



# WHISTLER

## AGENDA

**PUBLIC HEARING OF MUNICIPAL COUNCIL  
TUESDAY, FEBRUARY 6, 2018 STARTING AT 6:00 P.M.**

**Franz Wilhelmsen Theatre at Maury Young Arts Centre  
4335 Blackcomb Way, Whistler, BC V0N 1B4**

This Public Hearing is convened pursuant to section 464 of the *Local Government Act* to allow the public to make representations to Council respecting matters contained in "Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017" (the "proposed Bylaw").

Everyone present shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed Bylaw. No one will be discouraged or prevented from making their views known. However, it is important that remarks be restricted to matters contained in the proposed Bylaw.

When speaking, please commence your remarks by clearly stating your name and address.

Members of Council may ask questions following presentations; however, the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw.

Zoning Amendment  
Bylaw (Creekside  
Plaza) No. 2165,  
2017

### **PURPOSE OF ZONING AMENDMENT BYLAW (CREEKSIDE PLAZA) NO. 2165, 2017**

As stated in the Notice of Public Hearing, the purpose of the "Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017" is to amend "Zoning and Parking Bylaw No. 303, 2015" to amend the CL3 (Commercial Local Three) Zone, which is a site specific zone that applies to Creekside Plaza located at 2010 and 2011 Innsbruck Drive.

Submissions from the  
Public

Submissions by any persons concerning the proposed Bylaw.

Correspondence

Receipt of correspondence or items concerning the proposed Bylaw.

### **ADJOURNMENT**

## PUBLIC HEARING DOCUMENT INDEX

Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing (scheduled for February 6, 2018).
Proposed Bylaw	January 23, 2018	Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017
Council Report 17-114	October 17, 2017	Administrative Report to Council
Council Report 18-005	January 23, 2018	Administrative Report to Council requesting consideration of first and second readings for proposed Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017 and permission to schedule a Public Hearing.
Presentation Slides	October 17, 2017	Presentation slides for Report to Council
Presentation Slides	January 23, 2018	Presentation slides for Report to Council
ADP Minutes	July 19, 2017	ADP Minutes of July 19, 2017
ADP Minutes	October 18, 2017	ADP Minutes of October 18, 2017
Council Minutes	January 23, 2018	Minutes of the Regular Meeting of Council of January 23, 2018
Correspondence	November 27, 2017	Lance Bright, Opposition
Correspondence	January 26, 2018	Johnathon Kirby, Support
Correspondence	January 31, 2018	Kaori Zage, Opposition
Coorespondence	February 2, 2018	Saad Hasan, Opposition to Liquor Store, in Favour of Housing
Coorespondence	February 3, 2018	John O'Donnell, Support
Correspondence	February 4, 2018	Kathy Wardle and Matthew Quinlan, Support
Coorespondence	February 5, 2018	John Sampson, Support
Correspondence	February 5, 2018	Peachman and Anderson, Support
Correspondence	February 6, 2018	Jerry and Sana Marsh, Creekside Market, Opposition
Correspondence	February 6, 2018	Marc Ricou, Support
Correspondence	February 6, 2018	Karen Rowland, Opposition
Correspondence	February 6, 2018	Jason Ho, Director of Real Estate, LCDB, Support
Correspondence	February 6, 2018	Mair Jensen Blair LLP, on behalf of Lance Bright, Snowsun Ventures, Opposition



THE RESORT MUNICIPALITY OF WHISTLER  
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## NOTICE OF PUBLIC HEARING

**TUESDAY, FEBRUARY 6, 2018 – 6:00 P.M.**

MAURY YOUNG ARTS CENTRE (formerly MILLENNIUM PLACE)  
Franz Wilhelmsen Theatre, 4335 Blackcomb Way, Whistler BC

### **ZONING AMENDMENT BYLAW (Creekside Plaza) No. 2165, 2017**

#### **SUBJECT LANDS: 2010 and 2011 Innsbruck Drive**

More specifically these lands are described as: Lot 30, except Part in Plan 21390, Block F District Lot 4749 Plan 20204, PID: 003-021-262 and as shown on the map attached to this notice.

#### **PURPOSE:**

In general terms, the purpose of the proposed Bylaw is to modify the existing CL3 Zone to allow two additional permitted uses (auxiliary residential dwelling units for employee housing and retail sale of package liquor), increase the allowable density, increase the site coverage and include additional regulations pertaining to the two new permitted uses.

#### **INSPECTION OF DOCUMENTS:**

A copy of the proposed Bylaw and relevant background documentation may be inspected at the Reception Desk of Municipal Hall at 4325 Blackcomb Way, Whistler, BC, during regular office hours of 8:00 a.m. to 4:30 p.m., from Monday to Friday (statutory holidays excluded).

#### **PUBLIC PARTICIPATION:**

All persons, who believe their interest in the property is affected by the proposed Bylaw, will be afforded 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 prior to the public hearing (by 4:30 p.m. on February 6, 2018):

**Email:** [corporate@whistler.ca](mailto:corporate@whistler.ca)  
**Fax:** 604-935-8109  
**Hard Copy:** Legislative Services Department  
4325 Blackcomb Way  
Whistler BC V0N 1B4

Submissions received for the proposed Bylaw will be included in the information package for Council's consideration, which will also be available on our website at [www.whistler.ca](http://www.whistler.ca) with other associated information.

After the conclusion of this Public Hearing, Council cannot receive representations from the public on the proposed Bylaw.





**RESORT MUNICIPALITY OF WHISTLER  
ZONING AND PARKING AMENDMENT BYLAW NO. 2165, 2017**

**A BYLAW TO AMEND THE WHISTLER ZONING AND PARKING BYLAW NO. 303, 2015**

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**WHEREAS** Council may, in a zoning bylaw pursuant to *Section 479 of the Local Government Act*, divide all or part of the area of the Municipality into zones, name each zone and establish the boundaries of the zones, regulate the use of land, buildings and structures within the zones, and require the provision of parking spaces for uses, buildings and structures;

**NOW THEREFORE** the Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017”.
2. Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 2015 is amended in Part 24 by adding the following to Schedule “D”:

2010 Innsbruck Drive	Lot 30, except Part in Plan 21390, Block F District Lot 4749 Plan 20204	Same as legal description	No restrictions
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3. Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 2015 is amended in Part 9 section 6 by replacing the regulations for the CL3 zone with the regulations attached to and forming part of this Bylaw as Schedule 1.

GIVEN FIRST READING this \_\_ day of \_\_\_\_, 2018.

GIVEN SECOND READING this \_\_ day of \_\_\_\_, 2018.

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held this \_\_ day of \_\_\_\_, 2018.

GIVEN THIRD READING this \_\_ day of \_\_\_\_, 2018.

Approved by the Minister of Transportation and Infrastructure this \_\_ day of \_\_\_\_, 2018.

ADOPTED by the Council this \_\_ day of \_\_\_\_, 2018.

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Nancy Wilhelm-Morden,  
Mayor

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Brooke Browning,  
Municipal Clerk

I HEREBY CERTIFY that this is a true copy of "Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017."

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Brooke Browning,  
Municipal Clerk

## **SCHEDULE 1**

### **6. CL3 Zone (Commercial Local Three)**

#### **Intent**

- (1) The intent of this zone is to provide for small commercial uses and auxiliary employee housing, adjacent to a residential area.

#### **Permitted Uses**

- (2) The following uses are permitted and all other uses are prohibited:
  - (a) auxiliary buildings and auxiliary uses;
  - (b) auxiliary residential dwelling units for employee housing for uses located in the CL3 zone;
  - (c) restaurant and establishments licenced for the sale and consumption of alcoholic beverages on the premises;
  - (d) office;
  - (e) personal services; and
  - (f) retail.
- (3) The second storey of a principal building shall not be used for retail or restaurant uses.
- (4) No portion of the first storey of a building may be used for auxiliary residential dwelling units.
- (5) Auxiliary residential dwelling units are permitted only in the building in the CL3 zone that is nearest the intersection of Lake Placid Drive and the Sea to Sky Highway, and are not permitted in any building that is used for the retail sale of packaged liquor.
- (6) The retail sale of packaged liquor is not permitted in the CL3 zone unless:
  - (a) at least four auxiliary residential dwelling units described in paragraph (2) (b) have been constructed in the CL3 zone, the units are available for occupancy, and the owner has entered into a housing agreement with the Municipality with respect to the units, or
  - (b) at the time a building permit is issued in respect of such retail sales, the Municipality has issued a building permit to authorize the construction of a building containing four auxiliary residential dwelling units in the CL3 zone, the owner has entered into a housing agreement with the Municipality with respect to the dwelling units, and the building containing the dwelling units is under construction.

**Density**

- (7) The maximum permitted floor space ratio is 0.48.
- (8) The maximum permitted gross floor area of buildings and structures for all uses in the CL3 zone is 1,515 square metres, of which not more than 263 square metres shall be for auxiliary residential dwelling use for employee housing.
- (9) The maximum permitted floor area for the retail sale of packaged liquor is 260 square metres.

**Height**

- (10) The maximum permitted height of a building is 7.6 metres.

**Parcel Size**

- (11) The minimum permitted parcel area is 2,500 square metres. The minimum frontage is 1/10th of parcel perimeter.

**Site Coverage**

- (12) The maximum permitted site coverage is 27 percent.

**Setbacks**

- (13) The minimum permitted setback is 5.0 metres from all parcel boundaries.

**Off-street Parking and Loading**

- (14) Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Part 6 of this Bylaw.

**Other Regulations**

- (15) A maximum of two principal buildings on a parcel are allowed.



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** October 17, 2017  
**FROM:** Resort Experience  
**SUBJECT:** RZ1132 – 2010 and 2011 INNSBRUCK DRIVE – CL3 ZONE AMENDMENT  
FOR CREEKSIDE PLAZA REJUVENATION PROJECT

**REPORT:** 17- 114  
**FILE:** RZ1132

### COMMENT FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the General Manager of Resort Experience be endorsed.

### RECOMMENDATION

**That** Council authorize further processing of Rezoning Application RZ1132; and,

**That** Council direct staff to prepare a zoning amendment bylaw for RZ1132 that would provide for the proposed Creekside Plaza rejuvenation project as described in this report #17-114 and secure the proposed improvements as part of the rezoning.

### REFERENCES

**Location:** 2010 and 2011 Innsbruck Drive  
**Legal Description:** Lot 30, except Part in Plan 21390, Block F District Lot 4749 Plan 20204  
**Owner:** Creekside Plaza Lands Ltd., Inc. No. 0877330  
**Current Zoning:** CL3 Zone (Commercial Local Three)  
**Appendices:** "A" - Location Map  
"B" - 'Property Owner Letter  
"C" - Liquor Distribution Branch Letter  
"D" - Proposed Project Architectural and Landscape Plans  
"E" - ADP minutes of July 19, 2017

### PURPOSE OF REPORT

The purpose of this report is to present RZ1132, an application to amend the CL3 (Commercial Local Three) Zone for a proposed rejuvenation of the Creekside Plaza located at 2010 and 2011 Innsbruck Drive. The proposal includes redevelopment of the visually prominent corner of the property that fronts Highway 99 at its intersection with Lake Placid Road. The existing building would be replaced with a new building that exemplifies Whistler's high quality of development and mountain character. The application seeks to add auxiliary residential dwelling units for employee housing, and a retail liquor store, as permitted uses for the property. A small increase in the maximum permitted density for the property is also proposed. The maximum permitted floor space ratio would be increased from 0.45 to 0.48 square metres of gross floor area per square metre of site area. This represents an increase of approximately 98.8 square metres in gross floor area, which would be added to the employee housing component of the redeveloped building.

The report seeks Council authorization to proceed with further review and processing of RZ1132 and to prepare an amendment to the CL3 Zone to bring forward for Council consideration of first and second readings. Presentation of the application for Council consideration of further review and processing is consistent with requirements for rezoning applications.

## **DISCUSSION**

### **Background**

The Creekside Plaza is an existing commercial development built in 1987 with two buildings located at 2010 and 2011 Innsbruck Drive in the Whistler Creek core commercial area. The property is prominently located and highly visible with frontage adjacent to Highway 99 and Lake Placid Road, as shown on the location map attached as Appendix “A”.

The Highway 99 and Lake Placid Road intersection is the primary gateway for commercial activity in the resort community with the commercial developments located on each corner of the intersection (Creekside Plaza, Franz’s Trail, Husky and Sunset Café). Further, Lake Placid Road is the main entrance to the Creekside ski base and adjacent visitor accommodations.

The updated Official Community Plan contains a number of policies that are targeted at strengthening and enhancing the attractiveness of this sub-area. Renovation and redevelopment of commercial properties to enhance the attractiveness, character and experience of this sub-area is encouraged, along with better integration of existing developments and activities.

Creekside Plaza Lands Ltd., the owners of Creekside Plaza since 2010, have outlined their vision for improving their property in the letter attached as Appendix “B”. The owner’s proposal is a significant rejuvenation of the property that would help to achieve the resort community’s policy objectives.

### **Project Description**

The owners of Creekside Plaza propose to locate a BC Liquor Store within the existing building located at 2010 Innsbruck Drive, which is situated in the interior of the property away from the highway corner. This building has recently undergone significant reinvestment with a new roof, repainting and storefront improvements. The rationale for the proposed BC Liquor Store is outlined in a letter from the province’s Liquor Distribution Branch attached as Appendix “C”.

