



WHISTLER

AGENDA

PUBLIC HEARING OF MUNICIPAL COUNCIL TUESDAY, FEBRUARY 17, 2014 STARTING AT 6:00 PM

**In the Franz Wilhelmsen Theatre at Maurice Young Millennium Place
4335 Blackcomb Way, Whistler, BC V0N 1B4**

The Public Hearing is convened pursuant to Section 890 of the *Local Government Act* R.S.B.C. 1996, c. 323 to allow the public to make representations to Council respecting matters contained in "Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015" (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.

As stated in the Notice of Public Hearing,

Land Use Contract
Amendment Bylaw
(Blueberry Hill) No. 2072,
2015

PURPOSE OF LAND USE CONTRACT AMENDMENT BYLAW (Blueberry Hill) No. 2072, 2015

In general terms, the purpose of the proposed Bylaw is to amend the land use contract of the subject lands by replacing the contract's existing Gross Floor Area definition with "Zoning and Parking Bylaw No. 303, 1983" Gross Floor Area definition as follows:

"gross floor area" means the total area of all floors in all buildings on a parcel, measured to the outside surface of the exterior walls of the building including stairwells, basements and cellars but excluding areas specified in subsection 25.1 of Section 5.

Zoning and Parking Bylaw No. 303, 1983, Section 5.25.1:

The following are excluded from the gross floor area calculations:

For detached dwelling and duplex dwelling buildings:

- (a) basement floor area having an elevation at least 1 metre below the average level of finished ground adjoining the exterior walls of the building, to a maximum of 125% of the floor area of the storey immediately above;
- (b) crawl spaces;
- (c) void spaces;
- (d) parking areas;
- (e) elevators;
- (f) areas occupied by fixed machinery and equipment; and
- (g) exterior wall thickness in excess of 6" (152 mm).

Explanation	An explanation by municipal staff concerning the proposed Bylaw.
Submissions	Submissions by any persons concerning the proposed Bylaw.
Correspondence	Receipt of correspondence or items concerning the proposed Bylaw.

ADJOURNMENT

PUBLIC HEARING DOCUMENT INDEX

Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing
Bylaw	January 27, 2014	Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015
Council Minutes	January 27, 2014	Minutes of the Regular Meeting of Council.
Council Report	January 27, 2014	Administrative Report 15-024 to Council.
Correspondence		Correspondence will be included as it is received.



THE RESORT MUNICIPALITY OF WHISTLER
4325 Blackcomb Way TEL 604 932 5535
Whistler, BC Canada V0N 1B4 TF 1 866 932 5535
www.whistler.ca FAX 604 932 8109

NOTICE OF PUBLIC HEARING

TUESDAY, FEBRUARY 17, 2015 – 6:00 P.M.

MAURICE YOUNG MILLENNIUM PLACE
Franz Wilhelmsen Theatre, 4335 Blackcomb Way, Whistler BC

LAND USE CONTRACT AMENDMENT BYLAW (BLUEBERRY HILL) NO. 2072, 2015

SUBJECT LANDS: 3506, 3510 Falcon Crescent

More specifically these lands are described as:

3506 Falcon Crescent

Strata Lot 2 D.L. 4757 Strata Plan LMS 3932

3510 Falcon Crescent

Strata Lot 1 D.L. 4751 Strata Plan LMS 3932

PURPOSE:

In general terms, the purpose of the proposed Bylaw is to amend the land use contract of the subject lands by replacing the contract's existing Gross Floor Area definition with "Zoning and Parking Bylaw No. 303, 1983" Gross Floor Area definition as follows:

"gross floor area" means the total area of all floors in all buildings on a parcel, measured to the outside surface of the exterior walls of the building including stairwells, basements and cellars but excluding areas specified in subsection 25.1 of Section 5.

