



# WHISTLER

## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** October 20, 2020  
**FROM:** Resort Experience  
**SUBJECT:** RZ1144 – 2077 GARIBALDI WAY OCP MAPPING AMENDMENT

**REPORT:** 20-105  
**FILE:** RZ1144

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION

**That** Council authorize staff to prepare an Official Community Plan amendment bylaw to amend OCP Schedule “A” (“Whistler Land Use Map and Designations”) for the lands at 2077 Garibaldi Way to designate the lands as RESIDENTIAL - LOW TO MEDIUM (DETACHED/MULTIPLE) as described in Report 20-105; and

**That** Council authorize staff to engage Squamish Nation and Lil’wat Nation regarding the proposed OCP mapping amendment consistent with the *Local Government Act* and the Framework Agreement.

### REFERENCES

Location: 2077 Garibaldi Way  
Legal Description: Lot 3, DP 5412, Plan 16634  
Owners: 1116130 BC Ltd

Appendix “A” – Location Map

Appendix “B” - Application Materials for RZ1144

### PURPOSE OF REPORT

This Report requests Council’s authorization to proceed with preparation of an Official Community Plan amendment bylaw for 2077 Garibaldi Way to amend “Official Community Plan Bylaw No. 2199, 2018” (OCP) Schedule “A” (“Land Use Map”) for the lands at 2077 Garibaldi Way to change the land use designation from RESIDENTIAL - VERY LOW (DETACHED) to RESIDENTIAL - LOW TO MEDIUM (DETACHED/MULTIPLE).

This Report also outlines the recommended process for staff to engage with the Lil’wat Nation and Squamish Nation for the proposed Official Community Plan amendment, consistent with the *Local Government Act* and the *Framework Agreement* to which the Resort Municipality of Whistler, Lil’wat Nation and Squamish Nation are parties. For the proposed amendment, which is considered limited in scope and is not expected to affect the interests of the Nations, the recommendation is for a 30-day referral period to the Nations to confirm their interests are not affected. Should the Nations express otherwise in writing, further engagement would be initiated.

## **DISCUSSION**

### **Background**

As shown in Appendix “A”, the subject property, 2077 Garibaldi Way, is a triangular parcel of approximately 0.88 hectares, located at the western terminus of Garibaldi Way. The parcel is 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 Garibaldi Way approach to the subject parcel is primarily comprised of single family detached dwellings on both sides of the road. Within the municipality’s new OCP, adopted June 23, 2020, all adjacent properties are designated RESIDENTIAL - LOW TO MEDIUM (DETACHED/MULTIPLE). In the new OCP, the subject parcel was inadvertently designated RESIDENTIAL - VERY LOW (DETACHED).

### **Rezoning Application RZ1144**

The property is the subject of a rezoning application for employee housing that was first authorized by Council for further review and processing on December 19, 2017. At that time the proposal was for three employee apartment rental buildings with a total of 74 dwelling units. Also, at that time, the previous OCP applied and the property was designated as an area for residential development and did not need an OCP amendment.

With the adoption of the new OCP, there was no intention to designate the property such that it would be limited to one residential dwelling.

The rezoning application for the property, RZ114, has undergone further processing and a number of revisions in response to revised guidelines for the Private Sector Employee Housing Initiative and in response to neighbour comments. The current proposal is for 20 townhome units: 14 employee restricted and 6 market units. This application continues to be under further review, including further review of comments submitted by the public in response to a recent Public Information and Input opportunity on the revised application. The comments and staff recommendations on the rezoning will be brought forward for Council consideration in the near future. This will include analysis of the revised proposal relative to the new OCP.

Irrespective of the outcome of the current rezoning process, staff recommends that the OCP designation for the property be amended to address the intended designation for the property to be consistent with all adjacent properties.

## **OTHER POLICY CONSIDERATIONS**

### **Official Community Plan Bylaw No. 2199, 2018**

As described above, Schedule “A” (Land Use Map) to the current OCP identifies the lands as designated for RESIDENTIAL - VERY LOW (DETACHED). Staff are requesting Council’s permission to proceed with a bylaw to amend the OCP to designate the lands as “RESIDENTIAL - LOW TO MEDIUM (DETACHED/MULTIPLE). This approach is consistent with the previous OCP designation and previous consideration of Rezoning Application RZ1144.

### **First Nations Engagement**

In addition to the Official Community Plan, the Resort Municipality is party to a Framework Agreement that outlines land use considerations associated with the Lil’wat Nation and Squamish Nation, in particular, Article Seven of this Framework Agreement provides direction with regard to amendments to the OCP. Under Article 7.3 “The RMOW will provide the First Nations with early and ongoing opportunities to express their interests in future RMOW OCPs through an engagement process consistent with the *Local Government Act* as it pertains to engagement on official community plans between indigenous peoples and other local governments in British Columbia...”.

This particular proposed OCP Amendment is considered limited in scope, and initial assessment by staff indicates the amendment isn't likely to affect the interests of Lil'wat Nation or Squamish Nation. As such, should Council give authorization to proceed with this proposed OCP Amendment, staff will notify Lil'wat Nation and Squamish Nation in writing with a description of the amendment and invite each to confirm in writing, within 30 days, that the amendment does not affect their interests. If either of the First Nations do not agree with the assessment and advises in writing within 30 days, a further consultation process would be initiated for the proposed amendment. Otherwise, the municipality would proceed with consideration of the amendment in accordance with usual bylaw amendment procedures.

## **BUDGET CONSIDERATIONS**

All costs associated with staff time for the rezoning application, public meetings, notices, and legal fees will be paid by the applicant.

## **COMMUNITY ENGAGEMENT AND CONSULTATION**

A sign describing the details of rezoning application RZ1144 is posted on the property. RZ1144 is identified in the applications register posted on the municipal website.

Correspondence received from the public becomes part of the rezoning application file for Council consideration.

Zoning and OCP amendments bylaws are subject to a public hearing adhering to statutory public notice requirements prior to Council consideration of third reading.

## **SUMMARY**

This Report requests Council's authorization to proceed with preparation of an OCP amendment bylaw for Rezoning Application RZ1144 to amend OCP Schedule "A" ("Whistler Land Use Map and Designations") for the lands at 2077 Garibaldi Way to designate these lands as RESIDENTIAL - LOW TO MEDIUM (DETACHED/MULTIPLE) as described in this Report. This Report further requests that Council authorize staff to engage Squamish Nation and Lil'wat Nation regarding the proposed OCP mapping amendment as outlined in this Report, which is consistent with the *Local Government Act* and Framework Agreement.

Respectfully submitted,

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For  
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DIRECTOR OF PLANNING

For  
Toni Metcalf  
INTERIM GENERAL MANAGER OF RESORT EXPERIENCE