The application:</i>	Description of how the criteria are met
a) Protects riparian areas and other designated environmentally sensitive areas;	n/a
b) Provides for native species, habitat restoration/improvement;	Landscape will focus on native species.
c) Includes tree lined streetscapes.	as much as possible.

Schedule No. 7: Parking Study



PARKING PLAN

1625 McPhee Ave & 1679 McPhee Ave

August 25, 2021

WACHIAY FRIENDSHIP CENTRE

PARKING PLAN – 1625 MCPHEE

The parking lot at the Wachiay Friendship Centre (1625 McPhee Ave) has 20 parking spots, which does not include any of the spots in the 1679 McPhee lot. The 1625 McPhee Ave site is currently zoned as I-2, with permitted uses on site being community services and daycare.

Daycares are required to have 1 parking space per employee. WFC's Daycare has 5 daycare employees on site and therefore requires 5 parking spaces. The remainder of the space in the centre is used for "Community Services". The parking requirements of this space would be 1 space per 37.5m², requiring 42 parking spaces. Based on the I-2 zoning, the Centre (daycare and community service space) would require 47 parking spaces. This exceeds the actual parking requirements of the staff on site, which is 27 spaces and 2 shuttle bus spaces (see Staff Parking section below).

DAYCARE DROP OFF AND PICK UP

Daycare drop off will occur within the WFC parking lot, in a designated area. Signage is being procured to increase clarity at the entrance, path to follow, and exit of the daycare drop off area (within the lot). Those attending drop off/pick up will be provided clear instructions of the drop off plan, and updates should they occur.

Daycare drop off occurs at 8:15 am, before staff arrive on site at approximately 9:00 am. Daycare pick up occurs at 5:00 pm after staff leave from work at 4:30 pm. The staggered staff and daycare arrival and departure times eases any potential congestion of the lot and surrounding streets.

STAFF PARKING

There are 30 full time staff that work at the Wachiay Friendship Centre, made up of 27 staff members who drive to work and 3 staff members who use alternate means of transportation. This includes the 5 daycare employees. There are 4-6 part time staff over the course of a year, generally summer students who do not drive. The Centre owns two shuttle buses, which are parked on site. There are 20 parking spaces available on site. Of the staff who drive to work, 14 staff do not need their vehicles once they arrive to work and can therefore make use of off-site parking.

The Wachiay Friendship Centre Leadership team is currently in conversations with the neighbouring church to use their available spaces for staff parking. The church has signed an agreement to allow the Friendship Centre use of 10 parking spaces throughout the duration of construction (See attached). An extension to the agreement will be considered closer to the completion of construction. The Wachiay Friendship Centre has also entered in conversations with the neighbouring business, Shaw. Shaw has closed the location to customers, and therefore no longer uses their 9 spaces of customer parking. This off-site parking would more than alleviate any need for staff to park on the street.

EVENTS AND VISITORS

Programming at the Centre occurs in the evenings, after staff have vacated the premises (other than those facilitating the programs). When programming occurs at the Centre, shuttle buses are used to bring participants to site. Therefore, the parking requirements of these events are easily satisfied by the available parking on site.

The WFC hosts a cultural evening on Friday nights, which requires participants to organize their own transportation. This event generally attracts 10-30 members, most of whom are children. Participants arrive via all methods of transportation, including car, shuttle, carpool, public transport, bicycle, and by walking. This event occurs after work and daycare hours, and therefore does not overlap with drop off/pick up traffic or rush-hour traffic.

Visitors do come to site for meetings or training sessions during the WFCS workday. These participants generally car-pool from other organizations.

WACHIAY AFFORDABLE HOUSING

PARKING PLAN – 1679 MCPHEE

The proposed parking plan for the affordable housing development at 1625 McPhee Ave includes 10 parking spots for 40 tenants, not including any of the spots in the Friendship Centre’s lot at 1679 McPhee. The tenants of the proposed development would have access to the WFC parking lot outside of the centre’s hours. The lot, used by centre staff, remains empty at night (other than 2 shuttle buses).

The project is pursuing a Comprehensive Development Zone, on advice of City planning staff, and therefore the parking requirements will be defined during the rezoning process. A similar existing zone, R-4A, prescribes 1.5 off-street parking spots per dwelling unit. No distinctions are currently being made based on the size of the dwelling units (for example, both 3 bedroom and studio apartments would require 1.5 spots per unit), or in recognition of the reduced parking requirements of affordable housing. Each dwelling unit at the proposed affordable housing project will be single occupancy, tenanted by seniors and low-income earners, resulting in significantly less demand than prescribed by the R-4A requirements.

The Wachiay Affordable Housing project’s target tenant groups will be Indigenous seniors (Elders) and singles and low vehicle ownership is expected among tenants. Seniors are on average less likely to own a personal vehicle after age 75, as the likelihood of increased mobility challenges may restrict them from operating a vehicle (Office of Seniors Advocate BC, 2018). As a result, seniors tend to have an overall lesser demand for parking spaces.

The proposed development’s rent structure would result in a tenant group where 20% of tenants are in receipt of Income Assistance or Old Age Security, and a further 50% of tenants earn less than \$34,500 (per BCH HILs 2021). The high cost of vehicle ownership in BC, in combination with the low income earned by 28 of the 40 proposed tenants, will limit the likelihood of vehicle ownership based on income limitations.

TRANSIT AND AMENITIES

The proposed development site is within walking distance of transit, and within 500 meters of Cliffe Ave and 17th St, which is a commercial and transportation corridor. In addition, the project design includes bicycle parking and storage, further reducing tenant’s reliance on vehicles. The project will also be along the dedicated bike lane that the City of Courtenay is proposing along 17th St.

The Wachiay Friendship Centre currently operates two shuttle vans, providing transportation to Elders as a part of WFC programming. These services will be open to tenants at the building.

VISITORS

The tenants, and their visitors, would have access to the WFC parking lot outside of the centre’s hours. The lot, used by centre staff, remains empty at night (other than 2 shuttle buses).

CULTURAL GATHERING SPACE

The cultural gathering space is exclusively for tenants of the building and will not attract any additional parking demand.

SIMILAR DEVELOPMENTS

The following table provides parking statistics for similar developments.

City	Project	Address	# units	# Stalls	Total In Use	In Use/Unit
Courtenay	<i>Wachiay Affordable Housing (Proposed)</i>	1679 McPhee Ave	40	10	N/A	0.25
Courtenay	Braidwood Apartments	810 Braidwood Rd.	35	14	14	0.4
Courtenay	Washington Apartments	1029 Ryan Rd.	120	130	65	0.54
Courtenay	Casa Loma Seniors Village	4646 Headquarters Road	133	25	10	0.07
Courtenay	The Junction	988 8th St.	46	17	N/A	
Campbell River	Travel Lodge Housing Project	340 S Island Highway.	39	40	8	0.2
Sooke	Hope Centre	6750 West Coast Rd	25	15	8	0.32
Average			65	43	22	0.32

Parking statistics of similar developments demonstrate a lower vehicle ownership rate than required by R4A Zoning.

- The Campbell River Island Highway project has a similar tenant profile to Wachiay's proposal, with seniors and singles making up their tenant group in a city with similar vehicle reliance to Courtenay. This project has significant available capacity, less vehicles per unit than proposed at Wachiay and less amenities in the project's proximity.
- The Braidwood Apartments and Washington Apartments in Courtenay share many similarities to the proposed development. The parking demand is currently at 0.4 and 0.54 cars per unit, respectively. The Braidwood rental building offers one bedroom and studio options to Indigenous tenants but does not specifically prioritize seniors. Similarly, the Washington Apartments house families, in addition to singles and seniors, increasing their reliance on vehicles. These projects are in a less pedestrian friendly neighbourhood and located further from services and amenities.

- The Sooke Hope Centre is comparable to the Wachiy project, due to its location in a small city with high vehicle reliance.
- The Casa Loma Seniors Village is similar to the proposed development due to the target demographic (seniors), and location (Courtenay). However, the WFC housing project is much closer to amenities, reducing tenant reliance on vehicles. Casa Loma is categorized as a care facility, and the 'in-use' parking only reflects parking by residents and not by staff. There is a mixture of units including independent living, assisted living, and complex care suites.

FULL PROJECT SUMMARY

SUMMARY

Please see the table below for a summary of zoning requirements, expected usage, and proposed allotments of parking stalls.

Parking Requirement by Usage	I-2 Zoning	R-4A Zoning	Requirement per zoning	Expected Usage	Provided on-site
Community Service	1 stall/ 37.5m ²		1570m ² = 42 stalls	24 stalls	
Daycare	1 stall per employee		5 employees = 5 stalls	5 stalls	
Total Industrial			47 stalls	29 stalls	20 stalls
Total Residential		1.5 stalls/ DU	60 stalls	10 stalls	10 stalls
<i>Total</i>			<i>107 stalls</i>	39 stalls	<i>30 stalls</i>

While the parking on site for 1625 McPhee does not meet the full requirements based on the site's expected usage, the parking requirements greatly exceed the expected usage. Based on the needs of the staff and tenants, the proposed on-site parking design falls 9 spots short of meeting demand. The excess parking demand will be redirected to the Church and/or neighbouring businesses with parking agreements with Wachiyai.

Due to the overlap in industrial and residential land uses in this neighbourhood, residents have existing parking concerns related to limited staff parking at all industrial sites. Wachiyai was successfully able to mitigate parking concerns related to opening their daycare and is confident in their ability to do the same with the proposed affordable housing project. Wachiyai understands that the parking demand during working hours is a concern to neighbors, and is committed to reducing their impact wherever possible, while proposing land use changes in accordance with Courtenay's OCP. The proposed development is in line with Courtenay's OCP goal of reducing emissions, increasing the stock of affordable housing, and increasing density in growth nodes.

The negative impact of a possible increase in demand for street- parking will be greatly outweighed by the community service this affordable housing project provides. The proposed affordable housing project will:

- Provide safe, affordable, and appropriate housing to vulnerable community members, specifically Indigenous Elders and Singles
- Take pressure off local healthcare and social services
- Repurpose an under used, and underdeveloped parking lot

- Increase density near the town core
 - o Reduce the need to sprawl outward, to meet housing demand
 - o Maintain existing green space
 - o Reduce the need for commuting from out of town (Will not increase pressure on current traffic systems)
- Increase the safety of the neighbourhood, by increasing the number of eyes on the street
- Re-introduce green space to an industrial strip, adjacent to a residential neighbourhood
- Encourage staff and residents to explore environmentally sustainable transportation options, including walking, public transit, and biking.

A traffic study report was produced in addition to this parking study, which indicates no significant impact to the 17th St. and McPhee Ave intersection as a result of this proposed development.

Faith Evangelical Lutheran Church
1688 McPhee Ave.,
Courtenay BC, V9N 3A5

August 11th, 2021

To Whom It May Concern,

As previously discussed with Michael Colclough, the Council of Faith Evangelical Church, Courtenay BC, have agreed to allow the Wachiy Friendship Centre's staff the use of 5 double (total 10 spaces) parking spaces during the construction period of their proposed development. We know amicable details will follow.

Sincerely,



Charlie Zerkee
Board Chair

250-338-5139

faithchair@gmail.com
1688

Schedule No. 8: Transportation Impact Assessment



Wachiay Housing Transportation Impact Assessment

Draft

Prepared for
M'akola Development Services

Date
June 25, 2021

Project No.
04-21-0207



June 25, 2021
04-21-0207

Jamie Bégin
M'akola Development Services
106-501 Fourth Street
Courtenay, BC V9N 1H3

Dear Jamie:

**Re: Wachiay Housing
Transportation Impact Assessment**

Bunt & Associates prepared a Transportation Impact Assessment for the proposed affordable housing residential development at 1679 McPhee Avenue in Courtenay, BC. The study reviews current and future vehicle operations and assesses any off-site impacts that may arise from the construction of the proposed building. In addition, the study provides Transportation Demand Management recommendations.

We trust this study will assist the project in advancing through the City of Courtenay's planning process and provide information to respond to concerns surrounding traffic generated by the new development.

Please do not hesitate to contact us should you have any questions.

Yours truly,
Bunt & Associates

Simon Button, P.Eng., M.Eng., PMP
Transportation Engineer



CORPORATE AUTHORIZATION

Prepared By:	Julia Cutt	Bunt & Associates Engineering Ltd. Suite 530, 645 Fort Street Victoria, BC V8W 1G2 Canada
Reviewed By:	Simon Button, P.Eng., M.Eng., PMP Transportation Engineer	Telephone: +1 250 592 6122 Facsimile: +1 604 685 6579
	Kyle Brandstaetter, MCIP RPP Senior Transportation Planner	Date: July 22, 2021 Project No. 04-21-0207 Status: Draft

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1. INTRODUCTION

1.1 Study Purpose & Objectives

M'akola Development Services (MDS) is proposing to redevelop the property at 1679 McPhee Avenue in Courtenay, BC. The purpose of this study is to evaluate the transportation impacts the proposed development will have on the nearby street network, to review the multi-modal access and safety considerations, and to provide informed Transportation Demand Management (TDM) recommendations. The study assesses the change in vehicle operations at the McPhee Avenue & 17th Street intersection.

1.2 Development Details

The proposed development includes a five-storey affordable rental housing building with 40 studio and/or one-bedroom units. The 40 single-occupancy units are to be provided for seniors and single people, with priority given to Indigenous applicants. The development will replace the parking lot currently occupying the site. The current zoning is residential industrial (I-2), and the owner is looking to reclassify the lot as a comprehensive development zone. Vehicle access will be from McPhee Avenue through the existing entrance; this entrance will be shared with the adjacent Friendship Centre. Based on lower anticipated vehicle ownership, only 10 parking stalls will be provided for the residential development.

Figure 1.1 illustrates the conceptual site plan.

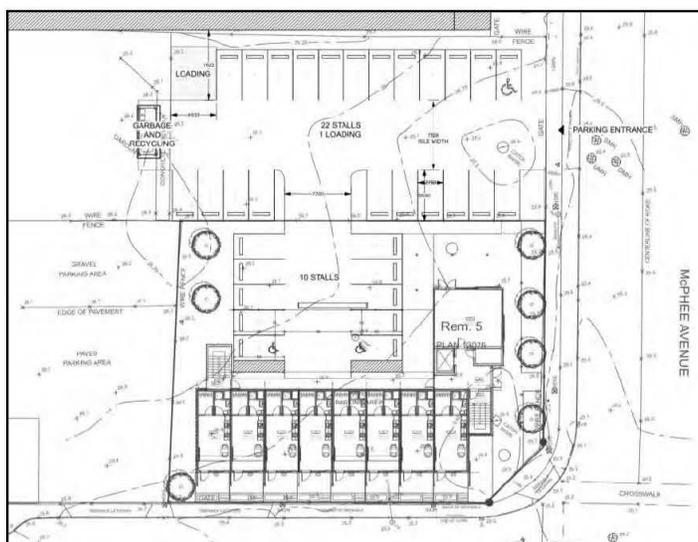


Figure 1.1: Site Plan

2. LOCAL CONTEXT

2.1 Land Use

The development site is located south of Downtown Courtenay. Exhibit 2.1 illustrates surrounding land uses, roads, bus stops and bike lanes. The area is primarily residential, with some industrial land use; however, downtown Courtenay is located only 1 km to the northeast. Courtenay Elementary School is just northwest of the site on McPhee Avenue which impacts travel patterns on the surrounding streets during drop-off and pick-up periods.

2.2 Street Network

McPhee Avenue is a collector street that runs north-south and connects the two minor arterials of 17th Street to the south and 6th street to the north. 17th Street provides residents with a connection to Comox to the east via the 17th St Bridge over the Courtenay River. At the 17th Street Bridge, 17th street becomes Highway 19A, the Highway 19 bypass that runs north-south along Vancouver Island.

2.3 Walking

The proposed development is moderately walkable. The site is within a five-minute walk of Courtenay Elementary School, grocery stores, and the Rotary Trail. Many other amenities can be accessed via a 10-20 minute walk including Thrifty Foods and a Rexall Pharmacy to the north along 17th St, Dogwood Park and Bill Moore Memorial Park to the southeast along the Rotary Trail, and Lake Trail Middle School and Roy Stewart Morrison Nature Park to the west. Sidewalks along both sides of the road on McPhee Avenue and 17th Street increase the walkability and safety of the area for future residents. Crosswalks are present across all three legs at the McPhee Ave and 17th St 3-way stop intersection.

2.4 Cycling

The development is well connected to the local and regional cycling network. Although no bike lanes exist along McPhee Ave nor 17th St, the Rotary Trail is located only 50m southwest of the site. The Rotary Trail is a multi-use unpaved trail that runs from 29th St in the south to 5th St in the north. If followed north to 5th street, residents can use the protected bike lanes along 5th street to access downtown Courtenay. Alternatively, bike lanes are also provided north-south along Fitzgerald Ave northeast of the site.

2.5 Transit

Though the Courtenay transit system is not extensive, the proposed site is well situated for access to bus routes. Route #8 (Anfield Centre/Downtown) stops along Piercy Ave less than a five-minute walk from the site. Future residents could also access routes #1 (Anfield Centre/Comox Mall) and #14 (Union Bay) via Fitzgerald Ave. Routes #1 and #14 stop around 10 minutes walking distance from the site.

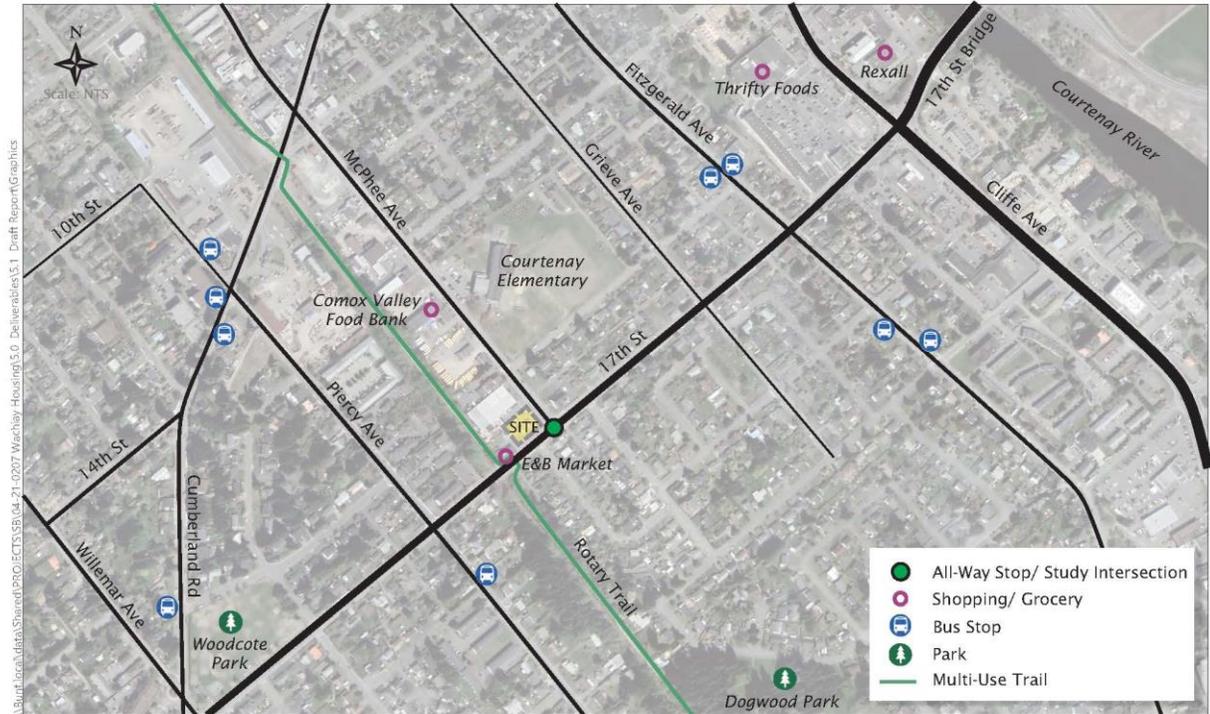


Exhibit 2.1
Site Context

Wachiy Affordable Housing
04-21-0207 June 2021



3. VEHICLE OPERATIONS REVIEW

3.1 Vehicle Operations Assessment Methodology

Vehicle operations were assessed at the 17th St & McPhee Ave intersection for the weekday AM and PM peak hours; this intersection is anticipated to be the intersection most impacted by the development. The analysis was completed for the existing conditions (2021) and the 2026 horizon year. This study assumes a linear annual 1% growth in peak hour volumes at the study intersection without the proposed development.

The operations of the study intersection were assessed using Synchro 10 software which uses the 2010 Highway Capacity Manual (HCM). The traffic operations were assessed using the Level of Service (LOS) performance measure. The LOS is based on average vehicle delay and ranges from “A” to “F” based on the quality of operation at the intersection. LOS “A” represents minimal queuing time conditions while LOS “F” represents an over-capacity condition with considerable congestion and/or queuing time. A queuing time of fewer than 10 seconds receives LOS A whereas queuing times greater than 80 seconds receive LOS F. In downtown and town centre contexts, during peak demand periods, queuing times greater than 80 seconds (LOS F) are common.

3.2 Existing Conditions

Multi-modal transportation data was collected at the study intersection of 17th St & McPhee Ave from 7:30-9:00 am and from 2:00-4:00 pm on Thursday, June 17th, 2021. The count periods were chosen to align with the start and end times for Courtenay Elementary School across from the development site. It is noted that counts were taken while construction was underway for the 5th Street Bridge Rehabilitation Project, however Bunt concluded that due to proximity that the project would not have a material impact on the traffic counts; this was also based on documented detour routes available on the City’s website. Should there have been any impact on operations they would be expected to be related to higher higher volumes along 17th Street, i.e. more conservative.

Table 3.1 summarizes the existing 2021 vehicle operations at 17th St & McPhee Ave. All movements in both the AM and PM peak hours operate within their capacity and at an acceptable level of service. **Exhibit 3.1** illustrates the existing 2021 vehicle volumes and operations at the study intersection. The operational analysis accounts for the pedestrian crossing volumes which are higher than usual due to the nearby elementary school.

3.3 Background Vehicle Volumes

Background traffic is the future number of vehicles that would exist without the proposed development. Background vehicle volumes were estimated by increasing the existing vehicle volumes by an annual linear 1% growth rate to account for general population growth. **Exhibit 3.2** illustrates the resulting background vehicle volumes and operations for the 2026 horizon year. The background 2026 vehicle operations are only marginally changed from the existing conditions, with no areas of concern.

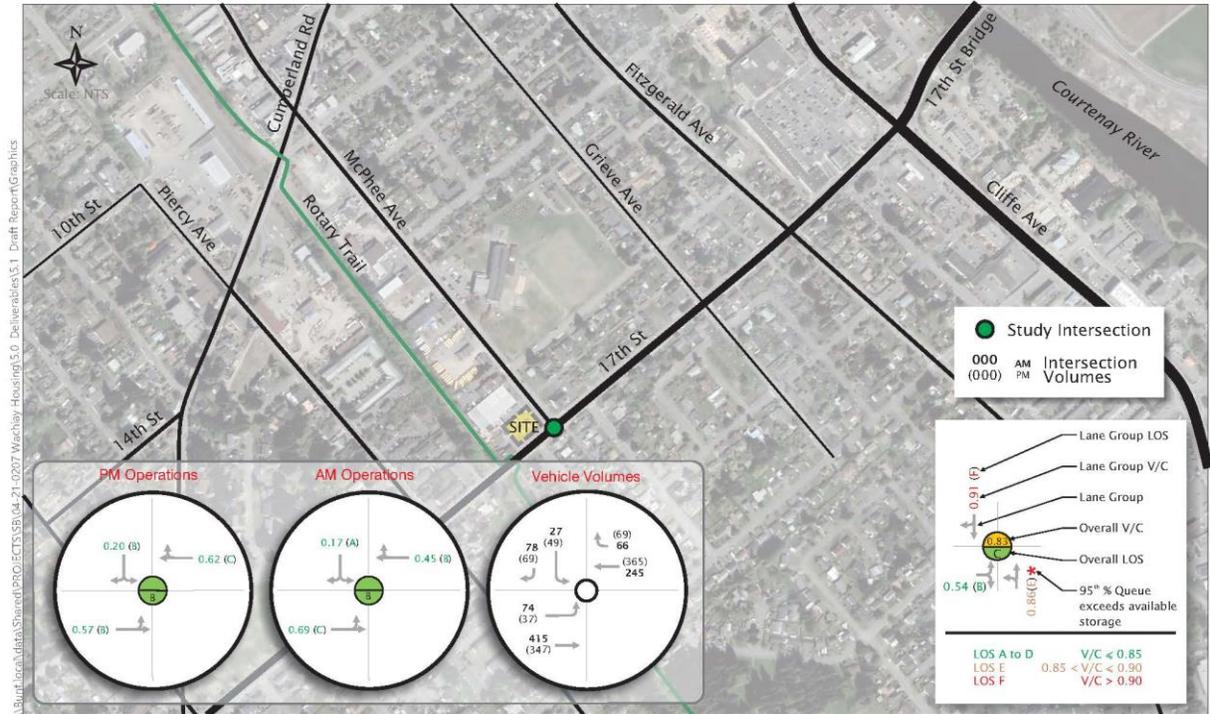


Exhibit 3.1
2021 Peak Hour Vehicle Volumes & Operations

Wachiy Affordable Housing
04-21-0207 June 2021



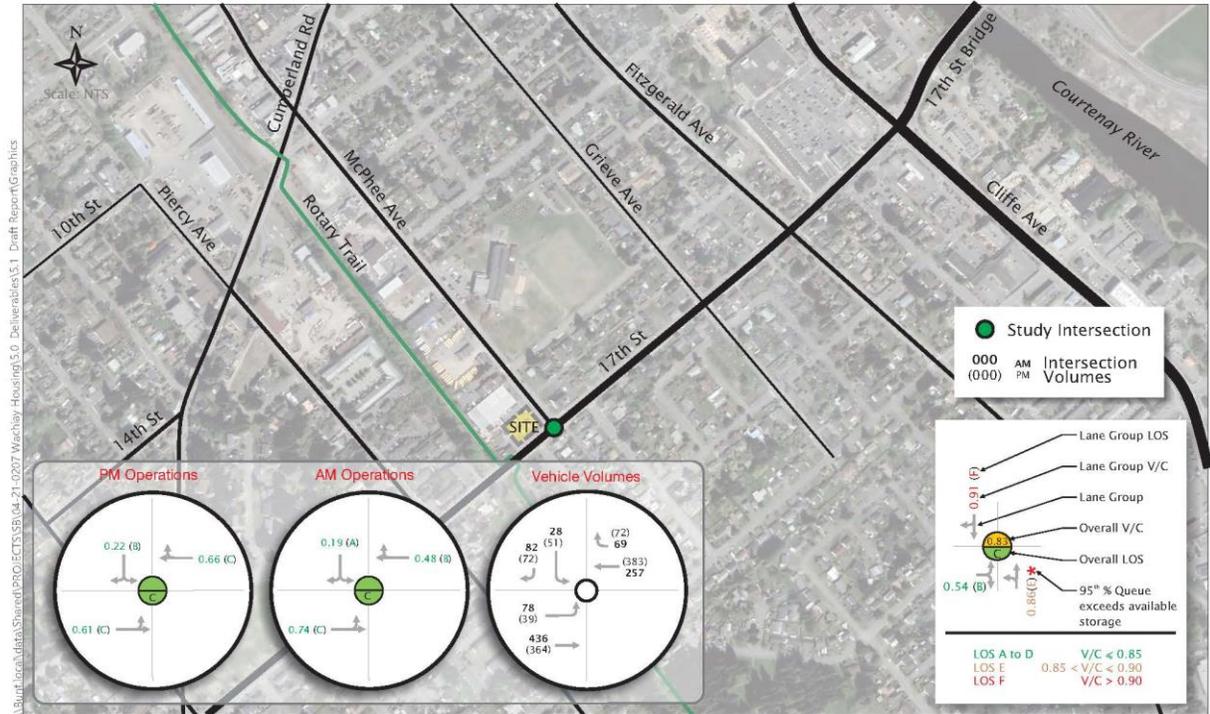


Exhibit 3.2
Background 2026 Vehicle Volume Forecasts & Operations

Wachiy Affordable Housing
04-21-0207 June 2021





3.4 Development Generated Vehicle Trips

The ITE *Trip Generation Manual (10th Edition)* was used to estimate the number of vehicle trips generated from the proposed development. It should be noted that minimal ITE data exists for affordable housing; thus trip rates were taken from the market-priced mid-rise multi-family residential development type. Tables 3.1 and 3.2 describe the trip rates and associated trip generation for the development. The ITE rates are primarily based on suburban locations throughout North America where there is minimal walking, cycling, or transit use. Therefore, the utilized trip rates provide a high-end trip generation estimate. The actual number of vehicle trips realized is likely to be less than the estimate provided due to the affordable nature of the homes with residents less likely to own a vehicle.

Table 3.1: Peak Hour Vehicle Trip Rates

LAND USE	UNITS	AM PEAK HOUR			PM PEAK HOUR		
		IN	OUT	TOTAL	IN	OUT	TOTAL
Multifamily Housing - Mid-Rise (ITE 221)	Dwelling Units	26%	74%	0.36	61%	39%	0.44

Table 3.2: Estimated Peak Hour Site Vehicle Trips

LAND USE	DENSITY	AM PEAK HOUR			PM PEAK HOUR		
		IN	OUT	TOTAL	IN	OUT	TOTAL
Multifamily Housing - Mid-Rise (ITE 221)	40 units	3	11	14	11	7	18
TOTALS				14			18

The assumed vehicle trip rates result in approximately 10-20 additional vehicle trips per peak hour. Spread over the peak hour, this is equal to one additional vehicle every 4 minutes. The impact during off-peak hours would be less. The vehicle trips were assigned travel directions based on the existing turning movement counts at the study intersection and assumed travel based on access to amenities and surrounding communities. Table 3.3 lists the trip distribution used in the analysis.

Table 3.3: Estimated Trip Distribution

ORIGIN/DESTINATION	AM		PM	
	IN (%)	OUT (%)	IN (%)	OUT (%)
McPhee Ave (north)	10	15	10	10
17 th St (west)	55	35	40	50
17 th St (east)	35	50	50	40
TOTAL	100%	100%	100%	100%

Exhibit 3.3 illustrates the site-generated trips on the study intersection, and Exhibit 3.4 shows the total forecasted volumes and operations for the 2026 horizon year with the site trips added to the background traffic. Due to the development's modest vehicle trip generation, it causes negligible operational impacts to the study intersection.



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Exhibit 3.3
Site Vehicle Volume Forecasts

Wachiay Affordable Housing
04-21-0207 June 2021



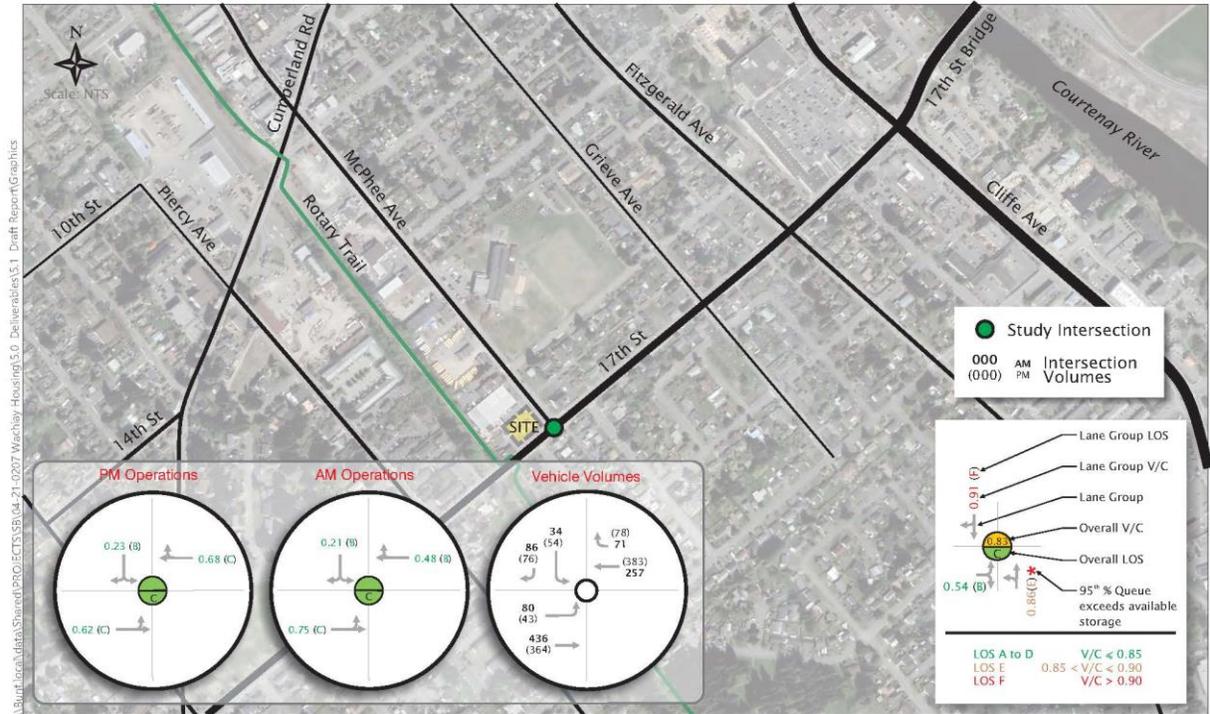


Exhibit 3.4
 Total 2026 Vehicle Volumes & Operations

Wachiy Affordable Housing
 04-21-0207 June 2021



4. TRANSPORTATION DEMAND MANAGEMENT

Transportation Demand Management (TDM) seeks to decrease vehicle travel and parking by enabling other more sustainable modes of transportation such as walking, cycling, transit, and carpooling.

The inherent nature of the development providing affordable housing adjacent to the Friendship Centre will naturally minimize the site's vehicle travel and parking demands. Suitable TDM initiatives to further enable residents to travel actively or by transit include:

- **Bicycle parking.** Short-term bicycle parking should be provided at the building's entrance, ideally covered from rainfall. Long-term bicycle parking should be provided in a convenient and secure location for residents and staff.
- **Bicycle amenities.** To make it easier for residents to own bicycles, standard bicycle repair tools could be provided in the secure bicycle parking area.
- **Shared bicycles.** The development could provide a set of shared bicycles for residents to use.
- **Transit Subsidy.** The development could subsidize a portion of transit passes.

5. DEVELOPMENT IMPACT

The development's modest size and its affordable tenure, will naturally minimize its impact on the local street network. The generated vehicle trips will not cause a noticeable increase on nearby streets. The development is also utilizing an existing driveway, so no new pedestrian crossings are being created.

6. SUMMARY & RECOMMENDATIONS

- The proposed affordable housing development includes 40 single-occupancy residential units. Vehicle access will be via McPhee Avenue.
- The proposed development will replace an existing parking lot.
- Good walking and cycling facilities are accessible nearby, including access to grocery options and recreational opportunities.
- The development is served by bus routes to major destinations in Courtenay including the downtown core, Anfield Centre, and Comox Mall.
- Using conservative (i.e. high) assumptions, the development would generate 10-20 additional trips per peak hour. Spread over the peak hour, this is equal to one additional vehicle every 4 minutes. The impact during off-peak hours would be less.
- The 17th St and McPhee Ave intersection operates within an acceptable level of service in all study scenarios, with or without the proposed development. The development is not expected to have a noticeable impact on vehicle operations due to its small number of new vehicle trips.
- The development will have an insignificant impact on the adjacent street network.
- Potential TDM measures to be implemented include bicycle parking, bicycle amenities, shared bicycles, and transit subsidies.



STAFF REPORT

To: Council

File No.: 3360-20-2102

From: Chief Administrative Officer

Date: September 27, 2021

Subject: Updated Proposal - Zoning Amendment Bylaw No. 3030 - 3040 Kilpatrick Avenue

PURPOSE:

The purpose of this report is to provide Council with an overview of an updated proposal for a Zoning Amendment to rezone the property legally described as Lot 1, Section 67, Comox District, Plan EPP79267 Except Air Space Plan EPP81977 (3040 Kilpatrick Avenue) from Comprehensive Development Twenty-Six (CD-26) to Comprehensive Development Twenty-Six A (CD-26A) to facilitate multi residential development.

CAO RECOMMENDATIONS:

That based on the September 27th, 2021 staff report "Updated Proposal - Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue" and the September 7th, 2021 staff report "Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue" Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3030, 2021; and

That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw.

Respectfully submitted,

Geoff Garbutt, M.Pl., MCIP, RPP
Chief Administrative Officer

BACKGROUND:

A detailed report of the subject proposal entitled Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue was submitted to Council for consideration at the September 27th, 2021 meeting. Council chose to defer consideration with a request for more information about proposed amenity contribution and bicycle parking.

The applicant has since submitted a draft housing agreement for five affordable units as well as revised plans showing the units and 42 X 2.5-foot wide bike stalls.



Figure 1: Subject Property and Context

DISCUSSION:

Community Amenity Contribution

The applicant proposes dedicating five residential units as affordable housing with purchase prices thirty percent below the market rate for similar units, comprising one studio unit, three one-bedroom units, and one two-bedroom unit, as shown in **Schedule No. 3** and featured in plans dated September 9th, 2021 by Dulex Building Solutions & Design. The applicant’s proposed key terms of a housing agreement stipulate that these units must be sold to Courtenay residents for principal residences and that resales are subject to these terms for ten years. The agreement also allows for additional potential eligibility criteria to be mutually agreed upon by Newport Village Courtenay and the City of Courtenay (**Schedule No. 1**).

