

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
- 5) Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighboring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
- 6) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Dave Bosch  
323, 4338 Main Street  
Whistler,

## Marius Miklea

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**From:** Suzanne [REDACTED]  
**Sent:** Wednesday, March 3, 2021 3:25 PM  
**To:** corporate  
**Subject:** Nita Lake

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

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I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Suzanne Fong  
#6 Snowridge Crescent, Whistler B.C.

Dear Mayor and Council,

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I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Teri Kydd- Wade  
9-1380 Cloudburst Drive  
Whistler, BC V8E 0J5



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I respectfully request that you vote against the zoning amendment.

Yours sincerely,



Chris Ruse  
8381 Rainbow Drive  
Whistler, BC V8E 0G1

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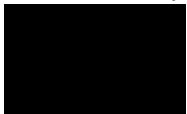
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I respectfully request that you vote against the zoning amendment.

Yours sincerely,



Diana Ruse  
8381 Rainbow Drive  
Whistler, BC V8E 0G1

## Marius Miklea

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**From:** Pawandeep Kaur [REDACTED]  
**Sent:** Thursday, March 4, 2021 10:13 AM  
**To:** corporate  
**Subject:** Nita lake

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

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I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Pawandeep Kaur

7236 fitzsimmons road south  
Whistler, BC

## Marius Miklea

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**From:** Alexandra Rochester [REDACTED]  
**Sent:** Friday, March 5, 2021 3:18 PM  
**To:** corporate  
**Subject:** Nita Lake Development

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

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I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Alex Rochester  
1-8003 Timber Lane  
Whistler, BC

## Marius Miklea

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**From:** Colin Pitt Taylor [REDACTED]  
**Sent:** Friday, March 5, 2021 2:13 PM  
**To:** corporate  
**Subject:** Zoning amendment 2283,2020 and OCP amendment 2289,2020

I support the amendments for the property at 5298 Alta Lake Road. The Developer has committed to preserving a tree buffer on the lake side of the property and will be constructing 21 units of much needed resident housing along with 22 units of market housing. Yes there will be an increase in traffic much as any development creates more traffic as did the neighbouring subdivision at Nita Lake. thank you Colin Pitt-Taylor, 402-1040 Legacy Way, Whistler v8e0j8

March 5, 2021

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020.

I am against this Zoning Amendment for the following reasons:

- 1) The 5298 Alta Lake Road development does not comply with the "Vision" aspect of the OCP, which advocates the need to preserve the environment and Whistler Mountain qualities and character.
- 2) While Employee Housing remains a high priority, the OCP states that RMOW must not pursue the goal at any cost but must take a balanced approach and consider other goals.
- 3) In the OCP, item 4.1.6.3(b) states that the proposal should be supported by the community. With 160 letters to Mayor and Council, only a handful of which support the proposal, it would indicate that community support is lacking.
- 4) Under item 4.1.6.3(c) of the OCP development will not cause unacceptable impacts on the community, resort or the environment. With Tyrol Lodge's letter to Council on February 19, 2021 indicating an interest in development of its property, it seems as if the 5298 Alta Lake Road development is merely the tip of the iceberg and will set a poor pattern for future development on the west side of Nita Lake.

The site was considered to be "site sensitive" by the Planning Department of RMOW when the property was zoned for a considerably less dense use. Why is this no longer considered "site sensitive"?

I have been connected to Nita Lake since 1965 and it is a jewel. Clear cutting and density of development will greatly alter the Whistler Mountain character and makes me worry that proceeding with 5298 Alta Lake Road as it is currently proposed will be like "paving Paradise to put up a parking lot"!

Yours sincerely,

Russ Quinn  
2232 Whistler Ridge Road Unit #8  
Whistler, BC.

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

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I respectfully request that you vote against the zoning amendment. Nita Lake is a precious treasure that is far more valuable long term than employee housing. Please consider other areas for employee housing.

Yours sincerely,

Cynthia Colby  
2207 Aspen Drive  
Whistler B.C.  
V8E 0A6



Dear Mayor and Council,

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I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Name  Douglas Reeves

Address 2765 Cheakamus Way, Whistler B.C. V8E 0A8

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I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Kathleen Laczina  
2202 Aspen Drive  
Whistler, B.C. V8E0A6

## Marius Miklea

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**From:** Rachel Hindle [REDACTED]  
**Sent:** Saturday, March 6, 2021 11:43 AM  
**To:** corporate  
**Subject:** Nita Lake Development

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

This development property being built lakeside will involve removing a mature and beautiful forest with trees that are over 250 years old that help the area thrive. The wildlife corridor connecting Nita Lake to Sproatt Mountain will be destroyed by this. The impact will change the ecosystem of the lake and the surrounding area, from the wildlife living in the forest, the marshlands and in the water. The amount of waterfront area that has already been taken over by housing and human use is very high for a lake of this size. If the development is pushed through it will cut off the last connection of this beautiful lake to the rest of nature. Where does this stop, how much of the mountain side will be taken up with housing, parking lots and roads. The grading of the development area will change the soil structure which will impact the health of the forest and the soil. The issues of water runoff with imported or improper soil for the area will cause pollution of the lake. All of this will be visible from the valley and mountain, it will ruin the tranquillity of Nita Lake. Whistler could be doing everything possible to preserve and maintain our valley for the residents, tourists and wildlife. In order to do this, we need to change our mindset, selling empty houses and supplying minimal local housing while destroying the last wild connection of an area seems both short sighted and ruinous. Who wants to live on a dead lake? The impact of this development on the environment needs to be more carefully managed. Council could help by ensuring the preservation of the forest and protection of the lake, our nature and wild beauty is what draws people to our amazing town.

The limited employee housing being built in exchange for this rezoning is inadequate and not nearly enough to truly impact the main issue of housing for locals in Whistler.

The current proposal will not provide for Whistler, the exchange is the developers receiving money while the community suffers.

Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighboring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.

More development means more traffic on Alta Lake Road and Highway 99. The development being spouted off as a community in walking distance of amenities is a misnomer. It does take longer to drive to Creekside than it would to walk, but who is going to walk 20kg+ of groceries home. Without a bus route on this side of the lake, residents will have to drive in order to access the rest of Whistler.

Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Rachel Hindle  
2309 F Brandywine Way, Whistler BC

## Marius Miklea

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**From:** Connor Stefanison [REDACTED]  
**Sent:** Sunday, March 7, 2021 12:24 PM  
**To:** corporate  
**Subject:** Development on Nita Lake

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

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As a professional wildlife conservation photographer, I am troubled by the effects of this project's habitat loss and traffic increase.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Connor Stefanison  
8636 Fissile Lane, Whistler.

## Marius Miklea

---

**From:** Kate Turner [REDACTED]  
**Sent:** Sunday, March 7, 2021 4:37 PM  
**To:** corporate

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

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I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Kate Turner  
8437 Matterhorn Dr, Whistler, BC V8E0G1

## Marius Miklea

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**From:** Lianne [REDACTED]  
**Sent:** Sunday, March 7, 2021 11:50 AM  
**To:** corporate  
**Subject:** Attention: Mayor and Council

Attention: Mayor and Council  
Resort Municipality of Whistler

re: 5298 Alta Lake Road Development/ Nita Lake

Dear Mayor and Councillors:

In response to the proposed 5298 Alta Lake Road development plan on Nita Lake , I implore Council to go back to the drawing board and come up with a plan that is attractive to all stakeholders in the community and allows the Nita Lake area to retain its natural beauty and charm for current and future generations.

While we are not opposed to development and in particular employee housing, this rezoning proposal does not adequately serve the community and the neighbourhood.

In reviewing the proposal my first suggestion would be to remove the TA zoning : the potential for nightly rentals on the Lake will create excess noise , party potential, and traffic. According to the OCP, TA zoning should be close to the Village and not in neighbourhoods like Nita Lake.

If council cannot reach the optimal outcome of removing the TA zoning I implore council to at the least, consider moving the TA zoned houses to the park end of the development, further away from Employee housing on Nita Lake Drive and neighbourhood stratas on Jordan Lane.

This 40% increase in density is too much and is not consistent with the OCP which puts preserving Whistler's natural beauty and Lakes as a priority long term objective for the Community Vision.

Finally, if possible a second entrance should be utilized as easement is already in place and Nita Lake Drive cannot SAFELY handle the extra traffic.

Council has the chance to do this once and do this right. Please take the time to balance ALL needs, not just yielding to the developers at the expense of community, neighbourhood, beauty and vision which make Nita Lake and Whistler the gem that it is!

Regards

Lianne Gulka  
5241 Jordan Lane  
Whistler BC  
V8E 1J5  
[REDACTED]

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020.

I vote NO to the proposed rezoning.

I am a young person in my 20s who is very concerned about the future of our community. I have grown up spending most summers and a lot of time in the winters at Whistler. Both of my cousins were born and raised in Whistler Creekside and I have been a part of the young and growing community here, making many friends and connections with the Whistler Community.

What strikes me the most about this development proposal, beyond its size and scale and that it is completely over built on this site, is the lack of thought regarding access. This development is marketed as walkable and easy to get to and from Whistler Creekside and Whistler Village. I can certainly say from years of experience this is not true.

- 1) It takes at least 45/50 mins at best, and at times an hour to an hour and 30 mins to get from the other side (west side) of Nita Lake to the Village via bus, factoring in the walk to Creekside.
- 2) The walk into Creekside is itself at least 15 - 20 minutes (one way on a good day). In the winter the hills are slippery and difficult to climb – this makes walking to Creekside Market for a simple grocery run impractical for most people, let alone to get to work, school, appointments etc. The trip via car is at least 20 minutes into the village, one way. If you have multiple trips, with no bus access on the west side of the Lake, you are absolutely dependent on your car. Try to factor this into anyone's busy day. And don't even try to get into the village at peak traffic times, this can be an 45 minutes to an hour or more of frustration. Many who live around the Lake accept this and choose to live in a quiet neighbourhood. To put that many townhomes around a quiet Lakeside community would show complete disregard for the current neighbourhood around the Lake and a lack of understanding or care for the car traffic and CO2 emission that will surely increase with this level of traffic driving around Nita Lake to get to creekside and further on to the village. To propose this development as walkable is to ignore and not fully understand the reality of the location you are choosing to develop on.
- 3) The traffic that already builds up in Creekside and along Westside road is a huge issue for local residence trying to get to and from work and errands. Locals know that you simply don't try to drive thru Creekside during rush hours. This development will add more cars, and without thoughtful coordination the traffic will further impede upon all the wonderful things that make Whistler so incredible.

- 4) From many conversations with young people who are employees of the mountain, it is clear to me that Council needs to prioritize housing for its employees who make the Resort so desirable to visit. I Implore you all to strongly reconsider the ways in which balance can be supported in this community.

My other reasons for being against this Zoning Amendment are as follows:

- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
- 5) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.
- 6) Access through Nita Lake drive is unacceptable as this road cannot safely accommodate any more cars. Any new development on this side of the Lake must also be mandated to provide its own access to Alta Lake Road,

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Alexsa Durrans  
5200 Jordan Lane, Whistler B.C.



## Marius Miklea

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**From:** Adam Zelikovitz [REDACTED]  
**Sent:** Monday, March 8, 2021 9:48 PM  
**To:** corporate; [REDACTED]  
**Subject:** Re: Nita Lake Concers

Hello Marius,

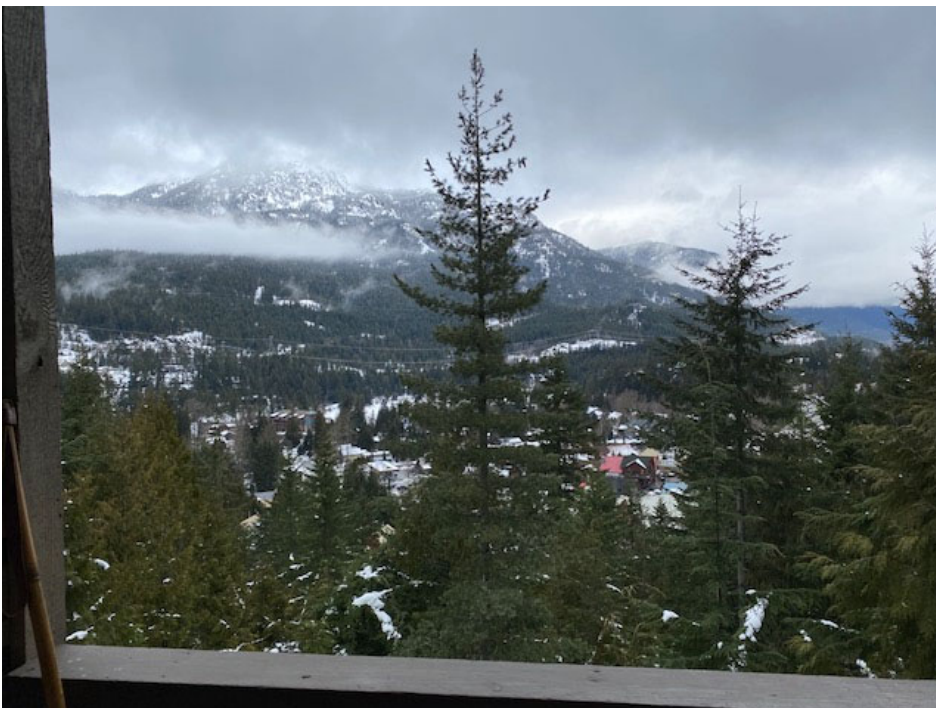
Here is my letter again, including address. Please confirm receipt:

Hello,

My name is Adam, and I have been lucky enough to call Whistler home for almost 15 years. When I moved here I worked really hard as a server, saving and investing my money. In 2015, after studying the real estate market closely for many years, the perfect property hit the market. I jumped on it, and was able to close the deal. Five years later I still live in my home. I am now a strata agent and have also passed the BC Real Estate exam - so when it comes to the dollars and cents, and politics surrounding Whistler real estate, I am interested and invested.

The comprehensive web site that has been put together by Friends of Nita Lake presents a plethora of excellent points as to why Council needs to revise what the developer is asking for. The purpose of my letter is to remind you of all these critical considerations, but to also share another concern of mine - one which Council must consider any time they are in support of granting variances to re zone land.

Here is the view from my home.



I live in Whistler Creek Ridge. I have an unobstructed forested view, and a beautiful view of Nite Lake. Put yourself in my shoes. Would you want there to be a clear cut and multiple dwellings built here, or an eco lodge? When I bought this property I did so with the knowledge of what the properties on the other side of the lake were zoned for. I knew that no one would ever be able to develop these sensitive environmental reserves with new multi dwelling townhomes and condos.

This is similar to the development that was trying to be passed in Nordic. People bought homes in a quiet neighborhood, knowing there was one undeveloped estate lot behind them. No one should ever be able to build apartments in their backyard - it is simply unreasonable.

Both the Nordic and Nita Lake projects devalue the real estate that others have worked really hard to purchase, so that developers can lobby an altruistic agenda to "help the community" all the while negatively impacting many others investments, while a few get rich.

On the topic of Council supporting rezoning and variances, if this proposal does wind up going through, I would suppose this will be precedent setting? There will be many other properties/owners on Westside Road looking to capitalize on this gravy train. I've heard rumors the Tyrol lodge will follow suite,

Where does it end?

There's a saying, if you can't beat them, join them. Well, Whistler Creek Ridge is a massive ski in, ski out, parcel of land just above Creekside village. We have a covenant on our land restricting the construction of only 32 units (which we have). We also have a GFA remaining that we could technically build the same amount of square footage twice over. So my question to Council is, if you endorse the Nita Lake project - would you also be in support of allowing stratas like WCR to sell parcels of their land to further develop, increase the density, and profit, just like the project in question??

The OCP, bed count, and scarcity of land is what has resulted in real estate values to be some of the highest in Canada. If we start to be too frivolous with making exceptions for the betterment of only a few at the expense of others, the very principles, and all the strategic planning that went into Whistler's success will begin to crumble.

I would like to hold Council and Mr Mayor to task on slowing things down, and making sure that we get this right. Adding a few dozen affordable housing beds so a developer can make millions is just bad business.

Thank you for your time, and an acknowledgement of receipt. Happy to chat with any/all of you on the matter.

Warmest Regards,

Adam Zelikovitz  
18-2240 Gondola Way  
Whistler, BC  
V8E 0N1

Attachments area

## Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020

To: Mayor and Council

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### Introduction

My name is Bruce Green. I live at 5205 Jordan Lane in Nita Lake Estates. I am currently a full time Whistler resident. I started coming up to Whistler in 1983. I was living in Vancouver during the work week and like many others I was a weekend warrior, skiing Whistler most weekends in the winter and often coming up in summer. My family bought our first Whistler property with another family in Lake Placid Lodge about 30 years ago. We have owned a residence in Creekside ever since and my three children were all Whistler ski club members and treat Creekside as their first home, even over Vancouver.

My current home is in the vicinity of the property at 5298 Alta Lake Road (“the Subject Property”), though our property does not directly border onto it. Nor will the views from our home be affected by the rezoning as proposed on the Subject Property. We will be dramatically affected by the increased traffic on Nita Lake Drive, which is the only road access to our home. But most significantly we will be affected by the negative impact of the proposed rezoning on the existing natural setting of Nita Lake in that it will largely denude the development portion of the site, which will be highly visible from many viewpoints, and which will significantly diminish the value of the Whistler experience to residents, the public in general and visitors from around the world. My wife and I have run an annual ski conference in Whistler for 20 years up until 2020, attended by attorneys from around the world, including Europe and Asia, and for quite a few years up until 2020, the conference hotel has been the Nita Lake Lodge.

In these submissions I will address three issues. The first issue I wish to address is a fundamental one, namely, what are the existing development rights tied to the Subject Property, and how should those be taken into account in the Council’s exercise of its discretion on whether rezoning is in the public interest? I submit that by providing the developer an allowance of 3500 m2 for “tourist accommodation” under the existing TA17 zoning, the planning department has erred in favor of the developer by including commercial floor space for hotel use as “tourist accommodation floor space”. The result is to allow the developer an unreasonably high density of residential and tourist

accommodation for this sensitive site, contrary to the public interest. Secondly I want to address the fact that in the proposed new Bylaw the developer trades extra density for amenities and some of the “amenities” being exchanged for the density being sought are already owed to the municipality in whole or in part under the existing covenant against the Subject Property. Such amenities are not added value from the developer (whom I will refer to as the “Empire Club”), while other amenities required under the existing zoning are being dropped and therefore constitute savings to the Empire Club. Thirdly I will address some of those areas where the proposed amending bylaw are non-compliant with the *Guidelines for Evaluating Private Sector Rezoning Proposals for Employee Housing* (“PSEH”) and the municipality’s Official Community Plan (“OCP”).

## **THE EXISTING TA17 ZONING**

The Subject Property is currently governed by TA17 site sensitive zoning. The Municipality described very succinctly the intent of the existing zoning in an early communication to the Empire Club. Under the proposal approved previously for the London Mountain Lodge, which created the existing TA17 zoning, “the approved development concept was for a low impact development scheme intended to create an enclave of ‘old Whistler’, with a series of small cabins tucked into the treed hillside with a meandering laneway leading to a small (old world) lodge. The intention was always to maintain the existing natural setting. This scheme found support as a method to develop the lands while maintaining views to the site from across the valley.”

██████████, an original member of the Tyrol Ski Club from 1966 has sent in a handwritten letter to Council on this file. She explains very well her recollection of the zoning for the Hillman cabin property, and why ██████████ thought a community of small cabins was appropriate at that time and why the trees should be protected. In a subsequent interview with the Pique in 2006, ██████████, who was a councillor at the time, recalled “It wasn’t an easy decision (to rezone the property). Here’s a piece of property that’s zoned for one house and... there’s no good rationalization to increase the density on a very beautiful property on a lake without a special benefit to the community.” The special benefit at the time was to create a corporate retreat facility, unlike anything Whistler had in its product offering.

The current TA17 zone is primarily intended to provide for site sensitive commercial tourist accommodation, employee housing, and arts facility and service facilities related to such uses.

Permitted Uses under that zoning are as follows (other uses are prohibited):

- (a) employee housing contained in cabins;
- (b) tourist accommodation contained in cabins;
- (c) hotel;
- (d) indoor and outdoor recreation;
- (e) arts facility;
- (f) park and playground; and
- (g) auxiliary buildings and auxiliary uses to the above;

where a cabin means a building containing not more than one dwelling unit and having a maximum permitted floor area of 120 square metres.

Under the current TA17 zoning the maximum permitted gross floor area for all buildings on the Property is 4,600 m2 distributed as follows:

- (a) The maximum permitted gross floor area for a hotel is 2,100 m2;
- (b) The maximum permitted gross floor area used for tourist accommodation within a hotel building is 500 m2;
- (c) The maximum permitted gross floor area for tourist accommodation contained in cabins is 1,400 m2;
- (d) The maximum permitted gross floor area for employee housing contained in cabins is 800 m2; and
- (e) The maximum permitted gross floor area for an arts facility is 250 m2 contained within the two buildings.

In order to develop the Subject Property, the owner also agreed to make the property subject to covenant BT215122, summarized as follows (emphasis added).

#### **COVENANT BT215122**

##### Prerequisites for Construction on the Lands

2.1 No building or structure shall be constructed or placed on the Lands, no building permit or development permit need be issued by the Municipality with respect to the Lands, no trees shall be removed from the Lands and the Lands shall not be excavated or altered until the Owner has provided the following to the Municipality to the satisfaction of the Manager of Planning, acting reasonably:

- a) **Plans and specifications for a transit bus pullout and transit bus shelter to be located on Alta Lake Road in accordance with the Municipality's standard transit bus shelter for residential areas**
- b) **Plans and specifications for trail construction and lighting to municipal trail standards for all public trails within the Lands as required by the Manager of Planning and an off-site trail to connect the south boundary of the Lands through the adjacent BC Rail right of way to Lake Placid Road in Whistler Creek**
- c) Plans and specifications for any off-site infrastructure works needed to satisfy building permit requirements
- d) Security for the completion of all the works referred to in Sections 2.1(a) through 2.1(c) in the form of a letter of credit acceptable to and in an amount acceptable to the Municipality
- e) Confirmation of registration of an access easement or right of way over the property legally described as Lot I, District Lot 4749, Plan 15154, Group 1, New Westminster District (Parcel Identifier: 007-720-556) from Alta Lake Road to the Lands
- f) **A heritage report providing recommendations for the rehabilitation of the existing historical cabin and barn**
- g) A covenant in favour of the Municipality under Section 219 of the Land Title Act, registered against title to the Lands in priority to any financial charges, which covenant shall:

- i. Establish appropriate floor areas for all non-accommodation uses that may be developed and used on the Lands
- ii. **Restrict the combined density of all tourist accommodation units that may be developed and used on the Lands to an amount that translates to no more than 64 Bed Units**
- iii. **Require environmental monitoring during construction of all improvements and all site works on the Lands**
- iv. Require the installation and maintenance of oil/water separators in conjunction with the construction and use of any building on the Lands
- v. Require installation of automatic fire sprinklers in all buildings and structures that may be developed and used on the Lands
- vi. Provide access by way of easement to the non-accommodation lodge facilities for the owners and occupants of the cabins that may be developed and used on the Lands

#### Prerequisites for Occupancy Permit

2.2 The Municipality need not issue an occupancy permit for any building or structure constructed or placed on the Lands until the Owner has completed the following to the satisfaction of the Manager of Planning:

- a) **Substantially completed construction of a minimum of five cabins on the Lands for use as Employee Housing plus two artist-in-residence cabins on the Lands**
- b) **Substantially completed rehabilitation of the existing historical cabin and barn in accordance with the heritage report referenced in Section 2.1(f)**
- c) **Registered a covenant in favour of the Municipality under Section 219 of the Land Title Act, in registrable form, in priority to any financial charges, in respect of the existing historical cabin and barn and of one cabin that may be constructed on the Lands, which covenant shall restrict the use of these buildings for community purposes and set out an artist-in-residence program jointly managed by the Municipality (or the Whistler Community Arts Council) and the Owner**
- d) **Registered statutory rights of way in favour of the Municipality under Section 218 of the Land Title Act in respect of all public trails to be constructed through the Lands by the Owner in accordance with the plans and specifications required in Section 2.1(b) and a registered covenant in favour of the Municipality under Section 219 of the Land Title Act to provide that trail maintenance is the responsibility of the Owner**
- e) **Registered a statutory right of way in favour of the Municipality under Section 218 of the Land Title Act extending to the north property line of the Lands for a possible future public trail connection as required by the Manager of Planning**
- f) **Completed construction of all public trails on the Lands and off-site in accordance with the plans and specifications required in Section 2.1(b)**
- g) **Completed construction of a transit bus pullout and transit bus shelter in accordance with the plans and specifications required in Section 2.1(a)**

h) Provided the following documents to the Municipality, in registerable form, in priority to any financial charges:

- i. A housing agreement with the Municipality under Section 905 of the Local Government Act establishing Employee Housing regulations for the use of all cabins containing Employee Housing within the Lands
  - ii. Any covenant, notice or other encumbrance reasonably required by the Whistler Housing Authority in relation to Employee Housing requirements
  - iii. If required by the Whistler Housing Authority, a right of first refusal and option to purchase agreement in favour of the Whistler Housing Authority, exercisable only following breach of the housing agreement
- i) Registered a Phase 2 Rental Pool Covenant in favour of the Municipality under Section 219 of the Land Title Act, in priority to any financial charges, establishing regulations for the use of the tourist accommodation units.

#### Subsequent History of the TA17 zoning on the Subject Property

The proponent of the London Mountain Lodge, Depner Developments Ltd. sold the Subject Property to 36063 Yukon Inc. The new owner first came to Council in 2005 with a plan to build seven large single-family homes on the site, zoned for tourist accommodation. Council rejected the development proposal. That was followed up in 2006 with a proposal that would reduce the density of the lodge and provide a smaller number of cabins. The developer was looking to change the zoning on the land to allow for a modified Phase 1 covenant instead of the already approved Phase II covenant. That proposal was not pursued. The marketplace had changed significantly since council had first rezoned the land six years earlier. There was by then plenty of village conference space for corporate retreats. Council wanted more assurances there would be community benefit for the change in zoning.

In 2018 rezoning application RZ1150 was made by the Empire Club (formerly named 36063 Yukon Inc.) for a proposal for a mix of employee restricted and market TA townhomes. Since it was inconsistent with Council's original PSEH Guidelines requiring 100% employee housing, it was withdrawn.

#### **THE PROPOSED ZONING AMENDMENT BYLAW**

The current development concept proposed for the Subject Property and in respect of which rezoning is required bears no similarity whatsoever to the development concept for which the current zoning was obtained. It is not site sensitive. It does not maintain the existing natural setting. Clear cutting of a substantial area of the property will be required. The total density of buildings increases by 41%, and the density is all concentrated in the clearcut area of the property. The views to the site from across the valley will be altered dramatically.

The proposed bylaw sets out **new** permitted uses as follows:

- (a) Employee housing contained in townhouses
- (b) Tourist accommodation contained in townhouses
- (c) Residential use contained in townhouses,
- (d) Caretaker's residence in one of the employee housing townhouses

(e) Amenity building for use as check-in facility for tourist accommodation uses and pool changing facility and other pool related uses

(f) Nature conservation park

(g) Community park, including one cabin and one barn, but the only structures permitted to be used for a cabin and a barn as part of a community park use are the cabin and barn located in the TA17 Zone on the date of adoption of Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020, which may be relocated and restored as contemplated under subsection (6)(c)

(h) Two Auxiliary buildings

(i) Auxiliary uses.

s. 482 of the **Local Government Act** ("**LGA**") sets out how a zoning bylaw may establish conditions that will entitle an owner to a higher density, such as the conservation or provision of amenities. In order to comply with the **LGA**, the proposed zoning amendment bylaw is structured to provide a Base Density for the uses and an Additional Density for the uses which is conditional on certain requirements being carried out by the owner (i.e. amenities). The Base Density is **2000 m2** for employee housing and **764 m2** for market accommodation for a total, with cabin, barn, tourist check-in and pool change room of **3054 m2**. The Additional Bonus Density is **3438 m2** of market accommodation for a total of **6492 m2**. So as proposed, the amending bylaw has a starting point, without amenities, of **764 m2** for market accommodation, not 3500 m2. Adding on the 2000 m2 of employee housing one gets **2764 m2** as the starting point for all types of accommodation, which happens to be roughly the **2700 m2** density of the current zoning for accommodation (800 m2 of employee housing plus 1900 m2 of tourist accommodation).

