



**RESORT MUNICIPALITY OF WHISTLER**

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## STAFF REPORT TO COUNCIL

**PRESENTED:** December 20, 2022 **REPORT:** 22-159  
**FROM:** Protective Services **FILE:** 7130-00  
**SUBJECT:** WHISTLER COMMUNITY SERVICES SOCIETY GROUND LEASE AMENDING AGREEMENT

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the General Manager of Corporate and Community Services be endorsed.

### RECOMMENDATION(S)

**That** Council direct staff to execute the Whistler Community Services Society (WCSS) Ground Lease Amending Agreement substantially as attached as Appendix A of Administrative Report 22-159 in order to allow pre-approved, BC Housing-Funded temporary extreme weather emergency shelter activations as a permitted use within the terms of the existing WCSS Ground Lease; and

**That** Council direct staff not to enforce against Parking and Zoning Bylaw No. 303, 2015 for any temporary extreme weather emergency shelter activations at 8000 Nesters Road that are compliant with the terms of the WCSS Ground Lease Amending Agreement; and further

**That** Council direct staff to request WCSS report back on the key outcomes associated with extreme weather shelter activations at the 8000 Nesters Road site following two years of potential winter activations under the BC Housing Extreme Weather Response (EWR) program.

### PURPOSE OF REPORT

This purpose of this report is to obtain Council's endorsement and support an amendment to the Whistler Community Services Social Services (WCSS) Ground Lease Agreement (the Existing Lease) through an amending agreement (Amendment Agreement) to permit pre-approved, BC-Housing Funded temporary extreme weather emergency shelter use at the WCSS building located at 8000 Nesters Road consistent with the terms of the proposed amendment. The Existing Lease is attached as Appendix B.

Information Report

Administrative Report (Decision or Direction)

### DISCUSSION

## **Background**

### **Current response to Emergency Cold Weather Shelter in Whistler:**

For a number of years, Whistler Community Services Society (WCSS) has had a taxi voucher program in place to send individuals in need of emergency housing to the Squamish Helping Hands Society, and WCSS has also provided items from the food bank and clothing from the Re-Use-It Centre for those in need during uniquely cold weather events. Additionally, in 2021 and 2022, the RMOW applied and received grant funding from the UBCM Strengthening Communities Grant Stream to administer a Temporary Housing Initiative in partnership with WCSS & Howe Sound Women's Centre (HSWC) that provides additional emergency accommodation to unsheltered individuals.

More recently, the Resort Municipality of Whistler (RMOW) developed a plan to utilize funding through Emergency Management British Columbia (EMBC) to provide limited Extreme Weather Shelter during extreme cold events at the Whistler Public Library (WPL). EMBC is a division of the Ministry of Public Safety and Solicitor General of British Columbia, Canada. EMBC works with local governments and other provincial and federal agencies year round, providing coordination and support before, during and after emergencies. EMBC is administered under the Emergency Program Act.

In the winter of 2021/22 WCSS, RMOW and the WPL collaborated to activate a temporary Extreme Weather Shelter (EWS) solution for vulnerable persons during an Extreme Cold Weather Warning. Informed by an increased provincial focus on recent weather emergencies, the WPL was identified as a viable solution for temporary shelter due to its location, minimal impact to service levels at the time (mid-pandemic) and inclusive nature. This response was due to the Environment Canada Artic Outflow warning issued at the time. An Artic Outflow warning is triggered by any combination of wind speed and temperature giving a wind chill of -20 or lower for six hours or more. During the period of activation at the WPL (December 26, 2021 through to January 1, 2022) a total of 75 people accessed the shelter during the day and 19 overnight. Maximum usage was six people per night and none were turned away. EMBC provided approximately \$3,500 of funding in response to the EWS activation at the WPL at that time (direct municipal costs were close to zero, though there was meaningful in-kind time and resource from WPL and Emergency Planning staff).

The RMOW with support from the WPL Board of Trustees chose to continue the approach previously used in December of 2021 as an additional strategy to support vulnerable populations through the winter of 2022/23. To date, for the Winter 2022/23 season, the WPL location has been activated once for three nights between Wednesday, November 30th and December 3rd. During this activation, a total of eight people stayed over during the three nights, another two additional people stayed late into the evening to access the shelter on one of the activation nights. Maximum occupancy (as per fire restrictions) was six people, and none were turned away during the activation period. The EMBC funding in response to this latest activation has not yet been received but is expected early in 2023.

