



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: May 14, 2024 **REPORT:** 24-049
FROM: Planning Department **FILE:** RZ001185
SUBJECT: ZONING AMENDMENT BYLAW (SMALL-SCALE MULTI-UNIT HOUSING) NO.
2440, 2024

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 reading to “Zoning Amendment Bylaw (Small-Scale Multi-Unit Housing) No. 2440, 2024” (SSMUH Bylaw); and

That Council authorize staff, subject to adoption of SSMUH Bylaw, to provide written notice to the Minister of Housing of adoption of SSMUH Bylaw and pursuant to Section 481.4 of the *Local Government Act*, identify the locations of any exempted lands and the legislative provisions supporting the exemptions.

PURPOSE OF REPORT

This report presents “Zoning Amendment Bylaw (Small-Scale Multi-Unit Housing) No. 2440, 2024” (SSMUH Bylaw) to Council for consideration of first, second and third readings and provides an analysis of the SSMUH Bylaw and the Provincial Policy Manual and Site Standards (the Provincial Policy Manual), attached as Appendix A, for Council consideration. Finally, this report requests that Council authorize staff to notify the Minister of Housing upon adoption of the SSMUH Bylaw.

Information Report Administrative Report (Decision or Direction)

DISCUSSION

Report Outline

The following provides an outline of the report and key content:

Background:

- Provides overview of Provincial Small-Scale Multi Unit Housing (SSMUH) legislation, local government requirements for implementation through a zoning amendment bylaw by June 30, 2024, and the overriding Provincial objective to “facilitate opportunities for people to

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build good lives in their communities, secure the foundation of the local economy, and deliver more homes for people, faster.

- Identifies the number of properties in Whistler that are affected and new dwelling unit entitlements – 3,470 parcels in 40 zones.
- Summarizes the Guiding Principles and initial Zoning Framework direction endorsed by Council, April 9, 2024.

Analysis:

- Provides context for the SSMUH Bylaw that has been prepared in relation to achieving municipal objectives, limited time frames for bylaw preparation, the focus of analysis that has been completed, bylaw testing and monitoring, and Bill 44 requirements for a 20-year housing needs assessment, Official Community Plan (OCP) update and further zoning updates to be completed by year end 2025.
- Identifies further analysis of density provisions for principal detached dwelling and duplex zones and parcels entitled up to four dwelling units, which represents 75 per cent of all affected parcels.
- Describes the effect of the Provincial Policy Manual and Site Standards and requirements for consideration.
- Provides a descriptive analysis of the components of the SSMUH Bylaw:
 - Identifies the approach to securing housing for local resident employees through rental tenure zoning, and a standard employee use covenant without price or rent restrictions for stratified properties, for a specified portion of new units – one of two for an additional detached dwelling or new duplex unit, one of three dwellings for a three dwelling development and two of four units for four dwelling development.
 - Identifies adjustments to the Zoning Framework for identified principal zones to relax sideyard setback and frontage width requirements, and to increase the maximum floor space ratio and maximum gross floor area (GFA) to incrementally allow for additional floor area, providing opportunity for existing built out properties as well as additional redevelopment potential.
 - Identifies recommended reductions in minimum off-street parking requirements and specifying a maximum permitted number of parking spaces.
 - Provides rationale for recommended site standards including as related to density, building height and setbacks with consideration of the Provincial Policy Manual and Site Standards and rationale relative to Whistler context.

Additional:

- The remainder of the report provides an overview of policy considerations (detailed in [April 9, 2024 report to Council](#)), communications including the Provincial prohibition on a public hearing for the SSMUH Bylaw, information sharing and communications, and further bylaw testing.
- The recommended SSMUH Bylaw which includes the standard form of employee covenant/housing agreement is presented in the May 14, 2024, Council agenda package under bylaws for consideration.

Background

On April 9, 2024, staff presented [Administrative Report No. 24-040](#), Provincial Housing Legislation Update: Bill 44 – Small-Scale Multi-Unit Housing and Bill 47 – Transit-Oriented Development Areas (Admin Report No. 24-040). The report provided details concerning provincial SSMUH requirements and implementation through a required amendment to the “Zoning and Parking Bylaw No. 303, 2015” (Zoning Bylaw) to be adopted by June 30, 2024.

Provincial SSMUH Requirements

Admin Report No. 24-040 presented the policy objectives of the Province and the alignment of these objectives with the Resort Municipality of Whistler’s (RMOW) housing policies, objectives and needs, and in particular in relation to Whistler’s employee housing needs and its historic use of zoning and statutory mechanisms to achieve stable long-term secure supply of homes for local residents and employees living within Whistler, and supporting the tourism economy.

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 and duplex neighbourhoods. The overarching Provincial objective is 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”.

The RMOW is legislatively required to update the Zoning Bylaw by June 30, 2024, to accommodate SSMUH requirements for parcels of land with zoning currently restricted to single-family detached dwellings, auxiliary suites and duplexes. Depending on parcel size, location and existing zoning, the applicable prescribed requirements are to allow for:

- Auxiliary residential dwelling units (ARDU) on all parcels;
- 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 less than 4050 m²; and
- A minimum of six housing units on parcels greater than 280m² AND within 400m of frequent bus service, as defined in the regulation.