Supported by the BC Liquor Store as an anchor tenant, the owners propose to replace the existing building at 2011 Innsbruck Drive, which fronts the highway intersection, with a new building that would have two commercial units on the ground floor and four one-bedroom employee housing units on the second floor. The commercial units are expected to be food service operations, and the employee housing would be committed to businesses and commercial activities that are located within the Creekside Plaza development.

Comprehensive design development has been completed for the project to ensure a detailed understanding of the project for rezoning purposes and a commitment to the quality of development that is being proposed. The proposed redevelopment is shown in the architectural and landscape drawings included in Appendix “B”. The proposal reflects a high quality development and significant upgrade of the property.

The new two-storey building at 2011 Innsbruck Drive will be constructed in the same location as the existing building. The new building will be articulated with large windows, roof overhangs and a strong chimney element, and will have high quality, durable materials and finishes. The new building would be slightly larger in gross floor area (521 square metres) than the existing single use commercial building (400 square metres), with an increase of 121 square metres located on the second floor of the building. The amount of space designated for commercial use will decrease from 400 square metres to 258 square metres, with 263 square metres dedicated for employee housing.

At the ground level there are significant improvements to the outdoor patio area, pedestrian circulation and landscape. A proper pedestrian sidewalk is provided along the retail frontage that will also connect to the outdoor patio, exterior stairs up to the second floor employee housing, and to the existing sidewalk along Lake Placid Road.

The proposed landscape improvements represent a significant upgrade to existing conditions that better address the prominent location of the property, and better integrate with adjacent conditions including formalizing pedestrian access to adjacent sidewalks. The existing dated freestanding project identification sign would also be replaced with a new sign that ties to the updated building.

Required parking and loading have also been considered and provided for within the proposed design. In addition to providing the one standard size loading stall required by “Zoning and Parking Bylaw No. 303, 2015”, a larger space adjacent to the proposed liquor store storefront is identified for temporary loading. This would displace designated parking on a temporary basis during loading and would be managed by the project owner and the tenant.

A Traffic Impact Study has also been completed for the proposed redevelopment by a traffic engineer. This study forecasted trip generation and traffic volumes and patterns for the proposed development and the intended uses relative to existing uses. The engineer concluded that the proposed development would generate slightly less vehicle trips and that it is not expected that improvements would be required to the adjacent road network to support the proposed development. The proposed rezoning and new uses were also discussed with the provincial Ministry of Transportation and Infrastructure (MoTI), and there were no concerns expressed. The rezoning would require MoTI approval after third reading.

### **Rezoning Requirements**

As a Provincial government operation, the proposed BC Liquor Store is legally not subject to the municipality's zoning regulations. However, the Liquor Distribution Branch is recognizing the municipality's zoning regulations that restrict retail sales of packaged liquor to locations specified in Schedule “D” of the “Zoning and Parking Bylaw No. 303, 2015”. The proposed zoning amendment bylaw would amend Schedule “D” to add the proposed store location at 2010 Innsbruck Drive as a location permitted for retail sales of packaged liquor.

The proposed employee housing would require an amendment to the list of permitted uses for the CL3 Zone. The permitted use would be specified as auxiliary residential dwelling units for employee housing. This would restrict the units to employee occupancy only, and only to those individuals employed by businesses or activities permitted under the zoning for the property. A housing agreement bylaw for the employee housing would also be required in addition to the zoning amendment bylaw.

The small increase in proposed floor area would require an amendment to the density provisions of the CL3 zone. The maximum permitted floor space ratio is proposed to increase from 0.45 to 0.48 square metres of gross floor area per square metre of site area. It is also recommended that a maximum gross floor area be specified for the zone, which would be 1,582 square metres based on the site area of 3,295 square metres.

The CL3 Zone applies only to the subject property and as such the proposed amendments would not affect the zoning of any other property.

### **Advisory Design Panel Review**

The rezoning proposal and rejuvenation project was reviewed by the Advisory Design Panel (ADP) at their July 19, 2017 meeting. Overall the ADP supported the project in principle and had some specific recommendations for further detailed design development. The minutes of the July 19, 2017 ADP meeting are attached as Appendix “E”.

The applicant has subsequently prepared a revised design to address the ADP's comments. These revised drawings are included in Appendix “D” of this Report. The revised design is to be presented to the ADP for further review prior to Council consideration of the proposed zoning amendment bylaw.

## WHISTLER 2020 ANALYSIS

The proposed zoning supports Whistler 2020 Built Environment, Economic, Resident Housing and Transportation strategies:

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	2. The built environment is attractive and vibrant, reflecting the resort community's character, protecting views and evoking a dynamic sense of place.	The additional permitted uses at this location would permit the owner to build the new building, and in turn, to improve these objectives for the site overall.
	8. Residents live, work and play in relatively compact, mixed-use neighborhoods, close to green space, transit, trails, amenities and services.	
	9. Building design, construction and operation is characterized by efficiency, durability and flexibility for changing and long-term uses.	
	10. The new and renovated built environment has transitioned towards sustainable management of energy and materials.	
Economic	2. The Whistler economy provides opportunities for achieving competitive return on invested capital.	The additional permitted uses at this location would broaden the opportunities for this site to meet these objectives.
	4. Whistler proactively seizes economic opportunities that are compatible with tourism, and effectively adopts to changing external conditions.	
	9. Physical and social infrastructure attract and support work and investment.	
Resident Housing	6. Housing has been developed close to transit, pedestrian and bicycle routes, and amenities and services to reduce auto dependency.	The additional permitted resident restricted housing use at this location would broaden the opportunities for this site to meet these objectives.
Transportation	7. Residents, businesses and visitors are increasingly aware of the importance and benefits of preferred transportation choices.	The additional permitted resident restricted housing use encourages preferred prioritized method of transportation of: 1. Pedestrian, bicycle and other non-motorized means and 2. Transit.
Visitor Experience	9. The resort community's authentic sense of place and engaging, innovative and renewed offerings attract visitors time and time again.	The additional permitted uses and proposed new construction at this location will strengthen a sense of place at this key intersection to Creekside and Whistler.
	10. The resort is comfortable, functional, safe, clean and well-maintained.	

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
Visitor Experience	Communication, travel and services are accessible, seamless and convenient at	The proposed liquor store is not located within the same development as a grocery store as currently exists in Franz's Trail, however,



	all phases of visitors' trips, from prior to departure until after returning home.	however, it is in an accessible and convenient location within the Creekside core commercial area.
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## OTHER POLICY CONSIDERATIONS

### Zoning and Parking Bylaw No. 303, 2015

The subject lands are currently zoned CL3, a site specific zone.

In addition to the proposed zoning amendments described above, that are necessitated by the proposed redevelopment, some minor revisions are also required to address existing conditions that are legally, non-conforming for the existing development.

In 1987, the subject lands were developed in conformance with the CL3 Zone's minimum 5 metre setbacks, maximum 25 per cent site coverage and maximum 0.45 Floor Space Ratio (FSR). After 1987, during further development of Creekside, Franz's Trail and Lake Placid Road, a 2.5 metre portion of the subject lands along Lake Placid Road was appropriated as part of the upgrade to the intersection of Highway 99 and Lake Placid Road, which reduced the existing development's setback adjacent to Lake Placid Road to 2.5 metres and increased the existing development's site coverage to 26.1 per cent, making the existing development legally nonconforming with the zoning requirements.

A comparison of the existing CL3 Zone regulations relative to that proposed by Rezoning Application RZ1132 are summarized in the following table:

Regulation	Existing CL3 Zone Regulations	RZ1132 Proposal
Permitted Uses		Add auxiliary residential dwelling units for employee housing to the CL3 Zone and add the Liquor Store location at 2010 Innsbruck Drive to Schedule "D" to permit retail sale of packaged liquor.
Maximum floor space ratio (FSR)	0.45	0.48
Maximum building height	7.6 metres	No change
Maximum site coverage	25%	26.1%
Setbacks	5.0 metres	4.0 metres adjacent to Highway 99 2.48 metres adjacent to Lake Placid Road

A total of 64 parking spaces are proposed and a total of 62 parking spaces are required. One loading stall is required and one is proposed. The proposal exceeds the minimum parking requirements of the "Zoning and Parking Bylaw No. 303, 2015".

### Official Community Plan (OCP)

The proposed zoning amendments are consistent with Whistler's 1993 OCP and will support applicable OCP objectives and policies, as summarized in the following table.

Policy No.	Policy	Comments
4.1.1	The lands outlined in Schedule B are designated for development of accommodation.	The subject lands form part of Schedule “B”.
4.2.2	Where there is a demonstrated need, the RMOW will encourage affordable housing to accommodate permanent residents and employees	There is a demonstrated need and the proposed redevelopment provides needed employee housing.
4.2.4	RMOW will monitor housing requirements and encourage innovation and a variety of types.	The proposed employee housing will be dedicated for business and activities located on the property which is an innovative approach.
4.3.1	Development of restaurants and retail space will be focused in the commercial areas shown on Schedule D.	The subject lands form part of Schedule “D”.
4.13.2	Proposed rezonings that increase the bed-unit capacity will only be considered if there is a clear and substantial benefit to the community, is supported by the community in the opinion of Council, does not cause unacceptable impacts, and meets all applicable criteria of the OCP.	Auxiliary residential dwelling units are not allocated bed units within the municipality's bed unit capacity. The proposed auxiliary units will provide employee housing that is much needed and is considered to be a clear and substantial benefit to the community.
4.13.3	<p>All developments must meet the mandatory conditions of;</p> <ul style="list-style-type: none"> <li>• meets all applicable policies of the OCP</li> <li>• serviceable by municipal services</li> <li>• accessible via local road system</li> <li>• satisfactory evaluation of impacts on: <ul style="list-style-type: none"> <li>○ traffic volumes and patterns on Highway 99</li> <li>○ traffic volumes and patterns on the local road system</li> <li>○ overall patterns of development of the community and resort</li> <li>○ Municipal finance</li> <li>○ views and scenery</li> <li>○ existing community and recreational facilities</li> <li>○ employee housing</li> <li>○ community greenhouse gas emissions and heritage resource</li> </ul> </li> <li>• must exhibit high standards of design, landscaping, and environmental sensitivity</li> </ul>	The proposed zoning amendments are consistent with the mandatory conditions, and would achieve high standards of design, landscaping and environmental sensitivity.
4.13.7	<p>Additional criteria for proposed resident housing;</p> <ul style="list-style-type: none"> <li>• infill sites preferred</li> <li>• appropriate to development and neighbouring uses</li> <li>• measures to minimize operating and maintenance costs</li> <li>• have adequate storage and parking</li> <li>• employee use restrictions</li> <li>• Close proximity to Whistler Village or Whistler Creek</li> </ul>	Proposed zoning amendment for residential use can meet the additional criteria through the phrasing of the zoning amendment and the registration of housing and build green covenants.

4.13.8	Proposal cannot negatively impact RMOWs trails, rec. areas, or open spaces.	Proposal does not negatively impact Valley Trail, recreation areas or open spaces.
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### Official Community Plan Development Permit Area Guidelines

The Gateway Plaza is located within Development Permit Area #2 of Whistler's OCP, requiring the proposed development to obtain a Development Permit and approval from Council subsequent to rezoning. The Development Permit shall be in accordance with the Development Permit Area #2 guidelines for form and character, protection of the natural environment and protection from hazardous conditions. The design of the proposed rejuvenation project has been developed in significant detail and is proposed to be resolved and secured in advance as a condition of rezoning adoption.

### Liquor Policy

The Municipality's Liquor Policy G-17 recognizes that Retail Package Liquor Sales are a significant part of the overall distribution of liquor within the community. All such applications under this policy have been determined to be of high impact and shall be subject to the rezoning considerations as outlined in the OCP. The proposed BC Liquor Store as a retail package liquor sales use complies with the OCP rezoning considerations as outlined in this report. Although provincial liquor stores are not subject to municipal zoning, it is recommended that this additional use on the property be added to Schedule "D" – Liquor Sales - List of Retail Outlets in Part 24 Schedules of "Zoning and Parking Bylaw No. 303, 2015".

The provincial Liquor Control and Licensing Branch (LCLB) is responsible for regulating, approving and locating all licensed retail stores and BC Liquor Stores (i.e. government liquor stores). The proposed BC Liquor Store has been approved by the LCLB.

### Green Building Policy

The Municipality has an opportunity to require specific commitments in respect of green building features through its discretionary authority to enact and amend zoning bylaws. Per the Municipality's Green Building Policy G-23, the following information is required for the processing and approval of a zoning amendment:

- an Application Checklist that summarizes how the proposed development responds to each of the Green Building Objectives;
- a detailed Project Checklist signed by the project's coordinating professional;
- a Green Building Commitment. Prior to adopting a zoning amendment bylaw, the registration of a Section 219 covenant will be required to ensure the future development is consistent with the Project Checklist and with the objectives and goals of the Municipality's Green Building Policy; and
- a Project Completion Report detailing the implementation of the green building practices required by the Section 219 Covenant.

The Municipality's Green Building Policy has six broad Green Building Objectives, as well as performance goals by building type. For new commercial development, the performance goal for 2017 is LEED Gold, or 50 per cent better than MNECB (Model National Energy Code for Buildings), with the performance goal increasing to LEED Gold, or 75 per cent better than MNECB by 2020.

