



not limited to those identified as local service commercial and local personal service. The proposed bylaw will also alter the density requirements for commercial uses in the CD1 Zone applicable to 8200 Bear Paw Trail to allow more flexibility and a broader range of commercial tenants without increasing the overall maximum density currently permitted.

## **DISCUSSION**

### **Site Context**

As shown in Appendix “A”, the subject property is located at 8200 Bear Paw Trail, in the Rainbow neighbourhood. The property consists of a mixed use commercial and residential development with approximately 1,953 square meters of commercial floor area and 4,277 square metres of residential floor area. The building’s existing commercial floor area consists of a retail grocery store, a liquor store, a dentist office, a café and an unoccupied CRU with 171 square metres of vacant floor space.

### **Proposed Rezoning**

The applicant has requested that the CD1 Zone be amended to improve the viability of the commercial tenancies at 8200 Bear Paw Trail and improve the services offered to neighbourhood residents, citing that current regulations are too restrictive hindering the ability of businesses to locate in the area and limiting local neighbourhood residents’ access to everyday services within a walkable distance of their homes. There is currently one unoccupied Commercial Retail Unit (CRU) at 8200 Bear Paw Trail, and the applicant has identified that the regulations of the CD1 Zone has led to difficulty leasing out the available commercial space. The applicant has also requested to include Child Care Facility as a Permitted Use to accommodate a potential Child Care Facility in the vacant CRU at the site. The applicants Proposal letter and further letter to update the proposal are included as Appendix “B”.

The applicant has identified a potential client for a proposed Child Care Facility in the vacant CRU (Unit 109). The vacant CRU is 170 square metres in gross floor area, and the applicant has demonstrated that 24 children, plus five (5) staff could be accommodated in the unit (separated into an Infant/Toddler area and a Childcare Area) to comply with the requirements of British Columbia’s Child Care Licensing Regulation. A proposed outdoor play area of 92.9 square metres has been identified in the community space in the commercial plaza directly outside the CRU’s. The outdoor play area can accommodate a maximum of 15 children at any given time in accordance with the requirements of British Columbia’s Child Care Licensing Regulation. The outdoor play area can be used on a rotating schedule to accommodate different groups through the day.

Staff support the use of the existing outdoor community space in the commercial plaza for the proposed Child Care Facility outdoor play area as each apartment in the development has access to a balcony or patio, existing outdoor seating areas and patio spaces are not impacted, and Rainbow Plaza is adjacent to two municipal neighbourhood parks that provide passive and active outdoor space including a playground structure for the neighbourhood residents. Staff also feel that the outdoor childcare use would add animation and activity to the outdoor space and be well aligned with the adjacent café use.

A draft site plan of the proposed Child Care Facility is included as Appendix “C”. A Development Permit would be required for any proposal to construct a Child Care Facility at the site.

### **Zoning Amendment Bylaw (8200 Bear Paw Trail) No. 2297, 2020**

“Zoning Amendment Bylaw (8200 Bear Paw Trail) No. 2297, 2020” has been prepared to allow a greater variety of commercial uses applicable to 8200 Bear Paw Trail in the CD1 Zone, while ensuring appropriate commercial space remains available for a mixture of uses that activate the area and meet

the commercial needs of the northern neighbourhoods.

“Zoning Amendment Bylaw (8200 Bear Paw Trail) No. 2297, 2020” proposes the following changes to the existing CD1 Zone:

- 1) Replace ‘Local Service Commercial’ with ‘Retail’ as a permitted use in subsection (2) of the CD1 Zone.
  - “Local service commercial” means a retail grocery store, florist, video/cable store, postal outlet, coffee shop, retail packaged liquor sales, pet food sales or pharmacy.
  - This change is intended to allow a wider range of commercial offerings in line with other neighbourhood commercial areas in the Municipality. All of the specific uses listed under ‘Local Service Commercial’ are permitted under the ‘Retail’ definition.
- 2) Replace ‘Local Personal Service’ with ‘Personal Service’ as a permitted use in subsection (2) of the CD1 Zone.
  - “Local personal service” means barbershop, beauty salon, shoe repair, pet grooming, exercise studio, dry cleaning, or laundromat.
  - This is intended to permit a broader variety of Personal Service uses, and would also include the dental office use currently existing at 8200 Bear Paw Trail. All of the specific uses listed under ‘Local Personal Service’ are permitted under the ‘Personal Service’ definition.
- 3) Remove ‘Office’ from the permitted uses in subsection (2) of the CD1 Zone.
  - This is intended to exclude offices not associated with a service as an office that is not related to or subordinate to a ‘Personal Service’ could reduce activation.
  - The expansion of permitted uses in the zone to include ‘Personal Service’ allows for medical, dental, and insurance company types of service office uses.
- 4) Increase the maximum gross floor area (GFA) from 1,900 square metres to 2,000 square metres in subsection (6) of the CD1 Zone for uses permitted by subsection (2) (g), (h), (i), (j), and (m) in Parcel Lot 9.
  - In addition to the 1,900 square metres, the current CD1 Zone (2) (l) allows up to 100 square metres for Office, only if it is an office for a “health practitioner”. As the Zoning Amendment Bylaw proposes to remove ‘Office’ from the permitted uses, it is considered reasonable that the additional 100 square metres GFA be allowed for the permitted commercial uses (Retail, Personal Service, Restaurant, Neighbourhood Public House, and Child Care Facility).
  - This does not increase the overall commercial GFA permitted in the CD1 Zone.
- 5) Add “Excluding the grocery store, the remaining commercial floor area of Parcel Lot 9 must be demised into at least 3 Commercial Retail Units (CRUs), the combined area of which must be at least 450 square metres, and with a minimum of 85 square metres Gross Floor Area in use as or available for use as a Café, Restaurant, or Neighborhood Public House.” as a new subsection (9) of the CD1 Zone.
  - This is intended to ensure that suitable GFA remains available for the non-grocery CRU’s at 8200 Bear Paw Trail to ensure a variety of services and uses available to the local public.
  - It was determined by staff that the minimum GFA available for the additional (minimum three) CRU’s should be 450 square metres, which is approximately 23 square metres less than the existing amount at 8200 Bear Paw Trail. This is to ensure that a sufficient

amount of space remains available for a variety of uses, and remains consistent with the current available GFA.

