



PUBLIC HEARING
Tuesday, April 30, 2019 @ 6:00 PM
George Fraser Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet

AGENDA

	Page
1. CALL TO ORDER	
2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY	
2.1. Council would like to acknowledge the Yuułu?it?ath First Nations on whose traditional territories the District of Ucluelet operates.	
3. LATE ITEMS	
4. EXPLANATION OF PUBLIC HEARING PROCESS	
4.1. Rules Governing Public Hearing	
1. As provided for in the <i>Local Government Act</i> , the Council is required to hold a Public Hearing before adopting an Official Community Plan Bylaw, Zoning Bylaw or amendments thereto.	
2. At a Public Hearing all persons <u>who deem their interest in property affected</u> by the proposed bylaws shall be afforded an opportunity to be heard, or to present written submissions, on matters contained in the bylaw.	
3. The Council may give such effect, as it deems fit, to representations made at a Public Hearing, in the bylaws as adopted.	
4. At a Public Hearing the Council is under no obligation to enter into a debate on any issue. The purpose of a hearing is to <u>hear</u> public input, which will later be considered by the Council in their regular meeting.	
5. Following the Public Hearing, Council will not accept further communications or presentations from the public or the applicant respecting this bylaw.	
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N-2 Zoning Amendment Bylaw No. 1248, 2019, Ucluelet Housing Agreement Bylaw No. 1249, 2019 & Development Variance Permit No. 3090-20-DVP19-03	
6. PUBLIC HEARING - DISTRICT OF UCLUELET ZONING BYLAW AMENDMENT BYLAW NO. 1241, 2019	
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8.4.	Written Submissions for Bylaw No. 1248, Bylaw No. 1249, & DVP19-03	
8.5.	Public Comments for Bylaw No. 1248, Bylaw No. 1249, & DVP19-03	
9.	ADJOURNMENT	

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at the Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet B.C., on **Tuesday April 30, 2019**, commencing at **6:00 p.m.** on the following proposed Bylaws to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the “**Zoning Bylaw**”) pursuant to Sections 464 and 466 of the Local Government Act.

Ucluelet Zoning Amendment Bylaw No. 1241, 2019

In general terms the purpose of this proposed bylaw is to amend the Zoning Bylaw to remove the standalone short-term rental element within a *Vacation Rental (VR-2)* use by requiring that a minimum of 15% of the principle building has a residential component as follows:

1. Delete and replace Section 406.1 (2), such that the section reads as follows:
 - (2) The “VR-2” designation permits the *commercial tourist accommodation* as:
 - (a) *accessory* to a permanent *residential* use and administered by the full-time and present resident.
 - (b) occupying the principle *dwelling* or a maximum of two (2) *secondary suites* or a combination of those dwelling units as long as one of the dwelling units within the principle building is occupied by a permanent and present *residential* use.
 - (c) in no case shall the *secondary suite* component of the principle building occupy less than fifteen percent (15%) of the principle building on the lot, and in no part of an accessory building.
 - (d) in no case shall the principle *dwelling* component of the principle building occupy less than sixty (60%) of the principle building on the lot, and in no part of an *accessory building*.
2. By deleting and replacing subsection (b) within the Section 103 Definition for *secondary suite*, such that the section reads as follows:
 - (b) in a building with a *Vacation Rental (VR-1)* or a *Vacation Rental (VR-2)* designation, means one or two separate *accessory dwelling units* used for either *residential* use or *commercial tourist accommodation* in accordance with Section 406 of this Bylaw;

Ucluelet Zoning Amendment Bylaw No. 1242, 2019

In general terms the purpose of this proposed bylaw is to amend the Zoning Bylaw to add the *Vacation Rental (VR-2)* use (as amended by Ucluelet Zoning Amendment Bylaw No. 1241, 2019) to the property at 506 Marine Drive as follows:

1. Amend the Text and Map of Schedule B of the District of Ucluelet Zoning Bylaw by adding the following section CD-2A.1.7 in alphanumerical order, as follows:

“CD-2A.1.7 The following uses are permitted on Lot 2, District Lot 281, Clayoquot District, Plan VIP80321 (PID 026-566-435, 506 Marine Drive):

- (1) Principal:
 - (a) *Single Family Dwelling*
 - (b) *Vacation Rental (VR-2)*
- (2) Secondary:
 - (a) *Home Occupation*
 - (b) *Secondary Suite*”



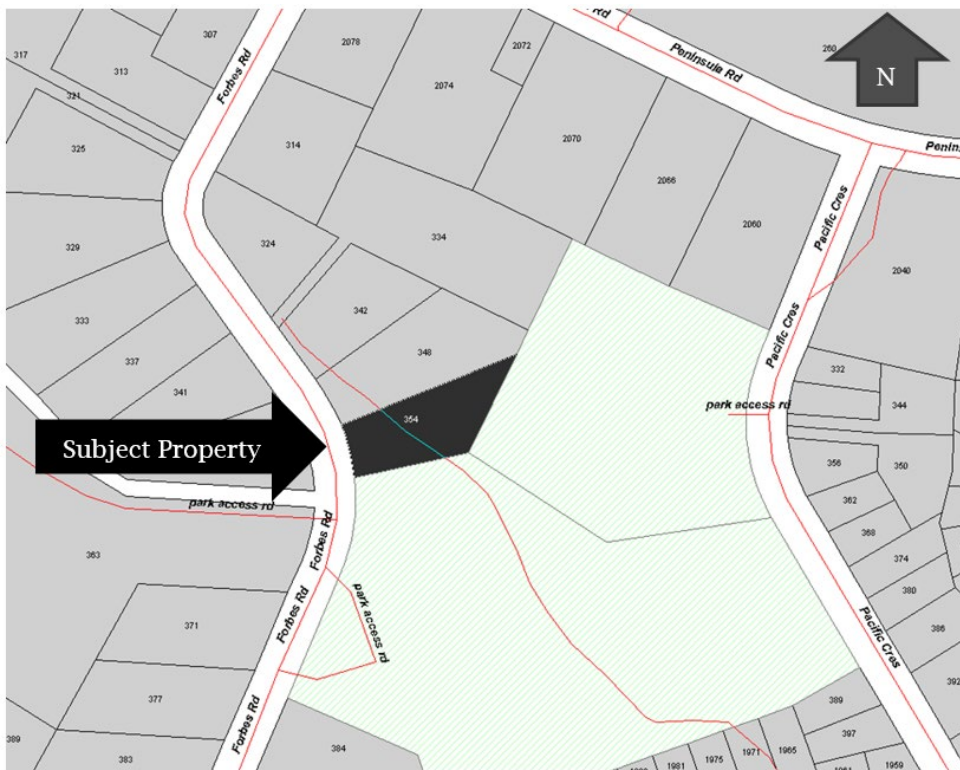
Anyone who believes the proposed bylaws will affect their interests will be given an opportunity to be heard at the public hearing. Inquiries, comments and concerns may also be directed to the District of Ucluelet’s Planning Department by telephone at 250-726-7744 or email: jtowgood@ucluelet.ca. Written submissions may be mailed to the District of Ucluelet, P.O. Box 999, Ucluelet B.C., V0R 3A0, or faxed to 250-726-7335 but must be received before the commencement of the Public Hearing. Submissions received after the Public Hearing can not be accepted. Written submissions must include your name and street address and will be considered part of the public record pursuant to the *Freedom of Information and Protection of Privacy Act*. A copy of the proposed bylaws and other relevant information may be inspected at the District of Ucluelet office at 200 Main Street from the date of this notice until the public hearing, between the hours of 8:30 a.m. to 4:00 p.m. weekdays except statutory holidays.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at the Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet B.C., on **Tuesday April 30, 2019**, commencing at **6:00 p.m.** on the following proposed Bylaws and Development Variance Permit pursuant to Sections 464, 466 and 499 of the *Local Government Act*.

Ucluelet Zoning Amendment Bylaw No. 1248, 2019

In general terms the purpose of this proposed bylaw is to amend the Eco-Industrial Park CD-1 regulations within Schedule B of the Ucluelet Zoning Bylaw No. 1160, 2013, to allow *Commercial Tourist Accommodation* as a secondary use on the second and third levels, and *Staff Housing* on any level of an existing mixed-use building on the property at 354 Forbes Road (Lot 17, District Lot 284, Clayoquot District, Plan VIP76147).



Ucluelet Housing Agreement Bylaw No. 1249, 2019

In general terms the purpose of this proposed bylaw is to authorize the District of Ucluelet, pursuant to section 483 of the *Local Government Act*, to enter into a Housing Agreement with the owners of the property at 354 Forbes Road, Glenn and Dianna Kaczmar. In conjunction with the requested rezoning of the property, the owners are proposing that the lower level of the building at 354 Forbes Road be used for a minimum of six *Staff Housing* units; the proposed Housing Agreement would include an occupancy restriction and annual reporting mechanism to ensure the operation of the *Staff Housing* units as proposed.

Development Variance Permit No. 3090-20-DVP19-03

In addition to the above bylaws, the owners of the property at 354 Forbes Road have requested a Development Variance Permit to vary the following aspects of the Eco-Industrial Park (CD-1) regulations within District of Ucluelet Zoning Bylaw No. 1150, 2013, to enable the owners to apply for the required Building Permit for the renovation of the existing building on the property to ensure it is safe for its intended use:

- i. reduce the side yard setback per CD-1.6.1(3) on the south side from a minimum of 5m to 1.22m;
- ii. reduce the rear yard setback per CD-1.6.1(3) from a minimum of 6m to 4.05m;
- iii. reduce the parking setback per 503.2(1) from a minimum of 3m to 1.5m, subject to the owner installing the proposed landscaped screening within the reduced setback area;
- iv. increase the permitted building height per CD-1.5.1(4) from a maximum of 12m to 12.95m; and,
- v. waive the requirement per 602.1(1) for screening of waste and recycling bins, located at the rear of the building;

Anyone who believes the proposed bylaws or Development Variance Permit will affect their interests will be given an opportunity to be heard at the public hearing. Inquiries, comments and concerns may also be directed to the District of Ucluelet's Planning Department by telephone at 250-726-7744 or email: jtowgood@ucluelet.ca. Written submissions may be mailed to the District of Ucluelet, P.O. Box 999, Ucluelet B.C., V0R 3A0, or faxed to 250-726-7335 but must be received before the commencement of the Public Hearing. Submissions received after the Public Hearing can not be accepted. Written submissions must include your name and street address and will be considered part of the public record pursuant to the *Freedom of Information and Protection of Privacy Act*. A copy of the proposed bylaws, Development Variance Permit and other relevant information may be inspected at the District of Ucluelet office at 200 Main Street from the date of this notice until the public hearing, between the hours of 8:30 a.m. to 4:00 p.m. weekdays except statutory holidays.

Notice dated April 11, 2019, at Ucluelet, BC

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1241, 2019

A bylaw to amend the District of Ucluelet Zoning Bylaw (Vacation Rental VR-2).

WHEREAS the District of Ucluelet Council by Bylaw No. 1160 adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Text Amendment:

The District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended as follows:

- a. By deleting and replacing Section 406.1 (2), such that the section reads as follows:

(2) The “VR-2” designation permits the *commercial tourist accommodation* as:

(a) *accessory* to a permanent *residential* use and administered by the full-time and present resident.

(b) occupying the principle *dwelling* or a maximum of two (2) *secondary suites* or a combination of those dwelling units as long as one of the dwelling units within the principle building is occupied by a permanent and present *residential* use.

(c) in no case shall the *secondary suite* component of the principle building occupy less than fifteen percent (15%) of the principle building on the lot, and in no part of an accessory building.

(d) in no case shall the principle *dwelling* component of the principle building occupy less than sixty (60%) of the principle building on the lot, and in no part of an *accessory building*.

- b. By deleting and replacing subsection (b) within the Section 103 Definition for secondary suite, such that the section reads as follows:

(b) in a building with a *Vacation Rental (VR-1)* or a *Vacation Rental (VR-2)* designation, means one or two separate *accessory dwelling units* used for either *residential* use or *commercial tourist accommodation* in accordance with Section 406 of this Bylaw;

2. This bylaw may be cited for all purposes as the “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1241, 2019.

READ A FIRST TIME this **26** day of **March, 2019**.

READ A SECOND TIME this **26** day of **March, 2019**.

PUBLIC HEARING held this day of , **2019**.

READ A THIRD TIME this day of , **2019**.

ADOPTED this day of , **2019**.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1241, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Mark Boysen
Corporate Officer

FROM: JOHN TOWGOOD, PLANNER 1

FOLIO NO: 114.812 **FILE NO:** 3360-20-RZ18-04

SUBJECT: ZONING BYLAW AMENDMENT APPLICATION (506 MARINE DRIVE)

REPORT NO: 19- 33

ATTACHMENT(S): APPENDIX A – APPLICATION

APPENDIX B – DRAFT *UCLUELET ZONING BYLAW AMENDMENT BYLAW No. 1241, 2019*

APPENDIX C – DRAFT *UCLUELET ZONING BYLAW AMENDMENT BYLAW No. 1242, 2019*

APPENDIX D – STAFF REPORT DATED DECEMBER 11, 2018

RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1241, 2019, be given first and second reading and advance to a public hearing.
2. **THAT** Council give notice of its intent to consider issuing a temporary use permit for the proposed Vacation Rental (VR-2) use on the property at 506 Marine Drive.

PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No. 1160, 2013, (the “**Zoning Bylaw**”) to change the regulations for the Vacation Rental VR-2 use to allow a Single-Family Dwelling (**SFD**) to be rented as short-term rental (**STR**) contingent on a secondary suite being occupied by a full-time and present resident. It is also requested that the amended VR-2 use then be permitted on the subject property: Lot 2, District Lot 281, Clayoquot District Plan VIP80321, (506 Marine Drive). See Figure 1 below:



Figure 1 – Subject Property

BACKGROUND:

On January 23, 2018, Council was requested to approve an amendment to the Zoning Bylaw that would have applied the VR-2 use on the subject property. The following is the summary from that January 23 report:

“The subject property has an existing built form which includes a secondary suite, which retains a residential component on the property. This proposal would offer something unique to Ucluelet’s visitor accommodation sector. Planning Staff also consider that, given the location, this proposal would likely result in minimal impact to the neighborhood. That being said, the current lack of long-term housing availability, the Short-Term Rental (STR) strategy currently being implemented, and the current bylaw enforcement of illegal VR-2 type STR’s (entire homes) are important elements of the current context to the request to rezone this property. The historical context where the VR-2 use was considered by Council and subsequently removed is also an important element to consider. Given the current housing challenges, from a community perspective the subject lot is currently in the optimum housing form as a Single-Family Dwelling with Secondary Suite and therefore staff recommend that this application not proceed at this time.

Should Council support the application proceeding at this time, staff recommend that the zoning amendment bylaw include a clause to remove the use of a standalone single-family dwelling as a short-term vacation rental within the VR-2 designation.

The role and impact of vacation rentals is very much a current and evolving issue within the community of Ucluelet. As noted below, a further option is to table this application until the District’s housing policies have perhaps been clarified as the current OCP review and Short-Term Rental Strategy progress further.”

After consideration at the January 23, 2018 meeting, Council determined the application would not proceed. The applicant submitted a new application on May 31, 2018, to again rezone their property to VR-2 however they are now proposing that the VR-2 zone be modified to remove the allowance for a standalone STR. This rezoning request was taken to Council on December 11, 2018, and Council passed the following motions:

THAT Council direct staff to prepare a Zoning Amendment Bylaw to remove the standalone Vacation Rental of an entire single-family dwelling from the permitted uses under the Vacation Rental (VR-2) regulations.; and,

THAT Council direct staff to prepare a site-specific Zoning Amendment Bylaw to permit the short-term rental of the main house on the property at 506 Marine Drive under the amended Vacation Rental (VR-2) regulations.

Planning Staff have prepared two bylaws in response to Council’s direction. The two bylaws will be discussed separately in this report.

DISCUSSION:

A. Ucluelet Zoning Bylaw Amendment Bylaw No.1241 – Amendment of the VR-2 Use

Zoning Bylaw Amendment Bylaw No.1241 is written to redefine the VR-2 designation to allow a VR use only if a residential component is present. The Zoning Bylaw currently regulates VR-2 as follows:

- (2) The "VR-2" designation permits the commercial tourist accommodation to be either an accessory use or a principal use, as follows:*
 - (a) If accessory, the VR-1 provisions of section 406.1(1) apply fully; and*
 - (b) If principal,*
 - (i) only one dwelling unit per lot that is not a secondary suite may be used for commercial tourist accommodation;*
 - (ii) a secondary suite, if present, must only be used for residential use.*

This designation for VR-2 permits commercial tourist accommodation to be either an accessory use or a principal (standalone) use.

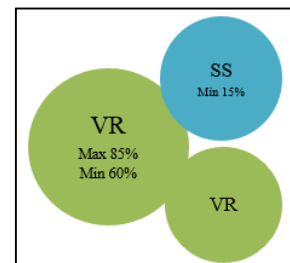
The following amendment is proposed to accommodate the same 'use structure' in the building as is currently permitted, but to also ensure that a long-term resident is present on the property:

- (2) The "VR-2" designation permits the commercial tourist accommodation as:*
 - (a) accessory to a permanent residential use and administered by the full-time and present resident.*
 - (b) occupying the principle dwelling or a maximum of two (2) secondary suites or a combination of those dwelling units as long as one of the dwelling units within the principle building is occupied by a permanent and present residential use.*
 - (c) in no case shall the secondary suite component of the principle building occupy less than fifteen percent (15%) of the principle building on the lot, and in no part of an accessory building.*
 - (d) in no case shall the principle dwelling component of the principle building occupy less than sixty (60%) of the principle building on the lot, and in no part of an accessory building.*

The above amendment is drafted to fit within the pattern of the existing Zoning Bylaw. It would achieve the following:

- make the VR use accessory to a permanent residential use and administered by the full-time and present resident.
- allow the VR use to be in any of the possible three dwelling units.
- ensure the residential component is at least 15% of the building area.
- ensure the basic building layout with one dominant dwelling.

The adjacent diagram illustrates the maximum commercial use (shown in green). The long-term residential use (shown in blue) could cover some or all of the area shown in green, but would never be less than the suite illustrated as 15% of the total building.



The definition for Secondary suite must also be updated to reflect the above change to the VR-2 Zone. The existing definition is as follows:

“Secondary Suite”:

(a) in all instances other than a Vacation Rental (VR-1) designation, means one separate accessory dwelling unit, for residential use only, located within a single-family dwelling, in accordance with Section 403 of this Bylaw; or

(b) in a building with a Vacation Rental (VR-1) designation, means one or two separate accessory dwelling units used for either residential use or commercial tourist accommodation in accordance with Section 406 of this Bylaw;

This definition does not currently allow a VR-2 to have two suites (despite the intent of the VR-2 designation). The Zoning Amendment Bylaw No. 1241 proposes to insert the following updated definition for Secondary Suite:

(b) in a building with a Vacation Rental (VR-1) or a Vacation Rental (VR-2) designation, means one or two separate accessory dwelling units used for either residential use or commercial tourist accommodation in accordance with Section 406 of this Bylaw;

Summary for Bylaw No. 1241

The success of STR in a residential context has greatly benefited some aspects of Ucluelet’s economy and population, but not without its costs (a full discussion of these effects is presented in the staff report 6630-20-BCAA, to be presented on the same Council agenda as this report).

The modifications to the Zoning Bylaw proposed in Bylaw No. 1241 would maintain a prominently commercial VR-2 designation but now with a required residential component. Staff are supportive of maintaining the VR-2 designation with these changes and consider that the VR-2 is a viable use as a component of new developments; this could allow developers to include VR-2 within the proposed mix of uses to create a successful balance of commercial and residential properties. Within existing neighborhoods, however, rezoning existing residential property to allow the predominantly commercial VR-2 use would contribute to the erosion of the supply and affordability of long-term housing stock in the community.

B. Ucluelet Zoning Bylaw Amendment Bylaw No. 1242 – Spot Zoning of 506 Marine Drive

The draft Zoning Bylaw Amendment Bylaw No. 1242 would add the VR-2 designation to the subject property. Staff acknowledge that this would, in isolation, likely have little impact on the character or function of the neighbourhood. The change to the VR-2 use is expected to have some impact on the property’s value and could thereby have an incremental effect on the overall community housing supply.

This incremental impact on housing affordability raises concerns for Ucluelet’s existing residential housing stock becoming more commercialized. Staff are therefore not supportive of permanently changing the zoning designation of the subject property proposed in the draft Bylaw No. 1242. To allow the property owner to achieve their goals, at least in the short term, Staff recommend that Council instead consider issuing a Temporary Use Permit (**TUP**) to permit the VR-2 use on the property without committing to a full rezoning.

TEMPORARY USE PERMIT:

A less rigid approach to meet the applicants’ objective of attaining a VR-2 designation for 506 Marine Drive is to issue a Temporary Use Permit. Permits can be issued for any period up to three years and could be considered for renewal once for a further period up to three years. After a TUP

has been renewed, there is nothing preventing a property owner from applying for another new TUP. The use could therefore continue in this manner for a longer time frame, without the property becoming “permanently” rezoned for the primarily commercial VR-2 use. It would require, however, that the owners periodically apply for a new or renewed permit.

Issuing a TUP requires notification as per Section 492 of the *Local Government Act*. The permit can include conditions if they are considered important to maintaining the use on the property (e.g., to ensure issues such as parking, noise, duration, etc., are managed as proposed).

At this point in time, staff are recommending that Council consider issuing a TUP for this property instead of changing its zoning designation. Although each rezoning application is decided on its merits, there are other pending applications with similar requests to change land uses; Council will need to consider how we will develop a consistent approach on such requests to expand the short-term vacation rental uses in residential neighbourhoods.

If the current application were addressed through a TUP, the issue of longer-term changes to the permitted land uses on this property could be revisited at a time when the District’s approach to short-term vacation rentals in residential zones has been clarified.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Should the application proceed, staff time will be required to process these Zoning Bylaw Amendments and permits, including giving notice of a Public Hearing.

FINANCIAL IMPACTS:

There are no direct financial implications to the District to advancing Bylaws No. 1241 and 1242. Indirectly, the bylaws may contribute to the erosion of the supply and affordability of long-term housing stock in the community particularly in existing neighbourhoods.

POLICY OR LEGISLATIVE IMPACTS:

The modifications to the Zoning Bylaw proposed in Bylaw No. 1241 would maintain a prominently commercial VR-2 designation but now with a required residential component.

Staff do not recommend advancing the draft Zoning Bylaw Amendment Bylaw No. 1242 which would add the VR-2 designation to the subject property. Staff are recommending that Council consider issuing a TUP for this property instead of changing its zoning designation.

OPTIONS REVIEW:

1. **THAT** District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1241, 2019, be given first and second reading and advance to a public hearing.
(Recommended)
2. **THAT** Council give notice of its intent to consider issuing a temporary use permit for the proposed Vacation Rental (VR-2) use on the property at 506 Marine Drive.
(Recommended)

3. **THAT** District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1242, 2019, be given first and second reading and advance to a public hearing.
4. **THAT** Council provide alternative direction to Staff and/or the applicant.

