

# WHISTLER

## AGENDA

**PUBLIC HEARING OF MUNICIPAL COUNCIL  
TUESDAY, MARCH 5, 2013 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 (Art Museum) No. 2023, 2013" (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 (Art Museum) No.  
2023, 2013

**PURPOSE OF "ZONING AMENDMENT BYLAW (ART MUSEUM) NO. 2023, 2013":**

In general terms, the purpose of the proposed Bylaw is to rezone the subject lands from RR1 (Rural Resource One) to IAM1 (Institutional Art Museum One), a new site specific institutional zone designation to permit the following uses:

- (a) art museum;
- (b) indoor and outdoor assembly;
- (c) auxiliary residential dwelling unit for employee housing;
- (d) retail sales auxiliary to an art museum use;
- (e) food and beverage preparation and storage uses auxiliary to assembly uses of art museum premises; and
- (f) recreational trails.

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**

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Report	19-Feb-13	Administrative Report to Council No. 13-014: 4330- 4340 Blackcomb Way – Audain Art Museum from the February 19, 2013 Council meeting package.
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Correspondence	6-Nov-12	Correspondence to Council from Kitty and John Chase, dated October 17, 2012, regarding the opportunity to house the Audain collection in Whistler.
Correspondence	23-Feb-13	Correspondence to Council from William Damm, dated February 23, 2013, in support of the proposed zoning for the Audain Museum.



**THE RESORT MUNICIPALITY OF WHISTLER**

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

TEL 604 932 5535  
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**NOTICE OF PUBLIC HEARING**

**Tuesday, March 5, 2013 – 6:00 p.m.**

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

**ZONING AMENDMENT BYLAW (ART MUSEUM) NO. 2023, 2013**

Notice is hereby given in accordance with the *Local Government Act* RSBC, 1996, c.323 that the Council of the Resort Municipality of Whistler will hold a Public Hearing to consider representations regarding amendments to the Resort Municipality of Whistler's "Zoning and Parking Bylaw No. 303, 1983" (Zoning Bylaw) by means of "Zoning Amendment Bylaw (Art Museum) No. 2023, 2013 (the "proposed Bylaw").

**AT THE HEARING** the public will be allowed to make representations to Council or present written submissions respecting matters contained in the proposed Bylaw and will be afforded a reasonable opportunity to be heard. Written submissions must be addressed to "Mayor and Council" and may also be submitted prior to the public hearing by:

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

**SUBJECT LANDS:** The lands, which are the subject of the proposed Bylaw, are located at 4330-4340 Blackcomb Way ("the Lands"). More specifically the Lands are described as that portion of Block D, District Lots 5028, 7641, and 7922, Group 1, NWD legally described as PID: 025-120-093 as shown outlined in heavy black line on the map attached to this notice.

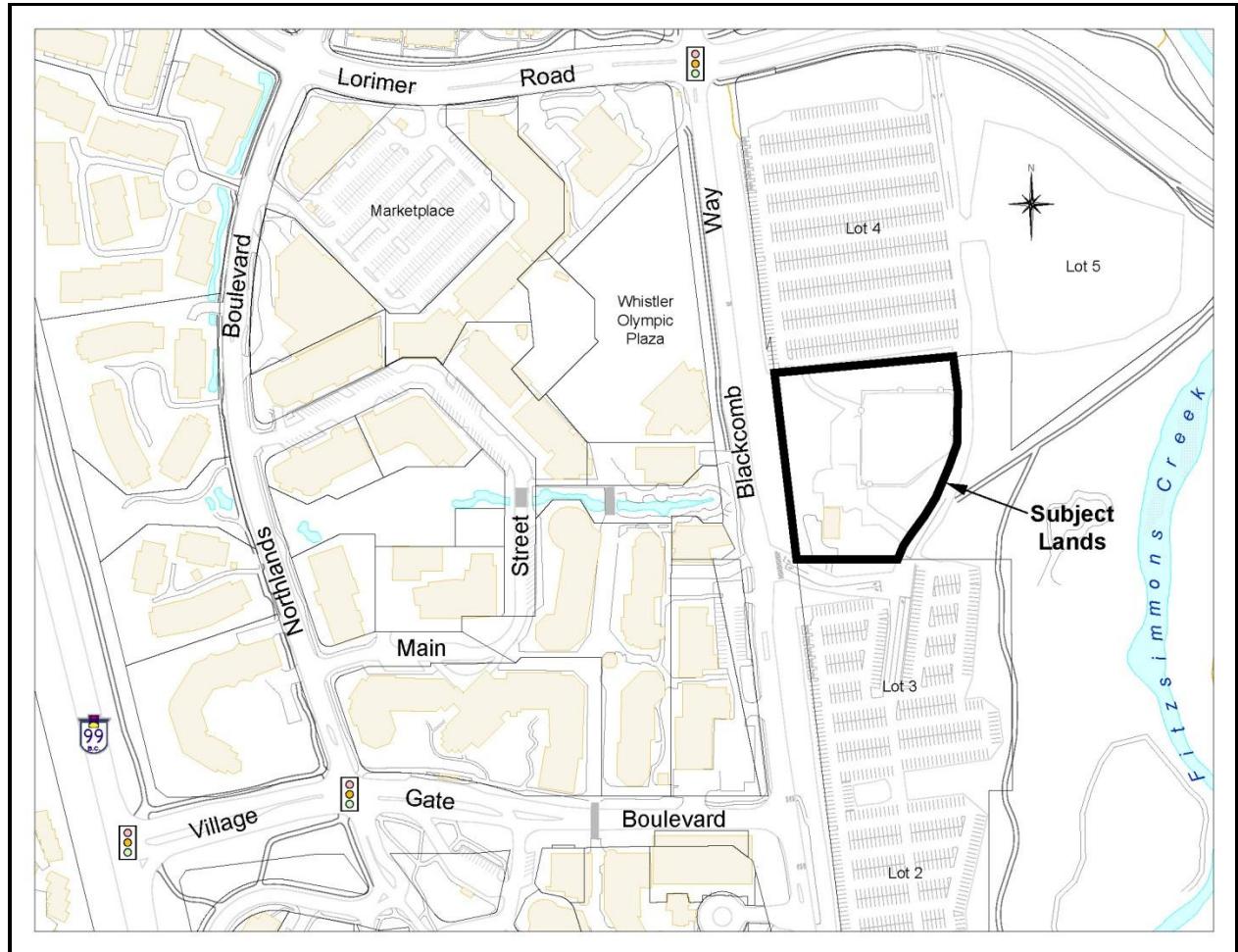
**PURPOSE OF "ZONING AMENDMENT BYLAW (ART MUSEUM) NO. 2023, 2013":** In general terms, the purpose of the proposed Bylaw is to rezone the subject lands from RR1 (Rural Resource One) to IAM1 (Institutional Art Museum One), a new site specific institutional zone designation to permit the following uses:

- (a) art museum;
- (b) indoor and outdoor assembly;
- (c) auxiliary residential dwelling unit for employee housing;
- (d) retail sales auxiliary to an art museum use;
- (e) food and beverage preparation and storage uses auxiliary to assembly uses of art museum premises; and
- (f) recreational trails.

**AND FURTHER TAKE NOTICE** that a copy of the proposed Bylaw and related documents which have been or will be considered by Council may be inspected at the Reception Desk of Municipal Hall of the Resort Municipality of Whistler located at 4325 Blackcomb Way, Whistler, British Columbia, between the hours of 8:00 a.m. and 4:30 p.m., from Monday to Friday only, from February 21, 2013 to March 5, 2013 (inclusive) (statutory holidays excluded).

Shannon Story  
Corporate Officer

**ZONING AMENDMENT BYLAW (ART MUSEUM) NO. 2023, 2013**  
**SUBJECT LANDS - 4330-4340 BLACKCOMB WAY**





**RESORT MUNICIPALITY OF WHISTLER**

**ZONING AMENDMENT BYLAW (ART MUSEUM) NO. 2023, 2013**

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

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**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 (Art Museum) No. 2023, 2013”
2. The lands which are the subject of this Bylaw are that portion of:  
  
Block D, District Lots 5028, 7641, and 7922, Group 1, NWD  
  
legally described as PID: 025-120-093  
  
as shown outlined in heavy black line on the sketch plan attached as Schedule 1 to this bylaw.
3. Zoning and Parking Bylaw No. 303, 1983 is amended by:
  - (a) Adding to Section 2 in alphabetical sequence the following definition:  
  
“art museum” means a building, place or area where paintings, sculptures or other works of art are stored, curated and exhibited;
  - (b) Adding to Section 7.1 under the heading “Institutional Zones” before “IC1” the following zone name in Column I:  
  
“IAM1”  
  
and the following zone name in Column II:  
  
“Institutional Art Museum One”
  - (c) Adding to Section 19 in sequence following the regulations for the IC2 Zone the Zoning District Schedule “IAM1 (Institutional Art Museum One)” attached as Schedule 2 to this bylaw.
  - (d) Amending Schedule “A” Zoning Map by changing to IAM1 the zoning designation of the lands outlined in heavy black line on Schedule 1.
  - (e) Adding to Schedule “A” – Legend of Zones under the heading “Institutional Zones” the following:  
  
Institutional Art Museum One (IAM1)

Given first and second reading 19<sup>th</sup> day of February, 2013.

**“Zoning Amendment Bylaw (Art Museum) No. 2023, 2013”**

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 the Council this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

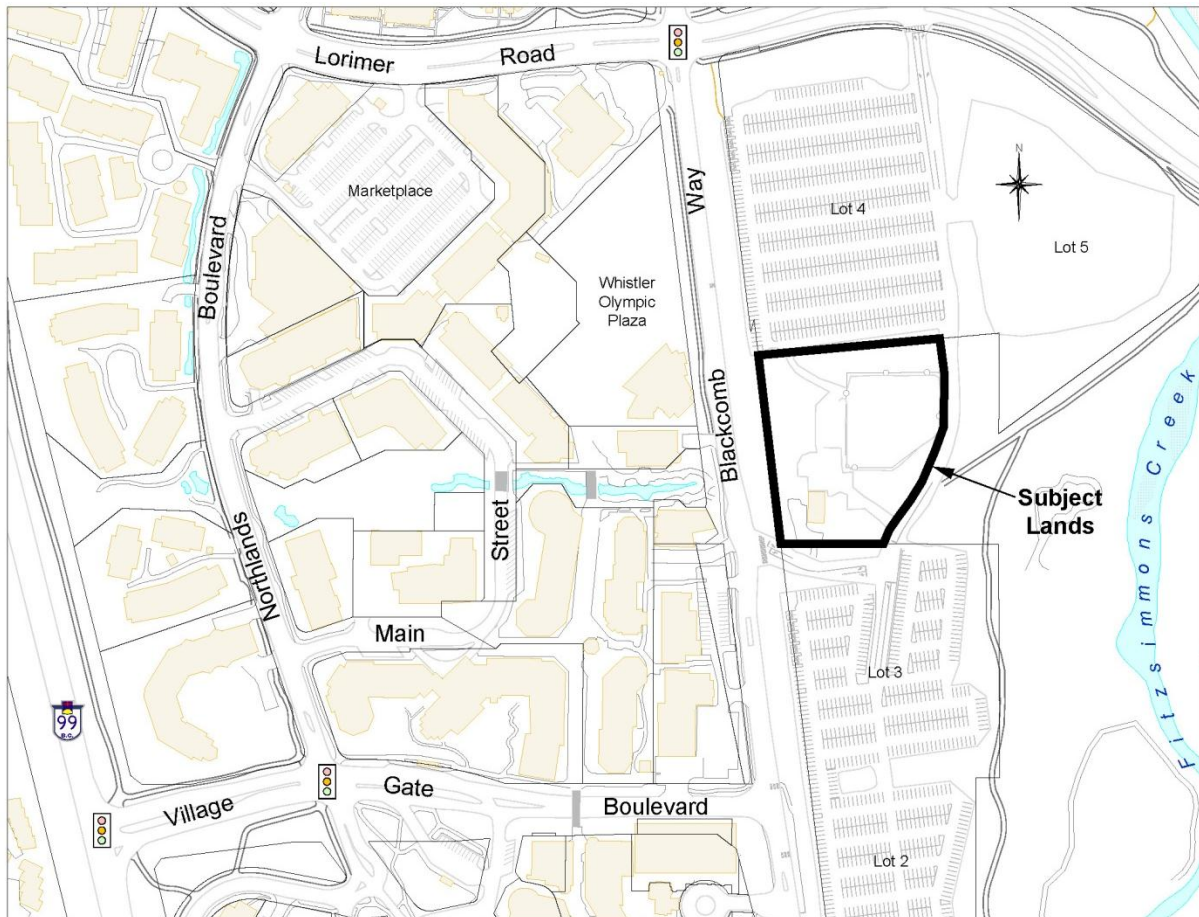
\_\_\_\_\_  
Nancy Wilhelm-Morden  
Mayor

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

I HEREBY CERTIFY that this is a true  
copy of “Zoning Amendment Bylaw (Art  
Museum) No. 2023, 2013”

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

**SCHEDULE 1**



**Subject Lands**

## **SCHEDULE 2**

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### **IAM1 (Institutional Art Museum One)**

#### **Intent**

The intent of this zone is to provide art museum and auxiliary uses.

In the IAM1 Zone:

#### **Permitted Uses**

6.1 The following uses are permitted and all other uses are prohibited:

- (a) art museum;
- (b) indoor and outdoor assembly;
- (c) auxiliary residential dwelling unit for employee housing;
- (d) retail sales auxiliary to an art museum use;
- (e) food and beverage preparation and storage uses auxiliary to assembly uses of art museum premises; and
- (f) recreational trails.

#### **Density**

- 6.2.1 The maximum permitted gross floor area of buildings and structures in the IAM1 zone is 4,000 square meters.
- 6.2.2 Not more than 80 square metres of the total permitted gross floor area may be used for retail sales auxiliary to an art museum use.
- 6.2.3 Not more than 100 square metres of the total permitted gross floor area may be used for an auxiliary residential dwelling unit for employee housing.

#### **Height**

- 6.3 The maximum permitted height of a building is 17 metres.

#### **Site Area**

- 6.4 No regulations.

#### **Site Coverage**

- 6.5 No regulations.

#### **Setbacks**

- 6.6 No regulations.

#### **Off-Street Parking and Loading**

- 6.7 Off-street parking and loading spaces would be maintained in accordance with the regulations contained in Section 6 of the Zoning Bylaw, except that a maximum of 10 parking spaces shall be provided.

**“Zoning Amendment Bylaw (Art Museum) No. 2023, 2013”**

**Other Regulations**

- 6.8 For certainty, the art museum and retail sales uses permitted in this zone do not include the retail sale of original works of art, but this limitation does not preclude such occasional de-accessioning of original works of art as ordinarily occurs in the curation of art collections.



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** January 22, 2013

**REPORT:** 13-008

**FROM:** Resort Experience

**FILE:** 8363, RZ1066

**SUBJECT:** 4330-4340 BLACKCOMB WAY - AUDAIN ART MUSEUM

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION

**That** Council directs staff to initiate a rezoning application and prepare a zoning amendment bylaw to amend the zoning of a portion of Block D, District Lots 5028, 7641 and 7922 located in Whistler Village at 4330-4340 Blackcomb Way to permit an art museum and auxiliary uses; and further,

**That** Council authorize staff to schedule a Public Open House respecting the proposed zoning amendment.

### REFERENCES

**Location:** 4330/4340 Blackcomb Way  
**Legal Description:** Block D, District Lots 5028, 7641 and 7922  
**Owners:** Resort Municipality of Whistler  
**Current Zoning:** RR1 (Rural Resource One)  
**Appendices:** "A" Location Map  
"B" Site Plan

### PURPOSE OF REPORT

This report describes the proposed rezoning of municipally owned lands situated in Whistler Village between Day Lots 3 and 4 for an art museum and requests Councils' authorization for staff to initiate a rezoning application, prepare a zoning amendment bylaw to rezone the property to permit an art museum and auxiliary uses, and to schedule a Public Open House respecting the proposed rezoning.

### DISCUSSION

#### Background

In September 2012 the municipality was approached by representatives of Michael Audain to consider accommodating the development and operation of an art museum in Whistler to house a significant collection of Northwest and other art. The art collection would include some of the Audain private art collection, which includes an important collection of indigenous and contemporary North West art, including a large group of Emily Carr works. The Audain art collection was a major exhibition at the Vancouver Art Gallery in 2011.

Staff investigated possible development sites in and around Whistler Village to accommodate the preliminary program which included:

January 22, 2013

- Minimum site area 2.5 hectares, preferably larger
- Surrounded by coniferous trees or be suitable for such landscaping
- Close to public transit and urban amenities (i.e. not only accessible by private car)
- Adequate parking on-site or close-by for private vehicles and coaches
- Geotechnical conditions that permit basement construction
- Accommodation of a building of approximately 25,000 sq. ft. of interior space, plus useable basement
- Suitable access for specialized service vehicles.

The site between Day Lots 3 and 4 across from Millennium Place in Whistler Village (see Appendix A) was felt best satisfied the program criteria.

The 1.22 hectare site is part of an 11.9 hectare parcel of land that is owned by the municipality. The site has been used as a horse stable, propane gas storage facility, vehicle impound yard, and currently houses the municipality's Village Operations shop. The municipality once envisioned the site to be developed as a park that would link Village Park East to the Lost Lake Park system and provide a location for a small amphitheatre for live performance and modest outdoor skating rink, amenities now provided in Whistler Olympic Plaza.

The site is located near other cultural facilities including Whistler Olympic Plaza, Millennium Place, the Squamish Lil'wat Cultural Centre and the Whistler Public Library and Museum. It is bordered by Day Lots 3 and 4 on the north and south, Blackcomb Way on the west and the Day Lot connector road on the east. It is suitable to accommodate a 25,000 square foot museum and provide park-like surroundings for outdoor art and sculpture.

The site is currently zoned Rural Resource One (RR1), permitting a variety of uses, however, institutional, museum or art gallery are not among those permitted and in order to develop the site in the manner proposed, the lands must be rezoned. As the land is owned by the municipality, it is proposed that the municipality initiate the rezoning.

### **Memorandum of Understanding**

The Audain Art Museum (AAM) and the municipality have worked through relevant considerations including, land tenure/lease, building program, site development responsibilities, operating obligations and financial considerations, and reached agreement on the contents of a memorandum of understanding (MOU) to establish some of the terms for the project to move forward. At the Closed Council Meeting of December 18, 2012, Council authorized the municipality to enter into a MOU with the AAM and this MOU was signed at the Regular Meeting of Council of December 18, 2012.

### **Rezoning Proposal**

It is proposed that a site specific zone be applied to the museum site to include institutional, museum or art gallery as permitted uses and auxiliary uses including a gift shop, café and caretaker suite. It is anticipated the zone will have a maximum gross floor area limit for each use, to ensure the ancillary uses remain ancillary.

The facility program continues to evolve and is under development by the AAM team. The project and program directions include the following:

- The museum will provide public access to the facility
- The museum will contain a resident caretaker suite, gift shop and cafe
- The museum will be designed in such way as to be able to host events, receptions which will add to the cultural venues currently available in Whistler
- Minimal parking will be provide on site
- Trail access will be provided through the site connecting day lots 3 and 4 and the Village to Fitzsimmons Creek Trail



A conceptual site plan is attached to this report as Appendix B.

## ADP Review

The rezoning proposal will be submitted to the Advisory Design Panel for review on January 30, 2013 prior to Council consideration of the proposed amending bylaws.

## WHISTLER 2020 ANALYSIS

Overall, the proposal supports the Whistler 2020 strategies of arts, culture and heritage, economic finance, partnership visitor experience, built environment and energy.

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Arts, Culture and Heritage	Arts, cultural and heritage opportunities attract visitors and contribute to the experience and local economy.	Rezoning to permit a public art museum is consistent with opportunities identified in Whistler's Cultural Tourism Strategy to build a purpose built public art museum to support Whistler's cultural tourism development by strengthening Whistler's tourism economy, attracting visitors and enhancing the Whistler experience.
	Whistler is renowned for world-class arts, cultural and heritage opportunities and has become a magnet for international artists who come here to perform, create, teach and be inspired.	
Economic	Whistler has a diversified and year-round tourism economy.	
	Whistler proactively seizes economic opportunities that are compatible with tourism.	
Finance	Whistler has a healthy economy that generates revenue to contribute to the resort's funding base.	The RMOW and Audain Art Museum are working together to optimize this investment opportunity.
	Resort community partners work together to identify shared spending priorities, share resources, and leverage funds and financing opportunities.	
Partnership	Decisions consider the community's values as well as short and long-term social, economic and environmental consequences.	
Visitor Experience	The resort community's authentic sense of place and engaging, innovative and renewed offerings attract visitors time and time again.	The rezoning will enable a new tourism opportunity supported by Whistler's Cultural Tourism Strategy.
Built Environment	The built environment is attractive and vibrant, reflecting the resort community's character, protecting viewscapes and evoking a dynamic sense of place.	This will be ensured through the DP process.
	To maintain vibrancy, Whistler Village is the core of the resort community.	The rezoning will further support Whistler Village as the core of the community.
	Limits to growth are understood and respected.	It is anticipated the zone will have a maximum gross floor area limit for each use, to ensure the ancillary uses remain ancillary.

Energy	Energy is...used efficiently through market transformation, design, and appropriate end use.	Green building commitments that meet the Green Building Policy will be a condition of adoption of the zoning amendment bylaw.
	The energy system is continuously moving towards a state whereby a build-up of emissions and waste into air, land and water is eliminated.	
<b>W2020 Strategy</b>	<b>AWAY FROM Descriptions of success that resolution moves away from</b>	<b>Mitigation Strategies and Comments</b>
Finance	The resort community effectively and efficiently balances its costs and expenditures.	It is anticipated that any short-term costs by the municipality to realize the development will be result in a long-term economic benefits to the resort community.

## OTHER POLICY CONSIDERATIONS

### Official Community Plan

Whistler's OCP outlines specific items for review with respect to rezoning applications. A brief summary follows:

**Table 1: 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 project will provide clear and substantial benefits to the resort and is not anticipated to cause unacceptable impacts. The creation of an art museum is consistent with long-term plans to build arts and culture to expand Whistler's visitor base and complement the core recreation experiences. One of the opportunities identified in the Whistler Cultural Tourism Development Strategy is to develop a purpose built public art museum to meet future community needs and to support Whistler's cultural tourism development. The Audain Art Museum is an opportunity to make this a reality as an external party is coming forward to invest in the development and operation of the facility.
Capable of being served by Municipal water, sewer and fire protection services.	Yes.
Accessible via the local road system.	Yes.
Environmental Impact Assessment/Initial Environmental Review	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.	Further study is required. A statement and rationale of how parking and traffic is to be addressed has been requested of the Audain Art Museum.
Overall patterns of development of the community and resort	Consistent with the OCP Policy 4.5.3 - Cultural facilities should be located primarily in the Whistler Village, Blackcomb and Whistler Creek areas, and in conjunction with other community facilities
Municipal Finance	Supports visitation, room nights and hotel tax. Refer to the Budget Considerations section of this report for more details.
Views and Scenery	The proposed location of the building mass is not expected to negatively affect views and scenery.

Existing Community and Recreation Facilities	Trail access will be provided through the site connecting day lots 3 and 4 and the Village to Fitzsimmons Creek Trail.
Employee Housing	Employee works and service charges are not payable.
Heritage Resources	n/a
The project must exhibit high standards of design, landscaping and environmental sensitivity.	This is a desire of the applicant and will be ensured through the development permit process.
The project will not negatively affect surrounding areas by generating excessive noise or odours.	No negative effects are anticipated.
The project maintains high standards of quality and appearance.	This is proposed by the applicant and will be ensured through the development permit process.
No development will be approved if it would negatively impact a designated Municipal trail system, recreation area, or open space.	Trail access will be provided through the site connecting day lots 3 and 4 and the Village to Fitzsimmons Creek Trail.

Given the timing of the proposed development, with respect to the adoption of the OCP update, it is recommended the proposed rezoning also be reviewed with respect to the proposed directions of the OCP update.

### **OCP Development Permit Area Guidelines**

The site is located within a Development Permit Area of Whistler's OCP, requiring the proposed development to obtain a Development Permit and approval from Council. The development will either be subject to the current OCP Development Permit Area #1 guidelines or the OCP Update Development Permit Area guidelines for Aquifer Protection and Whistler Village.

### **Green Building Policy**

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

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

The Municipality's Green Building Policy has six broad green building objectives, as well as performance goals by building type. For institutional development, the 2012 performance goal is LEED Gold, or 50% better than MNECB (Model National Energy Code for Buildings).

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

## **Whistler Sustainable Retail Study**

The Whistler Sustainable Retail Study Findings and Recommendations prepared by Thomas Consultants Inc. dated February 2007 recommends no new retail space additions until such time that the retail strength and viability of the resort is stabilized and solidified. The proposed retail gift shop is auxiliary to the museum use and it is proposed that the zoning will have a maximum size limit for this auxiliary retail use.

## **Legal Considerations**

The land was purchased for a nominal fee from the Crown on August 14, 2001 with a reverter registered on title to ensure its continued use for “Park Purposes”. The municipality has received confirmation from the Province that the proposed use on site for a public art gallery/ museum is generally consistent with the spirit and intent of the Sponsored Crown Grant, and the Province’s Community and Institutional Use Policy.

A memorandum of understanding was signed on December 18, 2012 between the Audain Art Museum (AAM) and the municipality to establish some of the terms for the project to move forward.

It is proposed that the municipality will enter into a 199-year lease for the land with the not-for-profit organization that will be operating the proposed art museum.

## **BUDGET CONSIDERATIONS**

It is proposed that the municipality will lease the land for \$1.00 for a term of 199 years to a not-for profit organization that will be operating the proposed art museum.

Under the Works and Service Bylaws, the municipality is exempt from works and service charges for lands it owns and controls. The municipality will continue to be the registered owner of the site and will control its use through the proposed lease agreement. Works and service charges are therefore not applicable to this proposed development.

As the municipality is initiating the rezoning, rezoning application and processing fees do not apply. All costs associated with staff time for the rezoning application will come from municipal operating budgets. Any third party disbursements (eg. notices, legal fees) associated with the rezoning will be paid by the Audain Art Museum.

## **COMMUNITY ENGAGEMENT AND CONSULTATION**

Audain Art Museum representatives have met with a number of Whistler stakeholder organizations in their project planning and continue to engage the municipality, Whistler Arts Council and the Squamish Lil’wat Cultural Centre in ongoing developments.

An open house was held December 4, 2012 to provide the community with an overview of the project and meet project representatives.

The required rezoning application site information sign has been posted on the property.

Consistent with municipal procedures for rezoning applications, a public open house with respect to the zoning amendment is scheduled for January 30, 2013. The open house will be advertised in the local newspapers. The proposed zoning amendment bylaw will be subject to a public hearing adhering to statutory public notice requirements.

## **SUMMARY**

This report describes the proposed rezoning of a municipally owned land situated between day lots 3 and 4 for an art gallery/museum and requests Councils’ authorization for staff to initiate a rezoning application, prepare a zoning amendment bylaw to rezone the property to permit an art

January 22, 2013

museum and auxiliary uses, and to schedule a Public Open House respecting the proposed rezoning.

Respectfully submitted,

Melissa Laidlaw

PLANNER

for

Jan Jansen

GENERAL MANAGER, RESORT EXPERIENCE

[illegible]



## APPENDIX B SITE PLAN





# RZ 1066

## 4330/4340 Blackcomb Way

### Audain Art Museum

Council Presentation  
January 22, 2013



#### RESORT MUNICIPALITY OF WHISTLER

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

**TEL** 604 932 5535

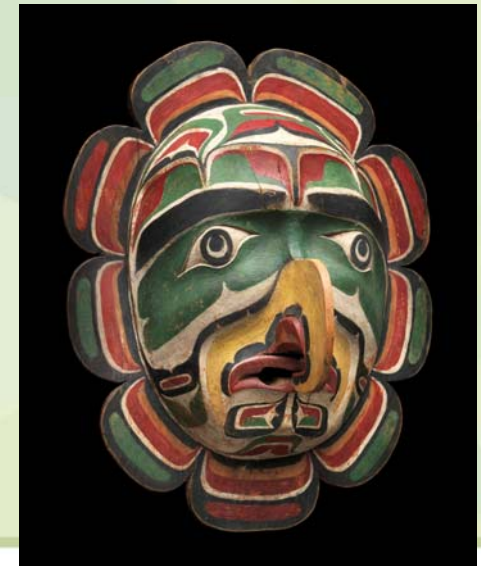
**TF** 1 866 932 5535

**FAX** 604 935 8109



# Background

- RMOW approached to consider opportunity for a legacy art museum to house Audain private collection
- Significant opportunity to further Whistler's arts & cultural development



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**FAX** 604 935 8109



# Site Criteria

- Minimum site area 2.5 ha
- Surrounded by coniferous trees or suitable for such landscaping
- Close to public transit and urban amenities (i.e. not only accessible by private car)
- Adequate parking on-site or close-by for private vehicles & coaches
- Geotechnical conditions that permit basement construction
- Accommodation of a building of approximately 25,000 sq. ft. of interior space, plus useable basement
- Suitable access for specialized service vehicles.

