



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: May 23, 2017

REPORT: 17-057

FROM: Resort Experience

FILE: 7651

Bylaws 2140/2142/ 2152

SUBJECT: TOURIST ACCOMMODATION REVIEW – PROPOSED COUNCIL POLICY, ZONING AMENDMENT BYLAW, BUSINESS REGULATION BYLAW AND MUNICIPAL TICKET INFORMATION SYSTEM AMENDMENT BYLAW

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council endorse Council Policy: Tourist Accommodation Properties Zoning and Covenant Use Provisions attached as Appendix “A” to Report to Council No. 17-057; and

That Council consider giving first and second readings to “Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017”; and

That Council consider giving first, second and third readings to “Tourist Accommodation Regulation Bylaw No. 2142, 2017”; and

That Council consider giving first, second and third readings to “Municipal Ticket Information System Amendment Bylaw No. 2152, 2017”; and further

That Council authorize staff to schedule a public hearing regarding “Zoning Amendment Bylaw (Hotel and Phase 2 Rental Pool Accommodations) No. 2140, 2017”.

REFERENCES

Appendix A: Proposed Council Policy: Tourist Accommodation Properties Zoning and Covenant Use Provisions

Appendix B: Tourist Accommodation Review – Tourism and Accommodation Trends

Appendix C: Tourist Accommodation Review – Accommodation Inventory Database Overview

Appendix D: Zones and Land Use Contract Areas with Tourist Accommodation Permitted Uses

PURPOSE

This report presents priority outcomes of the Tourist Accommodation (TA) Review that was initiated June 21, 2016 and has been conducted consistent with Council direction. The priority outcomes are: 1) a new proposed Council Policy that is intended to provide clarity regarding various zoning and covenant provisions that apply to Whistler’s tourist accommodation bed base (Appendix A); 2)

For these properties, the proposed policy recommends a *status quo* approach that maintains existing zoning and covenanted owner use provisions and rental booking requirements for each property. The policy does not recommend 'standardizing' a uniform set of provisions and requirements across all properties through zoning or business regulation amendments.

With respect to rental pool requirements, the policy supports multiple rental booking and unit management arrangements within a property, for properties where the covenant does not specify a single, integrated rental pool. Individual unit owners may determine booking and management arrangements for their unit on an individual basis, subject to strata bylaws and owner agreements.

Effective approaches to support visitor experience and guest services for these properties would be determined at the strata level for each property. Coordinated provision of visitor services through coordinated rental reservation platforms, lobby and check-in services, uniform key systems, and emergency services would be encouraged and effective models communicated through resort partners and stakeholders.

Individual unit owners engaged in rentals of their individual unit outside of a common rental pool would require a business license. If the unit is rented through a common rental pool or by an independent property management company, then this activity may be covered under the business license of that company, and an individual license would not be required.

Tourist Accommodation Dwellings with No Rental Pool

The properties within this category also represent a range of dwelling types including condos, townhomes and chalets, as well as bed and breakfasts, pensions, hostels, campgrounds and recreational vehicle parks; they have zoning with specified uses that permit temporary lodging or temporary accommodation, which permit short-term rentals to visitors and paying guests, but are not subject to any rental pool requirements. A majority of the dwellings have zoning that permits both residential use and tourist accommodation use when the dwelling is not being used for residential purposes. The objective for properties in this category is to maximize both residential and visitor use, including supporting Whistler's housing needs. Rental activities and arrangements are at the discretion of the unit owners, subject to any strata bylaws. Rentals to visitors and paying guests would be subject to obtaining a business license, either by the unit owner if they are conducting the rental activities, or by a property management company if this is the arrangement.

Residential Use Only Accommodations

The proposed policy also addresses the related issue of rentals to paying guests in residential properties that are not zoned for this use. Any rentals that do not meet the definition of residential use, which pertains to these properties, is illegal and may be enforced against. Residential is defined to be a fixed place of living, where there is an ongoing residential use and intent to return, and excludes any temporary accommodation defined as less than four consecutive weeks. The policy maintains a strong position against visitor rentals in residential zoned areas of the resort community to maintain the residential character of Whistler's neighbourhoods, to maximize the availability of residential accommodations for Whistler's housing needs, and to direct visitor rentals to the large number of properties within the RMOW that are zoned for this purpose.

