



THE CORPORATION OF THE  
DISTRICT OF SUMMERLAND  
**COUNCIL REPORT**

DATE: September 7, 2017 File: 2016-1787  
TO: Linda Tynan, Chief Administrative Officer  
FROM: Dean Strachan, MCIP, RPP, Director of Development Services  
SUBJECT: OCP Amendment and Rezoning – 13610 Banks Crescent - Update

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STAFF RECOMMENDATION:

That Council pass the following resolution:

*THAT the update report dated September 7, 2017 from the Director of Development Services in relation to the OCP Amendment and Rezoning for 13610 Banks Crescent be received.*

PURPOSE:

To receive an update on review and study components for the proposed OCP Amendment and Rezoning of 13610 Banks Crescent.

BACKGROUND and DISCUSSION:

1. At the August 14, 2017 Council Meeting, the Freshwater Fisheries Society of BC was granted an audience with Council to provide an updated statement regarding the subject application. Representatives provided a written statement following their verbal statement which is attached to the report for reference. In their presentation and letter, the Freshwater Fisheries Society of BC stated their opposition to the subject applications as they currently stand.

Staff followed up with the Freshwater Fisheries Society of BC on Tuesday August 15, 2017 to confirm they continue to be willing to discuss and consider options related to the water needs for their facility. It was confirmed that they would review and respond to information and options presented by the Applicant in attempts to address their concerns.

The option letter, submitted by the Lark Group to the District on August 14, 2017 was introduced to council at the meeting and was sent to Freshwater Fisheries Society of BC the following day for review and response.

E-mail correspondence and phone conversations confirmed their receipt of the proposed option and Fisheries Society representatives indicated a response would be provided to the District for the August 28, 2017 meeting.

District staff communicated their willingness to facilitate the review if required and answer any questions or seek any additional information required. In follow up correspondence on August 24, 2017, the Society indicated a response was being

prepared and would be sent to the District prior to the August 28, 2017 Council meeting. We received notice prior to the August 28 meeting that the Society would not have the letter ready. We have received further e-mails and continue to follow up with the Society by phone and e-mail, however, to date have not received the noted response letter. The most recent e-mail indicated the Freshwater Fisheries Society would be submitting a letter to the District by September 8, 2017. The response letter was not received as of the date of this report, but, will be added when received. Staff continue to communicate to the Society their willingness to assist in communication with the applicants and facilitate additional meetings between the parties.

2. The Lark Group submitted three letters, two are on their efforts to engage residents and businesses in support of the proposed project dated August 25 and September 7, 2017. The third letter dated September 1, 2017 provides response to public concerns raised and includes letters of reference.
3. District staff continue to review and correspond with the applicants' professionals on the infrastructure components with the current completion and report to Council scheduled for October 10, 2017.

LEGISLATION and POLICY:

The Bylaws related to the subject application have received second reading, however, a Public Hearing has not yet been scheduled.

FINANCIAL IMPLICATIONS:

There are no financial implications anticipated to result from the subject recommendation.

CONCLUSION:

The study and review continues to progress with the infrastructure review projected to be completed and reported to Council on October 10, 2017.

OPTIONS:

1. Move the motion as recommended by Staff.
2. Request additional information on one or more updates provided.

Submitted by,



Dean Strachan, MCIP, RPP  
Director of Development Services

Approved for Agenda



Linda Tyran, CAO



August 25, 2017

**iCasa Resort Living, Summerland BC  
at Shaughnessy Green (the "Project")**  
**ATT: Mayor and Council**  
**RE: iCasa Community Support Campaign Update**

Dear Mayor and Council,

We write to provide an update regarding the recent Community Support Campaign that our team has had underway since July 18, 2017. Not only have the responses been overwhelmingly positive as per the attached summary, but the opportunity to discuss the project with all members of the community has been an incredibly valuable experience; both for us and we hope for the community as well.

The Campaign provides for open and transparent discussion with neighbors of the project, Summerland residents and businesses alike. We value the opportunity to listen to individuals' excitement for the project, their support for the project, their need for the project (both residents and business) and of course in some cases, their concerns for the project.

Please find below a breakdown of the Campaign statistics to date:

|                                      |                       |
|--------------------------------------|-----------------------|
| <b>Total Contacts Made to Date :</b> | <b>1440</b>           |
| <b>Signed support letters</b>        | 596 (111 by business) |
| <b>Support without signature</b>     | 121                   |
| <b>Online support</b>                | 32                    |
| <b>Neutral</b>                       | 209                   |
| <b>Not Home</b>                      | 421                   |
| <b>Opposed</b>                       | 61                    |

Of those who responded either in favor or opposed, 749 (or 92%) were in favour and 61 (or 8%) were opposed. A package including the supporting documents will be submitted in confidence to the District.

