



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: December 19, 2023 **REPORT:** 23-128
FROM: Planning - Development **FILE:** 3360-20-1182
SUBJECT: RZ001182 - ZONING AMENDMENT BYLAW (5298 ALTA LAKE ROAD) NO. 2423,
2023 REPORT

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION(S)

That Council give first, second and third readings to “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2423, 2023”.

PURPOSE OF REPORT

This report presents “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2423, 2023” (Proposed Bylaw) for Council’s consideration of first, second and third readings.

The Proposed Bylaw is for a text amendment to the Tourist Accommodation 17 (TA17) Zone, a site-specific zone applicable to 5298 Alta Lake Road, to include both residential and tourist accommodation use as permitted uses for the 11 units of tourist accommodation contained in townhouses. Further, the Proposed Bylaw will update the amenity contribution commitments by replacing the obligation to retain an existing barn with a requirement to provide a washroom in the park. Minor adjustments to the key plan will align polygon labels with the permitted uses and update one of the amenity contributions. The TA17 Zone was amended in 2023 to permit a multifamily development that is a mix of market and non-market housing and includes the provision of community amenities.

Information Report

Administrative Report (Decision or Direction)

DISCUSSION

Background

The lands that are the subject of the Proposed Bylaw are located at 5298 Alta Lake Road, on the west side of Nita Lake (see Appendix A – Site Location Map). The lands are 3.91-hectares (ha) in size, and are accessed via Nita Lake Drive, a municipal street. The lands are bounded by Nita Lake Estates residential subdivision to the south, Tyrol Lodge to the north, BC Hydro transmission lines to the west, and CN Rail to the east which runs between the subject lands and Nita Lake.

On September 12, 2023, Council adopted “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020” (Bylaw 2283) ([Administrative Report No. 23-094](#)). Bylaw 2283 was prepared in response to a proposal under rezoning application RZ001157 received in response to the municipality’s Private Sector Employee Housing Initiative to allow the private development of resident restricted housing on underdeveloped private lands. Bylaw 2283 amended the TA17 Zone to provide for 21 employee housing dwelling units, 11 tourist accommodation (TA) dwelling units, 11 residential dwelling units and an amenity building on a 1.93 hectare portion of the subject lands conditional on the provision of amenities. The amenities entitling the owner to the greater density of development included transfer to the Resort Municipality of Whistler (RMOW) of a 1.44 hectare portion of the subject lands for nature conservation park and community park and a 0.5 hectare portion of the subject lands for future employee housing, construction of valley trail on the subject lands, relocation and restoration of two heritage structures on the subject lands, construction of the community park on the subject lands, and construction of 21 employee housing dwelling units on the subject lands.

Since Bylaw 2283 was adopted, a few minor discrepancies and errors have been identified, and further consideration has been given to one of the amenity contributions. Specifically, with staff support, the applicant had proposed under RZ001157 that the permitted use of the 11 TA townhouse units would include residential use when not being used for TA uses. The applicant submission, including their 2020 pro forma of the project, included the possible residential use of the 11 TA units in that the proposed sales price of the proposed 11 market townhouses and the 11 TA townhouses was the same. Further, the pro forma market comparisons were all against previous sales of residential townhouses or residential tourist accommodation townhouses in Whistler, and not against tourist accommodation townhouses without a residential component. The language to allow residential use was inadvertently not included in 2283. The discrepancy was identified after third reading of Bylaw 2283 by both the applicant and staff during the preparation of the development covenant, required to be registered on the title of the lands prior to adoption of Bylaw 2283.

Also, the applicant and the RMOW have negotiated the provision of a public washroom building in the community park in lieu of the barn being retained and refurbished. It was determined that a washroom facility was of greater benefit to the new park and associated Valley Trail versus retention of the barn, which needed significant structural upgrades and could not be upgraded to the extent desired.

Analysis

The Proposed Bylaw has been prepared for Council consideration of first, second and third readings.

As noted above, the intention of the owner has always been that the 11 TA units be available to the public when not in use by the owner, but that those units also be available to the owners for unlimited use. The covenant establishes this and requires that the units be available in a rental pool when not in use by the owner.

This revision to clarify the possible uses of the 11 TA units will result in greater flexibility for the owners while maintaining the TA use as well. As noted below in the OCP analysis section, this contributes to both residence and visitor experiences, and helps ensure that the units will remain occupied.

The requirement to provide a washroom building in the park rather than retaining and upgrading the barn was negotiated by RMOW senior staff after RMOW Building Department confirmed that the barn structure was too damaged to be refurbished. Staff note that this change provides a more useful amenity to the community.

The other amendments to the zone are minor in nature and involve updated references and language to reflect the above noted substantive changes.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Council's authority to consider and adopt a zoning amendment bylaw is established in the *Local Government Act*.