The RMOW has actively been pursuing enforcement against illegal rentals of residential properties including working with rental booking platforms (AirBnB) and obtaining injunctions against property

Schedule 3
Tourist Accommodation Dwellings With No Rental Pool

Property Name	Plan	Lots
3016 ST ANTON WAY - B&B	LMP26173	1
3137 TYROL CRES - B&B	VAP13210	33
3331 LAKESIDE RD - Pension	18346	A
7177 NANCY GREENE DR - B&B	VAP14075	30
7179 SPRUCE GROVE CIRCLE	LMP38744	28
7231 FITZSIMMONS RD N - B&B	VAP15335	2
7422 AMBASSADOR CRES - B&B	VAP13555	26
8084 PARKWOOD DR - B&B	VAP14311	110
8326 RAINBOW DR - B&B	LMP22315	1
8561 DRIFTER WAY - B&B	VAP12781	81
8597 DRIFTER WAY - B&B	VAP12781	72
ACC - Hostel	19839	46
Alpine Chalet - Pension	VAP12153	37
A Alpine Greens	LMS207	1-32
Alpine Lodge - Pension	VAP14981	134
Alta Vista Chalet - Pension	VAP13210	31
AMS Lodge (UBC) - Hostel	19839	56
Q Arrowhead Point	LMS1691	1-22
At Natures Door	BCS587	3-26
Athlete Centre Accommodation	EPP1290	C
Athlete Centre Lodge	EPP1290	A
BCIT Lodge - Hostel	19839	44
Beau Sejour - B&B	VAP13555	28
Blackcomb Greens	LMS1121	1-46
Blueberry Drive	VAS2476	3, 4
Blueberry Drive Townhomes	LMP11757	12
Blueberry Hill	VAS2097	1, 2, 4-10, 12-27, 29-33, 35, 37-48, 50-53, 55, 56, 58-60
Blueberry Links	VAS2616	1, 3, 4-6, 15-21, 24
Brio Haus - B&B	VAP17377	2
Carleton Lodge	VAS1163	10-27, 29-41
Carney's Cottage - Pension	19023	A
I Cedar Creek	LMS1989	A, B, C, D, E, F
Cedar Hollow	VAS2046	1-16
Cedar Ridge	VAS2299	1-27
Chalet Bambi - B&B	VAP18788	21
Chalet Luise - Pension	VAP21388	E
Cheakamus Hostel	EPP277	13

Schedule 3 Continued
Tourist Accommodation Dwellings With No Rental Pool

Property Name	Plan	Lots
Coast Mountain B&B	VAP13555	30
J Crystal Ridge	VAS2512	1-16
Cypress at Nick North	BCS3840	1-7, 20
Cypress Drive	BCS3840	4, 8-19, 21-39
Dulacher Hof - Pension	VAP12521	12
Englewood Greens	LMS2720	1-43
Falcon Crescent	22516	2-4, 8, 9
Falcon Crescent	LMS103	13
Falcon Lane	VAS2676	1-3
Falconridge	VAS2775	1-11
Fireside Lodge - Hostel	19839	45
Forest Creek	LMS3736	1-12
G Forest Trails	VAS2497	1-40
F Foxglove	VAS2337	1-36
B Gleneagles	LMS213	1-33
Golden Bear Place	LMS2381	30
Golden Dreams - B&B	VAP19202	4
Goldenwood Townhomes	LMS4158	1-9
Goldenwood Townhomes Phase II	LMS4158	10-24
Green Lake Estates	LMS2050	27-46
Green Lake Estates	LMS2051	1-28
Haus Landsberg - B&B	VAP17791	25
Haus Stephanie - B&B	VAP13555	8
Heron Place	VAS2464	1-3, 5-9
Highland Lodge	LMP50674	B
Horstman Estates	VAS2482	5, 10
Idylwood - B&B	VAP13852	I
Kadenwood	LMS4695	1-60
Lakecrest Townhomes	BCP18822	A
Lorimer Ridge Pension	LMP7996	B
Lot B, DL 2246	2643	B
Market Pavilion	LMS2229	1-29
R Mountain Star	LMS3020	1-28
Nita Lake Estates	BCS556	1-14
Nordic	LMP49718	A, B
SFU Club Cabin	19839	61
Olympic Plaza	LMP24001	B
S Painted Cliff	LMS657	1-52

