

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

**Date:** February 1, 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*

Due to the Coronavirus COVID-19 emergency, the City of Courtenay with the authority of Ministerial Order No. M192 Local Government Meetings & Bylaw Process (COVID-19) Order No. 3 implemented changes to its open Council meetings.

In the interest of public health and safety, and in accordance with section 3(1) of Ministerial Order No. 3 M192, in-person attendance by members of the public at Council meetings will not be permitted until further notice. Council meetings are presided over by the Mayor or Acting Mayor with electronic participation by Council and staff via live web streaming.

**K'OMOKS FIRST NATION ACKNOWLEDGEMENT**

	<b>Pages</b>
<b>1. ADOPTION OF MINUTES</b>	
1.1. Adopt January 18th, 2021 Regular Council meeting minutes	5
1.2. Adopt January 25th, 2021 Committee of the Whole meeting minutes	13
<b>2. INTRODUCTION OF LATE ITEMS</b>	
<b>3. DELEGATIONS</b>	
3.1. Application to Rezone Property - 310 Hunt Road (Hotel Proposal)	
Presentation by:	
• Kevin Brooks, Senior Planner, McElhanney	
• Len Wansbrough, Applicant, Metropolitan Capital Partners	
• Andrea Scott, Principal Architect, Lovick Scott Architects	

#### **4. STAFF REPORTS/PRESENTATIONS**

##### 4.1. Financial Services

###### 4.1.1. Presentation - BC Assessment - 2021 Assessment Roll

Presentation by Maurice Primeau, Deputy Assessor, BC Assessment:  
to present information regarding the 2021 assessment roll

##### 4.2. CAO and Legislative Services

###### 4.2.1. Lease Agreement for the Courtenay Marina - 100 - 20th Street

19

##### 4.3. Development Services

###### 4.3.1. Development Permit with Variances No. 2016 - 4883 Island Highway North and 4886 Topland Road

45

###### 4.3.2. Development Permit with Variance No. 2020 - 880 Comox Road

93

###### 4.3.3. Zoning Amendment Bylaw No. 2994 - 310 Hunt Road

139

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

##### 5.1. Meeting Invitation - John M Wilson, President & Chief Executive Officer, The Wilson's Group of Companies Re: Island Bus Service

195

Invitation to Mayor Wells to participate in a meeting with The Wilson's Group  
of Companies and Honourable Rob Fleming, Minister of Transportation and  
Infrastructure, in support of their proposal asking the Province for a short-term  
emergency COVID-19 recovery contract so they may continue providing  
intercity busing service to the communities they serve on Vancouver Island.

#### **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**

**9. UNFINISHED BUSINESS**

**10. NOTICE OF MOTION**

10.1. Councillor Theos - Notice of Motion - Traffic Calming - Crown Isle

*"WHEREAS due to the ongoing concerns raised by Crown Isle residents in regards to speeding in the Crown Isle Drive area, and that the City of Courtenay has an established Speed Reader Program already in place to capture and analyze vehicular movement data throughout the City; and,*

*WHEREAS lower speed limits in residential areas is an effective method used for traffic calming resulting in a safer experience for all road users.*

*THEREFORE BE IT RESOLVED THAT Council direct Staff to provide a report to Council with the results of the speed reader program in the Crown Isle area and include any recommended mitigation measures including the possibility of lowering speed limits to help alleviate resident concerns."*

**11. NEW BUSINESS**

**12. BYLAWS**

12.1. For First and Second Reading

12.1.1. Zoning Amendment Bylaw No. 2994, 2021 (310 Hunt Road)

197

(A bylaw to amend Zoning Amendment Bylaw 2500, 2007 to create a new Comprehensive Development Thirty One Zone (CD-31), and rezone from Land Use Contract (LUC) to Thirty One Zone (CD-31) to facilitate the development of a 93 unit hotel - 310 Hunt Road)

**13. ADJOURNMENT**

**Minutes of a Regular Council Meeting**

**Meeting #:** R2/2021  
**Date:** January 18, 2021  
**Time:** 4:00 pm  
**Location:** City Hall, Courtenay, BC, via video/audio conference

**Attending:**

**Mayor:** B. Wells, via video/audio conference  
**Council:** W. Cole-Hamilton, via video/audio conference  
D. Frisch, via video/audio conference at 4:10 p.m.  
D. Hillian, via video/audio conference  
M. McCollum, via video/audio conference  
W. Morin, via video/audio conference  
M. Theos, via video/audio conference

**Staff:** T. Kushner, Interim CAO, via video/audio conference  
W. Sorichta, Corporate Officer, via video/audio conference  
I. Buck, Director of Development Services, via video/audio conference  
C. Davidson, Director of Engineering 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  
M. Fitzgerald, Manager of Development Planning, via video/audio conference  
E. Gavelin, Network Technician, via video/audio conference  
R. Matthews, Executive Assistant/Deputy Corporate Officer, via video/audio conference

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**1. ADOPTION OF MINUTES**

**1.1 Adopt January 11, 2021 Regular Council meeting minutes (0570-03)**

**Moved By** Morin

**Seconded By** Cole-Hamilton

THAT the January 11<sup>th</sup>, 2021 Regular Council meeting minutes be adopted.

**Carried**

**Councillor Frisch was temporarily delayed joining the video conference meeting due to technical complications and was not available to vote.**

**Councillor Frisch joined the meeting at 4:10 p.m.**

**2. INTRODUCTION OF LATE ITEMS**

**3. DELEGATIONS**

**3.1 LUSH Valley Food Action Society - Request for Funding to Support the Restart of the "Good Food Box" Program for Vulnerable Citizens (0400-01/1850-01)**

Maurita Prato, Executive Director, LUSH Valley Food Action Society, and Kimberley Toonders, Community Dietician, Vancouver Island Health Authority, presented the results of the 2020 “Good Food Box” program and emphasized the continued need to support local food security programs and food producers in the Comox Valley. Ms. Prato thanked the City of Courtenay for the continued support of the Society’s initiatives, in particular the Community Garden, and access to the lower Florence Filberg Centre (as the space is essential to provide their services).

The Society is requesting up to \$100,000 from the Federal and Provincial COVID-19 Safe Restart Grant funding stream to support the purchase of food locally from Comox Valley producers to continue their “Good Food Box” program into 2021, and to introduce the “Farm Bucks” incentive program to the region.

**3.1.1 Briefing Note - LUSH Valley - Program Funding Request**

The January 11<sup>th</sup>, 2021 Briefing Note "LUSH Valley Delegation to City of Courtenay January 2021" was received for information.

**3.2 Comox Valley Cycling Coalition Re: 6<sup>th</sup> Street Multi-Use Active Transportation Bridge (0400-01/5335-20/5400-02)**

Lawrence Vea, President, Comox Valley Cycling Coalition, and Mike Keohane, Board Member, Comox Valley Cycling Coalition, presented information to Council regarding their concerns on Council's decision December 9<sup>th</sup>, 2020 to proceed with a 4-metre wide pedestrian bridge in the detailed design stage of the 6<sup>th</sup> Street Multi-Use Active Transportation Bridge project. The Coalition is concerned that this width will cause safety issues for users as it does not allow for separation between cyclists and pedestrians.

The Coalition proposed that Council revisit their decision; and, that a minimum of 4.8-metre width pedestrian bridge be considered for the detailed design of the 6<sup>th</sup> Street Multi-Use Active Transportation Bridge project.

**4. STAFF REPORTS/PRESENTATIONS**

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

**5.1 2021 Association of Vancouver Island and Coastal Communities (AVICC) Virtual AGM & Convention - Call for Resolutions (0250-20)**

**Moved By** Frisch

**Seconded By** Morin

That the correspondence from the Association of Vancouver Island and Coastal Communities (AVICC) regarding the 2021 Virtual Annual General Meeting (AGM) and Convention "Call for Resolutions" and "Call for Nominations for Executive", be received for information.

**Carried**

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

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

**7.1 Councillor Cole-Hamilton**

Councillor Cole-Hamilton reviewed his attendance at the following events:

- Inaugural Comox Youth Climate Council Annual General Meeting (AGM)

**7.3 Councillor Hillian**

Councillor Hillian mentioned the tremendous display of volunteer spirit by the community during the *Sharing the Christmas Spirit Hamper Program* held in December 2020.

The coordinators of the Hamper Program expressed their sincere appreciation to the City for the temporary use of the Florence Filberg Centre facility as it allowed them to brighten the Christmas for over 500 families who received hampers.

**7.5 Councillor Morin**

Councillor Morin participated in the following events:

- Comox Valley Recreation Commission meeting
- CVRD Board meeting
- Comox Valley Community Health Network's *Building Diversity, Equity, and Inclusion in Organizations* session
- Comox Strathcona Waste Management Board meeting
- City of Courtenay Finance Select Committee meeting #4 (observed virtually)

**7.7 Mayor Wells**

Mayor Wells mentioned that the Vancouver Island Regional Library (VIRL) is continuing to provide service to the community during the COVID-19 pandemic.

Mayor Wells shared that he and Councillor Cole-Hamilton met with the Downtown Courtenay Business Improvement Association (DCBIA) to discuss the recent announcement that the City of Courtenay and Community Land Trust have partnered on applications to BC Housing's Community Housing Fund to secure funding for Co-op Housing.

Mayor Wells thanked Councillors Hillian, Cole-Hamilton and McCollum for their contributions to the Finance Select Committee meeting held January 15<sup>th</sup>, 2021.



**8. RESOLUTIONS OF COUNCIL**

**8.1 In Camera Meeting**

**Moved By** Morin

**Seconded By** Frisch

THAT a Special In-Camera meeting closed to the public will be held January 18<sup>th</sup>, 2021 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (c) labour relations or other employee relations;
- 90 (1) (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- 90 (1) (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**Carried**

**9. UNFINISHED BUSINESS**

**10. NOTICE OF MOTION**

**11. NEW BUSINESS**

**12. BYLAWS**

**12.1 For Third Reading**

**12.1.1 Official Community Plan Amendment Bylaw No. 3014, 2020 (1375 Piercy Avenue)**

**Moved By** Frisch

**Seconded By** McCollum

THAT "Official Community Plan Amendment Bylaw No. 3014, 2020" pass third reading.

**Carried**

**12.1.2 Zoning Amendment Bylaw No. 3005, 2020 (1375 Piercy Avenue)**

**Moved By** Frisch  
**Seconded By** McCollum

THAT " Zoning Amendment Bylaw No. 3005, 2020" pass third reading.  
**Carried**

**12.1.3 Zoning Amendment Bylaw No. 2998, 2020 (2466 Walbran Place)**

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

THAT "Zoning Amendment Bylaw No. 2998, 2020" pass third reading.  
**Carried**

**12.1.4 Zoning Amendment Bylaw No. 3009, 2020 (1550 Willemar Avenue)**

**Moved By** Frisch  
**Seconded By** McCollum

THAT "Zoning Amendment Bylaw No. 3009, 2020" pass third reading.  
**Carried**

**12.2 For Final Adoption**

**12.2.1 Official Community Plan Amendment Bylaw No. 3014, 2020 (1375 Piercy Avenue)**

**Moved By** Morin  
**Seconded By** Frisch

THAT "Official Community Plan Amendment Bylaw No. 3014, 2020" be finally adopted.  
**Carried**

**12.2.2 Zoning Amendment Bylaw No. 3005, 2020 (1375 Piercy Avenue)**

**Moved By** Frisch  
**Seconded By** Hillian

THAT "Zoning Amendment Bylaw No. 3005, 2020" be finally adopted.  
**Carried**

**12.2.3 Zoning Amendment Bylaw No. 2998, 2020 (2466 Walbran Place)**

**Moved By** Hillian  
**Seconded By** Cole-Hamilton

THAT "Zoning Amendment Bylaw No. 2998, 2020" be finally adopted.  
**Carried**

**13. ADJOURNMENT**

**Moved By** Hillian  
**Seconded By** Cole-Hamilton

THAT the meeting now adjourn at 5:57 p.m.  
**Carried**

**CERTIFIED CORRECT**

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

**Adopted this 1<sup>st</sup> day of February, 2021**

\_\_\_\_\_  
**Mayor**



**Minutes of a Committee of the Whole Meeting**

**Meeting #:** CoW1/2021  
**Date:** January 25, 2021  
**Time:** 4:01 pm  
**Location:** City Hall, Courtenay, BC, via video/audio conference

**Attending:**

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

**Staff:** T. Kushner, Interim CAO, via video/audio conference  
W. Sorichta, Corporate Officer, via video/audio conference  
I. Buck, Director of Development Services, via video/audio conference  
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**1. STAFF REPORTS/PRESENTATIONS**

**1.1 CAO and Legislative Services**

**1.1.1 Inspector Mike Kurvers, Comox Valley RCMP - 2020 Third Quarter Report Presentation (7580-20)**

**Moved By** Morin

**Seconded By** McCollum

THAT the presentation "Comox Valley RCMP - 2020 Year End Report to Council", be received for information.

**Carried**

Inspector Mike Kurvers, Comox Valley RCMP, presented a community policing overview to Council providing a summary of statistics such as calls for service, criminal code offences, crimes, public disturbances and mischief; with an overall data comparative of calls received community-by-community within the Comox Valley.

Inspector Kurvers introduced a new member of the Comox Valley RCMP, Staff Sergeant Troy Beauregard, who recently transferred from the Campbell River RCMP detachment.

**1.1.1.1 Comox Valley RCMP 2020 Third Quarter Report (7580-20)**

The "Comox Valley RCMP 2020 Third Quarter Report" was received for information.

**1.1.1.2 Comox Valley RCMP 2020 Second Quarter Report (7580-20)**

The "Comox Valley RCMP 2020 Second Quarter Report" was received for information.

**1.2 Financial Services**

**1.2.1 COVID-19 Safe Restart Grants for Local Governments (1970-02)**

**Moved By** Hillian

**Seconded By** Cole-Hamilton

THAT based on the January 25<sup>th</sup>, 2021 staff report "COVID-19 Safe Restart Grants for Local Governments" that Council direct staff to incorporate the attached 2020-2022 proposed use of COVID-19 Safe Restart Grant for Local Governments in the 2020 year end and 2021-2025 Financial Plan, and;

THAT staff be directed to pay back the gaming fund \$725,000 for the 2020 fiscal year to recognize the lost revenue in the fund and use the COVID-19 Safe Restart Grant to fund Policing and the Infrastructure Reserve contribution in 2020.

**Carried**

**2. EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

**2.1 Comox Valley Regional District (CVRD) - Regional Parks Service Proposal (0470-20)**

**Moved By** McCollum

**Seconded By** Hillian

THAT the correspondence date January 5<sup>th</sup>, 2021 from the Comox Valley Regional District (CVRD) regarding a proposal to establish a regional parks service, be received for information.

**Carried**

**New motion:**

**Moved By** Hillian

**Seconded By** Cole-Hamilton

THAT Council request staff to explore the implications of a regional parks service as proposed by the Comox Valley Regional District (CVRD) in their January 5<sup>th</sup>, 2021 letter; and,

THAT staff provide a report on the implications of a regional parks function.

**Carried**

**2.2 City of North Vancouver - Letter to Minister of Environment and Climate Change Strategy - Province-wide Ban on Anticoagulant Rodenticides (0410-20/0470-20)**

**Moved By** McCollum

**Seconded By** Hillian

THAT the correspondence dated January 11<sup>th</sup>, 2021 from Mayor Linda Buchanan, City of North Vancouver, addressed to Honourable George Heyman, Minister of Environment and Climate Change Strategy, regarding a request to implement a province-wide ban on anticoagulant rodenticides, be received for information.

**Carried**

**3. INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

**3.1 Finance Select Committee (Council Select Committee on Alternative Asset Management Funding Sources and Levels of Service Options) - Meeting Minutes - February 10, 2020 (0550-20-03)**

**Moved By** McCollum

**Seconded By** Morin

THAT the Finance Select Committee (Council Select Committee on Alternative Asset Management Funding Sources and Levels of Service Options) meeting minutes for February 10, 2020, be received for information.

**Carried**

**4. RESOLUTIONS OF COUNCIL**

**4.1 Finance Select Committee (Council Select Committee on Alternative Asset Management Funding Sources and Levels of Service Options) (0550-20)**

**Moved By** Hillian

**Seconded By** McCollum

THAT Council support the recommendation made by the Finance Select Committee (Council Select Committee on Alternative Asset Management Funding Sources and Levels of Service Options) at its January 15<sup>th</sup>, 2021 meeting and amend the timeline identified in Section 6 Reporting, of the committee's Terms of Reference to read:

*"...the Committee will submit its findings and recommendations in a written report to Council no later than **January 31<sup>st</sup>, 2022.**"*

**Carried**

**4.2 In Camera Meeting**

**Moved By** Frisch

**Seconded By** McCollum

THAT a Special In-Camera meeting closed to the public will be held January 25<sup>th</sup>, 2021 at the conclusion of the Committee of the Whole Meeting pursuant to the following sub-sections of the *Community Charter*:



- 90 (1) (c) labour relations or other employee relations;
- 90 (1) (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- 90 (1) (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 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**

**5. ADJOURNMENT**

**Moved By** Frisch

**Seconded By** McCollum

That the meeting now adjourn at 5:12 p.m.

**Carried**

**CERTIFIED CORRECT**

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**Corporate Officer**

**Adopted this 1<sup>st</sup> day of February, 2021**

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**Mayor**





THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 2380-30 Courtenay Marina

**From:** Interim Chief Administrative Officer

**Date:** February 1<sup>st</sup>, 2021

**Subject:** Lease Agreement for the Courtenay Marina - 100 - 20<sup>th</sup> Street

### PURPOSE:

The purpose of this report is for Council to consider entering into a lease agreement with the Courtenay Marina Society.

### CAO RECOMMENDATIONS:

THAT based on the February 1<sup>st</sup>, 2021 staff report "Lease Agreement for the Courtenay Marina - 100 – 20<sup>th</sup> Street", Council approve OPTION 1 and authorize the attached lease between the Courtenay Marina Society and the City of Courtenay for the property having a legal description of:

- PID: 004-154-665, Lot 1, Section 68, Comox District, Plan 15512; 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 Corporate Officer be authorized to execute all documentation relating to the lease.

Respectfully submitted by:

Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

### BACKGROUND:

The City acknowledged in the early 1990's the need for additional physical space for public access to the water on the Courtenay waterfront. Public access included launching motor boats and non-motorized vessels (e.g. canoes, kayaks, dinghies, sailboats etc.). The City worked with a group of boating enthusiasts to operate a public marina on behalf of the City.

The City has leased the Courtenay Marina facilities located at 100 – 20<sup>th</sup> Street to the Courtenay Marina Society for over 25 years. The Courtenay Marina Society is a not-for-profit cooperative society governed by a set of rules and bylaws approved by a Board of Directors.

The Courtenay Marina Society has contributed over \$100,000 in recent years to the upgrade and modernization of the marina facilities including two docks and dock entry ramp. These upgrades have provided safer access to the City's waterways for a variety of smaller marine vessels using the facilities. The

Courtenay Marina Society continues to improve, and maintain at its own expense, the marina dock infrastructure to the benefit of the community.

**DISCUSSION:**

The Courtenay Marina Society have committed to leasing the Courtenay Marina facilities for a minimum of five years with a renewal clause of three additional five year terms - subject to City Council approvals. The initial lease term will be for a period of five years commencing on January 1, 2021 and terminating on December 31, 2026.

***Moorage Fees and Market Rate Difference Calculations***

The fees to be paid to the City will be 10% of the rents levied and received by the Courtenay Marina Society for annual boat moorage on the leased premises. The balance of the fees collected are used for maintenance and future upgrade projects. Moorage fees are assessed at a minimum \$35 per lineal foot multiplied by the length of the boat. The historical total annual income received by the City based on the rental of 28 boat moorage locations is as follows:

Annual City of Courtenay Marina Moorage Income	
Year	28 Berths
2017	\$1,931
2018	\$2,128
2019	\$1,957

Published 2020 annual moorage rates per foot were sourced from municipal public marinas including Port McNeill, Powell River, Comox, and Ladysmith to illustrate and inform costs as best as possible. However, it should be noted that each marina offers a different set of amenities and unlike Comox Marina and Campbell River Marina, the Courtenay Marina has usability and amenity differences that are reflected in a decreased rate including: limited accessibility – tide dependent, shared public facilities (e.g. washrooms, parking), no access to overnight parking, and does not offer on-premises security. The uniqueness of the Courtenay Marina posed a challenge in regard to the benefit calculations as there is no straight comparator. To calculate the market rate difference, the moorage fees for fourteen 20 foot and fourteen 30 foot boats was identified and then averaged (see below).

Boat Length (Ft)	Courtenay Marina Society	Port McNeil Municipal Marina	Powell River Municipal North Harbour	Comox Municipal Marina	Ladysmith Community Marina
	Annual Rate (Ft)	Annual Rate (Ft)	Annual Rate (Ft)	Annual Rate (Ft)	Annual Rate (Ft)
20	\$35.00	\$45.00	\$64.80	\$72.50	\$94.80
30	\$35.00	\$45.00	\$71.28	\$86.75	\$94.80

Moorage Berths & Boat Length (Ft)	Courtenay Marina Society Annual Fees	4 Regional Marinas Avg Annual Fees	14 Moorage Berths Subsidy by City
14 @ 20 ft.	\$700	\$1,386	\$9,597
14 @ 30 ft.	\$1,050	\$2,234	\$16,572
		Less 10% to City	\$2,450
		Annual Total	\$26,169
		5 Year Total	\$130,846

**Amendments**

Upon renewal of any Agreement general Agreement language updates are undertaken to reflect common practices and current standards. In addition to some routine updates the following are proposed amendments that create new Tenant requirements under the Agreement.

**Insurance**

There is currently no requirement for moored boats at the Courtenay Marina to have liability insurance. This poses a risk to the City as the landowner as in the event of an incident, claims may focus on the Courtenay Marina Society’s insurance and the City’s insurance. As such, staff are recommending the addition of the following insurance requirements:

AGREEMENT SECTION REFERENCE	ADD	LEASE TERMS
Section 8, Insurance	ADD	<i>8(a) The Tenant will ensure that vessel owners provided moorage and/or renewing moorage will acquire and or maintain adequate insurance, including third party liability insurance. The insurance must protect against loss caused by storm, fire, theft, vandalism or any other cause. Proof of insurance must be forwarded to the City by March 31<sup>st</sup> of each year, and the insurance must be maintained throughout the moorage year. Vessel owners who do not provide this document by March 31<sup>st</sup> will be required to remove their vessel from the Marina until such time the insurance is provided.</i>

**Repairs and Maintenance**

To clearly identify both City and Tenant responsibilities in regard to ongoing maintenance and repairs and to ensure the ongoing protection and consideration of the sensitive natural environment the marina is located in, staff recommend the following additions:

AGREEMENT SECTION REFERENCE	ADD	LEASE TERMS
<b>Repair and Maintenance,</b>	<b>ADD</b>	<i>(a) Throughout the Term at its own expense, the Tenant shall repair and maintain the Premises and keep the Premises in a state of</i>

<p><b>proposed Section 26, (a) to (g)</b></p>		<p><i>good repair as a prudent owner would do. The City will not be obliged to repair, maintain, replace or alter the Premises, or any other Building or structure or any part thereof on the Premises during the Term or to supply any services or utilities thereto save and except for such services and utilities as the City may be required to provide strictly in its capacity as a municipality and not in its capacity as a landlord. The Tenant hereby assumes the full and sole responsibility for the condition, operation, maintenance, repair, replacement and management of the Premises during the Term.</i></p> <p><i>(b) The Tenant shall upon written notice from the City, make any repairs that are, in the opinion of the City, necessary to the Premises within SIXTY (60) DAYS of receipt of such notice.</i></p> <p><i>(c) The Tenant shall clear all ice and snow, repair and replace as necessary all walkways, ramps, parking areas and other public areas on the Premises in a well maintained, clean, tidy and safe state as befits land used for a Marina and as a prudent owner would do.</i></p> <p><i>(d) The Tenant shall not allow any ashes, refuse, garbage or other loose or objectionable material to accumulate on the Premises and shall maintain receptacles for garbage disposal and for the disposal of oil and other waste products.</i></p> <p><i>(e) The Tenant shall not, without the prior written consent of the City, make any alterations to the landscaping and topography of the Premises.</i></p> <p><i>(f) The Tenant shall not, without the prior written consent of the City, undertake any removal or cutting of foreshore trees and shrubs, or any marine habitat excavations of any kind. The Tenant shall work with a City designated Arborist, Marine Biologist or other agency, for the planning and execution of any foreshore tree and shrub cutting/removal or marine habitat excavation.</i></p> <p><i>(g) The Tenant shall reimburse the City for expenses incurred by the City in repairing any damage caused to the Premises, the improvements thereon or any part thereof as a result of the negligence or wilful act of the Tenant, its invitees, licensees, agents or other persons from time to time in or about the Premises.</i></p>
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**FINANCIAL IMPLICATIONS:**

The operation of the Courtenay Marina is the sole responsibility of the Courtenay Marina Society. The Marina Society is responsible any costs for utilities (site is metered for electricity use), property insurance, environmental liability insurance, maintenance by the Courtenay Marina and the City of the premises.

Since the lease contemplates rent less than market value, Council must provide notice pursuant to section 24 and in accordance with section 94 of the *Community Charter*:

***Publication of intention to provide certain kind of assistance***

**24** (1) A council must give notice in accordance with section 94 [public notice] of its intention to provide any of the following forms of assistance to a person or organization:

(a) disposing of land or improvements, or any interest or right in or with respect to them, for less than market value.

Based on the current market information, the difference between market value rent and the agreement is considered to be approximately \$26,000 annually; therefore this amount each year is considered assistance to the Courtenay Marina Society.

**ADMINISTRATIVE IMPLICATIONS:**

Approximately 20 hours of staff time annually has been dedicated to the review of the lease, meeting/speaking with the tenant to review the lease and inspect the premises to confirm compliance with the lease.

**ASSET MANAGEMENT IMPLICATIONS:**

There are no asset management implications as the lease will not change any service levels within the Courtenay Marina area. The use conforms to existing marina activities.

**STRATEGIC PRIORITIES REFERENCE:**

**We focus on organizational and governance excellence**

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

**Proactively plan and invest in our natural and built environment**

- Focus on asset management for sustainable service delivery
- ▲ Support social, economic, and environmental sustainability solutions

- **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:**

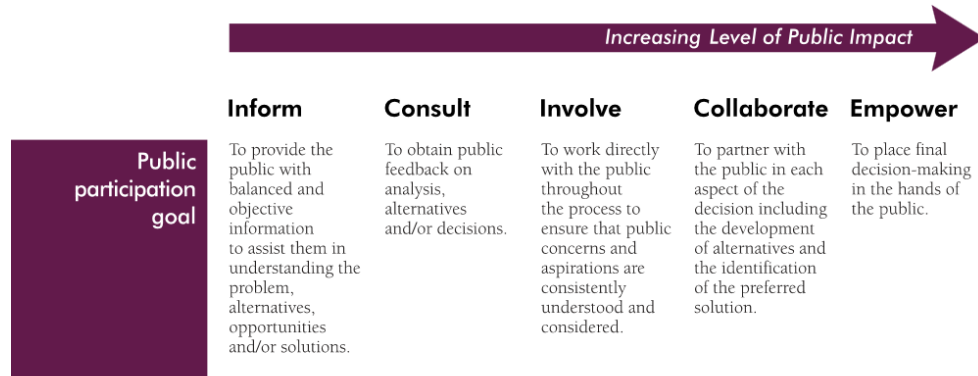
The Official Community Plan states Council acknowledges the marina lease and that it serves an important role to the City. Council will support expanded recreational use of the marina and surrounding areas.

**REGIONAL GROWTH STRATEGY REFERENCE:**

No specific reference.

**CITIZEN/PUBLIC ENGAGEMENT:**

Section 26 of the *Community Charter* for municipalities requires that notice be given prior to the disposition. The notice must also be published in a newspaper that is published at least weekly in the area affected by the subject matter of the notice.



**OPTIONS:**

**OPTION 1:** That based on the February 1<sup>st</sup>, 2021 staff report "Lease Agreement for the Courtenay Marina - 100 - 20<sup>th</sup> Street", Council approve **OPTION 1** and authorize the attached lease between the Courtenay Marina Society and the City of Courtenay for the property having a legal description of:

- PID: 004-154-665, Lot 1, Section 68, Comox District, Plan 15512; 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 Corporate Officer be authorized to execute all documentation relating to the lease.

**OPTION 2:** That Council refer this item back to staff for further consideration.

**OPTION 3:** That Council deny the lease request and direct staff to terminate the current Agreement.

Prepared by:

Kate O'Connell, BA, MPP, PCAMP  
Director of Corporate Support Service

Concurrence by:

Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

*Attachments: Attachment A – Lease Document*



**ATTACHMENT A: LEASE DOCUMENT**

**TERMS OF INSTRUMENT - PART 2**

THIS AGREEMENT, dated for reference January 1, 2021

BETWEEN:

**THE CORPORATION OF THE CITY OF COURTENAY**, a municipal corporation incorporated pursuant to the *Community Charter* and having an address of 830 Cliffe Avenue, Courtenay British Columbia V9N 2J7

(the “**City**”)

AND:

**COURTENAY MARINA SOCIETY (INC. NO. S31255)** a society duly incorporated under the laws of the Province of British Columbia, with a mailing address of 110 –20<sup>th</sup> Street, PO Box 3757, Courtenay, British Columbia, V9N 7P1

(the “**Tenant**”)

WHEREAS:

- A. The City is the registered owner of lands and premises in the City of Courtenay more particularly described as follows:

PID: 004-154-665, Lot 1, Section 68, Comox District, Plan 15512

(hereinafter called the “**Property**”);

- B. The Tenant has been requested by the City to operate a public marina including moorage docks and boat ramp (collectively the “**Marina**”) on a portion of the Property and the City has agreed to lease such portions of the Property as herein described to the Tenant, and the Tenant has agreed to accept that lease, all on the terms and conditions hereafter set forth;
- C. In accordance with Section 26 of the *Community Charter*, the City has published notice in a newspaper of its intention to lease a portion of the Property to the Tenant.
- D. The City is authorized by Section 24 of the *Community Charter* to lease land or improvements at less than market value and, in accordance with that section the City has published notice in a newspaper of its intention to provide assistance to the Tenant by leasing the portion of the Property at less than market value.

NOW THEREFORE THIS AGREEMENT WITNESSES in consideration of the premises and of the mutual covenants and agreements herein set forth, the City and Tenant covenant and agree as follows:

## **1. PREMISES**

The City hereby demises and leases to the Tenant that part of the Property identified as;

- (a) Lease Area A, Section 68, Comox District, Plan 15512 having an area of 0.359 ha” and attached as Schedule “A” hereto.
- (b) Lot 1, Section 68, Comox District, Plan 15512, (“the designated portion of the Marina Building”) and attached as Schedule “B” hereto (the “**Premises**”).

## **2. PURPOSE AND USE OF PREMISES**

- (a) The Tenant shall use the Premises for the purposes of a public marina, public boat ramp and office space in the Marina Building and for no other purposes whatsoever.
- (b) The rules and regulations with such reasonable variations, modifications, and additions as shall from time to time be made by the City, shall be observed and performed by the Tenant, its agents, employees, sub-tenants, licensees and invitees. All such rules and regulations shall be deemed to form a part of this Agreement.
- (c) Except as specifically provided herein, the Tenant shall not use or permit any part of the Premises to be used for or with respect to or in connection with the operation of any business, commercial or revenue generating enterprise without the prior written consent of the City.
- (d) The Tenant shall comply with its constitution, bylaws and constating documents at all times and shall notify the City whenever a change in the Tenant’s constitution or bylaws occurs.

## **3. TERM**

- (a) The term of this Agreement shall be for a period of FIVE (5) YEARS commencing on January 1, 2021 and terminating on December 31, 2025 (“**Term**”).
- (b) The Tenant shall, at the expiry or sooner determination of this Agreement or any renewal thereof peaceably surrender and yield unto the City the Premises together with all fixtures or erections which at any time during the Term of this Agreement or renewal thereof may be made thereon in good and substantial repair and condition and deliver to the City all keys to the Premises that the Tenant has in its possession.

## **4. RENEWAL**

The Tenant, if not in default hereunder, may renew this Agreement for three additional terms of FIVE (5) YEARS each on the same terms and conditions contained herein, save and except for this covenant for renewal and except that the Rent to be paid during such renewal period shall be fixed

and determined by the City at the time of the renewal at any greater or other rate than herein reserved (based on the applicable policies of the City in effect), subject to the following:

- (a) The Tenant shall exercise this renewal by giving written notice to the City in the manner provided herein not less than SIX (6) MONTHS prior to the expiry of the term; and
- (b) Any renewal granted under this section shall only be granted if approved by the municipal council of the City.

## 5. HOLDING OVER

If at the expiration of the Term the Tenant shall hold over with the consent of the City, the tenancy of the Tenant shall thereafter, in the absence of written agreement to the contrary, be from year to year, at the same rental as set out in this Agreement and shall be subject to all other terms and conditions of this Agreement.

## 6. RENT

- (a) The Tenant shall pay to the City rent in the amount of 10% of the total moorage fees levied by the Tenant for 28 boat moorage locations at the Marina in each year (“**Moorage Fees**”).
- (b) The Tenant shall pay Moorage Fees by delivering to the City, on or before July 1 of each year of the Term, the amount due for Moorage Fees for the prior 12 months of that year collected to that date, and shall pay the balance of the percentage of Moorage Fees forthwith upon the Tenant collecting same from each boat occupant.
- (c) The Tenant shall set the Moorage Fees prior to January 1<sup>st</sup> of each year of the Term and shall only charge such Moorage Fees after approval in writing of the amount by the City, provided that the amount of the Moorage Fees shall be not less than \$35.00 per foot and shall increase each year of the Term and said increase shall not be less than \$1.00 per foot per year.
- (d) In addition to the Moorage Fees payable the Tenant shall pay to the City, from time to time on demand, all other sums payable to the City pursuant to this Agreement (the “**Additional Rent**”).
- (e) Additional Rent shall include, but not be limited to, the pro rata share of the Marina (100%) and Marina Building (9%) of costs used by the Tenant including utilities, a percentage of the City’s property and environmental insurance premiums for the Premises, and other reasonable costs as identified by the City.
- (f) Marina electrical usage, equipment, installation and maintenance costs shall be paid directly to the third party provider by the Tenant.
- (g) The City, at any time during the Term of the lease, may install a water meter and the Tenant shall pay to the City water consumption fees based on the Marina’s consumption for the fiscal year and the City’s published water use fees.

- (h) The City shall invoice the Tenant Additional Rent and shall be due within thirty (30) days of receipt of invoice.

## **7. PAYMENT OF TAXES**

The Tenant shall promptly pay when due municipal, regional district, school, hospital district and other property taxes and all other taxes, charges, levies, assessments, and other fees which may be imposed or that may arise in respect of the Premises or the Tenant's use of the Premises. The Tenant shall pay to the City all taxes, charges, levies and other fees, including Goods and Services Tax or any replacement tax, which may be payable in respect of this Agreement.

## **8. INSURANCE**

- (a) The Tenant shall obtain, at its own expense, and keep in force a policy of comprehensive/commercial general liability insurance providing coverage for death, bodily injury, property loss, property damage and other potential loss and damage arising out of the Tenant's use and occupation of the Premises in an amount of not less than FIVE MILLION (\$5,000,000.00) DOLLARS inclusive per occurrence.
- (b) On the first day of the Term and at other times upon demand by the City, the Tenant shall deliver to the City certified copies of the policies of insurance required to be maintained by the Tenant under this Agreement.
- (c) The City may, from time to time, notify the Tenant to change the amount of insurance required by this Agreement and the Tenant will, within FORTY-FIVE (45) DAYS of receiving such a notice, cause the amounts to be changed and deliver to the City a letter from its insurer certifying the change in the amount of insurance.
- (d) The Tenant shall ensure that all policies of insurance pursuant to this Agreement:
  - (i) are underwritten by a responsible insurance company or companies licensed to do business in the Province of British Columbia and that meet with the reasonable approval of the City;
  - (ii) are written in the name of the Tenant and the City with loss payable to them as their respective interests may appear;
  - (iii) list the City as an additional insured;
  - (iv) contain a cross liability clause and a waiver of subrogation clause in favour of the City;
  - (v) are primary and do not require the sharing of any loss by any insurer that insures the City;
  - (vi) contain a clause to the effect that any release from liability entered into by the City prior to any loss shall not affect the right of the Tenant or the City to recover; and

- (vii) endorsed to provide the City with THIRTY (30) DAYS advance notice in writing of cancellation or material change.
- (e) The Tenant agrees that if it does not provide or maintain in force such insurance, the City may take out the necessary insurance and pay the premium therefore for periods of one year at a time, and the Tenant shall pay to the City as Additional Rent the amount of such premium immediately upon demand.
- (f) In the event that both the City and the Tenant have claims to be indemnified under any insurance, the indemnity shall be applied first to the settlement of claims of the City and the balance, if any, to the settlement of the claim of the Tenant.
- (g) The Tenant shall not do or permit to be done any act or things which may render void or voidable or conflict with the requirements of any policy or policies of insurance, including any regulations of fire insurance underwriter applicable to such policy or policies, whereby the Marina or the Marina Building or the contents of the premises of any tenant are insured or which may cause any increase in premium to be paid in respect of any such policy.
- (h) The Tenant will ensure that vessel owners provided moorage and/or renewing moorage will acquire and or maintain adequate insurance, including third party liability insurance. The insurance must protect against loss caused by storm, fire, theft, vandalism or any other cause. Proof of insurance must be forwarded to the City by March 31st of each year, and the insurance must be maintained throughout the moorage year. Vessel owners who do not provide this document by March 31st will be required to remove their vessel from the Marina until such time the insurance is provided.

## **9. FINANCIAL REPORTS**

The Tenant will provide its yearly financial reports to the City within 4 weeks of the Tenant's financial year-end.

