



To: Port Alberni Advisory Planning Commission

Ken McRae (Chair)
Ed Francoeur (Vice-Chair)
Amy Anaka
Jolleen Dick (Hupačasath Nation)
Stefanie Weber
Callan Noye
Joe McQuaid

Ken Watts (Tseshah First Nation)
Chris Washington - (SD #70)
Sgt. Peter Dionne, (R.C.M.P. Liaison)
Andre Guerin (P.A.F.D. Liaison)
Councillor Deb Haggard (Council Liaison)
Amy Needham (Parks Operations Liaison)

From: Scott Smith, Director of Development Services/Deputy CAO

Copy: Larry Ransom - (Alternate - School District #70)
Natasha Marshall, Les Sam (Alternate - Tseshah (č išaaʔath) First Nation)
Roger Nopper (Alternate - Hupačasath First Nation)
Councillor Helen Poon - (Alternate - Council Liaison)
Clerk's Dept.: Twyla Slonski, Sara Darling, Tanis Feltrin, Annie O'Connor
City Staff: Brian McLoughlin, Price Leurebourg, Cara Foden. Tim Pley

Date: August 24, 2021

Re: Advisory Planning Commission Meeting
Thursday, September 2, 2021 at 12:00 pm (via Zoom remote access)

A meeting of the Advisory Planning Commission has been scheduled for **Thursday, September 2, 2021** at 12:00 pm via Zoom. A notice will be sent via email providing details for accessing the online meeting electronically via Zoom. If you have questions or are unable to attend please contact Brian McLoughlin (Tel: 250-720-2806 / email: brian_mcloughlin@portalberni.ca) or Cara Foden (Tel: 250.720.2850 / email: 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 15, 2021 meeting of the Advisory Planning Commission.
3. **DEVELOPMENT APPLICATION** – Amendments to Official Community Plan and Zoning Bylaw
5405 Argyle Street
Lot A, District Lots 1 and 118, Alberni District, Plan VIP13074. (PID: 003-925-536)
Applicant: B. Toor dba Parmtronics Marine Ltd. Inc. No. BC 0419343
4. **Status Update** – Director of Development Services/Deputy CAO
5. **Other business**
6. **Adjournment** - The next regular APC meeting is scheduled for **September 16, 2021**.



Summary Report / Minutes of the Advisory Planning Commission Meeting (Held on July 15, 2021)

Via remote access through Zoom software platform, at 12:00 p.m.)

Commission Members Present

Ken McRae (Chair)
Stefanie Weber
Amy Anaka
Joe McQuaid
Ken Watts, CEO Tseshah (č išaa?ath) F. N.
Jolleen Dick, Councillor, Hupačasath F.N.
Chris Washington, S.D.70 Liaison

Councillor Deb Haggard, Council Liaison
Peter Dionne, R.C.M.P. Liaison
Andre Guerin, P.A.F.D. Liaison
Amy Needham, Parks Operations Liaison

Regrets

Callan Noye
Ed Francoeur (Vice-Chair)

Staff

Scott Smith, Dir. of Dev. Services/Deputy CAO
Brian McLoughlin, Development Planner
Price Leurebourg, Development Planner
Cara Foden, Planning Technician

Guests

Members of the Public: None
Applicant: Colin Evans

Alternates (not in attendance)

Larry Ransom (Alt. – S.D.70)
Councillor Helen Poon (Alt. – Council)
C. Anderson/M. Bigmore, (Alt. – Tseshah (č išaa?ath) F.N.)
Roger Nopper CEO, (Alt. - Hupačasath 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.
- Welcome to new members and introductions. Scott introduced the City's new Development Planner Price Leurebourg

2. Minutes - Adoption of April 15, 2021 Minutes

Motion:

That the City of Port Alberni Advisory Planning Commission adopt the minutes of the April 15, 2021 regular meeting.

(McRae) CARRIED

3. DEVELOPMENT APPLICATION: Proposed Official Community Plan bylaw and Zoning Bylaw Amendments

4905 Cherry Creek Rd.

*Strata Lots 1-5, District Lot 14, Alberni District, Strata Plan EPS6042 Together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V (PID's: Strata **Lot 1** - 031-008-925, Strata **Lot 2** - 031-008-933, Strata **Lot 3** - 031-008-941, Strata **Lot 4** - 031-008-950, Strata **Lot 5** - 031-008-968); and Lot 1, District Lot 14, Alberni District, Plan EPP85811 Except Plan EPS6042 (Phase 1)*

Applicants: Colin Evans and Christine Evans dba Coastal Porting Enterprises Ltd., and Kristi Wolff dba Wolff Holdings Ltd. BC1139118

