



To: Port Alberni Advisory Planning Commission

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|---------------------------------------|--|
| Ken McRae (Chair) | Chief Councillor Cynthia Dick (Tseshah First Nation) |
| John Douglas (Vice-Chair) | Chris Washington - (SD #70) |
| Amy Anaka | Councillor Deb Haggard (Council Liaison) |
| Jim Tatoosh (Hupacasath First Nation) | Rick Newberry (P.A.F.D. Liaison) |
| Don Ferster | Rob Gaudreault (Parks Liaison) |
| Jeannette Nichols | S. Sgt. Terry Smith (R.C.M.P. Liaison) |
| Sandy McRuer | |

From: Katelyn McDougall, Manager of Planning

Copy: Councillor Helen Poon - (Alternate - Council Liaison)
Larry Ransom - (Alternate - School District #70)
Sgt. Peter Dione – (Alternate – R.C.M.P. Liaison)
Steven Tatoosh (Alternate – Hupacasath First Nation)
Darren Mead-Miller (Alternate – Tseshah First Nation)
Cara Foden – Development Services Technician
Davina Hartwell - City Clerk
Tanis Feltrin/Sara Darling - Clerks Department

Date: August 15, 2019

Re: Advisory Planning Commission Meeting
Thursday, August 22, 2019 at 12:00 pm in the Committee Room at City Hall

A meeting of the Advisory Planning Commission has been scheduled for Thursday, August 22, 2019 at 12:00 pm in the Committee Room at City Hall. If you have any questions or are unable to attend please contact Katelyn McDougall at 250-720-2808 (voice mail available).

AGENDA

1. Acknowledgements - 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 18, 2019 meeting of the Advisory Planning Commission.
3. **DEVELOPMENT APPLICATION – Official Community Plan Bylaw and Zoning Bylaw amendments**
5536 & 5546 Swallow Drive
Lot D, District Lot 10, Alberni District, PL EPP11441 (PID:028-647-092); and
Lot E, District Lot 10, Alberni District, PL EPP11441 (PID:028-647-106)
Applicant: Clark Power as agent for owner Dave Beecroft

4. DEVELOPMENT APPLICATION – Official Community Plan Bylaw and Zoning Bylaw amendments

4279 Ravenhill Avenue

Lot 5, District Lot 1, Alberni District, Plan 11303 Except that part in Plan 25083
(PID:004-990-421)

Applicant: Robert Jaenicke and Louise Ranger

- 5. Update – Manager of Planning - Status of current projects.
- 6. Other business.
- 7. Adjournment.



**Summary Report / Minutes of the Advisory Planning Commission Meeting
(Held on July 18, 2019
in the Committee Room at City Hall, at 12:00 p.m.)**

Advisory Planning Commission Present

Ken McRae (Chair)
John Douglas (Vice-Chair)
Sandy McRuer
Cynthia Dick, Tseshah (č iśaaʔath) F.N.
Sandy McRuer
Chris Washington, S.D.70 Liaison
Amy Anaka
Don Ferster
Councillor Deb Haggard, Council Liaison

Staff

Katelyn McDougall, Manager of Planning
Cara Foden, Planning Technician

Guests

Applicants: W. Hewitt, D. Brown (P.A.S.S.)
Applicants: M. and R. Redman
Members of the Public:0

Regrets

Jim Tatoosh, Hupačasath F.N.
Sgt. Clive Seabrook, R.C.M.P. Liaison
Rob Gaudreault, Parks Liaison
Jeannette Nichols
Rick Newberry, P.A.F.D. Liaison

Alternates (not in attendance)

Councillor Helen Poon (Alternate–Council)
Peter Dione (Alternate–R.C.M.P.)
Larry Ransom (Alternate S.D.70)
Darren Mead-Miller (Alternate – Tseshah F.N.)



1. Adoption of June 27, 2019 Minutes

- The Chair acknowledged that this meeting is taking place within the un-ceded traditional territories of the Hupačasath and the Tseshah (č iśaaʔath) First Nations. The applicant present was welcomed by the Chair.
- Introductions and Minutes of the June 27, 2019 meeting of the Advisory Planning Commission were adopted.

(McRuer / Washington) CARRIED

2. DEVELOPMENT APPLICATION - Development Variance Permit

3978 8th Avenue

Lots 2 and 3, Block 178, District Lot 1, Alberni District, Plan VIP1603
(PID: 007-123-434, 007-123-418)

Applicant: Wes Hewitt as agent for Port Alberni Shelter Society
Architect Inc.

- The Manager of Planning summarized her report to the APC dated July 11, 2019.
- The APC discussed the application as follows:
 - Rationale for requirement of Lot Consolidation was explained by the Manager of Planning.
 - The original building was constructed in the 1950's and purchased by P.A.S.S. in 1972.
 - Location of the site is within walking distance of many services and amenities and is also on a bus route

- The footprint of the building will not change drastically.
 - Access and parking were discussed and Fire access was discussed in conjunction with discussion regarding the lane to the rear of the existing building. Parking will be under the building taking advantage of the site grade.
 - Building shadow and impact of the project on the adjacent building were discussed. P.A.S.S. indicated that a decision had been made to renovate the existing building and keep it compatible with the scale of the neighbourhood rather than incorporate the adjacent lot and build a very large building with twice as many units.
 - The 21 units in the building will be rented to low income senior's who have undergone a means test to qualify. P.A.S.S. promised the neighbourhood, during the public consultation process, that the building would not be used to provide low-barrier housing. Low income seniors, who are able to live independently with minimal support staffing, will be able to rent the units. This use is guaranteed for the duration of the contract P.A.S.S. has signed with BC Housing.
 - An amenity room will be included on the lower floor. Outdoor space is limited on the site and P.A.S.S. indicated that the site will be landscaped and provide a positive aesthetic in the neighbourhood.
 - The look and feel of the building will be improved and a flat roof is part of the design.
- John Douglas excused himself from the vote due to perceived Conflict of Interest.

MOTIONS:

1. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the applicant be required to consolidated the subject properties into one legal parcel prior to approval of a Development Variance and that the recommended variances be applied to the resulting legal parcel.*
2. *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 4832 as follows:*
 - a) *Vary Section 5.31.2 P1 - Institutional Minimum Setbacks, Front Yard, from 7.5 m to 4.8 m, a variance of 2.7 m for the property located at 3978 8th Avenue and legally described as Lots 2 & 3, Block 178, District Lot 1, Alberni District, Plan VIP1603 (PID's: 007-123-434, 007-123-418).*
 - b) *Vary Section 5.31.2 P1 - Institutional Minimum Setbacks, Rear Yard, from 9.0 m to 0.5 m, a variance of 8.5 m for the property located at 3978 8th Avenue and legally described as Lots 2 & 3, Block 178, District Lot 1, Alberni District, Plan (PID's: 007-123-434, 007-123-418).*
 - c) *Vary Section 5.31.2 P1 - Institutional Maximum Lot Coverage, from 40% to 45%, a variance of 5% for the property located at 3978 8th Avenue and legally described as Lots 2 & 3, Block 178, District Lot 1, Alberni District, Plan VIP1603 (PID's: 007-123-434, 007-123-418).*
 - d) *Vary the number of parking spaces, required by Section 7.9 Required Parking for "Community care facility; Seniors housing", from 10 spaces to 6 spaces, a variance of four (4) spaces, for the property located at 3978 8th Avenue and legally described as Lots 2 & 3, Block 178, District Lot 1, Alberni District, Plan VIP1603 (PID's: 007-123-434, 007-123-418).*

3. *That City Council direct staff to give notice of intent to consider the issuance of Development Variance Permit No. 96 for 3978 8th Avenue.*

(McRuer / Washington) CARRIED

3. DEVELOPMENT APPLICATION - Development Variance Permit

4917 Margaret Street

Lot 2, Block 1, District Lot 12, Alberni District, Plan VIP1010 (PID: 008-131-520)

Applicant: Michael Redman as agent for Robin Redman dba Redmark Ventures Ltd., INC.NO. BC0681816

- The Manager of Planning summarized her report to the APC dated July 11, 2019.
- The APC discussed the application as follows:
 - There were questions for the applicant with respect to the error that had been made in siting the home during the layout. A B.C. Land Surveyor was not used to layout the home and the construction team used a witness pin that had been placed offset from the property corner without consulting the legal plan.
 - The minor nature of the Variance was discussed with respect to its impact on the neighbouring properties and it was generally agreed that the impact was negligible and the home was a positive addition to the neighbourhood.

MOTIONS:

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 4832 as follows:*

Vary Section 5.12.2 R2 - One and Two Family Residential Minimum Setbacks, Front Yard, from 7.5 m to 7.1 m, a variance of 0.4 m (1.3 ft) for the property located at 4917 Margaret Street and legally described as Lot 2, Block 1, District Lot 12, Alberni District, Plan VIP1010 (PID: 008-131-520).

2. *That City Council direct staff to give notice of intent to consider the issuance of Development Variance Permit No. 95 for 4917 Margaret Street.*

(Washington / Anaka) CARRIED

4. Update:

The Manager of Planning gave a status update on current projects.

