



**To: Port Alberni Advisory Planning Commission**

Ken McRae (Chair)	Chief Councillor Cynthia Dick (Tseshah First Nation)
John Douglas (Vice-Chair)	Chris Washington - (SD #70)
Amy Anaka	Sgt. Clive Seabrook, (R.C.M.P. Liaison)
Jim Tatoosh (Hupacasath First Nation)	Rick Newberry (P.A.F.D. Liaison)
Stefanie Weber	Rob Gaudreault (Parks Liaison)
Callan Noye	Councillor Deb Haggard (Council Liaison)
Ed Francoeur	

**From:** Katelyn McDougall, Manager of Planning

**Copy:** Councillor Helen Poon - (Alternate - Council Liaison)  
Larry Ransom - (Alternate - School District #70)  
Sgt. Peter Dionne – (Alternate – R.C.M.P. Liaison)  
Steven Tatoosh (Alternate – Hupacasath First Nation)  
Darren Mead-Miller (Alternate – Tseshah First Nation)  
City Clerk Dept.: Davina Hartwell; Twyla Slonski, Tanis Feltrin, Dawn McMurtrie  
City Staff: Cara Foden, Brian McLoughlin, Tim Pley

**Date:** August 13, 2020

**Re:** Advisory Planning Commission Meeting  
**Thursday, August 20, 2020 at 12:00 pm (via Zoom remote access)**

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A meeting of the Advisory Planning Commission has been scheduled for **Thursday, August 20, 2020** at 12:00 pm via Zoom. Please see email notification for details regarding the online meeting access via Zoom. If you have questions or are unable to attend please contact Brian McLoughlin (Tel: 250-720-2806 / email: [brian.mcloughlin@portalberni.ca](mailto:brian.mcloughlin@portalberni.ca)) or Cara Foden (Tel: 250.720.2850 / email: [cara.foden@portalberni.ca](mailto:cara.foden@portalberni.ca)).

**AGENDA**

- 1. Acknowledgements** and Introductions- This APC meeting is being held within the un-ceded traditional territories of the Hupačasath and the Tseshah (č išaaʔath) First Nations
- 2. Minutes** of the July 16, 2020 meeting of the Advisory Planning Commission.
- 3. DEVELOPMENT APPLICATION:** Zoning Bylaw amendment  
**5381 Falls St.** - Lot 2, Section 9, Alberni District, Plan 8919 (PID: 005--487-081)  
**Applicants:** L. Teufel dba Faithful Construction (agent for A. Keding and L. Keding)
- 4. Status Update** – Manager of Planning
- 5. Other business**
- 6. Adjournment** - The next APC meeting is scheduled for **September 17, 2020**.



**Summary Report / Minutes of the Advisory Planning Commission Meeting**  
**(Held on July 16, 2020**  
**Via remote access through Zoom, at 12:00 p.m.)**

**Commission Members Present**

Ken McRae (Chair)  
John Douglas (Vice-Chair)  
Amy Anaka  
Callan Noye  
Jim Tatoosh, Hupačasath F.N.  
Stefanie Weber  
Chris Washington, S.D.70 Liaison  
Rick Newberry, P.A.F.D. Liaison  
Councillor Deb Haggard, Council Liaison  
Sgt. Clive Seabrook, R.C.M.P. Liaison

**Guests**

Members of the Public: None  
Applicant: None

**Staff**

Cara Foden, Planning Technician  
Brian McLoughlin, Development Planner

**Regrets**

Cynthia Dick, Tseshah (č išaaʔath) F.N.  
Ed Francoeur  
Rob Gaudreault, Parks Liaison

**Alternates (not in attendance)**

Larry Ransom (Alternate–SD70)  
Councillor Helen Poon (Alternate–Council)  
Peter Dione (Alternate–R.C.M.P.)  
Darren Mead-Miller (Alternate – Tseshah F.N.)



