



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: March 21, 2023 **REPORT:** 23-029
FROM: Planning - Development **FILE:** 2450-20-0160
SUBJECT: CM000160 – 28-2250 NORDIC DRIVE – COVENANT MODIFICATION FOR
BUILDING ADDITION

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the Director of Planning be endorsed.

RECOMMENDATION

That Council approve a modification to Covenant BH130713, to permit up to 5.2 square metres of gross floor area (GFA) to be added to the unit at 28-2250 Nordic Drive consistent with the floor plan attached as Appendix B of Administrative Report No. 23-029, and further require the owner to implement the Green Building Initiatives described in Appendix C of Administrative Report No. 23-029 at time of Building Permit.

PURPOSE OF REPORT

This report presents covenant modification application CM000160, an application to amend covenant BH130713, applicable to 2250 Nordic Drive to modify the density restriction contained in the covenant in order to permit up to 5.2 square metres of additional gross floor area (GFA) for an office loft in the dwelling unit at 28-2250 Nordic Drive.

This report provides Council with an analysis of the application and recommends that Council approve the application.

Information Report Administrative Report (Decision or Direction)

DISCUSSION

Background

The property located at 2250 Nordic Drive, known as the Whistler Heights development, is subject to a covenant that contains density provisions that are more restrictive than the maximum permitted density of development permitted under the RTA9 Zone (Residential/Tourist Accommodation Nine) which applies to the property. The owners of unit 28 have applied to modify the subject covenant to permit a 5.2 square metre GFA addition to their unit for an office within the loft of the unit.

The Whistler Heights development contains 50 dwelling units across 14 multi-family format buildings. The RTA9 zoning permits a maximum floor space ratio of 0.25 which equates to approximately 8,058 square metres of GFA.

As part of the initial development approvals, Covenant BH130713 was registered against the title of the parcel in 1994 to further establish density restrictions and other development standards for the property. Subsequently, modification Covenant BJ19337, amended the original covenant to restrict the total development on the lands to not exceed 200 bed units in a maximum of 50 dwelling units and an aggregate GFA of 7,187 square metres which reflected the proposed development plans. Although there is GFA available under the applicable zoning, in cases such as this, when there are multiple provisions, the more restrictive requirement applies, thus the covenant requirement is applicable.

Analysis

The proposed addition will occur in a vaulted ceiling space (see Floor Plan - Appendix B) with no changes to the exterior building envelope. Being that this is a modest 5.2 square metre infill proposal that takes advantage of existing infrastructure, it is considered to be a reasonable circumstance to support additional density. The addition will have no visible impacts to the property’s exterior and will not affect any site or natural features. The addition will increase the size of the unit from 153 square metres to 159 square metres, and will not increase the bed unit allocation for the property.

As a covenant modification is a discretionary approval, staff have requested the applicant to make green building commitments applicable to the existing unit and proposed addition as is supported by Whistler’s Official Community Plan residential accommodation objectives and policies. The green building commitments are described by the applicant in the letter attached as Appendix C and include LED conversion throughout the unit, smart thermostats throughout the unit, insulation upgrades, and installation of weather stripping around the garage door.

For the reasons outlined above, staff are in support of this covenant modification.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

This application requires Council’s consideration of approval as it is not eligible for delegated approval in the municipality’s “Land Use Procedures and Fees Bylaw No. 2205, 2022”.

Zoning Analysis

The property is zoned RTA9 (Residential/Tourist Accommodation Nine). There is available density under the RTA9 zoning to support the proposed addition. A table below provides a summary of the zoning analysis relative to the proposal. The proposal is in compliance with all other regulations of the Zoning Bylaw as described in the table below.

RTA9 Zone	Zoning Bylaw Regulation	Proposed
Permitted Uses	Townhouses; duplex dwelling; detached dwelling	Duplex infill addition
Maximum Density	0.25 floor space ratio (FSR), which equates to approx. 8,058 square metres of GFA	5.2 square metre addition will bring the total density for the

		development to approx. 0.22 FSR
Maximum Building Height	10.7 metres	No change to building envelope
Minimum Setbacks	Front/Rear: 7.6 metres; 6 metre separation between all buildings.	No change to building envelope
Parking	2 spaces required (<235 square metre dwelling unit)	2 stalls existing; no increase required with this proposal

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 Official Community Plan (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.

As a covenant modification is a discretionary approval, staff have requested the applicant to make Green Building commitments applicable to the existing unit and proposed addition as is supported by OCP residential accommodation objectives and policies.

The recommended resolution included within this report is consistent with the goals, objectives and policies included within "OCP Bylaw No. 2199, 2018." A development permit is not required.

BUDGET CONSIDERATIONS

There are no budget considerations with this application. Covenant Modification application fees provide for recovery of costs associated with the processing of this application.

LÍLWAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lílwat 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

Level of community engagement commitment for this project:

Inform Consult Involve Collaborate Empower

Comment(s)

There are no consultation requirements for this type of application. This application was received prior to adoption of "Land Use Procedures and Fees Bylaw No. 2205, 2022" requiring a notification sign be posted for a covenant modification application.

REFERENCES

Location: 28-2250 Nordic Drive
Legal: Strata Lot 28 District Lots 4979, 7179 and 7765 Group 1 New Westminster District Strata Plan LMS1795
Owners: Intuitive Hospitality Inc.

Zoning: RTA9 (Residential/Tourist Accommodation Nine)

Appendices: Appendix A – Location Map
Appendix B – Floor Plan
Appendix C – Green Building Initiatives

SUMMARY

This report recommends that Council approve covenant modification application CM000160, applicable to 28-2250 Nordic Drive, to amend Covenant BH130713, as modified by modification BJ19337, to permit up to 5.2 square metres of additional GFA for unit 28-2250 Nordic Drive subject to the implementing the Green Building Initiatives described in this report at time of Building Permit.

SIGN-OFFS

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