



**RESORT MUNICIPALITY OF WHISTLER**

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## STAFF REPORT TO COUNCIL

**PRESENTED:** June 21, 2022 **REPORT:** 22-095  
**FROM:** Resort Experience **FILE:** RZ001157  
**SUBJECT:** 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"

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION(S)

**That** Council consider giving third reading to "Official Community Plan Amendment Bylaw (5298 Alta Lake Road) No. 2289, 2020", as revised;

**That** Council consider revising "Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020" as described in Administrative Report No. 22-095;

**That** Council consider giving third reading to "Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020", as revised; and further

**That** the tourist accommodation units to be constructed at 5298 Alta Lake Road be designated as Resort Lands by notation on title to the satisfaction of the General Manager of Resort Experience and consistent with Council Policy G-12: Resort Lands Designation, prior to adoption of "Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020", as revised.

### PURPOSE OF REPORT

This report provides a summary of the verbal and written submissions made for the April 6, 2022 Public Hearing 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) pursuant to section 465(5) of the *Local Government Act*.

Staff are not recommending any changes to OCP Amendment Bylaw No. 2289 or to Zoning Amendment Bylaw No. 2283 based on the submissions made for the April 6, 2022 Public Hearing. However, staff are recommending revisions to Zoning Amendment Bylaw No. 2283 to provide additional clarity on how the owner may satisfy some of the density bonus conditions in order to address construction phasing as well as to minimize neighbourhood impacts. Staff are also

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recommending minor housekeeping changes to OCP Amendment Bylaw No. 2289 to reflect some additional recitals to describe the consultation process that was conducted.

This report presents OCP Amendment Bylaw No. 2289 and Zoning Amendment Bylaw No. 2283 as revised for Council's consideration of third reading, and identifies one additional matter to be resolved prior to adoption of Zoning Amendment Bylaw No. 2283.

Information Report

Administrative Report (Decision or Direction)

## **DISCUSSION**

### **Background**

The lands that are the subject of the bylaws is 5298 Alta Lake Road, Whistler (see Appendix A).

The purpose of OCP Amendment Bylaw No. 2289 is to amend Schedule "A" (Whistler Land Use Map and Designations) of Whistler's OCP to change the land use designation of the subject lands from Visitor Accommodation to Protected Natural Area, Parks and Recreation, Residential and Visitor Accommodation, and Residential Low to Medium. The purpose of Zoning Amendment Bylaw No. 2283 is 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 on a 1.93 hectare portion of the subject lands conditional on the provision of amenities. The amenities entitling the owner to the greater density of development are, transfer to the municipality of a 1.44 hectare portion of the subject lands for nature conservation park and community park and a 0.5 hectare portion of the subject lands for future employee housing, construction of valley trail on the subject lands, relocation and restoration of two heritage structures on the subject lands, construction of the community park on the subject lands, and construction of 21 employee housing dwelling units on the subject lands. The proposed bylaws are being considered under the municipality's private sector employee housing initiative.

A Public Hearing was held on March 9, 2021 for OCP Amendment Bylaw No. 2289 and Zoning Amendment Bylaw No. 2283. On June 15, 2021 Council give third reading to OCP Amendment Bylaw No. 2289 and third reading to Zoning Amendment Bylaw No. 2283, as revised, to include a five percent reduction in the maximum permitted gross floor area for the market residential and tourist accommodation dwelling units, and design and construction of an extension of the existing sidewalk on the west side of Nita Lake Drive to provide pedestrian connectivity from Alta Lake Road to the new park and neighbourhood. These amendments were incorporated into the Zoning Amendment Bylaw No. 2283 in consideration of submissions made for the March 9, 2021 Public Hearing.

Subsequent to both bylaws receiving third reading, it was determined that certain information should have been provided to Council in advance of the March 9, 2021 Public Hearing on OCP Amendment Bylaw No. 2289 to meet statutory requirements. This information was provided in the March 8, 2022 Administrative Report No. 22-033. On March 8, 2022 Council rescinded third reading of both OCP Amendment Bylaw No. 2289 and Zoning Amendment Bylaw No. 2283, and authorized staff to schedule a second Public Hearing for the proposed bylaws. This second Public Hearing was held on April 6, 2022.