- The Director of Development Services summarized his report dated July 7, 2021.
- APC discussed the proposed amendments and report as follows:
 - The applicant gave a statement indicating that the demand for commercial space was exceeding the demand for Industrial space on his property and also indicated that the ability for a Micro-Brewery/Distillery to provide for on-site consumption was a factor that the C3 zone would support.
 - It was noted that the OCP is a fluid document and support for the change was indicated. The market is dictating that the applicant pursue commercial zoning.
 - Concern about reducing land for industrial uses was noted however current commercial buildings would not suffice for the intended purposes and interests. Don't want to discourage investment.
 - The C3 zone does maintain some light industrial options and the change of zone on the existing buildings will not impact any of the current tenants. All existing tenants are already compliant with the permitted uses in the C3 zone.
 - Provincial licensing process and requirements were discussed. Applicant advised the tenant had already applied for their license.
 - The current development is a credit to the developer and has been done well. It is good to see the site being developed.

Motions:

1. *That the Advisory Planning Commission recommend to City Council that the City proceed with the following bylaw amendments for Strata Lots 1-5, District Lot 14, Alberni District, Strata Plan EPS6042 Together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V (PID's: Strata **Lot 1** - 031-008-925, Strata **Lot 2** - 031-008-933, Strata **Lot 3** - 031-008-941 Strata **Lot 4** - 031-008-950, Strata **Lot 5** - 031-008-968); **and** Lot 1, District Lot 14, Alberni District, Plan EPP85811 Except Plan EPS6042 (Phase 1) all located at **4905 Cherry Creek Road**:*
 - a) *Amend the Official Community Plan Schedule A Land Use Map from Industrial to **General Commercial**.*
 - b) *Amend the Official Community Plan Schedule B Development Permit Area Map from Development Permit Area No. 3 (Industrial) to **Development Permit Areas No. 2 (Commercial)**.*
 - c) *Amend Schedule A Zoning Bylaw Map from M1 – Light Industrial to **C3 – Service Commercial**.*
 - d) *Amend the text of Zoning Bylaw 4832, Section 4 Definitions to provide for the production of spirits and cider within the definition of a 'Microbrewery'.*

(Washington / Anaka) CARRIED

4. STATUS UPDATE:

The Director of Development Services updated the APC with respect to the following:

- OCP/ZON amendments adopted - Kendall St, BC Housing/Huu-ay-aht F.N.
- OCP/ ZON amendments adopted - Ravenhill (Jaenicke). PLR Subdivision issued.
- ZON amendment – Quality Foods – Council considering adoption on July 26/21
- 8th Avenue Childcare Centre update.
- OCP Review - RFP in progress and hope to issue in August.
- Carriage Homes, Short Term Rentals, Secondary Suites – Consultant will be hired.
- RFP for city owned land at 15th Avenue and Montrose Street – OCP/ZON amendments will be needed. (APC asked questions about the timber values, bylaw amendments, social and environmental interests)
- RFP for city owned land on 10th Avenue– OCP/ZON amendments will be needed
- City has given notice of expropriation on the Somass Mill, and adjacent parking lot, owned by Western Forest Products.
- A Level 2 Building Inspector has been hired by the City and will start in August.

5. OTHER BUSINESS - None

6. ADJOURNMENT – The meeting adjourned at 12:30 pm. The next meeting is scheduled for 12:00 pm on **August 19, 2021.**

(Weber / McQuaid) CARRIED

Ken McRae (Chair)



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CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO THE ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Brian McLoughlin, Development Planner

DATE: August 19, 2021

SUBJECT: DEVELOPMENT APPLICATION – Proposed Zoning Bylaw Amendment
5405 Argyle Street
(Lot A, District Lots 1 and 118, Alberni District, Plan VIP13074. PID: 003-925-536)
Applicant: Bobby Toor dba Parmtronics Marine Inc.

RECOMMENDATION

THAT the Advisory Planning Commission recommends to City Council:

- a) The following site-specific 'Personal Service' uses be added to the W1-Waterfront Commercial zone for the property at 5405 Argyle Street: Barber, Beauty Shop, Salon, Spa;*
- b) 'Residential Above Commercial' be added to the W1-Waterfront Commercial zone as a site-specific use for the property at 5405 Argyle Street;*
- c) Prior to Final Adoption of the amending Bylaw the owner of 5405 Argyle Street be required to enter an agreement with the City for management of residential street parking.*

ALTERNATIVES/OPTIONS

The Development Services Department supports Option #2.

1. Recommend to Council that the City proceed with the bylaw amendment.
2. Recommend to Council that the City proceed with adding the following 'Personal Service' uses to the property: *Barber, Beauty Shop, Salon, Spa*. And that 'Residential Above Commercial' be added as an accessory use, subject to the property owner entering agreement with the City for management of residential street parking.
3. Recommend to Council that the City not proceed with the bylaw amendment as written, and request the applicant revise their application before proceeding.
4. Recommend that Council not proceed with the bylaw amendment.

