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**PLANNING BOARD AGENDA  
NOTICE OF MEETING**

Wednesday, May 27, 2020 at 12:00 p.m.

*Via videoconference (Webex)*

*Live streaming: [www.charlottetown.ca/videos](http://www.charlottetown.ca/videos)*

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**1. Call to Order**

**2. Declaration of Conflicts**

**3. Approval of Agenda** – Approval of Agenda for Wednesday, May 27, 2020

**4. Adoption of Minutes** - Minutes of Planning Board Meeting on Thursday, May 07, 2020

**5. Business arising from Minutes**

**6. Reports:**

**a) Variances:**

1. Temporary Use for Water Lot Floating Development (PID 335307) Robert

Request for approval of a temporary use for the development of various commercial uses of a floating development on a water lot. Presently, the Zoning & Development By-law does not define floating uses and would therefore require special approval. The temporary use approval would only be valid for the summer of 2020.

2. Temporary Use for Floating Tourist Accommodation (PID 335364) Robert

Request for approval of a temporary use for the placement of three (3) floating structures to be used as short-term rentals. Presently, the Zoning & Development By-law does not define floating uses and would therefore require special approval. The temporary use approval would only be valid for the summer of 2020.

3. Temporary Use for a Floating Eating Establishment (PID 335430) Robert

Request for approval of a temporary use for the development of a floating eating establishment located on a water lot. Presently, the Zoning & Development By-law does not define floating uses and would therefore require special approval. The temporary use approval would only be valid for the summer of 2020.

**7. Introduction of New Business**

**8. Adjournment of Public Session**

**PLANNING AND HERITAGE COMMITTEE – PLANNING BOARD MINUTES**  
**THURSDAY, MAY 07, 2020, 12:00 P.M.**  
**VIDEOCONFERENCE (Webex)**

<b><u>Present:</u></b> Mayor Philip Brown Councillor Greg Rivard, Chair Deputy Mayor Jason Coady, Vice-Chair Councillor Bob Doiron Councillor Julie McCabe	<b>Bobby Kenny, RM</b> <b>Kris Fournier, RM</b> <b>Reg MacInnis, RM</b> <b>Rosemary Herbert, RM</b> <b>Shallyn Murray, RM</b>
<b><u>Also:</u></b> Alex Forbes, PHM Greg Morrison, PII Robert Zilke, PII Ellen Faye Catane, PH IO/AA	<b>Peter Kelly, CAO</b> <b>Trevor Eisnor, CBI</b> <b>Councillor Alanna Jankov</b>
<b><u>Regrets:</u></b> Laurel Palmer Thompson, PII	<b>Basil Hambly, RM</b>

**1. Call to Order**

Councillor Rivard called the meeting to order at 12:00 pm.

**2. Declaration of Conflicts**

Councillor Rivard asked if there are any conflicts and there being none, moved to the approval of the agenda.

**3. Approval of Agenda**

Moved by Bobby Kenny, RM, and seconded by Rosemary Herbert, RM, that the agenda for Thursday, May 07, 2020, be approved.

CARRIED

*Before the adoption of minutes, Mayor Philip Brown has requested to step out of the meeting to attend to another call.*

**4. Adoption of Minutes**

Moved by Shallyn Murray, RM, and seconded by Councillor Julie McCabe, that the minutes of the meeting held on Monday, May 04, 2020, be approved.

CARRIED

**5. Business arising from Minutes**

There was no business arising from minutes.

**6. Water Lot Regulatory Framework**

Staff presented the regulatory framework consisting of Official Plan policies and the creation of a new Water Lot Zone in order to allow for the development of water lots. Robert Zilke, PII, presented the application.

The following information were presented by Mr. Zilke - Water lot definition; Governmental agencies and jurisdiction; Water lots in the Waterfront Area; Land use application for water lots;

proposed regulatory framework which includes amendments to the Official Plan and Zoning & Development Bylaw; and approval process (see attached report for details). Staff also added that until the life safety component for occupants using these floating structures are determined, no municipal approval be granted. At this time, staff is recommending that the proposed amendments relating to the use of water lots be recommended to Council to proceed to public consultation.

Councillor Rivard mentioned that he has some worries bringing this forward for public consultation at this time. Councillor Rivard felt that the information available at this time may cause confusion or may set different expectations. Councillor Rivard recommended if possible, for staff to conduct its due diligence in looking into all the necessary information necessary and be able to provide the public a simplified information that they would be able to understand.

Councillor McCabe clarified if the proposed amendment could indicate that the zone would permit or not and where can you find this in the proposal. Councillor Rivard responded that similar to other zones, the permitted uses will be defined in this amendment. Mr. Zilke also responded that the proposed permitted uses are summarized in Attachment C of the report and they would have to undergo the necessary provincial approval processes. Councillor McCabe also commented that the current steamers do not have washrooms and so the new regulations would require those and was wondering how this might impact the operations of the existing steamers. Councillor McCabe also noted that it may be good in a way since there were issues with Water & Sewer in the past with regards to grey water.

Reg MacInnis, RM, asked if staff already reached out to existing tenants to discuss this proposal. Mr. Zilke responded that staff met with CADC and have been speaking to the Harbour Authority. Councillor Rivard mentioned that he already received calls regarding this proposal but has not provided any other details. Mr. Forbes noted that the department will be dealing with the land owners and it would be the land owner's responsibility to communicate the information to its lease owners. Staff is in contact with both the Federal and Provincial governments to ensure that all levels of government are on the same page.

Councillor Rivard asked the board if they are comfortable bringing this forward to a public consultation or would the board prefer that all legal issues be addressed and other necessary information be available before this goes to a public meeting. Mr. Forbes responded that staff has had dialogues with stakeholders to discuss the regulations and the framework. The Council would have control with regards to whether they decide to delay bringing this to a public hearing. The only concern at this time is, businesses are operating without licenses or regulations and with the summer season fast approaching, it would be good to have these regulations in place. However, if Council is not comfortable at this time, then we could delay finalizing the proposed amendments.

Councillor Rivard shared the situation with short term rentals where the public meeting is put on hold and not have one meeting that may cause confusion to the public. Councillor Doiron agreed with Councillor Rivard's comments and felt that this proposal is so rushed. Councillor Doiron recommended that staff take time to look into all the details and delay until the Fall or next season. Councillor Doiron added that the current Covid-19 situation is already putting stress on people and business owners are not even sure if they can sustain their businesses. It is not the right time to

impose new regulations. Also, the restrictions do not allow us to have a lot of people in one room to attend the public meeting and not all residents have access to computers to be able to get their inputs.

Deputy Mayor Coady agreed with Councillor Rivard and Councillor Doiron's comments that the timing to hold a public meeting at this time is not appropriate due to the current Covid-19 situation.

Councillor Rivard then asked what could be a potential short-term regulation that can be put in place if we decide to delay this amendment until the Fall. Mr. Forbes responded that the board may recommend to council to delay the review of the amendments next Monday night, delay hosting the public hearing to a later date than the end of May, or park this issue until there is a robust review of the regulations. Staff suggested that we need to attempt to bring the existing businesses into conformity by adhering to a prescribed life safety regulations. Another option is to allow for temporary permit for this season until all the issues are resolved.

Majority of the board members commented that the main priority at this time is to address the life safety issues. It may or may not be the City's jurisdiction but if the regulations are deferred, the issue on life safety must be addressed for this upcoming summer season.

Councillor Rivard asked for any further comments or questions; there being none, the following resolution was put forward:

**Moved by Reg MacInnis, RM, and seconded by Bobby Kenny, RM, that the proposed Official Plan and Zoning & Development Bylaw amendments dealing with Water Lots, be deferred at this time.**

**And further, that staff direct owners of the Water Lots to initiate a temporary use variance application for each their water lot properties that would contemplate allowing the proposed uses in question to operate for the 2020 tourist season.**

**CARRIED  
(8-0)**

*Mayor Brown was not at the meeting to vote on this application*

## **7. New Business**

There are no new businesses discussed.


