



**SPECIAL MEETING OF COUNCIL**  
**Wednesday, August 12, 2020 @ 5:30 PM**  
**Ucluelet Community Centre**  
**500 Matterson Drive, Ucluelet**

**AGENDA**

	Page
1. CALL TO ORDER	
2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY Council would like to acknowledge the Yuułu?iŋ?ath First Nation, on whose traditional territories the District of Ucluelet operates.	
3. NOTICE OF VIDEO RECORDING Audience members, delegates and Public Hearing participants are advised that this proceeding is being video recorded and broadcast on YouTube. They are also advised that this meeting is being conducted via Zoom, which may store data on foreign servers.	
4. LATE ITEMS	
5. APPROVAL OF AGENDA	
6. PUBLIC HEARING - DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NOS. 1262, 2020; 1263, 2020; AND 1271, 2020	
6.1. <b>Notice of Public Hearings</b>	5
<a href="#">Notice</a>	
6.2. <b>Rules Governing the Public Hearing</b>	
6.3. <b>District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020 (2088 Peninsula Road)</b>	
6.3.1. Presentation of Bylaw No. 1262, 2020	7 - 9
<a href="#">Bylaw No. 1262</a>	
6.3.2. Reports and Materials Related to Bylaw No. 1262, 2020	11 - 45
<a href="#">Raven Motel 2088 Peninsula</a>	
6.3.3. Excerpts from Previous Council Meeting Minutes Related to Bylaw No. 1262, 2020	47 - 48
<a href="#">2020-01-28 Regular Meeting Minutes</a>	
6.3.4. Rezoning Applicant's Presentation for Bylaw No. 1262, 2020	
6.3.5. Written Submissions from Members of the Public Regarding Bylaw No. 1262, 2020	
6.3.6. Public Representations for Bylaw No. 1262, 2020	

6.4.	<b>District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020 (799 Marine Drive)</b>	
6.4.1.	Presentation of District of Ucluelet Bylaw No. 1263, 2020 <a href="#">Bylaw No. 1263</a>	49 - 50
6.4.2.	Reports and Materials Related to Bylaw No. 1263, 2020 <a href="#">799 Marine Drive - Zoning Amendment</a>	51 - 59
6.4.3.	Excerpts from Previous Council Meeting Minutes Related to Bylaw No. 1263, 2020 <a href="#">2020-06-23 Regular Minutes</a>	61
6.4.4.	Rezoning Applicant's Presentation for Bylaw No. 1263, 2020	
6.4.5.	Written Submissions from Members of the Public Regarding Bylaw No. 1263, 2020	
6.4.6.	Public Representations for Bylaw No. 1263, 2020	
6.5.	<b>District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020 (2015 Bay Street)</b>	
6.5.1.	Presentation of District of Ucluelet Bylaw No. 1271, 2020 <a href="#">Bylaw No. 1271</a>	63 - 64
6.5.2.	Reports and Materials Related to Bylaw No. 1271, 2020 <a href="#">2015 Bay Street Rezoning Van Heest</a>	65 - 81
6.5.3.	Excerpts from Previous Council Meeting Minutes Related to Bylaw No. 1271, 2020 <a href="#">2020-06-23 Regular Minutes</a>	83
6.5.4.	Rezoning Applicant's Presentation for Bylaw No. 1271, 2020	
6.5.5.	Written Submissions from Members of the Public Regarding Bylaw No. 1271, 2020 <a href="#">2020-08-06 Lawrence Jacobson</a>	85
6.5.6.	Public Representations for Bylaw No. 1271, 2020	
7.	<b>LEGISLATION</b>	
7.1.	District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020 (2088 Peninsula Road) - 3rd Reading <a href="#">Bylaw 1262, 2020</a>	87 - 90
7.2.	District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020 (799 Marine Drive) - 3rd Reading <a href="#">Bylaw 1263, 2020</a>	91 - 93
7.3.	District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020 (2015 Bay Street) - 3rd Reading <a href="#">Bylaw 1271, 2020</a>	95 - 97
8.	<b>OTHER BUSINESS</b>	
9.	<b>CLOSED SESSION</b> <i>Procedural Motion to Move In-Camera:</i> <b>THAT</b> the meeting be closed to the public in order to address agenda	

items under Section 90(1)(e) of the *Community Charter*.

10. ADJOURNMENT





## NOTICE OF PUBLIC HEARING

**Notice is hereby given** that a Public Hearing will be held at the Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet B.C., on the following date:

**Wednesday, August 12, 2020 Commencing at 5:30 p.m.**

A public hearing will be held on the following proposed Bylaw pursuant to Sections 464 and 466 of the *Local Government Act*.

**District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020**

In general terms the purpose of this proposed Bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the "Zoning Bylaw") by:

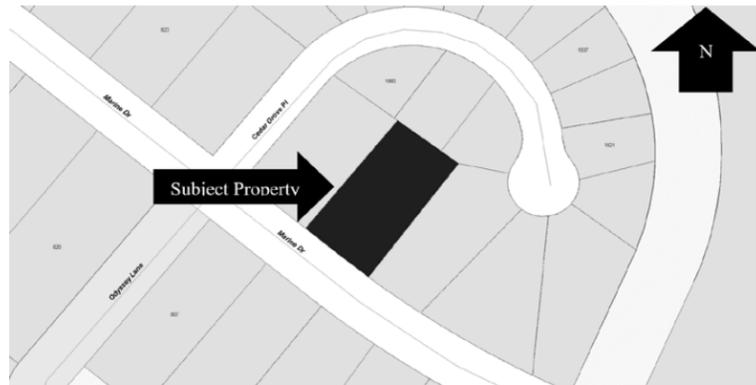
1. changing the zoning designation of **2088 Peninsula Road** (Lot 8, District Lot 284, Clayoquot Land District, Plan VIP58757) from *CS-2 Zone-Service Commercial* to *R-3 Zone-High Density Residential*; and
2. allowing for single and duplex dwellings to form the *Multi Family Residential* use on **2088 Peninsula Road**, whereas the current definition restricts the *Multi Family Residential* use to be in buildings or groups of buildings, each containing three or more dwelling units.



**District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020**

In general terms the purpose of this proposed Bylaw is to amend the Zoning Bylaw by:

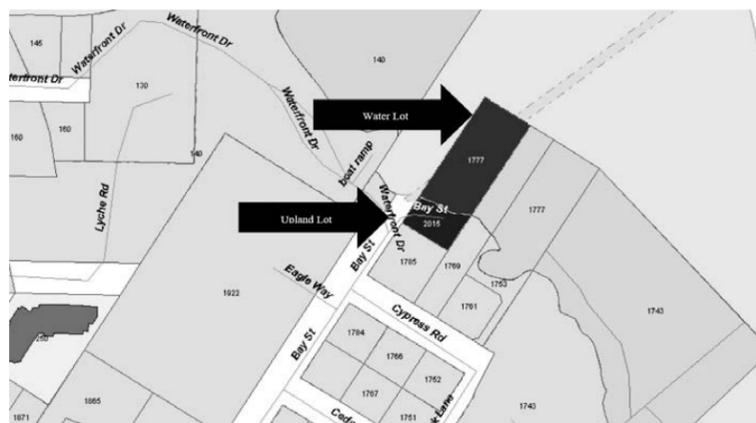
1. adding *Accessory Residential Dwelling Unit* as a secondary use on the property at **799 Marine Drive** (Lot 16, District Lot 283, Clayoquot District, Plan VIP84686). The *Accessory Residential Dwelling Unit* is to be located within a detached accessory building provided that the Single Family Dwelling does not contain a Secondary Suite or Bed and Breakfast.



**District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020**

In general terms the purpose of this proposed Bylaw is to amend the Zoning Bylaw by:

1. allowing the following uses on the Water Lot (DL 2042, Clayoquot Land District) in front of **2015 Bay Street** "The Bay Street Icehouse":
  - a. *Marina* (excluding marine fueling station);
  - b. *Mobile Vending*;
  - c. *Residential use* and *Commercial Tourist Accommodation* within two Dwelling Units which may be operated as Guest Rooms; and
2. adding *Parking Lot* as a principle use on the property at **2015 Bay Street** (Lot B, District Lot 282, Clayoquot District, Plan VIP29748).



**Anyone who believes the proposed bylaws will affect their interest in property will be given an opportunity to be heard at the public hearing.**

**Review the Bylaws** The proposed bylaws and other relevant materials may be inspected at the District of Ucluelet office at 200 Main Street from the date of this notice until the public hearing, Monday through Friday between 9:00 a.m. to 4:00 p.m., except on Statutory holidays, and online at <https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings>

<b>Participate by</b>	<b>Drop-off or Mail</b>	<b>Email</b>
<b>Written Submission</b>	Box 999 200 Main Street Ucluelet, BC, VOR 3A0	<a href="mailto:communityinput@ucluelet.ca">communityinput@ucluelet.ca</a>

Written submissions must be received before the start of the Public Hearing and include your name and street address. They are considered part of the public record pursuant to the Freedom of Information and Protection of Privacy Act.

<b>Attend the Public Hearing</b>	<b>In-person – with physical distancing</b>	<b>Via Zoom</b>
		URL: <a href="https://us02web.zoom.us/j/86261761811">https://us02web.zoom.us/j/86261761811</a> Webinar ID: 862 6176 1811 / Participant ID is <b>NOT</b> required. Phone: +1 778 907 2071 See: <a href="https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings">https://ucluelet.ca/community/district-of-ucluelet-council/public-hearings</a> for more information.

**Questions?** Contact the District of Ucluelet’s Planning Department at 250-726-7744 or [jtowgood@ucluelet.ca](mailto:jtowgood@ucluelet.ca).



**DISTRICT OF UCLUELET**  
**Zoning Amendment Bylaw No. 1262, 2020**

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.  
 (2088 Peninsula Road)

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**WHEREAS** the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

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

**1. 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 8, District Lot 284, Clayoquot Land District, Plan VIP58757 [PID 018-743-668; 2088 Peninsula Road] shown shaded on the map attached to this Bylaw as Appendix “A”, from CS-2 Zone-Service Commercial to R-3 Zone–High Density Residential.

**2. Text Amendment:**

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding subsection (i) directly below section R-3 .1.1 (1) (a), as follows:

“(i) Despite the definition of *Multiple Family Residential* in section 103 of this bylaw, on Lot 8, District Lot 284, Clayoquot Land District, Plan VIP58757, [PID 018-743-668; 2088 Peninsula Road] a *Multiple Family Residential* use may be in a *building* or group of *buildings* containing one or more *dwelling units* for residential use.”

**3. Citation:**

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020”.

**READ A FIRST TIME** this 28<sup>th</sup> day of January, 2020.

**READ A SECOND TIME** this 28<sup>th</sup> day of January, 2020.

**PUBLIC HEARING** held this    day of            , 2020.

**READ A THIRD TIME** this    day of            , 2020.

**ADOPTED** this    day of            , 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020.”

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Mayco Noël  
Mayor

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Mark Boysen  
Corporate Officer

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

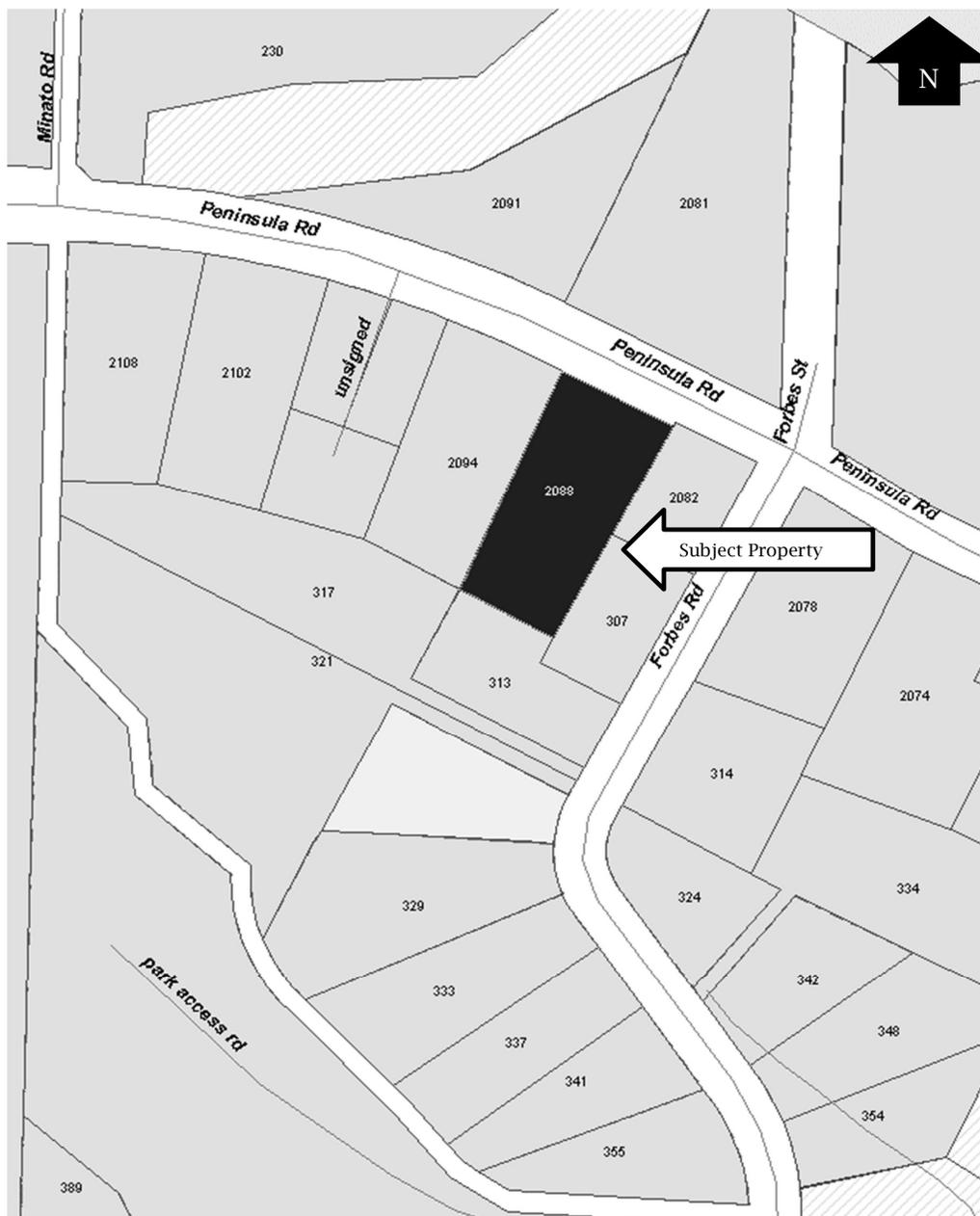
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Mark Boysen  
Corporate Officer

**APPENDIX 'A'**

**District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020**

From: CS-2 Service Commercial  
To: R-3 High Density Residential







## STAFF REPORT TO COUNCIL

Council Meeting: January 28, 2020  
500 Matterson Drive, Ucluelet, BC V0R 3A0

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**FROM:** JOHN TOWGOOD, PLANNER 1      **FILE NO:** 3360-20-RZ20-02 & 4020-20-BUILDING-RAVEN MOTEL

**REPORT NO:** 20-08

**SUBJECT:** BUILDING INFRACTIONS AND ZONING BYLAW AMENDMENT FOR 2088 PENINSULA ROAD

**ATTACHMENT(S):** APPENDIX A – ZONING AMENDMENT BYLAW No. 1262, 2020  
APPENDIX B – 1995 DEVELOPMENT PERMIT  
APPENDIX C – LETTER TO OWNERS DATED OCTOBER 30, 2019  
APPENDIX D – LETTER TO OWNERS DATED JANUARY 21, 2020

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**RECOMMENDATION:**

1. **THAT** Council provide an opportunity for the owners of the property at 2088 Peninsula Road to address Council, should they wish to make representations or appeal the cancellation of their Motel business licence #4214 and/or the proposed registration of a notice on title for work done without permits;
2. **THAT** Council provide an opportunity for residents, neighbours or other community members with an interest in the property to address Council if they wish to do so at this time;
3. **THAT** a Notice pursuant to the authority of Section 57 of the *Community Charter* be filed in the Land Titles Office against the Title of Lot 8, District Lot 284, Clayoquot Land District, Plan VIP58757; PID 018-743-668; having a civic address of 2088 Peninsula Road; and,
4. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020, be given first and second reading and advanced to a public hearing.

**PURPOSE:**

To provide Council with information on infractions against the Building Bylaw and steps to bring the property into compliance, plus a proposed zoning amendment bylaw that would rezone Lot 8, Plan VIP58757, District Lot 284, Clayoquot Land District (2088 Peninsula Road- the "**Subject Property**") from the *CS-2 Zone-Service Commercial* to the *R-3 Zone-High Density Residential* to recognize the multi-family uses occurring on the subject property.



Figure 1 – Subject Property

**BACKGROUND:**

In March of 1995, Glen Kaikkonen the owner of the subject property at the time (Mr. Kaikkonen is still part owner of the property) applied to the District of Ucluelet for a Development Permit (**DP**) for 6-10 detached motel units and an office building large enough to accommodate two or three office storefronts (see **Figure 2**).