Zoning and Parking Bylaw No. 303, 1983, Section 5.25.1:

The following are excluded from the gross floor area calculations:

For detached dwelling and duplex dwelling buildings:

- (a) basement floor area having an elevation at least 1 metre below the average level of finished ground adjoining the exterior walls of the building, to a maximum of 125% of the floor area of the storey immediately above;
- (b) crawl spaces;
- (c) void spaces;
- (d) parking areas;
- (e) elevators;
- (f) areas occupied by fixed machinery and equipment; and
- (g) exterior wall thickness in excess of 6" (152 mm).

INSPECTION OF DOCUMENTS:

A copy of the proposed Bylaw and relevant background documentation may be inspected on our website at www.whistler.ca/events (see February 17, 2015), or visit the Reception Desk at 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 17, 2015):

Email: 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 with other associated information.

At the conclusion of this Public Hearing, no further information on this topic can be considered by Council.

Shannon Story
Corporate Officer

LAND USE CONTRACT AMENDMENT BYLAW (Blueberry Hill) No. 2072, 2015
SUBJECT LANDS – 3506 and 3510 Falcon Crescent, Whistler, BC



**RESORT MUNICIPALITY OF WHISTLER
LAND USE CONTRACT AMENDMENT BYLAW (BLUEBERRY HILL) NO. 2072, 2015**

A BYLAW TO AMEND A LAND USE CONTRACT

WHEREAS a land use contract may, under s.930 of the *Local Government Act*, be amended by bylaw with the agreement of the local government and the owner of any parcel of land that is described in the bylaw as being covered by the amendment; and

WHEREAS the owners of strata lots in the Resort Municipality that are subject to a land use contract have consented in writing to the amendment of a land use contract charging those strata lots, in order that certain provisions of the contract will be consistent with the provisions of the Resort Municipality's Zoning and Parking Bylaw;

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

1. This bylaw may be cited for all purposes as "Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015"
2. This bylaw applies to lands whose legal descriptions are set out on Schedule A.
3. That certain land use contract registered in the Vancouver Land Title Office under No. G2947 on January 11, 1979, as subsequently amended under Nos. M1301, GC43586 and BG279304, is further amended as set out in Schedule B in respect of the lands to which this bylaw applies, and the Corporate Officer shall register a certified copy of this bylaw in the Land Title Office in accordance with the *Land Title Act* and Section 930(9) of the *Local Government Act*.

Given first and second readings this 27th day of January, 2015.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was held this _____ day of _____, _____.

Given third reading this _____ day of _____, _____.

Approved by the Minister of Transportation this _____ day of _____, _____.

Adopted by the Council this ____ day of _____, _____.

Nancy Wilhelm-Morden,
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is a true copy of Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015.

Shannon Story,
Corporate Officer

SCHEDULE A

Parcel Identifier and Legal Description	
PID 024-551-287	Strata Lot 2 D.L. 4757 Strata Plan LMS 3932
PID 024-551-279	Strata Lot 1 D.L. 4751 Strata Plan LMS 3932

Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015

SCHEDULE B

Section 2(h) of the Land Use Contract is replaced with the following:

“gross floor area” means gross floor area as defined in Resort Municipality of Whistler Zoning and Parking Bylaw No. 303 as amended from time to time, excluding areas specified in subsection 25.1 of Section 5 of the bylaw as amended from time to time;

Commercial Vehicle
Parking Program
Report No. 15-019
File No. 4700

Moved by Councillor J. Ford
Seconded by Councillor S. Anderson

That Council direct staff to engage with Main Street merchants on the proposed changes to the Commercial Parking Program.

CARRIED

Blueberry Hill Land Use
Contract Amendment to
the Gross Floor Area
Definition – 3506 and
3510 Falcon Crescent
Report No. 15-024
File No. RZ1098,
RZ1099, Bylaw 2072

Moved by Councillor J. Grills
Seconded by Councillor A. Janyk

That Council consider giving first and second readings to Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015; and,

That Council authorize the Corporate Officer to schedule a public hearing regarding Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015 and to advertise for same in the local newspapers; and further,

That Council authorize the Mayor and Corporate Officer to execute any necessary legal documents for this application.

