



# WHISTLER

## AGENDA

### **PUBLIC HEARING OF MUNICIPAL COUNCIL TUESDAY, SEPTEMBER 2, 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. 2062, 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,

Land Use Contract  
Amendment Bylaw  
(Blueberry Hill) No. 2062,  
2014

#### **PURPOSE OF LAND USE CONTRACT AMENDMENT BYLAW (Blueberry Hill) No. 2062, 2014:**

In general terms, the purpose of the proposed Bylaw is to amend the land use contract for 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" (152mm).

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

Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing
Bylaw		Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014
Council Minutes	8-Aug-14	Minutes of the Regular Meeting of Council
Council Report 14-070	8-Aug-14	Administrative Report to Council
Presentation Slides	8-Aug-14	Presentation slides from August 8, 2014
Correspondence		Correspondence will be included as it is received.



THE RESORT MUNICIPALITY OF WHISTLER  
4325 Blackcomb Way TEL 604 932 5535  
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## **NOTICE OF PUBLIC HEARING**

**TUESDAY, SEPTEMBER 2, 2014 – 6:00 P.M.**

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

### **LAND USE CONTRACT AMENDMENT BYLAW (BLUEBERRY HILL) NO. 2062, 2014**

**SUBJECT LANDS:** 3341, 3345 and 3358 Peak Drive, 3415 and 3430 Blueberry Drive, and 3331 Nighthawk Lane

More specifically these lands are described as:

**3341 Peak Drive**, Strata Lot 5 D.L 4751 Group 1 NWD Strata Plan LMS1248 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot legally described as PID: 018-641-474;

**3345 Peak Drive**, Strata Lot 4 D.L 4751 Group 1 NWD Strata Plan LMS 1248 together with an interest in the common property in proportion to the unit entitlement legally described as PID: 018-641-466;

**3358 Peak Drive**, Strata Lot 1 D.L 4751 Group 1 NWD Strata Plan LMS1248 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot legally described as PID: 018-641-431;

**3415 Blueberry Drive**, Strata Lot 1 D.L 4751 Strata Plan VR2580 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot legally described as PID: 015-688-402;

**3430 Blueberry Drive**, Strata Lot 5 D.L 4751 Strata Plan VR2476 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot legally described as PID: 014-717-361; and

**3331 Nighthawk Lane**, Strata Lot 18 D.L 4751 Strata Plan VR2616 together with an interest in the common property in proportion to the unit entitlement legally described as PID: 017-739-357,

as shown outlined on the map attached to this notice.

### **PURPOSE:**

In general terms, the purpose of the proposed Bylaw is to amend the land use contract for 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” (152mm).

**INSPECTION OF DOCUMENTS:**

A copy of the proposed Bylaw and relevant background documentation may be inspected on our website at [www.whistler.ca/events](http://www.whistler.ca/events) (see September 2, 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, from August 21, 2014 to September 2, 2014 (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 September 2, 2014):

