

**RESORT MUNICIPALITY OF WHISTLER**

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STAFF REPORT TO COUNCIL

PRESENTED: May 24, 2024
FROM: Planning Department
SUBJECT: CM000182 - HOUSING AGREEMENT BYLAW (1400 MOUNT FEE ROAD) NO. 2447, 2024

REPORT: 24-052
FILE: 2450-20-0182

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION(S)

That Council consider giving first, second and third readings to “Housing Agreement Bylaw (1400 Mount Fee Road) No. 2447, 2024”.

PURPOSE OF REPORT

This report requests Council's consideration of first, second and third readings for “Housing Agreement Bylaw (1400 Mount Fee Road) No. 2447, 2024” (Housing Agreement Bylaw) associated with an employee-restricted rental apartment building currently under construction at 1400 Mount Fee Road in the Cheakamus Crossing Phase 2 neighbourhood. This Housing Agreement Bylaw proposes modifications to the existing housing agreement, adopted by Council on May 2, 2023, at the request of the Whistler Valley Housing Society (WVHS), the building owner. Further, the Housing Agreement Bylaw will authorize cancellation of the existing housing agreement concurrent with execution and registration of the new housing agreement.

☐ Information Report ☒ Administrative Report (Decision or Direction)

DISCUSSION

Background

The Housing Agreement Bylaw applies to 1400 Mount Fee Road (Lot 2A) in the Cheakamus Crossing Phase 2 neighbourhood. The subject lands form part of the Lower Cheakamus Community Land Bank Site granted by the province to the Resort Municipality of Whistler (Municipality) under the Community Land Bank Agreement (CLBA) as a lasting affordable housing legacy of the 2010 Winter Games. On March 21, 2023 Council authorized issuance of DP001925 for construction of a 3-storey, 30-unit employee-restricted rental apartment building at 1400 Mount Fee Road, and on May 2, 2023, Council adopted “Housing Agreement Bylaw (1400 Mount Fee Road) No. 2391, 2023” to establish occupancy and eligibility restrictions, initial maximum rental rates, sale price and sale restrictions, and

administration and management restrictions of the units that reflect Whistler's current employee housing standards, and align with CLBA requirements.

The building is currently under construction, anticipated to be completed in July 2024, and will be operated by WVHS as affordable employee rental housing. At the March 19, 2024 Meeting of Regular Council, Council received a letter from WVHS (attached as Appendix A) requesting to modify the existing housing agreement to align with their operational goals, specifically by:

1. Expanding the list of approved Essential Service Employees by adding pharmacist, veterinarian, and Social Service Agency workers.
2. Modifying the agreement to allow Social Service Agencies and employers of Essential Service Employees to be lease holders.
3. Modifying the agreement to allow transfer of tenants from WVHS' rental property at 2178 Sarajevo Drive to 1400 Mount Fee Road, without first going through the Whistler Housing Authority (WHA) waitlist.
4. Removing the maximum number of leases that are available to Social Service Clients and Essential Service Employees.

Council received and referred the letter to staff, directed staff to request WVHS submit a covenant modification application, directed staff to expedite the processing of the application and waive the application fee.

Analysis

The requests by WVHS noted above are addressed in the amended housing agreement that forms Schedule A of the Housing Agreement Bylaw, including:

- Adding "Social Service Agency workers", "pharmacists registered with the College of Pharmacists of British Columbia", and "veterinarians registered with the College of Veterinarians of British Columbia" to the definition of Essential Service Employee;
- Establishing a mechanism for oversight by requiring that the Owner provides the Municipality with a statutory declaration for each Employee Unit before entering into a Tenancy Agreement;
- Permitting subleasing to allow Social Service Agencies or employers of Essential Service Employees to lease units directly from the building Owner, with the prior written consent of the Municipality which consent shall not be unreasonably withheld;
- Increasing the maximum number of units that can be occupied by Essential Service Employees and Social Service Clients from 15 to 30; and
- Creating an allowance for up to 10 Employee Units to be occupied by Employees previously living in WVHS' rental building at 2178 Sarajevo Drive without going through the WHA waitlist.

These amendments fulfil WVHS' requests, while ensuring that the new housing agreement reflects Whistler's employee housing standards and aligns with CLBA requirements. A copy of the Housing Agreement Bylaw that highlights these changes is attached as Appendix B.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Section 483 of the *Local Government Act* provides the authority for local governments to enter into agreements for affordable housing that restrict the occupants and address matters including the form of tenure, rents and leases, sale prices, and administration and management of the housing units.