CARRIED

Bylaw Amendments for
the Winter Use of Lost
Lake Cross Country and
Snowshoe Trails
Report No. 15-020
File No. 7737.1

Moved by Councillor A. Janyk
Seconded by Councillor J. Grills

That Council consider giving first, second and third reading to Park Use Amendment Bylaw (Cross Country and Snowshoe Trails) No. 2074, 2015; and further,

That Council consider giving first, second and third reading to Municipal Ticket Information System Amendment Bylaw (Cross Country and Snowshoe Trails) No. 2075, 2015.

CARRIED

Whistler.com Systems
Inc. 2013 and 2014
Annual Filing
Report No. 15-021
File No. Vault

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

That the Council of the Resort Municipality of Whistler in open meeting assembled, hereby resolve that the Municipality, as one of the shareholders of Whistler.com Systems Inc., pass the consent resolutions of the shareholders of Whistler.com Systems Inc., copies of which are attached to this report No.15-021 as Appendix A and D, and that the Mayor and Corporate Officer execute and deliver the attached resolutions on behalf of the Municipality.

CARRIED

Tourdex.com Systems
Inc. 2013 and 2014
Annual Filing
Report No. 15-023
File No. Vault

Moved by Councillor S. Anderson
Seconded by Councillor J. Crompton

That the Council of the Resort Municipality of Whistler in open meeting assembled, hereby resolve that the Municipality, as one of the shareholders of Tourdex.com Systems Inc., pass the consent resolutions of the shareholders of Tourdex.com Systems Inc., a copies of which are attached to Administrative Report No.15-023 as Appendix A and D, and that the Mayor

BYLAWS FOR FIRST AND SECOND READINGS

Land Use Contract
Amendment Bylaw
(Blueberry Hill) No.
2072, 2015

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

That Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015 receive first and second readings.

CARRIED

Park Use Amendment
Bylaw (Cross Country
and Snowshoe Trails)
No. 2074, 2015

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

That Park Use Amendment Bylaw (Cross Country and Snowshoe Trails) No. 2074, 2015 receive first and second readings.

CARRIED

Municipal Ticket
Information System
Amendment Bylaw
(Cross Country and
Snowshoe Trails) No.
2075, 2015

Moved by Councillor S. Anderson
Seconded by Councillor J. Crompton

That Municipal Ticket Information System Amendment Bylaw (Cross Country and Snowshoe Trails) No. 2075, 2015 receive first and second readings.

CARRIED

BYLAWS FOR THIRD READING

Zoning Amendment
Bylaw (Development
Permit Exemptions) No.
2071, 2014

Council took no action regarding Zoning Amendment Bylaw (Development Permit Exemptions) No. 2071, 2014.

CORRESPONDENCE

Community Enrichment
Program Report Backs
File No. 3004

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

That correspondence regarding 2014 Community Enrichment Program report backs from the following organizations be received:

- Association of Whistler Residents for the Environment (AWARE)
- BC Luge Association
- Get Bear Smart Society
- North Shore Schizophrenia Society
- Sea to Sky Invasive Species Council
- Spring Creek Community School
- Whistler Adaptive Sports Program (WASP)
- Whistler Centre for Sustainability
- Whistler Children's Chorus
- Whistler Gymnastics Club
- Whistler Naturalists
- Whistler Nordics Ski Club
- Whistler Roller Girls Society
- Whistler Sailing Association



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: January 27, 2015

REPORT: 15-024

FROM: Resort Experience

FILE: RZ1098, RZ1099,
Bylaw 2072

SUBJECT: BLUEBERRY LAND USE CONTRACT AMENDMENT TO THE GROSS FLOOR
AREA DEFINITION – 3506 AND 3510 FALCON CRESCENT

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 Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015; and,

That Council authorize the Corporate Officer to schedule a public hearing regarding Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015 and to advertise for same in the local newspapers; and further,

That Council authorize the Mayor and Corporate Officer to execute any necessary legal documents for this application.

