

February 21, 2019

Caroline Lamont,

Bethel Land Corporation

Via email:

**RE: RZ1157: 5298 Alta Lake Road**

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Dear Caroline,

Thank you for your submission of Rezoning Application RZ1157 for the property at 5298 Alta Lake Road. Staff have considered this proposal relative to existing zoning, the previously supported development concept, existing site conditions, current community needs, and tests for rezoning and community benefit requirements.

Under the proposal approved previously under RA309 ("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.

Staff review indicates that RZ1157 proposes:

- An increase of 2500 m<sup>2</sup> for tourist accommodation from 1,900 m<sup>2</sup> to 4,400 m<sup>2</sup>.
- An increase of 310 m<sup>2</sup> for employee housing, and
- An overall increase in the density on the site of 1236 m<sup>2</sup> (13,304 sq. ft.)

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 m<sup>2</sup> to 4,400 m<sup>2</sup>) through the conversion of hotel support facilities, and note that the increase in proposed employee housing is significantly less (from 800 m<sup>2</sup> to 1110 m<sup>2</sup>).

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.

Review of the title documents indicates that certain conditions in covenant BT215121 need to be realized prior to any development as noted in sections 2.1 and 2.2 ("Prerequisites") of that document as shown below:

*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*
  - a) 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*

- b) A heritage report providing recommendations for the rehabilitation of the existing historical cabin and barn*
- c) 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*

	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.

In terms of technical review of the proposal, Municipal Staff can provide the following comments, which would need to be addressed for a rezoning to be considered:

1. Please be advised that proposals for significant new development are required to quantify future GHG emissions and energy consumption impacts (including transportation-based) and incorporate measures to minimize and/or mitigate projected increases, as per CECAP.
2. The RMOW will require STEPCODE 3.
3. **Staff support the IER.** A RAR assessment, Geotechnical Report and Preliminary Field Reconnaissance would be required to proceed. **A RAR assessment for Gebhart Creek would also be required.**
4. Development proposals require a storm-water management plan balancing pre and post storm-water runoff.
5. The proposed 5m spacing between buildings could impact construction requirements and unprotected openings between buildings; particularly if you choose to reduce to less than 5m.
6. The tandem parking indicated is contrary to the Zoning Bylaw, which only allows for tandem parking in the case of dwelling units requiring three or more spaces.
7. There are some concerns regarding provision of adequate snow dump areas.
8. There are some concerns regarding the size and location of the recycling building as it seems to be quite far from the rest of the development.
9. **The proposal shows considerable retaining. Any walls should be minimized in height, be sloped rock stack, and include multiple terraces sufficiently sized to accommodate mature native or near native coniferous trees and deciduous understory.**
10. **Trees in this zone as well as at the bottom of the walls should be in some type of protective covenant to ensure their long term well-being and grow to a mature height.**
11. The building architecture, materials, colours and lighting should also seek to blend with the natural landscape and minimize visual disruption.
12. Please clarify the indicated 15m riparian setback from the 30m CN ROW.
13. Please clarify the 30m railway setback toward the lake beyond the 30m CN ROW.
14. **The long term intent for the Valley Trail (VT) is for it to circle Nita Lake (it is included in the draft 2018 OCP).**
  - a. **As part of any rezoning proposal on these lands the RMOW will require the VT be constructed to the northernmost property line with Tyrol Lodge. Staff prefer a lower trail as noted in item 15.**
  - b. **A 2.5m wide strata trail could connect the Valley Trail to the proposed development's strata road. All should be illuminated to encourage pedestrian use.**
15. **RMOW preference is to maintain VT alignment nearer the Railway ROW, this may require bridging of the wetland or compensation works if crossing at grade, alignment should continue thru designated "remainder" space terminating at adjacent property line to the north.**
16. **The proposed VT in the western portion of the development is better served as a strata pathway that connects to the Nita Lake Estates strata pathways (misidentified as existing**

Valley trail in the top left of sheet A-1.0). Strata pathways require public access as is established for Jordan Lane Estates.

17. VT grades not to exceed 5% and to meet new design guidelines.

18. Please clarify what is proposed to be done with the northern parcel with the two existing buildings. If this is to become publically accessible lands then the developer should be responsible for fire smarting the lands.
19. Please clarify how the two existing buildings on the north portion are to be accessed if this rezoning were to proceed.
20. The proposed Remainder Parcel requires further clarity. Do you intend for this green space on the north side of the property become public or remain private property?
21. A site servicing schematic for water, sanitary and storm will be required along with cross sections showing adequate cover.
22. As discussed in the Binnie Servicing report (Oct 4/18) the sanitary and water demand for the other amenities will need to be taken into consideration.
23. A full study to ensure that the current infrastructure meets the demand of the new development will also be required.
24. Have you explored a road connection to Tyrol Lodge?
25. Attention should be paid to CN rail's permitting requirements for the sanitary crossing.
26. A traffic study should also take place to prescribe if/what road improvements are required with increased volume.
27. At the north end of the property there is potential to update the bridge.
28. In addition to the already proposed VT loop the VT could also be extended to through to 5302 Alta Lake Road (Tyrol Lodge).
29. What will the site specific zoning for the Hillman Cabin and Barn or would be included in TA17?
30. What are the bylaws around draining hot tubs and pools? Plumbing code
31. Please submit a preliminary subdivision plan to run concurrently

Thank you for your time on this project.

Roman Licko

PLANNER

Resort Municipality of Whistler