Respectfully submitted: John Towgood, Planner 1
Bruce Greig, Manager of Planning
Mark Boysen, Chief Administrative Officer

Appendix A

May 30, 2018

To Mayor and Council & Planning

Hand delivered

RE: rezoning application for 506 Marine Drive to VR2 – vacation rental- amended as below.

To whom it may concern,

We are wishing to apply for a varied version of the VR2 zoning. We rent our secondary suite (carriage house) on a full-time basis and are happy to continue doing so. We are finding the costs of maintaining our home more and more cumbersome as we age.

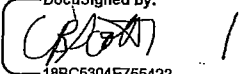
We currently pay \$1000.00 per month for property taxes and \$500.00 per month for insurance and wish to travel more as we get on in life. Carl will be 72 and Judy will be 60. We love our home and enjoy having large family gatherings. If we were able to offer our home for rental while we travel then we would be better able to afford to keep our place and work less. We do not want to sell our home.

As a growing tourist community there is more need for this type of occasional accommodation. We have been living with two homes with similar grandfathered zoning and the Ridge complex across the street for the past ten years. We have not had any reason to complain about noise or nuisance and do not believe the occasional rental of our home will be of any nuisance. This neighbourhood is mixed already, and we very much enjoy living here with this mix.

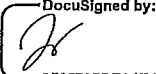
We have worked with staff after our previous failed application to amend the VR2 zone to see if it would fit better in the community. Our request is to take the current VR2 zone, remove all references to VR 100% without the need for a permanent full time resident and add a new category "CH – Carriage House" so that a full-time occupant must be onsite in either a secondary suite or a carriage house. With the last revision of the zoning by-law our secondary suite no longer conforms and is now considered a carriage house. This would bring our home into conformity and allow for the occasional nightly rental in the main house.

We thank-you for consideration of our application.

Best to you,

DocuSigned by:

18BC5304E755422...

Carl Scott

DocuSigned by:

259572FDEA1E4B5...

Judy Gray

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1241, 2019

A bylaw to amend the District of Ucluelet Zoning Bylaw (Vacation Rental VR-2).

WHEREAS the District of Ucluelet Council by Bylaw No. 1160 adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Text Amendment:

The District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended as follows:

a. By deleting and replacing Section 406.1 (2), such that the section reads as follows:

(2) The “VR-2” designation permits the *commercial tourist accommodation* as:

(a) *accessory* to a permanent *residential* use and administered by the full-time and present resident.

(b) occupying the principle *dwelling* or a maximum of two (2) *secondary suites* or a combination of those dwelling units as long as one of the dwelling units within the principle building is occupied by a permanent and present *residential* use.

(c) in no case shall the *secondary suite* component of the principle building occupy less than fifteen percent (15%) of the principle building on the lot, and in no part of an accessory building.

(d) in no case shall the principle *dwelling* component of the principle building occupy less than sixty (60%) of the principle building on the lot, and in no part of an *accessory building*.

b. By deleting and replacing subsection (b) within the Section 103 Definition for secondary suite, such that the section reads as follows:

(b) in a building with a *Vacation Rental (VR-1)* or a *Vacation Rental (VR-2)* designation, means one or two separate *accessory dwelling units* used for either *residential* use or *commercial tourist accommodation* in accordance with Section 406 of this Bylaw;

2. This bylaw may be cited for all purposes as the “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1241, 2019.

READ A FIRST TIME this day of , **2019**.

READ A SECOND TIME this day of , **2019**.

PUBLIC HEARING held this day of , **2019**.

READ A THIRD TIME this day of , **2019**.

ADOPTED this day of , **2019**.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1241, 2019.”

Mayco Noël

Mayor

Mark Boysen

Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Mark Boysen

Corporate Officer

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1242, 2019

A bylaw to amend the District of Ucluelet Zoning Bylaw (506 Marine Drive).

WHEREAS Section 479 and other parts of the *Local Government Act* authorize zoning and other development regulations;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows;

1. Text and Map Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following section CD-2A.1.7 in alphanumerical order, as follows:

“CD-2A.1.7 The following uses are permitted on Lot 2, District Lot 281, Clayoquot District, Plan VIP80321 (PID 026-566-435, 506 Marine Drive):

(1) Principal:

(a) Single Family Dwelling

(b) Vacation Rental (VR-2)

(2) Secondary:

(a) Home Occupation

(b) Secondary Suite”

2. This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1242, 2019”.

READ A FIRST TIME this day of , 2019.

READ A SECOND TIME this day of , 2019.

PUBLIC HEARING WAIVED this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1242, 2019.”

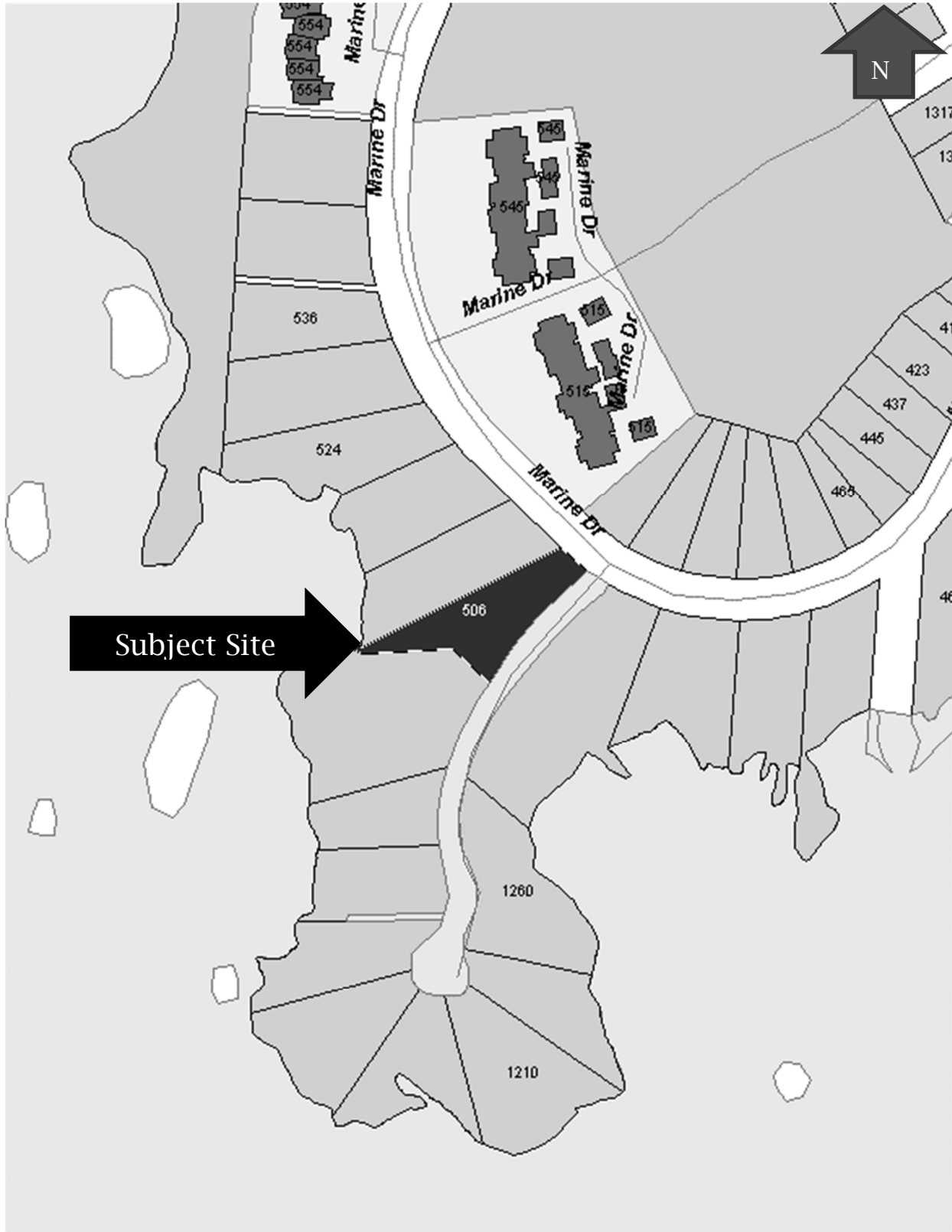
Mayco Noël
Mayor

Mark Boysen
Corporate Officer

THE CORPORATE SEAL of the District of Ucluelet was hereto affixed in the presence of:

Mark Boysen
Corporate Officer

SCHEDULE 'A'
Bylaw No. 1242, 2019





STAFF REPORT TO COUNCIL

Council Meeting: December 11, 2018
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1

FOLIO NO: 114.812 **FILE NO:** 3360-20-RZ18-04

SUBJECT: ZONING BYLAW AMENDMENT APPLICATION (506 MARINE DRIVE)

REPORT NO: 18-126

ATTACHMENT(S): APPENDIX A –APPLICATION
APPENDIX B – JANUARY 23RD, 2018, STAFF REPORT

RECOMMENDATION:

1. **THAT** Council direct staff to prepare a Zoning Amendment Bylaw to remove the standalone Vacation Rental of an entire single-family dwelling from the permitted uses under the Vacation Rental (VR-2) regulations.; and,
2. **THAT** Council direct staff whether to prepare a site-specific Zoning Amendment Bylaw to permit the short-term rental of the main house on the property at 506 Marine Drive under the amended Vacation Rental (VR-2) regulations.

PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No. 1160, 2013, (the “**Zoning Bylaw**”) to change the regulations for the Vacation Rental (VR-2) use to allow the principal dwelling unit (i.e., the main house) of a Single Family Dwelling (**SFD**) to be rented as short term rental (**STR**) contingent on a secondary suite or carriage house on the property being occupied by a full-time and present resident. It is also requested that the amended VR-2 use then be permitted on Lot 2, District Lot 281, Clayoquot District Plan VIP80321, 506 Marine Drive (the **Subject Property**”). See Figure 1 below:



Figure 1 – Subject Property

BACKGROUND:

On January 23rd, 2018, Council was requested to approve an amendment to Zoning Bylaw No.1160, 2013 (the “Zoning Bylaw”) that would have applied the unamended VR-2 use on the subject property. Staff recommended that request not proceed. The following is the summary from the January 23rd report:

“The subject property has an existing built form which includes a secondary suite, which retains a residential component on the property. This proposal would offer something unique to Ucluelet’s visitor accommodation sector. Planning Staff also consider that, given the location, this proposal would likely result in minimal impact to the neighborhood. That being said, the current lack of long-term housing availability, the Short-Term Rental (STR) strategy currently being implemented, and the current bylaw enforcement of illegal VR-2 type STR’s (entire homes) are important elements of the current context to the request to rezone this property. The historical context where the VR-2 use was considered by Council and subsequently removed is also an important element to consider. Given the current housing challenges, from a community perspective the subject lot is currently in the optimum housing form as a Single-Family Dwelling with Secondary Suite and therefore staff recommend that this application not proceed at this time.

Should Council support the application proceeding at this time, staff recommend that the zoning amendment bylaw include a clause to remove the use of a standalone single-family dwelling as a short-term vacation rental within the VR-2 designation.

The role and impact of vacation rentals is very much a current and evolving issue within the community of Ucluelet. As noted below, a further option is to table this application until the District’s housing policies have perhaps been clarified as the current OCP review and Short-Term Rental Strategy progress further.”

After consideration at the January 23rd meeting, Council determined the application would not proceed. The January 23rd, 2018, report is attached in its entirety (**see Appendix B**) and provides important context for this application. The applicant reapplied on May 31st, 2018, to again rezone their property to VR-2 but with the difference that they are now proposing that the VR-2 zone be modified to remove the allowance for a VR-2 zoned property to be a 100% short-term rental.

DISCUSSION:

Modification of the VR-2 Use

The applicant is requesting that a modified version of VR-2 be applied to their property with amendments aimed at removing the standalone STR. The following are the possible configurations to Vacation Rental (VR-2) as written with Single Family Dwelling indicated as SFD, Secondary Suite indicated as SS and Vacation rental indicated as VR:

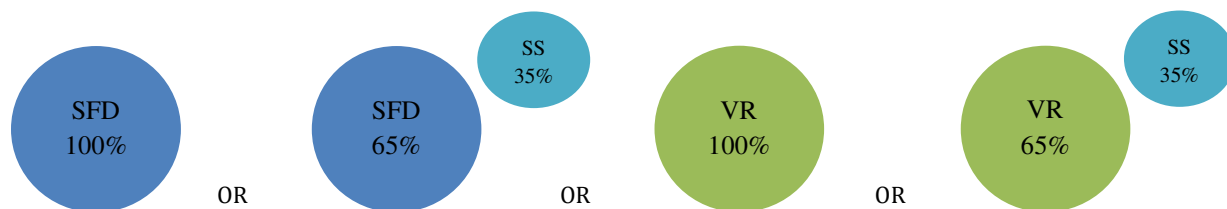


Figure 2 - Bubble Diagram for permitted uses under current VR-2

As indicated above, the VR-2 use allows for a SFD, a SFD with a SS (if a SS is allowed in the zone), a standalone VR in the entire house or a standalone VR in the entire house along with a long-term resident in a secondary suite. It is important to note that under this designation both SFD and SS require a full time and permanent resident while VR does not.

The applicant is proposing to remove the standalone whole-house VR use so that the allowable use configurations would be as follows:

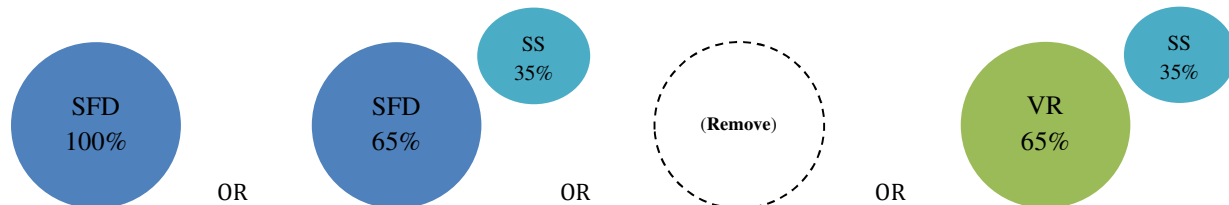


Figure 3 - Bubble Diagram for proposed uses under VR-2

The proposed change reduces what Staff consider the most negative element of the current VR-2: the short-term rental of a whole house. In the past, Vacation Rentals and Bed and Breakfasts (**B&B**) have been introduced into the Ucluelet residential zones as a way of helping with the mortgage or as a modest supplemental income. With the advent of online bookings and rental management these types of STR are becoming more lucrative and prevalent – and with that success the community is experiencing side effects such as:

- VR units that were being used for residential are now being used for STR;
- Secondary suites are being modified to fit the definition of B&B and these important residential units are being removed from residential use and put in the STR market;
- Upward pressure on home prices because of the income generated from a successful B&B or VR;
- Conflict with the purely residential uses within the immediate neighbourhood.

There are currently no active or lawfully non-conforming VR-2 uses in Ucluelet, but VR-2 uses have been contemplated for future development in the zoning bylaw for both the CD-5 and CD-6 zones (the previous zoning designations applied to areas of the Weyerhaeuser and Onni lands). The specific lots for these potential VR-1's and VR-2's do not yet exist, but currently the zoning would permit these vacation rental uses on lots in future subdivisions within the CD-5 and CD-6 zones.

As indicated in the January 23rd staff report, Staff support the removal of the stand-alone whole house VR use within the VR-2 zone. Keeping any VR rental tied to having a permanent resident on site in a secondary suite would maintain a component of long-term housing and keep a degree of oversight on the property when guests are occupying the main dwelling.

Applying the Modified VR-2 use to the property at 506 Marine Drive

The modified VR-2 would reduce the impact compared to the current VR-2 use. As mentioned in the January 23rd staff report, the subject property would offer a unique setting for a VR and vacation stays in the large high-end home would be unique in the market. The neighbourhood already has a large presence of STR type accommodation and this added use would have a minor affect to the identity of area. However, Staff must recognize the housing issues presently facing the community and cannot support any rezoning that would shift a property to have more commercial potential.

The applicant has stated that the house would only be rented as a VR when the owner would be on holidays, and that the suite on site would be occupied year-round. In this scenario there is little impact to the property's residential use. Zoning designations remain in place beyond current ownership, however, and decisions on land use should therefore consider the long-term community impacts. Should the requested zoning amendment be approved, the applicant or the next owner of the property could decide to not live on site and rent the home year-round as a STR. Even though the house is at the higher end of the housing spectrum, this would represent a loss of a residential unit within the overall housing supply in Ucluelet.

Staff consider the further commercialization and loss of residential uses within Ucluelet's existing neighbourhoods to be a real and pressing problem, and therefore have difficulty in supporting any application which moves in that direction.

ZONING:

The proposed building size and configuration is not proposed to change therefore setbacks, height and density requirements would not be affected. The parking requirement for the unit will also stay the same. Should Council support the current request amendment, staff will prepare a Zoning Amendment Bylaw and provide a future staff report describing the details of how the changes would apply to this and potentially other properties.

Note the applicant is requesting that Carriage House be added to the list of permitted uses on their property to address the non-conforming construction of their secondary suite. Staff consider this unnecessary, as the suite was constructed under a valid building permit at the time. The addition of cottage or carriage house accessory dwelling units within residential zones is an issue which will be addressed separately in the near future.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Should the application proceed, staff time will be required to prepare and process this Zoning Bylaw Amendment including giving notice of a Public Hearing. Staff suggest that there is an element of housekeeping to remove the standalone vacation rental from the VR-2 use in the Zoning bylaw, which should proceed whether or not the current application is advanced by Council.

FINANCIAL IMPACTS:

There may be a change to how the assessment class affecting the taxation for a property whose zoning designation allows a principal commercial use. Exactly how the BC Assessment Authority would treat the proposed uses is not clear – staff have sought clarification on this point and consider this to be an important consideration if zoning changes were to be applied broadly. Staff hope to have further detail to provide when bringing forward bylaw amendments in the future.

SUMMARY:

The proposed zoning amendment for 506 Marine Drive would, in isolation, likely have little impact on the character or function of the neighbourhood. The change to the permitted use of the property would have some impact on the property's value and could have an incremental effect on the overall community housing supply. Council could consider directing staff to prepare a zoning

amendment bylaw for the current application; if so directed, this would include holding a future public hearing to seek community input on the proposed zoning change.

In the larger community context, Council has already directed that staff bring forward options for possible amendment to residential zoning to better suit the needs of the community (e.g., supply and affordability), including the balance of residential uses among various forms of vacation rentals. A housekeeping zoning amendment to remove the standalone vacation rental from VR-2 is suggested by staff, and would be one small improvement to the housing regulations in the zoning bylaw. At the same time, Council should be aware that staff are also working on a current joint application from a number of property owners seeking changes to the VR-1 zoning regulations; that application engages similar issues to this application for VR-2 and could be brought forward at the time bylaw amendments are presented to Council to enable a comprehensive discussion of the details and the expected community impacts.

OPTIONS REVIEW:

1. **THAT** Council direct staff to prepare a Zoning Amendment Bylaw to remove standalone Vacation Rental of an entire single-family dwelling as a permitted use under the Vacation Rental (VR-2) regulations.; and,
(Recommended)
2. **THAT** Council direct staff whether to prepare a site-specific Zoning Amendment Bylaw to permit the short-term rental of the main house on the property at 506 Marine Drive under the amended Vacation Rental (VR-2) regulations.
(Recommended)
3. THAT Council defer the current request, and seek further information from the applicant;
or,
4. THAT Council reject the requested zoning amendment at this time.

Respectfully submitted: John Towgood, Planner 1
Bruce Greig, Manager of Planning
Mark Boysen, Chief Administrative Officer

Appendix A

May 30, 2018

To Mayor and Council & Planning

Hand delivered

RE: rezoning application for 506 Marine Drive to VR2 – vacation rental- amended as below.

To whom it may concern,

We are wishing to apply for a varied version of the VR2 zoning. We rent our secondary suite (carriage house) on a full-time basis and are happy to continue doing so. We are finding the costs of maintaining our home more and more cumbersome as we age.

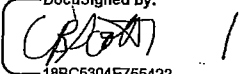
We currently pay \$1000.00 per month for property taxes and \$500.00 per month for insurance and wish to travel more as we get on in life. Carl will be 72 and Judy will be 60. We love our home and enjoy having large family gatherings. If we were able to offer our home for rental while we travel then we would be better able to afford to keep our place and work less. We do not want to sell our home.

As a growing tourist community there is more need for this type of occasional accommodation. We have been living with two homes with similar grandfathered zoning and the Ridge complex across the street for the past ten years. We have not had any reason to complain about noise or nuisance and do not believe the occasional rental of our home will be of any nuisance. This neighbourhood is mixed already, and we very much enjoy living here with this mix.

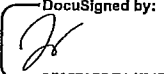
We have worked with staff after our previous failed application to amend the VR2 zone to see if it would fit better in the community. Our request is to take the current VR2 zone, remove all references to VR 100% without the need for a permanent full time resident and add a new category "CH – Carriage House" so that a full-time occupant must be onsite in either a secondary suite or a carriage house. With the last revision of the zoning by-law our secondary suite no longer conforms and is now considered a carriage house. This would bring our home into conformity and allow for the occasional nightly rental in the main house.

We thank-you for consideration of our application.

Best to you,

DocuSigned by:

18BC5304E755422...

Carl Scott

DocuSigned by:

259572FDEA1E4B5...

Judy Gray



STAFF REPORT TO COUNCIL

Council Meeting: January 23rd, 2018
500 Matterson Drive, Ucluelet, BC V0R 3A0

From: John Towgood, Planner 1

Ref No: RZ17-08 **Folio No:** 114.812 **File No:** 3360-20

Report No: 18-XX

Subject: Application to amend Zoning Bylaw No. 1160, 2013, to change the principal use on the property at 506 Marine Drive from Single Family Dwelling to Vacation Rental (VR-2).

ATTACHMENT(S): APPENDIX A –APPLICATION

RECOMMENDATION:

1. **THAT** the request to Amend Zoning Bylaw No. 1160, 2013 to change the principal use on Lot 2, Plan VIP80321, District 09 (506 Marine Drive) from Single Family Dwelling to Vacation Rental VR-2 not be approved at this time.

PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No 1160, 2013 (the “**Zoning Bylaw**”), to change the principal use on Lot 2, Plan VIP80321, District 09, 506 Marine Drive (the “**Subject Lot**”) from Single Family Dwelling to Vacation Rental VR-2.