Previous relevant Council decisions related to 1400 Mount Fee Road are listed below:

[March 19, 2024: Whistler Valley Housing Society – Housing Agreement modification for 1400 Mount Fee Road File No. 3009](#)

- This correspondence requested that Council consider proceeding with modification to “Housing Agreement Bylaw (1400 Mount Fee Road) No. 2391, 2023”. Council received and referred the letter to staff, directed staff to request WVHS submit a covenant modification application, directed staff to expedite the processing of the application and waive the application fee.

[April 18, 2023: Housing Agreement Bylaw \(1400 Mount Fee Road\) No. 2391, 2023, Report No. 23-045](#)

- This report requested consideration of first, second, and third readings for “Housing Agreement Bylaw (1400 Mount Fee Road) No. 2391, 2023” to authorize registration of a housing agreement over 1400 Mount Fee Road. The Bylaw was subsequently adopted by Council on May 2, 2023, and the Housing Agreement registered with the Land Title Office.

[March 21, 2023: DP001925 – 1400 Mount Fee Road – Employee Restricted Housing Development, Report No. 23-031](#)

- This report presented DP001925 for consideration of approval. The proposal was for a new three-storey, 30-unit employee restricted apartment building at 1400 Mount Fee Road. The building is currently under construction.

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 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.

Key relevant policies from the OCP are contained in the Residential Accommodation section of Chapter 5: Land Use and Development. Under Our Shared Future heading, the OCP describes the desired future where “Whistler’s employees enjoy a secure supply of affordable and livable employee housing that includes a range of housing types, prices and tenures”.

The OCP recognized a critical need for additional employee housing, supporting development of the Residential Reserve Lands in Cheakamus Crossing. The OCP specified a target to strive for the addition of 1,000 new employee beds by 2023 (Objective 5.1.2). The development of employee housing at 1400 Mount Fee Road addresses this target. Further, Policy 5.1.3.1 calls for the RMOW to “Maintain an inventory of employee housing in perpetuity, for rental and ownership tenures, to be available for employees”.

The use of housing agreements is an essential tool in achieving the RMOW’s OCP goals and objectives related to securing and maintaining affordable employee housing for the Whistler resort community. The following OCP policies also provides guidance for the development of these agreements:

5.1.3.2 Policy: Use housing agreements, covenants, and bylaws to ensure housing is occupied as intended for employee housing; and

5.1.2.8 Policy: Ensure employee housing is occupied consistent with restrictions related to price, use, resale, eligibility, and other conditions.

The Housing Agreement Bylaw will ensure that the development at 1400 Mount Fee Road facilitates the creation of employee housing in perpetuity aligned with current municipal policies and goals for affordable employee housing.

BUDGET CONSIDERATIONS

The application fee for a Covenant Amendment is \$5,500, which was established to account for administrative time and legal costs required to prepare the modification. In this case, RMOW Council waived the application fee, so costs will come from departmental budgets.

LÍŁWAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lílwat People, known in their language as *L’il’wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler’s resort economy.

There are no specific considerations to include in this report.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

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

REFERENCES

Appendix A - Letter from WVHS requesting specific amendments to the housing agreement.
Appendix B – Blacklined copy of “Housing Agreement Bylaw (1400 Mount Fee Road) No. 2447, 2024”
“Housing Agreement Bylaw (1400 Mount Fee Road) No. 2447, 2024” (included in Council Package).

SUMMARY

This report requests consideration of first, second, and third readings for “Housing Agreement Bylaw (1400 Mount Fee Road) No. 2447, 2024” to authorize registration of an amended housing agreement over 1400 Mount Fee Road (Lot 2A) in the Cheakamus Crossing Phase 2 neighbourhood, as requested by the building owner, Whistler Valley Housing Society.

The amended housing agreement establishes occupancy and eligibility restrictions, initial maximum rental rates, sale price and sale restrictions, and administration and management restrictions of the dwelling units that reflect current municipal employee housing standards across all 30 dwelling units. It is consistent with the RMOW’s affordable employee housing policies and standard terms, and the requirements of the CLBA.

The modifications proposed with the amended housing agreement introduce additional project-specific terms, including establishing rental and unit allocation priority for tenants from WVHS’ rental building at 2178 Sarajevo Drive; expanding the list of Essential Service Employees to include Social Service Agency workers, pharmacists, and veterinarians; permitting the building Owner to lease units directly to Social Service Agencies or employers of Essential Service Employees; and removing the cap on the number of units that can be occupied by Essential Service Employees and Social Service Clients from 15 to 30.

SIGN-OFFS

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