



WHISTLER

AGENDA

PUBLIC HEARING OF MUNICIPAL COUNCIL TUESDAY, OCTOBER 21, 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 "Zoning Amendment Bylaw (RTA17 Zone - 4150 Tantalus Dr) No 2064 2014" (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,

Zoning Amendment
Bylaw (RTA17 Zone -
4150 Tantalus Dr) No.
2064, 2014

PURPOSE OF ZONING AMENDMENT BYLAW (RTA17 ZONE – 4150 TANTALUS DRIVE) NO. 2064, 2014

In general terms, the purpose of the proposed Bylaw is to increase the maximum permitted density of the RTA17 (Residential/Tourist Accommodation Seventeen) Zone from 8,190 square metres of gross floor area to 12,138 square metres of gross floor area.

Explanation

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

Zoning Amendment Bylaw (RTA17 Zone – 4150 Tantalus Drive) No. 2064, 2014		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing
Bylaw		Zoning Amendment Bylaw (RTA17 Zone – 4150 Tantalus Drive) No. 2064, 2014
Council Minutes	2-Sep-14	Minutes of the Regular Meeting of Council
Council Report 14-102	2-Sep-14	Administrative Report to Council
Presentation Slides	2-Sep-14	Presentation slides from September 2, 2014
Council Minutes	7-Oct-14	Minutes of the Regular Meeting of Council
Council Report 14-113	7-Oct-14	Administrative Report to Council
Correspondence		Correspondence will be included as it is received.



THE RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way
Whistler, BC Canada V0N 1B4
www.whistler.ca

TEL 604 932 5535
TF 1 866 932 5535
FAX 604 932 8109

NOTICE OF PUBLIC HEARING

TUESDAY, OCTOBER 21, 2014 – 6:00 P.M.

Maurice Young Millennium Place
Franz Wilhelmsen Theatre, 4335 Blackcomb Way, Whistler BC

ZONING AMENDMENT BYLAW (RTA17 ZONE – 4150 TANTALUS DRIVE) NO. 2064, 2014

SUBJECT LANDS: 4150 Tantalus Drive

More specifically these lands are described as Strata Plan LMS286 as shown outlined on the map attached to this notice.

PURPOSE:

In general terms, the purpose of the proposed Bylaw is to increase the maximum permitted density of the RTA17 (Residential/Tourist Accommodation Seventeen) Zone from 8,190 square metres of gross floor area to 12,138 square metres of gross floor area.

INSPECTION OF DOCUMENTS:

A copy of the proposed Bylaw and relevant background documents may be inspected on our website at www.whistler.ca/events (see October 21, 2014), 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 given 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 at the Public Hearing or through one of the following methods prior to the Public Hearing (by 4:30 p.m. on October 21, 2014):

Email: corporate@whistler.ca

Fax: 604-935-8109

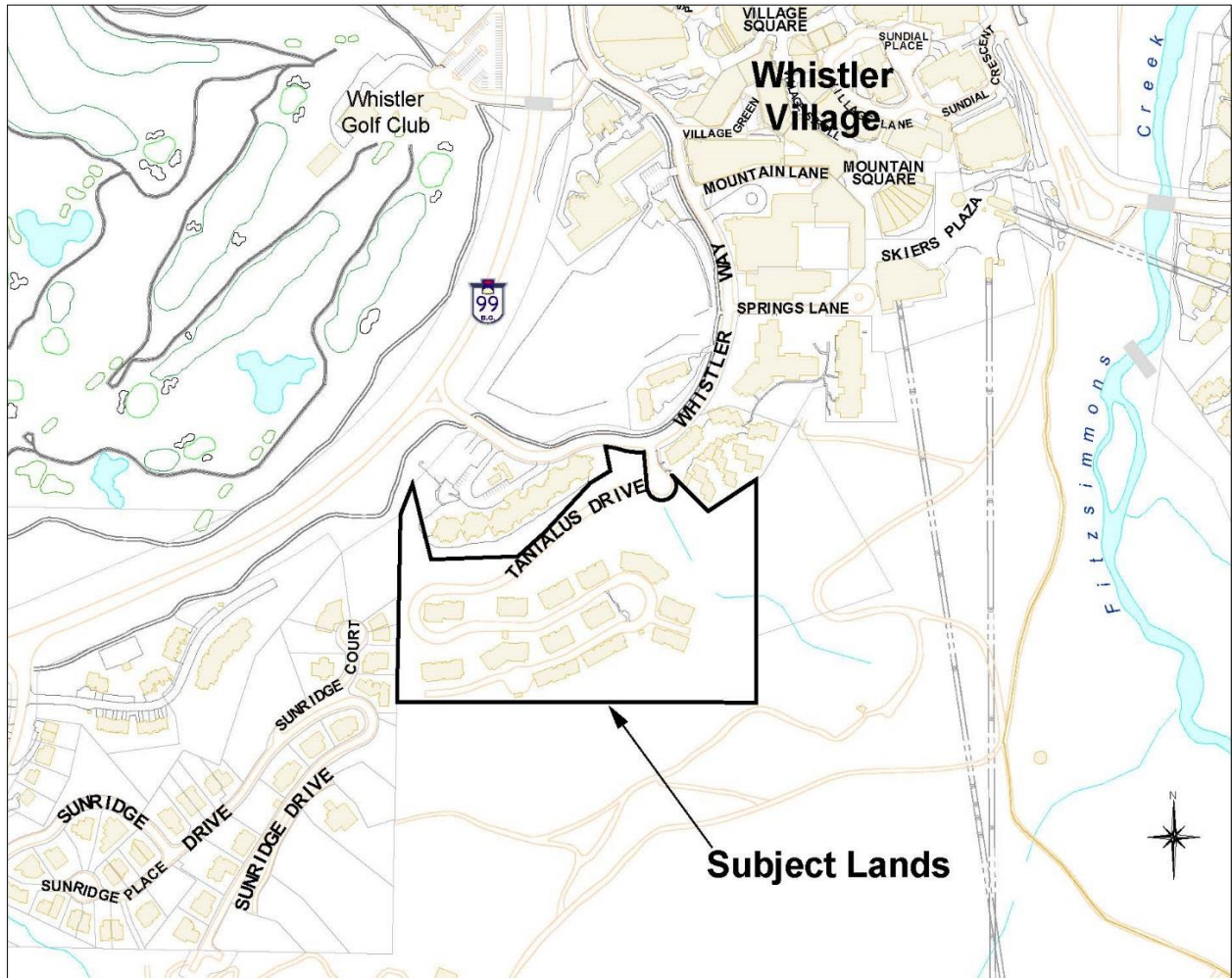
Hard Copy: Legislative Services Department
4325 Blackcomb Way
Whistler BC V0N 1B4

