



**-PUBLIC HEARING AGENDA-**

Date: Tuesday, September 12, 2023, 5:30 pm  
Location: Council Chambers  
7400 Prospect Street

*This public hearing is being recorded as authorized by the Video Recording & Broadcasting of Open Meetings Policy.*

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**Pages**

1. **OPENING STATEMENTS**
2. **PRESENTATION OF THE PUBLIC HEARING ZONING AMENDMENT (COMPREHENSIVE DEVELOPMENT ZONE 7 - PROSPECT APARTMENTS) BYLAW NO. 948, 2023** 2  
Mark Barsevskis, RPP, MCIP Consulting Planner
3. **CORRESPONDENCE AND PETITIONS**
  - 3.1 **Correspondence received before deadline of 12:00pm on September 5, 2023**
  - 3.2 **Correspondence received after 12:00pm on September 5, 2023**
4. **PUBLIC COMMENT**
5. **CLOSING STATEMENTS**
6. **ADJOURNMENT**

**PLEASE NOTE:**

Once the public hearing has been adjourned, the opportunity for public discussion has ended and Council members cannot accept any further information or submissions; this is to ensure a fair process as established by provincial case law. The bylaw is now a matter for Council's consideration based upon information received as of September 12, 2023.

**Date:** Tuesday, September 12, 2023

**To:** Elizabeth Tracy, Chief Administrative Officer

**From:** Mark Barsevskis, RPP, MCIP Consulting Planner

**Subject:** Public Hearing for Zoning Amendment (Comprehensive Development Zone 7 - Prospect Apartments) Bylaw No. 948, 2023

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### **PURPOSE**

The purpose of this report is to provide Council with information regarding legislative and municipal processes with respect to hosting a statutory Public Hearing pursuant to Section 464 of the Local Government Act in respect to the Zoning Amendment Comprehensive Development Zone 7 (Prospect Apartments) Bylaw No. 948, 2023.

### **BACKGROUND**

Council gave Zoning Amendment Comprehensive Development Zone 7 (Prospect Apartments) Bylaw No. 948, 2023 first and second reading at the Regular Council meeting on July 18th, 2023 No. 1586. The Staff Report is attached as **Appendix A**.

At the same meeting, Council directed Staff to schedule a Public Hearing for September 12th, 2023 at 5:30pm, subject to the following conditions:

***THAT** Zoning Amendment (Comprehensive Development Zone 7 - Prospect Apartments) Bylaw No. 948, 2023 be given First and Second Reading;*

***AND THAT** Council set Tuesday, September 12, 2023 at 5:30pm as the date and time of the public hearing for Zoning Amendment Comprehensive Development Zone 7 (Prospect Apartments) Bylaw No. 948, 2023 to be held in Village of Pemberton Council Chambers and/or in accordance with the Village's digital meeting policy subject to the following condition:*

*i. **THAT** the Applicant completes a developer-led public information meeting prior to the Public Hearing.*

***AND THAT** Final adoption only be considered upon completion of a development agreement between the Applicant and the Village of Pemberton detailing downtown character enhancements.*

### **DISCUSSION & COMMENTS**

The subject property is zoned Commercial, Town Centre (C-1). The application proposes to change the zoning of the subject lands from Commercial, Town Centre (C-1) to Comprehensive Development Zone 7 (Prospect Apartments). The following is an assessment of the proposal in the context of the Zoning Bylaw No. 832, 2018 requirements:

Regulations	C-1 Zone (existing zoning)	CD Zone (proposed zoning)
Maximum Lot Coverage	100%	100%
Minimum Front Setback	0 m	0 m
Minimum Rear Setback	4.5 m	4.5 m
Minimum Interior Side Setback	0 m	0 m
Minimum Exterior Side Setback	0 m	0 m
Maximum Building Height, Principal	10.5 m	18 m
Maximum Building Height, Accessory	4.6 m	4.6 m
Bicycle Parking	N/A	90
Maximum Density	2.5 FAR	2.5 FAR

Further, the newly created Comprehensive Development Zone 7 (Prospect Apartments) proposes modified dimensions for off-street parking spaces. The proposed changes are rationalized by the applicant as being in line with regulations in Whistler and the BC Building Code 2018 guidelines on accessible parking spaces. The following table summarizes the proposed required minimum dimensions and is included in the Comprehensive Development Zone 7 (Prospect Apartments) bylaw attached as **Appendix B**:

Stall Type	Width of Stall (Feet)	Min Length of Stall (Feet)	Min Aisle width (Feet)	Access Aisle (Accessible Only) (Feet)
Regular	9'	20'	22'	-
Small Car	9'	14' – 10"		-
Accessible	13' 4" (including access aisle)	20'		4' – 11" (1500mm)

The statutory process for notification has been satisfied, and accordingly Council is able to host the Public Hearing regarding Zoning Amendment Comprehensive Development Zone 7 (Prospect Apartments) Bylaw No. 948, 2023 prior to consideration of third reading.

### Community Amenity Contributions

Staff have conducted negotiations with the applicant on the topic of Community Amenity Contributions in accordance with the Village of Pemberton Community Amenity Contribution Policy DEV-009, attached as **Appendix C**. The negotiation process has been ongoing since the application was received.

As detailed in the Community Amenity Contribution Policy, the basis for amenity contributions is the increase in land value that would result from the increase in density contemplated in the Zoning amendment. The current C-1 'Commercial, Town Centre' zoning of the project site allows for buildings up to 10.5m, or 3 storeys. The proposed CD-7 'Prospect Apartments' zoning will enable a 4 storey building. The increase in land value between the current and proposed zoning is equal to the value created by adding one additional floor, which is tied to the market value of the additional floor space minus the total costs to build it.

The project presents several community benefits that have been considered in accordance with the Community Amenity Contribution Policy as part of the negotiation. The primary benefit can be

summarized as greater commercial vitality in the downtown core, which enables a more vibrant, walkable, and complete community. The project will also provide more attainable housing located in close proximity to primary services, and more commercial floor space for local entrepreneurs and business owners to grow and expand in the downtown. Maintaining the downtown as the dominant commercial node, as well as a cultural and social focal point for the Pemberton area, is identified in the Official Community Plan (OCP) Growth Policies 5.1.1. The OCP also identifies a Downtown Enhancement Strategy which lists providing a mix of land uses at increased densities in the downtown as a principle that forms a key component of the success of the community.

Comments were received during the referral process drawing attention to Foughburg Park as a potential site of enhancement in conjunction with the project. Foughburg Park has limited amenities at the present time, consisting of a picnic table and simple landscaping. An amenity contribution that encourages more use of Foughburg park would seem to be a good fit for the community.

The proponent has provided a Community Amenity Contribution offer which is attached to this report as **Appendix D**. After review of the offer in accordance with the Community Amenity Contribution Policy, staff consider it an ample offer and are recommending the amenity contribution offer be accepted and secured via a development agreement prior to adoption of the Zoning Amendment.

