

[REDACTED]
[REDACTED]
[REDACTED]
6th Sep 2019

Attention: Mayor and Council
Resort Municipality of Whistler

Subject: Rezoning Proposal No. RZ001157
5298 Alta Lake Road
Empire Club Development

Dear Mayor and Councillors:

My Wife and I own both the property at [REDACTED] and the currently undeveloped Strata Lot on [REDACTED]. When we purchased our home and the neighbouring plot over 3 years ago we were aware the area around 5298 Alta Lake Road had been zoned for a development of some sort that included properties spread across the wooded areas. We have no objection to a development of this sort, thoughtfully designed to be in sync with the local environment.

Having reviewed the document's associated with the rezoning application above, we are extremely concerned that a developer can apparently run roughshod over the zoning restrictions. The application as it stands effectively allows building of a development totally out of keeping with the surrounding properties both on Jordan Lane and Nita Lake Drive.

The proposed development would also have a significant impact on the environment with the clearing of a substantial number of trees that are currently crucial for the absorption of greenhouse gases.

The development is massively oversized for the area with none of the spacing of properties as we had been led to believe. Further, the roads around our property are reduced to single lanes during the winter. There would need to be a detailed plan and explanation of how the infrastructure could deal with the additional traffic this development will bring and the further problems created on Alta Lake Road.

We are supportive of the area being developed with more housing in keeping with the existing environment and the surrounding area. We

are not supportive of this development, it seems a totally inappropriate location for staff housing given its vicinity and lack of infrastructure.

We have been tax payers to the Whistler Municipality now for over 15 years – we would be deeply disappointed to see the council support a totally inappropriate development of this sort.

Yours Sincerely

Dr Brian Gilvary

[REDACTED]

Mrs Joanne Louise Gilvary

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

September 5, 2019

To: Mayor and Council
Resort Municipality of Whistler

Dear Mr. Mayor and Councillors:

Re: Submissions from the Nita Lake Estates Strata
On Rezoning Proposal No. RZ001157
5298 Alta Lake Road
Empire Club Development

I am the President of the Strata BCS556, "Nita Lake Estates" and I am writing on behalf of myself as an owner and all owners of the Nita Lake Estates.

The Owners of Nita Lake Estates are opposed to the current rezoning application and development plan for 5298 Alta Lake Road for a variety reasons.

We are not against development and fully understand the need for more employee housing for Whistler but want to ensure it is the right development for the Whistler Community, is consistent with the surrounding neighbourhood and of course is respectful of the neighbours and minimizes the impact on our well established community consisting of the employee housing units of the Nita Lake Residences and the estate homes of the Nita Lake Estates.

We are hopeful that, as long- standing residents and tax payers of Whistler, our views and voices will be heard and respected by council and indeed by any developer who intends to develop around Nita Lake ("the Lake").

It is important to ensure that this development meets the guidelines for "Employee Housing on Private Lands, March 26, 2019" and the new OCP for Whistler currently in its third reading. For reasons which follow we do not believe the proposed development meets these guidelines.

In the course of preparing this submission we have had many meetings with our Strata members and other residents who live around the Lake. In the course of doing this we have reviewed the relevant documents including:

- The Administrative Report to Council Dated May 21, 2002, Subject London Mountain Lodge on Nita Lake Consideration of Bylaw Adoption
- Zoning and Parking Bylaw 303, 2015 that outlines Bylaw no. 1497 TA17 Zone
- Land Titles Document BT215122 and BT215124 filed June 20, 2002 which outlines all covenants currently registered on the property
- Land Titles Document BX121192 filed March 16, 2005
- Administrative Report to Council February 26, 2019, Subject Private Employee Housing Proposals- Revised Evaluation Guidelines and Consideration of Rezoning Applications with March 26, 2019 revised guidelines
- Whistler's Community Plan and Vision Update 2019
- Whistler 2020 – Moving Toward a Sustainable Future
- Section 904 of the **Local Government Act**
- *Lambert v. RMOW* 2004 BCSC 342

In addition, we submitted a Freedom of Information Request for all plans and correspondence related to this rezoning application and have reviewed the information we received, albeit much of this information was very limited since much of the information was redacted.

Based upon our review, it is abundantly clear that the current rezoning proposal is inconsistent in terms of density, concentration and visual impact with how our strata neighbourhood and adjacent neighbourhoods have been envisioned and developed on the shores of Nita Lake. In order to build this development in its current form, there will need to be substantial clear-cutting of this very sensitive lakeside area. There is no other lake in Whistler that has this type of proposed density and market rental housing. With the Nita Lake Lodge, the Lake is already at its capacity for commercial use. Nita Lake needs to be preserved and cared for. Surely the citizens of Whistler deserve to have its elected Council Members protect these precious assets and in particular hold any lakeside developments to higher standards.

