



## STAFF REPORT TO COUNCIL

Council Meeting: March 23, 2021  
500 Matterson Drive, Ucluelet, BC V0R 3A0

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**FROM:** BRUCE GREIG, MANAGER OF COMMUNITY PLANNING    **FILE NO:** 3360-20-RZ19-02

**SUBJECT:**            **ZONING AMENDMENT: LOT 16 MARINE DRIVE**            **REPORT NO:** 21-35

**ATTACHMENT(S):** APPENDIX A – ZONING AMENDMENT BYLAW NO. 1284, 2021  
APPENDIX B – OPTIONAL AMENDMENT TO BYLAW NO. 1284 (TO ADD B&B'S)  
APPENDIX C – APPLICATION MATERIALS  
APPENDIX D – ADDITIONAL BACKGROUND

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### 1. Recommendations:

**THAT** Council, with regard to the proposed development of Lot 16 District Lot 281 Clayoquot District Plan VIP76214 Except part in plans VIP80735, VIP83067 and VIP86140 ("**Lot 16**"):

1. introduce and give first reading to District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021;
2. give second reading to District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021;
3. direct staff to give notice for a public hearing to be held on District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021;
4. indicate to the applicant that a variance to allow the requested 16m height for a fourth storey on the proposed apartment building would best be considered under a Development Variance Permit once architectural plans have been submitted;
5. indicate to the applicant and the public that adoption of District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021, would be subject to registration of a Section 219 restrictive covenant on the title of the subject property to ensure, as a matter of public interest, that the following conditions and offers be satisfied as the property is subdivided and developed:
  - a. construction and development of the rental apartment building on proposed Lot 'A' (the "Apartment site") be in the first phase of the development;
  - b. dedication of a 10m wide park greenbelt along the eastern (Victoria Drive side) boundary of the property, as proposed;
  - c. dedication of a park area of approximately 1,300m<sup>2</sup> on the western (Marine Drive) side of the property, as proposed;

- d. registration of a greenspace covenant on a 10m wide strip along the Marine Drive frontage of the subject property to retain vegetation and preclude driveway access along this road corridor, as proposed;
- e. extension of the proposed new road to connect to Victoria Drive in the general location as shown in Figure 7 of the staff report;
- f. vehicle access to the proposed Lot 'B' ("Townhouse site") be from the new internal road only;
- g. the proposed amenity contributions of \$1,000 per multi-family unit or single-family lot be payable prior to approval of a subdivision plan creating the corresponding development parcels;
- h. the proposed transfer of ownership of one small serviced residential lot to the District at the time of subdivision approval; and,
- i. registration of the Housing Agreement on the title of proposed Lot 'A' (the "Apartment site") at the time of subdivision approval to ensure that the apartments are rental tenure only and will not be subject to strata conversion.

**2. Purpose:**

To provide Council with information on a request to amend the *District of Ucluelet Zoning Bylaw No. 1160, 2013* (the "**Zoning Bylaw**"), that is reflective of the applicant's proposed "proof-of-concept" plans (the "**Concept Plans**") over Lot 16 District Lot 281 Clayoquot District Plan VIP76214 Except part in plans VIP80735, VIP83067 and VIP86140 (**Lot 16**).



Figure 1 – Subject Property

### 3. The Proposal:

Lot 16 is a 12.7 acre property centrally located within walking distance to the schools, the Ucluelet Community Centre, Big Beach Park, and the Village Square. The subject property currently holds the CD-2A.1.6 Big Beach Estates zoning designation. For background on the CD-2A zoning, see **Appendix D**.

The proposal submitted by MacDonald Gray on behalf of Nored Developments is to rezone Lot 16 to enable the development of several forms of housing:

- a 48-unit rental apartment building on the corner of Matterson Drive and Marine Drive (label **A** in Figure 2 below);
- 6 R-1 Single Family Residential lots on Marine Drive (label **B** in Figure 2);
- 30 smaller Single Family Residential lots in a new zone (labels **C** and **D** in Figure 2); and,
- 28 townhouse Multi-Family units (label **E** in Figure 2).

The development would include new internal roads and pathways, a 10m dedicated park buffer between the new development and properties on Victoria Road, and an area of park dedication (label **F** in Figure 2) between “The Ridge” development and the new single-family lots (see **Figures 2 & 3** and detailed plans in **Appendix C**).



Figure 2 – illustrative Site Plan (from application)

The applicant held a public information meeting on the 7th of December, 2018, and a summary of that meeting has been submitted by the applicant (see **Appendix C**). The current application and Concept Plans reflect a number of changes made after receiving public comment.

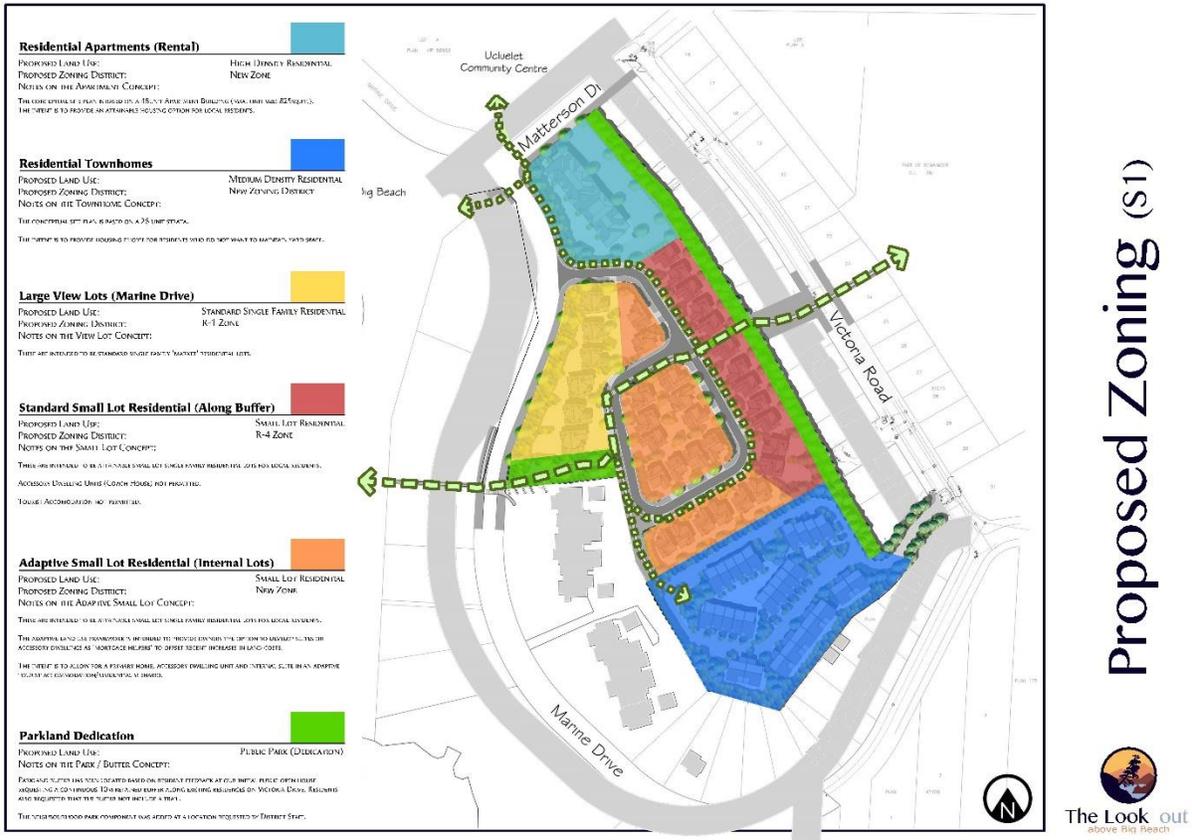


Figure 3 – Site Plan showing land use areas, access and pedestrian circulation (from application)

The Concept Plans submitted are not being presented as finalized plans – this application is not for a Development Permit (DP) at this time, rather it is for rezoning to permit the proposed uses and densities. The plans submitted with the application have been thought through in detail as “proof of concept” drawings, with the expectation that adjustments will be made as the property develops through the future stages of subdivision and DP approvals.

Staff have worked with the applicant to mutually understand the developer’s goals as well as the public benefits which could come from this development. As a result, some adjustments to the plans are recommended by staff and are discussed below. The zoning amendment bylaw which has been drafted (see **Appendix ‘A’**) accommodates the proposed uses and densities shown; the applicant is asking for two changes which, if supported by Council, could be inserted into the bylaw before proceeding to a public hearing (see **Appendix ‘B’** and options discussed below).

#### 4. Discussion:

This application proposes a positive change from the current CD zoning for resort condo use. This is a good, central location for additional new housing in Ucluelet. The proposal would result in a mix of housing; with different sizes, types and costs resulting from the proposed mix.

Given the central location within walking distance to the village core, community center, schools and parks, this presents a great opportunity to add diverse residential density and create a walkable neighbourhood in this location. The proposed development mix is commended for including large lots, small lots, rental apartments, and townhomes offering housing in different

forms and affordability. The positioning of these uses with the apartment on the corner, the townhouses to the south and residential lots in between creates a clean development pattern and locates uses suitable to the adjacent lands and their context. The densities proposed are higher than found in existing single-family neighbourhoods in Ucluelet (befitting the point in time this is being proposed, and the current land values), but the proposed development also presents transitions and greenspace thoughtfully placed to minimize impact on existing adjacent uses and people's homes.

This report looks at the proposed zoning for uses and densities, issues of access, servicing and proposed amenities; zoning boundaries follow the general location of future road centerlines and boundaries between different uses. The details of the multiple-family development blocks would be subject to future DP applications which would be required as each of those sites develops.

#### 4.1. Rental Apartment Building:

The applicant is proposing that the first phase of developing Lot 16 would be a four-storey, 48-unit Multiple Family Residential apartment building for rental tenancy only. The apartment building would be located at the corner of Marine Drive and Matterson Drive, with access from both Matterson and the new internal road. The proposed 10m park dedication of a treed buffer would separate the apartment parking lot from the adjacent homes on Victoria Road.

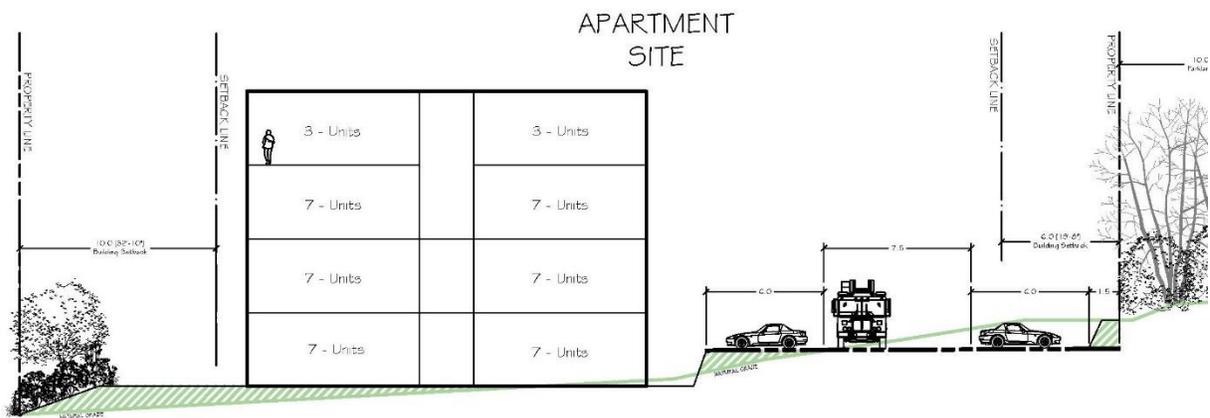
The draft Bylaw No. 1284 would designate this portion of the site as R-3 High Density Residential to accommodate proposed apartment use. The proposed new site-specific regulations in section R-3.8.1(1), (2) and (3) are tailored to this proposal (see **Appendix 'A'**).

These apartments would not be permitted for short-term rental for tourist accommodation, nor would they be stratified for individual ownership. These provisions would be included in a Housing Agreement with the District of Ucluelet, registered on the property title (see recommendation **5(i)** above).

The addition of 48 rental apartments would be a valuable addition to the housing supply in Ucluelet; the applicant's commitment to developing this portion of the site for rental housing is significant, and should be considered among the amenities or other community benefits presented by this proposal.

#### Building Height:

The R-3 zone currently permits a maximum height of 11m which accommodates a 3-storey building. At this point there are no detailed design drawings of the building or site that would form part of this application; this is a rezoning application only and not a request for a DP at this stage.



*Apartment / Multi-Unit Residential Concept*  
 (Subject to a future Development Permit Application process)

Figure 4 – preliminary section through Apartment site

The applicant has requested that the R-3 zoning include a site-specific provision to allow the maximum height of the building to be increased from 11m to 16m to accommodate a 4-storey building. Staff recommend that this would best be reviewed in connection with a more detailed preliminary design for the actual building being proposed. The applicant could apply for a Development Permit Variance (**DVP**) during the DP process for the apartment building, with the required public notification and opportunity to comment, once the development proceeds to that point and building plans have been prepared. Viewing plans for how the building would be articulated, for example by stepping back portions of upper storeys, would help Council and the community visualize the impact of the development on this corner.

Alternatively, Council could grant the requested additional height outright in the zoning and rely on the form and character DP guidelines to ensure an acceptable building results from the DP process (see **Option #6** at the end of this report). To provide more assurance to Council, the applicant has suggested willingness to include a provision about the height within the restrictive covenant (see also **Option #7** at the end of this report). Both options 6 and 7 would involve review and approval of detailed plans by Council at a later point, but would not result in notification and public input to Council prior to making a decision on approving the building design.

These options 6 and 7 are presented to enable the applicant to make a case for Council to consider and, at Council’s direction, could be easily incorporated as the application moves forward without delay in proceeding to a public hearing.

Outdoor Space and Setbacks:

The applicant is requesting an exemption for the proposed apartment on Lot 16 from the Outdoor Recreation/ Amenity Space required in the Definition of “Multiple Family Residential”. This should be viewed in context with the amenities being offered and the proximity to the Ucluelet Community Centre, Big Beach Park and the schools. If Council were to earmark a portion of the amenity contribution for upgrades to recreation facilities (e.g., additional play equipment in an appropriate nearby public location), it could arguably satisfy the intent of the outdoor recreation space in a way that is accessible to the whole community.

The proposed addition of 10m and 8m setbacks along the property lines of the lot should be achieved by way a green space covenant (S.219 restrictive covenant, as noted in the recommended

motion #5 above). The 10m dedicated greenspace buffer on the east side would also increase the open space and vegetation surrounding the apartment building.

The proposed new rental apartment building would be a very positive addition to the housing supply in the community. At the same time, the location at the corner of Marine and Matterson opposite the UCC is a significant crossroads location at the approach to Big Beach. The building will become a landmark in the community and the overall height - and how the massing of the building is handled in the final design - will have a significant influence on the character of this corner of the community. Balancing these elements is critical when deciding on the appropriate degree and timing of community input, and the degree of control in Council's decision making on this key aspect of the development proposal.

#### 4.2. Single Family Residential:

Along Marine Drive, an area of R-1 zoned single family lots is proposed, north of "the Ridge" and proposed new park, extending north to the new road entrance. These lots would not be accessed from Marine Drive; the proposed 10m greenspace covenant would ensure driveway access would be from the new internal road (see recommendation **5(d)** above).

These proposed larger lots would have the permitted uses currently allowed in the R-1 zone: Single-Family Residential as the principal use and either secondary suite or bed and breakfast as secondary uses, along with home occupation. As proposed, these half-dozen lots could therefore include the ability to provide short-term rental (B&B) accommodation. Recent sales and development on single-family lots in Ucluelet have shown that new construction is leaning more and more toward developing the short-term rental units as a key part of the house. This is placing upward pressure on property values.

B&B units being built in new homes are no longer a bedroom down the hallway within a home; they are generally being constructed as self-contained units with separate external entrances, more akin to motel suites. It is highly likely that most if not all of the proposed R-1 lots would contain one to three B&B units, and this potential impact should be considered when considering the development's overall density.

As a small portion of the overall development, and in this particular location on Marine Drive (with other short-term rental accommodation nearby and with proximity and views to Big Beach), staff recommend that the proposed R-1 lots are a supportable component in the mix of other housing types being proposed.

#### 4.3. Infill Single Family Residential:

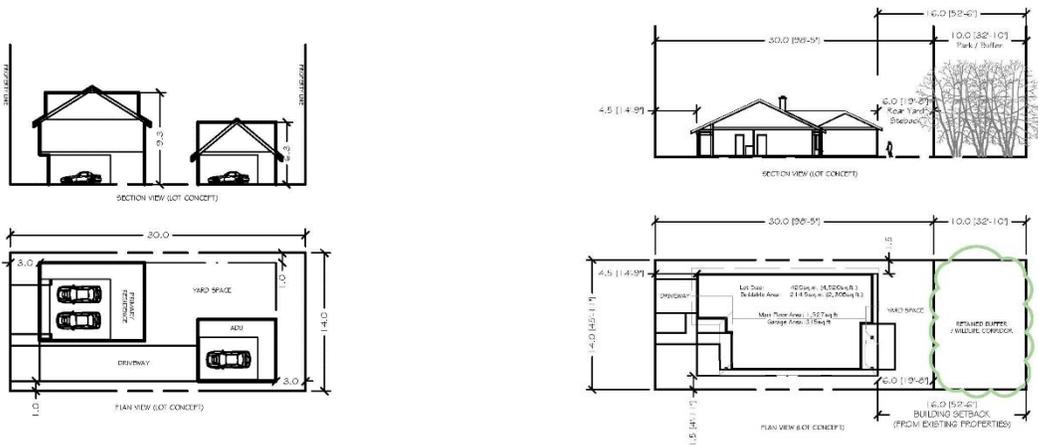
In the centre of Lot 16, approximately 30 compact new single-family lots are being proposed. A new R-6 Infill Single Family Residential zoning designation would be created by Bylaw No. 1284. The new R-6 zoning provisions would accommodate the lots shown in the Concept Plans, while providing flexibility to adjust the specific layout of individual lots as the development proceeds further through the subdivision process.