The proposed Zoning Amendment Bylaw will:

Delete the existing Hotel, Arts Facility and Indoor / Outdoor Recreation uses;

Replace the existing Tourist Accommodation cabin use with eleven Tourist Accommodation townhouses and eleven Market Residential townhouses if all the necessary conditions are satisfied;

Replace the existing Employee Housing cabin use with 21 Employee townhouses;

Increase the total permitted density, if all the necessary conditions are satisfied, to 6492 m2 distributed as 2000 m2 for employee townhouses, 2101 m2 for tourist accommodation, 2101 m2 for residential townhouses, 40 m2 for amenity buildings and 250 m2 for restored cabin and barn.

The amenities (benefits to the greater community) which are being provided for the Additional Density are summarized in Report to Council 20-119 as follows:

- Construction of all 21 price restricted employee housing units;
- Land transferred to the municipality at no cost for: i) community park and protected natural area (1.44 Ha) and ii) future employee housing (0.54 Ha);
- Construction of a paved illuminated trail and bridge spanning Gebhardt Creek all to RMOW Valley Trail standards;



- Design and development of the dedicated Park parcel including refinish and repair of the existing cabin and barn and relocation of the cabin to this new Park
- Construction of the Community park to completion.

**A. What “Development Rights” under the Existing TA17 Zoning Come with the Subject Property?**

The developer claims in the Empire Club’s correspondence to Council of February 15, 2021 that it is entitled to 3500 m2 of “existing market development rights”. What are the existing “development rights” which accrue to an owner of previously zoned property that the owner can rely on in a rezoning application? The existing “development rights” for the Subject Property are precisely those set out in the existing TA17 zoning. The Empire Club’s development rights are to build for those permitted uses set out in the current TA17 zoning with those maximum densities. The TA17 zoning is site sensitive and specifically for employee and tourist accommodation contained in cabins and a hotel, where a cabin means a building containing not more than one dwelling unit and having a maximum permitted floor area of 120 square metres.

The existing “development rights” on the Subject Property do not include the new uses Tourist accommodation contained in townhouses, nor Residential use contained in townhouses or Employee housing contained in townhouses. Empire Club requires rezoning to obtain those new uses, just as it requires rezoning for a permitted gross floor area for such buildings. Council should therefore recognize that providing the Applicant with a density of 3500 m2 in “market development rights” to build market townhouses on the Subject Property is not a legal entitlement for the Empire Club under this rezoning application. Recognizing this should allow the Council to negotiate a much better deal for the Whistler Community.

I am sure the Mayor and Council are well aware of their discretionary powers under the *LGA* on rezoning applications. I am not an expert on municipal law so our strata sought clarification on this issue from a municipal law expert,

[REDACTED]

As such there is no “entitlement” to existing development rights in “market accommodation” for the Subject Property other than for the uses covered in the existing zoning. There is no entitlement to density for other uses which transfers from the current TA17 zoning to this new rezoning application. The decision on whether to approve the requested rezoning is a discretionary decision of the Council taking into account all the factors regarding the new rezoning as they affect the public interest, most importantly as directed by the OCP.

The Empire Club, through its employee, has been maintaining to the public in social media and in the aforementioned letter to Council that the Empire Club has “market development rights” to 3500 m2 of density in the form of residential and tourist accommodation townhouses. Such uses are not permitted uses under the current zoning. Hence that allegation is incorrect. Whether such new uses should be

permitted by rezoning and the density to be applied to them is purely a matter for the discretion of Council.

What is of utmost importance relates to maximum bed units. By arguing for a higher density to include density for commercial space in a hotel such as offices, restaurants, meeting rooms etc. (which do not translate to bed units), the Applicant is greatly increasing the maximum number of bed units which would be permitted under the rezoning. Under the current Covenant para. 2.1(g)(ii) the number of bed units permitted is capped at 64. Under the OCP, Whistler controls development limits in terms of bed units. Here by claiming the additional density from currently zoned hotel commercial space, even though the commercial use for the property will be deleted from the amended Bylaw and OCP, the Empire Club increases the number of bed units to 160, more than double the existing “development rights”.

What makes this so troubling is that under the current OCP 4.1.2.9. Whistler’s existing approved accommodation capacity, estimated at approximately 61,500 bed units, is not being increased. However 1000 bed units are set aside for “employee housing initiatives” (see OCP 4.1.2.9). That must mean that the Empire Club’s allocation of 160 bed units for this initiative (less the 64 previously covenanted under the current zoning) is reducing the total allocation of 1000 bed units for employee housing initiatives permitted under the OCP. This was recently confirmed by the Planning Department in response to a question at a Council Meeting. This is consistent with the revised *Guidelines for Evaluating Private Sector Rezoning Proposals for Employee Housing* (para. 10) which targets 500 bed employee housing bed units constructed under the initiative by 2023. 44 of the additional bed units are bed units for employee housing. In the proposed rezoning 24 of the additional bed units go towards market accommodation including tourist accommodation. That reduces the bed units being saved for employee housing and also in turn increases the need for employee housing to service more tourists. This added number of visitor accommodation bed units for the Subject Property does not meet the requirement of OCP 5.5.1.4 to support the viability of existing accommodations while meeting visitor need.

### **How is the Municipality Applying the Applicable Criteria for Rezoning?**

But how then did the developer get the agreement of the Planning Department that it has 3500 m2 of market development rights? In a letter dated February 21, 2019 from the Municipality to the Empire Club, Planning Staff stated they considered the Applicant’s original proposal relative to existing zoning, the previously supported development concept, existing site conditions, current community needs, and tests for rezoning and community benefit requirements.

At that time, the Staff review indicated that RZ1157 proposed: i) An increase of 2500 m2 for tourist accommodation from 1,900 m2 to 4,400 m2, an increase of 310 m2 for employee housing, and an overall increase in the density on the site of 1236 m2 (13,304 sq. ft.). The Staff letter stated,

“Given the increase in density and change in form and programming of development, there are some concerns regarding the sensitivity of the site views from across the lake. This is a highly visible parcel that forms part of the treed hillside along the west side of the lake. Staff are very concerned about views to the property from the lake itself, the VT on the opposite side of the lake, Nita Lake Lodge, and the private properties adjacent to the lake. The current experience is one of a near-wilderness type of setting.

Staff have concerns regarding the increased amount of market value tourist accommodation development (from 1,900 m2 to 4,400 m2 ) through the conversion of hotel support facilities,

and note that the increase in proposed employee housing is significantly less (from 800 m2 to 1110 m2 ).

This parcel is limited to 64 BU's for tourist accommodation uses per covenant BT125121. Your math indicates that the BU allocation for the TA component would rise to 88. Whistler's current Official Community Plan requires a significant community benefit when creating additional bed units.

While staff appreciate that the overall area of proposed development may be decreased somewhat by the concept under RZ1157 as shown on A-1.3 (Murdoch and Company 18/10/02), staff are very concerned that the revised development scheme will not be able to maintain the existing treed nature of the site and the concentration of development would require extensive clearing. Staff are concerned that the amount of proposed development may be too great for the site and that concentrating this increased density as indicated will largely denude the development portion of the site, making it highly visible with reduced experiential values to the public and resort.

Staff are very concerned about the considerable manipulation of grade proposed in this concept. The proposal doesn't seem to respond to the existing grades, but rather intends to build up the terrain (in some cases this change is greater than 5 metres), making the development more visible from other parts of the valley. Staff also note that the Resort Municipality is already in receipt of letters expressing concerns from members of the community."

The Staff comparison of floor areas from the current TA17 zoning to the original proposal was shown in the following table.

	Existing TA17 Zone	RZ1157 Proposal
Tourist Accommodation Gross Floor Area	1400 m2 contained in cabins* plus 500 m2 contained in a boutique hotel.  <b>Total GFA: 1900 m2</b>	22 3-B/R (plus garage) TA units @ 200 m2 ea. Contained in 5 buildings.  <b>Total GFA: 4400 m2</b> One 6-plex at 1200 GFA Four 4-plexes at 800 GFA
Hotel support facilities	<b>1,600 m2</b>	Hotel Use deleted.
Gross Floor Area for Employee Housing contained in "cabins"	<b>800 m2</b>	10 3-B/R (plus garage) employee restricted townhomes @ 111 m2 contained in two 5-plexes at 555 m2 each  <b>Total GFA: 1110 m2</b>
Max GFA for arts facility	<b>250 m2</b>	<b>250 m2</b>
Ancillary uses		<b>76 m2</b>
Total max GFA for parcel	<b>4,600 m2</b>	<b>5,836 m2</b>

\*\*"Cabin" is defined as containing a maximum of 120 m2 GFA.

The foregoing analysis, namely that the proposal at that time was an increase of 2,500 m<sup>2</sup> for tourist accommodation dwelling units from 1,900 m<sup>2</sup> to 4,400 m<sup>2</sup> (230%) was repeated by the Municipality in a letter to the Empire Club dated April 2, 2019. However that apparently changed in a subsequent discussion on April 11, 2019 between the Empire Club ( ) and RMOW staff as summarized in an email dated April 15, 2019 as follows:

**Density** - There was some discussion about staff not applying the hotel service GFA in their letter which resulted in the market density proposed to seem much higher than it actually was. Jan [Jan Jansen] indicated that he thought the density proposed was reasonable - indicated that the additional market units (675 m<sup>2</sup> of density) could become employee units.

Apparently as a result of a conclusion by Mr. Jansen at that meeting that the inclusion of commercial hotel density was reasonable, since that meeting, the Staff has changed their basis for comparing the tourist accommodation density in the existing zoning to the proposed zoning to include the 1,600 m<sup>2</sup> of hotel support facilities in the tourist accommodation floor area of the existing zoning, notwithstanding the deletion of hotel use, and thereby conceding an additional 1600 m<sup>2</sup> of accommodation density to the Applicant.

The explanation provided by Staff has recently been that "notwithstanding that only 500 m<sup>2</sup> of the hotel can be used for tourist accommodation, the remainder of the hotel can be up to 1600 m<sup>2</sup>, and per the definition of hotel it must contain lobby, restaurant, assembly, entertainment and retail, and may include indoor recreation and personal services (see definition below). So in terms of strict tourist accommodation the existing TA17 Zone limits to 1900 m<sup>2</sup>, but in terms of commercial tourist accommodation development (per the intent statement of the TA17 Zone) it is 3500 m<sup>2</sup>."

The term "commercial tourist accommodation" is not defined in the Zoning and Parking Bylaw No. 303, 2015. However the relevant term, "tourist accommodation floor area" is defined in the Zoning Bylaw, and excludes commercial uses, contradicts that interpretation (emphasis added).

**"tourist accommodation floor area"** means the total floor area of a building used for temporary accommodation of paying guests measured to the outer limits of a building excluding areas used for assembly, and commercial uses including office, retail, personal service, restaurants and establishments licensed for the sale of alcoholic beverages on the premises; (Bylaw No. 614)

Furthermore the auxiliary commercial use for a hotel which is contained in the existing zoning has been deleted and indeed the OCP bylaw is being amended to change the Land Use Map to delete the reference that the lands may include limited auxiliary commercial uses. There is no reasonable basis for letting the Empire Club claim alleged "market development rights" having a 3500 m<sup>2</sup> density for the new uses. Council properly applying its discretion on rezoning, taking into account the significant public input should find that such a density on this property which will result in deforestation of a substantial area on the shore of Nita Lake is not in the public interest.

**The First Question for Council therefore is, "On what legal basis can the Applicant say it has Market Development Rights of 3500 m<sup>2</sup> on a Rezoning of the Subject property?"**

**B. Is the RMOW trading Density for Amenities it is already entitled to, or of little value?**

So what is the true value of the new amenities that the developer is providing in exchange for the huge **3438 m<sup>2</sup>** bonus density (18 townhomes)? While it is permissible for the RMOW to enable additional density for an owner in exchange for amenities, the RMOW is not really bargaining for amenities in this case since some of the amenities are required under the existing zoning in any case. For example the

Empire Club cannot build in certain areas of the Subject Property due to Riparian setbacks, and the only other permitted uses for those areas would be parkland such as a Nature Conservation Park and Community Park. Further the covenant registered against the property requires the rehabilitation of the cabin and barn, setting it up as an artist-in-residence facility, and extending the Valley Trail from Lake Placid Road to the north end of the property. So the Empire Club is not providing those amenities in exchange for density. Further by dedicating the land that can only be used as parkland in any event, the Empire Club is not providing any value in exchange for density. It is merely acknowledging the transfer of bare title to the land without giving up any value.

<b><u>Proposed Amenity under RZ1157</u></b>	<b><u>Required in existing TA17 and COVENANT BT215122</u></b>
Construction of all 21 price restricted employee housing units;	Construction of the 7 employee and artist-in-residence cabins is required under the existing Covenant 2.2(a)
Artist-in-residence cabins deleted	Construction of artist-in-residence cabins is required under the existing Covenant 2.2(a) as well as use of the Hillman cabin and barn for the artist-in-residence program
Construction of the community park to include playground, picnic tables etc. (no plans yet specified)	No park facilities required.
Land transferred to the municipality at no cost for: i) community park and protected natural area (1.44 Ha) and ii) future employee housing (0.54 Ha);	The community park and natural area are in riparian zones and so cannot be developed in any case. Transfer of bare title with no value is not an amenity. With respect to the land to be transferred to the municipality for purposes of future employee housing, the value of that land, currently unknown at least on the file record, will depend on subdivision and rezoning.
Construction of a paved illuminated trail and bridge spanning Gebhardt Creek all to RMOW Valley Trail standards;	Construction of Valley Trail extension is also required under the existing covenant, and to reach Lake Placid Road would have required a railway crossing and bridge over Jordan Creek. Covenant 2.2(f). That has already been built by Nita Lake Lodge so that is a saving to the property owner. The bridge across Gebhardt Creek is required to reach the community park "amenity".
Refinishing and repair of the existing cabin and barn and relocation of the cabin to the new Park.	Covenant requires <u>rehabilitation</u> of the cabin and barn in accordance with a heritage report. Covenant 2.2(b).
No transit bus pullout and shelter to be constructed.	Construction of transit bus pullout and shelter required. Covenant 2.2(g).

The foregoing chart shows that, not only is the Applicant offering as "amenities" contributions which would have been required under the existing zoning in any event, but in fact the Empire Club has

dropped some amenities which would otherwise have been required for development under the existing zoning. The actual net value to Whistler is unclear but certainly far less than the value of the Additional Density of 3438 m<sup>2</sup> (equivalent to 18 townhomes, under paragraph (7) of the amending bylaw) which will be received by the Empire Club under the proposed rezoning amendment bylaw for those amenities.

**Second Question for Council: What is the actual value of the new Amenities which Whistler is getting for the Additional Density which allows for 18 more market townhomes?**

### **C. Non-Compliance with the Private Sector Employee Housing Guidelines and OCP**

#### **Guidelines for Evaluating Private Sector Rezoning Proposals for Employee Housing**

The proposed development is blatantly not in line with the recently passed *Guidelines for Evaluating Private Sector Rezoning Proposals for Employee Housing* for rezoning applications which allow:

- i) “limited amounts of new unrestricted market accommodation to support project viability”

The ratio of square footage of the Empire Club’s market accommodation to the amount of employee housing is 2 to 1. Even if the developer can maintain that 1900 m<sup>2</sup> of “market accommodation” is not new, that still means an increase from 1900 m<sup>2</sup> of “market accommodation” in the existing zoning to the proposed density of 4202 m<sup>2</sup>, more than double.

- ii) “an allowance for reasonable return on investments”

A realistic *pro forma* prepared by the objectors (access to the Empire Club’s *pro forma* has been denied) shows that the return on investment for the Empire Club far exceeds previous private sector employee housing projects. This does not even take into account the value to the Empire Club of lumber extracted from the clear cutting.

- iii) “proposed densities appropriate for the site context”

The ratio of total square footage of the Empire Club’s market accommodation to the amount of employee housing is 2 to 1.

- iv) “minimization of extensive site grading and alteration of the natural landscape”

The total density of the development massed on the site is inappropriate for the site due to the clear-cutting required.

#### **OCP**

#### **Chapter 4 Growth Management**

**4.1. Goal** Land use and development are effectively managed to maintain Whistler’s unique sense of place, protect Whistler’s natural environment, provide a high quality of life for residents and provide exceptional experiences for our visitors.

- i) "The natural environment that sustains our local biodiversity, provides our connection to nature and sustains Whistler as an attractive mountain destination, has been protected by carefully managing the amount of development, its location, and design and construction, and proactively preserving sensitive areas." (OCP 4-1) The existing zoning is site sensitive. The proposed rezoning is not.

ii) Under OCP 4.1.6.3., proposed OCP amendments or rezonings that increase the *accommodation bed unit* capacity, alter the WUDCA, or alter the Whistler Land Use Map and Designations will include significant community engagement, and should only be supported if the proposal:

- (a) provides clear and substantial benefits to the community and the resort;
- (b) is supported by the community, in the opinion of Council;
- (c) will not cause unacceptable impacts on the community, resort or environment; and
- (d) meets all applicable policies set out in the OCP.

iii) 4.1.6.4. All proposed developments must meet the following conditions:

... (d) all proposed developments and changes in land use must be evaluated to the satisfaction of the municipality to assess impacts on:

...

iii. the character of Whistler's forested mountain environment, including preservation of green buffers, views, scenery and distinctive natural features;

iv. Whistler's *sensitive ecosystems* and biodiversity;

...

vii. quality of life of Whistler's residents;

viii. quality of experience for Whistler's visitors;

iv) The OCP "affirms the municipality's natural setting as being critical to community well-being and the visitor experience. Careful land use planning will help to ensure natural areas are protected and development impacts are limited." (OCP 1-13)

v) "LANDSCAPE: Natural areas are never far from sight and reach; they are the predominant component of our mountain landscape, core to our mountain culture and the basis of our outstanding recreation offerings." (OCP 2-3, Vision characteristic 2)

vi) "RESPECT: We understand, respect and steward natural areas as the foundation of our community, our tourism-based economy and overall human health." (OCP 2-3, Vision characteristic 5)

vii) Contrary to OCP 11.1.3.1 the proposed development will be car dependent.

viii) Contrary to OCP 5.5.1.4 the proposed development does not support the viability of existing accommodations while meeting visitor need.

ix) Nita Lake qualifies under the OCP 9.3.1.8 as an "open space", views to and from which are given additional protections.

**Third Question for Council: How Is the Proposed Development Consistent with *Private Sector Employee Housing Guidelines* and the foregoing directives of the OCP?**

Also for the record it should be noted for completeness that the following OCP Schedules also may require amendment should Council decide to approve this rezoning:

Schedules E1, E2, E3 and F: The proposed Valley Trail goes along the railway right of way.

Schedule K: Protection of Sensitive Ecosystems Development Permit Area (the community park should be added).

Schedule O: The Hillman Site is included within the “Commercial/Industrial Development Permit Area” (cf. OCP 13); this presumably should be removed given that the commercial uses are being deleted from the proposed rezoning.

### **Conclusion**

By convincing the Municipality that it is entitled to 3500 m<sup>2</sup> of “existing market development rights” which are not justified, whether by omission or misinformation, the Empire Club has been allowed to proceed with a rezoning application which is inappropriate for this sensitive site due to the required clear cutting and overly massive market tourist accommodation and residential townhouse density, all in violation of the OCP and the *Guidelines for Evaluating Private Sector Rezoning Proposals for Employee Housing*. The application is not in the best interest of the Whistler community. The value of the amenities provided to Whistler is not commensurate with the value of the additional density the Empire Club is receiving under the proposed amending bylaw. The concept of the proposed development is not in keeping with the approved TA17 development concept. It goes against the clear vision for Whistler set out in the OCP and should therefore be denied.

Respectfully submitted,

/BruceMGreen/

Bruce Green  
5205 Jordan Lane  
Whistler BC V8E 1J5



March 8, 2021

Dear Mayor and Council,

Re: Re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020

I am submitting the attached submission as a rebuttal to the letter of [REDACTED] to Council submitted in respect of the above file on February 15, 2021 in connection with the Public Hearing which is scheduled for March 9, 2021. I submit this on behalf of myself personally and the Friends of Nita Lake, whose web site is criticized in [REDACTED] letter and which consists of a group of residents living in the Nita Lake and Creekside areas, including myself.

Sincerely,

Cheryl Green

5205 Jordan Lane,

Whistler, BC

OBJECTION AS PARAPHRASED BY [REDACTED]	[REDACTED] RESPONSE	OBJECTOR RESPONSE TO [REDACTED] RESPONSE												
A new bridge across Gebhart Creek to RMOW Valley Trail Standards (this would need to be done as part of the original commitment to extend the valley trail).	The bridge (estimated value \$500,000 by RMOW parks dept) was added to the negotiations in January 2020 and not part of the London Mountain Lodge amenity package. This can be confirmed by municipal staff.	<p>London Mountain Lodge’s covenant required the Valley Trail to be constructed to connect from 5298 Alta Lake Road to Lake Placid Road, which at the time would have required a railway crossing and bridge over Jordan Creek both of which have been subsequently provided by Nita Lake Lodge. The developer is therefore saving the cost of that previously required amenity.</p> <p>The OCP shows the current proposed location for the extension of the Valley Trail going north on the west side of Nita Lake is along the CN right of way near to the lake, which would not require a bridge. The developer proposes the more uphill and westerly location of the Valley Trail because it needs the existing bridge over Gebhart Creek to reach the “community park” being dedicated from the riparian setback located within its property. That bridge will need upgrading or replacement.</p>												
A marginal increase of 1200m2 of Employee Housing but this is in exchange for an increase of 2290m2 of market housing. The ratio of 2:1 Market to Employee housing is not a good deal for Whistler.	<p>The London Mountain Lodge employee housing was 7 units totalling 800 m². This housing was for service employees of the hotel (employer-controlled rental) and included two units for artist-in-residence. The proposal is for 21 employee units comprising 1991 m², one will be retained for on-site maintenance. The increase in employee vs. market development rights is as follows:</p> <table><tr><td></td><td>Existing</td><td>Proposed</td><td>Net</td></tr><tr><td>Employee</td><td>800 m2</td><td>1991 m2</td><td>1191</td></tr><tr><td>Market</td><td>3500 m2</td><td>4190 m2</td><td>690</td></tr></table> <p>The ratio to market to employee, considering existing development rights is 1 new market unit to 1.7 employee units. This is confirmed in the RMOW staff reports.</p>		Existing	Proposed	Net	Employee	800 m2	1991 m2	1191	Market	3500 m2	4190 m2	690	<p>The developer’s claim to 3500m2 of "market development rights" <u>incorrectly</u> includes hotel commercial space from the existing zoning as “tourist accommodation floor area”. “Tourist accommodation floor area” is defined in Zoning and Parking Bylaw No. 303, 2015 as excluding hotel floor space for meeting rooms and commercial uses such as office, retail, restaurants and bars.</p> <p>For comparison purposes, the comparable tourist accommodation density in the existing TA17 zoning is 1900m2, not 3500m2. In any case the owner of 5298 Alta Lake Road only has the right to develop its property in compliance with the <u>current</u> TA17 Zoning. It has no “market development rights” to amend the TA17 Zoning Bylaw to change the permitted uses and density. It can only seek to rezone which is subject to the discretion of Council.</p>
	Existing	Proposed	Net											
Employee	800 m2	1991 m2	1191											
Market	3500 m2	4190 m2	690											
In virtually all similar re-zonings involving both market accommodation and employee housing, the massing or density ratio has always been at 1:1 or better in favour of the employee housing (e.g., Lorimer Ridge, Brio, Millar’s Pond, Barnfield and Nita Lake Estates).	The market to employee ratio in Whistler has varied over time, subject to development interests and need. Early in the 1990s projects like Millar’s Pond, Spruce Grove (1:1 unit ratio), Barnfield, Panorama Ridge, and Spring Creek provided market rights in exchange for employee housing. The Employee Service	[REDACTED] explanation supports the case that Market Housing/Employee Ratio has always been much less than a 2:1 ratio. The response argues that previous ratios have been helped by "subsidies", i.e. Government incentives, and so are different. In the present case, the developer will be given a substantial increase in density by way of a rezoning in exchange for employee housing, which is the equivalent of a Government incentive from the municipality. Also, this development is												


	<p>Charge Bylaw subsidized the affordability of rents/pricing for Beaver Flats, Nesters Pond, Nordic Drive and Lorimer Court.</p> <p>Cheakamus Crossing also had subsidies as the Olympic Committee contributed 35 million dollars and a further subsidy from the hotel tax. Despite all the subsidies, market units comprise approximately 10% of the overall project. Future projects have received senior government subsidies on rental projects through BC Housing. Rainbow had 51 market units and significant commercial development.</p>	<p>under the current Guidelines <i>for Evaluating Private Sector Rezoning Proposals for Employee Housing</i> for rezoning applications which only allows “limited amounts of new unrestricted market accommodation to support project viability”.</p> <p>The ratio of square footage of the developer’s market accommodation to the amount of employee housing is 2.1 to 1, which is not a “limited amount” and goes far beyond what is required for the viability of the project.</p>
<p>Here the proponent started out with a proposal for 22 large 220m2 market townhomes but only 7 small 106 m2 employee housing units for a ratio of 6:1. In subsequent negotiations the number of employee housing units were increased to 20 but there was nothing done to reduce the number of market townhouses (the cash crop), still leaving it at a ratio of 2:1.</p>	<p>This again fails to recognize existing development rights on the site of 3500 m<sup>2</sup>. The number of employee housing units proposed is 21, but the one unit is reserved for the onsite management of the rental units, which was requested by neighbours. The size of the market units was reduced by 210 m<sup>2</sup> in late 2019. The ratio of new market to new employee is 1:1.7 NOT 2:1.</p>	<p>As noted, above the claim to 3500m2 of "market development rights" incorrectly includes commercial space in tourist accommodation floor area contrary to the definition in the Bylaw. To call the “ratio of new market to new employee” as 1:1.7 is mere double talk. The proposed zoning is for 4202 m2 of market accommodation compared to 1991 m2 of employee housing, i.e. 2.1:1.</p>
<p>The market townhouses are assumed to be very similar to the developer’s earlier project and sale of 40 townhouses in Baxter Creek above Rainbow of which individual units are selling over 2.6 million. This indicates that this new development proposal could reasonably be expected to achieve a gross selling price of anywhere between \$44 million and \$57.2 million.</p>	<p>A detailed pro forma has been submitted to the RMOW. The price per square foot reflects market conditions as well as costs for the significant amenities.</p> <p>The amenities proposed are estimated to be approximately \$1.3 million exclusive of the employee housing subsidy on sale price, the proposed 1.21-acre future housing site and the 3-acre park dedication. The subsidy to build the townhomes is approximately \$2.23 million. It is likely the value of the WHA lot would be at least the price of a single-family lot in Whistler (\$2 million).</p>	<p>More [REDACTED]. There is no 'subsidy' being provided by the developer on the employee housing other than a hypothetical reduction in the amount of <u>profit</u> earned by the developer on their sale. The developer is building the employee housing and then will recoup his costs when they are sold, plus a profit. There will be no actual cost to the developer on the employee housing. The <i>Guidelines for Evaluating Private Sector Rezoning Proposals for Employee Housing</i> (the “PSEH”) for rezoning applications only allows “limited amounts of new unrestricted market accommodation to support project viability”.</p> <p>The ratio of square footage of the developer’s market accommodation to the amount of employee housing is 2.1 to 1, which is not a “limited amount” and goes far beyond what is required for the viability of the project.</p> <p>The PSEH also specifies “an allowance for reasonable return on investments” to the developer. The real return on investment when properly calculated is unreasonable in exchange for what is being provided. Note that the release of the <i>pro forma</i> has been refused by the developer, who only releases details to the public that they think</p>

		favours their rezoning application despite publicly stating that he would release this important information.
Land title records show that in 2003, the subject lands were purchased by 36063 Yukon Inc. (later renamed the Empire Club) for \$3.9 million. These lands were refinanced in 2018 with a \$5million mortgage from the Toronto Dominion Bank. Rumour has it that the shares of the corporation were purchased by the current principal of the company and his associates for \$5million to give them control of the corporation and thus the lands. Unfortunately, the cost of the shares cannot be included as part of the project development costs.	The purchase price of the land in 2018 was \$10 million although this is irrelevant in the pro forma value of the land in 2021. The current appraised value is more than \$13 million given the existing development rights. Rumours are not tangible facts.	The importance of this issue is that the PSEH guidelines allow the developer a "reasonable return on investment". The amount of the investment for the land is included in calculating the return on investment in the <i>pro forma</i> . Here [REDACTED] There was no purchase of the land in 2018. The fact is that the current owner of the land is Empire Club Development Corporation, which is the same company (then called 36063 Yukon Inc.) which purchased the land in 2003. There was no sale or purchase of the land in 2018 but rather a change of ownership of the company. The current shareholders of the company and what they paid for their shares is unknown but presumably is known or available to [REDACTED] but is hidden from the public, [REDACTED] The developer has to provide \$1.3 million in amenities, plus the value of a portion of the land said to be for future employee housing (which is unknown). For this the developer will get the cash revenue of about \$57 million for selling 22 Market homes less his costs. The developer promised to release the <i>pro forma</i> but so far the public has not been permitted to see it, nor have the Councillors.
Lands for future development of employee housing: 1.3 acres. The notion that the developer is being granted bonus density in exchange for gifted future housing development land is simply a raw deal for the RMOW. The subject area is not financially developable given the terrain, slope and geology make up. This is undoubtedly a throwaway and ethically questionable.	A 1.21 acre (0.49 ha) of land has value in Whistler but this cannot be realized until the use and density of the site is established through rezoning. The RMOW or WHA will have to rezone the site through their own process. The area of the site is equal to at least two single family homes (or 1.5 of the lots at Nita Lake Estates). The land has value as it has access and servicing at the doorstep, which has been proven out to the RMOW, the terrain is similar to Nita Lake Estates.	[REDACTED] clarifies that the likely use for the land by the WHA "Future Employee Housing" land will not be employee housing at all but rather two single family homes on large lots. It is correct that the value of the land cannot be appraised until it has been subdivided and rezoned, so it is currently unknown. However, given the gradient of the land it is likely to be very costly to build on and hence would make employee housing uneconomical on this site. Even assigning the land a significant value on top of the other amenities claimed at \$1.3 million, that is trivial compared to the developer's estimated \$30 million net gain.
The website indicates that the development is within sensitive Nita Lake habitat	The building setback of the Hillman project is imposed with the green line on other existing developments along Nita Lake. The proposed project has a significantly greater development setback than Nita Lake Lodge, Jordan Lane, Whistler Ridge, Beaver Flats and Boulder Ridge. The entire riparian area of the development will be dedicated public land, to ensure protection.	The existing zoning established in 2002 is specified to be "site sensitive". Since then, legislation has provided much better protection for riparian areas than when these earlier developments were created in order to impose such restrictions on current developers. Times have changed for the better.

