



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: April 9, 2024 **REPORT:** 24-037
FROM: Planning - Development **FILE:** 3060-20-1961, 3360-20-1184
SUBJECT: ZONING AMENDMENT BYLAW (1000 ALPHA LAKE ROAD) NO. 2436, 2024 AND
DP001961 – 1000 ALPHA LAKE ROAD – ADDITIONAL EMPLOYEE HOUSING

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 consider giving first, second and third readings to “Zoning Amendment Bylaw (1000 Alpha Lake Road) No. 2436, 2024” (Proposed Bylaw); and

That Council receive Development Permit DP001961 (DP001961) and direct staff to bring DP001961 back to Council for consideration for approval and issuance at a future meeting when the Proposed Bylaw is presented for adoption.

PURPOSE OF REPORT

This report presents “Zoning Amendment Bylaw (1000 Alpha Lake Road) No. 2436, 2024” (Proposed Bylaw) applicable to 1000 Alpha Lake Road, for Council’s consideration of first, second and third readings.

The Proposed Bylaw is a map amendment to align the boundary of the Commercial Service Two (CS2) zone and Industrial Service 5 (IS5) zone applicable to 1000 Alpha Lake Road with the shared parcel boundary of the proposed two-lot subdivision plan for the lands.

This report also presents Development Permit DP001961 (DP001961) for Council’s receipt. DP001961 proposes modifications to the previously issued Development Permit (DP001337) for 1000 Alpha Lake Road by adding 24 additional units of employee housing, and removing the purpose-built brewery building, which results in minimal change to the site plan or development footprint. DP001961 is presented to Council now to provide context for the Proposed Bylaw and this report further recommends that Council direct staff to bring DP001961 back to Council for consideration of approval and issuance at a future meeting that coincides with Council’s consideration of adoption of the Proposed Bylaw.

Information Report

Administrative Report (Decision or Direction)

DISCUSSION

The key updates to the Zoning Bylaw and DP001337 are summarized for convenience here and described in greater detail in the Background and Analysis sections below.

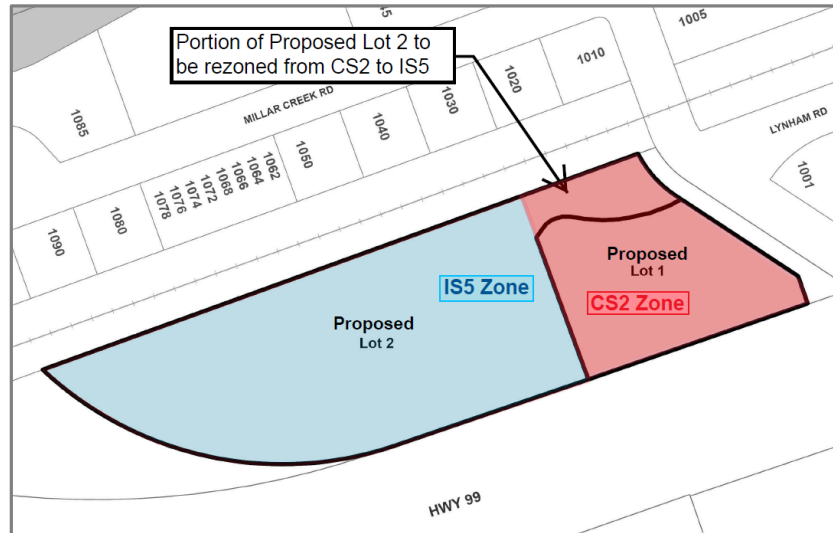
- Amend Schedule A (Zoning Map) to the “Zoning and Parking Bylaw No. 303, 2015” (Zoning Bylaw) to adjust the zone boundary between the IS5 zone and the CS2 zone to be congruous with the proposed parcel boundary to facilitate the most efficient development of the lands.
- The Zoning Map amendment will enable some incremental density such that an additional 24 units of employee housing (for a total of 72 employee units) may be developed. All employee housing units will be subject to a housing agreement.
- Modifications to the previously issued DP001337 include replacing the purpose-built brewery with a mixed-use commercial/residential building, adding 24 additional units of employee housing, varying the maximum building height from 12 metres to 13 metres for improved energy performance, and adding additional landscaping and outdoor areas for residents.
- All proposed modifications are consistent with applicable Official Community Plan (OCP) policies.