Green Building Commitments that meet the Green Building Policy will be a condition of adoption of the zoning amendment bylaw.

## **BUDGET CONSIDERATIONS**

All costs associated with staff time for the rezoning application, public hearing, notices, and legal fees will be paid by the applicant and all fees will be required to be paid in full as a condition of adoption of the proposed zoning amendment bylaw.

## **COMMUNITY ENGAGEMENT AND CONSULTATION**

The required rezoning application site information sign is posted on the property. The proposed zoning amendment bylaw would be subject to a public hearing adhering to statutory public notice requirements.

## **SUMMARY**

This report requests Council authorize further review and processing of Rezoning Application RZ1132 and give staff direction to prepare a zoning amendment bylaw for Council's consideration, as described in this report.

Respectfully submitted,

Robert Brennan

PLANNER

for

Mike Kirkegaard

ACTING GENERAL MANAGER OF RESORT EXPERIENCE



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** January 23, 2018

**REPORT:** 18-005

**FROM:** Resort Experience

**FILE:** RZ1132

**SUBJECT:** RZ1132 – 2010-2011 INNSBRUCK DRIVE –CL3 ZONE AMENDMENTS FOR CREEKSIDE PLAZA

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the General Manager of Resort Experience be endorsed.

### RECOMMENDATION

**That** Council consider giving first and second readings to “Zoning Amendment Bylaw (Creekside Plaza), No. 2165, 2017”;

**That** Council authorize staff to schedule a public hearing for “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017”;

**That** Council direct staff to advise the applicant that before consideration of adoption of “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017”, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

1. Registration of a development covenant in favour of the Resort Municipality of Whistler (“RMOW”) to secure development of the proposed new building and site improvements consistent with plans to be finalized prior to adoption;
2. Registration of a housing agreement in favour of the RMOW for the auxiliary residential dwelling units for employee housing for businesses on site;
3. Registration of a green building covenant consistent with the RMOW’s Green Building Policy;
4. Submission of a final waste and recycling plan that is consistent with Solid Waste Bylaw No. 2139, 2017;
5. Submission of a snow shed report; and further,

**That** Council authorizes the Mayor and Municipal Clerk to execute the necessary legal documents for this application.

### REFERENCES

Location:	2010 and 2011 Innsbruck Drive
Legal Description:	Lot 30, except Part in Plan 21390, Block F District Lot 4749 Plan 20204
Owner:	Creekside Plaza Lands Ltd., Inc. No. 0877330
Current Zoning:	CL3 Zone (Commercial Local Three)
Appendices:	“A” – Location Map
	“B” – Proposed Development Plans
	“C” – Advisory Design Panel Meeting Minutes of Jul. 15, 2017
	“D” – Advisory Design Panel Meeting Minutes of Oct. 18, 2017
	“E” – Correspondence

## **PURPOSE OF REPORT**

The purpose of this Report is to present “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017” for Council consideration of first and second readings. The proposed Bylaw is to amend the CL3 (Commercial Local Three) Zone, which is a site specific zone that applies to Creekside Plaza located at 2010 and 2011 Innsbruck Drive. The zone is proposed to be amended to add retail sale of packaged liquor and auxiliary residential dwelling units for employee housing, and to secure a proposed rejuvenation of the property including a new gateway building and additional landscape and site improvements.

This Report recommends that Council give first and second readings to “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017”, authorize staff to schedule a public hearing for “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017”, and further identifies conditions for the applicant to address prior to consideration of adoption of “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017”.

## **DISCUSSION**

### **Background**

On October 17, 2017 Council authorized staff to proceed with further review and processing of Rezoning Application RZ1132 and to prepare a zoning amendment bylaw that would provide for the proposed uses and associated rejuvenation of Creekside Plaza located at 2010 and 2011 Innsbruck Drive as described in Administrative Report to Council No. 17-114

The proposal includes redevelopment of the visually prominent corner of the property that fronts Highway 99 at its intersection with Lake Placid Road, as shown on the Location Map in Appendix “A”. The existing building would be replaced with a new building that exemplifies Whistler’s high quality of development and mountain character. The application seeks to add a retail liquor store and auxiliary residential dwelling units for employee housing, as permitted uses for the property. A small increase in the maximum permitted density for the property is also proposed. The maximum permitted floor space ratio would be increased from 0.45 to 0.48 square metres of gross floor area per square metre of site area. This represents an increase of approximately 98 square metres in total gross floor area to facilitate the allowance of up to 263 square metres of employee housing. There is no increase in the amount of commercial space permitted for the property under the proposed zoning amendment.

In addition to preparation of the proposed Bylaw, staff have been working with the applicant on further refinement of the proposed redevelopment plans. Some final minor details are outstanding and are recommended to be finalized prior to consideration of bylaw adoption. The plans which were reviewed by the municipal Advisory Design Panel on October 18, 2017 are included in Appendix “B”.

### **Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017**

“Zoning Amendment Bylaw (Creekside Plaza), No. 2165, 2017” amends the CL3 zone to add two new permitted uses, increase the allowable density, increase the site coverage and include additional regulations pertaining to the two new permitted uses.

Specifically, the proposed bylaw adds the following two new permitted uses to the current uses permitted on the property:

- auxiliary residential dwelling units for employee housing, auxiliary to other uses located in the CL3 zone; and
- retail sale of packaged liquor at 2011 Innsbruck Drive.

The proposed Bylaw contains regulations addressing the location of the employee housing units on the site (building nearest the intersection, not in the same building as the retail liquor sales) and within the buildings on the site (not on the ground floor). The maximum area for employee housing is specified as 263 square metres. The number of units is not specified to allow flexibility in the final layout and configuration of the units to most effectively address the needs of on-site businesses. Four 1-bedroom units are proposed under the current proposed development plans.

The proposed Bylaw adds retail sale of packaged liquor as a permitted use for the portion of the property located at 2011 Innsbruck Drive by adding this location to Schedule “D” of “Zoning and Parking Bylaw No. 303, 2015”, which lists approved locations within the municipality for retail liquor sales. The proposed Bylaw also restricts the size of the liquor store to 260 square metres. The rezoning seeks to add this use in order to accommodate the relocation of the BC Liquor store. A provincially operated retail liquor store does not require municipal zoning approval, however, it is the policy of the provincial Liquor Distribution Branch to meet local zoning requirements for its store locations. Similarly, the proposed site also meets provincial policies for distance requirements between other existing liquor retail stores, including private stores.

The proposed Bylaw also links the retail liquor sales use of the property to the employee housing, and only allows the retail liquor sales use if the employee housing units have been constructed or are under construction and the owner has entered into a housing agreement for the employee units with the Resort Municipality of Whistler.

The proposed bylaw increases the maximum permitted floor space ratio (FSR) for the property from 0.45 to 0.48 representing an increase in gross floor area of 98 square metres over the currently permitted FSR regulation. The total maximum permitted gross floor area for all buildings and structures in the CL3 zone is restricted to 1,515 square metres (16,307 sq.ft.), of which not more than 263 square metres (2,831 sq.ft.) may be used for auxiliary residential dwelling use for employee housing.

The maximum permitted site coverage is increased from 25 to 27 percent. For comparison, the maximum permitted site coverage in the CC2 zone directly across Lake Placid Road is 50 percent and in the CL1 zone directly across Highway 99.

There are no changes to the Height, Parcel Size, Setbacks, Off-street Parking and Loading and Other Regulations sections of the existing CL3 zone.

The proposed development meets all of the current regulations, except that development permit DP1556 will require building setback variances for the proposed building redevelopment as follows:

1. Vary the setback from Highway 99 from 5 metres to 4 metres.
2. Vary the setback from Lake Placid Road from 5 metres to 2.2 metres.

In 1987, the building at the corner of Highway 99 and Lake Placid Road was developed in conformance with the CL3 zone’s minimum 5 metres building setbacks, but subsequently, a 2.5 metre portion of the subject lands along Lake Placid Road was appropriated as part of an upgrade to the intersection of Highway 99 and Lake Placid Road, which reduced the existing development’s setback adjacent to Lake Placid Road to 2.5 metres. The proposed new building adds some bump outs to articulate the building massing on short sections of the façades facing Highway 99 and Lake

Placid Road, further reducing the setbacks to 4 metres and 2.2 metres respectively. Because it is only short sections of the new building that are built to a 4 metre and 2.2 metre setback, the variance approach is recommended rather than generally applying reduced setbacks in the new CL3 zone.

### **Development Agreement and Housing Agreement**

Staff are working with the applicant to secure other details with respect to this project, including the timely removal of the existing building nearest the intersection, achievement of a high standard of quality in the replacement building, and standard restrictions on the occupancy of the employee housing units. Some of these details are beyond the scope of zoning regulations and need to be secured by means of agreements with the property owner (development agreement and housing agreement) and entered into as a “prior to” condition and registered on title or held on a solicitor’s undertaking to register upon bylaw adoption. These agreements are to be registered in favour of the RMOW. A separate bylaw will be needed to authorize housing agreement provisions. A separate report outlining the provisions and associated housing agreement bylaw will be brought forward for Council consideration prior to the adoption of “Zoning Amendment Bylaw (Creekside Plaza), No. 2165, 2017”.

### **Advisory Design Panel Review**

Comprehensive work has been completed on the design of the proposed redevelopment and rejuvenation of the Creekside Plaza property which is linked to the proposed rezoning. The project was reviewed by the Advisory Design Panel (ADP) at their July 19, 2017 and October 18, 2017 meetings. Overall the ADP supports the project and had some specific recommendations for further detailed design development. The Panel has left it to staff to resolve the detailed design items. The minutes of the July 19, 2017 and October 18, 2017 meeting are attached as Appendices “C” and “D”.

### **WHISTLER 2020 ANALYSIS**

The proposed zoning amendment supports Whistler 2020 Built Environment, Economic, Resident Housing and Transportation strategies as described in Administrative Report No. 17-114 to Council dated October 17, 2017.

### **OTHER POLICY CONSIDERATIONS**

The proposed zoning amendment is consistent with Official Community Plan policies and development permit area guidelines, Liquor Policy and Green Building Policy as described in Administrative Report No. 17-114 to Council dated October 17, 2017.

### **BUDGET CONSIDERATIONS**

Rezoning application fees provide for recovery of costs associated with this application. Building Permit fees and Works and Services charges will be applicable at the time of Building Permit.

The new building’s commercial gross floor area will be subject to the Employee Housing Service Charge Bylaw No. 1507, 2000 as the original building was constructed prior to the RMOW’s first Employee Housing Bylaw. As proposed, the new commercial development is deemed to generate 5 employees per the Bylaw. The owners are proposing employee housing in the form of four 1-bedroom units on-site, sufficient to house 8 employees, thereby meeting the requirements of the bylaw.



## **COMMUNITY ENGAGEMENT AND CONSULTATION**

The required rezoning application site information sign has been posted on the property. A Public Hearing, which is subject to public notice requirements, is required as part of the statutory process for bylaw consideration and adoption.

One letter in opposition to a provincially operated retail liquor store at this location was received and forwarded to Council as correspondence at the December 5, 2017 Council meeting and is also attached as Appendix “E”.

## **SUMMARY**

This Report recommends that Council consider giving first and second readings to “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017”, that Council direct staff to schedule a Public Hearing regarding “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017”, and further identifies conditions for the applicant to address prior to consideration of adoption of “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017”.