- The minimum of 85 square metres GFA for a Café, Restaurant, or Neighborhood Public House is intended to preserve the use of at least one CRU for a food and beverage type use, as this is deemed an important service and provides activation to the centre. Records indicate that the existing café's GFA is approximately 87.4m<sup>2</sup>.

“Zoning Amendment Bylaw (8200 Bear Paw Trail) No. 2297, 2020” also proposes the following changes to Schedule “M” of Zoning and Parking Bylaw 303, 2015:

- 1) Replace the Land Use Plan of CD1 Zone in Schedule “M” with the updated Land Use Plan of CD1 Zone.
  - The updated Land Use Plan adds Child Care Facility as a permitted use at 8200 Bear Paw Trail in addition to the existing permitted uses of “Commercial and Resident Apartment”.
- 2) Adding “child care facility” as a Land Use for Parcel Lot 9 in the table
  - This ensures that Child Care Facility is explicitly listed as a Land Use at 8200 Bear Paw Trail.

The changes to the existing CD1 Zone and Zoning and Parking Bylaw 303, 2015 proposed by “Zoning Amendment Bylaw (8200 Bear Paw Trail) No. 2297, 2020” remain consistent with the intent of the existing CD1 Zone to permit the development of locally oriented commercial uses.

## **POLICY CONSIDERATIONS**

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

The subject lands are designated as Convenience Commercial in Schedule A of the Official Community Plan. The proposed rezoning remains consistent with the Convenience Commercial designation. The proposed zoning amendment is consistent with the applicable policies of the Official Community Plan as described in Appendix “D”.

Any future development of the site is subject to Development Permit approval requirements and consistency with applicable OCP Development Permit Area guidelines.

### **Whistler Child Care Planning Project**

On August 18, 2020, Council received Information Report No. 20-073 regarding the final report for the Whistler Child Care Planning Project. The report identifies a care need for all children; most immediately for those aged 0-3 years and secondly after-school care for school-aged children. The report identified that when asked about the preferred location of child care within Whistler, ‘close to home’ ranked the highest by respondents. The provision of 24 additional Child Care Spaces at the subject site would directly support the target to increase the access rate from 14.3 to 17 spaces per 100 children by 2025. Given the creation and buildout of the Rainbow employee housing neighbourhood and lack of Child Care Facilities in the northern part of Whistler, staff support the

proposal to permit a Child Care Facility at the subject site.

**Zoning and Parking Bylaw No. 303, 2015**

Proposed “Zoning Amendment Bylaw (8200 Bear Paw Trail) No. 2297, 2020” would not result in requirement for additional parking stalls to be provide at 8200 Bear Paw Trail. The following commercial parking rates apply:

Use	Required Parking
Commercial uses including Retail, Personal Service, Restaurants, premises or portions thereof licensed for the sale and consumption of alcoholic beverages	4 spaces per 100 square metres of gross floor area of commercial use

Under the proposed Zoning Amendment Bylaw (8200 Bear Paw Trail) No. 2297, 2020, subsection 6 of the CD1 Zone will limit the GFA of commercial uses to 2,000 square metres. As such, 80 commercial parking spaces are required under the proposed zoning. This is consistent with the amount required under the existing CD1 Zone.

On March 19, 2013, Council carried a resolution for Development Permit DP001249, which included a recommendation that Council grant a variance to the total number of commercial parking spaces from 80 to 76. Four (4) parking spaces at Rainbow Plaza were also secured by a statutory right-of-way for public use through Development Permit DP001249.

The site also features one (1) loading bay for the grocery store as well as two (2) loading spaces in front of the liquor store. Furthermore, additional public on-street parking is available along the Bear Paw Trail frontage of the site, and a bus stop is located adjacent to the site. As such, the existing car parking and loading spaces are considered to be acceptable. Future monitoring can be undertaken to ensure no conflicts arise.

**BUDGET CONSIDERATIONS**

The proposed rezoning application is subject to rezoning application fees and cost recovery for staff processing and associated direct costs.

**COMMUNITY ENGAGEMENT AND CONSULTATION**

A sign describing RZ001164 is posted on the property. To date, staff have received three (3) letters of support for the rezoning, specifically in regard to permitting a Child Care Facility at Rainbow Plaza.

The proposed zoning amendment is subject to a Public Hearing adhering to statutory public notice requirements, prior to Council consideration of third reading; therefore, this Report recommends that Council authorize staff to schedule a Public Hearing for “Zoning Amendment Bylaw (8200 Bear Paw Trail) No. 2297, 2020.

**SUMMARY**

The proposed zoning amendment will strengthen the intention to the CD1 Zone, enabling a broader range of appropriately located commercial uses to operate at Rainbow Plaza to serve the needs of the neighbourhood over time. The proposed zoning amendment also ensures that the commercial area of 8200 Bear Paw Trail is separated into at least four (4) Commercial Retail Units (CRUs) including the grocery store.

The report recommends that Council give first and second readings to “Zoning Amendment Bylaw (Zoning Amendment Bylaw (8200 Bear Paw Trail) No. 2297, 2020” and that Council authorize staff to schedule a Public Hearing for “Zoning Amendment Bylaw (8200 Bear Paw Trail) No. 2297, 2020”.

Respectfully submitted,

Clancy Sloan  
PLANNING ANALYST

for  
Mike Kirkegaard  
DIRECTOR OF PLANNING

for  
Jessie Gresley-Jones  
GENERAL MANAGER OF RESORT EXPERIENCE





Brook Pooni Associates Inc.  
 Suite 200 – 1055 West Hastings Street  
 Vancouver, BC V6E 2E9  
[www.brookpooni.com](http://www.brookpooni.com)  
 T 604.731.9053 | F 604.731.9075

February 10, 2020

Planning Department  
 Resort Municipality of Whistler  
 4324 Blackcomb Way  
 Whistler, BC V8E 0X5

To Whom It May Concern:

**Re: Zoning Bylaw Text Amendment Application (updated) – 8200 Bear Paw Trail (Lot 9)**

On behalf of Ronmor Developers Ltd. (Ronmor), Brook Pooni Associates is submitting the enclosed Zoning Bylaw Text Amendment application for the property at 8200 Bear Paw Trail (Lot 9).