<p><b>THE ENVIRONMENTAL REPORT</b></p>	<p><i>The following responses have been (copied verbatim) from an email from [REDACTED] of PGL Environmental, which are qualified environmental professionals. The email has been copied to the RMOW.</i></p>	<p>Any updates have not been shared with the community.</p>
<p>To date, none of the recommendations have been considered and/or followed through by the developer's proposal. PGL clearly states, "that the <i>Initial Environment Review</i> was only a broad survey of potential constraints and environmental features". They recommended a more thorough review be done after this initial assessment. That has NOT been done. They also stressed the report is for now (2018) and that the conclusions can quickly become dated and the report should not be used after that without PGL review/approval.</p>	<p><b>UPDATE:</b> PGL has visited the site several times since the initial field review in May 2018 and during different seasons. The report is still valid from PGL's perspective and is suitable for use in the development proposal. Additional surveys that have been conducted include:</p> <ul style="list-style-type: none"> <li>• Riparian Areas Protection Regulation assessments of watercourses (two separate surveys);</li> <li>• Tree survey of tree retention areas and the Valley Trail; and</li> <li>• Site walkthrough with RMOW.</li> </ul>	<p><b>With the Community Engagement Review, the council has endorsed more transparency moving forward.</b> There is little transparency for the community as the IER was only previously released for review after numerous requests by the public but has since been taken off of the RMOW website. The public was not made aware of any further reports done by PGL nor does there appear to be any plans to release them. Given the significant concerns raised by the community in regard to the development on this property and the impact on Nita Lake this information should be readily available to allow the public to assess the information in the reports. These surveys are good further steps, but they do not address most of the "additional surveys" requested by P.G.L and they are not publicly available. Hence, it appears that the only environmental survey so far completed is an "initial survey". The Riparian assessment is likely a Provincial requirement and the Tree survey is needed for RMOW Firesmart regulations. These are minimum standards that are required by legislation and policy, and they only address the green areas that are retained. They do not address the environmental impact of clear cutting the 5 acres of land. This hardly meets the high standards that should be expected from developing an environmentally sensitive area. Also, will the RMOW release the Tree survey report so the Community can assess the full damage to the Trees on this land.</p>
<p>Why is the Municipality not acting on these guidelines?</p>	<p><b>RESPONSE FROM PGL:</b> The development has met the requirements of guidelines provided by RMOW and best management practices for the stage of the project.</p>	<p>The concern is that relying on an "initial" environmental survey is not a high enough standard to protect these environmentally sensitive areas. The initial report specifies many environmental sensitivities that could be a problem. Surely these are worthy of further assessments and comments, before the rezoning gets approved and before it is too late. Why wait until the development permit stage to be sure there are no environmental issues.</p>
<p>Why have the follow up reviews and assessments not been done?</p>	<p><b>RESPONSE BY PGL:</b> Follow-up site visits have been undertaken, and until development approvals are in place, no additional surveys are required.</p>	<p>As above</p>

The new riparian setbacks (since the project was previously approved) would not permit any development in the proposed park dedications.	<b>RESPONSE BY PGL:</b> No development will occur within the Riparian Assessment Area (RAA) of 30m from high water mark of Gebhart Creek. This area, and beyond the 30m RAA, will be dedicated as a park. This provides sufficient protection of the watercourse and the riparian habitat.	We applaud the dedication of Riparian lands to protect the Lakeside. The point is that the developer is required by Provincial Legislation to protect these Riparian lands and cannot be built upon, hence these lands have to be a Park. It's not as if the developer is forgoing building on these lands and providing a park, he simply cannot build on this land. He does not have this option because of Provincial legislation to protect our Lakes. This is a throw-away for the developer.
Why has this re-zoning proposal been through so many approval stages without questioning the environmental impact of this development?	<b>RESPONSE BY PGL:</b> The project has met the requirements of RMOW.	There has been no robust discussion of the Environmental issues whether in the Council meetings or in the RMOW Administrative report. Surely, for these environmentally sensitive lands there should be a full and transparent discussion about the risks and sensitivities.
If there is any clearing of the property – will the developer be held responsible to respect these guidelines? How will these be enforced?	<b>RESPONSE FROM PGL:</b> The developer has been engaged with the environmental consultant throughout the process and has been receptive to recommended surveys and best management practices. The preparation of a Construction Environmental Management Plan (CEMP) will guide the development and clearing of vegetation to meet applicable bylaws, provincial and federal regulatory guidance/laws, and best management practices. The developer will be required to adhere to RMOW Bylaws No. 2000, 2052 and 2018 (consolidated as the Environmental Protection Bylaw 2000, 2012). This includes tree cutting permits and protection of watercourses.	The point is missed here. The PGL report states that there are specific guidelines and time frames that clearing can occur in order to mitigate any potential damages to wildlife. We appreciate that RMOW By Laws need to be adhered and very much welcome this. Our question remains outstanding, how can the community be confident that these Bylaws will be enforced and what are the penalties if the Bylaws are infringed.
<b>Species specific studies</b> would be required to determine the presence of at-risk animals and plants at the Site.	<b>RESPONSE BY PGL:</b> The IER is meant to be an overview report of the general environmental features of a site. This report meets the needs of the RMOW for the purpose of a development permit application.	The Rezoning determines the density and location of the buildings, and hence the clear-cut. Once this is approved is it not a little late to determine if there are any at risk plants and species?
<b>Veteran trees (over 250 years old)</b> and danger trees should be surveyed by a professional arborist to determine individuals for <b>preservation</b> and potential hazard trees and map locations	<b>RESPONSE BY PGL:</b> The PGL arborist conducted a survey of the tree retention area and the Valley Trail to guide the placement of the trail to avoid veteran trees. <i>(Also, a documented height and location survey was prepared by Bunbury Land Surveyors and has been submitted to the RMOW. The view analysis prepared by</i>	Once again, the Arborist survey is only on tree retention areas. The applicant has not addressed the "Veteran trees and wildlife trees should be conserved where possible". It fails to address the 5 acres that will be clear-cut - how many 250 year old trees are being clear-cut? This is not addressed in any of the reports, and nobody has talked about this. The only reference is in the Initial Environment report that states "a qualified

	<i>Murdoch and Co. referenced this site-specific work). A hazard tree survey may still be required as a condition in the CEMP as the development moves forward but is not required at this time.</i>	arborist is recommended to identify trees of importance for retention" .... clearly there are lots of these old growth trees that will be cut.
A raptor nest survey should be conducted to determine the presence of any raptor nests on Site prior to development.	<b>RESPONSE FROM PGL:</b> This will be a condition in the CEMP and is not required at this time. No raptor nests were observed during any of the field surveys, but a specific survey should be undertaken at the appropriate time of year prior to tree clearing.	This is good to hear. So, there will be NO tree clearing on any of the lands until a Raptors nest survey is completed. Can we be sure that this will happen? Also, what if the survey finds "lots of Raptors nests" and many at risk plants and at risk species - does the rezoning have to be redesigned or re assessed?
Fish sampling in the pool in Polygon 4 should be conducted to determine the species presence and <b>population of the fish in the pool, and an assessment of the water connection to Nita Lake is recommended to determine sensitivities and constraints to development near the Polygon 4.</b>	<b>RESPONSE FROM PGL:</b> The development will not impact the pool, and disturbance to the fish by way of sampling is not required. Fish were observed in the pool in September 2019, and water levels were noted to be lower than May 2018, consistent with water levels in Nita Lake. No further action is required. <i>Note: 5241 Jordan Lane currently encroaches on the riparian setback of the pool.</i>	Why do PGL say in their report that an assessment of the fish sensitivities is required and then say no further action is required. What happened in between? Once again it would be useful for the Community to have full and transparent Environmental review so we can all understand the true environmental impact.  The fact the applicant raises the issue of encroachment of 5241 Jordan Lane on the riparian setback indicates that the legislation has changed since the Nita Lake Lodge development was approved. [REDACTED] was a councillor at the time approving this development and if this was an issue, could have raised it the time. The public deserves to know that the developer and the council will ensure due diligence is done so that these sensitive habitats on this project are protected.
Steeps, rocky outcrops, and the wetland should be surveyed for rare and endangered plants for the purpose of <b>determining rare plant presence</b> and suitability for salvage and transplant.	<b>RESPONSE BY PGL:</b> Follow-up site visits did not identify any rare plants or species of concern, and this item is not required at this time. A pre-clearing survey for any rare plants of salvage potential will be included in the CEMP.	We should all have access to these additional reports from PGL, so that we can all understand the environmental impact. We have been told that there were no additional environmental reports after the "Initial Report. Is this the case or not?
A <b>geotechnical survey</b> of the proposed development areas should be conducted by a qualified professional.	A geotechnical survey is required prior to development permit and building permit.	<b>What happens if issues pop up with the Geotechnical Survey and Report and Preliminary Field Reconnaissance. What is the process for resolving these issues once rezoning has occurred?</b>

<p>List of requirements for Mitigation PGL states <b><i>“Of concern is that “detailed surveys for focal wildlife, plant, and ecosystems of conservation concern (i.e., listed by the CDC and/or protected under the Species at Risk Act) were not included in the scope of this screening-level assessment. Therefore, it is assumed that the listed species and ecosystems that use habitat types provided in or around the Site may potentially occur in this area.”</i></b></p>	<p><b>RESPONSE BY PGL:</b> This is a general assumption which is appropriate for the IER level of report. While Species at Risk (SAR) MAY occur, the likelihood remains low. Follow-up surveys at the site did not identify any specific habitats for potential SAR with the exception of coastal tailed frog, northern red-legged frog and western toad. Coastal tailed frog habitat will be adequately protected by the protection of the Riparian Assessment Area of 30m on Gebhart Creek. Potential northern red-legged frog and western toad habitat was identified in and around the area of the small pool, which is also to be retained. Species specific surveys for SAR are not a requirement for this site.</p>	<p>Are these follow up surveys available for viewing by the Community? Why did PGL make the recommendation for these surveys if they did not think they were important to undertake. The initial environment report clearly states, “A detailed rare and endangered plant species should be completed prior to development.” It does not appear that the applicant has fully addressed this issue.”</p>
<p>The report lists some very specific guidelines for any clearing of the property.</p>	<p><b>RESPONSE BY PGL:</b> Pre-clearing mitigation measures and surveys will be covered in the CEMP prior to development. No further action is required at this time.</p>	<p>While the CEMP report is a welcome part of the process, it is a way to deal with the implementation of the development once the Zoning has been approved. It does not deal with the fundamental question about what are the broader environmental impacts of this development for the whole area...impact on trees, species, at risk plants, visual issues, noise issues etc. These need to be fully addressed and discussed BEFORE the rezoning. For one example, the report states. “Clearing activities should be conducted within appropriate breeding-bird least-risk timing windows, if possible. If clearing cannot be completed during the least-risk windows, a qualified environmental professional should be retained to conduct pre-clearing nest surveys. The least risk windows are September 1 to February 28 for passerines, and October 1 to December 31 for eagles, herons and raptors (inclusive)”. This recommendation appears to leave a very small window for clearing.</p>
		<p>Although, [REDACTED] chose to focus only on a few of the many objections, the one that was not disputed was the photo showing the estimation of the clearcutting on the property. Obviously, the picture hits a home run with its accuracy.</p>



<p><b>TRAFFIC REPORT</b></p>	<p><i>The questions/statements have been referred to Howe's Technical Advantage, a transportation consulting firm located in North Vancouver. [REDACTED] prepared the response below (which have been provided to the RMOW).</i></p>	<p>On November 27, 2020 the President of Nita Lakes Estates and The Residences at Nita Lake at the request of the RMOW, met with [REDACTED] and Roman Licko, to discuss concerns with the first traffic study.</p>
<p>The date that data was collected. A mid- weekday in the "shoulder season" would not appear to reflect the high peak traffic demands experienced in the winter and summer months, especially weekends. This data was then used to extrapolate the traffic conditions into the future which would not be an accurate projection. The report does not take into account the large undeveloped parcels on Alta Lake Road that will also affect the traffic at Alta Lake Road and Highway 99 which includes the Prism Lands, the proposed undeveloped parcel at the south property line of 5298 Alta Lake Road which is reserved for future WHA development, the large parcel of land owned by a company of which councillor Duane Jackson is a director and officer, PID 025519-956 to the north of 5298 Alta Lake road and the possible re-development of the Tyrol Lodge lands.</p>	<p><b>RESPONSE BY HTA:</b></p> <p>The reports include background growth on Alta Lake Road which allows for growth of other developments. The existing traffic was increased by 3% per year which was cross checked against historical growth. This equates to an additional 12% traffic for opening day (2023) and, for 2033, an additional 30% traffic was added to the 2023 scenario.</p>	<p>In regard to the initial traffic study, done on October 9, 2019 the RMOW staff stated <b>"Staff have completed their review of the traffic study. Staff have similar concerns to those expressed by members of the public regarding the timing of the study during the shoulder season. Staff respectfully request a revised study during the peak season to reflect peak traffic in the affected area."</b> This request was refused by the developer due to costs.</p> <p>The developer pays for these reports and therefore can choose the timing to provide a report that favours the outcome they want. The best interests of the community are often not considered. [REDACTED] indicated that projections for the future traffic added by the new development were based on assumptions she had reviewed with the RMOW such as the likely trips per day that would be made by the owners and the number of cars per unit.</p> <p>Projections of future traffic were based on the data collected during a low season and are therefore flawed. Trips to and from the proposed park by car, bike were not considered nor was traffic from the future employee housing parcel. Although, the RMOW indicated that there was no density assigned to this parcel to estimate trips, given the impact on Nita Lake Drive some number should have been provided. At the meeting, The Tyrol Lodge request for access was discussed with assurances that this would not be a possibility, however, the Tyrol Lodge still pushes for access to Nita Lake Drive in its recently revealed plans to develop parcels of its lands which if this happens will significantly increase the traffic.</p> <p>[REDACTED] indicated that she would have to go back and review the assumptions that have been made and discuss with the RMOW prior to the second study being done.</p>
<p>Estimations of the number of car trips used. This is a car dependent neighbourhood If you live on the west side, you are car dependent and it is a pain to get anywhere.</p>	<p><b>RESPONSE BY HTA:</b></p> <p>The trip generation rates used for the development are higher than the standard to provide a conservative approach.</p>	<p>Further for purposes of the future projection [REDACTED] stated she had assumed that this development would not be car dependent. This is not consistent with the reality of this location – see below. At the meeting, it was pointed out that the estimated number of trips per day for the employee housing units as well as market townhouses was too low. RMOW had previously identified that trip generation for the townhouses with TA use had not been included. There are significantly</p>

		<p>more cars per unit associated with the employee units in the case of the Residences at Nita Lake, and inadequately planned parking from the beginning has led to the issues of parking on the street.</p> <p><b>The proposed development is car dependent:</b> Sure, some days people will walk and cycle from this proposed development, let us be real and acknowledge that people will also be using their cars most days, especially the market townhomes. No one will be trudging from the development to the ski hill, or back with groceries for a family of 4 or to use any shops, services or restaurants in the village. Parts of the grade on the valley trail back to the Employee Housing units is very steep and will be difficult to negotiate in the winter.</p> <p><b>The increased number of car trips</b> is not consistent with the goals of Whistler to reduce carbon emissions. <i>Let's think more carefully how we will decrease our CO2 emissions NOT give approval to increase them.</i></p>
The report does not take into account current and future bicycle and pedestrian traffic which council is promoting.	The traffic report does not directly address off-road pedestrian and cycling traffic. The traffic report does consider the capacity of the roadway, for all forms of transportation modes. The Nita Lake Estates project was approved in part due to the pedestrian and cycling link between Creekside and Alta Lake Road.	<p>Bicycle traffic is increasing on Alta Lake Road and Nita Lake drive. This will only increase further with the opening of the new proposed park and development and the increased use of the west side bike trails (often accessed through Nita Lake Drive from Creekside). There continue to be negative interactions with bicycles and pedestrians and cars.</p> <p>It appears the applicant has done the minimum investigations in order to get the report that it wants.</p>
The safety concerns of traffic along Nita Lake Drive expressed by owners of the Residences at Nita Lake and the Nita Lake Estates have not been addressed and the contractor for the traffic report has provided no comment about the increased traffic, or the impact on Nita Lake Drive in relation to the proposed development as well as the yet to be developed WHA parcel and there is no discussion about the safety risks.	<p><b>RESPONSE BY HTA:</b></p> <p>The safety concerns raised were in relation to the geometric design of the road and operational issues such as snow removal. Some of these were noted in the report but the responsibility for these items is with the RMOW.</p> <p>Nita Lake Drive is a municipally approved road. RZ1157 existed prior to Nita Lake Estates and Residences and part of the Nita Lake approval, had to be sure to accommodate the future Hillman site rezoning (TA17).</p>	<p>██████ acknowledged at the meeting that the RMOW needed to address the parking issue, the snow removal and the blind corners. It was discussed that Nita Lake Drive was built to municipal standards, however, it was pointed out that the design is flawed with inadequate sidewalks, blind corners and parking. These issues will not change but will only become worse with much added traffic on Nita Lake Road. The applicant continues to say since the traffic and safety concerns were raised, "Not my problem"</p> <p>The current TA17 development would have has less traffic estimated than currently estimated for the proposed development.</p>
		The difficulty turning left from Alta Lake Road to Highway 99 was discussed as the timing of the original report does not adequately reflect peak periods in the winter and summer.

		<p>Even though the recommendation made at the meeting was for the 2<sup>nd</sup> study to be done closer to the Christmas week to provide a better estimation of the traffic during the pandemic, the study was conducted on Tuesday, December 1, yet another low season day. The RMOW will not release the Traffic Study but will wait until the Public Hearing to release their comments. There will be no other opportunity to have access to the information or ask questions except through the Public Hearing process. Once again, the developer chose a time most favourable for themselves, likely due to the requirement to have the 2<sup>nd</sup> study done prior to final approval for the rezoning application. Why should the Whistler Community accept an incomplete and unsatisfactory Traffic study, in an era of increased focus and concern about both traffic density in Whistler and also concerns about carbon emissions. Surely, we need to hold the traffic survey to much higher standards.</p>
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Mayor and Council  
Resort Municipality of Whistler  
4325 Blackcomb Way  
Whistler, BC V8E 0X5

March 8<sup>th</sup>, 2021

Dear Mayor and Council,


As an expatriate who grew up with Whistler as my second home, I have watched the ongoing over development of the town and resort with dismay. Since the age of two I grew up skiing every weekend and holiday at Whistler, from Ski Scamps to racing with the Whistler Mountain Ski Club to working for Whistler-Blackcomb as a ski instructor for five seasons. Now residing in New York City with my wife and one year old daughter, I still consider Whistler to be my second home, which I returned to multiple times a year prior to the present crisis. When the pandemic lifts I dream of bringing my daughter back to learn to ski on the same slopes and toboggan down the same hills.

But the Whistler I grew up in has increasingly changed. Winter lift lines have become crushing. Finding parking at Rainbow or Alta Lake on a hot day has become impossible. In the summer, the lakes were our playground, the trails our site of adventure and exploration. Paddling down the River of Golden Dreams was once a tranquil afternoon of recreational reverie. Now, increased waterside development, traffic, and crowds present an ever present hum of cars and eyesores of condos peeking over the reeds and riverbanks. Driving up in recent years has been abysmal; I do not look forward to waiting in traffic with an infant daughter beyond Function Junction just to get to the hill.

I hope to relive my childhood memories through the eyes of my daughter. But with the development and scarification of the Whistler landscape, it is difficult to imagine her experiencing what I had the luck of growing up with. Every added development, every incursion in the pristine beauty of the mountain and its features, takes her one step further from the alpine paradise I could enjoy. The proposed developments on Nita Lake would irrevocably destroy the ambiance of one of the few serene bodies of water left in Whistler. I want to bring my daughter paddling on that lake and for her to look over the lakeshore and feel its peace. With the waterfront taken over by rentals, she will never get that opportunity.

For that reason I am respectfully writing to encourage you to vote against the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020. For future memories, and future experiences.

Sincerely,

  
Christopher Green, Ph.D.  
115 Central Park West, Apt. 10JL  
New York, NY 10023

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
- 5) Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighboring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
- 6) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Dawn Titus  
8440 Bear Paw Trail  
Whistler BC  
V8E0G7

## Marius Miklea

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**From:** esther gorman [REDACTED]  
**Sent:** Monday, March 8, 2021 1:20 PM  
**To:** corporate  
**Subject:** Nita Lake development

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

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- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
- 5) Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighboring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
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We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely.

Name

Esther Gorman

2225 Gondola Way

Whistler BC

Sent from my iPhone

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
- 5) Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighboring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
- 6) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Eric Tetrault

5664 Marine Drive, West Vancouver, BC

Also regular client at Nita Lake Lodge



## Marius Miklea

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**From:** Ellen Todd [REDACTED]  
**Sent:** Monday, March 8, 2021 9:33 PM  
**To:** corporate  
**Subject:** Opposition of re-zoning proposal RZ1157

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020.

I am against this Zoning Amendment for the following reasons:

- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
- 5) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

As you will see from my address, I do not live in the Whistler community. However, I have been going to Whistler since I was a child and have frequented the Nita Lake and surrounding area. I have friends and family who are residents, and I have always valued the fact that it stays true to itself, embraces Canadian heritage, and showcases the beauty of Canada's natural landscape. I believe that a development such as what is proposed would affect Canadians as a whole, whether residents, tourists, or otherwise and would negatively impact what

individuals have grown to love about Canada and their reasons for exploring Whistler and all the beauty it has to offer.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Ellen Todd

3171 West 42<sup>nd</sup> Avenue

Vancouver, BC

V6N 3H1

March 8, 2021

Mayor and Council  
Resort Municipality of Whistler  
4325 Blackcomb Way  
Whistler, BC  
V8E 0X5

Dear Mayor and Council,

Re: RZ001157 Regarding 5298 Alta Lake Road

Over the 26 years that I have lived in Whistler serving on the Chamber of Commerce Board, the Community Foundation of Whistler Board and the Whistler Health Care Foundation, the need to maintain 75% of the Employees has been a key Resort Strategy. Maintaining a blended socio-economic community is paramount to our future as thriving Resort Community.

Making changes within an existing neighborhood is never an easy task. As a resort, we have 2 Whistler Housing Authority properties that were met with significant opposition that are now considered successes within the community. Both the Millars Pond project in Bayshores and the Mckeivers Place project in Alpine completed in the late 1990's have added real value to the community. Both projects were completed through private development within existing neighborhoods.

Specific to this project, bringing 21 additional Employee Price Restricted Units will continue to enhance the WHA Inventory. Aside from this important benefit to the sustainability of the community, the community will also receive future Employee Housing, a park, protected natural area, improved Valley Trail access and the preservation of a heritage building.

Having followed the development application, it appears concerns over traffic and the environment have been effectively dealt with.

On balance I am pleased to offer my support for this project and look forward to the completion.

Yours truly,



John Nadeau  
7286 Spruce Grove Circle  
Whistler, BC  
V8E 0E8

## Marius Miklea

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**From:** John Robins [REDACTED]  
**Sent:** Monday, March 8, 2021 9:17 PM  
**To:** corporate  
**Subject:** Fwd: Nita Lake Development proposal

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw ([5298 Alta Lake Road](#)) No. 2283, 2020 as part of the Public Hearing process.

I am fully against this Zoning Amendment for the following reasons:

1. This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
2. The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
3. The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market town homes proposed.
4. The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
5. Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighbouring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
6. More development means more traffic woes on local roads and the intersection of Highway [99 and Alta Lake Road](#).

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

John Robins  
2028 Squaw Valley Cres.  
Whistler, BC  
V0N1B2  
[REDACTED]

John Robins

## Marius Miklea

---

**From:** Karin Kausky [REDACTED]  
**Sent:** Monday, March 8, 2021 9:25 PM  
**To:** corporate  
**Subject:** development currently proposed at 5298 Alta Lake Rd.

Karin Kausky  
4380 Lorimer Rd unit 201  
Whistler, B.C.  
V8E 1A7

March 8, 2021

Mayor & Council  
Resort Municipality of Whistler  
4325 Blackcomb Way  
Whistler, B.C.

Dear Mayor & Council:

As a doctor and employer in Whistler, I am a strong believer in affordable employee housing being an integral part of a well-functioning, healthy, community. Community wellness, is strongly influenced by social determinants of health, such as affordability and access to housing.

The community has long identified the need for additional employee housing. The Mayor's Housing Taskforce determined that this need would best be filled by a combination of private developer and Whistler Housing Authority provided units.

The WHA's development in Cheakamus is a great addition to the supply of housing. However I believe that employee housing should continue to be spread throughout the community, and private development tied to affordable units can ensure that mix.

We know that green space and spending time in nature benefit mental health. Applications that also provide additional park land and extensions to the valley trail, are beneficial to the whole Whistler community.

Affordable employee housing is an important part of attracting and retaining staff in all sectors of our community, including health care workers.