A 10m park dedication is proposed to maintain a treed greenspace buffer between the new single-family lots on Lot 16 and the adjacent homes on Victoria Road. This aligns with the original commitment to provide a 10m buffer which was part of the density bonusing framework for the CD-2 zone (please see **Appendix 'D'** for more detail on the somewhat confusing history of the prior zoning).

Some key components of the new draft R-6 zone:

- the list of permitted uses, as drafted, are purely residential with no short-term accommodation;
- minimum, maximum and maximum average lot sizes are defined, which would result in a mix of lot areas within a range between 360m<sup>2</sup> and 600m<sup>2</sup>;
- accessory uses include *secondary suite* or a detached *accessory residential dwelling unit* (a.k.a., cottage) on lots larger than 480m<sup>2</sup>. Combined with the maximum lot average regulation this will ensure some mix among the housing units developed within this new neighbourhood;
- the Floor Area Ratio of 0.35 is equal to the current R-1 zoning regulations which apply in adjacent existing neighbourhoods, but if additional accessory housing units are included the F.A.R. is increased under the R-6 zoning to 0.5 – creating an incentive to develop more housing rather than larger houses;
- front setbacks are reduced along the new internal roads, but a greater setback is maintained in front of portions of a building with a garage door (so that a parking space is maintained on the driveway without overhanging the property line and sidewalk); and,
- maximum height for the main house would be 8.5m and for an accessory building would be 5.5m (same as in the R-1 zone), but for an *accessory residential dwelling unit* would be 7.5m. The 7.5m height is intended to allow for a small dwelling above a garage, but still be somewhat secondary in appearance to the slightly higher main house.

The new R-6 zone, and this proposed new neighbourhood of lots, would be the first area in Ucluelet where accessory cottages are widely permitted. As noted above, the lot area regulations would ensure that not every lot could have a cottage – at least one or two would be too small to permit that additional use, ensuring that the mix includes some modest homes on compact lots without the addition of a rental unit.



excerpt: Internal Lot

excerpt: showing Park Buffer along Victoria Road

Figure 5 – excerpts from application site plan showing possible infill single family lot options

A new neighbourhood of compact yet livable residential houses, with the ability to include an attached or detached extra long-term rental unit as a mortgage helper, would be a positive addition to the community. The detached cottage is similar to a secondary suite in size and use, but provides a different form with a bit of separation, privacy and often more outdoor private space.

Inclusion of short term rentals:

The applicant is requesting that the zoning also include the ability to have some short-term rentals within the permitted uses, for those internal lots which do not back onto the green buffer adjacent to Victoria Road. The draft Bylaw No. 1284 has not been written to accommodate this use, and staff are not recommending that including this portion of commercial accommodation is a benefit to the affordability or livability of the community. As noted above, a limited amount of short-term rentals within the half-dozen R-1 Lots along Marine Drive does provide for some of that commercial accommodation and added real estate value.

As part of ongoing work to develop a housing strategy for Ucluelet, Council has indicated a priority in looking at opportunities to increase housing choices and supply. Adjusting regulations to allow new forms of accessory dwelling units in existing residential areas is a policy area staff are working on. The work to develop the new R-6 zoning regulations starts to give shape to how such regulations could unfold. The draft regulations are aimed at providing an opportunity, and incentive, to create additional and more diverse housing supply within town - while also maintaining a density, character and adequate separation to maximize quality of life for residents.

As part of the broader housing discussion, tools such as an Intensive Residential Development DP area will be explored. This could include guidelines to improve privacy between adjacent properties when adding accessory units, and to ensure that adequate off-street parking is located in ways that also maintain a pedestrian-friendly streetscape and protect the supply of on-street public parking.

If Council wishes to include short term rentals as an option within the central portion of the R-6 zoned land, draft Bylaw No. 1284 could be amended as noted at the end of this report (see **Option #8** and **Appendix 'B'**), prior to the bylaw moving forward to a public hearing.

4.4. Townhomes:

The applicant is proposing that the south end of Lot 16 be designated for 28 townhomes. This presents yet another housing type and would add diversity to the community housing supply. Townhomes provide ground-oriented housing at a different price point than detached single-family homes. The draft Bylaw No. 1284 would designate this portion of the site as R-3 High Density Residential, with site-specific regulations R-3.8.1(4) and (5) to define the maximum density and setbacks as proposed.

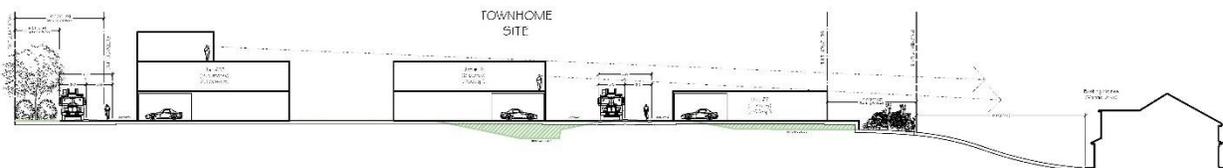


Figure 6 – preliminary section through Townhome site

The Concept Plans presented with the application show the access to the townhome site from Victoria Road near the intersection with Marine Drive. As noted in the discussion of access and circulation, below, staff recommend that the road access would be more appropriate from the new internal road. This change can be made as the development moves forward through subsequent stages of subdivision and DP approval (see recommendation 5(f) above).

#### 4.5. Access and Circulation:

The Concept Plans show two closed, dead-end road loops. The first would provide access to the new single-family lots from a single connection to the existing road network at Marine Drive (highlighted in red in **Figure 7**, below). The second loop would provide access to the townhouse strata from a connection on Victoria Road through an existing municipal road right-of-way approximately 17m (55 ft) from the corner of Marine Drive.



Figure 7 – Road access and circulation.

Staff are recommending that a better road pattern would connect the new public road through Lot 16 from the access on Marine Drive through to Victoria Road at another existing section of municipal road right-of-way 63m (200 ft) further north (highlighted in blue in **Figure 7**, above, and noted in recommendation 5(e) at the outset of this report). The connection to the townhouse strata would be from this new section of public road. This pattern of connecting the street through the site, rather than creating a pair of closed loops, has advantages for traffic flow, neighbourhood connectivity and emergency access. By moving the new intersection with Victoria Road further north away from Marine Drive, it would also avoid potential conflicts at the existing intersection.

The applicant has expressed that either approach would be acceptable and is not pushing for one option over the other.

The layout of new roads and underground utilities is engineered and reviewed as part of the subdivision process, and must fit with existing infrastructure and meet acceptable safety standards. Staff raise this issue because the location of new roads connecting to existing neighbourhoods tends to be a point of great interest, and any potential changes in traffic patterns can become a point of concern. Being transparent about the options at the outset, and the recommended approach to how this new neighbourhood could fit within the network of Ucluelet's streets, will allow the public to comment as part of the public process as this proposal moves forward.

#### 4.6. Public amenities:

The applicant is proposing to contribute the following amenities with the proposed development:

##### 4.6.1. *Park Space:*

The applicant is proposing to dedicate a 1,300m<sup>2</sup> park space with an ocean view. The proposed park is valuable real estate; the offer to create the park in this position for the public to be able to enjoy the views, and connect a pathway through the site allowing easy access to Big Beach, is of great community benefit. The park space would also act as a green break between "the Ridge" development and the proposed new single-family lots along Marine Drive.

Also proposed is a 10m treed buffer park space behind the existing Victoria Road residential properties (see Concept Plans). This greenbelt would provide separation between the back yards of existing residential properties and the back yards of the proposed new lots. The 10m vegetation buffer meets the intent of the 2006 amenity framework for the existing CD-2 zoning of Lot 16.

##### 4.6.2. *Financial Contribution*

The applicant is proposing a financial contribution to the District of Ucluelet of \$1,000 per multi-family unit or single-family lot, which for the proposal presented would total \$112,000. As noted above, this contribution (or a portion), could be earmarked for outdoor recreation facilities. It could also be used to accelerate paydown of the municipal debt on the UCC, be put toward creating pedestrian improvements, etc.; this is a discretionary decision of Council on what would most benefit the community.

Proposed amenity contributions are difficult to compare between developments. One of the amenities promised in the original Big Beach Estates development was a new public swimming pool and fitness facility, which was to be privately owned and maintained. The details of how that would be viable were not worked out at the time. This is a new development and should be viewed in its current context.

It is a reasonable expectation that a development proposal should present a net benefit to the community. The provision of needed housing and desired green spaces are part of that equation.

The expense of constructing the development should be covered by the developer. As the development process proceeds, confirmation of the extent to which the developer will cover the following costs should be confirmed:

- pathways, trails and landscaping not specifically mentioned in Ucluelet's subdivision servicing bylaw;

- park furniture or equipment (benches, play or recreation equipment, waste receptacles, signage, etc.);
- landscaping of boulevard and park spaces, and degree of finish (i.e, natural spaces vs. manicured).

These items also clearly benefit the development itself, but confirmation of the level of development of these public facilities would benefit the public review of the proposal.

#### 4.6.3. *One Single-Family Residential Lot*

The applicant is proposing to transfer ownership to the District of Ucluelet one small serviced residential lot. The applicant estimates the value of this contribution at \$90,000 to \$100,000.

#### 4.6.4. *Rental Housing Agreement*

Although not claimed as an amenity by the applicant, the creation of a rental tenure apartment building is clearly a sizeable benefit to the community. The applicant has stated that they will guarantee by covenant a rental-only tenure of the apartment property and that it will be the first phase of the development. Rental housing is one of the most critical needs in the Ucluelet housing spectrum.

The balance of all aspects of the development proposal should be weighed as a whole when considering whether the development presents a net public benefit to the community.

### 4.7. Services

The applicant has been in discussion with planning and public works staff, and the municipality's consulting engineering firm, to understand the servicing requirements. The developer needs to understand the connection between four things to have a clear picture of the viability of the project:

- i. the cost of off-site utility works (water and sewer) which would be necessary to serve the proposed development;
- ii. what portion (if any) of those works would overlap with charges due under the Development Cost Charge bylaw (and therefore reduce the total DCC's payable);
- iii. the total land and cash amenity contributions offered and accepted by Council as part of the rezoning; and,
- iv. the uses and densities which might be approved by the rezoning.

Based on a DCC Summary from the applicant's engineer, the applicant confirmed on January 13, 2021, that the amenity contribution being offered with the current application is as described above.

#### 4.7.1. *Onsite Services*

Onsite services such as roads, storm drainage, pedestrian walkways and boulevards, water, sewer, hydro, and phone/data utilities will be required as part of any future subdivision.

#### 4.7.2. *Offsite Services*

The offsite service considerations for this property are complex. The property currently does not have adequate water pressure to allow for appropriate fire protection. The current

downstream sewer system capacity could not accept the proposed densities. For this discussion we will break down the two main issues of water and sewer:

#### 4.7.3. Water

The proposed development will not have the required fire flows and peak hour pressure with the existing in-ground infrastructure. A check valve installation at the intersection of Matterson Drive and Victoria Road and a watermain upgrade on Victoria Road are required to provide adequate water service for the proposed development.

#### 4.7.4. Sewer

The Victoria Road pump station and the forcemain beyond are currently close to, if not at capacity. In order for the further development to proceed in this area, this station would need to be bypassed and the sewage volume from the Marine Drive pump station must be diverted and picked up at the newly installed gravity piping located on Otter Street, just off Peninsula Road. This project is called the Matterson Bypass, and is identified as a future project within the Sewer Master Plan.

##### Servicing costs:

To help facilitate this development the District's engineering consultant reviewed the Matterson Bypass project and created a Class 'D' estimate (with 30% contingency). On September 24, 2020, Koers Engineering submitted this Class 'D' estimate with an estimated total construction cost (excluding Engineering & GST) of \$725,000. This bypass would also leave a gravel path parallel to Matterson Drive that could be a safer pedestrian route if it were to be paved (rather than the current route that runs on the road shoulder).

As these the water and sewer servicing costs affect the viability of the proposed development, Planning Staff have worked with the developer to review whether or not these expenditures overlap projects within the Development Cost Charges (DCC) program and if so, how that affects the DCC's charged as the development builds out.

The District's engineering consultant was asked to review the Ucluelet DCC program, to confirm whether these projects align with the DCC project list. The following statement was submitted by Koers & Associates Engineering Ltd on November 16, 2020:

##### *"Water*

*If the Check Valve was installed at Matterson and Victoria, then the Matterson Pressure Zone Requirement would be satisfied and it could be removed from the DCC list. However the watermain improvement on Victoria is directly due to the development and shouldn't be considered a DCC.*

##### *Sanitary*

*The development requires the existing 150mm PVC forcemain to be extended to Otter Street. However this forcemain if constructed should be a 300mm via main to suit future growth in the District. The DCC noted funding for local station improvements and forcemains are essential to pump stations so we could loosely consider the forcemain as part of this project. It should be noted that the Matterson Road forcemain has been identified in the Sanitary Master Plan (300mm dia) with a Draft Report scheduled for the first week of December. An option for the District would be to consider funding the increase in cost of the pipe material between 300mm and 150mm dia. for the forcemain*

*as the excavation and surface restoration costs are similar for both pipe diameters. Alternately if the developer proceeds with a 150 mm dia. forcemain, the District should plan to install a duplicate main at a later date to meet future demands.”*

The municipal solicitors were asked to confirm the legal framework by which DCC projects completed by a developer could be “credited” toward a development. Discussion with the applicant and the developer’s engineering consultant in December, 2020, confirmed that the following costs would advance the DCC program and would not be charged toward the development:

- *Watermain check valve estimated maximum water DCC credit available \$100,000.00*
- *Sanitary sewer extension estimated maximum sanitary DCC credit available \$489,000.00*

The above cost estimates can be confirmed by the District’s engineers as the project design is developed in more detail and class ‘A’ cost estimates are provided. The mechanism for tracking and ensuring the water and sewer servicing costs are “credited” when charging DCC’s on the various areas of the Lot 16 development will need to be clarified as the project proceeds, and prior to subdivision.

#### **5. Time Requirements – Staff & Elected Officials:**

Should this application proceed, staff time will be required to process the bylaw amendments (including giving notice of a Public Hearing), a Housing Agreement bylaw and covenant. Future DP and possibly DVP application(s) would also be seen by Council. Subsequent applications would be expected for subdivision and, ultimately, individual building permits.

Coordination and review of on and off-site infrastructure would also involve both staff and the District’s consulting engineers as the development proceeds.

#### **6. Financial Impacts:**

The Development Cost Charges for the new development will be collected at the time of building permit issuance on a per unit basis for the multi-family portions, as set out in the municipal DCC bylaw. DCC’s would also be payable for the new single-family lots at the time the final subdivision approval is granted for each new lot.

Amenity contributions are discussed above. Off-site servicing costs would be borne by the developer. Some additional costs, for extra work to provide public improvements already identified by municipal infrastructure master plans, should be budgeted to align with the timing of the developer’s installation of infrastructure. Two notable items are:

- increasing the pipe size on the Matterson Bypass sewer forcemain (est. cost \$137,000). It would be cost effective for the District to pay for up-sizing the pipe to handle the entire future capacity of this line.
- additional design and paving costs to place an asphalt multi-use path atop the new sewer forcemain alignment parallel to Matterson Drive (est. cost \$100,000). This would provide the improved pedestrian and bicycle connection along Matterson envisioned as the “coast-to-coast connector” in the Parks and Open Space master plan. The most cost-effective installation of the pathway would be if coordinated with the sewer line installation.

## **7. Policy or Legislative Impacts:**

The development of Lot 16 for a mix of residential uses is consistent with Ucluelet's Official Community Plan. The draft zoning amendment bylaw presented with this report is being recommended for Council to consider to advance this significant proposal to a public hearing.

As discussed above, and noted in the options below, the applicant wishes to request additional height for the proposed apartment building and inclusion of additional short-term rental uses within the central portion of the new single-family lots. The options 6, 7 and 8 below have been crafted so that, should Council choose to support either of those requests by the applicant, the bylaw could be amended before being sent to a public hearing to gather public comment.

Should the application proceed, staff would also prepare a Housing Agreement bylaw for Council to consider to enable the rental apartment commitments to be secured prior to the apartment lot being finally approved.

## **Conclusion and OPTIONS:**

The zoning amendment that is recommended strives to represent the best interests of the community with a residential focus on this key property while allowing for the densities contemplated in the applicant's concept plan. It is worth re-stating that this is a significant housing proposal for Ucluelet. The diversity of housing types being proposed for Lot 16 includes all of the following:

- rental apartments;
- ground-oriented townhomes;
- single-family homes on large lots;
- medium single-family homes on compact lots;
- small homes on small lots;
- secondary suites, and,
- detached accessory residential cottages.