- Public hearing for "Zoning Text Amendment No. T21 (Fence and Hedge Height), Bylaw No. 4992" is scheduled for July 22.
- Public hearing for the "Zoning Text Amendment No. T22 (Site Specific Uses - RM3 High Density Multiple Family Residential), Bylaw No. 4994" (4202 and 4238 8th Avenue) is scheduled for August 12.

- Upcoming zoning and variance applications will include:
 - 10th Avenue (Quality Foods - Zoning amendment)
 - Swallow Drive (OCP and Zoning amendments)
 - 4279 Ravenhill Avenue
- C.O.W. meeting took place on July 15th. City Council will consider the report at it's July 22nd meeting.

5. **Other business** – Reschedule next meeting to August 22
No other business

6. **Adjournment** – The meeting adjourned at 1:00 p.m. The next regular meeting is rescheduled from Thursday, August 15, 2019 **to Thursday, August 22, 2019.**

(Anaka / Ferster) CARRIED



Davina Hartwell - City Clerk

Ken McRae – Chair



CITY OF PORT ALBERNI

DEVELOPMENT SERVICES DEPARTMENT REPORT TO THE ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Katelyn McDougall, M.Urb, Manager of Planning

DATE: August 14, 2019

SUBJECT: DEVELOPMENT APPLICATION
Proposed Official Community Plan Bylaw and Zoning Bylaw Amendments
5536 & 5546 Swallow Drive,
Lot D, District Lot 10, Alberni District, PL EPP11441 (PID:028-647-092); and
Lot E, District Lot 10, Alberni District, PL EPP11441 (PID:028-647-106)
Applicant: Clark Power as agent for D. Beecrot

ISSUE

The purpose of this report is to consider an application for amendments to the Official Community Plan (OCP) bylaw and the Zoning bylaw for the properties at 5536 and 5546 Swallow Drive.

BACKGROUND

The subject properties are located in a subdivision on Swallow Drive that is zoned for single family or duplex style developments. The applicant originally planned to develop a duplex on each property, which would create four (4) residential units in total. The applicant has revised their plans to consolidate the two subject parcels and would like to proceed with the development of two triplex residential buildings on the consolidated property. This would allow for an additional two residential units to be included in the development – or six (6) in total. In order to move forward with the revised plans the applicant has applied for to change the OCP Schedule A Land Use Map, and the Zoning Bylaw. Additionally the applicant has been asked by the Planning Department to include the properties in Development Permit Area No. 1 – Multiple Family, which is in accordance with the OCP's policy for Multi-Family Residential.

DISCUSSION

OCP and Zoning Designations

- a) The properties are currently designated '**Residential**' on the Official Community Plan Schedule A – Land Use Map. An amendment is required to designate the parcels as '**Multi-Family Residential**'.
- b) The properties are not included in a Development Permit Area. An amendment is required to include the properties in '**Development Permit Area No. 1 Multiple Family Residential**' on the Official Community Plan Schedule B – Development Permit Area Map.

- c) The properties are currently zoned 'R2 - One and Two Family Residential' on the Zoning Bylaw Schedule - A Zoning Map. A map amendment is required to rezone the properties to **'RM1 - Low Density Multiple Family Residential'** zone.

Official Community Plan Policy Objectives:

The City's Official Community Plan (OCP) policy states that the City will consider the following criteria for new multi-family development:

"Should be located within walking distance (approx. 800 m) of commercial, recreational, public/institutional nodes, or community scale parks"

The subject properties do not clearly meet the above criteria. The properties are located within walking distance to the public trails in Lugin Creek, and there are some nearby commercial amenities such as Naesgaard's market and the Co-op Gas bar. However, the Lower Johnston Road Northport Commercial area is located approximately 1500 – 2000 m away from the subject properties (see map attached). While a 1.5 km or 2 km distance does not qualify as a walkable distance, it should be considered a bikeable distance specifically given the topography of the area. Moreover gradual densification can both directly and indirectly contribute to land use strategies that result in more mixed-use, walkable, and pedestrian friendly neighbourhood overtime.

"Should be located on or in proximity to major collectors or arterial roads in order to reduce traffic impacts on local roads"

The subject properties meet the above criteria. The properties are located in close proximity to River Road and Beaver Creek Road (both main arterial roads), which would help mitigate traffic impacts on local roads. Furthermore the properties are well serviced by public transit as two of the main bus routes (#3 River Road and #4 Crosstown routes) have stops located nearby, both on River Road and on Beaver Creek Road. Providing housing options and promoting greater densification near transit routes helps to achieve other land use and environmental goals outlined in the OCP.

"An adequate transition between lower density housing and compatibility with adjacent land uses must be provided."

The subject properties meet the above criteria. The proposed style of development is lower density multi-family housing, which is an adequate transition from the single family low density housing nearby. The area is also already zoned to include duplexes, and several duplex developments have already been constructed within the surrounding subdivision. The applicant's proposal would increase the overall density by permitting an additional two (2) dwelling units.

Finally, the OCP policy regarding multi-family housing encourages the following:

"A wide range of housing choice should be provided in the community in order to respond to diverse housing requirements or choices. This is a major element in the creation of complete and liveable communities as it enables people that have special housing requirements to stay within the community rather than having to relocate... Typically, this form of housing is within or adjacent to established single-family residential neighbourhoods."

Development Permit Area No.1 – Multiple Family

Section 4.3 – Multi-Family Residential (MFR) of the OCP states that:

“Land designated Multi-Family Residential (MFR) on Schedule “A” (Land Use Map) shall be designated as a Development Permit Area to control the form and character of development in order to ensure an appropriate fit with the adjacent neighbourhood.”

As part of the OCP amendment and rezoning the properties will need to be included in Development Permit Area No. 1 – Multiple Family Residential. As a result the building design (such as massing, siting, and form), landscaping, and other factors will be considered during the development permit process to ensure that the development appears to be cohesive and compatible with the existing neighbourhood.

Zoning: RM1 - Low Density Multiple Family Residential

The purpose of this zone is to provide for lower density multiple family residential development. If and when more than four dwelling units are developed in the 'RM1 - Low Density Multiple Family Residential' zone then a site is required to have a minimum frontage of 30 metres (98.4 ft.). The minimum lot area required in the RM1 zone is 1,000 m² (10,764 ft²). The maximum site coverage in the RM1 zone is 40%.

The two subject properties currently have approximately 20.73 m of frontage along Swallow Drive, and the lots are 39.99 m deep. After the lots are consolidated the resulting parcel would have 41.46 m of frontage on Swallow Drive, and an area of ±1658 m² which will therefore exceed the frontage and lot size requirements of the RM1 zone.

Site Plan

The applicant has submitted a conceptual Site Plan (see attached) showing a consolidated parcel with two triplex buildings, one on each side of the consolidated lot. The centre and rear units in the two buildings are oriented to face a common driveway/access located between the buildings. The two ends units on the side of the buildings that face out towards the street frontage will be oriented to the street in order to create an aesthetic consistent with the neighborhood. The building design and site plan will be subject to further review as part of the Development Permit process, which will ensure that the design of the proposed development does not adversely impact the surrounding area. At that stage in the process the applicant will be required to submit detailed drawings that are acceptable to the Planning Department and City Council.

Surrounding Area

The surrounding area is in the process of transitioning from a rural/semi-rural character through recent subdivision and the introduction of smaller lots. Nearby to the North West of the subject properties (in the Westporte Place neighbourhood) there are several examples of RM1 zone located right next to R1 and R2 zone (i.e. Woodland Manor or Falls Street Apartments). As such, low density multi-family housing is compatible with the existing area.

North: Immediately to the north of the Swallow Drive subdivision is the City of Port Alberni's Greenwood Cemetary. Further north of that, the former Gill School site a Mobile/Modular home park, and is one commercial lot currently occupied by Arbutus RV (Recreational Vehicle sales and repairs) can be found.

South: Immediately to the south of the Swallow Drive subdivision there is a mix of semi-rural and single family residential development and some fairly large parcels zoned for future development. A large parcel of Crown owned land is located to the south of that subdivision that Lugin Creek runs through. Further to the south lands zoned for agricultural use can be found.

West: To the west of the Swallow Drive subdivision primarily contains a mix of single family, rural and semi-rural residential properties. Lugin Creek runs through the low lying and relatively flat land to the west.

East: Immediately to the east, across Josephine Street, is the Ahaswinis Reserve which is a predominately single family residential neighbourhood. Further beyond that to the east, the area is primarily zoned for single family and one and two family residential.

Infrastructure and Servicing:

Water, Sanitary Sewer and Storm mains all run along Swallow Drive adjacent to the site frontage. The detailed issues regarding all servicing requirements will be addressed during the Development Permit process.

Traffic, Parking and Access:

The Swallow Drive subdivision is primarily accessed from off River Road (Arterial road) via Mary Street and Adams Place (Local road) or off River Road via Josephine Street (Connector road). Swallow Drive is classified as a Local road. There is no traffic signalization at either of the River Road intersections.

Parking areas are not clearly delineated on the attached Site Plan, though it does appear that each unit will be provided with an attached enclosed garage. Through the Development Permit process the applicant will be required to submit a detailed site plan showing parking design and spaces that meet with the approval of the Director of Public Works and the Manager of Planning.

