

Date: November 21, 2017

To: Nikki Gilmore, Chief Administrative Officer

From: Lisa Pedrini, Village Planner

Subject: Consideration of Zoning Amendment Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 for Second Reading

PURPOSE

This report further considers an application from BC Hydro to amend the Zoning Bylaw to facilitate an upgrade to the existing BC Hydro Field Office/Works Yard at 1363 Aster Street. The report submits an update of how the applicant has addressed the items that Council resolved had to be addressed before the application could proceed to Second Reading, as well as input from the community at large. As a result, Zoning Amendment Bylaw No. 821, 2017 is being presented for Second Reading in addition to the scheduling of a public hearing.

BACKGROUND

A detailed report on the BC Hydro zoning amendment application as well as agency referral input, Advisory Land Use Commission (ALUC) recommendations and staff comments related to the Field Office/Works Yard Upgrade was presented to Council at their Regular Meeting No. 1455, held July 25th, 2017, and the following resolution was passed:

Moved/Seconded

THAT Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 receive First Reading;

AND THAT Second Reading of Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 not be considered until the Applicant:

- *Holds a public information session or staff supported online engagement strategy seeking public sentiment on the proposed development, at their own expense, and forwards the consultation results to the Village Planner;*
- *Submits a Development Permit/Development Variance Application outlining refined detail with respect to the form and character of the proposed Field Office/Works Yard and the nature of its parking requirement variance request;*
- *Agrees to enter into a Land Use Agreement and works with staff to develop a Draft Covenant that outlines negotiated Community Amenity Contributions before Third Reading.*

CARRIED

DISCUSSION & COMMENTS

This section of the report informs how the applicant has addressed the outstanding items identified above before the application could proceed to Second Reading.

1. Hold a Public Information Session to gauge early feedback on the Proposal.

Village Council required BC Hydro to hold a Public Information Session, at their expense, in support of their application to rezone their downtown property to allow for an upgrade to their Field Office/Works Yard. As the use is currently legal non-conforming, the use cannot be expanded at this location unless the bylaw is amended to permit the use outright. As a means of gauging the community's sentiment toward this rezoning request, it was resolved that BC Hydro gather feedback from the community on their proposal to expand their semi-industrial operations at this location before the proposed amendment bylaw could receive Second Reading.

In accordance with Council's resolution (noted above in Background), the applicants held a Public Information Session on Thursday, October 26th, 2017 at the Pemberton Community Centre. BC Hydro's advertising for the public session consisted of advertisements placed in The Question on October 24th and the Pique Newsmagazine on October 26th and a sign posted at the Roundabout for a week in advance of the date. The event had been originally booked for October 18th, with earlier advertising but inclement weather necessitated the cancellation of that date, as such an amended sign was placed in advance of the second meeting at the Roundabout. In addition, information about the Public Information Session information was shared by the Village in the Village of Pemberton eNews, Facebook page and through direct emails to the Advisory Land Use Commission and Advisory Design Review Commission members and the Chamber of Commerce.

At the Information Session, story boards explaining the proposal and depicting the form and character of the new Field Office/Works Yard building and proposed landscaping were presented (attached as **Appendix A**). BC Hydro staff was available for questions and attendees were invited to provide written comments.

Following the Information Session, Jerry Muir, Community Relations Manager for BC Hydro, submitted the results of their engagement to the Senior Planner. In terms of attendance, BC Hydro advised that approximately twenty-five (25) people attended, nineteen (19) signed in and seven (7) comments were submitted. Comments received at the meeting are attached as **Appendix B**.

In summary, from the results of those who attended and commented, the majority appears in favour with the proposed redevelopment and pleased with the aesthetics of the anticipated design. Questions were raised about access and water service lines located within the informal laneway referred to as St. David's Laneway. Given that the property was subdivided many years ago, and the four (4) residential properties were formerly owned by BC Hydro, the servicing for these properties likely crossed the parent parcel. Unfortunately, when this property was subdivided, an easement was not included in the subdivision process. Consequently, BC Hydro will need to locate the service lines and inform the Village of how this will be resolved.