### **Applicant-led Engagement Activities**

The Applicant scheduled an in-person Public Information Meeting on July 4, 2023, however, due to a closure of Highway 99 related to an accident that day, the Public Information Meeting had to be cancelled. While an in-person public information meeting is typically expected prior to council consideration, since no inquires or comments about the application have been received from the public and the application requires a Public Hearing as part of the Zoning Amendment process, staff decided to bring the bylaw forward for consideration by Council on the condition that a developer led public information meeting would occur before Public Hearing.

The rescheduled applicant led public information meeting was held at the community center in Pemberton from 5-7pm, on Thursday August 17, 2023. The meeting was advertised in the local community and the Pique Newspaper. The What we Heard report is attached as **Appendix E**.

### **COMMUNICATIONS**

As per the Local Government Act and the Village of Pemberton Development Procedures Bylaw 887, 2020, notices of the Public Hearing were advertised in the September 1st and September 8th, 2023 editions of the Pique Newsmagazine. The Notice is attached as **Appendix F**. Additionally, notice of the Public Hearing was shared through the Village of Pemberton Website, Facebook Page and e-news.

All public submissions received prior to noon on Tuesday September 5, 2023 have been included in the Public Hearing Agenda. Any public comments received after this time will be forwarded to Council before the start of the Public Hearing. At the time of preparing this report, 1 submission has been received.

### **LEGAL CONSIDERATIONS**

There are no specific legal considerations related to the Public Hearing for this application.

### **IMPACT ON BUDGET & STAFFING**

Staff time is covered by the application fees and recoverable from the applicant in accordance with the Village of Pemberton's Fees and Charges Bylaw 905, 2021. Consulting fees are cost recoverable in accordance with the same bylaw.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

No interdepartmental impact or approvals required respecting the processing of this application as it is a function of the Development Services Department.

### **COMMUNITY CLIMATE ACTION PLAN**

This zoning bylaw amendment will have a positive impact on the CCAP strategies. It relates to several actions under Shift Beyond the Car as the proposed development enables car-free living in more attainable housing in the middle of Pemberton's downtown core and includes storage for at least 2 bikes per unit. It will contribute to actions under Electrify Transportation as the proposed development includes 10 secure underground parking stalls with electric vehicle charging connections and 44 secure electric vehicle (EV) ready underground parking stalls.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

This item is not anticipated to have a substantial impact on neighbouring jurisdictions.

### **ALTERNATIVE OPTIONS**

There are no alternative options provided at this time.

### **Attachments:**

**Appendix A:** Report to Council, dated July 18<sup>th</sup>, 2023

**Appendix B:** Zoning Amendment Comprehensive Development Zone 7 (Prospect Apartments) Bylaw 948, 2023

**Appendix C:** Village of Pemberton Community Amenity Contribution Policy DEV-009

**Appendix D:** Voluntary Community Amenity Contribution Offer Letter, dated August 29, 2023

**Appendix E:** PIM - What we Heard Report, dated August 24, 2023

**Appendix F:** Public Hearing Notification

Submitted by:	Mark Barsevskis, RPP, MCIP Consulting Planner
Manager Approval by:	Scott McRae, Manager of Development Services
CAO Approval by:	Elizabeth Tracy, Chief Administrative Officer

**Date:** Tuesday, July 18, 2023  
**To:** Elizabeth Tracy, Chief Administrative Officer  
**From:** Mark Barsevskis, RPP, MCIP Consulting Planner  
**Subject:** Zoning Amendment (Comprehensive Development Zone 7 - Prospect Apartments) Bylaw No. 948, 2023 – First and Second Reading

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## **PURPOSE**

The purpose of this report is for Council to consider First and Second Readings to the Zoning Amendment (Comprehensive Development Zone 7 – Prospect Apartments) Bylaw No. 948, 2023, from Zoning Bylaw No. 832, 2018, and ask Council to consider setting a date for a Public Hearing.

## **BACKGROUND**

STARK Architecture Ltd, on behalf of the property owner, has made an application to the Village of Pemberton to amend the zoning bylaw to change the zoning of the subject lands from Commercial, Town Centre (C-1) to Comprehensive Development Zone 7 (Prospect Apartments). If approved, the proposed amendment would be site specific to the subject lands. The subject lands are Lot 1, District Lot 203, Lillooet District, Plan EPP124721 (PID: 031-847-226).



Figure 11: Context Plan

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The application does not meet the proposed height or parking requirements of the existing C-1 zone. As this is a larger building than is usually contemplated in the Downtown area of the Village and due to the processes by which the Zoning Bylaw No. 832, 2018 considers density, Staff suggested the applicant apply for a rezoning application to accommodate the proposed height (4<sup>th</sup> storey) and proposed parking parameters.

An amending bylaw has been prepared for Councils consideration in response to an application submitted by STARK Architecture, Agent for the landowner 1268913 BC Ltd. (Fitzgerald Building Co.). The application proposes to change the zoning of the subject lands from Commercial, Town Centre (C-1) to Comprehensive Development Zone 7 (Prospect Apartments).

### **DISCUSSION & COMMENTS**

The Village of Pemberton received an application submission for a Zoning Bylaw amendment (assigned file number OR138) in March 2023 to permit the development of a mixed-use residential building. The four (4) storey mixed-use building would include:

- 1,000 m<sup>2</sup> of commercial space on the ground floor;
- Forty-five (45) residential units on the 2<sup>nd</sup> to 4<sup>th</sup> floors;
  - Unit mix of studio, 1 bedroom, and two-bedroom units;
- Fifty-four (54) secure underground parking stalls; of which ten (10) will include electric vehicle charging connections and the remaining forty-four (44) will be electric vehicle (EV) ready
- Ninety (90) Class A bike stalls.

The subject property is located within the Village's OCP as Downtown and is zoned Commercial, Town Centre (C-1) in the Zoning Bylaw.

The drawings and technical studies submitted in support of the application are available at the following link: [OR 138 - 7421-7425 Prospect Street: Village of Pemberton](#). The application includes a development application form, architectural concept drawings, geotechnical report, land title, rezoning rationale, site disclosure statement, and a transportation impact assessment.

### **Proposed Comprehensive Development (CD) Zone**

The subject property is zoned Commercial, Town Centre (C-1). The application proposes to change the zoning of the subject lands from Commercial, Town Centre (C-1) to Comprehensive Development Zone 7 (Prospect Apartments). The following is an assessment of the proposal in the context of the Zoning Bylaw No. 832, 2018 requirements:

<b>Regulations</b>	<b>C-1 Zone (existing zoning)</b>	<b>CD Zone (proposed zoning)</b>
Maximum Lot Coverage	100%	100%
Minimum Front Setback	0 m	0 m
Minimum Rear Setback	4.5 m	4.5 m
Minimum Interior Side Setback	0 m	0 m
Minimum Exterior Side Setback	0 m	0 m
Maximum Building Height, Principal	10.5 m	18 m
Maximum Building Height, Accessory	4.6 m	4.6 m

Bicycle Parking	N/A	90
Maximum Density	2.5 FAR	2.5 FAR

As the proposal does not meet the current C-1 Zone designation in regard to the proposed maximum building height (10.5m), a new Comprehensive Development (CD) zone is being proposed and can be found in **Appendix A**.

