



To: Port Alberni Advisory Planning Commission

Ken McRae (Chair)	Chief Councillor Cynthia Dick (Tseshaht 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 Dione – (Alternate – R.C.M.P. Liaison)
Steven Tatoosh (Alternate – Hupacasath First Nation)
Darren Mead-Miller (Alternate – Tseshaht First Nation)
Clerks: Davina Hartwell, City Clerk; Twyla Slonski, Deputy City Clerk, Tanis Feltrin/Sara Darling
Tim Pley, CAO

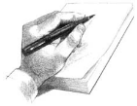
Date: May 19, 2020

Re: Advisory Planning Commission Meeting
Thursday, May 21, 2020 at 12:00 pm (via remote access)

A meeting of the Advisory Planning Commission has been scheduled for **Thursday, May 21, 2020 at 12:00 pm via Zoom**. Please see email notification for details regarding meeting access. If you have questions or are unable to attend please contact Katelyn McDougall (Tel: 250-720-2808 or email: Katelyn_McDougall@portalberni.ca) or Cara Foden (Tel: 250.720.2850 or email: cara_foden@portalberni.ca).

AGENDA

- 1. Acknowledgements** - This APC meeting is being held within the un-ceded traditional territories of the Hupačasath and the Tseshaht (č'íšaaʔath) First Nations
- 2. Minutes** of the May 8, 2020 meeting of the Advisory Planning Commission.
- 3. DEVELOPMENT APPLICATION:** Development Variance Permit
5200 Gertrude Street
Lot A, District Lot 12, Alberni District, Plan 29046 (PID: 001-440-861)
Applicant: E. Cherneski as agent for Dr. Heather Cherneski INC.
- 4. Status Update** – Manager of Planning
- 5. Other business**
- 6. Adjournment** - The next APC meeting is scheduled for **June 18, 2020**.



**Summary Report / Minutes of the Advisory Planning Commission Meeting
(Held on May 08, 2020
Via remote access through Zoom, at 9:00 a.m.)**

Commission Members Present

Ken McRae (Chair)
John Douglas (Vice-Chair)
Amy Anaka
Callan Noye
Stefanie Weber
Ed Francoeur
Jim Tatoosh, Hupačasath F.N.
Sgt. Clive Seabrook, R.C.M.P. Liaison
Councillor Deb Haggard (Council Liaison)

Guests

Members of the Public: None

Staff

Katelyn McDougall, Manager of Planning

Regrets

Chris Washington, S.D.70 Liaison
Cynthia Dick, Tseshah (č išaa?ath) F.N.
Rick Newberry, P.A.F.D. Liaison
Rob Gaudreault, Parks Liaison
Cara Foden, Planning Technician

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 išaa?ath) First Nations.
2. **MINUTES - Adoption of April 30, 2020 Minutes**

MOTIONS:

That the City of Port Alberni Advisory Planning Commission adopt the minutes of the April 30, 2020 regular meeting as amended.

(Francoeur / Douglas) CARRIED

3. **DEVELOPMENT APPLICATION:** Official Community Plan and Zoning Bylaw amendments *City Wide amendments respecting Cannabis Cultivation/Production and Processing*
 - The Manager of Planning presented a summary of the report dated April 24, 2020 regarding Cannabis Production facilities and proposed amendments to the Official Community Plan and Zoning bylaws to accommodate the land use within the City of Port Alberni.
 - APC discussed the proposed amendments and report as follows:
 - APC asked if the Port Authority had been asked for input and it was indicated that the Port Authority had not discussed the application.
 - APC asked if any applications had been received for a production facility. It is possible that a site on Mallory Drive, currently the subject of an application for OCP and Zoning bylaw amendments to facilitate Industrial use, may be a potential site. Federal government regulations would also apply if this is the case.