Schedule 3 Continued
Tourist Accommodation Dwellings With No Rental Pool

Property Name	Plan	Lots
Pension Edelweiss - Pension	VAP15335	15
Pinnacle Heights	LMS3809	1-9
Pinnacle Ridge	VAS2065	1-44
L Powderhorn	VAS2515	1-32
Riverside Campground	LMP43710	1
D Snowberry	VAS2301	1-36
H Snowbird	VAS2486	1-23
Snowcrest	VAS2296	1-6
C Snowgoose	VAS2633	1-22
Snowridge	VAS2049	3, 20
Snowy Creek	VAS2083	1-30
Stancliff House - B&B	VAP17871	9
P Stoneridge	VAS2306	1-32
Swiss Cottage - B&B	VAP19710	9
Taluswood	LMS1795	1-50
Taluswood, The Bluffs	LMS4105	1-47
Taluswood, The Heights	LMS4379	1-26
Taluswood, The Lookout	LMS4697	1-10
Taluswood, The Ridge	LMS3036	1-26
Tamarisk	VAS191	1-140
W The Gables	VAS2004	1-64
The Inn at Clifftop Lane - Pension	LMP21105	59
The Peak	LMS1248	1-7, 10, 12-19, 24, 25
The Seasons	VAS695	1-13
The Woods	LMS1881	1-59
Treeline	LMS2608	1-38
Twin Lakes Village	VAS905	1-145
Valhalla	LMS920	1-58
Whistler RV Park	LICENCE # 240674	N/A
Whistler-on-the-Lake	VAS1601	1-26
E Wintergreen	VAS2303	1-36