Bicycle Parking

Bicycle parking was expanded since the September 7th Council report proposal, with stalls all widened to 30” (0.76m). In order to accommodate the larger stalls, an additional secured bicycle parking area has been proposed. Plans dated September 9th, 2021 by Dulex Building Solutions & Design attached to the draft bylaw (**Schedule No. 2**) show thirty 6’ X 2.5’ horizontal bike stalls in the underground bike parking room and twelve 3.5’ X 2.5’ vertical bike stalls in the ground floor bike parking room.

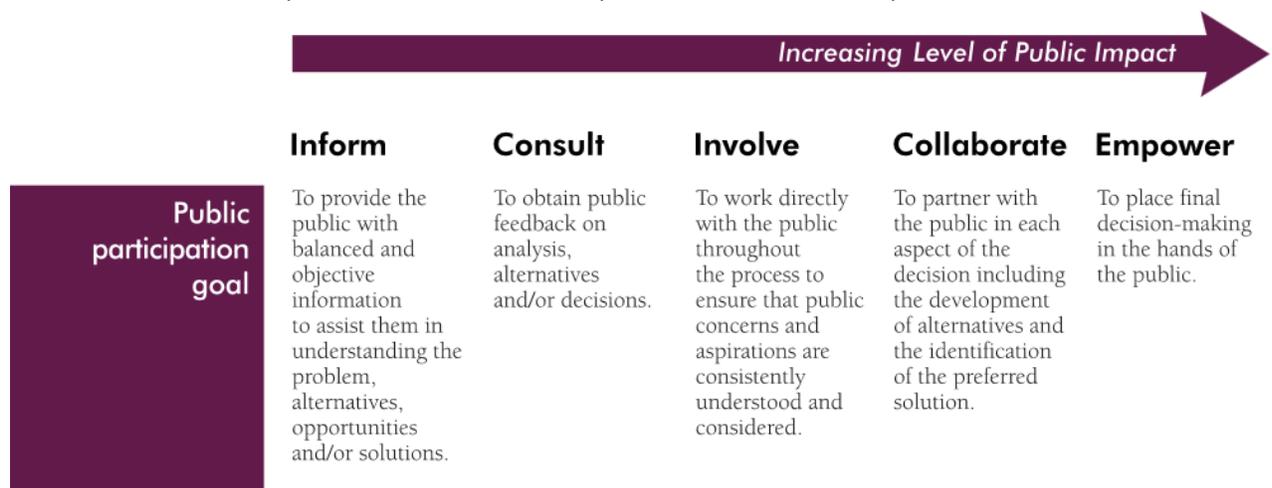
The City of Courtenay does not have bike parking specifications and the proposed widths are sufficient for wide handlebars and are greater than typically proposed in the City. Vertical spaces can be difficult for some users but are a commonplace, acceptable solution for limited spaces, especially when some horizontal spaces are also available onsite for those who need them (71% horizontal proposed).

REFERENCES AND IMPLICATIONS:

Financial, Administrative and asset management implications were presented in the September 7th report to Council, along with references to 2019-2022 strategic priorities, the Official Community Plan, and the Regional Growth Strategy.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will “consult” the public based on the IAP2 Spectrum of Public Participation:



Should Zoning Amendment Bylaw No. 3030, 2021 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*. Prior public engagement was presented in the September 7th Council report.

The Procedures Bylaw outlines the requirements for Alternative Public Information Meetings. These requirements were established in response to COVID gathering restrictions and requires that the applicant send all owners and occupants a letter advising them of the proposal, providing a link to the City's application website where plans and supporting materials can be viewed, the contact information for the applicant and a time for when comments and questions may be directed to the applicant.

In this case the applicant sent out the letter on May 3rd, 2021 to all owners within 100m. He did not directly mail the renters within the applicant owned 3080 Kilpatrick Ave; rather, he directly emailed them. In the weeks that followed the applicant and City received responses from 36 people representing 32 addresses. Eighteen addresses where respondents own, live or work, were within the 100 m notice area, including four each from 3070 and 3080 Kilpatrick Avenue.

In addition, the applicant elected to hold two Zoom meetings on March 30th and May 4th and posted a questionnaire on the company website. The results of these meetings, the questionnaire and the Alternative Public Information Meeting process were summarized in by the applicant which was attached to the September 7th, 2021 staff report.

OPTIONS:

OPTION 1: (Recommended)

That based on the September 27th, 2021 staff report “Updated Proposal - Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue” and the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3030, 2021; and

That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw.

OPTION 2: Defer consideration of Bylaw No. 3030 with a request for more information.

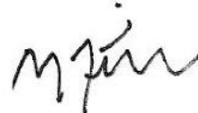
OPTION 3: Defeat Bylaw No. 3030.

Prepared by:



Mike Grimsrud,
Planner II

Reviewed by:



Matthew Fitzgerald, RPP, MCIP
Manager of Development Planning

Concurrence by:



Ian Buck, RPP, MCIP
Director of Development Services

Concurrence by:



Geoff Garbutt, M.Pl., MCIP, RPP
Chief Administrative Officer

Attachments:

- Schedule No. 1: Proposed Key Terms of Housing Agreement
- Schedule No. 2: Draft Zoning Amendment Bylaw No. 3030
- Schedule No. 3: Affordable Unit Plans

Schedule No. 1: Proposed Key Terms of Housing Agreement**CADMAN LAW CORPORATION**

205 - 2922 Glen Drive
Coquitlam, B.C. V3B 2P5

Telephone: (604) 945-0012
Facsimile: (604) 945-0187
E-mail: brian@cadmanlaw.com

September 10, 2021 **REVISION 1**

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

Dear Sirs / Mesdames:

Re: Newport Village Courtenay Developments Ltd.
Development at 3040 Kilpatrick Avenue, Courtenay, BC

We are the solicitors for Newport Village Courtenay Developments Ltd. ("Newport Village Courtenay").

We confirm that Newport Village Courtenay has instructed our office to prepare a Section 219 covenant in favour of the City of Courtenay over that portion of its 3040 Kilpatrick Avenue property where Newport Village Courtenay proposes to build Phase 3 of its development which will consist of approximately 41 units (the "Proposed Development"). The terms of this covenant, which would be subject to the approval of the City of Courtenay, would state:

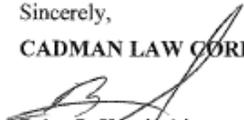
- (a) five (5) of the units within the Proposed Development will be dedicated as affordable housing with the purchase price of those units to be thirty percent (30%) below the market rate for similar units (the "Affordable Housing Units"). The type of units selected as Affordable Housing Units will be mutually agreed to between Newport Village Courtenay and the City of Courtenay and will be prorated based on the total number and type of units built in the Proposed Development. Accordingly, if 75% of the total units in the Proposed Development are one-bedroom/studio units and 25% of the total units in the Proposed Development are two-bedroom units, 1 studio, 3 one bedroom units and 1 two-bedroom unit will be designated as Affordable Housing Units;
- (b) The Affordable Housing Units can only be sold to residents of the City of Courtenay who would occupy these units as their principal residence. Additional criteria necessary to be eligible for an Affordable Housing Unit would be mutually agreed to by Newport Village Courtenay and the City of Courtenay;
- (c) The Affordable Housing Units would contain a restriction that they could not be sold for at least 10 years after its purchase at market value. If an Affordable Housing Unit is sold prior to this 10-year period, it must be re-sold on the same terms and conditions under which it was purchased (i.e. 30% below the market rate for similar units).

Page 2

If you have any questions or concerns regarding the terms of the proposed Section 219 covenant please feel free to contact our offices to discuss the same.

Sincerely,

CADMAN LAW CORPORATION



Brian P. Kaminski
Barrister & Solicitor

cc: client

Attachment A

Part 53 - Comprehensive Development Twenty-Six A Zone (CD- 26A) (3040 Kilpatrick Ave.)

8.53.13 Intent

The CD-26A Zone is intended to accommodate a multi residential development on the property legally described as Lot 1, Section 67, Comox District, Plan EPP79267 Except Air Space Plan EPP81977. This property shall be developed substantially in accordance with Schedules A, B, and C, which form part of this zone

8.53.14 Permitted Uses

The following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Multi Residential*
- (2) *Home Occupation*

8.53.15 Lot Coverage

A *lot* shall not be covered by buildings to a greater extent than 20% of the total area of the *lot*

8.53.16 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 0.82

8.53.17 Minimum Lot Size

A *lot* shall have an area of not less than 0.40 hectares

8.53.18 Minimum Lot Frontage

A lot shall have a *frontage* of not less than 60.0 m

8.53.19 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front Yard*: 8.0 m for that portion of a building with a height less than 11.5 m and for railings above and affixed to said portion
20.5 m for that portion of a building with a height greater than 11.5 m
Despite the required *front yard setbacks* above, architectural fence details may project into the front yard setback up to 2.0 m with a height up to 2.0 m
- (2) *Rear Yard*: 18.0 m except for underground parking structures which shall be at least 14.0 m

- (3) *Side Yard*: 9.5 m north side
13.5 m south side

8.53.20 Height of Buildings

Maximum *building height* shall be in accordance with Schedule B and includes the elevator and roof top mechanical systems. Maximum *building height* is 15.0 m to roof parapet and 17.0 m to top of elevator measured from curb height. For clarity, the curb height is determined as the average curb height along the lot frontage

8.53.21 Useable Open Space

Useable open space must be provided and include at minimum:

- (1) 70 m² play area as shown in Schedule A
- (2) 250 m² rooftop amenity area
- (3) Patios or balconies for averaging 9 m² per unit, with a minimum size of 4.5 m²

8.53.22 Off-Street Parking and Loading

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except:

- (1) 52 *parking spaces* shall be provided for 41 dwelling units on the property and corresponding visitor parking
- (2) 33 *parking spaces* shall be provided for 3080 Kilpatrick Avenue commercial and residential use
- (3) Minimum parking stall dimensions are 2.6 m in width and 5.5 m in length for standard stalls
- (4) Minimum aisle width in the underground parking structure can be reduced to 6.7 m in accordance with Schedule C
- (5) Minimum additional space for *parking spaces* and manoeuvring aisles where abutting a wall or building can be reduced in accordance with Schedule C
- (6) No more than 25% of *parking spaces* can be designated as small car *parking spaces*
- (7) Bicycle parking facilities must be provided at a rate of one secure stall per unit

8.53.23 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 14 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped area of not less than 4.0 m in width shall be provided inside all property lines adjoining residential use and public parkland except reduced widths shown in Schedule A
- (2) Where a *lot* in this zone adjoins a *street*, a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line except reduced widths shown in Schedule A
- (3) Storage areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

Schedule A

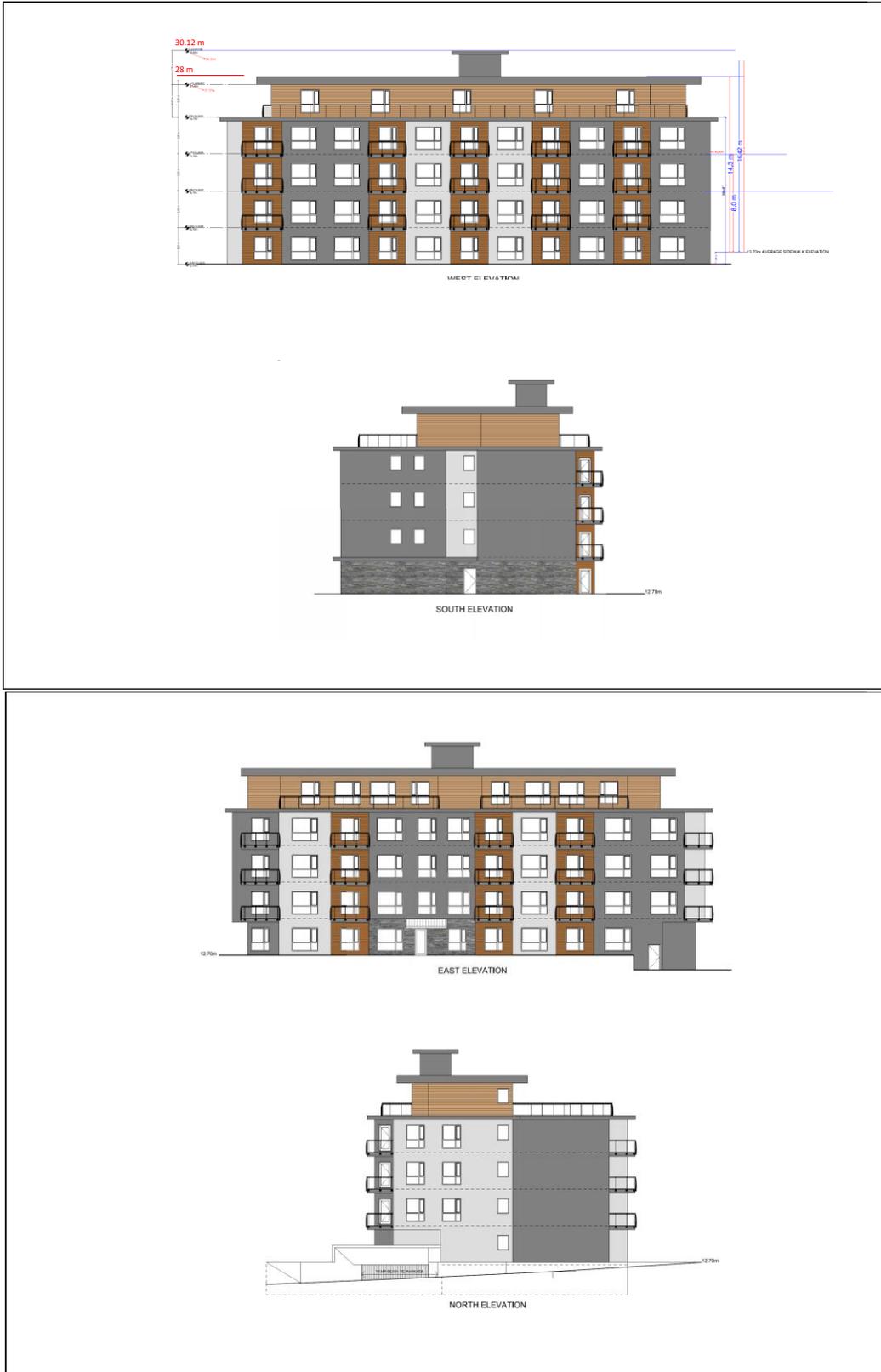
Note: Please refer to full size drawings in file 3360-20-2102



	dlbs DESIGN LEADING BUILDING SYSTEMS & SERVICES 1000 WEST 10TH AVENUE, SUITE 200 VANCOUVER, BC V6H 3G9 TEL: 604.681.1111 WWW.DLBS.COM
	LANDSCAPE BUFFER SITE SETBACKS
	NEWPORT WALLACE CONSULTING ENGINEERS LTD.
	BUILD 3 OCP & RE-ZONING APPLICATION 2021.09.09
A - 1.02	

Schedule B

Note: Please refer to full size drawings in file 3360-20-2102



dbs
Architectural Services & Design
400-962-8822
1000-962-8822
1000-962-8822

NEWPORT VILLAGE
COURTNEY DEVELOPMENTS LTD

BUILD 3
OCP & RE-ZONING
APPLICATION

2021.09.09

A - 1.27

dbs
Architectural Services & Design
400-962-8822
1000-962-8822
1000-962-8822

NEWPORT VILLAGE
COURTNEY DEVELOPMENTS LTD

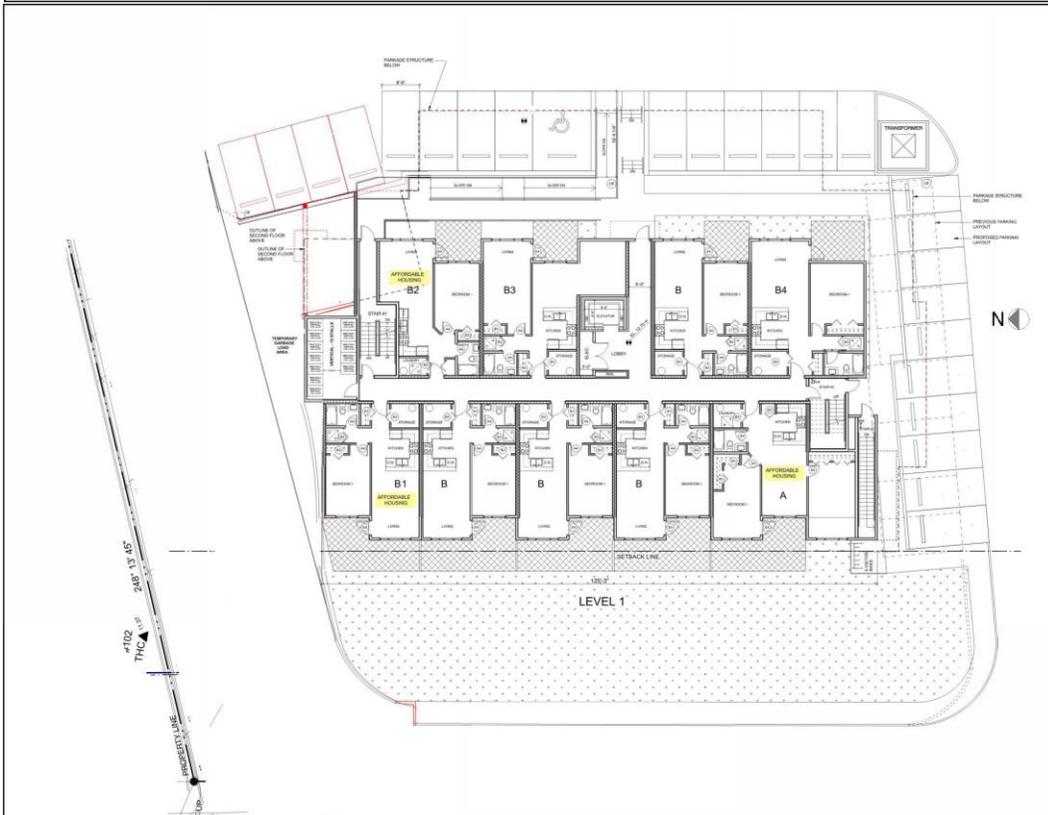
BUILD 3
OCP & RE-ZONING
APPLICATION

2021.09.09

A - 1.28

Schedule C

Note: Please refer to full size drawings in file 3360-20-2102

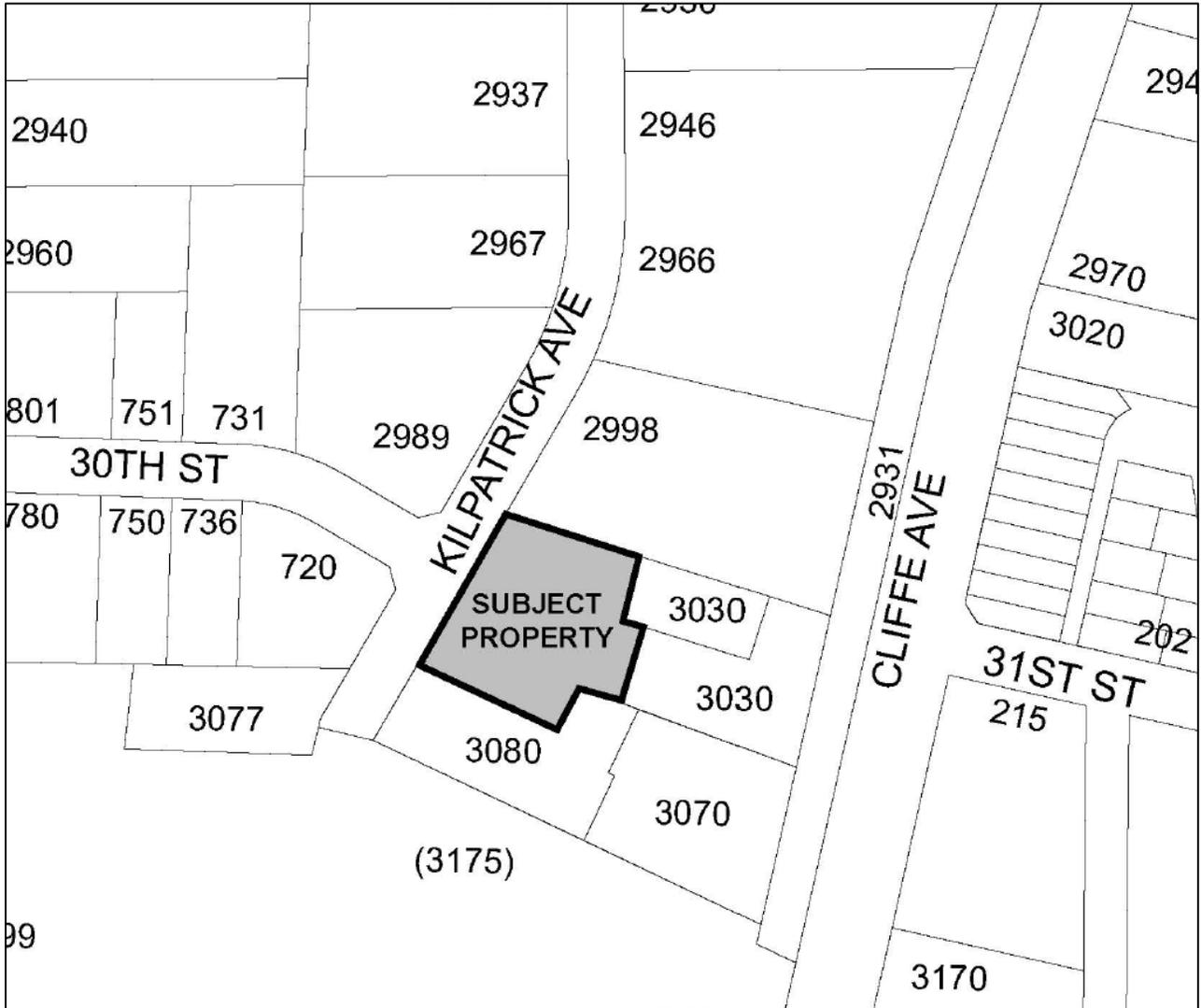


REPORT VILLAGE
 COURTNEY DEVELOPMENTS LTD
 BUILD 3
 OCP & RE-ZONING
 APPLICATION
 2021.09.09
 A - 1.20

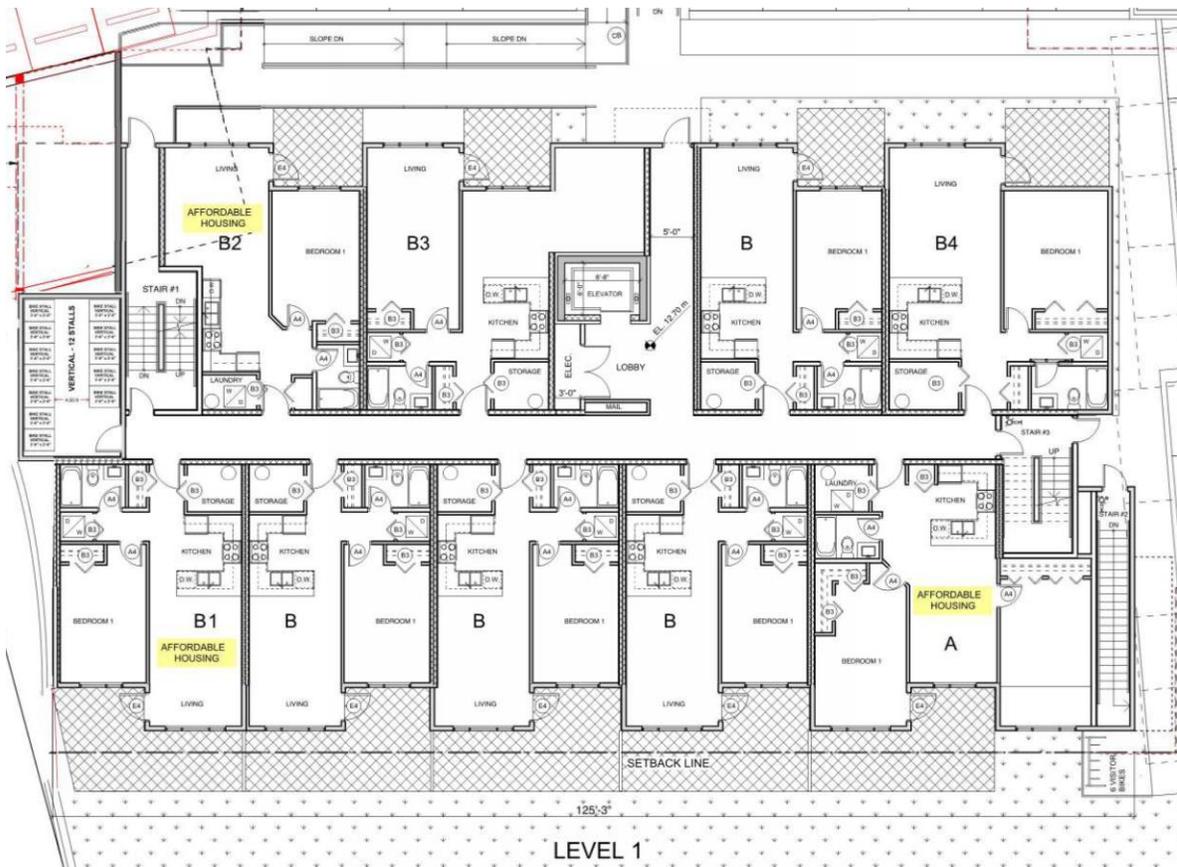


REPORT VILLAGE
 COURTNEY DEVELOPMENTS LTD
 BUILD 3
 OCP & RE-ZONING
 APPLICATION
 2021.09.09
 A - 1.21

Attachment B



Schedule No. 3: Affordable Unit Plans



LEVEL 1



LEVEL 2



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3360-20-2106

From: Chief Administrative Officer

Date: September 27th, 2021

Subject: Zoning Amendment Bylaw No. 3040 to allow for a carriage house at 1236 -- Malahat Drive

PURPOSE:

The purpose of this report is for Council to consider an application for a text amendment at the property legally described as Lot 10, District Lot 159, Comox District, Plan 41314 to permit a carriage house on the subject property.

CAO RECOMMENDATIONS:

THAT based on the September 27th, 2021 staff report "Zoning Amendment Bylaw No. 3040 to allow for a Carriage House at 1236 Malahat Drive" Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3040, 2021; and,

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 3040.

Respectfully submitted,

Geoff Garbutt M.Pl., MCIP, RPP

Chief Administrative Officer

BACKGROUND:

The subject property is an approximately 1,506m² (0.37 acres) residential lot located at 1236 Malahat Drive in East Courtenay (**Figure 1**). The property is currently zoned Residential One (R-1) and there is an existing two-storey single family dwelling and a two-storey accessory building on the parcel.

The accessory building in the rear of the lot is proposed to be converted into a carriage house. The accessory building is currently used as a workshop and an extra room for family activities. Converting the building for a carriage house will require modifications to the interior of the building. No exterior changes are proposed, as the building was recently renovated in 2016/2017. The building is shown in **Figure No. 2**. The proposed carriage house is 52.0m² (560ft²) in size and includes one bedroom, one bathroom, a laundry room, kitchen, and living room (see **Attachment No. 1**).

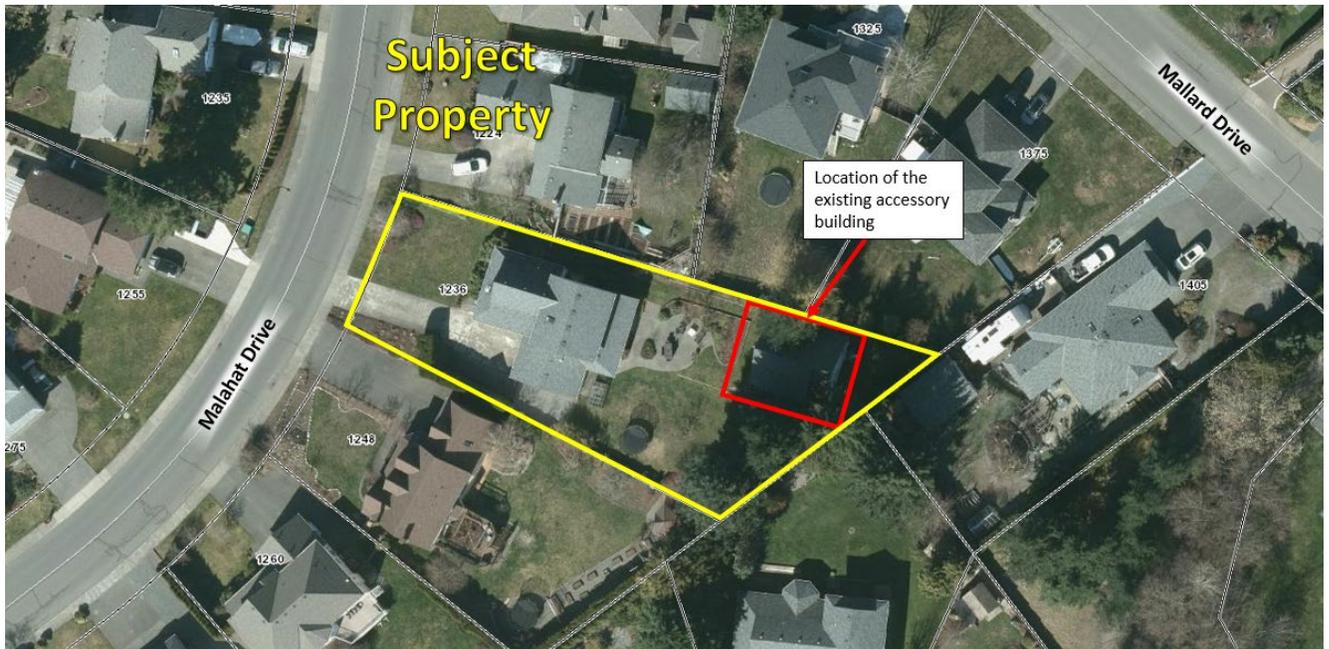


Figure 1. Context map with the Subject Property outlined in yellow.



Figure 2. The front of the accessory building (south east elevation)

DISCUSSION:

The proposed application represents infill development within an established neighbourhood designated Urban Residential in the Official Community Plan (OCP).

The OCP and the Affordable Housing Policy support infill development within existing Urban Residential areas provided it is in keeping with the character and scale of the surrounding neighbourhood. Infill housing provides more rental housing stock and diversity of housing types, and promotes more efficient use of land that is already serviced.

Ordinarily, if rezoning is granted by Council, a Form and Character Development Permit would be required for the carriage house. However, given that this is an existing building a development permit will not be required. Staff have reviewed the existing building relative to the Development Permit Checklist for secondary residences and find the existing building compliant with the guidelines.

The accessory building is a craftsman style building and adds character to property. The orientation, and placement of windows and doors is such that it enhances privacy between residences. The trim and soffits are painted wood, while the siding is Hardie plank and shingle. The accessory building is located in the rear of the property as is encouraged in the development permit guidelines. The guidelines, and how they apply to this proposal can be found in **Attachment No. 6**.

Zoning Review

This application meets zoning requirements, including building height, lot coverage, building setbacks and parking for both R-1 zone (which the property will remain zoned) and the requirements for carriage houses as stipulated in the Zoning Bylaw (for which the site specific text amendment would be applied). The requirements and proposal is summarized in the tables below.

Carriage House Regulation	
Total not more than 90.0 m ²	Approximately 52.0m ² (includes 1 bedroom, 1 bathroom, living room, kitchen, laundry)
Accessory to single residential dwelling	Yes
Located on a property of residential occupancy containing only one other dwelling unit	Yes
Located on a property which is a single real estate entity	Yes
No interior access from the accessory building	Yes
Located on a property over 1,250m ² in lot area	The property is 1,506m ²
Three Parking Spaces <i>(2 spaces for the principal dwelling unit and 1 additional space for the secondary residence)</i>	Four parking spaces are provided

FINANCIAL IMPLICATIONS:

Application fees in the amount of \$3,000 have been collected in order to process the rezoning amendment application. Should the proposed Zoning Amendment Bylaw be adopted, and Building Permit application fees will apply.

Properties with a carriage houses are charged a second utility fee (sewer, water, garbage) for the additional dwelling unit. Should the rezoning application be approved, the additional utility fees will be charged to the property once occupancy is granted. Carriage houses are exempt from paying Development Cost Charges to the City and Regional District.

ADMINISTRATIVE IMPLICATIONS:

Processing Zoning Bylaw amendments is a statutory component of the corporate work plan. Staff has spent approximately 30 hours processing this application to date. Should the proposed zoning amendment proceed to public hearing, an additional two hours of staff time will be required to prepare notification for public hearing and to process the bylaw. Additional staff time will be required to process the subsequent building permit application including plan checking and building inspections.

ASSET MANAGEMENT IMPLICATIONS:

The proposed development utilizes existing infrastructure and is connected to City water, sewer and storm mains. There are no direct asset management implications associated with this application.

2019 - 2022 STRATEGIC PRIORITIES REFERENCE:

- Communicate appropriately with our community in all decisions we make
- ▲ Encourage and support housing diversity

OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed zoning amendment is consistent with the Urban Residential land use designation of the Official Community Plan. It represents infill residential development near existing amenities and services, providing a range of housing choice, while fulfilling OCP Section 4.4.3 4 a) – limited infill will be considered only in keeping with the character and scale of an existing neighbourhood.

REGIONAL GROWTH STRATEGY REFERENCE:

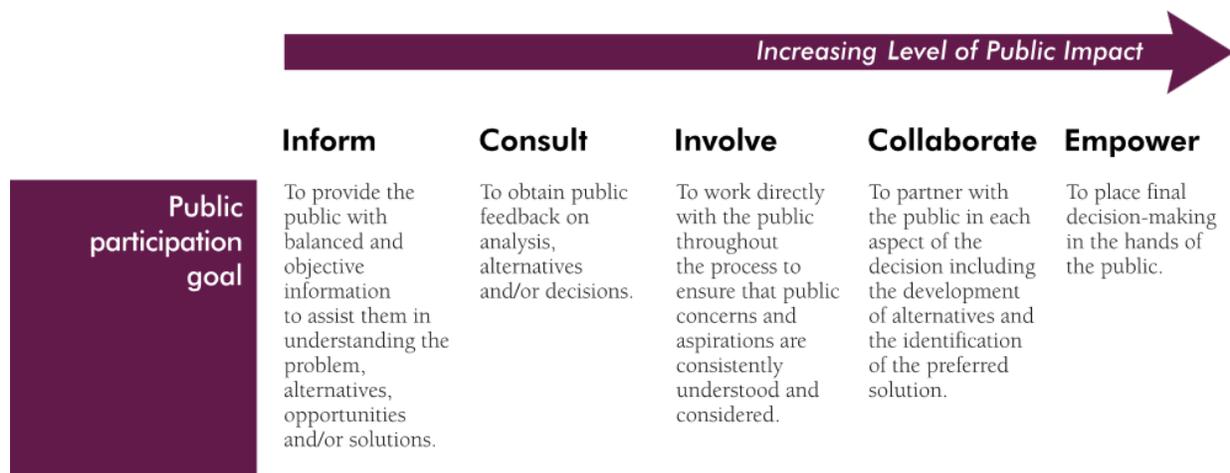
The development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” including:

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

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

CITIZEN/PUBLIC ENGAGEMENT:

Staff will “Consult” the public based on the IAP2 Spectrum of Public Participation:



Prior to this application proceeding to Council, the applicant distributed an alternative public information package to property owners and occupiers within 100m of the property and collected and summarized feedback, over a two week period as per the new Alternative Development Information Meeting process. The information provided to neighbours and the summary of the process can be found in **Attachment No. 2**.

In total, the City and the applicant received 20 comments. Of these, 15 households were represented, in addition to one letter, and one email from anonymous senders were received. Public comments can be found in **Attachment No. 3**.

Of the responses received by the City, 4 were in support and 12 opposed. The applicant received 3 letters of support. All feedback can be found in **Attachment No. 3**. Of those that stated opposition to the proposal, they had the following concerns:

- Potential traffic increase
- Parking concerns
- That the proposal may go against City policies and regulations
- A precedent could be set for further development changes in the neighbourhood such as more suites, or more carriage houses.
- Potential that other uses could be carried out, such as vacation rental
- Desire to maintain the neighbourhood as single family only
- The potential for property value impacts
- The neighbourhood will become too ‘busy’
- Sewer hook ups and property tax implications
- That the applicant is intending to sell

It is important to note that, the text amendment requested addresses the change to density (from one dwelling unit to two). The carriage house complies with the zoning regulations for carriage house as stipulated in the Zoning Bylaw and, given the building is existing in this case, the design is consistent with the development permit guidelines.

OPTIONS:

OPTION 1: (Recommended)

That based on the September 27, 2021 staff report “Zoning Amendment Bylaw No. 3040 to Allow for a Carriage House at 1236 Malahat Drive” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3040, 2021; and,

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 3040.

OPTION 2: Defer consideration of Bylaw No. 3040 with a request for more information.

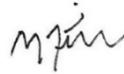
OPTION 3: Defeat Bylaw No. 3040.