Respectfully submitted,

Robert Brennan, MCIP  
PLANNER  
for  
Jan Jansen  
GENERAL MANAGER OF RESORT EXPERIENCE

# **RZ1132 – 2010 AND 2011 INNSBRUCK DRIVE – CL3 ZONE AMENDMENT FOR CREEKSIDE PLAZA REJUVENATION PROJECT**

Council Presentation

October 17, 2017

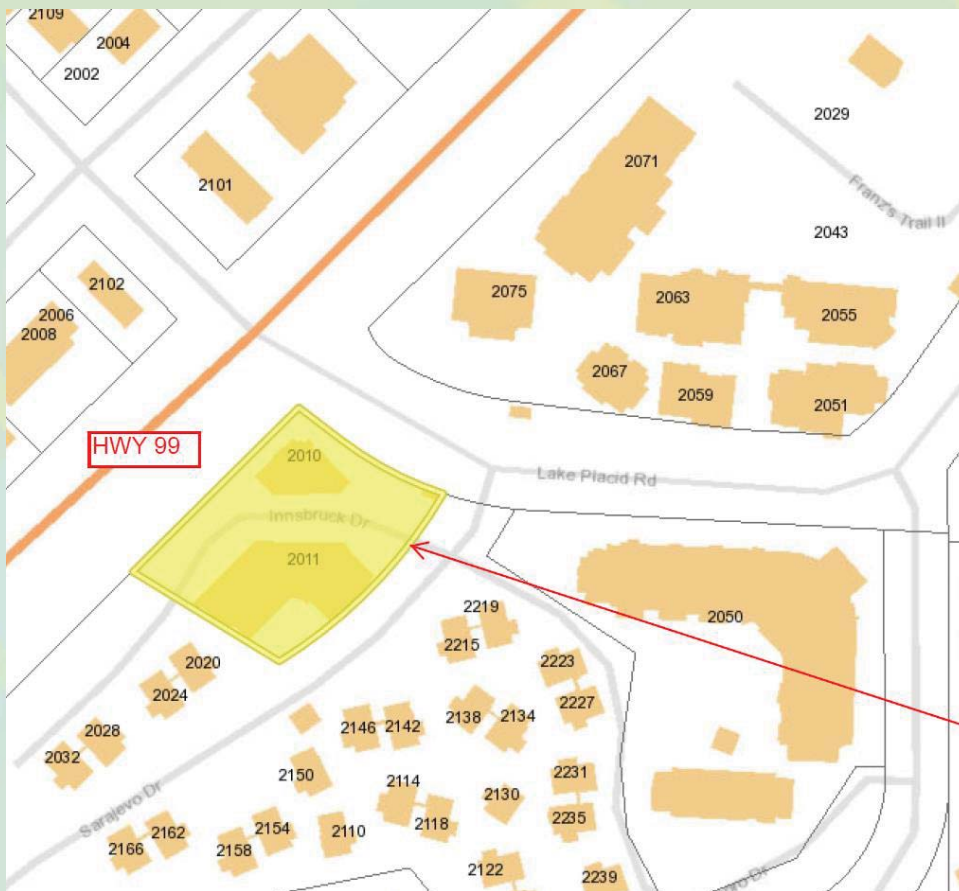
**RESORT MUNICIPALITY OF WHISTLER**

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# Subject Lands



- Creekside Plaza is an existing commercial development comprised of 2 buildings
- Located at 2010/2011 Innsbruck Drive in the Whistler Creek core commercial area
- Prominently located, highly visible on Hwy 99 & Lake Placid Road intersection
- Intersection is a primary gateway for commercial activity, main entrance to Creekside ski base & visitor accommodations

# Existing Conditions





## Project Description

- Redevelopment of visually prominent corner of the property that fronts Hwy 99 at intersection with Lake Placid Road
  - Existing building at 2010 Innsbruck Drive replaced with a new building that exemplifies high quality of development & mountain character
  - Add as additional permitted uses for the property:
    - 4 auxiliary residential dwelling units for employee housing
    - Retail liquor store at 2011 Innsbruck Drive
  - Small increase in maximum permitted density for the property from 0.45 to 0.48 floor space ratio
    - Represents 98.8 sq. m. of additional gfa, allocated to auxiliary residential dwelling units for employee housing
  - Vary 5.0 m building setback requirement from all parcel boundaries to:
    - 4.0 m setback at Highway 99
    - 2.48 m setback at Lake Placid Road

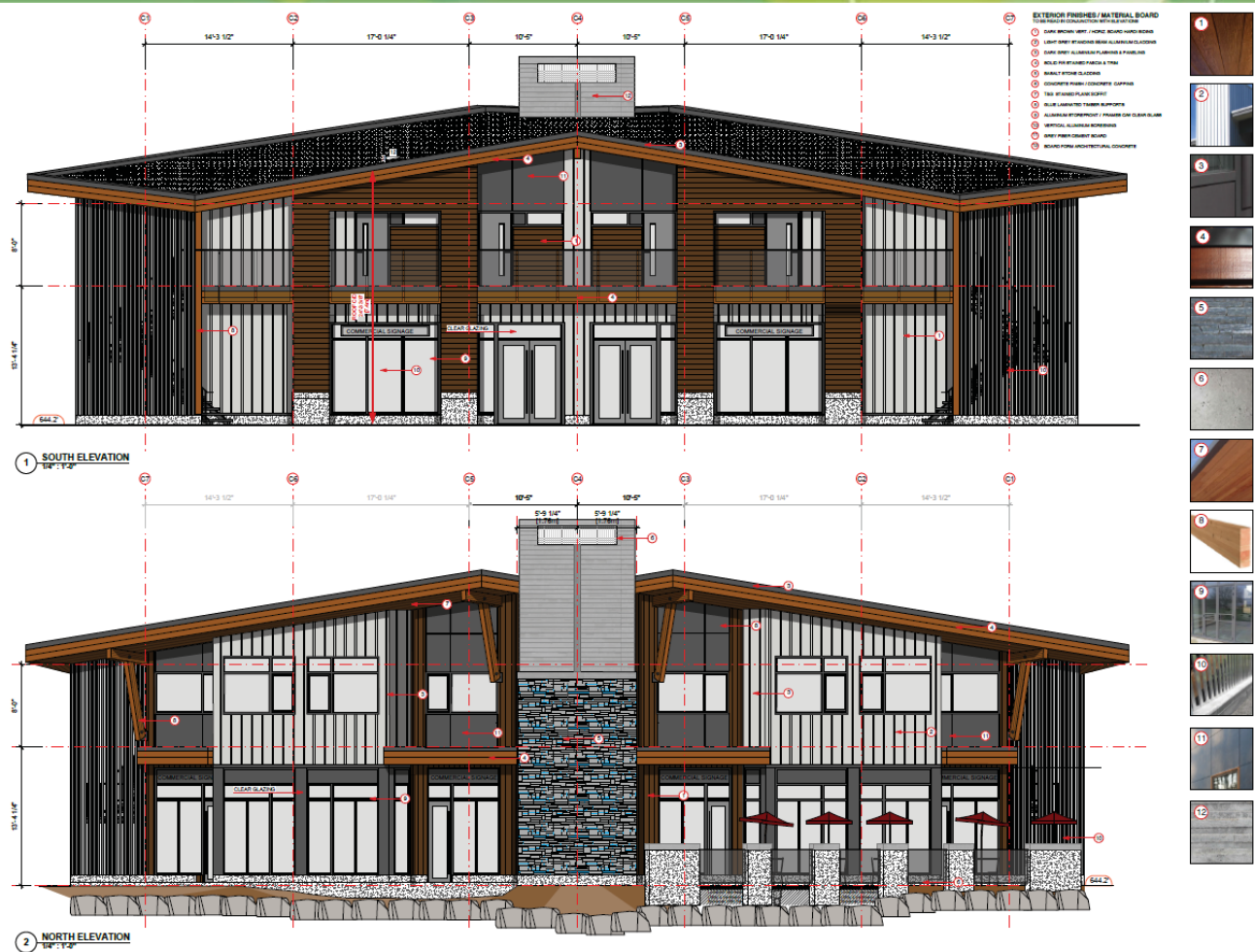
**PROJECT: 2010-11 Inabuck Drive, Wheeler, BC**

**DATE: 12/17**

**PLANTING**

QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
100	11	Aspen	Aspen	1.5 m x 1.5 m	2000-2005
100	12	White Birch	White Birch	1.5 m x 1.5 m	2000-2005
100	13	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	14	White Spruce	White Spruce	1.5 m x 1.5 m	2000-2005
100	15	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	16	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	17	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	18	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	19	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	20	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	21	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	22	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	23	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	24	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	25	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	26	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	27	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	28	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	29	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	30	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	31	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	32	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	33	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	34	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	35	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	36	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	37	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	38	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	39	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	40	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	41	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	42	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	43	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	44	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	45	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	46	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	47	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	48	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	49	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	50	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	51	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	52	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	53	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	54	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	55	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	56	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	57	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	58	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	59	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	60	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	61	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	62	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005
100	63	Black Spruce	Black Spruce	1.5 m x 1.5 m	2000-2005

# Proposed Development



# Proposed Development





# Rezoning Requirements

- Amend Schedule “D” to add the proposed BC Liquor Store location at 2011 Innsbruck Drive as a location permitted for retail sales of packaged liquor
  - Provincial Liquor Stores are not legally subject to municipal zoning regulations, however, BC Liquor Distribution Branch is recognizing the municipality’s zoning regulations that restrict retail sales of packaged liquor
- Amend the permitted uses of the CL3 Zone to permit auxiliary residential dwelling units for employee housing
  - Restricts use to employees of the businesses located on the property & permitted under the CL3 zone
  - A housing agreement bylaw for employee housing is also required
- Amend the density & site coverage provisions of the CL3 Zone
  - Increase floor space ratio from 0.45 to 0.48
  - Introduce a maximum gross floor area of 1,582 square metres
  - Increase maximum permitted site coverage from 25% to 26.1% to address legal non-conformity caused by past appropriation
- CL3 Zone applies only to this property so proposed amendments would not affect any other property

# Official Community Plan Considerations

- Proposed zoning amendment will support applicable OCP policies
  - ✓ Lands designated for development of accommodation & commercial
  - ✓ Employee housing will be dedicated for business & activities located on the property, will provide employee housing that is much needed and considered a clear & substantial benefit to the community
  - ✓ Will meet criteria for proposed resident housing :
    - infill sites preferred
    - appropriate to development & neighbouring uses
    - minimize operating & maintenance costs
    - adequate storage & parking
    - employee use restrictions
    - close proximity to Whistler Village or Whistler Creek
  - ✓ Exhibits high standards of design, landscaping, environmental sensitivity
  - ✓ Improvements to adjacent road network not expected

# Other Policy Considerations

- **OCP Development Permit Area Guidelines**

- Located in DPA No. 2, requiring the proposal to obtain Council approval of a development permit subsequent to rezoning.
- The design is proposed to be resolved & secured in advance as a condition of rezoning adoption.

- **Liquor Policy G-17**

- Liquor Policy recognizes the potential impact any applications for Retail Package Liquor Sales have on the community & applications are subject to the rezoning considerations contained in the OCP.
- The proposed BC Liquor Store as a retail package liquor sales use complies with the OCP rezoning considerations.

- **Green Building Policy G-23**

- Opportunity to require specific commitments in respect of green building through discretionary authority to enact & amend zoning bylaws.
- Green Building commitments that meet the Green Building Policy will be a condition of adoption of the zoning amendment bylaw.

## Advisory Design Panel Review

- Rezoning proposal and rejuvenation project reviewed by ADP on July 19, 2017.
- ADP Recommendation
  - Support the project in principle
  - Some detailed design elements need to be further addressed
- Applicant has prepared revised design drawings to address ADP comments.
- Revised design drawings will be presented to ADP for review prior to Council consideration of the proposed zoning amendment bylaw.

## Community Engagement and Consultation

- Required rezoning application information sign is posted on the property.
- Proposed zoning amendment bylaw will be subject to a public hearing adhering to statutory public notice requirements.

## Recommendation

**That** Council authorize further processing of Rezoning Application RZ1132; and

**That** Council direct staff to prepare a zoning amendment bylaw for RZ1132 that would provide for the proposed Creekside Plaza rejuvenation project as described in this report #17-114 and secure the proposed improvements as part of the rezoning.



# **RZ1132**

## **2010 & 2011 Innsbruck Drive - CL3 Zone Amendments for Creekside Plaza**

Council Presentation

January 23, 2018

**RESORT MUNICIPALITY OF WHISTLER**

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## Purpose

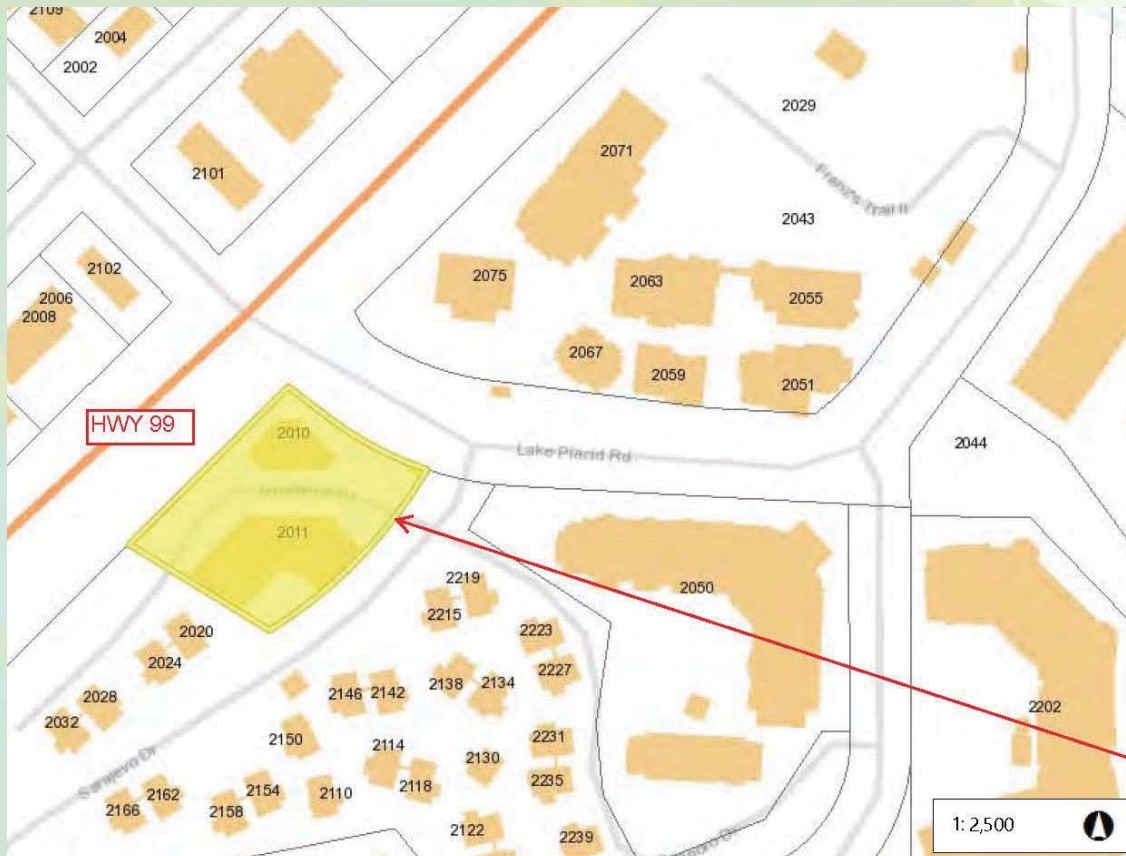
- To present “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017” for Council consideration of first and second readings.
- Bylaw 2165 proposes to amend the CL3 Zone, a site specific zone that applies to Creekside Plaza located at 2010 & 2011 Innsbruck Drive, to:
  - ✓ add two new permitted uses (retail sale of packaged liquor, auxiliary residential dwelling units for employee housing),
  - ✓ to secure a proposed rejuvenation of the property prior to retail sale of packaged liquor being permitted,
  - ✓ moderately increase the maximum permitted density & site coverage.



