OPERATIONS COMMITTEE AGENDA

Tuesday, May 26, 2020, 9:30 a.m.
https://www.youtube.com/user/SD46Schools

1. Call to Order - 9:30 a.m.

2. District Facilities (3.e) - 9:30 a.m.

3. Five-Year Capital Plan - 9:50 a.m.

4. Annual Facilities Grant (AFG) Plan - 10:10 a.m.

5. Regulations for Review - 10:25 a.m.
   a. 3090 - Food in Schools

6. Local Government OCP and Zoning Referrals (standing item) - 10:35 a.m.
   a. Development Application Referral - Sunshine Coast Community Services (District of Sechelt)  
   b. Development Application Referral - Westcor (District of Sechelt)  
   c. Trellis-Silverstone Rezoning (District of Sechelt)  
   d. Cannabis Retail Policy (Town of Gibsons)  
   e. Referral 1037 Venture Way (Town of Gibsons)  
   f. Secondary Suites (Town of Gibsons)  
   g. Short-Term Rental Bylaws (Town of Gibsons)

7. Adjourn - 11:00 a.m.
Custodial staff are ensuring general daily disinfection, with high touch points being done twice daily during the COVID-19 crisis.

- Fire alarm panel replaced at Chatelech Secondary early in the new year.
- Fields have been fertilized, aerated, top dressed and are being reseeded.
- Pea gravel removed from playground at Kinnikinnick Elementary and replaced with accessible, engineered wood fibre.
- School Board Office flooring, staff room and boardroom renovations completed.
- Sechelt Learning Centre gym furnace replaced with high efficiency, condensing air handling unit.
- Elphinstone and Chatelech Secondary Schools received new dust collection systems through School Enhancement Program (SEP)
- Playground at Roberts Creek Elementary being replaced through Playground Enhancement Program (PEP)
- Sunshine Building renovation nearing completion. Ventilation ducting was added to improve air distribution throughout the building. Both student washrooms gutted and redone. We replaced a significant amount of classroom and hall flooring. Laminate was added to the lower 4 feet of common area walls. New wall coverings and paint throughout. A filtered water bottle filler and drinking fountain was added to the foyer.
- Installation of 100 kW PV solar at Gibsons Elementary School at 95% completion.
- Upcoming this summer are 2 minor capital projects. Kinnikinnick HVAC changeover to heat pumps and the addition of solar. Halfmoon Bay, new ventilation units in the original wing, and the addition of solar.
- Interior renovation of Halfmoon Bay scheduled for the fall.

## Ministry of Education

### Capital Plan 2021/22 Request Summary

<table>
<thead>
<tr>
<th>School District Number</th>
<th>School District Name</th>
<th>Board Approved Long-Range Facilities Plan Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>46</td>
<td>Sunshine Coast</td>
<td>Thursday, September 1, 2016</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Program Name</th>
<th>Project Priority</th>
<th>Facility or Project Name</th>
<th>Project Description or Type</th>
<th>Total/Estimated Project Cost</th>
<th>SD #</th>
<th>SD Name</th>
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<tbody>
<tr>
<td>Addition</td>
<td>1</td>
<td>Gibsons Elementary</td>
<td>4 classroom addition</td>
<td>$3,955,000.00</td>
<td>46</td>
<td>Sunshine Coast</td>
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<tr>
<td>Seismic</td>
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<td>Sunshine Building</td>
<td>Seismic upgrade</td>
<td>$2,100,000.00</td>
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<td>Sunshine Coast</td>
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<tr>
<td>SEP</td>
<td>1</td>
<td>Pender Harbour Secondary</td>
<td>HVAC</td>
<td>$500,000.00</td>
<td>46</td>
<td>Sunshine Coast</td>
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<tr>
<td>SEP</td>
<td>2</td>
<td>Kinnikinnick Elementary</td>
<td>Interior Construction</td>
<td>$600,000.00</td>
<td>46</td>
<td>Sunshine Coast</td>
</tr>
<tr>
<td>SEP</td>
<td>3</td>
<td>Elphinstone Secondary</td>
<td>Interior Construction</td>
<td>$200,000.00</td>
<td>46</td>
<td>Sunshine Coast</td>
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<tr>
<td>SEP</td>
<td>4</td>
<td>Various</td>
<td>Interior Construction</td>
<td>$150,000.00</td>
<td>46</td>
<td>Sunshine Coast</td>
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<tr>
<td>SEP</td>
<td>5</td>
<td>Elphinstone Secondary</td>
<td>Roofing</td>
<td>$250,000.00</td>
<td>46</td>
<td>Sunshine Coast</td>
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<tr>
<td>CNCP</td>
<td>1</td>
<td>Chatelech Secondary</td>
<td>Energy Systems</td>
<td>$550,000.00</td>
<td>46</td>
<td>Sunshine Coast</td>
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<tr>
<td>CNCP</td>
<td>2</td>
<td>Elphinstone Secondary</td>
<td>Energy Systems</td>
<td>$550,000.00</td>
<td>46</td>
<td>Sunshine Coast</td>
</tr>
<tr>
<td>CNCP</td>
<td>3</td>
<td>Elphinstone Secondary</td>
<td>Lighting upgrade (LED) - Efficiencies</td>
<td>$300,000.00</td>
<td>46</td>
<td>Sunshine Coast</td>
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<tr>
<td>CNCP</td>
<td>4</td>
<td>Langdale Elementary</td>
<td>Lighting upgrade (LED) - Efficiencies</td>
<td>$75,000.00</td>
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<td>Sunshine Coast</td>
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<td>Lighting upgrade (LED) - Efficiencies</td>
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<td>46</td>
<td>Sunshine Coast</td>
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<tr>
<td>PEP</td>
<td>1</td>
<td>Halfmoon Bay Elementary</td>
<td>Universally Accessible Playground Equipment</td>
<td>46</td>
<td>Sunshine Coast</td>
<td></td>
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<tr>
<td>PEP</td>
<td>2</td>
<td>Davis Bay Elementary</td>
<td>Universally Accessible Playground Equipment</td>
<td>46</td>
<td>Sunshine Coast</td>
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<td>PEP</td>
<td>3</td>
<td>Langdale Elementary</td>
<td>Universally Accessible Playground Equipment</td>
<td>46</td>
<td>Sunshine Coast</td>
<td></td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$9,580,000.00</strong></td>
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### Annual Facilities Grant (AFG) - 2020/21

<table>
<thead>
<tr>
<th>Projects</th>
<th>Location</th>
<th>Budget</th>
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<tbody>
<tr>
<td>Roofing</td>
<td>TBD</td>
<td>$200,000</td>
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<tr>
<td>HVAC (GES Heat Pump Repair)</td>
<td>Gibsons Elementary</td>
<td>$35,000</td>
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<tr>
<td>ESS track repaint</td>
<td>Elphinstone Secondary</td>
<td>$25,000</td>
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<tr>
<td>SLC gym exterior envelope (paint)</td>
<td>Sechelt Learning Centre</td>
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<tr>
<td>Playground equipment repairs</td>
<td>Various</td>
<td>$30,000</td>
</tr>
<tr>
<td>Field upgrades</td>
<td>Various</td>
<td>$60,000</td>
</tr>
<tr>
<td>Gym floor recoating</td>
<td>Various</td>
<td>$30,000</td>
</tr>
<tr>
<td>KES geotech perimeter drainage</td>
<td>Kinnikinnick Elementary</td>
<td>$10,000</td>
</tr>
<tr>
<td>KES perimeter drainage repairs</td>
<td>Kinnikinnick Elementary</td>
<td>$60,000</td>
</tr>
<tr>
<td>Interior reno (Halfmoon Bay Elementary &amp; Sechelt Learning Centre)</td>
<td>Various</td>
<td>$140,000</td>
</tr>
<tr>
<td>Power factor correction</td>
<td>Davis Bay Elementary</td>
<td>$8,000</td>
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<tr>
<td>Lighting consultant (50% BC Hydro funded)</td>
<td>Langdale, Elphinstone, Chatelech</td>
<td>$13,000</td>
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<tr>
<td>Solar top up KES</td>
<td>Kinnikinnick Elementary</td>
<td>$100,000</td>
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<tr>
<td>Portable demolition</td>
<td>Roberts Creek Elementary</td>
<td>$35,000</td>
</tr>
<tr>
<td>Safety upgrades</td>
<td>Various</td>
<td>$10,000</td>
</tr>
<tr>
<td>Staffing (Halfmoon Bay Elementary &amp; Sechelt Learning Centre)</td>
<td>Various</td>
<td>$163,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$949,000</strong></td>
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</table>
I. Rationale

The Board of Education of School District No. 46 (Sunshine Coast) acknowledges that eating well is linked to good health, and that healthy children are better able to learn. Promoting students’ health is a shared responsibility with parents/guardians, the health sector and the community. A key component of a healthier school environment is the provision of good nutritional choices amongst the items sold or promoted through the school. The Guidelines for Food and Beverage Sales in B.C. Schools define the minimum nutrition standard that schools are required to apply to all food and beverage items sold to students.

II. Practices

A. Regulation

1. School personnel will create a safe, supervised, pleasant and positive eating environment, including adequate time and space to eat, and by trusting students to eat according to their appetite.

2. School personnel, school community partners and volunteers will model healthy behaviours and attitudes around food at school and during school sponsored and endorsed activities or events. (E.g. Using positive messages such as: “eating a variety of foods gives you energy to play and think” rather than “x food is not healthy.”)

3. Any foods sold to students in school cafeterias, vending machines, fundraising events and school or school district special events shall be chosen based on the Guidelines for Food and Beverage Sales in BC Schools. Due consideration shall also be given to life-threatening allergies (see Administrative Regulation - Anaphylaxis).

4. Parent Advisory Councils, lunch program volunteers and other parent volunteers who give food or sell food to students through a Parent Advisory Council Program or at a parent sponsored event are encouraged to consider the nutritional value of the foods being served, based on the Guidelines for Food and Beverage Sales in BC Schools.
5. While all members of the school community have a role to play in supporting a healthy food environment, it is the responsibility of each Principal to implement measures to support students to make healthy food choices for themselves, their communities and the environment.

B. Guidelines

1. Vending machines will be stocked with pure fruit juices, water and milk products, as per the Guidelines for Food and Beverage Sales in BC Schools.

2. Parent Advisory Councils, staff and students must be consulted prior to vending machines being installed in schools. Present vending machines are grandfathered.

3. Vending machine contracts must be approved by the Superintendent or designate.

4. Schools will consider the Food and Beverage Guidelines when choosing food as a celebration with students.

5. Food based fund raising activities will be reflective of the Food and Beverage Guidelines.

6. Principals will review food services for students with the school’s Parent Advisory Council.

7. Schools will ensure that all food and beverages sold or distributed in schools will support the nutrition education curriculum.
8. Choices from the “chose most” list must be provided wherever food or beverages are sold in schools.

9. Pricing should encourage the selection of healthy food and beverage choices.

Received:
References: Board Policy 11.6; Ministry of Education: Guidelines for Food and Beverage Sales in BC School
I. Rationale

The Board of Education of School District No. 46 (Sunshine Coast) acknowledges that eating well is linked to good health, and that healthy children are better able to learn. Promoting students’ health is a shared responsibility with parents/guardians, the health sector and the community. A key component of a healthier school environment is the provision of good nutritional choices amongst the items sold or promoted through the school. The Guidelines for Food and Beverage Sales in B.C. Schools define the minimum nutrition standard that schools are required to apply to all food and beverage items sold to students.

II. Practices

A. Regulation

1. School personnel will create a safe, supervised, pleasant and positive eating environment, including adequate time and space to eat, and by trusting students to eat according to their appetite. Every school in the district shall be a Health-Promoting School by establishing a process for principals, teachers, support staff, parents, health authorities, community schools, community groups and students to work together to create an environment that fosters healthy lifestyles with regard to both nutrition and physical activity.

2. School personnel, school community partners and volunteers will model healthy behaviours and attitudes around food at school and during school sponsored and endorsed activities or events. (E.g. Using positive messages such as: “eating a variety of foods gives you energy to play and think” rather than “x food is not healthy.”)

2.3 Any foods given to students or sold to students by teaching or support staff in school cafeterias, vending machines, fundraising events and school or school district special events shall be chosen based on the Guidelines for Food and Beverage Sales in BC Schools. Due consideration shall also be given to life-threatening allergies (see Administrative Regulation 1080 - Anaphylaxis).
3.4. Parent Advisory Councils, lunch program volunteers and other parent volunteers who give food or sell food to students through a Parent Advisory Council Program or at a parent sponsored event are encouraged to consider the nutritional value of the foods being served, based on the Guidelines for Food and Beverage Sales in BC Schools, but remain in control of their choices.

4.5. Principals shall request arbitration from one or more representatives of the Vancouver Coastal Health Authority (dietician, nutritionist or the school’s Medical Health Officer) regarding any differences of opinion in the school or between parents and the school concerning the nutritional value of foods given or sold by the teaching and support staff of the school. The decision of the dietician, nutritionist or medical health officer shall be reported to the school administration who will then respond accordingly. While all members of the school community have a role to play in supporting a healthy food environment, it is the responsibility of each Principal to implement measures to support students to make healthy food choices for themselves, their communities and the environment.