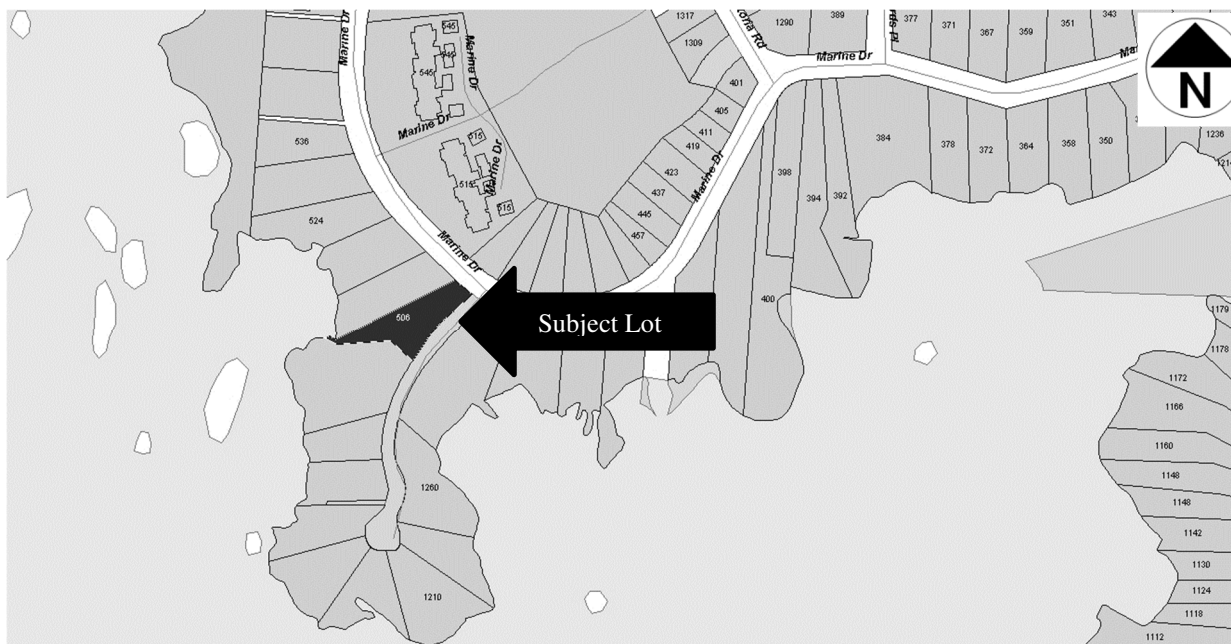


Figure 1 - Subject Lot.

BACKGROUND:

An application has been received to amend Zoning Bylaw No 1160, 2013 (the “Zoning Bylaw”), to change the principal use on the subject lot from *Single Family Dwelling* to *Vacation Rental VR-2*.

The Subject Property

The subject property has the CD-2A.1.1 zoning designation, which currently lists *single family dwelling* as the principal use. The subject lot was created on the 24th of January 2006 and the Single Family Dwelling (**SFD**) and secondary suite (**SS**) on the subject property were given occupancy on March 6th, 2008.



Figure 2 – Street Scene

The Zoning Bylaw

The **Vacation Rental** use was introduced to the zoning bylaw and later modified by the following amending bylaws:

Bylaw 926, January 2004

Bylaw 926 created a new vacation rental use defined as “C-VR” with a specific zone being created as the “C-VR Zone”. The C-VR use was also permitted in the following zones CS-1, CS-2, and CS-3. The C-VR zone was not well defined or understood and this zoning format for vacation rentals only lasted 4 months before it was replaced.

Bylaw 941, April 2004

Bylaw 941 removed the C-VR definition and zone and separated the vacation rental use into two separate uses as VR-1 and VR-2. These uses were each given specific zones and defined as follows:

"Vacation Rental" means the use of a single family dwelling for either (1) fully contained suite and (2) B&B rooms or (2) fully contained suites and (1) B&B room. In no case shall there exist more than three units in a single family dwelling.

- (a) *Within the VR-1 zone, the suite(s) and/or B&B rooms may be used for tourist accommodation on a nightly, weekly, or monthly basis when the long-term tenant lessee or owner or an adult member of that person's family is present and residing in the dwelling on a full-time basis.*
- (b) *Within the VR-2 zone, the suite(s) and/or B&B rooms may be used for tourist accommodation on a nightly, weekly, or monthly without the existence of a long-term tenant lessee or owner or an adult member of that person's family.*

Note that the VR-1 description above indicates that *suite(s)* may be used for tourist accommodation only when the long-term resident is present and residing in the dwelling on a full-time basis and that the VR-2 description above indicates that *suite(s)* may be used for tourist accommodation without the existence of a long-term resident present and residing in the dwelling.

In the period of time while this definition and zoning were active after Bylaw 941 was passed, 15 properties were rezoned to VR-1 and one property was rezoned to VR-2. From the business license records, there is no indication that the one property zoned to allow a VR-2 use has operated as a VR-2. From the information gathered for this report there appear to be no active or lawfully non-conforming VR-2 uses in Ucluelet.

Bylaw 1053, April 2007

Bylaw 1053 was the result of community engagement on the vacation rental strategy at the time, and reworked the zoning format. The highlights of this bylaw are as follows:

- Removed the VR-2 zone;
- Deleted VR-1 and VR-2 uses from the CS-1, CS-2, and CS-3 zones;
- Rezoned the single VR-2 zoned property to VR-1; and,
- Further defined “vacation rental” closer to what it is currently in the Zoning Bylaw.

The report presented with the introduction of Bylaw 1053 indicated that Council was interested in creating a moratorium on VR-2 uses, and that the definitions for both VR-1 and VR-2 were being reviewed and updated to create a clearer picture of what these designations exactly allowed.

Current Zoning Bylaw

The vacation rental definition of VR-1 and VR-2 have been tweaked by various amending bylaws since Bylaw 1053. The Current *Vacation Rental VR-2* use is defined in the Zoning Bylaw, which reads as follows:

“Vacation Rental” means the use of an otherwise residential dwelling unit for commercial tourist accommodation, provided in accordance with Section 406 of this Bylaw;

With Section 406 being defined as follows:

“406 VACATION RENTALS

406.1 Where a Zone specifically includes Vacation Rental (VR-1) or Vacation Rental (VR-2) as a permitted use, all the following conditions must be satisfied for the establishment and continued use and operation of the vacation rental:

- (1) The “VR-1” designation restricts the commercial tourist accommodation as:*

- (a) *accessory to a permanent residential use and administered by the full-time and present resident occupying at least sixty percent (60%) of the principal building;*
 - (b) *occupying a maximum of two (2) secondary suites; and*
 - (c) *occupying a maximum of forty percent (40%) of the principal building on the lot, and no part of an accessory building or structure.*
- (2) *The "VR-2" designation permits the commercial tourist accommodation to be either an accessory use or a principal use, as follows:*
- (a) *If accessory, the VR-1 provisions of section 406.1(1) apply fully; and*
 - (b) *If principal,*
 - i. *only one dwelling unit per lot that is not a secondary suite may be used for commercial tourist accommodation;*
 - ii. *a secondary suite, if present, must only be used for residential use.*
- (3) *A Vacation Rental must not be located within a building or on a lot that includes a Daycare Centre or other Community Care Facility.*

406.2 *For greater certainty, notwithstanding other provisions of this Bylaw:*

- (1) *VR-1 uses are permitted within single family dwellings and duplexes (including their secondary suites), but are not permitted in multiple family residential buildings;*
- (2) *VR-2 uses are permitted within single family dwellings only, but are not permitted in duplexes, or multiple family residential buildings, or the secondary suite(s) of a single-family dwelling; and*
- (3) *Bed and Breakfasts, Guest Houses, Guest Cottages, Guest Rooms, Hostels, Hotels, Motels, Mixed Commercial/Residential, and Resort Condo are, or may include, other commercial tourist accommodation and are regulated separately under this Bylaw.*

406.3 *A valid District of Ucluelet Business License is required in order to register a vacation rental.*

406.4 *Off-street parking must be provided in accordance with Division 500."*

Both *Vacation Rental (VR-1)* and *Vacation Rental (VR-2)* uses have been contemplated for future development in the zoning bylaw in both the CD-5 and CD-6 zones. The specific lots for these potential VR-1's and VR-2's have not been created yet, but the zoning would permit these vacation rental uses on lots in future subdivisions within the CD-5 and CD-6 zones.

Short Term Rentals

Council directed Staff in 2016/2017 to review and develop a strategy for achieving bylaw compliance among illegal Short-Term Rentals (**STR**). Additional resources were added to increase bylaw investigation and enforcement in this area. This effort has revealed many instances where entire homes were being rented out as STR's, contrary to the Zoning Bylaw. Staff have been contacting these owners to relay that they are in contravention of the Ucluelet Zoning Bylaw and Business Bylaw. These illegal STR's have developed from many origins or situations. Some of the examples or shades of this STR rental model are as follows:

- An owner is living in the suite and renting out the house;
- An owner is renting the home out on weekends while living in the home weekdays;
- An owner is renting the home while working out of the community and living in the home while not working;

- An owner is spending summer living in the home and renting it over the winter while traveling; and,
- An owner of multiple homes is renting these homes as STR's without spending any substantial time in Ucluelet.

DISCUSSION:

STR's are prevalent in most of Ucluelet's residential neighborhoods. They may allow homeowners to offset their mortgages and may offer a unique accommodation option for visitors. They may increase property values and encourage land development. STR's in residential neighborhoods are not without drawbacks as the vacationing occupants of STR's can cause noise and other disturbances. The addition of a STR in the zoning of a property can add value to the land, which is a positive for the current land owner, but can also make the property less affordable.

Forms of Short Term Rentals

There are various forms of STR's in residential settings. There is a Bed and Breakfast, Guest House, Vacation Rental (VR-1) and Vacation Rental (VR-2). The applicant is requesting Vacation Rental (VR-2) which allows the following SFD, VR and Secondary Suite (SS) configurations:

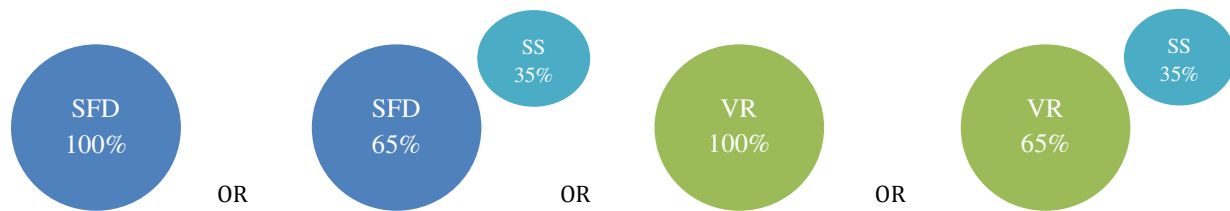


Figure 3 - Bubble Diagram for permitted uses under VR-2

As indicated above, a VR-2 can be used as a SFD, a SFD with a SS (if a SS is allowed in the zone), a standalone VR in the entire house or a standalone VR in the entire house with a secondary suite. It is important to note that under this designation both SFD and SS require a full time and permanent resident while VR does not. For contrast the following are the possible configurations for VR-1 use:



Figure 4 - Bubble Diagram for permitted uses under VR-1

Here it is important to note that at no time is the vacation rental use allowed without a full-time resident within the SFD.

The property's current zoning allows the following:

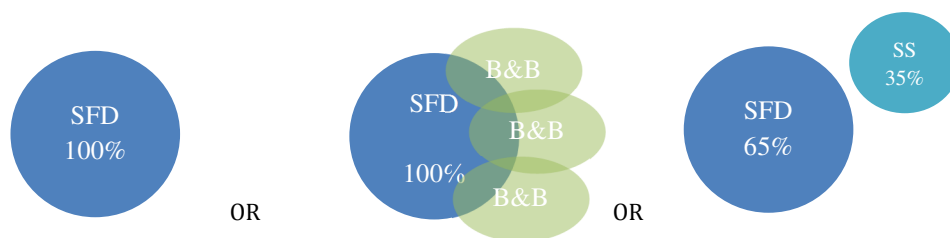


Figure 4 – Bubble Diagram for permitted uses under CD-2A.1

The subject lot is currently built out as a SFD with SS. A secondary suite (housing a long-term tenant) can be considered to have a relatively low impact to the neighborhood whereas a VR-1, with two suites, or a standalone VR-2, could be expected to have a higher impact. A VR-2 use with no permanent residential component would have the biggest impact to the neighborhood as there would be no responsible person present on the property who could be expected to control any noise or disturbance arising from the STR use.

The subject property is already developed with a SFD and a SS and the applicant has stated that they will only rent out the SFD when they travel, and will continue to offer the SS as a full-time rental. It is important to consider that the SS is built and exists as long-term rental accommodation, making it unlikely that there will be no full time residential component on the property if the applicant is successful with this rezoning. This larger waterfront SFD would offer something unique to the accommodation sector and it is not a housing form within Ucluelet's housing inventory which is commonly seen as a legal short-term rental.

VR-2 Zone

Elements of the VR-2 are comparable to VR-1 in many ways. The VR-1 use allows for two suites at 20% of building area (40% of SFD) whereas the VR-2 use can have 65% of the SFD as VR with a possible 35% SS. The difference to the to the community between a single group renting 65% of a SFD vs two groups renting two suites, at 20% each, of a SFD is negligible. The difference between the residential component at 65% of the home in a VR-2 use vs 35% of the SFD as a SS is again negligible. The community is currently in the need of Staff type housing and the smaller space of the SS may be more in line with what the community needs. The element of the VR-2 zone that has the most negative impact with the least benefit would be standalone vacation rental use with no full time residential component. This element could lead to empty streets and uncontrolled commercial use in a residential context. If Council was to support this application Planning Staff would strongly suggest that Council consider removing the standalone vacation rental use of a single-family home as an allowable use moving forward.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Should the application proceed, staff time will be required to prepare and process this Zoning Bylaw Amendment including giving notice of a Public Hearing.

FINANCIAL IMPACTS:

There is no direct financial impact to District operations as a result of this zoning amendment. It should be noted that as with other Bed and Breakfasts and Vacation Rentals with less than 4 units, the subject property as a VR-2 would not be required to pay into the 2% Municipal and Regional District Tax (MRDT). An indirect impact of adding the VR use to this or other properties could be the further inflation of property values.

POLICY OR LEGISLATIVE IMPACT:

The area including the subject property is designated within the Official Community Plan (the “OCP”) proposed land use map as Comprehensive Development (CD) which contemplates components of Vacation Rental uses and as such this application could be considered consistent with the OCP.

SUMMARY:

The subject property has an existing built form which includes a secondary suite, which retains a residential component on the property. This proposal would offer something unique to Ucluelet’s visitor accommodation sector. Planning Staff also consider that, given the location, this proposal would likely result in minimal impact to the neighborhood. That being said, the current lack of long-term housing availability, the STR strategy currently being implemented, and the current bylaw enforcement of illegal VR-2 type STR’s (entire homes) are important elements of the current context to the request to rezone this property. The historical context where the VR-2 use was considered by Council and subsequently removed is also an important element to consider. Given the current housing challenges, from a community perspective the subject lot is currently in the optimum housing form as a SFD with SS and therefore staff recommend that this application not proceed at this time.

Should Council support the application proceeding at this time, staff recommend that the zoning amendment bylaw include a clause to remove the use of a standalone single-family dwelling as a short-term vacation rental within the VR-2 designation.

The role and impact of vacation rentals is very much a current and evolving issue within the community of Ucluelet. As noted below, a further option is to table this application until the District’s housing policies have perhaps been clarified as the current OCP review and Short Term Rental Strategy progress further.

OPTIONS REVIEW:

1. That the request to Amend Zoning Bylaw No. 1160, 2013 to change the principle use on Lot 2, Plan VIP80321, District 09 (506 Marine Drive) from Single Family Dwelling to Vacation Rental VR-2 not proceed further. **(Recommended)**;
2. That Staff be directed to prepare a bylaw amendment which, if adopted, would achieve the requested designation of Vacation Rental VR-2 as a principal use on the subject property and remove the standalone vacation rental use from the zoning bylaw;
3. That Staff be directed to prepare a bylaw amendment which, if adopted, would achieve the requested designation of Vacation Rental VR-2 as a principal use on the subject property;
4. That Council table the current request to seek further information from the applicant; or,
5. That Council table the current request until such time as the Short Term Rental strategy and/or review of District housing policies results in a clear direction on stand-alone STR’s in single family neighbourhoods.

Respectfully submitted: John Towgood, Planner 1
Bruce Greig, Manager of Planning
Mark Boysen, Chief Administrative Officer

Appendix A

November 19, 2017

To Mayor and Council & Planning

Hand delivered

RE: rezoning application for 506 Marine Drive to VR2 – vacation rental

To whom it may concern,

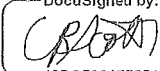
We are wishing to apply for VR2 a zoning that is currently enjoyed by two of the neighbours in our block as lawful non-conforming. We rent our secondary suite on a full-time basis and are happy to continue doing so. We are finding the costs of maintaining our home more and more cumbersome as we age.

We currently pay \$1000.00 per month for property taxes and \$500.00 per month for insurance and wish to travel more as we get on in life. Carl will be 72 and Judy will be 60. We love our home and enjoy having large family gatherings. If we were able to offer our home for rental while we travel then we would be better able to afford to keep our place and work less. We do not want to sell our home.

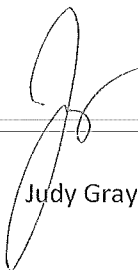
As a growing tourist community there is more need for this type of occasional accommodation. We have been living with two homes with this zoning and the Ridge complex across the street for the past nine years. We have not had any reason to complain about noise or nuisance and do not believe the occasional rental of our home will be of any nuisance. This neighbourhood is mixed already, and we very much enjoy living here with this mix.

We thank-you for consideration of our application.

Best to you,

DocuSigned by:

18BC5304E755422...

Carl Scott



Judy Gray



DISTRICT OF UCLUELET

Excerpts from the March 26, 2019 Regular Council Meeting

13.1 Zoning Bylaw Amendment Application (506 Marine Drive) John Towgood, Planner 1

- Bruce Greig, Manager of Community Planning, presented an overview of the process leading up to the amendment of VR-2 in the Zoning Bylaw and the request to rezone the subject property at 506 Marine Drive to VR-2.
- Request for VR-2 zoning will allow property owner to rent out the main house when they travel.
- Council requested that staff bring forward a bylaw to clean up VR-2 zoning that includes an on-site full-time caretaker.
- The house on the subject property has a secondary suite with a long-term tenant.
- Staff noted that rezoning the property to VR-2 will have an incremental effect on housing affordability as it would increase the sales value of the property and transfer the use to the new owner.
- Staff recommendation is to issue a temporary use permit which would achieve the same thing the applicant is looking for, up to three years, without having a negative impact on the Ucluelet housing stock.
- Carl Scott, the applicant, addressed Council with the reasons they are seeking VR-2 rezoning, highlights included:
 - The Council motion from the December 11, 2018 meeting was for staff to amend the VR-2 zone to add the requirement for a full-time resident, with instructions to prepare a zoning amendment bylaw to permit short-term rentals.
 - Applicant is not happy with a temporary use permit as this leaves them open to what may or may not be applied in the future.
 - Seeking a rezoning to help with their future financial planning.
 - Applicant does not believe rezoning will negatively affect the community or the neighbourhood as there are a number of vacation rentals in the area.
 - Approval of the rezoning will add a new use to the neighbourhood and the addition of a large vacation property to accommodate family gatherings.
 - Noted there were two other homes nearby that have permission for nightly rentals under VR-1.
- Council comments and questions included:
 - Clarified there are currently no occupied properties in Ucluelet zoned VR-2.
 - Properties nearby the subject property are zoned VR-1.
 - Staff noted the different uses in the neighbourhood including resort condo.
 - Staff noted the recommendation to issue a temporary use permit is not just based

on the private interests of the property owners. There are other applications coming forward to Council in the future requesting rezoning for short-term rentals in residential zones. Rezoning to allow short-term rentals will positively impact the property's resale value.

- The house is not affordable as a long-term rental or to purchase as is and may not be resalable without a VR-2 zoning.
- Hesitation to give a temporary use permit as Staff and Council can change in three years and the applicant is looking for something concrete.
- The OCP has designated the area as a comprehensive development area.
- The houses towards big beach were rezoned for vacation rentals.

It was moved by Councillor Kemp and seconded by Councillor Cole

THAT Council approve recommendation 1 of legislation item, "Zoning Bylaw Amendment Application (506 Marine Drive)" which states:

1. THAT *District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1241, 2019, be given first and second reading and advance to a public hearing.*

CARRIED.

It was moved by Councillor Kemp and seconded by Councillor Hoar

THAT Council approve recommendation 3 of legislation item, "Zoning Bylaw Amendment Application (506 Marine Drive)" which states:

3. THAT *District of Ucluelet Zoning Bylaw Amend Bylaw No. 1242, 2019, be given first and second reading and advance to a public hearing.*

CARRIED.



DISTRICT OF UCLUELET

Excerpts from the December 11, 2018 Regular Council Meeting

12.5 Zoning Bylaw Amendment Application (506) Marine Drive John Towgood, Planner 1

- Bruce Greig, Manager of Community Planning, provided an overview of the development application.
- The request is to amend the zoning bylaw to change the application of the VR-2 to allow a principal dwelling unit at 506 Marine Drive to be rented on a short-term basis as long as they have a full-time resident in the secondary suite.
- Staff noted that no properties currently have VR-2 zoning; however, there are some VR-1 scattered throughout town.
- The application was considered by the previous Council and was not supported.
- The difference with the application this time around is the removal of that stand-alone use.
- Mr. Greig clarified there are two decisions before council: first, to amend the VR-2 zoning to remove the stand-alone vacation use; and second, if VR-2 is amended, is there support for the rezoning at 506 Marine Drive to VR-2.
- Mr. Greig shared with Council that there are other applications interested in expanding vacation rental use more broadly.
- John Towgood, Planner 1, indicated that the current property owners plan is to rent it out when they are away on holidays; however, the next property owner will be able to rent it out year-round as a vacation property.
- J. Gray, applicant, addressed Council and noted that the VR zoning went through many different changes ten to twelve years ago. Both of our neighbours on Marine Drive are legal non-conforming VR-2 with the main house as commercial and a suite.

It was moved by Councillor McEwen and seconded by Councillor Kemps

THAT Council approve recommendations 1 and 2 of report item, "Zoning Bylaw Amendment Application (506 Marine Drive) which states:

1. *THAT Council direct staff to prepare a Zoning Amendment Bylaw to remove the standalone Vacation Rental of an entire single-family dwelling from the permitted uses under the Vacation Rental (VR-2) regulations; and,*
2. *THAT Council direct staff to prepare a site-specific Zoning Amendment Bylaw to permit the short-term rental of the main house on the property at 506 Marine Drive under the amended Vacation Rental (VR-2) regulations.*

CARRIED.



DISTRICT OF UCLUELET

Excerpts from the January 23, 2018 Regular Council Meeting

- 7.1 J.Gray - Wanted to comment on her application to rezone her property. It is their hope to put community first and strive to protect the sense of community. Noted their end goal is to have their home occasionally rented, with their secondary suite always remaining as full time residential. They want to slow their work lives, but in order to maintain their home they need to source another income so they can afford to keep it. Most of the neighbourhood consist of vacation rentals, with no complaints from neighbours. It is their hope that council would consider option number 2 to allow for the requested designation of VR-2.
- 12.7 REPORT – Zoning Amendment to Change the Principal use on the Property at 506 M Maine Drive.

It was moved by Councillor Oliwa and seconded by Councillor Noel

THAT Council move recommendation 1 of legislation item, "Application to amend Zoning Bylaw No. 1160, 2013, to change the principal use on the property at 506 Marine Drive from Single Family Dwelling to Vacation Rental (VR-2)" which states:

1. *THAT the request to Amend Zoning Bylaw No. 1160, 2013 to change the principal use on Lot 2, Plan VIP80321, District 09 (506 Marine Drive) from Single Family Dwelling to Vacation Rental VR-2 not be approved at this time.*

CARRIED.