17 Multi-Family Dwellings
Identical To Horstman Estates
In Blackcomb Land Use Contract

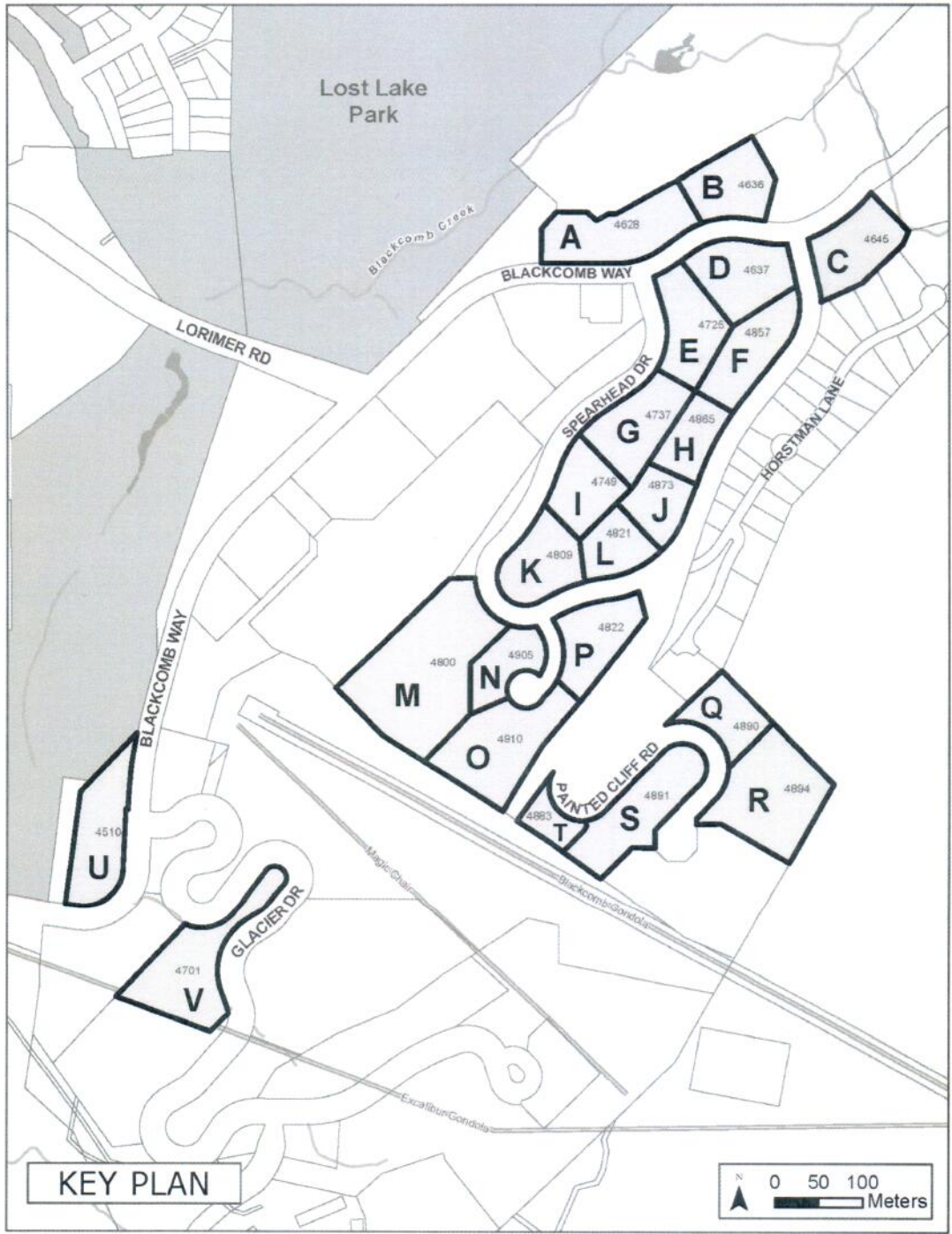


EXHIBIT M



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STAFF REPORT TO COUNCIL

PRESENTED: April 5, 2022 **REPORT:** 22-045
FROM: Planning – Policy **FILE:** LUC00005
SUBJECT: LAND USE CONTRACT TERMINATION (BLACKCOMB MULTI-FAMILY) NO.
2344, 2022 REPORT

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION(S)

That Council consider giving first and second readings to "Land Use Contract Termination Bylaw (Blackcomb Multi-family) No. 2344, 2022"; and

That Council authorize staff to schedule a Public Hearing for "Land Use Contract Termination Bylaw (Blackcomb Multi-family) No. 2344, 2022" and to provide notice of the Public Hearing; and

That Council authorize staff, subject to adoption of "Land Use Contract Termination Bylaw (Blackcomb Multi-family) No. 2344, 2022", to give written notice of termination to the Registrar of Land Titles, pursuant to section 548(6) of the *Local Government Act*; and further

That Council authorize staff, subject to adoption of "Land Use Contract Termination Bylaw (Blackcomb Multi-family) No. 2344, 2022", to give written notice of termination to the affected property owners pursuant to section 549 of the *Local Government Act*.

PURPOSE OF REPORT

The purpose of this report is to present "Land Use Contract Termination Bylaw (Blackcomb Multi-family) No. 2344, 2022" (the LUC Termination Bylaw) to Council for consideration of first and second readings. This report also requests that Council authorize staff to schedule, and provide notice of, the Public Hearing for the LUC Termination Bylaw.

Information Report Administrative Report (Decision or Direction)

DISCUSSION

Background

As required by provincial legislation, the Resort Municipality of Whistler (RMOW) is in the process of terminating Land Use Contracts (LUCs) and implementing replacement zoning for all properties subject to a LUC. The replacement zoning must be adopted by June 30, 2022. This report presents

replacement zoning for 22 multi-family residential properties within the Blackcomb Benchlands that reflects the current use and historic development approvals for these properties. A map of the subject lands is included as Appendix A.

LUC Terminations

LUCs existed as a regulatory tool between 1970 and 1980 and were used in place of zoning and other development bylaws to regulate development (land use, siting, infrastructure, amenities, form and character, environmental considerations, etc.). LUCs could “lock in” development regulations in perpetuity and could only be amended or terminated by agreement between the municipality and land owner. LUCs were legislated out of use in the early 1980s, however existing LUCs remain in force. In May 2014, the *Local Government Act* (LGA) was amended to automatically terminate all LUCs on June 30, 2024. The same legislation requires municipalities to zone all lands subject to LUCs by June 30, 2022. The LGA allows a local government to, by bylaw, terminate LUCs prior to June 30, 2022, provided the bylaw comes into force on a date that is at least one year after the date the bylaw is adopted and zoning is in place on the date the bylaw comes into force.

