



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: April 9, 2024 **REPORT:** 24-040
FROM: Planning Department **FILE:** 7729.04
SUBJECT: PROVINCIAL HOUSING LEGISLATION UPDATE: BILL 44 - SMALL-SCALE MULTI-UNIT HOUSING AND BILL 47 - TRANSIT-ORIENTED DEVELOPMENT AREAS

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 direct staff to prepare an amendment to “Zoning and Parking Bylaw No. 303, 2015” to comply with the requirements of provincial Bill 44, consistent with the approach described in this Administrative Report No. 24-040, including applying overlay regulations in Part 5, providing for development permit exemptions equivalent to those that apply to detached and duplex dwellings, and including employee housing provisions respecting a portion of the additional housing units permitted by the overlay regulations; and

That Council instruct staff to prepare a bylaw designating the “Gondola Exchange” as a transit-oriented development area in accordance with provincial Bill 47, and to prepare an amendment to Part 6 of “Zoning and Parking Bylaw No. 303, 2015” that makes residential off-street motor vehicle parking requirements inapplicable in the transit-oriented development area, except to the extent that Part 6 requires the provision of parking spaces for use by people with disabilities.

PURPOSE OF REPORT

The purpose of this report is to inform Council of recent changes to provincial housing legislation and to request Council endorsement of the proposed project approach to implement new provincial requirements regarding small-scale multi-unit housing (SSMUH) and transit-oriented development (TOD) areas by the provincial deadline of June 30, 2024.

Information Report

Administrative Report (Decision or Direction)

DISCUSSION

APRIL 9 2024

Key Ideas

The following section provides a high-level overview of key ideas presented in this report.

- The B.C. Legislature has passed several pieces of legislation that change the local government land use planning framework.
- By June 30, 2024 the Resort Municipality of Whistler (RMOW) is required to amend the “Zoning and Parking Bylaw No.303, 2015” (Zoning Bylaw) to allow for SSMUH, where applicable.
 - SSMUH requirements apply to “restricted zones”, which are generally zones restricted to detached and duplex dwellings.
 - In Whistler there are a total of approximately 3500 parcels/lots within the restricted zones and the following number of parcels must allow for the prescribed minimum number of dwelling units:
 - 281 parcels have a minimum requirement of an auxiliary residential dwelling unit (ARDU);
 - 211 parcels have a minimum requirement of three dwelling units;
 - 3001 parcels have a minimum requirement of four dwelling units; and
 - no parcels have a minimum requirement of six dwelling units, as there are currently no transit routes that provide the prescribed frequency and timing of transit service.
 - Seven parcels are located within the TOD Area.
- By June 30, 2024, the RMOW must designate the Whistler Gondola Exchange as a TOD Area.
 - A TOD area is an area within a set distance from a transit station that allows for a minimum allowable residential building height and density that local governments must adhere to when exercising their zoning authority in relation to rezoning applications.
 - In TOD areas local governments are prohibited from requiring off-street residential parking spaces, other than for use by persons with disabilities.
- To guide the analysis, development of the identified bylaws and implementation monitoring, staff has set out the following guiding principles:
 1. Support the articulated Provincial housing objectives and implement the legislative requirements within the required timeframes.
 2. Consider the Provincial Policy manuals for SSMUH and TOD Areas; implement alignment giving reasonable consideration to Whistler’s policy and development context, particularly the housing needs of the resort community in relation to employee housing.
 3. Generally, do not alter existing base zoning entitlements.
 4. Create a bylaw that is easy to understand, and support with associated communications – for staff, property owners and the development community.
 5. Continue to monitor and revise regulations/approaches as warranted.

APRIL 9 2024

- The following SSMUH zoning amendment bylaw framework is proposed:
 1. Create an “Overlay” of SSMUH regulations.
 2. Require a portion of additional dwelling units to be designated for Employee Housing.
 3. Allow a diversity of dwelling types.
 4. Maintain existing maximum densities and allow this density to be distributed across the permitted number of dwelling units.
 5. Review and confirm existing building setback requirements through bylaw testing with the development community.
 6. Maintain existing maximum building heights which provide for three storey buildings.
 7. Maintain off-street parking requirements and consider establishing a maximum number of parking spaces per parcel.
 8. Do not apply form and character development permit requirements to SSMUH developments beyond those that currently apply to detached dwellings and duplex dwelling.

Background

New Provincial Housing Legislation

In the spring of 2023, the provincial [Homes For People](https://news.gov.bc.ca/files/Homes_For_People.pdf) (news.gov.bc.ca/files/Homes_For_People.pdf) housing action plan was released. The provincial action plan aims to help close the gap between housing demand and supply and create more homes for people, faster. The plan’s aspiration is to “help people build good lives in their communities, secure a foundation for our economy, and deliver more homes for people, faster – to build a brighter future and a stronger B.C. for everyone who lives here”. This aspiration is supported by actions focused on the following four areas:

- Unlocking more homes, faster
- Delivering better, more affordable homes
- Supporting those with the greatest housing need
- Creating a housing market for people, not speculators

To support unlocking more homes faster, in late 2023 the B.C. Legislature passed several pieces of legislation, and regulations and policy guidelines that change the local government land use planning framework were subsequently issued. With the aim of increasing housing supply across the province, the new legislation:

- requires pro-active planning,
- supports SSMUH,
- expands development finance tools, and
- identifies TOD areas.