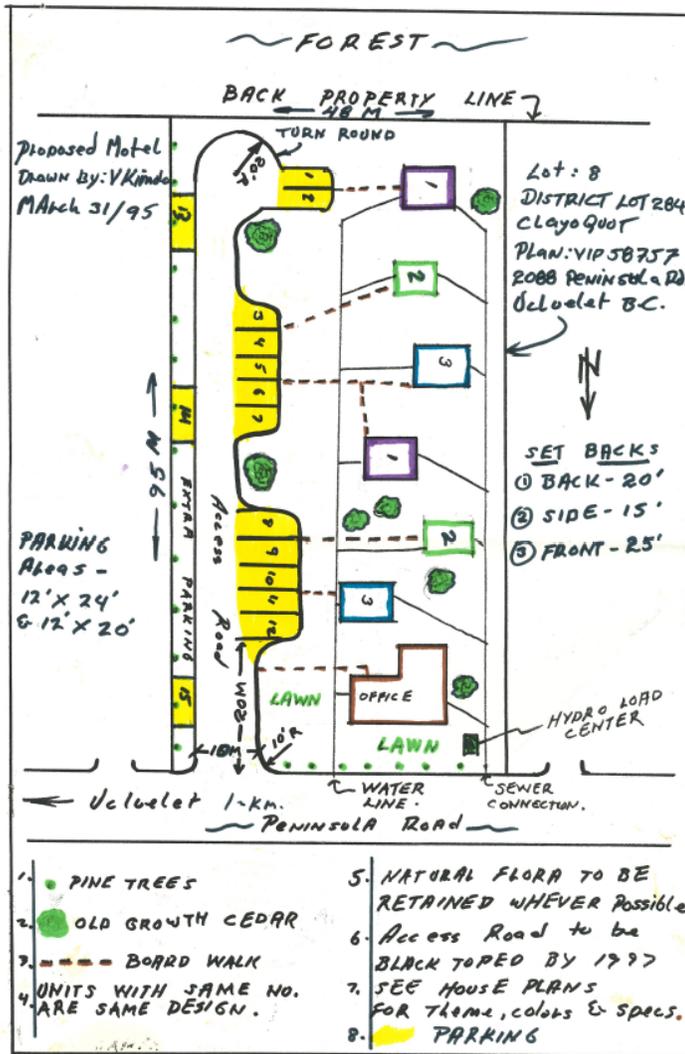


Figure 2 – DP Site Plan

The 1995 Development Permit was approved subject to:

- Ministry of Transportation & Infrastructure approval
- Infrastructure assessment
- Formal plans
- Landscape drawings
- Complete drawings that showed setbacks, garbage containers, siting, screening parking, loading, color/material schemes.

The District of Ucluelet's planner at the time was concerned that these units could be used as fulltime residential and recommended registering a restrictive covenant intending to prohibit residential use of the property. It is unclear if any of the above subjects were completed and a covenant was not placed on title restricting residential use. In April of 2002 the owners requested to register separate strata titles for some of the units. This request was turned down by Council.

The buildings on the property were built between 1995 and 2000 somewhat consistent with the 1995 DP. Building Permits (BP) were taken out for each individual building labeled A through G (indicated in **Figure 3** below) with occupancies being given to buildings A, B, D, E, F, and G. It should be noted that there are discrepancies between what was approved under the respective BP's and what was physically built on the property. The following diagram locates the structures on site:

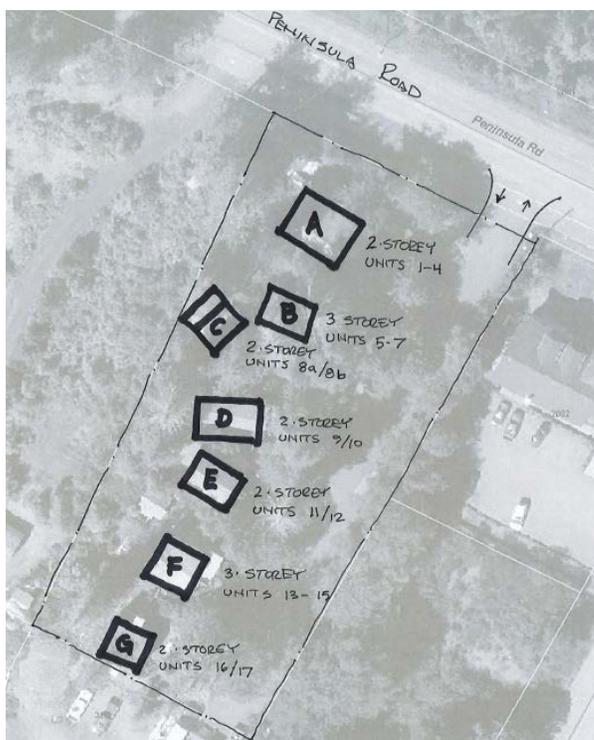


Figure 3 – Current Site Plan

On October 7, 2019, the District of Ucluelet building inspector entered the subject property to apply a Stop Work Order as non-permitted works were being actively constructed. As part of the Stop Work Order review it was noted that other buildings had been clearly modified, additional suites had been added, and major structural renovations had occurred which are not consistent with the current building code. Upon review this work would seem to have been done without DP or BP approvals. In talking to the owners and tenants it also became evident that the motel units were not being used as motel units but rather as full-time residential use.

Staff reviewed the historical record for the property and confirmed it was constructed as a motel and office. A review of business license records show that there has been an active business license for a thirteen-unit motel since 1996. The active business license conflicts with the owners' and tenants' representations that the property is and has been used for many years as a residential property. The following table represents the conflicting information on the subject property:

Approved by DP:	6 to 10 motel units and 1 office building
Approved by BP (built):	12 motel units and 1 office building
Business License:	13 motel units (since 1996)
Site Review:	17 residential units (2 owner occupied units, 15 tenanted units)

Table 1 – Conflicting information on file

#### **DISCUSSION:**

There are full time residents residing on the subject property in a non-lawful status. This multi-family residential rental use is a needed form of housing in Ucluelet, and the tenants have expressed a high level of anxiety with the non-lawful status of their homes; Staff therefore feel it is important to promptly bring a zoning amendment bylaw forward to recognize and secure the continued multi-family use.

It is important to note that the life safety and fire code issues with the buildings and structures on the subject property will be dealt with separately and in parallel to the rezoning amendment proposed in this report. A letter was sent to the property owners and tenants on January 21, 2020, (see **Appendix D**) including a draft copy of this staff report and a summary of the findings from the building review. The owners are responsible for obtaining permits and ensuring that all buildings on the property comply with the *BC Building Code* and municipal *District of Ucluelet Building Bylaw No. 1165, 2014*, regardless of whether the zoning is amended; in other words, the building upgrades would be required whether the dwelling units were being used for residential or motel purposes.

Progressive measures to enforce the *Building Bylaw* which the District could pursue include further Stop Work and Do Not Occupy notices, fines, remedial action orders, court injunction, etc., to compel full permitting, occupancy and bylaw compliance. The letter to owners on January 21, 2020, includes a summary of staff observations on the buildings and a list of upgrades which staff consider key to providing a basic level of protection for the safety and health of occupants. If the owners take progressive steps to fix these deficiencies in a timely manner, under the necessary building permits, then Council could hold off on taking further measures to enforce the *Building Bylaw*.

#### **Section 57 Notice on Title**

Because construction has been completed on the property without the required permits, staff recommend that a notice be filed against the title of the subject property pursuant to Section 57 of the *Community Charter*. By registering a notice on title, future owners will be aware that work has been completed in contravention of the building bylaw, without the required permits or inspections. Notices filed against the land title would be removed when the infractions have been

resolved to the satisfaction of the Building Official; i.e., once Occupancy Permits have been obtained for all structures.

#### Business Licence

By the owners' admission and statements by the residents, it is clear that the property is not operating as a Motel, and has not done so for many years (if ever). Therefore the Licence Inspector has revoked business licence #4214. The owners have been advised that if they wish to appeal this decision they may do so in writing, for reconsideration by Council.

#### Official Community Plan

The subject property is currently designated for "Service Commercial" land use by the District of Ucluelet Official Community Plan Bylaw No. 1140, 2011, (OCP). Section 3.6 of the OCP describes "Commercial Development" as follows:

##### **3.6 Commercial Development**

*Ucluelet provides a range of commercial facilities and services for the convenience of residents and visitors. Commercial uses help to foster a sustainable local economy by strengthening the commercial tax base, providing employment opportunities and accommodating a viable tourist economy. Commercial land uses are also recognized for their contribution to a complete community through the provision of services and shopping close to home.*

With "Service Commercial" being specifically described as follows:

##### **3.6 (i) Service Commercial**

*Lands designated for Service Commercial uses are generally located along both sides of Peninsula Road between Forbes Road and Bay Street.*

As part of the new Draft OCP, Staff have been reviewing the designation of commercial land uses and associated guidelines. Along the Peninsula Road corridor from Main Street to Seaplane Base Road (the central commercial area of town - as indicated in red below), Staff consider it important for all new development to have a direct connection to the street, with parking at the rear. The next part of Peninsula Road, between Seaplane Base Road and Forbes Road (as indicated in orange below), is a transition area where it is preferred that buildings have a direct connection to the street but it is also understood that businesses such as gas stations and lumber yards are or will be set back with parking in front of the building. The forested edge along the east side of Peninsula Road in this section further gives this area a distinctive character.

To retain a strong presence and "gateway" experience at the entrance to town, the remaining Peninsula Road corridor, from Forbes Road to the District of Ucluelet boundary, should remain in as natural a state as possible (area indicated in green below). For a resident or visitor entering Ucluelet from the north, the forest will gradually peel back as more intensive land uses and building density concentrate toward the Village Square. The area north of Forbes Road would best fit uses which do not require pedestrian customer traffic and peek out of the forest rather than face the road with a more urban storefront (see **Figure 4**).

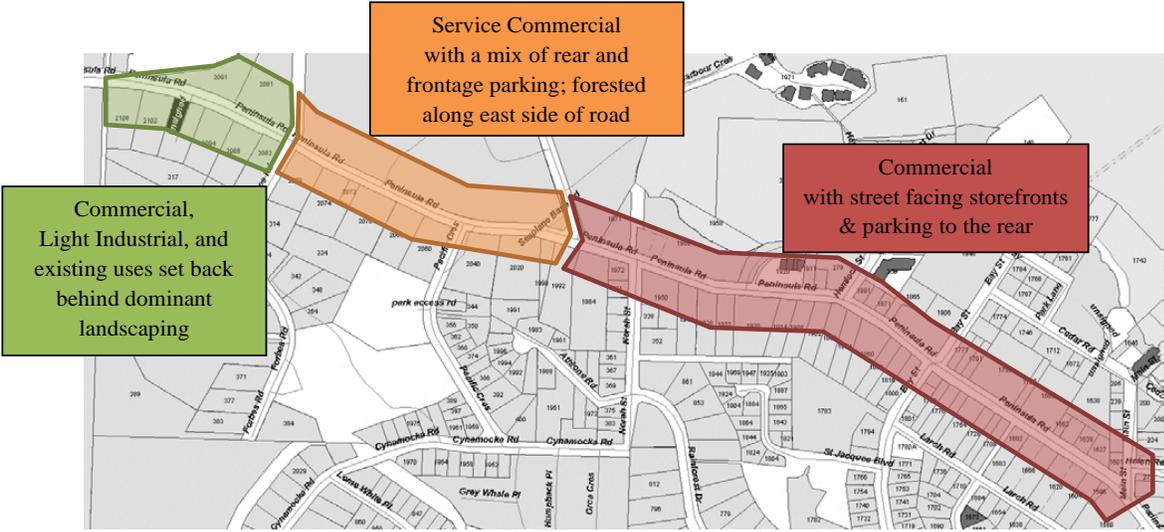


Figure 4 – Appropriate land use within the Peninsula Road corridor

As mentioned above the importance of street facing commercial frontage is not as important as the retention of green belt in this part of Peninsula Road. Without the need for commercial frontage a multifamily residential use could be seen as appropriate. The following OCP Affordable Housing Policies support affordable housing options such as the current use:

- 7. Encourage alternative housing options, including bare land strata and small lot subdivisions;
- 8. Use comprehensive development zoning to promote rental housing development and accommodate special needs housing development, guest house accommodation, and the provision of housing for seasonal workers;
- 9. Zone land using low to moderate densities and use density bonusing to secure affordable housing in any larger development;

The OCP does not directly contemplate the protection of existing rental residential units but when considering the totality of the housing policy within the current and proposed OCP and that this zoning amendment is a recognition of an existing use; Staff consider this application consistent with the OCP.

A Development Permit (**DP**) will be required for any significant exterior works and could form part of a DP & BP submission by the owner, as the owners address the life safety and fire code issues with the buildings and structures.

Zoning

The Property is currently zoned CS-2 Service Commercial and has the following permitted uses:

**CS-2.1 Permitted Uses:**

*CS-2.1.1 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:*

- (1) *Principal:*
  - (a) *Hotel*
  - (b) *Motel*
  - (c) *Mixed Commercial/Residential*
  - (d) *Mixed Commercial/Resort Condo*
  - (e) *Office*
  - (f) *Tourist Information Booth*
  - (g) *Retail, including supermarket*
  - (h) *Convenience Store*
  - (i) *Restaurant*
  - (j) *Bistro/Café*
  - (k) *Take Out Food Services*
  - (l) *Personal Services*
  - (m) *Commercial Recreation*
  - (n) *Studio*
  - (o) *Community Use*

- (2) *Secondary:*
  - (a) *Accessory Residential Dwelling Unit*

Staff consider the best means of recognizing and securing the current multi-family use is to rezone the property to R-3 Zone High Density Residential (**R-3**). The permitted uses under the R-3 designation are as follows:

**R-3.2 Permitted Uses:**

*R-3.2.1 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:*

- (1) *Principal:*
  - (a) *Multiple Family Residential*
- (2) *Secondary:*
  - (a) *Home Occupation*

While the current definition of *Multiple Family Residential* describes groups of buildings with three or more dwelling units, the bylaw amendment has been drafted to include a site-specific amendment to the R-3 Zone to allow single and duplex multi-family units (as exist on the property currently) as follows:

**1. 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 8, District Lot 284, Clayoquot Land District, Plan VIP58757 [PID 018-743-668; 2088 Peninsula Road] shown shaded on the map attached to this Bylaw as Appendix "A", from CS-2 Zone-Service Commercial to R-3 Zone-High Density Residential.

**2. Text Amendment:**

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding subsection (i) directly below section R-3 .1.1 (1) (a), as follows:

"(i) Despite the definition of *Multiple Family Residential* in section 103 of this bylaw, on Lot 8, District Lot 284, Clayoquot Land District, Plan VIP58757, [PID 018-743-668; 2088 Peninsula Road] a *Multiple Family Residential* use may be in a *building* or group of *buildings* containing one or more *dwelling units* for *residential* use."

**TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:**

Should the application proceed, staff time will be required to process this Zoning Bylaw Amendment, including giving notice of a Public Hearing. Staff time will also be required for processing a Section 57 notice, and any building permits which arise from these actions. Should Council find it necessary to pursue additional steps to enforce the *Building Bylaw*, additional time and resources will be required; the specifics of those steps would be the subject of a future report to Council.

**FINANCIAL IMPACTS:**

There are no direct financial implications to the District by advancing the proposed Bylaw to public hearing. It should be noted that prior to 2007 this property was outside the requirement for Development Cost Charge (**DCC**) contributions. Any units built after 2007 without a permit will be required to have a building permit review and will be required to pay a DCC contribution.

**POLICY OR LEGISLATIVE IMPACTS:**

Ucluelet is presently in the process of updating its OCP. The draft Bylaw No. 1236, “The District of Ucluelet Official Community Plan”, is currently at first reading. Updates to the draft plan, which are underway, will reflect the land use considerations discussed in this report.

**OPTIONS:**

The proposed zoning bylaw amendment would recognize and secure the current multi-family residential use occurring at 2088 Peninsula Road. This form of housing is needed in the community and Staff consider it important to protect all of Ucluelet’s rental housing stock; therefore, Staff recommend that the draft bylaw be given first and second reading and advanced to a public hearing. Revoking the Motel business licence and registering a Section 57 notice on title are reasonable steps given the past and current use and structures on the property. Alternatively, Council could consider the following:

2. **THAT** Council direct Staff to revise the draft Bylaw No. 1262 to instead provide a site-specific amendment to insert the Multiple Family Residential use into the list of permitted uses under the CS-2 zoning for this property; **or**,
3. **THAT** Council reject the zoning bylaw amendment, direct staff to seek advice from the municipal solicitors on enforcement options and steps, and/or provide alternative direction to staff.

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

**DISTRICT OF UCLUELET**  
**Zoning Amendment Bylaw No. 1262, 2020**

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.  
 (2088 Peninsula Road)

---

**WHEREAS** the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

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

**1. 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 8, District Lot 284, Clayoquot Land District, Plan VIP58757 [PID 018-743-668; 2088 Peninsula Road] shown shaded on the map attached to this Bylaw as Appendix “A”, from CS-2 Zone-Service Commercial to R-3 Zone–High Density Residential.

**2. Text Amendment:**

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding subsection (i) directly below section R-3 .1.1 (1) (a), as follows:

“(i) Despite the definition of *Multiple Family Residential* in section 103 of this bylaw, on Lot 8, District Lot 284, Clayoquot Land District, Plan VIP58757, [PID 018-743-668; 2088 Peninsula Road] a *Multiple Family Residential* use may be in a *building* or group of *buildings* containing one or more *dwelling units* for *residential* use.”

**3. Citation:**

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020”.

**READ A FIRST TIME** this    day of            , 2020.

**READ A SECOND TIME** this    day of            , 2020.

**PUBLIC HEARING** held this    day of            , 2020.

**READ A THIRD TIME** this    day of            , 2020.

**ADOPTED** this    day of            , 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020.”

\_\_\_\_\_  
Mayco Noël  
Mayor

\_\_\_\_\_  
Mark Boysen  
Corporate Officer

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

\_\_\_\_\_  
Mark Boysen  
Corporate Officer

**APPENDIX 'A'**

**District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020**

From: CS-2 Service Commercial  
To: R-3 High Density Residential



## M E M O

Appendix B

TO: Wallace Mah, Clerk Administrator  
 FROM: Jim McManus, Director of Planning  
 DATE: March 27, 1995  
 SUBJECT: Longhouse Developments - Lot 8, D.L. 284, Plan VIP 58757, C.D.