- Land in ALR – Comment was made that there may be regulations that could be applied to ALR lands and consideration could be given to including regulations that would apply for ALR land within the City. The City cannot prohibit production on ALR lands however there could be some regulation applied. There is a small amount of land within the City that is in the ALR.
- There was discussion regarding whether specific numbers would be proposed for buffer distances and setbacks. If none are proposed then current setbacks in zones would be used and particularly if there would be specific setbacks from schools and Daycare Centre's.
- APC asked if Parks and Playgrounds should be added to the statement regarding 300m from schools and daycares and the Manager of Planning noted that the City has a lot of recreational parks and playground facilities. It was thought that it might be prohibitive to ensuring that there were possibilities for Cannabis production facilities if there were a 300m buffer on all parks and playgrounds.
- The Manager of Planning commented that she did not feel there was clear support for increasing setbacks beyond those already in the current zones that would be amended.
- When APC members asked whether there were buffers in place for Liquor Stores and Breweries it was noted that the requirement for buffers had been removed for approved Cannabis retail stores.
- Current M1 setbacks and lot coverage were clarified and noted for discussion. The Manager of Planning indicated that she had reviewed the requirements in other communities including Squamish when looking at setbacks adjacent to residential uses.
- Proposed hours of operation were clarified. Other municipalities reportedly use a similar timeframe.
- RCMP commented that there are a number of licensed grow operations that have been grandfathered under former medical marijuana access regulations (respecting 300 m buffer) so it is possible that when permitting a new production facility that it might be situated beside an existing operation. Health Canada does not provide a list of these facilities. The City could consider requesting information from Health Canada that would permit the vetting of proposed facilities. Buffering cannabis production facilities from one another could restrict newer facilities of higher quality. All grow operations are 24/7 operations. No issues are anticipated in limiting the hours of operation as most equipment is on timers.
- Port Alberni has a lot of Industrial land that is located close to Residential land and the City should be prepared for pushback from the community and proceed carefully and cautiously.

MOTIONS:

1. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the recommendations presented by the Manager of Planning be endorsed and that City Council proceed with the proposed amendments to the Official Community Plan and Zoning bylaws to introduce Cannabis Production Facilities as a permitted use.*

(Douglas / Francoeur) CARRIED


4. **UPDATE:** No update provided at this time.

5. **OTHER BUSINESS**

- No other business. Members wished a Happy Birthday to Chair Ken McRae.

6. **ADJOURNMENT** – The meeting adjourned at 9:40 am. The next meeting is scheduled for 12:00 pm on **May 21 30, 2020**.

(Francoeur / Tatoosh) CARRIED



Ken McRae (Chair)



CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Katelyn McDougall, Manager of Planning

DATE: May 18, 2020

SUBJECT: DEVELOPMENT APPLICATION - Development Variance Permit
5200 Gertrude Street - Lot A, District Lot 12, Alberni District, Plan 29046
(PID: 001-440-861)
Applicant: E. Cherneski as agent for Dr. Heather Cherneski INC.

ISSUE

At issue is the consideration of an application for Development Variance Permit (DVP) No. 101 for 5200 Gertrude Street. The applicant is seeking relief from the Zoning Bylaw parking regulations as it applies to multi-family developments.

BACKGROUND

The subject property is home to the Creekside Apartment complex. Two existing multi-family residential buildings are located on site, which provide a total number of 18 residential units. The applicant is proposing to construct one additional building with 8 rental units. A parking variance has been requested as the additional dwelling units will increase the amount of parking spaces needed on site but in order for the site to physically accommodate the new building some parking spaces will be lost (see the attached site plan for details).

The property is designated 'Multi-Family Residential' on the Official Community Plan map, and located within in Development Permit Area No.1 (Multi-family Residential). The property is zoned as 'RM1 – Low Density Multiple Family Residential'.

The subject property is a large, irregular shaped lot that is approximately 48,800 sqft in size. It is located on the north side of the city in an area that is predominately single family residential in character, although some multi-family developments are clustered near the subject property. There are many recreational amenities in the area, including pedestrian walkways and bike paths. The property is in close proximity to schools and commercial areas.