Three associated reports were previously presented to Council. On May 3, 2016, staff presented Information Report No. 16-055, which outlined the new legislation, presented an approach for early termination of all LUCs in Whistler, and described the general principles that would be applied by the RMOW through its zoning and termination process. On June 1, 2021, staff presented Administrative Report No. 21-061, which provided an update to Council on the status of the LUC termination process and obtained Council's endorsement for proposed process efficiencies and for applying consistent parking standards within the LUC termination bylaws that reflect current standards in Zoning and Parking Bylaw No. 303, 2015 (the Zoning Bylaw), which are generally applicable to all other lands within the municipality. On February 8, 2022, staff presented Information Report No. 22-011, which clarified the LUC termination project approach with respect to replacement zoning and the principle commonly referred to as “like-for-like”.

Blackcomb LUC

The Blackcomb LUC was enacted in 1979 (Bylaw No. 107). This LUC applies to the majority of the original development of Blackcomb Mountain and appears on titles as charge G2520. The LUC was then amended in 1988 (Land Use Contract Amendment Bylaw No. 650, 1988) for the majority of the Blackcomb LUC area, and this appears as charge GB77455 on titles. Except for 4510 Blackcomb Way (The Gables) and 4701 Glacier Drive (Cedar Hollow), all properties forming part of the subject lands are subject to both of these charges. All properties are also subject to site specific LUC amendments that appear on title. The applicable documents are available for viewing on the RMOW website at whistler.ca/LUC00005; after April 5, 2022, they will be included in the Public Hearing package for this file as part of the permanent Council meeting and agenda records.

The Blackcomb LUC generally provided for a range of uses, density and building sizes to be located within the LUC area, which were distributed within designated development zones and provided for recreation, commercial services and accommodation facilities adjacent to Blackcomb Mountain. Each development within the LUC was subject to a Development Approval process established within the LUC to further specify the type of development, development program and design, and address surrounding context and site conditions. Developments were subject to Council approval, and Blackcomb Permits were registered on title by restrictive covenant requiring all future development to be consistent with the terms of the covenant and the associated approved plans.

APRIL 5, 2022

For 4510 Blackcomb Way (The Gables) and 4701 Glacier Drive (Cedar Hollow) which are only subject to the original LUC (G2520), Council Policy G19: Original Blackcomb Land Use Contract Development Applications applies to those properties. The policy sets out an amount of additional permitted gross floor area for each property without being subject to a rezoning. Council Policy G19 is also available at whistler.ca/LUC00005 and will be included in the Public Hearing package for this file.

Site Context

As shown on Appendix A, the subject lands are made up of 22 multi-family residential developments within the Blackcomb Benchlands neighbourhood. There are 16 townhouse and six apartment developments comprising 1,052 dwelling units in total. The dwellings are permitted for both residential use and temporary accommodation use for visitors. Five of these developments have phase one rental pool covenants and check-in facilities; the other developments have no rental pool covenants. A number of the developments also include other auxiliary uses such as swimming pools, gyms, offices, hot tubs, change rooms, meeting rooms, recreation rooms and storage rooms.

Analysis

The LUC Termination Bylaw has been prepared consistent with provincial regulations for the termination of LUCs, and with the RMOW's project approach and principles for its LUC termination process. The bylaw will terminate the Blackcomb LUC from where it applies within the subject lands and apply the proposed new RTA35 Zone (Residential/Tourist Accommodation Thirty-Five) to the subject lands. The termination of the LUC and effect of the zone will take place one year from the date of adoption of the LUC Termination Bylaw.

Proposed RTA35 Zone (Residential/Tourist Accommodation Thirty-Five)

The proposed RTA35 Zone provides for the existing approved apartment and townhouse developments within the subject lands and is presented in Schedule 2 to the proposed LUC Termination Bylaw. The intent of this zone is to provide for medium density residential development for townhouses and apartments, which are also available for tourist accommodation. The zone is divided into 22 Key Plan Areas (A to V) to reflect the 22 developments within the subject lands.