B. Guidelines

1. Vending machines will be stocked with pure fruit juices, water and milk products, as per the Guidelines for Food and Beverage Sales in BC Schools.

2. Parent Advisory Councils, staff and students must be consulted prior to vending machines being installed in schools. Present vending machines are grandfathered.

3. Vending machine contracts must be approved by the Superintendent or designate.

4. Schools should consider healthy nutrition the Food and Beverage Guidelines when choosing food as a reward for students—celebration with students.
5. Food based fund raising activities should/will be reflective of healthy nutrition, the Food and Beverage Guidelines.

6. All schools are strongly encouraged to have a school milk program.

7. The salt, sugar and fat content of food items need to be considered when selecting items or sale.

8. Principals will review food services for students annually with the school’s Parent Advisory Council.

9. Schools will ensure that all food and beverages sold or distributed in schools will support/complement the nutrition education curriculum, experiences of the students.

10. Choices from the “chose most” list must be provided wherever food or beverages are sold in schools, with the exception of Parent Advisory Councils. However, Parent Advisory Councils are encouraged to move toward providing and selling food to students from the “chose most” list.

11. In elementary schools, all “not recommended” foods must be removed from choice offerings in the 2006-2007 school year and in secondary schools, in the 2007-2008 school year.

12. Pricing should encourage the selection of healthy food and beverage choices. Treat days within the classroom (i.e. Gingerbread houses) are acceptable, within reason.

References: Board Policy 11.6; Ministry of Education: Guidelines for Food and Beverage Sales in BC School
DEVELOPMENT APPLICATION REFERRAL

Please send your reply to planning@sechelt.ca

APPLICATION NO: 3360-2020-01 (Community Services)  DATE: April 15, 2020  OCP
FILE MANAGER: Sven Koberwitz, Planner  EMAIL: skoberwitz@sechelt.ca  X Zoning
APPLICANT: M’akola Development Services for Sunshine Coast Community Services  Subdivision
SITE ADDRESS: 5638 Inlet Avenue  Dev. Permit
LEGAL: Lot 37 Block G District Lot 303 & 304 Plan 15854, PID: 007-614-454
 Lot A Block P District Lot 303 Plan 14919, PID: 029-743-567  OTHER: Agricultural Land Reserve
ZONING: EXISTING C-2  PROPOSED No change
OCP DESIGNATION: EXISTING Downtown  PROPOSED No change

Please comment on the attached referral for potential effect on your agency’s interest. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency’s interests are unaffected.

PLEASE RESPOND TO THIS REFERRAL BY MAY 16, 2020

PURPOSE OF APPLICATION: M’akola Development Services has applied on behalf of Sunshine Coast Community Services Society (SCCSS) to allow a six-storey mixed-use building. The proposal includes 34 residential units for women and women with children impacted by violence, two-floors of office space for SCCSS, and potentially a new building for additional community programs on the northern part of the site.

The application seeks to allow a site-specific increase to maximum building height to 22.0 m or six storeys due to the building footprint constraints related to the BC Hydro transmission lines located on the property.

GENERAL LOCATION: 5638 Inlet Avenue, Downtown Sechelt

OTHER INFORMATION:
If your agency’s interests are “Unaffected” no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this bylaw.

ATTACHMENTS:
Staff Report
Bylaw No. 25-306
Application Documents

This referral has also been sent to the following agencies:

X Sunshine Coast Regional District  X Sechelt Volunteer Fire Department
X Sechelt Indian Government District  X FortisBC Energy / Energy Services Advisor
X Vancouver Coastal Health Authority  X Telus
X Ministry of Transportation & Infrastructure  X B.C. Hydro / BC Transmission Co
 Agriculture Land Commission  X Coast Cable - Eastlink
 Archaeology Branch of SIB & BC  X Canada Post
X School District #46  Transportation Choices Sunshine Coast
 Council  X District of Sechelt Engineering Department
 Other:

Community Associations and Groups:

X East Porpoise Bay  X Downtown Village  X West Sechelt  X Tuwanek
 Selma Park/Davis Bay/Wilson Creek  Sandy Hook  S.H.O.R.A.  X S.D.B.A.
X Advisory Planning Commission  X Chamber of Commerce
REQUEST FOR DECISION

TO: Council
FROM: Planner
SUBJECT: Rezoning Application for 5638 Inlet Avenue (Sunshine Coast Community Services), Zoning Amendment Bylaw No. 25-304
FILE NO: 3360-2020-01

RECOMMENDATION(S)

1. THAT the report from the Planner regarding Rezoning Application for 5638 Inlet Avenue (Sunshine Coast Community Services) be received.

2. THAT Council give First reading to Zoning Amendment Bylaw No. 25-304, 2020.

3. THAT staff refer the application to relevant stakeholders, agencies, and the Advisory Planning Commission for comment.

4. THAT the applicant host a public information meeting pertaining to the proposed development.

PURPOSE

The purpose of this report is to present for Council consideration of a rezoning application for 5638 Inlet Avenue.

M’akola Development Services has applied on behalf of Sunshine Coast Community Services Society (SCCSS) to rezone Block P District Lot 303 Plan 14919 and Lot 36 Block G District Lot 303/304 Plan 15854 to allow a six-storey mixed-use building. The proposal includes 34 residential units for women and women with children impacted by violence, two-floors of office space for SCCSS, and potentially a Youth Centre on the northern portion of the site.

The application seeks to allow a site-specific increase to maximum building height to 22.0 m or six storeys due to the building footprint constraints imposed by the BC Hydro transmission lines located on the property.

OPTIONS

1. That Council adopts the recommendations presented above and give the proposed bylaw First reading.

2. That Council defers the application pending additional information as directed.

3. That Council rejects the application.
BACKGROUND

Table 1: Site Information

<table>
<thead>
<tr>
<th>Applicant</th>
<th>M'akola Development Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner</td>
<td>Sunshine Coast Community Services Society</td>
</tr>
<tr>
<td>Civic Address</td>
<td>5638 Inlet Avenue</td>
</tr>
<tr>
<td>Legal Description</td>
<td>To be Consolidated: Block P District Lot 303 Plan 14919 Lot 36 Block G District Lot 303/304 Plan 15854</td>
</tr>
<tr>
<td>Size of Property</td>
<td>After Consolidation: 5910 m²</td>
</tr>
<tr>
<td>DP Areas</td>
<td>DPA 6 - Downtown Sechelt DPA 7 - Multiple Family Residential</td>
</tr>
<tr>
<td>Zoning Designation</td>
<td>Existing: Commercial 2 (C-2) Proposed: Same zone with a site-specific permitted height of 22.0 m or six-storeys.</td>
</tr>
<tr>
<td>OCP Designation</td>
<td>Downtown Sechelt</td>
</tr>
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</table>

Site and Surrounding Area

The site consists of two properties located in downtown Sechelt between Inlet Avenue and Hightide Avenue. Lamprey Lane is adjacent to the east side of the property. The primary civic address for SCCSS is 5638 Inlet Avenue and the north property is assigned 5657 Lamprey Lane, as the Sechelt Food Bank is located there (Figure 1: Location Map).

A significant portion of the site is occupied by BC Hydro transmission lines. This area is being used as a community garden and open green space. Permission has been granted by BC Hydro to locate temporary buildings in this area for the Sechelt Food Bank.

The site topography is flat and there is no vegetation or large mature trees that would be subject to protection.

Surrounding land uses are varied and include Capilano College, RainCity Housing and Support Services, multi-family residential, automotive repair (non-conforming), building supply, storage, office and service businesses (Figure 3: Zoning Map).

Table 2: Surrounding Land Uses

<table>
<thead>
<tr>
<th>OCP Designation</th>
<th>Zoning</th>
<th>Current Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-2 and CD-43</td>
<td>BC Housing (Rain City)</td>
</tr>
<tr>
<td>Multifamily Mixed Residential</td>
<td>PA-1, C-2</td>
<td>Capilano College and commercial uses including office, non-conforming automotive repair, car wash and service businesses</td>
</tr>
<tr>
<td>Civic Institutional, Downtown Centre</td>
<td>C-4</td>
<td>Service, food business and automotive repair.</td>
</tr>
<tr>
<td>South</td>
<td></td>
<td>Storage, mixed-use and multi-family residential</td>
</tr>
<tr>
<td>Downtown Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>C-4, C2, R-4</td>
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</table>
The location of the proposed building is limited to the southern portion of the property along Inlet Avenue due to the restrictions associated with the BC Hydro transmission lines. This is the only area that is unencumbered and large enough to accommodate the proposed building. To maximize the available footprint, the applicant is proposing a six-storey building. Six storeys are the maximum height supported by policies in the Official Community Plan (OCP) under certain conditions.

There are four-storey mixed-use and multi-family buildings located nearby at 5631 and 5604 Inlet Avenue, within the cul-de-sac area. Several undeveloped properties are located to the northwest and east. These properties are designated multi-family mixed residential and may be the subject of future development proposals for similar uses.

Additional program space in a building on the north portion of the property is also part of the proposal, subject to funding. The location of this building must be approved by BC Hydro, as it is located within the right-of-way area. The existing Sechelt Food Bank will be relocated into the main Community Services building.

Figure 1: Location Map

Vehicular access to the site will be primarily provided via Lamprey Lane, as the off-street parking will be located beneath the BC Hydro transmission lines. It may be possible to maintain some on-street parking within the cul-de-sac at the end of Inlet Avenue subject to Engineering and Fire Department review. The front of the building (south) as observed from Inlet Avenue would be the primary focal point of the building.
A 3.0 m easement for a water main is located along the southwest parcel line. The easement has been used as pedestrian access between Lamprey Lane and Inlet Avenue and will continue to be used for pedestrian access should the development proceed.

**DISCUSSION**

**Official Community Plan**

**Land Use**

The Official Community Plan (OCP) Bylaw No. 492 designates the subject property as "Downtown Centre". This land use designation supports a mix of uses including retail, office, tourist commercial, cultural, institutional, and residential uses.

In particular, policy 6.2 provides direct support for locating community services and social services in the downtown area:

6.2 *Downtown Sechelt will continue to serve as the institutional and community services centre for the Sunshine Coast. Council will actively support initiatives to strengthen these public sectors (education, health care, justice, government and social services).*
Part 10: Social Well Being; Community Services speaks to the importance of community services and facilities that support a broad spectrum of age and income groups with services being provided in the downtown centre.

Height

Policy 6.13 provides direction to limit building heights within the Downtown Centre to a height of three storeys or 12.0 metres. Further, Policy 6.14 states that additional height, up to six storeys in non-waterfront locations, may be considered in special circumstances where:

- The building is no more than four storeys in waterfront locations or six storeys in locations where views are not affected (i.e. against hillsides);
- The building can be sensitively integrated into the neighbourhood and the increased height does not significantly affect views or overshadow adjacent uses;
- Upper storeys are terraced back from the first floor at street level and/or from the waterfront, public park or open space areas;
- Additional park or public open space is provided that creates significant benefit to the downtown. As a general guide, a minimum of 10% of the lot area should be dedicated for each additional floor above a building elevation of 12 metres (39.4 feet);
- The District has the ability to provide the necessary fire protection; and
- The site is geotechnically suitable for the construction of the building.

The site is not located in a waterfront location. View impacts would generally be limited to views from the public realm, particularly north along Inlet Avenue to Mt. Richardson. View impacts analysis has been included in the application documents, which show the building in relation to its surroundings and including Mt. Richardson.

Shadowing does not appear to impact adjacent residential uses according to the shadow study included in the application documents.

Terracing from the open space areas has not been proposed. Terracing generally results in more lot coverage to make up for lost floor area. The siting constraints caused by the BC Hydro right-of-way limit the potential coverage of the site making terracing difficult without impact to floor area.

The applicant has proposed that 30% of the total site area be publicly accessible open space. A right-of-way must be registered to secure public access to the site. This would be a condition of adoption of the bylaw adoption.

Should the application proceed, comments from the Sechelt Fire Department and the results of the ongoing geotechnical assessment will be presented to Council after the referral stage.

Staff consider this application to meet the intent of Policy 6.14 and that the proposed building is in a location where a height of six storeys can be considered.
Affordable and Special Needs Housing

All 34 residential units are proposed to be affordable two to three-bedroom units. To secure these units as affordable in the long-term a housing agreement, per Section 483 of the Local Government Act (LGA), should be required. A housing agreement would allow the District to control the tenure, qualification criteria, and rents of residential units for particular groups in need. The housing agreement can be agreed upon before consideration of approval.

The OCP contains several policies supporting the provision of affordable housing for groups in need. The provision of affordable housing is a central part of this proposal and invokes density bonusing provisions in the C-2 zone that require the provision of affordable housing.

Figure 2: View to the north from Inlet Avenue

Zoning

The property is zoned Commercial 2 (C-2) under Zoning Bylaw No. 25. The C-2 zone applies to most of the downtown centre area and allows for a wide variety of commercial uses, as well as residential uses on the upper floors.