Restricted Zone Analysis

Additionally, Admin Report No. 24-040 presented information on the requirements for SSMUH related to “restricted zones” as specified by the legislation. The report presented a summary of the analysis staff undertook to identify:

- affected “restricted zones” for the RMOW;
- all affected parcels in the Whistler Urban Development Containment Area (WUDCA); and
- the minimum dwelling unit requirement per parcel based on prescribed parcel characteristics.

In Whistler there are approximately 3,470 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 ARDU;
- 211 parcels have a minimum requirement of three dwelling units;
- 2,978 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 criteria.

RMOW Approach

Admin Report No. 24-040 introduced Guiding Principles and an initial Bylaw Framework as the basis for direction from Council to proceed with preparation of the necessary SSMUH Bylaw. Initial parameters for a zoning amendment bylaw were introduced seeking to recognize Whistler's unique context, including its mountainous terrain and snow conditions, tourism economy and diverse accommodation base, historic development patterns and existing land use regulations and zoning which have evolved to address specific site conditions for new developments, as well as evolving community objectives and community planning principles.

For ease of reference, the Guiding Principles and SSMUH Zoning Amendment Bylaw Framework (Bylaw Framework), presented in Admin Report No. 24-040, are listed below.

Guiding Principles

1. Support the articulated Provincial housing objectives and implement the legislative requirements within the required timeframes.
2. Consider the Provincial Policy Manual for SSMUH and transit-oriented development (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.

Bylaw Framework

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.

Additionally, it was recognized that further analysis of these initial parameters would be conducted as part of zoning amendment bylaw preparation.

Analysis

This section of the report provides an overview of additional analysis that has been completed of existing zone regulations and parcel characteristics, as well as further detailed consideration of the legislation and the Provincial Policy Manual. This analysis has informed preparation of the SSMUH

Bylaw including recommended adjustments to the initial Bylaw Framework. The proposed SSMUH Bylaw is then presented along with relevant considerations.

Developing the SSMUH Bylaw

The development of the SSMUH Bylaw has been informed by the legislative requirements that must be adhered to and the Provincial Policy Manual that must be considered, the Guiding Principles, the Bylaw Framework, Committee of the Whole presentation on April 9, 2024, the direction provided by Council at the Regular Meeting on April 9, 2024, and staff work sessions that sought to explore the bounds and suitability of various zoning parameters.

The extent and magnitude of the SSMUH Bylaw is significant, affecting approximately 3,470 parcels in forty existing zones. The proposed SSMUH Bylaw presented below has been drafted to provide a balanced approach, that seeks to facilitate uptake and development of new housing units with provisions for securing rental and ownership opportunities for local employee residents.

It is recognized that there will be further SSMUH Bylaw testing with local architects, builders and real estate professionals after bylaw adoption, as well as further insights gained from working with property owners and their designers in applying the new SSMUH regulations to actual potential development scenarios. Further monitoring and studies will also ensure consideration of infrastructure servicing capacities and financing, as described in Admin Report No. 24-040. This is expected to include further assessment of incremental build-out density under SSMUH zoning utilizing BC Assessment data and GIS, applying methods recommended in the Provincial Policy Manual.

Additionally, this initiative and associated outcomes will be considered through the processes of implementing the further pro-active planning measures legislated under Bill 44, including the completion of an updated Housing Needs Assessment with projected 20 year housing need (to be completed by year-end 2024); update of Whistler's OCP to address 20 year housing need; and associated update of the Zoning Bylaw to incorporate zoning to provide for development to achieve the 20 year housing need (both to be completed by year-end 2025). Further development opportunities and capacity considerations, along with community engagement, will be addressed through those processes.

Zoning and Property Analysis

Staff have completed further analysis of: the existing zone regulations for the forty affected restricted zones; parcel size and density analysis for principal detached dwelling and duplex zones that represent the majority of parcels; building permit trends for GFA exclusions; and a preliminary analysis of assessed property values and the value of existing improvements.

Given the complexity of Whistler's Zoning Bylaw and the SSMUH legislation, as well as the limited time frame for preparation and adoption of the SSMUH Bylaw, staff have focused their efforts on a number of principal zones that comprise the majority of parcels with the greatest SSMUH development potential. These zones were the initial single family and duplex zones that cover Whistler's early neighbourhoods and "ski cabins". These zones contain a number of standard clauses related to parcel sizes and maximum density potential. The following zones comprise the greatest proportion of affected parcels and associated development potential, this distribution reflects the historic zoning and development pattern of the RMOW:

- Residential Single Family One (RS1) Zone

- The RMOW's initial zoning bylaw created the principal single family detached dwelling zone, the RS1 Zone.
- This zone broadly applied to the early neighbourhoods in Whistler and comprises the largest portion of restricted zone parcels.
- Of the estimated 2,978 parcels that are entitled to four dwelling units, 1,498 or 50 per cent of the parcels are zoned RS1.
- Residential Single Family Two (RS2) Zone
- Residential Singly Family Four (RS4) Zone
- Residential Infill One (RI1) Zone
 - The RS2, RS4 and RI1 zones mirror the fundamental parameters of the RS1 zone, in relation to minimum parcel size, maximum GFA, floor space ratio, building heights, setbacks and frontage requirements.
 - These zones contain a further total of 453 parcels for a combined total of 1,951 parcels, or 65 per cent of the total number of four-unit parcels under SSMUH.
- Two Family Residential One (RT1) Zone
- Two Family Residential Two (RT2) Zone
- Two Family Residential Six (RT6) Zone
 - RT Zones permit both detached dwellings and duplex dwellings and have a similar structure to the RS1 zones, with common zone regulations for detached dwellings.
 - There are 282 parcels within these zones, representing another 10 per cent of the total number of four-unit parcels.