The Planning Department is very aware of the proposal under RA309 (“London Mountain Lodge”) which created the existing TA 17 zoning. On April 2, 2019, Roman Licko wrote to Caroline Lamont, the point person for the Bethel Lands Corp. and indicated that *“the intention was always to maintain the existing natural setting. This scheme found support as a site sensitive development.”* At this point of the process, the Planning Department already realized the proposal was not in keeping with the existing zoning. Through the FOI request, it was revealed that even as early as December 4, 2017, Jan Janson was questioning this location for employee housing in a discussion with Mike Kirkegaard after a discussion with Michael Hutchison that morning and prior to his final purchase of the property.

In addition, the RMOW was very aware of the controversy this rezoning proposal would create. On April 8, 2019, Ted Battiston wrote to Mike Kirkegaard, indicating *“given the primary residence of the Director of Planning to this property, that the rezoning is quite significant in nature, and that the proposed rezoning will likely be both quite public and potentially contentious, Legislative Services feel that it is in the best interest of the organization and of the application review process to have Mike K avoid all work on the file.”* Yes, this is a proposal that will be aggressively fought by many.

DEVELOPMENT NOT CONSISTENT WITH PRIVATE EMPLOYEE HOUSING GUIDELINES and OCP

When looking at the revised Private Employee Housing Proposal Guidelines [with reference to paragraph numbers of the revised guidelines], the following criteria appear to have been ignored or overlooked in the current rezoning proposal:

1. *Paragraph 12. Proposed densities, scale of development and form of housing should be appropriate for the site context. Impacts on scenic views, and views and solar access for adjacent properties should be minimized.* The rezoning pushes all development to the south end of the property and results in a density increase of 65% over the current zoning. To achieve this in a way consistent with Firesmart principles, there is no doubt that significant clear cutting will need to occur to allow this density in such a small area. The developer, Michael Hutchison, took no care in maintaining any green space in his Baxter Creek development. This development will significantly impact the views from all areas around the lake. The market rental units are completely out of character with the adjacent properties as there are no other market rentals on the west side of the lake and are mainly single-family homes. The lot to the north of this property is also zoned for single family homes (RSE1). Hopefully the council would not consider turning that lot also bordering the Lake into market condos for the right price. In addition, the location of the proposed development entirely at the south end, provides very limited green separation from our Strata. This once again is inconsistent with how our Strata has been developed and in particular has a direct and substantial impact on some owners of the Residences at Nita Lake and the Nita Lake Estates by providing limited or no green space between the properties and no noise barrier.

The proposed Official Community Plan Objectives (OCP), 3rd reading p. 46 states “Green buffers between neighbourhoods contribute to neighbourhood identity and livability. Trail networks provide connections to key destinations and promote walkability. They also extend access into natural areas for peace and tranquility, recreation, leisure and healthy living. Easy access to nature is fundamental to Whistler’s quality of life and has been a primary consideration in the development and protection of Whistler’s residential neighbourhoods.” Where are the green buffers for this development?