**1. Acknowledgements and Introductions –**

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

**2. MINUTES - Adoption of June 18, 2020 Minutes**

**MOTIONS:**

*That the City of Port Alberni Advisory Planning Commission adopt the minutes of the June 18, 2020 regular meeting as amended.*

**(Douglas / Washington ) CARRIED**

**3. DEVELOPMENT APPLICATION: Zoning Bylaw amendments**

**City Wide - Short Term Rentals (STR)**

**Applicant:** City of Port Alberni

- The Development Planner presented a summary of his report dated July 9, 2020.
- APC discussed the proposed amendments and report as follows:
  - City staffing and resources were discussed in relationship to the proposed STR regulations. It was noted that there are no provisions made in the budget for additional staffing. A question was raised as to whether enabling STRs would require more staff time. The Development Planner noted that additional staff hours would come mainly from the enforcement of the bylaw, which is often done through business licensing. The Development Planner noted that the proposed amendments do not include a business licensing requirement, so are unlikely to increase staff time.

- Considerable concern was raised by APC members regarding STRs not requiring a business license. The Development Planner noted that best practices and research supported the inclusion of requirements for STR to obtain a B.L. however at this time staff were asked to bring forward amendments to the Zoning Bylaw. Significant comments were made in support of a requirement for STR to obtain a B.L. including the following:
  - Concern that no requirement for a B. L. would put STR in an advantageous position against other small business (such as B&B) that are required to obtain a B.L.
  - STR should be regulated just as other small businesses within the City
  - Licensed STR would be easier to shut down if they became problematic in a neighbourhood.
  - The requirement to renew a B.L. on an annual basis would allow the City to inspect if necessary.
  - It was noted that a B.L. process should not be too complex so that it does not discourage operators of STR who have been running their business without benefit of a B.L.
- It was noted that it was important to implement solid regulations from the start and to “do right”.
- The majority of APC members expressed support for the addition of a B.L. requirement for STR.
- There was support voiced for the implementation of STR as a permitted use within the City. The City currently experiences a shortage of rooms when there are large events scheduled and STR could help fill some of those needs.
- It was noted that it was important to implement solid regulations from the start in order to do it right.
- There was discussion regarding comparisons between STR and Bed and Breakfast (B&B) operations and the Development Planner advised that there are very few differences other than a B&B would typically serve a breakfast to guests.
- The proposed regulations were discussed in terms of how regulations could impact the supply of long term rental housing in Port Alberni. There was support voiced for not allowing STR in multi-family residential/apartment buildings as this could negatively impact the amount of rental housing in the City.
- Members discussed the issues respecting the proposed regulations as they relate to Secondary Suites and STR. The Development Planner clarified that the rationale for not permitting STR in Secondary Suites is that they are self-contained dwelling units with kitchens. Allowing Secondary Suites to be rented out as STR could negatively impact the supply of long term rental housing in the City. The APC noted that public input was currently limited to a standard Public Hearing and strongly recommended that an additional public input opportunity be made available, possibly through a survey, to City residents.
- The proposed definition of “Short Term Rental” was discussed as it specifies “all or part of a dwelling” whereas the proposed conditions specify “part” of a dwelling. Review may be needed.
- The Fire Department suggested that input from the City Building Inspector would be beneficial with respect to allowing STR in Secondary Suites. Doing so may result in illegal suites being used as STR which could have safety implications.

- The APC Chair noted that he had previously requested that the Building Inspector be asked to attend APC meetings and requested that the Planning Technician bring the request to the attention of the Manager of Planning.

**MOTIONS:**

1. *That the City of Port Alberni Advisory Planning Commission supports Option 2 and recommends that City Council direct staff to further refine the recommendations for proposed Zoning Bylaw amendments to introduce Short Term Rentals as a permitted use and that the following be considered:*
  - a) *Obtaining additional public Input with respect to prohibiting Short Term Rentals in Secondary Suites*
  - b) *Include a requirement that Short-Term Rentals be required to obtain a City Business License.*
  - c) *Obtaining additional public input with respect to allowing an entire residential dwelling to be rented as a Short Term Rental.*

**( Anaka / Weber ) CARRIED**

**4. STATUS UPDATE:**

- DVP approved – 4191 Bute St. (side yard setback)
- DVP pending – 4191 Bute St. (side yard projection)
- DP/DVP pending – Low Energy Housing project on Maitland
- DP/DVP pending – Seniors housing project on Burde St.

