

February 13, 2022

**RE: Zoning Bylaw No. 2200, 2011, Amendment Bylaw (Stage 3 General Amendments)**

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To the Council of the District of Squamish,

I am writing on behalf of the undersigned 25 residents of the Community regarding the *Zoning Bylaw No. 2200, 2011, Amendment Bylaw* (Stage 3 General Amendments), scheduled for Public Hearing on February 15, 2022.

We write to express our opposition and significant concerns regarding the proposed amendments, specifically amendments to sections 10.6, 11.6 and 12.6 that would reduce rear setbacks in zones RM-1, 2 and 3 from 9.15m to 6.0m,<sup>1</sup> as well as the amendment to section 4.11(c) that would allow the projection of balconies up to 0.76m into the setback.<sup>2</sup> We have also organized a petition which currently has 154 signatures as of February 13 2022 at 9:20am.

Taken together, these amendments could result in a total reduction of almost 4m in rear setbacks on multi-unit lots, from 9.15m to 5.24m (a 43% decrease), and a reduction in side setbacks from 4.57m to 3.81m (a 17% decrease). If staff continue to support setback variances in RM-1, 2 and 3 zones, the total reduction in many cases will be even greater.

We are concerned that **the District has not adequately informed the impacted communities, nor taken the time to conduct robust public engagement.** We are also concerned that **the District has not considered these amendments in the context of infill development** of existing neighbourhoods or the unique context of Squamish itself. Finally, we are concerned that the changes do not meet the District's own goals of the Stage 3 General Amendments, namely improving clarity, increasing flexibility, and addressing gaps.

The District of Squamish notes on its website that zoning is “used to shape the places where we live, work and play **and to ensure development of a community is in the best interests of its citizens.**”<sup>3</sup> We do not believe these changes are in the best interests of existing or future citizens living in the affected neighbourhoods, nor do we believe they are in the best interests of the District itself.

For these reasons, laid out in greater detail below, we suggest the proposed setback amendments should be severed from the Stage 3 General Amendments. Furthermore, we suggest that the current setbacks in zones RM-1, 2 and 3 are appropriate and should be preserved. These setbacks should be protected through legislation that limits variances, which may call for an additional process where this issue can be studied in more detail.

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<sup>1</sup> Bylaw No. 2824, 2021, *A bylaw to amend the District of Squamish Zoning Bylaw No. 2200, 2011*, cl 2(gg),(hh),(ii).

<sup>2</sup> *Ibid*, cl 2(l).

<sup>3</sup> District of Squamish, [2020 Zoning Bylaw Update](#), online [accessed 12 February 2022].

## 1. Overview of proposed changes of concern

The following amendments that the District is proposing are of concern to us:

1. Proposed changes to ss. 10.6, 11.6 and 12.6 of the *Zoning Bylaw*, which would reduce rear setbacks in RM-1, 2, 3 from 9.15m to 6m, which represents a 35% reduction in the current rear setback.
2. Proposed changes to s. 4.11(c) which would permit the projection of balconies into setbacks by up to 0.76m.

When these changes are combined, they would result in an effective reduction in the rear setback from 9.15m to 5.24m, a 43% decrease, or almost 4m.

## 2. Lack of public engagement with residents living in RM-1, 2 and 3 zones

Goal 5 of the District's Official Community Plan (OCP) is "Engaged," which means

...the community is passionate and engaged in community and civic life. Residents of all ages understand and actively participate in local decision making... The District values, demonstrates and shows leadership in **open, transparent, accessible**, and forward-thinking governance.<sup>4</sup>

In our view, the District has not met this goal in its information-sharing on engagement in the Stage 3 General Amendments.

We have provided a timeline of our own attempts to access information from the District to understand the proposed changes in **Appendix I**, in an attempt to demonstrate the difficulty that we encountered. **We ourselves would not have become aware of the proposed changes were it not for our participation in variance hearings on the proposed development at 1189/1201 Wilson Crescent, where staff noted that they would be recommending a reduction in rear setbacks in RM-1, 2 and 3 zones in early 2022.**<sup>5</sup>

We are not aware of any public engagement on the proposed changes to RM-1, 2 and 3 zones. We are also not aware of any actions that the District took to notify affected residents of the proposed changes, either directly or through clear and informed information on the District website. In our view, the District has not taken sufficient steps to reasonably ensure that the public could be informed.

