

# REPORT TO COUNCIL

Date: May 5, 2020

To: Nikki Gilmore, Chief Administrative Officer

From: Cameron Chalmers, RPP, MCIP, Contract Planner

Subject: Zoning Amendment Bylaw No 883, 2020, Residential Townhouse Amenity 1,

Sunstone (RTA-1) Text Amendment – First and Second Reading

# **PURPOSE**

The purpose of this report is for Council to consider First and Second Readings to Zoning Bylaw Amendment Bylaw No. 883, 2020, which is attached as **Appendix A**. The amending bylaw has been prepared for Council consideration in response to an application by Sunstone Ridge Developments Ltd. to amend the Residential Townhouse Amenity 1, Sunstone (RTA-1) Zone to permit the construction of duplex dwellings in multi-family developments in a manner similar to other multi-family zones in the Zoning Bylaw.

# **BACKGROUND**

Sunstone Ridge Developments Ltd. has made application to the Village of Pemberton for a text amendment to the RTA-1 zone which, if approved, would permit the construction of duplex structures in multi-family developments in the RTA-1 zone, including the Elevate at Sunstone project.

The RTA-1 zone is one of several zones created specifically to implement the Sunstone project. The zone permits the development of single-detached small lots, or multi-family townhouse developments. The application has been made as part of Sunstone Ridge Development Ltd.'s efforts to develop the Elevate at Sunstone project. A location map of the subject property and other vacant lands zoned RTA-1 is attached as **Appendix B**. The provisions of the RTA-1 Zone are attached as **Appendix C**.

The Applicant advises the purpose of the amendment is to facilitate reconsideration of the Elevate at Sunstone project which was issued Development Permit No. 013 under the RTA-1 zone to permit the construction of 52 townhouse units. To date, the Applicant has commenced construction of the first townhouse building; however, through the sales and marketing phase, the Applicant reports there is limited demand for two-bedroom interior townhouse units. The proponents submit however that there seems to be greater market demand for three bedroom, end units. Accordingly, the Applicants have approached the Village with the prospect of amending the existing approvals and the RTA-1 zone to facilitate the construction of a duplex multi-family project.

If approved, the proposed amendment would not be specific to Elevate at Sunstone, but would apply to all lands currently zoned RTA-1 in Zoning Bylaw No. 832, 2018 or any future parcels which may be zoned RTA-1.

# **DISCUSSION & COMMENTS**

As a general amendment to the RTA-1 zone, the change would apply to Elevate at Sunstone and any future multi-family developments constructed under that zone. This would enable a slightly different form, and lesser density, than originally approved.

Staff has reviewed the application and note that duplex buildings are permitted as a building form in the Village's residential, multi-family zones contained in Zoning Bylaw No. 832, 2018, including the RM-1, RM-2 and some Comprehensive Development (CD) zones. For example, in the Peaks Townhouse Complex, duplexes and four-plexes appear in this particular strata, similar to the building forms contained in Pioneer Junction, which is zoned CD-4. Accordingly, the proposed text amendment would regularize the Sunstone Townhouse Zone, RTA-1 with similar zones in the Village.

Further, and since the RTA-1 zone is intended to be specific to Sunstone, Staff reviewed the potential impacts of the proposed amendment and note that the amendment is in keeping with the mix of uses, building scale, and density of the Sunstone neighbourhood.

# Existing Development Permit

Should the bylaw succeed, Council will receive an application in the future to amend Development Permit No. 013 for consideration under the amended RTA-1 zone. A new landscaping plan would be required to be submitted in order to assess the proposed treatment of newly created open spaces and need for additional plantings between the duplexes. The amendment application will be assessed against the relevant Development Permit Area Guidelines and the Hillside Development Guidelines.

# **Amenity Contributions**

It is standard for the Village to see a voluntary contribution from applicants at the time of rezoning for certain community amenities. Staff do note that the proposal to permit duplexes may reduce density at the Elevate at Sunstone Development which in turn may reduce amenity contributions for approximately seven (7) units, as per the Applicant's illustrative concept of the site attached as **Appendix D**. (The loss would equal cash or in-kind contributions in the amount of 7 X \$6,110 = \$42,770). However, Staff can report that the Applicants have to date supplied in-kind contributions toward site works for the Pemberton & District Recreation Site and development of multi-sport playing fields, in the amount of \$577,395, and the density bonusing amenity framework has been successful and equitable to date. As the charges are payable at the building permit stage, the Village may receive the contributions sooner should the proposed amendment improve sales and construction in the project.