Density Bonus

The C-2 zone also contains density bonusing provisions authorized by Section 482 of the LGA. Density bonusing allows developers to provide defined amenities, including affordable housing, in exchange for additional density.

| Base Density | 1 residential unit per 200 m² of lot area |
| Bonus Density | 1 residential unit per 100 m² of lot area |
| Base Density Permitted | Lot Area 5910 m² / 200 m² = 29 residential units |
| Bonus Density Permitted | Lot Area 5910 m² / 100 m² = 59 residential units |
| Proposed Density | 34 residential units (5 bonus density units) |
The proposed density of 34 residential is well below the maximum theoretical density permitted. The main constraint to achieving a greater number of units is the lot area available for development in addition to parking.

To achieve the bonus density the C-2 zone provides several amenity contribution options that can be used in combination:

- **a)** 2% density bonus of units for every 10% of the total number of units built adaptable and accessible;
- **b)** 10% density bonus of units for every 5% of total site area as additional protected, publicly accessible open space in locations satisfactory to the District;
- **c)** Up to 10% density bonus of units for providing cultural or recreational facilities in locations and forms satisfactory to the District;
- **d)** 2% density bonus for every 10% of the total number of units built according to green standards (Built Green Gold or Ashrae 90.1 (2007) or better standards);
- **e)** Up to 10% in density bonus of units for other amenities agreed to by Council;
- **f)** No less than 20% of any density bonus units (or density “lift”) will consist of Affordable Housing for Groups in Need.

The current proposal includes 100% being accessible/adaptable, 30% of the site area is publicly accessible open space, and 100% of the units built to Step 3 of the BC Energy Step Code (exceeds Ashrae 90.1 [2007] standards for efficiency).

All 34 residential units will be affordable housing for groups in need, far above the single unit that would be required under the density bonusing provisions (20% of the 5 density bonus units).

<table>
<thead>
<tr>
<th>Table 3: Zoning Analysis</th>
<th>Current Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Uses</td>
<td>Variety of commercial and assembly uses including office and drop-in centre.</td>
<td>No change</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>550 m²</td>
<td>No change</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>75%</td>
<td>No change</td>
</tr>
<tr>
<td>Front Setback</td>
<td>none</td>
<td>No change</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>3.0 m (6.0 m abutting R zone)</td>
<td>No change</td>
</tr>
<tr>
<td>Internal Side Setback</td>
<td>1.5 m abutting R zone</td>
<td>No change</td>
</tr>
<tr>
<td>External Side Setback</td>
<td>0 m</td>
<td>No change</td>
</tr>
</tbody>
</table>
| Building Height          | Principal: 10.5 m  
                          | Accessory: 6.0 m | Principal: 22.0 m (Increase of 11.5 m)  
                          | Accessory: No change |
| Parking                  | 1.5 spaces per Apartment Unit  
                          | 1 space per 35 m² of Office Space | Site-specific parking provisions to be determined. |
Parking and Traffic

Part 11 of Zoning Bylaw No. 25 regulates parking standards and off-street parking space provisions. The total number of off-street spaces required has not yet been determined as it is a function of residential units and floor space for office space. The bylaw requires 1.5 spaces are required for each residential unit and 1 space per 35 m² of office space. A total of 34 units require 51 off-street spaces, however, the current proposal only provides 40 off-street spaces. It is anticipated that a reduction in required parking spaces may need to be considered in conjunction with parking demand management options. Staff are continuing to work with the applicant to ensure adequate parking is provided.

It can be anticipated that Lamprey Lane will experience increased traffic as principal vehicle access is re-oriented from Inlet Avenue to Lamprey Lane. Potential parking and traffic impacts will be reviewed by the planning and engineering staff as part of the referral process to ensure that existing infrastructure has adequate capacity. The applicant may need to provide further analysis from a traffic engineering professional.

Development Permit

The development is subject to Development Permit Area (DPA) #6: Downtown Sechelt, and DPA #7: Multiple Family Residential. DPA #6 guides the form and character of commercial development in the downtown centre area and provides guidelines to achieve the following objectives:

- To create a strong sense of place and visual identity for the Downtown through high standards of urban design and development;
- To develop a high-quality public realm and streetscape;
- To use unifying design elements to visually and physically connect areas within the Downtown;
- To create continuous, pedestrian-oriented street-level façades that reflect a range of contemporary west coast designs (wood, glass, stone elements).

DPA #7 guides the form and character of multi-family residential development in the downtown centre area and provides guidelines to achieve the following objectives:

- To support a variety of housing forms that provide appropriate and affordable housing for all segments of the population.
- To ensure a high quality of urban design and livability for all higher-density housing.
- To use a distinctive design character to create identifiable neighbourhoods.
- To ensure that new development is compatible with surrounding uses.

A development permit must be issued before a building permit. Council may require preliminary approval of a development permit as a condition of bylaw adoption. This allows Council to have a greater degree of control over design elements of the development as they can be incorporated as conditions of the rezoning. Alternatively, the development permit may
be considered after bylaw adoption, however, issuance of a development permit at that stage is not discretionary, provided applicable guidelines have been met.

**Subdivision**

The subject site is currently comprised of two legal parcels. To achieve the desired density a consolidation of the two parcels into a single parcel is required. This consolidation requires approval by the District of Sechelt Approving Officer. Although not a subdivision in the conventional sense, it is an assembly of parcels from separately registered subdivision plans and, therefore, subdivision approval is required for the proposed parcel configuration.

**Works and Services**

Subdivision and Development Control Servicing Standards Bylaw No. 430 regulates the provision of works and services required at the time of development of land. Owners are required to provide works and services on the portion of the road adjacent to the site being developed, up to the centre line.

A preliminary servicing proposal has been provided by the applicant’s consulting engineer. The Engineering Department will review the proposal and provide comments as part of the referral process.

**Strategic Plan**

The application supports the following Council strategic priorities:

**Promoting Economic Prosperity**

The construction of the development and the expansion of SCCSS program space provides short and long-term employment opportunities.

**Enhancing Community Livability**

The provision of affordable special needs housing directly supports priority 3.2:

> Providing a mix of housing types throughout the District that provide options for a range of needs and incomes.

**Policy Implications**

**Integrated Community Sustainability Plan (ICSP)**

The development meets many of the sustainability objectives included in the ICSP particularly by providing affordable housing in the downtown centre and public open space for community food production.

**Official Community Plan**

As described previously in this report, this development meets the applicable goals and policies of the OCP.
Financial Implications

Application Fees

Non-profit housing developments are subject to a maximum fee of $4,000. The applicants have paid this fee as required by Fees and Charges Bylaw No. 575. Subsequent fees concerning subdivision and building permit would be required as the development proposal progresses.

Development Cost Charges

All developments are required to pay DCCs at the time of subdivision or building permit as required by Development Cost Charges Bylaw No. 544.

In the case of non-profit housing rental housing, under Section 3(5) of Bylaw No. 544, the Director of Planning and Development may consider waiving or reducing DCCs. Only the residential use portion of the DCCs are eligible for waiver or reduction. The Director of Planning and Development will seek guidance from Council if a request for waiver or reduction is made by the applicant.

The following DCCs apply to the proposed development:

<table>
<thead>
<tr>
<th>Table 4: Development Cost Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
</tr>
<tr>
<td>Apartment (per unit)</td>
</tr>
<tr>
<td>Commercial (per m2)</td>
</tr>
</tbody>
</table>

DCCs for water services are paid to be paid in full and remitted to the Sunshine Coast Regional District.

Communications

Should First reading be given, the official referral process will be initiated. The applicant will also be requested to host a public information meeting pertaining to the proposed development.

Respectfully submitted,

Sven Koberwitz
Planner

Attachments:
1 - Application Cover Letter
2 - Architectural Proposal
DISTRICT OF SECHLT

Bylaw No. 25-304, 2020 (Sunshine Coast Community Services)

Being a bylaw to amend District of Sechelt Zoning Bylaw No. 25, 1987

WHEREAS the Council of the District of Sechelt deems it necessary to amend the District of Sechelt Zoning Bylaw No. 25, 1987;

AND WHEREAS the proposed rezoning is consistent with Official Community Plan Bylaw No. 492, 2010;

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled enacts as follows:

TITLE

This Bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 25-304, 2020 (Sunshine Coast Community Services)”.

PROVISIONS

1. That the provisions of this bylaw amendment only apply to the parcels listed in Section 2 and shown on the plan attached to and forming part of this bylaw as Schedule A.

2. That the following new item is added to SECTION 614 HEIGHT OF BUILDINGS within the C-2 COMMERCIAL 2 ZONE:

"c) Despite subsection a), no principal building shall exceed twenty-two (22.0) metres or six-stories in height on LOT 36 BLOCK G DISTRICT LOT 303/304 VAP15854 (PID: 007-614-454), addressed as 5657 Lamprey Lane, and BLOCK P DISTRICT LOT 303 VAP14919 (PID: 029-743-567), addressed as 5638 Inlet Avenue.

READ A FIRST TIME THIS 1ST DAY OF APRIL, 2020
READ A SECOND TIME THIS DAY OF, 2020
PUBLIC HEARING HELD THIS DAY OF, 2020
READ A THIRD TIME THIS DAY OF, 2020
APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS DAY OF, 2020
ADOPTED THIS DAY OF, 2020

Mayor

Corporate Officer
February 5, 2020

VIA ELECTRONIC DELIVERY

Andrew Allen
District of Sechelt – Planning & Development
5797 Cowrie Street
Sechelt, BC V0N 3A0

Re: SCCSS Rezoning and Subdivision Application

Dear Mr. Allen:

On behalf of the Sunshine Coast Community Services (SCCSS), M’akola Development Services (MDS) is pleased to provide the attached application for rezoning and subdivision (to consolidate 5638 Inlet Ave and 5657 Lamprey Lane).

PROJECT OVERVIEW

SCCSS is proposing to build 34 apartments for women with children impacted by violence on the site located at 5638 Inlet Ave. This project will be beneficial to the community and region as it will provide safe, inclusive affordable housing for women and children. Further, the building will provide a new and healthy environment for SCCSS clients, visitors, and staff, and efficient utilization of a site that is highly impacted by a BC Hydro right of way (ROW).

REZONING

SCCSS is requesting a zoning text amendment to the current C-2 Zone. As the BC Hydro ROW, registered on the properties severely limits the developable footprint of the site, the rezoning amendment would allow for the proposed development to proceed. An increase in building height gives SCCSS the ability to construct affordable 3-bedroom family units which are difficult to access on the Sunshine Coast. The additional height will also enable SCCSS to provide on-site community services.

SCCSS is requesting the following amendments to facilitate the proposed development:

- the principal building height to be changed from 3 storeys to 6 storeys;
- the maximum permitted height to be changed from 10.5 m to 22 m.

The proposed development complies with all other requirements of the C-2 Zone.

SUBDIVISION

The attached consolidation plan identifies the proposal to join the two adjacent lots owned by SCCSS into one. By doing this, the site is large enough to support the intended 34 units of density proposed on the site.
OCP CONSIDERATIONS

The District of Sechelt Official Community Plan (OCP) has existing narrative and policies that support affordable housing options and community services programs:

- Affordable housing on the Sunshine Coast has become an increasingly important social and economic issue due to rises in real estate values combined with modest increases in income levels in recent years. Very little rental housing is being built, as senior government assistance programs have diminished (p. 38)
- To create affordable housing as part of new developments, and protect affordable housing in the existing housing supply (p. 39)
- Support the retention and recruitment of businesses and employees by ensuring access to appropriate and affordable housing, childcare and other community services (p.61)

The request for a zoning text amendment for additional building height also complies with the following considerations noted in the OCP:

Additional height may be considered in special circumstances where:

- The building is no more than four storeys in waterfront locations or six storeys in locations where views are not affected (p. 52)
- The building can be sensitively integrated into the neighbourhood and the increased height does not significantly affect views or overshadow adjacent uses (p. 52)
- The District has the ability to provide the necessary fire protection (p. 52)

Please find attached the following documents to satisfy the requirements of the Rezoning and Subdivision (consolidation of lots) applications:

- Introductory Letter
- Completed Application Form
- Complete Architectural Rezoning package
- Infrastructure Service Plan
- Consolidation Plan
- Topographic Survey
- Title Search Certificates
- Sustainability Checklist

Should you have any questions or comments, please do not hesitate to contact the undersigned,

Sincerely,

Jordan Brietzke
Project Planner
ph. 778-265-7489
e. jbrietzke@makoladev.com

cc: Catherine Leach, Executive Director, SCCSS
**DEVELOPMENT APPLICATION REFERRAL**

Please send your reply to planning@sechelt.ca

<table>
<thead>
<tr>
<th>APPLICATION NO:</th>
<th>DATE:</th>
<th>OCP</th>
</tr>
</thead>
<tbody>
<tr>
<td>3360-2020-03 (Westcor)</td>
<td>April 20, 2020</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FILE MANAGER:</th>
<th>EMAIL:</th>
<th>OCP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sven Koberwitz, Planner</td>
<td><a href="mailto:skoberwitz@sechelt.ca">skoberwitz@sechelt.ca</a></td>
<td>Zoning</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPLICANT:</th>
<th>APPLICANT ADDRESS:</th>
<th>OCP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Westcor Lands Ltd.</td>
<td>14520 Mann Park Cres., White Rock</td>
<td>Dev. Subdivision</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SITE ADDRESS:</th>
<th>LEGAL:</th>
<th>OCP</th>
</tr>
</thead>
<tbody>
<tr>
<td>5410 Mills Road</td>
<td>Lot 12 Block E and F District Lot 4294 Plan 20152, PID: 006-834-701</td>
<td>Dev. Variance</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ZONING:</th>
<th>OCP DESIGNATION:</th>
<th>OTHER:</th>
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</thead>
<tbody>
<tr>
<td>EXISTING</td>
<td>R-3</td>
<td>PROPOSED</td>
</tr>
<tr>
<td>RESIDENTIAL</td>
<td>PROPOSED</td>
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</tr>
</tbody>
</table>

Please comment on the attached referral for potential effect on your agency’s interest. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency’s interests are unaffected.