Background

The lands that are the subject of the Proposed Bylaw are owned by the Lílwat Nation. The 2.15 ha (5.3 acre) parcel is located at the entrance to Function Junction at 1000 Alpha Lake Road and is bounded by Highway 99, Alpha Lake Road and the railway tracks (see Appendix A - Site Location Map).

The lands were rezoned in 2009, establishing split-zoning over the parcel in anticipation of a proposed subdivision that would align with the new zone boundaries. The zoning amendment at the time established a new CS2 zone, which permits a service station development with ancillary convenience commercial uses, and a new IS5 zone which permits a range of light industrial, service commercial, restaurant and limited retail, office, personal services, and indoor recreation uses, as well as employee housing.

After the establishment of the zoning, a master plan was developed for the lands, to subdivide and develop a service station on proposed Lot 1 and mixed-use light industrial/commercial service/office/employee housing complex on proposed Lot 2. In the intervening years the development plan has evolved and now proposes a slightly different subdivision plan and a modified development plan to achieve the most efficient utilization of the lands and maximize the opportunity for employee housing (see Appendix B – Site Plans, Landscape Plans and Architectural Drawings). The map excerpt below shows the proposed lot configuration and the existing zoning and calls out the portion of Lot 2 that is proposed to be rezoned from CS2 to IS5, so that Lot 2 will not be split zoned.



The revised two-lot subdivision plan will create a panhandle on Lot 2 that makes it slightly larger, gives Lot 2 frontage directly on Alpha Lake Road, and results in the parcel boundary no longer being concurrent with the zone boundary that was established in 2009. As a result of Lot 2 being split zoned, the floor space ratio calculation is affected, and results in less Gross Floor Area (GFA) being permitted than if the lot is not split zoned. Specifically, the General Regulations of the Zoning Bylaw state that when a parcel is split-zoned, the permissible density of uses, buildings and structures must be calculated based on the area of the parcel that is within the zone in which the use, building or structure in question is permitted. In this case, the current zoning results in the proposal under DP001961 slightly exceeding the maximum permitted floor space ratio for proposed Lot 2.

Thus, staff are presenting two applications for consideration: the first is to amend the Zoning Map to align the zone boundary with the revised parcel boundary; the second is to present the corresponding development permit for Council's information, and for consideration for approval and issuance at a later date.

Proposed Bylaw

The Proposed Bylaw amends the Zoning Map to adjust the zone boundary between the IS5 zone and the CS2 zone on the subject lands to be congruous with the proposed parcel boundary (see map excerpt above) to facilitate the most efficient use of the lands and maximize the amount of both warehouse commercial space and employee housing.

No changes are proposed to the text of the Zoning Bylaw. The uses, density, setbacks, and all other regulations will not be affected. As noted above, the only change will be the zone boundary on the subject lands, and this will have the effect of resolving the split zoning on proposed Lot 2, which will allow the floor space ratio to be calculated based on the full area of the parcel, which results in the proposal under DP001961 being within the maximum permitted floor space ratio. This minor amendment will facilitate the additional proposed employee housing units and supports the most efficient utilization of the lands.

The Proposed Bylaw also requires approval from the Ministry of Transportation and Infrastructure before being presented to Council for consideration of adoption.

The analysis of the Proposed Bylaw in the context of the criteria that are established to evaluate zoning amendments is presented in the table under the Policy Considerations section below.

Proposed DP001961

The currently issued DP001337 allows a service station on Lot 1 and two mixed commercial/warehouse/retail buildings with employee housing above and a third building that is a purpose-built brewery on Lot 2. As noted, the principal change that is proposed under DP001961 is to remove the purpose-built brewery building and replace it with a mixed-use building with commercial/warehouse/retail on the ground floor and employee housing above.