#### Environmental Considerations / Site Servicing / Fire Protection

As essentially the use, access, site servicing, infrastructure, storm management, environmental impact and fire protection needs of the development will not change or may essentially decrease, no comments were received as a result of the Village internal referral process.

#### Traffic / Parking

The number of units at the Elevate at Sunstone Development will essentially decrease as a result of this amendment. The current proposal was for the construction of 52 units, with the change to

permit duplexes, the Applicant has submitted a concept plan for illustrative purposes that shows the number of units decreasing to 45 units (**Appendix D**). Essentially, traffic impacts would be slightly lower than first anticipated.

The current permitted density in the RTA-1 zone is a maximum of 25 units per hectare; the original Elevate at Sunstone proposal had a density of 19 units per hectare, and the proposed concept would bring the density down to 16.4 units per hectare. The applicant has also stated that all duplex units will have full size driveways with double car garages as opposed to the single car garages proposed for the interior units, so more parking in close proximity to individual units is readily available (and actually exceeds the required minimum of two (2) spaces per three (3) bedroom townhouse unit).

#### **STAFF COMMENTS**

Staff has reviewed the application, and note that the slightly less dense and gentler building form proposed in the amendment is in keeping with the rest of the Sunstone project mix, and will generally comply with the overall objectives of the Hillside Development Guidelines. Accordingly, Staff is prepared to support the text amendment and bring the corresponding amendment bylaw forward for Council consideration.

# **REFERRAL AGENCY COMMENTS**

# a) Advisory Land Use Commission

The Village's Advisory Land Use Commission met virtually on April 27, 2020 to review the RTA-1 Text Amendment application. At that meeting they passed the following resolution:

Moved/Seconded

**THAT** the Advisory Land Use Commission recommends that Council proceed with the amendment proposed to the Residential Townhouse Amenity 1, Sunstone (RTA-1) Zone to incorporate duplex buildings as permitted uses in multi-family developments, subject to subject to consideration of the revised landscape plan.

**CARRIED** 

The minutes from this meeting are attached as **Appendix E**.

# b) Ministry of Transportation and Highways

No referral comments were received from the Ministry of Transportation and Infrastructure, as the project does not lie within 800 metres of a controlled access highway.

# COMMUNICATIONS

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

Should Council send the proposed bylaws 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*.

# **LEGAL CONSIDERATIONS**

The processing of a Zoning Amendment application is regulated by various sections contained in the *Local Government Act (LGA)* – Part 26 and by the Village's Development Procedures Bylaw 725, 2013, as amended from time to time.

# **IMPACT ON BUDGET & STAFFING**

There are no budget impacts at this time as the costs are recoverable with the application and there are no Staffing considerations as zoning bylaw amendments are a component of the day to day operations of the Development Services department.

# **INTERDEPARTMENTAL IMPACT & APPROVAL**

There are no interdepartmental impact or approvals required.

# IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

This item will not have an impact on the Region as a whole.

# **ALTERNATIVE OPTIONS**

The following three (3) alternative options are provided:

1. **THAT** Zoning Amendment Bylaw No. 883, 2020 be given First and Second reading;

**AND THAT** Council convene a virtual Public Hearing on Tuesday, May 26, 2020 at 9:00 a.m. immediately prior to the virtual Village of Pemberton Regular Council Meeting, with the advertising to specify the means by which individuals affected by the proposed bylaw can make representation to Council during the hearing.

This option would allow all those persons who believe that their interest in property is affected by the proposed bylaw the opportunity to comment on the text amendment.

This is Staff recommended option.

2. **THAT** Council hereby waives a public hearing to Zoning Amendment Bylaw No. 883, 2020 pursuant to section 464(2) of the Local Government Act, and directs Staff to advertise Council's decision in accordance with Section 467 of the Local Government Act before consideration of third reading.

A Public Hearing can be waived for certain zoning bylaws where an official community plan has been adopted and a proposed zoning bylaw is consistent with the official community plan.