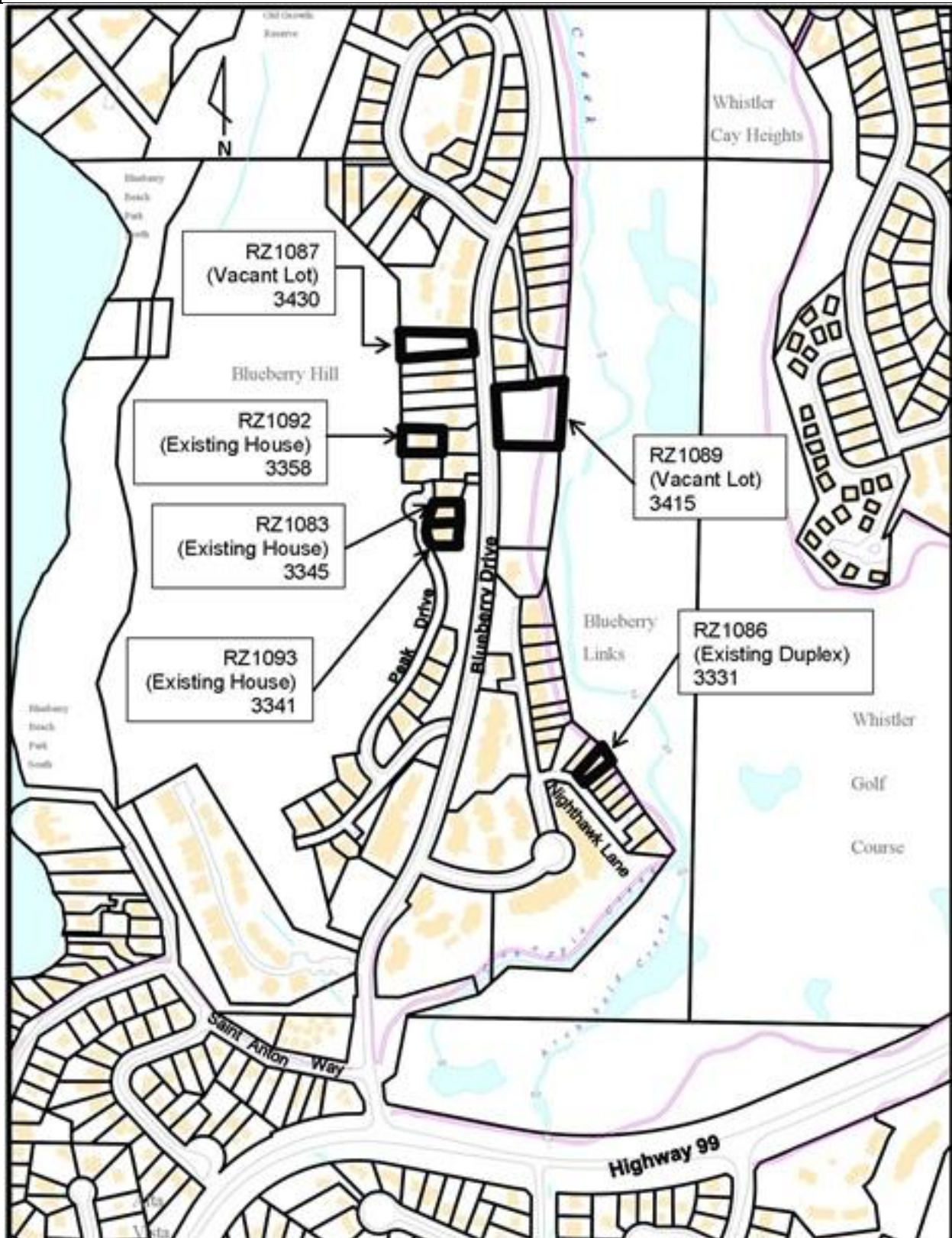
**Email:** [corporate@whistler.ca](mailto:corporate@whistler.ca)  
**Fax:** 604-935-8109  
**Hard Copy:** Legislative Services Department  
4325 Blackcomb Way  
Whistler BC V0N 1B4

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.

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. 2062, 2014  
SUBJECT LANDS – 3341, 3345 AND 3358 PEAK DRIVE, 3415 AND 3430  
BLUEBERRY DRIVE AND 3331 NIGHTHAWK LANE**



**RESORT MUNICIPALITY OF WHISTLER  
LAND USE CONTRACT AMENDMENT BYLAW (BLUEBERRY HILL) NO. 2062, 2014**

**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. 2062, 2014"
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 8<sup>th</sup> day of August, 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 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. 2062, 2014.