A Development Permit must be obtained by the applicant for the proposed residential building and site plan. While it is possible for the City to consider a Development Permit and Development Variance Permit concurrently, the applicant is pursuing the variance first in order to have some assurance that they will be able to move forward their plans for the site.

DISCUSSION

Parking

The parking variance has been requested to reduce the required minimum number of parking spaces to be provided per dwelling unit to allow for an increase to the number of residential units on site.

Under *Section 7.9 Required Amount of Parking*, the Zoning Bylaw stipulates that for multi-family dwellings 1.25 parking spaces must be provided for every one dwelling unit. Under the existing regulations adding 8 more dwelling units to the property would require an additional 10 parking spaces. This would be a total of 33 parking stalls for 26 dwelling units, at 1.25 stalls/dwelling unit.

The applicant is looking to vary the parking requirement from 1.25 to 1.08 parking stalls per unit for this site, decreasing the amount of parking from 33 to 28 parking spaces. A total variance of 0.17 stalls per unit (spu) is requested. The total reduction will generate a loss of 5 parking stalls. The attached site plan shows the reconfigured parking lot. The site plan indicates that a total of 28 parking spaces will be provided, including 24 regular sized stalls, 3 small car stalls, and 1 accessible 'handicapped' stall. Scooter and bicycle parking will also be provided on site.

Proposed # of Dwelling Units	Parking Required (@1.25 spaces/unit)	Proposed Variance (@ 1.08 spaces/unit)
26 units	33 spaces	28 spaces

Many other cities have begun rethinking parking requirements, as there are different circumstances where a one-size-fits-all requirement is ineffective. Some municipalities have adopted policy guidelines to evaluate the merits of a parking variance (see City of Nanaimo's guidelines attached). The City of Port Alberni does not have such a policy in place, but as the city continues to grow and densify it would be sensible to develop a set of guidelines. In the absence of such guidelines, the following rationale has been developed in support of the proposed parking variance:

1. Residential parking requirements aim to ensure that residents have a dedicated place for their vehicles without creating negative spillover effects on public parking in the surrounding area. The property owner has explained that the parking lot is already underutilized, as many of the current tenants don't have vehicles. The proposed variance would still provide at least one parking space for each dwelling unit. The need for additional on-site visitor and guest parking is mitigated by the public parking available on Gertrude Street.
2. The subject property is located in a central area of the city near transit routes, bike lanes, and pedestrian pathways. The Travel Time Map (attached) indicates that the property is less than a 20-minute walk to the Johnston Road commercial area. Residents who choose to live in this area of the city may have less of a need for a vehicle because of the proximity to such amenities.
3. Minimum parking requirements that go beyond what is needed encourage higher rates of car ownership and driving, which increase congestion and pollution. This is against several strategic policy objectives in the Official Community Plan.

4. The property owner has indicated that there is excess parking on site. Encouraging infill development and better utilizing land helps reduce sprawl and is good land use planning. By reducing parking requirements, it will help lower costs for the owner and free up land for additional housing units, which in turn can help reduce the cost of housing for those residents.

CONCLUSION

For the subject property, 5200 Gertrude Street, the property owner has requested to vary the parking requirement from 1.25 to 1.08 parking spaces per unit for the purpose of adding 8 additional dwelling units to this multi-family site.

With regards to the subject property there are specific conditions in place that help justify a parking variance. These include the central location of the site, access to alternative modes of transportation, additional bike and scooter parking being provided, and access to public parking on Gertrude Street for guests and visitors. It is not anticipated that the variance will result in negative spillover effects on public parking in the surrounding area.

The Planning Department supports the proposed Development Variance Permit for 5200 Gertrude Street. If the Advisory Planning Commission also supports the proposed variance then staff will proceed with giving public notice and bringing a summary report to Council for consideration.