In the section on Engagement, the staff Report to Council notes that the District notified the public of the proposed changes via a project page on its website, as well as a page titled "Public

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<sup>4</sup> *District of Squamish Official Community Plan Bylaw No. 2500, 2017 "Schedule A", s 4.5 [OCP].*

<sup>5</sup> At the November 16 2021 hearing on DP000558, staff noted that they would be recommending a rear setback reduction from 9.15m to 4.57m. At the hearing on February 1, 2022, staff noted that they would be recommending a rear setback reduction from 9.15 to 6.0m.

Hearing - Zoning Bylaw Amendments” which provides some context on the changes. The District also advertised the changes on two occasions in the Squamish Chief.<sup>6</sup>

The information about the bylaw on the District’s website notes that “The Stage 3 Amendments include roughly 100 technical amendments,”<sup>7</sup> and provides a general overview of these changes. This overview does not specifically note proposed changes to setbacks in RM-1, 2 and 3, nor do they appear in any of the summary documents or Reports to Council on the bylaw. Finding the changes requires digging into the amended bylaw itself, where they are couched between technical amendments. In our view, the presentation of these changes on the District website is not open, clear or transparent, and is not sufficient to ensure that a member of the public would be reasonably informed of the changes.

One of the District’s policies under the OCP is to “consider all stakeholders affected by and interested in decisions, and provide timely and accessible information necessary for their meaningful participation.”<sup>8</sup> In the section on Engagement, the staff Report to Council notes that, in addition to creating a project page for the amendments, “[two] open house events were held in mid-September, one in person and one online. Invitations were emailed to the development community and other professionals who regularly work with the zoning bylaw.”<sup>9</sup> **In essence, all engagement around the bylaw changes has been with industry representatives, and none has been with residents who would be impacted by the changes, or the public more broadly.**

While this level of engagement may make sense in the context of amendments that are truly technical, **it is wholly insufficient in the context of changes that affect a core aspect of zoning and will have substantive impacts on residents living in affected zones. It is also incompatible with the OCP goals of open, transparent and accessible governance.** This lack of transparency does not encourage the public’s trust in the process.

### 3. The District’s comparison to other townhouse developments lacks context.

The District has compared the setbacks in RM-1, 2 and 3 to the rear setbacks in the following zones within Squamish that allow townhomes. Taken out of the context of the actual developments, these numbers do indeed suggest that the setbacks within RM-1, 2 and 3 are significantly larger than in other zones.

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<sup>6</sup> Report to Council, Community Planning & Sustainability. “2020 Zoning Bylaw Update Stage 3 – General Amendments Public Hearing” (February 15, 2022) at p 3.

<sup>7</sup> District of Squamish, “[Public Hearing - Zoning Bylaw Amendments](#),” online [accessed 12 February 2022].

<sup>8</sup> OCP, s 8.4.

<sup>9</sup> Report to Council, Community Planning & Sustainability. “2020 Zoning Bylaw Update Stage 3 – General Amendments Public Hearing” (February 15, 2022).

**Table 1: Comparisons noted by District of Squamish staff in proposing RM-1, 2 and 3 amendments<sup>10</sup>**

Zones that allow Townhomes in Squamish	Rear Setback
UH-1 University Housing	7.62m
CD-12 (Garibaldi Springs)	4.57m
CD-40 (Waterfront Landing)	3.6m
CD-60 (Oceanfront)	5m
RM-5	7.62m

**When the context of each development is considered, the distances between units in these zones is actually significantly greater than is indicated by the rear setbacks alone.**

The zones noted in the table above - UH-1, CD-12, CD-40, CD-60 and RM-5 - have thus far been used to create large-scale developments, where a single developer is responsible for developing the entire parcel. In these cases, the developer has an incentive to maximize each unit’s privacy, natural light, openness, and the ability to see at least some elements of the natural environment outside one’s window. Additionally, a developer that is working with a larger parcel of land has more flexibility with the siting and orientation of buildings and amenities within the development.