Apartment and townhouse are specified permitted uses (as set out in Table 12A of the zone) along with auxiliary buildings and uses. Dwelling units are permitted to be used for temporary accommodation when not occupied for residential use. Permitted density and height are also set out in Table 12A and building setbacks are seven metres from a highway and three metres from all other parcel boundaries consistent with the provisions of the LUC.

The density provisions within the proposed RTA35 Zone also provide for any potential discrepancy between the maximum density that has been specified in the Key Plan Areas in the zone and the actual gross floor area that currently exists, for construction that was authorized by approved building permit. If the actual area is less than the amount specified in a Key Plan Area in the zone then the maximum density shall be the lesser number, and if the actual area is greater, then it shall be the greater number. Existing floor area that was not authorized by building permit would not be included in the calculation of the maximum permitted density.

The parking requirements in the proposed zone reference the generally applicable parking requirements under Part 6 of the Zoning Bylaw, as previously endorsed by Council. These requirements would apply to any new development or redevelopment of the lands. The existing approved parking continues to be permitted for the existing developments.

Municipality prior to March 16, 2022, measured and calculated in accordance with this Bylaw, is less than the amount specified in subsection (4), such actual gross floor area shall be deemed to be the maximum permitted gross floor area for that Key Plan Area.

- (7) For the purposes of subsections (5) and (6), the Municipality may require a building permit applicant to provide a report by a British Columbia Land Surveyor, professional engineer licensed to practice in British Columbia or member of the Architectural Institute of B.C., certifying the actual gross floor area of buildings in existence in the zone, as of a date specified in the certification.

Height

- (8) The maximum permitted height of each site shown on the key plan for this RTA35 Zone is as shown in Table 12A.

Setbacks

- (9) The minimum permitted setback from a highway is 7 metres.
 (10) The minimum permitted setback from all other parcel boundaries is 3 metres.

Off-Street Parking and Loading

- (11) Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Part 6 of this Bylaw.

