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**PUBLIC HEARING – AGENDA**  
**Tuesday, February 15, 2022 @ 6:00 PM**  
**In the City Hall Council Chambers | 4850 Argyle Street, Port Alberni, BC**

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*Members of the public in attendance are required to wear a mask and physical distancing will be in effect.*

**CALL TO ORDER & APPROVAL OF THE AGENDA**

1. Recognition of unceded Traditional Territories.

This Public Hearing is held pursuant to section 464, 465, and 466 of the *Local Government Act*.

**Introductory Remarks by the Chair:**

2. **Description of the Application** (*To be read by the Corporate Officer*)

**Applicant: Parmtronics Marine Limited**

The applicant is applying for a site specific amendment to the Zoning Bylaw to permit use of a portion of the site for 'Barber', 'Beauty Shop', 'Salon', 'Spa' and to permit 'Residential a above commercial', as an accessory use.

The proposed bylaw is:

- i. "Zoning Text Amendment No. T29 (Site Specific Use – W1 Waterfront Commercial), Bylaw No. 5039"

3. **Background Information**

Report dated February 15, 2022 from the Development Planner.

4. **Correspondence**

5. **Late Correspondence Regarding the Matter** (*To be read by the Corporate Officer*)

6. **Questions from Council:** (Members of Council may ask questions, through the Chair, of the Development Planner, the applicant or the public who have spoken).

7. **Chair to Invite Input from the Public:**

For the first time, is there anyone who wishes to speak to the proposed bylaw?

For the second time, is there anyone who wishes to speak to the proposed bylaw?

Before I call for a third and final time, I would like to remind those present that once the Public Hearing has closed, members of Council may not, as a group or as individuals, receive any further oral or written presentations on this matter, including what might be perceived as informal discussions immediately after the termination of this meeting. I ask all parties to comply with this.

For the third and final time, is there anyone who wishes to make any further representation regarding the proposed bylaw as it pertains to 5405 Argyle Street.

There being no further speakers, I declare this Public Hearing closed.

**8. Termination of the Public Hearing:**

*It was moved and seconded:*

*That this Public Hearing terminate at \_\_\_\_\_ pm.*



## CITY OF PORT ALBERNI NOTICE OF PUBLIC HEARING

Pursuant to Sections 464, 465, and 466 of the *Local Government Act*, notice is hereby given that a Public Hearing will be held in the Council Chambers at City Hall, 4850 Argyle Street, Port Alberni, BC on Tuesday, February 15, 2022 at 6:00 pm to gather public feedback on the following proposed bylaw affecting a portion of the property located at **5405 Argyle Street** (legally described as Lot A, District Lots 1 and 118, Alberni District, Plan VIP13074 (PID: 003-925-536) as shown outlined in heavy line on the map below.

### 1. "Zoning Text Amendment No. T29 (Site Specific Use - W1 Waterfront Commercial), Bylaw No. 5039"

#### **APPLICANT: Parmtronics Marine Limited.**

The applicant is applying for a Site Specific amendment to the Zoning Bylaw to permit use of a portion of the site for 'Barber', 'Beauty Shop', 'Salon', 'Spa' and to permit 'Residential above commercial', as an *accessory* use. The amendments being considered are listed below:

#### 1. Proposed Zoning Bylaw Text Amendment:

To amend the text of Port Alberni Zoning Bylaw 2014, No. 4832 by:

##### A. Adding the following text to Section 5.33.1:

###### "Site Specific Uses

*Barber*

*Beauty Shop*

*Residential above commercial*

*Salon*

*Spa"*

##### B. Adding the following Section 5.33.4 Site Specific Uses, in the form of a table:

###### *"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>
<i>Barber, Beauty Shop, Salon, Spa</i>	<i>Residential above Commercial</i>	<i>5405 Argyle St.</i>	<i>For a <u>portion</u> of Lot A, District Lots 1 and 118, Alberni District, Plan VIP13074 zoned as W1 Waterfront Commercial and shown in Schedule A to this bylaw (Attached) ."</i>

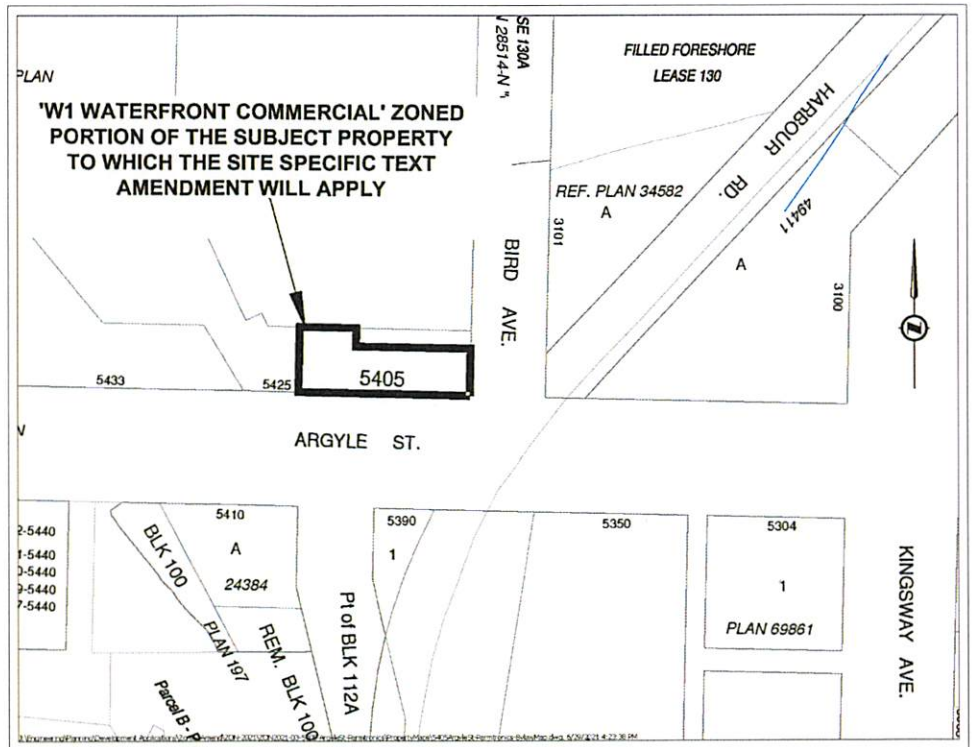
The proposed bylaw amendment, along with Port Alberni Official Community Plan Bylaw, No. 4602 and Zoning Bylaw 2014, No. 4832, and other supporting documentation may be viewed at the offices of the Development Services Department, City Hall, 4850 Argyle St., between Monday and Friday (exclusive of statutory holidays) from February 2, 2022 to February 15, 2022 during regular business hours (8:30 am to 4:30 pm).

The Public Hearing agenda will be available on the City's website on Friday, February 11, 2022. To view the agenda, visit [www.portalberni.ca](http://www.portalberni.ca) and select "Your Government, Council Meetings" from the drop-down menu.

Anyone who believes their property may be affected by this application is invited to provide their written comments to Mayor and Council for consideration by **Friday, February 11<sup>th</sup> at 12:00 noon** as follows:

- Written submissions will be accepted by mail when addressed to 'Mayor and Council, 4850 Argyle Street, Port Alberni, BC V9Y 1V8'.
- Written submissions may also be hand delivered to the drop-box located to the left of the main entrance to City Hall.
- Written submissions may be emailed to [council@portalberni.ca](mailto:council@portalberni.ca).




*NOTE: Email correspondence will only be considered received if receipt confirmation is provided by City staff.*



Submissions received **after Friday, February 11<sup>th</sup> at 12:00 noon** will be provided to Council for their consideration as late items. If preferred, the public may present directly to Council during the Public Hearing. For questions, please contact the Development Services Department at 250-723-2806 during regular hours (Monday through Friday between the hours of 8:30 am to 4:30 pm).