It was moved by Councillor Oliwa and seconded by Councillor McEwen

THAT Council direct Staff to look at options for how short-term rentals fit within the long-term housing supply and suggest whether amendments to the zoning in residential neighbourhoods is warranted.

CARRIED.

From: Cole, Doug [REDACTED]
Sent: April-25-19 5:25 PM
To: John Towgood, Bruce Greig
Subject: VR-2 Zoning Amendment - Comments

John: Thank you for reaching out with the notification and information below. I have gone back to the prior council agendas and staff reports on this matter and believe **the proposed changes to the VR-2 language make good sense**. I think the flexibility the language providing for the 2-3 dwelling unit types will be a great tool for both residential stability and homeowner income. So in short, If I could vote, I would vote yes to the proposed changes.

Now, I would like to opine on the **multiple VR-2 individual lot zoning change requests** that have come before the town. First off, I agree there needs to be a balance between STR and longer term housing options. This is a problem in so many communities and especially in towns such Ucluelet that are fortunate to be a place that people want to live, work, visit, and recreate.

One item mentioned in the report(s) raised the question as to the potential impact on loss of permanent housing stock to a more tourism-based use in the residential zones. I can appreciate this argument and see its merits, especially in neighborhoods of working class homes. No full time resident wants a new neighbor every weekend, and for those families who wish to live and work locally, it becomes increasingly difficult to find a home to either rent or buy when vacation rentals possess a disproportionate share of the housing stock. The same thing is happening in my own community of La Conner and we are struggling with that too.

Having said that, I do feel differently about the waterfront lots currently asking for VR-2 consideration. It is my opinion that even if the town were to apply VR-2 zoning (in its proposed form) to all the waterfront lots along Marine Drive (starting at Sunset Point Drive and continuing up to the Premera condos), and even to all of the lots on Odyssey Lane, it would not likely have a material effect on housing stock in the way perhaps being imagined. Setting aside the residential/commercial tax-disparity argument for the moment, my reasoning is two-fold: 1) The Marine Drive lots I mention are in a neighborhood of resort condominiums, and the lots on Odyssey Lane form their own unique and semi-private "clusterhood"*. My point being is they don't feel like "neighborhoods" to me in the traditional sense of the word. And they are all oceanfront, which brings me to my second point 2) These properties are far from being affordable to the average person. And those who can afford the land are constructing homes that are financially leaps and bounds above what the average citizen could afford. Being waterfront lots, none of the homes built there will likely ever be considered financially "attainable" by the vast majority of those folks looking to purchase a home in town (and I include myself in that group). That is why I think that VR-2 uses on those lots would not be of consequence in the overall housing stock picture for the majority of working people. And while the tax disparity between commercial and residential uses is not resolved by approving the current VR-2 requests, that is a separate matter that appears to need a much higher level of governmental consideration.

I wish I could be there next week for the public hearing. But I will be up the following week so maybe I can get an update on the outcomes.

Regards,

Doug Cole

*patent pending....

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1242, 2019

A bylaw to amend the District of Ucluelet Zoning Bylaw (506 Marine Drive).

WHEREAS Section 479 and other parts of the *Local Government Act* authorize zoning and other development regulations;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows;

1. Text and Map Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following section CD-2A.1.7 in alphanumerical order, as follows:

“CD-2A.1.7 The following uses are permitted on Lot 2, District Lot 281, Clayoquot District, Plan VIP80321 (PID 026-566-435, 506 Marine Drive):

(1) Principal:

(a) Single Family Dwelling

(b) Vacation Rental (VR-2)

(2) Secondary:

(a) Home Occupation

(b) Secondary Suite”

2. This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1242, 2019”.

READ A FIRST TIME this 26th day of **March**, 2019.

READ A SECOND TIME this 26th day of **March**, 2019.

PUBLIC HEARING WAIVED this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1242, 2019.”

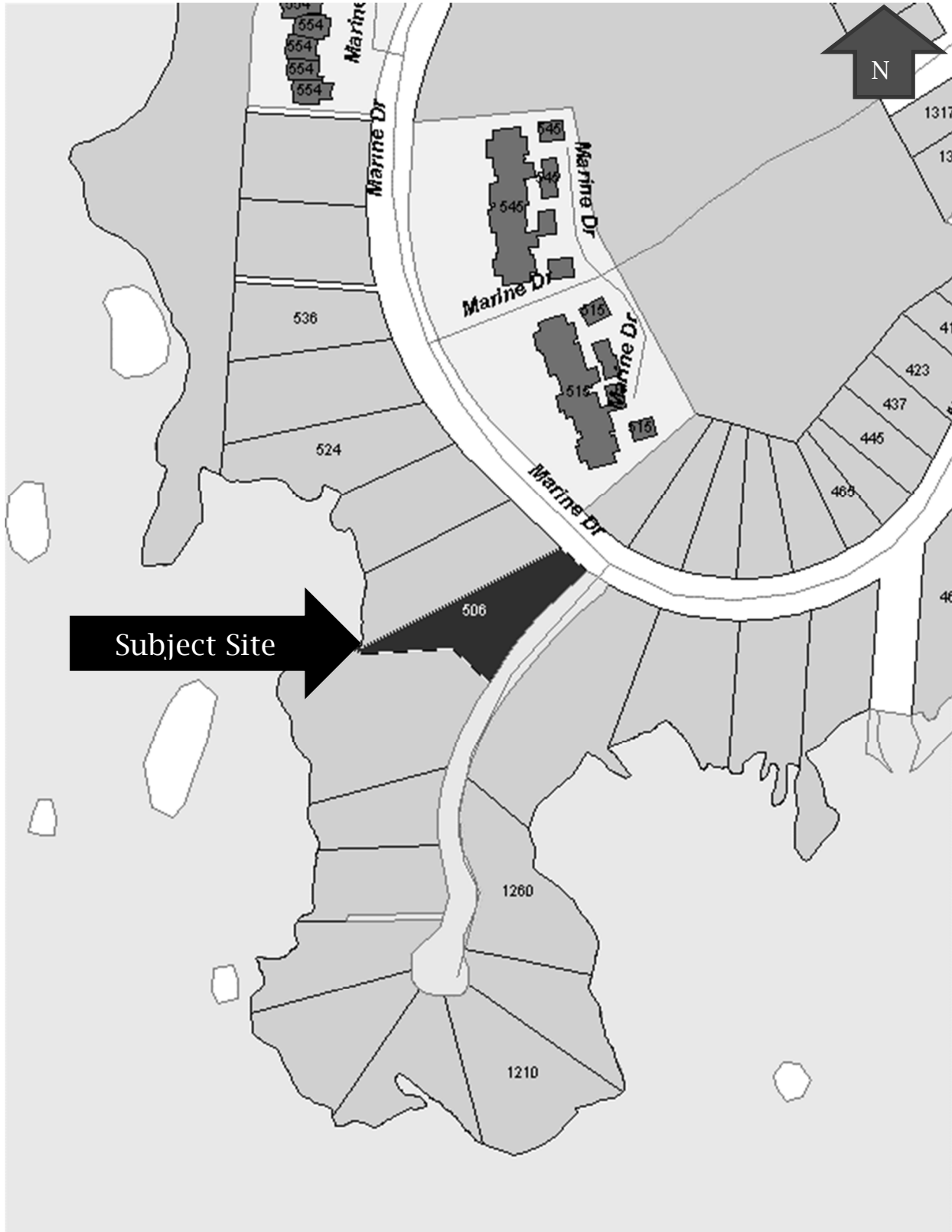
Mayco Noël
Mayor

Mark Boysen
Corporate Officer

THE CORPORATE SEAL of the District of Ucluelet was hereto affixed in the presence of:

Mark Boysen
Corporate Officer

SCHEDULE 'A'
Bylaw No. 1242, 2019



STR – Report 19-32

“At the time these bylaws were introduced the STR economy was a fraction of what it is today, and the marketing and management of these vacation units was handled locally. With the advent of online vacation rental bookings (such as Residential Tax Classification of Commercial Short-Airbnb, VRBO, Bookings.com, etc.), both B&B’s and VR’s are now a significant part of Ucluelet’s tourist accommodation sector. These STR units can be very lucrative commercial businesses with some units achieving incomes over \$100,000 annually. With this success, a portion of Ucluelet’s residential housing stock is now functioning primarily as a commercial opportunity or as an investment property.”

The statement included in the above-noted excerpt from Report to Council 19-32, “with some units achieving incomes over \$100,000 annually” in an otherwise residentially- zoned property is a blatant exaggeration of the facts. There are very few properties that might be categorized in this way and of those that may be, they are already commercially zoned and paying appropriate taxes. Having sold many of these properties that are outside the commercial designation, I can assure District Council that the income varies between \$20,000 to a high of \$60,000, gross before expenses, with a more accurate average being about \$35,000 to \$40,000, gross before expenses, per year or just enough to help a Ucluetian family supplement their income and allow them to live in this amazing community. I would question where planning staff got their over \$100,000 figure from and ask them to provide documentation to back up this misleading claim.

The introduction of a by-law enforcement officer has largely put a halt to illegal vacation-rental units such as using secondary suites with full kitchens as nightly rental units. I can advise Council that we are seeing more homes being built with fully-compliant B&B units which meets the local need for additional nightly rental accommodation and provides a source of income for stay-at-home parenting and quality of life, as well as feeding the local economy with more visits to local eateries and other related tourism businesses.

Interactions with “hosts” is not gone as the majority of B&B units are in people’s private homes where they live full time. Yes, they have the choice of greeting their guests or not and some do not, but they are still at home and available should their guests require anything. By not providing breakfast, which most do not, it encourages more visitation to local eateries. Perhaps you have stood in line for breakfast in Ucluelet? If so, you will appreciate that we need to encourage more eateries to provide this service to the tourists and local citizens.

The three-room tax comparison on a B&B unit in a residential home in Ucluelet would make B&B units in homes no longer viable. Please be clear that very few homes have three B&B rooms and those who participate in having B&B units in their homes mostly have one or two units, not three. Once again, I would encourage Council to ask District staff to provide concrete facts and not conjecture. In fact, this extra tax would be enough of a financial burden that I believe most would stop using the B&B opportunity allowed them in the current residential zoning which would create financial hardship to many families and ultimately damage Ucluelet’s economy as many families simply could not continue to live here if their opportunity to supplement their income were taken away from them.

I understand the need to have accommodation for locals and I also understand the need for home owners to supplement their income in order to afford home ownership in Ucluelet. It is a challenging balance, the key being balance and affordability.

DocuSigned by:
Judy Gray
259572FDEA1E4B5...

Judy Gray

506 Marine Drive., Ucluelet, BC

Subject: FW: Submission for April 30, 2019 Hearing to amend zoning bylaw 1160 2013

-----Original Message-----

From: Carol & Joe [REDACTED]

Sent: April-16-19 4:52 PM

Subject: Submission for April 30, 2019 Hearing to amend zoning bylaw 1160 2013

To Ucluelet Council

This is an important vote on how the future of the town will proceed, the thin edge of the wedge. Allowing owner absent nightly vacation rentals will exasperate the housing shortage by opening the opportunity for all future single family homes to be non resident vacation rentals. This will only raise all housing costs for new families, new residents that want to move here and be part of the rich Ucluelet community life. The other problem with allowing owner absent rentals they become direct competition for all rental accommodation whether it is a family that has an approved rental accommodation as part of where they live or a hotel, motel or inn type accommodation.

The type of situation that will benefit from passing this zoning change request is individuals with higher incomes that want a place that they can visit part of the year and rent out nightly so all the expenses can be written off. This adds little to the community. This may also attract nonresident off shore money that has zero interest in the community. Allowing this may attract the provincial government to look at the exemption present Ucluelet nonresident owners have regarding additional nonresident taxes.

There is the benefit to those in the real estate business who will see larger commissions from higher real estate values that are stifling starter family house prices.

We only have to look 30 km north of us to see the problems approving this application could cause. So if the council wants to support unaffordable housing, off shore residents that add nothing to the community and possibly jeopardize nonresident tax exemption, then, allow this to pass.

But my sense that this council is not about choosing advantages to outsiders and specific business groups over the long term benefit to all Ucluelet residents. And I know this because the mayor and all the elected council members told all of the residents that they are going to act in the best interest of ALL residents at the not so recent election campaign. There is some middle ground on the zoning request. Some of the best decisions made neither side is totally happy with. The middle ground is to allow a short term permit for this zoning request maybe 3 years. This will allow the council to observe the effects of the request and act for the benefit of all residents.

Thank you for consideration of all Ucluelet residents.

Joe Atkinson

[REDACTED]

Ucluelet

DISTRICT OF UCLUELET

Zoning Bylaw Amendment Bylaw No. 1248, 2019

A bylaw to amend the District of Ucluelet Zoning Bylaw (354 Forbes Road).

WHEREAS Section 479 and other parts of the *Local Government Act* authorize zoning and other development regulations;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows;

1. Text and Map Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection (3) to section CD-1.1.3 in alphanumeric order, as follows:

“(3) On Lot 17 District Lot 284 Clayoquot District Plan VIP76147 (PID: 025-926-811, 354 Forbes Road) the following additional uses are permitted:
(a) *Commercial Tourist Accommodation* is permitted as a secondary use on the second and third levels of a mixed-use building
(b) *Staff Housing* is permitted on any floor subject to the terms of a Housing Agreement with the District pursuant to section 483 of the *Local Government Act*”

2. This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1248, 2019”.

READ A FIRST TIME this 9th day of **April**, 2019.

READ A SECOND TIME this 9th day of **April**, 2019.

PUBLIC HEARING WAIVED this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1248, 2019.”

Mayco Noël
Mayor

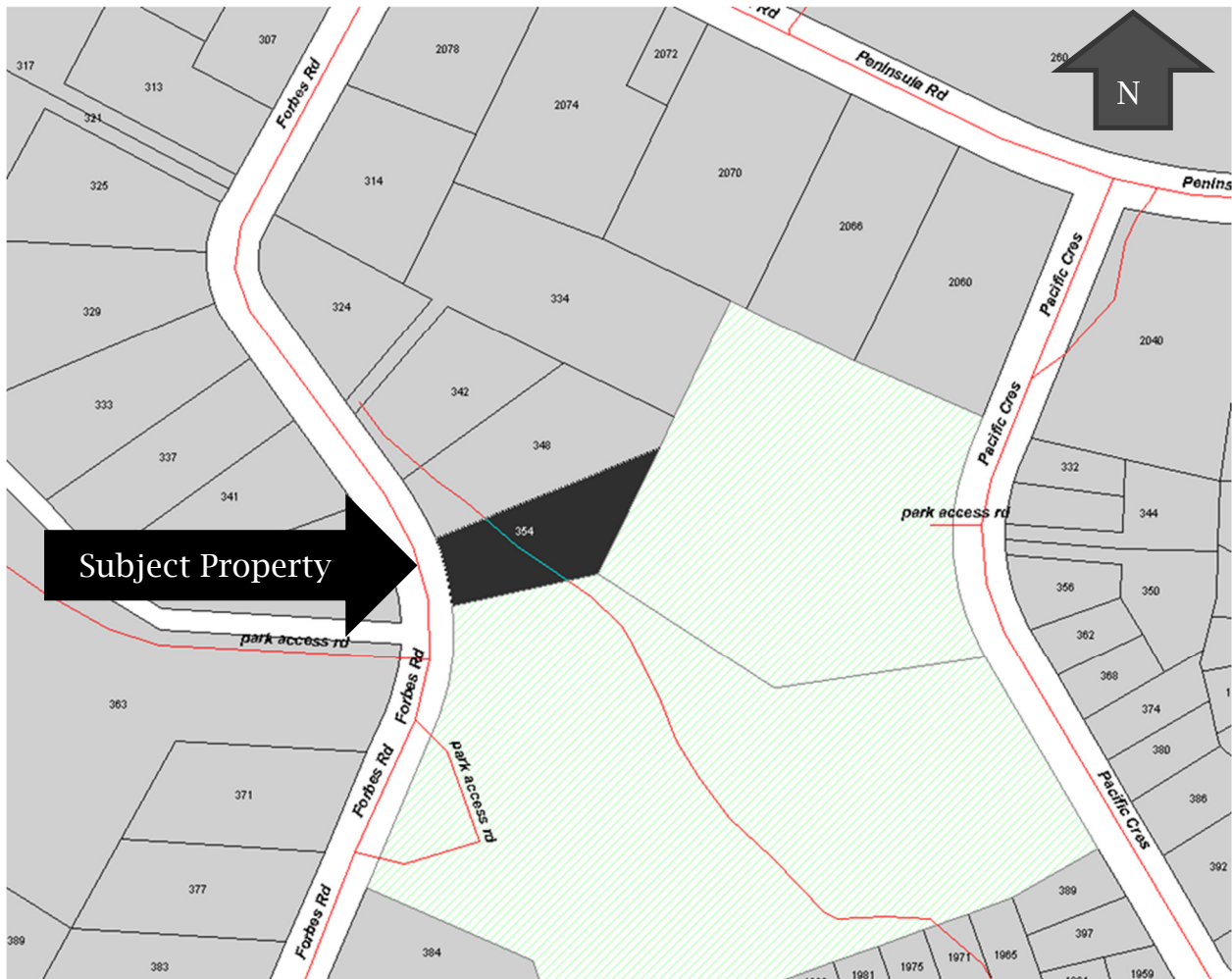
Mark Boysen
Corporate Officer

THE CORPORATE SEAL of the District of Ucluelet was hereto affixed in the presence of:

Mark Boysen
Corporate Officer

SCHEDULE 'A'
Bylaw No. 1248, 2019

Subject property:
Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road)



DISTRICT OF UCLUELET

Bylaw No. 1249, 2018

A Bylaw to Authorize the District of Ucluelet to Enter into a Housing Agreement.
(the 354 Forbes Road staff housing)

WHEREAS the Municipality may, by Bylaw, under Section 483 of the *Local Government Act* enter into a Housing Agreement which may include terms and conditions agreed to by the Municipality and the Owner regarding the occupancy of the housing units identified in the Agreement;

AND WHEREAS the Municipality has rezoned the property at 354 Forbes Road to enable the Owner to rectify building construction issues and add new tourist accommodation units on upper floors, and as a part of that rezoning the owner has proposed that the lower level of the building be used for employee housing with a proposed timeline for constructing and making the employee housing available to Ucluelet workers;

AND WHEREAS the Owner has offered to register a Housing Agreement to ensure that staff housing units are maintained on the Lands described in this Bylaw, and the Municipality has deemed it expedient to require the Owner to enter into a Housing Agreement with the Municipality pursuant to Section 483 of the *Local Government Act*;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. The Municipality is authorized to enter into a Housing Agreement pursuant to Section 483 of the *Local Government Act*, in substantially the form attached to this Bylaw as Schedule "A", with respect to the land located in the District of Ucluelet having a civic address of 354 Forbes Road and being more particularly known and described as:

Lot 17, District Lot 281, Clayoquot District, Plan VIP76147

as shown shaded on the map attached to this bylaw as Appendix "A".

2. The Mayor and the Chief Administrative Officer of the Municipality are authorized to execute the Housing Agreement on behalf of the Municipality.

CITATION

3. This bylaw may be known and cited for all purposes as the "Ucluelet Housing Agreement Bylaw No. 1249, 2019".

READ A FIRST TIME this day of , 2019.

READ A SECOND TIME this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED CORRECT: "Ucluelet Housing Agreement Bylaw No. 1249, 2019"

Mayco Noel
Mayor

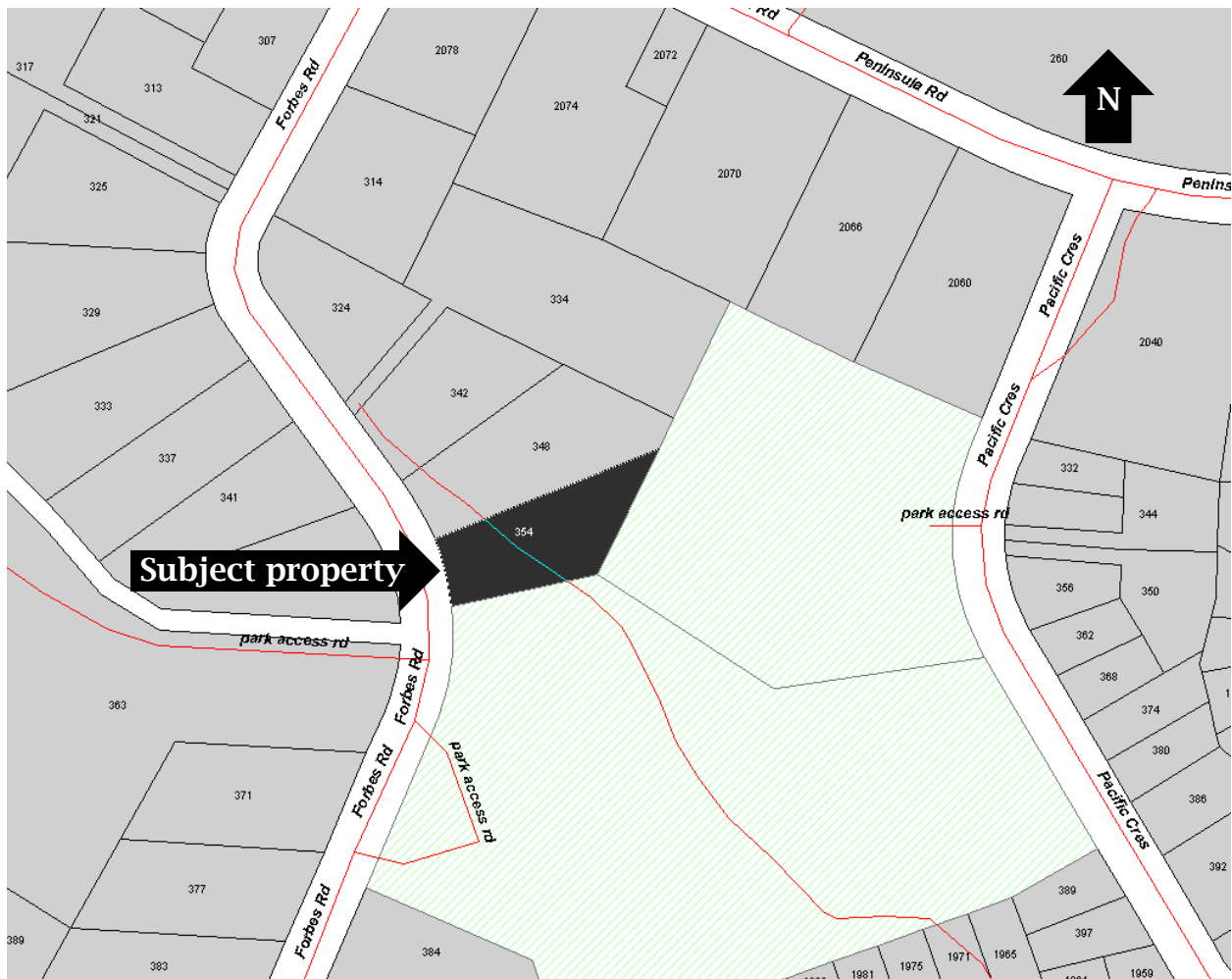
Mark Boysen
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Mark Boysen
Corporate Officer

Appendix "A" to Ucluelet Housing Agreement Bylaw No. 1249, 2019

Subject property: Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road)



Schedule "A" to Bylaw No. 1249

HOUSING AGREEMENT

(Section 483, *Local Government Act*)

This Agreement, dated for reference the ___ day of _____, 2019 is

BETWEEN:

The District of Ucluelet
200 Main Street (PO Box 999)
Ucluelet, BC
V0R 3A0

(the "District")

and:

William Glenn Kaczmar and Dianna Kacsmar
P.O. Box 1143
Ucluelet, BC
V0R 3A0

(the "Owner")

WHEREAS:

- A. The Owner is the registered owner of land located at 354 Forbes Road in the District of Ucluelet, which land is within the CD-1 Zone under the District's Zoning Bylaw 1160, and is more particularly described as:

PID: 025-926-811

Lot 17 District Lot 284 Clayoquot District Plan VIP76147

(the "Land");

- B. The Owner has offered to enter into this agreement restricting the occupancy of the proposed staff housing unit to employees of "Pacific Rim Fishing Charters" business operating on the Land, or other employees of light industrial, tourist accommodation, commercial or service businesses operating within the boundaries of the District of Ucluelet;
- C. The District may, pursuant to Section 483 of the *Local Government Act*, enter into a housing agreement with an owner of land that includes terms and conditions regarding the

occupancy, tenure and availability to specified classes of persons of the housing that is subject to the agreement; and,

- D. The Council of the District has, by Housing Agreement Bylaw No. 1235, 2018, authorized the District to enter into this Agreement with the Owner,

THIS AGREEMENT is evidence that in consideration of \$2.00 paid by the District to the Owner, the receipt and sufficiency of which are acknowledged by the Owner, and in consideration of the promises exchanged below, the parties agree, as a housing agreement between the Owner and the District under s. 483 of the *Local Government Act*, as follows:

STAFF HOUSING UNITS

1. **Occupancy Restriction.** The Owner agrees that any housing units located on the lower floor of the mixed-use building located on the Land, as indicated in Schedule B to this Agreement, will be occupied only by the employees of the Owner or employees of light industrial, tourist accommodation, commercial or service businesses located within the boundaries of the District of Ucluelet, and the children and spouses of those employees, provided that children and spouses are only allowed to occupy a unit while the unit is occupied by the employee.
2. **Annual Verification.** No later than January 15 of each year beginning in 2020 the Owner will provide to the District, substantially in the form attached as Schedule A to this Agreement unless the District agrees to accept another form, a written statement of the Owner confirming the occupancy in respect of each unit on the Land complies with section 1, above.