This alternative has been provided given the restriction on in-person meetings during the COVID-19 pandemic response. Should Council wish to waive the Public Hearing, the Act provides such authority, but does require that the intention to waive is advertised in a manner similar to Public Hearings. Notice may be mailed or delivered to owners and tenants depending on the number of parcels or persons affected. Should Council prefer to waive the Hearing during these unprecedented times, the resolution above would be a reasonable alternative to convening a virtual public hearing.

3. **THAT** Zoning Amendment Bylaw No. 883, 2020 be refused.

Refusing a zoning amendment is always a prerogative of Council, but in this circumstance, Staff support the amendment.

# POTENTIAL GOVERNANCE CONSIDERATIONS

A review of this item meets the following Strategic Priorities:

Strategic Priority Two: Good Governance in which the Village is committed to citizen engagement and leading key initiatives that impact the Village; and

Strategic Priority Four: Social Responsibility whereby the Village strives to create a strong and vibrant community, recognizing the importance and benefits of healthy, engaged citizens as well as an accessible and well managed natural environment

# RECOMMENDATIONS

**THAT** Zoning Amendment Bylaw No. 883, 2020 be given First and Second Reading;

**AND THAT** Council provide direction with respect to whether they would like to:

- a) convene a virtual Public Hearing on Tuesday, May 26, 2020 at 9:00 a.m. immediately
  prior to the virtual Village of Pemberton Regular Council meeting, with the advertising to
  specify the means by which individuals affected by the proposed bylaw can make
  representation to Council during the hearing; or
- b) direct Staff to advertise their intention to waive the Public Hearing for Zoning Amendment Bylaw No. 883, 2020 as per Section 464 (2) of the *Local Government Act*, as a result of COVID-19.

# **Attachments:**

Appendix A: Proposed Bylaw 883, 2020

Appendix B: Location Map of RTA-1 zoned properties
Appendix C: Current Provisions of the RTA-1 Zone
Appendix D: Illustrative Concept of Duplex Townhouses
Appendix E: ALUC Meeting Minutes, April 27, 2020

Prepared by:	Cameron Chalmers, Contract Planner
Manager Approval:	Lisa Pedrini, Manager of Development Services

CAO Approval by:	Nikki Gilmore, Chief Administrative Officer
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# Appendix- A Zoning Amendment Bylaw

# THE VILLAGE OF PEMBERTON BYLAW NO. 883, 2020

Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018

WHEREAS the Council may amend its Zoning Bylaw from time to time;

**AND WHEREAS** the Council of the Village of Pemberton deems it desirable to amend the Zoning Bylaw to accommodate duplex dwellings within multi-family residential developments in the Sunstone RTA-1 Zone;

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

# 1. CITATION

This Bylaw may be cited for all purposes as "Zoning Amendment (Sunstone RTA-1 Text Amendment) Bylaw No. 883, 2020."

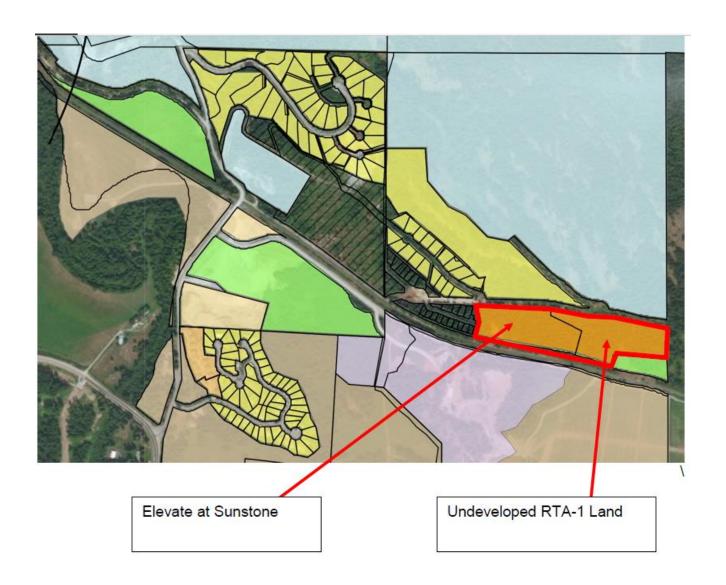
- 2. Village of Pemberton Zoning Bylaw No. 832, 2018 is amended by:
  - I) Adding the following sub-section as 13.2.1 (c) as a Permitted Principal Use in the Residential Townhouse Amenity 1, Sunstone Zone in the Zoning Bylaw:
    - (c) Dwelling, Duplex
  - II) Adding the following subsection as a Condition of Use 13.2.3 (b) for duplex dwellings in the Residential Townhouse Amenity 1, Sunstone Zone in the Zoning Bylaw:
    - (b) Duplex dwellings are permitted in multi-family developments of three units or greater, on lots greater than 1,850 m<sup>2</sup>
  - **III)** Renumbering the remainder of Section 13.2.3 of the Zoning Bylaw to incorporate the new Condition of Use.

