



# WHISTLER

## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** September 15, 2020  
**FROM:** Resort Experience  
**SUBJECT:** RZ1157 – 5298 ALTA LAKE ROAD REZONING / OCP AMENDMENT

**REPORT:** 20-087  
**FILE:** RZ1157

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION

**That** Council authorize staff to prepare an Official Community Plan amendment bylaw for RZ1157 to amend OCP Schedule “A” (“Land Use Map”) for the lands at 5298 Alta Lake Road to reference market residential and parkland uses along with the currently referenced tourist accommodation and employee housing uses and to delete the references to potential commercial uses as described in Report 20-087.

### 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, as amended (Not Attached)

### PURPOSE OF REPORT

This report requests Council’s authorization to proceed with preparation of an Official Community Plan amendment bylaw for 5298 Alta Lake Road to amend OCP Land Use Map Schedule “A” to reference market residential and parkland uses along with the currently referenced tourist accommodation and employee housing uses and to delete the references to potential commercial uses.

The report also outlines the subsequent process for staff to engage with the Lil’wat Nation and Squamish Nation in line with the Framework Agreement for Official Community Plan Amendments.

Under the prior OCP, the RZ1157 proposal was considered consistent as it consisted of a mix of tourist accommodation and employee housing and would not have require an amendment to proceed if it were still in place. However, with the adoption of Whistler’s new OCP, although staff had considered that the RZ1157 proposal is generally consistent with the new OCP and did not require an amendment as described in Administrative Report 19-118 (September 17, 2019), but with subsequent changes to the proposal through negotiation, it has since been identified that the Land Use Map Schedule “A” designates the lands as visitor accommodation and therefore now needs updating to reflect the market residential and park uses as per the current RZ1157 proposal.

## **DISCUSSION**

### **Background**

As shown in Appendix “A” and described in Administrative Reports 20-057, 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 by way of “Zoning Amendment Bylaw (London Mountain Lodge) No. 1497, 2000” in 2002 under Rezoning Application RA309. For a more complete description of RA309 and the TA17 zone, please refer to Administrative Report 19-118.

In association with the adoption “Zoning Amendment Bylaw (London Mountain Lodge) No. 1497, 2000” which created the TA17 Zone, Council also adopted “Official Community Plan (London Mountain Lodge) No. 1498, 2000”. This amendment to the then-current Official Community Plan (“OCP”) designated the lands as:

1. Development Area
2. Commercial Accommodation
3. Secondary Commercial Area
4. Community Facilities and Schools
5. Municipal Services Area – Sewer and Water
6. Development Permit Area No. 18 – “London Mountain Lodge”

By way of the Development Permit Area designation, and per the Local Government Act of the day, the lands were further designated in respect of:

- a. Form and Character of Development
- b. Protection of the Natural Environment
- c. Protection from Hazardous Conditions

### **Rezoning Application RZ1157**

Rezoning Application RZ1157 was received in response to Council’s Private Sector Employee Housing initiative and has evolved considerably over time. This application has previously been reviewed by Council in September 2019 (Report 19-118), February 2020 (Report 20-019), and June 2020 (20-057). This project has been a priority for staff, following Council direction for further review and processing of the application, given the municipality’s need for additional employee housing.

For a complete description of the Rezoning Application RZ1157 proposal as it is today, please refer to Administrative Report to Council No. 20-057 (June 23, 2020). A high level summary of the proposed amendment to the Tourist Accommodation Seventeen (TA17) zone is provided below:

- Deletes the existing Hotel use;
- Deletes the existing Arts Facility and Indoor / Outdoor Recreation uses;
- Replaces the existing Tourist Accommodation cabin use with eleven Tourist Accommodation townhomes and eleven Market Residential townhomes;
- Replaces the existing Employee Housing cabin use with 21 Employee townhomes;

Benefits to the greater community can be summarized as follows:

- Construction of all 21 employee units;
- Considerable parkland and riparian dedications;

- Transfer of a future employee parcel to the RMOW;
- Construction of a paved illuminated trail and bridge spanning Gebhardt Creek all to RMOW Valley Trail standards;
- Design and development of the dedicated Park parcel including restoration of the existing cabin and barn and relocation of the cabin to this new park.

