

**RESORT MUNICIPALITY OF WHISTLER**

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## STAFF REPORT TO COUNCIL

**PRESENTED:** May 2, 2023  
**FROM:** Planning- Development  
**SUBJECT:** RZ001177 – 4204 VILLAGE SQUARE ZONING AMENDMENT AND HOUSING AGREEMENT BYLAWS

**REPORT:** 23-053  
**FILE:** 3360-20-1177

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the General Manager of Climate Action, Planning & Development Services be endorsed.

### RECOMMENDATION(S)

**That** Council consider giving first, second and third readings to “Zoning Amendment Bylaw (4204 Village Square – Garibaldi Professional Building) No. 2380, 2023”; and

**That** Council consider giving first, second and third readings to “Housing Agreement Bylaw (4204 Village Square) No. 2381, 2023”; and further

**That** Council direct staff to advise the applicant that the following matters must be resolved, to the satisfaction of the General Manager of Climate Action, Planning & Development Services, prior to consideration of adoption of “Zoning Amendment Bylaw (4204 Village Square – Garibaldi Professional Building) No. 2380, 2023”:

1. Registration of a development covenant in favour of the Resort Municipality of Whistler to:
  - a. Modify Covenant G97080 to enable the subject lands to be developed and used as per the Development Plans, prepared by ATA Architectural Design, labelled A-01 (Rev 3, Nov 11/22), A-30 (Rev 2, Sep 22, 22) and A-3.2 (Rev 3, Nov 11/22) (the Development Plans) as presented in Appendix A as attached to this Administrative Report No. 23-053; and
  - b. Secure green building commitments consistent with Green Building Council Policy G-28 presented in Appendix B as attached to this Administrative Report No. 22-053.

### PURPOSE OF REPORT

This report presents two bylaws for Council consideration of first, second and third readings. Both bylaws are associated with the proposed development of an employee housing unit on the second floor of the Garibaldi Professional Building located at 4204 Village Square.

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The first of the two bylaws, “Zoning Amendment Bylaw (4204 Village Square – Garibaldi Professional Building) No. 2380, 2023” (Zoning Amendment Bylaw) is a map and text amendment to the Resort Municipality of Whistler (RMOW) “Zoning and Parking Bylaw No. 303, 2015” to rezone the subject lands from Commercial Core One (CC1) to Commercial Core One – Employee Housing (CC1-E) in order to permit employee housing.

The second of the two, the “Housing Agreement Bylaw (4204 Village Square) No. 2381, 2023” (Housing Agreement Bylaw) is a bylaw to authorize the RMOW to register a housing agreement for the proposed development to establish occupancy and eligibility restrictions, a maximum rent amount, and terms for the administration and management of the employee unit that reflect current municipal employee housing policy.

This report also recommends some items to be resolved prior to consideration of adoption of the Zoning Amendment Bylaw, and requests that Council direct staff to advise the applicant that a modification of Covenant G97080 to enable the proposed development and uses, as well as secure green building commitments consistent with Council policy for zoning amendments, must be registered.

☐ Information Report

☒ Administrative Report (Decision or Direction)

## DISCUSSION

### Background

The owners of the Garibaldi Professional Building (formerly the Blackcomb Professional Building), located at 4204 Village Square in Whistler Village (see Appendix C – Site Location Map) have submitted a rezoning application to redevelop a portion of the second storey of the existing building to make better use of the currently underutilized office space. They propose to create a caretaker suite that would be restricted under a housing agreement and limited to employee housing, and to also develop a health facility, with gym equipment, lockers and change facilities, including ski and bike storage space. The owners have indicated that the office space is unused, and that there is a need for a building caretaker. The proposed health facility use is permitted under the applicable CC1 zoning, but the employee housing is not currently a permitted use, thus a zoning amendment is necessary.

The building on the property currently houses a number of uses, including a nightclub on the ground floor, a café and retail spaces on the main floor fronting Village Square, offices on the second floor, and tourist accommodation units on the upper floor, consistent with the applicable CC1 zoning regulations.

