

**Date:** November 21, 2017

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Lisa Pedrini, Senior Planner

**Subject:** Development Variance Permit Application No. 119  
1350 Aster Street (SLRD Offices)

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## **PURPOSE**

The purpose of this report is to present to Council, for their consideration, an application for a Development Variance Permit received from the Squamish-Lillooet Regional District to facilitate a parking lot expansion at 1350 Aster Street.

## **BACKGROUND**

On August 31, 2017, the Village received an application for a Development Permit from Lynda Flynn, Agent for the Squamish-Lillooet Regional District (SLRD). The Development Permit application included a request for a variance to exclude the requirements for a paved/hard-surfaced off-street parking lot for the expanded portion of the parking area.

On November 7<sup>th</sup>, at their Regular Council Meeting No. 1459, Council passed the following resolution respecting the Development Permit:

*Moved/Seconded*

***THAT*** the Development Permit Application No. 009 (1350 Aster Street) be approved subject to the following conditions:

- *That a formal grading plan with engineered retaining wall design be submitted to the satisfaction of the Village Engineer;*
- *That a formal stormwater management plan be submitted to the satisfaction of the Village Engineer;*
- *That an estimate of landscaping works and security deposit (in the form of an Irrevocable Letter of Credit or equivalent) to complete the works be submitted; and*
- *That any proposed future building signs receive a Sign Permit in conformance to the Village of Pemberton Sign Bylaw;*

**CARRIED**

At that same meeting Council considered the Development Variance Permit request; however, it was decided to defer consideration of the application to the next meeting. As such, the following resolution was passed:

***Development Variance Permit DVP-119:***

*Moved/Seconded*

***THAT the Development Variance Permit request not be supported.***

*Moved/Seconded*

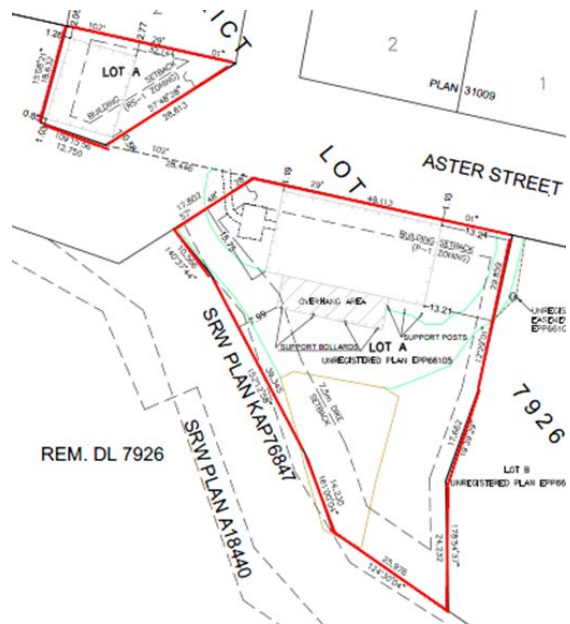
**THAT** the above motion be rescinded and the Development Variance Permit Application No. 119 (1350 Aster Street) be deferred to the next Regular Council Meeting when the fifth member of Council is present.

**CARRIED**

## VARIANCE REQUEST

The following provides a summary of the development variance request:

- a) **Location:** The subject property is located at 1350 Aster Street and is legally described as Lot A, District Lots 203 and 7926, LLD, Plan EPP66105. The parking lot is located behind the existing building on the southern side of the lot.
- b) **Development Request:** The request is to vary (relieve) the applicants from having to comply with the Village's requirement for hard surfacing and demarcating of the expanded (new) parking lot, and allow the existing surfacing of crushed gravel to remain.
- c) **Site Plan:** The site plan shown below indicates the location of the building and parking expansion. The area shown in dark grey is the expanded area of parking.





d) **Parking Lot Surfacing Variance:** A **variance** is being requested from Section 509 *Zoning Bylaw No. 466, 2001* – Parking Design Criteria, Section 509 (i) and (iii). The applicants are requesting to maintain the current asphalt and gravel wear surfaces thus being relieved of the requirement to surface the entire area with a permanent hard surface of asphalt, interlocking paving stone or similar pavements as to provide a surface that is durable and dust-free for the purpose intended and be relieved of having to demarcate the individual parking spaces. A Draft Development Variance Permit has been attached as **Appendix A**.