**PLEASE RESPOND TO THIS REFERRAL BY MAY 21, 2020**

**PURPOSE OF APPLICATION:** To rezone the lower portion of Lot 12 Block E and F District Lot 4294 Plan 20152 from Residential 3 (R-3) to Residential 1 (R-1). The intent is to allow a four-lot subdivision with 500 m2 minimum lot sizes. Please consider and provide comment regarding the rezoning and proposed subdivision layout.

**GENERAL LOCATION:** Lower portion of Lot 12 south of Bligh Road adjacent to Mills Road in West Sechelt.

**OTHER INFORMATION:** If your agency’s interests are “Unaffected” no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this bylaw.

**ATTACHMENTS:**
- Staff Report
- Proposed Subdivision Plan
- Zoning and Location Map

This referral has also been sent to the following agencies:

- X Sunshine Coast Regional District
- X Sechelt Volunteer Fire Department
- X Sechelt Indian Government District
- X FortisBC Energy / Energy Services Advisor
- X Vancouver Coastal Health Authority
- X Telus
- X Ministry of Transportation & Infrastructure
- X B.C. Hydro / BC Transmission Co
- Agriculture Land Commission
- X Coast Cable - Eastlink
- Archaeology Branch of SIB & BC
- X Canada Post
- X School District #46
- Transportation Choices Sunshine Coast
- Council
- X District of Sechelt Engineering Department

**Community Associations and Groups:**

<table>
<thead>
<tr>
<th>East Porpoise Bay</th>
<th>Downtown Village</th>
<th>West Sechelt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Selma Park/Davis Bay/Wilson Creek</td>
<td>Sandy Hook</td>
<td>S.H.O.R.A.</td>
</tr>
<tr>
<td>X</td>
<td></td>
<td>S.D.B.A.</td>
</tr>
<tr>
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<td></td>
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</tr>
</tbody>
</table>

| Tuwanek | S.D.B.A. | |

| Chamber of Commerce | |

| X | | |
REQUEST FOR DECISION

TO: Mayor and Council
FROM: Sven Koberwitz, Planner
SUBJECT: Rezoning Application for Lower Portion of Lot 12 on Mills Road (Westcor Lands)
Zoning Amendment Bylaw No. 25-306
FILE NO: 3360-2020-03

RECOMMENDATION(S)

1. THAT the report from the Planner regarding Rezoning Application for Lower Portion of Lot 12 on Mills Road (Westcor Lands) be received.


3. THAT staff refer the application to relevant stakeholders, agencies, and the Advisory Planning Commission for comment.

4. THAT staff negotiate a voluntary community amenity contribution in accordance with the policies contained within the Official Community Plan.

PURPOSE

The purpose of this report is to present for Council consideration of a rezoning application for the lower portion of Lot 12 on Mills Road, currently addressed as 5410 Mills Road.

Westcor Lands Ltd. has applied to rezone the lower portion of Lot 12 Block E and F District Lot 4294 Plan 20152 from Residential 3 (R-3) to Residential 1 (R-1). The intent is to allow a four-lot subdivision with 500 m² minimum lot sizes.

OPTIONS

1. That Council adopts the recommendations presented above and give the proposed bylaw First reading.
2. That Council defers the application pending additional information as directed.
3. That Council rejects the application.

BACKGROUND

Site and Surrounding Area

The subject property is located on the east side of Mills Road in the West Sechelt neighbourhood. The parent parcel is 9844 m² and bisected by Christian Road and Bligh Road
and the subject area of this rezoning application is the 2271 m² portion to the south of Bligh Road. The surrounding land uses are presently single-family residential with lots with sizes ranging from 500 m² to 2000 m² and larger.

<table>
<thead>
<tr>
<th>Table 1: Site Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant / Owner</td>
</tr>
<tr>
<td>Civic Address</td>
</tr>
<tr>
<td>Legal Description</td>
</tr>
<tr>
<td>Size of Property</td>
</tr>
<tr>
<td>DP Areas</td>
</tr>
<tr>
<td>Zoning Designation</td>
</tr>
<tr>
<td>OCP Designation</td>
</tr>
</tbody>
</table>

Figure 1 Location Map

<table>
<thead>
<tr>
<th>Table 2: Surrounding Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>OCP Designation</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>North</td>
</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>East</td>
</tr>
<tr>
<td>West</td>
</tr>
</tbody>
</table>
ANALYSIS

Official Community Plan

The subject property is designated as Residential in Schedule C: Future Land Use of the Official Community Plan (OCP). The Residential designation supports serviced single-family residential use with secondary suites (Policy 5.5) and encourages a mix of housing types including small lot single-family subdivisions (Policy 5.6).

Development Permit Area 8: Intensive Residential and Infill Housing applies to all small lot subdivision from 300 m² to 600 m² to control the design and impact of more intensive single-family development.

West Sechelt is located within the Urban Containment Boundary (UCB) and identified as a Priority Growth Area. These areas are within the municipal sewer service area and intended for infill development at urban densities (Policy 1.6).

Planning staff support this application as the proposed four lot subdivision is consistent with the recommended housing forms and densities outlined in the OCP.

Figure 2 OCP Designation Map
Amenity Contributions and Affordable Housing

Policy 5.17 of the OCP encourages all applicants to include community amenities in their proposals as voluntary contributions in exchange for an increase in density. Planning staff will negotiate with the applicant a suitable voluntary amenity contribution in accordance with the policy direction provided by the OCP. This approach is consistent with recent development applications considered by Council.

Planning staff favour a pro-forma approach when negotiating amenity contributions to ensure the contribution does not unduly burden the viability of the development but still provides significant benefit to the community. This approach involves the community benefitting from the "lift" in land value and development rights generated through the rezoning process.

This negotiated approach is consistent with provincial guidelines and provides the most flexibility for both developer and District until such time that an amended and updated Community Amenity Contribution Policy is adopted by Council.

The existing 2007 Implementation Policy for Affordable Housing and Community Amenities is outdated and refers to policies of a previous OCP. An updated Amenity Contribution Policy with contribution targets will provide greater certainty to developers and transparency for the community. Until then staff can rely upon support from the OCP and provincial guidelines.

Zoning Bylaw

Figure 3 Zoning Map
The subject property is zoned R-3: Residential 3 which is intended for low-density residential development. The applicant has applied to rezone a portion of the subject property to R-1: Residential 1. The R-1 zone is intended for suburban density residential development. The existing neighbourhood on Carnaby Place are typical of the land use pattern associated with the R-1 zone despite being in the R-3 zone at this time. This is due to these areas being developed when the area was still an Electoral Area within the Sunshine Coast Regional District.

The difference between the existing R-3 and proposed R-1 zone are mostly related to density, specifically minimum lot size. Transition House is a permitted use in the R-1 zone which is defined as follows in Zoning Bylaw No. 25:

"TRANSITION HOUSE" means a single family dwelling which provides temporary housing for persons (maximum 12 persons) fleeing abusive situations, typically women and children;

The R-3 and the R-1 zones are compared below in Table 3.

<table>
<thead>
<tr>
<th>Table 3: Zoning Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current Zoning (R-3)</strong></td>
</tr>
<tr>
<td><strong>Permitted Uses</strong></td>
</tr>
<tr>
<td><strong>Min. Lot Size</strong></td>
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<tr>
<td><strong>Max. Lot Coverage</strong></td>
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<tr>
<td><strong>Front Setback</strong></td>
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<td><strong>Rear Setback</strong></td>
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<td><strong>Internal Side Setback</strong></td>
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<tr>
<td><strong>External Side Setback</strong></td>
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<tr>
<td><strong>Accessory Building Setback</strong></td>
</tr>
<tr>
<td><strong>Max. Building Height</strong></td>
</tr>
</tbody>
</table>
Strategic Plan

The application supports the following Council strategic priorities:

Enhancing Community Livability

The provision of small lot residential housing directly supports priority 3.2:

Providing a mix of housing types throughout the District that provide options for a range of needs and incomes.

Managing Growth Effectively

By supporting development within Primary Growth Areas to more efficiently utilize existing infrastructure this application supports the intent of strategic priority 4:

Commit to managing growth in a way that stewards scarce resources, protects environmentally sensitive areas, and provides appropriate and sustainable housing and employment opportunities.

Policy Implications

Integrated Community Sustainability Plan (ICSP)

This application meets the intent of Sustainable Community Development by being located within the Priority Growth Area and increasing the diversity of housing types.

Official Community Plan

As described previously in this report, this development meets the applicable goals and policies of the OCP.

Financial Implications

Development Cost Charges will be collected at the time of subdivision in accordance with Development Cost Charges Bylaw No. 544.

Communications

Should First reading be given, the official referral process will be initiated. Referrals will be sent to all relevant agencies and groups including, but not limited to, the Advisory Planning Commission, West Sechelt Community Association, Fire Department and Ministry of Transportation and Infrastructure.

A public information meeting is not required as the application does not significantly depart from established land uses and conforms to OCP policies.

A staff report presenting the results of the referral process will be presented to Council at a future date at which time Second reading and public hearing can be considered.
SUMMARY AND CONCLUSION

The applicant is proposing to rezone a portion of the subject property from R-3 to R-1. The purpose of this application is to facilitate the subdivision of the property into four single-family lots with a minimum lot size of 500 m².

Planning staff support the application as it conforms to the policies of the OCP.

Respectfully submitted,

Sven Koberwitz
Planner

Attachments:
1 - Proposed Subdivision Plan
2 - Zoning and Location Map

<table>
<thead>
<tr>
<th>Reviewed by</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Allen, Director of Planning &amp; Development</td>
<td>X</td>
</tr>
<tr>
<td>D. Kutney, Director of Engineering &amp; Operations</td>
<td>X</td>
</tr>
<tr>
<td>D. Douglas, Director of Corporate &amp; Financial Services</td>
<td>X</td>
</tr>
<tr>
<td>J. Rogers, Communications Manager</td>
<td>X</td>
</tr>
<tr>
<td>J. Frank, Corporate Officer</td>
<td>X</td>
</tr>
<tr>
<td>Approved by: A. Yeates, Chief Administrative Officer</td>
<td>X</td>
</tr>
</tbody>
</table>
Zoning and Location Map

Lot 12 Block E and F District Lot 4294 Plan 20152 (5410 Mills Road)

Legend

- Subject Property
- PA-1
- R-1
- R-3
- Parcels

Portion of Lot 12 to be rezoned from R-3 to R-1

THIS MAP IS DERIVED FROM THE DIGITAL DATABASES ON THE DISTRICT OF SECHELT GIS.
The District of Sechelt makes no representation or warranty, expressed or implied, in fact or in law, with respect to the accuracy or completeness or appropriateness of the data contained or referenced herein.
REQUEST FOR DECISION

TO: Mayor and Council
FROM: Development Planning Manager

MEETING DATE: March 4, 2020

SUBJECT: Trellis Rezoning Application – Silverstone Long Term Care Home
OCP Amendment Bylaw No. 492-26, 2020 & Zoning Amendment Bylaw No. 25-303, 2020
West Sechelt – Derby Road at Cowrie Street

FILE NO: 3360-20 2019-06

RECOMMENDATIONS

1. THAT the report from the Development Planning Manager regarding the application for an Official Community Plan Bylaw Amendment and Zoning Bylaw Amendment for the Silverstone Long Term Care Home be received.

2. THAT Council give First reading to Official Community Plan Amendment Bylaw No. 492-26, 2020 (Silverstone).

3. THAT Council give First reading to Zoning Amendment Bylaw No. 25-303, 2020 (Silverstone).

4. THAT staff refer the application to relevant stakeholders, agencies, and the Advisory Planning Commission for comment.

5. THAT Council endorse further discussion with the applicants respecting:
   (a) Site buffering and landscaping.
   (b) Amendment or discharge to the restrictive covenant presently registered on title of the subject properties.
   (c) Community amenity contributions (CACs).

PURPOSE

The purpose of this report is to present OCP and Zoning amendment bylaws for First Reading regarding the Trellis rezoning application for the Silverstone Long Term Care Home “Silverstone”. As previously noted in the permission to proceed report, the review process will focus on evaluating the proposed land uses with respect to the OCP, Zoning Bylaw, and surrounding area as well as considering site/building design and neighbourhood integration.
OPTIONS
1. That Council adopt the recommendations as presented above and give the bylaws First Reading.
2. That Council defer the application pending additional information as directed.
3. That Council reject the application.

