

**RESORT MUNICIPALITY OF WHISTLER**

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STAFF REPORT TO COUNCIL

PRESENTED: June 21, 2022
FROM: Planning – Development
SUBJECT: RZ001157 – HOUSING AGREEMENT BYLAW (5298 ALTA LAKE ROAD) NO. 2329, 2022 REPORT

REPORT: 22-096
FILE: RZ001157

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION(S)

That Council consider giving first, second and third readings to “Housing Agreement Bylaw (5298 Alta Lake Road) No. 2329, 2022”.

PURPOSE OF REPORT

This report requests consideration of first, second, and third readings for “Housing Agreement Bylaw (5298 Alta Lake Road) No. 2329, 2022” (Housing Agreement Bylaw) associated with the employee and market townhouse development located at 5298 Alta Lake Road proposed under rezoning application RZ001157. The Housing Agreement Bylaw will authorize the Resort Municipality of Whistler (RMOW) to register a housing agreement to establish occupancy and eligibility restrictions, initial sale price, subsequent sale price and rent restrictions, and administration and management of the housing units that reflect current municipal employee housing policy and site specific terms for 21 of the 43 proposed townhouse dwelling units.

DISCUSSION

Background

A Public Hearing was held on April 6, 2022 for “Official Community Plan Amendment Bylaw (5298 Alta Lake Road) No. 2289, 2020” (OCP Amendment Bylaw No. 2289) and “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020” (Zoning Amendment Bylaw No. 2283). These bylaws are necessary to implement the proposed employee and market townhouse development at 5298 Alta Lake Road under rezoning application RZ001157, an application being considered under the RMOW’s Private Sector Employee Housing Initiative.

Specifically, Zoning Amendment Bylaw No. 2283 proposes to amend the TA17 Zone (Tourist Accommodation Seventeen) to provide for 21 employee housing dwelling units, 11 tourist accommodation dwelling units, 11 residential dwelling units and an amenity building conditional on the provision of amenities. When Council granted first and second readings to the Zoning Amendment

Bylaw No. 2283, Council also passed a resolution requiring registration of a housing agreement in favour of the RMOW to regulate purchase rates and to define qualified employees.

This report presents the Housing Agreement Bylaw for Council's consideration of first, second and third readings.

Housing agreements must be adopted by bylaw approved by Council; the proposed housing agreement is attached to the Housing Agreement Bylaw so that it is clear what terms and conditions are being authorized. Once the Housing Agreement Bylaw is adopted, a notice is placed on the title of the property requiring all subsequent owners to be bound by the terms of the housing agreement. The housing agreement will also be registered as a Section 219 restrictive covenant. Section 219 covenants may be registered in favour of the local government and run with the land, irrespective of ownership. Whistler's employee housing agreements and covenants are drafted to be effective in perpetuity.

Analysis

The housing agreement attached to the Housing Agreement Bylaw establishes occupancy and purchase eligibility restrictions, initial sale price and subsequent sale price restrictions, rental restrictions, and administration and management of the housing units that reflect current municipal employee housing policy and site specific terms for the proposed 21 employee townhouse dwelling units proposed at 5298 Alta Lake Road. Of the 21 employee units, 20 will be available for sale through the Whistler Housing Authority Ltd. (WHA) waitlist and one will be retained by the owner as a rental unit to Qualified Persons.

The housing agreement proposed for registration on 5298 Alta Lake Road is based on the updated agreement template contained in the November 2, 2021 Information Report No. 21-122, and reflects current eligibility and purchase policies.

Project specific terms of the proposed housing agreement include:

Development Restrictions and Designations of Employee Units

(all capitalized terms used in this report are defined in the proposed housing agreement attached as Schedule A to the Housing Agreement Bylaw)

- The land shall not be built-upon except in accordance with the Development Plans attached as Schedule A of the housing agreement, which provide for the construction of 43 Dwelling Units;
- The 21 Dwelling Units shown on the Development Plans as resident townhouse are designated Employee Units;
- Except for 2 residential townhouse dwelling units and 2 tourist accommodation dwelling units, no Dwelling Unit on the land may be occupied or used until:
 - the 21 Employee Units have been constructed to completion in accordance with the Development Plans and the RMOW has issued occupancy permits for such;
 - the land has been subdivided such that separate indefeasible titles have been raised in the Land Title Office (LTO) for each Employee Unit on the land; and
 - the Owner has granted the right of first refusal and option to purchase (Option/RFR) to the RMOW in relation to each Employee Unit and caused the Option/RFR to be registered in the LTO against title to each Employee Unit.
- The housing agreement permits concurrent construction of the Employee Units, the market residential townhouse units and the tourist accommodation townhouse units.