Sincerely,

**Lark Enterprises Ltd.**  
Malek Tawashy,  
Development Project Manager



September 1, 2017

**iCasa Resort Living, Summerland BC  
at Shaughnessy Green (the "Project")**

**ATT: Mayor and Council, Summerland BC  
RE: Submission of Reference Letters**

Dear Mayor and Council,

We write to provide Mayor, Council, Staff and the Public additional information on Lark Enterprises Ltd. that became evident was missing prior to our Community Support Campaign.

As Council is aware, we have been undertaking a Community Support Campaign since July 18, 2017. Not only has the response to the Campaign been overwhelmingly positive as per the summaries we have and will continue to provide, the Campaign has also provided us the opportunity to hear from the Community and address concerns as they arise.

An example of one such concern was around the changing number of units, leading to questions of Lark Enterprises' experience in delivering projects of this type. As articulated by Mr. Dean Strachan, Director of Development Services in Council Chambers, it is important to note that the changing number of units is a natural part of the development process and can be expected as the detailed design is massaged and tailored to meet the landscape. Since inception of the Project, the number of units has increased, decreased, and then increased again, with one reason for the same being the acquisition of the Property at 13620 Latimer Ave. This acquisition has enabled the Project's design to provide a soft transition in scale to the Project as represented by the added row of townhomes along Latimer Avenue.

In response to the concerns of Lark Enterprises' experience, we wish to confirm we have been developing for over 40 years with the successful delivery of over 3,500 Care and Seniors Living units in just the past 10 years. In support of our effort to address the community's concern on Lark Enterprises' experience we wish to provide to Mayor and Council the attached Letters of Reference. We provide the Letters of Reference as a means to respond to the questions we heard. We believe the Letters of Reference represent the relationships we have worked hard to develop in each and every community we are proud to have operated in.

We submit these Letters of Reference to demonstrate our commitment to leaving the District of Summerland, the Health Authority, the Business Community, and the public with the same experience of Lark Enterprises as represented by those who have provided the attached letters.

Sincerely,

**Lark Enterprises Ltd.**  
Malek Tawashy,  
Development Project Manager

# CITY OF SURREY

OFFICE OF THE MAYOR

August 25<sup>th</sup>, 2017

Mr. Peter Waterman  
Mayor of Summerland  
13211 Henry Avenue  
Summerland, BC V0H 1Z0

*Re: Letter of Recommendation for the Lark Group*

ATTN: Mayor Peter Waterman & Council, City of Summerland;

Over the years, I have had the pleasure of working with Mr. Larry Fisher, Mr. Kirk Fisher and the Lark Group.

It began during my tenure in the Economic Development Office, then as a Councillor and currently as Mayor of the City of Surrey.

During this time, the Lark Group has developed a number of “Best in Class” projects, including numerous medical offices and have developed key projects that have strengthened our community.

The Lark Group, with their award-winning institutional work and their continued leadership in health care innovation are highly recommended as key City builders in our community.

If you have any further questions, feel free to contact me at your convenience. I can be reached at 604-591-4126 or via email at [Mayor@surrey.ca](mailto:Mayor@surrey.ca)

Sincerely,



Linda Hepner  
Mayor  
City of Surrey



P 604 591 4126 [MAYOR@SURREY.CA](mailto:MAYOR@SURREY.CA)

13450-104 AVENUE SURREY BRITISH COLUMBIA CANADA V3T 1V8

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**DIANNE WATTS, LL.D., M.P.**  
SOUTH SURREY—WHITE ROCK

August 1, 2017

His Worship Peter Waterman  
Mayor of the District of Summerland  
and Council Members  
District of Summerland  
Box 159  
Summerland, B. C.  
VOH 1Z0

Dear Mayor & Council:

I am pleased to provide a reference letter for the Lark Group.

I understand the need for a District and its residents to have confidence, and feel a sense of comfort, with projects being built in the community and especially in their neighbourhoods.

I rarely issue letters of support and would only do so if I felt it was the right thing to do.

The Lark Group and the Fisher family have been involved in the community for over 15 years. Not only as builders/investors, but most importantly, as community partners.

During this time, the Lark Group has developed a number of "Best in Class" projects, including numerous medical offices, providing all levels of care.

As an MP representing Surrey, I have continued to see the progress of the Lark Group with their award-winning institutional work and their continued leadership in health care innovation.

I highly recommend the Lark Group as a Builder/Developer in your community.