DISCUSSION
The property fronts the newly created portion of Derby Road extending east from the intersection with Cowrie Street. Trellis is proposing a 128 bedroom facility with an eight bedroom hospice as part of the Silverstone Long Term Care Home project. The proposed facility would provide daily care and nursing services and operates under the *Community Care and Assisted Living Act* and in accordance with the Residential Care Regulation and the Home and Community Care Policy Manual.

As the development is proposed to be located within an existing and future residential area, staff are primarily concerned with ensuring that the proposed development fits in and does not detract from or impose on the neighbourhood. In accordance with OCP policy, new institutional care facilities must provide a comprehensive development approach that demonstrates a high standard of urban design and accessibility, is in keeping with the form, character, and scale of the neighbourhood, and provides appropriate amenities.

As noted in the permission to proceed report, key considerations include:

- How will this institutional use integrate into the existing and future neighbourhood?
- How will residents and members of the public move around and adjacent to the site?
- How will the type of traffic (emergency vehicles, ambulances, etc.) generated by the site interact with the neighbourhood?
- How will this development positively or negatively affect the existing and future residential neighbourhood?
- What can be done to soften the building, landscape the site, and provide buffering from the street and adjacent residential areas?

From the perspective of the applicant and the surrounding property owner, the Silverstone development is viewed as the catalyst for the neighbourhood and that it will lead to further development opportunities in the emerging neighbourhood, including staff housing, affordable housing, neighbourhood commercial and day care facilities. These items will be addressed in a separate process as part of the on-going planning of the larger area Sawarne properties.

The applicant notes the following:

- The design is a Craftsman style development meant to be compatible with a similar theme for the future phases of the surrounding Sawarne properties.
- Employees responsible for 108 beds within Totem Lodge and Shorncliffe will come to the Silverstone facility under Trellis operations, which proposes up to 128 beds. There will be some present demand for staff housing, but it is presumed that many of the employees already have housing in place. Opportunities for additional staff housing will be considered as further site planning and development occurs on the surrounding Sawarne properties.
The applicant also notes the following:

- The business model for Silverstone includes adult day services plus hospice. This includes programming services which do include inter-generational activities but the focus is on the adult residents of the facility. It is not part of the business model or programming to provide permanent on-site day care for children.
- The larger surrounding property owner - Sawarne has expressed interest in day care facilities at the end Derby close to the proposed future neighbourhood commercial area as designated in the OCP.
- That commercial area could include pharmacy, coffee shop, day care, affordable housing, all of which, from the owner’s perspective, would potentially benefit the Silverstone facility in the future.
- Traffic impact would not be considerable as the residents themselves do not drive.
- Many residents are near end of life and emergency response and sirens are not as prevalent as might be presumed.
- The housing model is based on affordability as Vancouver Coastal Health manages the rent payment based on the resident income. Vancouver Coastal Health also manages the wait list for future residents.
- Community integration can be accommodated in the form of meeting space and room availability. This is intended to support non-profit health-related groups who can use space within the building for meetings or gathering.
  - Staff note that if the applicant intends to make meeting room space available to the public that this could be considered as part of a community amenity contribution. However, it is necessary then to include it within the draft zoning amendment and/or covenants to ensure public access in perpetuity.

Silverstone is the first step in the evolution and establishment of mixed uses in this neighbourhood, but not itself the sole driver of the area. In addition to the Silverstone development and the applicants – Trellis, staff are also working separately with the owners of the larger surrounding parcel – Sawarne to consider phase 3 of the residential development as well as consideration of future phases. Phase 3 includes the proposal of single family dwellings along Derby and Granite Roads. Future phases may also include commercial and multi-family residential uses that may include affordable housing and other uses yet to be determined.

The future neighbourhood commercial area on Derby would be that hub of vitality, interaction, and commercial services that would support and be supported by the surrounding residential areas, which includes Silverstone. The balance at this time is to consider an approval for Silverstone and determine how it fits into both the existing and future neighbourhood.
ANALYSIS

Site Planning

Staff proposed to incorporate vegetated buffer areas around each side of the development to resolve the potential issues and conflicts. The buffers would have required expanding the lot area and shifting the site back or up to the north away from Derby Road. Each buffer area would have been at least 10 m wide and would serve to screen the development visually. There is a need to consider the visual impacts of the development on the immediate neighbourhood as well as from further away, for example from Davis Bay.

In terms of the extensive parking area, the District would be seeking to require permeable surfacing of some kind to allow for rainwater infiltration and to reduce the impervious surfacing of the development.

This will have positive benefits for rainwater management as more of this area is converted from forest to human settlement. The originally proposed buffer areas plus potential changes to the parking areas would have increased the site area from approx. 12,000 m² to likely 16,000 – 18,000 m².

Site Boundaries

Staff have reviewed the proposal in further detail since the initial permission to proceed report to consider neighbourhood fit and buffering. Thought was given to request an increase in the site area to allow for additional landscape buffering. The site size and dimensions previously identified in the permission to proceed report have been confirmed by the applicant to be fixed and agreed upon in a future contract of sale. This does create a limiting factor for the development.

The applicant has noted that shifting the site back by 10 m to incorporate a 10 m front (south) buffer area would raise the building up as the land slopes up and/or require significant blasting. That said, they recognize the need to consider more landscaping and the applicant is working on a revised plan, which will include berms and increased landscaping. While that revised plan is not yet compete, the bylaws can be given first reading as the District and the applicant work together to seek resolutions to these issues. The applicants have noted that a landscape plan will be prepared.

Onsite Buffer Areas

It is recommended that the applicant supply further information respecting landscaping and buffering on the four sides of the development. Their plan is to primarily focus on the south and west side of the development. This may involve:

- South side – 4 m wide landscaped area raised on berms.
- West side – potentially a similar 4 m wide buffer on the subject property that would be enhanced by further buffering on the adjacent lands as part of the Sawarne development phase 3 (future rezoning, development permit, and subdivision applications).
As a development permit is not applicable to the property staff would recommend that landscaping requirements be included in the draft zoning amendment bylaw. Details can be refined at second reading as more details are agreed upon. Additionally, a covenant can be registered on title of the subject properties in order to establish buffer areas on west and south sides on development site. This would be in accordance with the above parameters, and secure the areas from future encroachment and outline maintenance obligations. If the bylaw amendment is approved and a subsequent subdivision plan is registered, this covenant will be transferred to the future title of the Silverstone property.

**Offsite Buffer Areas**

Staff note that the north, east, and west sides can still be protected by covenants that would create buffer areas outside of the development property and still provide a protected area from future development. One available tool includes a Section 219 covenant that could be applied to create a 10 m wide buffer around each of the north, east, and west sides that would prevent any building or land alteration. Another available tool could be an arrangement to be made through a broader development agreement of the remainder of the larger property with Sawarne. This forms a focus of discussion with Sawarne and will occur concurrently with review of the Silverstone application. Solutions will be identified and presented in the future second reading report.

**Official Community Plan Amendment Bylaw**

The OCP amendment bylaw has been drafted that would relocate the existing Institutional land use designation on the subject lot to conform to the current proposal. The amendment would shift the Residential and Multifamily Mixed Residential land use designations around the lot in accordance with the proposed Institutional development site. Existing policies, such as the Continuum of Care support the proposed development and have been reviewed as part of the proposal. The OCP amendment applies to the mapping component.

**Zoning Amendment Bylaw**

The zoning amendment bylaw has been drafted that would create a new Institutional zone that specifically applies to this site rather than a comprehensive development zone. Comprehensive development zones would be better applied to mixed use developments that would require greater differentiation between uses and particular areas on a parcel of land. This particular zone would apply specifically to this property and matches the proposed uses.

**Existing Covenant**

A Section 219 Covenant (CA6309342) is currently registered on the title of both subject properties. This covenant prevents any subdivision, rezoning, use, occupancy, or building on the lands until certain works are completed. The covenant will need to be amended to exempt the Silverstone application to proceed. An amendment will identify when the road works will be complete and who will be responsible for conducting the road works – Trellis or Sawarne. This will need to be addressed prior to consideration of Second Reading so that it is clear to Council and the community ahead of a public hearing.
Financial Implications

The project will be required to pay Development Cost Charges (DCCs) as per Bylaw No. 554, 2016. Affordable housing contributions and CACs will be assessed as part of the rezoning review moving forward and based on negotiations with the applicants.

Communications

Once first reading has been given, the official referral process will be initiated. Consideration can also be given to scheduling a public information meeting for the application as organized by the applicant.

CONCLUSION

Bylaws have been drafted and are presented for First Reading. Further work with the applicants will be required to refine the landscaping and buffering issues, and continue negotiations around community amenity contributions to support the costs of growth that must be absorbed by the District.

Respectfully submitted,

Ian Holl, MCIP, RPP
Development Planning Manager

Associated Bylaws:
1 - OCP Amendment Bylaw No. 492-26, 2020
2 - Zoning Amendment Bylaw No. 25-303, 2020
WHEREAS the Council of the District of Sechelt deems it necessary to amend the District of Sechelt Official Community Plan Bylaw No. 492, 2010, to provide for the re-designation of a portion of two properties for the Silverstone Long Term Care Home.

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited for all purposes as “District of Sechelt Official Community Plan Bylaw Amendment Bylaw No. 492-26, 2020 (Silverstone)”.

Provisions

2. That the portions of District Lot 1384, Group 1, NWD, Except Part on Plan 14180, Plan BCP31726, PID 015-861-660 and Lot A, District Lot 4295A, Group 1, NWD, Plan LMP43915 Except Plans BCP31726, EPP31745, EPP75215, and EPP75917 identified in bold dashed lines as shown on the plan attached to and forming part of this bylaw as Schedule A be re-designated from Residential and Multifamily Mixed Residential to Institutional.

3. That the portion of District Lot 1384, Group 1, NWD, Except Part on Plan 14180, Plan BCP31726, PID 015-861-660 identified in bold dotted lines as shown on the plan attached to and forming part of this bylaw as Schedule A be re-designated from Institutional to Multifamily Mixed Residential.

4. That Schedule A of Official Community Plan Bylaw No. 492, 2010 (Official Maps) be amended to reflect the designations brought into force by this bylaw.
READ A FIRST TIME THIS DAY OF 2020
READ A SECOND TIME THIS DAY OF 2020
PUBLIC HEARING HELD THIS DAY OF 2020
READ A THIRD TIME THIS DAY OF 2020
ADOPTED THIS DAY OF 2020

__________________________  __________________________
Mayor  Corporate Officer
WHEREAS the Council of the District of Sechelt deems it necessary to amend the District of Sechelt Zoning Bylaw No. 25, 1987, to provide for the rezoning of a portion of two properties for the Silverstone Long Term Care Home.

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited for all purposes as “District of Sechelt Zoning Bylaw No. 25, 1987, Amendment Bylaw No. 25-303, 2020 (Silverstone)“.

Provisions

2. That the new zone, Institutional 1 Zone (IN1), as attached to and forming part of this bylaw as Schedule A, is added to District of Sechelt Zoning Bylaw No. 25, 1987, by creating a new PART 10B-INSTITUTIONAL ZONES, in numerical order.

3. That the portions of District Lot 1384, Group 1, NWD, Except Part on Plan 14180, Plan BCP31726, PID 015-861-660 and Lot A, District Lot 4295A, Group 1, NWD, Plan LMP43915 Except Plans BCP31726, EPP31745, EPP75215, and EPP75917 identified in bold dashed lines as shown on the plan attached to and forming part of this bylaw as Schedule B be rezoned from RR-1 (Rural 1) to IN1 (Institutional 1).

4. That Schedule A of Zoning Bylaw No. 25, 1987 (Official Zoning Maps) be amended to reflect the zoning designation and boundaries brought into force by this bylaw.
READ A FIRST TIME THIS DAY OF 2020
READ A SECOND TIME THIS DAY OF 2020
PUBLIC HEARING HELD THIS DAY OF 2020
READ A THIRD TIME THIS DAY OF 2020
APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS DAY OF 2020
ADOPTED THIS DAY OF 2020

________________________________________  __________________________
Mayor                                      Corporate Officer
10B.1 - IN1 – INSTITUTIONAL 1 ZONE

10B.1.1 INTENT

This zone provides for a private community care facility for long term care that is licensed and operated in accordance with the Community Care and Assisted Living Act, the Residential Care Regulation, and the Home and Community Care Policy Manual.

10B.1.2 PERMITTED USES

Except as otherwise provided in Part 3, Section 303 of this Bylaw, the following and no other uses are permitted in the area designated as IN1:

Principal Uses
a) community care facility for long term care

Accessory Uses
b) hospice
c) adult day centre
d) kitchen and dining facilities
e) laundry facilities
f) indoor and outdoor recreation facilities
g) office and therapy facilities
d) accessory buildings and uses customarily incidental to the principal use

10B.1.3 MINIMUM LOT AREA, LOT WIDTH, AND LOT DEPTH FOR NEW SUBDIVISIONS

a) The minimum lot area required is 12,000 m² (1.2 ha).
b) The minimum lot width is 144 m.
c) The minimum lot depth is 84 m.