**DATED AT PORT ALBERNI, B.C.** this 2<sup>nd</sup> day of February, 2022.  
Brian McLoughlin, Development Planner

Date: February 15, 2022  
 File No: 3360-20-5405 Argyle  
 To: Mayor & Council  
 From: Scott Smith – Acting CAO | Director of Development Services  
 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 Limited

Prepared by:  <hr/> B. McLoughlin Development Planner	Supervisor:  <hr/> S. Smith, Dir. of Development Services/Acting CAO	CAO Concurrence:  <hr/> S. Smith, Dir. of Development Services/Acting CAO
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**PURPOSE**

To consider an application for a text amendment to the Zoning Bylaw at 5405 Argyle Street. The applicant is requesting that the following site-specific uses be added to the property under the *W1-Waterfront Commercial* zone: *Residential Above Commercial, Barber, Beauty Shop, Salon, Spa.*

**BACKGROUND**

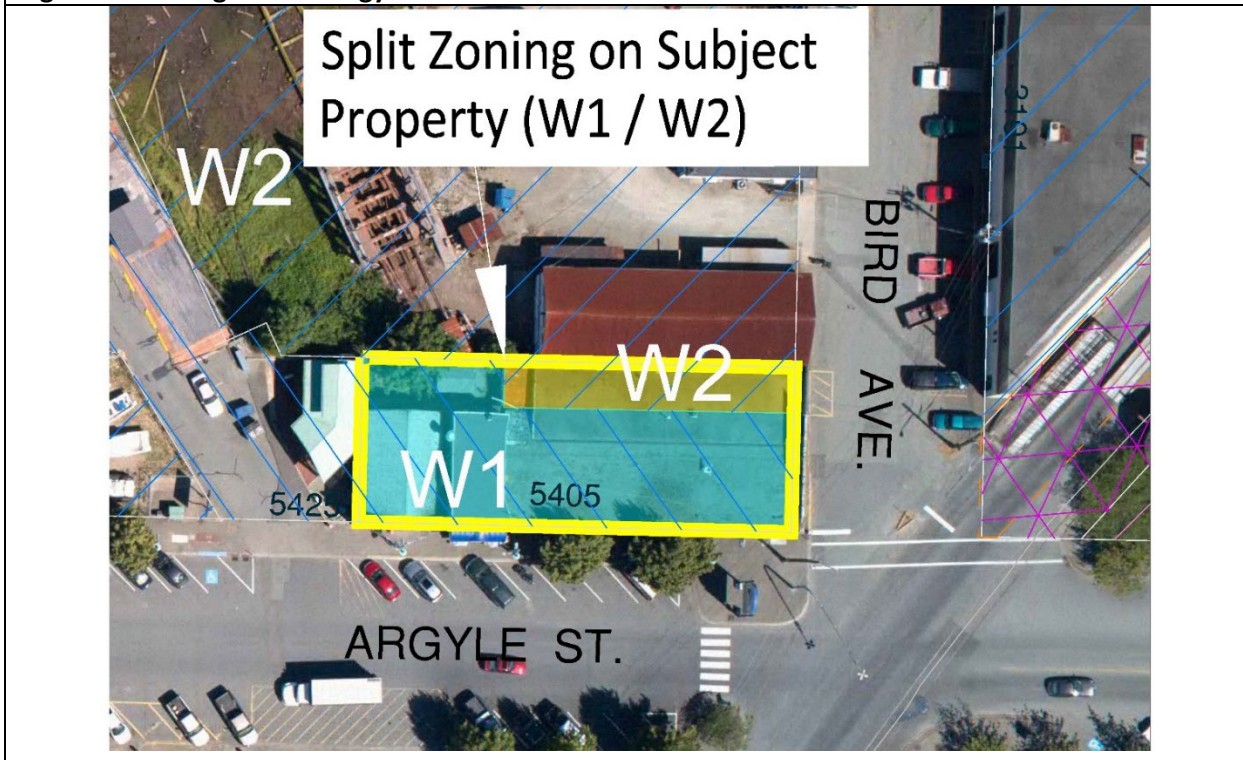
The subject property is located at the corner of Argyle Street and Bird Avenue at the entrance to Harbour Quay. The owner, Parmtronics Marine Limited, has applied to rezone the property with the intent of adding additional uses. These uses include specific personal services, and a residential use that would enable an existing second storey suite.

In 2018, City Council approved a Temporary Use Permit (TUP) for the property to allow offices as a *principal use* within three units of the building. The TUP (No. 18-01) approved for this property expired on August 22, 2021. The applicant initially requested that ‘Office’ be enabled as a permanent *principal use* at the property, but at Council’s direction choose to revise their application to remove this use.

Current Zoning & Uses

The subject property is split-zoned *W1-Waterfront Commercial*, and *W2-Waterfront Industrial*. This application concerns only the portion of property zoned *W1-Waterfront Commercial*. This is the portion with a commercial building facing Argyle Street. The building contains several commercial units currently occupied by restaurant, office, and retail businesses. The second storey of the building also contains an unoccupied apartment/suite.

Figure 1 – Zoning at 5405 Argyle Street



#### Official Community Plan (OCP)

The subject property is designated *General Commercial (GCO)* in the OCP. *Section D – Part 5.2 Southport* outlines a vision for the neighbourhood as a destination for visitors and residents with a recognizably distinct character within the community. OCP policy also supports residential dwellings above commercial units in Southport as a means of creating a vibrant and attractive neighbourhood. Additionally, the OCP highlights the area at the entrance of Harbour Quay as a distinct social node.

#### W1-Waterfront Commercial Zone & Shoreline Master Plan

The *W1-Waterfront Commercial* zone is designed to permit a very limited set of uses, and this zone is located only at Harbour Quay and Clutesi Haven Marina. The purpose of the zone is to maintain areas for tourist, public, and marine-oriented activities. These uses align with those identified for Harbour Quay in the *Port Alberni Shoreline Master Plan: retail, restaurant, microbrewery, nightclub, cabaret, bar, pub, public market*. The remaining uses permitted by the zone are related to marine-oriented commercial business.

#### **ANALYSIS**

The applicant has requested that *residential above commercial, barber, beauty shop, salon, and spa* be added to the *W1-Waterfront Commercial* zone as uses at 5405 Argyle Street.

#### Residential Above Commercial at Harbour Quay

A second storey dwelling unit above a commercial business is compatible with OCP policy, and is currently permitted by the Zoning Bylaw along other portions of Argyle Street. It would also provide a much-needed dwelling unit for the community, and has the potential to increase safety in the area outside of business hours by providing additional ‘eyes on the street’. However, there is no parking space available on the property, and

parking at Harbour Quay is subject to time limitations. This means future occupants of the suite will not have a dedicated space to park a vehicle, but this is not uncommon for properties in the Uptown neighbourhood. The Zoning Bylaw requires only 0.5 parking stalls per dwelling unit, and zero parking stalls for commercial businesses in the *C7-Core Business* zone that includes the Uptown commercial area. The parking requirements are intentionally low because the neighbourhood is a highly-walkable commercial district, meaning that residents aren't necessarily dependent on a vehicle for day to day activities. While this property is zoned *W1-Waterfront Commercial* the property is within the same highly walkable neighbourhood.

Future occupants of the suite have the following parking options:

1. The tenant may park on the street in areas where parking is permitted for up to 96 hours at a time according to *Traffic Regulation Bylaw, 2009, Bylaw No. 4670*. Parking on Argyle Street at Harbour Quay is limited to 3 hours from 9:00 am – 6:00 pm.
2. The owner of the building can make private arrangements for parking.

Since the rezoning will affect only a single building staff consider the potential impact on parking availability to be very low. Should a parking violation occur in the future the City will have the option of enforcement action through the Traffic Regulation Bylaw.

Specific Personal Services at Harbour Quay (barber, beauty shop, salon, spa)

Allowing specific personal services at 5405 Argyle Street 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, the proposed personal service uses could add vibrancy to the area if combined with retail in a way that allows customers, or tourists, to enter and browse freely.

In the Zoning Bylaw, *barber, beauty shop, salon, and spa* are included as uses in the definition of 'Personal Service'. However, the definition of 'Personal Service' in the Zoning Bylaw is too broad to be compatible with the waterfront. Therefore, the applicant is requesting to add only these specific uses that most align with City policy for land use at 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.

### STATUS OF THE APPLICATION

The Advisory Planning Commission (APC) reviewed the application to rezone 5405 Argyle Street at the September 29, 2021 meeting. Summary meeting minutes are attached to this report. As stated in the minutes, the Commission agreed that 'Office' as a *principal use* was not desirable at Harbour Quay, and that the current OCP review should be used to determine any future policy changes for the area. Accordingly, the APC recommended against permitting 'Office' as a *principal use* at the property, but supported enabling specific personal service uses and the second storey apartment/suite.

Following the APC meeting, the applicant revised their application to align with the APC's recommendation to support specific personal service uses (*barber, beauty shop, salon, spa*). However, the applicant also wished to proceed to Council with a request to add 'Office' as a *principal use* at the property.

At the Regular Meeting on December 13, 2021, Council considered 1<sup>st</sup> Reading of the amending bylaw. Council voted to not proceed with 1<sup>st</sup> Reading, and instead directed the applicant to revise the application by removing their request for 'Office' as a *principal use* at the property. Council also directed staff to bring the application forward once revised. Subsequently, the applicant revised their application according to Council's motion.

At their January 17<sup>th</sup> Regular meeting, City Council gave 1<sup>st</sup> and 2<sup>nd</sup> Readings of the revised application and scheduled a Public Hearing for February 15, 2022.

### SUMMARY

The applicant is requesting an amendment to the Zoning Bylaw that would enable *Residential above commercial, Barber, Beauty shop, Salon, Spa* as site-specific uses in the *W1-Waterfront Commercial* zone at 5405 Argyle Street. In evaluating this application, City Council should consider that Harbour Quay is a unique community destination that attracts visitors to Port Alberni. However, it is equally important to consider how the needs of the community may have changed since the *W1* zone was created, and that the City's land use regulations may need to be updated.

