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**FROM:** BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

**FILE NO:** 5400-07\_ONNI

**SUBJECT: REQUEST TO ERECT REAL-ESTATE DEVELOPMENT SIGN ON FLORENCIA DRIVE AT PENINSULA HIGHWAY**

**REPORT NO:** 21-47

**ATTACHMENTS:** APPENDIX A – LETTER FROM ONNI GROUP MARCH 25, 2021

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**RECOMMENDATIONS:**

**THAT** Council consider whether there is support for the request to locate a real-estate sign on the municipal road right-of-way at the corner of Florencia Drive where it meets Peninsula Road and, if so:

1. **THAT** Council direct staff to engage the municipal solicitors to prepare a licence of occupation suitable for the sign proposed to encroach within the public right-of-way, with legal costs to be borne by the proponents;
2. **THAT** Council direct staff to contact the Ministry of Transportation and Infrastructure to determine whether there are any concerns from the Ministry, or other provincial permitting requirements, for the proposed sign in this location; and,
3. **THAT**, subject to the proponents satisfying any requirements of the Ministry, authorize the Mayor and staff to execute a licence of occupation for the proposed sign.

**PURPOSE:**

The purpose of this report is to provide information on a request from the Onni Group to erect a new sign on the municipal boulevard next to Florencia Drive (**“the Proposed Sign”**).



Figure 1 – Proposed Sign location

**BACKGROUND:**

For some years, a billboard sign for the defunct Wyndansea development stood at the entrance to Florencia Drive near Peninsula Road. Several months ago, staff observed that the posts had deteriorated and the sign appeared to be at risk of falling over. District staff removed the sign to eliminate any possible hazard.

In early March, staff received an inquiry from a sign company seeking information on whether a sign permit would be necessary to erect a new real estate sign near the entrance to the closed Florencia Drive and lands owned by the Onni Group. Staff let the company know that either a sign permit or an encroachment agreement would be required, depending on the location and type of sign, and suggested that we could answer their questions fully if they provided information about the exact location, size and type of sign. On March 19, 2021, staff observed workers erecting posts on Florencia Drive near Peninsula Road, near the location of the old Wyndansea sign. The crew was directed to stop.

After discussion with staff, the Onni Group submitted the letter attached in **Appendix A** requesting an encroachment agreement from the District to enable a temporary real estate sign to be located for the next 1 to 2 years in the proposed location. The proposed sign is 7.4m<sup>2</sup> in area (8' x 10').

**DISCUSSION:**

A large sign stood in approximately the same location for many years. Staff note that municipal bylaws discourage obtrusive signage and that billboard signs are generally prohibited within the municipality.

Council could authorize placement of a sign on the municipal road right-of-way; the suggested legal instrument is a licence of occupation. This is a fairly standard type of agreement granting non-exclusive use of public land for an encroaching structure (often used for signs, awnings, etc. within municipal road rights-of-way). Conditions of these agreements typically cover liability by requiring the owner of the sign to provide insurance indemnifying the District. A nominal fee is often charged for administration of the agreement, in the order of perhaps \$100 per year. The cost of preparing the licence document should be borne by the applicant.

Given the location adjacent to Peninsula Road under jurisdiction of the Ministry of Transportation and Highways (MoTI), a separate permit or authorization may be necessary for this sign. MoTI should be given an opportunity to confirm whether there are any concerns for visibility or traffic safety, given the concurrent request from Onni Group to also open up Florencia Drive to full traffic access (see separate report).

Should the request for the proposed sign on public land not be granted, under the municipal Sign Bylaw, the Onni Group would have the option of erecting 2 real-estate signs on the property for sale, up to 1.5m<sup>2</sup> (16 sq.ft.) in area and with a maximum height of 2m (6.5 ft.). Note, however, that the property for sale is located beyond the traffic circle at the end of Florencia Drive - and would likely not achieve the visibility desired by the applicant.

**TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:**

If this application is approved, some Staff time will be required to facilitate the preparation and execution of a licence of occupation. The licence agreement would be drafted by the municipal solicitors.

**FINANCIAL IMPACTS:**

The District's legal costs for preparing the licence would be borne by the Onni Group.

**SUMMARY:**

While billboard signs are generally prohibited in the municipality, this is a unique development on the largest landholding within Ucluelet. Council could consider granting authorization of a licence to place the sign in the proposed location for a defined period of time. If there is support for this request by the Onni Group, staff recommend that Council consider the motions at the outset of this report.

Alternatively, Council has the following option:

4. **THAT** Council defer consideration pending receipt of further information, to be identified.
5. **THAT** Council reject the request to erect the proposed sign on public land and direct the applicant to remove the posts and footings already in place, and leave the public boulevard in a safe and tidy state.

**Respectfully submitted:**      Bruce Greig, Manager of Community Planning  
Joseph Rotenberg, Manager of Corporate Services

## Appendix A

District of Ucluelet  
200 Main Street  
Ucluelet, BC  
V0R 3A0

March 25, 2021  
Re: Wyndansea - Development Sign Encroachment Agreement

To: Bruce Greig, Manager of Community Planning,

I am writing you on behalf of Onni Group regarding a temporary real estate sign for Wyndansea. Please note we started to install this sign in place of a previous development sign, not knowing an encroachment agreement was required.

The replacement sign is 8'wX10'h and will sit in the same place as the previous sign. Please see design and placement references enclosed.

Onni will ensure that the appropriate insurance coverage is in place as per the District of Ucluelet requirements for the duration of the sign's life, which we estimate 1-2 years.

I look forward to hearing from you with the next steps to file an encroachment agreement.

If you have any questions regarding this correspondence, please feel free to contact me at:

ONNI GROUP  
200 - 1010 Seymour Street  
Vancouver, BC V6B 3M6  
604-637-3073  
elyall@onni.com

Sincerely,

Erin Lyall

Original Development Sign:



Replacement Development Sign Mockup:



**WYNDANSEA**

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