## **10. QUIET POSSESSION**

The City hereby covenants with the Tenant that the Tenant, upon paying the Rent hereby reserved and performing the covenants hereinbefore contained, may peaceably possess and enjoy the Premises for the term hereby granted without any interruption or disturbance from the City or any person lawfully claiming by, from or under the City.

## **11. COMPLIANCE WITH REGULATIONS**

The Tenant shall, in all respects, at all times during the Term abide by and comply with all applicable statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws relating to environmental matters and relating to the Property and its operation, including all the rules, regulations, policies, guidelines, criteria or the like made under or pursuant to any such laws.

## **12. NUISANCE**

The Tenant shall not at any time during the Term of this Agreement or any renewal thereof, use, exercise or carry on or permit or suffer to be used, exercised or carried on, in or upon the Premises or any part thereof any noxious, noisome or offensive act, trade, business, occupation or calling, and no act, matter or thing whatsoever shall at any time during the said term be done in or upon the Premises or any part thereof which shall or may be or grow to the annoyance, nuisance, damage or disturbance of the occupiers or owners of the land or adjoining land and properties, provided that the reasonable use of the Premises for the maintenance, storage, landing and taking off of aircraft shall not be considered a nuisance.

## **13. ASSIGNMENT AND SUBLEASES**

The Tenant shall not make any assignment of this Agreement, nor any transfer or sublease of the whole or any part of the Premises demised or leased hereunder, without obtaining the prior consent in writing of the City to such assignment, transfer or sublease. In requesting the City's consent to an assignment, sublease or licence, the Tenant must provide the City with all information requested by the City. The Tenant must, if required by the City, enter into sub-leases, assignment agreements or licences on terms required by the City, including requirements for insurance and indemnities.

## **14. RIGHTS OF ACCESS**

- (a) The City, its servants or agents shall have full and free access for inspection purposes during normal business hours and in the presence of the Tenant or a representative of the Tenant to any and every part of the Premises; it being expressly understood and agreed, however, that in cases of emergency, the City, its officers, servants or agents, shall at all times and for all purposes have full and free access to the Premises.
- (b) The City shall have the right to enter upon the Premises to install, maintain and repair buildings, pipes, wires, air ducts, utilities or any other installations required by the City for the City's use of the Premises and neighbouring lands.
- (c) Subject only to the provisions of this Agreement, the Tenant shall have the right of ingress and egress over the Premise roadways crossing City property subject to rules and regulations as may be established by the City respecting such use.
- (d) The Tenant shall not permit any vehicles belonging to the Tenant or to any sub-tenant, licensee, invitee, agent or employee to cause obstruction to any roads, driveways or common areas of the Premises, the Property or in the neighbourhood surrounding the Premises, or prevent the ingress and egress to all other persons using the Premises.

## **15. ADDITIONAL RIGHTS OF THE CITY**

The City reserves the right to grant leases or licences, rights of way or privileges to others on, over, under, through or across the Premises provided however that the granting of such rights of way or privileges will not damage or disrupt permanently the physical facilities of the Tenant, will not impose any cost upon the Tenant, and will not weaken, diminish or impair the rights and obligations of the parties under this Agreement.

## 16. "AS IS" CONDITION

The Tenant accepts the Premises "as is" and acknowledges that it has had the opportunity to undertake such inspections, tests and surveys of the Premises as it considers necessary and that the City has made no representations or warranties respecting the Premises, and that by entering into this Agreement, it is satisfied that the Premises is suitable for its purposes.

## 17. ZONING

The Tenant acknowledges that the Tenant must not use the Premises or permit a use of the Premises in breach of the City of Courtenay zoning bylaw.

## 18. OWNERSHIP OF DOCKS

- (a) The City and the Tenant agree that the title to and ownership of all structures or improvements constructed, erected or installed to be constructed, erected or installed on the Premises by the Tenant, together with all replacements, alterations, additions, changes, substitutions, improvements and repairs thereto (the "**Docks**"), shall at all times during the Term be vested in the Tenant, notwithstanding any rule of law to the contrary.
- (b) At the expiration or early termination of the Term, the Tenant shall have the opportunity to remove the Docks and any part of the Docks not removed by the Tenant shall become the absolute property of the City free of all encumbrances, without payment of any compensation to the Tenant.

## 19. ENVIRONMENTAL RESPONSIBILITIES

- (a) For the purpose of this Part:

"**Environmental Law**" means all federal, provincial, municipal or local laws, statutes or ordinances relating to environmental matters, including all rules, regulations, policies, guidelines, criteria or the like promulgated under or pursuant to any such laws;

"**Hazardous Substance**" means a contaminant, pollutant, dangerous goods, waste, toxic substance, special waste or hazardous substance as defined in or pursuant to any Environmental Law;

"**Notice**" means any citation, directive, order, claim, litigation, investigation, proceedings, judgment, letter or other communication, written or oral, actual or threatened, from any person, including any governmental agency;

"**Permit**" means any authorization, permit licence, approval or administrative consent issued pursuant to Environmental Law.

- (b) The Tenant will conduct its business and operation on the Premises in compliance with all Environmental Laws and all Permits.

- (c) The Tenant will immediately notify the City of the occurrence of any of the following and will provide the City with copies of all relevant documentation in connection therewith:
  - (i) a release of a Hazardous Substance on the Premises, except as is authorized under Environmental Law;
  - (ii) the receipt by the Tenant of a Notice from any governmental agency of non-compliance pursuant to any Environmental Law, including a Notice of non-compliance respecting a Permit;
  - (iii) the receipt by the Tenant of a Notice of a claim by a third party relating to environmental concerns; or
  - (iv) the receipt by the Tenant of information which indicates that Hazardous Substances are present in or on the Premises.
- (d) The Tenant will not permit the storage, treatment or disposal of Hazardous Substances on the Premises except in accordance with all Environmental Laws.
- (e) The Tenant shall not cause or suffer or permit any oil or grease or any harmful, objectionable, dangerous, poisonous, or explosive matter or substance to be discharged on to the Premises or any building on the Premises and will take all reasonable measures for insuring that any effluent discharge will not be corrosive, poisonous or otherwise harmful, or cause obstruction, deposit or pollution on the Premises, or driveways, ditches, water courses, culverts, drains or sewers.
- (f) The Tenant will conduct such investigations, searches, testing, and sampling (“Investigations”) as may at any time be required by the City where any reasonable evidence exists that the Tenant’s current or prior use or occupation of the Premises may be introducing or increasing the existence of any Hazardous Substance on the Premises. If the Tenant does not complete the Investigations to the satisfaction of the City, the City may enter on the property of the Tenant and take any actions necessary to complete the Investigations, the cost of which actions will be borne by the Tenant.
- (g) If Hazardous Substances are present on or in the Premises as a result of the Tenant's use or occupation of the Premises, the Tenant will take all necessary action, at the cost of the Tenant to remediate the Premises to a level acceptable to the City and to governmental authorities.
- (h) Prior to the termination of the lease, the Tenant will conduct all Investigations required by the City where any reasonable evidence exists that the Tenant's use or occupation of the Premises has introduced or increased the existence of any Hazardous Substance on or in the Land. The Tenant will provide the result of the Investigations to the City. Where any Hazardous Substance is found on or in the Premises as a result of the Tenant's use or occupation of the Premises, the Tenant will take all necessary action, at the cost of the Tenant, to remediate the Premises to a level acceptable to the City and to governmental authorities.



- (i) The Tenant will provide to the City satisfactory documentary evidence that all Permits are valid and in good standing as requested by the City from time to time.
- (j) The Tenant will, jointly and severally, indemnify and save harmless the City, its officers, directors, employees, agents and shareholders from and against any and all losses, claims, costs, expenses, damages and liabilities, including all costs of defending or denying the same, and all costs of investigation, monitoring, remedial response, removal, restoration or permit acquisition and including all solicitor's fees and disbursements in connection therewith which at any time may be paid or incurred by or claimed against the City, its officers, directors, employees, agents and shareholders arising, directly or indirectly, out of:
  - (i) a breach by the Tenant of any of the covenants contained in this Agreement;
  - (ii) where the Tenant's use or occupancy of the Premises results in the presence, release or increase of any Hazardous Substance on the Premises (or on any other land by way of migration, seepage or otherwise);
  - (iii) any reasonable action taken by the City with respect of the existence of or remediation for any such Hazardous Substance on the Premises (or on any other land by way of migration, seepage or otherwise); or
  - (iv) any reasonable action taken by the City in compliance with any Notice of any governmental authority with respect to the existence of any such Hazardous Substance on the Premises (or on any other land by way of migration, seepage or otherwise).
- (k) The indemnities contained in this Agreement will survive the expiration or earlier termination of the Term.

## **20. WASTE**

The Tenant will not commit, suffer, or permit any wilful or voluntary waste, spoil or destruction of the Premises.

## **21. SAFETY**

The Tenant shall take all possible precautions to ensure the safety of persons using the Marina and Marina Building.

## **22. SECURITY AND FIRE SYSTEMS PROTECTION**

The City shall not be responsible for providing fire systems protection to nor security of the Premises, the Marine Buildings and any improvements.

## **22. FIRE PREVENTION**

The Tenant shall, at the expense of the Tenant, take all precautions to prevent fire from occurring in or about the Premises, and shall observe and comply with all laws and regulations in force respecting fires at the said Marina, and with all instructions given from time to time by the City with respect to fire risk mitigation and extinguishing of fires.

## **23. SIGNS AND NOTICES**

The Tenant shall not display any signs or notices on the Premises without the prior written approval of the City with the exception of operationally required or safety related signs and notices. The Tenant shall inform the City about the installation of operationally required or safety related signs and notices.

## **24. ADVERTISING**

The Tenant shall not construct, erect, place or install on the outside or on the Premises any poster, advertising sign or display, electrical or otherwise, without first obtaining the consent, in writing, of the City.

## **25. CONSTRUCTION**

- (a) If the Tenant is not then in default under this Agreement and with the prior written consent of the City, the Tenant may construct, renovate or replace the Docks. In giving its consent, the City may impose any conditions, including, without limitation, location requirements, parking and access requirements, construction requirements, design requirements, use restrictions, financial restrictions, and security obligations.
- (b) The Tenant acknowledges that prior to any construction on the Premises, including construction, renovation or replacement of the Docks, the Tenant must obtain a building permit and a development permit and comply with all other bylaw requirements imposed by the City on construction within its boundaries.
- (c) The Tenant shall promptly pay all charges incurred by the Tenant for any work, materials or services that may be done, supplied or performed in respect of the Premises and shall forthwith discharge any liens in respect of same at any time filed against the Premises.
- (d) The Tenant will not permit any liens, judgments or other charges to be registered against the Premises. If any lien, judgment or other charge is registered, the Tenant will obtain its discharge within THIRTY (30) DAYS of the said registration.
- (e) The Tenant shall reimburse the City for expenses incurred by the City in repairing any damage caused to the Premises, the improvements thereon or any part thereof as result of the negligence or wilful act of the Tenant, its invitees, licensees, agents or other persons from time to time in or about the Premises.

## **26. REPAIRS AND MAINTENANCE**

- (h) Throughout the Term at its own expense, the Tenant shall repair and maintain the Premises and keep the Premises in a state of good repair as a prudent owner would do. The City will not be obliged to repair, maintain, replace or alter the Premises, or any other Building or structure or any part thereof on the Premises during the Term or to supply any services or utilities thereto save and except for such services and utilities as the City may be required to provide strictly in its capacity as a municipality and not in its capacity as a landlord. The Tenant hereby assumes the full and sole responsibility for the condition, operation, maintenance, repair, replacement and management of the Premises during the Term.
- (i) The Tenant shall upon written notice from the City, make any repairs that are, in the opinion of the City, necessary to the Premises within SIXTY (60) DAYS of receipt of such notice.
- (j) The Tenant shall clear all ice and snow, repair and replace as necessary all walkways, ramps, parking areas and other public areas on the Premises in a well maintained, clean, tidy and safe state as befits land used for a Marina and as a prudent owner would do.
- (k) The Tenant shall not allow any ashes, refuse, garbage or other loose or objectionable material to accumulate on the Premises and shall maintain receptacles for garbage disposal and for the disposal of oil and other waste products.
- (l) The Tenant shall not, without the prior written consent of the City, make any alterations to the landscaping and topography of the Premises.
- (m) The Tenant shall not, without the prior written consent of the City, undertake any removal or cutting of foreshore trees and shrubs, or any marine habitat excavations of any kind. The Tenant shall work with a City designated Arborist, Marine Biologist or other agency, for the planning and execution of any foreshore tree and shrub cutting/removal or marine habitat excavation.
- (n) The Tenant shall reimburse the City for expenses incurred by the City in repairing any damage caused to the Premises, the improvements thereon or any part thereof as a result of the negligence or wilful act of the Tenant, its invitees, licensees, agents or other persons from time to time in or about the Premises.

## **27. LANDLORD'S RIGHT TO PERFORM**

If the Tenant shall fail to perform or cause to be performed each and every one of the covenants and obligations of the Tenant contained in this Agreement, on the part of the Tenant to be observed and performed, the City shall have the right (but shall not be obliged) to perform or cause the same to be performed and to do or cause to be done such things as may be necessary or incidental thereto (including without limiting the foregoing, the right to make repairs, installations, erection and expend monies) and all payments, expenses, charges, fees, (including all legal fees on solicitor and client basis) and disbursements incurred or paid by or on behalf of the City in respect thereof shall be paid by the Tenant to the City forthwith.

## **28. TENANT'S REPRESENTATIONS AND WARRANTIES**

The Tenant represents and warrants that the Tenant:

- (a) is a not-for-profit society validly incorporated and in good standing under the laws of British Columbia and does not conduct its activities with a view to obtaining, and does not distribute, profit or financial gain for its members;
- (b) has the power and capacity to enter into and carry out the obligations under this Agreement; and
- (c) has completed all necessary resolutions and other preconditions to the validity of this Agreement.

## **29. TEMPORARY SUSPENSION OF SERVICE**

Without limiting or restricting the generality of this Agreement, the Tenant shall not have nor make any claim or demand, nor bring any action or suit or petition against the City or any of its officers, servants or agents for any damage which the Tenant may sustain by reason of any temporary suspension, interruption or discontinuance, in whole or in part, from whatever cause arising in services supplied by the City hereunder.

## **30. RELEASE AND INDEMNITY**

- (a) The City shall not be responsible in any way for any injury to any person or for any loss or damage to any property belonging to the Tenant or to other occupants of the Premises or to their respective sub-tenants, invitees, licensees, agents, employees, or other persons from time to time attending at the Premises, including without limiting the foregoing, any loss of or damage caused by theft or breakage or failure to maintain and keep the Premises, the Buildings, or the land in good repair and free from refuse, obnoxious odours, vermin or other foreign matter, defective wiring, plumbing, gas, sprinkler, steam, running or clogging of the above pipes or fixtures, or otherwise, acts, or negligence of guests, invitees, or employees or the Tenant or any other occupants of the premises, or the acts or negligence of any owners or occupiers of adjacent or continuous property or their guests, invitees, or employees, act of God, acts or negligence of any person not in the employment of the City, or for any other loss whatsoever with respect to the Premises or any business carried thereon.
- (b) The Tenant hereby releases the City and its elected officials, officers, employees, contractors, agents, successors and assigns from and against any and all liabilities, damages, costs, claims, suits, or actions, which the Tenant may have, now or in the future, in relation to this Agreement, the Premises or the Tenant's use or occupancy of the Premises.
- (c) Save and except for the negligence of the City, and its elected officials, offices, employees, contractors, agents, successors and assigns, the Tenant and the Indemnifier, jointly and severally, will and hereby do indemnify and save harmless the City from any and all liabilities, damages, costs, claims, suits, or actions, (including without limitation, the full amount of all legal fees, costs, charges and expenses whatsoever) directly or indirectly arising from:

- (i) any breach, violation, or non-performance of any covenant, condition or agreement in this Agreement set forth and contained on the part of the Tenant to be fulfilled, kept, observed and performed;
- (ii) any act, omission, or negligence of the Tenant, its members, officers, directors, employees, agents, contractors, subcontractors, subtenants, licensees, invitees or others for whom it is responsible;
- (iii) any gas, oil or other such spill or leak caused from the use of the Premises which may cause contamination to the environment or otherwise contravene the Waste Management Act;
- (iv) any damage to property occasioned by the Tenant's use and occupation of the Premises and Building or any injury to person or persons, including death, resulting at any time from the Tenant's use and occupation of the Premises and Building; or
- (v) the granting of this Agreement, and this indemnity shall survive the expiry or sooner determination of this Agreement.

### **31. DEFAULT**

- (a) If the Tenant defaults in the payment of any money payable under this Agreement or fails to observe, comply with or perform any of its covenants, agreements or obligations under this Agreement, the City may deliver to the Tenant a notice of default (in the manner required herein for giving notices) stipulating that the default must be rectified or cured within FIFTEEN (15) DAYS of the notice if the default is non-payment of Rent or Additional Rent and within THIRTY (30) DAYS of the notice for other defaults, but less or no notice is required to be given by the City in emergency or urgent circumstances, as determined by the City in its sole discretion, acting reasonably, or where the Tenant has failed to keep the Premises insured.
- (b) If the default (other than payment of money payable by the Tenant under this Agreement and other than failure to keep the Premises insured) reasonably requires more time to rectify or cure than THIRTY (30) DAYS, the Tenant will be deemed to have complied with the rectification or curing of it if the Tenant commences rectifying or curing the default within THIRTY (30) DAYS after notice from the City and diligently completes the same.

### **32. CITY'S RIGHTS ON DEFAULT**

Notwithstanding any other provisions of this Agreement, if the Rent or any part thereof shall be in arrears or unpaid for THIRTY (30) DAYS after the specified date of payment, whether or not the same shall have been in any manner demanded, or in the case default, breach or non-observance is made or suffered by the Tenant at any time, in or in respect of any of the covenants, which on the part of the Tenant ought to be observed or performed, then it shall be lawful for the City, its servants or agents to do any, all, or a combination of the following:

- (a) re-enter and thereafter to have, possess and enjoy the Premises and all improvements thereon; nevertheless, the City may, at his option, except as hereinafter set forth, compel the Tenant to remove from the Premises any improvements and any goods, chattels, materials, effects or things from the Premises all at risk of cost and expense of the Tenant;
- (b) terminate this Agreement; or
- (c) exercise or obtain such other rights as may be permitted by this Agreement or at law.

### **33. TERMINATION ON CHANGE OF USE OR DAMAGE TO PREMISES**

- (a) If for any reason, other than regular maintenance or repair of the Premises, the Marina ceases to be used for the moorage of boats, the City or Tenant may terminate this Agreement by giving SIXTY (60) DAYS written notice of its intention to terminate this Agreement, and after the expiration of such period of notification, this Agreement shall be determined and ended without further notice or delay.
- (b) The parties hereto agree that if the Premises are damaged in any manner so as to render them unfit for the purposes of the Tenant, the City shall not be required to repair such damage or to make the Premises reasonably fit for the purposes of the Tenant, and the Tenant may at its option, exercised within SIXTY (60) DAYS of the occurrence of such damage, elect to repair the damage or to terminate this Agreement and the election shall be by notice in writing to the City. If the Tenant elects to terminate this Agreement, then the Tenant shall immediately deliver possession of the Premises to the City.

### **34. CREDITORS**

If the Term of this Agreement or any renewal hereby granted shall at any time be seized or taken in execution or in attachment by any creditor of the Tenant or if the Tenant shall make any assignment for the benefit of creditors, or become bankrupt or insolvent, or if the Tenant takes the benefit of any Act or regulation that may be in force for bankrupt or insolvent debtors, then in any such case the Term of this Agreement or any renewal thereafter, shall at the option of the City, immediately become forfeited and void, and all Rent then due shall immediately become due and payable, and in such case it shall be lawful for the City for any time thereafter to enter into and upon the Premises, or any part thereof, and repossess the Premises or any portion thereof for its sole use, and anything herein contained to the contrary notwithstanding.

### **35. REMEDIES CUMULATIVE**

No reference to or exercise of any specific right or remedy by the City prejudices or precludes the City from any other remedy, whether allowed at law or in equity or expressly provided for in this Agreement. No such remedy is exclusive or dependent upon any other such remedy, but the City may from time to time exercise any one or more of such remedies independently or in combination. Without limiting the generality of the foregoing, the City is entitled to commence and maintain an action against the Tenant to collect any rent not paid when due, without exercising the option to terminate this Agreement.

**36. NO ABATEMENT**

The Tenant is not entitled to any abatement or reduction or deduction from the Rent or Additional Rent.

**37. DISTRESS**

If and whenever the Tenant is in default of the payment of any money, including rent, whether expressly reserved by this Agreement or deemed as Rent, the City may without notice or any form of legal process whatsoever, enter the Premises and seize, remove and sell the Tenant's goods, chattels and equipment and seize, remove, and sell any goods, chattels and equipment at any place to which the Tenant or any other person may have removed them in the same manner as if they had remained and been distrained in the Premises, notwithstanding any rule of law or equity to the contrary, and the Tenant hereby waives and renounces the benefit of any present or future statute or law limiting or eliminating the City's right of distress.

**38. WAIVER OR NON-ACTION**

Waiver by the City of any breach of any term, covenant or condition of this Agreement by the Tenant must not be deemed to be a waiver of any subsequent default by the Tenant. Failure by the City to take any action in respect of any breach of any term, covenant or condition of this Agreement by the Tenant must not be deemed to be a waiver of such term, covenant or condition

**39. NO JOINT VENTURE**

Nothing contained in this Agreement creates the relationship of principal and agent or of partnership, joint venture or business enterprise or entity between the parties or gives the Tenant any power or authority to bind the City in any way.

**40. ENTIRE AGREEMENT**

The provisions herein contained constitute the entire agreement between the parties and supersede all previous communications, representations, warranties, covenants and agreements whether verbal or written between the parties with respect to the subject matter hereof. This Agreement may not be modified or amended except by an instrument in writing signed by the parties.

**41. INTERPRETATION**

Any note appearing as a heading in this Agreement has been inserted for convenience and reference only, and of itself cannot define, limit or expand the scope of meaning of the present Lease or any of its provisions. Where there is a male, female or corporate party, the provisions hereof shall be read with all grammatical changes to gender and number required by the context. All covenants and obligations shall be deemed joint and several. The invalidity of any section for any reason whatsoever shall not invalidate any other section of this Agreement. Every reference to each party is deemed to include the heirs, executors, administrators, successors, directors, employees, members, servants, agents, officers, and invitees of such party where the context so permits or requires.

#### **42. NOTICES**

- (a) Whenever in this Agreement it is required or permitted that notice or demand be given or served by either party of this Agreement to or on the other, such notice or demand will be in writing and will be validly given or sufficiently communicated if forwarded by express mail to the addresses set out at the beginning of this Agreement.
- (b) Such addresses may be changed from time to time by either party giving notice as above provided.
- (c) Notice shall be deemed to have been effectively communicated or given on the day received or on the FIFTH (5<sup>th</sup>) DAY after it was mailed or sent, whichever is the earlier.

#### **43. AUTHORITY**

The Tenant represents and warrants to the City that it has full authority to enter into this Agreement and to carry out the actions contemplated herein, that all resolutions and other preconditions to validity have been validly adopted, and that those signing this Agreement on its behalf are authorized to bind the Lessee by their signatures.

#### **44. TIME OF THE ESSENCE**

Time shall be of the essence of this Agreement.

#### **45. REGISTRATION**

The Tenant shall be responsible for any costs of registering this Agreement in the Land Title Office, including the costs or any plan necessary for the registration of the lease and any modification of this Agreement.

#### **46. COVENANTS AND CONDITIONS**

All of the provisions of this Agreement shall be deemed and construed to be conditions as well as covenants as though the words specifically expressing or importing covenants and conditions were used in each separate section.

#### **47. NO EFFECT ON LAWS OR POWERS**

Nothing contained or implied herein prejudices or affects the City's rights and powers in the exercise of its functions pursuant to the *Community Charter* (British Columbia) or its rights and powers under any enactment to the extent the same are applicable to the Premises, all of which may be fully and effectively exercised in relation to the Premises as if this Agreement had not been fully executed and delivered.



**48. ENUREMENT**

This Agreement and everything herein contained shall enure to the benefit of and be binding upon the successors, assigns and other legal representatives, as the case may be of each of the parties hereto, and every reference herein to every party hereto shall include the successors, assigns and other legal representatives of such party.

**49. LAWS OF BRITISH COLUMBIA**

This Agreement shall be construed by the laws of the Province of British Columbia.

**50. SEVERANCE**

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

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

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

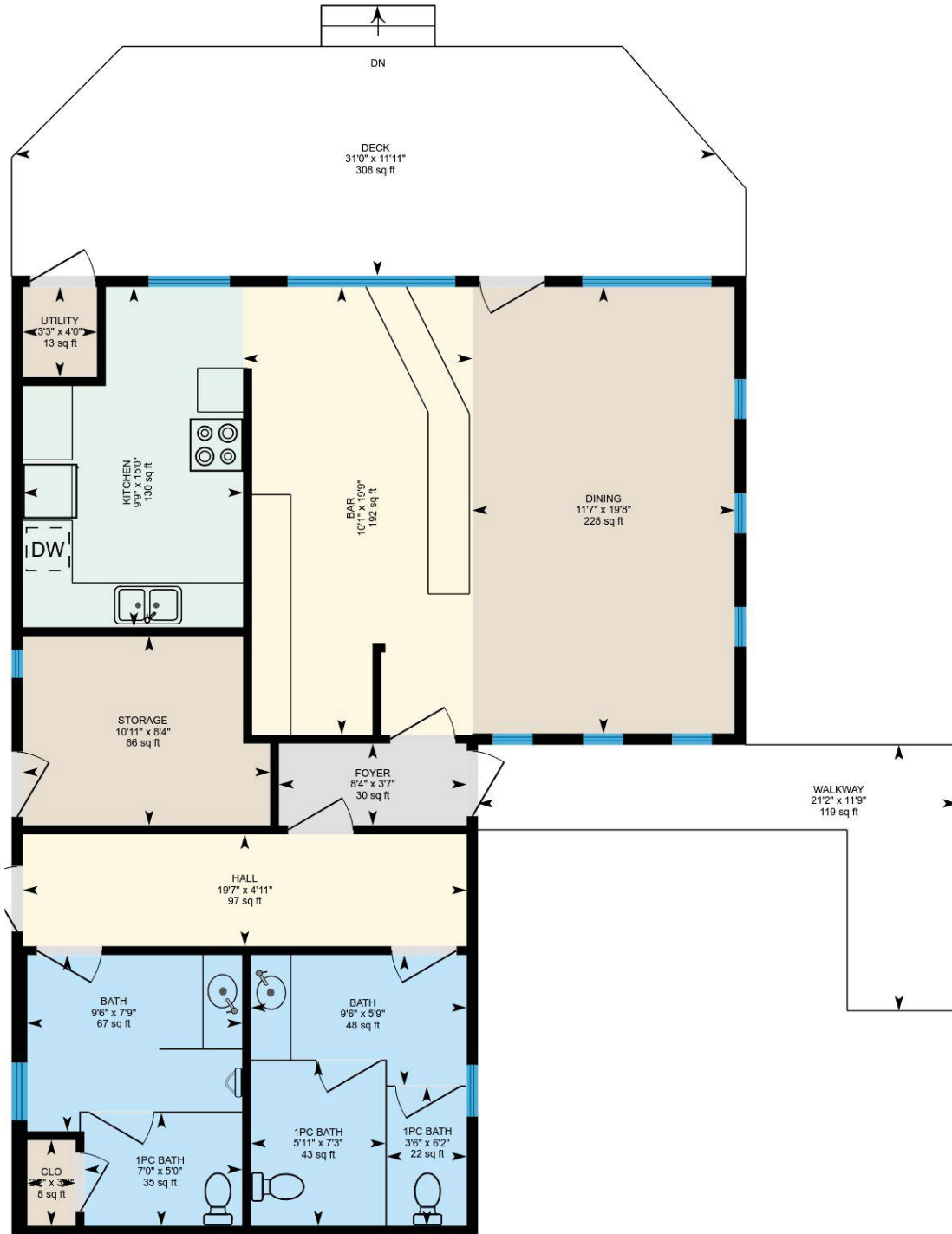
\_\_\_\_\_  
Mayor )  
\_\_\_\_\_  
Corporate Officer )

The COURTENAY MARINA SOCIETY, by its authorized signatories:

\_\_\_\_\_  
Name )  
\_\_\_\_\_  
Name )



**SCHEDULE 'B'**  
**"STORAGE 10'11" x 8'4"**  
**LEASED PORTION OF MARINA BUILDING**



**SCHEDULE 'C'**

**SCHEDULE OF "NON-RENT" FEES PAYMENT RESPONSIBILITY**

**MARINA**

<b>DESCRIPTION</b>	<b>CITY</b>	<b>TENANT</b>
ELECTRICITY - metered		100%
PROPERTY TAX		100%
WATER		100%
GARBAGE REMOVAL		100%
SECURITY		100%
FIRE PREVENTION		100%
BOAT RAMP MAINTENANCE		100%
PARKING LOT MAINTENANCE	100%	
REPAIR AND MAINTENANCE		100%
FORESHORE TREE AND SHRUB MAINTENANCE		100%
COMMERCIAL GENERAL LIABILITY INSURANCE		100%
PROPERTY INSURANCE – docks, ramp		Applicable Portion of City Property Insurance Policy
ENVIRONMENTAL LIABILITY INSURANCE		Applicable Portion of City Environmental Liability Policy

**MARINA BUILDING**

	<b>CITY</b>	<b>TENANT</b>
PROPERTY INSURANCE – 9% of building		Applicable Portion of City Property Insurance Policy



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

To: Council

File No.: 3060-20-2016

From: Chief Administrative Officer

Date: February 01, 2021

Subject: **Development Permit with Variances No. 2016 - 4883 Island Highway North & 4886 Topland Road**

### PURPOSE:

The purpose of this report is for Council to consider a Development Permit with Variances to allow the construction of a new mixed use building at 4886 Topland Road and an addition to, and renovation of, an existing commercial building at 4883 Island Highway North.

### CAO RECOMMENDATIONS:

THAT based on the February 1<sup>st</sup>, 2021 staff report "Development Permit with Variances No. 2016 - 4883 Island Highway North & Topland Road" Council approve OPTION 1 and proceed with issuing Development Permit with Variances No. 2016.

Respectfully submitted,

Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

### BACKGROUND:

The subject properties are located on Island Highway North (frontage road) and Topland Road near Vanier Drive and Veterans Memorial Parkway. They are legally described as Lot 3, Section 20, Comox District, Plan 7161; and That part of Lot 2, Section 20, Comox District, Plan 7161 Lying to the West of a Boundary Parallel to and Perpendicularly Distant 110 Feet from the Easterly Boundary of Said Lot. Lot consolidation will be required as a condition of Development Permit with Variances No. 2016 (draft in **Attachment No. 2**).

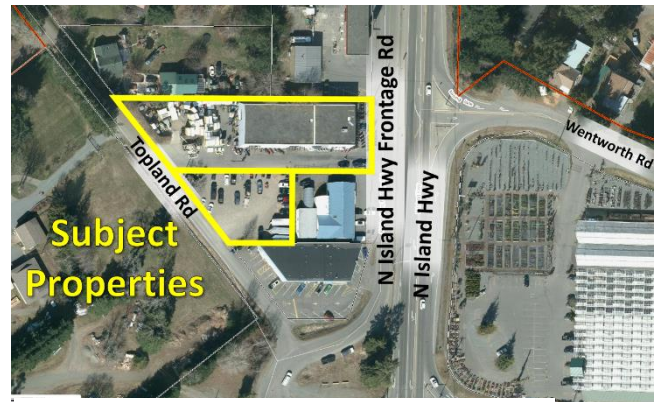


Figure 1. Location Map

4883 North Island Hwy. is 2,945m<sup>2</sup> (0.73 ac.) and currently features a 1,188m<sup>2</sup> (12,786ft<sup>2</sup>) two-storey commercial building used for sales and accessory service of small motor vehicles such as motorcycles and personal watercraft. 4886 Topland is 1,186m<sup>2</sup> (0.29 ac.) and has no buildings. It is currently used for parking, much of the larger lot's parking area currently being used for storage to be moved indoors after project completion.



Figure 2. Present Frontage North Island Hwy (left); Topland Rd (right)

The applicant proposes to renovate and expand the existing building to 1,398m<sup>2</sup> (15,051ft<sup>2</sup>), primarily expanding the showroom, and build a new three-storey 568m<sup>2</sup> (6,112ft<sup>2</sup>) building on the Topland property for service and storage of sales stock, mezzanine storage, and a two-bedroom 96m<sup>2</sup> (1,040ft<sup>2</sup>) top floor residential unit. Requested variances are detailed below and comprise a reduction to the rear setback for the Topland property and landscape buffer widths along adjacent properties and Topland Road.



Figure 3. Proposed Frontage North Island Hwy (left); Topland Rd (right)

4883 North Island Hwy has existing variances for sign height and area (Development Variance Permit No. 1004, 2016) which has conditions that have not been fully complied with, including installation of a 4' high rockwork sign base and development in accordance with the landscape plan attached to the permit, and has since been altered without permission to contravene the remaining condition prohibiting internal illumination and exceed the varied height and area. Bringing the sign into compliance with Development Variance Permit No. 1004 is a condition listed on Development Permit with Variances No. 2016 (**Attachment No. 2**), though City staff view an adjustment from stone to concrete as acceptable for the sign base considering fit with the site aesthetic.

The properties border Island Highway North (frontage road) and a commercial property to the east, and Topland Road to the west, a commercial-zoned residential property and a gasoline service station to the north and a commercial property to the south (**Figure 1**). **Figures 2** and **3** above show current and proposed frontages. **Figure 4** in the following section shows the proposed site plan with requested variances circled in red and purple hatched lines. Additional elevations and perspectives are included as schedules on the **Attachment No. 2** draft permit.

**DISCUSSION:*****Zoning Review***

The proposed development will meet the provisions of the Commercial Two (C-2) zone with the exception of *Sections 8.19.11(1) and 8.19.11(2)* summarized below. **Table 1** below shows zoning requirements and proposed development specifications. Setbacks account for the consolidation of the two lots.

**Table 1. Bylaw Requirements and Proposed Specifications**

<b>Bylaw 2500, 2007 Section</b>	<b>Attribute</b>	<b>Requirement</b>	<b>Proposed</b>
8.19.1	Permitted Uses	Includes retail and combined commercial-residential	Retail, combined commercial-residential
8.19.5(1)	Max Coverage	50% commercial	39%
8.19.5(2)	Max. Floor Area Ratio	0.6 combined commercial/residential	0.48
8.19.6(1)	Front Setback	7.5m	7.5m (Island Hwy N) 10.06m (Topland Rd)
8.19.6(2)	Rear Setback	4.5m	17.73m (Topland Rd)
8.19.6(3)	Side Setback	N/A	N/A
8.19.7	Max. Building Height	9.5m commercial 13.5m combined comm./res.	<9.5m commercial <13.5m combined c/r
8.19.8	Min. Usable Open Space	20.0m <sup>2</sup> /residential unit	68m <sup>2</sup> /residential unit
8.19.11(1)	Min. Landscape Street Buffer	4.5m	<b>1.73m, 3.72m (Topland Rd points)*</b>
8.19.11(2)	Min. Landscape Buffer Width and Height Adjacent Lots	2.0m width, 2.0m height	<b>0m width, 0m height N side, 0m width, 0m height S side (Island Hwy N)</b>
8.19.11(3)	Min. Landscape Screening Width and Height Loading, Refuse	2.0m width, 2.0m height	Refuse screening 2.0m width, 3+m height Loading inside building
7.1.2(1) Schedule 7A	Parking Spaces	28 spaces: 1 per 70m <sup>2</sup> sales area + 1 per service bay + 1 per 2 employees + 2 per single dwelling unit	28 spaces: 14 4 8 2
7.2.1(3)	Loading Spaces	1 per 1,850m <sup>2</sup> delivery space	1 space

\*Existing configuration has minimal landscaping area on N. Island Hwy, almost entirely parking and access as discussed below. Primarily parking/access configuration to be maintained, but with improvement to landscaped area around sign to bring into compliance with DVP1004, 2010.

Although a lot consolidation will be required as a permit condition, currently there are two properties: one fronting onto Island Highway North (frontage road) and one onto Topland Road. The Topland property's rear lot line extends along the neighbouring 4877 Island Highway North commercial property. After the properties are consolidated (and Island Highway North becomes the only front), this rear lot line will become a side lot line (shown in blue on Figure 4) and the Commercial Two zone does not require side yard setbacks except where the lot adjoins a residential zone. The applicant proposes to build to within 0.3m of the lot line, with no or negligible roof overhang, a difference of 4.2m from the 4.5m rear yard setback required by Zoning Bylaw No. 2500, 2007, Section 8.19.6(2). This lot line is largely hidden from view by the

aforementioned neighbour property, the owner of which expressed no objections, provided the variance would not preclude him attaining a similar variance in the future (**Attachment No. 3**), to which City staff replied that it would not. This building placement allows more space for the building, parking and landscaping along Topland Road. A variance rationale submission is included in **Attachment No. 1**.



Figure 4: Site Plan Showing Variance Locations: Landscape Buffer Circled in Red

## Variances

### **Landscape Buffer to Street**

Section 8.19.11(1) requires a 4.5m landscaped area along the entire frontage of any street including the frontage road and Topland Road. In practice, street frontage landscaping usually needs to be punctuated by access roads and driveways without variance; on the currently developed lot as with its immediate neighbours, the access/driveway areas cover all or most of the frontage. The area that is not access road or driveway is a concrete display area for motor vehicles with some sidewalk. The applicant would create two new driveway parking spaces in the current concrete motor vehicle display area south of the sign, maintaining the existing concrete sidewalk, and install the required landscaping around the sign.