DEFAULT AND REMEDIES

3. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the District, within the time stated in any notice of default provided to the Owner by the District.
4. The Owner acknowledges that an award of damages may be an inadequate remedy for a breach of this Agreement and that the District is entitled in the public interest to an order for specific performance of this Agreement, a prohibitory or mandatory injunction to cure any breach of this Agreement, and a declaration that a residential tenancy agreement or any portion of such an agreement or a strata corporation bylaw constitutes a breach of this Agreement and is unenforceable.

GENERAL PROVISIONS

5. **Housing Agreement.** The Owner acknowledges that this Agreement constitutes a housing agreement under s.483 of the *Local Government Act* and that the District will register a notice of this housing agreement against title to the Land.

6. **Indemnity.** The Owner shall indemnify and save harmless the District and each of its elected officials, officers, directors, employees and agents from and against all claims, demands, actions, loss, damage, costs and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, that constitutes a breach of this Agreement.
7. **Release.** The Owner releases and forever discharges the District and each of its elected officials, officers, directors, employees and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions or causes of action arising out of the performance by the Owner of its obligations under this Agreement.
8. **Survival.** The obligations of the Owner set out in sections 10 and 11 shall survive any termination of this Agreement.
9. **Municipal Powers Unaffected.** This Agreement does not limit the discretion, rights, duties or powers of the District under any enactment or the common law, impose on the District any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Land, or relieve the Owner from complying with any enactment.
10. **No Public Law Duty.** Where the District is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the District is under no public law duty of fairness or natural justice in that regard and the Owner agrees that the District may do any of those things in the same manner as if it were a private party and not a public body.
11. **Notice.** Notice required or permitted to be served under this Agreement is sufficiently served if delivered in person or mailed to the postal address of the Owner or the District, as the case may be, at the address set out above, and in the case of mailed notice shall be deemed to have been received on the third day following mailing.
12. **Enuring Effect.** This Agreement is binding upon, and enures to the benefit of the parties and their respective successors and permitted assigns.
13. **Severability.** If any provision of this Agreement is found to be invalid or unenforceable, it shall be severed from this Agreement and the remainder shall remain in full force and effect.
14. **Remedies and Waiver.** All remedies of the District under this Agreement are cumulative, and may be exercised in any order or concurrently, any number of times. Waiver of or delay by the District in exercising any remedy shall not prevent the later exercise of any remedy for the same or any similar breach.
15. **Sole Agreement.** This Agreement represents the entire agreement between the parties respecting the tenure, use and occupancy of the housing units to be located on the Land, and

there are no representations, conditions or collateral agreements on the part of the District other than those set out in this Agreement.

- 16. **Further Assurance.** The Owner must forthwith do all acts and execute such instruments as may be reasonably necessary in the opinion of the District to give effect to this Agreement.
- 17. **Runs with the Land.** This Agreement runs with the Land, including any part into which the land may be subdivided, and is binding on the Owner and all persons who acquire an interest in the Land.
- 18. **No Joint Venture.** Nothing in this Agreement will constitute the District as the joint venturer, agent or partner of the Owner or give the Owner any authority to bind the District in any way.

Owners:

William Glenn Kaczmar
Dianna Kacsmar

Date:

The Corporation of the District of Ucluelet,
by its authorized signatories:

Mayor:

Date:

Corporate Officer:

Date:

Schedule A to Housing Agreement

STATUTORY DECLARATION

CANADA)	IN THE MATTER OF A HOUSING
)	AGREEMENT WITH THE DISTRICT OF
)	UCLUELET
)	
PROVINCE OF BRITISH COLUMBIA)	("Housing Agreement")
)	

TO WIT:

I, _____ of _____, British Columbia, do solemnly declare that:

1. I am the owner or authorized signatory of the owner of land located at 354 Forbes Road in the District of Ucluelet, (the "Lands"), and make this declaration to the best of my personal knowledge.
2. This declaration is made pursuant to the Housing Agreement in respect of the Lands.
3. For the period from _____ to _____ the Lands were occupied only by employees of the Pacific Rim Fishing Charters or employees of other light industrial, tourist accommodation, commercial or service businesses operating within the District of Ucluelet, or the children or spouses of those employees. Attached to this declaration is a list of the tenants of each of the units located on the Lands, and their place of employment.
4. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

DECLARED BEFORE ME at the District of _____)
 Ucluelet, in the Province of British Columbia,)
 this _____ day of _____, 20____.)
 _____)
 _____)
 _____)
 _____)
 A Commissioner for Taking Affidavits in the)
 Province of British Columbia)

DECLARANT

Unit #	Name of Occupant(s)	Date of Occupancy	Name of Workplace	Employee Signature

Schedule "B" to Housing Agreement

EMPLOYEE HOUSING UNITS

(354 Forbes Road – Pacific Rim Fishing Charters)



DEVELOPMENT VARIANCE PERMIT DVP19-03

Pursuant to section 498 of the Local Government Act, 2015:

1. This Development Variance Permit is issued to:

WILLIAM GLENN KACZMAR AND DIANNA KACZMAR
P.O. BOX 1143, UCLUELET, BC, V0R 3A0

2. This Development Variance Permit applies to, and only to, those lands within the District of Ucluelet described below, and all buildings, structures, and other development thereon:

Lot 17 District Lot 284 Clayoquot District Plan VIP76147, PID 025-926-811 (354 Forbes Road)

3. This Development Variance Permit is issued subject to compliance with all the bylaws of the District of Ucluelet, except as specifically varied or supplemented by this Permit.
4. This Permit authorizes the following variances to the District of Ucluelet Zoning Bylaw No. 1160, 2013, on the Lands, as shown on Schedule A:
 - a. reduce the side yard setback per section CD-1.6.1(3) on the south side from a minimum of 5m to 1.22m;
 - b. reduce the rear yard setback per section CD-1.6.1(3) from a minimum of 6m to 4.05m;
 - c. reduce the parking setback per section 503.2(1) from a minimum of 3m to 1.5m, subject to the owner installing the proposed landscaped screening within the reduced setback area;
 - d. increase the permitted building height per section CD-1.5.1(4) from a maximum of 12m to 12.95m; and,
 - e. waive the requirement per section 602.1(1) for screening of waste and recycling bins, located at the rear of the building;
5. The work authorized by this Permit may only be carried out:
 - a. in compliance with the requirements of the District of Ucluelet Zoning Bylaw No. 1160, 2013, except where specifically varied or supplemented by this development variance permit.
 - b. in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws.



6. The above variances are granted for the proposed structures and use of the land as shown on Schedule A. Should the building or parking areas be later removed or destroyed, this Development Variance Permit shall cease to apply and the zoning requirements in effect at the time shall apply.
7. Notice shall be filed in the Land Title Office under Section 503 of the Local Government Act, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
8. This Permit is NOT a Building Permit.

AUTHORIZING RESOLUTION passed by the Municipal Council on the day of , 2019.

IN WITNESS WHEREOF this Development Variance Permit is hereby executed and issued by the Municipality the day of , 2019.

THE DISTRICT OF UCLUELET
by its authorized signatories:

Mayco Noël – Mayor

Mark Boysen – Chief Administrative Officer

OWNER
by its authorized signatory:

WILLIAM GLENN KACZMAR AND DIANNA KACZMAR

ISSUED the day of , 2019.

Bruce Greig - Manager of Community Planning

SCHEDULE A –
(Site Plan)
(Building Plans)



STAFF REPORT TO COUNCIL

Council Meeting: APRIL 9, 2019

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3360-20-RZ17-04

SUBJECT: ZONING AMENDMENT APPLICATION –
PACIFIC RIM CHARTERS & GUEST LODGE (354 FORBES ROAD)

REPORT NO: 19-42

ATTACHMENT(S): APPENDIX A – ADDITIONAL APPLICATION MATERIALS
APPENDIX B – STAFF REPORT FROM OCTOBER 9, 2018
APPENDIX C – UCLUELET ZONING AMENDMENT BYLAW No. 1248, 2019
APPENDIX D – UCLUELET HOUSING AGREEMENT BYLAW No. 1249, 2019

RECOMMENDATION(S):

1. **THAT** Council, with regard to the proposal to renovate the building on Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road) and request for zoning amendments to permit *commercial tourist accommodation* on the property:
 - a. give first and second readings to Ucluelet Zoning Amendment Bylaw No. 1248, 2019;
 - b. give first and second readings to Ucluelet Housing Agreement Bylaw No. 1249, 2019;
 - c. indicate support, subject to public comment, to issue a Development Variance Permit to vary the following aspects of the Eco-Industrial Park (CD-1) zoning regulations for the existing building:
 - i. reduce the side yard setback per CD-1.6.1(3) on the south side from a minimum of 5m to 1.22m;
 - ii. reduce the rear yard setback per CD-1.6.1(3) from a minimum of 6m to 4.05m;
 - iii. reduce the parking setback per 503.2(1) from a minimum of 3m to 1.5m, subject to the owner installing the proposed landscaped screening within the reduced setback area;
 - iv. increase the permitted building height per CD-1.5.1(4) from a maximum of 12m to 12.95m; and,
 - v. waive the requirement per 602.1(1) for screening of waste and recycling bins, located at the rear of the building;
 - d. direct staff to give notice of a public hearing to receive comment on the requested bylaws and Development Variance Permit.

BACKGROUND:

Council received a report on the past uses and current request to rezone the property at 354 Forbes Road at its October 9, 2018, meeting. The full background on this application is attached in the staff report presented at that meeting (see **Appendix B**). Following discussion, Council passed the following motion:

“THAT Council indicate support for the concept of adding 12 commercial tourist accommodation rooms and a minimum of 6 staff housing units as permitted uses on the property at 354 Forbes Road and:

- a. indicate to the applicant that detailed building, site, and landscape plans are required to show the impact of the proposal on the surrounding industrial lands, public streetscape and park land;*
- b. indicate that adoption of a zoning amendment bylaw would be subject to the following:*
 - i. the owners first obtaining a building permit, then completing the necessary building renovations to bring the building up to code and finally obtaining an occupancy permit to clarify that the building is safe for its intended use;*
 - ii. the owners entering into a Housing Agreement to ensure that the employee housing units are occupied by seasonal or long-term resident workers;*
 - iii. to owners providing a restrictive covenant to ensure the provision of staff housing and that occupancy of the guest accommodation units is tied to the ongoing operation of a fishing guide business from the property; and,*
- c. once a complete set of rezoning plans has been submitted by the owners, direct staff to prepare the zoning amendment and housing agreement bylaws for consideration by Council at a future meeting.”*

The owners of Pacific Rim Charters, Glenn and Dianna Kaczmar, have now submitted the necessary plans prepared under the guidance of their architect (see **Appendix A**). Accordingly, staff have drafted Zoning Amendment Bylaw No. 1248 and Housing Agreement Bylaw No. 1249 for Council consideration.

DISCUSSION:

A. Building Plans and Proposed Uses:

The October 2018 staff report discussed the pros and cons of locating tourist accommodation within a light industrial area, and noted the context of this particular site and the integration of accommodation with the existing fishing charter business:

“... the use of the property for the storage and maintenance of boats for the fishing charter business is a permitted and valid use of this industrial property. The tourist accommodation is proposed to be co-located on property as an integrated part of the business. This lends support for the proposal that a standalone motel, for example, would not enjoy. Generally the community value of having adequate land designated for industrial uses comes from the support it provides for businesses and the jobs they create. The proposed tourist accommodation use would see the continued use of the property to support the fishing guide business. Staff are recommending that if approved on this basis, a restrictive covenant would be appropriate to ensure that the tourist accommodation remains as an integrated component of a fish guiding business, and is also only operated if the staff housing is provided as proposed.”

The plans now submitted show a section of the building being removed to create a courtyard separating the existing house / office portion from the building which contained workshop space, storage and guest suites. The plans show new stairs built to service the guest rooms (providing multiple points of egress) and the ground level is now shown with 9 potential future staff accommodation residential units. A vehicle / boat storage space is still shown located at the rear of the building, but overall the majority of the floor area is proposed to be used for accommodation purposes of one sort or another. Adding staff accommodation could be a positive step in providing

needed housing in the community; at the same time, staff note that this proposal essentially removes light industrial uses from the property. The owner notes that the staff accommodation could serve to support other local businesses including light industrial use on nearby properties – including the neighbouring lots which are under the same ownership. On balance, the addition of staff accommodation units could be a positive and pragmatic addition if this building is to be renovated for the purpose of the requested tourist accommodation use. Staff consider that other compatible light industrial uses of the lower floor of the building are also possible and would in the long term be the preferred pattern of land use for the diversity of the local economy.

Staff note that the applicant has submitted letters of support from neighbouring residents (see **Appendix A**).

A number of variances are being requested to reflect the size and location of the existing building. Staff note that the encroachments within zoning setbacks are primarily at the side and rear of the building, and given the location next to Tugwell Field will not likely impact neighbouring properties. The parking setback variance is reasonable if the proposed landscaping is installed in the reduced setback area. Subject to public comment, staff can recommend support for the requested variances for this proposal.

B. Housing Agreement Bylaw:

Ucluelet Housing Agreement Bylaw No. 1249, 2019, would authorize the District to enter into a housing agreement with the property owner. This would be registered on title and govern the use and occupancy of the staff accommodation units (i.e. to ensure that these units can not be used for short-term rentals). The owners are proposing that constructing the staff accommodation units would be started within three years, with all units available for occupancy within 5 years. If this commitment is part of the consideration for adopting the requested zoning bylaw, it can be ensured by covenant as indicated in the October 9, 2018, Council motion.

C. Process:

As noted previously, approval of the requested zoning amendment is the first step toward bringing the building and property uses in compliance with the municipal bylaws and provincial code. The owner has now provided zoning-level drawings showing the location of all intended uses within the building, access, parking and landscaping. Improved landscaping and screening along the Tugwell Field and Forbes Road edges of the property are shown at a conceptual level. Security to ensure completion of the proposed landscaping can be included with the covenant which will be brought forward to Council prior to adoption of the rezoning bylaw.

Should the rezoning bylaw proceed through the steps of a public hearing and receive third reading (often considered approval in principle), the owners could then obtain a building permit and complete the necessary building alterations. Once the building was renovated, certified as safe for its intended use and an Occupancy Certificate were issued, then the bylaw would return to Council for final adoption. At that point, the District could issue a business licence for the tourist accommodation component of the Pacific Rim Fishing Charters and Guest Lodge business.

The existing guest accommodation suites are to remain unoccupied until the municipality issues a Certificate of Occupancy. Therefore, staff again recommend that the owners make alternative arrangements for accommodating their guests for the 2019 season.

Should the requested rezoning not proceed, the building will remain posted with “do not occupy” notices. The owners would then need to decide whether to re-purpose the building for a different use (with the necessary building permits, of course), demolish the building, or leave it vacant.

FINANCIAL IMPACTS:

A building permit fee would be charged based on the construction value. The value of the property would be expected to increase with the proposed improvements, and additional commercial tax assessment would result. Water and sewer fees would be collected based on metered usage. These additional revenues are expected to offset the incremental increase in municipal services and infrastructure.

The Forbes Road light industrial area currently enjoys an exemption from the collection of Development Cost Charges.

OPTIONS REVIEW:

Per the recommended motions listed at the start of this report, staff suggest that Council give initial readings to the attached bylaws and advance the application to a public hearing to gather views on the requested change of use proposed by this application. Alternatively, Council could consider the following options:

2. **THAT** Council defer consideration of the rezoning application for the property at 354 Forbes Road at this time.
3. **THAT** Council reject the rezoning application for the property at 354 Forbes Road at this time, and indicate to the owners that obtaining a certificate of occupancy is required before the unauthorized guest suite addition area of the building can be occupied for any use.

Respectfully submitted: Bruce Greig, Manager of Community Planning
John Towgood, Planner 1
Mark Boysen, Chief Administration Officer



**RAYMOND
de BEELD
ARCHITECT Inc.**

755 Terminal Avenue North, Nanaimo, BC V9S 4K1

Tel: (250) 754-2108 Fax: (250) 754-2118

Email: info@rdbarchitect.ca

Web: www.rdbarchitect.ca

March 31, 2019

354 Forbes Road – Rezoning/ Development Permit Rationale

Project Deficiency Upgrade Phasing

- As outlined in our July 19, 2018, 2012 BC Building Code Draft Review summary, the following work is proposed to deal with various building code deficiencies.
 - Phase 1:
 - Demolition of +/-2,100 ft² building area on L1 (former marine shop F2 occupancy), and +/-2,700 ft² non code compliant mezzanine (height and storey exemption).
 - Divide building into two buildings which resolves building code building classification and area limits. The building is permitted to be connected by up to a 9.0m elevated walkway (deck):
 - Building 1: single family residence (SFD), 3 vehicle/ boat garage, and fishing charter office.
 - Building 2: 12 unit guest house, 9 unit staff housing, and boat/ vehicle garage.
 - Building 2: add exterior walkways and egress stairs to provide 2 means of egress from L2 and L3.
 - Building 2: correction of guardrails/ handrails.
 - Building 2: correction of various interior deficiencies on L2 and L3
 - Building 2: removal of boat repair/ maintenance (F2 occupancy).
 - Building 2: building shell only of L1 (no occupancy)
 - Building 2: completion of fire rated gypsum wallboard on L1 to loadbearing walls and ceilings.
 - Building 2: addition of interconnected smoke alarms on L1 to hallways on L2 and L3.
 - Building 1 & 2: bridge/ deck connection and non combustible cladding between buildings, including fire rated gypsum wall board of Building L1 east exterior wall.
 - Intended completion of Phase 1 mid June 2019.
 - Phase 2:
 - Building 2: Completion of 'Tenant Improvement' for 9 staff housing units including occupancy of L1.
 - Building 2: exterior cladding of south wall for spatial separation to property line (no parkland structures anticipated in short term or future).
 - Building 2: Full enclosure of L1 east end vehicle/ boat storage with overhead door.
 - Building 1: Upgrade existing fishing charter/ guest house admin washroom to accessible standards.
 - Landscaping and on site works including courtyard, street landscape buffer, decorative concrete works/ curbing, precast wheel stops, etc.
 - Landscaping off site works (beautification of berm on adjacent park property, as part of an amenity contribution).
 - Intended completion of Phase 2 as per Owner memo to City as mutually agreed.

Permitted Uses Variance:

- **Requirement:** Single family dwelling.
- **Provided:** Single family dwelling, fishing charter tourist operations (including admin office and boat/trailer storage), tourist accommodation, and staff housing (for fishing charter business and potentially rental to other tourist operators).
- **Variance:**
 - existing tourist accommodation on upper floors.
 - future staff housing .
- **Rationale:**
 - immediately next to Tugwell Field park.
 - No industrial noises, sights, and smells anticipated from property operations.
 - Upgrade in landscaping and recreational/ social outdoor areas for benefit of guests and staff.
 - Large south facing decks for guests away from activity of industrial uses/ parking below.
 - Raised deck and suites overlooking industrial area for 'eyes on the street' of adjoining properties providing neighbourhood security.
 - Owner/ operator on lives onsite for management/ security of facility.
 - Housing agreement to be provided for staff housing

Side Yard (South) Building Setback Variance:

- **Requirement:** min. 5.0m.
- **Provided:** 1.22m building; 0.61m L2 deck.
- **Variance:** 3.78m. Area of building encroachment = 239.0m² (2,573 ft²).
- **Rationale:**
 - Existing construction.
 - Variance previously approved June 26, 2007 but no record of building permit.
 - No visual impact from park due to existing vegetation and berm.
 - Accessory SFD setback permits 1.5m bldg setback.
 - Preference would be for a 0.59m no building encroachment on parkland to permit combustible construction of existing wood frame deck that provides weather protection for the building.

Rear Yard (East) Building Setback Variance:

- **Requirement:** min. 6.0m.
- **Provided:** 4.98m building; 4.05m deck.
- **Variance:** 1.02m. Area of bldg area encroachment = 1.07m². Area of L2 deck 4.05m²
- **Rationale:**
 - Existing construction.
 - No visual impact from park due to existing vegetation.
 - Irregular lot shape.
 - Area of encroachment 1.07m².

Building Height Variance:

- **Requirement:** max. 12.0m.
- **Provided:** +/- 12.95m building ridge. Yet to be confirmed by survey.
- **Variance:** +/- 0.95m.

- **Rationale:**
 - Existing construction.
 - Building 2 floor slab/ gravel at north and south ends to be raised +/-1'10.5" upon completion of Phase 2 work.
 - Building mass broken into two roof forms.
 - No visual impact from park due to existing vegetation and berm.
 - Additional vegetation provided to reduce scale of building.

Reciprocal Driveway/ Parking Easement

- As per site plan, driveway, fire truck access, and parking shared with adjacent 2nd lot of 3 owned by Owner. Required due to existing structures.

