

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 87.4m².

"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