



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: August 2, 2022 **REPORT:** 22-115
FROM: Planning - Development **FILE:** DP001848
SUBJECT: DP001848 – 2077 GARIBALDI WAY - PRIVATE SECTOR HOUSING
DEVELOPMENT

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council approve the issuance of Development Permit DP001848 (DP001848) for the proposed new private sector housing initiative development located at 2077 Garibaldi Way that is comprised of 14 employee restricted townhomes and 6 market townhomes, as illustrated on the architectural and landscape plans labelled A-0.0, A-0.1, (resident A-2.2, A-2.4, A-2.6, A-2.8, A-3.1, A-3.2, A-3.3 and A-4.1), (market A-2.2, A-2.4, A-2.6, A-2.8, A-3.1, A-3.2, A-3.3, A-4.1), A-5.1, 3D-1, 3D-2, 3D-3, L-1.0, L-1.1, L-1.2, L-1.3, L-1.4, L-1.5, L-2.0 and L-2.1, prepared by Murdoch + Company Ltd. dated July 4, 2022 attached as Appendix A to this Administrative Report 22-115, and civil plans KEY-1, SERV-1, SAN-PUMP, SMP-1, R-1, DET-1 and DET-2 prepared by Creus Engineering dated July 21, 2022 attached as Appendix B to this Administrative Report 22-115, subject to adoption of OCP Amendment Bylaw (2077 Garibaldi Way) No. 2290, 2020 and Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2020; and

That Council permit tandem parking for the proposed employee restricted townhomes located at 2077 Garibaldi Way; and

That Council direct staff to advise the applicant that, prior to issuance of DP001848, the following condition must be completed to the satisfaction of the General Manager of Resort Experience:

- Provision of landscape security in the amount of \$139,545; and further

That Council require the following items be included as conditions within DP001848:

- a. The applicant is to provide a roof snow shed report by a professional engineer, completed to the satisfaction of the General Manager of Resort Experience, prior to issuance of a building permit for vertical construction; and
- b. Development of the site is to be carried out per the recommendations of the Initial Environmental Review (Cascade Environmental, August 19, 2020); and
- c. All Vaccinium found wild on the property shall be removed; and further

- d. Any tree or vegetation removal that will occur in the bird nesting window (April 1 – September 1) will require a Qualified Environmental Professional or other environmental professional to conduct bird nest surveys prior to any vegetation clearing or removal. Any active nest found must be retained as per s. 34 BC *Wildlife Act* with an adequate buffer. Special attention should be paid to detecting the presence of two species at risk with potential to occur on the site: band tailed pigeon and common nighthawk.

PURPOSE OF REPORT

The purpose of this report is to present DP001848 to Council for consideration of approval. The proposed development is a Private Sector Employee Housing Initiative development located at 2077 Garibaldi Way that is comprised of 14 employee restricted townhomes and 6 market townhomes. Council approval is required to be contingent on adoption of associated OCP and Zoning Amendment bylaws, which establish the basis for the development. Issuance of the development permit is conditional upon receiving landscape security for the project. The development permit also includes conditions as specified related to the requirement for a snowshed report prior to building permit authorization, environmental recommendations, removal of invasive vegetation and any tree or vegetation removal during bird nesting season.

Information Report

Administrative Report (Decision or Direction)

DISCUSSION

Background

The employee and market townhouse development proposed at 2077 Garibaldi Way is being considered under the municipality's Private Employee Housing Initiative, one of the recommended actions of the Mayor's Task Force on Resident Housing to allow the private development of resident restricted housing on underdeveloped private lands.

Since the original rezoning application (RZ001144) was submitted, the proposal has evolved significantly. The original proposal was for a 4-storey 74 unit employee rental apartment development and the current proposal is for a 3-storey 20 unit for purchase market and employee townhouse development, of which 14 of the units are proposed for employee housing. On May 5, 2020, Council endorsed further review and processing for a 3-storey 20 unit for purchase market and employee townhouse development, of which 14 of the units are proposed for employee housing.

On November 16, 2021 Council considered and gave first and second readings to "Official Community Plan Amendment Bylaw (2077 Garibaldi Way) No. 2290, 2021" and "Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2021". This was followed by a Public Hearing held on December 14, 2021. Third reading for both bylaws was given by Council on February 22, 2022. These bylaws are necessary to implement the proposed employee and market townhouse development at 2077 Garibaldi Way under rezoning application RZ001144.

Specifically, "Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2021" proposes to rezone the lands located at 2077 Garibaldi Way to RM74 (Residential Multiple Seventy-Four) Zone, a site specific multi-family zone to provide for 20 townhouse dwelling units, provided that the first 14 townhouse dwelling units must be for employee housing only. When Council granted first and second readings to the bylaw, Council also passed a resolution requiring 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.

