



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: June 11, 2024 **REPORT:** 24-064
FROM: Planning Department **FILE:** 3900-20-2440
SUBJECT: ZONING AMENDMENT BYLAW (SMALL-SCALE MULTI-UNIT HOUSING) NO.
2440, 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 rescinding third reading of “Zoning Amendment Bylaw (Small-Scale Multi-Unit Housing) No. 2440, 2024”; and

That Council consider giving third reading and adopt “Zoning Amendment Bylaw (Small-Scale Multi-Unit Housing) No. 2440, 2024”, as revised.

PURPOSE OF REPORT

This report presents a minor revision to “Zoning Amendment Bylaw (Small-Scale Multi-Unit Housing) No. 2440, 2024” (SSMUH Bylaw) for Council’s consideration of third reading and adoption, which does not change the intent of the SSMUH Bylaw that was given first three readings by Council on May 14, 2024.

Information Report Administrative Report (Decision or Direction)

DISCUSSION

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 Small-Scale Multi-Unit Housing (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.

On May 14, 2024, staff presented [Administrative Report No. 24-049](#): Zoning Amendment Bylaw (Small-Scale Multi-Unit Housing) No. 2440, 2024 (Admin Report No. 24-049). The report provided an overview of the provincial legislative requirements and presented a thorough analysis of the proposed SSMUH Bylaw; Council subsequently gave first, second and third reading to the SSMUH Bylaw.

JUNE 11, 2024

Analysis

This section of the report presents the proposed revisions to the SSMUH Bylaw. The following revisions are recommended to clarify the intent of SSMUH Bylaw as presented on May 14, 2024 and to avoid unintended consequences of restricting parcels from SSMUH opportunities.

Section 35(13) of the SSMUH Bylaw presented on May 14, 2024 states:

The minimum parcel frontage for residential buildings constructed pursuant to this Section is 18 metres despite any greater minimum parcel frontage specified for the RS1, RS2, RS4, RI1, RT1, RT2 and RT6 zones.

The intent of subsection 13 is to remove increased frontage width requirements under existing zoning that limit the ability to achieve the greater maximum gross floor area (GFA) permitted for larger parcels within the RS1, RS2, RS4, RI1, RT1, RT2 and RT6 zones. However, as this subsection is written, existing parcels in the specified zones with frontage widths less than 18 metres are inadvertently excluded from SSMUH opportunities.

Section 35(9) of the SSMUH Bylaw presented on May 14, 2024 states:

The maximum permitted gross floor area for a parcel in the RS1, RI1, RS2 and RS4 zones is a floor space ratio of 0.40 or 511 square metres, whichever figure is lower, if at the time the gross floor area is calculated for the purpose of issuing a building permit the proposed development of the parcel includes the construction of either three or four dwelling units as permitted by this Section.

To support the construction of either three or four dwelling units, subsection 9 allows for increased maximum GFA and floor space ratio for parcels in the RS1, RI1, RS2 and RS4 zones. This is irrespective of site dimensions, including parcel frontage, and allows for additional GFA beyond what is permitted in the zone. Therefore, subsection 13 as written above, does not provide for any greater benefits in the RS1, RI1, RS2, and RS4 zones.

The SSMUH Bylaw, as revised, addresses this issue by deleting subsection 13 and adding two new subsections that mirror subsection 9 to specify the maximum permitted GFA for the RT2, and RT1 and RT6 zones respectively. The proposed subsections 10 and 11, will allow for the maximum GFA and FSR as per the RT2, RT1 and RT6 zones irrespective of site dimensions for the construction of either three or four dwelling units.

Section 35(12) of the SSMUH Bylaw presented on May 14, 2024 states:

The minimum side setback for residential buildings constructed pursuant to this Section is 3 metres despite any greater minimum setback specified for the RS1, RS2, RS4, RI1, Rt1, RT2 and RT6 zones.

For clarity and consistency with the subsections described above, the SSMUH Bylaw as revised instead of referencing “residential buildings constructed pursuant to this Section”, specifies that the reduced minimum side setback applies where three or four dwelling units are to be constructed.

To demonstrate the proposed revisions, a tracked changes version of the SSMUH Bylaw is attached to this report as Appendix A.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

On [April 9, 2024 \(Administrative Report No. 24-040\)](#), Council endorsement was obtained of the project

approach to implement new provincial requirements regarding SSMUH and transit-oriented development (TOD) areas by the provincial deadline of June 30, 2024.

On [May 14, 2024](#) ([Administrative Report No. 24-049](#)), Council gave first, second and third reading to the SSMUH Bylaw. The associated administrative report provides an overview of the provincial legislative requirements and presents a thorough analysis of the proposed SSMUH Bylaw.

Section 480 of the *Local Government Act* (LGA) permits Council to adopt a zoning bylaw at the same meeting at which the bylaw receives third reading.

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 the OCP (s. 478(2) of the LGA), however as per s. 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.

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 provides for legal assistance associated with bylaw preparation and will also provide for work related to bylaw testing.

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.

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

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 SSMUH 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.

On May 10, 2024 the Minister of Transportation and Infrastructure (MOTI) issued Ministerial Order No. M114 (Appendix B) removing the requirement for MOTI approval for the SSMUH Bylaw.

REFERENCES

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

Appendix A – “Zoning Bylaw Amendment (Small-Scale Multi-Unit Housing) No. 2440, 2024”, as revised with Tracked Changes

Appendix B – British Columbia Ministerial Order No. M114

SUMMARY

This report presents a minor revision to “Zoning Amendment Bylaw (Small-Scale Multi-Unit Housing) No. 2440, 2024” for Council’s consideration of third reading and final adoption.

SIGN-OFFS

Written by:

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