

VIRTUAL PUBLIC HEARING – REPORT
Tuesday, March 9, 2021 @ 6:00 PM
Zoom Webinar

PRESENT: Mayor S. Minions
Councillor R. Corbeil
Councillor D. Haggard
Councillor R. Paulson
Councillor H. Poon
Councillor C. Solda
Councillor D. Washington

STAFF: T. Pley, CAO
S. Smith, Director of Development Services/Deputy CAO
T. Slonski, Director of Corporate Services
S. Darling, Deputy City Clerk
K. McDougall, Manager of Planning
B. McLoughlin, Project Planner

Gallery: 10

CALL TO ORDER & APPROVAL OF THE AGENDA

MOVED and SECONDED, THAT the agenda be approved as circulated.

CARRIED

Chair Minions read an opening statement pertaining to the process and conduct of the Public Hearing.

A1. Description of the Application

The Corporate Officer provided a summary of the application as follows:

The applicant is applying to amend the Official Community Plan Bylaw and the Zoning Bylaw to facilitate a subdivision of the property to create one additional single family, residential parcel.

The proposed bylaws are:

"Official Community Plan Amendment No. 33 (4279 Ravenhill Avenue – Jaenicke), Bylaw No. 5018". The Bylaw, if amended, will change the designation of the subject property from a mix of 'Park and Open Space' and 'Future Residential' to a mix of 'Park and Open Space' and 'Residential'; and

"Zoning Bylaw Amendment No. 43 (4279 Ravenhill Avenue – Jaenicke), Bylaw No. 5019". The Bylaw, if amended, will change from 'FD Future Development' to a mix of 'P2 Parks and Recreation' and 'R1 Single Family Residential'.

A2. Background Information from the Development Services department report dated March 1, 2021 to be summarized by the Manager of Planning.

The Manager of Planning provided background information regarding the proposed amendments by way of summarizing the report of March 1, 2021.

A3. Correspondence - None

A4. Late Correspondence Regarding the Matter

- Email dated March 4, 2021 from B. Masso stating his opposition due to the increased drainage issues it will create on his neighboring property.
- Letter dated March 9, 2021 from Gerald Gertken stating his opposition to the development application as it relates to impeding road exits for future developments and the potential creation of easements.

A5. Input from the Public regarding the Bylaws

Brent Masso, 11th Avenue, commented as follows:

- Owner and resident for 15 years.
- Prior to the applicant's construction of a residential home next to the proposed development and associated raising of the property using fill, water naturally drained towards Ship Creek Road.
- Since the construction, the water now drains towards personal property which both saturates and erodes property.
- Panhandle access will result in additional fill and raise property further creating more drainage issues.
- Has made previous complaints to staff in the Engineering and Public Works department regarding drainage issues and was met with negativity by staff.
- Will negatively affect property value.
- Opposed to proposed development application.

Applicant and Property Owners, Robert and Louise Jaenicke commented as follows:

- No more fill will be required for future development.
- Previous fill was permitted and City Engineering was notified.
- The way the property was sloped, drainage had always gone in the direction of Mr. Masso's property. Attempts were made to address the drainage issue and a grading plan was completed by Bowerman Contracting. At owners' expense, the property was raised to drain away from Mr. Masso's property.
- Engineers agreed draining mitigation and re-route was the correct method.
- Raised northern edge of property and directed drainage towards Ship Creek Road in an attempt to mitigate.
- Trees on Mr. Masso's property have always been a concern. Our lot was logged pre-build/purchase which does affect neighboring trees making them vulnerable to wind.

Brent Masso, 11th Avenue, commented as follows:

- Disagree with previous comments. The property previously sloped toward Ravenhill Avenue.
- Has video of silt in Ship Creek related to the raising of the property.
- Owner himself was seen with a shovel trying to reroute silt away from property.
- Staff report does not address flood mitigation, erosion or drainage.
- Recommends City get a full GEO Technical Covenant prior to approval.