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

**ZONING AMENDMENT BYLAW (RTA17 ZONE – 4150 TANTALUS DRIVE) NO. 2064, 2014
SUBJECT LANDS**



RESORT MUNICIPALITY OF WHISTLER

ZONING AMENDMENT BYLAW (RTA17 ZONE - 4150 TANTALUS DRIVE) NO. 2064, 2014

A BYLAW TO AMEND THE RESORT MUNICIPALITY OF WHISTLER ZONING AND PARKING BYLAW NO. 303, 1983

WHEREAS Council may, in a zoning bylaw, pursuant to Sections 903 and 906 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 zone, regulate the use of land, buildings and structures within the zones, and require the provision of parking spaces and loading spaces for uses, buildings and structures;

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 "Zoning Amendment Bylaw (RTA17 Zone - 4150 Tantalus Drive) No. 2064, 2014"
2. The lands which are the subject of this Bylaw are the lands in Strata Plan LMS286, as shown outlined in heavy black line on the sketch plan attached as Schedule 1 to this bylaw.
3. Section 11 of Zoning and Parking Bylaw No. 303, 1983 is amended by:
 - (a) Renumbering Subsection 26.2 as 26.2.1, deleting "8,190 square meters" from that Subsection and substituting "12,138 square metres", and deleting "forty-nine (49) townhouses" and substituting "forty-five townhouse dwelling units".
 - (b) Adding the following including the table as Subsection 26.2.2:

The maximum permitted gross floor area for each strata lot in Strata Plan LMS286 shall be as listed in the following table and the floor area shall be entirely within the exterior walls of the buildings whose construction was authorized by Building Permits B-91-2897, B-91-2898, B-91-2899, B-91-2900, B-91-2901, B-91-2902, B-92-2903, B-92-2904, B-94-3787, B-94-3788, B-94-3789, B-94-3790, and B-94-3791, or any replacement building authorized by Development Permit 201.

“Zoning Amendment Bylaw (RTA17 Zone - 4150 Tantalus Drive) No. 2064, 2014”

Strata Lot	Maximum Gross Floor Area (square metres)
1	326
2	326
3	326
4	286
5	286
6	286
7	326
8	326
9	326
10	286
11	289
12	289
13	275
14	188
15	188
16	188
17	230
18	185
19	230
20	268
21	268
22	268
23	230
24	198
25	198
26	230
27	275
28	268
29	275
30	230
31	198
32	198
33	230
34	326
35	326
36	268
37	268
38	286
39	289
40	289
41	286
42	326
43	326
44	326
45	326

“Zoning Amendment Bylaw (RTA17 Zone - 4150 Tantalus Drive) No. 2064, 2014”

- (c) Adding the following as Subsection 26.2.3:

For the purpose of measuring the gross floor area of a strata lot:

- (a) the gross floor area of a portion of a building comprising a strata lot that shares a wall with another strata lot shall be measured to a point that is midway between the outer surfaces of any such shared wall; and
- (b) the gross floor area of a strata lot shall be deemed to include the gross floor area of limited common property designated on the strata plan for the exclusive use of the owner of the strata lot under the Strata Property Act, and the gross floor area of any common property otherwise designated for such exclusive use whether by lease, easement or otherwise, in each case including the cross-sectional area of any exterior wall of such exclusive use common property and one-half the cross-sectional area of any wall separating that common property from a strata lot or from exclusive use common property deemed by this section to be included in another strata lot.

Given first and second reading this 7th day of October, 2014.

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 and Infrastructure this ____ day of _____, ____.

Adopted by this ____ day of _____, ____.

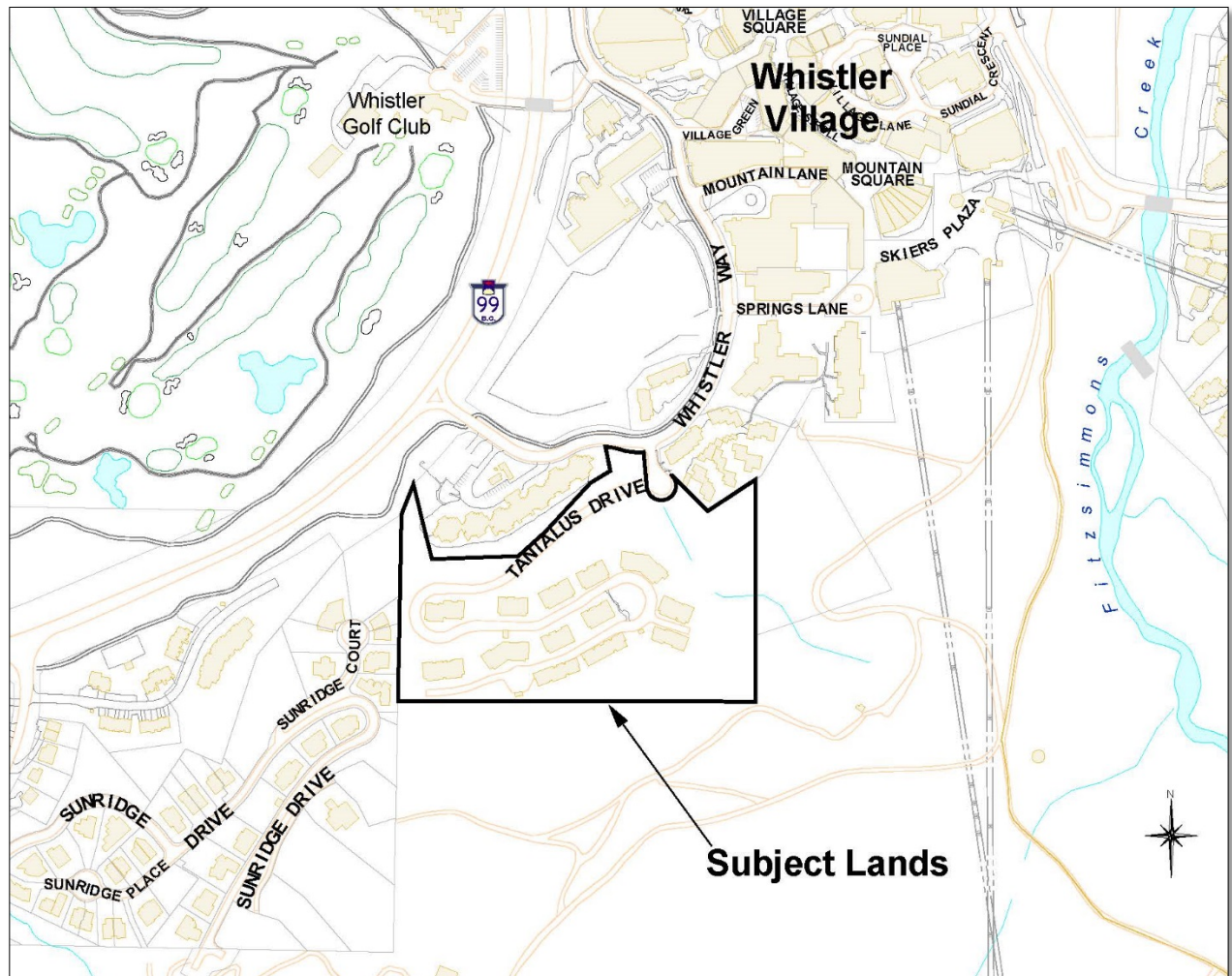
Nancy Wilhelm-Morden
Mayor

Shannon Story
Corporate Officer

I HEREBY CERTIFY that this is a true copy of “Zoning Amendment Bylaw (RTA17 Zone - 4150 Tantalus Drive) No. 2064, 2014”

Shannon Story
Corporate Officer

SCHEDULE 1



Subject Lands

4. Vary the front setback (north) to 0 metres and the height to 4.6 metres for a proposed retaining wall,

all as shown on the proposed plans prepared by Eco Mountain Homes, dated April 23, 2014, and attached to Administrative Report No. 14-103 as Appendix B.