Of note, under pro-active planning, local governments are required to complete Housing Needs Reports every five years, that include 20-year housing needs projections with prescribed methodologies. The

APRIL 9 2024

RMOW must update the 2022 Housing Needs Report by January 1, 2025. Subsequently, by December 31, 2025, and every five years following, an OCP amendment is required to provide for the projected housing needs. Additionally, with community engagement to be conducted during the OCP update process, public hearings are now prohibited for any residential developments that are consistent with the OCP. A high-level summary on key changes is provided in a [Planning Bulletin](#) posted on the RMOW website and included on the April 9, 2024 Committee of the Whole agenda.

To meet the legislative requirements regarding SSMUH and TOD areas, local governments must update their bylaws by June 30, 2024. This report focuses on the implementation strategy for the zoning of SSMUH and designation of TOD areas.

Small Scale Multi-Unit Housing

To encourage development of attainable housing options, B.C. Bill 44 introduced secondary suite/auxiliary residential dwelling unit (ARDU) and SSMUH requirements. These new requirements are intended to provide a range of ground-oriented housing types that are compatible in scale and form within established single-family neighbourhoods. Examples of SSMUH include:

- Attached and detached ARDUs;
- Triplexes;
- Rowhomes;
- Townhomes; and
- Other multi-plexes up to 6 units.

Restricted Zones

As per section 481.3 of the *Local Government Act* (LGA), these requirements are applicable to “restricted zones”. A “restricted zone” means a zone where the permitted residential use and density is restricted to:

- a) For the purposes of secondary suites/ARDUs:
 - detached single-family dwellings.
- b) For the purposes of SSMUH requirements (three to six dwelling units):
 - detached single-family dwelling;
 - detached single-family dwelling with a secondary suite/ARDU;
 - duplex dwelling; and
 - duplex dwelling with secondary suites/ARDUs.

Prescribed Number of Units

Where applicable, and generally in zones restricted to detached dwellings or duplex dwellings, local governments are required to update their zoning bylaw to accommodate the following SSMUH requirements:

- ARDUs on all parcels restricted to a detached dwelling;
- A minimum of three housing units on parcels that are 280 m² or smaller;
- A minimum of four housing units on parcels greater than 280 m²; and
- A minimum of six housing units on parcels greater than 280m² AND within 400m of frequent bus service.

The prescribed number of units that must be permitted on a given lot is determined by a variety of factors, including:

- Whether the parcel is located within the Whistler Urban Development Containment Area (WUDCA);
- Whether the parcel is serviced by RMOW water and sewerage systems;
- Lot Size; and
- Proximity to a bus stop with frequent transit.

Additionally, parcels that are in the TOD area are exempt from SSMUH requirements. To determine the number of prescribed units on a given lot in a restricted zone in Whistler, staff have completed an analysis following the process chart shown in Figure 1.

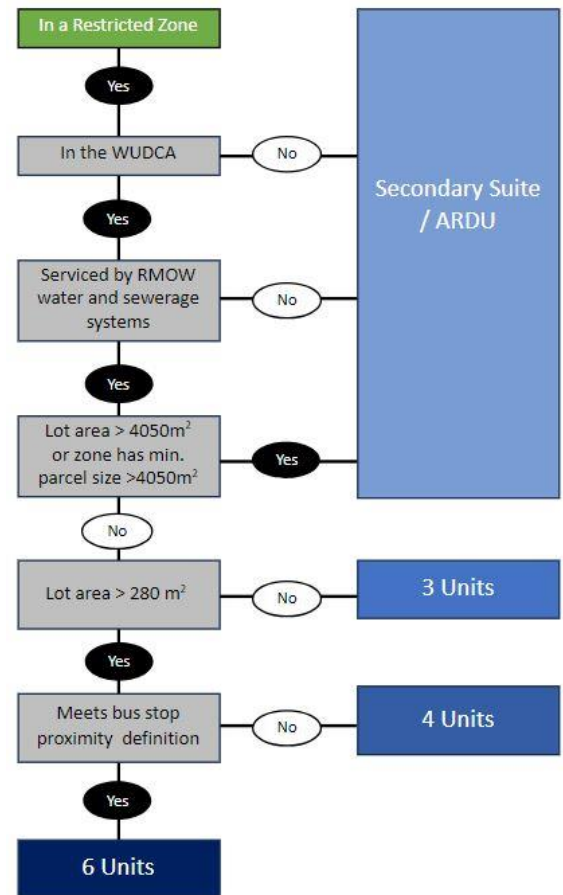


Figure 1: Determining Prescribed Number of Units

Existing covenants and statutory building schemes, or strata bylaws, may affect the ability to achieve the densities prescribed under the SSMUH legislation. The legislation does not affect the application of other land use controls.

Policy Manual and Site Standards

The Province has provided a [Provincial Policy Manual & Site Standards](https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/local-governments-and-housing/ssmuh_provincial_policy_manual.pdf) which can be found at: (https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/local-governments-and-housing/ssmuh_provincial_policy_manual.pdf). This document outlines recommended approaches that must be considered by local governments when implementing SSMUH to fit the local context. General considerations within the policy manual include:

- Building type;
- Density;
- Setbacks;
- Building Height;
- Lot Coverage;
- Parking Requirements;
- Development Permit Areas; and
- Tenure.

APRIL 9 2024

The policy manual also addresses related provincial legislation and initiatives and provides methodologies for using geographic information systems (GIS) to identify affected parcels, as well as for calculating maximum build-out density and incremental build-out density under SSMUH zoning.

