

SUMMARY AND REVIEW OF PUBLIC HEARING SUBMISSIONS FOR “OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW (2077 GARIBALDI WAY) NO. 2290, 2021 AND ZONING AMENDMENT BYLAW (2077 GARIBALDI WAY) NO. 2291, 2021”

A Public Hearing on “Official Community Plan Amendment Bylaw (2077 Garibaldi Way) No. 2290, 2021” and “Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2021” was held on December 14, 2021. The Public Hearing provided an opportunity for members of the public to make verbal representations and submit written comments to Council respecting matters contained in the proposed Bylaws.

There were eight written submissions and four verbal representations made by the public as part of the Public Hearing process. All submissions were in relation to “Official Community Plan Amendment Bylaw (2077 Garibaldi Way) No. 2290, 2021” and Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2021”.

The following provides staff’s summary and review of the written submissions and verbal representations, along with staff’s associated recommendations. The summary of the content of the representations and submissions is not intended to transcribe or replicate all of the comments that were made during the Public Hearing process. The written and verbal comments will be collectively referred to as the “submissions” in this summary report.

Public Submissions:

Submissions were made by members of the public living in the Nordic Estates neighbourhood and elsewhere in Whistler.

Comments included the following:

OCP amendment

- Against changing the OCP so this development can go through - previous Mayor stated that the OCP did not need to be amended to accommodate this development, also the lands were subject to guidelines for protection of the natural environment.

Access, Traffic, Parking and Servicing

- Concerns included:
 - why the original access point through Aspen Drive has changed;
 - increase in traffic to access Highway 99, especially southbound traffic;
 - increase of traffic and speed of vehicles on the adjacent quiet roads;
 - impact on safety of children riding bikes in the Garibaldi Way cul-de-sac;
 - no communication from RMOW to the adjacent Aspen Ridge strata to use private property as a pedestrian access route;
 - impact of increased foot traffic through Aspen Drive and beyond to Bottomless Pond, specifically drainage and dog waste, and further, it was noted that additional maintenance for this path would be appreciated;
 - increased noise and light disturbance from traffic coming up the driveway of the proposed development, with the suggestion that a fence along the driveway could be a solution;
 - adequacy of the number of parking spaces proposed, that the parking regulation seems to underestimate current parking needs, and that the allocation is based upon a problematic tandem parking system with many garages likely to be used for storage instead of car parking;

- parking may likely to be pushed out onto the cul-de-sac and neighbouring roads and a suggestion was made to create an on-street permit parking system for Garibaldi Way from Eva Lake Road to the cul-de-sac;
- adequacy of snow clearing for the finished site.
- development would increase demand on infrastructure – water, sewage.

Density and Form

- Positive feedback was received regarding the modifications made to the current proposal and that the configuration addresses previous concerns re: ownership, density, design, on-site parking and traffic.
- Noted concerns included:
 - property setbacks should be adequately enforced and increased where possible;
 - the proposed flat roof design does not complement the design of the existing neighbourhood buildings;
 - the proposed raised grade of the site combined with the proposed roof height will compromise neighbour's views and sun exposure;
 - the size of the buildings being too large for the property size in the midst of an established area;
 - 20 units is still high when compared to the current zoning;
 - development will decrease privacy and liveability of the neighbourhood, RMOW should protect established communities.

Environment

- Concerns included:
 - the stability of the site and the importance of a geotechnical engineering report being completed;
 - suggestion that the proposed fill work require a geotechnical report;
 - dust and soil during construction including access to the site from Garibaldi Way;
 - suggestion that the developer plant more trees to improve the 20 metre tree buffer as well as provide a green buffer between the development and neighbouring properties;
 - concern that the rock fill be result in loss of trees;
 - potential future flooding on the site;
 - light pollution;
 - whether an appropriate Environmental Assessment was conducted by a Qualified Environmental Professional prior to land clearing.

Housing Tenure and Affordability

- Positive feedback was received respecting:
 - the improved ratio of employee to market housing proposed and the offering of new housing ownership opportunities that are much needed;
 - evolution of the proposal to meet the concerns of the neighborhood re: ownership.
- Concerns included:
 - affordability versus developer profit;
 - private developers in the rental market will not be a responsibly governed;
 - employee housing should be kept under the control of WHA on RMOW land;
 - what happens if units aren't purchased.

Communication

- It was alleged that several members of the adjacent Aspen Ridge strata were not aware of the intention to use private property as a pedestrian access route. It was further noted that there was no communication from RMOW to the strata about public access.
- It was suggested that the consultation with neighbourhood residents and the community was inadequate.

Construction

- It was suggested that the developer be required to photograph the foundation of adjacent structures prior to construction and bear the responsibility for any damage.

Staff Review:

Staff response to the issues raised in the public submissions is provided below.

OCP Amendment

Official Community Plan Amendment Bylaw (2077 Garibaldi Way) No. 2290, 2021” will make the land use designation for the subject lands consistent with the previous OCP designation and consistent with the immediately surrounding neighbourhood.

Access, Traffic, Parking and Servicing

Vehicular access to the site has been proposed from Garibaldi Way since rezoning application RZ001144 was submitted. Further, Aspen Drive, although a private strata road, has a statutory right-of-way granted to the RMOW and registered on title as GC82903 that permits public pedestrian access including non-motorized bicycles.

An independent Traffic Study for the proposed development was conducted by Watt Consulting Group utilizing best practices. The study concluded that the development will have little to no impact on traffic operations on the surrounding roadway network, and that all movements at all four nearby study intersections of Nordic Drive / Highway 99, Nordic Drive / Nordic Place, Garibaldi Way / Nordic Drive and Garibaldi Way /Eva Lake Road, will continue to operate at the same levels of service as without the development. (Note: the Whistler Road/Highway 99 intersection was not part of the study).

The study noted that at the intersection of Nordic Drive/Highway 99 the left turn movement onto Highway 99 is currently operating at a failing level of service due to high through traffic of Highway 99, and that the (former 48 unit proposal) would be expected to add up to two trips per hour to this movement.

The study recommended that no mitigation is required due to the development, and that no additional pedestrian/bicycling facility is required.

The study did recommend that the Ministry of Transportation and Infrastructure (MOTI) should review the highway intersection. The RMOW has entered into a Letter Agreement where MOTI is funding the design of improvements at the Whistler Road intersection to provide a protected left turn movement onto Highway 99 from Whistler Road. MOTI is also required to approve “Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2021” prior to consideration of bylaw adoption.

Impacts on traffic congestion and safety will in part be mitigated by the location of the development on the transit route and is within a comfortable walking distance to parks and community facilities. Further, the RMOW recently reduced the maximum speed limit on municipal streets from 50 km/hr to 30 km/hr for pedestrian safety.

The proposed development provides sidewalk connections to adjacent streets and is located approximately 200 meters from the closest transit stop, approximately 500 meters from the Nordic overpass and valley trail system, approximately 700 meters from Wayside Park along the valley trail and approximately 800 meters from amenities and services in Creekside.

Bottomless Pond is a municipal park and park maintenance comments have been provided to the RMOW Parks Department.

The proposed development satisfies and exceeds “Zoning and Parking Bylaw 303, 2015” requirements for the minimum number of on-site parking stalls, though variance will be required to allow for the proposed tandem parking. The more functional parking arrangement is comprised of one parking space in front of every unit in addition to garage parking for a total of 50 parking stalls, exceeding the minimum requirement by 10 stalls. In addition to a garage, each employee unit also has a ground floor space for storage/multi-purpose use. On-site snow storage has been demonstrated on the proposed development plans.

Mitigation of light disturbance from traffic coming up the driveway will be reviewed through the Development Permit process.

Respecting servicing, the proposed site is located within the municipality’s service areas for water, sewer, and fire service. A Preliminary Servicing Plan and Design Brief has been provided.

On November 16, 2021 Council directed staff to advise the applicant that before consideration of adoption of “Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2021”, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

- provide an updated Preliminary Site Servicing Plan and Design Brief that reflects the development and includes all required infrastructure and any infrastructure upgrades, including accommodation of the existing runoff from Garibaldi Way in the overall storm drainage design;
- registration of a development covenant in favour of the RMOW to secure development on the lands consistent with development permit plans to be finalized prior to adoption.

Density and Form

The proposal seeks to optimize land utilization, delivery of employee and market housing, and building efficiency, with development form that fits and is complementary to the surrounding context. The proposed rezoning is consistent with the principal growth management policies of the Official Community Plan, including the Whistler Urban Development Containment Area and Bed Unit capacity limit.

The proposal has gone through multiple iterations to improve compatibility with the immediately surrounding neighbourhood. The maximum permitted floor space ratio (FSR) will be 0.35, which is consistent with the surrounding neighbourhood. There are no expected impacts on scenic views. There are no impacts on solar access for adjacent properties. The proposed maximum permitted building height of 10.7 metres is higher than the maximum 7.6 metre building height permitted under the existing RS-E1 zoning, however, the site sections demonstrate that the existing trees are taller than 10.7 metres.

The proposal was reviewed by the Advisory Design Panel (ADP) at their meeting held on June 2, 2021. The ADP was unanimous in their support of this rezoning/density proposal but recommended that the applicant work further on the unit articulation and massing of the

seven unit buildings, interior end layouts and site circulation related to the driveways of the market housing units. The ADP comments have been addressed, with a few detailed items to be addressed through the Development Permit process. The final supported design will be registered by development covenant, and is subject to Development Permit approval.

Environment

An Initial Environmental Review involving onsite reconnaissance of the study area on July 4, 2018 and August 13, 2020 was conducted by Cascade Environmental and no concerns were identified. The report identified the site to be suitable for the proposed development subject to ten recommendations. The ten recommendations related to vegetation retention, habitat compensation for further vegetation clearing, land clearing in accordance with the *Wildlife Act*, best management recommendations for storm water to minimize sediment and erosion, pollution prevention and wildlife and ecosystem management, consistency with black bear management plans including no bear attractant planting, consistency with applicable OCP Development Permit area guidelines, and construction site monitoring.

The subject lands are located within Development Permit Areas for Protection of Riparian Ecosystems, Protection of Sensitive Ecosystems, Multi-Family Residential and Wildfire Protection. The proposed development will require a Development Permit adhering to the applicable Development Permit Area Guidelines. The Development Permit may require specific protection, enhancement and restoration works and provision of a security to ensure completion of the works.

On November 16, 2021 Council directed staff to advise the applicant that before consideration of adoption of "Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2021 a development covenant is required to be registered in favour of the RMOW requiring:

- development of the site to be carried out per the recommendations of the Initial Environmental Review (Cascade Environmental, August 19, 2020) and that all *Vaccinium* found wild on the property be removed; and
- development on the lands to be consistent with development permit plans to be finalized prior to adoption.

A preliminary geotechnical report has been conducted by an independent third party on behalf of the developer.

Housing Tenure and Affordability

The proposed Bylaws will enable development of 20 townhouse dwelling units for employee and market purchase provided the first 14 townhouse dwelling units must be for employee housing.

The RMOW retained an independent third party to review the necessary confidential pro-forma to verify the proposed development and sales prices to be feasible and returns reasonable as reflective of the employee housing initiative. The proposed maximum initial sales price of \$559 per square foot for the employee units remain considerably less than for comparable unrestricted market housing units of a similar nature. These prices per square foot are also within reason when compared to other projects contemplated within the Private Employee Housing Initiative and currently under consideration by the Whistler 2020 Development Corp as part of Cheakamus Phase 2. In addition, these types of units are still an important product type within the spectrum of employee housing that is needed in the community as demonstrated by the Whistler Housing Authority purchase waitlist as of

October 2021, which indicates that upwards of 16 percent of the 867 purchase waitlist applicants have mortgage pre-approval for this amount.

Prior to adoption of “Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2021”, affordability is required to be secured through registration of a housing agreement in favour of the RMOW to set the maximum initial sales price at \$559 per square foot for the employee townhouses and to define key terms for a private sector for purchase development consistent with that presented in RMOW Standard Housing Agreements for Affordable Employee Housing Developments Report No. 21-122. Sale of the employee units must be in accordance with the terms and conditions of the housing agreement which also includes a clause enabling the exercise by the Municipality of the right of first refusal and option to purchase granted by the Owner to the Municipality in respect of the employee units.

The Bylaws support the community vision and policy direction to increase supply of affordable employee housing.

Communication

The RMOW did not directly communicate to the Aspen Ridge strata respecting non-motorized travel over Aspen Drive, a private strata road, as a statutory right-of-way permitting public pedestrian access, including non-motorized bicycles, is registered on the property title of the Aspen Ridge strata.

Communication and engagement respecting the proposed Bylaws met all statutory requirements. In addition, a public information meeting was held and a 30-day online information and input opportunity was provided.

Construction

Requiring a developer to photograph the foundation of adjacent structures prior to construction is outside of the standard construction requirements from the RMOW. A construction management safety plan must be completed for the subject property under BC Building Code requirements, but this only applies to the subject property. The developer’s insurance provider may have requirements.

The RMOW generally monitors tracking of soil onto municipal roads from construction sites.

Staff Recommendation:

Staff do not recommend any changes to the proposed Bylaws based on the Public Hearing submissions. Staff recommends that Council consider giving third reading to “Official Community Plan Amendment Bylaw (2077 Garibaldi Way) No. 2290, 2021” and third reading to “Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2021”.