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## **Analysis**

The April 6, 2022 Public Hearing on OCP Amendment Bylaw No. 2289 and Zoning Amendment Bylaw No. 2283 included numerous written submissions and verbal submissions made by the public respecting the proposed bylaws. The Public Hearing was conducted consistent with statutory requirements, including public notice requirements. Representations and submissions to Council on the proposed bylaws were related to impacts of increased density and traffic, value and community benefit, development rights, tourist accommodation use, affordability of the employee housing, new housing, environment and views, compliance with the Private Sector Employee Housing Guidelines and compliance with the OCP.

Staff's summary and review of the representations and submissions, along with staff's associated recommendations, are provided in the Public Hearing summary report in Appendix B. The summary report is not intended to present the detail of all representations and submissions which are contained in the record of the Public Hearing.

Staff received comments from Canadian National Rail (CN Rail) after the completion of the Public Hearing, however, these comments are not included in this report to Council as Council cannot receive additional submissions by the public after the completion of the Public Hearing.

Based on staff's review of the submissions, staff are not recommending any changes to OCP Amendment Bylaw No. 2289 or Zoning Amendment Bylaw No. 2283. However, staff are recommending revisions to Zoning Amendment Bylaw No. 2283 to provide additional clarity on how the owner may satisfy some of the density bonus conditions in order to address construction phasing as well as to minimize neighbourhood impacts. The revisions are described in the "Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020" as revised section of this report.

Lastly, when Council granted first and second readings to Zoning Amendment Bylaw No. 2283, Council also passed a resolution that directed staff to advise the applicant that before consideration of adoption of the bylaw that the following matters must be resolved to the satisfaction of the General Manager of Resort Experience:

1. Registration of a development covenant in favour of the Resort Municipality of Whistler ("RMOW") to secure development on the lands consistent with the terms described in Administrative Report to Council No. 20-119, Administrative Report to Council No. 20-057 and Development Permit plans to be finalized prior to adoption;
2. Registration of a housing agreement in favour of the RMOW to regulate purchase rates and to define qualified employees;
3. Registration of a green building covenant consistent with Council Policy G-23: Green Building Policy;
4. Receipt of development plans for the proposed park;
5. Submission of a waste and recycling plan consistent with "Solid Waste Bylaw No. 2139, 2017";
6. Modification of existing covenant BT215121 currently registered on title to reflect the revised development scheme;
7. Confirmation that a Riparian Areas Assessment report regarding Gebhart Creek has been submitted to and approved by the Provincial Authority;
8. Receipt of an updated Traffic Impact Study that considers traffic movement during peak traffic periods and implementation of any traffic mitigation measures recommended in that study.

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Conditions 7 and 8 are addressed. Resolution of the remainder of the conditions are in progress. This report recommends that a ninth condition be added as follows:

9. That the tourist accommodation units be designated as Resort Lands by notation on title to the satisfaction of the General Manager of Resort Experience and consistent with Council Policy G-12: Resort Lands Designation prior to adoption of "Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020" as revised.

### **"Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020" as revised**

Zoning Amendment Bylaw No. 2283, as revised is presented for Council's consideration of third reading. The revisions provide additional clarity on how the owner may satisfy some of the density bonus conditions to address efficient construction phasing that will take advantage of existing disturbed areas of the site for construction laydown as well as minimize neighbourhood impacts.