\_\_\_\_\_  
Shannon Story,  
Corporate Officer

**Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014**

**SCHEDULE A**

<b>Parcel Identifier and Legal Description</b>
PID 014-717-361 Strata Lot 5 District Lot 4751 Strata Plan VR2476
PID 015-688-402 Strata Lot 1 District Lot 4751 Strata Plan VR 2580
PID 017-739-357 Strata Lot 18 District Lot 4751 Strata Plan VR2616
PID 018-641-431 Strata Lot 1 District Lot 4751 Strata Plan LMS1248
PID 018-641-466 Strata Lot 4 District Lot 4751 Strata Plan LMS1248
PID 018-641-474 Strata Lot 5 District Lot 4751 Strata Plan LMS1248



**Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014**

**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;

Mayor Wilhelm-Morden reported that AWARE has partnered with the RMOW to create a twist on the annual EnviroFest called "Crafty by Nature + EnviroFest". The event celebrates our natural environment and takes place on August 31 at Rebagliati Park. A variety of non-profit groups are hosting nature crafts, workshops, live music, a veggie burger BBQ contest, and children's games and activities.

Mayor Wilhelm-Morden reported that the new Fall Winter Recreation Guide will be online at [whistler.ca](http://whistler.ca) on August 8. The guide lists the broad variety of recreation offered by the RMOW.

J. Grills commented on the locals and visitors cheering on the athletes, particularly the runners in the evening. He thanked the locals and visitors who make IRONMAN a special event.

#### ADMINISTRATIVE REPORTS

Festivals, Events &  
Animation – 2015 Early  
Funding  
Report No. 14-094  
File No. 8216.09

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

**That** \$1,200,000 from the Resort Municipality Initiative (RMI) reserve be allocated to Festivals, Events & Animation (FE&A) in order to initiate the 2015 FE&A program.

CARRIED

Blueberry Land Use  
Contract Amendment to  
the Gross Floor Area  
Definition  
Report No. 14-086  
File No. RZ1083,  
RZ1086, RZ1087,  
RZ1089, RZ1092,  
RZ1093, Bylaw 2062

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

**That** Council consider giving first and second readings to Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014; and,

**That** Council authorize the Corporate Officer to schedule a public hearing regarding Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014 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

2010 London Lane –  
Rezoning Proposal to  
Change Permitted  
Uses  
Report No. 14-087  
File No. RZ1080

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

**That** Council endorse further review of Rezoning Application No. 1080; and further,

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

CARRIED

Response to Emergency  
Incidents Outside the  
Jurisdiction of the  
Resort Municipality of  
Whistler  
Report No. 14-096  
File No. 4800

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

**That** Council authorize the Whistler Fire Rescue Services to continue to respond to emergency incidents outside the jurisdiction of the Resort Municipality of Whistler; and further,

**That** Council authorize the RMOW to engage in discussions with the SLRD on fire response in areas bordering the RMOW.

CARRIED

### **POLICY REPORTS**

Civic Service Awards  
Policy  
Report No. 14-097  
File No. 3010

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

**That** Council adopt the Civic Service Awards Policy attached as Appendix A to Policy Report No. 14-097.

CARRIED

### **BYLAWS FOR FIRST AND SECOND READING**

Land Use Contract  
Amendment Bylaw  
(Blueberry Hill) No. 2062,  
2014

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

**That** Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014 receive first and second readings.

CARRIED

### **BYLAWS TO RESCIND THIRD READING**

Zoning Amendment  
Bylaw (MC1 Zone –  
Mountain Commercial  
One) No. 2057, 2014

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

**That** third reading be rescinded for Zoning Amendment Bylaw (MC1 Zone – Mountain Commercial One) No. 2057, 2014.

CARRIED

### **BYLAWS FOR THIRD READING AS AMENDED**

Zoning Amendment  
Bylaw (MC1 Zone –  
Mountain Commercial  
One) No. 2057, 2014

Moved by Councillor J. Grills  
Seconded by Councillor J. Crompton

**That** Zoning Amendment Bylaw (MC1 Zone – Mountain Commercial One) No. 2057, 2014 receive third reading as amended.

CARRIED



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** August 5, 2014

**FROM:** Resort Experience

**SUBJECT:** BLUEBERRY LAND USE CONTRACT AMENDMENT TO THE GROSS FLOOR AREA DEFINITION

**REPORT:** 14-086

**FILES:** RZ1083, RZ1086, RZ1087, RZ1089, RZ1092, RZ1093, Bylaw 2062

### 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. 2062, 2014; and,

**That** Council authorize the Corporate Officer to schedule a public hearing regarding Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014 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:** 3345 Peak Drive (RZ1083)