2. *Paragraph 13. Proposed developments shall be within a comfortable walking distance to a transit stop, and in close proximity to the valley trail, parks and community facilities, convenience goods and services and places of work. Housing has been developed close to transit, pedestrian and bicycle routes and amenities to reduce auto dependency. As stated in Whistler 2020 – Moving Toward a Sustainable Future, at page 47: Residents live, work and play in relatively compact, mixed- use neighbourhoods that reflect Whistler’s character and are close to appropriate green space, transit, trails and amenities and services.* Although, the developer will be required to build a Valley Trail that connects the north end of the property to the Valley Trail through the Nita Lake Estates (as per Document BT215121 and already an amenity part of the TA17 zoning), this development is not located close to transit, community facilities, convenience goods and services or places of work. Owners will require a car, thereby increasing traffic along Nita Lake Drive, then onto Alta Lake Road resulting in congestion at Highway 99. Although we understand the need for employee housing, this is not the best place for additional employee housing as it will only promote car use. This is a good example of how mixing and connecting private development with building employee housing creates compromises that is not in the best interests of the residents or indeed the employees.
3. *Paragraph 17. Additional traffic volumes and patterns shall not exceed the service capacity of adjacent roadways.* In continuation of the point above, Nita Lake Drive cannot handle any additional traffic. There is a blind corner on Nita Lake Drive that results in many near misses in the summer and winter between cars, bicycles and pedestrians. Bicycle traffic is increasing in the summer to access Creekside with many bikers riding side by side. Owners in the Residences at Nita Lake park freely on Nita Lake Drive. Children play on the roadway. In the winter the road is turned into a one way street as a result of parking at the entrance to Nita Lake Drive opposite the entrance to the Nita Lake Residences. The morning snow plow blocks cars along the road, leaving an unnecessary accumulation of snow on the roadway. The road is only one way coming around the corner and can be very dangerous in snowy and icy conditions with limited time to stop. There is parking on the sidewalks on a continual basis. If this development is to proceed, it must have its own access road from Alta Lake Road other than Nita Lake Drive. The exit from Alta Lake Road onto Highway 99 is difficult most times during the day but impossible after 2 or 3pm on any Friday to Sunday. There have been many near misses. This proposed development will increase wait times at this intersection without a timed traffic light but also push traffic through Alpine Meadows neighbourhood as a way of bypassing these traffic jams. The proposed development will create much more traffic along Alta Lake Road, a road that is windy and sometimes steep and that would become significantly more dangerous in the Winter if more and more traffic uses it. The development at 1501 Alta Lake road exacerbates all of these issues.
4. *Paragraph 4. Projects that are easily serviced and require minimal site disturbance, alteration and preparation are expected to have lower capital costs and are best-suited for further consideration. High cost projects that do not meet affordability objectives will not be supported. And as stated in Whistler 2020 – Moving Toward a Sustainable Future, at page 47, continuous encroachment on nature is to be avoided.*
Paragraph 15. Previously disturbed sites, and sites that require minimal alteration and disruption are supported. Extensive site grading and alteration of the natural landscape should be minimized.

Paragraph 16. The proposed development shall not have unacceptable negative impacts on any environmentally sensitive lands and shall adhere to all development permit guidelines for protection of the natural environment and applicable provincial and federal regulations.

The land on this site has a very steep slope and will most likely require significant site preparation and retaining walls before anything can be built. A large number of trees will have to be cut to comply with Firesmart guidelines and although promises are made, it is more than likely the developer will ensure trees come down to maximize the views for those buying the market rental townhouses. The proposed development is completely contrary to the employee housing guidelines' direction to minimize alteration of the natural landscape on this lakefront location.

5. *As stated in the February 26, 2019 Administrative Report to Council, "It is recommended that the guidelines would apply to any current rezoning application and any that may be received by the municipality that proposed employee housing as a community benefit to realize a change of use, increase in density or increase in the accommodation capacity for a property.*

In this case, just because the developer is providing an increase in the employee housing and park land does not mean the rezoning should be automatically approved. In order to provide the park space, the density of the development along the Lake is being increased 65%. The park land proposed would be a wildlife park and only accessible by the valley trail as well as the residents of the employee housing and rental units. Whistler already has difficulty with these parks with noise and enforcing bylaws. Undoubtedly, this difficult to access park would lead to increased noise for all owners surrounding the lake. Noise really carries across the lake in all directions and between the rental units and late night park use, the bylaws department will be busy. In addition, the developer is also providing a green space parcel to be used for future development. This provides uncertainty to the owners of Nita Lake Estates for future increases in density. As it stands the proposed development already exchanges amenities for changes in land use zoning.

ENSURE THE ZONING IS FAIR, CONSISTENT AND LEGAL

It is our understanding that the development plan approved for the London Mountain Lodge could not be built today. In fact, the Bethel Lands Corporation is well aware that "the London Mountain Lodge could not be built in its current form given the changing riparian situation of the site and regulations" (email from Caroline Lamont to Roman Licko and Mike Kirkegaard, April 2, 2019). The TA17 zoning was passed specifically for this type of approved site sensitive development as a "wilderness retreat" before the approval for Nita Lake Lodge and Nita Lake Estates development. In exchange for the TA17 zoning, the developer was providing a total of 7 employee cabins, 5 for employees including a resident caretaker and two for artists-in-residence who would be participating in the proposed Whistler Artist in Residence facility in the "to be" restored Hillman Cabin (the original Toad Hall) and Barn. At the time the RMOW thought these were appropriate facilities and accommodation that was needed. Given that this development never materialized, we have to question whether this market rental rezoning proposal should continue. Whistler residents are now looking at zoning that went from a single-family home over 39,100m² to a 4600m² development over 39,100 m² to a 6000m² development over only 28,400m² all on site sensitive lakefront property. Is this in the best interests of Whistler?

IS THIS THE BEST PLACE FOR NIGHTLY TOURIST ACCOMODATION?

