



To: Port Alberni Advisory Planning Commission

Ed Francoeur (Chair)	Ken Watts (Tseshahṭ/č išaaṭaḥ First Nation)
Ken McRae (Vice-Chair)	Chris Washington - (SD #70)
Amy Anaka	
Jolleen Dick (Hupačasath Nation)	Sgt. Peter Dionne, (R.C.M.P. Liaison)
Stefanie Weber	Andre Guerin (P.A.F.D. Liaison)
Callan Noye	Councillor Deb Haggard (Council Liaison)
Joe McQuaid	Amy Needham (Parks Operations Liaison)

From: Marianne Wade, Manager of Planning

Copy: Larry Ransom - (Alternate - School District #70)
Harley Wylie (Alternate - Tseshahṭ (č išaaṭaḥ) First Nation)
TBD (Alternate - Hupačasath Nation)
S/Sgt. Mike Thompson – (Alternate – R.C.M.P.)
Councillor Helen Poon - (Alternate - Council Liaison)
Corporate Services
Development Services: Scott Smith, Brian McLoughlin, Cara Foden

Date: August 11, 2022

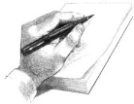
Re: Advisory Planning Commission Meeting - **Thursday, August 18, 2022 at 12:00 pm**

A meeting of the Advisory Planning Commission has been scheduled for **Thursday, August 18, 2022 at 12:00 pm** in the **Council Chambers at City Hall** (4850 Argyle St.). Masking is not required. If you have questions please contact Marianne Wade, Manager of Planning (Tel: 250-720-2811 / email: Marianne_wade@portalberni.ca) or Cara Foden, Planning Technician (Tel: 250.720.2850 / email: cara_foden@portalberni.ca).

APC AGENDA

- 1. Acknowledgements and Introductions-** This APC meeting is being held within the un-ceded traditional territories of the Hupačasath and the Tseshahṭ/č išaaṭaḥ First Nations.
- 2. Minutes** of the July 28, 2022 meeting of the Advisory Planning Commission.
- 3. DEVELOPMENT APPLICATION – Development Variance Permit 113**
3045 Kingsway Avenue
Lot 17, Block 103, District Lot 1, Alberni District, Plan 197 PID:009-272-925
3053 Kingsway Avenue
Lot 18, Block 103, District Lot 1, Alberni District, Plan 197 PID:009-272-968
APPLICANT: Lowell Shaver dba Streamside Homes Inc., Inc.No. BC1180508
- 4. DEVELOPMENT APPLICATION – Zoning amendments**
3151 3rd Avenue
Lot A, District Lot 1, Alberni District, Plan VIP36879 (PID: 000-428-230)
APPLICANT: A. Richards dba Dog Mountain Brewing Ltd. Inc. No. BC1167846

5. **OCP Project Update** – Manager of Planning
6. **Other business**
7. **Adjournment** - The next regular APC meeting is scheduled for **September 15, 2022**.



**Summary Report / Minutes of the Advisory Planning Commission Meeting
held on July 28, 2022 at 12:00 p.m.
(Council Chambers, Port Alberni City Hall, 4850 Argyle Street)**

Commission Members Present

Ed Francoeur (Chair)
Ken McRae, (Vice - Chair)
Harley Wylie (Alt. – Tseshah (č išaa?ath) F.N)
Stefanie Weber
Joe McQuaid
Amy Anaka
Councillor Deb Haggard, Council Liaison
Peter Dionne, R.C.M.P. Liaison
Andre Guerin, P.A.F.D. Liaison

Regrets

Jolleen Dick, Councillor, Hupačasath F.N
Ken Watts, (CEO Tseshah (č išaa?ath) F.N)
Callan Noye
Christine Washington, SD70

Staff

Scott Smith, Dir. of Dev. Services/Deputy CAO
Marianne Wade, Manager of Planning
Brian McLoughlin, Development Planner
Cara Foden, Planning Technician

Guests

Applicant: A. Nordemann
Applicant: R. DeBeeld via phone
Public: Len Watts, (Tseshah (č išaa?ath) F.N)

Alternates (not in attendance)

Vicky White, (Tseshah (č išaa?ath) F.N)
Councillor Helen Poon (Alt.– Council Liaison)
Larry Ransom (Alt.– S.D.70)



1. Acknowledgements and Introductions:

Acknowledgement by Chair that this APC meeting is being held within the un-ceded, traditional territories of the Hupačasath and the Tseshah (č išaa?ath) First Nations. Welcome and introductions.

2. Minutes: Adoption of June 16, 2022 Minutes

Motion:

That the City of Port Alberni Advisory Planning Commission adopt the minutes of the June 16, 2022 regular meeting as amended.

(McQuaid / Weber) CARRIED

**3. DEVELOPMENT APPLICATION – Development Variance Permit 107
3747 10th Ave.**

Lot 2, District Lot 1, Alberni District, Plan VIP12949 (PID: 004-680-740)

APPLICANT: Raymond de Beeld dba Raymond de Beeld Architect Inc

- Development Planner (B.M.) summarized his report dated July 28, 2022.
- APC discussed the proposed amendment with respect to the following:
 - APC asked about commercial tenants for the space. Applicant advised on tenant would be a dollar store and another possible tenant may be relocating their existing business into the space.
 - Parking was discussed. The space is generous and the applicant indicated that it is no more than 60% full most of the time.
 - Safety was discussed with regards to any outdoor patio space that might be planned. Currently there are several small seating areas outside existing mall tenants however no larger patio spaces are planned at this time.
 - It was noted that the mall had been around for a long time and retro-fitting for more parking

could become an issue. The Development Planner indicated that the parking calculation was based on floor space. When asked about the possibility of increasing the number of parking spaces by creating spaces geared to motorcycle/motorbike and cyclists he noted that Port Alberni does allow for small car stalls. Port Alberni could improve Zoning Bylaw parking requirements by considering more diverse modes of transportation.

- The applicant advised that bike parking was included in the proposal.

Motions:

1. *That the Advisory Planning Commission recommends to City Council that Council support the application.*

(McRae / Weber) CARRIED

4. DEVELOPMENT APPLICATION – Development Variance Permit (DVP112)

5019 Montrose St.

Lot 1, District Lot 1, Alberni District, Plan 119230

APPLICANT: A. Nordemann dba JamJar Properties Inc.

- The Development Planner (B.M.) summarized his report dated July 28, 2022.
- APC discussed the proposed amendment with respect to the following:
 - The size of the site and its suitability for the proposal was discussed. The Development Planner indicated to the APC that the proposed density (Floor Area Ratio) was within that allowed by the Zoning bylaw.
 - Impact on the neighbour to the north was mentioned as a concern as the back decks may impact privacy. The Development Planner noted that the landscape plan included a path and greenspace as well as on-site parking that should help mitigate complaints about street parking. A Development Permit will be required and the site plan will be thoroughly reviewed.

Motions:

2. *That the Advisory Planning Commission recommends to City Council that Council support the application.*

(McQuaid / Weber) CARRIED

5. OCP – Vision and Guiding Principles – Manager of Planning

- At this week's C.O.W. meeting the draft OCP public engagement strategy and process was supported. The recommendation will be presented to Council Aug. 8/22.
- When ready, the draft strategy will be presented to the APC. Staff will consult with the APC Chair to determine the meeting time and format.
- A housekeeping Zoning bylaw amendment is being drafted and will also be brought forward to a C.O.W. meeting for discussion and recommendations to Council.

6. Status Update: Director of Development Services

- No application yet received for property at 4th Ave. and Mar St. Developer may adjust their plans.
- Vimy St. development with BC Housing will likely begin soon.

7. OTHER BUSINESS: None at this time.

8. ADJOURNMENT: The meeting adjourned at 12:45 pm. The next meeting is scheduled for 12:00 pm on **August 18, 2022.**

(McQuaid / Francoeur) CARRIED

Ed Francoeur (Chair)



CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO THE ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Brian McLoughlin, Development Planner

DATE: August 18, 2022

SUBJECT: DEVELOPMENT APPLICATION – Development Variance Permit (DVP 113)
3045 & 3053 Kingsway Avenue, Port Alberni
LOT 18 BLOCK 103 DISTRICT LOT 1 ALBERNI DISDISTRICT PLAN 197 (PID: 009-272-968)
LOT 17 BLOCK 103 DISTRICT LOT 1 ALBERNI DISDISTRICT PLAN 197 (PID: 009-272-925)
Applicant(s): L. Shaver (Streamside Homes Inc.)