**5. OTHER BUSINESS- None**

6. **ADJOURNMENT** – The meeting adjourned at 12:30 pm. The next meeting is scheduled for 12:00 pm on **August 20, 2020.**

**( Washington / Noye ) CARRIED**

Ken McRae (Chair)





# CITY OF PORT ALBERNI

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## PLANNING DEPARTMENT REPORT TO THE ADVISORY PLANNING COMMISSION

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TO: Advisory Planning Commission

FROM: Brian McLoughlin, Development Planner

DATE: August 20, 2020

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**SUBJECT: DEVELOPMENT APPLICATION – Proposed Zoning Bylaw Amendment  
5381 Falls Street**

*Lot 2, DL 9, Plan V18919 P.I.D. V1P 141 (PID: 005-487-081)*

**Applicant:** L. Teufel dba Faithful Construction, agent for A. Keding and L. Keding

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### **ISSUE**

The purpose of this report is to consider an application for a Zoning Bylaw map amendment for 5381 Falls Street.

### **BACKGROUND**

The applicant has requested to rezone the property at 5381 Falls Street to accommodate a second residential dwelling unit of approximately 120 m<sup>2</sup>. This second dwelling unit constitutes the entire second storey of the building.

The applicant is seeking to rezone the property from *R1 – Single Family Residential* to *R2 – One and Two Family Residential*. Pending a successful rezone of the property, the applicant is proposing to construct an addition on the south side of the house with laundry facilities and storage for each dwelling unit.

### **Official Community Plan (OCP): Plan Goals & Objectives**

The rezoning of the subject property from a single-family use to a two-family use is supported by the goal for residential development in the Official Community Plan (OCP). These goals support more a greater variety of housing in the community. Objective 1.5 in *Section C* of the OCP states the following:

*“To ensure that a range of housing choice is provided in order to meet the needs of current and future residents.”*

The creation of a two-family dwelling, or “duplex” aligns with this objective.

<b>Table 1.0 – Official Community Plan (OCP) and Zoning Bylaw Designations (5381 Falls Street)</b>	
OCP Land Use	The subject property is currently designated ' <b>Residential</b> ' on the Official Community Plan Schedule A – Land Use Map.
Development Permit Area	The subject property is not within a Development Permit Area on the Schedule B – Development Permit Areas Map.
Property Zone	The subject property is currently zoned ' <b>R1 – Single Family Residential</b> ' on the Zoning Bylaw Schedule A – Zoning Map. An amendment is requested to rezone the property to ' <b>R2 – One and Two Family Residential</b> ' zone.

## **DISCUSSION**

### **Zoning and Site Analysis:**

The subject property is a rectangular parcel of approximately 1154 m<sup>2</sup> (0.26 acres). The property is currently zoned *R1 – Single Family Residential* and has one single family home located on-site. The applicant is requesting that the property be rezoned to *R2 – One and Two Family Residential*. According to the Zoning Bylaw, the purpose of the R2 zone is to “*establish and maintain quiet, low density neighbourhoods, featuring single family and two family dwellings*”.

The property has 27.43 m (65.6 ft) of frontage on Falls Street, and is approximately, 42.1 m (138 ft) deep with a total area of 0.115 hectares (0.29 acres). With regards to the *Site Development Regulations*, the subject property meets both the minimum area and frontage requirements in the R2 zone. The existing house and the proposed addition will be required to meet the R2 zone site regulations. The following table compares the *Site Development Regulations* of the R1 and R2 zones with the physical dimensions of the existing property and proposed house addition.