I believe we need to move forward with developments that provide affordable housing, interspersed throughout our community and neighbourhoods, and increase public green space.

Please take these factors into consideration when evaluating this proposal

Sincerely,

Dr. Karin Kausky, Whistler Medical Clinic

## Marius Miklea

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**From:** kelly taylor [REDACTED]  
**Sent:** Monday, March 8, 2021 7:45 PM  
**To:** corporate  
**Subject:** zoning proposal RZ1157 and Zoning Amendment Bylaw (5298 Alta Lk Rd) No. 2283,2020

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am fully against this Zoning Amendment for the following reasons:

1. This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
2. The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
3. The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market town homes proposed.
4. The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
5. Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighbouring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
6. More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Kelly Taylor  
2028 Squaw Valley Cres.  
Whistler, BC  
V0N1B2  
[REDACTED]

Dear Mayor and Council,

March 8, 2021

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
- 5) Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighboring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
- 6) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Name : Lynn Gentile

Address: 9151 Emerald Drive,  
Whistler BC V8E 0G5

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
- 5) Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighboring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
- 6) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,



Michael Hagerman  
22 Cloudburst Road, Black Tusk Village  
Whistler BC V8E0A7



## Marius Miklea

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**From:** Patricia m [REDACTED]  
**Sent:** Monday, March 8, 2021 12:40 PM  
**To:** corporate  
**Subject:** Re: RZ001157 - 5289 Alta Lake Road Public Submission

To Mayor & Council,

I am writing on behalf of myself and my husband in support for this housing project. There needs to be more affordable "for purchase" housing in Whistler. We believe this project is a great opportunity for growing families living and working in town.

We are hoping the developer chooses to make these developments at least 3 bedrooms or more, which is what we feel is most desired. We do understand that there must be a "For Profit" side to this project to make it viable. However, we are hoping the majority of the properties will be resident restricted whether they are sold at market rate or not.

Any additional homes that can be added to the WHA purchase list are gladly welcomed. Any employee restricted-market rate homes are also happily welcomed. If there has to be some open market homes available as well, so be it.

Kindly,

Patricia Moore & Christopher Sager  
2206-7531 Seppos Way  
Whistler, BC, V8E1L6

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
- 5) Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighboring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
- 6) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

[Redacted Signature]

Name Ricabo Reeves

Address 2765 Cheakamus Way, Whistler BC, V8E 0A8



March 9, 2021

Dear Mayor and Council.

Re: Hillman Property Development; RZ1157 5298 Alta Lake Road Rezoning Application.

It has come to my attention that Council has not been presented the *pro forma* for the development at 5298 Alta Lake Road. I am perplexed that council could make a decision on whether to approve the rezoning to increase density (by 41%) under the Guidelines for Private Sector Employee Housing initiative without this information and then confirming if “we the taxpayers of Whistler” are getting enough for this re-zoning. I have prepared a *pro forma* taking into account the likely revenues and expenses using the best information available and in discussions with other developers in Whistler.

It is my understanding that Whistler is getting the following for this re-zoning.

1. 22 Luxury TA2 Market Homes 2050 square feet
2. 9 Livable three bedroom Employees homes at 1500 square feet
3. 12 two bedroom units at 650 square feet.

I completely agree that Whistler is in need of Employee housing for families. It appears that the number of family size units has been decreased from the original proposal submitted to provide more overall units. So really Whistler is only getting 9 EH family units and 12 EH units for a single or couple in exchange for allowing a rezoning of a 10-acre sensitive site to provide substantial market housing which will generate a developer's potential profits of almost 30 Million Dollars?

I am also concerned about the traffic on Nita Lake Drive and the additional parking that is required for the current development. It is clear that the parking that was designed for the Residences at Nita Lake should have been designed far better. Many owners use their garages for storage. It is lacking adequate onsite parking and guest parking and the road itself has many issues that are not to current standards. The geometric design of the narrow road with the blind corners is dangerous all times of the year with cars parked on the road but in particular the winter season with snow piled on both sides of the road, making it a one way street. There have been many letters written from owners of both the Residences of Nita Lake, the Nita Lake Estates and a joint letter from the presidents of both stratas. The developer has not fully addressed any of these concerns and continues to make the same mistakes with the proposed development.

Tyrol Lodge has once again thrown its hat into the ring to get road access to and from their property. From a meeting last fall with the Tyrol Lodge, president, it was made clear that they want to develop their property further and increase their membership but cannot do so until they have winter access to the property. In exchange for developing parcels of their land, the Tyrol Lodge is now dangling the carrot of employee housing and extension of the Valley Trail. This is a concern for the overall strategy for the west side of Nita Lake. Council needs to have and communicate a clear vision for the future of for Nita Lake. The question is what kind of development is needed and should be allowed in compliance with the OCP, not just on the Hillman Site, but also the neighboring properties which includes the Tyrol Lodge and the properties owned by the Stonebridge group. The Stonebridge group will certainly be coming to Council for a rezoning of their remaining lot east of Alta Lake Road which, given its size will mean substantial new building on the west side of Nita Lake. When considering




the rezoning proposal, a bigger vision is needed rather than just the current proposal in isolation. The cumulative effect of these decisions may have unintended consequences and be against the OCP.

Although it is not known if Tyrol Lodge will be given access through the Hillman property and what the possible increase in development could be, any further increase in traffic along Nita Lake Drive would not be appropriate and certainly was never anticipated. This also includes the unanticipated car traffic to any new park. Parking for the park has not been provided. There have been many issues with parking and traffic in other residential neighbourhoods as visitors try to access recreational areas. The OCP states at 4.1.6.4 (d) all proposed developments and changes in land use must be evaluated to the satisfaction of the municipality to assess impacts on traffic congestion and safety, including traffic volumes and patterns on Highway 99 and the local road system. My suggestion is to require the developer to put a new access road off Alta Lake road through the original easement for vehicle access to the Hillman property from Alta Lake Road which is still in place. This would solve many of the issues that currently exist and will only magnify once the project is completed. It would also be a logical entrance for the park and parking required. As a bonus to Whistler, it would provide year-round FIRE protection to the lodge and interfacing forests that currently does not exist today. Tyrol Lodge has already stated in Letters to Council, that in exchange for road access, they would provide land for the extension of the Valley Trail at the north end of the Hillman property. Approving the finalization of the original access would be a huge benefit to the neighbourhoods on either side of this development as well as all residents of Whistler. The new proposed employee housing units will benefit the most, along with the Residences at Nita Lake as they will not have the increased traffic in front of their buildings with safety concerns for the children. By having the traffic come from Alta Lake Road, there would be only the local traffic generated from the employee houses using that road and allow them to have an unaffected area. This will also result in less tension between the employee housing and residential/market component.

The costs of the road have been estimated at less than \$400K so approximately 1% of the developer's profits. Although, the current road and easement has been considered in costing, it would be possible to relocate the road to the west edge of the property to keep the park intact. This route was suggested to the Tyrol Lodge by Duane Jackson. The location of the entire road would be in the easement with the exception of a switch back. The road access would not impact this property given its location and would be an asset for the current owner of the property. This seems like a clear and obvious solution.

Attached is a *pro forma* for the development and the new road construction quote with a copy of the current easements. This road will require one switch back to deal with 50 meters of an 8% grade that was included in the price.

Regards,

  
Paul Wood ✓  
5164 Nita Lake Drive  
Whistler BC



**NITA LAKE TOWNHOMES**

Site Type		
Whistler		430,000 sq.ft.
Total		430,000 sq.ft.

Address	Lot Size	Lot Area	Buildable Area	\$/sq.ft.	Land Cost
Whistler	VARIES	430,000	66,757.50	\$ 149.80	\$ 10,000,000.00
Total		430,000	66,757.50	\$ 149.80	\$ 10,000,000.00

Buildable floor area		F.A.R.	Area
Market Residential		0.11	45,150.00 sq.ft.
Employee Housing		0.03	13,545.00
Employee Housing #2		0.02	8,062.50
Total Buildable		0.16	66,757.50 sq.ft.

Project sellable		Efficiency	Total
Residential		100%	45,150.00 sq.ft.
Employee Housing		100%	13,545.00
Employee Housing #2		100%	8,062.50
Total Sellable Area			66,757.50 sq.ft.

Project Cost		Per Sq.Ft.	Total
Land cost		\$ 149.80	\$10,000,000.00
Construction cost		\$ 400.00	\$26,703,000.00
Amenity * Costs provided by C.Lamont letter to RMOW Hillman/Bridge/Park/Trail			\$1,300,000.00
Soft cost		\$ 75.00	\$5,006,812.50
Total			\$43,009,812.50

Project revenue		Per Sq.Ft.	Total
Residential		\$ 1,350.00	\$60,952,500.00
Commercial		\$ 475.00	\$6,433,875.00
Office		\$ 475.00	\$3,829,687.50
Total			\$71,216,062.50

Projected Profit	\$ 422.52	66%	\$28,206,250.00
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Financing		\$ -
-----------	--	------

Equity		\$ -
--------	--	------

Investor Split		\$ -
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ROI		#DIV/0!
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\*The foregoing calculation is an approximation based on publicly available information.

Actual costs and profits may vary according to changes which occur in the assumptions on which it is based



Land Title Act  
Form C  
(Section 219.81)  
Province of  
British Columbia

96 APR -1 09 57

BK092869

LAND TITLE OFFICE  
NEW WESTMINSTER  
B.C.

## GENERAL INSTRUMENT - PART 1 (This area for Land Title Office use)

PAGE 1 of 11 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

CURVEY DEPT  
HILLMAN

Signature of Applicant

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID)

(LEGAL DESCRIPTION)

04/01/96 D35714 CHARGE 50.00

002-508-265

District Lot 2246, Group 1, New Westminster District Except those  
portions in Reference Plans 2643 and 7466 and Plans 5509, 19495,  
20622, 21560 and LMP17409 and Highway Plan 141.

3. NATURE OF INTEREST:\*

DESCRIPTION

DOCUMENT REFERENCE  
(page and paragraph)

PERSON ENTITLED TO INTEREST

Easement over part  
of District Lot 2246  
shown in  
heavy black outline  
on Reference  
Plan LMP 27766

Entire Instrument

Transferee, as registered  
owner of Lot B (Reference  
Plan 2643), District Lot 2246,  
Group 1, New Westminster  
District

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms  
(b) Express Charge Terms  
(c) Release

| | D.F. Number:  
| X | Annexed as Part 2  
| | There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected,  
the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):\*

BCR PROPERTIES LTD. (Incorporation No. 278246) ✓

6. TRANSFeree(S): (Including postal address(es) and postal code(s))\*

CHARLES HILLMAN,



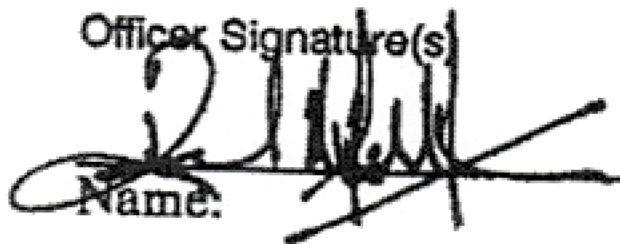
## GENERAL INSTRUMENT

PAGE 2 of 11 pages

7. ADDITIONAL OR MODIFIED TERMS:  
N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

  
Name:RICHARD MYHILL-JONES, Commissioner  
for taking Affidavits for British Columbia  
#506 - 221 West Havelock  
North Vancouver, B.C. V7M 3J3

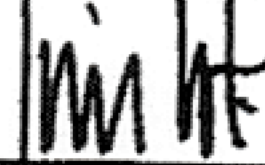
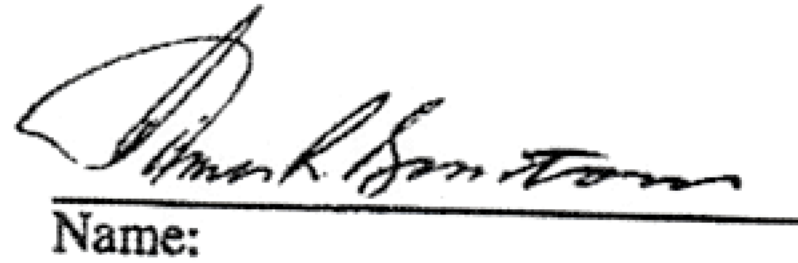
Execution Date

Y	M	D
96	03	13
96	2	24

Party(ies) Signature(s)

BCR PROPERTIES LTD.  
by its authorized signatory:

Name:

  
Jim Cox  
Name:NO ADVICE REQUESTED, NOR GIVEN  
ATTESTED TO ONLY, BUT NOT DRAWN  
BY JAMES R. BUNTAIN NOTARY PUBLIC  
2599 GRANVILLE ST.  
VANCOUVER, B.C. V6H 3G7  
(604) 734-7722

4-4268 DAN BART. VAN. B.C.

Name: CHARLES HILLMAN

## OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c.116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

\* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

Page 3 of 11 pages

**TERMS OF INSTRUMENT - PART 2**

**ACCESS EASEMENT AGREEMENT**

THIS AGREEMENT is dated for reference January 15, 1996,

BETWEEN:

**BCR PROPERTIES LTD.**, (Incorporation No. 278246), a  
company incorporated under the laws of British Columbia  
and having an office at #506 - 221 West Esplanade, North  
Vancouver, British Columbia, V7M 3J3,

(the "Grantor")

AND:

**CHARLES HILLMAN** of [REDACTED]  
[REDACTED]

(the "Grantee")

WHEREAS:

A. The Grantor is the registered owner of those lands and premises legally  
described as:

Parcel Identifier: 002-508-265

District Lot 2246

Group 1

New Westminster District

Except those portions in Reference Plans 2643 and 7466 and  
Plans 5509, 19495, 20622, 21560 and LMP17409 and Highway  
Plan 141.

(the "Servient Tenement");





B. The Grantee is the registered owner of those lands and premises legally described as:

Parcel Identifier: 015-912-281  
Lot B (Reference Plan 2643)  
District Lot 2246  
Group 1  
New Westminster District

(the "Dominant Tenement");

C. The Grantee requires an easement over a portion of the Servient Tenement for access purposes to and from the Dominant Tenement; and

D. For the purposes of providing the aforementioned required access, the Grantor has agreed to grant to the Grantee an easement for the benefit of the Dominant Tenement over that portion of the Servient Tenement shown outlined in heavy black line (the "Easement Area") on the reference plan (the "Plan") prepared by Brian Brown, B.C.L.S., and dated the 6th day of July, 1995 (a photo-reduced copy of which is attached hereto as Schedule "A"), on the terms and subject to the conditions contained herein.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and the mutual grants and covenants herein contained and the sum of Ten Dollars (\$10.00) and other valuable consideration now paid by each of the parties to the other (the receipt and sufficiency of which is hereby acknowledged), the parties hereto covenant and agree as follows:

1. The Grantor, as owner of the Servient Tenement, hereby grants and conveys in perpetuity unto the Grantee, as owner of the Dominant Tenement, and as an appurtenance to the Dominant Tenement, for the use and enjoyment of the Grantee and his employees, servants, agents, contractors, subcontractors, suppliers, licensees, invitees, customers, tenants, subtenants, assignees and successors, in common with the Grantor and all persons permitted by the Grantor from time to time, the full, free and uninterrupted right, liberty, easement, privilege and permission at all times and from time to time:

- (a) to enter upon, return, pass and repass by day and by night, on foot or by or with bicycles, vehicles, equipment, machinery or other moveable property of any description, motorized or otherwise, with or without animals, or otherwise over the Easement Area for the purpose of access to and from the Dominant Tenement;



Page 5 of 11 pages

- (b) to enter upon the Easement Area on foot or with or without vehicles, equipment, machinery and materials at such times and for such periods as may be reasonably required by the Grantee to construct, inspect, operate, maintain, clean and repair the Roadway (as defined in paragraph 2 hereof) and to excavate below grade and remove and add fill and material, all for the above purposes; and
- (c) generally to do all acts necessary or incidental to any of the purposes set forth above;

subject only to the provisos, terms and conditions herein contained.

2. It is acknowledged by the parties that the Grantee has constructed, at his sole cost and expense, a roadway within the Easement Area to access the Dominant Tenement (the "Roadway"). If the Grantee does any further work on the Roadway, the Grantee covenants and agrees to comply with all applicable municipal laws and regulations relating thereto. Moreover, the Grantee covenants and agrees to hereafter carry out normal and usual maintenance and repair of the Roadway so as to facilitate the intended use of the Easement Area for the purposes herein contained. The Grantee shall only effect such maintenance and repair at times reasonably agreed to by the Grantor, except in the case of emergency.

3. The Grantor covenants and agrees with the Grantee that:

- (a) except as herein expressly provided, the Grantor shall not erect, construct or place or permit to be erected, constructed or placed on the Easement Area any improvements which in the reasonable opinion of the Grantee might interfere with, injure or impair the Grantee's use of the Easement Area for the purposes herein contemplated;
- (b) the Grantee may clear the Easement Area and keep it clear of anything which in the reasonable opinion of the Grantee constitutes a danger or obstruction to the use of the Easement Area by the Grantee as herein contemplated; and
- (c) from time to time and at all times upon every reasonable request and at the sole cost and expense of the Grantee, the Grantor will do and execute or cause to be made, done or executed all such further and other lawful acts, deeds, things, devices, conveyances and assurances in law whatsoever for the better assuring unto the Grantee of the rights, liberties and easement hereby granted.



4. The Grantee covenants and agrees with the Grantor that:
- (a) except as herein expressly provided, the Grantee will not obstruct access to or the Grantor's use of the Easement Area;
  - (b) if and when the Grantee does further work on the Roadway, effects repairs or maintenance thereof, or does any other work on the Servient Tenement pursuant to this Agreement, the Grantee shall do so in a good and workmanlike manner, use all reasonable care not to damage the Servient Tenement and, in the event of such damage, forthwith repair the Servient Tenement to its predamaged state;
  - (c) in effecting any construction, repair, maintenance or other work on the Servient Tenement and in using the Easement Area for access or for any other purpose set forth herein, the Grantee shall take and exercise all reasonable steps not to disturb the safety, peace and enjoyment of the Servient Tenement by the Grantor;
  - (d) the Grantor may, from time to time, on reasonable prior written notice to the Grantee, temporarily interrupt the Grantee's use of the Easement Area if the Grantor requires access to the Easement Area for any lawful purpose including without limitation, soil and groundwater remediation and testing, provided that the Grantor takes all reasonable steps to minimize the duration of any such interruption and restores any damage done by it to the Roadway;
  - (e) the Grantee shall in using the Easement Area pursuant to this Agreement, comply with all applicable environmental laws and shall not discharge or use any contaminants on the Easement Area except if approved by the Grantor in writing, which approval shall be in the Grantor's sole discretion; and
  - (f) notwithstanding any of the provisions of this Agreement, the Grantee's use of the Easement Area is subject to, and shall not interfere with, endanger, impair or disturb the exercise of the rights and privileges granted to British Columbia Hydro and Power Authority pursuant to Right of Way Nos. 364958M and 73691M. Moreover, it is understood and agreed by the Grantee that if British Columbia Hydro and Power Authority requires the Easement Area to be relocated, then the Grantee shall co-operate fully in respect of such relocation and any such relocation shall be at the sole cost and expense of the Grantee.



5. The Grantee shall not be liable for the environmental condition of the soils or groundwater in, on and under the Easement Area except to the extent of any contamination thereof caused by the activities of the Grantee, his agents, contractors, subcontractors, suppliers, licensees, invitees, customers, tenants and subtenants, whether on the Easement Area, the Dominant Tenement or elsewhere.
6. In the event that either party (the "Defaulting Owner") does not fulfil any of its obligations hereunder or is in breach of any of its covenants herein, the other party (the "Non-Defaulting Owner"), shall have the right, but shall not be obligated, to perform such obligations and covenants in the place of the Defaulting Owner and make reasonable and necessary expenditures therefor, and the Defaulting Owner hereby indemnifies the Non-Defaulting Owner for the costs so incurred. Prior to exercising such rights, the Non-Defaulting Owner shall give not less than 10 days' prior written notice to the Defaulting Owner, except in the case of emergency, where the Non-Defaulting Owner shall only be required to give such notice as is reasonable in the circumstances having regard to the nature of the emergency.
7. The Grantee hereby indemnifies and saves harmless the Grantor from and against any and all claims, actions, losses, damages, liabilities, costs and expenses howsoever arising out of the use by the Grantee of the Easement Area or as a result of the performance or non-performance by the Grantee of his obligations and covenants under this Agreement or as a result of any work performed by or on behalf of the Grantee in the exercise of any of his rights under this Agreement or as a result of any act or omission of the Grantee, his agents, customers, contractors, subcontractors, invitees, licensees, tenants, sublessees, assignees and successors, save and except to the extent caused by negligence or default of the Grantor.
8. The Grantee shall acquire and maintain at all times comprehensive general liability insurance for bodily injury or death and damage to property resulting in whole or in part from the exercise of the easement herein granted or the existence of the Roadway. Such insurance shall be issued by one or more insurance companies registered and licensed to carry on business in the Province of British Columbia and shall be in an amount no less than Five Million Dollars (\$5,000,000) per occurrence or such higher minimum limit as the Grantor may require from time to time provided such higher limit is consistent with industry standards for similar properties and risks. The insurance policy shall name the Grantor as an additional named insured and shall contain a cross-liability and severability of interest clause. The policy shall also provide that it shall not be terminated, cancelled or materially altered unless written notice of such termination, cancellation or material alteration is given by the insurers to the Grantor not less than thirty (30) days before the effective date of same. The Grantee shall, upon request by the Grantor, deliver to the Grantor evidence satisfactory to the Grantor that the Grantee has acquired the insurance coverage required pursuant to this paragraph 8.



Page 8 of 11 pages

9. The parties agree that a condition of the sale of the Servient Tenement or the Dominant Tenement, as the case may be from time to time, shall be that the purchaser or purchasers thereof shall covenant in writing to be bound by and to observe and perform each and every term, covenant and condition of this Agreement applicable to the Grantor or the Grantee, as the case may be.

10. Subject to paragraph 9 hereof, no party hereto nor its successors and assigns shall be liable for any breach of a covenant or agreement contained herein occurring after it has ceased to be the owner of the Servient Tenement or the Dominant Tenement, as the case may be.

11. The parties agree that on subdivision of the Servient Tenement from time to time, the easement herein granted and this Agreement shall be a charge only against any lot or lots created thereby which contain any portion of the Easement Area and shall be discharged against any lot or lots created thereby which do not contain any portion of the Easement Area.

12. The right, liberty and easement herein granted by the Grantor to the Grantee shall be construed as being extended to and may be exercised by the Grantee, and its successors and assigns.

13. The easement herein granted shall be construed as running with the lands but no part of the fee simple thereof shall pass to or be vested in the Grantee under or by these presents.

14. Wherever the singular or masculine is used in this Agreement, they shall be construed as being the plural or feminine or body corporate and vice versa, where the context or the parties hereto so require.

15. If any provision of this Agreement is held invalid or unenforceable by a decision of a Court of competent jurisdiction, such portion shall be severed from this Agreement and the remainder of the Agreement shall remain in full force and effect.

16. Wherever it is required or desired that any party shall deliver or serve a notice on any of the other parties, the notice shall be given or made in writing and delivery or service shall be deemed to be satisfactory if, and deemed to have occurred when:

- (a) that party has been served personally, on the date of service; or



- (b) mailed by prepaid registered mail on the date received or on the third business day following posting at any Canada Post office, whichever is the earlier, (except that, in the event of interruption of mail service, notice shall be deemed to be delivered only when actually received by the party to whom it is addressed), so long as the notice is mailed to the Grantor or the Grantee at the most recent address shown on title to the Servient Tenement or the Dominant Tenement in the records of the Land Title Office for that party.

17. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, as the case may be.

18. This Agreement shall be governed by and construed in accordance with the laws in force from time to time in the Province of British Columbia.

19. Notwithstanding anything herein contained, the Grantor may, at any time, relocate the Easement Area within the Servient Tenement provided that the new location of the Easement Area provides the Grantee with a practical and buildable access route which either:

- (a) connects to the adjacent lot legally described as Lot C (Reference Plan 7466), District Lot 2246, Group 1, New Westminster District at the same location as is set forth on the plan attached hereto as Schedule "A"; or
- (b) directly connects to the Dominant Tenement.

In the event of such relocation of the Easement Area, the Grantor shall at the Grantor's cost have prepared a survey showing the new location of the Easement Area and an amendment agreement amending this Easement Agreement. Provided the Grantor complies with the above, the Grantee shall promptly execute such amendment agreement in registrable form. If the Grantee fails to promptly execute such amendment agreement, the easement herein contained shall terminate at the option of the Grantor.

20. The Grantee acknowledges and agrees that the easement herein granted shall automatically terminate and be of no further force and effect forthwith upon the Grantor dedicating a portion of the Servient Tenement as "road", provided such dedicated portion gives to the Grantor access to the Dominant Tenement as herein contemplated. In this event, the Grantee covenants and agrees to promptly execute a



Page 10 of 11 pages

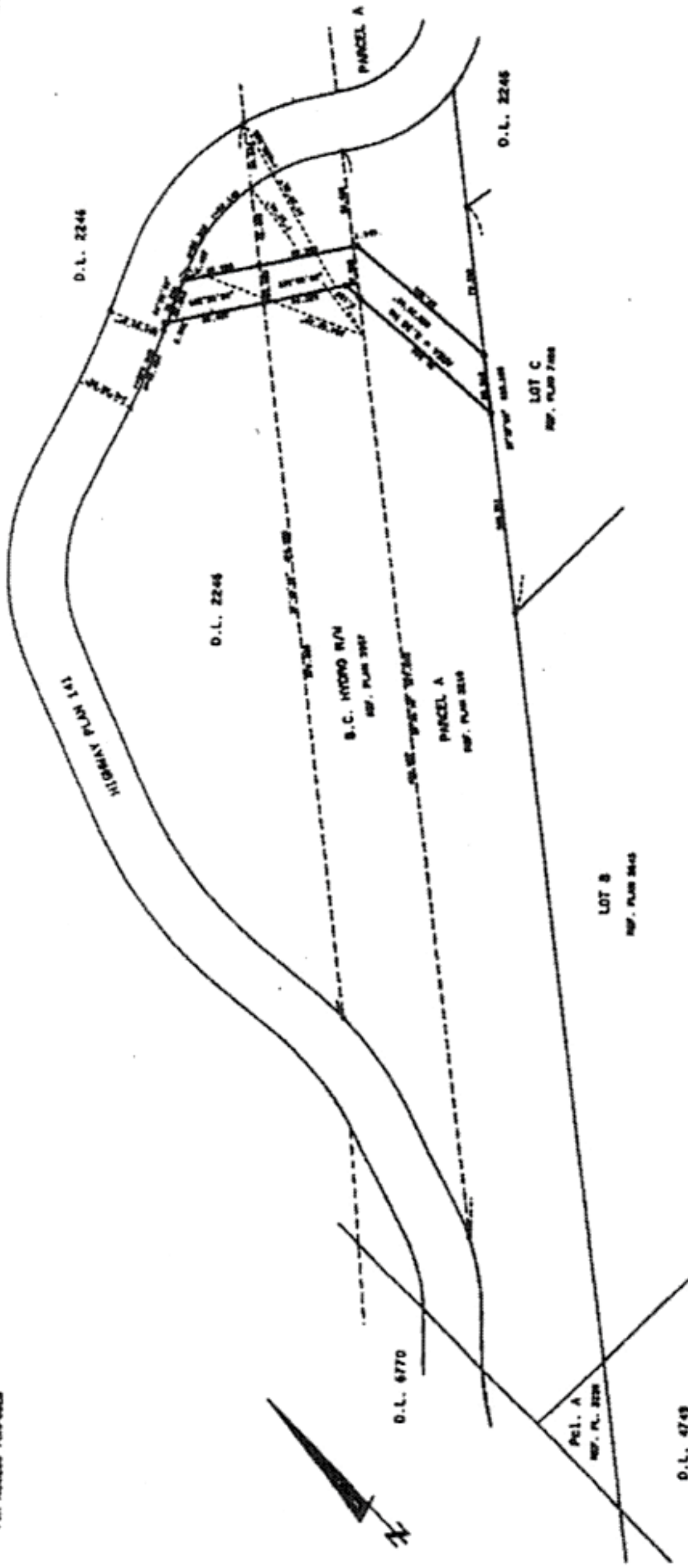
discharge and release of this Easement Agreement from the title to the Servient Tenement. It is understood and agreed that the liabilities of the Grantee hereunder shall survive any such termination of the easement herein contained.