As you are aware, Ronmor has experienced difficulty leasing out commercial space on the site since the development's initial construction and occupancy. Current regulations are hindering the ability of businesses to locate in the area and limiting residents' access to everyday services within a walkable distance of their homes.

We are encouraged by the draft Official Community Plan which received third reading on July 23, 2019 and look forward to having this application considered under this context.

**Proposed Changes**

On behalf of Ronmor, we propose the following changes to the site's CD-1 zone to improve the viability of retail at this location and improve the services offered to residents of Rainbow Plaza:

- Section 2 (l):

Remove

"Office, limited to 100 square metres of floor area in the CD1 Zone which must be in use or available for use as a health practitioner's office"

Add the following permitted uses:

**Office, limited to 200 square metres of floor area in the CD1 Zone  
 Retail; and  
 Personal Service**

- Add the following as Section 9, under Density:

Excluding the grocery store, the remaining commercial floor area of Lot 9 must be demised into at least 3 Commercial Retail Units (CRUs), the combined area of which must be at least 300 square metres.

### **Rationale and Project benefits**

The current regulations limit the range of goods and services accessible to residents of the local Rainbow Plaza community, which impacts the vibrancy of the community overall. If implemented, the proposed changes would allow professional offices, personal services, and retail uses to serve the Rainbow Plaza community, would still permit health practitioners without requiring this use, and would enable flexible uses to meet market demand.

Brook Pooni Associates understands that the RMOW wishes to provide for a fine grain of services in the commercial plaza and to prevent any one tenant from occupying the entire plaza. The proposed changes outlined above would limit the size of individual businesses, and are for the most part minor in nature. The proposed changes would address Ronmor's objective of increasing flexibility, while addressing the RMOW's desire to maintain a range of smaller CRUs.

Brook Pooni understands that RMOW has previously requested a minimum of four retail units (excluding the grocery store). The plaza currently has the following tenants on site:

- Grocery store
- Liquor store
- Dentist
- Coffee shop
- Vacant space

Existing provisions, such as the maximum of 400 sq m for any single occupancy, and the proposed requirement for at least 3 CRUs, would limit any one tenant from occupying too much space in the plaza and would provide for a fine grain of businesses.

The proposal would have no negative impacts on the surrounding community and require no exterior modifications or changes in height and built density. Bringing the vacant space on site into use would contribute to increased economic development in Whistler, and greater employment opportunities for the local population.

Bringing new goods and/or services to the Rainbow Plaza population would contribute to greater community vitality, reduced vehicular trip generation, and greater public amenity. Having more viable shops and services open throughout the day will enhance community safety and security.

### **Policy Background**

#### **Current Official Community Plan (OCP) (1993)**

The site is adjacent to an area designated "Existing Service Commercial and Industrial" by Schedule D of the current OCP. No other land use designation is identified in the current OCP.

The OCP provides direction for commercial uses outside the central precincts where the commercial use is intended to meet the needs of the immediate area.

Ronmor's proposal seeks to provide services for the local Rainbow Plaza community. Past potential tenants that would have aligned with the proposed new zoning included a physiotherapist's office, for

example, which would have met the intent of the OCP to provide services to meet the needs of the local community. This use was not permitted because of the existing zoning's limit on office space to 100 square metres.

### Greenhouse Gas Emissions targets

Whistler has set ambitious greenhouse gas reduction targets in its OCP (33% by 2020, 90% by 2060). Meeting these goals will be supported by providing a broader range of services in Rainbow Plaza, which is otherwise car-dependent and separated from the goods and services in the Whistler Village. The proposed changes will allow more residents to walk to meet their daily needs.

### Development Permit Area 24

The proposal would have no impacts on the conditions of DPA24, including protection of the natural environment, protection of development from hazardous conditions, and form and character considerations.

### The OCP and Zoning Context

The current OCP identifies that in areas outside of Whistler Village, Blackcomb, and Whistler Creek precincts, limited commercial development for local convenience commercial uses could be permitted. Uses identified in the Local Convenience (LC) zones include office, personal services, restaurant, and retail. The uses proposed for Rainbow Plaza would align with these uses.

Similarly, the Nester's Square development (zoned CL4) includes a grocery store, restaurants, barber shop, insurance broker, cell phone store, pet supply store, bank, liquor store, and grocery store. Similar uses would be appropriate to meet the day-to-day needs of Rainbow Plaza residents.

### **Whistler 2020 (2005)**

Whistler 2020 identifies a range of sustainability strategies that address themes such as the built environment, economy, health and social sustainability, and transportation.

The proposed text amendment would allow for better economic viability at Rainbow Plaza without impacting the vibrancy of Whistler Village, would support local employment, improve the ability of local residents to meet their day-to-day needs, and help to address Whistler 2020's goal of prioritizing pedestrian transportation by reducing car dependency for residents of Rainbow Plaza.

### **Draft OCP (Third Reading) (July 23, 2019)**

The draft OCP seeks to, among other important goals, protect the land, support a high quality of life in balance with a prosperous tourism economy, and support innovation and renewal.

The proposal supports better land use patterns, reduced car dependence, and improved quality of life for those who call Whistler home. The proposed changes are unlikely to affect the viability of the more boutique, tourist-oriented services in Whistler Village; however, the opportunity to provide a broader range of goods and services in Rainbow Plaza would provide closer access to potential medical, financial, or retail services.

Rainbow Plaza is designated Convenience Commercial by the draft OCP. This is defined as follows:

“Lands designated for neighbourhood-oriented convenience commercial development at a scale with uses that meet the day-to-day convenience oriented goods and services needs of the neighbourhood. Uses include retail, restaurant, office, and personal service functions. Convenience commercial centres at Nesters Square and Rainbow are scaled for an expanded market area beyond the immediate neighbourhood.”

Under current demising of the CRUs at Rainbow Plaza, there would be four CRUs and a grocery store, which aligns with conditions proposed by the site under previous negotiations with RMOW. In this application, Ronmor proposes a requirement for at least three CRUs (plus the grocery store) to ensure flexibility in the event of unit turnover in the future. Allowing three units will ensure a finer grain is required (the three units could not be consolidated into one large store) but also recognizes in some cases a larger use may be required to serve the expanded market contemplated for the site under the draft OCP.