Referral Comments:

| Agency | Comment: |
|----------------------------------|--|
| BC Hydro | The lights are located on an underground system. The transformers are near capacity and will likely need upgrading. The applicant should contact BC Hydro to determine power requirements. |
| Fortis | Reviewed the subject proposal and has no objections or concerns. |
| VIHA | Has no concerns with the proposed OCP and Zoning Bylaw amendments. |
| City Parks (Operations) | No objections to the proposal. |
| City Parks and Recreation | Interests Unaffected. |
| City Building Inspector | The Building Inspector has worked with the Manager of Planning on this file and concurs with the plan as proposed. |

CONCLUSIONS

In considering the OCP amendments the APC and City Council should consider how those amendments may impact long term visions and goals expressed by the community in the OCP.

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 neighbourhood.

The proposed land use meets the strategic objectives of the OCP's policies. There are other examples nearby of similar style developments that have proven to be successful. The Development Permit process will ensure that the style of development is compatible with the neighbourhood form and character.

As the west side of Port Alberni continues to grow and develop overtime it is important to both balance the needs of the community by ensuring new development is compatible with the existing neighbourhood, while at the same time growing in such a way that creates a walkable, vibrant, and complete neighbourhood with diverse housing options. A low density multi-family development should achieve that balance.

The Planning Department supports amending the Official Community Plan bylaw and the Zoning bylaw in conjunction with the adoption of the recommended conditions.

RECOMMENDATIONS

1. *The Advisory Planning Commission recommends to City Council that the City proceed with the following bylaw amendments, with respect to Lot D, District Lot 10, Alberni District, PL EPP11441 (PID:028-647-092) and Lot E, District Lot 10, Alberni District, PL EPP11441 (PID:028-647-106), located at 5536 and 5546 Swallow Drive:*
 - a. *Amend the Official Community Plan (Schedule A – Land Use Map) to change the designation of the properties from 'Residential' to '**Multi-Family Residential**'; and*
 - b. *Amend the Official Community Plan (Schedule B – Development Permit Areas Map) to include the properties in '**Development Permit Area No. 1 Multiple Family Residential**'; and*
 - c. *Amend the Zoning Bylaw (Schedule A – Zoning Map) to rezone the properties from 'R2 One and Two Family Residential' to '**RM1 Low Density Multi-Family Residential**' zone.*
2. *That the Advisory Planning Commission recommends to City Council that as part of the development process the applicant be required to complete the following before final adoption of the bylaw:*
 - a. *Consolidate the properties into one legal parcel prior to final adoption of the proposed bylaw amendments.*