IN WITNESS WHEREOF the parties hereto have executed this Agreement in Item 8 of Part 1 of this Instrument.

SCHEDULE "A"  
 Page 11 of 11 pages

REFERENCE PLAN OF EASEMENT OVER PART OF D.L. 2246 EXCEPT THOSE PORTIONS IN REFERENCE PLANS 2643 AND 7466 AND PLANS 5509, 19495, 20622, 21560 AND LMP17409, GROUP 1, N.V.D.

D.C.S. 927 915  
 SCALE 1" = 1250'  
 THIS PLAN LIES WITHIN THE SHADERSHILL RESIDENTIAL DISTRICT FOR ACCESS PURPOSES



END OF DOCUMENT

PLAN LUP  
 SUBMITTED TO THE LAND TITLE  
 OFFICE AT NEW HARTFORD, S.C.  
 THIS DAY OF  
 1996

LEGEND  
 Symbols are as follows and are  
 defined in the legend plan 141:  
 \* Standard Land Plan Filed  
 \* Standard Easement Plan Filed  
 \* Standard Easement Plan Filed  
 \* Standard Easement Plan Filed  
 All distances are in meters

I, BRUCE S. BROWN, A REGISTERED LAND  
 SURVEYOR, OF THE STATE OF SOUTH CAROLINA,  
 DO HEREBY CERTIFY THAT I AM THE  
 REGISTERED LAND SURVEYOR FOR THE  
 PLAN AND THAT THE SURVEY AND PLAN AND CORRECT  
 THE SURVEY WAS COMPLETED ON THE 10th DAY OF  
 JULY, 1996.

*[Signature]*  
 B.S.B.

A. S. Brown Land Surveying Ltd.  
 Professional Land Surveyors  
 1111 New St., Charleston, S.C.  
 Tel: 803-799-1000 Fax: 803-799-1001



**LAND TITLE ACT**  
**FORM C**  
(Section 219.81)

95 DEC -7 10 16

BJ376583

Province of  
British Columbia

LAND TITLE OFFICE  
NEW WESTMINSTER  
VANCOUVER

**GENERAL INSTRUMENT - PART 1**

(This area for Land Title Office use)

PAGE 1 of 5 PAGES

1. APPLICATION (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Farris, Vaughan, Wills & Murphy  
Barristers and Solicitors  
P.O. Box 10026, Pacific Centre  
26th Floor, 700 West Georgia Street  
Vancouver, B.C. V7Y 1B3  
Telephone No. (604) 684-9151  
Attention: R. Christopher Boulton  
Client No. 010436 File No. 13910-1

(Signature of Applicant, applicant's solicitor or agent)

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID)

(LEGAL DESCRIPTION)

12/07/95 H1219d CHARGE 50.00

015-912-311

Lot C (Reference Plan 7466)  
District Lot 2246, Group 1,  
New Westminster District

3. NATURE OF INTEREST:\*

DESCRIPTION

DOCUMENT REFERENCE  
(page and paragraph)

PERSON ENTITLED TO INTEREST

Easement shown on  
Plan LMP 26405

Page 3, paragraph 1

Registered owner of Lot B (Reference  
Plan 2643) District Lot 2246 Group 1  
New Westminster District

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms  
(b) Express Charge Terms  
(c) Release

☒

D.F. No.

Annexed as Part 2

There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):\*

TYROL SKI AND MOUNTAIN CLUB (Incorporation No. S4217), as to an undivided 3/5 interest, #8 - 225 West 14th Avenue, North Vancouver, British Columbia, V7M 1P4 and SLEIPNER LODGE NO. 8, SONS OF NORWAY (Incorporation No. S4937), as to an undivided 2/5 interest, 6540 Thomas Street, Burnaby, British Columbia, V5B 4P9

6. TRANSFEREE(S): (including postal address(es) and postal code(s))\*

CHARLES HILLMAN, [REDACTED]

7. ADDITIONAL OR MODIFIED TERMS:\*

N/A



**LAND TITLE ACT**  
**FORM C**  
(Section 219.81)

Province of  
British Columbia

**GENERAL INSTRUMENT - PART 1**

(This area for Land Title Office use)

PAGE 2 of 5 PAGES

8. EXECUTION(S):\*\*This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

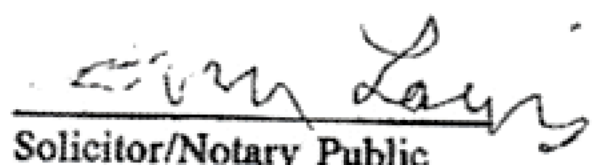
Officer Signature(s)

Execution Date

Y M D

Party(ies) Signature(s)

Solicitor/Notary Public

  
JIM R.V. LOUIS, LL.B.  
BARRISTER & SOLICITOR  
108 - 2182 W. 12th AVE.  
VANCOUVER, B.C. V6K 2N4


95 11 17

TYROL SKI AND MOUNTAIN CLUB  
(as to an undivided 3/5 interest)  
by its authorized signatory:

  
JIM BROWN

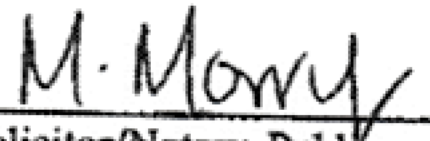
SLEIPNER LODGE NO. 8  
SONS OF NORWAY  
(as to an undivided 2/5 interest)  
by its authorized signatory:

95 11 24

  
ERIK BROCKMAN BROCHMANN

  
OWEN D. PAWSON  
BARRISTER & SOLICITOR  
ROBSON COURT  
1000 - 840 HOWE STREET  
VANCOUVER, B.C. V6Z 2M1  
(604) 687-2242

Solicitor/Notary Public  
as to the signature of  
Charles Hillman only

  
MARLA MORRY  
Barrister & Solicitor  
26th FLOOR  
700 WEST GEORGIA STREET  
VANCOUVER, B.C.  
V7Y 1B3

95 11 09

CHARLES HILLMAN

**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

- \* If space insufficient, enter "SEE SCHEDULE" attach schedule in Form E.  
\*\* If space insufficient, continue executions on additional page(s) in Form D.



Page 3 of 5 PAGES

## PART 2 - TERMS OF INSTRUMENT

## WHEREAS:

- A. The Transferors are the registered owners of the lands (the "Lands"), which are described in Form C forming the first pages of this instrument and which are located in the Resort Municipality of Whistler, in the Province of British Columbia;
- B. The Transferee is the registered owner of certain lands and premises situated adjacent to the Lands, which are described as follows:
- P.I.D.: 015-912-281  
Lot B (Reference Plan 2643)  
District Lot 2246  
Group 1, New Westminster District
- (the "Transferee's Lands")
- C. The Transferors have agreed to grant to the Transferee an easement in common, containing 547 m<sup>2</sup>, more or less (the "Easement Area"), on, over and upon that portion of the Lands shown outlined on the reference plan deposited in the Land Title Office under number MP26405, a reduced copy of which is attached hereto as Schedule A;
- D. The Transferee desires to obtain from the Transferors an easement over the Easement Area for the purposes of access to the Transferee's Lands, to be used and enjoyed as appurtenant to the Transferee's Lands and as part thereof.
1. THIS INSTRUMENT WITNESSES that in consideration of the sum of One Dollar (\$1.00) now paid by the Transferee to the Transferors, the receipt and sufficiency of which is hereby acknowledged, the Transferors do hereby grant unto the Transferee and his heirs, executors, administrators, successors and assigns, an easement and right-of-way in common with the Transferors, their successors and assigns for all usual purposes of ingress and egress, including motor vehicles, in, over and upon the Easement Area, to be used and enjoyed as appurtenant to the Transferee's Lands and as part thereof.
  2. The Transferee shall indemnify and save harmless the Transferors from and against any loss, damage or liability suffered by the Transferors as a result of the use of the Easement Area by the Transferee, its invitees, licensees, employees, agents or guests pursuant to this Easement.
  3. This Easement shall run with the Lands for the benefit of the Transferee, however no part of the Lands and/or the Easement Area shall pass to or be vested in the Transferee.



Page 4 of 5 PAGES

4. The Transferors, their invitees, licensees, employees, or agents may fully use and enjoy the Easement Area in common with the Transferee, its invitees, licensees, employees, or agents, subject only to the rights and restrictions herein provided.

5. The Transferee and the Transferors shall not permit their vehicles or other property nor those of their invitees, licensees, employees, or agents to remain stationary upon the Easement Area so as to hinder or disrupt the free access or egress over the Easement Areas by the other party or their invitees, licensees, employees, or agents.

# REFERENCE PLAN OF EASEMENT OVER PART OF LOT C, (REFERENCE PLAN 7466), D.L. 2246, Gp. 1, N.W.D.

PLAN LMP 26405

DEPOSITED IN THE LAND TITLE  
OFFICE AT NEW WESTMINSTER, B.C.  
THIS Day of , 1995.

REGISTRAR

B.C.G.S. 92J.016

SCALE 1 : 750



THIS PLAN LIES WITHIN THE SQUAMISH-LILLOOET REGIONAL DISTRICT

FOR ACCESS PURPOSES



END OF DOCUMENT

## SCHEDULE A

D.L. 2246

LOT C  
REFERENCE PLAN 7466  
D.L. 2246

B.C. RAIL

REF. PLAN 1405

AREA WITHIN  
LOT C = 547 m<sup>2</sup>

PARCEL A REFERENCE PLAN 2210

LOT B REF. PLAN 2643

## LEGEND

1. BRIAN O. BROWN, A BRITISH COLUMBIA LAND  
SURVEYOR, OF WHISTLER, IN BRITISH COLUMBIA,  
CERTIFY THAT I WAS PRESENT AT AND PERSONALLY  
SUPERINTENDED THE SURVEY REPRESENTED BY THIS  
PLAN AND THAT THE SURVEY AND PLAN ARE CORRECT.  
THE SURVEY WAS COMPLETED ON THE 29th DAY OF  
AUGUST, 1995.

Bearings are Astronomic and are  
derived from Ref. Plan 7466.

• Standard Iron Post Found  
• Standard Iron Post Placed

All Distances are in Metres

R. B. Brown Land Surveying Ltd.  
Professional Land Surveyors  
P.O. Box 13, Whistler, B.C.  
V0N 1B0 932-5426 Fax 938-1361

29/1/95

END

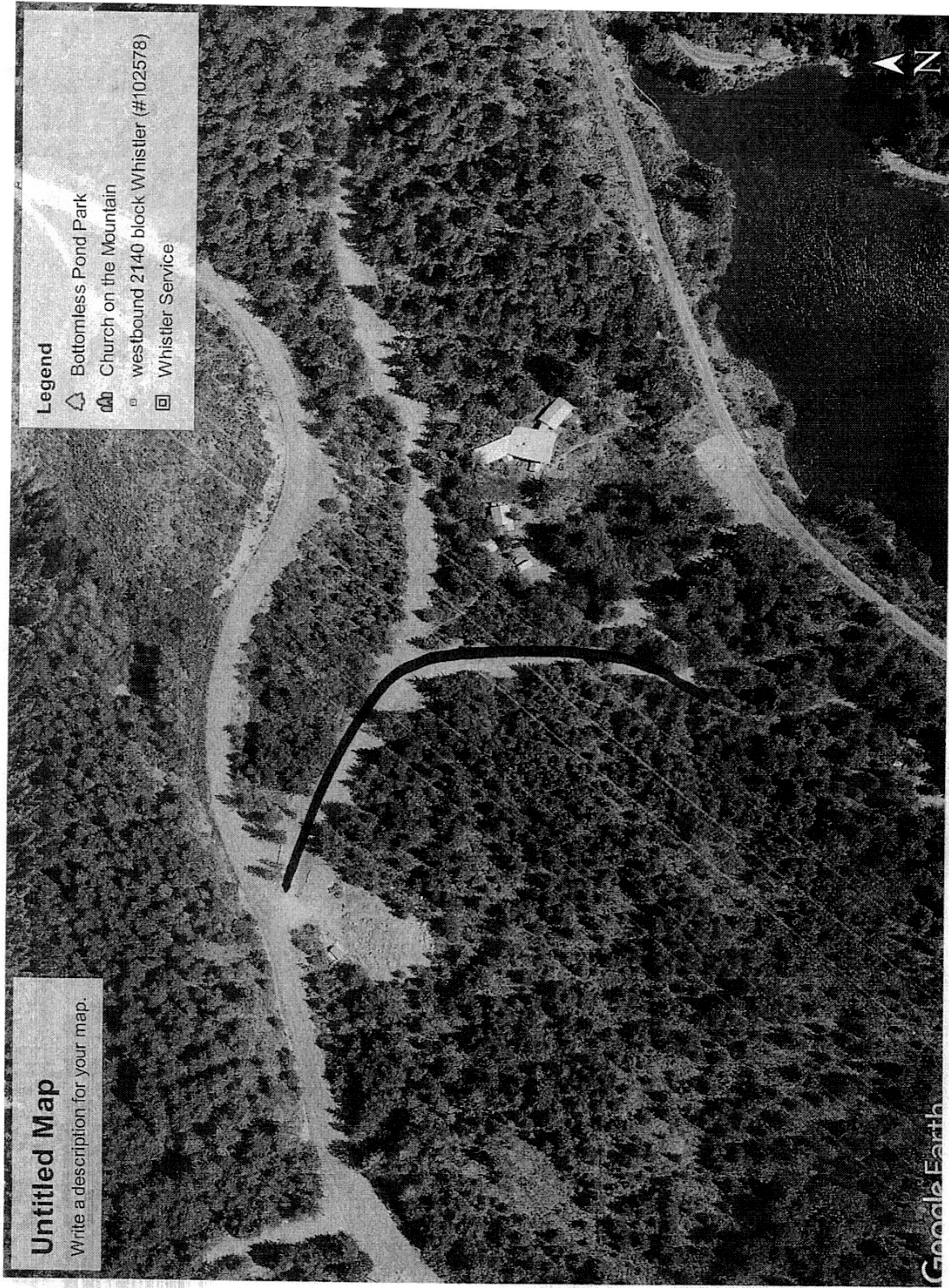


## Untitled Map

Write a description for your map.

### Legend

- Bottomless Pond Park
- Church on the Mountain
- westbound 2140 block Whistler (#102578)
- Whistler Service





## Marius Miklea

---

**From:** randy winchell [REDACTED]  
**Sent:** Monday, March 8, 2021 1:49 PM  
**To:** corporate  
**Subject:** Proposed Nita Lake Development

To Whom it may concern,

I have lived in Whistler for 15 years. I might add that I, like so many others had to move around several times due to lack of affordable housing.

I love the great outdoors, the proposal for the development on the West side of Nita Lake is so upsetting! Major Environmental concerns, lack of adequate affordable employee housing Once again...

I am against this proposal and vote NO!

Ms Randy Winchell  
205, 2400 Dave Murray Place  
Whistler, B.C.  
V8e0m3

[REDACTED]

Sent from my iPhone

**Marius Miklea**

---

**From:** Tony [REDACTED]  
**Sent:** Monday, March 8, 2021 11:28 AM  
**To:** corporate  
**Subject:** Official Community Plan Amendment bylaw no 2289, 2020 and Zoning Amendment No 2283 and 2020 ( 5298 Alta Lake Road)

Dear Mayor and Council

My name is Tony Peiffer, I live at 3005 Alpine Cres, Alta Vista, Whistler, V8E 0B8.

I have lived in this community full time for over 18 years. We have had the pleasure of raising our family ( 2 kids) and appreciate the diversity this community has offered. Over the years, housing prices have increased to a degree which in my view is unsustainable for entry level families or individuals wanting to settle in Whistler. I wanted to express my support for this project and the proposed bylaw amendments

I struggle to see how my kids or young professions will be able to afford Whistler without some level of subsidized housing. The model put forward in this proposal, in my view meets a balance between market housing, employee housing and also consideration for parks, recreation and the environment. The negative sentiment that I have read is particularly concerning to me as a full time resident.

I have witnessed my neighbourhood go from a community of full-time residents, to one where there is now a significant portion of 2nd home owners ( weekend warriors), absentee landlords with no community involvement, with a smaller portion of full-time residents. This is not the recipe for a strong engaged community.

I have known the individuals who are involved in this project and applaud their commitment to trying to make this community a more sustainable place. It troubles me to see the voice of a loud minority, that likely has a self interest and minimal understanding of the contribution these individuals have made to Whistler.

Again I support the proposed changes to these bylaws and the project in general.

I hope and trust Major and Council share my view in trying to make this place more affordable and sustainable for future generations.

Regards

Tony Peiffer



## Marius Miklea

---

**From:** Beau Jarvis [REDACTED]  
**Sent:** Tuesday, March 9, 2021 10:14 AM  
**To:** corporate  
**Cc:** Jack Crompton  
**Subject:** RZ001157 - Public Hearing For Zoning Amendment Bylaw (5298 Alta Lake Road)  
No.2283, 2020 & Official Community Plan Amendment Bylaw (5298 Alta Lake Road)  
No. 2289, 2020

Mayor and Council,

**I would like to convey my support for the subject proposal.**

My intention is to try and be present at this evening's Public Hearing however, in the event I am unable to make the time work, I want to ensure I make a submission regarding the subject.

I believe I can offer some unique perspective regarding this matter. I am a member of the real-estate development community including current Chair of the Urban Development Institute (UDI), and I am also one of approximately 5 people my age who was born and raised in Whistler. With this being said, I have seen a significant amount of change over my lifetime in my home town. In fact, my honest preference would be that if we had just stopped all growth at around 1990, that would have suited me just fine. The thing is, that is not rational nor is it fair to arbitrarily stop growth when you think the size and make up of community suits your personal needs or wants.

I have been watching the housing crisis grow not only in Whistler but throughout BC, and at the same time I have been following this project. I often find it fascinating how most residents in our communities will agree the housing situation is dire, but when it comes time to deliver more of it, we consistently oppose the change that new housing will bring.

The most fascinating thing for me to watch about this proposal is how public opposition is seemingly ignoring the as-of-right zoning for a hotel and cabins. The way I understand this situation is the existing zoning has Tourist Accommodation/Hotel as a permissible use, and as such the local government is obligated to receive and approve an application that is compliant with the existing zoning. When I say compliant, I mean an application that meets all required setbacks, height restrictions, parking standards, environmental standards, etc, etc.

The current zoning allows for a Boutique Hotel, cabins and employee housing limited to employees of the hotel. Moreover, I understand the current zoning subject to the above-mentioned requirements could have site coverage over 70%. The landowner could apply for a Development Permit Application tomorrow, and the RMOW would be required to process it. Furthermore, because it would not be a rezoning or OCP amendment, there would not be the same level of required public consultation, and there would not be a Public Hearing.

The subject application is a rezoning and thereby opens the door for robust public consultation and a public hearing. What's more, the RMOW has the ability to negotiate and extract amenities in return for approving the change in use. It appears the RMOW has done a good job on this front. When I look at the proposal in comparison to the existing zoning, you have an application with far less site coverage (48%), far more employee housing units (that are not specifically for hotel employees), a significant park dedication, heritage restoration, valley trail upgrades, etc.

Again, what is perhaps most dumbfounding about the public debate that has been going on for some time is that everyone seems to be ignoring the fact this property has existing land rights. You cannot simply ignore this. You can't say "Council should be getting more out of this development" You cannot say "the traffic will be way worse". You

cannot say “the lakefront will be ruined”. You cannot say “this will set a precedent”. You cannot say any of this because the landowner already has the right to develop this property in a way that negates any of these arguments.

So let's reflect on this for a moment – The landowner could walk in tomorrow and submit a DP Application and the RMOW should under normal circumstance, and as long as the application meets all of the zoning/building bylaw requirements, have little ability deny the DP Application. Lastly, after significant changes made by the applicant your staff are recommending that Council approve this application.

It's time to move this forward and get some housing built folks. As a longtime resident of Whistler, I would be disappointed if Council turned this application down and what we were left with is the existing zoning. Because this application is much better.

Thank you

## WESGROUP

**Beau Jarvis**  
**President**  
**Wesgroup Properties**  
Suite 910 – 1055 Dunsmuir Street  
Vancouver, BC V7X 1L3

T 604 648 1800  
F 604 632 1737

Visit us online at [wesgroup.ca](http://wesgroup.ca)

We support a greener future. Please print this email only if necessary.

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

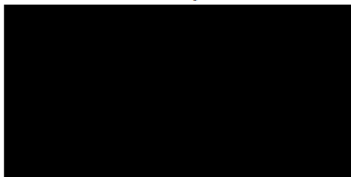
- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
- 5) Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighboring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
- 6) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,



Bianca Matheson  
5614 Alta Lake road  
Whistler BC V8E 0C3

## Marius Miklea

---

**From:** Barb Racey [REDACTED]  
**Sent:** Tuesday, March 9, 2021 9:00 AM  
**To:** corporate  
**Subject:** Nika lake development

**My personal view is that there are too many homes proposed on this sensitive Lakeside site.** I fully support the need for Employee Housing, BUT the development is far too large for the site and the expected clear cut will significantly impact the environment and beauty of Nita Lake. A smaller development (with a better balance between more Employee Homes and fewer Market Homes) will reduce the environmental impact, traffic concerns and would be a better outcome for our community.

~ barb racey  
4011 Brockton Cresc  
North Vancouver, BC V7G1E5  
[REDACTED]

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
- 5) Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighboring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
- 6) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Bart Ross

5614 Alta Lake Rd.

Whistler BC

## Marius Miklea

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**From:** Brandon Green [REDACTED]  
**Sent:** Tuesday, March 9, 2021 2:54 PM  
**To:** corporate  
**Subject:** Written Submission: Potential OCP and PSEH violations re. RZ1157

Brandon Stuart Green  
5205 Jordan Lane  
Whistler BC

Dear Mayor & Council,

I have already written to express my strong opposition to the proposed rezoning RZ1157, and I plan to speak and present additional objections at the Public Hearing on 9 March. As a courtesy to you and my fellow residents, however, I include this written submission laying out some of my specific objections rooted in the text of Whistler's Official Community Plan rather than reading it all out loud. I hope that every member of Council will read it and treat it with as much care and attention as you would if I read it out in full at the hearing. In addition, given the significance and lasting impact of this proposal, and its clear violation of the Vision for Whistler laid out in the OCP, I request that staff respond to each point as specifically as possible in their report to Council (and I thank them for their ongoing efforts).

I am not a planner, or a lawyer or even a politician; what I am is an academic in the humanities, which means I have a particular talent in reading and analyzing complex texts. Having now read the OCP cover-to-cover, I can only conclude that no reasonable person could possibly in good faith argue that the proposed development conforms to the vision of this document or its objectives for long-term planning. In addition, it not only fails to meet the specific mandatory requirements established for rezoning applications and OCP amendments like this that increase bed units, but it also clearly violates numerous specific OCP policies from elsewhere in the document.

The applicant has no doubt made the case that this rezoning should be approved because it contributes to Whistler's stock of bed units for employees, and indeed this is a prominent and persistent priority in the OCP. However, the OCP is also explicit that Whistler should not and cannot pursue any employee housing at any cost, both by establishing specific minimum standards for employee housing and by mandating that such projects should not violate other priorities and policies of the OCP. A strong case could be made that this development is far from ideal as a site for employee housing (distant from jobs and public transit, car-dependent and not easily accessible by bicycle or foot), but I will leave that for others to argue. I will point out, however, that a number of the amenities offered by the applicant in exchange for density (the extension of the valley trail, the proposed park amenity) are not merely for the benefit of the community: they also go contribute to making this site more acceptable as a neighbourhood and thus are cynically linked with promoting this profit-generating proposal. It is unlikely that this site would be identified by the RMOW for this purpose were it not at the initiative of the developer (in addition, as I highlight below, the extension of the Valley Trail and the bridge over Gebhart Creek are not new amenities that can be exchanged for density, but existing obligations under the existing covenant.)

The OCP in fact anticipates that its competing priorities will occasionally come into conflict, and it sets out clear guidelines for navigating these situations. Specifically, decisions should favour long-term goals over short-term gains, and when making any concessions or "trade-offs" these should be flexible and never permanent:

“Trade-offs occur when a step toward one aspect of the vision means a lack of progress toward, or even a step away from, another aspect or aspects. Therefore, trade-offs should be short-term and the initiatives that cause them should be flexible steppingstones, not locking us to them over the long-term. Trade-offs should also be evaluated carefully to ensure that critical aspects of the vision are not compromised.” (OCP 2-2)

Furthermore, additional precautions are mandated when dealing with questions related to the environment; “To promote long-term ecosystem integrity and human health, land use decision-making shall apply the Precautionary Principle.” (OCP 7.1.1.11. This is defined as “The avoidance of environmental risk in the face of uncertainty. Where there are threats of serious or irreversible damage, **the burden of proof that it is not harmful falls on those proposing to take the action in question.**” (OCP 14-6, emphasis added) All of this is underscored by the OCP’s principal function to make Whistler “successful and sustainable in the long-term.” (OCP 2-1, cf. OCP 1-1)

Thus, while the present proposal may go some way to addressing priorities set in OCP Chapter 5 with regard to employee housing, it does so at the expense of other goals and objectives established in nearly every other chapter of our governing document. In this case, given the irreversible and long-term impacts to Nita Lake, the environment, and Whistler’s mountain character, Council must prioritize long-term sustainability over short-term gains to housing stock and is bound by the OCP to reject this proposal.

For ease of reference I group the various aspects of the OCP that this proposal violates according to the specific sections of OCP 4.1.6 (criteria for proposed land uses and developments). For the sake of the reader and municipal staff I quote extensively from the original text.

**4.1.6.3(b): Proposal “is supported by the community, in the opinion of Council”**

This provision is deliberately worded to give Council some flexibility; however, given that the overwhelming majority of correspondence received regarding this proposal has been in opposition (with hardly any correspondence in support), it would be outrageous and clearly in bad faith for Council to maintain the opinion that this proposal has the support of the community. In addition, given the impact of the global pandemic on the many seasonal and part-time members of our community, it is likely that the correspondence received is if anything already biased in favour of full-time residents, some of whom are eligible for WHA housing and perhaps likely to be in favour of this proposal. This project clearly lacks the support of the community, and as such cannot be allowed to move forward without violating the OCP.

**4.1.6.3(c): Proposal “will not cause unacceptable impacts on the community, resort or environment and”**  
**4.1.6.3(d): “meets all applicable policies set out in the OCP”**

This proposal will drastically and irreversibly transform the character and appearance of Nita Lake. It disrupts and destroys the appearance of the lake and the important views from the existing Valley Trail. It will have a negative and permanent impact on the lives of residents and the experience of visitors. It represents an unacceptable and unsustainable increase in traffic congestion and impacts road safety on both local roads and Highway 99. It is in direct opposition to numerous aspects of the OCP Vision, including “recognizing our limits to growth” and “proactively preserving sensitive areas” (OCP 4-1); the affirmation of “the municipality’s natural setting as being critical to community well-being and the visitor experience” (OCP 1-13); that “economic activity depends on and respects the natural environment” (OCP 2-4); and above all Whistler’s commitment to “understand, respect and steward natural areas as the foundation of our community, our tourism-based economy and overall human health.” (OCP 2-3) The proposed clearcutting of the lakeside runs directly counter to the municipal vision that our “neighbourhoods have a harmonious relationship with the natural landscape, which remains predominant” (OCP 5-1), and in allowing this site to be disturbed you would be abandoning the OCP’s hope that “by design, we can be guardians of the mountain culture and character that has emerged from the uniqueness of the people and place that make up Whistler” (OCP 2-1)

More specific violations that violate 4.1.6.3(d) are set out below.

