



**RESORT MUNICIPALITY OF WHISTLER**

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## STAFF REPORT TO COUNCIL

**PRESENTED:** May 28, 2024 **REPORT:** 24-056  
**FROM:** Planning Department **FILE:** 3360-20-1182, 3900-20-2437  
**SUBJECT:** HOUSING AGREEMENT BYLAW (5298 ALTA LAKE ROAD) NO. 2437, 2024  
REPORT

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION(S)

**That** Council consider giving first, second and third readings to “Housing Agreement Bylaw (5298 Alta Lake Road) No. 2437, 2024”.

### PURPOSE OF REPORT

This report requests consideration of first, second and third readings for “Housing Agreement Bylaw (5298 Alta Lake Road) No. 2437, 2024” (Proposed Bylaw).

The Proposed Bylaw will enable the Resort Municipality of Whistler (RMOW) to enter into a housing agreement and covenant for the proposed 21 employee townhouses located at 5298 Alta Lake Road to increase the maximum initial sales price from \$425 to \$495.28 per square foot and replace the existing housing agreement adopted by Council on September 12, 2023 and registered on the property title on September 28, 2023 (Existing Housing Agreement).

Information Report  Administrative Report (Decision or Direction)

### DISCUSSION

#### Background

The Proposed Bylaw applies to the proposed 21 employee townhouse dwelling units proposed at 5298 Alta Lake Road.

Housing agreements must be adopted by bylaw approved by Council. The Existing Housing Agreement for the proposed 21 employee townhouse dwelling units at 5298 Alta Lake Road was adopted by Council through “Housing Agreement Bylaw (5298 Alta Lake Road) No. 2329, 2022” (Bylaw No. 2329). Council gave first, second and third readings to Bylaw No. 2329 on June 21, 2022 and adopted Bylaw No. 2329 on September 12, 2023. The Existing Housing Agreement was subsequently registered on the property title on September 28, 2023. The Existing Housing Agreement establishes occupancy and

purchase eligibility restrictions, initial sale price and subsequent sale price restrictions, rental restrictions, and administration and management of the housing units that reflect current municipal employee housing policy and site-specific terms for the proposed 21 employee townhouse dwelling units proposed at 5298 Alta Lake Road. Of the 21 employee units, 20 will be available for sale to Qualified Persons through the Whistler Housing Authority Ltd. (WHA) waitlist and one will be retained by the owner as a rental unit to an Employee or Retiree. Qualified Person, Employee and Retiree are standard terms used in RMOW housing agreements and are defined in the Existing Housing Agreement.

Specifically, the Existing Housing Agreement set the maximum initial sales price at \$425 per square foot multiplied by the Gross Floor Area of the Employee Unit. This sales price is increased by the same percentage as the percentage increase, if any, in the Consumer Price Index (CPI) for Canada since the date of registration of the Existing Housing Agreement. The owners of 5298 Alta Lake Road proposed this initial sales price in 2020, through their rezoning application RZ001157 in response to the RMOW's Private Sector Employee Housing Initiative to allow the private development of residential restricted housing on underdeveloped private lands.

"Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020" (Bylaw 2283) and the associated "Official Community Plan Amendment Bylaw (5298 Alta Lake Road) No. 2289, 2020" (Bylaw 2289) were considered and adopted by Council to provide for 21 employee housing dwelling units, 11 tourist accommodation (TA) dwelling units, 11 residential dwelling units and an amenity building on a 1.93 hectare portion of the subject lands conditional on the provision of amenities. The amenities entitling the owner to the greater density of development included:

- transfer to the RMOW of a 1.44 hectare portion of the subject lands for nature conservation park and community park,
- a 0.5 hectare portion of the subject lands for future employee housing,
- construction of valley trail on the subject lands,
- relocation and restoration of two heritage structures on the subject lands,
- construction of the community park on the subject lands, and
- construction of 21 employee housing dwelling units on the subject lands.

The amenity investment is estimated at \$3.5 million, not including the employee housing or the land value of the parkland.

The process to adopt Bylaw 2283 and Bylaw 2289 required a second public hearing due to statutory requirements applicable to Bylaw 2289 not being met, delaying the project. This delay resulted in additional construction escalation and carrying costs for the owner.

Later, the owner and the RMOW negotiated the provision of a public washroom building in the community park in lieu of the barn being retained and repaired to be structurally sound. It was determined that a public washroom facility was of greater benefit to the new park and associated Valley Trail versus retention of the barn, which needed significant structural upgrades, and would have no particular use. This community amenity change was considered and adopted by Council under "Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2423, 2023". This community amenity change increased development costs for the owner.