The impact this has on the spacing within developments is not just hypothetical. **For example, the rear setback in CD-40, Waterfront Landing (Sea and Sky) is 3.6m, as the District’s table notes.<sup>11</sup> However, the actual rear-to-rear spacing between buildings is 12m.<sup>12</sup>** This is because all buildings have at least a 4.8m-wide walking path along the rear yards of every property. Similarly, there is a roadway on the front side of every property, so that **the front-to-front distance between buildings is at least 18.6m.** The distances between townhomes located on the primary access road are even greater. We have provided the images of some of these developments that we are able to locate on the District website in **Appendix II: Development Plan Images.**

UH-1, University Housing, and CD-12, Garibaldi Springs are also developments where units have been thoughtfully located with roadways and/or greenspace on either side, allowing greater space between units.<sup>13</sup> Taken outside of context, many of the specific rear setback distances noted in District staff’s table of comparable developments are misleading. They do not

<sup>10</sup> District of Squamish, “[Clarification of proposed setback amendments](#),” online [accessed 12 February 2022].

<sup>11</sup> *District of Squamish Zoning Bylaw, No. 2200, 2011* (consolidated October 2021), s 40JJ.3, “Mixed Density Residential”.

<sup>12</sup> Staff report October 18, 2016 Committee of Whole Meeting - Waterfront Landing Development Application, (OCP Amendment Bylaw 2483, 2016 and Zoning Amendment Bylaw 2484, 2016) at pp 9, 17.

<sup>13</sup> No site plans for RM-5 zones have yet been proposed, however the first RM-5 zone will also be a large-scale, master-planned community.

account for the full picture of the development itself, including spacing at both the front and rear beyond the required setbacks, and how this impacts the development as a whole, including privacy, space, light and the ability to see the natural environment out one's window.

In contrast, many of the RM-1, 2 and 3 zones are within existing neighbourhoods that the District intends to densify. This type of densification will happen on a smaller, lot-by-lot scale, where the incentive to maximize light, privacy and space for the entire neighbourhood is missing. **In the absence of these incentives, the District's role in preserving values of light, space and privacy throughout the neighbourhood becomes essential, through careful zoning, adequate setbacks and thoughtful design.** Again, the impact that lot-by-lot development will have on spacing is more than hypothetical. One manifestation of this difference was visible in the recent proposal to develop 1189/1201 Wilson Crescent, where individual units were oriented to maximize natural light and private amenities for the new development, at the expense of the privacy, light and space of neighbouring properties.<sup>14</sup> If the District decreases rear setbacks, this scenario will become common throughout infill neighbourhoods, and these impacts will become more pronounced.

#### *Setbacks in the Context of Infill in Existing Neighbourhoods*

The context of introducing infill to existing RM-1, 2 and 3 neighbourhoods is completely different from building large-scale new developments, and will depend on the existing property lines, lot orientation, and surrounding properties. Wilson Crescent, the only RM-1 Zone in the District, is one example. **In Wilson Crescent, densification will occur on long narrow lots, with no laneway, roadway or trail system separating the rears or sides of the properties. The lots are almost all oriented north-south,** so that the decrease in rear setbacks will have a significant impact on the natural light that reaches adjacent lots to the north.

One example of the challenges in infill development is Arbutus Grove, where the context created by the property lines exacerbates the challenges already posed by the Wilson Crescent neighbourhood, as noted in the February 1 2022 hearing on DP000558. The rear property lines of properties on southern Wilson Crescent abut the interior side yard property line of Arbutus Grove. **This means that the total rear-to-rear distance between developments built to the south and Arbutus Grove will be approximately 10.5m. Further, as Council has already approved Arbutus Grove 2.0 to the north of Arbutus Grove, the front-to-front distance between buildings will be 9.7m.** These distances may not seem striking in the abstract, but the true impact becomes clear when compared to other townhome developments, for example the 18.6m/12m front/rear building distances of CD-40, Waterfront Landing. **Essentially, Arbutus Grove will be in a tunnel.**

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<sup>14</sup> See District of Squamish, Community Planning & Infrastructure. Report to Council. "Development Permit DP000558 (1189 & 1201 Wilson Crescent)" (February 1, 2022); and District of Squamish, Community Planning & Infrastructure. Report to Council. "Development Permit DP000558 (1189 & 1201 Wilson Crescent)" (November 16, 2021).

In order to highlight the true impact of the proposed setback changes, we have provided a table below based on the data we were able to locate on the District website, comparing unit distances between existing developments such as Waterfront Landing. Perhaps more helpfully, we have also included a number of other infill developments within and around Wilson Crescent that have been done more thoughtfully than the proposed setback changes to RM-1, 2 and 3 would allow.