Key draft OCP policies and objectives supporting the proposal include:

- *Policy 4.1.2.11: Optimize the use and function of existing and approved development. Support flexibility, diversity, adaptability and efficiency in land use and development, so the resort community can derive the greatest benefit from existing development and minimize the conversion of natural areas to development.*
- *Objective 4.1.4.1: Provide an adequate amount and variety of land uses and development in appropriate locations to meet the diverse needs of the community and the resort.*
- *Policy 4.1.4.6: Integrate compatible land uses where appropriate to enhance community livability and walkability.*
- *Policy 5.6.8.2: Recognize Nesters Square and Rainbow as locations for expanded convenience commercial developments scaled to serve a larger market area beyond the immediate neighbourhood.*
- *Policy 6.6.2.1: Support and encourage community-based businesses that enhance Whistler's character and authenticity.*
- *Policy 6.7.1.1: Support repurposing, reusing and optimizing built space instead of constructing new buildings.*
- *Policy 8.11.1.5: Support the private sector in providing general family medicine through a variety of mechanisms [...].*
- *Policy 8.11.1.6: Encourage the private sector in providing a full range of specialized health and wellness services, including sports medicine and injury recovery, that complement the public health care system.*
- *Objective 10.2.1: Treat land use as a primary determinant of transportation-based energy use.*
- *Policy 10.2.2.1: Use every reasonable opportunity to further the use of preferred modes of transportation.*



- *Policy 11.2.1.4: Strive to include commercial services when planning residential developments to increase walkability and reduce the need to travel by automobile.*

Based on Brook Pooni's review of the draft OCP, policy direction is closely aligned with the proposed text amendment and the rationale outlined above. The proposal does not impact any regulations under the applicable Development Permit Areas identified under the proposed OCP.

Thank you for your consideration of the proposed Zoning Bylaw amendments outlined above. We look forward to meeting with RMOW staff to discuss these proposals further.

Sincerely,

BROOK POONI ASSOCIATES

A handwritten signature in black ink, appearing to read "Dan Watson", is positioned above the typed name.

Dan Watson, MPlan, RPP, MCIP

Senior Planner

t: 604.731.9053 x 115

e: [dwatson@brookpooni.com](mailto:dwatson@brookpooni.com)



January 7, 2021

Clancy Sloan  
Planning Analyst  
Resort Municipality of Whistler  
4324 Blackcomb Way  
Whistler, BC V8E 0X5  
(sent by email: [csloan@whistler.ca](mailto:csloan@whistler.ca))

**RE: 8200 Bear Paw Trail (Lot 9) Zoning Bylaw Amendment – Child Care Facility**

Dear Mr. Sloan,

Further to our rezoning submission of February 10, 2020 (see Attachment 1), Ronmor has identified the exciting opportunity to locate a Child Care Facility at Rainbow Plaza, which is located at 8200 Bear Paw Trail Parcel Lot 9 (site), in Whistler, BC.

Ronmor is seeking to provide child care in Unit 109, which is currently vacant. The proposed operator is named Whistler Kids (the operator). Ronmor is also exploring the potential to expand the childcare in the future to include unit 110, located immediately to the east, and currently occupied by a coffee shop.

Child Care is listed as a permitted use for the site under the CD1 zone; however, this use is restricted to Parcel Lot 7 (indicated in Schedule "M" of the Zoning Bylaw). As the subject parcel is Lot 9, a Zoning Bylaw amendment would be required to permit a Child Care use at this site.

To enable the current childcare proposal and the potential expansion, Pooni Group is requesting two revisions to the draft zoning bylaw amendment shared by the RMOW on September 14, 2020 (see attachment B). These requested revisions are:

1. To include childcare use as a permitted use at this location; and
2. To remove the requirement for at least 85 sq m GFA for a Café, Restaurant, or Neighbourhood Public House should a childcare facility be in operation on the site.

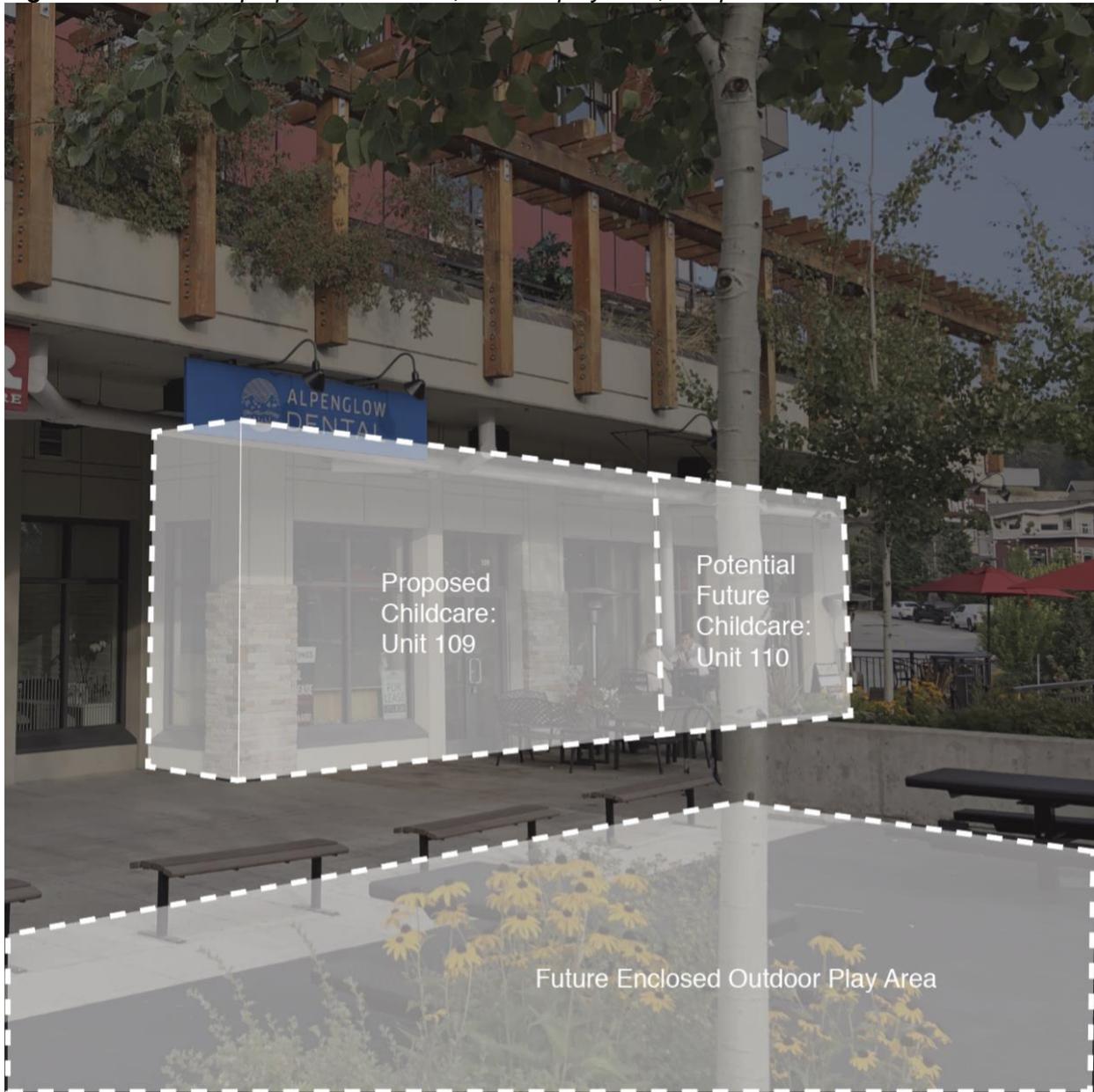
This letter provides background on the proposed Child Care Facility and a rationale to include Child Care as a permitted use at the site. A site photo illustrating the location of the proposed Child Care Facility is included in **Figure 1**.