Staff recommend that the zoning amendment bylaw prepared in response to this proposal receive first and second reading and be advanced to a public hearing to allow for community input, as laid out in the recommendations 1 through 5 at the outset of this report.

Alternatively, Council could consider the following:

6. prior to second reading (and in place of recommended motion #4, above), amend the draft Bylaw No. 1284, 2021, by inserting under text amendment C the following into the new text for site specific Other Regulations under R-3.8.1(1):  
"c.) the maximum height is 16m (52 ft)";

**or,**

7. alternatively (also in place of recommended motion #4, above), amend the draft Bylaw No. 1284, 2021, as in recommendation #6 but also add the following to the restrictive covenant at the end of recommended motion #5:

“j.) despite the zoning of proposed Lot ‘A’, the maximum building height be limited to 11m (3 storeys) unless first approved by the District Council upon submission of detailed architectural plans”;

**and/or,**

8. prior to second reading, amend the draft Bylaw No. 1284, 2021, by inserting (under text amendment B) *Bed and Breakfast* into the list of permitted secondary uses in the new R-6 zone under R-6.1.1(2) specific to the area of Lot 16 Marine Drive as shown in Appendix B to the staff report of March 23, 2021;

**or,**

9. Council could provide alternative direction to the applicant and/or staff.

**Respectfully submitted:** Bruce Greig, Manager of Community Planning  
John Towgood, Planner  
Rick Geddes, Fire Chief  
Warren Cannon, Superintendent of Public Works  
Donna Monteith, Acting Chief Administrative Officer

## Appendix A

### DISTRICT OF UCLUELET

#### Zoning Bylaw Amendment Bylaw No. 1284, 2021

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".  
(Zoning amendments for the proposed development of Lot 16 Marine Dr).

---

**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 Amendment:

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

- A. By amending within Division 300 – General Prohibitions and Regulations, Section 306 Buildings & Structures – Setbacks and Siting, such that "R-6" is added to the list of residential zones to which Section 306.3(7) applies.
- B. By adding a new Residential zone, to Schedule B – The Zones that directly follows R-5 Zone – Compact Single Family Residential such that the new section reads as follows:

#### **"R-6 Zone – INFILL SINGLE FAMILY RESIDENTIAL**

*This Zone is intended for single family residential development providing for a mix of compact lots sizes and housing options, with additional accessory residential dwelling unit uses on the larger lots.*

#### **R-6.1 Permitted Uses**

R-6.1.1 The following uses are permitted, but *secondary permitted uses* are only permitted in conjunction with a *principal permitted use*:

- (1) Principal:
  - (a) *Single Family Dwelling*
- (2) Secondary:
  - (a) *Home Occupation*
  - (b) The following additional *secondary permitted uses* are only permitted on lots of 480m<sup>2</sup> area or greater:

- (i) *Secondary Suite; or,*
- (ii) *Accessory Residential Dwelling Unit*

**R-6.2 Lot Regulations**

- R-6.2.1 Minimum Lot Size: 360 m<sup>2</sup> (3,875 ft<sup>2</sup>)
- R-6.2.2 Maximum Average Lot Size 480 m<sup>2</sup> (5,167 ft<sup>2</sup>)
- R-6.2.3 Maximum Lot Size: 600 m<sup>2</sup> (6,458 ft<sup>2</sup>)
- R-6.2.4 Minimum Lot Frontage: 10 m (33 ft)

**R-6.3 Density:**

- R-6.3.1 Maximum Floor Area Ratio: 0.35
- R-6.3.2 Maximum Floor Area Ratio with *secondary suite*  
or *accessory residential dwelling unit* 0.5
- R-6.3.3 Maximum Lot Coverage: 45%

**R-6.4 Maximum Size (Gross Floor Area):**

- R-6.4.1 Principal Building: n/a
- R-6.4.2 Accessory Buildings: 90 m<sup>2</sup> (968 ft<sup>2</sup>) combined total

**R-6.5 Maximum Height:**

- R-6.5.1 Principal Buildings & Structures: 8.5 m (28 ft)
- R-6.5.2 Accessory Buildings & Structures: 5.5 m (18 ft)
- R-6.5.3 *Accessory Residential Dwelling Unit:* 7.5m (25 ft)

**R-6.6 Minimum Setbacks:**

- R-6.6.1 The following minimum setbacks apply, as measured from the *front lot line, rear lot line* and *side lot lines(s)*, respectively:

	(a) Front Yard Setback	(b) Rear Yard Setback	(c) Side Yard - Interior Setback	(d) Side Yard - Exterior Setback
(1) Principal	3 m (9.8 ft)	3 m (9.8 ft)	1.5 m (5 ft)	2.5 m (8.2 ft)
(2) Garage face	6m (19.6 ft)	n/a	n/a	n/a
(3) Accessory		3m (9.8 ft)	1.5 m (5 ft)	2.5 m (8.2 ft)

- R-6.6.2 In addition, no *accessory building* may be located between the front face of the principal building and the street.”

- C. By adding the following subsection to section R-3 in alphanumerical order, as follows:

**“R-3.8 Other Regulations**

R-3.8.1 Notwithstanding other regulations in this bylaw, on the R-3 zoned portions of the lands legally described as Lot 16, District Lot 281, Clayoquot District, Plan VIP76214 except part in plans VIP80735, VIP83067 and VIP86140: PID 025-812-823 (Lot 16 Marine Drive), the following regulations apply:

(1) on proposed Lot ‘A’ (Apartment site) subject to registration of a Housing Agreement to the satisfaction of the District restricting the use of multiple family residential dwelling units to rental tenancy and prohibiting strata conversion;

a.) the lot is exempt from the minimum useable outdoor recreation space requirement found in the definition of *multiple family residential* in section 103; and,

b.) the maximum density is 48 units (83 units per hectare);

(2) on proposed Lot ‘A’ the minimum setbacks for principal buildings from adjacent lot lines shall be as follows:

a.) from Matterson Drive: 8m (26ft)

b.) from Marine Drive: 10m (33 ft)

c.) from all other lot lines: 6m (20 ft)

(3) on proposed Lot ‘A’ the maximum floor area of an individual multiple family dwelling unit is 77m<sup>2</sup> (825 ft<sup>2</sup>);

(4) on Proposed lot ‘B’ (Townhome site) the maximum density is 28 units (20 units per hectare);

(5) on proposed Lot ‘B’ the minimum setbacks for principal buildings from external lot lines shall be 10m (33 ft).”; and,

- D. By deleting subsection CD-2A.1.6 from the regulations under the CD-2 Zone – BIG BEACH.

**2. Map Amendment:**

Schedule A (Zoning Map) of District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by changing the zoning designation of Lot 16, District Lot 281, Clayoquot District, Plan VIP76214 except part in plans VIP80735, VIP83067 and VIP86140 (PID 025-812-823) from CD-2 Zone (Big Beach), Subzone "CD-2A.1.6 Big Beach Estates", to areas designated as "R-1: Single Family Residential", "R-3: High Density Residential" and "R-6: Infill Single-Family Residential" as outlined in black on the map attached to this Bylaw as Appendix "A".

**3. Citation:**

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021".

**READ A FIRST TIME** this     day of     , 2021.

**READ A SECOND TIME** this     day of     , 2021.

**PUBLIC HEARING** held this     day of     , 2021.

**READ A THIRD TIME** this     day of     , 2021.

**ADOPTED** this     day of     , 2021.

**CERTIFIED A TRUE AND CORRECT COPY** of "District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021."

\_\_\_\_\_  
Mayco Noël  
Mayor

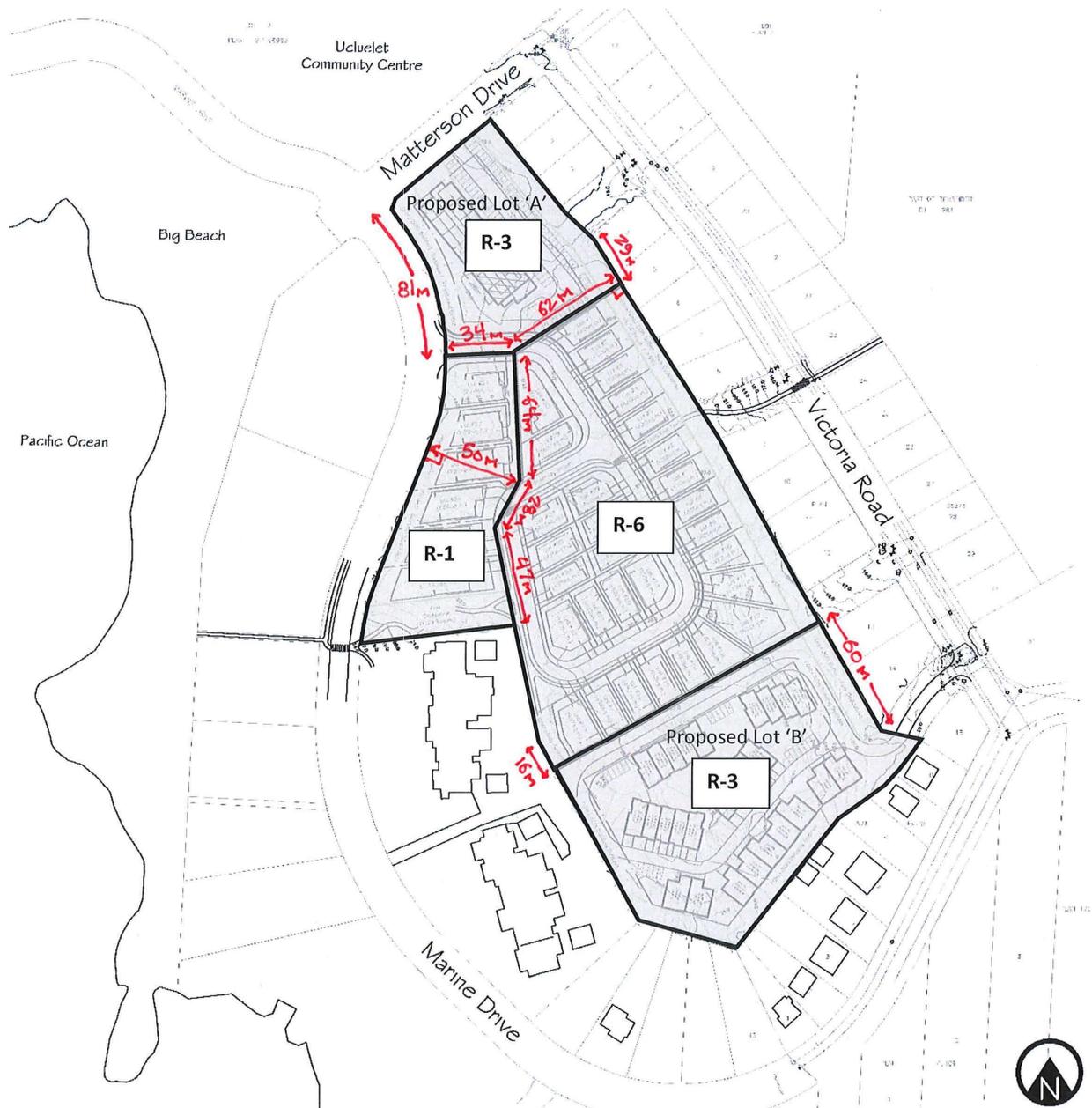
\_\_\_\_\_  
Joseph Rotenberg  
Corporate Officer

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

\_\_\_\_\_  
Joseph Rotenberg  
Corporate Officer

**APPENDIX 'A' to District of Ucluelet Zoning Amendment Bylaw No. 1284, 2021  
(Lot 16 Marine Drive)**

**From:** CD-2A.1.6 Big Beach Estates  
**To:** R-1 (Single Family Residential);  
R-3 (High Density Residential); and,  
R-6 (Infill Single-Family Residential) as shown:



**Appendix B (Optional: additional B&B use)**

R-6.1.1(2)(c) On lots created within the following area (of Lot 16 Marine Drive), *Bed and Breakfast* is also a permitted secondary use:



# Appendix C

## SINGLE FAMILY LOT STATISTICS:

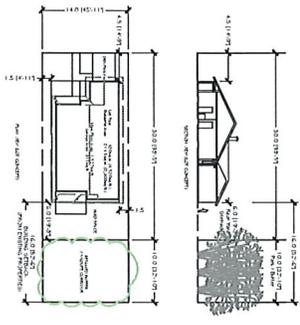
### Single Family Residential (Manne Drive Lots)

Proposed Zoning:	R-1 ZONE	(Lots 31-37)
Unit Count:	7	
Average Lot Size (Lot #35):	967-sq.m.	(1.0-403-sq-ft)
35% Lot Coverage:	339-sq.m.	(3,643-sq-ft)
Buildable Area:	597-sq.m.	(6,318-sq-ft)
Maximum Height:	9.5m.	(25ft or 2.5 Storeys)
Floor Area Ratio:	0.35	
Maximum Floor Space:	339-sq.m.	(3,643-sq-ft)

### Small Lot Residential\*

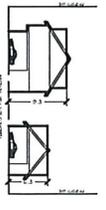
(Accessory Dwelling Units / Coach Houses Not permitted)

Proposed Zoning:	R-4 ZONE	(Lots 1-12)
Unit Count:	12	
Average Lot Size:	420-sq.m.	(4,520-sq-ft)
45% Lot Coverage:	189-sq.m.	(2,034-sq-ft)
Buildable Area:	214-sq.m.	(2,303-sq-ft)
Maximum Height:	6.5m.	(21ft)
Floor Area Ratio:	0.50	
Maximum Floor Space:	210-sq.m.	(2,280-sq-ft)



### Big Beach Small Lot Residential

Proposed Zoning:	NEW ZONE	(Lots 12-30)
Unit Count:	18	
Average Lot Size:	420-sq.m.	(4,520-sq-ft)
45% Lot Coverage:	189-sq.m.	(2,034-sq-ft)
Buildable Area:	243-sq.m.	(2,616-sq-ft)
Maximum Height:	10.0m.	(33ft)
Floor Area Ratio:	0.5	
Maximum Floor Space:	210-sq.m.	(2,280-sq-ft)
Setbacks:		
Front Yard:	3.0m	
Rear Yard:	3.0m	
Interior Side Yard:	1.0m	
Exterior Side Yard:	2.5m	



Accessory Dwelling Unit (ADU) / Coach House Permitted  
 Secondary Suite Permitted  
 Parking: 1 stall per Primary Dwelling  
 1 stall per Secondary Suite or ADU  
 1 visitor stall per lot (tandem allowed)



LOT 16  
 Please Refer to Drawing Sheet S3 for  
 Apartment and Townhome Site Statistics

#	Date	NOTES
0	Oct 2018	For Servicing Analysis (A41)
1	Jan 2019	Resubmitting Application
2	Feb 2020	District Requested Revisions

**PROOF OF CONCEPT**

Date: February 2020

Drawn: NG

Checked: NG

Scale: 1:1000

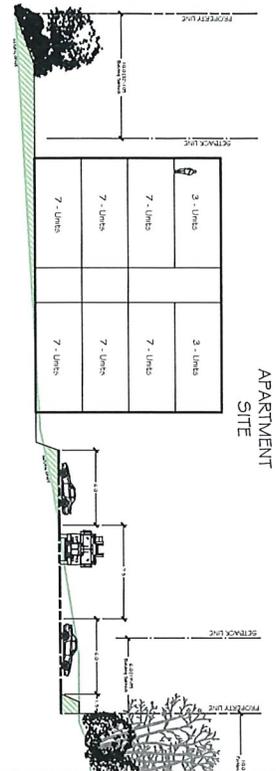
Project Number: 17-0157

DRAWING NUMBER: S2 of 4

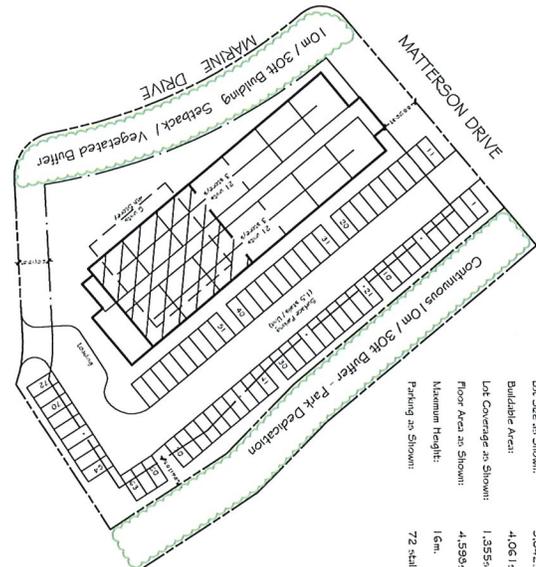
Lot 16  
 0985470 B.C. Ltd.  
 District of Ucluelet, BC

**macdonald gray**

814 Shorewood Drive, Parksville, BC V9P 1S1  
 TEL: (250) 246-2000 FAX: (250) 246-2001  
 www.macdonald-gray.ca



APARTMENT SITE



**Apartment / Multi-Unit Residential Concept**  
 (Subject to a Future Development Permit Application process)

Proposed Density: 85/sph (1,625/sq-ft-unit)

Number of Units as Shown: 49 (835/sq-ft)

Maximum Unit Size: 77.4 sq.m. (835/sq-ft)

Lot Size as Shown: 5,042.2 sq.m. (62,003.2 sq-ft)

Buildable Area: 4,061.1 sq.m. (43,712.2 sq-ft)

Lot Coverage as Shown: 1,355.9 sq.m. (29%)

Floor Area as Shown: 4,595.9 sq.m. (49,492.2 sq-ft)

Maximum Height: 16 m. (52ft / 4-story) (55ft / 4-story)

Parking as Shown: 72 stalls (1:1.5 stalls/unit)



Townhomes Residential Concept  
 (Subject to a Future Development Permit Application process)

Proposed Density: 20/sph

Number of Units as Shown: 23

Lot Size as Shown: 14,423.9 sq.m. (158,095.4 sq-ft)

Buildable Area: 9,535.9 sq.m. (102,633.9 sq-ft)

Lot Coverage as Shown: 4,079.4 sq.m. (27%)

Floor Area as Shown: 4,505.4 sq.m. (48,300.4 sq-ft)

Maximum Height: 11 m. (36ft / 2.5-story) (36ft / 2.5-story)

Parking as Shown: 50 stalls (1:1.75 stalls/unit)

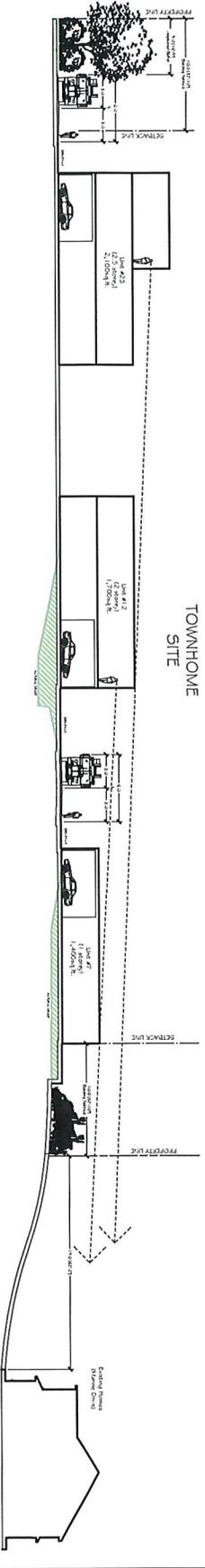
**Notes - Proof of Concept**

The Land Use Concept as shown is only a "proof of concept" generated for our client's purpose to ensure that we can physically accommodate their uses and layout proposed.