Is nightly tourist accommodation what is needed for this site? Would this type of accommodation so far away from any amenities and services and with no lake access be a desirable rental? There is no easy way for people to get back late in the evening from the village except to drive or take a taxi. It is doubtful that high end rental accommodation would be successful in this area. There may issues of liability as renters attempt to cross the

railway tracks at all hours, winter and summer. We question whether adequate research has been done to support the viability of high end nightly tourist accommodation in this location.

On a personal note, it should be pointed out that my home is my primary residence and I spend most of my time here. My husband and I after over 25 years of spending every holiday and weekend in Whistler with our children, decided to call Whistler our retirement destination and built a new home in Nita Lake Estates. We love it here. We were aware of the current TA 17 zoning as were others who purchased and built homes in the Nita Lake Estates. What we did not factor in was our elected officials selling out on us to a developer that needs to recoup the price he paid for the land, thinking he could just get the land rezoned for higher density by offering the “buzz” items to the Planning Department when he was very aware of the current zoning when he purchased. There has to be a compromise and due consideration given to current residents and tax payers.

Summary

We would like to see you as the Mayor and your council reject this “Request to Proceed” and look at more appropriate proposals for the use of this land. Ideally, we would like to see the property returned to single family zoning with homes strategically located to preserve the natural setting and minimize the impact on the lake as well as the traffic with an appropriate green buffer between the neighbourhoods. The OCP (5.1.27. policy) allows for cash in lieu contribution that could be used to enhance employee housing being built in another more suitable location which may be a very good compromise in this situation. Given the number of employment ads in the Pique, it seems employee housing that is different than 3 bedroom townhouses is required by the municipality. With this scenario, the developer would benefit, the municipality could maintain green space, relocate the historic Hillman cabin, build more appropriately located employee housing and most importantly have the extension of the valley trail built. Surely we will not be the only group concerned about the loss of the lakeside environment.

The employee housing problem needs to be solved but, consistent with the employee housing guidelines, not at the expense of destroying the natural environments around Nita Lake (see photos) and not by trading an unimaginative and uninspiring development for it.

The Owners of Nita Lake Estates look forward to working with the Council to creating an appropriate solution for this development and to ensuring Whistler remains the one of the best resorts in the World. For that to be achieved, developers and developments have to be held to very high standards and the residents and tax payers of Whistler need to be happy.

Sincerely,



Cheryl Green
President Strata BCS556, Nita Lake Estates

[Redacted]
[Redacted]
[Redacted]



Drone Photos of 5298 Alta Lake Drive



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

From: lianne gulka [REDACTED]
Sent: Friday, September 06, 2019 5:12 PM
To: corporate <corporate@whistler.ca>
Subject: Attention Mayor and Council re: Empire Club Development

September 5, 2019

Re: Empire Club Development

Dear Mayor and council:

As a concerned member of the Nita Lake Estates Strata, I am writing with feedback regarding this development proposal that could change the shape of our community for decades to come.

I understand the development proposal has changed significantly from the original zoning arrangement and we are concerned about the ramifications.

Arguably, there is a need for employee housing in Whistler which we do not dispute, however, responding to this issue must balance all needs of the community.

Nita Lake is a jewel in Whistler which we are fortunate and privileged to enjoy. Ramming increased density through without thought to the impact on the environment and the community is a crime.

Nita Lake is one of the smallest lakes in Whistler and should be maintained without having environmental risk and being damaged by increased density, traffic, noise, etc.

Our concerns for this proposal are not limited to the following:

A proposed density increase of 65% from the original zoning seems unreasonable for a lake the size of Nita Lake at 10.4 hectares. Alta Lake by comparison at 105 hectares is 10 times the size of Nita Lake, and has no commercial density.

Green Lake, the largest in Whistler (200 hectares) has no commercial density outside of the Nicklaus North development, yet our lake which is 1/20th the size is being subject to proposed increased density.

Increased concentration with buildings crammed into 7 acres rather than the original 10 acre proposed density will result in a much different type of development. Green space will not be maintained, the flavour of the community will be hugely impacted particularly with views opposite the lake from the valley trail , the railway, and the gondola.

Is clear cutting the image and impression we really want to give both locals and tourists?

Tourists at Nita Lake Lodge will also be impacted by increased noise both during construction and from increased density upon completion as noise bounces given the water and elevation changes.

We are a group of concerned Nita Lake citizens wanting to maintain the "jewel" in our front yard long-term.

Please ensure that ALL community needs are balanced and thought out before giving concessions to the developer based on short-term gains.

Thank you in advance for your thoughtful consideration and due diligence.