**Legal Description:** Strata Lot 4 D.L 4751 Group 1 NWD Strata Plan LMS 1248 together with an interest in the common property in proportion to the unit entitlement.

**Applicant:** Brigitte Loranger Architecture & Planning Ltd.

**Zoning:** Blueberry Hill Land Use Contract (BB LUC)

**Location:** 3331 Nighthawk Lane (RZ1086)

**Legal Description:** Strata Lot 18 D.L 4751 Strata Plan VR2616 together with an interest in the common property in proportion to the unit entitlement

**Applicant:** Terrance K. Salman

**Zoning:** Blueberry Hill Land Use Contract (BB LUC)

**Location:** 3430 Blueberry Drive (RZ1087)

**Legal Description:** Strata Lot 5 D.L 4751 Strata Plan VR2476 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot

**Applicant:** Terrance K. Salman

**Zoning:** Blueberry Hill Land Use Contract (BB LUC)

**Location:** 3415 Blueberry Drive (RZ1089)  
**Legal Description:** Strata Lot 1 D.L 4751 Strata Plan VR2580 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot  
**Applicant:** Brigitte Loranger Architecture & Planning Ltd.  
**Zoning:** Blueberry Hill Land Use Contract (BB LUC)

**Location:** 3358 Peak Drive (RZ1092)  
**Legal Description:** Strata Lot 1 D.L 4751 Group 1 NWD Strata Plan LMS1248 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot  
**Applicant:** Kat Sullivan A Sc. T. RBD  
**Zoning:** Blueberry Hill Land Use Contract (BB LUC)

**Location:** 3341 Peak Drive (RZ1093)  
**Legal Description:** Strata Lot 5 D.L 4751 Group 1 NWD Strata Plan LMS1248 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot  
**Applicant:** David McColm, P.Eng.  
**Zoning:** Blueberry Hill Land Use Contract (BB LUC)

## PURPOSE

This report describes the proposed land use contract amendment for the noted subject properties. The owners of the six properties have applied to amend the existing Blueberry Hill Land Use Contract's (BB LUC) gross floor area definition for their properties to replace the existing gross floor area definition in the LUC with the definition in Zoning Bylaw No. 303 with its' excluded floor areas with respect to basements, crawlspaces and void spaces. The six properties are shown on the Location Map attached as Appendix A.

## DISCUSSION

### Background

On May 12, 2012, Council amended the Zoning Bylaw to permit basement floor areas, defined as 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, to be excluded from the gross floor area calculation for all detached and duplex dwelling unit building types in the municipality. The amendment also eliminated the option for new over-height crawlspaces by covenant, and limited all crawl spaces and void spaces to a maximum height of 1.5 metres.

At that time, Council also supported applying similar floor area exclusions within detached and duplex dwelling unit building types that were not regulated by the Zoning Bylaws, 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 six properties to achieve this objective.

The applications for 3358, 3345 and 3341 Peak Drive are properties with existing constructed detached homes. There are existing spaces that could be legitimized applying the exclusions from the GFA calculation as permitted under the zoning bylaw.

The applications for 3430 and 3415 Blueberry Drive are properties that are vacant lots. 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.

The application for 3331 Nighthawk Lane is for the dwelling unit that is one side of an existing duplex at 3329/3331 Nighthawk Lane. The only connection between the two units is a breezeway. The subject unit has an existing crawlspace that could be legitimized applying the GFA exclusions in Zoning Bylaw No. 303.