10B.1.4 CARE BEDROOMS PER LOT

a) The maximum combined number of care bedrooms is 136
b) The maximum number of long term care bedrooms is 128
c) The minimum number of hospice bedrooms is 4
d) The maximum number of hospice bedrooms is 8
10B.1.5 **GROSS FLOOR AREA, BUILDING FOOTPRINT, AND FLOOR SPACE RATIO**

a) The maximum gross floor area of all buildings and structures is 8,400 m².
b) The maximum horizontal footprint of all buildings and structures is 3,900 m².
c) The maximum floor space ratio is 0.70.

10B.1.6 **LOT COVERAGE**

a) All buildings and structures shall not cover more than 33% of the lot area.
b) Impervious surfaces shall not cover more than 40% of the lot area.

10B.1.7 **SITING OF BUILDINGS AND STRUCTURES**

No building or structure except a fence shall be located within:
a) 18 m of the front lot line.
b) 6 m of any other lot line.

10B.1.8 **HEIGHT OF BUILDINGS**

a) The maximum height of the long term care facility is 13 m.
b) The maximum height of the hospice facility is 8 m.
c) The maximum height of an accessory building is 4 m.

10B.1.9 **LANDSCAPING & SCREENING**

a) The minimum width of the front (south) landscaped buffer area is 4 m.
b) The minimum width of the side (west) landscaped buffer area is 4 m.
c) The minimum height of landscaped buffer area plantings is 2 m.

10B.1.10 **OFF-STREET PARKING**

Off-street parking shall be provided and maintained in accordance with Part Eleven of this Bylaw.
Rezoned from RR-1 (Rural 1) to IN1 (Institutional 1)
TO: Planning and Development Committee
MEETING DATE: February 4, 2020

FROM: Lesley-Anne Staats, RPP, MCIP
FILE NO: 0340-50-Policies

Director of Planning

SUBJECT: Cannabis Policy and Consultation Plan

RECOMMENDATIONS

THAT the report titled Cannabis Policy and Consultation Plan be received;

AND THAT it be recommended to Council that staff forward the Draft Cannabis Policy to the Gibsons and District Volunteer Fire Department, Vancouver Coastal Health, School District 46, RCMP, Gibsons and District Chamber of Commerce, and the Sunshine Coast Regional Economic Development Organization for comment;

AND THAT it be recommended to Council that staff proceed with the engaging the public on the Draft Cannabis Policy per the Survey and Consultation Plan outlined in this report;

AND THAT it be recommended to Council that staff report back to the Planning and Development Committee with feedback received from the public consultation;

AND FURTHER THAT these recommendations be sent to the next Council meeting for adoption.

BACKGROUND / PURPOSE

On January 14, 2020, Council adopted the following resolution:

R2020-04 Zoning for Cannabis Stores and Production Facilities in Gibsons

THAT a policy be prepared which sets criteria for consideration of spot rezoning applications for retail cannabis stores along with consideration of provincial referrals for Town approval of such stores;

AND THAT a policy be prepared which sets criteria for consideration of spot rezoning applications for cannabis production facilities and a zoning amendment which prohibits such facilities except where specifically permitted;
A report to the January 14, 2020 Planning and Development Committee (PDC) brought forward a zoning amendment bylaw which would prohibit cannabis production facilities in Gibsons, and would allow Council to consider any cannabis production facility on a case-by-case basis.

The purpose of this report is to bring forward a Policy for cannabis stores and cannabis production facilities in the Town. This report also outlines a communications plan for consultation with the community as directed by Council.

DISCUSSION

The draft Cannabis Policy, enclosed as Attachment A, sets criteria for consideration of spot rezoning applications for retail cannabis stores and cannabis production facilities along with consideration of provincial referrals for Town approval of such stores/production facilities.

Because local governments cannot forbid cannabis production outright on Agricultural Land Reserve land due to the provincial regulations, this policy considers permitting production facilities in the “Service Commercial / Business Centre” areas, which is in the Town’s industrial area as way of alleviating pressure on ALR land which could then be used for food crops while cannabis producers utilize often less expensive industrial facilities for indoor growing.

Cannabis Policy Summary

Purpose

To create a framework on establishing cannabis retail stores and production facilities in Gibsons. The policy identifies appropriate locations and procedures for processing applications.
Locational Criteria

Cannabis Stores – applications accepted in areas identified as “Mixed-Use Commercial” in the OCP, located more than 150 m from schools, and not located within 100 m of another cannabis store.

Cannabis Production Facilities – applications accepted in areas identified as “Service Commercial / Business Centre” in the OCP, located more than 150 m from schools, and located within 100 m of another cannabis production facility.

Application Procedure

Outlines the procedures that staff will follow to process cannabis store or cannabis production facility applications within the Town of Gibsons, as well as cannabis application referrals from the Province.

Staff note that processing Cannabis store applications include a public approval element under the provincial regulatory scheme, however, there are no provincial referrals for cannabis production facilities. Thus, the public hearing for the zoning amendment would include receiving input on the provincial referral to collect public feedback and process applications more efficiently.

Consultation

The Town hired Impact Resolutions to engage the cannabis retail sales and production stakeholders to solicit opinions on future zoning approaches and business needs and desires. To date, the main concerns heard were that the process and security of Temporary Use Permits are too onerous and uncertain, especially for the long-term investment required to seek a government licence. There is also a need for clarification around the appropriate distance of a cannabis store from schools. The Impact Resolutions report recommended establishing a 150-metre buffer around schools, as measured from the closest property line of a school to the front door of a retail cannabis store. Council might want to regulate a distance between retail cannabis stores so that they do not congregate in one area of Town. The attached draft policy includes a 100 m distance between stores. This distance may change following public consultation.

Public Consultation Plan on Cannabis Policy Development

Council is in the process of developing a cannabis policy for the Town and wants to receive input from the community at large before it proceeds. Industry stakeholders have already been consulted and responses were presented in the December 17, 2019 report to the PDC, which included a consultation report by Impact Resolutions.

To collect additional input, staff will develop a survey which will be available for 30 days on the Town website and widely promoted through various communications channels (Social Media, newspaper ads, digital newsletter).

Staff may also host one Public Information Session, should Council want to do this. The public information session may present information on the Policy, and outline areas where Council is
seeking more information before making a decision. The format of the public information meeting may be a short presentation, followed by a request that attendees complete the survey.

Questions to be included in the survey include:

1. Should there be a cap on the number of cannabis stores/cannabis producers permitted to operate in the Town of Gibsons or should the market determine how many of each exist?

2. Should there be a prescribed minimum distance between cannabis stores?

3. Should there be a prescribed minimum distance between cannabis production facilities?

4. Should there be a buffer zone between schools and cannabis retailers/producers? If so, at what distance?

5. Should the Town include regulations around the exterior appearance of the store/facility in its policy or are provincial regulations sufficient?

While staff considered including a survey question about limiting the size of cannabis stores/facilities, cannabis retailers will likely naturally want to keep their floor space as small as possible, in order to control rent costs and because the products they are selling do not require much space to display and store. Similarly, cannabis production facilities will naturally be limited by the size of the lot on which they are located. Therefore, questions pertaining to the size of the stores/production facilities are not included.

As many respondents won’t be familiar with the key issues related to the development of a local cannabis policy, each question/or survey section will be preceded by a short explainer describing the issues to consider, and pros and cons of possible solutions.

Additionally, a copy of the proposed policy will be provided to survey-takers.

Referrals

In addition to the public consultation plan, staff recommends referring the draft policy to the following agencies for comment:

- School District 46
- Vancouver Coastal Health
- Gibsons and District Volunteer Fire Department
- RCMP
- Gibsons and District Chamber of Commerce
- Sunshine Coast Regional Economic Development Organization
POLICY / PLAN IMPLICATIONS

Strategic Plan Implications

The 2019-2022 Strategic Plan includes a core objective to plan for sustainable growth. This includes supporting local businesses and fostering a diverse economy.

Financial Plan Implications

There would be no negative impacts to the Financial Plan.

NEXT STEPS

Following Council’s direction, staff will report back with feedback received during the consultation process and recommended next steps.

RECOMMENDATIONS / ALTERNATIVES

Staff’s recommendations are on Page 1 of this report. Alternatively, the PDC may recommend a Public Information meeting in addition to the survey, or recommend that the Policy be adopted as written and without further consultation.

Attachments

- Attachment A – Draft Policy

Respectfully Submitted,

Lesley-Anne Staats, RPP, MCIP
Director of Planning

CHIEF ADMINISTRATIVE OFFICER’S COMMENTS:

I have reviewed the report and support the recommendation(s).

Emanuel Machado
Chief Administrative Officer
1 PURPOSE

The Government of Canada announced the legalization of the recreational use of cannabis in Canada on October 17, 2018, and legalized edibles on October 17, 2019. The federal Cannabis Act is the legal framework under which the production, distribution, sale and possession of cannabis, for both medical and non-medical (recreational) purposes, is regulated in Canada. Through legislation including the Cannabis Control and Licensing Act, the Province of British Columbia has created a legislative framework to supplement federal legislation and facilitate legal and controlled access to recreational cannabis in British Columbia following federal legalization.

In coordination with federal and provincial regulations, this Policy creates a framework under which recreational cannabis retail businesses ("Cannabis Stores") and Cannabis Production Facilities will be established in the Town, with a focus on the following:

- Defining locational criteria for where Cannabis Stores may be situated, based on land use requirements, separation from sensitive uses and geographical distribution;
- Implementing the application procedure under which proposals for new Cannabis Stores are to be submitted, assessed and approved to operate within the Town.

2 APPLICABILITY

This policy is applicable to all rezoning applications to operate a Cannabis Store or Cannabis Production Facility in the Town, and assessments of provincial referrals of retail cannabis applications from the Liquor Control and Licensing Branch.
3 AUTHORITY TO ACT

The legislative framework of the Province of British Columbia, including the *Community Charter, Local Government Act*, and, in the case of Cannabis Stores, the *Cannabis Control and Licensing Act*, provides the basis upon which the Town may regulate certain locational aspects of cannabis retail businesses and production facilities, as well as procedures for assessing and approving business proposals.

Administration of this policy is delegated to the Planning Department.

4 PROCEDURES

The following describes locational criteria for all Cannabis Stores and Cannabis Production Facilities in the Town and outlines the procedure under which applications will be accepted, assessed and approved.

4.1 Locational Criteria

4.1.1 Cannabis Stores

4.1.1.1 Cannabis Stores may only be located on properties assigned with the “Mixed-Use Commercial” land use designations under the Smart Plan – Gibsons Official Community Plan (OCP) – Schedule B Land Use Plan (see Appendix A);

4.1.1.2 Cannabis Stores may not be located within a 150-metre distance of public Elementary and Secondary Schools (see Appendix B); and

4.1.1.3 Cannabis stores may not be located within 100 m from each other, as measured from door to door.

4.1.2 Cannabis Production Facilities

4.1.2.1 Cannabis Production Facilities may only be located on properties assigned with the “Service Commercial / Business Centre” land use designations under the Smart Plan – Gibsons Official Community Plan (OCP) – Schedule B Land Use Plan (see Appendix A), except for properties designated as agricultural land under the BC *Agricultural Land Commission Act*;

4.1.2.2 Cannabis Production Facilities may not be located within a 150-metre distance of public Elementary and Secondary Schools (see Appendix B); and

4.1.2.3 Cannabis production facilities may not be located within 100 m from each other, as measured from door to door.
4.2 Application Procedure

4.2.1 Resources for application submission, including detailed instructions and links to the application form, submission requirements and other relevant information, will be posted on the Town’s website at https://gibsons.ca/business/cannabis-sales/ upon Adoption of this Policy.

4.2.2 All Cannabis Store applications must include the information identified in Appendix C to be considered complete. Initial evaluation will be based on whether required documentation has been submitted. Through the rezoning process, a more in-depth analysis will be completed, at which point additional documents may be required.

4.2.3 Staff will review applications on a “first-come, first serve” basis for application completeness.

4.2.4 All Cannabis Store applications that proceed to the rezoning stage must pay an application fee as outlined in the Rates, Fees, and Charges Bylaw No. 1196.

4.2.5 All rezoning applicants for a Cannabis Store or a Cannabis Production Facility must follow standard procedures for the rezoning process, including the following:

- Responding to feedback and comments from staff, applicable advisory bodies, and the public;

- Organizing an open house session and conducting other applicable public notification and consultation measures; and,

- Attending standard Council proceedings, including a Public Hearing, when scheduled.

4.2.6 All rezoning applications for Cannabis Stores which proceed through First and Second Reading will be held at Third Reading pending confirmation of approval for a Provincial Non-Medical Cannabis Retail License. Should an application at Third Reading not receive Provincial approval, the application will be denied.

4.2.7 Upon rezoning approval, applicants may submit a business license application and, if applicable, development permit and building permit applications to the Town. These permits must be issued before any work may be done and before the business or production facility may commence operations.

4.2.8 Once operational, staff will monitor Cannabis Stores and Cannabis Production Facilities to keep Council informed on the state of cannabis retail and production in the Town. After a period of three years, staff will reassess the Policy to determine whether amendments are warranted and/or if additional stores or production facilities should be considered in the Town,
and return to Council with a recommendation for next steps. Council may request an alternative timeline for staff reassessment of the Policy at their discretion.