## **8. Adjournment of Public Session**

**Moved by Bobby Kenny, RM, and seconded by Councillor Bob Doiron, that the meeting be adjourned. The meeting was adjourned at 12:54 p.m.**

**CARRIED**

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**Councillor Greg Rivard, Chair**

<b>TITLE:</b> <b>VARIANCE FOR A TEMPORARY USE</b> <b>5 GREAT GEORGE STREET (PID 335307)</b> <b>OWNER: CHARLOTTETOWN AREA DEVELOPMENT CORPORATION (CADC)</b> <b>APPLICANT: ROBERT AND LISA GALE</b>		
<b>MEETING DATE:</b> May 27, 2020		<b>Page 1 of 6</b>
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> A. Map & drawings B. Letter of Intent C. Public comments	
<b>SITE INFORMATION:</b> Context: Water lot Ward No: 1 Existing Land Use: Water lot is presently being used as a marina Official Plan: Waterfront Zoning: Extension of the Waterfront (WF) Zone		
<b>PREVIOUS APPLICATIONS: N/A</b>		

#### **RECOMMENDATIONS:**

If the Planning Board wishes to move this application forward to Council to *approve* the request for a variance for the temporary placement of floating structures/uses on the water lot located at 5 Great George Street (PID 335307), in accordance with the attached site plan "Attachment A-2", the elevation plan "Attachment A-3 to A-4", and the attached letter of intent "Attachment B", it should be subject to:

1. The operator/owner adhere to the following:
  - a. Must meet and maintain any and all Federal Acts, Regulations and Standards concerning the location and Use;
  - b. Confirmation submitted to the Planning & Heritage Department that the three live-aboard vessels used for short-term rentals have obtained licenses from Transport Canada;
  - c. Must meet and maintain all Provincial Acts, Regulations, and Standards concerning the location and Use;
  - d. The Floating docks must be designed by appropriate Engineer with appropriate documentation provided to City, and must not exceed load capacity or be altered in anyway. Only Engineered docks will be permitted for use;
  - e. Confirmation from the Fire Department that the Fire Prevention Bylaw, NFPA 303 and NFPA 96 requirements have been met, that the new proposed site for the

TITLE: VARIANCE FOR A TEMPORARY USE (FLOATING COMMERCIAL DEVELOPMENT)—5 GREAT GEORGE STREET (PID 335307)	Page 2 of 6
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float homes shall require the implementation of a Fire Standpipe System Class #1 and an approved Fire Safety Plan available onsite at all times;

- f. Confirmation from the City Water and Sewer Utility Department that uses of the floating development are fully connected to City sewer and water supply;
- g. That the three live-aboard vessels are equipped with a holding tank for sewage and served by a pump-out facility; and
- h. Copy of insurance for the floating development to provide liability coverage for operators and owners.

## **BACKGROUND:**

### ***Request***

The applicants, Robert and Lisa Gale, on behalf of the property owner, Charlottetown Area Development Corporation (CADC), is applying for a temporary use of the City of Charlottetown Zoning By-law to locate a floating development consisting of various eating and drinking establishments, recreation equipment rental and potentially four (4) floating live-aboard vessels for short-term rental purposes on the property located at 5 Great George Street (PID 335307) in the Waterfront (WF) Zone.

### ***Development Context***

The subject site is currently a water lot that contains a marina, and is located at 5 Great George Street (PID 335307). The subject property is unique since it predates confederation and the ownership extends into the waterway. A water lot is typically defined as a pre-confederation lot in which its boundaries or property lines resides partially or completely within navigable waters. The lot is contained within the geographic boundary of the municipality and thus subject to the *Planning Act* section 20, which gives the municipality the authority to regulate development for any structure or use. Since the lot resides within a navigable waterway, both the Federal and Provincial levels of government share concurrent jurisdictional authority over this type of lot.

Uses surrounding the site include the Peakes Quay developments consisting of a restaurant and bar, various retail uses and the marina. Great George Street extends in a cul-de-sac to the water with a boat launch, there are two planks that provide access onto the floating docks that support the proposed uses.

### ***History***

The water lots are owned by CADC which leases out to the Gales who in turn leases to various business owners that operate the proposed uses. This includes the Chip Shack, Nimrods Pizza, a Burger restaurant and Paddles, all which, operate on the floating docks in the marina. The described floating uses as well as three floating vessels used for short-term rentals purposes began

operation in the summer of 2019, without any formal approvals from the Planning & Heritage Department. This stems from a lack of clarity revolving around jurisdictional authority between the federal, provincial and municipal levels of government. After extensive research and discussion with various levels of government the City believes that since the water lots reside within its municipal boundaries and predates confederation, it does have the authority under the *Planning Act* to regulate the use on these types of lots.

**ANALYSIS:**

There have been various different approvals that were issued in 2019 from both the Provincial government and municipality for this floating development, as follows:

**Federal Government**

- Transport Canada is in charge of licensing vessels and watercraft. The applicants have provided licenses for four (4) of the float homes to be used for short-term rentals.

**Provincial Government Jurisdiction**

- Public health approval for the eating establishments;
- Department of Environment for operations on the water;
- Electrical/ plumbing hook-ups; and
- PEI Liquor Commission for Liquor license approval.

**Municipal Government Jurisdiction**

- The City's Fire Department maintains NFPA 1 & NFPA 303 Fire Protection for Marinas and the uses therein, the requirement that the Marina shall require the implementation of a Fire Standpipe System Class #1, and NFPA 96 for the cooking equipment used for the floating eating establishments;
- The City's Water and Sewer Utility Department approval of the development connecting to full municipal services.

Presently, it is still unclear what level of government has the authority to ensure that the floating structures and dock that they reside on is safe for occupants. Staff would note that to our knowledge there is no level of government that is specifically reviewing the structural integrity of the structures and the safety of the floating dock system. If either the Federal or Provincial government is willing to undertake this review to ensure that the structures and floating docks are safe for their intended purpose as outlined in this report, then the City would defer this safety review to either one of them.

In regards to the floating short-term rentals, if these structures are determined to be vessels and licensed by Transport Canada, then the municipality could defer the safety aspect to the owners under the proviso that they obtain a vessel license and meet all conditions set forth by Transport Canada.

#### **Planning Approval of the use of Water Lots**

The Planning Department could regulate the use of water lots like any other lot in the City as per section 1.4.4 (d) of the Zoning & Development By-law which states: *Where there is a water lot, the extremity of the water lot shall be the Zone boundary.* This would mean that by extension the subject lot would maintain a Waterfront (WF) Zone, since the surrounding parcels are zoned Waterfront as per Appendix G. Zoning Map in the Zoning & Development By-law. However, if the existing floating developments that reside on both the CADC water lot (PID 335307) and the Harbour Authority's Water Lot (PID 335430) be allowed to continue operations, then there must be assurances that the floating development provides a level of safety for both the operators and occupants.

#### **Commenting Agencies**

All comments have been addressed and summarized below.

Transport Canada: Requires that any structure deemed a vessel registers with its agency and obtains a vessel license number. This requirement would apply to the floating short-term rental boats.

Public Health: Requires any eating establishment to obtain an *Operate a Food Premise License*.

Electrical and Plumbing Connections: The Province regulates and licenses any electrical and or plumbing work done, this requirement would still apply for the floating developments.

PEI Liquor Commission: Requires the applicants to obtain a liquor license for the sale and consumption of alcohol on the floating docks.