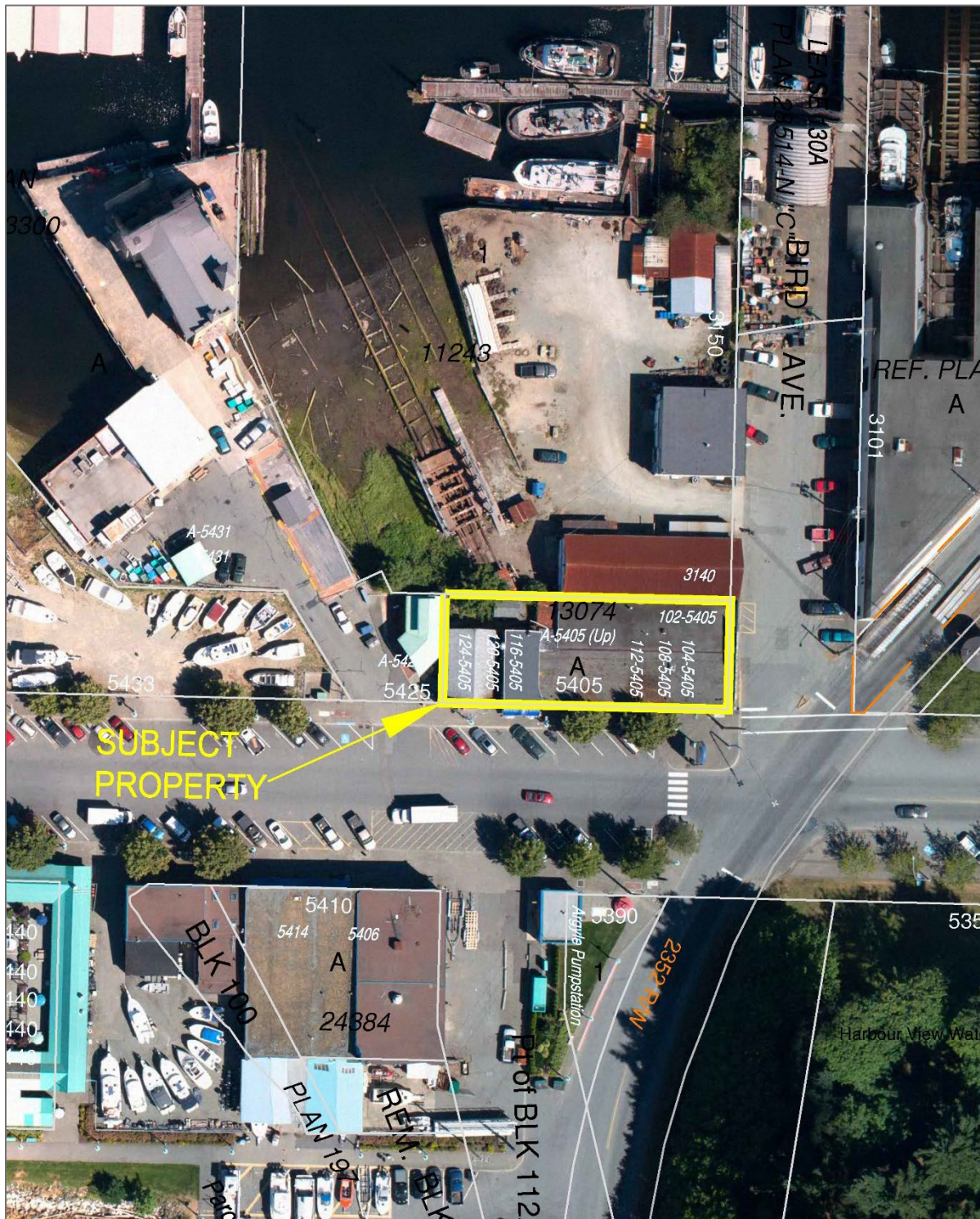
Council should consider if second storey residential would complement Harbour Quay if permitted at this property, and if it is acceptable to allow a suite without dedicated parking in a highly walkable commercial neighbourhood. Additionally, Council should consider if enabling specific personal services (*barber, beauty shop, salon, spa*) would benefit the community if located at Harbour Quay. Staff consider these uses to be compatible with City policy that supports Harbour Quay as a waterfront destination and attraction. The Planning Department supports amending the Zoning Bylaw to enable these uses at 5405 Argyle Street.



**ATTACHMENTS/REFERENCE MATERIALS**

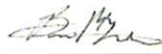

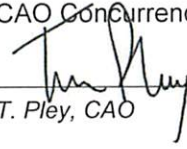
- *Subject Property Map - 5405 Argyle Street*
- *Council Memo December 13, 2021 - Proposed Zoning Bylaw Amendment*  
5405 Argyle Street
- *Council Memo January 17, 2022 - Proposed Zoning Bylaw Amendment*  
5405 Argyle Street
- *Advisory Planning Commission September 29, 2021 Meeting Minutes*
- *Staff Report to the Advisory Planning Commission*
- "Zoning Text Amendment No. T29 (Site Specific Use – W1 Waterfront Commercial), Bylaw No. 5039"

SUBJECT PROPERTY – 5405 ARGYLE STREET



Date: December 2, 2021  
 File No: 3360-20-5405 Argyle  
 To: Mayor & Council  
 From: T. Pley, CAO  
 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 Limited

Prepared by:  B. McLoughlin Development Planner	Supervisor:  S. Smith, Dir. of Development Services/Deputy CAO	CAO Concurrence:  T. Pley, CAO
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**RECOMMENDATIONS**

a. THAT "Zoning Text Amendment No. T29 (Site Specific Use - W1 Waterfront Commercial), Bylaw No. 5039", be now introduced and read a first time.

**OR**

b. THAT City Council request the applicant revise the development application, proposed Zoning Bylaw Amendment for 5405 Argyle Street according to the recommendation of staff, and direct staff to bring forward the application for Council's consideration once revised.

**PURPOSE**

To consider a development application proposing a text amendment to the Zoning Bylaw for 5405 Argyle Street. The applicant is requesting that the following site-specific uses be added to the property under the W1-Waterfront Commercial zone: Office, Residential Above Commercial, Barber, Beauty Shop, Salon, Spa.

**BACKGROUND**

The subject property is located at the corner of Argyle Street and Bird Avenue at the entrance to Harbour Quay. In 2018, City Council approved a Temporary Use Permit (TUP) for the property to allow offices as a principal use within three units of the building. The TUP (No. 18-01) approved for this property expired on August 22, 2021.

The owner, Parmtronics Marine Limited, has not applied to the City to renew the TUP, but has instead applied to rezone the property with the intent of making the office use permanent. They are also applying for additional uses that would enable an existing residential suite along with specific personal services. While offices are already permitted on the property as an accessory use, the application is requesting that offices be permitted as a principal use. This would allow commercial units in the building to be leased exclusively as office space.

Current Zoning & Uses

The subject property is split-zoned W1-Waterfront Commercial, and W2-Waterfront Industrial. This application concerns only the portion of the property zoned W1-Waterfront Commercial. This is the portion with a

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commercial building facing Argyle Street. The building contains several commercial units currently occupied by restaurant, office, and retail businesses. The second storey of the building also contains an unoccupied apartment/suite.

The *W1-Waterfront Commercial* zone exists only at Harbour Quay and Clutesi Haven Marina, and the purpose of the zone is to maintain areas for tourist, public, and marine-oriented activities. The *W1-Waterfront Commercial* zone is intentionally designed to permit a very limited set of land uses. These uses align with those identified for Harbour Quay in the *Port Alberni Shoreline Master Plan: retail, restaurant, microbrewery, nightclub, cabaret, bar, pub, public market*. The remaining uses permitted by the zone are related to marine-oriented commercial business.

#### Harbour Quay & the Shoreline Master Plan

Primarily, the Harbour Quay area was designed, built, and maintained by the City as a tourist attraction and as a community destination for residents. It was also intended to preserve land for important marine-based commercial businesses. According to the original *Feasibility and Design Study* produced by the City, the Harbour Quay project was “intended to harness Port Alberni’s potential for an exciting waterfront attraction” that would “stimulate tourism and benefit the community”.<sup>1</sup> The study strongly tied the success of the waterfront area to its ability to attract visitors.

The City’s *Shoreline Master Plan* also stresses the importance of Port Alberni’s waterfront as a community asset. It is described as a tourism generator, a public destination, a recreational asset, and as an economic opportunity. With regards to Harbour Quay, the Master Plan emphasizes the area as an important “public place” for community events and special occasions, and places priority on uses including restaurants, bars, art galleries, craft shops, adventure tourism charter offices, and markets.

#### Official Community Plan (OCP)

The subject property is designated *General Commercial (GCO)* in the OCP. *Section D – Part 5.2 Southport* outlines a vision for the neighbourhood as a destination for visitors and residents with a recognizably distinct character within the community. OCP policy also supports residential dwellings above commercial units in Southport as a means of creating a vibrant and attractive neighbourhood. Additionally, the OCP highlights the area at the entrance of Harbour Quay as a distinct social node.