CARRIED

DVP 1083 – 8562
Buckhorn Place Setback
Variances
Report No. DVP 1083
File No. 14-101

Moved by Councillor R. McCarthy
Seconded by Councillor J. Crompton

That Council approve Development Variance Permit 1083 to:

1. Vary the front setback for an attached garage from 5.0 metres to 2.0 metres; and,
2. Vary the side setback for an attached garage from 3.0 metres to 1.8 metres,

as shown on the Architectural Plans prepared by Burgers Architecture Inc., dated June 26, 2014, attached as Appendix B to Council Report No. 14-101.

CARRIED

RZ1080 – 2010 London
Lane –First and Second
Readings of Zoning
Amendment Bylaw
Report No. 14-100
File No. RZ 1080

Moved by Councillor A. Janyk
Seconded by Councillor D. Jackson

That Council consider giving first and second readings to “Zoning Amendment Bylaw (CL5 Zone – Commercial Local Five) No. 2063, 2014”; and,

That Council authorize the Corporate Officer to schedule a public hearing regarding Zoning Amendment Bylaw (CL5 Zone - Commercial Local Five) No. 2063, 2014 and to advertise for same in the local newspapers; and further,

That Council direct staff to advise the applicant that before consideration of adoption of Zoning Amendment Bylaw (CL5 Zone – Commercial Local Five) No. 2063, 2014, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

1. Payment of any outstanding rezoning application fees.

CARRIED

RZ 1084 – 4150
Tantalus Drive Rezoning
for Additional Gross
Floor Area
Report No. 14-102
File No. RZ 1084

Moved by Councillor A. Janyk
Seconded by Councillor D. Jackson

That Council endorse the continuing review of Rezoning Application RZ 1084; and further,

That Council direct staff to prepare the necessary zoning amendment bylaw for Council consideration.

CARRIED



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: September 2, 2014

REPORT: 14-102

FROM: Resort Experience

FILE: RZ 1084

SUBJECT: RZ 1084 – 4150 TANTALUS DRIVE REZONING FOR ADDITIONAL GROSS FLOOR AREA

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council endorse the continuing review of Rezoning Application RZ 1084; and further,

That Council direct staff to prepare the necessary zoning amendment bylaw for Council consideration.

REFERENCES

Location: 4150 Tantalus Drive

Legal Description: Strata Lots 1 – 45, District Lots 3020, 3865 and 4980, Strata Plan LMS286, together with an interest in the common property

Owners: The Owners of Strata Plan LMS286

Current Zoning: RTA17 (Residential/Tourist Accommodation Seventeen)

Appendices: "A" Location Map

PURPOSE OF REPORT

This report describes rezoning application RZ 1084, an application by the strata corporation of 4150 Tantalus Drive to increase the maximum permitted density of the RTA17 (Residential/Tourist Accommodation Seventeen) zone to address existing unauthorized space as well as enable other owners to have the opportunity to similarly develop existing lower level and void spaces.

This report seeks Council's endorsement for further review and preparation of the necessary zoning amendment bylaw for Council's consideration.

DISCUSSION

Background

The land that is the subject of the rezoning application is located at 4150 Tantalus Drive, immediately south of Whistler Village on the lower slopes of Whistler Mountain (see Appendix A). The lands were developed between 1991 and 1995 with a 45 unit 3-storey townhouse development known as Northern Lights. The development was constructed with significant void spaces within the building envelope, both on lower levels and in attic and loft spaces.

In 1999, the municipality received correspondence that alterations had been made to townhouse units in Northern Lights without building permits. The RMOW building department requested immediate inspections and were granted access into some but not all of the units. The inspections confirmed unauthorized construction into common property void spaces within the building envelope. The RMOW building department issued letters to the strata corporation requiring removal

of unauthorised construction within internal common property areas adjacent to a number of strata lots. Municipal lawyers became involved and notice was served to the strata corporation under Sections 83 to 85 of the Strata Property Act to initiate corrective work.

The strata council acknowledged that it recognizes its obligation in respect of unauthorized alterations on common property, but is unable, within the limits of its statutory authority to deal with them.

Rezoning Proposal

In March 2014 the strata corporation submitted a rezoning application to increase the maximum permitted density of the RTA17 (Residential/Tourist Accommodation Seventeen) zone from 8,190 square metres of gross floor area to 12,143 square metres of gross floor area.

The strata corporation advises that over the years a number of past or current owners appear to have converted void spaces to habitable use and integrated them with the adjacent strata lots. It is not known by the strata corporation how many strata lots have access to converted void spaces or how extensive the alterations are as the owners will not grant access. The strata corporation further advises that there is no evidence that either the strata corporation or its council approved any of these alterations, as required by the Strata Property Act.

The current RTA17 (Residential/Tourist Accommodation Seventeen) zoning is a site specific zone permitting a maximum of 8,190 square metres of gross floor area if developed for townhouse dwellings. According to building permit records, the property has been developed with 45 townhouses totalling 7,988 square metres of gross floor area, so no significant expansion of gross floor area is possible under the current zoning.

Unauthorized construction at Northern Lights has been a longstanding enforcement file with the municipality. It has taken many years for the owners of Northern Lights to work towards a solution and achieve agreement within the strata on the proposed rezoning approach.

The proposed rezoning approach will enable owners to apply for building permits to bring unauthorized construction into conformance as well as enable owners who wish to do similar expansions within the building envelope in the future the same opportunity to do so.

ADP Review

The rezoning application has not been submitted to the Advisory Design Panel for review as there are not exterior alterations to the buildings proposed at this time.

WHISTLER 2020 ANALYSIS

The rezoning proposal supports the Whistler 2020 strategies of built environment and natural areas.

