



**RESORT MUNICIPALITY OF WHISTLER**

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## STAFF REPORT TO COUNCIL

**PRESENTED:** March 21, 2023 **REPORT:** 23-031  
**FROM:** Planning – Projects **FILE:** 3060-20-1925  
**SUBJECT:** DP001925 – 1400 Mount Fee Road – Employee Restricted Housing Development

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the Director of Planning be endorsed.

### RECOMMENDATION(S)

**That** Council authorize the General Manager of Climate Action, Planning and Development Services to issue Development Permit DP001925 to authorize a new three-storey, 30-unit employee restricted apartment building at 1400 Mount Fee Road, as illustrated on the architectural labelled A-0.00, A-1.02, A-1.02a, A-1.04, A-1.05, A-1.06, A-2.00, A-2.02, A-2.03, A-2.04, A-2.05, A-2.06, A-2.07, A-3.01, A-4.01, A-9.01 prepared by Murdoch + Company Ltd. Dated March 10, 2023, landscape plans labelled L-1.1, L-1.1A, L-1.3, L-2.1 and L-2.1A prepared by Murdoch + Company Ltd. dated March 03, 2023 attached as Appendix A to this Administrative Report 23-031, and civil plans labelled (BP) ESC-1, (BP) S-1, (BP) S-2, (BP) STM-1, (BP) DWY-1, (BP) TYP-1, (BP) GR-1, (BP) SS-1 and (BP) DET-1 prepared by Webster Engineering Ltd. dated November 28, 2022 attached as Appendix B to this Administrative Report 23-031; and

**That** Council direct staff to advise the applicant that, prior to issuance of DP001925, the following condition must be completed to the satisfaction of the General Manager of Climate Action, Planning and Development Services:

- Provision of landscape security in the amount of \$116,638; and further

**That** Council require the following items be included as conditions within DP001925:

- a. Development of the site is to be carried out per the recommendations and conclusions of the Environmental Impact Study (Cascade Environmental, December 19, 2022);
- b. All Vaccinium found wild on the property shall be removed;
- c. Trees to be removed must be flagged and approved for removal by the General Manager of Climate Action, Planning and Development Services or designate prior to any removal;
- d. Any tree or vegetation removal that will occur in the bird nesting window (April 1 – September 1) will require a Qualified Environmental Professional or other environmental professional to conduct bird nest surveys prior to any vegetation clearing or removal. Any active nest found must be retained as per s. 34 BC Wildlife Act with an adequate buffer;
- e. Raptor nest survey should be conducted by a Qualified Environmental Professional or other environmental professional prior to any vegetation clearing or removal at any time of the year;

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- f. Prior to initiation of works on Lot 2, construction fencing must be installed along the length of the Streamside Protection and Enhancement Area (SPEA) boundary of Wetland #3 in the northern portion of Lot 2A. The fencing shall be inspected by the Environmental Monitor prior to commencement of works. The fencing must also be maintained throughout all development activities;
- g. Upon completion of construction in Lot 2, denuded areas of the Wetland #3 Riparian Ecosystem Protection Area (REPA) must be revegetated with native vegetation at the direction of the project QEP and in accordance with Lot 2 Riparian Restoration Plan Memorandum (Cascade Environmental, January 25, 2023);
- h. All water leaving the area of work must meet or exceed the CCME Water Quality Guidelines for the Protection of Aquatic Life (Environment Canada, 1999) and the BC Water Quality Guidelines for the Protection of Aquatic Life (MOE, 2010);
- i. Use clean, locally sourced fill only to prevent introduction of invasive species through soil/fill deposits;
- j. There shall be no disturbance to or intrusion into the Riparian 30 metre setback area of the Cheakamus River; and
- k. Adhere to and follow all recommendations outlined in the FireSmart Wildfire Hazard Assessment Report (Diamond Head, November 29, 2022).

## PURPOSE OF REPORT

The purpose of this report is to present DP001925 to Council for consideration of approval. The proposal is for a new three-storey, 30-unit employee restricted apartment building at 1400 Mount Fee Road. Issuance of the development permit is conditional upon receiving landscape security for the project. The development permit also includes conditions as specified related to environmental and FireSmart recommendations.

Information Report

Administrative Report (Decision or Direction)

## DISCUSSION

### Background

On February 11, 2020, Whistler 2020 Development Corporation (WDC) submitted a rezoning application (RZ001165) for the rezoning of lands referred to as the Cheakamus Crossing Phase 2 lands to enable the phased development of the lands to support meeting the resort community's employee housing needs.