**READ A FIRST TIME** this 5<sup>th</sup> day of May, 2020.

**READ A SECOND TIME** this 5<sup>th</sup> day of May, 2020.

NOTICE OF PUBLIC HEARING FOR ZONING AMENDMENT (SUNSTONE RTA-1 TEXT AMENDMENT) BYLAW NO. 883, 2020 WAS PUBLISHED IN THE						
ON	, 2020 <b>AND</b>	, 2020.				
PUBLIC HEARING HELD this	day of	, 2020.				
READ A THIRD TIME this	day of	, 2020.				
ADOPTED this day of	, 2020.					
Mike Richman	Sheen	a Fraser				
Mayor	Corpoi	rate Officer				

# Appendix B - Location Map



# Appendix C - RTA-1 Zone

#### 13.2 Residential Townhouse Amenity 1, Sunstone (RTA-1)

#### (Amendment Bylaw No. 841, 2018; Adopted October 16, 2018)

The Residential Townhouse Amenity 1, Sunstone (RTA-1) Zone is to provide for Small Lot Detached Dwellings and Residential Townhouse development on lots within the Sunstone Neighbourhood, and to provide density incentives earned by the provision of certain amenities.

#### 13.2.1. Permitted Principal Uses

- (a) Dwelling, Detached
- (b) Dwelling, Townhouse

#### 13.2.2. Permitted Accessory Uses

- (a) Home Occupation
- (b) Secondary Suite

#### 13.2.3. Conditions of Use:

- Secondary Suites are permitted only on lots created and developed as Single Detached Dwelling units.
- (b) A maximum of one (1) Secondary Suite is permitted on a lot.
- (c) A maximum of one (1) Accessory Building or Structure, up to a maximum size of 10m<sup>2</sup>, is permitted on a lot.
- (d) The minimum lot sizes as a base density are as follows:

i. Detached Dwelling 20,000 m<sup>2</sup>

ii. Townhouse 20,000 m² per unit

(e) Where the requirements identified in Section 13.2.3(g) are fulfilled, the permitted density of a Single Residential use may be increased to the following:

i. Minimum Lot Size: 350 m²ii. Minimum Lot Width: 12 m

(f) Where the requirements identified in Section 13.2.3(g) are fulfilled, the permitted density of a Townhouse use may be increased in accordance with the regulations contained within the RM-1 Zone:

i. Minimum Lot Size: 700 m²ii. Maximum Floor Area Ratio: 0.50

- (g) The densities may be increased from the requirements identified in Section 13.2.3(d) to the requirements identified in Sections 13.2.3(e) and (f) by providing contributions toward community amenities have been provided through a payment of \$9,165 per detached dwelling or \$6,110 per townhouse unit, payable either:
  - i. in cash at the earlier of building permit issuance or registration of a plan of subdivision, to be held in a reserve fund by the Village for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and accessory uses; and/or

ii. in-kind works and services provided that they are approved by the Village in writing at the earlier of building permit issuance or registration of a plan of subdivision, for the purpose of future recreational capital costs on sports fields, a multi-sports facility, an ice arena or aquatic centre and accessory uses.