<b>Table 1.1 - Zone Comparison</b>			
<b>Site Development Regulations</b>	<b>R1 Single Family (current)</b>	<b>R2 – One and Two Family (proposed)</b>	<b>Subject Property (5381 Falls Street)</b>
Minimum Lot Area	600 m <sup>2</sup>	700 m <sup>2</sup>	1153.85 m <sup>2</sup>
Minimum Frontage	15 m	20 m	27.43 m
Maximum Coverage	40%	40%	30% (proposed)
Front Yard Setback	7.5 m	7.5 m	11 m (approx.)
Rear Yard Setback	9 m	9 m	17 m (approx.)
Side Yard Setback	1.5 m	1.5 m	1.72 m
Floor Area Ratio	0.5	0.5	0.374
Max Building Height	10 m	10 m	Proposed addition is 6.7 m. Existing building under 10 m.
Max # of Storeys	2	2.5	2
Max # of Residential Units	1	2	2

The dimensions of the property, and the proposed addition, meet all the requirements of the R2 zone. A Building Location Certificate will be required at the time of Building Permit to help confirm siting compliance. It should be noted that the presence of an additional dwelling is the only feature preventing the proposal from meeting the requirements of its current R1 classification.

### Surrounding Area

The surrounding area is dominantly residential, with a mix of single, multi-family, and institutional uses. Closest to the subject property are single-family residential lots, a residential four-plex, and the Tsawaayus Rainbow Gardens assisted living facility.

<b>Table 1.2 – Neighbourhood Land Use Mix</b>	
North	Predominately a mix of single family and two family residential.
South	A combination of semi-rural, and low-density multi-family properties. The Tseshaht First Nation is to the south across the Somass River (approx. 250 m)
East	A combination of institutional, single family, two-family, and low-density multi-family homes making up the West Port Place neighbourhood
West	A few semi-rural residential properties across the City boundary with the ACRD between Falls Street and the river.

### Infrastructure

The adequacy of the services must be determined by the developer's Engineer. Any required upgrades are to be approved by the City's Engineering department and will be at the developers cost. City records indicate the following underground utility services:

<b>Table 1.3 – Underground Utility Services at 5381 Falls Street</b>	
Water	The neighbourhood is serviced by an 8" water main in the roadway, but the size of the property service is not indicated.
Sewer	The neighborhood is serviced by an existing 8" sewer main, with a 4" service to the property
Storm	The neighborhood is serviced by an existing 18" stormwater main, with a 6" service to the property.

### Parking and Access:

The subject property is accessed off of Falls Street, which is located within the Alberni Clayoquot Regional District and is managed by the Ministry of Transportation and Infrastructure. Falls Street intersects with River Road (Highway 4) approximately 200 metres south east of the subject property where traffic is controlled by a stop sign at the bridge crossing.

Since the property is located within 800 metres of a provincial highway, the Ministry of Transportation and Infrastructure (MOTI) will be required to sign off on the Zoning Bylaw amendments. These approvals must be given before final adoption of the bylaw can be considered. To date, MOTI has provided no objections to the proposed bylaw amendments.

The subject property features an eleven-metres deep front yard area, which provides considerable space for on-site parking. The City's Zoning Bylaw requires the applicant to provide two additional on-site parking stalls to accommodate the second dwelling unit. The applicant has provided a copy of the site plan showing enough space for a total of seven parking stalls (attached). This exceeds the four stalls that are required.

### Referrals

The application to rezone 5381 Falls Street was circulated to relevant agencies for comment. Any feedback or concerns received are included in the table below:

<b>Table 1.4 – Referral Comments</b>	
<b>Agency</b>	<b>Details</b>
Hupacasath First Nation	No comments received
Tseshaht First Nation	No comments received
Parks Department	Interests Unaffected
Building Department	No comments received
Engineering Department	No comments received
Fire Department	No comments received
RCMP	No comments received
Island Health	No comments received
Department of Fisheries and Oceans	No comments received
Min. Transportations and Infrastructure	No comments received
Canada Post	No comments received
BC Hydro	No comments received
Fortis	No conflict here with gas



Shaw Cable	No comments received
Telus	No comments received

## **CONCLUSIONS**

In considering the application to rezone 5381 Falls Street, the APC and City Council should consider if and how the proposed change in use aligns with the objectives, and land designation in the Official Community Plan. Likewise, the APC and City Council should consider whether the proposed amendment is appropriate for the site and how a change may impact the immediate neighborhood.

