

Memo



TO: Mayor and Council
FROM: Chief Administrative Officer
DATE: July 23, 2021
SUBJECT: Re: Proposed Zoning Amendment Bylaw No.1058-2021

Background

Community Services facility was constructed under the CD-1 (Comprehensive Development) zoning designation in 1998 which at the time permitted a variety of uses that included institutional use. Attached are copies of notes that indicated issues that arose during the construction of the Community Services building.

The institutional use also required that off-street parking be provided under the Zoning Bylaw No. 479, 1987 that was in force at the time, and which stipulated the following:

- 1 space per 10 square metres of gross floor area, plus one space for each three seats.

The requirement for the provision of parking spaces was not made a condition for the construction of the original facility. Nor was a Development Variance permit required to exempt the parking requirement for the building, which was completed in April 1999, an oversight it must be assumed.

The Town had provided the lands for use of the construction of offices and a women's shelter and in return required a covenant under section 219 of the Land Titles Act to be registered in favour of the Town. A copy of the covenant is attached.

Current Status

The Community Services now proposes an approximate 54 square metre expansion of the current building which has triggered the requirement for an amending zoning bylaw to Bylaw 935-2013. The CD-1 (comprehensive Development) zone as of 2013 requires that any proposed change to that zone necessitates appropriate amendments to be enacted.

The amending bylaw raises the following concerns:

- The proposed amendment to exempt the property from the parking regulations seems inappropriate when the zoning bylaw clearly identifies that requirement. On-street parking has been exacerbated with the recent influx of vehicles on the street fronting the Community Services facility and the recent increase of recreational vehicles that seem to hog the street parking

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spaces across from the Community Services facility has not been exactly helpful. In addition, Community Services has posted reserve signs for street parking and at the public parking location owned by the Town.

- Use of the zoning bylaw to exempt the Community Services from the parking requirement conflicts with the on-site requirements under the current zoning bylaw, as stated earlier. If council desires to exempt the proposed development from the parking requirement, then Table B-1 of the Zoning Bylaw must be amended; no other zoning designation has parking identified separately other than through the Table referred to earlier. Any variation from the current requirements must be separately approved through a Development Variance Permit by council and that prior to construction and by separate application.
- The attached covenant may well also have to be updated as the land acquired for the purposes of use for offices and a women's shelter has or may have been altered and the extension of the facility must be recognized in the revised covenant to ensure no further construction or changes in use.
- It needs to be noted that Community Services is encroaching on Town property, and gated even, as outlined in yellow on the last drawing attached. There has been no expressed authorization given for the encroachment by the Town.

A public hearing on the proposed amendments to the Zoning Bylaw was held on June 22nd, 2021, with council having had the opportunity to hear verbal comments. A copy of the minutes of the hearing is available separately

Council cannot permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.

In addition, a total of 34 written submissions were received prior to the deadline for submissions. They may be summarized as follows:

In favour:

8 written communications were in favour of the proposed bylaw.

Topics/ rationale for support:

1. Poverty reduction.
2. Bettering community; help more than just the homeless.
3. Safe place to provide hope through warmth and food.
4. Show we care.
5. Official Community Plan policy regarding social support: health affected by our sense of community support and connectedness.... commitment to shared resources and systems.
6. Invaluable services provided by Community Services.
7. Address the crisis of addiction and homelessness.
8. Project supported by a \$150,000 COVID capital investment grant which will:
 - a. support greater building access;
 - b. decrease congestion;

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- c. enhance staff safety;
- d. enhance privacy;
- e. and allow service to clients with dignity.

Not in favour:

26 written comments were in opposition.

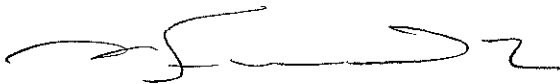
Spend money on other services, this is a band-aid solution.

1. Poor location:
 - a. Concerned for safety of children and families who use the community services building.
 - b. Child exposure to undesirable influences –don't mix children with marginalized groups.
 - c. Too central.
 - d. Adjacent to tourist facilities, Saywell Park, museum.
2. Will encourage people experiencing homelessness from Duncan to come here.
3. Will lose small town sense of security.
4. Insufficient capacity of small town with limited tax base and resources (professionals, police) to address issues of trash, drug use, feces, camping.
5. Need more research on police/ ambulance call increase, impact on users of the existing facility.
6. Need for consultation with emergency service providers.
7. Increased crime and drug use.

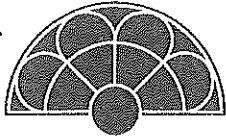
Conclusion

Council has the following options:

- Give Bylaw No. 1058-2021 3rd reading with the deletion of the parking provision and proceed to reconsideration and adoption;
- Not support consideration of the bylaw; OR
- Pass or defeat the Bylaw No. 1058-2021 in the form presented through a vote.



Joseph A. Fernandez



Victoria Conference Centre

MAY 25/98

MEETING WITH COMMUNITY SERVICES

RICHARD FRIMAN

DAN D.

BRIAN K.