Sincerely,

Dianne Watts, MP  
South Surrey – White Rock

**Parliamentary Office**

Room 184, Confederation Bldg.  
House of Commons  
Ottawa, ON K1A 0A6  
Tel.: (613) 947-4497  
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**Constituency Office**

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E-mail: [Dianne.Watts@parl.gc.ca](mailto:Dianne.Watts@parl.gc.ca)



August 2, 2017

To Whom It May Concern,

**Re: Reference Letter for Lark Enterprises Ltd.**

It is with great pleasure that I am able to write a letter of reference on behalf of Lark Enterprises Ltd.

About Baptist Housing

Baptist Housing provides quality senior housing and care in British Columbia. Our desire is that our Residents and their families experience life to the fullest. In each of our communities, our teams offer wellness programs that encourage positive lifestyles and the health of the whole person.

As a registered non-profit organization, Baptist Housing invests all its resources into improving the lives and well-being of our Residents. Our communities are established on a foundation of values so that the mission of Baptist Housing is experienced by those we serve and those who serve. As Servant Leaders, we focus on serving others in humility and grace, demonstrating our core character and values.

Baptist Housing has had the benefit of working with Lark Enterprises, namely Larry Fisher, Kirk Fisher, and Malek Tawashy over the last eight years in the development, construction and operation of over \$60 million dollars of residential and healthcare infrastructure for the residents of Vancouver Island.

Over the course of this time period, we have collaborated with Lark Enterprises in the development of two residences which we operate, namely Carey Place and The Heights at Mt. View; both in Victoria, BC. Both projects were a tremendous success, with The Heights at Mt. View being an American Institute of Architecture award winning project.



Lark Enterprises repeatedly demonstrates their ability to work collaboratively with non-profit organizations, ensuring our goals are achieved. Their unwavering commitment and successful track record in delivering our projects on schedule and on budget provides us with the confidence in which we are able to make and keep commitments to those communities we serve.

Based on my experience and knowledge of Lark Enterprises organizational depth and operational strength, I have no hesitation recommending Lark Enterprises for any residential or healthcare project that requires development, construction and operation.

Sincerely,

BAPTIST HOUSING SOCIETY

Per:

Howard Johnson

President & Chief Executive Officer





August 14, 2017

Lark Group  
Attention: Trevor Massey

Dear Trevor,

I have greatly appreciated working with you and your team at Lark Group in the recent past few years on the design and construction of the CBSA Aldergrove, B.C. Port of Entry.

The Lark professional group of people of whom you are a part were a pleasure to work with. Your team was always very prompt in responding to job related enquiries and worked in a proactive manner. I was always appreciative of the fact that our requests for additions and changes were responded to well and accommodated without being made to feel as if it was a burden.

Similarly, it was a team approach in working through design and the discussion was noted and decisions recorded.

In addition, the Lark commitment to site safety and demonstration of sensitivity to CBSA operational concerns on an active site reflects positively on the Lark Group. However, most significantly, I think that the greatest take away from the project and in dealing with yourself and the Lark Group is the positive view in retrospect. There was always a demonstration of reasonableness in dealing with issues, responding well and negotiating in good faith.

Perhaps there will be another opportunity to work together. All the best in your future endeavours.

Yours sincerely,

Edward (Ted) Elborn, MAATO, PMP

Project Manager/Gestionnaire de projet

Canada Border Services Agency/Agence des services frontaliers du Canada

National Real Property and Accommodations Directorate/Comptrollership Branch

Direction des services nationaux de gestion des biens immobiliers et des locaux /La Direction générale du contrôle

Government of Canada / Gouvernement du Canada

[Ted.Elborn@cbsa-asfc.gc.ca](mailto:Ted.Elborn@cbsa-asfc.gc.ca) 343-291-5813

July 25, 2017

The Lark Group  
1500 – 13737 96 Avenue  
Surrey, B.C.  
V3V 0C6

Attention: Larry Fisher and Kirk Fisher

**Dear Sirs:**

With five years of relationship behind us, we have no reservations in expressing our appreciation and admiration for the vision, professionalism and relationship that the Lark Group has and continued to show. The discipline and results demonstrated by your team are second only to Lark's support and the recognition earned in the health and innovation community. The Daycap group is proud to call Lark Group its partner and we look forward to the continued evolution of Innovation Boulevard.

Sincerely



Jo Delesalle  
President and Managing Partner



Helius Medical Technologies  
Philippe Deschamps, President & CEO  
642 Newtown Yardley Rd. Suite 100

August 2, 2017

To whom it may concern,

It is with great pleasure that I am able to write a letter of reference on behalf of Lark Enterprises Ltd and HealthTech Connex in support of their business activities in the healthcare and seniors care fields.

