



To: Port Alberni Advisory Planning Commission

Chris Colclough - Chair Linda Kelsall - Vice Chair Shelley Chrest

Vern Barnett
Seva Dhaliwal
Wes Hewitt

Jim Tatoosh (Hupacasath First Nation) Debra Foxcroft (Tseshaht First Nation)

Larry Ransom - (SD #70)

S. Sgt. Mike Coady - (R.C.M.P. Liaison) Councillor Hira Chopra - (Council Liaison)

Randy Thoen (P.A.F.D. Liaison)

From: Scott Smith, City Planner

Copy: Councillor Rob Cole - (Alternate - Council Liaison)

John Bennie - (Alternate - School District #70)

Cara Foden - Planning Technician

Digital Copy - Davina Hartwell - City Clerk

Digital Copy - Jane MacNaughton/Tanis Feltrin - Clerks Department, Steven Tatoosh

Date: October 24, 2013

Re: Advisory Planning Commission Meeting

Thursday, October 31, 2013 at 12:00 pm in the Committee Room at City Hall

A meeting of the Advisory Planning Commission has been scheduled for **Thursday, October 31**, at **12:00 pm in the Committee Room at City Hall**. If you have any questions or are unable to attend please contact Scott Smith at 250-720-2808 (voice mail available).

AGENDA

- 1. Minutes of the August 29, 2013 meeting of the Advisory Planning Commission.
- 2. **DEVELOPMENT APPLICATION Temporary Use Permit**

3868 Wood Avenue – (PID: 026-760-878)

(Lot 1, District Lot 45, Alberni District, Plan VIP81430)

Applicant: H. and S. Rai

3. DEVELOPMENT APPLICATION – Development Variance and Development Permits 4616 Athol Street

(Lots 1-3, Block 54, District Lot 1, Alberni District, Plan VIP197B must be consolidated to create new legal parcel)

Applicant: Raymond deBeeld Architect Inc.

- 4. Update City Planner Status of current projects.
- 5. Other business.
- 6. Adjournment. The next regular meeting is scheduled for Thursday, November 21, 2013.



Summary Report / Minutes of the Advisory Planning Commission Meeting (Held on August 29, 2013 in the Committee Room at City Hall at 12:00 p.m.)

Advisory Planning Commission

Chris Colclough (Chair) Linda Kelsall (Vice-Chair)

Seva Dhaliwal

Wes Hewitt

Jim Tatoosh (Hupacasath First Nation)
Deb Foxcroft (Tseshaht First Nation)
Chris Jancowski (Alternate - P.A.F.D.)
Councillor Hira Chopra - (Council Liaison)

S. Sgt. Mike Coady - (R.C.M.P. Liaison)

Staff

Scott Smith, City Planner
Cara Foden, Planning Technician

<u>Guests</u>

Dion Hopkins - Applicant

Public - 0

Regrets

Vern Barnett Shelley Chrest

Larry Ransom (S.D.70 Liaison) Randy Thoen (P.A.F.D. Liaison)

Alternates (not in attendance)

John Bennie (Alternate S.D.70)

Councillor Rob Cole (Alternate – Council)
Sgt. Dave Paddock (Alternate - RCMP)



1. Adoption of June 20, 2013 Minutes

• The Minutes of the June 20, 2013 meeting of the Advisory Planning Commission were adopted. (Hewitt / Kelsall) CARRIED

2. DEVELOPMENT APPLICATION - Proposed Zoning Bylaw Amendment

4921 Bute Street - (PID: 001-118-129)

(Lot A, District Lot 1, Alberni District, Plan VIP31847)

Applicant: Dion Hopkins dba PK Investments Ltd.

- The City Planner summarized his report to the APC dated August 22, 2013.
- The APC discussed the application with respect to the following:
 - Site specific nature of the Zoning Bylaw amendment: An amendment that would permit the proposed use on all sites currently in the M1 District is not recommended for Port Alberni due to the distribution, and proximity to residential areas, of many M1 zoned parcels. The recommended site specific approach will ensure that a public process is followed, for applications of this nature, and will allow for input from owners and occupiers of adjacent residential properties. All text amendments are subject to the same public process as map amendments.

o Building ownership:

The applicant does not currently own the building. Negotiations with the building owner may result in sale of the building to the applicant. The City Planner indicated that the recommendations included receipt of written confirmation, from Health Canada, that the location has been approved for the licensed production of Medical Marihuana.

o Regulation:

The applicant advised the APC that the product is regulated by the *Food and Drug Act* and that the regulations for commercial lab testing required that specific standards and procedures be followed and met. The product will be distributed through Canada Post, direct to recipients, using discreet packaging and an MMPR number.