PURPOSE

The City has received an application to vary the setback, frontage, and lot size requirements of *Zoning Bylaw No. 4832* for a proposed four-unit multifamily development at 3045 & 3053 Kingsway Avenue. The Development Variance Permit (DVP 113) would need to be approved before Council may issue Development Permit 22-02 for this project.

SUBJECT PROPERTY AND SITE CONTEXT

Location	Mid-block on Kingsway Avenue between Argyle Street and Angus Street approximately 80 metres south of Argyle Street.
Current Zoning	RM2 Medium Density Multiple Family Residential
Total Area	766.45 m2 (0.19 acres)
Official Community Plan (OCP)	<ul style="list-style-type: none">• <i>Schedule A: Land Use Map: Multi-Family Residential (MFR)</i>• <i>Schedule B: Development Permit Areas Map: Multi-Family Residential</i>
Relevant Guidelines	<ul style="list-style-type: none">• <i>OCP Section D Plan Policies – 4.0 Residential</i>• <i>OCP Section D Plan Policies – 4.3 Multifamily</i>

The properties at 3045 & 3053 Kingsway Avenue are currently vacant, and the applicant is proposing to construct a four-unit multifamily townhouse on the property. The site is located within the Uptown commercial area where land use transitions from commercial to residential. The property is within a short walking distance of Harbor Quay, Argyle Street and 3rd Avenue.

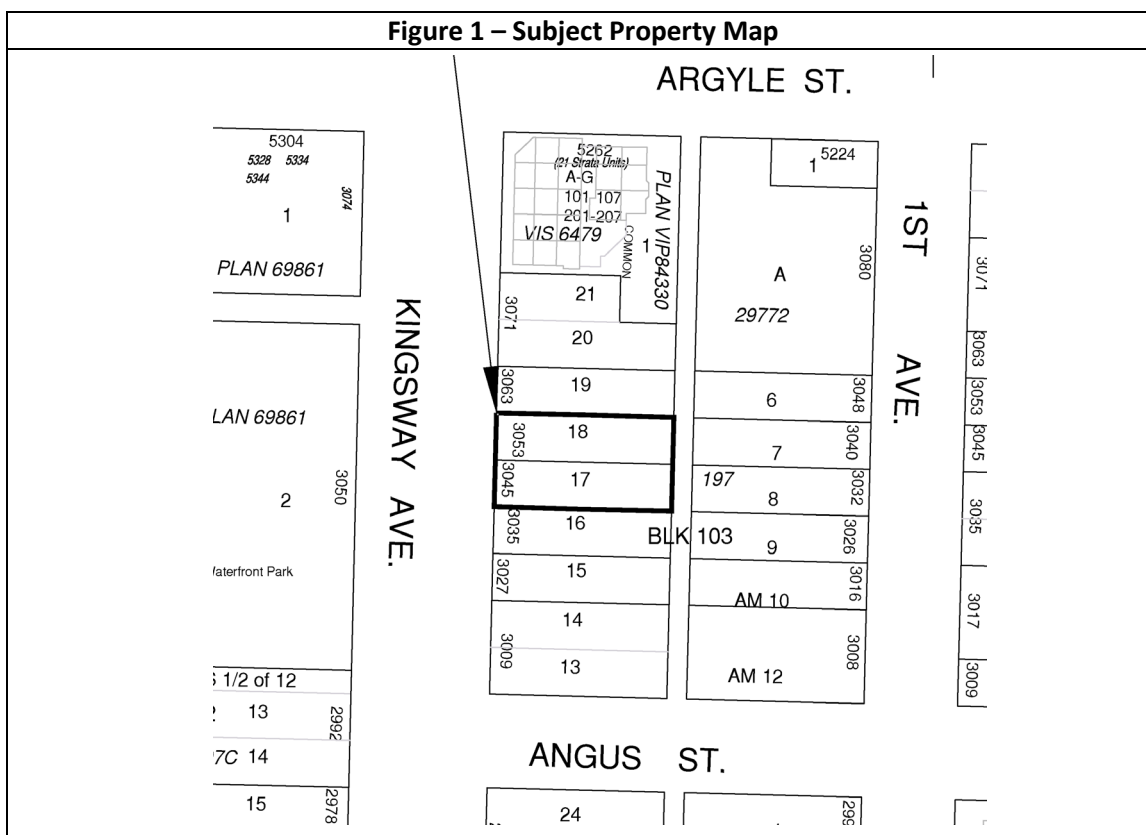


Table 1 – Surrounding Neighbourhood Land Use

North	C7 Core Business
South	RM2 Medium Density Multiple Family Residential, R2 One and Two Family Residential
East	RM2 Medium Density Multiple Family Residential, C7 Core Business
West	C7 Core Business (undeveloped)

PROPOSED DEVELOPMENT VARIANCE

Zoning Bylaw No. 4832 and Non-conforming Status

Since the applications are proposing to construct a new building on the property, the regulations of *Zoning Bylaw No. 4832* apply to the site. While the existing lot is non-conforming according to section 3.10.2 of the *Zoning Bylaw*, section 3.11 specifies that any construction requires it to be brought into compliance through the issuance of variances.

3.10.2 Non-Conformity

"... Any lot existing prior to the adoption of this Bylaw which, at the time of adoption of this Bylaw, fails to meet the minimum lot size and frontage requirements of a zone as set out in this Bylaw,

shall not, by reason thereof, be deemed to be non-conforming or unlawful. However, any use of the lot shall comply with the regulations specified for the zone in which it is located.

3.11 Siting, Size, Shape

"No building or structure shall be constructed, reconstructed, altered, moved, or extended by the owner, occupier, or any other person so that it contravenes the requirements, as provided in this Bylaw, for the zone in which it is located, unless a variance has been granted for the same."

The applicant is requesting the following variances:

Table 3 – Text of Proposed Variances to Zoning Bylaw No. 4832	
5.15.2 RM2 Site Development Regulations	Reduce minimum side yard setback from 5.0 metres to 1.5 metres for a variance of 3.5 metres.
5.15.2 RM2 Site Development Regulations	Reduce required minimum frontage from 25 metres to 20.12 metres for a variance of 4.79 metres at the west property line.
5.15.2 RM2 Site Development Regulations	Reduce required minimum lot area from 840 m ² 766 m ² to for a variance of 74 m ² (797 ft ²)

Reduced Minimum Side Yard Setback

The applicant is requesting a variance to reduce the required side yard setback. The primary reason for the request is to allow more buildable area for the proposed townhouse building.

Table 2 – Proposed Side Yard Variance				
	Required		Proposed	
Minimum Setback (Side yard)	5 m	(16.4 ft)	1.5 m	(4.92 ft)

Reduced Minimum Frontage and Lot Area

The existing properties were created prior to the adoption of *Zoning Bylaw No. 4832*, as such, they do not conform to the minimum frontage and lot area requirements in section 5.15.1 of the RM2 zone description. Both lot frontage and area are less than the required minimum, and variances are required to bring the property into compliance for the proposed development.

Table 2 – Proposed Frontage Variance				
	Required		Existing	
Minimum Frontage	25 m	(82 ft)	20.12 m	(66 ft)
Minimum Lot Area	840 m ²	(9043 ft ²)	766 m ²	8,250 ft ²

Staff Notes:

- Staff do not anticipate any significant impacts related to approving the requested variances.
- Location of the property near the edge of the commercial neighbourhood is ideal for supporting the creation of dwelling units.
- The applicant will be required to consolidate the properties prior to receiving a Building Permit.
- The proposed development is an improvement of the existing non-conforming property
- Lots on either side of the proposed development are vacant.
- Surrounding RM2 properties similarly do not meet the minimum dimensions required in the RM2 zone.
- Density is measured as Floor Area Ratio in the RM2 zone. Varying minimum lot size and frontage does not change the permitted density. FAR of 0.78 is proposed. Max permitted is 0.8 FAR.
- All required parking provided and accessed off laneway at rear.
- Development of four (4) townhouse units is consistent with the surrounding neighbourhood, and will increase residential dwellings that are in short supply in Port Alberni (ie. “missing middle” housing).
- Development aligns with Priority #5 of City’s Strategic Plan: Fostering a complete community (safe, healthy and inclusive). The infilling of vacant, or underdeveloped lots allows the sites to contribute to the area’s vibrancy
- *Local Government Act* section 499 requires notice of the variance application to be given prior to a Council Meeting. The City’s *Development Application Notice Bylaw No. 4614* requires that all owners and occupants within 75 metres of the property be mailed a notice.