\*\*\*\*\*

This present response supersedes previous comments dated March 15th and is based on formal and full submission referred to me.

1.0 APPLICATION

For Development Permit

2.0 RECOMMENDATION

Approval in principal subject to:

- (i) positive referral response from the Ministry of Transportation & Highways;
- (ii) positive infrastructure assessment by both Public Works and Village Engineers;
- (iii) Council concurrence with "theme", colours and specs submitted;
- (iv) Council directive on bonding requirement for the proposal and also use of restrictive covenants (see Section 4.0 below);
- (v) formal resubmission by applicants of deficiencies noted in Section 3.0.

3.0 DEFICIENCIES NOTED:

The following need to be addressed by applicants;

- need formal plans/elevations of ALL unit styles as well as the "three office/store fronts";
- landscaping treatments and landscape retention areas specified (including specifics to be planted);
- all ground cover/treatments specified;

- garbage containment - siting, screening and landscaping;
- sizes and treatments for access road aisle widths and parking bays etc. (eg. blacktopped);
- all external colours/materials specified;
- loading/unloading requirements;
- setbacks specified.

4.0 COUNCIL ISSUES

- (a) due to size of units I recommend restrictive covenant precluding year round occupation. Would Council concur or otherwise?
- (b) bonding - would Council consider the appropriateness or otherwise of this here and instruct staff accordingly?

Respectfully submitted.



**ALBERNI-CLAYOQUOT  
REGIONAL DISTRICT**

3008 Fifth Avenue, Port Alberni, B.C. CANADA V9Y 2E3

Telephone (604) 720-2700 FAX: (604) 723-1327

## MEMORANDUM

**RECEIVED**

MAR 15 1995

**VILLAGE OF UCLUELET**

**TO:** Wallace Mah, Administrator

**FROM:** Jim McManus, Director of Planning

**DATE:** March 15, 1995

**SUBJECT:** Proposed Motel Development - Longhouse Developments - Lot 8, D.L. 284, Clayoquot District, Plan VIP58757

I have presumed the drawings done by Vic Kimola re the above have been referred to me for informal comment. Such being, indeed, the case I would respond as follows:

### ZONING BY-LAW 519 - Comments:

- zoned "C-5" - motels and motor hotels permitted by virtue of section 125.1(5);
- the proposal, by virtue of by-law definition, is for a motel (9 unit) with office and/or dwelling unit?;
- Section 125.2(3) [in particular subsection (a)] is NOT addressed in the submission;
- zoning setbacks under Bulk and Site regulations need addressing in the submission;
- the applicants attention should also be drawn to Section 6.11 re floor areas, Section 300 re car parking requirements and sizes, aisle widths, etc, section 400 re loading/unloading requirements - all of which need incorporation into the submission.

### OCP BY-LAW 498 - Comments:

- "permitted" under Future Tourist/Highway Commercial designation in OCP;
- also within a designated Development Permit Area (Section "H" Commercial, policy 7 is referenced) and the guidelines laid out (1-4) should be acknowledged by the applicant to a greater degree than submitted;
- external materials and colours, landscaping, surface treatments - blacktopped areas, etc. (??) need to be addressed;

Members: City of Port Alberni, Village of Ucluelet, District of Tofino  
Electoral Areas "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sprout Lake), "E" (Beaver Creek) and "F" (Cherry Creek)

R.D. ALBERNI/CLAYOQUOT REGIONAL DISTRICT OFFICE UCLUELET

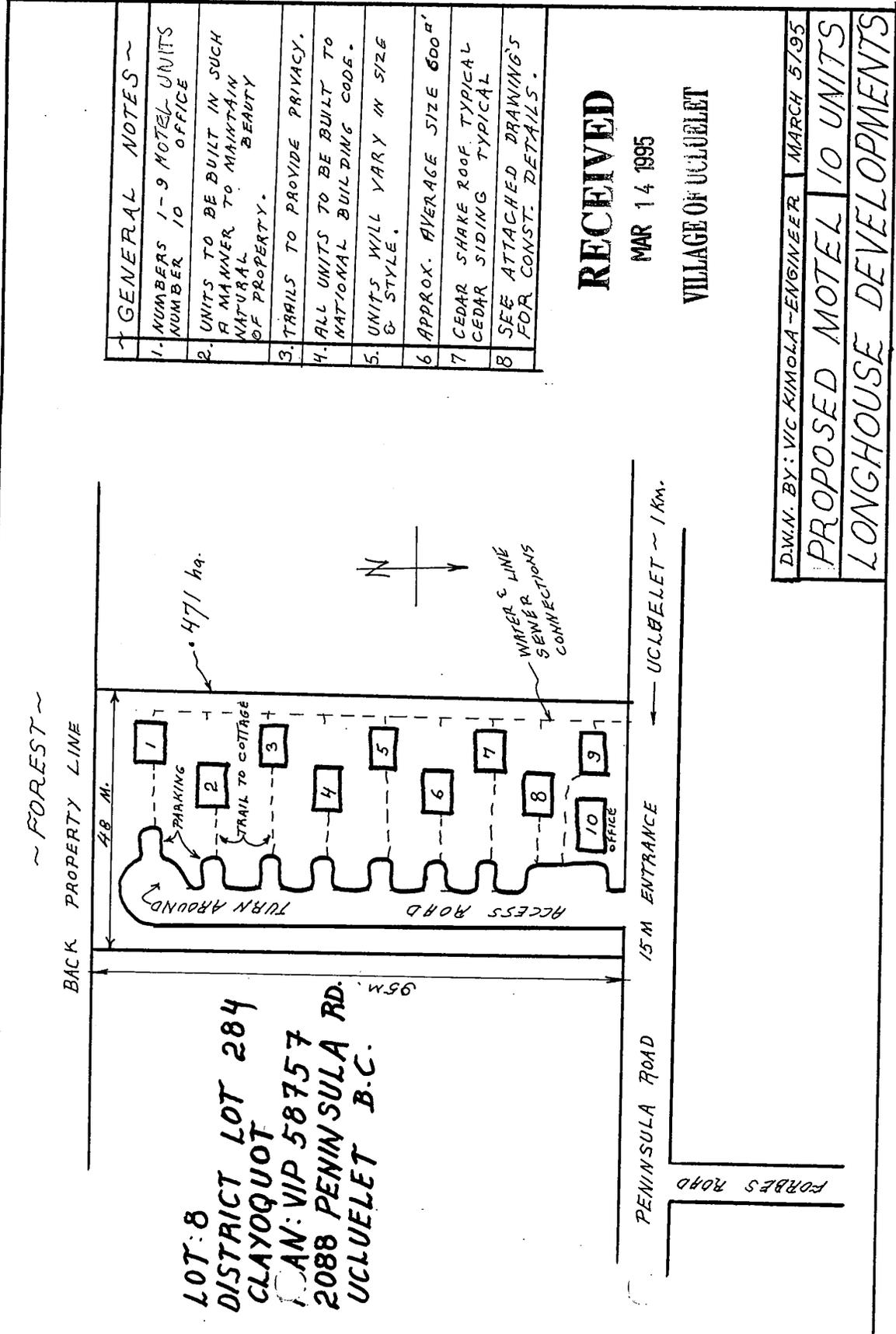
03/15/95 10:22 FAX 604 723 1327

**GENERAL COMMENTS:**

- needs referral to Ministry of Transportation and Highways;
- needs emphasis on landscaping and landscape retention;
- needs infrastructure/service assessment by Village Engineers and Public Works;
- garbage containment - siting, screening and landscaping;
- should be referred to Building Inspector as early in process as possible;
- need formal plans/elevations of all style of units;
- due to size of units suggested, I would recommend restrictive covenant precluding year-round occupation (residential component).

Please accept this as a rough first-out at this submission. Please discuss as and when you can.

Respectfully submitted

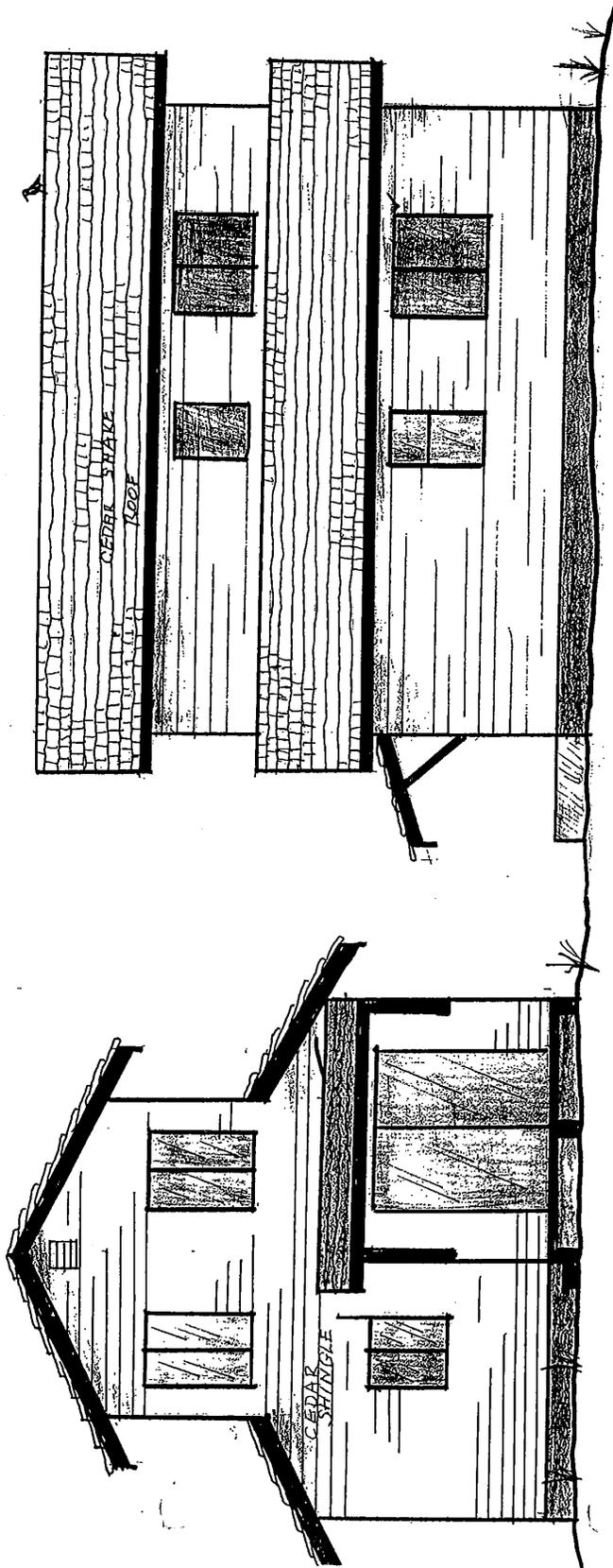


LOT: 8  
 DISTRICT LOT 284  
 CLAYOQUOT  
 CAN: VIP 58757  
 2088 PENINSULA RD.  
 UCLUELET B.C.

GENERAL NOTES ~	
1.	NUMBERS 1-9 MOTEL UNITS NUMBER 10 OFFICE
2.	UNITS TO BE BUILT IN SUCH A MANNER TO MAINTAIN NATURAL BEAUTY OF PROPERTY.
3.	TRAILS TO PROVIDE PRIVACY.
4.	ALL UNITS TO BE BUILT TO NATIONAL BUILDING CODES.
5.	UNITS WILL VARY IN SIZE & STYLE.
6.	APPROX. AVERAGE SIZE 600'²
7.	CEDAR SHAKE ROOF TYPICAL CEDAR SIDING TYPICAL
8.	SEE ATTACHED DRAWINGS FOR CONST. DETAILS.

**RECEIVED**  
 MAR 14 1995  
 VILLAGE OF UCLUELET

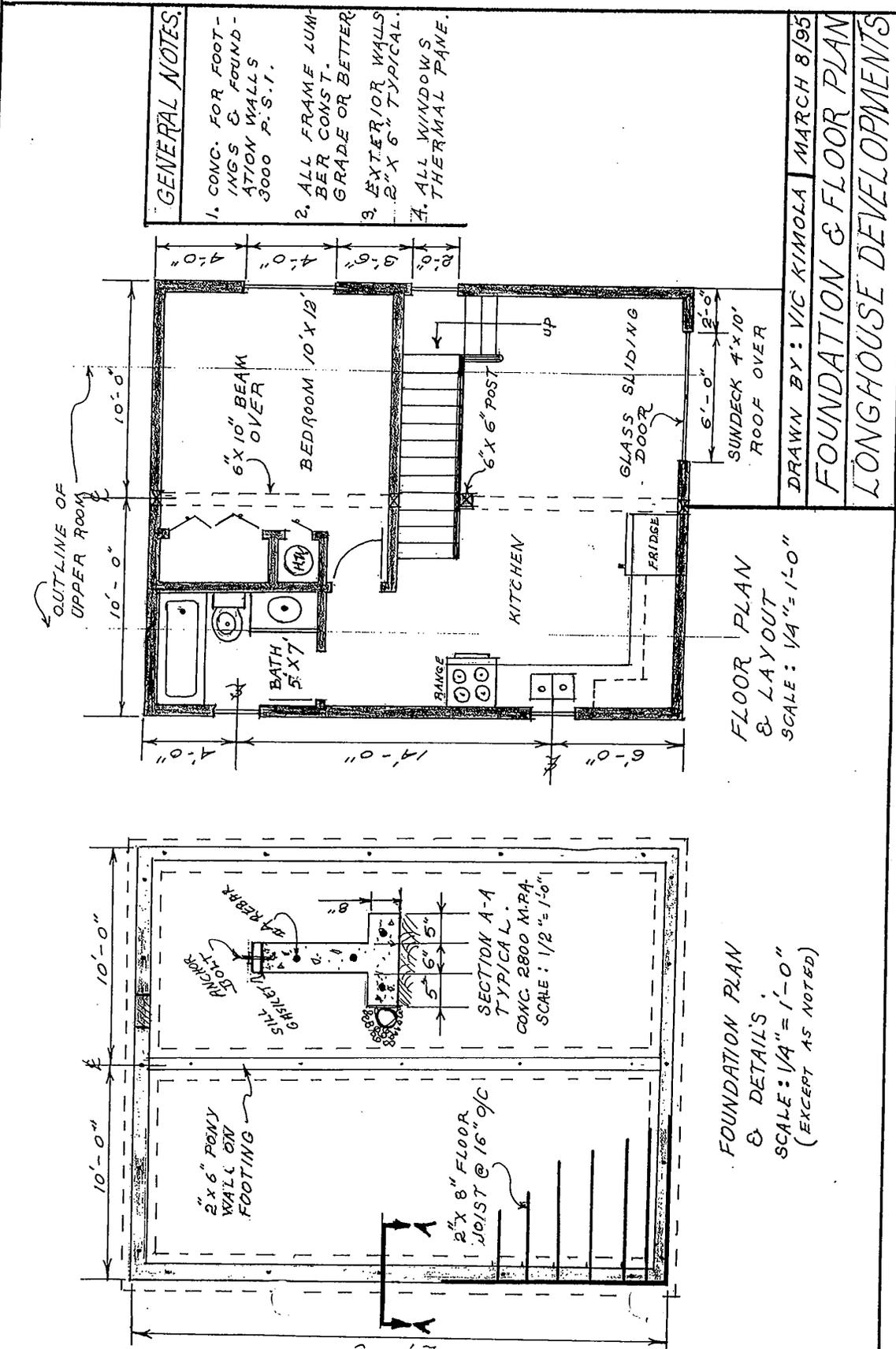
D.W.N. BY: VIC KIMOLA - ENGINEER MARCH 5/95  
**PROPOSED MOTEL 10 UNITS**  
**LONGHOUSE DEVELOPMENTS**