Environmental contamination:

Concern was expressed that chemicals would be discharged through wastewater and the applicant was asked if provisions had been made for treating contaminated water. The applicant responded that marihuana plants would be grown hydroponically and that no ground water from the plants would be entering city systems.

o Odour:

Air quality and emissions were of concern to APC members. It was noted that odour would affect nearby businesses and residential properties if not rigorously controlled. The applicant responded to the concerns outlining the proposed methods of control. through an air filtration and fan system, that would be installed and operated to simulate a sealed building. He will investigate the possibility of installing a warning system that could detect emissions if the equipment malfunctions.

Staffing:

Experienced growers licensed under the old regulations will be hired to work in the new facility. Approximately five employees will be required.

o Security:

Health Canada regulations require that the facility operator be licensed and that the building be approved. The building must be secure and alarmed. Operations and security levels will be monitored on a regular basis. It is not known at this time how often the facility will be checked by Health Canada. Operational processes will also be in place to control access to the facility and the product. Health Canada requires a security check on applicants prior to approving a license. The applicant advised the APC that the product is regulated by the *Food and Drug Act* and that commercial lab testing procedures and regulations would be followed.

o Enforcement:

When asked "Should an equipment malfunction result in odour for the neighbourhood,

how would the city ensure that the issue is rectified in a timely manner?" the City Planner indicated that the avenues available to the city, to encourage compliance, included urging the applicant to voluntarily comply, revoking a Business License and, if necessary, following a process through the courts. It would also be possible to contact Health Canada to report an ongoing issues if necessary. Health Canada could revoke a license if non-compliance was an issue.

The applicant expressed that he did not want the facility to create tension with the public and would be working hard to mitigate any issues before they became problematic.

o Tax Class:

BC Assessment will determine the tax category for the type of use and the City Planner will obtain this information prior to a Public Hearing.

o Land Use:

The Agricultural Land Commission has ruled that Marihuana is an agricultural product and that no approval process is necessary to grow medical marihuana in the ALR. When asked why the applicant preferred to locate the facility in a building within the city it was noted that the Agricultural Land Commission may not allow packaging and testing of the product in the ALR. It was also noted that the security requirements, and the necessity of building a secure building in the ALR for growing purposes, made the costs prohibitive for most including the applicant. It has not yet been determined by Health Canada if the laboratory testing of the product must be done at a separate civic address from the production/growing of the product. The proposed business plan is primarily focused on packaging and distribution with a relatively small percentage of growing.

MOTIONS:

- **1.** That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with text amendments to the Zoning Bylaw as follows:
 - a) Adding the following text to Section 6.29.2 the list of Permitted Uses in the M1 Light Industry District: "Notwithstanding any provisions of this Bylaw, Medical Marihuana Facility is a permitted use on Lot A, District Lot 1, Alberni District, Plan VIP31847, PID: 001-118-129 (4921 Bute Street)"; and
 - **b)** Adding the following text to Section 2 Definitions: "Medical Marihuana Facility means a building or structure, approved and licensed by Health Canada, for the production and/or packaging and/or laboratory testing of marihuana, but specifically excludes storefront or retail outlet distribution of medical marihuana"; and
 - **c)** Adding the following text to Section 7.7 the Required Amount of Parking table: "Medical Marihuana Facility" under Use and "1 per employee or 1 per 190 m² (2045 ft²) of gross floor area, whichever is greater."

- 2. That the Advisory Planning Commission recommend to City Council that as part of the development process the applicant be required to complete the following before the final adoption of the bylaw.
 - a) Provide written confirmation, from Health Canada, that the subject location has been approved for the licensed production of Medical Marihuana.
 - **b)** That security be provided to ensure that the exterior of the building is painted.

(Kelsall / Chopra) CARRIED

- 3. Status Update Current Projects City Planner
 - Official Community Plan Amendment No. T3 (Temporary Use Permits), Bylaw No. 4818 was adopted by Council on June 24.
 - Zoning Bylaw Review Project –The APC and City Council met jointly with the consultant on Monday, August 26 to review the outcomes of phase 2 of the community consultation and provide direction for the draft bylaw.
 - "Zoning Amendment No. 101 (2511 9th Avenue Engstrom), Bylaw No. 4822" was given final adoption by Council on August 12.
 - Demolition of the burned structure at 4356 Gertrude St. will proceed on September 3.

