

STAFF REPORT TO COUNCIL

PRESENTED: September 20, 2022 **REPORT:** 22-129
FROM: Planning - Development **FILE:** RZ001146
SUBJECT: ZONING AMENDMENT BYLAW (7104 NANCY GREENE DRIVE) NO. 2370, 2022

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 and second readings to Zoning Amendment Bylaw (7104 Nancy Greene Drive) No. 2370, 2022; and

That Council authorize staff to schedule a Public Hearing for Zoning Amendment Bylaw (7104 Nancy Greene Drive) No. 2370, 2022; and further

That Council direct staff to advise the applicant that before consideration of adoption of Zoning Amendment Bylaw (7104 Nancy Greene Drive) No. 2370, 2022, the following matters shall be completed 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:
 - a. Secure development on the lands consistent with supported development plans to be finalized prior to adoption; and
 - b. Secure a green building commitment consistent with current municipal policies and including provision of a Level 1 charging plug at each parking stall plus four Level 2 Electric Vehicle chargers; and
 - c. Secure a parking management plan outlining the use of resident and visitor parking in conjunction with rental tenancy.
2. Registration of a fire suppression covenant;
3. Registration of a housing agreement in favour of the RMOW to set the maximum initial rents as proposed by the applicant and summarized in the report, and to define terms for employee rental housing consistent with that presented in RMOW Standard Housing Agreements for Affordable Employee Housing Developments Report No. 21-122;
4. Confirmation from the Ministry of Transportation and Infrastructure that the development has been reviewed and accepted;
5. Provision of an updated Preliminary Site Servicing Plan and Design Brief that reflects the development and includes all required infrastructure and any infrastructure upgrades; and
6. Submission of a waste and recycling plan consistent with "Solid Waste Bylaw No. 2139, 2017".

PURPOSE OF REPORT

This report requests Council's consideration of first and second readings to "Zoning Amendment Bylaw (7104 Nancy Greene Drive) No. 2370, 2022" (proposed Bylaw). The proposed Bylaw is necessary to advance the employee rental development proposed for 7104 Nancy Greene Drive, an application being considered under the municipality's Private Employee Housing Initiative.

The proposed Bylaw is to rezone the lands from Residential Single Estate One (RS-E1) Zone to RM75 (Residential Multiple 75) Zone, a site specific multi-family zone to provide for 36 rental apartment units for employee housing.

This report also recommends that Council direct staff to schedule a Public Hearing for the proposed Bylaw, and identifies items to be resolved prior to adoption of the proposed Bylaw.

Information Report

Administrative Report (Decision or Direction)

DISCUSSION

Background

The employee rental housing development proposed at 7104 Nancy Greene Drive is being considered under the municipality's Private Employee Housing Initiative, one of the recommended actions of the Mayor's Task Force on Resident Housing to allow the private development of resident restricted housing on underdeveloped private lands. The subject lands are a rectangular undeveloped parcel of 0.28 hectares, located at the intersection of Nancy Greene Drive and Highway 99 in the White Gold neighbourhood. The land is currently zoned [RSE1](#) (Residential Single Estate One) which provides for low density detached dwelling residential use.

Figure 1: Location



Since the original application was submitted, the proposal has evolved significantly. The original proposal was for a four-storey, 67-unit multi-family building. The current proposal includes 36 units in a three-storey building.

On May 5, 2020 Council authorized further review and processing of RZ001146 and preparation of a zoning amendment bylaw for the proposed development, and directed staff to schedule a 30-day online public information and input opportunity. A summary of the input received during the 30-day public information and input opportunity is provided in the Analysis section of this report, and the correspondence is attached as Appendices D, E, and F.

Since Council reviewed the file in September 2018, the applicant has submitted updated plans, elevations, renderings, an updated pro forma, and preliminary studies addressing traffic and services. The application has undergone review by the Advisory Design Panel (ADP) on June 2, 2021 and November 7, 2021.

The pro forma received sets out development costs, operating costs, projected revenues, projected return on investment, and proposed rental rates for the project. This confidential information has been reviewed with an independent third party, and has been used to verify that the proposed development is feasible and rental rents and returns are reasonable.