Building footprints are shown diagrammatically for the land use discussions during the rezoning application process.

All future site development would be subject to future Development Permit and Subdivision Application processes.

TOWNHOME SITE



REVISION SCHEDULE		
#	Date	NOTES
0	Oct 2018	For Servicing Analysis (Add)
1	Jan 2019	Rezoning Application
2	Feb 2020	District Requested Revisions

**PROOF OF CONCEPT**

Date: February 2020

Drawn: NG

Checked: NG

Scale: 1:1000

Project Number: 17-0157

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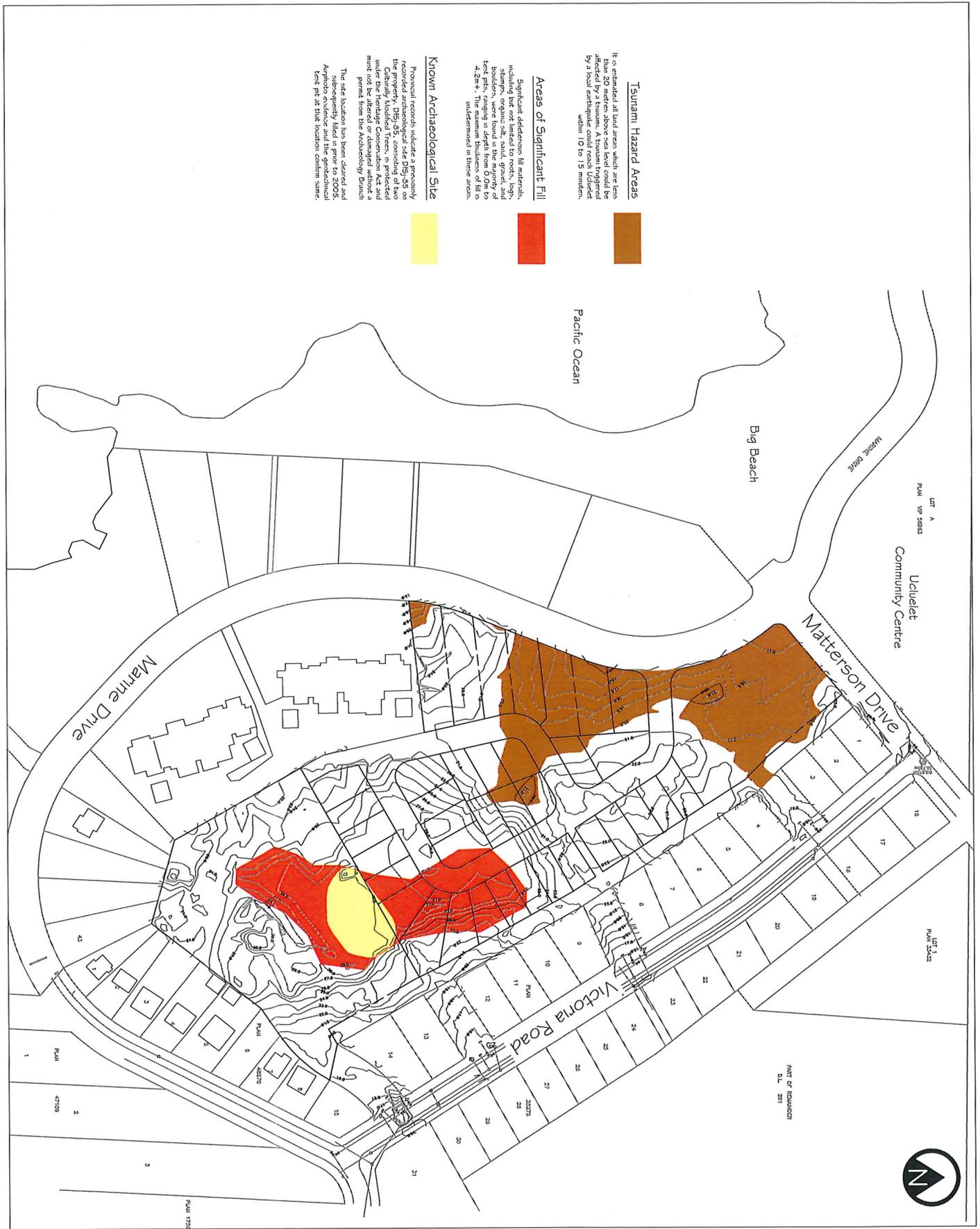
DRAWING NUMBER: S3 of 4

Lot 16  
 0985470 B.C. Ltd.  
 District of Ucluelet, BC

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**macdonald gray**

814 Sherwood Drive, Parksville, BC V9P 1S1  
 TEL: (250) 248-3689 EMAIL: macgray@telus.net  
 www.macdonald-gray.ca



REVISION SCHEDULE		
#	Date	NOTES
0	Oct 2018	For Servicing Analysis (Add)
1	Jan 2019	Resoning Application
2	Feb 2020	District Requested Revisions

**Opportunities & Constraints**

Date: February 2020

Drawn: NG

Checked: NG

Scale: 1:1000

Project Number: 17-0157

DRAWING NUMBER: S4 of 4

**Lot 16**  
0985470 B.C. Ltd.  
District of Ucluelet, BC

**macdonald gray**

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EMAIL: macdgray@telus.net  
www.macdonald-gray.ca

**Residential Apartments (Rental)**

PROPOSED LAND USE: High Density Residential New Zone  
 PROPOSED ZONING DISTRICT: New Zone  
 NOTES ON THE APARTMENT CONCEPT: THE CONCEPTUAL SITE PLAN IS BASED ON A 48-UNIT APARTMENT BUILDING (MAX. UNIT SIZE: 825sq.ft.). THE INTENT IS TO PROVIDE AN AFFORDABLE HOUSING OPTION FOR LOCAL RESIDENTS.

**Residential Townhomes**

PROPOSED LAND USE: Medium Density Residential New Zoning District  
 PROPOSED ZONING DISTRICT: New Zoning District  
 NOTES ON THE TOWNHOME CONCEPT: THE CONCEPTUAL SITE PLAN IS BASED ON A 28 UNIT STRATA. THE INTENT IS TO PROVIDE HOUSING CHOICE FOR RESIDENTS WHO DO NOT WANT TO MAINTAIN YARD SPACE.

**Large View Lots (Marine Drive)**

PROPOSED LAND USE: Standard Single Family Residential R-1 Zone  
 PROPOSED ZONING DISTRICT: R-1 Zone  
 NOTES ON THE VIEW LOT CONCEPT: THESE ARE INTENDED TO BE STANDARD SINGLE FAMILY "MARKET" RESIDENTIAL LOTS.

**Standard Small Lot Residential (Along Buffer)**

PROPOSED LAND USE: Small Lot Residential R-4 Zone  
 PROPOSED ZONING DISTRICT: Small Lot Residential R-4 Zone  
 NOTES ON THE SMALL LOT CONCEPT: THESE ARE INTENDED TO BE AFFORDABLE SMALL LOT SINGLE FAMILY RESIDENTIAL LOTS FOR LOCAL RESIDENTS. ACCESSORY DWELLING UNITS (COACH HOUSE) NOT PERMITTED. TOURIST ACCOMMODATION NOT PERMITTED.

**Adaptive Small Lot Residential (Internal Lots)**

PROPOSED LAND USE: Small Lot Residential New Zone  
 PROPOSED ZONING DISTRICT: Small Lot Residential New Zone  
 NOTES ON THE ADAPTIVE SMALL LOT CONCEPT: THESE ARE INTENDED TO BE AFFORDABLE SMALL LOT SINGLE FAMILY RESIDENTIAL LOTS FOR LOCAL RESIDENTS. THE ADAPTIVE LAND USE FRAMEWORK IS INTENDED TO PROVIDE OWNERS THE OPTION TO DEVELOP SUITES OR ACCESSORY DWELLINGS AS "MORTGAGE HELPER" TO OFFSET RECENT INCREASES IN LAND COSTS. THE INTENT IS TO ALLOW FOR A PRIMARY HOME, ACCESSORY DWELLING UNIT AND INTERNAL SUITE IN AN ADAPTIVE TOURIST ACCOMMODATION/RESIDENTIAL SCENARIO.

**Parkland Dedication**

PROPOSED LAND USE: Public Park (Dedication)  
 NOTES ON THE PARK / BUFFER CONCEPT: PARKLAND BUFFER HAS BEEN LOCATED BASED ON RESIDENT FEEDBACK AT OUR INITIAL PUBLIC OPEN HOUSE REQUESTING A CONTINUOUS 10M RETAINED BUFFER ALONG EXISTING RESIDENCES ON VICTORIA DRIVE. RESIDENTS ALSO REQUESTED THAT THE BUFFER NOT INCLUDE A TRAIL. THE NEIGHBOURHOOD PARK COMPONENT WAS ADDED AT A LOCATION REQUESTED BY DISTRICT STAFF.



# Proposed Zoning (s1)



# Land Use Concept



# NORED

DEVELOPMENTS

October 27, 2020

**To Whom It May Concern:**

**Introduction**

The property ownership group (Owners) submitted a Zoning Amendment Application to the District of Ucluelet (District) in February of 2019 for the Lot 16 property. The Owners currently hold and manage a number of rental buildings on Vancouver Island. Through our recent discussions with District Staff, it was suggested that further confirmation and clarification of our intent to develop rental housing on the northern portion of the property should be formalized in a Letter of Intent on our corporate letterhead. This letter is intended to provide additional assurance to the District of Ucluelet Council that it is our intent to develop a 4-storey, ± 48 unit, rental apartment building on Lot 16 as outlined in our Zoning Amendment Application.

**Purpose**

This Document is intended to outline the basic terms to be used in a future Housing Agreement between 0985470 B.C. LTD., of Nanaimo, B.C. and the District of Ucluelet. The terms in this Document are not comprehensive and it is expected that additional terms may be added, and existing terms may be changed or deleted. The basic terms are as follows:

**Statement of Intent**

The Owners agree to establish a density bonusing structure through the District's Zoning powers under Section 482 of the *Local Government Act* (LGA) to encourage the provision of market residential rental units; or,

To execute a Housing Agreement after 3<sup>rd</sup> Reading of the proposed Zoning Bylaw Amendments as a condition of 4<sup>th</sup> Reading and Bylaw Adoption. All obligations as indicated in the future Housing Agreement would be formally registered on the Property Title prior to 4<sup>th</sup> Reading.



# NORED

DEVELOPMENTS

In either scenario, the Housing Agreement would be registered on the property Title as a condition of future development binding current and future property owners, to the following conditions:

1. The units will be occupied solely as market residential rental units;
2. The units may not be converted to a building strata.

This Document accurately reflects the Owners understanding of the proposed terms of a Housing Agreement between the District and the Owners, subject to the success of our current Zoning Amendment Application proposal for the Subject Property in its entirety.

LANCE MCNABB

# Lot 16 Ucluelet

---

## Zoning Amendment Application: Planning Framework Report



macdonald gray

814 SHOREWOOD DRIVE,  
PARKSVILLE, BC V9P 1S1 CANADA

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[www.macdonald-gray.ca](http://www.macdonald-gray.ca)

TABLE OF CONTENTS

**1.0 INTRODUCTION .....4**

**2.0 SITE DESCRIPTION .....4**

    2.1 TOPOGRAPHY .....4

    2.2 SERVICING .....5

    2.3 SUBSOIL DATA.....5

    2.4 EXPOSURE AND VIEWS .....5

    2.5 SITE HISTORY / ARCHAEOLOGY .....5

**3.0 LOCATION IN RELATION TO COMMUNITY FACILITES .....5**

    3.1 FIRE PROTECTION .....5

    3.2 POLICE.....6

    3.3 HEALTH.....6

    3.4 CANADA POST .....6

    3.5 TRANSPORTATION ROUTES .....6

    3.6 PUBLIC TRANSPORTATION.....6

    3.7 COMMERCIAL SERVICES.....6

    3.8 RECREATIONAL .....6

    3.9 SCHOOLS .....7

**4.0 EXISTING LAND USE.....7**

    4.1 DISTRICT OF UCLUELET BYLAW NO. 1160, 2013.....7

    4.2 DISTRICT OF UCLUELET BYLAW NO. 1160, 2013.....9

**5.0 PROPOSED LAND USES ..... 11**

    5.1 RESIDENTIAL APARTMENTS (NEW ZONE)..... 11

    5.2 RESIDENTIAL TOWNHOMES (NEW ZONE) ..... 12

    5.3 ADAPTIVE SMALL LOT RESIDENTIAL (NEW ZONE) ..... 13

**6.0 REGULATORY STATUS..... 16**

    6.1 DISTRICT OF UCLUELET OFFICIAL COMMUNITY PLAN (OCP)..... 16

    6.2 DEVELOPMENT PERMIT AREAS (DPA)..... 17

**7.0 TITLE – CHARGES, LIENS AND INTERESTS ..... 18**

    7.1 RIGHT OF WAYS:..... 18

    7.2 COVENANTS: ..... 18

**8.0 OPPORTUNITIES ..... 18**

    8.1 OCP LAND USE DESIGNATIONS AND SUPPORTING POLICIES..... 18

    8.2 EXISTING LANDSCAPE ..... 18

**9.0 CONSTRAINTS..... 19**

    9.1 CURRENT ZONING INCONSISTENCIES..... 19

    9.2 LOT 281 DPA #5 – CONSIDERATIONS..... 19

**10.0PUBLIC MEETING / REVISED LAND USE CONCEPT ..... 19**

10.1 PUBLIC MEETING SUMMARY .....	19
10.2 REVISED LAND USE CONCEPT .....	20
11.0 APPENDIX 'A' – WATER & SANITARY SEWER NETWORK .....	24
12.0 APPENDIX 'B' – TRANSPORTATION NETWORK.....	25
13.0 APPENDIX 'C' – COAST TO COAST CONNECTION.....	26
14.0 APPENDIX 'D' – ZONING MAP.....	27
15.0 APPENDIX 'E' – OCP LAND USE DESIGNATIONS.....	28
16.0 APPENDIX 'F' – DEVELOPMENT PERMIT AREAS.....	29
17.0 APPENDIX 'G' – TSUNAMI SAFE ZONES.....	30
18.0 APPENDIX 'H' – PARKS .....	31
19.0 APPENDIX 'I' – GOOGLE AIRPHOTO .....	32
20.0 APPENDIX 'J' - SUMMARY – PUBLIC OPEN HOUSE .....	33
21.0 APPENDIX 'K' – SERVICING REPORT.....	34
22.0 APPENDIX 'L' – GEOTECHNICAL REPORT.....	35

February 10, 2019

**John Towgood**  
**District of Ucluelet**  
200 Main Street  
Ucluelet, BC  
V0R 3A0

**Attention: John Towgood**

**Re: Zoning Amendment Application – Lot 16 Ucluelet**

MacDonald Gray Consultants has been retained by the property owners to provide planning services in support of a Zoning Amendment to ‘the land’ described as Lot 16 within the District of Ucluelet, British Columbia.