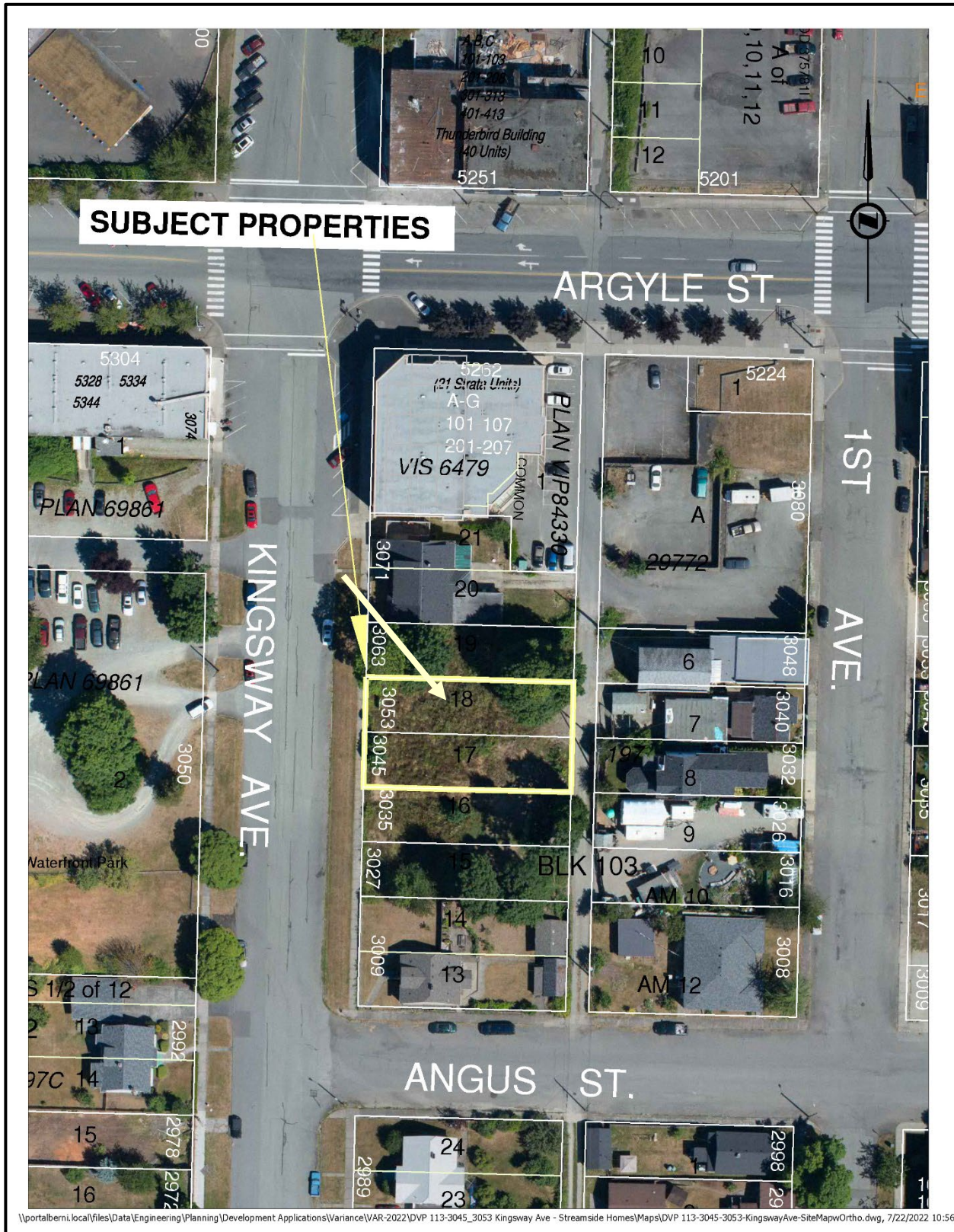
OPTIONS

1. Recommend to Council the application be supported.
2. Recommend to Council the application be supported with conditions (specify).
3. Recommend to Council the application not be supported.

ATTACHMENTS

- Subject Property Map – 3045 & 3053 Kingsway Avenue
- OCP Land Use Designation
- Current Zoning Bylaw Classification
- Property Zone Description – Zoning Bylaw No. 4832
- Proposed Site Plan

SUBJECT PROPERTY MAP – 3045 & 3053 Kingsway Avenue



[illegible]

The map displays a residential area bounded by Kingsway Ave. to the north, Angus St. to the south, and 1st Ave. to the east. The western boundary is defined by the intersection of Kingsway Ave. and Argyle St. The map shows several lots with their respective zoning designations and addresses.

Key Features and Zoning Designations:

- 3045 Kingsway Ave. (Highlighted):** Zoned RM2. This lot is part of a larger parcel (3045-3046) owned by VIS 6479.
- 3046 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045.
- 3047 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045 and 3046.
- 3048 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, and 3047.
- 3049 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, and 3048.
- 3050 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, and 3049.
- 3051 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, and 3050.
- 3052 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, and 3051.
- 3053 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, and 3052.
- 3054 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, and 3053.
- 3055 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, and 3054.
- 3056 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, and 3055.
- 3057 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, and 3056.
- 3058 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, and 3057.
- 3059 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, and 3058.
- 3060 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, and 3059.
- 3061 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, and 3060.
- 3062 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, and 3061.
- 3063 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, and 3062.
- 3064 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, and 3063.
- 3065 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, and 3064.
- 3066 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, and 3065.
- 3067 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, and 3066.
- 3068 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, and 3067.
- 3069 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, and 3068.
- 3070 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, and 3069.
- 3071 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, and 3070.
- 3072 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, and 3071.
- 3073 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, and 3072.
- 3074 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, and 3073.
- 3075 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, and 3074.
- 3076 Kingsway Ave.:** Zoned RM2. Part of the same parcel as 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 306

PROPERTY ZONE DESCRIPTION – ZONING BYLAW NO. 4832

RM2 – MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL

- 5.15 The purpose of this zone is to provide for medium density multiple *family* residential development.

5.15.1 Permitted usesPrincipal Uses*Boarding and lodging**Community care facility**Multiple family dwellings**Single family dwelling**Two family dwelling*Accessory Uses*Home occupation*5.15.2 Site Development Regulations

Minimum Lot Area	840 m ²	(9,043 ft ²)
------------------	--------------------	--------------------------

Minimum Frontage	25 m	(82.0 ft)
------------------	------	-----------

Maximum Coverage	50%	
------------------	-----	--

Minimum Setbacks:

<i>Front yard</i>	6 m	(19.7 ft)
-------------------	-----	-----------

<i>Rear yard</i>	9 m	(29.5 ft)
------------------	-----	-----------

<i>Side yard</i>	5 m	(16.4 ft)
------------------	-----	-----------

Maximum Floor Area Ratio	0.8	
--------------------------	-----	--

Maximum Height, Principal Building	12.5 m	(41.0 ft)
------------------------------------	--------	-----------