Analysis

Online Public Information and Input Opportunity

A 30-day online information and input opportunity was provided from May 28, 2020 to June 28, 2020. A total of 147 pieces of correspondence were received over the input period. Reasons for support included addressing the community's need for rental employee housing and the central, walkable location of the site close to amenities and employment areas. Reasons for concern included parking and traffic impacts, setback and siting, impacts on privacy, and the potential of damage to the natural rock bluff feature on the site.

Proposed development

The revised application for RZ001146 proposes 36 employee-restricted rental dwelling units from studio to 3-bedroom within a 3-story apartment building. All units have in-suite laundry, a balcony, and a dining area. The revised application submission materials, including project rationale and architectural and landscape plans dated March 18, 2022 are attached in Appendix A.

The proposal has evolved since the original application was submitted, to address the Guidelines for Evaluating Private Sector Rezoning Proposals for Employee Housing (Appendix C), neighbour concerns, livability, and Whistler's Multi-Family Residential Development Permit Area (DPA) guidelines (Appendix G).

The current proposal has evolved from previous proposals to address feedback from staff review, the ADP, and the 30-day information and input period. The revised design has:

- introduced roofline and building articulation;
- evolved building design to conform with the existing neighbourhood character;
- reduced the density and height to be more compatible with the neighbourhood;
- increased vegetative screening and landscaping between the building and highway; and
- increased the amount of parking proposed to provide a minimum of one stall per dwelling unit.

Overall, the size and massing of the proposed development has been reduced significantly, with a decrease in gross floor area and floor space ratio by approximately one half of that initially proposed. This has also impacted the total number of employee housing units that may be realized, however, the development will continue to deliver 36 units with massing and form considered more compatible with the site and its location. The evolution of the project statistics are presented below:

Submission Date	Unit Count	GFA (sq. m)	FSR	Storeys	Bed Units
May 2018	67	6490	1.8	4	184
Aug 2018	47	3523	1.3	4	122
March 2020	38	2676	0.95	3	104
March 2021	36	2597	0.92	3	99
October 2021	36	2,586	0.92	3	99

The form and character of the design has evolved to align with Whistler’s Multi-Family Residential DPA design guidelines.

Green Building Commitments

The proposal includes several green building commitments that will be registered as a covenant on title. The proponent committed to build to Step Code Level 4 with no natural gas included on-site, all parking spaces will be electric vehicle (EV) ready with level one chargers and four spaces to be level 2 chargers, and a stormwater management plan utilizing best environmental practices.

Landscaping

The revised proposal includes landscaped areas for communal activities at the north and south ends of the building. An accessory workshop/shed is proposed. Lower floor units have private patios, and all upper storey units except one have a balcony.

As the rezoning proceeds, further assessment of the setback of underground structures and rock stack retaining wall are recommended to ensure adequate screening. The applicant is engaged a geotechnical engineer to ensure that the project causes minimal damage to the rock bluff along the south east property edge.

Traffic and Servicing

A traffic study has been submitted and reviewed by the Ministry of Transportation (MOTI). No substantial issues have been raised regarding traffic impacts, although a right-in/right-out driveway may be required. Further discussions with MOTI will take place should the zoning amendment process continue. A preliminary servicing brief indicates that substantial servicing upgrades will not be required for the proposed development.

Neighbouring properties

Fitzsimmons Walk is a multifamily townhouse development with market and employee housing. Other neighbouring parcels opposite the subject property on Nancy Greene Drive are developed with duplex and single family dwellings. Development across Highway 99, opposite the property development is characterized by single family and townhouse developments, with Nesters Market located to the north.

Guidelines for Evaluating Private Sector Rezoning Proposals for Employee Housing

The revised application submittal for the proposed development has been evaluated based on the revised evaluation guidelines endorsed by Council, as shown in Appendix C.

Bed Units

The proposal totals 99 bed units contained in 36 dwelling units, ranging from studio to three-bedroom. All bed units will be employee-restricted, with half the units offered at market rent, and the other half secured at affordable rental rates in alignment with Council Policy K-01 Employee Rental Housing Policy (K-01) and Official Community Plan to allow additional bed units to address Whistler's current critical shortage of employee housing. Refer to Appendix G for OCP evaluation.