Previous Council decisions related to Bylaw 2283 are listed below:

[September 12, 2023: Administrative Report No. 23-094](#), RZ001157 – 5298 Alta Lake Road Employee, Market and Tourist Accommodation Housing Zoning Adoption Report

[June 21, 2022: Administrative Report No. 22-095](#), RZ001157 – Public Hearing Summary and Third Reading Consideration for “Official Community Plan Amendment Bylaw (5298 Alta Lake Road) No. 2289, 2020” and “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”

[March 8, 2022: Administrative Report No. 22-033](#), RZ001157 - “Official Community Plan Amendment Bylaw (5298 Alta Lake Road) No. 2289, 2020” and “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020” – Rescind Third Reading Report

[June 15, 2021: Administrative Report No. 21-066](#), RZ001157 – Public Hearing Summary and Third Reading Consideration for “Official Community Plan Amendment Bylaw (5298 Alta Lake Road) No. 2289, 2020” and “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”

[February 02, 2021: Administrative Report No. 21-012](#), RZ001157 – 5298 Alta Lake Road Zoning Amendment for Employee Housing

[December 01, 2020: Administrative Report No. 20-119](#), RZ001157 – 5298 Alta Lake Road Rezoning/OCF Amendment for Employee/Market Housing

[June 23, 2020: Administrative Report No. 20-057](#), RZ001157 – 5298 Alta Lake Road Rezoning - Employee/Market Housing

[February 18, 2020: Administrative Report No. 20-019](#), RZ001157 – 5298 Alta Lake Road Rezoning - Employee/Market Housing

[September 17, 2019: Administrative Report No. 19-118](#), RZ001157 – 5298 Alta Lake Road Rezoning – Market/ Employee Housing

2023-2026 Strategic Plan

The 2023-2026 Strategic Plan outlines the high-level direction of the RMOW 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.

The Proposed Bylaw will allow flexibility of use of the 11 TA townhouse units and open the possibility that they will be occupied primarily as full-time residences. This supports the delivery of long-term housing.

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

Aligns with core municipal work that falls outside the strategic priorities but improves, maintains, updates and/or protects existing and essential community infrastructure or programs

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 subject property is split designated in the OCP Land Use Map as Parks and Recreation, Protected Natural Area, Residential – Low to Medium, and Residential – Visitor Accommodation. These designations reflect the uses permitted in the specified polygons under the zoning.

The proposed zoning amendments are consistent with the applicable designations, and the recommendation in the report are consistent with the goals objectives and policies with respect to growth management (Chapter 4), land use and development (Chapter 5) and learning, culture and recreation (Chapter 9), as elaborated in the table below:

Chapter 4 – Growth Management		
Section	Objective / Policy	Staff Comment
4.1.2	<i>Strive to achieve and maintain a comfortable, balanced resort and community capacity, supporting a progressive sustainable tourism-based economy while protecting the natural environment and reinforcing Whistler’s mountain community character</i>	Allowing residential use in addition to the tourist accommodation use in the specified 11 TA townhouses allows greater freedom of use, specifically allowing unlimited owner use, which supports a balanced approach to tourist and resident use.
4.1.2.4	<i>Recognize and plan for Whistler’s daily population equivalent, comprised of permanent and seasonal residents, part-time residents, overnight visitors in paid accommodations, overnight friends and guests, and day visitors. Seek to understand and strategically manage each of these segments, and their associated needs, consistent with the desire for a balanced resort and community capacity.</i>	Allowing residential use in addition to the tourist accommodation use in the specified 11 TA townhouses supports a balanced approach to meeting the needs of visitors and residents.
4.1.2.11	<i>Optimize the use and function of existing and approved development. Support</i>	Allowing residential use in addition to the TA use in the specified 11 TA townhouses

	<i>flexibility, diversity, adaptability and efficiency in land use and development, so the resort community can derive the greatest benefit from existing development and minimize the conversion of natural areas to development.</i>	supports flexibility, adaptability and efficiency in land use.
Section 4.1.6.4 OCP/Zoning Amendment Evaluation Criteria		
a)	<i>The project must be capable of being served by municipal water, sewer, and fire protection services, or by an alternate means satisfactory to the municipality;</i>	The proposed rezoning is serviced as required.
b)	<i>the project must be accessible via the local road system, or by an alternate means satisfactory to the municipality;</i>	The proposed rezoning is accessible via roads as required.
c)	<i>the project must comply with all applicable policies of the OCP;</i>	The proposed rezoning complies with the applicable policies of the OCP.
d)	<i>all proposed developments and changes in land use must be evaluated to the satisfaction of the municipality to assess impacts on:</i>	
i	<i>balanced resort and community capacity;</i>	Allowing residential use in addition to the TA use in the specified 11 TA townhouses allows greater freedom of use, specifically allowing unlimited owner use, which supports a balanced approach to tourist and resident use.
ii	<i>overall patterns of development of the community and resort;</i>	The proposed zoning amendment does not impact the pattern of development.
iii	<i>the character of Whistler's forested mountain environment, including preservation of green buffers, views, scenery and distinctive natural features</i>	The proposed zoning amendment does not impact the noted values.
iv	<i>Whistler's sensitive ecosystems and biodiversity</i>	The proposed zoning amendment does not impact the noted values.
v	<i>scale, character and quality of development</i>	The proposed zoning amendment does not impact the scale, character or quality of the development.
vi	<i>compatibility with the surrounding area or neighbourhood</i>	The proposed zoning amendment adds the possibility of unlimited residential use to 11 TA townhouses. Residential use is consistent with the other townhomes on the site, and with the residential and TA use permitted in the