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Limits to growth are understood and respected	The rezoning proposal will enable owners to apply for building permits for unauthorized construction as well as enable some moderate expansion to existing units. The rezoning proposal will not increase the bed unit capacity.
	The built environment is attractive and vibrant, reflecting the resort community's character, protecting viewscapes, and evoking a dynamic sense of place.	There are no exterior changes associated with the rezoning proposal.
	Continuous encroachment on nature is avoided.	

	The built environment is safe and accessible.	The rezoning will enable owners to apply for building permits for unauthorized construction.
	The new and renovated built environment has transitioned towards sustainable management of energy and materials.	The new development will be efficient given that additional gross floor area will be created within existing structures.
Natural Areas	Developer and recreation areas are designed and managed to protect as much of the natural environment within and around them as possible.	Additional gross floor areas will be created within already existing structures.

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
	n/a	

OTHER POLICY CONSIDERATIONS

In May 2012, Council passed a bylaw to address illegal ‘basement’ space in detached and duplex dwellings. Rezoning application RZ 1084 will meet the same objectives as the approach taken for detached and duplex dwellings.

Zoning and Parking Bylaw 303

A zoning amendment bylaw is necessary to increase the maximum permitted density of the RTA17 zone from 8,190 square metres of gross floor area to 12,143 square metres of gross floor area.

The increased gross floor area will not require additional parking.

Official Community Plan

Whistler’s 1993 OCP outlines specific items for review with respect to rezoning applications. A brief summary follows in Table 1. The proposal complies with applicable policies of the OCP.

Table 1: 1993 OCP Criteria for Evaluating Proposals for Zoning Amendments

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 on the additional gross floor area at time of building permit.
Views and Scenery	Building height and setbacks would not change from that permitted under existing zoning.
Existing Community and Recreation Facilities	n/a
Employee Housing	n/a
Community greenhouse gas emissions	The proposal is consistent with Policy 4.14.5 in that the property is in an existing settled area that is well-served by transit, pedestrian & cycling routes, amenities and services. Impact on community greenhouse gas emissions is considered negligible as the additional gross floor area will be created within existing structures.
Heritage Resources	n/a
The project must exhibit high standards of design, landscaping and environmental sensitivity.	The property is located in the Whistler Village Development Permit Area and any exterior changes would require a development permit.
No development will be approved if it would negatively impact a designated Municipal trail system, recreation area, or open space.	No impact.

Green Building Policy

Per the municipality's Green Building Policy G-23, the following information is required for the processing and adoption of a zoning amendment:

- Registration of a Section 219 covenant to ensure future development is consistent with any project checklist and with the objectives and goals of the Green Building Policy; and
- A project completion report detailing the implementation of the green building practices required by the Section 219 covenant.

It is not recommended that a green building covenant be a condition of adoption of the zoning amendment bylaw as the additional gross floor area will be created within existing structures.

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 zoning amendment bylaw.

Building and plumbing permit fees will be applicable at the time of building permit. Works and service charges will also be applicable at time of building permit at a rate of \$65.82 per square metre of gross floor area.

COMMUNITY ENGAGEMENT AND CONSULTATION

The required rezoning application site information sign is posted on the property. No inquiries had been received at the time of writing this report.

No formal community engagement has been undertaken to date with respect to the application. A Public Open House is not proposed as the additional gross floor area is proposed within existing building envelopes with limited negative impacts.

The proposed zoning amendment bylaw will be subject to a public hearing adhering to statutory public notice requirements.

SUMMARY

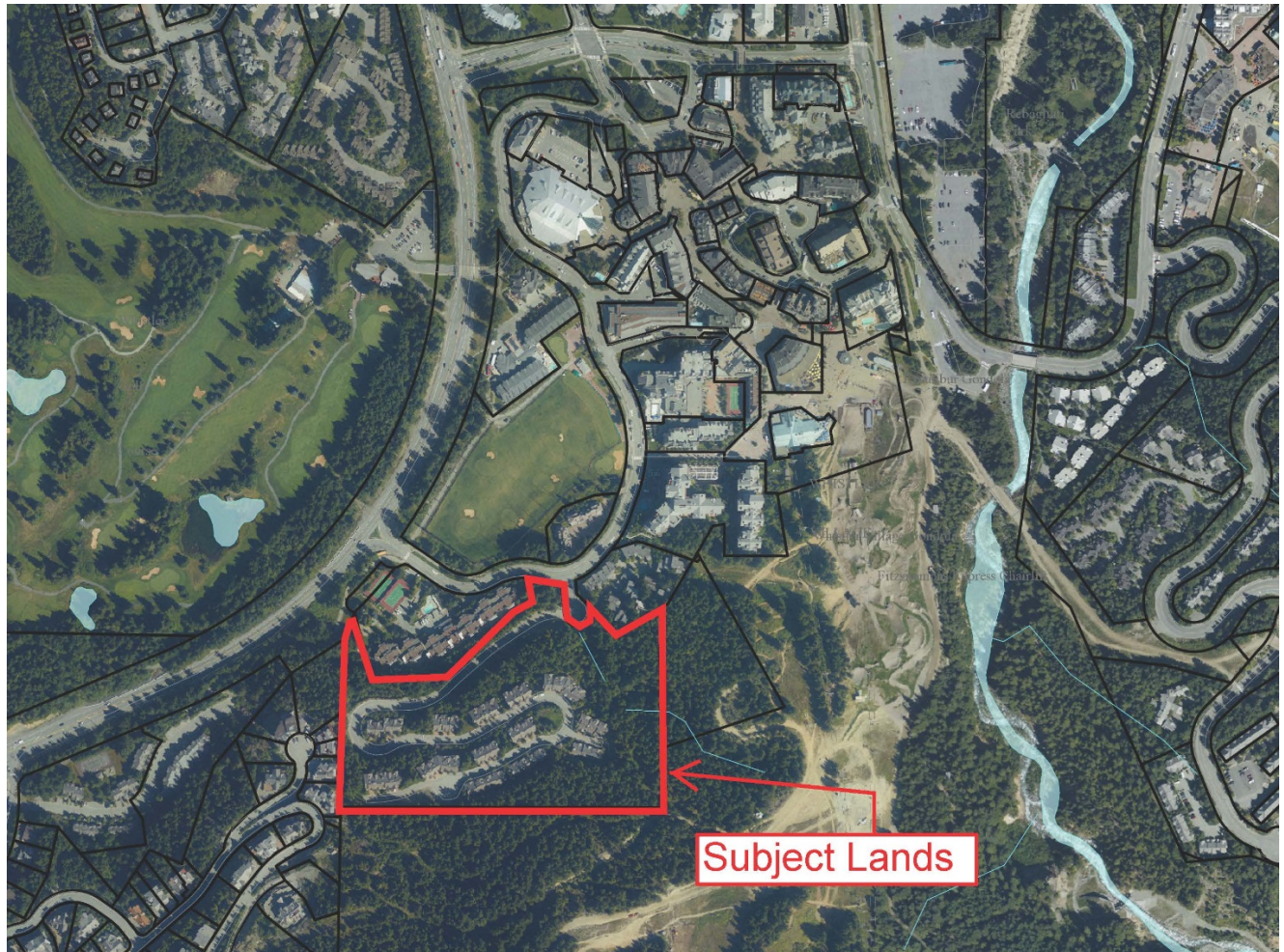
This report describes rezoning application RZ1084 and seeks Council's endorsement for further review of the application and preparation of the necessary zoning amendment bylaw for Council's consideration.