Proforma

An independent third party was retained and has reviewed the necessary confidential proforma to verify that the proposed development and rental prices are feasible, and returns are reasonable as reflective of the employee housing initiative. Rents (including hydro) for the price-restricted units are proposed to range from \$1,497 for a studio to \$3,627 for a three-bedroom unit in alignment with the affordable rates outlined in Council Policy K-01. Rents for market units are proposed to range from \$1,728 for a one-bedroom to \$3,443 for two-bedroom units.

The proposed rents are reasonable when compared with other projects contemplated in the Private Employee Housing Initiative and current costs of development. These unit types are an important product type within the spectrum of employee housing needed in Whistler.

Advisory Design Panel Review

The project was reviewed and supported by the ADP at their meeting held on November 7, 2021. The ADP was unanimous in their support of the proposal, and offered comments relating to:

- site context and circulation, including the interface with Highway 99 and Nancy Greene Drive;
- form, character and building massing, including the hierarchy of windows for the front elevation to match the neighbourhood;
- the design of stairwell and façade materials have the opportunity to create more visual interest; and
- landscaping needs to be sensitive to Highway 99, the hydro lines and adjacent properties and avoid shading out lower units.

The minutes of the November 7, 2021 meeting are attached as Appendix B.

Zoning Amendment Bylaw (7104 Nancy Greene Drive) No. 2370, 2022

"Zoning Amendment Bylaw (7104 Nancy Greene Drive) No. 2370, 2022" has been prepared to rezone the subject lands to reflect the proposed development. Specifically, the proposed Bylaw will rezone the subject lands from Residential Single Estate One (RS-E1) Zone which allows for one large (up to 465m²) detached dwelling to a height of 7.6 metres along with a garage and auxiliary buildings, to RM75 (Residential Multiple Seventy Five) Zone, a site specific multi-family zone to provide for a three-storey, 36-unit employee-restricted rental building.

The proposed Bylaw will regulate the permitted uses, density, building height, site coverage, parcel dimension, setback and parking requirements. The RM75 zone permitted uses are rental employee

housing apartment, with maximum gross floor area of 2,750 square metres and height of 10.5 metres reflecting the proposal. The zone establishes front, rear, and side yard setbacks with adequate space for landscape screening and to minimize overlook, as well as to protect the natural rock bluff feature along the east property line. Parking provisions require a minimum of one parking space is required per dwelling unit or are otherwise in accordance with the standard parking and loading requirements in the zoning bylaw.

Legal Considerations

Some details related to development of the lands, green building, and best environmental practices are beyond the scope of zoning regulations and need to be secured by means of agreements with the property owner and registered on title.

Prior to adoption of “Zoning Amendment Bylaw (7104 Nancy Greene Drive) No. 2370, 2022”, the owner must register a development covenant in favour of the RMOW to:

- a) Secure development on the lands consistent with the plans finalized prior to adoption;
- b) Secure a green building commitment consistent with current municipal policies, including provision of a Level 1 charging plug at each parking stall plus four Level 2 Electric Vehicle chargers; and
- c) Secure a parking management plan outlining the use of resident and visitor parking.

Housing Agreement

The proposed building is intended to be a mix of both rent restricted and market-rate housing. Consistent with the requirements of the Private Sector Employee Housing Initiative, a housing agreement is to be registered on the title of the property to restrict the use to eligible employees and to restrict the maximum rents.

The maximum rents for the rent-restricted units will be secured through a housing agreement. Staff will bring forward the housing agreement bylaw needed to authorize the housing agreement provisions separately.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

[September 18, 2018: Administrative Report No. 18-117](#) (page 12 – 642) – Private Sector Employee Housing Initiative Recommendations

[June 19, 2018: Administrative Report No 18-075](#) (page 212 – 226 – Private Sector Employee Housing Initiative – Update

[May 5, 2020: Administrative Report No. 20-043](#), RZ001146 – 7104 Nancy Greene Drive – Private Employee Housing Report presented a revised application. Council endorsed staff to further review and process the revised application, conduct an online public information and input opportunity and authorized staff to prepare the zoning bylaw amendment.

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.