Prepared by:



Cassandra Marsh
Planner I

Reviewed by:



Matthew Fitzgerald, RPP, MCIP
Manager of Development Planning

Concurrence by:



Ian Buck, RPP, MCIP
Director of Development Services

Concurrence by:

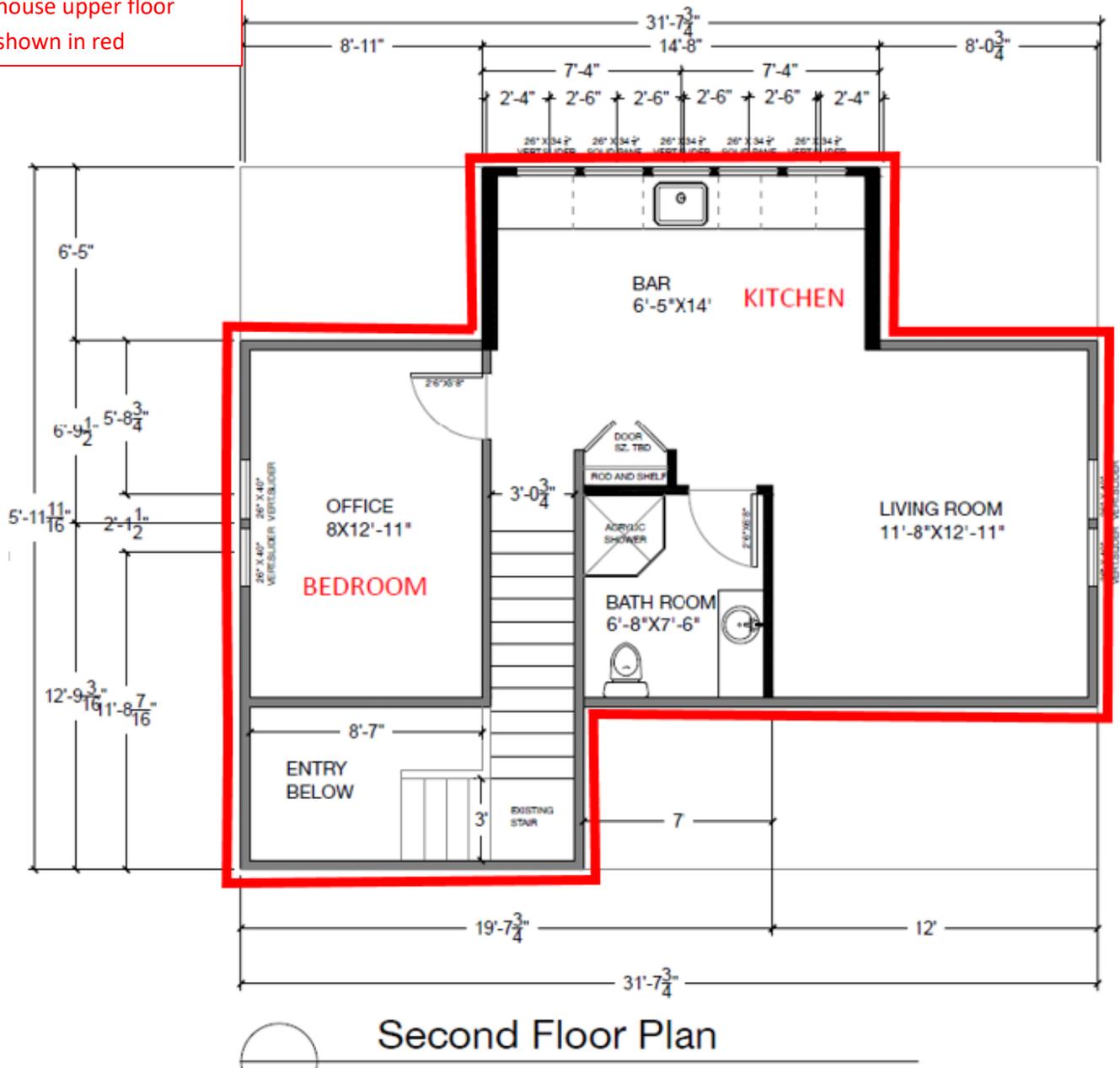


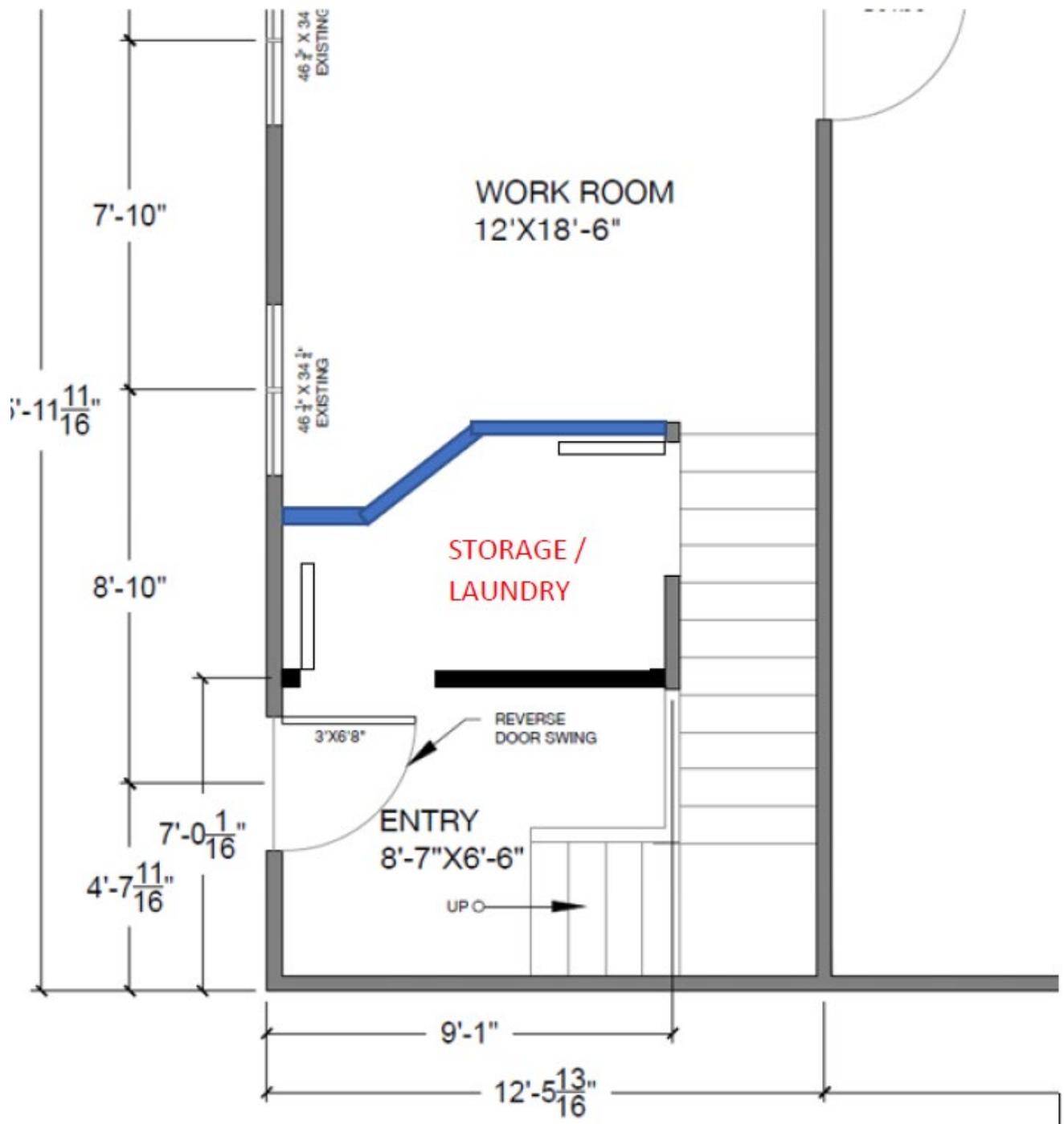
Geoff Garbutt M.Pl., MCIP, RPP
Chief Administrative Officer

Attachments:

1. *Attachment No. 1: Plans and Elevations*
2. *Attachment No. 2: Alternative Public Information Meeting Mail Out and Summary*
3. *Attachment No. 3: Public Comments*
4. *Attachment No. 4: Applicant’s Rationale*
5. *Attachment No. 5: Sustainability Evaluation Checklist*
6. *Attachment No. 6: Carriage House Development Permit Checklist*

Proposed carriage house upper floor shown in red





Proposed parking plan



Attachment No. 2: Public Information Mail out Summary

July 12, 2021

City of Courtenay
Planning Department
Attention: Cassandra Marsh

RE: Zoning Application RZ000059 (1236 Malahat Drive)

The attached Public Information Mailout (PIM) letter was distributed to all residents within 100m of my property by mail or hand delivery on Tuesday, May 25. Below is the PIM feedback summary for our application (includes feedback to myself and/or City Planning):

- Comments via email: 12
- Comments via telephone: 1
- Comments via text message: 1
- Comments via mail: 2

In the 16 pieces of formal feedback I have received, 6 were in support of the application and 10 were opposed. It should be noted that one of the neighbours who expressed their opposition in writing to the City also hand-circulated an anonymous letter to homes in the neighbourhood. The same neighbour also mailed a similar anonymous letter to my home. Both letters from the “anonymous” author contain a number of false and defamatory claims. Additionally, all of the anonymous letters were delivered in envelopes with the City of Courtenay, Planning Service Department return address.

Copies of feedback that were not included in the Application Review documentation from the City sent July 5, 2021 are included at the end of my summary after the PIM letter.

Stated reasons for opposition are listed below along with my comments.

- **Parking** – Many of the opponents claim that the subject property is situated on a blind corner that makes it dangerous to drive on Malahat when cars are parked on the road. As outlined in my PIM letter, I have more than the required amount of off-street parking. I can readily accommodate up to 5 cars on paved, off-street parking. Contrary to claims made by some opponents, we can easily juggle three cars within the paved area due to the length and width of the driveway in front of the garage (partly obscured from the road by the mature cedar hedge).
- **Zoning** – Some opponents stated that they bought in the area due to the R-1 Zoning and that a “rental suite sets a precedent for more to come with that a degradation to the community atmosphere of the area”. In the Official Community Plan Update letter recently sent out by the City, two of the stated Visions and Goals are:
 - Developing with existing urban centres and neighbourhoods for walkability and to maximize existing services.
 - More housing choices such as rentals, suites, townhouses and small apartments.

I believe my application is very much in line with those goals by adding a rental space in an established neighbourhood in walking distance to major amenities without additional development.

There have been eighteen (18) R-1 to R-1S rezoning applications over the past 12 years in our area that have been approved by the City to allow for legal secondary suites (see table below). I would argue that this rate of approval has not proven to be a threat to the peace and quite that we all value. The neighbourhood remains a quiet one and a great place to raise a family.

THE CORPORATION OF THE CITY OF COURTENAY - AMENDMENTS TO THE ZONING BYLAW NO. 2500, 2007

Bylaw No.	Purpose	Date of Adoption
2587, 2009	Rezoned 1895 6th Street East from R-1 to R-1S to allow a secondary suite in a single residential dwelling	September 14, 2009
2599, 2009	Rezoned 944 Brooks Pl from R-1 to R-1S to allow a secondary suite within an existing single residential dwelling	January 11, 2010
2616, 2010	Rezoned 1781 Thorpe Avenue from R-1 to R-1S to accommodate a secondary suite in a single family residence.	May 3, 2010
2626, 2010	Rezoned 1824 Teal Place from R-1 to R-1S to accommodate a secondary suite in a single family residence.	August 3, 2010
2693, 2011	Rezoned 2325 Valley View Dr from R-1 to R-1S to accom. a secondary suite in an existing single family dwelling	May 15, 2012
2698, 2012	Rezoned 965 Nikollasen Rd from R-1 to R-1S to accommodate a secondary suite in an existing single family dwelling	June 18, 2012
2710, 2012	Rezoned 1976 Snowbird Land from R-1 to R-1S to accom. a secondary suite in an existing single family dwelling	June 18, 2012
2731, 2012	Rezoned 1890 Mallard Dr from R-1 to R-1S to allow a secondary suite in an existing SFD	February 4, 2013
2745, 2013	Rezoned 1397 Sitka Ave from R-1 to R-1S to allow a secondary suite in an existing SFD	June 17, 2013
2864, 2016	Rezoned 1066 Evergreen Ave from R-1 to R-1S to allow a secondary suite in an existing Single Family Dwelling	February 20, 2017
2872, 2017	Rezoned 1986 4th St E from R-1 to R-1S to allow a secondary suite in an existing Single Family Dwelling	June 19, 2017
2928, 2018	Rezoned 570 Washington Cres from R-1 to R-1S to allow a secondary suite	June 18, 2018
2936, 2018	Rezoned 1081 Mantle Dr from R-1 to R-1S to allow a secondary suite within an existing single family residence	October 1, 2018
2942, 2019	Rezoned 1435 Griffin Dr from R-1 to R-1S to allow a secondary suite in an existing single family residence	February 4, 2019
2969, 2019	Rezoned 1573 Hurford Ave from R-1 to R-1S to allow a secondary suite in an existing single family residence	July 15, 2019
2993, 2020	Rezoned 1028 Arrowsmith Av. from R-1 to R-1S to allow a secondary suite in an existing single family residence.	July 20, 2020
3012	Rezoned 1520 Thorpe Ave from R-1 to R-1S to allow a secondary suite in an existing single family residence.	October 5, 2020
2986	Rezoned 2129 Bluejay Pl from R-1 to R-1S to allow a secondary suite in an existing single family residence	April 19, 2021

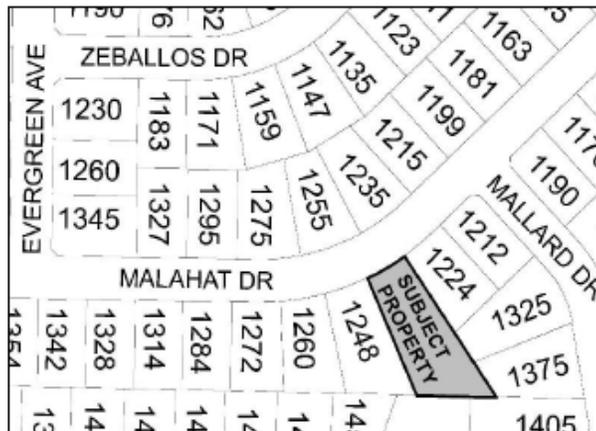
- **Services** – Two respondents expressed concerns over the cost of additional services (sewer, water and electrical capacity) required to support the application and potential tax increase. The original accessory building construction and the more recent renovation were both completed under permit from the City and were inspected and approved by the city. The value of the secondary building is reflected in my assessed property value and therefore in the taxes I pay to the City. No new services are required with this application.
- **Property Sale/Re-sale** – Some opponents claimed that the house is currently for sale (possibly resulting in two rentals backing on to the respondent’s property) or that my only interest in seeking rezoning is to sell the property faster and for more money. Both of these statements are false, and regardless of their validity, should have no bearing on my application.
- **View** – One of the neighboring property owners bought in this area because of the “zoning and view”. They lost view of the glacier with construction of accessory building in 1991. The construction of the accessory building was done by a previous owner under permit (Building Permit #4774) from the City of Courtenay. Viewed from the respondent’s perspective, the size, shape and appearance of the building has been consistent for 30 years. My application would not change that moving forward.
- **Traffic** – Some respondents feel that my zoning amendment will increase traffic in the area. I would argue that the ongoing development in adjacent areas like Crown Isle, whose residents travel through our neighborhood to get to downtown Courtenay have a far greater impact on the traffic on our street than a potential carriage house tenant would. Also, with my oldest daughter leaving town for university this fall, our household contribution to traffic and parking will be reduced.

Sincerely,
Leigh Windsor
1236 Malahat Drive

1236 Malahat Drive – Zoning Amendment Application

Dear Owner / Occupant,

We are writing to notify you of our application to the City of Courtenay for a zoning amendment. We have applied to allow a text amendment to the R-1 Zone to allow “carriage house” as a permitted use on the large residential lot (nearly 1,500 m²) on which we reside (1236 Malahat Drive, see image below). The purpose of this communication is to provide an opportunity for the public to provide feedback, ask questions and have concerns addressed prior to the application going to Council.



The City of Courtenay Zoning Bylaw (No. 2500, 2007) defines “carriage house” as *an accessory dwelling unit located on the second storey of an accessory building accessory to a single residential use which contains no interior access to any part of the accessory building below the carriage house and is located on a lot which is a single real estate entity.*



The existing accessory building at the rear of our property (see image above) was constructed by the original owners in 1991 (Building Permit #4774) and has existed as a fixture in the treed quiet space of our back yard for 30 years. In 2016/2017, we renovated the existing building including the living space above the workshop (Building Permit #13590). With minor internal modifications (removal of internal passage between the workshop and the entrance to the second floor living space), the existing accessory building and the finished space on it's second floor would meet the definition for "carriage house" in the Zoning Bylaw. This residential infill project would make a great living space for a single person or a couple and add much needed rental stock in an area within walking distance to major local amenities (North Island Hospital Comox Valley, North Island College, Comox Valley Aquatic Center, Costco as well as the concentration of shopping/retail at the crossing of Lerwick and Ryan Roads).

As the City indicates that parking and traffic concerns are raised on most rezoning applications, the images below are an illustration of the off-street parking capacity of our property. This zoning amendment application requires a total of 3 off-street parking spaces. Our long driveway, which widens in front of the garage, and the garage itself provide a minimum of 4 off-street parking spaces.



You can view the documents related to our application on The City of Courtenay Development Application Tracker website:

<https://prospero.courtenay.ca/TempestLive/ourcity/Prospero/Details.aspx?folderNumber=RZ000059>

Questions or comments can be submitted to ourselves (Leigh and Carolyn Windsor, 250-898-7619, 74lrwindsor@gmail.com) and/or to the City of Courtenay by one of the following methods:

- Drop your comment sheet off in the drop box located at the front entrance of the City of Courtenay or mail: City of Courtenay, Planning Services Department, 830 Cliffe Avenue, Courtenay BC V9N 2J7
- Email your comments to planning@courtenay.ca
- Fax your comments to 250-334-4241

Please return your questions or comments by June 15, 2021.

Thanks,

Leigh and Carolyn Windsor

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

From: [REDACTED]
Sent: Wednesday, June 2, 2021 10:37 AM
To: 74lrwindsor@gmail.com
Subject: Carriage house zoning amendment 1236 Malahat Drive

We are in full support of this application. There is plenty of off street parking. The owners have done a great job on this property and we feel this type of housing availability is in high need in the city.

[REDACTED]
1460 Griffin Drive

Sent from my iPhone

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

From: [REDACTED]

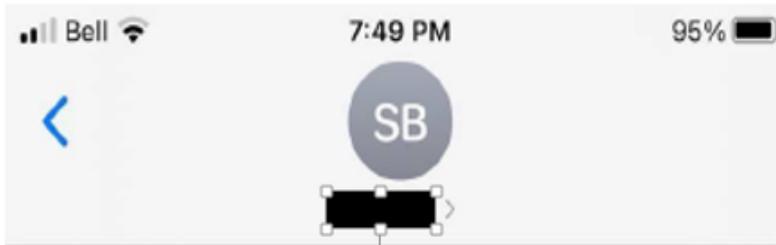
Sent: Tuesday, June 1, 2021 8:55 PM

To: Leigh Windsor <74lrwindsor@gmail.com>

Subject: Feedback from [REDACTED] – 1235 Malahat Drive

Hi [REDACTED] 😊 we hope your carriage house rezoning process goes smoothly. We don't have any concerns, hope the rest of the neighbors feel the same. I bet it's quite the process. All the best!

Sent from [REDACTED] iPhone.



Text Message
Fri, May 28, 1:36 PM

Hi [REDACTED] 😊 we hope your carriage house rezoning process goes smoothly. We don't have any concerns, hope the rest of the neighbors feel the same. I bet it's quite the process. All the best!

Voice mail message from [REDACTED], 1147 Zeballos Drive sent June 1, 6:59 PM. [REDACTED]

“Yeah Leigh, my name is [REDACTED], I live over on Zeballos drive, not far from you. You don't have to return my call, I just wanted to let you know and your wife know that my wife and I think it's a great idea and more power to you and I don't have any problem. My only concern is on-street parking but you got that covered so all the best and I hope it works out for you. Alrighty, have a great day.”

Attachment No. 3: Public Comments



Sat 6/5/2021 11:01 AM

1236 Malahat Drive

To PlanningAlias

Follow up. Start by Monday, June 7, 2021. Due by Monday, June 7, 2021.

To whom it may concern,

I am a resident in the vicinity of 1236 Malahat Drive and I am writing to express my opposition to this proposed zoning change.

This property was extensively renovated and then put on the housing market for sale at nearly double the average selling price for a house in our area. The owner was unable to sell the house at this inflated value, and I believe is now attempting to use the zoning change and addition of a rentable carriage house to allow a prospective buyer to be able to qualify to pay the high price for the property.

This zoning change will artificially inflate house prices in our area, leaving many families unable to afford a house in a great family neighborhood. It will add cars to the street, and noise to the neighbours. All this will happen only to increase the sale price of one greedy owner who will leave the area and the mess it will cause.

Please do not approve this change. Valley view is a great neighborhood for families. With all the additional rental units going up in other parts of our beautiful valley, we do not need to add more suites and carriage houses in a family neighborhood.

Thank you,

Sent from my iPhone



Mon 6/7/2021 8:33 AM

re-zoning 1236 Malahat Drive Courtenay BC

To PlanningAlias

Follow up. Start by Monday, June 7, 2021. Due by Monday, June 7, 2021.

Dear Sir/Madam,

Regarding the above mentioned rezoning at 1236 Malahat Drive. We purchased our property at 1099 Zeballos Drive in 1992, which is one street over from Malahat Drive. The reason we purchased this property was because the sub-division was strictly single house dwelling - R-1 zoning.

We are dead against changing the zoning to allow "carriage house". It will only increase traffic in this area and as it is at the present time we are inundated with wild speedsters on Malahat and Valley View Drives.

Absolutely against this rezoning.



Sat 6/5/2021 11:01 AM

1236 Malahat Drive

To PlanningAlias

Follow up. Start by Monday, June 7, 2021. Due by Monday, June 7, 2021.

To whom it may concern,

I am a resident in the vicinity of 1236 Malahat Drive and I am writing to express my opposition to this proposed zoning change.

This property was extensively renovated and then put on the housing market for sale at nearly double the average selling price for a house in our area. The owner was unable to sell the house at this inflated value, and I believe is now attempting to use the zoning change and addition of a rentable carriage house to allow a prospective buyer to be able to qualify to pay the high price for the property.

This zoning change will artificially inflate house prices in our area, leaving many families unable to afford a house in a great family neighborhood. It will add cars to the street, and noise to the neighbours. All this will happen only to increase the sale price of one greedy owner who will leave the area and the mess it will cause.

Please do not approve this change. Valley view is a great neighborhood for families. With all the additional rental units going up in other parts of our beautiful valley, we do not need to add more suites and carriage houses in a family neighborhood.

Thank you,

Sent from my iPhone



Sun 6/13/2021 10:49 AM

1236 Zoning Amendment Application

To PlanningAlias; 74lrwindsor@gmail.com

Please be advised we support this zoning application.

Parking along Malahat does however continue to be a concern as in the intersection of Evergreen and Malahat...



Thu 6/3/2021 10:44 PM

1236 Malahat Drive Zoning Amendment application

To PlanningAlias

I have received the information regarding this application for the "carriage house" up the street from me and am opposed to any further development on my street. It's bad enough now since more people are using it as an alternate route from Ryan Rd. I've lived here 13 years and have seen traffic get faster, louder and more obnoxious. The last thing we need is more vehicles and density in this area!!
A firm NO to this proposal.

Sincerely



Wed 6/2/2021 4:37 PM

Zoning Amendment Application RZ000059 - 1236 Malahat Drive

To PlanningAlias; Leigh Windsor

Good day Planning Department for the City of Courtenay,

We fully support this amendment request to allow a 'Carriage House' as permitted use on the property of 1236 Malahat Drive, Courtenay. Staff and tenants of the airport where I work, continue to identify issues with suitable rental options within Courtenay (and Comox). My sole concern was identified and solved in the letter provided by the applicants. Their parking plan, although not required to be solely on their driveway, assuaged my minor traffic concerns on that part of Malahat Drive. Thank you for the opportunity to review this application which we again, fully support.

cheers,

1480 Griffin Drive
Courtenay, BC



Wed 6/2/2021 9:28 AM

RE: Zoning amendment proposed for 1236 Malahat Drive, Courtenay.

To Wells, Bob; PlanningAlias; 74lrwindsor@gmail.com; Theos, Manno; Morin,Wendy; McCollum, Melanie; Hillian, Doug; Frisch, David; Cole-Hamilton, Will

We purchased this property in 1990 because of the View and the Zoning and soon after we were advised by the city hall planning department that no one could ever construct a secondary building to live in as this was an area zoned for single family homes. This information was confirmed to me on two subsequent visits to City Hall when the building at 1236 Malahat was originally constructed and again when renovated by new owners.

Below find listed our objections to this change:

- 1] We bought in this area because of the Zoning and view [Lost view of Glacier with construction of so-called "Garage"]. If people wish to construct a carriage house, they should build or buy in properly Zoned areas.
- 2] House is for sale [listing 46650] possibly resulting in two rentals backing on to our property [1375 Mallard Drive].
- 3] House at 1236 Malahat is situated on a blind corner that makes it dangerous to drive on Malahat when cars are parked on the road.
- 4] Sewer system not designed for extra development.
- 5] We received a letter at my door from a neighbour providing information and we agree with their comments on opposing this development.

Please acknowledge receipt of this e-mail.

Thank you for your consideration in the matter.

Yours sincerely

1375 Mallard Drive
Courtenay, B.C.



Tue 6/1/2021 9:13 AM

[Redacted]

Rezoning Application 1236 Malahat Drive

To PlanningAlias

Good morning Planning,

I would like to give my support to the Zoning amendment application for 1236 Malahat Drive allowing a carriage house as a permitted use. It seems to me this is a perfect location to add a rental property into the very limited market as this is the largest lot in the neighborhood that already has a secondary building and a large driveway for parking. The proximity to NIC and the Hospital creates an ideal space for a student or young professional to live/work/study within walking distance.

Kind Regards,

[Redacted]

1362 Mallard Drive
Courtenay, BC



Tue 6/1/2021 4:38 PM

[Redacted]

1236 Malahat Dr. Zoning amend Application

To PlanningAlias

Hello,

In response to the 1236 Malahat Drive rezoning application, we would like to voice our opposition. We live in the area of Evergreen Avenue and Zeballos Drive. We live here because of how the neighbourhood currently is. Our kids go to Valley View and Mark Isfeld schools; Malahat drive and it's surroundings are our home and it is an area we love for the way it IS.

If this re-zoning application means that a precedent will now be set, it would be very unfortunate for an otherwise lovely area. Most people in this area chose to live here because they had the money to afford the bit of privacy and quiet neighbourhood that they value. We need to have areas in towns that remain that way. If lower income rentals become common in this area than its uniqueness is lost. What would be the point of working to have a house in this area if you can't count on the existing zoning that you purposely bought into?

A rental suite sets a precedent for more to come and with that a degradation to the community atmosphere of the area. We oppose it.

Sincerely,

[Redacted]

Sent from my iPhone



Mon 6/14/2021 10:55 PM

[Redacted]

Comments about 1236 Malahat Drive

To PlanningAlias

As a resident in the vicinity of the 1236 Malahat Drive in Courtenay I got a letter of notification from the applicant requesting approval of rezoning to R-1 Zone.

I strongly oppose this application.

I think this is too bad for the community and will hurt the life of people who live in.

Sincerely

Resident in the vicinity of 1236 Malahat Drive in Courtenay



Tue 6/15/2021 1:21 AM

Re: regarding 1236 Malahat Drive --Zoning Amendment Application

To PlanningAlias

From: [Redacted]
Sent: June 15, 2021 1:11 AM
To: planning@courtenay.ca <planning@courtenay.ca>
Subject: regarding 1236 Malahat Drive --Zoning Amendment Application

I am writing to the City Of Courtenay as a concerned property owner or 1463 Mallard Drive...I recieved a letter from Leigh and Carolyn Windsor of 1236 Malahat Drive to have their Carriage House in thier back yard re- zoned for a rental unitI am very conerned about the parking of additional cars in the drive way.....As it is not a double drive way and the renters car would be parked on the road....I walk by this home every day on my walk and the drive way is not set up for several cars , unless they are parked one behind each other.....There is a another house on Malahat Drive with the address of 1354 Malahat Dr. who has a Chev pick up truck Licence number [Redacted] who parks on the road and drivers who use Malahat Drive have to swing around this truck or sometimes wait for on coming cars as there is not enough room for two cars to carry on as the truck is blocking part of the road way.....This is a busy street and we do not need more cars parked on the side of the road.....

Thank you ... [Redacted] 1463 Mallard Drive [Courtenay.....](#) [Redacted] [....email...](#) [Redacted]



Sun 6/13/2021 11:40 PM

1236 Malahat Drive - Zoning Amendment Application

To PlanningAlias

Dear City of Courtenay Planning Department,

We are writing with our comments about the application for zoning amendment two doors up from our house. Although we do not have any objections to an accessory dwelling on the property, we are concerned about parking on our street. The driveway at 1236 Malahat is not wide enough for side by side parking so any tenant living in the additional space will be parking on the street, as no one wants to shuttle the other residents' vehicles. The house is located right on a curve on a hill where vision is obscured. Traffic already uses Malahat as a speedway and we often see cars doing at least 70 down the hill. Cars parked on the street at this curve are always a hazard but they are usually visitors and not there for long. Guaranteed, any tenant living there will be parking on the street whenever they are home.

If this property does receive zoning amendment, then we would suggest that "Two Hour Parking Only" signage be placed on both sides of the street at the curve, namely in front of 1212, 1224, 1236, 1248, 1260 and across the street at 1215, 1235, 1255 and 1275. This would ensure that visitors and service vehicles could park temporarily but it would eliminate regular round the clock tenant parking.

[Redacted]
1260 Malahat Drive

To: City of Courtenay, Planning Service Department
830 Cliff Avenue, Courtenay B.C.

**Re: Zoning Amendment Application for Property 1236 Malahat Dr.,
Courtenay**

We are writing this letter to you, Courtenay City Council and Courtenay City Planning Department, to voice our strong objection to the rezoning application that is being requested for 1236 Malahat Drive (Application #RZ000056).

The reasons for this objection are as follows:

1) We purchased our home in this area over 20 years ago; one reason why we bought here was the existing City Plan zoning for the area. This area was designated as Single-Family residential (R-1); why must the existing plan be re-written just to appease 1 resident in the area? As well, if 1 Property is allowed to include a Rental Property, what would stop other Owners in this R-1 zone to act similarly?

2) What bylaw is in place to prevent this carriage house from becoming an AirBnB?

3) What will be the cost to the City of Courtenay, and in turn to area residents in the form of higher taxes, to improve Sewage, Water and Electrical capacity to service this 1 request? I agree to abide by the City bylaws for increasing taxes, if they follow plans that have been in place and agreed to by all area residents.

4) Malahat Drive is used to bypass the Ryan Road/Lerwick intersection, which creates a large volume of traffic for our residential road. The existing curve in the road DIRECTLY in front of this property creates a hazardous “bottleneck” for this volume of traffic. The applicant provided neighbors with an aerial view of how they would park 4 vehicles on their property. Four vehicles can be PARKED on this property, but MOVEMENT of these vehicles cannot be accomplished without parking some of the same vehicles on Malahat Drive, on the same problem curve. If this amendment is allowed, will the City regulate the parking for this home, or widen the road to alleviate this problem as it increases?

In closing, I’d like to ask City Council how we would be able to continue to trust existing City Plans, and our City Politicians, if 1 Property Owner is able to overturn existing Strategies and Plans, while others adhere to what we all accepted as our City Plan. This would make a travesty of any future Plans.

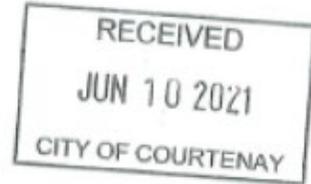
We have faith that our elected City Politicians work for the betterment of the community as a whole, and not just amend existing City plans whenever 1 individual wants to improve their property at the detriment of many others.

[Redacted]
1394 Mallard Drive
Courtenay, B.C.
[Redacted]

[Redacted]
June 1/21

June 6, 2021

Mayor and Council
City of Courtenay, B.C.



Re: Zoning Amendment Application – 1236 Malahat Drive, Courtenay

Please be advised that we are opposed to the above-mentioned Zoning Amendment Application. Our property directly adjoins this property and we have serious concerns.

-The applicant renovated the property in 2016/17 with no zoning amendments. Although the renovation permit #13590 stated "minor-modification", this indeed was a MAJOR RENOVATION!

-Although the applicant indicates that he has a minimum of 4 parking spaces, this is not accurate. Only two vehicles are able to park in the driveway, any further vehicles will be required to park on the street (the picture on the applicant's application clearly confirms this)

-Malahat is a very busy street, and this property is located on a bend in the road that already obscures vision. Any added vehicles will make a current dangerous situation more dangerous and very unsafe.

-When we viewed the real estate listing <https://www.ronnillister.com/listing-detail/1006387401/1236> MALAHAT DRIVE-Courtenay-BC it confirmed our suspicion that the owners intended this "Carriage House" to be utilized as an AIR B&B. (See the sign that says "Welcome Campers"). As this property is directly in our back yard, we are very much opposed to any AIR B&B next to us.

Please consider our concerns carefully. We already have traffic concerns in our neighbourhood, and feel that approval of this re-zoning application will set a dangerous and very un-safe precedent for our area.

cc. Planning Dept. City of Courtenay

[Redacted]

1405 MALLARD DRIVE

[Redacted]

[Redacted]







Thu 9/9/2021 9:47 PM

[REDACTED]
Zoning amendment

To PlanningAlias

 You forwarded this message on 9/16/2021 9:06 AM.

I support a few zoning amendments:

- RZ000060 on Comox Rd and Island Highway

I think this will really help the real estate shortage and help people have places to live that are central and do not require vehicles! I especially appreciate that they are mixed use units so I hope there are both residential and commercial use units as it will hopefully also increase job opportunities.

- DP000089 & DP000084 2700 Mission road
The extra homes are needed!

- RZ000059 1236 Malahat road
This (carriage house) is a great option to increase density without affecting the area drastically.

- RZ000050 801 Ryan Road
Yes, yes, yes please! That lot needs to be used for something! Such a shame to watch it waste away. And that area really should be (by location) a central hub for our city.
That being said, the infrastructure regarding the bridges will really need to be addressed. Currently, the infrastructure is so dangerous with the likelihood of increased accidents. There will need to be a better way to move people. Increased transit will become a requirement.

Thank you so much for your unceasing work.

[REDACTED]

Anonymous correspondence hand delivered to applicant, City, and neighbours (1/3) .

To the Resident Leigh Windsor of 1236 Malahat Drive Courtenay.

Leigh Windsor & Family

We live in the neighbourhood of your property and noticed the application for rezoning displayed in your front yard. I also obtained a letter from a neighbour a few homes away requesting support and approval for this change.

As you invite to convey the neighbourhood to express their view and apprehension we address our comment to you and sent a copy to the City of Courtenay, Planning Service Department 830 Cliff Avenue Courtenay BC.

We found this necessary to write you and the City of Courtenay because you are not straight forward and honest and obscure many facts to the City of Courtenay and your neighbours in the hope to pass this "REZONING"!

All in the vicinity have the right to know all the facts pros & cons prior approval of this application, and we wish you would have done so from the outset.

Nevertheless it is our hope the end the City of Courtenay, Planning Service Department will come to decision that will be just for all parties with a full honest open view with all the facts exposed.

Once this is all done in an orderly fashion and once you property is sold we wish you and your family all the best.

Truthfully From all of us!

Page 1 of 2

Courtenay May 31, 2021

RE: Zoning Amendment Application for Property 1236 Malahat Dr. Courtenay.

To the City of Courtenay, Planning Service Department
830 Cliff Avenue Courtenay BC

Anonymous correspondence hand delivered to applicant, City, and neighbours (2/3) .

As a resident in the vicinity of 1236 Malahat Drive in Courtenay we got a letter of notification requesting approval of application of rezoning to R-1 Zone.

Please read attached letter we got in the mail from the applicant.

As we are invited to express our concern regarding this “Application of REZONING” we have the following concerns and **strongly oppose this application** explaining next.

1: As outlined on page two on the letter from L. Windsor, yes the building was constructed back in 1991 intended as a workshop or storage. It was not a “Carriage House” and nowhere near intended for living-purposes as constructed originally. The previous owner sold clearly stating - **“Large workshop at back”** no mention of Carriage House.

How we know all this information? This property 1236 Malahat Dr. was on the Real Estate market from [REDACTED] WE had great interest in the property and had a few meetings with Realtors, viewed the property and had conversations with the owner Ian & Cricket Pratt. We also inquired about what it would take to upgrade the Workshop to a life-in dwelling. Contractors estimated about \$30'000 dollars just to replace the old Cedar-shingle Roof the unstable upper floor re-enforcement and the workshop Garage Door Heater that was framed in unacceptably according to building code. Also by inquiry with the City of Courtenay Planning Service Department they would not even look at an application of rezoning for this property. With this we moved on and eventually purchased another property nearby. Sometime later L. Windsor acquired the property.

Yes renovation begun in 2016-2017 to renovate the building (Workshop Garden-Shed) and was totally outfitted to a “Carriage House”. It was renovated upgraded even though no zoning changes were in place for Renovation with permit #13590.

Rezoning was not requested at that time but decided to go ahead with renovation just a little short of a full dwelling with Hot-Water & Cooking- Stove with the hope it would sale for more without the rezoning.

The applicant indicated “MINOR -MODIFICATION” for Renovation permit #13590.

Far from the truth, it was a **major** interior and exterior modification project that required Rebuilding and reinforcing the entire upper floor. The Roof- Structure was modified pushed out and inserted windows among other major framing structures. Water Supply and waste water drainage constructed all new, also electrical supply and Heading was upgraded just to mentioning a few things. This project was in the tens of thousands of Dollars not just “MINOR -MODIFICATION” and now is a Carriage House. I am sure your record of renovation permit #13590 will show this. If it was just minor modification for personal use, why was a Renovation permit acquired? All this work was done with the intent for a quick turnover and sale without re-zoning in the hopes a buyer will accept it as is under the present Zoning.

As soon as the Renovation was completed the owner put the property on the Real Estate Market.