5 APPENDICES

Appendix A – OCP Land Use Designation Map

Appendix B – 150-metre Radius Separation Requirement from Gibsons Elementary and Elphinstone Secondary School

Appendix C – Application Submission Requirements
APPENDIX B

150-metre buffer around schools

Figure 1: 150 m buffer around Gibsons Elementary School overlaid on OCP land use map

Figure 2: 150 m buffer around Elphinstone Secondary School overlaid on OCP land use map
Cannabis Stores – Application Submission Requirements

<table>
<thead>
<tr>
<th>Y/N</th>
<th>REQUIRED INFORMATION / DOCUMENTATION</th>
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<tr>
<td></td>
<td>Name and contact information of applicant(s)</td>
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<td>Civic address and legal description of property where the proposed business is to be located</td>
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<td></td>
<td>Letter of consent signed by the subject property strata corporation or registered owner(s) authorizing application submission and proof of an option for lease or purchase of the subject property; or a State of Title Certificate confirming the ownership of the subject property</td>
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<tr>
<td></td>
<td>Confirmation that the proposed location complies with all locational requirements as per this policy</td>
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|     | Full description of the proposed business operation, including, at minimum, the following information:  
  • past business experience  
  • corporate structure  
  • number of staff, products sold, target market, and  
  • hours of operation  
  • other general business information |
|     | Letter confirming that all individuals/corporate entities associated with the proposed business are not currently operating any illegal recreational cannabis operations in the Town of Gibsons |
|     | Description of the expected time frame for commencing business activities within the Town, if approved |
|     | A Community Impact Statement outlining the following:  
  • Potential positive and negative economic, social and environmental impacts the business may have on the immediate neighbourhood and wider community  
  • Strategies for mitigating potential negative impacts |
|     | A Security Plan demonstrating security features that comply or exceed Provincial requirements |
|     | Provincial licensing referral from Liquor and Cannabis Regulation Branch (required to be received from Province) |
DEVELOPMENT APPLICATION REFERRAL FORM

Referral Date: February 26

Please review the attached development application and provide written comment on the back side of this form to Katie Thomas, Town of Gibsons Planning Department, no later than: March 26 2020.

APPLICATION TYPE

☐ Development Permit (permit No. _____________)
☐ Development Variance Permit (permit No. _____________)
☐ Temporary Use Permit (permit No. _____________)
☐ Sign Development Permit (permit No. _____________)
☐ Agricultural Land Reserve Exclusion (Application No. _____________)
☐ Official Community Plan Amendment (Application No. _____________)
✓ Zoning Amendment Application (Application No. ZA-2020-02)

REFERRED TO

✓ Ministry of Transportation & Infrastructure
✓ School District 46
☐ Sunshine Coast Regional District
☑ Agricultural Land Commission
✓ Royal Canadian Mounted Police
✓ Vancouver Coast Health
✓ Skwxwú7mesh Úxwumíxw
☐ __________________________

✓ TOG Infrastructure Services Department
☐ TOG Approving Officer
☐ TOG Public Works Department
✓ TOG Building Department
☐ TOG Parks Department
☐ TOG Finance Department
☐ TOG Administrative Services
✓ Gibsons & District Volunteer Fire Department

DESCRIPTION OF PROPERTY

Legal Description Lot 9 Blocks 1 to 4 District Lot 689 Plan 17211
Other Description
Street Address 1037 Venture Way
Folio Number 947.747 Parcel Identifier (PID) 007-306-091

DESCRIPTION OF PROPOSAL

The property is currently vacant, with a number of sea cans at the rear of the property. The applicant would like to rezone the property to allow for a Cannabis Production Facility on the site of 1037 Venture Way. The zoning for the property is Light Industrial 1 (I-1), the zoning would remain the same, however with the addition of a site specific use allowance for this property. Appendix A shows the location of the property.

The applicant is planning to construct a building once the outcome of the Zoning Amendment is known. This building would be subject to a Development Permit for Form and Character.

Cannabis Production Facilities and Cannabis Retail Stores are prohibited in the Town of Gibsons, and require a site specific Zoning Amendment or Temporary Use Permit to operate.
CONTACT INFORMATION

Date:
Agency or department:
For further information on the comments provide contact below:

First Name                      Last Name                      Position

Phone                      Email

COMMENT

RECOMMENDATION

☐ Approval Recommended  ☐ Approval Not Recommended
☐ Approval Recommended with Changes  ☐ Interests Unaffected by Proposal
☐ Additional Information Required
☐ Other:
Appendix A
Zoning Amendment Bylaw No. 1065-57, 2020

Alter to allow for a Cannabis Production Facility

Altering the zoning designation of Lot 9 Blocks 1 to 4 District Lot 689 Plan 17211 to allow for a Cannabis Production Facility
The Town of Gibsons is looking to amend the OCP and Zoning Bylaw to allow for Secondary Suites in more housing types, as per the recent change to the BC Building Code. The OCP amendment proposes that for the purpose of calculating density, secondary suites and lock-off suites would not count towards units per hectare or units per acre. The Zoning Amendment would look to include secondary suites within duplexes and townhouses, and introduce lock-off suites for strata titled apartments. The Town would like to receive comments on the proposed changes. As per the Local Government Act, the Town must consider implications to the SCRD’s Waste Management Plan and the Town’s Financial Plan.
CONTACT INFORMATION

Date:
Agency or department:
For further information on the comments provide contact below:

First Name  Last Name  Position

Phone  Email

COMMENT

RECOMMENDATION

☐ Approval Recommended  ☐ Approval Not Recommended
☐ Approval Recommended with Changes  ☐ Interests Unaffected by Proposal
☐ Additional Information Required
☒ Other:
TO: Planning and Development Committee  MEETING DATE: May 5, 2020
FROM: Lesley-Anne Staats, RPP, MCIP  FILE NO: 6440-19

SUBJECT: Short-Term Rental Bylaws for Consideration

RECOMMENDATIONS

THAT the report titled Short-Term Rental Bylaws for Consideration be received;

AND THAT Council directs staff to obtain a legal review of the proposed bylaw amendments prior to consideration of First and Second Readings.

PURPOSE

The purpose of this report is to provide the Planning and Development Committee with three proposed bylaws for consideration that would regulate Short-Term Rental Accommodations (STR's) in Gibsons:

- Zoning Amendment Bylaw – to regulate the use and conditions of use
- Business License Amendment Bylaw – to regulate the businesses
- Notice of Enforcement Amendment Bylaw – to regulate enforcement of the use and business

The three bylaws are enclosed as Attachments A, B and C. This review is intended to confirm whether the bylaws meet the Council’s intent in regulating STR’s in Gibsons, before completing a legal review of bylaws, which would be followed by Council consideration of bylaws for first and second readings.

BACKGROUND

Research has shown that short-term rental accommodations can drive significant economic growth; however, research indicates that they can also displace long-term rentals¹, alter neighbourhood character and raise legitimate parking, noise, safety, garbage, and fairness concerns.

On July 23, 2019, Council adopted the following resolutions after receiving draft bylaw amendments for the Zoning, Business Licence, and Notice of Enforcement bylaws regulating short-term rental accommodations:

**R2019-250 Short-Term Rental Accommodation Regulations**

*THAT a public engagement process begin for the purpose of collecting short-term rental operator and stakeholder input;*

*AND THAT staff report back with feedback received from the public engagement process prior to consideration of future bylaw amendments.*

**R2019-251 Short-Term Rental Accommodation Regulations**

*THAT the notification distance for short-term rental accommodations be 100 metres.*

A public consultation process was launched in October 2019, which included online surveys and small group discussion meetings. During the consultation, 63% of the survey respondents (58 out of 91) were residents, and 37% (33 out of 91) were STR operators.

Between October 11 to November 1, 2019, a total of 91 survey responses were provided through an online survey (70 responses) and in-person small group discussions (21 participants).

The online survey received 70 responses, where 55 respondents identified as residents and 15 identified as STR operators. Four small group meetings (2 hours per meeting) were held with 21 participants on October 22 and 23. The 21 small group participants, consisting of mostly STR operators (18 out of 21), provided in-depth input on proposed regulations. It should be noted that survey respondents and discussion group participants were self-selected, based on their interest in this topic. Following the feedback received from the consultation process, a report was provided to the Council on December 3, 2019, with options for consideration of implementing regulations in two categories – hosted and un-hosted short-term rentals.

On December 3, 2019, Council directed staff to revise bylaws regulating STRs by allowing them only on hosted properties (where a resident operator is on-site during a guest stay), and deferred regulation allowing un-hosted STRs until the Sunshine Coast Housing Needs Assessment is completed (now estimated Fall 2020). The December 3, 2019 staff report with the consultation feedback is enclosed as Attachment D.

**R2019-385 Short-Term Rental Accommodation Regulations Consultation Results**

*THAT staff refine and revise bylaws, to implement short-term rental accommodation regulations and licensing using hosted short-term rental regulations;*

*AND THAT un-hosted short-term rental accommodation regulations and licensing be deferred until after completion of the Sunshine Coast Housing Needs Assessment.*

On December 19, 2019, Host Compliance, a company that specializes in assisting Local Governments in North America manage short-term rentals (through drafting bylaws, enforcement, and compliance processes), did a point-in-time snapshot of the number of listings...
in Gibsons, which identified 131 listings representing 91 short-term rental units, shown in Figure 1. Of the listings, 84% were in single-family homes, 11% were in multi-family homes, and 5% were unknown.

Since Council’s December 3, 2019 discussion on STR’s, the topic of STR’s has been discussed in subsequent Council meetings.

**Current Zoning Context**

The Town’s current Zoning Bylaw permits bed and breakfast use (B&B) in specific zones and limits them to single-family dwellings (not permitted in secondary suites, duplexes, townhouses, nor apartments). The B&B regulations generally allow one to two bedrooms to be rented in a home, which must be conducted by a resident in the dwelling and must provide at least 1 parking space and breakfast.

Beyond the regulations for B&Bs, the current Zoning Bylaw regulates tourist accommodation, which is described as a building that provides sleeping facilities for the transient public and may also include cooking facilities.
The Zoning Bylaw is silent on short-term rental accommodations, which are often entire houses, secondary suites within a house, or a sleeping unit in an accessory building, rented to the transient public for stays of less than 30 days. The current lack of regulations provides little guidance to short-term rental operators who wish to operate responsibly.

The Context for Updating the Zoning, Business Licence and Notice of Enforcement Bylaws for Short-Term Rentals

- There is seasonal fluctuation in the number of STR units, and summer months appear to be busier. As shown in Figure 1 above, 91 unique rental unit listings were identified in December 2019, and Town staff have observed that unit numbers increase in the summer season.

- The Town hosted extensive community engagement and consultation on the topic of STRs in October and November 2019. A total of 91 online and in-person (small group discussion) survey responses provided, with 63% of the respondents self-identifying as residents and 37% identified as STR operators. Of the 91 survey respondents, 21 participated in 2-hour small group discussions, who provided in-depth input on proposed regulations (small group participants consisted mostly of STR operators (18 out of 21). The feedback received during the consultation expressed diverse community interests and perspectives, and areas of common support emerged.

- The commonality in consultation feedback included:
  
  - Support for the local economy – there was the recognition that STR’s have benefited the Town’s tourism economy, local service providers and community. STR’s also provide an important service with greater accommodation options for visitors staying in Gibsons.
  
  - Supplemental income/ mortgage support – for owners, many who have invested in renovations and improvements specific to meeting short-term rental market demand. This supplemental income may be a consideration for a home-buyer, as it increases affordability.
  
  - Need for clear regulations – Desired clarity for STR operators who wish to operate responsibly, with clear business licence conditions that align with insurance and building safety requirements.
  
  - Maintain neighbourhood character – Desire to find a reasonable balance for allowing tourist accommodation use in residential neighbourhoods while respecting neighbourhood character and minimizing negative impacts on neighbours (such as street parking, noise, garbage, backyard fires).
  
  - Hosted STR’s – Community residents and many operators were most supportive of hosted STR’s, with a resident person who is responsible for guests during guest stays.

- During the community consultation, the feedback was most divided on measures aimed at addressing long-term housing supply.
Consultation feedback from residents found that they generally supported the Town taking steps aimed at protecting the long-term rental housing supply. Online survey respondents were supportive of limiting STR’s to those with a resident or operator on-site during guest stays (78% or 43 out of 55 survey respondents).

In the online survey, fewer respondents were in favour of not permitting STRs in secondary suites or cottages (38% or 21 out of 55 online survey respondents).

Staff note that the original policy intent that introduced secondary suites in 2008 was to increase the available rental housing supply. However, in the current housing market context, home prices are substantially higher and STR’s provide buyers with an opportunity to obtain mortgage help, while also providing a space that could be available for friends/family visitors. STR’s also deliver a unique accommodation experience that benefits the local economy.

