

**Minutes of a Special Meeting of Council, held January 20, 2016 at  
d'Esterre Seniors Centre, 1801 Beaufort Avenue, Comox**

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Present: Mayor P. Ives  
Councillors R. Arnott, K. Grant, M. Grant,  
H. MacKinnon, B. Price, M. Swift

Absent: Nil

Call to Order:

The Public Hearing was called to order at 7:00 p.m.

There were 41 members of the public in attendance.

**PUBLIC HEARING STATEMENT**

Mayor P. Ives made the following statement:

This Public Hearing is hereby convened pursuant to Section 890 of the Local Government Act, in order to consider the following:

**1. Rezoning Application RZ 15-7 (1666 / 1700 Comox Avenue)**

- a. *Comox Zoning Bylaw Amendment No. 1825*
- b. *Comox Phased Development Agreement Authorization Bylaw No. 1826: Berwick Congregate Care*

Council will also receive at this Public Hearing any representations that members of the public wish to make regarding Development Permit Application DP 15-9, which pertains to the land that is the subject of the zoning amendment bylaw.

The proposed bylaws have received first and second readings, but have not passed third reading, nor has Council adopted them. Notices of this Public Hearing have been published in accordance with the requirements of the Local Government Act. Also, a copy of the proposed bylaws and development permit, supporting documentation and any submissions to Council received from the public have been available for inspection at Comox Town Hall as required by the Local Government Act. Copies are also available for review at this hearing.

This Public Hearing is an opportunity for the public to make representations to Council. All persons present who believe that their interest is affected by the proposed bylaws or development permit will be given a reasonable opportunity to be heard, or to present written submissions respecting matters contained in the proposed bylaws or development permit.

To maintain order and to ensure everyone a reasonable opportunity to be heard, the following rules of procedure have been established for this hearing:

1. Those of you who wish to speak concerning the proposed bylaws or development permit must sign the appropriate Speakers List, which is located at the desk of the Clerk. Speakers will be called in order of sign-up, and if you are not available when your name is called we will pass on to the next speaker. In order to ensure an opportunity to speak, it will be the responsibility of the speaker passed over to once again sign the Speaker's List;
2. Each speaker will be given the opportunity to speak for five minutes. When the five minutes are up we will move on to the next speaker on the list. Should anyone wish to have further input into the Hearing, they must ensure that they add their name to the Speaker's List for a further 5-minute opportunity to make representation;
3. Once called by the Chair, please begin your presentation to the Council and meeting by clearly stating your name and address. Then you may give us the benefit of your views concerning the proposed bylaws or development permit; and
4. Any person who wishes to present a written submission to Council may do so. All submissions will be retained by the Clerk.

All written submissions should be placed at the desk of the Clerk as soon as possible so that all of those present who wish to read them have an opportunity prior to the closure of the Hearing.

Council will not debate with each other or members of the public. Council will not answer questions; we are here to hear from you. Technical questions may be directed by the Chair to the staff. The Council Chair will only entertain submissions that are relevant to the proposed bylaws and development permit under consideration.

Everyone will be given a reasonable opportunity to be heard at this meeting. No one will be, or should feel, discouraged or prevented from making his or her views heard. Please refrain from any conduct that would intimidate others or discourage them from speaking.

Please observe these rules, and if you have any concerns with the manner in which the hearing is conducted, direct your comments to the Chair.

The proceedings will be recorded by the Recording Secretary and all speakers are requested to identify themselves, giving their name and address prior to speaking.

I would ask that all questions be directed through the Chair.

**a. Application Summary**

**1. Rezoning Application RZ 15-7 (1666 / 1700 Comox Avenue)**

a) Comox Zoning Bylaw Amendment No. 1825

In general terms, the purpose of Comox Zoning Amendment Bylaw No. 1825 is to rezone the subject properties shown shaded on the Map below from R1.1 Single-Family and CD4 Comprehensive Development: Congregate Care - Comox Ave to a new CD4.1 Comprehensive Development: Congregate Care zone and to allow the development of an addition to the existing Berwick congregare care facility on the 1666 Comox Avenue property.

b) Comox Phased Development Agreement Authorization Bylaw No. 1826: Berwick Congregate Care

In general terms, the purpose of Comox Phased Development Agreement Authorization Bylaw No. 1826: Berwick Congregate Care is to establish a Phased Development Agreement between the developer and the Town of Comox for the provision of amenities such as landscaping, space to accommodate an ambulance station, at least 18 residential units in accordance with adaptable housing standards, at least 2 parking spaces with 220V electrical connections, construction of residential units in accordance with sound attenuation standards and LEED Silver or an equivalent construction standard.

**Subject properties:**  
1666 COMOX AVENUE  
Lot A, Section 56, Comox District, Plan 15513, PID 000-794-660  
and 1700 COMOX AVENUE  
Lot 1, Section 56, Comox District, Plan 77677, PID 026-060-051



## **2. Development Permit Application DP 15-9**

In general terms, the purpose of the Development Permit Application is to permit a 34-unit addition to the existing building on the subject properties, in accordance with Downtown Comox development permit guidelines.