REFERENCES

Appendices: “A” – Location Map

Location: 3506 Falcon Crescent (RZ 1098)
Legal Description: Strata Lot 2 D.L. 4757 Strata Plan LMS 3932
Applicant: EVR Construction Inc. (Eric Von Rosen)
Zoning: Blueberry Hill Land Use Contract (BB LUC)

Location: 3510 Falcon Crescent (RZ 1099)
Legal Description: Strata Lot 1 D.L. 4751 Strata Plan LMS 3932
Applicant: EVR Construction Inc. (Eric Von Rosen)
Zoning: Blueberry Hill Land Use Contract (BB LUC)

PURPOSE OF REPORT

This report presents a proposed land use contract amendment for the noted properties located at 3506 and 3510 Falcon Crescent. The owners of the two properties have applied to amend the existing Blueberry Hill Land Use Contract (BB LUC) to replace the existing gross floor area definition with the definition in Zoning Bylaw No. 303, which provides for excluded floor areas with respect to basements, crawlspaces and void spaces.

DISCUSSION

Background

On May 12, 2012, Council amended the Zoning Bylaw to permit basement floor areas to be excluded from the gross floor area calculation for all detached and duplex unit building types in the Municipality. At that time, Council also supported applying similar floor area exclusions within detached and duplex dwelling building types that were not regulated by the Zoning Bylaw, but controlled by other land use regulations (i.e. land use contracts, covenants, etc.) through the appropriate process. This report outlines the process to amend the existing BB LUC for these two properties consistent with this direction.

The subject parcels located at 3506 and 3510 Falcon Crescent, as shown on the location map in Appendix A, are currently vacant properties. In both of these cases, design concepts could incorporate an excluded basement floor area that would comply with the Zoning Bylaw No. 303 definition for exclusion from the GFA calculation. Therefore, the applicants have applied on behalf of the owners to have the GFA definition in the BB LUC amended so that they can prepare design concepts that would incorporate excluded basement floor area.

Land Use Contract Amendment Proposal

The current BB LUC definition for gross floor area (GFA) is as follows:

“gross floor area means the total floor area of all buildings on a parcel or land within the boundaries of a strata plan measured to the outer limits of a building including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas, **but excluding auxiliary parking, unenclosed swimming pools, hot tubs or saunas or sundecks, elevators or ventilating machinery, unenclosed stairwells, balconies, porches, canopies, sun shades, and any other similar features to the extent which such features are permitted in the front, side, and rear setbacks under the Zoning By-law of the Municipality;**...” (Emphasis added by report author)

This means, properties with detached and duplex dwellings regulated by the BB LUC are controlled by this GFA definition and therefore the basement floor area exclusion from the GFA calculation under Zoning Bylaw No. 303 is not permitted.

The proposed Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015 replaces the current land use contract GFA definition for the subject properties with the following:

“gross floor area” means gross floor area as defined in Resort Municipality of Whistler Zoning and Parking Bylaw No. 303 as amended from time to time, excluding areas specified in subsection 25.1 of Section 5 of the bylaw as amended from time to time.”

This amendment would permit these BB LUC properties to exclude floor areas from the GFA calculation where the floor area is consistent with the Zoning Bylaw No. 303 definition, including basements, void spaces and crawlspaces.

Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015 takes the same approach as the zoning amendment bylaw adopted by Council on January 13, 2015 for five other detached dwelling parcels in the BB LUC.

WHISTLER 2020 ANALYSIS

Overall, the proposal supports the Whistler 2020 strategies of built environment, economic and finance.