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# Subject Lands



- Located between Day Lots 3 & 4
- 1.22 ha
- Owned by RMOW
- Significant coniferous trees; park-like
- Located near other cultural facilities
- Suitable to accommodate museum

## RESORT MUNICIPALITY OF WHISTLER

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# Rezoning Proposal

- Site specific institutional zone
- Permitted Uses: art museum
- Auxiliary Uses: gift shop, café, caretaker suite, events and receptions
- Maximum gfa for each use
- Zone specific parking + loading

## 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





# Site Context



## RESORT MUNICIPALITY OF WHISTLER

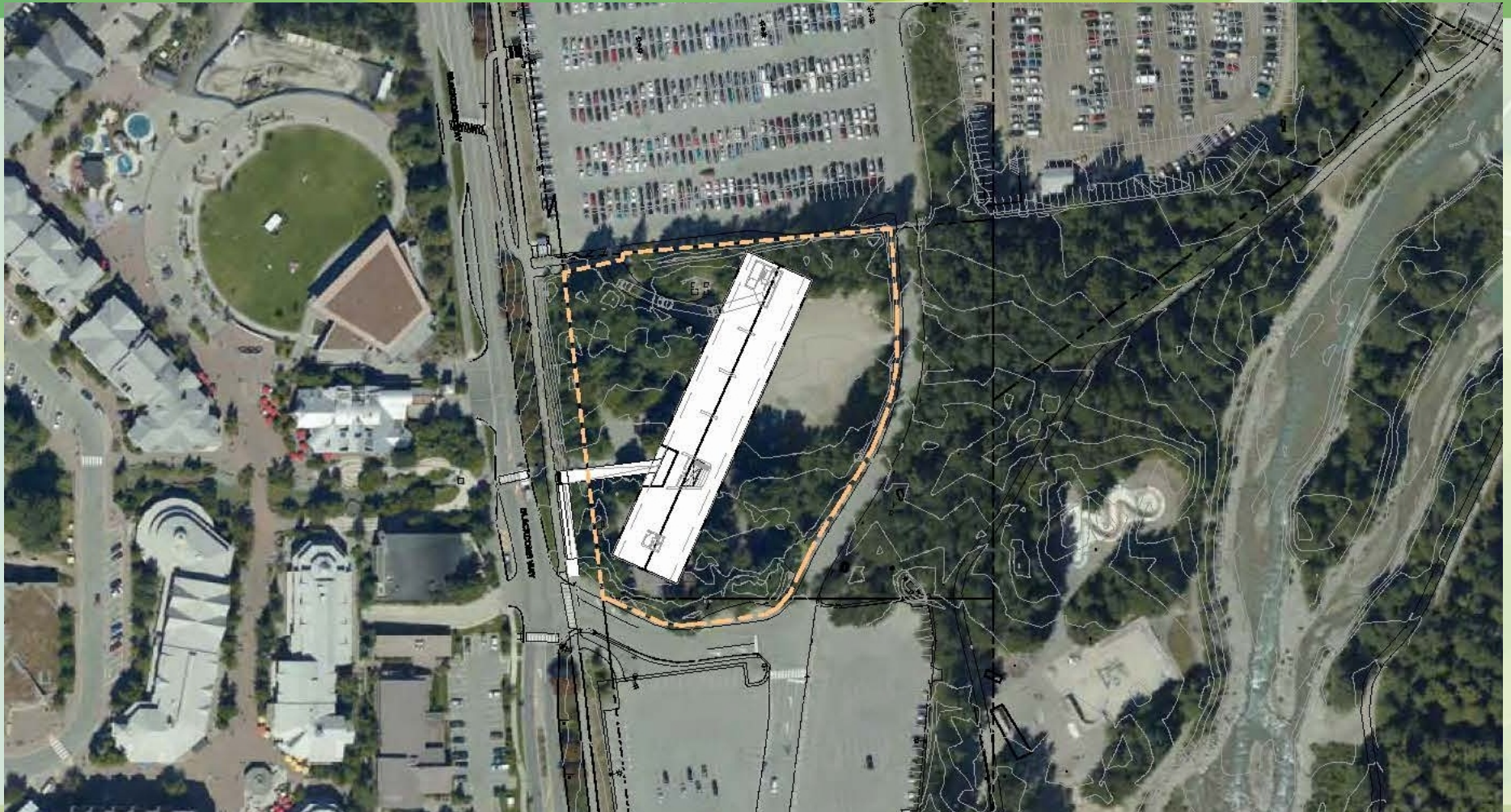
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# Site Concept



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# Planning + Policy Review

## OCP Considerations

- Growth management
- Overall patterns of development
- Traffic volumes
- Municipal finance
- Views + scenery

### RESORT MUNICIPALITY OF WHISTLER

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# Planning + Policy Review

## OCP Considerations cont.

- Existing community + recreation facilities
- Employee Housing
- High standard of design
- No negative impact to trails + open space

### RESORT MUNICIPALITY OF WHISTLER

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# Planning + Policy Review

## OCP Update

*Objective 7.8.1* Support programs, partnerships & venues for furthering Whistler's arts, culture & heritage sectors.

*Policy 7.8.1.2* Promote arts, culture & heritage programming & venues to enhance tourism & recreational uses.

### RESORT MUNICIPALITY OF WHISTLER

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# Planning + Policy Review

## OCP Update

*Objective 7.8.2* Increase opportunities for education, participation & enjoyment of arts, culture & heritage for residents & visitors.

*Policy 7.8.2.1* Support non-profit & private-sector efforts to increase arts, culture & heritage opportunities.

### RESORT MUNICIPALITY OF WHISTLER

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# Planning + Policy Review

## OCP Update

*Policy 3.2.1.4* Support land uses & development that contribute to a diversified tourism economy compatible with Whistler's resort community character & values.

*Policy 3.2.1.5* Respect & reinforce Whistler's single Town Centre concept.

### RESORT MUNICIPALITY OF WHISTLER

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# Planning + Policy Review

- Green Building Policy
- Whistler Sustainable Retail Study
- Legal Considerations
- Budget Considerations
- W2020

## RESORT MUNICIPALITY OF WHISTLER

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# Community Engagement

- RA sign posted
- Public Open House ads in Jan. 24 editions of Pique + Question
- **Public Open House - Jan. 30, 2013, 4:30 – 6:30 pm, MY Place**
- Public Hearing after 2<sup>nd</sup> reading

## RESORT MUNICIPALITY OF WHISTLER

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# Recommendation

**That** Council directs staff to initiate a rezoning application and prepare a zoning amendment bylaw to amend the zoning of a portion of Block D, District Lots 5028, 7641 and 7922 located in Whistler Village at 4330-4340 Blackcomb Way to permit an art museum and auxiliary uses.

**That** Council authorize staff to schedule a Public Open House respecting the proposed zoning amendment.

## RESORT MUNICIPALITY OF WHISTLER

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## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** February 19, 2013

**REPORT:** 13-014

**FROM:** Resort Experience

**FILE:** 8363, RZ1066,  
Bylaw 2023

**SUBJECT:** 4330-4340 BLACKCOMB WAY - AUDAIN ART MUSEUM

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION

**That** Council considers giving first and second readings to Zoning Amendment Bylaw (Art Museum) No. 2023, 2013;

**That** Council authorizes the Mayor and Corporate Officer to schedule a public hearing for Zoning Amendment Bylaw (Art Museum) No. 2023, 2013 and to advertise for same in the local newspaper;

**That** before consideration of adoption of Zoning Amendment Bylaw (Art Museum) No. 2023, 2013, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience and the General Manager of Infrastructure Services:

1. Registration of a Section 219 covenant in favour of the Resort Municipality of Whistler to:
  - a) require that all excavation and soil removal activities be performed in accordance with the recommendations of an environmental professional with experience in Contaminated Site Remediation, with that professional being a member of the Roster of Approved Professionals appointed by the Director of Waste Management;
  - b) establish floodproofing conditions recommended by a qualified professional to ensure the lands are safe for the use intended;
  - c) ensure that the proposed development is consistent with the Green Building Project Checklist and with the objectives and goals of the municipality's Green Building Policy G-23;
  - d) require a project completion report detailing the implementation of the green building practices; and further,

**That** Council authorizes the Mayor and Corporate Officer to sign the aforementioned legal document.

### REFERENCES

<b>Location:</b>	4330-4340 Blackcomb Way
<b>Legal Description:</b>	Block D, District Lots 5028, 7641 and 7922
<b>Owners:</b>	Resort Municipality of Whistler
<b>Current Zoning:</b>	RR1 (Rural Resource One)
<b>Appendices:</b>	"A" Location Map "B" Architectural Plans "C" Draft Advisory Design Panel Minutes January 30, 2013 "D" Public Open House comment forms

## **PURPOSE OF REPORT**

This report describes the proposed rezoning of municipally owned lands situated in Whistler Village between Day Lots 3 and 4 for an art museum and specified auxiliary uses and seeks Council's consideration of first and second readings for Zoning Amendment Bylaw (Art Museum) No. 2023, 2013.

## **DISCUSSION**

### **Background**

In September 2012 the municipality was approached by representatives of Mr. Michael Audain to consider accommodating the development and operation of an art museum in Whistler to house a significant collection of Northwest and other art. Realizing this as a significant opportunity to further Whistler's arts and cultural development, staff investigated possible development sites in and around Whistler Village to accommodate the preliminary art museum program. It was determined that the site located at 4330-4340 Blackcomb Way, between Day Lots 3 and 4 across from Millennium Place in Whistler Village (see Appendix A) best satisfied the preliminary museum program.

The subject lands are currently zoned Rural Resource One (RR1), permitting a variety of uses, however, art museum is not a permitted use. In order to develop the subject lands in the manner proposed, the lands require rezoning.

The proposed rezoning was presented to Council on January 22, 2013 and a complete description and analysis of such is presented in Administrative Report to Council No. 13-008.

On January 22, 2013, Council endorsed the following resolution:

“That Council direct staff to initiate a rezoning application and prepare a zoning amendment bylaw to amend the zoning of a portion of Block D, District Lots 5028, 7641 and 7922 located in Whistler Village at 4330-4340 Blackcomb Way to permit an art museum and auxiliary uses; and further,

That Council authorize staff to schedule a Public Open House respecting the proposed zoning amendment.

CARRIED”

This report presents the zoning amendment bylaw for Council consideration of first and second reading.

### **Description of Proposed Development**

The development plans for the site propose one 3-storey art museum building, totalling approximately 3,647 square metres (39,260 sq. ft.) of gross floor area, of which there is approximately 1,237 square metres (13,300 sq. ft.) of art exhibition space.

A reception lobby, gift shop, education space, permanent collection exhibition space, temporary exhibit space and service rooms are located on the main level. A caretaker suite, administration spaces, tea room, back-of-house gallery support and services spaces are located on the upper level. Shipping/receiving, covered loading bay, storage and service entries are located on the lower level. The proposed gross floor area by use is summarized in Appendix B.

Other uses on the site include an outdoor sculpture garden and public pedestrian access trails connecting Village Park and the valley trail along Fitzsimmons Creek and Day Lots 3 and 4.

Ten staff parking spaces for staff and caretaker use and one loading space are proposed on-site. A bus lay-by is proposed along Blackcomb Way near the entrance to the site.

The architectural plans and landscape concept are attached as Appendix B.

### **Zoning Amendment Bylaw (Art Museum) No. 2023, 2013**

The zoning amendment bylaw proposes to change the zoning designation of the subject lands from RR1 (Rural Resource One) to IAM1 (Institutional Art Museum One), a new site specific institutional zone designation.

The permitted uses of the IAM1 zone would be:

- (a) art museum;
- (b) indoor and outdoor assembly;
- (c) auxiliary residential dwelling unit for employee housing;
- (d) retail sales auxiliary to an art museum use;
- (e) food and beverage preparation and storage uses auxiliary to assembly uses of art museum premises; and
- (f) recreational trails.

The zoning amendment bylaw defines art museum as a building, place or area where paintings, sculptures or other works of art are stored, curated and exhibited. For certainty, the art museum and retail sales uses permitted in this zone do not include the retail sale of original works of art, but this limitation does not preclude such occasional de-accessioning of original works of art as ordinarily occurs in the curation of art collections.

The maximum permitted gross floor area of all buildings and structures in the IAM1 zone would be 4,000 square metres (43,000 sq. ft.), of which not more than 80 square metres may be used for auxiliary retail sales purposes and 100 square metres for an auxiliary residential dwelling unit for employee housing. The maximum gross floors areas specified in the IAM1 zone would allow an approximate ten percent buffer over the gross floor areas specified in the architectural plans submitted for rezoning.

There are no floor space ratio (fsr) regulations. Using the site area, which is smaller than the parcel area, the fsr is approximately 0.3. For comparison, the maximum fsr in the CC1 Zone of Whistler Village is 3.5, although the actual built fsr ranges from 0.61 to 3.5.

The maximum permitted height of the building would be 17 metres, which is lower in height than the mature trees on the site. The concept design shows a height of 14 metres.

Off-street parking and loading spaces would be maintained in accordance with the regulations contained in Section 6 of the Zoning Bylaw, except that a maximum of 10 parking spaces shall be provided on-site. Refer to the Other Policy Considerations section of this report for parking rationale.

There would be no site area, site coverage or setback regulations.

Zoning Amendment Bylaw (Art Museum) No. 2023, 2013 forms part of the February 19, 2013 Council Package.

### **ADP Review**

The Advisory Design Panel reviewed the rezoning/development permit schematic design concept on January 30, 2013 and was supportive of the siting and conceptual design direction for the proposed museum. The Panel commented on certain circulation and design components which will be addressed at the development permit phase.

The draft minutes of the Advisory Design Panel are attached as Appendix C.

## WHISTLER 2020 ANALYSIS

An analysis of the applicable Whistler 2020 strategies and descriptions of success is contained in Administrative Report to Council No. 13-008. Overall, the rezoning supports the Whistler 2020 strategies of arts, culture and heritage, economic, finance, partnership visitor experience, built environment and energy.

## OTHER POLICY CONSIDERATIONS

### Current 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. 13-008. At that time, traffic and parking required further review. Traffic and parking is addressed below.

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

OCP Criteria	Comments
Traffic volumes and patterns on Highway 99 and the local road system.	No significant increase in traffic volumes. Refer to the Other Policy Considerations section of this report for parking rationale.

### Updated Official Community Plan

Given the timing of the rezoning application with respect to the adoption of the updated OCP, the rezoning has also been reviewed with respect to policy contained in the updated OCP. The rezoning supports key objectives and policies contained within the growth management, land use and development, quality of life, and climate action and energy chapters of the updated OCP.

Objective/Policy	Comments
Policy 3.1.1.2 – Contain Whistler's urban development within the boundary of the Whistler Urban Development Containment Area.	The subject lands are within the boundary of the Whistler Urban Development Containment Area.
Policy 3.2.1.3 – Minimize land disturbance and conversion of remaining undisturbed natural areas to development.	The proposal supports this policy.
Policy 3.2.1.4 - Support land uses and development that contribute to a diversified tourism economy compatible with Whistler's resort community character & values.	Rezoning to permit a public art museum is consistent with opportunities identified in Whistler's Cultural Tourism Strategy to build a purpose built public art museum to support Whistler's cultural tourism development by strengthening Whistler's tourism economy, attracting visitors and enhancing the Whistler experience.
Policy 3.2.1.5 - Respect and reinforce Whistler's single Town Centre concept.	The subject lands are in Whistler Village.
Objective 3.2.2 – Protect human safety and property from natural hazards.	The proponent has confirmed that the site can be safely used for the use intended and the development will have no material effect on the existing diking system. The recommended condition of adoption of the zoning amendment related to floodproofing is to ensure compliance with any floodproofing conditions recommended by a qualified professional.
Policy 3.3.1.1 – Designate the general land uses that are supported by this OCP for each parcel of land within the municipal boundaries as shown on Schedule A Whistler Land Use Map.	The proposed uses are consistent with the Core Commercial land use designation.

Objective 7.8.1 - Support programs, partnerships & venues for furthering Whistler's arts, culture & heritage sectors.	The rezoning supports this objective.
Objective 7.8.2 - Increase opportunities for education, participation & enjoyment of arts, culture & heritage for residents & visitors.	The rezoning supports this objective.
Policy 7.8.2.1 - Support non-profit & private-sector efforts to increase arts, culture & heritage opportunities.	The rezoning supports this policy.
Objective 8.1.1 – Make energy conservation the core strategy and highest priority for achieving our GHG emission reduction goals.	The recommended condition of adoption of the zoning amendment related to green buildings is consistent with the municipality's Green Building Policy.
Policy 8.1.1.1 – Apply the RMOW Green Building Policy to support our community-wide commitment to GHG reduction and energy performance.	

### Zoning and Parking Bylaw – Parking and Loading Regulations

The Audain Art Museum projects the anticipated visitors to the museum and employees as follows:

Projected annual visitors		Local	School groups	Tourists	Daily
Year one	45,000	9,000	2,250	33,750	145
Year two	39,000	5,850	1,950	31,200	125
Year three	40,000	4,000	2,000	34,000	128

It is anticipated that many of the tourists will be resort guests. In addition to visitors, 11 employees are anticipated with 7 working on-site at any given time, plus volunteers.

Typically Table 6-A of the Zoning Bylaw is utilized to determine minimum parking and loading space requirements for each use of a site. Per Table 6-A, the proposed development would generate the requirement for 69 parking spaces and 1 loading space on the same parcel as the building or use for which they are required.

The 2006 Bunt & Associates Parking Report, prepared for the municipality for the development of the adjacent Lots 1 and 9 for a Community Ice Venue, Commercial and Community Services/Institutional uses, identifies that in most communities, 500 metres is considered the limit for convenient walking distance; however, in Whistler, locals and visitors regularly walk distances up to 1,000 m to access the Village area and the ski lifts. Within these two threshold limits, upwards of 4,500 public, non-reserved stalls are within convenient walking distance to the museum site. The Bunt & Associates Parking Report identified that the patrons of Lots 1 and 9 could rely on the shared public parking supply within convenient walking distance of the site, however recommended that employee parking be provided on-site. The same rationale has been used for the museum site and Zoning Amendment Bylaw (Art Museum) No. 2023, 2013 specifies that off-street parking and loading spaces would be maintained in accordance with the regulations contained in Section 6 of the Zoning Bylaw, except that a maximum of 10 parking spaces shall be provided on-site.

### Legal Considerations

The recommended condition of adoption of the zoning amendment bylaw related to registration of a Section 219 covenant on title of the property is a standard practice. A covenant is an agreement between the municipality and the owner of the lands, so in this case the municipality will be entering



into an agreement with themselves. It is proposed that the municipality will enter into a lease for the land with the not-for-profit organization that will be developing and operating the museum. A condition of the lease agreement will be that the tenant agrees to comply with all terms set out in the covenant.

Section 3(2) of the Contaminated Sites Regulation identifies that when a municipality is undertaking a rezoning of property in which it has an ownership interest, the municipality must provide a site profile to the provincial director no later than 15 days after giving first reading to the applicable bylaw. The site profile will be completed by the General Manager of Infrastructure Services or General Manager of Resort Experience and submitted to the provincial director within the allocated timeframe.

Further legal considerations are contained in Report No. 13-008.

### **BUDGET CONSIDERATIONS**

Budget considerations are contained in Report No. 13-008.

### **COMMUNITY ENGAGEMENT AND CONSULTATION**

The required rezoning application site information sign has been posted on the property.

A Public Open House was held on 30, 2013. The Public Open House was advertised in the local newspapers. The purpose of the Public Open House was to inform the public of rezoning application RZ1066 and to solicit comment from the public prior to bringing forward a zoning amendment bylaw for Council consideration

The Public Open House was attended by approximately 50 members of the public, 12 of which signed the Public Open House attendance sheet. Two comment forms were filled out (attached as Appendix D), both in support of the rezoning.

Zoning Amendment Bylaw (Art Museum) No. 2023, 2013 will be subject to a public hearing adhering to statutory public notice requirements.

### **SUMMARY**

This report presents Zoning Amendment Bylaw (Art Museum) No. 2023, 2013 for Council consideration of first and second reading and identifies conditions for the applicant to address prior to consideration of adoption of the bylaw.

Respectfully submitted,

Melissa Laidlaw  
PLANNER  
for  
Jan Jansen  
GENERAL MANAGER, RESORT EXPERIENCE

## APPENDIX A LOCATION MAP







**Audain Art Museum**

Whistler, BC  
Patkau Architects

Context  
1:3000  
reference:  
Issued: 2013.01.30







## SITE CONTEXT

AUDAIN ART MUSEUM 2013.01.30



PHILLIPS-FAREVAAG-SMALLENBERG  
PLANNING • URBAN DESIGN • LANDSCAPE ARCHITECTURE

TOM BARRATT LTD.  
Landscape Architects



## LEGEND

-  EXISTING CONIFEROUS TREE
-  EXISTING DECIDUOUS TREE
-  RECOMMENDED FOR REMOVAL
-  REMOVED
-  HERITAGE STUMP
-  10' BUILDING OFFSET

\* Reference: Arboricultural Assessment Report: Proposed Audain Art Museum  
Prepared by Michael J Mills Consulting, November 7, 2012



## TREE CONDITION DIAGRAM

AUDAIN ART MUSEUM 2013.01.30



PHILLIPS-FAREVAAG-SMALLENBERG  
PLANNING • URBAN DESIGN • LANDSCAPE ARCHITECTURE

TOM BARRATT LTD.  
Landscape Architects



#### PARKING / SERVICE

- Minimize presence and foot print
- Servicing/Parking/Loading Plan to be developed

- Access from north parking lot

#### PERIMETER FOREST ZONE

- Forest as context for the Museum
- Protect and enhance existing forest
  - Long term succession strategy for conifer forest
  - Remove forest debris (fire hazard)
- Consider view sheds

#### INFILL PERIMETER FOREST

- Screen road, parking and service areas

#### PEDESTRIAN CONNECTION

- Connect Village Stroll to AAM and Fitzsimmons Creek trails
- Sequence of experiences:
  - Strong sense of arrival at Blackcomb Way
  - The bridge through the forest
  - Under building, building entry, steps, amphitheatre, building lots
  - Meadow
  - Sculpture – art in landscape
  - Trail connection to Fitzsimmons/ arrival
- Pedestrian only thru site

#### WAYFINDING

- Provide building presence from The Stroll, and Blackcomb Way
- Light, signage, art and architecture
- Sense of invitation
- Glimpses to building

#### DROP OFF

- Provide drop off along Blackcomb Way with disabled access
- Final location to be determined with RMOW

#### CYCLIST CONNECTION

- Cyclists at perimeter to south within landscape edge adjacent to roadway
- 2 meter wide trail

#### BUS SHUTTLE / LANDSCAPE ENHANCEMENT

- Redefine bus shuttle parking to bus shuttle stop only along roadway
- Landscape enhancements to be controlled by AAM legal mechanism to be determined

#### SNOW STOCKPILE ZONES

#### TREE PROTECTION AREA

- Work with RMOW to provide mechanism to ensure tree protection area east of Connector Road

#### MEADOW

- Open area (clearing in forest) for sculpture garden
- Ground cover, pebble surfaces
- Stepping stone slab pathways, places to occupy
- Defined at edges by forest
- Carries through under buildings as open space

#### SCULPTURE GARDEN

- Integrated throughout the site (forest and meadow)
- Open public access
- Prepare strategies for flood conditions
  - 2.5 clearance
  - Temporary vs permanent
  - Commissioned works would consider flood requirements
  - Possible replacement/insurance issues
  - Work with the artist to integrate works to the site (site specific response)

#### FITZSIMMONS TRAILHEAD

- Trail could be adjusted to suit AAM alignment

#### FIRE ACCESS

- Fire access plan to be developed

#### CONNECTOR ROAD

- Leave road alignment in existing state. Road is 7m wide presently and it is anticipated required minimum width is 6.2m for fire fighting access.
- Allow for existing vehicle traffic in winter / peak ski season. Install bollards at either end for closure of roadway in shoulder and summer season. Allow for opening during major events (Gran Fondo, Ironman).
- Screen from AAM view points with landscape