# 13.2.4. Density Regulations

a) Maximum Density, Detached:	n/a
b) Maximum Density, Townhouse:	25 units per Ha

# 13.2.5. Lot Regulations

a) Minimum Lot Size, Detached:	350 m <sup>2</sup>
b) Minimum Lot Size, Townhouse:	700 m <sup>2</sup>
c) Minimum Lot Width, Detached:	12 m
d) Minimum Lot Width, Townhouse:	n/a

# 13.2.6. Building Regulations

a)	Minimum Front Setback, Detached:	6 m
b)	Minimum Front Setback, Townhouse:	7.5 m
c)	Minimum Rear Setback, Detached:	7.5 m
d)	Minimum Rear Setback, Townhouse:	5 m
e)	Minimum Interior Side Setback, Detached:	1.2 m (i)
f)	Minimum Interior Side Setback, Townhouse:	3m
g)	Minimum Exterior Side Setback, Detached:	1.2 m (i)(ii)
h)	Minimum Exterior Side Setback, Townhouse:	3 m
i)	Maximum Lot Coverage, Detached:	50%
j)	Maximum Lot Coverage, Townhouse:	40%
k)	Maximum Building Height, Principal, Detached:	Two (2) storeys
I)	Maximum Building Height, Townhouse:	10.5 m
m)	Maximum Building Height, Accessory, Detached:	3 m
n)	Maximum Building Height, Accessory, Townhouse:	4.6 m

# Conditions of Use

- i. In the case where a side lot line flanks a street a minimum side setback is 2.4 m
- ii. One side setback may be reduced to 0.6 meters for **garage area only**; however, 0.6 m setbacks may not abut each other on adjacent lots.

# 13.2.7. Off-Street Parking

(a) Off-street parking spaces shall be provided in accordance with the requirements of this Bylaw.

# 13.2.8. Screening and Landscaping

(a) Screening and landscaping shall be provided in accordance with the regulations in this Bylaw.

