



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: March 21, 2023 **REPORT:** 23-032
FROM: Planning Department **FILE:** 3360-20-1179
SUBJECT: ZONING AMENDMENT BYLAW (CHEAKAMUS CROSSING PHASE 2 RM-CD2 ZONE) NO. 2390, 2023 FOR FIRST AND SECOND READINGS

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the Director of Planning be endorsed.

RECOMMENDATION(S)

That Council give first and second readings to “Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 RM-CD2 Zone) No. 2390, 2023”; and

That Council direct staff to advise the applicant that, prior to Council consideration of adoption of “Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 RM-CD2 Zone) No. 2390, 2023”, the following conditions must be completed to the satisfaction of the General Manager of Climate Action, Planning and Development Services:

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;
 - b. Secure a parking management plan outlining the use of resident and visitor parking in conjunction with rental tenancy; and
2. Modify the green building covenant to secure:
 - a. Level 2 electric vehicle chargers for a minimum of 20% of the parking stalls;
 - b. Provision of electrical conduit with access to a circuit (i.e. EV-ready) for all parking stalls;
 - c. Minimum sensible heat recovery effectiveness and energy efficiency level for Heating, Ventilation, and Air Conditioning (HVAC) systems and Energy Recovery Ventilators (ERVs) installed within each dwelling units consistent with the G-28 Green Building Policy; and
 - d. Energy Recovery Ventilators (ERVs) incorporating filters with a Minimum Efficiency Reporting Value (MERV) consistent with the G-28 Green Building Policy; and

That Council authorize the Mayor and Municipal Clerk to execute any necessary legal documents for this application.

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PURPOSE OF REPORT

This report presents Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 RM-CD2 Zone) No. 2390, 2023 (the “proposed Bylaw”) for consideration of first and second readings, along with conditions to be addressed prior to any Council consideration of adoption of the proposed Bylaw.

The proposed amendments to the RM-CD2 (Residential Multiple – Comprehensive Development Two) zone are to provide for development of additional employee housing units on Lot 2B of the Cheakamus Crossing Phase 2 development. The amendments will enable an additional storey to be added to the building, increasing from 3 storeys to 4 storeys, and result in an increase in the number of dwelling units from 30 to 48 units. Under the proposed amendments the additional density that is required for the Lot 2B development is a reassignment of density allocated to Lot 1 and Lot 6 under the existing zoning. There is no overall increase in the maximum density permitted for the RM-CD2 zone.

The proposed Bylaw will also enable tandem parking for Lot 4 (River Run), which will facilitate inclusion of auxiliary suites and address associated parking requirements. The key plan for the zone has also been updated to align with updated Lot numbering designations for each development parcel.

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 Cheakamus Crossing Phase 2 lands to enable the phased development of the lands to support meeting the resort community’s employee housing needs. The application proposed allocation of the existing permitted housing uses and development density under the existing RM-CD2 zone to individual parcel areas for future development. The zoning tailored the zoning parameters for each of the parcel areas consistent with a master development plan, to achieve a successful extension of the existing Cheakamus Crossing neighbourhood. Rezoning of the Phase 2 lands was completed in early 2021.

Two employee-restricted apartment buildings have been built on Lot 1. Site preparation has been completed for Lot 4 and is underway for Lots 2 and 3. Lot 2 (formerly Parcel B/C) has been subdivided into two lots through Development Permit DP001894, now referred to as Lot 2A (1400 Mount Fee Road) and Lot 2B (1450 Mount Fee Road).

Development Permits DP001853 and DP001859 were issued in March and June 2022 to authorize vegetation clearing, grading, excavation, and earthworks on Lot 2A (1400 Mount Fee Road) and Lot 2B (1450 Mount Fee Road), respectively.

Development Permit DP001925 is to be presented to Council on March 21, 2023 to authorize construction of a three-storey employee housing apartment building on Lot 2A (see report 23-031).