The amendments proposed under DP001961 result in an increase of 24 employee housing units over DP001337, for a total of 72 employee housing units (192 Bed Units), with specific unit types as shown in the table below.

BUILDING	UNIT TYPE	NUMBER OF UNITS	TOTAL
A	1 bedroom	4	20
	2 bedroom	12	
	3 bedroom	4	
B	1 bedroom	16	32
	2 bedroom	16	
	3 bedroom	0	
C	1 bedroom	4	20
	2 bedroom	12	
	3 bedroom	4	

The proposed amendments under DP001961 are illustrated in Appendix B. In addition to the replacement of the brewery building with a mixed use/employee housing building, other proposed amendments under DP001961 include:

- additional parking to accommodate the increase in employee housing units;
- removal of the outdoor patio area that was associated with the brewery;
- a new open space at the far west of the site to offer gathering/park space for residents/visitors to the site;
- additional seating and enhancements to the open spaces;
- enhanced landscaping throughout;
- accessible parking in close proximity to the building entrances;
- slightly widened sidewalks for improved pedestrian circulation; and
- request for a building height variance from 12 metres to 13 metres.

It is noted that DP001337 remains in effect and will remain unchanged except for the amendment presented in this report, namely the substitution of a few of the drawings and site plans to reflect the revised proposal, and an update to the landscape security requirement to specify that the landscape security for Lot 2 is to be secured with DP001961.

Advisory Design Panel

The Advisory Design Panel (ADP) considered the proposal under DP001961 at their meeting of December 20, 2023. The panel members were supportive of the revised development plan and offered recommendations to make improvement to the outdoor space and resident experience, suggesting improvements to the landscaping, the streetscape, seating and the general pedestrian experience.

The ADP Minutes are attached to the report as Appendix C, and the panel passed the following motion:

That the Advisory Design Panel does support the proposal of DP001961 if the applicant addresses the ADP comments noted above. The Advisory Design Panel does not request to see the proposal again.

Revised plans were submitted that address the ADP comments, and offer additional outdoor gathering space, landscape improvements throughout, additional seating in gathering spaces, and widened sidewalks.

Housing Agreement Bylaw

There is an existing housing agreement in place over the lands ([Administrative Report No. 19-049](#)), which will need to be updated to reflect the proposed revisions. Specifically, the Housing Agreement will be updated to include current terminology and definitions and will include the proposed development and the new proposed number of units. A bylaw to revise the Housing Agreement will be presented to Council at a future meeting, in conjunction with the Proposed Bylaw, for adoption and DP001961 for approval and issuance.

Staff note that the bylaw to amend the Housing Agreement can be considered and adopted in a single meeting, and there are no notification requirements under the *Local Government Act* (LGA).

Zoning Analysis

The proposal under DP001961 complies with the regulations of the Zoning Bylaw, with the exception of the specific matters identified in this report and described in this section.

Density

The proposed development has a floor space ratio of 0.53, which exceeds the maximum floor space ratio of 0.5. In terms of GFA, the proposal exceeds the maximum by approximately 470 square metres. The Proposed Bylaw presented in this report will resolve this issue.

Height

The proposed development is seeking to vary the maximum permitted height of buildings from 12 metres to 13 metres. The actual heights are proposed to be in the range of 12.3 metres to 12.6 metres. The applicant has indicated that because of additional energy performance measures that they have implemented, the floor and roof packages are 'thicker', and have pushed the total height of the buildings slightly over the heights originally calculated.

Staff support the proposed variance for height, noting that there are no direct neighbours to the site that will be impacted by this, it does not defeat the intent of the bylaw, and it facilitates improved energy performance.

Parking

The proposal complies with the requirements as per Part 6 of the Zoning Bylaw and provides a total of 138 parking spaces (96 spaces residential and 42 spaces non-residential). No variance is requested with respect to the number of spaces that are required.