4. Other Business

5. <u>Adjournment</u> – The meeting adjourned a September 19, 2013 at 12:00 pm in the Co		•	ed meeting will be
	(/) CARRIED
		Colu	lough
City Clerk	Chair		



CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO THE ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Scott Smith, City Planner

DATE: October 24, 2013

SUBJECT: DEVELOPMENT APPLICATION

Temporary Use Permit – 3868 Wood Avenue

Applicants: H. and S. Rai

ISSUE

The City has received an application for a Temporary Use Permit on 3868 Wood Avenue.

BACKGROUND

A Temporary Use Permit may do one or more of the following:

- Allow a use not permitted by a zoning bylaw;
- Specify conditions under which the temporary use may be carried on;
- Allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

Early in 2013 City Council approved an amendment to the Official Community Plan to allow for consideration of Temporary Use Permits (TUP). For information the policy is as follows:

"TEMPORARY USE PERMITS

The Local Government Act (Section 921) allows a local government to issue a Temporary Use Permit. The permit may be issued for a three year term, with the possibility of a renewal for an additional three years.

Council Policy

- 1. Temporary Use Permits may be considered on all lands designated Industrial or Commercial on Schedule "A" (Land Use Map).
- 2. The issuance of a Temporary Use Permit is intended to provide a short term opportunity for uses that either relocate or cease to exist within a maximum of a six year period.
- 3. Ensure long term public policy for the area is not changed.
- 4. Maintain a reasonable level of compatibility with the surrounding development."

The property at 3868 Wood Avenue currently has several recreational trailers on the site with people living in them. The property owner has not determined a long term use for the land and would like to continue to have the trailers on the site and has applied for a TUP for 8 sites for a 3 year term.

DISCUSSION

Surrounding use

The surrounding uses are a mix of commercial and residential. The Hospitality Inn parking lot is directly to the west and the Alberni Inn is directly south of 3868 Wood Avenue. To the north is single family residential. Across Wood Avenue to the east is a small mobile home park and the Reford Motor Inn. This portion of Wood Avenue is designated as a Collector Road in the Official Community Plan.

Official Community Plan Policy

The proposed temporary use of 3868 Wood Avenue for long term residential use of recreational trailers does substantially comply with the OCP policy for TUP. The trailers could be easily relocated and this temporary use would not negatively impact the long term use of the property. The level of compatibility with the surrounding area is likely open to different opinions. This property is in a transition area from the primarily commercial area on Redford Street to the fully residential area to the north. If the land is maintained to a high level and the trailers are cared for, some may consider the use compatible.

If on the other hand the land and trailers are not well maintained the nearby residential properties and the public may not see the use being compatible. A new solid fence along Wood Avenue would assist in improving the appearance of the property. Some lighting at the entrance to the property would also be an improvement in appearance and could add to the safety of the site.

Infrastructure

The Engineering department is recommending that each trailer be connected to the City water and sanitary sewer, with approved connections and installation of clean-outs at property line. The Engineering department would also like to have the on-site utilities documented, with verification of the size and condition of these services.

Recreational Trailers

Trailers and recreational vehicles are not intended, nor constructed for, long term residential use. Recreational trailers are not a form of housing and from a land use planning perspective the Planning department does not support a temporary use permit for this purpose.

CONCLUSIONS

In considering the Temporary Use Permit, the Advisory Planning Commission and City Council should consider whether this TUP is appropriate for the community.

Trailers and recreational vehicles are not intended for, nor constructed for, long term residential use. From a land use planning perspective the Planning department does not support a formal recognition of recreational trailers as a form of housing even under a TUP. The property owner should be given 4 months to have the trailers removed in order to provide the existing tenants adequate notice under the Residential Tenancy Act.

If the APC and City Council are supportive of the TUP, the Planning department would recommend the following conditions be required as part of the permit:

- 1. That each trailer site be connected to City services with proper connections and clean outs, approved by the City Engineer.
- 2. That the on-site utilities be documented.
- 3. Installation of a 1.25 metre high solid fence along Wood Avenue, except for the access.
- 4. That lighting be added at the entrance to the property.

RECOMMENDATION

- 1. The City of Port Alberni Advisory Planning Commission recommends to City Council that the City deny the Temporary Use Permit for 3868 Wood Avenue.
- 2. The property owner be required to have the trailers removed within 4 months.