Rezoning of the Phase 2 lands was completed in early 2021. Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 Parcelization) No. 2298, 2020 was adopted by Council on March 16, 2021. Lot 2 (formerly Parcel B/C) has been subdivided into two lots through Development Permit DP001894. The lots are now referred to as Lot 2A (1400 Mount Fee Road) and Lot 2B (1450 Mount Fee Road).

Development Permit DP001853 and DP001859 were respectively issued in March and June 2022 to authorize vegetation clearing, grading, excavation, and earthworks on Lot 2A and Lot 2B.

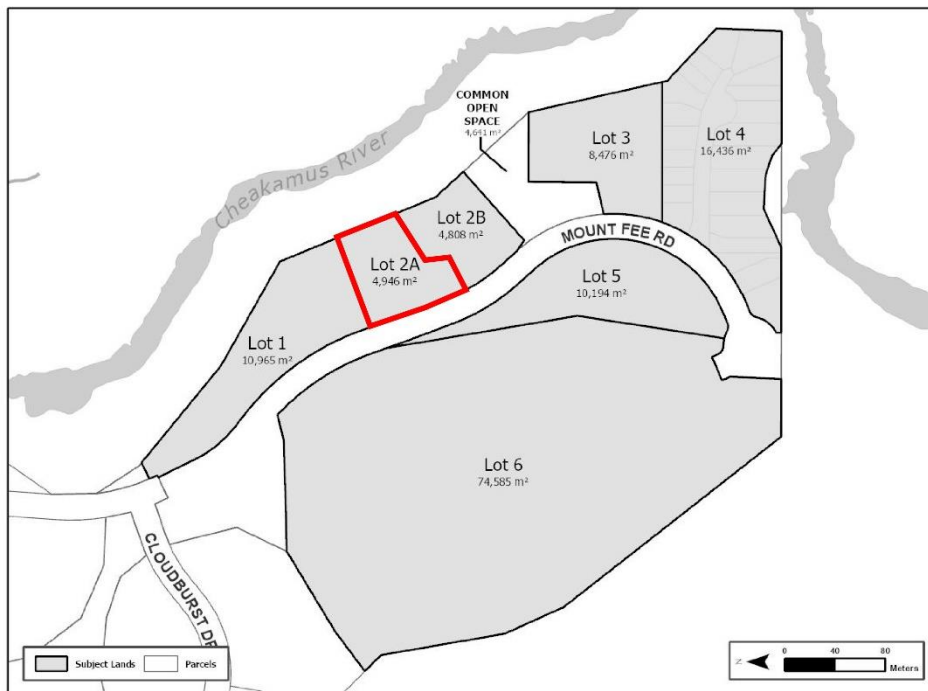
This report presents DP001925 for development of Lot 2A for Council's consideration, and describes that the proposed development is consistent with the RM-CD2 zoning that was adopted by Council on

March 16, 2021 as well as the applicable development permit guidelines. The proposal is for a three-storey, 30-unit rental employee restricted apartment building.

**Analysis**

The subject property, Lot 2A, is a 4,946 square metre parcel located at 1400 Mount Fee Road south of and adjacent to Lot 1, the first development parcel to be completed in Cheakamus Crossing Phase 2 (see Figure 1 below). The property is zoned RM-CD2 (Residential Multiple – Comprehensive Development Two). Allowable uses on Lot 2A are apartments and townhouses for employee housing and daycare.

**Figure 1 Location of Lot 2A**



The subject property is located within the Protection of Riparian Ecosystems, Protection of Sensitive Ecosystems, Multi-Family Residential and Wildfire Protection Development Permit Areas (DPAs). The Site Investigation Report by Cascade Environmental Resource Group (CERG) found that Lot 2A contains no sensitive ecosystems, but it identifies a wetland (Wetland #3) located on the parcel that connects to the Cheakamus River. Lot 2A does not lie within the 30m Riparian Assessment Area of Cheakamus River, but a portion of the Wetland #3 Streamside Protection and Enhancement Area (SPEA) and Riparian Ecosystem Protection Area (REPA) intrudes into the northern part of Lot 2A.