### Housing Needs

How this project fits into Pemberton's housing needs			
	Project contribution	Units needed	Percent of need achieved by this project
Studio/one bedroom	33	317	10.4%
Two bedroom	12	134	8.9%

This project will contribute much needed housing supply to the community to help alleviate some of the housing pressures experienced by residents. The recently completed Village of Pemberton Housing Needs Report (HNR) indicates that the Village needs to provide approximately 850 new dwelling units over the next 5 years to improve housing attainability. This project provides 33 studio/one bedroom units towards the 317 studio/one bedroom units identified in the HNR as needed over the next 5 years. The project provides a similar proportion of about 10% of the identified need for two bedroom units to help ease housing pressures over the next 5 years.

### Traffic / Parking

Vehicle access to the development will be provided from Aster Street to the south of the subject site. A transportation impact assessment was conducted by Bunt & Associates in January 2023 to determine whether the proposed number of residential, visitor, and retail parking supply is adequate for potential demand. The report concluded that the proposed parking supply for the development is 54 spaces (48 residential and 6 shared residential visitor/commercial spaces) which is 14 spaces short of the requirement. As such, a parking relaxation of 20% or 14 parking spaces is requested, with the proposed off-street parkade accommodating all residential parking, with shared spaces for visitors associated with the residential and commercial units at the site.

As per the Traffic Impact Assessment (TIA) report, it is recommended that the Village consider a lower rate of parking spaces per unit, which is in line with the average rates of other municipalities of similar size and context that are also located in more remote locations. Residential Parking rates for two-bedroom units are recommended as 1.25 spaces per unit. Residential Visitor Parking is suggested as 0.08 spaces per unit to be shared with commercial spaces. On-street parking along the site frontages and in the surrounding village centre is considered adequate to support the limited commercial parking needs of the site.

The proposed CD zone lists the follow parking criteria for the development as supported by the findings of the Traffic Impact Assessment.



<b>Stall type</b>	<b>Required</b>
<b>Standard Parking Stalls</b>	1 stall per studio dwelling unit 1 stall per 1 bed dwelling unit 1.25 stalls per 2 bed dwelling unit 2 stalls per 3 bed dwelling unit 1 electric vehicle stall for every 10 stalls required
<b>Visitor Parking Stalls</b>	6 per building
<b>Neighbourhood Commercial Use Parking Stalls</b>	6 off street (shared with visitor parking)
<b>Disability Parking Stalls</b>	Minimum 3 stalls
<b>Bicycle Parking</b>	Minimum 2 class a per dwelling unit

Staff have reviewed the application and referred it to internal departments of the Village and external organizations. It was noted that the proposed development will be a benefit for downtown Pemberton, adding significant housing options close to jobs, shops, and services. The added foot traffic from this building will boost local businesses and reduce the need for private vehicles. Staff support the mix of housing being proposed, as the community highlighted need for studio and one-bedroom units in recent engagement events. The commercial spaces will further diversify the availability of space for local businesses and entrepreneurs, with appropriate limitations on commercial uses to be cognizant of noise and odour complaints from residents. From an engineering standpoint, a servicing agreement will be required to secure all site improvement works as outlined in the current Subdivision and Development Control Bylaw 677, 2011. Staff anticipate additional oversight if the project moves forward to construction due to the project's proximity to the Village's existing water source duty well.

The Lil'wat Nation assessed the site as having medium potential for archaeological resources and asked that a Lil'wat Nation Archaeological Field Technician be hired to monitor any and all ground disturbance/excavation onsite. Other external referral agencies shared detailed comments that are most relevant at the Development Permit stage and will be considered in detail at that time.

Staff is prepared to support the Zoning Bylaw Amendment and bring the corresponding amendment bylaw forward for Council consideration.

### **Community Amenity Contributions**

As mentioned previously in this report, additional residential units in the community's downtown core creates numerous benefits which are valid considerations to weigh as described in the Village's Community Amenity Contribution Policy. Greater demand for local businesses, more attainable housing located near grocery stores and other services, and more commercial floor space for local entrepreneurs will all add to the vibrancy of Pemberton's downtown. An active,

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lively, and interesting downtown is an amenity for any community. The current C-1 ‘Commercial, Town Centre’ zoning of the project site allows for buildings up to 10.5m, or 3 storeys. The proposed CD-7 ‘Prospect Apartments’ zoning will enable a 4th storey. As a result, the difference in values between the current and proposed zoning is unlikely to support a considerable amenity offering.

Staff have begun the amenity negotiation process with the proponent. A variety of ideas have been discussed, with a common theme of enhancing the streetscape or parks near the project. The applicant is preparing an offer which will be secured via a development agreement prior to adoption of the Zoning Amendment.

### **COMMUNICATIONS**

This report and request for Council consideration of First and Second Readings does not require communication beyond appearing on a regular agenda of Council.

Should Council send the proposed bylaw to Public Hearing, the Hearing will be advertised in accordance with Section 465 of the *Local Government Act*. Notice to the Public will be issued by way of an advertisement in two (2) consecutive issues of the Pique Newsmagazine, not less than three (3) days prior and not more than ten (10) days before the public hearing.

Should Council choose to waive the public hearing in accordance to Section 464(2) of the *Local Government Act*, the notice to waive a public hearing must be advertised pursuant to Section 467 of the *Local Government Act*.

### **Applicant-led Engagement Activities**

The Applicant scheduled an in-person Public Information Meeting on July 4, 2023, however, due to a closure of Highway 99 related to an accident that day, the Public Information Meeting had to be cancelled. While Staff initially communicated that an in-person public information meeting was expected before council consideration, since no inquires or comments about the application have been received from the public since the application documents were uploaded on the Village of Pemberton website, and the application requires a Public Hearing as part of the Zoning Amendment process, Staff made the decision to bring the bylaw forward for consideration by Council at this time. The applicant still plans to hold an in-person Public Information Meeting which will inform the review process. In this regard, Staff have communicated that the resulting report must be received prior to the official public hearing for the proposed application.

### **LEGAL CONSIDERATIONS**

The processing of a Zoning Amendment application is regulated by various sections contained in the *Local Government Act* – Part 26 and by the Village’s Development Procedures Bylaw 887, 2020, as amended from time to time.

### **IMPACT ON BUDGET & STAFFING**

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Staff time is covered by the application fees and recoverable from the applicant in accordance with the Village of Pemberton's Fees and Charges Bylaw 905, 2021. Consulting fees are cost recoverable in accordance with the same bylaw.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

There are no interdepartmental impact or approvals required.

### **COMMUNITY CLIMATE ACTION PLAN**

This zoning bylaw amendment will have a positive impact on the CCAP strategies.

- *Shift Beyond the Car*
  - The proposed development enables car-free living in more attainable housing in the middle of Pemberton's downtown core and includes storage for at least 2 bikes per new unit.
- *Electrify Transportation*
  - The proposed development includes 10 secure underground parking stalls with electric vehicle charging connections and 44 secure electric vehicle (EV) ready underground parking stalls.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

This item is not anticipated to have a substantial impact on neighbouring jurisdictions.