The property owners and our project team have worked collaboratively with District Staff and local area residents to expand upon the community’s vision as expressed in the Official Community Plan. We heard from neighbouring residents that there was a strong desire to provide a variety of attainable housing forms for local residents, while preserving existing landscape buffer spaces, and mitigating increased vehicular traffic on local roads.

This community vision has been integrated into our natural systems based design process, which is a collaborative approach to site planning. Environmental, physical and architectural considerations have been woven together to create a Land Use Concept, which is the basis for our Zoning Amendment proposal.

The Land Use Concept shown today is a ‘proof of concept’ generated for our due diligence to ensure that we can physically accommodate the uses and layout proposed. This plan has everything we felt there is a need for in Ucluelet with some adaptive planning frameworks applied.

The resulting ‘Lookout’ neighbourhood concept offers the District of Ucluelet a unique opportunity to realize a compact and complete residential node with an appropriate mix of attainable housing forms, while respecting the existing neighbourhood concerns and maintaining the form and character of adjacent tourist commercial properties.

The proximity of the neighbourhood to community amenities like Big Beach Park, Wild Pacific Trail, Coast to Coast Trail and the Ucluelet Community Centre is ideal. When you add the fact that the Village Square Core area is within walking distance, this makes the area an ideal location for future residents to enjoy the benefits of a west coast lifestyle. We are looking forward to continuing our collaboration with District Staff and Council to create an example of appropriate neighbourhood development.

Sincerely,

**Nigel Gray**, MCIP, RPP, MBCSLA  
Principal Planner / Project Manager  
Macdonald Gray Consultants

## 1.0 INTRODUCTION

0985470 BC Ltd. of Nanaimo, British Columbia is proposing a complimentary mix of multi-unit residential apartments, townhomes, small lot and single unit residential development on Lot 16. The property is 5.14hectares (12.6acres) in size.

The owner wishes to make an application to the District of Ucluelet (District) for the purpose of accommodating these new land uses on the parcel. This report and Zoning Amendment Application has been prepared based on a comprehensive review of the planning framework currently in place for the project site as well ongoing discussions with District Staff and neighbouring residents.

An opportunity and constraints analysis was conducted based on existing site conditions including geotechnical realities, topographic features, existing vegetation and servicing considerations. These items are attached to this report in order to illustrate the findings of the opportunities and constraint analysis and a proposed development framework.

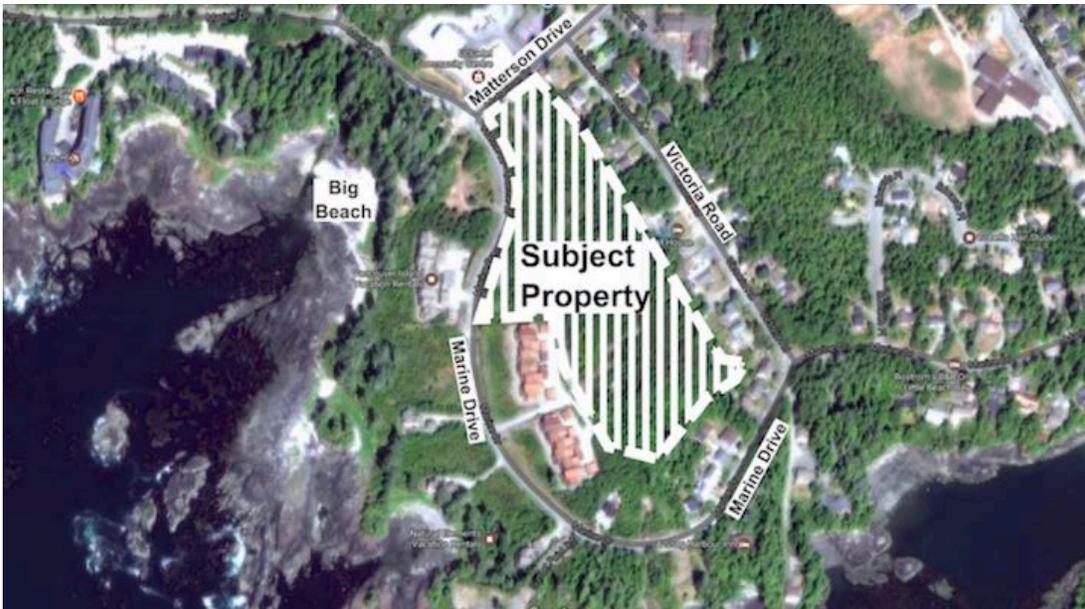


Figure 1 – Google Maps Air Photo Excerpt (Property Outlined in White)

## 2.0 SITE DESCRIPTION

### 2.1 TOPOGRAPHY

Contours have been interpolated from two sources (a topographic survey plan prepared by Newcastle Engineering and Lidar imagery. A **Contour Plan**, dated March 5, 2018, as prepared by Newcastle Engineering Ltd. is attached to this application. Topography varies from moderately sloping to relatively flat with a grade break (ridgeline) running northwest to

southeast bisecting the site. Elevations range from a high point of 30metres (behind 'The Ridge' Development) to a low point of 15metres along Marine Drive toward the northwest corner of the lands.

## 2.2 SERVICING

An underlay of existing utilities is included in an **Excerpt from Ucluelet OCP , Schedule 'A' – Water and Sanitary Sewer Network, attached as Appendix 'B'**. A preliminary Servicing Report is included with this application, as prepared by Newcastle Engineering Ltd.

**Off-site works required to adequately service the proposed land use will be constructed or bonded for through a Servicing Agreement as a condition of the Zoning Amendment.** This is a common expectation of municipalities to ensure that the total cost of servicing the proposed land use and density is paid for by the developer. Local area residents will not incur any costs due to the rezoning. This approach also helps to mitigate real estate speculation.

## 2.3 SUBSOIL DATA

The owner has completed a Geotechnical Assessment of the Property. The report indicates, *"From a geotechnical point of view, the land is considered safe for the use intended..."*. Please refer to the Geotechnical Assessment (report), as prepared by Lewkowich Engineering Associates Ltd., included with the application for additional detail.

## 2.4 EXPOSURE AND VIEWS

The site generally has a southwest exposure with strong view potential toward the Pacific Ocean to the south and west. The high point of the site may benefit from 360-degree views depending on site vegetation and the height of proposed structures.

## 2.5 SITE HISTORY / ARCHAEOLOGY

Provincial records indicate a previously recorded archaeological site DfSj-85 on the property. DfSj-85, consisting of two Culturally Modified Trees, which is protected under the Heritage Conservation Act and must not be altered or damaged without a permit from the Archaeology Branch.

The site location has been cleared and subsequently filled in prior to 2005. Airphoto evidence and the geotechnical test pit at that location confirm same.

# 3.0 LOCATION IN RELATION TO COMMUNITY FACILITIES

## 3.1 FIRE PROTECTION

The Ucluelet Fire Dept is located at 1520 Peninsula Road. The Fire Hall is 450metres or a 2minute drive from the lands.

### 3.2 POLICE

A Royal Canadian Mounted Police detachment is located at 1712 Cedar Road. The Detachment is 900metres or a 3minute drive from the lands.

### 3.3 HEALTH

The Ucluelet Health Centre is located at 1566 Peninsula Road. The Health Centre is 500metres or a 2minute drive / 7minute walk from the lands.

Tofino General Hospital is located at 261 Neill St, Tofino, BC. The Hospital is 41kilometers or a 39minute drive from the lands.

### 3.4 CANADA POST

A number of Canada Post community mailboxes will be required to accommodate development as build out occurs. Community mailboxes are currently present on Resort Drive adjacent to the property. The precise location of additional facilities will be coordinated with the District's Engineering Department.

### 3.5 TRANSPORTATION ROUTES

The lands are located directly adjacent to Matterson Drive, which is an existing looping collector road that connects to Peninsula Road. Peninsula Road is the primary arterial road through Ucluelet.

Multi-use pathways were recently installed along Marine Drive and Matterson Drive connecting the lands to the Village Square core area and waterfront parks. Extensions of the Wild Pacific Trail are also proposed along Marine Drive adjacent to the lands connecting to the proposed Matterson Drive multi use pathway. **Excerpt from Ucluelet OCP , Schedule 'D' – Transportation Network, attached as Appendix 'B'.**

### 3.6 PUBLIC TRANSPORTATION

BC Transit currently does not operate bus routes in close proximity to the lands and has not adopted plans for future service expansion in the surrounding neighborhoods.

The Ucluelet Bus Depot is located in Murray's Grocery at 1980 Penninsula Road. The Depot is 750metre or a 9minute walk from the lands. Tofino Bus provides intercity commercial bus service from this location.

### 3.7 COMMERCIAL SERVICES

The plan area is 500metres from Village Square core area services on Peninsula Road by way of a 5minute walk.

### 3.8 RECREATIONAL

The subject property is kiddie corner to Big Beach Park and the existing multi use pathways along Marine Drive (parallels the Wild Pacific Trail) and Matterson Road (portion of the Coast to Coast Connection route).

**Excerpt from Ucluelet Parks & Recreation Master Plan, Figure 6 – Coast to Coast Connection, attached as Appendix ‘C’**

The Ucluelet Community Centre is located directly across Matterson Drive. The Centre offers a wide array of programs from Latin dance classes to roller hockey and outdoor basketball courts.

Ucluelet Secondary is a 5minute walk from the site and provides a number of after-hours recreation activities including a running track, field space, basketball courts and a BMX park.

**3.9 SCHOOLS**

A number of elementary schools are within proximity of the lands including English and French Immersion programs. Based on the School District 70 information, school infrastructure is at or over capacity. Funding for additional school infrastructure would be bolstered by Development Cost Charges (DCC) associated with the project.

North Island College – Ucluelet Centre located at 1636 Peninsula Road is 750metres or a 9minute walk from the lands. The centre offers university transfer, diploma and adult basic education programs.

Table 1: Nearby Elementary Schools and Current Capacities (2018)

School	Grade Levels	Walking Distance	Driving Distance	Current Enrolment /Trend
Ucluelet Elementary School	K - 7	11 min 850m	2 min 850m	156 / slight increase
Ucluelet Secondary School	8 -12	6 min 450km	2 min 450km	160 / decreasing

**4.0 EXISTING LAND USE**

The lands fall within the District of Ucluelet Municipal boundary. The current land use framework is described in the following sections.

**4.1 DISTRICT OF UCLUELET BYLAW NO. 1160, 2013**

An underlay of existing zoning is included in an **Excerpt from District of Ucluelet Schedule A – Zoning Map, attached as Appendix ‘D’**.

The Zoning District is:

**Comprehensive Development 2A (CD-2A.1.6) - Big Beach Estates**

The Zoning Bylaw and language as it relates to the lands is quite convoluted. It is difficult to determine what language is in fact regulatory and legally binding to the development of the lands.

There are numerous anecdotal references to historical amendment processes, now defunct development plans and specific developers.

No base density is described within the CD-2A Zoning District regulations. We must assume that

there is a base density as not providing one would have the effect of sanitizing the lands of all potential development.

**4.1.1 BASE DENSITY:**

Based on our interpretation of Section 203, Comprehensive Development Zones, which “are provided for historical reference, interpretation and informational purposes only”, we have had to make assumptions in our interpretations. The base land use and density available without the provision of both of the amenities described below appears to be as follows:

- 0.8 resort condo units per hectare;
- 40 square metres gross floor area of retail commercial and / or personal services per hectare;
- 40 square metres gross floor area of a public assembly (community use?) or recreational use per hectare.

**4.1.2 AMENITY BASED DENSITY BONUS(ING):**

The density bonus(ing) framework is based on a 15-20% parkland dedication/ amenity contribution, which is to be in the form of:

- A new swimming pool and fitness facility, which will be privately owned and maintained;
- A 10metre vegetation buffer abutting all existing residential lots in abutting Zones in order to provide a buffer between existing homes and the development in this zone.

Upon the provision of the amenities described above, available land use and density is increased as follows:

- Up to 76 resort condo units;
- 1,672 square metres gross floor area of retail commercial, personal services, or commercial recreation;
- Unlimited community use.

**Table 2: Zoning & Land Use Densities**

Zoning Districts	Permitted Land Uses	Planning / ha	Minimum Parcel Size	Maximum Density (units/ha)
<b>CD-2A Base Density</b>	Resort Condo	0.8 / ha	1,000sq.m.	<b>4 condos</b>
	Retail	40sq.m. /ha	800sq.m.	<b>205.6sq.m.</b>
	Personal Services	40sq.m. /ha	800sq.m.	<b>205.6sq.m.</b>
	Public Assembly	40sq.m. /ha	800sq.m.	<b>205.6sq.m.</b>

Zoning Districts	Permitted Land Uses	Planning / ha	Minimum Parcel Size	Maximum Density (units/ha)
<b>CD-2A.1.6 Bonus Density</b>	Resort Condo	n/a	1,000sq.m.	<b>76 condos</b>
	Retail	n/a	800sq.m.	
	Personal Services	n/a	800sq.m.	<b>1,672sq.m (combined)</b>
	Recreational Services (Commercial)	n/a	800sq.m.	
	Community Use	n/a	n/a	<b>n/a</b>

**4.1.3 RESORT CONDO LAND USE INTERPRETATIONS:**

“Resort Condo” means a building, or group of buildings, providing two or more separate dwelling units, for commercial tourist accommodation use only, without the accessory uses commonly associated with or specifically permitted with hotels or motels. The building(s) must be on the same lot or within the strata plan;

“Dwelling Unit” means a self-contained set of contiguous habitable rooms, consisting of at least kitchen, sanitary (bathroom), living and sleeping rooms and facilities, in the same building;

“Commercial Tourist Accommodation” means the non-residential, daily or short-term (not exceeding 30 consecutive days) accommodation of paying guests, transient motorists, tourists or vacationers, as commonly associated with hotels, motels, resorts, vacation rentals, guest houses, hostels, bed and breakfasts, and campgrounds.

Land use adjacencies within District are described in the following sections. Table 3, below provides a brief overview of adjacent Zoning Districts.

**4.2 DISTRICT OF UCLUELET BYLAW NO. 1160, 2013**

An underlay of adjacent zoning is included in an **Excerpt from District of Ucluelet Schedule A – Zoning Map, attached as Appendix ‘D’**.

The adjacent Zoning Districts include:

**Comprehensive Development (CD-2A)**

The lands are included in the overall CD-2 zone plan which includes a mix of uses that include: hotel, neighbourhood pub, multi-family residential, resort condominiums and single family dwellings.

**Single Family Residential (R-1)**

*“This Zone is intended for traditional low density single family residential development, with accessory uses providing a minimal impact on the surrounding residential neighbourhood.”*

**Vacation Rental (VR-1)**

“This zone provides for low density, single residential dwelling developments and also for two principal dwellings on certain corner lots within the R1 and R1a zone.”

**Public Institutional (P-1)**

“This zone provides agriculture and rural uses on larger lots without urban services.”

Table 3: Adjacent Zoning & Land Use Densities

Zoning Districts	Permitted Land Uses	Dwelling Units	Minimum Parcel Size & Dimensions	Maximum Density (units/ha)
<b>Single Family Residential (R-1)</b>	<b>Single Family Dwelling</b> Bed and Breakfast Home Occupation Secondary Suite	1 SF / Lot	<b>650sq.m.</b> 18m Frontage 0.35 FAR 35% Coverage	n/a
<b>Vacation Rental (VR-1)</b>	<b>Single Family Dwelling</b> Vacation Rental Home Occupation Secondary Suite	1 SF / Lot	<b>650sq.m.</b> 18m Frontage 0.50 FAR 45% Coverage	n/a
<b>Public Institutional (P-1)</b>	School Public Administration & Utility Public Assembly Community Care Facility Outdoor Recreation Park		60% Coverage 1.0 FAR	n/a

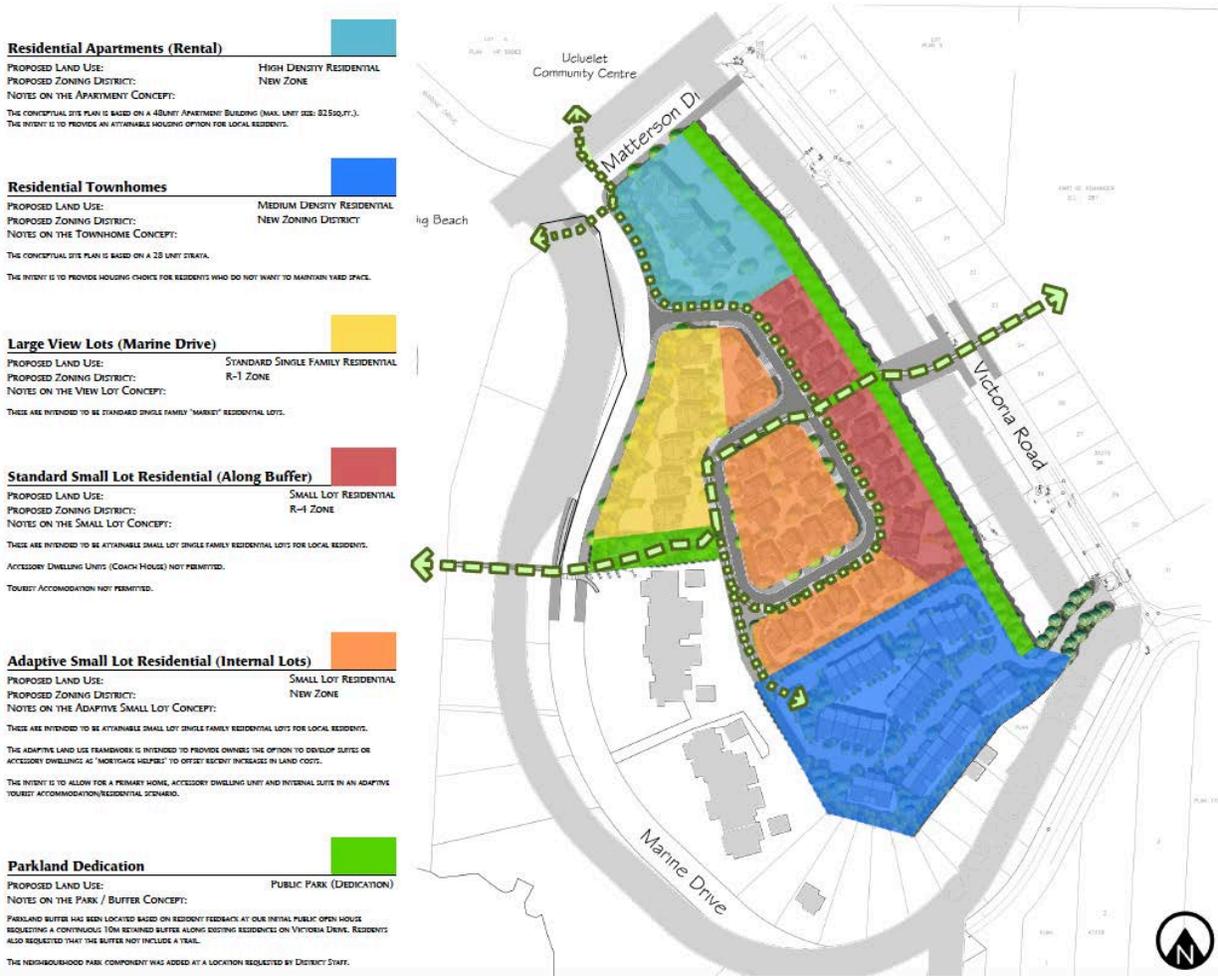


Figure 4 – Refer to Drawing S1 – Land Use and Zoning Districts attached to this application

## 5.0 PROPOSED LAND USES

### 5.1 RESIDENTIAL APARTMENTS (NEW ZONE)

The intent is to provide an attainable housing option for local residents. The conceptual site plan is based on a 48unit Apartment Building (maximum unit size 77sq.m. / 825sq.ft.). The following draft zoning template is based on existing District regulations.