#### CONCEPT DIAGRAM



AUDAIN ART MUSEUM

2013.01.30

PHILLIPS·FAREVAAG·SMALLENBERG  
PLANNING·URBAN DESIGN·LANDSCAPE ARCHITECTURE

TOM BARRATT LTD.  
Landscape Architects







LANDSCAPE PLAN



0 5 10 20 40

AUDAIN ART MUSEUM 2013.01.30



PHILLIPS-FAREVAAG-SMALLENBERG  
PLANNING • URBAN DESIGN • LANDSCAPE ARCHITECTURE

TOM BARRATT LTD.  
Landscape Architects



## PLANTING STRATEGY

RETAIN EXISTING CONDITION

MANAGE FOREST TO MEDIATE HAZARD TREES AND FIRE ISSUES

INFILL EXISTING FOREST WITH INDIGENOUS TREES AND UNDERSTORY PLANTS



## MATERIALS



staggered stepping stones



refined edges



forest trail



bike rack

## ENHANCED FOREST



*P. engelmannii x sitchensis*  
engelmann x sitka spruce



*Tsuga mertensiana*  
mountain hemlock



*Cupressus nootkatensis*  
yellow cedar



*Thuja plicata*  
red cedar



*Populus tremuloides*  
quaking aspen



*Betula papyrifera*  
paper birch



*Acer glabrum* var. *douglasii*  
Douglas maple



*Amelanchier x grandiflora*  
'Princess Diana'  
Princess Diana serviceberry

## FOREST UNDERSTORY



*Rubus parviflorus*  
thimbleberry



*Cornus stolonifera*  
red osier dogwood



*Smilacena racemosa*  
false Solomon's seal



*Amelanchier alnifolia*  
serviceberry



*Blechnum spicant*  
deer fern



*Polystichum munitum*  
sword fern



*Arctostaphylos uva-ursi*  
kinnikinnick



*Cornus canadensis*  
bunchberry

## MEADOW



ornamental grass mix



*Deschampsia coespitosa*  
'Bronzeschleier'  
Bronzeschleier tufted hair grass



alpine meadow



alpine meadow

## PLANTING AND MATERIALS

AUDAIN ART MUSEUM 2013.01.30



PHILLIPS-FAREVAAG-SMALLENBERG  
PLANNING • URBAN DESIGN • LANDSCAPE ARCHITECTURE

TOM BARRATT LTD.  
Landscape Architects





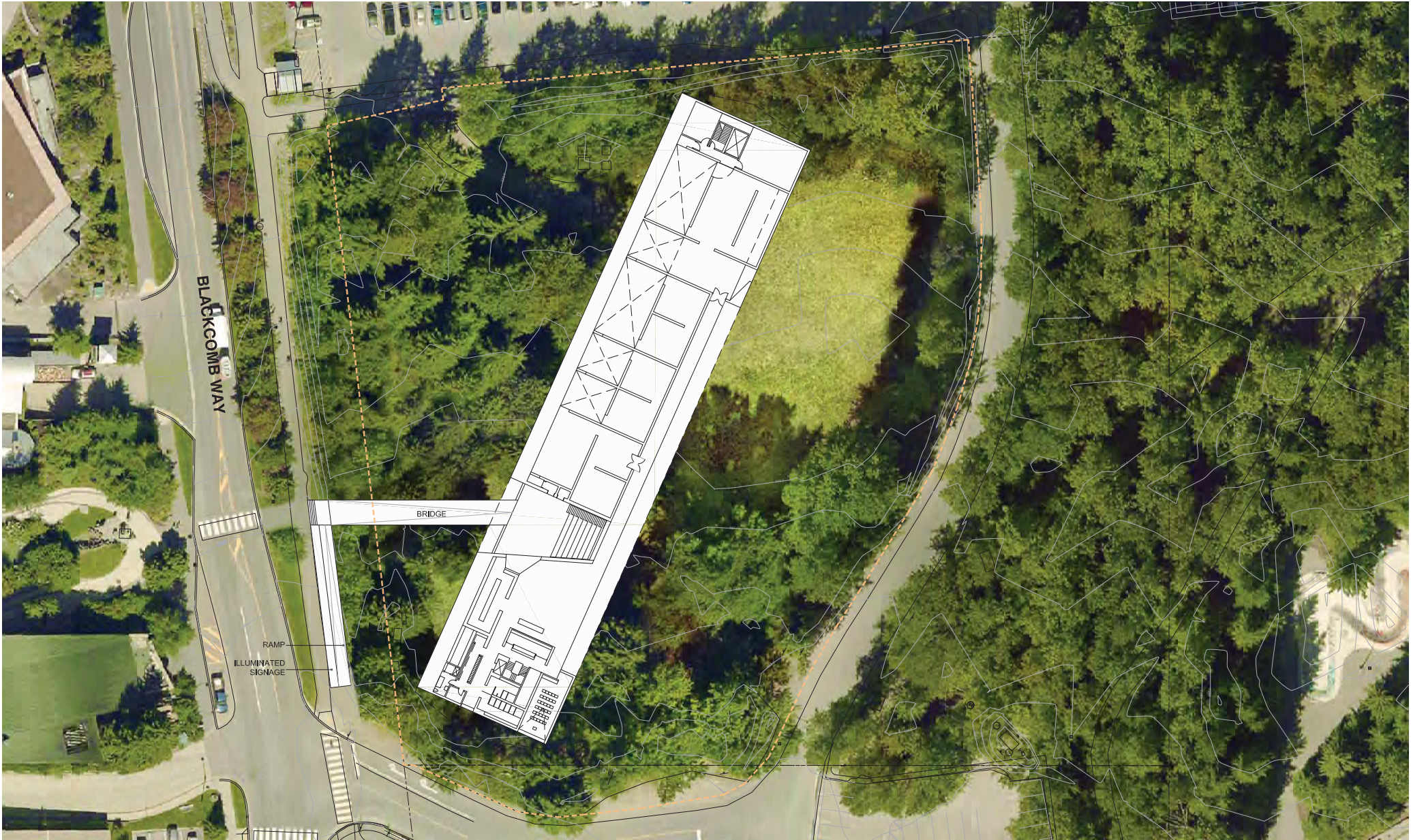


### Concept Images

Audain Art Museum  
Patkau Architects

Issued: 2013.01.30





**Audain Art Museum**

Whistler, BC  
Patkau Architects

Site Plan  
1:600  
reference:  
Issued: 2013.01.30





## MAIN FLOOR

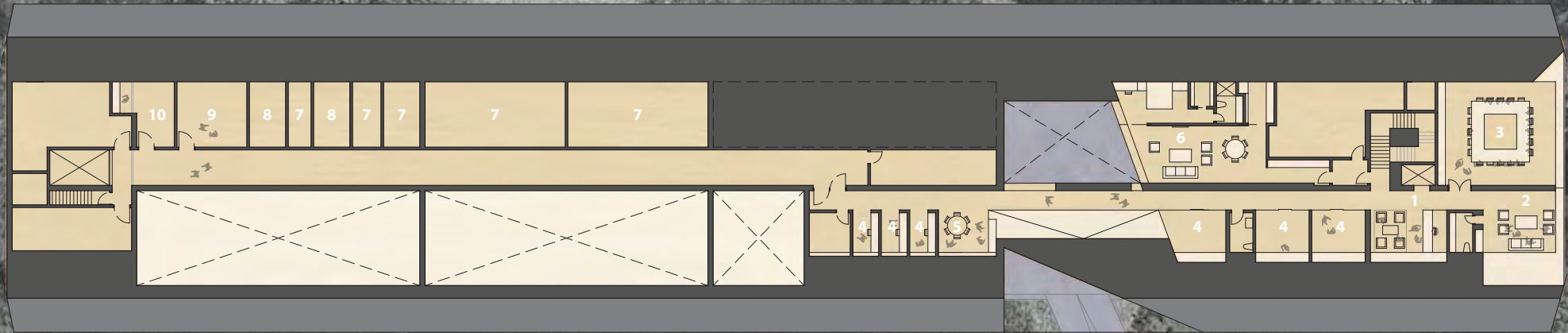
- 1 BLACKCOMB WAY
- 2 ILLUMINATED SIGN
- 3 RAMP
- 4 BRIDGE
- 5 COVERED PORCH
- 6 VESTIBULE
- 7 LOBBY
- 8 MUSEUM SHOP
- 9 EDUCATIONAL SPACE
- 10 VIEWING GALLERY
- 11 PERMANENT GALLERY
- 12 TEMPORARY GALLERY
- 13 SCULPTURE GARDEN





## SECOND FLOOR

- 1 RECEPTION
- 2 TEA ROOM
- 3 BOARD ROOM
- 4 MUSEUM OFFICES
- 5 STAFF LOUNGE
- 6 CARETAKER SUITE
- 7 STORAGE
- 8 WORKSHOP
- 9 CLEAN WORKROOM
- 10 DIRTY WORKROOM







BLACKCOMB  
WAY

#### SECTION 4

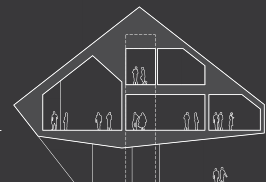
FITZSIMMONS CREEK TRAIL

ROOF RIDGE  
(+12.5 m)

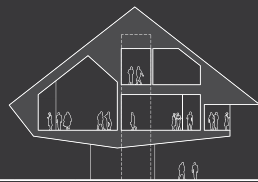
SECOND FLOOR  
(+4.6 m)

MAIN FLOOR  
(+0.9 m)

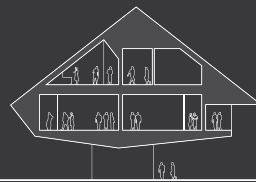
GRADE  
(-5.6 m)



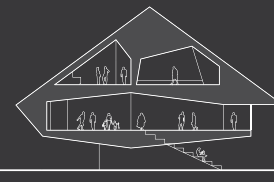
#### SECTION 1



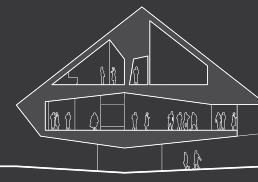
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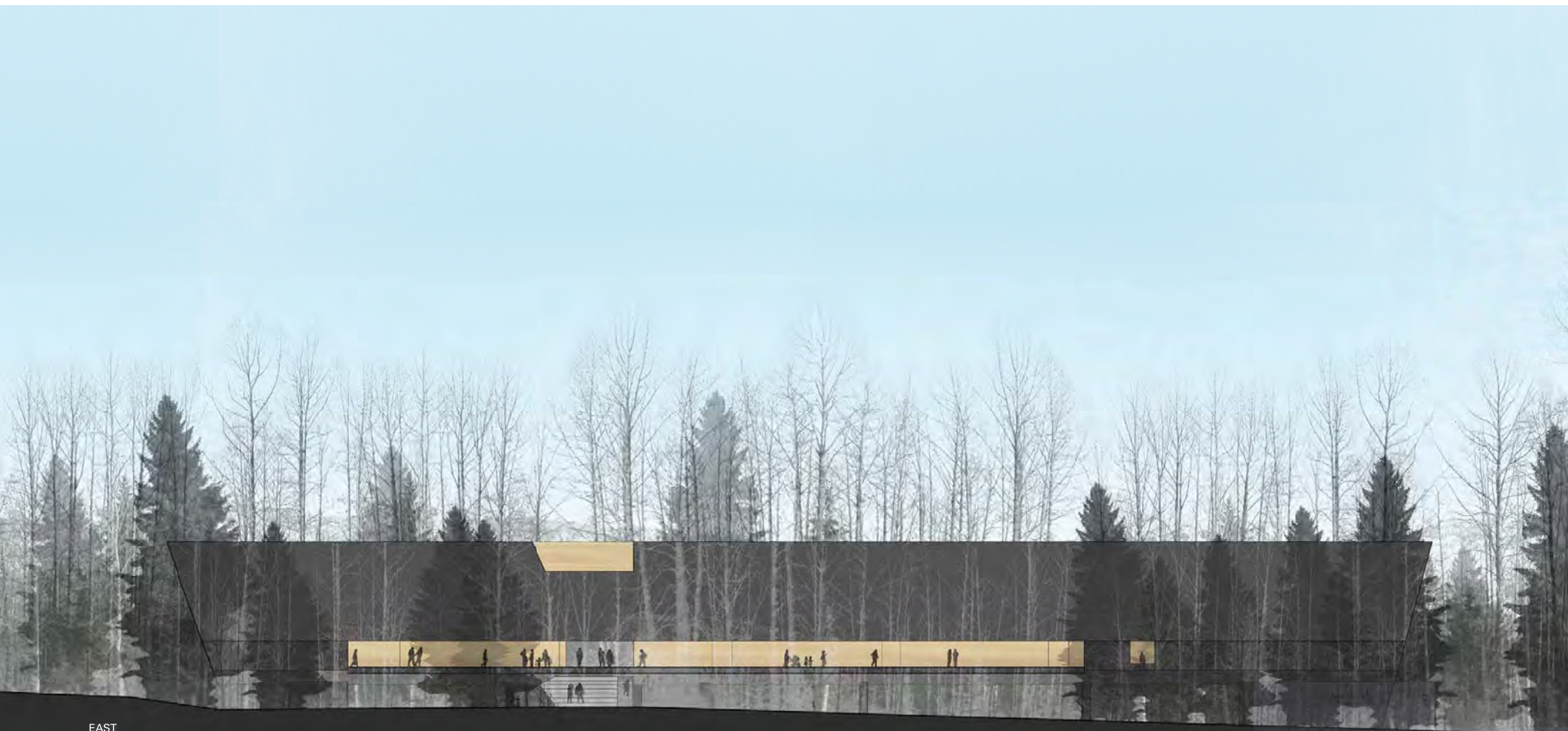
#### SECTION 3



#### SECTION 5



#### SECTION 6



EAST

1

2

3

4

5

6

◆ ROOF RIDGE  
(+12.5 m)

◆ SECOND FLOOR  
(+4.0 m)

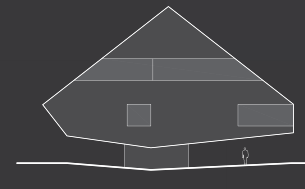
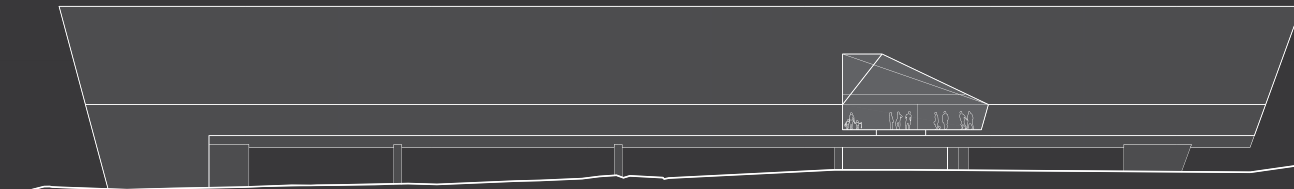
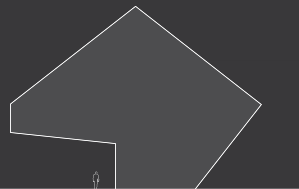
◆ MAIN FLOOR  
(+0.0 m)

◆ GRADE  
(-0.5 m)

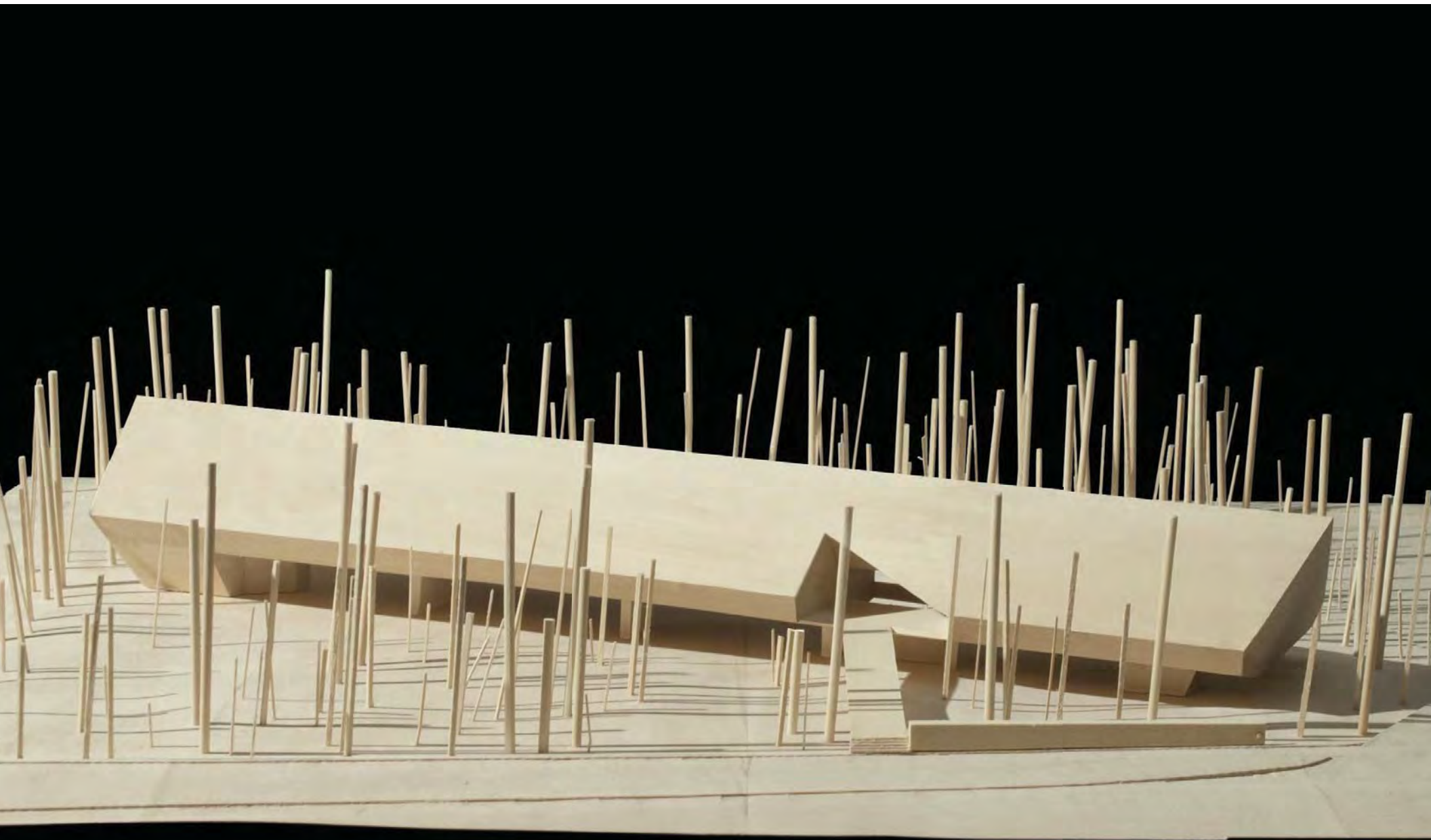
NORTH

WEST

SOUTH



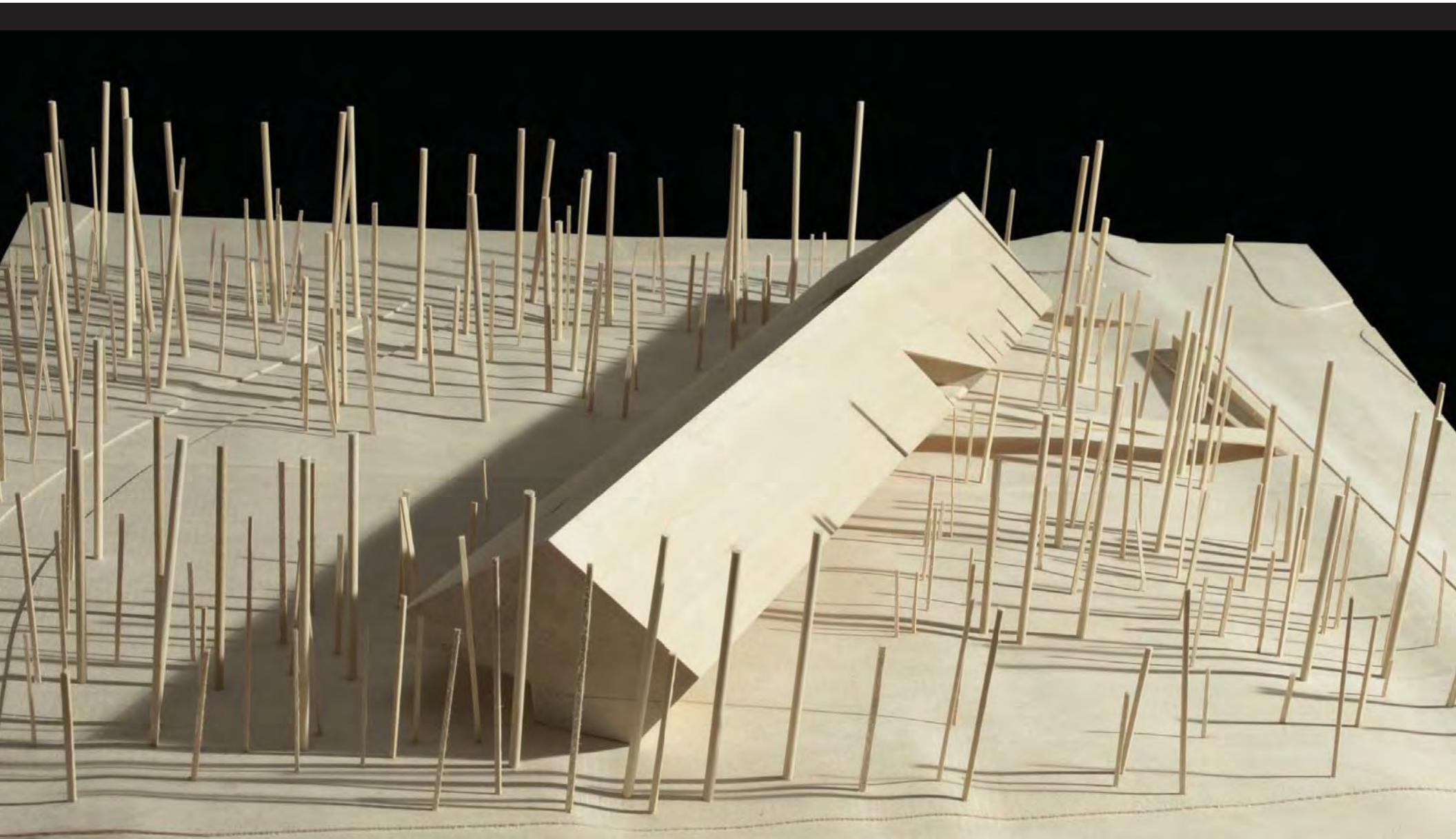




**Physical Model**

Audain Art Museum  
Patkau Architects

Issued: 2013.01.30



**Physical Model**

Audain Art Museum  
Patkau Architects

Issued: 2013.01.30

- ~~suggest further exploration regarding the materials used for this.~~
- ~~5. Panel recommends additional lighting at the north side breezeway and landscaped spaces to improve aesthetics and animation.~~
  - ~~6. Panel felt further resolution of sports equipment management is needed. A creative design and integration of the bike and ski railing/rack/storage would really enhance the site - reference GLC railing.~~
  - ~~7. The glulam timbers and glass canopies are a great addition and improvement. Consider weather protection for the glulam timbers.~~

**CARRIED**

*The applicant team left the meeting.*

**Audain Art Museum  
 1<sup>st</sup> Review  
 File No. RZ1066  
 Work shop Session**

*The applicant team of John Patkau, Chris Phillips, Hugh Ker, Jim Moodie, Eric Martin, David Shane, Patkau Architects; Tom Barratt and Laurelin Fondacaro, Tom Barratt Ltd. Landscape Architects; entered the meeting.*

Jan Jansen, General Manager of Resort Experience and Mike Kirkegaard, Manager of Planning, RMOW entered the meeting

Melissa Laidlaw, Planner, RMOW introduced the project. Staff seeks Panel feedback for site planning, landscape concept, circulation, access, architectural form and character and massing.

John Patkau and Chris Phillips advised on the following.

1. The proposed site is situated along Blackcomb Way south of day parking lot 4, the RMOW's current Village Operations building/shop.
2. The site combines the Village and wilderness - take advantage of this special opportunity.
3. Building size 39,000 ft<sup>2</sup> with 13,000 ft<sup>2</sup> of actual exhibition space; compared to the Vancouver Art Gallery which has 40,000 ft<sup>2</sup> of exhibition space.
4. This is a significant institution with a remarkable collection.
5. Site planning approach: connectivity and links with Whistler Village, museum, library, Whistler Olympic Plaza, and Squamish Lil'wat Cultural Centre as well as linking pedestrian trail systems from pedestrian stroll to Lost Lake trails.
6. Intention to create an open and public space, surrounded by forest, part of a larger landscape.
7. Overall site planning strategy – a building in a clearing in the forest.
8. Protect and enhance the existing forest condition with minimal tree removal.
9. The site is in a flood plain; training berm along Blackcomb Way. The building is elevated because of this condition.
10. Building orientation is coincidental to the flow of water – minimal obstruction.
11. Drop off and elevated bridge/ramp access to building from Blackcomb Way.
12. Alternate path for bikes and strollers on the south portion of the site at grade.
13. Bike parking and storage below the elevated building.
14. Sculpture garden and meadows below the building; concrete pathways, river cobble that emulates the Fitzsimmons creek bed. The sculpture garden will be developed over time.
15. Road connector between day parking lots 3 and 4 will be closed except for fire access and during certain event periods. The road will be screened with planting.
16. Site servicing to be located discreetly at the north side of the site; access from parking lot 4. The most significant use will be in the shoulder seasons (spring and fall) when large semi trailers arrive with new shows. Other vehicles - garbage and recycling.
17. Indigenous landscape, recreate the under story, reinforce current forest



- condition, an alpine meadow.
18. Entry porch clad in warm wood, illuminated, lantern like destination.
  19. 1<sup>st</sup> floor plan and layout – a large fully covered porch, partly lit, stairs down to a seating amphitheater. This is an important public route coming through the building; bring lots of people and awareness of the museum, picturesque community connections. Entry vestibule, lobby, gift shop, public washrooms, glazed walkway overlooking sculpture garden leading to the gallery space.
  20. The large public lobby is suitable for small banquets, music performances, meeting or education space, a community resource.
  21. Upper floor: administration, onsite full time live in caretaker suite, board room, temporary locations for visiting scholars, back of house, storage, and mechanical.
  22. Building materials possibly dark coloured metal cladding to allow the building to recede into the forest. The intent is for the public spaces to shine through, rather than the building.
  23. Illuminated wood soffits with strong overhangs that are visually dominant but still human scale.
  24. The south end of the building will be visible from Blackcomb Way providing identity of the museum.
  25. Digital signage on Blackcomb Way to identify the museum and events.
  26. Proposed construction to begin spring 2013.

Panel is generally supportive of the conceptual design and looks forward to seeing this project further along in the development process. Panel offers the following comments.

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

1. Panel felt the general siting is appropriate as it responds to the context. Some members felt the building could benefit from being rotated clockwise slightly to capture views.
2. There is a strong pedestrian linkage to and through the site, further improvements could be made to the secondary linkages.
3. Consider lighting of pedestrian routes for safety.
4. Consider strengthening the access from Whistler Olympic Plaza.
5. Opportunity to introduce pathways in the perimeter forest zone to enable opportunity to meander and experience the forest. Panel had some concerns regarding the proposal to close the road between parking lots 3 and 4.
6. Panel recommends consideration of tree assessment and risk to minimize future problems.
7. Ensure the loading and parking does not spoil the rest of the project; it is open and visible, make more back of house. Identify truck turning maneuvers into loading bay.

#### **Form and Character**

1. Panel felt the building form is unique and powerful. The minimalist approach is appropriate for this setting; it doesn't compete with the forest surroundings.
2. Panel supports the large lobby concept, warm lantern qualities of the building, and connection to the sculpture courtyard.
3. The space under the elevated building is an opportunity and requires further programming to address animation, security, safety, CPTED and back of house issues.
4. Opportunity to use the building legs for a mosaic or some form of art.
5. Panel had some concerns with snow loads and ice dams; snow and ice should be considered in building form and at ground elevation.

6. Panel noted there may be undesirable use of the stairs by bikers and or skate boarders. The site could become a bike desire line.

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

1. Panel encourages the use of local materials.
- 2.
3. Panel had some concern about a stark digital located on Blackcomb Way. Who will see the sign? Opportunity to link to corner element of the building, bring technology into the form.
4. How will stormwater management be addressed?

### **Green Building Initiatives**

1. There is opportunity for iconic sustainability.

### **Universal Design**

1. Barrier free access should be addressed with pride rather than as a back route.

*The applicant team left the meeting.*

**Rainbow Terraces**  
**2<sup>nd</sup> Review**  
**File No. DP1249**

*The applicant team of Foad Raffi and Zora Katic, Raffi Architect; Brent Murdoch, Murdoch & Company Architecture & Planning; Doug Porozni and Sam Brovender, Ronmor Developers Inc. entered the meeting.*

Robert Brennan, Planner, RMOW introduced the project and the applicant. The applicant has addressed Panel's December 2012 recommendations.

Foad Raffi and Brent Murdoch advised on the following.

1. The project is basically the same as the December proposal with improvements based on Panel and Staff recommendations.
2. Main access to the site remains the same.
3. Addition of an elevator in building B, providing access for buildings B and C.
4. Residential parking is now located below the surface parking.
5. Surface parking has been reduced. Temporary snow storage in these eliminated parking spaces.
6. Additional indoor parking that is flush with the main floor.
7. Changes and improvements to the community space in front of the CRU's.
8. Massing of building C has been reduced with the elimination of the third storey.
9. Unit configuration change to building C, there are now 6 – 2 storey residential units.
10. Reduction in Building C mass has improved the relationship with the massing of the Duplexes on east property side.
11. Elimination of several walkway bridges between the buildings. However, 1 walkway at rooftop level of building B to C and connections between buildings A and B at levels 4 and 5 remain.
12. Each residential unit has storage/sport lockers.
13. The buildings have more variety in terms of shape, architecture and roof top features.
14. Relationship to park behind - roofs do not impede views from residences above the park.
15. Stairs from plaza to Crazy Canuck Drive, improved and made to be more of an access point.



REZONING APPLICATION RZ 1066  
4330-4340 BLACKCOMB WAY - AUDAIN ART MUSEUM  
PUBLIC OPEN HOUSE COMMENT FORM

ABSOLUTELY FANTASTIC

PLEASE REZONE AS SOON

AS POSSIBLE:

AND LET THE PROJECT  
BEGIN.

PLEASE LEAVE CONTACT INFORMATION IF DESIRED:

NAME:

JOHN NICOLL

PHONE OR EMAIL:

604 932 1380

Alex Nicoll



# WHISTLER

REZONING APPLICATION RZ 1066  
4330-4340 BLACKCOMB WAY - AUDAIN ART MUSEUM  
PUBLIC OPEN HOUSE COMMENT FORM

HOW FORTUNATE WE  
ARE TO BE ABLE  
TO WELCOME THIS  
WONDERFUL  
OPPORTUNITY !!

PLEASE IMPLEMENT  
IT AS SOON  
AS  
POSSIBLE

YIPPEE !!