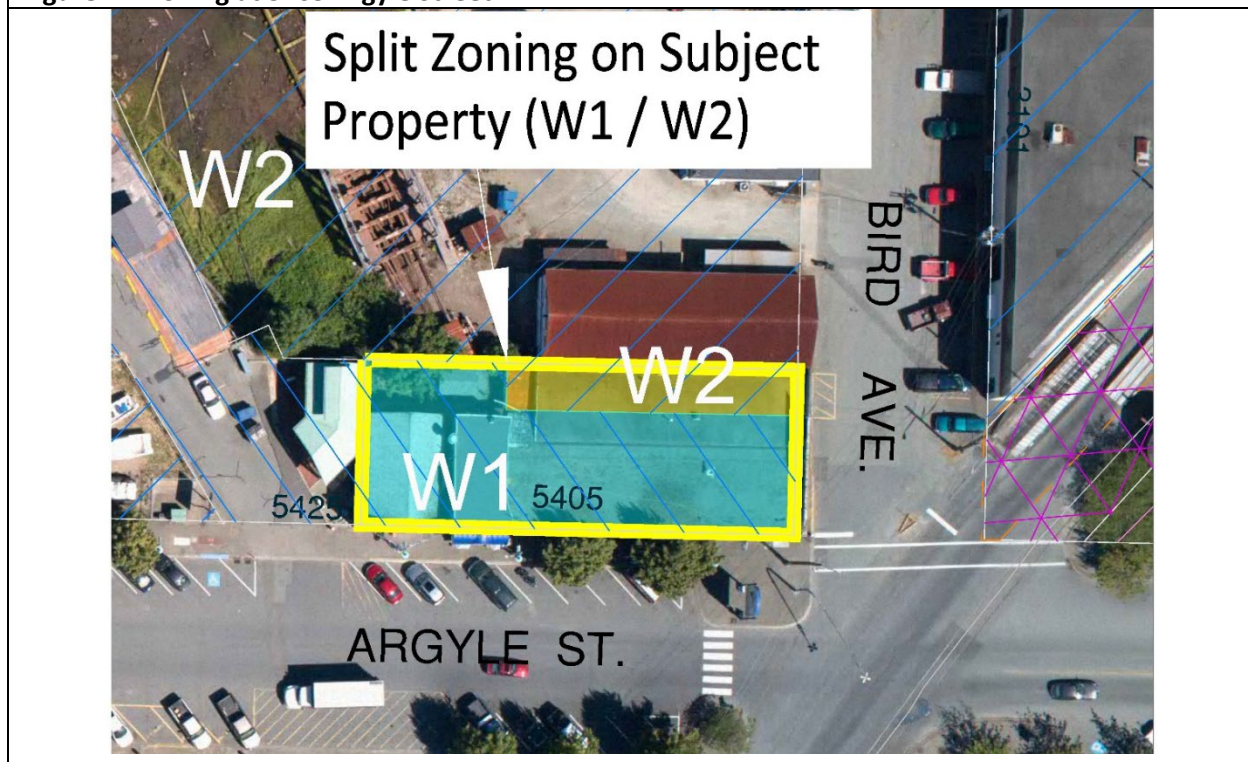
ISSUE

The City has received an application to amend the Zoning Bylaw to add additional commercial and residential uses to the *W1-Waterfront Commercial* zone at 5405 Argyle Street.

BACKGROUND

The subject property is located at the corner of Argyle Street and Bird Avenue at the entrance to Harbour Quay, and two commercial buildings are oriented east to west on the property. The parcel is split-zoned, meaning it has different zones on different areas of the property. The southern portion of the parcel facing Argyle Street is zoned *W1-Waterfront Commercial*, while the northern portion fronting onto Bird Avenue is zoned *W2-Waterfront Industrial*.

Figure 1 – Zoning at 5405 Argyle Street



The commercial building contains a variety of business uses including a restaurant, offices, and retail, though some of the units are currently vacant. The doors of the commercial building exit onto Argyle Street. The second storey of the building also contains an apartment/suite formerly used by the Longshoremen. City of Port Alberni records list the following Business Licenses active or pending at 5405 Argyle Street:

Table 1 – Business Licenses currently issued or pending at 5405 Argyle Street.		
Unit 102	Parmtronics Marine Limited (Marine Electronics Sales and Services)	Active Permit
Unit 104	Pinto Goods and Refillery (Retail)	Pending Permit
Unit 108	23 Hour Club (Retail)	Active Permit
Unit 112	No Information	No License Issued

Unit 116	No Information	No License Issued
Unit 120	Blue Door Café (Restaurant)	Active Permit
Unit 124	Trans-Pacific Trading Ltd (Office)	Active Permit <i>[subject to Temporary Use Permit]</i>

The portion of the property zoned *W2-Waterfront Industrial* is not included in the rezoning application. However, for context, the industrial portion of the property is occupied by a garage-like storage building for boats or other marine equipment, and a business license for Parmtronics Marine Ltd is registered to this space. There are no off-street parking spaces at the subject property. All parking is located on Argyle street in front of the commercial building. Angle parking on Argyle Street is the only parking available at this location.