#### Status of the Application

The Advisory Planning Commission (APC) reviewed the application to rezone 5405 Argyle Street at the September 29, 2021 meeting. Summary meeting minutes are attached to this report. As stated in the minutes, the Commission agreed that ‘Office’ as a *principal use* was not desirable at Harbour Quay, and that the current OCP review should be used to determine any future policy changes for the area. The APC also noted that there are many empty commercial spaces within the community that would be more suitable for an office use than Harbour Quay. Accordingly, the APC recommended against permitting ‘Office’ as a *principal use* at the property, but supported enabling specific personal service uses and the second storey apartment/suite.

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<sup>1</sup> City of Port Alberni. *Harbourfront Feasibility and Design Study for a Tourism Project in Port Alberni* (1982). The Cumberland Group & Norman Hotson Architects.

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Following the APC meeting, the applicant revised their application to align with the APC's recommendation to support specific personal service uses (*barber, beauty shop, salon, spa*), however, the applicant wished to proceed to Council with their request to make 'Office' a *principal use* on the property.

The application was also circulated to relevant agencies for comment. No major issues with the requested zoning changes were raised, however, the Building Department and RCMP emphasized the need for inspections and adequate emergency access if the second storey residential use is permitted.

### **ALTERNATIVES/OPTIONS**

The Development Services Department supports Option #2.

1. Proceed with 1<sup>st</sup> Reading of the amending bylaw.
2. Do not proceed with 1<sup>st</sup> Reading of the amending bylaw and request the applicant revise the application according to staff's recommendation. Also, direct staff to bring forward the application once revised.
3. Do not proceed with 1<sup>st</sup> Reading and deny the application.
4. Provide alternative direction to staff.

### **ANALYSIS**

The applicant has requested that *office, residential above commercial, barber, beauty shop, salon, and spa* be added to the *W1-Waterfront Commercial* zone as uses at 5405 Argyle Street. In reviewing this application, it was important to consider existing City plans and policies for the waterfront, including the purpose behind the development of Harbour Quay, and the function it was intended to serve within the community.

#### **1. Offices at Harbour Quay**

Enabling 'Office' as a *principal use* at 5405 Argyle Street, would allow the entire building to be leased as offices. However, 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 neighbourhood be a primary tourist, cultural, and residential social node with a distinctive sense of place.

Offices do not typically attract visitors or residents in a way that contributes to a vibrant waterfront neighbourhood. They are often low-traffic, offer no or limited services to the public, and usually 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.

#### **2. Residential Above Commercial at Harbour Quay**

A second storey dwelling unit above a commercial business is compatible with the OCP, and is currently permitted by the Zoning Bylaw along other portions of Argyle Street. It would also provide at least one much-needed dwelling unit for the community, and has the potential to increase safety in the area outside of business hours by providing additional 'eyes on the street'. However, existing street parking at Harbour

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Quay would be impacted since there is no parking available for residents on the property. A parking agreement between the owner and the City may be required to manage on-street residential parking.

3. Specific Personal Services at Harbour Quay (barber, beauty shop, salon, spa)

Allowing specific personal services at 5405 Argyle Street 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, the proposed personal service uses could add vibrancy to the area if combined with retail in a way that allows customers, or tourists, to enter and browse freely.

In the Zoning Bylaw, these uses are included under the definition of 'Personal Service'. However, this definition in the Zoning Bylaw is too broad to be compatible with the waterfront. Therefore, the applicant is requesting to add only *barber, beauty shop, salon, and spa*, as these are uses which most align with City policy for land use at Harbour Quay.

**IMPLICATIONS**

The owner of 5405 Argyle Street is requesting that additional commercial uses be permitted at their property. 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 an amenity for residents, and to preserve 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:

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

Council should consider if enabling an office building at Harbour Quay would benefit the area in a way that aligns with City policy for the waterfront. Staff do not consider the 'Office' use to align with City policy that emphasizes Harbour Quay as an attraction for visitors or residents.

Furthermore, given the amount of vacant commercial space in Uptown where offices are fully permitted as a *principal use*, Council should consider if allowing an office building on the waterfront is a priority for the community. Also, the City has initiated a review of the Official Community Plan, and changes to land use policy at Harbour Quay may be best determined during that process.

If Council does not support the applicant's request, the existing office tenant will be required to find a new location. Staff would work with the building owner to determine a reasonable timeline for this transition.

2. Residential Above Commercial in the W1-Waterfront Commercial Zone

Council should consider if second storey residential would complement Harbour Quay if permitted at this property, and if an agreement would be required to manage street parking. The building currently has one fully constructed second storey suite.

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3. Barber, Beauty Shop, Salon, Spa in the W1-Waterfront Commercial Zone

Council should consider if enabling specific personal services (*barber, beauty shop, salon, spa*) would benefit the community if located at Harbour Quay. Staff consider these uses to be compatible with City policy that supports Harbour Quay as a waterfront destination and attraction.

**COMMUNICATIONS**

At this stage of the process there are no required communications. If the application proceeds to 2<sup>nd</sup> reading, staff will request that City Council set a date for a Public Hearing, after which staff will carry out all Public Notice requirements.

**BYLAWS/PLANS/POLICIES**

The applicant is requesting additional uses at 5405 Argyle Street. This would require the following site-specific text amendment to the *W1-Waterfront Commercial* zone:

- 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*.

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**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, Barber, Beauty Shop, Salon, Spa	Residential above commercial	5405 Argyle St.	Lot A, District Lots 1 and 118, Alberni District, Plan VIP13074.

**SUMMARY**

The applicant is requesting an amendment to the Zoning Bylaw that would add additional site-specific uses to the *W1-Waterfront Commercial* zone at 5405 Argyle Street. The Development Services Department does not support the current application as it does not align with City policy for Harbour Quay nor the intent of the *Waterfront Commercial* zone. Specifically, staff do not support 'Office' as a *principal use* at Harbour Quay, which would permit the entire building to be leased as offices.

In principle, staff support updating the permitted uses of the *W1-Waterfront Commercial* zone, and support the applicant's request for the following compatible uses:

- *Residential above commercial*
- *Barber*
- *Beauty shop*
- *Salon*
- *Spa*

However, changes to permitted land uses on the waterfront that deviate substantially from the intent of the current zone should be postponed until after City policies have been reviewed. The City's current OCP review process is expected to include the waterfront and the role of Harbour Quay in the community.

Accordingly, staff recommend that Council not proceed with 1<sup>st</sup> reading to the amending bylaw, and instead request the applicant revise their application as follows:

1. Remove the request for 'Office' as a *principal use* in the *W1-Waterfront Commercial* zone at 5405 Argyle Street.

Once revised, staff will again bring forward the application for Council's consideration.

**ATTACHMENTS/REFERENCE MATERIALS**

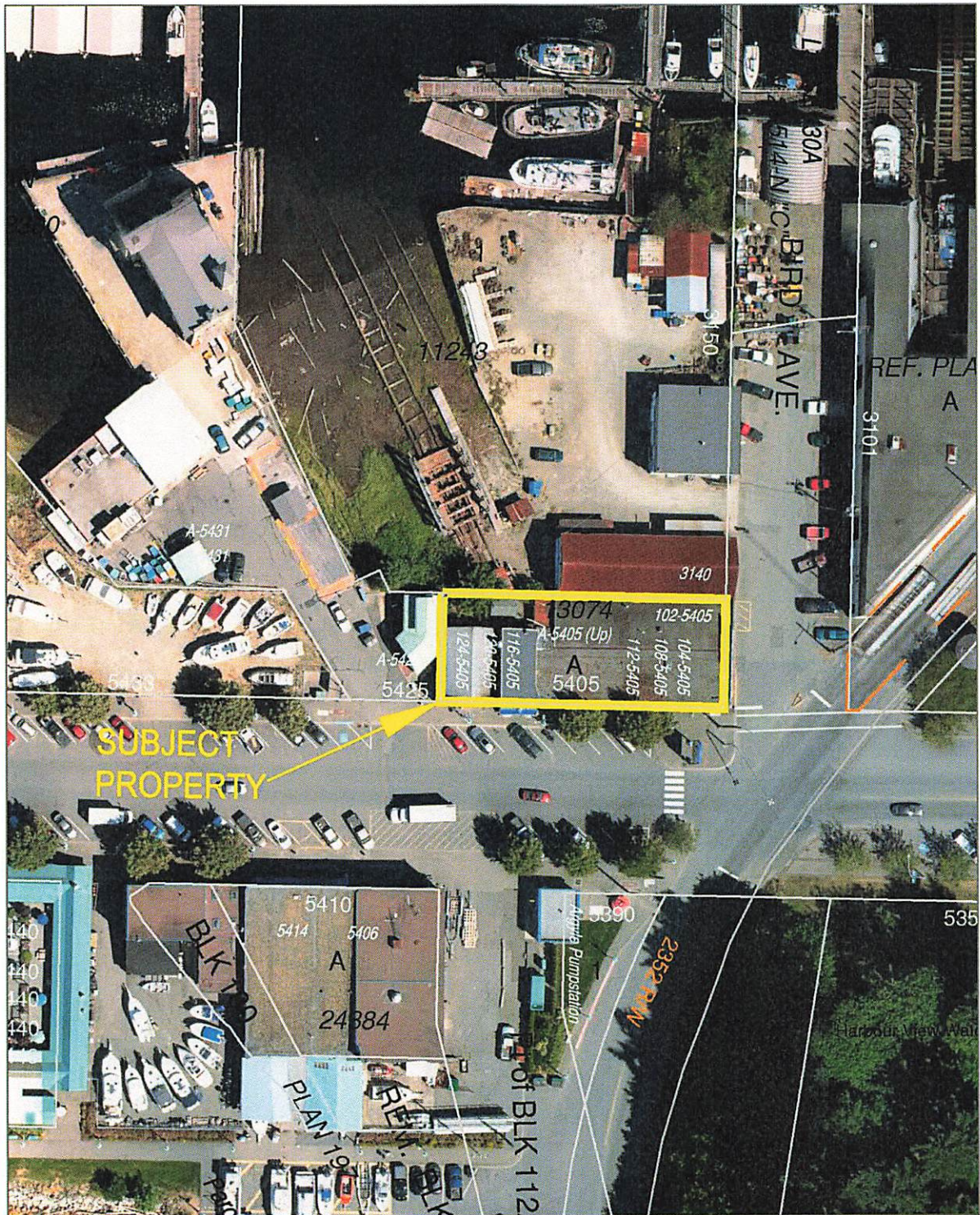
- *Subject Property Map - 5405 Argyle Street*
- *Advisory Planning Commission September 29, 2021 Meeting Minutes*
- *Staff Report to the Advisory Planning Commission*
- *Draft "Zoning Text Amendment No. T29 (Site Specific Use - W1 Waterfront Commercial), Bylaw No. 5039"*