Employee Unit Occupation

- With the exception of the one Employee Unit (Rental Permitted) an Employee Unit may not be occupied or used for any purpose until it has been sold or transferred to a Qualified Person in accordance with the housing agreement.

Employee Unit (Rental Permitted)

- The only difference for the caretaker unit, from the other units, is that the owner occupancy requirements under s.8 of housing agreement do not apply. The resale requirements (max price, qualified person, etc.) apply and the rental restrictions apply. The current owner can retain the unit and rent it, but if it sells the caretaker unit, it must be to a Qualified Person (who can then occupy or rent).

Option/RFR

- The Option/RFR granted, or to be granted, by the Owner to the RMOW in respect of each Employee Unit is attached as Schedule D to the housing agreement so that it can be registered with the housing agreement as one charge on title for ease of use and future reference. The Option/RFR is based on the RMOW's most current Standard Charge Terms ST080103, adjusted to be consistent with the housing agreement.

Sales Price and Purchase Restrictions

- The maximum initial sales price shall be \$425 per square foot multiplied by the Gross Floor Area of the Employee Unit, increased by the same percentage as the percentage increase, if any, in the Consumer Price Index (CPI) for Canada since the date of registration of the Housing Agreement;
- Establishes subsequent sales price appreciation after the first sale and linked to the rate of CPI;
- An Employee Unit may not be sold or transferred except to a Qualified Person and except in accordance with the terms and conditions of the housing agreement, the Option/RFR and the resale policies of WHA;
- The Owner must make the Employee Unit available for sale to Qualified Persons on the WHA waitlist in accordance with waitlist priority and cannot sell to any other Qualified Person unless they have been unable to enter into a sales contract with a Qualified Person on the waitlist for the Maximum Price for a period of 60 days.

Rent Price and Rent Restrictions

- The maximum rent shall be:
 - \$2.75 per square foot multiplied by the Gross Floor Area for an Employee Unit shown on the Development Plans as Unit Types A and C, these being the 2 bedroom units;
 - \$3,695.00 for an Employee Unit shown on the Development Plans as Unit Type B, these being the 3 bedroom units;
 - The above rent rates result in approximately \$1,711.00 - \$1,900.00 per month for the 2 bedroom units and \$3,695.00 per month for the 3 bedroom units, which are within the same rent range as WHA rentals under Council Policy K-01 – Employee Rental Housing Policy.

- The maximum room rental rate shall be \$800 per month;
 - These Employee Units will be sold at a lessor per square foot sales price than other Employee Units under consideration through the Private Sector Employee Housing Initiative, and this room rental rate will offer income to the owner at a rental rate beneficial to lower wage earners.
- The maximum rent and maximum room rental rate may increase by the same percentage as the percentage increase, if any, in CPI since the date of registration of the Housing Agreement. The use of CPI allows rent appreciation consistent with inflation, which is considered a better reflection of ongoing operating costs and general escalation, and is consistent with the most recent housing agreements that have been adopted by Council.
- WHA waitlist priority applies only to the sale of units, not to the rental of units.

Enforcement

- Includes a rent charge (financial penalty) payable by the unit owner to the RMOW if use or occupancy of the dwelling unit is in breach of the housing agreement. The rent charge is set at \$700 per day, increased by the CPI;
- Establishes a statutory occupancy declaration requirement to confirm compliance with the terms of the housing agreement.

Other terms of the housing agreement, including the definitions for Employee, Retiree and Qualified Whistler Business that establish eligibility, are in accordance with the standard housing agreement template contained in the November 2, 2021 Information Report No. 21-122.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Section 483 of the *Local Government Act* provides the authority for local governments to enter into agreements for affordable housing that restrict the occupants and address matters including the form of tenure, rents and leases, sale prices, and administration and management of the housing units.