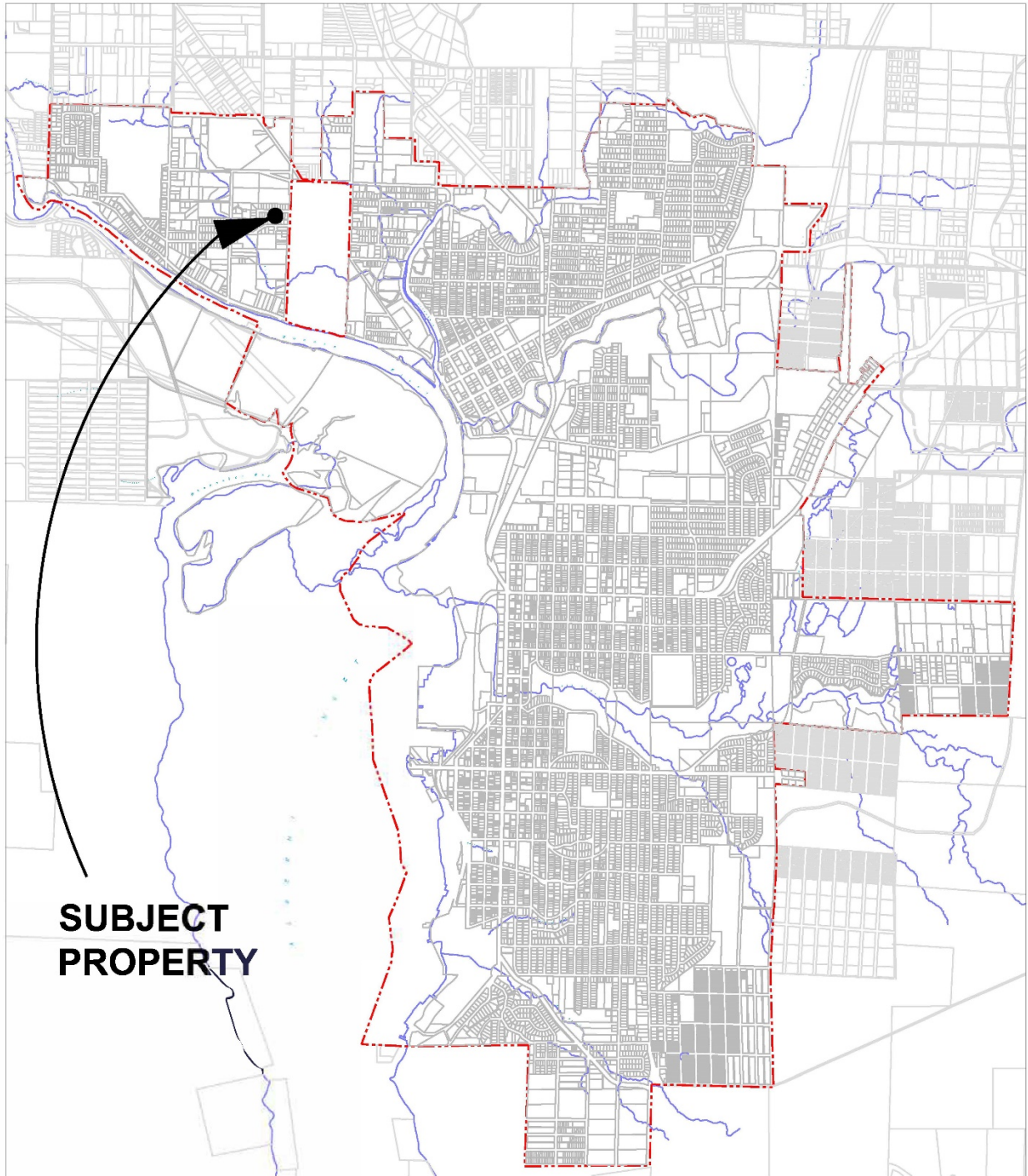
Respectfully submitted,



Katelyn McDougall, M.Urb.,
Manager of Planning

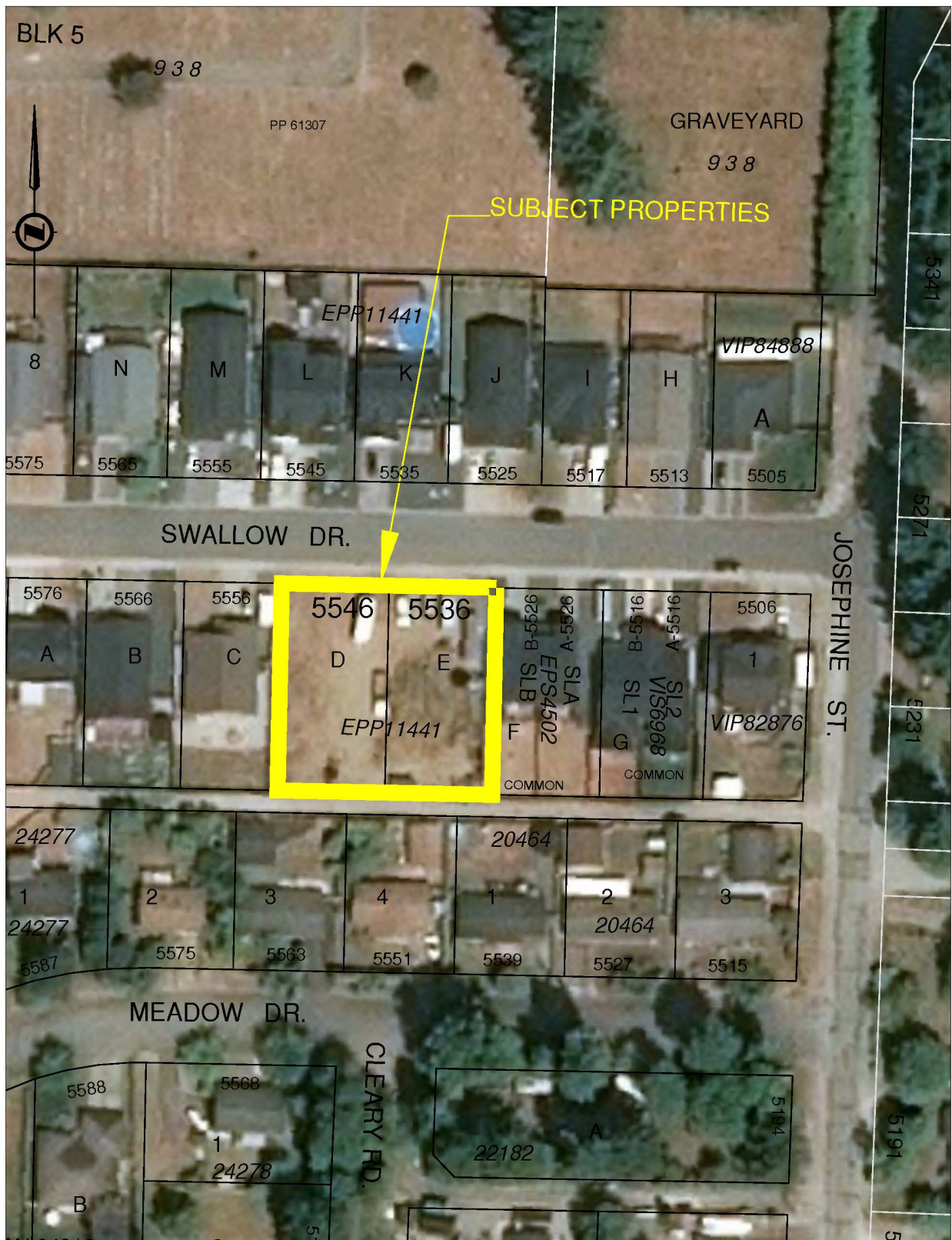


CITY OF PORT ALBERNI LOCATION MAP

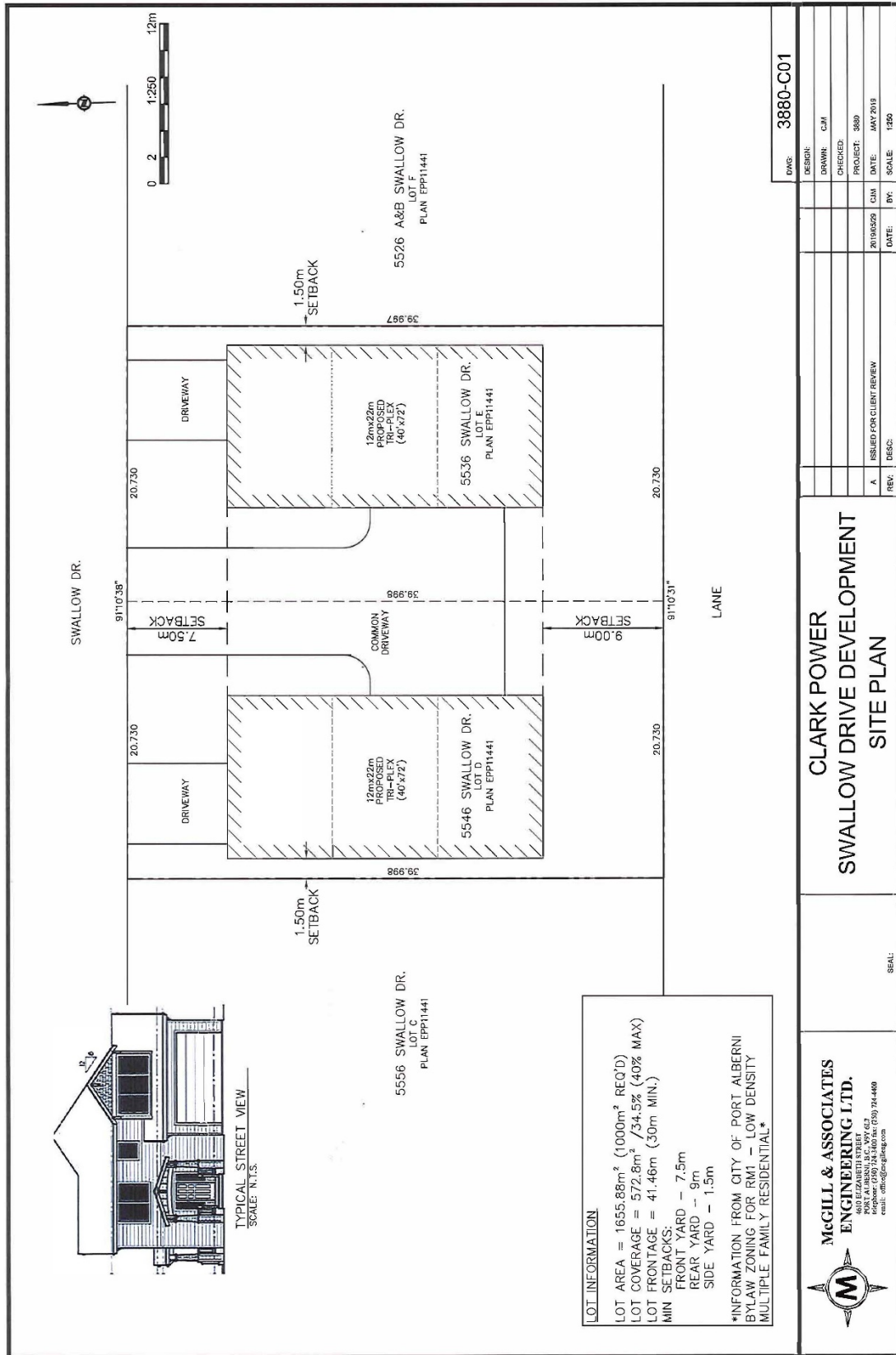


5536 & 5546 Swallow Drive

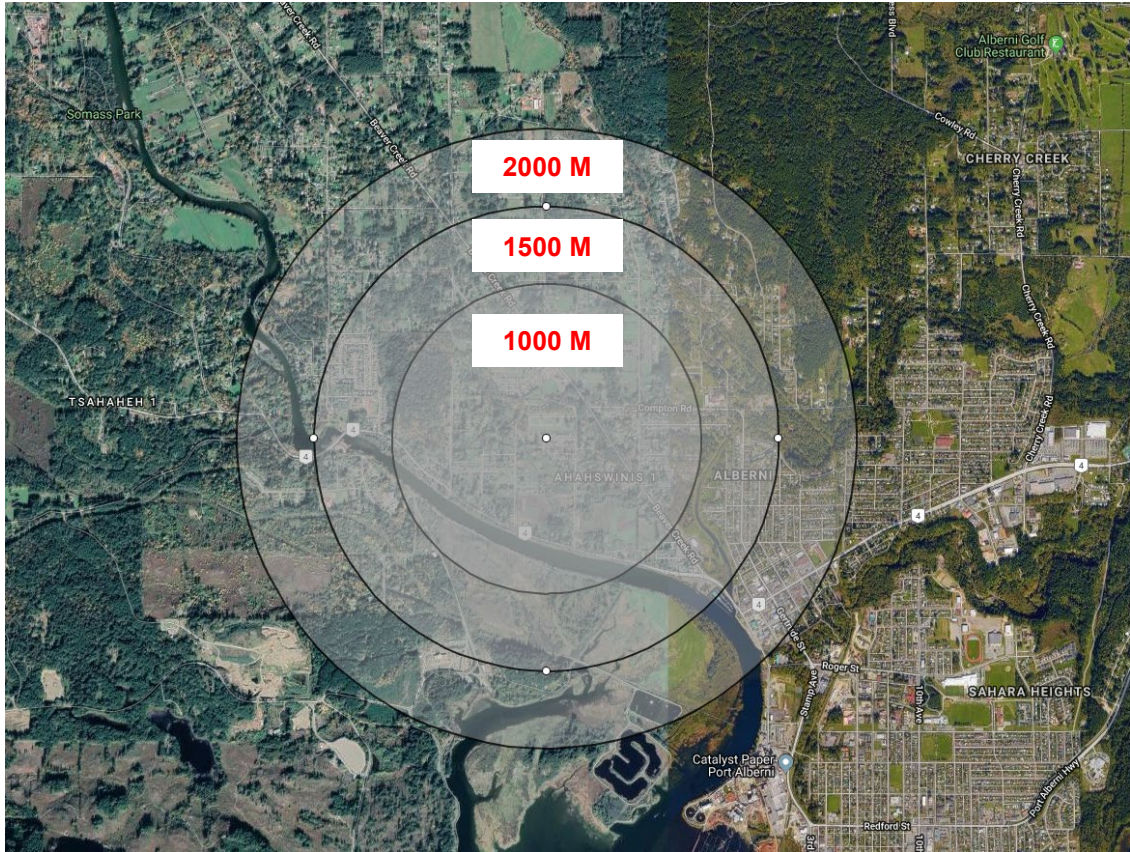
SUBJECT PROPERTIES



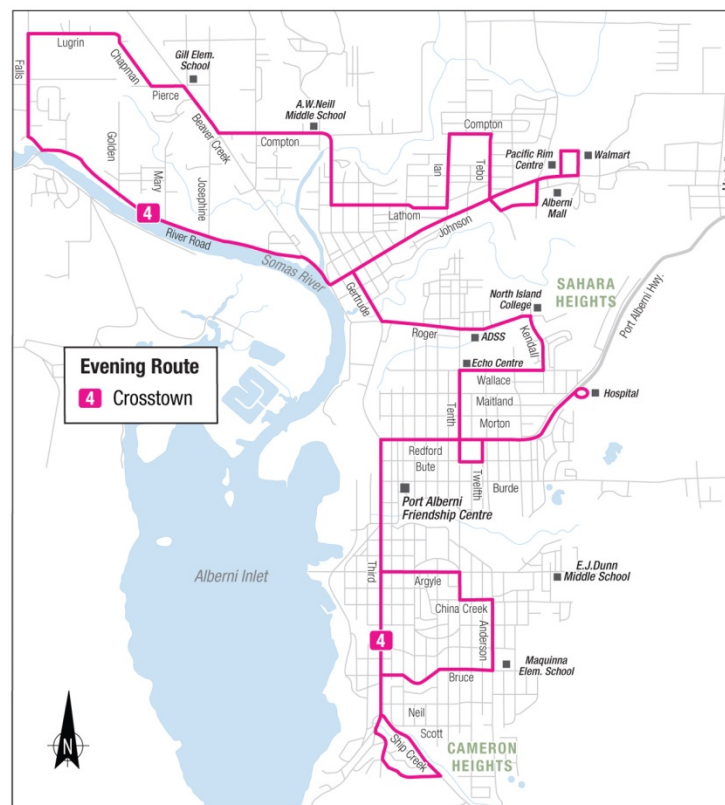
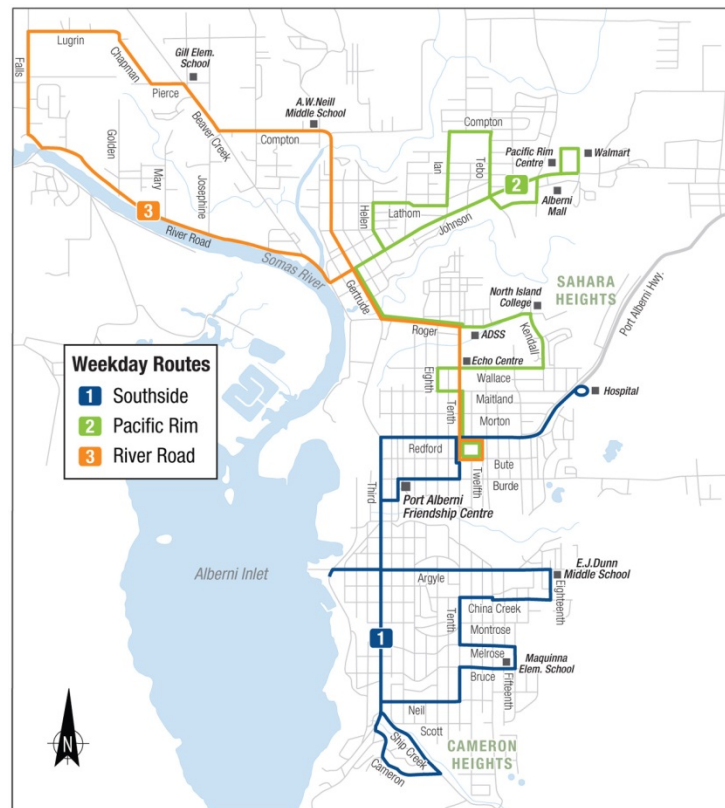
CONCEPTUAL SITE PLAN



Radial Distance from the Properties



Port Alberni Public Transit Bus Routes



RM1 – LOW DENSITY MULTIPLE FAMILY RESIDENTIAL

5.14 The purpose of this zone is to provide for lower density multiple *family* residential development.

5.14. Permitted uses

1

Principal Uses

Boarding and lodging
Community care facility
Multiple family dwelling
Single family dwelling
Two family dwelling

Accessory Uses

Home occupation

5.14. Site Development Regulations

2

Minimum *Lot Area*

| | | |
|---------------------------------|----------------------|---------------------------|
| Single family dwelling | 500 m ² | (5,382 ft ²) |
| Two family dwelling | 700 m ² | (7,535 ft ²) |
| Four (4) dwelling units or less | 900 m ² | (9,688 ft ²) |
| Over four (4) dwelling units | 1,000 m ² | (10,764 ft ²) |

Minimum *Frontage*

| | | |
|---------------------------------|------|---------|
| Single family dwelling | 15 m | 49.2 ft |
| Two family dwelling | 20 m | 65.6 ft |
| Four (4) dwelling units or less | 25 m | 82.0 ft |
| Over four (4) dwelling units | 30 m | 98.4 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

5.14. Conditions of Use

3

- (a) Notwithstanding the provisions of 5.14.2, *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 28 m² (301.4 ft²) for each *dwelling* unit of smaller size.
- (b) *Density bonusing* is available as follows:
 - (i) Where a minimum of ten percent (10%) of the *dwelling* units are designed as *accessible*, the permitted maximum *floor area ratio* of the *building* may be increased by a maximum of 0.1; and
 - (ii) 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; and
- (iii) Where both (i) and (ii) are undertaken, the maximum permitted *lot coverage* may be increased by 5%.
 - (c) The principal access to each *dwelling* unit shall be from an outdoor area.
 - (d) Groups of single and two *family* or multiple *family* dwellings are permitted, as an exception to Section 6.1 of this bylaw.
 - (e) *Home occupation* as a permitted *use* is restricted to *office* space for a business which is lawfully carried on at another location.
 - (f) 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.



CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO THE ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Katelyn McDougall, Manager of Planning

DATE: August 14, 2019

SUBJECT: DEVELOPMENT APPLICATION - Proposed Official Community Plan Bylaw and Zoning Bylaw Amendments
4279 Ravenhill Avenue
Lot 5, District Lot 1, Alberni District, Plan 11303 Except that part in Plan 25083 (PID:004-990-421)

ISSUE

The purpose of this report is to consider an application for map amendments to the Official Community Plan (OCP) bylaw and to the Zoning Bylaw for the property at 4279 Ravenhill Avenue.

BACKGROUND

The applicant has applied to amend the OCP and Zoning Bylaw designations for property at 4279 Ravenhill Avenue, in order to facilitate a split zoning of the property. A foundation for a house has been constructed on the property. The proposed changes would allow for further subdivision of the lot, as the applicant would like to subdivide the property to include one (1) new panhandle residential lot with frontage on Ravenhill Avenue.

Official Community Plan and Zoning Bylaw

- a) **4279 Ravenhill Avenue**, Lot 5, District Lot 1, Alberni District, Plan 11303 Except that part in Plan 25083 (PID:004-990-421), is designated as a mix of 'Park and Open Space' and 'Future Residential'. A map amendment to the Schedule A Land Use Map, is required to change the designation from a mix of 'Parks and Open Space' and 'Future Residential' uses to a mix of '**Parks and Open Space**' and '**Residential**' uses.