C: *T. Slonski, Director of Corporate Services*



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SUBJECT PROPERTY MAP – 5405 ARGYLE STREET



Date: January 10, 2021  
 File No: 3360-20-5405 Argyle  
 To: Mayor & Council  
 From: Scott Smith – Director of Development Services/Deputy CAO  
 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 Limited

Prepared by:  <hr/> B. McLoughlin Development Planner	Supervisor: <b>S. Smith</b> <hr/> S. Smith, Acting CAO   Dir. of Development Services	CAO Concurrence:  <hr/> S. Smith, Dir. of Development Services/Interim CAO
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#### RECOMMENDATIONS

- a. THAT "Zoning Text Amendment No. T29 (Site Specific Use - W1 Waterfront Commercial), Bylaw No. 5039" be now introduced and read a first time.
- b. THAT "Zoning Text Amendment No. T29 (Site Specific Use - W1 Waterfront Commercial), Bylaw No. 5039" be read for a second time.
- c. THAT "Zoning Text Amendment No. T29 (Site Specific Use - W1 Waterfront Commercial), Bylaw No. 5039" be advanced to a Public Hearing on Tuesday February 15<sup>th</sup>, 2022 at 6:00 pm.

#### PURPOSE

To consider a development application proposing a text amendment to the Zoning Bylaw for 5405 Argyle Street.

#### BACKGROUND

The subject property is located at the corner of Argyle Street and Bird Avenue at the entrance to Harbour Quay. The owner, Parmtronics Marine Limited, has applied to rezone the property with the intent of adding additional uses. These uses include specific personal services, and a residential use that would enable an existing second storey suite.

At Council's direction, the applicant has revised their application to remove a request for 'Office' as a permanent *principal* use at the property. In 2018, City Council approved a Temporary Use Permit (TUP) for the property to allow offices as a *principal use* within three units of the building. The TUP (No. 18-01) approved for this property expired on August 22, 2021.

### Current Zoning & Uses

The subject property is split-zoned *W1-Waterfront Commercial*, and *W2-Waterfront Industrial*. This application concerns only the portion of property zoned *W1-Waterfront Commercial*. This is the portion with a commercial building facing Argyle Street. The building contains several commercial units currently occupied by restaurant, office, and retail businesses. The second storey of the building also contains an unoccupied apartment/suite.

### Official Community Plan (OCP)

The subject property is designated *General Commercial (GCO)* in the OCP. *Section D – Part 5.2 Southport* outlines a vision for the neighbourhood as a destination for visitors and residents with a recognizably distinct character within the community. OCP policy also supports residential dwellings above commercial units in Southport as a means of creating a vibrant and attractive neighbourhood. Additionally, the OCP highlights the area at the entrance of Harbour Quay as a distinct social node.

### W1-Waterfront Commercial Zone & Shoreline Master Plan

The *W1-Waterfront Commercial* zone is designed to permit a very limited set of uses, and this zone is located only at Harbour Quay and Clutesi Haven Marina. The purpose of the zone is to maintain areas for tourist, public, and marine-oriented activities. These uses align with those identified for Harbour Quay in the *Port Alberni Shoreline Master Plan: retail, restaurant, microbrewery, nightclub, cabaret, bar, pub, public market*. The remaining uses permitted by the zone are related to marine-oriented commercial business.

### Status of the Application

The Advisory Planning Commission (APC) reviewed the application to rezone 5405 Argyle Street at the September 29, 2021 meeting. Summary meeting minutes are attached to this report. As stated in the minutes, the Commission agreed that 'Office' as a *principal use* was not desirable at Harbour Quay, and that the current OCP review should be used to determine any future policy changes for the area. Accordingly, the APC recommended against permitting 'Office' as a *principal use* at the property, but supported enabling specific personal service uses and the second storey apartment/suite.

Following the APC meeting, the applicant revised their application to align with the APC's recommendation to support specific personal service uses (*barber, beauty shop, salon, spa*). However, the applicant also wished to proceed to Council with a request to add 'Office' as a *principal use* at the property.

At the Regular Meeting on December 13, 2021, Council considered 1<sup>st</sup> Reading of the amending bylaw. Council voted to not proceed with 1<sup>st</sup> Reading and instead directed the applicant to revise their application by removing the request for a *principal 'Office'* use at the property. Council also directed staff to bring the application forward once revised.

### **ALTERNATIVES/OPTIONS**

The Development Services Department supports Option #1.

1. Proceed with 1<sup>st</sup> and 2<sup>nd</sup> readings of the amending bylaw and set a date for Public Hearing on February 15, 2022.
2. Do not proceed with 1<sup>st</sup> reading and deny the application.
3. Provide alternative direction to staff.

## **ANALYSIS**

The applicant has requested that *residential above commercial, barber, beauty shop, salon, and spa* be added to the W1-Waterfront Commercial zone as uses at 5405 Argyle Street.

### Residential Above Commercial at Harbour Quay

A second storey dwelling unit above a commercial business is compatible with the OCP, and is currently permitted by the Zoning Bylaw along other portions of Argyle Street. It would also provide a much-needed dwelling unit for the community, and has the potential to increase safety in the area outside of business hours by providing additional ‘eyes on the street’.

However, there is no space for parking available on the property, and parking at Harbour Quay is limited to 3 hours between 9 A.M. and 6 P.M. This means future occupants of the suite will not have a dedicated place to park a vehicle, but this is not uncommon in the Uptown neighbourhood. In fact, the current Zoning Bylaw only requires 0.5 parking stalls per dwelling unit and zero parking stalls for commercial businesses in the *C7-Core Business* zone which includes the Uptown commercial area. The parking requirements are intentionally low because the neighbourhood is a highly-walkable commercial district, meaning that residents aren’t necessarily dependent on a vehicle for day to day activities. While this property is zoned *W1-Waterfront Commercial* the property is within the same highly walkable neighbourhood.

Should a future occupant of the suite require a space to park a vehicle they will have the following options:

1. The owner of the building can make private arrangements for parking.
2. The tenant may park on the street in areas where parking is permitted for up to 96 hours at a time according to *Traffic Regulation Bylaw, 2009, Bylaw No. 4670*.

Also, given that this rezoning will affect only a single building staff consider the potential impact on parking availability to be very low. Should a parking violation occur in the future the City will have the option of enforcement action through the Traffic Regulation Bylaw.

### Specific Personal Services at Harbour Quay (barber, beauty shop, salon, spa)

Allowing specific personal services at 5405 Argyle Street 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, the proposed personal service uses could add vibrancy to the area if combined with retail in a way that allows customers, or tourists, to enter and browse freely.

In the Zoning Bylaw, these uses are included under the definition of ‘Personal Service’. However, this definition in the Zoning Bylaw is too broad to be compatible with the waterfront. Therefore, the applicant is requesting to add only barber, beauty shop, salon, and spa, as these are uses which most align with City policy for land use at Harbour Quay.

## **IMPLICATIONS**

In evaluating this application, it is important to consider that Harbour Quay is a unique community destination that attracts visitors to Port Alberni. However, it is equally important to consider how 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. Council should consider if second storey residential would complement

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Harbour Quay if permitted at this property, and if it is acceptable to allow a suite without dedicated parking in a highly walkable commercial neighbourhood. Additionally, Council should consider if enabling specific personal services (*barber, beauty shop, salon, spa*) would benefit the community if located at Harbour Quay. Staff consider these uses to be compatible with City policy that supports Harbour Quay as a waterfront destination and attraction.