		immediate strata to the south (Nita Lake Estates).
vii	<i>quality of life of Whistler's residents</i>	The proposed zoning amendment supports both the residential and visitor experience, as it increases the range of uses permitted, to allow residence or visitor use. The combined uses may improve affordability of the units for residents.
viii	<i>quality of experience for Whistler's visitors</i>	The proposed zoning amendment supports both the residential and visitor experience, as it increases the range of uses permitted, to allow residence or visitor use, consistent with many RTA zones throughout Whistler.
ix	<i>geotechnical, flood and wildfire hazard</i>	Not applicable.
x	<i>archaeological, heritage and culture resources</i>	It is noted that the barn and cabins that exist at the site are culturally significant to the community of Whistler. The proposed zoning amendment will mean that the barn will not be retained. The cabin will be retained and refurbished as per the existing TA17 zoning and the development covenant registered on title. The addition of a washroom building in the community park in lieu of the barn is considered a positive asset to the community and will improve comfort and accessibility at the park.
xi	<i>traffic congestion and safety, including traffic volumes and patterns on Highway 99 and the local road system</i>	The proposed zoning amendment is not expected to change the outcome of the January 2021 traffic study submitted with the original rezoning (RZ001157), which used the same standard ITE -220 suburban/urban rate for trip generation for both the market residential townhomes and the tourist accommodation townhouses. The January 2021 traffic study was accepted by both the RMOW and the Ministry of Transportation and Infrastructure.
xii	<i>local economy</i>	Not applicable.
xiii	<i>municipal finance</i>	Once constructed by the developer, the RMOW will maintain the washroom building in the community park, like the RMOW would have done with the barn.
xiv	<i>social, health, recreation, education and emergency facilities and services</i>	The proposed zoning amendment will improve the user experience of the community park with the addition of a washroom building.

xv	<i>employee housing</i>	Not applicable. The proposed zoning amendment does not affect the employee housing requirements of the TA17 Zone.
xvi	<i>community energy and GHG emissions, water supply and conservation and solid waste</i>	Not applicable. A green building covenant was registered on the title of the lands under RZ001157.

Chapter 5 – Land Use		
Section	Objective / Policy	Staff Comment
5.3.1	<i>Encourage flexibility and adaptability in residential land uses</i>	Allowing residential use in addition to the TA use in the specified 11 TA townhouses supports flexibility, adaptability and efficiency in land use.
5.3.1.5	<i>Recognize market housing, including second homeownership, as a significant influence on Whistler’s housing mix and local economy.</i>	Allowing residential use in addition to the TA use in the specified 11 TA townhouses supports a range of ownership types and flexibility in use.
5.5.1	<i>Maintain a broad range of accommodation offerings to serve visitor needs</i>	Allowing residential use in addition to the TA use in the specified 11 TA townhouses offers a broader range of uses to support both visitor and resident needs.
5.5.1.1	<i>Provide a diverse supply of visitor accommodation that meets visitor needs, supports the unique mountain experience, responds to market trends and provides a variety of locations, unit types and associated amenities compatible with adjacent uses.</i>	Allowing residential use in addition to the TA use in the specified 11 TA townhouses allows a diversity of uses in the units, to accommodate differing needs and respond to market trends.
5.5.1.2	<i>Maintain zoning and covenant restrictions to ensure an appropriate mix and secure supply of visitor accommodation.</i>	Allowing residential use in addition to the TA use in the specified TA townhouses is consistent with the registered covenant restrictions.

Chapter 9 – Learning, Culture and Recreation		
Section	Objective / Policy	Staff Comment
9.5.1	<i>Maintain a variety of recreation and leisure amenities</i>	The changes to the amenity contribution, to require a washroom in lieu of the barn is consistent with the objective to provide a variety of amenities and will contribute to the user experience in the park.
9.5.11	<i>Maintain Whistler’s high quality overall recreation and leisure infrastructure</i>	The changes to the amenity contribution, to require a washroom in lieu of the barn will offer a higher quality park user experience.

BUDGET CONSIDERATIONS

Costs associated with the rezoning application are recovered through the associated application fees.

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.

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* 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 Proposed Bylaw.

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

REFERENCES

Appendix A – Site Location Map

"Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2423, 2023" (included in Council package)

SUMMARY

This report presents "Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2423, 2023" applicable to 5298 Alta Lake Road, for Council's consideration of first, second and third readings. The proposed amendments will allow both residential and tourist accommodation uses in the 11 units of TA contained in townhouses and will update the amenity contribution commitments by replacing the obligation to retain an existing barn with a requirement to provide a washroom in the park. Other minor amendments include changes to the key plan to align polygon labels with the permitted uses and to ensure

consistency in terminology throughout the zone. The amendments are consistent with the OCP, reflect the original and ongoing intention of the proponent, will add flexibility of use to the 11 TA townhouses, and will ensure the provision of an important public amenity.

SIGN-OFFS

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