

**RESORT MUNICIPALITY OF WHISTLER**

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STAFF REPORT TO COUNCIL

PRESENTED: June 21, 2022
FROM: Planning - Development
SUBJECT: CM000149 – 4909 HORSTMAN PLACE – COVENANT MODIFICATION

REPORT: 22-087
FILE: CM000149

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council approve the modification of Covenant GC125596 for 4909 Horstman Place to permit modifications to the existing footprint envelope specified in the covenant, in accordance with Plans A-1.00, A-1.01, A-1.03, A-2.00, A-2.01, A-2.02, A-3.00, A-4.00, A-10.00 dated April 5, 2022 all prepared by Measured Architecture and attached as Appendix B to this Administrative Report No. 22-087 subject to receipt of a landscape plan meeting the High Risk Area Wildfire Protection Guidelines of Whistler's Official Community Plan to the satisfaction of the General Manager of Resort Experience.

PURPOSE OF REPORT

This report presents Covenant Modification application CM000149, an application to amend covenant GC125596 applicable to 4909 Horstman Place to modify the footprint envelope to permit an accessory building and terrace in the rear yard.

This report provides Council with an analysis of the proposed covenant modification and recommends that Council approve the modification of Covenant GC125596, subject to receipt of a landscape plan meeting the High Risk Area Wildfire Protection Guidelines of the Official Community Plan (OCP).

☐ Information Report ☒ Administrative Report (Decision or Direction)

DISCUSSION

Background

The owner is proposing to amend the footprint envelope for 4909 Horstman Place by an additional 127 square metres in area for construction of an accessory building and terrace area.

The subject property is located in the Horstman Estates subdivision of the Blackcomb Benchlands (see location map attached as Appendix A.) The parcel is bounded by a neighbour on each side (North – 4913 Horstman Place, South – 4905 Horstman Place) and the Whistler Blackcomb controlled recreation area to the rear. The property is currently developed with a detached dwelling. The zoning

for the property is regulated through the Blackcomb Land Use Contract that will be terminated and the replacement zoning will take effect on May 11, 2023.

All of Horstman Estates is subject to a design/development covenant registered on the property titles as GC125596. This covenant provides certain parameters for development in Horstman Estates including (but not limited to) a requirement for approval by a Coordinating Architect, designated tree preservation areas, maximum gross floor areas, maximum roof heights, and specified footprint envelopes. All improvements on each strata lot are required to be located within the footprint envelope, including the main structure, outside patios, decks and terraces. The covenant also indicates that generally, no accessory building are permitted. However, the covenant includes provisions for the consideration of variances to these general requirements.

The terms of the covenant allow some latitude in development by specifying that buildings and structures must be in the footprint envelopes “unless otherwise permitted by the Coordinating Architect ...and the Municipality”. The covenant also states that “each strata lot incorporates a footprint envelope which respects slope, drainage, setback and access constraints. Consideration may be given to encroachments into backyards and sideyards not abutting adjacent yards however, approval will have to be given by both the Coordinating Architect and the Municipality. Some tree removal may be allowed beyond the footprint envelope if approved by the Coordinating Architect.” Any municipal consideration of any proposed development outside of the footprint envelopes follows the terms of the covenant described above, and it is municipal practice to modify the covenant each time.

Analysis

The architectural plans for the proposed development are attached as Appendix B. These plans show the proposed development and the proposed modified footprint envelope. The proposed accessory building will be located in the backyard and used as a home gym. The accessory building will be 56 square metres in gross floor area, bringing the total gross floor area for the parcel to 524.5 square metres, which is compliant with the 570.6 square metres maximum density assigned to this parcel by the Horstman Estates covenant. The auxiliary building will be 4.79 metres in height, 0.21 metres lower than the maximum height of 5 metres permitted by the applicable Zoning Bylaw for an auxiliary building. Siding is comprised largely of glass with woodgrain painted aluminum windows and the roof is a combination of flat grey membrane and sloped copper. A new outdoor terrace area will surround the auxiliary building and connect the new building to the existing detached dwelling on the parcel. Additional landscape planting will be installed in the southern side yard between the subject property and 4905 Horstman Place to maintain privacy between properties. Initially, this landscape planting was comprised of conifers, but due to wildfire concerns is being revised to a deciduous planting screen to align with the High Risk Area Wildfire Protection Guidelines of the OCP. The revised landscape plan will be appended to the amended covenant.

In consideration of supporting this proposal, staff reviewed the accessory building's proposed location, design and the Coordinating Architect's opinion and approval. Being in the rear yard, the accessory building will not impact the streetscape and with proposed side setbacks of 12 metres and 11 metres, is considered to have minimal impact on the adjacent neighbours. The accessory building is designed to have a low key presence, largely constructed of glass so it can reflect the trees and complement the existing wood dwelling.

The Coordinating Architect has reviewed and approved the proposal. The immediate neighbour to the north (4913 Horstman Place) has provided support for the proposal. The immediate neighbour to the south (4905 Horstman Place) has provided support for the proposal subject to installation of landscaping planting on the subject property for privacy. As previously discussed, the report

recommendation requires receipt of a landscape plan meeting the High Risk Area Wildfire Protection Guidelines of the OCP. Also, and as a separate private matter, installation of the landscape screen will be reinforced by a separate private covenant between the owners of the subject property and 4905 Horstman Place. The support for the project by 4905 Horstman Place remains in good standing.

This report does not address some portions of existing terraces outside of the footprint envelope that were approved as part of the original building permit BP4888-96 issued in June 1996.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Council has the authority to modify covenants through Section 219 of the *Land Title Act*.

Zoning Analysis

The proposed development currently remains subject to the Blackcomb Land Use Contract (LUC). As described above the development is consistent with applicable regulations including maximum gross floor area, building height, building setbacks, and projections.

Horstman Estates Design Guidelines

The proposal is has been reviewed against the applicable Horstman Estates architectural form and character guidelines and is considered to be consistent with these guidelines contained in section five of the covenant. Review is not required for this project by the Advisory Design Panel.

Corporate Plan

The RMOW Corporate Plan is updated annually and articulates strategic direction for the organization. This section identifies how this report links to the plan.

Council Focus Areas

☒ Community Balance

*Effectively **balance resort and community needs** through deliberate planning, partnerships and investment*

☐ Climate Action

*Provide leadership to **accelerate climate action and environmental performance** across the community*

☐ Housing

*Advance strategic and innovative initiatives to enable and **deliver additional employee housing***

☐ Pandemic Recovery

*Leadership and support for **community and tourism recovery and sustainability** – priority focuses are where recovery needs intersect with other Council focus areas*

☐ Not Applicable

Corporate Goals

- ☐ Community character and mountain culture is reflected in municipal initiatives
- ☐ Municipal decision-making supports the effective stewardship of natural assets and ecological function
- ☐ Corporate policies and operations ensure continuous excellence in infrastructure, facility and program management
- ☒ A high level of accountability, transparency and community engagement is maintained
- ☐ Corporate financial health is optimized to ensure long-term community success
- ☐ A vibrant local economy and safe, resilient resort community is effectively reinforced by organizational activities
- ☐ Pandemic recovery

Community Vision and OCP

The OCP is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

The recommended resolutions included within this Report are consistent with the goals, objectives and policies included within “OCP Bylaw No. 2199, 2018”.

As a condition of approval staff recommends that a revised landscape plan that addresses the High Risk Area Wildfire Protection Guidelines of the OCP be submitted to the satisfaction of the General Manager of Resort Experience. This revised landscape plan, along with the architectural drawings will be appended to the amended covenant.

BUDGET CONSIDERATIONS

There are no budget considerations. The applicant pays all costs associated with staff time and legal fees.

LIL’WAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lil’wat People, known in their language as *L’il’wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler’s resort economy.

There are no specific considerations to include in this report.

COMMUNITY ENGAGEMENT

There are no consultation requirements for this application, however, it is the Coordinating Architect's protocol to notify the adjacent neighbours to identify any concerns. Both immediate neighbours at 4913 Horstman Place and 4905 Horstman Place are in support of the proposal, though the neighbour at 4905 Horstman Place is requesting installation of a landscape privacy screen as a condition of their approval of the covenant amendment. This is addressed by the staff recommendation for submission of the revised landscape plan.

REFERENCES

Appendix A – Location Map
Appendix B – Architectural Plans

SUMMARY

This report recommends that Council approve Covenant Modification Application CM000149, to modify the footprint envelope to permit an accessory building and terrace in the rear yard at 4909 Horstman Place, subject to receipt of a landscape plan meeting the High Risk Area Wildfire Protection Guidelines of the OCP. The proposed development and footprint envelope modification is also supported by the Coordinating Architect for Horstman Estates, as required by the existing covenant.

SIGN-OFFS

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