

**QB Town**

**Subject:** FW: INPUT - Temporary Use Permit Application for 210 First Avenue West  
**Attachments:** Times Colonist E-edition.pdf

Date Received OCT 05 2021

**From:** Heather Svensen <HSvensen@qualicumbeach.com>  
**Sent:** Tuesday, October 5, 2021 8:27 AM  
**To:** QB Town <qbtown@qualicumbeach.com>  
**Subject:** FW: INPUT - Temporary Use Permit Application for 210 First Avenue West

File No. \_\_\_\_\_  
 Acknowledgement Card  Response Letter  
*Council*  
*DS, LS, RA, WG*

**From:** Anne Skipsey  
**Sent:** October 4, 2021 5:53 PM  
**To:** Heather Svensen <HSvensen@qualicumbeach.com>  
**Cc:** Weslie Gould <WGould@qualicumbeach.com>  
**Subject:** FW: INPUT - Temporary Use Permit Application for 210 First Avenue West

Action Required By *Log Oct 6 agenda*

**From:** PAT JACOBSON [mailto: @shaw.ca]  
**Sent:** October 4, 2021 5:51 PM  
**To:** Anne Skipsey <ASkipsey@qualicumbeach.com>  
**Subject:** Fwd: INPUT - Temporary Use Permit Application for 210 First Avenue West

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Hello Anne-  
I inadvertently sent this email on Town business to your home email address. Here it is for the Town record.  
Pat

Begin forwarded message:

**From:** PAT JACOBSON <@shaw.ca>  
**Subject:** INPUT - Temporary Use Permit Application for 210 First Avenue West  
**Date:** October 4, 2021 at 1:44:47 PM PDT  
**To:** Brian Wiese <mayor@qualicumbeach.com>, Robert Filmer <rfilmer@qualicumbeach.com>, Scott Harrison <sharrison@qualicumbeach.com>, Teunis Westbroek <twestbroek@qualicumbeach.com>  
**Cc:** qbtown@qualicumbeach.com, Luke Sales <lsales@qualicumbeach.com>

To Mayor and Councillors -

Thanks for the opportunity for comment on "The Temporary Use Permit" - 210 First Avenue West.

Here are my comments:

**1. Ground Floor Commercial**

The original developer had asked for all residential, going back to 2017, but the Council at the time voted against that. I believe that an even stronger case exists today for keeping the ground floor

commercial. There is considerable densification underway now, with new multi-unit housing on Memorial, a major proposed development at Beach and First, the Kiwanis project coming soon, to name a few. In addition to that, the multi-use pathway coming in from the west end of Town to this area is providing easier access to the Village Neighbourhood.

There is regular doom and gloom about empty space in the downtown core, but it always seems to fill up. Recently there have been some excellent additions of new businesses! With younger families and young professionals moving to Town, these spaces should be more in demand. There are lots of businesses that would benefit from a storefront. And, in looking at the building design drawing on the site, the commercial space looks desirable.

In a town that strives to have a “vibrant” Village Neighbourhood, ground floor residential isn’t the answer. The configuration of our village with small, unique retail businesses and a wide array of services to serve residents and tourists alike is a viable model and one that sets us apart. The amount of space like this in the downtown core is finite.

## **2. 210 First Avenue West Development**

What is the intended residential use of this building? I don’t see any detail for the use above the ground floor. Why is this not included in the information provided? Is it going to be rental units or condos for sale? If rental, are these going to be long term rental? If condos, will rentals be allowed? Will this be managed by a Strata? If I were to be an owner or long term renter in the building, I wouldn’t be supportive of short term rentals and sharing the common amenities like parking and waste management. I assume the new owner has thought this through? What is stopping the owner from doing longer term rentals on the ground floor, thus not enhancing the supply of short term rentals which is the focus of the staff recommendation?

## **3. Town Strategy on Short-Term Rentals (B&B, Airbnb, VRBO)**

Where do we stand on managing short-term rentals and indeed understanding what the supply is of short term rentals in Qualicum Beach? Please see the article attached on the City of Nanaimo’s plans to license short term rentals.