The Lot 2A building envelope is located outside of SPEA of Wetland #3 and has been located to avoid impact to vegetated areas of the REPA. Approximately 243 square metres of the proposed development is located within the REPA of Wetland #3, however this area of intrusion is within an area that was previously cleared and grubbed in and around an historic Forest Service Road alignment. As such, no damaging impact to the Wetland #3 REPA will occur from the proposed development, and the existing natural features of the REPA will be protected during construction by temporary fencing installed along the length of the SPEA boundary of Wetland #3 in the northern portion of Lot 2A. The REPA will be enhanced once development is completed by revegetating disturbed areas of the REPA

with native riparian vegetation at the direction of the project Qualified Environmental Professional (QEP).

### Description of Proposed Development

The proposal is for a three-storey, 30-unit apartment building containing 18 one-bedroom and 12 two-bedroom units. All units have internal storage and a balcony. One elevator and two stairwells provide access to all floors. The building will provide two shared laundry facilities on the second and third floors for residents.

The proposed building reflects a similar complementary architectural style and scale as the two existing buildings on Lot 1 and the proposed building on Lot 2B. The proposed building roof is flat and does not stepdown on the end like the roofs on the existing buildings of Lot 1. However, these are four storey buildings stepped down on the ends to three storeys, which is consistent with the proposed three-storey building.

The building includes an underground parkade with 32 stalls for residents including one accessible stall. The parkade also contains the waste management room and space for bike storage. Three visitor parking stalls and one accessible stall are located at grade in front of the building. The parkade entrance is accessed at the north end, sharing a driveway with Building B on Lot 1. The visitor parking stalls are accessed via Mount Fee Road, sharing a driveway with the proposed building on Lot 2B. Pedestrian pathways and stairs link the sidewalk and Valley Trail to the ground floor entrance. An exterior ramp is also provided for accessibility needs. The building and site plans submitted with DP001925 (attached as Appendix A) include undefined outdoor spaces located behind the proposed building and between Lot 2A and 2B. These open spaces are accessed through pedestrian pathways and mostly consist of lawn.

The proposed development is illustrated in the Architectural and Landscape plans attached to this report as Appendix A and Civil Plans attached as Appendix B.

Further details on the proposed project design are provided in the evaluation of the proposed development relative to the applicable development permit guidelines, which is presented in Appendix C. Analysis of the Development Permit application is presented below.

### Sustainability and Green Building Requirements

Green building requirements are secured by S.219 Covenant CA9354647 establishing requirements for District Energy System (DES) connection, BC Energy Step Code compliance, and electric vehicle charging infrastructure requirements:

- The building will have to meet Step 3 of the BC Energy Step Code.
- The building will be connected to the DES to supply domestic hot water. Electric baseboards will provide space heating. Connection to natural gas supply is prohibited.
- A minimum 20% of parking stalls will be equipped with energized outlets and an additional 60% of the parking stalls will be equipped to allow for easy retrofitting with electric vehicle charging infrastructure.

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### Advisory Design Panel

On June 15, 2022, the Advisory Design Panel (ADP) toured the Cheakamus Crossing Phase 2 construction site and reviewed preliminary drawings for the Lot 2A development. The project architect presented an early design concept in a workshop format. The ADP provided comments on the building design in a workshop format for comments and no resolution was passed.

ADP members provided generally supportive feedback on the design direction for Lot 2A, including support for generous setbacks that create privacy from adjacent buildings and building massing that is sensitive to the grading of the site. Panel members also felt that the design scheme was consistent with the intent of the zoning, previous ADP comments and the Multi-Family Residential DPA guidelines.

On February 15, 2023, the ADP reviewed a complete architectural and landscape drawing package for the proposed development and staff requested comments on the site planning, circulation, proposed building massing, architectural form and character, colours and materials, and landscape. Staff also requested a resolution from ADP with its recommendation for the proposed Lot 2A development.

At this meeting, ADP members supported the proposal for Lot 2A and noted that the massing and materials work well in relation to adjacent buildings and the proposed landscape. Panel members liked how the building works with changes of materiality, form and the roof modularity and overhangs. Concerns were raised regarding the entry to the building, recommending that the design could use more attention and design development to increase its attractiveness. ADP members also suggested the applicant consider incorporating a sheltered waiting area for people with mobility challenges and to reconsider the sidewalk connection to the parkade entrance to enhance accessibility.

Following ADP review, staff worked with the applicant to address the ADP comments. Staff are of the opinion that the applicant has adequately addressed ADP's comments. Applicant reviewed the sidewalk connection to the building and reduced the slope of the accessibility ramp. A more generous overhang on the building main entrance was also incorporated to enhance the entry and provide a sheltered waiting area and protect the bicycle racks from the elements. The Panel minutes are attached as Appendix D.