RECOMMENDATIONS

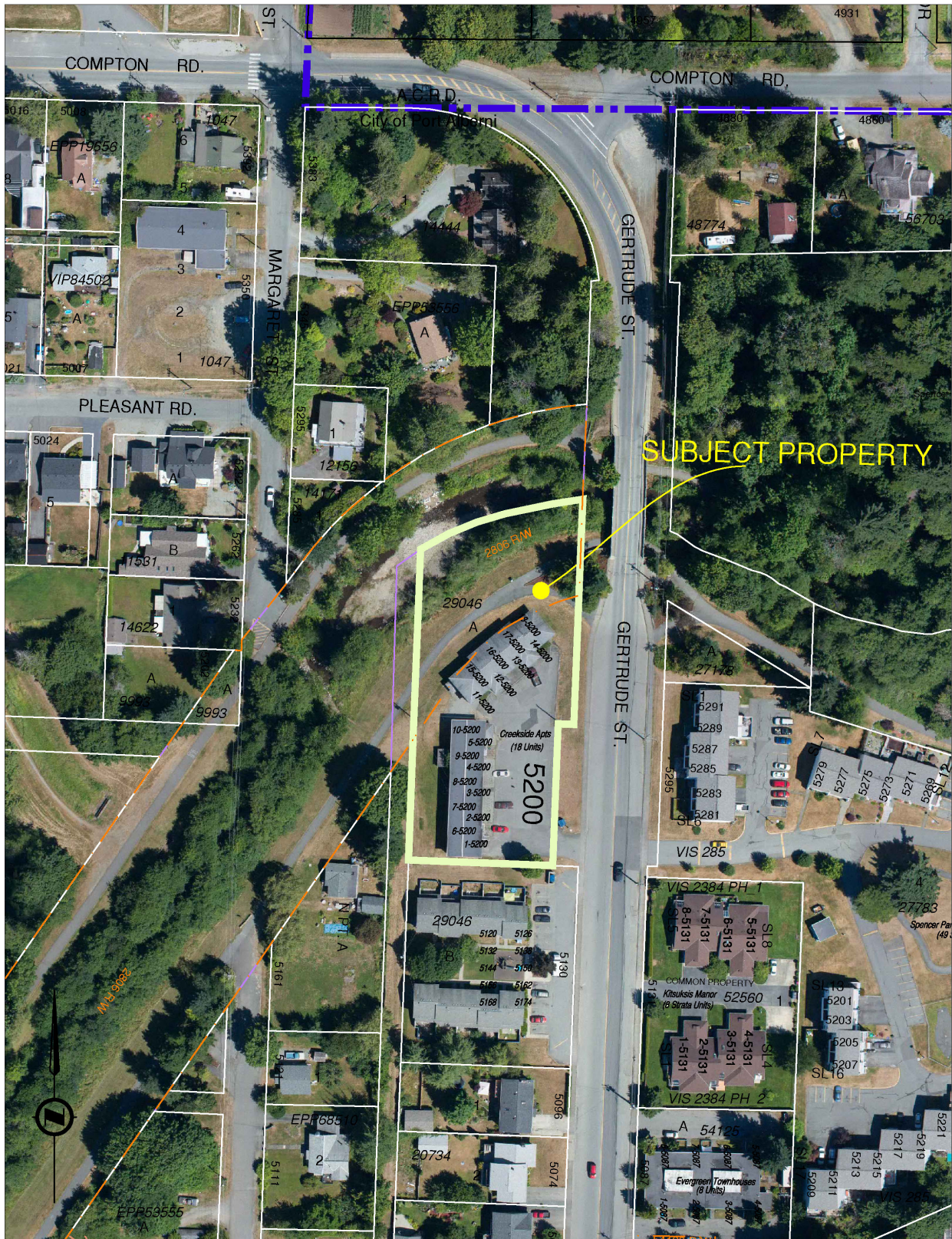
1. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with the necessary Development Variance Permit to vary Zoning Bylaw 4832 as follows:*
 - a) *Vary Section 7.9 Required Amount of Parking regulations from 33 parking spaces to 28 parking spaces, a variance of 5 parking spaces, for the property located at 5200 Gertrude Street and legally described as Lot A, District Lot 12, Alberni District, Plan 29046 (PID: 001-440-861).*

