



REPORT TO COUNCIL

Council Meeting: June 14, 2022

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE NO:** 3360-20-RZ17-04
SUBJECT: ZONING AMENDMENT APPLICATION **REPORT NO:** 22-77
PACIFIC RIM CHARTERS & GUEST LODGE (354 FORBES ROAD)
Attachment(s): APPENDIX A – STAFF REPORT MARCH 15, 2022

RECOMMENDATIONS:

THAT Council consider the motions in Option A from the staff report of March 14, 2022.

BACKGROUND:

At the May 31, 2022, Regular Council Meeting the owners of Pacific Rim Charters, Glenn and Dianna Kaczmar, requested that Council re-visit the staff report first considered on March 15, 2022, and their request regarding their property at 354 Forbes Road.

The background is provided in the March staff report (and its appendices) in **Appendix “A”**.

DISCUSSION:

The following excerpts are pulled from the March 15, 2022, report:

RESTRICTIVE COVENANT:

“The Owners have now asked that the zoning amendment be adjusted to achieve much of the same assurances that the restrictive covenant provides, with the hope that Council would adopt the zoning amendment without the restrictive covenant being registered on title. Staff have therefore drafted a new *Ucluelet Zoning Amendment Bylaw No. 1303, 2022* (“Bylaw No. 1303”), which is presented for Council’s consideration in **Appendix A** [to the March staff report]. This new zoning amendment bylaw more closely defines the site-specific uses and defines areas within the property where the *tourist accommodation* and *staff housing* uses can occur. The effect is that the area where 6 staff accommodation units had been proposed could only be put to that use, or left vacant. Note this approach would not guarantee or compel the owners to construct staff accommodation units. Should the property change ownership, the zoning limitations would still apply. Council should consider whether the new Bylaw No. 1303 satisfies the public interest; i.e., whether it meets the intent of condition b(iii) from the Council motion of October 19, 2018.”

FIRE ACCESS:

“An item which arose from the code review of the building is that fire access is required over a portion of the neighbouring lot, which is under the same ownership. A typical way to address this type of deficiency would be for the Owner to register an access easement on the title of their

neighbouring property. As with the restrictive covenant, the Owners indicate they are not willing or able to register such an easement on title at this time.

The occupancy permit for the building would remain provisional until such time as the access easement were registered. In addition, should the zoning be adopted to authorize the *Commercial Tourist Accommodation* use, then any business license issued for such use could contain a condition explicitly noting that the fire access be maintained and kept clear. In that case, should the ownership of the adjacent lot change and block that access, the business license could be suspended – providing a mechanism if necessary to ensure the accommodation units are not occupied without the necessary fire access. To avoid putting the municipality in a position where it is responsible for monitoring the fire access, staff recommend a condition on the business license stipulating that it would not be renewed without the easement in place. This would give the Owners one year to arrange to either consolidate their lots or register the appropriate easement.”

ANALYSIS OF OPTIONS

With respect to the addition of *Commercial Tourist Accommodation* to the uses permitted by the zoning of the property at 354 Forbes Road, Council can consider the following:

A	That Council abandon the previous Zoning Amendment Bylaw No. 1248, 2019, and proceed with first readings of Zoning Amendment Bylaw No. 1303, 2022, and amendment of the Housing Agreement.	<u>Pros</u>	<ul style="list-style-type: none"> • For the Owners, allows them to move forward toward obtaining a business licence for their guest lodge. • Would enable a degree of closure on a longstanding bylaw infraction with the subject property. • The narrowly-defines uses in the zoning would create a high likelihood of staff housing being eventually developed on the site as proposed.
		<u>Cons</u>	<ul style="list-style-type: none"> • Would not guarantee a timeline for constructing a minimum of 6 employee housing units. • Would not necessarily see the landscape improvements previously proposed for the public boulevard and neighbouring park.
		<u>Implications</u>	<ul style="list-style-type: none"> • This appears to be the best option at this point for moving forward and addressing the minimum health and safety issues with the use of the building, while enabling the fishing charter business to proceed with providing accommodation for its clients. • The zoning amendment, as drafted, would leave the door open for staff accommodation units and would create a situation where the use of the building for accommodating staff is likely.
		<u>Suggested Motion</u>	<ol style="list-style-type: none"> 1. THAT Council give first and second readings to <i>Ucluelet Zoning Amendment Bylaw No. 1303, 2022</i>; 2. THAT Council refer <i>Ucluelet Zoning Amendment Bylaw No. 1303, 2022</i>, to a public hearing; 3. THAT Council rescind third reading of <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>; 4. THAT Council amend <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>, to include the new section 3 in Schedule A and to replace Schedule B as shown in Appendix B to the staff report dated March 15, 2022;

		<p>5. THAT Council give <i>Ucluelet Housing Agreement Bylaw No. 1249, 2019</i>, third reading as amended; and,</p> <p>6. THAT Council direct that any business license issued for <i>Commercial Tourist Accommodation</i> use on the property at 354 Forbes Road contain the condition that the business license would not be renewed unless an appropriate fire access easement is first registered on the title of the neighbouring vacant lot.</p>
<p>B</p> <p>That Council indicate to the Owners its expectation that the conditions for adopting the requested zoning amendment remain unchanged.</p>	<p><u>Pros</u></p>	<ul style="list-style-type: none"> • May result in the covenant being registered and, by extension, could ensure the provision of 6 staff accommodation units. • May result in the landscape improvements being installed sooner.
	<p><u>Cons</u></p>	<ul style="list-style-type: none"> • More likely would result in a bylaw enforcement issue demanding District resources to resolve.
	<p><u>Implications</u></p>	<ul style="list-style-type: none"> • A business licence could not be issued for the operation of the guest lodge at this time. If the owners were to proceed with accommodating guests, it would then become a matter of bylaw enforcement.
	<p><u>Suggested Motion</u></p>	<p>THAT Council direct staff to advise the applicant to arrange for the registration of the section 219 restrictive covenant and access easement on the title of the property at 354 Forbes Road, and defer further consideration of amending the zoning designation of the property until such time as the conditions stated by Council in October 2018 are met.</p>

POLICY OR LEGISLATIVE IMPACTS:

If Council gives first and second readings to the zoning amendment Bylaw No. 1303, a public hearing would be scheduled and the statutory notification would be completed.

If Council directs that the original conditions be met, then once the Owners have completed the outstanding items the original Zoning Amendment Bylaw No. 1248, 2019, would be brought back to Council for adoption.

RESPECTFULLY SUBMITTED:

BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING

DUANE LAWRENCE, CAO