

Portable (Modular) Project Update – 17 October 2019

Permit Application Preparation Activities:

Following on from last month's update, John Keen visited the school to validate the school building fire compartment assumptions made in Mark Roozbahani's building code analysis. If you recall, it is this analysis that will determine the required distance between the existing school building and the proposed new modular unit and its fire prevention specification. Unfortunately, the presence of the suspended ceiling on the school's third floor compromises the integrity of Mark's staircase fire compartment assumptions. This due to the fact that the roof space above the suspended ceiling is open along the complete length of the building and not blocked off above the staircase/vestibule structure. Our fundamental objective so far has always been to not make any changes to the existing building. However, with this situation, we may have to revisit that and have to build a firewall in the roof space – or look at options to create a greater distance between the main school building and the new modular unit - although this would reduce parking space which is already barely to code.

John has updated his drawings to reflect his survey findings so Mark can propose solution options on how best to deal with the fire compartment issue. However, we are holding off on responding back to Mark pending receiving some further clarity on the following more major ALC vs the City zoning issue.

Agricultural Land Commission vs City Zoning:

You may recall from earlier reports that the City requires us to obtain letters from the ALC for both our lots confirming that our plans to add a modular unit do not violate any ALC land use restrictions that may apply.

We have had several interactions with the ALC since the beginning of July in this regard and on 30th September we received their two letters. The letters stated that the **20451** Westminster Highway lot **does** require compliance with ALC restrictions and **20411** Westminster Highway lot **does not**. What is significant is that this is a complete mirror image of how the City has zoned our two lots, ie. the school buildings are on the lot that the ALC states is covered by agricultural use restrictions - yet it is zoned ASSY by the City. On receiving these letters John and I assumed that the ALC had made a simple mistake by transposing the two lots. After further phone calls and emails to the ALC, they confirmed that based on all the historical evidence, lot plans, titles, the ALR Act, etc. the letters are correct. Consequently, it seems like at some point in history, the City has incorrectly zoned our two lots counter to the ALR Act.

This is a serious impasse that we need to get resolved. The City will not accept a building permit application from us based on the information in the current ALC letters and we are in the

middle of an issue that only they can resolve. Our low-level contact at the ALC has indicated that a meeting with their Land Use department will help us determine our options to get this resolved. We have been told that the ALC Commissioner has the power to just switch the ALC restrictions to align with the City zoning but of course, the error lies with the City, so they may not agree to do that and in any event, this is going to take some time to resolve – if in fact we can resolve it. We requested an ALC meeting in writing on 1st October and have since followed up with emails and phone calls. I called the ALC again on October 18th and we have yet to hear anything back regarding a meeting. John has had an informal and somewhat guarded discussion with the City about the situation but no potential solution was suggested. A formal meeting with the City might be more fruitful, but currently John is recommending against that in case we can orchestrate the simple switch solution with the ALC. My first priority is to get that ALC meeting scheduled.

And so it goes on, and on, and on.....