PLEASE LEAVE CONTACT INFORMATION IF DESIRED:

NAME:

PHONE OR EMAIL:

January 30, 2013

# RZ 1066

## 4330/4340 Blackcomb Way

### Audain Art Museum

Council Presentation  
February 19, 2013



#### RESORT MUNICIPALITY OF WHISTLER

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

**TEL** 604 932 5535  
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**FAX** 604 935 8109





# Background

- Sept 2012 - RMOW approached to consider opportunity for a legacy art museum to house Audain private collection
- Significant opportunity to further Whistler's arts & cultural development
- Jan 22, 2013 – Council directed staff to initiate a rezoning application, prepare a zoning amendment bylaw & schedule a Public Open House
- Jan 30, 2013 – Public Open House

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# Subject Lands



- Located at 4330-4340 Blackcomb Way
- 1.22 ha
- Owned by RMOW
- Located near other cultural facilities
- Currently zoned RR1; lands require rezoning to permit art museum use

## RESORT MUNICIPALITY OF WHISTLER

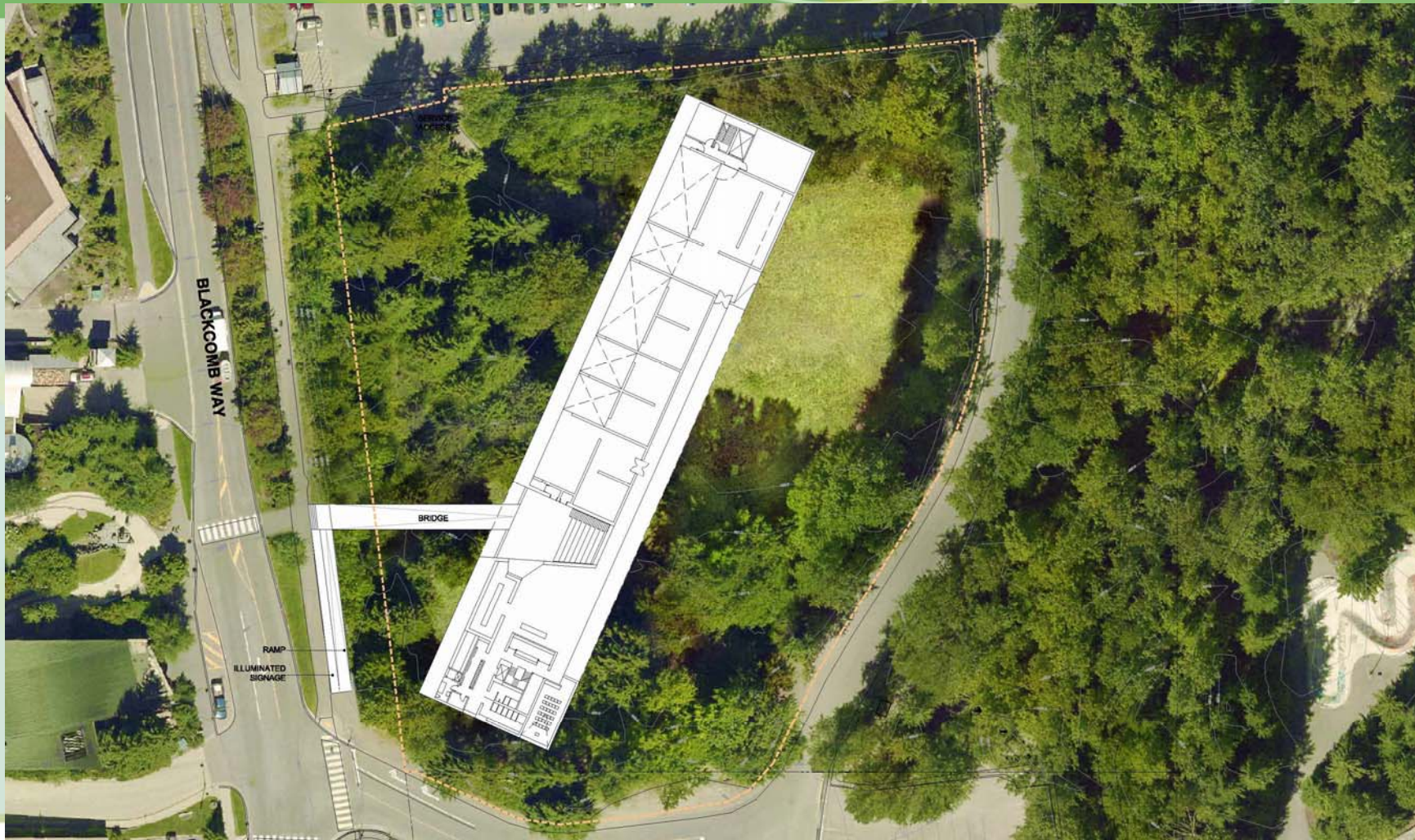
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# Proposed Development



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# Proposed Development



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# Zoning Amendment Bylaw (Art Museum) No. 2023, 2013

## Purpose

- Rezone subject lands from RR1 to IAM1 (Institutional Art Museum One), a new site specific institutional zone

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# Zoning Amendment Bylaw (Art Museum) No. 2023, 2013

## Permitted Uses of IAM1 Zone

- a) art museum;
- b) indoor and outdoor assembly;
- c) auxiliary residential dwelling unit for employee housing;
- d) retail sales auxiliary to an art museum use;
- e) food and beverage preparation and storage uses auxiliary to assembly uses of art museum premises;
- f) recreational trails.

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# Zoning Amendment Bylaw (Art Museum) No. 2023, 2013

## Definitions/Other Regulations

- Art Museum means a building, place or area where paintings, sculptures or other works of art are stored, curated & exhibited.
- Art museum & retail sales uses do not include the retail sale of original works of art, but this limitation does not preclude such occasional de-accessioning of original works of art as ordinarily occurs in the curation of art collections.

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# Zoning Amendment Bylaw (Art Museum) No. 2023, 2013

## Density

- Maximum permitted gfa 4,000 sq. m.
- Not more than 80 sq. m. of gfa may be used for retail sales auxiliary to an art museum use.
- Not more than 100 sq. m. of gfa may be used for an auxiliary residential dwelling unit for employee housing.

## Building Height

- Maximum 17 m.

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# Zoning Amendment Bylaw (Art Museum) No. 2023, 2013

## Site Area, Site Coverage, Setbacks

- No regulations.

## Parking and Loading

- Parking & loading per Section 6 of Zoning Bylaw, except that a maximum of 10 parking spaces shall be provided.

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# Policy Considerations – OCP Update

## Objective/Policy

Policy 3.1.1.2 – Contain Whistler’s urban development within the boundary of the Whistler Urban Development Containment Area.

Policy 3.2.1.3 – Minimize land disturbance & conversion of remaining undisturbed natural areas to development.

Policy 3.2.1.4 - Support land uses & development that contribute to a diversified tourism economy compatible with Whistler’s resort community character & values.

Policy 3.2.1.5 - Respect & reinforce Whistler’s single Town Centre concept.

Objective 3.2.2 – Protect human safety & property from natural hazards.

Policy 3.3.1.1 – Designate the general land uses that are supported by this OCP for each parcel of land within the municipal boundaries as shown on Schedule A Whistler Land Use Map.

Objective 7.8.1 - Support programs, partnerships & venues for furthering Whistler’s arts, culture & heritage sectors.

Objective 7.8.2 - Increase opportunities for education, participation & enjoyment of arts, culture & heritage for residents & visitors.

Policy 7.8.2.1 - Support non-profit & private-sector efforts to increase arts, culture & heritage opportunities.

Objective 8.1.1 – Make energy conservation the core strategy and highest priority for achieving our GHG emission reduction goals.

Policy 8.1.1.1 – Apply the RMOW Green Building Policy to support our community-wide commitment to GHG reduction & energy performance.

# Community Engagement

- RA sign posted
- Public Open House - Jan 30, 2013
  - 2 comment forms submitted in support
- Public Hearing – after 2<sup>nd</sup> reading
  - Notices in both newspapers
  - Notices mailed to owners of property within 100 m of subject lands

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# Recommendation

- That** Council considers giving 1<sup>st</sup> & 2<sup>nd</sup> readings to Zoning Amendment Bylaw (Art Museum) No. 2023, 2013 *with minor amendment to Section 6.2.1 of Schedule 2 to replace CTI2 with IAM1*;
- That** Council authorizes the Mayor & Corporate Officer to schedule a public hearing Bylaw 2023 & to advertise for same in the local newspaper;
- That** before consideration of adoption of Bylaw 2023 the following matters shall be completed to the satisfaction of the GM of Resort Experience & the GM of Infrastructure Services:

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# Recommendation

1. Registration of a Section 219 covenant in favour of the RMOW to:
  - a) require that all excavation & soil removal activities be performed in accordance with the recommendations of an environmental professional with experience in Contaminated Site Remediation, with that professional being a member of the Roster of Approved Professionals appointed by the Director of Waste Management;
  - b) establish flood proofing conditions recommended by a qualified professional to ensure the lands are safe for the use intended;

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# Recommendation

- c) ensure that the proposed development is consistent with the Green Building Project Checklist & with the objectives & goals of RMOW Green Building Policy G-23;
- d) require a project completion report detailing the implementation of the green building practices; & further,

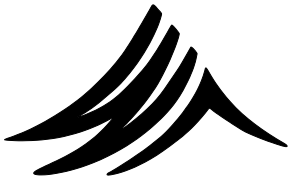
**That** Council authorizes the Mayor & Corporate Officer to sign the aforementioned legal document.

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# WHISTLER

## MINUTES

**REGULAR MEETING OF MUNICIPAL COUNCIL  
TUESDAY, OCTOBER 2, 2012, STARTING AT 5:30 PM**

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

### **PRESENT:**

Mayor N. Wilhelm-Morden

Councillors: J. Crompton, J. Faulkner, J. Grills, D. Jackson, A. Janyk, and  
R. McCarthy

Chief Administrative Officer, M. Furey  
General Manager of Community Life, B. MacPherson  
Acting General Manager of Environmental Services, J. Paul  
Acting General Manager of Resort Experience, M. Pardoe  
Interim Director of Finance, K. Roggeman  
Corporate Officer, S. Story  
Acting Manager of Communications, M. Darou  
Manager of Planning, M. Kirkegaard  
Planner, M. Laidlaw  
Planner, R. Brennan  
Recording Secretary, A. Winkle

### **APPROVAL OF AGENDA**

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

**That** Council approve of the Regular Council agenda of October 2, 2012,  
amended to include a letter from the Chamber of Commerce regarding the  
proclamation of Small Business Week.

CARRIED

### **ADOPTION OF MINUTES**

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

**That** Council adopt the Committee of the Whole, Public Hearing and Regular  
Council minutes of September 18, 2012.

CARRIED

## **PUBLIC QUESTION AND ANSWER PERIOD**

*There were no questions from the public.*

## **MAYOR'S REPORT**

Mayor Wilhelm-Morden reported that a press conference was held this afternoon to announce that the municipality is in discussions with the Audain Foundation that could see the creation of a world class art museum in Whistler. The museum would house the Audain collection of art on a piece of land across from Municipal Hall, between Day Parking Lots 3 and 4. Michael Audain and his wife Yoshiko Karasawa have been collecting art for at least the past two decades. Their collection of contemporary and indigenous west coast art, including a large group of Emily Carr paintings, were displayed at the Vancouver Art Gallery in an exhibition called Shore, Forest and Beyond: Art from the Audain Collection, and is one of the most important holdings of private work by BC First Nations and non-First Nations.

She reported that Mr. Audain and his wife have been looking for a place to house their collection in British Columbia and they have decided on Whistler. Currently, the site is being tested to see if it is suitable for a 2,500 square metre museum. It would be located on land owned by the municipality in a park-like setting. Construction would be financed in its entirety by the Audain Foundation. The municipality would grant the land by lease or in fee simple for \$1.

She commented that the creation of an art museum is compatible with the direction that the municipality is moving towards emphasis which is an on cultural tourism. She referred to the recommendations a report by Steven Thorne that recommended Whistler consider the development of an art museum, cultural plan, leverage the Whistler Olympic Plaza, and expand festivals, events and animation. She commented on the opportunity, and stated that it is a top priority for staff, and the municipality will be moving quickly to ensure it becomes a reality. She thanked the Audain Foundation, Micheal Audain and Yoshiko Karasawa for this opportunity.

Mayor Wilhelm-Morden reported that she and Councillor J. Grills, Councillor J. Crompton, and Chief Administrative Officer Mike Furey attended the UBCM Convention last week. She thanked Mr. Furey for his expertise in Victoria. She reported that Councilors J. Grills and J. Crompton will speak about resolutions from the convention.

Mayor Wilhelm-Morden reported that she attended the BC Mayors Caucus on the Monday. It was attended by over 140 mayors. There was discussion and a statement was issued, and another meeting is planned in Prince George in the spring. She hopes these meetings will bring results regarding the issue of downloading to municipal government and the issue of infrastructure replacement.

Mayor Wilhelm-Morden reported that they attended a resort collaborative meeting with Minister Pat Bell on Monday. All 14 communities attended and four members made presentations.

Mayor Wilhelm-Morden reported that she attended meetings with senior



bureaucrats on rural resource roads and the municipality's interest in keeping the backcountry open, the municipality's application pursuant to the gas tax regarding the Alta Lake Road sewer, and the updated OCP. They met with the CEO of BC Transit. She met with Minister Rich Coleman about liquor licensing regulations who commented that there is movement forward with amendments to the liquor licensing regulations and commented on the changes that have taken place to date.

Mayor Wilhelm-Morden reported that the free fall yard waste drop off program is from October 6<sup>th</sup> to 8<sup>th</sup> at the Nester's compactor site. More information is available at [whistler.ca](http://whistler.ca).

Mayor Wilhelm-Morden reported that annual maintenance was done at Meadow Park Sports Centre. The Centre is now open and some of the upgrades include a phased replacement of the boilers, which is important for energy conservation and has an expected annual savings of \$32,000 for natural gas. Some of the work performed on the pool included retrofitting half of the pool boilers, repainting the lap pool, the lockers, and exterior walls of the leisure pool, some structural inspections of columns in the pool area, and replacement of the sand in all of the pool filters. For the second year in a row, staff were successful in filling the pool with pre-heated water, saving energy in the amount of about \$12,000.

Mayor Wilhelm-Morden reported that the municipality and Ski Callaghan are offering a dual-area ski pass for the cross-country ski season, combining over 125 kilometers of trails. Early bird passes are available for purchase from October 5<sup>th</sup> to November 22<sup>nd</sup> at the Meadow Park Sports Centre. Information can be found at [whistler.ca/x-country](http://whistler.ca/x-country).

Mayor Wilhelm-Morden reported that work is underway for ice skating at Whistler Olympic Plaza. Construction includes replacing the existing floor and portion of lawn with refrigeration and a concrete floor. It is expected that the ice amenity will be open in time for the holiday season.

Mayor Wilhelm-Morden reported that she attended Whistler's first Spirit Within Festival on September 29<sup>th</sup>, and congratulated the organizers of the event that celebrated First Nations' Culture with artists' demonstrations, and cultural performances. She participated as a witness at a Welcome Figure Blessing at the Squamish Lil'wat Cultural Centre for an art piece, which will be installed along the Village Stroll. The artists were Aaron Nelson-Moody, Delmar Williams, and Todd Edmonds. She commented on the oral tradition of witnessing a ceremony as important way of ensuring that the culture and event are not forgotten. The municipality participated in the festival as a funding partner, and will be a funding partner in the instillation of the Welcome Figure.

Mayor Wilhelm-Morden reported that a delegation from Karuizawa, Japan, Whistler's Sister City, will be visiting this weekend, including the Mayor of Karuizawa, Susumu Fujimaki. The Japanese delegation will spend two days in Whistler, including visits to the village, the Community Forest, the Whistler Sliding Centre, and Whistler Olympic Park. The mayor encouraged residents to stop and welcome the visiting guests.

Councillor J. Grills reported that he had attended a meeting at UBCM about provincial liquor licensing regulations, and a resolution brought forward by Whistler, Squamish, and the SLRD to work with the Province to make changes to current laws. Parts of the proposal were addressed by catering companies and event planners being able to hold liquor licenses. The discussion addressed a fourth outstanding point passed in a vote, and will involve working toward the creation of a "stadium" license to permit the consumption of alcohol in the company of minor during events such as Gran Fondo. He commented that liquor changes are traditionally slow, and that Whistler has been an area for testing place for liquor licensing changes in the past.

Councillor J. Crompton reported on a motion, which was strongly debated and which passed, for the Province to consider banning new tanker traffic off the coast of British Columbia.

Mayor Wilhelm-Morden commented on the productive discussions and meetings at the UBCM Convention. Only three members of council attended this year due to budget constraints, but she hopes all members will attend next year.

#### **INFORMATION REPORTS**

Community Life Tracking  
Survey - 2012  
Report No. 12-110  
File No. 2078

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

**That** Council receives the RMOW Community Life Tracking Survey, attached as Appendix A to Information Report No. 12-110.

CARRIED

#### **ADMINISTRATIVE REPORTS**

2101 Castle Drive -  
Nordic Vistas  
Report No. 12-108  
File No. DP. 1253

Moved by Councillor J. Faulkner  
Seconded by Councillor J. Grills

**That** Council approves Development Permit Application No. 1253 to legitimize developed crawlspaces at 2101 Castle Drive as shown in the plans attached to this report subject to discharge of the existing development covenant on title and replacement with a new covenant reflecting the revised development scheme;

**That** Council varies the required parking on the site from 19 stalls to 14; and further,

**That** Council authorizes the Mayor and Corporate Officer to execute the required amending documents.

CARRIED

8017 Highway 99 Mons  
Rezoning Application  
Report No. 12-109  
File No. RA466, Bylaws  
1859 & 1860

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

**That** Council considers adopting Zoning Amendment Bylaw (Community and Transportation Infrastructure One) No. 1860, 2008 and Official Community Plan Amendment Bylaw (Mons Industrial Land) No. 1859, 2008; and further,

**That** Council authorizes the Mayor and the Corporate Officer to execute related legal documents.

CARRIED

Permissive Tax  
Exemptions  
Report No. 12-090  
File No. Bylaws 2009,  
2010, and 2011

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

**That** Council considers giving first three readings to Taxation Exemption for Places of Public Worship Bylaw No. 2009, 2012;

**That** Council considers giving first three readings to Taxation Exemption for Public Daycare Facilities Bylaw No. 2010, 2012; and further

**That** Council considers giving first three readings to Taxation Exemption for Not-For-Profit Organizations Bylaw No. 2011, 2012.

CARRIED

#### **MINUTES OF COMMITTEES AND COMMISSIONS**

Public Art Committee

Moved by Councillor R. McCarthy  
Seconded by Councillor A. Janyk

Minutes of the Public Art Committee meeting of February 29, 2012, April 18, 2012, and June 20, 2012.

CARRIED

Measuring Up  
Committee

Moved by Councillor D. Jackson  
Seconded by Councillor J. Grills

**That** the minutes of the Measuring Up Committee meeting of June 6, 2012 be received.

CARRIED

Forest and Wildland  
Advisory Committee

Moved by Councillor J. Faulkner  
Seconded by Councillor J. Crompton

**That** the minutes of the Forest and Wildland Advisory Committee meeting of September 12, 2012 be received.

CARRIED



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

Taxation Exemption for  
Places of Public  
Worship Bylaw No.  
2009, 2012

Moved by Councillor R. McCarthy  
Seconded by Councillor A. Janyk

**That** Taxation Exemption for Places of Public Worship Bylaw No. 2009, 2012  
receive first, second and third readings.

CARRIED

Taxation Exemption for  
Public Daycare Facilities  
Bylaw No. 2010, 2012

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

**That** Taxation Exemption for Public Daycare Facilities Bylaw No. 2010, 2012  
receive first, second and third readings.

CARRIED

Taxation Exemption for  
Not-For-Profit  
Organizations Bylaw No.  
2011, 2012

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

**That** Taxation Exemption for Not-For-Profit Organizations Bylaw No. 2011,  
2012 receive first, second and third readings.

CARRIED

**BYLAW FOR THIRD READING**

Zoning Amendment  
Bylaw (1350 Cloudburst  
Drive) No. 1978, 2011

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

**That** Zoning Amendment Bylaw (1350 Cloudburst Drive) No. 1978, 2011  
receive third reading.

CARRIED

**BYLAWS FOR ADOPTION**

OCP Amendment Bylaw  
(Mons Industrial Lands)  
No 1859, 2008

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** OCP Amendment Bylaw (Mons Industrial Lands) No 1859, 2008 be  
adopted.

CARRIED

Zoning Amendment By  
law (Transportation  
Infrastructure One) No.  
1860, 2008

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

**That** Zoning Amendment By law (Transportation Infrastructure One) No. 1860,  
2008 be adopted.

CARRIED

Official Community Plan  
Amendment Bylaw (BC  
Transit Site) No. 2013,  
2012

Moved by Councillor J. Crompton  
Seconded by Councillor J. Faulkner

**That** Official Community Plan Amendment Bylaw (BC Transit Site) No. 2013, 2012 be adopted.

CARRIED

Zoning Amendment  
Bylaw (BC Transit Site)  
No. 2012, 2012

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

**That** Zoning Amendment Bylaw (BC Transit Site) No. 2012, 2012 be adopted.  
CARRIED

Zoning Amendment  
Bylaw (Restaurant  
Uses) No. 2014, 2012

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

**That** Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012 be adopted.

CARRIED

#### **OTHER BUSINESS**

EPI Committee  
Appointment

Mayor Wilhelm-Morden reported that Council has appointed Danielle Kristmanson as the Member-at-Large to the Economic Partnership Initiative (EPI) Committee.

#### **CORRESPONDENCE**

Park Naming  
File No. 8070.01, 8201

Moved by Councillor J. Faulkner  
Seconded by Councillor J. Grills

**That** correspondence from Sarah Drewery, Executive Director, on behalf of the Whistler Museum and Archives Society Board of Trustees, dated September 22, 2012, proposing that the small park next to the museum and library buildings be named Florence Petersen Park in memory of museum founder and Freeman of Whistler, Florence Petersen be received and referred to staff.

CARRIED

Speed Bump on  
Blueberry Drive  
File No. 3009

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

**That** correspondence from Karel and Karen Jonker regarding a speed bump on Blueberry Drive be received and referred to staff.

CARRIED

Art Walk Tours  
File No. 8252, 8201

Moved by Councillor R. McCarthy  
Seconded by Councillor A. Janyk

**That** correspondence from Penny Eder, artist and owner of White Dog Studio Gallery, dated September 13, 2012, regarding the impact of free tours offered by the Whistler Arts Council and the Whistler Museum on Art Walk Tours offered by her business be received and referred to staff for further discussions with the related parties.

CARRIED

Sliding Centre  
File No. 3009

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

**That** correspondence from Casey Niewerth, dated September 12, 2012, suggesting establishing a committee to examine the Sliding Centre be received.

CARRIED

Cell Tower  
File No. 3009

Moved by Councillor J. Grills  
Seconded by Councillor J. Faulkner

**That** correspondence from Ed and Marta Hollander, dated September 16, 2012, regarding health concerns with the advertised intention to add a cell tower near Alpine Meadows be received.

CARRIED

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

**That** staff report back to Council regarding this Crown land referral for an additional cell tower near Alpine Meadows with more information, taking into account environmental and visual issues.

CARRIED

Sea to Sky Community  
Services Annual Report  
and Gala  
File No. 3009

Moved by Councillor J. Faulkner  
Seconded by Councillor J. Grills

**That** correspondence from the Sea to Sky Community Services Society, dated September 21, 2012, regarding their Annual Report 2011-2012 and the Diamonds and Pearls Gala on October 13, 2012 be received.

CARRIED

Small Business Week  
File No. 3009.1

Moved by Councillor J. Grills  
Seconded by Councillor J. Faulkner

**That** correspondence from Fiona Famulak, President of the Whistler Chamber of Commerce, requesting October 14-20, 2012 be proclaimed as Small Business Week be received and Small Business Week be proclaimed.

CARRIED

**ADJOURNMENT**

Moved by Councillor J. Crompton

**That** Council adjourn the October 2, 2012 Council meeting at 7:32 p.m.

CARRIED

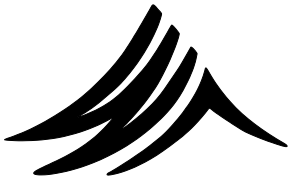
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MAYOR: N. Wilhelm-Morden

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CORPORATE OFFICER: S. Story





# WHISTLER

## MINUTES

**REGULAR MEETING OF MUNICIPAL COUNCIL  
TUESDAY, DECEMBER 18, 2012, STARTING AT 5:30 PM**

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

### **PRESENT:**

Mayor N. Wilhelm-Morden

Councillors: J. Crompton, J. Faulkner, J. Grills, D. Jackson, A. Janyk,  
and R. McCarthy

Chief Administrative Officer, M. Furey  
General Manager of Corporate and Community Services, B. MacPherson  
General Manager of Infrastructure Services, J. Paul  
General Manager of Resort Experience, J. Jansen  
Director of Finance, K. Roggeman  
Corporate Officer, S. Story  
Manager of Communications, M. Comeau  
Manager of Legal Services & Special Projects, S. Fugman  
Operations Manager, M. Day  
Planner, M. Laidlaw  
Planner, F. Savage Communications Officer, G. Inglese  
Planning Analyst, K. Creery  
Recording Secretary, A. Winkle

### **APPROVAL OF AGENDA**

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

**That** Council approve of the Regular Council agenda of December 18, 2012,  
to move the Audain Art Museum Memorandum of Understanding before the  
Public Question and Answer Period.

CARRIED

### **ADOPTION OF MINUTES**

Moved by Councillor J. Grills  
Seconded by Councillor J. Faulkner

**That** Council adopt the Regular Council minutes of Committee of the Whole  
minutes, Regular Council minutes and Public Hearing minutes of December  
4, 2012.

CARRIED

## **PRESENTATIONS/DELEGATIONS**

Audain Art Museum  
Memorandum of  
Understanding

Mayor Wilhelm-Morden gave a presentation regarding the Audain Art Museum.

Michael Audain gave a presentation regarding the Audain Art Museum.

A Memorandum of Understanding was signed regarding the Audain Art Museum.

*5:50 p.m. the meeting was recessed for five minutes.*

*5:54 p.m. the meeting resumed.*

## **PUBLIC QUESTION AND ANSWER PERIOD**

*There were no questions from the public.*

## **PRESENTATIONS/DELEGATIONS**

2012 Community  
Enrichment Program  
Report Backs

A presentation was given by Tom Barrat, Board President, regarding the Whistler Nordics Ski Club.

A presentation was given by Chelsey Walker, Executive Director, regarding the Whistler Adaptive Sports Program.

## **MAYOR'S REPORT**

Mayor Wilhelm-Morden reported that following the success of the temporary ice rink last year and as a result of input received from guests, the Village Host program, Tourism Whistler, and others, this Council decided to construct a permanent ice facility. The new facility opens at Whistler Olympic Plaza this Thursday December 20<sup>th</sup>. There will two hours of celebrations from 2 to 4 p.m., including a Whistler Skating Club performance, hot chocolate, cupcakes, a ribbon-cutting, and skating. She reported that the ice surface is larger and construction included a refrigerated concrete floor, installation of a permanent refrigeration plant and remedial landscape works to be completed in the spring. There will be extended hours of operation and more skate rentals based on the feedback from last year. Mayor Wilhelm-Morden thanked the staff and contractors who worked to get this structure in place in a short window of opportunity this fall.

Mayor Wilhelm-Morden reported that all of the Lost Lake cross-country ski and snowshoe trails are now open. She provided a reminder that no walking or dogs are permitted within Lost Lake Park or the Chateau or Nicklaus North golf courses. Reduced rates are available every day after 3 p.m. for night skiing with a further reduction on Monday nights for Community Night. There is a new Nicklaus North day ticket for people who have their own skis being piloted for this season. Free skiing and skiers with dogs are permitted on the multi-use section of trail between the Nicklaus North clubhouse and the High School and between Meadow Park and Rainbow Park which is groomed about 3 times per week. For more information call 604-935-PLAY or visit [whistler.ca/xcountry](http://whistler.ca/xcountry).

Mayor Wilhelm-Morden reported that a budget open house was held on December 6<sup>th</sup>. She invited those who were unable to attend to join a discussion forum on PlaceSpeak.com or complete a budget survey, which will be live until January 17, 2013. The presentations made at the open house were recorded and are available on the website at [whistler.ca/budget](http://whistler.ca/budget) or [placespeak.com/rmow2013budget](http://placespeak.com/rmow2013budget). Budget questions can be emailed to [budget@whistler.ca](mailto:budget@whistler.ca).

Mayor Wilhelm-Morden reported that the Education and Learning Strategies Task Force had a meeting on December 11th. They had presentations from David Helfand of Quest University Canada, Chris Bottrill of Capilano University, Doug Player of Whistler International Campus, and Denise Baker and Gordon Ryan of the Sauder School of Business. Each group gave an hour presentation and were available for questions and answers. The task force will be meeting in January and at the beginning of February, and an open house/workshop will be held at the beginning of February. Information and resources are being posted on [whistler.ca](http://whistler.ca), and the task force is interested in receiving input on post-secondary education.

Mayor Wilhelm-Morden congratulated Councillor Crompton on his appointment to Vice Chair of the Squamish Lillooet Regional District Board.

Mayor Wilhelm-Morden reported that the Whistler Week of Peace will be holding a Skate for Peace this Friday from 6p.m. to 7 p.m. at Whistler Olympic Plaza. This will be an opportunity to spread peace during this time of year. Candles will be available by donation and volunteers will light the candles for guests from a world peace flame candle.