When Council granted first and second readings to “Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2021” on November 16, 2021, Council also passed a resolution that directed staff to advise the applicant that before consideration of adoption, several matters must be resolved to the satisfaction of the General Manager of Resort Experience.

The zoning adoption conditions of approval have been addressed to the satisfaction of the General Manager of Resort Experience (see Table 1 below). Associated legal agreements have been prepared for registration and are described below.

Table 1: Zoning Adoption Conditions of Approval

Condition of Adoption	Settlement of Condition
<p>Registration of a Section 219 development covenant in favour of the Resort Municipality of Whistler (RMOW):</p> <ul style="list-style-type: none"> ▪ Secure development on the lands consistent with the development permit plans to be finalized prior to adoption; ▪ Require construction of the employee housing amenity concurrently with the rest of the development and prohibiting any use or occupancy of any of the development until the employee housing is complete; ▪ Secure a green building commitment consistent with current municipal policies; ▪ Require development of the site 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. 	<p>A development covenant has been prepared in favour of the RMOW,</p> <ul style="list-style-type: none"> a. securing development on the lands consistent with the development permit plans (attached to this report as Appendix A) b. requiring construction of the employee housing amenity concurrently with the rest of the development and prohibiting any use or occupancy of any of the development until the employee housing is complete; c. securing a green building commitment consistent with current municipal policies; and d. requiring development of the site 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; <p>and will be registered following adoption of “Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2021”. A letter of undertaking, to ensure covenant registration, dated July 25, 2022 has been received from the applicant, reviewed and accepted by staff.</p>
<p>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</p>	<p>A housing agreement/covenant has been prepared in favour of the RMOW and will be registered following adoption of “Zoning Amendment Bylaw (2077 Garibaldi Way) No.</p>

<p>sector for purchase development consistent with that presented in Administrative Report No. 21-122, RMOW Standard Housing Agreements for Affordable Employee Housing Developments.</p>	<p>2291, 2021”. Council adopted “Housing Agreement Bylaw (2077 Garibaldi Way) No. 2327, 2022” on May 10th, 2022. See Council Report No. 22-058. The applicant has signed the housing agreement/covenant and it is ready to be submitted to the Land Titles Office for registration.</p>
<p>Provision of 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.</p>	<p>An updated Site Servicing Plan and Design Brief dated July 2022, was received from the applicant, reviewed and accepted by staff.</p> <p>Recommendations from the Design Brief, reflecting the development and including all required infrastructure and any infrastructure upgrades, including accommodation of the existing runoff from Garibaldi Way in the overall storm drainage design were implemented in the design and are shown on the submitted civil plans (attached to this report as Appendix B).</p>
<p>Submission of a waste and recycling plan consistent with “Solid Waste Bylaw No. 2139, 2017”.</p>	<p>A waste and recycling plan dated July 4, 2022 was received from the applicant, reviewed and accepted by staff (attached to this report as Appendix A).</p>

A development permit is required to authorize development on the lands consistent with the development permit plans (attached to this report as Appendix A).

This Council report presents DP001848 for Council’s consideration, and describes that the proposed development is consistent with the RM74 zoning that has received third reading and is before Council for consideration of adoption in this August 2, 2022 Council meeting package, “Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2021” and “Official Community Plan Amendment Bylaw (2077 Garibaldi Way) No. 2290, 2021”.

Analysis

Description of Proposed Development

The proposed development on the subject lands, 2077 Garibaldi Way, is comprised of a 20 unit for purchase market and employee townhouse development, of which 14 of the units are proposed for employee housing. The development is comprised of two three-storey tri-plex market townhome buildings and two three-storey seven-plex employee-restricted townhome buildings.

As shown in Appendix A, 2077 Garibaldi Way, is a triangular parcel of approximately 0.88 hectares, located at the western terminus of Garibaldi Way. The subject lands are bounded by Highway 99 to the northwest, the Aspen Court and Aspen Drive duplexes and triplexes to the south, and the Wayside condos to the east.

The proposed gross floor area for the buildings is 3,069 square metres. There are 20 units in total, made up of 14 employee restricted townhomes and 6 market townhomes. The 14 employee restricted townhomes are made up of four 130 square metre units and ten 127 square metre units, for a total of

1,788 square metres. The market townhomes are made up of four 216 square metre units and two 208 square metre units for a total of 1, 281 square metres.

All 20 units have 3 bedrooms, interior storage areas and laundry rooms, balconies on upper storeys and patios on ground level. The 14 employee restricted townhomes have individual single car garages with an additional dedicated space, provided as tandem parking, in front of the garage. The four market townhomes have individual double car garages. There are an additional ten surface parking spaces on the site. The development also has a garbage and recycling building consistent with “Solid Waste Bylaw No. 2139, 2017”.