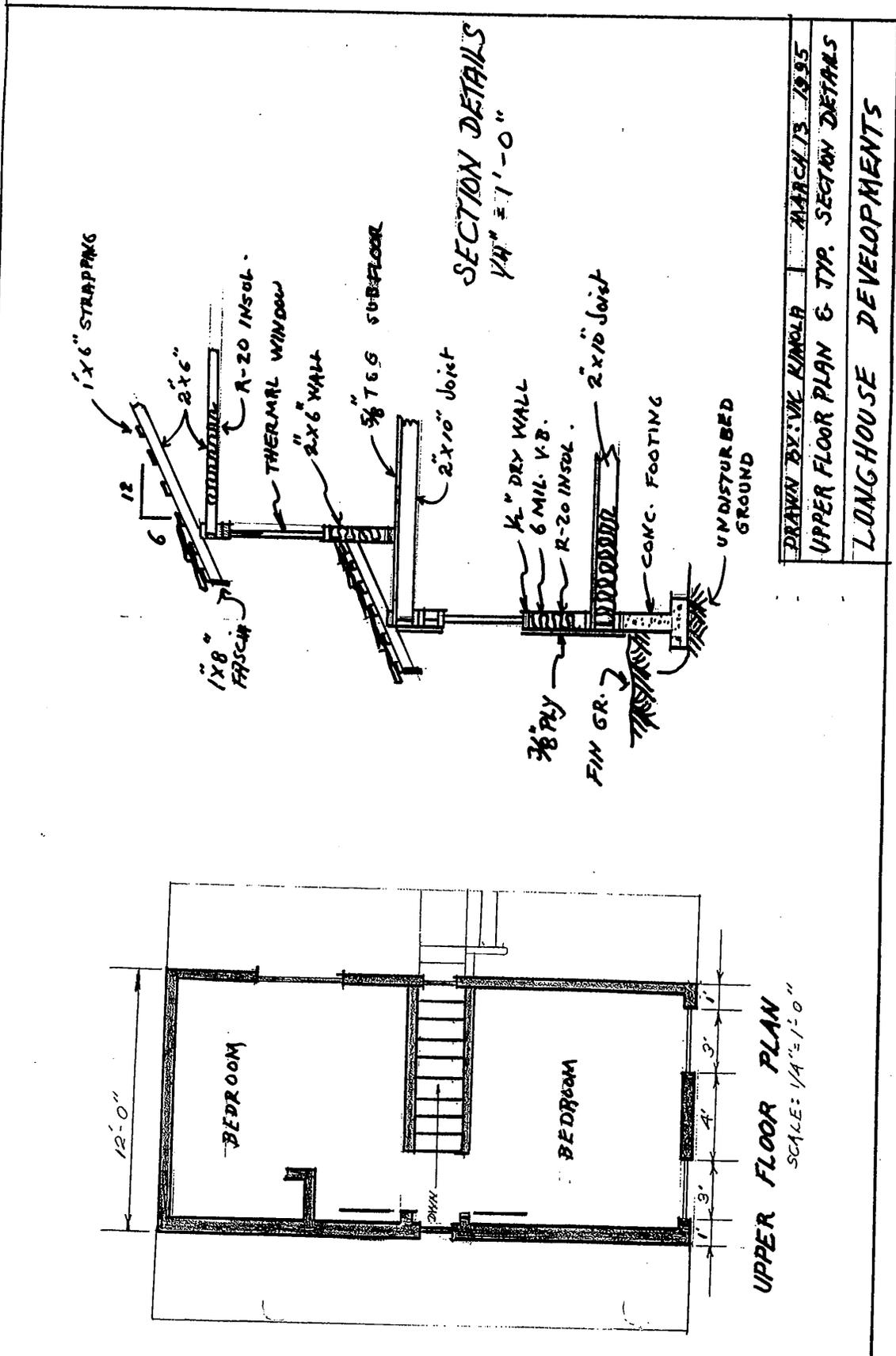
SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

EAST ELEVATION  
SCALE: 1/4" = 1'-0"

DRAWN BY: VIC KIMOLA	MARCH 11/95
ELEVATIONS	
LONGHOUSE DEVELOPMENTS	



DRAWN BY: VIC KIMOLA MARCH 8/95  
**FOUNDATION & FLOOR PLAN**  
**LONGHOUSE DEVELOPMENTS**



DRAWN BY: VIL KANDLA | MARCH 13 1995  
UPPER FLOOR PLAN & TYP. SECTION DETAILS  
LONGHOUSE DEVELOPMENTS



## Appendix C

## District of Ucluelet

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

## Notice of Zoning, Building and Fire Inspection

**Date:** October 30<sup>th</sup>, 2019

**Owners:** Glen Charles Kaikkonen; Vincente Michael Kimola; Tara May Ryan; Melissa Turner

**Address:** 2088 Peninsula Road

**Legal:** Lot 8, District Lot 284, Clayoquot District, Plan VIP58757 (PID 018-743-668)

To: **All Owners and Occupants of the property at 2088 Peninsula Road**

On October 7, 2019, District of Ucluelet building inspection staff entered the property at 2088 Peninsula Road to apply a Stop Work Order on an addition being constructed without building permit. As part of the Stop Work Order review it was noted that there appear to be additions and modifications to other buildings on site. The primary use occurring on the site appears to be residential; this use is not compliant with the permitted uses for land designated as CS-2 Service Commercial under the District of Ucluelet Zoning Bylaw.

Note that the Development Permit and Building Permits issued in the past were for a Motel use. Our records show that the property has had a business licence for a 13-room Motel since 1996, and should be operating as a single, unified Motel.

*“Motel” means a building, or group of buildings on the same lot, providing four (4) or more separate guest rooms or dwelling units with the entrance to each room being to the outside of the building, for commercial tourist accommodation use only, functioning from an on-site staffed office, and with on-site parking in close proximity to each guest room or dwelling unit;*

*“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;*

It was apparent from our site visit and online investigation that the property is not operating as a motel, but rather as a cluster of multiple residential units.

Regarding the structures on the property, it was also evident from our site visit that there has been work done without building permit to many if not all of the buildings. There appear to have been structural renovations, additions, and the creation of new units within the buildings. The building permit records show that some buildings have never been granted a final occupancy permit. We also noted that some of the work may not meet the minimum health and safety requirements of the *BC Building Code*.

**In the short term**, the District of Ucluelet will inspect all units of the motel to review the buildings for minimum life and safety deficiencies, fire safety requirements, and zoning compliance. **District staff will be visiting the property and will require access to the interior of all units to perform a visual inspection at 10:00am on Thursday, November 14<sup>th</sup>, 2019.**

If we cannot access individual units, a Do Not Occupy notice may be posted on any uninspected buildings on the property. The District will then consider next steps in enforcing the bylaws, including the potential of issuing fines to the property owners. We understand that there may be people living in these units full time and **we do not want to see any residents displaced from their homes**. At the same time, the District is in the role of maintaining the safety and wellbeing of the community by ensuring that minimum building standards are met. Since we have become aware that there may be issues with this property, the District of Ucluelet will take steps to ensure the property is safe and compliant with the minimum standards of the *BC Building Code* and *Fire Code*.

We appreciate the difficulty finding housing in Ucluelet and that a notice of this type may cause concern and worry for residents, and that you may have questions. **We invite any residents and owners of the property to meet with District staff to answer your questions at 5:00pm on Monday, November 4<sup>th</sup>, 2019, in the George Fraser Room at the Ucluelet Community Centre, 500 Matterson Drive.**

For the long term, we suggest the owners of the property discuss and decide on your preferred long-range use of the property and then take the necessary steps to bring the property up to the minimum standards for that use. We consider the following as important steps to bring the property to a state where it will be safe and in compliance with District bylaws:

1. Present a clear vision to the District for the future use of the property.
2. Submit a rezoning request to bring the property into compliance by adjusting the permitted uses on this site (if required).
3. Submit a surveyed site plan identifying the structures, roads, parking, garbage pick-up locations and all current and proposed uses on the property.
4. Commission a review of buildings and structures for compliance with the Building Code – this could involve an architect and/or engineers.
5. Apply for building permits for any re-construction necessary to fix any deficiencies found in the architectural and engineering review.

The District of Ucluelet staff see value in this type of housing within the mix of housing stock in the community, and encourage the owners to come forward with a plan to bring the property into compliance to ensure its continuity. We also encourage the owners to take immediate steps to ensure that the buildings are safe for their intended use.

Respectfully,



Bruce Greig  
Manager of Community Planning

cc: Mark Boysen, Chief Administrative Officer  
Rick Geddes, Fire Chief  
John Towgood, Planner  
Nick Henderson, Building Inspector  
Brent Ashton, Bylaw Enforcement Officer



## Appendix D

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

## Follow-up: Zoning, Building and Fire Inspection

**Date:** January 21<sup>st</sup>, 2020

**Owners:** Glen Charles Kaikkonen; Vincente Michael Kimola; Tara May Ryan; Melissa Turner

**Address:** 2088 Peninsula Road

**Legal:** Lot 8, District Lot 284, Clayoquot District, Plan VIP58757 (PID 018-743-668)

**To:** All Owners and Occupants of the property at 2088 Peninsula Road

This letter is following up on our letter of October 30<sup>th</sup>, 2019, the meeting with residents and owners on November 4<sup>th</sup>, 2019, and the subsequent site inspection on November 14<sup>th</sup>, 2019. The District's primary interest in seeking bylaw compliance on the property is to ensure that minimum standards of health, safety and wellbeing are met for the occupants; we recognize the value that this type of housing provides within the mix of housing stock in the community, and **we do not want to see any residents displaced from their homes as a result of this process**. I would like to extend my thanks again to the residents who made their homes available for inspection on November 14<sup>th</sup>.

### A. Land Use:

From the site inspection and representations from the owners and tenants, it is clear that the property is not operating as a motel, and has not operated as a motel over the past years; instead the use of the property has been and continues to be a cluster of multiple residential units. In the meeting on November 14<sup>th</sup>, the owners present indicated that their hope is to continue to provide long-term housing on the property.

As noted previously, the current commercial zoning designation for the property does not include multi-family residential as a permitted use. To legalize the current use and reflect the desire of the owners and tenants to continue the residential occupancy of the property, staff have prepared a zoning amendment bylaw for Council to initially consider at its January 28<sup>th</sup>, 2020, regular meeting which is scheduled to begin at 3:30pm. A draft staff report and copy of the bylaw is attached. If any owners or occupants wish to submit comments for Council to consider, they can be submitted in writing up until noon on January 22<sup>nd</sup> to be included in the agenda; we also expect that Council will provide an opportunity in the meeting on the 28<sup>th</sup> for interested parties in attendance to speak to this matter. As the bylaw proceeds, there would also be a Public Hearing scheduled for a later date to be determined (with notification in advance). In brief, the bylaw would simply change the designation of the property from *CS-2 Zone-Service Commercial* to the *R-3 Zone-High Density Residential*. If this zoning amendment bylaw were adopted by Council, the permitted principal use on the property would therefore become Multiple Family Residential; this means the owners do not need to submit an application to rezone the property at this time, and can focus instead on making some necessary upgrades to the buildings.

In addition, we have cancelled Business Licence #4214 for the Raven Motel, as clearly this is not a Motel operation in compliance with the *Ucluelet Business Regulation and Licensing Bylaw No. 922, 2003*. If the owners wish to appeal this licence cancellation, they can do so by submitting their appeal in writing within 10 days. Please note that the cancellation of the business licence does not affect the continued rental of the residential units; although the use of the property is not currently in compliance with the Zoning Bylaw, the District is not pursuing enforcement of the Zoning Bylaw at this time while the above-

mentioned zoning amendment is being considered. To be clear, **there should be no need to interrupt residential tenancies** while this zoning amendment is in process; the intent of the draft Ucluelet Zoning Amendment Bylaw No. 1262, 2020, is to bring the property's zoning designation into alignment with the residential use of the property to allow the residential tenancies to continue.

B. Buildings:

Under the *District of Ucluelet Building Bylaw No. 1165, 2014*, **the owners of the property are responsible for obtaining permits and ensuring that all buildings and structures comply with the British Columbia Building Code**. From the file review and site inspection, it appears that there are a number of upgrades necessary to bring the units up to the minimum standard of health and safety established by the building code. Attached is a summary of these findings and a prioritized list of key upgrades which the District sees as vital; **all work is to be completed under valid building permits**.

It was noted that there appear to be some vacant units on site and we encourage the owners to make arrangements for residents of the most code-deficient units to locate in more compliant units until the necessary repairs and upgrades have been completed. This should be considered in particular for those units in buildings B, C and G which are identified as top priorities for upgrading – see the attached building notes for details.

It is evident that there have been modifications done without building permit to many of the buildings on site, contrary to the *Building Bylaw*. Some buildings have never been granted a final occupancy permit. We also noted that some of the work may not meet the minimum health and safety requirements of the *BC Building Code*. We recognize that bringing all buildings up to code and documenting that compliance is a large task. The District's approach will be as follows:

- for buildings with occupancy permits which resemble the original permit conditions, the District will assume that construction conformed to the applicable Code of the day;
- currently visible non-compliant construction and life safety issues such as inadequate smoke alarms and egress conditions should be corrected immediately. The current *BC Building Code* reflects the best information available on what constitutes minimum levels of life safety, and upgrades should be made to meet these standards where unsafe conditions exist; The owners are responsible for obtaining permits and ensuring all buildings comply with the *Building Code*;
- for buildings which have been modified from the original permit conditions and non-conforming construction took place without the knowledge of the District, the owners will need to apply for building permits to correct the non-conforming construction;
- Staff are recommending that Council authorize the registration of a notice on the title of the property of work done without permits, under Section 57 of the *Community Charter*. This is to alert any potential future owner of the existence of non-compliant buildings and structures built without permit. Such a notice is removed from the property title once all deficiencies have been remedied under a valid building permit and the owners have obtained occupancy permits for all work;
- **Attached to this letter is a list of upgrades which the District considers are vital to provide a basic level of protection for the safety and health of the occupants. If the owners take progressive steps to fix these deficiencies in a timely manner** (again, under the necessary building permits), **Council may hold off on taking measures to enforce the Building Bylaw** (e.g., further Stop Work or Do Not Occupy notices, fines, remedial action orders, seeking court injunction, etc.) to compel full permitting, occupancy and bylaw compliance.

A registered professional may be necessary to sign off on certain aspects of the building upgrades (e.g., structural) as the case may be. Further discussion with the Building Inspector will be necessary as the owners prepare plans for obtaining individual building permits.

The owners are required to **respond in writing with a proposed plan and timeline for addressing the building deficiencies and work done without permits by February 21<sup>st</sup>, 2020**. We encourage the owners to take immediate steps to ensure that all buildings are safe for their intended use. Note that this is one shared property with four registered owners; we cannot recognize individual ownership or separation of the responsibility for specific units – it will be up to the owners to coordinate how they wish to share costs and coordinate the work. We encourage the owners to designate an agent to provide a single point of contact and coordinate communication for these building issues. Another option is for the four owners to authorize different individual owners to be the acting agent responsible for different individual building permits.

In the long term, if the owners have other plans for the property or wish to seek additional approvals such as subdivision or adding other permitted uses, we would encourage you to discuss these with staff at the District; we can discuss the options and process for seeking those future approvals. At this time, however, we would suggest that clearing up the current land use and building bylaw issues should remain the focus.

This is a complex property, with a complex history. We trust the above strikes a fair balance of respecting the owners' and tenants' interests, while addressing the District's concerns for ensuring that minimum standards are met for the health, safety and wellbeing of the current and future occupants of the property. Please don't hesitate to contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to be 'B Greig', enclosed within a circular scribble.

Bruce Greig  
Manager of Community Planning

cc: Mark Boysen, Chief Administrative Officer  
Rick Geddes, Fire Chief  
John Towgood, Planner  
Nick Henderson, Building Inspector  
Brent Ashton, Bylaw Enforcement Officer



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

**Observations from site visit to 2088 Peninsula Road on November 14, 2019:**

The following notations relate to the building labels shown on the layout in the attached site plan "Appendix 1".

A survey of the property should be conducted to ensure buildings are constructed within the property boundaries and Zoning setbacks. The un-permitted addition to Building C is a concern in this respect. Variances could be applied for if/where the setbacks required by the Zoning bylaw have been contravened.

A professional assessment of the servicing of the property should be undertaken to determine if the buildings have adequate water and sewer services.

Code issues have been identified in all buildings on the property, as noted below. The following are the most pressing and should be given immediate priority by the owners:

priority	Building	Unit	Actions
1	G	#17	relocate occupant; access/egress stairs; smoke alarms
2	C	#8a	egress window; remove ladder/upper level; smoke alarms
3	B		access/egress; smoke alarms
4	A		deck/walkway/guardrails; smoke alarms
5	A	#1	stairs/guards; handrails; smoke alarms
6	F	#14	smoke alarms
7	F		structural support of decks/walkways/stairs; smoke alarms

**Note that the property owners are responsible for the state of the property and the safety of the occupants of all buildings on site - we encourage the owners to take immediate steps to ensure that all buildings are safe for their intended use.**

**Building Notes: 2088 Peninsula Road****Building A:**

- Original BP# 95-12 issued May 16, 1995 for a motel office building
- No plans on file
- Received Occupancy permit June 4, 1996. No documentation of the configuration of the building at occupancy

## Current configuration:

- 3 storeys, 4 dwellings (1,2,3 & 4) (5 sleeping rooms) plus small unoccupied “office” and bathroom
- Upper floors:
  - (Unit 1) One 2-storey, 1-bedroom dwelling (living room down, bedroom up)
  - (Unit 2) One 2-storey, 2-bedroom dwelling (Living room & bedroom down, bedroom up)
- Ground floor: Two 1-bedroom dwellings (Units 3 & 4)
- All units occupied with long-term tenants

## Compliance:

- Applicable Code: 1992 BC Building Code (with revisions up to 1995)
- No records of inspections being requested during construction

## Observed non-compliance and life safety issues:

- Unit 1: Old battery-operated smoke alarm, very uneven unit risers on winder stairs, pointed winder treads (non-compliant runs), no stair opening guard, no handrail  
**[\*Priority Item #5]**
- Unit 2: No smoke alarms, very low headroom over stairs to upper bedroom
- Unit 3: Old battery-operated smoke alarm, bedroom egress window opening only .27m2 (.35m2 minimum)
- Unit 4: No smoke alarm, no kitchen exhaust, wood cabinetry and shelves within 0.4 m of cooktop, bedroom egress window opening only .27m2 (.35m2 minimum)
- Egress decks & walkways with inadequate bearing support and framing, deck/ walkway guards inadequately attached and in poor condition; needs replacing **[\*Priority Item #4]**
- Fire separations between units not confirmed

## Key upgrades:

- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Building permit required
- Update to current Code for life safety and egress
- Rebuild deck/ walkways/ guards to Code
- Electrical inspection / permits – contact Technical Safety BC

**Building Notes: 2088 Peninsula Road**

---

**Building B:**

- Original BP# 96-11 issued August 27, 1996 for a 2-storey, 2 unit motel cabin
- No plans on file
- Received Occupancy permit May 10, 1999. No documentation of the configuration of the building at occupancy