A variance is requested for the other street frontage, on Topland Road, for two points where corners of parking stalls pierce the 4.5m required landscape buffer, by 0.8m and 2.8m respectively. These extend over a total of 7.3m (9.3%) of the properties' Topland frontage and allow three additional parking spaces to meet bylaw requirements, efficiently configured to allow for the introduction of significant landscaping features including a rain garden and seven Garry oak trees. See **Figure 5** below and additional landscape plan details in **Schedule No. 2**.





### Commercial Development Permit Area Guidelines

#### **Form and Character**

The renovations, new building and site design are consistent with the direction established in the Commercial Development Permit Area Guidelines.

At up to three storeys with a floor area ratio of 0.48, the proposal is somewhat taller and denser than other nearby properties but is within zoning requirements and form and finish generally fit and enhance the neighbourhood character. Although this is an auto-oriented commercial area per the OCP, some pedestrian scale elements are included, such as prominent entrances with substantial glazing, awnings, wood detail and varying cladding and massing, and sidewalks connect pedestrian areas within and between the properties. Rooftop mechanical equipment is screened from view by walls on the new building and central inset location and parapet on the existing building.

The larger existing building is and remains boxy, but its rear expansion toward Topland Road adds little apparent mass from streets and the long side wall expanses are broken up with a height and texture-varied central section (south side) or largely hidden from view by trees and neighbouring buildings (north). The new western face of the existing building is blank as the old, though more attractively finished and largely shrouded by a new stand of trees rather than outdoor storage. The front (east) face maintains much of its existing character, with significant wood and glazing, and adds dark grey vertical metal cladding details to match other updated building faces.

The new building features many of the same architectural and finish elements as the renovated existing building, but adds a third storey for a residence which is stepped away and approximately 20m from the nearest street across a landscaped parking lot. The residence has a separate internal access staircase and entrance to a sidewalk on the building's south side, and also opens to a 68m<sup>2</sup> (732ft<sup>2</sup>) private deck that provides over three times the required usable open space and bright western views across agricultural land toward mountains.

Roofs are flat, in keeping with area character and allowing building heights to stay low. Articulation is provided through variation in materials and colours and glazing, as well as wooden post-supported awnings or small variations in depth and height of walls at entrances. Cladding on both building indicates quality, stability and permanence, comprising largely dark grey corrugated vertical metal, broken up by significant wall sections in black aluminium panel or dark wood finish fibre-cement panel. The existing portion of the largely hidden north wall of the existing building remains concrete block, painted dark grey to match other cladding. Sunlight penetration to public and pedestrian areas is maximized by the existing building addition and new building both being located tucked up against or close to existing buildings' backs. A Commercial development permit area checklist is included in **Attachment No. 4** along with a written statement on conformance to the Sustainability Evaluation Checklist and the Affordable Housing Policy.

#### **Landscaping and Parking**

A detailed landscape plan was submitted for this application and forms part of the attached draft development permit (**Attachment No. 2**). It indicates that the site will be well landscaped with irrigated native plants, material-distinguished internal pathways, runoff control, and other features and is generally consistent with development permit guidelines apart from noted variances and pre-existing features. Only slight improvement is planned for the already developed Island Highway North frontage road front yard – bringing the sign into compliance – but significant landscaping upgrades cover the properties' Topland Road side. Most notable is the introduction of twelve trees, including seven Garry oaks, two giant western red

cedars and three bigleaf maples. Compliance with landscape buffer requirements is discussed above. Loading is internal and refuse is screened by a solid metal and timber structure and two of 25 new Saskatoon berry plants.

The Topland lot's southern boundary includes the required 2m-wide landscaping beside parking, and achieves a height exceeding 2m with red-osier dogwoods and Nootka roses. Alongside the new building, a concrete sidewalk lined with native snowberry and Oregon grape holly accesses the residential unit's stairway and two other building entrances. This property's eastern boundary lies 0.3m away from the proposed building and no landscaping is planned for this largely inaccessible and invisible strip.

Twenty-eight parking spaces are provided on the two properties, all outdoor, meeting bylaw requirements as detailed in **Table 1** above after lot consolidation. One space for people with disabilities is centrally located. Four 6.4m long spaces, as well as two at 10.7m and one at 13m, are included to suit customers' large vehicles or trucks with trailers.

#### ***Lighting and Signage***

Outdoor lighting will be Full-Cut Off/Flat Lens per the City's Dark Skies Policy. The front freestanding sign must be brought into compliance with Development Permit No. 1004, 2010 (**Attachment No. 2**). Signage generally will be reviewed for approval under a separate sign permit.

#### **FINANCIAL IMPLICATIONS:**

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

#### **ADMINISTRATIVE IMPLICATIONS:**

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

#### **ASSET MANAGEMENT IMPLICATIONS:**

The City will inherit:

- Upgraded frontage along Topland Road including widening to City Lane Standards per Subdivision and Development Servicing Bylaw No. 2919, 2018, including a 5.55m wide paved surface with rollover curb and gutter. A modified alternative amenable to the City may be necessary should the aforementioned be expected to unduly compromise the existing Garry oak tree.

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

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

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

**OFFICIAL COMMUNITY PLAN REFERENCE:**

**Commercial Policy:**

4.2.3 (2) ...Council will:

- Limit the expansion of existing commercial areas and scale of areas along highways or collector roads.
- Require particular attention to street appearance of buildings, parking areas and ground oriented signage with significant landscape treatment of sidewalks and landscape buffers.
- Require that all development will have a clean physical separation of their parking areas from traffic lanes through the development of sidewalks and landscape buffers.
- Designate the Mission Hill area along the west side of the Island Highway as an area which predominantly caters to the automotive industry. It is expected that this will continue with limited infill and redevelopment of the existing commercial area.

**Climate Change Policy:**

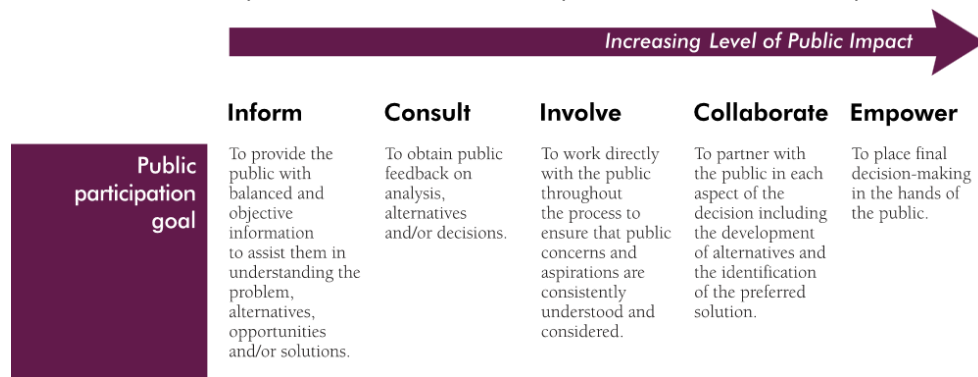
Objective 5 (4): The City will review and amend all landscaping policies for all land uses to promote naturoscaping principles to screen and protect sensitive ecosystems, control and direct surface run-off and ensure that only plant species native or non-invasive to Courtenay are used.

**REGIONAL GROWTH STRATEGY REFERENCE:**

The proposed development is consistent with the following Regional Growth Strategy policies: 1C-3 – *Encourage both rural and urban housing forms that provide housing at lower costs and with lower environmental impacts*, and 3A-1 – *Encourage responsible expansion of the economic base of the Comox Valley with the intent of enhancing wealth and employment opportunities*.

**CITIZEN/PUBLIC ENGAGEMENT:**

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



The applicant distributed an alternative public information package to property owners and occupiers within 30m of the property and collected and summarized feedback, 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. 3**. According to the applicant three neighbours submitted written responses and another responded by phone. Topics included drainage, impact on neighbour development applications, parking, garbage and noise, each of which was addressed by the applicant. The feedback can be found in **Attachment No. 3**. City Planning staff confirmed that the application would not preclude the possibility of a future neighbour setback variance.

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

**OPTIONS:**

**OPTION 1: (Recommended):** Approve Development Permit with Variances No. 2016.

**OPTION 2:** Defer consideration of Development Permit with Variances No. 2016 pending receipt of further information.

**OPTION 3:** Not approve Development Permit with Variances No. 2016.

Prepared by:



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Mike Grimsrud,  
Planner II

Reviewed by:



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Matthew Fitzgerald, RPP, MCIP  
Manager of Development Planning

Reviewed by:



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Ian Buck, RPP, MCIP  
Director of Development Services

Concurrence by:



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Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

**Attachments:**

1. *Attachment No. 1: Application Rationale*
2. *Attachment No. 2: Draft Development Permit with Variances No. 2016*
3. *Attachment No. 3: Public Consultation*
4. *Attachment No. 4: Additional Materials*

**Attachment No. 1: Application Rationale**

755 Terminal Avenue North, Nanaimo, BC V9S 4K1  
250.754.2108 • info@rdbarchitect.ca • rdbarchitect.ca

2020-08-27

**Courtenay Motor Sports – Design & Sustainability Rationale****General Concept:**

Renovate and provide an addition to the existing commercial building by adapting its internal layout and external appearance to the needs of BRP's dealer. Set up a new building, complementary to the existing, that will include a service shop with client servicing and a dwelling unit at the top storey. The site design will allow vehicle access from both Cliffe Rd. and Topland Rd. and includes pedestrian and landscaped areas.

**Building Design:**

The existing building will gain new durable facade materials in their entire envelope, and will share similar cladding and architectural features with the new building - these include wooden canopies for weather protection as well as main entrances volumetrically enhanced with standing out materials that create visual interest and address pedestrian needs. The buildings' scale and form is compatible with neighbouring ones. The dwelling unit is stepped away from the street which is facing, and enjoys the natural views towards the ALR. Rooftop equipment shall be located or screened so that it doesn't have a negative visual impact. The buildings' distance allows plenty of sunlight for their internal use as well as for external pedestrian areas.

**Parking / Circulation:**

Towards Cliffe Road, most of the existing concrete and asphalt surfaces are kept in a conservative approach. A curb is built around the existing sign and parking stalls provided. The majority of the parking stalls are laid out between the buildings and the landscape buffers facing Topland Rd. Two vehicle entrances to the property facilitate the access to each independent building. A curb-less sidewalk with removable bollards is provided along the overhead doors of the Shop building. In case the service bays are not being used, cars will be able to park their cars in the "optional parking" area designated in the Site Plan. These temporary stalls were not taken into account for parking requirements. Longer parking spaces, for expected trailers / trucks are located along the driveway between both buildings which is one-way.

**Sustainable design:**

The project provides "eyes on the street" in a rural / commercial area. Landscaped areas, integrating existing protected trees provide a buffer to agricultural land across Topland Rd. Native, wild-life attractive and drought tolerant species will be used. A rain garden and Storm Water Management reduce run-off and enhance natural habitats. The site promotes pedestrian use by connecting both buildings and increasing connectivity between streets.

Day light is harnessed for the Shop and the dwelling unit uses Heat Pump & HRV. Rough in for renewable energy sources such as solar are considered

In terms of land use we're providing a mix used development with a dwelling unit that may be used by a tenant working on the same building. Materials include wood and other durable and low maintenance cladding.

**Signage:**

All building signage to conform to City of Courtenay Sign Bylaw no. 2760, 2013. They will have a uniform look and will be raised letters. The free-standing existing sign is to undergo modifications in order to comply with previous variance permit.

Raymond de Beeld, Architect AIBC, MRAIC, LEED BD+C

Raymond de Beeld Architect Inc.





755 Terminal Avenue North, Nanaimo, BC V9S 4K1  
250.754.2108 • info@rdbarchitect.ca • rdbarchitect.ca

2020-08-26

### **Courtenay Motor Sports – Variances Rationale**

#### **Building Rear Setback (4886, Topland Rd.):**

##### **Requirement:**

- min. 4.5m

##### **Provided:**

- 0.3m, a variance of 4.2m.

##### **Rationale:**

- Vehicle circulation
- Increased space for vehicle circulation and ease of vehicle movement from / to the Service Shop bldg.
- Parking / Landscape
- Increased parking and landscaped areas towards Topland Rd.
- Bldg. Design
- Service Shop bldg. has it's back to the property line.

Note: A Landscape Buffer variance of 1.7m to other properties (min. 2m) is contained within the Bldg. Rear Setback variance herein).

Staff note that this 1.7m landscape buffer variance is not required

#### **Landscape Buffer to Street (Topland Rd.):**

##### **Requirement:**

- min. 4.5m

##### **Provided:**

- 1.73m, a variance of 2.77m.
- 3.71m, a variance of 0.78m.

Note: variances only occur in a combined street frontage stretch of approx. 7.3m, (9.3% of the total)

##### **Rationale:**

- Parking
- An increase of 3 parking stalls.

#### **Landscape Buffer to adjacent properties (4883 North Island Hwy - North property line to 4900 Topland Rd., and South property line to 4877, Cliffe Rd.):**

##### **Requirement:**

- min. 2m

##### **Provided:**

- 0m, a variance of 2m.

##### **Rationale:**

- Existing conditions.
- Extension of existing sidewalk between Existing Showroom Bldg.
- Parking
- An increase of 4 parking stalls in total.



**Landscape Buffer to adjacent property (4886 Topland Rd. South property line):**

**Requirement:**

- min. 2m

**Provided:**

- 0.8m, a variance of **1.2m**.

**Rationale:**

- Building Design
- Provide pedestrian access to dwelling unit.

Staff note that this 1.2m landscape buffer variance is not required

**Off-street Parking:**

**Requirement:**

- min. 29

**Provided:**

- 28, a variance of **1**.

**Rationale:**

- Landscape / Tree protection
- Provide landscaped area surrounding protected trees, and rain garden along Topland Rd.
- Parking related
- Up to 7 parking stalls will be available when Service Shop Bays are not being used.
- Motorbikes can use the open area in front of the Service Shop, near Vehicle Display.

Staff note that this parking space variance is not required

Raymond de Beeld, Architect AIBC, MRAIC, LEED BD+C

Raymond de Beeld Architect Inc.



**Attachment No. 2: Draft Development Permit No. 2016****THE CORPORATION OF THE CITY OF COURTENAY**

Permit No. DPV 2016

**DEVELOPMENT PERMIT WITH VARIANCES**

January 18, 2021

To issue a Development Permit with Variances:

To:

Name: 570714 BC LTD; 0794892 BC LTD  
Address: 4883 Island Highway North  
Courtenay, BC V5N 5Y9

Property to which permit refers:

Legal: Lot 3, Section 20, Comox District, Plan 7161; and  
That part of Lot 2, Section 20, Comox District, Plan 7161 Lying to the West of a  
Boundary Parallel to and Perpendicularly Distant 110 Feet from the Easterly  
Boundary of Said Lot  
Civic: 4883 Island Highway North and 4886 Topland Road

Conditions of Permit:

Permit issued to permit construction of a three storey mixed use building and an addition to and renovation of an existing commercial building on the above referenced properties with variances granted as described below:

Variances to Zoning Bylaw No. 2500, 2007:

*Section 8.19.6 (2) – Rear Yard Setback from a minimum of 4.5m to 0.3m.*

*Section 8.19.11 (1) – Landscaped Area Width from a minimum of 4.5m to a minimum of 1.7m.*

*Section 8.19.11 (2) – Landscaped Buffer Area Height and Width from a minimum of 2.0m to a minimum of 0.0m.*

Development Permit with Variance No. 2016 is also subject to the following conditions:

1. The development shall be substantially consistent with the plans shown in *Schedule No. 1*, as designed by Raymond de Beeld Architect Inc., dated October 23, 2020 and sealed December 7, 2020.
2. That landscaping shall be in substantial conformance with the plans and specifications contained in *Schedule No. 2*, as designed by Mystic Woods Landscape Design and sealed by Alison Mewett, dated May 18, 2020;
3. Submission of landscape security in the amount of \$74,775.00 (\$59,820.00 x 125%) is required, as estimated by Mystic Woods Landscape Design and sealed by Alison Mewett August 28, 2020 and contained in *Schedule No. 3*;

4. A sign permit shall be obtained prior to any signage being installed on the property;
5. The front freestanding sign must be brought into compliance with Development Variance Permit No. 1004 (2010), contained in *Schedule No. 4*, prior to Building Permit, although concrete following site-wide design aesthetic can be used instead of rock for the required 4 ft high sign base;
6. Landscaping must be completed within one year of the date of issuance of the occupancy permit by the City;
7. The minimum depth of topsoil or amended organic soil on all landscaped areas is to be as follows:  
shrubs - 450mm; groundcover and grass - 300 mm; and trees -300 mm.
8. All new street lighting in the proposed development must use Full Cut Off/Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas, as well as the dedicated public walkway. Exterior building lighting must have FCO lighting fixtures;
9. Removal of any trees over 20cm DBH or protected trees shall require a Tree Cutting Permit;
10. Development must comply with protected species tree retention and protection recommendations in the arborist report by Alex Walton of Strategic Natural Resources Consultants dated September 29, 2018. Recommendations include installation of protective temporary fencing around the tree protection zones of each of the retained trees (shown on *Schedule No. 1* site plan), discussion with construction crews to ensure understanding that no movement of vehicles and equipment or storage of materials is permitted inside these barriers, and consultation of a certified arborist if these recommendations cannot be met.
11. The development shall meet all other applicable requirements, standards and guidelines; and
12. No alterations or amendments shall be made without the City's permission. A formal amendment application is required if the plans change or additional variances are identified after the permit is issued.

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

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

\_\_\_\_\_ Date

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



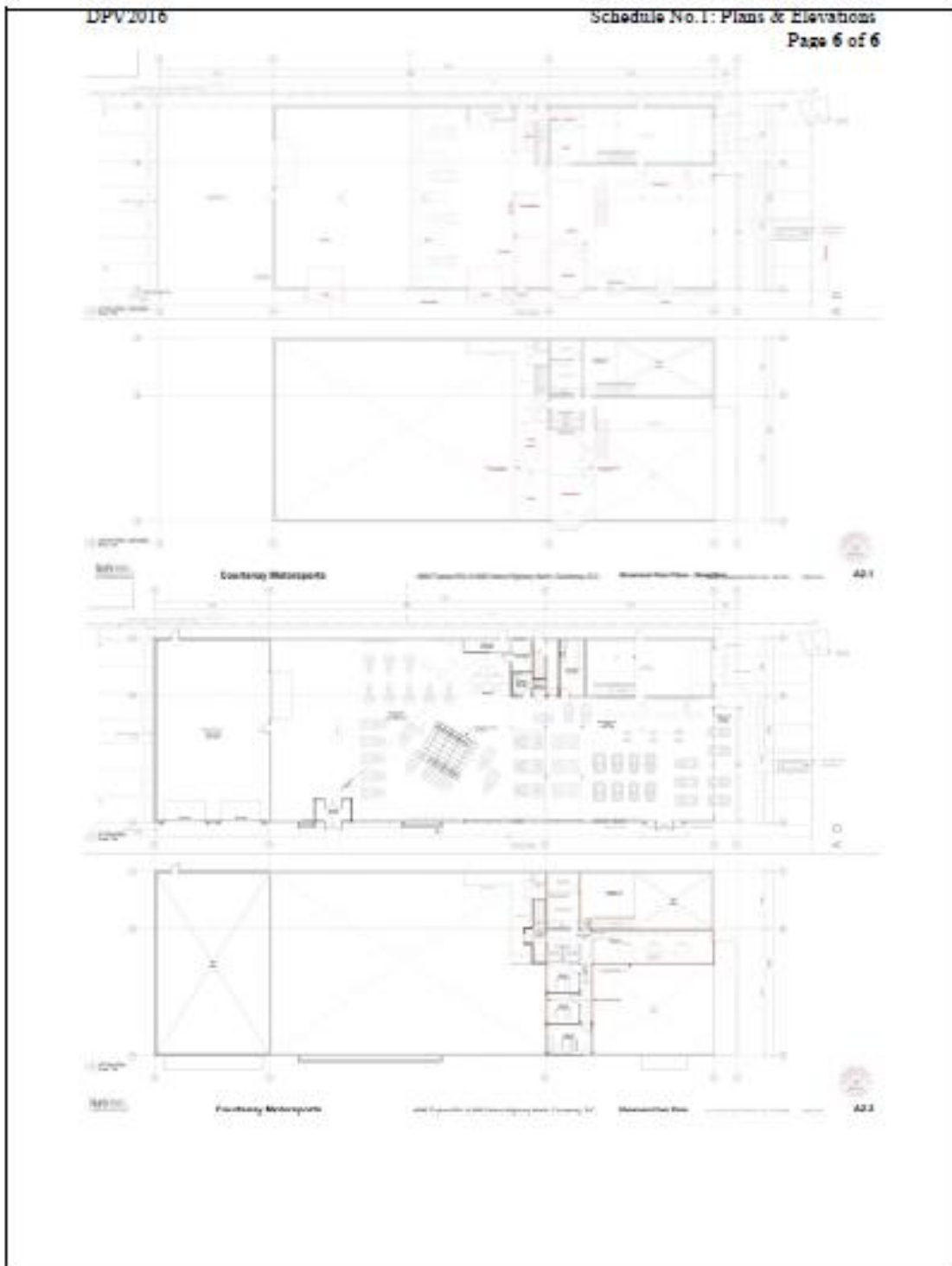




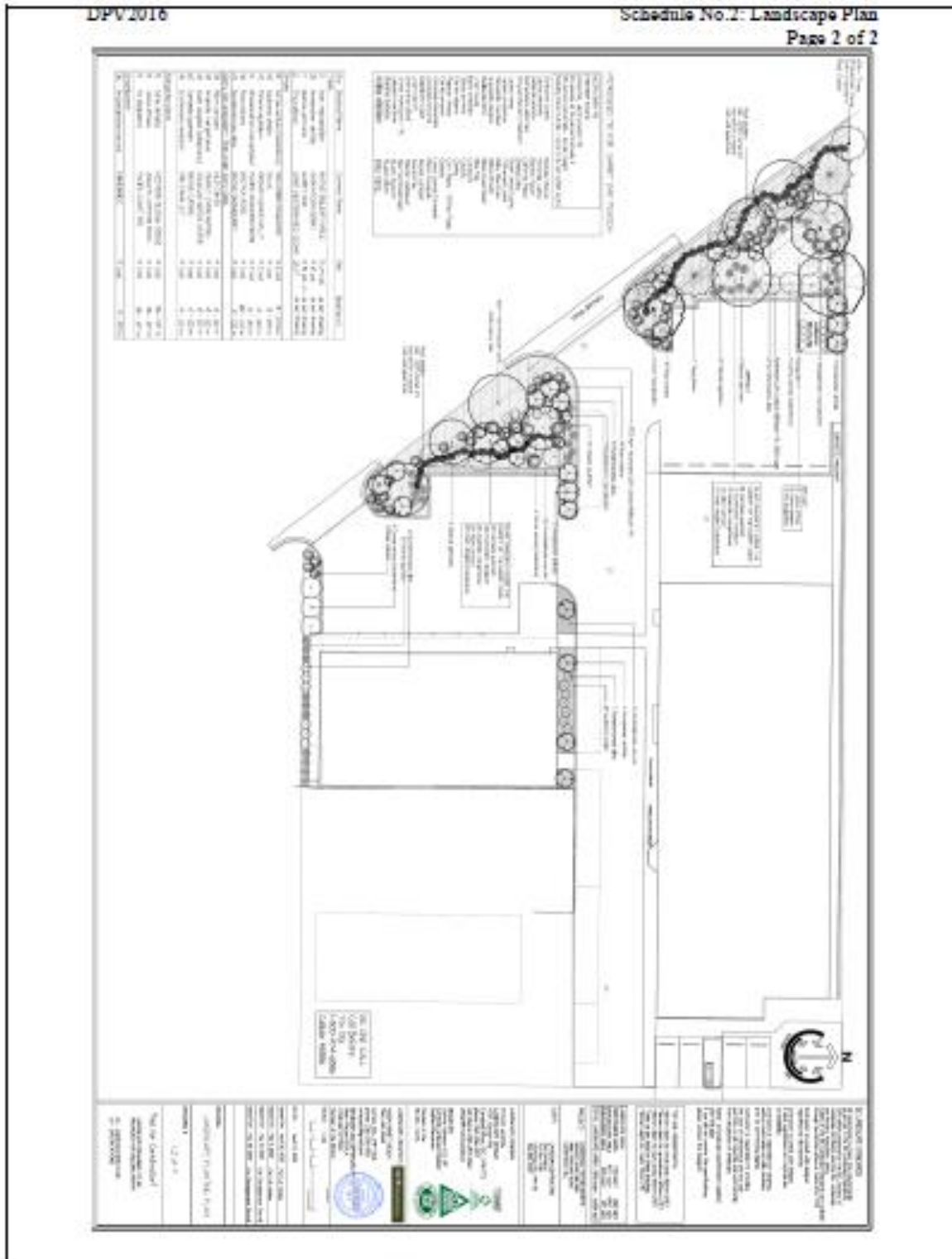












DPV 2010

SCHEME NO.3: LANDSCAPE COST ESTIMATE  
 Page 1 of 1

**LANDSCAPE INSTALLATION ESTIMATE**

August 27, 2020

**LANDSCAPE ARCHITECT**

Alison Mewett, BCSLA  
 766 Lazo Road  
 Comox, BC V9M 3V6  
 (250)339-3955  
 amewett@gmail.com

**PROJECT**

Courtney Motorsports  
 4886 Topland Road,  
 Courtney, BC

Shrubs/trees: 72.3 m<sup>2</sup> (778 ft<sup>2</sup>)  
 Wildflower grass: 457.7 m<sup>2</sup> (4,927 ft<sup>2</sup>)  
 Rain garden: 42.5 m<sup>2</sup> (457 ft<sup>2</sup>)

Plant material	\$ 33,000.00
Topsoil delivered (shrubs/rain garden) @ 18" - 69 cu yds @ \$35	2,415.00
Topsoil delivered (wildflower grass) @ 12" - 182 cu yds @ \$35	6,370.00
Fine mulch delivered @ 3" - 7 cu yds @ \$45	315.00
Hydroseed wildflower mix 4,927 sqft @ .18/sqft	890.00
Fertilizers, tree stakes and miscellaneous	500.00
Machine work to grade and move materials	2,730.00
Labour to install plant materials and other work to complete	6,600.00
Irrigation system installed	<u>5,500.00</u>
<b>Sub-total</b>	<b>\$ 58,320.00</b>
Large boulders 50cu yds @ \$30	<u>1,500.00</u>
<b>Total (not including taxes)</b>	<b>\$ 59,820.00</b>

Materials estimated at cost.  
 This estimate is approximate and may not reflect actual cost to install.

Alison Mewett, BCSLA  
 Landscape Architect

Corinne Matheson, CLD, QP  
 Mystic Woods Landscape Design



2020-08-20

DPV2016 Schedule No.4: DVP1004  
Page 1 of 6

**THE CORPORATION OF THE CITY OF COURTENAY  
BYLAW NO. 2392  
SCHEDULE "2E"**

**Permit No. DVP1004**

**DEVELOPMENT VARIANCE PERMIT**

August 16, 2010

**To issue a Development Permit**

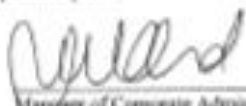
**To:** Name: Courtenay Motorsports (570714 B.C. Ltd., Inc. No. 570714)  
Address: 4883 Island Highway North  
Courtenay, BC V9N 5Y9

**Property to which permit refers:**  
Legal: Lot 3, Section 20, Coxsco District, Plan 7161  
Civic: 4883 Island Highway North

**Conditions of Permit:**  
Permit issued to Courtenay Motorsports to vary the following sections of the *City of Courtenay Sign Bylaw No. 2047, 1999*: Section 6.6.7; Section 6.6.2, the maximum area per side for a freestanding sign for a parcel less than 3000 m<sup>2</sup> in area, from 3 m<sup>2</sup> to 5.65 m<sup>2</sup>; Section 6.6.2, the maximum height for a freestanding sign for a parcel less than 3000 m<sup>2</sup> in area from 2.5 m to 4.9 m subject to the following conditions:

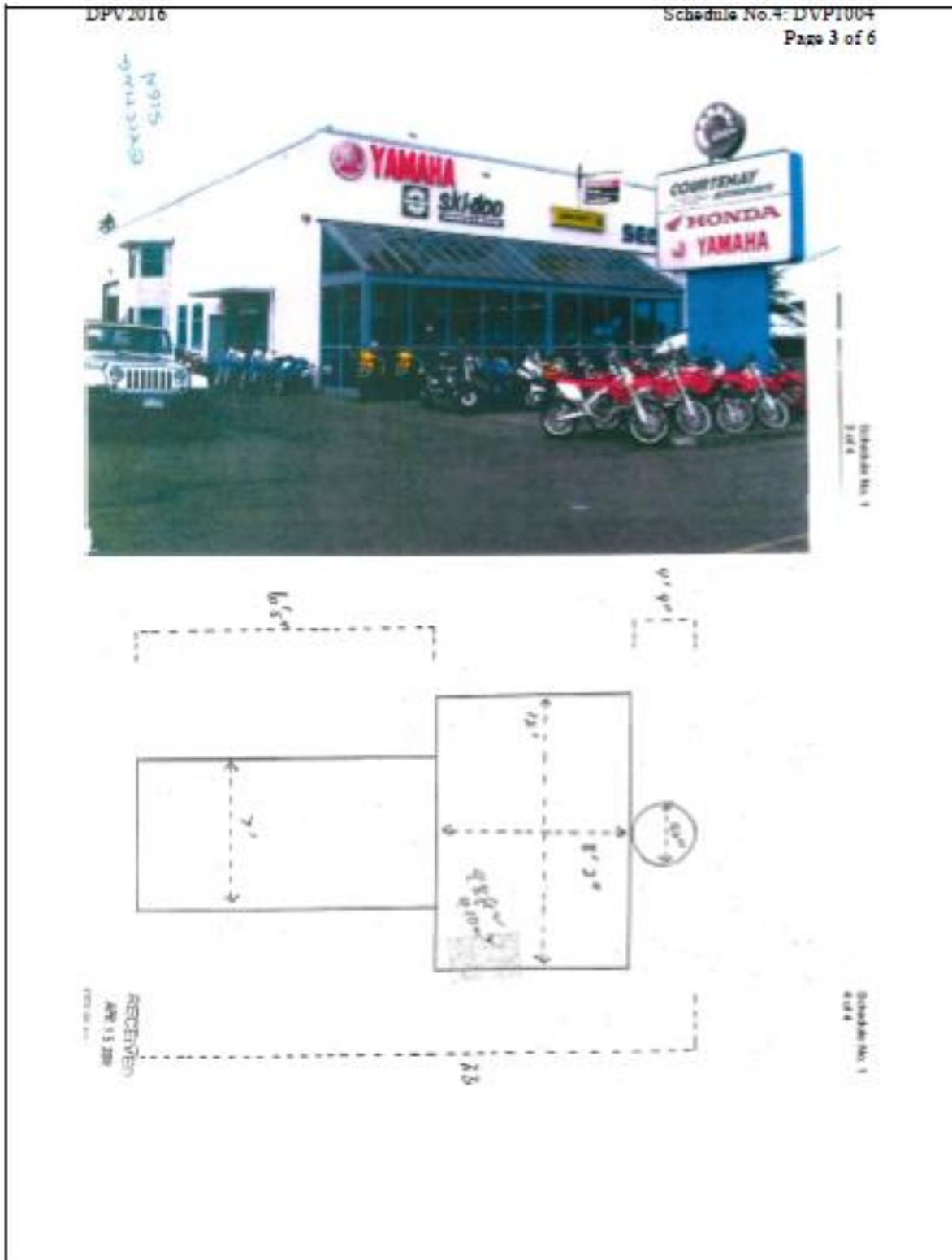
- a) Development in conformance with the site plan and elevation contained in *Schedule No. 1*, and the landscape plan contained in *Schedule No. 2*;
- b) Installation of 4 ft high rockwork sign base;
- c) Signs must not be internally illuminated, and must not be designed to allow internal illumination.

**Time Schedule of Development and Lapse of Permit**  
That if the permit holder has not substantially commenced the construction authorized by this permit within (12) months after the date it was issued, the permit lapses.

August 18 / 2010   
Manager of Corporate Administration

S:\PLANNING\Development Applications\DPV1004 - 4883 Island Highway Courtenay Motorsports\DPV Schedule 2E.doc





DPV 2016

Schedule No. 4: DVP1004  
Page 4 of 6  
Schedule No. 2  
1 of 3

D/S Illuminated Pylon Sign  
PLAN 8112

The drawing shows a tall, illuminated pylon sign with a total height of 45 feet. The sign is divided into five horizontal sections, each containing a brand logo: Ski-Doo, Sea-Doo, Can-Am, Yamaha, and Honda. The top section is 7 feet high, and the bottom four sections are each 10 feet high. The sign is mounted on a brick base with landscaping. Callouts 1 through 5 indicate lighting and mounting details for each section.

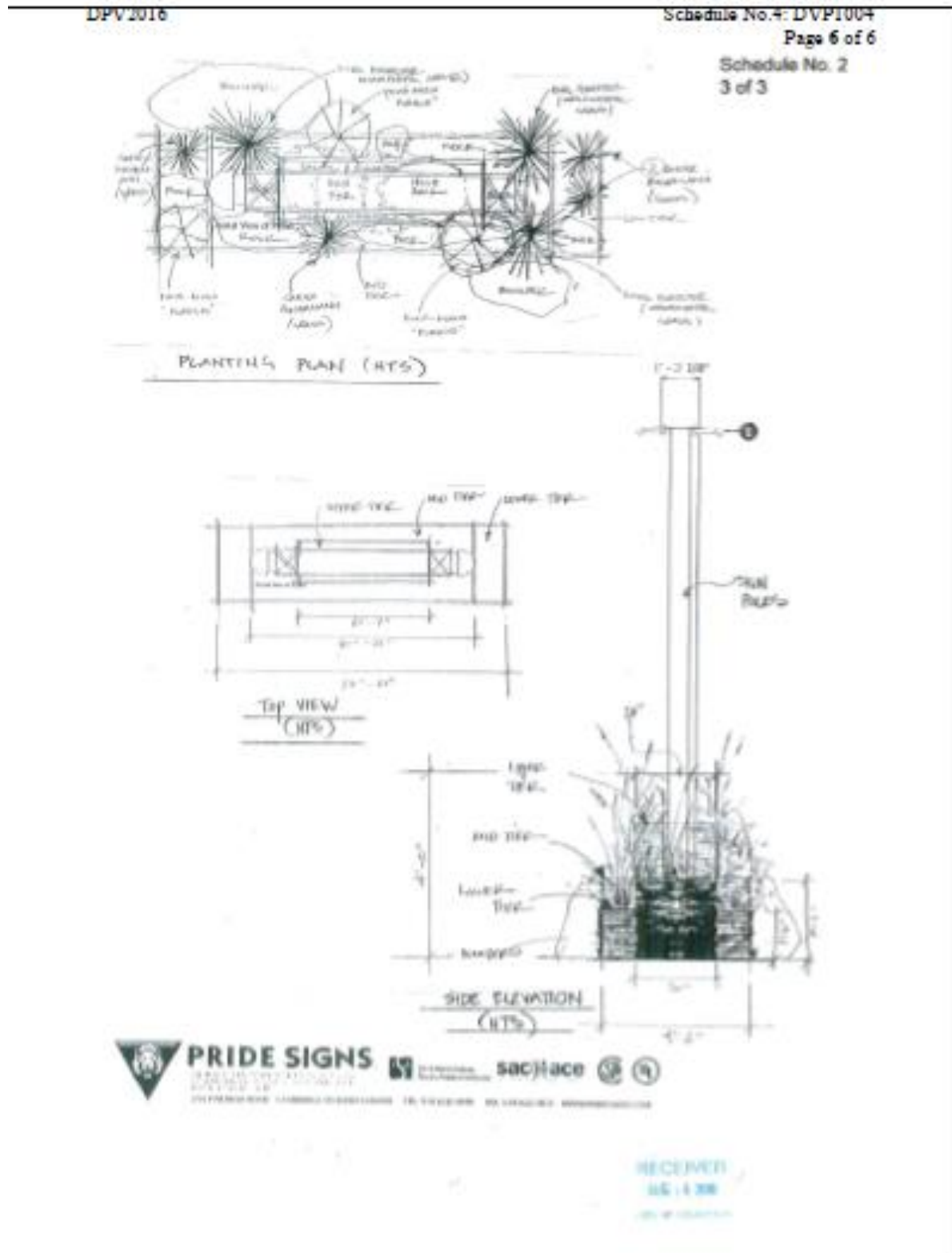
PRIDE SIGNS  
10000 10th Street, Suite 100  
Sacramento, CA 95828  
TEL: 916.486.1111 FAX: 916.486.1112  
WWW.PRIDE-SIGNS.COM

sac/lace

RECEIVED  
JUN 11 2016  
CITY OF SACRAMENTO







**Attachment No. 3: Public Consultation**



755 Terminal Avenue North, Nanaimo, BC V9S 4K1  
250.754.2108 • info@rdbarchitect.ca • rdbarchitect.ca

Dec. 07, 2020

**Attention:**

Michael Grimsrud, City of Nanaimo

**Subject: DPV00031 – Courtenay Motorsports Dev. Permit – Public Information Summary**

A public information notice included at the end of this report was sent on Nov. 02 2020 to the addresses of the neighbors provided by the City below:

[Redacted]

4875 Island Hwy N  
Courtenay BC V9N 5Y9

[Redacted]

4883 Island Hwy N  
Courtenay BC V9N 5Y9

[Redacted]

5410 Wildwood Rd  
Courtenay BC V9J 1P5

[Redacted]

4900 Topland Rd  
Courtenay BC V9N 5Y2

[Redacted]

1-2132 Keating Cross Rd  
Saanichton BC V8M 2A6

[Redacted]

4901 Topland Rd  
Courtenay BC V9N 5Y2

[Redacted]

4877 Island Hwy N  
Courtenay BC V9N 5Y9

We have received responses from neighbors of 4 of the 7 properties notified.

