

**RESORT MUNICIPALITY OF WHISTLER**

4325 Blackcomb Way  
Whistler, BC Canada V8E 0X5  
whistler.ca

**TEL** 604 932 5535  
**TF** 1 866 932 5535  
**FAX** 604 935 8109

## STAFF REPORT TO COUNCIL

**PRESENTED:** September 7, 2021  
**FROM:** Resort Experience - Planning  
**SUBJECT:** RZ001147 – 1315 AND 1345 CLOUDBURST DRIVE – WHISTLER SPORT LEGACIES SOCIETY EMPLOYEE HOUSING – MODIFIED HOUSING AGREEMENTS

**REPORT:** 21-100  
**FILE:** RZ001147

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION(S)

**That** Council

- A. consider giving first, second, and third readings to “Housing Agreement Bylaw (1315 Cloudburst Drive) No. 2330, 2021; and
- B. consider giving first, second, and third readings to “Housing Agreement Bylaw (1345 Cloudburst Drive) No. 2331, 2021.

### PURPOSE OF REPORT

The purpose of this report is to present two Housing Agreement Bylaws with new housing agreements/covenants for Whistler Sport Legacies Society (WSL) developments at 1315 and 1345 Cloudburst Drive that modify and replace agreements previously approved by Council. The modified agreements respond to a request from WSL for a reallocation of employee housing and athletes’ accommodation between the two properties in response to the terms of CMHC financing obtained by WSL for completion of the new residential development at 1315 Cloudburst which will be 100 percent employee rental housing. The bylaws are presented for Council consideration of first three readings.

☐ Information Report      ☒ Administrative Report (Decision or Direction)

### DISCUSSION

#### Background

On January 7, 2020 Council adopted “Zoning Amendment Bylaw (1315 and 1345 Cloudburst Drive) No. 2245, 2019 to amend the AC2 zone and the AC3 zone to provide for additional rental employee housing, including housing targeted for essential services workers. The AC2 zone was amended to add

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employee housing as a permitted use and increase the maximum permitted density of development at 1315 Cloudburst, and the AC3 zone was amended to add employee housing as a permitted use. Both properties were previously zoned for athletes' centre accommodation under zoning put in place at the time of the 2010 Winter Olympic and Paralympic Games (the 2010 Games).

At the time, WSL planned to move the athletes' centre accommodation use from the existing townhouse development at 1345 Cloudburst into the new apartment building to be developed at 1315 Cloudburst, and commit the townhouses to rental employee housing for the community at large with a prioritization of the units for essential services workers. Recently WSL has received financing approval from CMHC to support the construction of the new development at 1315 Cloudburst. This financing is for a 100 percent rental employee housing project precluding the contemplated transfer of the athletes' centre accommodation use from 1345 Cloudburst. This has resulted in the need to modify and replace the existing housing agreements/covenants. The net effect is that the incremental employee housing commitment associated with the rezoning will be located in the new apartment building, with no change in the amount of employee housing that will be delivered.

The previously contemplated arrangement for the location of athletes' centre accommodation and incremental employee housing was approved by Council on January 21, 2020 within the housing agreement/covenants adopted by Housing Agreement Bylaw (1315 Cloudburst Drive) No. 2262, 2020 and Housing Agreement Bylaw (1345 Cloudburst Drive) No. 2263, 2020. The proposed changes to the agreements to reflect this change in program between the two properties are described in further detail below under the Housing Agreements Modifications and Analysis sections of this report.

The two properties, along with the High Performance Centre and Lodge, located at 1080 Legacy Way, were granted by the Province under a 2008 modification to the 2010 Games Community Land Bank Agreement (CLBA). The lands were transferred to the RMOW with provisions for transfer to the WSL to support operation and management of 2010 Games facilities/venues endowed to the WSL.

The property at 1345 Cloudburst is an existing 20 unit townhouse development that was developed at the time of the 2010 Games. The RMOW holds the title of the property in trust for the WSL, the beneficial owner of the property, under a Bare Trust Agreement. The use of the property as granted by the CLBA, is for Athletes' Centre accommodation<sup>1</sup>, with provisions for employee housing.

The property at 1315 Cloudburst was transferred as an undeveloped property for the purpose of employee housing in support of WSL operations. The title to this property has recently been transferred to the WSL and WSL is currently developing the property for an apartment development with 58 dwelling units comprised of 22 studio units and 36 two-bedroom units. The development permit for the project, DP001762, was approved by Council on October 20, 2020.