In total, the above zones represent 75 per cent of all parcels within the RMOW that are entitled to four dwelling units under the SSMUH legislation.

Additional recommendations for the zones noted above, regarding density, setbacks and frontage requirements reflecting adjustments to the initial Bylaw Framework are proposed and further described and rationalized below.

At this time staff have not undertaken a comprehensive analysis of all of the restricted zones. There is inadequate time to individually evaluate each of these zones and contemplate any additional specific regulations that may be considered for these zones within the SSMUH Bylaw and their potential implications. The remaining zones are custom, site-specific zones that have each been developed with unique zone parameters, for example:

- The Residential Single Family Three (RS3) Zone applies to Horstman Estates, which has very different parameters than the Residential Single Family Six (RS6) Zone which applies to the Spruce Grove neighbourhood.
 - Horstman Estates is located on the side of Blackcomb Mountain and is a luxury residential neighbourhood with significant lot sizes and a maximum density prescribed for each parcel, ranging from 237 m² to 930 m², and with covenanted building envelopes.
 - Spruce Grove is relatively flat and in close proximity to Whistler Village. Spruce Grove is a mixed market and employee housing neighbourhood and has a more compact urban form with smaller minimum parcel sizes, smaller maximum densities and decreased setbacks. The neighbourhood is supported by sidewalks, curbs and gutters, streetlights and storm drainage infrastructure.

Additionally, it is important to note that potential development may be encumbered or restricted by existing covenants or strata bylaws under the *Strata Property Act*. This level of detail is beyond the current scope of the required zoning amendment bylaw and is recommended to be considered through the permitting process for individual developments. These encumbrances reflect existing agreements with individual property owners and have associated policy considerations.

Provincial Policy Manual and Site Standards

The Provincial Policy Manual provides recommended approaches that pursuant to section 481.3(7) of the *Local Government Act* (LGA) must be considered by local governments when implementing SSMUH to fit the local context. Additionally, local governments must not use certain authorities in such a way that unreasonably prohibits or restricts the use or density of use required to be permitted under the legislation.

The non-binding policy guidance that must be considered by local governments when implementing the SSMUH legislation is in Part 4 – Site Standards of the Provincial Policy Manual, which provides recommended site standards for three “generic” or “typical” scenarios:

- **Site Standards Package A:** provides recommendations where either a secondary suite or ARDU must be permitted.
- **Site Standards Package B:** provides recommendations where three or four housing units must be permitted and lots are generally less than 1,215 m².
- **Site Standards Package C:** provides recommendations where four housing units must be permitted and lots are generally between 1,215 m² – 4,050 m².

In Whistler, of the parcels identified to be in restricted zones, there are approximately:

- 281 parcels where either a secondary suite or ARDU must be permitted;
- 2,668 parcels where three or four housing units must be permitted and the lots are less than 1,215 m²; and
- 521 parcels where four housing units must be permitted and lots are generally between 1,215 m² – 4,050 m².

Generally, the majority of Whistler’s restricted zone parcels fall within the size guidelines for Site Standards Package B, which per the legislation effectively applies to parcels in the range of 280 m² to 1,215 m². For Whistler’s principal detached dwelling and duplex zones described above, the minimum parcel size is 695 m²; the median and average existing parcel sizes are considerably larger at 936 m² and 1,008 m², respectively. It is important to note that the Site Standards provided in the Provincial Policy Manual are provided in relation to identified policy objectives, and further recognize and identify various conditions that provide rationale for varying the recommended standards in consideration of local context.

SSMUH Bylaw Key Components

This subsection of the report presents the proposed SSMUH Bylaw. The key components of the SSMUH Bylaw are presented, along with associated analysis and rationale, and in relation to guidance provided for consideration within the Provincial Policy Manual. Additional information is provided to describe existing zone regulations that apply and are pertinent to the analysis.

Insert Overlay Approach

The Zoning Bylaw includes a significant number of custom zones created for new developments to address their unique objectives and characteristics, at different points in time. Instead of amending the

regulations within each of the 40 affected zones, for efficiency and clarity an overlay of SSMUH regulations is proposed to be incorporated into the Zoning Bylaw Part 5 – General Regulations.

Parcel Applicability

Section 35(6) of the SSMUH Bylaw identifies affected parcels to which the SSMUH regulations are applicable, in alignment with the provincial legislation. For clarity and convenience, mapping will be available on the RMOW GIS portal for property owners to easily identify if their property is affected and the minimum prescribed number of units the property is eligible for.

Supporting Local Housing Needs

Whistler has a high proportion of second-home ownership that impacts the availability of housing for local residents and employees, and at this time, the additional of market housing units that are not dedicated to providing homes for the local resident population would only further exacerbate Whistler's housing challenges. To support Whistler's housing needs without unreasonably restricting the use or density required to be permitted under the legislation, and following the direction provided in the Bylaw Framework, the following mechanisms are embedded within the SSMUH Bylaw to secure a portion of new units for Whistler residents and employees. To strike a balance between increasing housing supply to meet local housing needs and SSMUH viability, the approach focuses on regulating occupancy and does not contemplate rental rate or price restrictions.