TOD Areas

With the aim of increasing housing supply near transit hubs, B.C. Bill 47 will require some municipalities to designate TOD areas. A TOD area is an area within a set distance from a transit station that allows for a minimum allowable residential building height and density that local governments must adhere to when exercising their zoning authority in relation to rezoning applications. The applicable transit facilities are identified through provincial regulations. The characteristics of the transit station determine the TOD catchment area and minimum allowable residential building height and density. Furthermore, in TOD areas local governments are prohibited from requiring off-street residential parking spaces, other than for use by persons with disabilities.

The Province has provided a [TOA Provincial Policy Manual](https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/local-governments-and-housing/toa_provincial_policy_manual.pdf) located at https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/local-governments-and-housing/toa_provincial_policy_manual.pdf, providing an overview of the legislation and regulations, and implementation guidance. By June 30, 2024, TOD areas must be designated by local governments through bylaw and parking requirements must be updated.

Whistler Context

Whistler aspires to be a place where community thrives and at least 75 percent of Whistler's workforce is housed within the resort community in livable, appropriate and affordable housing. The Province's "Homes for People" housing action plan aims to facilitate opportunities for people to build good lives in their communities, secure the foundation of the local economy, and deliver more homes for people, faster. These goals are complementary to the RMOW's enduring community vision and housing goals.

The incorporation of Whistler as a Resort Municipality established the fundamental nature of Whistler as a resort community built around a tourism economy. As such, Whistler has sought to carefully manage its accommodation base through its OCP and land use regulations, to provide a diversity of accommodations that includes residential accommodation, visitor accommodation and employee housing to meet the evolving needs of the resort community.

The provision of visitor accommodation is secured through zoning, the use of restrictive covenants and business licence regulations that limit owner use and require accommodations to be available to visitors for short-term rental. Recognizing the importance of visitor accommodations to mountain resorts and their tourism economies, the Province has exempted Whistler and similar communities from the Principal Residence Requirements of the recently enacted *Short-Term Rental Accommodations Act*. With respect to residential accommodations, Whistler utilizes its zoning to provide a diversity of housing types targeted for various users and market segments, including residential use as a principal residence, second-home owner use, and dedicated employee housing that is generally secured by a housing agreement/covenant. Short-term rentals are not permitted for properties zoned and restricted to residential use to support the municipality's housing needs.

Given the success of Whistler's local tourism economy, and market forces, Whistler's greatest need is for additional employee housing. Whistler has experienced a critical shortfall of employee housing, that has direct impacts on Whistler's sense of community, livability, available workforce, and visitor experience which are essential to sustaining Whistler's tourism economy and a healthy vibrant community. The [RMOW's 2022 Housing Needs Report](#) demonstrates the current need to increase the

APRIL 9 2024

supply of employee housing for the workforce to support the resort economy. Additionally, the report identifies that Whistler's housing stock consists of predominantly detached dwellings in the unrestricted market with prices in excess of \$2 million, which are generally not financially attainable for those working in the local resort economy. Furthermore, Whistler's rental units in market residential housing have decreased over time as older homes are redeveloped or are no longer rented to local residents. The decrease in market rental units contributes to higher market rental rates and counteracts ongoing municipal initiatives to build new employee designated rental buildings.

The RMOW mainly facilitates housing options through regulations, policies and programs, and collaboration. The RMOW collaborates with higher levels of government, local non-profit organizations and the private sector to facilitate the development of additional housing options directed primarily to increase the secure supply of employee housing. Additionally, in partnership with its subsidiaries, the Whistler 2020 Development Corp (WDC) and the Whistler Housing Authority Ltd. (WHA), the RMOW directly delivers new affordable employee housing.

In the 2023-2026 RMOW Strategic Plan, 'Housing' is identified as one of the top four priorities of the community. The Strategic Plan particularly identifies the implementation of a Housing Action Plan, completion of Cheakamus Crossing Phase 2 (Lots 2, 3, 5), advancement of private sector employee housing applications and development of a Long-Term Housing Strategy as key initiatives.

The RMOW Housing Action Plan was endorsed by Council on May 16, 2023, and outlines actions to address Whistler's affordable housing needs and challenges. This plan identifies priority actions to be undertaken in 2023 and 2024 and provides a framework to guide future initiatives. Under the housing action category "Encourage the Private Sector", the action to "develop a new infill housing program" is identified as a priority action to be undertaken in 2023 and 2024. Additionally, exploring infill housing opportunities to support employee housing is directly supported in Whistler's OCP.

With the announcement of the new provincial housing legislation, the action to "develop a new infill housing program" is being implemented to be consistent with the SSMUH requirements. Generally, the intent of developing a new infill housing program and the provincial SSMUH requirements are aligned; a market approach to increase rental and home ownership options to address the housing needs of the resort community, make efficient use of existing infrastructure, maintain neighbourhood character and contribute to the sustainability of the resort community. This is premised on being able to achieve new opportunities that provide housing for residents to live and work in Whistler and support the local economy. To capitalize on the SSMUH homes for people initiative, this report thus recommends that a portion of new homes created be dedicated to employee housing. This will create ownership opportunities for the "missing middle", opportunities for existing property owners to stay in the community, and opportunities for local businesses to secure housing for their employees through direct investment in development of SSMUH housing units.

Analysis

This section of the report presents analysis that has been completed relative to developing the applicable bylaws required to implement the legislated requirements for SSMUH and TOD areas.