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Limits to growth are understood and respected.	The building modifications are consistent with Council direction for permitting excluded basement gross floor area for detached and duplex dwelling unit types.
	Building design, construction and operation is characterized by efficiency, durability and flexibility for changing and long-term uses.	
Economic	Locally owned and operated businesses thrive and are encouraged as an essential component of a healthy business mix.	Many local contractors, designers and suppliers benefit from being able to assist property owners to improve their homes.
Finance	Financial principles, practices and tools employed by the municipality effectively and efficiently balance its costs and expenditures.	The fee and rate schedule is based on a cost recovery principle so that the applicant pays for the cost of processing the application.

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
	None.	

OTHER POLICY CONSIDERATIONS

Blueberry Hill Land Use Contract

All other BB LUC regulations for these properties concerning building setbacks, height, site coverage, permitted uses, parking requirements, etc. remain in effect. It is the responsibility of the property owners for each property to ensure their proposals comply with these regulations and requirements.

Other registered covenants on title

All registered building schemes, strata bylaws, statutory rights of way, easements, etc. on the properties remain in effect. It is the responsibility of the property owners for each property to ensure their proposals comply with all other registered requirements.

Official Community Plan

Whistler's Official Community Plan Bylaw No. 1021, 1993 (1993 OCP), outlines specific items for review with respect to rezoning applications. The proposed land use contract amendment to amend the gross floor area definition is similar to a rezoning application. A brief summary follows in Table 1. The proposal is consistent with all applicable policies of the OCP.

OCP Criteria	Comments
Proposals that increase the bed unit capacity of the municipality will only be considered if the development: provides clear and substantial benefits to the resort; is supported by the community in the opinion of Council; will not cause unacceptable impacts on the community, resort or environment; and meets all applicable criteria set out in the OCP.	The proposal does not increase the bed unit capacity.
Capable of being served by Municipal water, sewer and fire protection services.	Yes.
Accessible via the local road system.	Yes.
Comply with Environmental Impact Assessment process in Schedule O.	Per Schedule M and N of the OCP, the site does not have any environmental constraints or development constraints.
Traffic volumes and patterns on Highway 99 and the local road system.	The proposal does not increase the number of units or the parking requirements.
Overall patterns of development of the community and resort	The lands are identified on Schedule B – Development Areas and per Policy 4.1.1, the lands outlined in Schedule B are designated for development of accommodation.
Municipal Finance	Works and service charges will be payable.
Views and Scenery	Building height and setbacks would not change from that permitted under existing zoning.
Existing Community and Recreation Facilities	Not applicable.
Employee Housing	Employee works and service charges are not payable.
Community greenhouse gas emissions	These are approved lots as part of the subdivision within the LUC. Any projected emissions increase for this minor amount of development does not require incorporation of extraordinary measures to minimize and/or mitigate any projected emissions other than adherence to the British Columbia Building Code.
Heritage Resources	Not applicable.
No development will be approved if it would negatively impact a designated Municipal trail system, recreation area, or open space.	No impact.

BUDGET CONSIDERATIONS

Proposed renovations or new construction will be subject to building permit fees at time of building permit application.

All costs associated with staff time for the land use contract amendment 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 land use contract amendment bylaw.

COMMUNITY ENGAGEMENT AND CONSULTATION

An information sign is posted on each subject property to allow for public inquires about the applications. A public hearing, which is subject to public notice requirements, is required as part of the statutory process for bylaw consideration and adoption.

SUMMARY

This report presents Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2072, 2015 for two land use contract amendment applications for properties located at 3506 and 3510 Falcon Crescent. The land use contract amendment will create a revised definition for gross floor area for the subject properties to permit excluded basement floor areas from the gross floor area calculation as permitted in other detached and duplex buildings regulated by the Zoning Bylaw No. 303. The report recommends Council consider first and second readings and scheduling of a public hearing.

Respectfully submitted,

Brook McCrady
PLANNING ANALYST
for

Jan Jansen
RESORT EXPERIENCE GENERAL MANAGER

Location Map

Blueberry Land Use Contract Amendment Application for Two Vacant Lots