**Table 2: Front-to-front and rear-to-rear distances between units in townhouse developments**

Development	Front-to-front distance between units	Rear-to-rear distance between units
Newport Landing (Dentville, RM-2)	18.9m <sup>15</sup>	9.9m + road + front setbacks of adjacent properties <sup>16</sup>
The Current (Wilson Crescent, RM-1)	17.5m <sup>17</sup>	(the rear of The Current abuts a CNR right-of-way)
SeaANDSky (Waterfront Landing, CD-40)	18.6m <sup>18</sup>	12m <sup>19</sup>
Arbutus Grove (if proposed amendment is adopted)	9.7m <sup>20</sup>	10.5m <sup>21</sup>

Finally, the impacts on all RM-1, 2 and 3 neighbourhoods may ultimately be even greater given the potential for variances to be granted. Most neighbourhoods do not have a neighbourhood plan that restricts variances as in the Wilson Crescent Micro Plan, and even in Wilson Crescent, planning staff have routinely supported variances despite this provision. **The result is that the**

<sup>15</sup> District of Squamish, Matt Gunn. Report to Council. [“Development Permit 379: 38684 Britannia Avenue \(Newport Landing\)”](#) (September 15, 2015) at p 15. This number accounts for the front yard setbacks (6.2m and 6.1m) and the laneway between (6.4m).

<sup>16</sup> *Ibid.* This number accounts for the rear yard setback (6.1m), sidewalk and boulevard (3.8m), and additional unknown spacing provided by Britannia Ave and the front setback of neighbouring properties.

<sup>17</sup> District of Squamish, Development Services (Planning). Report to Council. [“Development Permit No. 356: 1160-1186-1200-1212 Wilson Crescent”](#) (October 7, 2014) and associated [drawings](#). This number accounts for the front yard setbacks (5.5m and 5.9m) and the road between the two (6.0m). For those properties, facing Wilson Crescent, this number is 22.3-23.3m, accounting for the front yard setback (6.9m), Wilson Crescent (8.8m) and the neighbouring properties’ front yard setbacks (from 6.6 to 7.6m) and the laneway between (6.4m). Additionally, the spacing between townhomes within the development is significant, in general at least 17.5m (accounting for yard setbacks of 5.5m, and laneway width of 6.5m).

<sup>18</sup> District of Squamish, Community Planning. Report to Council. [“Waterfront Landing Development Application \(OCP Amendment Bylaw 2483, 2016 and Zoning Amendment Bylaw 2484, 2016\)”](#) (October 18, 2016). This number accounts for the front yard setbacks (5.8m and 5.8m) and the roadway (6.0m).

<sup>19</sup> *Ibid.* number accounts for the rear yard setbacks (3.6m and 3.6m) and the mews between the two (6.0m).

<sup>20</sup> District of Squamish, Community Planning & Infrastructure. Report to Council. [“Development Permit No. 445: 38459 Buckley Avenue \(Arbutus Grove 2.0\)”](#) (May 7, 2019).

<sup>21</sup> Based on current side yard setback for Arbutus Grove (4.57m) and proposed rear setback (6.0m).

**proposed 6.0m rear setback in RM-1, 2 and 3 zones may be further eroded by variances in the future.**

More thought needs to be given to how densification will occur in existing neighbourhoods, given the mixed incentives associated with densifying on a lot-by-lot basis, as well as the challenges associated with the lot size, layout and absence of public thoroughfares in existing neighbourhoods that have been zoned RM-1, 2 and 3. Reducing the setbacks based on comparisons with other zones with townhomes that exist in vastly different contexts is unjust and unfounded, and will result in significant impacts to affected residents.

Solutions should be explored on a case-by-case basis. For example, if we follow the reasoning of the proposed amendment to reduce the interior side-setback in lots on specific narrower lots (10.06m or less), which were subdivided long before the current regulation, then it would be rational to have the rear-setback of 9.15m only applicable to the Wilson Crescent neighborhood, to account for the unique layout of the neighborhood lots (rear property line of a lot adjacent to side property line of another lot) versus a master-planned multifamily community. Similar solutions should be explored for other neighbourhoods based on their own unique contexts.