200-1055 West Hastings  
Vancouver, BC, Canada  
V6E 2E9

604.731.9053  
[info@poonigroup.com](mailto:info@poonigroup.com)  
[www.poonigroup.com](http://www.poonigroup.com)

**Figure 1.** Location of proposed child care, outdoor play area, and potential future child care.





**Proposed Childcare Statistics and Provincial Regulations**

Ronmor is proposing to locate a childcare tenant in Unit 109, which is currently vacant. The total unit area is 1,838 sq ft (170.82 sq m) and the net occupied area is 1,668 sq ft (154.9 sq m). The proposed operator, Whistler Kids, has provided a partial site plan (**Attachment 3**) and proposed floorplan (**Attachment 4**). Site and occupancy statistics are summarized in **Table 1** below.

**Table 1: Infant/Toddler and Childcare Area Calculations**

	Total Area	Open Area	Min. Space per Child	Max. Children	Staff Required	Total Occupant Load
Infant/Toddler Area	653 sq ft (60.6 sq m)	460 sq ft (44.6 sq m)	3.7 sq m	12	3 (1 per 4 children)	15
Childcare Area	734 sq ft (68.1 sq m)	480 sq ft (44.6 sq m)	3.7 sq m	12	2 (1 per 8 children)	14
<b>Total Infant/Toddler / Childcare</b>	<b>1,667 sq ft (154.9 sq m)</b>			<b>24</b>	<b>5</b>	<b>29</b>

British Columbia’s Child Care Licensing Regulation requires at least 6 sq m (65 sq ft) of outdoor play area per child. If the licensee provides more than one type of program, the space may be used on a rotation schedule, provided it is adequate for the largest group. The proposed outdoor fenced-in play area is 1,001 sq ft (92.9 sq m), which allows for 6.2 sq m of outdoor space for 15 children. Using a rotation schedule, this meets the provincial requirements for the two groups of children. A draft schedule outlining the shared use has been provided by the operator and is attached in **Attachment 5**.

**Potential Childcare Expansion**

Given the high demand for childcare services in the area, Ronmor wishes to explore the potential to expand the footprint of the childcare space into Unit 110, which is located immediately to the east of the proposed childcare space in Unit 109. As this expansion is not proposed at the present time, a floorplan has not been prepared; however, the suitability of the space can be predicted based on the following assumptions:

- Unit 110 is 87.4 sq m;
- Open area is anticipated to be in the range of approximately 65% of the total unit area, which would yield an open area of about 56.8 sq m;
- 3.7 sq m open area is required per child; therefore,
- The space could accommodate approximately 15 children.

The outdoor play area can accommodate a maximum of 15 children at any given time, and the children in Unit 110 could be scheduled into the available timeslots in the draft playground schedule outlined in **Attachment 5**.

Unit 110 is currently occupied by a coffee shop. The proposed bylaw amendments as drafted by the RMOW (see Attachment 2) include the following requirement in Section 9:



“Excluding the grocery store, the remaining commercial floor area of Lot 9 must be demised into at least 3 Commercial Retail Units (CRUs), the combined area of which must be at least 450 square metres, and with a minimum of 85 square metres Gross Floor Area in use or available for use as a Café, Restaurant, or Neighbourhood Public House.”

A childcare use serves a highly desirable public function as outlined under “Policy Context” below, Pooni Group suggest that the requirement for a Café, Restaurant, or Neighbourhood Public House be removed from the draft bylaw to enable greater flexibility in providing childcare at this location.

**An alternative suggestion would be to amend the language to include childcare as one of the required use options (i.e. “available for use as a Child Care Facility, Café, Restaurant, or Neighbourhood Public House”). This would retain the general requirement for at least one “active/vibrant” retail use (such as a café, restaurant, or pub) as a default, while allowing flexibility to replace this with a use of potentially greater social benefit—expanded childcare—should the opportunity present itself.**

### **Policy Context**

The proposal to allow a Child Care Facility at the site is supported by the RMOW Official Community Plan (OCP); specifically, by Section 8.9, as follows:

#### **Section 8.9 - Support a variety of childcare opportunities for Whistler’s children.**

- **8.9.1.1** - Encourage the availability of licenced childcare facilities, including facilities providing infant care; and
- **8.9.1.5** - Encourage new development and redevelopment to provide appropriately scaled space that may be leased at affordable rates to licenced childcare operators.

The proposal is further supported by the Whistler2020 Comprehensive Sustainability Plan. This plan addresses climate change and prioritizes sustainability, indicating that a key responsibility of the RMOW is to ensure that the built environment is vibrant and contributes to individual health and wellbeing. The Built Environment Strategy focuses on developing and renewing buildings, neighbourhoods and facilities that contribute to a more unique, liveable, and sustainable resort community. The creation of new Child Care Facilities will support the RMOW’s objectives for supporting the families that live, work and play in Whistler while encouraging opportunities for future growth.