### **ALTERNATIVE OPTIONS**

#### **Option One:**

**THAT** Zoning Amendment (Comprehensive Development Zone 7 - Prospect Apartments) Bylaw No. 948, 2023 be given First and Second Reading;

**AND THAT** Council set Tuesday, September 12, 2023 at 5:30pm as the date and time of the public hearing for Zoning Amendment (Comprehensive Development Zone 7 - Prospect Apartments) Bylaw No. 948, 2023 to be held in Village of Pemberton Council Chambers and/or in accordance with the Village's digital meeting policy subject to the following condition:

- i. That the Applicant completes a developer-led public information meeting prior to the Public Hearing.

**AND THAT** Final adoption only be considered upon the completion of a development agreement between the Applicant and the Village of Pemberton detailing downtown character enhancements.

#### **Option Two:**

**THAT** Zoning Amendment (Comprehensive Development Zone 7 - Prospect Apartments) Bylaw No. 948, 2023 be referred back to staff to address the following concerns:

- {to be provided by Council}

- {...}

**RECOMMENDATIONS**

**THAT** Zoning Amendment (Comprehensive Development Zone 7 - Prospect Apartments) Bylaw No. 948, 2023 be given First and Second Reading;

**AND THAT** Council set Tuesday, September 12, 2023 at 5:30pm as the date and time of the public hearing for Zoning Amendment Comprehensive Development Zone 7 (Prospect Apartments) Bylaw No. 948, 2023 to be held in Village of Pemberton Council Chambers and/or in accordance with the Village’s digital meeting policy subject to the following condition:

- i. That the Applicant completes a developer-led public information meeting prior to the Public Hearing.

**AND THAT** Final adoption only be considered upon the completion of a development agreement between the Applicant and the Village of Pemberton detailing downtown character enhancements.

**ATTACHMENTS:**

**Appendix A:** Zoning Amendment (Comprehensive Development Zone 7 – Prospect Apartments) Bylaw No. 948, 2023

Submitted by:	Mark Barsevskis, RPP, MCIP, Consulting Planner
Manager Approval:	Scott McRae, Manager of Development Services
CAO Approval by:	Elizabeth Tracy, Chief Administrative Officer

**THE VILLAGE OF PEMBERTON  
BYLAW NO. 948, 2023**

**A bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018**

The Council of the Village of Pemberton in open meeting assembled **ENACTS AS FOLLOWS:**

**CITATION**

1. This Bylaw may be cited for all purposes as “Zoning Amendment (Comprehensive Development Zone 7 – Prospect Apartments). Bylaw No. 948, 2023.”

**APPLICATION**

- 2(1)** Amending Schedule “A” Zoning Map by rezoning the lands identified in Schedule “A” of this amending bylaw from Commercial, Town Center (C-1) to Comprehensive Development Zone 7 (CD-7).
- 2(2)** Adding the following Comprehensive Development Zone as section 18.7 Comprehensive Development Zone 7 (Prospect Apartments):

*18.7 Comprehensive Development Zone 7 (CD-7) (Prospect Apartments)*

The intent of this zone is to accommodate mixed use development in the Pemberton downtown with the development of apartments and compact commercial spaces, suitable for local businesses, with a small walking radius of downtown amenities and services.

18.7.1. Permitted Principal Uses

- (a) *Uses Permitted in the Commercial, Town Center (C-1) Zone*

18.7.2. Permitted Accessory Uses

- (a) *Accessory Retail*
- (b) *Accessory Residential Dwelling*
- (c) *Home Occupation*

18.7.3 Density Regulations

a) Maximum Density:	2.5 FAR
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## 18.7.4. Lot Regulations

a) Minimum <i>Lot Size</i> :	220 m <sup>2</sup>
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## 18.7.5. Building Regulations

a) Maximum <i>Lot Coverage</i> :	100%
b) Minimum <i>Front Setback</i> :	0 m
c) Minimum <i>Rear Setback</i> :	4.5 m
d) Minimum <i>Interior Side Setback</i> :	0 m
e) Minimum <i>Exterior Side Setback</i> :	0 m
f) Principal Building Height	18 m
g) Accessory Building Height	4.6 m

## 18.7.7. Off-Street Parking and Loading

- (a) Off-street parking and loading shall be provided in accordance with the requirements of Part 8 of the Village of Pemberton Zoning Bylaw No. 832, 2018 this Bylaw
- (b) Notwithstanding the above, alternative off-street parking stall dimensions are permitted as per below:

Stall Type	Width of Stall (Feet)	Min Length of Stall (Feet)	Min Aisle width (Feet)	Access Aisle (Accessible Only) (Feet)
Regular	9'	20'	22'	-
Small Car	9'	14' – 10"		-
Accessible	13' 4" (including access aisle)	20'		4' – 11" (1500mm)

- (c) Notwithstanding the parking requirements in Part 8 of the Zoning Bylaw the off-street parking requirements for the *Residential* use in the CD-7 zone shall provided as follows:

Stall type	Required
<b>Standard Parking Stalls</b>	1 stall per studio dwelling unit 1 stall per 1 bed dwelling unit 1.5 stalls per 2 bed dwelling unit

	2 stalls per 3 bed dwelling unit 1 electric vehicle stall for every 10 stalls required
<b>Visitor Parking Stalls</b>	6 stalls per building
<b>Neighbourhood Commercial Use Parking Stalls</b>	6 stalls off street (shared with visitor parking)
<b>Disability Parking Stalls</b>	3 stalls per building
<b>Bicycle Parking</b>	Minimum 2 class a per dwelling unit

**READ A FIRST TIME** this \_\_\_\_\_.

**READ A SECOND TIME** this \_\_\_\_\_.

**NOTICE OF PUBLIC HEARING** was advertised utilizing reasonably equivalent alternatives as set out in section 94.1 (3) of the *Community Charter* on \_\_\_\_\_ and \_\_\_\_\_ and **PUBLISHED IN THE PIQUE NEWSMAGAZINE** on \_\_\_\_\_.

**READ A THIRD TIME** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**MINISTRY OF TRANSPORTATION AND INFRASTRUCUTRE APPROVAL OF THE BYLAW** was granted on \_\_\_\_\_, 2023.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mike Richman  
Mayor

\_\_\_\_\_  
Elizabeth Tracy  
Corporate Officer

Department:	<u>Development Services</u>	Policy No.:	<u>DEV-009</u>
Sub-department:	<u>Planning</u>	Created By:	<u>Development Services</u>
Approved By:	<u>Council</u>	Amended By:	<u></u>
Approved Date:	<u>1 September 2020</u>	Amendment:	<u></u>
Meeting No.:	<u>1521</u>	Meeting No.:	<u></u>

## INTENT

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Village Council has established a Community Amenity Policy (Policy) in order for Village to capitalize on the opportunity to gain public facilities, services and amenities through voluntary contributions from proponents in the rezoning process. This policy is intended as a framework for how the Village of Pemberton will define community amenities, and a framework for establishing and securing Community Amenity Contributions through the rezoning process.