**4.1.6.4(d) “All proposed developments and changes in land use must be evaluated to the satisfaction of the municipality to assess impacts on:**

**4.1.6.4(d)(i) “balanced resort and community capacity”**

The consistent logic of the OCP is clear: Whistler has reached its capacity for visitor accommodation. This is also the position of the Squamish-Lillooet Regional District’s Regional Growth Strategy. No expansion of bed units is anticipated by the OCP, with the exception of 1000 for Employee Housing. The present proposal represents an increase of 44 employee-restricted bed units and 24 Market Accommodation bed units. The latter are only allowed because of OCP 4.1.2.9, which allows schemes by which some of the 1000 bed units may be offered to developers as an enticement to build employee housing. As Mayor Crompton and municipal staff have conceded in public, however, every bed unit for visitor accommodation offered up to developers is one fewer bed unit that will go to a qualified Whistler employee. If the proposed ration (1.833:1) was granted to other developers (and there is every reason to think this will be precedent-setting) then of the 500 bed units allowed under the PSEH, 176 bed units that should be going to employees will instead be sold for profit and be used for market/tourist accommodation.

The OCP is also clear that all forms of land use are interconnected; increasing visitor accommodation actually puts additional pressures on the employee housing situation. New opportunities for nightly rentals are particularly frowned upon. In all cases, development patterns must be consistent with sustaining Whistler’s character, environment and “sense of place.” New market bed units actually increases the crisis of employee housing, as these new visitors require additional employees who need to be housed. So, even if this proposal builds 44 EH bed units, the actual net increase in employee housing is something less than that (not even considering the 176 employee bed units that are being sacrificed).

Some of the sections of the OCP that this proposal appears to violate include:

- OCP Ch 4, which starts out with our need for “recognizing our limits to growth” (OCP 4-1)
- “pressures to grow and expand Whistler’s physical size” are one of the challenges “we face and strive to mitigate” (OCP 1-6)
- “While redeveloping existing neighbourhoods is considered preferable to expanding growth boundaries, there are opportunities to encourage utilization of housing in existing neighbourhoods for Whistler residents and employees.” (OCP 5-1)
- “The overall approach to growth management advocated by this OCP is a focus on enhancing and optimizing existing and approved land use” (OCP 1-11)
- The vision that “the number of beds, and where they are built, continues to be closely overseen to strive toward the best balance of size and experience for both residents and visitors.” (OCP 2-1)
- The vision that “The natural environment that sustains our local biodiversity, provides our connection to nature and sustains Whistler as an attractive mountain destination, has been protected by carefully managing the amount of development, its location, and design and construction, and proactively preserving sensitive areas.” (OCP 4-1)
- “With a total approved accommodation capacity at year-end 2017 of 61,561 bed units, Whistler has now reached 90 per cent buildout of its approved development capacity.” (OCP 4-3)
- “Whistler is now realizing the potential of its existing developed capacity, and community members and stakeholders have expressed concern over the ultimate size of the community and further growth, which impact the unique characteristics of the resort community; demands on the natural environment and its ecosystems; infrastructure and services capacity; economic vitality and sustainability; quality of life; and the capacity of the resort community and its surrounding area to provide enjoyable experiences for visitors and residents.” (OCP 4-4)
- “Whistler approaches its approved residential accommodation capacity and growth boundaries“ (OCP 5-1)



- “While redeveloping existing neighbourhoods is considered preferable to expanding growth boundaries, there are opportunities to encourage utilization of housing in existing neighbourhoods for Whistler residents and employees.” (OCP 5-1)
- “With economic factors (such as exchange rates and current property values) favouring investment, resident and recreational markets, Whistler’s policies to meet housing needs for at least the next five years **must focus primarily on employee housing.**” (OCP 5-2)
- 4.1.2.1. Recognize the need for a balanced and integrated resort and community capacity that includes physical, social and environmental considerations.
- 4.1.2.5. Recognize the cyclical nature of Whistler’s tourism economy and the significant visitor bed base within Whistler’s existing approved and developed accommodation capacity. [translation: we don’t need any more tourist bed units]
- 4.1.2.8. Recognize Whistler’s residential and visitor accommodation capacity as a key factor of resort and community growth. Recognize the significant capacity that is already approved, and has not yet been fully developed.
- 4.1.2.12. Seek creative solutions for optimizing land use and respective interests such as land exchanges, dedications, amenity zoning and transfers of development rights.”
- 4.1.2.13: Avoid expansion and duplication that contributes to oversupply, diminishes the success of existing uses and development, and creates unacceptable impacts on the resort community.
  - We are not only gaining EH, we are losing an arts program and contributing to an oversupply of market accommodation.
- 4.1.3.5 [Summary: declares that visitor capacity and visitor experience produce new demands on housing, employees, etc. One takeaway: adding more tourist accommodation actually increases the problems with employee housing.]
- 4.1.4.5 Recognize the interrelationships between various land uses, community growth and comfortable carrying capacity.
- Vision: "New employee housing has been developed to respond to demonstrated community need and **consistent with Whistler’s growth management policies.**" (OCP 5-1)
- Vision: "Nightly rentals and tourist accommodations have not displaced residential uses and housing in Whistler’s residential neighbourhoods." (OCP 5-6)
- 5.5 Visitor Accommodation [Just broadly, the language is always “maintain”; the words “add” or “increase” never appear]
- 5.5.1.3. Balance the visitor accommodation supply with Whistler’s resort community capacity and growth management principles.
- **5.5.1.4. Carefully consider any proposed additions to the supply of visitor accommodation to complement and support the viability of existing accommodations, meet an identified visitor need, support the unique mountain experience, and address balanced resort and community capacity.**
- 9.4.3. Growth and capacity are managed to maintain experiential values and sense of place.

**4.1.6.4(d) “All proposed developments and changes in land use must be evaluated to the satisfaction of the municipality to assess impacts on:**

**4.1.6.4(d)(iii) “views, scenery, and distinctive natural features”**

In addition to broader statements of intent about preserving the beauty and aesthetics of Whistler, under the terms of the OCP Nita Lake qualifies as an “open space” that demands additional protections of its aesthetics and views. These points are all obviously connected to the policies under Section 6 regarding maintaining Whistler’s attraction to both residents and visitors. Preserving the appearance and beauty of Whistler is not just about environmentalism, it’s also good for business: our economic future is heavily dependant on the potential for this region to remain a desirable place to live and visit.

A small selection of this aspect of the OCP that this proposal appears to violate include:

- “We protect the land – the forests, **the lakes** and the rivers, and all that they sustain.” (OCP 1-1; OCP 2-3)
- “This OCP affirms the municipality’s natural setting as being critical to community well-being and the visitor experience. Careful land use planning will help to ensure natural areas are protected and development impacts are limited.” (OCP 1-13)
- “By design, we can be guardians of the mountain culture and character that has emerged from the uniqueness of the people and place that make up Whistler as it evolves.” (OCP 2-1)
- “Our neighbourhoods are mainly hidden in the trees, between extensive green spaces and parks, offering privacy and tranquility yet easy access to the bustle and vibrancy of town.” (OCP 2-1)
- “LANDSCAPE: Natural areas are never far from sight and reach; they are the predominant component of our mountain landscape, core to our mountain culture and the basis of our outstanding recreation offerings.” (OCP 2-3, Vision characteristic 2)
- “DEPENDENCE: Economic activity depends on and respects the natural environment, our unique mountain culture and the people of our community.” (OCP 2-4, Vision characteristic 18)
- “The natural environment that sustains our local biodiversity, provides our connection to nature and sustains Whistler as an attractive mountain destination, has been protected by carefully managing the amount of development, its location, and design and construction, and proactively preserving sensitive areas.” (OCP 4-1)
- 4.1.1.3. Maintain residential accommodation, visitor accommodation, commercial, light industrial, institutional and community facilities development within the area shown in Schedule A, designated as the WUDCA, and apply the following policies:
  - (b) protect and, where possible, restore natural areas critical to healthy ecosystems and local biodiversity;
  - (c) protect unique natural features, scenic views and scenic corridors including mountain slopes, ridgelines, **lakefronts**, the highway corridor (20 metre buffer) and significant rock outcroppings;
- **4.1.2.15. Do not support land use and development proposals that will have unacceptable negative environmental, social, health or economic impacts.**
- “Our residents are proud and passionate about the scenic beauty, clarity of the night sky and healthy environment in which we live and recognize the need for taking action to maintain it.” (OCP 7-1)
- “Whistler’s stewardship ethic drives land use policies and decisions” (OCP 7-1)
- “Protecting Whistler’s natural beauty and environmental resources has been a priority since Whistler’s creation as a resort municipality.” (OCP 7-1)
- 8.1.1. Protect and enhance Whistler’s character and sense of place.
  - 8.1.1.1. Support initiatives that preserve and celebrate Whistler’s character, sense of place and unique, authentic mountain culture.
- 9.3. Continually reaffirm our sense of place as the foundation to Whistler’s recreation and leisure experience.
  - 9.3.1. Whistler’s natural landscapes and scenic qualities are highly valued and preserved.
    - 9.3.1.1. Recognize the value of the natural environment in contributing to our sense of place and the **impacts of incremental change**.
    - 9.3.1.2. Identify, preserve, improve and maximize **areas of physical and scenic importance** within municipal boundaries in participation with relevant agencies and stakeholders in accordance with and to the extent permitted by legislation.
    - 9.3.1.7. **Strive to preserve views and scenic corridors** as part of the development approval and rezoning process.
    - 9.3.1.8. **Retain scenic views** to and from key open spaces to the extent permitted by legislation. [Nita Lake seems to qualify as open space under OCP]
- 9.5.2. Retain a variety of open spaces for resort community needs.
  - 9.5.2.1. **Promote retention and careful management** of a variety of open spaces, ranging from natural forests, alpine areas, **waterbodies** and open lawn areas to constructed urban spaces.

**4.1.6.4(d) “All proposed developments and changes in land use must be evaluated to the satisfaction of the municipality to assess impacts on:**

**4.1.6.4(d)(iv) “Whistler’s sensitive ecosystems and biodiversity”**

The potential impact of this proposal on the environment is obvious; not only is it on a lakefront, but it also has an important stream (Gebhart Creek) running through the parcel. Various concerns raised by the mandated Environmental Report have not yet been addressed, and prominent members of local conservation non-profits have expressed additional worries. As noted above, when the environment is concerned, the OCP mandates that Council follow the “Precautionary Principle”, which is that “the burden of proof that it is not harmful falls on those proposing to take the action in question.” (OCP 14-6).

The applicant may claim that proposed land dedications are good for the environment. It is important to note that much of these lands are already and will remain protected riparian zones regardless of land dedications or the property zoning.

In addition to the OCP, the RMOW has pledged to follow the provincial “Develop with Care” Guidelines, which further demonstrate how inappropriate this proposal is. Some relevant portions of the OCP and provincial guidelines are:

- “We protect the land – the forests, **the lakes** and the rivers, and all that they sustain.” (OCP 1-1; OCP 2-3)
- “This OCP affirms the municipality’s natural setting as being critical to community well-being and the visitor experience. Careful land use planning will help to ensure natural areas are protected and development impacts are limited.” (OCP 1-13)
- “We value the protection of wetlands, forests and other natural areas and we seek to conserve natural resources. We understand our fundamental dependence on the environment—for our health and well-being, and for the success of our tourism-based economy.” (OCP 2-2)
- “RESPECT: We understand, respect and steward natural areas as the foundation of our community, our tourism-based economy and overall human health.” (OCP 2-3, Vision characteristic 5)
- “The natural environment that sustains our local biodiversity, provides our connection to nature and sustains Whistler as an attractive mountain destination, has been protected by carefully managing the amount of development, its location, and design and construction, and proactively preserving sensitive areas.” (OCP 4-1)
- “Whistler is now realizing the potential of its existing developed capacity, and community members and stakeholders have expressed concern over ...demands on the natural environment and its ecosystems;” (OCP 4-4)
- 4.1.2.15. Do not support land use and development proposals that will have unacceptable negative environmental, social, health or economic impacts.
- “Neighbourhoods have a harmonious relationship with the natural landscape, which remains predominant.” (OCP 5-1)
- 9.4.2. Proactively manage assets to ensure responsible use and retention of the natural environment.
- “Whistler’s natural environment is one of the resort community’s greatest assets and residents and visitors continue to understand the need to protect its inherent values.” (OCP 7-1)
- “Whistler’s stewardship ethic drives land use policies and decisions” (OCP 7-1)
- 7.1. Whistler’s sensitive ecosystems, wildlife, habitat and biodiversity are protected, managed and restored.
  - 7.1.1. Implement land development approaches that minimize negative impacts on the natural environment.
    - 7.1.1.1. Strive to concentrate any new development or human activities to the least environmentally sensitive lands.

- 7.1.1.7. During development or significant redevelopment, the preferred outcome is avoidance of negative environmental impacts, followed by minimization or mitigation, thirdly, by restoration and, lastly, by compensation for impacts.
- 7.1.1.8. When considering landscape alterations, assess the cumulative environmental effects of the proposal at the larger scale and over time and use that information to consider project suitability, minimize negative environmental impacts and identify required environmental management.
- 7.1.1.9. Refer to provincial guidelines, Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, for best management practices. [The following recommendations come from that document:]
  - “Good environmental planning at the community level is essential for the health of the community and its citizens, as well as for the natural environment and wildlife. This natural capital is the foundation of many economic, environmental, and social benefits.
  - **“The cumulative effects of many seemingly harmless decisions can have a significant impact on environmental features, function, and condition”**
  - “Develop appropriate zoning and servicing so that growth and development are concentrated in areas that are located away from Environmentally Valuable Resources, resource (agricultural and forest) lands, hazard areas, and heritage sites.
  - “Encourage densification of development in areas with low environmental values in exchange for the protection of areas with high environmental values”
  - “Decisions made at a site-by-site level can affect the natural environment well beyond the boundaries of the development. **The cumulative impact of seemingly innocuous choices made at the site level can result in significant unintended consequences.**”
  - **“Environmental mapping and inventory should be conducted before designing the development layout and before initiating land clearing activities.”** [The Environmental Report for 5298 Alta Lake Road was conducted long after the applicant settled on the present design.]
  - “Encourage local naturalist clubs, stewardship groups, and similar organizations to provide input into development proposals.” [there have been several comments from such groups on the proposed development: all negative]
  - “Protect vernal pools, seeps and alkaline ponds by retaining the natural hydrological regime of the site, and not allowing grazing to occur near these areas” [vernal pool identified in Environmental Report]
- 7.1.1.11. To promote long-term ecosystem integrity and human health, land use decision-making shall apply the Precautionary Principle. [Later defined as “The avoidance of environmental risk in the face of uncertainty. Where there are threats of serious or irreversible damage, the burden of proof that it is not harmful falls on those proposing to take the action in question”]

**4.1.6.4(d) “All proposed developments and changes in land use must be evaluated to the satisfaction of the municipality to assess impacts on:**

**4.1.6.4(d)(v) “scale, character and quality of development”**

Multiple residents have noted in correspondence received by Council that this proposal, with its large, dense, unsightly townhouses, is not in keeping with the character and current appearance of Nita Lake. The scale of this development is one of the most upsetting things about it. In addition, there are reasonable concerns about

the quality of this development; the developer in his presentation to the Design Committee has already admitted that the Employee Housing units will not be constructed to the same standard as the Market Townhomes; they will be built of cheaper and less aesthetically pleasing materials, which (given that these EH units are meant to be a perpetual amenity of the RMOW) should be cause for concern.

This proposal also departs radically from the current character of the historic Hillman site and the vision for the property laid out in the covenant for the London Mountain Lodge. Nothing could be further from the spirit and character of “old Whistler” and Toad Hall than a bunch of boring market town homes. By abandoning the London Mountain Lodge, the RMOW is sacrificing the intended spirit of the property as expressed in the current zoning; these townhouses are not in keeping with Whistler’s “sense of place and unique, authentic mountain culture” (OCP 8.1.1.1). Furthermore, this large development, and the significant increase in bed units and density that this applicant is requesting, are too much for this small lake and do not “fit the natural landscape” as mandated by OCP 4.1.4.9.

Relevant portions of the OCP include:

- "By design, we can be guardians of the mountain culture and character that has emerged from the uniqueness of the people and place that make up Whistler as it evolves.” (OCP 2-1)
- "Our neighbourhoods are mainly hidden in the trees, between extensive green spaces and parks, offering privacy and tranquility yet easy access to the bustle and vibrancy of town.” (OCP 2-1)
- "LANDSCAPE: Natural areas are never far from sight and reach; they are the predominant component of our mountain landscape, core to our mountain culture and the basis of our outstanding recreation offerings.” (OCP 2-3, Vision characteristic 2)
- "The natural environment that sustains our local biodiversity, provides our connection to nature and sustains Whistler as an attractive mountain destination, has been protected by carefully managing the amount of development, its location, and design and construction, and proactively preserving sensitive areas.” (OCP 4-1)
- “Whistler is now realizing the potential of its existing developed capacity, and community members and stakeholders have expressed concern over the ultimate size of the community and further growth, which impact the unique characteristics of the resort community ... and the capacity of the resort community and its surrounding area to provide enjoyable experiences for visitors and residents.” (OCP 4-4)
- 4.1.1.3. Maintain residential accommodation, visitor accommodation, commercial, light industrial, institutional and community facilities development within the area shown in Schedule A, designated as the WUDCA, and apply the following policies:
  - (d) limit the scale and intensity of development to fit with the mountain environment and reflect a human scale;
  - (e) in general, maintain building heights in residential neighbourhoods to fit with the surrounding context;
  - (f) allow taller buildings in core commercial areas and neighbourhood centres, scaled appropriately for the surrounding context;
  - (i) maintain a high quality of urban design, architecture and landscape architecture that are complementary to the mountain environment;
- 4.1.4.9 “Support diverse, attractive residential neighbourhoods with varying densities and dwelling types that provide needed housing, **fit the natural landscape**, are separated by green buffers and conservation areas and are linked by trail networks that also access key destinations.
- 5.3.1.1. Encourage residential neighbourhood and building design to meet Universal Design standards and best practices.
- “Neighbourhoods have a harmonious relationship with the natural landscape, which remains predominant.” (OCP 5-1)

- 5.5.2.7. Require a high standard of quality for building and property maintenance and for all renovation, redevelopment and development projects utilizing available mechanisms such as development permit requirements, covenants and a property maintenance bylaw.
- 8.1.1. Protect and enhance Whistler's character and sense of place.
  - 8.1.1.1. Support initiatives that preserve and celebrate Whistler's character, sense of place and unique, authentic mountain culture.

**4.1.6.4(d) "All proposed developments and changes in land use must be evaluated to the satisfaction of the municipality to assess impacts on:**

**4.1.6.4(d)(viii) "quality of experience for Whistler's visitors"**

The OCP is quite explicit on this point: if you pave paradise, you won't need a parking lot because no one will come here. Protecting the natural beauty of Whistler is not merely an environmental concern or a question of aesthetics: it is the foundation of our economy (in the past few years the RMOW alone has represented 25% of the province's entire tourism revenues). As the lake closest to and indeed integrated with the Whistler Creek commercial development area (which extends to Nita Lake Lodge and the railway station) Nita Lake plays a particularly prominent role in the appearance of the RMOW to visitors. This will become even more crucial in the future as Whistler shifts to the south and plans to build a "Cheakamus Base" are fulfilled.

The views across Nita Lake will be irreversibly impacted by this proposal. The OCP includes numerous provisions that protect these views, including:

- "By design, we can be guardians of the mountain culture and character that has emerged from the uniqueness of the people and place that make up Whistler as it evolves." (OCP 2-1)
- "We value the protection of wetlands, forests and other natural areas and we seek to conserve natural resources. We understand our fundamental dependence on the environment—for our health and well-being, and for the success of our tourism-based economy." (OCP 2-2)
- "LANDSCAPE: Natural areas are never far from sight and reach; they are the predominant component of our mountain landscape, core to our mountain culture and the basis of our outstanding recreation offerings." (OCP 2-3, Vision characteristic 2)
- "RESPECT: We understand, respect and steward natural areas as the foundation of our community, our tourism-based economy and overall human health." (OCP 2-3, Vision characteristic 5)
- "DEPENDENCE: Economic activity depends on and respects the natural environment, our unique mountain culture and the people of our community." (OCP 2-4, Vision characteristic 18)
- "The natural environment that sustains our local biodiversity, provides our connection to nature and sustains Whistler as an attractive mountain destination, has been protected by carefully managing the amount of development, its location, and design and construction, and proactively preserving sensitive areas." (OCP 4-1)
- "Whistler is now realizing the potential of its existing developed capacity, and community members and stakeholders have expressed concern over the ultimate size of the community and further growth, which impact the unique characteristics of the resort community ... and the capacity of the resort community and its surrounding area to provide enjoyable experiences for visitors and residents." (OCP 4-4)
- 4.1.2.2. Recognize and understand the importance of the Whistler experience to the success of the tourism economy, and the interplay of the natural environment, history, regional culture, shopping, architecture, arts and culture, food, sport, recreation, leisure, group and family experience, with a strong and vibrant community.
- 4.1.2.15. Do not support land use and development proposals that will have unacceptable negative environmental, social, health or economic impacts.
- "Neighbourhoods have a harmonious relationship with the natural landscape, which remains predominant." (OCP 5-1)

- “Through proactive strategies and commitment to community values, Whistler maintains its position as a leader among destination mountain resort communities.” (OCP 6-1)
- “Protecting Whistler’s natural beauty and environmental resources has been a priority since Whistler’s creation as a resort municipality.” (OCP 7-1)
- ““Careful planning and implementation are required to protect the natural environment that underpins the sense of place that makes Whistler such a special community to live in and visit.” (OCP 7-2)
- 9.3. Continually reaffirm our sense of place as the foundation to Whistler’s recreation and leisure experience.
  - 9.3.1. Whistler’s natural landscapes and scenic qualities are highly valued and preserved.
    - 9.3.1.1. Recognize the value of the natural environment in **contributing to our sense of place** and the impacts of incremental change.
    - 9.3.1.2. Identify, preserve, improve and maximize **areas of physical and scenic importance** within municipal boundaries in participation with relevant agencies and stakeholders in accordance with and to the extent permitted by legislation.
    - 9.3.1.7. **Strive to preserve views** and scenic corridors as part of the development approval and rezoning process.
    - 9.3.1.8. **Retain scenic views** to and from key open spaces to the extent permitted by legislation. [Nita Lake obviously qualifies as open space under OCP]

**4.1.6.4(d) “All proposed developments and changes in land use must be evaluated to the satisfaction of the municipality to assess impacts on:**

**4.1.6.4(d)(xi) “traffic congestion and safety, including traffic volumes and patterns on Highway 99 and the local road system”**

Although the applicant will may tout their construction (again, already mandated by existing covenant) of the Valley Trail Extension as evidence of the “walkability” of this neighbourhood, the steep grade of the proposed trail and the large distance from public transit and commercial areas will make this a car-dependent area, especially in winter. The absence of a proper and representative Traffic Study makes it impossible for Council or the community to properly consider whether the proposed development complies with these sections of the OCP. Proposed residential units are furnished with garages for parking and storage, but the employee housing garages are much smaller than those for nightly rentals. No provisions have been made parking for the proposed park amenity. Suggestions that the Tyrol Lodge and other neighbouring properties might make use of this same road access via Nita Lake Drive have not been considered in any traffic study.

In the absence of a properly executed traffic study, this proposal cannot be allowed to move forward.

In addition, the dependence of this neighbourhood on cars goes against the RMOW’s commitment to fighting climate change, and violates the spirit of the following OCP provisions:

- 11.1.3.1. Prioritize the preferred modes of transportation in the following order to achieve a balanced transportation system:
  - (a) walking;
  - (b) cycling;
  - (c) mass transit (local transit, highway coaches, smaller shuttle buses) and the movement of goods;
  - (d) publicly accessible transportation (ridesharing, shared vehicles, etc.);
  - (e) private automobile (high occupancy motor vehicles and leading low environmental-impact technologies); and
  - (f) private automobile (single occupancy motor vehicles, traditional technology).
    - [This proposal is car-dependent and thus gets this backwards]

- 11.1.3.5. Manage parking in designated parking areas throughout the resort community to ensure adequate availability of parking that supports Whistler’s transportation goals.
  - [no parking for park amenity]
- 11.2.1.4. Strive to include commercial services when planning residential developments to increase walkability and reduce the need to travel by automobile.
- 11.5.2. Maintain and construct infrastructure to ensure the transportation system can meet the resort’s needs cost-effectively.
  - 11.5.2.1. Design the road network to accommodate winter and summer average peak period conditions at reasonable levels of service to users.
    - [obviously the current unsatisfactory Traffic Study fails to consider these periods as mandated by the OCP]
- 11.7.2. Build and maintain transportation infrastructure and services that positively impact community livability.
  - 11.7.2.1. Ensure that the development of a safe local network road system, as shown in Schedule E3, minimizes negative impacts on neighbourhoods, subdivisions or other developed areas.
  - 11.7.2.2. Use leading practices and technical standards for designing sustainable neighbourhood road network infrastructure.

### Miscellaneous

The proposed rezoning also violates a number of miscellaneous aspects of the OCP; most glaring of this is that it does not conform to the vision of the Valley Trail (correspondence between municipal staff and the applicant confirms that the RMOW prefers that the Trail go along the railway at a lower grade) as laid out in Schedule E1, E2 and E3. It is unclear if these Schedules are not being amended by the proposed bylaw deliberately or by error. In addition, the change in use (the deletion of the hotel facility) ought to necessitate an amendment to Schedule O to remove the Hillman property from the “Commercial/Industrial Development Permit Area” (cf. OCP 13).

Additional aspects of the OCP that this proposal appears to violate include:

- 8.6.1. Implement leading practices for good governance.
  - 8.6.1.1. Implement strategies to be an open and transparent government.
  - 8.6.1.2. Ensure planning and decision-making is aligned with the community’s articulated Community Vision and OCP goals.
- 9.5.1.2. Ensure amenities are well-connected and integrated.
- 11.2.1.1. Plan and design neighbourhoods for location efficient living, working and playing.
- 11.2.1.2. Ensure that new housing developments consider proximity to existing commercial services, existing and proposed transit routes, and the Valley Trail.
- 11.4.1.4 Maintain a trail network throughout the valley, as shown in Schedules E1, E2 and E3, that encourages year-round use of preferred modes of transportation.
  - [The change to the Valley Trail (going up the ridge, not down along the railway as in the current OCP) as requested by applicant is more difficult to maintain in winter due to the excessive grade.]

### Private Sector Employee Housing Guidelines

Finally, this proposal is only being considered because of quite recent revisions to the Private Sector Employee Housing Guidelines as amended by this Council. It fails to meet these guidelines on several counts, but the most obvious is PSEH 1) “Projects shall optimize the amount of employee housing within the proposed development and may include limited amounts of new unrestricted market accommodation to support project viability.”

It should be obvious to any reasonable person that this is not an employee housing project supported by limited market housing, but a market housing project supported by limited employee housing. This proposal clearly does not “optimize the amount of employee housing”.



It is also worrying that this proposal appears to violate PSEH 4) “Projects shall seek to achieve affordability objectives, with an allowance for reasonable returns on investment.” An independent *pro forma* produced by local experts has suggested that the profit on this property realized by the developer will be in the range of \$30 million. That may seem “reasonable” to some, but it does not seem reasonable to me. More disturbing is that Council has admitted that they have not yet had the opportunity to review the confidential *pro forma* from the applicant, and it is unclear how they can possibly exercise their duty of care to enforce PSEH 5 without reviewing this document. The sample *pro forma* submitted to Council by Mr. Paul Wood gives an idea of the numbers involved, and they are worrying.

#### Conflicts of Interest

It has been widely discussed at Council Meetings and in the local press (“Misguided proposal not what Whistler needs” *Pique* 22 Oct 2019; “Nita Lake rezoning demands more transparency” *Pique* 18 Feb 2021) that there is the obvious potential for conflicts of interest given this applicant’s longstanding service on the board of the Whistler Housing Authority and the Mayor’s Task Force on Resident Housing. Council has not yet responded fully to these concerns. Given this Council’s commitment to transparency and good governance, the public looks forward to a response.