#### 5.1.1 PERMITTED USES TO INCLUDE:

Principal Land Uses	Secondary
<b>Multiple Family Residential (principal)</b>	<b>Home Occupation</b>

**5.1.2 LOT REGULATIONS:**

Principle Use	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
Multiple Family Residential	1,000sq.m.	18m	n/a

**5.1.3 DENSITY:**

Principle Use	Maximum Density	Maximum Floor Area Ratio	Maximum Lot Coverage
Multiple Family Residential	90 units/hectare	1.0	50%

**5.1.4 MAXIMUM SIZE:**

Building / Unit Type	Gross floor Area
Principal Buildings & Structures	n/a
Accessory Buildings & Structures	70sq.m.
Dwelling Unit	77sq.m.

**5.1.5 MAXIMUM HEIGHT:**

Building Type	Maximum Height
Multiple Family Residential	15.0m.
Accessory Buildings & Structures	5.5m.

**5.1.6 MINIMUM BUILDING SETBACKS:**

Building Type	Front Yard	Rear Yard	Side Yard Interior	Side Yard Exterior
Multiple Family Residential (a)	10.0m.	6.0m.	6.0m.	8.0m.

- a. In addition, all buildings and structures will be setback a minimum of 10m from a property line adjacent to Marine Drive.
- b. In addition, accessory buildings and structures must be located:
  - i.) to the rear of the front face of the principal building, and;
  - ii.) at least 3 m (10 ft) from the principal building(s).

**5.2 RESIDENTIAL TOWNHOMES (NEW ZONE)**

The intent is to provide housing choice for residents who do not want to maintain yard space. The conceptual site plan is based on a 38 unit strata. The following draft zoning template is based on existing District regulations.

**5.2.1 PERMITTED USES TO INCLUDE:**

Principal Land Uses	Secondary
Multiple Family Residential (principal)	Home Occupation

**5.2.2 LOT REGULATIONS:**

Principle Use	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
Multiple Family Residential	1,000sq.m.	18m.	n/a

**5.2.3 DENSITY:**

Principle Use	Maximum Density	Maximum Floor Area Ratio	Maximum Lot Coverage
Multiple Family Residential	90 units/hectare	0.4	35%

**5.2.4 MAXIMUM SIZE:**

Building Type	Gross floor Area
Principal Buildings & Structures	n/a
Accessory Buildings & Structures	70sq.m.

**5.2.5 MAXIMUM HEIGHT:**

Building Type	Maximum Height
Multiple Family Residential	11.0m.
Accessory Buildings & Structures	5.5m.

**5.2.6 MINIMUM BUILDING SETBACKS:**

Building Type	Front Yard	Rear Yard	Side Yard Interior	Side Yard Exterior
Multiple Family Residential (a)	10.0m.	10.0m.	10.0m.	10.0m.

- a. In addition, accessory buildings and structures must be located:
  - i.) to the rear of the front face of the principal building, and;
  - ii.) at least 3 m (10 ft) from the principal building(s).

**5.3 ADAPTIVE SMALL LOT RESIDENTIAL (NEW ZONE)**

These are intended to be attainable small lot single family residential lots for local residents. The adaptive land use framework is intended to provide owners the option to develop suites or

accessory dwellings as 'mortgage helpers' to offset recent increases in land costs.

The intent is to allow for a primary home, accessory dwelling unit and internal suite in an adaptive tourist accommodation/residential scenario.

Individual lot layout concepts are provided for discussion purposes to illustrate how the uses could be accommodated on a lot.

The following draft zoning template is based on existing District regulations.

**5.3.1 PERMITTED USES TO INCLUDE:**

Principal Land Uses	Secondary
Single Family Dwelling (principal)	Home Occupation
	Secondary Suite (a)
	Accessory Dwelling Unit
	Commercial Tourist Accommodation (b)

- a. Secondary suites are only permitted within a primary single family dwelling;
- b. Commercial Tourist Accommodation is only permitted:
  - i.) in a secondary suites contained within the principle single family dwelling, and;
  - ii.) within an accessory dwelling unit.

**5.3.2 LOT REGULATIONS:**

Principle Use	Minimum Lot Size	Minimum Lot Frontage	Minimum Lot Depth
Single Family Dwelling	360sq.m.	10m.	n/a

**5.3.3 DENSITY:**

Principle Use	Maximum Density	Maximum Floor Area Ratio	Maximum Lot Coverage
Single Family Dwelling	1 per lot	0.5	45%

**5.3.4 MAXIMUM SIZE:**

Building Type	Gross floor Area
Principal Buildings & Structures	n/a
Accessory Buildings & Structures	90sq.m.

**5.3.5 MAXIMUM HEIGHT:**

Building Type	Maximum Height
Single Family Dwelling	10.0m.
Accessory Buildings & Structures	8.5m.

**5.3.6 MINIMUM SETBACKS:**

Building Type	Front Yard	Rear Yard	Side Yard Interior	Side Yard Exterior
Single Family Dwelling	4.5m.	6.0m.	1.5m.	2.5m.
Accessory (a)	7.5m.	1.5m.	3.0m.	2.5m.

- a. In addition, accessory buildings and structures must be located:
  - i.) to the rear of the front face of the principal building, and;
  - ii.) at least 3 m (10 ft) from the principal building(s).

## 6.0 REGULATORY STATUS

### 6.1 DISTRICT OF UCLUELET OFFICIAL COMMUNITY PLAN (OCP)

It should be noted that 2018 Official Community Plan Consultation is currently underway which may result in changes to the current land use designations and policy context. An underlay of OCP Future Land Use Designations is included in an **Excerpt from District of Ucluelet OCP Schedule 'A' Map, attached as Appendix 'E'**.

The proposed land use for the lands is **Comprehensive Development**.

#### 6.1.1 RELATED OCP COMPREHENSIVE DEVELOPMENT POLICIES:

1. Public access to the water in all CD areas is supported, encouraged and intended to be secured including through agreement and dedication;

***Not Applicable.***

2. District Lots 281 and 282 are designated as Comprehensive Development. Although the existing CD zoning permits a range of mixed-use including resorts, and multi-family units, the lands contained within these two District Lots have primarily been developed as low density residential; these lots may be redesignated and rezoned in the future to reflect the variety of uses established without further amendment of this OCP;

***The lands are included in District Lot 281. This policy permits a zoning amendment (rezoning) to any of the CD-2 uses without a concurrent OCP amendment process.***

3. The area on Seaplane Base Road, surrounding the Recreation Hall, is designated for Comprehensive Development and identified as a potential Industrial swing area. If additional industrial lands are required, only those uses that need water access will be considered for this area;

***Not applicable.***

4. The area on Minoto Road north of Peninsula Road is designated for Comprehensive Development. This area is envisioned primarily as a residential community with significant tree retention. The shoreline is recognized as having important ecosystem values. A greenbelt should be maintained along the shoreline;

***Not applicable.***

5. In order to support the viability of future resort type developments within the Comprehensive Development and Tourist Commercial designations, Hyphocus Island and Francis Island are targeted instead for Residential development. This reflects the desired future use as primarily clustered residential communities with substantial tree retention and significant public open space. These areas are not intended for private marina or significant commercial, tourist commercial or resort development, though Council may consider redesignation on advancement of a comprehensive plan that

retains more land and provides more community amenities;

***Not applicable.***

6. Acknowledge the private ownership of Francis Island by permitting up to one single family residential dwelling, without secondary suite, B&B, vacation rental or tourist commercial uses; Encourage and explore means of preservation, and maximum tree retention, with limited public access, including as an amenity for more intensive development of adjacent lands;

***Not applicable.***

7. For areas of land higher than 20 to 30 metres above sea level, development, park dedication and public/open space should be coordinated with the District's Emergency Plan when considering the potential for public vistas, integrated with the multi-use pathway, Wild Pacific Trail and road network, as well as muster areas within a close walk of development areas;

***The owners will work with District Staff to establish emergency procedures as required. Tsunami preparedness and emergency routes have been considered in the current land use concept.***

8. The number of District-owned and operated sewer pump stations should be minimized, and;

***To be considered in detailed servicing analysis at the rezoning stage.***

9. Non-potable water should be used, where practical, for golf course and park irrigation.

***Not applicable***

## **6.2 DEVELOPMENT PERMIT AREAS (DPA)**

The following District of Ucluelet DPA is applicable to the lands:

### **6.2.1 LOT 281 (DPA #5);**

This DPA is applicable to areas of the lands as identified on the **Excerpt from District of Ucluelet OCP, Schedule 'C' – Map, attached as Appendix 'F'**. The DPA is established for the purposes of:

- Protection of the natural environment, its ecosystems and biological diversity;
- Protection of development from hazardous conditions; and,
- Establishment of objectives for the form and character of development in the resort region.

This development proposal has paid careful consideration to the existing DPA guidelines in the

development of the conceptual site layout, proposed land uses and proof of concept plans. More detailed plans and drawings will be provided during the subsequent development permit application process for each phase of future development.

## 7.0 TITLE – CHARGES, LIENS AND INTERESTS

### 7.1 RIGHT OF WAYS:

**EV149363 – District of Ucluelet.** For the purpose of a footpath and conveying and draining run-off water. The location of the SRW has not been located on the base plans and will need to be determined by the project land surveyor.

**FB239228 – BC Hydro and Power Authority.**

**FB239229 – Telus Communications Inc.**

### 7.2 COVENANTS:

None.

## 8.0 OPPORTUNITIES

### 8.1 OCP LAND USE DESIGNATIONS AND SUPPORTING POLICIES

The lands are included in the District Lot 281 comprehensive development policy context. Policy language permits a zoning amendment (rezoning) to any of the CD-2 uses without a concurrent OCP amendment process.

Residential multi-family policies encourage the development of multi-family residential units along Matterson Road and within approximately a 5minute walk of the Village Square, which is the case for the lands. Existing multi use pathways along Marine Drive (parallels the Wild Pacific Trail) and Matterson Road (portion of the Coast to Coast Connection route) provide strong support for this approach.

Residential single-family policies acknowledge the role of single-family housing and encourage intensification with smaller lot sizes, accessory dwelling units and bare land strata developments.

A range of land use configurations is possible based on the OCP language.

### 8.2 EXISTING LANDSCAPE

The lands contain many native plant and tree species within a unique bluff landscape that lend themselves well to a resort or residential neighbourhood configuration. With thoughtful site design these features should be identified and incorporated into the development. The

resulting optics would then be incorporated in later marketing efforts.

## 9.0 CONSTRAINTS

### 9.1 CURRENT ZONING INCONSISTENCIES

The current comprehensive development zoning is problematic. Based solely on the specific language of the Zoning Bylaw, there is little or no base density for permitted land uses without the application of density bonus(ing). Density bonusing is only possible through the provision of highly prescriptive contributions. These amenities are held over from the original development master plan proposal and are out of scale with remaining potential.

Tenure and stay restrictions associated with the current 'Resort Condo' land use are outdated approaches to resort development. Modern planning has taken a more adaptive approach permitting both permanent residential and tourist accommodation within resort developments to offset both the ebb and flow of the tourism economy and the need for rental housing for permanent residents.

### 9.2 LOT 281 DPA #5 – CONSIDERATIONS

Landscape and environmental preservation are key components of the DP guidelines. All development proposals will require careful consideration and design responses that seek to protect existing sensitive ecosystems, significant trees and shrubs. All Sitka Spruce must be preserved as well as any tree with a diameter at breast height (DBH) over 30centimetres.

Environmentally significant areas, including watercourses and significant stands of trees, have not been ground-truthed by the project biologist. The location of these features will need to be incorporated into future site planning and subdivision layout where feasible and as required by law during subsequent permitting processes.

The lands have been identified as having a potential risk of flooding during a tsunami event. Additional measures may be required to protect the development from flooding and tsunami hazards.

## 10.0 PUBLIC MEETING / REVISED LAND USE CONCEPT

### 10.1 PUBLIC MEETING SUMMARY

A pre-application Public Open House was conducted on December 7, 2018 from 5:00PM to 7:00PM at the Ucluelet Community Centre. The Community Centre is directly across from the lands on Matterson Drive.

A newspaper ad was placed two concurrent weeks prior to the meeting and letter invitations were individually delivered to every neighbouring property owner or resident within 50 metres

of the subject property.

(29) neighbours signed in for the meeting and (13) comment sheets were completed at the meeting. Please find supporting documentation **attached as Appendix 'J'** for your reference and records.

Many of the comments mentioned the desire to see a 10 - 15m buffer strip along existing residences that was proposed as a component of a previous development proposal. It was suggested that the buffer consist of retained vegetation with no trail access and to provide an ecological corridor.

A proposed single vehicle access point to Victoria Drive was also identified by neighbours as a concern. It is perceived that Victoria Drive cannot handle the additional traffic volume. Additional connections through to Matterson Drive and Marine Drive were suggested.

There was a strong preference for a primarily residential development.

The inclusion of Accessory Dwelling Units (Carriage Home, Coach House) was a concern for 1/3 of the neighbours who commented, who were primarily focused on potential traffic increases and infrastructure demand.

The proposed density of the neighbourhood was a concern to 1/4 of the neighbours who commented, who were primarily focused on potential traffic increases and infrastructure demand.

## **10.2 REVISED LAND USE CONCEPT – PUBLIC MEETING COMMENTS**

In response to comments and concerns raised by neighbouring residents, we have made the following revisions to the land use concept:

### **10.2.1 10M. BUFFER REQUEST**

A 10m retained buffer is proposed along the entire length of the property adjacent to existing residential lots along Victoria Road.

The buffer will be dedicated as parkland to the District where it is adjacent to the proposed multi-unit apartment site and proposed single family small lot residential lots. This represents 6% of the area of the lands which is in excess of the 5% parkland dedication that will be required through future subdivision of individual lots.

The 10m buffer will be retained within a Restrictive Covenant on title where it is adjacent to the proposed townhome site.

A 10m building setback is proposed along the property line adjacent to The Ridge multi-unit development and single family lots that front onto Marine Drive to retain additional separation between dwelling units.

In addition, all buildings and structures on the proposed apartment site will be setback a minimum of 10m from a property line adjacent to Marine Drive to set the building back from

the roadway.

### **10.2.2 VEHICLE ACCESS CONCERNS**

Vehicle access to the apartment site will be from Matterson Drive connecting through to the proposed new internal roadway loop.

An internal roadway loop is proposed with access from Marine Drive. With the exception of (3) single family lots along Marine drive, all other single family lots will be accessed from the new internal roadway loop.

Access to the townhome site will be from the existing road stub at the southeast corner of the property close to the intersection of Marine Drive and Victoria Road.

Only the townhome site will access Victoria Drive, which will free up the (3) remaining road stubs for District initiatives (trails, staff housing, affordable housing, etc.).

### **10.2.3 SMALL LOT SINGLE FAMILY LOTS**

Small lot land uses have been divided into two distinct conditions.