This rezoning application from WDC seeks to add density to Lot 2B to allow one extra storey and additional employee housing dwelling units. Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 RM-CD2 Zone) No. 2390, 2023 has been prepared to provide for the proposed increase in dwelling units and revised development concept and is presented for Council consideration of first and second readings. The bylaw proposes to amend the regulations applicable to Lot 2B to:

- Increase the permitted building height;

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- Increase the allowable gross floor area (GFA) and floor space ratio (FSR);
- Reduce the south side setback by one metre and the front setback by 2.2 metres;
- Reduce the required parking to a minimum of one stall per dwelling unit and the required number of visitor parking spaces to four.

The bylaw proposes to reduce the GFA on Lot 1 and Lot 6 by an equal amount that is added to Lot 2B, so that the overall density of the Phase 2 lands remains unchanged. The revised density for Lot 1 reflects the actual built GFA of the two buildings. The bylaw also proposes to remove the prohibition on tandem parking for Lot 4, and to update the key plan associated with the RM-CD2 zone by revising the labelling of the development lots to reference Lot 1 through 6, including the subdivision of Lot 2.

The additional height and density will allow approval of a larger employee housing apartment building on Lot 2B. By allowing tandem parking on Lot 4 (River Run), the homes in this new neighbourhood will be able to include an Accessory Dwelling Unit while meeting the parking standard, without requiring a Development Variance Permit.

As authorized under section 464(2) of the *Local Government Act* and section 43 of the *RMOW Land Use Procedures and Fees Bylaw No. 2205, 2022*, the General Manager of Resort Experience has waived the requirement for a public hearing.

The following section of this report provides analysis of the proposed development for Lot 2B, located at 1450 Mount Fee Road.

Analysis

The primary focus of rezoning application RZ001179 is to add a fourth floor and 12 dwelling units to the employee housing apartment building planned on Lot 2B. Adding a fourth floor while maintaining the same above-ground footprint provides for additional employee housing, makes the project more economically viable, and supports affordability of the units. Setback reductions are proposed to accommodate the parkade; the building footprint above ground would not change. Lot 2B is already serviced as part of the Cheakamus Crossing Phase 2 development and the added density will not require any service upgrades. The overall density in the zone will not increase, and represents a reassignment of available density not utilized by the completed Lot 1 development or anticipated for Lot 6.

The proposed Bylaw prepared for Council consideration, amends the RM-CD2 zone with regulations specific to Lot 2B to provide a building height increase from 10.7 metres to 15 metres, GFA increase from 2,405 square metres to 3,220 square metres, and FSR increase from 0.5 to 0.67. It also reduces the side setback to the south by 1.0 metre, from 6.0 to 5.0 metres, and the front (west) setback by 2.2 metres, from 7.6 metres to 5.4 metres to accommodate the underground parkade. The proposed setback reductions would not change the location of the building above grade.

A reduction in the parking requirement from 56 parking stalls to 52 stalls (one parking stall per dwelling unit plus four visitor parking stalls) is proposed. The parking reduction is required as site constraints limit the maximum size of the underground parkade. Staff is supportive of this reduction subject to maintaining a minimum of one space per dwelling unit, and a parking management plan being registered on title.

The Bylaw proposes to reallocate GFA from Lot 1 and Lot 6 to Lot 2B to accommodate the larger building, so that the overall density originally allocated on the Phase 2 lands remains the same. The two buildings on Lot 1 were not built to the maximum density initially allowed under the RM-CD2 zoning

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so 380 square metres of unbuilt GFA can be re-allocated to Lot 2B, reducing the Lot 1 density from 8,800 square metres to 8,420 square metres, reflecting what has been built. The additional 40 square metres of GFA can be reallocated from Lot 6, reducing the density from 12,450 to 12,410 square metres. This shift is not anticipated to have any significant impact on the development of Lot 6.

The bylaw also proposes to allow tandem parking for Lot 4 (River Run). The width and the depth of the single family and duplex parcels on Lot 4 makes it challenging to design parking to meet the minimum parking requirement for dwellings that incorporate an Accessory Dwelling Unit. This was resulting in applicants re-designing their projects to remove suites to comply with the setback and parking requirements as the suite adds a parking space requirement and tandem parking is not currently explicitly permitted for the RM-CD2 zone as it is for other zones in the RMOW.