- b) **4279 Ravenhill Avenue**, Lot 5, District Lot 1, Alberni District, Plan 11303 Except that part in Plan 25083 (PID:004-990-421), is not included in a Development Permit Area on the Schedule B – Development Permit Areas Map. No amendments are required.
- c) **4279 Ravenhill Avenue**, Lot 5, District Lot 1, Alberni District, Plan 11303 Except that part in Plan 25083 (PID:004-990-421), is currently zoned 'FD Future Development'. A map amendment to the Zoning Bylaw Schedule A - Zoning Map is requested to rezone the property to a mix of '**P2 Parks and Recreation**' and '**R1 Single Family Residential**'.

DISCUSSION

Official Community Plan Policy:

The OCP policy **4.4 (3) Future Residential (FUR)** states:

“In those areas designated in the Official Community Plan as “Future Residential”, a detailed neighbourhood plan is required in order to address the specifics of the proposed land use neighbourhood plan must be approved prior to an OCP designation change by Council”.

A Neighbourhood Plan for this section of the city does not exist, and therefore this criteria has not been met. However, this policy should be interpreted based on the given specifics of a proposed development. While the subject property borders a large undeveloped part of the city, the property is arguably located within an established neighborhood. Therefore the need for a plan is reduced, specifically because the proposed development will be consistent with the single family character of the neighbourhood.

Council may wish to direct staff to begin developing a neighbourhood plan for this area, or any of the other undeveloped areas designated Future Residential, to mitigate this issue moving forward.

Zoning:

The 'R1 - Single Family Residential' zone is meant to establish and maintain quiet, low density neighbourhoods. The property at 4279 Ravenhill Avenue is a rectangular lot shape with some irregularity on the west property line adjacent to the stream. The total area of the site is ± 1.0 ha (2.5 ac). The property has a long frontage adjacent to the largely unconstructed R.O.W.

The R1 zone has a minimum frontage requirement of 15 m (49.2 ft.) and a minimum lot area requirement of 600 m² (6,458 ft²). The frontage along Ravenhill Avenue is 59.7 m (195.9 ft) that could possibly allow for up to three lots in total, however the front street (Ravenhill) would have to be extended westerly to facilitate a third lot. The applicant wishes to subdivide the property into two lots with one of the lots being accessed via a panhandle running west adjacent to Ravenhill Avenue starting from the west end of the constructed portion. The maximum site coverage permitted in the R1 zone is 45%. The proposed development appears to meet the zoning requirements. See attached conceptual site plan.

Surrounding Area

The subject property is located at the south end of the city in an area that is primarily residential although a large part of the surrounding area mostly undeveloped. As mentioned above the nearby undeveloped land should not be developed without a Neighbourhood Plan in place, as per the OCP policy.

North: To the North there are three large tracts of privately owned lands.

South: A mix of City and Crown Lands are located to the south of the subject property.

East: To the east of the site the neighbourhood is predominately single family residential.

West: A mix of City and Crown Lands are located to the west to the south of the subject property. There is a natural area with Ship Creek passing through it with a number of informal trails used extensively by the public.

Infrastructure

Water: There is a water main located under Ravenhill Avenue R.O.W.

Sewer: The main sanitary sewer connection is from Ravenhill Ave. running in a northerly direction up the east property line. An easement may be required to service the proposed lot.

Storm: The main storm water connection is from Ravenhill Ave. running in a northerly direction up the east property line. An easement may be required to service the proposed lot.