Respectfully submitted,

Melissa Laidlaw
SENIOR PLANNER, PLANNING DEPARTMENT
for
Jan Jansen
GENERAL MANAGER OF RESORT EXPERIENCE

APPENDIX A

LOCATION MAP





RZ1084

4150 Tantalus Drive

Council Presentation

September 2, 2014

RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way
Whistler, British Columbia
Canada V0N 1B4
www.whistler.ca

TEL 604 932 5535
TF 1 866 932 5535
FAX 604 935 8109



Subject Lands



- Located at 4150 Tantalus Drive
- Current use: 45 unit, 3-storey townhouse
- Current Zoning: RTA17 Zone permitting townhouse use, maximum 8,190 sq. m. of gfa

Existing Conditions/Site Context



Background

- 1999 – RMOW received correspondence that alterations made to townhouse units without building permits.
- RMOW Building Department requested immediate inspections & were granted access into some but not all units.
- Inspections confirmed unauthorized construction into common property within the building envelope.
- RMOW Building Department served notice to strata corporation under Section 83 of the *Strata Property Act* to initiate corrective work.
- Strata council recognizes its obligation in respect of unauthorized alterations on common property, but is unable, within limits of statutory authority to deal with them.
- 2014 – Strata corporation applied for rezoning.

Rezoning Proposal

- Increase maximum permitted density of RTA17 zone from 8,190 sq. m. of gfa to 12,143 sq. m. of gfa to:
 - ✓ enable owners to apply for building permits to bring unauthorized construction into conformance
 - ✓ enable owners who wish to do similar expansions within the building envelope in future the same opportunity to do so

Policy Considerations

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.	Proposal does not increase bed unit capacity. In May 2012, Council passed a bylaw to address illegal 'basement' space in detached & duplex dwellings. Rezoning application RZ 1084 will meet the same objectives as approach taken for detached & duplex dwellings.
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 Schedules M and N, the site does not have any environmental constraints or development constraints.
Traffic volumes and patterns on Highway 99 and the local road system.	Proposal does not increase number of units or parking requirements.
Overall patterns of development of the community and resort	Lands are identified on Schedule B – Development Areas. Per Policy 4.1.1, the lands outlined in Schedule B are designated for development of accommodation.

Policy Considerations

OCP Criteria	Comments
Municipal Finance	Works and service charges payable on additional gfa at time of building permit.
Views and Scenery	Building height & setbacks will not change from that permitted under current zoning.
Existing Community and Recreation Facilities	n/a
Employee Housing	n/a
Community greenhouse gas emissions	Consistent with Policy 4.14.5 - property located in an existing settled area well served by transit, pedestrian & cycling routes, amenities and services. Impact on community greenhouse gas emissions considered negligible (additional gfa will be created within existing structures).
Heritage Resources	n/a
The project must exhibit high standards of design, landscaping and environmental sensitivity.	No exterior alterations proposed.
No development will be approved if it would negatively impact a designated Municipal trail system, recreation area, or open space.	No impact.

Community Engagement

- RA sign posted
- Public Open House not proposed
- Public Hearing – after 2nd reading of zoning amendment bylaw

Recommendation

That Council endorse the continuing review of Rezoning Application RZ 1084; and further,

That Council direct staff to prepare the necessary zoning amendment bylaw for Council consideration.

SEC 0011 - 3363
Lakeside Road Flood
Proofing Exemption
Report No. 14-115
File No. SEC 0011

Moved by Councillor D. Jackson
Seconded by Councillor A. Janyk

That Council grant an exemption per Section 910 of the Local Government – “Construction requirements in relation to flood plain areas”, to allow for the construction of a new detached dwelling at 3363 Lakeside Road; and further,

That Council authorize the Mayor and Corporate Officer to execute a Section 219 covenant on the title of the subject property for this exemption, attaching the engineering reports prepared for 3363 Lakeside Road prepared by Exp Services Inc. stamped received September 12th, 2014 and SE Engineering Ltd, stamped received September 12, 2014 that confirm the property is safe for the use intended.

CARRIED

RZ 1084 - Zoning
Amendment Bylaw
(RTA17 - 4150 Tantalus
Drive). No. 2064, 2014 -
Rezoning for Additional
Gross Floor Area
Report No. 14-113
File No. RZ1084,
Bylaw 2068

Moved by Councillor D. Jackson
Seconded by Councillor R. McCarthy

That Council consider giving first and second readings to Zoning Amendment Bylaw (RTA17 Zone – 4150 Tantalus Drive) No. 2064, 2014;

That Council authorize the Mayor and Corporate Officer to schedule a public hearing for Zoning Amendment Bylaw (RTA17 Zone - 4150 Tantalus Drive) No. 2064, 2014; and further

That prior to issuance of any building permit for gross floor area exceeding 7,990.1 square metres, the Covenant registered as GD127424 be discharged.

CARRIED

Permissive Exemption
Report No. 14-118
File No. Bylaw 2065

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

That Council consider giving first three readings to Taxation Exemption for Not-For-Profit Organizations Amendment Bylaw No. 2065, 2014.

CARRIED

POLICY REPORTS

Park Naming Policy
Report No. 14-112
File No. Vault

Moved by Councillor J. Faulkner
Seconded by Councillor R. McCarthy

That Council adopt the proposed Resort Municipality of Whistler Park Naming Policy.

CARRIED

Sponsorship Policy and
Pilot Program
Report No. 14-116
File No. 8017, Vault

Moved by Councillor A. Janyk
Seconded by Councillor D. Jackson

That Council adopt the proposed Resort Municipality of Whistler Sponsorship Policy; and,

That Council authorize staff to initiate a Sponsorship Pilot Program for Festivals, Events & Animation (FE&A) programs produced by the RMOW; and further

That Council authorize staff to commence the Sponsorship Pilot Program by publicly posting a Request for Proposal (RFP) for Sponsorship Sales and Service.

CARRIED

BYLAWS FOR FIRST AND SECOND READING

Zoning Amendment
Bylaw (RTA17 Zone –
4150 Tantalus Drive) No.
2064, 2014

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

That Zoning Amendment Bylaw (RTA17 Zone – 4150 Tantalus Drive) No. 2064, 2014 receive first and second readings.