Subsequently, the owner has requested reconsideration of the \$425 per square foot maximum initial sales price proposed by them in 2020 that was set in their Existing Housing Agreement in 2023.

## **Analysis**

The Proposed Bylaw has been prepared for Council consideration of first, second and third readings. The Proposed Bylaw will increase the maximum initial sales price from \$425 to \$495.28 per square foot and replace the Existing Housing Agreement.

Staff support an increase to \$495.28 per square foot for the maximum initial sales price (additional \$70.28) for the following reasons:

- Increased development costs to the owner for the added amenity contribution of a public washroom building in the community park;
- Additional construction escalation and carrying costs for the owner caused by delays in application processing due to the statutory requirements applicable to the associated Official Community Plan (OCP) amendment bylaw not being met; and
- CPI increase since September 28, 2023 (as permitted by Existing Housing Agreement).

The staff recommended maximum initial sales price is still less than unrestricted market value and is still within the range of affordable options. As a comparison, the maximum initial sales price is \$559.00 per square foot plus CPI for a recent employee townhouse development of similar building type under the Private Sector Employee Housing Initiative.

The Proposed Bylaw does not change any of the other terms of the Existing Housing Agreement which includes occupancy and eligibility restrictions, subsequent sale price restrictions, rental restrictions and administration and management for the proposed 21 employee townhouse dwellings units, which are consistent with RMOW affordable employee housing policies and standard terms.

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## **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 Council decisions related to the proposed development at 5298 Alta Lake Road are listed below:

[December 19, 2023: Administrative Report No. 23-128](#), RZ001182 – Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2423, 2023 Report

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

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

[June 21, 2022: Administrative Report No. 22-096](#), RZ001157 – Bylaw 2329 Report

[March 8, 2022: Administrative Report No. 22-033](#), RZ001157 - Bylaw 2289 and Bylaw 2283 – Rescind Third Reading Report

[June 15, 2021: Administrative Report No. 21-066](#), RZ001157 – Public Hearing Summary and Third Reading Consideration for Bylaw 2289 and Bylaw 2283

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

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

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

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

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

### **2023-2026 Strategic Plan**

The 2023-2026 Strategic Plan outlines the high-level direction of the RMOW to help shape community progress during this term of Council. The Strategic Plan contains four priority areas with various associated initiatives that support them. This section identifies how this report links to the Strategic Plan.

#### **Strategic Priorities**

Housing

*Expedite the delivery of and longer-term planning for employee housing*

Climate Action

*Mobilize municipal resources toward the implementation of the Big Moves Climate Action Plan*

Community Engagement

*Strive to connect locals to each other and to the RMOW*

Smart Tourism

*Preserve and protect Whistler’s unique culture, natural assets and infrastructure*

Not Applicable

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

### **Community Vision and Official Community Plan**

The OCP is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

The OCP specifies a target to strive for the addition of 1,000 new employee beds over the next 5 years (2019 – 2023). Further, 5.1.3.1 Policy: 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 provide 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 Proposed Bylaw will ensure that the development proposed for 5298 Alta Lake Road facilitates the creation of employee housing in perpetuity aligned with current municipal policies and goals for affordable employee housing.

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## BUDGET CONSIDERATIONS

Costs associated with development of project specific housing agreements for proposed developments, are recovered through rezoning and development application fees. Costs associated with administering housing agreements are provided for through RMOW and WHA operating budgets.

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## LÍŁWAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Líl'wat 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.

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## 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.

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## REFERENCES

"Housing Agreement Bylaw (5298 Alta Lake Road) No. 2437, 2024" (included in Council package).

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## SUMMARY

This report requests consideration of first, second and third readings for "Housing Agreement Bylaw (5298 Alta Lake Road) No. 2437, 2024" to authorize registration of a new housing agreement to increase the maximum initial sales price from \$425 to \$495.28 for the proposed 21 employee townhouses located at 5298 Alta Lake Road and replace the Existing Housing Agreement.

The Proposed Bylaw does not change any of the other terms of the Existing Housing Agreement which includes occupancy and eligibility restrictions, subsequent sale price restrictions, rental restrictions and administration and management for the proposed 21 employee townhouse dwellings units, which are consistent with the RMOW's affordable housing policies and standard terms.

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**SIGN-OFFS**

**Written by:**

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**Reviewed by:**

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Virginia Cullen,  
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