The Village also received a submission on the proposal from a resident of Pemberton that attended the Public Information Session that does not support the rezoning. These comments were received via the Village's website online submissions and the correspondence is included on the agenda for receipt by Council. A copy is also attached to this report as **Appendix C**. This resident raises concerns that the location of the BC Hydro Field Office/Works Yard in the Village's downtown (and the corresponding truck traffic) is incompatible with a pedestrian-oriented downtown core, and notes his preference for redevelopment of commercial and residential uses in their current location.

2. Submit a Development Permit outlining the design details of the proposed Field Office/Works Yard Upgrade

BC Hydro submitted an application for a major Development Permit (DP) for Form and Character of the Development - Downtown Revitalization on September 29, 2017. Review of the DP is in process and a staff report on the application will be presented to Council for consideration at a future meeting.

The proposed design of the upgrade is shown below in a rendering labelled **Figure 1**, as presented at the Public Information Session held October 26, 2017 (see **Appendix B**).

Figure 1: Rendering of the Proposed Field Office/Works Yard Upgrade and Landscaping



VIEW ACROSS ASTER ST.

The following is a summary of the design of the Field Office/Works Yard facility, as provided by the Applicants, with some preliminary comments from Planning Staff noted in *italics*.

- The design places the building at the rear of the site, away from the street.

Planning Staff Comment:

The front yard set-back in the C-1 zone is 0 m, to encourage developments to have an interesting and pedestrian scaled façade. Given the semi-industrial use of the property, it is preferable to have it set back from the property line, as proposed.

- It will be screened to recede in the background to maintain an appropriate scale with stored yard materials placed against the building and up against the hillside to keep out of the line of sight from the street.

Planning Staff Comment:

The proposed screening consists of landscaping along the front and new plantings along the eastern boundary of the site, as recommended by the ADRC (see referral comments). It should be noted that BC Hydro's Corporate Security Standards dictate the need for chain link fencing as shown in the attached drawings. They have been given a special dispensation for not providing barbed wire as they are using a higher cost alternate technology in lieu. Staff has been advised by BC Hydro that the chain link fencing cannot include dark mesh or standard slat inserts similar to what is used now due to BC Hydro's strict security standards.

- The new building is designed to the latest building standards for most components but will exceed the current building code to:
 - Seismically meet the higher standards for Post-Disaster dictated in the proposed new Building Code
 - Improve sustainability by shadowing LEED™ certification¹
 - Meet design requirements for 1:500 year flood protection
 - Reduce environmental impact and load on the Village's infrastructure by collecting and managing storm water surge onsite
 - Improve security by following Crime Prevention Through Environmental Design (CPTED) principles.

Planning Staff Comment:

Staff welcomes seismic and flood improvements and sustainability features. It should be noted that collecting and managing storm water on site and following Crime Prevention Through Environmental Design are required elements of any Development Permit in the Downtown DP Area No. 4.

The overall design includes:

- a) An architecturally finished wall dedicated for the display of public art at the corner of Aster Street and Dogwood Drive.

¹ Shadowing LEED certification means that they will follow the standards but not seek certification.

The DP application notes that *“the public face of the site along Aster Street will be addressed with a decorative fence, bookended with two architectural, board-formed concrete walls. One wall will have the ability to host public art at the prominent corner of Aster Street and Dogwood Drive, and the other wall will support identifying signage. A PMT (pad mounted transformer) located at the south-east corner of the site could be clad with decorative film as a further public art opportunity.”*

Planning Staff Comment

The concrete architectural features proposed at either end of the property frontage are an attractive design element. In terms of public art, the development would benefit from a voluntary gifting of an appropriate piece of public art or funding from BC Hydro to purchase a local piece as a community amenity contribution. It is unfortunate that a PMT is to be located between the sidewalk and the fence, but as the proposal notes, it does provide another opportunity for public art, if the proponents are required to “shrink wrap” it with local art pieces similar to what RMOW has done.

b) Improved Street and Area Lighting

Planning Staff Comment

Consideration of the style and intensity of the new lighting will be addressed through the DP application.

c) New concrete sidewalk with wheelchair let-down along Aster Street

Planning Staff Comment

Off-site improvements such as this are a standard requirement of Development Permits.