Respectfully submitted,

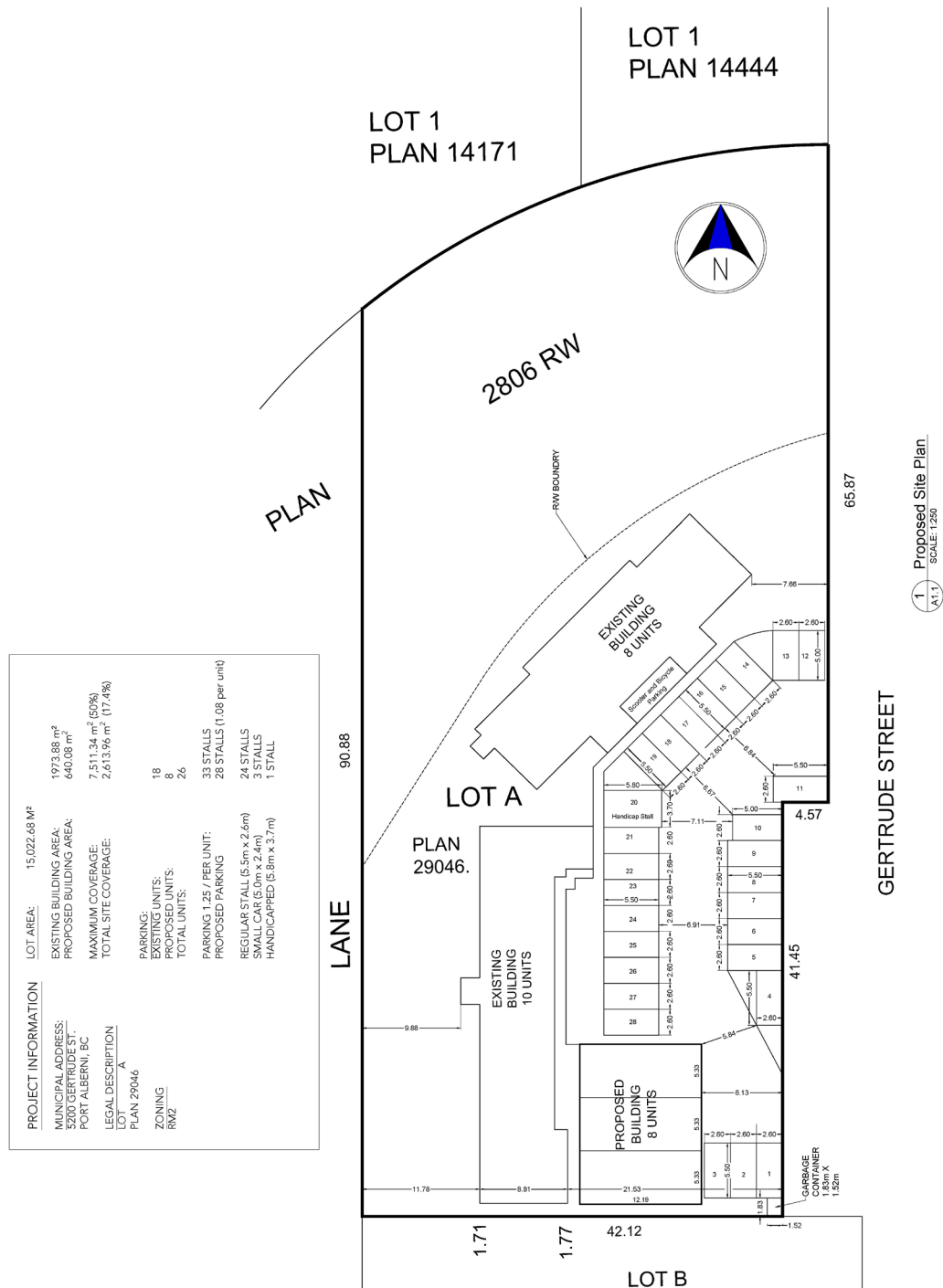


Katelyn McDougall, M.Urb
Manager of Planning

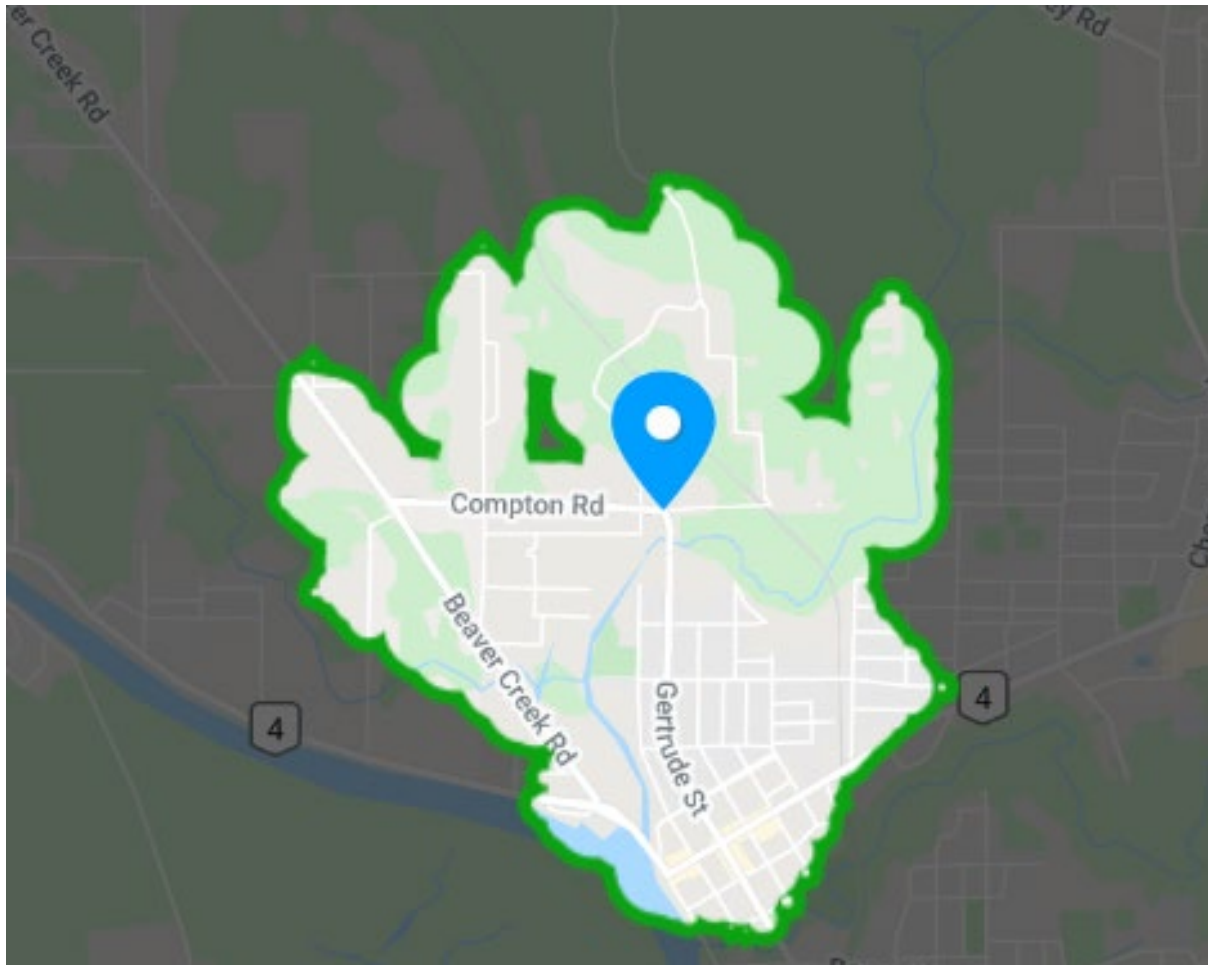
SUBJECT PROPERTY – 5200 Gertrude Street



	DRAFTING YOUR DESIGN		
Pkg. #0-83-56905 1000 - 10th Avenue West Coquitlam, BC V3K 7Y1 THE CITY OF VANCOUVER			
Revisions:			
1.	Sent for Review	11/12/19	Date
2.	Revised	2/10/20	
Project:			
5200 Gertrude St. Port Alberni British Columbia			
Drawing Title:			
Proposed Site Plan			
Scale: 1 : 250			
Checked by J.D.			
File #:			
Date: Feb 27, 2020			
Sheet #:			
A1.1			



**TRAVEL TIME MAP
20 MINUTE WALK DISTANCE FROM SUBJECT PROPERTY**



CITY OF NANAIMO - POLICY FOR CONSIDERATION OF A PARKING VARIANCE

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CITY OF NANAIMO POLICY FOR CONSIDERATION OF A PARKING VARIANCE

Where an applicant wishes to provide less parking than the amount of parking required by the City of Nanaimo Off-Street Parking Bylaw 7266, the following considerations shall be used to evaluate the variance request.

SECTION 1- DEFINITIONS

Definitions

Car Share Organization – means a legal entity whose principal business objective is to provide its members, for a fee, with a car-sharing service by which such members have access to a fleet of car share vehicles which they may reserve for use on an hourly basis, and does not include a car rental agency or a developer/strata owned car share.