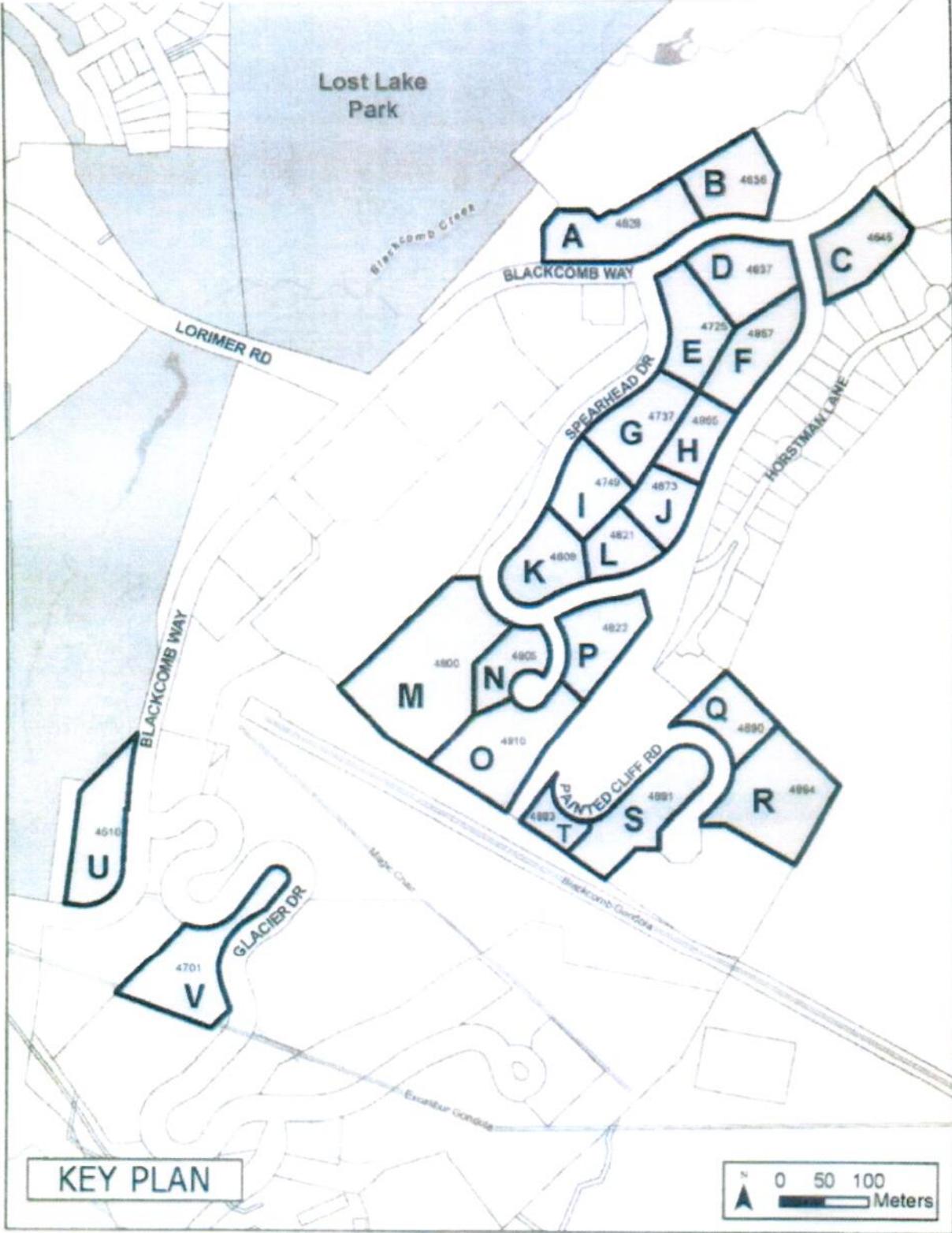
Other Regulations

- (12) Land in the RTA35 Zone may not be subdivided.
 (13) **Table 12A** – Permitted Uses, Dwelling Units, Densities, and Height for the RTA35 Zone:

Key Plan Area	Permitted Use	Maximum Dwelling Units	Maximum Gross Floor Area	Maximum Height
A	Townhouse	32	3,914 square metres	13.7 metres or 4 storeys, whichever is less.
B	Townhouse	33	4,120 square metres	13.7 metres or 4 storeys, whichever is less.
C	Townhouse	22	3,553 square metres	13.7 metres or 4 storeys, whichever is less.
D	Townhouse	36	4,277 square metres	13.7 metres or 4 storeys, whichever is less.
E	Townhouse	36	4,277 square metres	13.7 metres or 4 storeys, whichever is less.

F	Townhouse	36	4,277 square metres	13.7 metres or 4 storeys, whichever is less.
G	Townhouse	40	4,236 square metres	13.7 metres or 4 storeys, whichever is less.
H	Townhouse	23	3,552 square metres	13.7 metres or 4 storeys, whichever is less.
I	Apartment	51	4,120 square metres	13.7 metres or 4 storeys, whichever is less.
J	Townhouse	16	2,668 square metres	13.7 metres or 4 storeys, whichever is less.
K	Apartment	107	9,222 square metres	19.8 metres or 6 storeys, whichever is less.
L	Apartment	32	3,838 square metres	13.7 metres or 4 storeys, whichever is less.
M	Apartment	233	19,746 square metres	13.7 metres or 4 storeys, whichever is less.
N	Apartment	50	6,485 square metres	13.7 metres or 4 storeys, whichever is less.
O	Apartment	85	10,977 square metres	19.8 metres or 6 storeys, whichever is less.
P	Townhouse	32	3,340 square metres	13.7 metres or 4 storeys, whichever is less.
Q	Townhouse	22	2,135 square metres	13.7 metres or 4 storeys, whichever is less.
R	Townhouse	28	3,661 square metres	13.7 metres or 4 storeys, whichever is less.
S	Townhouse	52	5,363 square metres	13.7 metres or 4 storeys, whichever is less.
T	Townhouse	6	1,353 square metres	13.7 metres or 4 storeys, whichever is less.
U	Townhouse	64	6,208 square metres	13.7 metres or 4 storeys, whichever is less.
V	Townhouse	16	1,478 square metres	13.7 metres or 4 storeys, whichever is less.

(14) The key plan for the RTA35 Zone is as follows:



KEY PLAN