The change from single-family to two-family residential does not represent a significant change in the character of the neighbourhood, especially given the nearby multi-family homes and assisted living facilities. The R2 zone is also the most appropriate zone to accommodate the proposed two-family dwelling. Additionally, the subject property has sufficient space to provide the additional required on-site parking stalls.

The proposed rezoning also aligns with the Official Community Plan policy objective of supporting a variety of housing options for residents. The Planning Department recommends amending the Zoning Bylaw to allow a two-family use at 5381 Falls Street.

## **RECOMMENDATIONS**

*That the Advisory Planning Commission recommends to City Council that the City proceed with the following Zoning Bylaw amendment, with respect to the property legally described as Lot 2, DL 9, Plan V18919 P.I.D. VIP 141 (PID: 005-487-081) and located at 5381 Falls Street:*

- a) ***Amend the Zoning Bylaw (Schedule A – Zoning Map) to rezone the property from ‘R1 – Single Family Residential’ zone to ‘R2 – One and Two Family Residential’ zone.***

Prepared by:



Brian McLoughlin  
Development Planner

Reviewed by:



Katelyn McDougall, M.Urb  
Manager of Planning

## ATTACHMENTS/REFERENCE MATERIALS

Subject Property Map  
Proposed R2 Zone Description  
Proposed Site Plan  
Proposed New Addition to Existing House  
Proposed Parking Layout  
City Utility Services at Subject Property

C: to City staff; etc.,

**SUBJECT PROPERTY – 5381 FALLS STREET**



## ***R2 – ONE AND TWO FAMILY RESIDENTIAL***

5.12 The purpose of this zone is to establish and maintain quiet, low density neighbourhoods featuring single *family* and two *family* dwellings.

### 5.12.1 Permitted uses

#### Principal Uses

Single *family* dwelling

Two *family* dwelling

#### Accessory Uses

Bed and breakfast

Home occupation

Secondary suite

Supportive housing

### 5.12.2 Site Development Regulations

#### Minimum Lot Area

Single <i>family</i> dwelling	500 m <sup>2</sup>	(5,382 ft <sup>2</sup> )
Single <i>family</i> dwelling with <i>secondary suite</i>	600 m <sup>2</sup>	(6,458 ft <sup>2</sup> )
Two <i>family</i> dwelling	700 m <sup>2</sup>	(7,535 ft <sup>2</sup> )

#### Minimum Frontage

Single <i>family</i> dwelling	15 m	(49.2 ft)
Single <i>family</i> dwelling with <i>secondary suite</i>	15 m	(49.2 ft)
Two <i>family</i> dwelling	20 m	(65.6 ft)

Maximum Coverage 40%

#### Minimum Setbacks:

Front yard	7.5 m	(24.6 ft)
Rear yard	9 m	(29.5 ft)
Side yard	1.5 m	(4.9 ft)

Maximum Floor Area Ratio 0.5

Maximum Height, Principal *Building* 10 m (32.8 ft)