Use on the property is further restricted under a development covenant that was registered at the time the property was first developed. The language of the covenant prohibits development and use of the lands other than that which is shown on the original development permit. Under that development permit ‘dental clinic’ and ‘office rental’ are the only uses shown on the second storey of this building.

The Development Plans, attached as Appendix A, show the proposed renovations, including the conversion of roughly 120 square meters of existing office space to a two-bedroom employee housing unit and roughly 175 square metres of office space to a health facility with ski and bike storage, a workout area, and change rooms.

No exterior changes are proposed as part of this project.

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## **Analysis**

### **Zoning Amendment**

The proposed amendments included in the Zoning Amendment Bylaw will change the zoning of the subject lands from CC1 to CC1-E. The permitted uses in each of the two zones are identical with the exception of employee housing, which is a permitted use in the CC1-E Zone, but not in the CC1 Zone.

The two zones are very similar with respect to the other regulations, including the same maximum height of 30 metres or eight storeys, no minimum setbacks, and no maximum site coverage. The maximum permitted density in the CC1 Zone is established via a key plan and reference table, which describes the maximum density per parcel shown on the key plan. The CC1-E Zone currently applies to only one parcel and has a specific maximum density for that parcel. The proposed Zoning Amendment Bylaw will remove the subject property from the key plan and reference table of the CC1 Zone. The Amending Bylaw will also create a key plan and reference table for the CC1-E Zone, which will include the parcel that is already zoned CC1-E and will add the subject lands.

The parking calculation for the proposed development results in a reduction in the required number of parking spaces.

Some details related to development of the lands and green building are beyond the scope of zoning regulations and need to be secured by means of agreements with the property owner and registered on the property title. Prior to consideration of adoption of the Zoning Amendment Bylaw, the owner must register a development covenant in favour of the RMOW to:

- a. Modify Covenant G97080 to enable the subject lands to be developed and used as per the Development Plans, attached as Appendix A; and
- b. Secure green building commitments consistent with Green Building Policy G-28, attached as Appendix B.

While the Zoning Amendment Bylaw will apply to the parcel, the development covenant recommended to be registered prior to consideration of adoption of the Zoning Amendment Bylaw will restrict the employee housing use only to the area of the building specified on the Development Plans (Appendix A). Should any further proposals be submitted for additional employee housing use on the parcel, a modification of this development covenant would be required, and through that process the RMOW would require a housing agreement.

The applicant has provided a Green Building Checklist to indicate the sustainable design measures that are being undertaken as part of the project, consistent with the requirements of the Green Building Policy G-28. In this case, although the scope of the construction is limited to interior renovation only, the applicant has indicated several performance guidelines that they will achieve, including with respect to indoor air quality, high efficiency lighting, demolition and construction waste management, low emitting materials, reducing indoor potable water use, and residential waste management and reduction. These commitments are detailed in Appendix C to this report and will be secured through the development covenant.

The Zoning Amendment Bylaw to facilitate development of an employee housing unit on the subject property is consistent with the goals, objectives and policies of the Official Community Plan (OCP). Of note, it is consistent with the evaluation criteria for rezonings, is considered to have no negative impacts to the community and is beneficial to the community in that it provides employee restricted housing in a central, highly walkable location that is close to local and regional transit, retail and service

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needs, and recreation opportunities. Offering housing in this location is also consistent with Big Move 1 of the Climate Action Big Moves Strategy to move beyond the car. A more thorough evaluation of the proposal in the context of the policies of the OCP is provided in the Policy section of this report.

## Housing Agreement

Housing agreements must be adopted by bylaw. This report presents the Housing Agreement Bylaw for Council's consideration of first, second and third readings, and includes the housing agreement as an appendix to the Housing Agreement Bylaw, which clearly sets out the terms and conditions that are being authorized through the Housing Agreement Bylaw. Following adoption of the Housing Agreement Bylaw, the housing agreement is also registered as a section 219 restrictive covenant and notice is placed on title to notify and bind all subsequent owners to the terms of the agreement.

