



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: June 23, 2020
FROM: Resort Experience
SUBJECT: RZ1157 – 5298 ALTA LAKE ROAD REZONING –EMPLOYEE/ MARKET HOUSING

REPORT: 20-057
FILE: RZ1157

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Resort Experience be endorsed.

RECOMMENDATION

That Council consider giving first and second readings to “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”;

That Council authorize staff to schedule a public hearing for “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”;

That Council direct staff to advise the applicant that before consideration of adoption of “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”, the following matters must be resolved to the satisfaction of the General Manager of Resort Experience:

1. Registration of a development covenant in favour of the Resort Municipality of Whistler (“RMOW”) to secure development on the lands consistent with the terms described in this report and development permit plans to be finalized prior to adoption;
2. Registration of a housing agreement in favour of the RMOW to regulate purchase rates and to define qualified employees;
3. Registration of a green building covenant consistent with *Council Policy G-23: Green Building Policy*;
4. Receipt of development plans for the proposed park;
5. Submission of a waste and recycling plan consistent with “Solid Waste Bylaw No. 2139, 2017”;
6. Modification of existing covenant BT215121 currently registered on title to reflect the revised development scheme;
7. Confirmation that a Riparian Areas Assessment report regarding Gebhart Creek has been submitted to and approved by the Provincial Authority; and further

That Council authorize the Mayor and Municipal Clerk to execute the necessary legal documents associated with this application.

REFERENCES

Location: 5298 Alta Lake Road

Legal Description: Lot B (Reference Plan 2643) except part dedicated road on Plan BCP7865
District Lot 2246

Owners: Empire Club Development Corp.
Incorporation No. C1141513

Appendix “A” – Location Map

Appendix “B” - Application Materials for RZ1157

Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 (Not Attached)

PURPOSE OF REPORT

This report presents “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020” for Council consideration of first and second readings. This project has been a priority project for staff, following Council direction to further review and processing of the application, given the municipality’s need for additional employee housing.

The proposed Bylaw is to amend the TA17 (Tourist Accommodation Seventeen) Zone, a site specific zone applicable to the subject property, to delete the permitted hotel and cabin uses and replace them with employee townhomes, market residential townhomes, and market tourist accommodation townhomes as described in this report. For a complete description of the current RZ1157 proposal, please see Report 20-019.

This Report recommends that Council give first and second readings to “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”, authorize staff to schedule a public hearing for “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”, and further identifies conditions for the applicant to address prior to consideration of adoption of “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”.

DISCUSSION

Background

As shown in Appendix “A” and described in Administrative Reports 20-019 and 19-118, the subject property is a historic Whistler parcel on the west side of Alta Lake which houses the historic “Toad Hall” cabin also referenced as the “Hillman House/ Cabin”. The lands are currently zoned TA17 (Tourist Accommodation Seventeen), which provides for a mix of tourist accommodation and employee housing uses contained in a boutique hotel and a series of cabins. The existing TA17 zoning was adopted by Council in 2002 under Rezoning Application RA309. For a more complete description of RA309 and the TA17 zone, please refer to Administrative Report 19-118.

The existing TA17 zone can be summarized as shown:

	Existing TA17 Zone
Tourist Accommodation	2,100 m² (Hotel) (7 rooms utilizing 500 m²) 1,400 m² (contained in up to 25 cabins) Total GFA: 3500 m²
Employee Housing	800 m² (contained in up to 7 cabins)
Max GFA for arts facility	250 m²
Total max GFA For parcel	4,600 m² (Includes Hillman cabin estimated at 200 m ²)
Floor Space Ratio	FSR: 0.12

Rezoning Application RZ1157 History

Council was first introduced to Rezoning Application RZ1157 by way of Administrative Report 19-118, presented at Council's September 17, 2019 Regular Meeting. The application was for a mix of employee and market housing, along with a considerable amenity contribution. The proposal considered generally consistent with Council's Private Sector Housing Initiative Guidelines.

At the September, 2019 meeting Council authorized further review and processing of Rezoning Application RZ1157. Council also authorized staff to schedule a public information meeting to obtain neighbourhood input on the proposed zoning changes. Two meetings were held on October 24, 2019 – one at the Whistler Conference Centre, and one at the Athlete's Centre in Cheakamus crossing. Both meetings were well attended, and are discussed in greater detail in the **Community Engagement** portion of this report.