Previous relevant Council decisions related to the proposed development at 5298 Alta Lake Road under rezoning application RZ001157 are listed below:

[March 8, 2022: Administrative Report No. 22-033](#), RZ001157 - “Official Community Plan Amendment Bylaw (5298 Alta Lake Road) No. 2289, 2020” and “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020” – Rescind Third Reading Report

[November 2, 2021: Information Report No. 21-122](#) - RMOW Standard Housing Agreements for Affordable Employee Housing Developments

[June 15, 2021: Administrative Report No. 21-066](#), RZ001157 – Public Hearing Summary and Third Reading Consideration for “Official Community Plan Amendment Bylaw (5298 Alta Lake Road) No. 2289, 2020” and “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”

[February 02, 2021: Administrative Report No. 21-012](#), RZ001157 – 5298 Alta Lake Road Zoning Amendment for Employee Housing

[December 01, 2020: Administrative Report No. 20-119](#), RZ001157 – 5298 Alta Lake Road Rezoning/OCF Amendment for Employee/Market Housing

[September 15, 2020: Administrative Report No. 20-087](#), RZ001157 – 5298 Alta Lake Road Rezoning/OCF Amendment

[June 23, 2020: Administrative Report No. 20-057](#), RZ001157 – 5298 Alta Lake Road Rezoning - Employee/Market Housing

[February 18, 2020: Administrative Report No. 20-019](#), RZ001157 – 5298 Alta Lake Road Rezoning - Employee/Market Housing

[September 17, 2019: Administrative Report No. 19-118](#), RZ001157 – 5298 Alta Lake Road Rezoning – Market/ Employee Housing

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***

☐ Pandemic Recovery

*Leadership and support for **community and tourism recovery and sustainability** – priority focuses are where recovery needs intersect with other Council focus areas*

☐ Not Applicable

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 OCP specifies a target to strive for the addition of 1,000 new employee beds over the next 5 years (2019 – 2023). Further, 5.1.3.1 Policy: calls for the RMOW to “Maintain an inventory of employee housing in perpetuity, for rental and ownership tenures, to be available for employees.”

The use of housing agreements is an essential tool in achieving the RMOW's OCP goals and objectives related to securing and maintaining affordable employee housing for the Whistler resort

community. The following OCP policies also provide guidance for the development of these agreements:

5.1.3.2. Policy: Use housing agreements, covenants and bylaws to ensure housing is occupied as intended for employee housing; and

5.1.2.8. Policy: Ensure employee housing is occupied consistent with restrictions related to price, use, resale, eligibility and other conditions.

The Housing Agreement Bylaw will ensure that the development proposed for 5298 Alta Lake Road facilitates the creation of employee housing in perpetuity aligned with current municipal policies and goals for affordable employee housing.

BUDGET CONSIDERATIONS

Costs associated with development of project specific housing agreements for proposed developments, are recovered through rezoning and development application fees. Costs associated with administering housing agreements are provided for through RMOW and WHA operating budgets.

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.

Members of the Lil'wat Nation and Squamish Nation may be eligible to purchase the employee housing units at 5298 Alta Lake Road to the extent that they meet the eligibility requirements of the housing agreement attached to the Housing Agreement Bylaw.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

Under the *Local Government Act*, a housing agreement bylaw does not require a Public Hearing or public notification.

REFERENCES

Housing Agreement Bylaw (5298 Alta Lake Road) No. 2329, 2022 (included in Council Package)

SUMMARY

This report requests consideration of first, second, and third readings for “Housing Agreement Bylaw (5298 Alta Lake Road) No. 2329, 2022” to authorize registration of a housing agreement over 5298 Alta Lake Road. The housing agreement establishes occupancy and eligibility restrictions, initial sale price and subsequent sale price restrictions, rental restrictions and administration and management for the proposed 21 employee townhouse dwellings units.

SIGN-OFFS

Written by:

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Reviewed by:

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Virginia Cullen,
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