In addition to the BB LUC regulations, some of these properties also have restrictive covenants regulating how existing over height crawlspaces can be used. Staff will work with the applicants and municipal solicitor to prepare the necessary legal documents to amend or remove these restrictive covenants as appropriate to be consistent with the municipality's zoning bylaw. Staff seeks Council to authorize that the Mayor and Corporate Officer be authorized to execute any necessary legal documents for these applications.

### **Land Use Contract Amendment Proposal**

On November 28, 1983, the existing BB LUC definition for gross floor area (GFA) was adopted by amending bylaw No. 355 and 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 the Zoning Bylaw No. 303 is not permitted.

The proposed Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014 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 basement floor area and redefined over height crawlspaces.

## 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), which is in effect, 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.

**Table 1: OCP Criteria for Evaluating Proposals for Zoning (LUC) 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.
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	Employee works and service charges are not payable.
Community greenhouse gas emissions	These are either existing dwelling units or 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	n/a
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.

Staff has received phone inquiries from other residents and property owners in the Blueberry Hill Land Use Contract seeking clarification of the proposal and/or information on the LUC amendment process for considering similar applications in the future.



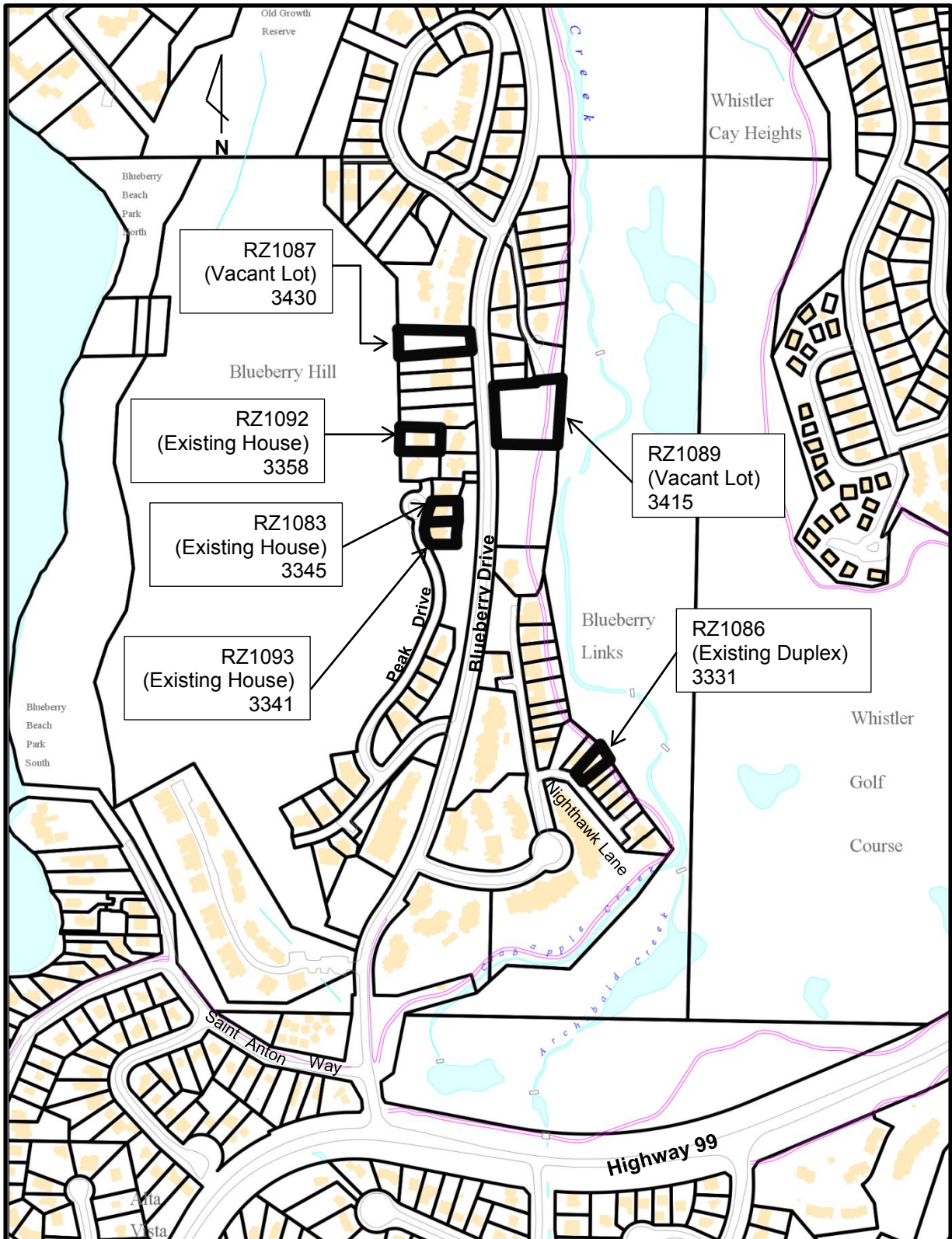
## **SUMMARY**

This report presents Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014 for six land use contract amendment applications located at 3358, 3345 and 3341 Peak Drive, 3430 and 34115 Blueberry Drive and 3331 Nighthawk Lane. 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,

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

# LOCATION MAP BLUEBERRY LAND USE CONTRACT AMENDMENT APPLICATIONS



# **RZ1083, RZ1086, RZ1087, RZ1089, RZ1092 and RZ1093**

Blueberry Land Use Contract  
Amendment – 1<sup>st</sup> and 2<sup>nd</sup> Readings  
of LUC Amendment Bylaw