[https://www.ronnilister.com/listing-detail/1006387401/1236 MALAHAT DRIVE-Courtenay-BC](https://www.ronnilister.com/listing-detail/1006387401/1236_MALAHAT_DRIVE-Courtenay-BC)

[https://www.coopergroup.ca/listing-detail/1006387401/1236 MALAHAT DRIVE-Courtenay-BC](https://www.coopergroup.ca/listing-detail/1006387401/1236_MALAHAT_DRIVE-Courtenay-BC)

Anonymous correspondence hand delivered to applicant, City, and neighbours (3/3) .

Page 2 of 2

The property has been (or was) nearly a year on the market with no buyer. In fact the owner - L. Windsor was repeatedly told by Realty Agents that if he could get a “REZONING” approved, the property would sell for more and faster no problem. Therefore the owner L. Windsor has submitted a rezoning application with the intent to put the property back on the market as soon as the rezoning is approved. It has become a known fact the owner has no plans to stick around. All evidence indicates that the sole purpose for the renovation & rezoning application is to sell it and move on. We feel strongly this is not right as it is solely intended for re-sale. We do not object to the sale or quick profit that might come from it, what we object is the way the proceedings moved on to this point of acquiring a rezoning. We do not object to the now “Carriage House”, we object to the now “Carriage House” for the use of rental property and application of new zoning! (More in the conclusion comments of this letter.)

2: Concern: Parking. The Applicant indicates that he has a minimum of 4 parking spaces. True, but only if you park one car behind the other not side by side as there is no space at the entry of the driveway to park side by side, only one behind the other. **The picture on the letter from the applicant confirms this fact clearly!** It has been a known practice by the owner and his family that once the third car shows up will park on the street. Why, because if car #1 needs to move all other cars need to move to get out. Therefore they just park on the street. Malahat Drive has already become a very busy street and is a major neighbourhood connector and people drive faster than usual on this stretch of road and the Property of 1236 Malahat is located right on a road-bend that obscures vision big times and with Cars parked on this location is already a hazard. If a rezoning is approved for this location for rental purposes, Cars will be parked 24/7 on the street! Guaranteed!

3: Concern: Should this Property be granted approval for rezoning, this will set a Benchmark for others in the neighbourhood to apply that will only dilapidate our community.

In Conclusion:

This is why we strongly object the re-zoning application.

The owner L. Windsor of 1236 Malahat Drive Courtenay is not straight forward with his true intention for the rezoning application and is obscuring his true motive. As explained, from the very outset the whole property (not just the Building in question) was outfitted for the purpose for Re-Sale. – Was not able to get the money with the zoning in place now, therefore the REZONING Application. Once this is approved, the Property will be on the market again GUARANTEED!

Once the REZONING is approved the Windsor Family will move away and leave the property to the next owner who might abuse this privilege. This irresponsibly can **and most likely will** result in - More Traffic / Street Parking / Cats - Dogs-barking / Loud & late -yard gatherings -just to mention a few things that will affect our quality of life with no return!

Having said all this, please consider all facts carefully. Research all of these facts for yourselves prior making a hasty decision. We trust in your professional decision making and hope for a just decision in behalf of all residents.

Sincerely
Resident's from multiple Families in the vicinity of
1236 Malahat Drive in Courtenay

NOTE! We have purposely left out Name & Address in fear of breach of “CONFIDENTIALITY”! However, should this zoning application move for approval we have no other option to come forward and pursue with the Law in Court.

Attachment No. 4: Applicant’s Rationale

April 24, 2021

Zoning Bylaw Amendment Application

Leigh & Carolyn Windsor
1236 Malahat Drive
Courtenay, BC
V9N 8B2

Summary

The goal of our rezoning application is to create additional rental stock and densification by adding “carriage house” as a permitted use on our large residential lot (nearly 1,500 m²) which is currently zoned R-1. With minor internal modifications (removal of internal passage between the workshop and the entrance to the second floor living space), the existing accessory building at the rear of our lot and the finished space on it’s second floor would meet the existing definition for “carriage house” in the Zoning Bylaw (No. 2500, 2007) and would make a beautiful living space for a single person or couple.



April 24, 2021

Zoning Bylaw Amendment Application

Leigh & Carolyn Windsor
1236 Malahat Drive
Courtenay, BC
V9N 8B2

Statement on Conformance to Affordable Housing Policy

This residential infill project will provide additional rental housing stock and densification within walking distance of major destinations in East Courtenay (North Island Hospital Comox Valley, North Island College, Comox Valley Aquatic Center, Costco as well as the concentration of shopping/retail at the crossing of Lerwick and Ryan Roads). Additionally, this rezoning application would allow for the addition of affordable rental stock within an existing, long-standing building – no demolition or new construction would be required. With minor internal modification (addition of proper cooking fixtures, cabinetry, and laundry appliances), our carriage house proposal would provide furnished (or unfurnished) living space for a single person or couple. Due to the large size of our residential lot (nearly 1,500 m²), the unit would also have a private outdoor landscaped space for the enjoyment and well-being of the tenant(s).

Statement on Conformance to Sustainability Checklist

The original accessory building was added to the property in 1991 (Building Permit #4774) and has existed as a fixture in the treed quiet space of our back yard for 30 years. In 2016/2017, we renovated the existing building including the space above the workshop (under Building Permit #13590) with the goal of addressing maintenance deficiencies (failing roof and leaking windows) and creating space for out-of-town family to stay during visits. This work was done professionally, to code, and used modern materials (HardiePlank siding, 30-year fibreglass shingle roof, Energy Star vinyl windows, etc). The plumbing fixtures were selected to minimize water consumption. All the work done has been tastefully designed and fits with the high quality and character of the main house. Our location is within walking distance of major local amenities and the local walking trail network. We are also situated on local bus routes, allowing for a range of transportation options for tenants (including walking and cycling).

Attachment No. 5: Sustainability Evaluation Checklist



CITY OF COURTENAY
Development Services
 830 Cliffe Avenue
 Courtenay, BC, V9N 2J7
 Tel: 250-703-4839 Fax: 250-334-4241
 Email: planning@courtenay.ca

SUSTAINABILITY
EVALUATION
 COMPLIANCE CHECKLIST

The following checklist provides a quick reference list of required sustainability criteria that, where applicable, shall be satisfied for all development applications including Official Community Plan (OCP) and Zoning Bylaw amendments, Development Permits, Development Variance Permits, Tree Cutting and Soil Removal Permits, Agricultural Land Reserve and Subdivision applications. These criteria are established to ensure that the goals and objectives of the OCP are satisfied. **Please briefly state in the “Description” column how the application achieves the stated criterion.** Where an element of the development proposal does not comply with a sustainability criterion, 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.**

- The Sustainability Evaluation Checklist Policy states: *Proposed developments will be considered where a development:*
- a. *provides substantial benefits to the City;*
 - b. *will not negatively impact on the City’s infrastructure, neighborhood or environment;*
 - c. *new development that supports destination uses such as the downtown, Riverway Corridor or a Comprehensive Planned Community;*
 - d. *Meets applicable criteria set out in the OCP.*

The complete Sustainability Evaluation Checklist policy is contained within the City of Courtenay Official Community Plan No. 2387, 2005.

Project Address: 1236 Malahat Drive, Courtenay, BC, V9N 8B2	Date: May 10, 2021
Applicant: Leigh Windsor	Signature:

APPLICATION REQUIREMENTS To be filled out by applicant

Land Use. <i>The application:</i>	Description of how the criteria are met
a) Provides a mix of housing types and sizes;	This zoning amendment would add a 1-bedroom rental unit in an existing building (no new construction required) in an established family neighborhood.
b) Balances the scale and massing of buildings in relation to adjoining properties;	The original accessory building was added to the property in 1991 (Building Permit #4774) and has existed as a fixture in the treed quiet space of our back yard for 30 years.
c) Complements neighboring uses and site topography;	N/A
d) Provides or supports mixed used developments or neighborhoods;	This zoning amendment would add a 1-bedroom rental unit in an existing building (no new construction required) in an established family neighborhood.
e) Promotes walking to daily activities and recreational opportunities;	Our property is within walking distance to local schools, North Island Hospital Comox Valley, North Island College, Comox Valley Aquatic Center, Costco as well as the concentration of shopping/retail at the crossing of Lerwick and Ryan Roads
f) Supports a range of incomes;	This residential infill project will provide additional rental housing stock and densification. Increased supply of rental stock should result in reduction of rental rates.
g) Is a positive impact on views and scenery;	All the work done during permitted renovation in 2016/2017 has been tastefully designed and fits with the high quality and character of the main house (same siding and colour scheme).
h) Preserves and provides greenspace, trails and landscaping;	The suite / carriage house would have use of sections of our large, private, landscaped yard. We are also within walking distance to the local trail network.

Building Design. <i>The application:</i>	Description of how the criteria are met
a) Exhibits high standard of design, landscaping and environmental sensitivity;	All the work done has been tastefully designed and fits with the high quality and character of the main house. Our landscaping in "park-like" - look at the pictures.
b) Maintains a high standard of quality and appearance;	The permitted renovation of the accessory building work was done professionally, to code, and used modern materials (HardiePlank siding, 30-year fibreglass shingle roof, Energy Star vinyl windows, etc).
c) 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;	Shed-dormer with multiple windows was added to the existing roof line at renovation.
d) Avoids creating a strip development appearance;	N/A - accessory building is located in the rear of our large lot and cannot be seen from the road.
e) Satisfies Leadership in Energy and Environmental Design (LEED) certification (or accepted green building best practices);	N/A
f) Uses environmentally sensitive materials which are energy sensitive or have accepted low pollution standards;	Renovation used modern materials (HardiePlank siding, 30-year fibreglass shingle roof, Energy Star vinyl windows, etc). The plumbing fixtures were selected to minimize water consumption.
g) Builds and improves pedestrian amenities;	N/A
h) Provides underground parking;	N/A - existing off-street parking is available on our property.
i) Applies CPTED (Crime Prevention Through Environmental Design) principles;	N/A
Transportation. <i>The application:</i>	Description of how the criteria are met
a) Integrates into public transit and closeness to major destinations;	Our location is within walking distance of major local amenities and the local walking trail network. We are also situated on local bus routes, allowing for a range of transportation options for tenants (including walking and cycling).
b) Provides multi-functional street(s);	N/A
c) Prioritizes pedestrian and cycling opportunities on the public street system and through the site location that can provide an alternative to public road;	N/A
d) Provides or contributes towards trail system, sidewalks, transit facilities, recreation area or environmentally sensitive area;	Our location is within walking distance of major local amenities and the local walking trail network. We are also situated on local bus routes, allowing for a range of transportation options for tenants (including walking and cycling).
Infrastructure. <i>The application:</i>	Description of how the criteria are met
a) Includes stormwater techniques that are designed to reduce run-off, improve groundwater exchange and increase on-site retention;	N/A
b) Utilizes renewable energy sources (i.e. solar, geothermal) within servable area to City standards;	N/A

Character & Identity. <i>The application:</i>	Description of how the criteria are met
a) Provides a positive image along waterfront areas and fronting road;	N/A - accessory building is located in the rear of our large lot and cannot be seen from the road.
b) Is designed with quality and variety of features within the project (i.e. street furniture, street lights, signs, curb treatments);	N/A
c) Provides public and private amenity space;	N/A
d) Preserves heritage fixtures;	N/A
e) Orients to views, open space and street;	N/A
Environmental Protection & Enhancement. <i>The application:</i>	Description of how the criteria are met
a) Protects riparian areas and other designated environmentally sensitive areas;	N/A
b) Provides for native species, habitat restoration/improvement;	N/A
c) Includes tree lined streetscapes.	N/A

Attachment No. 6: Carriage House Development Permit Checklist



CITY OF COURTENAY
Planning Services
 830 Cliffe Avenue
 Courtenay, BC, V9N 2J7
 Tel: 250-334-4441 Fax: 250-334-4241
 Email: planning@courtenay.ca

COMPLIANCE CHECKLIST

DUPLEX, CARRIAGE HOUSE & SECONDARY RESIDENTIAL DEVELOPMENT PERMIT AREA

The following checklist provides a quick reference for compliance with the guidelines contained within Section 8.9 Duplex, Carriage House and Secondary 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 comments. **Incomplete forms will result in application delays.**

Project Address: 1236 MALAHAT DRIVE		Date: AUGUST 26, 2021	
Applicant: LEIGH WINDSOR		Signature:	
A. FORM AND CHARACTER	Yes	No	
		Comment	
1. The Orientation, scale, form, height and materials proposed for a duplex, carriage house or secondary residential unit shall reflect the positive characteristics of the surrounding neighbourhood.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CARRIAGE HOUSE AND MAIN HOME ARE SOME OF THE MORE ATTRACTIVE STRUCTURES IN THE NEIGHBOURHOOD.
2. Roofs should have articulated lines and designed to reduce the appearance of bulk of the residence on upper floors. Roof slopes with greater than 6:12 pitch are preferred, however, proposals for lower pitch rooflines with significant articulation and design interest may be considered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROOF PITCH > 6:12. SHED DORMER EXISTS ON THE SIDE FACING INTO THE YARD.
3. The principal entrances to a duplex should be at the front of the building and should be defined by porches, dormers, port cochere, canopies or be recessed.	<input type="checkbox"/>	<input type="checkbox"/>	N/A (NOT A DUPLEX)
4. On corner lots, all street facing elevations should have an equal level of quality and design detailing. It is encouraged that an entrance to one unit is from the primary street and the entrance to the second unit on the flanking street.	<input type="checkbox"/>	<input type="checkbox"/>	N/A (NOT A CORNER LOT)
5. Design components that can make up the required architecture components include: multiple gables, dormers, bay windows, decorative shingles, wood trim, porches and verandas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROOF INCLUDES SHED DORMER W/ HARDY SHINGLES. WINDOW AND DOORS ALL WOOD TRIM.
6. Exterior finishes should be durable and have a common theme. Materials including wood, fibre cement siding, brick or stone masonry and limited amounts of stucco are appropriate. Although use of vinyl is strongly discouraged, where residences in an existing neighbourhood are predominantly vinyl-clad, vinyl may be used. Metal siding is not permitted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TRIM AND SOFFIT ALL PAINTED WOOD. SIDING A MIX OF HARDY PLANK & SHINGLE (MATCHES HARDY PLANK ON HOUSE).
7. Buildings should reflect and enhance the character of the neighbourhood by: <ul style="list-style-type: none"> • Respecting the rhythm and scale of the existing streetscape • Visually breaking the larger massing into smaller individual components • Articulating the front facades to create a sense of scale, neighborliness and architectural interest. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CARRIAGE HOUSE VERY MUCH IN CHARACTER WITH THE MAIN HOUSE. CARRIAGE HOUSE NOT EASILY SEEN FROM ROAD
8. Stepped or alternating massing should be considered in order to avoid a box-like appearance.	<input type="checkbox"/>	<input type="checkbox"/>	N/A (BEING SITUATED AT THE REAR OF THE LOT, CARRIAGE HOUSE NOT EASILY SEEN FROM ROAD).

9. Building design including the placement of windows, balconies and doors shall ensure visual privacy between residences.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	EXISTING MANDORS/WINDOWS WERE REPLACED WITH NEW AND DORMER WINDOWS LOOK INTO YARD.
10. Duplex, carriage house and secondary residential development should fit into the immediate surroundings of its location and not appear visually out of character with adjacent homes or surrounding neighbourhood. To minimize the impact of a duplex, avoid wide, flat faces that dominate the street by articulating and staggering front facades to create depth and architectural interest.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	EXISTING ACCESSORY BUILDING WHICH WE HAVE APPLIED TO BECOME A CARRIAGE HOUSE HAS REMAINED DIMENSIONALLY THE SAME SINCE CONSTRUCTION 30 YEARS AGO.
11. To Promote variety in design, duplex developments with front to back configurations or up and down layouts should be considered as an alternative to side by side duplex development.	<input type="checkbox"/>	<input type="checkbox"/>	N/A (NOT A DUPLEX).
12. Duplexes shall reflect the façade characteristics of single family homes.	<input type="checkbox"/>	<input type="checkbox"/>	N/A (NOT A DUPLEX)
13. Mirror image duplexes are discouraged. Varying the layout and staggering duplex units is encouraged to create architectural diversity.	<input type="checkbox"/>	<input type="checkbox"/>	N/A (NOT A DUPLEX)
B. SITING, LANDSCAPING AND SCREENING	Yes	No	Explanation of Non-Conformity / COMMENT
1. Duplexes and carriage homes should be situated to ensure the privacy of residences on adjoining properties and to retain existing significant trees where feasible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CARRIAGE HOUSE LOCATED AT REAR OF LOT (ADJACENT TO OTHER REAR YARDS) AND IS WELL TREED.
2. Carriage houses shall be situated to the rear of the property where appropriate and in keeping with the existing neighbourhood design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	STRUCTURE IS LOCATED AT THE REAR OF OUR VERY DEEP LOT. VERY MUCH IN KEEPING WITH LOCAL DESIGN
C. PARKING AND GARAGES	Yes	No	Explanation of Non-Conformity / COMMENT
1. Where feasible, all properties which abut a lane should access the property from the lane and all parking should be in the rear yard.	<input type="checkbox"/>	<input type="checkbox"/>	N/A (PROPERTY DOES NOT ABUT A LANE)
2. For corner sites with no lane access, garages/carriage houses are encouraged to be in the rear yard with access via a driveway from the flanking street subject to approval from the City Engineer.	<input type="checkbox"/>	<input type="checkbox"/>	N/A (NOT A CORNER SITE)
3. Garage entrances are encouraged to be faced away from the street where possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	GARAGE ENTRANCES DO NOT FACE STREET
4. To reduce the amount of impervious surfaces on a lot, driveways and parking areas are encouraged to be surfaced with permeable paving material such as grassed cellular paving, porous pavers, or a comparable alternative satisfactory to the City. The width of driveways should be minimized and shared between units wherever possible.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	EXISTING DRIVEWAY AND PARKING AREAS ARE CONCRETE FROM ORIGINAL CONSTRUCTION
5. Garages incorporated into the building structure should not project beyond the front elevation. Garage doors shall incorporate windows.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	GARAGE DOES NOT PROJECT BEYOND FRONT ELEVATION AND DOORS HAVE WINDOWS
6. Detached parking garages and associated carriage houses are encouraged to be located near the rear property line, subject to zoning bylaw siting requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CARRIAGE HOUSE LOCATED AT REAR OF LOT
7. Parking and driveways shall not occupy more than 50% of the area of the front yard or, where the site has a flanking side street, not more than 50% of the area flanking side yard.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	DRIVEWAY AND PARKING <50% OF THE AREA OF THE FRONT YARD

D. NATURAL ENVIRONMENT & HAZARDOUS CONDITIONS	Yes	No	Explanation of Non-Conformity / COMMENT
1. Buildings and structures must be located on the portions of the site that are not environmentally sensitive.	<input type="checkbox"/>	<input type="checkbox"/>	N/A (NO PORTION OF THE SITE IS ENVIRONMENTALLY SENSITIVE)
2. The City may require that works be constructed to protect vegetation where there is a desire to preserve significant or landmark trees or where concern may be created by the development of the land.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BUILDING EXISTS WITHIN TREED AND LANDSCAPED YARD. NO TREES HAVE OR WILL BE REMOVED.
3. In areas where slopes are in excess of 30%, the City may require that tree preservation areas be established to control erosion and/or protect banks.			N/A (NO SLOPE > 30%)
4. In order to ensure adequate protection from erosion and soil instability, the City may regulate all land clearing, land grading, irrigation works, landscaping and may require hazard lands to remain free of development.			N/A (EXISTING LANDSCAPING AND IRRIGATION ARE MATURE) -> NO CLEARING REQUIRED.



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 2240/2240-30

From: Chief Administrative Officer

Date: Sept 27th 2021

Subject: Encroachment Agreements for Endure Projects Inc. BC1227832, 397 5th Street

PURPOSE:

The Purpose of this report is to request Council consider approval of two encroachment agreements for the property at 397 5th Street (former Palace Theatre site) between the City and Endure Projects Inc. (BC1227832)

CAO RECOMMENDATIONS:

That based on the September 27th staff report "**Encroachment Agreements for Endure Projects Inc. BC1227832, 397 5th Street**", Council approve OPTION 1 and authorize:

One subsurface encroachment agreement and a second aerial encroachment agreement with associated section 219 *Land Title Act* restrictive covenant registered against 397 5th Street, Lot A Section 61 Comox District Plan EPP102945, and;

That staff proceed with the statutory notice requirements in accordance with sections 24, 26(3) and 94 of the Community Charter and;

That the Mayor and an Officer of the City be authorized to execute all documentation relating to the agreements.

Geoff Garbutt, M.PI., MCIP, RPP
Chief Administrative Officer

BACKGROUND:

The site at 397 5th Street, Lot A Section 61 Comox District Plan EPP102945 is the former location of the Palace Theatre. The theatre had occupied this location from the 1940's until it was eventually demolished in 2008.

The current property owners are proposing to build a mixed use building on the site. The proposal is for a 4 storey building consisting of underground parkade, commercial occupancies at street level and 3 storeys of residential on the second through fourth floors. The developers have successfully navigated the development permit process and are in the latter stages of working through their building permit application review.

DISCUSSION:

Due to the relatively small site and the fact that the as designed building footprint covers the majority of the lot, there are proposed design and construction aspects that have necessitated the need for easement agreements.

The aerial encroachment agreement is required as the building has been designed with sunshade canopies projecting from above the first floor store front glazing along England Ave. Additionally there is an extension of the second floor, acting as a roof area, over the residential access doors, also adjacent to England Ave. Both of these design elements encroach over the City right of way and are addressed in the easement agreement and restrictive covenant in Appendix A.

The subsurface encroachment agreement, similar to the aerial encroachment, is necessitated due to the proximity of the building location to the site's lot boundaries. In order for the building's underground parkade to be constructed, temporary cast in place concrete shoring will be required to maintain the excavation walls in support of the roads, lane and sidewalks surrounding the site, until such time as the parkade walls can be constructed in support of the surrounding infrastructure. The shoring method proposed is that commonly seen in larger municipalities where excavations are routinely right up to the property lines. This design incorporates shoring anchor rods drilled and partially left in place under the City's road right of ways, thus requiring the easement agreement prior to any work taking place. Proposed agreement and design attached as Appendix B.

FINANCIAL IMPLICATIONS:

There are no financial implications to the City associated with the works or registering these agreements, as they are for the benefit of the developer.

ADMINISTRATIVE IMPLICATIONS:

Approximately 10 hours of staff time has been dedicated to preparing the necessary documents, consulting with the City's lawyer and liaising with the developer for the creation of the agreements. An additional 1-2 hours of staff time can be anticipated to facilitate the execution of the agreements.

ASSET MANAGEMENT IMPLICATIONS:

Not applicable

STRATEGIC PRIORITIES REFERENCE:

We focus on organizational and governance excellence

● Communicate appropriately with our community in all decisions we make

We actively pursue vibrant economic development

●▲ Engage with businesses and the public to continue revitalizing our downtown

OFFICIAL COMMUNITY PLAN REFERENCE:

Not applicable

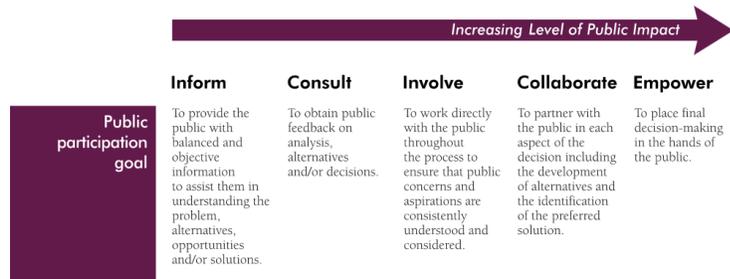
REGIONAL GROWTH STRATEGY REFERENCE:

Not applicable

CITIZEN/PUBLIC ENGAGEMENT:

The Community Charter, Section 26 requires that notice be given in accordance with Section 94 of the Charter, prior to disposition of land or improvements.

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



OPTIONS:

Option 1, Council authorize:

One subsurface encroachment agreement and a second aerial encroachment agreement with associated 219 restrictive covenant registered against 397 5th Street, Lot A Section 61 Comox District Plan EPP102945, and;

That Staff proceed with the statutory notice requirements in accordance with sections 24, 26(3) and 94 of the Community Charter and;

That the Mayor and an Officer of the City be authorized to execute all documentation relating to the agreements.

Option 2, That Council defer decision on approving the aerial and sub-surface encroachment agreements with Endure Projects Inc. BC1227832, pending receipt of further information and;

That Council provide specific direction to staff on how to proceed with the agreements.

Option 3, That Council do not authorize the encroachment agreements at this time.

Prepared by:

Trevor Sweeney, RBO
Manager of Building and Administrative Services

Reviewed by:

Ian Buck, MCIP, RPP
Director of Development Services

Concurrence:

Geoff Garbutt, M.Pl., MCIP, RPP
Chief Administrative Officer

Attachments:

- Appendix A Aerial Encroachment Agreement
- Appendix B Subsurface Encroachment Agreement

TERMS OF INSTRUMENT – PART 2**SECTION 219 COVENANT (ENCROACHMENT)**

THIS AGREEMENT made the ___th day of _____, 20__.

BETWEEN:

ENDURE PROJECTS INC., INC.NO. BC1227832
300 - 1681 Chestnut Street
Vancouver, BC
V6J 4M6

(the "Owner")

AND:

THE CORPORATION OF THE CITY OF COURTENAY,
830 Cliffe Avenue
Courtenay, BC,
V9N 2J7

(the "City")

WHEREAS:

- A. The Owner is the registered owner in fee simple of the following lands in the City of Courtenay in the Province of British Columbia, more particularly known and described as:

PID: 031-245-170
LOT A SECTION 61 COMOX DISTRICT PLAN EPP102945

(the "Land");

- B. There is or will be a steel canopy and overhang (the "Structures") attached to a building located on the Land;
- C. The Structures extends approximately 1.9 metres into that road allowance known as England Avenue, between 5th Avenue and the land north of 5th Avenue and south of 4th Avenue.
- D. Section 219 of the *Land Title Act*, R.S.B.C. 1996, c.250, as amended, permits the registration of a covenant of a negative or positive nature in favour of the City, in respect of the use of land or buildings, the building on land, or the subdivision of land;
- E. The Owner wishes to restrict the use of the Land in the manner specified in this Covenant;

This Covenant is evidence that in consideration of the promises of this Covenant, the payment of one dollar (\$1.00) by the City to the Owner, and other good and valuable consideration (the receipt and sufficiency of which are acknowledged by the parties), the Owner covenants and agrees with the City, in accordance with section 219 of the *Land Title Act*, as follows:

Strict Compliance

1. The Owner covenants, promises and agrees that the Land shall be used in strict accordance with this Covenant.

Encroachment Agreement

2. In this Covenant, the expression “Encroachment Agreement” means the agreement attached as Schedule “A” by which the City permits the encroachment of the Structures onto portions of that road allowance known as England Avenue.

Works

3. The Owner shall not use the Land, or any part of the Land, including the Structures, in any manner that undermines the structural integrity of the Structures or poses a risk or danger to the safe use of the Structures.

No Inconsistent Use

4. The Owner shall not use the Land, or any part of the Land, including the Structures, in any manner that is inconsistent with the Encroachment Agreement.

Encroachment Agreement

5. The Owner of the Land from time to time shall enter into a new encroachment agreement with the City in substantially the form of the Encroachment Agreement attached as Schedule “A”.

Inspections

6. The City and any of its officers and employees may inspect the Land for the purpose of ascertaining compliance with this Covenant.

Enforcement

7. The Owner acknowledges that it is in the public interest that this Covenant remain registered against the title to the Land and the Owner shall not commence an application to the court to have this Covenant discharged or modified in any way.

No Obligations on City

8. The rights given to the City by this Covenant are permissive only and nothing in this Covenant:
 - (a) imposes any duty of care or other legal duty of any kind on the City to the Owner or to anyone else;
 - (b) obliges the City to enforce this Covenant, which is a policy matter within the sole discretion of the City; or
 - (c) obliges the City to perform any act, or to incur any expense for any of the purposes set out in this Covenant.

No Effect on Laws or Powers

9. This Covenant does not:
 - (a) affect or limit the discretion, rights or powers of the City under any enactment or at common law;
 - (b) affect or limit any law or enactment relating to the Land; or
 - (c) relieve the Owner from complying with any law or enactment.

Indemnity

10. The Owner covenants and agrees with the City that the Owner must release, indemnify and save harmless the City and its elected and appointed officials, officers, employees and agents, from and against any and all actions, causes of action, liabilities, demands, losses, damages, costs, expenses (including legal fees and disbursements), fines and penalties, suffered or incurred by the City, whether brought by the Owner or by any other person, by reason of a breach of any covenant or agreement of the Owner set forth in this Covenant.

Interpretation

11. Reference in this Covenant to the singular includes a reference to the plural, and reference to the plural includes a reference to the singular, unless the context requires otherwise.

Covenant Runs With The Land

12. Every obligation and covenant of the Owner in this Covenant constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in

respect of the Land and this Covenant burdens the Land and runs with it and binds the successors in title to the Land. For certainty, unless the context expressly requires otherwise, the term “Owner” refers to the current and each future owner of the Land. This Covenant burdens and charges all of the Land and any parcel into which the Land is subdivided or consolidated by any means, including by deposit of a strata plan.

Registration

13. The Owner agrees to do everything necessary, at the Owner’s expense, to ensure that this Covenant is registered against title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Covenant.
14. The Owner shall, prior to execution of this Agreement, pay to the City the legal fees incurred by the City in the review or preparation of this Agreement including all legal fees incurred by the City Solicitor for consultation, meetings and correspondence (verbal and written) with City staff, City Council, the Owner and the solicitors.

Waiver

15. An alleged waiver by the City of any breach of this Covenant by the Owner is effective only if it is an express waiver in writing by the City of the breach in respect of which the waiver is asserted. A waiver by the City of a breach of this Covenant does not operate as a waiver by the City of any other breach of this Covenant.

Severance

16. If any part of this Covenant is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Covenant and the rest of this Covenant remains in force unaffected by that holding or by the severance of that part.

Enurement

17. This Covenant binds the parties to it and their respective successors, heirs, executors and administrators.

Further Acts

18. The Owner must do everything reasonably necessary to give effect to the intent of this Covenant, including execution of further instruments.

Deed and Contract

19. By executing and delivering this Covenant each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

PRIORITY AGREEMENT

Dundarave Mortgage Investment Corporation (the "Chargeholder") being the holder of Mortgage No. CA8250015 (the "Charge").

The Chargeholder, in consideration of the premises and the sum of One Dollar (\$1.00) now paid to the Chargeholder by the Transferee, hereby approves of, joins in and consents to the granting of the within Agreement and covenants and agrees that the same shall be binding upon its interest in or charge upon the Land and shall be an encumbrance upon the Land prior to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

IN WITNESS WHEREOF the Chargeholder has executed this Agreement on Form D to which this Agreement is attached and which forms part of this Agreement.

SCHEDULE "A"

ENCROACHMENT AGREEMENT

THIS AGREEMENT dated for reference this ____ day of _____, 20__ is

BETWEEN:

THE CORPORATION OF THE CITY OF COURTENAY

830 Cliffe Avenue
Courtenay, BC,
V9N 2J7

(the "City")

AND:

ENDURE PROJECTS INC., INC.NO. BC1227832

300 - 1681 Chestnut Street
Vancouver, BC
V6J 4M6

(the "Owner")

GIVEN THAT:

A. The Owner is the owner in fee simple of the parcel of land located within the City of Courtenay, British Columbia, at the civic address of 397 5th Street, and legally described as:

PID: 031-245-170

LOT A SECTION 61 COMOX DISTRICT PLAN EPP102945

(the "Land");

B. In conjunction with the Owner's use of Land, the Owner wishes to install and maintain certain structures on or over a certain portion of highway vested in the City known as 400 Block England Avenue, which is located immediately adjacent to the Land;

C. Section 35(11) of the *Community Charter* authorizes the City to permit encroachments and grant licenses of occupation in respect of a highway; and

D. The Council of the City has authorized the City to enter into this Agreement, by resolution.

THIS AGREEMENT is evidence that in consideration of one (\$1.00) dollar and other good and valuable consideration paid by the Owner to the City, the receipt and sufficiency of which the City acknowledges, the Owner and the City agree as follows:

License

1. The City grants to the Owner a non-exclusive license to enter onto and use that portion of highway shown outlined and labelled as “shaded area” on the sketch plan attached as Schedule “1” to this Agreement (the “Licence Area”) for the construction, installation and maintenance of a steel canopy and overhang (the “Structures”), the particulars of which are set out in Schedule “2” to this Agreement, which is attached or adjacent to the mixed-use commercial and residential building (the “Building”) located on the Land.

No Other Encroachments

2. The Owner shall not erect any structure or encroachment in the License Area except the Structures and the Owner shall not cause, permit or allow the Structures to encroach on any part of City land other than the License Area.

Term

3. This Agreement commences on the date that it is duly executed by both the Owner and the City and this Agreement expires whenever the Building or the Structures should be demolished or structurally altered in a significant way.

Acknowledgment of Highway

4. The Owner acknowledges that the License Area is comprised of highway and further acknowledges and agrees that any rights granted by the City to the Owner under this Agreement are not exclusive and are subject to the public’s right to pass and repass and that the City may require the removal of the Structures from the License Area and the restoration of the License Area at any time in accordance with this Agreement and without compensation to the Owner. Without limiting the foregoing, nothing herein shall in any way restrict the right of the City to at any time improve, widen, raise, lower or otherwise alter the highways or any part thereof, notwithstanding that the effect of such alteration may render the Structures or the License Area useless for the purposes of the Owner and the Owner releases the City from all manner of claims of any nature whatsoever that may arise by reason of such alteration.

Maintenance

5. The Owner shall at all times keep and maintain the Structures and the License Area in good and safe repair and in a clean and tidy condition, to the satisfaction of the City (without any obligation on the part of the City to determine what is good and safe repair

or clean and tidy condition). The City shall have no responsibility for maintaining the Structures or the License Area, except to the extent that it is normally responsible for the maintenance of highways in the City.

Remedy by City

6. If the Owner fails to keep the Structures in good and safe repair to the satisfaction of the City or otherwise defaults under this Agreement, the City may give notice to the Owner demanding that repairs be done or other matters rectified within the time specified by the City and if the Owner fails to do so to the City's satisfaction, the City may, in its sole discretion (without any obligation to do so), cause such repairs to be made, including structural changes, or other steps to be taken as the City deems necessary, at the Owner's expense. The Owner shall pay the costs of the repairs or other steps to the City forthwith upon demand. In the event that the City's invoice remains unpaid for a period of ninety (90) days from the date the invoice is delivered to the Owner, the City shall be authorized to recover the amount of the invoice, with interest at the rate of 6% per annum, compounded semi-annually from the date of issuance of the invoice, from the Land in the same manner as it would be able to collect unpaid municipal taxes.

No Excavation or Construction

7. The Owner shall not excavate in the License Area.

Construction Standards

8. The Owner must carry out all activities and works it undertakes within and around the License Area in a good and workmanlike manner, to the standard of a prudent property owner, and in accordance with sound engineering and construction practices.

Environmental Protection

9. The Owner shall not do or cause, permit or suffer anything to be done that may or does contaminate the License Area or any surrounding area and the Owner shall be solely responsible for removing all such contamination caused or contributed to, directly or indirectly, by the Owner's use or occupation of the License Area, and remediating the License Area to standards applicable to and appropriate for the use of the Building.

Obstruction

10. The Owner shall use all reasonable efforts to cause a minimum of obstruction and inconvenience during the installation, maintenance or repair of the Structures, and shall place and maintain such warning signs, barricades or lights at or near the site of any work in progress as required to give reasonable warning and protection to members of the public.

Utilities

11. Except as expressly authorized by the City, all work shall be done in such a manner as not to interfere with any existing municipal utilities or other utilities located in, on, over or under a highway.

Relocation

12. If any part of the License Area is required for any City purposes such that the permanent relocation of the Structures or a portion thereof is required in the opinion of the City, the City may give the Owner notice and the Owner shall, without compensation from the City, within two (2) weeks after receipt of such notice, remove or relocate the Structures or the portion thereof affected, all at the sole expense of the Owner.

Temporary Relocation

13. The City may, without compensation to the Owner, require that the Owner temporarily relocate the Structures, at the Owner's sole expense, to enable the City or a utility operator to maintain, repair, replace or construct utilities. If the Owner does not remove and replace the Structures as directed by the City, the City may carry out the work at the Owner's expense and the Owner shall pay the costs to the City forthwith upon demand.

City Access

14. Without limiting any other rights the City may have hereunder or at law, the City by its authorized agents or employees shall have the right at any and all times to enter onto and upon any part of the License Area for any purpose relating to the use and operation of highways or public works or utilities and for the purpose of inspecting the License Area and the Structures.

Insurance

15. The Owner shall provide and maintain throughout the term of this Agreement at its sole expense comprehensive general liability insurance providing coverage for acts or omissions by the Owner, its employees and agents, in the amount of not less than \$5,000,000.00 per occurrence, all inclusive, and the insurance policy shall:
 - (a) name the City as an additional insured;
 - (b) be issued by an insurance company entitled under provincial law to carry on business in British Columbia;
 - (c) state that the policy:

- (i) applies to each insured in the same manner and to the same extent as if a separate policy of insurance had been issued to each insured; and
 - (ii) cannot be cancelled, lapsed or materially changed without thirty (30) days' written notice to the City;
 - (iii) be maintained for a period ending twelve (12) months after this Agreement is otherwise terminated; and
 - (iv) not include any deductible amount greater than \$5,000.00 per occurrence.
16. The Owner shall provide the City with a copy of the certificate of insurance upon demand and shall thereafter provide copies of any amendment to the certificate of insurance.