## DEFINITIONS

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**Community Amenity Contribution:** means a voluntary contribution made by a proponent of a residential or mixed-use rezoning application to provide land, improvements to land, or funds provided in lieu of land or improvements for a public or community benefit. Community Amenity Contributions are over and above any land dedications, works or services required under provincial legislation or municipal policy to service the development. Examples of Community Amenities include, but are not limited to, affordable housing, recreation land and facilities development, public buildings or attractions, public art, and other improvements deemed by the Village to provide broad public benefit over and above what is required to service the development, as determined by the Village of Pemberton.

**Community Benefit Contribution:** means lands, improvements to land for a public benefit, or other contributions towards the community which are a required component of a development project, but provide broader public benefits. Examples of Community Benefits include, but are not limited to, on-site trail connections, excess usable park dedication, significant park and playground improvements on public park-land, off-site utility services that improve existing public infrastructure, or other improvements made by the proponent that are deemed to add benefit to the public beyond what is required to service the development as determined by the Village of Pemberton.

**Required Service:** means any land, improvement to land, or other contribution required to service an individual development in accordance with provincial and municipal regulations, or generally accepted engineering practices. Examples may include, but not be limited to, park dedications under provincial legislation, road dedications and improvements, habitat setback areas, utilities and infrastructure. Required Services also include excess or extended works and services, or other works or services subject to a Latecomer’s Agreement, Development Cost Charge Bylaw offsets, or any other means of cost recovery.



## INTRODUCTION

Land development in the Village of Pemberton provides an opportunity to realize the vision for the community contained in the Village of Pemberton Official Community Plan (OCP). The OCP describes a community of diverse people living in a community rich with opportunity and amenity. Often the physical amenities that help form a community are delivered through voluntary contributions from developers through rezoning processes that add value to their land.

In recent years, the *Local Government Act* has given increasing authority to municipalities to negotiate community amenity contributions through the rezoning process. Specifically, there is a legislated ability to secure community amenities in specific amenity zones, and the range of tools available to municipalities to secure affordable housing contributions continues to grow.

This Policy describes how the Village of Pemberton will define, negotiate, and secure community amenity contributions through the residential and mixed-use rezoning process. It is intended to acknowledge that community amenities are an important component of the rezoning process, while also recognizing that land development in small communities often involves the potential for different costs and different market responses than in large cities. The goal is to ensure the Village of Pemberton has a predictable process for assessing community amenities on a case-by-case basis that ensures a balance between the *Community Amenity Contribution negotiations* and the financial capability of each project to contribute.

## PURPOSE

The purpose of this policy is to serve as a framework for negotiating voluntary *Community Amenity Contributions* with developers of residential and mixed-use development projects applying for rezoning. It establishes definitions around which contributions will qualify as community amenities, a framework for how the amenities will be negotiated and expectations for how the Community Amenity Contributions will be secured in advance of the rezoning process.

The intent of this policy is to provide greater certainty and a fair and equitable approach for community amenity negotiations to provide clarity to Council, the community, and the development industry.

## APPLICABILITY

1. This Policy applies to all rezoning applications for residential or mixed-use development that propose an increase in density, development opportunity, or any other zoning change that will increase the land value of land subject to the application.
2. This Policy is companion to other municipal policies and bylaws that may impose development requirements or suggest amenities, such as any Affordable Housing policies, recreation and trails plans and policies.
3. This Policy does not apply to rezoning applications to facilitate affordable housing, seniors housing, or other non-market housing projects as determined by the Village of Pemberton.
4. This Policy supersedes any and all previous *Community Amenity Contribution* policies.

## ROLES AND RESPONSIBILITIES

5. Council of the Village of Pemberton is responsible for the formal acceptance of *Community Amenity Contributions* through the rezoning process.

6. The Manager of Development Services and/or Chief Administrative Officer is responsible for leading the *Community Amenity Contribution* negotiations in the context of other *Community Benefits* and project *Servicing Requirements*, and making recommendations to Council on the nature and type of amenities offered and the recommended means of securing them contemporaneously with the rezoning process.

## **PROCESS FOR NEGOTIATING COMMUNITY AMENITY CONTRIBUTIONS**

7. Potential *Community Amenity Contributions* will form part of the pre-application process for rezoning applications, and Staff shall make prospective applicants aware of Council's *Community Amenity Contribution* Policy and initiate discussion of potential amenity options to be considered in the application.
8. Upon acceptance of an eligible rezoning application, Staff shall commence negotiations on possible *Community Amenity Contributions*, with particular regard to bylaws and policies of the Village that may direct consideration of affordable housing, recreation amenities, or any other policy guidance regarding potential amenities for each application.
9. *Community Amenity Contributions* will be analyzed for each application in the context of project *Servicing Requirements* and *Community Benefits* that emerge through the application review process to establish a reasonable opportunity for *Community Amenity Contributions*.
10. *Community Amenity Contributions* will utilize a cost-based approach in which the estimated cost of each *Servicing Requirement*, *Community Benefit*, and *Community Amenity Contribution* will be analyzed in determining *Community Amenity Contributions*.
11. For large rezoning applications, Staff may request or prepare an estimate of the increase in land value proposed in the rezoning to assess reasonable levels of *Community Amenity Contribution* in relation to the land-value increase expected through the rezoning process.
12. In considering *Community Benefits* in the context of a *Community Amenity Contribution* negotiation, Staff shall estimate the proportionate cost of benefit allocated to the project and the proportionate providing benefit to the broader community.
13. In considering *Community Benefits* and *Community Amenity Contributions*, Staff shall assess the long-term and lifecycle cost burdens imposed on the Village by receiving and maintaining the amenity.
14. At the conclusion of the *Community Amenity Contribution* negotiations, Staff shall seek formal agreement in the form a *Community Amenity Contribution* offer letter or other summary from the Applicant clearly stating the proposed *Community Amenity Contributions* offered through the rezoning process.

## **PROCESS FOR DETERMINING COMMUNITY AMENITIES**

15. At consideration of First Reading of an eligible rezoning bylaw, Staff shall provide Council with a summary of the *Community Amenity Contribution* negotiation, identifying all relevant *Servicing Requirements*, *Community Benefits*, and *Community Amenity Contributions* associated with the project used to determine the *Community Amenity Contribution* offer.

16. At consideration of First Reading, Staff are encouraged to provide Council a *Community Amenity Contribution* offer summary from the Applicant wherever appropriate.
17. At consideration of First Reading, Staff will advise Council of the means by which the *Community Amenity Contributions* will be secured, and the estimated time to delivery of each amenity.
18. If necessary, Staff may seek a resolution of Council establishing any pre-requisites to zoning bylaw adoption necessary to secure and implement a *Community Amenity Contribution*.
19. A summary of proposed *Community Benefits* and *Community Amenity Contributions*, including the nature and type of contribution and the means to deliver or secure, shall be made available to the public in advance of Public Hearing to any eligible rezoning bylaw.
20. The *Community Amenity Contribution* negotiation shall be deemed complete upon Third Reading to the proposed rezoning bylaw.

### **SECURING DELIVERY OF COMMUNITY AMENITY CONTRIBUTIONS**

21. At any point before granting Third Reading to a proposed eligible rezoning bylaw, Council may establish pre-requisites to zoning bylaw adoption to direct the security of the *Community Amenity Contributions* by way of delivery, or agreement to deliver *Community Amenity Contributions* through the development.
22. Any necessary agreements in relation to *Community Benefit* and *Community Amenity Contribution* negotiations shall be executed by the proponents and delivered to the Village in a registerable form in advance of consideration of zoning bylaw adoption.

