



# WHISTLER

## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** February 4, 2020  
**FROM:** Resort Experience  
**SUBJECT:** HOUSING AGREEMENT BYLAW – 9391 EMERALD DRIVE  
**REPORT:** 20-014  
**FILE:** DVP1166

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION

**That** Council consider giving first, second and third readings to Housing Agreement Bylaw No. 2236, 2020; and

**That** Council authorize the Mayor and the Corporate Officer to execute the required documents in conjunction with Housing Agreement Bylaw No. 2236, 2020.

### REFERENCES

Location: 9391 Emerald Drive  
Legal: 008-515-964 LOT 40 BLOCK L DISTRICT LOT 3627 PLAN 13669  
Owner: Samantha Maria Emm  
Zoning: RS1 (Single Family Residential)  
Appendices: "A" – Location Map  
"B" – Proposed Subdivision Plan

### PURPOSE OF REPORT

This Report presents the housing agreement bylaw and housing covenant associated with Development Variance Permit (DVP) 1166 approved by Council on February 26, 2019 for the property located at 9391 Emerald Drive. The covenant to be registered on the proposed employee housing lot establishes the occupancy, rental rates and sales price restrictions. Housing Agreement Bylaw No. 2236, 2020 bylaw is presented to Council for consideration of first three readings.

Council has the authority to enter into a housing agreement under Section 483 of the *Local Government Act*.

### DISCUSSION

#### Background

On February 26, 2019, Council approved DVP1166 to reduce the minimum frontage width requirement at 9391 Emerald Drive to facilitate a two lot subdivision, provided one of the lots is restricted for the creation of employee housing. Both lots will exceed the RS1 Zone's minimum lot area (695 square metres) and minimum usable site area (465 square metres) requirements.

## Subdivision

The subdivision application proposes two lots shown in Appendix “B”. The subdivision cannot proceed without a Development Variance Permit, and Council made registration of a housing agreement a condition of issuing the DVP. By registering a housing agreement on title to the property before issuing a DVP that would permit a subdivision, full disclosure to any purchaser of the property is created, advising that the proposed Lot A must be an employee housing lot, and is subject to restrictions regarding: employee occupancy, rental rates and resale price appreciation for all subsequent sales.

## Housing Agreement

Housing Agreement Bylaw No. 2236, 2020, authorizes the Municipality to enter into a housing agreement in the form attached to the bylaw, which establishes occupancy and pricing restrictions for proposed Lot A. The intent after subdivision is to facilitate construction of employee restricted housing in the form of a detached dwelling unit on the land with the potential for an auxiliary residential dwelling.

The agreement provides for various development scenarios, and addresses both owner-occupied employee units as well as rental occupancy. Occupancy is restricted to eligible employees consistent with current WHA policy. The agreement provisions establish sales price restrictions and rent restrictions.

The sales price restrictions restrict the sale to an eligible employee or qualifying Whistler business. The maximum resale price is established after the first sale, and then is permitted to increase annually by the core consumer price index. Any eligible improvements, authorized by building permit, made subsequent to the initial sale may be added to the price as determined by an appraisal, and approved by the Municipality.

The initial maximum rent is set at \$2.90 per square foot of floor area or \$1,000 per bedroom for a shared living arrangement, with a maximum of four bedrooms for a principal dwelling and two bedrooms for an auxiliary suite. The maximum rent is permitted to increase annually by the maximum permitted under the Residential Tenancy Act of BC. This rent was determined based on a review of Council’s *Employee Rental Housing Policy: K-01*, and is reflective of Category Five rents, which is below Category six which represents market rates, and takes into consideration that this is a private infill development for a single lot.

The agreement also requires the registration of an Option to Purchase and Right of First Refusal in favour of the Municipality, consistent with Standard Charge Terms for existing employee housing agreements, against the title to the employee housing lot.

The terms of the housing agreement are attached to the Housing Agreement Bylaw.

## WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Residents live, work and play in relatively compact, mixed-use neighbourhoods that reflect Whistler’s character and are close to appropriate green space, transit, trails, amenities and services.	The proposed application provides for resident housing in an existing neighbourhood without detracting from the character of the neighbourhood.

Resident Housing	Resident Housing is affordable for permanent and short-term residents, through innovative and effective policy and financial models	The Housing Agreement and RFR/Option to Purchase documents authorized by this Bylaw establish permanent price controls for resident housing on proposed Lot A.
Resident Housing	Housing is healthy and liveable, and housing design, construction and operations are evolving toward sustainable and efficient energy and materials management	All new construction is required to meet the BC Energy Step Code.

## **OTHER POLICY CONSIDERATIONS**

### **Official Community Plan**

The proposal under DVP1166 is consistent with the OCP policies for resident housing under Part 4.2.

### **Employee Housing Policies**

This development proposal and the proposed employee housing covenant have been guided by previous work and policies approved by Council on Non-Cost Housing Initiatives, and recent initiatives arising from the Mayor's Task Force on Employee Housing. The employee eligibility requirements and pricing are consistent with updated policies. This application allows for the creation of a resident restricted employee infill housing unit on private land that is currently under-developed.

### **Legal Encumbrances**

If Council adopts the Housing Agreement Bylaw, then a housing agreement in the form attached to the bylaw can be registered on the title of the property, which is one of the conditions of issuance for DVP1166 (the other being registration of a covenant restricting building envelopes to the forward portion of the properties, including tree preservation zones).

## **BUDGET CONSIDERATIONS**

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

## **COMMUNITY ENGAGEMENT AND CONSULTATION**

Public consultation for a Housing Agreement Bylaw is not required.

## **SUMMARY**

The proposed housing agreement and covenant are consistent with previous and recent policy initiatives for employee housing. Staff recommend that Council give the first three readings to Housing Agreement Bylaw No. 2236, 2020 to enter into a housing agreement which establishes price and occupancy restrictions for the proposed Lot A, and any dwelling units constructed on the Lot.

Respectfully submitted,

Stephanie Johnson, MCIP, RPP  
PLANNER

for  
Jan Jansen  
GENERAL MANAGER OF RESORT EXPERIENCE

## Appendix A