The Housing Agreement Bylaw, proposed for registration at 4204 Village Square, is based on the key terms contained in the [November 2, 2021 Information Report](#) titled "RMOW Standard Housing Agreements for Affordable Employee Housing Developments" (the RMOW Standard Housing Agreement for Affordable Employee Housing Developments Report). It secures the employee unit as rental housing, establishes occupancy and eligibility restrictions, a maximum rent amount, and terms for the administration and management of the employee unit.

The proposed housing agreement contains the following project specific terms:

### *Definition of Employee*

- Updates language in the definition of employee to clarify that the employee need not be a citizen or permanent resident of Canada, but rather that they must be legally permitted to work in Canada, consistent with other recent housing agreements under consideration by Council.

The definition in full is:

- "Employee" means an individual who is either employed or self-employed for an average of at least 30 hours per week on an annual basis by a Qualified Whistler Business and is legally permitted to work in Canada.

### *Development Restriction and Designation of Employee Units*

- Specifies that the land shall not be built on, nor shall the existing building be modified unless an employee unit is constructed to completion, and once constructed, modifications are not permitted that would remove the employee unit. This ensures that the permitted employee unit will be constructed prior to any other modifications in the building, and that it must not be removed by future building modifications.
- Includes development plans to identify the portion of the building that is designated as the employee unit.

### *Priority of Tenants*

- Requires that the owner must offer the employee unit for rent to prospective tenants in the following order of priority:
  - First, to an employee of the owner of the lands, who meets the definition of Employee;

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- Second, to anyone that meets the definition of Employee.

This is consistent with the recommendations of the RMOW Standard Housing Agreement for Affordable Employee Housing Developments Report, which supported allowing, on a case-by-case basis, priority for employees of the project.

#### *Maximum Rent*

- Sets the maximum rent amount at \$3,069.00 per month for the employee unit, or \$1,534.50 per bedroom. This amount may be increased by the CPI amount, if applicable. These amounts and terms are consistent with other employee restricted 2-bedroom units that are subject to housing agreements.

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## **POLICY CONSIDERATIONS**

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

Council's authority to consider and adopt the Zoning Amendment Bylaw and Housing Agreement Bylaw is established in the *Local Government Act*.

The proposed Zoning Amendment Bylaw is consistent with the community's Big Moves Action Implementation Plan, as well as the policies of the OCP as previously described. The proposed Housing Agreement Bylaw is consistent with the RMOW Standard Housing Agreements for Affordable Employee Housing Developments Report.

There have not been any previous Council decisions specific to RZ001177.

### **2023-2026 Strategic Plan**

The 2023-2026 Strategic Plan outlines the high-level direction of the Resort Municipality of Whistler to help shape community progress during this term of Council. The Strategic Plan contains four priority areas with various associated initiatives that support them. This section identifies how this report links to the Strategic Plan.

#### **Strategic Priorities**

☒ Housing

*Expedite the delivery of and longer-term planning for employee housing*

☒ Climate Action

*Mobilize municipal resources toward the implementation of the Big Moves Climate Action Plan*

☐ Community Engagement

*Strive to connect locals to each other and to the RMOW*

☐ Smart Tourism

*Preserve and protect Whistler's unique culture, natural assets and infrastructure*

☐ Not Applicable

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### **Community Vision and OCP**

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 property is designated CC1 – Whistler Village Centre under the OCP. The proposed zoning to add employee housing use is consistent with this designation, and the recommendations in this report are consistent with the Growth Management Goals, Objectives and Policies identified in Chapter 4 and Chapter 5 of the OCP, as elaborated in the tables below. Staff note that the proposed employee unit adds four bed units and is consistent with the OCP policy that provides for up to 1,000 new bed units for employee housing.