### **TRANSFER OF COMMUNITY AMENITY CONTRIBUTIONS**

23. Unless otherwise secured through a zoning bylaw amendment, servicing agreement, land development agreement or other agreement acceptable to the Village of Pemberton, all *Community Amenity Contributions* shall be provided prior to adoption of the eligible rezoning bylaw.
24. Any funds received by the Village in satisfaction of the *Community Amenity Contributions* of any rezoning application shall be deposited in the appropriate reserve account as determined by the Village prior to adoption of the rezoning bylaw. Should the rezoning bylaw not be adopted, the funds be to returned in full.

### **COUNCIL DISCRETION**

25. Nothing in this policy is intended to impair or fetter the discretion of Council with respect to adopting any bylaw or amendment thereof.

7432 Prospect st - Unit C, Pemberton  
fitzgeraldinc.ca  
admin@fitzgeraldinc.ca

29/08/2023

**Voluntary Community Amenity Contribution - Prospect Apartments**

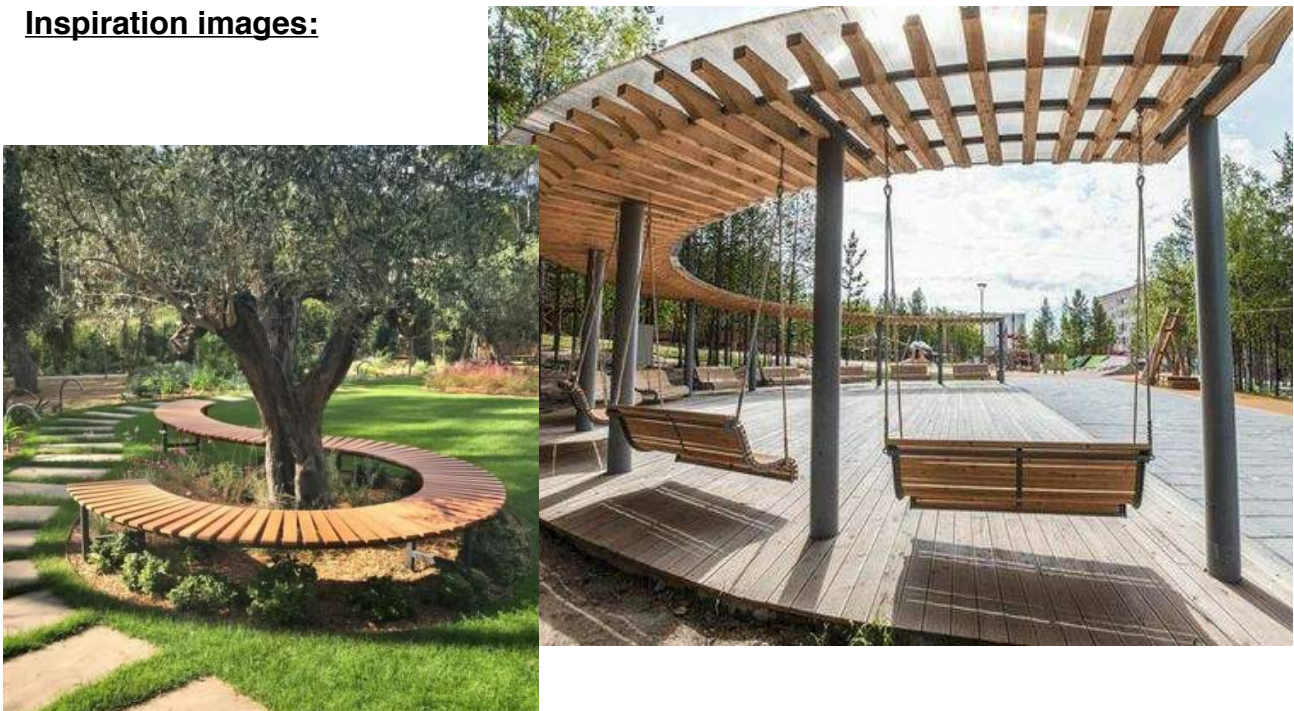
With additional residential units in the community’s downtown core creates numerous benefits which are valid considerations to weigh as described in the Village’s Community Amenity Contribution Policy. Greater demand for local businesses, more attainable housing located near grocery stores and other services, and more commercial floor space for local entrepreneurs will all add to the vibrancy of Pemberton’s downtown. An active, lively, and interesting downtown is an amenity for any community.

Additionally to this, we propose a further CAC with an enhancement to Foughburg Park, located directly opposite the Prospect apartments. Our concept is to create a more usable green space by integrating landscape features such as timber structures and planting. With the added density that this project will bring, enhancement of this under-utilized park would be of huge benefit to the community.

Current budget at this stage is approx \$80 000.00

At this stage, this is only conceptual and will need to be developed further.

**Inspiration images:**





# PROSPECT STEET - REZONING APPLICATION

7421-7425 PROSPECT ST - PUBLIC INFORMATION MEETING - WHAT WE HEARD REPORT



## PIM - WHAT WE HEARD

SHEET NO.	SHEET NAME
R001	PROSPECT STREET REZONING
R002	PIM - SUMMARY
R003	INTERACTIVE BOARDS
R004	EVENT PHOTOS
TOTAL: 4	

PIM - WHAT WE HEARD

PROSPECT STREET REZONING

PROSPECT STREET  
PEMBERTON, B.C.



R001

2023-08-24

PROJECT NO. 1679



**SUMMARY**

Fitzgerald company and stark held a public information meeting on 17th august for 7421, 7423 & 7425 prospect street rezoning application. The PIM meeting was held at the community center in Pemberton from 5-7pm, Thursday evening and was advertised in the local community and Pique magazine.

Detailed presentation boards displayed the proposed 4 storey residential + commercial development that is looking to rezone from a commercial town center zone (C-1) to a comprehensive development (CD-xx). The main focus of this public information meeting was to gain public insight and thoughts on the increased building height (+1 storey), mixed-use building use and the reduced no. of parking stalls proposed in the rezoning development.

Fitzgerald and stark also took this opportunity to gain/share information in relation to the current downtown transportation use, highlight potential gaps in the commercial market and find out preferred residential/public storage solutions. This information will be used to better inform the proposals design and provide public data for Pemberton's official community plan and future downtown developments.

4 interactive boards gave the public an opportunity to add personal suggestions and thoughts on preferred public/residential facilities, storage solutions and commercial uses for downtown Pemberton. A questionnaire was handed out to help understand the local communities' needs and thoughts on Pemberton downtown and transportation use. Fitzgerald and stark were present to answer any questions and note down comments throughout the event.

15-20 people attended the event and 4 people filled out a questionnaire. Stark received 1 email prior to the event in response to the PIM advert. Their question was regarding lot amalgamation and unit pricing.