## **4. Tourist Accommodation**

This is the bigger issue. The loss of tourist accommodation over the years (some of it avoidable) has been well chronicled. Three short term rentals are a drop in the bucket. We need bigger and more creative solutions, such as the Destination Tourist Resort at Pheasant Glen, optimizing the opportunities along the Island Highway at the west end of Town, and attracting a boutique hotel. While these are somewhat longer term, the business model dynamics are changing.

This also sets a precedent that will make future requests more difficult to deny. In addition, why have to deal with a review of the “temporary use permit” in three years? I recommend you turn it down now for all of the aforementioned reasons.

Pat Jacobson  
225 Crescent Road West  
Qualicum Beach, V9K 1J9

# Nanaimo looks at requiring licences for short-term rentals

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Times Colonist · 24 Sep 2021 · B1 · CARLA WILSON [cjwilson@timescolonist.com](mailto:cjwilson@timescolonist.com)

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A plan to require business licences for short-term rentals should be revised before city hall gives it final approval, says the president of the Greater Nanaimo Chamber of Commerce.

“There needs to be more discussion on the subject,” said Kim Smythe, who worked on the issue for five years and has met with senior municipal officials.

There’s a concern with how short-term rentals compete with hotels and similar accommodations, he said.

An even playing field is needed if the city is going to license short-term rentals, Smythe said.

Hotels and motels, for example, must comply with a variety of approvals, including fire and safety inspections, he said.

The Nanaimo plan differs because an operator, including bed-and-breakfast facilities, would only have to declare that they completed a building and fire safety checklist.

Nanaimo council gave second reading on Tuesday to the proposal to set up a licence system for short-term rentals and require a parking spot for each unit.

A short-term rental business licence would cost \$165 per year and bed-and-breakfast operations would need licences as well.

The new system would not come into effect until a public hearing is held and council subsequently votes to change its bylaws.

Dan Brady, Nanaimo Hospitality Association executive director, also raised concerns about the city’s implementation of a licence system.

He’s not criticizing short-term rentals, saying that many people like to use them and they are an accepted part of the tourism sector.

But association members want issues such as fire and safety, and the impact short-term rentals can have on neighbourhoods to be addressed.

A strong bylaw enforcement regime with fines and penalties should be in place, applying to both local hosts and operators of online platforms advertising these operations, Brady said.

The accommodation sector needs to see a level playing field, and like Smythe, Brady urges the city to insist on fire and safety inspections by city inspectors.

“I don’t understand why the city would want to take the business licence money from these operators but not take that extra step of ensuring that the environment that these people will be staying in is safe. ... You don’t know until you inspect.”

Nanaimo currently has fewer than 275 short-term rentals.

That's down by about 400 pre-pandemic, he said.

Brady is calling on the city to ensure that guests, neighbours and bylaw officers have a way to contact the host within six hours in case noise complaints or municipal infractions arise. Bylaws drawn up by city staff follow consultation and surveys with stakeholders and the public.

The maximum number of bedrooms which can be rented out in most residential zones would be two guest rooms and four adult guests. Children would be permitted in addition to adults.

The maximum allowed in commercial and multi-family zones would be four guest rooms and six guests.

Municipal staff currently enforce unlicensed short-term rentals on a complaint driven basis.

Because the city receives relatively few complaints, staff recommended that practice continue.

**QB Town**

**Subject:** FW: Public input on temporary use permit for 210 1st Ave., West Qualicum beach

**From:** Bill Luchtmeijer <@shaw.ca>  
**Sent:** Monday, October 4, 2021 10:46 AM  
**To:** QB Town <qbtown@qualicumbeach.com>  
**Subject:** Public input on temporary use permit for 210 1st Ave., West Qualicum beach

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We feel that the request for public input notice concerning this property is somewhat misleading and as a result will likely have a limited number of respondents .  
The statement in the request says "to permit three short term rental units on the ground floor of a multi residential building. " Which is misleading.  
The building if it conforms to zoning laws is a commercial building that permits residential on the upper floors and this temporary use permit will eliminate most if not all of the commercial use.  
The official community plan, reinforced by zoning bylaws, defines an area within the Town Of Qualicum Beach that is used for commercial applications.  
and that is slowly being eroded by permitting residential use only buildings in the commercial core of our town.  
This application will continue that erosion and in our opinion will have a long term negative impact on our community.