## Background

- October 17, 2017 - Council authorized staff to proceed with further processing of Rezoning Application RZ1132 and to prepare a zoning amendment bylaw for proposed uses and associated rejuvenation of Creekside Plaza as described in Administrative Report to Council No. 17-114.

# Subject Lands



- 2010 & 2011 Innsbruck Drive
- Creekside Plaza

## Zoning Amendment Bylaw (Creekside Plaza), No. 2165, 2017

- Adds the following 2 new Permitted Uses:
  - ✓ auxiliary residential dwelling units for employee housing auxiliary to other uses located in the CL3 zone
  - ✓ retail sale of packaged liquor at 2011 Innsbruck Dr.
- Amends Zoning Bylaw Schedule “D” to add 2011 Innsbruck Dr. as an approved location for retail liquor sales;
- Retail sale of package liquor is only permitted if:
  - ✓ The employee housing units have been constructed OR are under construction and owner has entered into a housing agreement for the employee units with the Municipality.
- Regulates location of employee housing:
  - ✓ in building nearest the intersection of Highway 99 and Lake Placid Rd.,
  - ✓ cannot be in same building as the retail liquor sales,
  - ✓ cannot be on the first storey.

## Zoning Amendment Bylaw (Creekside Plaza), No. 2165, 2017

- Increase floor space ratio from 0.45 to 0.48
- Introduces gross floor area parameters:
  - ✓ Total gross floor area for parcel of 1,515 square metres
  - ✓ Maximum of 263 square metres for auxiliary residential dwelling use
  - ✓ Maximum of 260 square metres for retail liquor sales.
- Increase site coverage from 25 to 27 percent
- No changes to the Height, Parcel Size, Setbacks and Other Regulations sections of the CL3 zone.
- Off-street parking and loading spaces are in accordance with Section 6 of the Zoning Bylaw.

## Conditions Prior to Bylaw Adoption

- Registration of a development covenant in favour of the RMOW to secure development of the proposed new building & site improvements consistent with plans to be finalized prior to adoption.
- Registration of a housing agreement in favour of the RMOW for the auxiliary residential dwelling units for employee housing for businesses on site.
- Registration of a green building covenant consistent with the RMOW's Green Building Policy.
- Submission of a final waste & recycling plan that is consistent with Solid Waste Bylaw No. 2139, 2017.
- Submission of a snow shed report.



## Policy Considerations

- **Complies with:**
  - ✓ applicable policies of the OCP
  - ✓ applicable bylaws (e.g. Employee Housing Service Charge Bylaw No. 1507, Solid Waste Bylaw No. 2139)
  - ✓ Liquor Policy
  - ✓ Green Building Policy
- **Supports Whistler 2020**

## Community Engagement and Consultation

- Required rezoning application site information sign is posted on the property.
- A statutory Public Hearing for Zoning Amendment Bylaw (Creekside Plaza), No. 2165, 2017 will be scheduled and advertised.
- One letter of opposition received to date.

## Recommendation

**That** Council consider giving first and second readings to Zoning Amendment Bylaw (Creekside Plaza), No. 2165, 2017;

**That** Council authorize staff to schedule a public hearing for Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017;

**That** Council direct staff to advise the applicant that before consideration of adoption of Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

1. Registration of a development covenant in favour of the Resort Municipality of Whistler ("RMOW") to secure development of the proposed new building and site improvements consistent with plans to be finalized prior to adoption.
2. Registration of a housing agreement in favour of the RMOW for the auxiliary residential dwelling units for employee housing for businesses on site.
3. Registration of a green building covenant consistent with the RMOW's Green Building Policy.
4. Submission of a final waste & recycling plan that is consistent with Solid Waste Bylaw No. 2139, 2017.
5. Submission of a snow shed report; and further,

**That** Council authorizes the Mayor and Municipal Clerk to execute the necessary legal documents for this application.



Panel offers the following comments.

#### **Site Context and Landscaping**

1. Opportunity for low planting on the west side of the building for privacy.
2. Panel is in support of the project as it will contribute to the image of the village. The building is in much need of refurbishment.

#### **Materials, Colours and Details**

1. Panel had concerns about the new railing dimension and material.
2. Panel suggests use of some natural wood on the building and suggested keeping the soffits natural cedar rather than white. The wood will add warmth to the building.

Moved by Tony Kloepper  
Seconded by Ryley Thiessen

That the Advisory Design Panel supports the project as presented with consideration to update the landscaping and to also consider the use of natural wood on the building, particularly the soffits. Panel does not need to see this project return for further review.

CARRIED

*The applicant team left the meeting at 2:10 p.m.*

*The applicant team of Brent Murdoch, Brent Murdoch and Company; Jen Levitt, Murdoch and Company; Dylan Korba, Murdoch and Company entered the meeting at 2:15 p.m.*

Robert Brennan, Planner, RMOW introduced the project. Staff seeks Panel comments for Rezoning and Development Permit of the site located on Innsbruck Drive at the entrance to Creekside Village. The existing development was constructed in 1987 and consist of two buildings. This proposal calls for demolition of one building on the northwest corner of the property and replacing it with a new building for commercial and residential use. In addition there will be renovations to the remaining building for a new proposed liquor facility. The rezoning application is for consideration of adding the employee housing and liquor sales uses. Proposed new building is slightly larger than existing with most of that being on the second storey for the new employee housing units.

Brent Murdoch advised on the following.

1. Architect distributed colored perspective drawings and a revised truck template plan for review and discussion.
2. The current building located in the northwest corner of the property is not doing its job from an urban design perspective. Needs to be revamped.
3. Housing component is an important trigger for the owner's plans to redevelop the site.
4. This building is a single occupant commercial building and we are looking to replace that mass and take it down to the slab.

2010 and 2011  
Innsbruck Drive  
1<sup>st</sup> Review  
File No. DP1556  
2:15 – 3:15 p.m.

5. On the 2<sup>nd</sup> storey of the new building are proposed 4 one bedroom residential units. These units will be accessed via an open walkway connected at each end to a metal screened staircase to the ground level. This walkway provides semi open space for these units.
6. Constraint on the building because of location near the highway and the corner of Lake Placid Road. Building mass is kept tight.
7. The backside of the building will maintain a shallow roof line.
8. The large stone fireplace on the current building is a significant feature and we will re-interpret that in the new design.
9. The proposed liquor store for the existing building on the property is currently located on the Franz's Trail property across Lake Placid Road.
10. The current restaurant in the corner building will be relocated to one of the two proposed commercial units on the first floor of the new building.
11. There will be subtle changes in surface parking layout and loading bay areas, but the project meets parking requirements.
12. Conceptual landscape plan includes new understorey plants and new trees adjacent to Highway 99 and Lake Placid Road.

Panel offers the following comments.

#### **Site Context and Landscaping**

1. Update to the landscaping is appreciated.
2. Consider adding outdoor space as it would be more appealing to renters.
3. Panel noted that the issue of parking and deliveries is still not resolved.
4. The North elevation of the new building is well received. The architectural expression is appreciated.
5. Panel had concerns over the South elevation of the new building. Particularly with the main entry. Perhaps consider making the entry on the Southside more open.
6. Opening the commercial façade from one edge to the other will be beneficial to the commercial clients.
7. Coordinate garbage and recycling facilities.

#### **Form and Character**

1. The proposed chimney design is not very detailed and can be more articulated. It currently reads as a square block.
2. The sidewalk at the commercial entrances where the doors open are quite narrow. Consider widening and adding landscaping to soften.
3. Comprehensive signage needs to be incorporated into the design.
4. Panel had concerns over the vertical screens.
5. Consider cathedral upper ceilings to add glazing for the north elevations.

#### **Materials, Colours and Details**

1. Consider the placement of the stairs to the middle which will eliminate the long corridor.
2. Opportunity to capture half the height of stairs to allow for storage space.
3. Opportunity for exterior stairs to be much more open, otherwise feels like building mass.
4. The proposed light railing for the patio is not supported. Consider solid wall to mitigate view and noise off the highway.

Moved by Kristina Salin  
Seconded by Zora Katic

**That** the Advisory Design Panel supports the project in principle and would like to have it returned to address issues of the south elevation and opening of the south commercial entrances, including an integrated signage package. Review further articulation of the metal screens and stone chimney and have a look at alternative for railing.

**CARRIED**

*The applicant team left the meeting at 3:00 p.m.*

Function Junction  
Commercial  
Development, Alpha  
Lake Road  
1<sup>st</sup> Review  
File No. DP1337  
3:15 – 4:15 p.m.

*The applicant team of Brent Murdoch, Brent Murdoch and Company; Chief Dean Nelson, Lil'wat Nation; Kerry Mehaffey, Lil'wat Capital Assets LP; Carlos Zavarce, Cornerstone Developments Ltd; Caroline Lamont; Cornerstone Developments Ltd entered the meeting at 3:10 p.m.*

Melissa Laidlaw, RMOW introduced the project. This is a Development Permit Application for a 5.3 acre parcel. Part of the parcel is zoned for a service station which includes a restaurant and a larger portion of the parcel is zoned for light industrial, service commercial, office and employee housing use. The client has worked hard to protect the 20 metre tree buffer along the highway, as well as to reduce the parking and vehicle dominance and provide a more pedestrian friendly environment.

The project is meeting all the regulation of the Zoning Bylaw with the exception of the proposed retaining wall along the rail line, of which staff has no concerns. The proposed on-street parking and off-site freestanding sign does not meet bylaw regulations and this is still under review from staff.

Chief Dean Nelson advised on the following.

1. Excited about the project and to witness the Advisory Design process and will do what must be done to move the project along.

Brent Murdoch advised on the following.

1. This land is part of the First Nations legacy lands.
2. This parcel is zoned for a service station to address the needs of the south side of town.
3. Function Junction is currently a hostile environment for pedestrians.
4. We looked at how this project can be done in a comprehensive manner to address issues with pedestrian and vehicle movement, and maintain an efficient design element.
5. The service station will be similar to Husky with easy available parking and augmented landscaping. There are suggested infill locations in the tree preservation area adjacent to Highway 99, with openings for sightlines along the Alpha Lake Road frontage.
6. The Commercial site has a number of uses including office use. The initial plan was to have office space on the on the third floor. There may not be enough subscription for the building to handle that use and provision of employee housing makes more sense.

Panel offers the following comments.

### **Site Context and Landscaping**

1. Panel suggests adding more landscaping between the walkway and building, while recognizing it is good to have wider walkways for seniors.

### **Form and Character**

1. Further consider the design look of the parkade entrance; it is very visible, detail well.
2. Find a better solution for the picket railing to tie in better and not look low income.

### **Materials, Colours and Details**

1. Panel expressed concern about the durability of the aluminum wrap on vinyl windows.
2. Suggestion to consider a more muted colour for the cement board siding.
3. Panel agreed that the exposed concrete should have more architectural interest.
4. Consider adding to flashing with overhang for weather protection.
5. Wood returns will hit the ground level and attract moisture.
6. Provide care in the visual of the roof material and detailing as viewed from Solana.

Moved by Pat Wotherspoon  
Seconded by Brigitte Loranger

**That** the Advisory Design Panel supports the project and further consideration to the suggestions provided by panel.

CARRIED

*The applicant team left the meeting at 1:55 p.m.*

2<sup>nd</sup> Review  
File No. RZ1132, DP1556  
2010 & 2011 Innsbruck  
Drive

*The applicant team of Dean Skalski, Jen Levitt and Dylan Korba Murdoch & Co; Rob Laslett, Kindred Construction; entered the meeting at. 2:00 p.m.*

Senior Planner Melissa Laidlaw, RMOW introduced the project. Panel reviewed the project once and had several comments. The applicant has submitted revised plans and summarized the changes and how they have addressed panel's previous comments. Staff seeks Panel comments on the proposed changes.

Dean Skalski advised on the following.

1. At the last panel meeting, there was some discussion about showcasing the entry to the commercial units a bit better. The plan is to recess the two entry doors into the commercial units for protection and create more walk space so when doors are open, they don't intrude into the walkway space on the outside of the building.