Mayor Wilhelm-Morden, on behalf of Whistler Council, extended their best wishes to residents, guests, visitors, and community partners for a safe and happy holiday season. She commented on valuing the safe environment in Whistler, given recent events in the news. She reflected on Council's accomplishments of 2012 after being elected, including moving quickly to deal with some of the issues at the time; pay parking, illegal spaces, and financial challenges at Municipal Hall. She listed their successes over the last year including the Council Action Plan and the Corporate Plan, re-invigorating the committee system, and establishing important new committees including the Economic Partnership Initiative and the Education and Learning Strategy Task Force among several other new committees. She reported that they worked through finalizing the updated Official Community Plan, passed a budget with a zero per cent property tax increase, and are now hard at work on the 2013 budget. They will continue to work toward supporting a successful resort community and a successful winter season, including the upcoming events of the Festivals, Events & Animation Program. Investments have been made into Bayly Park at the Cheakamus Crossing. The Memorandum of Understanding was signed today as part of the partnership with the Audain Art Museum project. There will be a continued focus on quality programs and services, and re-investment into municipal infrastructure, parks, trails. The Mayor mentioned the Ironman event being secured for the next five years starting next August, recognized the Film Festival put on by the Whistler Film Festival Society this year, and commented on the number of events this year and events coming up in the

future. She recognized the strong and caring community and partnerships, and commented on the benefits these relationships have provided, even in these challenging times.

Mayor Wilhelm-Morden encouraged everyone to think of those who are less fortunate this year. The Whistler Food Bank is always looking for donations and assistance and there are many other organizations in our community that can always use help.

On behalf of the Resort Municipality of Whistler, Council and staff, Mayor Wilhelm-Morden wished everyone a Happy Holiday season and a happy healthy New Year, and commented that Council looks forward to continuing to serve the resort community next year.

### **INFORMATION REPORTS**

2012 Community  
Enrichment Program  
Report Backs  
Report No. 12-144  
File No. 3004.24

Moved by Councillor D. Jackson  
Seconded by Councillor J. Grills

**That** Council receives the 2012 Community Enrichment Program grant funding report backs.

CARRIED

2012 Fleet Status  
Report  
Report No. 12-145  
File No. 157

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** Council receives Information Report 12-145 which provides an overview of fleet management decision making, and summarizes the forecast outcome of the 2012 fleet replacement and liquidation program.

CARRIED

### **PRESENTATIONS/DELEGATIONS**

2012 Community  
Enrichment Program  
Report Backs

A presentation was given by Tim Andrews, Director of Trails, regarding the Whistler Off Road Cycling Association.

### **INFORMATION REPORTS**

Alta Lake Sewer  
Options Update  
Report No. 12-141  
File No. 365

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

**That** Council receives Information Report No. 12-141, "Alta Lake Sewer Options Update."

CARRIED

### **ADMINISTRATIVE REPORTS**

LLR 1134 - Maxx Fish  
Liquor Primary Change  
to Hours of Sale  
Report No. 12-133  
File No. LLR 1134

Moved by Councillor J. Grills  
Seconded by Councillor D. Jackson

**That** Council authorize the resolution attached as Appendix "A" to Administrative Report No. 12-133 providing Council's recommendation to the BC Liquor Control and Licensing Branch in support of an application from



Maxx Fish nightclub located at 4301 Village Stroll for a Permanent Change to Licensed Hours of Sale for Liquor Primary License No. 004781, to extend hours of sale to 2:00 a.m. on Sunday nights.

CARRIED

LLR 1133 - Moe Joe's  
Liquor Primary Change  
to Hours of Sale  
Report No.12-134  
File No. LLR 1133

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

**That** Council authorize the resolution attached as Appendix "A" to Administrative Report No. 12-134 providing Council's recommendation to the BC Liquor Control and Licensing Branch in support of an application from Moe Joe's nightclub located at 4115 Golfer's Approach for a Permanent Change to Licensed Hours of Sale for Liquor Primary License No. 174823, to extend hours of sale to 2:00 a.m. on Sunday nights.

CARRIED

LLR 128 - Conference  
Centre Extension of  
Hours for WinterPride  
Report No. 12-135  
File No. LLR128

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

**That** Council authorize hours of liquor sale from 11:30 am on Saturday, February 9, 2013 to 4:00 a.m. on Sunday, February 10, 2013 at the Whistler Conference Centre; and further,

**That** Council authorize staff to support Tourism Whistler's application to the provincial Liquor Control and Licensing Branch for a Temporary Change to a Liquor License for the event.

CARRIED

Development Variance  
Permit 1048 – 9267  
Emerald Drive  
Report No. 12-137  
File No. DVP 1048

Moved by Councillor J. Grills  
Seconded by Councillor D. Jackson

**That** Council approve Development Variance Permit Application No. 1048: 9267 Emerald Drive for the following variances:

- Vary the front setback from 5 metres to 2 metres for a proposed 2 car garage and covered walkway;
- Vary the front setback from 4 metres to 1 metre for the roof overhang of the proposed 2 car garage; and,
- Vary the maximum permitted height of the proposed 2 car garage from 3.5 metres to 4.32 metres.

CARRIED

Development Variance  
Permit 1049 – 9407  
Emerald Drive  
Report No. 12-136  
File No. DVP 1049

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** Council approve Development Variance Permit Application No. 1049: 9407 Emerald Drive for the following variances:

- Vary the front setback from 5 metres to 2 metres for a proposed 2 car garage;
- Vary the front setback for the roof overhang of the proposed garage from 4 metres to 1.35 metres; and further,

- Vary the front setback for the roof deck on the proposed garage from 7.6 metres to 2 metres;

**That** the issuance of the Development Variance Permit be subject to the removal of all existing auxiliary buildings, mechanical equipment and building materials located on the adjacent Municipal property to the satisfaction of the General Manager of Resort Experience.

CARRIED

Development Variance  
Permit 1047 – 8513  
Matterhorn Drive  
Report No. 12-138  
File No. DVP 1047

Moved by Councillor J. Grills  
Seconded by Councillor D. Jackson

**That** Council approves Development Variance Permit Application No. 1047: 8513 Matterhorn Drive for the following variances:

- vary the front setback from 2 metres to 0 metres for the existing retaining wall and vary the maximum permitted height of the existing retaining wall at the front parcel line from 0 metres to 1.67 metres and 1.96 metres respectively, all as shown on the Doug Bush survey plan dated October 4, 2012;
- vary the front setback from 5.6 metres to 0 metres for the existing staircase as shown on the Doug Bush survey plan dated October 4, 2012; and,
- vary the amount of required on-site parking spaces from three to zero.

**That** issuance of the Development Variance Permit is subject to:

1. Payment of any outstanding development variance permit processing fees;
2. The owners entering into an encroachment agreement with the Municipality for the parking area, existing retaining wall, and existing staircase within the road right of way;
3. Receipt of an Engineers report to confirm that the existing retaining wall is stable.

CARRIED

Development Permit  
Area Information  
Requirements  
Report No. 12-139  
File No. 7007.1,  
Bylaw 2019

Moved by Councillor D. Jackson  
Seconded by Councillor J. Grills

**That** Council considers giving first, second, and third readings to Resort Municipality of Whistler Land Use Procedures and Fees Bylaw No. 2019, 2012.

CARRIED

Five-Year Financial Plan  
2012-2016 Amendment  
Report No. 12-140  
File No. 4530

Moved by Councillor D. Jackson  
Seconded by Councillor J. Faulkner

**That** Council considers giving first, second and third readings to the Five-Year Financial Plan 2012-2016 Amendment Bylaw No. 2021, 2012.

CARRIED

Annual Filing - Whistler  
Housing Authority  
Report No. 12-142  
File No. Vault

Moved by Councillor J. Grills  
Seconded by Councillor D. Jackson

**WHEREAS** the Resort Municipality of Whistler is the sole shareholder of Whistler Housing Authority Ltd. ("the Company");

**PURSUANT** to the Articles of the Company, the following resolutions are passed as resolutions of the sole shareholder of the Company, duly consented to in writing by all of the directors of the sole shareholder of the Company.

**That** Council waive the requirement of holding an Annual General Meeting of the shareholder of Whistler Housing Authority Ltd., for the current year, deemed to be held on the December 7, 2012.

**That** Council accept the attached Financial Statements of Whistler Housing Authority Ltd. for the year ending December 31, 2011.

**That** Council resolve that the following persons be and are hereby appointed directors of the Company, so that the Board of Directors is therefore composed of the following seven persons, to hold office until the next Annual General Meeting or until their successors are elected or appointed:

Jonathan Decaigny  
Sharon Fugman  
Brian Good  
John Grills  
Michael Hutchison  
Duane Jackson  
Nancy Wilhelm-Morden

**That** Council endorse the appointment of BDO Canada as auditor of the Whistler Housing Authority Ltd. for the current fiscal year; and further

**That** the Mayor and Corporate Officer be authorized to sign the annual Shareholder's Resolutions as attached (in lieu of the 2012 Annual General Meeting) of Whistler Housing Authority Ltd.

CARRIED

Annual Filing - Whistler  
Village Land Co. Ltd.  
Report No. 12-143  
File No. Vault

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

**That** the Council of the Resort Municipality of Whistler in open meeting assembled, hereby resolves that the Municipality, as sole shareholder of the Whistler Village land Co. Ltd. pass the consent resolutions of the shareholder of the Whistler Village Land Co. Ltd., a copy of which is attached to Administrative Report to Council 12-143 as Appendix A, and that the Mayor and Corporate Officer execute and deliver the attached resolutions on behalf of the Municipality.

CARRIED

Dissolution of Company  
– Find Whistler  
Interactive Inc.  
Report No. 12-132  
File No. Vault

Moved by Councillor J. Faulkner  
Seconded by Councillor J. Grills

**WHEREAS:**

1. It is expedient that the Company wind up its affairs and make an application to the Registrar of Companies for the dissolution of the Company; and
2. In order to facilitate the dissolution of the Company, the Company proceed to discharge and satisfy or make adequate provision for the discharge and satisfaction of all remaining debts and liabilities (if any) and thereafter to distribute all its remaining property and assets (if any) to the shareholders of the Company in accordance with their share rights.

**RESOLVED THAT:**

- (a) the Company wind up its affairs and discharge or satisfy or make adequate provision for the discharge or satisfaction of all debts and liabilities of the Company (if any);
- (b) all remaining property and assets of the Company (if any) be distributed to the shareholders of the Company in accordance with their share rights;
- (c) the Company is authorized to make an application to the Registrar of Companies to be dissolved under the provisions of the British Columbia *Business Corporations Act*; and

any one director of the Company is hereby authorized on behalf of the Company to execute under the seal of the Company or otherwise and to deliver all further documents, certificates and instruments and to take all further action as may be required to give effect to this resolution and the dissolution of the Company.

CARRIED

**MINUTES OF COMMITTEES AND COMMISSIONS**

Recreation and Leisure  
Advisory Committee

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** minutes of the Recreation and Leisure Advisory Committee meeting of September 25, 2012, October 25, 2012, and November 21, 2012.

CARRIED

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

Resort Municipality of  
Whistler Land Use  
Procedures and Fees  
Bylaw No. 2019, 2012

Moved by Councillor D. Jackson  
Seconded by Councillor J. Grills

**That** Resort Municipality of Whistler Land Use Procedures and Fees Bylaw No. 2019, 2012 receive first, second and third readings.

CARRIED



Five-Year Financial Plan  
2012-2016 Amendment  
Bylaw No. 2021, 2012

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** Five-Year Financial Plan 2012-2016 Amendment Bylaw No. 2021, 2012  
receive first, second and third readings

CARRIED

### **BYLAWS FOR THIRD READING**

Land Use Contract  
Discharge Bylaw (4921  
Horstman Lane) No.  
2017, 2012

Moved by Councillor D. Jackson  
Seconded by Councillor J. Grills

**That** Land Use Contract Discharge Bylaw (4921 Horstman Lane) No. 2017,  
2012 receive third reading.

CARRIED

### **BYLAWS FOR ADOPTION**

Zoning Amendment  
Bylaw (Snowcrest) No.  
1989, 2012

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

**That** Zoning Amendment Bylaw (Snowcrest) No. 1989, 2012 be adopted.

CARRIED

Parks and Recreation  
Facility Rental Charges  
Amendment Bylaw No.  
2020, 2012

Moved by Councillor R. McCarthy  
Seconded by Councillor A. Janyk

**That** Parks and Recreation Facility Rental Charges Amendment Bylaw No.  
2020, 2012 be adopted.

CARRIED

### **OTHER BUSINESS**

RMI Funds for Rainbow  
Theatre

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

**That** the below resolution passed by Council at the December 4, 2012  
Regular Council Meeting be amended to replace the first point to now state  
"By February 28, 2013 100% of the funds required to complete the \$1,340,000  
renovation have been secured by WFFS;"

The original resolution read:

On November 29th, the Audit and Finance Standing Committee of  
Council agreed with the Economic Partnership Committee and  
recommended the following resolution be brought forward to a  
Regular Council Meeting:

**That** the Resort Municipality of Whistler provide the Whistler Film  
Festival Society (WFFS) with access to \$350,000 Resort Municipality  
Initiative funds for the renovation of the Rainbow Theatre conditional  
on the following:

- By December 31, 2012 100% of the funds required to  
complete the \$1,340,000 renovation have been secured by  
WFFS;

- WFFS providing a sound business plan that demonstrates the viability of the ongoing operating model of the renovated Rainbow Theatre;
- WFFS provides an acceptable project construction plan for the completion of the \$1,340,000 renovation; and
- Satisfactory review of the owner/operator/leaseholder roles and responsibilities for the renovated theatre.

CARRIED

## CORRESPONDENCE

Nita Lake Lodge  
File No. 3009

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** correspondence from from Currie Chiang, Jay and Nita Haveri, Jon Sobel and Irina Yuen, Robert and Nenette Scott, Bob Ruddy, Peter Thompson, Graeme Armstrong and David Robinson, Michelle and Lawrence Kosick, and Brian and M. Victoria Martone, dated November 29, 2012, seeking municipal guidance regarding a Phase II covenant on strata lots of Nita Lake Lodge be received and referred to staff.

CARRIED

7-Eleven's Conformance  
to Strata Noise Bylaws  
File No. 3009

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

**That** correspondence from from Alan J. Erickson and Marguarite J. Erickson, dated November 28, 2012, regarding positive changes on behalf of 7-Eleven resulting in conformance to strata bylaws at Market Pavilion be received.

CARRIED

Highway 99 Speed Limit  
File No. 3009

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

**That** correspondence from Doug Forseth, Vice President of Whistler Blackcomb, dated November 28, 2012, regarding Highway 99 speed limit between Function Junction and Alta Lake Road be received and refer to staff.

CARRIED

Garibaldi Park  
Management Plan  
File No. 3009

Moved by Councillor J. Faulkner  
Seconded by Councillor J. Grills

**That** correspondence from Emily Mann, WORCA Director of Planning, regarding WORCA's position on the mountain biking component of BC Park's Management Plan Amendment for the Spearhead Area of Garibaldi Park be received.

CARRIED

Gas Tax Agreement  
Community Works Fund  
Payment  
File No. 2014

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

**That** correspondence from Mary Sjostrom, President of the Union of British Columbia Municipalities, dated December 3, 2012, advising that UBCM is in distributing a transfer of \$149,267.61 for the second Community Works Fund Payment for fiscal 2012/2013 be received.

CARRIED

Pride Week  
File No. 3009.1

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

**That** correspondence from Dean Nelson, Executive Producer of WinterPRIDE, dated December 3, 2012, requesting that February 3-10, 2013 be proclaimed "Pride Week" be received and proclaimed.

CARRIED

#### **ADJOURNMENT**

Moved by Councillor J. Crompton

**That** Council adjourn the December 18, 2012 Council meeting at 7:50 p.m.

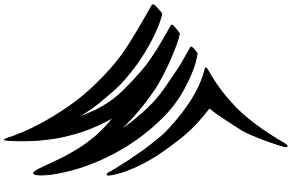
CARRIED

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MAYOR: N. Wilhelm-Morden

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CORPORATE OFFICER: S. Story



# WHISTLER

## MINUTES

**REGULAR MEETING OF MUNICIPAL COUNCIL  
TUESDAY, JANUARY 22, 2013, STARTING AT 5:30 PM**

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

### **PRESENT:**

Mayor N. Wilhelm-Morden

Councillors: J. Crompton, J. Faulkner, J. Grills, D. Jackson, and A. Janyk

ABSENT: Councillor R. McCarthy

Chief Administrative Officer, M. Furey  
General Manager of Corporate and Community Services, B. MacPherson  
General Manager of Infrastructure Services, J. Paul  
General Manager of Resort Experience, J. Jansen  
Corporate Officer, S. Story  
Manager of Planning, M. Kirkegaard  
Manager of Communications, M. Comeau  
Manager, Strategic Alliances, J. Rae  
Planner, M. Laidlaw  
Planner, F. Savage  
Parks Planner, K. McFarland  
Sustainability Coordinator, K. Damaskie  
Senior Communications Officer, M. Darou  
Recording Secretary, A. Winkle

### **APPROVAL OF AGENDA**

Moved by Councillor J. Crompton

Seconded by Councillor A. Janyk

**That** Council approve of the Regular Council agenda of January 22, 2013, with the removal of the BC Healthy Communities and Vancouver Coastal Health presentation.

CARRIED

### **ADOPTION OF MINUTES**

Moved by Councillor J. Faulkner

Seconded by Councillor J. Grills

**That** Council adopt the Regular Council minutes of January 8, 2013.

CARRIED



## **PUBLIC QUESTION AND ANSWER PERIOD**

Dave Buzzard, 9295 Emerald Drive, asked about the tree clearing/logging he observed at the south side of the Cal Chek campsites along the forest service road on the drive to the bungee jumping site.

Mayor Wilhelm-Morden responded that it came to the December 12, 2012 Cheakamus Community Forest board of directors meeting, and was briefly discussed. Recreation Trails and Sites BC, part of the Ministry of Forests, had asked Community Forest to remove some hazard trees in the campground and to do some thinning of the canopy so there would be more sunlight to the campsite to improve the experience. The Community Forest has the tree cutting permit in the area. The work was done by Lil'wat Forestry in December and finished recently. About five logging trucks worth of wood were generated and Mayor Wilhelm-Morden offered to share the two page document on the Canopy Thinning Project at Cal Chek Recreation Site.

Mr. Buzzard commented that he would estimate he observed the equivalent of 10-15 loads of logs, and commented on the quality of the logs taken from the area. He asked if information on the project should be on the maps and plans on the webpage that contains the list of harvesting for public consultation and open houses.

Mayor Wilhelm-Morden responded that she was advised that it is on the website, and can have further discussions with him.

Mr. Buzzard commented on a notice he found on the website, and about fire prevention along the side of forest service roads and the amount of trees that is being proposed to be removed.

M. Furey commented that tree clearing by forest service roads may be a provincial issue.

Mr. Buzzard commented on the reasons the RMOW entered into the Community Forest agreement.

Mayor Wilhelm-Morden responded that it is a challenging issue and one they struggle with on a regular basis and are hoping they can move in a direction that is more satisfactory than the one they have now. They will be bringing the 2013 plan to the Forest and Wildland Advisory Committee and the public before it is considered in March.

## **PRESENTATIONS/DELEGATIONS**

*This item was removed from the agenda.*

BC Healthy  
Communities and  
Vancouver Coastal  
Health

2013 FIL World  
Championships

A presentation was given by Anna Fraser Sproule, Luge Canada, regarding the 2013 FIL World Championships which begins in Whistler on Wednesday, January 30, 2013.

## **MAYOR'S REPORT**

Mayor Wilhelm-Morden reported that she looks forward to seeing everyone at the FIL World Championships opening ceremonies on January 30<sup>th</sup> and the events being held in Whistler for the first time.

Mayor Wilhelm-Morden reported that Council and senior staff will be attending a Council retreat on January 23. She reported that the retreat would be an opportunity for Council to review progress on the Council Action Plan and Corporate Plan and discuss goals and objectives for the next 18 months. An updated Corporate Plan will be made available to the public after the budget process, towards late March.

Mayor Wilhelm-Morden reported that the 2013 budget process is still underway and that comments from a budget survey are being taken into account. A special Committee of the Whole meeting will be held Tuesday, January 29 at Millennium Place from 2 p.m. to 4 p.m. for a presentation of the preliminary budget by Council. This meeting is open to the public. She reported that a budget information open house has been tentatively scheduled for before the Regular Council meeting on February 19<sup>th</sup>, and the Five-Year Financial Plan is scheduled for adoption in March. For more information, videos and presentations from the December 6, 2012 RMOW 2013 Budget Open House are available at [www.whistler.ca/budget](http://www.whistler.ca/budget). The videos include an introduction, the Mayor's address, a presentation about the RMOW financial planning process, and an overview of key economic trends by members of the Economic Partnership Initiative Committee. Input is still welcome.

Mayor Wilhelm-Morden reported that the Meadow Park Sports Centre Fees and Charges Survey is available online until February 1<sup>st</sup> at [whistler.ca/meadowpark](http://whistler.ca/meadowpark) to provide feedback for decision making about fees for admissions, passes, and programs. The survey takes approximately 10 minutes to complete.

Mayor Wilhelm-Morden reported that WinterPRIDE Week will be held February 3-10, 2013. On behalf of Council and the Resort Municipality of Whistler, the Mayor wished the organizers and participants of the 21<sup>st</sup> annual WinterPRIDE festival a wonderful week in Whistler. She reported that Council has officially proclaimed Pride Week in Whistler and the rainbow flag will be flying over municipal hall during Pride Week. She thanked GayWhistler for the WinterPRIDE week which has become an iconic annual event that adds to the vibrancy of the Whistler ski season.

Mayor Wilhelm-Morden reported that Sunday, January 27<sup>th</sup> is Family Literacy Day and the Whistler Public Library is celebrating with some programming during the day, including animal tracking with the AWARE Kids Club, story time, crafts, lunch and family scrabble. Visit the library website for more information.

Mayor Wilhelm-Morden reported that the first BC Family Day will take place on Monday, February 11, 2013. The Resort Municipality of Whistler will be

joining 19 other BC ski resorts in the province to provide a promotion for the first BC Family Day. BC Residents will have the opportunity to ski on Family Day at 50 per cent off regular lift ticket prices. In Whistler, that discount will be available at the Lost Lake Cross-Country Ski and Snowshoe Trails, Whistler Olympic Park and Whistler-Blackcomb. In addition to offering discounts to BC residents, the RMOW will also provide the 50 per cent discount to all visitors regardless of where they are from at the Lost Lake cross-country ski and snowshoe trails, skate rentals at Whistler Olympic Plaza, and the Meadow Park Sports Centre family drop-in and all day admissions.

Mayor Wilhelm-Morden reported that Council appointed eight members to the Advisory Design Panel for the year 2013 as follows:

- Doug Nelson, Tom Bunting and Dennis Maguire as the three professional architects who are registered members of the Architectural Institute of B.C.;
- Pawel Gradowski and Crosland Doak as the two professional landscape architects who are registered members of the B.C. Society of Landscape Architects;
- Dale Mikkelsen as the one professional land developer who is a registered member of the Urban Development Institute of Canada; and
- Eric Callender and Chris Wetaski as the two regular public-at-large members, one of which has professional expertise in the development industry.

Mayor Wilhelm-Morden reported that Council appointed Davin Moore as the Whistler Community Service representative on the Liquor License Advisory Committee, replacing Jackie Dickinson during her maternity leave.

Mayor Wilhelm-Morden reported that VANOC is in the process of implementing a simplified governance model. Sharon Fugman was appointed as the RMOW representative to the VANOC board. Ms. Fugman would replace the current appointees, Jim Godfrey and Barrett Fisher.

Councillor J. Faulkner acknowledged the effort of Peter Alder on a Whistler bid for the Canadian National Ski Museum, which was awarded to Mont Tremblant.

#### **ADMINISTRATIVE REPORTS**

Park Naming -  
Florence Petersen Park  
Report No. 13-004  
File No. 8070.01, 8201

Moved by Councillor J. Grills  
Seconded by Councillor J. Faulkner

**That** Council endorses the naming of municipal open space adjacent to the Whistler Museum and Archives as Florence Petersen Park in recognition of her community service; and further,

**That** Council endorses the renaming of Village Park Centre as Florence Petersen Park.

CARRIED

LLR 1135 – Buffalo  
Bill's Liquor Primary  
Change to Hours of  
Sale  
Report No. 13-007  
File No. LLR 1135

Moved by Councillor J. Grills  
Seconded by Councillor D. Jackson

**That** Council authorizes the resolution attached as Appendix "A" to Administrative Report No. 13-007 providing Council's recommendation to the BC Liquor Control and Licensing Branch in support of an application from Buffalo Bill's nightclub located at 4122 Village Green for a Permanent Change to Licensed Hours of Sale for Liquor Primary License No. 117331, to extend hours of sale to 2:00 a.m. on Sunday nights.

CARRIED

4330- 4340 Blackcomb  
Way – Audain Art  
Museum  
Report No. 13-008  
File No. 8363, RZ1066

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

**That** Council directs staff to initiate a rezoning application and prepare a zoning amendment bylaw to amend the zoning of a portion of Block D, District Lots 5028, 7641 and 7922 located in Whistler Village at 4330-4340 Blackcomb Way to permit an art museum and auxiliary uses; and further,

**That** Council authorize staff to schedule a Public Open House respecting the proposed zoning amendment.

CARRIED

Building Permit  
Application, Strata Lots  
217, 218, 219, 4308  
Main Street  
Report No. 13-005  
File No. 8348.03

Moved by Councillor J. Grills  
Seconded by Councillor D. Jackson

**That** Council not withhold a building permit application for Strata Lots 217, 218 and 219, Strata Plan LMS 2940 to convert part of the space vacated by the Elephant and Castle Restaurant from restaurant use to retail or personal service use, subject to registration of an easement enabling Strata Lots 217 through 221 continued access to venting.

CARRIED

Draft Garibaldi Park  
Management Plan  
Amendment  
Report No. 13-006  
File No. 9112

Moved by Councillor D. Jackson  
Seconded by Councillor J. Crompton

**That** Council directs staff to forward Administrative Report 13-006 to BC Parks as the Resort Municipality of Whistler's input on the Draft Garibaldi Park Management Plan Amendment.

*Opposed: Councillor J. Faulkner*

CARRIED

#### MINUTES OF COMMITTEES AND COMMISSIONS

Illegal Spaces Task  
Force Committee

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

**That** the minutes of the November 1, 2012 meeting of the Illegal Spaces Task Force Committee be received.

CARRIED



Measuring Up Select  
Committee of Council

Moved by Councillor J. Faulkner  
Seconded by Councillor J. Grills

**That** the minutes of the November 7, 2012 meeting of the Measuring Up Select Committee of Council be received.

CARRIED

Recreation and Leisure  
Advisory Committee

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

**That** the minutes of the December 13, 2012 meeting of the Recreation and Leisure Advisory Committee be received.

CARRIED

### **BYLAWS FOR ADOPTION**

Land Use Contract  
Discharge Bylaw (4921  
Horstman Lane) No.  
2017, 2012

Moved by Councillor D. Jackson  
Seconded by Councillor J. Crompton

**That** Land Use Contract Discharge Bylaw (4921 Horstman Lane) No. 2017, 2012 be adopted.

CARRIED

### **OTHER BUSINESS**

*There were no items of other business.*

### **CORRESPONDENCE**

Bear Plant Food  
File No. 627

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

**That** correspondence from Crosland Doak dated January 8, 2013, regarding concerns with Administrative Report No. 13-001 to Council, "Bear Food Plant List and Communication Protocol" be received and referred to staff and the Bear Working Group.

CARRIED

Alta Lake Road Sewer  
File No. 365

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

**That** correspondence from Paul E. Mathews, dated January 8, 2013, regarding concerns with options for an Alta Lake Road sewer be received and referred to staff.

CARRIED

Artists Survival in  
Whistler  
File No. 3009

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

**That** correspondence from Vincent and Cheryl Massey, dated January 7, 2013, requesting that challenges for artists making a living in Whistler be examined be received, referred to staff, and a copy sent to the Whistler Arts Council.

CARRIED

Seniors Housing  
File No. 4271

Moved by Councillor J. Grills  
Seconded by Councillor D. Jackson

**That** correspondence from Jim Horner, dated January 8, 2013, regarding seniors housing options in Whistler be received and referred to the Whistler Housing Authority.

CARRIED

Governance  
File No. 3009

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

**That** correspondence from Wolfgang Lindemann, dated January 4, 2013, regarding the powers of local government be received.