Maximum Number of Principal Building Storeys	3	
--	---	--

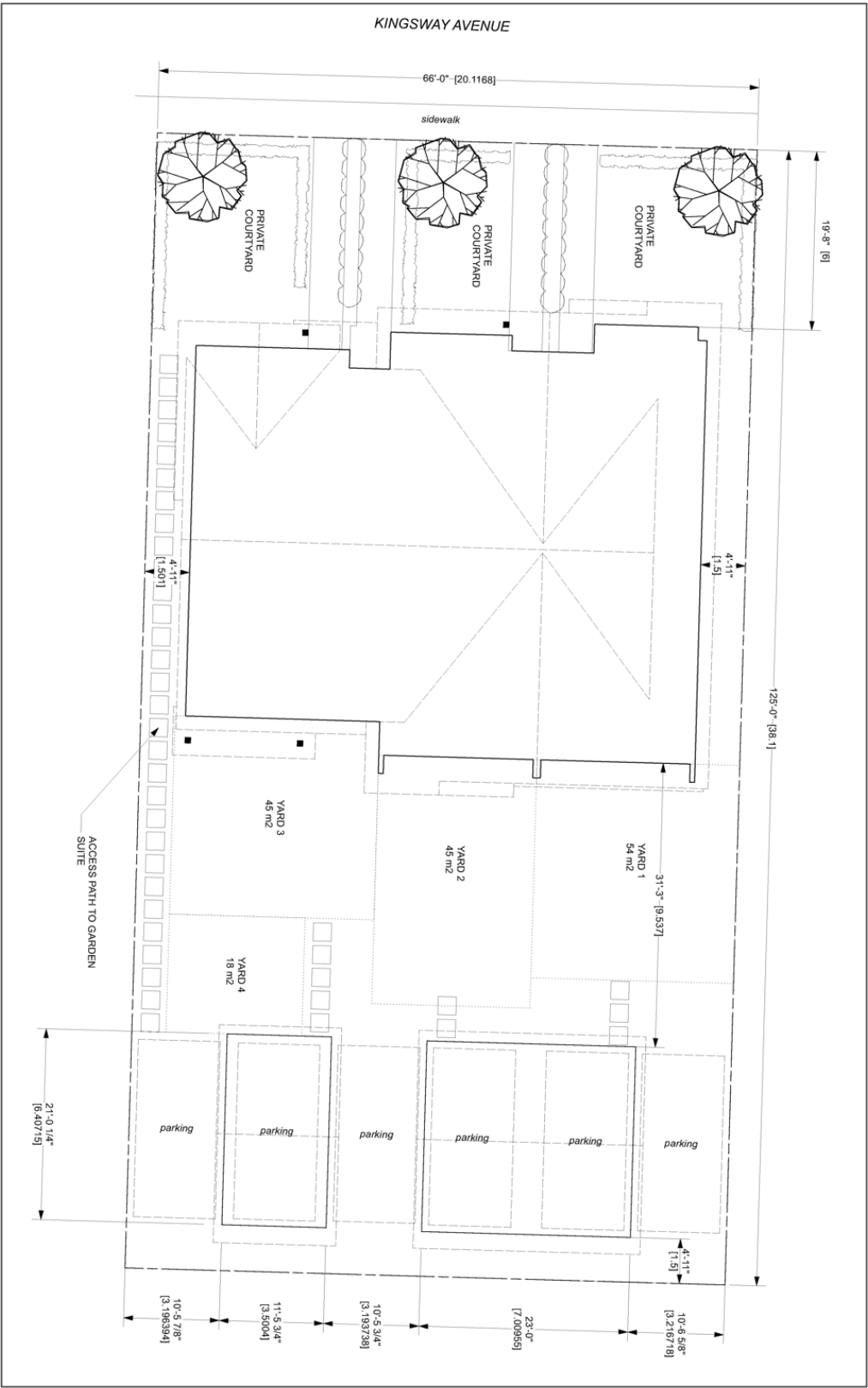
5.15.3 Conditions of Use

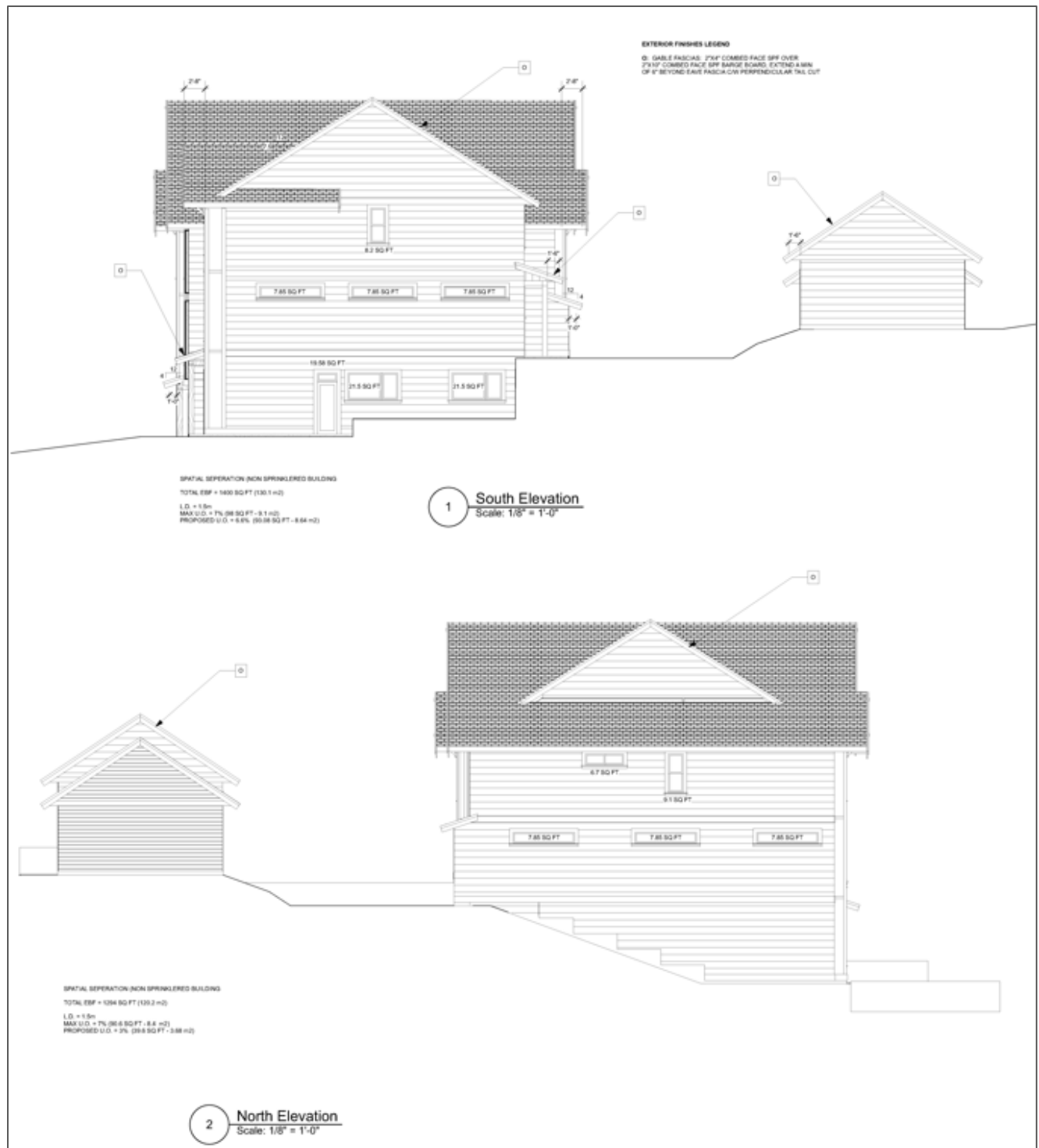
- (a) Notwithstanding the provisions of 5.15.2, *useable open space* shall be provided on the *lot* of not less than 45 m² (484.4 ft²) for each *dwelling* unit containing 3 or more bedrooms, and not less than 18 m² (193.3 ft²) for each *dwelling* unit of smaller size.
- (b) Groups of single and two *family* or multiple *family* dwellings are permitted, as an exception to Section 6.1 of this bylaw.
- (c) *Density bonusing* may be utilized as follows:
- (i) Where greater than seventy-five (75%) of the required off-street parking is provided *underground* or enclosed underneath the principal building, the maximum *floor area ratio* may be increased by 0.1, and
 - (ii) Where elevators are provided and a minimum of ten percent (10%) of the *dwelling* units are designed as *accessible*, the maximum permitted *floor area ratio* may be increased by a maximum of 0.1; and

Bylaw 4832

- (iii) Where a minimum of ten percent (10%) of the *dwelling* units are designated as affordable, as specified in a *Housing Agreement* and where the owners enter into a *Housing Agreement* with the City, and where this Agreement is filed with the Land Title Office, the permitted maximum *floor area ratio* of the principal *building* may be increased by a maximum of 0.1.
- (iv) Notwithstanding (i), (ii), and (iii) above, the total increase to the maximum permitted floor area ratio deriving from density bonusing may not exceed 0.25.
- (d) In multi-*family* residential zones, *home occupation* as a permitted use is restricted to *office* space for a business which is lawfully carried on at another location.
- (e) Site development for single *family* and two *family* dwellings must be in accordance with the R2 zone regulations provided in Sections 5.12.2 and 5.12.3.

PROPOSED SITE PLAN – 3045 & 3053 KINGSWAY AVENUE









CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO THE ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Brian McLoughlin, Development Planner

DATE: August 18, 2022

SUBJECT: DEVELOPMENT APPLICATION – Proposed Zoning Bylaw Amendment
3151 3rd Avenue, Port Alberni
Lot A, District Lot 1, Alberni District, Plan VIP36879 (PID: 000-428-230)
Applicant(s): A. Richards, R. Richards dba Dog Mountain Brewing Ltd.

PURPOSE

The City has received an application to rezone the property at 3151 3rd Avenue from C5 to C7. This would allow Dog Mount Brewing Ltd. to use the property for their business operation. The application requires a map amendment to *Zoning Bylaw No. 4832*.