This application for temporary use appears to be a way to circumvent property zoning requirements without the safeguards provided by a fully transparent public rezoning application and therefore we do not support council granting a temporary use permit on the building under construction at 210 1st Ave., West

Bonnie & Bill Luchtmeijer  
206 First Ave W  
Qualicum Beach BC

Redacted Information

Sent from Mail for Windows

Date Received OCT 05 2021

File No. \_\_\_\_\_

Acknowledgement Card  Response Letter

*Council, LS, DS, RA, WG*

Action Required By *Rog Oct 6 agenda*

**QB Town**

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**Subject:** FW: Comments on the Application for a Temporary Use Permit 210 First Avenue West  
**Attachments:** Temporary Use Permit 210 First Avenue West.docx

**From:** Redacted <[REDACTED]> @shaw.ca>  
**Sent:** Tuesday, October 5, 2021 7:19 AM  
**To:** QB Town <qbtown@qualicumbeach.com>  
**Subject:** Comments on the Application for a Temporary Use Permit 210 First Avenue West

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Attached are my comments on the subject application.

Tim Pritchard

Date Received OCT 05 2021

File No. \_\_\_\_\_

Acknowledgement  
Card

Response  
Letter

*Council, LS, DS, RA, WG*

Action Required By *Log Oct 6 agenda*

## **Comments on the Application for a Temporary Use Permit 210 First Avenue West**

The timeline and handling of this matter is almost a 'Case Study' of some of the many problems and challenges facing Qualicum Beach.

Discussion of this matter all started back in 2013 and this application has been through a number of variations over the years. The delays have been the result of a combination of the addressing Town policies and also financing difficulties related to these policies, some of which predate the current Council.

Right from the beginning, 'commercial on the ground floor' was the issue and a component of the delays encountered. This has also been an issue with other development applications. This has essentially been acknowledged by the Town and this Council in its recent announcement that it will conduct 'The Development Review Process' which is planned to look at every aspect of the development process which one presumes would include the residential on the ground floor issue.

Enhanced policies alone won't resolve the problems that have been encountered. It will take more which lands right at this Council's doorstep. Also, the OCP alone can't resolve the situation being faced and this situation is an example of the community angst and frustration being experienced.

The current situation can be addressed but the underlying problems won't go away unless there's a change in mindset which starts at a Council level.

The issue 'Residential on the Ground Floor' focuses on the Village Core area and its currently defined boundaries. This raises the first question - Should this policy apply to the whole Village Core area or be more targeted on the real commercial area on Second Ave. W; Primrose; Beach and maybe parts of Fern and First Ave. W. and then be reviewed periodically as conditions change?

It is true that we need to think of both today and tomorrow and there may well be continuing uncertainty. That's why a 'temporary' arrangement on this application seems logical and provides flexibility that can be reconsidered periodically moving forward.

So, a review is underway which the Director of Planning has said will conclude in the fall of 2023 and one supposes could easily slip into 2024 and even become part of the next OCP which could well extend into 2025. The question now is what is to be done meanwhile, with the issues that exist in our Village Core. It could easily be 4 or 5 more years until this is all sorted out and by then there could well be a whole new host of faces on Town Council.

This said, what are the underlying issues and realities to be addressed and what do we do in the meantime, just ignore some of the realities that are changing the whole face of retail and commercial business in small communities everywhere or do we start to address this now.

What are the underlying issues, realities, and challenges to be addressed in the Village Core? Here's a few matters that need to be considered:

- Although the pandemic has impacted brick and mortar retail sales, indications are that this trend will not revert completely when the pandemic finally ends.
- A recent 'Trends & Spending' survey found that one in two or half of respondents will still continue to go online to buy groceries and home renovation items. Furthermore, 7 in 10 surveyed said they still expect to shop online for clothing, shoes, accessories, groceries, entertainment, toys and home renovation items.

2.

What's more they said they also lie in bed at night and check online to see if the shirt they were looking for is in stock on the website. We are entering a new shopping phase and online sales have grown in leaps and bounds.

