

**SUMMARY AND REVIEW OF THE SECOND PUBLIC HEARING SUBMISSIONS FOR
“LAND USE CONTRACT TERMINATION BYLAW (1200 ALTA LAKE ROAD) NO. 2347,
2022”**

A second Public Hearing on “Land Use Contract Termination Bylaw (1200 Alta Lake Road) No. 2347, 2022” (the proposed bylaw) was held on April 19, 2022. The Public Hearing provided an opportunity for members of the public to make verbal representations and submit written comments to Council respecting matters contained in the proposed bylaw. This Public Hearing summary report discusses the written comments for the proposed bylaw.

There were 10 written submissions and no verbal representations made by the public as part of the second Public Hearing process. A total of 10 members of the public provided submissions. All submissions were in relation to the proposed bylaw, however some included submissions on items unrelated to the bylaw.

The following provides staff’s summary and review of the written submissions, along with staff’s associated recommendations. The summary of the content of the submissions is not intended to transcribe or replicate all of the comments that were made during the Public Hearing process. The written comments will be referred to as the “submissions” in this summary report.

Public Submissions:

Submissions were made by property owners within the Twin Lake Village and submissions included the following topics:

- Notice, timing and process;
- Concerns with proposed additional permitted uses and adherence to the ‘like for like’ principle; and,
- Need for an auxiliary residential dwelling unit in Area B.

Two submissions noted that their original concerns expressed during the first Public Hearing still stand, and some submissions acknowledged that staff’s response addressed some of the concerns raised as part of the first Public Hearing. Concerns raised as part of the first Public Hearing were addressed in Appendix C to [Administrative Report No. 22-050](#).

Staff Review:

Staff response to the issues raised in the public submissions is provided below.

Notice, timing and process

One submission continued to suggest that the timing and notice given for the proposed rezoning was insufficient and did not give owners time to comment on the proposed bylaw.

The notice and timing given to owners is consistent with that given for other LUC termination files and meets the requirements for notice set out in the *Local Government Act*. Other issues related to notice, timing and process were address in Appendix C to [Administrative Report No. 22-050](#).

Staff recommend no changes to the proposed bylaw as a result of the submissions.

Concerns with proposed additional permitted uses and adherence to the 'like for like' principle

Submissions continued to note that the permitted uses of child care, personal service and auxiliary residential dwelling unit are not 'like for like' and should be approved by the Strata and considered through a separate rezoning proposal rather than as part of the proposed bylaw.

Submissions continued to raise concerns regarding the addition of child care, personal service and auxiliary residential dwelling unit as permitted uses, indicating these uses would negatively impact the residents of Twin Lakes Village, particularly those who live in close proximity to Strata Lot 88. Specific concerns were additional traffic generation, which would affect pedestrian safety, parking and egress. Other identified concerns were noise, undesirable uses (such as cannabis retail, packaged liquor sales and adult personal services) and use of recreational facilities by non-residents. Residents felt that the additional uses would exacerbate these issues beyond the impacts of the existing permitted uses.

Staff's rationale for including additional uses for Area B of the proposed RM72 Zone was provided in [Administrative Report No. 22-003](#) and further detailed in Appendix C to [Administrative Report No. 22-050](#). As previously noted, deviation from the 'like for like' principle is sometimes required or recommended by staff, as it is possible through the LUC termination process at the discretion of Council. Staff continue to recommend these uses for the reasons summarized below:

- There is a documented need in the community for child care spaces and the creation of additional spaces is supported by RMOW policy in the Official Community Plan and in the recent Whistler Child Care Planning Project;
- The personal service use provides an opportunity for greater flexibility in use of the site, aligns well with a convenience commercial land use designation and can be considered an extension of convenience retail;
- As Area B has a very limited maximum permitted density of 315 square metres, it is unlikely that all of these uses would be commercially viable at the same time and potential uses will be of limited scale;
- The proposed uses for Area B would likely not be more impactful than the existing permitted commercial uses under the LUC, and all proposed uses would be required to meet minimum parking requirements; and
- The proposed uses for Area B could provide key services closer to residents, increasing walkability in Whistler neighbourhoods.

In relation to concerns expressed about the potential for undesirable permitted uses, requirements for cannabis and packaged liquor were addressed previously in Appendix C to [Administrative Report No. 22-050](#). In terms of adult oriented personal services or retail, the Zoning Bylaw does not specifically address adult uses. Adult oriented retail is not considered to be part of convenience retail and is therefore not a permitted use within the proposed zone. Massage and other therapeutic services would be permitted under personal services.

In response to the concerns that non-residents would access the recreational facilities onsite, the use of recreational facilities is not covered by zoning and is subject to regulation by the Strata. There would be no change in the entitlement to use the recreational facilities as a result of the proposed bylaw.

Staff do not recommend removing any of the proposed permitted uses in the RM72 Zone as a

result of the submissions.

Need for an auxiliary residential dwelling unit in Area B

One submission proposed that the addition of an auxiliary residential dwelling unit at Strata Lot 88 is not required.

Staff continue to support the inclusion of an auxiliary residential dwelling unit within Area B, as detailed in [Administrative Report No. 22-003](#) and Appendix C to [Administrative Report No. 22-050](#). This dwelling may alleviate some issues identified at the site and could be used by a prospective business at Area B (regardless of type) to house an employee of the business, reducing the need to find employee housing elsewhere.

Staff do not support the removal of the auxiliary residential dwelling unit as a result of the submissions received during the Public Hearing process.

Staff Recommendation:

Staff do not recommend any changes to the proposed bylaw based on the Public Hearing comments. Staff recommend that the proposed bylaw be given third reading without further revision.