Raymond de Beeld, Architect AIBC

Civic Address:	354 Forbes Road, Ucuelet, B.C. V0R 3A0			
Legal Address:	Lot 17, Plan VIP76147, District Lot 284, Land District 09			
Zoning:	CD-1 Eco-Industrial Park (CD-1.1.3)			
	acre	ft2	m2	Notes
Property Area:	6.5	25,880.70	2,404.39	
Floor Area: Single Family Dwelling				
		Proposed (ft2)	Proposed (m2)	
L1		2,936	272.76	
L2		1,826	169.64	
L3		<u>821</u>	<u>76.27</u>	
Total:		5,583	518.68	
Floor Area: Guest Lodge				
L1		6,197	575.72	2,100 ft2 demolished
L2		2,651	246.29	+/-2,700 mezz demolished
L3		<u>2,651</u>	<u>246.29</u>	
Total:		11,499	1,068.29	
Zoning Requirements				
	Required	Proposed		
Site Coverage:	60%	66%		Excluding Decks
FAR Allowable Area:	1.00	0.66		Previously +/-0.85
Front setback	9m (30 ft)	11.91m (39'1")		
Side setback (north)	5m (16 ft)	5.0m		
Side setback (south)	5m (16 ft)	1.22m (4'0") south		1,077 ft2 of Bldg Encroachment
Bldg Rear setback	6m (19 ft)	4.98m (16'4")		Deck 4.05m (13'3")
Parking Setback Highway	3m (10 ft)	1.5m		Landscaped plaza
Parking Setback Other Lot Lines	1.5m (5 ft)	1.5m		
Building Height:	12m (39 ft)	12.95m (+/-42'6")		T.O. Ridge
Number of Storeys	≤ 3	3		Previously 4 storeys; 'mezz' removed
Landscaping abutting residential	1.5m (5 ft) + 1.5m ht fence	N/A		
Landscaping abutting highway	1.5m (5 ft)	1.8m		
Outdoor storage/ garbage bins	1.8m x1.8m ht	0m		Out of view from street & park
Total Number of Parking:				
	Required	Proposed		
SFD Accessory: 1/ dwelling unit	1	6		
Guest Lodge: 1/ room	12	12		
Staff Housing: 1.5/ dwelling unit	13.5	14		
Staff Housing Visitor: 1/ 5 dwelling units	<u>1.8</u>	<u>2</u>		
Total:	28.3	34		
Type:				
Regular Car: 2.5m x 6m (8'x20')		32		
Small car: 2.5m x 5.2m (8' x17'): 30% max.		1		
Designated Visitor: see above		2		
Accessible: 3.7m x 6m (12'X20'): 1% of total where >10		1		
Parallel: 2.5m x 7m (8'x23')		0		
Drive Aisles: 7.5m (25')				
Electrical Charge Station: no requirement	0	0		
Bicycle: no requirement	0	4		
Notes:				
Variances in red				
Reciprocal Easement for Driveway and Parking				



1 North West Perspective



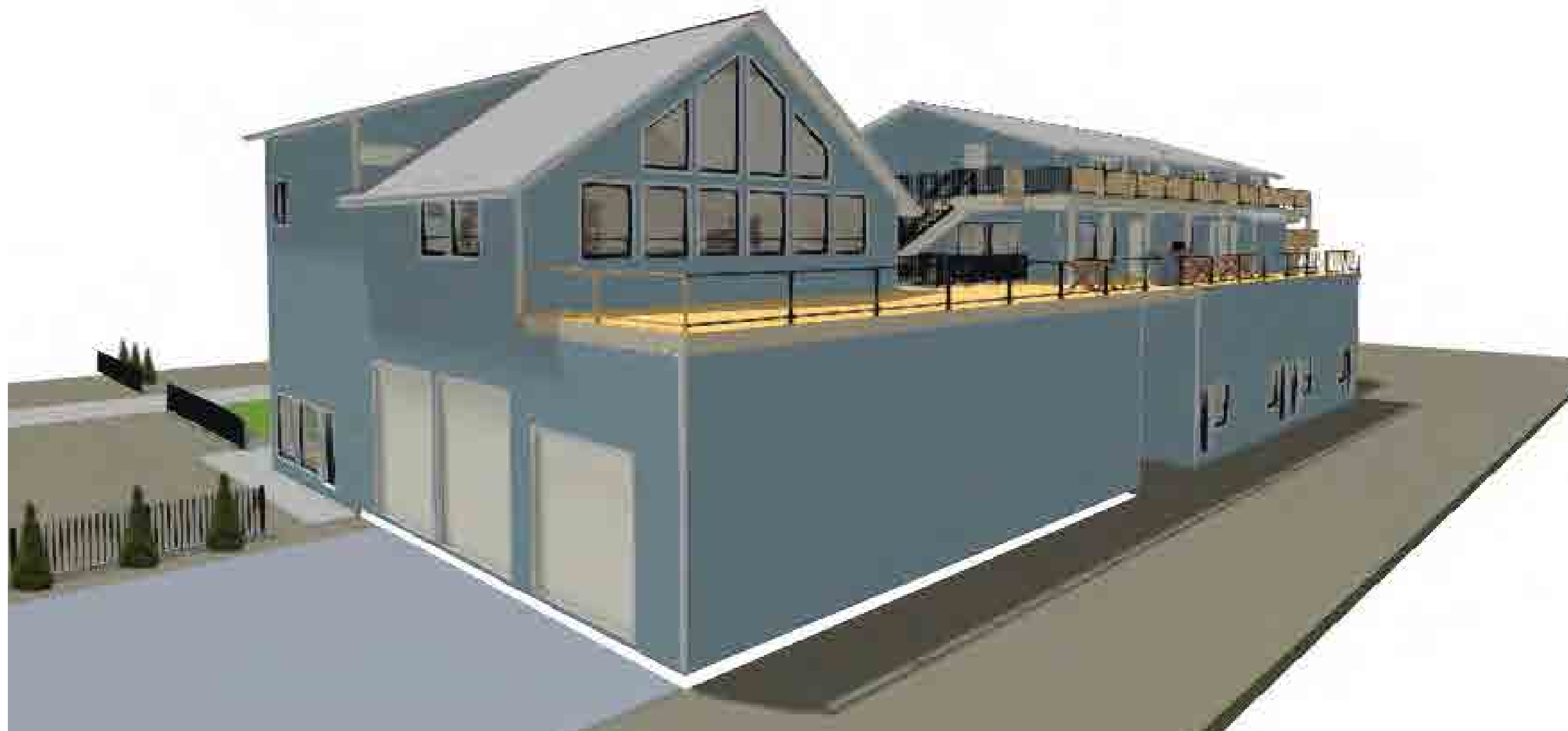
2 South Deck Perspective

4 Consultants List

Owner: Glenn Kaczmar Pacific Rim Fishing Charters 354 Forbes Rd. Ucluelet, BC V0R 3A0 Tel: 1-877-871-8771 info@pacificrimfishingcharters.ca	Architect: Raymond de Beeld Raymond de Beeld Architect Inc. 755 Terminal Ave. N Nanaimo, B.C. V9S 4K1 Tel: 1-855-754-2108 Email: raymond@rdbarchitect.ca rasil@rdbarchitect.ca	General Contractor / Designer: Jason Ward Realm Structures Inc. 4410 Glenwood Drive Port Alberni, B.C. V9Y 4P8 Tel: 1-855-731-6700 Email: design@realmstructures.com	Structural: Brad West McGill & Associates Eng. Ltd. 4610 Elizabeth Street Port Alberni, B.C. V9Y 6L7 Tel: 250-724-3400 Email: office@mcgilleng.com	Civil:	Landscape:	Mechanical:	Geotechnical:	Surveyor (Construction): Brad West McGill & Associates Eng. Ltd. 4610 Elizabeth Street Port Alberni, B.C. V9Y 6L7 Tel: 250-724-3400 Email: office@mcgilleng.com	Environmental:	Interior Designer:	Building Envelope (BEP):	Code Consultant:	Building Consultant:	Electrical:
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3 Project Data

Civic Address:	354 Forbes Road, Ucluelet, B.C. V0R 3A0		
Legal Address:	Lot 17, Plan VIP78147, District Lot 284, Land District 09		
Zoning:	CD-1 Eco-Industrial Park (CD-1.1.3)		
	acre	ft2	m2
Property Area:	6.5	25,880.70	2,404.39
			Notes
Floor Area: Single Family Dwelling	Proposed (ft2)	Proposed (m2)	
L1	2,936	272.76	
L2	1,826	169.64	
L3	821	76.27	
Total:	5,583	518.68	
Floor Area: Guest Lodge			
L1	6,197	575.72	2,100 ft2 demolished
L2	2,651	246.29	+/-2,700 mezz demolished
L3	2,651	246.29	
Total:	11,499	1,068.29	
Zoning Requirements	Required	Proposed	
Site Coverage:	60%	66%	Excluding Decks
FAR Allowable Area:	1.00	0.66	Previously +/-0.85
Front setback:	9m (30 ft)	11.91m (39'1")	
Side setback (north):	5m (16 ft)	5.0m	
Side setback (south):	5m (16 ft)	1.22m (4'0") south	1,077 ft2 of Bldg Encroachment
Bldg Rear setback:	6m (19 ft)	4.95m (16'4")	Deck 4.05m (13'3")
Parking Setback Highway:	5m (10 ft)	1.5m	Landscaped plaza
Parking Setback Other Lot Lines:	1.5m (5 ft)	1.5m	
Building Height:	12m (39 ft)	12.95m (+/-42'6")	T.O. Ridge
Number of Storeys:	≤ 3	3	Previously 4 storeys; 'mezz' removed
Landscaping abutting residential:	1.5m (5 ft) + 1.5m ht fence	N/A	
Landscaping abutting highway:	1.5m (5 ft)	1.8m	
Outdoor storage/garbage bins:	1.8m x 1.8m ht	0m	Out of view from street & park
Total Number of Parking:	Required	Proposed	
SFD Accessory: 1/ dwelling unit	1	0	
Guest Lodge: 1/ room	12	12	
Staff Housing: 1.5/ dwelling unit	13.5	14	
Staff Housing Visitor: 1/ 5 dwelling units	1.8	2	
Total:	28.3	34	
Type:			
Regular Car: 2.5m x 6m (8'x20')		32	
Small car: 2.5m x 5.2m (8' x17'); 30% max.		1	
Designated Visitor: see above		2	
Accessible: 3.7m x 6m (12'x20'); 1% of total where >10		1	
Parallel: 2.5m x 7m (8'x23')		0	
Drive Aisles: 7.5m (25')			
Electrical Charge Station: no requirement	0	0	
Bicycle: no requirement	0	4	
Notes:			
Variances in red			
Reciprocal Easement for Driveway and Parking			



1 South Perspective



2 South East Perspective

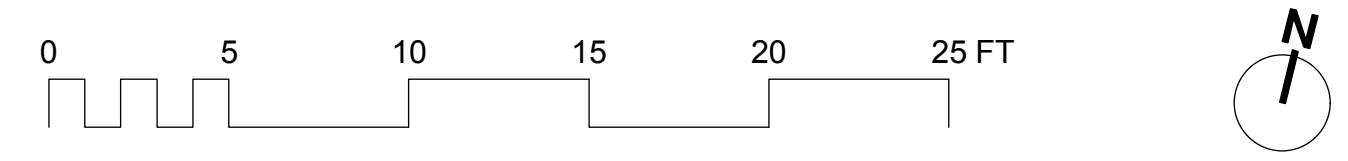
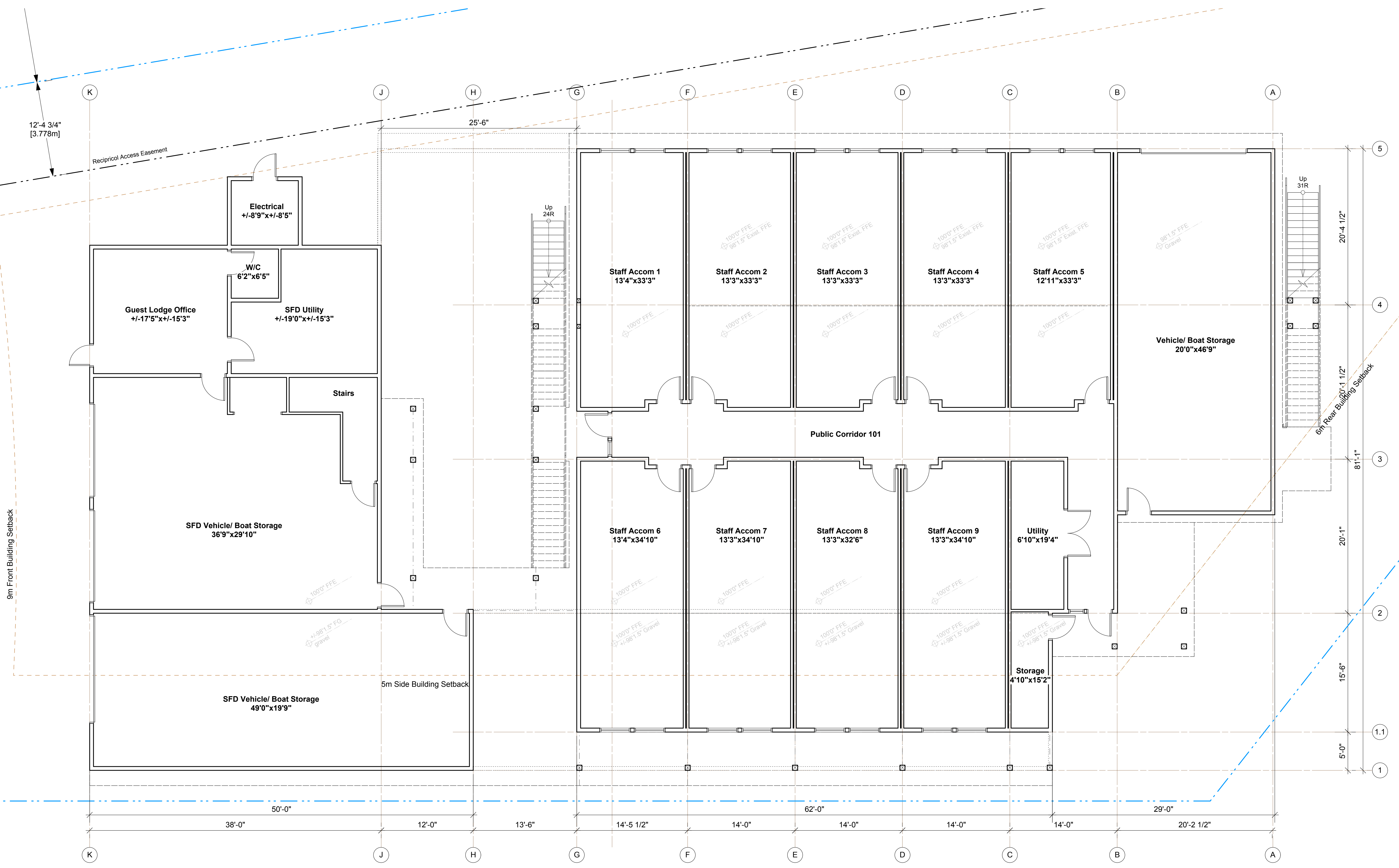


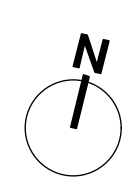
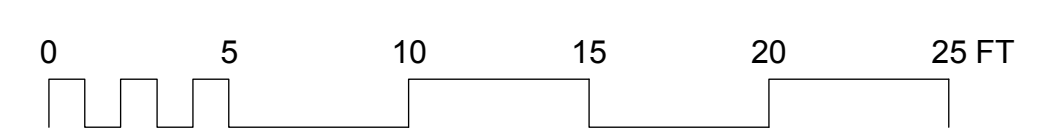
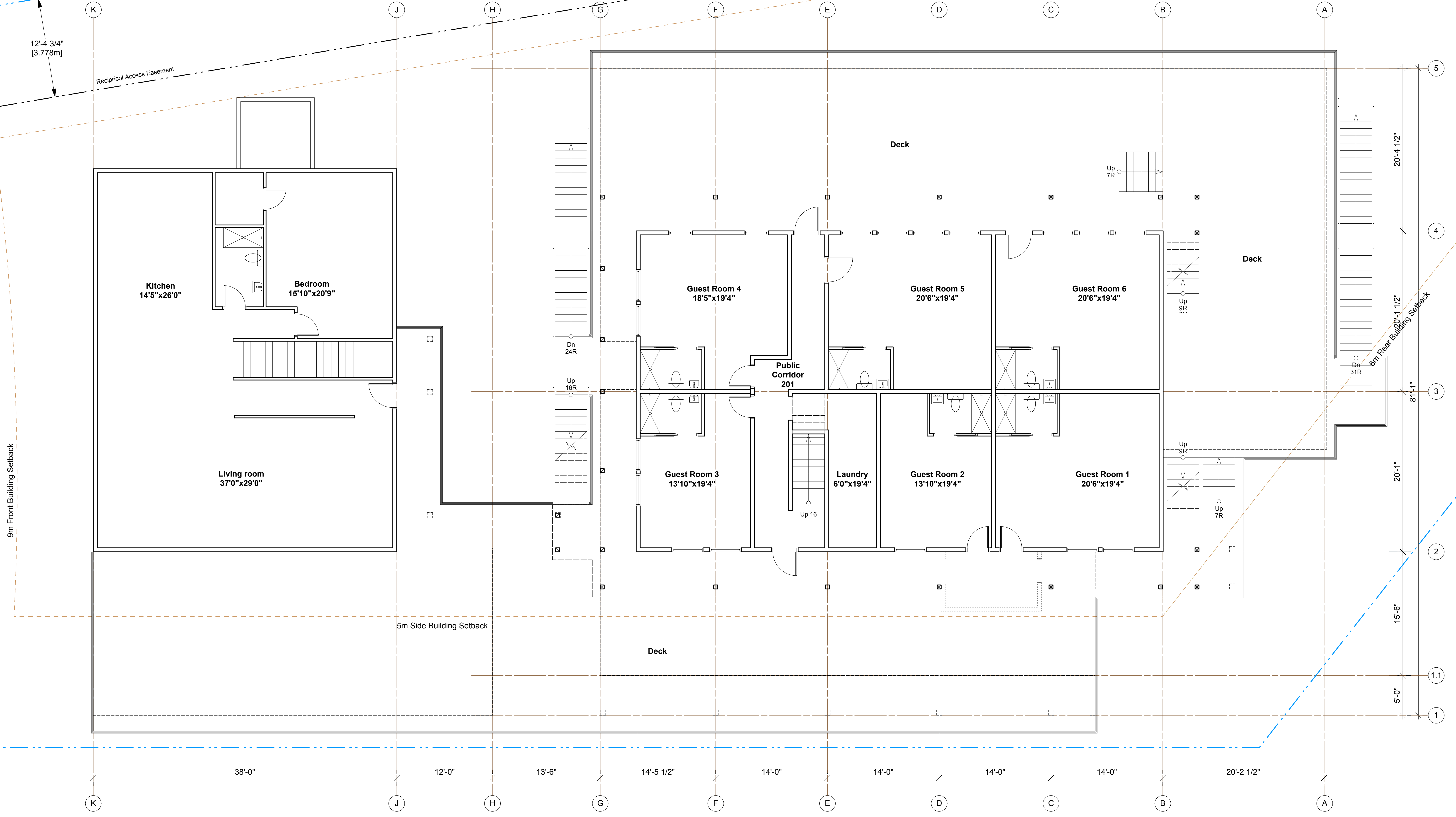
3 North Perspective

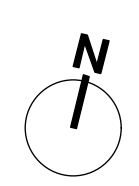
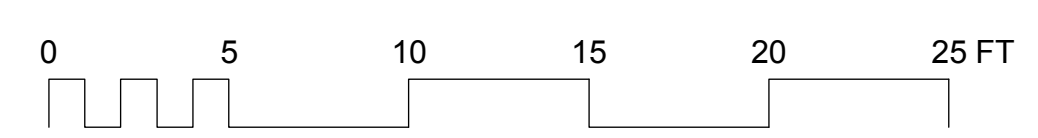
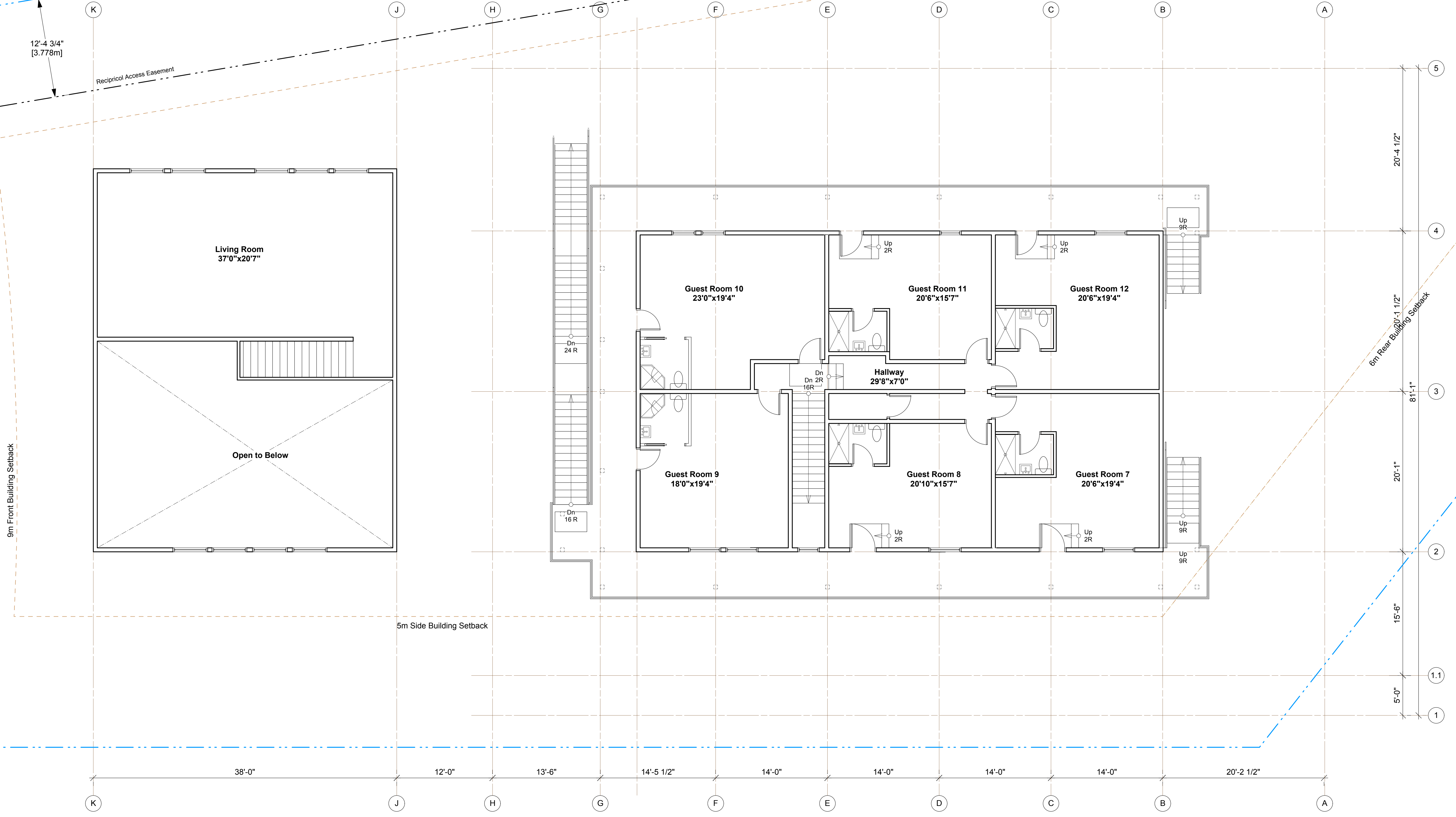


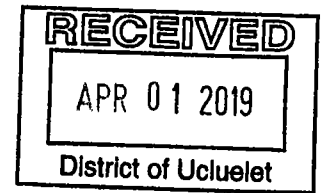
4 South West Perspective











WEST COAST SALMON & TRAVEL FISHING EXPERTS

Pacific Rim Fishing Charters & Guest Lodge

Re file :3360-20-RZ17-04

2019/03/31

Hello Bruce
Manager of Community Planning
District of Ucluelet
250-726-7744 local 227

Re; Pacific Rim Fishing Charters - Letter of Intent

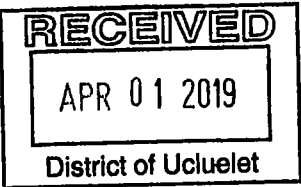
We Glenn & Dianna Kaczmar of Pacific Rim Fishing Charters & Guest Lodge located at 354 Forbes Road hereby propose our intent after successful zoning is completed.