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

**Adoption of "Official Community Plan Amendment Bylaw (5298 Alta Lake Road) No. 2289, 2020"**

On June 23, 2020 Council adopted "Official Community Plan Bylaw No. 2199, 2018" thereby replacing Whistler's long standing Official Community Plan. Staff had anticipated this change and had provided analysis of the RZ1157 proposal with respect to this new OCP document in Administrative Report 19-118, dated September 17, 2019. An analysis summary is provided in the accompanying table:

Schedule	Designation
<b>A</b>	Shown as Visitor Accommodation (provides visitor accommodation outside of the Core Commercial areas and may include limited auxiliary commercial uses and employee housing) in Whistler Land Use Map.
<b>B</b>	Not designated as First Nations Lands.
<b>C</b>	Not designated as community forest or provincial park.
<b>E-1</b>	Shows desired Valley Trail connection in OCP Transportation Cycling Network plan.
<b>E-2</b>	Shown as Shared Multi Use Valley trail Proposed in Recreation Trails Plan.
<b>E-3</b>	Shown as Shared Multi Use Valley trail Proposed in Transportation Network Plan.
<b>F</b>	Shown as Proposed Valley Trail in Existing Municipal Parks Plan.
<b>H</b>	Shown as Municipal Water Systems Service Area.
<b>I</b>	Shown in Sewer System Service Area
<b>J</b>	Shown as a Development Permit Area for Protection of Riparian Eco Systems
<b>O</b>	Shown as a Development Permit Area for Commercial Development
<b>P</b>	Shown as Multi-family Residential Development Permit Area
<b>S</b>	Shown as Moderate Risk Wildfire Protection Development Permit Area

As described in Administrative Report 19-118 (September 17, 2019), staff considered that the RZ1157 proposal is generally consistent with Whistler's new OCP and did not require an amendment; however one matter has subsequently been identified: The Land Use Map – Schedule "A" to the OCP identifies the lands as:

***"VISITOR ACCOMMODATION: These lands provide visitor accommodation outside of the Core Commercial areas and may include limited auxiliary commercial uses and employee housing."***

At the time of the initial analysis, in September of 2019, the proposal was for tourist accommodation and employee housing exclusively and was therefore consistent with Schedule “A”. However, through the negotiation process, and in response to neighbourhood input, half of the proposed market tourist accommodation units were changed to market residential as this was considered to have a lower impact on the existing neighbourhood. This update was first presented to Council in Administrative Report 20-057, June 23, 2020, and identified the requirement for an OCP Amendment should the new OCP be adopted.

In order to proceed, Rezoning Application RZ1157 requires an amendment to Schedule “A” (Land Use Map) of Whistler’s current OCP. To reflect the proposed project and amenities as accurately as possible, staff recommend that this OCP amendment designates the lands as noted:

- **Riparian area / nature conservation park – Dark Green: “Protected Natural Area”**  
*“PROTECTED NATURAL AREA: Lands that have high environmental sensitivity or importance and are protected by zoning, development permit area conditions, covenants, provincial regulations or other means. Supported land uses include nature conservation, passive open space uses, conservation buffers and low impact recreation with limited development including trails, interpretive signage and viewing platforms.”*
- **Park parcel that will contain relocated cabin – Light Green: “Parks and Recreation”**  
*“PARKS & RECREATION: Lands designated for public enjoyment and active recreation as well as private recreational facilities such as golf courses. Parks and recreation areas generally support indoor and outdoor recreation, outdoor gathering and assembly use, sports fields, and may allow institutional uses and facilities. These lands may contain pedestrian or cycling trails, auxiliary buildings, playgrounds and other structures or recreational facilities, and may also provide water access for recreation use.”*
- **Market Parcel (includes TA and residential components along with the associated pool area – Orange: “Residential and Visitor Accommodation”**  
*“Lands permitting residential and visitor accommodation use in various dwelling types.”*
- **Employee Parcel plus future employee parcel – Yellow: “Residential Low to Medium”**  
*“RESIDENTIAL - LOW TO MEDIUM (DETACHED/MULTIPLE): Lands for detached and duplex dwellings characterized by low to medium density lot sizes, and lands for medium density multiple residential development, the latter of which is generally located close to commercial, recreational, institutional, transit and trail connections.”*