Proposed Zoning Bylaw Text Amendment

The applicant is requesting that additional uses be permitted on the *W1-Waterfront Commercial* portion of the property at 5405 Argyle Street. This would be accomplished through a site-specific text amendment to the *W1 Waterfront Commercial* zone that would affect only this property. Table 2, lists the uses the applicant is requesting be added to the W1 zone at 5405 Argyle Street along with clarification on how these uses are defined in the Zoning Bylaw:

Table 2 – Requested Uses and Definitions		
Use	Type	Definition (Zoning Bylaw)
PERSONAL SERVICE	<i>Principal</i>	<p><i>“Personal Service means establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services usually include the following: dry cleaning, laundry, including cleaning and pressing service, linen supply, diaper service, beauty shops, barbershops, shoe repair, funeral home, steam baths, fitness centres, reducing salons and health clubs, clothing rental, locker rental, porter service, and domestic services. Can include animal grooming services”.</i></p> <p><i>*Health clinics, including chiropractic, are not considered to be Personal Service. As primary health care providers they are regulated as Medical Service under the Zoning Bylaw.</i></p>
OFFICE	<i>Principal</i>	<i>“Office means the use of a room or group of rooms within a building to conduct the affairs of a business, profession, service, industry, or government”.</i>
RESIDENTIAL ABOVE COMMERCIAL	<i>Accessory</i>	Is defined in the <i>Conditions of Use</i> in section 5.24.3 of the Zoning Bylaw. In mixed-use residential and commercial buildings, residential uses shall be located above the first storey. A separate entrance is required for the dwelling units, along with 0.5 parking spaces each.

Adding the above uses would require the following text amendment to the Zoning Bylaw:

- a) Amend the text of the Zoning Bylaw by adding the following text to the W1-Waterfront Commercial Zone as section 5.33.4 *Site Specific Uses*.

5.33.4 Site Specific Uses

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

<u>Principal Use</u>	<u>Accessory Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
Office, Personal Service	Residential above commercial	5405 Argyle St.	Lot A, District Lots 1 and 118, Alberni District, Plan VIP13074.

Temporary Use Permit for Offices at 5405 Argyle Street

In 2018, City Council approved a Temporary Use Permit for 5405 Argyle Street to allow offices as a *principal use* within three units of the building (Unit A, 116, and 124). Temporary Use Permits are granted to allow temporary relief from the requirements of the Zoning Bylaw, and are often used to provide owners an opportunity to transition away from non-compliant land uses on their property.

The Temporary Use Permit (TUP-18-01) approved for offices at 5054 Argyle Street will expire on August 22, 2021. Under the Local Government Act, Temporary Use Permits may only be renewed once, for up to an additional three years. The applicant has not applied to the City to renew the Temporary Use Permit, but has instead applied to rezone the property to make offices a permanent *principal use*, along with the other uses that have been requested.

Without the Temporary Use Permit, offices are not permitted as a *principal use* in the *W1-Waterfront Commercial* zone, though they are permitted as an *accessory use*. This means that under the Zoning Bylaw, an office may only exist in the W1 zone if it is used to conduct business of another use within the building. For example, if a retail store needed office space for managing their operations.

Official Community Plan (OCP) Policy

The OCP sets the policy direction for the City regarding the designation and regulation of commercial lands, including the Southport neighbourhood and the waterfront. Similar to all commercial properties at Harbour Quay, the parcel at 5405 Argyle Street is designated as *General Commercial (GCO)* on the OCP *Schedule "A" Land Use* map.

The following policy items from *Section D – Part 5.2 Southport (Within the General Commercial (GCO) Designation)* outline the vision for Southport and Harbour Quay as a destination for visitors and residents that has a recognizably distinctive character within the community.

(2) The role of Southport as a primary shopping, tourist, cultural, residential and social node with a distinctive sense of place is supported...

(4) Together with the restored E & N railway station at the entrance of the Harbour Quay, this area of the community has evolved as a major focal point. Adjacent development that capitalizes on this location by building on the distinctive character of this enclave is encouraged. This can include mixed used developments or niche development such as destination hotels.

OCP policy also supports residential dwellings above commercial units in Southport as a means of creating a vibrant and attractive neighbourhood:

(7) Densification of Southport with residential above ground floor commercial is supported in an effort to provide different forms of housing, increase vibrancy in the area, and enhance the area as a people place...