| <b>Chapter 4 – Growth Management</b> |   |  |
|--------------------------------------|---|--|
|                                      | <b>OCP Section 4.1.6.3 Criteria</b>   | <b>Staff comment</b>   |
| 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 be a substantial benefit. The rezoning will provide for one infill employee restricted housing unit in a central, highly walkable location that is close to local and regional transit, retail and service needs, and recreation opportunities. Offering housing in this location is also consistent with Big Move 1 of the Climate Action Big Moves Strategy to move beyond the car.   |
| b)                                   | Is supported by the community in the opinion of Council.                      | <p>The recent Mayor's Taskforce on Resident Housing, and the Whistler Housing Survey both indicate community support for employee restricted housing.</p> <p>In addition, a Development Notification sign has been posted on the subject lands as per rezoning application requirements. No comments have been received.</p> <p>Notice of waiver of public hearing for the proposed Zoning Amendment Bylaw was given in accordance with the requirements of the <i>Local Government Act</i>, and included a mailed out notice to property owners and tenants located within 100 metres of the subject lands, and ads in two editions of the Pique. No comments or concerns have been received as of the writing of this report.</p> <p>Staff will advise Council at the May 2, 2023 meeting if any comments were received following this report being finalized.</p> |
| c)                                   | Will not cause unacceptable impacts on the community, resort, or environment. | No unacceptable environmental, social or economic impacts are expected from this proposal.   |
| d)                                   | Meets all applicable criteria set out in the OCP                              | The rezoning is considered consistent with the policies of the OCP.  |

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| Chapter 5 – Land Use |   |   |
|----------------------|---|---|
| Section              | Objective/Policy  | Staff comment   |
| Policy 5.1.2.2       | Strive to add 1,000 new employee beds within the next five years.   | The rezoning to permit employee housing in this location is consistent with this policy and will create an employee restricted housing unit in a highly walkable, livable location, close to amenities and transit.   |
| Policy 5.1.2.8       | Ensure employee housing is occupied consistent with restrictions related to price, use, resale, eligibility and other conditions. | <p>The Zoning Amendment Bylaw and the Housing Agreement Bylaw propose to restrict the occupancy of the unit to an employee only, with first priority for an employee of the building owner, and second priority to any eligible employee. The terms further restrict the maximum rental amount to a price that is in alignment with other 2-bedroom employee housing units that are subject to a housing agreement. The housing agreement, described in more detail above, lays out the standard requirements for eligibility, and enforcement, as are in place for other employee units.</p> <p>The use of housing agreements is an essential tool in achieving the RMOWs OCP goals and objectives related to securing and maintaining employee restricted housing for the Whistler resort community. The Housing Agreement Bylaw will ensure that the development of a housing unit proposed at 4204 Village Square will be aligned with current municipal policies and goals for employee use.</p> |

## BUDGET CONSIDERATIONS

Costs associated with the rezoning application and housing agreement bylaw are recovered through the associated application fees and includes the costs to prepare the necessary legal documents and agreements.

## LÍŁWAT 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. There are no specific considerations to include in this report.

## COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

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☒ Inform    ☐ Consult    ☐ Involve    ☐ Collaborate    ☐ Empower

**Comment(s):**

Section 464(2) of the *Local Government Act* 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 amendment 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 of Climate Action, Planning and Development Services (GM). The GM has approved that the public hearing be waived.

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 the Zoning Amendment Bylaw.

Under the *Local Government Act* a housing agreement bylaw does not require a Public Hearing or public notification.

In addition, a Development Notification Sign has been posted on the property as per our zoning amendment application requirements. No comments or concerns have been received by staff.

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**REFERENCES**

Location: 4204 Village Square  
Legal: Plan VAS1352 District Lot 1902 New Westminster District Group 1  
Owners: 1138610 B.C. LTD., INC. NO. BC1138610

“Zoning Amendment Bylaw (4204 Village Square – Garibaldi Professional Building) No. 2380, 2023” (included in Council package)

“Housing Agreement Bylaw (4204 Village Square) No. 2381, 2023” (included in Council package)

Appendix A – The Development Plans  
Appendix B – The Green Building Policy G-28  
Appendix C – Site Location Map

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**SUMMARY**

This report presents the Zoning Amendment Bylaw and the Housing Agreement Bylaw applicable to 4204 Village Square, both for Council consideration of first, second and third readings. The Zoning Amendment Bylaw will permit employee housing at 4204 Village Square and the Housing Agreement Bylaw will authorize the RMOW to register a housing agreement for the proposed development of one employee housing unit at 4204 Village Square to establish occupancy and eligibility restrictions, a maximum rent amount, and administration and management provisions.

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## **SIGN-OFFS**

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