Indemnification

17. The Owner shall indemnify and save harmless the City and its elected and appointed officials, officers, employees and agents from and against any and all suits, proceedings, liabilities, actions, damages, claims, losses, costs and expenses whatsoever (including without limitation, the full amount of all legal fees and expenses and costs associated with remediation or contamination) and harm of any kind, howsoever caused, whether related to death, bodily injury, property loss, property damage or consequential loss or damage, arising out of or in any way connected with:
- (a) the permission to encroach granted by this Agreement;
 - (b) the existence or use of the License Area;
 - (c) the construction, installation, maintenance, existence, use or removal of the Structures;
 - (d) any failure to pay for labour or materials relating to the Structures;
 - (e) any breach or default by the Owner under this Agreement; and
 - (f) any wrongful act, omission or negligence of the Owner, its officers, employees, contractors, subcontractors, agents, licensees, customers, clients, invitees and others for whom it is responsible.

Release

18. The Owner releases and forever discharges the City and its elected and appointed officials, officers, employees and agents from all manner of claims of any nature whatsoever, whether or not relating to negligence, which the Owner now has or at any future time may have, however caused, arising out of or in any way relating to the

permission to encroach granted by this Agreement, the existence of the License Area, the construction, installation, maintenance, existence, use or removal of the Structures, or the exercise by the City of any of its rights under this Agreement.

Survival of Terms

19. Sections 15 to 18 shall survive any expiration or earlier termination of this Agreement in relation to any event first arising or commencing on or before the expiration or termination of this Agreement.

Compliance with Laws

20. The Owner shall carry on and conduct its activities on the License Area in compliance with any and all statutes, enactments, bylaws, regulations and orders from time to time in force and shall obtain and maintain the required approvals, permits and licenses thereunder and shall not do or omit to do anything upon or from the License Area in contravention thereof.

Termination

21. The City may, without compensation to the Owner, at any time, in its sole discretion and without reason, withdraw the rights it has granted herein to the Owner by giving, in the case of a default hereunder by the Owner, seven (7) days' notice to the Owner or, in any other case, by giving sixty (60) days' notice to the Owner in writing. In the event of such withdrawal, the Owner shall, at its own expense, within such time as may be specified by the City, remove the Structures and restore the License Area to its original state to the satisfaction of the City.

Removal of Fixtures and Chattels

22. If the Owner fails to clear the License Area as required under this Agreement, the City by its employees or agents may, at the Owner's expense, remove the Structures and any other personal property and things on the License Area.

Taxes and Utilities

23. The Owner shall be solely responsible for the due and proper payment of all property taxes and other governmental taxes, fees, levies and charges which may be assessed and payable in respect of the Structures, the License Area or the license granted under this Agreement, and the Owner shall furnish and pay for any water, electrical, heating and other utility services required for the Structures.

No Compensation

24. The Owner shall not be entitled to compensation for injurious affection or disturbance resulting in any way from the removal of the Structures and, without limitation, shall not be entitled to business losses, loss of profit, loss of market value, relocation costs or other consequential loss by reason of the removal of the Structures or by reason of the termination of this Agreement.

Interest in Land

25. This Agreement does not grant the Owner any legal or equitable interest of any kind in the Licence Area or any exclusive right to occupy the License Area.

Enurement

26. This Agreement shall enure to the benefit of and be binding on the parties hereto notwithstanding any rule of law or equity to the contrary.

Transfer of the Land

27. The Owner shall not assign any of its rights and obligations arising from this Agreement to any person. The Owner shall not transfer its interest in the Land without causing the transferee to enter into a new encroachment agreement with the City on substantially the same terms as this Agreement, however the Owner may assign this Agreement to a strata corporation formed upon the deposit of a strata plan subdividing the Land provided a copy of the assignment agreement is delivered to the City. Until such time as the transferee enters into a new encroachment agreement, the previous Owner remains responsible for all the obligations of the Owner under this Agreement, even though that person is not at that time the registered owner of the Land. Once the Owner transfers its interest in the Land to a transferee and delivers or causes to be delivered to the City a new encroachment agreement duly executed by the transferee, this Agreement and the Owner's rights and obligations hereunder shall terminate.

Further Assurances

28. The parties hereto shall execute and do all such further deeds, acts, things, and assurances as may be reasonably required to carry out the intent of this Agreement.

Consents

29. Any approval, permission or consent of the City herein required shall be at the sole discretion of the City.

Waiver

30. Waiver by the City of any default by the Owner shall not be deemed to be a waiver of any subsequent default.

Notice

31. All communications to be given hereunder shall be in writing and personally delivered or sent by fax or registered mail to the applicable address or fax number set out above. Notices sent to the City shall be to the attention of the Director of Development Services. Any notice delivered by hand shall be considered given on the day it is delivered, any notice sent by fax shall be considered given on the day it is sent and any notice sent by registered mail shall be considered given on the fourth day after it is deposited at a Canada Post mailing point, provided that if before that fourth day there is a mail strike, slow down or other labour dispute which might affect the delivery of such notice mail, then such notice shall only be effective if delivered personally or sent by fax.

Interpretation

32. Whenever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context requires.
33. Every reference to each party is deemed to include the heirs, executors, administrators, corporate successors and permitted assigns of such party whenever the context so requires or allows.
34. Section headings are included for convenience only, do not form a part of this Agreement, and shall not be used in its interpretation.

Entire Agreement

35. The provisions herein contained constitute the entire agreement between the parties and supersede all previous communications, representations and agreements, whether verbal or written, between the parties with respect to the subject matter hereof.

Severance

36. If any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and decision that it is invalid shall not affect the validity of the remainder of this Agreement.

Time of Essence

37. Time is of the essence of this Agreement.

Governing Law

38. This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.

As evidence of their agreement to be bound by the above terms and conditions, the parties have executed this Agreement below on the dates written below.

**THE CORPORATION OF THE CITY OF
COURTENAY** by its authorized signatories:

Mayor:

Officer:

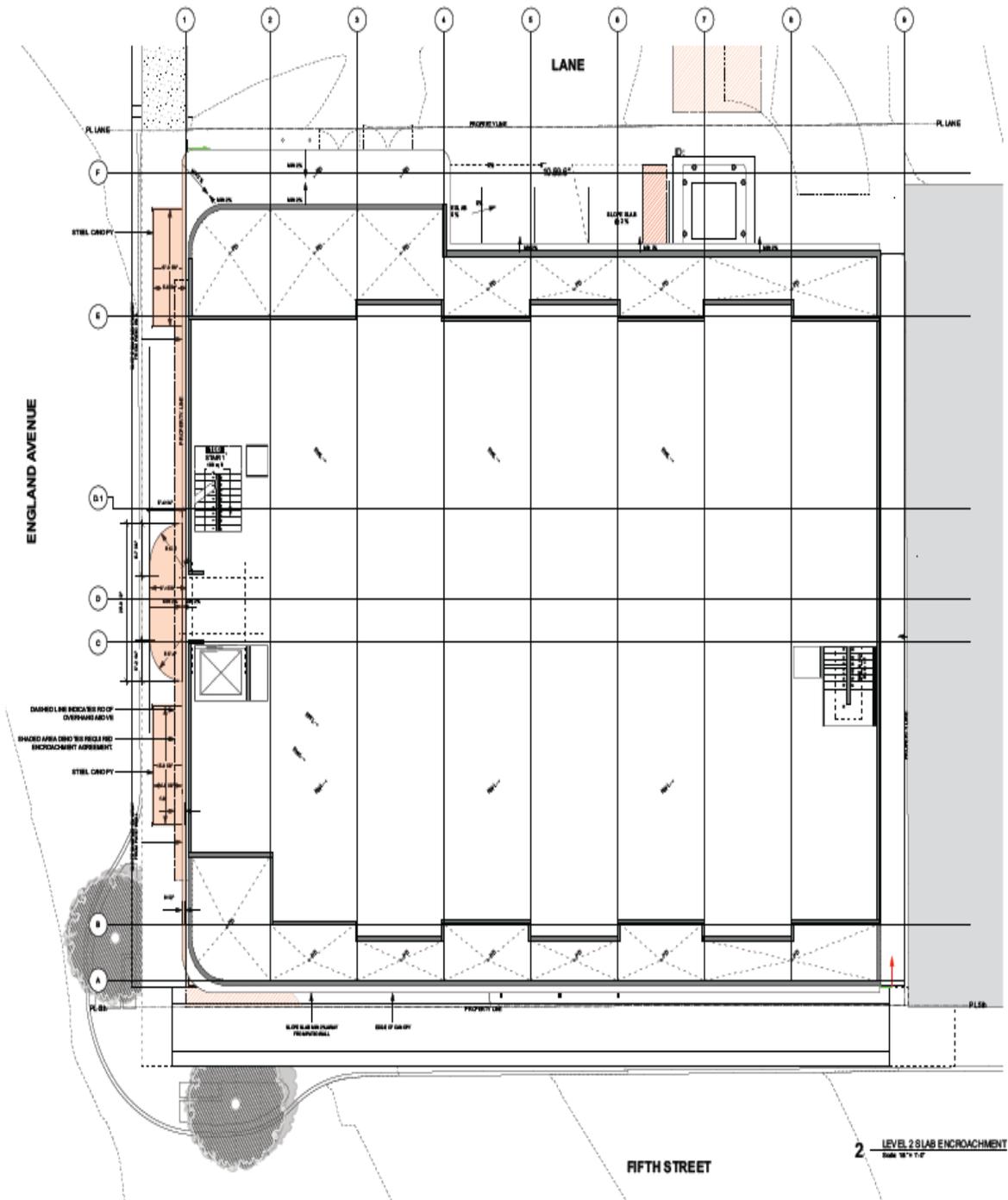
Dated the ____ day of _____ 20____

[print/type owner name]

[print/type owner name]

Dated the ____ day of _____ 20__

Schedule "1"



Schedule "2"

General Details of Structures

- Steel rods which are fastened to and supported by the building and which in turn support glazing, the combination of which provides weather protection for pedestrians from Level 1.
- Concrete extension of canopy from Level 2 slab.
- Roof overhang on Level 4.

ENCROACHMENT AGREEMENT

THIS AGREEMENT is dated for reference the _____ day of _____, 20__.

AMONG:

THE CORPORATION OF THE CITY OF COURTENAY

830 Cliffe Avenue
Courtenay, BC,
V9N 2J7

(the “**City**”)

AND:

ENDURE PROJECTS INC., INC.NO. BC1227832

300 - 1681 CHESTNUT STREET
VANCOUVER, BC
V6J 4M6

(the “**Licensee**”)

WHEREAS:

- A. The City is the owner of the following highways pursuant to 35(1)(a) of the *Community Charter* SBC 2004 c 26, which section provides that the soil and freehold of every highway in a municipality is vested in the municipality:
- (1) 300 Block 5th Street,
 - (2) 400 Block England Avenue,
 - (3) The laneway between 4th Street and 5th Street
- (the “**Highways**”);
- B. The Licensee is the registered and beneficial owner of the Licensee’s Property, which is adjacent to the Highways;
- C. The Licensee intends to construct, or cause to be constructed, the Project on the Licensee’s Property; and
- D. The City has agreed to grant to the Licensee certain licenses over portions of the Highways for the purpose of encroachments to facilitate the construction of the Project, all in accordance with the terms and conditions herein contained.

NOW THEREFORE in consideration of one (\$1.00) DOLLAR, the mutual covenants herein contained and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged and agreed to by the parties), the parties agree as follows:

1. DEFINITIONS AND INTERPRETATIONS

1.1 Definitions

In this Agreement, the following terms have the following meaning:

- (a) **“Agreement”** means this agreement, as amended from time to time;
- (b) **“City’s Improvements”** means Improvements located on, in or under the Licensed Area from time to time;
- (c) **“Commencement Date”** has the meaning set out in Section 3.1;
- (d) **“Construction Management Plan”** means the construction management plan in respect of the Project prepared by the Licensee and approved, in writing, by the City;
- (e) **“Contaminants”** means any substance, including without limitation urea formaldehyde, hydrocarbons, lead, polychlorinated biphenyls (**“PCBs”**), pollutants, contaminants, deleterious substances, dangerous substances or goods, hazardous, corrosive or toxic substances, hazardous wastes, wastes, pesticides, defoliants, and any material, including without limitation radioactive materials, asbestos-containing materials, PCB-containing equipment or materials, underground or above-ground tanks, and any other solid or liquid, gas, vapour, odour, heat, sound, vibration, radiation, or a combination of any of them, the storage, manufacture, disposal, handling, treatment, generation, use, transport, remediation or release into the environment of which is now or hereinafter prohibited, controlled or regulated under Environmental Laws;
- (f) **“Environmental Laws”** means all applicable federal, provincial, municipal and local laws, statutes, ordinances, by-laws, codes, regulations, and all policies, guidelines, standards, orders, directives, decisions rendered or promulgated by any ministry, department or administrative or regulatory agency or body whatsoever relating to fisheries, health and safety, the protection or preservation of the environment or the manufacture, processing, distribution, use, treatment, storage, disposal, discharge, transport or handling of Contaminants;
- (g) **“Improvements”** means buildings, structures, building services and all other improvements, including (for clarity and without limitation) infrastructure, services and utilities;
- (h) **“Licensed Area”** has the meaning set out in Section 2.2;
- (i) **“License Fee”** has the meaning set out in Section 2.3;

- (j) **“License Purposes”** has the meaning set out in Section 2.1;
- (k) **“Licensee’s Property”** means those lands and premises with the civic address of 397 5th Street, and legally described as Parcel Identifier 031-245-170; LOT A SECTION 61 COMOX DISTRICT PLAN EPP102945;
- (l) **“Project”** means the design and construction of a four storey mixed-use commercial and residential building;
- (m) **“Project Engineer”** means such professional firm of engineers as is retained by the Licensee from time to time to supervise the Project and the installation of the Works;
- (n) **“Security”** means the total amount of the security deposited by the Licensee with the City pursuant to Section 8.
- (o) **“Shoring Encroachment Area”** means the surface and the subsurface of that portion of the Highways immediately adjacent to the Licensee’s Property reasonably required by the Licensee for the purpose of installing and leaving the Works, as shown in Schedule A;
- (p) **“Termination Date”** has the meaning set out in Section 3.2;
- (q) **“Works”** means all those works comprising and including without limitation, tie back rods, retaining anchors, anchor rods, plates and underpinnings, concrete facing, shoring and other necessary structural supports, materials and improvements as may be necessary for the purposes of shoring up and underpinning that part of the excavation undertaken on the Licensee’s Property along the boundary line between the Licensee’s Property and the Highways or otherwise supporting the Highways and the City’s Improvements to enable the Licensee to construct the Project on the Licensee’s Property; and
- (r) **“Works Plans”** means the plans and specifications for the Works prepared on behalf of the Licensee by the Project Engineer, a copy of which is attached as Schedule B.

1.2 Severability of Provisions

If any provision or provisions herein contained is found by any court of competent jurisdiction to be illegal, invalid or otherwise unenforceable or void then such provision or provisions will be deleted and this Agreement will be construed as though such provision or provisions were never herein contained.

1.3 Amendments

No amendment, modification or waiver of this Agreement or of any of the provisions hereof will be binding unless executed in writing by the parties.

1.4 Headings

The headings of the parts, sections or subsections herein contained are not intended to limit, extend or be considered in the interpretation of the meaning of this Agreement.

1.5 Interpretation

Wherever the singular number or the masculine or neuter gender is used in this Agreement they will be construed as being the plural or feminine or body corporate and *vice versa* and wherever the plural is used in this Agreement it will be construed as being the singular and *vice versa* where the context or the parties so require.

1.6 Enurement

This Agreement will enure to the benefit of and be binding upon the parties and their respective successors and assigns.

1.7 Schedules

Schedules A and B are attached and form part of this Agreement. Schedule C may be attached pursuant to Section 8, and if so forms part of this Agreement.

2. GRANT OF LICENSE

2.1 Underpinnings License

The City hereby grants and confirms to the Licensee and its servants, agents, licensees, contractors and subcontractors a non-exclusive contractual license, enter the Shoring Encroachment Area, and to install and leave the Works, as permitted in the Works Plan, in the subsurface of the Shoring Encroachment Area for the purposes of shoring up that part of the excavation undertaken on the Licensee's Property which runs along the boundary line between the Licensee's Property and the Highways and for the purposes of supporting the Highway and the City's Improvements during the construction of the Project, subject to the terms and conditions of this Agreement.

2.2 License purposes and scope

The Shoring Encroachment Area (the "**Licensed Area**") will be only used for the purposes set out in Section 2.1, hereof, respectively (the "**License Purposes**").

The Licensee will ensure that it, its employees, engineers, architects, permittees, servants, agents, licensees, contractors and subcontractors will not enter into or encroach upon the Licensed Area except as provided for in this Agreement, or do anything which may damage, disturb, prejudice or adversely affect the Licensed Area or the foundations or any part of the City's Improvements or which may interfere with or interrupt any utilities or similar services supplied to or through the Licensed Area, except in accordance with any registered or unregistered agreement between the Licensee and the City.

2.3 License fee

In consideration of the rights herein granted, the Licensee will pay to the City the amount of ten (\$10.00) DOLLARS (“**License Fee**”) plus applicable taxes, payable in full upon execution of this Agreement. The parties acknowledge that the License Fee will be the only payment required to be paid for the use and enjoyment of the Licensed Area by the Licensee under this Agreement. The License Fee is without prejudice to any fee or charge imposed under the City’s bylaws.

3. TERM

3.1 Commencement of the Agreement

The license granted in Section 2.1 and all other rights, liberties, privileges and permissions granted by and obligations binding the parties under this Agreement will be effective on the date of this Agreement (the “**Commencement Date**”).

3.2 Termination of the licence

The licenses granted in Section 2.1 will terminate and be of no further force and effect in accordance with Section 3.3, on the earlier of:

- (a) a written notice from the City to the Licensee terminating this Agreement, if the Licensee is in default of any of its obligations under this Agreement, provided that the City has delivered a prior written notice to the Licensee and has given the Licensee a reasonable period in which to cure such default;
 - (b) automatically, upon the third anniversary of the Commencement Date; and
 - (c) automatically, upon the date upon which the Licensee receives a final occupancy permit or a certificate of final inspection from the City of Courtenay for all the dwelling units of the Project,
- (the “**Termination Date**”).

3.3 Removal of Works, Restoration, and Repair

Forthwith following the termination pursuant to Section 3.2, the Licensee will immediately, and in any event within no later than 30 days following such termination, at its sole cost and to the satisfaction of the City, in their sole discretion, remove all Works from the Licensed Area to the condition it was in prior to the Commencement Date and make good and repair any damage to the Licensed Area caused by or resulting from the exercise of the Licensee’s rights under this Agreement or the performance of the Licensee’s obligations under this Agreement. The Licensee may access the Licensed Area as reasonably necessary to comply with this Section 3.3, subject to the terms and conditions of this Agreement.

Without limiting the generality of the foregoing, the Licensee is not required to remove any concrete underpinnings or any anchor rods forming part of the Works, except as provided for in the Works Plan, provided that:

- (a) the Project will not rely upon any of the Works for permanent support; and
- (b) The Licensee will ensure that such underpinnings and anchors are de-tensioned or post grouted prior to or, in the case of termination pursuant to subsection 3.2(a), within twenty-one (21) days following the Termination Date.

4. COVENANTS REGARDING THE WORKS

4.1 Licensee's covenants

The Licensee covenants and agrees that:

4.1.1 Sound engineering practices

it will ensure that the excavation of the Licensee's Property, the shoring of the Highways by the Licensee and the construction and installation of the Works will be in accordance with sound engineering and construction practices and will be carried out expeditiously, with reasonable diligence and in a good and workmanlike manner, in accordance with all laws, directions, rules and regulations of every governmental authority having jurisdiction and by competent tradesmen;

4.1.2 Completion of the Works

within thirty (30) days after the completion of the construction and installation of the Works, it will cause the Project Engineer to deliver to the City one or more certificates evidencing the fact that the construction and the installation of the Works has been completed in accordance with the Works Plans and, if damage of any sort has been caused to the Licensed Area, or any part thereof, or the City's Improvements, that such damage has been repaired pursuant to Section 5.2 hereof; and

4.1.3 Good repair

during the term of this Agreement, it will, at its own cost, at all times keep the Works and all works, equipment, vehicles and structures related or appurtenant thereto in good and workmanlike repair and in accordance with all laws, directions, rules and regulations of every governmental authority having jurisdiction, and will not commit, suffer or permit any breach of such laws, directions, rules and regulations, or other act which interferes with or impedes or disturbs or adversely affects in a material way, directly or indirectly, the use of the Licensed Area, or any part thereof, or which might subject the City, or any user of the Licensed Area or any part thereof, to any penalties, costs, expense or other liabilities.

5. LICENSEE'S COVENANTS

The Licensee covenants and agrees that it will:

5.1 Due consideration

in the exercise of the rights herein granted, at all times act reasonably and with due consideration for the interests of the City and any occupants (including the general public);

5.2 Correct damage

use due care and attention to identify the location of the City's Improvements prior to the commencement of the Works and will, promptly and its sole cost, make good and repair, to the satisfaction of the City, in its sole discretion, any damage which it may cause to the Licensed Area or any City's Improvements, including as may be identified and directed by the City, in its sole discretion. If the Licensee fails to do so within a reasonable time after a written demand by the City, it will pay for the repair of any such damage no later than fifteen (15) days after receipt of an invoice from the City;

5.3 Project Engineer

it will engage, at its cost, a Project Engineer to supervise the construction and installation of the Works and to monitor any damage to the Licensed Area and the City's Improvements resulting from the Works, and the construction of the Project;

5.4 Construction Management Plan and Works Plan

it will exercise the rights herein granted in accordance with the Construction Management Plan and the Works Plans. For further certainty, neither the Licensee nor any of its agents, contractors or subcontractors will deviate in any way from the Construction Management Plan (as it relates to the Works and the use of the Licensed Area) or the Works Plans unless any plans and specifications or other information with respect to any such deviation is first submitted by the Licensee to the City for the approval of the City and the City delivers its written approval of such deviation to the Licensee;

5.5 Erect hoarding

it will erect such hoarding along the boundary line between the Licensed Area and the Licensee's Property, and such other hoarding as the City may reasonably require, as necessary to effectively prevent passersby from being endangered by the activities on the Licensee's Property with respect to the construction of the Project and thereafter maintain such hoarding until such time as it is no longer required to protect passersby from being endangered;

5.6 Interfere with the public as least possible

in exercising the rights herein, it will ensure that the public is interfered with as little as possible and shall not impede any pedestrian, vehicular or other traffic in the Licensed Area without the City's prior written consent, acting reasonably. For further certainty, if the Licensee wishes to temporarily close any portion of the Licensed Area, the Licensee and the City will determine to the satisfaction of the City the portion to be closed or motor vehicle traffic to be adjusted, the location of hoardings, the method for the temporary rerouting of motor vehicles and pedestrian traffic, the location of pedestrian walkways, the provisions made for traffic lanes and such other arrangements in respect to the closure or to the adjustment of motor vehicle traffic as the City may consider reasonably necessary. The Licensee will pay to the City all reasonable costs incurred by the City in connection

with such closure or adjustment within thirty (30) days after the receipt by the Licensee of a written invoice for such costs and expenses;

5.7 Standards of construction

it will ensure that all work to be conducted under this Agreement will be as reasonably required in keeping with the standards of the construction industry in the City of Courtenay, British Columbia;

5.8 Fees

it will be responsible for all fees, permits and construction expenses relating to the Works, the hoarding erected by it and the Project, including without limitation, the fees of all contractors it retains;

5.9 Liens and encumbrances

it will not create or permit to remain and will remove and discharge or cause to be removed and discharged promptly at its own cost and expense any lien, encumbrance or charge upon the Licensed Area which arises out of the use of the Licensed Area or the exercise of any of the rights granted herein by the Licensee, its employees, engineers, architects, permittees, servants, agents, licensees, contractors and subcontractors, or by reason of labour or material furnished or claimed to have been furnished for any construction, alteration, or repair of the Works, or the use of other construction vehicles or equipment;

5.10 Workers Compensation

it will be the "prime contractor" in respect of the Licensed Area and will comply with the obligations of a "prime contractor" under the *Workers Compensation Act*, the *Occupational Health and Safety Regulations* or any other applicable legislation;

5.11 Contaminants

it will not bring or allow its employees, engineers, architects, permittees, servants, agents, licensees, contractors and subcontractors to bring any Contaminants onto, into or under the Licensed Area. If the Licensee causes any Contaminant to be released onto the Licensed Area, or any adjacent property, in the course of using the Licensed Area pursuant to this Agreement, the Licensee will forthwith remediate the Licensed Area, or adjacent property, (including soil, water, groundwater and vapour) to the standard which existed immediately before such release occurred.

5.12 Insurance

it will:

- (a) prior to exercising any of its rights under this Agreement, arrange at its sole expense with one or more reputable companies duly authorized to carry on business in the Province of British Columbia such insurance policies as a

prudent owner of lands similar to the Licensee's Property would maintain with respect to the construction on such lands of a project similar to the Project and comprehensive general liability insurance in an amount not less than five million (\$5,000,000.00) DOLLARS per occurrence, under which insurance policies the City will be an additional insured with cross-liability and severability of interest clauses and a clause requiring the insurer to provide thirty (30) days' written notice to the City of the expiry, termination or material alteration of such policy, covering personal injury and death, property damage and damage to the City's Improvements and the Licensed Area;

- (b) maintain such insurance until the Termination Date; and
- (c) prior to exercising any of its rights under this Agreement, provide the City with evidence satisfactory to the City of such insurance and confirmation from the insurers that under the said insurance policy that the insurance policy will not be cancelled or materially amended without first giving thirty (30) days' notice to the City of cancellation or material amendment.

The Licensee agrees that if the Licensee does not maintain the required insurance to the Termination Date the City may effect the missing insurance and the Licensee shall pay all the City's costs of doing so within fifteen (15) days of receiving an invoice from the City.

6. CONDITION OF LICENSED AREA

6.1 As is where is

The City has not made and does not make any representations or warranties whatsoever pertaining to the environmental, structural or geotechnical condition of the Licensed Area or the City's Improvements. The Licensee acknowledges and agrees that the Licensed Area is licensed to the Licensee on an "as-is" basis.

6.2 No reliance by the Licensee

Without limiting the generality of the foregoing, the Licensee acknowledges that it does not rely upon any warranty or representation, whether oral, written or implied, given by or on behalf of the City concerning the following:

6.2.1 Fitness for any purpose

the fitness of the Licensed Area, environmental, geotechnical or otherwise, for any purpose including (without limitation) construction, replacement and maintenance of the Works;

6.2.2 Hazardous materials

the presence or absence of any Contaminants on or under, migrating to or from or within the surface or ground water of the Licensed Area; and

6.2.3 Systems

the existence, condition or state of any utilities or other systems on or under the Licensed Area.

7. RELEASE AND INDEMNITY

Without limiting any rights of the City under any federal, provincial or municipal enactment, or at common law, the Licensee on behalf of itself, any affiliated or related entities or parties and its and their successors and assigns hereby covenants and agrees to:

7.1 Release and Indemnity

release the City and its agents, affiliates, successors, employees, agents, officers and elected officials (the “**City Indemnified Parties**”); and indemnify the City Indemnified Parties against all damages, losses, costs, actions, causes of action, claims, demands, builders’ liens, liabilities, expenses, indirect or consequential damages (including, without limitation, the loss of profits and loss of use and including also (without limitation) any statutory cost recovery claims under the *Environmental Management Act*, as amended) (the “**Claims**”) which may arise or accrue to any person, firm or corporation against the City Indemnified Parties, or which the Licensee, its officers, employees, servants, agents and invitees may pay, incur, sustain or be put to by reason of:

- (a) the City Indemnified Parties:
 - (1) reviewing, accepting or approving the Works Plans or the Construction Management Plan; or
 - (2) inspecting the Licensed Area, the Works or any portion thereof,

unless such Claims relate in any way to negligent or wilful acts or omissions on the part of the City Indemnified Parties;
- (b) the environmental, structural and geotechnical condition of the Licensed Area (including the existence of Contaminants located in, on or under the Licensed Area).

For greater certainty, but without limiting section 8.1(c), the release and indemnity under this Section 8.1(b) extends to the Claims which the Licensee may incur as part of undertaking the Works (including excavation, dewatering and disposal costs), but does not extend to any remediation orders or cost recovery claims in respect of Contaminants which pre-existed this Agreement;

- (c) one or more of the following:
 - (1) this Agreement;
 - (2) the use and occupation of the Licensed Area by the Licensee;

- (3) the design, construction and installation (including any defective materials or faulty workmanship) of the Works or any portion thereof; and

unless such Claims relate in any way to negligent or wilful acts or omissions on the part of the City Indemnified Parties; and

- (d) one or more of the following:
 - (1) any negligent act or omission or wilful misconduct of the Licensee or any of its invitees, licensees, contractors, subcontractors, employees, agents and permittees in connection with the exercise of the rights and obligations of the Licensee under this Agreement; and
 - (2) any default in the due observance and performance of the rights and obligations of the Licensee under this Agreement.

7.2 Non-liability of the City

Without limiting the generality of the foregoing, the City will not be liable or responsible in any way for any personal injury that may be sustained by the Licensee, its contractors and their subcontractors, its invitees, those for whom the Licensee is responsible in law or any other person who may be upon, within or under the Licensed Area, or for any loss of or damage or injury to property belonging to or in the possession of the Licensee, its contractors and their subcontractors, its invitees, those for whom the Licensee is responsible in law or any other person, with the exception of any injuries sustained due to negligence or wilful acts or omissions on the part of the City, its officers, servants, agents or invitees.

8. SECURITY

8.1 Security Deposit

As security for the performance of all of the Licensee's obligations under this Agreement, the Licensee shall deposit with the City, concurrently with its execution of this Agreement, cash or an unconditional and irrevocable renewing letter of credit in a form satisfactory to, and issued by and presentable at a financial institution acceptable to, the City, in their sole discretion, a copy of which (if a letter of credit is provided) is attached to this Agreement as Schedule C (the "**Letter of Credit**"), in the initial amount of 125% of the cost of work covered in the Works Plans.

With respect to the Security:

- A) If the Security is in the form of a Letter of Credit, the City may, without notice to the Licensee, draw upon the Letter of Credit at any time in the event of any breach of any of the Licensee's obligations under this Agreement, or if the City receives a notice of non-renewal of the Letter of Credit, and may hold and use the proceeds in accordance with this Agreement;

- B) The City may at any time and from time to time, and without notice to the Licensee, use the Security in order to pay any costs incurred by the City to correct any breach of any of the Licensee's obligations under this Agreement.
- C) If the amount of the Security held by the City is reduced below the initial amount provided by the Licensee, the Licensee shall, within fourteen (14) days following notice from the City, deposit with the City sufficient funds to return the Security to the initial amount stated in this Section 8.1;
- D) The City may undertake any work it considers necessary or desirable to correct any breach of any of the Licensee's obligations under this Agreement, and may do so by itself or by contractors employed by it;
- E) If the Licensee breaches this Agreement, the City may, in its discretion, correct such breach and recover its costs from the Licensee and if those costs are not paid by the Licensee within thirty (30) days of receiving the City's invoice, the City may, without notice to the Licensee, use the Security to pay such costs and to cover any such costs that have already been paid by the City;
- F) If the City incurs any costs in correcting any breach of the Licensee's obligations under this Agreement, other than repairing damage caused by the Licensee or the
- G) Any interest on the Security, if provided or held as cash, shall form part of the Security;
- H) Following the 1-year anniversary of the Termination Date and the completion of the correction of any and all breaches of the Licensee's obligations under this Agreement, to the satisfaction of the City, in their sole discretion, any unused portion of the Security shall be returned to the Licensee;
- I) Any return of the Security shall be made to the Licensee, despite any change in the ownership of the Licensee's Property;

9. MISCELLANEOUS

9.1 Notice of Damage

On becoming aware of any damage to the Licensed Area or the City's Improvements which was not in existence prior to the Licensee exercising any of its rights under this Agreement and is a consequence of the Licensee exercising any of its rights under this Agreement, the party aware of such damage will notify the other party in writing and provide particulars of the damage and such damage will be repaired or paid for in accordance with Section 5.2.

9.2 Contractual Rights Only

This Agreement creates contractual rights only and does not create any interest in land.

9.3 Title to the Works

Notwithstanding the degree, nature or intention of the annexation of the Shoring Encroachment Area, ownership to the Works will remain in the Licensee until the Termination Date whereupon the title to that part of the Works located in the Shoring Encroachment Area and are permitted to remain in the Shoring Encroachment Area as set out in Sections 2.1 and 3.3 will pass to and vest in the City automatically and will thereafter be deemed to be part of the Highways.

9.4 Time of Essence

Time is of the essence in the performance of each obligation under this Agreement.

9.5 Entire Agreement

This Agreement constitutes the entire agreement between the parties and supersedes every previous agreement, communication, expectation, negotiation, representation or understanding, whether oral or written, express or implied, statutory or otherwise, between the parties with respect to the subject matter of this Agreement.

9.6 Transfer of the Licensee's Property

Prior to the Termination Date, the Licensee will not transfer its interest in the Licensee's Property or any part thereof unless the transferee executes an assumption agreement in favour of the City to observe and perform the obligations of the Licensee under this Agreement. This Section 9.6 will not apply to transfers of individual strata lots forming part of the Project.

9.7 Licensee Expense

The Licensee shall perform, observe, and comply with its obligations under this Agreement at its own expense.

9.8 Unavoidable Delays

If the City or the Licensee is delayed from performing any obligation hereunder as a result of any earthquake, flood or other act of nature, fire, explosion or accident, act of any governmental authority, strike, lockout, climatic condition or any other event of any nature whatsoever beyond the control of the City or the Licensee, as the case may be, then at the option of the City or the Licensee, as the case may be, the time within which the City or the Licensee, as the case may be, must do anything hereunder will be extended for a period equivalent to such period of delay.

10. NOTICE

10.1 Method and Address

Any notice, request or communication required or permitted to be given hereunder will be in writing and will be deemed to have been duly given:

- (a) if intended for the City, if delivered or sent by facsimile or e-mail transmission to the City as follows:

Director of Development Services

Phone No: 250 703 4839

Email: planning@courtenay.ca

- (b) if intended for the Licensee, if delivered or sent by facsimile or e-mail transmission to the Licensee as follows:

[name]

[address]

Phone No:

Email:

Attention:

or to such address as any party may specify in writing from time to time and will be deemed to have been received, if delivered or faxed on the date of delivery or transmittal.

IN WITNESS WHEREOF the parties have duly executed this Agreement as of the day and year first above written.

THE CORPORATION OF THE CITY OF COURTENAY, by its authorized signatory(ies):

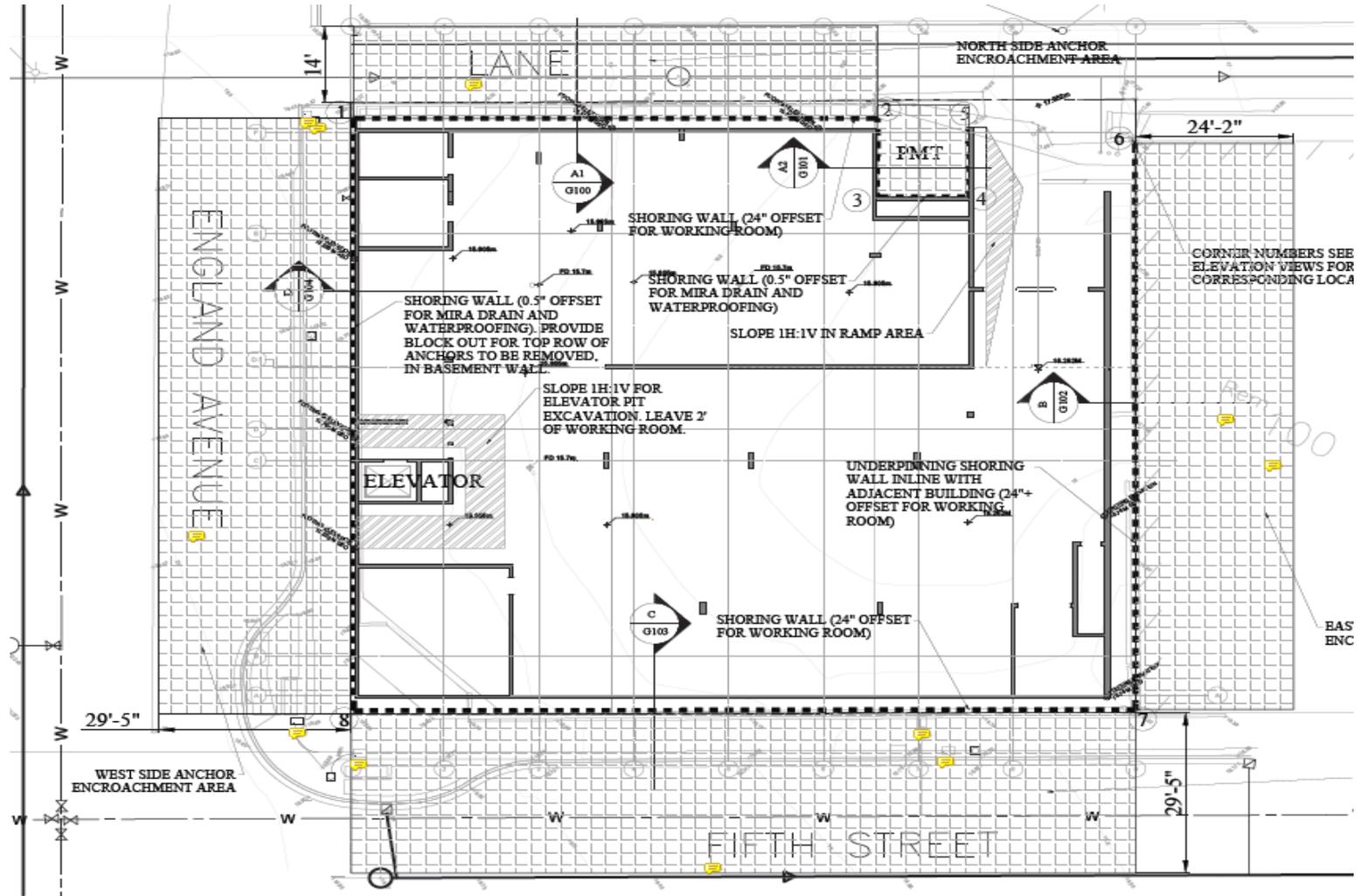
Authorized Signatory

Authorized Signatory

[NAME],
by its authorized signatory(ies):

Authorized Signatory

SCHEDULE A Shoring Encroachment Area



SCHEDULE B
WORKS PLANS

Project:

5th + England Ave (Palace Place)
397 5th St,
Courtenay, BC

Client:

ONSITE ENGINEERING LTD.