Please take all of this into consideration when making your decision and do what is best for our community,

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
- 5) Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighboring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
- 6) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better

balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely.

Name Celia Barsony

Address 2201 Eva Lake Rd  
Whistler V8E 0A6

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Caroline Lamont <clamont@bethelcorp.ca>  
Tuesday, March 9, 2021 10:10 AM

Mayor and Council:

Attached is a letter dated December 10, 2019 to [REDACTED]. This letter was sent in response to [REDACTED] presentation and correspondence to Council concerning RZ1157. I had thought that this letter had previously been copied to Council, but apparently, I errored in the submission.

As you can see in the letter, the response considers the proposal that was sent to the Public Information Meeting in November 2019. Since this time, the proposal from the applicant Empire Club has been amended, following further negotiations with senior municipal staff. The content of the letter, however, is still relevant as it addresses some of the issues raised by [REDACTED], that remain inaccurate.

For your information, the current proposal has changed from the 2019 proposal, specifically:

- increased the number of employee units from 15 to 21
- increased the GFA of employee use from 790 m2 to 1191 m2
- decreased the increase of market GFA from 1680 m2 to 690 m2
- employee bed unit generation goes from 60 BUs to 84 BUs (but an increase of 56 BUs from the London Mtn Lodge development)
- market bed unit generation continues as 88 BUs (which is a decrease by 8 BUs from the London Mtn Lodge development)
- the amenities now include the construction and extension of the Valley Trail through the park including a new Valley Trail Bridge, design and construction of the proposed park and renovation of the cabin
- two traffic reports have been completed and submitted
- additional environmental reports and inventories have been completed and submitted
- every significant tree within the park buffer has been surveyed for location and height to ensure the visual analysis is accurate.

Best regards,

Caroline Lamont | Land Development Manager | Bethel Land Corp | 604-898-1901 | clamont@bethelcorp.ca

# Empire Club Developments

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December 10, 2019



**Re: RZ1157 – 5298 Alta Lake Road**

Please accept this correspondence from Empire Club Developments in response to your November 12<sup>th</sup> letter to Mayor and Council. On October 24, 2019, Empire Club Developments hosted two (2) public information meetings for the RZ1157 development application and received public comment. These meetings provided an opportunity for the developer to present their application, however, it appears through your letter that some of the finer details may not have been effectively communicated.

As the Land Development Manager for Empire Club Developments, I am quite familiar with the Resort Municipality's development policies and processes. This letter attempts to respond to certain inaccuracies contained within your comments.

## **1.0 Increase in Accommodation Bed Units (Growth Management)**

The referenced Official Community Plan (OCP) policies have been in place since the bylaw was adopted in 1993 and have been fundamental in the review and approval of development in Whistler for over 25 years. The staff reports prepared for RZ1157, clearly show consistency with the OCP, notably:

**(a) Community Benefits** – Your letter expresses concern that the proposal fails to provide, *“clear and substantial benefits to the community”*. **This statement is not accurate**, when considering that in exchange for 900 m<sup>2</sup> of market development, the Hillman development is proposing the following community amenities:

- build and restrict eight (8) additional employee units, for a total of 15 employee units (900 m<sup>2</sup> of employee housing).
- dedicate a 1.2 acre site to the Whistler Housing Authority (potential to 5-8 more employee units);
- dedicate 3.56 acres of parkland both as riparian and tree preservation areas;
- relocate the Hillman Cabin; and
- extend of Valley Trail to new park;

- ⇒ ***The RZ1157 amenities proposed by the applicant are significant, and clearly exceed what was required in the original London Mountain Lodge approval. This is particularly important given that there is a desire to keep the cost of the employee units affordable.***

The contributions also have not considered that a previous landowner gave permission for the main water line to be constructed through the middle of the site (which supplies properties along the shores of Nita and Alta Lakes) – without compensation. The proposed development will need to partially relocate the water line within the site to maximize tree buffers while enabling the proposed townhome development (at the expense of the developer).

- (b) OCP Policies/Affordable Housing** - The proposal is consistent with the Official Community Plan, but unlike other proposals for new employee housing these lands currently have existing development potential for a hotel (with restaurant and spa), tourist accommodation cabins and employee cabins through the TA17 zoning. The current OCP in the section titled “*Evaluating Proposals For OCP and Zoning Amendments*”, the following two policies support the RZ1157 proposal for additional employee units on a site with existing development rights:

*“4.13.7 In addition to meeting other requirements, the following criteria will be used to evaluate resident housing proposals, to ensure that affordability is a prime consideration in the evaluation of any proposed projects:*

*- infill sites, which rely on existing community services and road systems, are preferred;...*

*-any development which proposes employee housing which is targeted at **semi-permanent or permanent** residents should comply with the following: be within close proximity to existing open space, parks and community facilities; provide ownership opportunities for first time home buyers; comprise a mix of townhouse, duplex and single family units; be neighbourhood developments which provide neighbourhood amenities; integrate into existing residential neighbourhoods with similar building form; provide suitable private storage space and parking space; and be proven affordable to semi-permanent and permanent residents.”*

- ⇒ ***The Hillman development clearly meets the OCP policies that specifically consider affordable housing on infill sites for semi-permanent or permanent residents.***

- (c) Traffic Report** – The applicant has retained Howe Technical Advantage to complete a transportation report in accordance with the terms of reference set by the RMOW

and the province. The intersections at Highway 99 and Alta Lake Road as well as Alta Lake Road and Nita Lake Road will be reviewed.

⇒ *The report will be submitted to the RMOW in a few days for technical staff review.*

## 2.0 Gross Floor Area

Your letter states that the most appropriate measure of the proposal's increase in density is to compare the massing of the new market housing to the existing zoning. The applicant agrees with this statement and in the table below provides a GFA comparison of: the existing TA17 zone; the proposed development; and the specific "bonus" density to facilitate affordable housing units (an additional 900 m<sup>2</sup> of tourist accommodation GFA in exchange for 900 m<sup>2</sup> of new restricted employee housing).

As mentioned, the market development correctly considers the GFA for the accommodation and the hotel support services (restaurants, spa, lobby and meeting rooms), as they clearly contribute to the building massing and footprint. Removing the building area dedicated to hotel amenities and services would not provide a clear picture to the adjacent neighbours of the true size of the existing TA17 zoning.

The table below compares the currently permitted gross floor area of development with the proposed rezoning:

GROSS FLOOR AREA	TA17 Zoning GFA	Proposed Zoning GFA	Bonus Employee Housing
Employee	800 m <sup>2</sup>	800 m <sup>2</sup>	+900 m <sup>2</sup>
Tourist Accommodation	3800 m <sup>2</sup>	3800 m <sup>2</sup>	+900 m <sup>2</sup>

Your letter states *"that the existing zoning permitted 7 employee units @120 sq. m. for a total area of 840 sq. m., meaning there is actually a loss of 98 sq. m. and not a gain of 800 sq. m. as shown in the applicant's mathematical gymnastics"*.

**Your statement above is not accurate** for two reasons as evident when reviewing the following excerpt of the RMOW's Zoning Bylaw:

1. The maximum GFA for all employee housing permitted on the site is 800 m<sup>2</sup> (an individual cabin floor area is limited to a maximum of 120 m<sup>2</sup> and a minimum of 32.5 m<sup>2</sup>); and



2. The Zoning Bylaw limits the maximum floor area permitted for all buildings on the site to 4,600 m<sup>2</sup> (even though all uses floor area actually totals 5050 m<sup>2</sup>).

### **Density**

The maximum permitted gross floor area for all buildings on a site is 4,600 square metres distributed as follows:

- (a) The maximum permitted gross floor area for a hotel is 2,100 square metres;
- (b) The maximum permitted gross floor area used for tourist accommodation within hotel building is 500 square metres;
- (c) The maximum permitted gross floor area for tourist accommodation contained in cabins is 1,400 square metres;
- (d) The maximum permitted gross floor area for employee housing contained in cabins is 800 square metres; and
- (e) The maximum permitted gross floor area for an arts facility is 250 square metre contained within the two buildings.

Whistler Zoning Bylaw TA17

- (a) **Units** - It is also important to recognize that the zoning is already in place for the property permitting 39 units (7 employee cabins, 25 TA cabins and 7 hotel rooms), while a total of 37 units is proposed in the rezoning application (15 employee townhomes and 22 market townhomes).

TOTAL UNITS	TA17 Zoning UNITS	Proposed Zoning UNITS
Resident Restricted	7	15
Tourist Accommodation	32	22

As previously noted, the existing TA17 zoning permits seven (7) employee cabins of approximately 114 m<sup>2</sup> (800 m<sup>2</sup>/7 units), while the proposal includes an additional eight (8) employee units of the same size.

To change the use from hotel/cabins to townhomes, the applicant could have simply submitted for a *change of use* rezoning without asking for new density. Alternatively, Empire Club chose to respond to the municipality's initiative to propose additional employee

In the 2004 report "*Comparative Evaluation of Potential Residential Housing Sites in Whistler*" prepared for the RMOW, it stated that there is potential to generate additional restricted housing on the London Mountain Lodge site. The RMOW has had a long history of approving slight increases in density to accommodate new employee housing opportunities as there are certain efficiencies in costs and typically the locations are more desirable.



housing. This approach in part responded to a previous municipal direction as contained in a 2004 housing report (see right text box) and current municipal policies for infill housing.

**(b) Retention of Employee Units** – The RMOW has recently requested that the applicant reconsider the number of employee housing units that are retained for on-site staff.

⇒ *The applicant will follow the direction of the municipality as whether to increase number of units available for the employee housing waitlist (rather than held by Empire Club for their on-site staff).*

### 3.0 Municipality's Call for Proposals

As stated above, the Hillman site is **currently zoned TA17 which is reflected in its assessed value and purchase price – given the existing development rights**. The boutique hotel envisioned in 2002 has been unable to secure financing for the design and therefore an alternative development program has been proposed.

A change of use from hotel to townhomes with the clustering site plan utilizing existing development rights would not need an increase in density, except to facilitate more affordable employee housing. **It is likely that a change of use application only would have had little objection from the adjacent neighbours. The townhome use is much less disruptive to the neighbourhood and reduce the public access which existed in the hotel use (meeting rooms, restaurant, and spa).** It appears that the true issue that is driving most of the neighbourhood objections is the additional employee units (in exchange for equal amounts of market units).

⇒ *The 1:1 GFA ratio considers the NEW employee and NEW market floor area as outlined below:*

- *the currently permitted overall density of 4600 m<sup>2</sup> in the TA17 zone; and*
- *the proposal is increasing the site GFA with 900 m<sup>2</sup> for new employee housing and 900 m<sup>2</sup> for new market accommodation, on a site that was previously identified as having the ability to accommodate additional employee housing (2004 Report).*

### 4.0 Section 219 Covenant

Your comments indicate a concern that the proposed development does not comply with the Section 219 covenant, registered on title. The municipality and the applicant together have the ability to update the covenant to better meet the needs of the community. **It is not accurate to assume that the existing covenant cannot be amended.**

The subject land development covenant was registered in June 2002 between Depner Developments Ltd. and the Resort Municipality of Whistler. Empire Club is proposing to develop (subject to municipal approval) the land for accommodation, residential and community facility uses. The proposal is not planning commercial uses, nor is it proposing to follow the development plans prepared by BHA and presented to Council in December 2004 as currently referenced in the covenant).

Although it is important for Council, staff and the community to be aware of the current title encumbrances – it seems preferable that the municipality and Empire Club work together on the best development program that meets the needs of the community, and then once established the existing development covenant would be amended.

⇒ ***Once the updated development program is accepted, the existing covenant BT215121 should be discharged and the new Section 219 covenant be registered.***

In reviewing the covenant, not only has the development program changed but several of the items included in the “prerequisites” are no longer appropriate. The existing covenant may be amended if there is agreement from both parties. The items below with a strikethrough, indicate that the items have already been fulfilled or are no longer required.

***Requirements in Existing Covenant:***

- (a) ~~Plans and specs for transit bus pullout and shelter~~ – Fulfilled by Nita Lake Development
- (b) ~~Plans and specs for train construction and lighting to municipal trail standards~~ - Fulfilled by Nita Lake Development
- (c) ~~Off site trail to connect southern boundary of the land through the adjacent BCR RoW to Lake Placid Road~~ – Fulfilled by Nita Lake Development
- (d) Plans and specs for off site infrastructure and security for all works - Part of future Servicing Agreement
- (e) ~~Access easement from Alta Lake road~~ - Fulfilled by Nita Lake Development
- (f) Heritage report about rehab of the cabin and barn - New report to understand renovations
- (g) Covenant to establish floor area for non-accommodation uses, restrict the combined density of all TA to 64 bed units\* – new rezoning, previous bed unit calculation flawed as it miscalculated the market bed units (did not use the 3 BU generator for the cabins or the hotel rooms although they were all in excess of 55 m<sup>2</sup>) and the employee units were not counted.
- (h) Environmental monitoring during construction - Agreed
- (i) Installation and maintenance of oil/water separators - Agreed
- (j) Installation of fire sprinklers - Agreed
- (k) ~~Provide access by way of easement to the non accommodation lodge for the owners and occupants of the cabins~~ – No longer required

- (l) ~~Construction of five cabins for use of employee housing and two artists in residence cabins~~ – No longer required
- (m) Completely rehabilitate the existing historical cabin and barn in accordance with heritage report – need to determine the improvements needed.
- (n) Register a covenant to restrict the cabin and barn to community use and artist in residence
- (o) SRW for all public trails –Agreed but most of the trail is in the dedicated road SRW or the park dedication.

## 5.0 Bed Unit Comparison

**Referencing the 64 bed units is not accurate.** As mentioned by staff at the Council and public presentations, the calculation of bed units for the original London Mountain Lodge was not in compliance with the OCP policy at the time. Below is a correct comparison of the bed unit generation for the current TA17 zoning and the proposed RZ1157 development application.

<b>TOTAL BED UNITS</b>	<b><u>TA17 Zoning</u> <u>BED UNITS</u></b>	<b><u>Proposed Zoning BED</u> <u>UNITS</u></b>
<b><i>Resident Restricted</i></b> 7 Cabins X 4 BUs each (114 m <sup>2</sup> ) 15 Townhomes x 4 BUs (105 m <sup>2</sup> )	28	60
<b><i>Tourist Accommodation</i></b> 25 Cabins x 3 BUs (56 m <sup>2</sup> ) 7 Hotel x 3 BUs (71 m <sup>2</sup> ) 22 Townhomes x 4 BUs (200 m <sup>2</sup> )	75 21	88
<b>TOTAL ACCOMODATION BED UNITS</b>	<b>124</b>	<b>148</b>

reduction  
in market  
bed units

As outlined in the table to the right, the previous London Mountain Lodge development generated 124 bed units based on the gross floor area as approved in the zoning and the OCP (see zoning on earlier page and OCP bed unit formula below).

⇒ ***The RZ1157 application increases the employee bed unit total by 32 bed units but reduces the market bed units by 8 bed units.***

	Unit Size (sq. m.)	Number of (Bed Units)
Multiple Residential Dwelling Units	0 - 55	2
	55 - 100	3
	100+	4
Commercial Accommodation:		
- Guest Room, Sleeping Unit, Dwelling Unit	0 - 55	2
	55 - 100	3
	100+	4
- Pension Guest Room	N/A	1.5
- Bed and Breakfast	N/A	6
- Campsite	N/A	1
Detached Dwelling	N/A	6
Duplex Dwelling	N/A	12
Dormitory Bed	N/A	0.5

## **5.0 Phase 2 Rental Covenant**

The applicant is proposing that the tourist accommodation land use mirror the zoning of Nita Lake Estates (RTA-C1 Zone (Comprehensive Residential/Tourist Accommodation One) which *“may be used for the temporary accommodation of not more than eight (8) guests during periods when such dwellings are not occupied for residential use”*.

The applicant also commits that if TA uses are initiated, the owners must utilize a centralized property management company (rather than AirBnB or similar independent management). It is understood that both the municipality and the future strata have the ability to regulate this restriction. Space has been provided on site for a reception. It is important that the proposed accommodation uses not be disruptive to the neighbouring resident housing.

## **6.0 Cheakamus Crossing**

Although Cheakamus Crossing is an attractive neighbourhood and part of the housing solution, the remaining development sites are effectively green field development and distanced from the Village. As recognized in the OCP policy, employee housing exists in most neighbourhoods, whereby full-time residents create a vibrant neighbourhood all year. The RMOW has never supported the concentration of employee housing projects in one single neighbourhood.

The Cheakamus Crossing Phase 2 plans include 116 new apartments in four WHA rental buildings (one opened in December 2017, two will open in early 2019 and another will open in winter 2020), and up to 252 apartments and 48 dorm beds have been proposed in private rental building developments. This development will not meet the needs of the 600+ households on the purchase waitlists.

⇒ ***The units currently proposed in Cheakamus Crossing are not meeting the ownership units and space needs of growing families.***

Participation in the public outreach on new development is fundamental to good planning and development. **Our concern is that your submissions are not accurate** and if left unchecked by decision makers would result in harm to our successful resort community. I trust that you find the responses provided in this correspondence informative and helpful in understanding of the true character of the Hillman site development.

Should you wish to discuss any of this information, please do not hesitate to call.

Sincerely,



Caroline Lamont

***copies:***

*Mayor and Council*

*Jan Jansen, General Manager of Resort Experience*

*Roman Licko, Senior Planner*



Resort Municipality Whistler  
Legislative Services Department  
4325 Blackcomb Way  
Whistler, BC V8E0X5

March 9<sup>th</sup>, 2021

Dear Mayor and Council,

I am writing this letter regarding the re-zoning application proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

My name is Carly Scholz, and I am the General Manager of Nita Lake Lodge, my family also owns this property, and has since late 2012. Please note, I am not against the development, because I know the need for employee housing in this town. I also know the benefits of a development, when executed correctly, can contribute volumes to the community, i.e., Nita Lake Lodge. However, I am against the zoning amendment.

I have listed out the reasons of concern below:

- High Density Development – in what ways can the developer be encouraged to reduce density? How can we attempt to preserve one of Whistler’s last unoccupied lakes? The current development will result in the clearcutting of a significant number of trees. This will not only ruin the peaceful views of Nita Lake, but also be detrimental to our environment. I strongly believe this needs to be more carefully managed. Council should be doing everything possible to preserve our lakesides for the future of Whistler.
- Traffic – there needs to be an alternate entrance during and post construction. I live in the Nita Lake Residences and this is going to cause extreme headaches for owners and residents alike.
- Limited Employee housing – the 1200m<sup>2</sup> of employee housing is not nearly enough to justify the extra rezoning for his market-rate townhomes (half of which will be for nightly rentals). This could and should be increased.
- With increased traffic on the Nita Lake Lodge bridge – we (Nita Lake Lodge) will be looking into reevaluating the current bridge covenant in place and look to the Muni to assist with the costs associated with the bridge moving forward.

The Residents of Whistler deserve a rezoning process that looks out for the preservation of our most precious asset and not looking out for the developer. Why should the community suffer? I have complete trust in our local government and municipality to ensure this development is done right, and truly hope all the feedback you are receiving from your community will force you to make the right decision. **I respectfully request you vote against the zoning amendment.**



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March 9, 2021

Dawn Titus  
8440 Bear Paw Trail  
Whistler BC V8E0G7

To: Corporate.ca

I am writing to you regarding rezoning application RZ1157 to be discussed this evening during a Public Hearing.

It has come to my attention that, perhaps, a signed 'form letter' sent to Council might not be considered with the same weight that an individual letter would. Thus, I submit my own personal letter.

To be clear, I have many concerns about the proposed rezoning on this 'site-sensitive' property. If our Community is to feel that The Vision stated in the recently updated OCP is truly being acknowledged, then I question why this proposal has been able to proceed to this point. Considering OCP 4.13.2 "Proposed rezoning that increases the BedUnit capacity will only be considered if there is a clear and substantial benefit to the community".

This rezoning application is requesting an increase in BU capacity from the current zoning of 96 BU's to a total of 148 BU's. Included in that are 21 high demand employee housing units ( one of which will be held back by the developer ). With the hundreds of people currently on the WHA waitlist - this is not a 'substantial' benefit to the Community. Perhaps a third party review of this proposal is needed to determine who is receiving 'substantial benefits'.

In addition, from the 'Whistler 2020 analysis' (pg 8 #13) this statement, "Housing developed will be close to transit, pedestrian and cycling routes, as well as amenities and services *to reduce auto dependancy*". As far as I know, there is no operating transit service adjacent to this property on Alta Lake Road, and the distance to amenities (groceries/work) is far beyond what the majority of individuals would be able to cover without use of a vehicle. *The current rezoning application does not meet a myriad of other criteria for approval. I urge council to review this proposal very carefully before setting dangerous precedent for further redevelopment on adjacent properties.*

Dawn Titus  
*Sincerely yours,*  
Dawn Titus

March 8<sup>th</sup> 2021

Dear Mayor and Council,

We are writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

We are against this Zoning Amendment for the following reasons:

- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Along with many other residents, and a large number of visitors, we frequently cycle and walk that section of the Valley Trail particularly for the scenic aspects. Council should be doing everything possible to preserve our lakesides for current and future Whistler residents and visitors. Another development resulting in the same kind of visual impacts as Rainbow would be a huge loss to Whistler.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) Allowing a development of this density and inadequate balance of employee housing would set a very poor precedent as it relates to future proposals in the municipality.
- 5) The current proposal does not provide enough for the Whistler community in exchange for what the developer is receiving in return.
- 6) Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighboring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
- 7) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road. While this does not impact us as directly as others in that neighbourhood, we support the concerns of who would be closely impacted.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will address all the issues, including lower density while providing a better balance of employee housing, and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

We respectfully request that you vote against the zoning amendment.

Yours sincerely,

Hugh Smythe  
2106 Castle Drive, Whistler V8E 0A6

Shayne le Poer Trench  
2106 Castle Drive, Whistler V8E 0A6



Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
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- 6) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Ian McKeachie

3338 Panorama Ridge  
Whistler, BC

March 9, 2021

Dear Mayor and Council,

RE: Rezoning Application RZ1157

As a person who has lived in Whistler for a long time; I have always assumed that this is a municipality that treasures its natural resources. For that reason, I am surprised that Council is considering RZ1157, a rezoning proposal to which I am very much opposed. Whistler has been built on the beauty of our Mountains and our Lakes. This is why people live in Whistler and why tourists come to visit. This is what makes Whistler unique as an international resort.... we have both Mountains and Lakes. Our lakes are the gems in our town. We have to ensure that our Lakes are developed to preserve their beauty and attraction. Whistler is a beautiful place, and I thought we were all committed to maintaining its beauty; instead, you seem poised to approve an eyesore next to a delicate ecosystem.

For me personally, I would be sad to see all the trees on Nita Lake torn down, especially when I compare it to other nearby properties that balance the forest and development more responsibly. We do not want to see over development of our lakes. My fear is that significantly increasing the density of this site to 43 Townhomes is just too much for this small precious lake.

What's even more disturbing, however, is that this proposal is such a imprudent location for Employee Housing: it isn't close to the Village or even walking distance to Creekside, and it is absurd for Council to consider cramming all this housing into such a small delicate area.

My other concern is about traffic: Alta Lake Road is already dangerous enough as it is made even more dangerous by the fact that many people walk and bike on this road in ways not anticipated by the RMOW. Additional traffic on Alta Lake Road (especially at the difficult and overburdened entrance at Nita Lake Drive) will potentially lead to more accidents and increased rate of injuries on an already crowded road. I am not at all satisfied with the flawed Traffic Study, the date and data of which are clear misdirections by the developer. Nita Lake Drive is dangerous in the winter as it turns into a one way street and there have been many near misses. In the summer there are safety issues between cars, bicycles and pedestrians. I worry about the safety of my children, as well as other children and animals as lots of people walk their dogs on the street, especially at night in the dark.

I fully support a separate entrance for the 5298 Development as this will be a win-win for all. The original access to the Hillman property, which was the predecessor to the currently zoned development was from Alta Lake Road, not Nita Lake Drive. There are easements in place with an existing gravel road and bridge. A separate entrance make sense and is something the developer could easily make happen to limit the impact on existing residents and to be consistent with the OCP. This separate access would also allow much needed access into the Tyrol Lodge at the north end of the property but would also be in the best interests of any new development. We are hopeful council will pass this. This will solve many of the safety concerns of the Residences at Nita Lake living on Nita Lake Drive as well as provide better Fire Access.

As a final point, I don't think that the RMOW has properly considered what an impact this development will have given that it is on an ecologically sensitive site with Provincially protected riparian zones. It is completely irresponsible that this proposal is allowed to go forward without the public having access to these environmental reports. Please release these reports to the public so the community can properly

assess the damage done to this site. I find it unlikely that any development by a riparian zone is good for an ecosystem.

I have also heard from other Whistler residents that the Blue heron is making a resurgence. The lake and riparian area is a huge habitat for them. Has that been included in the study?

Whistler is a major international destination. We have a huge responsibility as a community to uphold and protect this beautiful land we were given. To set the standards high for integrating development into nature. You as council members have the power to show the rest of the world that Whistler is setting the standards high and deserve to be recognized as a leader in the integration of nature. Living in a beautiful environment responsibly, while not destroying the necessary habitats to keep nature thriving, we need to respectfully live in balance with nature and not dominate or destroy precious space.

The solution is fairly simple; reduce the market home density to make it consistent with the current zoned density and consistent with this "site sensitive" land. Ensure a strong development permit to preserve the forested nature of the neighbourhood and lastly create a second entrance in order to solve the traffic problem. This would be a win for everyone – community, council, developer and Neighbourhood.

With this current proposal, in front of Council the cost to Whistler and Nita Lake seems too high. I love Whistler and want to preserve this wonderful place for my children; I urge you to note against R1157.

Kind regards,

Jenny Follows  
5225 Jordan Lane,  
Whistler, BC

.

**Jennifer Mackenzie**  
7126 Nesters Road  
Whistler, British Columbia V8E 0E2

March 09, 2021

Mayor and Council, Whistler BC  
Resort Municipality of Whistler  
Email: [corporate@whistler.ca](mailto:corporate@whistler.ca)

Dear Whistler Mayor and Council,

***Regarding: Rezoning application RZ1157 - 5298 Alta Lake Rd.***

I object to the above-mentioned rezoning application as there is not enough employee housing.

Sincerely,

Jennifer Mackenzie

Dear Mayor and Council,

March 8, 2021.

I am writing to you regarding the

OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW (5298 ALTA LAKE ROAD) No. 2289,2020 and ZONING AMENDMENT BYLAW (5298 ALTA LAKE ROAD) No. 2283,2020  
re-zoning proposal RZ1157

I am against the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 for the following reasons:

The current proposal has repercussions for Whistler Community into the long term and is not the development plan that the Whistler Council promised. Concerns over the increased density, site-sensitive area, roads and traffic (Infrastructure) are serious oversights. Once this proceeds, it will have a negative lasting impact on the community of Whistler.

We need to create a better balance between delivering Employee Housing, allowing the developer a reasonable profit, having an environmentally responsible site, and balancing parking, traffic and roads. Reducing the density on this site would go a long way to achieving this better balance.

I request that the Mayor and Council ensure it is the right type of zoning for this parcel of land and it is in the best interest of all Whistler residents, not just to maximize the profits for the developer. This plan requires further future thinking and planning.

I respectfully request that you vote against the zoning amendment.

Let's proceed with the right plan for Whistler.