A. To operated our 12 room guest lodge for nightly rental on floors two and three for nightly re upon completion of the proposed fire life and safety by our Architect, Engineer and contractor. Landscaping and final parking spots to be completed no later then opening season on May 1/2020

B. We have intentions of adding 9 staff accommodations on the main floor to reduce the demand on the village rentals for staff. However due to financial impact this entire process has cost us we plan to start on the construction of the staff accommodations by the year 2022 and have all 9 units in full operation by the year 2024.

Thank you for your valuable time.

Sincerely
Glenn & Dianna Kaczmar
Pacific Rim Fishing Charters & Guest Lodge
1-250-726-5032
Pacific Rim Fishing Charters & Guest Lodge



March 9/19

Dear Neighbor

We are asking for your signature of support to acquire proper zoning for Pacific Rim Guest Lodge located at 354 Forbes Road. Our building was constructed 2006 through 2009 and has been in operation 2010 to date without incident or complaints. The village of Ucluelet approached us September 2016 informing us that we do not have the proper zoning for our guest lodge although they allowed us to build our building . We are looking for signatures of support from our neighbors so we can submit to counsel as part of our rezoning process.

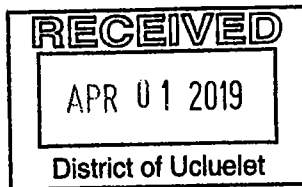
Sincerely

Glenn & Dianna Kaczmar

250-726-5032

Address	Print Name	Signature
324 Forbes rd.	ANGIE BASSIN.	
324 Forbes rd.	Naomi	
#1 313 Forbes Rd.	Kathryn Krouka.	
#1 325 Forbes Rd	A. Kimi	
329 Forbes Rd		
329 Forbes Rd		
348 Forbes Rd	G. Bacon	
342 Forbes Rd	G. Bacon	

March 13 2019



To whom it may concern,

Being one of the closest neighbours to Glenn and Dianna Kaczmar of Forbes Rd. we have no problem with their business or rezoning. In 2010 when we moved here Glenn and Dianna were already here and running their business. It has not caused us any concern or hardship. When people chose to purchase and live in an industrial zone they must expect that there will be more activity there. That is what industrial parks are all about. I also know that if anyone on the block had a problem they would be there to help. Due to the changing economic times in Ucluelet, we feel it is important for the community to support and help small business to evolve and grow. It can only add to the economy of the town.

Tom and Judy Schmidt
371 Forbes Rd.
Ucluelet
726-4698

A handwritten signature in cursive script that reads "Judy Schmidt".



STAFF REPORT TO COUNCIL

Council Meeting: OCTOBER 9, 2018

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

FILE NO: 3360-20-RZ17-04

SUBJECT: ZONING AMENDMENT APPLICATION –
PACIFIC RIM CHARTERS & GUEST LODGE (354 FORBES ROAD)

REPORT NO: 18-103

ATTACHMENT(S): APPENDIX A – APPLICATION MATERIALS
APPENDIX B – BUILDING ASSESSMENT BY RAYMOND DE BEELD ARCHITECT INC.

RECOMMENDATION(S):

1. **THAT** Council indicate support for the concept of adding 12 *commercial tourist accommodation* rooms and a minimum of 6 *staff housing* units as permitted uses on the property at 354 Forbes Road and:
 - a. indicate to the applicant that detailed building, site, and landscape plans are required to show the impact of the proposal on the surrounding industrial lands, public streetscape and park land;
 - b. indicate that adoption of a zoning amendment bylaw would be subject to the following:
 - i. the owners first obtaining a building permit, then completing the necessary building renovations to bring the building up to code and finally obtaining an occupancy permit to clarify that the building is safe for its intended use;
 - ii. the owners entering into a Housing Agreement to ensure that the employee housing units are occupied by seasonal or long-term resident workers;
 - iii. to owners providing a restrictive covenant to ensure the provision of staff housing and that occupancy of the guest accommodation units is tied to the ongoing operation of a fishing guide business from the property; and,
 - c. once a complete set of rezoning plans has been submitted by the owners, direct staff to prepare the zoning amendment and housing agreement bylaws for consideration by Council at a future meeting.

PROPOSAL:

The purpose of this report is to advise Council of the current proposal for amending the zoning of the property at 354 Forbes Road and to seek direction on next steps. Glenn and Dianna Kaczmar, owners of Pacific Rim Fishing Charters and Guest Lodge, have applied to amend the permitted uses in section CD-1.1.3 of the CD-1 Eco-Industrial Park zoning to enable the addition of up to 12 *commercial tourist accommodation* units and a minimum of 6 *staff housing* units in the existing building on the subject property (see Appendix 'A'). The single-family residence, office and storage uses would continue on the property as well. There are a number of elements to consider with this application including the history of the building and bylaw compliance, how the requested uses are

proposed to support the existing fishing charter business, and how the proposed uses would fit in this location.

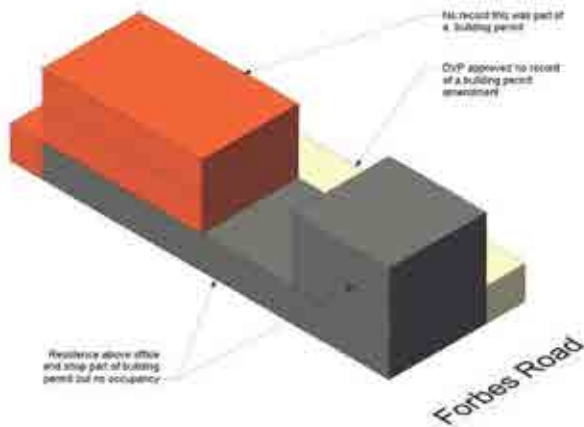
BACKGROUND:

The following provides a brief outline of the steps leading to the current zoning amendment application:

- A Building Permit (permit U-06-41) was issued in 2006 for a grade-level storage building plus a single-family dwelling over an office space on the west end, in the areas indicated in red below:



- There is record that some building inspections were done during construction but there is no record of final inspection and no Occupancy Permit issued for Building Permit U-06-41;
- A Development Variance Permit application was considered by Council in June of 2007 to reduce the side and rear setbacks, to allow for an additional 2,500 sq.ft. of additional storage space to be added to the building (which was then under construction). The variances were granted by Council at its June 26, 2007, meeting but there is no record that the building permit was subsequently amended to include the additional building area;
- There is no record of a building permit for the eastern addition of a second and third storey over the storage garage containing tourist accommodation units;
- BC assessment, business licence and servicing records do not reflect multiple guest suites being located on the property.
- In June of 2016 the District received a bylaw complaint that an unauthorized guest lodge was operating on the property. Staff follow-up revealed that a business licence was valid for the fishing charter business, but not guest accommodation. The owners were forthcoming that the guest lodge had been in operation since 2010 and inquired about steps to obtain an updated business licence reflecting the intended use.



- Since the CD-1 zoning does not permit *tourist accommodation* as a permitted use, the owners were advised that a zoning amendment would be necessary before a business licence could be issued for the guest lodge use.
- The owners submitted a rezoning application in late 2016 / early 2017 requesting that the guest lodge use be added to the uses permitted on the property at 354 Forbes Road.
- A file review revealed the incomplete building permit status of the building; this information was communicated to the owners along with the request to provide record of an occupancy permit if

they in fact received one.

- A site visit and walk-through of the building was arranged with staff from the planning and building departments in November of 2017.
- In December, 2017, staff notified the owner of concerns that the building does not meet the minimum health and safety standards of the BC Building Code, and the guest suite addition of the building was posted with No Occupancy notices. At the time (the off-season) there was no indication that the guest suites were being occupied. In the letter to the owners, staff suggested that the following steps would be necessary to seek approval for operating a tourist accommodation business in the building:
 - a. Have the building assessed by a qualified coordinating professional;
 - b. Show how the building could be brought up to code by providing detailed plans for the upgrades;
 - c. Complete the rezoning of the property;
 - d. Obtain a Building Permit to authorize the previous construction and all necessary upgrades;
 - e. Complete the building upgrades;
 - f. Obtain an Occupancy Certificate for the building and its intended use; and,
 - g. Obtain an updated Business Licence.

The letter also suggested that alternative arrangements be made for accommodating guests for the 2018 season while the above steps were completed.

- In mid-June, 2018, staff became aware that the building is being used for guest accommodation. After investigating, the owners were subsequently issued tickets for non-compliance with the zoning bylaw and for ignoring the “do not occupy” notices. The owners immediately paid the fines.
- In August, 2018, the owners submitted a building assessment completed by Raymond de Beeld, Architect (see Appendix ‘B’). The assessment identifies a number of areas which require upgrade to meet the minimum standards of the BC Building Code. Some of the options are significant, such as demolishing a portion of the building to separate the single-family residence from the portion of the building now proposed to contain the tourist accommodation and staff housing suites.
- Planning and building staff met with the owner and architect on August 20, 2018, to discuss the findings of the building assessment and the path forward. It was agreed that the owner would clarify the intended use of the building(s) and on that basis a report on the requested

rezoning would be prepared for consideration by Council. At that time, a set of revised drawings was anticipated to accompany the application.

The owners face significant costs to bring the building up to code for its intended use. The owners have been clear that they will not invest further to upgrade the building unless, at the end of the process, they are able to legally rent out tourist accommodation units as part of a package with their fishing charter business. At this point, the owners are seeking an indication of whether their requested zoning amendment will find support, before they commission more detailed architectural and engineering plans to define the building upgrades.

DISCUSSION:

A. Proposed Uses:

Tourist accommodation is not generally considered the most compatible land use in an industrial area. That said, there are a couple aspects to this proposal which set it apart. First, the location of the building on the edge of the Forbes Road industrial area, immediately next to the Tugwell Field park, is a different and better context for the proposed use compared to other locations. A site in the middle of the industrial park would not be supported by staff, where the tourist accommodation use would be expected to be surrounded by active businesses generating noises, sights and smells which could be found objectionable to guests and become a point of conflict.

A second consideration is that the use of the property for the storage and maintenance of boats for the fishing charter business is a permitted and valid use of this industrial property. The tourist accommodation is proposed to be co-located on property as an integrated part of the business. This lends support for the proposal that a standalone motel, for example, would not enjoy. Generally the community value of having adequate land designated for industrial uses comes from the support it provides for businesses and the jobs they create. The proposed tourist accommodation use would see the continued use of the property to support the fishing guide business. Staff are recommending that if approved on this basis, a restrictive covenant would be appropriate to ensure that the tourist accommodation remains as an integrated component of a fish guiding business, and is also only operated if the staff housing is provided as proposed.

Staff support the inclusion of six staff housing units as a part of this proposal. The CD-1 zoning currently permits “*mixed industrial / residential*” uses, but the definition limits the residential component to the second storey or higher. The proposal in this case is to re-purpose a portion of the large ground floor of the building to create six staff accommodation units. Including staff housing on site would benefit both the business and the community. Providing this additional housing would be a positive step and staff suggest that, if this forms part of Council’s support for the rezoning, a Housing Agreement would be an appropriate instrument to ensure the terms and availability of the staff housing as intended.

B. Process:

As noted above, approval of the requested zoning amendment would be just one step toward bringing the building and property uses in compliance with the municipal bylaws and provincial code. Fundamentally, this is about confirming that the building meets the minimum health and safety standards for its intended use.

Should the zoning amendment be supported in concept, the owner should then provide zoning-level drawings showing the location of all intended uses within the building, access, parking and

landscaping. Improved landscaping and screening along the Tugwell Field and Forbes Road edges of the property would be appropriate elements to include with the overall building upgrades.

Once a full set of drawings is received, the application along with draft bylaws would be brought back to a future meeting of Council for further consideration. Should a rezoning bylaw proceed through the steps of a public hearing and receive third reading (often considered approval in principle), the owners would then need to apply for the appropriate building permits and complete the necessary building alterations. Once the building was renovated, certified as safe for its intended use and an Occupancy Certificate were issued, then the bylaw would return to Council for final adoption. At that point, the District could issue a business licence for the tourist accommodation component of the Pacific Rim Fishing Charters and Guest Lodge business.

The guest accommodation suites are to remain unoccupied until the municipality issues a Certificate of Occupancy. Even if the rezoning is supported and proceeds quickly, given the amount of work required to bring the building up to code it is extremely unlikely that the building would be ready for occupancy in time for the 2019 summer fishing season. Therefore, staff recommend that the owners make alternative arrangements for accommodating their guests for the 2019 season.

Should the requested rezoning not proceed, the building will remain posted with “do not occupy” notices. The owners would then need to decide whether to re-purpose the building for a different use (with the necessary building permits, of course), demolish the building, or leave it vacant.

FINANCIAL IMPACTS:

A building permit fee would be charged based on the construction value. The value of the property would be expected to increase with the proposed improvements, and additional commercial tax assessment would result. Water and sewer fees would be collected based on metered usage. These additional revenues are expected to offset the incremental increase in municipal services and infrastructure.

OPTIONS REVIEW:

1. **THAT** Council indicate support for the concept of adding 12 *commercial tourist accommodation* rooms and a minimum of 6 *staff housing* units as permitted uses on the property at 354 Forbes Road and:
 - a. indicate to the applicant that detailed building, site, and landscape plans are required to show the impact of the proposal on the surrounding industrial lands, public streetscape and park land;
 - b. indicate that adoption of a zoning amendment bylaw would be subject to the following:
 - i. the owners first obtaining a building permit, then completing the necessary building renovations to bring the building up to code and finally obtaining an occupancy permit to clarify that the building is safe for its intended use;
 - ii. the owners entering into a Housing Agreement to ensure that the employee housing units are occupied by seasonal or long-term resident workers;
 - iii. to owners providing a restrictive covenant to ensure the provision of staff housing and that occupancy of the guest accommodation units is tied to the ongoing operation of a fishing guide business from the property; and,

- c. once a full set of plans has been submitted by the owners, direct staff to prepare the necessary zoning amendment and housing agreement bylaws for consideration by Council at a future meeting.

(Recommended)

or;

- 2. **THAT** Council defer consideration of the rezoning application for the property at 354 Forbes Road at this time;

or;

- 3. **THAT** Council reject the rezoning application for the property at 354 Forbes Road at this time, and indicate to the owners that obtaining a certificate of occupancy is required before the unauthorized guest suite addition area of the building can be occupied for any use.

Respectfully submitted: Bruce Greig, Manager of Community Planning
John Towgood, Planner 1
Mark Boysen, Chief Administration Officer

2018-09-28

Re File:3360-20-RZ17-04

Hello Bruce
 Manager of Community Planning
 District of Ucluelet
 250.726.4784



RE: PACIFIC RIM FISHING CHARTERS - LETTER OF INTENT

Pursuant to your inspection of the above noted property and subsequent letter of 2017-12-04 and in follow up to our meeting today in which you suggested on behalf of the Village and Authority Having Jurisdiction to submit a Letter of Intent to initiate the Zoning Amendment, which was applied on 2016-09-16 and paid for on 2017-01-30 in accordance with the District Bylaws and Fees.

Please accept the following documents as support for a new Comprehensive Development Zone as applied for to allow the existing structures and intended uses and a Code Compliance Report for Fire and Life Safety of the Accommodation Units (Guest Rooms) pursuant to BCBC 2012 (although the building in question was constructed under BCBC 2006) as requested in your letter.

We, Glenn & Dianna Kaczmar, of Pacific Rim Fishing Charters & Guest house hereby intend to do the following, after successful Zoning is completed:

- a. We have intentions for the Ground Floor to create 4-5 Commercial Rental Units in the North side and minimum of 6 Transient Accommodations on the South to reduce the demand on other Village rentals for my staff. We are willing to provide drawings for the Future use of the ground floor at that time. However, due to the financial impact incurred through this whole process, we will be unable to build out the ground floor until the Code issues are resolved, we are operational, and our Zoning is in alignment.
- b. Commence with a Final report for Raymond DeBeeld, AIBC & plans to be revised/created to comply and then submit for a building permit for those alterations at that time. We will make all necessary alterations, updates, repairs and the like in order to be operational for the next season.

1.0 Property History:

- 1.1 REALM Structures Inc. (formerly Alberni Design Associates Company Inc.) were commissioned by ourselves for the design of a 3 Story – Residential in nature building with an office and an attached 1 storey Storage bays and 2 storey transient/worker accommodation suites, guest games room and a laundry facility.
- 1.2 At the time of permitting on or about Oct 15/2007, the Zoning was in a state of evolution and the original Building Permit was issued for construction of the 3 storey Residence and the story of Storage Bays with a caveat that the transient/worker accommodations were to be constructed once the District finalized its revision of the Zoning Bylaw. The additional units were suspended from permitting to allow for the construction of the remainder as drawn on the plans as issued for construction dated on or about 2006-10-26 for construction in the prime building season of that year.
- 1.3 Once the permitted structures were constructed, the Zoning Bylaw had not yet been officially completed but the Authority Having Jurisdiction and Manager of Planning of the day permitted the remainder of the construction to allow the owner to satisfy building envelope conditions without unjust expenses dictated by the delay in process. Again, this was to assist in construction during the concurrent building cycle.

2.0 Zoning Data:

2.1.1 Current Zoning Permissible uses:

CD-1.1.3 The following uses are permitted in the areas of the CD-1 Zone

Plan labeled "Industrial", but secondary permitted uses are only permitted

In conjunction with a principal permitted use:

(1) Principal:

- (a) Single Family Dwelling
- (b) Mixed Industrial/Residential
- (c) Light Industry
- (d) Medium Industry
- (e) Service Industry
- (f) Service Station, with accessory car wash
- (g) Auto Repair Shop
- (h) Bistro/Café
- (i) Outdoor Sales
- (j) Heavy Equipment Display
- (k) Wood Processing

(2) Secondary:

- (a) Accessory Residential Dwelling Unit
- (b) Accessory Retail Sales and Administration Office

2.1.2 Proposed Amended Permissible uses:

CD-1.1.3 with the addition of:

(2) *Secondary:*

- (a) Accessory Residential Dwelling Unit
- (b) Accessory Retail Sales and Administration Office

(c) Guest Room(s)

2.2 Code Compliance:

- 2.2.1 Attached herein is a Preliminary Report from Raymond DeBeld, AIBC indicating potential Building Code issues under the CURRENT BC Building Code 2012. Keep in mind our building was constructed under BCBC 1998 Code.

Thank you for your valuable time

Sincerely

Glenn & Dianna Kaczmar

Pacific Rim Fishing Charters & Guest Lodge

info@pacificrimfishingcharters.ca

1-250-726-5032

1-250-726-5053

1-877-871-8771

Development Application

District of Ucluelet

Planning Department
200 Main Street, Ucluelet, BC
V0R 3A0, P.O. Box 999
tel 250-726-4770 fax 250 726 7335

Type of Application

An application is submitted for one or more of the following:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Official Community Plan Amendment | <input type="checkbox"/> Development Variance Permit |
| <input checked="" type="checkbox"/> Zoning Bylaw Amendment | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Development Permit (no variances) | <input type="checkbox"/> Board of Variance |
| <input type="checkbox"/> Development Permit (with variances) | <input type="checkbox"/> Strata Conversion |
| <input type="checkbox"/> Development Permit Amendment | <input type="checkbox"/> Subdivision |

Description of Property

Civic Address (es): 354 Feebe's Rd
Legal Description: Lot 17 Plan VIP26147 Block _____ Section _____ DL 09

Applicant Information

Notice of Disclosure to Applicant(s): The following contact information will be available to the public and may be posted on the Districts' website to allow interested parties to contact you about this application.

Applicant name: Glen Kaczmarek Company name: Pacific Rim Fishing charters
Mailing address: Box 1346 Postal Code: V0R3A0
Tel: 1 877 871 8771 Cell: 250 726 5032
Email: glen.kaczmarek@yahoo.ca Fax: _____

The undersigned owner/authorized agent of the owner makes an application as specified herein, and declares that the information submitted in support of the application is true and correct in all respects.

Applicant Signature: [Signature]

Date: JAN 31
Oct 10/16

Registered Owner(s)

List all registered owners. For strata properties, provide accompanying authorization from all strata owners (not just strata corp.). If the owner is an incorporated company/society, attach a current corporate/society search or "notice of directors".

Registered Owner (s) name: Same as above
Mailing address: _____ Postal Code: _____
Tel: _____ Cell: _____
Email: _____ Fax: _____

Freedom of Information and Protection of Privacy Act (FOIPPA): Personal information is collected, used and disclosed under the authority of the Local Government Act, and section 26 (c) of the FOIPPA. The information will be used for the purpose of processing this application.

Owner Signature: [Signature]

Date: JAN 31
Oct 10/16

Office Use Only:

Folio No.: <u>18117</u>	File No.: <u>18117</u>	Date: <u>31 JAN 2017</u>	Receipt No.: <u>56410</u>	Fee: <u>3830.00</u>
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January 28, Ucluelet (2017)

RE: Application for re-zoning – Pacific Rim Guest Lodge
Owners Glenn & Dianna Kaczmar
354 Forbes Road
Ucluelet, B.C. V0R3A0

Dear Mayor Dianne St. Jacques & Councillors

It has been brought to our attention that Pacific Rim Guest Lodge does not have appropriate zoning. We have been asked by district staff to apply for the proper zoning to continue operations of Pacific Rim Guest Lodge. As part of this process, we have been asked to provide the history surrounding our building.

In 2006, our proposed building plans were approved (after minor delays to verify zoning) and we were provided with a building permit starting in the fall of 2006. Construction commenced in 2006. Throughout the three years of active construction, our building was inspected by the village's building inspector numerous times. Pacific Rim Fishing Charters & Guest Lodge opened for business in 2010. We offer accommodations to tourists and travelers, and as part of our fishing packages. In recent years, when vacancy rates for tourism are frequently at 0%, we've been proud to offer clean, large, bright, and reasonable priced rooms with easy access to many of Ucluelet's "gems" such as the Wild Pacific Trail. Our building also includes our personal residence on the second floor and self storage on the main floor.