The following development scenarios permitted only under the SSMUH Bylaw are required to be either residential rental tenure or upon subdivision or stratification, dedicated to employee housing use subject to an employee housing agreement:

- for a second detached dwelling or one of the units in a duplex dwelling;
- for at least one of three dwelling units on a parcel; and
- for at least two of four dwelling units on a parcel.

Residential Rental Tenure

The Policy Manual advises that local governments may consider regulating tenure to meet the housing needs of their communities, provided that the densities prescribed by the SSMUH legislation are not affected. It is also noted that mandating certain tenure types may reduce SSMUH viability and the Policy Manual recommends that local governments track the outcomes of the new zoning for at least three years to assess the level of market interest of SSMUH, and only then consider mandating residential rental tenure.

The intent of the legislation is to create more homes in communities where housing choice has been limited by single-family and duplex zoning, it does not favour ownership versus rental housing. As defined in section 35(1) of the SSMUH Bylaw, Residential Rental Tenure means the occupancy of a dwelling unit as a principal residence in which the occupant continuously resides, pursuant to the terms of a residential tenancy agreement governed by the *Residential Tenancy Act*. Additionally, section 35(18) of the SSMUH Bylaw specifies that the municipality may require an annual statutory declaration to confirm the required number of dwelling units are meeting the occupancy requirements. Sections 35(15), (16), and (17) of the SSMUH Bylaw specifies the development scenarios where residential rental tenure is required.

Potential impacts on SSMUH viability resulting from the approach to meet local housing needs will be further explored through the bylaw testing processes and resulting uptake of SSMUH development will be monitored.

Subdivision, Lot Sizes and Strata Titling

The SSMUH Bylaw supports the stratification of units, consistent with the *Land Title Act*, or Bare Land Strata Regulation, and the *Strata Property Act*.

As per subsections 19 and 20 of the SSMUH Bylaw where detached dwellings, duplex dwellings and multi-family residential buildings are permitted only under the SSMUH Bylaw, they may be subdivided provided the owner enters into an employee housing agreement with the municipality. If subdivided, the residential rental tenure restriction would no longer apply.

Employee Housing Agreement

The standard employee housing agreement and 219 covenant is attached as Schedule B to the SSMUH Bylaw and was developed based on the terms and conditions presented in recent employee housing agreements. The employee housing agreement only requires occupancy by eligible employees and retirees and does not specify price restrictions and has been shared with the General Manager of the Whistler Housing Authority Ltd.

Additionally, as per subsection 5 of the SSMUH Bylaw, zones that currently provide for additional residential GFA or permit subdivision contingent to the property owner entering into an employee housing agreement will now be subject to these same standard terms, Schedule B of the SSMUH Bylaw, which don't impose price and rent restrictions. Zones with applicable requirements include:

- RS1 Zone
- RS2 Zone
- RS3 Zone
- RS-E5 Zone (Single Family Estate Five)
- RTA-C1 Zone (Comprehensive Residential/Tourist Accommodation One)

The employee housing agreements would be approved by Council through a housing agreement bylaw. If multiple housing agreement bylaws are required, when feasible, they will be collectively brought forward for Council's consideration to increase processing efficiencies.

Development Permit Areas

The Policy Manual advises that Development Permit Areas (DPAs) for the purpose of regulating building form and character have the greatest potential to negatively impact the viability of SSMUH, increasing timelines, costs, delays and uncertainty.

In Whistler, detached and duplex dwellings are exempt from the Multi-Family Residential 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, are subject to the Intensive Residential DPA.

The proposed SSMUH Bylaw provides for an exemption from DPAs designated to regulate residential form and character. Existing development permit requirements including for protection of sensitive ecosystems and protection of riparian ecosystems would continue to apply as they implement Provincial Riparian Area Protection Regulations. Wildfire protection development permit requirements would also continue to apply.

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Building Type

The Provincial Policy Manual encourages local governments to provide flexibility and provide for a diversity of housing types by permitting a full range of combinations and configurations for SSMUH buildings. In alignment with the Provincial Policy Manual and endorsed Bylaw Framework, the proposed SSMUH bylaw aims to encourage a diversity of housing types by allowing any combination of the following:

- detached dwellings,
- duplex dwellings,
- townhouses,
- apartments; and
- ARDUs both within principal dwellings and detached on the same parcel.

The existing definitions in the Zoning Bylaw for these dwelling types would continue to apply. A detached dwelling is defined as a residential building containing not more than one principal dwelling unit. A duplex is defined to contain two principal dwelling units in the same building, and the dwelling can be either stacked or side by side. The definitions of townhouse and apartment are quite flexible for various forms of multi-unit housing. Both townhouse and apartment are defined to be a residential building containing three or more dwelling units. Townhouse is further defined such that each of the dwellings has its own separate principal access not located on a common corridor or lobby, and apartments are further defined to have a principal access from a common entrance for access to all of the dwellings within the apartment building. An ARDU is a dwelling unit that is ancillary to one of the other residential dwelling types, and could be contained within the same building or in an auxiliary building located on the same parcel.