Regards

Lianne Gulka and Carl Hoyt

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

From: Jim Young [REDACTED]
Sent: Saturday, September 07, 2019 11:22 AM
To: corporate <corporate@whistler.ca>
Cc: Jim Young [REDACTED]
Subject: 5298 Alta Lake Road development

Mayor and Council

From: Jim & Judy Young
[REDACTED]
[REDACTED]

Our home is located in Nita Lake Estates , the neighbouring property to the proposed development and thus directly affected by this development.

I understand the trade off the RMOW is involved in by trading density to the developer in return for more “ employee housing “ . The housing is needed so the challenge is to not have the density adversely affect either the environment or the neighbouring properties . As proposed, we believe the development has room for improvement to meet this goal.

I have a long shot suggestion. Figure out how to access this new development off The west side road without coming down through the Nita Lakes Estates Road. This would almost completely solve the concern of everyone in our development about the problem of increased traffic. If ALL the cars coming and going into this new development have to come in via our road it will be a serious increase that adversely affects the safety of our kids and grandkids and causes risk that obviously doesn't suit us. We are also concerned about zoning allowing nightly rentals and the huge increase in traffic and noise from that.

Second we would like to see a bigger buffer between our development and this new one. Noise abatement being the biggest factor here but also sight lines and ease of passage from one to the other. Third, how are all the people from this new development going to cost share the cost of snow removal on the portion of the Valley Trail that we are currently paying for ? Also the costs of repairs and maintenance for the trail.

Thank you for your consideration of these comments and others from the neighbours.

Tours sincerely,
Jim & Judy Young

Chris Young

Home

[REDACTED]
[REDACTED]

Whistler

[REDACTED]
[REDACTED]

Mobile

[REDACTED]

Attn: Mayor and Council

Re: Proposed Townhome Development at 5298 Alta Lake Road (overlooking Nita Lake)

As a neighbour of this development, I am writing to convey my significant concerns with the development as currently contemplated.

While not a full-time resident, my young family and I are fortunate to spend a regular portion of the winter at the family home in Nita Lake Estates. The neighbourhood is very much one of peace and quiet, what one would expect around a pristine lake. The ability to have a home here, far from the tourists, crowds, and noise of the village, was fundamental to our choice of building here. The currently proposed development at 5298 Alta Lake Road puts that at risk.

The currently proposed development to our North is not in keeping with the form and character of neighbouring developments. Specifically, the density and building locations are a far cry from the design esthetic in place immediately next door at Nita Lake Estates. Further, the increased traffic on what is effectively a narrow laneway each winter, puts the significant number of people who walk it at greatly increased risk of injury or worse. Last, the siting and the density puts the lake health at risk. As a result, we respectfully request that the proposed development be rejected in its current form.

To be considered, the development should be altered as follows:

1. Reduce density, to support Single Family Homes only
2. Have the developer supply the necessary employee housing in a location with better access to transit and that is more conducive (and likely in a form more in keeping with what temp employees are looking for – which is not 3-bedroom townhomes)
3. Site the homes appropriately and in keeping with the neighbourhood:
 - a. Back from the water
 - b. Dispersed around the site, with discrete building sites and green space around each home
 - c. Maintain a set-back between this development and neighbours
4. Introduce a separate access road to the development directly off Alta Lake Rd
5. Eliminate nightly rentals from the zoning

Finally, any addition of traffic on the West Side will put increased pressure on the Hwy 99 & Alta Lake Rd interchange. This is already a VERY difficult left turn on weekend and powder mornings. Risk of injury is high, as pedestrians don't always wait for the light when a transit bus is approaching, and drivers can regularly be seen leaving their cars to push crosswalk buttons. Neither is a safe or sustainable practice and both will lead to injuries if the situation isn't remedied, which it will need to be prior to the approval of any additional development on that road.

5298 Alta Lake Road is a beautiful site. Please ensure any improvements on the site are truly that, are in keeping with the neighbourhood, and that they justify the site's development.

Kind regards,

A handwritten signature in black ink, appearing to read 'C. Young', is centered below the text 'Kind regards,'.

Chris Young

Mayor & Members of Council
Resort Municipality of Whistler

RE: Proposed Townhome Development at 5298 Alta Lake Road on Nita Lake

Dear Mayor and Councillors

I represent the owners of Whistler Mountain Ventures Ltd., known as Alpine 68, at 2010 Nita Lane, Whistler.