Building: The Building Code does not apply to floating structures or structures that are not attached to the land. Despite this at a minimum the applicant must provide a letter of assurance from a certified Engineer; that confirms the floating docks used have been designed to an engineered standard that can safely support both the structures and occupants. Staff intends to continue to research this issue to determine if other jurisdictions have inspected this type of land use.



Fire Department: The floating developments must maintain the requirements of the NFPA 1 that references NFPA 303 Fire Protection for Marinas and the uses in therein, the requirement that the Marina shall require the implementation of a Fire Standpipe System Class #1, an approved Fire Safety Plan available onsite at all times, and the implementation of NFPA 96 for the cooking equipment used for the floating eating establishments.

City Water and Sewer Utility Department: Requires that any floating use be connected to municipal water and sewage services, so as to avoid the deposit of grey water into the Marina waters.

Planning & Heritage Department: Staff would note that a temporary use by its nature is temporary for a specified period of time and approval of a temporary use in a given year does not constitute subsequent future approvals. Staff will continue to pursue proposed amendments to the Zoning By-law for Council to review and approve. In the event that these changes are approved by Council, the proposed use will be required to comply with the newly adopted regulations.

Staff would note that there appears to be a number of terms and conditions applied to this approval. In fact, the applicants have obtained some of these intergovernmental approvals previously and in some instances adherence to them has already been achieved.

#### **LEGISLATIVE REQUIREMENTS:**

##### ***Notification***

In accordance with Section 3.9.3 of The Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328 feet) of the subject site and notice posters were posted on the site.

##### ***Public Feedback***

As of the writing of this report, the Planning & Heritage Department has received 3 letters from the public, one noting concern, one in support and the other as an objection of this application. The resident which lives near the proposed development supports the growth of the waterfront but has concerns pertaining to parking for these commercial uses and the potential hours of operation. The resident objecting to the proposal notes that there are other similar restaurants in the area that offer similar services, the development should require additional parking, the proposal shows an increase in size in terms of area and uses than what was offered last season and the structures on the floating docks should be required to follow Building Codes and obtain permits. The resident quoted public safety should be a priority and thought must be put into preserving the area's aesthetics. The last letter was one of support for bringing new development to the waterfront area.

**CONCLUSION:**

If the Planning Board wishes to recommend to Council that the Temporary Use for the floating commercial development be approved, it should be subject to the following conditions:

1. The operator and owner adhere to the following:
  - a. Must meet and maintain any and all Federal Acts, Regulations and Standards concerning the location and Use;
  - b. Must provide confirmation that the three live-aboard vessels used for short-term rentals have obtained licenses from Transport Canada;
  - c. Must meet and maintain all Provincial Acts, Regulations, and Standards concerning the location and Use;
  - d. The Floating docks must be designed by appropriate Engineer with appropriate documentation provided to City, and must not exceed load capacity or be altered in anyway. Only Engineered docks will be permitted for use.
  - e. Confirmation from the Fire Department that the Fire Prevention Bylaw, NFPA 303 and NFPA 96 requirements have been met, that the new proposed site for the float homes shall require the implementation of a Fire Standpipe System Class #1 and an approved Fire Safety Plan available onsite at all times;
  - f. Confirmation from the City's Water and Sewer Utility Department that uses of the floating development are fully connected to City sewer and water supply;
  - g. That the three live-aboard vessels are equipped with a holding tank for sewage and served by a pump-out facility; and
  - h. Copy of insurance for the floating development that provides third party liability coverage for operators, the owners of the water lot and the City of Charlottetown.

**PRESENTER:**



Robert Zilke, MCIP

**MANAGER:**

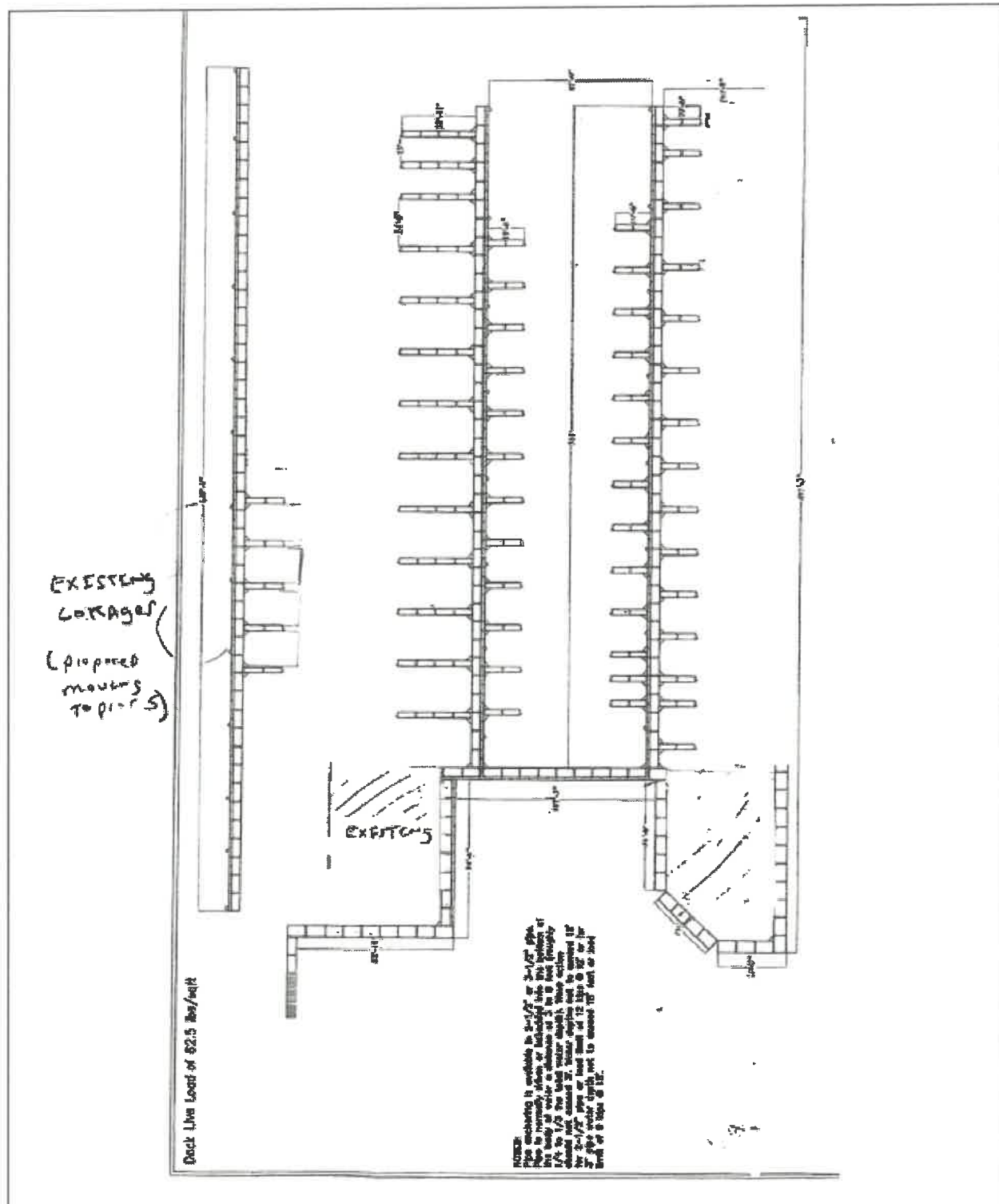


Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage



**CHARLOTTETOWN**  
Planning & Heritage Department

## Attachment A-2



**Attachment A-2:**  
Site Plan of the Proposed Development  
**File:** PLAN-2020-27-MAY-



# Attachment A-3



**Attachment A-3:**  
Elevation of the Proposed Development  
File: PLAN-2020-27-MAY-

  
**CHARLOTTETOWN**  
Planning & Heritage Department

## Attachment A-4



**Attachment A-4:**  
Elevation of the Proposed Development  
**File:** PLAN-2020-27-MAY-

  
**CHARLOTTETOWN**  
Planning & Heritage Department

To: PAC City of Charlottetown

May 12, 2020

The Peakes Quay Marina has been in operation for over 30 years, the current owners are in their 4th year of operation. The existence of retail and cottages has existed at this location for over 20yrs.