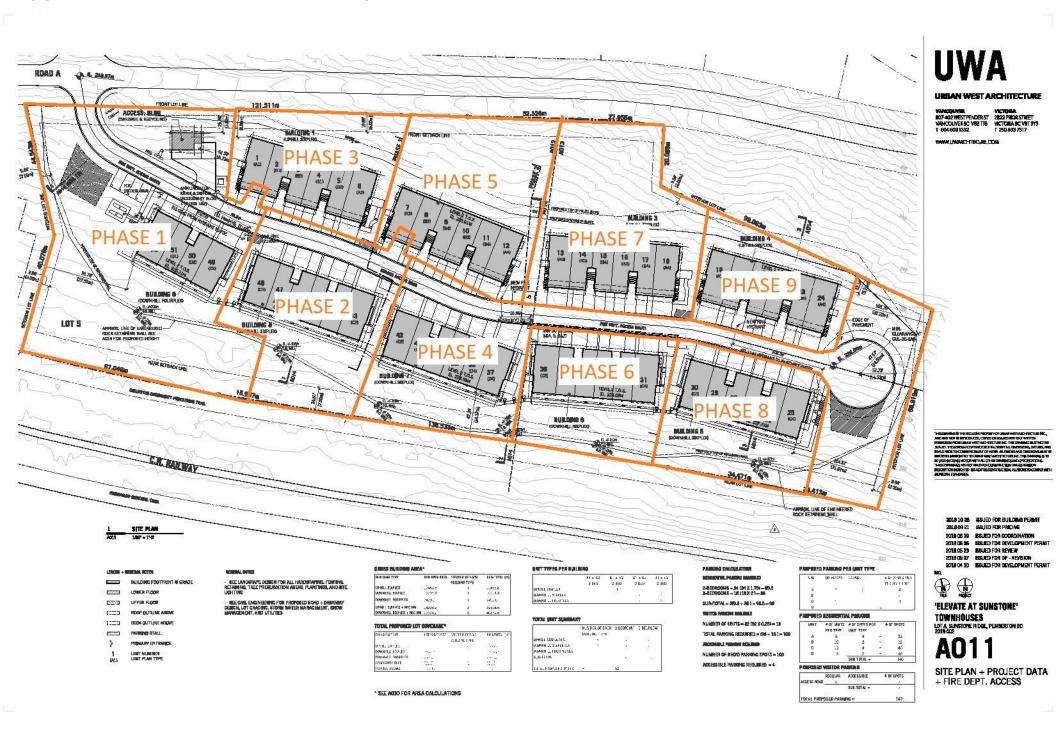
# 13.2.9. Signage

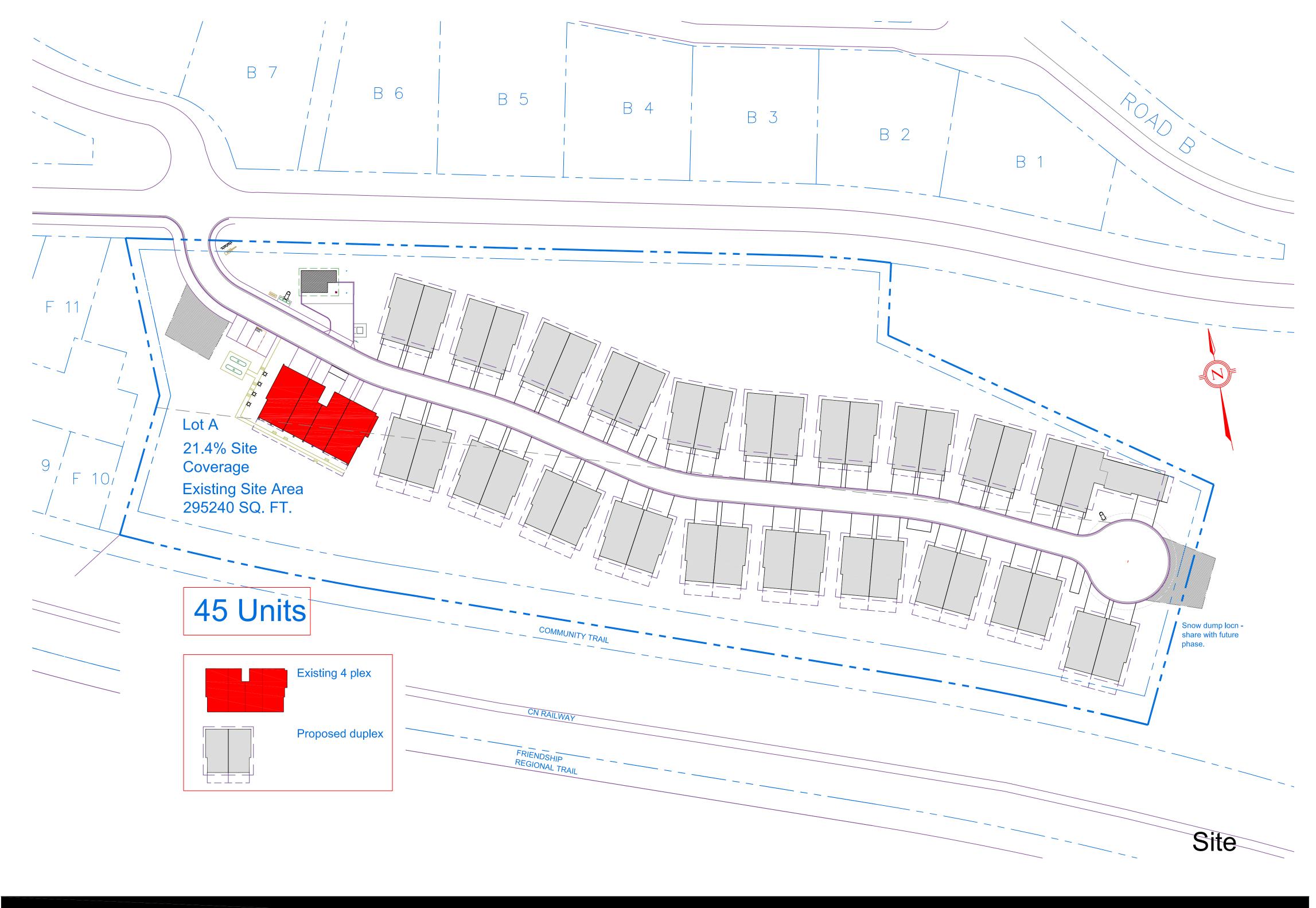
(a) Signage should be limited to that permitted pursuant to the requirements of this Bylaw and the Village of Pemberton Sign Bylaw.

#### 13.2.10. Watercourse Setbacks

(a) Setbacks from any watercourses on the property must be in accordance with the requirements of the Village of Pemberton, Ministry of Environment and the Department of Fisheries and Oceans.

# Appendix D- Illustrative Examples







# ADVISORY LAND USE PLANNING COMMISSION

# ADVISORY LAND USE PLANNING COMMISSION MINUTES

**Minutes** for the Advisory Land Use Planning Commission of the Village of Pemberton held Monday, April 27 at 5:30 pm by ZOOM Webinar.