### **The BC Housing Emergency Weather Response Program:**

Generally, it is not a municipal function to provide a homeless shelter. However, the RMOW emergency management team recognize that an EWS activation can, in limited cases, be funded from EMBC within a municipal facility in cases of extreme cold weather warnings.

Another program, known as an Emergency Weather Response (EWR) program is funded through BC Housing and is designed to provide time-limited, weather responsive, temporary shelter spaces in communities where there is not sufficient existing emergency shelter bed capacity during times of

extreme weather conditions. Generally, an EWR funded through BC Housing supports overflow capacity within communities that already have a permanent shelter.

BC Housing has confirmed that there were forty EWR's operating in the province during the winter of 2021/2022. Further research has shown that of these EWR shelter spaces, most are operated by non-profits out of private facilities or community church locations. The BC Housing program is supported by and aligned with the BC *Assistance to Shelter Act* and the associated *Assistance to Shelter Regulation*.

## **Analysis**

### **BC Assistance to Shelter Act**

The *Assistance to Shelter Act* (Act) is a community driven program in which a service provider can enter into an agreement with BC Housing to receive support funding for an emergency shelter under BC's Extreme Weather Response Program (EWRP). Service providers typically include not-for-profit community social services organizations, churches and in rare cases, local governments. In the case of Whistler, WCSS has been in conversation with both BC Housing and the RMOW to be the potential service provider for an emergency extreme weather shelter.

Under the Act, an emergency shelter means a building or a portion of a building that is used to provide temporary accommodation free of charge to persons to meet the persons' immediate basic needs for shelter. As part of the agreement with BC Housing, the service provider is required to obtain the permission of the local government to use a site for an emergency shelter and must file a EWR Plan with BC Housing that describes the geographical area to which the plan applies and provides a description of the extreme weather conditions that are the basis for activating the emergency shelter. The associated *Assistance to Shelter Regulation* describes any of the following conditions to be an extreme weather conditions for the Vancouver Coastal Region:

- i. Environment Canada is forecasting, for the next 24-hour period, a temperature of - 4° C or lower as the lowest temperature for that period;
- ii. according to Environment Canada, the temperature currently is - 4° C or lower;
- iii. Environment Canada, for the next 24-hour period, is forecasting a temperature of 0° C or lower as the lowest temperature for that period and has issued a weather warning;
- iv. according to Environment Canada the temperature currently is 0° C or lower and Environment Canada has issued a weather warning.

BC Housing has advised RMOW staff and staff at WCSS that they will accept an extreme weather threshold temperature of -10°C for the Whistler area instead of - 4°C, which is the same as the threshold temperature for the Interior Region.

### **WCSS Proposed EWR framework:**

As the current EWS activation criteria for the WPL is not consistent with the threshold extreme weather conditions supported by BC Housing, WCSS is seeking an alternate location in Whistler that would be capable of activating an emergency shelter during extreme weather conditions defined as -10°C or lower as supported by BC Housing with the goal of potentially activating during 2022/23 winter season.

### **Proposed site for EWR**

Per the Act, as part of the agreement with BC Housing a service provider is required to obtain local government approval to use a site for an extreme weather emergency shelter. This includes consistency with zoning bylaws and any associated contractual obligations. WCSS has expressed interest in using their current location at 8000 Nesters Road as the desired location for a potential extreme weather shelter location.

The zoning and ownership of the WCSS building is described below.

8000 Nesters Road is owned by the RMOW, and the RMOW has entered into the Existing Lease with the WCSS to lease the land to the WCSS to operate a Community Social Services Building. The parcel is regulated by the CSF1 Zone which permits the following uses:

- a) Auxiliary buildings and auxiliary uses;
- b) Kennel;
- c) Office;
- d) Park and playground;
- e) Recycling and solid waste facility;
- f) Retail thrift store;
- g) Social services centre;
- h) Storage and works yard; and
- i) Vehicle impound yard.

The Zoning Bylaw 303, 2015 defines “Social service centre” to specifically exclude overnight accommodation or temporary refuge or shelter of any type. Therefore the zoning does not permit the use of an overnight emergency shelter in this location.