Guiding Principles

To guide this analysis, development of the identified bylaws and implementation monitoring, staff has set out a number of guiding principles. These are drawn from review of the Provincial legislation, associated provincial Policy Manuals and briefing sessions with provincial representatives and with

APRIL 9 2024

UBCM, along with staff's experience in the preparation and application of such bylaws, and knowledge of Whistler's policy and development context.

1. Support the articulated Provincial housing objectives and implement the legislative requirements within the required timeframes.

The Provincial housing objectives generally align with those of the RMOW. Staff has determined that the RMOW has no valid basis for an exemption or request for extension under the SSMUH regulations. Dedicated staff resources and resources required for additional development expertise have been secured. This project has been identified as a priority project for completion by June 30, 2024. To meet this deadline requires an expedited bylaw consideration process by municipal Council. The proposed approach identifies opportunities for potential bylaw refinement and revision as may be required after the initial bylaws have been adopted.

2. Consider the Provincial Policy manuals for SSMUH and TOD Areas; implement in alignment giving reasonable consideration to Whistler's policy and development context, particularly the housing needs of the resort community in relation to employee housing.

The provincial policy manuals are comprehensive documents that describe the important aspects of the SSMUH and TOD Area regulations, and the prescribed requirements along with various recommended approaches, methodologies and standards to support achieving the desired outcome of more homes for people, faster. They establish provincial expectations for local government implementation of SSMUH requirements. As per section 481.3 of the LGA, the SSMUH provincial policy guidelines must be considered in developing or adopting a zoning bylaw to permit the use and density required by SSMUH. The SSMUH regulation also specifies that a local government must not exercise its powers in relation to a land use regulation bylaw (zoning) or land use permit, or development permit requirements in a manner that "unreasonably prohibits or restricts" the use or density of use required to be permitted under the SSMUH regulations. The provincial guidelines and standards do provide for recognition of unique circumstances relative to community context. The proposed zoning framework for Council consideration describes alignment with the policy manuals and addresses Whistler's context. The specified employee housing use, with no price or rent restrictions, is an established use reflected throughout Whistler's Zoning Bylaw. The proposed approach is considered to be reasonable and seeks to encourage uptake of SSMUH housing opportunities while addressing Whistler's critical need for employee housing for which there is a strong demonstrated need.

3. Generally, do not alter existing base zoning entitlements.

The SSMUH and TOD Area regulations affect a large number of parcels/lots in many different zones throughout the municipal boundaries. Each of these zones has been established with particular regulations relative to municipal objectives, zoning history and site conditions. There is significant complexity across the various zones. Given the short timelines for implementing the legislated requirements there is inadequate time to consider modifications or amendments to the existing zones and avoid any unintended oversights or consequences that would be unnecessarily disruptive to the housing market, property owners and development community. In the future, modifications may be identified for consideration that could potentially enhance the relative attractiveness of SSMUH housing opportunities.

APRIL 9 2024

4. Create a bylaw that is easy to understand, and support with associated communications – for staff, property owners and the development community.

The municipality has a complex Zoning Bylaw with a significant number of custom zones created for new developments to address their unique objectives and characteristics, at different points in time. To the extent possible, SSMUH zoning will be developed as a single general set of regulations that overlays and complements the existing zone regulations. Information will be provided to help with the ease of interpretation and applicability of the regulations to particular properties.

5. Continue to monitor and revise regulations/approaches as warranted.

This principle reiterates recognition of the short timelines and significance of the prescribed requirements under SSMUH, along with the uncertainty of potential outcomes resulting from zoning changes. In addition to the recommended testing of the bylaw which is described below, on-going monitoring and additional analysis is recommended to monitor and evaluate potential uptake. This is also important relative to infrastructure and servicing and consideration of development financing tools including DCCs and ACCs.

Bill 44: SSMUH

This section presents an initial analysis of affected parcels and prescribed number of dwelling units, the proposed SSMUH Zoning Bylaw amendment approach, including an outline of the proposed framework, infrastructure and servicing considerations, a recommended approach for bylaw testing with the development community, and identifies the next steps in the bylaw process.

Initial Analysis

Utilizing the municipality’s GIS, and following the guidance in the SSMUH Policy Manual, an initial analysis of the Zoning Bylaw has been conducted to identify the applicable “restricted zones”. Parcels of land and subdivided lots contained within each of the restricted zones have been identified and their characteristics have been evaluated to determine the prescribed minimum permitted dwelling requirements for each parcel/lot. There are a total of approximately 3500 parcels/lots within the restricted zones. There are 281 parcels that have a minimum requirement of an ARDU, 211 parcels that have a minimum requirement of three dwelling units, and 3001 parcels with a minimum requirement of four dwelling units. There are seven parcels located within the prescribed TOD Area. A list of the restricted zones is attached to this report as Appendix A.

Associated mapping has been developed to visually display the subject parcels/lots and their applicable SSMUH requirements. This has been prepared to inform the development of the zoning amendment bylaw to implement SSMUH, and for communication with affected property owners and members of the public. Maps of the SSMUH development opportunities is attached to this report, as Appendix B.