**COMMUNICATIONS**

At this stage of the process there are no required communications. If Council proceeds with 1<sup>st</sup> and 2<sup>nd</sup> reading and sets a Public Hearing date, staff will ensure that all required statutory notices are provided.

**BYLAWS/PLANS/POLICIES**

The applicant is requesting additional uses at 5405 Argyle Street. This would require the following site-specific text amendment to the *W1-Waterfront Commercial* zone:

- A. Add the following text to Section 5.33.1:

*“Site Specific Uses*

*Barber*

*Beauty Shop*

*Residential above commercial*

*Salon*

*Spa”*

- B. Add the following text as section 5.33.4 *Site Specific Uses* in the form of a table:

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**5.33.4 Site Specific Uses**

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

<u><i>Principal Use</i></u>	<u><i>Accessory Use</i></u>	<u><i>Site Address</i></u>	<u><i>Site Legal Description</i></u>
<i>Barber, Beauty Shop, Salon, Spa</i>	<i>Residential above commercial</i>	<i>5405 Argyle St.</i>	<i>Lot A, District Lots 1 and 118, Alberni District, Plan VIP13074.</i>

**SUMMARY**

The applicant is requesting an amendment to the Zoning Bylaw that would add *Residential above commercial, Barber, Beauty shop, Salon, Spa* as site-specific uses to the *W1-Waterfront Commercial* zone at 5405 Argyle Street. The Development Services Department supports the application as it aligns with City policy for Harbour Quay and the general intent of the Waterfront Commercial zone. Staff recommend that Council proceed with 1<sup>st</sup> and 2<sup>nd</sup> readings of the amending bylaw and a Public Hearing date for February 15, 2022.

**ATTACHMENTS/REFERENCE MATERIALS**

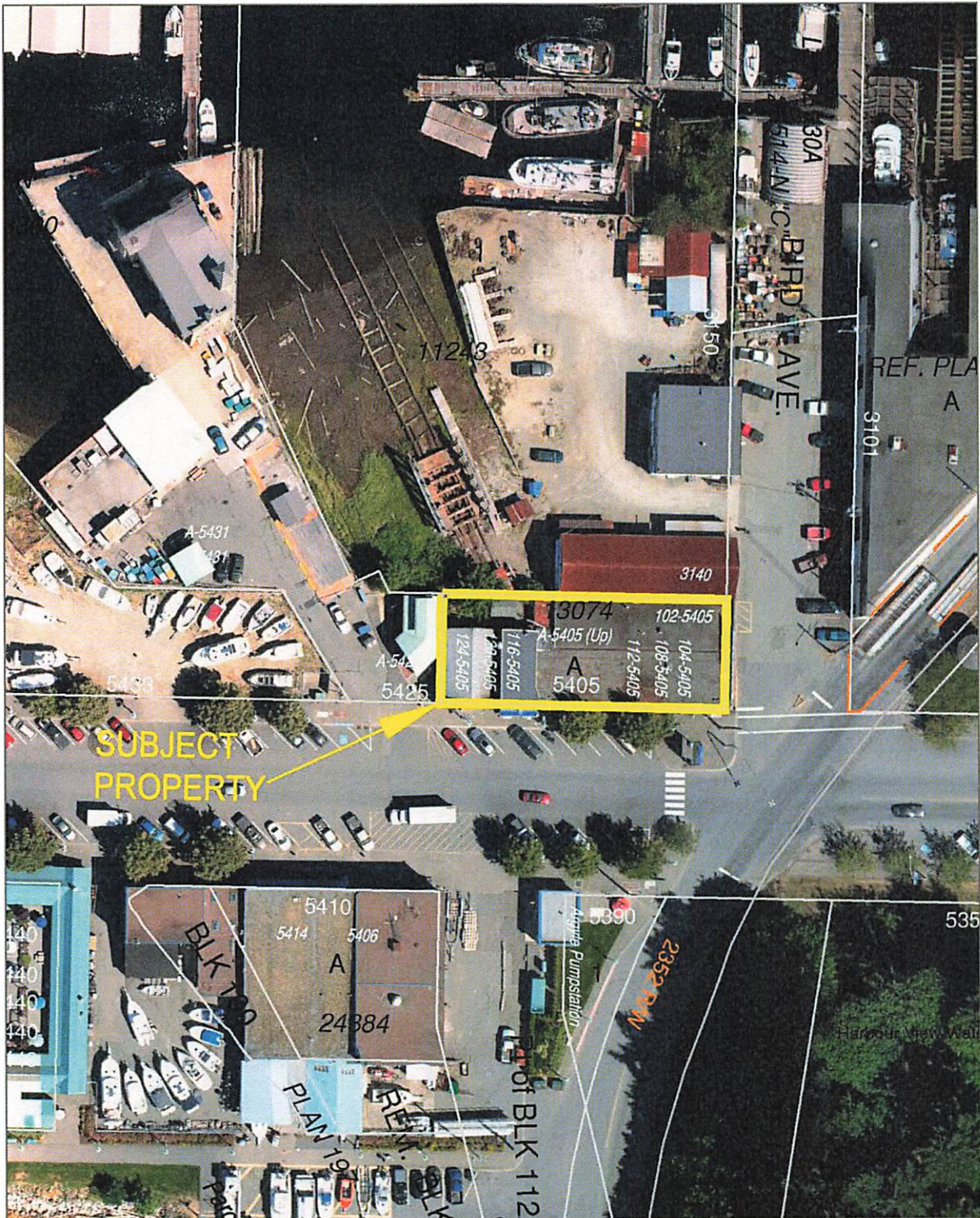
- *Subject Property Map - 5405 Argyle Street*
- *Council Memo December 13, 2021 - Proposed Zoning Bylaw Amendment 5405 Argyle Street*

- *Advisory Planning Commission September 29, 2021 Meeting Minutes*
- *Staff Report to the Advisory Planning Commission*
- *Draft “Zoning Text Amendment No. T29 (Site Specific Use – W1 Waterfront Commercial), Bylaw No. 5039”*

c: *T. Slonski, Director of Corporate Services*

*J:\Engineering\Planning\Development Applications\ZoningAmend\ZON-2021\ZON2021-03-5405-ArgyleSt-Pamtronics\Council\5405-AryleSt-Pamtronics-Council Memo - 1st Reading - Jan 4.docx*

SUBJECT PROPERTY MAP – 5405 ARGYLE STREET





**Summary Report / Minutes of the Advisory Planning Commission Meeting  
held on September 29, 2021 at 12:00 p.m.  
(Via remote access through Zoom software platform)**

**Commission Members Present**

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

**Regrets**

Andre Guerin, P.A.F.D. Liaison  
Amy Needham, Parks Operations Liaison  
Councillor Deb Haggard, Council Liaison  
Peter Dionne, R.C.M.P. Liaison  
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  
E. Frood, ACAWS (Applicant)  
N. Sharp, BC Housing (Applicant)  
F. Dow, Architect (Applicant)

**Alternates (not in attendance)**

Larry Ransom (Alt.– S.D.70)  
Councillor Helen Poon (Alt.– Council)  
L. Sam, (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 and introductions.

**2. Minutes - Adoption of July 15, 2021 Minutes**

**Motion:**

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

**(Washington / McQuaid ) CARRIED**

**3. DEVELOPMENT APPLICATION: Proposed Zoning Bylaw Amendments**

**5405 Argyle St.**

*Lot A, District Lots 1 and 118, Alberni District, Plan VIP13074. PID: 003-925-536*

**Applicants:** Parmtronics Marine Ltd. Inc. No. BC 0419343

- The City Development Planner (B.M.) summarized his report dated August 19, 2021.
- APC discussed the proposed amendments and report.
  - Broad discussion of the following significant topics:
    - ♦ Residential above Commercial uses on this site
    - ♦ Changes of use in the Harbour Quay area and impacts of OCP update process
    - ♦ Parking challenges



- The APC was generally supportive in principal of recommending that the City support the development of one or two suites above commercial space for this specific site. The need for housing in the community was cited and it was noted that this building is the only one at Harbour Quay, at this time, where residential above commercial is an option so the impact on Harbour Quay would not be a major change to the site that already has one suite above the commercial space. The upcoming review and development of a new Official Community Plan (OCP) may impact Harbour Quay more significantly and APC felt that the OCP review should be used to help to determine any future policy and direction changes for the Harbour Quay area.
- The APC considered the impact of a zoning change versus the recommended amendment to the W1 Waterfront Commercial zone. The recommended site specific amendment would allow the OCP review to proceed without prematurely impacting the current vision for the Harbour Quay area. It was noted that there are many empty commercial spaces within the community that would be more suitable for office use than the Harbour Quay.
- It was agreed that 'Office' as a principal use was not a desirable objective for the Harbour Quay. The recommendation to allow several very specific types of personal service uses rather than incorporating all of the uses permitted in the definition of 'personal services' was discussed and supported. It was noted that the recommended services permitted did not include a review of marine traveler service needs and that integration with Port Authority boat traffic services could be examined in future. Overall the APC was supportive of limiting the types of permitted personal services to those contained in the staff recommendation.
- The limited parking available at Harbour Quay, and the resulting challenges, were discussed. The APC voiced concerns regarding the designation of parking for residences above the commercial space. The APC supported the recommendation that the applicant be required to enter into an agreement with the City for management of residential street parking. Creativity may be required to satisfy parking needs and the neighbouring Train Station property was noted as a possible avenue to explore for off-site parking. Permitting of the tenants' vehicles to allow for street parking in undesignated/unguaranteed spots within a specific area was also mentioned as a possible solution that has been used successfully in Nanaimo. From a parking perspective the negative impact of allowing for "Offices" as a permitted use at Harbour Quay would be high.
- General discussion about the nature of the recently expired Temporary Use Permit (TUP) and the Planner noted that applying for an extension of the TUP was not the applicant's preference.