To encourage compact development and limit site disturbance, section 35(7) of the SSMUH Bylaw allows for dwelling units to be in no more than two buildings per parcel. Under the proposed SSMUH Bylaw, on a property where four units are permitted, a variety of possible configurations are permitted which may include but are not limited to:

- two detached dwelling units and two ARDUs;
- one detached dwelling, one duplex dwelling, and one ARDU;
- one duplex, and two ARDUs;
- two duplexes;
- a triplex (either townhouse or apartment) and one ARDU; or
- a fourplex (either townhouse or apartment).

Density/Intensity of Development

For residential development, density and intensity generally refer to the number of units or amount of development permitted per parcel in a zone and the size of dwellings. Density expressed in terms of number of units is addressed above. The proposed SSMUH Bylaw implements the legislated minimum number of dwelling units that are required to be permitted for a parcel based on the specified parcel characteristics, as set out in subsections 2, 3, 4, and 6.

Floor Area Ratio (FAR) or Floor Space Ratio (FSR), is a measure of density used in conjunction with other regulations to regulate the bulk of a building on a given parcel. The Provincial Policy Manual generally recommends instead of specifying a FAR, buildable area can be regulated through setbacks and height regulations in combination with a limit on the number of units permitted. Alternatively, the Provincial Policy Manual suggests local governments could consider reducing FAR limits only for single-family dwellings, to further incentivize and encourage SSMUH. Further, the Provincial Policy

Manual acknowledges local governments may wish to maintain FAR on larger lots to avoid the construction of excessively large and relatively expensive housing units.

In Whistler, the Zoning Bylaw generally expresses maximum density provisions in terms of a maximum GFA for the existing permitted dwelling types – detached dwellings, ARDUs and duplex dwellings. The maximum amount of development is also generally determined by regulations that relate to the intensity of development on a parcel, specified in terms of FSR which is defined as the GFA of all buildings on a parcel divided by the parcel area. For Whistler’s principal RS and RT zones, the maximum density is expressed as the lesser of the maximum GFA and the specified FSR which is typically 0.35 for detached dwellings and 0.4 for duplex dwellings. The density regulations establish the amount of living space, and along with minimum parcel size, building height, frontage and setback regulations establish the bulk and character of potential development.

The specification of maximum densities in terms of a maximum GFA and FSR is consistent with Whistler’s historic practice and provides greater certainty in relation to the amount of development permitted and available to achieve reasonably sized dwelling units under SSMUH zoning.

Under the initial Bylaw Framework presented to Council on April 9, 2024, staff recommended that maximum densities under existing zoning be maintained, with the maximum density being allowed to be distributed across the greater number of dwelling units permitted by SSMUH. This recommendation was based on recognition that zoning for detached dwellings typically provides for a maximum GFA of 325 m² (3,500 f²) and up to 465 m² (5,000 f²) depending on parcel size, setbacks and site dimensions, and zoning for duplex dwellings typically provides for maximum GFA of 375 m² and up to 511 m² (6,000 f²) also depending on parcel size, setbacks and site dimensions.

The recommendation was to also allow GFA exclusions that are generally permitted under the Zoning Bylaw applicable to detached and duplex dwellings to also apply to all SSMUH dwellings. These exclusions, in particular in-ground basements, can add significantly to the total floor area of the dwelling. Permitting the existing maximum GFA and allowing the GFA exclusions was considered to be sufficient density for up to four dwelling units and would support more compact and affordable housing opportunities.

Additional Density

Since the Bylaw Framework was presented to Council, staff have considered the density provisions and have conducted additional analysis of potential densities for parcels within the identified principal single family detached dwelling and duplex zones, which represent 75 per cent of all parcels required to permit up to four dwelling units. Further analysis has also been completed with respect to GFA exclusions and the associated amount of space that is typically developed and available as additional living area based on a review of historic building permit records.

Further to this analysis, the proposed SSMUH Bylaw includes several provisions beyond the initial recommended Bylaw Framework that provide additional density opportunity for most parcels in the principal detached dwelling and duplex zones. These provisions will further facilitate SSMUH development, addressing parcels that are already built to their maximum under existing zoning, as well as for development and redevelopment of full buildout potential on existing underdeveloped parcels.

The additional provisions are described as follows:

1. Remove increased setback and frontage width requirements under existing zoning that limit the ability to achieve the greater maximum GFA permitted for larger parcels within the RS1, RS2, RS4, RI1, RT1, RT2 and RT6 zones (Sections 35(12) and (13) of the SSMUH Bylaw).

Under the existing regulations for these zones, the maximum GFA for detached dwellings is permitted to increase from 325 m² to a maximum of 465 m², subject to an increase in the minimum side yard setback from three metres to six metres and an increase in the minimum lot frontage width from 18 metres to 24 metres. Effectively, any parcel that has sufficient size for a greater GFA based on a maximum FSR of 0.35, but can not meet these requirements, was restricted to 325 m² of GFA.

Under the proposed regulation the increased side lot line setback and frontage width requirements have been removed; the minimum side lot line setback is established at three metres and the minimum lot frontage width at 18 metres.

For the zones that permit duplex dwellings, there is a similar requirement under the existing zone regulations for increased side yard setbacks and minimum lot frontage widths to achieve the greater maximum GFA. To increase from the base maximum GFA of 375 m² for a duplex dwelling to the maximum of 511 m² requires the same increase in side lot line setback from three metres to six metres and in lot frontage width from 18 to 24 metres.

Under the proposed regulations the increased side lot line setback and frontage width requirement that apply to the duplex dwelling maximum densities has also been removed; the minimum side lot line setback is established at three metres and the minimum lot frontage width at 18 metres.