### **Parking & Loading Considerations**

Parking requirements for Child Care are not specified in the Zoning and Parking Bylaw. Pooni Group has assumed a requirement of 4 stalls per 100 sq m Gross Floor Area, in accordance with the requirements for similar uses such as retail. In the CD1 zone, parking requirements apply as if the uses were in the CC1 zone, per the Parking and Loading requirements of the CD1 zone. **Pooni Group has calculated that 79 parking stalls are required for the site, regardless of whether childcare or a retail use is in located in Unit 109 and/or 110. The site currently features 80 parking spaces; therefore, parking requirements would be met under the proposed new use.**



Currently the site features one loading bay for the grocery store as well as two loading spaces in front of the liquor store. Pooni Group has calculated a requirement of two loading spaces for the site, leaving a surplus of one space. There is no change to the anticipated loading requirement with or without the childcare use. A breakdown of parking and loading calculations is provided in **Table 2**, below.

**Table 2. Parking and Loading Requirements**

Use	Area (sq m)	Parking Ratio	Parking Requirement	Loading Ratio	Loading Requirement
Grocery	1415.2	4 spaces per 100 sq m GFA*	56.6	1 space per 1,400 sq m GFA	1.01
Liquor	120.5	4 spaces per 100 sq m GFA*	4.82	1 space per 1,400 sq m GFA	0.086
Dentist	159.28	4 spaces per 100 sq m GFA	6.37	1 space per 3,000 sq m GFA	0.053
Childcare (proposed)	170	4 spaces per 100 sq m GFA**	6.8	1 space per 1,400 sq m GFA**	0.12
Café or future childcare	87.4	4 spaces per 100 sq m GFA*	3.5	1 space per 1,400 sq m GFA**	0.062
<b>Total Requirements</b>	<b>1,952</b>	<b>4 spaces per 100 sq m GFA</b>	<b>78.1 (round up to 79)</b>		<b>1.33 (round up 2)</b>
<b>Total existing count</b>	<b>1,952</b>		<b>80 stalls</b>		<b>3</b>
<b>Surplus</b>			<b>1 stall</b>		<b>1 space</b>

*\*In the CD1 zone, applicable parking requirements apply as if the uses were in the CC1 zone, per CD1 zone Section 15 Off-Street Parking and Loading requirements.*

*\*\*Parking requirements for Child Care are not listed in the Bylaw. Retail requirements have been applied.*

**Attachments**

1. Revised Rezoning Submission (February 10, 2020)
2. RMOW Proposed Zoning Bylaw Amendments (September 14, 2020)
3. Partial Site Plan
4. Floor Plan (Unit 109)
5. Playground Sharing Plan

OCCUPANT LOAD CALCULATION: TOTAL TENANT AREA: 1,668 S.F. (154.9 m2)

INFANT/TODDLER -653 TOTAL SQ. FT./60.6 SQ. M.

OPEN AREA: 480 S.F. (44.6 m2) / 3.7 = 12  
 1 STAFF FOR EVERY 4 KIDS 3  
 OCCUPANT LOAD: 15

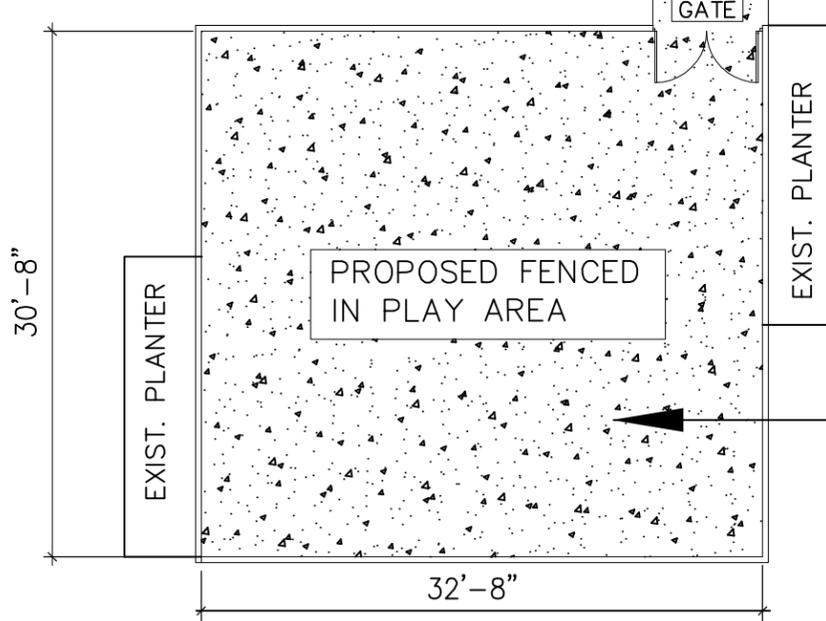
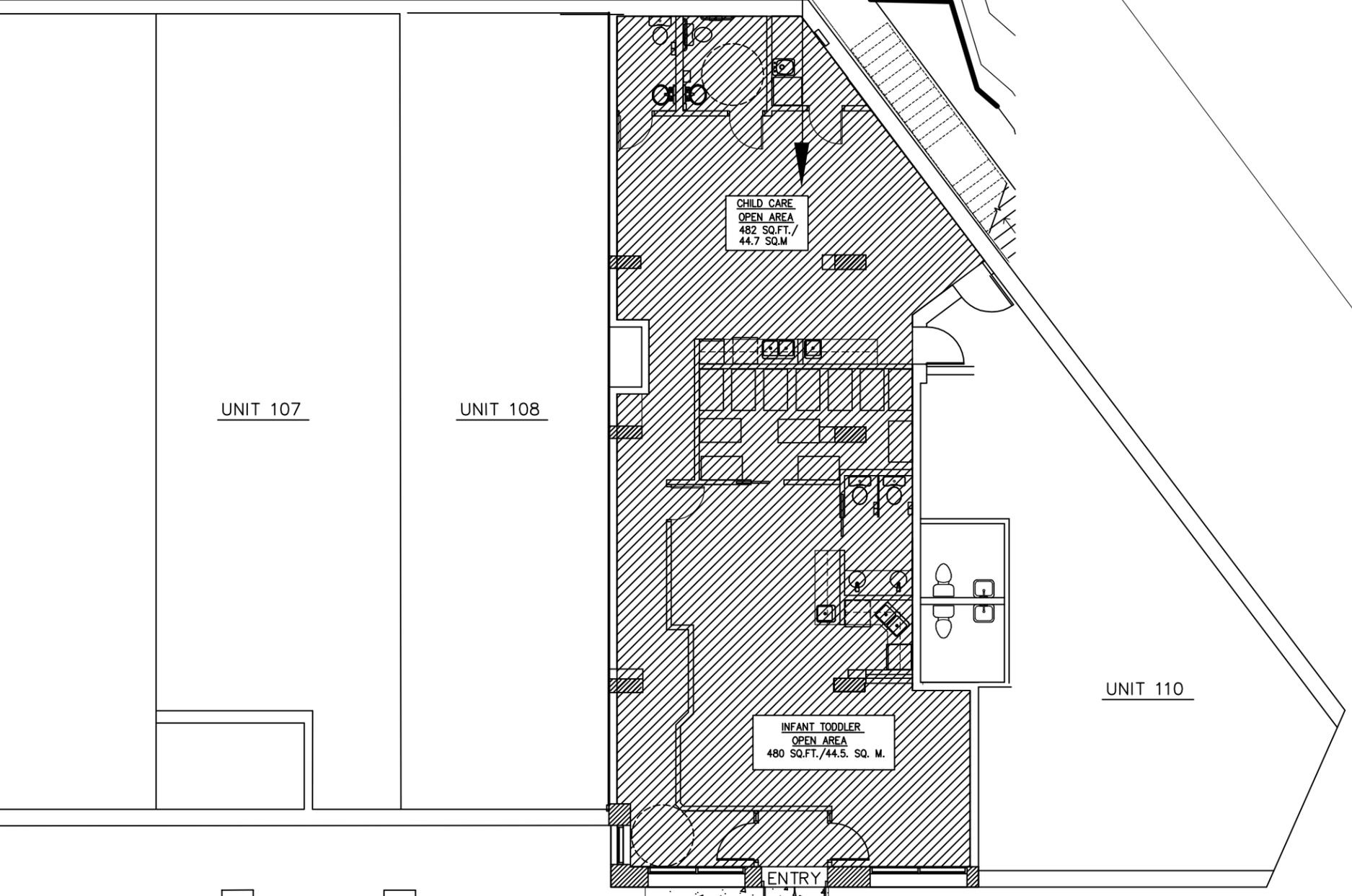
CHILDCARE - 734 TOTAL SQ. FT./68.1 SQ. M.