CARRIED

#### **ADJOURNMENT**

Moved by Councillor Crompton

**That** Council adjourn the January 22, 2013 Council meeting at 7:19 p.m.

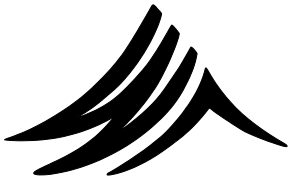
CARRIED

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MAYOR: N. Wilhelm-Morden

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CORPORATE OFFICER: S. Story



# WHISTLER

## MINUTES

**REGULAR MEETING OF MUNICIPAL COUNCIL  
TUESDAY, FEBRUARY 19, 2013, STARTING AT 5:30 PM**

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

### **PRESENT:**

Mayor N. Wilhelm-Morden

Councillors: J. Crompton, J. Faulkner, J. Grills, D. Jackson, A. Janyk,  
and R. McCarthy

Chief Administrative Officer, M. Furey  
General Manager of Corporate and Community Services, B. MacPherson  
General Manager of Infrastructure Services, J. Paul  
General Manager of Resort Experience, J. Jansen  
Director of Finance, K. Roggeman  
Corporate Officer, S. Story  
Manager of Communications, M. Comeau  
Manager of Transportation and Solid Waste, J. Hallisey  
Manager of Recreation, R. Weetman  
Manager of Planning, M. Kirkegaard  
Manager Resort Parks Planning, M. Pardoe  
Planner, M. Laidlaw  
Parks Planner, K. McFarland  
Environmental Coordinator, N. Richer.  
Senior Communications Officer, M. Darou  
Recording Secretary, A. Winkle

### **APPROVAL OF AGENDA**

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

**That** Council approve of the Regular Council agenda of February 19, 2013, with the addition of consideration of a motion to send a letter to UBCM under "Other Business," and moving the 2013 Budget Guidelines Report to the first item under "Administrative Reports."

CARRIED

### **ADOPTION OF MINUTES**

Moved by Councillor J. Faulkner  
Seconded by Councillor J. Grills

**That** Council adopt the Regular Council minutes of February 5, 2013.

CARRIED

## **PUBLIC QUESTION AND ANSWER PERIOD**

*There were no questions from the public.*

## **PRESENTATIONS/DELEGATIONS**

Re-Use It Centre  
Update

A presentation was given by Lorna Van Straaten, Executive Director of Whistler Community Services Society, regarding an update on the Re-Use It Centre.

Whistler Nordics

A presentation was given by Craig Mackenzie, Whistler Nordics, regarding the daily condition of the Lost Lake cross country ski trails.

## **MAYOR'S REPORT**

Mayor Wilhelm-Morden thanked Councillor J. Crompton and Councillor D. Jackson for being Acting Mayor in her recent absence.

Mayor Wilhelm-Morden reported on the success of the first BC Family Day last week. Whistler Blackcomb reported that there were 85,000 visits over the long weekend, similar to visitor numbers over the Christmas holidays and Presidents' Day weekend. She commented on the Province's decision to hold Family Day on the second Monday in February, rather than the third Monday.

Mayor Wilhelm-Morden reported that a budget open house took place earlier today. There will be a presentation this evening by Ken Roggeman about the budget guidelines. The preliminary budget proposes no increases to municipal property taxes, no increases to municipal utilities fees, and increasing service levels in some area. Council hopes to look at the Five-Year Financial Plan bylaw on March 5<sup>th</sup>, with adoption on March 19<sup>th</sup>. There is still an opportunity to provide input, and the budget can be reviewed at [whistler.ca/budget](http://whistler.ca/budget).

Mayor Wilhelm-Morden reported that last week was the third anniversary of the 2010 Games. She commented that Sochi has one year left to prepare and the Resort Municipality of Whistler extends its best wishes to Sochi and as they continue in their final preparations and the 2014 Organizing Committee as they lead up to the 2014 Games.

Mayor Wilhelm-Morden congratulated Danny Papadatos, who was awarded the Mr. Gay Canada title at a competition the Mayor judged as part of the WinterPride festivities.

Mayor Wilhelm-Morden congratulated Mayor Jordan Sturdy for securing nomination for the Liberal candidate in the West Vancouver-Sea to Sky riding. She thanked and extended best wishes to Joan McIntyre on her upcoming retirement at the next election.

Mayor Wilhelm-Morden welcomed the TEDActive Conference next year and congratulated the Fairmont Chateau Whistler and Tourism Whistler for securing the conference which arrives in Whistler and Vancouver in March 2014.



Councillor D. Jackson, on behalf of Council and the Resort Municipality of Whistler, congratulated Nancy Wilhelm-Morden, long-time resident and current Mayor on receiving the Queen Elizabeth II Diamond Jubilee Medal. She was nominated by the Federation of Canadian Municipalities for her contributions to the community. In addition to her current role as Mayor of Whistler, Nancy has served four terms as a municipal Councillor starting in 1984. Nancy has sat on a number of boards over the years including the Dandelion Daycare Society, Whistler Chamber of Commerce, and Whistler Health Care Foundation. She was a founding director and the president of the Community Foundation of Whistler, an organization which has done a lot in the community, and continues as an honorary director. Nancy currently sits on the Emergency Planning Committee, the Audit and Finance Standing Committee, the boards of the Whistler 2020 Development Corporation and the Cheakamus Community Forest as well as the Whistler Arts Council and the Whistler Housing Authority. Previously, she was also a member of the Squamish-Lillooet Regional District board. The Diamond Jubilee commemorative medal was created to mark the 2012 celebrations of the 60<sup>th</sup> anniversary of Her Majesty Queen Elizabeth II's accession to the Throne as Queen of Canada. The Queen Elizabeth II Diamond Jubilee Medal is a tangible way for Canada to honour Her Majesty for her service to this country. At the same time, it serves to honour significant contributions and achievements by Canadians. Clearly, Nancy has a strong history of community service here in Whistler and continues to contribute significantly today and is an extremely well deserving recipient of the medal. He commented that all of the members of Council appreciate her experience, leadership and wisdom.

### INFORMATION REPORTS

Plastic Bag Reduction  
Update  
Report No. 13-012  
File No. 808.1

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

**That** Administrative Report No. 13-012, Plastic Bag Reduction Update, be referred to staff to return with a report to Council with recommendations.

CARRIED

### ADMINISTRATIVE REPORTS

2013 Budget  
Guidelines  
Report No. 13-013  
File No. 4530

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** Council directs the Director of Finance to prepare the five year financial plan bylaw based on these specific guidelines:

1. No increase to property tax and utility fee revenues in 2013 (excluding non-market and property count changes);
2. To plan for similar service levels as provided in the 2012 fiscal year;
3. To include the service level recommendations increases described in Appendix A to Administrative Report No. 13-013; and

4. To include the project amounts as described in Appendix B to Administrative Report No. 13-013.

CARRIED

Re-Use It Centre  
Agreement  
Report No. 13-015  
File No. 640

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

**That** Council endorses the updated agreement between the Resort Municipality of Whistler and Whistler Community Services Society for use of the building at 1003 Lynham Road, commonly referred to as the Re-Use-It Centre.

CARRIED

4330- 4340 Blackcomb  
Way – Audain Art  
Museum  
Report No. 13-014  
File No. 8363, RZ1066,  
Bylaw 2023

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** Council considers giving first and second readings to Zoning Amendment Bylaw (Art Museum) No. 2023, 2013 with minor amendment to section 6.2.1 of Schedule 2 to replace CT12 with IAM2;

**That** Council authorizes the Mayor and Corporate Officer to schedule a public hearing for Zoning Amendment Bylaw (Art Museum) No. 2023, 2013 and to advertise for same in the local newspaper;

**That** before consideration of adoption of Zoning Amendment Bylaw (Art Museum) No. 2023, 2013, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience and the General Manager of Infrastructure Services:

1. Registration of a Section 219 covenant in favour of the Resort Municipality of Whistler to:
  - a) require that all excavation and soil removal activities be performed in accordance with the recommendations of an environmental professional with experience in Contaminated Site Remediation, with that professional being a member of the Roster of Approved Professionals appointed by the Director of Waste Management;
  - b) establish floodproofing conditions recommended by a qualified professional to ensure the lands are safe for the use intended;
  - c) ensure that the proposed development is consistent with the Green Building Project Checklist and with the objectives and goals of the municipality's Green Building Policy G-23;
  - d) require a project completion report detailing the implementation of the green building practices; and further,

**That** Council authorizes the Mayor and Corporate Officer to sign the aforementioned legal document.

CARRIED

Recreation and Leisure  
Master Plan  
Report No. 8039.01  
File No. 13-016

Moved by Councillor D. Jackson  
Seconded by Councillor J. Grills

**That** Council supports the Terms of Reference: Recreation and Leisure Master Plan attached in Appendix A to Administrative Report No. 13-016; and further,

**That** Council authorizes staff to proceed with the Recreation and Leisure Master Plan process.

CARRIED

### MINUTES OF COMMITTEES AND COMMISSIONS

Advisory Design Panel

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

**That** minutes of the Advisory Design Panel meeting of December 19, 2012 be received.

CARRIED

Measuring Up Select  
Committee

Moved by Councillor J. Grills  
Seconded by Councillor D. Jackson

**That** minutes of the Measuring Up Select Committee meeting of January 9, 2013 be received.

CARRIED

### BYLAWS FOR FIRST AND SECOND READINGS

Zoning Amendment  
Bylaw (Art Museum)  
No. 2023, 2013

*First and second readings for Zoning Amendment Bylaw (Art Museum) No. 2023, 2013 were postponed to later in the meeting.*

### OTHER BUSINESS

Letter to UBCM

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

**That** a letter be written to the Union of British Columbia Municipalities(UBCM) expressing concern regarding the ramifications of the BC Court of Appeal decision in the *Schlenker vs. Torgrimson* case and that a request be made to UBCM to review the matter and provide recommendations to the Province on behalf of all local government members to address the issues resulting from this case.

CARRIED

## CORRESPONDENCE

Festivals, Events and  
Animation Funding  
Program  
File No. 8316.09,  
8216.08

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** correspondence from Shauna Hardy Mishaw, Executive Director of the Whistler Film Festival Society, dated February 13, 2013, regarding the variance in funding received between 2012 and 2013 and requesting the FE&A Committee and Council to reconsider this decision be received and referred to staff.

CARRIED

Bold Green Jobs Plan  
for BC  
File No. 3009

Moved by Councillor J. Faulkner  
Seconded by Councillor J. Grills

**That** correspondence from Lisa Matthaus and Darryl Walker, Co-Chairs of Green Jobs BC, dated February 1, 2013, requesting that the Resort Municipality of Whistler join the call for a Bold Green Jobs Plan for BC by considering the proposed resolution and by signing the proposed open letter to Christy Clark, John Cummings, Adrian Dix, and Jane Sterk be received.

CARRIED

Drinking Water Week  
2013  
File No. 3009

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** correspondence from Alana Tees, Communications Coordinator, and Daisy Foster, CEO, on behalf of the BC Water & Waste Association regarding a change in the date of Drinking Water Week 2013 to May 20-26, 2013 and a new Small Community Grans Program to help communities host educational events and activities during Drinking Water Week 2013 be received.

CARRIED

Order of British  
Columbia  
File No. 3009

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

**That** correspondence from Karen Felker, Coordinator for the Honours and Awards Secretariat, dated January 28, 2013, calling for nominations for the Order of British Columbia, the Province's highest award for excellence and outstanding achievement be received.

CARRIED

Chamber Week  
File No. 3009.1

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** correspondence from Fiona Famulak, President of the Whistler Chamber of Commerce, dated February 1, 2013, requesting February 18-22, 2013 be proclaimed as *Chamber Week* be received and Chamber Week be proclaimed.

CARRIED



### **BYLAW FOR FIRST AND SECOND READINGS**

Zoning Amendment  
Bylaw (Art Museum)  
No. 2023, 2013

Moved by Councillor D. Jackson  
Seconded by Councillor J. Grills

**That** Zoning Amendment Bylaw (Art Museum) No. 2023, 2013 receive first and second reading as altered.

CARRIED

### **ADJOURNMENT**

Moved by Councillor

**That** Council adjourn the February 19, 2013 Council meeting at 7:13 p.m.

CARRIED

---

MAYOR: N. Wilhelm-Morden

---

CORPORATE OFFICER: S. Story

THIS MEMORANDUM OF UNDERSTANDING is dated for reference the 18<sup>th</sup> day of December, 2012:

**BETWEEN: RESORT MUNICIPALITY OF WHISTLER** a municipal corporation continued pursuant to the *Resort Municipality of Whistler Act*, R.S.B.C. 1996, c. 407 and having its office at 4325 Blackcomb Way, Whistler, BC, V0N 1B4 ("**RMOW**")

**AND: AUDAIN ART MUSEUM**, a Not-for-profit corporation duly incorporated pursuant to the Canada Not-for-profit Corporations Act having its address at Suite 900 – 1333 West Broadway, Vancouver, BC V6H 4C2 ("**AAM**")

**WHEREAS:**

- A. The RMOW is the local government in Whistler and is the registered owner in fee simple of an 11.9 acre undeveloped parcel of land within the municipality (the "**Subject Property**") granted to it pursuant to a Sponsored Crown Grant (the "**Crown Grant**"), which lands are to be used for "Park Purposes";
- B. AAM has certain rights to a significant collection of North West and other art and has been in discussions with the RMOW for the purpose of constructing, operating and managing a public not for profit world-class museum (the "**Museum**");
- C. The Museum will include amenities and ancillary uses to the operation of the Museum including a gift shop, café and caretaker suite. Other ancillary uses might include the rental of the Museum for private functions (collectively, "**Ancillary Uses**");
- D. The RMOW is working with AAM to use an approximate 3 acre portion of the Subject Property as shown on the Plan attached as Schedule A (the "**Proposed Site**") for the construction of the Museum. A portion of the Proposed Site will be used for an outdoor garden and for art exhibits;
- E. RMOW and AAM are desirous of setting out in writing their shared thinking and to confirm their desire to work collaboratively to accomplish the opening of the Museum by 2014.

Therefore, in consideration of the terms of this MOU (the receipt and sufficiency of which consideration is hereby acknowledged), the RMOW and AAM agree to enter into this MOU as follows:

#### **1. RMOW RESPONSIBILITIES AND OBLIGATIONS**

- (a) In consideration of AAM agreeing to construct, operate and manage the Museum, RMOW agrees to grant a lease or ground lease (the "**Lease**") of the Proposed Site to AAM for \$1.00 for a term of 199 years, subject to compliance with the *Community Charter* and to settlement of the form of lease. Prior to entering into the lease, the parties will determine whether a subdivision of the Proposed Site will be required and that the RMOW has approved the plans for the Museum.

(b) The RMOW agrees to:

- i) request that Council consider granting a ten year permissive tax exemption for the Museum and to recommend that Council give consideration to granting renewals of further exemptions of the permissive tax exemptions;
- ii) subject to compliance with the *Community Charter* and applicable RMOW bylaws, the RMOW will also give consideration to granting relief from Municipal Works and Services Charges;
- iii) be responsible for the relocation of the existing satellite public works yard use from the Proposed Site, excluding the removal of the existing building. The existing building will be vacated by RMOW when construction commences;
- iv) remove the existing trailer located immediately adjacent to Blackcomb Way;
- v) be responsible to obtain confirmation from the Province that the operation of a not for profit facility open to the public on the Proposed Site is consistent with the terms of the Crown Grant that the Proposed Site be used for Park Purposes;
- vi) work with AAM to develop a mutually acceptable configuration of the road connection between Parking Lots 4 and 5 with Parking Lots 1, 2 and 3;
- vii) provide ongoing staff support on a priority basis to support the project schedule timelines in the development of the Museum;
- viii) coordinate Community Engagement, in consultation with AAM; and
- ix) to the extent permissible, waive Building Permit Fees, Rezoning, Development Permit Fees and other like charges, but excluding third party disbursements, if any.

## **2. MUSEUM DESIGN AND SITING CONSIDERATIONS**

(a) AAM is responsible for:

- i) the design, construction and siting of the Museum; and
- ii) the RMOW recognizes the importance of security for the Museum and Proposed Site. AAM agrees that the design and construction of its security system on the property surface areas outside the Museum will be consonant with RMOW's interests including :
  - being cognizant of night-sky friendly lighting requirements within the municipality;
  - providing public pedestrian access through the Proposed Site.

Provided no such design will negatively affect the Museum's security.

### **3. AAM RESPONSIBILITIES AND OBLIGATIONS**

**(a) AAM will be responsible to pay:**

- i) all the capital costs for the construction of the Museum, including typical off-site works required to provide service or access to the Museum, site and utility improvements (should extraordinary off-site works or costs arise, the parties will need to reach mutual agreement as to which party bears responsibility for such works and costs);
- ii) deficits of operating costs for the Museum operations in a manner and upon-terms to be agreed upon prior to execution of the Lease;
- iii) all due diligence costs, including, but not limited to resulting site development costs, soil remediation costs, if required, flood proofing costs and flood management costs;
- iv) If contamination on the Proposed Site is inconsistent with the uses and reports and information previously provided by RMOW to AAM, and the remediation is determined to be extraordinary in nature, the RMOW will enter into discussions with AAM as to who bears such costs to remediate the Proposed Site and to comply with the Provincial Regulations; and
- v) all costs to remove the existing building from the Proposed Site, including capping/relocation of existing utilities and services and municipal water well controls.

It is understood that RMOW will have no responsibility for payment of operating costs, which will be addressed in Section 3(a)(ii).

**(b) AAM acknowledges and agrees:**

- i) that the Proposed Site is being delivered on an "as is where is basis" and AAM is responsible for undertaking all investigations and due diligence to ascertain the suitability of the Proposed Site for the purposes of constructing the Museum;
- ii) to provide assurance to the satisfaction of the RMOW that AAM, directly or indirectly, will provide sufficient funds to fully fund its obligations set out in 3 (a) (i) and 3 (a) (ii) above. Once AAM has determined the endowment and other funding structures, AAM will provide additional details to the RMOW. As soon as practically available, AAM will provide the RMOW with a copy of the business plan and operating budget for the Museum;
- iii) to allow access easements for the existing trail routing, access adjacent to the Proposed Site, connectivity of the park system, and access along the Blackcomb Way training berm;
- iv) to provide easements for public pedestrian access connecting Village Park and the Valley Trail along Fitzsimmons Creek and, between day lots 3 and 4;

- v) AAM is responsible to obtain all permits and municipal approvals, including rezoning, to construct the Museum, subject to Section 1 (b)(ix); and
- vi) maintain all on-site improvements associated with flood proofing the Proposed Site.

#### 4. MUSEUM OPERATIONS

(a) The Museum:

- i) will be owned and operated by one or more entities as a charitable not for profit facility providing access to the public appropriate for such facility;
- ii) will include displays of a significant collection from the Audain Collection, provided ownership of which will not at any time revert to the RMOW or the Crown; and
- iii) revenues including revenue from its Ancillary Uses must be invested in the Museum's operations (including the Museum's exterior and interior facilities).

#### 5. PARKING

- (a) AAM acknowledges that the Parking Lots on Lot 4 and 5, but not within the Proposed Site, may be pay parking at some time in the future.

#### 6. GENERAL MATTERS

Each party will perform its obligations hereunder as an independent party, and nothing contained in this MOU will be construed to create or imply a joint venture, partnership, principal agent, between the parties.

This MOU describes the general conditions and arrangements for future cooperation between the parties. It is not legally binding on the parties. The specific terms and conditions of this future cooperation will be negotiated in due course and will be set out in the lease (either ground lease or by way of subdivision) and any other documents that may be required by the parties.

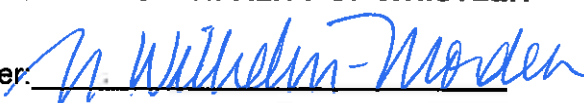
IN WITNESS WHEREOF the parties have agreed to the terms of this MOU as of the date first above written.

AUDAIN ART MUSEUM

Per: 

Per: \_\_\_\_\_

RESORT MUNICIPALITY OF WHISTLER

Per: 

Per: \_\_\_\_\_



## SCHEDULE A





## NOTICE OF PUBLIC OPEN HOUSE



### REGARDING REZONING APPLICATION RZ 1066

#### A PROPOSAL TO REZONE

a portion of BLOCK D, DISTRICT LOTS 5028,  
7641 AND 7922,

P.I.D. 025-120-093

4330/4340 Blackcomb Way, Whistler, BC (The Subject Lands)

The Resort Municipality of Whistler invites all interested members of the public to attend a public open house to be held on:

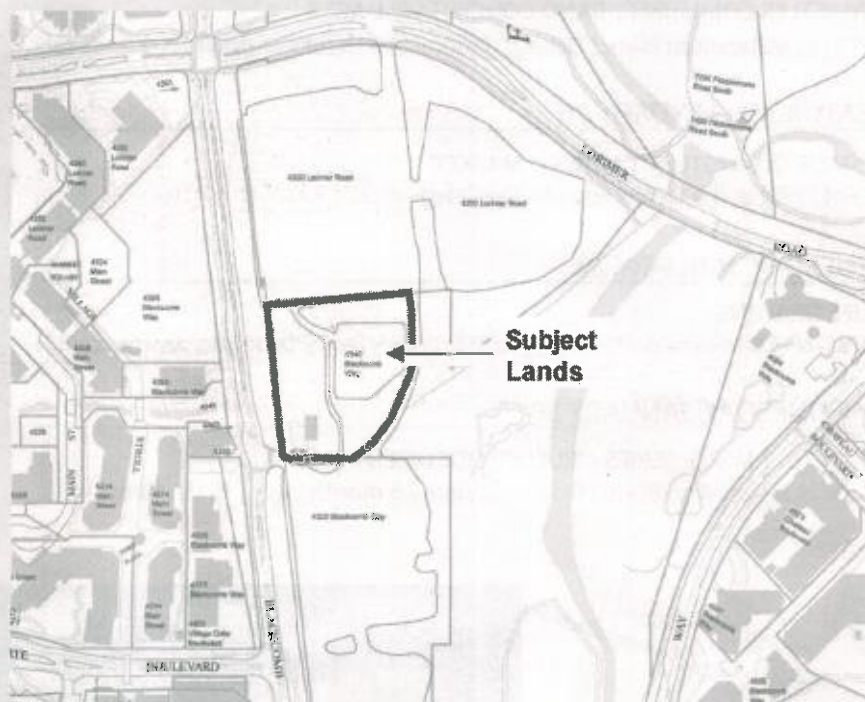
**Wednesday, January 30, 2013 from 4:30 to 6:30 PM**

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

Rezoning Application RZ 1066 proposes to amend the municipality's Zoning and Parking Bylaw 303 to create a new zone designation for the subject lands that would permit an art museum and auxiliary uses including a gift shop, café, caretaker suite, events and receptions.

The purpose of the open house is to provide the public with information about Rezoning Application RZ 1066. Municipal staff will be in attendance to answer questions and receive comments on this application. **There will be a presentation from 5:00 to 5:30 PM.**

We would be pleased to discuss this application with members of the public. For more information, please contact the Planning Department at Municipal Hall, 604-935-8170.



### RESORT MUNICIPALITY OF WHISTLER

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#### PHOTOGRAPHY

## Meet the newly-crowned King of Storms

First-time participant Russell Dalby wins 2013  
Deep Winter Photo Challenge and \$5,000



Deep Winter winner Russell Dalby, centre, poses with his first place cheque for \$5,000. Second-place winner Reuben Krabbe, right, joins third-place finisher Andrew Strain.  
Photo by Tanya Foubert / Whistler Question

**Brandon Barrett**  
[brandon@whistlerquestion.com](mailto:brandon@whistlerquestion.com)

Half a dozen of Whistler's most talented professional photographers were given 72 hours to shoot on Whistler Blackcomb and capture the essence of "Deep Winter" in a three-minute slideshow. The winner was named at an event Saturday (Jan. 19) at the Fairmont Chateau Whistler with 36-year-old Pemberton resident and first-time participant Russell Dalby taking home the top prize and \$5,000.

His winning slideshow was shot entirely in black and white and features photos of riders on the mountain alongside local bands.

**How did you find the Deep Winter Photo Challenge this year?**

I thought it was pretty good. The weather was pretty cooperative, (the snow) wasn't very deep anywhere, but it was

pleasant. I've seen it before and it was really stormy and people's cameras got broken, but this year wasn't bad at all.

**Were there any specific challenges you encountered while shooting?**

The snow conditions kind of got in the way, but I managed to find some deep-ish snow and made it look like winter.

**Describe your winning slideshow for us?**

I kind of went for something different and a little more story-based than the other (slideshows).

**Why did you take a more story-based approach for your slideshow?**

I watched a bunch of slideshows that had won before ... It just seems like the ones that won weren't just mainly action, they were lifestyle shots and had a story. That's what I wanted to do; focus on other stuff rather than just three straight minutes of

action photos.

**Why did you decide to go black and white?**

Mostly so it would stand out a little bit more. I knew everyone would be taking advantage of the blue skies and sunsets, so I just figured I would make it as different as I could.

**How does the 72-hour time limit affect your shooting process and the final outcome of your work?**

Normally when I go out in the backcountry or something, we shoot one or two things per day. But with this, we had to shoot as many things as we could and I think it made us work a little harder and be more creative.

**Will you be back next year to defend your title?**

I guess if they invite me, I might.

**What are you going to do with the \$5,000?**

It's not very exciting, but I think I will put some of it towards my snowmobile.



## Mountain News: Backcountry beef burrito near Butte

Compiled by Allen Best

**C**RESTED BUTTE, Colo. – A remarkable story comes out of Gunnison County, where a quartet of backcountry skiers were astonished to find several cattle at 11,400 feet on a ridge northwest of Crested Butte.

The ridge sits 2,500 vertical feet above the valley floor and has a pitch of at least 40 degrees. One of the skiers, Billy Laird, described the ridge as a "gnarly skinner for experienced backcountry skiers. It's (colloquially) called Heart Attack Ridge for a reason."

The cattle had apparently avoided detection when cowboys last fall herded cattle from high-country grazing. Something similar had happened the year before, when 11 cattle ended up at treeline near Conundrum Hot Springs, near the top of the Elk Range between Aspen and Crested Butte. All of those cattle perished.

In this case, the skiers used a cell phone to inquire if any local ranchers had missing cattle in that area. By the time they had skied down the slope, they had the answer — and the rancher was very appreciative of their offer to try to herd the cattle off the ridge.

Easier said than done, as reported by the *Crested Butte News* and *Gunnison Country Times*. Skinning back to the ridge, they found one cow that seemed dead and two buried in snow but still alive. The two living animals, one a yearling bull and the other a heifer — refused to wade through the snow.

Returning the next morning, this time with several more backcountry skiers, they wrangled the bull and heifer, put stuff sacks over their heads, with slits for breathing, hog-tied their legs and rolled them into tarps, which they tightened with ratchet straps, creating what the *Times* calls a "bovine burrito."

Because of the steepness of the slope, they were able to slide the cattle, which weighed 136kg to 227kg (300 to 500 lbs), down to the valley floor.

There, the bull breathed his last. He was butchered by the skiers, some of whom are hunters. As for the heifer, she was treated to hay, warm water and supplemental heat and, the rancher hopes, will live to create more cattle.

### SKI TOWNS VIE FOR X GAMES

**ASPEN, Colo.** – With snowmobiles doing flips and up to 20,000 younger people at the base of the Buttermilk ski area, Aspen this weekend is opposite to its image as a slightly-stodgy resort for the world's über-elites.

But then that's the point of the X Games. To stay current, and not slip too far into stodginess, Aspen has been

willing to invest in hosting an event that may not truly pay dividends for some years to come.

So are other destinations. ESPN, the owner of the event, announced this past week that Park City, in Utah, Quebec City and Heavenly and Squaw Valley, in the Lake Tahoe Basin of California and Nevada, were all in the running to host the event after Aspen's contract runs out in 2014.

Aspen last year upped the ante, with local governments and other organizations boosting their contributions to \$545,000. Aspen Skiing Co. remains the primary host, but has not publicly disclosed its full package.

One curious footnote from the Lake Tahoe bid is that two ski company rivals, Vail Resorts, which owns Heavenly, and KSL Capital Partners, which owns Squaw Valley, are teaming up.

### BUCK NAKED AND BELOW ZERO

**GRAND LAKE, Colo.** – Cabin fever normally can't be cited as excuse for anything at least until February. So what do you make of the 43-year-old woman who was reported beating on windows and ripping down signs in the pre-dawn light of Grand Lake during one of the coldest weekends in recent years?