## Current configuration:

- 3-storey, 3-dwelling units (Units 5,6 & 7) (3 sleeping rooms)
- Unit 5: Ground floor, 1-bedroom dwelling
- Unit 6: 2<sup>nd</sup> floor, studio apartment
- Unit 7: 3<sup>rd</sup> floor, studio apartment
- All units occupied with long term tenants

## Compliance:

- Applicable Code: 1992 BC Building Code (with revisions up to 1995)
- No records of inspections being requested during construction

Observed non-compliance and life safety issues [**Priority Item #3**]:

- Unit 5: No bedroom egress window. Old battery-operated smoke alarm
- Unit 6: Access/ egress, missing smoke alarm (battery operated)
- Unit 7: Access/ egress by significantly non-compliant stairs and deck platforms
- Stairs have sloping/ uneven unit-rises
- No handrails
- Decks are constructed out of 2x6 with unpermitted cantilevers. Supported by very long knee braces (non-compliant deck support)
- Fire separations cannot be confirmed

## Key upgrades:

- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Building permit required
- Upgrade to current Code for all life safety and egress
- Possible structural engineering assessment for deck support. Re-build stairs to Code, install handrails
- Electrical inspection / permits – contact Technical Safety BC

**Building Notes: 2088 Peninsula Road**

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**Building C:**

- Original BP# 00-04 issued January 31, 2000 for a 1-storey “caretaker suite”
- Plans on file depict a single-storey cabin
- No Occupancy Permit

## Current configuration:

- 2-storey building with 2 dwelling units (Units 8a and 8b) (2 sleeping rooms)
- Unit 8a: ground floor 1-bedroom dwelling unit with access to a second floor
- Unit 8b: studio apartment on ground floor
- Unit 8a is un-occupied (and could be considered for temporary accommodation of tenants displaced during construction on other units), 8b has a single long-term tenant

## Compliance:

- Applicable Code: 1998 BC Building Code (with revisions up to 1999)
- No records of inspections being requested during construction

## Observed non-compliance and life safety issues:

- Unit 8a: electrical panel covered by refrigerator, no egress window in bedroom, ladder/ stair to second level (Ladder not permitted form of access. Second level constructed with no building permit), old battery-operated smoke alarm, structural support of second level questionable, porch roof not adequately supported, exterior padlock on exit door poses serious egress issue. [**\*Priority Item #2 – requires egress window and remove ladder**]
- Unit 8b: Entire unit addition built with no building permit. Foundation is wooden shims and pallets. Roof does not appear adequately supported. Battery operated smoke alarms not mounted. No cooktop exhaust. [**Temporarily mount smoke alarms and kitchen exhaust; long-term, demolish or re-build**]

## Key upgrades:

- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Upgrade to current Code for all life safety
- Decommission second storey of Unit 8a or Building Permit with structural engineering assessment to re-build to current Code
- Decommission Unit 8b or Building Permit with complete re-build to current Code
- Electrical inspection / permits – contact Technical Safety BC

**Building Notes: 2088 Peninsula Road**

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**Building D:**

- Original BP# 97-11 issued August 26, 1997 for a 2-storey, 2 unit motel building
- Plans on file depict 2- storey building with open verandas in front of both levels
- Occupancy permit issued May 10, 1999

## Current configuration:

- 2- storey, 2- dwelling units
- Stop work order posted on October 7, 2019 for building an addition without a building permit
- Unit 9: 1-bedroom dwelling on ground level. Long-term tenant
- Unit 10: 1-bedroom dwelling on second floor. Property owner vacation home

## Compliance:

- Applicable Code: 1992 BC Building Code (with revisions up to 1995)
- No records of inspections being requested during construction

## Observed non-compliance and life safety issues:

- Smoke alarms are old and battery-operated only
- Fire separations not confirmed
- Ground conditions under new addition not verified
- New addition roof framing not deep enough for Code conforming insulation and ventilation

## Key upgrades:

- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Upgrade to current Code for all life safety
- Building Permit for new addition with Geotechnical engineering assessment of bearing conditions and structural engineering assessment of solid wood elements of framing (ungraded timbers used for posts and beams)
- Electrical inspection / permits – contact Technical Safety BC

**Building Notes: 2088 Peninsula Road**

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**Building E:**

- Original BP# 02-15 issued August 1, 2002 for a 2-storey up/down duplex for motel rental purposes
- No plans on file
- Occupancy permit issued June 27, 2003

## Current configuration:

- 2 storey, 2 dwelling units (one up one down)
- Unit 11: Ground floor 1-bedroom dwelling
- Unit 12: Second floor 1-bedroom dwelling
- Both units occupied by long-term tenants

## Compliance:

- Applicable Code: 1998 BC Building Code (with revisions up to 1999)
- No records of inspections being requested during construction

## Observed non-compliance and life-safety issues:

- Unit 11: Old battery-operated smoke alarm, combustible shelving less than 600mm above cooktop, no cooktop exhaust
- Unit 12: Old battery-operated smoke alarm, access/ egress deck and stairs not adequately framed and in poor condition, no handrails,
- Non-GFCI plug by kitchen sink

## Key upgrades:

- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Building permit required
- Upgrade all life safety to current Code
- Rebuild deck and stairs to Code
- Electrical inspection / permits – contact Technical Safety BC

**Building Notes: 2088 Peninsula Road**

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**Building F:**

- Original BP# 02-21 issued July 18, 2002 for a 3-storey 3-plex
- No plans on file
- No occupancy permit

## Current configuration:

- 3-storey, 3-dwelling units (Units 13-15)
- Unit 13: Ground floor studio apartment
- Unit 14: Second floor studio apartment
- Unit 15: Third floor studio apartment
- All units occupied by long-term tenants

## Compliance:

- Applicable Code: 1998 Building Code (with revisions up to 1999)
- No records of inspections being requested during construction / No occupancy permit

## Observed non-compliance and life safety issues:

- All smoke alarms are battery-operated, most are old. Unit 14 smoke alarm inoperable [**\*Priority Item #6**]
- Structural framing and support of access/ egress decks, walkways, and stairs not adequate, severely oversized cantilevers do not comply with Code [**\*Priority Item #7**]
- Fire separations not confirmed

## Key upgrades:

- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Building permit
- Upgrade all life safety to current Code
- Rebuild all decks and stairs to current Code
- Structural engineering assessment of cantilevers not in conformance with Part 9 BCBC
- Electrical inspection

**Building Notes: 2088 Peninsula Road**

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**Building G:**

- Original BP# U-00-10 issued May 19, 2000 for a 2-storey, 2 unit motel building
- Plans on file depict a 2-storey 2-unit building with crawlspace
- Occupancy permit issued July 3, 2001

## Current configuration:

- 2-storey building with two 1-bedroom dwelling units (Units 16 & 17, one up one down)
- Unit 16: Ground floor 1-bedroom dwelling
- Unit 17: Second floor 1-bedroom dwelling
- Both dwellings occupied with long-term tenants

## Compliance:

- Applicable Code: 1998 BC Building Code (with revisions to 1999)
- No records of inspections being requested during construction

## Observed non-compliance and life safety issues:

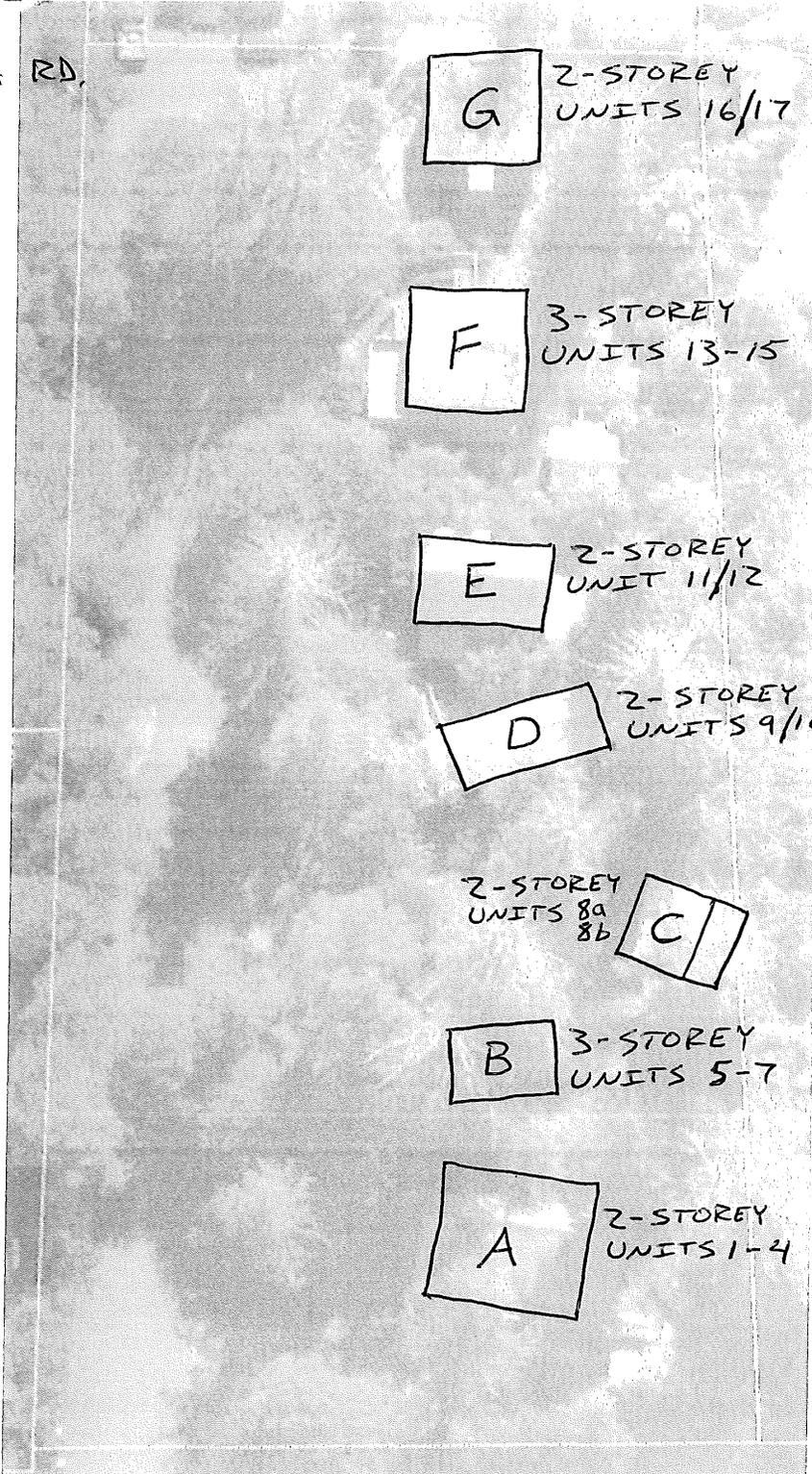
- Unit 16: Bedroom egress window less than minimum width and overall size, inoperable battery-operated smoke alarm, access/ egress deck and stairs not adequately framed/ supported
- Unit 17: Bedroom has no egress window (non-opening window), battery-operated smoke alarm inoperable, non-GFCI plug near sink, open electrical, **access/ egress stairs are in a severe state of disrepair and have inadequate structural support [Priority Item #1]**
- Fire separations not confirmed

## Key upgrades:

- Cease use of stairs to second floor immediately until upgraded to meet code**
- Brand new smoke alarms to be fixed to ceiling in all bedrooms. Preferably hardwired with battery back up
- Building permit required
- Structural engineering assessment of egress facilities
- Upgrade life safety issues to current Code
- Electrical inspection. Contact Technical Safety BC

APPENDIX I

2088 PENINSULA RD.  
"RAVEN LODGE"



Peninsula Road





## DISTRICT OF UCLUELET

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Excerpts from the Tuesday, January 28, 2020 Regular Meeting Minutes

### 14. LEGISLATION

#### 14.1 **Building Infractions and Zoning Bylaw Amendment for 2088 Peninsula Road John Towgood, Planner 1**

Bruce Greig, Manager of Community Planning spoke to the report. He noted the following:

- Property is currently zoned for motel usage. The business license was revoked when Staff become aware of property being used for multi-family residential purposes not as a motel.
- In October Staff observed that construction without permits was taking place on the property and in November Staff followed up with a site inspection and a meeting with the residents. Staff has communicated with both owners and residents in an effort to keep communications consistent.
- Bylaw has been drafted for Council's review, recognizing the situation and the importance of multifamily housing in Ucluelet, which would if passed zone the property for multifamily residential.
- Owners have an opportunity at this meeting to appeal the business license revocation if they wish to do so.
- Section 57 can be put on title that would allow a potential purchaser who is exercising due diligence on the property to become aware of the notice on title and investigate further. If work is completed and the owners are able to gain their occupancy permit the Section 57 can be removed from title.
- Owner's have an opportunity at this meeting to speak to the Section 57 if they wish to do so.

There were no question or comments from Council at this point, and the owner was invited to speak.

Glen Kaikonnen, resident and owner, spoke in support of the actions recommended by Staff, noting that it is a good idea and he is appreciative of all the work done by Staff to move this forward. He noted that he is in agreement with the cancellation of the business license, and noted it is difficult and complicated to run it as a motel, and he would like to have residential zoning.

Residents were invited to speak.

Jared Fenwick, resident, appealed for a longer period of time for landlord to spread the cost of the renovations over a longer period.

Council noted that Staff are working to bring the building into compliance and they can't speak to the timeline required.

2020.013.REGULAR

**It was moved by Councillor Cole and seconded by Councillor Hoar**

THAT Council approve recommendation 3 of legislation item, "Building Infractions and Zoning Bylaw Amendment for 2088 Peninsula Road" which states:

*3. THAT a Notice pursuant to the authority of Section 57 of the Community Charter be filed in the Land Titles Office against the Title of Lot 8, District Lot 284, Clayoquot Land District, Plan VIP58757; PID 018- 743-668; having a civic address of 2088 Peninsula Road.*

CARRIED.

2020.014.REGULAR

**It was moved by Councillor Cole and seconded by Councillor McEwen**

*THAT Council approve recommendation 4 of legislation item, "Building Infractions and Zoning Bylaw Amendment for 2088 Peninsula Road" which states:*

*4. THAT District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020, be given first and second reading and advanced to a public hearing.*

CARRIED.

**DISTRICT OF UCLUELET**  
**Zoning Amendment Bylaw No. 1263, 2020**

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.  
(799 Marine Drive)

---

**WHEREAS** the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

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

**1. Text Amendment:**

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection (3) to section CD-5C.1.1 in alphanumerical order, as follows:

“(3) On the following properties *Accessory Residential Dwelling Unit* is also permitted as a secondary use to the principal *Single Family Dwelling*, located within a detached accessory building on the same property, provided that the *Single Family Dwelling* does not contain a *Secondary Suite* or *Bed and Breakfast*:

(a) Lot 16, District Lot 283, Clayoquot District, Plan VIP84686 (799 Marine Drive).”

**2. Citation:**

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020”.

**READ A FIRST TIME** this 23<sup>rd</sup> day of June, 2020.

**READ A SECOND TIME** this 23<sup>rd</sup> day of June, 2020.

**PUBLIC HEARING** held this    day of            , 2020.

**READ A THIRD TIME** this    day of            , 2020.

**ADOPTED** this    day of            , 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020.”

---

Mayco Noël  
Mayor

---

Mark Boysen  
Corporate Officer

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

---

Mark Boysen  
Corporate Officer



## STAFF REPORT TO COUNCIL

Council Meeting: June 23, 2020  
500 Matterson Drive, Ucluelet, BC V0R 3A0

**FROM:** JOHN TOWGOOD, PLANNER 1

**FILE NO:** 3360-20-RZ20-03

**SUBJECT:** ZONING BYLAW AMENDMENT FOR 799 MARINE DRIVE

**REPORT NO:** 20- 53

**ATTACHMENT(S):** APPENDIX A – APPLICATION  
APPENDIX B – ZONING AMENDMENT BYLAW NO. 1263, 2020

### RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020, be given first and second reading and advanced to a public hearing;

### PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No. 1160, 2013, for Lot 16, District Lot 283, Clayoquot District, Plan VIP84686, PID 027-473-562 (799 Marine Drive - the "**Subject Property**") to allow for a detached cottage instead of an attached secondary suite.

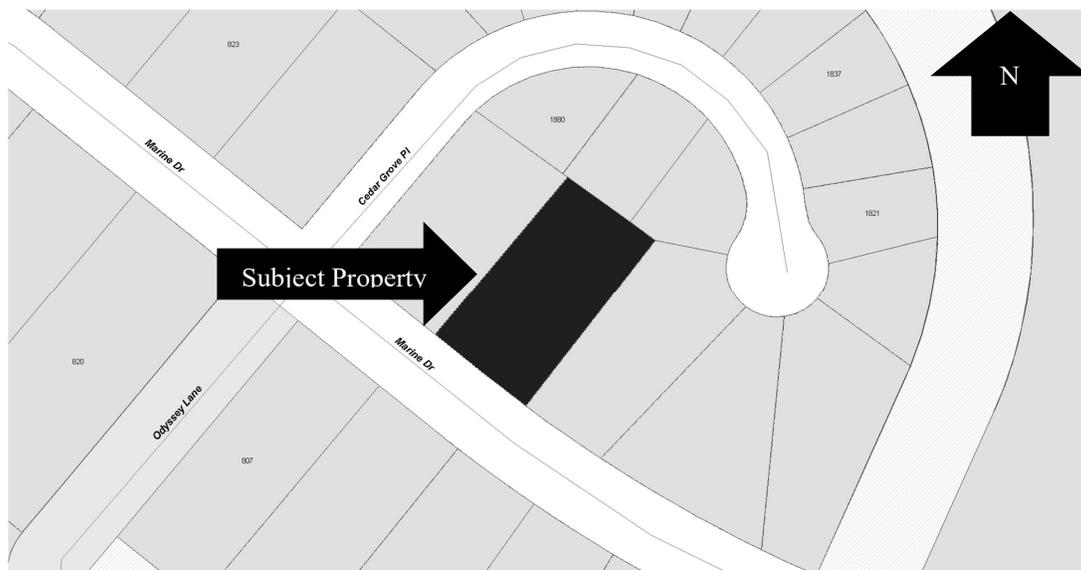


Figure 1 – Subject Property

**BACKGROUND:**

This application was submitted by Renny Talbot on August 22, 2019. The applicant requests a zoning amendment to allow a detached cottage, or *accessory residential dwelling unit (ARDU)*, instead of a secondary suite (SS) in the Single Family Dwelling (SFD) on the Subject Property. Currently suites are only permitted as a secondary use within a single-family home per s. 403.1 (1) (c) of the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the “Zoning Bylaw”).