SUBJECT PROPERTY AND SITE CONTEXT

Location	On the east side of 3 rd Avenue mid-block between Argyle Street and Athol Street.
Current Zoning	C5 Transitional Commercial
Proposed Zoning	C7 Core Business
Total Area	Approx. 467 m ² (5,028 ft ²)
Official Community Plan (OCP)	<ul style="list-style-type: none">• <i>Schedule A - Land Use Map: General Commercial (GCO)</i>• <i>Schedule B Development Permit Areas Map: Commercial</i>
Relevant Guidelines	<ul style="list-style-type: none">• <i>Section D Plan Policies – 5.0 Commercial</i>• <i>Section D Plan Policies – 5.1 General Commercial (GCO)</i>

The subject property is designated *General Commercial* in the Official Community Plan (OCP), and is classified as *C5 – Transitional Office* in *Zoning Bylaw No. 4832*. The property is currently occupied by an older single-detached residential home that would be converted to a business use along with the outdoor spaces on the property, to support the existing business located at 3141 3rd Avenue.

Zoning of the surrounding neighbourhood is a mix of residential and commercial. The property is located in the 3rd Avenue commercial corridor which has a mix C7, C5, and C3 zoning. Directly to the east is a

residential neighbourhood along 4th Avenue and Athol Street. Northeast of the property is a 25-unit multi-family apartment building which shares access to the laneway.

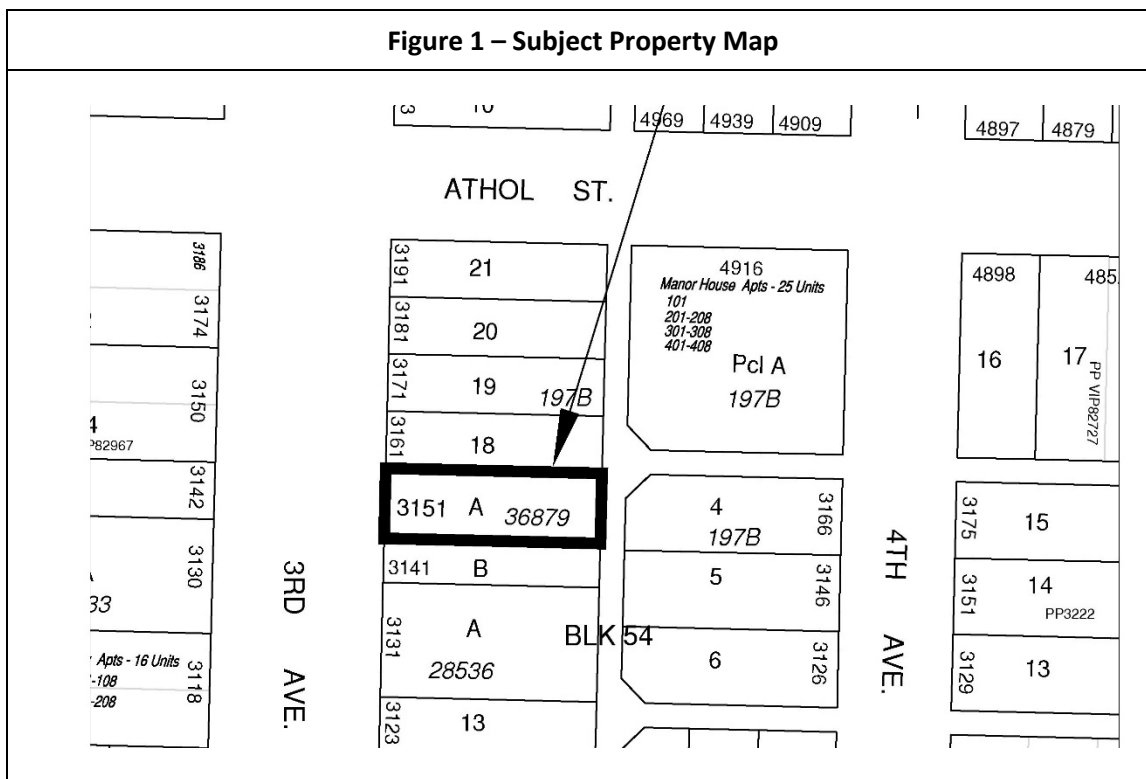


Table 1 – Surrounding Neighbourhood Land Use

Table 1 – Surrounding Neighbourhood Land Use	
North	C5 Transitional Office, C7 Core Business, C3 Service Commercial
South	C7 Core Business
East	R2 One and Two Lot Single Family Residential
West	C7 Core Business, C3 Service Commercial

PROPOSED DEVELOPMENT

Zoning and Land Use

The applicant is proposing to use the property for an expansion of the non-brewing aspects of their business. A portion of the existing detached home would be used as a commercial kitchen for the pub next door, and as a lounge/private event space. The front yard would be converted to a pet-friendly picnic area with tables. The owners intend to have the picnic and lounge areas licensed for alcohol consumption. Circulation for customers and staff would be through walkways constructed around the property and connecting to the sidewalk including an accessibility ramp. The rear yard of 3151 3rd Avenue is accessed from a lane and would be converted to staff parking spaces and loading.

Site Plan and Lot Consolidation

Staff recommend the applicant be required to consolidate 3151 3rd Avenue with the neighbouring 3141 3rd Avenue (existing pub) as a condition of building permit issuance. This is required to meet the frontage and lot size requirements of the C7 Core Business zone. It also resolves issues related to use and access on separate legal parcels.

Table 2 – Lot Dimensions		
Site Regulations (Zoning Bylaw 5.24.3)	C7 Core Business Zone	3151 & 3141 3rd Avenue (after consolidation)
<i>Minimum Lot Area</i>	540 m ²	765 m ²
<i>Minimum Frontage</i>	15 m ²	20.11 m
<i>Minimum Setback (front)</i>	0 m	0 m
<i>Minimum Setback (north side)</i>	0 m	0 m
<i>Minimum Setback (south side)</i>	0 m	1.1 m (approx..)
<i>Minimum Setback (rear)</i>	3 m	10 m (approx.)

Infrastructure and Servicing

The Engineering Department has provided comments in the attached *Engineering Servicing Report*. Highlights below:

- Recommend the application consider an accessible parking stall with wheelchair access onto the sidewalk.
- If changes to property impact site drainage a geotechnical investigation and site grading plans will be required.
- Applicant must confirm if existing sewer service is sufficient for new use of building.
- Applicant must connect existing building to storm service.

Staff Notes:

- Proposed C7 zoning is consistent with the General Commercial (GCO) land use designation in the OCP.
- Proposed uses align with intent of C7 zone.
- Staff consider an outside picnic-style area to be a *restaurant patio* re: activities that may occur outside of a building in the C7 zone.
- *Local Government Act* section 464(2) allows Council to waive Public Hearing for rezoning that is consistent with the OCP.
- The applicants intend to license the proposed outdoor picnic area which may impact noise levels for immediate neighbours. However, the business must abide by *Noise Control Bylaw No. 4718*.
- Staff are suggesting to the applicant to consider landscaping improvements to mitigate noise between the picnic area and the neighbouring property at 3161 3rd Avenue .
- Development Permit will only be required if improvements equal or exceed \$25,000. Value of building alterations to be determined.

REFFERALS

Agency/department	Comments	
CPA Engineering Department	See attached <i>Engineering Servicing Report</i>	
CPA Parks and Recreation Department	Recreation: Interest unaffected Parks: Since the plans show a comparable amount of permeable soft surface after development as before, Parks has no objections to the application. Eating outside in the summer is much more enjoyable under shade, so recommend the applicant plant a properly placed tree to provide this shade, as the city's boulevard is non-existent on this parcel so options are limited to plant a city tree until substantial roadwork is undertaken.	7/28/2022
Fire Department	Building would need to follow the BCBC and BCFC when renovations took place but no concerns from FD for expected use.	7/28/2022
VIHA	Given the connection to a municipal water system and sewerage system, our interests are unaffected.	7/29/2022
RCMP	No objections.	7/28/2022
Fortis	No conflict with Gas on this application.	8/8/2022
BC Hydro	BCH has no objection just note that if the power needs change for the building it will be assessed at that time.	7/29/2022
Shaw	Shaw does not foresee any issues with the proposed development, assuming utility services will continue to be fed aurally from the back alley.	7/29/2022