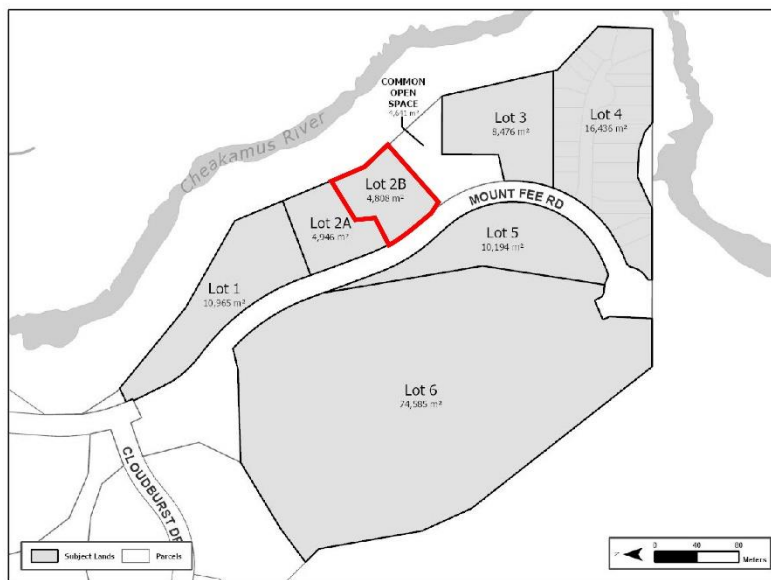
Finally, the bylaw proposes to update the key plan associated with the RM-CD2 zone by re-labelling development parcels to reference Lot 1 through 6 rather than Lots A through E.

Staff are supportive of the rezoning request and recommends Council give first and second readings to “Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 RM-CD2 Zone) No. 2390, 2023”.

Description of Proposed Development on Lot 2B

Lot 2B is a 4,808 square metre parcel located at 1450 Mount Fee Road south of and adjacent to Lot 1 and Lot 2A (see Figure 1 below). The neighbourhood park is located directly to the south of Lot 2B. Lot 2B is zoned RM-CD2 (Residential Multiple – Comprehensive Development Two). Allowable uses are apartments and townhouses for employee housing and daycare.

Figure 1 Location of Lot 2B



The proposal is for a four-storey, 48-unit employee housing apartment building containing four studio, 28-one-bedroom and 16 two-bedroom units. The proposed building reflects a similar architectural style and scale as the two existing buildings on Lot 1 and the proposed building on Lot 2A (see Appendix A).

The table below provides a zoning analysis of the proposed development relative to the existing RM-CD2 zone regulations located on Lot 2B (1450 Mount Fee Road):

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Regulation for 1450 Mount Fee Road		RZ001179 Proposal	Staff Comment
Use	Apartments for employee housing, townhouses for employee housing, daycare.	Apartment for employee housing	Complies
Density	0.5 FSR (with a usable area of 4,808 square metres) 2,405 square metres GFA	0.67 FSR 3,218.95 square metres GFA	RZ1179 Increases FSR to 0.7 and GFA to 3,220 square metres
Height	10.7 metres / Three storeys	15 metres / Four storeys	4.3 metre height increase requested
Site Coverage	20% for apartment buildings	16.71%	Complies
Setbacks	Front: 7.6 m Sides: 6.0 m Rear: 12.0 m	Front: 5.4 m Side: 5.0 m Rear: 12.0 m	1.0 metre side setback variance requested 2.2 metre front setback variance requested to accommodate underground parkade
Parking	56 spaces (1 space per unit under 50 square metres and 1.5 spaces per unit over 50 square metres)	52 parking spaces (including 3 visitor parking spaces and 2 accessible parking spaces)	Variance requested to lower the minimum parking requirement to 1 per dwelling unit plus 4 visitor parking stalls.

