

**RESORT MUNICIPALITY OF WHISTLER**

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STAFF REPORT TO COUNCIL

PRESENTED: October 5, 2021
FROM: Planning
SUBJECT: DVP01188 - 2925 KADENWOOD DRIVE – FRONT SETBACK VARIANCES AND RETAINING WALL HEIGHT VARIANCES

REPORT: 21-113
FILE: DVP01188

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION(S)

That Council approve the issuance of Development Variance Permit DVP01188 for the proposed development located at 2925 Kadenwood Drive to:

1. Vary the front setback from 2 metres to 0 metres for one retaining wall;
2. Vary the front setback from 2 metres to 1.04 metres for one landscape planter;
3. Vary the height of one retaining wall located in a front and side setback area from 1.22 metres to 1.88 metres;
4. Vary the height of one retaining wall located in a side setback area from 1.22 metres to 2.94 metres; and
5. Vary the height of one retaining wall located in a front setback area from 1.22 metres to 4.12 metres;

all as shown on the architectural plans V1 and V2, dated August 25, 2021 prepared by Goar Architects attached as Appendix C to Administrative Report to Council No. 21-113.

PURPOSE OF REPORT

This report seeks Council's consideration to approve the issuance of Development Variance Permit DVP01188. DVP0118 proposes five separate variances to "Zoning and Parking Bylaw No. 303, 2015" consisting of front setback variances for the siting of a retaining wall and landscape planter and height variances for three retaining walls in front and side setback areas on the parcel, all related to the development of a detached dwelling at 2925 Kadenwood Drive.

☐ Information Report ☒ Administrative Report (Decision or Direction)

DISCUSSION

Background

The owner is seeking five variances to “Zoning and Parking Bylaw 303”, two front setback variances for a retaining wall and landscape planter and three retaining wall height variances for retaining walls in setback areas at 2925 Kadenwood Drive.

Site Context

The subject property is a rocky and steeply sloping downhill lot with a parcel area of 1570 square metres. The lot is zoned RTA11 Zone (Residential/Tourist Accommodation Eleven) and located in the Kadenwood neighbourhood. A two storey plus in-ground basement detached dwelling is currently being constructed on the parcel. See Appendix A for the location of the subject property.

Excavation of the parcel began in summer 2018 under Building Permit BP004325 and the detached dwelling is currently mid-construction. Photos of the current construction and site conditions are attached to this report as Appendix E.

The steep downward sloping nature of this parcel requires the construction of retaining walls to establish driveway access to the lot from Kadenwood Drive, retain soil to facilitate construction of the detached dwelling, and to protect the tree preservation at the rear of the parcel. A survey illustrating the topography of this lot pre-excavation has been attached to this report as Appendix B.

Analysis and Rationale

The architectural plans showing the proposed retaining walls are attached to this report as Appendix C.

As seen in the architectural plans, the owner is proposing to construct one retaining wall (labeled RW-1) sited 0 metres from the front parcel line at 4.1 metres in height. This retaining wall is in response to existing site conditions, which include the existing rock stack retaining wall along Kadenwood Drive parallel to the front parcel line. As seen in the survey (attached to this report as Appendix B) the existing rock stack retaining wall was built at subdivision in order to retain and establish Kadenwood Drive. A geotechnical report provided with the application recommends a cast-in-place concrete retaining wall be placed adjacent to the existing rock stack wall in order to provide further seismic stability protection for the dwelling.

To facilitate planting and landscaping to soften the visual impact of the adjacent retaining wall (RW-1) the owner is also proposing to construct one landscape planter (labeled LSW-1) sited 1.04 metres from the front parcel line. Architectural renderings illustrating the proposed planting and landscaping are attached to this report as Appendix D.

The owner is also proposing to construct one retaining wall (labelled RW-2) sited within the front and side setback area at 1.88 metres in height. This retaining wall is proposed in response to existing site conditions, which include the requirement to establish driveway access and the steep sloping nature of the lot. As seen in the pre-excavation survey (attached to this report as Appendix B) the rock stack retaining wall built along Kadenwood Drive failed to provide driveway access from the road to the subject property. The owner has proposed a driveway from the edge of Kadenwood drive that crosses Kadenwood Strata common property in compliance with “Zoning and Parking Bylaw 303, 2015” driveway requirements.

To establish the driveway for this parcel the proposed design also requires retaining walls that cross the subject side property line into Kadenwood Strata common property (labeled RW-3 and LSW-3). Staff note that these retaining walls comply with “Zoning and Parking Bylaw No. 303, 2015” and no variances are required. Further staff note the owner has signed a strata common property indemnity and liability agreement with Kadenwood Strata approving and permitting these walls.