The OCP also states that the City should continue to support marine-based activity at Harbour Quay through a balanced mix of uses:

(8) The City supports the continued use of the harbour as a “working harbour” but will seek to achieve a balance between commercial/ industrial and public uses.

Zoning Regulations (Zoning Bylaw No. 4832, 2014)

The *W1-Waterfront Commercial* zone exists only at Harbour Quay and the Clutesi Haven Marina. The W1 zone currently permits the tourist, public, and marine-oriented activities listed in *Table 3*. The permitted uses of the *W1- Waterfront Commercial* zone match the uses identified for Harbour Quay in the *Port Alberni Shoreline Master Plan*. City records indicate the W1 zone has been in the Port Alberni Zoning Bylaw since at least 1996, though policies may have been in place as early as the 1993 Official Community Plan. *Table 3* lists the currently permitted uses of the *W1-Waterfront Commercial* zone.

Table 3 – Current Permitted Uses of W1- Waterfront Commercial Zone	
Principal Uses	
<ul style="list-style-type: none"> • Boat rental operations • Boat tour and charter operations • Commercial mooring facilities • Docks, wharves, and floats for the use of water taxis, ferries, float planes and amphibious vessels • Fish product industry • Marina • Marine fueling operations • Marine-oriented clubs such as yacht clubs • Microbrewery • Nightclub, Cabaret, Bar and Pub • Observation tower • Public Market • Restaurant, excluding drive-in or drive-through • Retail 	
Accessory Uses	
<ul style="list-style-type: none"> • Loading facility • Office • Permanent residence on one boat or vessel for security and fire protection of another use • Private floats and wharves • Storage • Temporary boat storage • Temporary or seasonal residence on a boat or vessel for commercial fishing purposes 	

Harbourfront Feasibility and Design Study for a Tourism Project in Port Alberni (1982)

Harbour Quay area was conceptualized, developed and maintained as means of attracting visitors to Port Alberni, and preserving land for important marine-based commercial businesses. It was developed as both a tourist attraction and a community asset. A feasibility study for the project was produced in 1982 by design consultants hired by the City's Waterfront Planning Committee. It was funded by the Province through the Travel Generators section of the *Canada-British Columbia Travel Industry Development Subsidiary Agreement*. The study includes a detailed design for the Harbour Quay area including properties that were both publicly and privately owned.

The study strongly tied the success of the waterfront area to its ability to attract visitors. According to the study, the project was *"intended to harness Port Alberni's potential for an exciting waterfront attraction"* that would *"stimulate tourism and benefit the community"*. The study argues that while 300,000 – 400,000 tourists were travelling to the Pacific Rim area per year they were not spending time, or money, in Port Alberni. Excerpt from the report below:

"[Visitors] are typically highly mobile; primarily interested in outdoor recreation; likely to spend relatively little on food, entertainment or retail goods; and mainly oriented to spending time at the Pacific Rim. These visitors make limited use of Port Alberni as a tourism destination."

The objectives behind developing Harbour Quay as a destination on the waterfront were as follows:

1. *"To appeal to the type of visitor now coming to the region and over time, encourage visitors to stay longer, spend more and regard Port Alberni as more of a destination."*
2. *"To provide an attraction to visitors and a resource for residents. "*

The marine-based commercial businesses or *"working waterfront"* was seen as an important element in attracting visitors to the Harbour and maintaining land for those industries. The working waterfront was recognized as adding interest, activity, and a strong sense of identity to the area.

Port Alberni Shoreline Master Plan (1991) & Shoreline Master Plan Review (2000)

In 1991, the City worked with the Port Authority (formerly the Harbour Commission) to produce the *Shoreline Master Plan*, which was a vision and land use strategy for Port Alberni's waterfront. The resulting policy was added to Port Alberni's 1993 Official Community Plan. In 2000, the *Shoreline Master Plan* was reviewed and updated. The resulting document re-affirmed the original goals and objectives for the waterfront, while also adding new items. To summarize, the Master Plan contains the following relevant objectives and policies:

- To ensure that development in the area contains a broad mix of year-round uses that are public oriented;
- To act as a tourism generator;
- To function as an amenity for local residents of all ages and incomes;
- To guide development so that the shoreline becomes a cohesive visual and recreational asset to the community and to visitors
- To be complimentary to planning and economic development aspirations of the City, particularly to contribute the economic diversification with emphasis on waterfront tourism wherever possible
- Tourist oriented development of the shoreline should offer enhanced opportunities for economic diversification.

- The Harbour Quay area is an important “public place” for community events and special occasions

With regard to specific land uses at Harbour Quay, the *Shoreline Master Plan* lists the following tourism uses as a priority: Restaurants, bars, art galleries, craft shops, adventure tourism charter offices, markets.