**BUILDING HEIGHT**

Variance: To increase building height from 10.5m (3 Storey) to 17.5m (4 Storey)

Generally, the building height was well received, most PIM attendees agreed the 1 story increase from current zoning would align with the OCP to densify downtown and provide much needed additional homes. Only 1 person out of 4 who filled out the questionnaire questioned whether the building would be out of character and height within its surroundings.

**PARKING**

Variance: To reduce parking numbers from 66 stalls to 54 stalls

Some questions were raised regarding the parkade commercial/visitor stall allocation – suggestion to relocate to on street parking with angled stalls providing residents with additional stalls within parkade.

Gated access and secure bike storage were well received.

**DOWNTOWN TRANSPORTATION**

3/4 people who took part in the survey lived downtown and 3/4 of them prefer walking locally. 2/4 people primarily used car transport to access downtown.

Most people had concerns about the amount of public parking and current infrastructure in downtown Pemberton. Individuals expressed reliance on personal vehicles due to the lack of public transport options, secure bicycle parking and issues with the clearance of pedestrian/biking trails during the winter.

Several discussions were had about the lack of bus services within Pemberton and lack of public transport options to travel to Whistler/Squamish and Vancouver.

Travel into downtown was discussed and traffic concerns were raised with only having 1 main vehicular access road.

**STORAGE**

Lack of public and private secure bicycle storage was expressed numerous times and feedback was to provide different kinds of storage solutions to suit differing needs. Some suggestions noted below:  
-Raised secure bike parking at end of parking stalls within parkade.  
-Raised storage boxes at end of parking stalls  
-Lockers for skis/bikes and car tires.  
-In suite storage for bikes  
-Communal bike services tool/bike wash

**FACILITIES/AMENITY**

Commercial spaces with covered patio, rooftop outdoor amenity space and public landscaped area to the rear of the property were well received. The need for bicycle/ski storage and maintenance areas within the development were expressed along with fenced dog park/play areas.

There were some concerns in relation to the proximity of the BC hydro building and provision of a landscape buffer to limit noise pollution and improve views at the rear of the property.

**OTHER**

**UNIT TYPE**

Unit mix and size did not come up as a topic of discussion, however 1 individual asked about accessible homes. It was discussed that there are no minimum requirements to provide accessible units but that small construction tactics could be implemented to allow for future adaptability.

**PROJECT INFO**

**OCCUPANCY - MIXED USE**  
(COMMERCIAL + RESIDENTIAL)

**CIVIC ADDRESS:**  
7421, 7423 & 7425 PROSPECT STREET,  
PEMBERTON, BC, V0N 2L1

**LEGAL DESCRIPTION:**  
LOT 1 DISTRICT LOT 203 LILLOOET  
DISTRICT PLAN EPP124721

**PID:** 031-847-226

**REZONING**  
CURRENT: C1 (COMMERCIAL, TOWN CENTER)  
PROPOSED: CD-XX (COMPREHENSIVE DEVELOPMENT)

**SITE AREA**  
23,538 ft<sup>2</sup> / 2,186 m<sup>2</sup>  
MAX LOT COVERAGE 100%

**FAR:** 2.1 PROPOSED (2.5 MAX)

**RESIDENTIAL**  
STUDIO - 4  
1 BEDS - 29  
2 BEDS - 12  
TOTAL - 45

**PARKING**  
RESIDENTIAL STALLS - 48  
COMMERCIAL/VISITOR - 6  
TOTAL - 54

**SUMMARY - INTERACTIVE PIM BOARDS**

**COMMERCIAL USES:**

- OFFICE/WORKSPACE**
- COMMERCIAL KITCHEN RENTAL SPACE
- COMMERCIAL OFFICE SPACES

**RETAIL**

- SKI/SNOWBOARD SHOP
- XC SKI RENTAL SHOP
- DOGGY DAYCARE

**CAFE/RESTAURANTS**

- CANDY SHOP
- GELATO/ICECREAM STORE
- COCKTAIL BAR
- MICRO-BREWERY
- HEALTHY RESTAURANTS
- BUTCHER
- MILK SHAKE/JUICE BAR
- MORE GROCERY OPTIONS

**HEALTH/ARTS**

- JUJITSU/ MARTIAL ARTS STUDIO
- POOL
- CLIMBING GYM
- SPA

**OTHER**

- DAYCARE

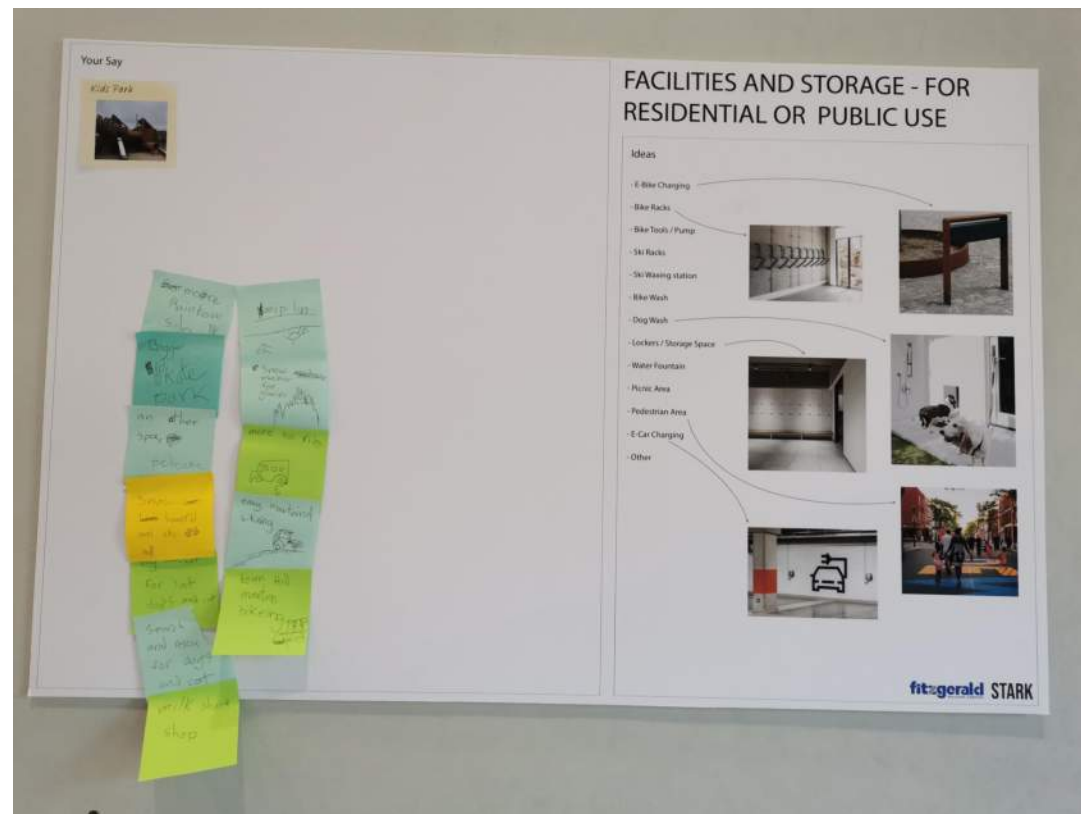
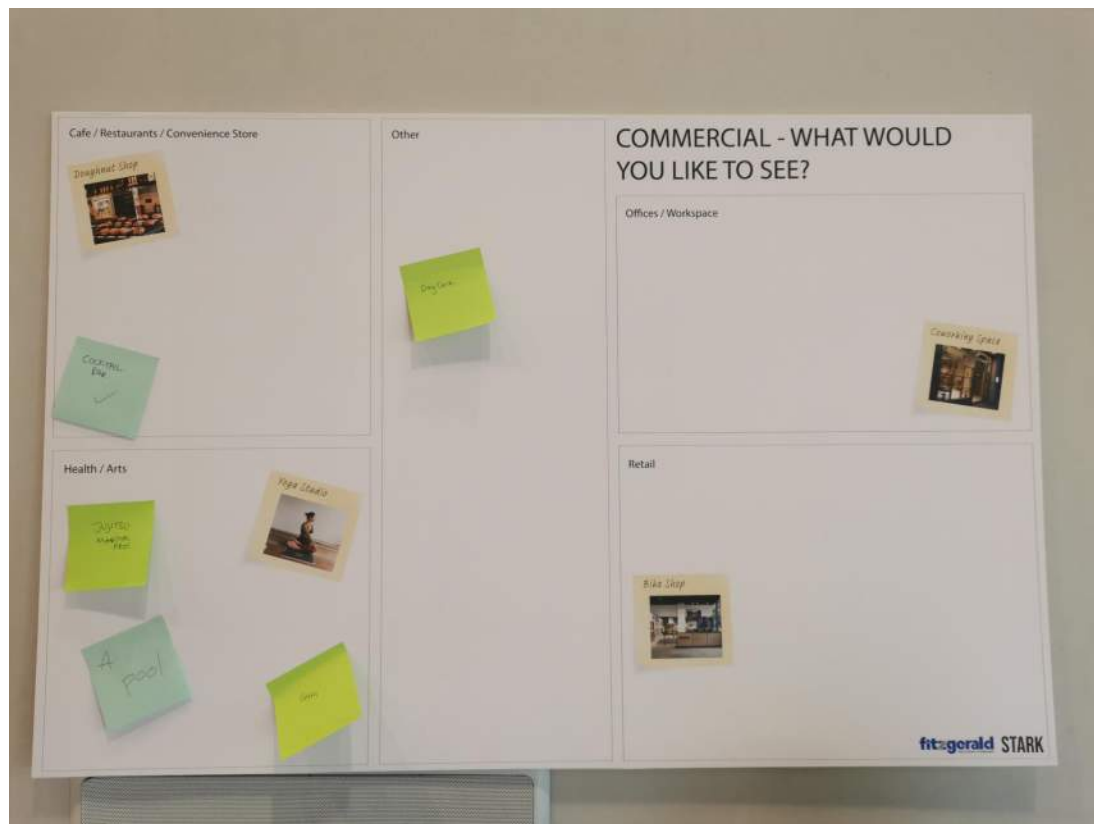
**FACILITIES + STORAGE:**