OPEN AREA: 480 S.F. (44.6 m2) / 3.7 = 12  
 1 STAFF FOR EVERY 8 KIDS 2  
 OCCUPANT LOAD: 14

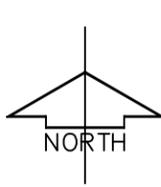
TOTAL OCCUPANT LOAD:

INFANT TODDLER 15  
 CHILDCARE 14  
 TOTAL: 29

PROPOSED SITE  
 UNIT 109  
 AREA=1838 SQ. FT.  
 (170.82 SQ. M).



PROPOSED PLAY AREA  
 AREA=1001 SQ. FT.  
 (92.9 SQ. M).

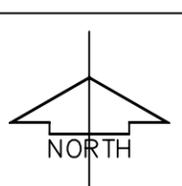


PLAN: PARTIAL SITE PLAN

SCALE: N.T.S.

REV#	DATE	DR'N	CK'D	ISSUE	DATE	BY	ISSUED FOR

©COPYRIGHT. ALL DESIGNS AND THE MODIFIED LIKENESSES THEREOF ARE THE SOLE PROPERTY OF BARNETT DEMBEK ARCHITECTS INC. AND MAY NOT BE USED WHOLLY OR IN PART WITHOUT LICENCE BEING PURCHASED. COPYRIGHT INFRINGEMENT INCLUDES IDEAS GAINED AND CONVERSION THEREOF INTO ANY MATERIAL FORM CANADA COPYRIGHT ACT R.S.C. 1970.



CLIENT:	1262383 BC 2115 164 A STREET SURREY, BC V3Z 0V5	DESIGN:	FMR
PROJECT:	RAINBOW DAYCARE WHISTLER 8200 BEAR PAW TRAIL UNIT 109 WHISTLER, BC.	DRAWN:	FMR
SHEET CONTENT:	PARTIAL SITE PLAN	DATE:	02.12.25
		SCALE :	AS NOTED

**barnett dembek**

UNIT 135,  
7536 130 STREET,  
SURREY, B.C.  
V3W 1H8

PHONE: (604) 597-7100  
FAX: (604) 597-2099  
EMAIL: mail@darkitex.com

CLIENT NO.	SHEET NO.
PROJECT NO.	REV. NO.
20-6	S-1

## APPENDIX "D"

### REZONING CRITERIA EVALUATION SUMMARY

The following provides a summary of the evaluation of the proposed rezoning against the rezoning evaluation criteria contained in Policy 4.1.6.4 of the Official Community Plan.

- (a) the project must be capable of being served by municipal water, sewer and fire protection services, or by an alternate means satisfactory to the municipality;
  - The subject parcel is an already constructed and serviced development. The development is served by municipal water, sewer and fire protection services. The proposed zoning amendment is not expected to increase the demand on the abovementioned services. Covenants for Fire Protection and Water Volume exist on Title for the site.
- (b) the project must be accessible via the local road system, or by an alternate means satisfactory to the municipality;
  - The subject parcel is an already constructed and serviced development. The site can be accessed from Bear Paw Trail, and includes pedestrian linkages to Crazy Canuck Drive.
- (c) the project must comply with all applicable policies of the OCP; and
  - The proposed zoning amendment complies with all applicable policies of the OCP including the Whistler Land Use Map, and Commercial and Light Industrial policies.
  - The policies contained in Chapter 5 Land Use and Development, Commercial and Light Industrial, provide further guidance for this designation and the development of these lands. The overarching goal, Goal 5.6, is to:
    - *Maintain a hierarchy of complementary commercial and light industrial centres each positioned with its own distinct role, character and mix of uses tailored to reinforce Whistler's mountain resort community character, meet the needs of the community and support the local tourism economy.*

The proposed Bylaw seeks to allow a greater flexibility in permitted uses to meet the needs of the neighbourhood and local community. The proposed Bylaw also seeks to limit the density of uses to ensure that a suitable GFA remains available for the non-grocery CRU's at the site to ensure a variety of services and uses available to the local public. Zoning Amendment Bylaw (8200 Bear Paw Trail) No. 2297, 2020 is consistent with Goal 5.6.