CARRIED

BYLAW FIRST, SECOND AND THIRD READINGS

Taxation Exemption for
Not-For-Profit
Organizations
Amendment Bylaw No.
2065, 2014

Moved by Councillor J. Faulkner
Seconded by Councillor R. McCarthy

That Taxation Exemption for Not-For-Profit Organizations Amendment Bylaw No. 2065, 2014 receive first, second and third readings.

CARRIED

BYLAW FOR THIRD READING

Zoning Amendment
Bylaw (CL5 Zone –
Commercial Local Five)
No.2063, 2014

Moved by Councillor A. Janyk
Seconded by Councillor D. Jackson

That Zoning Amendment Bylaw (CL5 Zone – Commercial Local Five) No.2063, 2014 receive third reading.

CARRIED

OTHER BUSINESS

Chief Election Officer
Appointment

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

That Council rescind the appointment of Shannon Story as Chief Elections Officer for the 2014 general local elections; and,

That pursuant to Section 41(1) and (2) of the *Local Government Act* Lorna Dysart be appointed Chief Elections Officer for conducting the 2014 general local elections in the Resort Municipality of Whistler with power to appoint other election officials as required for the administration and conduct of the 2014 general local elections.

CARRIED



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: October 7, 2014
FROM: Resort Experience
SUBJECT: RZ 1084 – ZONING AMENDMENT BYLAW (RTA17 ZONE - 4150 TANTALUS DRIVE) NO. 2064, 2014 - REZONING FOR ADDITIONAL GROSS FLOOR AREA

REPORT: 14-113
FILE: RZ 1084, Bylaw 2064

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Resort Planning be endorsed.

RECOMMENDATION

That Council consider giving first and second readings to Zoning Amendment Bylaw (RTA17 Zone - 4150 Tantalus Drive) No. 2064, 2014;

That Council authorize the Mayor and Corporate Officer to schedule a public hearing for Zoning Amendment Bylaw (RTA17 Zone - 4150 Tantalus Drive) No. 2064, 2014; and further

That prior to issuance of any building permit for gross floor area exceeding 7,990.1 square metres, the Covenant registered as GD127424 be discharged.

REFERENCES

Location: 4150 Tantalus Drive
Legal Description: Strata Plan LMS286
Owners: The Owners of Strata Plan LMS286
Current Zoning: RTA17 (Residential/Tourist Accommodation Seventeen)
Appendices: "A" Location Map
"B" Administrative Report to Council No. 14-102

PURPOSE OF REPORT

This report presents Zoning Amendment Bylaw (RTA17 Zone - 4150 Tantalus Drive) No. 2064, 2014, a bylaw to increase the maximum permitted density of the RTA17 (Residential/Tourist Accommodation Seventeen) zone to address existing unauthorized space as well as enable other owners to have the opportunity to similarly develop existing lower level and void spaces, for Council's consideration of first and second readings.

DISCUSSION

The proposed rezoning was presented to Council on September 2, 2014 and a complete description and analysis of such is presented in Administrative Report to Council No. 14-102.

On September 2, 2014, Council endorsed the following resolution:

“That Council endorse the continuing review of Rezoning Application RZ 1084; and further,
That Council direct staff to prepare the necessary zoning amendment bylaw for Council consideration.”

This report presents the necessary zoning amendment bylaw as directed by Council, for Council consideration of first and second reading.

Background

The land that is the subject of the rezoning application is located at 4150 Tantalus Drive, immediately south of Whistler Village on the lower slopes of Whistler Mountain (see Appendix A). The lands were developed between 1991 and 1995 with a 45 unit 3-storey townhouse development known as Northern Lights. The development was constructed with significant void spaces within the building envelope, both on lower levels and in attic and loft spaces.

In March 2014 the strata corporation submitted a rezoning application to increase the maximum permitted density of the RTA17 (Residential/Tourist Accommodation Seventeen) zone to address existing unauthorized space as well as enable other owners to have the opportunity to similarly develop existing lower level and void spaces.

Unauthorised construction at Northern Lights has been a longstanding enforcement file with the municipality. The proposed rezoning will enable owners to apply for building permits to bring unauthorized construction into conformance as well as enable owners who wish to do similar expansions within the building envelope in the future the same opportunity to do so.

Zoning Amendment Bylaw (RTA17 Zone - 4150 Tantalus Drive) No. 2064, 2014

The bylaw that has been prepared for Council consideration, Zoning Amendment Bylaw (RTA17 Zone - 4150 Tantalus Drive) No. 2064, 2014, forms part of the October 7, 2014 Council Package. The bylaw is summarized as follows.

The bylaw proposes to limit the total number of townhouse units in the RTA17 (Residential/Tourist Accommodation Seventeen) zone to 45 and increase the maximum permitted density from 8,190 square metres of gross floor area to 12,138 square metres of gross floor area, with a specific portion of this total allocated to each strata lot in Strata Plan LMS286 as shown in Table 1 below.

The bylaw also proposes guidance for the purpose of measuring the gross floor area of a strata lot as follows:

- (a) the gross floor area of a portion of a building comprising a strata lot that shares a wall with another strata lot shall be measured to a point that is midway between the outer surfaces of any such shared wall; and
- (b) the gross floor area of a strata lot shall be deemed to include the gross floor area of limited common property designated on the strata plan for the exclusive use of the owner of the strata lot under the Strata Property Act, and the gross floor area of any common property otherwise designated for such exclusive use whether by lease, easement or otherwise, in each case including the cross-sectional area of any exterior wall of such exclusive use common property and one-half the cross-sectional area of any wall separating that common property from a strata lot or from exclusive use common property deemed by this section to be included in another strata lot.

Further the bylaw limits the location of the available gross floor area for each strata lot to be located within the existing building envelope as authorized by the original building permits and original development permit. This is consistent with the nature of the rezoning, to address existing and potential development of below ground void spaces, lofts and attic spaces within the existing building envelope. The additional gross floor area provided through this rezoning is only available to the property under the existing development configuration.

The proposed rezoning provides for the development of the identified spaces and associated gross floor area for each strata lot subject to obtaining building permit authorization and occupancy.

Table 1	
Strata Lot	Maximum Gross Floor Area (square metres)
1	326
2	326
3	326
4	286
5	286
6	286
7	326
8	326
9	326
10	286
11	289
12	289
13	275
14	188
15	188
16	188
17	230
18	185
19	230
20	268
21	268
22	268
23	230
24	198
25	198
26	230
27	275
28	268
29	275
30	230
31	198
32	198
33	230
34	326
35	326
36	268
37	268
38	286
39	289
40	289
41	286
42	326
43	326
44	326
45	326

WHISTLER 2020 ANALYSIS

An analysis of the applicable Whistler 2020 strategies and descriptions of success is contained in Administrative Report to Council No. 14-102. Overall, the rezoning supports the Whistler 2020 strategies of built environment and natural areas.

OTHER POLICY CONSIDERATIONS

In May 2012, Council passed a bylaw to address illegal 'basement' space in detached and duplex dwellings. Rezoning application RZ 1084 will meet the same objectives as the approach taken for detached and duplex dwellings.