The site planning provides for generous outdoor space, including multiple terraces, an informal lawn/open space, a 20 metre naturalized area adjacent to Highway 99, trail connection to the adjacent Aspen Drive, an existing rock face that has been incorporated into a nature play area and extensive landscaping throughout.

The proposed development is illustrated in the Architectural and Landscape plans attached to this report as Appendix A and Civil Plans attached as Appendix B.

Further details on the proposed project design are provided in the evaluation of the proposed development relative to the applicable development permit guidelines, which is presented in Appendix C. The results of the DP evaluation are summarized below.

Advisory Design Panel

The proposed development was reviewed by the Advisory Design Panel (Panel) on May 18, 2022 and previously reviewed by the Panel on June 2, 2021 under the associated Rezoning Application RZ001144.

On June 2, 2021 the Panel provided comments on the site planning, circulation, density, massing and the preliminary landscape plan. At that meeting, the Panel was unanimous in their support of the rezoning and density proposal but recommended that the applicant work further on the unit articulation, massing, interior layouts and site circulation related to driveways.

On May 18, 2022 the Panel supported the proposal, acknowledged the previous comments were well addressed and appreciated the high quality of the proposal and design. The Panel requested the applicant to work with staff to address the new detailed Panel comments respecting grading at the rear of the employee townhouses, employee townhouses balcony improvements respecting size and privacy, roof improvements respecting colour to break up the roof slopes and to reduce the heat island effect and mechanical items to be shown on the exterior elevation drawings, through the Development Permit process.

As part of the Development Permit application review process, the applicant has submitted updated plans that include re-grading at the rear of the employee townhouses, increased the size of employee townhouse balconies by 12” to the maximum Zoning Bylaw setback allowance, provided the lightest SBS roofing material colour (grey) to reduce the heat island effect and detailed all mechanical items on the exterior elevation drawings, addressing the Panels comments. Staff are of the opinion that the applicant has adequately addressed the Panels comments. The Panel minutes are attached as Appendix D.

Development Permit Guidelines

The *Local Government Act* establishes municipalities’ authority to establish Development Permit Areas (DPAs) through an Official Community Plan (OCP), and outlines activities on these lands that require a

development permit. All development within a designated development permit area require a development permit, unless exempted.

The subject lands lie within the designated development permit areas specified in the RMOW OCP for the Protection of Riparian Ecosystems, Protection of Sensitive Ecosystems, Multi-Family Residential and Wildfire Protection (Moderate). As such, this proposal is subject to design guidelines for the form and character of multi-family residential development, protection of the natural environment and protection of development from hazardous conditions.

A detailed evaluation of the proposed development relative to the applicable guidelines is presented in Appendix C. As shown, the proposed development is considered to be consistent with the applicable Development Permit Area guidelines.

Zoning and Parking Bylaw No. 303, 2015

The property is proposed to be re-zoned from RES-1 (Residential Single Estate One) to RM74 Zone (Residential Multiple Seventy Four) a new custom zone for the development under the associated Rezoning Application RZ001144. The proposed development requires one minor variance to “Zoning and Parking Bylaw No. 303, 2015” to specifically permit tandem parking for the employee restricted townhouse dwelling units.

The proposal requests a variance to permit one tandem parking space for each of the 14 employee restricted townhouse dwelling units. Parking for these units is provided as one uncovered parking space and one tandem parking space inside the garage. Without a variance tandem parking is not specifically permitted for this zone.

Staff confirm that Council has the authority to vary Zoning Bylaw regulations through this Development Permit in accordance with Multi-Family Residential DPA guideline for site planning and building design clause (b) which states: variances to Zoning Bylaw regulations may be considered provided they can be demonstrated to further the objectives of this OCP.

Staff are of the opinion that the minor proposed variance to tandem parking furthers the objectives of this OCP, specifically:

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| 5.1.2. | Objective | House at least 75 per cent of Whistler’s workforce within the resort community in livable, appropriate and affordable housing. |
| 5.1.2.5. | Policy | Consider allowing development of <i>employee housing</i> on underdeveloped private lands in residential neighbourhoods with close proximity to jobs, sustainable transportation, amenities and services and consistent with policies and criteria established for evaluation. |
| 5.4.1.2. | Policy | Encourage flexibility in zoning and consider infill developments that take advantage of existing infrastructure, have close proximity to transit, commercial centres, amenities and services, and are compatible with the adjacent neighbourhood and character. |
| 4.1.1.3. | Policy | (c) protect unique natural features, including the highway corridor (20 metre buffer)
(h) maintain outdoor public spaces in all developments sized to accommodate the resident and visitor populations. |

Multi-family Residential Development Permit Guidelines:

Access, Parking and Waste Facilities

- (c) Townhouse parking may be a combination of covered parking adjacent to or within the dwelling unit, surface clusters, and underground parking structures beneath the buildings.