2. There were concerns about the residential units and whether they can have higher ceilings, windows, doors and questions about screening. We have changed elevations to create more articulation to the building.
3. On the street side of the residential units, we increased the height of windows and doors. Juliette style balcony with protective railing added to connect with the outside a bit better.
4. Chimney used to be a big wall of stone, so we have broken it up using a combination of stone and board form concrete so it doesn't look monolithic, concrete cap to differentiate between the stone works.
5. The treatment for the patio. We have now updated to concrete and glass guardrail to make the patio look more substantial, tie in better with building materials.
6. There will also be a fair bit of landscape screening for the patio.
7. A new freestanding monument sign will replace the existing one facing the Highway.
8. Delivery truck turning radius – based on the worst case scenario the anticipated delivery trucks will be able to service the site.

Panel offers the following comments.

#### **Site Context and Landscaping**

1. Good improvements since the last review. Strong support for the recess entry doors - great for pedestrian flow and weather protection.

#### **Form and Character**

1. The end stairway elevation are the least successful and could use more architectural interest when compared to the rest of the building.
2. South elevation is a bit weak and verticals also look weak.

#### **Materials, Colours and Details**

1. Panel cautioned that the development will need to meet the new requirements for garbage and recycling.
2. Consider drainage and gutters so it does not look like an afterthought.
3. Panel concern that there are lots of wall materials.
4. Juliette balcony well received. Consider large sliding door for the balcony.
5. Panel in support of the changes to the chimney as it creates more of a focal point. Consider adding lighting for further articulation.

Moved by Pat Wotherspoon  
Seconded by Zora Katic

**That** the Advisory Design Panel supports the project as presented and would like to leave it to staff to decide whether it should return subject to the comments and concerns raised by panel.

**CARRIED**

*The applicant team left the meeting at 2:35 p.m.*

## ADMINISTRATIVE REPORTS

RZ1132 – 2010 -  
2011 Innsbruck  
Drive –  
CL3 Zone  
Amendments for  
Creekside Plaza  
File No. RZ1132  
Report No. 18-005

Moved by Councillor J. Crompton  
Seconded by Councillor J. Ford

**That** Council consider giving first and second readings to “Zoning Amendment Bylaw (Creekside Plaza), No. 2165, 2017”;

**That** Council authorize staff to schedule a public hearing for “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017”;

**That** Council direct staff to advise the applicant that before consideration of adoption of “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017”, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

1. Registration of a development covenant in favour of the Resort Municipality of Whistler (“RMOW”) to secure development of the proposed new building and site improvements consistent with plans to be finalized prior to adoption;
2. Registration of a housing agreement in favour of the RMOW for the auxiliary residential dwelling units for employee housing for businesses on site;
3. Registration of a green building covenant consistent with the RMOW’s Green Building Policy;
4. Submission of a final waste and recycling plan that is consistent with Solid Waste Bylaw No. 2139, 2017;
5. Submission of a snow shed report; and further,

**That** Council authorizes the Mayor and Municipal Clerk to execute the necessary legal documents for this application.

**CARRIED**

LUC008 – Alpine  
Meadows Land  
Use Contract  
Termination  
File No. LUC008  
Report No. 18-006

Moved by Councillor J. Grills  
Seconded by Councillor C. Jewett

**That** Council consider giving first and second readings to “Land Use Contract Termination Bylaw (Alpine Meadows) No. 2166, 2017”;

**That** Council authorize staff to schedule a Public Hearing for “Land Use Contract Termination Bylaw (Alpine Meadows) No. 2166, 2017”;

**That** Council authorize staff, subject to approval of “Land Use Contract Termination Bylaw (Alpine Meadows) No. 2166, 2017”, to give written notice of termination to the Registrar of Land Titles, pursuant to section 548(6) of the *Local Government Act*; and further,

**That** Council authorize staff, subject to approval of “Land Use Contract Termination Bylaw (Alpine Meadows) No. 2166, 2017”, to give written notice of termination to all owners subject to the Alpine Meadows Land Use Contract pursuant to Section 549 of the *Local Government Act*.

**CARRIED**

Whistler Bear Advisory  
Committee

Moved by Councillor C. Jewett  
Seconded by Councillor J. Grills

**That** Council receive the Regular Meeting Minutes of the Whistler Bear Advisory Committee of December 13, 2017.

CARRIED

**BYLAWS FOR FIRST AND SECOND READINGS**

Zoning Amendment  
Bylaw (Creekside  
Plaza), No. 2165,  
2017

Moved by Councillor J. Crompton  
Seconded by Councillor J. Ford

**That** "Zoning Amendment Bylaw (Creekside Plaza), No. 2165, 2017" be given first and second readings.

CARRIED

Land Use Contract  
Termination Bylaw  
(Alpine Meadows) No.  
2166, 2017

Moved by Councillor J. Grills  
Seconded by Councillor C. Jewett

**That** "Land Use Contract Termination Bylaw (Alpine Meadows) No. 2166, 2017" be given first and second readings.

CARRIED

**BYLAWS FOR FIRST, SECOND AND THIRD READINGS**

Financial Plan 2017-  
2021 Amendment  
Bylaw No. 2173, 2018

Moved by Councillor J. Ford  
Seconded by Councillor J. Crompton

**That** "Financial Plan 2017-2021 Amendment Bylaw No. 2173, 2018" be given first, second and third readings.

CARRIED

**BYLAWS FOR THIRD READING**

Zoning Amendment  
Bylaw (Cannabis  
Retail, Production and  
Distribution) No. 2159,  
2017

Moved by Councillor J. Crompton  
Seconded by Councillor J. Ford

**That** "Zoning Amendment Bylaw (Cannabis Retail, Production and Distribution) No. 2159, 2017" be given third reading.

CARRIED

**OTHER BUSINESS**

Committee Member  
Appointments

Mayor Nancy Wilhelm-Morden notified the public that the following individuals were appointed to the Recreation and Leisure Advisory Committee:

- Josie Chuback;
- Dave Clark;
- Lynda Harnish;
- Murray Lunn;
- Kirk Paterson;
- Andrew Ross;
- Roger Soane; and
- Diane Ziff.

# **Snowsun Ventures Ltd.**

Roland's Beer and Wine Store  
2129 Lake Placid Road, Creekside, Whistler  
Store Phone: 604-932-5940 Direct Line: 604-388-4545  
Email: LanceBright@hotmail.com

Mayor and Council  
Resort Municipality of Whistler (RMOW)  
4325 Blackcomb Way  
Whistler, BC V0N 1B4

November 27, 2017

Re: RZ1132 proposed new location of the Government liquor store in Creekside.

As the operator of Roland's Beer and Wine store, 2129 Lake Placid Road, this proposed LDB (Liquor Distribution Board) relocation is of the greatest concern for us, as it will have an extremely negative impact on our business, and may in the end, force its closure. We appreciate the opportunity to express our concerns.

Council must consider this move to be a predatory attempt on the part of the LDB to close our store. Currently, the Creekside enjoys fantastic service, fourteen hours a day, 365 days of the year, from two locations. At present, there is no market segment underserved nor could any business case show more liquor could be sold in Creekside if another store was added or moved.

Regardless, there is a business case within the LDB showing that if they move, they would grab a larger share of the market and do so at our expense. Our closure would reduce the level of service Creekside now enjoys and would further leave the RMOW vulnerable in ways that need to be considered as a resort town.

As the LDB dictates and controls all liquor sales in BC, all private stores such as ours largely have to buy through them and we do so with only a meager discount of about 20% below what the public pays. The LDB still makes a profit selling to us, and with that discount, we have to not only make a profit, but cover all our expenses by providing our customers additional services at specialized locations.

However, the LDB is in a unique position to track our sales to the penny. They are impossible to compete with directly and have openly stated the proposed store will mimic the success model that distinguishes private stores from government stores. Those elements are what we have focused on and what has enabled us to survive in spite of the installation of an LDB store in Creekside.

Despite the profit the LDB makes selling to private stores, those margins have recently become unacceptable against their appetite for expansion. Private stores have never been much of a business factor for the LDB, but we are a major threat with their union,



the BCGEU. Private stores comparably operate with 60% of the staff and remain a mitigating factor against any potential strike action.

This past summer, an LDB clerk stated to me when I inquired about the new “chilled” section: “We are going to stick it to the private guys.” Even though they control and dictate all sales of liquor—and 95% of the market—this is the culture they have fostered within the LDB.

In 2015, the LDB was directed to close non-profitable stores within their system. In the Private Beer and Wine community, we rejoiced. However, the only change that occurred was a new aggressive attitude toward increasing revenue following the success model of private beer and wine stores, such as chilled services, longer business hours, and open regularly on weekends and holidays. Without increasing consumption, the only way for the LDB to increase revenue was to displace existing markets—namely the private stores.

As a family business that has been in operation for 41 years, we would like the RMOW to consider the following important points: Our store is consistently open from 11 AM to 11 PM, 365 days of the year. We can guarantee our store will never go on strike or be picketed against, and we will always be there for the community—as long as we are properly supported. There may come a day when the private stores are the RMOW’s best friend. If needed, we can stockpile and utilize our alternate sources.

The same cannot be said for the LDB and the BCGEU. Imagine the sting the union could inflict on Victoria by constricting liquor distribution and sales in Whistler. Any sector of the BCGEU could use the Whistler stores and their control of distribution as leverage on Victoria and 99% of B.C. voters would not be affected.

I implore council to hear my cause and support us.

Thank you again for taking the time to read this brief letter. I am, of course, available to speak to you further on this topic. You can reach me at 604-388-4545.

Sincerely,

A handwritten signature in cursive script, reading "Lance Bright".

Lance Bright, Director  
Snowsun Ventures Ltd.

Roland’s Beer and Wine Store  
Roland’s Creekside Pub  
Red Door Bistro

Dear Mayor and Council,

I am writing in support of the proposed Zoning Amendment Bylaw No 2165, 2017 for Creekside Plaza.

I share the opinion of many others that the former Boston Pizza building is worthy of demolition and rebuild. While the construction is sure to disturb our business at times, as one of the first visual impressions visitors receive when arriving to Whistler, a building that is up to date and accurately reflects the image and branding that represents Whistler is needed.

In regards to the additional permitted use of employee housing, these proposed units will be greatly beneficial to the businesses in the plaza. Recruiting qualified professionals (Veterinarians and Veterinary Nurses/Technicians) is borderline impossible due to the lack of housing, not just affordable housing. We've had many of these professionals turn down our employment offers due to not being able to secure accommodation.

In regards to additional permitted use, we enthusiastically support this addition for our plaza to have a wonderful anchor tenant like the BC Liquor Store. The increased traffic to the plaza can only be good for the businesses here.

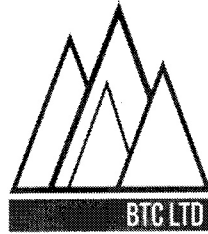
Finally, I'd like to throw my support behind the efforts of Creekside Plaza's owners, the Jekubik family. As Dan Jekubik wrote in a letter to council regarding the redevelopment proposal, I can verify that they have invested significantly in the plaza through much needed maintenance, repairs and tenant improvements. Our new hospital, completed this spring in the plaza, would not have been possible without their contribution. Unlike many other commercial landlords they genuinely act in a manner that is mutually beneficial and win-win for them and their tenants.

Jonathan Kirby  
Coast Mountain Veterinary Services

--

Jonathan Kirby  
*Practice Manager*

#201-2011 Innsbruck Drive  
Whistler BC, V0N-1B2  
Phone: 604-902-8232(cell)  
[www.coastvet.com](http://www.coastvet.com)



January 28, 2018

Dear Mayor and Council,

**Re: Rezoning Application RZ1132 and Development Permit Application No1556**

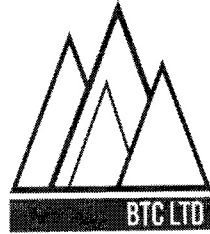
I am writing to you as the new owner of the commercial real estate at Creekside Village ("Creekside Village") otherwise known as Franz's Trail. We completed the purchase of this asset on November 3, 2017 through our holding company, BTC Ltd. BTC Ltd. is a family owned business and we are motivated to redevelop Creekside Village into a more vibrant local community center. We have had a home in Creekside since 2008 and are in the process of building our retirement home in Creekside. Unlike the owners of Creekside Village in the past, we have a vested interest in the success of Creekside Village and its tenants as this is the village at the "bottom of our hill" - it is our neighbourhood. We are highly motivated to make Creekside Village a destination for both locals and tourists.

We are aware of the current Rezoning Application RZ1132 and Development Permit DP1556. We feel these are two separate applications and that the Municipality should look at each of these applications individually and not as a whole 'rejuvenation' plan. We do not support the rezoning application in its current form.

Firstly, it is unclear as to how the term 'rejuvenation' can be used, when the proposal is essentially to permit another Retail Liquor Sales zoning across the street inviting one of Creekside Village's anchor tenants to move from one side of the street to another.

In our opinion, approving Rezoning Application RZ1132 will have quite the opposite effect of rejuvenation. The master plan for Creekside as a whole (i.e. zoning in place) was never to permit retail liquor sales in **Creekside Plaza**. There was good reasoning for it at the time which has not changed.