Drawings Provided By



Davies Geotechnical Inc.
#2 - 1520 Cleveland Avenue, Delta, B.C. V3M 6J8
Tel: 604-382-2300 Fax: 604-382-2301

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- G1102: East Shoring Wall Views
- G1103: South Shoring Wall Views
- G1104: West Shoring Wall Views
- G200: Details A, B, and C
- G300: Typical Shotcrete and Shoring General Notes (1/2)
- G301: Typical Shotcrete and Shoring General Notes (2/2)

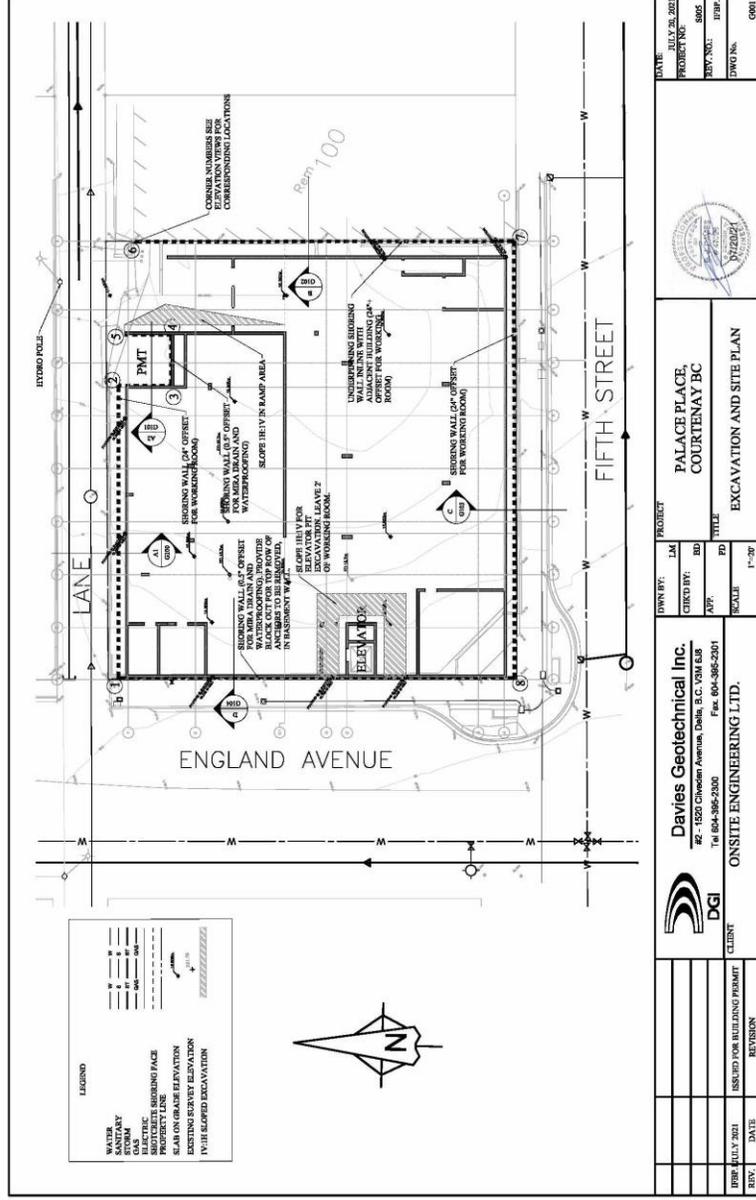
EXCAVATION/SHORING DESIGN DRAWINGS

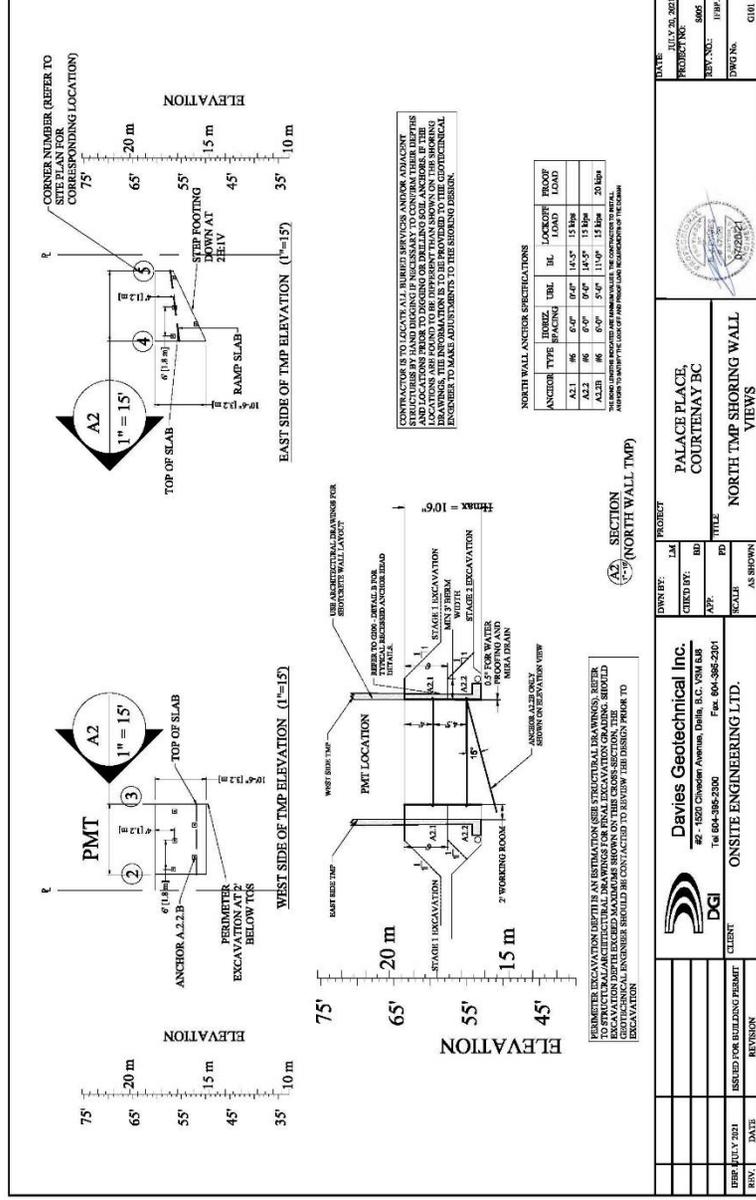
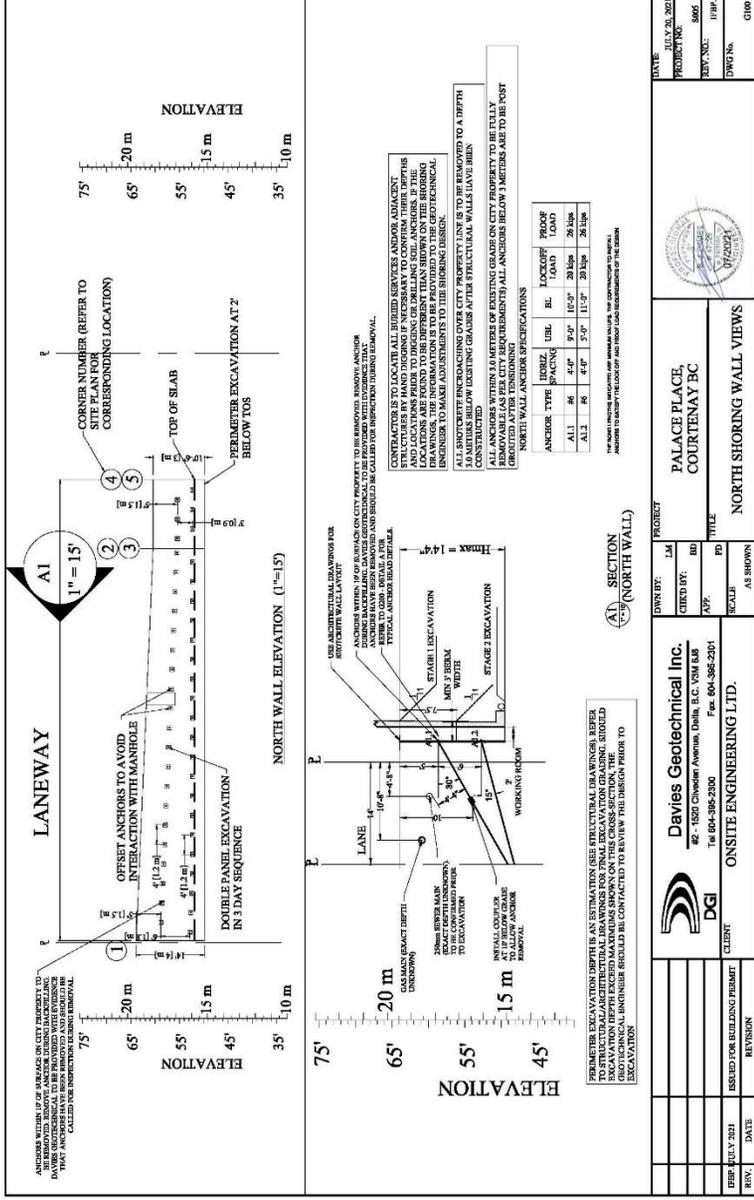
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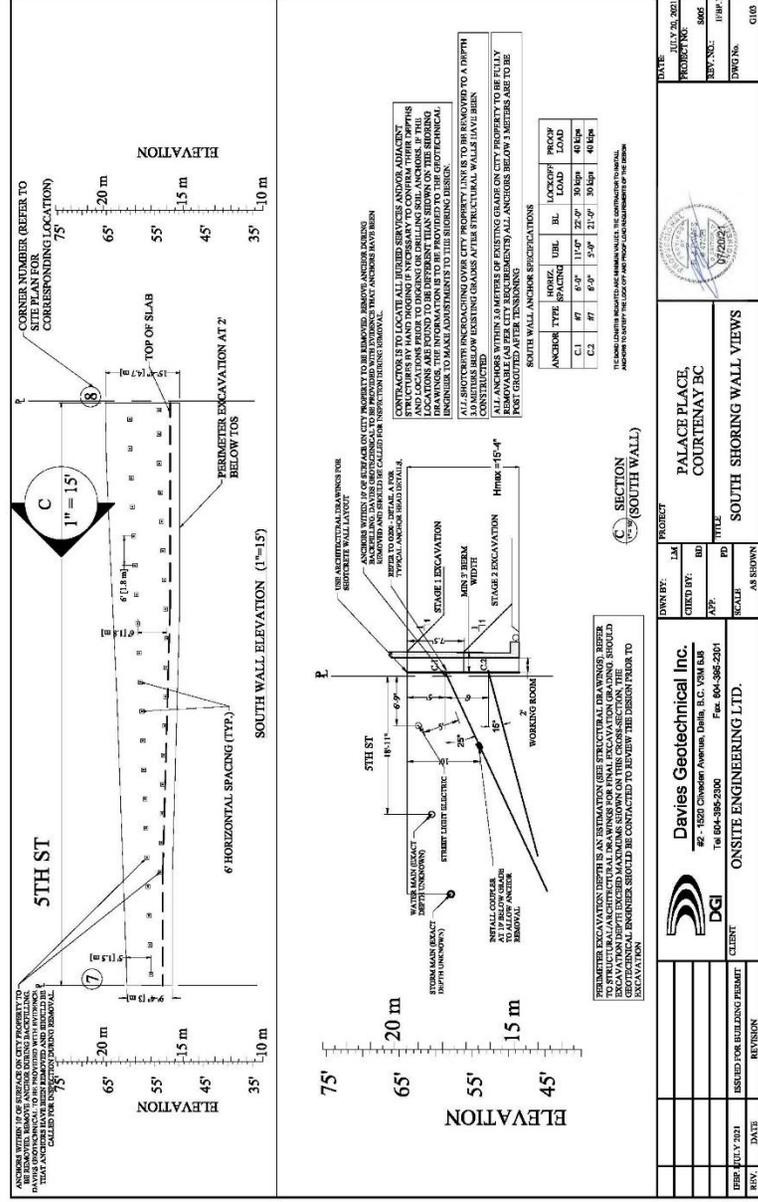
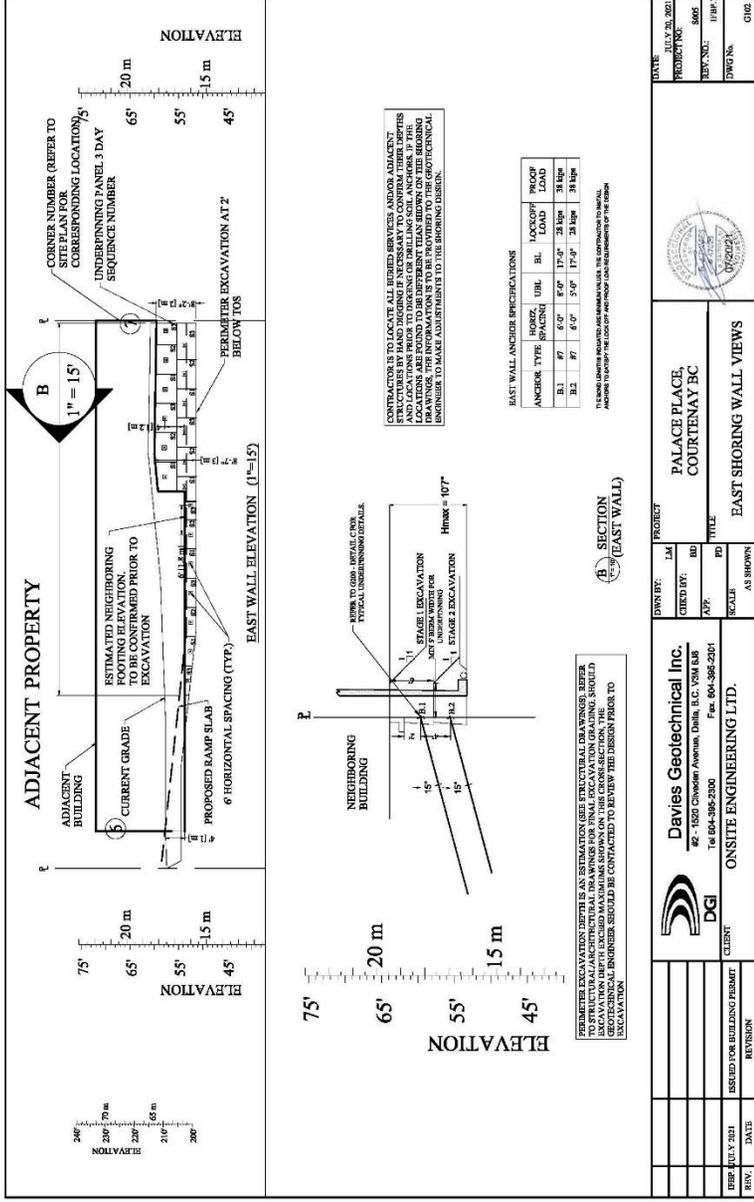
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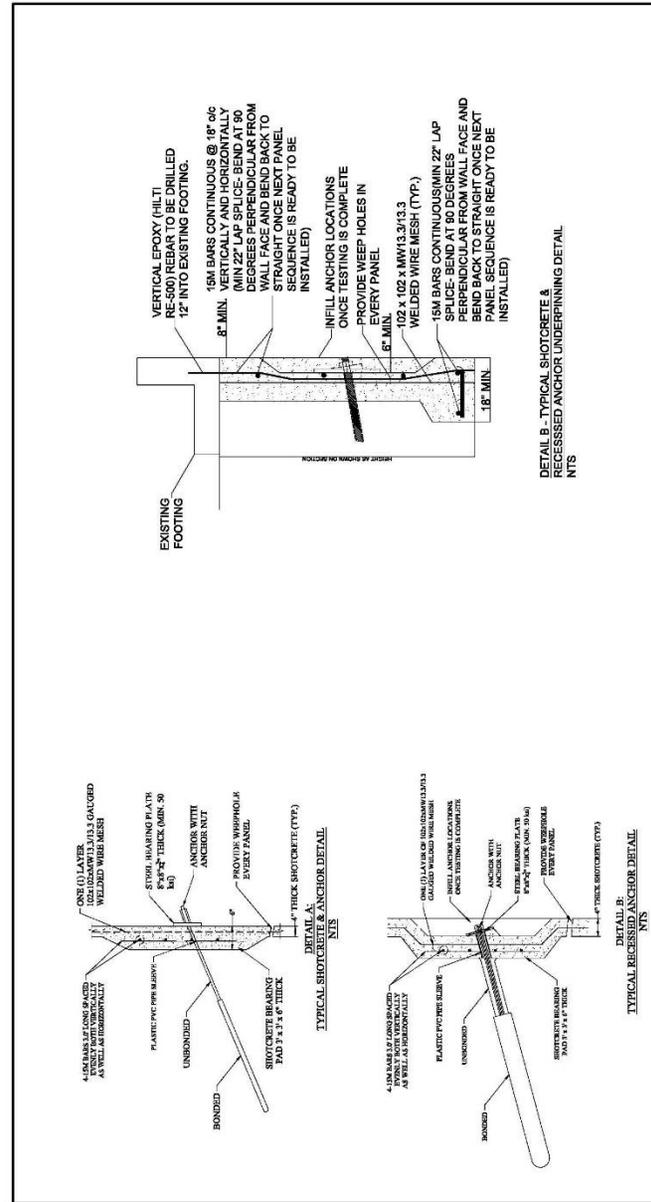
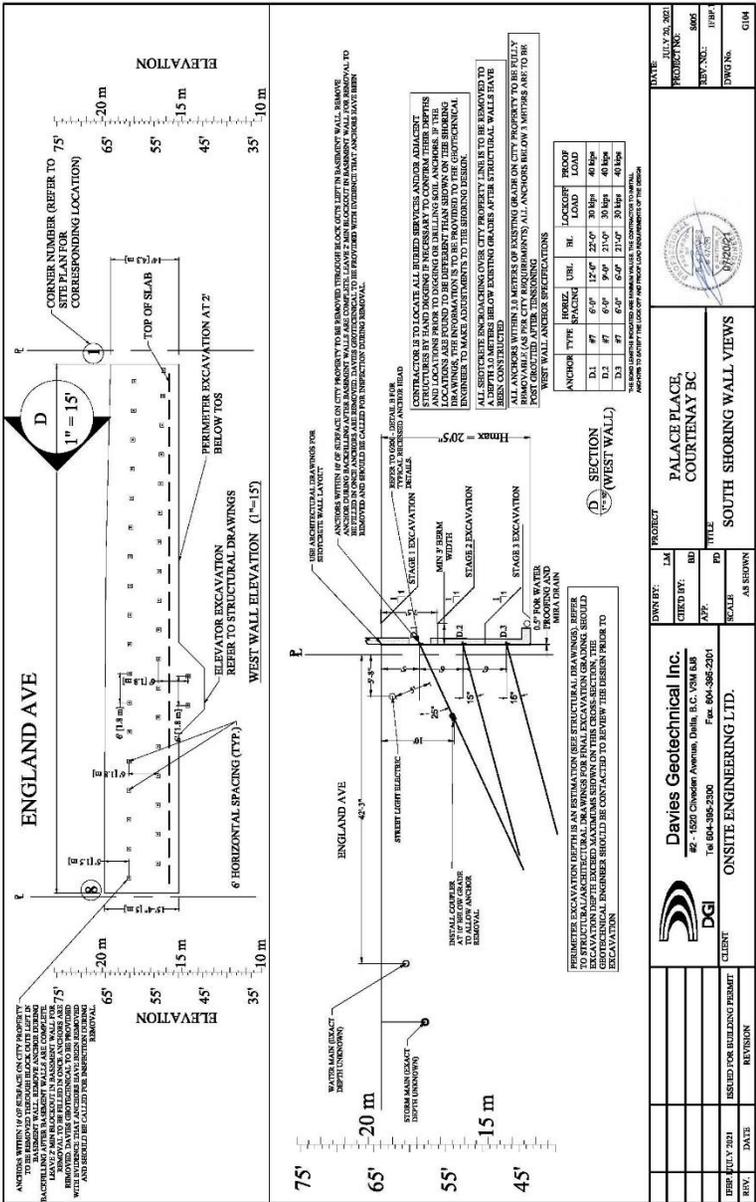
REFERENCE DRAWINGS

ARCHITECTURAL - MacDonald Hignett Arch. - (MARCH 29, 2021)
SURVEY - McElhannay - FEBRUARY 24, 2020









DATE	PROJECT	DATE	PROJECT
REV. NO.: 0000	PALACE PLACE, COURTENAY BC	REV. NO.: 0000	PALACE PLACE, COURTENAY BC
DWG. NO. 1718P	TITLE	DWG. NO. 1718P	TITLE
	SOUTH SHORING WALL VIEWS		SHORING DETAILS
DATE	PROJECT	DATE	PROJECT
REV. NO.: 0000	PALACE PLACE, COURTENAY BC	REV. NO.: 0000	PALACE PLACE, COURTENAY BC
DWG. NO. 1718P	TITLE	DWG. NO. 1718P	TITLE
	SOUTH SHORING WALL VIEWS		SHORING DETAILS

<p>A. General Notes</p> <p>A.1 REFERENCE DRAWINGS ARCHITECTURAL - MacDonald Hagarty - March 29, 2021 SURVEY - MacIntyre - February 24, 2020</p> <p>All dimensions and details on excavation drawing shall be checked by the Contractor for compatibility with the building design plans before commencing work. Discrepancies shall be reported to the Geotechnical Engineer immediately. The showing drawings should not be used for layout. All layout should be based upon the Architectural and Structural Plans.</p> <p>A.2 GEOTECHNICAL ENGINEER The Geotechnical Engineer is Davies Geotechnical Inc. Phone: 604-966-2300 Fax: 604-966-2301</p> <p>A.3 NOTIFICATION The Geotechnical Engineer shall be notified a minimum of 48 hours in advance when excavation and shoring works are to proceed. The Geotechnical Engineer shall be notified of any change that deviates from the approved Shoring and Excavation drawings.</p> <p>A.4 SOIL CONDITIONS Shoring design is based on Onsite Engineering Geotechnical Report Shoring design is based on assumed ground conditions consisting of dense cohesive till-like soils as per information provided by Onsite Engineering. The Geotechnical Engineer may require alterations or additions to the excavation and shoring if conditions warrant. The bore lengths for the anchors are based upon assumed conditions and should be confirmed at the beginning of the contract. The anchors may be lengthened or shortened based upon the results of this investigation.</p> <p>A.5 GROUNDWATER CONDITIONS For groundwater conditions refer to Onsite Engineering Geotechnical Report. The contractor shall ensure that any water seepage into the work hole through the shoring face and a pumped sump system is controlled. Should significant water seepage be encountered within the excavation, the Geotechnical Engineer should be contacted to determine the requirement of a mechanical dewatering system (i.e. well point dewatering).</p> <p>A.6 PERMITS AND INSURANCE If required, the contractor shall obtain permits and permissions for excavation and encroachment onto adjacent properties. These shall be obtained in writing and provided to the Geotechnical Engineer prior to commencement of construction.</p> <p>A.7 UTILITIES It is the contractor's responsibility prior to commencing the work to confirm the location and depth of all services that may be impacted by the proposed shoring work. Utility companies shall be notified at least 24 hours prior to commencement of work. If necessary adjust anchor locations to avoid damaging services. Inform the Geotechnical Engineer before proceeding with any adjustments.</p> <p>A.8 ADHERENCE TO REGULATIONS The contractor shall comply with the requirements of all regulatory statutes, federal, provincial and municipal, and comply with the requirements of all government departments including the Department of Fisheries and Oceans (DFO), the British Columbia Occupational Safety and Health Act and the Environmental Protection Act. The contractor shall ensure that all excavation and construction procedures are undertaken in such a manner as to prevent this-below runoff from the work site from entering the downstream drainage system.</p> <p>Excavation slopes which are not shown on this drawing should conform to applicable regulation, including the Industrial Health and Safety Regulations of the Worker's Compensation Board of British Columbia.</p>		<p>OWN BY: LM CREATED BY: ID APP: PD SCALE: N/A</p>	<p>PROJECT: PALACE PLACE, COURTENAY BC TITLE: TYPICAL SHOTCRETE AND SHORING STANDARD NOTES (1 / 2)</p>	<p>DATE: JULY 20, 2021 PROJECT NO.: 5005 REV. NO.: 01PP DWG NO.: 0100</p>
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<p>A.9 STABILITY AND GROUND MOVEMENT The shoring and anchors are temporary (unless otherwise noted) and are designed for the duration of construction only. Shoring should be installed in such a manner as to prevent any loss of ground or significant movement of adjacent structures. Any damage to adjacent property, services and installations due to lack of good workmanship shall be remediated at the Contractor's expense. The shoring system and installations shall be designed to provide adequate support around the perimeter of the excavation and to prevent any lateral or horizontal movements. It is confirmed that the lateral and vertical movements at the top of the excavation shall be limited to a maximum of 10 mm (3/8") in any direction. The Contractor shall ensure that the shoring system complies with the contractor installation procedures, if the procedures do not conform to those indicated in these specifications. The Contractor should take appropriate measures during excavation to reduce unnecessary movement.</p> <p>The Geotechnical Engineer has the authority in an emergency to stop the progress of the work and to order remedial measures as necessary. However, in his opinion, such stoppage or remedial measures may be necessary for the safety of adjacent property.</p> <p>A.10 EROSION CONTROL Unless noted or otherwise directed, all slope cuts shall be covered with welded wire mesh and 6 mil polyethylene sheeting and held securely. Mesh is to be tied to 10M pipe driven 2 feet into soil at 30 foot spacing.</p> <p>A.11 SURCHARGE LOADING The shoring system as designed and shown does not include any allowance for surcharge loading around the perimeter (other than that indicated on the drawings) of the excavation and within a horizontal distance equivalent to one half the height of the excavation. The contractor shall ensure that no surcharge loading is applied to the shoring system. Surcharge loads on concrete tracks adjacent to the shoring system.</p> <p>B. MATERIALS All materials and specifications for proposed alternative materials may be submitted to the Geotechnical Engineer for technical review.</p> <p>B.1 SHOTCRETE Shotcrete installation shall conform to A.C.I. 506.2-77. B.1.1 Shotcrete strength shall be at least 4300 psi (30 MPa) at 28 days and 3000 psi (21 MPa) in 3 days. B.1.2 Shotcrete shall be placed in a minimum of 4" (100 mm) thick, unless noted otherwise on the drawings. B.1.3 Shotcrete shall be a minimum of 4" (100 mm) thick, unless noted otherwise on the drawings. B.1.4 Shotcrete shall be a minimum of 4" (100 mm) thick, unless noted otherwise on the drawings.</p> <p>B.2 REINFORCEMENT B.2.1 Wire mesh to be 4" x 4" @ 8" x 8" (102 x 102MM 13 x 13MP13.3), and shall have a minimum yield strength of 60 ksi. B.2.2 Wire mesh to be 4" x 4" @ 8" x 8" (102 x 102MM 13 x 13MP13.3), and shall have a minimum yield strength of 60 ksi. B.2.3 Shotcrete bearing pad to be 3" x 3" x 4" (100 x 100 x 150 mm) and reinforced with 4 - 15M bars oriented each way. B.2.4 Bearing pad reinforcement shall conform to C.S.A. G30-12 Grade 300. B.2.5 Structural steel to conform to specifications on drawings and to C.S.A. G30-12 Grade 300.</p> <p>B.3 GROUT B.3.1 Anchor grout shall be batched in accordance with manufacturers specifications. Grout to be 3000 psi (20 MPa) strength at the time of testing and 4500 psi (30 MPa) at 28 days.</p> <p>B.4 ANCHORS B.4.1 Anchors shall be sized in accordance with the drawings and specifications as indicated in the cross section tables. Bore lengths on the drawings are minimums. The contractor shall ensure that the anchors are installed to the full length and that the anchors are installed to the full length. A minimum of 24 hours shall be allowed for the grout to cure before the anchors are tested. The Contractor's expense unless determined to be due to changed ground conditions by the Geotechnical Engineer.</p>		<p>OWN BY: LM CREATED BY: ID APP: PD SCALE: N/A</p>	<p>PROJECT: PALACE PLACE, COURTENAY BC TITLE: TYPICAL SHOTCRETE AND SHORING STANDARD NOTES (1 / 2)</p>	<p>DATE: JULY 20, 2021 PROJECT NO.: 5005 REV. NO.: 01PP DWG NO.: 0100</p>
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THE CORPORATION OF THE CITY OF COURTENAY
STAFF REPORT TO COUNCIL

To: Council

File No.: 6900-01

From: Chief Administrative Officer

Date: September 27, 2021

Subject: Municipal and Regional District Tax (MRDT) Service Contract with Tourism Vancouver Island (TVI) and CVRD MOU

PURPOSE:

The purpose of this report is to approve the agreement and Memorandum of Understanding (MOU) that defines the conditions under which Tourism Vancouver Island will utilize City of Courtenay Municipal and Regional District Tax (MRDT) to provide destination marketing services for the Comox Valley.

POLICY ANALYSIS:

Section 123 of the *Provincial Sales Tax Act* imposes a tax of up to three percent on the purchase price of accommodation in a specified geographic area of the province on behalf of a designated recipient.

The *Designated Accommodation Area Tax Regulation, B.C. Reg. 93/2013* sets out the authorized purposes for funds collected under the MRDT program.

EXECUTIVE SUMMARY:

Due to the contract termination and wind up of the Comox Valley Economic Society (CVEDS), the previous MRDT regulation in place for the City of Courtenay was repealed as of August 31, 2021. A new application was submitted to re-establish the tax, which has now been approved by the Ministry of Finance and will be effective September 1, 2021. The final step in this process is to establish an agreement between the City of Courtenay and Tourism Vancouver Island to provide for management, delivery and reporting of the MRDT funds on behalf of the City of Courtenay.

CAO RECOMMENDATIONS:

That based on the September 27, 2021 staff report "Municipal and Regional District Tax (MRDT) Service Contract with Tourism Vancouver Island (TVI) and CVRD MOU" that Council endorse the agreement with Tourism Vancouver Island and Memorandum of Understanding (MOU) including the Comox Valley Regional District; and

That the Mayor and the Deputy Corporate Officer be authorized to sign all required documentation.

Respectfully submitted,

Geoff Garbutt, M.P.I., MCIP, RPP
Chief Administrative Officer

BACKGROUND:

On May 31, 2021 Council passed the following resolution:

2.1.1 Municipal and Regional District Tax (MRDT) Re-implementation

Moved By Frisch

Seconded By McCollum

THAT the May 31st, 2021 staff report “Municipal and Regional District Tax (MRDT) Re-implementation” be received for information.

Carried

Moved By McCollum

Seconded By Cole-Hamilton

THAT based on the May 31st, 2021 staff report “Municipal and Regional District Tax (MRDT) Re-implementation” that Council approve proceeding with the application to the Ministry of Finance to implement the Municipal and Regional District Tax within the City of Courtenay; and

THAT Council endorse the City of Courtenay Municipal and Regional District Tax Levy Bylaw No. 3041, 2021; and,

THAT Tourism Vancouver Island be authorized as the designate organization for tourism program implementation, and;

THAT Council direct staff to proceed with drafting a contract with Tourism Vancouver Island to administer the tourism and destination marketing programs and MRDT for Council approval.

Carried

The City of Courtenay received notification from the Ministry of Finance on July 5, 2021 that its MRDT application was approved by Order in Council and will take effect September 1, 2021 for five years.

This additional tax has been in place within the City of Courtenay service area since 2012 and requires a new application every five years to remain in place. The recent cancellation of the CVEDS contract with the Comox Valley Regional District (CVRD) to provide tourism services resulted in a new application requirement for the MRDT in the City of Courtenay.

DISCUSSION:

The MRDT rate remains at 2% as it has in the past and will have a new repeal date of September 1st, 2026. Short-term accommodation providers (Hotels and registered online accommodation providers) within the City of Courtenay service area will continue to collect this additional tax on room purchases and remit it to

the Province. The Province will in turn remit these funds to the City of Courtenay on a monthly bases to be used towards tourism marketing, programs and projects.

Now that the MRDT has been approved, the final step in the process is to establish an agreement with TVI to provide for administration, management, delivery and reporting of the MRDT funds on behalf of the City of Courtenay.

Schedule A and B in the attached agreement outlines all of the reporting, stakeholder engagement, and payment requirements of the agreement.

In addition, it is recommended to establish a MOU between the City, TVI and the CVRD to ensure collaboration on the delivery of destination marketing for the Comox Valley and to clearly outline the roles and responsibilities and flow of funds relating to the MRDT.

FINANCIAL IMPLICATIONS:

The MRDT generates approximately \$350,000 annually to provide tourism marketing, programs and projects for the Comox Valley. With the support of TVI and the CVRD, there are no budget implications to the City of Courtenay for implementing this tax in 2021.

ADMINISTRATIVE IMPLICATIONS:

Once Council endorses this contract and funds begin to flow to the City of Courtenay, there will be administrative impacts to remit funds to TVI and continue to oversee contract and reporting compliance.

ASSET MANAGEMENT IMPLICATIONS:

Not Applicable

STRATEGIC PRIORITIES REFERENCE:

We actively pursue vibrant economic development

▲ Continue to explore innovative and effective economic development opportunities

We continually invest in our key relationships

▲■ Advocate and cooperate with local and senior governments on regional issues affecting our community

- **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:

N/A

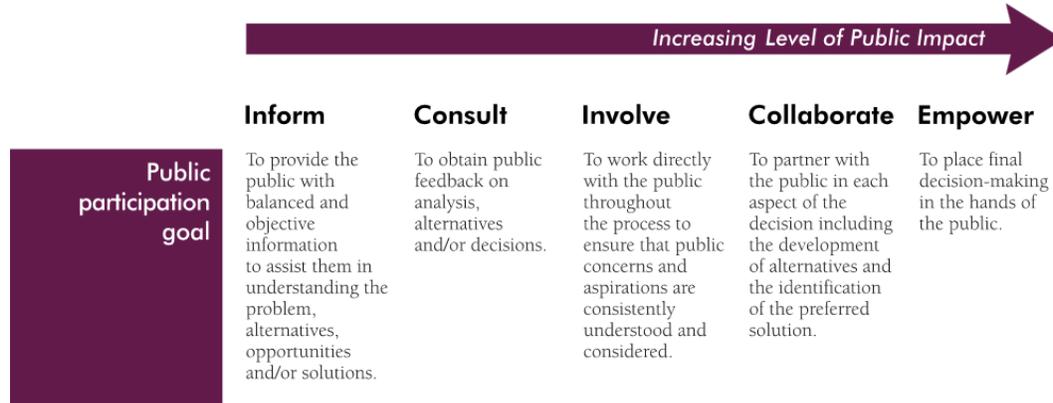
REGIONAL GROWTH STRATEGY REFERENCE:

N/A

CITIZEN/PUBLIC ENGAGEMENT:

Staff will **inform** based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

- OPTION 1: That Council endorse the agreement with Tourism Vancouver Island and Memorandum of Understanding including the Comox Valley Regional District; and
That the Mayor and the Deputy Corporate Officer be authorized to sign all required documentation.
- OPTION 2: That Council defer the endorsement of the agreement with Tourism Vancouver Island and Memorandum of Understanding including the Comox Valley Regional District for further discussion at a later Council meeting.
- OPTION 3: That Council not support endorsement of the agreement with Tourism Vancouver Island and Memorandum of Understanding including the Comox Valley Regional District.

Prepared by:

Jennifer Nelson, CPA, CGA
Director of Financial Services

Concurrence:

Geoff Garbutt, M.PI., MCIP, RPP
Chief Administrative Officer

- Attachments: #1 MRDT Tourism Vancouver Island Agreement
- #2 MOU – CVRD, City of Courtenay, TVI

THIS AGREEMENT MADE THIS _____ DAY OF _____, 20____.

BETWEEN:
(the “parties)

THE CORPORATION OF THE CITY OF COURTNEY

830 Cliffe Avenue
Courtenay, BC V9N 0G8

(the "CITY")

AND:

TOURISM ASSOCIATION OF VANCOUVER ISLAND

201-1934 Boxwood Avenue
Nanaimo, BC V9S 5Y2

(“TVI”)

WHEREAS:

- A. The Province of British Columbia has transferred the role of the Municipal Regional District Tax (MRDT) designated recipient from Comox Valley Economic Development Society to the CITY effective September 1, 2021;
- B. TVI provides certain regional tourism services to the Comox Valley Regional District (CVRD) pursuant to an agreement made September 1, 2021, which includes management of the MRDT;
- C. A Memorandum of Understanding, attached as Appendix “A”, exists between the CITY, TVI and CVRD for the purposes of outlining the roles, responsibilities and flow of funds related to the MRDT; and
- D. As the designated recipient of the MRDT funds, the CITY requires the services of TVI for the purpose of the administration, management and delivery of the MRDT.