d) A public access pathway along the east side of the property

Planning Staff Comment

The public access pathway will allow pedestrian movement along the area between the property boundary and the rear of the small lots along Prospect Street, in place of the lane. The path does not currently lead to an established trail network rather; it leads to an informal trail traveling up/down the cliff to the United Church property. Future redevelopment of the adjacent properties on Prospect Street will be impacted by the removal of the lane (which is not presently protected by a formal easement but is located on the subject property), but the pathway could be beneficial in future if an easement is granted. The submission does not address the loss of the vehicular access to, and the siting of utilities serving the adjacent four small lots along Prospect Street.

BC Hydro has advised staff they have commissioned an electromagnetic and ground penetrating radar scan of the lane to see if they can locate any utilities in the next two weeks. Their consultants have been in contact with the Village’s Engineering Technician who has found an old “sketch” of the parcel before subdivision. Once they know if/where any services are located, then they will be in position to determine next steps.

- e) A landscape design that features an exterior that is an aesthetic fit to the existing and future streetscape

Planning Staff Comment

The property is currently screened by mature trees along Aster Street. The applicants have submitted a revised Landscape Plan as part of their DP application, which proposes to add more landscaping along the eastern portion of the chain link fence. The landscape plan will be accessed as part of the DP application.

- f) No parking variances have been requested as part of the Development Permit application.

3. Agree to Enter into a Land Use Agreement (Covenant) that outlines Community Amenity Contributions before Third Reading

The applicants have been made aware of the Village's policy on community amenity contributions, and are agreeable to meet with staff to discuss the potential of voluntary community amenities. This meeting will be required to take place before the Bylaw reaches Third Reading.

REFERRAL COMMENTS

Not all referral comments (external and internal) are available at this stage; they will be provided when the DP application is presented to Council. The following are the referral comments received to date:

a) Pemberton and District Chamber of Commerce

The Secretary-Treasurer of the Pemberton and District Chamber of Commerce advised the Village on October 10, 2017 that the Board of Directors had no further comments at this time regarding the Development Permit (DPA010) BC Hydro Site.

b) Advisory Design Review Commission

The Village's Advisory Design Review Commission met on October 11, 2017 to review the BC Hydro Development Permit Application and give feedback on the overall development concept. At that meeting the ADRC passed the following resolution:

Moved/Seconded

THAT the Advisory Design Review Commission recommends to Council that BC Hydro Development Permit Application (DPA-010) be supported conditional on the applicant providing the following:

- a) A lighting plan that includes specifications of fixtures, location of lights and how the art wall will be lit;
- b) Revised landscape plan that proposes more visual interest and better screens the east side of the building;
- c) A 3D representation of the site and buildings in order to represent views from different areas of the downtown.

AND THAT the Advisory Design Review Commission would like an opportunity to review the revised plans prior to consideration by Council.

CARRIED

Planning Staff Comment

*The DRAFT minutes of the ADRC meeting are attached as **Appendix D.***

PROPOSED AMENDMENT BYLAW

Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017, was given First Reading on July 25, 2017 as a means of demonstrating conditional support of the application. At that time, the proposed Zoning Amendment Bylaw was worded to define and permit a Works Yard use in the C-1 (Town Centre Commercial) Zone on a site-specific basis on *Lot 5, Plan 31658, D.L. 203, LLD, and is not permitted on any other lands in this zone.* The Bylaw at First Reading is attached as **Appendix E.**

Staff is now recommending that Zoning Amendment Bylaw No. 821, 2017 be reworded to rezone the property from C-1 back to P-1 (Public), the version attached as **Appendix F**, and to add to the list of permitted uses in the P-1 Zone “Works Yard” as similarly defined below:

Works Yard

means the use of Land, Buildings and Structures operated by, or on behalf of, the Village of Pemberton, Province of British Columbia or Government of Canada, for the interior and exterior storage, maintenance or repair of buildings, infrastructure, materials or equipment. The use may include office space but excludes communication tower and/or electrical sub-station.

