

Town of Qualicum Beach
MEMORANDUM

TO: Daniel Sailland, CAO

FOR: Council Meeting, October 6, 2021

FROM: Luke Sales, Director of Planning

SUBJECT: Temporary Use Permit Application: 210 First Avenue West

RECOMMENDATION

THAT Council approves the Temporary Use Permit for 210 First Avenue West to permit three short-term vacation rentals on the ground floor, for a period of three years, with the option to renew by staff for an additional three years.

PURPOSE

To consider a Temporary Use Permit application for the subject property located at 210 First Avenue West to permit three short term vacation rentals on the ground floor of a multi-residential building, instead of commercial.

BACKGROUND

The Town has received an application for 210 First Avenue West to permit three short term rental units on the ground floor of a multi-residential building. In 2018, Council approved and issued a development permit for a mixed-use development with 15 residential units above three commercial units located on the ground floor. In 2020, the Development Permit was extended for two years. The property is currently under construction.

Zoning

The subject property is zoned Commercial 4 (C4) which permits the following commercial uses: office, personal service use, public assembly use, recreation facility, restaurant, retail store, and accessory hotel. While short term rental is permitted in the form of an accessory hotel, the accessory hotel units must not be located on the ground floor. The applicant is proposing three short term rental units on the ground floor, which is not permitted under the current zoning.

To allow short term rental units on the ground floor either an amendment to the zoning or a Temporary Use Permit is required. In this case a Temporary Use Permit is more appropriate because it expires after a set period of time, as opposed to a zoning amendment that is permanent. The maximum length for a Temporary Use Permit is three years according to Provincial legislation, and it can be renewed only once. In the case of permitting short term rental on the ground floor, the temporary use permit process allows the Town to monitor the business for compliance, impact and compatibility with adjacent uses. Prior to the expiry of the Temporary Use Permit, the Town can choose whether or not to permanently change the zoning to allow short term rental in the C4 zone, renew the Temporary Use Permit or discontinue the use.

DISCUSSION

Zoning

An application has been received for 210 First Avenue West to permit three short term rental units on the ground floor of a multi-residential building. Short term rental is considered to be a commercial use and falls under the definition of hotel, motel or resort condominium; however, only accessory hotel use is permitted in the C4 zone. Accessory hotel use cannot be located on the ground floor. The units are considered to be a commercial use. If the short-term rental use is not successful, the units are designed so they can be converted into other commercial use in the future, after expiry of the Temporary Use Permit.

2018 Official Community Plan (OCP):

The property is located within the “Village Neighbourhood” land use designation in the 2018 Official Community Plan (OCP), and is designated as Commercial Residential. The Village Neighbourhood is the area where development, redevelopment and densification are encouraged. The OCP policies relevant to this application, include:

2.2.1 Village Neighbourhood: Commercial Residential, Policy #6:

6. The Town shall encourage a variety of commercial uses to limit the need for citizens to leave the Town for goods and services and further to attract commerce from the community's trading area to benefit the economic prosperity of businesses and professional services in the Town.

Staff Comment: Short term rental is considered to be a commercial use, and there is limited short term rental located in the Village Neighbourhood.

2.2.1 Village Neighbourhood: Tourist Accommodation:

1. Zoning and subdivision regulations shall provide opportunities for bed and breakfast tourist accommodation as an accessory use to the Residential, Commercial and Cultural uses permitted within the “Village Neighbourhood” area as shown on map ‘Schedule 2.2’.

Staff Comment: While the proposed short term rental will not be a bed and breakfast, it will provide tourist accommodation.

2. The Town shall consider rezoning applications for a major tourist facility combining residential use with a destination resort hotel within the “Village Neighbourhood” area.

Staff Comment: The three short term rental units do not constitute a major tourist facility or destination resort hotel, but they will contribute to tourist accommodation in the Village Neighbourhood.

The OCP supports commercial use and tourist accommodation in the Village Neighbourhood. While this application is only for three short-term rental units and not a destination resort hotel, the use is generally consistent with the policies in the OCP.

Rather than go through a zoning amendment, staff recommend that a Temporary Use Permit be considered for the subject property. A Temporary Use Permit allows the Town to trial short term rental in a commercial building in the uptown area, as well as understand the implications for commercial use in the uptown area. Staff recommend that the term of the initial Temporary Use Permit be three years. If there are no issues the permit can then be renewed by staff for three additional years. If issues arise during the term of the Temporary Use Permit, the commercial units can be converted to an office or retail use.

Alternative 1 would provide Council with the opportunity to review the permit after three years, rather than providing a renewal through staff.

Council could also choose to specify additional conditions on the Temporary Use Permit if there are other important issues (Alternative 2). If the conditions of the Temporary Use Permit are violated, the permit can be canceled sooner than the three-year period.

SUMMARY

The Town has received an application from the owner of 210 First Avenue West to permit three short term units on the ground floor of a multi-residential building. Staff recommend a Temporary Use Permit, rather than an amendment to the zoning be considered for the subject property. A Temporary Use Permit will allow the Town to trial the use and understand the compatibility and impacts on the surrounding area and Village Neighbourhood as a whole. Without the benefit of community input, staff recommend that a temporary use permit be authorized for the subject property.

ALTERNATIVES

1. THAT Council approves the Temporary Use Permit for 210 First Avenue West to permit three short-term vacation rentals on the ground floor, for a period of three years, with the permit to be reviewed by Council prior to any renewals.
2. THAT Council approves the Temporary Use Permit for 210 First Avenue West to permit three short-term vacation rentals on the ground floor, for a period of three years, with the following conditions: *[insert conditions]*.
3. Deny the Temporary Use Permit for 210 First Avenue West;
4. Provide alternative direction to staff.

Luke Sales, MCIP, RPP
Director of Planning
Concurrence

Daniel Sailland
CAO
Concurrence

Attachments
[PLANS.210FirstAvenueW.Oct62021.pdf](#)