It was a shock to us to hear that our Guest Lodge does not have the appropriate zoning, as we assumed this was taken care of during the building plan approval process and subsequent building inspections. I was unaware that a building plan including accommodations could be approved when the land was not zoned for this purpose. As we are currently paying commercial property taxes for 90% of our property, we assumed that our zoning was correct. Pacific Rim Fishing Charters and Guest Lodge has invested over three million dollars into the building of Pacific Rim Guest Lodge and currently employs up to eleven employees with the majority of staff being permanent residents of Ucluelet.

In 2010 we changed our name from Pacific Rim Fishing Charters to Pacific Rim Fishing Charters & Guest Lodge. In regard to the business license for the Guest Lodge, we currently have a business licence for Pacific Rim Fishing Charters and also for Pacific Rim Self Storage. We were unaware that we required a separate business licence for the guest lodge as we changed our name to include the guest lodge and assumed the business licence cover both aspects.

Pacific Rim Fishing Charters & Guest Lodge was unaware we did not have the proper zoning. My wife and I are committed and involved residents of Ucluelet, and I have been working in Ucluelet since I was a teenager. We sincerely hope we can continue this involvement and support the community and tourism industry as a quality provider of accommodations, fishing adventures, and self-storage. Please consider our request for rezoning as without rezoning approval, our business of 35 years would be subject to closure with a significant financial loss to us personally, and many people losing their employment, not to mention the loss of much needed accommodations to support tourism in Ucluelet.

Thank you for your valuable time and consideration,

Please feel free to call us toll free at 1-877-871-8771 if you have any questions or concerns or email us at info@pacificrimfishingcharters.ca

Sincerely

Glenn & Dianna Kaczmar

Pacific Rim Fishing Charters & Guest Lodge
877-871-8771



755 Terminal Avenue, Nanaimo, BC V9S 4K1
 Tel: (250) 754-2108 Fax: (250) 754-2118
 Email: info@rdbarchitect.ca
 Web: www.rdbarchitect.ca



July 19, 2018

354 Forbes Road

2012 BC Building Code *Draft* Review Summary

In summary, the building does not comply with many requirements of the building code and the as built conditions vary from existing drawings received. Some portions of the building are incomplete or lack any drywall cover (or other means) to provide fire resistance, and in particular the support and underside of the proposed guest suites.

Summary below of key building code deficiencies. Not all minor deficiencies noted. As currently constructed, the building is classified as Part 3 of the building code and not Part 9 due to the number of storeys, F2 occupancy, and building area (greatest horizontal footprint) is greater than 600m².

Comments added in *blue italics* included as suggestions/ further work/ discussion towards achieving **substantial compliance**. Much like strata conversions, existing buildings are reviewed for zoning and code compliance. Under the strata act, "substantial compliance" is not defined, presumably each situation is unique. The building code is written for new construction and conversion/ upgrades of existing buildings requires a judgement call between the designer and authorities as to the cost/ benefit (such as life safety) of achieving building code and zoning objectives.

Major Occupancy (excludes occupancies other than F1 & F2, if they are <10% of building area [greatest horizontal extent of all storeys superimposed]):

- Group C Residential (residents/ guest suites/ staff suites)
- Group F2 Medium Hazard Industrial (workshop/ storage room/ repair garage)
- Group F3 Low Hazard Industrial (workshop/ storage room/ storage garage)
- F3 is defined as combustible content being not more than 50kg/m² or 1 200MJ/m² of floor area. Typically needs to be signed and proven, otherwise assumed as F2. Difficult to limit users from exceeding the limits over time.
- Garages typically considered F3, provided they are not used as storage other than vehicles.
- Repair garage or storage rooms (outside of dwelling unit) considered F2.
 - An F2 occupancy only allows a single dwelling unit for the whole building (BCBC).
- Group D Business & Personal Services (office) was not included as no such occupancy currently exists, is not finished, though appears to be designed as such.
- If occupancies are less than 10% of the building area, then they are not classified as Major Occupancies.

Building Classification

- BCBC 3.2.2.50
 - Group C (residential); sprinklered; up to 6 storeys; max 1,800 m² @ 4 storeys; floors 1 Hr FRR fire separations; mezzanines 1 Hr FRR; loadbearing elements FRR to match supporting assembly; FRR and fire separation waived for floor assemblies within dwelling unit, if no dwelling unit above.
- BCBC 3.2.2.75

- Group F2 (repair garage/ workshop); sprinklered; up to 4 storeys; max 2,400m² @ 4 storeys; floors 1 Hr FRR fire separations; mezzanines 1 Hr FRR or non combustible construction; loadbearing elements FRR to match supporting assembly.
- BCBC 3.2.2.81
 - Group F3 (storage garage); unsprinklered; up to 4 storeys; max 1,200m² @ 4 storeys facing 1 street; floors fire separations, and 3/4 Hr FRR or non combustible construction; mezzanines 3/4 Hr FRR or non combustible; loadbearing elements FRR to match supporting assembly or non combustible.
- *Intermediate floors would need to be partially removed to create mezzanines, such that the building is only 3 storeys to avoid fire sprinklers for the whole building.*
 - *Fire sprinklers would require upgrades to utility connections and be designed by a Mechanical engineer.*
 - *Mezzanines max 40% of room open to below and max 10% enclosed of room below.*
 - *Use L1 plus mezzanine as staff accommodation. Need to check if F3 storage garages can be retained if greater than 10% of the floor area, otherwise another building classification (F3 series) needs to be reviewed as well.*
- *Possibly use BCBC 3.2.2.51*
 - *3 storeys; max 1,200m² facing 3 streets; floors 1 Hr fire separations; mezzanines & roofs 1 Hr FRR; FRR and fire separation waived for floor assemblies within dwelling unit, if no dwelling unit above.*
- *Initial thought is to demolish the portion of L1 & L2 that connect the original single family dwelling from the addition to create two separate buildings. Do the guest suite building as Part 3 (around 649m²) or remove a portion of one of the garages attached such that the footprint is less than 600m² then it could be Part 9 too which is more lenient for some, but not all building code aspects.*

Fire Truck Access (BCBC 3.2.5.4)

- Fire truck access route required for unsprinklered building greater than 3 storeys or 600m² building area.
- For 3 streets, fire truck access required to reach 75% of building perimeter. Perimeter of building face to be within 3m and 15m from access route. Access route to be 6m wide. Window or access panel required for every 15m of required building face for each storey above grade for unsprinklered buildings.
- *Two lots may need to be consolidated or require an easement on the adjoining lot to provide fire truck access.*

Protection of Exits (BCBC 3.2.3.13)

- Existing exterior exit stair from Level 3 to grade is unprotected from adjoining unprotected openings (windows) where less than 3m horizontally and, 5m above the stairway, or 10m below the stairway. Unprotected openings would need to be removed; replaced with wired glass in steel frames, or fixed glass metal frames via a fire sprinkler equivalency; add fire shutters; enclose exit with a fire separation; or relocate stairway.
- No unprotected openings permitted within 3m of a stairway from another fire compartment that is at an angle 135 degrees or less.
- Room under mid landing of exterior stair would need to be removed or room to have a 1 hr fire separation, including rated door with closer. Repair garage/ workshop exterior door would need to be fire rated with a closer due to exposure with the exterior stairway.
- *See comments under Exterior Exit Passageways and possible resolution that exempts exit stairs from having a fire separation from the remainder of the building.*

Integrity of Exits (BCBC 3.4.4.4 & 3.3.1.4)

- L4 exit stair to be fire separated from L3 public corridor, with a rated exit door from the L3 public corridor. This will also prevent the non conforming laundry room opening directly into an exit.
- Public corridors require a 3/4 Hr fire separation from the remainder of the building.
- *Provide wall around existing L4 stairway. L3 public corridor can exit into the L4 stairway which in turn empties onto the L3 deck. The doorway into the stair from the public corridor would swing in the direction of egress without impeding travel from the stair.*

Exterior Passageway Fire Separation Exemption (BCBC 3.4.1.5 & 3.4.4.3)

- Fire separation of exits from the remainder of the building are waived if not less than 50% of the exterior side is open to the outdoors, and an exit stair is provided at each end of the passageway.

- Only 1 exit (exterior stairway) is provided on L3. Likewise it is not possible to go in two separate directions to an exit stair at each end of the passage way. *The proposed exterior exit passage way on L3 would require a walkway all the way around the L3 guest suites (ie east side) in order to avoid, but would still require a fire separation on the underside of the deck due to occupancies below.*

L4 Exiting (BCBC 3.4.2.1)

- Two exit stairs required as the unsprinklered residential floor area is >100m² and travel distance >15m.
- *Provide two exit stair at each end with a public corridor between.*

Location of Exits (BCBC 3.4.2.5)

- Travel distance to exit max 30m.
- Some locations exceed the value as currently laid out such as the south garage.
- *Add additional exit doors where required.*

Exit Width (BCBC 3.4.3.2)

- L4 exit stair width should be min. 3'8" (1100mm), not 3'0" as it is above 2 storeys.
- L3 public corridor should be min. 3'8", but appears to be as narrow as 3'1" according to the drawings.
- *Not resolvable without complete rebuilding and impact on existing suites. Seek an equivalency or forgiveness given the low occupant load for this part of the Means of Egress.*

Stairways (BCBC 3.3.1.14 & 3.4)

- Stair rise max 7.1" each. Exterior stair rise 7.75". L3 & L4 rise and run not measured, but given the number of risers and floor to floor heights on the drawings, they appear to be around 7.75" high as well, and the run compliant being 11" or greater.
- Tactile treads required at top of stairways (except within dwelling unit). Exterior and interior stairs.
- L4 has a split level for some reason with 2 risers between the main stairway and corridor. Min. is 3 risers (BCBC 3.4.6.2.(1)).
- L3 to L4 interior stairway needs to be 3'8" wide, drawings show 3'0" wide, actual dimension not confirmed.
- Handrails required on both sides where stairs wider than 3'8" (1100mm). One and/ or two handrails missing on some stairs.
- Stairways to have slip resistance (ie exterior stairs) and since they are public, they require a colour contrast or distinctive pattern to demarcate the leading edge of risers and landings (BCBC 3.4.6.1).
- Note that stairways within dwelling units only need to comply with BCBC Part 9 requirements (BCBC 3.3.4.7).
- *Seek an equivalency or forgiveness for the existing L4 stairway that can't be upgraded without significant rebuilding and make the new L4 stairway compliant.*

Residential Fire Separations (BCBC 3.3.4.2)

- Residential Suites to have 1 Hr fire separations from the remainder of the building. Information of wall and floor assemblies incomplete. As built conditions not confirmed and require destructive testing to confirm.
- *Upon test results, upgrade if required.*

Repair Garage Fire Separation (BCBC 3.3.5.5)

- Requires 2 hr FRR fire separation from other occupancies.
- *Provide at another location/ separate building, or incorporate informally as a separate Part 9 single family dwelling by disconnecting addition into a separate building.*

Storage Garage Fire Separation (BCBC 3.3.5.6)

- Requires 1.5 hr FRR fire separation (2 layers 5/8" Type X drywall) from other occupancies, except where serving a dwelling unit as per BCBC 3.3.4.2(5).
 - Storage garage for dwelling unit to be fire separated from remainder of building.
- *Create 2 separate buildings as previously described.*

Fire Separations General

- Finished as built wall assemblies not verified but 5/8" Type X drywall noted on drawing sections for floor assemblies not within dwelling units. Rating incorrect on drawings for storage garage. Unfinished drywall on L1 & L2 walls/ ceilings installed with 5/8" Type X drywall.
- Many areas of L1 & L2 are incomplete and with no required drywall and form support for guest suites above.
- Existing single family dwelling former exterior walls joined to subsequent addition, should be confirmed for 5/8" Type X drywall and existing drawings note 1/2" drywall.
- *Complete as per building code requirements.*

Continuity of Fire Separations (BCBC 3.1.8.3)

- Vertical fire separations to terminate with smoke tight joints where it abuts or intersects floor or roof deck or roof sheathing.
 - L4 roof not reviewed and requires rated ceiling if suite vertical fire separations do not terminate at underside of roof sheathing. No combustible wood elements allowed to penetrate vertical fire separations (such as trusses and their bracing), thus the ceiling of the suite is typically a fire separation.
 - L1 to L2 stair stringers fastened to wall studs. No allowance for fitting drywall between required for fire separation.
 - *Upon test results, upgrade if required. L1/L2 stairways likely to be removed.*

Fire Blocking (BCBC 3.1.11)

- Concealed wall cavities: fire blocking required at every floor level, ceiling level (where forming part of a fire separation) and where horizontal dimension exceeds 20m and vertical dimension exceed 3m. This is not required where cavity is filled with insulation, cavity is non combustible, or only one air space not greater than 1").
- Interconnections between concealed vertical and horizontal cavities: required at interior coved ceilings/ drop ceilings/ soffits/ at each run and floor level with stair stringers, where the flame spread rating is greater than 25.
- Concealed cornice, mansard roof, balcony, or canopy; where the flame spread rating is greater than 25 at locations where the cavity extends over fire separations and where the maximum dimension of the concealed space is more than 20m.
- Penetrations such as plumbing/ wiring thru fire blocking to be fire caulked. No evidence of such where framing is exposed. Note this is not a requirement for a Part 9 building.
- Not reviewed in detail. Many conditions concealed. Areas such as L1 & L2 which are exposed and incomplete (not covered with drywall), wood blocking appears incomplete such as stair stringers and no evidence wiring being fire caulked.
 - *Further review/ discussion with Authorities where concealed. Upgrade where exposed. Separating main dwelling unit into Part 9 avoids issue for that portion of the building.*

Spatial Separation (BCBC 3.2.3)

- Some portions of L1 & L2 floor areas are non compliant for allowable openings and/ or non combustible construction. Some exterior walls not finished with drywall yet.
- No detailed calculations, interpolations, or additional min. 3/4 fire separation fire compartments to reduce wall area calculations, were done.
- Generally north and east facades are allowed around 12% unprotected openings; require 1 hr fire resistant ratings (5/8" Type X drywall), combustible construction ok, and non combustible construction required.
- North facade likely has too many actual unprotected openings, particularly near the workshop. Some options may include fire rated doors with closures, additional fire compartments, and/ or no build easement on a portion of the adjacent property or realignment of the property line.
- If an F2 workshop was considered on the north facade, allowable unprotected openings would be 6%, and thus would require non combustible construction (unprotected openings $\leq 10\%$) and a 2 hr fire resistance rating. However F2 occupancy is problematic with more than one dwelling unit within the building.
- The south facade, depending on on actual limiting distance (distance between facade and property line) is around 8% to 9%. This would require non combustible construction and cladding, and a 1 hr fire resistance rating. This could likely be resolved by creating a smaller garage fire compartment.

- West facade (facing street), likely not problematic.
- Generally exterior walls finished in non combustible fiber cement cladding, but vertical trims need to be non combustible.
- Combustibility of projecting L3 floor assembly above the walls below, are not required in the spatial separation calculations. However, what appears to be a partially completed projecting stair landing on the east facade, is very close to the property line and needs to be at least 1.2m away, otherwise it needs to be non combustible.
- *Do detailed calculations with interpolations and add additional min. 3/4 fire separation fire compartments to reduce wall areas. Separate the two buildings will correct much of the north facade. Replace combustible trims. Add required drywall (which is also required for other building code requirements).*

Janitor and Common Laundry Rooms (BCBC 3.3.1.21 & 3.3.1.22)

- Require 1 Hr fire separation from the remainder of the building. Wall assemblies and fire stopping not confirmed, nor noted on existing drawings and assumed not compliant without destructive testing.
- *Upon test results, upgrade if required.*

Guards (BCBC 3.3.1.18)

- Guards to be non climbable between 140mm and 900mm. Guards on exterior stairway climbable at the due to lower horizontal wood member.
- *Replace or modify such as opaque or clear panels on the inside face if pickets not low enough.*

Sound Transmission (BCBC 3.3.4.6)

- Residential suites to have a min. actual 50 STC rating. Wall/ floor assemblies not confirmed and existing drawings have incomplete floor assembly information and assumed not compliant without destructive testing.
- *Upon test results, upgrade if required.*

Occupancy on Roof (BCBC 3.2.2.13).

- L3 roof deck requires a 1 hr FRR fire separation under, including a 1 hr FRR rating of supporting structure.
- *Complete as per building code requirements.*

Repair and Storage Garage Ventilation (BCBC 3.3.5.4)

- Requires natural or mechanical ventilation.
- *Complete as per building code requirements.*

Storage Garage Vestibules (BCBC 3.3.5.7)

- Access thru a fire separation to an assembly or residential occupancy shall be thru a vestibule.
- *Omit access or complete as per building code requirements. Not applicable to a garage serving a detached single family dwelling provide air barrier, door with closer and gasket is provided.*

Protection of Openable Windows (BCBC 3.3.4.8)

- Openable windows in residential suites shall be protected by a 42" ht guard or window limiter to restrict opening to 4" where other dimension is >15", for window openings lower than 42" above the finished floor; or the floor or ground is lower than 5'11" on the other side of the window.
- *Complete as per building code requirements for L4. Part 9 detached single family dwelling exempt.*

Ceiling Heights (BCBC 3.3.1.8 & 3.4.3.4)

- Floors and 'access to exits' require min. 6'8.75" (2050mm) clear height. Level 2 has ceiling heights at 6'4" and 6'8" (before addition of drywall).
- Doorways require a min. 6'8" (2030mm) clear height. Wall openings on some L1 warehouse areas are 6'6" rough-in height.
- *Complete as per building code requirements which likely means removal of 6'4" height floor.*
- *Ask forgiveness on the 6'8" heights if areas used as mezzanines, perhaps as individual sleeping lofts, for staff accommodations.*

Accessibility (handicapped) (BCBC 3.8 & 3.8.2.31)

- Require access from the street to at least one main entrance.
- Require at least one accessible washroom.
- Require access to every type of public facility, including those located outside.
- Require access to all storeys to which the public is admitted.
- Require access to one sleeping unit for every 40 sleeping units or part thereof.
- Every floor area that is not sprinklered and is required to be accessible, shall be served by an elevator or be divided into at least 2 zones by fire separations that do not exceed the required travel distance.
- A proposed guest check-in office off the house on L3 would need to be accessible or relocated.
- *Complete as per building code requirements. Need to confirm that public facility and accessibility does not include registered guest accommodation rooms, including access too, otherwise a lift is required*
- *Provide guest check-in office at grade, including accessible washroom*

Building envelope

- Not reviewed as many details concealed from view. Original drawings lacking building envelope details and specifications. No vapour barrier and/ or insulation installed in some rooms on L1 & L2 that may be intentionally unconditioned or incomplete construction.
- *Complete as per building code requirements.*

Electrical and Plumbing

- Not reviewed.
- Hot water tanks require seismic bracing.
- Any penetrations of elec/ mech services thru fire separations to be fire stopped.
- *Complete review by electrical engineer or licensed commercial electrician as required by City.*

3rd Party Home Warranty Insurance

- Not reviewed, status unknown. Likely required.

Zoning

- Compliance to zone CD-1.1.3 not reviewed.
- Guest or staff accomodation not a permitted use.
- Potentially review of items required such as density, lot coverage, setbacks, height, parking, etc.
- *Review with City and include any variances as part of the rezoning process.*

--- End ---



DISTRICT OF UCLUELET

Excerpts from the April 9, 2019 Regular Council Meeting

13.4 Zoning Amendment Application – Pacific Rim Charters & Guest Lodge (354 Forbes Road)

Bruce Greig, Manager of Community Planning

Bruce Greig

- This is a rezoning application, and Council initially saw this report 6 months ago and indicated support of the concept but wanted the full plans in order to see what the uses would be. The applicants have done that and this report includes the two draft bylaws.
- Mr. Greig provided an overview of the project and explained the two proposed bylaws.

Councillor McEwen left the meeting at 4:01 and returned to the meeting at 4:06 PM.

Glen Kazmar

- We are not set in stone for 9 staff accommodations, we have committed to 6.
- We were told by our architects that the three remaining units, under our current building code, could be an F3 occupancy.
- If the demand for staff accommodations is required over F3 occupancy we are willing to commit to 9.

Councillor Kemps

- Under the site plan for the staff housing unit are there individual kitchens and washrooms? Mr. Kazmar advised there will be a communal kitchen.
- Is this location in the industrial area DCC exempt? Mr. Greig - yes, and explained why. The DCC's for the building and the staff accommodations would have been \$155,000.
- If this is zoned for an industrial park and not guest housing, will this be an exemption? Mr. Greig - this is a zoning amendment. The first bylaw is a zoning amendment that would change to allow the tourist accommodation on that property. The housing agreement outlines the units on the ground floor would be designated for employees.
- How is this enforced if the applicants are to build staff housing within 2 to 5 years? Mr. Greig - the applicants are guaranteeing to have staff accommodations within 5 years, but we would be recommending putting a covenant on the property that would say the use of the tourist accommodation is dependent on a minimum of 6 staff accommodations being there as well. The restriction on the property is if they

don't have the staff accommodations, you are not permitted to use the upper level space.

- What is F3 and F9? Mr. Greig advised they are two different sections of the BC Building Code and explained what they are.

Mayor Noël

- You have been working with staff and we really want to support you. I think giving you 36 months to get your 6 staff accommodations works for us.
- However, the motel aspect and not having to pay the DCC"s is a bit of a struggle because there are several applications who don't have that option and have to pay.
- Your building was non-conforming and we are happy to see that you are willing to work with staff to make it conforming and each section used only for the designated use.

Councillor Cole

- Why are there no screens for waste and recycling? Mr. Greig advised the location for this would be at the back of the property and the applicants are requesting to not have to build a screened enclosure as it is not visible to the public.

It was moved by Councillor McEwen and seconded by Councillor Hoar

THAT Council approve recommendation 1 of legislation item, "Zoning Amendment Application – Pacific Rim Charters & Guest Lodge (354 Forbes Road)" which states:

1. THAT Council, with regards to the proposal to renovate the building on Lot 17, District Lot 281, Clayoquot District, Plan VIP76147 (354 Forbes Road) and request for zoning amendments to permit commercial tourist accommodation on the property:
 - a. give first and second readings to Ucluelet Zoning Amendment Bylaw No. 1248, 2019;
 - b. give first and second readings to Ucluelet Housing Agreement Bylaw No. 1249, 2019;
 - c. indicate support, subject to public comment, to issue a Development Variance Permit to vary the following aspects of the Eco-Industrial Park (CD-1) zoning regulations for the existing building:
 - i. reduce the side yard setback per CD-1.6.1(3) on the south side from a minimum of 5m to 1.22m;
 - ii. reduce the rear yard setback per CD-1.6.1(3) from a minimum of 6m to 4.05m;
 - iii. reduce the parking setback per 503.2(1) from a minimum of 3m to 1.5m, subject to the owner installing the proposed landscaped screening within the reduced setback area;
 - iv. increase the permitted building height per CD-1.5.1(4) from a maximum of 12m to 12.95m; and,
 - v. waive the requirement per 602.1(1) for screening of waste and recycling bins, located at the rear of the building;

- d. direct staff to give notice of public hearing to receive comment on the requested bylaws and Development Variance Permit.

CARRIED.