The proposed change to the side lot line setback and frontage width limitations applies to a total of approximately 1,216 parcels that have the minimum parcel area required for additional density. Note that staff have not completed further analysis to estimate how many of these parcels were not able to meet the increased setback and lot frontage requirements.

2. Increase the maximum allowable density for the RS1, RI1, RS2 and RS4 zones (Section 35(9) of the SSMUH Bylaw).

Staff are recommending that the maximum GFA and FSR for these zones be increased from the lesser of 465 m² and a 0.35 FSR, to 511 m² and 0.40 respectively. This is in alignment with higher densities permitted for duplex dwellings in the RT1, RT2 and RT6 zones, and provides some additional density potential for properties that are already built to their maximums under existing zoning.

This proposed change affects 1,952 parcels. Based on the minimum parcel size of 695 m², the potential additional density ranges from 35 square metres (355 f²) to 64 m² (690 f²) for these parcels. Note that the minimum dwelling unit size for an ARDU in these zones is 32.5 m², so the additional GFA supports one to two ARDUs beyond the existing maximum density.

Gross Floor Area Exclusions

The general regulations of the Zoning Bylaw permit a number of GFA exclusions for both detached dwellings and duplex dwellings. These exclusions permit various types of building floor area to be excluded from the calculation of the maximum GFA including parking areas, mechanical rooms and in-ground basement floor area to a maximum of 125 per cent of the GFA of the storey immediately above.

These exclusions can contribute significantly to the size of the dwellings and their usable space. Section 35(11) of the SSMUH Bylaw allows for GFA exclusions to apply to all permitted SSMUH residential buildings.

As identified above staff have completed an analysis of building permits with basement GFA exclusions over the past 12 years. On average the amount of additional floor area that has been permitted is equivalent to 30 percent of the maximum GFA permitted for the parcel, for those developments utilizing basement exclusions.

Applying the proposed density regulations to the identified principal zones, the distribution of parcel sizes within these zones provides a calculation of the maximum GFA potential for each parcel. This analysis shows that there are:

- 321 parcels that have a maximum GFA between 280-300 m² (3,013 to 3,229 f²);
- 895 parcels that have a maximum GFA between 301-400 m² (3,240 to 4,306 f²); and
- 899 parcels that have a maximum GFA between 401-511 m² (4,316 to 5,500 f²).

At the smallest end of the range of parcel sizes, and the maximum of four dwellings per parcel, the potential average dwelling unit size is 70 m² (753 f²); at the upper end of the range the average dwelling unit size is 128 m² (1,375 f²), without including potential GFA exclusions.

Per section 35(10) of the SSMUH Bylaw these maximums may be distributed in any proportion among the dwelling units and any auxiliary buildings that are permitted under the SSMUH Bylaw. The proposed changes to allow for additional density do not apply for developments that do not generate additional dwelling units beyond that permitted under existing zoning. For example, if an owner chooses only to build a detached dwelling, this development is not eligible for the additional density.

The proposed regulations do not propose any minimum dwelling unit sizes beyond existing regulations, which provides significant flexibility in achieving property owner objectives and a diversity of options for the size of additional SSMUH dwelling units. As noted above the minimum ARDU size for these zones is 32.5 m². Per section 35(10) of the SSMUH Bylaw, the maximum size of an attached ARDU is 40 per cent of the detached dwelling or duplex dwelling within which it may be located. Any other regulations restricting the size of an ARDU no longer apply.

The range of maximum densities and potential unit sizes provides significant flexibility to achieve a variety of unit types that meet the diverse needs of the community for studio, one-bedroom, two-bedroom and family-oriented dwelling units. These unit sizes reflect recently approved and under construction residential projects in Cheakamus Crossing as well as new townhouse projects realized through the Private Sector Housing Initiative.

Setbacks

Setbacks are used to maintain separation between properties and dwellings, provide for utility corridors, and areas for snow-shed and snow-clearing. Setbacks also establish development free areas that provide for common space, vegetation and rainwater infiltration. In addition to setbacks, BC Building Code requirements for spatial separation for fire safety need to be followed to reduce the risk of fire spreading from one building to another. The recommended Site Standards for front, side and rear lot line provided in the Provincial Policy Manual are as follows:

- Where only an ARDU is required:
 - Front lot line setback – minimum 5 to 6 metres

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- Side lot line setback – minimum 1.2 metres
- Rear lot line setback – minimum 6 metres for principal buildings and minimum 1.5 metres for ARDUs
- Where a minimum of 3 or 4 units is required and the lot is less than 1215 m²:
 - Front lot line setback – minimum 2 metres
 - Side lot line setback – minimum 1.2 metres
 - Rear lot line setback – minimum 1.5 metres
- Where a minimum of 3 or 4 units is required and the lot is larger than 1215 m²:
 - Front lot line setback – minimum 4 to 6 metres
 - Side lot line setback – combined minimum 3 metres
 - Rear lot line setback – minimum 6 metres for principal buildings and minimum 1.5 metres for ARDUs

The SSMUH Bylaw proposes to maintain the setback requirements as specified in the applicable zone, except for a reduced side lot line setback in the RI1, RS2, RS4, RI1, RT1, RT2, and RT6 Zones as described above.