***The Application Summary was received for information.***

### **b. Public Hearing Submissions**

Mayor P. Ives made the following statement:

1. Written – To ensure that written submissions are included in the minutes of the meeting, please ensure that all are submitted to the desk of the Clerk before the end of the meeting.
2. Verbal – The proposed bylaws and development permit application are now open for discussion.

Denham Kelsey – 1700 Comox Avenue

Mr. Kelsey stated that he was immensely impressed with Comox and congratulates Mayor and Council for creating a delightful environment. He stated that there will be a big hole in the economy of Comox, and the expansion of Berwick will enlarge the economic benefit. He stated that the oak tree is sad and neglected, and that the two other trees will be cared for and loved.

Wendy Prothero – 1945 Beaufort Avenue

Ms. Prothero stated that this challenge has been faced before, with the Comox Valley Seniors Village building around a large tree. She stated that a 2<sup>nd</sup> floor balcony extends into the canopy of the tree. Ms. Prothero stated that studies show people in rooms with views of trees recover quicker, and hopes that Council will contact the Comox Valley Seniors Village.

Chris Morrison – 201 – 1705 Comox Avenue

Ms. Morrison stated that she represents the Garry Oak Preservation Committee. She stated that the tree in question is about 200 years old and at one time there were vast meadows of garry oaks in the Valley. She stated that the tree is healthy, and drought and fire resistant. Ms. Morrison referred Council to page 163 of the OCP, which states that DPs will be issued if the property does not contain any garry oak ecosystem.

Liz Naish – 6 – 1650 Comox Avenue

Ms. Naish stated that half of St. Joe's beds are taken up by the elderly, which the new hospital will not alleviate. She stated that the Town does not need an expansion of Berwick until there are services for more elderly. She stated that Comox is not a big city, and that residents need open space, fresh air and trees, that come with a smaller building. She also stated that placing an ambulance station right in the middle of the densest population does not make sense. Ms. Naish advised that deer live on the lot, and suggests that Berwick builds a smaller unit or finds a larger lot.

Marilyn Machum – 2264 Strathcona Crescent

Ms. Machum suggested that the tree is between 183 and 244 years old. She stated that she spoke with an engineer at Retirement Concepts, and advised that they intended to save the tree right from the start. Ms. Machum suggests that developers are made aware of community values right from the start so that money is not spent in the first place.

Linda Rutherford – 396 Pritchard Road

Ms. Rutherford stated that it is important to highlight that this expansion is about senior people, and the Town's commitment to an age friendly community. She stated that seniors are the men and women who founded this community, and they are entitled to nutritious meals, a safe and comfortable home and to have opportunities to exercise and socialize. She stated that not one person at Berwick would consider the destruction of a forest to build the expansion, and that the more that is built in the heart of the community, the less the community would have to expand.

**c. Close of Agenda Item**

There being no further speakers on the speaker's list, Mayor Ives made the following statement:

I would remind those present that legal considerations prevent the members of Council from considering any representations made after the closing of this Agenda Item.

Before closing the Agenda Item, I am going to call three times for any further speakers on any of the matters contained in the proposed bylaw.

For the first time, is there anyone who wishes to make any further representations?

Marilyn Machum – 2264 Strathcona Crescent

Ms. Machum stated that she is not on the payroll of Berwick and thinks that she has a right to say what she wants about a tree.

Mayor Ives continued:

For the second time, is there anyone who wishes to make any further representations?

Audrey Craig – 351 Church Street

Ms. Craig stated that she is the past president of Comox Valley Hospice and Berwick provides many services for Hospice. She stated that Berwick is an incredible organization and she wants to lend her support for the project.

Chris Morrison – 201 – 1705 Comox Avenue

Ms. Morrison stated that she thinks Berwick is wonderful and she has nothing against the expansion. She stated she just wants it to go around the tree and not through it.

Liz Naish – 6 – 1650 Comox Avenue

Ms. Naish stated that Robert Ash owns the Sandpiper North and South buildings and she doesn't like the thought of five stories blocking the sunlight to them. Her suggestion is that it is better to stick to three stories.

Mayor Ives continued:

For the third time, is there anyone who wishes to make any further representations?

There being no further speakers, I declare this Agenda Item closed.

Adjournment:

The Special Meeting of Council adjourned at 7:40 p.m.

**Written submissions were received from the following at the meeting, and are attached to these Public Hearing Minutes:**

Liz Naish – 6 – 1650 Comox Avenue  
Phyllis and Kenneth Long – 319 Church Street  
Other, unknown submissions

Certified correct pursuant to Section 97 of the Local Government Act.

“Paul Ives”

MAYOR

“Richard Kanigan”

CORPORATE OFFICER

Certified fair and accurate pursuant to Section 890(7) of the Local Government Act.



DEPUTY CORPORATE ADMINISTRATOR