Staff suggest that there is an opportunity through the development permit to clarify future processes, and reduce staff review time for business license applications and uncertainty for the owners and potential tenants. Specifically, it is suggested that the development permit include language to confirm that the parking for the site has been met, and that for any future changes in tenancy or the warehouse/retail units that the parking calculation does not need to be recalculated when there is a change in occupancy, provided the new occupancy is consistent with the permitted uses under the zoning. This will relieve the property owner and staff from the process of needing to recalculate parking requirements for any change in use.

The parking provided onsite meets the requirement under the Zoning Bylaw, and the proposed variance in DP001961 is meant only to relieve the need for future recalculations when tenancy or use changes. To support this recommendation, staff note that in other recent residential developments in the Cheakamus neighbourhood, the parking has been calculated using an updated approach that calls for one space for units up to 2 bedrooms, and two spaces for 3-bedroom units. If that calculation were applied to this development, the residential parking requirement would be only 80 spaces.

Rather than varying the parking requirement, staff suggest that instead the applicant be required to permanently reserve 80 spaces for residential use only, and that the 16 additional spaces that are unreserved will be available for residential use but can also be used for commercial visitors if needed. The non-residential parking requirement is also met, at 42 spaces, and with the potential ‘flex use’ of the 16 additional residential spaces not only are the bylaw requirements satisfied, but the need to recalculate the non-residential parking needs is not necessary, as the combined spaces on the site meet the potential uses. This variance will reduce staff time for review of business licence applications and provide assurance for the property owners that the parking needs are met for permitted uses under the zoning.

The table below presents the proposal under DP001961 in the context of the applicable zoning regulations, and compares to the current issued DP001337:

<i>Regulation</i>		<i>Issued DP001337</i>	<i>DP001961 Proposal</i>	<i>Staff Comment</i>	
Use	Various – listed in IS5 Zone	Various, consistent with IS5 Zone Includes brewery	Various, consistent with IS5 Zone No longer includes brewery	Complies	
Density	FSR	0.5	0.45	FSR will comply subject to adoption of the Proposed Bylaw presented in this report.	
	Office	0.1 FSR	0.03 FSR		
	Restaurant	Lesser of 0.03 FSR or 95m ²	0.005 / 76.15m ²	0.005 FSR / 73m ²	FSR of specified uses complies
	Ground floor retail	Lesser of 0.02 FSR or 185m ²	0.006 FSR / 101.5m ²	0.006 FSR / 97.5m ²	
Height	Maximum 12m	Building A = 11.86m Building B = 9.4m Building C = 9.72m	Building A = 12.61m Building B = 12.35m Building C = 12.616m	Variance requested to	

				allow up to 13m height
Site Coverage	Maximum 75%	<75%	<75%	Complies
Setbacks	Front	3m	>3m	All comply Minor setback variance approved under DP001337 will still apply.
	Rear	1.5m	>1.5m	
	Side	3m, or 0m if adjacent to another IS5 zoned parcel	>3m	
	Highway 99	20m	>20m	
Parking	Per Part 6	Requires 117 spaces, provides 128 spaces	Requires 138 spaces, provides 138 spaces	Complies

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Council’s authority to consider and adopt a zoning amendment bylaw is established in the LGA. Council has the authority to issue a Development Permit, with variances, under s. 490 of the LGA.

Previous Council decisions respecting the zoning and development of 1000 Alpha Lake Road are listed below:

[February 8, 2022: Administrative Report No. 22-017](#), DP001337 – 1000 Alpha Lake Road – Development Permit Issuance.

[April 16, 2019 \(2:23:40\): Administrative Report No. 19-049](#), DP001337 – 1000 Alpha Lake Road – “Housing Agreement Bylaw (Function Junction) No. 2232, 2019”.

October 3, 2017: [Administrative Report No. 17-107](#), DP001337 – DL8078 – Function Junction Master Planned Mixed Use Development.

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.

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 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 lands are designated in the OCP Land Use Map as Industrial Service Commercial – Function Junction. This designation reflects the uses permitted in the zoning applicable to the lands.