RZ1157 Current Application Summary

The September 2019 proposal indicated:

- 22 Market tourist accommodation units, and
- 15 employee restricted units,

These were distributed in a fairly condensed cluster on the site. At that time the applicant intended to maintain eight of the 15 employee units for their control with the balance of units (7) available for WHA waitlist.

After considerable negotiation, a revised proposal was received. Council reviewed and supported this revised proposal at their February 18, 2020 Regular Meeting. The current proposal is for:

- 11 market tourist accommodation units,
- 11 market residential units, and
- 21 employee units; (the applicant would maintain control of only one employee unit to house caretaker (required to meet WHA eligibility requirements) for the TA component).

A summary of the current RZ1157 proposal is shown in the table and further described below:

	RZ1157 Proposal
Market Tourist Accommodation	11 3-B/R TA townhomes @ 191 m2
Market Residential	11 3 – B/R market residential townhomes @ 191 m2
Total Market GFA	4190 m2
Employee Housing	21 units (applicant proposed to maintain one unit for on-site staff) 12 2 – B/R @ 58 to 65 m2 9 3 –B/R @ 141 m2 Note: exact sizes of units will be further developed in the detailed design.
Total Employee GFA	2000 m2
Amenity Building / Check in Facility m2	40 m2

Total max GFA For parent parcel	6320 m2 (Does not include Hillman Cabin estimated at 200 m2)
Proposed Land Acquisition	<p>1. Park Dedication:</p> <ul style="list-style-type: none"> - Hillman cabin site <u>and</u> riparian areas - 14,405 m2 (1.44 Ha) <p>2. Future Housing Site:</p> <ul style="list-style-type: none"> - Propose to dedicate area at site entrance to WHA for future housing. - 5,381 m2 (0.538 Ha)
Total Dedications	19786 m2 = 1.98 Ha (51% of parent parcel)
Public Recreation Infrastructure	Construction of illuminated Valley Trail to lands beyond, enabling the future West Side Connector.
	New bridge to Valley Trail standards
	Move and restore building to ensure no further RMOW investment required
	Restore existing barn as above

RZ1157 Current Application High Lights

Increase in Employee Units/ GFA

Under the original “Depner” – RA309 proposal that led to the creation of the TA17 Zone, the intent for the employee units/ cabins was housing for project staff, management, and an artist in residence program. Therefore, the units were not intended to be available for Whistler employees outside of the development. Therefore the current RZ1157 proposal results in a net gain of 20 WHA employee housing units for purchase by waitlist applicant.

These units will be for sale through the WHA waitlist at approximately \$425 / square foot. Staff note that this project’s financial proforma has been reviewed by an independent third party which concluded the proforma to be reasonable.

Reduction of TA Units/ Market GFA

The applicant has agreed to reduce the number of tourist accommodation units from 22 to 11, with the remaining 11 becoming market residential (expressly not TA).

Increased South Setback

In response to neighbourhood concerns, the setback from the south property line, adjacent to Nita Lake Estates, was increased from 7.6 metres in September 2019 to 20 metres. Staff note that setbacks for multi-residential and / or tourist accommodation zones are typically 7.6 metres.

Municipal Acquisition of Lands

The current RZ1157 would result in RMOW control of the riparian and natural treed buffer zones as these will be subdivided and transferred at no cost to the municipality. Acquisition of lands can be broken down as noted:

- RMOW Riparian and Park Lands: 1.44 Ha
- Lands for future development of employee housing: 0.54 Ha
- Total dedication: 1.98 Ha or 51 per cent of the parent parcel

In the event the RMOW chooses not to develop the future parcel for employee housing, monetizing the value of the site after a potential rezoning is an option on the condition those funds be set aside to specifically fund employee housing in another location.

The current proposal includes additional public recreational infrastructure including:

Park Design and Development including Bridge

The applicant team has agreed to design and construct a neighbourhood park to RMOW standards. Development of the park will include replacement of the bridge over Gebhart Creek with a new bridge to RMOW Valley Trail standards capable of carrying heavy equipment and emergency vehicles.

Restoration of Historic Buildings

The applicant team has agreed to relocate the historic Hillman cabin to the new park lands and further to upgrade the house to a useable standard that ensures no new RMOW investment is required in the near term. Similarly, the applicant team has agreed to restore the existing barn in its current location to a similar standard, ensuring no new RMOW investment is required.