A6. Questions from Council:

Questions from Council were as follows:

- Do drainage ditches need to be built and if so, whose responsibility is it?
- Is there a City engineer report available regarding run-off and drainage?
The City is responsible if a drainage ditch is required on a public road right of way. If this application is successful and moves to the subdivision approval process, that is where we ensure that all City infrastructure; sanitary, sewer, drainage is considered with involvement from the City engineer. At that time, the applicant would be responsible for the cost if drain ditches were required.
- Was an Engineer report completed prior to landfill process and/or was a subsequent report completed after landfill process and if not, could there be?
Not certain whether those reports exist. It does not appear to be part of this zoning application. If application is successful and proceeds, it would be during the subdivision process that the City's Engineering department and potentially an engineer through the applicant would be engaged.
- If re-zoned, is there a minimum lot size for subdivisions?
Yes, all zones have minimum lots size requirements
- Is it possible to go smaller than what is proposed currently?
Potentially but going smaller brings other implications into play such as road construction, extension of services, etc. The applicant is indicating they want to do one panhandle lot given some of the infrastructure that is there.
- Does the subdivision application go to Council?
No, the subdivision does not come to Council.

Closing Remarks by the Chair:

Before closing this portion of the Public Hearing, Chair Minions called three times for any further speakers on any of the matters contained in the proposed bylaws.

For the 1st time, Chair Minions asked for any further input from the public. There was none.

Chair Minions called for a second time for input from the public.

Chair Minions called for a third and final time.

There being no further speakers, I declare this portion [Part A – R. Jaenicke, 4279 Ravenhill Avenue] of the Public Hearing closed at 6:40 pm.

B1. Description of the Application

The Corporate Officer provided a summary of the application as follows:

The applicant is applying to amend the Zoning Bylaw to facilitate the development of a Liquor, Wine and Beer Store at 2943 10th Avenue (Quality Foods grocery store).

The proposed bylaw is:

“Zoning Bylaw Text Amendment No. T27 (Site Specific Use – C2 General Commercial), Bylaw No. 5022”. The Bylaw, if amended, will add text to Section 5.19.4 C2, General Commercial Site-Specific Uses table [as reflected in the bylaw].

B2. Background Information from the Development Services department report dated March 1, 2021 to be summarized by the Development Planner.

The Development Planner provided background information regarding the proposed amendments by way of summarizing the report of March 1, 2021.

B3. Correspondence

- Email dated March 1, 2021 from R. Terepocki commenting that the community doesn't need another beer and wine store.
- Email dated February 19, 2021 from Andy and Robin of Dog Mountain Brewing Ltd., expressing support.

B4. Late Correspondence Regarding the Matter

- Email dated March 9, 2021 from Jennifer and David Neron in opposition of the application as it relates to the associated traffic increase, promotion of transient activity and overall fit within a family orientated neighbourhood.
- Email dated March 8, 2021 from Karam Sandhu expressing opposition as it relates to the number of liquor stores already in the City and concerns over the safety of product delivery.
- Email dated March 9, 2021 from Kulbir Rana expressing opposition to the application and commenting that approval would be in direct conflict with a recent resolution passed by Council for submission to AVICC regarding improved access to detox and treatment centers.
- Statement from Cascadia Liquor with 12 signatures in support of the application.

B5. Input from the Public regarding the Bylaw

Jamie LaPorte, 8th Avenue, commented as follows:

- Does not support application.
- It does not serve Port Alberni to have another liquor store.
- Have children that attend the 8th Avenue school as part of the Choices Program and it is not beneficial for students at an alternative school to have access to a liquor store.
- Parking lot is already congested.
- Doesn't suit the building or the land use for that area.
- Will decrease property value due to the associated increase in transient activity.
- School may be opened as a regular public school in the future. Need to take that into consideration.

Daryoush Firouzli, Project Architect commented as follows

- The operator has confirmed that delivery will be done by small trucks due to space.

Keith Barbon [Executive-Finance and Business Development, The Truffles Group] commented as follows:

- Understand concerns regarding impact to neighborhoods.
- Can assure public and Council that good neighborhood policies are in effect at other store locations.
- Do not want to represent brand negatively.
- Have a reputation to uphold and will be a good community partner.
- Carry local products and specialty items.

Peter Mugleston, Owner, Best Western Plus Barclay, 4277 Stamp Avenue commented as follows:

- Operates a Licensee Retail Store [LRS].
- Let's not confuse why we are opposing this application. We are not anti-business or fear competition.
- We are entrepreneurs and fully understand and assume the significant accountability for the inherent risk and outcome of our ventures.
- We are firm believers in a free enterprise system, however this application does not follow this category.
- The liquor industry is highly regulated, we are told where we can locate our business, when we can open and close and what products we can carry and how we purchase them.
- This is not a case where the applicant will sell a better product or bring something new to Port Alberni.
- Although the application is brought forth from Quality Foods who is a good corporate citizen, the issue before us is a bylaw to allow proper zoning for another LRS in Port Alberni.
- The relocation of an LRS from another community is not something Port Alberni needs.
- Port Alberni already has 7 LRS's operating and one government liquor store.
- The market has spoken as at one time there were 9 LRS's operating.
- Port Alberni in top percentile of LRS's per capita compared to other Cities in the province.
- Will weaken business for all other LRS's in the City.
- City planners and managers should ask if there is a need for another LRS.
- Asks that Council take this matter seriously.
- Regarding the comment made by Mr. Daroush regarding deliveries being made by smaller trucks, retail operators don't get to dictate the size of trucks.
- At one-time Port Pub had 53-foot trailers parked on Argyle as an example of this.

Charlene Patterson, Owner/Operator Char's Landing, Argyle Street commented as follows:

- Liquor Primary Licensee holder.
- Support Quality Foods as an upscale grocery store and the ability as a south port resident to walk to the store and purchase wine at that the same time as purchasing groceries.
- Welcome large trucks to deliver large volumes of food and beverages to the location.
- Has business and home on Argyle and welcomes the traffic.
- Encourages everyone to support Quality Foods to add this convenience and allow for the survival of the business.
- Previous cold beer and wine stores in a less desirable area.
- This location is in a welcoming, community area. Feel safe.
- Consider Quality Foods as an improvement to the community.

B6. Questions from Council:

Questions from Council were as follows:

- Where is this LRS being relocated from?
A small beer and wine store, Victoria, BC. The property is being re-developed for housing.
- Do we have any recourse or ability to ensure that the delivery of product and/or equipment would be done in a safe manner as has been indicated by the applicant?
If delivery became an issue, the City would need to create and enforce regulation. As stated, the delivery truck is not permitted to use same loading dock as the grocery store.
- Who will pay if the crosswalk requires an upgrade?
The crosswalk is currently effective and would have to be evaluated if it became an issue.

7. Closing Remarks by the Chair:

Before closing this portion of the Public Hearing, Chair Minions called three times for any further speakers on any of the matters contained in the proposed bylaws.

For the 1st time, Chair Minions asked for any further input from the public.

Jeremy Pott, Regional Operations Manager, Cascadia Liquor commented as follows:

- Regarding concerns over truck delivery, Van-Cam [transportation company], has provided options with delivery truck size in other locations with similar issues.

Councillor Poon left the meeting at 7:10 pm.

Charlene Patterson, Owner/Operator Char's Landing, Argyle Street commented as follows:

- It is the responsibility of the truck driver to provide safe delivery.
- Is it the case that the province is not regulating how beverages are being delivered to the grocery store?
- Municipalities are having to implement new policies to allow grocery stores to

sell beverages but the province is not mandating how these are to be delivered.

- The City is not concerned and/or the province is not concerned how trucks arrive and deliver to grocery stores and restaurants so why would the municipality be concerned and decide on an application based on the delivery status when the province isn't mandating it.
- Safety is a concern to everyone but the City is promoting the community, the people, residents and businesses. It is their job to encourage and administer our businesses to succeed and our people to live safely and conveniently.
- If City has problem with delivery, the City should take it up with province.

Jamie LaPorte, 8th Avenue, commented as follows:

- Although the crosswalk is pedestrian controlled, as a resident I have tried crossing many times when visibility is low and there has been many near-misses.
- Increased traffic will add to this.
- Speaking as the parent who has lost a child in this town to a large truck, it should really be looked at as well as the large amount of traffic that will come into that area.
- There is also a bus stop which needs to be kept clear for drivers.

Peter Muggleston, Owner, Best Western Plus Barclay, 4277 Stamp Avenue commented as follows:

- Clarify shipping entrances re: grocery store versus other business.
- There are separate entrances for both.
- Shipments cannot go in one door and then through the business into another store.
- The volume of product going into a liquor primary versus a licensee's liquor retail store isn't comparable.

Chair Minions called for a second time for input from the public.

Chair Minions called for a third and final time.

There being no further speakers, I declare this portion of the Public Hearing closed.

Once this Public Hearing has terminated, members of Council may not, as a group or as individuals, receive any further oral or written presentations on this matter, including what might be perceived of as informal discussions immediately after the termination of this meeting. I ask all parties to comply with this.

8. Termination of the Public Hearing:

MOVED AND SECONDED, THAT this Public Hearing terminate at 7:18 pm
CARRIED



Twyla Slonski, Corporate Officer