



**RESORT MUNICIPALITY OF WHISTLER**

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## STAFF REPORT TO COUNCIL

**PRESENTED:** June 11, 2024 **REPORT:** 24-061  
**FROM:** Planning - Development **FILE:** 3060-20-1961, 3360-20-1184  
**SUBJECT:** DP001961 – 1000 ALPHA LAKE ROAD – ADDITIONAL EMPLOYEE HOUSING  
AND HOUSING AGREEMENT BYLAW (1000 ALPHA LAKE ROAD) NO. 2438,  
2024

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATIONS

**That** Council approve the issuance of Development Permit DP001961 (DP001961), which is an amendment to issued Development Permit DP001337 (DP001337) for additional employee housing and site planning, building and landscape alterations at 1000 Alpha Lake Road, with permit terms and conditions as follows:

1. DP001337 is amended as follows:
  - a) Schedule A of DP001337 is amended in accordance with the architectural and landscape drawings (Drawings) attached as Appendix A and listed for reference as Appendix B to Administrative Report No. 24-061;
  - b) Section 4(k) of DP001337 is deleted and replaced with the following:
    - k. Prior to any construction of buildings on proposed Lot 1 (as shown on the Drawings attached as Appendix A to Administrative Report No. 24-061) provide a security amount of \$185,584.37, to ensure that the hard and soft landscaping works are carried out consistently with the terms and conditions of Development Permit DP001337, with the security to be administered in accordance with *Council Policy G-09: Landscape Security for Development Permit*.
2. Prior to construction of any buildings on proposed Lot 2 (as shown on the Drawings attached as Appendix A to Administrative Report No. 24-061) a security amount of \$255,355.63 must be provided, to ensure that the hard and soft landscaping works are carried out consistently with the terms and conditions of Development Permit DP001961, with the security to be administered in accordance with *Council Policy G-09: Landscape Security for Development Permit*,
3. The Resort Municipality of Whistler “Zoning and Parking Bylaw No. 303, 2015” is varied as follows:

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- a) The maximum building height is increased from 12 metres to 13 metres, as shown on the architectural plans attached as Appendix A to Administrative Report No. 24-061; and
- b) The requirement under Part 6, Section 4(4) that states that when “...a building is enlarged, altered, or a change in the use occurs which requires a greater number of parking or loading spaces, the additional parking or loading spaces required under the provisions of this Part shall be provided...” is not applicable for future alterations or changes in use of the commercial units in the proposed buildings on proposed Lot 2 provided that (a) a minimum of 42 parking spaces be available on proposed Lot 2 for use by non-residential users, and (b) the building alteration or change in use is consistent with the applicable regulations of the IS5 Zone; and further

**That** Council consider giving first, second and third readings to “Housing Agreement Bylaw (1000 Alpha Lake Road) No. 2438, 2024”.

## **PURPOSE OF REPORT**

This report presents a development permit (DP) and housing agreement bylaw for Council consideration. Both matters are for the purpose of revising the approved development for proposed Lot 2 at 1000 Alpha Lake Road, and both are described in more detail below.

1. Development Permit (DP001961) is an application for modifications to previously issued DP001337 to replace the purpose-built brewery with a mixed-use commercial/residential building. The revised plan adds 24 additional employee housing units (EHU), adds additional landscaping and outdoor areas for residents, includes a minor variance to the maximum building height from 12 to 13 metres to facilitate improved energy performance, and includes an opportunity for a future parking variance to the number of parking stalls required for future alterations or changes in use of the commercial units in the proposed buildings on proposed Lot 2 provided a minimum of 42 non-residential parking stalls continues to be maintained.
2. “Housing Agreement Bylaw (1000 Alpha Lake Road) No. 2438, 2024” (Proposed Bylaw) will enable the Resort Municipality of Whistler (RMOW) to enter into a housing agreement and covenant for the proposed 72 EHUs located at 1000 Alpha Lake Road to reflect the increase in the number of EHUs from 48 to 72, and also to update definitions and terms to be consistent with RMOW employee housing policies and standard terms.

This report recommends that Council approve the issuance of DP001961 and further recommends that Council consider giving first, second and third readings to the Proposed Bylaw.