**IN ATTENDANCE:** Kevin Clark

Allison Twiss Kirsten McLeod Mark Barsevskis Kristina Salin

**REGRETS:** Richard Nott

STAFF IN ATTENDENCE: Lisa Pedrini, Manager of Development Services

Cameron Chalmers, Contract Planner

Elysia Harvey, Legislative Assistant (Meeting Coordinator) Gwendolyn Kennedy, Building & Planning Clerk (minutes)

PUBLIC IN ATTENDENCE: 4

# 1. ORIENTATION

# 2. CALL TO ORDER

At 5:33 p.m. the meeting was called to order.

# 3. APPOINTMENT OF CHAIR

Moved/Seconded

**THAT** Kevin Clark be appointed Chair of the Advisory Land Use Planning Commission. **CARRIED** 

Kevin Clark took over as Chair of the meeting.

# 4. APPROVAL OF AGENDA

Moved/Seconded

**THAT** the agenda be approved as circulated.

**CARRIED** 

# 5. ADOPTION OF MINUTES

Village of Pemberton ADVISORY LAND USE PLANNING COMMISSION April 27, 2020 Page **2** of **3** 

Moved/Seconded

**THAT** the minutes of Advisory Land Use Planning Commission meeting held October 28, 2019 be adopted as circulated.

**CARRIED** 

# 6. ZONING BYLAW TEXT AMENDMENT - RESIDENTIAL TOWNHOUSE AMENITY 1 (RTA-1) AMENDMENT

Cameron Chalmers, Village Contract Planner, summarized the application for a zoning bylaw text amendment that would permit duplex building forms within Elevate at Sunstone and any future multi-family buildings in the RTA-1 zone.

The RTA-1 zone was created specifically to implement the Sunstone project and permits the development of single-detached small lots and multi-family townhouse development, which, under Zoning Bylaw No. 832, 2018, is defined as buildings of three or more dwelling units. The application would enable the construction of duplex units within multi-family complexes, but would not permit the subdivision of land to create duplex lots. No changes are proposed to other existing regulations applicable to this zone.

Should the application succeed, the applicant would submit a revised development permit application that would propose approximately 45 units, primarily in the form of duplex units. Mr. Chalmers referred Commission members to the illustrative concepts presented in Appendix C of the report.

Staff has reviewed the application and noted that the slightly reduced density and gentler building forms proposed conform with the character of the existing Sunstone project and with the Hillside Development Guidelines.

Commission members requested clarification on market demand for the duplex form, the potential impact on affordability, conformity with the overall community plan, lot coverage and spacing between buildings. The question of whether this zone would be used elsewhere in the community was raised.

Cam McIvor, representing the applicant Sunstone Ridge Developments Ltd., provided additional information on the zoning amendment request, explaining that uptake of Elevate townhouse units has been limited due to the high cost of construction, and that the interior units of the four and sixplex buildings have not been selling. A change to duplex units would eliminate the less saleable middle units and would reduce up-front construction costs for each building, allowing for a more affordable, phased approach to the development.

Mr. McIvor noted that the impact on density and lot coverage for the project is minor and would result in a reduction from 19 units per hectare to 16.4 units per hectare. Furthermore, the duplex form will allow for a substantial increase in parking, up to four stalls per unit.

Mr. McIvor pointed out that while the duplex form will necessarily result in a higher price per unit, Elevate was intended to satisfy the middle and upper sectors of the market.

Commission members spoke in favour of the text amendment, but noted that as the change to duplex units would alter the landscaping, the new landscape plan should be reviewed.

Village of Pemberton ADVISORY LAND USE PLANNING COMMISSION April 27, 2020 Page **3** of **3** 

# Moved/Seconded

**THAT** the Advisory Land Use Commission recommends that Council proceed with the amendment proposed to the Residential Townhouse Amenity 1, Sunstone (RTA-1) Zone to incorporate duplex buildings as permitted uses in multi-family developments, subject to consideration of the revised landscape plan.

**CARRIED** 

# 7. NEXT MEETING

The next meeting will be scheduled for the fourth Monday of the month as needed.

# 8. ADJOURNMENT

At 6:42 p.m. the meeting was adjourned.

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Kevin Clark, Chair