- Most of us are aware that there are FedEx, UPS and other courier vehicles on our streets nearly every day and often more than once per day. These trucks aren't carrying empty boxes.
- Many larger retailers are offering multiple options to attract and retain customers. This includes curbside pick-up which has been wildly popular during the pandemic and is expected to continue once the pandemic finally ends. Qualicum Beach has very few large retailers and most of our retailers can't or don't offer this service. Retailers that have implemented a digital commerce strategy to complement their 'brick-and-mortar' operations have not only given them an edge during the pandemic, but it has become a critical part of their success and will be an integral part of their future plans. Small communities are at a disadvantage and will need to find other ways to maintain a retail base.
- Shopping locally is a commendable objective but like it or not a significant portion of our population are actively using online shopping, and this is likely to continue. The reality is that online shopping offers much more variety and flexibility, often free shipping, relatively short delivery times and people are adapting to this form of shopping and the results are obvious - more of our stores are closing and there doesn't seem like much we can do about it and a little promotional program is not likely to change this trend significantly. This may be a bit of a negative view but where's the evidence that it isn't true or happening. I'm not sure that re-branding, although probably needed, is going to change what is unfolding right in front of our eyes. We can't put our heads into the sand and pretend that it's not happening. A major rethink is needed.

Meanwhile, there continues to be real housing needs in most communities and nowhere is this truer than in Qualicum Beach. Given this, the proposed temporary use permit, permitting residential on the ground floor of the 210 First Ave. W property, with review and renewal provisions seems very reasonable and appropriate. It will also provide insight into how this option is working during the three-year temporary term. This in turn will help to craft a revised policy to take into account the new realities of our changing world.

Regards, Tim Pritchard

663 Windward Way

October 5, 2021



**QB Town**

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**Subject:** FW: INPUT - Temporary Use Permit Application for 210 First Avenue West

Date Received OCT 05 2021

File No. \_\_\_\_\_

**From:** Heather Svensen <HSvensen@qualicumbeach.com>

Acknowledgement  
Card

Response  
Letter

**Sent:** Tuesday, October 5, 2021 8:26 AM

**To:** QB Town <qbtown@qualicumbeach.com>

**Subject:** FW: INPUT - Temporary Use Permit Application for 210 First Avenue West

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**From:** Bruce Fleming-Smith [mailto:[@shaw.ca](mailto:@shaw.ca)]

Action Required By \_\_\_\_\_

**Sent:** October 4, 2021 6:04 PM

**To:** \*Brian Wiese <[BWiese@qualicumbeach.com](mailto:BWiese@qualicumbeach.com)>; Robert Filmer <[RFilmer@qualicumbeach.com](mailto:RFilmer@qualicumbeach.com)>; Scott Harrison <[SHarrison@qualicumbeach.com](mailto:SHarrison@qualicumbeach.com)>; Anne Skipsey <[ASkipsey@qualicumbeach.com](mailto:ASkipsey@qualicumbeach.com)>; Teunis Westbroek <[TWestbroek@qualicumbeach.com](mailto:TWestbroek@qualicumbeach.com)>

**Cc:** QB Town <[qbtown@qualicumbeach.com](mailto:qbtown@qualicumbeach.com)>; Luke Sales <[LSales@qualicumbeach.com](mailto:LSales@qualicumbeach.com)>; Heather Svensen <[HSvensen@qualicumbeach.com](mailto:HSvensen@qualicumbeach.com)>

**Subject:** INPUT - Temporary Use Permit Application for 210 First Avenue West

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Bruce Fleming-Smith  
B.A./B.Arch. MRAIC LEED AP  
Oceanside Design  
564 Berwick Rd. North  
Qualicum Beach  
B.C. V9K 1L1

Dear Mayor and Council

Please consider my comments and recommendations regarding the Temporary Use Permit Application for 210 First Avenue West.

As many of you know my wife and I have had a home in Qualicum Beach for over 30 years and due to my profession I have been a long time, keen observer of the evolving urban character of our town. In the past I served a number of terms on the APC. I was on the APC when the application to develop this property first came before Council. At that time the mixed use nature (commercial at grade with residential above) was discussed at length. There was then much more concern about the commercial viability of new commercial space in Qualicum than there is today. After extensive deliberation, the APC recommended to Council that commercial use of the street level space should remain as a condition of the development proceeding. Council considered all aspects of the proposal and approved the plans as submitted (and now built) for a mixed use development.