4875 Island Hwy North – Phone call received on 2020-11-12 and subsequent emails.  
 4877 Island Hwy North – Email conversation initiated on 2020-11-16  
 4899 Island Hwy North – Phone call received on 2020-11-09 and subsequent emails.  
 4901 Topland Rd – Phone call received on 2020-11-12

Below is a summary of the concerns / questions raised and respective responses:

**- 4875 Island Hwy North**

**Concerns:** How the installation of the retaining wall proposed at the South side of the Service Shop Building may affect the drainage coming off the walkway and how the lower portion of the wall will drain out to the road in this area. Concerns about water being trapped in the area between the property line and their building.

**Response:** As addressed by the Civil Engineer of the project, this issue can be easily dealt by including an exterior floor drain along the side walk at the Service Shop Building's south side, plus the retaining wall will also have drainage. Both these elements would deal with any nuisance water. These aspects will be coordinated between the Architect, Mechanical, Structural and Civil consultants and included in the relevant drawings.

**- 4877 Island Hwy North**

**Concerns:** Whether if the variance requested for reducing the Building Set Back where the building abuts their property would preclude them from being granted a similar variance in the future.

**Response:** While we cannot guarantee variances for any property over time, the granting of our variance should not impact their ability to do the same. It may actually make it easier as a contextual precedent. Given the zoning, size and orientation of both properties, personally having no setback facilitates a more efficient use of the lot and developed land within communities, which has environmental benefits of urban intensification and protection of natural lands. Explanations were given about how the Building Code does not prevent zero or near zero set backs, but may require increased fire resistance ratings or non combustible construction. We proposed a 0.4m setback to allow underground perimeter drain pipe and concrete footing to extend to the property line.

**- 4889 Island Hwy North**

**Concerns:** If the development would eliminate non Co-op customer parking on our lot, both during the course of construction and once re-development is complete.

**Response:** The parking stalls in their lot won't be used by Courtenay Motorsports during construction or after the development is complete.

**- 4901 Topland Rd**

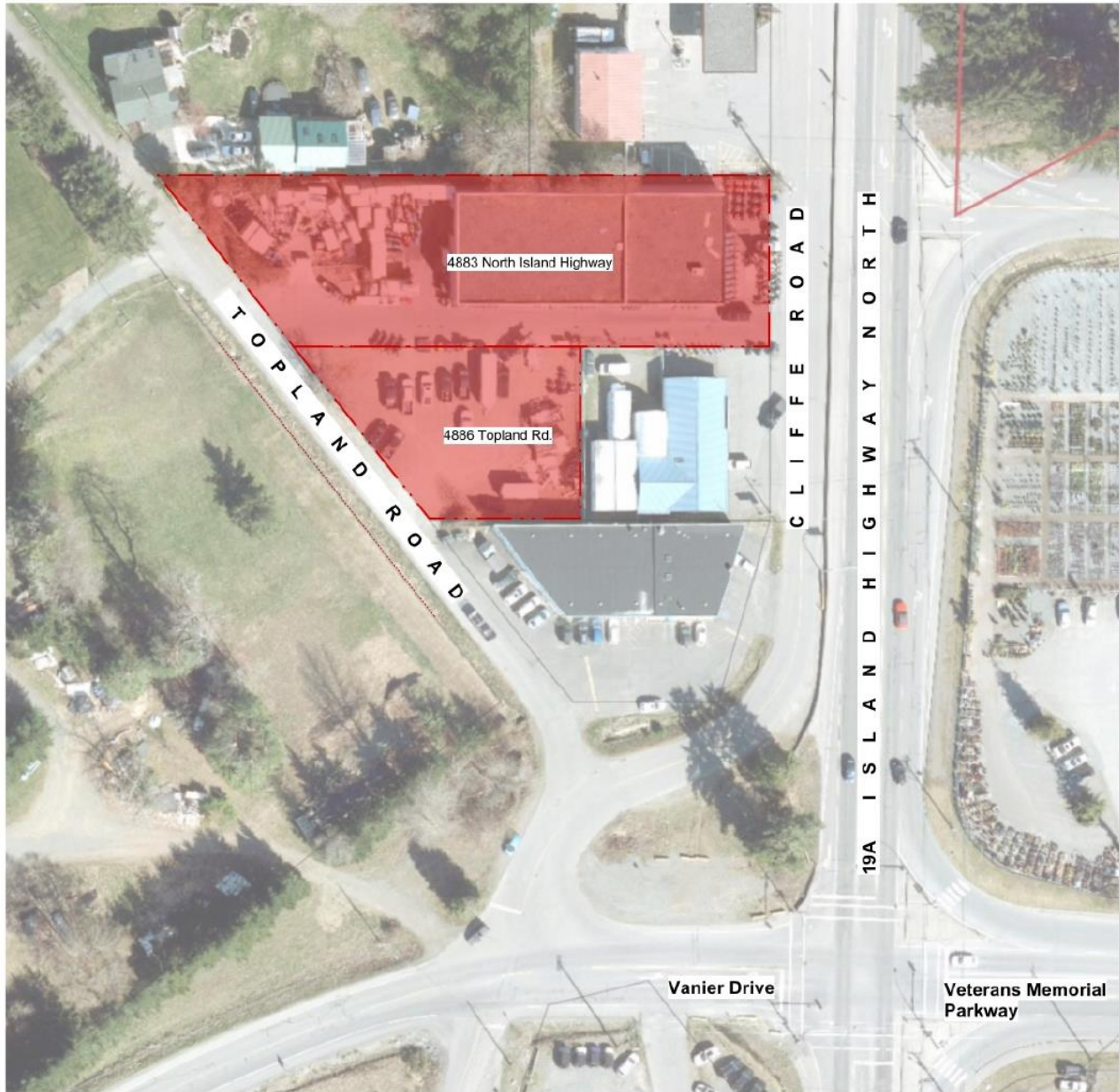
**Concerns:** As an ALR property the concerns were related to how the garbage would be managed, as well as the eventual noise (vehicle revving) that could result from the proximity of the properties.

**Response:** With regards to the garbage, all the waste / recycling produced in the property that will be collected by the city, will be contained and screened in a garbage enclosure within our property, as shown on the DP drawings. As to the eventual noise, we believe these operational issues can be dealt between neighbors. The Service Shop overhead doors can be closed during noisy tasks and

automatic doors might be considered. The garbage solution was explained during the phone call. The noise clarification wasn't conveyed to the neighbor as of this letter's date. With mutual respect between neighbors, the reverse concern regarding noise / odor could exist from the ALR lands as well, whether past, present, or future.

Raymond de Beeld, Architect AIBC, MRAIC, LEED BD+C  
Raymond de Beeld Architect Inc.

**Mail-out Package Example**



1 Context Map





755 Terminal Avenue North, Nanaimo, BC V9S 4K1  
250.754.2108 • info@rdbarchitect.ca • rdbarchitect.ca

November 2<sup>nd</sup>, 2020

**Attention of:**



4875 Island Hwy N  
Courtenay BC V9N 5Y9

**Subject: Courtenay Motorsports Development Permit – Public Information**

As the applicant for the Development Permit concerning the properties 4883 North Island Highway and 4886 Topland Road, Courtenay, we were requested by the City of Courtenay to provide you a description of the project and an opportunity to submit comments or questions.

Together with Courtenay Motorsports we're very excited to announce redevelopment plans to expand offerings and services to their valued customers. The project includes expanding and renovating the current building to focus on showcasing the latest outdoor recreational vehicles. New construction will add a state-of-the-art service shop with a second storey living suite, more parking, and dedicated loading stalls. Both buildings will share architectural cladding and features for a fresh new look. Enclosed is a map of the proposed development.

We invite you to review the Development Application with the City of Courtenay, available on their website at: [www.courtenay.ca/devapptracker](http://www.courtenay.ca/devapptracker). Look or search for either:  
Address: 4883 North Island Highway, 4886 Topland Road  
File number: DPV00031

Please use the comment sheet herewith and mail or email your comments or questions to us, latest on Nov. 16<sup>th</sup> 2020, 11:59 pm.  
Address: Raymond de Beeld Architect. Inc.  
755 Terminal Avenue North, Nanaimo, BC V9S 4K1  
Email: [ruben@rdbarchitect.ca](mailto:ruben@rdbarchitect.ca), copy to [raymond@rdbarchitect.ca](mailto:raymond@rdbarchitect.ca)  
Phone: 250-754-2108

Your comments and questions will be shared with the Planning Division of the City of Courtenay. Thank you for your time and we appreciate your involvement.

Raymond de Beeld, Architect AIBC, MRAIC, LEED BD+C  
Raymond de Beeld Architect Inc.



Raymond de Beeld Architect Inc.  
755 Terminal Avenue North  
Nanaimo BC  
V9S 4K1

4877 Island Hwy North

**Re: Courtenay Motorsports – 4883 N Island Hwy & 4886 Topland Rd Courtenay BC Public Information Letter (DVP00031)**

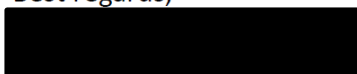
Dear Mr. de Beeld,

Thank you for your letter describing the intended expansion and new building for your clients, Courtenay Motorsports. We are the owners of the property directly east of the proposed new building at 4886 Topland Road, specifically 4877 Island Highway North. We have reviewed the development permit on the City of Courtenay website and have comments regarding the application for variances, in particular the rear building set back requirement which abuts our property.


We have no immediate objection to the variance reducing the required setback by 4.2 metres to 0.3 metres. We do have concerns with respect to the variance having a potential impact on future development of our property, specifically, whether the granting of such variance would preclude us from receiving the granting of a similar variance in the future. Is there a minimum required distance between buildings straddling a property line such as in this proposal? If so, then we request the minimum distance be divided by two, thereby allowing an equal setback from the property on both lots. If there is no minimum, we would be agreeable to reducing the setback to zero.

We look forward to the answer to our question regarding minimum distance between buildings and to working with you toward an equitable setback allowance on both our property and that of your client.

Best regards,







Thanks for your inquiry.

While we can not guarantee variances for any property over time, the granting of our variance should not impact your ability to do the same. It may actually make it easier as a contextual precedent. Given the zoning, size and orientation of both properties, personally having no setback makes for a more efficient use of the lot and developed land within communities, which has environmental benefits of urban intensification and protection of naturally lands.

From a building code perspective, buildings are often built with a zero or near zero setback quite often, particularly in dense urban areas. The building code does not prevent such setbacks, it only requires that as exterior walls get closer to property lines, such walls may require increased fire resistance ratings, and/ or non combustible cladding, and/ or non combustible construction. We proposed a 0.3m setback to allow underground a perimeter drain pipe and concrete footing to extend to the property line.


Raymond de Beeld, Architect AIBC, RAIC, Leed BD+C  
Raymond de Beeld Architect Inc.  
755 Terminal Ave N.  
Nanaimo, B.C. V9S 4K1  
Tel: 250-754-2108  
Cell: 250-729-1349  
Email: [raymond@rdbarchitect.ca](mailto:raymond@rdbarchitect.ca)  
Web: [rdbarchitect.ca](http://rdbarchitect.ca)

Raymond,

Thank you for your response. I agree that having little or no setback makes a lot of sense. Although I understand neither you nor the City of Courtenay can guarantee variances without a submission in place and even though in your opinion "the granting of the variance should not impact (my) ability to do the same", I would like to have some assurance that the granting of the variance will in fact not impact my ability to do the same.

I wonder who might be able to answer my question unequivocally? Would it be the planning department and if so are you able to give me a contact name of someone who would be familiar with the file?

Best regards,



**Subject:** DPV00031  
**From:** [REDACTED] 4875 Island Hwy North  
**Date:** 12-Nov-20, 3:31 PM  
**To:** ruben@rdbarchitect.ca

Hi Ruben,

Re: DPV00031

Thank you for the development notification for Courtenay Motorsports.

In regards to the Nov. 16, 2020 11:59pm deadline for comments or questions, we request a continuance to consult with our own engineer and go over the submitted plans before being able to comment on the plans.

Regards,

[REDACTED]  
Hi Ruben,

Please see comments below regarding the proposed development plan:  
*We have noticed that the building will be sitting up higher than the current grades at the back of our building and there is a 0.5m high retaining wall proposed near the property line. We would like to understand how the installation of the wall may affect the drainage coming off the walkway and how the lower portion of the wall will drain out to the road in this general area of the site. Our concern would be trapping water in the area between the property line and our building.*

Regards

[REDACTED]  
Hi [REDACTED]

With regards to the concern you shared earlier, and after consulting with our Civil Engineer, Matt Sanderson, the issue can easily be addressed by including an exterior floor drain along the sidewalks on the Service Shop Building's south side, plus the retaining wall will also have drainage. Both these elements would deal with any nuisance water. These elements will be coordinated between the Architect, Mechanical, Structural and Civil consultants and included in the relevant drawings.

Let us know if you have any other questions.

Thanks and regards.

Good morning Ruben,

4889 Island Hwy North

Further to our phone conversation from yesterday morning; re: Our Co-op Cardlock location, located at 4889 North Island Hwy.

Our only concern with respect to the development would have to do with eliminating non Co-op customer parking on our lot, both during course of construction & once re-development is complete.

Other than that, we look forward to the re-development and the continued success of our neighbors.

Regards,

[Redacted]

**Subject:** Re: Courtenay Motorsports DP - 4883 North Island Hwy & 4886 Topland Rd

**From:** Ruben Boas <ruben@rdbarchitect.ca>

**Date:** 30-Nov-20, 4:16 PM

**To:** [Redacted]

**CC:** Raymond de Beeld <raymond@rdbarchitect.ca>

Hi [Redacted]

I left you a voice message in order to clarify your concerns.

As far we understand and intend, the parking stalls in your lot wouldn't be used by Courtenay Motorsports during construction or after the development is complete.

Thanks and regards.

**Attachment No. 4**  
**1/7**

***Attachment No. 4: Additional Materials***



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

# COMPLIANCE CHECKLIST

## COMMERCIAL DEVELOPMENT PERMIT AREA

The following checklist provides a quick reference for compliance with the guidelines contained within Section 8.2 Commercial Development Permit Area of the City of Courtenay Official Community Plan No. 2387, 2005. Applicants are required to complete this checklist and indicate in the comment box how their proposal complies with each development permit guideline. Where an element of the design does not comply with a guideline, a justification stating the divergence and the reason shall be made. A separate sheet may be used to provide comment. **Incomplete forms will result in application delays.**

<b>Project Address:</b> 4883 North Island Highway, Courtenay BC V9N 5Y9 4886 Topland Road, Courtenay BC V9N 5Y2		<b>Date:</b> 2020-08-26	
<b>Applicant:</b> Raymond de Beeld, Raymond de Beeld Architect Inc. & Don Cameron, Cameron Contracting LTD.		<b>Signature:</b> Raymond de Beeld	
A. FORM AND CHARACTER	Yes	No	Comment
1. The scale, form, height, setback, materials and character of new development shall be compatible with neighbouring developments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Both existing / addition and new building façades will be updated and share similar façade elements / materials. Relatable to neighboring buildings.
2. The perimeter of buildings shall relate to a pedestrian scale. This may be expressed by detailing of the façade, window size, awnings and roof canopies. Create visual interest by providing variations in height and massing. Awnings, lighting fixtures and other structures shall be architecturally integrated with the design of the buildings. Large expanses of any one material are not acceptable without architectural detail to create visual interest and to avoid a monotonous appearance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sidewalks are provided along relevant building façades for pedestrians. Both buildings have features of interest, such as main entrances highlighted with different materials, and canopies with wooden elements.
3. All roof top, mechanical equipment shall be screened from view or screened to blend in with the roof and elevator penthousing and shall be incorporated into the overall architectural treatment of the building.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Set back from roof perimeters.
4. To support the pedestrian environment, continuous weather protection should be provided over pedestrian areas at all exterior building walls.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A, but weather protection is provided at main entrances and other entrances frequently used by pedestrians.
5. Buildings shall maintain and enhance existing views.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dwelling unit has views to agricultural land.
6. Buildings located on corner lots, lots adjacent to a residential property or next to public open spaces shall be stepped down toward the flanking street, adjacent building, or public open space.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
7. Stepped or varied building massing, articulated building walls and roof lines and sloped roofs shall be incorporated to develop building form and character.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Articulated building walls at ground level with distinct materials, colours and glazing.
8. The architectural design and building materials shall be of a high standard that indicates quality, stability and permanence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	To also meet corporate supplier design requirements.
9. Any wall of a building which is visible from the street shall be finished to the same standard as the front of the building to provide an attractive appearance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	All building façades are finished to the same standards.
10. Buildings should be designed so that their form does not restrict sun penetrations to public and pedestrian areas. Consider building orientation and stepped massing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Adjacent buildings back to back. Existing and new building are essentially front to front, with limited heights and spacing between them which allows generous sunlight.
11. Where more than one building is to be constructed on a site, the buildings shall share common architectural features.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Materials, architectural features and signing are shared by both buildings.

12. Where a development is to be constructed in several phases, the proposed phasing plan indicating the sequence and timing of construction shall be included as part of the development permit application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
<b>B. SIGNAGE</b>	<b>Yes</b>	<b>No</b>	<b>Explanation of Non-Conformity</b>
1. All signs shall conform to the City of Courtenay Sign Bylaw No. 2760, 2013 and all amendments thereto.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>C. SITING, LANDSCAPING AND SCREENING</b>	<b>Yes</b>	<b>No</b>	<b>Explanation of Non-Conformity</b>
1. A Landscape Architect or registered professional shall prepare a plan which will incorporate plant species, quantities and installation suitable for the project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. A detailed landscaping and screening plan, drawn to scale and showing the type, size and location of proposed landscaping shall be submitted with the development permit application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. A continuous perimeter landscaped buffer area of at least 7.5 metres in width shall be provided along the inside of all property lines adjacent to Cumberland Road, Cliffe Avenue, 17 <sup>th</sup> Street, 29 <sup>th</sup> Street, Island Highway, Mission Road, Ryan Road and Lerwick Road. A continuous perimeter landscaped buffer area of at least 4.5 metres in width shall be provided along the inside of all property lines adjacent to all other roads, except at approved access points. All boulevard areas shall be landscaped and consistent with the onsite landscaping plans. Foundation landscaping along the face of buildings is encouraged. Landscaping shall be incorporated within all setback areas. Where a building is greater than 4500 m <sup>2</sup> , a continuous perimeter landscaped area of at least 15 metres in width shall be provided along the inside of the adjacent property line.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See Variances Rationale
4. Parking and outdoor storage shall not be permitted in the required landscape setback.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See Variances Rationale
5. To separate parking, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 metres in width and 2.0 metres in height, shall be provided along the inside of all property lines.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See Variances Rationale
6. A minimum 7.5 metre continuous landscape buffer shall be provided along all adjacent residential and institutional property boundaries.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
7. If a property is adjacent to the Agricultural Land Reserve boundary, a fence and landscaping buffer area of at least 10 metres in width shall be provided along the inside of the property line.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A ALR property across from Topland Road. Landscape buffer doesn't apply. Building Setback noted in drawings.
8. Loading areas, garbage and recycling containers shall be screened and gated to a minimum height of 2 metres by buildings, a landscaping screen, solid decorative fence or a combination thereof.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Developments shall include installation of street trees and sidewalks along all adjacent streets. Boulevards of adjacent streets shall be landscaped, irrigated and maintained by adjacent developments. Distinct paved surfaces, benches and ornamental street lights are encouraged throughout the site. Outdoor patios or amenity areas for employees are encouraged	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

11. Sidewalks of an appropriate width shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting a parking area. Planting beds for foundation landscaping, shall be incorporated, where appropriate into the design of the sidewalk along the façade of the buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	West façade of Showroom building doesn't have adjacent sidewalk.  No accesses to the building on this façade. Space used for more landscaped area adjacent to Topland Road.
12. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. Undeveloped areas of the site shall be left in its natural state if there is substantial existing native vegetation. Otherwise, the owner will undertake vegetation control within 6 months of building occupancy satisfactory to the City.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A Two existing protected trees remain, integrated in landscaped areas.
14. Any development adjacent to or near stream or wetland areas shall adhere to the requirements of the Stream Stewardship, 1993 guidelines and "Land Development Guidelines for the Protection of Aquatic Habitat 1992" prepared by the Department of Fisheries and Oceans and the Ministry of Water, Land and Air Protection along all streams and their tributaries.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
15. The City may require an environmental analysis of site conditions in areas subject to natural hazards such as slope slippage, drainage, or high vegetation value, prior to development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
16. It is City policy to limit the peak run off from areas of new development to that which the same catchment areas would have generated under the pre-development land use. A storm water management plan will be required as part of any development and shall be prepared by a Professional Engineer to comply with the City's stormwater management policies and plans and the City's Water Balance Model	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Setbacks areas abutting stream areas shall be fenced prior to development occurring to prevent encroachment of equipment or material into the stream system.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
18. A biophysical assessment of the site prepared by a professional biologist may be required outlining any environmental values to be protected during and after developments and the methods to achieve this to the satisfaction of the City and federal and provincial agencies.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
19. Prior to the subdivision or development of land containing a stream, the natural watercourse and surrounding area shall be considered for dedication to the Crown, the Municipality or other public agencies committed to the protection and preservation of natural watercourses.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
20. The City will require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property: <ul style="list-style-type: none"> <li>• shrubs – 450 mm</li> <li>• groundcover &amp; grass – 300 mm</li> <li>• trees – 300 mm around and below the root ball</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
21. All landscape areas shall be serviced by an underground irrigation system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<b>D. LIGHTING</b>	Yes	No	Explanation of Non-Conformity
1. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or the sky.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Detailed information will be provided further on.
2. All new, replacement and upgraded street lighting in existing and proposed developments will be Full-Cut Off/Flat Lens (FCO/FL) luminaires to light roads, parking, loading and pedestrian areas. Exterior building lighting will also be required to have FCO lighting fixtures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>E. PARKING</b>	Yes	No	Explanation of Non-Conformity
1. Parking areas shall be screened from adjacent properties and from direct views of parked vehicles from the street. The screening should consist of landscaping and fencing. Parking areas shall include landscaped areas, defined by concrete curbs, to provide visual breaks between clusters of approximately ten stalls.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Vehicular and truck movement patterns shall be illustrated to ensure adequate circulation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. The exterior façade of parking structures should be architecturally integrated and provide continuity with commercial uses at street level.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A
4. Pedestrian sidewalks connecting building entrances to and through parking areas and sidewalks of the adjacent streets shall be provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Bicycle parking facilities shall be provided at grade near the primary building entrances.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A





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

<b>Project Address:</b> 4883 North Island Highway, Courtenay BC V9N 5Y9 4886 Topland Road, Courtenay BC V9N 5Y2	<b>Date:</b> 2020-08-26
<b>Applicant:</b> Raymond de Beeld, Raymond de Beeld Architect Inc. & Don Cameron, Cameron Contracting LTD.	<b>Signature:</b> .Raymond de Beeld

**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;	One dwelling unit over commercial on 4886 Topland Road.
b) Balances the scale and massing of buildings in relation to adjoining properties;	Compatible with buildings in adjacent properties and nearby dealership.
c) Complements neighboring uses and site topography;	Same
d) Provides or supports mixed used developments or neighborhoods;	One dwelling unit over commercial on 4886 Topland Road.
e) Promotes walking to daily activities and recreational opportunities;	Potential tenant may work on site or adjacent properties.
f) Supports a range of incomes;	Rental or Strata.
g) Is a positive impact on views and scenery;	Provides "eyes on the street" in a rural / commercial area.
h) Preserves and provides greenspace, trails and landscaping;	Rain Garden / Storm Water Management. Uses roof deck for recreation freeing up recreation at grade.

<b>Building Design. The application:</b>	<b>Description of how the criteria are met</b>
a) Exhibits high standard of design, landscaping and environmental sensitivity;	Landscaped rain gardens provide buffer to agricultural area across the road. Storm Water Management.
b) Maintains a high standard of quality and appearance;	Durable materials.
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;	Simple form / compact for energy efficiency and land use. Dwelling unit intended to be a background element, but with private side yard entry.
d) Avoids creating a strip development appearance;	Yes. Improves streetscape of Topland Road with landscape buffer.
e) Satisfies Leadership in Energy and Environmental Design (LEED) certification (or accepted green building best practices);	N/A. Daylighting into shop. Heatpump & HRV in dwelling unit.
f) Uses environmentally sensitive materials which are energy sensitive or have accepted low pollution standards;	Wood. Durable / low maintenance cladding.
g) Builds and improves pedestrian amenities;	Improved pedestrian connection between both buildings.
h) Provides underground parking;	No. But automotive uses concealed with building.
i) Applies CPTED (Crime Prevention Through Environmental Design) principles;	"Eyes on the street" roof top viewing.
<b>Transportation. The application:</b>	<b>Description of how the criteria are met</b>
a) Integrates into public transit and closeness to major destinations;	N/A
b) Provides multi-functional street(s);	Adds residential / commercial mixed use.
c) Prioritizes pedestrian and cycling opportunities on the public street system and through the site location that can provide an alternative to public road;	Sidewalks in property facilitate pedestrian connection between roads.
d) Provides or contributes towards trail system, sidewalks, transit facilities, recreation area or environmentally sensitive area;	N/A
<b>Infrastructure. The application:</b>	<b>Description of how the criteria are met</b>
a) Includes stormwater techniques that are designed to reduce run-off, improve groundwater exchange and increase on-site retention;	Yes - rain gardens / landscaping on commercial site.
b) Utilizes renewable energy sources (i.e. solar, geothermal) within servable area to City standards;	Rough in for solar roof infrastructure.

<b>Character &amp; Identity. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Provides a positive image along waterfront areas and fronting road;	Landscaping along Topland road.
b) Is designed with quality and variety of features within the project (i.e. street furniture, street lights, signs, curb treatments);	Defined edges; soft + hard landscaping / exterior displays.
c) Provides public and private amenity space;	Private roof deck. Public outdoor seating to be considered further on.
d) Preserves heritage fixtures;	N/A
e) Orients to views, open space and street;	Views to agricultural areas and internal landscaping.
<b>Environmental Protection &amp; Enhancement. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Protects riparian areas and other designated environmentally sensitive areas;	N/A
b) Provides for native species, habitat restoration/improvement;	Rain gardens.
c) Includes tree lined streetscapes.	Yes - along Topland Road.





## STAFF REPORT

**To:** Council

**File No.:** 3060-20-2020

**From:** Chief Administrative Officer

**Date:** February 1, 2021

**Subject:** Development Permit with Variance No. 2020 - 880 Comox Road

### PURPOSE:

The purpose of this report is for Council to consider issuing a Development Permit with Variance to reduce the landscape requirements on Lot A, Section 14, Comox District, Plan EPP87770 in order to accommodate a small building and reconfiguration of the lot for vehicle sales.

### CAO RECOMMENDATIONS:

THAT based on the February 1<sup>st</sup>, 2021 staff report "Development Permit with Variances No. 2020 - 880 Comox Road", Council approve OPTION 1 and proceed with issuing Development Permit with Variances No. 2020.

Respectfully submitted,

Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

### BACKGROUND:

The subject property is located at 880 Comox Road north of the intersection of Comox Road and the Highway 19A Bypass. The property is 2,242 m<sup>2</sup> (0.55 ac) in size, and is zoned Commercial Two (C-2).

The subject property is currently used for vehicle sales and includes two buildings and a mixed paved and gravel display area. The two buildings will be removed and a new 37m<sup>2</sup> (400 sq. ft) office building is proposed on the lot along with a change to the site layout that will maximize the space for vehicle display. The property currently has no landscaping, however landscaping is planned around the perimeter of the subject property and around the proposed building. The property is located within an established commercial area and is located on a high-traffic corner. A map showing the location of the subject property is included in **Figure No. 1**.

### Proposal

The applicant is proposing to remove the existing buildings and construct a small office building (37m<sup>2</sup> 400 ft<sup>2</sup>) at the northeast side of the property. The applicant is requesting a reduction to the landscape buffer width and height requirements around the subject property. The rationale for the variance is that adhering to the landscape buffer requirements, particularly along Highway 19A where the requirement is 7.5m, significantly reduces useable lot space, which is crucial to the nature of the business.

The height requirement for landscaping is 2.0m, and the applicant is requesting a reduction as the vehicles on the lot would not be visible from the high-traffic corner with a 2.0m high landscape buffer, and having the vehicles visible impacts sale potential. The applicant's plans are referenced in Schedule No. 1 of the Draft Development Permit with Variance shown in **Attachment No. 1**.

The subject property is located within the 200 year floodplain of the Courtenay River. The proposed building complies with setback requirements (30m) stipulated within the Floodplain Bylaw. The applicant has supplied a Site Servicing Report by McElhanney Consulting. The report provides preliminary information for the building and advises it will need a flood construction level of 5.3m. This will require the building to be raised approximately 2m (6.5ft) to meet flood elevations. Pursuant to Section 56 of the Community Charter the applicant will require a report from a geotechnical engineer certifying that the land may be used safely for the use intended. The owner will be required to enter into a Section 219 geotechnical covenant at the time of building permit application certifying they will only use the lands in the manner identified by the engineer as enabling the safe use of the land in addition to indemnifying the City from any claims related to flooding. The applicant will be responsible for all legal fees associated with the execution and registration of this covenant.



Figure 1. Subject property

#### DISCUSSION:

##### Zoning Review

The subject property is zoned Commercial Two (C-2). The proposed one-storey building complies with the zoning regulations for the C-2 zone with the exception of the minimum landscape height and width requirements. This variance requests are shown in **Figure 2**.

Table 1. Zoning Compliance (C-2 zone and proposal)

	Required	Proposed Addition
Permitted Use	Office and retail	Office and retail
Front yard	7.5m	26.6m
Rear yard	4.5m	4.64m
Side Yard	0.0m	2.0m
Building Height	9.5m	4.0m
<b>Landscaping Width - Comox Road</b>	<b>4.5m along Comox Road</b>	<b>2.7m minimum</b>
<b>Landscaping Width - Highway 19A Bypass</b>	<b>7.5m</b>	<b>3.5m</b>
<b>Landscape Screening Height</b>	<b>2.0m</b>	<b>1.8m</b>
Parking	1 stall/35m <sup>2</sup> of floor area = 1 stall	11 stalls



Figure 2. Proposed site development with variances (shown in red)

### Development Permit Guidelines

Development Permit Guidelines guide the elements of a development proposal, including architectural character, site design and landscaping. The Commercial Development Permit Checklist was submitted by the applicant in support of the development permit application (see **Attachment No. 3**). The applicant demonstrates the proposal aligns with the relevant guidelines for commercial developments. Staff agree with the applicant's assessment as detailed below.

### Form and Character

The building and site design is consistent with the direction established in the Commercial Development Permit Area. A review of the applicant's plans indicates the scale, form, height, and character of the development is compatible with the form and character of the area buildings on adjacent properties. This rooftop design is consistent with other commercial buildings in the area.

A rendering of the proposed building is included in **Figure No. 3**.

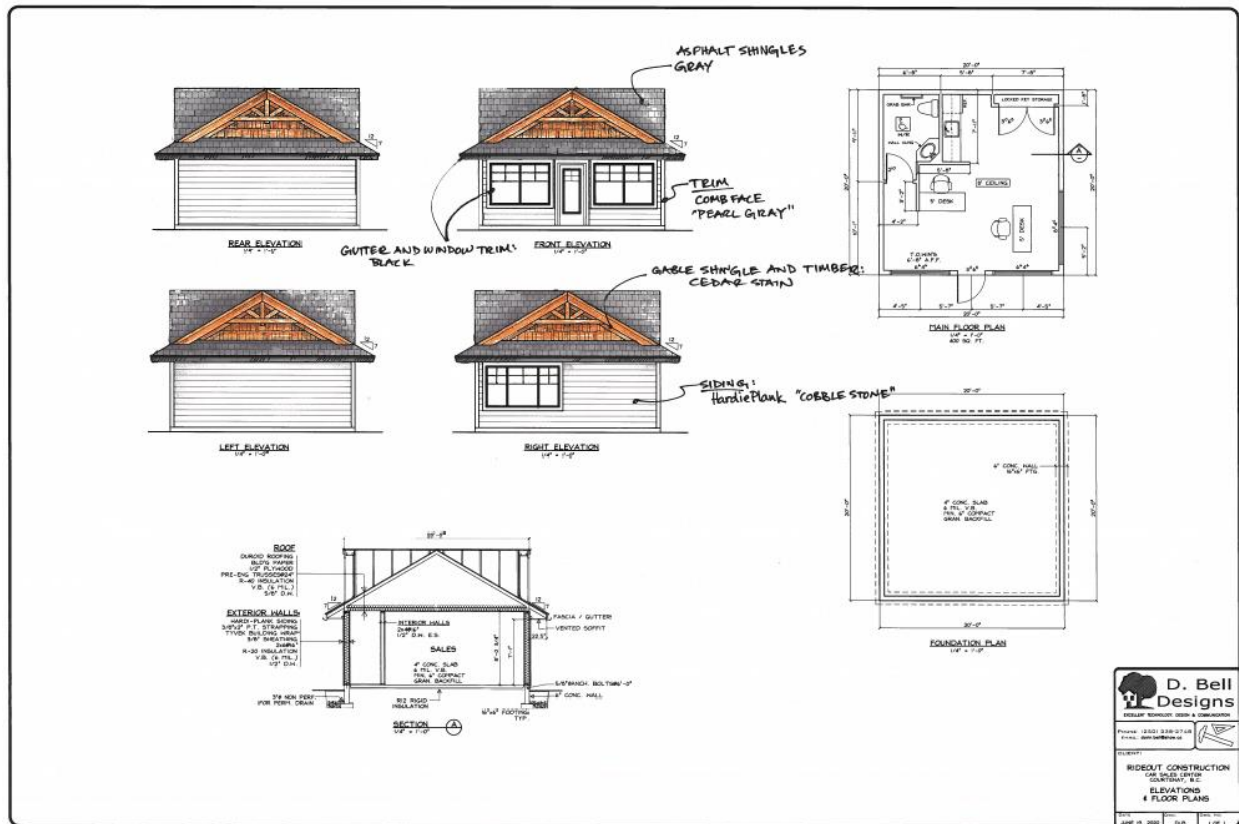


Figure 3. Rendering of Building with Proposed Addition

### Siting, Landscaping and Screening

The building addition is orientated towards Comox Road and the proposed landscaping runs around the perimeter of the property and the small office building. The majority of the lot will be paved with new asphalt for the display of vehicles on the site. The landscape design for this addition includes native shrubs and grasses and features a concrete walkway between Comox Road and the proposed building. A bike rack is also proposed on site.



### Evaluation

If the proposed variances are approved, the subject property will have sections of landscaping that are narrower than the prescribed landscape setbacks. There will also be slightly less screening achieved by landscaping height, in order to keep vehicles for sale visible to the Highway 19A Bypass and to Comox Road.

There is no significant impact on the surrounding properties, as these landscape reductions apply to the road frontages. As there is currently no landscaping on site, the proposal results in an increase to landscaping.

**Staff have assessed this proposal relative to the regulations within the C-2 zone and confirmed that the proposal meets all regulations with the exception of the variance discussed above which is minor and supportable and an overall improvements to the current site aesthetics. Staff have further assessed this proposal relative to applicable development permit guidelines and conclude that it is consistent with the direction established within these guidelines and recommend issuance of Development Permit with Variance 2020.**

### **FINANCIAL IMPLICATIONS:**

There are no direct financial implications related to the processing of this Development Permit with Variance application as the fees are designed to offset the administrative costs. The fee for the Development Permit with Variance was \$4,000.

The property owner would also be required to apply for a Building Permit and subsequent inspections.

### **ADMINISTRATIVE IMPLICATIONS:**

Processing development variance permits is a statutory component of the work plan. Staff has spent approximately 35 hours processing this application to date. Should the proposed development variance permit be approved, an additional two hours of staff time will be required to register the permit and close the file. Additional staff time will be required to process the building permit application including inspections.

### **ASSET MANAGEMENT IMPLICATIONS:**

There are no Asset Management Implications associated with this application.

### **STRATEGIC PRIORITIES REFERENCE:**

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

### **2019-2022 Strategic Priorities**

- Communicate appropriately with our community in all decisions we make

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

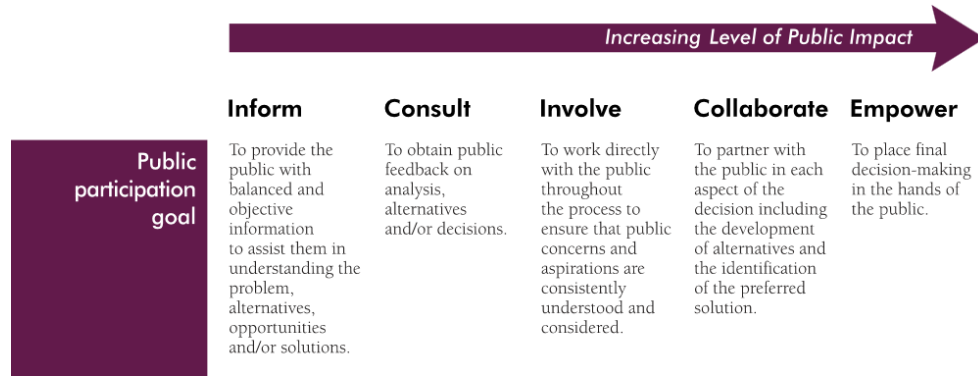
The OCP contains policies that encourage the infill of commercial properties prior to consideration of new commercial areas (4.2.2(1)). The City also supports a strong, diversified commercial base within municipal boundaries that provide employment and service opportunities (4.2.2(5)).

**REGIONAL GROWTH STRATEGY REFERENCE:**

4.4 (14) - Promote and support the overall economic viability of the municipal areas so that they can continue to provide primary base for residential, commercial and institutional activities.

**CITIZEN/PUBLIC ENGAGEMENT:**

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



The applicant distributed an alternative public information package to property owners and occupiers within 30m of the property and collected and summarized feedback, as per the new Alternative Development Information Meeting process. To date, the City has not received any public comments resulting from the public information meeting.

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

**OPTIONS:**

**OPTION 1: (Recommended)**

THAT based on the February 1<sup>st</sup>, 2021 Staff report “Development Permit with Variance No. 2020 - 880 Comox Road” Council approve OPTION 1 and issue Development Permit with Variance No. 2020.