The rationale for the variance request was provided by the applicants as follows. The application notes that currently, the parking area is a mix of asphalt and crushed rock/gravel which the applicant contends provides adequate surfaces to maintain the existing surface and has not posed dust or erosion nuisance issues affecting neighbouring property owners. Moreover, the applicants state that the gravel surface assists with storm water management and will not introduce the same tar, resin and oil residue contaminates in the surface or ground water that may be expected from a new asphalt surface. The application also states that the proposed layout will be configured with wheel stops and curbs in such a way as the

user will understand the configuration and parking and movement patterns without lines on pavement.

## DISCUSSION AND REFERRAL COMMENTS

- Development Services**

*Land Use* - The subject land is currently designated "Downtown" in the Official Community Plan Bylaw No. 654, 2011. The expanded parking lot complies with the OCP.

*Zoning* - The subject property is split zoned P-1 (Public) and C-1 (Town Centre Commercial). The portion of the property containing the parking lot is zoned C-1. (The Village will be amending the zoning map with respect to the entire property to the Public zone as part of the Zoning Bylaw Review.)

The following is an assessment of the proposal in the context of the Zoning Bylaw requirements:

Based upon the requirements noted in Section 500 - Off-Street Parking Spaces, Civic Use requires one (1) space per 37 m<sup>2</sup> of gross floor area, therefore based on the total floor area used by the SLRD (702.16 m<sup>2</sup>), as shown in the application drawings, the proposal is required to provide nineteen (19) parking spaces; the applicants have provided a total of twenty-six (26) at the rear of the property. In addition, there are two (2) accessible spaces at the entrance, one (1) parking space for the Fire Chief, and three (3) existing parking spaces at the north east corner of the building, for a total of six (6) additional spaces in the front, making the grand total of thirty-two (32) spaces to accommodate staff, board members and the public.

A summary of the parking space allocation is provided in the table below:

Use/Zoning (Civic Use)	Size (m <sup>2</sup> )	Parking Spaces Required by Zoning	Total Existing Spaces	New Expansion Spaces	Total Required Spaces	Difference
Fire Hall (1st Floor)	457.08	13.00	3.00	0.00	3.00	(10.00)
SLRD Office Space (1st & 2nd Floor)	504.56	14.00	18.00	(1.00)	17.00	3.00
SLRD Office Expansion (1st & 2nd Floor)	205.40	6.00	0.00	13.00	13.00	7.00
<b>Total</b>	<b>1,167.04</b>	<b>33.00</b>	<b>21.00</b>	<b>12.00</b>	<b>33.00</b>	<b>0.00</b>

*Development Permit (DP) Guidelines* - The OCP designates the subject property as Development Permit Area No. 4 – Downtown Revitalization - in an effort to fulfill the following:

- Enhance Pemberton's authentic identity by providing a framework for the character and form of buildings, landscaping, streetscapes and circulation;
- Create a strong sense of arrival to the Pemberton community through natural and built gateway elements;
- Accommodate and integrate infrastructure needs with parking and transit;
- Showcase and enhance the surrounding natural features, heritage landmarks, open spaces and parks.

Given this DP Area designation, the variance application must be reviewed in accordance with certain Guidelines stated under Section 7.4.2.2 of the OCP. The following is a summary of the pertinent guideline:

*Circulation and Parking* – The OCP Development Permit Guidelines for DP Area No. 4 state:

*A development's accommodation of internal and external vehicular circulation, parking and servicing is an important consideration of the functioning and accessibility of the project.*

- *Recognize that the primary function of a laneway is to service the accessing businesses. If appropriate, lanes have a secondary opportunity to provide pedestrian linkages, if safety and security issues can be addressed.*
- *Access service bays, loading docks and garbage/recycling dumpsters from existing laneways and screen utilities from public view. Access should be achievable during all weather conditions.*
- *Provide on-site parking either accessed from the rear of the development (lane) or underground. Parking is not permitted within the front yard setback; however, the enhancement of on-street parking along the frontage of the building is encouraged.*

The proposal is to locate the parking lot surfacing to the rear of the SLRD Office expansion appears to meet the DP guidelines. The request to vary the surfacing of the expanded parking lot is not addressed in the DP guidelines.