The Charlottetown Marina has operated for over 10 years with the existence of the restaurant for the same period. The owner designed and built the Charlottetown marina and did a complete rebuild of Peakes Quay Maina 2 years ago.

Both operations house numerous businesses that include multiple tour operators, Canadian Coast Guard , kayak rentals and food offerings. There are over 50 people employed directly and indirectly in the operations.

All of the operations meet or exceed regulations, including Dept of Health licencing, Transport Canada standards and fire regulations to name a few.

It is the understanding of the owners that the space is in federal waters and the operations have adhered to the regulations and are regularly inspected by safety and licensing authorities , such as, Work Safe PEI, Charlottetown fire inspector, Liquor inspections, tourism inspections, provincial electrical inspectors, independent insurance inspections and multiple health inspections .The owners have placed safety signage and devices such as; a D.O.T. environmental response canister, rescue ladders, life rings and fire apperatus throughout the facilities as per transport canada regulations. The most recent addition to the facilities is the installation of automated hand sanitization systems that will not allow entry into the facilities until hands are sanitized ,a costly endeavour. In addition to these material items all staff are certified in CPR and First Aid. Both Marinas have security personnel around the clock at a substantial cost.

It is the vision of the owners to continue to grow the business and the offerings, We have included in our submission the renderings and drawings of the operation.

**Description of use(s);**

**PID# 335430 Floating Resturant**

This business has been in operation for 10 years and is licensed. The business employ's up to 15 people in normal times. It is a full service restaurant specializing in fresh local seafood and PEI sourced fresh food offerings.

**PID#335307 Floating food court**

This business area has had a retail component that dates back over 20 years. The current operation includes a coffe shop, fresh pizzarella, fresh burger shop and fresh hand cut french fries. All the operators are licenced. The concept is for each vendor to specialize in a food product, which in turn creates a focus on a very high quantity product delivery.

The floating shops are branded as "The Jellybean Shops at Peakes Quay" each venue is painted in its own individual color identity and creates an exciting venue for locals and visitors alike.

# Attachment C

## Letter 1

It is good to see the waterfront being used by all and this development has helped bring people to the waterfront. I have 2 concerns about this proposal and a question I would like answered.

1. There is no mention of parking for either the live abroad vessels or the new eating and drinking establishments and many times during past summers the on street parking is occupied by either the owners or the staff of these businesses. They parallel park in the no parking areas on lower Great George Street, the turnaround no parking area at Peakes Quay, the entrance to the boardwalk at Confederation Landing off the turnaround at Peakes Quay and in the residential parking and driveway entrances along Water street while the CADC parking lot is not fully utilized most of the time. If this development is approved by Planning and Heritage. There should be a requirement to provide parking for the staff and users of this proposed development at a cost to the business operators. Most if not all businesses in Charlottetown are required provide parking, the businesses in this development should provide and pay as well for parking, not free parking at the local businesses and residents expense.

2. What are the hours of operation for the eating and drinking establishments?  
Do these proposed businesses provide any direct revenue for the city?

I would be pleased to take the time to review and add to any of the comments in this email with town planning or any members of city councillors.

respectfully submitted

John Rankin and Barb Flanagan Rankin  
124 Water Street

## Letter 2

To: The City of Charlottetown Planning & Heritage Department

Re: Temporary Use for multiple Floating Commercial Use located at 5 Great George Street (PID #335307)

As the property own of the commercial property that Taters and Nellie's are located in at Peake's Wharf, I am against the proposed variance located at 5 Great George St. (PID 335307).

The rationale for my objection to the floating dock with multiple commercial uses are as follow:

1. There are already existing businesses in the Peakes Area, offering the same or similar services.
2. In the past, buildings in this area had been purchased with plans to develop eating and drinking establishments and approval for these types of developments (on land) were not given.
3. The proposed size in the drawings that were attached to the letter sent to property owners, is larger then what was used during 2019 tourist season, also the tent on the drawings was not a part of the area in 2019.
4. Structures and establishments on this proposed area, should be required to following Federal



Building Codes and to have all other permits like other establishments in this area. These codes and permits are for public safety and to maintain the aesthetics of this historic part of Charlottetown and Canada,

5. Parking and Loading Zones in this area do not support the existing establishments. Infrastructures need to be in place as development is occurring, not after.

If you have any questions in regard to my objection to this application, please call me at 902-629-0529 or send me an email at [sandrabrehaut@gmail.com](mailto:sandrabrehaut@gmail.com).

Sincerely,  
Sandra Brehaut  
BOOMBurger Inc., Partner

**Letter 3**

Thanks for forwarding the details of the application for the floating dock. I have no objections. I don't know the applicants but I applaud them. It's great to see new businesses and concepts like this in this area.

Best Regards,

Andy Lambe

Andy Lambe, CFP, CLU  
**Certified Financial Planner**  
**Chartered Life Underwriter**  
Andy Lambe & Associates Inc  
97 - 600 Queen St  
Charlottetown, PE, Canada  
C1A 4A9  
Phone [902 368 8320](tel:9023688320)  
Toll Free [1 877 433 8320](tel:18774338320)

**Attachment C: Public Letters**  
**File: PLAN-2020-27-MAY-**



**CHARLOTTETOWN**  
Planning & Heritage Department

# Attachment C



May 26, 2020

Mayor Philip Brown,  
City of Charlottetown

**Re; Peake's Quay Maria New 2020**

Dear Mayor Brown,

Thank you for meeting with us April 28 (conference call) regarding the in-water development taking place at Peake's Quay Marina. A result of our meeting we assumed was that there would be no change to what was installed in 2019 and that the developer had in fact advised they were not contemplating anything further this year. This would allow the City time to develop a Bylaw and design rules and regulations for this type of development on the City's waterfront as currently there are none.

It has since come to our attention that the City has circulated notice to existing tenants of Peake's Marina of what appears to be an expansion of the current in water development to take place this season. This greatly concerns us.


The Charlottetown waterfront is truly a gem. The transformation that has taken place over the past 35 years is remarkable. It has been adroitly managed every step of the way and the results speak for themselves.

These new plans for marinas and in water development present a whole new concept for the idea of a marina with whole new challenges and issues. DCI is very much pro development, that is why we exist, but we urge the City to halt any further movement in these types of development until the appropriate regulatory measures are in place to manage it.

Best Regards,  
Dave McInnis  
Vice President, Chair Business Development

CC; Alex Forbes, Manager of Planning & Heritage  
Greg Rivard, Chair of Planning & Heritage

P.O. Box 1414 Charlottetown PEI C1A 7K2 902 368 8636 [www.downtowncharlottetown.com](http://www.downtowncharlottetown.com)

<b>TITLE:</b> <b>VARIANCE FOR A TEMPORARY USE</b> <b>WATER LOT (PID 335364)</b> <b>OWNER: CHARLOTTETOWN AREA DEVELOPMENT</b> <b>CORPORATION (CADC)</b> <b>APPLICANT: ROBERT AND LISA GALE</b>		
<b>MEETING DATE:</b> May 27, 2020		<b>Page 1 of 5</b>
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> A. Map & Concept Drawings B. Letter of Intent C. Public Letters	
<b>SITE INFORMATION:</b> Context: Water lot Ward No: 1 Existing Land Use: Water lot has been used for docking vessels Official Plan: Waterfront Zoning: Extension of the Waterfront (WF) Zone		
<b>PREVIOUS APPLICATIONS: N/A</b>		

**RECOMMENDATIONS:**

If the Planning Board is content with moving this application to Council to *approve* the request for a variance for the temporary placement of four (4) floating house boats for short-term rental purposes on the water lot PID 335364, in accordance with the attached elevation drawings "Attachment A-2 to A-4" and the attached letter of intent "Attachment B", it should be subject to:

1. The operator/owner adhere to the following:
  - a. Must meet and maintain any and all Federal Acts, Regulations and Standards concerning the location and Use;
  - b. Confirmation submitted to the Planning & Heritage Department that the four (4) live-aboard vessels used for short-term rentals have obtained licenses from Transport Canada;
  - c. Must meet and maintain all Provincial Acts, Regulations, and Standards concerning the location and Use;
  - d. Confirmation from the Fire Department that the Fire Prevention Bylaw requirements have been met, that the new proposed site for the float homes shall require the implementation of a Fire Standpipe System Class #1 and an approved Fire Safety Plan available onsite at all times;
  - e. Confirmation from the City Water and Sewer Utility Department that uses of the float homes are fully connected to full City sewer and water supply;

- f. That the three live-aboard vessels are equipped with a holding tank for sewage and served by a pump-out facility; and
- g. Copy of insurance for the floating development to provide third party liability coverage for operators, owners of the water lot, and the City of Charlottetown.

**BACKGROUND:**

***Request***

The applicants, Robert and Lisa Gale, on behalf of the property owner, Charlottetown Area Development Corporation (CADC), is applying for a temporary use of the City of Charlottetown Zoning By-law to locate four (4) floating tourist accommodations via vessels for short-term rental purposes on the property identified as PID 335364 in the Waterfront (WF) Zone.

***Development Context***

The subject site is currently a water lot identified as PID 335364 and is located south, adjacent to Confederation Landing. The subject property is unique since it predates confederation and the ownership extends into the waterway. A water lot is typically defined as a pre-confederation lot in which its boundaries or property lines resides partially or completely within navigable waters. The lot is contained within the geographic boundary of the municipality and thus subject to the *Planning Act* section 20, which gives the municipality the authority to regulate development for any structure or use. Since the lot resides within a navigable waterway, both the Federal and Provincial levels of government share concurrent jurisdictional authority over this type of lot. Uses surrounding the site include Confederation Landing directly to the north-west and the Lobster on the Warf and the Charlottetown Marina to the east.

The proposed alternate location is outside of the Peakes Quay Marina and there is concern that by relocating the house boats would lead to reduced safety for occupants. In 2019, these float homes were located in the Peakes Quay Marina. Staff are concerned about changing the location or types of uses that existed on the water lot last year until a review and prepared amendments to the Zoning & Development By-law are finalized. The Fire department will be requesting upgrades to their fire protection service because of the new proposed location. Staff are reluctant to approve the change in location that may warrant substantial and costly measures for a use that is temporary in nature. As a result, staff would prefer the floating homes to remain in the location they presided in last year.

***History***

The water lots are owned by CADC which leases out to the Gales who in turn utilizes four (4) house boats for short-term rental purposes. After extensive research and discussion with various levels of government the City believes that since the water lots reside within its municipal boundaries

and predates confederation, it does have the authority under the *Planning Act* to regulate the use on these types of lots. According to the applicant, there has been a floating house boat active in the marina for over 20 years. In 2019, three (3) additional house boats were introduced as rental units during the summer season.

**ANALYSIS:**

There have been various different approvals that were issued in 2019 from both the Provincial government and municipality for this floating development, as follows:

**Federal Government**

- Transport Canada is in charge of licensing vessels and watercraft. The applicants have provided licenses for three (3) of the float homes to be used for short-term rentals.

**Provincial Government Jurisdiction**

- Electrical/ plumbing hook-ups; and
- Department of Environment regulates operations on or near the water.

**Municipal Government Jurisdiction**

- The City's Fire Department maintains NFPA 1 & NFPA 303 Fire Protection for Marinas and the uses in therein, the requirement that the Marina shall require the implementation of a Fire Standpipe System Class #1;
- The City's Water and Sewer Utility Department approval of the development connecting to full municipal services.

In regards to the floating short-term rentals, if these structures are determined to be vessels and licensed by Transport Canada; the municipality could defer the safety aspect to the owners under the proviso that they obtain a vessel license and meet all conditions set forth by Transport Canada.

**Commenting Agencies**

All comments have been addressed and summarized below.

Transport Canada: Requires that any structure deemed a vessel registers with its agency and obtains a vessel license number. This requirement would apply to the floating short-term rental boats.

Electrical and Plumbing Connections: The Province regulates and licenses any electrical and or plumbing work done, this requirement would still apply for the float homes.

Building: The Building Code does not apply to registered vessels.

Fire Department: The floating developments must maintain the Fire Prevention By-law requirements and have an approved Fire Safety Plan onsite at all times. There is also the requirement that the new proposed site for the float homes shall require the implementation of a Fire Standpipe System Class #1.

City Water and Sewer Utility Department: Requires that the float homes be fully connected to municipal water and sewage services, so as to avoid the deposit of grey water into the waterway.

Planning & Heritage Department: The department would be more comfortable if the float homes were located in the Peakes Marina, the understanding was that the applicants were going to apply for the same set up as was established last year. Staff would prefer that this development stay in the Marina so as to provide better protection for the vessels and occupants. This application started out as proposed amendments to the Zoning & Development By-law in an attempt to bring the proposed use into conformity with the regulations therein. Staff would note that a temporary use by its nature is temporary for a specified period of time and approval of a temporary use in a given year does not constitute subsequent future approvals. Staff will continue to pursue proposed amendments to the Zoning By-law for Council to review and approve. In the event that these changes are approved by Council, the proposed use will be required to comply with the newly adopted regulations.

Staff would note that there appears to be a number of terms and conditions applied to this approval. In fact, the applicants have obtained some of these intergovernmental approvals previously and in some instances adherence to them has already been achieved.

#### **LEGISLATIVE REQUIREMENTS:**

##### ***Notification***

In accordance with Section 3.9.3 of The Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328 feet) of the subject site and notice posters were posted on the site.

##### ***Public Feedback***

As of the writing of this report, the Planning & Heritage Department has received 2 letters of support to this application. Both letters support the need to develop the local economy during the current pandemic and stated that they had no concerns with the proposal.

**CONCLUSION:**

If the Planning Board is content that the Temporary Use for the floating commercial development should be approved, it should be subject to the following conditions:

1. The operator and owner adhere to the following:
  - a. Must meet and maintain any and all Federal Acts, Regulations and Standards concerning the location and Use;
  - b. Must provide confirmation that the three live-aboard vessels used for short-term rentals have obtained licenses from Transport Canada;
  - c. Must meet and maintain all Provincial Acts, Regulations, and Standards concerning the location and Use;
  - d. Confirmation from the Fire Department that the Fire Prevention Bylaw requirements have been met, that the new proposed site for the float homes shall require the implementation of a Fire Standpipe System Class #1 and an approved Fire Safety Plan available onsite at all times;
  - e. Confirmation from the City Water and Sewer Utility Department that uses of the floating development are fully connected to full City sewer and water supply;
  - f. That the three live-aboard vessels are equipped with a holding tank for sewage and served by a pump-out facility; and
  - g. Copy of insurance for the floating development to provide third party liability coverage for operators, owners of the water lot, and the City of Charlottetown.