**PUBLIC FACILITIES**

- BIGGER SKATE PARK
- RAINBOW SIDEWALKS
- SKI HILL/LIFTS
- SEARCH + RESCUE FOR PETS
- EASIER DOWNHILL MOUNTAIN BIKING
- MORE BUS ROUTES/ADDITIONAL SERVICES
- PEDESTRIANIZED STREETS

**RESIDENTIAL FACILITIES/STORAGE**

- ACCESSIBLE UNITS
- E-BIKE STORAGE/RENTALS
- E-BIKE CHARGING
- BIKE RACKS
- BIKE TOOLS/SERVICE BAR
- SKI RACKS
- SKI WAXING STATION
- BIKE WASH/DOG WASH
- LOCKERS/STORAGE SPACE
- WATER FOUNTAIN
- PICNIC AREA
- E-CAR CHARGING



PIM - WHAT WE HEARD

**INTERACTIVE BOARDS**

PROSPECT STREET  
PEMBERTON, B.C.



**R003**

2023-08-24  
PROJECT NO. 1679

**STARK**  
Page 2 of 2





PIM - WHAT WE HEARD

EVENT PHOTOS  
PROSPECT STREET  
PEMBERTON, B.C.



R004  
2023-08-24  
PROJECT NO. 1679



# Public Hearing Notice

Questions?  
We're  
Listening.



604.894.6135



admin@  
pemberton.ca



Scan to  
View The  
Application

## Zoning Amendment (Comprehensive Development Zone 7– Prospect Apartments) Bylaw No. 948, 2023

Tuesday September 12, 2023 at 5:30 pm in-person at Council Chambers, 7400 Prospect Street, Pemberton, BC or Virtual via Zoom Webinar ID: 840 0997 7920, (<https://us02web.zoom.us/j/84009977920>)

## What is Zoning Amendment Comprehensive Development Zone 7 (Prospect Apartments) Bylaw No. 948, 2023 about?

The bylaw has been prepared to amend the Zoning Bylaw No. 832, 2018 to support the development of a mixed-use residential building submitted by STARK, Agent for the landowner 1268913 BC Ltd. (Fitzgerald Building Co.). The amendment proposes the creation of a new Comprehensive Development (CD) Zone, CD-7: Prospect Apartments, and amends the Zoning map for the subject parcel from C-1 (Commercial, Town Centre) to CD-7. The proposed four (4) storey mixed-use building would include: 1,000 m<sup>2</sup> of commercial space on the ground floor; Forty-five (45) residential units on the 2nd to 4th floors; Unit mix of studio, 1 bedroom, and two-bedroom units; Fifty-four (54) secure electric vehicle (EV) ready underground parking stalls; and Ninety (90) Class A bike stalls.

## How do I get more information?

A copy of the proposed bylaws and relevant background documents may be inspected at the Village of Pemberton Office, 7400 Prospect Street from Tuesday, August 29th, 2023 to Tuesday, September 12, 2023 during the office hours of 9:00am to 4:00pm (closed noon-1:00pm), Monday through Friday (statutory holidays excluded), and also online at <https://www.pemberton.ca/departments/development-services/asterprospect>



## How do I provide feedback?

All persons, who believe their interest in the property is affected by the proposed Bylaw, shall be given a reasonable opportunity to be heard by Council at the Public Hearing. Written comments must be addressed to "Mayor and Council" and may be submitted at the Public Hearing or through one of the following methods prior to the Public Hearing (by noon on Monday September 11):

**Email:** admin@pemberton.ca

**Fax:** 604.894.6136

**Mail:** Corporate & Legislative Services, Village of Pemberton, P.O. Box 100, Pemberton, BC, V0N 2L0

**In Person:** Corporate & Legislative Service Department, 7400 Prospect Street, Pemberton BC

Submissions received for the proposed Bylaw **before 12:00pm on Tuesday, September 5** will be included in the Public Hearing information package for Council's consideration. This information package will also be available on the Village website at [www.pemberton.ca](http://www.pemberton.ca). Submissions received after 12:00pm on Tuesday, September 5 will be presented to Council at the Public Hearing. At the conclusion of the Public Hearing, no further information on this topic can be considered by Council.

**Ethan Fredeen, Corporate Officer**