**Motions:**

1. *That the Advisory Planning Commission recommend to City Council that:*
  - 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) *That '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.*

**( Anaka / Washington ) CARRIED**

4. **DEVELOPMENT APPLICATION** – Proposed Official Community Plan Bylaw and Zoning Bylaw Amendments  
**4440 Vimy Street**  
Lot A, EPP110782  
**Applicant:** Nicola Sharp dba BC Housing Management Commission

- The City Development Planner (P.L.) summarized his report dated September 23, 2021.
- APC discussed the proposed amendments and report as follows:
  - The diversity of commercial, residential, recreational and light industrial uses in the area was noted.
  - The applicants have presented a design that is very compatible with residential development.
  - The applicant clarified the intended staffing for the facility indicating that it would be staffed seven (7) days a week but would not be staffed 24 hours a day.
  - The applicants were commended and thanked for proposing a much needed facility into the community.

**Motions:**

1. *That the Advisory Planning Commission recommends to City Council that the City proceed with the following bylaw amendments, with respect to Lot A, EPP110782 located at **4440 Vimy Street**:*
  - a) *Amend the Official Community Plan (Schedule A - Future Land Use Map) to change the designation on a portion of 4440 Vimy Street from '**Parks and Open Space**' to '**Institutional**'.*
  - b) *Amend the Zoning Bylaw (Schedule A – Zoning Map) to change the zoning on 4440 Vimy Street from '**P2 Parks and Recreation**' to '**P1 Institutional**'.*

**( Anaka / Washington ) CARRIED**

**5. STATUS UPDATE:**

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

- OCP RFP – six submissions received are in review.
- Colin Evans – OCP/ZON amends for 4905 Cherry Ck Rd received 3<sup>rd</sup> reading on Sep. 27 and will go to an upcoming Council meeting for Final Adoption.
- City owned land RFP's – Director of Development Services/Deputy CAO has been directed by Council to take appropriate next steps with submissions that Council would like to focus on.

**6. OTHER BUSINESS - None**

**7. ADJOURNMENT** – The meeting adjourned at 1:00 pm. The next meeting is scheduled for 12:00 pm on **October 21, 2021**.

**( McRae / Anaka ) CARRIED**



Ken McRae (Chair)

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# CITY OF PORT ALBERNI

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## PLANNING DEPARTMENT REPORT TO THE ADVISORY PLANNING COMMISSION

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TO: Advisory Planning Commission  
FROM: Brian McLoughlin, Development Planner  
DATE: August 19, 2021

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**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.**

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### 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.

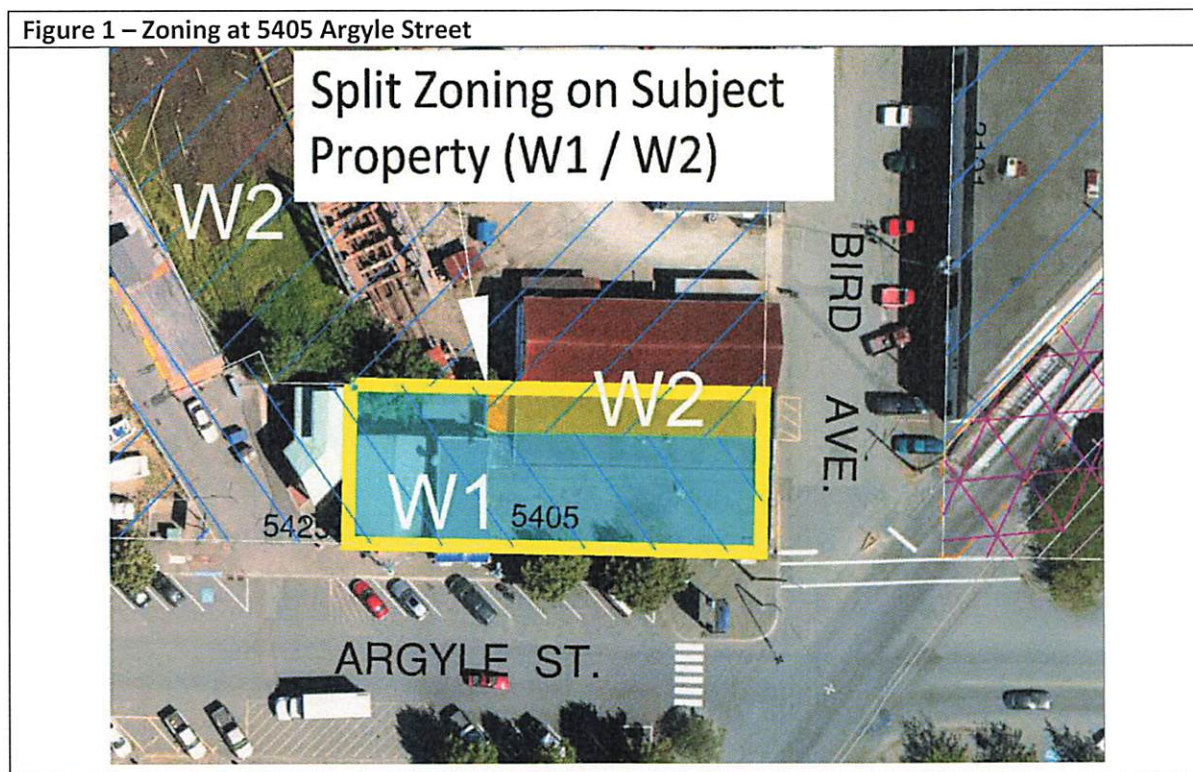
1. Recommend to Council that the City proceed with the bylaw amendment.
2. Recommend to Council that the City proceed with adding the following 'Personal Service' uses to the property: *Barber, Beauty Shop, Salon, Spa*. And that '*Residential Above Commercial*' be added as an accessory use, subject to 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*.



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:

<b>Table 1 – Business Licenses currently issued or pending at 5405 Argyle Street.</b>		
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:

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>	<p><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></p>
RESIDENTIAL ABOVE COMMERCIAL	<i>Accessory</i>	<p>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.</p>

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*.

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**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.

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



### 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.

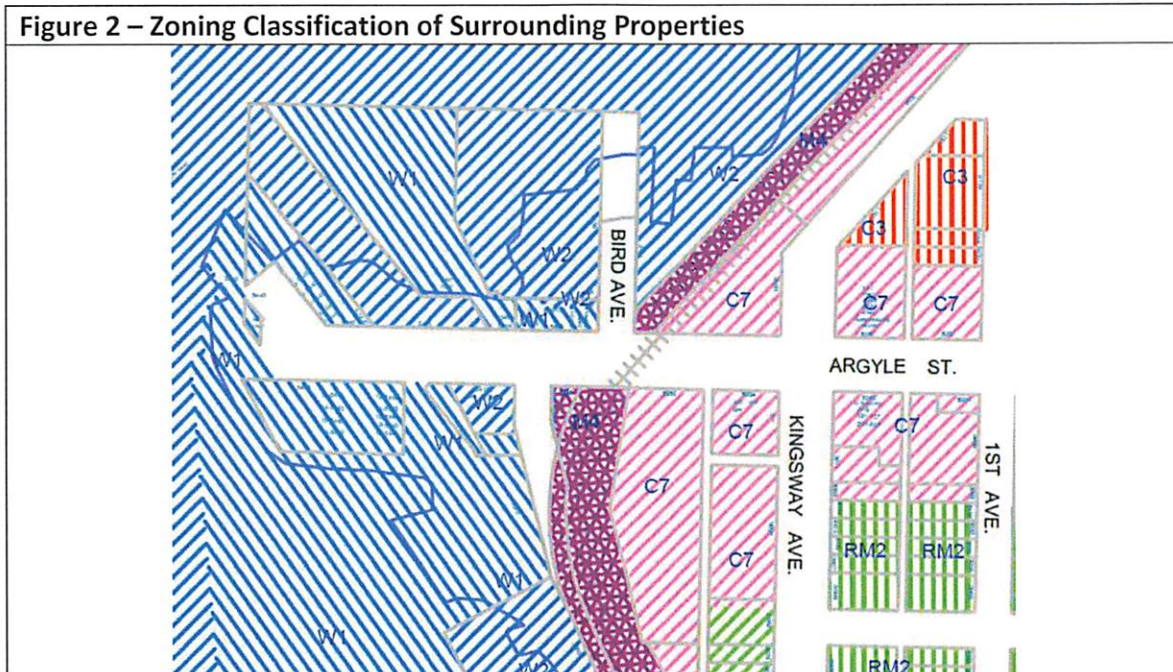
**ANALYSIS**

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. 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)*