The Subject Property is a 1,650m<sup>2</sup> lot in a fee-simple subdivision that was created in March of 2008. There is an occupied single-family home located to the front of the property (occupancy was given on March 18<sup>th</sup>, 2018) and a 28m<sup>2</sup> accessory building to the rear (see **Figure 2** and **Appendix A**). This accessory building has been built in such a way that if this application is successful it could be converted to a code-compliant dwelling unit with only minor modifications (under a new building permit for that conversion).

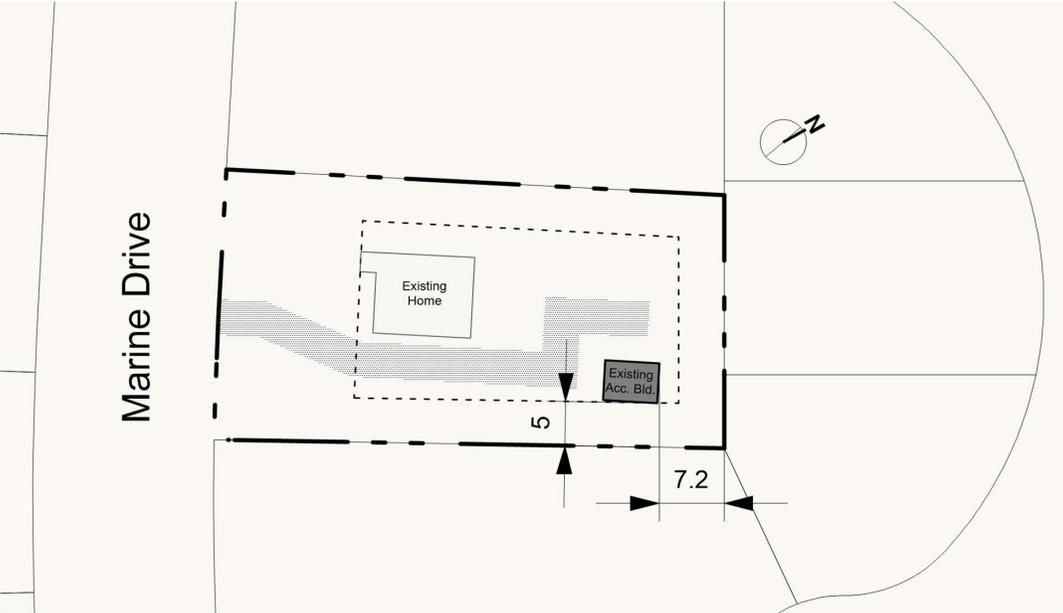


Figure 2 – Site Plan

The Subject Property is in a residential neighborhood with vacant residential properties to both sides and directly to the rear. For the full neighbourhood context see **Figure 3** below.



Figure 3 – Neighbourhood Context

**BYLAW HISTORY:**

- Compliance inspection January 31, 2020 found whole-house rental – not compliant with the “permanent & present resident” requirement in zoning;
- business licence for Bed & Breakfast (**B&B**) suspended on February 3, 2020, and tickets issued for non-compliance with business licence and zoning bylaws;
- tenant found occupying accessory building before obtaining an occupancy permit for the building. Owner notified that residential use of accessory “studio” building does not currently comply with zoning bylaw – ticket issued;
- February 4, 2020, owner confirms that they will cancel their B&B operation and wish to solely pursue the rezoning application for allowing a carriage house (ARDU).
- occupancy permit issued June 3, 2020 for the accessory building - NOT as a dwelling at this time.

**DISCUSSION:**

The Subject Property is currently zoned “CD-5C Plan (Development Area #3)” (**CD-5C**) and has the following permitted uses:

***CD5C.1.1** The following uses are permitted on Lots 14-36 Plan VIP84686 (and lots subdivided therefrom), in the areas of the CD-5C SubZone Plan labeled “Single Family”, and portions of the*

*undeveloped remainder in accordance with the Concept Plan, but secondary permitted uses are only permitted in conjunction with a principal permitted use:*

*(1) Principal:*

*(a) Single Family Dwelling*

*(2) Secondary:*

*(a) Bed and Breakfast*

*(b) Secondary Suite*

Secondary suites are allowed only as a secondary use of a SFD and they must be physically within the home. The requirement for the suite to be attached within a SFD generally ensures that the secondary dwelling is in close proximity to the SFD. This proximity may reduce any impact of the additional residents on a property resulting from a suite (such as noise), especially on smaller properties.

The existing regulations in section 404 of the zoning bylaw stipulate that a Bed and Breakfast use must not be combined with or located in an accessory residential dwelling unit. To be clear, a B&B would not be permitted in the main house if the accessory building at 799 Marine Drive is converted to an ARDU.

Over the last few years staff have seen a reduction of SS units being built and the conversion of secondary suite residential units to Bed and Breakfast units. Anecdotal evidence suggests that this trend is associated with the requirement for suites to be within SFDs as well as the increased success and ease of online short-term rental bookings.

This trend is detrimental to the community's rental housing stock and represents a loss of dozens of existing and potential affordable rental dwellings. To address this trend and encourage the creation of smaller residential units, Staff support housing options such as the detached accessory residential dwelling unit being proposed in this application.

A detached dwelling also has the potential to provide a degree of privacy and independence for the residents which would be qualitatively different from a secondary suite. Support for the detached dwelling is contingent on the ARDU being located in an appropriate setting. In this case, given the location, size and depth of the lot, the ARDU appears to be situated where little impact would result. Also, the approval process would enable an opportunity for neighboring property owners to comment on the siting.

To facilitate the applicant's request to allow the secondary dwelling to be detached from the main house, Staff considered multiple approaches. We looked at options for creating a new zone or modifying the existing CD-5C zone more broadly. Both of those could trigger a wider community conversation. Staff consider it appropriate to limit this application to a site-specific rezoning at this time. Staff propose to modify the list of permitted accessory uses within the CD-5C zone to include an ARDU on the subject property. The Zoning Bylaw would need to be modified as follows:

Section CD-5C.1.1 currently permits the following uses:

*(1) Principal:*

*(a) Single Family Dwelling*

*(2) Secondary:*

*(a) Bed and Breakfast*

*(b) Secondary Suite*

To allow a detached accessory dwelling unit staff propose that the following be added alphanumerically to this section:

*“(3) On the following properties Accessory Residential Dwelling Unit is also permitted as a secondary use to the principal Single Family Dwelling, located within a detached accessory building on the same property, provided that the Single Family Dwelling does not contain a Secondary Suite or Bed and Breakfast:*

*(a) Lot 16, District Lot 283, Clayoquot District, Plan VIP84686 (799 Marine Drive).”*

**TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:**

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

**FINANCIAL IMPACTS:**

There are no direct financial implications to the District of Ucluelet.

**POLICY OR LEGISLATIVE IMPACTS:**

As the requested change does not change the Residential – Single Family land use designation, Staff consider this application to be consistent with the *Official Community Plan*.

**SUMMARY:**

For some time planning staff have been reviewing the creation of a zoning amendment as a more broadly-applied option for allowing detached accessory residential dwelling units on larger residential lots - as an alternative or perhaps as an addition to an attached internal secondary suite. Due to competing priorities and the complexity of amending zoning regulations as they apply to existing neighborhoods, this amendment has not yet been brought forward. Staff expect to bring this forward for Council consideration in the near future. Staff are supportive of creating regulations to permit this use as it could supply an additional needed housing type. Community input will be necessary to ensure that any impacts on existing neighborhoods are carefully considered.

While this current zoning amendment does not address the bigger picture to create a community-wide housing alternative, it is a step forward.

**OPTIONS:**

Staff support the zoning amendment moving forward for the ARDU being proposed for 799 Marine Drive. Alternatively, Council could consider the following:

2. **THAT** Council direct Staff to prepare a zoning amendment bylaw to enable the short-term rental B&B use within the main house in addition to an ARDU on the property at 799 Marine Drive; **or**,
3. **THAT** Council reject the application.

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

Appendix A

Renny Talbot  
1840 Kelsie Road  
Nanaimo BC  
V9X 1B7

August 15, 2019

District of Ucluelet – Planning Department  
ATTENTION: Board of Variance  
200 Main Street  
PO 999 Ucluelet BC  
V0R 3A0

**Subject: Application for Variance of R-1 Zone Permitted Uses**

Dear Board of Variance members:

I (Renny Talbot) am requesting a zoning variance to allow for a carriage house on Lot 16 (799 Marine drive).

This request is to allow the conversion of an existing studio on Lot 16 into a livable dwelling within the existing foot print of the studio. No additional structures will be created.

Lot 16 is approximately 0.4 Acre and significant vegetated setbacks have been maintained providing visual and acoustic buffering from all neighbouring properties. Therefore, secondary family occupancy is anticipate have minimal impact on the surrounding residential neighbourhood thus maintaining the R-1 zoning intention.

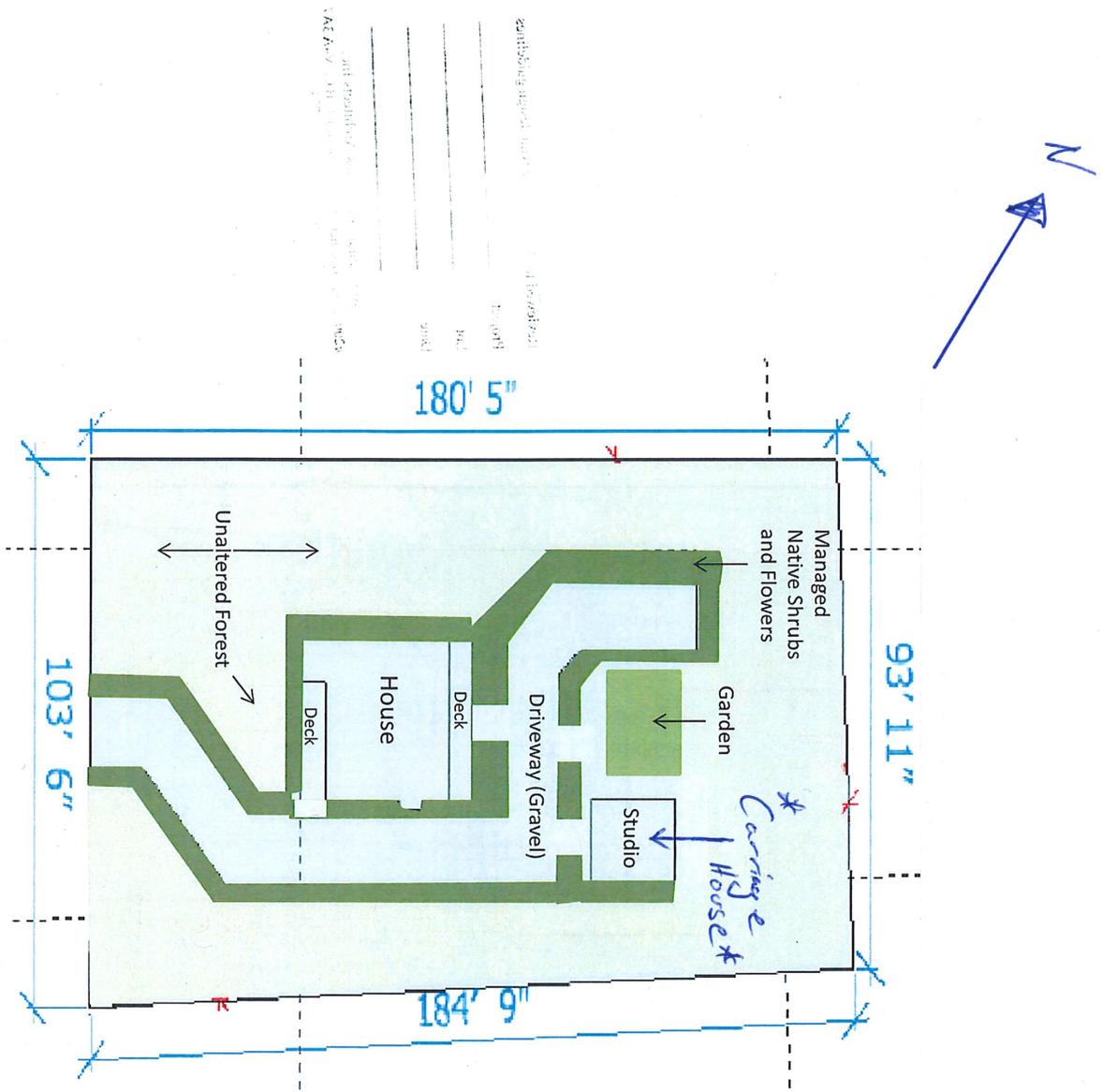
If approved, the carriage house will be available for long term tenants only. Given the shortage of long term rental units in Ucluelet approving this variance will aid the current housing shortage resulting in a benefit to the community of Ucluelet.

Thank you very much for your time and consideration..

Yours sincerely,



Renny Talbot



Contributing Report: [unclear]  
 Date: [unclear]  
 [unclear]  
 [unclear]  
 [unclear]  
 [unclear]  
 [unclear]

\* Please submit # of shrubs (with names) & trees for removal. (Please also incl. size as well)

Reviewed for conformance with design guidelines

Project	0619
Lot	16
Date	Nov. 23, 2016

Arkenman Associates Architects Inc.  
 #200, 12321 Buecher St., Crescent Beach, B.C. V4A3A7  
 Tel: 536-1600 Fax: 536-5774

*[Signature]*

## Appendix B

**DISTRICT OF UCLUELET**  
**Zoning Amendment Bylaw No. 1263, 2020**

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.  
 (799 Marine Drive)

---

**WHEREAS** the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

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

**1. Text Amendment:**

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection (3) to section CD-5C.1.1 in alphanumerical order, as follows:

“(3) On the following properties *Accessory Residential Dwelling Unit* is also permitted as a secondary use to the principal *Single Family Dwelling*, located within a detached accessory building on the same property, provided that the *Single Family Dwelling* does not contain a *Secondary Suite* or *Bed and Breakfast*:

(a) Lot 16, District Lot 283, Clayoquot District, Plan VIP84686 (799 Marine Drive).”

**2. Citation:**

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020”.

**READ A FIRST TIME** this day of , 2020.

**READ A SECOND TIME** this day of , 2020.

**PUBLIC HEARING** held this day of , 2020.

**READ A THIRD TIME** this day of , 2020.

**ADOPTED** this day of , 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020.”

\_\_\_\_\_  
Mayco Noël  
Mayor

\_\_\_\_\_  
Mark Boysen  
Corporate Officer

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

\_\_\_\_\_  
Mark Boysen  
Corporate Officer





## DISTRICT OF UCLUELET

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Excerpts from the Tuesday, June 23, 2020 Regular Meeting Minutes  
*These Minute Excerpts are DRAFT as they have NOT been adopted by Council.*

### 14. LEGISLATION

#### 14.2 Zoning Bylaw Amendment for 799 Marine Drive *John Towgood, Planner 1*

Mr. Greig presented this report. He noted that the subject bylaw allows for a detached cottage on the property instead of an attached secondary suite. He explained that the detached cottage may not be used as a short term accommodation.

2020.130.REGULAR **It was moved by Councillor Kems and seconded by Councillor Cole**

*THAT Council approve recommendation 1 of report item "Zoning Bylaw Amendment for 799 Marine Drive" which states:*

- 1. THAT District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020, be given first and second reading and advanced to a public hearing;*

CARRIED.



**DISTRICT OF UCLUELET**  
**Zoning Amendment Bylaw No. 1271, 2020**

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.  
 (2015 Bay Street and adjacent Water Lot)

---

**WHEREAS** the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

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

**1. Text Amendment:**

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

- a. by adding the following subsection to section M-3.1 in alphanumerical order, as follows:

“M-3.1.6 On Water Lot DL 2042, Clayoquot Land District (the 2015 Bay Street Icehouse):

- 1) *Marina* is also a permitted principal use specifically excluding marine fueling station;
- 2) *Mobile Vending* is also a permitted principal use;
- 3) *Residential* use and *Commercial Tourist Accommodation* are also principal permitted uses within two *Dwelling Units* which may be operated as *Guest Rooms*.

- b. by adding the following subsection to section CS-1.1 in alphanumerical order, as follows:

“CS-1.1.6 PID 001-357-247 on Lot B, District Lot 282, Clayoquot District, Plan 29748 [2015 Bay Street], *Parking Lot* is also a permitted principal use, including overnight parking.”

**2. Citation:**

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020”.