The plan also prioritizes the following maritime uses:

- Fish and seafood processing and sales
- Goods and supplies related to commercial and pleasure boats including sales and repairs.

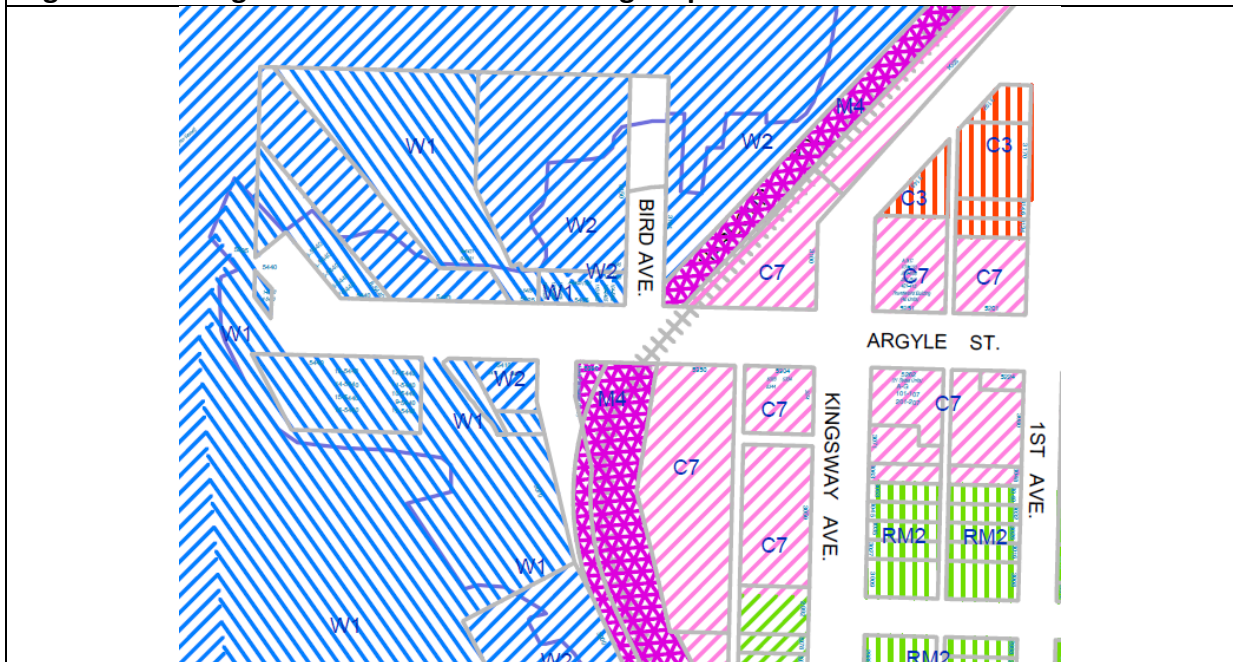
ANALYSIS

The following section contains a detailed analysis of land use at Harbour Quay as relates to the zoning changes requested by the applicant.

Surrounding Area and Land Use

All waterfront lands that form the Harbour Quay area are designated either *W1-Waterfront Commercial* or *W2-Waterfront Industrial* in the Zoning Bylaw. To the east, the Harbour Road corridor containing rail lines is designated *M4-Utilities*. The commercial properties beyond this are zoned *C7-Core Business*, including the train station, the mixed commercial/residential buildings at the intersection of Kingsway, and the undeveloped lands south of Argyle Street. The *C7-Core Business* zone east of Harbour Road permits the uses requested by the applicant, however, these uses are not permitted in the *W1-Waterfront Commercial* zone.

Figure 2 – Zoning Classification of Surrounding Properties



Harbour Quay consists of a number of publicly-owned and privately-owned properties. Generally, properties on the west side of Harbour Quay are owned by the City of Port Alberni, and properties on the east side are owned privately. However, the Port Alberni Port Authority also owns property on the east side of Harbour Quay, on the south side of Argyle Street. *Figure 3* shows City and non-City owned lands at Harbour Quay in relation to the subject property (green dashed line).

Commercial Uses of the W1 Zone at Harbour Quay

The tourist-oriented commercial uses of the W1 zone are intentionally *active uses*, because they create visible activity and contribute to a sense of ‘vibrancy’ at Harbour Quay. The W1 zone currently permits: retail, restaurant, microbrewery, nightclub, cabaret, bar, pub, public market. The remaining uses permitted by the zone are related to marine-oriented commercial business.