Car Share Vehicle - means a four-wheeled automobile owned and operated by a car share organization and available at a pre-determined location.

SECTION 2- VARIANCE EVALUATION CRITERIA

1. Proposed Development Rationale

The application should demonstrate the proposed variance is supported by the following land use justifications:

- a. Compliance with the bylaw requirements would unreasonably constrain or hinder development which is otherwise permitted on the property. The applicant should demonstrate unique site conditions, such as property size, location, shape, natural features or topography on the property and how strict application of the parking bylaw requirements would result in unreasonable constraint.
- b. There is a net benefit to the community, environment and/ or immediate area that would be achieved through the variance approval. The applicant should demonstrate the proposed variance would benefit the community and meets the goals and objectives of the Official Community Plan (OCP) and Nanaimo Transportation Master Plan (NTMP).
- c. The proposed variance will result in a development that is consistent with the City's development guidelines, any applicable neighbourhood plan and meets the character of surrounding land uses.
- d. The applicant has discussed the variance with surrounding property owners, residents and the relevant neighbourhood association.

2. Location

The following location criteria should be used to evaluate parking variance requests:

- a. The subject property is located within a mobility hub or mobility hub buffer as included within the NMTP.
- b. The subject property located immediately adjacent to a Frequent Transit Network (Short Term) or Rapid Bus Transit Corridor (Short Term) as identified within the NMTP.
- c. On-street parking for commercial use is immediately adjacent of the subject property.
- d. There are other opportunities for parking on adjacent properties. The developer has entered into a shared parking agreement (covenant and easement) which permits additional parking for the proposed development on a nearby lot.
- e. The proposed development is mixed use and there are opportunities to share parking between two or more uses on the property that have different peak parking hours.

3. Parking Study

Where the proposed development is requesting a parking variance greater than 15% of the required parking or 8 more parking spaces would otherwise be required, whichever is greater, a parking study must be prepared by a professional traffic consultant. The study will be referred to the Manager of Transportation engineering for review.