### Official Community Plan Development Permit Area Guidelines

The Local Government Act establishes municipal authority to establish Development Permit Areas (DPAs) through an Official Community Plan (OCP), and outlines activities on these lands that require a development permit. All development within a DPA require a development permit, unless exempted.

The subject lands lie within the Protection of Riparian Ecosystems, Protection of Sensitive Ecosystems, Multi-Family Residential and Wildfire Protection DPAs. As such, this proposal is subject to design guidelines for the form and character of multi-family residential development, protection of the natural environment and protection of development from hazardous conditions, as contained in the OCP for each of the designated development permit areas.

A detailed evaluation of the proposed development relative to the applicable guidelines is presented in Appendix C. The proposed development has been assessed and determined to be consistent with the applicable DPA guidelines.

Zoning and Parking Bylaw No. 303, 2015

The property is zoned RM-CD2 (Residential Multiple – Comprehensive Development Two) which permits apartments for employee housing. The DP001925 proposal supports the intention of and is consistent with the regulations of the RM-CD2 Zone.

The following table provides a high-level analysis of the DP001925 proposal with respect to the applicable zoning bylaw regulations:

<b>Regulation</b>		<b>DP001925 Proposal</b>	<b>Staff Comment</b>
Use	Apartments for employee housing, townhouses for employee housing, daycare.	Apartment for employee housing	Complies
Density	0.5 FSR (with a usable area of 4,350 m <sup>2</sup> , that makes 2,175 m <sup>2</sup> of maximum GFA)	2,095.44 m <sup>2</sup>	Complies
Height	10.7 metres / Three storeys	10.7 metres	Complies
Site Coverage	20% for apartment buildings	15.06%	Complies
Setbacks	Front: 7.6 m Sides: 6.0 m Rear: 12.0 m	Front:7.6 m Sides: 6.0 m Rear: 12.0 m	Complies
Parking	36 spaces (1 space per unit under 50 m <sup>2</sup> and 1.5 spaces per unit over 50 m <sup>2</sup> )	36 parking spaces (including 3 visitor parking spaces and 2 accessible parking spaces)	Complies

RM-CD2 zoning also requires that naturalized landscaping be provided and maintained within the front setback of Lot 2A equal to a minimum of 30 percent of the setback area. Staff are of the opinion that this zoning requirement is met and demonstrated on the site and landscape plan provided with DP001925 and included in Appendix A.

The proposed development is consistent with the regulations of the RM-CD2 Zone and satisfies “Zoning and Parking Bylaw 303, 2015” requirements for the minimum number of on-site parking stalls.

The proposed development is also considered to be consistent with the supported development concept and green building commitments registered on title as a condition of rezoning approval. The green building commitments are also recommended to be incorporated as a condition of the development permit and will further be reviewed through the building permit approval process.

Legal Encumbrances

As part of the development process, a housing agreement in favour of the RMOW will be registered to set the maximum initial rents and to define terms for the employee rental housing. This agreement will replace an existing agreement that is currently registered on title and will be presented to Council for its consideration through a required housing agreement bylaw in a future meeting.

**POLICY CONSIDERATIONS**

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

### **[DP001817 – 1340-1360 Mount Fee Road – Cheakamus Crossing Phase 2 Development – Subdivision, Report No. 21-067, June 15, 2021](#)**

This report presented DP001817, required to authorize the subdivision of the Cheakamus Crossing Phase 2 lands.

### **[RZ001165 – Cheakamus Crossing Phase 2 – Zoning Amendment Bylaw \(Cheakamus Crossing Phase 2 Parcelization\) No. 2298, 2020, Consideration of Adoption, Report No. 21-024, March 16, 2021](#)**

This Report presented “Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 Parcelization) No. 2298, 2020” to Council for consideration of adoption. The Report also provided a summary and review of the conditions of adoption.

### **[RZ001165 – Cheakamus Crossing Phase 2 – Zoning Amendment Bylaw \(Cheakamus Crossing Phase 2 Parcelization\) No. 2298, 2020 Summary Report of Public Hearing and Third Reading Consideration, Report No. 21-019, February 16, 2021](#)**

This Report presented “RZ1165 – Cheakamus Crossing Phase 2 – Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 Parcelization) No. 2298, 2020” to Council for consideration of third reading. The Report also provided a summary and review of the written submissions and verbal representations made during the Public Hearing process. Staff are not recommending any changes to the proposed bylaw based on the Public Hearing Process.