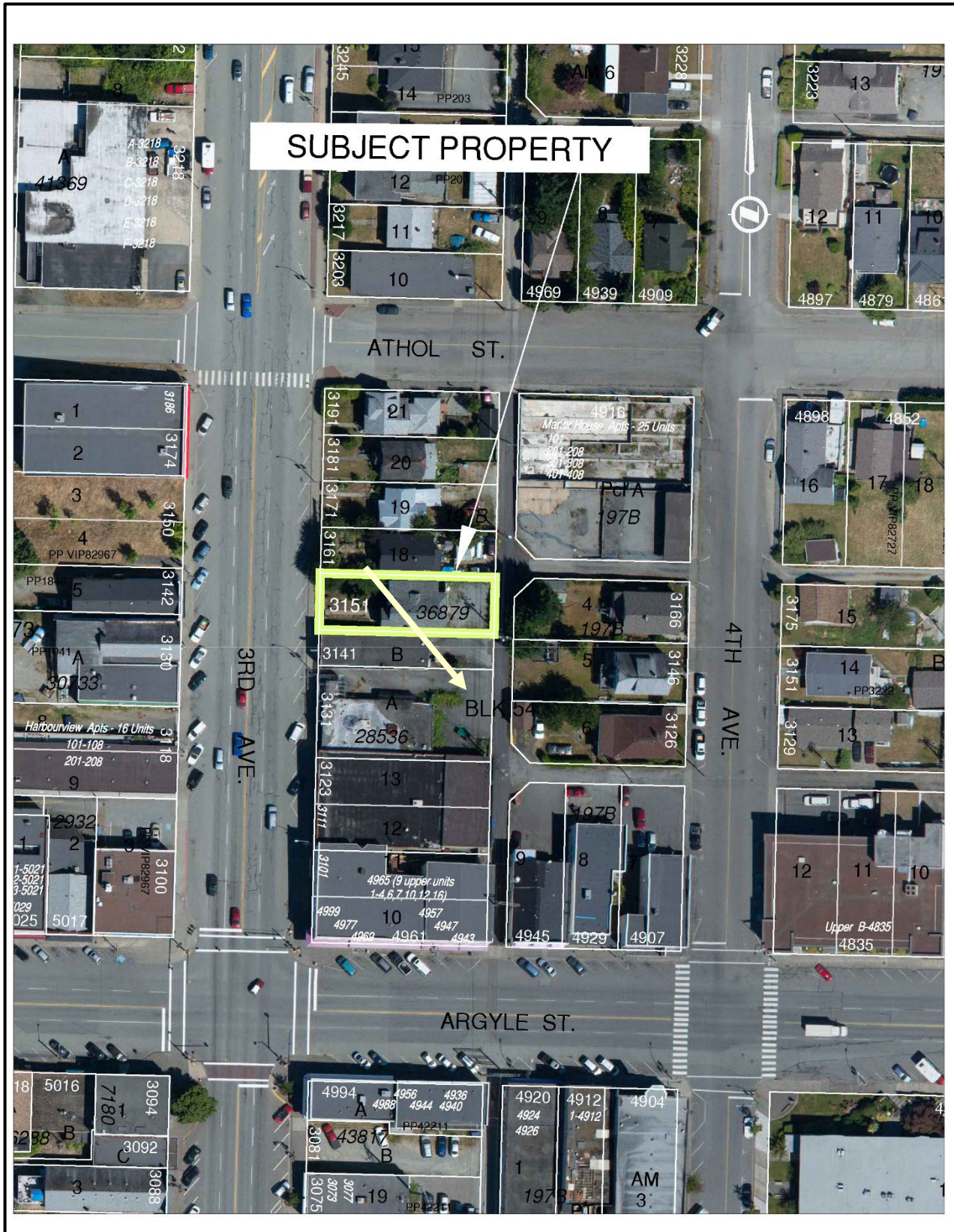
OPTIONS

1. Recommend to Council the application be supported.
2. Recommend to Council the application be supported with conditions (specify).
3. Recommend to Council the application not be supported

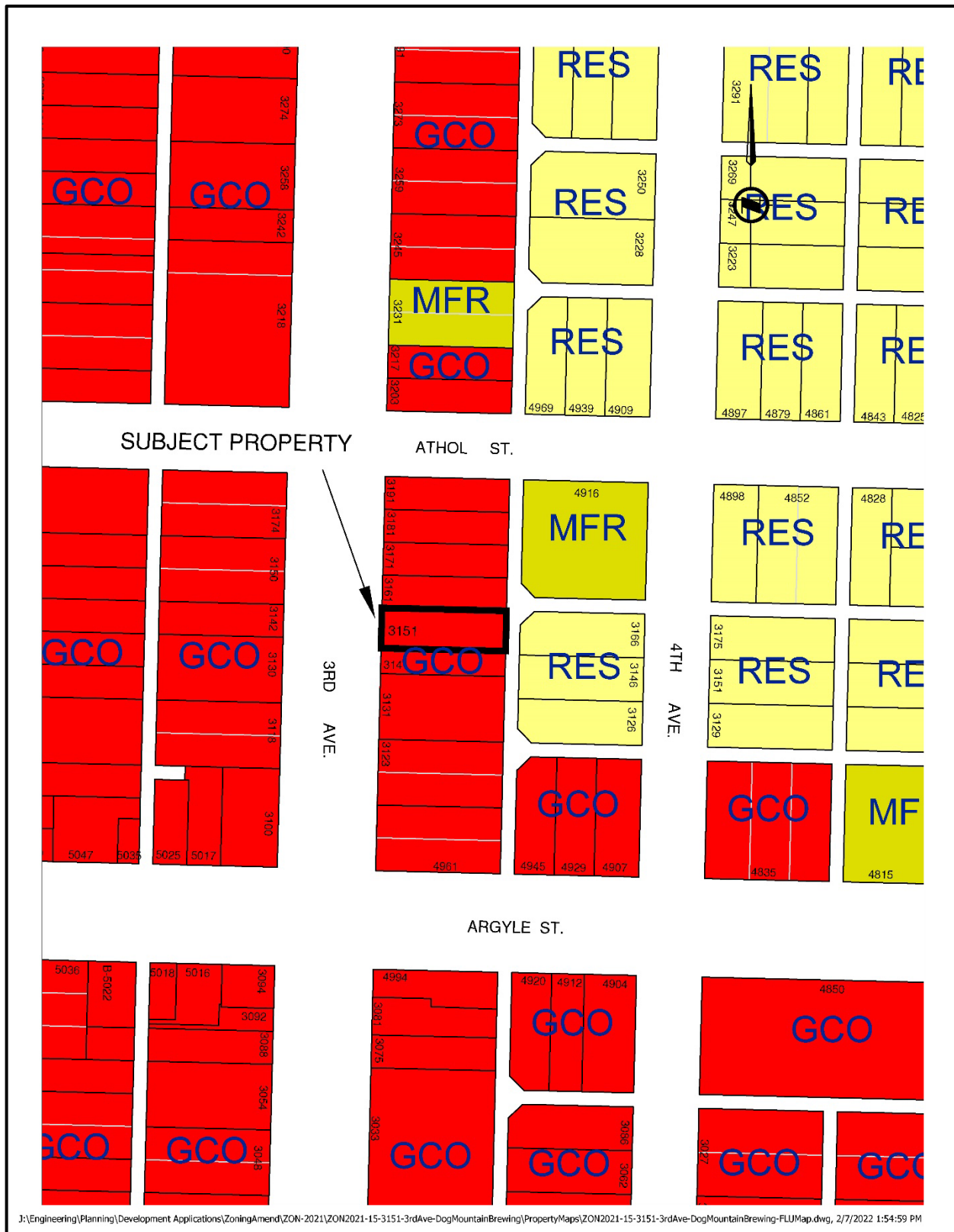
ATTACHMENTS

- Subject Property Map – 3151 3rd Avenue
- OCP Land Use Designation
- Current Zoning Bylaw Classification
- Proposed Site Plan
- Front Yard Concept
- Proposed Zone Description – Zoning Bylaw No. 4832
- Engineering Servicing Report – Aug 10 2022