The capability of the existing infrastructure will need to be proven out by the developers' engineer and approved by the City's Engineering department. The detailed issues and costs regarding servicing requirements will be specified during the Subdivision process and included in a Preliminary Layout Review letter to the applicant.

Fill and Geotechnical Assessment

There is a significant ravine located at the west side of the lot that impacts the topography of the parcel. The lot was recently logged by the applicant, with the exception of the riparian area adjacent to Ship Creek. Numerous loads of fill have been added to the property. The City Building Inspector may require that a Geotechnical report be submitted by the applicant as part of the Building Permit process.

Ship Creek and Covenant:

On the west side of the property there is a sensitive Riparian Assessment Area that contains Ship Creek. Riparian areas are the strips of land next to streams and/or lakes that develop and support a rich and diverse vegetation, and highly productive ecosystem. These ecosystems are important because of their proximity to water, and are a critical source of biodiversity. The OCP policy regarding environmental protection of these areas states:

"Ravines, watercourses and riparian areas will be preserved in their natural state, and wherever possible, will be linked to other park spaces or natural areas to create a comprehensive network of green space. Trail opportunities within these areas may also be considered when not detrimental to the environment."

The proposed changes to the City's Zoning Bylaw reflect the intent to preserve the natural area and greenspace. The riparian area will be maintained as undeveloped land. Vegetation removal must be avoided within the riparian setback, and the removal of mature trees must be avoided as well.

Riparian areas are also regulated and protected under the Riparian Area Protection Act. The City must protect riparian areas in accordance with these regulations. According to the Act assessment areas require study and reports to be conducted before development may occur:

Assessment reports required before development:

4 (1) *In respect of development proposals related wholly or partially to riparian assessment areas within the jurisdiction of a local government, a local government must not approve or allow development to proceed in those riparian assessment areas unless the development proceeds in accordance with subsection (2) or (3).*

(2) *A local government may approve or allow development to proceed if the local government is notified by the Ministry that Fisheries and Oceans Canada and the ministry have been:*

(a) notified of the development proposal, and

(b) provided with a copy of an assessment report, prepared by a qualified environmental professional who has carried out an assessment, that

- (i) certifies that the qualified environmental professional is qualified to carry out the assessment,*
- (ii) certifies that the assessment methods have been followed, and*
- (iii) provides the professional opinion of the qualified environmental professional that*

(A) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or

(B) if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

(3) A local government may approve or allow development to proceed if the Minister of Fisheries and Oceans or a regulation under the Fisheries Act (Canada) authorizes the harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area that would result from the implementation of the development proposal.

As such, the applicant will need to engage a Qualified Environmental Professional (i.e. Registered Professional Biologist) to produce a report that:

- details and maps the extents of the riparian zone, specifically determining the width of the Streamside Protection and Enhancement Area (SPEA) on the property
- details and maps the extents of the remaining mature treed area
- maps existing and/or proposed trails within or adjacent to the riparian area
- details the results of a search of the property for nests of birds (eagles, peregrine falcons, gyrfalcon, osprey and herons) protected under Section 34b of the Wildlife Act; and
- provides recommendations with respect to a Section 219 Restrictive Covenant¹ to be registered on the Land Title¹

As per the Act, the Department of that Fisheries and Oceans Canada will need to be provided with a copy of the assessment report so that they can determine whether or not they approve the proposed development. Council's consideration of the application should not occur until the Ministry approves the development. Only at that point could the City proceed with the application.

Trail Management

There are well used trails through the subject property near the creek. Any future trails should be placed outside of the riparian setback, and if necessary, trails within the setback should be constructed of permeable materials such as gravel or mulch, and should be no more than 1.5 m in width. It is recommended that any existing and/or proposed trails within the riparian area be mapped by the Qualified Environmental Professional and submitted to the City. The applicant has indicated their intent to continue to allow to access the existing informal trail on the property.

¹ A *Land Title Act* Section 219 Covenant is a document that is registered on the legal title to a property and may restrict the use of the land in a specific way including restricting the removal of some or all of the trees on a property. In this case for example, owners of the property would not be able to develop a portion of the land and/or remove the trees (unless they became hazardous).

Referrals:

| Agency | Comment |
|---------------------------|---|
| City Parks and Recreation | Interests unaffected by the application. |
| Island Health | Interests unaffected by the application, as long as city water and sewer are ensured. |
| City Building Official | Concerns regarding 1) Servicing the lot 2) Fire Department access 3) There were numerous loads of fill placed on the proposed lot over the last year. A geotech covenant may be appropriate. |
| Fortis | No conflict. There is a gas main on the lot covered with a SRW the owner is aware of. |
| BC Hydro | Would extend the secondary to the end of the panhandle to service the west lot. No issues and approval recommended. |
| MFLNRO | <p>The proposal to rezone the lot includes changing the riparian setback from 'FD Future Development' to 'P2 Park and Recreation'. Since this is sensitive riparian area we recommend that this area be maintained as undeveloped land and avoid any vegetation removal within the riparian setback. If trails are desired along the stream, these should ideally be placed outside of the riparian setback, and if necessary, trails within the setback should be constructed of permeable materials such as gravel or mulch, and should be no more than 1.5 m in width.</p> <p>We recommend that in the portion of the lot to be developed, that mature trees be retained whenever possible. We recommend that any vegetation clearing occur outside of the bird nesting season (March 1-Aug 31). A search for nests of birds (eagles, peregrine falcons, gyrfalcon, osprey and herons) protected under Section 34 b of the Wildlife Act should be conducted before the start of vegetation clearing.</p> |

Conclusions

In considering the proposed amendments the APC and City Council should consider how the amendment may impact long term visions and goals expressed by the community in the OCP. Likewise, in considering the Zoning amendment, the APC and City Council should consider whether the proposed amendment is appropriate for the site and how a change may impact the immediate neighbourhood.

The subject property is located in an area of the city that is primarily residential, although a large part of the surrounding area is completely undeveloped. The OCP requires land designated as 'Future Residential' to be first considered through a neighbourhood planning process before approving changes to land use designation. Since the subject property is bordering an existing single family neighbourhood, and the proposed development is consistent with the neighbourhood, the need for a plan and vision to be in place is mitigated.

Along the west edge of the property is a Riparian Assessment Area. As per the *Riparian Area Protection Act* the City must not approve development until a Qualified Environmental Professional has studied the area and provided a report with recommendations to the City. The Department of Fisheries and Oceans Canada must also approve the development before the City can proceed with the application.

Overall, the proposed land use changes are compatible with the character of the neighbourhood and the Planning Department supports the OCP bylaw and Zoning bylaw amendments with minor conditions.

Recommendations

1. That the Advisory Planning Commission recommends to City Council that the City proceed with the following bylaw amendments, with respect to Lot 5 District Lot 1, Alberni District, Plan 11303 Except that part in Plan 25083 (PID:004-990-421) located at **4279 Ravenhill Avenue**:
 - a. Amend the Official Community Plan (Schedule A – Land Use Map) to change the designation of the property from a mix of ‘Parks and Open Space’ and ‘Future Residential’ **to a mix of ‘Parks and Open Space’ and ‘Residential’** use; and
 - b. Amend the Zoning Bylaw (Schedule A – Zoning Map) to rezone the property from ‘FD Future Development’ zone **to a mix of the ‘P2 Parks and Recreation’ and ‘R1 Single Family Residential’** zones.
2. That the Advisory Planning Commission recommends to City Council that prior to proceeding with the bylaw amendment process the applicant;
 - a. Engage a Qualified Environmental Professional to produce a report that:
 - i. details and maps the extents of the riparian zone, specifically determining the width of the Streamside Protection and Enhancement Area (SPEA) on the property
 - ii. details and maps the extents of the remaining mature treed area
 - iii. maps existing and/or proposed trails within the riparian area
 - iv. details the results of a search of the property for nests of birds (eagles, peregrine falcons, gyrfalcon, osprey and herons) protected under Section 34b of the Wildlife Act; and
 - v. provides recommendations on the need for a Section 219 Restrictive Covenant²
 - b. Receive development approval from the federal Department of Fisheries and Oceans Canada (DFO)
 - c. If recommended, register a Restrictive Covenant, along with a priority agreement in favour of the City, that:
 - i. Prevents vegetation removal, including mature trees, within the riparian area
 - ii. Prevents vegetation removal, including mature trees, within the area to be designated as Parks and Open Space in the Official Community Plan.
 - iii. Specifies that any new trail development must take place outside of the riparian setback, and be constructed of permeable materials such as gravel or mulch, and be no more than 1.5 m in width
3. That the Advisory Planning Commission recommends to City Council that as part of the development process the applicant be required to complete the following before final adoption of the bylaw:
 - a. That applicant works with City Staff to facilitate a trail connection along the west side of the property, by establishing a R.O.W. to allow public access through that portion of the property.

² A Land Title Act Section 219 Covenant is a document that is registered on the legal title to a property and may restrict the use of the land in a specific way including restricting the removal of some or all of the trees on a property. In this case for example, owners of the property would not be able to develop a portion of the land and/or remove the trees (unless they became hazardous).