- The proposed zoning amendment is consistent with the policies of the Official Community Plan (OCP), including the following:
  - **Policy 5.6.8.2.**  
*Recognize Nesters Square and Rainbow as locations for expanded convenience commercial developments scaled to serve a larger market area beyond the immediate neighbourhood*
  - **Policy 5.6.8.4.**  
*Ensure that all convenience commercial developments are designed to complement the surrounding neighbourhood and reinforce the resort community character, including considerations related to pedestrian connections, traffic, access and parking, and scale and massing of development.*
  - **Policy 6.7.1.1**

*Support repurposing, reusing and optimizing built space instead of constructing new buildings.*

- **Policy 8.9.1.1.**  
*Encourage the availability of licensed childcare facilities, including facilities providing infant care.*
- **Policy 8.9.1.5.**  
*Encourage new development and redevelopment to provide appropriately scaled space that may be leased at affordable rates to licensed childcare operators.*
- **Policy 11.2.1.4**  
*Strive to include commercial services when planning residential developments to increase walkability and reduce the need to travel by automobile.*

(d) all proposed developments and changes in land use must be evaluated to the satisfaction of the municipality to assess impacts on:

i. balanced resort and community capacity;

The proposal allows a broader range of commercial uses to operate from the site, providing increased services to the Rainbow neighbourhood and surrounding areas. The proposal does not increase the commercial gross floor area available in the CD1 Zone, or increase the residential density of the site.

ii. overall patterns of development of the community and resort;

The proposal allows additional commercial uses to operate in an existing building, and does not impact the overall structure of the Rainbow neighbourhood.

iii. the character of Whistler's forested mountain environment, including preservation of green buffers, views, scenery and distinctive natural features;

The proposal will not increase the development footprint at the site, and will not impact the existing views and natural features. The development does not detract from Whistler's forested mountain environment.

iv. Whistler's sensitive ecosystems and biodiversity;

The proposal will not increase the development footprint at the site, and will not impact the ecosystems and biodiversity of the area.

v. scale, character and quality of development;

The scale and character of the development is not changed by the proposed zoning amendment. No additional gross floor area is provided by the proposed zoning amendment. The character and quality of future development is subject to Municipal Development Permit requirements for the form and character of development, and review by the Municipal Advisory Design Panel.

vi. compatibility with the surrounding area or neighbourhood;

The proposed zoning amendment seeks to increase the variety of commercial uses available to 8200 Bear Paw Trail, and allow a Child Care Facility to operate from the site. The increased range of commercial uses provide a service to the surrounding residents. There is significant demand for a Child Care Facility in the area, and the proposed zoning amendment would assist to meet this demand.

Furthermore, the proposed zoning amendment includes provisions to preserve the use of at least one CRU for a food and beverage type use, as this is deemed an important service and provides activation to the centre.

vii. quality of life of Whistler's residents;

The proposed zoning amendment allows a greater variety of commercial uses in the Rainbow neighbourhood, to ensure that residents are able to access the services that they require. There is significant demand for a Child Care Facility in the area, and the proposed zoning amendment would assist to meet this demand, providing a vital service for residents in the area.

viii. quality of experience for Whistler's visitors;

The proposed zoning amendment does not increase the commercial gross floor area available to the site, and is not considered to attract visitor oriented uses away from the primary commercial and visitor centres in Whistler (Whistler Village and Creekside).

ix. geotechnical, flood and wildfire hazard;

Geotechnical engineering assessments have been previously completed during the initial development of the site. Covenants for Geotechnical Monitoring, Fire Protection and Water Volume exist on Title for the site. The lands are located within an area designated as a Development Permit Area for Wildfire Protection. Future developments will require assessment against the applicable guidelines.

x. archaeological, heritage and cultural resources;

The subject parcel is an already constructed development. No archaeological, heritage and cultural sites of interest were identified.

xi. traffic congestion and safety, including traffic volumes and patterns on Highway 99 and the local road system;

The subject parcel is an already constructed and serviced development. No new roads or changes to the existing road network are proposed.

The increased potential for neighbourhood servicing convenience retail and services may reduce traffic volumes on Highway 99 and the local road system as the residents of the Rainbow neighbourhood will be able to access these services in the local area. The existing development contains a suitable number of parking spaces to accommodate the proposal, and is well connected to the surrounding area with pedestrian linkages. Furthermore, additional public on-street parking is available along the Bear Paw Trail frontage of the site, and a bus stop is located adjacent to the site.

The proposed zoning amendment will not increase the potential density of the site and is not expected to have any significant impact on traffic congestion and safety.

xii. local economy;

The proposed rezoning will enable a greater variety of commercial uses in the Rainbow neighbourhood, to ensure that residents are able to access the services that they require. This will assist the owner of the CRUs at Rainbow Plaza to fill all commercial tenancies at the site and support the local economy.

xiii. municipal finance;

Considerations related to municipal finance are addressed in the Budget Considerations section of the report.

xiv. social, health, recreation, education and emergency facilities and services;

The proposed rezoning will facilitate the operation of a proposed Child Care Facility at the site, and will ensure that the existing health operator at the site remains a permitted use in the zone. The recreation areas in the Rainbow neighbourhood are not impacted by the proposal.

xv. employee housing; and

The subject parcel is an already constructed development which contains employee housing. The proposed zoning amendment does not impact the amount of employee housing required at the site, but will allow a broader range of services to support residents.

xvi. community energy and GHG emissions, water supply and conservation and solid waste.

The subject parcel is an already constructed and serviced development. The proposed zoning amendment will not increase the potential density of the site. The existing development was built to meet the applicable energy requirements at the time of construction, and includes spaces for solid waste and recycling.