Whistler's existing OCP outlines specific items for review with respect to rezoning applications. A detailed evaluation against these criteria was provided in Administrative Report to Council 18-117, Private Employee Housing Initiative Recommendations, September 18, 2018. The initial proposal of a 4-storey 67-unit building has been refined over time to the currently proposed 3-storey, 36-unit building to address the evaluation criteria as well as comments from staff and the community. The current proposal is consistent with Whistler's rezoning evaluation criteria contained in section 4.1.2 of the OCP.

This application is consistent with the Growth Management Goals, Objectives and Policies identified in Chapter 4 of Whistler's Official Community Plan. The existing bed unit allocation for this property is six bed units. Subsection 4.1.6.3 of the OCP provides criteria for evaluation of rezonings that would increase bed unit capacity. Staff consider that the proposal under RZ001146 satisfies these requirements as noted:

	Section 4.1.6.3 Criteria	Comment
a)	Provides clear and substantial benefit to the community and the resort.	Resident housing has been identified as a top priority for the resort community and is considered to provide clear and substantial benefit.
b)	Is supported by the community in the opinion of Council.	Data from the Taskforce, the Community Housing Survey, and the Community Forum indicate strong community support for private restricted housing projects. Council endorsed consideration of the rezoning application in May 2020.
c)	Will not cause unacceptable impacts on the community, resort, or environment.	No significant environmental, social, or economic impacts are expected to result from the proposal.

		This will be confirmed through further processing of RZ001146.
d)	Meets all applicable criteria set out in the Official Community Plan	The proposal under RZ001146 is considered consistent with OCP policies.

The subject property is located within the Multi-Family Residential Development Permit Area and is subject to the applicable development permit area guidelines. The design proposed generally meets the Guidelines for form and character and wildfire prevention under the existing OCP. Should this project proceed beyond the rezoning stage, it will return to Council for consideration of Development Permit issuance, and the DPA guidelines will be reviewed at that point.

Guidelines for Evaluating Private Sector Rezoning Proposals for Employee Housing

The proposal has been evaluated based on the Private Sector Employee Housing guidelines endorsed by Council. This evaluation is attached as Appendix C, and demonstrates that the proposed development and recommendations of this report are in compliance with the Guidelines for Evaluating Private Sector Rezoning Proposals for Employee Housing.

BUDGET CONSIDERATIONS

Costs associated with individual rezoning applications, including staff review time, public meetings, notices, and legal fees will be paid by the applicant.

LÍLWAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Líl'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.

There are no specific considerations to include in this report.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

- Inform
- Consult
- Involve
- Collaborate
- Empower

Comment(s):

A sign describing the details of rezoning application R001146 is posted on the property and RZ001146 is identified in the Active Development Applications portal on the RMOW website.

A 30-day online information and input opportunity was provided from May 28, 2020 to June 28, 2020. This opportunity was advertised with two advertisements in consecutive issues of the *Pique Newsmagazine* and posted on the RMOW's website. In addition, development information was

provided in a mail-out to properties within 100 metres of the subject site. All letters received have been included as Appendix F.

The proposed Bylaw is subject to a Public Hearing adhering to statutory public notice requirements prior to Council consideration of third reading.

REFERENCES

Appendix A – Architectural and Landscape Plans
Appendix B – ADP Meeting Minutes, November 17, 2021
Appendix C – Evaluation relative to Guidelines for Evaluating Private Sector Rezoning Proposals for Employee Housing
Appendix D – Correspondence Summary
Appendix E – Correspondence
Appendix F – Attachments Received with Correspondence
Appendix G – OCP Evaluation

Zoning Amendment Bylaw (7104 Nancy Greene Drive) No. 2370, 2022 (included in Council Package)

SUMMARY

This report requests Council's consideration of first and second readings to "Zoning Amendment Bylaw (7104 Nancy Greene Drive) No. 2370, 2022". The proposed Bylaw has been prepared to enable the development of a three-storey, 36 unit employee-restricted rental building. The proposed Bylaw is considered under the municipality's Private Employee Housing Initiative, one of the recommended actions of the Mayor's Task Force on Resident Housing to allow the private development of resident restricted housing on underdeveloped private lands. The provision of the 36 employee restricted dwelling units is considered to provide clear and substantial benefit to the community and resort. This report further recommends that Council direct staff to schedule a Public Hearing for the proposed bylaw, and that the matters described in this report be resolved prior to consideration of adoption of the proposed Bylaw.

SIGN-OFFS

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