4. There is no need to revise the setbacks to achieve Planning and Council goals of "Improving Clarity, Increasing Flexibility, and Addressing Gaps"

With respect to the District’s goal of Improving Clarity, the setback amendments proposed for RM-1, 2 and 3 zones run counter to the logic of zoning that ensures the development of a community is in the best interests of its citizens. Zoning should be designed to protect community health and safety by separating uses that do not work well together or that might be just too close. Taller multi-family apartment buildings should not be closer to their neighbor than shorter single-family homes.

Staff have noted in their recent clarification that one of the goals in “recommending a 6.0m rear setback in all RM zones to allow for increased flexibility for the design of future projects.”<sup>22</sup> However, **reducing the setback will decrease flexibility, rather than increase it.** Providing appropriate minimum setbacks allows for resilient planning opportunities for properties and communities by providing needed space in the case of atypical lots or other unavoidable lot conditions that would otherwise cause hardship for property owners. For example, larger setbacks allow the District to grant variances to property owners who would otherwise face hardship because their lots are an atypical shape, while minimizing the impact on neighbours. Reducing setbacks give less space to absorb these anomalies and will allow future setback variances to encroach further on neighbours.

**The only perspective from which reducing the setback increases flexibility is from someone proposing a redevelopment of a specific lot.** The setback change would allow greater flexibility in building siting, opening up space within the property at the expense of

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<sup>22</sup> District of Squamish, “[Clarification of proposed setback amendments](#),” online [accessed 12 February 2022].

neighbouring residents and public values of privacy, light and space. These impacts were clear in recent proposals for 1189/1201 Wilson Crescent, as noted above. In the context of infill development in existing neighbourhoods, occurring on a lot-by-lot basis, it is even more important for the District to safeguard these public values for residents of these communities, ensuring that a neighbourhood densifies in a thoughtful way, by protecting large setbacks and space between developments.

With respect to the District's goal of Addressing Gaps, there are many gaps within the *Zoning Bylaw* that should be addressed. Many of these are technical in nature, and require routine amendments with professional consultation. But at this point, revision to the Multi-Unit Residential Zones and their setbacks cannot be considered a gap that needs to be addressed.

The logic of zoning holds that, lower density zones that have lower buildings, fewer people and take up more infrastructure per person (e.g. roads, sewers and sidewalks), should have closer setbacks than higher density zones, who have more households on each property, have taller building forms and are naturally more efficient in use of the existing infrastructure and land. Instead, **the setback amendments proposed for RM-1, 2 and 3 would put bigger and taller buildings closer to each other than in single-family neighbours and industrial zones.**

#### 5. Response to District of Squamish "Clarification of proposed setback amendments."

The District's clarification on the proposed setback amendments includes the following three reasons:

Reason 1: RM-1, 2 and 3 zones have the largest rear setback of any residential zone in Squamish at 9.15 metres.

- These larger setbacks are appropriate in the context of adding denser housing to existing neighbourhoods. The District's proposed changes would reduce the setbacks in these zones to 6.0m, which is smaller than the rear setback in single-family zones (7.62m). As noted above, this would put bigger and taller buildings closer to each other than smaller single-family homes, and in other existing townhouse developments in Squamish.

Reason 2: District staff has reviewed setbacks in other zones that allow townhouses in the District, as well as other municipalities, and found that the majority of these setbacks were 7.5 metres or less.

- We have addressed this point in our submission under section 3 above. Looking only at the rear setback numbers without considering the full context does not paint a true picture of these zones.

Reason 3: Staff are recommending a 6.0 m rear setback in all RM zones to allow for increased flexibility for the design of future projects, while still maintaining a generous setback from the



rear lot line.

- As noted above in section 4, increased flexibility comes from larger setbacks, not smaller ones. Larger setbacks allow the District to grant variances to property owners who would otherwise face hardship because their lots are an atypical shape, while minimizing the impact on neighbours. Reducing setbacks give less space to absorb these anomalies and will allow future setback variances to encroach further on neighbours. The only perspective from which reducing the setback increases flexibility is from someone proposing a redevelopment of a specific lot, at the expense of neighbouring residents.

## **Closing**

Given the lack of transparency and public engagement in this process, it would not be appropriate to proceed with the proposed amendments to rear setbacks in zones RM-1, 2 and 3 as well as the projection of balconies in these zones. We suggest these setback amendments should be severed from the Stage 3 General Amendments so that the technical changes proposed by staff can be dealt with separately.

Furthermore, for the reasons above, the current setbacks in zones RM-1, 2 and 3 are appropriate in the context of infill developments in already-existing neighbourhoods and should be preserved as they are currently set out in the *Zoning Bylaw*. These setbacks should be additionally protected through legislation that limits variances to the circumstances set out in s. 4.23 of the *Wilson Crescent Area Guidelines*. This may call for an additional process where this issue can be studied in a more focused and holistic manner with robust public engagement.

Sincerely,

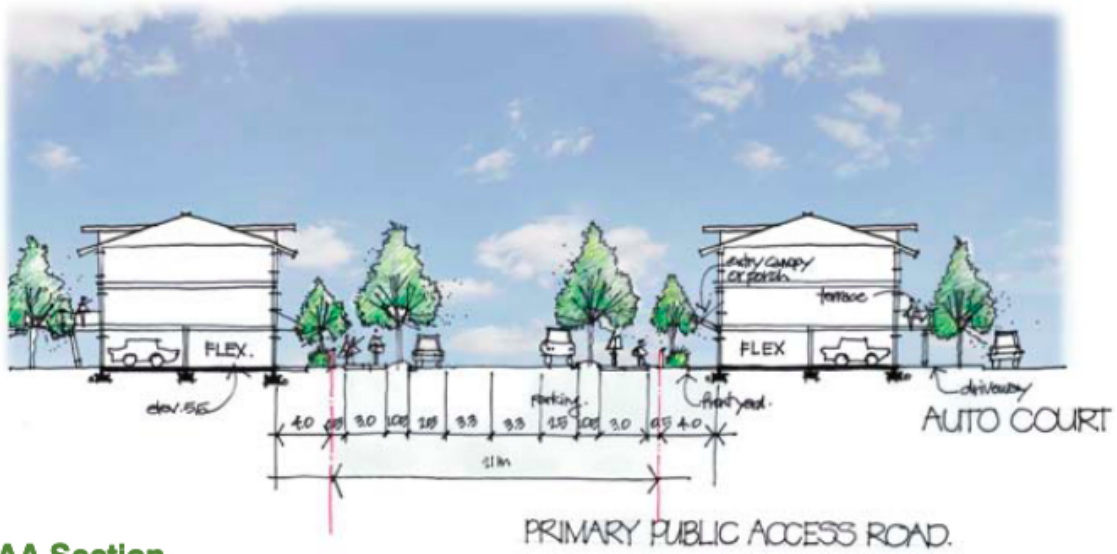
Jacquie Menezes and Greg Pillon  
Stephanie Wells and Chas Wells  
Patrick Wolfe and Dixie Woodcock  
Chis Morrow  
Matty Walton  
Irene and Naoli You  
Joris Janssen and Boa Xiong  
Stephanie Hewson and Johannes Esterlé  
Heather Geluk  
Haily Moulton and Carly Moulton  
Sylvie Gagnon and Nathaniel Nacionales  
Mike Georgas and Greg Georgas  
Darron and Miki Southerland  
Kurtis Miller and Jenny Miller

**Appendix I: Communications specific to amendments to rear setbacks in zones RM-1, 2 and 3, as well as side setback changes for lots in zones RS-1, 1A and 2.**

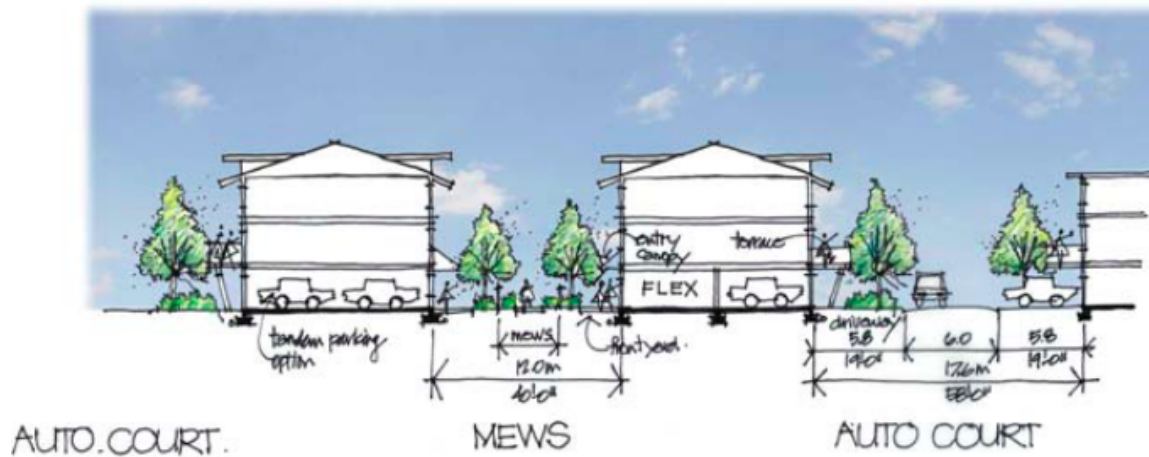
- **June 8, 2021:** Amendments were not addressed in the Reports to Council
- **September 2021:** District hosted open houses on Zoning Bylaw Amendment. Members of the development community and other professionals who work with the bylaw (architects, builders, etc.) were invited directly via email. The open houses were also posted on the District of Squamish website. Residents living in the affected zones were not directly notified or invited.
- **January 18, 2022:** Amendments were not addressed in the Report to Council dated January 18 2022.
- **February 10, 2022:** Amendments added in the Reports to Council, with additional detail provided on February 12 for the meeting on February 15, and following the timeline outlined below:
  - **February 8, 5:00pm:** We called planning staff at the District of Squamish and requested information on the rationale on the proposed changes to rear setbacks in RM-1, 2 and 3 zones. We were told that this information would be forthcoming in the Report to Council to be published on February 10.
  - **February 10:** We reviewed the Report to Council dated February 15 2022, which was released on February 10. The report does not provide information on the proposed rear and side setback changes.
  - **February 10, 1:57pm:** We emailed planning staff at the District of Squamish on February 10 at 1:57pm requesting the same information
  - **February 11, 10:02am:** We received a reply with information on the rear and side setback changes.
  - **February 11, 11:52am:** We submitted a request to Council for Request for Extension of Public Hearing on the Zoning Bylaw Amendment. No response was received.
  - **February 11. 4:00pm** - article published in The Chief, "[Squamish residents petition against proposed setback reductions in omnibus bylaw](#)"
  - **February 11, 9.15pm:** Chief article updated to include a response from the District and further details.
  - **February 12** - no response received from Council to our submitted request for proposed extension of public hearing on the Zoning Bylaw Amendment.
  - **February 12, 10:00am** - Council website updated with staff clarification on proposed amendments.
  - **February 12, 10:00am** - District of Squamish updates Facebook page, "including clarification of details of proposed setback amendments"(note that this clarification is provided 3 days before the Public Hearing)

Appendix II: Development Plan Images

[CD-40, Waterfront Landing \(SeaANDsky\)](#) (p 9)