Respectfully submitted

Scott Smith, MCIP

City Planner



3868 Wood Avenue

Bylaw 4395

6.19 C4 - HIGHWAY COMMERCIAL DISTRICT

6.19.1 General Purpose

To establish and maintain areas offering a high level of visibility which provide services for vehicular traffic and tourists.

6.19.2 Permitted Uses

Motels and Motor Hotels Gasoline Service Stations

Car Washes

Motor Vehicle Dealers Motor Vehicle Repair Shops

4581 Mar 14-05 Boat or Recreational Vehicle Sales

4581 Mar 14-05 Boat or Recreational Vehicle Sales & Repair

Household Appliance and Furniture Stores

Convenience Stores

Home and Auto Supply Stores General Merchandise Stores Garden Supply Shops

Gift Shops

Personal Services Shops

Self-Service Laundries and Dry Cleaners

Tourist Guide Services

Restaurants including Drive-Thru, Drive-In and Take-Out

Banks and Other Financial Institutions

Accessory Buildings and Uses

#4459 Oct 23-00 Video Rental Stores

#4459 Oct 23-00 Retail Stores

#4524 July 14-03 Notwithstanding any provisions of this Bylaw, Liquor, Wine and

Beer Stores is a permitted use of Lot 1, District Lot 45, Alberni District, Plan 50735 and Lot A, District Lot 1, Alberni District,

Plan 33048.

6.19.3 Bulk and Site Regulations

Minimum Lot Area 930 m² (10011 ft²)

Minimum Frontage 30 m (98.4 ft)

Maximum Coverage 40%

Bylaw 4395

Minimum Setbacks:

Front Yard	9 m	(29.5 ft)	
Rear Yard	6 m	(19.7 ft)	
Side Yard	6 m	(19.7 ft)	

Maximum Building Height 9 m (29.5 ft)

Maximum Number of Principal
Building Storeys 2

6.19.4 <u>Conditions of Use</u>

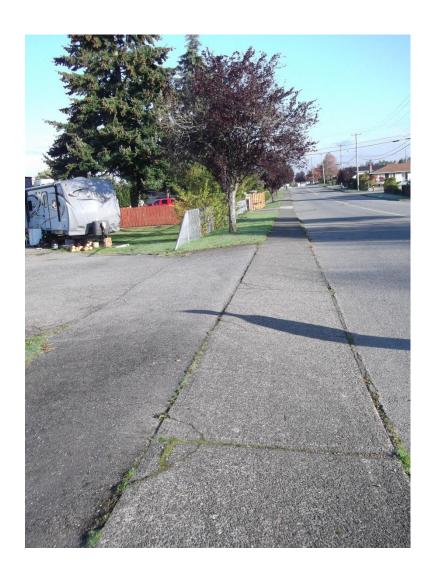
Notwithstanding the provisions of 6.19.3,

a) All business activity, including the servicing and repair of automobiles, shall be conducted within a completely enclosed building except for drive-in and drive-thru businesses, fruit and vegetable markets, ice dispensaries and vending machines, activities that are normally done a gasoline service pump, outdoor garden shops and parking and loading facilities.











CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Scott Smith, City Planner

DATE: October 24, 2013

SUBJECT: DEVELOPMENT APPLICATION

Development Variance and Development Permit

4916 Athol Street - (PID's: 000-064-891, 000-063-924, and 000-065-374)

(Lots 1-3, Block 54, District Lot 1, Alberni District, Plan VIP197B)

Applicant: Raymond deBeeld, Architect, for Robin Gauthier dba 413549 BC Ltd.

ISSUE

At issue is the consideration of an application for a combined Development Variance Permit (DVP) and Development Permit (DP). The applicant is applying to vary zoning regulations to facilitate the redevelopment of the site of a former apartment building at 4916 Athol Street.

BACKGROUND

The original apartment building was 4 storeys with 26 rental units and was constructed in 1964. The former building was destroyed by fire on May 31, 2011 and subsequently demolished with the exception of the foundation and a covered parking area which did not require demolition. The applicant is proposing to build a very similar building to replace the one destroyed by fire. The new building is proposed to be 4 storeys with 24 residential rental units. This application is somewhat unusual as the owner is only trying to replace the building that was destroyed by fire with a similar size project. The bylaw regulations in place today are different than when the original building was constructed. Because the building was destroyed to more than 75% of its value the new building must comply with today's building code and local government bylaws.

There is an active rezoning application on the property to change the zone to the RM3 – Higher Density Residential District. The amending bylaw has been given 3rd reading and final adoption is only subject to lot consolidation, which should be completed shortly. The DVP is also subject to lot consolidation.