The rezoning approved by Council January 7, 2020 updated the zoning of the properties to add employee housing for both 1315 and 1345 Cloudburst Drive, and to increase the density of development on the undeveloped site at 1315 Cloudburst. The additional density was considered under the Private Sector Employee Housing Initiative and consistent with this initiative the incremental density permitted by the rezoning, 1,400 square metres of gross floor area, was committed to employee

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<sup>1</sup> Note: athletes' centre accommodation and athlete are defined to include athletes, coaches, trainers, volunteers, other support staff, and the families of any of the aforementioned, using the Whistler Athletes' Centre, other sports and recreation amenities and facilities located within the Municipality, or the Whistler Olympic Park, and those involved in the delivery of educational or cultural programs within the Municipality and students and volunteers associated with such programs.

housing for the Whistler community. At Council's request, this housing was to be prioritized for essential services employees.

At the time of the rezoning, the WSL intended to transfer the athletes' centre accommodation use from the townhouses at 1345 Cloudburst to the new development at 1315 Cloudburst, and utilize the townhouses for employee housing. The dwelling units in the new development would be used for a combination of employee housing and athletes' centre accommodation. The additional density approved under the rezoning for 1315 Cloudburst was committed to price restricted employee housing and the townhouse units at 1345 Cloudburst (approximately 1,400 square metres) were committed to employee housing including prioritizing availability of the housing to essential services workers. This arrangement was implemented through the housing agreements adopted by Council at the time.

### **Housing Agreement Modifications**

Under the new housing agreements, 100 per cent of the dwelling units at 1315 Cloudburst will be required to be employee housing and the townhouses at 1345 Cloudburst may be utilized for either athletes' centre accommodation or employee housing. The agreements are legislatively required to be adopted by bylaw. Bylaw No. 2330, 2021 applies to 1315 Cloudburst (Lot C) and Bylaw No. 2331, 2021 applies to 1345 Cloudburst (Lot B).

Under the modified agreement that applies to 1315 Cloudburst (Lot C), a minimum of 20 units or a combination of units with a total unit floor area of 1,200 square metres must still be reserved for eligible employee from the community at large. This is consistent with the obligation under the existing housing agreement, previously approved by Council.<sup>2</sup> However, the agreement has been modified to capture the requirement to prioritize availability of these units for essential service employees, moving this from the townhouse parcel. The agreement has also been revised to specify a commitment that any remaining units must be made available to employees through the Whistler Housing Authority (WHA) waitlist. Should a unit still not be rented after exhausting the WHA waitlist, then it may be rented to any eligible employee of a qualified business within the RMOW including WSL employees.

The other terms of the agreement for 1315 Cloudburst remain unchanged, except that the reference to unit types has been revised to accurately specify the units as studio and two-bedroom units. The maximum initial monthly rents, including utilities, continue to be established at \$1,200 per month for the studio units (minimum of 430 square feet in size) and \$2,100 per month for the two-bedroom units (minimum 650 square feet).

The agreement for the property at 1345 Cloudburst (Lot B) has been modified to remove the mandatory use of the existing townhouses (approximately 1,400 square metres) for community at large employee housing and the prioritization for essential services employees, as this is now contained within the modified agreement for the development at 1315 Cloudburst. Essentially, the use of the townhouse dwelling units reverts to the existing athletes' centre accommodation use. However, the modified agreement expressly recognizes and provides for the use of these units for employee housing. When not in use by WSL employees they are required to be prioritized for essential services, followed by WHA waitlist and then any eligible employee of a qualified business within the RMOW. In addition, a commitment to maximum rents has been established for employee use, with a maximum monthly rent

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<sup>2</sup> Note, the minimum area within the development at 1315 Cloudburst that is to be dedicated to accommodation for eligible employees from the community at large, has now been specified as the net area contained within the dwelling units (1,200 square metres), as opposed to a gross floor area which included common areas within the building such as lobby areas and hallway corridors (1,400 square metres). This revision was made to simplify administration of the agreement.

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including utilities of \$1,200 for a one-bedroom unit, \$2,600 for a two-bedroom unit, \$3,000 for a three-bedroom unit and \$3,300 for a four-bedroom unit.

One additional modification has been made to the agreement/covenant for 1345 Cloudburst Drive, and this is to remove the daily “rent charge” penalty that may be levied by the RMOW for any breach of the agreement. The authority to levy a rent charge is granted under s. 219 of the *Land Title Act*. Because the RMOW is still the owner on title for this property, the covenant/agreement is registered between the RMOW and itself. The Land Title office has determined that this is an invalid exercise of the rent charge authority and therefore the provisions related to the rent charge are non-registerable and have been removed. However, the WSL has agreed that upon transfer of the property title from the RMOW to WSL, then the rent charge provisions will be added to the agreement.