To address privacy and density concerns, small lots adjacent to the proposed 10m buffer along existing residential lots along Victoria Road will be developed under the current R-4 Zoning District:

- R-4 Zoning does not allow Accessory Dwelling Units (ADU) or commercial tourist accommodation;
- The resulting lots are intended for a purely residential land use;
- Building heights are restricted to 8.5m;
- The rear yard building setback is 6.0m. When added to the proposed 10m buffer, the total distance between a small lot home and the rear property line of homes on Victoria drive will be 16m (52.5ft).

Internal small lots will be developed under a new 'adaptive' zone that will permit an adaptive residential and tourist accommodation scenario.

## **10.3 REVISED LAND USE CONCEPT – DISTRICT STAFF COMMENTS**

The following is a summary of Staff Requested Application revisions and responses provided in this application update.

### **10.3.1 REQUEST FOR A COMMUNITY AMENITY CONTRIBUTION**

The following items are placeholders for potential amenity contributions as proposed by the property owners subject to further negotiation with the District Council.

**If additional contributions are requested by the District for off-site engineering 'amenity' works, then the items below will need to be reconsidered and balanced with the financial viability of the overall development.**

- 1) Additional parkland dedication to the District is proposed. See further descriptions below. Total parkland dedication is equal to 9.5% of the property. We are proposing a parkland amenity dedication of 0.23ha. (4.5% of Parent Parcel) beyond the 5% dedication of 0.26ha. required at the time of subdivision. the land value of this dedication based on the area divided by the assessed property value (2019) is approximately \$28,215.00;
- 2) A financial contribution to the District is proposed. Beyond the significant land dedication for parks and trails, a financial contribution of \$1,000.00 / per door/unit is proposed. This would equal \$112,000.00 based on proposed density of 112 primary dwelling units (suites are not included);
- 3) We are also proposing the provision of one small lot residential lot to the District intended to provide affordable or District Staff housing. The proposed financial contribution (noted above) could also be directed toward other affordable housing initiatives within the District. Funds could be set aside for a DCC Waiver program for eligible developments. The value of this lot is estimated at approximately \$90,000.00 - 100,000.00 by the property owner.

### **10.3.2 REQUEST FOR EXPANDED PARKLAND DEDICATION**

The precise location of parkland is subject to a future Subdivision Application process. The Provincial Approving Officer will make the final decision at that time.

- 1) The Proof of Concept has been updated to include the proposed 10m. Buffer between the site and properties and existing lots on Victoria Drive as parkland dedication;
- 2) A neighbourhood park has been included in the Proof of Concept at a location preferred by District Staff.

### **10.3.3 REQUEST FOR A 10M. CONTINUOUS RETAINED VEGETATION STRIP ALONG MARINE DRIVE**

The zoning template setback is currently proposed at 10m. along Marine Drive.

- 1) Vegetation with the exception of potential hazard trees, noxious and invasive plants shall be retained within the 10m. buffer. No driveway access shall be permitted to Marine Drive.
- 2) Further restricting driveway access to Marine Drive will retain the integrity of this corridor as a greenway street and maintain the natural setting of the existing roadside trail experience.

### **10.3.4 REQUEST FOR FORM & CHARACTER GUIDELINES**

A Development Permit template for Form & Character has been prepared through the 2018 OCP Review. General Guidelines applying to all Form and Character Development Permit Areas and Development Permit Area IV (Multi family, Commercial and Mixed Use Development are both applied to the site. Guidelines will inform future development proposals and assist architectural professionals during the design process.

- 1) Note that the 39ft' height allowance noted in F.IV.5 is not aligned with the proposed development (this type of specific regulatory item should be located within the applicable Zoning District).

**10.3.5 REQUEST FOR CHANGES TO THE RESIDENTIAL APARTMENTS ZONING TEMPLATE**

The 'Single Family Use' has been removed from the proposed 'Residential Apartments' Zoning District.

Request to Limit building height to 3-storey maximum.

- 1) We would like to keep the stepped 3 to 4 storey concept;
- 2) Restricting the apartment building height to 3 stories would require a different apartment layout and probably some under building / underground parking which would add significant cost to site development resulting in reduced unit affordability. Each underground parking stall would add approximately \$40,000.00 per unit.

Limit the size of units to encourage affordability.

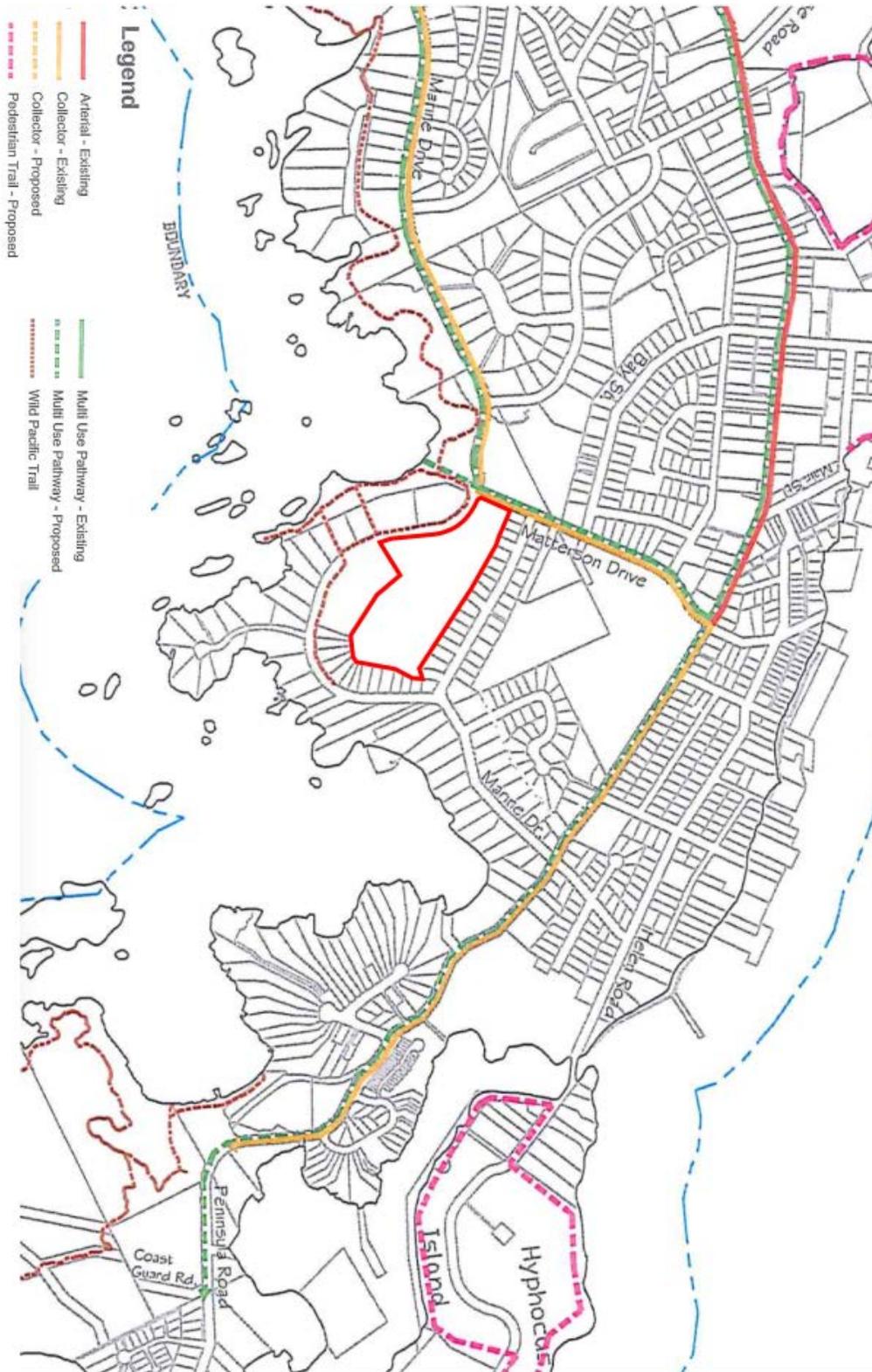
- 1) Unit size will be limited to a maximum of 77sq.m. (825sq.ft.);
- 2) This simply locks in the intended stacked residential land use. Restricting the unit size will hold the cost of individual units to a more attainable purchase or rental price.

**10.3.6 REQUEST FOR CHANGES TO THE RESIDENTIAL TOWNHOMES ZONING TEMPLATE**

The 'Single Family Use' has been removed from the proposed 'Residential Townhomes' Zoning District. This will effectively preserve the parcel as a townhome site.



## 12.0 APPENDIX 'B' - TRANSPORTATION NETWORK



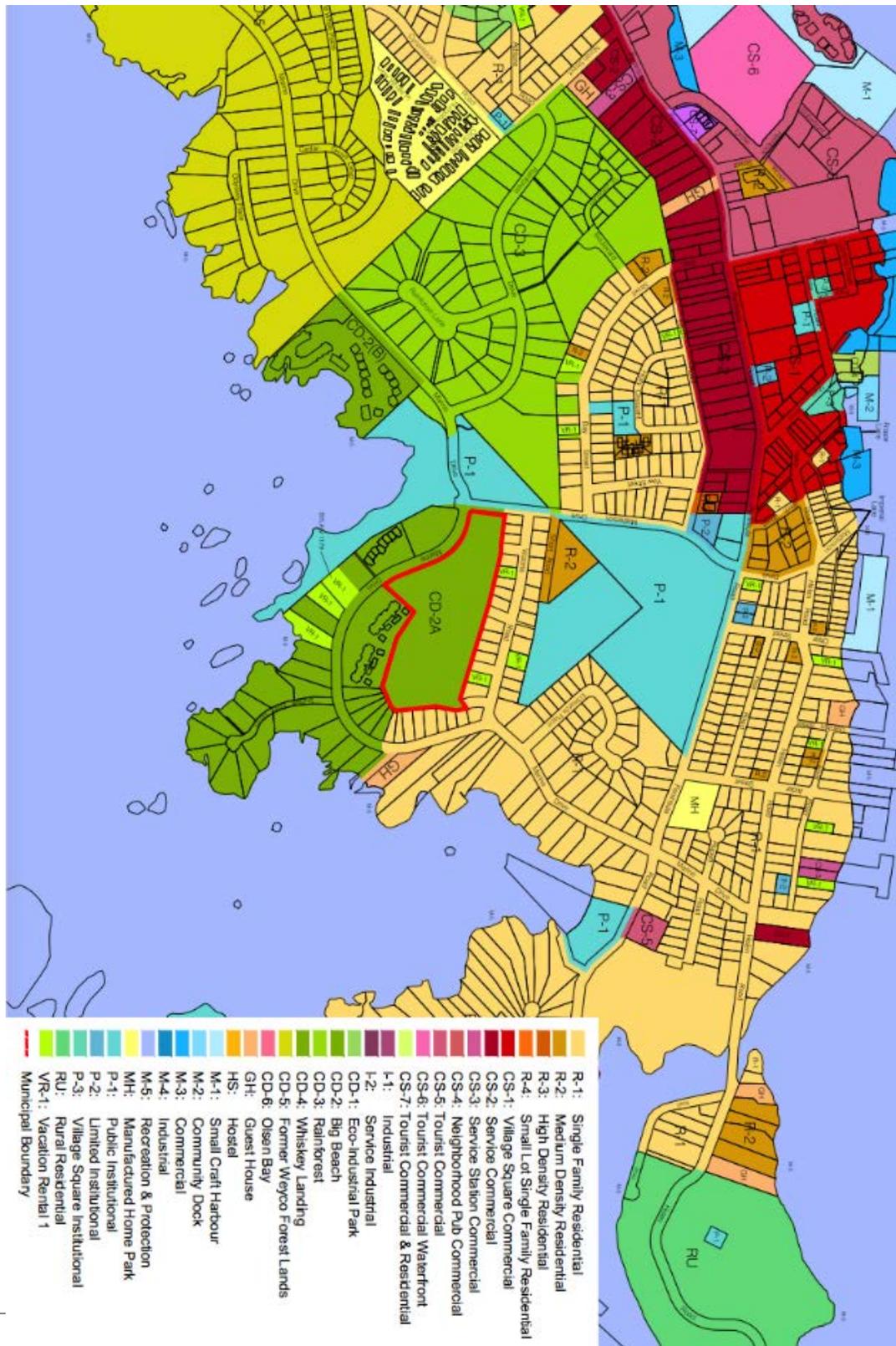
### 13.0 APPENDIX 'C' - COAST TO COAST CONNECTION



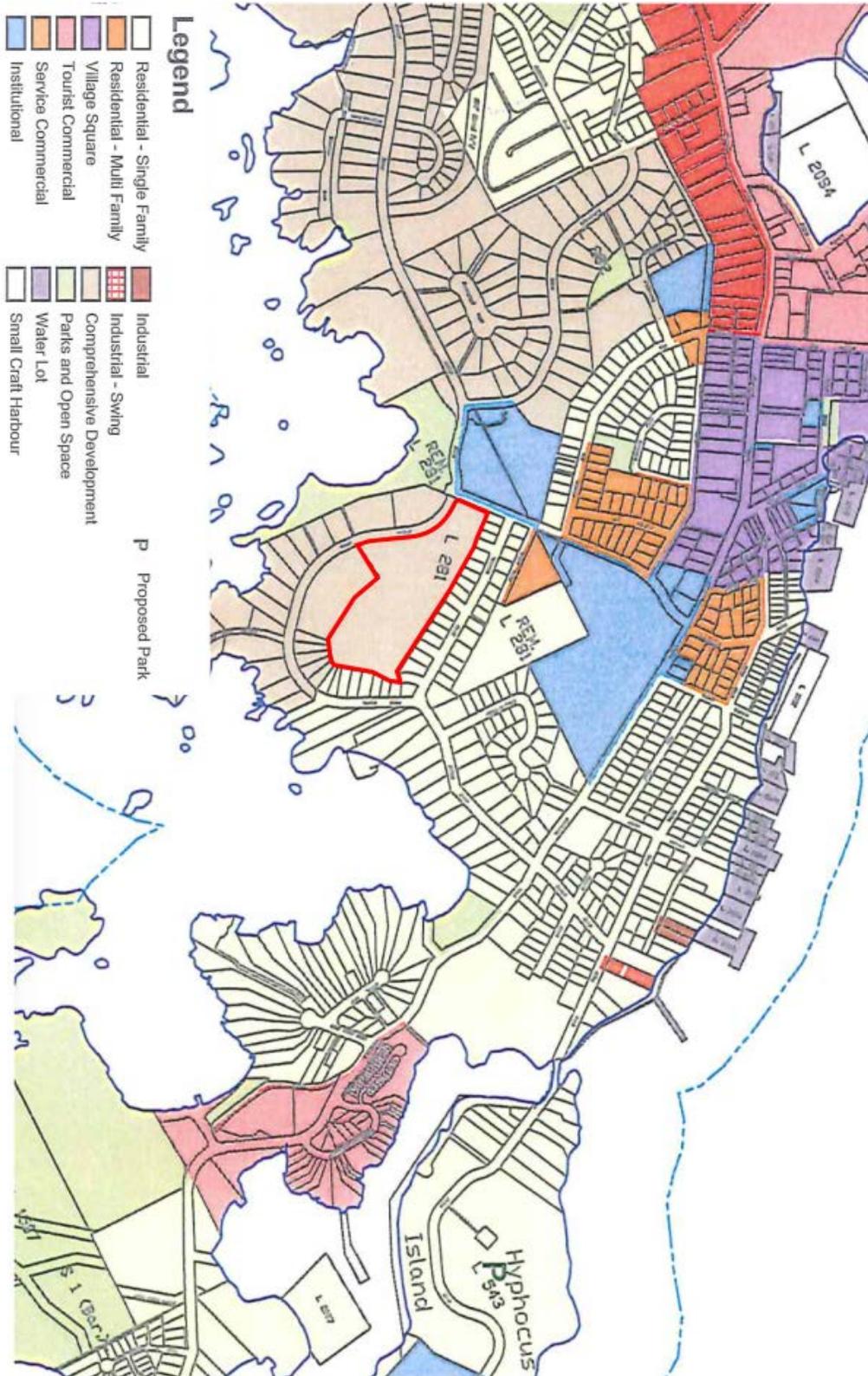
**UCLUELET PARKS and RECREATION MASTER PLAN**  
COAST TO COAST CONNECTION (Draft Plan Dec. 2011)