Prescribed Bus Stop Proximity

There are no parcels in Whistler required to allow for a minimum of six dwelling units. The determining factor for whether a parcel is required to allow for a minimum of four or six units is the parcel’s proximity to a prescribed bus stop. A bus stop is a prescribed bus stop if it is served by at least one bus route that is scheduled to stop at least every 15 minutes, on average, between the hours of:

- a) 7am and 7pm, Monday to Friday, and
- b) 10am and 6pm on Saturdays and Sundays

APRIL 9 2024

To meet the transit frequency described above would require a route frequency of 4 buses per hour arriving every 15 minutes. The SSMUH Provincial Policy Manual advises that in evaluating transit frequency, in areas where the level of bus service varies such as seasonal variations, the lowest level of service should be used. As determined by BC Transit and confirmed by staff, there are no bus routes in Whistler's transit system that meet the frequency threshold noted above and therefore no prescribed bus stops. This is despite the transit service expansion recently announced for the 2024/2025 fiscal year of 7,650 hours of service.

Proposed SSMUH Zoning Bylaw Amendment Approach and Bylaw Framework

This section of the report presents a proposed zoning framework and direction for preparation of the zoning amendment bylaw required to implement requirements under the SSMUH legislation. This report recommends that Council direct staff to proceed with preparing the subject bylaw on this basis, for Council's future consideration of bylaw readings.

The following framework addresses the integration of SSMUH regulations within the existing Zoning Bylaw, dwelling unit requirements including for employee housing, dwelling types and forms of permitted housing, and standards related to building size and siting. It should be noted that at this time staff have not been able to complete a comprehensive analysis of all the zoning parameters across all of the "restricted zones". Staff propose the following framework for direction and expect to conduct further analysis as part of bylaw preparation. The recommended approach will also involve the bylaw testing process described below.

1. Create an "Overlay" of SSMUH regulations

For efficiency and clarity create an "overlay" of SSMUH regulations under the Part 5 General Regulations section of the Zoning Bylaw that supplement and generally apply to parcels located within "restricted zones" as opposed to amending the regulations within each of the individual zones.

2. Require a portion of additional dwelling units to be designated for Employee Housing.

Require a portion of the additional housing units required to be permitted under SSMUH to be employee housing, covenanted for employee use with no price restrictions. For scenarios where two or three dwelling units are developed require one of the units to be employee housing and where four dwelling units are developed require two units to be employee housing.

3. Allow a diversity of dwelling types

Permit a wide range of dwelling types and allow various combinations of dwelling types. Allow detached dwellings, duplex dwellings, townhouses, apartments and ARDUs both within principal dwellings and detached on the same parcel. To support compact development and minimize site disturbance limit development to a maximum of two residential buildings per parcel.

4. Maintain existing maximum densities and allow this density to be distributed across the permitted number of dwelling units

Generally, maintain the existing maximum density parameters for each of the restricted zones, expressed as maximum gross floor area and floor space ratio. Allow this density to be distributed across the total number of permitted dwelling units. Zoning for detached dwellings typically permits maximum dwelling sizes of 325 square metres (3,500 square feet) or 465 square metres (5,000

APRIL 9 2024

square feet) depending on parcel size and site dimensions, and zoning for duplex dwellings typically permit 511 square metres (6,000 square foot). Both dwelling types are generally permitted a number of gross floor area exclusions including for parking, mechanical areas and in-ground basements, which can add significantly to the total floor area of the dwelling. Permitting the existing maximum gross floor area and also allowing for these exclusions is considered to be sufficient density for up to four dwelling units and would support more compact and affordable housing opportunities. As part of the density regulations consider removing maximum gross floor area restrictions for ARDUs which were tied to previous building code size restrictions.

5. Review and confirm existing building setback requirements through bylaw testing with the development community.

Existing setbacks help maintain separation between properties and dwellings, provide for utility corridors and snow-clearing. Setbacks also establish development free areas that provide for common space, vegetation and rainwater infiltration. Setbacks will be evaluated to determine the feasibility of various dwelling types and achieving the maximum number of units permitted. This is proposed through the bylaw testing that is part of the recommended project approach.

6. Maintain existing maximum building heights which provide for three storey buildings.

For SSMUH the objective is to provide for three storey buildings along with an in-ground basement. This will help facilitate compact building footprints and achieve the maximum number of units under SSMUH for stacked multi-unit buildings. The current maximum height for detached dwellings and duplex dwellings is generally specified as 7.6 metres, which can achieve three storey buildings based on building design, and roof height calculations specified in the Zoning Bylaw. Building heights will be reviewed through bylaw testing.

7. Maintain off-street parking requirements and consider establishing a maximum number of parking spaces per parcel.

On-street parking in Whistler is limited due to winter conditions and municipal snow clearing requirements. To maintain efficient snow clearing operations and help to ensure public safety, emergency response, safe travel and convenience off-street parking is required. Current Zoning Bylaw regulations require between two to four spaces per dwelling unit for a residential building containing two or fewer dwelling units, depending on the size of the dwelling units. An ARDU whether contained in the principal residential building or detached and located on the same parcel requires one space. For residential buildings containing three or more dwelling units between one and two spaces are required per dwelling unit also depending on the unit size.

Applying these regulations could potentially result in six or more parking spaces being required for three dwelling units and eight or more parking spaces for four dwelling units. Staff recommend further analysis of parking requirements be completed as part of the SSMUH bylaw preparation. Consideration should be given to establishing both a minimum and maximum number of spaces required per each additional dwelling unit permitted under SSMUH, as well as a review of parking standards, particularly allowances for additional tandem parking. The Provincial policy guidelines generally recommend reduced off-street parking requirements but support higher requirements where on-street parking is impractical due to snow removal requirements, with a recommendation of 1.5 spaces/dwelling unit. Excess parking requirements impact cost of development, site planning and development feasibility for achieving additional housing units.