Information Report

Administrative Report (Decision or Direction)

## **DISCUSSION**

### **Background and Site Context**

DP001961 was received by Council on [April 9, 2024 \(Administrative Report No. 24-037\)](#) in conjunction with Council’s consideration of first, second and third readings to “Zoning Amendment Bylaw (1000 Alpha Lake Road) No. 2436, 2024” (Bylaw 2436). Bylaw 2436 adjusted the zone boundary between the IS5 zone and CS2 zone applicable to 1000 Alpha Lake Road to be congruous with the proposed parcel boundary. This resolved a split zoning limitation, and in doing so allows the revised development plan, which proposes 72 EHUs, an increase of 24 units over the previous development plan. Council adopted Bylaw 2436 on May 14, 2024.

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1000 Alpha Lake Road is owned by the Lílwat Nation. The 2.15 ha (5.3 acre) parcel is located at the entrance to Function Junction at 1000 Alpha Lake Road and is bounded by Highway 99, Alpha Lake Road and the railway tracks (see Appendix C - Location Map).

**Analysis**

**1. DP001961**

The purpose of DP001961 is to amend issued DP00137 to remove the purpose-built brewery building and replace it with a mixed-use commercial /residential building and make other consequential changes to the site plan and landscaping. Specifically, the amendments proposed under DP001961 result in an increase of 24 EHUs, for a total of 72 EHUs (192 Bed Units), as shown in the table below:

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

In addition to the replacement of the brewery building with a mixed use/employee housing building, other proposed amendments under DP001961 include:

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

Previously issued DP001337 will remain in effect, and will remain unchanged except for the amendments presented in this staff recommendation, namely the substitution and addition of a number of the drawings to reflect the revised proposal, and an update to the landscape security requirement to specify that the landscape security for Lot 1 is less the amount of the security that will be taken for the landscape on Lot 2, which is required prior to the construction of any buildings on Lot 2, as a condition of DP001961.

The subject property is in the Development Permit Areas for Aquifer Protection, Commercial/Industrial (form and character), Multi-Family Residential (form and character), and Wildfire Protection. The proposal under DP001961 is exempt from Aquifer Protection. A detailed evaluation of the proposal relative to the applicable DP area guidelines is presented in Appendix D. The proposal is consistent with the applicable guidelines.

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## Zoning Analysis

The subject property is zoned Industrial Service Five (IS5). Except for the noted building height variance, the proposal is consistent with the regulations of the IS5 Zone and all regulations of the “Zoning and Parking Bylaw No. 303, 2015”.

The proposal provides a total of 141 parking spaces, slightly exceeding the minimum requirement of 96 spaces for residential and 42 spaces for non-residential. No variance is requested with respect to the number of spaces that are required. However, DP001961 includes an opportunity for a future parking variance to the number of parking stalls required for future alterations or changes in use of the commercial units in the proposed buildings on proposed Lot 2 provided a minimum of 42 non-residential parking stalls continues to be maintained. This variance will reduce uncertainty for the owners and potential tenants at time of business licence application and will relieve the property owner and staff from the requirement of recalculating parking requirements for any change in use permitted under the applicable zoning.

## Advisory Design Panel

The Advisory Design Panel (ADP) considered the proposal at their meeting of December 20, 2023. The panel members were supportive of the revised development plan and offered recommendations to make improvement to the outdoor space and resident experience, suggesting improvements to the landscaping, the streetscape, seating and the general pedestrian experience. Revised plans were submitted that address the ADP comments, and offer additional outdoor gathering space, landscape improvements throughout, additional seating in gathering spaces, and widened sidewalks. The ADP review is more fully addressed in [Administrative Report No. 24-037](#).

## 2. Housing Agreement Bylaw (1000 Alpha Lake Road) No. 2438, 2024

The Proposed Bylaw is presented for Council consideration for first, second and third readings. The purpose of this bylaw is to amend the existing housing agreement to reflect the revised development proposal and update outdated definitions and terms. The original housing agreement that is registered on the subject lands referenced the development plans approved under DP001337, and since DP001961 would approve revised development plans, the housing agreement has been revised to reflect this. The housing agreement also makes minor updates to language and definitions, to reflect current standards. Specifically, the definition of “Employee” is updated, the definition of “Retiree” is added, the former definition of “Qualified Business” is replaced with the updated “Qualified Whistler Business” definition, the former “Core Consumer Price Index” definition is replaced with the updated “Consumer Price Index” definition, and language related to unit occupancy and remedies for non-remittance of the statutory declaration is updated to reflect current terms.

Staff note that the existing housing agreement was entered into under the requirements of the Employee Works and Services Bylaw, and as such there was no price restriction on the units, only an occupancy restriction. The Proposed Bylaw does not change this.

