



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: June 11, 2024 **REPORT:** 24-063
FROM: Planning Department **FILE:** 3900-20-2441/2442
SUBJECT: TRANSIT-ORIENTED DESIGNATION BYLAW NO. 2442, 2024 AND ZONING AND
PARKING AMENDMENT BYLAW (TRANSIT-ORIENTED DEVELOPMENT AREA –
RESIDENTIAL PARKING) NO. 2441, 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 “Transit-Oriented Area Designation Bylaw No. 2442, 2024” (TOD Area Bylaw); and

That Council consider giving first, second and third reading to “Zoning and Parking Amendment Bylaw (Transit-Oriented Development Area – Residential Parking) No. 2441, 2024” (Residential Parking Amendment Bylaw); and further

That Council direct staff, subject to adoption of TOD Area Bylaw and Residential Parking Amendment Bylaw, to provide written notice to the Minister of Transportation and Infrastructure of the adoption of the bylaws, including copies of the bylaws.

PURPOSE OF REPORT

To comply with BC Bill 47 legislative requirements, this report presents “Transit-Oriented Designation Bylaw No.2442, 2024” (TOD Area Bylaw) and “Zoning and Parking Amendment Bylaw (Transit-Oriented Development Area – Residential Parking) No. 2441, 2024” (Residential Parking Amendment Bylaw) to Council for consideration of first, second and third readings. Finally, this report requests that Council direct staff to notify the Minister of Transportation and Infrastructure (MOTI) upon adoption of the respective bylaws, as required.

Information Report

Administrative Report (Decision or Direction)

DISCUSSION

Background

On April 9, 2024, staff presented [Administrative Report No. 24-040](#) (Admin Report No. 24-040), Provincial Housing Legislation Update: Bill 44 – Small-Scale Multi-Unit Housing (SSMUH) and Bill 47 –

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Transit-Oriented Development Areas. The report provided details regarding the provincial Transit-Oriented Development (TOD) Area requirements and required implementation through adoption of a bylaw to designate the TOD Area and an amendment to the “Zoning and Parking Bylaw No. 303, 2015” (Zoning and Parking Bylaw) to remove residential parking requirements for any future residential development within the TOD Area.

Provincial TOD Area Requirements

Provincial legislation BC Order in Council No. 678-2024 identifies Whistler Gondola Exchange (WGE) as a TOD Area and provides the location coordinates (see Appendix A).

With the aim of increasing housing supply near transit hubs, local governments with applicable transit facilities identified through provincial regulations are required to designate TOD Areas. A TOD Area is an area within a set distance from a transit station that allows for a minimum allowable residential building height and density that local governments must adhere to when exercising their zoning authority in relation to rezoning applications. The characteristics of the transit station determine the TOD catchment area and minimum allowable residential building height and density, which are expressed as a minimum number of storeys and floor area ratio.

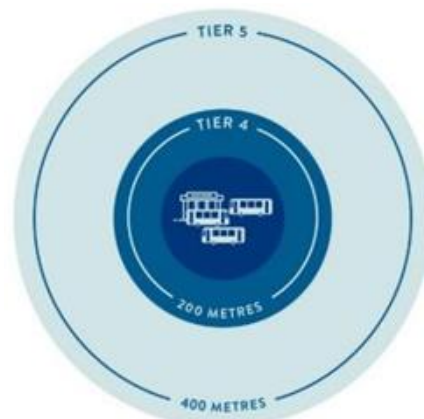


Figure 1: TOD Area – Bus Exchange Catchment Area

Furthermore, in TOD Areas, local governments are prohibited from requiring off-street parking spaces associated with residential developments, except for parking for use by persons with disabilities. The Provincial Policy Manual: Transit-Oriented Areas, provides an overview of the legislation, regulations and implementation guidance (attached as Appendix B).

Resort Municipality of Whistler (RMOW) Approach

Admin Report No. 24-040 introduced Guiding Principles as the basis for direction from Council to proceed with preparation of the necessary bylaws, regarding provincial SSMUH and TOD area requirements. For ease of reference, the Guiding Principles 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 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.

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Analysis

TOD Area Bylaw

Whistler Gondola Exchange TOD Area

Provincial regulations identify the WGE as a TOD Area and provide location coordinates for the transit facility (Longitude -122.951658 and Latitude 50.113152). The WGE is a bus exchange and the proposed TOD Area Bylaw designates the WGE with a catchment area of 400 m, applying to all parcels wholly or partially within this area. A map of the WGE TOD Area is attached as Appendix A.