**OPTION 2:** Defer issuance of Development Permit with Variance No. 2020 pending receipt of further information.

**OPTION 3:** Not approve Development Permit with Variance No. 2020

Prepared by:

Reviewed by:

Cassandra Marsh,  
Planner I

Matthew Fitzgerald, RPP, MCIP  
Manager of Development Planning

Concurrence by:



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Ian Buck, RPP, MCIP  
Director of Development Services

Concurrence by:



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Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

*Attachments:*

1. *Attachment No. 1: Draft Development Variance Permit and Associated Schedules*
2. *Attachment No. 2: Applicant's Letter of Rationale*
3. *Attachment No. 3: Commercial Development Permit Area Compliance Checklist*

**Attachment No. 1: Draft Development Variance Permit and Associated Schedules**

**THE CORPORATION OF THE CITY OF COURTENAY**

**Permit No.** 3060-20-2020

**DEVELOPMENT PERMIT WITH VARIANCE**

December 18, 2020

**To issue a Development Permit with Variance**

**To:** Name: 660476 BC Ltd.  
Address: 1025B Comox Road  
Courtenay, BC  
V9N 3P7

**Property to which permit refers:**

Legal: Lot A, Section 14, Comox District Plan EPP87770  
Civic: 880 Comox Road

**Conditions of Permit:**

Permit issued to the property legally described as Lot A, Section 14, Comox District Plan allowing for the construction of a 37 m<sup>2</sup>, one storey office building with the following variances to the City of Courtenay Zoning Bylaw No. 2500, 2007:

*8.19.11 (1) Landscaping and Screening* - Reduce the minimum landscaped area width along Island Highway from 7.5 meters to a minimum of 3.5 meters.

*8.19.11 (1) Landscaping and Screening* - Reduce the minimum landscaped area width along Comox Road from 4.5 meters to a minimum of 2.7 meters.

*8.19.11 (2) Landscaping and Screening* - Reduce the minimum landscaped area height from 2.0 meters to a minimum of 1.8 meters.

Development Permit with Variance No. 2020 is subject to the following conditions:

- a) That the development shall conform to the plans as shown in *Schedule No. 1*;
- b) That landscaping shall conform to the plans and specifications contained in *Schedule No. 2*, by MacDonald Gray Consultants, dated on 23 July 2020;
  - Landscaping must be completed within one year of the date of issuance of the occupancy permit by the City;
  - The minimum depth of topsoil or amended organic soil on all landscaped areas is to be as follows:
    - Shrubs – 450mm; groundcover and grass – 300mm; and trees – 300mm.

- c) Securities for the following amounts must be provided:
  - Landscape securities per quote by MacDonald Gray Consultants, dated December 2020, (*Schedule No. 3*): \$49,085.00 (125% X 61,356.25).
- d) All parking must be developed in accordance with Zoning Bylaw No. 2500, 2007.
- e) Development must be in accordance with the Site Servicing Report signed by ~~Destry~~ Destry Glover, dated 10 December 2020, contained in *Schedule No. 4*, unless changes are required by the City's Development Engineer at the time of building permit;
- f) The development shall meet all other applicable requirements, standards and guidelines; and
- g) No alterations or amendments shall be made without the City's permission. A formal amendment application is required if the plans change or additional variances are identified after the permit is issued.

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

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

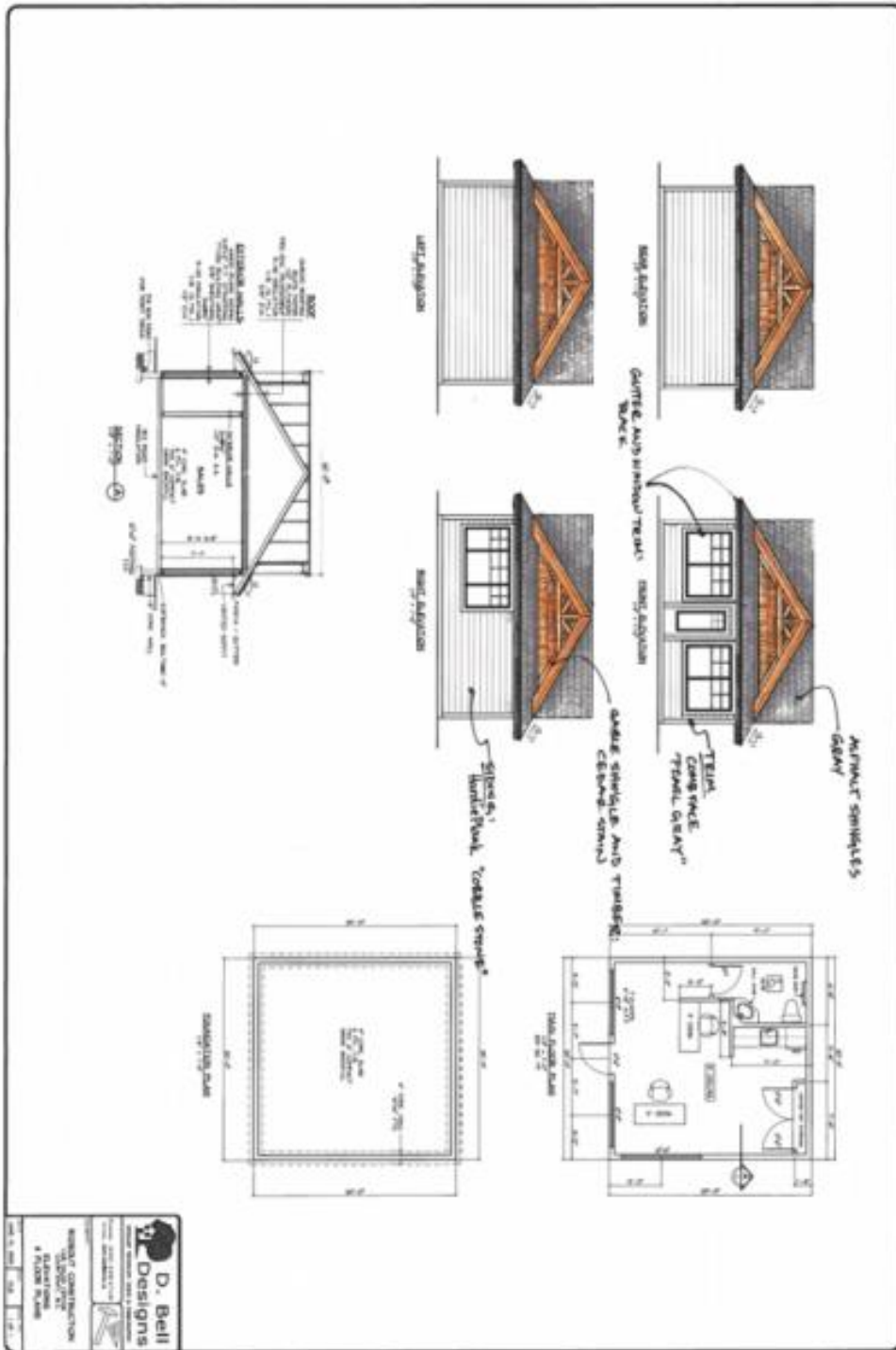
\_\_\_\_\_  
Date

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

Schedule No 1: Site and Building Plans (1/2)



Schedule No 1: Site and Building Plans (2/2)









Schedule No 3: Landscape Cost Estimate (1/1)

860, 880 & 950 Comox Road Redevelopment		December-20		
SCHEDULE OF QUANTITIES		MacDonald Gray Consultants		
ITEM	UNIT	QUANTITY	UNIT-COST	TOTALS
<b>Utilities</b>				
Irrigation system	sq.m.	590	10.00	5,900.00
<b>SUBTOTAL, Utilities</b>				<b>5,900.00</b>
<b>Hard Landscape</b>				
Concrete paving	sq.m.	73	90.00	6,570.00
<b>SUB-TOTAL, Hard Landscape</b>				<b>6,570.00</b>
<b>Site Furnishings</b>				
Bike rack	each	1	1,500.00	1,500.00
<b>SUBTOTAL, Site Furnishings</b>				<b>1,500.00</b>
<b>Soft Landscape</b>				
Growing medium @ 450mm depth (shrub areas)	cu.m.	127	80.00	10,160.00
Growing medium @ 300mm depth (groundcover areas)	cu.m.	8	80.00	640.00
Growing medium @ 300mm depth (lawn areas)	cu.m.	84	80.00	6,720.00
Growing medium @ 150mm depth (hydroseed areas)	cu.m.	32	80.00	2,560.00
Compost / Mulch, in place, 75mm depth	cu.m.	23	80.00	1,840.00
Tree, 4cm caliper	each	8	250.00	2,000.00
Tree, 2.0m	each	3	200.00	600.00
Shrub, #3 pots	each	83	30.00	2,490.00
Shrub, #2 pots	each	68	25.00	1,700.00
Shrub, #1 pots	each	295	10.00	2,950.00
Sod	sq.m.	280	8.50	2,380.00
Hydroseed	sq.m.	215	5.00	1,075.00
<b>SUB-TOTAL, Soft Landscape</b>				<b>35,115.00</b>
<b>TOTAL</b>				<b>\$49,085.00</b>

macdonald gray  
 DEVELOPMENT PLANNING - LANDSCAPE ARCHITECTURE - ARBORICULTURE - URBAN DESIGN

Schedule No 4: Site Servicing Report



Our File: 2211-47576-0  
City File: -

## SITE SERVICING REPORT

<b>To</b> City of Courtenay, Development Services Attn: Rich Feucht, P. Eng.	<b>From</b> Destry Glover, E.I.T. 2211 - Courtenay / Engineering
<b>Re</b> 880 Comox Road – Site Servicing Plan Rev.1	<b>Date</b> December 10, 2020

McElhanney has prepared the following revised site servicing report on behalf of 660476 BC Ltd. in support of a development permit pertaining to site improvements at 880 Comox Road. This servicing report covers municipal storm drainage, sanitary sewer, potable water and fire flow. Revision 1 addresses the tidal influence on minimum building elevation in section 2.2.3, Flood Plain Management.

This report presents both the estimated development loads as well as the servicing methodology, confirming the suitability of the subject parcel for intended development. The results herein represent the detailed engineering design that is reflected in McElhanney's engineering design drawings. **(Appendix A)**

### 1. General

The subject property at 880 Comox Road, legally defined as Lot A, Section 14, Comox District, Plan EPP67770, lies at the intersection of Comox Road and Highway 19A. The subject property is zoned C-2 (Commercial Two) and has been operating as a car sales lot for several years. The two existing structures on-site, formally residential dwellings, and currently unoccupied, will be removed in concert with this development proposal.

The proposed site improvements include the following:

- Removal of two existing structures
- Construction of a new 30m<sup>2</sup> sales office
- Site reconfiguration to increase landscaped areas and define parking for merchandise

McElhanney Drawing CD-101 (**Appendix A**) illustrates the proposed site layout, sales office, parking configuration, landscaping, and access.

McElhanney  
1211 Ryan Road, Courtenay BC Canada V9N 3R6  
Tel: 250-338-6486 | Fax: 1-855-407-3856 | www.mcelhanney.com

Page 1

Our File: 2211-47579-0 | December 10, 2020

The site generally slopes from north to south. The southern third of the subject property is paved, while the remainder of the yard consists of overgrown gravel. Asphalt paving extends well into the road dedications on both Comox Road and Highway 19A. Figure 1 below shows the development location.



Figure 1 - Development Site Location



Our File: 2211-47576-0 | December 10, 2020

## 2. Storm Drainage and Storm Water Management

### 2.1. EXISTING STORM DRAINAGE SYSTEM

On site stormwater is captured and conveyed by three catch basins, a lawn basin, various piping and an oil water separator. It is assumed that after passing through the oil water separator, drainage from the site is conveyed under Comox Road to City of Courtenay storm manhole 00-0002 and ultimately released into the Courtenay River at discharge point DIS0-0009.

Please refer to Drawing CD-100, entitled "Existing Site Plan" in **Appendix A** for details of the existing storm system.

### 2.2. PRE- AND POST-DEVELOPMENT RUNOFF FOR DEVELOPABLE PORTION OF SUBJECT PROPERTY

A hydraulic model was created for the subject property using SWMM software, enabling analysis of existing and post-development site response to a variety of design rainfall events. Simulations were completed for the City of Courtenay 2018 bylaw 24-hour storm, 2, 5, 10, 25 and 100 Year rainfall events. Design rainfall events were derived from the City of Courtenay's Subdivision and Development Servicing Bylaw 2019. Model input parameters based on existing and proposed site parameters are summarized in the following **Table 1**. The results of the modeled existing and proposed site response are summarized in **Table 2**.

Table 1 - SWMM Model Parameters: Existing and Proposed Site Conditions

PARAMETER	EXISTING CONDITIONS	PROPOSED CONDITIONS
Area (ha)	0.227	0.227
Width (m)	41	41
Slope (%)	2.0	2.0
% Impervious	83%	74%*
N Imperv	0.013	0.013
N Perv	0.2	0.2
Dstore Imperv (mm)	2	2
Dstore Perv (mm)	5	15
Zero % Imperv	25	25
Outlet Routing	Pervious	Pervious
Curve #	94	91

\*Note the 9% decrease in total impervious area due to increased size of proposed landscape areas



Our File: 2211-47576-0 | December 10, 2020

Table 2 - Estimated Existing Runoff Targets

24 HOUR DISTRIBUTION	TOTAL PRECIPITATION	EXISTING RUNOFF	
		PEAK RATE (L/S)	TOTAL VOLUME (m³)
1 in 2-Year	89mm	13.8	102
1 in 5-Year	114mm	25.0	251
1 in 10-Year	132mm	32.9	291
1 in 25-Year	154mm	43.5	340
1 in 100-Year	187mm	60.1	415

### 2.3. ONSITE STORMWATER MANAGEMENT AND BMP'S

The following Best Management Practices (BMP) will be implemented for this project reduce post-development runoff rates and provide qualitative treatment of runoff. The following BMP's are proposed for the site:

- Re-establish native vegetation within the developed area.
- Place minimum 300mm of amended topsoil in any landscaped (pervious) areas.
- Upgrade the oil water separator/ treatment facility to improve runoff water quality.
- Minor onsite system infrastructure will be designed to convey the post development 10-year storm event.

See Drawing C0-102 in **Appendix A** for the General Servicing Plan showing the proposed storm works. We note that the development will not utilize the existing storm service lines on the property.

#### 2.3.1 100-Year Flow Path

Runoff in excess of the 25-year storm will be directed towards the City's system on Comox Road, with flows exceeding the capacity of the system backing up and discharging to the surface of Comox Road and ultimately to the Courtenay River. The 100-year overland flood path is entirely within City of Courtenay right of way and shown on Drawing C-102 in **Appendix A**.

#### 2.3.2 Quality

All runoff from paved areas will be routed through catch basins (complete with grit sumps) in the onsite asphalt area. Flows will be directed through an oil water separator/ treatment facility that will provide water polishing to meet City Bylaw 2919 requirements. Maintenance of the onsite storm system will be required, details of which will be added to the title of the property by way of a covenant to ensure that proper maintenance is followed for the life of the storm system.

Roof runoff from the small office building will be captured with a gutter system, then routed through onsite storm pipes into the treatment facility.



Our File: 2211-47576-0 | December 10, 2020

### 2.3.3 Flood Plain Management

The site resides within the Courtenay, Puntledge, and Tsolum River's flood plain mapping area, and within the tidal influence zone. As such and per the City's Integrated Floodplain Management Study, December 2013, Map 2 (Appendix B), the site flood construction level is 4.50m plus 0.8m for tidal influence, for a final flood construction elevation of 5.3m.

## 2.4. POST-DEVELOPMENT RUNOFF

The post-developed site was modeled using SWMM software. Simulations were completed for the 2, 5, 10, 25, and 100-Year SCS Type 1A rainfall events based on the City of Courtenay's Bylaw 2919 rainfall events. Post-development model input parameters for the subject property are summarized in Table 1 and include mitigation measures described in Section 2.3 above.

Table 3 below compares existing runoff to post-development runoff for the subject property. The tabulated results demonstrate that the proposed landscape areas reduce the overall imperviousness of the site, resulting in a decrease in post-development runoff and volume for all modeled storms. Figures 2-6 further demonstrate the effects of the proposed increased landscape area.

Table 3 - Estimated Existing and Post-Development Runoff Comparison

24 HOUR DISTRIBUTION	TOTAL PRECIPITATION	EXISTING RUNOFF		TOTAL POST-DEVELOPMENT RUNOFF	
		PEAK RATE (L/S)	TOTAL VOLUME (m³)	PEAK RATE (L/S)	TOTAL VOLUME (m³)
1 in 2-Year	89mm	13.8	192	12.5	179
1 in 5-Year	114mm	25.0	251	23.1	237
1 in 10-Year	132mm	32.9	291	30.5	277
1 in 25-Year	154mm	43.5	340	40.3	326
1 in 100-Year	187mm	60.1	415	56.4	400



Our File: 2211-47576-0 | December 10, 2020

Figure 2 - 1 in 2 Year Event Hydrograph

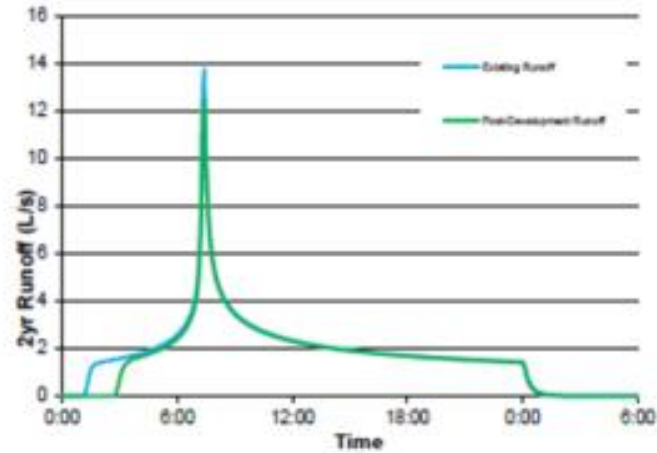
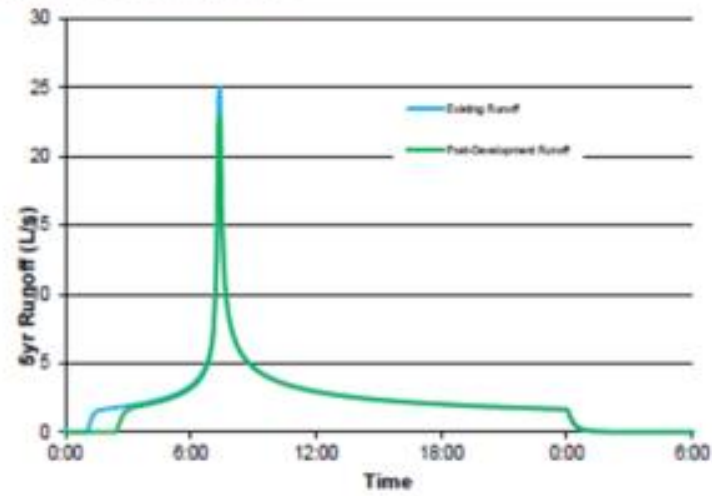
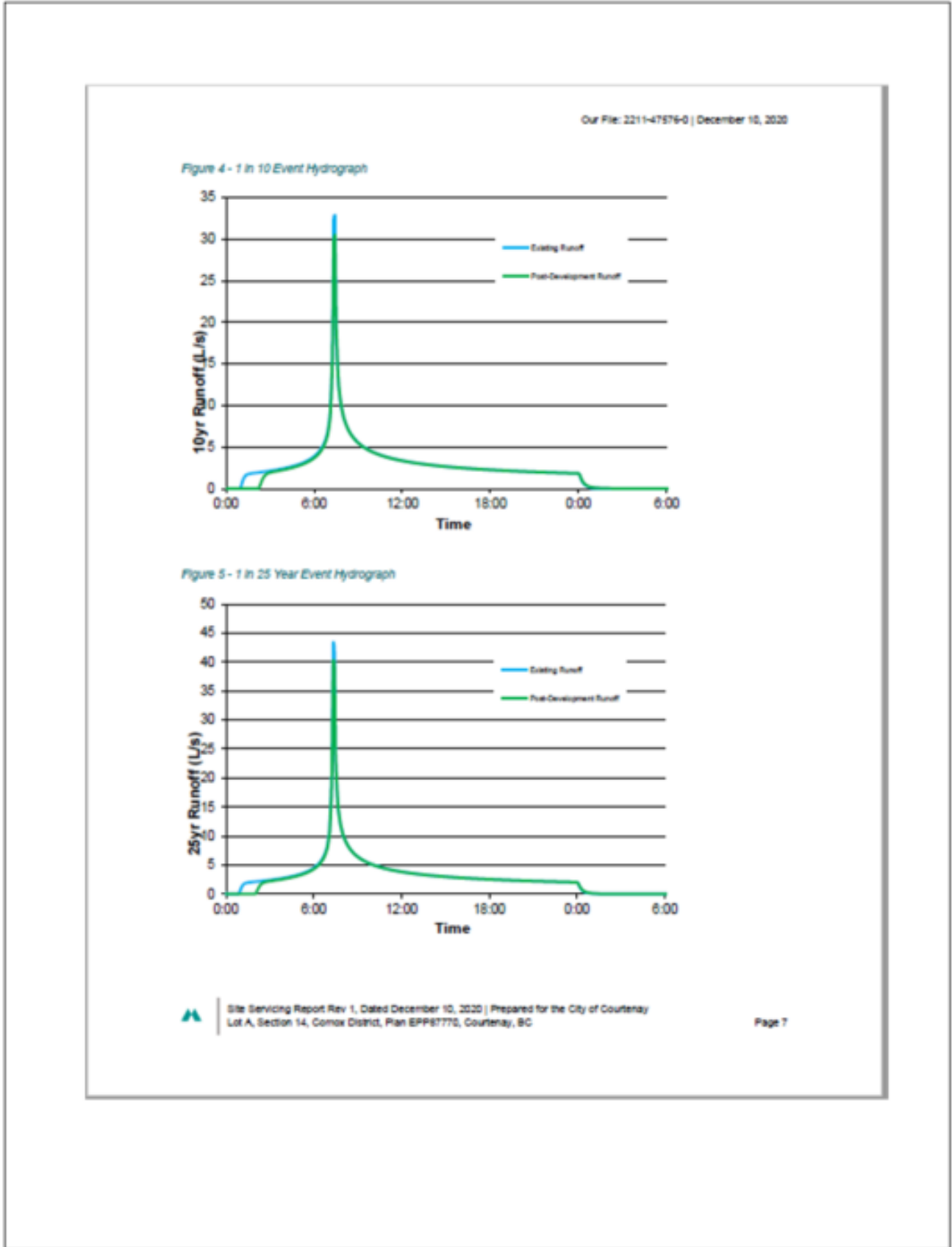


Figure 3 - 1 in 5 Year Event Hydrograph

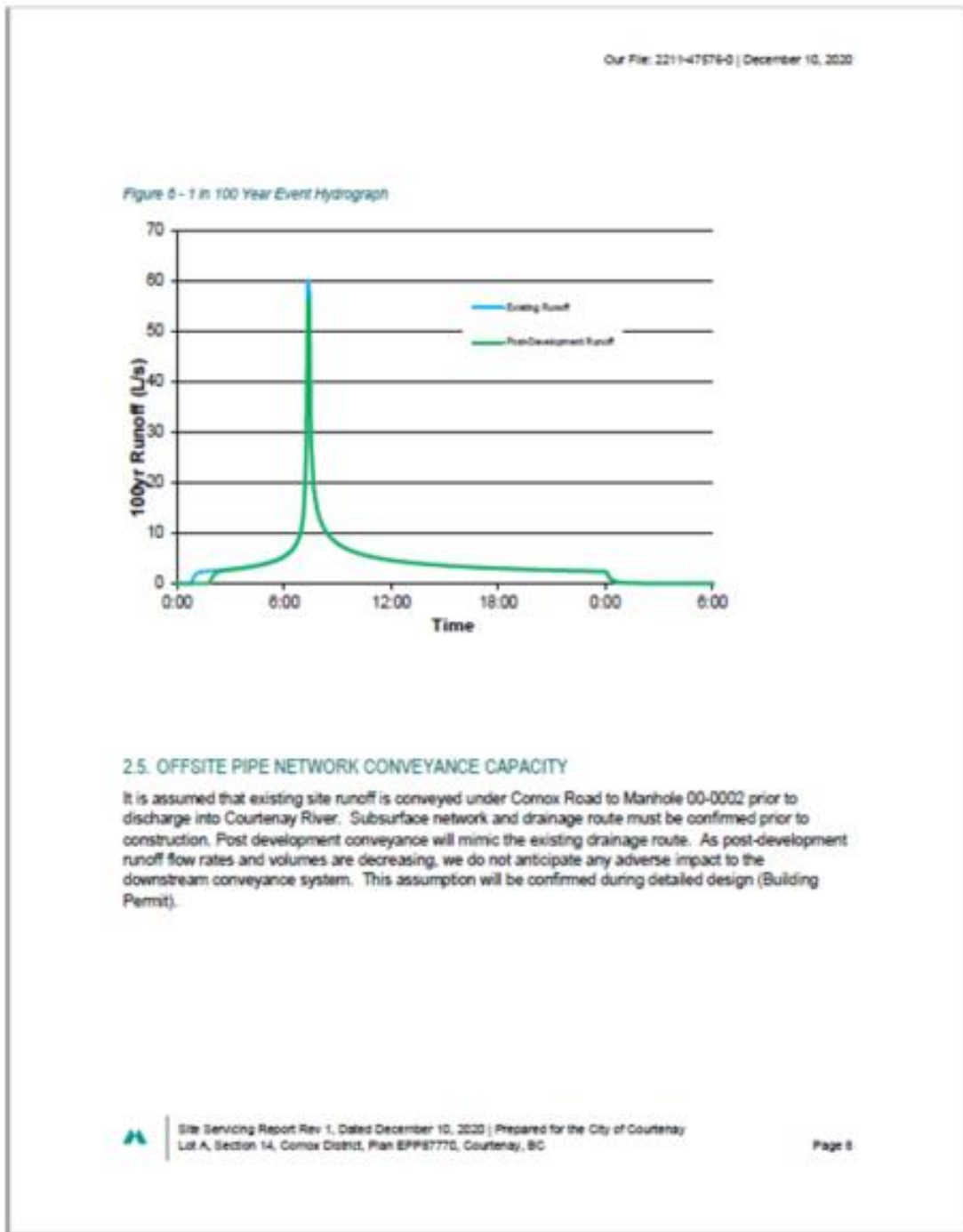


Site Servicing Report Rev 1, Dated December 10, 2020 | Prepared for the City of Courtenay  
Lot A, Section 14, Comox District, Plan EPP67775, Courtenay, BC

Page 6







Our File: 2211-47576-0 | December 10, 2020

### 3. Sanitary Sewers

#### 3.1. EXISTING SANITARY SEWER SYSTEM

The site is fronted by an existing 200mm diameter AC sanitary main along Comox Road. It is assumed that the two existing buildings have services connecting to the existing AC main, however the location of the service lines and connections are currently unknown. See Drawing CO-100 in **Appendix A** for the assumed locations of existing municipal services.

#### 3.2. PROPOSED SANITARY SEWER FLOW ESTIMATES

Estimated sanitary sewer flows for the proposed development have been calculated based on MMCD Design Guidelines 2014 and City Bylaw 2919 and are presented below in Table 5.

Table 4 - Sanitary Demand Calculation

Peak Sanitary Sewer Demand		Units
Average Dry Weather Flow (CoC Bylaw)	360	l/s/day
Site Area	0.227	ha
Office Occupancy	4	People
I&I Rate (New Pipes)	0.06	l/s/ha
Peaking factor (PF)	3.2	
Inflow and Infiltration	0.014	l/s
Average Dry Weather Sewer Flow (ADWF)	0.017	l/s
<b>Design Flow Q = ADWF x PF + Infiltration</b>	<b>0.067</b>	<b>l/s</b>

The proposed office building will be serviced via new 100mm diameter sanitary service line and will discharge into the existing 200mm diameter AC sanitary sewer main located on Comox Road. All existing onsite sanitary infrastructure will be removed and existing services at property line will be capped and abandoned at the developer's cost.

As the overall site load, we do not anticipate any adverse impacts to the existing sanitary system. We expect that the City will confirm this assumption by undertaking a sanitary model analysis, at the developers cost.



Our File: 2211-47576-0 | December 10, 2020

## 4. Domestic Water Demand and Fire Flow

### 4.1. EXISTING WATER SYSTEM

The development is fronted by a 150mm AC watermain along Comox Road. An existing fire hydrant is located 34m north of the northwest property corner. (56m from the proposed office building). It is assumed that there are two existing water connections servicing the existing buildings, however the exact location of the services is not known. All existing onsite water infrastructure will be removed and existing services at property line will be capped and abandoned at the developer's cost.

Refer to Drawing CO-100 in **Appendix A**, entitled "Existing Site Plan" for details of the existing water system.

, and Fire Underwriters Survey Water Supply for Public Fire Protection 200 method (Fire Flow).

### 4.2. PROPOSED DEVELOPMENT DEMAND

#### 4.2.1. Potable Water Demand

Estimated potable water demands for the proposed development have been calculated based on the AWWA M22 Water Service Sizing method, details of which are shown in **Table X** below. The fixture counts are based on architectural building plans prepared by D. Bell Designs, while irrigation values are based on landscaped areas shown on McDonald Grey landscape plan L-1. Refer to **Appendix C** for Landscape and Architectural drawings. Irrigation values will be confirmed by the irrigation designer at detailed design stage.

Office Building – AWWA M22 Domestic Water Service Sizing				
Fixture	Fixture Value 60 psi	Number of Fixtures	Fixture Value	
Kitchen Sink	2.2	x 1	x 2.2	
Lavatory (sink)	1.5	x 1	x 1.5	
Toilet – Flush Tank	4	x 1	x 4	
Hose Bib 5/8 in.	9	x 1	x 9	
<b>Total Fixture Value</b>				<b>16.7</b>
<b>Customer Peak Demand (Figure 4-2)</b>				<b>11 gpm</b>
or				<b>0.69 l/s</b>
<b>Pressure adjustment factor for 60psi (Table 4-1)</b>				<b>1</b>
<b>Irrigation (25 sections @ 1.16 gpm)</b>				<b>29 gpm</b>
<b>Total Probable Domestic Demand (Office + Irrigation)</b>				<b>40 gpm</b>
or				<b>2.52 l/s</b>



Our File: 2211-47576-0 | December 10, 2020

**Office Building – AWWA M22 Domestic Water Service Sizing**

**Notes:**

1. 1 irrigation section = 200ft<sup>2</sup>
2. Assumed max 25 sections at any one time. (65 sections total)
3. Assumed one hose bib
4. Fixture count based on D. Bell Designs floor plan drawing
5. See **Appendix D** for figures and tables associated with calculations

The AWWA M22 Water Service Sizing Method calculations above indicate that the total domestic water demand for the development is 2.5 l/s.

**4.2.2 Fire Flow**

Fire flow requirements are calculated using Fire Underwriters Survey (FUS) Water Supply for Public Fire Protection method, based on architectural drawings provided by D. Bell Designs. Details of the FUS calculations are tabulated below:

Office Building – Non-Sprinklered		
Building Floor Area	37.0 m <sup>2</sup>	Per D. Bell Design Drawing
Coefficient for Building Construction Type	1.50	Wood Frame Construction (Part 8.1)
Initial Fire Flow	2007.31 l/min	Per Part 8.1 formula
or	33.46 l/s	
Occupancy Factor	1.00	Combustible Contents
Resulting Flow Rate	2007.31 l/min	
Sprinkler System Factor	1.00	No sprinklers
Resulting Flow Rate	2007.31 l/min	
Apply Exposure Factor	1.30	Exposure on one side 5m: 20%, Exposure 2 sides 30.1-45m: 5% each
Resulting Flow Rate	2609.51 l/min	
or	43 l/s	
Max 75% surcharge per FUS Part 8.4	59 l/s	
<b>FUS FIRE FLOW RATE</b>	<b>43 l/s</b>	

According to the above FUS calculations for the proposed office building, the required fireflow for the proposed building is 43 l/s with no sprinkler system installed. The proposed site office is within the minimum 60m distance from the existing hydrant on Comox Road, meeting MMCD specification.



Our File: 2211-47876-0 | December 10, 2020

#### 4.2.3. Total Water Demand (Fire Flow & Domestic)

A sum of the domestic and fire demands calculated above yields a total development demand of 45.5 l/s. We request that the City will confirm available capacity in the fronting mains by undertaking a water model analysis, at the developers cost.

The development proposes a 75mm water service to convey the estimated water demands, complete with 2" Badger E-Series Ultrasonic meter at property line.

### 5. Closure

We trust the information provided herein is sufficient to process the development permit application.

Yours truly,

MCELHANNEY LTD.



Destry Glover, E.I.T.  
[dgllover@mcelhanney.com](mailto:dgllover@mcelhanney.com)

DG/hjg

#### REVISION HISTORY

Date	Status	Revision	Author
December 10, 2020	Rev. 1	1	Destry Glover, E.I.T.
August 26, 2020	FINAL	0	Destry Glover, E.I.T.

#### LIMITATION

This report has been prepared for the exclusive use of 660476 BC Ltd. The material in it reflects the best judgement of the Consultant in light of the information available to the Consultant at the time of preparation. As such, McElhanney, its employees, sub-consultants and agents will not be liable for any losses or other consequences resulting from the use or reliance on the report by any third party.

Reviewed By:



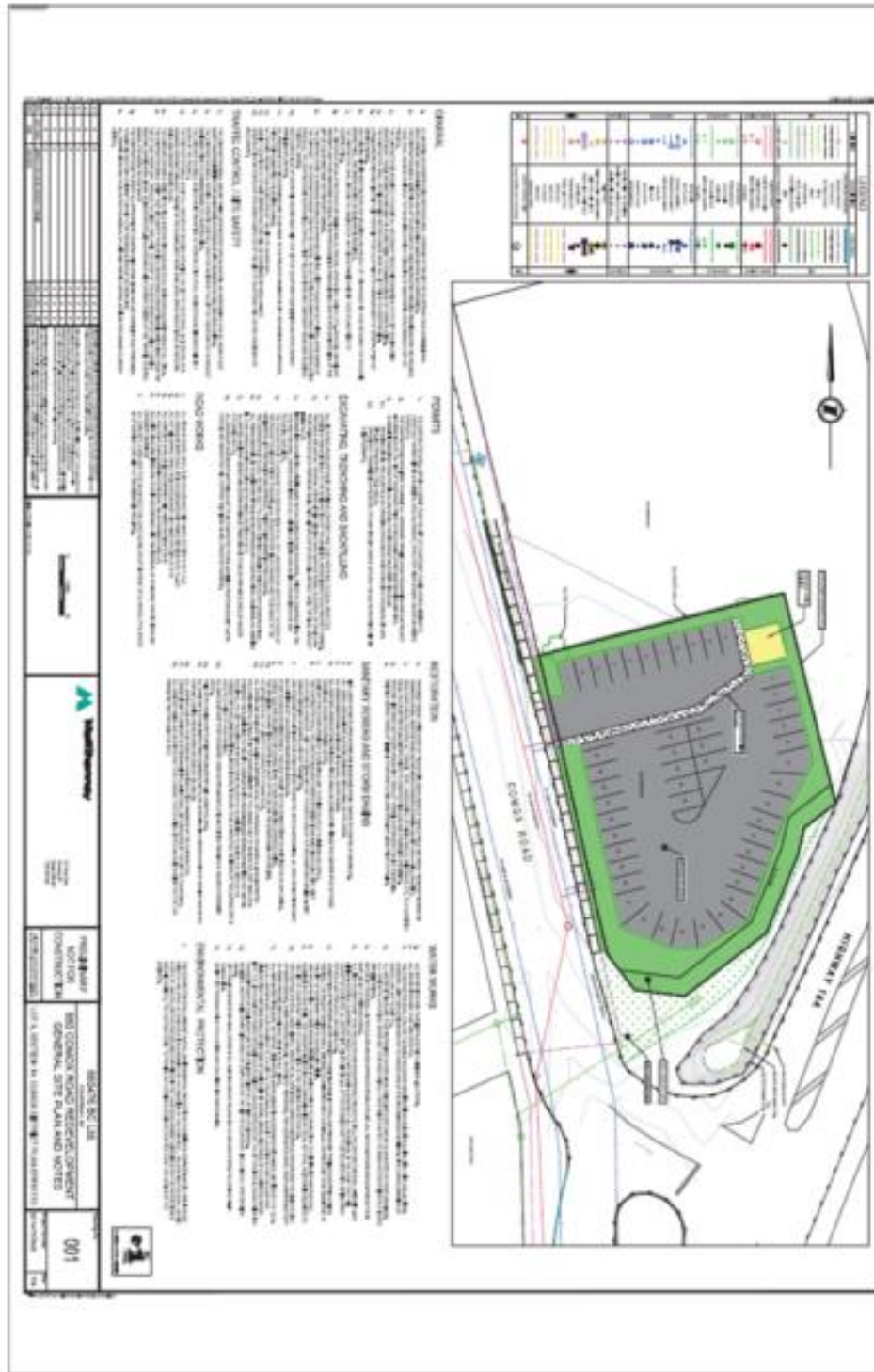
Chantal Richard, P. Eng.  
[crichard@mcelhanney.com](mailto:crichard@mcelhanney.com)



***APPENDIX A***

*McElhanney Design Drawings Sheet 001 – Sheet 102*













***APPENDIX B***

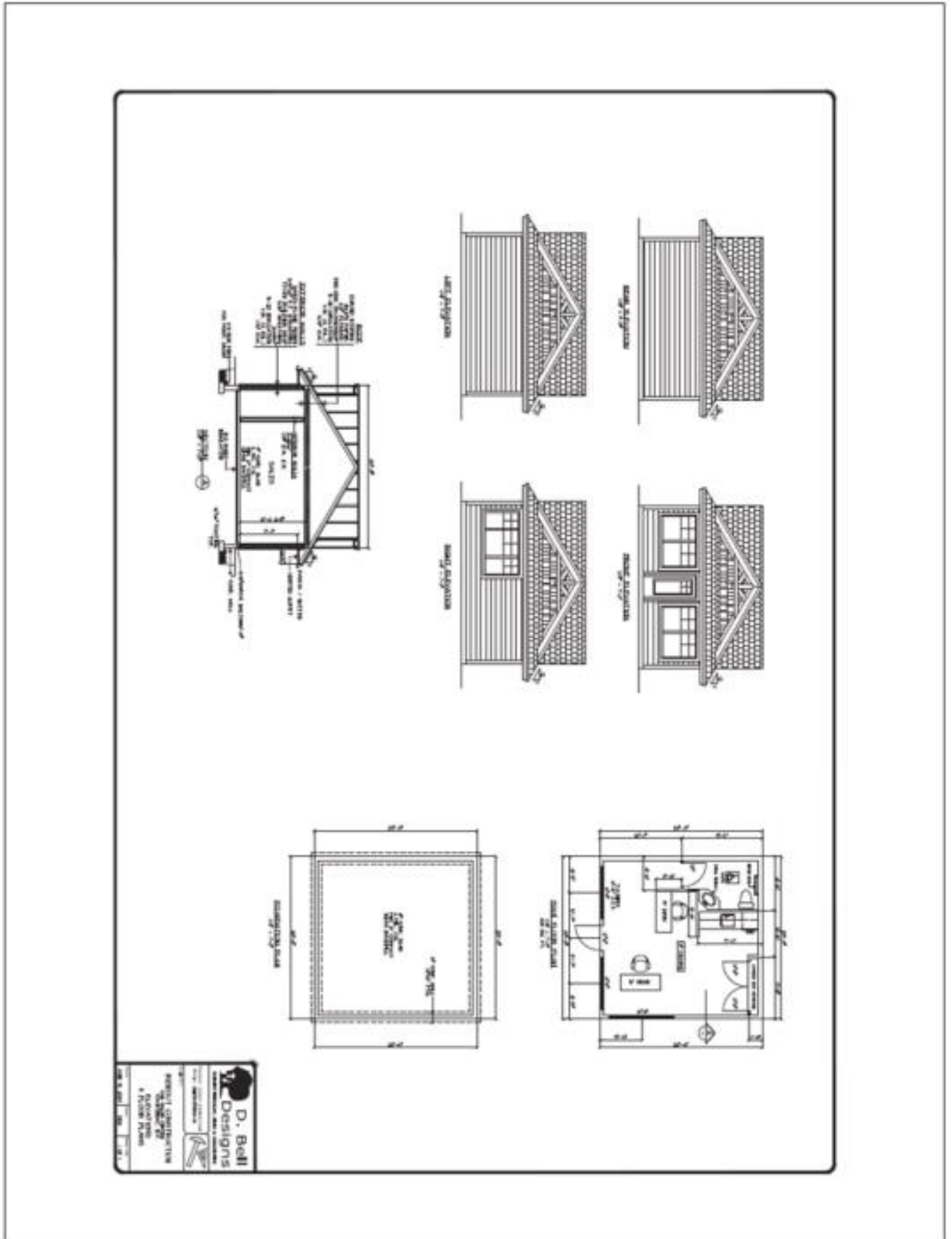
*City of Courtenay Integrated Floodplain  
Management Study – Map 2*



***APPENDIX C***

*McDonald Grey Landscape Drawing L-1  
D. Bell Designs Car Lot Sales Center Drawing*







***APPENDIX D***

*Figures and Tables Associated with Calculations*

TABLES ASSOCIATED WITH WATER SERVICE SIZING CALCULATIONS:

Figure 1 - Pressure Adjustment Factors

Table 4-1 Pressure adjustment factors\*

Working Pressure at Meter Discharge (psi)	Average Flow from 50 ft of 1/2-in. Hose and Sprinkler (gpm)	Pressure Adjustment Factor
35	6.7	0.74
40	7.2	0.80
50	8.1	0.90
60	9.0	1.00
70	9.8	1.09
80	10.5	1.17
90	11.2	1.25
100	12.1	1.34

\*Adapted from Table 4-1 and 4-2 of Manual M22 (1975).