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## POLICY CONSIDERATIONS

### Relevant Council Authority/Previous Decisions

Council has the authority to issue a DP with variances, under s. 490 of the *Local Government Act* (LGA).

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Section 483 of the LGA 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, and administration and management of the housing units.

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

[April 9, 2024: Administrative Report No. 24-037](#), Zoning Amendment Bylaw (1000 Alpha Lake Road) No. 2436, 2024 and DP001961 – 1000 Alpha Lake Road

[February 8, 2022: Administrative Report No. 22-017](#), DP1337 – 1000 Alpha Lake Road – Development Permit Issuance

[April 16, 2019 \(2:23:40\): Administrative Report No. 19-049](#), DP1337 – 1000 Alpha Lake Road – Housing Agreement Bylaw (Function Junction) No. 2232, 2019

October 3, 2017: [Administrative Report No. 17-107](#), DP1337 – DL8078 – Function Junction Master Planned Mixed Use Development

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

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

#### **Strategic Priorities**

Housing

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

Climate Action

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

Community Engagement

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

Smart Tourism

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

Not Applicable

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

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

The 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.

As noted in the Analysis section of this report, the subject property is in the Development Permit Areas for Aquifer Protection, Commercial/Industrial (form and character), Multi-Family Residential (form and character), and Wildfire Protection. The proposal under DP001961 is exempt from Aquifer Protection as per exemption (b) which states that “activities on the lands identified on Schedule L that do not involve the use, storage, processing, manufacturing or sale of chemicals, substances or compounds, whether in solid, liquid or gaseous form, that could migrate into the ground and affect the groundwater aquifer, other than the use of a motor vehicle on the land.” Under the original DP for the site (DP001337) the aquifer DP guidelines were applicable, and the terms of DP001337 include requirements with respect to protection measures. The revision considered under DP001961 do not trigger need for reconsideration

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of the aquifer protection measures. The measures in place for the service station remain in place and are unaffected by DP001961.

A detailed evaluation of the proposal relative to the applicable OCP Development Permit Area guidelines is attached as Appendix D. The proposal is consistent with the applicable guidelines.

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 1000 Alpha Lake Road facilitates the creation of employee housing in perpetuity aligned with current municipal policies and goals for employee housing.

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## BUDGET CONSIDERATIONS

The municipality's direct costs of processing and reviewing the DP application are covered through the DP application fees. Legal costs associated with the Housing Agreement are billed to the applicant.

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## LÍLWAT NATION & SQUAMISH NATION CONSIDERATIONS

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

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

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## COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

Inform     Consult     Involve     Collaborate     Empower

A Development Notification Sign has been posted on the property as per the application requirements. No comments or concerns have been received by staff as of the time of writing this report.

There are no notification requirements under the LGA for a Housing Agreement Bylaw.

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## REFERENCES

Appendix A – Site Plans, Landscape Plans and Architectural Drawings  
Appendix B – Drawing List  
Appendix C – Location Map  
Appendix D – OCP DP Guidelines Review

“Housing Agreement Bylaw (1000 Alpha Lake Road) No. 2438, 2024” (included in Council package)

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## SUMMARY

The report presents a DP and a housing agreement bylaw for consideration, which are for the purpose of allowing revisions to the proposed development at Lot 2, 1000 Alpha Lake Road.

DP001961 will allow revisions to the development plan for proposed Lot 2, to replace the purpose-built brewery with a mixed-use building that will add employee housing and will offer additional warehouse/commercial space on the ground floor. Other minor changes that are part of the revised development plan include additional parking based on the different use, additional open space and gathering spaces for both residents and visitors, improved landscaping, and minor changes to the exterior materials and colours, all consistent with the applicable OCP DP guidelines. DP001961 includes a building height variance of one metre, and staff recommend that the DP vary the requirement to recalculate the non-residential parking for future alterations or changes in use of the commercial units in the proposed buildings on proposed Lot 2.

The Proposed Bylaw will repeal the existing housing agreement and replace it with a new agreement that includes the revised development plans and additional EHUs, as well as minor changes to update language, definitions, occupancy and reporting obligations, all to reflect the current RMOW employee housing polices and standard terms.

Staff recommend that Council approve the issuance of DP001961 as laid out in the recommendation of this report, and further that Council give first, second and third readings to the Proposed Bylaw.

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## SIGN-OFFS

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