This revised approach would change the zoning of the subject property back to its original zone of P-1 (Public), which is what the property was zoned before the adoption of Zoning Bylaw No. 466, 2001. The Works Yard use could thus be permitted on a site specific basis in the P-1 zone on the subject property only, thus facilitating BC Hydro’s redevelopment plans at 1363 Aster Street.

Planning staff feel that this approach more accurately reflects the long standing public utility use of this property in this location, rather than permitting it as a site specific use in the C-1 zone.

COMMUNICATIONS

Subject to Section 464 of the *Local Government Act*, a Public Hearing must be held for both OCP and the Zoning Amendment Bylaws, after first reading of the bylaw and before third reading. Notice of the Public Hearing will be given as per s. 466 of the *LGA [RSBC 2015]* in the form of two (2) ads published in the local newspaper within the specified time period and notification being sent to adjacent property owners. It will also be advertised on the Village’s website and Facebook Page and included in the eNews.

LEGAL CONSIDERATIONS

The processing of a Rezoning application is regulated by various sections contained in Part 14 of the *LGA [RSBC 2015]* and by the Village's *Development Procedures Bylaw 725, 2013*, as amended from time to time.

Bylaws that have received First Reading may be amended before Second Reading without a requirement to rescind First Reading.

IMPACT ON BUDGET & STAFFING

The research and preparation of this report is a component of the daily work undertaken by the Development Division of the Operations & Development Services Department. All costs associated with the processing of this application, including staff time, are recoverable from the applicant's fees as per the Village's *Development Procedures Bylaw 725, 2013*, as amended from time to time.

INTERDEPARTMENTAL IMPACT & APPROVAL

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

ALTERNATIVE OPTIONS

There are five options:

1. Council may give Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 (attached as **Appendix F**) Second Reading based on the information provided in this report, and Schedule a Public Hearing.

This is the recommended option.

2. Council may choose to give Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 (attached as **Appendix E**), based on the original wording of the Bylaw (i.e., allowing the use as a site specific use in the C-1 zone in this location) and schedule a Public Hearing.

This option is also supported by staff, but is not preferred as it is felt the use is better suited under a P-1 zone than the C-1 Town Centre Commercial zone. Both bylaw amendment options are compliant with the OCP.

3. Council may choose to give the Zoning Amendment (BC Hydro Field Office/Works Yard/Works Yard) Bylaw No. 821, 2017 (attached as **Appendix F**) Second Reading but not schedule a Public Hearing until the Development Permit Application is presented in full. This would allow both public and Council to review the entire submission before the Public Hearing takes place.

The benefit to this approach is that Council and the public will have a fuller understanding of how the proposed development meets the Downtown Revitalization guidelines contained in the OCP as the future report will include more details and

comments from engineering and the ADRC. However, this approach will hold up the rezoning process.

4. Council may refuse the rezoning application.

If Council were to decide that the semi-industrial use, regardless of how it is zoned, is not appropriate given its location in the Town Centre and regardless of what the ultimate end design of the Field Office/Works Yard upgrade will look like, it can refuse to give the rezoning application further readings.

5. Council may provide another option.

POTENTIAL GOVERNANCE CONSIDERATIONS

Responding to the proposed Zoning Amendment Applications is consistent with Strategic Plan Priority One: Economic Vitality to foster investment within the Village and Priority Three: Excellence In Service through the continuation of delivering quality municipal services by processing development applications efficiently.

RECOMMENDATION

THAT Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017, (attached to this report as Appendix F), be given Second Reading;

AND THAT a Public Hearing for Village of Pemberton Zoning Bylaw No. 466, 2001, Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 be scheduled for 7 PM Tuesday, December 5th, 2017, at Council Chambers.

Attachments:

Appendix A – Community Information Session Story Boards, October 26, 2017

Appendix B – Results of the Community Information Meeting

Appendix C – Submission to Council opposing Rezoning Application

Appendix D – ADRC Minutes, October 11, 2017

Appendix E – Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 - as presented for First Reading

Appendix F – Zoning Amendment (BC Hydro Field Office/Works Yard) Bylaw No. 821, 2017 – preferred version for Second Reading

Submitted by:	Lisa Pedrini, Village Planner
Manager Approval by:	Tim Harris, Manager of Operations and Development Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer