

specific planning principles and objectives relating to a range of topics including: land use, density, height, built form and character, transportation and circulation, sustainability, community amenities and public benefits, and development phasing. This will build upon key municipal policies, such as the updated Official Community Plan, to provide a clear framework from which to consider alternative development concepts and potential amenities associated with a rezoning of the lands. Community engagement and input opportunities are identified to occur at key points in the process along with regular Council updates and decision points, as well as consultation with community stakeholders and municipal advisory bodies. A rezoning referral to the Lil'wat Nation and Squamish Nation to seek feedback on the proposed development is also recommended as outlined in the report.

The report also requests that Council acknowledge the proposed rezoning as a complex site rezoning, for the purpose of determining application processing fees and cost recovery for expenses directly related to the application. The enhanced rezoning process will require a commitment of significant staff resources, as well as legal counsel and use of specialized consultants such as land economists for community amenity valuation, as outlined in the report.

DISCUSSION

Background

The rezoning and future development of the subject lands represents a significant opportunity for the Whistler resort community. As shown in Appendix "A", the subject lands are prominently located adjacent to Whistler Village, Whistler's town centre. The portion of the lands located west of Blackcomb Way, which comprise two legal parcels and have a land area of approximately 5.2 hectares, are recognized as a combined site having significant development potential, subject to a number of site constraints described below under Site Context. The third parcel, located east of Blackcomb Way and contiguous with Fitzsimmons Creek has previously been established as a conservation area that will remain undeveloped through an existing no-build covenant, supporting the Fitzsimmons Creek riparian and wetland ecosystem, floodplain management and the open space and trail network adjacent to Whistler Village.

The subject lands were initially granted development rights through a 1989 proposal call by the municipality, which provided for an increase in Whistler's approved bed unit capacity for developments that would deliver amenities that contributed to achieving Whistler's vision as a world class, four season destination resort community. The proposal that was accepted at the time, and was given zoning in 1990, was for a world class racquet and golf resort known as the Bjorn Borg Whistler Resort. The entire project was proposed to consist of a 350-room hotel, 13 outdoor and three indoor tennis courts, a golf driving range (practice facility), 124 market residential townhouses, employee housing including dormitory units within the hotel, parkland dedication, valley trails and Blackcomb Way construction and the continuation of the Whistler Village water amenity stream.

In 1998, under Official Community Plan Amendment Bylaw (Tennis Resort Lands) No.1360, 1998 and Zoning Amendment Bylaw (Tennis Resort Lands) No.1361, 1998, Council approved a number of modifications to the proposed development of the Tennis Resort Lands including transferring 18,000 square feet from the Montebello Phase 2 Townhouse site to the hotel site, deleting the requirement to develop five tennis courts and accepting a gift in the amount of \$300,000.00, placing a no-build covenant on the golf driving range lands (Lot 2) with the potential to develop a similar facility adjacent to the Chateau Whistler Golf Course and adjusting the form of development as specified under the Tennis Resort Lands Official Community Plan.

In March 1999, Council approved Development Permit Application No. 403.10, to develop the Tennis Resort Lands under the current TA10 zoning with a nine-storey 400-unit Hyatt Hotel including 25,000 square feet of convention and meeting space, 10,000 square feet of various food and beverage

services and an 18,000-square-foot spa. The proposal also included 27 employee housing units, with 15 dormitory units within the hotel and 12 townhouse units on the Lot B parcel. However, the conditions of development permit approval were never completed and the development permit was never issued.

In May 2004, the municipality received a rezoning application for the site from new owners that sought to reposition the development program from hotel use to townhouse and condo apartment uses. In May 2008, this rezoning application received third reading of OCP amendment, zoning amendment and Phased Development Agreement bylaws for 58 market townhouse units; 123 market condo apartment units; 20-23 non-market seniors units; a 56,900-square-foot tennis and fitness centre and seven outdoor tennis courts including one stadium court. Through this negotiated process the municipality was to receive the tennis and fitness centre as an amenity and was to assume responsibility for on-going operations and maintenance. However, there was a financial downturn and the rezoning application was subsequently reconsidered and terminated by the owner of the property in January 2012.

Since that time the site has remained undeveloped, except for the existing tennis facility. The original development concept envisioned for the world class tennis resort has never been undertaken; successive owners of the property have pursued rezonings and changing development concepts in relation to changing market conditions, evolving community priorities and lack of hotel development viability.

Until recently, a potential rezoning and development of the lands has been limited by the existing Tennis Resort Lands designation in the municipality's previous Official Community Plan. Any rezoning that departed from the Tennis Resort Lands OCP concept, which included the hotel development, required an OCP amendment, which was subject to Ministerial approval from the Province of British Columbia. With the adoption of the municipality's updated Official Community Plan, the current owners, the Beedie Group, have now requested to initiate a rezoning process for the undeveloped lands.

Staff believe that in undertaking the planning and engagement process to consider a rezoning of the lands there exist a number of beneficial opportunities, including opportunities to:

- further a number of Council priorities and initiatives;
- create a development that is sustainable, socially inclusive, and highly livable;
- derive community amenities to serve the new development and the broader community;
- align with the Climate Action Big Moves Strategy; and
- create new housing and employment opportunities within walking distance of shops, services, the employment center, and the Whistler Village core.

In contrast, restricting development to the permitted uses and associated densities, under current zoning and development covenants, would limit the potential opportunities for development and realization of long-term community benefits that may be achieved through the rezoning process.

The remainder of this report presents some preliminary information related to site context that is important to recognize in informing site development opportunities and constraints, followed by a description of the recommended approach to the rezoning application consideration process. Current OCP designations and zoning parameters are summarized in the Policy Considerations section of the report. The report also addresses staff resource requirements and applicable fees and charges under the Budget Considerations section of this report.

Site Context

As identified in the References section of this report, the subject lands are comprised of three separate legal parcels:

- Lot 1 is the larger parcel and is located at 4500 Northlands Boulevard, north of Lorimer Road
- Lot B is the small parcel at the northwest of the project site, located at 4711 Settebello Drive
- Lot 2 is the large parcel to the east of Blackcomb Way, to the boundary of Fitzsimmons Creek.

Lot 1 and Lot B

The two parcels that are the focus of the current process are Lot 1 and Lot B, at the north end of Northlands Boulevard. Together they are approximately 5.2 hectares in size, and are generally bounded by Highway 99 to the west, the Montebello neighbourhood to the north and east, and Lorimer Road, and south of Settebello Drive, and to the south the site is bounded by the multi-family tourist accommodation residential developments of Symphony at Whistler and Glacier's Reach. See attached Appendix A – Site Location and Context Maps.

Lot 1 is zoned TA10 (Tourist Accommodation Zone Ten), and Lot B is zoned RM43 (Residential Multi-Family Zone Forty-Three).

Lot 2

The third legal parcel (Lot 2) across Blackcomb Way from the project site is recognized as a conservation area. The current zoning is RR4 (Rural Resource Four) and no development or change in use is contemplated on the parcel. However, the municipality will be seeking to secure these lands for continued use as part of the floodplain and stormwater management network.

See the section titled Policy Considerations below for further discussion of the land use designations.

The project site is directly adjacent to the Village North and Montebello neighbourhoods and is accessed via the cul-de-sac at the end of Northlands Boulevard, with an established secondary access point at the north end via Settebello Drive. There is no direct access from Highway 99, as there is a difference of roughly six to eight metres from the highway surface grade to the site grade. That rise to Highway 99 notwithstanding, the site is primarily flat and offers expansive views, particularly to the north, east and south.

On the southeastern portion of the site is the Whistler Racquet Club that consists of a main clubhouse building as well as multiple indoor and outdoor courts, café, and also hosts other seasonal community oriented programs.

There are a number of site constraints that relate to the natural environment and associated municipal policies, agreements and provincial regulations. These include a 20-metre highway tree buffer, amenity stream, drainage swale, and forested areas.

The large forested area along the western boundary and adjacent to Highway 99 is separated from the rest of the site by a drainage swale. The eastern portion of the site has the amenity stream, which is part of a larger man-made feature that diverts water from Fitzsimmons Creek to flow through the Village North neighbourhood before ultimately returning to Fitzsimmons Creek through the wetlands area east of the project site.

Habitat restoration and preservation of natural values are key components in the site planning, and it is critical to recognize the value of the existing amenity stream and its immediate surrounding. Due to a number of overlapping constraints on the site, consideration will be given to opportunities for mitigation and compensation in the event that compensation is required. The planning and engagement process will ensure that opportunities are considered and weighed against municipal policy and regulation as well as Provincial policy and regulation and will ultimately seek to ensure that development of the site is considerate of the existing values and the future vision for the community, as articulated through the OCP.

Recommended Planning, Community Engagement and Amenity Rezoning Process

Given the site history, and the initial allocation of bed units through a proposal call to achieve community amenities and priorities at the time, staff recommend a high level of community and Council engagement in an enhanced planning, community engagement and amenity rezoning process. Staff propose an iterative process that will include three phases, with each phase having Council consideration, community engagement, and public and stakeholder input opportunities, along with consultation with key municipal advisory bodies and committees including the Strategic Planning Committee, the Advisory Design Panel and the Recreation and Leisure Advisory Committee. The rezoning will also be referred to the Lil'wat Nation and Squamish Nation for information.

The timeline and process are designed to engage Council and the public early, and often. Frequent engagement with both Council and the public will ensure the project continues to evolve in alignment with community and stakeholder feedback as well as good planning principles and alignment with overarching RMOW policy, and will yield a final outcome that reflects the extensive and meaningful community feedback and the policy direction of Council.

The three phases, described in more detail as follows, are to: 1) establish planning and development principles, 2) identify and evaluate alternative concepts that address potential site development and associated community amenities, and 3) determine supported uses and community amenities with direction from Council to commence preparation and consideration of an associated zoning amendment bylaw. The last phase would proceed through the statutory bylaw consideration process including a public hearing, and would also involve preparation of all associated legal agreements. The recommended process has been reviewed with the applicant, and is presented for Council consideration.

Phase 1: Principles of Planning Process

The first phase involves early community engagement that is intended to set clear expectations for the project timeline and to develop a common understanding of the desired process and engagement and input opportunities, as well as to develop guiding principles and objectives. It involves an introduction to the project site, consideration of the opportunities and constraints, and the development of guiding principles that will provide a framework for identifying and evaluating alternative development and amenity concepts through the subsequent phases.

Phase 2: Alternative Concepts

Next, following further design and development work between the proponent and staff team, and following Council consideration of conceptual designs, a public event and other community engagement methods will be undertaken to present high level alternative site development concepts, and to seek feedback on alignment with principles, general site design, precedents and further consideration of community benefit. Staff will be seeking to confirm that the development concepts align with the principles before moving ahead with the process of developing the preferred concept. Feedback will inform the development of the preferred concept and staff will undertake a full internal review.

Phase 3: Direction to Proceed and Draft Bylaws

Upon completion of internal review, further collaboration with the applicant and integration of community feedback, a preferred concept will be presented to Council for direction to proceed with drafting bylaws. Community feedback and input on the preferred development concept will also be

sought to further inform the refinement of the concept over the course of the rezoning. Following Council direction and further refinement of the development concept, bylaws will be prepared and initial readings and a public hearing will be scheduled to present the amending bylaws and encourage community input on the bylaws as drafted.

Overall the process is envisioned to take place over the next 18-month period, with initial planning principles and site development concepts to be developed over the next nine months through the end of 2021, followed by the process of zoning amendment bylaw consideration including preparation of associated legal agreements, with a targeted completion of September 2022.

This is an ambitious undertaking and timeline that staff feel warrants considerable effort to realize the benefit opportunities of the site. The timeline will also be contingent on finding common ground with the community and a responsive and collaborative approach by the applicant team.

Amenity Contribution

The engagement and rezoning process will outline a community amenity package for the rezoning and development of the site. Consistent with enabling policies, community amenity benefits from the owner of the rezoning site is expected in relation to the proposed rezoning and site history. Such a community benefit is typically made through the provision of on-site amenities and/or a contribution towards public benefits in, near, or in relation to the site and community needs. As part of the rezoning process, the public amenity needs will be assessed with public input, taking into consideration existing amenities and infrastructure in and near the surrounding community. Community benefits are negotiated and evaluated by staff in light of the increase in land value expected to result from rezoning approval, and will be reported to Council as part of the rezoning application.

The contribution will be guided by existing policy, needs assessments, good planning principles, and community and stakeholder input, and enable a suitable contribution that provides lasting and meaningful benefit to the resort community.

POLICY CONSIDERATIONS

Official Community Plan

The Official Community Plan (OCP) establishes the municipality's highest level policy objectives. It contains the community's updated Community Vision and establishes goals, objectives and policies for the various elements of the community, addressing growth management and land use (housing, visitor accommodation, commercial), economic viability, natural environment, health safety and community well-being, learning culture and education, climate action and energy, transportation and infrastructure. The OCP is the primary policy foundation for consideration of the proposed rezoning, and any proposed zoning amendment bylaw, or related bylaw, resulting from this rezoning process is evaluated for consistency with the OCP.

Schedule A of the OCP, Whistler Land Use Map and Designations, designates the general categories of land uses that may be considered for the subject lands through the rezoning process consistent with the OCP. The application of the designations is described in Policy 4.1.4.2 contained in the Growth Management chapter of the OCP. Additional uses that may be considered, as generally provided for throughout the municipality subject to rezoning consideration, including community facilities and parks, are identified in Policy 4.1.4.3.

The parcel located at 4500 Northlands Boulevard (Lot 1), which represents the bulk of the lands comprising the potential development area, is designated as part of the Whistler Village Core

Commercial area. This designation, and the associated policies of the OCP, provide for a wide range of accommodation (residential, visitor accommodation and employee housing), commercial, institutional, community facilities, parks, recreation and leisure uses, that may be considered through the rezoning process. The parcel located at 4711 Settebello Drive (Lot B) is designated Residential – Visitor Accommodation – this designation provides for residential and visitor accommodation in various dwelling types, along with the other general uses that may be considered under the provisions of Policies 4.1.4.2 and 4.1.4.3.

The land use designations adjacent to subject lands include Residential – Visitor Accommodation to the north, Residential – Low to Medium (Detached/Multiple) to the east and on a single lot on the south-west, and Whistler Village Core Commercial to the south.

The Growth Management chapter of the OCP also establishes policies related Whistler's bed unit accommodation capacity limit (Policy 4.1.2.9). The OCP recognizes existing approved development capacity. The existing approved development capacity for the subject lands has been specified by development covenant for the 4500 Northlands Boulevard (Lot 1) parcel, to be a maximum of 837 bed units. The parcel at 4711 Settebello Drive (Lot B) has a bed unit allocation of 48 bed units. The OCP defines the accommodation bed unit capacity to include residential accommodation, visitor accommodation and employee housing.

Criteria for evaluating proposed rezonings are specified under Policy 4.1.6.1. These criteria cover a broad range of considerations in support of the goals and objectives of the OCP. The criteria will be applied to the proposed rezoning as it proceeds through the recommended rezoning process.

The OCP also establishes development permit area designations and associated guidelines for evaluation of future development through the development permit process. The subject lands are designated as development permit areas for: Protection of Riparian Ecosystems (Lot 2); Protection of Sensitive Ecosystems (Lot 2); Whistler Village Form and Character (Lot 1); Multifamily Residential Form and Character (Lot B); Wildfire Protection – Whistler Village (Lot 1), Moderate Risk (Lot B and Lot 2). These guidelines will be considered through the rezoning process and the design of proposed development, and then applied at the time of development permit approval.

SLRD Regional Growth Strategy

The Squamish Lillooet Regional Growth Strategy (RGS) Bylaw was adopted by the SLRD in 2010 and updated in October 2019. The RGS provides a broad policy framework describing the common direction that the regional district (Electoral areas B, C and D) and the member municipalities – District of Lillooet, Village of Pemberton, Resort Municipality of Whistler and District of Squamish will follow in promoting development and services that are sustainable, and recognize a long term responsibility for future generations.

Regional Context Statements set out the relationship between the RGS and the member municipality Official Community Plans, and as such, they are the main implementation tool of the RGS. Through the RMOW Official Community Plan Whistler has identified the Schedule A: Land Use Map and Designations that is consistent with the RGS Settlement Planning Map, and with the OCP Regional Context Statement. The subject lands are recognized within Whistler's designated Urban Area, and the proposed rezoning and potential future development of the project site will not necessitate any RGS amendments.

Zoning Considerations and Development Covenants

The current zone designations and associated zoning regulations, such as use, density and height provisions, as well as existing development covenants and legal encumbrances, provide an initial point of reference for consideration of a proposed rezoning. They in part define the boundaries of what could

currently potentially be developed. These parameters also provide a baseline for considering the value of a proposed rezoning and determination of the negotiated amenities that may be achieved through the rezoning process.

The following provides a summary of the existing zoning regulations and key development covenants affecting current land use and development potential for Lot 1 and Lot B, the principal development parcels. Copies of the current zone regulations are included in Appendix “B” for reference. For Lot 2, the zoning process is expected to result in establishing a zone designation that is consistent with the existing no-build covenant on this parcel.

- Lot 1, 4500 Northlands Boulevard

Zoning: Tourist Accommodation Ten Zone (TA10)

- Intent: to provide for commercial tourist accommodation facilities in conjunction with tennis facilities and auxiliary employee accommodation
- Permitted uses are: Hotel; Indoor and Outdoor Recreation; Auxiliary Buildings and Uses; Employee Housing
- Maximum permitted gross floor area is 33,422 square metres; hotel may be maximum of 27,500 square metres, indoor recreation maximum of 3,922 square metres, and employee housing maximum of 3,500 square metres.
- Maximum building height is 9 storeys or 35.5 metres.
- Hotel rooms on 8th and 9th floors may be used for residential use (i.e., not commercial tourist accommodation)

Lot 1 Covenants

- Development covenant establishes the maximum number of bed units for Lot 1 development at 837 bed units.
- Phase 2 rental pool covenant requires that all units developed of any type, except for detached single family dwellings, shall be used for Public Rental Accommodation Use through a Rental Booking System approved by the RMOW; owner use is permitted up to 28 days in summer and 28 days in winter subject to reservation requirements.
- Covenant specifies obligations for Recreation Facilities including tennis courts, and public use.
- Employee housing covenant requires the landowner to build approximately 15 Employee Units with a total Gross Floor Area and additional support area (including circulation, lobby, dining and lockers) of approximately 1,784 square metres, provided there is a minimum GFA of 1,218 square metres; maximum original rent established at \$1.25 per square foot in 1999 dollars, permitted annual escalation by the All-Items Consumer price Index for Vancouver published by Statistics Canada.
- Designated as Resort Lands under Resort Municipality of Whistler Act; subject to Whistler Resort Association (dba Tourism Whistler) fees.
- Statutory right of way and covenant for the Whistler Village amenity stream across Lot 1.

- Lot B: 4711 Settebello Drive

Zoning: Residential Multiple Forty-Three Zone (RM43)

- Intent: to provide for medium density employee residential use
- Permitted uses are: apartment, employee housing only; auxiliary buildings and uses; park and playground
- Maximum Gross floor area is 1,250 square metres; maximum of 12 dwellings
- Maximum height is 14 metres

The proposed planning, community engagement and amenity zoning process is proposed to lead to the establishment of a new custom zone for the combined Lot 1 and Lot B development site, along with associated legal agreements. The custom zone will be reflected in a zoning amendment bylaw that will be subject to Council consideration and adoption through the applicable statutory process of bylaw readings, including a statutory public hearing. The bylaw will address amenity requirements and phasing of development, and may also have any associated Phased Development Agreement. Any proposed rezoning will necessarily be consistent with the municipality's Official Community Plan.

Climate Big Moves strategy

The Climate Action Big Moves Strategy has been developed in response to the climate change crisis, and furthers the work done through the 2016 Community Energy and Climate Action Plan. The Big Moves Strategy focuses on transportation, buildings and waste with key strategies to further reduce greenhouse gas emissions.

The development site is well positioned to implement strategies to achieve a number of the “Big Moves”, including:

- moving beyond the car by enabling more active transportation, and developing compact and low carbon communities;
- decarbonizing passenger and commercial transport, through scaling up electric vehicle infrastructure;
- building zero emission buildings through advancing the BC Energy Step Code implementation; and
- shifting towards lower carbon consumption through diverting construction waste.

The project site is within comfortable distance to commercial, service, retail and healthcare facilities to support various modes of active transportation, and is accessible by public transit. The build out of appropriate density in this location will support a walkable community, and through the development review and approval process the RMOW will seek specific initiatives to lower emissions and lower carbon consumption such as progressive building step code requirements, transit and transportation improvements, EV infrastructure in parkades and exploring innovative approaches to parking such as district parking.

BUDGET CONSIDERATIONS

As presented through this report, the planning process for a development of this scope and nature will be extensive. Given the established work plan to support Council priorities underway, additional resources will be required in the Planning Department and other referral departments to support a comprehensive, collaborative review process.

The RMOW will impose fees for applications, inspections and related matters authorized under applicable statutes to recover costs associated with the proposed development applications in respect

to the Subject Property. Given that the existing Fees and Procedures Bylaw does not address developments of the proposed scope, scale, size or complexity of the proposed development of the Subject Lands, staff recommend the requisite amendment to the Fees and Procedures Bylaw. Staff will consult with the owners of the Subject Lands regarding the amendment. The amendment will be consistent with industry standards and practices in place in comparable jurisdictions for the anticipated application for the project lands. The proposed amendment is presented for Council consideration under Administrative **Report to Council No. _____**.

The rezoning fee will be structured at a minimum fee of \$150,000 for the first 10,000m² of site area plus \$350 per additional 100m² of site area or portion thereof and result in a fee of \$297,350. Staff sees this to be aligned with similar jurisdictions and industry standards and with the anticipated and required resourcing.

COMMUNITY ENGAGEMENT AND CONSULTATION

As described above, the purpose of this report is to seek Council's endorsement to proceed with the proposed planning and community engagement program and associated amenity rezoning process for the project site. The planning and engagement program will directly engage both Council and the broader community frequently, through regular reports to Council, and through a variety of community engagement methods.

SUMMARY

This report seeks Council's endorsement of a planning program to enable rezoning of 4500 Northlands Boulevard and to establish new site-specific guiding principles relating to land use, density, height, community amenities and public benefits, transportation, built form and character, sustainability and development phasing. The recommended process will seek to achieve the greatest benefit to the resort community seeking to achieve priority objectives guided by the community vision and OCP and determined through the proposed planning and engagement process.

Respectfully submitted,

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