Active uses have a critical role in the design of Harbour Quay because they make the area an attractive destination for people. In urban design and planning, *active uses* have the following general characteristics:

- They are pedestrian-oriented with an emphasis on ground floor activity
- They attract pedestrians including non-customers and tourists
- They allow pedestrians to enter freely or browse or sit inside
- They allow pedestrians outside to see activity inside (ie. transparent windows, open façade)
- They generate activity around the business (ie. outdoor seating)
- They generate many visits over an extended period of the day (ie. morning, afternoon, and evening)

Accordingly, new uses added to the *W1-Waterfront Commercial* zone should also meet the intent of the zone, and align with policies established by the City for maintaining Harbour Quay as a tourism generator, and a community destination.

Non-Market Commercial Units and Land Use at Harbour Quay

The City of Port Alberni owns and leases 17 commercial units at Harbour Quay. These units were purposefully designed to host the tourist-oriented uses the *W1-Waterfront Commercial* zone permits. Current tenants include a variety of retail and food vendors, including a gift shop and full dining restaurant. There is also an aquarium.

Figure 3 – City and Non-City-owned lands at Harbour Quay



These publicly-owned commercial units have been a core component of Harbour Quay since its early design concept. These uses are vital to making Harbour Quay a destination for visitors and locals. In 2010, the City expanded the commercial capacity of Harbour Quay by adding additional lease units as part of the grant-funded Spirit Square upgrade. These units are primarily occupied by food vendors, though the City also maintains a unit for community policing, and leases another to Tseshah First Nation.

The *W1-Waterfront Commercial* zone is intentionally restrictive in the land uses that are permitted. While the zone was created with the purpose of maintaining Harbour Quay as a tourist attraction with a commercial marine-based “working waterfront”, privately-owned properties, such as 5405 Argyle Street, are also subject to this same restrictive zoning.

Staff have toured the building at 5405 Argyle Street with the applicant, and have determined that the most viable uses permitted by the W1 zone would be tourist-oriented commercial such as retail, restaurant, or boat tour and charter operations. While the limitations of the W1 zone do not necessarily subject the owner to undue competition with the City, it is worth reviewing whether the viability of Harbour Quay requires restrictive zoning at 5405 Argyle Street.

Evaluation of Proposed Additional Uses at 5405 Argyle Street

The applicant has requested that ‘Residential Above Commercial’, ‘Office’, and ‘Personal Service’ be added to the *W1-Waterfront Commercial* zone as uses at 5405 Argyle Street. The following section evaluates the viability of permitting these uses at the subject property.

1. Residential Above Commercial at Harbour Quay

Second storey dwelling units above commercial businesses at 5405 Argyle Street is compatible with existing policy that envisions Harbour Quay as an attraction for visitors and tourists. Residents at Harbour Quay has the potential to add vibrancy to the area through increased activity – especially in the evenings. It also has the potential to improve safety in the area by providing additional ‘eyes on the street’ outside of business hours. Mixed-use commercial units are already permitted in the Uptown neighbourhood along other portions of Argyle Street, including east of Harbour Road near the subject property.

Residential units at this property would exist in close proximity to waterfront industrial land uses such as boat repair, and other mechanical services, but has the potential to benefit Harbour Quay and provided much needed dwelling units for the community. However, residential units at this property will impact existing street parking at Harbour Quay since there are no spaces available on-site.

2. Offices at Harbour Quay

Permitting offices as a *principal use* at 5405 Argyle Street, would allow the entire building to be converted to offices. This use of the property is not compatible with the intent of the *W1-Waterfront Commercial* zone, or the *Port Alberni Shoreline Master Plan* – specifically, policies that encourage waterfront lands to be used as a generator for tourism, as recreation space, or for diversifying the local economy. It also contradicts OCP policy goals that the Harbour Quay area remain a tourist, cultural, and residential social node with a distinctive sense of place.

Offices are not a use that attracts visitors or residents in a way that would contribute to a vibrant waterfront neighbourhood. They are typically low-traffic, offer none or limited services to the public, and often require a high level of privacy. Depending on the number of employees, offices can also place a higher demand on long-term parking during business hours.

3. *Personal Services at Harbour Quay*

Allowing specific personal services at the subject property has the potential to enhance Harbour Quay in ways that align with City policy goals for the waterfront. This is especially true for services that are sought by tourists and residents alike, or that otherwise create visible activity. For example, certain personal services can add vibrancy to an area when combined with retail in a way that allows customers or tourists to enter and browse freely. For example:

- Barber
- Beauty Shop
- Salon
- Spa

However, the current definition of ‘Personal Service’ in the Zoning Bylaw is too broad. Enabling ‘Personal Service’ at 5405 Argyle Street would permit uses that are not compatible with City policy objectives for Harbour Quay. Permitted uses would include *funeral home, linen supply, domestic services, and dry cleaning* in addition to other uses defined, and not defined, by the Zoning Bylaw. Even though the applicant may intend to allow only specific personal services at the property (ie. a nail salon), the City must approach the bylaw amendment as enabling all potential uses.