I recommend strongly against endorsing any ground level use other than that which was approved and is currently permitted.

Recent new medium density housing development in the town - either recently completed, under construction, or approved and/or in the permitting/approval stage - all suggest that this part of town will be enjoying more life and business in the next short while. The approved zoning for this lot and this area supports the continued desirability and viability of street-level commercial small shops. Numerous new small businesses have opened in Qualicum Beach during the last couple of years and despite COVID most

appear to be doing well. Previous OCPs and the town's zoning bylaws have consistently supported the importance of small shops as being an intrinsic part of the small town character of Qualicum Beach.

If this Council were to renege on the decision of the previous Council and permit a use that runs counter to the priority of enhanced street-level commercial it would stand as a serious departure from the already established commercial character of the eastern portion of this block. Bonnie and Bill's Qualicum Stationary is one of the "key commercial bulwarks" of our town. Their property was specifically developed to meet the town's zoning policy and in running their business for all these years they have assumed that the town's declared zoning and development policy would remain in place and allow that any future development of similar properties would be consistent with the town's intentions and would reinforce the mixed used residential commercial character of the street.

The owner of 210 First understood that he would be building commercial space at street level when he submitted his plans for approval and building permit. Council should continue to support the future success of his venture in the form and use that it was approved - and nothing else.

I will only say - briefly - that the thought that Council would even consider temporary residential uses (aka AirBNB) for this property strikes me utterly wrong headed. I was under the impression that our town does not currently permit AirBNB and I can't see such usage as making any kind of meaningful contribution to the full time residential character of nearby single family homes or newly constructed medium density residences.

It must be remembered that this is "a neighbourhood" and an essential quality of "neighbourhood" is that those who live in the surrounds all share a commitment and sense of ownership and belonging to their surrounds. The very transient nature of AirBNB type uses seriously undermines the qualities of permanence and belonging that a good neighbourhood hopes to foster. All and all a poor choice for this location, and a poor choice for our town!

Thank you for considering my views.

Sincerely  
Bruce Fleming-Smith

**Subject:** FW: Public Input - Temporary Use Permit for 210 First Avenue West  
File No. \_\_\_\_\_

Acknowledgement  
Card

Response  
Letter

**From:** Susan Lloyd <@shaw.ca>

**Sent:** Wednesday, October 6, 2021 9:18 AM

**To:** QB Town <qbtown@qualicumbeach.com>

**Subject:** Public Input - Temporary Use Permit for 210 First Avenue West  
Action Required By \_\_\_\_\_

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Hi - This email is in response to the notice of public input issued by the Town regarding the above permit. I understand that this matter will be considered by Council at its meeting today. I am raising a number of concerns including a concern regarding the process that is being followed by the Town and a lack of statutory authority for Council to proceed with this permit at this time.

I found the notice to be a little misleading and lacking information. The notice states that a copy of the Temporary Use Permit and relevant documents can be inspected on the website. The notice does not indicate that it is a mixed-use building under construction or whether the units to be converted are commercial units or residential units. As there were no links on the website to the relevant information, I contacted Planning on September 28th and received a copy of the September Planning memo. It seems to be the only relevant information on this matter and should have been linked on the site and made available to everyone. I have not seen an application form, a copy of the proposed permit, or any details on the proposed conditions for the permit. Suffice to say, I am dismayed at the lack of information and what appears to be a lackadaisical approach to this permit. One has to question whether the Town truly wants meaningful input from the public or is simply going through the motions.

A change of use is not a minor matter. Local governments have few ways to change permitted uses in a zoning bylaw. Under provincial legislation, a local government can issue a temporary use permit to alter permitted uses, by resolution, if the subject land has been designated in the official community plan or zoning bylaw as an area where temporary uses may be allowed.

I have reviewed the Town's official community plan and the zoning bylaw and do not see any relevant designations. The zoning bylaw designates areas for temporary use permits for backyard poultry and for cannabis-related businesses, but I was unable to find any other designations. If there is a designation that would apply and for some reason it has not come up in the searches that I have done online, I apologize and would appreciate it if someone would direct me to it.