Figure 2 - Water Flow Demand per Fixture Value

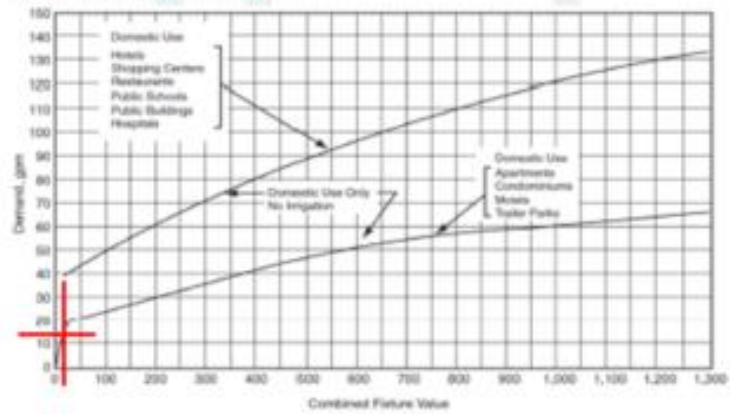




Figure 4-2 Water flow demand per fixture value—low range

**Attachment No. 2: Applicant’s Letter of Rationale**

**DEVELOPMENT PERMIT RATIONALE**


McElhanney



<b>To</b> Matthew Fitzgerald, Manager of Development Planning	<b>From</b> Destry Glover, E.I.T.
<b>Company</b> City of Courtenay	<b>Branch</b> 2211 - Courtenay
<b>Re</b> Development Permit with a Variance - Rationale for 880 Comox Road, Courtenay, BC, Rev 1	<b>Date</b> August 18, 2020 <b>File Number</b> 2211-47576-00

The following development permit rationale has been prepared on behalf of 660476 BC Ltd. in support of a development permit application with a variance.

**1. GENERAL**

The subject property, legally defined as Lot A, Section 14, Comox District, Plan EPP87770, is a prominent fixture at the intersection of Comox Road and Highway 19A. The subject property is zoned C-2 and is currently operating as a car sales lot. The two existing structures on-site, formally residential dwellings, have been decommissioned. The southern third of the subject property is paved, while the remainder of the yard consists of overgrown gravel. Asphalt paving extends well into the road dedications on both Comox Road and Highway 19A.

The owners are aware of the prominent location of their business and understand the benefit of improved aesthetics; both in terms of increased customer draws to their business and added value to their community. The development proposes a reconfiguration of the existing site to increase vegetated areas while maintaining sufficient usable lot space for vehicle display. The proposed site layout is available in **Appendix A: ML Development Permit Drawings, Sheet 001**. A detailed landscaping and screening plan (and associated cost) is attached as **Appendix B: L1 – Landscape Plan**. A small office building is proposed for the northwest corner of the site. Proposed building elevations are attached as **Appendix C: Elevations and Floor Plans**.

The existing usage of the subject property conforms with the City of Courtenay’s commercial land use policy. The proposed site improvements aim to further align the subject property with the OCP goals, and will directly address two policies for Highway Commercial developments within the City’s OCP section 4.2.3(2):

- *[Commercial Developments will] require particular attention to street appearance of buildings, parking areas and ground-oriented signage with significant landscape treatment along public roads.*
  - The existing buildings provide minimal curb appeal, and no landscape treatment exists. The proposed site improvements include replacing the existing structures with a significantly smaller office building at the north west corner of the lot and increasing the landscape treatment along Highway 19a and Comox Road from 0 m<sup>2</sup> to 805 m<sup>2</sup>.

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 Courtenay, BC  
 V9N 3R5      www.McElhanney.com



- *[Commercial Developments will] require that all development will have a clean physical separation of their parking areas from traffic lanes through the development of sidewalks and landscape buffers.*
  - The extents of the existing asphalt paving provides no physical separation between Comox Road and the subject property. The proposed site improvements will provide a landscape buffer at property line, providing physical separation from vehicle traffic on Comox Road.

## 2. DEVELOPMENT VARIANCE PERMIT RATIONALE

The objective of the development proposal is to improve the aesthetics of the subject property through landscape design while maintaining a reasonable usable lot area for business operations. While bylaw section 8.19.11 prescribes a vegetated buffer that would undoubtedly improve curb appeal, the implementation of a buffer with dimensions defined in the bylaw is prohibitive due to the significant reduction in usable lot space.

The proposed landscape layout attached as **Appendix B** aims to preserve the intent and purpose of a landscape buffer without sacrificing the functionality of the sales lot. To achieve this goal, the following development variances are requested:

- Bylaw 2500 Section 8.19.11(1): Reduce the minimum landscape width adjoining Highway 19A from 7.5m to 3.5m. Reduce the minimum landscape width adjoining Comox Road from 4.5m to 2.7m
  - The unusual geometry of the site, coupled with the extensive buffer requirement on the Hwy 19A frontage, results in a disproportionately large reduction in usable lot space.
  - The existing landscape setback is currently paved and used by the dealership as an extension of the car lot. Though the prescribed buffer width is decreasing, the proposed modified buffer will increase the actual landscape area on the site from 0 m<sup>2</sup> to 563 m<sup>2</sup>.
  - *Note that the buffer widths requested are minimums, refer to Landscape Plan L-1 in Appendix B for the range of buffer widths proposed along each frontage.*
- Bylaw 2500 Section 8.19.11(2): reduce the minimum landscape buffer height from 2.0 m to 1.8 m.
  - Merchandise display is a vital aspect of vehicle sales. As cars are typically between 1.5 and 1.8 m tall, a 2.0 m tall buffer could reduce product visibility and have an adverse effect on business.

## 3. SUSTAINABILITY

The development proposal is compliant with the City's sustainability objectives as follows:

- The application complies with the City's land use policies and priorities as demonstrated in Section 1 above.
- The development is in line with neighboring uses.

DEVELOPMENT PERMIT RATIONALE



- The proposed improvements will provide a positive visual impact on the aesthetic of a prominent intersection.
- The proposed improvements will increase greenspace and landscaping, thus reducing the overall impervious area of the subject property.
- Increased surface permeability on site will decrease stormwater runoff, increase groundwater recharge, and improve runoff quality by capturing pollutants in pervious areas.
- See the City's Sustainability Checklist, located within Appendix D.

#### 4. AFFORDABLE HOUSING

Not applicable to this project.

#### 5. CLOSURE

We trust the information provided herein is sufficient to process the development variance permit application. This said, we would be pleased to meet at the City's convenience, to discuss the contents and findings of this document as necessary.

Yours truly,

MCELHANNEY LTD.

Reviewed By:

Destry Glover, E.I.T.

Civil Engineer

Chantal Richard, P.Eng

#### REVISION HISTORY

Date	Status	Revision	Author
July 31, 2020	Final	0	Destry Glover, E.I.T.
August 18, 2020	Final	1	Destry Glover, E.I.T.

#### LIMITATION

This report has been prepared for the exclusive use of Island Honda. The material in it reflects the best judgement of the Consultant in light of the information available to the Consultant at the time of preparation. As such, McElhanney, its employees, sub-consultants and agents will not be liable for any losses or other consequences resulting from the use or reliance on the report by any third party.

**Attachment No. 3: Commercial Development Permit Compliance 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](mailto:planning@courtenay.ca)

**COMPLIANCE CHECKLIST**  
 COMMERCIAL DEVELOPMENT PERMIT AREA

The following checklist provides a quick reference for compliance with the guidelines contained within Section 8.2 Commercial Development Permit Area of the City of Courtenay Official Community Plan No. 2387, 2005. Applicants are required to complete this checklist and indicate in the comment box how their proposal complies with each development permit guideline. Where an element of the design does not comply with a guideline, a justification stating the divergence and the reason shall be made. A separate sheet may be used to provide comment. **Incomplete forms will result in application delays.**

<b>Project Address:</b> 880 Comox Road, Courtenay BC		<b>Date:</b> September 9, 2020	
<b>Applicant:</b> McElhanney Ltd.		<b>Signature:</b>	
<b>A. FORM AND CHARACTER</b>	<b>Yes</b>	<b>No</b>	<b>Comment</b>
1. The scale, form, height, setback, materials and character of new development shall be compatible with neighbouring developments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Building elevations provided - the design reflects an aesthetic that is compatible with near by developments.
2. The perimeter of buildings shall relate to a pedestrian scale. This may be expressed by detailing of the façade, window size, awnings and roof canopies. Create visual interest by providing variations in height and massing. Awnings, lighting fixtures and other structures shall be architecturally integrated with the design of the buildings. Large expanses of any one material are not acceptable without architectural detail to create visual interest and to avoid a monotonous appearance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The 1 storey office building has a 38m <sup>2</sup> footprint, and is set back from pedestrian areas.
3. All roof top, mechanical equipment shall be screened from view or screened to blend in with the roof and elevator penthousing and shall be incorporated into the overall architectural treatment of the building.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
4. To support the pedestrian environment, continuous weather protection should be provided over pedestrian areas at all exterior building walls.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
5. Buildings shall maintain and enhance existing views.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
6. Buildings located on corner lots, lots adjacent to a residential property or next to public open spaces shall be stepped down toward the flanking street, adjacent building, or public open space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The small office building proposed is set far back from both flanking streets
7. Stepped or varied building massing, articulated building walls and roof lines and sloped roofs shall be incorporated to develop building form and character.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The peaked roof on the office building provides character.
8. The architectural design and building materials shall be of a high standard that indicates quality, stability and permanence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See accompanying building materials types and samples
9. Any wall of a building which is visible from the street shall be finished to the same standard as the front of the building to provide an attractive appearance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	All building walls will be finished to the same standard.
10. Buildings should be designed so that their form does not restrict sun penetrations to public and pedestrian areas. Consider building orientation and stepped massing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The small stature of the building and distance from pedestrian areas will not restrict sun penetrations to pedestrian areas.
11. Where more than one building is to be constructed on a site, the buildings shall share common architectural features.	<input type="checkbox"/>	<input type="checkbox"/>	N/A

12. Where a development is to be constructed in several phases, the proposed phasing plan indicating the sequence and timing of construction shall be included as part of the development permit application.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<b>B. SIGNAGE</b>	<b>Yes</b>	<b>No</b>	<b>Explanation of Non-Conformity</b>
1. All signs shall conform to the City of Courtenay Sign Bylaw No. 2760, 2013 and all amendments thereto.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>C. SITING, LANDSCAPING AND SCREENING</b>	<b>Yes</b>	<b>No</b>	<b>Explanation of Non-Conformity</b>
1. A Landscape Architect or registered professional shall prepare a plan which will incorporate plant species, quantities and installation suitable for the project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project Landscape Architect is a BCSLA registered professional.
2. A detailed landscaping and screening plan, drawn to scale and showing the type, size and location of proposed landscaping shall be submitted with the development permit application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Area of site to be landscaped = 605 sq.m.
3. A continuous perimeter landscaped buffer area of at least 7.5 metres in width shall be provided along the inside of all property lines adjacent to Cumberland Road, Cliffe Avenue, 17 <sup>th</sup> Street, 29 <sup>th</sup> Street, Island Highway, Mission Road, Ryan Road and Lerwick Road. A continuous perimeter landscaped buffer area of at least 4.5 metres in width shall be provided along the inside of all property lines adjacent to all other roads, except at approved access points. All boulevard areas shall be landscaped and consistent with the onsite landscaping plans. Foundation landscaping along the face of buildings is encouraged. Landscaping shall be incorporated within all setback areas. Where a building is greater than 4500 m <sup>2</sup> , a continuous perimeter landscaped area of at least 15 metres in width shall be provided along the inside of the adjacent property line.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Refer to the Landscape Buffer Summary and DVP Application for landscaped buffer areas and variances. A reduced continuous perimeter buffer area has been provided. Boulevard areas are indicated as lawn and are incorporated into the overall planting design. Foundation landscaping along the south face of the building is provided. All of the setback areas are landscaped.
4. Parking and outdoor storage shall not be permitted in the required landscape setback.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refer to 3. above.
5. To separate parking, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 metres in width and 2.0 metres in height, shall be provided along the inside of all property lines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The parking area has a 2.0m wide and high landscape buffer area along the inside of adjacent property lines. This is achieved through a mix of deciduous, evergreen and ornamental grass planting to create an informal screen.
6. A minimum 7.5 metre continuous landscape buffer shall be provided along all adjacent residential and institutional property boundaries.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
7. If a property is adjacent to the Agricultural Land Reserve boundary, a fence and landscaping buffer area of at least 10 metres in width shall be provided along the inside of the property line.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
8. Loading areas, garbage and recycling containers shall be screened and gated to a minimum height of 2 metres by buildings, a landscaping screen, solid decorative fence or a combination thereof.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
9. Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
10. Developments shall include installation of street trees and sidewalks along all adjacent streets. Boulevards of adjacent streets shall be landscaped, irrigated and maintained by adjacent developments. Distinct paved surfaces, benches and ornamental street lights are encouraged throughout the site. Outdoor patios or amenity areas for employees are encouraged	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Boulevard lawn planting and irrigation has been extended to the existing sidewalk on Comox Road. Tree planting has been provided on-site. Site lighting is provided. Amenity space has not been provided to avoid conflicts with vehicular movement.

<p>11. Sidewalks of an appropriate width shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting a parking area. Planting beds for foundation landscaping, shall be incorporated, where appropriate into the design of the sidewalk along the façade of the buildings.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>A 1.5m sidewalk is provided along the west side of the building to the customer entrance. Foundation planting is provided along the south building facade.</p>
<p>12. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The main internal pedestrian connection to Comox Road is distinguished with concrete paving.</p>
<p>13. Undeveloped areas of the site shall be left in its natural state if there is substantial existing native vegetation. Otherwise, the owner will undertake vegetation control within 6 months of building occupancy satisfactory to the City.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>N/A</p>
<p>14. Any development adjacent to or near stream or wetland areas shall adhere to the requirements of the Stream Stewardship, 1993 guidelines and "Land Development Guidelines for the Protection of Aquatic Habitat 1992" prepared by the Department of Fisheries and Oceans and the Ministry of Water, Land and Air Protection along all streams and their tributaries.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>N/A</p>
<p>15. The City may require an environmental analysis of site conditions in areas subject to natural hazards such as slope slippage, drainage, or high vegetation value, prior to development.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>N/A</p>
<p>16. It is City policy to limit the peak run off from areas of new development to that which the same catchment areas would have generated under the pre-development land use. A storm water management plan will be required as part of any development and shall be prepared by a Professional Engineer to comply with the City's stormwater management policies and plans and the City's Water Balance Model</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Refer to attached servicing plan.</p>
<p>17. Setbacks areas abutting stream areas shall be fenced prior to development occurring to prevent encroachment of equipment or material into the stream system.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>N/A</p>
<p>18. A biophysical assessment of the site prepared by a professional biologist may be required outlining any environmental values to be protected during and after developments and the methods to achieve this to the satisfaction of the City and federal and provincial agencies.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>N/A</p>
<p>19. Prior to the subdivision or development of land containing a stream, the natural watercourse and surrounding area shall be considered for dedication to the Crown, the Municipality or other public agencies committed to the protection and preservation of natural watercourses.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>N/A</p>
<p>20. The City will require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:</p> <ul style="list-style-type: none"> <li>• shrubs – 450 mm</li> <li>• groundcover &amp; grass – 300 mm</li> <li>• trees – 300 mm around and below the root ball</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Soil depth are per City requirements as indicated in the planting notes on Sheet L1.</p>
<p>21. All landscape areas shall be serviced by an underground irrigation system.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Underground irrigation system requirements are noted in the irrigation notes and legend on Sheet L1.</p>



D. LIGHTING	Yes	No	Explanation of Non-Conformity
1. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or the sky.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking lot lighting is indicated conceptually on the landscape plan.
2. All new, replacement and upgraded street lighting in existing and proposed developments will be Full-Cut Off/Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas. Exterior building lighting will also be required to have FCO lighting fixtures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking lot lighting requirements are indicated on the landscape plan.
E. PARKING	Yes	No	Explanation of Non-Conformity
1. Parking areas shall be screened from adjacent properties and from direct views of parked vehicles from the street. The screening should consist of landscaping and fencing. Parking areas shall include landscaped areas, defined by concrete curbs, to provide visual breaks between clusters of approximately ten stalls.	<input type="checkbox"/>	<input type="checkbox"/>	N/A, the use is a commercial car dealership.
2. Vehicular and truck movement patterns shall be illustrated to ensure adequate circulation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. The exterior façade of parking structures should be architecturally integrated and provide continuity with commercial uses at street level.	<input type="checkbox"/>	<input type="checkbox"/>	N/A
4. Pedestrian sidewalks connecting building entrances to and through parking areas and sidewalks of the adjacent streets shall be provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is an internal pedestrian connection to the Comox Road sidewalk, and nearby commercial uses.
5. Bicycle parking facilities shall be provided at grade near the primary building entrances.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A 5-7 stall bicycle rack is provided on the north side of the building.





THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

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**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Zoning Amendment Bylaw No. 2994 – 310 Hunt Road

**File No:** 3360-20-2002  
**Date:** February 1<sup>st</sup>, 2021

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### PURPOSE:

The purpose of this report is for Council to consider a Zoning Bylaw amendment application to create a new Comprehensive Development Thirty One Zone (CD-31), and rezone the property legally described as Lot A, Section 14, Comox District, Plan EPP101533 from Land Use Contract (LUC) to CD-31 to facilitate the development of a 93 unit hotel and associated site development. .

### CAO RECOMMENDATIONS:

THAT based on the February 1<sup>st</sup>, 2021 staff report “Zoning Amendment Bylaw No. 2994 - 310 Hunt Road” Council approve OPTION 1 and complete the following steps:

1. That Council give First and Second Reading of “Zoning Amendment Bylaw No. 2994” to create a new CD-31 Zone and rezone the property legally described as legally described as Lot A, Section 14, Comox District, Plan EPP101533 VIP74579 from LUC to CD-31;
2. That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw; and,
3. That Final Reading of the bylaw be withheld pending the registration of a Section 219 covenant on the subject property.

Respectfully submitted,

Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

### BACKGROUND:

The subject property is 0.74ha (1.81ac.) in size and is located on the edge of an established commercial area bounded by Ryan Road (north), Back Road (east), Tunner Drive (south) and Hunt Road (west).

The development site is a vacant property vegetated with plum and hawthorne trees. A cherry tree and patches of red alders are established along the eastern property boundary and a cluster of western white pine trees, a protected tree species, is located within the City’s boulevard on the southeast edge of the property.

The property is situated within a mixed use neighbourhood on the edge of one of the City’s dominant commercial areas. This neighbourhood is predominately occupied by commercial and retail businesses including day-cares, liquor stores, restaurants, veterinary and medical clinics, retail stores, financial institutions, professional offices, grocery stores and convenience stores.

Lower density residential uses are established to the east and south of the property and Lawrence Burns Park, a City neighbourhood park, is located south at 480 Hunt Road. More recently, a number of higher density multi-family developments have been approved in the surrounding area, including: a 79 unit apartment building at 911 Braidwood Road; a 160 unit retirement residence at 925 Braidwood Road; a 118 unit rental apartment building at 1025 Ryan Road and a three storey apartment building containing 35 units of affordable rental housing at 811 Braidwood Road. BC Housing also operates the Washington Apartment building, southwest of the subject property.



Figure 1: Subject Property and Context

The City’s Official Community Plan (OCP) designates the property as “Commercial Shopping Centre”. The Commercial Shopping Centre land use designation is described as an area which functions as the major shopping centres for the region. This designation is intended primarily for larger format shopping centres

and “big box” style developments. However, there is recognition in the OCP that larger format shopping centres that are anchored by major retail stores (for example the Superstore at Washington Park Shopping Centre located at 757 Ryan Road) are often mixed with smaller retail stores and commercial businesses including financial institutions, offices, personal service uses and restaurants.

The OCP encourages commercial infill in existing commercial areas and supports the intensification of commercial land rather than the designation of new commercial areas or extensions to commercial zoning along major routes. Also, the OCP encourages the development of a strong diversified commercial base that provides both employment and service opportunities. While the OCP supports commercial infill, other elements of the proposal including density, building height and site design are assessed on a case by case basis. The subject property is not subject to a Local Area Plan.

The subject site is currently zoned Land Use Contract (LUC) and is not regulated by *Zoning Bylaw No. 2500*. Since 1976 the subject property has been subject to a LUC. Similar to zoning, LUCs regulate land use, density, the siting of buildings and structures, building height and works and services. LUCs were a relatively popular regulatory tool from the 1960’s to the 1980’s when the *Municipal Act* allowed local governments to enter into LUCs as a regulatory tool similar to comprehensive development zones. In this case the LUC was intended to regulate an office development, subdivision layout and a cul-de-sac road extension. The Provincial Government has mandated that all LUCs be terminated by 2024.

Proposed is an amendment to the property’s zoning to facilitate the construction of a four storey, 93 unit hotel (Holiday Inn Express) and associated parking and landscaping. The hotel contains indoor amenity space including: an indoor swimming pool, fitness facility and a multi-purpose meeting room (containing approx. 100 seats). The hotel will include a breakfast bar that will supply limited prepared and pre-packaged food items (i.e. yogurt, cereal, bagels, muffins, tea and coffee) and it is expected to provide 47 local fulltime jobs.

The applicant is proposing a comprehensive development zone (CD Zone) as none of the commercial zones in *Zoning Bylaw No. 2500* permit the density or the specific development concept proposed by the applicant.

Vehicular access to the site is restricted to Hunt Road a local City road with two lanes and a speed limit of 50km/hr. Hunt Road/Tunner Drive form a side-street, stop controlled intersection with Ryan Road to the northwest and a side-street, stop sign controlled intersection with Back Road to the southeast. The City’s Transportation Master Plan identifies it as a collector road under the ‘Recommended Road Classification Scheme’.

Ryan Road abuts the site’s northern property boundary and is a four-lane highway under the jurisdiction of the Ministry of Transportation and Infrastructure (MOTI). Back Road is a City collector road with two lanes.

Based on the number of hotel units (93 units), the number of employees (47 employees) and the number of seats proposed for the meeting room (100 seats) 88 parking stalls are required for the development. The applicant is supplying 97 parking stalls, which exceeds the City’s bylaw requirement. The oversupply of parking has been justified through the project traffic engineer’s examination of the peak parking demand for the hotel based on trip generation data for a hotel. The Transportation Impact Study (TIS) indicates the hotel demands 60 to 93 parking stalls to meet peak parking demand ratios for operational purposes. Also parking is required for employees, hotel management and accessory uses including the meeting room (open for public use) located within the hotel.

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To promote the utilization of electric vehicles (EV) within the City, the applicant has provided capacity for up to 10 EV charging stations in the parking area at the rear of the hotel within the eastern side yard. Tunner Drive is identified as a future street connection, which would include sidewalks and cycling facilities connecting Back Road to the Highway 19A Bypass.

Should this link be possible and upon full build out of the cycling network, cyclists will have access to routes and other cycling corridors established throughout the City. It is expected that a majority of the trips patrons will make to and from the hotel will be by private vehicle or taxi, however, the applicant is accommodating alternative forms of transportation including through the provision of bicycle parking for hotel employees. Adjacent to the front entrance of the building a secure outdoor bicycle storage unit is being made available that will hold up to 12 bicycles and provides an electrical outlet for e-bike charging. Transit service is also available on Ryan Road and Back Road with stops approximately 175 metres from the site.

Along the northern building façade adjacent to Ryan Road two loading stalls are provided for the delivery of goods and services.

Users of the site will have access to internal pedestrian walkways separated from driving surfaces. These walkways are located around the perimeter of the hotel and along all building facades abutting parking areas. The walkways provide a safe and direct pedestrian connection from the hotel site to public City sidewalks along Ryan Road and in two locations along Hunt Road.

Perimeter landscaping is provided along both road frontages, is located adjacent to the vehicle access along Hunt Road and is incorporated into and dispersed throughout the parking area. The landscaping includes a mix of lawn areas and deciduous and coniferous trees and shrubs maintained through the use of a micro water irrigation system.

Landscaping within parking areas has been designed to integrate rain gardens, break up large expanses of asphalt and create a visual buffer between the street and parking areas, where feasible.

The applicant is proposing to rezone to a comprehensive development zone. The applicant's plans for the property are summarized in **Schedule No. 1**. In addition to the Traffic Impact Study, the City has also been supplied with a Site Servicing Report, Tree Assessment and an Archeological Overview Assessment (AOA) for the proposal.



Figure 2: West Building Perspective (view from Hunt Road)



Figure 3: West Building Elevation (view from Hunt Road)



Figure 6: North Building Elevation (as seen from Ryan Road)

### Traffic Impact Study

A Traffic Impact Study (TIS) was prepared for the proposed development which examined the following intersections.

- Ryan Road / Back Road (signalized)
- Ryan Road / Hunt Road (side-street stop-controlled)
- Back Road / Tunner Drive (side-street stop-controlled)
- Hunt Road / Site Access (side-street stop-controlled)

A traffic analysis was conducted for the study area during the weekday AM (7:30am to 8:30am) and PM peak hour (3:30pm to 4:30pm), periods for three scenarios: existing conditions (2020), the opening year of the hotel (2022) and the opening year of the hotel plus ten years (2032). The TIS factors in trip estimates for newly approved developments located at 801 Ryan Road, 1025 Ryan Road and the retirement housing project approved at 911 Braidwood.

The TIS is referenced in Attachment No. 4 and concludes that in 2022 the background traffic operations are expected to slightly deteriorate at the study intersections when compared to existing conditions (2020). However, movements at all study intersections are expected to continue operating at an acceptable LOS. With the addition of the development traffic, the northbound left-turn movement at Back Road / Ryan Road is expected to operate at LOS E in the PM peak hour scenario, however the development traffic does not contribute a significant amount of delay to this movement, as the background (without development traffic) conditions are expected to operate at the LOS D/E threshold. All other intersections are operating at an acceptable LOS.

Under the 2032 background conditions, the eastbound left-turn, shared westbound through and right-turn, and northbound left-turn movements at Back Road / Ryan Road are expected to operate at LOS F in the PM peak hour. All other intersections operate at acceptable levels. With the addition of development traffic, these movements are expected to continue to operate at a similar LOS they were operating at in the background scenario during both peak hours.



Overall, the unacceptable future traffic operations at Ryan Road / Back Road are a result of background growth on the roadways and future developments in the area; the project site is expected to minimally impact the adjacent roadways.

Further, the traffic engineer has confirmed that the Hunt Road sight access meets the stopping sight distance requirements for level roadways for the 50km//hr. design speed as outlined in Transportation Association of Canada’s (TAC’s) *Geometric Design Guide for Canadian Roads (2017)*.

Because several movements at Ryan Road / Back Road are anticipated to degrade to LOS F in the future (with or without the proposed development). The project’s traffic engineer has recommended the City and Ministry of Transportation consider the following mitigation options to help alleviate this expected congestion:

- Optimizing the signal timing plans;
- Providing a southbound right-turn lane;
- Adding an additional northbound left-turn lane; and,
- Widening Ryan Road to accommodate three travel lanes (eastbound and westbound).

Regarding the Back Road / Tunner Drive intersection, the northbound approach at Back Road / Tunner Drive is expected to degrade to LOS D in the 2032 PM peak hour scenario with the addition of development traffic.

The traffic engineer is not recommending this intersection be upgraded but rather has recommended that Back Road / Tunner Drive should be monitored in the future to determine if LOS has further deteriorated. As the northbound approach LOS deteriorates, it is expected that drivers will adjust accordingly upon observing the northbound queues and utilize the Hunt Road/Ryan Road intersection.

**Zoning Review**

The proposed development requires a zoning bylaw amendment to replace the current land use contract. Table No. 1 below summarizes the proposal relative to the existing LUC zone, as well as the Commercial 2A Zone (C-2A Zone) a commercial zone that permits hotels and is located within the immediate area.

	<b>Current Zone (LUC)</b>	<b>C-2A Zone (comparable zone)</b>	<b>Proposed CD Zone</b>
Permitted Uses	Limited to office use, school use, medical and dental clinic and studio use (artist, display, recording, radio and television).  <b>*Hotel use is not a permitted use</b>	Hotel	Hotel
Density	Not Applicable	Floor Area Ratio: 0.60	Floor Area Ratio: 0.71
Lot Coverage	35%	Not applicable	18.1 %

Useable Open Space	Not applicable	Not applicable	Not applicable
Front Yard Setback (Tunner Drive)	Not less than 7.6m If adjoins a public road (other than Ryan Road) 4.5m	7.5m	48.81m
Rear Yard Setback (Ryan Road)	6.0m 9m (if building adjoins a residential development):	4.5m (for a one storey building) 7.5m (for a two storey building)	16.41m (building exceeds two stories and is four stories in height)
Side Yard Setback (adjacent to the single family homes on Back Road)	6.0m	No side yard If building adjoins a residential zone without the intervention of a street or lane: 4.5m (for a one storey building) 7.5m (for a two storey building) 4.5m if side yard flanks a street	14.98m (building exceeds one storey and is four storeys in height)
Side Yard (adjacent to Hunt Road)	7.6m (if flanks a street)	No side yard If building adjoins a residential zone without the intervention of a street or lane: 4.5m (for a one storey building) 7.5m (for a two storey building) 4.5m if side yard flanks a street	5.60m (measured to overhang of front entrance canopy) (building exceeds one storey and is four storeys in height)
Building Height	6.1m	9.14m	14.21m (proposed four storey building)

Parking Base Requirements	Not Applicable <b>*Hotel is not a permitted use</b>	Hotel 1 space per 2 hotel units 1 stall per 2 employees - 1 stall per 6 seats for accessory uses  Hotel Units – 47 stalls Employee Use - 24 stalls Meeting Room (100 seats) -17 stalls  Total Required: 88 stalls	Hotel 1 space per every 2 hotel units 1 space per 2 employees 1 stall per 6 seats for accessory uses  Hotel Units – 47 stalls Employee Use - 24 stalls Meeting Room (100 seats) – 17 stalls  Total Required: 88 stalls
Loading Stalls	1 stall per 1858m <sup>2</sup> of floor area (2 stalls)	1 stall per 1850m <sup>2</sup> of floor area (2 stalls)	1 stall per 1850m <sup>2</sup> of floor area (2 stalls)
Landscape Buffering	Front Yard Only 4.5m (all other roads) 9.0m (if front is Ryan Road)	4.5m (all other roads) 7.5m (Ryan Road)	Ranges from 0 m to 3.83m (Tunner Drive) Ranges from 0m to 6.25m (Hunt Road) 7.01m (Ryan Road) 3.95m (East Side Yard Adjacent to Residential Use)

Table No 1: Zoning Comparison

Compared to the current LUC zone, the proposal seeks to add hotel as a permitted use on the property as well as an increase in density and building height.

The C-2A zone is a commercial zone typically used for hotels and other commercial developments in the immediate area. Compared to the C-2A zone the proposed CD zone seeks an increase in building height, density as well as reductions in landscape buffering along Hunt Road, Ryan Road and Tunner Drive.

**DISCUSSION:**

Both the RGS and OCP support new developments that provide a diversity of housing and employment opportunities. Both plans promote commercial infill and densification as opposed to considering new land for commercial development.

Policy goals within the RGS and the OCP include business retention, attracting new business and investment and supporting a strong, diversified commercial base which provides employment and service opportunities.

Regarding site and building design, the OCP contains guidelines that encourage the character of new commercial developments to be compatible with neighboring developments and land uses.

In assessing this proposal four key themes emerged to guide the evaluation of the proposal:

1. Land Use Compatibility;
2. Local Economic Development and Employment;
3. Use of Existing Infrastructure; and,
4. Building and Site Design

### ***Land Use Compatibility***

The subject property is situated adjacent to a mix of land uses as shown in Figure 8 below. Lands to the immediate west along Hunt Road and lands to the north across Ryan Road support a number of commercial uses including a post office, casino, offices, a day-care, a taxi company, restaurant use and a veterinary clinic.

The subject property represents the transition between the Lower Ryan Road commercial node and single family residential uses fronting Back Road to the east and along Turner Drive to the south. The single family neighbourhood established south of Lawrence Burns Park (along Chaster Road and Williams Road) is buffered from the commercial uses along Turner Drive by City parkland.

The most sensitive surrounding land use is the single family homes immediately east of the proposal. The single family residences that front Back Road have rear yard building setbacks that range from 9m to 16m and the hotel is setback 14.98m from the east property boundary, this provides approximately 24m to 30m of buffering between the hotel building and the rear facades of the single family homes.



Figure No. 8: Subject Property and Surrounding Land Use

The eastern building façade of the hotel adjacent to the residences has many windows and doorways. To mitigate privacy impacts and overlook on adjacent residential properties, the applicant has proposed a setback that is larger than what is required in similar commercial zones when commercial buildings are sited adjacent to residential zones (this includes the MU-2, C-2, C-2A and CD-1C zones). In addition to the larger building setback, the applicant is providing landscape buffering 3.95m in width along the east property boundary including a hedge of fast growing trees (Leyland Cypress trees) and 6.0 ft. high cedar fencing.

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### ***Economic Development and Employment***

The RGS states the City shall develop and grow consistent with its function as the Comox Valley's largest urban area and that new developments should provide for a wide diversity of housing and employment opportunities and highest densities in the Valley.

The OCP's vision includes the City of Courtenay as the centre of commerce for the Comox Valley. This is supported through the designation of five commercial areas in the City and through the densification of commercial areas.

One of the goals of the OCP is to achieve a strong local economy. The hotel development will attract a number of new visitors to the City who will spend locally and generate additional revenue for local businesses such as the restaurants and local retail shops located in the immediate area.