APRIL 9 2024

8. Do not apply form and character development permit requirements to SSMUH developments beyond those that currently apply to detached dwellings and duplex dwellings.

Detached and duplex dwellings are exempt from the Multi-Family Residential Development Permit Area (DPA). Generally, the Multi-Family DPA requirements are relevant to the form and character of larger scale multi-family developments on large parcels.

Detached dwellings or duplex dwellings located in the R11 Zone (Residential Infill One) zone, are subject to the Intensive Residential DPA. This DPA was put in place as part of the infill pilot project for the Alpine South neighborhood and are more appropriate for SSMUH development.

The proposed approach is to not require form and character development permits for SSMUH developments, but rather to develop a set of best practices that would be encouraged. Under the proposed zoning approach, the size and scale of the development under SSMUH is the same as for detached and duplex dwellings that can currently be developed. Utilizing best practice guidelines as opposed to development permit requirements aims to support efforts to streamline the development process, support housing affordability, encourage uptake and minimize impact on staff resources. Best practice guidelines will be informed by the provincial SSMUH policy manual and the Intensive Residential DPA guidelines and will be refined through the bylaw testing process.

Existing development permit requirements for protection of sensitive ecosystems and protection of riparian areas would continue to apply as they implement Provincial Riparian Area Protection Regulations. Wildfire protection development permit requirements would also continue to apply.

Bylaw Testing with the Development Community

The proposed approach envisions engaging two to three select teams of professionals with expertise in architecture, building and construction, and real estate valuation to develop and evaluate several prototypical development scenarios. This will include engagement with the Canadian Home Builders Association (CHBA). This exercise will be conducted to test the SSMUH zoning amendment bylaw and inform any potential revisions. This work would be initiated, but cannot possibly be completed prior to the June 30, 2024 provincial deadline for bylaw adoption.

This assessment will provide insight into the practicality of the zoning regulations, economic viability and potential uptake of SSMUH development opportunities. This includes providing a baseline understanding of construction costs, pricing for market and employee designated units and potential return-on-investment. Additionally, examples developed of feasible and viable SSMUH opportunities may be shared to showcase opportunities and encourage uptake. If significant implementation barriers are revealed through bylaw testing, staff will provide an update to Council to consider amending the bylaw.

Infrastructure and Servicing Considerations

Whistler's long-term infrastructure planning has been based on a maximum number of bed-units as described in the OCP. These legislated changes may move Whistler beyond the previously assumed maximum capacity requirements and updated planning for water and wastewater capacities will be required.

Long-term water and wastewater plans will need to be updated to accommodate the potential increased density in Whistler neighbourhoods. A high-level early review (sensitivity analysis) will be carried out for

Whistler’s larger single-family neighbourhoods to assist with immediate decisions about current infrastructure projects and help inform discussions on new development cost charges. A more detailed, GIS based, review will help predict the rate and ultimate level of uptake of the new development potential, and this more detailed review will be used to fine tune water and wastewater modelling. Results of more detailed review are expected to be available to inform the provincially required OCP housing amendment to be completed by December 31, 2025. This analysis will also consider the methodologies provided by the Province for estimating maximum build-out and incremental build-out calculations.

Bill 44 – SSMUH: Bylaw Process and Next Steps

As described above, staff are working diligently to implement the legislative requirements within the required timeframes. However, to meet this deadline will require an expedited bylaw consideration process by Council. Depending on Council direction, special Council meetings may be required to ensure the bylaw is adopted prior to June 30, 2024. Bill 44 prohibits public hearings for bylaws that are being adopted for the sole purpose of complying with the new SSMUH requirements, though public notice of first reading is required. Moving forward, in addition to drafting the proposed bylaw the following legislative steps are required:

- Public Notice of First Reading
- Bylaw First Reading
 - Staff anticipate bringing the bylaw forward for consideration of first and additional readings, as determined by Council, in May.
 - If Council directs significant changes be made to the bylaw after first reading (changes to permitted use or density, including changes in regard to employee housing designations), Public Notice of First Reading will need to be repeated
- Bylaw Second Reading
- Bylaw Third Reading
- Minister of Transportation and Infrastructure (MOTI) Bylaw approval
- Bylaw Adoption by June 30, 2024
- Notify the Minister of Housing of bylaw adoption and any exempted lands

As described above, should significant implementation barriers be revealed through bylaw testing or continued monitoring, staff will provide a report to Council, at which time Council may consider revising the SSMUH approach and regulations through further bylaw amendments.

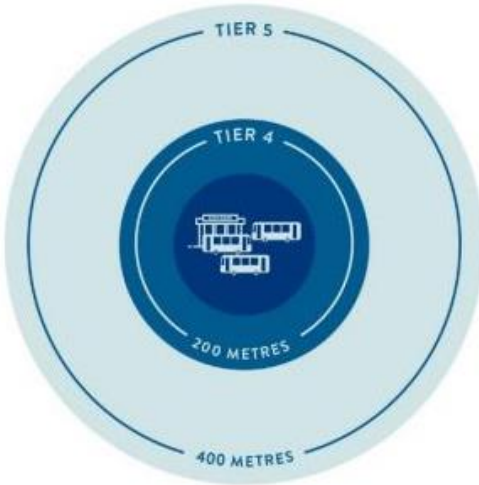
Bill 47: TOD Areas

The provincial regulations identify the Whistler Gondola Exchange as a TOD area and provide location coordinates for the transit facility. The Whistler Gondola Exchange is a bus exchange, with a TOD catchment area of 400 metres. The TOD area is comprised of two distinct tiers (Tier 4 and 5, the first three tiers exist only in relation to rapid transit stations in Metro Vancouver), further outlined below in Table 1.