1. RICHARD F. ADVISED B.I. THAT ED GULLMAN GRANTED PERMISSION FOR CONSTRUCTION TO PROCEED (PLACEMENT OF CONCRETE) WITHOUT A BUILDING PERMIT. (CONTRARY TO BUILDING BYLAW) - ADVISED PERMIT FEE TO BE DOUBLED AS PER BUILDING BYLAW -
2. RICHARD ALSO INDICATE THAT ED ADVICE HAD THAT HE WAS UNAWARE OF THE B.I. WORK SCHEDULE - MEMO TO ED ^{MAY 11/98} & CC JEAN BROWN - WORK TENTATIVE PLANNED FOR MONDAY & 1/2 PM TUESDAY -

- GEO TECH REPORT - Ray Baron - July 8/98 - REQUEST COPY OF REPORT. ^{LEFT MESSAGE.}
- VARIANCE SETBACK - By DEVELOPMENT PERMIT ^{JULY 9/98 LEFT MESSAGE}
- VARIANCE FLOOD
- COVENANT FLOOD
- SPANNING (By-law). PARTIAL SYSTEM WOULD REQUIRE ^{LEFT DETAILED MESSAGE}
By-law change WITH MR. COE JULY 15/98.
- SPATIAL SEPARATION - 2 meters ROAD.

- DRAINAGE ? -

- VENTILATION DESIGNS
- ACCESSIBLE DESIGN WASHROOM - RAMP - DOOR SIZES

- AGREEMENT OR CONTRACT WITH ARCHITECT - CAROL

BLATCHFORD ADVISES THEIR GROUP IS WORKING DIRECTLY WITH & PAYING FOR THE ARCHITECT - NO OTHER PROVINCIAL OR FEDERAL AGENCY IS INVOLVED.

08 JUL 22 10 20

EM069164

RECEIVED - VICTORIA
AND TITLE OFFICE

LAND TITLE ACT

FORM C (Section 219.81)

GENERAL INSTRUMENT - PART 1

Page 1 of 3 page

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Patricia Thomson, Notary Public

P.O. Box 94

Lake Cowichan, B.C. V0R 2G0

(Tel) 749-3912 (Fax) 749-3056

AGENTIS INFORMATION SERVICES INC.

Authorized Agent

File 1456, Town of LC

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND: *

(PID) (Legal Description)
023-195-193 Lot D of District Lot 12 Cowichan Lake District Plan
VIP61928

3. NATURE OF INTEREST: *

DESCRIPTION	DOCUMENT REFERENCE (page and paragraph)	PERSON ENTITLED TO INTEREST
Section 219 Covenant	Entire Document	Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms D.F. No. 01 98/07/22 10:19:41 01 VI 091678
- (b) Express Charge Terms Annexed as Charge 2 \$55.00
- (c) Release There is no Part 2 of this Instrument

A Selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S): * COWICHAN LAKE COMMUNITY SERVICES SOCIETY


6. TRANSFEREE(S): (including postal address(es) and postal code(s))*
THE CORPORATION OF THE TOWN OF LAKE COWICHAN, 39 South Shore Road, Lake Cowichan BC V0R 2G0

7. ADDITIONAL OR MODIFIED TERMS: *
N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Execution Date

Officer Signature(s)	Y M D	Party(ies) Signature(s)
		COWICHAN LAKE COMMUNITY SERVICES SOCIETY by its authorized signatories


 PATRICIA THOMSON
 Notary Public
 78 Cowichan Lake Road
 P.O. Box 94
 Lake Cowichan, B.C. V0R 2G0
 Tel: 749-3912 Fax: 749-3056

98/07/109


 CAROL BLATCHFORD


 JANICE HEDDEN

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

**TERMS OF INSTRUMENT - PART 2
COVENANT**

WHEREAS:

1. The Transferor is the registered owner of all and singular that certain piece, parcel, or tract of land situate, lying and being in the Province of British Columbia and being more particularly known and described as:

PID 023-195-193

Lot D of District Lot 12

Cowichan Lake District

Plan VIP61928

(hereinafter referred to as the "Land")

2. The Transferor has requested approval to construct a building on the Land to be used for offices and a women's shelter, and, as a condition of granting approval to construction on the Land, the Transferee has requested that the Transferor enter into a covenant pursuant to Section 219 of the Land Title Act in the terms hereinafter set forth.

3. Section 219 of the Land Title Act provides that there may be annexed to any land a condition or covenant that the land, or any specified portion thereof, is not to be used in a particular manner.

4. **WITNESSETH THAT** in consideration of the sum of One Dollar (\$1.00) and other valuable consideration now paid by the Transferees to the Transferor (the receipt and sufficiency whereof is hereby acknowledged) the Transferor **COVENANTS AND AGREES** to a Covenant on the following terms:

- a. Hereafter, the Transferor will ensure that the land is owned and operated only by a registered non-financially profiting organization for the purpose of offices and as a women's shelter.
- b. Provided that should the Transferor cease to operate as a non-profit organization, or cease to run the offices and women's shelter, the Transferor will transfer the property back to the Transferee for the sum of ONE DOLLAR (\$1.00).

5. **IT IS EXPRESSLY UNDERSTOOD AND AGREED** that the covenant herein contained shall run with the land and shall be binding upon the Transferor and all persons claiming through, under or in trust for it.

6. **WHEREVER** the singular or masculine are used throughout this Indenture the same shall be construed as meaning the plural, feminine, or body politic or corporate where the context or the parties hereto so require.

7. **THIS AGREEMENT** shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

8. **THIS IS** the Instrument creating the condition or covenant entered into under Section 219 of the Land title Act by the registered owner referred to herein and shown on the print of the plan annexed hereto and initialled by me.

END OF DOCUMENT

**SKETCH PLAN SHOWING
PROPOSED ADDITION ON**

**LOT A, DISTRICT LOT 12,
COWICHAN LAKE DISTRICT,
PLAN VIP74908.**

Note: Lot A lies within the Town of
Lake Cowichan and is Zoned CD-1.

All clearance distances are shown to an
accuracy of plus or minus 0.03 metres.

Scale 1: 250



All distances are in metres unless otherwise noted.

- denotes iron survey post found.
- denotes 2' 1x2 wood stake placed.