During the small group discussions, STR operators questioned the source of data used to link short-term rentals with loss of long-term rental housing and objected strongly to measures aimed at increasing the long-term rental housing supply. The larger context of seasonal vacation homes, vacant homes, and changes to the Residential Tenancy Act in 2018, were named as important factors for consideration in developing appropriate regulations for increasing the long-term housing supply. Limiting the number of STR units or restricting the type of STR units (ie. not permitting STR’s in secondary suites or garden suites) on a property, were strongly opposed. Several STR operators stated that STR spaces would be left vacant (ie. cottage and suites would be reserved exclusively for friends and family use), if they were restricted, and would not become long-term rentals. Restricting the type of units and limiting the number of units permitted for STR use on properties were the most contentious topics that arose in consultation feedback, with strong emotions expressed on both sides.

DISCUSSION

Zoning Amendment Bylaw Update (Bylaw No. 1065-47)

The proposed zoning amendment bylaw includes new permission of STRs in single-family dwellings, duplexes, and multi-family residential buildings, except apartments. This new approach combines B&B’s with STR’s as the same use, as was supported in the consultation feedback. The following new/updated definitions are proposed:

“BEDROOM” means a room located within a dwelling unit and where the primary function is for sleeping.

“BOOKING” means a confirmed reservation for short-term rental accommodation or tourist accommodation uses.

“COOKING FACILITY” means the main means of cooking a meal or any arrangement of cooking facilities within a dwelling unit or suite and includes gas, propane, or electric ranges or stoves, microwave ovens, counter-top cooking units, hot plates, wall ovens,
toaster ovens, electric frying pans, pressure cookers, crock pots or any other such cooking facility or any combination of such cooking facilities, and includes the arrangement of service lines which provide the energy source being used or intended to be used to service such facilities.

“DWELLING UNIT” means a self-contained housekeeping unit, used or intended to be used by one or more persons containing cooking, eating, living, sleeping, and sanitary facilities.

“HOME OCCUPATION” means an occupation, profession, or craft carried out as an accessory use in a dwelling or accessory building to the dwelling, by a resident on the lot, but does not include Short-Term Rental Accommodation.

“PRINCIPAL RESIDENCE UNIT” means the dwelling unit where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.

“SHORT-TERM RENTAL ACCOMMODATION” means the use of a furnished dwelling unit or sleeping unit which provides sleeping accommodation for less than 30 consecutive days for transient visitors.

“SLEEPING UNIT” means a unit primarily used for sleeping containing sleeping and sanitary facilities and has no kitchen or cooking facilities.

“TOURIST ACCOMMODATION” means a building which provides sleeping accommodation for transient visitors and may include cooking and dining facilities, meeting rooms, laundromats, dry-cleaning services, spa and fitness centres, and service commercial use.

Conditions of use include:

1. Short-term rental accommodation use shall be administered by the principal resident (an owner or authorized operator) on the property, who is living in a principal residence unit during a guest booking;

2. Short-term rental accommodation use shall occupy not more than one (1) dwelling unit or sleeping unit per property for the duration of a guest stay;

3. No external indication shall exist that a dwelling unit or sleeping unit is used as short-term rental accommodation, except for a single sign not exceeding 0.3 m² (3.2 ft²) in area.

4. A valid Town of Gibsons Business Licence, and compliance with associated licence terms and conditions, is required for the conduct of a short-term rental accommodation use and must be displayed on the property.
5. Off-street, parking must be provided per Part 6 of the bylaw, except that tandem parking is permitted (1 parking space per 2 bedrooms/sleeping units).

6. For sleeping units in an accessory building, registration of Section 219 Restrictive Covenant shall prohibit the conversion of the accessory building into a dwelling unit.

Additional amendments to the zoning bylaw include:

- Deleting the definition of Boarding Use (which is a long-term rental use within a dwelling unit) as it limits long-term rental options, is difficult to enforce, and has not come up as an issue.

- Deleting the definition of Bed and Breakfast as it has been altered and combined with the definition of short-term rental accommodation. The original definition of B&B required a provision of breakfast, which was functioning to create a hosted STR, where an operator is present during guest stays.

- Introducing new definitions such as ‘bedroom’, ‘booking’, ‘cooking facility’, ‘dwelling unit’, ‘principal residence unit’, and ‘short-term rental accommodation’ to support regulating short-term rental accommodation use and to provide clarity in the regulation.

- Updating definitions such as ‘sleeping unit’, ‘home occupation’, and ‘tourist accommodation’ for clarity.

- Updating the home occupation provisions to allow not more than two home occupations in conjunction with each other.

- Updating the zoning bylaw with consequential amendments (and numerous references) that remove bed and breakfast as a home occupation.

**Short-Term Rentals in Secondary Suites, Garden Suites, and Accessory Buildings**

Staff note that an estimated 75% of the Business Licences previously issued for B&Bs were in secondary suites which do not conform to the Zoning Bylaw, as the Zoning Bylaw states that (S.8.9) secondary suites “must be available for use as a domicile on a year-round basis and must be rented for periods not shorter than one month”.

The feedback received through community consultation indicated that Gibsons residents prefer hosted STR’s with an operator on-site. Not allowing STR’s in secondary suites and garden suites were strongly objected to. The consultation feedback further indicated that secondary suites currently used as STRs may remain vacant if regulations are put in place prohibiting STR use within them, as many homeowners do not want to manage a long-term tenant, and prefer the flexibility of short-term rentals for availability and use by family and visitors.

Council provided direction to prohibit STR’s in “garden suites and other accommodations developed specifically as affordable housing or long-term rentals”. Although secondary suites were introduced as an affordable housing option and intended to be long-term rental units, garden suites are new-build’s and are not affordable; however, they do increase the housing stock using existing infrastructure. Staff advise against prohibiting STR’s in secondary suits
and garden suites due to the community feedback received during the consultation. Several STR operators spoke to concerns with placing a burden on them to provide long-term rentals, and that if STR was not an option, the unit may not be used for long-term rental. Several operators had concerns with not permitting STR’s in accessory buildings. Three participants had a STR that would be prohibited if accessory buildings would be prohibited. In these three cases and for several STR operators with secondary suites within their residence, the additional suite or unit, is only rented occasionally, (it is often used by friends and family). In these cases, if the unit was prohibited from STR, it would not become a long-term rental.

Further to this, STR use provides a property owner/ potential purchaser with mortgage help, making the unit more affordable. To continue to allow mortgage helpers, the proposed bylaw allows a STR’s in an accessory building, as a sleeping unit only, with no cooking facilities. It is estimated that approximately 25% of existing STRs are in accessory buildings. A risk in allowing STRs in accessory buildings is that in the future they may be illegally converted to dwelling units, which could unintentionally increase the density in a neighbourhood. To limit this, staff suggest requiring a S.219 Restrictive Covenant to be registered on Title to make sure the accessory building is not converted to a dwelling unit unless the property is zoned for a Garden Suite.

**Business Licence Bylaw Update (Bylaw No. 666-10)**

Each year, the Town of Gibsons sends Business Licence renewal notices to business owners at the end of November. With Council’s direction to update the STR regulations, 46 Business Licences were not renewed for the 2020 calendar year. It is staff’s understanding that none of the 46 STR business licences qualify as B&B. Staff intends to issue the business licences once the 3 short-term rental related amendment bylaws have been adopted.

The Business Licence Bylaw amendment proposes the following changes:

- A new classification of business for short-term rental accommodation requiring an annual $200 licence fee.

- A requirement to provide, as part of an application, the following:
  - Applicant’s contact information
  - Operator’s contact information (must reside on-site and provide proof of residence, and owners authorization, if the permanent resident on the property is not the owner)
  - Number of STR sleeping units and bedrooms
  - Number of dedicated on-site parking spaces and parking plan to scale
  - Strata Council approval (if applicable)
  - Property owner (and operator) consent to abide by short-term rental regulations

- Safety attestation form including the following requirements
o Smoke alarms installed and maintained
o Fire extinguisher installed and maintained
o Fire Safety Plan posted and updated annually
o Means of egress operable and unobstructed (bedroom doors and windows)
 o Carbon Monoxide Alarms installed and maintained
o Interior/Exterior passageways maintained free and clear of obstructions
o An Operator (principal resident) on site during guest stays
o Insurance obtained for STR use
o Not more than one guest suite used at a time
o A written record of all guest names.

• A Town of Gibsons business licence with the operator’s contact information will be displayed in a prominent location on the property

Enforcement Bylaw Updates (Bylaw No. 1125-07)

To enforce the Zoning and Business Licence bylaws, the Enforcement Bylaw would be amended to include offences with penalty fines of up to $300 for each of the following violations:

• Not complying with business licence terms and conditions for operators of short-term rental accommodation.

• Refusing entry for inspection by a Town representative.

• Listing or advertising a short-term rental exceeding approved sleeping unit count on business licence.

• Operating contrary to zoning restrictions.

• Operating a short-term rental accommodation without a principal resident on the property.

• Operating a short-term rental in a secondary suite.

• Operating a short-term rental in more than one dwelling unit for the duration of the booking.

• Operating without a valid business licence.

• Not meeting required parking spaces for short-term rental accommodation.
In each offence listed above, the owner may enter into a ‘compliance agreement’ with Town of Gibsons (Bylaw Enforcement Officer), outlining intent and timeframe for compliance with the bylaws, and the penalties may be waived.

Enforcement is an essential part of regulating short-term rental accommodations and may require additional resources. Enforcement will be monitored to track a potential increase in workload for the Town’s single Bylaw Enforcement Officer. Council need to may consider adding dedicated staff time for business licence inspections and a budget for proactive enforcement of short-term rentals.

**POLICY / PLAN IMPLICATIONS**

**Strategic Plan Implications**

Regulating short-term rental accommodation use in Gibsons aligns with Council’s strategic plan objectives:

*Advocate for and Facilitate A Range of Housing Types*

- We will actively work toward increasing the supply and range of safe, secure and attainable affordable housing options

*Plan for Sustainable Growth*

- We will value the unique character of our Town and its neighbourhoods
- We will create spaces that promote a sense of community and are accessible to all
- We will support local business and foster a diverse economy

**Financial Plan Implications**

There are no negative impacts to the Town’s Financial Plan. Staff will monitor impacts to the Bylaw Enforcement Officer’s workload to determine if additional resources are required.

**Other Policy or Plan Implications**

Official Community Plan policy 11.2.6 is supportive of the ‘sharing economy’ and how to encourage this type of activity’. The ‘sharing economy’ refers to the sharing of assets such as vehicles, tools, real estate etc. to reduce costs and environmental impact. Policy 5.6.8 is to ‘Increase tourist accommodation within walking distance of the Harbour area’.

**NEXT STEPS**

Following the PDC’s and Council’s consideration of the bylaws, with confirmation that the approach is as Council requested, the bylaws will then be sent to the Town’s legal Counsel for review before being considered for the first readings.

The zoning amendment process requires 1-2 readings before the Public Hearing. Following the Public Hearing, two more readings are required to Adopt the bylaw, for a total of four readings. At any reading, Council may amend or defeat the zoning amendment bylaw.
COVID-19-related considerations for Public Hearings

- The intent of a Public Hearing is for Council to hear community opinions on a bylaw being proposed, and for community members to hear other individuals’ opinions’ as well.

- Should Council proceed to a Public Hearing, it must be held in a space that allows 2 m physical distancing.

- If more than 50 people gather, Council will have to adjourn to a later date.

- Council has the option to waive a Public Hearing, per section 464(2) of the Local Government Act because the bylaw is consistent with the OCP. Should Council choose to waive the Public Hearing, a public notice would be published in two consecutive issues of the Coast Reporter stating the purpose of the zoning bylaw, the zones it would effect, and a website where information and the bylaws may be inspected.

Guidelines for Local Governments Operating under Emergency Program Act, Ministerial Order M083 with respect to Public Hearings (March 30, 2020) – excerpt below

- Local governments are required to hold public hearings prior to the adoption of several different kinds of bylaws including official community plans and some zoning bylaws.

- Local governments will need to think carefully about whether in some cases, delay of statutory processes requiring public hearings is the most appropriate and practical approach.

- Local governments may also want to consider whether it is appropriate to waive public hearings where they are not legally required, such as on proposed zoning bylaws that are consistent with the official community plan.

- Where a public hearing is required, members of the public who believe their property may be affected by a proposed bylaw must continue to be provided a reasonable opportunity to be heard, which can include written submissions.

- The Ministry understands the potential challenge of public hearing requirements and will be providing additional guidance in the near term.

Recommendations / Alternatives

Staff recommendations are on page 1 of this report.

Alternatively, Council may suggest modifications or additional terms to direct staff to include for the Town’s bylaw amendments to regulate short-term rental accommodation; or, Council may wish to give the bylaws first and second readings and schedule a Public Hearing.

Attachments

- Attachment A – Zoning Amendment Bylaw No. 1065-47
- Attachment B – Business License Amendment Bylaw No. 666-10
- Attachment C – Notice of Enforcement Amendment Bylaw No. 1125-07
- Attachment D – December 3, 2019 Staff Report on STRs and Consultation Feedback Report

Respectfully Submitted,

Lesley-Anne Staats, RPP, MCIP
Director of Planning

CHIEF ADMINISTRATIVE OFFICER’S COMMENTS:

I have reviewed the report and support the recommendation(s).

Emanuel Machado
Chief Administrative Officer