**READ A FIRST TIME** this 23<sup>rd</sup> day of June, 2020.

**READ A SECOND TIME** this 23<sup>rd</sup> day of June, 2020.

**PUBLIC HEARING** held this    day of            , 2020.

**READ A THIRD TIME** this    day of            , 2020.

**ADOPTED** this    day of            , 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020.”

\_\_\_\_\_  
Mayco Noël  
Mayor

\_\_\_\_\_  
Mark Boysen  
Corporate Officer

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

\_\_\_\_\_  
Mark Boysen  
Corporate Officer



STAFF REPORT TO COUNCIL

Council Meeting: June 23, 2020
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1

FILE NO: 3360-20-RZ19-06
3060-20-DP20-03

UPLAND: ZONING AMENDMENT AND DEVELOPMENT PERMIT FOR 2015 BAY STREET REPORT NO: 20-55

ATTACHMENT(S): APPENDIX A - APPLICATION
APPENDIX B - ZONING AMENDMENT BYLAW NO. 1271, 2020
APPENDIX C - DEVELOPMENT PERMIT DP20-03

RECOMMENDATION:

- 1. THAT District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020, be given first and second reading and advanced to a public hearing.

PURPOSE:

To provide Council with information on an application to amend District of Ucluelet Zoning Bylaw No. 1160, 2013 (the "Zoning Bylaw"), for 2015 Bay Street, Lot B, DL 282, Clayoquot District, Plan 29748 (the "Upland Lot") and District Lot 2042, Clayoquot Land District, Licence #114427 (the "Water Lot") to allow for a two-unit motel, parking, and the allowance for mobile vending.

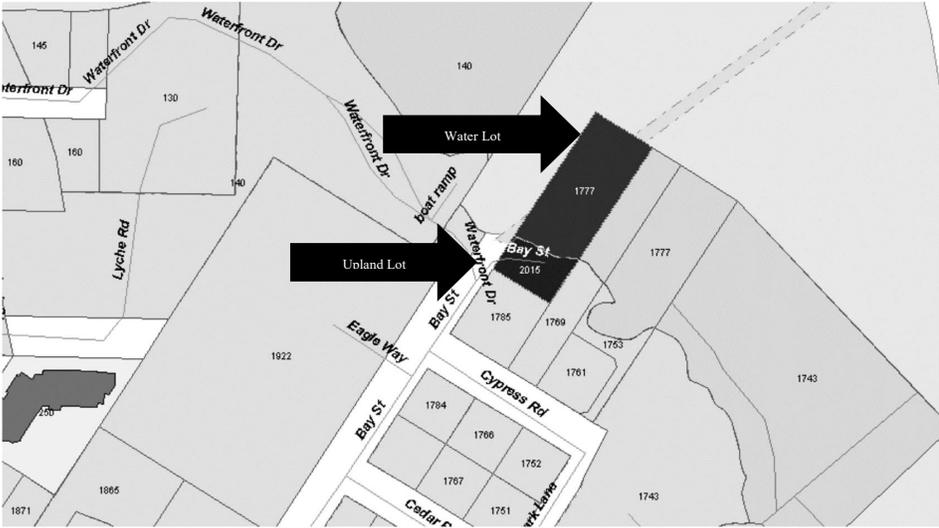


Figure 1 - Upland Lot and Water Lot

**BACKGROUND:**

This application was submitted by Nancy Van Heest on October 23, 2019. The Upland Lot and Water Lot historically were industrial properties supplying ice and packing fish for the fishing industry. The building on the dock housed the ice plant, office, storage and a place for the manager to sleep. The property has not been used in this industrial capacity for many years but it may have at times been used as a dwelling. The Upland Lot is currently zoned CS-1 Village Square Commercial and the Water Lot is zoned M-3 Marine Commercial. Since the industrial use has been inactive for many years there is no lawful nonconformity to that industrial use. The applicant purchased the property late in 2018 and has done substantive aesthetic works along with some structural pier work. They have also converted the existing sleeping area and office area in to two guestrooms or dwelling units. After discussions with Staff the applicant was made aware that a Development Permit would be required for these works and a zoning amendment would be required to allow the proposed use on the water lot and for the standalone parking use on the Upland Lot. The applicant has also indicated that they would like to have the ability to locate a food truck within the Water Lot and staff suggested that this request also be included in this application.

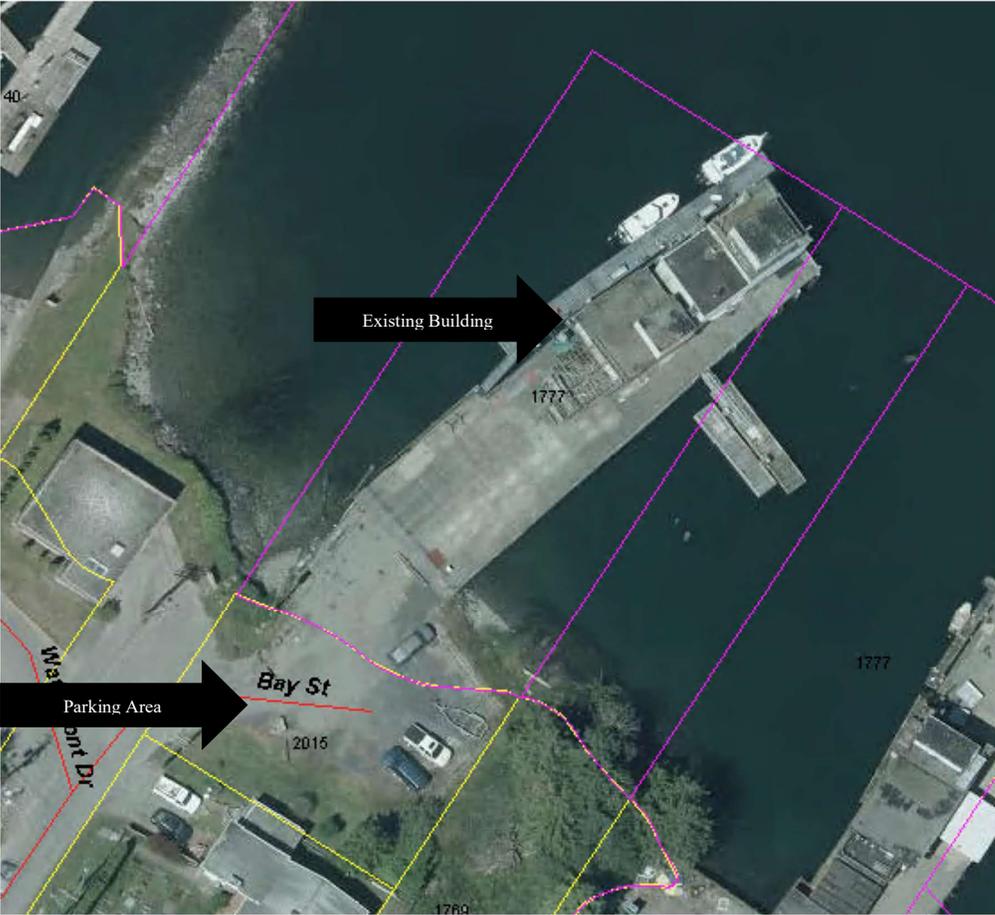


Figure 2 – Orthographic Image

**DISCUSSION:****Official Community Plan - Marine land use policy**

The utilization of Ucluelet's inlet that celebrates this distinct and stunning physical feature and its history is strongly supported by policy. The District of Ucluelet Official Community Plan Bylaw No. 1140, 2011 (the "OCP") captures this sentiment in section 3.4 "Small Craft Harbour / Marine" of the OCP as follows:

*"The calm waters in this natural inlet have provided refuge for mariners for a long period of time. The harbour has potential to maintain and promote what makes Ucluelet a great place – a place that services the fishing and sport fishing industries, the tourist industry, inspires artists and photographers and supports daily recreational enjoyment by many within the community. The harbour is an asset worth protecting for the future economic prosperity and livability in the District."*

**Official Community Plan - Development Permit Area No.1 - Village Square**

The Village Square Development Permit Area (DPA No.1) is established for the following purposes:

- revitalization of an area in which a commercial use is permitted; and
- establishment of objectives for the form and character of development in the resort region.

**Revitalization**

This application proposes repurposing the historical icehouse infrastructure into a two-unit motel and enhancing the upland lot's parking and defining the access. The upland and water lot fall within Development Permit Area No.1 - Village Square. The Village Square section of the OCP touches on the revitalization of the area as follows:

*"The objectives that justify this designation include assisting in the revitalization of the Village Square and enhancing and creating form and character that befits the community's core area. Ucluelet is designated a "resort region" under Provincial legislation, and seeks to distinguish itself from nearby Tofino and other resort regions through its distinctive location, historical development and other attributes, much of which is to be characterized by its core Village Square."*

**Form and Character**

These are excerpts of the DP Area No .1 - Village Square guidelines that Staff consider specifically relevant to the form and character of the proposal:

1. Buildings and associated landscapes should be designed to reflect the west-coast fishing village character and cultural heritage of Ucluelet.
2. Where adjoining properties have uses of different intensity (e.g. single family next to multi-family residential) or different types (e.g. residential next to commercial) an appropriate architectural, building and landscaping transition must be provided;
3. Developments shall strive to create openness, connections, or views to the waterfront areas through open spaces or pathways. No development shall impede public access to the foreshore beyond private property boundaries;

4. *New developments should enhance the network of adjacent public open spaces and trails that connect and cross through the area;*

The buildings size and shape are not changing, and the cladding materials, landscaping and parking proposed are consistent with the village square guidelines. The proposed re-purposing of iconic waterfront buildings and structures such as a fishing wharf and icehouse is strongly supported.

#### Safe Harbour Trail

The current OCP guidelines for the Village Square state that all new developments should enhance the network of adjacent public open spaces and trails that connect and cross through the area. The draft OCP Bylaw No. 1236, 2018, has received first reading. Policy 2.50 of this draft Bylaw sets a priority to create and extend the Safe Harbour Trail by creating a pedestrian route along the Small Craft Harbour connecting to the Village Square as shown on the excerpt of Schedule C below (Figure 3).



Figure 3 – Schedule C from draft OCP Bylaw No.1236

The draft OCP policies clarify and strengthen the existing support for waterfront pedestrian connections found in the 2011 OCP Development Permit Area No. 1 guidelines #3 and 4, quoted above. The Economic Development Strategy also considers the importance of expanding and connecting the Safe Harbour Trail:

*“Policy 4.56 A major draw and economic opportunity lies in the trails by which visitors experience the beauty of the Ucluth Peninsula. Approach funding for extension and upgrade to the Wild Pacific Trail and Safe Harbour Trail equally as an investment.”*

The parks and Recreation master plan supports a Harbour Walk, which synonyms with the Safe Harbour Trail, as follows:

*“The Harbour Walk is a proposed trail connection largely along the waterfront from Seaplane Base Road, through the Small Craft Harbour area, to the Village Square and beyond. Its alignment is conceptual in nature at this time but may connect existing public rights-of-way with new ones, link with recent improvements in the Small Craft Harbour, and/or follow existing roadways. It is anticipated that the Inner Harbour Walk would be achieved over time, through new development and/or through negotiation with existing property owners.”*

As part of a 1999 subdivision the reconfigured Lot 15 and Lot 18 Plan 11055 to Lot A and Lot B Plan VIP68634 (1753 Cypress Road) the District obtained part of this trail system in the form of a public right of way over Lot B. (Figure 4).

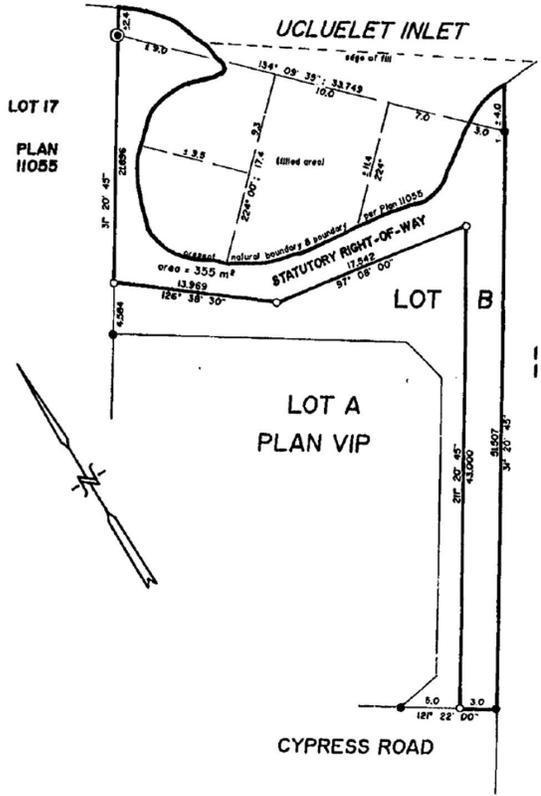


Figure 4 - SRW over Lot B

The applicant has agreed to provide a 5m statutory right-of-way (SRW) for a pedestrian path to become part of the Safe Harbour Trail as part of this process (Figure 5). It should be noted that there is a provincial SRW along the waterfront of the Canadian Princess property and that it is likely that a SRW for a waterfront Trail will form part of any development on the Island West Property; these links will make a continual harbour-front Trail increasingly viable (Figure 6). The draft SRW will be brought forward prior to a public hearing on the zoning amendment if the bylaw proceeds to that point.



Figure 5 – SRW’s over the property and area.

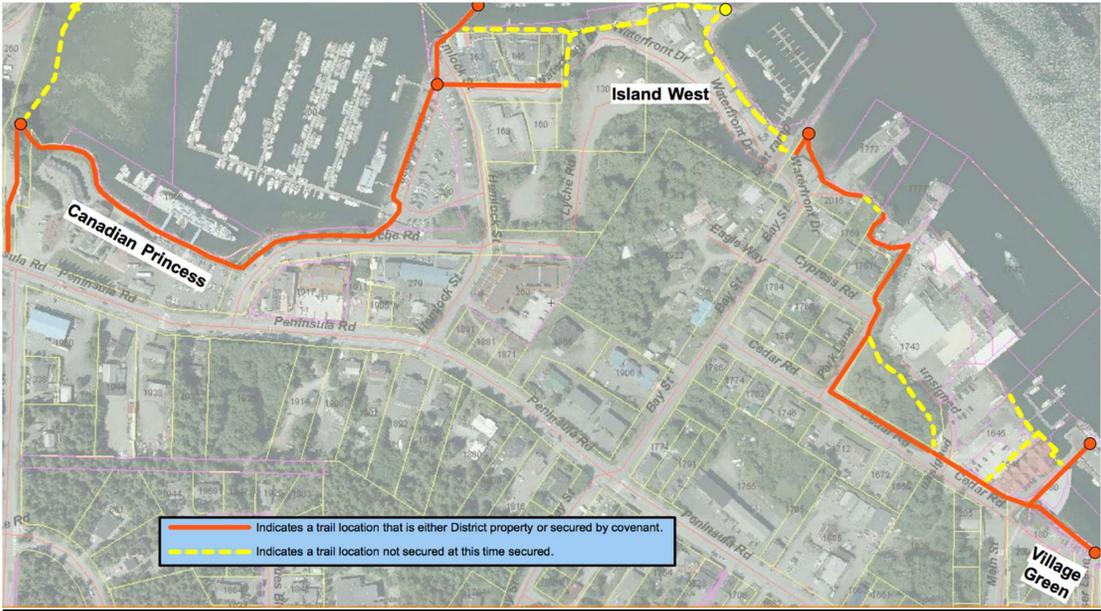


FIGURE 6 – SAFE HARBOUR TRAIL

LANDSCAPING OF PARKING LOT

The applicant has indicated that the parking area will be defined and landscaped as per **Figure 7** below. The parking requirement will be two spaces for the tourist accommodations and considering the marina could hold 4 boats and the mobile vending may attract a parking requirement the owner has indicated a total of eight parking spaces plus some space on the dock.

The landscaping will be done in native species with the parking area in packed gravel with no curbing. The trail indicated will not be built by the applicant but by the District when it has secured the other sections to connect the trail system. The applicant has also stated that they will add historical marine objects into landscaped area of the parking lot as a tribute to the fishing industry and its history in Ucluelet.



Figure 7 - Landscaping

**ZONING AMENDMENT:**

To facilitate the applicant's requested uses, Staff propose the following amendments to the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the "Zoning Bylaw").

**A. Water Lot**

The Water Lot's current zoning designation of M-3 is intended for limited commercial, recreation and transportation uses and has the following principal uses:

*"M-3.1.1 The following uses are permitted, with no secondary permitted uses:*

*(1) Principal*

- (a) Fish Buying & Selling Stations*
- (b) Recreational Services*
- (c) Marine Recreation*
- (d) Water and Air Transportation"*

The current M-3 zoning is appropriate for the water lot, and it is proposed to make a site-specific amendment specific for the proposed development. To allow the applicant's request for two Guest Rooms or Dwelling Units, limited marina uses, and Mobile Vending uses on the Water Lot, staff propose the following be added to the M-3 zone:

*"M-3.1.6 On Water Lot DL 2042, Clayoquot Land District (the Bay Street Icehouse):*

- 1) Marina is also a permitted principal use specifically excluding marine fueling station;*
- 2) Mobile Vending is also a permitted principal use;*

- 3) *Residential use and Commercial Tourist Accommodation are also principal permitted uses within two dwelling units which may be operated as guest rooms.*

The following are key zoning bylaw definitions for the proposed amendment above:

**“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;

**“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;

**“Guest Room”** means a room used or designated for use for sleeping purposes, with or without an en-suite bathroom and cooking facilities limited to:

- (a) kettle,
- (b) coffee maker,
- (c) toaster (not including a toaster-oven), and
- (d) microwave (excluding convection/microwave combination), and is used for commercial tourist accommodation;

**“Mobile Vending”** means the provision of merchandise, services, or food, while temporarily stationary but primarily on foot, bicycle, vehicle or any other means of transportation or with any type of mobile receptacle, including but not limited to carts, tables, and wagons, other than a delivery vehicle owned and operated by a licensed retailer or wholesaler within the District, and specifically excluding hawkers, hucksters and peddlers;

**“Recreational Services”** means the commercial use of land, buildings or structures for sports and leisure activities and services, both on- and off-shore, and includes tours, charters, a health club, spa or swimming pool, specifically excluding a fairground;

**“Residential”** means the occupancy or use of a building or part thereof as a dwelling unit, as the residence and domicile of a person or family who intend to return when absent, and excludes commercial tourist accommodation;

**“Marina”** means the use of land, buildings or structures for the commercial or non-commercial moorage of watercraft, excluding permanent storage, and may include any or all of the following as accessory uses only:

- (a) Sale or rental of watercraft,
- (b) Marine-related charters and tours,
- (c) Marine fueling station,
- (d) Marine-related retail supplies and equipment,
- (e) Boat Building and Repair,
- (f) Restaurant,
- (g) Bistro/Café,
- (h) Marina management office,
- (i) One Accessory Residential Dwelling Unit;

**“Marine Recreation”** means non-commercial leisure or recreational activities on or in the water, such as fishing, swimming, boating and water skiing;

**B. UPLAND LOT**

The upland lot is currently zoned CS-1 Village Square. This lot has a small area with limited building potential and will be required for parking for the guest rooms and marina use proposed on the water lot. As a stand-alone parking use is not listed within the CS-1 zone, Staff propose the following be added to the CS-1 zone:

“**CS-1.1.6** PID 001-357-247 on Lot B, District Lot 282, Clayoquot District, Plan 29748 [2015 Bay Street], *Parking Lot* is also a permitted principal use, including overnight parking.”