**PRESENTER:**



Robert Zilke, MCIP  
Planner II

**MANAGER:**



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage



# Attachment A-1



**Attachment A-1:**  
Subject property owned by CADC  
File: PLAN-2020-27-May-

  
**CHARLOTTETOWN**  
Planning & Heritage Department



## Attachment A-2



**Attachment A-2:**  
Site Plan of the Proposed Four (4) Float  
Homes  
File: PLAN-2020-27-MAY-

  
**CHARLOTTETOWN**  
Planning & Heritage Department

## Attachment A-3



**Attachment A-3:**  
Elevation of the Proposed Four (4) Float  
Homes  
File: PLAN-2020-27-MAY-

  
**CHARLOTTETOWN**  
Planning & Heritage Department

## Attachment A-4



**Attachment A-4:**  
Elevation of the Proposed Four (4) Float  
Homes  
**File: PLAN-2020-27-MAY-**

  
**CHARLOTTETOWN**  
Planning & Heritage Department

To: PAC City of Charlottetown

May 12, 2020

The Peakes Quay Marina has been in operation for over 30 years, the current owners are in their 4th year of operation. The existence of retail and cottages has existed at this location for over 20yrs.

The Charlottetown Marina has operated for over 10 years with the existence of the restaurant for the same period. The owner designed and built the Charlottetown marina and did a complete rebuild of Peakes Quay Maina 2 years ago.

Both operations house numerous businesses that include multiple tour operators, Canadian Coast Guard , kayak rentals and food offerings. There are over 50 people employed directly and indirectly in the operations.

All of the operations meet or exceed regulations, including Dept of Health licencing, Transport Canada standards and fire regulations to name a few.

It is the understanding of the owners that the space is in federal waters and the operations have adhered to the regulations and are regularly inspected by safety and licensing authorities , such as, Work Safe PEI, Charlottetown fire inspector, Liquor inspections, tourism inspections, provincial electrical inspectors, independent insurance inspections and multiple health inspections . The owners have placed safety signage and devices such as; a D.O.T. environmental response canister, rescue ladders, life rings and fire apperatus throughout the facilities as per transport canada regulations. The most recent addition to the facilities is the installation of automated hand sanitization systems that will not allow entry into the facilities until hands are sanitized ,a costly endeavour. In addition to these material items all staff are certified in CPR and First Aid. Both Marinas have security personnel around the clock at a substantial cost.

It is the vision of the owners to continue to grow the business and the offerings, We have included in our submission the renderings and drawings of the operation.

**Description of use(s);**

**PID# 335430 Floating Resturant**

This business has been in operation for 10 years and is licensed. The business employ's up to 15 people in normal times. It is a full service restaurant specializing in fresh local seafood and PEI sourced fresh food offerings.

**PID#335307 Floating food court**

This business area has had a retail component that dates back over 20 years. The current operation includes a coffe shop, fresh pizzarella, fresh burger shop and fresh hand cut french fries. All the operators are licenced. The concept is for each vendor to specialize in a food product, which in turn creates a focus on a very high quantity product delivery. The floating shops are branded as "The Jellybean Shops at Peakes Quay" each venue is painted in its own individual color identity and creates an exciting venue for locals and visitors alike.

**PID# 335364 Floating House Boats**

**There has been a floating house boat active at the site for over 20 years. In 2019, 3 additional house boats were introduced as experiential rental units during the summer season. The owners are looking to move the units to another area in the marina that they currently operate in.**

**The premises are themed and inline with waterfront activities and ambiances. The operators have a history of demonstrating expertise in marina operations and the attention required to improving the Charlottetown Waterfront.**

**Best regards,  
Robert & Lisa Gale**

# Attachment C

## Letter 1

I hope this email finds you well. My name is Geoff MacDonald and I own unit 208 at 4 Prince Street.

I'm emailing to show my support for the temporary use for a floating, eating, & drinking establishment on Harbour Authority water lot T.I.D. #335430. I also support the temporary use of floating house boats for short term rental on water lot # 335364. I agree with the temporary use for the purposes outlined.

Best regards,  
Geoff

### **Geoff MacDonald, Partner**

EdgePoint Wealth Management Inc., Owned and Operated by Investors™  
500-150 Bloor St. W., Toronto ON M5S 2X9  
Direct: 416.848.4033 Toll free: 866.757.7207

## Letter 2

I have no financial interest in any business operation on Prince Edward Island, but I do have a huge personal interest in supporting local businesses in the city of Charlottetown. As a property owner and resident living within 100 metres of the subject properties, I am highly concerned about the timing and nature of these proposed variances.

I recognize the need to clarify responsibility for these pre-Confederation waterways. But if there was ever an inappropriate time to create unnecessary bureaucratic roadblocks to local business operations, that time is now. COVID-19 has had a catastrophic impact on the physical, mental and financial health of many of our citizens. It has potential to bankrupt many small business operations that drive the economic future of our vibrant city – our friends and neighbours. This is the worst time to heighten anxiety and uncertainty within members of our business community whose primary concern is surviving this pandemic.

As Charlottetown businesses ready to re-open their doors in a post-COVID-19 environment, it is more important than ever to support our local business community, our friends and neighbors. Members of Council have a responsibility to encourage and promote small business operators, particularly during this period of economic crisis. The City must use its talented and creative resources to create a smart economic recovery plan rather than discourage dedicated and enthusiastic business operators such as these.

I would encourage the City of Charlottetown to quickly approve each of these proposed variances: time is of the essence.

Respectfully Submitted


Ian Carter  
4 Prince Street  
Suite 209  
Charlottetown  
PE C1A 0C4  
(902) 439-9722

**Attachment C: Public Letters**  
**File: PLAN-2020-27-MAY-**



**CHARLOTTETOWN**  
Planning & Heritage Department



<b>TITLE:</b> <b>VARIANCE FOR A TEMPORARY USE</b> <b>PID 335430</b> <b>OWNER: CHARLOTTETOWN HARBOUR AUTHORITY</b> <b>APPLICANT: ROBERT AND LISA GALE</b>		
<b>MEETING DATE:</b> May 27, 2020		<b>Page 1 of 5</b>
<b>DEPARTMENT:</b> Planning & Heritage	<b>ATTACHMENTS:</b> A. Map, drawings, concept B. Letter of Intent C. Public comments	
<b>SITE INFORMATION:</b> Context: Water lot Ward No: 1 Existing Land Use: Water lot is presently being used as a marina Official Plan: Waterfront & Port Zone Zoning: Extension of the Waterfront (WF) Zone and the Port (PZ) Zone		
<b>PREVIOUS APPLICATIONS: N/A</b>		

#### **RECOMMENDATIONS:**

If the Planning Board wishes to move this application forward to Council to *approve* the request for a variance for the temporary placement of the floating eating and drinking establishment on the water lot identified as PID 335430, in accordance with the attached site plan "Attachment A-2", and the attached letter of intent "Attachment B", it should be subject to:

1. The operator/owner adhere to the following:
  - a. Must meet and maintain any and all Federal Acts, Regulations and Standards concerning the location and Use;
  - b. Must meet and maintain all Provincial Acts, Regulations, and Standards concerning the location and Use;
  - c. The Floating docks must be designed by appropriate Engineer with appropriate documentation provided to City, and must not exceed load capacity or be altered in anyway. Only Engineered docks will be permitted for use;
  - d. Confirmation from the Fire Department that the Fire Prevention Bylaw, NFPA 303 and NFPA 96 requirements have all been met and an approved Fire Safety Plan posted onsite at all times;
  - e. Confirmation from the City Water and Sewer Utility Department that uses of the floating development are fully connected to City sewer and water supply; and
  - f. Copy of insurance for the floating development to provide third party liability coverage for operators, owner of the water lot, and the City of Charlottetown.