Official Community Plan

Whistler's OCP outlines specific items for review with respect to rezoning applications. A summary evaluation is presented in Administrative Report to Council No. 14-102. The rezoning complies with applicable policies of the OCP.

Green Building Policy

Green Building Policy considerations are addressed in Administrative Report to Council No. 14-102 and that report recommended that a green building covenant not be a condition of adoption of the zoning amendment bylaw as the additional gross floor area will be created within existing structures.

Legal Considerations

A Section 215 Covenant is registered as GD127424 on the title of all of the strata lots and the common property of Strata Plan LMS286 that restricts the development to 180 bed units in 45 townhouse units, and restricts the gross floor area of all buildings on the lands to 7,990.1 square metres.

It is recommended that this covenant be discharged prior to issuance of any building permit for gross floor area exceeding 7,990.1 square metres, as the zoning amendment bylaw will establish stricter controls around the number of units and the gross floor area that may be developed, and makes the covenant redundant.

BUDGET CONSIDERATIONS

Budget considerations are contained in Administrative Report to Council No. 14-102.

COMMUNITY ENGAGEMENT AND CONSULTATION

The required rezoning application site information sign is posted on the property. No inquiries had been received at the time of writing this report.

No formal community engagement has been undertaken to date with respect to the application. Administrative Report to Council No. 14-102 proposed that a Public Open House not be held as the additional gross floor area is proposed within existing building envelopes with limited negative impacts.

Zoning Amendment Bylaw (RTA17 Zone - 4150 Tantalus Drive) No. 2064, 2014 will be subject to a public hearing adhering to statutory public notice requirements.

SUMMARY

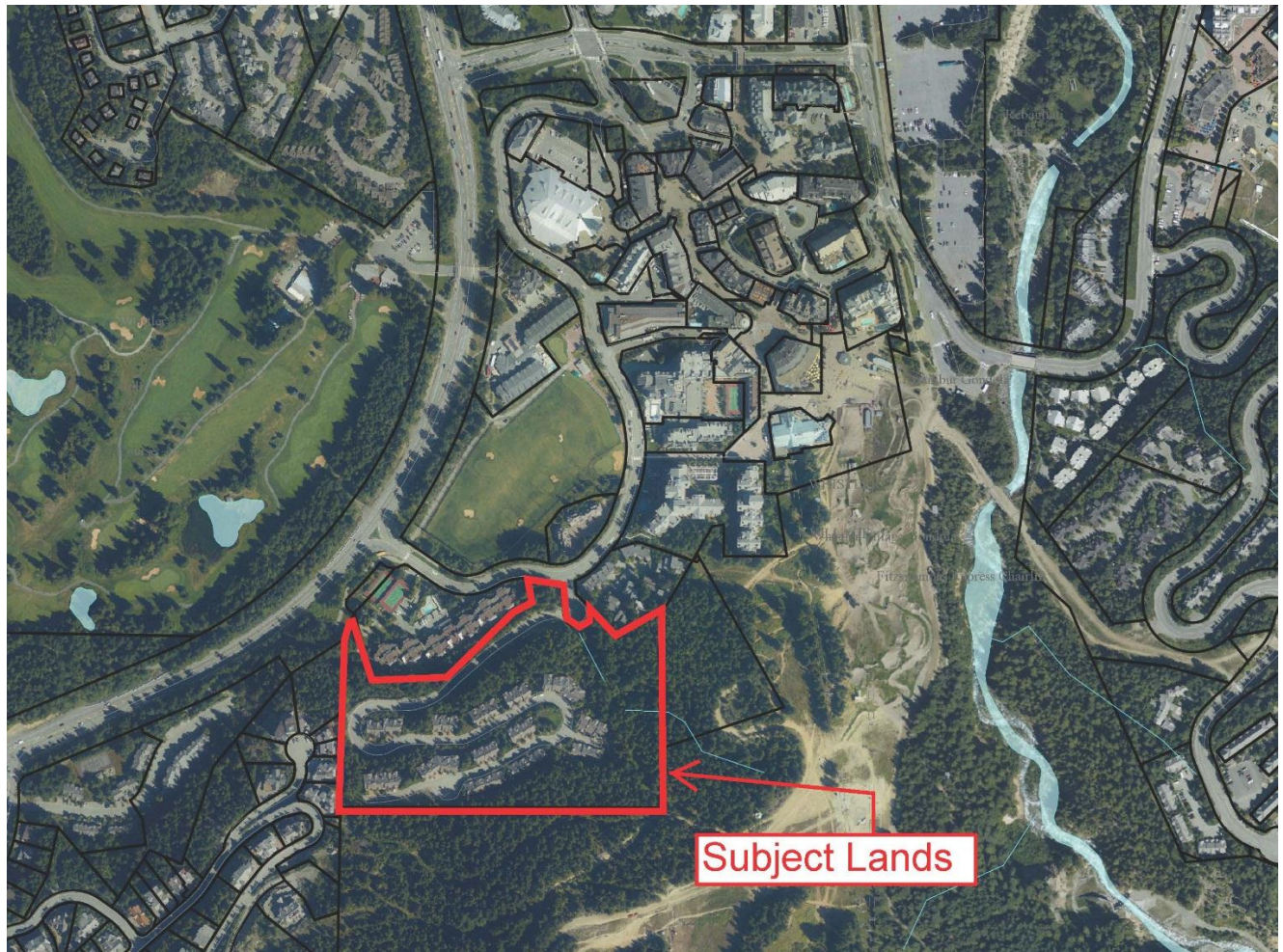
This report presents Zoning Amendment Bylaw (RTA17 Zone - 4150 Tantalus Drive) No. 2064, 2014 for Council consideration of first and second reading.

Respectfully submitted,

Melissa Laidlaw
SENIOR PLANNER, PLANNING DEPARTMENT
for
Jan Jansen
GENERAL MANAGER OF RESORT EXPERIENCE

APPENDIX A

LOCATION MAP





REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: September 2, 2014

REPORT: 14-102

FROM: Resort Experience

FILE: RZ 1084

SUBJECT: RZ 1084 – 4150 TANTALUS DRIVE REZONING FOR ADDITIONAL GROSS FLOOR AREA

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council endorse the continuing review of Rezoning Application RZ 1084; and further,

That Council direct staff to prepare the necessary zoning amendment bylaw for Council consideration.

REFERENCES

Location: 4150 Tantalus Drive

Legal Description: Strata Lots 1 – 45, District Lots 3020, 3865 and 4980, Strata Plan LMS286, together with an interest in the common property

Owners: The Owners of Strata Plan LMS286

Current Zoning: RTA17 (Residential/Tourist Accommodation Seventeen)

Appendices: "A" Location Map

PURPOSE OF REPORT

This report describes rezoning application RZ 1084, an application by the strata corporation of 4150 Tantalus Drive to increase the maximum permitted density of the RTA17 (Residential/Tourist Accommodation Seventeen) zone to address existing unauthorized space as well as enable other owners to have the opportunity to similarly develop existing lower level and void spaces.