The following are key zoning bylaw definitions for the proposed amendment above:

“**Parking Lot**” means the principal use of land for parking spaces and maneuvering aisles for the short-term parking of vehicles, and specifically excluding overnight parking or storage.

**TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:**

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

**FINANCIAL IMPACTS:**

There are no direct financial implications.

**POLICY OR LEGISLATIVE IMPACTS:**

This application is consistent with the *Official Community Plan*.

**SUMMARY:**

Ucluelet’s historic harbour is a feature that makes Ucluelet a unique and special place. The proposed zoning amendment and development supports the area’s revitalization and commercial viability.

**OPTIONS:**

Staff support the zoning amendment and DP being proposed for 2015 Bay Street. Alternatively, Council could consider the following:

2. **THAT** Council provide alternative direction to Staff and/or the applicant; **or**,
3. **THAT** Council reject the application.

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

Appendix A

Nancy VanHeest and Edward Hudson  
PO Box 775  
Tofino BC V0R 2Z0

March 15, 2020

STATEMENT OF INTENT - ADDITION  
REZONING APPLICATION RE: DISTRICT LOT 2042 CLAYOQUOT DISTRICT/LOT B PLAN VIP29748 DL 282

Further to the suggestions of the planning department, this is to propose the improvement of the upland portion of this property, which is in the CS-1 Village Square Development Permit area.

The additional use to be permitted on this lot is parking. This will be for use by owners, tenants, employees and patrons of the water lot businesses.

In order to ensure a pleasing appearance, we will landscape with a greenspace buffer according to the plan provided.

We agree to allow the District right-of-way for a waterfront walkway through this lot as shown.

We also wish to create a memorial to the long-time mariners of the West Coast. This would include name plaques and nautical artifacts, such as a large propeller and life raft, interspersed with the foliage.

These improvements, alongside the renovation of the water lot, will further the community goal to maintain and enhance Ucluelet's unique character and preserve its heritage.

Thank you again for your consideration of this proposal.

Sincerely,

  
Nancy VanHeest

  
Edward Hudson



## Appendix B

**DISTRICT OF UCLUELET**  
**Zoning Amendment Bylaw No. 1271, 2020**

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".  
 (2015 Bay Street and adjacent Water Lot)

---

**WHEREAS** the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

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

**1. Text Amendment:**

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

- a. by adding the following subsection to section M-3.1 in alphanumerical order, as follows:

"M-3.1.6 On Water Lot DL 2042, Clayoquot Land District (the 2015 Bay Street Icehouse):

- 1) *Marina* is also a permitted principal use specifically excluding marine fueling station;
- 2) *Mobile Vending* is also a permitted principal use;
- 3) *Residential* use and *Commercial Tourist Accommodation* are also principal permitted uses within two *Dwelling Units* which may be operated as *Guest Rooms*.

- b. by adding the following subsection to section CS-1.1 in alphanumerical order, as follows:

"CS-1.1.6 PID 001-357-247 on Lot B, District Lot 282, Clayoquot District, Plan 29748 [2015 Bay Street], *Parking Lot* is also a permitted principal use, including overnight parking."

**2. Citation:**

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020".

**READ A FIRST TIME** this    day of            , 2020.

**READ A SECOND TIME** this    day of            , 2020.

**PUBLIC HEARING** held this    day of            , 2020.

**READ A THIRD TIME** this    day of            , 2020.

**ADOPTED** this    day of            , 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020.”

---

Mayco Noël  
Mayor

---

Mark Boysen  
Corporate Officer

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

---

Mark Boysen  
Corporate Officer



## DEVELOPMENT PERMIT DP20-03

Pursuant to Part 14, Division 7 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Permit is issued to:

NANCY LOUISE VAN HEEST, EDWARD WALTER ROBERT HUDSON, PO Box 775, UCLUELET, BC

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

DL 2042, CLAYOQUOT LAND DISTRICT (THE "WATER LOT"):

AND

PID 001-357-247, LOT B, DISTRICT LOT 282, CLAYOQUOT DISTRICT, PLAN 29748 (2015 BAY STREET)

3. This Development Permit is issued subject to compliance with all bylaws of the District of Ucluelet.

4. This Permit authorizes the following improvements on the Lands:

- a. The exterior renovation of the icehouse and associated decking;
- b. The defining of parking area and adjacent landscaping;
- c. Adding historical marine objects to the landscaped area; and,
- d. New floats and ramps within the Water Lot.

These improvements apply only in the locations indicated, and otherwise in accordance with, the drawings and specifications attached to this Permit as **Schedule A**.

5. Prior to commencing work, the Owner is required to provide a final detailed plan of the proposed landscape improvements for review and approval by the District's Manager of Community Planning.
6. The work authorized by this Permit may only be carried out in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws. The owner is responsible for ensuring that the timing of the work and any required permits or notifications by other agencies are obtained as required to comply with all applicable regulations.
7. Notice shall be filed in the Land Title Office under Section 503 of the Local Government Act, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
8. This Permit is NOT a Building Permit.



9. **Schedules "A"** attached hereto shall form part of this Permit. The Municipality’s Chief Administrative Officer is hereby authorized to approve minor amendments to the plans provided that such amendments are consistent with the overall character and intent of the original plans.

**AUTHORIZING RESOLUTION** passed by the Municipal Council on the      day of      , **2020**.

**IN WITNESS WHEREOF** this Development Permit is hereby executed and issued by the Municipality the      day of      , 2020.

**THE DISTRICT OF UCLUELET**  
by its authorized signatories:

\_\_\_\_\_  
Mayco Noël – Mayor

\_\_\_\_\_  
Mark Boysen – Corporate Officer

**ISSUED** the      day of      , 2020.

\_\_\_\_\_  
Bruce Greig - Manager of Planning



# Schedule A

Landscape Concept:







## DISTRICT OF UCLUELET

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Excerpts from the Tuesday, June 23, 2020 Regular Meeting Minutes  
*These Minute Excerpts are DRAFT as they have NOT been adopted by Council.*

### 14. LEGISLATION

- 14.3 Zoning Amendment and Development Permit for 2015 Bay Street  
 John Towgood, Planner 1

Mr. Greig presented this report. He noted that proposed bylaw allows for parking, mobile vending and a two-unit motel on the subject property. He also noted that the proposed development conforms with the form and character guidelines set out in the OCP and the developer has proposed a statutory right of way in favour of the District for a public trail that travels through the property.

Council discussed the proposal and noted that the new owners upgraded the structural integrity of the dock.

- 2020.131.REGULAR **It was moved by Councillor Hoar and seconded by Councillor Cole**  
***THAT*** Council approve recommendation 1 of report item "Zoning Amendment and Development Permit for 2015 Bay Street" which states:

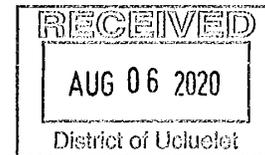
*1. THAT District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020, be given first and second reading and advanced to a public hearing.*

CARRIED.



*Lawrence T Jacobson*

Mr. John Towgood  
 District of Ucluelet  
 Box 999  
 Ucluelet BC, V0R 3A0



RE: Zoning Amendment Bylaw No. 1271, 2020

Dear Mr. Towgood,

This letter will record our views on the above reference Amendment Bylaw. We would appreciate this letter be included in the minutes of the Public Hearing scheduled for August 12, 2020 as we are unable to attend the Hearing in person. We reside on the adjacent property to which this Bylaw applies.

1. We are supportive of allowing uses on Water Lot DL 2042 for a Marina except for a restaurant use. This exclusion should join the marine fueling station.
2. We are supportive of allowing uses for Residential and Commercial Tourist Accommodation within two Dwelling units which may be operated as Guest Rooms.
3. We are not supportive of allowing a use for Mobile Vending for the following reasons:
  1. Not a compatible use with adjoining residential use properties.
  2. Such use would have a negative impact on the quiet enjoyment of adjoining homes.
  3. Our home adjoins and overlooks the area where a single or multiple mobile vending operations would occur. Such operations would cause us to lose our privacy, introduce a noise factor, draw the public into our view and raise the possibility of trespass.

Food options are a good thing for Ucluelet. We support such uses but believe they are better served being located in commercial areas. This is particularly true with mobile vending operations where patrons can mix with and support local businesses. Such a location would be Whiskey Dock and surrounding area where a waterfront experience can be enjoyed by visitors and locals alike while localizing the activity.

Thank you for your attention to our concerns.

Yours Sincerely,

A handwritten signature in black ink that reads "Lawrence and Gail Jacobson". The signature is fluid and cursive.

Lawrence and Gail Jacobson

████████ Cypress Road

cc: Mayor and Councillors

████████ Qualicum Beach, BC ██████████ Tel: ██████████





**DISTRICT OF UCLUELET**  
**Zoning Amendment Bylaw No. 1262, 2020**

Appendix A

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.  
 (2088 Peninsula Road)

---

**WHEREAS** the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

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

**1. 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 8, District Lot 284, Clayoquot Land District, Plan VIP58757 [PID 018-743-668; 2088 Peninsula Road] shown shaded on the map attached to this Bylaw as Appendix “A”, from CS-2 Zone-Service Commercial to R-3 Zone-High Density Residential.

**2. Text Amendment:**

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding subsection (i) directly below section R-3 .1.1 (1) (a), as follows:

“(i) Despite the definition of *Multiple Family Residential* in section 103 of this bylaw, on Lot 8, District Lot 284, Clayoquot Land District, Plan VIP58757, [PID 018-743-668; 2088 Peninsula Road] a *Multiple Family Residential* use may be in a *building* or group of *buildings* containing one or more *dwelling units* for residential use.”

**3. Citation:**

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020”.

**READ A FIRST TIME** this 28<sup>th</sup> day of January, 2020.

**READ A SECOND TIME** this 28<sup>th</sup> day of January, 2020.

**PUBLIC HEARING** held this    day of            , 2020.

**READ A THIRD TIME** this    day of            , 2020.

**ADOPTED** this    day of            , 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020.”

\_\_\_\_\_  
Mayco Noël  
Mayor

\_\_\_\_\_  
Mark Boysen  
Corporate Officer

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

\_\_\_\_\_  
Mark Boysen  
Corporate Officer

APPENDIX 'A'

District of Ucluelet Zoning Amendment Bylaw No. 1262, 2020

From: CS-2 Service Commercial  
To: R-3 High Density Residential





## STAFF REPORT TO COUNCIL

Council Meeting: August 12, 2020  
500 Matterson Drive, Ucluelet, BC V0R 3A0

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**FROM:** JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES **FILE NO:** 3360-20-RZ20-03  
**SUBJECT:** DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW NO. 1263,  
2020 (799 MARINE DRIVE) **REPORT NO:** 20-73  
**ATTACHMENT(S):** APPENDIX A - ZONING AMENDMENT BYLAW NO. 1263, 2020

---

### RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020, be given third reading.

### PURPOSE:

The purpose of this report is to bring Ucluelet Zoning Amendment Bylaw No. 1263, 2020 (the "Bylaw") back to Council for third reading.

### BACKGROUND:

At the June 23, 2020 Regular Meeting, Council gave the Bylaw first and second reading and referred it to Public Hearing. Notice of the Public Hearing has been published and the Hearing was conducted earlier in this Special Council Meeting. Materials related to the Bylaw are available for review under Item No. 6.4. of this Special Meeting's agenda.

Since the Bylaw received second reading and a Public Hearing has been conducted, Council is now in a position to give the Bylaw third reading. If third reading is given, the Bylaw will be brought back to Council at a future meeting for adoption.

### OPTIONS REVIEW:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020, be given third reading. **(Recommended)**
2. **THAT** Council provide alternative direction to staff and/or the applicant.

**Respectfully submitted:** Joseph Rotenberg, Manager of Corporate Services

Appendix A

**DISTRICT OF UCLUELET**  
**Zoning Amendment Bylaw No. 1263, 2020**

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.  
 (799 Marine Drive)

---

**WHEREAS** the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

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

**1. Text Amendment:**

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection (3) to section CD-5C.1.1 in alphanumerical order, as follows:

“(3) On the following properties *Accessory Residential Dwelling Unit* is also permitted as a secondary use to the principal *Single Family Dwelling*, located within a detached accessory building on the same property, provided that the *Single Family Dwelling* does not contain a *Secondary Suite* or *Bed and Breakfast*:

(a) Lot 16, District Lot 283, Clayoquot District, Plan VIP84686 (799 Marine Drive).”

**2. Citation:**

This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020”.

**READ A FIRST TIME** this 23<sup>rd</sup> day of June, 2020.

**READ A SECOND TIME** this 23<sup>rd</sup> day of June, 2020.

**PUBLIC HEARING** held this    day of            , 2020.

**READ A THIRD TIME** this    day of            , 2020.

**ADOPTED** this    day of            , 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1263, 2020.”

\_\_\_\_\_  
Mayco Noël  
Mayor

\_\_\_\_\_  
Mark Boysen  
Corporate Officer

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

\_\_\_\_\_  
Mark Boysen  
Corporate Officer





## STAFF REPORT TO COUNCIL

Council Meeting: August 12, 2020  
500 Matterson Drive, Ucluelet, BC V0R 3A0

---

**FROM:** JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES **FILE NO:** 3360-20-RZ19-06  
**SUBJECT:** DISTRICT OF UCLUELET ZONING AMENDMENT BYLAW **REPORT NO:** 20-74  
 No. 1271, 2020 (2015 BAY STREET) – 3<sup>RD</sup> READING  
**ATTACHMENT(S):** APPENDIX A - ZONING AMENDMENT BYLAW NO. 1271, 2020

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### RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020, be given third reading.

### PURPOSE:

The purpose of this report is to bring Ucluelet Zoning Amendment Bylaw No. 1271, 2020 (the "Bylaw") back to Council for third reading.

### BACKGROUND:

At the June 23, 2020 Regular Meeting, Council gave the Bylaw first and second reading and referred it to Public Hearing. Notice of the Public Hearing has been published and the Hearing was conducted earlier in this Special Council Meeting. Materials related to the Bylaw are available for review under Item No. 6.5. of this Special Meeting's agenda.

Since the Bylaw received second reading and a Public Hearing has been conducted, Council is now in a position to give the Bylaw third reading. If third reading is given, the Bylaw will be brought back to Council at a future meeting for adoption.

### OPTIONS REVIEW:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020, be given third reading. **(Recommended)**
2. **THAT** Council give alternative direction to staff and/or the applicant.

**Respectfully submitted:** Joseph Rotenberg, Manager of Corporate Services

## Appendix A

**DISTRICT OF UCLUELET****Zoning Amendment Bylaw No. 1271, 2020**

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".  
(2015 Bay Street and adjacent Water Lot)

---

**WHEREAS** the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

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

**1. Text Amendment:**

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

- a. by adding the following subsection to section M-3.1 in alphanumerical order, as follows:

"M-3.1.6 On Water Lot DL 2042, Clayoquot Land District (the 2015 Bay Street Icehouse):

- 1) *Marina* is also a permitted principal use specifically excluding marine fueling station;
- 2) *Mobile Vending* is also a permitted principal use;
- 3) *Residential* use and *Commercial Tourist Accommodation* are also principal permitted uses within two *Dwelling Units* which may be operated as *Guest Rooms*.

- b. by adding the following subsection to section CS-1.1 in alphanumerical order, as follows:

"CS-1.1.6 PID 001-357-247 on Lot B, District Lot 282, Clayoquot District, Plan 29748 [2015 Bay Street], *Parking Lot* is also a permitted principal use, including overnight parking."

**2. Citation:**

This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020".

**READ A FIRST TIME** this 23<sup>rd</sup> day of June, 2020.

**READ A SECOND TIME** this 23<sup>rd</sup> day of June, 2020.

**PUBLIC HEARING** held this    day of            , 2020.

**READ A THIRD TIME** this    day of            , 2020.

**ADOPTED** this    day of            , 2020.

**CERTIFIED A TRUE AND CORRECT COPY** of “District of Ucluelet Zoning Amendment Bylaw No. 1271, 2020.”

\_\_\_\_\_  
Mayco Noël  
Mayor

\_\_\_\_\_  
Mark Boysen  
Corporate Officer

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

\_\_\_\_\_  
Mark Boysen  
Corporate Officer