Specifically, Schedule 1 of Zoning Amendment Bylaw No. 2283 is revised as described below:

- i. In subsection (6)(e)(vi), the words "asphalt surfaced" are removed in reference to the pocket pump track;
- ii. New sections (7) and (8) are added and the succeeding sections renumbered accordingly.
  - o The new section (7) provides that the delivery of the 21 employee housing units described in paragraph (d) of subsection (6) of the bylaw may be satisfied by the owner registering a section 219 covenant in favour of the RMOW requiring construction of the 21 employee units prior to or concurrently with the construction of any tourist accommodation and residential townhouse dwelling units and prohibiting the occupancy of such tourist accommodation and residential townhouse dwelling units until construction of all 21 employee units is complete and the Municipality has issued occupancy permits for all 21 employee units; and
  - o The new section (8) provides that the delivery of the valley trail, park construction, sidewalk construction, and cabin and barn repair described in paragraphs (b), (c), (e) and (f) of subsection (6) of the bylaw may be satisfied by the owner entering into a subdivision servicing agreement with the Municipality to complete all work required under those conditions within one year of the date of execution of such agreement and by providing to the Municipality security for the completion of such work.

Staff have confirmed that a new Public Hearing is not required.

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## **POLICY CONSIDERATIONS**

### **Relevant Council Authority/Previous Decisions**

Council's authority to consider and adopt an official community plan bylaw and a zoning amendment bylaw is established in the LGA.

Previous Council decisions related to OCP Amendment Bylaw No. 2289 and Zoning Amendment Bylaw No. 2283 are listed below:

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[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

[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/OCP Amendment for Employee/Market Housing

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

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## **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.

A review of the relevant objectives and policies of the OCP were provided in the September 15, 2020 Administrative Report No. 20-087.

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## **BUDGET CONSIDERATIONS**

The rezoning application is subject to rezoning application fees and cost recovery for staff processing and associated direct costs. Through the development of the lands there will be further processing and application fees for development permits and building permits, as well as applicable works and services cost charges. Costs for onsite and offsite infrastructure and park and trail improvements will be paid for by the development. The RMOW will ultimately be responsible for the maintenance of the lands to be transferred to the RMOW under Zoning Amendment Bylaw No. 2283.

Staff have reviewed OCP Amendment Bylaw No. 2289 in relation to "Five-Year Financial Plan 2021-2025 Bylaw No. 2306, 2021" and have determined that it raises no financial issues.

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## **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.

The results of the consultation with Lil'Wat Nation and Squamish Nation on OCP Amendment Bylaw No. 2289 were provided in the December 1, 2020 Administrative Report No. 20-119.

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## **COMMUNITY ENGAGEMENT**

Level of community engagement commitment for this project:

Inform     Consult     Involve     Collaborate     Empower

Comment(s):

Community engagement on OCP Amendment Bylaw No. 2289 and Zoning Amendment Bylaw No. 2283 was described in the previous Council reports.

A Public Hearing for the proposed bylaws was held on March 9, 2021, and a second public hearing was held on April 6, 2022. This report presents a summary of the April 6, 2022 Public Hearing submissions and staff response (see Appendix B).

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With completion of the Public Hearing, no additional submissions to Council may be made by the public. Staff received comments from CN Rail after the completion of the Public Hearing, however, these comments are not included in this report to Council.

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## REFERENCES

Appendix A - Location Map

Appendix B - Summary and Review of Submissions for April 6, 2022 Public Hearing for "Official Community Plan Amendment Bylaw (5298 Alta Lake Road) No. 2289, 2020" and "Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020"

"Official Community Plan Amendment Bylaw (5298 Alta Lake Road) No. 2289, 2020" (included in Council package)

"Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020" as revised (included in Council package)

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## SUMMARY

This report presents a summary of the submissions made for the April 6, 2022 Public Hearing for OCP Amendment Bylaw No. 2289 and Zoning Amendment Bylaw No. 2283. Staff are not recommending any amendments to the bylaws based on the Public Hearing process, however, staff are recommending revisions to Zoning Amendment Bylaw No. 2283 to provide additional clarity on how the owner may satisfy some of the density bonus conditions. The report recommends that Council consider giving third reading to OCP Amendment Bylaw No. 2289 and third reading to Zoning Amendment Bylaw No. 2283 as revised, and identifies one additional matter to be resolved prior to adoption of Zoning Amendment Bylaw No. 2283.

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## SIGN-OFFS

### Written by:

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Manager of Development Planning

### Reviewed by:

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General Manager of Resort Experience

Virginia Cullen,  
Chief Administrative Officer