This report seeks Council's endorsement for further review and preparation of the necessary zoning amendment bylaw for Council's consideration.

DISCUSSION

Background

The land that is the subject of the rezoning application is located at 4150 Tantalus Drive, immediately south of Whistler Village on the lower slopes of Whistler Mountain (see Appendix A). The lands were developed between 1991 and 1995 with a 45 unit 3-storey townhouse development known as Northern Lights. The development was constructed with significant void spaces within the building envelope, both on lower levels and in attic and loft spaces.

In 1999, the municipality received correspondence that alterations had been made to townhouse units in Northern Lights without building permits. The RMOW building department requested immediate inspections and were granted access into some but not all of the units. The inspections confirmed unauthorized construction into common property void spaces within the building envelope. The RMOW building department issued letters to the strata corporation requiring removal

of unauthorised construction within internal common property areas adjacent to a number of strata lots. Municipal lawyers became involved and notice was served to the strata corporation under Sections 83 to 85 of the Strata Property Act to initiate corrective work.

The strata council acknowledged that it recognizes its obligation in respect of unauthorized alterations on common property, but is unable, within the limits of its statutory authority to deal with them.

Rezoning Proposal

In March 2014 the strata corporation submitted a rezoning application to increase the maximum permitted density of the RTA17 (Residential/Tourist Accommodation Seventeen) zone from 8,190 square metres of gross floor area to 12,143 square metres of gross floor area.

The strata corporation advises that over the years a number of past or current owners appear to have converted void spaces to habitable use and integrated them with the adjacent strata lots. It is not known by the strata corporation how many strata lots have access to converted void spaces or how extensive the alterations are as the owners will not grant access. The strata corporation further advises that there is no evidence that either the strata corporation or its council approved any of these alterations, as required by the Strata Property Act.

The current RTA17 (Residential/Tourist Accommodation Seventeen) zoning is a site specific zone permitting a maximum of 8,190 square metres of gross floor area if developed for townhouse dwellings. According to building permit records, the property has been developed with 45 townhouses totalling 7,988 square metres of gross floor area, so no significant expansion of gross floor area is possible under the current zoning.

Unauthorized construction at Northern Lights has been a longstanding enforcement file with the municipality. It has taken many years for the owners of Northern Lights to work towards a solution and achieve agreement within the strata on the proposed rezoning approach.

The proposed rezoning approach will enable owners to apply for building permits to bring unauthorized construction into conformance as well as enable owners who wish to do similar expansions within the building envelope in the future the same opportunity to do so.

ADP Review

The rezoning application has not been submitted to the Advisory Design Panel for review as there are not exterior alterations to the buildings proposed at this time.

WHISTLER 2020 ANALYSIS

The rezoning proposal supports the Whistler 2020 strategies of built environment and natural areas.

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Limits to growth are understood and respected	The rezoning proposal will enable owners to apply for building permits for unauthorized construction as well as enable some moderate expansion to existing units. The rezoning proposal will not increase the bed unit capacity.
	The built environment is attractive and vibrant, reflecting the resort community's character, protecting viewscapes, and evoking a dynamic sense of place.	There are no exterior changes associated with the rezoning proposal.
	Continuous encroachment on nature is avoided.	

	The built environment is safe and accessible.	The rezoning will enable owners to apply for building permits for unauthorized construction.
	The new and renovated built environment has transitioned towards sustainable management of energy and materials.	The new development will be efficient given that additional gross floor area will be created within existing structures.
Natural Areas	Developer and recreation areas are designed and managed to protect as much of the natural environment within and around them as possible.	Additional gross floor areas will be created within already existing structures.

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
	n/a	

OTHER POLICY CONSIDERATIONS

In May 2012, Council passed a bylaw to address illegal ‘basement’ space in detached and duplex dwellings. Rezoning application RZ 1084 will meet the same objectives as the approach taken for detached and duplex dwellings.

Zoning and Parking Bylaw 303

A zoning amendment bylaw is necessary to increase the maximum permitted density of the RTA17 zone from 8,190 square metres of gross floor area to 12,143 square metres of gross floor area.

The increased gross floor area will not require additional parking.

Official Community Plan

Whistler’s 1993 OCP outlines specific items for review with respect to rezoning applications. A brief summary follows in Table 1. The proposal complies with applicable policies of the OCP.

Table 1: 1993 OCP Criteria for Evaluating Proposals for Zoning Amendments

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 on the additional gross floor area at time of building permit.
Views and Scenery	Building height and setbacks would not change from that permitted under existing zoning.
Existing Community and Recreation Facilities	n/a
Employee Housing	n/a
Community greenhouse gas emissions	The proposal is consistent with Policy 4.14.5 in that the property is in an existing settled area that is well-served by transit, pedestrian & cycling routes, amenities and services. Impact on community greenhouse gas emissions is considered negligible as the additional gross floor area will be created within existing structures.
Heritage Resources	n/a
The project must exhibit high standards of design, landscaping and environmental sensitivity.	The property is located in the Whistler Village Development Permit Area and any exterior changes would require a development permit.
No development will be approved if it would negatively impact a designated Municipal trail system, recreation area, or open space.	No impact.

Green Building Policy

Per the municipality's Green Building Policy G-23, the following information is required for the processing and adoption of a zoning amendment:

- Registration of a Section 219 covenant to ensure future development is consistent with any project checklist and with the objectives and goals of the Green Building Policy; and
- A project completion report detailing the implementation of the green building practices required by the Section 219 covenant.

It is not recommended that a green building covenant be a condition of adoption of the zoning amendment bylaw as the additional gross floor area will be created within existing structures.

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 zoning amendment bylaw.

Building and plumbing permit fees will be applicable at the time of building permit. Works and service charges will also be applicable at time of building permit at a rate of \$65.82 per square metre of gross floor area.

COMMUNITY ENGAGEMENT AND CONSULTATION

The required rezoning application site information sign is posted on the property. No inquiries had been received at the time of writing this report.

No formal community engagement has been undertaken to date with respect to the application. A Public Open House is not proposed as the additional gross floor area is proposed within existing building envelopes with limited negative impacts.

The proposed zoning amendment bylaw will be subject to a public hearing adhering to statutory public notice requirements.

SUMMARY

This report describes rezoning application RZ1084 and seeks Council's endorsement for further review of the application and preparation of the necessary zoning amendment bylaw for Council's consideration.

Respectfully submitted,

Melissa Laidlaw
SENIOR PLANNER, PLANNING DEPARTMENT
for
Jan Jansen
GENERAL MANAGER OF RESORT EXPERIENCE

LOCATION MAP