### **[RZ001165 – Cheakamus Crossing Phase 2 – Zoning Amendment Bylaw \(Cheakamus Crossing Phase 2 Parcelization\) No. 2298, 2020, First and Second Reading, Report No. 20-127, December 15, 2020](#)**

This report presented Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 Parcelization) No. 2298, 2020 (the “proposed Bylaw”) for Council consideration of first and second readings, along with conditions to be addressed prior to any Council consideration of adoption of the proposed Bylaw. The report also requested that Council authorize staff to schedule a Public Hearing to provide members of the public with the opportunity to make representations to Council on the proposed Bylaw for Council consideration, consistent with the Local Government Act.

## **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 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 resolution included within this report is consistent with the goals, objectives and policies included within “OCP Bylaw No. 2199, 2018”. The development of Lot 2A will facilitate the completion of secure affordable employee housing in Whistler and is consistent with Whistler’s OCP and growth management policies. A comprehensive evaluation of these policies was completed through the rezoning process. This report addresses the applicable development permit requirements contained within the OCP as described above and presented in Appendix C. The development and subdivision of Lot 2 supports Whistler’s Community vision and the following OCP goals:

- |     |      |  |
|-----|------|--|
| 4.1 | Goal | Land use and development are effectively managed to maintain Whistler’s unique sense of place, protect Whistler’s natural environment, provide a high quality of life for residents and provide exceptional experience for our visitors. |
| 5.2 | Goal | Promote diversity in housing price ranges to maintain affordability for the varied needs of different workforce groups and retirees within the community.  |
| 5.3 | Goal | Promote a diversity of housing forms, tenures, residential uses and densities to support the resort community’s needs.   |

Key relevant objective and policies from the OCP are also contained in the Residential Accommodation section of Chapter 5: Land Use and Development. Under the Our Share Future heading for Residential Accommodation, the OCP describes the desired future where “Whistler’s employees enjoy a secure supply of affordable and livable employee housing that includes a range of housing types, prices and tenures”. The OCP specified (Objective 5.1.2) a target to strive for the addition of 1,000 new employee beds over the next 5 years (2019 – 2023). The proposal for Lot 2 helps to address this target.

The importance of protection of the long-term supply of existing and new employee housing is emphasized by the following objectives and policies:

- |         |           |  |
|---------|-----------|--|
| 5.1.3   | Objective | Protect Whistler’s existing housing and employee housing supply.   |
| 5.1.3.1 | Policy    | Maintain an inventory of employee housing in perpetuity, for rental and ownership tenures, to be available for employees.  |
| 5.2.1   | Objective | Encourage a range of price points within employee housing to meet the needs of the diverse workforce and retiree groups.   |
| 5.3.1.3 | Policy    | Encourage a diversity of housing types and tenures (rental and ownership) responsive to the needs of all age groups and family types, including singles, couples, young adults and families, seasonal residents, |



people with disabilities and seniors, and to support their transition through different housing types as their needs change.

5.3.1 Objective Encourage flexibility and adaptability in residential land uses.

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## BUDGET CONSIDERATIONS

Development Permit DP001925 is subject to cost recovery for staff processing and associated direct costs.

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## LÍLWAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lílwat 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. 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):

The proposed development has been the subject of a rezoning process (RZ001165), with several opportunities for community input, including a statutory public hearing. The proposed development permit is subject to a Development Permit sign requirement which has been posted on the property.

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## REFERENCES

Appendix A – Architectural and Landscape Plans  
Appendix B – Civil Plans  
Appendix C – OCP DPA Guidelines Review  
Appendix D – Advisory Design Panel Meeting Minutes, June 15, 2022 and February 15, 2023  
Appendix E – Design Rationale

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## SUMMARY

This report presents Development Permit application DP001925 – 1400 Mount Fee Road – Employee Restricted Housing Development to Council for consideration of approval. DP001925 will authorize development of a three-storey, 30-unit employee restricted rental apartment building at 1400 Mount Fee Road. Staff have evaluated the application relative to the applicable development permit guidelines

and zoning and confirm the proposal is consistent with the DPA guidelines and RM-CD2 zoning. Staff recommend that Council approve the issuance of DP001925 subject to the conditions identified in the staff recommendation.

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### **SIGN-OFFS**

**Written by:**

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**Reviewed by:**

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Mike Kirkegaard,  
Director of Planning

Virginia Cullen,  
Chief Administrative Officer