The proposed zoning amendment is consistent with the land use designations, and the recommendations in this report are consistent with the goals, objectives, and policies with respect to growth management (Chapter 4), land use and development (Chapter 5), as elaborated in the table below:

Chapter 4 – Growth Management		
Section	Objective / Policy	Staff Comment
4.1.2.9 (b)	Allow for up to 1,000 additional <i>bed units</i> for various initiatives to address Whistler’s current critical shortage of <i>employee housing</i> . Continue to monitor ongoing housing needs and evaluate proposed developments relative to the municipality’s rezoning evaluation criteria.	The Proposed Bylaw to resolve the split zoning of proposed Lot 2 will allow the maximum utilization of the parcel, and enables the proposed development, which increases the number of units by 50%, for a total of 192 employee housing bed units
4.1.2.11	Optimize the use and function of existing and approved development. Support 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.	The Proposed Bylaw is a minor map amendment to resolve a split-zoned parcel that will allow the proposed development to make the most efficient use of the land.

Section 4.1.6.4 OCP/Rezoning Amendment Evaluation Criteria

a)	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;	This is satisfied and is unaffected by the Proposed Bylaw.
b)	the project must be accessible via the local road system, or by an alternate means satisfactory to the municipality;	This is satisfied and is unaffected by the Proposed Bylaw.
c)	the project must comply with all applicable policies of the OCP;	The Proposed Bylaw complies with the applicable policies of the OCP.
d)	all proposed developments and changes in land use must be evaluated to the satisfaction of the municipality to assess impacts on:	
i)	balanced resort and community capacity;	Resolving the split-zoning on proposed Lot 2 will allow the most efficient utilization of the site and will support the revised plan to increase the number of employee housing units as well as the warehouse commercial space, which contributes to meeting needs of both resort and community.
ii)	overall patterns of development of the community and resort;	The Proposed Bylaw does not alter the pattern of development.
iii)	the character of Whistler’s forested mountain environment, including preservation of green buffers, views, scenery and distinctive natural features	The Proposed Bylaw does not impact the noted values.
iv)	Whistler’s sensitive ecosystems and biodiversity	The Proposed Bylaw does not impact the noted values.
v)	scale, character and quality of development	The Proposed Bylaw will enable the most efficient utilization of the site, and the proposal overall is consistent with the scale, character and quality of nearby developments.
vi)	compatibility with the surrounding area or neighbourhood	The Proposed Bylaw will enable the most efficient utilization of the site, and the proposal overall is consistent with the scale, character and quality of nearby developments.

vii)	quality of life of Whistler’s residents	The Proposed Bylaw does not impact the noted values.
viii)	quality of experience for Whistler’s visitors	The Proposed Bylaw does not impact the noted values.
ix)	geotechnical, flood and wildfire hazard	The Proposed Bylaw does not impact the noted values.
x)	archaeological, heritage and culture resources	The Proposed Bylaw does not impact the noted values.
xi)	traffic congestion and safety, including traffic volumes and patterns on Highway 99 and the local road system	The Proposed Bylaw will be referred to the Ministry of Transportation and Infrastructure for approval, as required by the LGA. The map amendment is not anticipated to have any impact on traffic patterns, congestion or safety.
xii)	local economy	The addition of both employee housing units and warehouse commercial space supports the local economy.
xiii)	municipal finance	The Proposed Bylaw does not impact municipal finance.
xiv)	social, health, recreation, education and emergency facilities and services	The Proposed Bylaw does not impact these facilities or services.
xv)	employee housing	The Proposed Bylaw enables the site to fully capitalize on the permitted density and develop additional employee units than if the parcel remained split-zoned.
xvi)	community energy and Green House Gas emissions, water supply and conservation and solid waste	The Proposed Bylaw does not impact the commitments to Green Building that were incorporated in the original approvals.