Given existing City policy, and how the land use at Harbour Quay is intentionally limited, the applicant should be encouraged to request a specific set of personal services. Furthermore, these uses should support the existing policy vision for Harbour Quay.

REFERRALS

In reviewing Zoning Bylaw amendments staff request referral comments from various City departments and external agencies. The following table summarized the feedback received for this development application.

AGENCY/DEPARTMENT	COMMENTS
RCMP	Concerns for emergency service access to residential location proposed at second story of building, in particular if the proposal is for multi-unit/family accommodations. Fire Code compliance and access for medical services personnel and equipment would result in no objection to proposal in principle.
PARKS OPERATIONS	No objections or concerns
PARKS RECREATION	No objections or concerns.
BUILDING	Owner/Business will have to meet all safety and building codes from BCBC 2018 and Fire Code.
ENGINEERING	No issues from Engineering perspective.
CHAMBER OF COMMERCE	No comments received.

CANADA POST

If approved we request the developer contact us in advance to plan mail delivery. A developer supplied Lock Box Assembly will be required and we will need access via our master lock in the intercom.

IMPLICATIONS

In this application, the property owner at 5405 Argyle Street is requesting that additional commercial uses be permitted at their property so that they may attract more viable tenants. In evaluating this application, it is important to consider that Harbour Quay is a unique community destination, and that the purpose of its special zoning is to maintain uses that will attract visitors to Port Alberni, to provide amenity for residents, and to provide important commercial space for marine-based businesses. However, it is equally important to consider how markets, neighbourhoods, and the needs of the community may have changed since the W1 zone was created in the 1990s, and that the City's land use regulations may need to be updated.

Below is a list of key items that require consideration by the APC:

1. *Residential Above Commercial in the W1-Waterfront Commercial Zone*

The APC should consider if second storey dwelling units would complement Harbour Quay, and if measures would need to be implemented to manage resident parking on Argyle Street.

2. *Offices as a Principal Use of the W1-Waterfront Commercial Zone*

The APC should consider if permitting an office building at Harbour Quay would benefit the area in a way that aligns with City policy for the waterfront. Offices are not an *active use* that would attract visitors or residents to Harbour Quay in a significant way.

Furthermore, given the amount of vacant commercial space in Uptown, where offices are fully permitted as a principal use, the APC should also consider if allowing an office building on the waterfront is important for the community. The City will be writing a new Official Community Plan starting late 2021 and into 2022, and changes to high-level land use policy at Harbour Quay may be best determined during that process.

3. *Personal Service in the W1-Waterfront Commercial Zone*

The APC should consider if allowing 'Personal Service', as defined in the Zoning Bylaw, would benefit the community if located at Harbour Quay. Currently this includes businesses such as *funeral home, linen supply, domestic services, and dry cleaning*.

The APC should also consider if it is more suitable to list the specific personal services that will be permitted at the property – in particular, services that are compatible with City policy that maintains Harbour Quay as a waterfront destination and attraction.

CONCLUSIONS

The applicant is requesting to amend the Zoning Bylaw to permit additional uses in the W1 zone at 5405 Argyle Street. The Development Services Department does not support the current application, as it proposes uses that do not align with City policy for Harbour Quay and the waterfront. Specifically, 'Office' as a *principal use*, and 'Personal Service' as a *principal use*. The rationale is summarized below:

- 'Office' is not a use that is compatible with City land use policies regarding Harbour Quay and the waterfront.

- The Zoning Bylaw definition of 'Personal Service' is too broad to support it being enabled in the W1 zone. The addition of 'Personal Service' as it is currently defined would enable uses on the property that are not compatible with City land use policies for Harbour Quay and the waterfront.

In principle, staff support updating the permitted uses of the *W1-Waterfront Commercial* zone, however, changes to permitted land uses on the waterfront that deviate from existing City policy should be postponed until after those policies have been reviewed.

The City of Port Alberni last reviewed its waterfront land use policies with the OCP in 2005, and the *Shoreline Master Plan Review* in 2000. Staff will bring forward a report to Council in September 2021 to request direction on future management of land use at Harbour Quay. The City will also be developing an updated Official Community Plan beginning in fall 2021 that is expected to include a review of waterfront land use and the role of Harbour Quay within the community.

Until staff receive further direction from Council, it is recommended that the following compatible uses be added to the *W1-Waterfront Commercial* zone at 5404 Argyle Street.

- *Barber*
- *Beauty Shop*
- *Salon*
- *Spa*
- *Residential Above Commercial (accessory)*

Furthermore, enabling 'Residential Above Commercial' should be conditional upon the property owner entering into an agreement with the City of Port Alberni for the management of on-street residential parking.

Respectfully submitted,



Brian McLoughlin, MCP
Development Planner

SUBJECT PROPERTY – 5405 ARGYLE STREET