1. SERVICES

- 1.1. TVI agrees to provide the services as described in Schedule “A”, Statement of Work.
- 1.2. The parties acknowledge that this agreement has been entered into during the ongoing Covid-19 pandemic. TVI confirms that it is able to proceed with the services under the pandemic conditions and restrictions as they exist as of the date of this agreement with all due consideration to the performance of the services as well as workplace and public safety. The parties acknowledge that pandemic conditions may change so as to cause unavoidable interruption or interference to TVI’s performance of the services and the parties confirm:
 - a) notwithstanding any new pandemic restrictions, the agreement will remain valid and in force; and
 - b) TVI has a duty to mitigate any schedule and cost impact that arise from changes in pandemic conditions.

2. TERM

- 2.1. This agreement begins on September 1, 2021 and ends on August 31, 2023 and may be extended for up to 2 additional years upon mutual agreement by both parties.

3. PAYMENT FOR THE SERVICES

- 3.1. The CITY will pay TVI, on invoice, as outlined in Schedule “B”.
- 3.2. Invoices must be accompanied by a project status report and shall be due and payable within thirty days after receipt by the CITY.

4. INDEPENDENT CONSULTANT

- 4.1. TVI is an independent contractor and is not a servant, employee or agent of the CITY and is fully responsible for the planning, organization and delivery of all aspects of the services.
- 4.2. The CITY may, if necessary, give instructions to TVI in connection with the provision of the services, in regard to the standards, policies and guidelines of the CITY.
- 4.3. TVI is responsible to remit all statutory payments in relation to fees paid by the CITY under this agreement, including *Income Tax*, *Canada Pension* contributions, *Employment Insurance* premiums, and *Workers Compensation Board* premiums, as applicable.
- 4.4. TVI will provide all equipment, material and supplies necessary for the provision of the services unless otherwise agreed to in writing between the parties and forming part of this agreement.
- 4.5. TVI will not, without the prior written approval of the CITY, sub-contract any obligation of TVI under this agreement.

5. CODE OF CONDUCT

- 5.1. TVI agrees that it and its sub-contractors and employees agree to comply with the following code of conduct:

Professionalism

Applicable to all employees, volunteers, agents, and contractors who are required to:

- Carry out their responsibilities in a professional and competent manner.
- Continue to improve their knowledge, competence, skills, and professional ability.
- Be aware of and abide by the British Columbia *Human Rights Code*.
- Not engage in any action or conduct or make any comment, gesture, or contact which a reasonable person would regard as likely to cause offence or humiliation to anyone, whether in the workplace or any other location.
- Act, and be perceived by the public to act, in a fair and impartial manner in the performance of their duties or provision of services.
- Not make any public comments that denigrate, disparage, or are disrespectful of the CITY, employees, and elected officials, and refrain from making negative comments about the credibility of the CITY, employees, and elected officials.
- Conduct themselves in a friendly, courteous, and professional manner when dealing with the public.
- Refrain from engaging in any other practice that could unfavorably reflect upon the CITY as identified solely by the CITY.

6. CONFIDENTIALITY

- 6.1. In this agreement "Confidential Information" means all confidential or proprietary information of CITY (whether before or after the date of this agreement) supplied, or to which access is granted to TVI or its employees relating to the business and affairs of CITY, either in writing or orally or in electronic or any other form, directly or indirectly, and includes all documents, correspondence, computer records, financial records, reports, analyses and legal advice.
- 6.2. TVI shall keep and use and shall cause its employees to keep and use all Confidential Information disclosed to it under this agreement in strict confidence and will not, without CITY's prior written consent, disclose any Confidential Information or recollections thereof to any person.
- 6.3. TVI shall not use, copy, duplicate, reproduce, translate or adapt, either directly or indirectly, any Confidential Information for any purpose other than providing the Services, without CITY's prior written consent. All copies, duplicates, reproductions, translations or adaptations of the Confidential Information shall be clearly labeled as confidential.
- 6.4. TVI shall use its best efforts and cause its employees to use their best efforts to prevent material in its possession or control that contains or refers to Confidential Information from being discovered, used or copied by third parties and shall protect and safeguard Confidential Information from all loss, theft or destruction.
- 6.5. All communications and information relating to the Services received from CITY prior to the date of this agreement shall be deemed to have been received under an obligation of confidentiality from the time of its receipt on the terms set out in this agreement.
- 6.6. TVI shall hold all Confidential Information in trust for CITY and all right, title and interest in and to the Confidential Information shall be retained by CITY. TVI is not granted any licence or other rights to any of CITY's Confidential Information except as expressly set out in this agreement.
- 6.7. In this agreement Confidential Information shall also include any "personal information" as defined by the Freedom of Information and Protection of Privacy Act collected, recorded or provided to TVI. Should this agreement require collection of personal information, TVI will ensure all policies, procedures, and methods for collecting such information is to the satisfaction of the CITY.

7. OWNERSHIP OF DOCUMENTS

- 7.1. All deliverables including, but not limited to: plans, designs, specifications, reports and other documents ("Work Product") produced by TVI and any agent, member, employee, consultant or sub-contractor of TVI in connection with the provision of the Services and provided to the CITY shall become the sole property of the CITY. The CITY and the CVRD shall have the right to utilize the Work Product for its benefit in connection with the program for which the Services were provided.

8. INDEMNITY

- 8.1. TVI hereby agrees to indemnify and save harmless the CITY, its officers, employees, elected officials and agents against all claims, demands, losses, costs, damages, actions, suits or proceedings by whomever made, brought or prosecuted and in any manner based upon, arising out, related to, occasioned by or attributable to the negligent acts, errors or omissions of, or breach of this agreement by, TVI, its servants, agents, sub-contractors or sub-operators, in providing the services and performing the work of the Contract, excepting always liability arising

solely out of the negligent act or omission of the CITY.

9. INSURANCE

- 9.1. TVI will obtain and maintain in force during the Term comprehensive general liability insurance, in form and content satisfactory to the CITY, providing coverage of not less than \$2 million per occurrence for bodily injury, death and property damage which may arise directly or indirectly out of the acts or omissions of TVI or any of its employees, agents, officers or directors, and shall add the CITY as an additional insured under that policy.
- 9.2. TVI will, upon the request of the CITY, provide evidence of the insurance policy or policies required under section 9.1.

10. RECORDS

- 10.1. TVI will, in accordance with general accepted accounting principles, keep records and books of accounts of all gross receipts, receivables and expenses pertaining to the Statement of Work and the CITY will have access at all reasonable times to those records and books of about for the purposes of reviewing or copying them.

11. TERMINATION AND SUSPENSION

- 11.1. Either party reserves the right to cancel all or any part of this agreement for any reason by providing notice to the other, in writing, no less than 60 days prior to the proposed cancellation. Such notice shall not result in any penalty or other charges to the either party.
- 11.2. The CITY reserves the right to cancel all or any part of this agreement if the work is not being performed to the satisfaction of the CITY.
- 11.3. The CITY may, at any time, suspend performance of the services by giving notice in writing to TVI. Such suspension shall be effective in the manner as stated in the notice in writing and shall be without prejudice to any claims which either party may have against the other.

12. USE OF MATERIALS

- 12.1. TVI agrees that no information, materials or other products created as a result of this Contract are to be used for TVI's promotional or marketing purposes without the prior written consent of the CITY.

13. KEY PERSONNEL

- 13.1. If one or more individuals are specified as "Key Personnel" of TVI, TVI must cause those individuals to perform the Services on TVI's behalf, unless the CITY otherwise approves in writing.

14. GENERAL

- 14.1. Neither party may assign its rights and/or obligations under this agreement without the other party's prior written consent.
- 14.2. No amendments or modifications to this agreement shall become effective unless agreed upon by both parties in writing.

The terms of this agreement are hereby agreed to, as at the date above:

THE CORPORATION OF THE CITY OF COURTNEY

Signature

Name and Title

TOURISM ASSOCIATION OF VANCOUVER ISLAND

Signature

Name and Title

SCHEDULE A
Statement of Work

TVI will act as the contractor for the CITY and shall be responsible for the administration, management, delivery and reporting of the Municipal Regional District Tax (MRDT) as follows:

- 1) Municipal Regional District Tax (MRDT) Management to include, but not limited to:
 - a) Developing and implementing a working tactical plan based on the approved 2021 MRDT One-Year Tactical Plan for September 1, 2021 to December 31, 2021;
 - b) Developing and implementing a working tactical plan based on the approved MRDT One-Year Tactical Plan for January 1 to December 31 of each year;
 - c) Expensing and accounting of MRDT funds in compliance with MRDT program requirements;
 - d) Meeting with CITY as requested to discuss use of revenues from Online Accommodation Platforms (OAP) for affordable housing and developing application to be included in future One-Year Tactical Plan submission;
 - e) Developing MRDT One-Year Tactical Plan and budget for review and approval by the Tourism Advisory Committee (TAC) and CITY and submission to Province by November 30 of each year;
 - f) Submitting quarterly performance and budget reports for review and approval to the TAC;
 - g) TVI will prepare the Annual Performance and Financial Report for review and approval by the TAC and the CITY by March 31 of each year;
 - h) Managing third party contracts required for funds allocated to external event management and marketing programs as outlined in tactical plan and as may arise; and
 - i) Presenting to CITY Council on the MRDT and tourism information services including related data, activities and outcomes as requested by the CITY.
- 2) Stakeholder Engagement to include, but not limited to:
 - a) Developing, implementing and coordinating the TAC as outlined in the TAC plan and Terms of Reference to be submitted to the CITY for review and approval by October 15, 2021;
 - b) Preparing standard meeting agendas, minutes and reports on tourism information services, destination marketing and collected data and any additional relevant material on a schedule outlined in the TAC Terms of Reference; and
 - c) Engaging industry as required and outlined in project and annual plans and applications for MRDT and Destination British Columbia and ensuring that sufficient timelines are set which allow for meaningful input and engagement from stakeholders, TAC and local government.

SCHEDULE B
Reporting and Payment

Reporting

Invoices must be submitted, at minimum, quarterly and include TAC approved performance and budget reports as outlined in Schedule A.

Payment

The CITY will pay TVI MRDT eligible expenses up to no more than what has been collected, less administrative fees, by the Province. Eligible expenses will be reimbursed upon receipt and approval of invoices with attached receipts and must be associated with the implementation of the approved One-Year Tactical Plan and budget.

APPENDIX A

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) made the ____ day of _____, 2021

BETWEEN:

COMOX VALLEY REGIONAL DISTRICT

770 Harmston Avenue, Courtney, BC
V9N 0G8 (“CVRD”)

AND:

THE CORPORATION OF THE CITY OF COURTNEY

830 Cliffe Avenue, Courtney, BC
V9N 2J7 (“CITY”)

AND:

TOURISM ASSOCIATION OF VANCOUVER ISLAND

201-1934 Boxwood Avenue, Nanaimo BC
V9S 5Y2 (“TVI”)

WHEREAS:

- A. The CVRD supports regional tourism services for the Comox Valley and these services include destination marketing which is funded by the CVRD, Destination British Columbia (DBC) and the Municipal Regional District Tax (MRDT);
- B. The CITY is the designated recipient of the MRDT funds;
- C. CVRD has a legal agreement made September 1, 2021 with TVI to provide certain regional tourism services to the Comox Valley which includes providing services to the CITY related to the administration, management, delivery and reporting of the MRDT;
- D. The CITY has a legal agreement with TVI made September 1, 2021 to provide certain services for the administration, management, delivery, reporting and expensing and accounting of MRDT funds; and
- E. The parties have agreed that a Memorandum of Understanding is beneficial for the purposes of outlining the roles, responsibilities and flow of funds related to the Municipal Regional District Tax.

NOW THEREFORE the parties express their mutual intention and understanding as follows:

1. PURPOSE:

1.1. This purpose of this MOU is to:

- a. enable the above parties to collaborate on the delivery of destination marketing for the Comox Valley and the City of Courtney's MRDT;
- b. outline the roles and responsibilities and flow of funds pertaining to administration, management, delivery and reporting of the MRDT; and
- c. serve as an expression of the agreement between the parties and does not create a legal obligation between the parties.

2. ROLES and RESPONSIBILITIES

2.1. CVRD will:

- a. Manage and oversee CVRD and CITY agreements with TVI;
- b. Review draft tactical plans, reports and applications prepared by TVI;
- c. Provide support, as needed, to CITY on all matters related to the MRDT;
- d. Act as designated applicant for additional grants to leverage MRDT funds;
- e. Be staff contact and resource for Tourism Advisory Committee; and
- f. Work with TVI to leverage available funding for regional tourism services such as DBC grants.

2.2. CITY will:

- a. Provide final review, approval and submission of Annual Performance and Financial Reports to Province;
- b. Provide final review, approval and submission of the One-Year Tactical Plan to Province;
- c. Be main point of contact with DBC for reporting obligations; and
- d. Be main point of contact for CITY Council.

2.3. TVI will:

- a. Provide services as outlined in agreements with CVRD and the CITY;
- b. Be main point of contact and resource for the Tourism Advisory Committee; and
- c. Be main point of contact with DBC for general MRDT program support.

2.4. Mutually the parties will:

- a. Approve draft tactical work plans prior to distribution to the TAC;
- b. Communicate and meet as needed to discuss and resolve any points of conflict or actual or perceived conflicts of interest that may arise; and
- c. Meet on an annual basis to review MOU and performance of TVI.

3. GOVERNANCE

3.1. The Tourism Advisory Committee will provide support and guidance as outlined in the TAC Terms of Reference.

3.2. The City of Courtney Council will be accountable for the MRDT and will formally approve the following:

- a. Annual Performance Report;
- b. Annual Financial Report; and
- c. One Year Tactical Plan and Budget

4. FLOW OF FUNDS

4.1. CVRD will pay TVI directly for services related to the administration, management, delivery and reporting of the MRDT from the 550 service function; and

4.2. The City of Courtney will pay TVI directly using MRDT funds to reimburse TVI for MRDT eligible expenses related to the implementation of the approved tactical plan.

5. MEETING

The parties will mutually agree on a meeting schedule.

6. TERMS

This MOU begins on September 1, 2021 and ends on March 31, 2022 and may be extended for up to two additional years upon mutual agreement by both parties.

7. COMMUNICATIONS

All press releases regarding the regional tourism services with mention to MRDT will be reviewed and approved by all parties.

8. CONTACTS

8.1. The CITY lead contact is Jennifer Nelson, Director of Financial Services.

8.2. The TVI lead contact is Karen Bannister, Director, Destination Marketing.

8.3. The CVRD lead contact is Lisa Kilpatrick, Economic Recovery and Community Resilience Coordinator.

This MOU is signed on behalf of the CVRD, City and TVI as follows:

THE CORPORATION OF THE CITY OF COURTNEY

Signature

Name and Title

TOURISM ASSOCIATION OF VANCOUVER ISLAND

Signature

Name and Title

COMOX VALLEY REGIONAL DISTRICT

Signature

Name and Title



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 5400-13

From: Chief Administrative Officer

Date: September 27, 2021

Subject: Speed Limit Reduction Pilot Project - Crown Isle

PURPOSE:

The purpose of this report is to provide Council with information and recommendations for a speed limit reduction pilot project in Crown Isle.

CAO RECOMMENDATIONS:

That Council direct staff to install 40 km/h signs on Crown Isle Drive and Royal Vista Way for 3 years, including ongoing maintenance and evaluation, to determine if the speed limit reduction is effective.

Geoff Garbutt, M.P.I., MCIP, RPP
Chief Administrative Officer

BACKGROUND:

Reducing speed limits has many benefits, including reducing vehicle operating speeds, improving road safety, and improving neighbourhood liveability. It can have safety benefits in terms of fewer collisions, as well as less severe collisions when they do occur. Outside of school zones and playground zones, speed limit reductions are relatively new to Canada, although many cities have reduced posted speed limits on local residential roads, and many others are actively pursuing these initiatives.

Over the last several years, the residents of Crown Isle Drive and Royal Vista Way have been expressing concerns regarding vehicle speeds on their streets. Resident delegation groups have appeared before Council, collected petitions, and advocated for speed limit reductions. As such, at the February 16, 2021 Council meeting, Council resolved:

WHEREAS Local Governments on Vancouver Island, Municipalities throughout British Columbia and Canada have reduced speed limits on local roads to improve liveability and increase safety, and,

WHEREAS the Crown Isle Community has expressed a strong desire to reduce the speed limit within its neighbourhood, and,

WHEREAS reducing the speed limit in the Crown Isle Community to 40 km/h will improve neighbourhood liveability, increase road safety, support non-vehicular use such as cyclists and pedestrians, reduce neighbourhood noise levels, increase community interaction and reduce infrastructure costs;

THEREFORE BE IT RESOLVED THAT Council direct Staff to report on a strategy to implement a three year reduced speed limit Pilot Project in the Crown Isle Community.

DISCUSSION:

Municipalities in British Columbia have the authority to regulate speed limits on their roadways, but do not have the authority to change the default speed limit. Currently, the default speed limit for streets within the City of Courtenay is set by the Province at 50 km/h, unless otherwise posted. Reducing speed limits can be achieved under the City's current authority whereby the City designates and installs signage on each individual block of each street. This would require a significant investment to install new signs as well as adding the associated on-going maintenance costs to the City's annual operating budget.

For these reasons, several municipalities across BC have expressed an interest in blanket reduced speed limits in residential areas. In 2019, a resolution at the Union of B.C. Municipalities (UBCM) was put forward asking the Province to provide municipalities the authority to change the default speed limit to allow for community wide reductions in speed limits. The Province expressed an interest in updating the Motor Vehicle Act, however this process will likely take several years.

In the meantime, the Province amended the Motor Vehicle Act to enable pilot projects to research, test, and evaluate new technologies and policies, including options to reduce default speed limits. The newly established Pilot Program enables a municipality to apply to reduce the default speed within its jurisdiction by installing gateway signage, avoiding the additional costs and visual clutter of speed limit signs on every block. In 2020 several Vancouver Island Municipalities, lead by the District of Saanich, began working in a collaborative initiative to apply for this Pilot Program. Several communities within the Capital Regional District (CRD) are planning to move forward with a group pilot project to lower default speeds from 50 km/h to 40 km/h. City staff approached Saanich with the intent of joining the group initiative, however Saanich is restricting their Pilot Project application to Municipalities within the Capital Regional District.

The municipalities collaborating under the Motor Vehicle Act Pilot Program intend to reduce speed limits on local, residential streets. Under this criteria, collector roads such as Crown Isle Drive and Royal Vista Way would not meet the criteria for speed limit reductions.

The pre-planning requirements for the Motor Vehicle Act pilot program are stringent, requiring stakeholder engagement, a data collection and monitoring plan, and an implementation plan, including education, enforcement, costs, and resource requirements. The collaborating CRD municipalities have been collecting this data over a number of years in preparation for this pilot program. In the absence of this documentation, the City can impact speed limits in the Crown Isle area in the following ways.

Speed Limit Reduction Only

Under the Motor Vehicle Act, different speed limits are permissible on individual streets provided that signage is posted on every block. For Crown Isle Drive and Royal Vista Way that translates to roughly 20 posted speed limit signs.

Speed Limit Reduction with Evaluation Framework

Since the pilot project could inform the City's approach to speed limits in residential areas more broadly, a safety effectiveness evaluation should be done. Project data that shows if speed limit changes reduce speeding and incidents is essential to making the case for future safety projects. Proper evaluation

requires careful consideration of data collected before, during, and after the pilot. Staff recommends that a consulting engineer be engaged to develop a refined and detailed monitoring and evaluation plan.

Cycling Network Plan - Implementation

The primary beneficiaries of reduced speed limits are vulnerable road users, including pedestrians and cyclists. The City's 2019 *Connecting Courtenay Cycling Network Plan* (CNP) lists both Crown Isle Drive and Royal Vista Way as neighbourhood bikeways in the short to medium term plan. Neighbourhood bikeways are All Ages and Abilities (AAA) cycling routes, with low motorized traffic volumes and speeds, in which cyclists share the same space with vehicles. Neighbourhood bikeways use signs, pavement markings, and speed and volume management measures to discourage through trips by motor vehicles.

Speed management for neighbourhood bikeways involves bringing motor vehicle speeds closer to the speed of cyclists. Reducing speeds along the neighbourhood bikeway improves the cycling environment by reducing overtaking events, enhancing drivers' ability to see and react, and diminishing the severity of crashes if they occur. Simply reducing the posted speed limit by installing reduced speed limit signs does little to actually slow vehicles down. When a road is designed for lower speeds, with narrow travel lanes and traffic calming measures, motorists will drive at lower speeds. When a road is designed with wide lanes and few obstructions from intersections, parking, or transit, motorists will drive at higher speeds.

Additional traffic calming measures could be implemented to assist in the reduction of vehicle speed and such infrastructure implementation could include, the addition of raised pedestrian crossings, similar to that of the recently constructed - Hobson Avenue corridor, and possibly a raised all-way stop at the intersection of Crown Isle Drive and Malahat Drive.

Enforcement

Staff have reached out to the local RCMP detachment several times over the last few months in order to engage in a dialogue regarding the enforcement of a reduced speed limit pilot project. The RCMP has declined to respond, however staff is aware that existing police resources that are dedicated to traffic are focused on the areas of highest risk to public safety, such as distracted driving, impaired driving, and intersection enforcement. Should the City pursue a speed limit reduction pilot project, staff expects the RCMP's enforcement activities would continue to be focused on high-risk locations and behaviours.

FINANCIAL IMPLICATIONS:

Speed Limit Reduction Only

A speed limit reduction on Crown Isle Drive and Royal Vista Way implemented by installing speed limit signs block-by-block would require an initial investment of roughly \$7000 to install the new signs. There would also be an on-going maintenance cost to the City's annual operating budget for as long as the speed limit reductions are in place.

Speed Limit Reduction with Evaluation Framework

The cost to study the impact of the pilot program pre and post speed limit reduction, with signs only, will be roughly \$80,000 over the 3 year period. A budget amendment of \$45,000 would be required in 2022, \$15,000 for 2023, and \$20,000 for 2024.

Cycling Network Plan - Implementation

The class 'D' estimate to implement the CNP recommendation for a neighbourhood bikeway on Crown Isle Drive with signs and paint only, is \$80,000. The class D estimate to install a neighbourhood bikeway on Royal Vista Way, with signs and paint only, is \$48,000. Monitoring and evaluation, as well as speed reduction measures, such as vertical and horizontal deflection, would be an additional cost.

Cycling Network Plan with Traffic Calming

The cost to construct additional traffic calming measures (i.e. raised crosswalks/intersection) in the form of neighbourhood bikeway on Crown Isle Drive would be roughly \$200,000, and on Royal Vista Way approximately \$125,000.

ADMINISTRATIVE IMPLICATIONS:

N/A

ASSET MANAGEMENT IMPLICATIONS:

The installation of signs and/or traffic calming to reduce the speed limit on City streets is an increased level of service and considered an upgrade under the umbrella of asset management. Increasing a level of service includes additional capital cost to implement the service, and increased annual maintenance cost to upgrade.

STRATEGIC PRIORITIES REFERENCE:

N/A

- **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:

Section 5.2.2: development of a transportation system that provides choices for different modes of travel including vehicle, transit, pedestrian, cycling and people with mobility impairments.

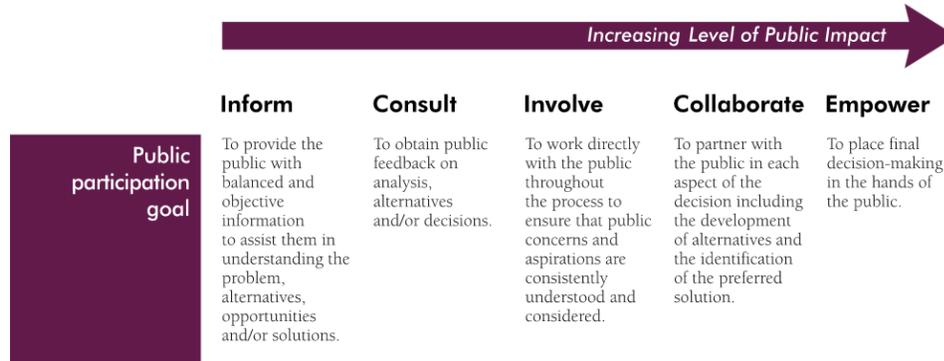
Section 5.2.3: protect the integrity of the road classification system to facilitate the purpose and function of the specific road types.

REGIONAL GROWTH STRATEGY REFERENCE:

N/A

CITIZEN/PUBLIC ENGAGEMENT:

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



© International Association for Public Participation www.iap2.org

OPTIONS:

1. That Council direct staff to install 40 km/h signs on Crown Isle Drive and Royal Vista Way for 3 years, including ongoing maintenance and evaluation, to determine if the speed limit reduction is effective.
2. That Council direct staff to install 40 km/h signs only on Crown Isle Drive and Royal Vista Way.
3. That Council directs staff to implement the Cycling Network Plan and create Neighbourhood Bikeways on Crown Isle Drive and Royal Vista Way, with 40 km/h signs only.
4. That Council directs staff to create a Neighbourhood Bikeway, complete with traffic calming measures, speed reduction signs, and a monitoring and evaluation program, for Crown Isle Drive and Royal Vista way, and report back to Council at a later date.
5. That Council receive this report as information only.

Prepared by,

Kyle Shaw, ASCT, CPWI, CWP, CWWP
Director of Public Works Services

Concurrence by,

Geoff Garbutt, M.PI., MCIP, RPP
Chief Administrative Officer

Ambulance Paramedics

of British Columbia - CUPE 873



Tel: 604-273-5722 | Fax: 604-273-5762 | Toll Free: 1-866-273-5766 | Toll Free Fax: 1-866-273-5762
105 - 21900 Westminister Hwy., Richmond, BC V6V 0A8
info@apbc.ca | www.apbc.ca

September 3, 2021

To: **BC Mayors and Councillors**

Re: **Emergency Paramedics and Dispatchers: Who we are and what we do!**



Dear Mayor & City Councillors;

In BC, over 4500 Paramedics and 270 Medical Dispatchers work 24 hours a day, 365 days a year to keep our communities healthy and safe. As leaders in emergency pre-hospital care and public safety, allies in healthcare and professionals in our communities, Paramedics and Medical Dispatchers are a quintessential resource for municipalities in BC.

The field of Paramedicine has evolved from a traditional response of unscheduled emergencies to a robust and multi-disciplined practice encompassing public safety, emergency first response, scheduled and acute transport, and community-based health innovation. As experts in emergency management, Paramedics are uniquely qualified to assist in emergency preparedness, prevention and response culminating in a dynamic and versatile skillset that transcends conventional public sectors. Engaged as a mutual stakeholder in both public safety and healthcare, Paramedics are able to provide relief to healthcare systems and infrastructures operating at or above capacity within BC communities as specialists in emergency response and preventative healthcare.

As the world evolves and continues to adapt to the universal consequences and reality of Covid-19, our leaders continue to manage an ongoing opioid epidemic amidst a global pandemic with the constant threat of seasonal natural disasters (such as heatwaves, wildfires and flooding). A unique set of circumstances requires a unique response and BC Paramedics and Medical Dispatchers are always ready to respond.



What can Paramedics do in YOUR community?

Paramedics in BC provide a variety of services to support community health and safety. Through a multitude of specialties and license levels BC Paramedics are there for you.

- Primary Care Paramedic
- Advanced Care Paramedic
- Critical Care Paramedic
- Paramedic Specialists
- Community Paramedics
- Emergency Medical Dispatch and Call-taking

Our resources are available by land, sea or sky.

Ambulance Paramedics

of British Columbia - CUPE 873



Tel: 604-273-5722 | **Fax:** 604-273-5762 | **Toll Free:** 1-866-273-5766 | **Toll Free Fax:** 1-866-273-5762
105 - 21900 Westminster Hwy., Richmond, BC V6V 0A8
info@apbc.ca | www.apbc.ca

- Ambulances
- Paramedic Response Units
- Fixed-wing Aircraft
- Helicopters
- Boats

Services Paramedics can provide:

- Emergency medical first response
- Scheduled and acute transport of ill and injured patients
- Province-wide service ensuring access to healthcare in hard to reach communities
- Provision of primary healthcare in communities experiencing service delivery gaps
- Community based care for elderly, indigenous, at-risk or vulnerable populations
- Immunization clinics, Covid-19 testing and contact tracing for Covid-19
- Emergency management including planning, preparedness and response
- Emergency Medical Dispatch and Call-taking, providing over the phone medical assistance until resources arrive at the patient's side

How can you ensure YOUR community's needs are met?

As municipal and community leaders, you have a critical role in the decisions being made about healthcare services and public safety within your community. You know the needs of your community better than anyone else. We want to work with you!

Visit www.apbc.ca and check out what resources are currently available in your community. Our comprehensive resource list includes every Ambulance Station in British Columbia along with the current resources available in each of those communities.

We welcome the opportunity to discuss your community specific Public Safety, Ambulance Service and healthcare needs, challenges, gaps and paramedic services. Please visit our virtual booth at UBCM, we will be available to live chat.

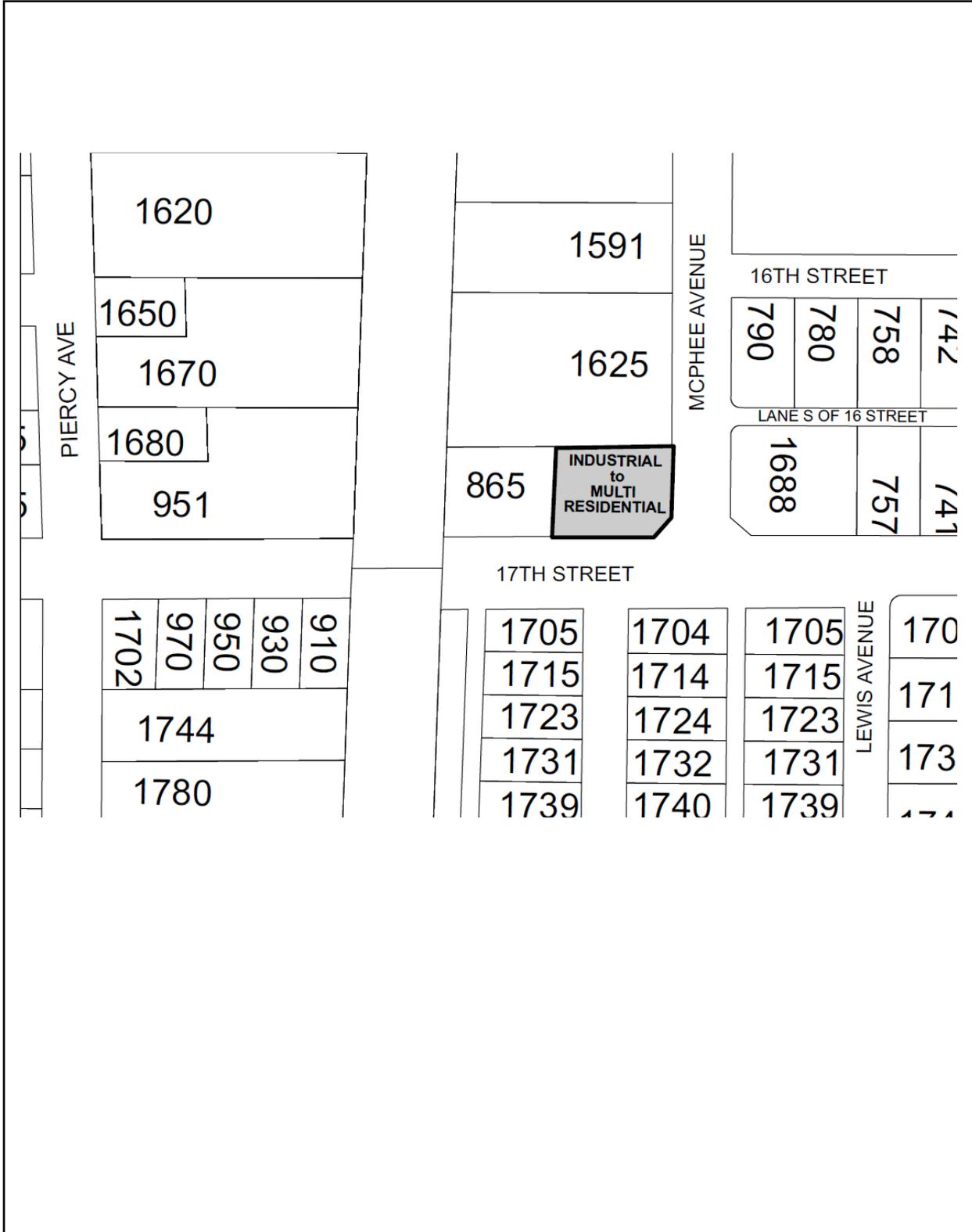
We ask that you write both the Health Minister and Health Critic to advocate for enhanced paramedic services and healthcare in your community.

Again, we encourage you to come visit us virtually if you have any questions about Paramedic Services in your community. Alternatively, feel free to contact myself at (250) 250-319-4713 or troy.clifford@apbc.ca or info@apbc.ca either leading up to, during or post UBCM.

Thank you for your time, see you virtually at UBCM!

Sincerely,

Troy Clifford
Provincial President
Ambulance Paramedics and Emergency Dispatchers of BC
CUPE Local 873
TC/sb/MoveUp



THE CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 3028, 2021
 Amendment to the
 Official Community Plan Bylaw No. 2387, 2005

Attachment A

Part 61 - Comprehensive Development Thirty Four Zone (CD-34) (1679 McPhee Ave.)

8.61.1 Intent

The CD-34 Zone is intended to accommodate an affordable housing multi residential development on the property legally described as Lot 5, Section 41, Comox District, Plan 13075, Except Part in Plan VIP68431. This property shall be developed substantially in accordance with Schedule A which forms part of this zone

8.61.2 Permitted Uses

The following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Multi Residential*

8.61.3 Lot Coverage

A *lot* shall not be covered by buildings to a greater extent than 55% of the total *lot area*

8.61.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 2.1

8.61.5 Minimum Lot Size

A *lot* shall have an area of not less than 1200 m²

8.61.6 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front Yard*: 4.0 m; canopy may project 2.0 m into setback
- (2) *Rear Yard*: 2.0 m
- (3) *Side Yard (NW)*: 5.5 m
- (4) *Side Yard (SE)*: 3.0 m ground floor; canopy may project 1.3 m into setback
5.0 m all other floors; roof may project 1.0 m into setback

8.61.7 Height of Building

Maximum *building height* shall be 17.5 m.