**BACKGROUND:*****Request***

The applicants, Robert and Lisa Gale, on behalf of the property owner, Charlottetown Harbour Authority, is applying for a temporary use of the City of Charlottetown Zoning By-law to locate a floating eating and drinking establishment on the water lot identified as PID 335430 in the Waterfront (WF) Zone and the Port (PZ) Zone.

***Development Context***

The subject site is currently a water lot that contains a marina and the port terminal for cruise ships. The subject property is unique since it predates confederation and the ownership extends into the waterway. A water lot is typically defined as a pre-confederation lot in which its boundaries or property lines resides partially or completely within navigable waters. The lot is contained within the geographic boundary of the municipality and thus subject to the *Planning Act* section 20, which gives the municipality the authority to regulate development for any structure or use. Since the lot resides within a navigable waterway, both the Federal and Provincial levels of government share concurrent jurisdictional authority over this type of lot.

Uses surrounding the site include the Charlottetown Marina, the Cruise ship terminal, and residential condos directly to the north.

***History***

The water lot is owned and operated by the Charlottetown Harbour Authority, as per the applicant's letter of intent, the floating restaurant has operated in the marina for the past 10 years. During this time the restaurant has operated without any formal approvals from the Planning & Heritage Department. This stems from a lack of clarity revolving around jurisdictional authority between the federal, provincial and municipal levels of government. As per conversations with the City's Fire Department the restaurant was once licensed as a vessel by Transport Canada, but for the past few years Transport Canada has refused to license this type of floating restaurant. After extensive research and discussion with various levels of government the City believes that since the water lots reside within its municipal boundaries and predates confederation, it does have the authority under the *Planning Act* to regulate the use on these types of lots.

**ANALYSIS:**

There have been various different approvals that are required from both the Provincial government and municipality for this floating development, as follows:



### **Federal Government**

- A floating object cannot be considered a vessel if it is either:
  - not constructed for the purpose of transportation (i.e. as the means of conveyance or travel from one place to another), or
  - requires modification to permit navigation, or
  - permanently fixed to land or to the floor of a water body, or
  - no longer capable of floating or navigation.

### **Provincial Government Jurisdiction**

- Public health approval for the eating and drinking establishment;
- Department of Environment for operations on the water;
- Electrical/ plumbing hook-ups; and
- PEI Liquor Commission for Liquor license approval.

### **Municipal Government Jurisdiction**

- The City's Fire Department maintains NFPA 1 & NFPA 303 Fire Protection for Marinas and the uses in therein, and adherence to NFPA 96 for the cooking equipment used for the floating eating establishment;
- The City's Water and Sewer Utility Department approval of the development connecting to full municipal services.

Presently, it is still unclear what level of government has the authority to ensure that the floating structures and dock that they reside on is safe for occupants. Staff would note that to our knowledge there is no level of government that is specifically reviewing the structural integrity of the structures and the safety of the floating dock system. If either the Federal or Provincial government is willing to undertake this review to ensure that the structures and floating docks are safe for their intended purpose as outlined in this report, then the City would defer this safety review to either one of them.

### **Planning Approval of the use of Water Lots**

The Planning Department could regulate the use of water lots like any other lot in the City as per section 1.4.4 (d) of the Zoning & Development By-law which states: *Where there is a water lot, the extremity of the water lot shall be the Zone boundary.* This would mean that by extension the subject lot would maintain a Waterfront (WF) Zone and the Port (PZ) Zone, since the surrounding parcels are zoned Waterfront as per Appendix G. Zoning Map in the Zoning & Development By-law. However, if the floating eating and drinking establishment that reside on the Harbour Authority's

Water Lot (PID 335430) be allowed to continue operations, then there must be assurances that the floating development provides a level of safety for both the operators and occupants.

***Commenting Agencies***

All comments have been addressed and summarized below.

Public Health: Requires any eating establishment to obtain an *Operate a Food Premise License*.

Electrical and Plumbing Connections: The Province regulates and licenses any electrical and or plumbing work done, this requirement would still apply for the floating eating and drinking establishment.

PEI Liquor Commission: Requires the applicants to obtain a liquor license for the sale and consumption of alcohol on the floating docks.

Building: The Building Code does not apply to floating structures or structures that are not attached to the land. Despite this at a minimum the applicant must provide a letter of assurance from a certified Engineer; that confirms the floating docks used have been designed to an engineered standard that can safely support both the structures and occupants. Staff intends to continue to research this issue to determine if other jurisdictions have inspected this type of land use.

Fire Department: The floating developments must maintain the requirements of the NFPA 1 that references NFPA 303 Fire Protection for Marinas and the uses therein, the requirement that the Marina shall require the implementation of a Fire Standpipe System Class #1, an approved Fire Safety Plan available onsite at all times, and the implementation of NFPA 96 for the cooking equipment used for the floating eating establishments.

City Water and Sewer Utility Department: Requires that any floating use be fully connected to municipal water and sewage services, so as to avoid the deposit of grey water into the Marina waters.

Planning & Heritage Department: Staff would note that a temporary use by its nature is temporary for a specified period of time and approval of a temporary use in a given year does not constitute subsequent future approvals. Staff will continue to pursue proposed amendments to the Zoning By-law for Council to review and approve. In the event that these changes are approved by Council, the proposed use will be required to comply with the newly adopted regulations.

**LEGISLATIVE REQUIREMENTS:**

***Notification***

In accordance with Section 3.9.3 of The Zoning & Development By-law, notice of the Planning Board meeting regarding this application was sent to owners of property within 100 metres (328 feet) of the subject site and notice posters were posted on the site.

***Public Feedback***

As of the writing of this report, the Planning & Heritage Department has received 2 letters of support for this application. Both letters purport the need to allow for new development to take place in the waterfront to support the local economy during the current pandemic. No concerns were stated by either of the residents with this proposal.

**CONCLUSION:**

If the Planning Board wishes to recommend to Council that the Temporary Use for the floating commercial development be approved, it should be subject to the following conditions:

1. The operator/owner adhere to the following:
  - a. Must meet and maintain any and all Federal Acts, Regulations and Standards concerning the location and Use;
  - b. Must meet and maintain all Provincial Acts, Regulations, and Standards concerning the location and Use;
  - c. The Floating docks must be designed by appropriate Engineer with appropriate documentation provided to City, and must not exceed load capacity or be altered in anyway. Only Engineered docks will be permitted for use;
  - d. Confirmation from the Fire Department that the Fire Prevention Bylaw, NFPA 303 and NFPA 96 requirements have all been met and an approved Fire Safety Plan posted onsite at all times;
  - e. Confirmation from the City Water and Sewer Utility Department that uses of the floating development are fully connected to City sewer and water supply; and
  - f. Copy of insurance for the floating development to provide third party liability coverage for operators, owner of the water lot, and the City of Charlottetown.

