

January 13, 2021

Dear Mayor and Council

Re: Rezoning Proposal No. RZ001157 5298 Alta Lake Road

As you can imagine, I and many of my neighbours around Nita Lake remain concerned about the proposed site and development of 5298 Alta Lake Road, and therefore have spent considerable time familiarizing ourselves with the present proposal and the TA17 zoning granted in 2002. We believe that Council is proceeding under the mistaken assumption that the current proposal represents a concession extracted from the Empire Club, a "good deal" when compared to the spectre of a hotel on the site which would be less desirable to the community. In fact, as admitted by the developer, the hotel for which the zoning was granted 18 years ago could not be economically built today, and it instead is the developer who is coming to Council with their hat in their hands. I am surprised, then, that you and your colleagues, holding this position of strength, seem poised to grant every desire to the developer without addressing the objections of your community.

Although I can understand council's approach to the issue, I think it is based on the erroneous assumption that the owner of 5298 Alta Lake Road could economically build a hotel on the property without input from Council and the community would have no say. The fact is that the development of the property is governed by the London Mountain Lodge Comprehensive Development Covenant, registered against title, which binds the current owner of the property. Among other things it restricts the combined density of all tourist accommodation units to 64 bed units. The existing TA17 zoning further restricts the maximum floor area used for tourist accommodation within a hotel to 500 square metres (20 bed units as defined in the covenant, i.e. 10 hotel suites). Under the current zoning and development covenant therefore the hotel could accommodate at most 10 suites or 20 guests. The London Mountain Lodge development proposed in 2002 was based on tourist accommodation being primarily in 25 cabins, but changes in riparian setbacks and Firesmart regulations would require changes to what was proposed for the London Mountain Lodge. As the developer advised the planning department in an email dated 4 February 2019 (attached), "We would also like to meet at your earliest convenience to fully understand your calculation of density and recognition of the current environmental conditions that did not exist with the London Mountain Lodge zoning and development approval. ***I trust you appreciate that the London Mountain Lodge could not be built in its current form given the changing riparian situation of the site and regulations.***"


As stated by the developer, the London Mountain Lodge development, to which the TA17 zoning and development covenant were tailored, could not be built today as designed given the riparian setbacks now required and the FireSmart guidelines that would apply to each cabin. The developer has specifically relied on that argument in support of its proposal for more density. Moving the locations of the cabins into a smaller area might get around the riparian setback and Firesmart problems. But to make a hotel on the property economically feasible today would require more density and a new plan to go before Council and the community to amend the TA17 zoning and Covenant BT215121, just as the property owner has done in arguing for the proposed tourist accommodation townhouses. In fact, the other owners before have not built the development as zoned as it is not economically viable.

Yes, the developer does have some development rights on the property, however, they surely would have done their due diligence and realized that the current TA17 zoning was not financially viable and were well aware that the proposal under the TA17 zoning could not be built but decided to purchase the property anyway. With the change of use with the deletion of the hotel, the RMOW staff were advising that the starting position for the market accommodation was only 1900m² (one could argue that it should only be 1400m²) but now the

developer is receiving 4202m2 which translates into substantial profit for the developer. What an incredible gift.

I hope I am wrong, but it seems from the previous council meetings that statements from councillors suggests that a misunderstanding of these points has led to a misguided fear that this development could be built as a hotel today without any rezoning or Council approval. That is likely impacting the Council's judgement over approval of such a high density development, overlooking that the proposed development gives the developer a huge profit in return for very little for the community.

Sincerely,



Paul Wood
5164 Nita Lake Drive,
Whistler, BC

From: Mike Kirkegaard
Sent: 15 Jul 2019 14:32:49 -0700
To: Mike Kirkegaard
Cc: Mike Kirkegaard
Subject: FW: RE: Staff letter regarding RZ1157 - 5298 Alta Lake Road

-----Original Message-----

From: Caroline Lamont [mailto:clamont@bethelcorp.ca];
Sent: 4/2/2019 11:12:18 AM
To: Roman Licko [mailto:rlicko@whistler.ca]; Mike Kirkegaard
[mailto:mkirkegaard@whistler.ca];
CC: Michael Hutchison [mailto:mhutchison@bethelcorp.ca]; Jon Dietrich
[mailto:dietrichj@telus.net]; murdoch@telus.net [mailto:murdoch@telus.net];
Subject: RE: Staff letter regarding RZ1157 - 5298 Alta Lake Road

Roman/Mike:

On January 23rd Brent Murdoch and I met with you and you shared quite a few comments from other RMOW Departments. Could you please provide these comments in written form to us, as your letter appears to be a drastic disconnect from our meeting many months ago and the letter you sent today.

I have request that you share the letters from surrounding neighbours that I understand were prompted by the Rezoning sign.

We would also like to meet at your earliest convenience to fully understand your calculation of density and recognition of the current environmental conditions that did not exist with the London Mountain Lodge zoning and development approval. I trust you appreciate that the London Mountain Lodge could not be built in its current form given the changing riparian situation of the site and regulations.

Thanks,

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