Table 1: TOD Area - Bus

TOD Area Type	Tier	Prescribed Distance (metres)	Minimum Allowable Density (FAR/FSR)	Minimum Allowable Height (Storeys)
Bus	4	Less than 200	Up to 2.5	Up to 6

	5	200 - 400	Up to 1.5	Up to 4
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Where parcels are bisected by two different density tiers, the parcel is deemed to be wholly within the tier with the higher density requirements. Parcels bisected by the outer boundary of Tier 5 are deemed to be wholly within the TOD area. A rezoning application for a site zoned for all or partial residential use can not be rejected based on the proposed density and/or building height if the proposed density and height are both at or under the provincially prescribed density and height. All rezoning applications under the TOD legislations would continue to follow the typical rezoning process, including opportunities to negotiate tenure, affordable housing and community amenity contributions. Additionally, these developments will continue to be subject to Development Permit Area designations.

A GIS mapping analysis has been completed to identify the 200 metre and 400 metre catchment areas applicable to the Whistler Gondola Exchange, which is a designated TOD Area transit facility. Maps of the Whistler Gondola Exchange TOD Area are attached to this report as Appendix C. The parcels of land located within each of the two tiers have been identified and an initial analysis of the current zoning for each parcel is being completed to determine which have existing zoning for residential use and therefore eligibility for minimum prescribed TOD Area densities and building heights.

Bill 47 – TOD Areas: Bylaw Process and Next Steps

- Adopt Bylaw to designate the TOD area by June 30th, 2024
- Adopt Zoning and Parking Bylaw amendment to remove residential parking requirements in the TOD area by June 30th, 2024
- Notify the Minister of Transportation and Infrastructure in writing of the final adoption of the bylaw, including a copy of the bylaw

Amenity Cost Charge (ACC) And Development Cost Charge (DCC) Bylaws

On November 30, 2023 when Bills 44 (SSMUH) and Bill 47 (TOD) were given Royal Assent, other legislation, including Bill 46 (Development Financing) was simultaneously passed into law. Bill 46 enables two significant changes to how municipalities finance ongoing development within their communities.

DCCs

Bill 46 expands the categories of infrastructure for which Development Cost Charges (DCCs) may be collected. DCCs support growth-related capital investments in water, sewer and drainage systems; highways and roads; and select park land initiatives. The changes introduced by Bill 46 now permit collection of DCCs for fire, police and wastewater facilities (previously not permitted), as well as the conditional collection of DCCs for provincial highway infrastructure when/if a cost-sharing agreement with the Province is in place. Whistler’s Works and Service Charges have historically been imposed under the *Resort Municipality of Whistler Act*, which provides special authority for off-street parking, transit facility, and employee housing charges in

APRIL 9 2024

addition to the services that other municipalities may fund by DCCs. Conversely, the municipality may use DCC authority to fund any services that are not covered by the Works and Services Charge authority in the RMOW Act.

ACCs

Bill 46 further permits the introduction of a new municipal development finance tool known as ‘Amenity Cost Charges’(ACCs). ACCs may be imposed through bylaw on new developments to support municipal capital investment into categories beyond those included in a municipality’s DCC Bylaw. These capital investment categories include, as examples: community, youth or senior’s centres; recreation or athletic facilities; libraries; daycares; and public squares.

Considerable work is required to research the forecasted impacts related to SSMUH and TOD bylaws, understand financial sensitivities of new or expanded development financing charges, estimate the medium and longer term costs and locations of potential expansion of municipal infrastructure and facilities including relationships to current municipal asset management plans, review yet-to-be-released Provincial implementation guidance for these bylaws, undertake related community engagement, and finally to create an associated draft ACC/DCC/works and services charge bylaw approach for Council’s further consideration.

At this point, staff have begun work on these initiatives by creating a cross-divisional team to lead and coordinate the tasks required to inform and shape a potential update to the RMOWs development financing framework. Given the timelines associated with Bills 44 and 47, staff do not plan to bring forward a proposed development finance approach until later this year.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Endorsed by Council on May 16, 2023, the RMOW Housing Action Plan outlines actions to address Whistler’s affordable housing needs and challenges; it identifies priority actions to be undertaken in 2023 and 2024 and provides a framework to guide future initiatives. Under the housing action category “Encourage the Private Sector”, developing a new infill housing program is identified as a 2023 action.

[May 16, 2023: Administrative Report No. 23-059](#), RMOW Housing Action Plan

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. Housing is a key priority area within the Strategic Plan and is supported by the key initiative to implement the housing action 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

APRIL 9 2024

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.

Typically, all bylaws enacted after the adoption of an OCP must be consistent with Section 478(2) of the LGA, however as per section 788 of the LGA and the associated regulation (OIC 673-2023), zoning bylaw amendments required to align with the SSMUH legislation are explicitly excluded from this requirement until December 31, 2025.