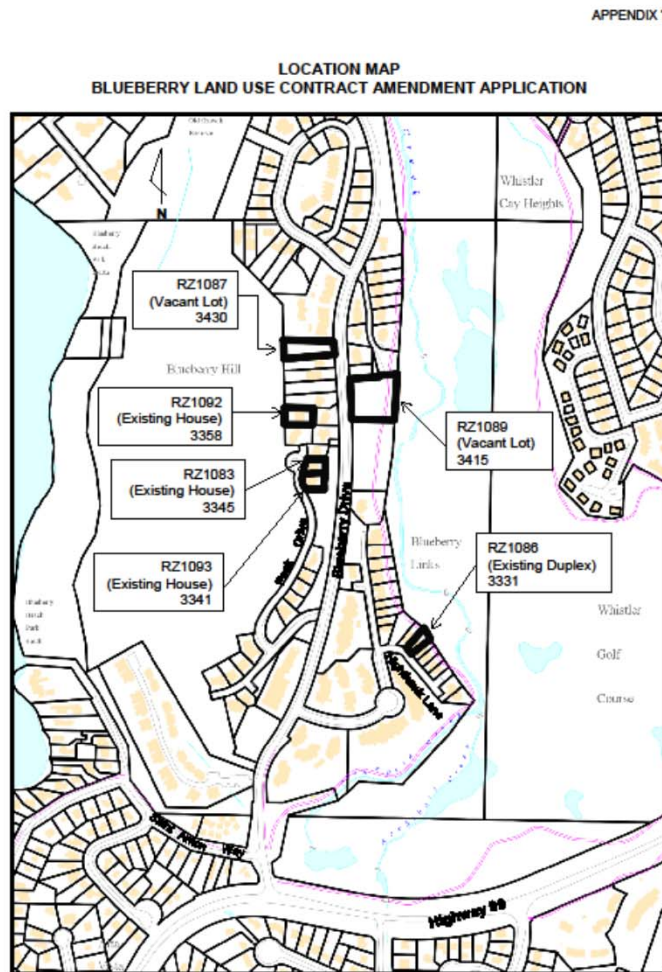
## **RESORT MUNICIPALITY OF WHISTLER**

4325 Blackcomb Way  
Whistler, British Columbia  
Canada V0N 1B4  
[www.whistler.ca](http://www.whistler.ca)

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



# Subject Lands



- Blueberry LUC area developed in 1980s
- Applications:
  - ✓ 5 detached lots (2 are vacant lots)
  - ✓ 1 side of a duplex
- Steep topography, mature trees on sloped areas
- Mixed detached, duplex and multiple family units
- Between Blueberry Hill Park and Whistler Golf Course



# Background

- May 12, 2012, Council amended gross floor area (GFA) definition to permit excluded floor areas with respect to defined basement, crawlspace and void spaces for all detached and duplex dwelling units in the RMOW.
- At that time, Council also supported applying similar GFA exclusions within detached and duplex dwellings regulated by other land use regulations (i.e. Land Use Contracts) through the appropriate process
- This report outlines the process to amend the existing Blueberry Land Use Contract (BB LUC) for these six application to achieve this objective.

# Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014

- Purpose of amending bylaw:
  - ✓ Current BB LUC does not permit exclusion of basements from GFA calculation
- Proposed change:
  - ✓ Replace the current BB LUC definition on subject properties with the Zoning and Parking Bylaw No. 303 GFA definition and its permitted exclusions
- Remains unchanged:
  - ✓ Other LUC regulations (i.e. height, setbacks, permitted uses)
  - ✓ Building schemes
  - ✓ Strata bylaws
  - ✓ Statutory rights of way and/or easements
  - ✓ Responsibility of property owners to comply with all regulations

## Other regulations

- In addition to the land use contract, some properties have restrictive covenants registered on title (i.e. over height crawlspace use)
- Staff will prepare the necessary legal documents to amend or remove these as appropriate to be consistent with the proposed GFA definition.
- Staff are requesting Council authorize the Mayor and Corporate officer to execute any of these necessary legal documents for these applications.

# Policy Considerations

- Council May 2012 adopted GFA amendments