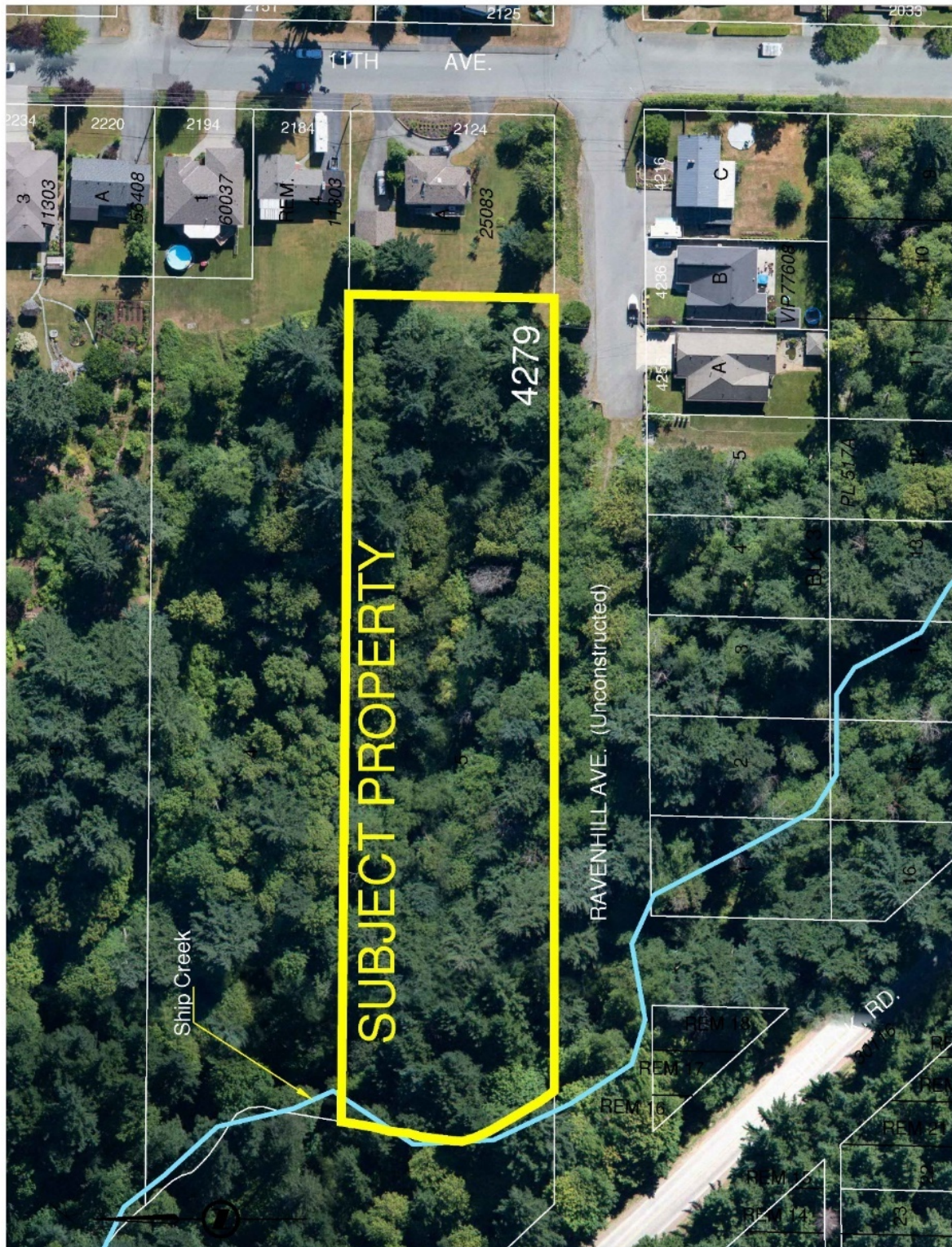
- b. Receive a Preliminary Layout Review letter for the proposed subdivision from the City of Port Alberni's Approving Officer.*

Respectfully submitted,

A handwritten signature in cursive script that reads "Katelyn McDougall". The signature is written in black ink and is positioned above the printed name and title.

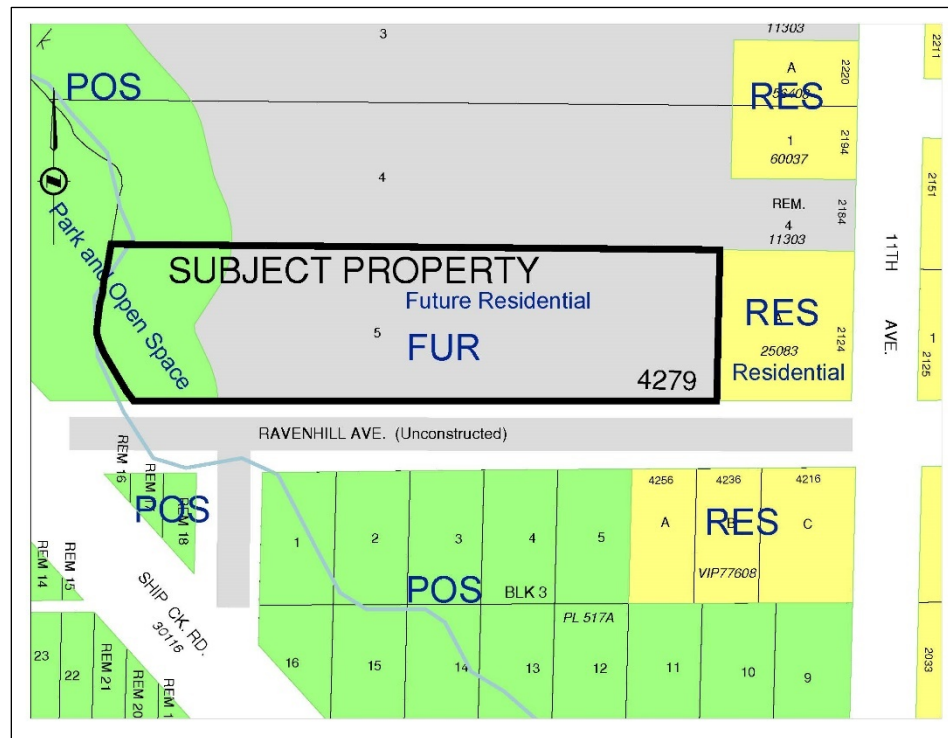
Katelyn McDougall, M.Urb
Manager of Planning

Subject Property

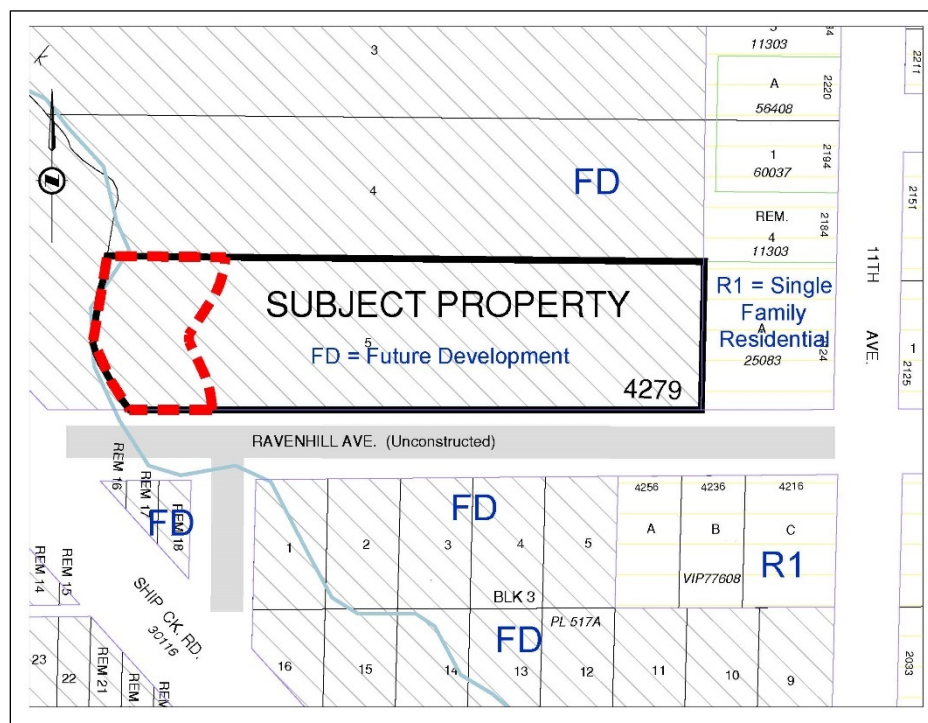


[illegible]