TOD Area Tiers

The TOD Area is comprised of two distinct tiers (Tier 4 and 5, the first three tiers exist only in relation to rapid transit stations in Metro Vancouver), further outlined below in Table 1. Where parcels are bisected by two different tiers, the parcel is deemed to be wholly within the tier with the higher density requirements. Parcels bisected by the outer boundary of Tier 5 are deemed to be wholly within the TOD Area. Parcels within the Whistler WGE TOD Area and their corresponding tiers are shown on the map attached to this report as Appendix A.

Table 1: TOD Area - Bus

TOD Area Type	Tier	Prescribed Distance (metres)	Minimum Allowable Density (FAR/FSR)	Minimum Allowable Height (Storeys)
Bus	4	Less than 200	Up to 2.5	Up to 6
	5	200 - 400	Up to 1.5	Up to 4

Future Rezoning Applications

For properties in the TOD Area to be developed beyond the existing allowable height and density permitted under the current Zoning and Parking Bylaw, a rezoning application is still required. However, the rezoning application for a site zoned for all or partial residential use can not be rejected based only on the proposed density and/or building height if the proposed density and height are both at or under the provincially prescribed density and height. All rezoning applications would continue to follow the typical rezoning process, including opportunities to negotiate tenure, affordable housing and community amenity contributions. Additionally, any proposed developments continue to be subject to Development Permit Area designations and permit requirements.

Residential Parking Amendment Bylaw

The proposed Residential Parking Amendment Bylaw removes the requirements for the provision of off-street vehicle parking spaces in respect of residential land uses within the TOD area. The standards for the design and construction of parking spaces will continue to apply in respect to any parking spaces that are otherwise required or provided voluntarily by the property owner. Parking requirements for other uses in a mixed-use development would also continue to apply to the non-residential portion of the development.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

[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 Area

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Council endorsed the recommended project approach to implement new provincial requirements regarding SSMUH and TOD Areas. Specifically, regarding TOD Areas, staff were directed to prepare a bylaw designating the WGE as a TOD Area in accordance with provincial Bill 47, and to prepare an amendment to Part 6 of Zoning and Parking Bylaw that makes residential off-street motor vehicle parking requirements inapplicable in the TOD Area, except to the extent that Part 6 requires the provision of parking spaces for use by people with disabilities.

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.

Typically, all bylaws enacted after the adoption of an OCP must be consistent with s. 478(2) of the *Local Government Act* (LGA); however, as per s. 794 of the LGA and the associated regulation (OIC 674-2023), bylaw amendments required to align with the TOD Area legislation are explicitly excluded from this requirement until December 31, 2025.

BUDGET CONSIDERATIONS

The RMOW has received a one-time grant of \$210,718 from the province to support implementation of the new legislated requirements. Legal assistance associated with bylaw preparation is being provided for by this grant.

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

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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 TOD Area Bylaw and Residential Parking Amendment Bylaw are required to be adopted to meet the new provincial housing legislation and have been developed to meet the legislative requirements. The Residential Parking Amendment must be adopted by June 30, 2024. Provincial regulation (OIC 678-2024) identifying the location coordinates for the WGE as a TOD area comes into effect on June, 30, 2024. Under the LGA, the public hearing provisions do not apply to the TOD Area Bylaw or the Residential Parking Amendment Bylaw.

Information Sharing

A planning bulletin providing notice of the new provincial housing legislation is posted on the [RMOW website](#). Information regarding 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. Staff will continue to respond to public inquiries as received.

REFERENCES

“Transit-Oriented Area Designation Bylaw No. 2442, 2024” (Included in Council Package)

“Zoning and Parking Amendment Bylaw (Transit-Oriented Development Area – Residential Parking) No. 2441, 2024” (Included in Council Package)

Appendix A – Whistler Gondola Exchange TOD Area

Appendix B – Provincial Policy Manual: Transit-Oriented Areas

SUMMARY

To comply with BC Bill 47 legislative requirements, this report presents TOD Area Bylaw and Residential Parking Amendment Bylaw to Council for consideration of first, second and third readings. Finally, this report requests that Council direct staff to notify MOTI upon adoption of the TOD Area Bylaw.

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SIGN-OFFS

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