We are concerned about the proposed development at 5298 Alta Lake Road, directly across Nita Lake from our property. This revised development, under consideration now, will require a change to the existing zoning, from TA17 site-sensitive hotel to town homes. It adds another 20,000 square feet of density, because the RMOW is insisting on more employee housing. This development appears to be above the density limits as defined by the municipality. Employee housing at this location makes very little sense, as no amenities and no public transit are available. This increase in density will only add to traffic issues at the south end of town, an area already overloaded at certain points of the day/season due to incoming and outgoing traffic from the south. This new proposal we believe will also cause a significant increase in clear cutting, over the existing usage plan for this property, which will be both aesthetically negative and may bring about environmental issues to the lake. We would also like to stress how small Nita Lake is compared to many of the other local lakes, which means that developments need to be in scale to this surrounding. Nita Lake is one of the last “natural looking” lakes in the Valley, and it would be a long-term loss to have large scale developments right on the shore.

We urge that this site be returned to single family residential homes as it was with the RR1 (now RSE1 zoning), in keeping with the character of the Nita Lake neighborhood. To that regard, we understand that the Tyrol Lodge property may eventually be re-developed and hope that the plans for that also follow in keeping with the character of the area.

We, the owners of 2010 Nita Lane, ask that the following be considered:

1. Provide sufficient set back of the development to the north from the Nita Lake Estates property line so buildings can't be seen. It is currently crammed up against the existing residences which is unnecessary.
2. Overall density reduced back to 49,500 square feet, as allowed in the current TA17 zoning. We want employee housing reduced to 5 units as per the current TA17 zoning (including one manager cabin) and return of the two artist-residence cabins.
3. All designated green spaces to remain that way. A moratorium on further development or encroachment must be provided, as opposed to what is currently contemplated, which is possibly more employee housing down the road.
4. Disallow AirB+B type nightly rentals of the townhomes for 10 months of the year (owner occupied for 2 months). The town homes should be similar in character to the Nita Lake Estates with rental privileges consistent with normal residential 30 day minimum.
5. No docks or tie up allowances for water rafts and no commercial lake activities. NitaLake is too small.
6. Eliminate the proposed swimming pool and include a code of conduct to restrict noise, ban amplified music, etc., enforceable by By-law services
7. Assurances the park reserve will be monitored 24 hours, if need be, using by-law enforcement services.

(2)

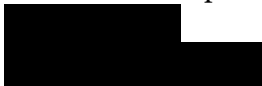
We think this development has too many serious drawbacks, is an inferior planning choice, and provides a poor location for the employee housing.

We urge RMOW to abide by its density recommendations, consider a better choice of residential housing on this lake front land and abide by the Local Government Act in the way employee housing and other community amenities are extracted from developers.

Thank you for your consideration,

Tom Duguid

On behalf of Alpine 68 owners



Keith & Lindsay Lambert

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

September 9, 2019

Mayor & Council
Resort Municipality of Whistler
4325 Blackcomb Way
Whistler, BC

Dear Mayor & Council Members,

Proposed Townhome Development at 5298 Alta Lake Road (Hillman) on Nita Lake

We have resided on Nita Lake for close to 20 years and we have reviewed the development under consideration on the 10 acre property on the western shore of the same Lake and have grave concerns about it.

With all due respect, we must “call time” on the practice of employee housing and other “community amenities” driving outsized and not best of use development. In the process, the adverse impact to your tax paying residents is never adequately considered. The Local Government Act protects us from our own municipality bargaining for amenities in return for such disagreeable land use change.

This proposed project requires massive clear-cut damage to the beauty of the environment. Surely, we all agree the standards for lake front development must be higher than normal; after all the site is near proximity to the train station and visitors disembarking and using the valley trail will be enjoying a good experience until they see this blight on the neighbourhood.

With 7 or 8 townhouse blocks of roughly 10,000 square feet each, this development is too large, has too much density, is out of character with the neighbourhood and it smacks of a desperate grab for employee housing, which it is.

The drive for employee housing is compromising development and the neighbouring taxpayers suffer the consequences in many ways, not only having to endure years of construction but a lifetime of mis-development to live with.

As for the revised development, under consideration now, it is a land use change rezoning, from TA17 site-sensitive hotel to town homes and adds yet another 20,000 square feet of density because the RMOW is insisting on more employee housing. In turn the developer needs more units to sell, and it goes on and on. The same property has gone from a 6,500 square foot single family home, to a 50,000 square foot hotel and now to a 70,000 square foot town home development.

There are several major planning blunders in this proposal. The employee housing is located too far away from any amenities, like grocery shopping, and public transportation on Alta Lake Road has been discontinued. The access road via Nita Lake Drive, purportedly of municipal standard (which it isn't because it is reduced to a single lane in winter), is inadequate to service both the existing residences and the proposed development; there is a serious safety concern unaddressed. The traffic jam at Alta Lake Road and Hwy 99 is already a result of too much development on the west side road and resembles the notorious juncture at Taylor Way and Marine Drive in West Vancouver where you can't make a left turn due to traffic congestion. Further, how wise is it to have 15 employee housing units along the open CN rail track between the houses and the allure of the Lake?