Chapter 5 – Land Use and Development – Commercial and Light Industrial		
Section	Objective/Policy	Staff Comment
5.6.1	Maintain a balanced supply of commercial and industrial space and associated land uses.	The Proposed Bylaw will enable the most efficient utilization of the site and allow additional warehouse and commercial space over the original proposal.
5.6.1.12	Seek to ensure the community has the capacity to support business operations maintaining a high level of service, including development of an adequate supply of employee housing.	The addition of employee housing units supports business operations in maintaining a high level of service.
5.6.2.3	Seek to ensure that Whistler’s industrial areas and developments are adequately screened from public views; rehabilitate and maintain vegetated buffers to protect and enhance the visual quality along Highway 99.	The subject lands are adjacent to Highway 99 and have preserved the Highway 99 tree buffer. A landscape security will be taken as part of the development permit, to ensure completion of the approved landscape plans, and any necessary mitigation or enhancement to the tree buffer also occurs.

OCP Development Permit Area Guidelines

The subject property is in the Development Permit Areas (DPA) for Aquifer Protection, Commercial/Industrial (form and character), Multi-Family Residential (form and character), and Wildfire Protection (see Appendix D for a full analysis of the proposal against the relevant DPA guidelines).

The proposal under DP001961 to increase the warehouse commercial space and increase the number of employee units, is consistent with the applicable OCP DPA guidelines. It is noted that the applicant made revisions to address comments made by staff and the ADP (see Appendix C for ADP meeting minutes), specifically by adding outdoor space for residents and visitors to the site, increasing the amount of landscaping, widening the sidewalks and bump outs, and preparing a parking management plan to indicate how spaces will be allocated on site and ensure that the parking is in appropriate proximity to residences and businesses.

BUDGET CONSIDERATIONS

The RMOW is advancing the rezoning application, and the owner is paying for all associated legal invoices associated with the rezoning application.

The municipality’s direct costs of processing and reviewing the Development Permit application are covered through the Development Permit 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 Úxwumíxw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler's resort economy. This section identifies areas where RMOW activities intersect with these relationships.

The Lílwat Nation owns the subject lands pursuant to the Legacy Land Agreement, an important outcome of the 2010 Olympic and Paralympic Games. The planned mixed-use development provides Lílwat Nation long-term economic investment in Whistler, as well as an increased presence in Whistler.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

Inform Consult Involve Collaborate Empower

With respect to the Proposed Bylaw, under a recent amendment to s.464 of the LGA, a local government must not hold a public hearing under certain circumstances. In this case, the bylaw meets those conditions. Specifically, the Proposed Bylaw is consistent with the OCP that is in place, and the purpose is to permit development that is at least fifty percent residential.

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

Appendix B – Site Plans, Landscape Plans and Architectural Drawings

Appendix C – Advisory Design Panel Minutes, Excerpt from December 20, 2023

Appendix D – OCP DPA Guidelines Review

“Zoning Amendment Bylaw (1000 Alpha Lake Road) No. 2436, 2024” (included in Council package)

SUMMARY

The report presents two applications for consideration, to allow revisions to the proposed development at Lot 2, 1000 Alpha Lake Road, to replace the brewery building with a mixed-use warehouse/commercial/retail and employee housing building, and to make associated changes to the site plan, the parking, and the landscaping.

The Proposed Bylaw will realign the zone boundary to be concurrent with the parcel boundary between proposed Lot 1 and proposed Lot 2. As a result of being zoned entirely IS5, the GFA proposed will be within the maximum permitted in the zone.

DP001961 will allow revisions to the development plan for proposed Lot 2, to replace the purpose-built brewery with a mixed-use building that will add employee housing and will offer additional warehouse/commercial space on the ground floor. Other minor changes that are part of the revised development plan include additional parking based on the different use, additional open space and

gathering spaces for both residents and visitors, improved landscaping, and minor changes to the exterior materials and colours, all consistent with the development permit guidelines.

The proposed revision to the Development Permit requests a height variance of one metre, and staff recommend that the DP vary the requirement to recalculate the non-residential parking for future changes in occupancy of the commercial units.

SIGN-OFFS

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