After stripping to the waist, she had disrobed entirely and laid down in the street before police arrived to whisk her to a medical clinic at dawn's early light, reports the *Sky-Hi News*.

### BANFF CONSIDERS LIMITING FRANCHISE STORES

**BANFF, Alberta** – Banff is gearing up for a major discussion about whether to limit the number of franchise stores, sometimes called chains.

A study commissioned by the Banff Lake Louise Hotel Motel Association finds that limiting the number of chain stores in Banff would pose a "clear threat to economic prosperity."

Vancouver-based Vann Struth Consulting Group reports that while 20 communities in the United States restrict formula restaurants and retail stores, and Qualicum Beach on Vancouver Island restricts fast-food outlets, the context is very different. Those other places have higher incomes, and an older age profile, and less reliance on the local tourist sector. Also, there is easier access to a full range of shopping and dining options in nearby communities than exist as alternatives in Banff, where the nearest community, Canmore, is 16 to 19km away.

Proponents of a cap on franchise businesses say that Banff should maintain

SEE NEXT PAGE >

## NOTICE OF PUBLIC HEARING



### REGARDING REZONING APPLICATION RZ 1066

#### A PROPOSAL TO REZONE

a portion of BLOCK D, DISTRICT LOTS 5028, 7641 AND 7922, P.I.D. 025-120-093 4330/4340 Blackcomb Way, Whistler, BC (The Subject Lands)

The Resort Municipality of Whistler invites all interested members of the public to attend a public open house to be held on:

**Wednesday, January 30, 2013 from 4:30 to 6:30 PM**

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

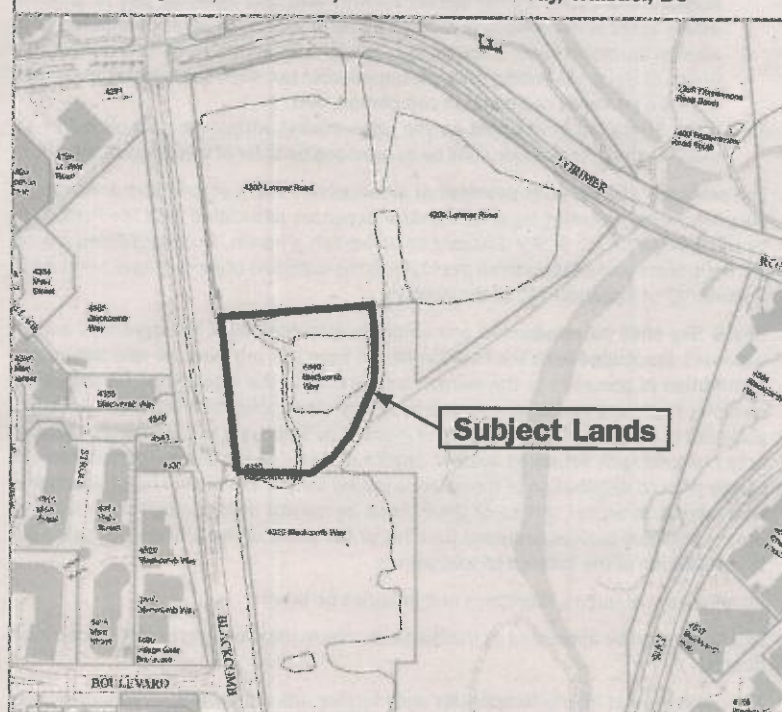
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**There will be a presentation from 5:00 to 5:30 PM.**

We would be pleased to discuss this application with members of the public. For more information please contact the Planning Department at Municipal Hall, 604-935-8170.

Subject Lands – 4330/4340 Blackcomb Way, Whistler, BC



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# RZ 1066

## 4330/4340 Blackcomb Way

### Audain Art Museum

Public Open House  
January 30, 2013



#### RESORT MUNICIPALITY OF WHISTLER

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# Background

- Sept 2012 - RMOW approached to consider opportunity for a legacy art museum to house Audain private collection
- Significant opportunity to further Whistler's arts & cultural development
- Jan 22, 2013 – Council directed staff to initiate a rezoning application, prepare a zoning amendment bylaw & schedule an Open House



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# Purpose of Open House

- Inform the public of rezoning application RZ1066 4330-4340 Blackcomb Way – Audain Art Museum
- Solicit comment from the public prior to bringing forward a zoning amendment bylaw for Council consideration

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# Site Criteria

- Minimum site area 2.5 ha
- Surrounded by coniferous trees or suitable for such landscaping
- Close to public transit and urban amenities (i.e. not only accessible by private car)
- Accommodation of a building of approximately 40,000 sq. ft. of interior space
- Adequate parking on-site or close-by for private vehicles & coaches
- Suitable access for specialized service vehicles

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# Subject Lands



- Located between Day Lots 3 & 4
- 1.22 ha
- Owned by RMOW
- Significant coniferous trees; park-like
- Located near other cultural facilities
- Suitable to accommodate museum

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# Rezoning Proposal

- Site specific institutional zone
- Permitted Uses: art museum
- Auxiliary Uses: gift shop, kitchen, education space, events & receptions, caretaker suite
- Maximum gfa for zone, and some auxiliary uses (eg. gift shop)
- Zone specific parking & loading

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# Site Context



## RESORT MUNICIPALITY OF WHISTLER

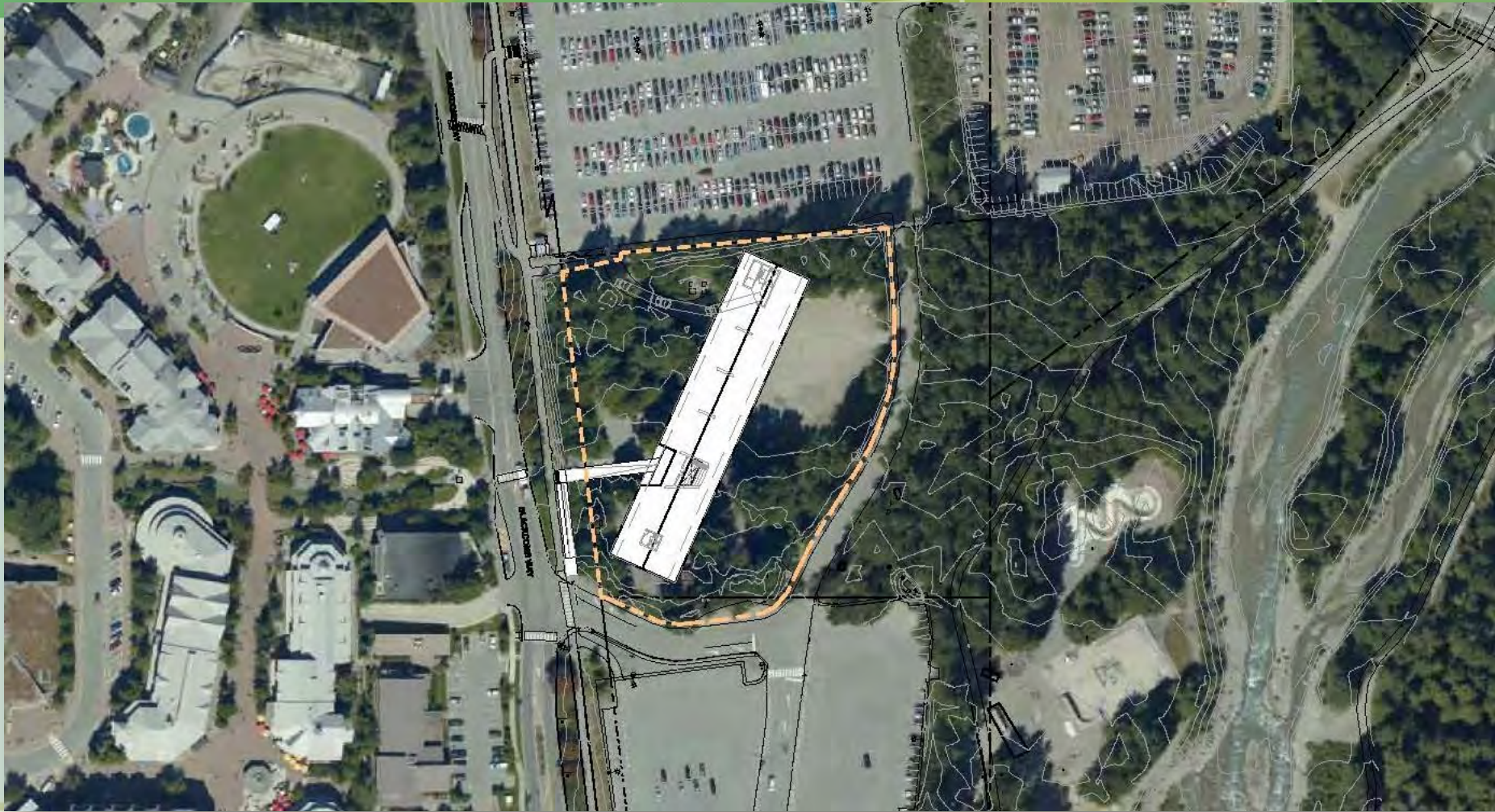
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# Site Concept



## RESORT MUNICIPALITY OF WHISTLER

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# Policy Considerations – Current OCP

OCP Criteria	Comments
Growth management: Bed unit comparison is the closest. 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 will provide clear and substantial benefits to the resort and is not anticipated to cause unacceptable impacts. Consistent with long-term plans to build arts and culture to expand Whistler's visitor base and complement the core recreation experiences. Consistent with opportunity identified in the Whistler Cultural Tourism Development Strategy to develop a purpose built public art museum to meet future community needs and support Whistler's cultural tourism development.
Capable of being served by Municipal water, sewer and fire protection services.	Yes.
Accessible via the local road system.	Yes.
Environmental Impact Assessment/Initial Environmental Review	Per Schedule M and N of the OCP, the site does not have any environmental constraints or development constraints.
Traffic volumes & patterns on Hwy 99 & local roads	Further study is required.

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# Policy Considerations – Current OCP

OCP Criteria	Comments
Overall patterns of development of the community and resort	Consistent with the OCP Policy 4.5.3 - Cultural facilities should be located primarily in the Whistler Village, Blackcomb and Whistler Creek areas, and in conjunction with other community facilities
Municipal Finance	External party will develop & operate the facility. Works & service charges n/a. Proposal supports visitation, room nights and hotel tax.
Views and Scenery	The proposed location of the building mass is not expected to negatively affect views and scenery.
Existing Community and Recreation Facilities	Anticipated to be complementary to existing community arts & culture facilities.
Employee Housing	Employee works & service charges are not payable.
Heritage Resources	n/a
The project must exhibit high standards of design, landscaping and environmental sensitivity	This is a desire of the applicant and will be ensured through the development permit process.
The project will not negatively affect surrounding areas by generating excessive noise or odours	No negative effects are anticipated.
No development will be approved if it will negatively impact a designated Municipal trail system, recreation area or open space	Trail access will be provided through the site connecting day lots 3 and 4 and the Village to Fitzsimmons Creek Trail.

# Policy Considerations – Updated OCP

*Policy 3.2.1.4* Support land uses & development that contribute to a diversified tourism economy compatible with Whistler's resort community character & values.

*Policy 3.2.1.5* Respect & reinforce Whistler's single Town Centre concept.

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# Policy Considerations – Updated OCP

*Objective 7.8.1* Support programs, partnerships & venues for furthering Whistler's arts, culture & heritage sectors.

*Objective 7.8.2* Increase opportunities for education, participation & enjoyment of arts, culture & heritage for residents & visitors.

*Policy 7.8.2.1* Support non-profit & private-sector efforts to increase arts, culture & heritage opportunities.

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# Community Engagement

- Rezoning application sign posted
- Jan 30, 2013 – Public Open House
- March 5, 2013 – tentative Public Hearing date for Zoning Amendment Bylaw
- Public Hearing Notices - mailed to owners within 100 m of site, ads in Pique and Question

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# Next Steps

- Feb 19, 2013 – Council considers 1<sup>st</sup> & 2<sup>nd</sup> reading of Zoning Amendment Bylaw
- March 5, 2013 – tentative Public Hearing date for Zoning Amendment Bylaw
- March 19, 2013 – Council considers 3<sup>rd</sup> reading of Zoning Amendment Bylaw
- MoTI approval of Zoning Amendment Bylaw
- April 16, 2013 – Council considers Zoning Amendment Bylaw adoption + DP approval

## 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







Context  
1:3000  
reference:  
Issue: 2013.01.30

**Audain Art Museum**  
Whistler, BC  
Patkau Architects







## SITE CONTEXT

# AUDAIN ART MUSEUM

2013.01.30

PHILLIPS-FAREVAAG-SMALLEMBERG  
PLANNING-URBAN DESIGN-LANDSCAPE ARCHITECTURE

TOM BARRATT LTD.  
Landscape Architects



# LEGEND

- EXISTING CONIFEROUS TREE
- EXISTING DECIDUOUS TREE
- RECOMMENDED FOR REMOVAL
- REMOVED
- HERITAGE STUMP
- 10' BUILDING OFFSET

\* Reference: Arboricultural Assessment Report: Proposed Audain Art Museum  
Prepared by Michael J Mills Consulting, November 7, 2012

## TREE CONDITION DIAGRAM

### AUDAIN ART MUSEUM

2013.01.30



## PARKING / SERVICE

- Minimize presence and foot print
- Servicing/Parking/Loading Plan to be developed
- Access from north parking lot

## PERIMETER FOREST ZONE

- Forest as context for the Museum
- Protect and enhance existing forest
- Long term succession strategy for conifer forest
- Remove forest debris (fire hazard)
- Consider view sheds

## INFILL PERIMETER FOREST

- Screen road, parking and service areas

## PEDESTRIAN CONNECTION

- Connect Village Stroll to AAM and Fitzsimmons Creek trails
- Sequence of experiences:
  - o Strong sense of arrival at Blackcomb Way
  - o The bridge through the forest
  - o Under building, building entry, steps, amphitheatre, building lots
  - o Meadow
  - o Sculpture – art in landscape
  - o Trail connection to Fitzsimmons/arrival
- Pedestrian only thru site

## WAYFINDING

- Provide building presence from The Stroll, and Blackcomb Way
- Light, signage, art and architecture
- Sense of invitation
- Glimpses to building

## DROP OFF

- Provide drop off along Blackcomb Way with disabled access
- Final location to be determined with RMOW

## CYCLIST CONNECTION

- Cyclists at perimeter to south within landscape edge adjacent to roadway
- 2 meter wide trail

## BUS SHUTTLE / LANDSCAPE

- Enhance
- Redefine bus shuttle parking to bus shuttle stop only along roadway
- Landscape enhancements to be controlled by AAM legal mechanism to be determined

## SNOW STOCKPILE ZONES

## TREE PROTECTION AREA

- Work with RMOW to provide mechanism for ensuring tree protection area east of Connector Road

## MEADOW

- Open area (clearing in forest) for sculpture garden
- Ground cover, pebble surfaces
- Stepping stone slab pathways, places to occupy
- Defined at edges by forest
- Carries through under buildings as open space

## SCULPTURE GARDEN

- Integrated throughout the site (forest and meadow)
- Open public access
- Prepare strategies for flood conditions
- 2.5 clearance
- Temporary vs permanent
- Commissioned works would consider flood requirements
- Possible replacement/insurance issues
- Work with the artist to integrate works to the site (site specific response)

## FITZSIMMONS TRAILHEAD

- Trail could be adjusted to suit AAM alignment

## FIRE ACCESS

- Fire access plan to be developed

## CONNECTOR ROAD

- Leave road alignment in existing state. Road is 7m wide presently and is anticipated required minimum width is 6.2m for fire fighting access.
- Allow for existing vehicle traffic in winter / peak ski season. Install road edge treatments and signage of roadway in shoulder and summer season. Allow for opening during major events (Gran Fondo, Ironman).
- Screen from AAM view points with landscape



CONCEPT DIAGRAM 0 5 10 20 40

AUDAIN ART MUSEUM 2013.01.30

PHILLIPS·FAREVAAG·SMALLENBERG  
PLANNING·URBAN DESIGN·LANDSCAPE ARCHITECTURE

TOM BARRATT LTD.  
Landscape Architects



LANDSCAPE PLAN 1 0 5 10 20 40



## PLANTING STRATEGY

- RETAIN EXISTING CONDITION
- MANAGE FOREST TO MEDIATE HAZARD TREES AND FIRE ISSUES
- INFILL EXISTING FOREST WITH INDIGENOUS TREES AND UNDERSTORY PLANTS



## MATERIALS



staggered stepping stones



refined edges



forest trail



bike rack

## PLANTING AND MATERIALS

### AUDAIN ART MUSEUM

2013.01.30

## ENHANCED FOREST



*Pseudotsuga sitchensis*  
engelmann x sitka spruce



*Populus tremuloides*  
quaking aspen



*Tsuga mertensiana*  
mountain hemlock



*Betula papyrifera*  
paper birch



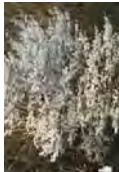
*Cupressus nana*  
yellow cedar



*Acer glabrum* var. *douglasii*  
Douglas maple



*Thuja plicata*  
red cedar



*Amelanchier x grandiflora*  
Princess Diana  
Princess Diana serviceberry

## FOREST UNDERSTORY



*Rubus parviflorus*  
thimbleberry



*Cornus stolonifera*  
red osier dogwood



*Smilacina racemosa*  
false Solomon's seal



*Amelanchier alnifolia*  
serviceberry



*Blechnum spicant*  
deer fern

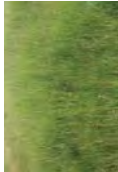


*Polystrichum maximum*  
sword fern



*Arctostaphylos uva-ursi*  
kinkadee

## MEADOW



ornamental grass mix



*Deschampsia cespitosa*  
"Bronzeschleier"  
Bronzeschleier tufted hair grass



alpine meadow



alpine meadow

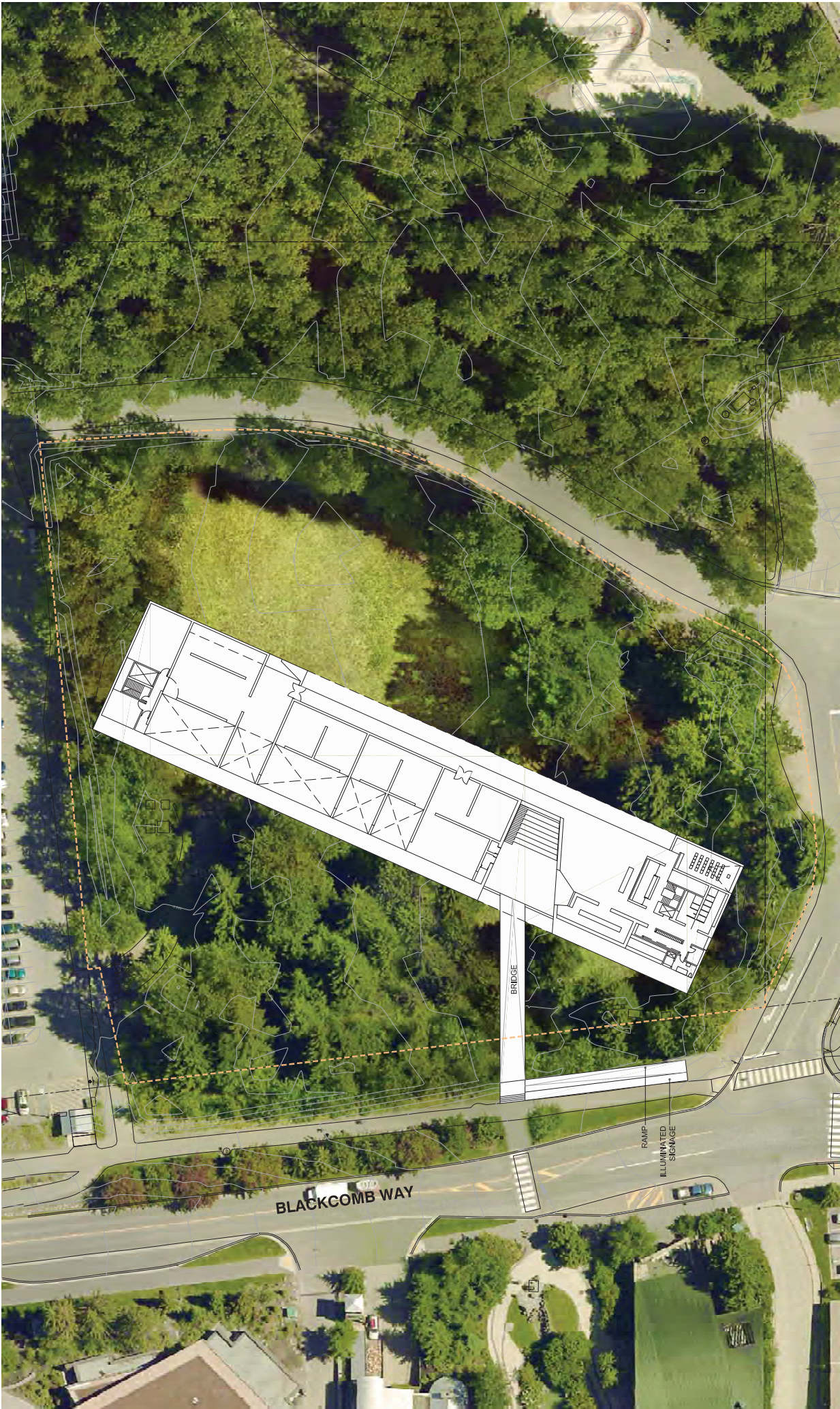


**Concept Images**

Audein Art Museum  
Patkau Architects

Issued: 2013.01.30

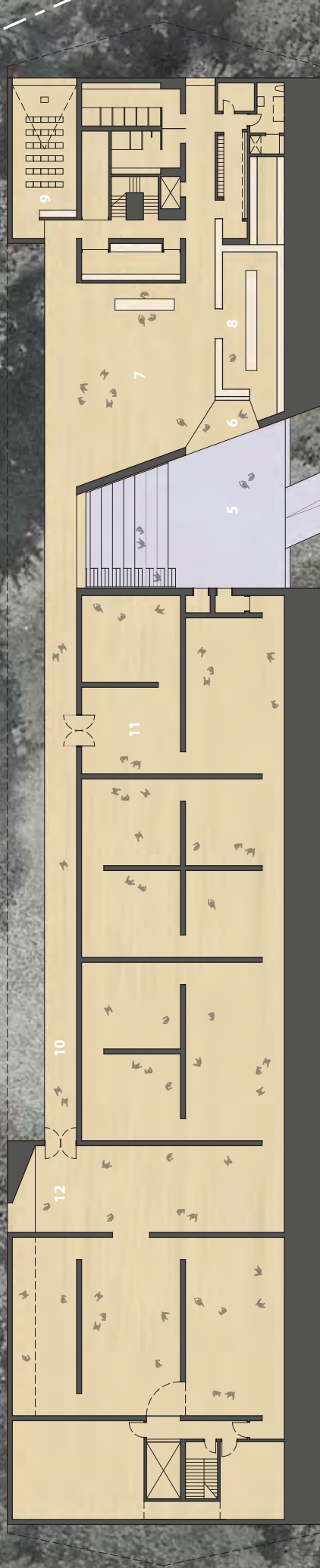




Site Plan  
1:500  
reference:  
issued: 2013.01.30

**Audain Art Museum**  
Whistler, BC  
Patkau Architects

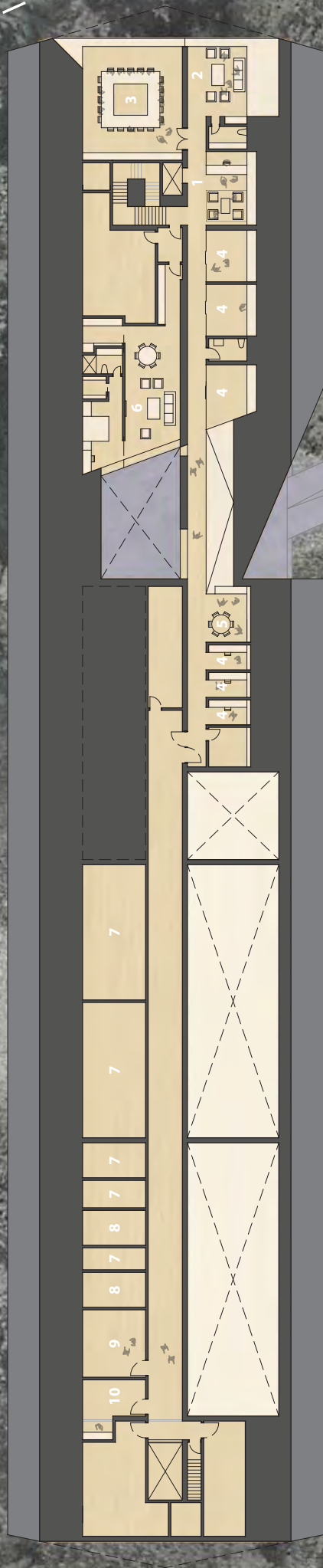




## MAIN FLOOR

- 1 BLACKCOMB WAY
- 2 ILLUMINATED SIGN
- 3 RAMP
- 4 BRIDGE
- 5 COVERED PORCH
- 6 VESTIBULE
- 7 LOBBY
- 8 MUSEUM SHOP
- 9 EDUCATIONAL SPACE
- 10 VIEWING GALLERY
- 11 PERMANENT GALLERY
- 12 TEMPORARY GALLERY
- 13 SCULPTURE GARDEN

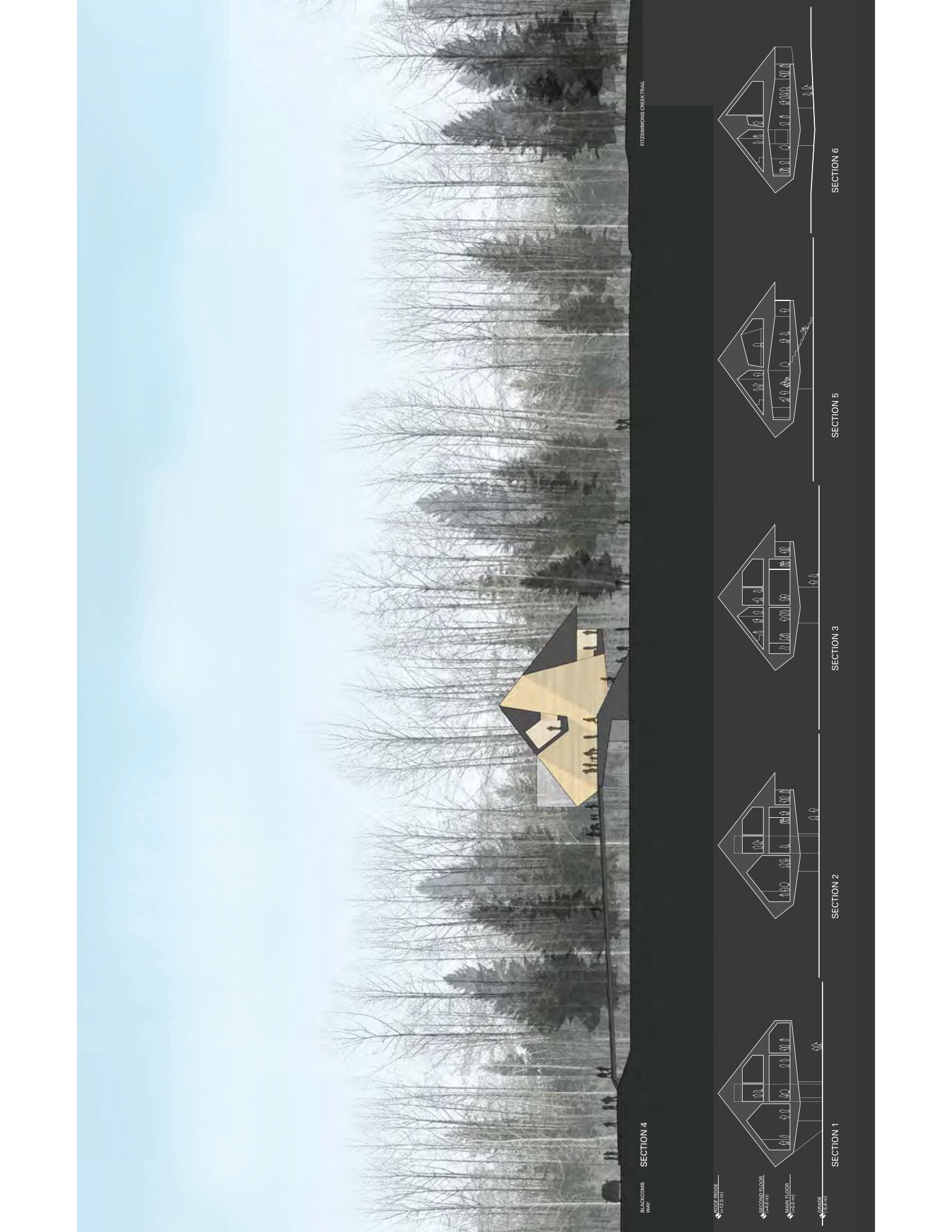




## SECOND FLOOR

- 1 RECEPTION
- 2 TEA ROOM
- 3 BOARD ROOM
- 4 MUSEUM OFFICES
- 5 STAFF LOUNGE
- 6 CARETAKER SUITE
- 7 STORAGE
- 8 WORKSHOP
- 9 CLEAN WORKROOM
- 10 DIRTY WORKROOM