In Whistler, a typical residential front lot line setback is 7.6 metres. This distance provides sufficient space for required parking and snow clearing, in the front yard. Side lot line setbacks vary, depending on zone, parcel size and building type but are typically at least three metres with some exceptions. This distance provides for utility corridors, privacy, snow-shed and spatial separation for fire safety. The typical rear lot line setback is 7.6 metres. This provides for outdoor amenity space, privacy, and vegetation. Additionally, existing regulations in the Zoning Bylaw allow for projections into front, side and rear yards in the following circumstances:

- As per Part 5, Section 14 of the Zoning Bylaw in all RS, RI, and RT residential zones and for detached and duplex dwellings in all RTA zones, an auxiliary or attached building for garage or carport use may be set back a minimum of five metres from the front parcel line.
 - In areas with a steep slope, these auxiliary buildings for garage or carport use may be set back a minimum of two metres from the front parcel line, provided the auxiliary building is no more than 3.5 metres in height.
- As per Part 5, Section 3 of the Zoning Bylaw, auxiliary buildings with a maximum height of five metres are permitted to be sited not less than three metres from a side or rear parcel line. This includes auxiliary buildings that contain an ARDU. For the principal detached dwelling zones, RS1, RS2, RS4 and RI1, auxiliary buildings containing both an auxiliary dwelling unit and parking use to a maximum height of seven metres are permitted to be not less than three metres from a side or rear parcel line.

Furthermore, through the bylaw testing, setbacks will be further evaluated to determine the feasibility of various dwelling types and achieving the maximum number of units permitted.

Height & Number of Storeys

Regulating building height typically aims to maintain compatible building scales and mitigate potential negative impacts on neighbouring properties regarding privacy and shadow implications. Generally, the Provincial Policy Manual recommends a height of 11 metres to allow for at least three storeys. The Provincial Policy Manual acknowledges that local governments use various methods to measure and regulate height, which may cause variations in the height necessary to permit three storeys.

The SSMUH Bylaw proposes to maintain existing maximum building heights as specified in the applicable zone. The current maximum height for detached dwellings and duplex dwellings is generally specified as 7.6 metres with associated regulations for determination of lowest grade and average roof height, which are unique to Whistler. These regulations have been developed to provide for three storey buildings, and additionally accommodate in-ground basements, based on building design and the roof height calculations specified in the Zoning Bylaw. The 2024 work program for the Building Department includes a review of these regulations to identify opportunities for simplification, clarity and enhanced efficiency and streamlining of application review. There is also opportunity for building heights to be further reviewed through bylaw testing.

Lot Coverage

In conjunction with setbacks, lot coverage is a tool used to limit the size of buildings to create consistent development pattern and support groundwater recharge and effective stormwater management, by protecting pervious surfaces. The Provincial Policy Manual recognizes that setting a maximum lot coverage not only supports reducing impacts to stormwater management and water resources but can also ensure the size of new SMMUH development are more affordable. The Provincial Policy Manual recommends different maximum lot coverage limits for each type of lot subject to different density requirements:

- Where only an ARDU is required, 25 per cent is recommended on large lots and up to 40 per cent on smaller lots;
- Where a minimum of 3 or 4 units is required and the lot is less than 1215 m², 50 per cent is recommended; and
- Where a minimum of 3 or 4 units is required and the lot is larger than 1215 m², 40 per cent is recommended.

In Whistler, the maximum site coverage in restricted zones generally ranges between 30 per cent and 40 per cent; most restricted zones are subject to a maximum lot coverage of 35 per cent. To address Whistler's mountainous terrain and natural character, and preserve permeable surfaces, the SSMUH Bylaw proposes to maintain the existing maximum lot coverage as specified in the applicable zone. Maintaining existing lot coverage will be supplemented by the proposed changes to side lot line setbacks and opportunities for additional density to increase SSMUH viability, as described above.

Off-Street Parking Requirements

While the Provincial Policy Manual recommends that local governments minimize parking requirements and, in some cases, consider removing parking requirements for residential zones altogether, it is noted that having no parking requirements are best suited where there is access to sustainable modes of transportation and that the availability of on-street parking is also an important consideration. For parcels required to allow for an ARDU, one space per dwelling unit is recommended. For Parcels required to allow for a minimum of 3 or 4 units, 0.5 spaces per dwelling unit in close proximity to transit (within 800 m of transit stop with a bus at a minimum frequency of every 15 minutes measured between 7:00 a.m. – 7:00 p.m.) or a maximum of one space per dwelling unit. However, the Provincial Policy Manual acknowledges that off-street parking may be necessary in rural areas with limited public transportation, or where no on-street parking is available or is impractical due to snow removal requirements. As an example, 1.5 spaces per dwelling unit is recommended in these instances.

On-street parking in Whistler is limited due to winter conditions and municipal snow clearing requirements. Off-street parking is required to maintain efficient snow clearing operations and help to ensure public safety, emergency response, and safe travel.

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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 parking space. For residential buildings containing three or more dwelling units between one and two spaces are required per dwelling unit, 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. Excess parking requirements impact cost of development, site planning and development feasibility for achieving additional housing units and may limit the viability of SSMUH.

Per section 35(14) of the SSMUH Bylaw, where three or four units are to be constructed the minimum number of parking spaces required for all dwelling units on the parcel is specified as one space per dwelling unit and the maximum number of spaces that may be constructed on a parcel is six. Additionally, this section allows for tandem parking spaces. This parking ratio and tandem allowance aims to balance ensuring adequate off-street parking and supporting the feasibility SSMUH.