4. Car Share

If a parking variance is required, and the applicant is proposing to support car share as part of the variance rationale, the applicant must provide evidence that the proposal will result in a satisfactory parking scenario. The applicant may choose to support a car share organization through the purchase of a car share vehicle and/or subsidizing car memberships for tenants within the proposed development. Any proposal to support a car share organization in exchange for a parking variance must be accepted by a recognized car share organization. A copy of a formal written agreement between the property owner and the car share organization will be required as part of the variance application. All funds will be directed to a recognized car share organization as approved by the applicant and the City of Nanaimo.

A variance to the parking requirement based on the inclusion of a car share vehicle or memberships shall be supported primarily within the Mobility Hub designated areas within the Transportation Master Plan and may be considered within areas designated as Urban Node, Commercial Centre or Corridor within the Official Community Plan.

The following options to support a car share organization may be considered:

A – Subsidized Car Share Memberships

Where the applicant purchases a membership share(s) to a recognized car share at a one time cost of \$750 per individual membership for the exclusive use of tenants of the subject property a parking reduction will be available as described in 'Table 1- Parking Reduction per Subsidized

Membership'. The developer and car share provider shall enter into a covenant requiring that the memberships be made exclusively available to building tenants for a minimum period of ten years. A variance will not be supported where the car share vehicle is located more than 800m of the subject property.

Table 1 - Parking Reduction per Subsidized Membership

Distance to Nearest Car Share Vehicle	Required Parking Reductions
Less than 400m	0.10 spaces/membership
400 - 600m	0.08 spaces/membership
600 - 800m	0.06 spaces/membership
Greater than 800m	Variance application not supported.

B – Car Share Vehicle Purchase

Where a car share vehicle is desired within the area by recognized car share organization and a car share vehicle is made available within a multiple family development, the vehicle and associated parking space (on or off site) may be substituted for up to 4 off-street multiple family residential parking spaces, provided the following conditions are met:

- i. The proposed development includes a minimum of 60 multiple family dwelling units for each proposed car share vehicle. Where developments are phased; units from previous phases may be considered as part of the total.
- ii. The applicant provides a contribution to an approved car share provider covering the initial vehicle purchase and initial 5 year operating costs as described within Table 2 – Vehicle Purchase Costs. Operating expenses (marketing, repair, insurance) vary by the location with a greater subsidy required in areas of lower car share potential.
- iii. The car share operator and developer agree by covenant to locate a car within the development site for a minimum of 5 years. The City of Nanaimo must be party to this covenant.
- iv. The applicant provides a publicly accessible parking space with way-finding signage from the public street.
- v. Notwithstanding the above, where on street parking is available the vehicle may be located within an on-street location within 100m of the subject property, where approved by the City of Nanaimo Transportation Engineering Department.
- vi. The parking requirements for the site will be reduced at a rate of 4 parking spaces inclusive of the car share parking space if provided on site.
- vii. The car share operator provides 35 subsidized memberships for residents of the site for 5 years, based on the one time price of \$750 per membership.

Table 2 - Vehicle Purchase Costs

The following table includes the vehicle purchase cost and operating subsidy required based on the location of the subject property with respect to the City of Nanaimo Off-Street Parking Bylaw Multiple Family Dwelling Parking Requirement Map (Schedule 'A' of the Off Street Parking Bylaw 7266)

<i>Multiple Family Parking Area</i>	<i>Vehicle Purchase Cost</i>	<i>Operating Subsidy (for first 5 years)</i>	<i>Total Vehicle Cost</i>
5	\$25,000	\$4,500 (30%)	\$29,500
4	\$25,000	\$6,000 (40%)	\$31,000
3	\$25,000	\$8,250 (55%)	\$33,250
2	Not Supported		
1	Not Supported		