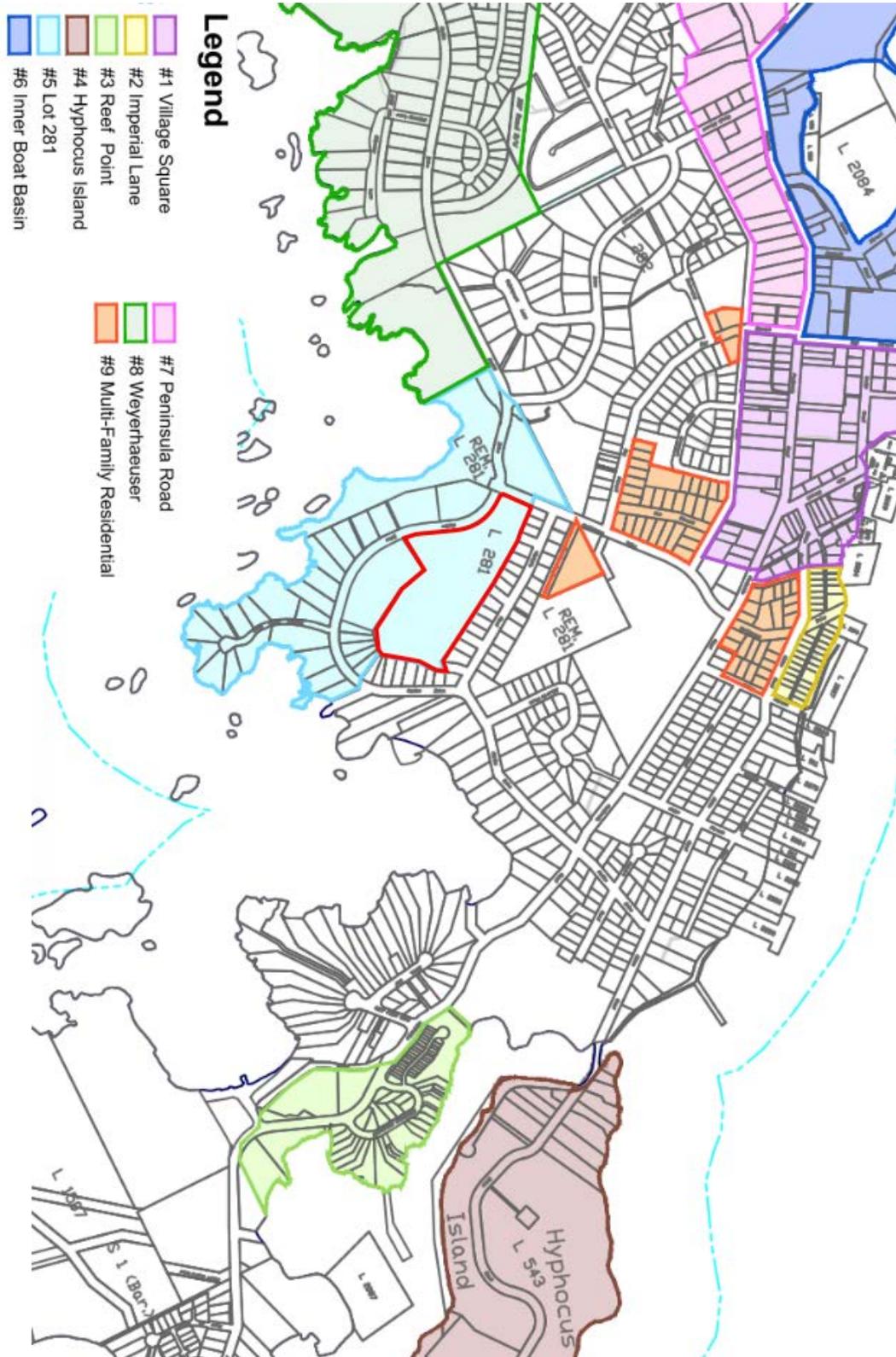
## 14.0 APPENDIX 'D' - ZONING MAP



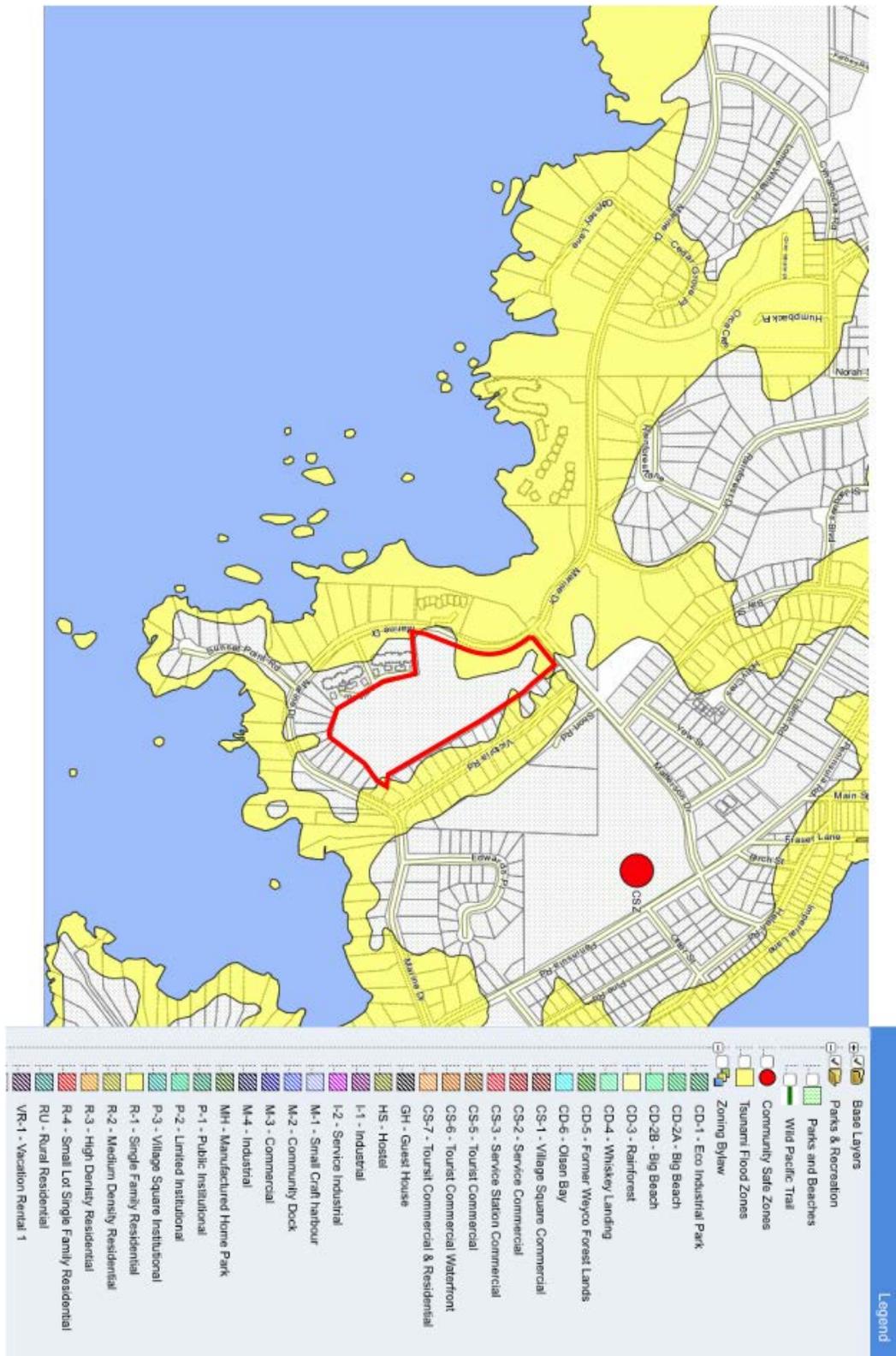
## 15.0 APPENDIX 'E' - OCP LAND USE DESIGNATIONS



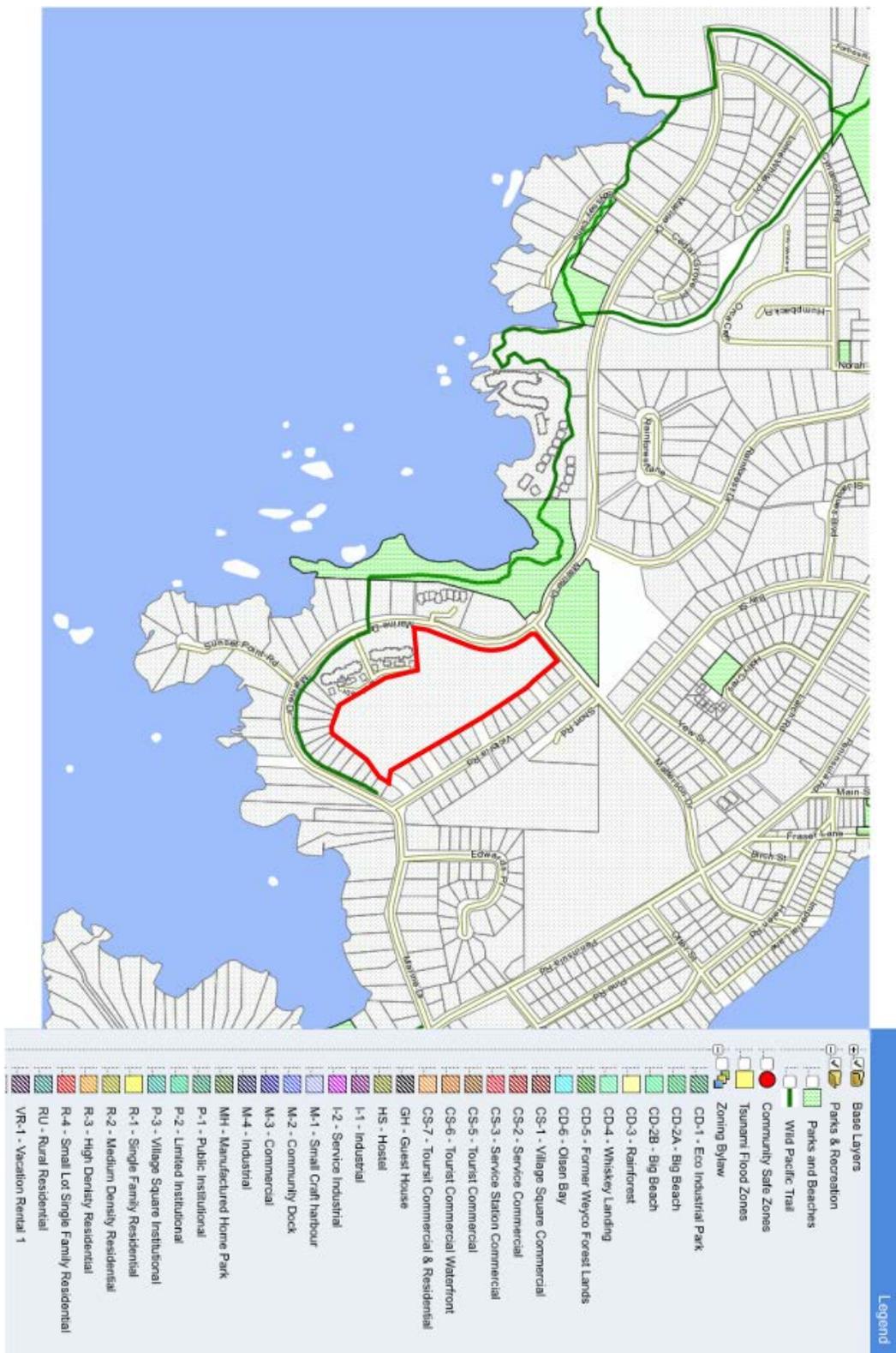
## 16.0 APPENDIX 'F' – DEVELOPMENT PERMIT AREAS



## 17.0 APPENDIX 'G' - TSUNAMI SAFE ZONES



## 18.0 APPENDIX 'H' - PARKS





## 20.0 APPENDIX 'J' - SUMMARY - PUBLIC OPEN HOUSE

## 21.0 APPENDIX 'K' - SERVICING REPORT

## 22.0 APPENDIX 'L' – GEOTECHNICAL REPORT

**TITLE SEARCH PRINT**

2021-02-01, 11:14:23

File Reference:

Requestor: John Towgood

Declared Value \$456100

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\*****Land Title District**

Land Title Office

VICTORIA

VICTORIA

**Title Number**

From Title Number

CA3571129

FB239237

**Application Received**

2014-01-30

**Application Entered**

2014-02-11

**Registered Owner in Fee Simple**

Registered Owner/Mailing Address:

0985470 B.C. LTD., INC.NO. BC0985470  
2240 JEFFS ROAD  
NANAIMO, BC  
V9S 5P7**Taxation Authority**Port Alberni Assessment Area  
Ucluelet, District of**Description of Land**

Parcel Identifier:

025-812-823

Legal Description:

LOT 16 DISTRICT LOT 281 CLAYOQUOT DISTRICT PLAN VIP76214 EXCEPT PART  
IN PLANS VIP80735, VIP83067 AND VIP86140**Legal Notations**

HERETO IS ANNEXED EASEMENT FB44418 OVER LOT 1, PLAN VIP83067

**Charges, Liens and Interests**

Nature:

STATUTORY RIGHT OF WAY

Registration Number:

EV149363

Registration Date and Time:

2003-12-08 10:13

Registered Owner:

DISTRICT OF UCLUELET

Remarks:

INTER ALIA

Nature:

STATUTORY RIGHT OF WAY

Registration Number:

FB239228

Registration Date and Time:

2008-12-30 13:37

Registered Owner:

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY

Remarks:

INTER ALIA

**TITLE SEARCH PRINT**

2021-02-01, 11:14:23  
Requestor: John Towgood

File Reference:

Declared Value \$456100

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	FB239229
Registration Date and Time:	2008-12-30 13:37
Registered Owner:	TELUS COMMUNICATIONS INC. INCORPORATION NO. A55547
Remarks:	INTER ALIA

**Duplicate Indefeasible Title** NONE OUTSTANDING

**Transfers** NONE

**Pending Applications** NONE

## Appendix D

### **Background on CD-2A Zoning:**

In the early part of 2003, Lot 16 was created as part of a development application called the “Big Beach Estates”. Lot 16 is a 12.7-acre property centrally located within walking distance to the schools, the Ucluelet Community Center, Big Beach Park, and the Village Square. The property does not currently contain any buildings or key environmental features except a forested area around the perimeter of the property.

The subject property’s current zoning was enacted with the adoption of *Zoning Amendment Bylaw No. 1045, 2006*. The preamble to the CD-2A zone gives a 2014 update on the status of Lot 16 as follows:

*Lot 16 was the large lot created north of Marine Drive, labeled “Big Beach Estates”. It remains only partially subdivided and developed:*

- *Lot A, Plan VIP80735 created a lot for two buildings, The Ridge, which was stratified into 24 units per Strata Plan VIS6275.*
- *Plan VIP86140 created 5 single family dwelling lots.*
- *PID 025-812-823 Lot 16, Plan VIP76214 except that part in Plan VIP80735, VIP83067 and VIP86140 (“Remainder Lot 16”) will support additional subdivision and development according to this zone, noting the Big Beach Estates Master Plan may require further consideration following requested alteration of uses and densities in rezoning subsequent to the preparation of that plan. Amenities are outstanding in this area and are preferred to be accessed off Matterson Drive to create synergy with the Community Centre.*
- *The maximum density for Multiple Family Residential use has been reached, through the 18 dwelling units in The Primera and 12 dwelling units in The Ridge*
- *With 12 Resort Condo units developed at The Ridge, up to 76 Resort Condo units may be provided on Remainder Lot 16, in addition to other uses noted below.*

The following site plan was included with the text above:



Figure 2 – Big Beach Site Plan

Although the text above seems to precisely define the principle uses, their densities and the locations of those uses, there is ambiguity in the zoning. Note the following specific use descriptions:

- *The maximum density for Multiple Family Residential use has been reached, through the 18 dwelling units in The Primera and 12 dwelling units in The Ridge*
- *With 12 Resort Condo units developed at The Ridge, up to 76 Resort Condo units may be provided on Remainder Lot 16, in addition to other uses noted below.*

With the Densities further described in section CD-2A.3.1 as follows:

**CD-2A.3.1 Maximum Number:**

*(2) Multiple Family Residential:*

*(a) 18 dwelling units on Strata Plan VIS5917 (The Primera)*

*(b) 12 dwelling units on Strata Plan VIS6275 (The Ridge)*

*(3) Resort Condo:*

*(a) 12 dwelling units on Strata Plan VIS6275 (The Ridge)*

*(b) 76 dwelling units on Remainder Lot 16*

No mechanism was put in place to define which 12 units at The Ridge would be *Multiple Family Residential* and which 12 would be *Resort Condo*. There is nothing preventing owners of units at The Ridge to all use the units as *Resort Condo* (as appears to largely be the case). Therefore, it is unclear whether the use of all 24 units at The Ridge for *Resort Condo* uses changes the balance of what could have been permitted on Lot 16 (under the current zoning, and assuming the density bonusing framework is followed – more on that below).

It should be noted that in the “Big Beach Estates” development plan above (**Figure 2**), a 20m green space buffer is indicated between the existing residential neighborhoods fronting Victoria Drive and Marine Drive. However, this 20m buffer requirement did not make it into the rezoning regulations that were created as part of this development, nor were any restrictive covenants put in place to this effect. The following setback clause was put in place:

**“CD-2A.6.1.5 (iii)** *In addition, 7.5 m minimum yard setback applies to all lot lines abutting a single family dwelling lot or multiple family residential lot or lot with a principal residential use.”*

Yet, to further confuse matters, in the description of the CD-2 zone it lists the contributions that were to be part of the density bonusing framework, including #3; *“10m vegetation buffer abutting all existing residential lots in abutting Zones in order to provide a buffer between existing homes and development in this zone.”*

The other outstanding amenity contribution on which the density bonusing was predicated (which would permit 76 resort condos on Lot 16) is #2; *“new swimming pool and fitness facility, which will be privately owned and maintained.”* Again, no covenant was placed on the title of Lot 16 to secure or further define this commitment for a public amenity - which in theory was to be provided as part of the development when it was conceived in the early 2000’s.

Given the ambiguity of the above, it is not surprising that Lot 16 has not been developed prior to this point. The current application process should perhaps best be viewed as a fresh start to determine the appropriate land uses, densities and public amenities to be realized through the development of this portion of Ucluelet at this point in time.