Maximum Number of Principal *Building Storeys* 2.5

Maximum number of residential units per *lot* 2

### 5.12.3 Conditions of Use

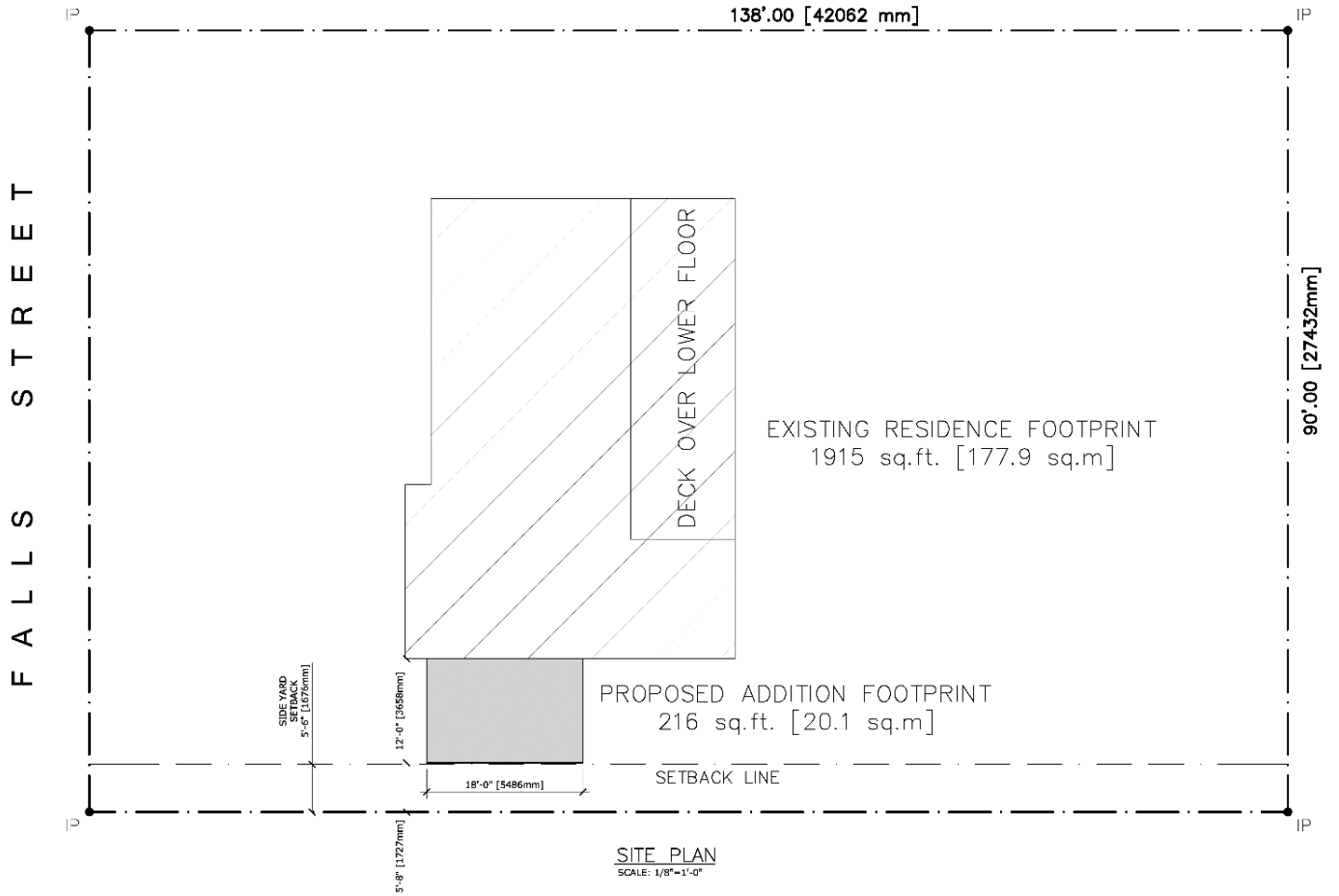
(a) Notwithstanding the provisions of 5.12.2:

- (i) On a *corner lot*, the *side yard* by the flanking *street* must be not less than 3.5 metres (11.5 ft) wide.
- (ii) For single *family* dwellings having no carport or attached garage and with no access to the rear or the side of the *lot* from a *street* or *lane*, the minimum *side yard* requirement shall be increased to 3 m (9.8 ft) for one *side yard*.