Valley Trail Development

The applicant team has agreed to provide a paved Valley Trail from the south parcel line to the north, thereby providing access to lands beyond for future trail expansion. This trail will be constructed to Valley Trail standards including illumination.

Amenity Building and Check-In Facility

To ensure the responsible management of the TA market units the applicant will commit to a centralized management model inclusive of on-site support services. An amenity building with a site office for checking-in short term guests is included in the RZ1157 proposal. This will satisfy a central rental management scheme requirement that will be ensured by way of covenant.

Advisory Design Panel Review

The project was presented to the Advisory Design Panel (ADP) at their May 5, 2020 meeting for preliminary review of the site planning, screening, and circulation. Overall the ADP supports the project and passed the following resolution:

“That the Advisory Design Panel supports the concept as proposed in regard to the site planning and general location of the building modules on site. Consideration should be given as the project progresses in detailed design to providing view opportunities to and from the site, to the lake and valley trail. Consideration should be made in ensuring adequate spacing between building modules to provide landscaping to suit the setting. Applicant to return to panel for consideration of detail design.”

This project will return to the ADP for detail review of the building designs and materials by way of the Development Permit Process.

“Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”

In response to Council’s February 2020 resolution, staff have prepared “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”. The bylaw is structured in such a way as to ensure RMOW receipt of amenities, which will be further assured by covenant. The bylaw amends the TA17 zone as noted:

- Deletes the existing Hotel use;
- Deletes the existing Arts Facility and Indoor / Outdoor Recreation uses;
- Replaces the existing Tourist Accommodation cabins with Tourist Accommodation townhomes and Market Residential townhomes;
- Replaces the existing Employee Housing cabins with Employee townhomes;

The bylaw provides for a “base density” of 21 employee units and four market units and allows for increased density as described in the summary table contained (above) in this report subject to:

- Construction of all 21 employee units;
- Parkland and riparian dedications;
- Transfer of the future employee parcel to the RMOW;
- Construction of an illuminated trail and bridge spanning Gebhardt Creek all to RMOW Valley Trail standards;
- Restoration of the existing cabin and barn and relocation of the cabin to the new park.

The proposed zoning amendment supports the development of housing for employees living within Whistler’s municipal boundaries and is considered to be consistent with the existing OCP, Whistler 2020 and evaluation criteria for private sector employee housing initiatives. Staff note that the scheme indicates some tandem parking in driveways that may require a variance. The details of this will become clear through the Development Permit process.

WHISTLER 2020 ANALYSIS

Please see Administrative Report No. 18-040 for an analysis of the Private Sector Employee Housing Initiative with respect to Whistler 2020 strategies. Staff do not consider that Rezoning Application RZ1157 moves our community away from any of the adopted Whistler2020 Descriptions of Success.

OTHER POLICY CONSIDERATIONS

Existing Official Community Plan (OCP) - Bylaw No 1021, 1993

Whistler’s existing OCP was amended to include the Subject Lands by way of Official Community Plan Amendment Bylaw (London Mountain Lodge) No. 1498, 2000. This designated the lands as Development Permit Area 18 – London Mountain Lodge. DP Area 18 designates the lands for form and character of development, protection of the natural environment, and protection of development from hazardous conditions.

The RZ1157 proposal is considered consistent with Whistler’s current OCP as described in greater detail in Administrative Report 19-118 and does not require an amendment to proceed.

Pending Official Community Plan - Bylaw No 2199, 2018

As described in Administrative Report 19-118, staff consider that the RZ1157 proposal is generally consistent with Whistler's pending OCP; however one matter has recently been identified: The Land Use Map associated with the pending OCP identifies the lands as designated for "employee housing" and "tourist accommodation" but does not consider "market housing". An OCP amendment will be necessary concurrent with adoption of "Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020".

Development Permit

Staff are working with the applicant to achieve a high standard of quality in the design and construction of the new buildings. The statutory Development Permit Process will define the project built form in detail and assure conformance to applicable guidelines. This will be further assured through a development covenant tying works on the lands to the approved concept.

Prior to the issuance of the development permit, the applicant will need to provide bonding in the amount of 135 percent of the costs of the hard and soft landscape works as security for the construction and maintenance of those works, thereby ensuring completion.

Green Building Policy G-23

A covenant on title will be required to ensure the new building is developed in accordance with Whistler's Green Building Policy objectives.