This development has the hallmarks of a commercial real estate failure. Buyers will reject these market town homes when they are face to face - with no separation - with the lesser employee housing town homes. Row employee housing on the left and row market town homes on the right is an unattractive offering. Can't we do better for valuable lake front development?

Along with other Nita Lake residents, we stand as a group united in urging this site be returned to single family residential homes (as it was with the RR1, now RSE1, zoning), in keeping with the character of the 14 unit Nita Lake Estates development to the south on 23 acres, and the zoning at 5157 Alta Lake Road, if that were ever to be developed. If RMOW were to change zoning back to single family residence (as it was before), then legally increase density zoning to add another 5 or so residential homes and in doing so bargain for employee housing (located elsewhere in a more suitable place) and other amenities, then, the Nita Lake Estate residents will accept access through their neighbourhood. In this way the developer would avoid the need to add an access road for 5298 Alta Lake Road.

Failing the preferred planning option above, which would be unfortunate, our group could reluctantly countenance what is going on, in the interests of not having another legal row between taxpayer residents and the RMOW over the same improper development, provided critical infrastructure issues can be resolved satisfactorily.

1. There must be a timed traffic light at Hwy 99 and Alta Lake Road. It is already nearly impossible to make a left-hand turn onto 99 and on occasions when you can, it is only into a traffic jam from southbound cars trying to get into Whistler. However, the traffic light is still a must.
2. 5298 Alta Lake Rd will need its own access road negotiated with the upside land owner. It cannot use Nita Lake Drive due to safety concerns.

These are fundamental issues and if they cannot be resolved this development cannot proceed.

Assuming these changes can be made, for us to not oppose this development, we need the following changes:

1. Provide sufficient set back of the development to the north from the Nita Lake Estates property line so buildings can't be seen. It is currently crammed up against the existing residences which is unnecessary.
2. Overall density reduced back to 49,500 square feet, as allowed in the current TA17 zoning. We want employee housing reduced to 5 units as per the current TA17 zoning (including one manager cabin) and return of the two artist-residence cabins.
3. All designated green spaces to remain that way. A moratorium on further development or encroachment must be provided, as opposed to what is currently contemplated, which is possibly more employee housing down the road.
4. We don't want **AirBNB** nightly rentals of the townhomes for 10 months of the year (owner occupied for 2 months). It is not a trailer park and we want an offering that will attract a different clientele. We want the town homes similar to the upscale character of the Nita Lake Estates with rental privileges consistent with normal residential 30 day minimum.
5. No docks or tie up allowances for water rafts and no commercial lake activities. The Lake is too small.
6. If railway fencing is required, since it notoriously gets bent out of shape; it must be colour shaded with strict obligations to be maintained.
7. Eliminate the proposed swimming pool and include a code of conduct to restrict noise, ban amplified music, etc., enforceable by By-law services
8. Assurances the park reserve will be monitored 24 hours, if need be, using by-law enforcement services.
9. We want to understand what development lies ahead at neighbouring Tyrol Lodge, before agreeing to this one.

If the single purpose employee housing development at 2077 Garibaldi Way has run into serious local resident opposition, then what do you think is going to happen here? The former is a far better site for employee housing than this one. Comparatively, this proposed development is way more controversial and we don't want this development in our neighbourhood either.

We think this amended development still has too many serious drawbacks, is an inferior planning choice, and provides a poor location for the employee housing – there is no public transportation and it is a long way from the Creekside facilities and amenities.

In consultation with the with our working group comprising pretty well all Nita Lake property owners, the developer, and RMOW we urge you to come up with a smart residential housing plan for this site and something we can proud of.

Thank you for your consideration.

Sincerely,

Keith & Lindsay Lambert

ALKARIM TEJANI & SHELINA LALANI

[REDACTED]

[REDACTED]

[REDACTED]

Mayor & Council
Resort Municipality of Whistler
4325 Blackcomb Way
Whistler, BC

Re: 5298 Alta Lake Road. Sept 10/2019

Dear Mayor & Council Members

We have lived at [REDACTED] for over 10 years. We bought the property and built the home because of [REDACTED]'s surroundings. We immigrated to Canada about 35 years ago with little but ourselves. In our high schools days we would be lucky to drive to Whistler for the day maybe only once in 3-4 years. Whistler to us was an amazing place and it is that to many people close to it and around the world. We were lucky enough to be able to build our careers and lives and build our dream house in Whistler. We choose Whistler because of the nature and mountains and the feeling that one gets when you come here.