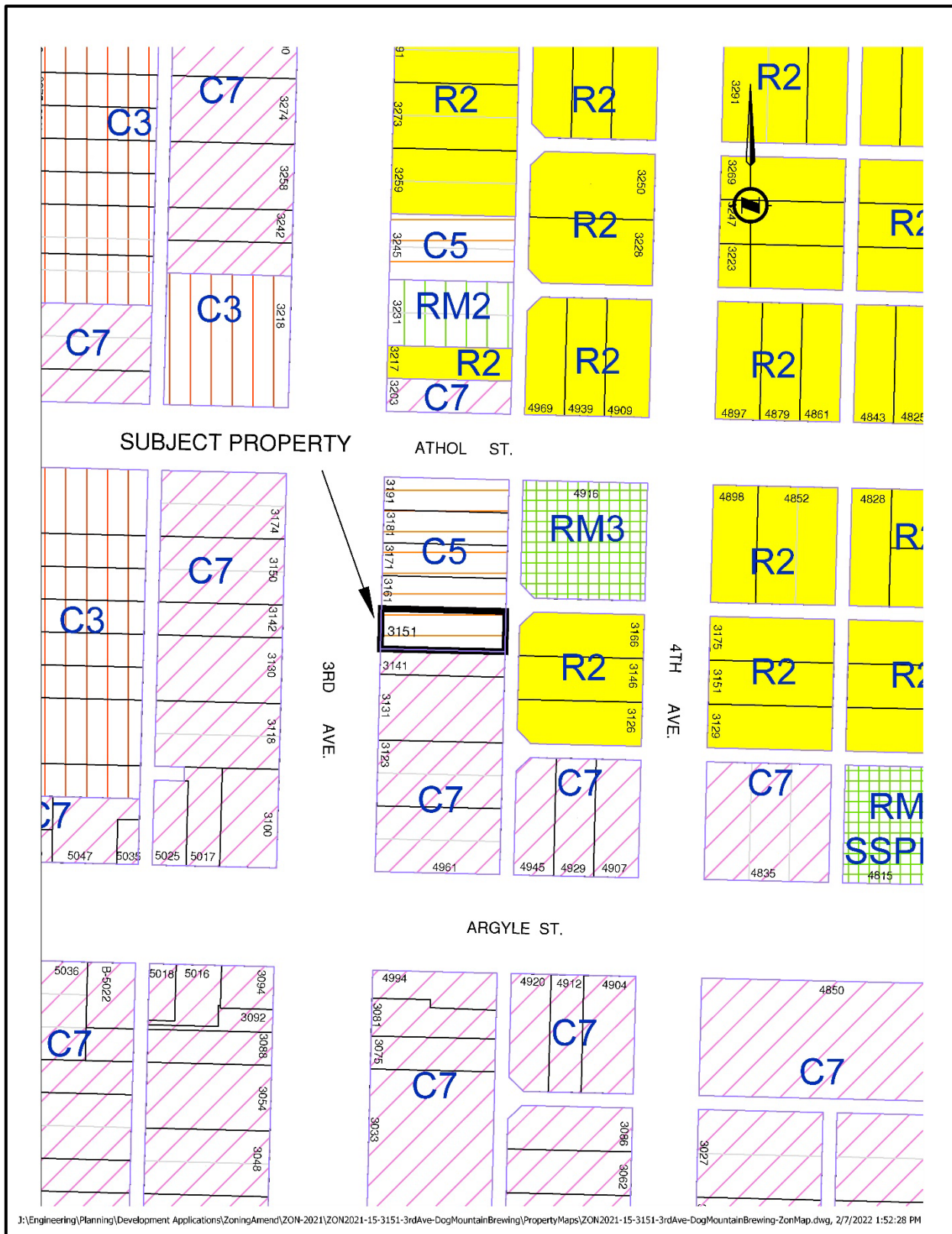
SUBJECT PROPERTY MAP – 3151 3RD AVENUE



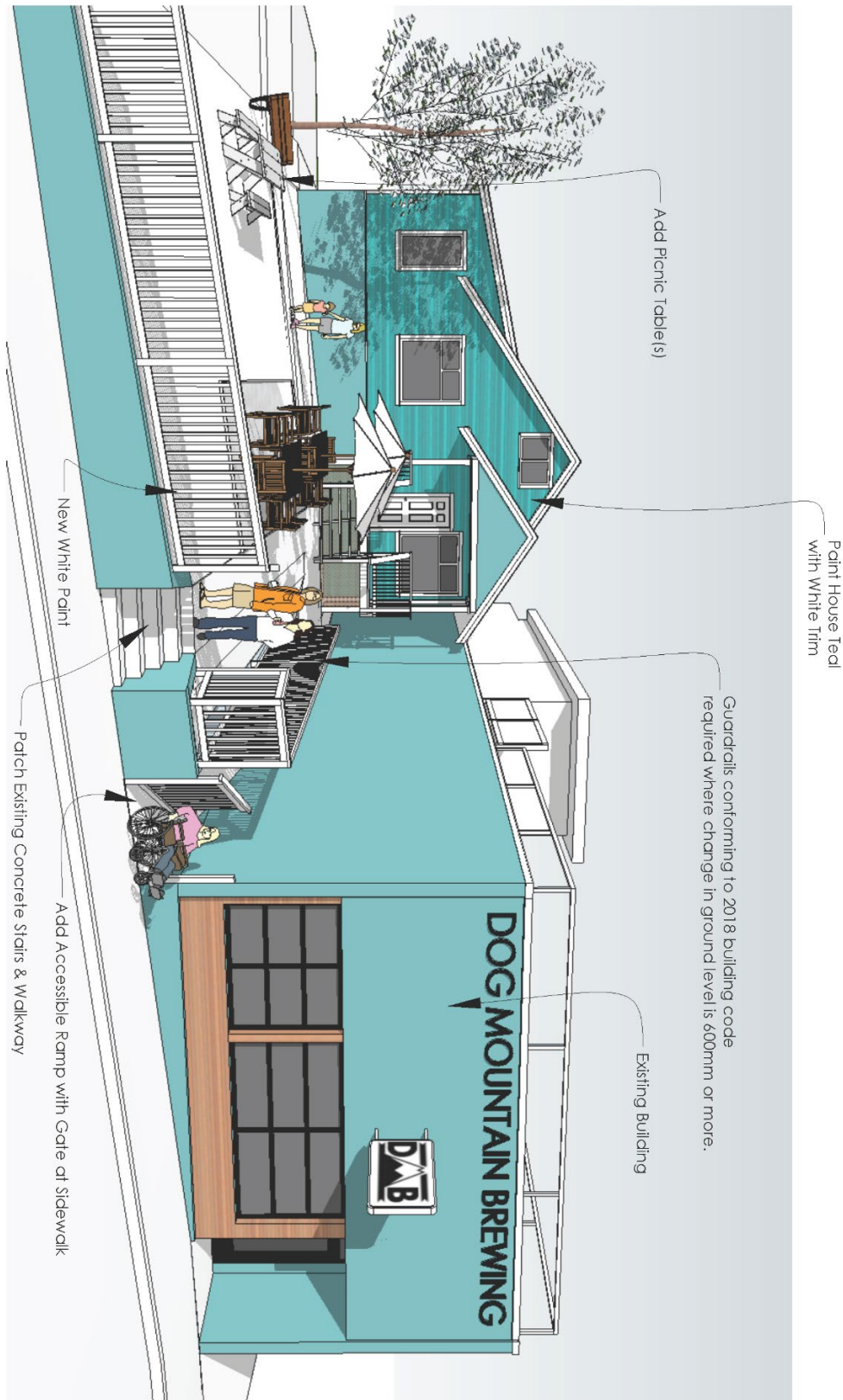
OCP LAND USE DESIGNATION



CURRENT ZONING BYLAW CLASSIFICATION



FRONT YARD CONCEPT



PROPOSED ZONE DESCRIPTION

C7 – CORE BUSINESS

5.24 The purpose of this *zone* is to establish and maintain vibrant mixed-use commercial core areas, with attention to providing goods and services to residents, the travelling public and tourists.