The Development Permit process will review the form and character of the project. This report covers only the requested variances to the Zoning Bylaw.

The following table summarizes the requested variances.

Zoning Requirement		Regulation		Proposed	<u>Variance</u>
Balcony projection (north side)	from	3.75 m	to	0.2 m	3.55 m
Balcony projection (east side)	from	4.75 m	to	1.5 m	3.25 m
Patio projection (east side)	from	4.15 m	to	0.15 m	4 m
Front Yard Setback (east side)	from	6 m	to	1.5 m	4.5 m
Side Yard Setback (north side)	from	5 m	to	1.73 m	3.27 m
Rear Yard Setback (west side)	from	9 m	to	2.9 m	6.1 m
Parking Spaces	from	30	to	24	6
Parking Lot Setbacks	from	1.5 and 1 m	to	0.6 and 0 m	0.9 and 1 m
Useable Open Space	from	432 m ²	to	197 m ²	235 m ²

DISCUSSION

Surrounding Area

The site is located on the southwest corner of 4th Avenue and Athol Street and would provide a higher density residential use appropriately located close to the Uptown commercial core. To the north across Athol Street there are several single family dwellings adjacent to a public hall (Chinese Canadian Society). East of the site the area is primarily residential use in the One and Two Family Residential District. To the south of the site there are three residential lots and then the Argyle Street and commercial Uptown core area. To the west are transitional office commercial uses fronting on the predominately commercial stretch of 3rd Avenue.

Balcony and patio projections

The Zoning bylaw allows for cantilevered balconies to project into a front or side yard setback by 1.25 metres and also allows patios (open porches) to project into a front yard setback by 1.85 metres. The cantilevered balconies facing Athol Street and 4th Avenue and the ground level patios facing 4th Avenue will require a variance to increase the allowable projection. A plan is attached that demonstrates this graphically. The patio and balcony variances are from the original zoning setback requirements.

Yard Setbacks

Although the building is designed to use Athol Street as a front entrance, the legal frontage is along 4th Avenue. The front, rear and one of the side yard setbacks will require variances, as noted in the table above, to accommodate the proposal. Although variances are required, all three of the proposed setbacks are an improvement from the previous building.

Parking

The Zoning bylaw requires 1.25 parking spaces per dwelling unit, totaling 30 for the proposed new building. A variance to allow 6 fewer parking spaces is required. The former layout had only 22 stalls for the old building with 26 units (0.85 per unit) while the new proposal is for 24 stalls (1.0 per unit). The site is located within walking distance of the urban amenities along Argyle, Third and Harbour Quay waterfront. Public transportation is close by. The design includes secure indoor parking for bicycles, scooters and medichairs on the lower level.

Parking lots in the multi-family zones have setback requirements from property lines. The bylaw requires parking lots to have a 1.5 metre setback from the front lot line. The parking lot is proposed to have a 0.6 metre setback from the 4th Avenue front lot line. This is similar to what was there before, but will have a landscaping strip between the sidewalk and the parking lot. The bylaw also requires parking lots to have a 1 metre setback from side lot lines. The parking lot is proposed to have a 0.0 m setback on the south side lot line. This is adjacent to a lane and is similar to the previous layout and should not have a negative impact.

Open Space

The multi-family zones in the Zoning Bylaw have an open space requirement that is based on the size and number of dwelling units. For the proposed building the required open space works out to 432 m² (4650 ft²). The definition of open space allows patios and balconies to count for no more than 50% of the space. The open space proposed for the project includes 230 m² of balcony and patio space and 82 m² of qualifying outdoor open space. After 50% of the patio and balcony area is deducted the total qualifying area is 197 m². A variance of 235 m² (2530 ft²) for the open space is required. The patios and balconies are larger than the previous building and although the interior recreation space does not officially count towards the useable open space, it does provide an area for social events and other activities.

CONCLUSIONS

The property at 4916 Athol Street was a 26-unit apartment building for many years until it was destroyed by fire. The proposed building will have 24-units and meet today's building code. The new building will provide good rental housing and will contribute to the revitalization of the Uptown.

Although the applicant is requesting a number of variances, the proposed building will be more compliant than the previous legal non-conforming building. The proposed variances will not result in an increase in density from the previous apartment building, but will in fact allow for a new building of a slightly smaller size. The Planning Department supports the issuance of a Development Variance Permit to allow for development of a replacement apartment building at 4916 Athol Street.