Having a liquor store and grocery store within the same complex is convenient for the residents and for tourists (many staying in Evolutions, First Tracks & Legends) shopping in our pedestrian friendly complex at the base of Whistler Mountain. With Creekside Village's ample 1,400 parking stalls, it is clearly established to service a large number of customers in one convenient parking destination. The idea of having people grocery shop at Creekside Village and then walk (or drive) across a very busy main road intersection to Creekside Plaza for liquor purchases is problematic in regards to safety, traffic flow and convenience. We are all aware of the traffic flow concerns in Whistler and in Creekside. Our parkade at Creekside Village fills up completely and at the end of the day creates significant traffic leaving from the various parkade exits coming out onto London Lane and Lake Placid Road. Increase in pedestrians & cars crossing between the two complexes to complete their grocery and liquor shopping will further create traffic congestion on Lake Placid road which feeds directly onto Highway 99.



We also have plans to rejuvenate Creekside Village and are actively seeking **local businesses & local entrepreneurs** to set up in Creekside Village. We have turned down potential tenants on the basis that they are "chain" restaurants or franchised retail operation. We are taking a personal financial risk in forgoing rent and keeping units vacant so that we can preserve a local feel and promote community. We have set up a new local store called Get the Goods General Supply Company Limited. It is a retail lifestyle store where we source bespoke and beautifully crafted products from around the world at the same time we give local artisans a platform to showcase their products. Our redevelopment plan involves helping locals create new businesses and showcasing local talent and ideas that will greatly benefit the community.

Back in 2012, Creekside Village underwent an expensive signage redevelopment. At that time, we were made to follow the comprehensive signage plan prepared upon development. Our tenant logo signage for the complex allowed no backlit signage and the total size of each tenant logo was not permitted to be larger than 0.2 m<sup>2</sup> in area. Since the Master Wayfinding and Guest Arrival Experience Strategy Project, and installation of new and attractive municipal parking and Village pedestrian wayfinding signage, we hope RMOW will also allow us to further improve on signage which is more appealing and eye-catching for our tenant's businesses. In this regard, we are very happy to submit and reinvest in signage that is completely aligned with the new municipal wayfinding signage.

In regards to Development Permit Application No1556 we are in support of this development. A new building to replace 2010 Innsbruck Drive is good for Creekside and Whistler. It is a prominent location and will have great curb side appeal for all traffic into Whistler. The employee housing component is also a much needed investment for our community. BTC Ltd has also recently purchased a duplex on Lake Placid road which will remain as employee housing. We understand the need for employee housing and are also participating in making sure we have employee housing close to the workplace.

We trust that Mayor and Council will consider the Rezoning Application RZ1132 keeping in mind our true and sincere observations, thoughts and comments as outlined here.

Best Regards,

G. Raymond Zage III  
Director, BTC Ltd.



LODGING OVATIONS  
ACCOMMODATING THE LUXURY TRAVELER

February 1, 2018

Mayor & Council  
Resort Municipality of Whistler  
4325 Blackcomb Way  
Whistler, B.C.

Dear Mayor & Council:

**RE: Zoning Amendment Bylaw (Creekside Plaza), No. 2165, 2017.**

As manager of Franz's Trail Retail Complex and also the surrounding three hotels that can accommodate over 1,500 guests at any given time, we feel it is our responsibility to advise you that we do not support any potential relocation of the BC Liquor store from its current premises to the proposed Creekside Plaza area. For our hotel guests, a stroll along the heat-traced pedestrianized pathway to the grocery and liquor stores is a much safer and convenient option and we would hate for our guests to be crossing the busy Lake Placid Road for their purchases. We know for sure that this would negatively impact our guest's safety and experience and as hotel operators we submit this as an important reason for our opposition.

If the Plaza already had zoning for packaged liquor sales, indeed we would not dispute that and it would be BCLDB's prerogative to position its store wherever it saw fit. However, to amend the zoning in order to allow liquor sales, knowing fully well that due to radius requirements, etc., the only logical outcome would be to essentially "*rob Peter to pay Paul*", clearly devaluing the adjacent property, in our opinion, is an unnecessary change and plain wrong. The landlord has purchased Franz's Trail Retail Complex in good faith and this rezoning would be a disservice to their investment.

While we strongly support additional employee housing and upgrading of the Innsbruck Drive corner, it was clear at the January 23, 2018, council meeting that the actual space could be anywhere from 1-4 bedrooms; so while that benefit is uncertain in itself, one can also plainly see the real estate play and how much value the proponents are applying to the relocation of BC Liquor store to Creekside Plaza.

The landlord for Franz' Trail Retail Complex has offered to consider all options for BCLDB from improved visibility consistent with Whistler's wayfinding signage to a reduction in tenant space and we suggest BCLDB explore these opportunities in the best interest of the area, its business and its users.

Yours truly,

*Saad Hasan*

Saad Hasan  
General Manager

2036 London Lane, Whistler, BC., V0N 1B2, Canada  
Tel: +1 (604) 938-9999

John O'Donnell  
2035 Karen Crescent  
Whistler

February 3, 2018

Resort Municipality of Whistler  
4325 Blackcomb Way  
Whistler, BC  
V0N 1B4

Re: Rezoning application for 2010 and 2011 Innsbruck

Your Worship and members of Council

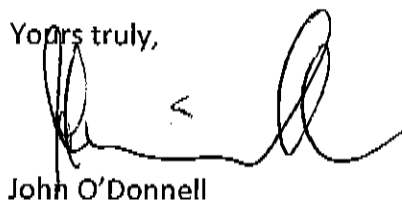
I am writing to express support for the application. The employee housing is especially needed as is a more functional Creekside Liquor Store. This Creekside location is a significant gateway to Whistler and both the North and South sides of the intersection have struggled for years to be viable. The construction of a new building is an important improvement.

I appeared at a Public Hearing before council almost 20 years ago when the Beaver Flats Employee Housing of 69 units was rezoned. My concerns, as were my neighbours at the time, was the form of Housing and the rerouting of the Creek. Almost 20 years later, I can say that the employee housing there has had very little impact on the community and at times we have enjoyed relationships with the new neighbours. We chuckle at the required "Traffic calming" measures of the completed project including a one lane section of Karen Crescent and many, many signs. In fact, the amount of traffic from the employee Housing is very little.

It is important that we keep a Government Liquor store in Whistler Creek as it helps create a hub of activities that is attractive for all businesses. If the store is considering moving and a location cannot be found I am very concerned they may move to another neighbourhood or close. Over the next few years I hope other commercial properties in Creekside will be rejuvenated as we all enjoy walking to as many amenities as possible.

I look forward to council supporting the rezoning.

Yours truly,

A handwritten signature in black ink, appearing to be 'John O'Donnell', written over a horizontal line.

John O'Donnell

Quinlan/Wardle Family  
8300 Mountainview Drive  
Whistler, BC VON 1B8

Legislative Services Department  
Resort Municipality of Whistler  
4325 Blackcomb Way  
Whistler BC VON 1B4

February 4, 2018

Re: Creekside Plaza Rejuvenation at 2010 and 2011 Innsbruck

Dear Mayor and Council,

I am writing to express our support for the rejuvenation and redevelopment of Creekside Plaza located at 2010/2011 Innsbruck.

This project represents an important effort to revitalize the Creekside Plaza and business opportunities within the Creekside area. More importantly, the developer's plan demonstrates a sensitivity to a pressing issue facing the Whistler community – affordable housing for employees. The decision to prioritize four employee-housing units will be an asset for commercial tenants looking to retain long-term employees.

It is our hope that Mayor and Council will support and approve this project, as more projects that integrate an affordable housing component will be critical for the long-term viability of the Whistler community.

If you have any questions regarding our letter of support, please do not hesitate to contact us at [wardlek@telus.net](mailto:wardlek@telus.net).

Sincerely,

A handwritten signature in black ink that reads "Kathy Wardle". The signature is written in a cursive, flowing style.

Kathy Wardle & Matthew Quinlan  
604-365-1415

Dear Mayor and Council:

**Re: Project at 2010 and 2011 Innsbruck**

My wife and I own a cabin at 6562 Balsam Way. I am writing in support of the project referred to above.

I support this project because we prefer to access Whistler Mountain from Creekside and this development will in my opinion enhance our experience there. I also think that it is important for Creekside to be rejuvenated so as to ensure that the existing businesses that are operating there survive, and that Creekside continues to be a viable alternative to the Village.

I also fully support the employee housing component of the project...I think it is innovative and reflects that the developer is committed to the community.

Respectfully,

*John Sampson*

604.340.8438



**From:** Shauna Peachman [<mailto:shauna@whistlerlandscaping.ca>]  
**Sent:** Monday, February 05, 2018 1:45 PM  
**To:** corporate <[corporate@whistler.ca](mailto:corporate@whistler.ca)>  
**Subject:** 2010 and 2011 Innsbruck Drive, Whistler.

Dear Mayor and Council,

We support the Creekside Rejuvenation Project and specifically the addition of employee housing to the property. With affordable housing for employees being a large concern in Whistler, it is wonderful to see business owners thinking outside the box to alleviate the situation.

Regards,

Shauna Peachman & Bryce Anderson  
Birkenhead Holdings Limited

To Mayor and Council,

Re: Zoning Amendment Bylaw (Creekside Plaza) No 2165, 2017

We are writing to address our concerns about the rezoning application to Creekside Plaza. Our concerns are the following:

1) Parking Issues/ Customer Safety/ Customer Convenience Customers parking at Creekside Village will now either have to drive across Lake Placid Rd and park again to shop at the Liquor Store, or walk across the street. This is a major inconvenience and would also make a traffic and safety concerns on an already busy street. The current location has a parkade with over 1400 underground and 85 surface level parking stalls with easy access to the other shops, services, including the Grocery Store, Scotiabank, Starbucks, Creekside Dental, Thornhill Real Estate and 122 West Home Furnishings, and public washrooms.

2) Delivery Issues

How will deliveries be made to the new Liquor Store/ Mall? We operated Food Plus at 2011 Innsbruck Drive for over 15 years and deliveries were a constant challenge/nightmare then. Large delivery trucks would block the parking stalls and would also cause congestion and safety concerns for vehicles and also walking traffic to the Mall. The traffic on both roads to the complex, on Innsbruck Drive and Sarajevo Drive, will go be very challenging once again, and even more so in the bad winter months, where snow dumps make the road ways tighter and more of a safety concern. This was one of the most challenging issues that we faced running the business from this Mall for the 15 plus years, and our delivery trucks and trailers were smaller than the size used to service the Liquor Store. At present, Liquor Store deliveries are made in a 2 bay covered loading bay and an elevator with easy access in and out.

3) We strongly feel the present convenience of a one stop shopping mall is in the best interest of Creekside, our wonderful local customers as well as the amazing visitors to the Resort.

If you require any further information from a company that ran a business in Creekside Plaza for these 15 plus years, to know first hand the challenges this Bylaw will cause, please do not hesitate to reach out.

Sincerely,

Jerry and Sana Marsh

Creekside Market  
2071 Lake Placid Rd, Whistler, BC V0N 1B2

February 6, 2018

VIA EMAIL

Legislative Services Department  
Resort Municipality of Whistler  
4325 Blackcomb Way  
Whistler BC VON 1B4

**Attention: Mayor and Council**

**Subject: 2010 and 2011 Innsbruck Rezoning Application**

I would like to register my support for the proposed rezoning application to partially redevelop Creekside Plaza in Creekside. Creekside Plaza provides a home for a number of businesses that provide important services to the local and vacation communities including the vet, office space, food services and vacation property management.

The addition of a new building at this high-profile corner will substantially improve the appearance of the site which serves as a gateway both to Creekside as well as to Whistler as a whole. This project would represent a good precedent project for the revitalization of other aging developments in Whistler.

The addition of much needed staff rental housing is also an excellent idea given the employment base of the Plaza and Creekside as well as the good transit connectivity at this location.

The liquor store is an important amenity in a tourist town and is an important convenience for tourists and local residents alike. It would be a blunder to allow the BC Liquor Store to leave Creekside, which needs as much traffic and vitality as it can get.

Let's hope more owners in Whistler step up to make this kind of substantial investment in upgrading older buildings in the future and that more opportunities can be found to include new rental units to help address the ever-worsening housing crisis.

I'm looking forward to seeing this revitalization of Creekside Plaza come together.

A handwritten signature in dark ink, appearing to read 'M. Ricou', with a stylized, cursive script.

Marc Ricou  
8612 Fissile Lane  
Whistler, BC

Attention Mayor Wilhelm-Morden and Whistler Municipal Council,

We believe that the developer and the LCLB have not properly calculated the distance between the proposed new location of the Government Liquor Store (GLS) and Roland's Creekside Beer & Wine Store located at 23 - 2129 Lake Placid Road, Whistler. While the current GLS location is grandfathered from the 1km rule that was imposed AFTER the GLS opened in Creekside, the proposed move would seem to be closer to our store, which is in breach of the distance rules.

Sincerely,

Karen Roland

Operator of Roland's Creekside Beer & Wine Store

23 - 2129 Lake Placid Road, Whistler, BC V0N 1B2



**LIQUOR  
DISTRIBUTION  
BRANCH**

February 6, 2018

The Resort Municipality of Whistler  
Legislative Services Department  
4325 Blackcomb Way  
Whistler, BC V0N 1B4

Attn: Mayor and Council

**Re: ZONING AMENDMENT BYLAW (Creekside Plaza) No. 2165, 2017**  
**SUBJECT LANDS: 2010 and 2011 Innsbruck Drive**

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As you are already aware, the Creekside market has recently seen a significant increase in vacancy and a substantial decrease in foot traffic, which has directly affected our business operations. Further, the current store location is oversized for this market and has had long standing challenges with visibility, access and egress.