## **Analysis**

The proposed modifications support the revised program for the two WSL properties, and the ability to obtain project financing to complete the new development at 1315 Cloudburst. This development will provide 58 units of new employee housing. Of this total, a minimum of 20 units or 1,200 square metres of unit area is required to be housing for the community at large, with a prioritization for essential services employees and WHA waitlist employees. This reflects the incremental density that was approved through the rezoning and had previously been secured in the townhouse development at 1345 Cloudburst. Effectively, there is no change in the total number of dwelling units or minimum amount of area that is required to be employee housing, however, the new agreements also explicitly recognize the potential for employee housing use in the townhouse development when units are being used for athletes’ centre accommodation.

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## **POLICY CONSIDERATIONS**

### **Relevant Council Authority/Previous Decisions**

The applicable Council authority and relevant previous decisions of Council are described in detail above under the background section of this report. Referenced decisions of Council and related reports are listed as follows:

RZ001147 – 1315 and 1345 Cloudburst Drive – Whistler Sport legacies Society Employee Housing – Zoning Adoption and Housing Agreements, Administrative Report No. 20-003, January 7, 2020 (not attached)

RZ001147 – 1315 and 1345 Cloudburst Drive – Athlete/Employee Housing, Administrative Report No. 19-120, September 17, 2019 (not attached)

Housing Agreement Bylaw (1315 Cloudburst Drive) No. 2262, 2020 (not attached)

Housing Agreement Bylaw (1345 Cloudburst Drive) No. 2263, 2020 (not attached)

DP001763 – 1315 Cloudburst Dr. – Multi-family Residence, Administrative Report No. 20-103, October 20, 2020 (not attached)

Community Land Bank Agreement – Office Consolidation, February 2009 (not attached)

Modification of Community Land Bank Agreement, October 15, 2008 (not attached)

Declaration of Bare Trust, August 23, 2011 (not attached)

### **Corporate Plan**

The RMOW Corporate Plan is updated annually and articulates strategic direction for the organization. This section identifies how this report links to the plan.

The proposed housing bylaws, and associated housing agreements/covenants, support completion of construction for the new apartment development located at 1315 Cloudburst Drive and the delivery of new employee housing for the resort community. The agreements effectively balance resort and community needs facilitating this housing through deliberate planning and by supporting WSL partnerships and investment.

### **Council Focus Areas**

☒ Community Balance

*Effectively **balance resort and community needs** through deliberate planning, partnerships and investment*

☐ Climate Action

*Provide leadership to **accelerate climate action and environmental performance** across the community*

☒ Housing

*Advance strategic and innovative initiatives to enable and **deliver additional employee housing***

☐ Not Applicable

### **Community Vision and Official Community Plan**

The Official Community Plan (OCP) is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

The proposed housing agreements/covenants help to facilitate the construction of new employee housing for the resort community. This supports the Community Vision of a thriving community, as well as Whistler being a place where guests are inspired. The housing will be provided in the thriving Cheakamus neighbourhood on a cleared site intended for employee housing, adjacent to

neighbourhood amenities. The housing will support WSL and its on-going operations and management of 2010 Games facilities/venues.

The development is consistent with the growth management policies of the OCP and is provided for within the municipality's approved accommodation capacity measured in bed units. It is also consistent with the housing policies in the OCP including striving to add 1,000 new employee beds within the next five years.

Detailed analyses of applicable OCP policies have been provided in previous relevant reports to Council, as referenced above.

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## BUDGET CONSIDERATIONS

The costs associated with the processing of the modified agreements is provided for under the rezoning file and cost recovery for staff time and legal fees.

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## LIL'WAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lil'wat People, known in their language as *L'il'wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler's resort economy. This section identifies areas where RMOW activities intersect with these relationships.

The lands that are the subject of the proposed housing bylaws were granted to the RMOW and the WSL as a legacy of the 2010 Games through the CLBA. The proposed uses are consistent with the CLBA.

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## COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

☒ Inform      ☐ Consult      ☐ Involve      ☐ Collaborate      ☐ Empower

Comment(s):

There are no statutory requirements for public notification for the housing bylaws. The rezoning process for the development at 1315 Cloudburst was subject to a rezoning process which included a public hearing, and the development permit notice requirements were met with a sign posted on the property.

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## REFERENCES

"Housing Agreement Bylaw (1315 Cloudburst Drive) No. 2330, 2021" (Included in Council Package).

“Housing Agreement Bylaw (1315 Cloudburst Drive) No. 2331, 2021” (Included in Council Package).

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## **SUMMARY**

The proposed bylaws presented for Council consideration of first three readings support delivery of new employee housing for the resort community. They help provide for completion of the new WSL employee housing development at 1315 Cloudburst, by facilitating construction financing with CMHC, and maintain commitments established through the rezoning process for this development.

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## **SIGN-OFFS**

### **Written by:**

Mike Kirkegaard, Director of Planning

### **Reviewed by:**

Jessie Gresley-Jones, General Manager of  
Resort Experience

Ginny Cullen, Chief Administrative Officer