RECOMMENDATIONS

1. That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with the necessary Development Variance Permit to vary Zoning Bylaw 4395 as follows:

- a) Vary Section 5.13 Projections for cantilevered balconies into a side yard by 3.55 metres to allow the setback to go from 3.75 metres to 0.2 metres;
- b) Vary Section 5.13 Projections for cantilevered balconies into a front yard by 3.25 metres to allow the setback to go from 4.75 metres to 1.5 metres;
- c) Vary Section 5.13 Projections for open porches into a front yard by 4 metres to allow the setback to go from 4.15 metres to 0.15 metres;
- d) Vary Section 6.9.3 Bulk and Site Regulations for the Front Yard Setback from 6 metres to 1.5 metres, a variance of 4.5 metres;
- e) Vary Section 6.9.3 Bulk and Site Regulations for the North Side Yard Setback from 5 metres to 1.73 metres, a variance of 3.27 metres;
- f) Vary Section 6.9.3 Bulk and Site Regulations for the Rear Yard Setback from 9 metres to 2.9 metres, a variance of 6.1 metres;
- g) Vary Section 7.7 Required Amount of Parking from 30 parking spaces to 24 parking spaces, a variance of 6 parking spaces;
- h) Vary Section 7.2.7 Off-Street Parking (General Regulations for the Front Lot Line Setback from 1.5 metres to 0.6 metres, a variance of 0.9 metres;
- i) Vary Section 7.2.8 Off-Street Parking (General Regulations) for the Side Lot Line Setback from 1 metre to 0 metres, a variance of 1 metre;
- i) Vary Section 6.9.4 Conditions of Use Regulations for Useable Open Space from 432 m² to 197 m², a variance of 235 m²;

for the property located at 4916 Athol Street.

2. That City Council give notice of intent to consider the issuance of a Development Variance Permit for 4916 Athol Street.

Respectfully submitted

Scott Smith, MCIP City Planner



SUBJECT PROPERTIES - 4916 Athol St.



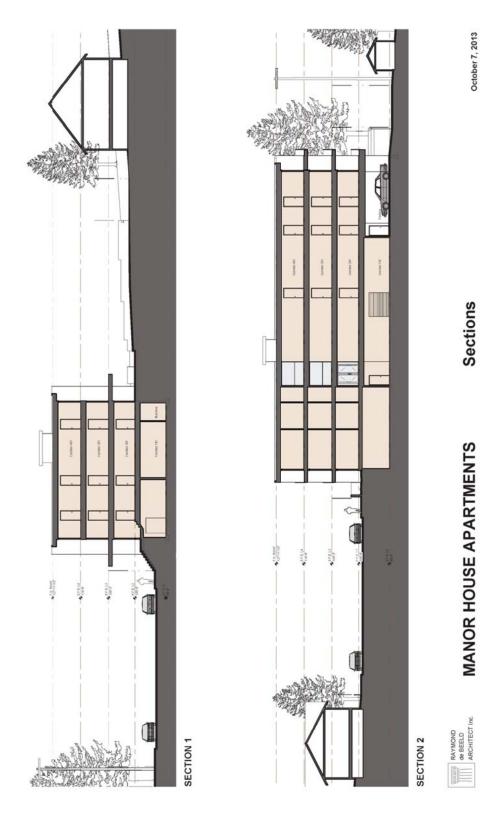


Street Athol гвие Original Building/ Site Plan Ö \Box Ø MANOR HOUSE APARTMENTS 0 5 10 15 20 25 FT teet Street FAYMOND OF BEELD ARCHITECT

October 23, 2013 Site Plan MANOR HOUSE APARTMENTS 199112 TOHIA



















Bylaw permits projection of Patio into a front yard setback = 1.85~m Bylaw permits projection of Balcony into a side yard setback = 1.25~mBylaw Variance for projection of Balcony = required 4.75 m setback - proposed 1.5 m setback = 3.25 m variance Bylaw Variance for projection of Patio = required 4.15 m setback -proposed 0.15 m setback = 4.0 m variance Bylaw - Patio setback proposed = 0.15 m FRONT YARD Bylaw - Patia setback permitted (6.0 m fys - 1.85 pp) = 4.15 m fys Bylaw Variance for projection of Balcony = required 3.75 m setback - proposed 0.20 m setback = 3.55 m variance Balcony projection permitted (5.0 m fys - 1.25 pp) = 3.75 m fys Balcony projection proposed = 0.20 mPATIO fys = front yard setback pp = permitted projection Athol Stree