The proposal is consistent with the policies in the RGS and OCP. Hotels boost local economies by bringing jobs to the area. It is estimated this proposal will create over 100 new jobs during construction and when the hotel is operational. The applicant expects that 117 direct and indirect jobs will be provided with the development including 47 permanent local jobs. Direct jobs include employment related to the operations of the hotel (i.e. hotel employees and staff) and indirect jobs include other employment opportunities generated by local businesses that supply goods and services to the hotel, for example, local food and beverage companies and restaurant suppliers, companies that supply hotel room related goods and services (i.e. housekeeping supplies, room amenities), telecommunication vendors (internet, cable) and utility companies.

Creating employment opportunities helps build complete communities and creates a self-supporting local economy. The development site is located in a compact neighborhood surrounded by a mix of commercial and low and high density residential developments. By providing jobs within the existing neighborhood residents can live and work in their neighborhoods, reducing the distance residents have to travel to work. Reducing distances residents have to travel to their workplace reduces overall automobile use and traffic congestion, promotes opportunities for active forms of transportation (walking, cycling) produces better air quality and reduces urban expansion into fringe areas of the City.

Planning Staff consulted Comox Valley Economic Development Society (CVEDS) to determine if they collected hotel vacancy rates for the Valley or for the City. Staff were advised this data is not available. According to the applicant's economic impact overview the last hotel built in the City was the Bayview Hotel (formerly a Holiday Inn Express constructed in 2007) and although 2020 has provided a significant economic short term challenge to tourism, the hotel industry is forecasting a 5.1% increase in 2021, with a full recovery by 2023 (**as seen in Attachment No. 8**).

### ***Use of Existing Infrastructure***

Infill development in serviced areas of the City is encouraged by the OCP and is a goal of the RGS. Approving developments that intensify existing commercial neighbourhoods and promote infill on underutilized sites, such as the subject property is beneficial in that it directs growth to areas where infrastructure and utilities are already in place. This reduces both the City's and ultimately the community's cost in providing and maintaining new services (road, service infrastructure, and facilities) associated with sprawl development.

A recent capacity assessment concluded that the existing water and sanitary sewer capacity is adequate to service the proposed development.

### ***Site and Building Design***

The development includes one four storey commercial building providing 93 hotel rooms, a meeting room, fitness facility, indoor pool and parking and landscaping.

The proposed building is orientated towards Hunt Road and has a contemporary modern design finished with a combination of materials including vertical fibre cement siding, stone cladding and glass. To create visual interest, large expanses of glazing (with panels) have been incorporated into building facades, projections (awnings) have been placed over exterior doorways and a varied colour palette is being utilized on exterior walls.

Both the building facades and roofline are articulated to break up the overall box-like appearance of the building. Building façades have been stepped and articulated with variations in materials and colors and the roofline has been articulated with parapets that sit at slightly different elevations. To provide an attractive appearance, all building facades visible from street include the same level of architectural detailing.

Weather protection for pedestrians is provided through a large canopy situated over the front entryway of the hotel and awnings placed over exterior doorways.

The site has been designed to prioritize the pedestrian environment through the provision of a continuous walkways around the perimeter of the building. Pedestrian walkways are separated from driving surfaces and provide direct connectivity from the hotel to adjacent parking areas and public sidewalks along Ryan Road and Hunt Road (in two separate locations).

The site has an established internal roadway for the safe movement of vehicles. The proposal includes new parking areas situated in the west, east and front yards and all stalls are accessed from the internal roadway. Where feasible, parking areas have been screened from roadways by landscaping and landscaped planters have been incorporated at the ends of parking aisles

All outdoor lighting will be full-cut off/flat lens and exterior lighting along walkways, in the parking areas and on the exterior of the building will be appropriately shielded to reduce glare on neighboring and adjacent properties. Also, development signage will be required to meet the City's sign bylaw requirements and will be processed under a separate sign permit.

The hotel is adjacent to the rear yards of the single family homes that front Back Road. To reduce the impact that the building has on the adjacent residences, the hotel has been setback 14.98m from the rear property boundaries of the adjacent dwellings. This is nearly double the distance required in other commercial zones that permit hotel as a use (with the average setback ranging between 6.0m and 7.5m).

The site has been designed to reduce the impact of the building on the residential properties to the north by sliding the building towards Hunt Road. This has enabled the inclusion of a 3.95 m wide landscaped buffer. The entire length of the east property line will be a 2.0m (6.0 ft.) decorative cedar panel fence and a hedge of 44 10 foot tall Leyland Cypress trees will be planted to provide visual and noise buffering from the hotel

building. The proposed tree species is fast and reported to grow at 1 meter/ year which has been confirmed by a Landscape Architect (*as seen in Attachment No. 3*)

Based on the plans submitted in support of the rezoning proposal, this building and site design is generally consistent with the direction established in the Commercial Development Permit Guidelines.

**Form and Character Development Permit**

Subsequent to rezoning, the development will require a development permit. As this development will contain no variances due to the use of the CD zone, this will be considered administratively.

**Tree Cutting Permit**

A tree assessment by an Arborist was provided in support of the proposal. Trees that were measured to be larger than 20cm diameter at breast height include three red alder trees and a cherry tree. The alder trees are not deemed suitable for retention because they conflict with planned infrastructure for the site. One cherry tree will be retained close to the east property line as the applicant has provided a sufficient width in the landscape buffer (3.95m) to provide the recommended root protection zone for the tree, which is 3.12m.

Seven trees were identified on City land in the road right-of-way of Tunner Drive, four western white pine (a protected tree species) and three red alder trees. The western white pine trees have been deemed to be suitable for retention. To protect and preserve the trees, the eastern access to the site off Tunner Drive has been eliminated as the proposed driveway location directly conflicted with the root protection zones of these trees. The three red alder trees within the City right-of way are young and are also being retained.

The applicant will be required to apply for and obtain an approved tree cutting permit from the City prior to any development or construction activities taking place on the property.

**Partnership Opportunity with Project Watershed**

Currently the subject property is vegetated with a variety of native trees and shrubs of various size and age, particularly Black Hawthorn. During the application referral process, the Comox Valley Land Trust (CVLT) identified a community partnership opportunity between Project Watershed and the property owner. With support from the City of Courtenay the CVLT identified an opportunity for Project Watershed/Developer to work in partnership in the pre-site clearing stage of planning to salvage specific trees/shrubs for habitat restoration projects in close proximity to the development.

The property owner has invited Project Watershed to access to site to remove key native species off the parcel prior to development .The owner has indicated that they have attended the site and this work has been completed .

**FINANCIAL IMPLICATIONS:**

The development is subject to City and Comox Valley Regional District Development Cost Charges.

**ADMINISTRATIVE IMPLICATIONS:**

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff has spent 55 hours processing and reviewing this application, conducting a site visit and communicating with the applicant to request additional information.

Should the proposed bylaws receive First and Second Readings, staff will spend an additional five hours in preparation for the public hearing, preparation of the covenant, final reading of the bylaw, and updating the bylaws and maps.

**ASSET MANAGEMENT IMPLICATIONS:**

The City will inherit new road infrastructure (curb, gutter, road pavement and sidewalk). With this proposal road improvements will be made along Tunner Drive including pavement widening and the installation of barrier curbs and catch basins and signage. Approximately 50m of pavement and sidewalk along Hunt Road (close to Ryan Road) will be removed and replaced as it lacks a curb and is in poor condition, pavement markings will be reinstated at this location. New curb and sidewalk will also be installed towards the intersection of Tunner Dive where curb and sidewalk currently terminate. The existing driveway letdown on Hunt Road will be replaced with new curb and gutter and a new driveway letdown will be installed. Damaged sidewalk panels along the Ryan Road Frontage will also be replaced.

With this proposal new service infrastructure (water, sanitary and storm) will be installed and built to current City standards.

These will be incorporated to the City’s asset registers for ongoing maintenance.

**2019 – 2022 STRATEGIC PRIORITIES REFERENCE:**

- Communicate appropriately with our community in all decisions we make
- ▲ Support actions to address Climate Change mitigation and adaptation
- ▲ Explore opportunities for Electric Vehicle Charging Stations

**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

3.1.3 Policies

7. Position itself as the regional commerce centre of the Comox Valley promoting new and existing industries to expand economic opportunities for growth and development within the municipal boundaries.

3.2 Regional Context Statement

3.2.2 Goals

Goal 3: Local Economic Development

Achieve a sustainable, resilient and dynamic local economy that supports Comox Valley businesses and the region’s entrepreneurial spirit.

**4.2 Commercial**



#### 4.2.2 Goals

1. utilize existing services and designated lands prior to consideration of new commercial areas.
3. encourage a high standard of development to enhance the design of the city and streetscape through the issuance of Development Permits for all commercial developments.
4. support a strong, diversified commercial base within municipal boundaries which will provide employment and service opportunities.

#### 4.2.3 Policies

The designation of new or the extension of commercial zoning along major routes within the City is not supported. The City supports more intensive utilization of existing serviced land and existing commercial space prior to outward expansion.

1. Shopping Centres function as the major shopping centres for the region. They are or can be expected to be anchored by major retailers, with a mix of smaller retailers.

Council will support the provision of a wide range of retail areas, limited office and personal service areas including restaurants.

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

The development proposal is consistent with the RGS goal (XXXX) “to encourage expansion of the

### **Part 3: Regional Policies**

#### 3.2 Policy Areas

**Goal 3:** Local Economic Development: Achieve a sustainable, resilient and dynamic local economy that supports Comox Valley businesses and the region’s entrepreneurial spirit.

#### **Objective 3-A: support local business retention, development and investment.**

3-A Create a positive business-environment that helps to support and retain existing businesses and attracts new businesses and investment

3A-1 Encourage responsible expansion of the economic base of the Comox Valley the intent of enhancing wealth and employment opportunities

#### **Objective 3-B: Increase regional job base.**

3B-8 Investigate opportunities to support the expansion of regional employment where proposals are consistent with the policies of the RGS.

3B-9 Encourage tourism, including cultural and eco-tourism opportunities, within the Comox Valley.

#### **3-D: Promote designated Town Centres as regional employment centres.**

3D-1 Update OCPs and implement zoning that supports intensification of mixed-use office, retail and other commercial employment activities in designated Town Centres located within Core Settlement Areas.

3D-2 Retain and attract new businesses, investment and employment in designated Town Centres located within Core Settlement Areas.

#### 4.4 Growth Management Principles

14. Promote and support the overall economic viability of the municipal areas so that they can continue to provide primary base for residential, commercial and institutional activities.

#### Objective 5-A: Promote water conservation and efficiency throughout the Comox Valley.

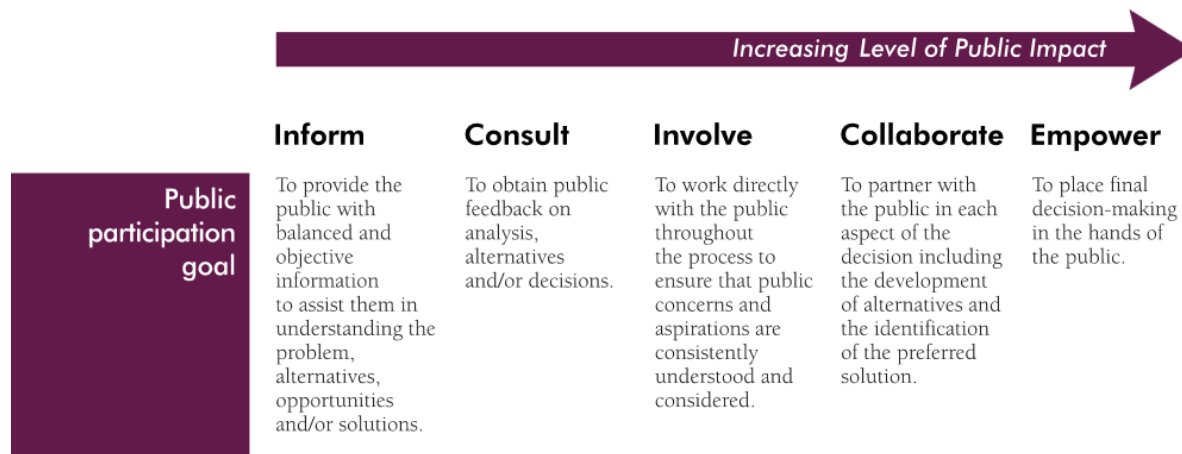
5A-1 The majority of growth should be focused in Core Settlement Areas where appropriate publicly owned water servicing systems already exists.

#### Objective 5-D: Encourage sewage management approaches and technologies that respond to public health needs and maximize existing infrastructure.

5D-1 The majority of growth should be focused in Core Settlement Areas where appropriate sewer servicing already exists.

#### CITIZEN/PUBLIC ENGAGEMENT:

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



Should Zoning Amendment Bylaw No. 2994 and 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 meeting package on April 21, 2020 to adjacent property owners and occupiers within 100m of the property, this included a combination of 105 households and commercial businesses. The notice contained details about the Zoning Amendment, the proposed zoning and density and contact information for the applicant.

Six comments were received for this proposal from the public mail out. The applicant prepared a written response to all of the members of the public who provided comments on the application. The applicant’s mail out letter, public comments received and the applicant’s letter of responses to the public are provided in **Attachment No. 6**.

**OPTIONS:**

**OPTION 1: (Recommended)**

That based on the February 1<sup>st</sup>, 2021 staff report entitled “Zoning Amendment Bylaw No. 2994 -310 Hunt Road” Council approve OPTION 1 and complete the following steps:

1. That Council give First and Second Reading to “Zoning Amendment Bylaw No. 2994” to create a new CD-31 Zone and rezone the property legally described as legally described as Lot A, Section 14, Comox District, Plan EPP101533 VIP74579 from LUC to CD-31;
2. That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw; and
3. That Final Reading of the bylaw be withheld pending the registration of a Section 219 covenant on the subject property.

**OPTION 2:** That based on the February 1st, 2021 staff report entitled “Zoning Amendment Bylaw No. 2994 -310 Hunt Road” Council considers Zoning Amendment Bylaw No 2994, 2020 consistent with the City’s Official Community Plan; and,

That Council approved OPTION 2 and waives the Public Hearing with respect to Zoning Amendment Bylaw No 2994, 2020 pursuant to Section 464 (2) of the Local Government Act and directs staff to give notice of the waiver of the public hearing pursuant to Section 467 of the Local Government Act in advance of consideration of 3rd Reading of the bylaw.

**OPTION 3:** That Council postpone consideration of Zoning Amendment Bylaw No. 2994 with a request for more information.

**OPTION 4:** That Council not proceed with Zoning Amendment No. 2994.

Prepared by:



Dana Beatson  
Planner II

Reviewed by:



Matthew Fitzgerald, RPP, MCIP  
Manager of Development Planning

Concurrence by



Ian Buck RPP, MCIP  
Director of Development Services

Concurrence by:



Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

*Attachments:*

1. *Schedule No. 1 – Applicant’s Development Summary*
2. *Schedule No. 2 – Architectural Submissions*
3. *Schedule No. 3- Arborist Letter: Landscaping for Eastern Side Yard*
4. *Schedule No. 4 – Traffic Impact Study*
5. *Schedule No. 5 – Tree Assessment*
6. *Schedule No. 6 – Public Information Meeting Notice, Responses provided by the applicant and Public Comments*
7. *Schedule No. 7- Sustainability Evaluation Checklist*
8. *Schedule No. 8 – Economic Impact Overview*
9. *Schedule No. 9 – Draft Zoning Amendment Bylaw No. 2994*

**Schedule No. 1: Applicants Development Summary**



BRITISH COLUMBIA, ALBERTA, SASKATCHEWAN, MANITOBA

ANDREA SCOTT ARCHITECT AIBC

**Design Rationale**  
**310, 320, 336 Hunt Road, Courtenay**

Located at 310, 320, 336 Hunt Road Courtenay, we are proposing to build a 55,818 SqFt. (5,185.7 SqM) 4-storey Hotel building on 78,824 SqFt. (7,323.0 SqM) of developable area. The site is currently zoned LUC and we are requesting rezoning to CD to allow the increase of density up to 93 hotel rooms with 98 parking stalls.

The rectangular building will be 4 storeys of wood frame on grade with surface parking surrounding it. The exterior of the hotel will be rain screened with Hardi panel in a variety of colors, Olive & Cream with an accent of Terracotta to add interest and a rock veneer ribbon to demarcate the entrance and the primary site corner. The roof will be white membrane and not visible from the street.

The plant selection considers function, aesthetics, climate and native species as a focal point. We intended to provide plant material that is native to the environment and that supports local birds and beneficial insects. Disease resistant material that still provides year round interest to visitor's (foliage/fragrance/blooming times in all seasons). The plant material also focuses on low water/maintenance management and stresses biodiversity and sustainability. We wanted to create a garden for natural habitat and promote educational opportunities.

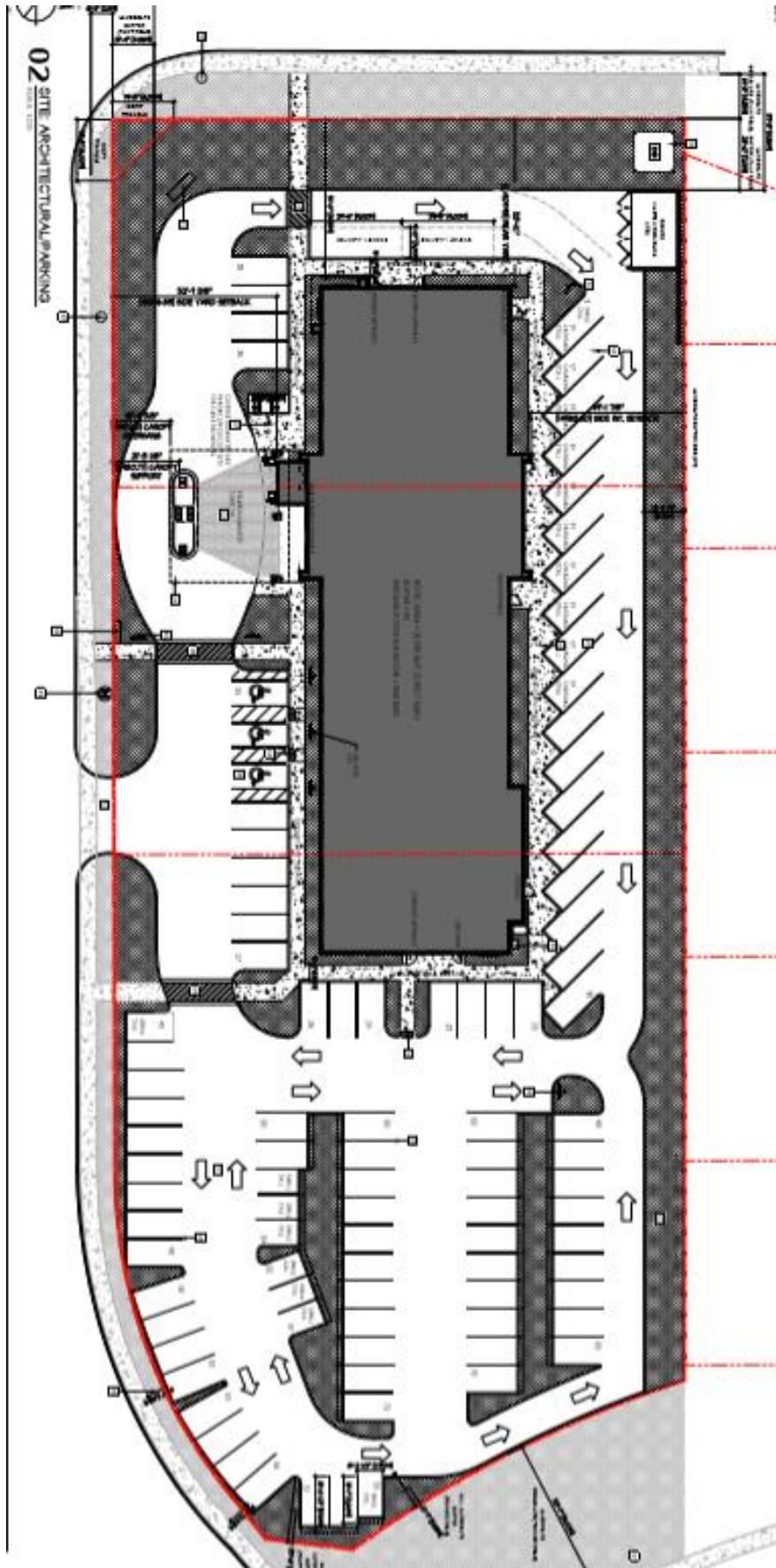
We have excessive experience in residential projects. Attached is the list of previous developments that we have worked on.

Yours truly,

A handwritten signature in black ink, appearing to read 'ASc', is positioned above the typed name.

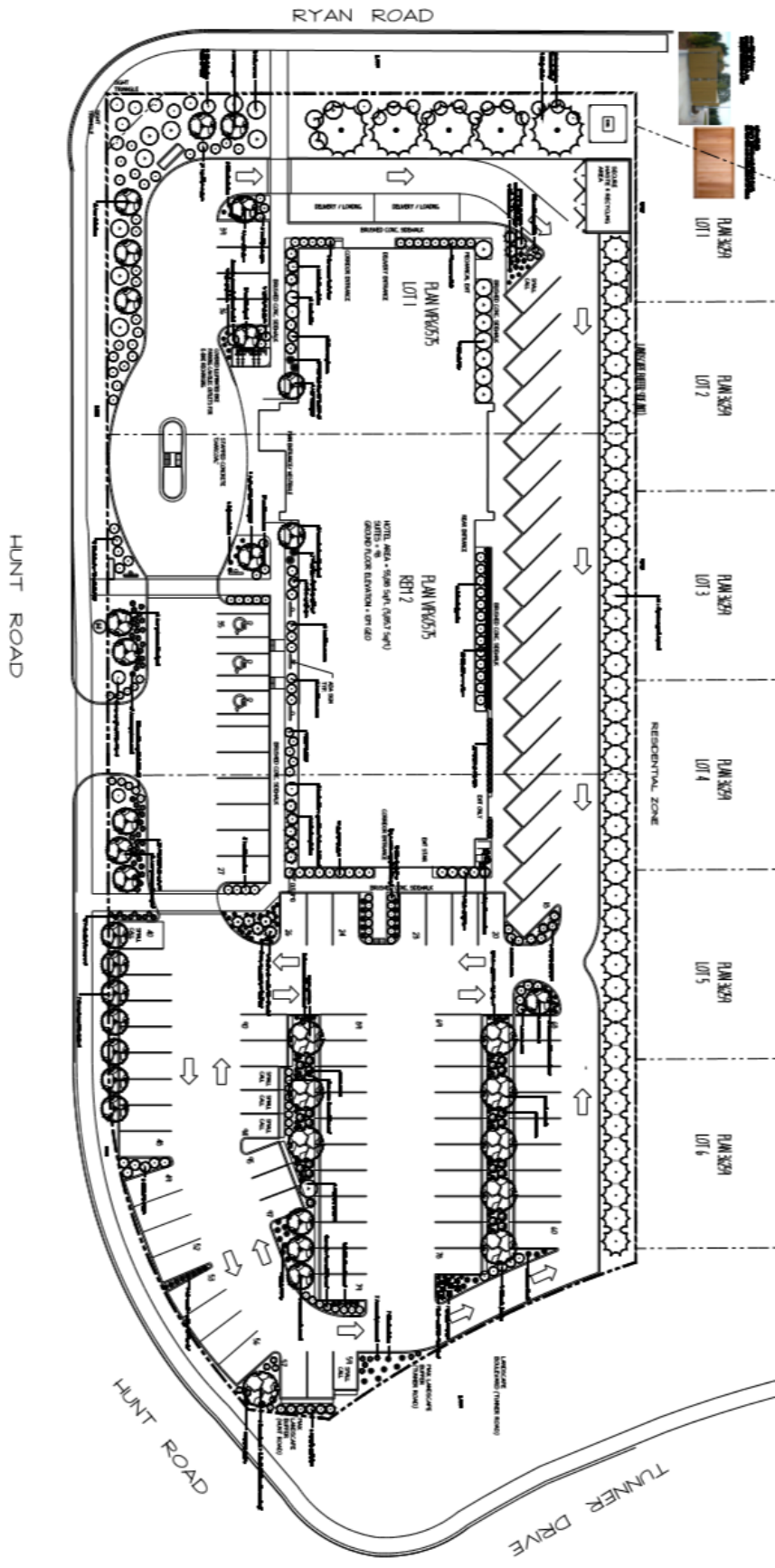
Andrea Scott, Principal  
Architect AIBC, AAA, LEED AP  
c/o Lovick Scott Architects Ltd.





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REGISTERED PROFESSIONAL ARCHITECT  
NO. 10153  
STATE OF MASSACHUSETTS

Site and Parking Plan



Landscape Plan



/

Qty	Botanical Name	Common Name
<b>Trees</b>		
5	<i>Acer circinatum</i>	VINE MAPLE
9	<i>Acer palmatum</i> 'Bloodgood'	Japanese Maple
1	<i>Amelanchier canadensis</i>	SERVICEBERRY
3	<i>Amelanchier x grandiflora</i> 'Autumn Brilliance'	AUTUMN BRILLIANCE APPLE SERVICEBERRY
8	<i>Cercis canadensis</i>	EASTERN REDBUD
10	<i>Cornus kousa</i> 'Miss Satomi'	MISS SATOMI KOUSA DOGWOOD
1	<i>Cornus kousa</i> X <i>C. florida</i> 'Eddies White Wonder®'	EDDIES WHITE WONDER® STELLAR SERIES DOGWOOD
5	<i>Thuja plicata</i>	WESTERN RED CEDAR
<b>Shrubs</b>		
2	<i>Acer palmatum</i> (Palmatum Group) 'Bloodgood'	BLOODGOOD JAPANESE MAPLE
20	<i>Choisya ternata</i>	MEXICAN ORANGE
2	<i>Cornus sanguinea</i> 'Winter Flame'	WINTER FLAME BLOODWING DOGWOOD
5	<i>Daphne odora</i>	WINTER DAPHNE
14	<i>Gaultheria shallon</i>	SALAL
3	<i>Lavandula angustifolia</i>	ENGLISH LAVENDER
24	<i>Lavandula angustifolia</i> 'Hidcote'	HIDCOTE ENGLISH LAVENDER
16	<i>Lavandula x Intermedia</i> 'Provence'	PROVENCE LAVENDER
23	<i>Mahonia aquifolium</i>	OREGON HOLLY GRAPE
8	<i>Nandina domestica</i> 'Plum Passion'	Heavenly Bamboo
23	<i>Rhododendron</i> 'Bole de Neige'	Rhodo
12	<i>Rhododendron</i> (subgenus <i>Azalea</i> ) 'Girard's Fuchsia'	GIRARD'S FUCHSIA AZALEA
11	<i>Ribes sanguineum</i>	Red flowering currant
22	<i>Rosa nutkana</i>	Nootka Rose
5	<i>Sarcococca hookeriana</i>	SWEET BOX
9	<i>Sarcococca ruscifolia</i>	FRAGRANT SWEET BOX
18	<i>Skimmia japonica</i>	JAPANESE SKIMMIA
59	<i>Vaccinium ovatum</i>	CALIFORNIAN HUCKLEBERRY
<b>Ornamental Grasses</b>		
8	<i>Calamagrostis x acutiflora</i> 'Karl Foerster'	KARL FOERSTER FEATHER REED GRASS
6	<i>Miscanthus sinensis</i>	MADEN GRASS
4	<i>Miscanthus sinensis</i> 'Gracillimus'	GRACILLIMUS MADEN GRASS
45	<i>Stipa tenuissima</i>	PONYTAIL GRASS
<b>Perennials and Annuals</b>		
20	<i>Helleborus orientalis</i>	LENTEN ROSE
10	<i>Iris sibirica</i> 'Caesar's Brother'	CAESAR'S BROTHER SIBERIAN IRIS
40	<i>Polystichum munitum</i>	Sword Fern
18	<i>Thymus serpyllum</i> 'Coccineus'	COCCINEUS WILD THYME
<b>Succulents</b>		
71	<i>Sedum spathulifolium</i> 'Cape Blanco'	CAPE BLANCO STONECROP
<b>Groundcovers</b>		
49	<i>Arctostaphylos uva-ursi</i>	MANZANITA
9	<i>Mahonia repens</i>	CREEPING BARBERRY

Landscape Planting Plan



North and South  
Building Elevations



East and West  
Building Elevations

**Schedule No. 3 – Arborist Letter**



MEMORANDUM

Date: November 24, 2020

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Project Name: 310 Hunt Rd Hotel – Tree Planting Species Review  
Site Address: 310 Hunt Rd Courtenay, BC V9N 5N2  
Client: Lyall Sargent  
Consulting Arborist: Shenae Borschneck

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Attention: Lyall Sargent – Sargent Construction Ltd.  
City of Courtenay

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Number of Pages 5

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Subject: Arborist Confirmation of Statement

**1.0 ASSIGNMENT**

Response to City comments in November 3, 2020 email (RE: 'Hunt Rd HIEX – Landscape Plan Updated).

'...the current proposed tree species—there is a statement in the submission that this tree will grow to 20 ft in 10 yrs. Staff require confirmation of this statement from and arborist.'

Note: the tree species in question is × *Cuprocyparis leylandii*.

**2.0 SUMMARY OF FINDINGS / RECOMMENDATIONS**

**Basic characteristics:** × *Cuprocyparis leylandii* is a large, dense, fast-growing, evergreen conifer with a columnar to pyramidal form. Often planted as a hedge or screen as it is tolerant of severe pruning and urban conditions. Under ideal conditions it may grow upwards of 30 m.

**Attributes:**

- Fast growth rate results in quick screening. Even on poor soils, has been known to grow approximately 1 m per year when young, reaching 15 m in 15 years.
- Tolerant of salts, atmospheric pollution and droughty, infertile soils.
- Tolerant of poor drainage for short periods.
- Tolerant of severe pruning.

**Considerations:**

- Relatively shallow rooting.
- Not particularly windfirm.
- Once desired size has been reached must be pruned regularly.

**To help ensure fast growth, the following is recommended:**

- Trees should be sourced from a reputable nursery.
- Trees should be planted in one continuous growing trench. Growing trench should be at least 900 mm deep.
- If soil compaction has occurred, recommend soil profile rebuilding prior to planting.
- Drip irrigation installed in the growing trench with emitters spread over entire root zone. Irrigation system should be monitored periodically to ensure adequate moisture levels.
- Prior to planting, trees should be inspected for damage, signs of girdling roots and structural defects.
- Trees should be installed with the root flare exposed.
- 0.75 mm thick layer of bark mulch installed to the trees' anticipated mature dripline. Mulch should not touch the stem of the tree.
- A complete, slow release fertilizer should be applied in early spring to help promote growth.
- Inspections completed by an ISA Certified Arborist to determine health and necessary adjustments to cultural practices. These inspections should occur quarterly for the first year.



MEMORANDUM

**APPENDIX A – ASSUMPTIONS AND LIMITING CONDITIONS OF THIS REPORT / ASSESSMENT**

It is the policy of Koome Urban Forestry Ltd. (KUF) to attach the following clauses regarding limitations. We do this to ensure that developers, owners, and approving officers are clearly aware of what is technically and professionally realistic in retaining trees.

This Assessment is based on the circumstances and observations as they existed at the time of the site inspection of the Client's Property and the tree(s) situated thereon by Koome Urban Forestry Ltd. and upon information provided by the Client to KUF. The opinions in this Assessment are given based on observations made and using generally accepted professional judgment, however, because trees and plants are living organisms and subject to change, damage and disease, the results, observations, recommendations, and analysis as set out in this Assessment are valid only as at the date any such testing, observations and analysis took place and no guarantee, warranty, representation or opinion is offered or made by KUF as to the length of the validity of the results, observations, recommendations and analysis contained within this Assessment.

As a result, the Client shall not rely upon this Assessment, save and except for representing the circumstances and observations, analysis and recommendations that were made as at the date of such inspections. It is recommended that the trees discussed in this Assessment should be re-assessed periodically. Only the subject tree(s) was inspected and no others.

**Restriction of Assessment**

Notwithstanding the recommendations and conclusions made in this Assessment, it must be realized that trees are living organisms, and their health and vigour constantly changes over time. They are not immune to changes in site conditions, or seasonal variations in the weather. The tendency of trees or parts of trees to fall due to environmental conditions and internal problems are unpredictable. Defects are often hidden within the tree or underground.

The Assessment carried out was restricted to the Property. No Assessment of any other trees or plants has been undertaken by KUF. Koome Urban Forestry Ltd. is not legally liable for any other trees or plants on the Property except those expressly discussed herein. The conclusions of this Assessment do not apply to any areas, trees, plants or any other property not covered or referenced in this Report. The conclusions of this Assessment does not imply or in any way infer that other trees on this site or near this site are sound and healthy.

While reasonable efforts have been made to ensure that the tree(s) recommended for retention are healthy, no guarantees are offered, or implied, that these trees, or all parts of them, will remain standing. It is both professionally and practically impossible to predict with absolute certainty the behavior of any single tree -- or group of trees --, or all their component parts, in all given circumstances. Inevitably, a standing tree will always pose some risk. Most trees have the potential for failure in the event of adverse weather conditions, and this risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be re-assessed periodically. In accordance with standard practice, the Assessment presented in this Report is valid at the time it was undertaken. It is not a guarantee of safety. It is the owner's responsibility to maintain the tree(s) and inspect the tree(s) to reasonable standards and to carry out recommendations for mitigation suggested in this Report.

**Professional Responsibility**

In carrying out this Assessment, Koome Urban Forestry Ltd. and any Assessor appointed for and on behalf of KUF to perform and carry out the Assessment has exercised a reasonable standard of care, skill and diligence as would be customarily and normally provided in carrying out this Assessment.

The Assessment of the tree(s) presented in this Report has been made using accepted arboricultural techniques. These include a visual examination of each tree for structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of insect attack, discoloured foliage, the



## MEMORANDUM

condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the current or planned proximity of property and people. Except where specifically noted in the Report, none of the trees examined were dissected, cored, probed, or climbed, and detailed root crown examinations involving excavation were not undertaken.

Without limiting the foregoing, no liability is assumed by Koome Urban Forestry Ltd. or its directors, officers, employers, contractors, agents or Assessors for:

- a) any legal description provided with respect to the Property;
- b) issues of title and or ownership respect to the Property;
- c) the accuracy of the Property line locations or boundaries with respect to the Property; and
- d) the accuracy of any other information provided to KUF by the Client or third parties;
- e) any consequential loss, injury or damages suffered by the Client or any third parties, including but not limited to replacement costs, loss of use, earnings and business interruption; and
- f) the unauthorized distribution of the Report.

The total monetary amount of all claims or causes of action the Client may have as against KUF, including but not limited to claims for negligence, negligent misrepresentation and breach of contract, shall be strictly limited solely to the total amount of fees paid by the Client to KUF.

Further, under no circumstance may any claims be initiated or commenced by the Client against Koome Urban Forestry Ltd. or any of its directors, officers, employees, contractors, agents or Assessors, in contract or in tort, more than 12 months after the date of this Assessment.

### **Assumptions**

The Client is hereby notified and does hereby acknowledge and agree that where any of the facts and information set out and referenced in this Assessment are based on assumptions, facts or information provided to KUF by the Client and/or third parties and unless otherwise set out within this Assessment, KUF will in no way be responsible for the veracity or accuracy of any such information.

Further, the Client acknowledges and agrees that KUF has, for the purposes of preparing their Report, assumed that the Property, which is the subject of this Assessment is in full compliance with all applicable federal, provincial, municipal and local statutes, regulations, by-laws, guidelines and other related laws. KUF explicitly denies any legal liability for any and all issues with respect to non-compliance with any of the above-referenced statutes, regulations, bylaws, guidelines and laws as it may pertain to or affect the Property to which this Assessment applies.

### **Third Party Liability**

This Report was prepared by Koome Urban Forestry Ltd. exclusively for the Client. The contents reflect KUF's best Assessment of the tree(s) and plant(s) situate on the Property in light of the information available to it at the time of preparation of this Assessment. Any use which a third party makes of this Assessment, or any reliance on or decisions made based upon this Assessment, are made at the sole risk of any such third parties. KUF accepts no responsibility for any damages or loss suffered by any third party or by the Client as a result of decisions made or actions based upon the use or reliance of this Assessment by any such party.

### **Further Services**

Notwithstanding the recommendations made in this Assessment, Koome Urban Forestry Ltd. accept no responsibility for the implementation of all or any part of this plan, unless we have specifically been requested to examine said implementation activities. Approval and implementation of this plan in no way implies any inspection or supervisory role on the part of Koome Urban Forestry Ltd. In the event that inspection or supervision of all or part of the implementation of the plan is requested, said request shall be in writing and the details agreed to in writing by both parties. Any on-site inspection or supervisory work undertaken by Koome Urban Forestry Ltd. shall be recorded in written form and submitted to the client as a matter of record.



## MEMORANDUM

Koome Urban Forestry Ltd. nor any of its representatives shall be required to give testimony, or to act as an expert witness or to attend court by reason of this Report unless the Client has first made specific arrangements with respect to such further services, including, without limitation, providing the payment of Koome Urban Forestry Ltd.'s regular hourly billing fees.

Koome Urban Forestry Ltd. nor any of its representatives shall be required to provide any further consultation or services to the Client, save and except as already carried out in the preparation of this Report unless the Client has first made specific arrangements with respect to such further services, including, without limitation, providing the payment of Koome Urban Forestry Ltd.'s regular hourly billing fees.

### **General**

Any plans and/or illustrations in this Assessment are included only to help the Client visualize the issues in this Assessment and shall not be relied upon for any other purpose.

KUF shall not be held responsible for the manner of use of the interpretations that other parties may attach to the report. This report is not to be re-printed, copied, published or distributed without prior approval by Koome Urban Forestry Ltd.

The Report shall be considered a whole, no sections are severable, and the Report shall be considered incomplete if any pages are missing.

This Report is best viewed in colour. Any copies printed in black and white may make some details difficult to properly understand. Koome Urban Forestry Ltd. accepts no liability for misunderstandings due to a black and white copy of the Report.