I have had the honor of working with Lark Enterprises, namely Rudi van den Broek, Larry Fisher, Kirk Fisher, and Dr. Ryan D'Arcy in the area of neuroplasticity and brain assessment.

I have found their work to be excellent and their approach to be on that is collaborative and effective. They have an unwavering commitment to quality and are very, very effective at everything they undertake.

Based on my experience and knowledge of their organizational depth and operational strength, I have no hesitation recommending them both as companies and as individuals.

A handwritten signature in blue ink, appearing to read "Philippe Deschamps", written in a cursive style.

Philippe Deschamps

President & CEO Helius Medical technologies

September 1, 2017

Att: Mayor and Council, District of Summerland  
Re: Reference Letter for Lark Enterprises Ltd.

It is with great pleasure that I am able to write a letter of reference on behalf of Lark Enterprises Ltd. (Lark Enterprises) in support of their pursuit to develop an age in place community serving the Okanagan of BC.

I have had the honour of working with Lark Enterprises, namely Larry Fisher, Kirk Fisher, and Malek Tawashy over the last twelve years in the development, construction and operation of over \$400 million dollars of healthcare infrastructure for the residents of Vancouver Island.

Over the course of this time period, Island Health has enjoyed working in collaboration with Lark Enterprises in the development of two residential care facilities, Selkirk Place and Stanford Place, the Royal Jubilee Hospital Patient Care Centre, and the Oceanside Health Centre, a mixed use urgent and primary care facility located in Parksville, BC.

Lark Enterprises repeatedly demonstrates their ability to work collaboratively with public sector partners, ensuring our goals are achieved. Their unwavering commitment and successful track record in delivering our projects on schedule and on budget provides us with the confidence in which we are able to make and keep the commitments to our community when it comes to residential care and acute care infrastructure.

Based on my experience and knowledge of Lark Enterprises organizational depth and operational strength, I have no hesitation recommending Lark Enterprises as being a successful developer, builder and operator of an age in place community serving the District of Summerland and greater Okanagan of BC.



David Leadbetter  
Project Director, Smart Technology and Special Projects  
Island Health



September 7, 2017

**iCasa Resort Living, Summerland BC  
at Shaughnessy Green (the "Project")**

**ATT: Mayor and Council**  
**RE: iCasa Community Support Campaign Update**

Dear Mayor and Council,

We write to provide an update regarding the recent Community Support Campaign that our team has had underway since July 18, 2017. Not only have the responses been overwhelmingly positive as per the attached summary, but the opportunity to discuss the project with all members of the community has been an incredibly valuable experience; both for us and we hope for the community as well.

The Campaign provides for open and transparent discussion with neighbors of the project, Summerland residents and businesses alike. We value the opportunity to listen to individuals' excitement for the project, their support for the project, their need for the project (both residents and businesses) and of course in some cases, their concerns for the project.

Please find below a breakdown of the Campaign statistics to date:

|                                      |                       |
|--------------------------------------|-----------------------|
| <b>Total Contacts Made to Date :</b> | <b>1743</b>           |
| <b>Signed support letters</b>        | 702 (118 by business) |
| <b>Support without signature</b>     | 173                   |
| <b>Online support</b>                | 32                    |
| <b>Neutral</b>                       | 260                   |
| <b>Not Home</b>                      | 507                   |
| <b>Opposed</b>                       | 69                    |

Of those who responded either in favour or opposed, 907 (or 93%) were in favour and 69 (or 7%) were opposed. A package including the supporting documents will be submitted in confidence to the District.

Sincerely,

**Lark Enterprises Ltd.**  
Malek Tawashy,  
Development Project Manager



Freshwater Fisheries  
Society of BC

Sept 7, 2017

Mayor Waterman and Council  
District of Summerland  
Box 159  
Summerland BC  
V0H 1Z0

Dear Mayor Waterman and Council,

Thank you for the information that was included with the two letters from the Lark Group to District Staff dated July 27, 2017 and August 14, 2017. We have reviewed these letters from the Lark Group and appreciate the opportunity to respond. We are grateful that this process continues to move forward, however, after our reviewing the content of the letters, it is our opinion that the Lark Group's approach to representing the project remains unchanged and they continue to confidently represent things as proceeding with FFSBC's concern's being addressed.