Further, any activation of an overnight emergency shelter would be in breach of the Council-adopted Existing Lease. Specifically, by entering into the Existing Lease, the WCSS covenanted and agreed with the RMOW that neither the land nor the building nor any part thereof, nor any other facilities ancillary thereto and connected therewith as set forth in the Development Permit, shall at any time be used for overnight occupancy.

#### Proposed Lease Amending Agreement and Zoning Enforcement

As per above, activation of an emergency shelter within the WCSS building requires at minimum, an amendment to the Existing Lease. This report recommends an amendment to the Existing Lease to address the restriction on overnight accommodation, and to specifically include an ability to operate an emergency shelter for activation in accordance with BC Housing extreme weather conditions for the Interior Region as defined in the Act and otherwise consistent with the terms of the Act and the *Assistance to Shelter Regulation*, including municipal review and approval of an annual EWR Plan. The draft Amendment Agreement is attached as Appendix A.

The term of the proposed Amendment Agreement extends from the date of execution through to March 31, 2024 and may be further extended by express written agreement of the RMOW Chief Administrative Officer for up to an additional two years, terminating no later than March 31, 2026. This term will allow for a stable planning horizon for an emergency weather shelter under the BC Housing program. In the meantime, the success of the emergency shelter being activated in the Nesters location will be evaluated following review of additional shelter activations including operational information to be provided by WCSS. This information will be used to inform future Council

reconsideration of the longer-term suitability of this site for this purpose and related zoning amendment process.

Further, as it is within municipal discretion to avoid enforcement against an existing bylaw, this report seeks formal Council direction to avoid enforcement against the existing zoning for this site for any extreme weather shelter use that is consistent with the terms of the Amendment Agreement. As the Amendment Agreement has a sunset clause of not later than March 31, 2026, Council will have a future opportunity to consider the outcomes associated with the permitted use of an extreme weather shelter at this location and could consider a revision to the CSF1 zone at that time.

#### Other Requirements:

Consistent with the Act and other senior enactments, the Whistler Fire Rescue Service (WFRS) has already undertaken a pre-inspection of the proposed WCSS Social Services Building and confirms an allowable EWS occupancy of up to six persons subject to receipt of updated emergency operating procedures to the satisfaction of WFRS. Confirmation of suitable insurance coverage for this use will need to be confirmed as a prerequisite prior to any potential activations in this location.

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## **POLICY CONSIDERATIONS**

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

On May 24, 2022: [Administrative Report No. CC SPS2022-02](#), UBCM Strengthening Communities' Services Grant was endorsed.

### **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

## Corporate Goals

- Community character and mountain culture is reflected in municipal initiatives
- Municipal decision-making supports the effective stewardship of natural assets and ecological function
- Corporate policies and operations ensure continuous excellence in infrastructure, facility and program management
- A high level of accountability, transparency and community engagement is maintained
- Corporate financial health is optimized to ensure long-term community success
- A vibrant local economy and safe, resilient resort community is effectively reinforced by organizational activities

## 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 recommended resolutions included within this report are consistent with the community vision, goals, objectives and policies included within the OCP.

**8.11.1.9. Policy** Engage with social service providers to ensure an adequate level of services is maintained.

## BUDGET CONSIDERATIONS

There are no specific considerations to include in this report.

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## 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.

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## COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

- Inform     Consult     Involve     Collaborate     Empower

Comment(s):

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## REFERENCES

Appendix A – Whistler Community Services Society Ground Lease Amending Agreement dated for reference December 6, 2022.

Appendix B – Whistler Community Services Society Ground Lease Agreement dated for reference April 10, 2017.

## SUMMARY

This report provides information on the potential use of the WCSS Social Services Building as a potential location for the activation of overnight emergency shelters during extreme (cold) weather conditions. This report requests Council's endorsement and support to amend the Existing Lease by way of an Amendment Agreement to permit the temporary extreme cold weather emergency shelter use at the WCSS building located at 8000 Nesters Road; and for formal Council direction to avoid any enforcement against the existing prohibitions within Zoning Bylaw 303, 2015 for temporary extreme weather shelter uses at the 8000 Nesters Road site which are consistent with the terms of the Amendment Agreement.

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## SIGN-OFFS

### Written by:

Lindsay DeBou,  
Manager of Protective Services

### Reviewed by:

Ted Battiston,  
General Manager of Community and Corporate  
Services

Virginia Cullen,  
Chief Administrative Officer