SECTION 4

BLACKCOMB WAY

ROOF RIDGE  
(+12.5 m)

SECOND FLOOR  
(+4.8 m)

MAIN FLOOR  
(+0.0 m)

GRADE  
(-3.8 m)

SECTION 1

SECTION 2

SECTION 3

SECTION 5

SECTION 6

FITZSIMMONS CREEKTRAIL





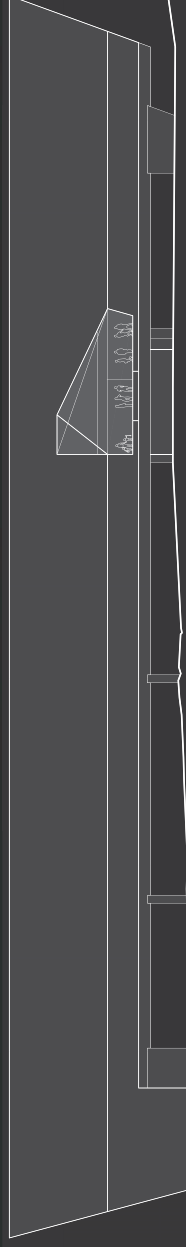
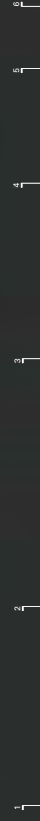
EAST

◆ ROOF RIDGE  
+12.5 m

◆ SECOND FLOOR  
+4.6 m

◆ MAIN FLOOR  
+0.0 m

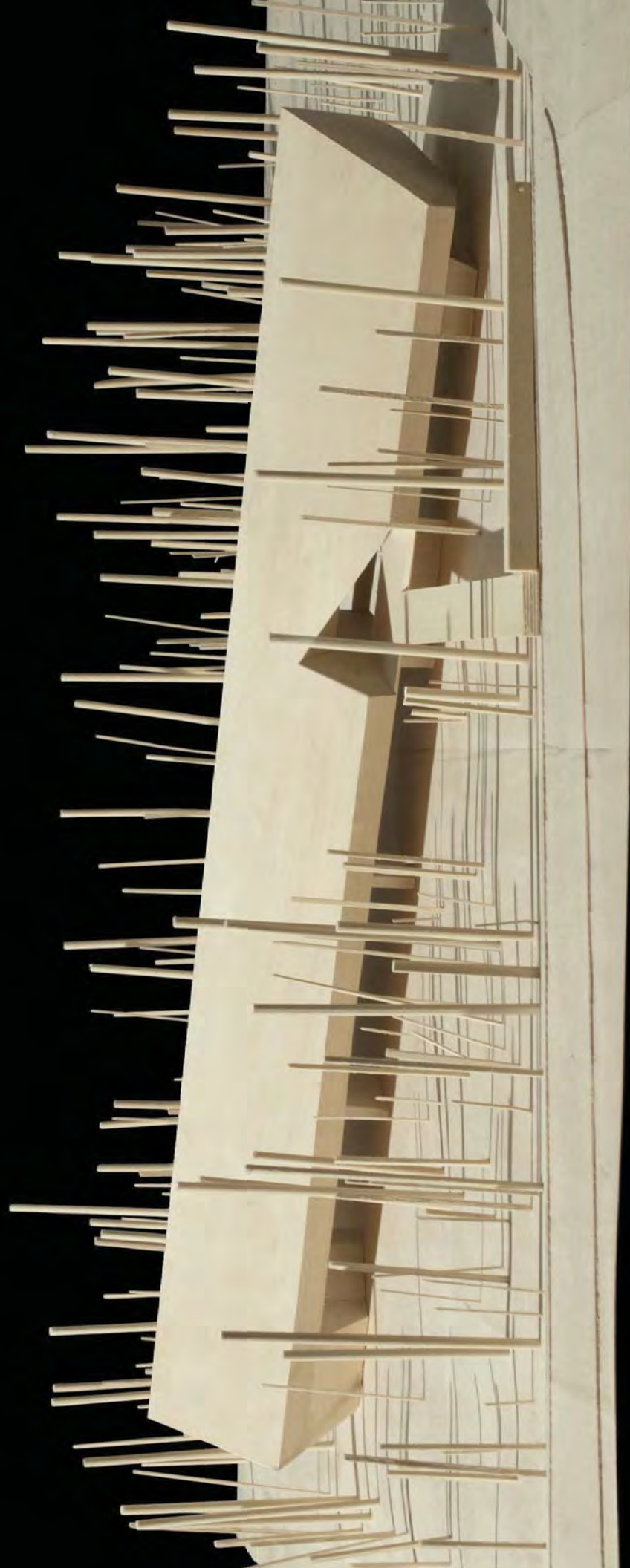
◆ BASE  
-2.5 m



WEST



SOUTH



# Physical Model

Audain Art Museum  
Patkau Architects

Issued: 2013.01.30

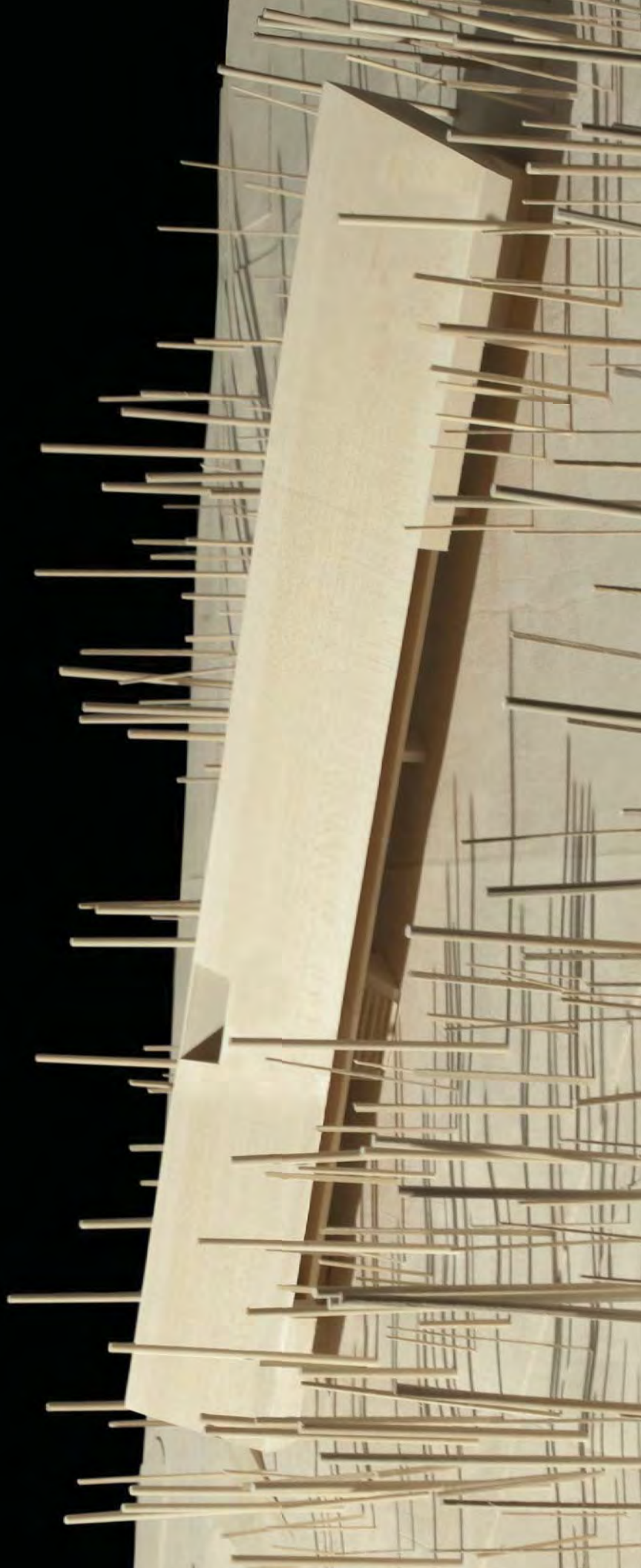




# Physical Model

Audein Art Museum  
Patkau Architects

Issued: 2013.01.30

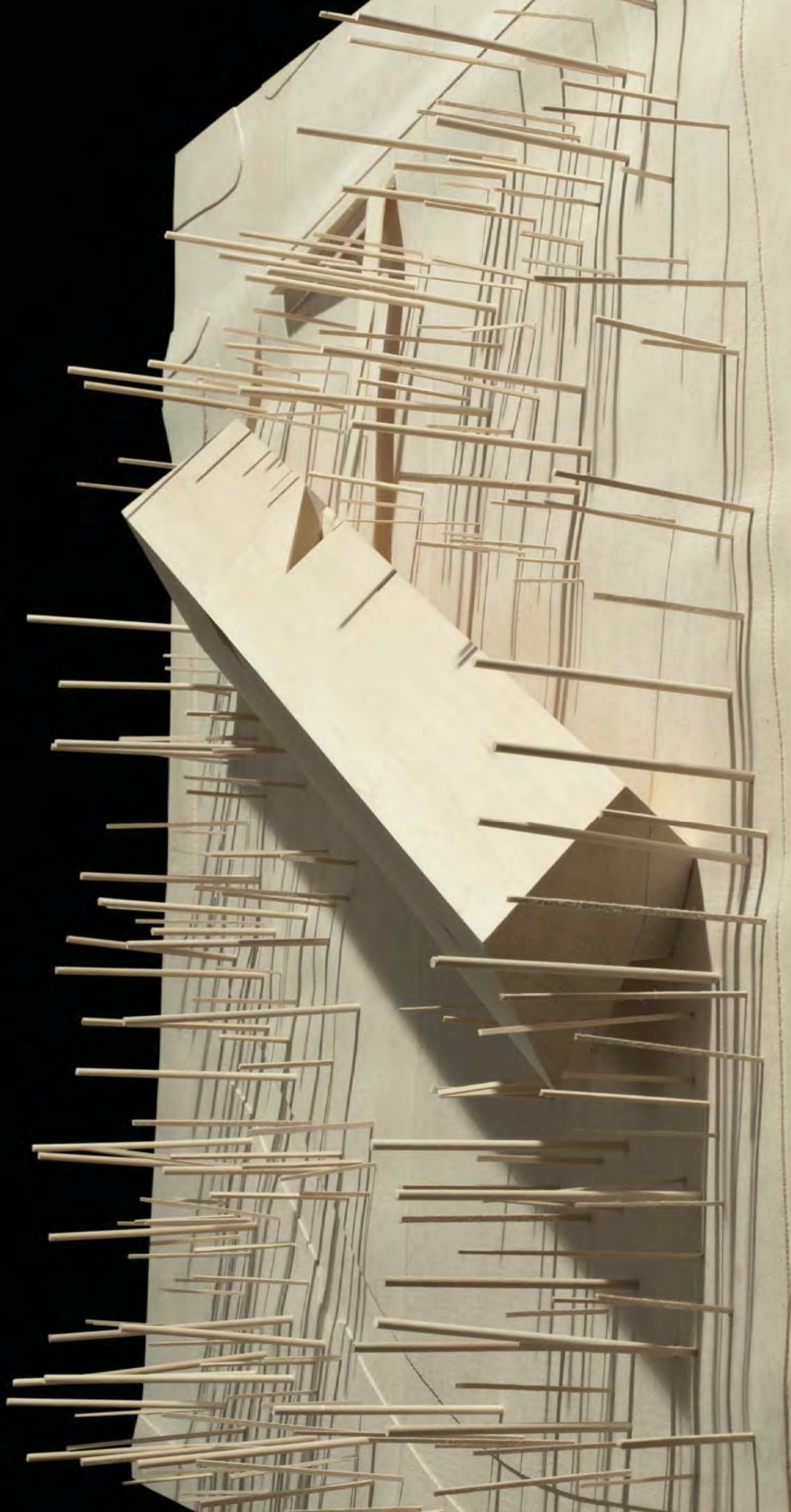


# Physical Model

Audein Art Museum  
Patkau Architects

Issued: 2013.01.30





## Physical Model

Audein Art Museum  
Patkau Architects

Issue: 2013.01.30



# WHISTLER

REZONING APPLICATION RZ 1066  
4330-4340 BLACKCOMB WAY - AUDAIN ART MUSEUM  
PUBLIC OPEN HOUSE COMMENT FORM

ABSOLUTELY FANTASTIC

PLEASE REZONE AS SOON

AS POSSIBLE:

AND LET THE PROJECT  
BEGIN.

PLEASE LEAVE CONTACT INFORMATION IF DESIRED:

NAME:

JOHN NICOLL

PHONE OR EMAIL:

604 932 1380

January 30, 2015

Alex Nicoll



# WHISTLER

REZONING APPLICATION RZ 1066  
4330-4340 BLACKCOMB WAY - AUDAIN ART MUSEUM  
PUBLIC OPEN HOUSE COMMENT FORM

HOW FORTUNATE WE  
ARE TO BE ABLE  
TO WELCOME THIS  
WONDERFUL  
OPPORTUNITY !!

PLEASE IMPLEMENT  
IT AS SOON  
AS  
POSSIBLE

YIPPEE !!

PLEASE LEAVE CONTACT INFORMATION IF DESIRED:

NAME:

PHONE OR EMAIL:

January 30, 2013

landscaped spaces to improve aesthetics and animation.

5. Panel felt further resolution of sports equipment management is needed at all building entries. A creative design and integration of the bike and ski railing/rack/storage at the patios would really enhance the site. A concern was noted that patrons will look directly into the equipment.
6. The glulam timbers and glass canopies are a great addition and improvement. Consider weather protection for the glulam timbers.
7. Further exploration is needed on the proposed details for the east and west bay windows.

**CARRIED.**

*The applicant team left the meeting.*

**Audain Art Museum  
1<sup>st</sup> Review  
File No. RZ1066  
Work shop Session**

*The applicant team of John Patkau, Chris Phillips, Hugh Ker, Jim Moodie, Eric Martin, David Shane, Patkau Architects; Tom Barratt and Laurelin Fondacaro, Tom Barratt Ltd. Landscape Architects; entered the meeting.*

Jan Jansen, General Manager of Resort Experience and Mike Kirkegaard, Manager of Planning, RMOW entered the meeting

Melissa Laidlaw, Planner, RMOW introduced the project. Staff seeks Panel feedback for site planning, landscape concept, circulation, access, architectural form and character and massing.

John Patkau and Chris Phillips advised on the following.

1. The proposed site is situated along Blackcomb Way south of day parking lot 4, the RMOW's current Village Operations building/shop.
2. The site combines the Village and wilderness - take advantage of this special opportunity.
3. Building size 39,000 ft<sup>2</sup> with 13,000 ft<sup>2</sup> of actual exhibition space; compared to the Vancouver Art Gallery which has 40,000 ft<sup>2</sup> of exhibition space.
4. This is a significant institution with a remarkable collection.
5. Site planning approach: connectivity and links with Whistler Village, museum, library, Whistler Olympic Plaza, and Squamish Lil'wat Cultural Centre as well as linking pedestrian trail systems from pedestrian stroll to Lost Lake trails.
6. Intention to create an open and public space, surrounded by forest, part of a larger landscape.
7. Overall site planning strategy – a building in a clearing in the forest.
8. Protect and enhance the existing forest condition with minimal tree removal.
9. The site is in a flood plain; training berm along Blackcomb Way. The building is elevated because of this condition.
10. Building orientation is coincidental to the flow of water – minimal obstruction.
11. Drop off and elevated bridge/ramp access to building from Blackcomb Way.
12. Alternate path for bikes and strollers on the south portion of the site at grade.
13. Bike parking and storage below the elevated building.
14. Sculpture garden and meadows below the building; concrete pathways, river cobble that emulates the Fitzsimmons creek bed. The sculpture garden will be developed over time.
15. Road connector between day parking lots 3 and 4 will be closed except for fire access and during certain event periods. The road will be screened with planting.
16. Site servicing to be located discreetly at the north side of the site; access from parking lot 4. The most significant use will be in the shoulder seasons (spring and fall) when large semi trailers arrive with new shows. Other vehicles - garbage and recycling.
17. Indigenous landscape, recreate the under story, reinforce current forest



condition, an alpine meadow.

18. Entry porch clad in warm wood, illuminated, lantern like destination.
19. 1<sup>st</sup> floor plan and layout – a large fully covered porch, partly lit, stairs down to a seating amphitheater. This is an important public route coming through the building; bring lots of people and awareness of the museum, picturesque community connections. Entry vestibule, lobby, gift shop, public washrooms, glazed walkway overlooking sculpture garden leading to the gallery space.
20. The large public lobby is suitable for small banquets, music performances, meeting or education space, a community resource.
21. Upper floor: administration, onsite full time live in caretaker suite, board room, temporary locations for visiting scholars, back of house, storage, and mechanical.
22. Building materials possibly dark coloured metal cladding to allow the building to recede into the forest. The intent is for the public spaces to shine through, rather than the building.
23. Illuminated wood soffits with strong overhangs that are visually dominant but still human scale.
24. The south end of the building will be visible from Blackcomb Way providing identity of the museum.
25. Digital signage on Blackcomb Way to identify the museum and events.
26. Proposed construction to begin spring 2013.

Panel is generally supportive of the conceptual design and looks forward to seeing this project in the design development phase. Panel offers the following comments.

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

1. Panel felt the general siting is appropriate as it responds to the forest context. Some members felt the building could benefit from being rotated clockwise slightly to capture views.
2. There is a strong pedestrian linkage to and through the site but further improvements should be considered to the secondary linkages: barrier-free ramp to be more inclusive, linkage to the Olympic Plaza from the northwest.
3. Consider lighting of pedestrian routes for safety.
4. Consider opportunities to introduce pathways in the perimeter forest zone to enable visitors to meander and experience the forest and the building.
5. Panel had some concerns regarding the proposal to close the road between parking lots 3 and 4. Instead landscape solution should be explored to minimize the roads impact (visual & audible).
6. Panel recommends consideration of tree assessment and risk to minimize future problems.
7. Ensure the loading and parking does not spoil the rest of the project; it is currently open and visible. Panel recommends create more of a back-of-house, perhaps a different access approach should be considered. Identify truck turning maneuvers into the loading bay.

#### **Form and Character**

1. Panel felt the building form is unique and powerful. The minimalist approach is appropriate for this forest setting and museum use.
2. Panel supports the large open lobby concept, warm lantern qualities of the building, and connection to the sculpture courtyard.
3. The space under the elevated building is an opportunity and requires further programming to address animation, security, safety, CPTED and back of house issues.

4. Opportunity to use the building legs for a mosaic or some form of art.
5. Panel had significant concerns with snow loads and shedding, ice dams and icicle drop; snow and ice management should be considered in the overall building form and at the ground elevation below.
6. Panel noted there may be undesirable use of the stairs and ramps by bikers and or skateboards.

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

1. Panel encourages the use of local materials.
2. Panel had some concern about a "digital sign" located on Blackcomb Way. Sign orientation, appearance and integration should be further explored.
3. Provide details of storm water management
4. Consider more natural light for public and staff spaces.

#### **Green Building Initiatives**

1. There is opportunity for iconic sustainability.

#### **Universal Design**

1. Barrier free access should be addressed with respect and integration rather than as a secondary route.

*The applicant team left the meeting.*

**Rainbow Terraces  
2<sup>nd</sup> Review  
File No. DP1249**

*The applicant team of Foad Raffi and Zora Katic, Raffi Architect; Brent Murdoch, Murdoch & Company Architecture & Planning; Doug Porozni and Sam Brovender, Ronmor Developers Inc. entered the meeting.*

Robert Brennan, Planner, RMOW introduced the project and the applicant. The applicant has addressed Panel's December 2012 recommendations.

Foad Raffi and Brent Murdoch advised on the following.

1. The project is basically the same as the December proposal with improvements based on Panel and Staff recommendations.
2. Main access to the site remains the same.
3. Addition of an elevator in building B, providing access for buildings B and C.
4. Residential parking is now located below the surface parking.
5. Surface parking has been reduced. Temporary snow storage in these eliminated parking spaces.
6. Additional indoor parking that is flush with the main floor.
7. Changes and improvements to the community space in front of the CRU's.
8. Massing of building C has been reduced with the elimination of the third storey.
9. Unit configuration change to building C, there are now 6 – 2 storey residential units.
10. Reduction in Building C mass has improved the relationship with the massing of the duplexes on east property side.
11. Elimination of several walkway bridges between the buildings. However, 1 walkway at rooftop level of building B to C and connections between buildings A and B at levels 4 and 5 remain.
12. Each residential unit has storage/sport lockers.
13. The buildings have more variety in terms of shape, architecture and roof top features.
14. Relationship to park behind - roofs do not impede views from residences



I HAD THIS OLD PENCIL ON THE DASHBOARD OF MY CAR FOR A LONG TIME. EVERY TIME I SAW IT, I FELT UNCOMFORTABLE SINCE ITS POINT WAS SO DULL AND DIRTY. I ALWAYS INTENDED TO SHARPEN IT AND FINALLY COULDN'T BEAR IT ANY LONGER AND DID SHARPEN IT. I'M NOT SURE, BUT I THINK THAT THIS HAS SOMETHING TO DO WITH ART.

Margot Paris  
paris4margot@gmail.com  
604 889 3252

4644 Maple Ridge Drive  
North Vancouver, BC

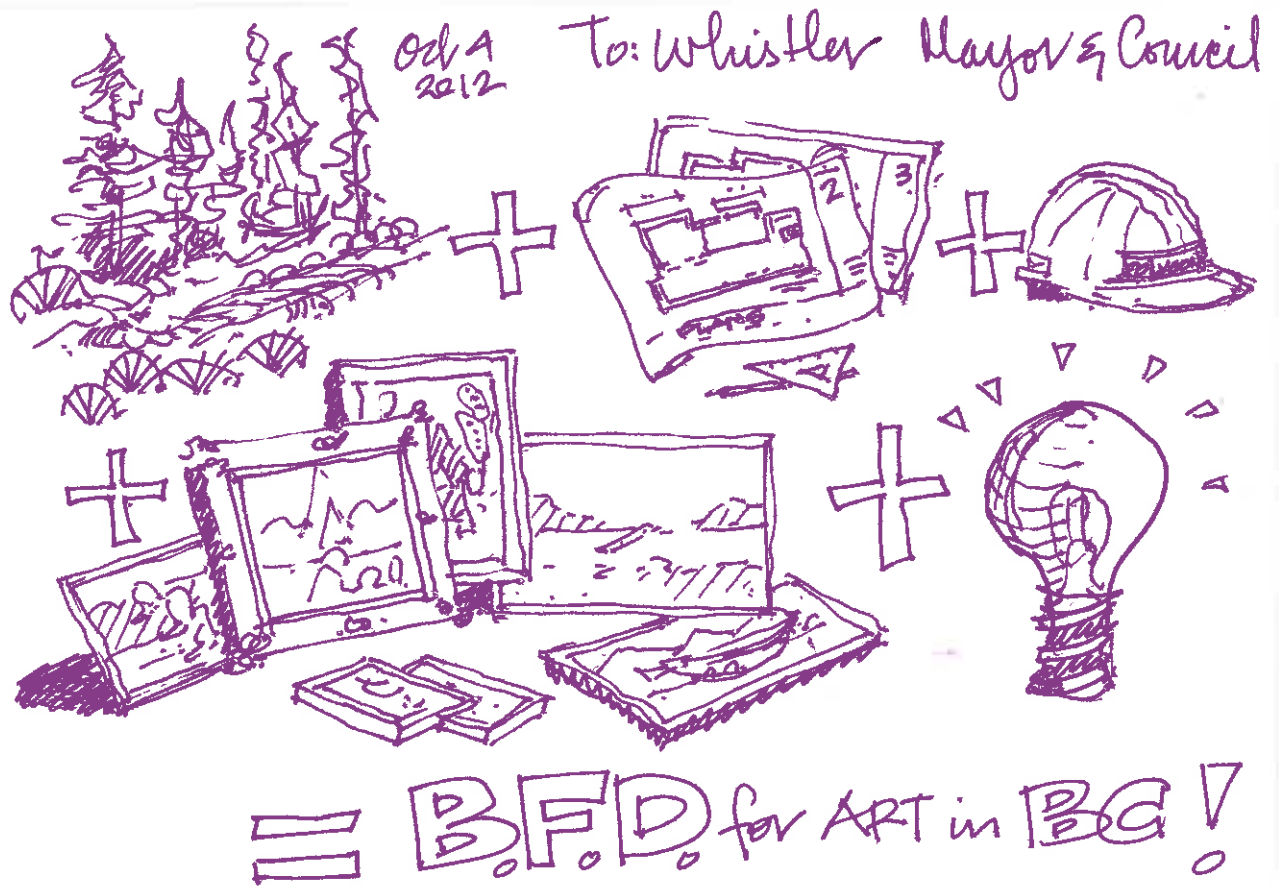
John Baldessari (United States, b. 1931)  
*The Pencil Story*, 1972-73  
Color photographs and colored pencil on board  
22 x 27 1/4 in. (55.9 x 69.2 cm) overall  
Image © John Baldessari  
Photo courtesy of Baldessari Studio

John Baldessari: *Pure Beauty* was organized by the Los Angeles County Museum of Art in association with Tate Modern, London. Additional support for the Los Angeles presentation was provided by LACMA's Wallis Annenberg Director's Endowment Fund and the Jamie and Steve Tisch Foundation Inc.

Design © 2010, Museum Associates/LACMA

LACMA.ORG

**LACMA**



# CONGRATULATIONS

on the Audian Art Collection coup.

It took a very sharp pencil indeed to approach Michael & Yoshi with this brilliant offer. Hats off to your civic team for their courage and vision, and sweet audacity!

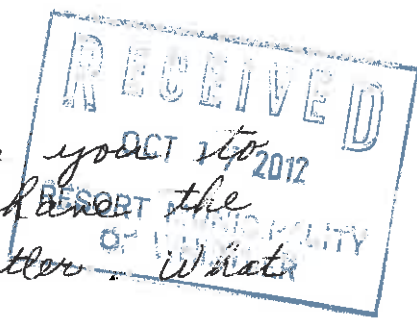
... and hats off to M+Y for saying **YES!**  
all the best, MARGOT PARIE



October 17, 2012

Dear Mayor and Council,

This note is to strongly urge you to quickly accept the opportunity to have the Sudan collection housed in Whistler. What a wonderful offer from him!



It would surely enhance the image of Whistler as a multi-faceted cultural destination, as well as our image as a multi-sport destination.

It would be a terrific complement to the Squamish Lil'wat Centre, as well as allowing visitors (and residents!) to enjoy stunning architecture and superior West Coast Art.

Please don't delay in accepting this amazing gift so that he might think we don't want it, and decide to go elsewhere.

Thank you for your consideration of these contents.

Best wishes to each of you as you carry out your tasks as Mayor and Councillors.

Sincerely yours,

Kitty and John Chase  
Whistler residents since 1996.

327-3309 Hammyam Pl.  
Whistler

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**From:** needi [<mailto:wdammm@aol.com>]

**Sent:** Saturday, February 23, 2013 4:24 PM

**To:** corporate

**Subject:** Audain Museum

Mayor and Council  
Resort Municipal of Whistler

I want to compliment you for being so accomodating and welcoming to Michael Audain and providing the perfect site for his offerring with very suitable proposed zoning.

I was at the Open House and was impressed with how the design blends in with the site. A sensitive, low-profile design that is complementary to the nature of the site with a minimum intrusion into it's natural beauty. In fact the building provided a link between some of Whistler's most important cultural amenities.

I viewed much of Mr. Audain's Coastal native art collection at the Vancouver Art Gallery and can confidently say that the collection will be as major a draw at Whistler. The expansion of the cultural fabric of Whistler will be much furthered by the Audain Museum.

William Damm  
8320 Valley Drive