Based on the foregoing, we find it necessary to progress with the relocation of this store to a more viable site located at 2010 and 2011 Innsbruck Drive. This move will allow us to continue to service the needs and also further enhance the shopping experience for both our existing and potential customers.

The new location will permit us to further invest in the store and commit to the market. Additionally, we hope to play an integral role in the redevelopment that will help to kick start the revitalization of the Creekside area.

Thank you for your assistance through this process. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Ho".

Jason Ho

*Director of Real Estate*



REPLY TO: Dennis P. Coates  
DIRECT LINE: (250) 372-4923  
email: dpc@mjbblaw.com  
LEGAL ASSISTANT: Anita Moore-Nikoras  
DIRECT LINE: (604) 559-9114  
email: anita@mjbblaw.com

Our File: 30158-01

February 6, 2018

**VIA EMAIL: [corporate@whistler.ca](mailto:corporate@whistler.ca)**

Resort Municipality of Whistler  
4325 Blackcomb Way  
Whistler, BC V0N 1B4

Attention: Mayor and Council

Dear Sirs/Mesdames:

RE: File RZ1132  
2010 – 2011 Innsbruck Drive – CL3 Zone Amendments for Creekside Plaza  
Roland's Creekside Liquor Store LRS #194911 – 2129 Lake Placid Rd., Whistler, BC  
Whistler Creekside GLS 195 – #205 – 2071 Lake Placid Rd., Whistler, BC  
Proposed New GLS 195 Location: 2011 Innsbruck Dr., Whistler, BC

We are writing this letter on behalf of our client, Lance Bright of Snowsun Ventures Ltd., who owns Roland's Creekside Liquor Store in Whistler. Please find enclosed a copy of our letter dated February 6, 2018 to Suzanne Bell, Deputy General Manager at the Liquor Control and Licensing Branch, along with the enclosures sent therewith.

We would ask that this information be included in tonight's Public Hearing Package for your further information and consideration.

Thank you.

Yours truly,

MAIR JENSEN BLAIR LLP

A handwritten signature in black ink, appearing to read 'D Moore', is written over the printed name of the legal assistant.

**Legal Assistant for:**  
DENNIS P. COATES, Q.C.

/amn

Enclosures

cc: Snowsun Ventures Ltd., Attn: Lance Bright



REPLY TO: Dennis P. Coates  
DIRECT LINE: (250) 372-4923  
email: dpc@mjbllaw.com  
LEGAL ASSISTANT: Kim Norbury  
DIRECT LINE: (250) 372-4970  
email: kim@mjbllaw.com

Our File: 30158-01

August 10, 2017

VIA EMAIL: Suzanne.Bell@gov.bc.ca

Liquor Control & Licensing Branch  
4th Floor, 3350 Douglas Street  
Victoria, BC V8Z 3L1

Attention: Suzanne Bell, Deputy General Manager of Licensing

Dear Ms. Bell:

RE: Roland's Creekside Liquor Store Licence # 194911- 2129 Lake Placid Road, Whistler,  
BC - Whistler Creekside GLS 195 - Potential relocation of GLS

We have been retained by Lance Bright of Snowsun Ventures Ltd. In the same neighbourhood an operating GLS Whistler Creekside GLS195 located at 205-2071 Lake Placid Road. Local news indicates a planned relocation of the GLS195 to 2010 Innsbruck Drive, Whistler, BC.

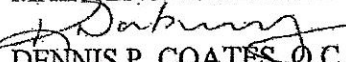
We retained a surveyor to determine if the relocation met the criteria of moving further away from the LRS licence 194911. The information we received from the surveyor which is attached, indicates that it is indeed closer. Specifically, it is currently 275 metres from the entrance door of the Roland's LRS 194911 to the entrance door of the current GLS location.

It is 275 metres from the Roland's LRS 194911 front door to the easterly boundary of the proposed new GLS site which is the furthest boundary away from Roland's in the proposed GLS site.

Our purpose in writing this letter is to alert your staff that any proposed relocation of the GLS to the new site at 2010 Innsbruck Drive would not meet the regulatory requirements and if different facts are represented for such a relocation they should be aware of the above. Thank you,

Yours truly,

MAIR-JENSEN BLAIR LLP

  
DENNIS P. COATES, Q.C.

Legal Assistant for





REPLY TO: Dennis P. Coates  
DIRECT LINE: (250) 372-4923  
email: dpc@mjbblaw.com  
LEGAL ASSISTANT: Anita Moore-Nikoras  
DIRECT LINE: (604) 559-9114  
email: anita@mjbblaw.com

Our File: 30158-01

February 6, 2018

**VIA EMAIL: [Suzanne.Bell@gov.bc.ca](mailto:Suzanne.Bell@gov.bc.ca)**

Liquor Control & Licensing Branch  
4th Floor, 3350 Douglas Street  
Victoria, BC V8Z 3L1

Attention: Suzanne Bell, Deputy General Manager of Licensing

Dear Ms. Bell:

RE: Roland's Creekside Liquor Store LRS #194911 – 2129 Lake Placid Rd., Whistler, BC  
Whistler Creekside GLS 195 – #205 – 2071 Lake Placid Rd., Whistler, BC  
Proposed New GLS 195 Location: 2011 Innsbruck Dr., Whistler, BC

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We are writing further to our letter to you dated August 10, 2017 regarding the above, a copy of which is enclosed for your easy reference.

We understand the relocation of the GLS 195 is set to go to a Public Hearing February 6, 2018 at the Resort Municipality of Whistler ("RMOW") for the requisite rezoning application to allow for liquor retail use at the proposed new site.

In our previous correspondence and emails, we indicated that GLS 195 was planning to relocate to 2010 Innsbruck Drive, Whistler, which is closer to Roland's LRS than the current GLS location and, therefore, would not be permitted by the LCLB. GLS 195 is, instead, proposing to move to 2011 Innsbruck Drive, which is slightly farther from Roland's LRS than the current GLS location. The rezoning application covers both 2010 and 2011 Innsbruck, which are both located on the same Parcel Identifier Number (PID).

We have very serious concerns that this could create an opportunity to for a second, subsequent relocation to move the GLS into 2010 Innsbruck Drive, which is closer to Roland's LRS. Moving to a location which is closer to the existing Roland's LRS is contrary to the current LCLB regulations and would not be permitted.



We previously provided you with a surveyor's calculations, which confirmed that is 264.6 metres from Roland's LRS entrance door to the easterly boundary of 2010 Innsbruck, which is the farthest boundary away from Roland's LRS. The surveyor also confirmed the measurement from the entrance door of Roland's LRS to the entrance door of the current GLS 195, which is 275 metres. The surveyor's measurement clearly confirms that the 2010 Innsbruck Drive site is closer to Roland's LRS than the current GLS 195 site.

Our concern lies in the fact that 2010 and 2011 Innsbruck Drive are both located on the same PID. This means that the 2011 address could be approved as the new GLS 195 site and then, after relocating to 2011, GLS 195 could be approved for another, subsequent relocation to 2010 because it is on the same PID, even though it would be moving closer to Roland's LRS.

We have enclosed another copy of the surveyor's measurements, on which we have made some notes for clarification specific to this situation. We have also enclosed a site map of the subject lands, extracted from the RMOW public hearing package, on which we have also made notes to identify the sites and the PID.

There are several reasons why GLS 195 would find it more desirable to ultimately move to 2010, rather than 2011. The proposed new location at 2011 is smaller than the current GLS location and it is not visible from Highway 99. The 2010 location is larger and has excellent visibility from Highway 99 and, therefore, has the advantage of drawing from the large volume of traffic that travels along it on a daily basis.

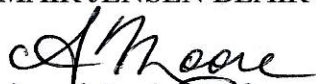
This is a loop-hole that could have such a negative impact on Roland's LRS that it would put it out of business.

Our purpose in writing this letter is to alert you and your staff to this loop-hole. We would also respectfully request that GLS 195 be permanently precluded from moving to 2010 Innsbruck Drive.

Thank you very much for your attention to this matter.

Yours truly,

MAIR JENSEN BLAIR LLP



**Legal Assistant for:**

DENNIS P. COATES, Q.C.

/amn

Enclosures

cc: Snowsun Ventures Ltd., Attn: Lance Bright



# Subject Lands

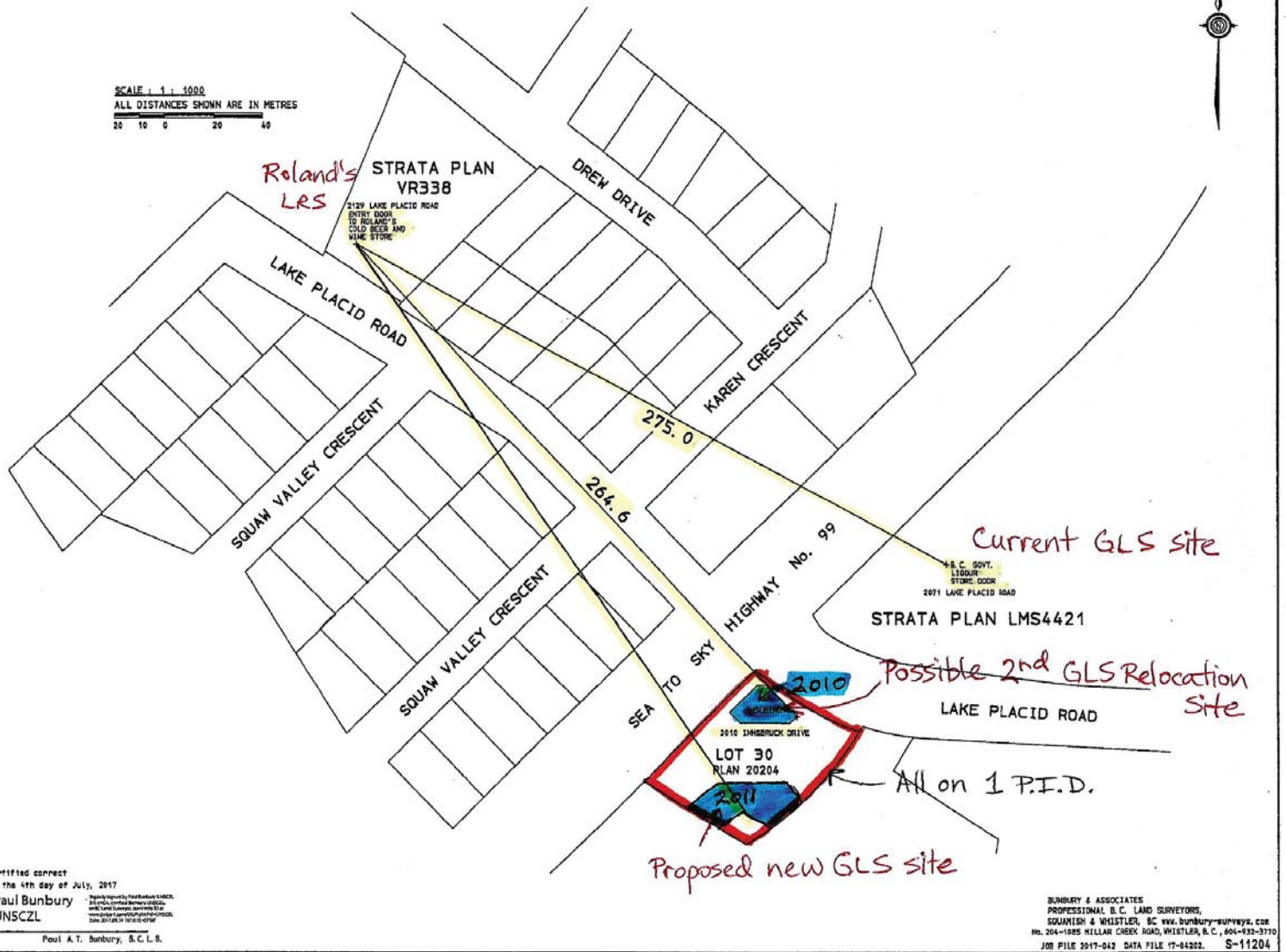


- Creekside Plaza is an existing commercial development comprised of 2 buildings
- Located at 2010/2011 Innsbruck Drive in the Whistler Creek core commercial area
- Prominently located, highly visible on Hwy 99 & Lake Placid Road intersection
- Intersection is a primary gateway for commercial activity, main entrance to Creekside ski base & visitor accommodations

Proposed New GLS Site  
at 2011 Innsbruck Dr.



SCALE: 1:1000  
ALL DISTANCES SHOWN ARE IN METRES



Certified correct  
on the 4th day of July, 2017  
Paul Bunbury  
UNSCZL

BUNBURY & ASSOCIATES  
PROFESSIONAL B.C. LAND SURVEYORS,  
SQUAMISH & WHISTLER, BC WWW.BUNBURY-SURVEYS.COM  
PH. 204-1885 MILLAR CREEK ROAD, WHISTLER, B.C., 604-932-3770  
JOB FILE 2017-042 DATA FILE 17-04202 S-11204