The owner is also proposing to construct one retaining wall (labeled RW-4) sited within the side setback area at 2.94 metres in height. This retaining wall is proposed in response to the existing site conditions,

and provide for protection of the adjacent covenanted tree preservation area. The steep sloping nature of this lot necessitated a retaining wall in this location in order to retain grade and establish a reasonable building platform. A geotechnical report provided with the application recommends a cast-in-place concrete retaining wall be placed in this location to protect the tree preservation area, to retain soil and to increase stability of the bedrock slope that supports the building foundation.

Staff acknowledge this proposal went through several revisions in order to comply with the new retaining wall regulations adopted by Council on March 2, 2021. The owner successfully reduced the number of variances, complied with the new retaining wall regulations as much as possible given the complex site conditions and included landscaping and planting consistent with the Kadenwood neighbourhood character.

Proposed Development Variance

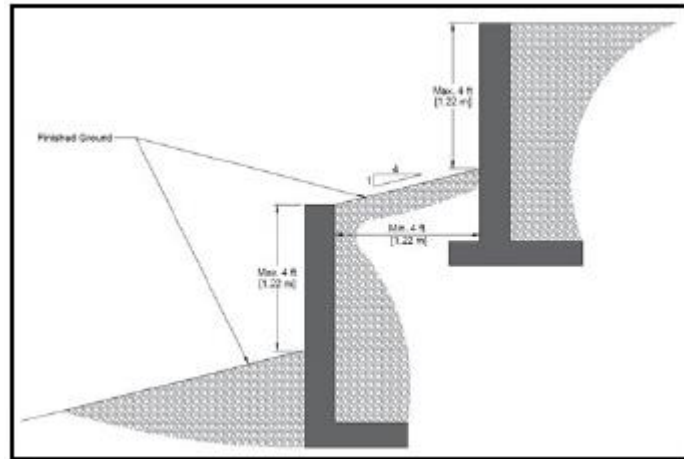
The requested variances are described below:

Variance Request	Zoning and Parking Bylaw No. 303, 2015 Regulation
1. Vary the front setback from 2 metres to 0 metres for one retaining wall.	RTA11 Zone (Residential/Tourist Accommodation Eleven) Part 12 – Subsection 21: (13) The minimum permitted front setback is 7.6 metres. (15) The minimum permitted side setback, if the size of the parcel is 1399 square metres or more, is 6 metres.
2. Vary the front setback from 2 metres to 1.04 metres for one landscape planter.	
3. Vary the height of one retaining wall located in a front and side setback area from 1.22 metres to 1.88 metres.	General Regulations Part 5 – Subsection 7(1)(d), “Projections into Required Setback Areas” The following features are permitted in setback areas: (d) landscape features including planters, stairs, walkways, decks and decorative walls, but not including retaining walls, provided that no part of any such features is greater than 1 metre in height above any point of the level of finished ground, and that all such features are set back at least 1 metre from any side parcel line and at least 2 metres from front and rear parcel lines. Part 5 – Subsection 7(1)(e), “Projections into Required Setback Areas” The following features are permitted in setback areas: (e) retaining walls, provided that: (i) no part of any retaining wall is greater than 1.22 metres in height above the adjacent level of finished ground; (ii) all retaining walls are setback at least 2 metres from any parcel line that abuts a highway; (iii) where there are two or more retaining walls within the same setback area, each retaining wall is separated from
4. Vary the height of one retaining wall located in a side setback area from 1.22 metres to 2.94 metres.	
5. Vary the height of one retaining wall located in a front setback area from 1.22 metres to 4.12 metres.	

any other retaining wall by a horizontal distance of at least 1.22 metres; and,

(iv) the maximum slope of finished ground between retaining walls is not more than 1:4 (1 rise:4 run), as shown in “Figure 5-C”

Figure 5-C: Retaining Walls



As noted in the table above, the General Regulations section of “Zoning and Parking Bylaw No. 303, 2015” permits retaining walls and landscape features in setback areas under the specified limitations. While the proposed retaining walls and landscape planter do not fully comply with these height and siting requirements, staff recognize that setback relaxations for retaining walls and landscape planters are permitted. The requested variances are identified on the architectural plans attached as Appendix C to this report.

Apart from the requested variances, this proposal conforms to all other requirements in “Zoning and Parking Bylaw No. 303, 2015”.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Council has the authority to vary “Zoning and Parking Bylaw No. 303, 2015” through Section 498 of the *Local Government Act*.

Development Variance Permit Criteria

Staff have established criteria for consideration of Development Variance Permits. The Proposed variances are considered to be consistent with these criteria as described in the table below.