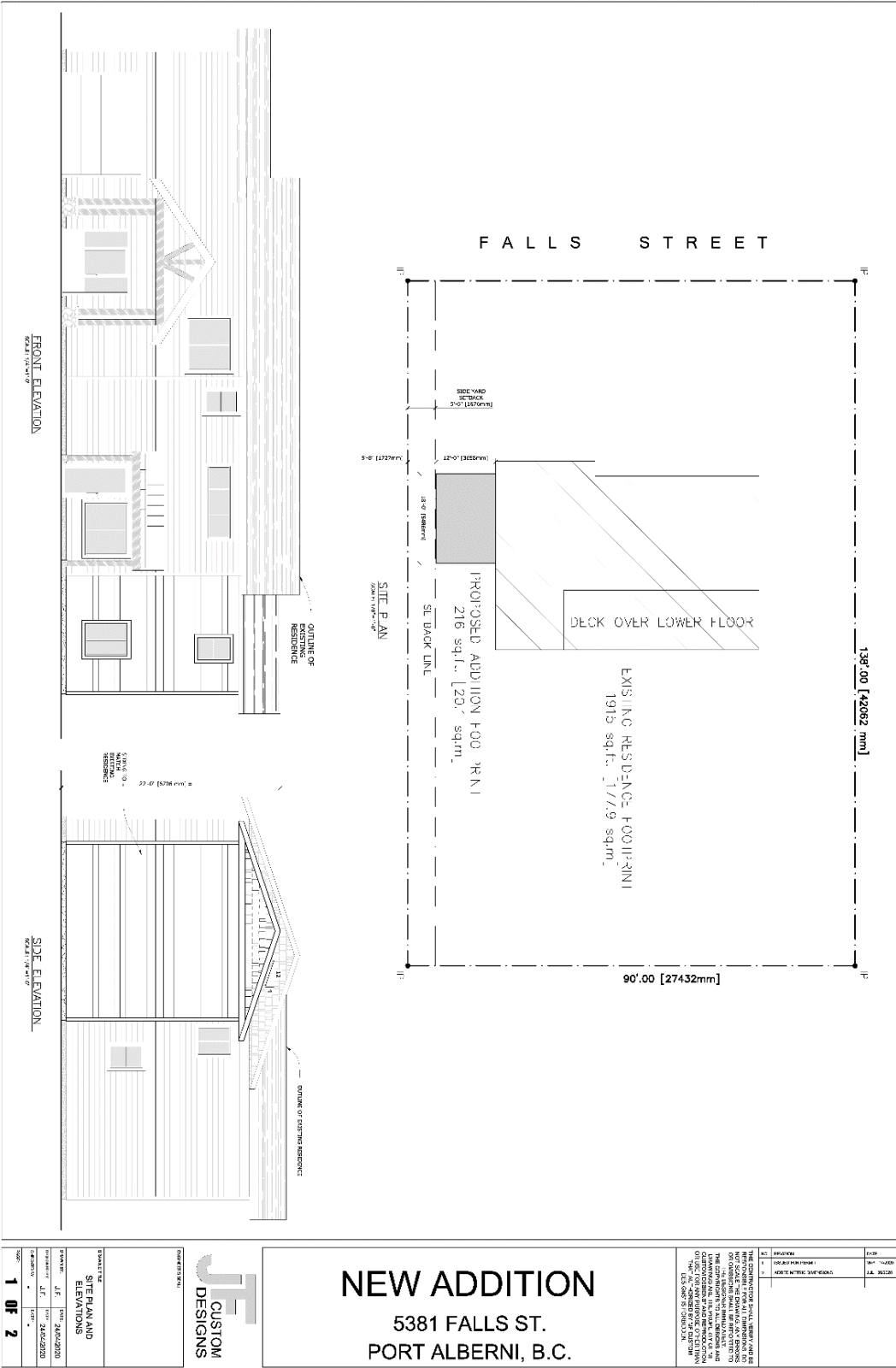
(b) For *supportive housing*, the maximum number of persons in care shall not exceed four (4).