Staff are supportive of the rezoning request and are of the opinion that adding a fourth floor will not negatively impact neighbouring properties. Increased height for this building is consistent with the existing buildings on Lot 1 that are both four storeys. The density and scale proposed for Lot 2B is consistent with the Cheakamus Crossing Phase 2 neighborhood.

OCP Development Permit Area Guidelines

Lot 2B is located within the 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 2B contains no sensitive ecosystems. As such, no significant impact is anticipated as a result of the proposed development of Lot 2B with respect to Protection of Sensitive Ecosystems.

A Development Permit will be required for Multi-Family Residential and Wildfire Protection and a full review against the applicable DPA guidelines will take place prior to approval of any building on the site. Preliminary review of the proposal relative to the applicable OCP DPA Guidelines is attached as Appendix D to this report. DP001927 has been submitted by applicant for the proposed development on Lot 2B and this application is being processed concurrent with the rezoning application. Staff review and review by the Advisory Design Panel (ADP) is underway and will be finalized upon rezoning adoption. Staff will bring the proposal for Lot 2B back to Council for approval of the issuance of the Development Permit upon zoning adoption.

Conditions of Rezoning

Covenant CA9354647 was registered as a condition of the initial rezoning of the Phase 2 lands and establishes green building requirements for Lot 2B. The covenant requires that the building must be built to Step 3 of the BC Energy Step Code; must connect to Whistler’s District Energy System for

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provision of domestic hot water; cannot connect to natural gas for any purpose and must provide electric vehicle charging infrastructure for a minimum of 20% of the required parking stalls.

Staff recommend that the covenant be modified as a condition of adoption by adding three additional green building requirements:

- Provision of electrical conduit with access to a circuit (i.e. EV-ready) for all parking stalls (in addition to the existing covenant requirement for Level 2 chargers at 20% of parking stalls);
- Provision of Heating, Ventilation, and Air Conditioning (HVAC) systems that achieve the minimum efficiency rating required by the G-28 Green Building Policy; and
- Provision of Energy Recovery Ventilators (ERV) incorporating filters with a Minimum Efficiency Reporting Value (MERV) of 13, and achieving heat recovery effectiveness consistent with the G-28 Green Building Policy

Staff also recommend registration of a development covenant in favour of the RMOW to secure development on the lands consistent with the supported development plans as a condition of adoption. The development plans are currently under review by staff and the ADP.

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 employee rental housing.

ADP Review

On June 15, 2022, the ADP toured the Cheakamus Crossing Phase 2 construction site and reviewed preliminary drawings for the Lot 2B development. The project architect presented an early design concept in a workshop format. ADP provided comments on the building design but was not requested to make a resolution. The minutes of June 15, 2022 ADP meeting are attached to this report as Appendix B.

The ADP suggested that the design scheme was consistent with the intent of the initial zoning, previous ADP comments and the Multi-Family Residential DPA guidelines. The proposal received generally supportive feedback on the design direction for Lot 2B, including support for generous above-ground setbacks that create privacy from adjacent buildings and building massing that is sensitive to the grading of the site. The proposed setback reductions maintain the generous setbacks. The proposed reduction to the front setback will allow the front wall of the below-grade parkade to be located closer to the street, but the front of the building above-grade will not shift forward. The proposed reduction to the side setback maintains adequate space for screening and privacy towards the neighbourhood park, which is addressed in the landscape plan.

ADP suggested that the building entry required design development to increase its attractiveness and improve accessibility, and recommended that the applicant incorporate landscaping that will blend with the natural environment of the site.

Since June 15, 2022, the applicant has revised the building entry accessibility by reducing the number of stairs, decreasing the grade of the exterior ramp, and adding additional pedestrian pathways. The applicant has also submitted more detailed landscape plans that improve integration of the landscaping with the natural environment of the site. The landscape plans provide naturalized landscaping across 30% of the front setback area for Lots 2A and 2B as required by the RM-CD2 zoning.