**PRESENTER:**



Robert Zilke, MCIP  
Planner II

**MANAGER:**



Alex Forbes, MCIP, MBA  
Manager of Planning & Heritage

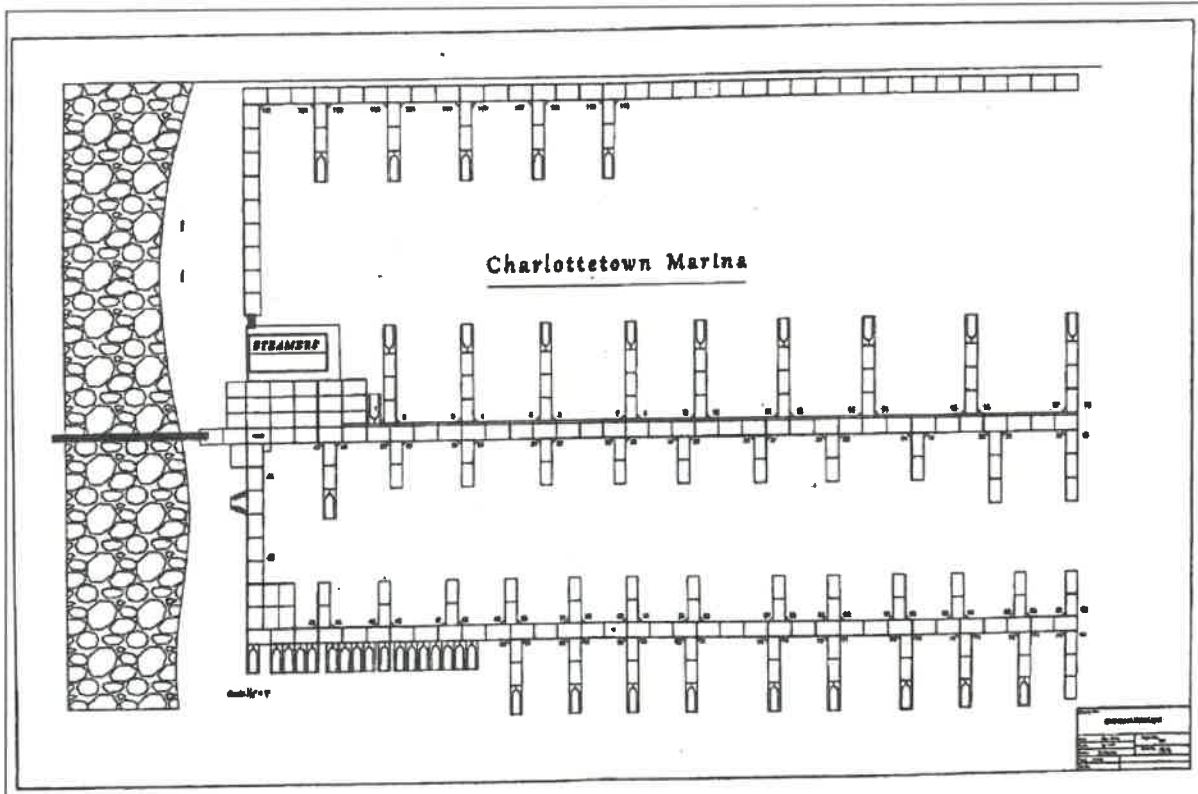
# Attachment A-1



**Attachment A-1:**  
The Subject Water Lot PID 335430  
File: PLAN-2020-27-MAY-

  
**CHARLOTTETOWN**  
Planning & Heritage Department

## Attachment A-2



**Attachment A-2:**  
Site Plan of the Proposed Floating Eating  
and Drinking Establishment  
File: PLAN-2020-27-MAY-

  
**CHARLOTTETOWN**  
Planning & Heritage Department



## Attachment A-3



**Attachment A-3:**  
Photo of the Proposed Floating Eating  
and Drinking Establishment  
**File: PLAN-2020-27-MAY-**

  
**CHARLOTTETOWN**  
Planning & Heritage Department

To: PAC City of Charlottetown

May 12, 2020

The Peakes Quay Marina has been in operation for over 30 years, the current owners are in their 4th year of operation. The existence of retail and cottages has existed at this location for over 20yrs.

The Charlottetown Marina has operated for over 10 years with the existence of the restaurant for the same period. The owner designed and built the Charlottetown marina and did a complete rebuild of Peakes Quay Maina 2 years ago.

Both operations house numerous businesses that include multiple tour operators, Canadian Coast Guard , kayak rentals and food offerings. There are over 50 people employed directly and indirectly in the operations.

All of the operations meet or exceed regulations, including Dept of Health licencing, Transport Canada standards and fire regulations to name a few.

It is the understanding of the owners that the space is in federal waters and the operations have adhered to the regulations and are regularly inspected by safety and licensing authorities , such as, Work Safe PEI, Charlottetown fire inspector, Liquor inspections, tourism inspections, provincial electrical inspectors, independent insurance inspections and multiple health inspections .The owners have placed safety signage and devices such as; a D.O.T. environmental response canister, rescue ladders, life rings and fire apperatus throughout the facilities as per transport canada regulations. The most recent addition to the facilities is the installation of automated hand sanitization systems that will not allow entry into the facilities until hands are sanitized ,a costly endeavour. In addition to these material items all staff are certified in CPR and First Aid. Both Marinas have security personnel around the clock at a substantial cost.

It is the vision of the owners to continue to grow the business and the offerings, We have included in our submission the renderings and drawings of the operation.

**Description of use(s);**

**PID# 335430 Floating Resturant**

This business has been in operation for 10 years and is licensed. The business employ's up to 15 people in normal times. It is a full service restaurant specializing in fresh local seafood and PEI sourced fresh food offerings.

**PID#335307 Floating food court**

This business area has had a retail component that dates back over 20 years. The current operation includes a coffe shop, fresh pizzareia, fresh burger shop and fresh hand cut french fries. All the operators are licenced. The concept is for each vendor to specialize in a food product, which in turn creates a focus on a very high quantity product delivery. The floating shops are branded as "The Jellybean Shops at Peakes Quay" each venue is painted in its own individual color identity and creates an exciting venue for locals and visitors alike.

**PID# 335364 Floating House Boats**

There has been a floating house boat active at the site for over 20 years. In 2019, 3 additional house boats were introduced as experiential rental units during the summer season. The owners are looking to move the units to another area in the marina that they currently operate in.

The premises are themed and inline with waterfront activities and ambiances. The operators have a history of demonstrating expertise in marina operations and the attention required to improving the Charlottetown Waterfront.

Best regards,  
Robert & Lisa Gale



# Attachment C

## Letter 1

I hope this email finds you well. My name is Geoff MacDonald and I own unit 208 at 4 Prince Street.

I'm emailing to show my support for the temporary use for a floating, eating, & drinking establishment on Harbour Authority water lot T.I.D. #335430. I also support the temporary use of floating house boats for short term rental on water lot # 335364. I agree with the temporary use for the purposes outlined.

Best regards,  
Geoff

### Geoff MacDonald, Partner

EdgePoint Wealth Management Inc., Owned and Operated by Investors™  
500-150 Bloor St. W., Toronto ON M5S 2X9  
Direct: 416.848.4033 Toll free: 866.757.7207

## Letter 2

I have no financial interest in any business operation on Prince Edward Island, but I do have a huge personal interest in supporting local businesses in the city of Charlottetown. As a property owner and resident living within 100 metres of the subject properties, I am highly concerned about the timing and nature of these proposed variances.

I recognize the need to clarify responsibility for these pre-Confederation waterways. But if there was ever an inappropriate time to create unnecessary bureaucratic roadblocks to local business operations, that time is now. COVID-19 has had a catastrophic impact on the physical, mental and financial health of many of our citizens. It has potential to bankrupt many small business operations that drive the economic future of our vibrant city – our friends and neighbours. This is the worst time to heighten anxiety and uncertainty within members of our business community whose primary concern is surviving this pandemic.

As Charlottetown businesses ready to re-open their doors in a post-COVID-19 environment, it is more important than ever to support our local business community, our friends and neighbors. Members of Council have a responsibility to encourage and promote small business operators, particularly during this period of economic crisis. The City must use its talented and creative resources to create a smart economic recovery plan rather than discourage dedicated and enthusiastic business operators such as these.

I would encourage the City of Charlottetown to quickly approve each of these proposed variances: time is of the essence.

Respectfully Submitted

Ian Carter  
4 Prince Street  
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Charlottetown  
PE C1A 0C4  
(902) 439-9722

**Attachment C: Public Letters**  
**File: PLAN-2020-27-MAY-**

  
**CHARLOTTETOWN**  
Planning & Heritage Department