Per the foregoing, the proposed bylaw would amend the recently adopted OCP Schedule “A” (“Land Use Map”) to reference market residential and parkland along with the currently referenced tourist accommodation and employee housing and also delete the references to potential commercial uses. Staff consider that this helps to safeguard the existing neighbourhood from unanticipated changes. This approach is also consistent with the revised TA17 zone, which also deletes the commercial uses associated with a hotel.

## OTHER POLICY CONSIDERATIONS

### Official Community Plan - Bylaw No 2199, 2018

As described in the Discussion section of this report, staff consider that the RZ1157 proposal is generally consistent with Whistler’s current OCP; however the Land Use Map, Schedule “A” to the current OCP identifies the lands as designated for employee housing and tourist accommodation but does not consider market residential or park uses. Staff are requesting Council’s permission to proceed with a bylaw amending Whistler’s current OCP to reflect the proposal under Rezoning Application RZ1157.

## **Framework Agreement**

In addition to the Official Community Plan, the Resort Municipality is party to a Framework Agreement that outlines land use considerations associated with the Lil'wat Nation and Squamish Nation, in particular, Article Seven of this Framework Agreement provides direction with regard to amendments to the Official Community Plan. Under Article 7.3 "The RMOW will provide the First Nations with early and ongoing opportunities to express their interests in future RMOW OCPs through an engagement process consistent with the *Local Government Act* as it pertains to engagement on official community plans between indigenous peoples and other local governments in British Columbia..."

This particular proposed OCP Amendment is considered limited in scope, and initial assessment by staff indicates the amendment isn't likely to affect the interests of Lil'wat Nation or Squamish Nation. As such, should Council give authorization to proceed with this proposed OCP Amendment, staff will notify Lil'wat Nation and Squamish Nation in writing with a description of the amendment and invite each to confirm in writing, within 30 days, that the amendment does not affect their interests. If either of the First Nations do not agree with our assessment and advise us in writing within 30 days, we would initiate a consultation process for the amendment before proceeding with an amendment bylaw. Otherwise, we would proceed with consideration of the amendment in accordance with our usual bylaw amendment procedures.

## **Development Permit, Green Building Policy G-23, Private Sector Employee Housing Guidelines, and Revised Development Agreement and Housing Agreement**

Please see Administrative Report 20-057 (June 23, 2020) for analysis of these policy considerations as this analysis has not changed.

The Rezoning Application RZ1157 proposal is considered to be consistent with applicable RMOW policies.

## **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.

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

Zoning and OCP amendments bylaws are subject to a public hearing adhering to statutory public notice requirements prior to Council consideration of third reading.

## **SUMMARY**

This report requests Council's authorization to proceed with preparation of an Official Community Plan amendment bylaw for RZ1157 to amend OCP Schedule "A" ("Land Use Map") for the lands at 5298 Alta Lake Road to reference market residential and parkland uses along with the currently referenced tourist accommodation and employee housing uses and to delete the references to potential commercial uses.

Respectfully submitted,

Roman Licko  
ACTING SENIOR PLANNER – DEVELOPMENT

for  
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INTERIM GENERAL MANAGER OF RESORT EXPERIENCE