- (c) Only one of the three (3) following *accessory uses* is permitted on any *lot*:  
*bed and breakfast* OR *secondary suite* OR *supportive housing*.
- (d) Notwithstanding any other provisions of this bylaw, *secondary suites* are not permitted in a duplex.
- (e) Notwithstanding Section 5.12.1, on *lots* less than 500 m<sup>2</sup> in area that exist prior to the adoption of this Bylaw, *single family dwelling* is the only permitted *use*.

# PROPOSED SITE PLAN



PROPOSED NEW ADDITION TO EXISTING HOUSE

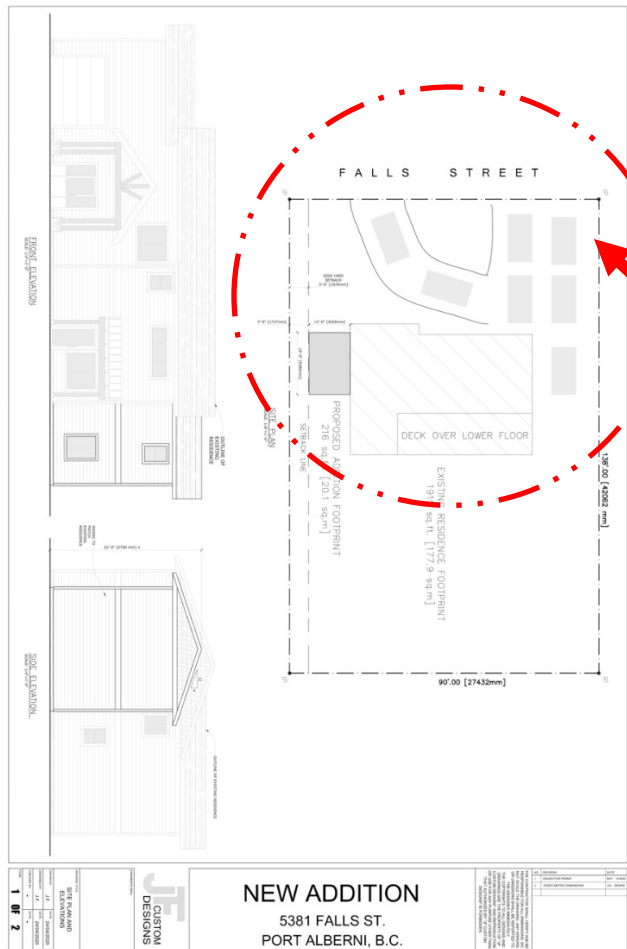








## PROPOSED PARKING LAYOUT



On-site Parking  
(7 stalls, 4 required)



## CITY UTILITY SERVICES AT SUBJECT PROPERTY

## WATER &amp; SEWER SERVICE CONNECTION RECORD CARD

5381	FALLS RD.	9	-	2	8919
HOUSE No.	STREET	D.L.	BLK.	LOT	PLAN

STORM		WATER		SEWER	
INSTALLATION DATE 20 Feb 80		INSTALLATION DATE 20 Feb 80		INSTALLATION DATE 20 Feb 80	
CONNECTION DATE 25 Feb 80		CONNECTION DATE 25 Feb 80		CONNECTION DATE 25 Feb 80	
SIZE	6"	SIZE		SIZE	4"
LENGTH	50'	DISTANCE FROM MAIN TO CURB STOP		LENGTH	50'
RISER		CORP. STOP		RISER	-
FITTING AT MAIN	Stub	CURB STOP		FITTING AT MAIN	Stub
22 1/2° ELBOW BENDS	1	COUPLINGS		22 1/2° ELBOW BENDS	1
DEPTH AT PROPERTY LINE	3'-6"	REDUCER		DEPTH AT PROPERTY LINE	3'-6"
DISTANCE FROM M.H. TO FITTING ON MAIN				DISTANCE FROM M.H. TO FITTING ON MAIN	
MEASURED 23'-6"		MEASURED		MEASURED 22'-6"	
North of		As shown		North of	
S.W. Corner				S.W. Corner	