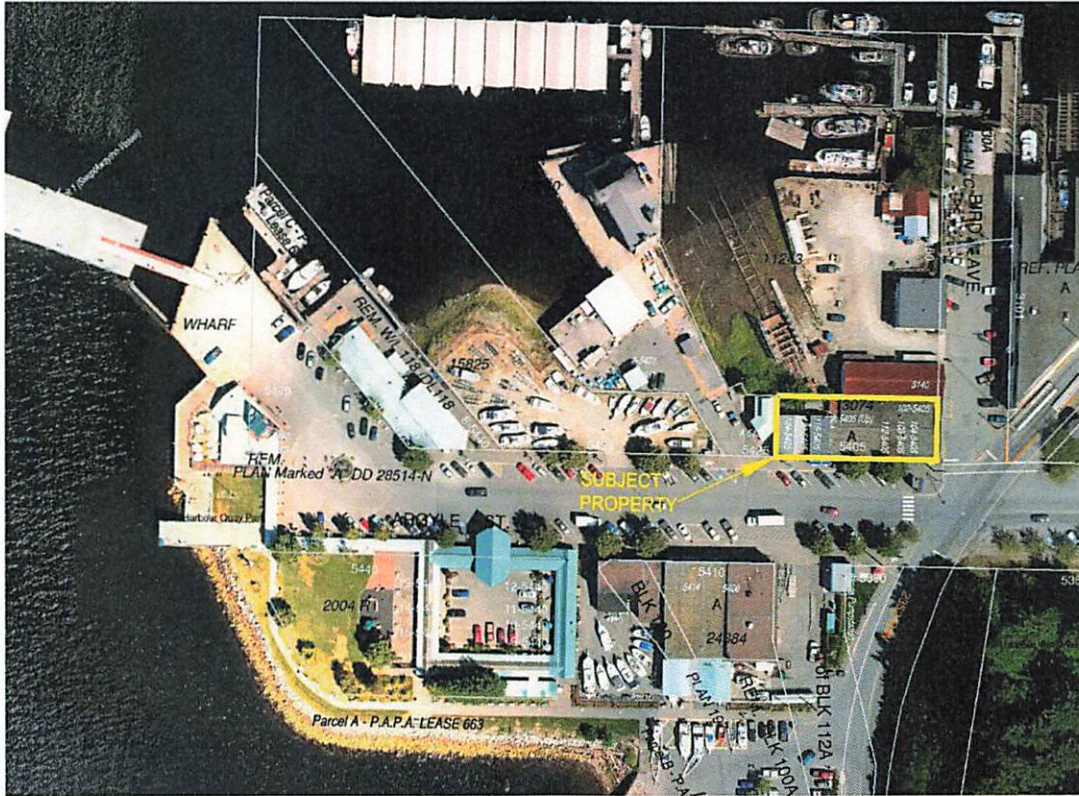
Furthermore, enabling 'Residential Above Commercial' should be conditional upon the property owner entering into an agreement with the City of Port Alberni for the management of on-street residential parking.

Respectfully submitted,



Brian McLoughlin, MCP  
Development Planner

**SUBJECT PROPERTY – 5405 ARGYLE STREET**





**CITY OF PORT ALBERNI**

**BYLAW NO. 5039**

**A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832**

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

- 1. This Bylaw may be known and cited for all purposes as **"Zoning Text Amendment No. T29 (Site Specific Use - W1 Waterfront Commercial), Bylaw No. 5039"**.

2. Zoning Text Amendment

Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended by:

- A. Adding the following text to Section 5.33.1:

"Site Specific Uses

*Barber*

*Beauty Shop*

*Residential above commercial*

*Salon*

*Spa"*

- B. Adding the following Section 5.33.4 Site Specific Uses, in the form of a table:

*"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>
<i>Barber, Beauty Shop, Salon, Spa</i>	<i>Residential above Commercial</i>	<i>5405 Argyle St.</i>	<i>For a portion of Lot A, District Lots 1 and 118, Alberni District, Plan VIP13074 zoned as W1 Waterfront Commercial and shown in Schedule A to this bylaw (Attached) ."</i>

**READ A FIRST TIME THIS 17<sup>TH</sup> DAY OF JANUARY, 2022.**

**READ A SECOND TIME THIS 17<sup>TH</sup> DAY OF JANUARY, 2022.**

**A PUBLIC HEARING WAS HELD THIS                      DAY OF                      , 2022.**

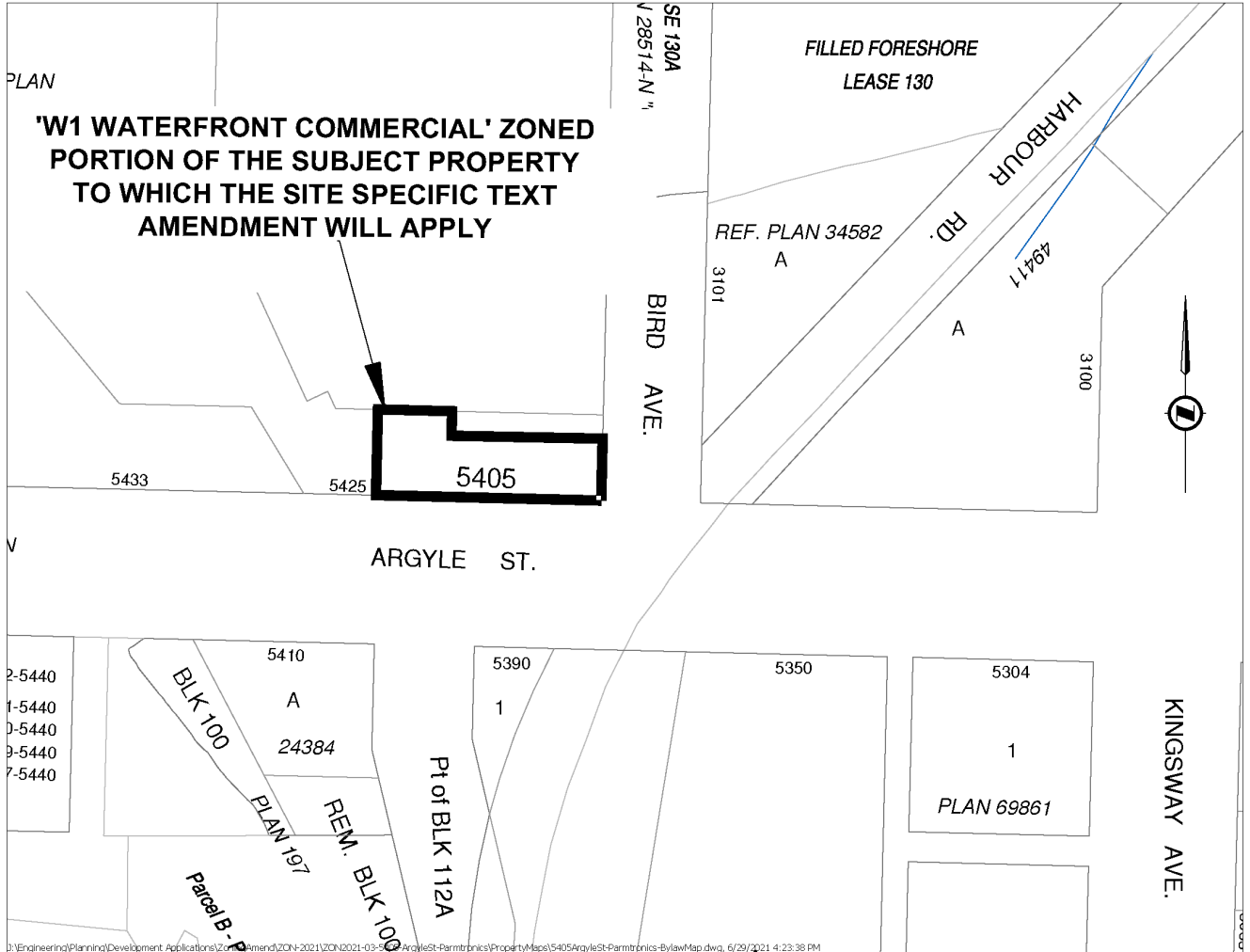
**READ A THIRD TIME THIS                      DAY OF                      , 2022.**

**FINALLY ADOPTED THIS                      DAY OF                      , 2022.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

# Schedule "A" to Bylaw No. 5039



COPY AVAILABLE