5.24.1	<u>Permitted uses</u> <u>Principal Uses</u> <i>Adult retail</i> <i>Amusement establishment</i> <i>Appliance repair</i> <i>Artist's studio</i> <i>Assembly</i> <i>Automotive sales, repair and servicing</i> <i>Bakery</i> <i>Bank or other financial institution</i> <i>Boat or recreational vehicle sales and repair</i> <i>(Bylaw 4979) Cannabis Retail Store, subject to 6.26</i> <i>Club or lodge</i> <i>Community care facility</i> <i>Day care or other preschool</i> <i>Gasoline service station</i> <i>Hotel, Motor hotel and Hostel</i> <i>Live-work</i> <i>Lumber and Building Materials</i> <i>Retailers and Wholesalers</i> <i>Medical service</i> <i>(Bylaw 5033) Micro-Brewery/Micro-Distillery</i> <i>Multiple family dwelling</i> <i>Nightclub, Cabaret, Bar and Pub</i> <i>Office</i> <i>Parking lot</i> <i>Pawn shop</i> <i>Personal service</i> <i>Place of worship</i> <i>Printing, publishing and allied industry</i>	<u>Principal Uses (continued)</u> <i>Professional service</i> <i>Public market</i> <i>Restaurant, including drive-through</i> <i>Retail</i> <i>School</i> <i>Seniors housing</i> <i>Shopping centre</i> <i>Single family or two-family dwelling (built prior to the adoption of this bylaw)</i> <i>Small appliances and electronics, sales and repair</i> <i>Social service centre</i> <i>Theatre</i> <i>Tourist Services</i> <i>Transportation Dispatch and Depot</i> <i>Tutoring Service</i> <i>(Bylaw 4979) (Bylaw No. 4893) Medical Marijuana Dispensary (Subject to 6.26)</i> <u>Accessory Uses</u> <i>Home Occupation</i> <i>Residential above commercial</i> <u>Site-Specific Uses</u> <i>Dwelling units at ground level</i> <i>Glass shop</i> <i>Liquor, wine, and beer store</i>
--------	---	---

5.24.2 Site Development Regulations

Minimum <i>Lot Area</i>	540 m ²	(5812.7 ft ²)
Minimum <i>Frontage</i>	15 m	(49.2 ft)
Maximum <i>Coverage</i>	90%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	0 m	
<i>Rear yard</i>	3 m	(9.8 ft)
<i>Side yard</i>	0 m	
Maximum Height, Principal <i>Building</i>	14 m	(45.9 ft)
Maximum Number of Principal <i>Building Storeys</i>	4	
Maximum <i>Floor Area Ratio</i>	3.0	

5.24. Conditions of Use

3

- (a) All business *uses* shall be conducted within a completely enclosed *building* except for outdoor display, rental, sales or *storage yards*, restaurant patios, activities that are normally done at gasoline service pumps, parking and loading, and activities related to the operation of a *drive-through* or *drive-in* facility.
- (b) In mixed-use residential and commercial *buildings*, residential *uses* shall be located above the first *storey*, except as provided in (d).
- (c) A shared public access to the residential *dwelling* unit(s) shall be provided separate from any other *use* from a ground floor entrance opening directly onto the public *street*.
- (d) Where multiple *family dwelling* units or seniors housing are located below the second *storey*, the Site Development Regulations of the RM3 Higher Density Residential *zone* shall apply.
- (e) Notwithstanding any other provision of this Bylaw, only one-half (0.5) *parking space* for every residential *dwelling* unit is required above a commercial *use* in a mixed commercial-residential *building*.
- (f) No *club or lodge* shall have more than three machines on which mechanical, electrical automatic, digital or computerized games are played for amusement, recreation, competition or entertainment and for which a fee is charged for *use* or for which a coin or token must be inserted.
- (g) In *dwelling* units above or behind commercial *uses*, *home occupation* as a permitted *use* is restricted to *office* space for a business which is lawfully carried on at another location.

5.24.4 Density Bonusing for Mixed-Use Residential-Commercial Developments:

The maximum height permitted may be increased up to six (6) *storeys* and up to 18 m (60 ft), and the maximum *floor area ratio* permitted may be increased up to 3.5 from that indicated in 5.24.2 where all of the following conditions are met:

- (a) A minimum of one *storey* or sixteen and one-half percent (16.5%) of the *gross floor area* of the *building* is *used* for commercial purposes;

- (b) Greater than seventy-five percent (75%) of the required parking is provided *underground* or enclosed underneath the principle *building*;
- (c) Elevators are provided to all *storeys* in the *building*;
- (d) A minimum of ten percent (10%) of the *dwelling* units are designed as *accessible*;
- (e) A minimum of ten percent (10%) of the *dwelling* units are designated as affordable, as specified in a *Housing Agreement* and where the owners enter into a *Housing Agreement* with the City, and where this Agreement is filed with the Land Title Office; and
- (f) A common meeting room or amenity room containing a minimum of 22 m² (235 ft²) is provided.

5.24.5 Site Specific Uses

The following *uses* shall be permitted on a site-specific basis:

<u>Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
(Bylaw 4914) Dwelling units at street level	4815 Argyle Street	Parcel A, Block 41, Plan VIP197B, Alberni Land District (Being a consolidation of Lots 8 & 9, See FB348042)
Glass shop	4650 Margaret Street	Lot A, District Lot 1, Alberni District, Plan VIP28247
Liquor, wine, and beer store	(Bylaw 4869) 5170 Argyle Street	Lots 23 & 24, Block 86, District Lot 1, Alberni District, Plan 197
Liquor, wine, and beer store	4963 Angus Street	That portion of Lot B, District Lot 1, Alberni District, Plan 32610 north of Angus Street
Liquor, wine, and beer store	5086 Johnston Road	Lot 1, District Lot 1, Alberni District, Plan EPP13767

THE CITY OF PORT ALBERNI
ENGINEERING SERVICING REPORT

FILE:

DATE: Aug. 10, 2022

LEGAL: Lot A, DL1, Plan VIP36879

LOCATION: 3151 3rd Ave

SUBJECT: Proposed Zoning Bylaw Amendments

Engineering has no objection to the proposed zoning bylaw amendments provided it conforms to current bylaw standards. The following report identifies key site specific requirements and bylaw issues which are to be satisfactorily addressed.

1.00 Roads

- 1.01 The City/Applicant should consider the installation of a handicapped parking stall with wheelchair access onto the City sidewalk by the proposed onsite wheelchair ramp.

2.00 Sewerage

- 2.01 City records indicate the property is presently serviced with a 100mm sanitary sewer connection. The Planning Dept. is proposing to consolidate 3141 & 3151 3rd Ave into one parcel prior to zoning approval. Due to both properties each having an established building with established independent sanitary sewer services, the Engineering Dept will not require the Applicant to modify the existing two independent sanitary sewer connections into one for the consolidation. The applicants Professional Engineer is to confirm the existing service is adequate for the intended purpose.

3.00 Drainage

- 3.01 City records indicate there is presently a 150mm storm drain connection at the P/L. The existing building's storm water must be connected to this storm drain connection. The Planning Dept. is proposing to consolidate 3141 & 3151 into one parcel prior to zoning approval. Due to both properties each having an established building with 3151 3rd Ave already connected to the storm drain at the P/L, the Engineering Dept will not require the Applicant to modify the two existing storm drain services into one for the consolidation.

4.00 Water

- 4.01 City records indicate the property is presently serviced with a 19mm water service connection. The existing water service connection may not be of sufficient size for the proposed commercial kitchen. The Planning Dept. is proposing to consolidate 3141 & 3151 into one parcel prior to zoning. The Applicant may wish to investigate any possible cost savings by connecting to the 38/40mm water service connection at 3151 3rd Ave. A plumbing fixture count will need to be done to confirm water service size required for both buildings. If the 19mm water service is no longer required, it can be decommissioned by City Forces for \$2,000.00. The consolidated property could potentially have one water meter fee if there is only one service. Should the applicant maintain 2 services they will receive 2 water invoices based on the 2 separate meters and services.

5.00 SHALLOW UTILITIES:

- 5.01 All electrical, communications and CATV wiring must be installed as per the CPA Engineering Specifications for the zoning designation of the property. Additional power poles will not be approved within the City Right of Way. The applicant may be required to submit BC Hydro approved drawings power supply from an existing source. The drawings are to address Telus and Cable issues as well.
- 5.02 All electrical, communications and CATV wiring must be installed as per the CPA Engineering Specifications for the zoning designation of the property. Additional power poles will not be approved within the City Right of Way. The applicant may be required to submit BC Hydro approved drawings power supply from an existing source. The drawings are to address Telus and Cable issues as well.
- 5.03 All conditions of BC Hydro, Telus, Fortis Gas and CATV must be satisfied. Aft shallow utilities must be shown on the engineering plans prior to approval.

6.00 GEOTECHNICAL:

- 6.01 A geotechnical investigation of the site will be required. The report should address all geotechnical issues which may affect the proposed development such as:
- a) Site soil and groundwater characteristics
 - b) Site suitability for intended development
 - c) Recommendations for foundation design
 - d) Recommendations for slab-on-grade construction e) Any special requirements for construction
 - f) Location and stability of fill areas
 - g) Restricted building areas
 - h) Road design
 - i) Drainage practices
 - j) Potential flood areas

7.00 SITE GRADING:

- 7.01 Site grading plans for on site development will be required to ensure the proposed grading fits with surrounding areas and addresses drainage. Building Permits are required for all walls exceeding 1.2m in height.

8.00 STATUTORY RIGHTS OF WAY AND EASEMENTS:

- 8.01 Existing servicing that will cross subdivision lines must be protected by an Easement and may not be built upon.