The Lark Group's July 27 letter says "*.... we would like to present an alternative option for addressing the concerns of the FFSBC*". This statement is misleading in two ways:

1. Turbidity in aquifer water (before discharging into the Spring impound) was a confirmed hazard initially identified by Piteau in their July 2016 Hydrogeology Assessment, not a "concern" specifically raised by FFSBC. However, since our initial review of Piteau's July 2016 Hydrogeology Assessment, the Society has repeatedly identified aquifer turbidity as a concern.
2. Lark Group is not providing an "alternative option", instead, their bulleted list borrows heavily from FFSBC's recommendations provided in an April 12, 2017 communication to Mayor and Council. At that time, some of the listed items were dismissed as ineffective by Lark Group's consultants, but are now being offered as an "alternative option".

The Lark Group's letter and attached documents dated August 14, 2017 reference a new "Protection Plan" and an existing "Erosion and Sediment Control Plan" (ESCP) and "groundwater monitoring plan", but few details are actually provided to specifically demonstrate how particular plan elements/components will address certain aquifer and/or Spring water quality hazards. The Lark Group, Rock Glen and Piteau continue to describe risk management in qualitative terms that seem to lack any supporting context, other than professional opinion. We still do not know if any of the pending "Plans" will be based on some form of site-specific, project-specific hazard identification and quantitative risk assessment, or if those plans will continue to be based on qualitative risk assessments.

The Society originally required a Contingency Water Supply due to a lack of specifics regarding management and reduction of potential water quality risks. Until Lark Group's pending "Plans" have been prepared and submitted for review by both FFSBC and an independent reviewer, to confirm risks have been adequately managed, FFSBC's requirement for a Contingency Water Supply will remain in-place. It is also important to reiterate that the FFSBC would not be discussing the need for a Contingency Water Supply if development of the Banks Crescent lands were not proposed, since Shaughnessy Spring has long provided water of sufficient quantity and quality to support operations at the Summerland Trout Hatchery.

Rock Glen's and Piteau's opinions regarding vibration induced aquifer turbidity confirm there is "low" potential (Rock Glen) and "negligible" potential (Piteau) for this hazard to affect Spring water quality. Their rationale is that the Banks Crescent property is vertically separated from the underlying aquifer by a sediment layer of 12-15m thickness, which presumably will attenuate any construction related vibrations from affecting

aquifer water. However, we know that this protective sediment layer is completely absent at the Spring site (which is why groundwater discharges to ground surface) and we know too that the protective layer becomes progressively thinner as you move eastward off the Banks Crescent property, which infers the aquifer would correspondingly be less protected from vibration affects. Piteau's original statement on aquifer turbidity hazards seemed to recognize this scenario by referencing the proximity of construction traffic to the Spring, *"The movement of heavy trucks at the eastern portion of the Site would likely result in increased ground vibrations potentially resulting in the mobilization of finer-grained sediments in the aquifer.... it is expected that any mobilized sediment could potentially increase turbidity without sufficient time to be filtered through the remainder of the aquifer. If possible, an access point at the western edge of the Site should be considered to reduce the vibrations at the eastern side of the Site"*. Accordingly, to adequately assess aquifer turbidity risks, FFSBC believes it is necessary for the context of the proponent's existing assessments to be broadened to also consider the effects of construction activities occurring off the Banks Crescent property and in areas where the protective layer is thinner than the referenced 12-15m and particularly in areas where construction activities are in proximity to the Spring.

The concern for the FFSBC regarding Rock Glen's and Piteau's opinions arise, in part, from having two proponent consultants providing complementary opinions (about construction phase vibration effects), which gives the impression that one professional opinion has been reviewed by another professional, when in fact these letters actually provide one proponent opinion stated twice. Our impression would be different, of course, if an independent 3rd party had reviewed Rock Glen's letter.

It is expected that FFSBC's interests and responsibilities as managers/operators of the Summerland Trout Hatchery can only be adequately considered by the District commissioning an Independent Reviewer to consider final versions of all pending proponent submissions relating to aquifer and/or Spring water quality hazards and risks. It is further expected the proponent submissions would discuss both unmitigated risks (i.e., prior to mitigation measures being implemented) and residual risks (i.e., after mitigation measures are implemented), and that the Terms of Reference for the Independent Review would include the reviewer's consideration of FFSBC's stated concerns. FFSBC's final decision regarding the proposed Development could then be based on the Independent Reviewer's findings.

On this basis, The Freshwater Fisheries Society of BC remains opposed to the iCasa Development proposed by the Lark Group for Banks Crescent.

Sincerely,

Kyle Girgan  
Summerland Trout Hatchery Manager, FFSBC

CC: Jon Pew, FFSBC Board Chair  
Andrew Wilson, FFSBC President  
Tim Yesaki, FFSBC VP Operations