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The revised plans have been prepared for second review and recommendations by the ADP at its March 15, 2023 meeting. The Panel's comments will be presented to Council in the Third Reading report.

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.

[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.

[RZ001165 – Cheakamus Crossing Phase 2 – Upper Lands parcelization Plan, Report No. 20-089, September 15, 2020](#)

This report presented a rezoning application from the Whistler 2020 Development Corporation for the rezoning of lands referred to as the Cheakamus Crossing Upper Lands, to facilitate the phased development of the lands to support meeting the resort community's employee housing needs. The report recommended Council endorse further review and processing of the proposed rezoning and directs staff to commence preparation of a zoning amendment bylaw for Council consideration, subject to conducting a public information and input opportunity prior to presenting the bylaw to Council for consideration of first and second reading.

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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.

Review of the proposed rezoning relative to the policies of the Official Community Plan (OCP) indicates that the proposed rezoning is consistent with the principal policies of the OCP and does not require an OCP amendment.

OCP Objective 4.1.6 provides a list of criteria to be used to evaluate all proposed amendments to the OCP and zoning bylaw for the purposes of allowing development or a change in land use. An evaluation of the proposed rezoning against these criteria is provided in Appendix C.

The OCP recognizes a critical need for additional employee housing and sets a target of developing an additional 1,000 new employee beds over the 5-year period from 2019 to 2023. 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 2B will facilitate the completion of secure affordable employee housing in Whistler and is consistent with Whistler's OCP and growth management policies.

The development of both lots supports Whistler's Community vision and the following OCP goals:

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| 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. |
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- 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 contained in the Residential Accommodation section of Chapter 5: Land Use and Development. Under the Our Share Future heading for Residential Accommodation, the OCP described 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 2B addresses this target.

The importance of protection 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.

BUDGET CONSIDERATIONS

Rezoning application RZ001179 is subject to cost recovery for staff processing and associated direct costs.

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):

Section 464(2) of the *Local Government Act* (LGA) specifies that a Public Hearing is not required to be held where an OCP is in effect for the area that is the subject of the zoning bylaw, and the bylaw is consistent with the OCP.

Section 43 of the RMOW Land use Procedures and Fees Bylaw No. 2205, 2022 delegates the authority to waive a public hearing pursuant to Section 464(2) noted above, to the General Manager. The General Manager has waived the public hearing.

In accordance with the regulations noted above, a notice was mailed out and advertisement were made to advise the public that no public hearing will be held for Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 RM-CD2 Zone) No. 2390, 2023.

REFERENCES

Appendix A – Architectural and Landscape Plans
Appendix B – Advisory Design Panel Meeting Minutes, June 15, 2022
Appendix C – Rezoning Criteria Summary Evaluation
Appendix D – OCP DPA Guidelines Review

SUMMARY

This report presents Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 RM-CD2 Zone) No. 2390, 2023 for consideration of first and second readings.

The proposed Bylaw has been prepared to enable development of additional employee housing units on Lot 2B, to refine parking requirements for Lot 4, and to update the parcel designations on the key plan. The bylaw proposes to increase the building height, gross floor area (GFA), and floor space ratio (FSR), reduce the required parking to a minimum of one stall per dwelling unit and require a minimum of four visitor parking spaces for Lot 2B. The additional height and density will allow one storey and 12 more dwelling units to be built on the site. The proposed reduction in the minimum number of required parking spaces is supported subject to a parking management plan to be registered on title. Reductions in the side and front setback were requested to accommodate the size of the below-grade parkade; the building footprint would not shift from the previously established setbacks above grade.

The proposed Bylaw would also remove the prohibition on tandem parking for Lot 4 (River Run) to accommodate minimum parking requirements for new homes incorporating Accessory Dwelling Units, and update the key plan associated with the RM-CD2 zone to align with updated designations for each development parcel.

Staff is supportive of the proposed rezoning and have prepared the proposed Bylaw for Council consideration subject to the specified conditions.

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SIGN-OFFS

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