8.61.8 Useable Open Space

Useable open space must be provided and include at minimum:

- (1) Internal pathways with furnished rest areas
- (2) 40 m² indoor amenity area
- (3) Patios for ground floor residents

8.61.9 Off-Street Parking and Loading

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except:

- (1) Parking shall be provided at a rate of 0.25 *parking spaces* per *dwelling unit* inclusive of visitor parking
- (2) Minimum parking stall dimensions are 2.7 m in width for standard stalls

MATERIAL BOARD



- ① Containing wood bottom
- ② 4" board and batten, cementitious wood print
- ③ Charcoal vinyl render
- ④ cementitious board - smooth finish - Cobalt Charcoal
- ⑤ Wood frame/pane Elements
- ⑥ 4" metal panel - wood print



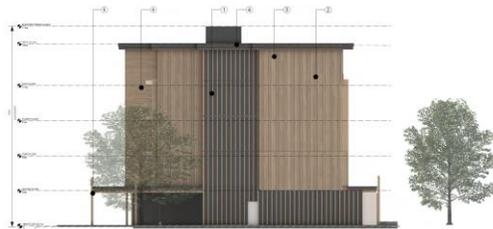
4 NORTH ELEVATION
Scale: 1/32



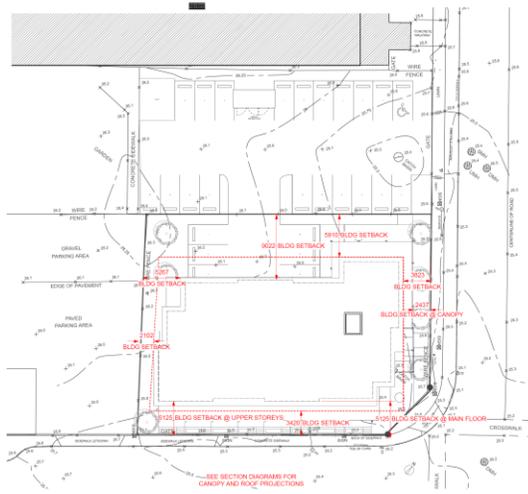
3 SOUTH ELEVATION
Scale: 1/32



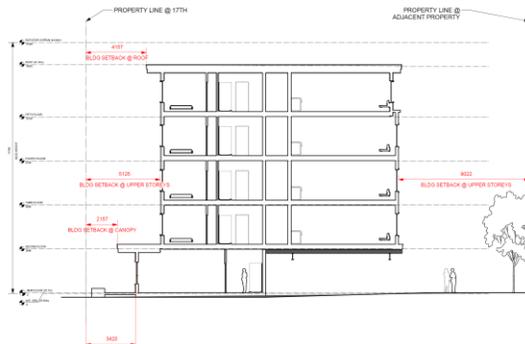
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2 WEST ELEVATION
Scale: 1/32



5 SETBACKS
Scale: 1/200



3 SECTION PARALLEL TO MCPHEE
Scale: 1/80



1 SECTION PARALLEL TO 177th
Scale: 1/80



Wachiy Affordable Housing Project

1679 McPhee Ave
Courtenay, BC



Issued for Approval 1

1 2023.10 1679 McPhee Ave
2 2023.10 1679 McPhee Ave
3 2023.10 1679 McPhee Ave

ELEVATIONS

A2.01



Wachiy Affordable Housing Project

1679 McPhee Ave
Courtenay, BC

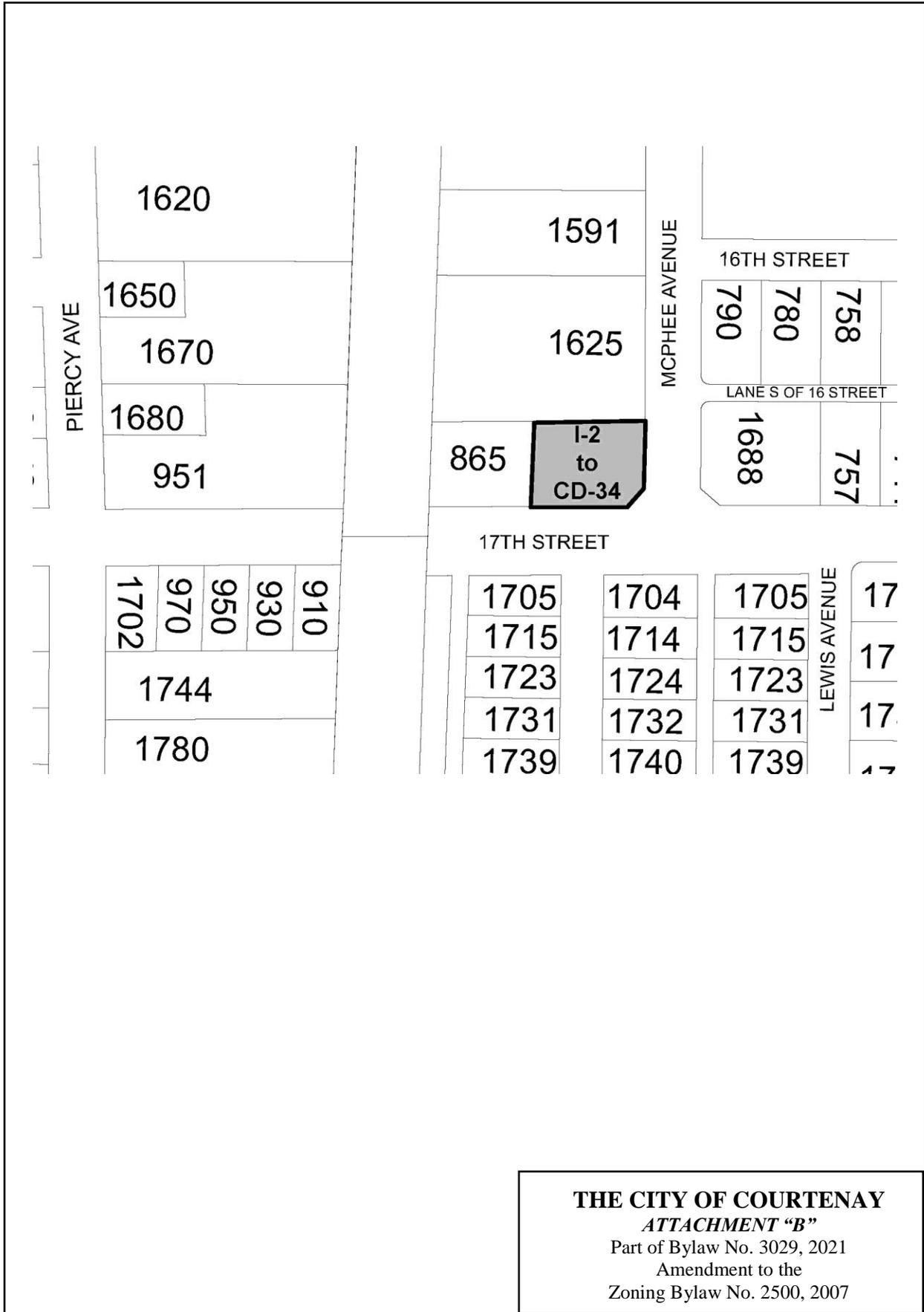


Issued for Approval 1

1 2023.10 1679 McPhee Ave
2 2023.10 1679 McPhee Ave
3 2023.10 1679 McPhee Ave

SETBACK DIAGRAM

SK1.2



THE CITY OF COURTENAY
ATTACHMENT "B"
 Part of Bylaw No. 3029, 2021
 Amendment to the
 Zoning Bylaw No. 2500, 2007

Attachment A

Part 53 - Comprehensive Development Twenty-Six A Zone (CD- 26A) (3040 Kilpatrick Ave.)

8.53.13 Intent

The CD-26A Zone is intended to accommodate a multi residential development on the property legally described as Lot 1, Section 67, Comox District, Plan EPP79267 Except Air Space Plan EPP81977. This property shall be developed substantially in accordance with Schedules A, B, and C, which form part of this zone

8.53.14 Permitted Uses

The following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Multi Residential*
- (2) *Home Occupation*

8.53.15 Lot Coverage

A *lot* shall not be covered by buildings to a greater extent than 20% of the total area of the *lot*

8.53.16 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 0.82

8.53.17 Minimum Lot Size

A *lot* shall have an area of not less than 0.40 hectares

8.53.18 Minimum Lot Frontage

A lot shall have a *frontage* of not less than 60.0 m

8.53.19 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front Yard*: 8.0 m for that portion of a building with a height less than 11.5 m and for railings above and affixed to said portion
20.5 m for that portion of a building with a height greater than 11.5 m
Despite the required *front yard setbacks* above, architectural fence details may project into the front yard setback up to 2.0 m with a height up to 2.0 m
- (2) *Rear Yard*: 18.0 m except for underground parking structures which shall be at least 14.0 m

- (3) *Side Yard:* 9.5 m north side
13.5 m south side

8.53.20 Height of Buildings

Maximum *building height* shall be in accordance with Schedule B and includes the elevator and roof top mechanical systems. Maximum *building height* is 15.0 m to roof parapet and 17.0 m to top of elevator measured from curb height. For clarity, the curb height is determined as the average curb height along the lot frontage

8.53.21 Useable Open Space

Useable open space must be provided and include at minimum:

- (1) 70 m² play area as shown in Schedule A
- (2) 250 m² rooftop amenity area
- (3) Patios or balconies for averaging 9 m² per unit, with a minimum size of 4.5 m²

8.53.22 Off-Street Parking and Loading

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except:

- (1) 52 *parking spaces* shall be provided for 41 dwelling units on the property and corresponding visitor parking
- (2) 33 *parking spaces* shall be provided for 3080 Kilpatrick Avenue commercial and residential use
- (3) Minimum parking stall dimensions are 2.6 m in width and 5.5 m in length for standard stalls
- (4) Minimum aisle width in the underground parking structure can be reduced to 6.7 m in accordance with Schedule C
- (5) Minimum additional space for *parking spaces* and manoeuvring aisles where abutting a wall or building can be reduced in accordance with Schedule C
- (6) No more than 25% of *parking spaces* can be designated as small car *parking spaces*
- (7) Bicycle parking facilities must be provided at a rate of one secure stall per unit

8.53.23 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 14 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped area of not less than 4.0 m in width shall be provided inside all property lines adjoining residential use and public parkland except reduced widths shown in Schedule A
- (2) Where a *lot* in this zone adjoins a *street*, a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line except reduced widths shown in Schedule A
- (3) Storage areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

Schedule B

Note: Please refer to full size drawings in file 3360-20-2102



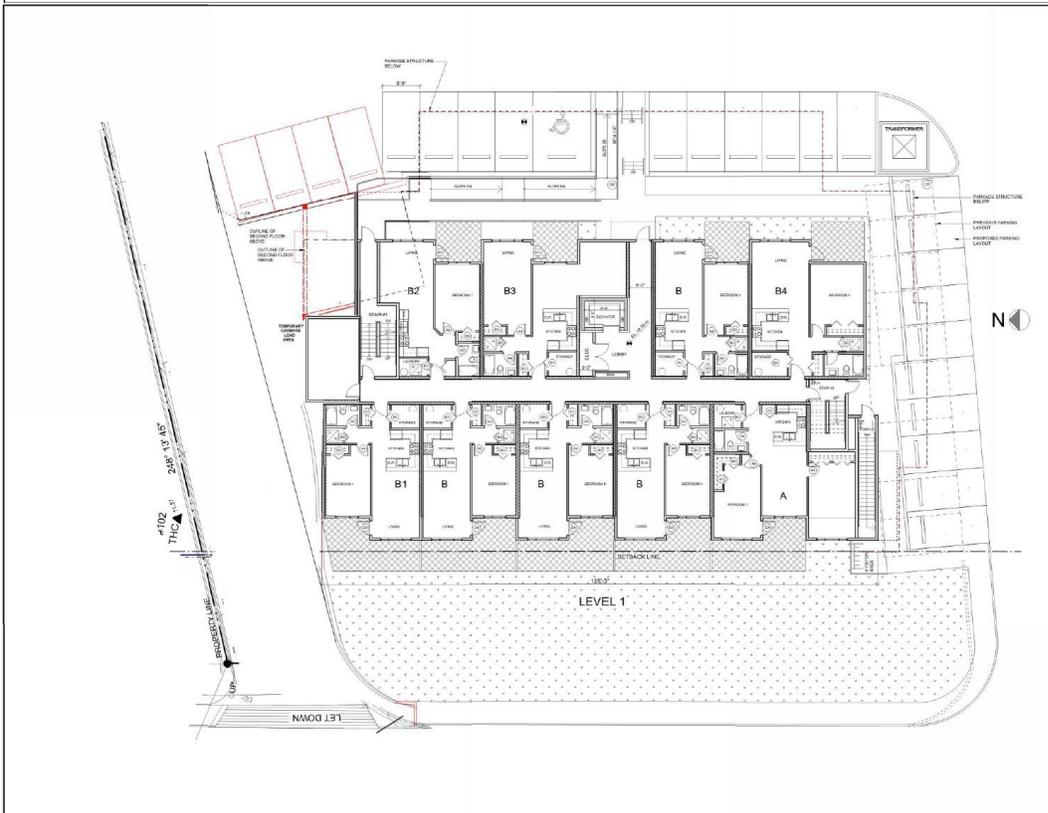
NEWPORT VILLAGE
COURTNEY DEVELOPMENTS LTD
BUILD 3
OCP & RE-ZONING
APPLICATION
2021.06.28
A - 1.27



NEWPORT VILLAGE
COURTNEY DEVELOPMENTS LTD
BUILD 3
OCP & RE-ZONING
APPLICATION
2021.06.28
A - 1.28

Schedule C

Note: Please refer to full size drawings in file 3360-20-2102

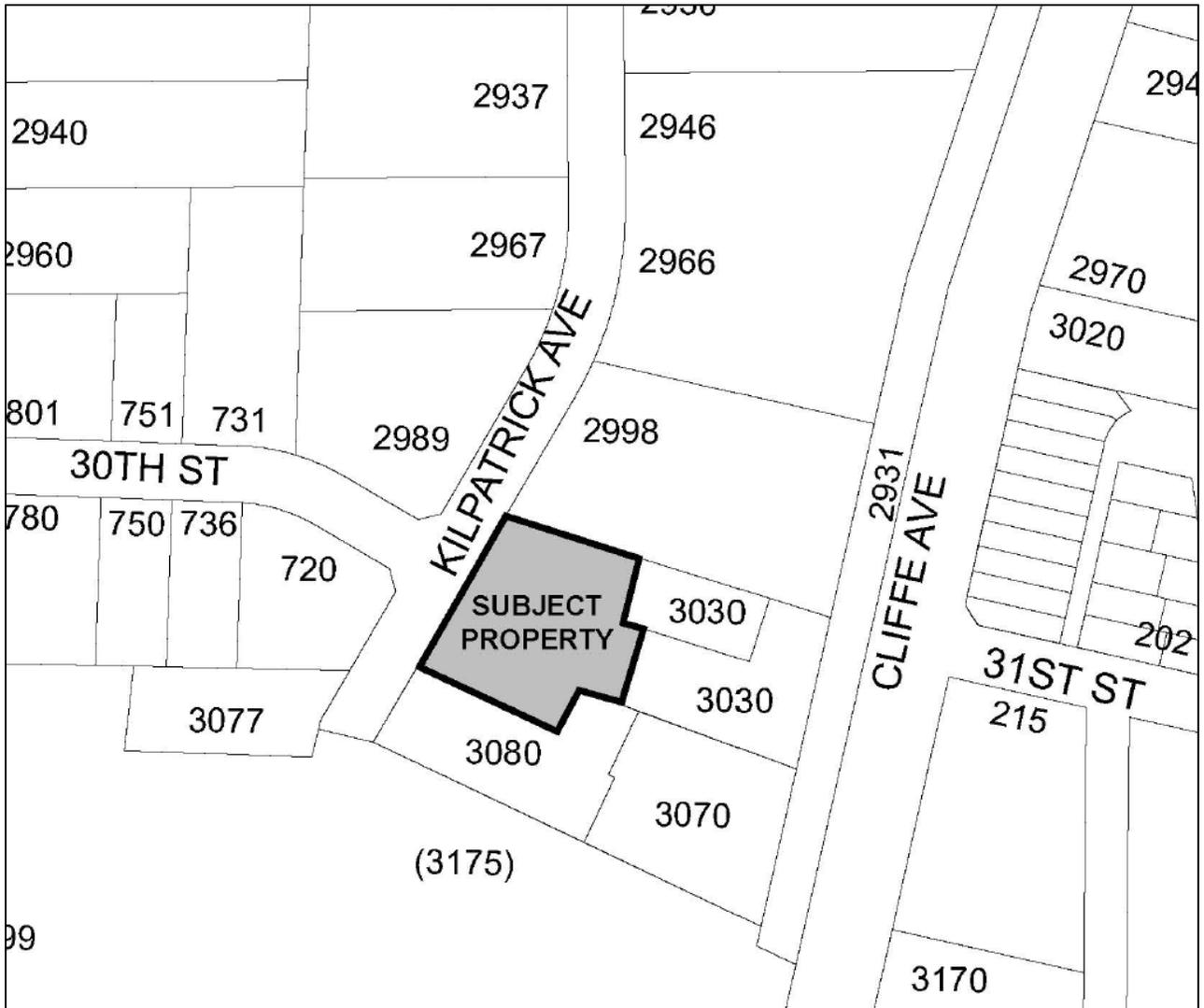


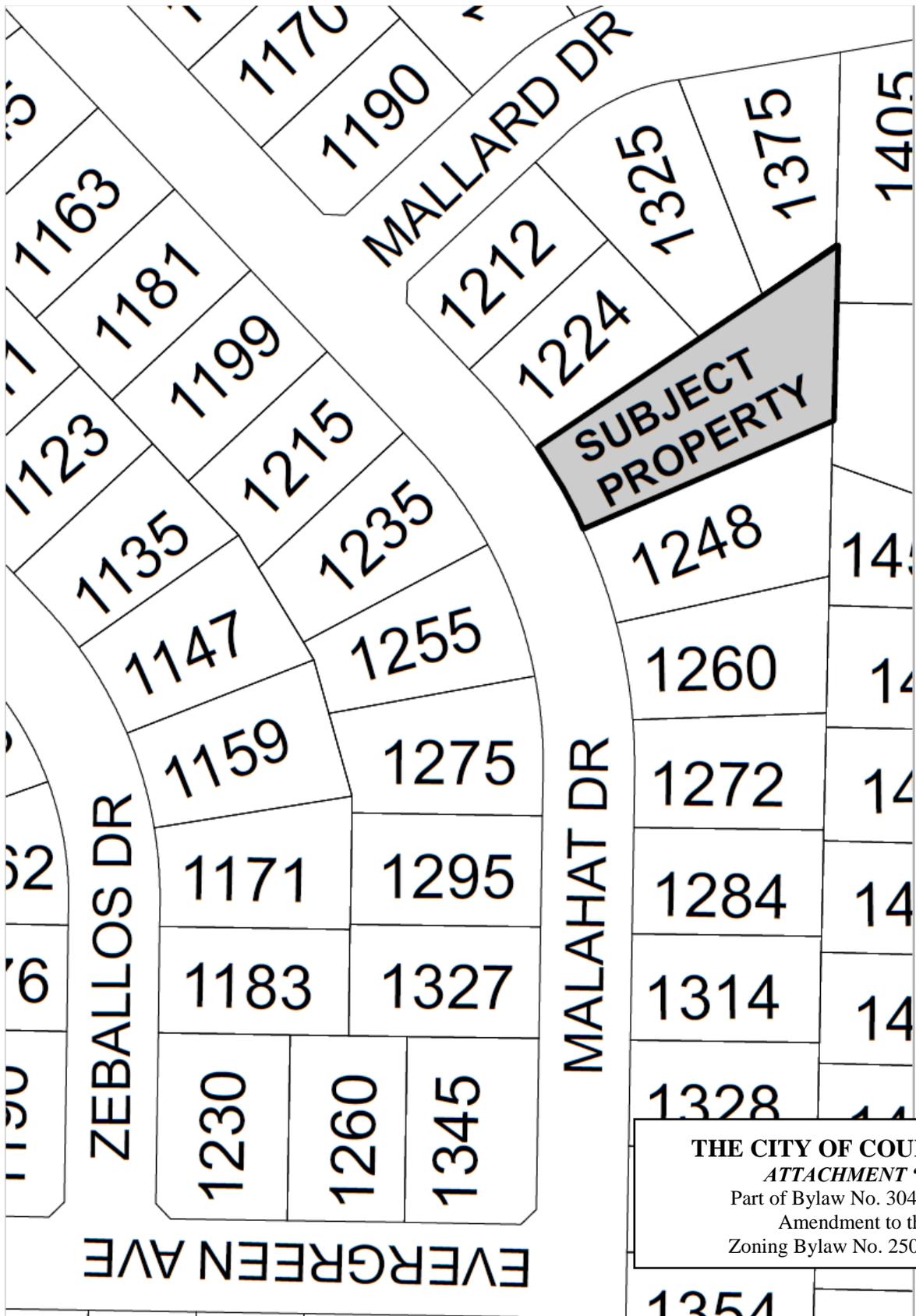
NEWPORT VILLAGE
COURTNEY DEVELOPMENTS LTD
BUILD 3
OCP & RE-ZONING
APPLICATION
2021.06.28
A - 1.20



NEWPORT VILLAGE
COURTNEY DEVELOPMENTS LTD
BUILD 3
OCP & RE-ZONING
APPLICATION
2021.06.28
A - 1.21

Attachment B





THE CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 3040, 2021
 Amendment to the
 Zoning Bylaw No. 2500, 2007

CITY OF COURTENAY

BYLAW REFERENCE FORM

BYLAW TITLE

- 1) Tax Exemption 2022 Bylaw No. 3047, 2021
- 2) Tax Exemption Churches 2022 Bylaw No. 3048, 2021
- 3) Tax Exemption 2022-2031 Bylaw No. 3049, 2021

REASON FOR BYLAW

To consider three readings of the above permissive tax exemption bylaws for the 2022 taxation year.

STATUTORY AUTHORITY FOR BYLAW

Section 224 of the *Community Charter*

OTHER APPROVALS REQUIRED

STAFF COMMENTS AND/OR REPORTS

Bylaws are prepared in accordance with the September 7, 2021 Council approved list of recipients and prescribed exemption levels.

Final adoption required by October 29, 2021 to take effect for the 2022 taxation year.

OTHER PROCEDURES REQUIRED

Statutory Advertising required will be completed for two weeks prior to the expected final adoption of the bylaws on October 18, 2021.

September 27, 2021

A. Berard
Staff Member

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3047

A bylaw to exempt certain lands and improvements from taxation for the year 2022

WHEREAS the Council of the Corporation of the City of Courtenay deems that land and improvements described herein meet the qualifications of Section 224 of the *Community Charter*;

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

1. This bylaw may be cited for all purposes as "**Tax Exemption 2022 Bylaw No. 3047, 2021**".
2. The following properties are hereby exempt from taxation for land and improvements to the extent indicated for the year 2022:

FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER/LESSEE	PERCENTAGE EXEMPTION
49.000	LOT 41, SECTION 61, CD, PLAN 311	280 – 4 TH STREET	EUREKA SUPPORT SOCIETY	100%
122.000	LOT 1, PLAN 40587	367 CLIFFE AVENUE	ROYAL CANADIAN LEGION	100%
1650.000	PARCEL A, DD59610N OF LOT B, SECTION 16, PL 5618	101 ISLAND HIGHWAY		
169.000	PARCEL B (BEING A CONSOLIDATION OF LOTS 14, 17, 18, 21, 22 SEE CA6169477) SECTION 61, CD, PLAN VIP1517	237 – 3 RD STREET	COMOX VALLEY CHILD DEVELOPMENT ASSOCIATION	100%
170.002	LOT A, SECTION 61, PLAN 54105 PID 017-752-141	280 2 ND STREET	COMOX VALLEY TRANSITION SOCIETY (LEASED FROM FOUR PAWS INVESTMENTS LTD.)	100%
348.000	LOT 15, SECTION 61, CD, PLAN 4906	543 – 6 TH STREET	ALANO CLUB OF COURTENAY	100%

FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER/LESSEE	PERCENTAGE EXEMPTION
400.000	LOT A, SECTION 61, CD, PLAN 18979	A1-310 8 TH STREET	CITY OF COURTENAY (LEASED FROM WEST ISLAND CAPITAL CORP)	100% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE
513.000	LOT A, DL 127, CD, PLAN 7719	755 HARMSTON AVENUE	OLD CHURCH THEATRE SOCIETY	100%
580.000	LOT A, SECTION 127, DL 15, PLAN VIP 63529 PID 023-459-832	877 5 TH STREET	BOYS AND GIRLS CLUB OF CENTRAL VANCOUVER ISLAND (LEASED FROM GOLDFINCH SMALL HOME DESIGN LTD)	100% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE
750.020	LOT 1, DL 127, CD, PLAN VIP62285	641 MENZIES AVENUE	COMOX VALLEY RECOVERY CENTRE SOCIETY (LEASED FROM CITY OF COURTENAY)	100%
1037.000	LOTS 1 AND 2, SECTION 41, CD, PLAN 3930	1415 CLIFFE AVENUE	COMOX VALLEY FAMILY SERVICES ASSOCIATION	100%
1200.000	LOT 1, SECTION 68, DL 15, PLAN 15512, PID 004-154-665	2040 CLIFFE AVENUE	COMOX VALLEY CANOE RACING CLUB (LEASED FROM CITY OF COURTENAY)	100% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE
1494.000 1494.010	LOT 1 AND 2, SECTION 6 AND 8, CD, PLAN 2849, EXCEPT PLAN 35008	2470 BACK ROAD	GLACIER VIEW LODGE SOCIETY	100%
1494.050	LOT A, SECTION 6 AND 8, CD, PLAN 35008	2450 BACK ROAD		
1577.018	LOT 4, SECTION 16, PLAN VIS2269, PID 017-693-071	#4 - 204 ISLAND HWY N	COMOX VALLEY PREGNANCY CARE CENTRE	100%
2200.044	LOT 3, DL 138, CD, PLAN 20288	2564 CUMBERLAND ROAD	COURTENAY & DISTRICT HISTORICAL SOCIETY IN TRUST	100%

FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER/LESSEE	PERCENTAGE EXEMPTION
3200.072	LOT A, SECTION 18, CD, PLAN 12735	4835 HEADQUARTERS RD	COMOX VALLEY CURLING CLUB	100%
757.000	LOT A, BLOCK 2, PLAN 1951	1061 – 8 TH STREET	COMOX VALLEY KIWANIS VILLAGE SOCIETY	75%
757.001	LOT A, BLOCK 2, PLAN 1951 EXCEPT PLAN 4288 & 4941	1051 – 8 TH STREET		
758.000	LOT A&B, PLAN 16907	635 PIDCOCK AVE		
1286.045	LOT 8, BLOCK 3, PLAN 16252	534 – 19 TH STREET	L'ARCHE COMOX VALLEY	75%
88.000	LOT 85, PLAN VIP 311 SECTION 61, LD 15 EXCEPT PLAN 66BL PID 000-337-366	355 6 TH STREET	AVI HEALTH AND COMMUNITY SERVICES (LEASED FROM ERNST VON SCHILLING)	40% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE
34.000	LOT 2, SECTION 61, CD, PLAN 20159 PID 003-698-254	231 6 TH STREET	COURTENAY ELKS' LODGE #60 OF THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS' OF CANADA	40%
131.002	LOT A, SECTION 61, PLAN EPP61970, PID 029-906-431	356 3 RD STREET	COMOX VALLEY TRANSITION SOCIETY	40%
166.000	LOT 8 PLAN 2834 PID 003-451-941	267 3 RD STREET	COMOX VALLEY CHILD DEVELOPMENT ASSOCIATION	40%
409.000	LOT A, SECTION 61, PLAN 1674, PID 001-159-526	625 ENGLAND AVENUE	COMOX VALLEY TRANSITION SOCIETY (LEASED FROM SECRET VENTURE HOLDINGS LTD)	40%
432.000	LOT 14, SECTION 61, LD 15, PLAN VIP3939 PID 004-154-894	A & C 450 – 8 TH STREET	1124430 BC LTD (LEASED TO COMMUNITY JUSTICE CENTRE OF THE COMOX VALLEY)	40% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE

FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER/LESSEE	PERCENTAGE EXEMPTION
459.000	LOT B, PLAN 20211 PID 003-519-376	956 GRIEVE AVENUE	UPPER ISLAND WOMEN OF NATIVE ANCESTRY	40%
461.050	LOT A, SECTION 61, DL15, PLAN 31213 PID 001-170-074	575 10 TH STREET	JOHN HOWARD SOCIETY OF NORTH ISLAND	40%
750.100	LOT 1, PLAN VIP 62247 PID 023-241-667	994 – 8 TH ST		
1113.000	LOT 19, SECTION 41, DL 15, PLAN 9230, PID 005-583-314	1465 GRIEVE AVENUE	L'ARCHE COMOX VALLEY	40%
1171.005	LOT C, PLAN 13660, SECTION 41, LD 15 PID 004-619-048	1625 MCPHEE AVENUE	WACHIAY FRIENDSHIP CENTRE SOCIETY	40% OF THE ASSESSMENT – <i>EXCLUDING</i> 26% OF FACILITY USED FOR REVENUE GENERATING BUSINESS (WACHIAY STUDIO AND MULTIMEDIA AND DAYCARE)
1171.006	LOT 5, PLAN 13075, SECTION 41, LD 15 EXCEPT PLAN VIP68431 PID 004-711-823	1679 MCPHEE AVENUE		
1175.034	STRATA LOT 13, PLAN VIS2667, SECTION 41, LD 15 PID 018-180-876	#13, 1520 PIERCY ROAD	DAWN TO DAWN ACTION ON HOMELESSNESS SOCIETY	40%
1224.080	STRATA LOT 26, PLAN VIS2232, SECTION 68, LD 15 PID 017-586-801	#17, 375 - 21 ST STREET		
1288.004	STRATA LOT 30, PLAN VIS932, DL 104, LD 15 PID 000-806-161	#102, 1015 CUMBERLAND ROAD		
1288.060	STRATA LOT 30, PLAN VIS932, DL 104, LD 15 PID 000-806-471	#311, 1015 CUMBERLAND ROAD		
1700.332	STRATA LOT 2, SECTION 67, LD 15, PLAN VIS3934 PID 023-378-158	#10-12, 2683 MORAY AVENUE	THE CANADIAN RED CROSS SOCIETY (LEASED FROM 670431 BC LTD)	40% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE

FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER/LESSEE	PERCENTAGE EXEMPTION
1960.004	LOT B, SECTION 67, CD, PLAN 33851 PID 000-262-170	#8, 468 - 29 TH STREET	THE GOVERNING COUNCIL OF THE SALVATION ARMY IN CANADA (LEASED FROM LENCO/NORCO AND FERNCO DEVELOPMENT LTD)	40% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE
1960.006	LOT C, SECTION 67, CD, PLAN 33851 PID 000-217-158	2966 KILPATRICK AVE	AARON HOUSE MINISTRIES (LEASED FROM LENCO/NORCO AND FERNCO DEVELOPMENT LTD)	40% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE
2016.006	LOT 6, PLAN 27200 PID 002-344-408	1535 BURGESS ROAD	STEPPING STONES RECOVERY HOUSE FOR WOMEN (LEASE)	40%
2024.009	LOT 2 PLAN VIP53672 PID 017-650-097	1755 13 TH STREET	HABITAT FOR HUMANITY VANCOUVER ISLAND NORTH SOCIETY	40% OF THE ASSESSMENT ALLOCATED TO THE SPACE USED FOR ADMINISTRATION OFFICES
3200.032	LOT A, SECTION 18, CD, PLAN VIP 75369 PID 025-673-017	4729 HEADQUARTERS RD	YOUTH FOR CHRIST COMOX VALLEY	40% OF THE ASSESSMENT – <i>EXCLUDING</i> CARETAKER RESIDENTIAL SPACE

Read a first time this day of September, 2021

Read a second time this day of September, 2021

Read a third time this day of September, 2021

Finally passed and adopted this day of October, 2021

Mayor

Deputy Corporate Officer

CITY OF COURTENAY

BYLAW REFERENCE FORM

BYLAW TITLE

- 1) Tax Exemption 2022 Bylaw No. 3047, 2021
- 2) Tax Exemption Churches 2022 Bylaw No. 3048, 2021
- 3) Tax Exemption 2022-2031 Bylaw No. 3049, 2021

REASON FOR BYLAW

To consider three readings of the above permissive tax exemption bylaws for the 2022 taxation year.

STATUTORY AUTHORITY FOR BYLAW

Section 224 of the *Community Charter*

OTHER APPROVALS REQUIRED

STAFF COMMENTS AND/OR REPORTS

Bylaws are prepared in accordance with the September 7, 2021 Council approved list of recipients and prescribed exemption levels.

Final adoption required by October 29, 2021 to take effect for the 2022 taxation year.

OTHER PROCEDURES REQUIRED

Statutory Advertising required will be completed for two weeks prior to the expected final adoption of the bylaws on October 18, 2021.

September 27, 2021

A. Berard
Staff Member

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3048

A bylaw to exempt certain lands and improvements, set apart for public worship, from taxation for the year 2022

WHEREAS the Council of the Corporation of the City of Courtenay deems that land and improvements described herein meet the qualifications of Section 220 of the *Community Charter*;

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

1. This bylaw may be cited for all purposes as "**Tax Exemption Churches 2022 Bylaw No. 3048, 2021**".

2. Pursuant to Section 224(2)(a)(f)(g) of the *Community Charter*, the following properties on which a church hall or facility is situated, the land on which such a hall stands, the remaining area of land surrounding the building set apart for public worship, and the remaining area of land surrounding the exempted building, exempted hall, or both, are hereby exempted from taxation for land and improvements to the extent indicated for the year 2022 *except for that portion of the property used for residential or commercial purposes*:

	FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER	PERCENTAGE EXEMPTION
1.	143.000	LOT AM 11, SECTION 61, CD, PLAN 33854N	467 – 4 TH STREET	GRACE BAPTIST CHURCH OF THE COMOX VALLEY	100%
2.	313.100	LOT 1, SECTION 62, CD, PLAN VIP 74608	579 – 5 TH STREET	ANGLICAN SYNOD DIOCESE OF B.C.	100%
3.	341.000	AMENDED LOT 1, PLAN 55886N, SECTION 61 CD, PLAN 4906	566 – 5 TH STREET	ELIM GOSPEL CHAPEL TRUSTEES	100%
4.	342.000	LOTS 3 & 4, BLOCK 6, CD, PLAN 472B	576 – 5 TH STREET	ELIM GOSPEL CHAPEL TRUSTEES	100%
5.	346.000	LOTS 10,11,12, AND 13, SECTION 61, CD, PLAN 4906	505 – 6 TH STREET	ST. GEORGES CHURCH	100%
6.	568.000	LOT A (DD EL132291), DL 127, PLAN 1464 EXCEPT PLAN VIP67475	765 MCPHEE AVENUE	CENTRAL EVANGELICAL FREE CHURCH	100%
7.	618.220	LOT 1, DL 118, CD, PLAN VIP 73074	2201 ROBERT LANG DRIVE	RIVER HEIGHTS CHURCH SOCIETY	100%

	FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER	PERCENTAGE EXEMPTION
8.	1074.050	LOT A, PLAN 54316P, SECTION 41, CD, PLAN 7449	1580 FITZGERALD AVENUE 1590 FITZGERALD AVENUE	GOVERNING COUNCIL SALVATION ARMY CANADA WEST	100%
9.	1166.000	LOT A, PLAN 121193EF, SECTION 41, CD, FORMERLY LOTS 32 & 33, CD, PLAN 10725	771 – 17 TH STREET	TRUSTEES LUTHERAN CHURCH	100%
10.	1211.004	LOT 4, SECTION 68, CD, PLAN 14176	1814 FITZGERALD AVE	VALLEY UNITED PENTACOSTAL CHURCH OF BC	100%
11.	1524.102	LOT B, SECTION 15, CD, PLAN 54793 EXCEPT PLANS 14713, 36414, 51121	1599 TUNNER DRIVE	BISHOP OF VICTORIA, CHRIST THE KING CATHOLIC CHURCH	100%
12.	1594.000	LOT 16, SECTION 16, CD, PLAN 7037 EXCEPT PLAN 44368	1581 DINGWALL RD	TRUSTEES OF THE KINGDOM HALL OF JEHOVAH WITNESS	100%
13.	1691.030	LOT 1, SECTION 17, CD, PLAN VIP 79479	4660 HEADQUARTERS ROAD	SEVENTH DAY ADVENTIST CHURCH	100%
14.	1691.044	LOT 2, SECTION 17, CD, PLAN VIP 61425	4634 ISLAND HWY	ANGLICAN SYNOD DIOCESE OF BC	100%
15.	1691.046	LOT 3, SECTION 17, CD, PLAN VIP 61425	1514 DINGWALL ROAD	ANGLICAN SYNOD DIOCESE OF BC	100%
16.	2005.000	LOT 12, DL 96 & 230, CD, PLAN 1406	1901 – 20 TH STREET	LDS CHURCH	100% EXCEPT THE PART ASSESSED FOR SCHOOL USE
17.	2017.034	LOT 1, DL 96, CD, PLAN VIP 59504	1640 BURGESS RD	FOURSQUARE GOSPEL CHURCH OF CANADA	100%
18.	2200.088	LOT A, PLAN 27596	2963 LAKE TRAIL ROAD	COURTENAY BAPTIST CHURCH	100%

Read a first time this day of September, 2021

Read a second time this day of September, 2021

Read a third time this day of September, 2021

Finally passed and adopted this day of October, 2021

Mayor

Deputy Corporate Officer

CITY OF COURTENAY

BYLAW REFERENCE FORM

BYLAW TITLE

- 1) Tax Exemption 2022 Bylaw No. 3047, 2021
- 2) Tax Exemption Churches 2022 Bylaw No. 3048, 2021
- 3) Tax Exemption 2022-2031 Bylaw No. 3049, 2021

REASON FOR BYLAW

To consider three readings of the above permissive tax exemption bylaws for the 2022 taxation year.

STATUTORY AUTHORITY FOR BYLAW

Section 224 of the *Community Charter*

OTHER APPROVALS REQUIRED

STAFF COMMENTS AND/OR REPORTS

Bylaws are prepared in accordance with the September 7, 2021 Council approved list of recipients and prescribed exemption levels.

Final adoption required by October 29, 2021 to take effect for the 2022 taxation year.

OTHER PROCEDURES REQUIRED

Statutory Advertising required will be completed for two weeks prior to the expected final adoption of the bylaws on October 18, 2021.

September 27, 2021

A. Berard
Staff Member

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3049

**A bylaw to exempt certain lands and
improvements from taxation for the years 2022 - 2031**

WHEREAS the Council of the Corporation of the City of Courtenay deems that land and improvements described herein meet the qualifications of Section 224 of the *Community Charter*;

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

1. This bylaw may be cited for all purposes as "**2022-2031 Tax Exemption Bylaw No. 3049, 2021**".
2. The following properties are hereby exempt from taxation for land and improvements to the extent indicated for the years 2022 to 2031:

FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER/LESSEE	PERCENTAGE EXEMPTION
467.000	PID 011-147-431	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
467.100	PID 011-147-504	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
613.100	PID 007-602-430	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
1012.205	PID 024-488-208	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
2154.000	PID 009-520-317 PID 024-478-539 PID 024-483-966 PID 011-147-555	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
2154.001	PID 009-529-535	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
2154.003	PID 011-078-189	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
2154.013	LAND DIST 15	RAILWAY CORRIDOR	ISLAND CORRIDOR FOUNDATION	100%
1493.003	PID 028-006-089	1901 COMOX ROAD	PROJECT WATERSHED SOCIETY	100%
1493.005	PID 028-006-097	1901 COMOX ROAD	PROJECT WATERSHED SOCIETY	100%
1493.007	PID 028-006-101	1901 COMOX ROAD	PROJECT WATERSHED SOCIETY	100%

FOLIO	LEGAL DESCRIPTION	CIVIC ADDRESS	REGISTERED OWNER/LESSEE	PERCENTAGE EXEMPTION
1493.009	PID 028-006-119	1901 COMOX ROAD	PROJECT WATERSHED SOCIETY	100%
1566.000	LOT 1, PLAN 27169 SECTION 16, LD 15 PID 002-568-098	810 BRAIDWOOD ROAD	M'AKOLA HOUSING SOCIETY	100%
1960.300	LOT A, PLAN 15464 PID 004-144-279	SANDPIPER DRIVE	THE NATURE TRUST OF BRITISH COLUMBIA	100%
2023.014	LOT 1, SECTION 79, CD PLAN 8249, EXCEPT PLAN 8464, & EXC PCL A DD 666650 & EXC PID 005-497-264	656 ARDEN ROAD	THE NATURE TRUST OF BRITISH COLUMBIA	100%

3. The "2012-2021 Tax Exemption Bylaw No. 2802, 2014" is hereby repealed in its entirety.

Read a first time this day of September, 2021

Read a second time this day of September, 2021

Read a third time this day of September, 2021

Finally passed and adopted this day of October, 2021

Mayor

Deputy Corporate Officer