If there is no designation, then the Town should not issue the permit as it would require an amendment to the zoning bylaw including a public hearing. I strongly urge Council to ensure that it has the requisite authority in accordance with applicable legislation before it approves the issuance of this permit.

If Council determines that it will move forward with this permit, I offer the following comments:

1. In the owner's letter of April 12, 2021, he confirms that this development was approved as a mixed-use residential building with commercial units on the ground floor along First Avenue. The rationale for his request appears to be that fitting out the commercial space will take some time after the potential owner is determined and proposes converting to "long term tourism use vacation rentals" since tourism is a vital part of the local economy. Rental could occur via VRBO or AirBnB. The rationale as stated is not compelling and I expect that the concern may be that it may be difficult to find commercial tenants and vacation rentals may provide a better revenue source.
2. If there is a lack of demand for this type of commercial space and there is a desire to not have the space remain vacant, given the housing crisis and lack of affordable housing that is reported on a regular basis, has the Town investigated the possibility of these units being long-term residential rental units?
3. Short term vacation rentals are controversial. The Town's zoning bylaw does not define short term rentals per se. It does define "accessory hotel", "hotel", "hotel condominium", "resort condominium", and "tourist accommodation unit". What is being contemplated by this owner is a business and the owner's letter does not make it clear if the owner would be conducting this business or if he would be selling/transferring the three units to individual owners. It is important to clarify the type of business that will be conducted and what bylaws, rules or regulations would govern

(including property management, requirement for business licence, health and safety, enforcement measures for non-compliance), and to ensure that any permit includes all appropriate conditions.

4. The Planning memo provided to Council refers to "accessory hotel", as this is a permitted use in the C4 zone, and seems to suggest that this is a form of accessory hotel but not permitted because the zoning precludes an accessory hotel on the ground floor. Not taking into account the rationale for the zoning bylaw to require that an accessory hotel not be on the ground floor, suggesting that this is an accessory hotel use is incorrect in my view. What is being proposed here does not conform to the definition of "accessory hotel" in the zoning bylaw. The definition prohibits the units from including cooking facilities, and requires a lobby/reception area and manager's residence, for example. What is being proposed here is substantially different in my view.

5. The Planning memo refers to sections of the official community plan that are stated to support commercial use and tourist accommodation in the Village Neighbourhood. With respect, I don't find the stated policies or the staff comments very supportive of this application. With respect to policy 2.2.1, what is being proposed may be a form of tourist accommodation, but it is not a form of tourist accommodation covered in that policy. One could argue that the official community plan has specifically limited the types of tourist accommodation within the Village Neighbourhood. If that was not intended or is too restrictive, then this may be an item for discussion at the time of the next OCP review.

There are numerous other issues that arise from this permit request, including whether there is adequate parking, potential negative impacts (neighbourhood and intra-building issues), the potential effect on existing bed and breakfasts, whether there are other commercial property owners that may seek to convert commercial spaces, to name a few. Suffice to say, in my view, this is not a minor or simple matter and deserves a more thorough review and discussion, and adherence to statutory requirements.

Thank you for the opportunity to provide input.

Sincerely,

Susan Lloyd  
961 Eaglecrest Drive  
Qualicum Beach, BC

**QB Town**

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**Subject:** FW: Temporary use permit application 210 first ave.

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

From: Chris & Kay <@shaw.ca>  
Sent: Tuesday, October 5, 2021 12:29 PM  
To: QB Town <qbtown@qualicumbeach.com>  
Subject: Temporary use permit application 210 first ave.

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From: Kay Strange owner of #5 - 211 second ave. West.

I strongly reject the approval of this temporary use permit. The bottom levels should be kept for business use and above for accommodating residents. I believe that this is a slippery slope that opens the floodgates for any other owners of ground floor units to make the switch thus changing the whole texture of our town. We need to protect our ground levels for business use otherwise we could become a town with very little business but lots of short term rental accommodations. Thank you. Kay Strange

Sent from my iPad

Date Received OCT 06 2021

File No. \_\_\_\_\_

Acknowledgement  
Card

Response  
Letter

Action Required By \_\_\_\_\_