Staff has considered the proposed variance and can advise:

- That the subject property is located at the outermost boundary of the Pemberton Creek aquifer, and that the Village has confirmed that at this location, the type of parking lot surfacing (i.e. asphalt, concrete, interlocking paving stones, or crushed gravel) will not impact the aquifer given the distance of this site from the actual well head.
- The Advisory Design Review Commission (ADRC), at their meeting held September 27, 2017, had no concern over the variance request as they felt the gravel parking area would not impact neighbouring properties due to its secluded/private location.

- The permanent hard surfacing requirements for off-street parking areas in all zones, except in a Residential or Agricultural zone, are in place in order to achieve a surface that is durable and dust-free for the purpose intended.

A recent DP application in close proximity to the subject property (Frontier Street) was required to install a new asphalt surface of 65mm thick (on a prepared gravel surface) when it was approved in September 2016 (DP007 Cronin).

## **COMMUNICATIONS**

A Development Variance Permit requires that the Village prepare public notification in the form of a letter mailed to adjacent property owners within a 100m radius of the subject property notifying them of Council's intention to consider a variance request, as per Section 7.5 of *Development Procedures Bylaw No. 725, 2013* and section 499 of the *Local Government Act*. A second notification was sent out on November 15<sup>th</sup> regarding the deferral of the decision until November 21<sup>st</sup> 2017.

With respect to an earlier notification, the Village received one response from an adjacent land owner who owns four (4) properties in this area, noting opposition to the variance request and requesting Council to deny the application (email from Jade Investments Ltd. attached as **Appendix B**).

## **LEGAL CONSIDERATIONS**

Development Variance Permits are issued by resolution of Council as per Section 498 of the *Local Government Act RS2015 (LGA)*. The processing of a Development Variance Permit application is regulated by Sections 498 – 499 of the *LGA* and by the *Village's Development Procedures Bylaw 725, 2013*, as amended from time to time.

## **IMPACT ON BUDGET & STAFFING**

All costs associated with the processing of this application, including Staff time, are recoverable from the applicant's fees as per the Village of Pemberton *Development Procedures Bylaw 725, 2013*, as amended from time to time.

## **INTERDEPARTMENTAL IMPACT & APPROVAL**

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

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

A review of this application has a financial impact to the Squamish-Lillooet Regional District and potentially the Village of Pemberton, if the paving of the parking lot is determined to be a mutual capital benefit that is subject to cost-sharing. There is no impact to the region and neighbouring jurisdictions overall.

A letter received from the SLRD on November 16, 2017 is attached as **Appendix C**

### ***Planning Staff Comment:***

The Village *Zoning Bylaw No. 466, 2001* defines a **Structure** as anything constructed or erected, the use of which requires its permanent or temporary location on the ground, or its

attachment to something having a permanent or temporary location on the ground, **and excludes paved surfaces.**

### **OPTIONS FOR CONSIDERATION**

**Option One:** That Council approves the Development Variance Permit application, given that the parking lot is located in a secluded part of the Village Downtown.

**Option Two:** That Council does not approve the Development Variance Permit given the precedence that this would potentially set for other developments in the vicinity.

**Option Three:** That Council defers the decision on the variance request until the SLRD receives confirmation that paving can occur within the Pemberton Valley Dyking District right of way area.

### **POTENTIAL GOVERNANCE CONSIDERATIONS**

Review and consideration of the SLRD Development Permit and Development Variance Permit Application meets with **Strategic Priority No. Three:** Excellence in Service through the continuation of delivering quality municipal services by processing development applications efficiently.

### **RECOMMENDATION**

**THAT** Council provides direction on Development Variance Permit Application No. 119 (1350 Aster Street).

### **Attachments:**

Appendix A: Draft DVP No. 119

Appendix B: Email from Jade Investments Ltd., dated November 9, 2017

Appendix C: Letter from the SLRD dated November 16, 2017

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