The proposal meets all other regulations of “Zoning and Parking Bylaw No. 303, 2015”.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

[May 10, 2022: Housing Agreement Bylaw \(2077 Garibaldi Way\) No. 2327, 2022](#)

[April 26, 2022: Administrative Report No 22-058](#), RZ001144 – Housing Agreement Bylaw (2077 Garibaldi Way) No 2327, 2022 Report

[February 22, 2022: Administrative Report No 22-027](#), RZ001144 – Public Hearing Summary and Third Reading Consideration for “Official Community Plan Amendment Bylaw (2077 Garibaldi Way) No. 2290, 2021” and “Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2021”

[December 7, 2021: Information Report No. 21-132](#), RZ001144 – Official Community Plan Amendment Bylaw (2077 Garibaldi Way) No. 2290, 2021 Report

[November 16, 2021: Administrative Report No. 21-128](#), 2077 Garibaldi Way OCP and Zoning Amendment Bylaws for Employee and Market Housing

[November 2, 2021: Administrative Report No. 21-122](#), RMOW Standard Housing Agreements for Affordable Employee Housing Development

[October 20, 2020: Administrative Report No. 20-105](#), RZ1144 – 2077 Garibaldi Way OCP Mapping Amendment Report

[May 5, 2020: Administrative Report No. 20-042](#), RZ1144 – 2077 Garibaldi Way – Private Employee Housing

[September 18, 2018: Administrative Report No. 18-117](#), Private Sector Employee Housing Initiative Recommendations (p. 12-23)

[June 19, 2018: Information Report No. 18-075](#), Private Sector Employee Housing Initiative Update (p. 212-216)

[December 19, 2017: Administrative Report No. 17-142](#), RZ1144 – 2077 Garibaldi Way Employee Restricted Housing Rezoning (p.295-302)

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

Community Vision and Official Community Plan

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 proposed development helps support a thriving community by providing for much needed employee restricted housing. The planned development is consistent with the surrounding

neighbourhood context and protects the 20 metre highway corridor, maintaining the visual character of this corridor.

Community vision and OCP evaluation has been completed for the proposed OCP and zoning of the lands as presented in *Staff Report to Council #22-027, November 16, 2021, RZ01144 – 2077 Garibaldi Way OCP and Zoning Amendment Bylaws for Employee and Market Housing*.

This report presents the development permit application for the proposed development. The evaluation of this application relative to the applicable OCP development permit guidelines is presented in Appendix C.

BUDGET CONSIDERATIONS

There are no budget considerations. Costs associated with processing the development permit application are borne by the applicant through application processing 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 Úxwumíxw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler's resort economy. This section identifies areas where RMOW activities intersect with these relationships.

There are no specific considerations to include in this report.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

Inform Consult Involve Collaborate Empower

The proposed development has been the subject of an OCP amendment and rezoning process, with a number of opportunities for community input, including statutory public hearings. The proposed development permit is subject to a Development Permit sign requirement which has been posted on the property.

REFERENCES

Appendix A – Architectural and Landscape Plans
Appendix B – Civil Plans
Appendix C – OCP DPA Guideline Review
Appendix D – ADP Meeting Minutes, May 18, 2022 and June 2, 2021
OCP Amendment Bylaw (2077 Garibaldi Way) No. 2090, 2020 (included in Council Package)
Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2020 (included in Council Package)

SUMMARY

This report presents Development Permit DP001848 – 2077 Garibaldi Way – Private Sector Housing Development to Council to consider authorization to issue. DP001848 will authorize development of the proposed new private sector housing initiative development located at 2077 Garibaldi Way that is comprised of 14 employee restricted townhomes and 6 market townhomes on the subject lands in accordance with the Architectural and Landscape Plans (attached as Appendix A) and Civil Plans (attached as Appendix B). Staff have evaluated the application relative to the applicable development permit guidelines and zoning and confirm the proposal consistent with the DPA guidelines and RM74 zoning. Staff recommends that Council approve the issuance of DP001848 including the variance to tandem parking, subject to the conditions identified in the staff recommendation. Development Permit approval is subject to Council adoption of OCP Amendment Bylaw (2077 Garibaldi Way) No. 2290, 2020 and Zoning Amendment Bylaw (2077 Garibaldi Way) No. 2291, 2020.

SIGN-OFFS

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