Yours sincerely,

Laura Wallace  
104-2400 Dave Murray Place  
Whistler, B.C.  
V8E 0M3

## Marius Miklea

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**From:** Barbara Turner [REDACTED]  
**Sent:** Tuesday, March 9, 2021 10:25 AM  
**To:** corporate  
**Subject:** Nita Lake

Dear Mayor and Council

Please vote no to the development proposed at 5298 Alta Lake Rd. We are now in our 90's and have enjoyed our home here since the early 1980's. As Whistler grows as a community and resort, it is crucial that proper consideration is given to environmental protection and traffic and congestion. This proposal does not serve to protect the sensitive lake environment around Nita Lake, nor does it offer solutions to the certain increase in vehicle traffic and its impact in the area. We are further concerned that it sets a poor precedent for future development in the area and in the corridor as a whole. We can and must do better,

Sincerely, Ladislav and Alena Branda  
8611 Drifter Way  
[REDACTED]

Nadija Veach  
6252 Piccolo Drive,  
Whistler, BC  
V8E 0C5

March 9, 2021

**RE: RZ001157 - Public Hearing For Zoning Amendment Bylaw (5298 Alta Lake Road) No.2283,  
2020 & Official Community Plan Amendment Bylaw (5298 Alta Lake Road) No. 2289, 2020**

To Council,

I support this development proposal at 5298 Alta Lake Road as it provides much needed affordable Employee Purchase Housing through WHA. While there are factors that the community would like to address, we should be working towards a solution for the use of this land that provides a portion of employee purchase housing and not declining or blocking this Developer from providing this affordable housing opportunity to the long-term residents of our community. The current state of the submission is a great opportunity and I recommend the Resort Municipality of Whistler show its support and approval for it, and thereby provide much needed affordable employee purchase housing for our community.

Yours Sincerely,

Nadija Veach

## Marius Miklea

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**From:** Phil Cartwright [REDACTED]  
**Sent:** Tuesday, March 9, 2021 2:52 PM  
**To:** corporate  
**Subject:** Re-zoning proposal RZ1157

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

My Partner and I are both for this rezoning proposal and I hope that Council votes to progress this for the following reasons:

1. This rezoning and subsequent development, as I understand it, aligns with the 2021 RMOW corporate plan on a page ([https://www.whistler.ca/sites/default/files/2020/Dec/related/6648/2021\\_corporate\\_plan\\_on\\_page.pdf](https://www.whistler.ca/sites/default/files/2020/Dec/related/6648/2021_corporate_plan_on_page.pdf)) Community Vision goals:

- a) In terms of community vision it supports "Sense of place" - creating opportunities for the people that work, live and contribute to the culture, vibrancy and balance of this community to have stability, a place to call home.
- b) Respects and has considerations for sensitive riparian areas as well as the surrounding environment
- c) Supports Community aspects with respects to quality of life and being inclusive, providing opportunities for those that support Whistler being a part of the community whilst striking the balance between community and;
- d) A Tourism-Based Economy, with included market options

2. This also aligns with most corporate goals though specifically "Corporate financial health is optimized to ensure long-term community success" by way of additional housing to support property tax collection as well the benefit of this development being privately funded at no financial risk to the RMOW.

Lastly, I feel that this rezoning and proposed development specifically aligns with to 2 of the 3 Council Focus Areas;

- 1. Community balance; effectively balance resort and community needs through deliberate planning, partnerships and investment.
- 2. Housing; Advance strategic and innovative initiatives to enable and deliver additional employee housing

Myself and my partner currently occupy a WHA Rental property and have done so for the past 7 years. We are very fortunate to be a part of this program, which has enabled us to live and work in whistler. Something that may not have been feasible otherwise. We are also patiently waiting on the WHA purchase list, along with 800+ other whistler employees that long to call Whistler home, permanently. This development will help create movement and opportunities in both the purchase and rental waitlist without requiring a significant investment by taxpayers.



I trust the work of the RMOW staff to ensure that the proposal meets all requirements and satisfies the various stakeholder needs however I also believe that the existing zoning supports another hotel, something which I feel most voters would agree would serve the community in a lesser capacity overall than what is currently being proposed.

I believe Council stood on a platform to balance the community needs against our tourism based economy, climate action and to deliver additional employee housing and I respect the work and decisions required to meet these objectives.

Thank you

Phil Cartwright and Dana Lemmon

311 2400 Dave Murray Place  
Whistler BC, V8E 0M3

## Marius Miklea

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**From:** Barb Racey [REDACTED]  
**Sent:** Tuesday, March 9, 2021 9:03 AM  
**To:** corporate  
**Subject:** Nika Lake Developemnt

**My personal view is that there are too many homes proposed on this sensitive Lakeside site.** I fully support the need for Employee Housing, BUT the development is far too large for the site and the expected clear cut will significantly impact the environment and beauty of Nita Lake. A smaller development (with a better balance between more Employee Homes and fewer Market Homes) will reduce the environmental impact, traffic concerns and would be a better outcome for our community.

~ Paul Fraser

[REDACTED]  
4011 Brockton Cresc  
North Vancouver, BC  
[REDACTED]

**Dear Mayor and Council**

**Re Public Hearing for 5298 Alta Lake Road**

**Introduction**

I am Richard Durrans and my family have had a house in Whistler for over 30 years. I have spent many hours researching the details and assumptions for this rezoning proposal and also reading many of the relevant RMOW policies. I wanted to share with you some of the key conclusions and questions that have emerged from my analysis and research. Thank you for taking the time to read this letter.

**My Position**

I am against this Rezoning because it is too much density for Nita Lake and because the assumptions supporting the rezoning are misguided.

I am not against development and fully support the need for Employee Housing.

This development and Rezoning can be significantly improved to the benefit of the whole community (Please see suggested solution below).

**A time to be certain**

I hope the Council recognise this is a highly contentious rezoning and it is imperative that you take the time to fully understand all the details and importantly the concerns of the Community.

**I believe the Council needs to be very certain that this is the right zoning for 5298 Alta Lake** – you need to hold yourselves to particularly high standards for four reasons; **first**, this is a unique and beautiful Lakeside site, something very precious for Whistler. Once this is developed it is gone forever. **Second**, this rezoning is one of the first to come under the revised Private Sector Employee Housing Initiative (PSEH) Guidelines – a controversial piece of policy that will set precedents. **Third**, there are 2 other large properties on the west side of Nita Lake

that are likely to be developed in coming years. Overall, this will mean a substantial change for Nita Lake. The Council need to take into account these future developments and have a clear vision for the West side of Nita Lake. Adding extra density to 5298 Alta Lake is not a good start or precedent for this Vision. **Fourth**, the developer has been in a privileged position to understand and influence these Guidelines that he is now trying to benefit from them. The onus is therefore on the Council to prove to the community, that this development, “provides clear and substantial benefits to the community and the resort” (OCP 4.1.6.3 (a)), and that it clearly and unambiguously stands on its own merits.

## Key Facts to understand

It is important to understand:

1. **The developer has stated that the current zoning cannot be built** in its current form (Email to RMOW Feb 2019). Therefore, the current zoning has little value to the developer and he needs the Council to rezone in order to create value.
2. The developer has rights to build this current zoning – no question. BUT what are his rights under a rezoning? I think a strong legal argument can be made that he has to “start again” and to negotiate new rights. **His starting point is zero density because the rezoning is a change of use.** The clear conclusion is that the Council has full discretion to determine the details of the rezoning.
3. Every market house approved under the PSEH Initiative has 2 key impacts; first, it increases the demands for employees in whistler and hence the need for additional Employee Housing and second, you have set a target to approve 500 Bed units under the Private Sector Employee Housing (PSEH) Initiative. **So, for every additional Market House Bed unit approved (under the PSEH initiative) is taken out of this 500 Bed unit pot and hence this reduces the number of Employee Housing Bed units available.** This creates a significant incentive for the Council to limit and reduce the amount of Market Housing.

Given the above situation why is the current proposal:

Increasing the overall density by almost 40%

Permitting the developer to generate almost \$60 million in revenue (\$2.7 mill x 22 Market Homes) and then receiving only \$10 million dollars in Employee housing (\$0.43 mill x 21 Employee homes).

Giving the developer \$2.8 million in revenue for every Employee House that is built.

Creating an additional 24 Bed Units of Market Homes which effectively means a reduction in the future of 24 Employee Home Bed Units.

This is not good maths and it is not consistent with the OCP, the PSEH initiative and certainly not in the best interests of the Whistler community.

## **A suggested framework and a way forward**

I believe there is a clear framework that can be used to guide the Council. This framework uses the OCP Vision, the RMOW bylaws and the PSEH Initiative as approved by Council in March 2019.

### **OCP Vision**

The OCP on page 1-1 lays out 8 clear statements that provide the “essence” of the Community Vision. The first 2 of these statements are:

- *Our resort community thrives on mountain culture and the nature that surrounds us.*
- *We protect the land – the forests, the lakes and the rivers, and all that they sustain.*



These are not one- off statements within the OCP, that can be easily changed. They represent the fundamental building blocks of the OCP and the key objectives of the community.

How can a 40% increase in Density be consistent with these vision statements?

The OCP also makes clear that these Longer- term objectives should not be compromised and should not be part of a short term “trade-off”.

*The OCP anticipates that its competing priorities will occasionally come into conflict, and it sets out guidelines for navigating these situations. Specifically, decisions **should favour long-term goals** over short-term gains, and when making any concessions or “trade-offs” these should be flexible and never permanent: (OCP2.2)*

**So the OCP, clearly puts the environmental health and the aesthetics of Nita Lake and its surrounding area as a primary consideration, and one that should not be compromised – whether for short term or other long term goals.**

In addition, in order to evaluate the correct density the Council should consider the opinions of a previous council that zoned this land.

The Council in 2002 carefully considered the use and density for these lands and deemed them “site sensitive”. They recognise the beauty and sensitivity of this site and were very clear in wanting a low density development and one that would blend into the forested community. Subsequent Councils have also endorsed this vision. What has changed? If anything, the need to protect our special spaces of nature has become even more imperative, as Whistler has grown and is now reaching its maximum capacity.

This means that the current Council needs to have a **high degree of conviction and certainty** that the proposed development will not compromise the environmental integrity and beauty of these Nita Lake Lands. This is a high bar not a low bar. This certainty is required by the OCP to ensure that its long terms objectives are upheld. Conviction and certainty are also required if you are to overturn the wisdom of previous Councils. Unless you have this certainty, no amount of Employee Housing justifies building on this site.

The good news is that Council does not need an increase in density to make this work for everyone and particularly for the Community.

## How to make this Rezoning work?

Look to your existing By laws and the PSEH Initiative.

### Look at the By laws...

In the *Zoning and Parking Bylaw 303,2015*, TA Floor Area, Hotel and Residential are clearly defined ...in *By laws 614, 486 and 814*.

For example:

***“tourist accommodation floor area” means the total floor area of a building used for temporary accommodation of paying guests measured to the outer limits of a building excluding areas used for assembly, and commercial uses including office, retail, personal service, restaurants and establishments licensed for the sale of alcoholic beverages on the premises; (Bylaw No. 614)***

The TA Floor area specifically **excludes Hotel space. And in *By laws 814 and 486*, hotels and residential have separate definitions. It is clear...the hotel space is NOT TA space and cannot be used to justify further TA density or indeed residential density. Any other interpretation is inconsistent with your Bylaws.**

In February 2019, the Planning Department at the RMOW, agreed that the starting TA zoning was 1900 sqm, but then (I believe) Jan Jensen decided the concept of “Commercial Tourist Accommodation”, could be used to justify adding the “deleted” hotel space in TA. This seems an arbitrary decision which is not supported by your Zoning Bylaws – TA Floor area is specifically defined, while “Commercial Tourist Accommodation” has no definition in the Bylaws. It is a convenient concept used to justify added density, but it has no basis in your policies.

So to be consistent with your By Laws, the current Zoning is for 1900 sqm TA, 800 sqm Employee Housing and for a hotel space, that has now been deleted. **Why**

**not use this as a starting point to negotiate with the developer.** It is consistent with your By Laws. The current proposal suggests 3500 sqm as the “starting point” – this is not at all consistent with your Bylaws. **To be clear (as stated above) the Council can decide to start negotiations at zero density, but what I am trying to propose here is a reasonable and fair starting point.**

The next stage is look at the PSEH initiative

The first point in the revised PSEH Initiative, dated March 2019, states:

*Projects shall **optimize** the amount of employee housing within the proposed development and may include **limited** amounts of new unrestricted market accommodation to support project **viability**, design quality and employee housing livability and affordability objectives.*

**There are three key words here, “optimise”, “limited” and “viability”.** I do not think the current rezoning proposal fulfills any of these criteria – 22 Market Town Homes is not limited, 2000 sqm of Employee homes and 4200 sqm of Market Homes is not optimising and allowing the Developer to not only Rezone (and escape an existing unbuildable zoning) but also giving him \$60 million in revenue is much more than viable.

So how do we reach Optimal, Limited and Viable?

Use the ‘reasonable’ starting point discussed above, 1900 Sqm of TA and 800 sqm of Employee housing (this is what you would be getting under the current zoning if built) and use the 1600 sqm discarded hotel density to be approximately divided between EH/MH and fulfill the PSEH initiative.

<u>Sqm</u>	<u>Current</u>	<u>Additional</u>	<u>Total</u>
Employee Homes	800	1200	2000
Market Homes	1900	1000	2900

This provides 21 Employee Homes (av 95 sqm) and 15 Market Homes (average 191 sqm )

This structure:

- Maintains the overall density close to the current 4600 sqm (actually an increase to 4900 sqm)
- It provides more **additional** Employee Homes than Market Homes – so is consistent with the requirement of limited and optimal in the PSEH Initiative.
- Will be viable for the Developer.

**It is also important to recognise that for each additional Bed Unit you give the developer for market homes, you take away a Bed Unit from an Employee – for the 500 BU target under the PSEH Initiative.**

If you replace the 22 Market homes – that is 88 Bed units – with 15 Market Homes - that is 60 Bed Units – you get an extra 28 Bed units that can now go to Employees in future developments.

### **Some additional points from the OCP**

For an environmentally sensitive development the Precautionary Principle states (OCP 7.1.1.11) that the burden of proof (that the development is environmentally responsible) is with the developer.

How is having only one initial environmental report that recommends additional reports and surveys be undertaken, consistent with the Precautionary Principle?

Will the Council ensure that additional Environmental reports are undertaken to make be certain that we can be sure that all Environmental issues are rigourously addressed?

One final point on the OCP; it outlines in numerous places the need to ensure that green spaces and buffers are a key part of the neighbourhood.

*"Our neighbourhoods are mainly hidden in the trees, between extensive green spaces and parks, offering privacy and tranquility yet easy access to the bustle and vibrancy of town." (OCP 2-1)*

*Support diverse, attractive residential neighbourhoods with varying densities and dwelling types that provide needed housing, fit the natural landscape, are **separated by green buffers and conservation areas** and are linked by trail networks that also access key destinations. (OCP 4.1.4.9)*

Will the Council ensure that through the Rezoning and the Development Permit, that these objectives of the OCP are respected and achieved?

## **Summary - A Suggested Solution.**

I believe the objective of the Council should be to have as many Employee homes and as few a Market homes as possible, while still allowing the development to be viable and keeping the density close to what is currently approved and appropriate for this site.

This suggested solution is consistent with the above analysis. I have also added a couple of other suggestions for a better development.

### The Solution is this:

21 Employee Homes (95 sqm average)

15 Market Homes (191 sqm Average)

Remove TA from all houses (Whistler does not need more TA and it is not appropriate for this site)



Separate Traffic entrance from Alta Lake Road (using a current easement)

Careful definition and management of Riparian and Green Buffer areas.

**I believe that this type of development would keep everyone happy** – The Council and community get a significant amount of Employee homes, the developer gets to make a reasonable profit (and solves a problem of having a current zoning he cannot develop), The Community and Neighbourhood are happy since the density and environmental impact will be better managed and the beauty of Nita Lake better preserved. This solution is also consistent with the OCP and the PSEH Initiative.

One final request:.....if you still see the need to have 11 of the houses TA zoned, can you at least move the 11 TA zoned Townhouses away from Nita Lake Strata and put them at the North end of the development? This would reduce the potential for any neighbourhood friction if these TA houses became nightly or even weekly rentals.

## Conclusion and Summary

The OCP rightly demands that any rezoning is held to rigorous and high standards. In particular, “proposed rezonings....should only be supported if the Proposal..”

*“Is supported by the Community, in the Opinion of the Council” (OCP 4.1.6.3 (b))*

You have received many letters on this rezoning and over 90% have been against this rezoning. Is there any resident around Nita Lake (all sides) who supports this development? Surely this means that the requirements of the OCP are not met.

It is important to recognise that myself and many others are not saying “no development”, we are saying let us get a better development for our Community. We do not want to end up with a “Rainbow south”.

The Good news is that the Council are in a strong position to get a better deal for Whistler and that a viable solution is available. I encourage you to be critical of the assumptions, review the Alternatives carefully and be demanding, purposeful and strong to make sure you achieve a Solution that is good for everyone.

Thank you for your consideration

Respectfully

Richard Durrans

5200 Jordan Lane, Whistler V8E1J5

**Dear Mayor and Council**

**Re: Rezoning of 5298 Alta Lake Road**

My name is Sandra Durrans and I live at 5200 Jordan Lane. I am proud to say that I am one of the few fortunate enough to have skied here, as a young girl, since Whistler first opened – before the village and Blackcomb even existed, and I have loved all of the outdoor adventures here ever since. I have been a homeowner in Whistler since 1989, when as young adults, together with my family of four siblings we bought and shared a small town house on lower Nordic Drive. When our families grew, we moved to Jordan Lane. We have raised our four children to love and respect the beauty of Whistler, the delicate and fragile ecosystems and the power and unpredictability of the mountains and the Lakes. I am passionate about where I live.

**I am writing in opposition to the proposed re-zoning at 5298 Alta Lake Road.**

**I have 4 primary concerns and issues: first the environment, second, the lack of vision for the west side of Nita Lake, third, the use of TA zoning and fourth, the inevitable traffic problems.**

**1. The Environment.**

**The importance of Whistler's nature and environment is given primary position in the OCP Community Vision.** It is of paramount importance to maintaining the Whistler that we all love. As you say in the OCP, it is part of the “essence” of the Whistler Community. The running theme throughout the OCP is very clear - the need to protect the environment and Whistler's “mountain character” and “sensitive ecosystems and biodiversity” for both nature conservation as well as economic reasons.

But despite this fundamental vision in the OCP, the environmental and aesthetic issues have yet to been fully addressed for this rezoning and the environmental review does not meet the required standards set out in the OCP vision. How can just one INITIAL environmental report achieve those standards?

My concern is that because the “homework” has not been done on the environment and the hard questions have not been asked, we are going to end up with “Rainbow south” at Nita Lake. This is a precious and unique piece of land on one of the most beautiful Lakes in Whistler; once it is developed it is gone forever.

**Some key comments and questions to consider for the environment:**

- a) Only an **initial** environmental report has been completed, despite recommendations that further surveys and reports are undertaken. **Why have these additional reports not been completed**, even though it is clear to most people that further information is required on the environmental impact of the rezoning. **Why are we not holding ourselves to higher standards?**
  
- b) **The previous Council that issued the current zoning, recognised the special beauty and situation of this land, and deemed it “site sensitive”**, requiring low density and they had a vision of a forested and tranquil setting for the development. Subsequent councils have reinforced this vision, when they have received requests to rezone. Why is this Council departing from this vision? **Is the wisdom of many previous councils to be ignored because of short term pressure to build?** This is not the way to foster a healthy long term environment for Whistler.
  
- c) **Our community depends upon a thriving tourism industry based on Whistler’s outstanding natural environment.** It is clear that tourists come here to enjoy many outdoor activities, as well as the natural beauty that Whistler is known worldwide for - mountains, lakes, and magnificent forests and all of the biodiversity that come with it. There are very few tourists who would come to a destination to see clear cuts, row housing and over- development, as is proposed for Nita Lake. Are people sitting on the patio at Nita Lake Lodge or hotel guests paddling and fishing on the Lake, going to be happy with this view. The answer needs to be a convincing “yes” if the Rezoning is to go ahead.
  
- d) The current proposal provides for Riparian zones (mandatory) and some Green buffer zones, and the intention is that these will provide for viewing and aesthetic protection. **But once Firesmart guidelines have been implemented, many of the trees and shrubs will be removed. Does the Council know how the development will look?** There is a risk that this development and its lights will be clearly seen from across the Lake and the view from skiing down from Whistler Creekside will not be pretty. The Council need to be very sure that they have created sufficient Green buffers, that even after Firesmart, the development will be aesthetically pleasing and will be a treed and a green neighbourhood.

## **2. A Vision for the West side Nita Lake.**

**It is very important for the Council to understand that there are 2 other developments (in addition to 5298 Alta Lake) that are likely to be developed over the next few years on the west side of Nita lake.** At least one is a rezoning, as Tyrol lodge has been consistently trying to redevelop over the past few years. If you over-develop and add density to 5298 Alta Lake Road, you create a precedent for the Tyrol lodge lands. Where does it stop? This means that the whole of the west side of Nita Lake will be

developed – we cannot afford to get this wrong, we cannot afford to over- develop and create clear cuts and neighbourhoods that are not consistent with the OCP. **The council needs a Vision and plan for the West side of Nita Lake.** You should not go ahead with the 5298 Rezoning without taking into account the likely added density on the surrounding lands. Please do not over develop the West side of Nita Lake.

### **3. Do we really need TA zoning?**

**Why is there a need for TA zoning on Nita Lake?** Why is there a need for a central check in on site – for 11 TA houses? I recognise that the Nita Lake Estates has TA zoning – but this was granted in different times and was connected to the Nita Lake Lodge zoning. We are in different times where, 1) Whistler does not need more visitor accommodation and 2) **increasing visitor Accommodation only exacerbates the need for more Employee Housing** (to look after the extra visitors) and 3) TA zoning is best situated close to the village and in walking distance for amenities. Visitors are not walking to Creekside to ski – they will be jumping in their cars and 4) **TA zoning increases the potential for noise and disruption in residential neighbourhoods**, and it is not consistent with the OCP objective to develop neighbourhoods with tranquility and community.

### **4. The problem of traffic**

**Traffic is an issue that has not been sufficiently addressed...** the addition of 80 cars, PLUS perhaps 30 cars from the WHA lands at the top yet to be developed PLUS traffic going to the park....all mean that accessing this site through Nita Lake Drive makes NO sense and indeed creates a safety issue. **Also where are cars going to park when they visit the Park?**... this has not been addressed. The pressures on our parks are huge and growing - I have no doubt any park here will be well used. There is already substantial parking at the top of Alta Lake road that connects with the summer road – why not use this parking and easement that is already in place.

**Contrary to some opinion, this is not an easily walkable community.** People will be jumping in their cars, particularly on cold nights, when they have kids, when they are carrying groceries or skis or whatever. If this is walkable, why are there so many cars in the current employee housing and parked all along the road on Nita Lake drive?

### **My request of Council:**

- 1) **Reduce the density** to ensure the environmental health of the west side of Nita Lake is maintained. There is not a good case for more density.
- 2) **Remove TA zoning** – it is not appropriate for this location



- 3) **Create a second traffic entrance** onto Alta Lake Road – an easement is already in place and this will avoid safety issues on Nita Lake Drive
- 4) **Ensure all environmental reports are completed** and the environmental assessment is to the highest standard.

You can do all these things and still achieve the Employee Housing that you need.

This is not a time to be driven by short term pressures and dictated to by a developer who needs a rezoning. This is not a time to “hope for the best” on Nita Lake. This is a time to be courageous and to deliver a well thought out plan for the west side of Nita Lake, and one that puts the importance of nature, the protection of the Lake and land and the health of the environment as a primary objective. Indeed, the OCP requires you to do this.

The Council should and can achieve a better zoning for this property – the Community has provided you with strong direction on what this plan should look like.

Thank you for reading this letter and thinking carefully about the issues that have been discussed.

Respectfully,

**Sandra Durrans**

**5200 Jordan Lane, Whistler.**

Dear Mayor and Council,

**I am writing to express my opposition to the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020.**

Whistler is my home. I grew up here, I've been employed here (both by Whistler Blackcomb and as an environmental professional), and I hope to spend the rest of my life here. I care deeply about how this development will impact the people, wildlife, and environment of Whistler, and what this decision will symbolize for the future of our community.

It is clear to me that the proposal does not comply with the vision for Whistler as described in the Official Community Plan (OCP) – Whistler's most important guiding document. A common thread throughout the OCP is recognizing not only the aspiration but *the need* to protect Whistler's natural environment and scenic beauty for its ecological, social, and economic values.

"Whistler's natural environment is one of the resort community's greatest assets and residents and visitors continue to understand the need to protect its inherent values." (OCP 7-1)

"The natural environment that sustains our local biodiversity, provides our connection to nature and sustains Whistler as an attractive mountain destination, has been protected by carefully managing the amount of development, its location, and design and construction, and proactively preserving sensitive areas." (OCP 4-1)

I have a degree in Environmental Science specialized in Biodiversity and Conservation, and I am an environmental professional with years of experience working in conservation for nonprofits as well as a naturalist and wildlife expert in ecotourism. Starting this year, I am taking on the position of Lead Lake Monitor for Nita Lake with The BC Lake Stewardship and Monitoring Program.

From the information I have access to, it appears to me that the re-zoning proposal does not sufficiently prioritize and protect the natural environment and scenic beauty of Nita Lake, and has not adequately addressed the recommendations of the environmental report. While this site is by no means pristine wilderness, and sacrificing this forested lakeside for other gains (i.e. much needed employee housing) may seem like a drop in the bucket, we must treat this site as the precious gem that it is and realize what happens here has broader implications for the overall development of Whistler's valley. As one of Whistler's remaining undeveloped lakesides, are we ensuring that we truly understand and are best protecting the inherent values of this site before rushing into its irreversible destruction?

The International Union for Conservation of Nature states that over the last century we have lost 70% of our natural wetland areas, which provide important wildlife habitat, carbon storage, and represent an essential component of strategies for adaptation to, and mitigation of, climate change. It's 2021 and we are well aware that humanity is threatened by a global climate and biodiversity crisis. It's urgently time for creative, sustainable solutions for Whistler (especially for our prominent and precious lakeside habitats), not short-sighted and selfish development proposals like this one.

I urge Council to ask for more in this precedent-setting development. I'm asking you to fight for a responsible and fair balance of environmental, social, and economic values, not only for this development but for all those to come. Let's realize a development that we are proud and passionate about and that we can feel good about knowing we did the best we could to achieve our vision for Whistler.

Respectfully,

Taylor Green  
5205 Jordan Lane

Dear Mayor and Council,

I am writing to you regarding the re-zoning proposal RZ1157 and the Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020 as part of the Public Hearing process.

I am against this Zoning Amendment for the following reasons:

- 1) This appears to be a very high density development on lakeside property that will undoubtedly result in clearcutting of significant trees. There will be even more tree loss with the development of the proposed park and WHA parcel. All of this will be visible from the valley trail and mountain and ruin the appearance of Nita Lake. Council should be doing everything possible to preserve our lakesides for future Whistler residents.
- 2) The impact of this development on the environment needs to be more carefully managed. Council should extract binding assurances now to preserve the trees and protect the forested appearance of the lakeshore.
- 3) The limited employee housing being built in exchange for this rezoning is inadequate and not commensurate with the huge number of market townhomes proposed.
- 4) The current proposal does not provide enough for the Whistler Community in exchange for what the developer is receiving in return.
- 5) Council needs to have and communicate a clear vision for the future of this beautiful lake: not just the Hillman Site, but also the neighboring properties. Now that the Tyrol Lodge has jumped on the bandwagon and publicized the possibility of developing parcels of its land, this is more important than ever. The cumulative effect of these decisions may have unintended consequences.
- 6) More development means more traffic woes on local roads and the intersection of Highway 99 and Alta Lake Road.

We need to create a better balance between delivering Employee Housing, protecting the natural appearance of this site, and allowing the developer a reasonable profit. Reducing the density of the proposal would go a long way to achieving this better balance.

The citizens of Whistler deserve a rezoning process that will get us the best deal and will protect our most precious assets, holding any lakeside developments to the highest standards. Under the proposal currently before Council the cost to Whistler and the irreversible damage to Nita Lake are both too high.

I respectfully request that you vote against the zoning amendment.

Yours sincerely,

Name Tink Taylor

Address 8084 Parkwood Drive, Whistler, BC.

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I respectfully request that you vote against the zoning amendment.

Yours sincerely.

Name Zach Choboter

Address 2101 Whistler Rd, BC V0N 1B2