  - ✓ GFA definition amended to streamline process to legitimize existing developed spaces
    - 4 out of 6 applications will legitimize spaces
    - Remaining 2 applications are vacant lots.
- W2020 Analysis:
  - ✓ Built Environment
    - construct buildings to be efficient, durable and flexible for changing and long-term uses
  - ✓ Economic
    - local contractors, designers and suppliers benefit from being able to assist property owners to improve their homes
  - ✓ Finance
    - Fee schedule based on cost recovery so applicant pays for the cost of processing
- Proposal consistent with Council and W2020 objectives



# Policy Considerations

- OCP considerations
  - ✓ Residential area
    - Designated for accommodation development
  - ✓ “Zoning” criteria for consideration:
    - Proposal does not increase bed unit capacity
    - Served by municipal services
    - Accessible by local roads
    - Traffic volumes and patterns on Highway 99 & local roads – minimal impact
    - No impact on municipal trail system, recreation area or open spaces
    - Not in environmental designated areas
- Proposal consistent with OCP considerations

# Community Engagement

- Land Use Contract amendment Information signs posted on each property
- Proposal consistent with:
  - ✓ May 2012 Council adopted GFA amendments
  - ✓ W2020
  - ✓ OCPtherefore a Public Open House not proposed
- Public Hearing required after 2<sup>nd</sup> reading of amending bylaw

## Recommendation

- That Council consider giving first and second readings to Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014; and
- That Council authorize the Corporate Officer to schedule a public hearing regarding Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014 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.

# Questions

The background of the slide is an abstract composition. The top section is a solid green band. Below it, the main area is filled with a complex pattern of overlapping, semi-transparent geometric shapes in various shades of green, yellow, and light blue. In the upper right corner, there are several thin, white, curved lines that resemble stylized orbits or paths, some intersecting to form circular shapes.