

**RESORT MUNICIPALITY OF WHISTLER**

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STAFF REPORT TO COUNCIL

PRESENTED: September 21, 2021
FROM: Planning
SUBJECT: RZ001165 - COVENANT MODIFICATION (CHEAKAMUS CROSSING PHASE 2) – EMPLOYEE-RESTRICTED HOUSING REPORT

REPORT: 21-109
FILE: RZ001165

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION(S)

That Council approve proposed modifications to Covenant BA311773 attached as Appendix A to this Administrative Report to Council No. 21-109; and

That Council authorize the Mayor and Corporate Officer to execute the covenant modification.

PURPOSE OF REPORT

This report seeks Council's approval of proposed modifications to Covenant BA311773 to facilitate registration of a new housing agreement. The proposed modification removes the requirement to register a specific, out-dated housing agreement that is contained in the Cheakamus Crossing Community Land Bank Agreement (CLBA), which will allow the Resort Municipality of Whistler (RMOW) to move forward with registration of an updated housing agreement that is consistent with current municipal employee housing policy.

☐ Information Report ☒ Administrative Report (Decision or Direction)

DISCUSSION

Background

The subject lands, referred to as the Cheakamus Crossing "Upper Lands" are a portion of the "Lower Cheakamus Community Land Bank Site" granted to the RMOW under the Community Land Bank Agreement (October 21, 2005), as a lasting legacy of the 2010 Winter Olympic and Paralympic Games (2010 Games) for providing affordable employee housing.

At the time the Community Land Bank Agreement (CLBA) was entered into by the RMOW and the Province, certain parcels were charged by restrictive covenants referenced in the CLBA as the "Provincial Housing Covenants". These 2006 covenants contain (in addition to basic employee housing restrictions) a "no-build" clause to further protect the Province's interests. This clause prohibited uses of

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the land other than 2010 Games-related uses and basic site development for affordable employee housing, until the RMOW has entered into a housing agreement in a form stipulated in the covenant and set out as a Schedule in the CLBA. Over the intervening 15 years the municipality's employee housing needs and policy have evolved significantly, and the CLBA form of housing agreement contains a rent charge in favour of the RMOW which the Land Title Office will not accept for registration if the RMOW is the owner of the land. The Province has agreed to modify the wording of the Provincial Housing Covenants to give the RMOW greater flexibility regarding the terms of housing agreements for these lands. This flexibility will enable the RMOW to enter into more appropriately-worded housing agreements in respect to the future affordable employee housing projects in Phase II of Cheakamus Crossing.

Analysis

This approach will minimize the amount of detail that the Province is required to attend to as the Phase II lands are built out. If the Province's existing covenant BA311773 is modified as regards Phase II lands, the Province will not be asked to approve any further housing agreements during build out, as long as the new agreements continue to be for affordable employee housing.

A more flexible housing agreement requirement will allow the RMOW to create employee-restricted housing that is responsive to the community's housing needs and consistent with current housing policies, while ensuring that the Province's core affordable employee housing objective for these lands continues to be met.

An updated form of housing agreement and enabling bylaw will be brought forward to Council shortly, addressing the Lot 1 development. This agreement will include updated terms and conditions, including:

- definitions of Employee and Retiree; and
- updated maximum sales prices and rental rates.

Updated housing agreements will subsequently be registered on each additional employee housing parcel on a site by site basis as they come forward for development.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

A housing agreement in the form specified in the CLBA was registered on the lands by Bylaw approved by Council on March 16, 2021. This was done to permit discharge of the no-build covenant, allowing the RMOW to issue a development permit for construction of the first two employee-restricted housing buildings in the new Cheakamus Crossing Phase II neighbourhood, on the schedule desired by Whistler 2020 Development Corporation. The RMOW has subsequently received agreement from the Province to modify the covenant, as presented in this report.

Following registration of the modified covenant, the existing housing agreement can be discharged and new, up-to-date housing agreements consistent with current housing policy may be approved by Council and registered on the lands as they come forward for development.

[Housing Agreement Bylaw \(Cheakamus Crossing Phase 2\) No. 2312, 2021 – Housing Agreement, Report No. 21-025, April 6, 2021](#)

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.

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 covenant modifications are consistent with the policies of the Official Community Plan (OCP), and are necessary for occupancy of future housing to be consistent with current Council policy.

The subject lands are designated as Residential – Reserve in Schedule A of the Official Community Plan. Residential – Reserve lands are: “Lands available for employee housing with a variety of housing forms and densities. These lands may be developed as needed to meet the municipality’s housing needs.”

The policies contained in Chapter 5 Land Use and Development, Residential Accommodation, provide further guidance for this designation and the development of these lands. Goal 5.1 is to meet Whistler’s long-term housing needs consistent with the growth management policies and land use designations in the OCP. The associated objectives (5.1.1 and 5.1.2) address the designation of lands for various forms of residential development to meet Whistler’s diverse housing needs, and the ongoing

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commitment to house at least 75 percent of Whistler's workforce within the resort community in livable, appropriate and affordable housing.

Select policies that specifically pertain to the lands and proposed parcelization for future phased development are as follows:

- 5.1.1.2 Policy Maximize utilization of Residential Reserve lands for employee housing and phased development as required to support Whistler's employee housing needs.
- 5.1.2.4 Policy Pursue development of Residential Reserve lands in Cheakamus Crossing within the next five years, as one of the primary opportunities for new employee housing.

The proposed modifications to covenant BA711773 are also consistent with Goal 5.3, to promote a diversity of housing forms, tenures, residential uses and densities to support the resort community's housing needs.

Development of the lands is subject to development permit approval requirements and consistency with guidelines for some or all of the following OCP development permit area designations:

- Multi-family Residential
- Form and Character
- Protection of Riparian Ecosystems
- Protection of Sensitive Ecosystems
- Wildfire Protection

The proposed covenant modifications are an important step in the build-out of the Cheakamus Crossing Phase II project, which will facilitate completion of affordable, employee-restricted housing. The proposed covenant modification will ensure that future housing agreements are aligned with current municipal policies and goals for employee-restricted housing.

BUDGET CONSIDERATIONS

Staff time for this work is covered by the Planning Department budget. Legal fees are recovered from the applicant.

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 covenant modification were granted to the RMOW as a legacy of the 2010 Games through the CLBA. The proposed uses and covenant modification are consistent with the intent of the CLBA.

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COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

No required engagement is legislated by the *Community Charter* for this procedure.

REFERENCES

Appendix A – Modification of Provincial Housing Covenant

Appendix B – Covenant BA311773

SUMMARY

This report seeks Council's approval of proposed modifications to Covenant BA311773 to facilitate registration of a new housing agreement for the Cheakamus Crossing Phase II employee-restricted housing project. The modified covenant will remove a requirement to register a specific, out-dated housing agreement, allowing the RMOW to create and register an updated housing agreement consistent with current municipal employee housing policy that continues to meet the objectives of the CLBA to provide for affordable employee housing.

SIGN-OFFS

Written by:

John Chapman, Manager of Planning

Reviewed by:

Mike Kirkegaard,
Director of Planning

Jessie Gresley-Jones,
General Manager of Resort Experience

Ginny Cullen,
Chief Administrative Officer