Private Sector Employee Housing Guidelines

The RZ1157 proposal is generally considered consistent with Council's Private Sector Employee Housing Initiative. Please see Appendix "C" in Administrative Report 19-118 for an analysis comparing the original RZ1157 proposal to Council's PSEH Guidelines.

Revised Development Agreement and Housing Agreement

Staff are working with the applicant to secure details with respect to this project, including the achievement of a high standard of quality in the design and construction of the new buildings and restrictions on sales rates and the occupancy of the employee housing units.

Some of these details need to be secured by means of agreements with the property owner (development agreement and housing agreement) and entered into as a "prior to adoption" condition and then registered on title or held on a solicitor's undertaking to register upon bylaw adoption.

These agreements must be registered in favour of the RMOW. A separate bylaw is needed to authorize housing agreement provisions. A separate report outlining the provisions and associated housing agreement bylaw will be brought forward for Council consideration.

In 2002, Depner Developments and the Resort Municipality registered covenant BT215121 restricting development on the lands and prohibiting any works until a series of commitments as fulfilled (an analysis of the RZ1157 proposal with respect to Covenant BT215121 is provided in Administrative Report 19-118). This agreement will need to be revisited and revised as part of the RZ1157 process to reflect current requirements and priorities. The new development covenant agreement will include language reflecting the commitments under RZ1157, thereby securing development on the lands consistent with the terms described in this report and development permit plans to be finalized prior to adoption.

Bed Unit Allocation

The lands are restricted to 64 market bed units by way of covenant BT215121. The employee units approved under RA309 were not included in the 64 as these units were not being inventoried at the time. The table below provides a comparison that includes values assigned to the employee cabins under the TA17 zone in order for Council to make a clear comparison regarding the potential bed unit increase.

	Covenant BT215121 and TA17 Zone	RZ1157 Proposal	Increase
Market BU	64 BU per covenant (this is the governing value) 96 BU per zoning (Covenant governs)	22 x 4 BU = 88 BU	24 BU
Employee BU	7 x 4 BU = 28 BU (not inventoried in 2002)	9 x 4 BU = 36 BU <u>12 x 3 BU = 36 BU</u> EBU Subtotal: 72 BU	44 BU
Total	92 BU	160 BU	68 BU

The table indicates that the increase in employee bed units represents 65 per cent of the total increase. Please see Administrative Report 19-118 for further description regarding bed unit allocation on the lands.

BUDGET CONSIDERATIONS

All costs associated with staff time for the rezoning application, public meetings, notices, and legal fees will be paid by the applicant. Fees will be required to be paid in full as a condition of adoption of the proposed zoning amendment bylaw.

COMMUNITY ENGAGEMENT AND CONSULTATION

A sign describing the details of rezoning application RZ1157 is posted on the property. RZ1157 is identified in the applications register posted on the municipal website.

In accordance with the Private Sector Employee Housing guidelines, Council authorized a public information meeting to receive comment from the public. Two such information meetings (“Open Houses”) were held on October 24, 2019 – one at the Whistler Conference Centre, and one at the Athlete’s Centre in Cheakamus crossing. Both meetings were well attended. Neighbours expressed concerns regarding the increase in density, the tourist accommodation use, loss of forestation, traffic impacts, and views from across the lake.

Staff note that the proposed density on the site is considered in keeping with the existing OCP and Council’s Private Sector Employee Housing Initiative, enabling rezonings for additional density to facilitate employee housing. The Tourist Accommodation component has been reduced from 22 units to 11. Forestation and tree buffers will be protected through the rezoning and development permit processes providing for screening. The applicant team has provided a traffic impact study that is undergoing staff review. Staff note that Nita Lake Drive access is a public municipal road built to municipal standards.

Correspondence received from the public will become part of the rezoning application file for Council consideration.

Any proposed zoning amendment is subject to a public hearing adhering to statutory public notice requirements, prior to Council consideration of third reading.

SUMMARY

This Report presents “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020” , a bylaw that would permit a revised mix of employee and market housing at 5298 Alta Lake Road. The proposal is considered to be consistent with applicable RMOW policies.

This Report recommends that Council consider giving first and second readings to “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”, that Council direct staff to schedule a Public Hearing regarding “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”, and further identifies conditions for the applicant to address prior to consideration of third reading and adoption of “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”.

Respectfully submitted,

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ACTING SENIOR PLANNER – DEVELOPMENT
for
Toni Metcalf
GENERAL MANAGER OF RESORT EXPERIENCE