Current OCP Designation



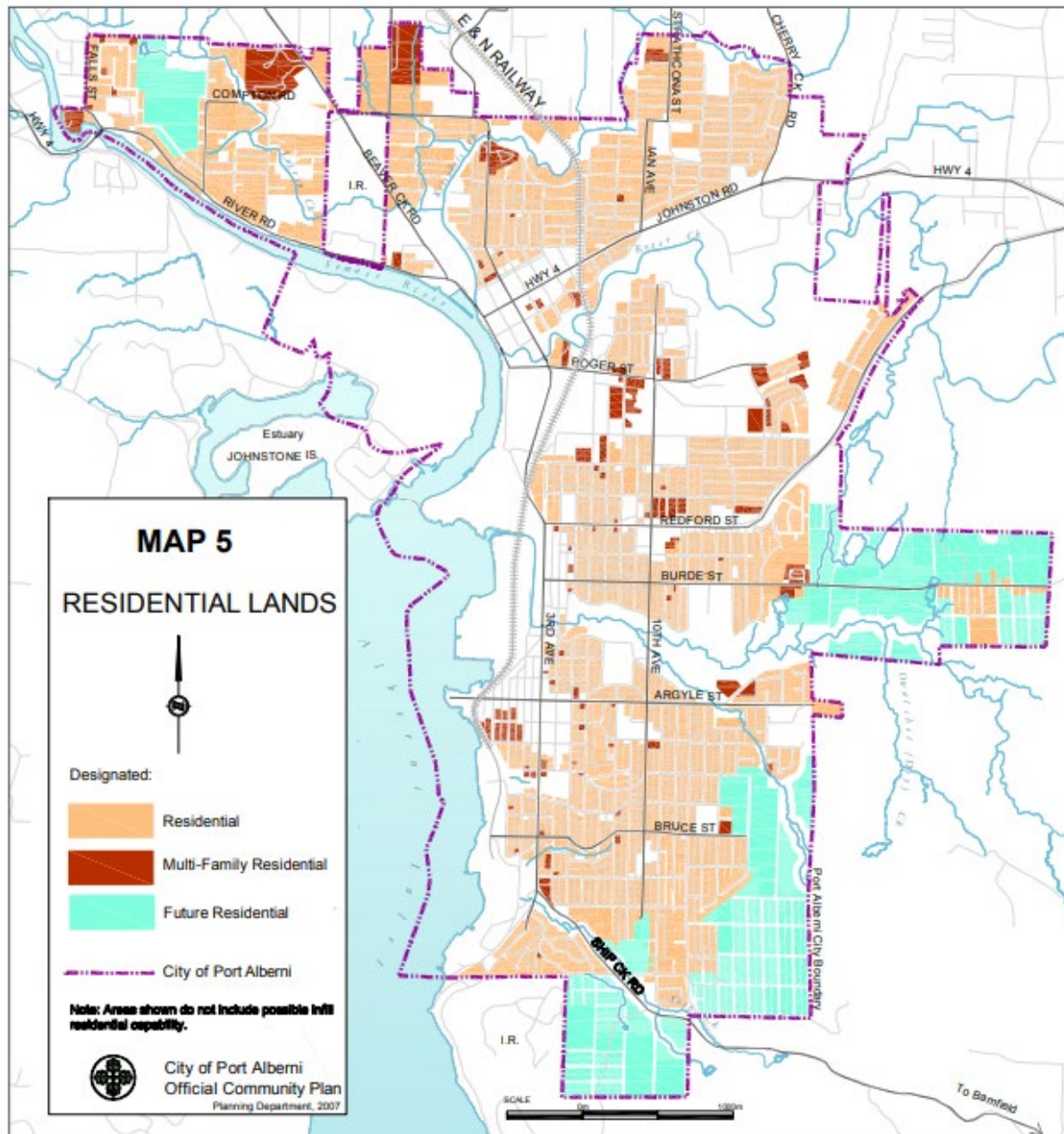
Current Zoning³



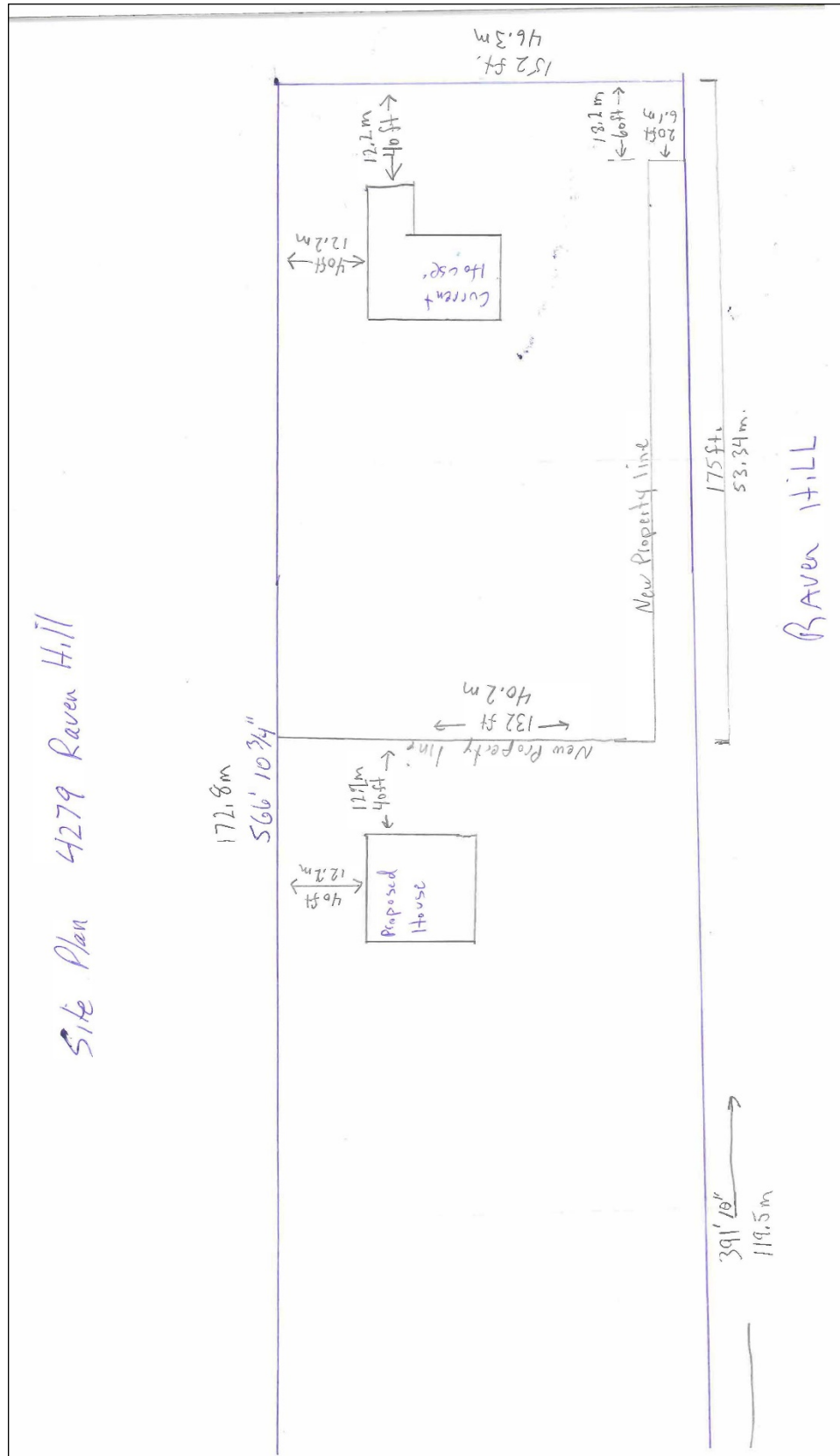
³ The entire parcel is zoned 'FD Future Residential'. The proposal is to rezone a portion of the lot to 'P2 Park and Recreation' zone (See area outlined in red dash line below) and to rezone the remainder of the lot to 'R1 Single Family Residential' zone.

OCP Map – Future Residential

Map 5: Future Residential



Conceptual Layout



P2 – PARKS AND RECREATION

- 5.32 The purpose of this *zone* is to preserve natural ravine areas, green belts and other areas deemed environmentally sensitive, to provide protection of the natural setting, ecological systems and aesthetic beauty of the City, and to establish and maintain areas for parks, recreation and community open spaces *uses*.

5.32.1 Permitted uses

Principal Uses

Assembly, cultural and recreational facility
Cemetery
Fairground
Fish hatchery
Forest management
Golf course
Natural Areas, Open Spaces and Parks
Public Parks and Playgrounds

Accessory Uses

Caretaker's dwelling unit, subject to
Section 6.16
Carnivals, Circuses, Exhibitions,
Horse, Dog and Pony Shows
Office
Picnic Area
Parking lot
Public Toilet

5.32.2 Site Development Regulations

| | | |
|------------------------------------|---------------------|--------------------------|
| Minimum Lot Area | 1000 m ² | (10764 ft ²) |
| Minimum Frontage | 30 m | (98.4 ft) |
| Maximum Coverage | 40% | |
| Minimum Setbacks: | | |
| Front yard | 6 m | (19.7 ft) |
| Rear yard | 9 m | (29.5 ft) |
| Side yard | 1.5 m | (4.9 ft) |
| Maximum Height, Principal Building | 8 m | (26.2 ft) |

R1 – SINGLE FAMILY RESIDENTIAL

5.11 The purpose of this zone is to establish and maintain quiet, low density neighbourhoods.

5.11.1 Permitted uses

Principal Uses

Single family dwelling

Accessory Uses

Bed and breakfast

Home occupation

Secondary suite

Supportive housing

5.11.2 Site Development Regulations

| | | |
|--|--------------------|----------------------|
| Minimum Lot Area | 600 m ² | 6458 ft ² |
| Minimum Frontage | 15 m | 49.2 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 dwelling units per lot | 2 | |

5.11.3 Conditions of Use

- (a) Notwithstanding the provisions of 5.11.2:
 - (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.