AA Section



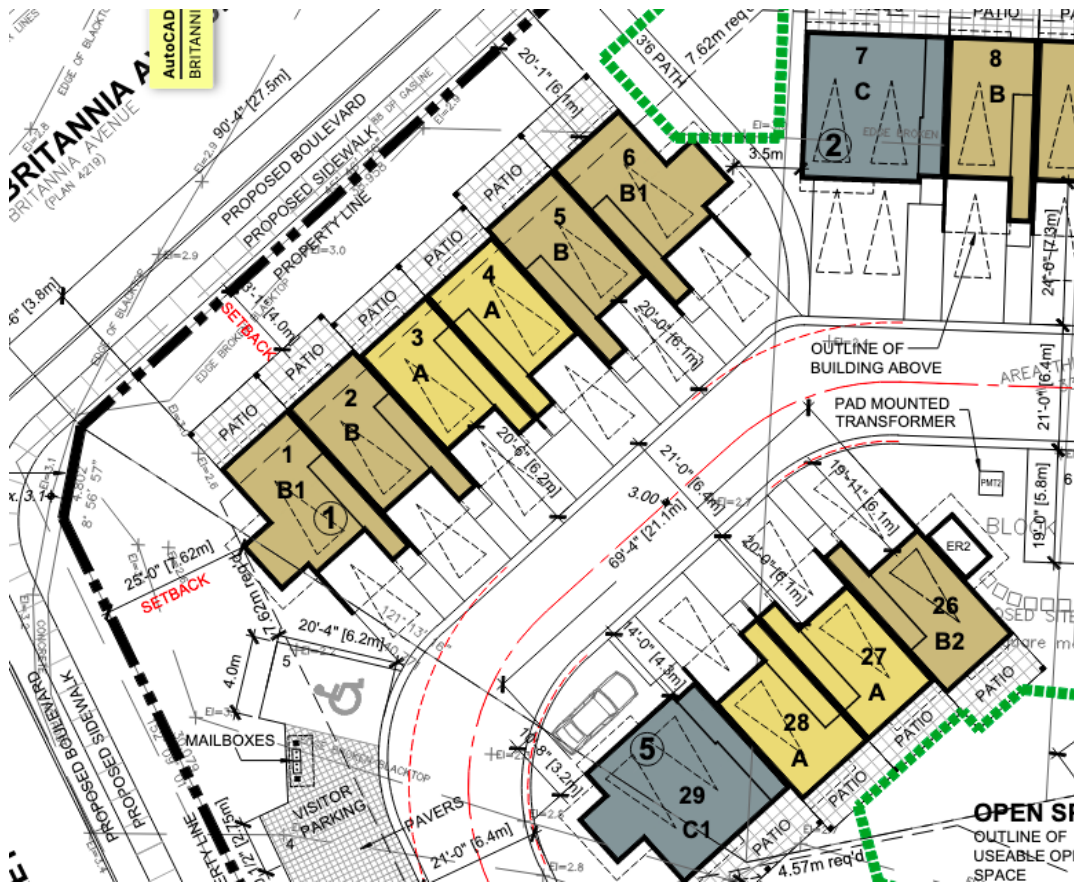
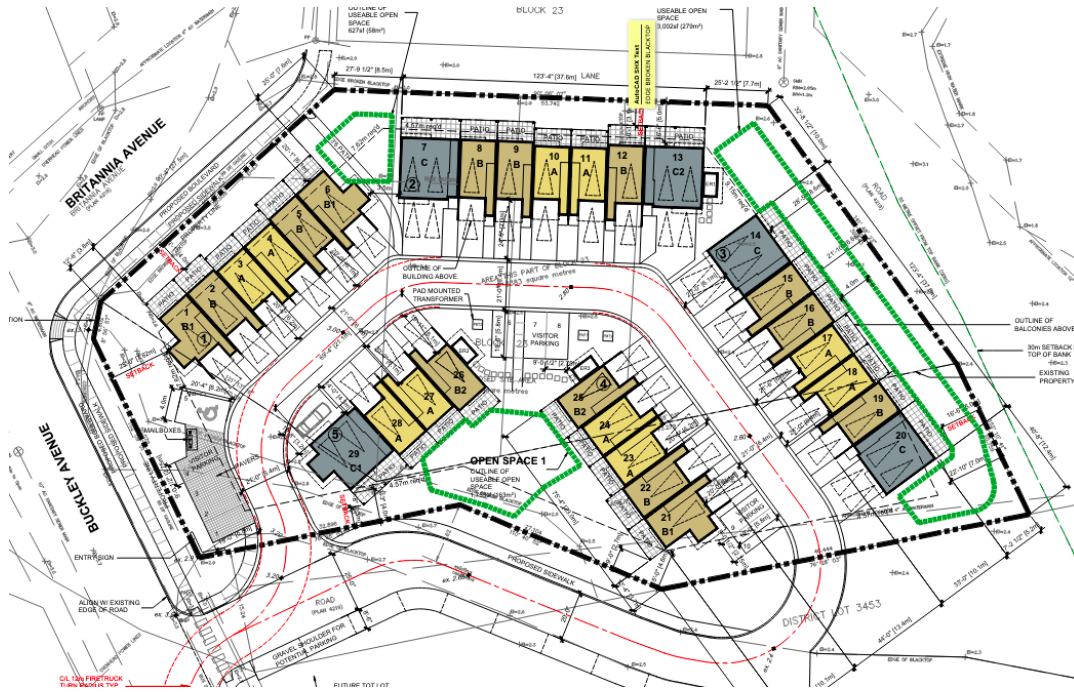
BB Section

# Waterfront Landing

Squamish, B C

October 18, 2016

RM-2, Newport Landing (p 15)



CD-12 (Garibaldi Springs)