Potential Positive Impacts	Comments
Complements a particular streetscape or neighbourhood.	The proposed retaining walls, which are softened by new planting and landscaping, are consistent with the existing Kadenwood neighbourhood character.
Works with the topography on the site, reducing the need for major site preparation or earthwork.	The proposed retaining walls work with the steep sloping topography and rocky nature of the lot.

Maintains or enhances desirable site features, such as natural vegetation, trees and rock outcrops.	The proposed retaining walls protect the tree preservation area and work with the natural slope of the site to allow for new trees and vegetation to be planted. Additional landscaping and plating is proposed to enhance the site visible from Kadenwood Drive and adjacent strata common property.
Results in superior siting with respect to light access resulting in decreased energy requirements.	Not applicable.
Results in superior siting with respect to privacy.	Not applicable.
Enhances views from neighbouring buildings and sites.	The proposed retaining walls work with the topography of the lot to incorporate new planting and landscaping which improves views for the site, neighbouring properties and adjacent strata common property.

Potential Negative Impacts	Comments
Is inconsistent with neighbourhood character.	The proposal is considered consistent with the Kadenwood neighbourhood character.
Increases the appearance of building bulk from the street or surrounding neighbourhood.	Not applicable.
Requires extensive site preparation.	The proposal will require reasonable site preparation. Overall the design is responsive to the steep sloping nature of the lot consistent with adjacent neighbouring lots in Kadenwood.
Substantially affects the use and enjoyment of adjacent lands (e.g. reduces light access, privacy, and views).	The proposal is not considered to change current enjoyment of adjacent land, light access, privacy or views.
Requires a frontage variance to permit greater gross floor area, with the exception of a parcel fronting a cul-de-sac.	Not applicable.
Requires a height variance to facilitate gross floor area exclusion.	Not applicable.
Results in unacceptable impacts on services (e.g. roads, utilities, snow clearing operations).	Not applicable. Staff note Kadenwood Drive is a private strata road.

Zoning and Parking Bylaw No. 303, 2015

The property is zoned RTA11 Zone (Residential/Tourist Accommodation Eleven). The requested front setback and retaining wall height variances to “Zoning and Parking Bylaw No. 303, 2015” are described in the Discussion section of this report.

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

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***

☒ 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 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.

The recommended resolution included within this report is consistent with the goals, objectives and policies included within "Official Community Plan Bylaw No. 2199, 2018". A Development Permit is not required.

BUDGET CONSIDERATIONS

There are no significant budget implications with this proposal. Development Permit application fees provide for recovery of costs associated with processing this application.

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. This section identifies areas where RMOW activities intersect with these relationships.

This report impacts the residents of the Kadenwood neighbourhood, and the Lil'wat People and Squamish People to the extent that they live in that neighbourhood. As such, all residents of the Kadenwood neighbourhood have the opportunity to provide feedback as described in the Community Engagement section of this report.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

☒ Inform ☒ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comments:

A sign describing DVP01188 is posted on the property.

Notices were sent to surrounding property owners and tenants in September 2021 as required by the *Local Government Act*. At the time of writing this report, one letter of support has been received from neighbouring property owners, which states they support the variance and have no concerns. This correspondence is attached to this report as Appendix F.

Any correspondence received following the preparation of this report will be presented to Council at the time of consideration of the application.

REFERENCES

Location: 2925 Kadenwood Drive
 Legal: 025-424-653: PLAN LMS4695 STRATA LOT 10 DISTRICT LOT 7798 NEW WESTMINSTER DISTRICT GROUP 1
 Owner: TESSERACT LIFE HOMES LTD
 Zoning: RTA11 Zone (Residential/Tourist Accommodation Eleven)
 Appendices: Appendix A – Location Map
 Appendix B – Site Survey
 Appendix C – Architectural Plans
 Appendix D – Architectural Renderings
 Appendix E – Current Site Photos
 Appendix F – Correspondence

SUMMARY

Development Variance Permit DVP01188 proposes variances to “Zoning and Parking Bylaw No. 303, 2015”, two front setback variances for a retaining wall and landscape planter, and three retaining wall height variances for retaining walls in setback areas at 2925 Kadenwood Drive for Council's

consideration. This report recommends that Council approve the issuance of Development Variance Permit DVP01188.

SIGN-OFFS**Written by:**

Lindsay Clarke, Planning Analyst

Reviewed by:

Melissa Laidlaw, Manager of Development Planning

Mike Kirkegaard, Director of Planning

Jessie Gresley-Jones, General Manager of Resort Experience

Virginia Cullen, Chief Administrative Officer