Tourist Accommodation

The intent of the SSMUH legislation is to create more homes for people and does not contemplate increasing the potential for short-term rental opportunities. Therefore, on properties where both the SSMUH Bylaw apply and existing zoning provides for both residential and temporary or tourist accommodation use, section 35(21) of the SSMUH Bylaw provides that there will be no increase in the number of dwelling units that may be used as tourist accommodation. This is consistent with the existing zoning that limits the option for the temporary or tourist accommodation use to the principal dwelling and restricts ARDUs to residential use.

OPTIONS

The recommendation of this report is that Council give first three readings to the SSMUH Bylaw.

Should Council decide not to approve this recommendation, and require revisions prior to further consideration of the SSMUH Bylaw, then staff recommends that Council pass the following recommendation:

That Council direct staff to make changes to address the following items in “Zoning Amendment Bylaw (Small-Scale Multi-Unit Housing) No.2440, 2024” and return to Council for consideration of first three readings:

- (to be specified by Council)

Depending on the scope of the revisions requested, additional public notice may be required. This may result in the requirement for a Special Council meeting to ensure adoption of the SSMUH Bylaw by the legislative deadline of June 30, 2024.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

On April 9, 2024, Council endorsement was obtained of the project approach to implement new provincial requirements regarding SSMUH and TOD Areas by the provincial deadline of June 30, 2024. Specifically, regarding SSMUH, staff were directed to prepare an amendment to the Zoning Bylaw to comply with the requirements of provincial Bill 44, consistent with the approach described in

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.

[April 9, 2023: Administrative Report No. 24-040](#), Provincial Housing Legislation Update: Bill 44 – Small-Scale Multi-Unit Housing and Bill 47 – Transit-Oriented Development Areas

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.

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.

Analysis on the endorsed SSMUH zoning bylaw approach with the OCP was presented in [Administrative Report No. 24-040](#), specifically in relation to the Residential Accommodation section in Chapter Five (Land Use and Development), and Chapter Four (Growth Management).

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 was used to provide for legal assistance associated with bylaw preparation and will be used for work related to bylaw testing, as well as for further communications and preparation of information bulletins.

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.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

Inform Consult Involve Collaborate Empower

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.

Public notice of the zoning amendment bylaw was published in two consecutive publications of the local newspaper and in the public notice posting places, in accordance with section 467 of the LGA.

Correspondence Received

A letter to Council from Mr. Dearden Bill 44 and the SSMUH legislation was received by Council on April 23, 2024. The letter provided comment on Admin Report No. 24-040 with regard to the Provincial Policy Manual. In regard to SSMUH, the letter notes that additional density and reduced setbacks would enable property owners to build new housing adjacent to their existing homes and encourages exploring ways to increase density.

A second letter to Council from Mr. Dearden was received by staff on April 29, 2024. The letter encourages the elimination of parking minimums through the SSMUH Bylaw to support climate action.

A letter to Council from Ms. Newman was received by staff on May 1, 2024. To support SSMUH development, the letter requests increased density in the RS1 Zone, relaxation of parking requirements and relaxation of height restrictions.

Staff Response

Staff acknowledge the sentiments expressed to explore opportunities for increased density to allow opportunities to facilitate new dwelling units alongside existing dwellings on built out properties and that parking requirements have a significant impact on the viability of SSMUH development. As described above, the proposed SSMUH Bylaw includes several provisions beyond the initial recommended Bylaw Framework that provide additional density opportunity for the majority of parcels in the principal detached dwelling and duplex zones and reduced parking requirements. The following subsections have been included in the SSMUH Bylaw to increase opportunities for density and to reduce parking requirements in section 35:

- Subsection 9: increases the maximum allowable density for the RS1, R11, RS2, and RS4 Zones.
- Subsection 11: allows for GFA exclusions to apply to all permitted SSMUH residential buildings.
- Subsection 12 and 13: removes increased setback and frontage width requirements under

existing zoning that limit the ability to achieve the greater maximum GFA permitted for larger parcels within the RS1, RS2, RS4, R11, RT2 and RT6 Zones.

- Subsection 14: where three or four units are to be constructed, reduces the required number of parking spaces to one space per dwelling unit on the parcel up to a maximum of six spaces, and allows for tandem parking configurations.

Information Sharing

A Planning Dept 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. Mapping has been provided through the RMOW GIS, to allow property owners to easily identify if their parcel may be affected. Staff will continue to respond to public inquiries as received. The CHBA was notified of the draft SSMUH Bylaw and will be informed of the adopted changes.

Bylaw Testing and Continued Monitoring

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

REFERENCES

“Zoning Bylaw Amendment (Small-Scale Multi-Unit Housing) No.2440, 2024” (Included in Council Package)

Appendix A: Provincial Policy Manual and Site Standards.

SUMMARY

This report provides an analysis of the proposed bylaw and the Provincial Policy Manual and Site Standards for Councils consideration and presents “Zoning Bylaw Amendment (Small-Scale Multi-Unit Housing) No. 2440, 2024” to Council for consideration of first, second and third readings. Finally, this report requests that Council authorize staff to notify the Minister of Housing upon adoption of the SSMUH Bylaw.

SIGN-OFFS

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