Residential Accommodation

The proposed SSMUH zoning bylaw approach encourages uptake of new SSMUH development opportunities while ensuring a portion of new homes created are designated for employee housing, supports the goals, objectives and policies of the Residential Accommodation section in Chapter Five (Land Use and Development). A key Objective 5.1.2., is to house at least 75 per cent of Whistler’s workforce within the resort community in livable, appropriate and affordable housing. Additionally, a number of policies support exploring infill housing with the aim of securing employee housing, supporting aging in place, providing flexibility in neighbourhood design and development, and utilizing existing infrastructure. Additionally, policy 5.3.1.5., speaks to recognizing market housing, including second homeownership, as a significant influence on Whistler’s housing mix and local economy. Finally, to support the objective of protecting Whistlers existing housing and employee housing supply, Policy 5.1.3.2., provides direction to use housing agreements, covenants and bylaws to ensure housing is occupied as intended for employee housing.

Growth Management

Chapter Four of Whistler’s OCP provides for growth management objectives and policies to manage land use and development with the aim to:

- maintain Whistler’s unique sense of place,
- protect the natural environment,
- provide a high quality of life for residents; and
- provide exceptional experiences for visitors.

Maintaining Whistler’s accommodation capacity limit is a key tool used to manage land use and development and is typically measured using bed units. The existing approved *accommodation capacity* is estimated at approximately 61,500 *bed units*. Bed units are a measure of development intended to reflect servicing and facility requirements for one person. Different accommodation unit types and sizes are allocated a specified number of bed units.

To maintain the accommodation capacity limit, the bed unit inventory is updated annually to reflect the current number of developed and undeveloped bed units. Bed units are considered developed once an

APRIL 9 2024

occupancy permit has been issued. Undeveloped bed units reflect planning approvals including zoning amendments and approved development permits.

Additionally, Policy 4.1.2.9 (b) of the OCP allows for up to 1000 additional bed units for various initiatives to address Whistler’s current critical shortage of employee housing. The policy also provides direction to continue to monitor ongoing housing needs and evaluate proposed developments relative to the municipality’s rezoning evaluation criteria. Additional bed units are intended for both employee housing as well as limited market development to support the delivery of associated employee housing.

SSMUH

Introducing zoning to meet the requirements of the SSMUH legislation will allow for additional units to be developed that may have an associated bed unit allocation. However, at this time, it is difficult to project or estimate the potential uptake of SSMUH development opportunities. Therefore, due to the uncertainty of uptake, SSMUH associated bed units will only be allocated to the inventory once they are considered developed and will be provided for under OCP Policy 4.1.2.9 (b), allowing for up to 1000 additional bed units to address Whistler’s shortage of employee housing. Therefore, staff do not recommend increasing the accommodation capacity limit of 61,500 bed units at this time. Staff will monitor the uptake of SSMUH development opportunities and associated bed unit implications.

An OCP amendment is required to be adopted by December 31, 2025 to provide for 20-year projected housing needs, as identified in the Interim Housing Needs Report, and to align with SSMUH zoning bylaw amendments. Through this process, further consideration of the accommodation capacity limit will be contemplated alongside significant community engagement.

TOD Area

For rezoning applications submitted in the TOD area, the OCP growth management goals, objectives and policies, including the accommodation capacity limit, will be considered and evaluated through the rezoning application process.

BUDGET CONSIDERATIONS

The RMOW has received a one-time grant of \$210,718.00 from the Province to support implementation of the new legislated requirements. This grant will be used to provide for legal assistance associated with bylaw preparation and for work related to bylaw testing.

LÍŁWAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the LÍŁwat 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.

APRIL 9 2024

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

Inform Consult Involve Collaborate Empower

Comment(s):

Legislative Requirements

The new provincial housing legislation provides specific requirements that must be implemented and policies that must be considered to meet the legislative requirements. Furthermore, as per section 464(4) of the LGA a local government must not hold a public hearing on a zoning bylaw proposed for the sole purpose of complying with SSMUH requirements.

As described above, a notice of consideration of first reading of the SSMUH zoning bylaw amendment will be provided in two consecutive publications of the local newspaper and in the public notice posting places, in accordance with section 467 of the LGA.

Information Sharing

A planning bulletin providing notice of the new provincial housing legislation is posted on the RMOW website. Information on the bylaw approach and applicability of the new provincial housing legislation in Whistler will continue to be provided to members of the public, including property owners and members of the development community, through the RMOW website and communication channels. The CHBA and local realtors will be informed of proposed and adopted changes. Staff will continue to respond to public inquiries as received.

Bylaw Testing and Continued Monitoring

As described above, bylaw testing and continued monitoring after bylaw adoption are integrated into the proposed project approach. It is envisioned through bylaw testing, that examples developed of feasible and viable SSMUH opportunities may be shared with the community to showcase opportunities and encourage uptake.

Future OCP Update on Housing

There will be community engagement to support the required OCP amendment, to be adopted by December 31, 2025, to provide for housing needs as identified in the Interim Housing Needs Report.

REFERENCES

Appendix A – SSMUH Restricted Zones
Appendix B – SSMUH Maps
Appendix C - TOD Area Maps

APRIL 9 2024

SUMMARY

This report provides an overview of recent changes to provincial housing legislation and requests Council endorsement of the proposed project approach to implement new provincial requirements regarding SSMUH and TOD areas by the provincial deadline of June 30, 2024. The approach for SSMUH includes overlay regulations in Part 5, development permit exemptions equivalent to those that apply to detached and duplex dwellings, and employee housing provisions respecting a portion of the additional housing units permitted by the overlay regulations. In addition to preparing a bylaw to designate the “Gondola Exchange” as a TOD area, the requirements under Part 6 of the Zoning Bylaw for off-street motor vehicle parking requirements will be made inapplicable for residential development, except required spaces for people with disabilities.

SIGN-OFFS

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