Sketches, drawings and photographs in this Report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural Report of surveys unless expressed otherwise. The reproduction of any information generated by architects, engineers, or other consultants on any sketches, drawings, or photographs is for the express purpose of co-ordination and ease of reference only. Inclusion of said information on any drawings or other documents does not constitute a representation by Koome Urban Forestry Ltd. as to the sufficiency or accuracy of said information.

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### **Publication**

The Client acknowledges and agrees that all intellectual property rights and title, including without limitation, all copyright in this Report shall remain solely with Koome Urban Forestry Ltd. Possession of this Report, or a copy thereof, does not entitle the Client or any third party to the right of publication or reproduction of the Report for any purpose save and except where KUF has given its prior written consent. This Report may not be used for any other project or any other purpose without the prior written consent of Koome Urban Forestry Ltd.

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MEMORANDUM

If you have any further questions or concerns regarding this report, please contact the undersigned at 778-885-6777.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Koome'.

Kelly Koome  
Consulting Arborist  
ISA Certified Arborist PN 5962A  
ISA Tree Risk Assessment Qualified  
Certified Wildlife Dangerous Tree Assessor, P2546



***Schedule No. 4 – Traffic Impact Study***

**The Traffic Impact Study can be found at the following link:**

<https://prospero.courtenay.ca/TempestLive/ourcity/Prospero/Details.aspx?folderNumber=RZ000042>

***Schedule No. 5 – Tree Assessment***

**The Tree Assessment can be found at the following link:**

<https://prospero.courtenay.ca/TempestLive/ourcity/Prospero/Details.aspx?folderNumber=RZ000042>

**Schedule No. 6  
Public Information Meeting Notice,  
Public Comments and  
Responses provided by the  
Applicant**



**ZONING AMENDMENT  
310/320 HUNT ROAD  
COURTENAY BC**

**Dear Owner / Occupant,**

This notice is to advise you of the development proposal intended for the property(s) located at 310 / 320 Hunt Road, Courtenay, BC and provide you an opportunity to ask questions or provide your comments regarding the development proposal.

**Project Type:**

Zoning Amendment

**Project Description:**

Zoning Amendment to rezone from a Land Use Contract (LUC) to a site specific Comprehensive Development Zone (CD Zone) for the development of a 93 unit hotel.

**Folder Number:**

RZ000042

**City of Courtenay Website:**

Relevant documents can be viewed on the City of Courtenay website:  
[www.courtenay.ca/devapptracker](http://www.courtenay.ca/devapptracker) (search by file number or address)

**Deadline for Comments or Questions:**

Please provide your comments or questions by **Friday May 22, 2020**

Comments can be submitted to the City of Courtenay by:

- Dropbox located at the front entrance of the City of Courtenay
- Mail – City of Courtenay, Planning Services Department, 830 Cliffe Avenue, Courtenay BC, V9N 2J7
- E-mail – [planning@courtenay.ca](mailto:planning@courtenay.ca)
- Fax – 250-334-4241

**Contact Information:**

Metropolitan Capital Partners Inc.  
Attn: Mr. Phil Leedham, CPA CMA  
[phil@metrocp.ca](mailto:phil@metrocp.ca)  
250-580-2636

---

355 Back Road  
Courtenay, BC  
V9N 3X1



To: Mayor and Council  
c/o City of Courtenay Planning Department

Sent by email: [planning@courtenay.ca](mailto:planning@courtenay.ca)

Re: File # RZ000042 Application for Rezoning at Hunt Road

---

Dear Mayor and Council,

As an owner of a single-family home located immediately adjacent to the proposed hotel, I am requesting that Mayor and Council require a robust landscape buffer to be located between the proposed commercial development and the adjacent residential properties as a condition of rezoning.

It is widely recognized that best practices for land use planning require new development to respect existing land uses in a neighbourhood. The subject application as proposed fails to meet such a minimum standard, given the lacking landscape design. Currently, only a single narrow strip of vegetation is proposed between the commercial development and the single-family homes located immediately adjacent.

Mayor and Council can require a more sensitive design in order to better fit the proposed development into our mixed-use neighbourhood. Sensitive design would include shifting the proposed development closer to Hunt Road and readjusting traffic circulation on the site to allow for an effective landscape buffer to be located between the proposed hotel and the adjacent single-family homes. Landscape screening should mirror the depth of the buffers proposed between the development and Ryan and Hunt Roads. Such a redesign would profoundly mitigate the negative impacts of the subject development on adjacent residential properties.

Mixed-use neighbourhoods can be effectively developed when impacts on surrounding properties are prioritized as a foundational element of good design. The quality of land use decisions that Council makes during its term will impact the character of our neighbourhood for decades to come. As such, I am respectfully requesting that the City of Courtenay require the subject commercial development to be sensitively designed in a manner that doesn't negatively impact the adjacent single-family homes.

Respectfully,



345 Back Road  
Courtenay, BC  
V9N 3X1  
(250) 703-2066

To: Mayor and Council  
c/o City of Courtenay Planning Department

Sent by email: [planning@courtenay.ca](mailto:planning@courtenay.ca)

Re: File # RZ000042 Application for Rezoning at Hunt Road

---

Dear Mayor and Council,

As an owner of a single-family home located immediately adjacent to the proposed hotel, I am requesting that Mayor and Council require a robust landscape buffer to be located between the proposed commercial development and the adjacent residential properties as a condition of rezoning.

It is widely recognized that best practices for land use planning require new development to respect existing land uses in a neighbourhood. The subject application as proposed fails to meet such a minimum standard, given the lacking landscape design. Currently, only a single narrow strip of vegetation is proposed between the commercial development and the single-family homes located immediately adjacent.

Mayor and Council can require a more sensitive design in order to better fit the proposed development into our mixed-use neighbourhood. Sensitive design would include shifting the proposed development closer to Hunt Road and readjusting traffic circulation on the site to allow for an effective landscape buffer to be located between the proposed hotel and the adjacent single-family homes. Landscape screening should mirror the depth of the buffers proposed between the development and Ryan and Hunt Roads. Such a redesign would profoundly mitigate the negative impacts of the subject development on adjacent residential properties.

Mixed-use neighbourhoods can be effectively developed when impacts on surrounding properties are prioritized as a foundational element of good design. The quality of land use decisions that Council makes during its term will impact the character of our neighbourhood for decades to come. As such, I am respectfully requesting that the City of Courtenay require the subject commercial development to be sensitively designed in a manner that doesn't negatively impact the adjacent single-family homes.

Respectfully,

April 27, 2020  
Courtney City Council  
830 Cliffe Ave  
RE: rezoning application, Folder#RZ000042

Members of Courtenay City Council,

We are writing to you this day in response to a zoning amendment currently being considered for the civic address of 310/320 Hunt Rd (and 336 Hunt even though it is not mentioned in the zoning amendment letter we received), Courtenay BC where an application has been put forward to amend the zones of these parcels of land to a CD Zone for the purposes of building a 93 unit hotel.

The floor plans and layout of the hotel in this rezoning application states they wish to build a 4 story, 16-meter-tall, structure. This explains why they are applying for a CD zone instead of working within the zones already available for hotel use, of which there are several to choose from.

The neighborhood in which this structure is being proposed shoulders two distinct areas, a mix of residential (R-1, R-2 and R-3 zones), and commercial businesses like Chances Casino and Superstore (Zones C4 and C-1A respectively). In this mix of buildings that already exist, the residential maximum building height is 8 meters, and the maximum commercial building height is 9.5 meters. It seems pretty obvious that a building of 16 meters in height is not in keeping with the other buildings in the neighborhood. It would not only create a large amount of traffic on a Hunt Rd, which many of the locals use for safety reasons (including us), it would block off views of some of the residents of the area and put an eyesore in its place. If a hotel were to be built at this location, a C-2 Zone would be more in keeping with the other buildings in the area and would restrict the height of the structure to 9.5 meters. This would still allow for a good-sized hotel to be built on the properties.

While we would love to see some development on this parcel of land, whatever gets built there needs to be in keeping with the buildings already in the neighborhood. Please take this letter as our formal opposition to this project as it stands.

With respect,

335 Back Road  
Courtenay, BC  
18 May 2020

City of Courtenay  
Planning services Department  
830 Cliffe Ave

Ref: zoning amedement 310/320 Hunt road

I live at 335 Back road and the proposed hotel would be directly behind my house. I have some concerns regarding this development.

The height of 4 stories would dominate the neighbourhood and destroy my view. It would also affect my privacy.

The curbside parking on Hunt road is generally full during the day. The hotel would elliminate this parking and there is no other parking nearby except for commercial business parking lots.

The traffic congestion would increase. Presently at certain times of the day, it is difficult to turn left onto Back road from Hunt road or any of the driveways from 335 to 365 Back road. The addition of more traffic will only make the situation worse. Traffic also routinely speeds up when turning right onto Back road from Ryan road.

**From:** [REDACTED]  
**Sent:** Monday, February 24, 2020 10:28 AM  
**To:** PlanningAlias  
**Subject:** Re: Hunt Road Hotel - Fantastic!

Glad to see this development being proposed. Hope it goes forward quickly. We need more hotels, industry, etc in this area to broaden our tax base. In addition, this will remove unsightly overgrown and unkept brush (which also needs to be removed on other side of Tunner road)





To: PlanningAlias

Subject: Proposed Hotel at Hunt and Ryan Roads

I am dismayed to see this rezoning application. Residents nearby do not need any more daylong cooking smells blown at us by the prevailing winds from the bay. It is bad enough with the Prime Restaurant. In the summer the smell of frying onions and steak forces us to shut windows just when we need fresh breezes. The casino kitchen also belches frying odours. Will this hotel perhaps be serving breakfast only? The smell of bacon frying makes a vegetarian want to puke! How many storeys are proposed? This land is a swamp anyway so I cannot imagine how they intend to build on it without very deep and expensive pilings. It will be a very noisy place to try to sleep.

So, for what it's worth, I oppose this application!



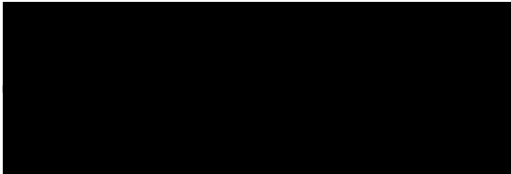
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**Applicant’s Letter of Response to Public Comments**

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From: Metropolitan Capital Partners Inc.  
132-328 Wale Road  
Victoria, BC V9B 0J8

Re: Public Response to Zoning Amendment – 310 / 320 Hunt Rd, Courtenay, BC



delivered via e-mail

Thank you for taking the time to provide your comments with respect to our request for public input in the matter of our application for zoning amendment for the three properties located at 310 / 320 Hunt Rd, Courtenay BC.

Metropolitan Capital is committed to providing sustainable and quality developments, which complement the community, provide employment opportunities, and meet the planning criteria for the communities we operate in. We have received and read through the comments provided by the public, both in full support and constructive feedback, and are providing this letter to address the concerns raised.

Our application is to amend the zoning on the properties from ‘Land Use’ zoning to a comprehensive design zoning that will allow for the proposed 93 unit limited service hotel. We note the current ‘Land Use’ zoning is an antiquated zoning, mandated to be eliminated by the municipalities province wide.

The following items are the concerns expressed by you and your neighbors, followed by our actions taken to address those concerns:

- **Landscape buffer between proposed development and adjacent single family homes.**

We have restructured the parking area to include a wider buffer that includes coniferous hedges, large deciduous trees, as well as other ground planting. The attachment provided shows a mock-up of the new wider buffer. It will include fast growing coniferous hedges which will quickly reach 20-30 feet. Other landscaping features will include fencing between the property and the adjacent single family homes to ensure the privacy of our neighbors is respected.

- **Height of the building blocking views and not keeping with height of surrounding properties.**

While the view from certain properties will be effected, the wide buffer being provided will alleviate the adjacent single family homes from the view of the building and provide a green

landscape on the property. The height of the building will not change, as both the city and the general public have expressed the need for infill development in the general area and on this site specifically. The proposed development and height is consistent with the commercial use in the immediate area.

- **Concerns regarding the higher volume of traffic.**


The development will include upgrades to Tunner Road, sidewalks and right turn in and out of the property. A traffic study has commenced to ensure we address traffic flow in and out of the property and address the impact of increased traffic to the surrounding community. We are ensuring the parking provided on site will be adequate to service the needs of the Hotel without any impact on the adjacent neighborhood.

- **Concerns with regard to cooking smells**

Our proposal is for a limited service Hotel. There will not be a full service restaurant on the property. The Hotel will include a breakfast bar, which provides breakfast items that come pre-packaged and prepared such as single serving yogurt, single serving cereal, bagels, muffins, tea and coffee, etc. The breakfast bar does not produce the odors that might be associated with a full service restaurant, and there is no external ventilation that would emit cooking odors.

The above items comprise the concerns raised by you and your neighbors. We hope our effort to address your concerns will result in your support for our proposed development, which will allow us to create a high quality property, which will create long-term employment and support economic growth in your community.

Warm regards,



Phil Leedham  
VP Real Estate  
Metropolitan Capital Partners Inc.  
250-580-2636

Schedule No. 7- 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](mailto: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:*

- provides substantial benefits to the City;*
- will not negatively impact on the City's infrastructure, neighborhood or environment;*
- new development that supports destination uses such as the downtown, Riverway Corridor or a Comprehensive Planned Community;*
- 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:** 310, 320, 336 Hunt Road **Date:** Dec

**Applicant:** Lovick Scott Architects Ltd. **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;	N/A
b) Balances the scale and massing of buildings in relation to adjoining properties;	Balances buildings across the street
c) Complements neighboring uses and site topography;	Compliments buildings across the street
d) Provides or supports mixed used developments or neighborhoods;	The hotel adds additional hospitality & employment to the area.
e) Promotes walking to daily activities and recreational opportunities;	A pool is included
f) Supports a range of incomes;	Hospitality employment, yes.
g) Is a positive impact on views and scenery;	Yes
h) Preserves and provides greenspace, trails and landscaping;	N/A

<b>Building Design. The application:</b>	<b>Description of how the criteria are met</b>
a) Exhibits high standard of design, landscaping and environmental sensitivity;	Long lasting hardi-panel & native landscaping.
b) Maintains a high standard of quality and appearance;	Long lasting hardi-panel
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;	Articulation & colour blocking with exterior cladding
d) Avoids creating a strip development appearance;	Yes
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;	Yes
g) Builds and improves pedestrian amenities;	Yes
h) Provides underground parking;	N/A
i) Applies CPTED (Crime Prevention Through Environmental Design) principles;	Yes
<b>Transportation. The application:</b>	<b>Description of how the criteria are met</b>
a) Integrates into public transit and closeness to major destinations;	N/A
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;	N/A
<b>Infrastructure. The application:</b>	<b>Description of how the criteria are met</b>
a) Includes stormwater techniques that are designed to reduce run-off, improve groundwater exchange and increase on-site retention;	Yes
b) Utilizes renewable energy sources (i.e. solar, geothermal) within servable area to City standards;	N/A

<b>Character &amp; Identity. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Provides a positive image along waterfront areas and fronting road;	Long lasting hardi-panel does not weather
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;	Open to front street face.
<b>Environmental Protection &amp; Enhancement. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
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.	Yes

**Schedule No. 8 – Economic Impact Overview**



August 7, 2020

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

**Re: Community Amenity – Economic Impact for Proposed 93 Room Holiday Inn Express, Ryan & Hunt Road Courtenay, BC**

Attention: Mayor & Council

We feel it is important to offer information on the financial merits of our proposed Holiday Inn Express hotel in your community. Below is an outline of the direct, indirect, and induced impact of hotel development.

The hotel's direct impact to the City of Courtenay is measurable by Development Cost Charge of approximately \$246,000. The hotel will contribute commercial property taxes on an annual basis of approximately \$245,000 per year. Commercial mill rates are typically three times those generated from residential development. Over a 10 year period this will equate to approximately \$2,700,000 in additional tax revenue, or approximately 1.8 million more than would be generated from residential development on the property.

We wish to highlight what the proposed hotel will contribute to the economic fabric of Courtenay. The hotel will provide approximately 36 long term jobs, and \$16 million in annual direct and indirect economic impact stimulus from visitor spending. During construction the hotel will provide 117 direct and indirect jobs, and contribute \$19 million in direct, indirect and induced spending.

IHG, and the Holiday Inn Express franchise offer a strong and well recognized hotel brand for Courtenay. IHG provides international exposure. They have over 5,000 hotels within their franchise system, and over 100 million members in their loyalty program. Their marketing systems provide a venue to attract visitors and future residents to Courtenay and the Comox Valley. We feel the combination of the Holiday Inn Express Brand, our Vancouver Island ownership with strong local management will benefit the community. We look forward to becoming contributing member of the community.

**Direct Impact**

Direct impact includes all projected revenues that will be generated from consumers at the new hotel. This will include all rooms' revenues, food and beverage revenues as well as other potential revenue sources from hotel operations. Direct impact also includes total payroll paid out to employees hired at the hotel as well as all payrolls paid out to temporary construction workers who construct the hotel.



**Fiscal Impact**

Fiscal impact refers to all federal, provincial and municipal taxes that will be collected from the development and operations of the new hotel. Taxes include all sales taxes collected in association with the hotel generated revenues, as well as all payroll related taxes collected from full-time hotel employees and temporary construction workers. Municipal government’s property taxes from the operation of the hotel and MDRT taxes collected for local marketing initiatives.

**Indirect Impact**

In addition to local governments and hotel owners/employees, contractors and suppliers to a newly developed hotel will also benefit. Indirect impact includes all jobs and income generated by businesses that supply goods and services to the hotel. Examples of businesses that will indirectly benefit from the development of a hotel include local food and beverage restaurants and suppliers, companies supplying room’s related goods and services, (housekeeping supplies, room amenities, etc.), telecommunication vendors (internet, cable, etc.), and utility companies.

**Induced Impact**

Induced impact refers to economic effects generated when employees (full-time and temporary) and suppliers re-spend their wages on local consumer purchases. For example, an employee may purchase gas for their car on their way home from work.

The direct and fiscal impacts have been calculated as part of our overall development plans. The basis of our indirect and induced impact was referenced from an Economic Impact Study for a proposed hotel in Kelowna, BC that was published in 2010.



The Economic Impacts for the construction and annual operations of the proposed hotel are illustrated in the following table

**Construction**

<b>Total Impacts</b>	<b>Employment Jobs</b>	<b>Employment FTE's</b>	<b>Wages (\$Millions)</b>	<b>GDP (\$Millions)</b>	<b>Output (\$Millions)</b>
Direct	77	58	2.6	3.5	12.5
Indirect	58	44	1.2	3.1	5.2
Induced	21	15	0.7	1.0	1.9
<b>Total</b>	<b>156</b>	<b>117</b>	<b>4.5</b>	<b>7.6</b>	<b>19.6</b>

**Operations (Annual)**

<b>Total Impacts</b>	<b>Employment Jobs</b>	<b>Employment FTE's</b>	<b>Wages (\$Millions)</b>	<b>GDP (\$Millions)</b>	<b>Output (\$Millions)</b>
Direct	36	28	0.9	10.4	1.9
Indirect	9	6	0.2	4.7	0.8
Induced	3	3	0.1	1.7	0.4
<b>Total</b>	<b>48</b>	<b>37</b>	<b>1.2</b>	<b>16.8</b>	<b>3.1</b>



In closing, we regard this site as the perfect location for the proposed hotel development: We believe the development of the hotel will benefit and enhance the immediate community by providing a well-designed and well run hotel to the area, while serving the greater good of providing a very significant economic stimulus to the City.

Please contact me if you have any questions at 250 893 1121 or wish any clarification.

Sincerely,

Len Wansbrough, CPA, CGA  
Principal  
Metropolitan Hospitality Management  
Ryan Road Hospitality Group



**Attachment A**

**Part 58 – Comprehensive Development Thirty One Zone (CD-31)  
(310 Hunt Road)**

**8.58.1 Intent**

The CD-31 Zone is intended to accommodate a Hotel on the property legally described as Lot A, Section 14, Comox District, Plan EPP101533. The property shall be developed substantially in accordance with Schedules A and B which form part of this zone.

**8.58.2 Permitted Uses**

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

1. *Hotel*

**8.58.3 Minimum Lot Size**

A lot shall have an area of not less than 7320m<sup>2</sup>.

**8.58.4 Floor Area Ratio**

The maximum floor area ratio shall not exceed 0.75

**8.58.5 Lot Coverage**

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

**8.58.6 Setbacks**

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

- (1) *Front Yard* (interpreted as the yard adjacent to the south property line): 45.0m
- (2) *Rear Yard* (interpreted as the yard adjacent to the north property line): 15.0m
- (3) *Side Yard* (interpreted as the yard adjacent to the west property line): 5.0m
- (4) *Side Yard* (interpreted as the yard adjacent to the east property line): 14.98m

### **8.58.7 Height of Buildings**

Maximum *building height* shall be 15.0m and in accordance with Schedule B and includes rooftop parapets, elevator and roof top mechanical systems.

### **8.58.8 Accessory Structures**

Shall not be permitted except for waste and recycling facilities and exterior bicycle storage areas.

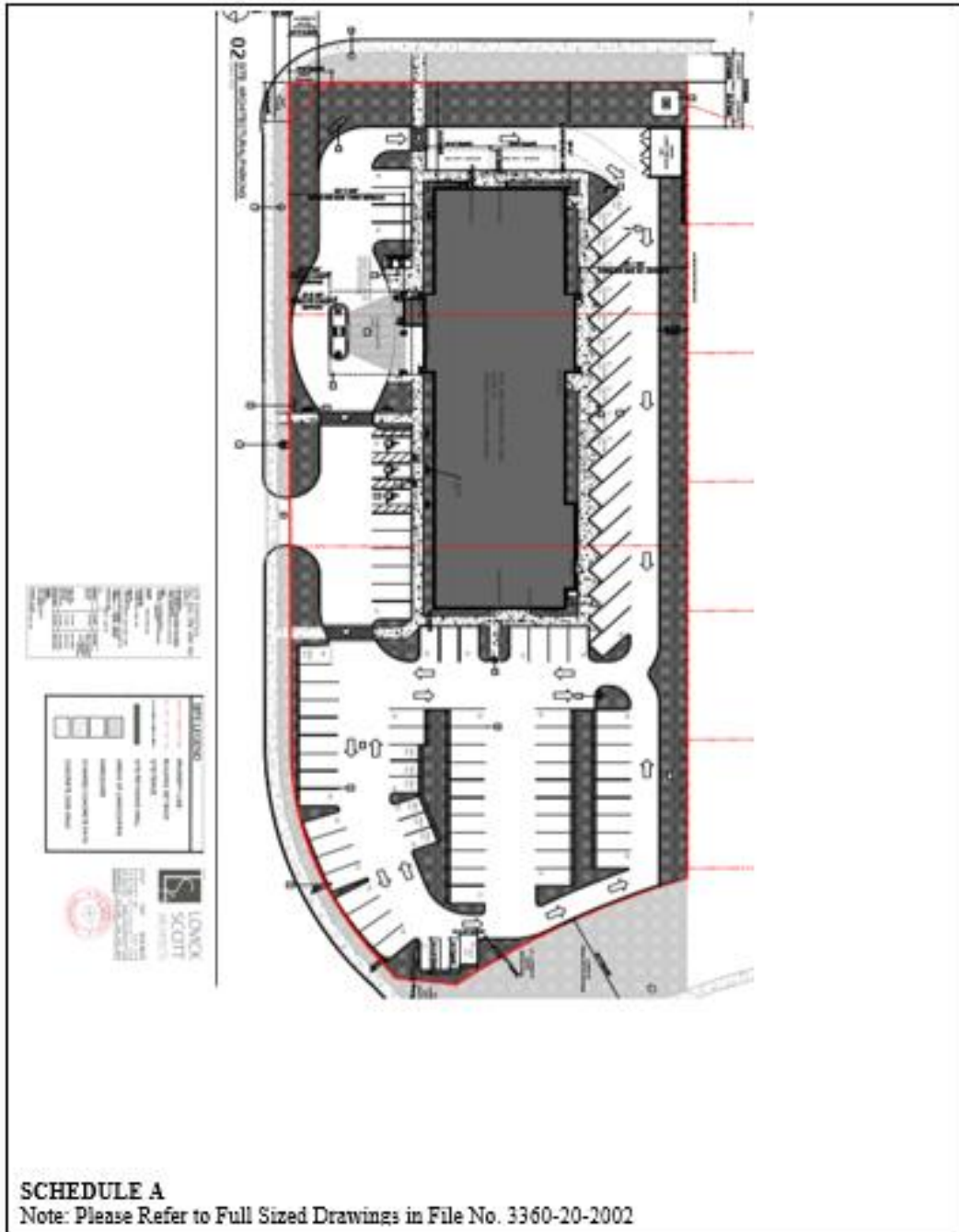
### **8.58.9 Off-Street Parking and Loading**

*Off-street* parking, small car parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of *Zoning Bylaw No. 2500*.

### **8.58.10 Landscaping and Screening**

- (1) A landscape area of at least 7.0m in width extending along Ryan Road shall be provided.
- (2) A landscape area of at least 3.5m in width extending along the eastern property line shall be provided.
- (3) A landscape area of at least 0m to 6.0m in width extending along Hunt Road shall be provided.
- (4) A landscape area of at least 0 to 3.5m in width extending along Tunner Drive shall be provided.
- (5) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2.0m by a landscaping screen or solid decorative *fence* or combination thereof.











### Attachment B



Subject Property Map

**From:** John Wilson  
**Sent:** Tuesday, January 26, 2021 11:57 AM  
**Subject:** Meeting Request - Island Bus Service in Jeopardy

Mayor Wells,

It is with great urgency that I write to you today seeking your support for a short-term emergency COVID recovery contract with the Province of BC and its Ministry of Transportation to continue our essential service until ridership is restored.

Intercity bus service provides the same essential service as public transit. It takes people to medical appointments, essential work, school, childcare and to get their prescriptions and groceries. It is particularly critical for those with low income and in remote communities.

On Vancouver Island, twenty-nine communities and twenty-one First Nations and First Nations organizations are served with intercity busing by Vancouver Island Connector and Tofino Bus. In 2019 we provided 82,500 trips. Your community is among those we serve.

Due to COVID 19 work and travel restrictions, revenue on these routes has been down 95% since March 2020. Tofino Bus has no more financial reserves, it has received all available government subsidies and grants and will be forced to close this service within the next four months if it does not have a source of revenue to operate them. With that many riders who rely on our services will have no other options to transport themselves.

**The Solution:**

To avoid the disruption, cost and public safety risk created by cancelling intercity busing on Vancouver Island, we have requested from Transportation Minister Rob Fleming a short-term emergency COVID recovery contract to continue this essential service until ridership is restored.

This solution will prevent a gap in service for these communities, it will avoid government having to take on the cost of intercity busing on the island and it will ensure Tofino Bus is still around to serve these communities during economic recovery from COVID 19.

We would like to request some of your time to join myself and some members of our management team on a brief phone call so we can explain our proposal and ask for your support.

invitation

Yours Truly,  
John M Wilson  
President & Chief Executive Officer  
The Wilson's Group of Companies  
Victoria, BC, Canada  
Direct 250-940-0275 / Toll Free 1-800-567-3288







## Attachment A

### Part 58 – Comprehensive Development Thirty One Zone (CD-31) (310 Hunt Road)

#### 8.58.1 Intent

The CD-31 Zone is intended to accommodate a Hotel on the property legally described as Lot A, Section 14, Comox District, Plan EPP101533. The property shall be developed substantially in accordance with Schedules A and B which form part of this zone.

#### 8.58.2 Permitted Uses

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

1. *Hotel*

#### 8.58.3 Minimum Lot Size

A *lot* shall have an area of not less than 7320m<sup>2</sup>.

#### 8.58.4 Floor Area Ratio

The maximum floor area ratio shall not exceed 0.75

#### 8.58.5 Lot Coverage

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

#### 8.58.6 Setbacks

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

- (1) *Front Yard* (interpreted as the yard adjacent to the south property line): 45.0m
- (2) *Rear Yard* (interpreted as the yard adjacent to the north property line): 15.0m
- (3) *Side Yard* (interpreted as the yard adjacent to the west property line): 5.0m
- (4) *Side Yard* (interpreted as the yard adjacent to the east property line): 14.98m

### **8.58.7 Height of Buildings**

Maximum *building height* shall be 15.0m and in accordance with Schedule B and includes rooftop parapets, elevator and roof top mechanical systems.

### **8.58.8 Accessory Structures**

Shall not be permitted except for waste and recycling facilities and exterior bicycle storage areas.

### **8.58.9 Off-Street Parking and Loading**

Off-*street* parking, small car parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of *Zoning Bylaw No. 2500*.

### **8.58.10 Landscaping and Screening**

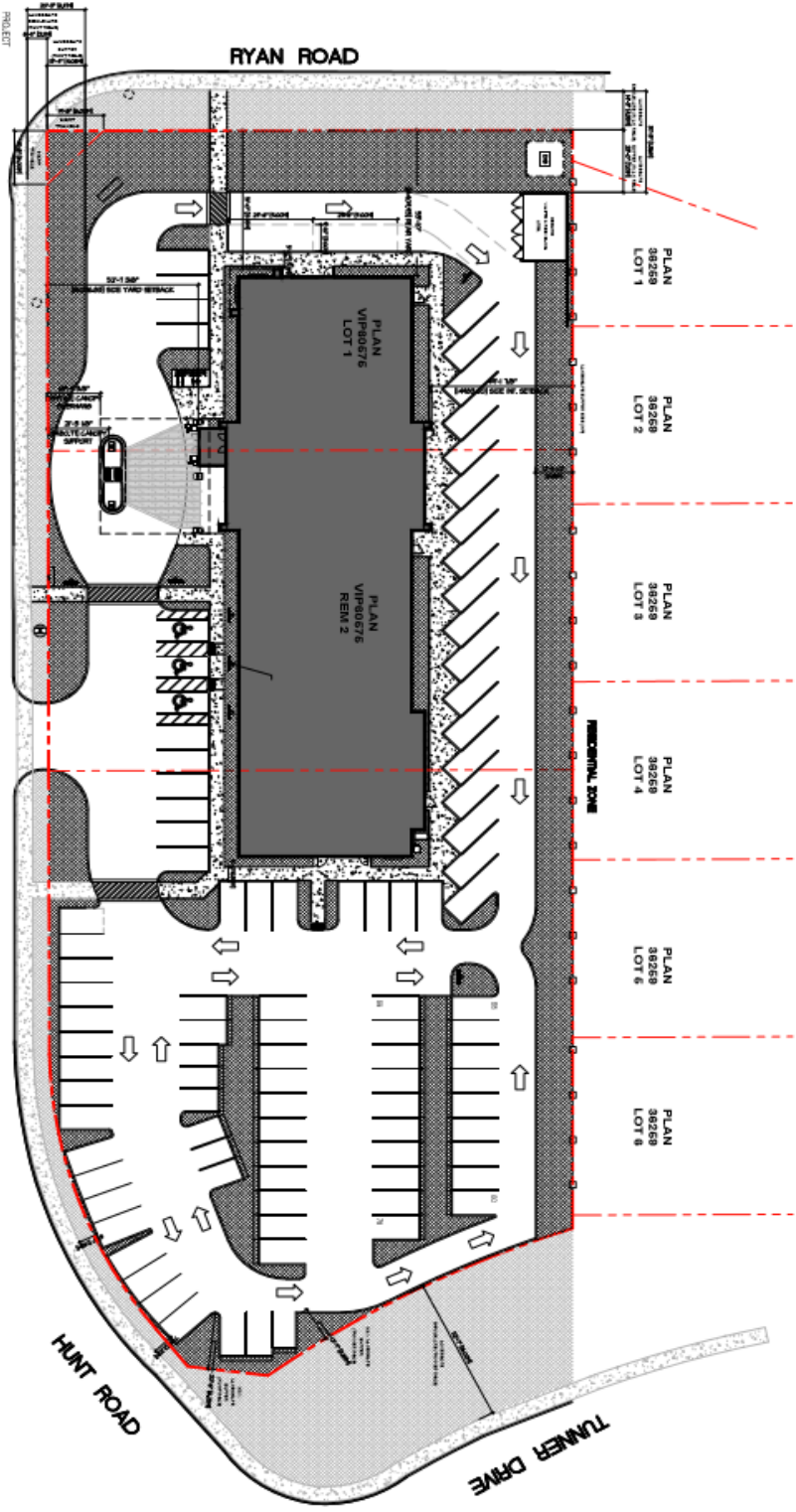
- (1) A landscape area of at least 7.0m in width extending along Ryan Road shall be provided.
- (2) A landscape area of at least 3.5m in width extending along the eastern property line shall be provided.
- (3) A landscape area of at least 0m to 6.0m in width extending along Hunt Road shall be provided.
- (4) A landscape area of at least 0 to 3.5m in width extending along Tunner Drive shall be provided.
- (5) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2.0m by a landscaping screen or solid decorative *fence* or combination thereof.

# Attachment A

SYMBOL	DESCRIPTION
[Symbol]	PROPERTY LINE
[Symbol]	BUILDING SETBACK
[Symbol]	STREET FRONTAGE
[Symbol]	STREET FRONTAGE ONLY
[Symbol]	AREA OF LANDSCAPING
[Symbol]	PAVEMENT
[Symbol]	SHARED CONCRETE PATH
[Symbol]	CONCRETE SIDE WALK

SYMBOL	DESCRIPTION
[Symbol]	PROPERTY LINE
[Symbol]	BUILDING SETBACK
[Symbol]	STREET FRONTAGE
[Symbol]	STREET FRONTAGE ONLY
[Symbol]	AREA OF LANDSCAPING
[Symbol]	PAVEMENT
[Symbol]	SHARED CONCRETE PATH
[Symbol]	CONCRETE SIDE WALK

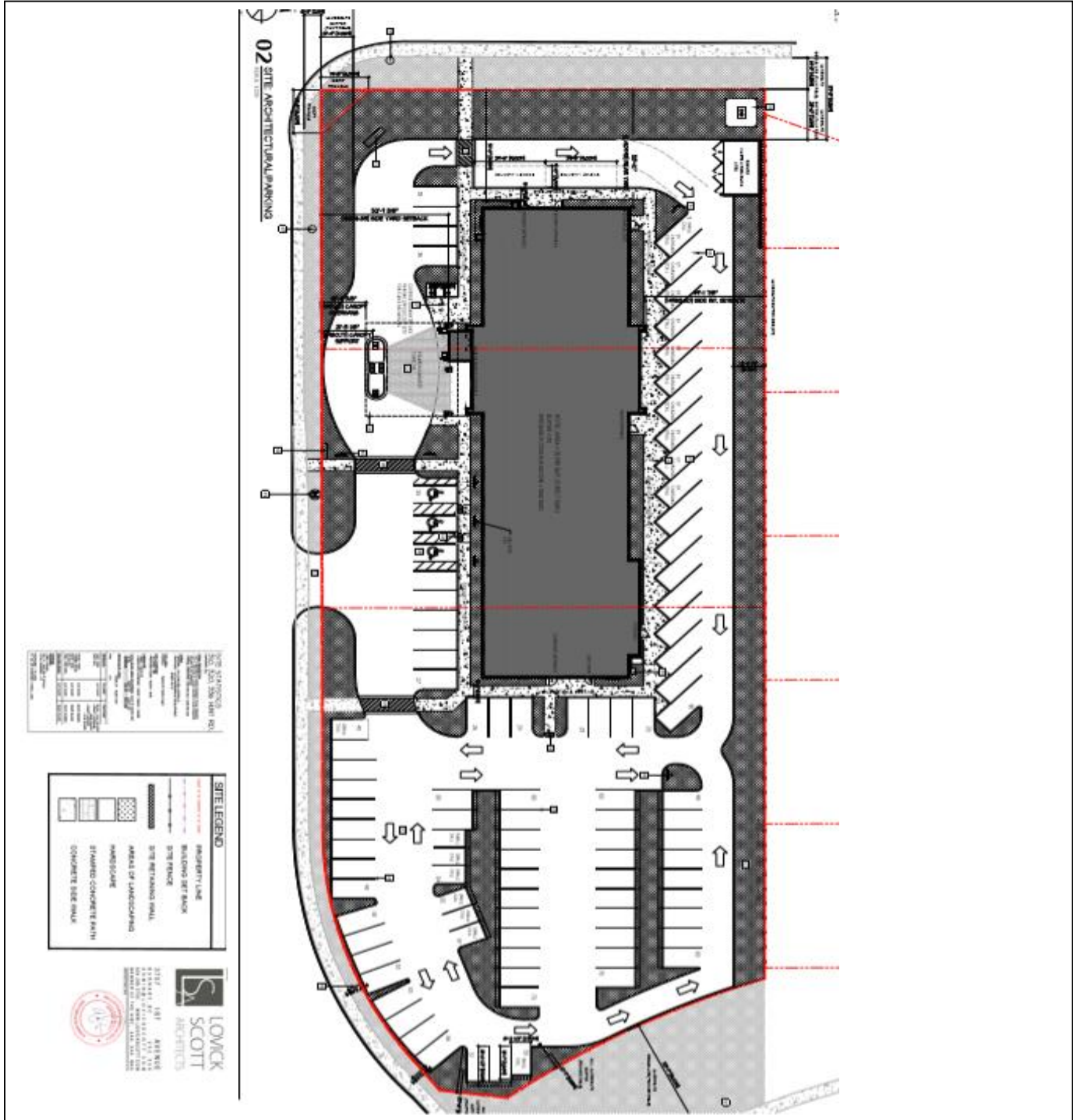

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 www.lowckscott.com



## SCHEDULE A

Note: Please Refer to Full Sized Drawings in File No. 3360-20-2002  
 Page 200 of 204





**SCHEDULE A**

Note: Please Refer to Full Sized Drawings in File No. 3360-20-2002



**SCHEDULE B**

Note: Please Refer to Full Sized Drawings in File No. 3360-20-2002



**SCHEDULE B**

Note: Please Refer to Full Sized Drawings in File No. 3360-20-2002

# Attachment B



Subject Property Map