Many residents have detailed many valid reasons not to approve this development and while we agree with many of them we wish to point to a larger issue.

Whistler has a unique place in the world and in Canada and in BC. It for a lack of a better word has a brand or feeling it evokes. Think of many companies products or cities or regions of the world that have a unique "feeling associated with it"

The residents and mayor and council must do everything not to endanger this. This is the reason people visit here and want to live here. Once you "devalue" the brand or water down the spirit you can quickly lose all you have and people living here will not enjoy it either.

Development and providing housing is important and must be done and can be done in better ways.

To cite another example we have all eaten a "lite" version of a food or purchased a off shoot of a product ... and yes its that product " a lite version " but something is always missing and people notice. Next time they head away.

This development is "off brand" 65% increased development, AirBNB type rentals etc. We have all heard nightmares about these and in the long term it harm communities.

To summarize we oppose this development because it risks our most valuable resource the overall feeling of Whistler. We urge the Mayor and council to look after and protect the long term values of our municipality .

Sincerely
Alkarim Tejani & Shelina Lalani

Paul D. Wood
[REDACTED]
[REDACTED]

September 9, 2019

Mayor and Council
RMOW
4325 Blackcomb Way
Whistler, BC.

Dear Mayor and Council.

Re: Proposed Development 5298 Alta Lake Road, Proposal # RZ001157

It has come to my attention the Empire Club has requested a zoning change on this land and I would like to voice my strong opposition to this project.

1. This project is not suitable for the surrounding area
2. The project does not meet many of the new OCP guidelines
3. This project has environmental concerns
4. This project has many traffic concerns
5. This location is not suitable for employee housing

I am surprised this proposal has even gotten this far and I would hope the Mayor and Council will take all of the letters of opposition seriously. The required signage for the posting of the rezoning application sits at the intersection of two dead end streets that get little to no community traffic. To date, the news of this ill-conceived rezoning application has only been passed along by word of mouth. When the Whistler community becomes aware, there will definitely be more opposition.

This is a developer who has clearly purchased this land at top dollar and is now trying to make his numbers work with a 65% increase in density. All Whistler residents and taxpayers should not have to pay the price for a developer to make a profit. It is my understanding that he has been given some direction and, support from key council members that he was on the right track before closing on this land purchase. This type of inside information and any close relationships that any of the staff or council members have with Empire Club ownership will be looked at closely as this project progresses. In a March 7, 2019 Pique Article, it was reported that as the head of Bethel Lands Corp., Hutchison's role on the WHA board was seen as a potential conflict of interest. Marla Zucht, general manager of the WHA defended Hutchinson by saying, "there was "really no opportunity" for Hutchison to benefit financially from his role, and that his perceived conflict was never an issue at the board table" and "(He's) not involved in any employee-housing opportunities in Whistler." However, from the FOI received, Hutchinson was discussing employee housing on 5298 Alta Lake Road with RMOW staff in December 2017. Yes, there does appear he had a conflict.

This project will be one of the most visible projects from Whistler Mountain in both the winter and, summer. I am sure that everyone including council revel in the beauty of Nita Lake and, trees seen from the ski hill and beyond. If council does not agree, I am certain most of the voting public will take a different view.

If council was serious with solving the need for transient employees housing problem, then they would allow more construction in the parking lots Vail owns or in other areas more suitable for this type of use. Businesses are having difficulty attracting and keeping employees. Vail is promoting a high end, exclusive resort and hopes to attract this type of visitor to Whistler. It will not take too long before these visitors (or any visitor for that matter) realize that Whistler cannot provide the high level of service they expect as we simply do not have the employees to provide the expected service level. We don't need 3-bedroom townhouses, we need affordable, dorm or suite style accommodation, close to the amenities, in particular, transit. In addition, residential neighbourhoods already suffer from illegal AirBnB's. If Council simply focused on shutting these down and fining owners, we would quickly see an abundance of suitable housing become available for employees of Whistler.

The OCP states that "Whistler is a community of distinct neighbourhoods, each with a unique character supporting diversity, variety and, choice in housing". It needs to be consistent with the surrounding area. The current proposal is not. If this site moves forward with development, then it should be zoned single family or large townhomes leaving large tracts of tree preservation. New housing cannot be allowed to destroy and disadvantage existing housing. Again, the OCP states "*Neighbourhoods have a harmonious relationship with the natural landscape, which remains predominant. And Green buffers between neighbourhoods contribute to neighbourhood identity and livability.*" This developer's track record with preserving green buffers is a failure, if the clear cutting of Baxter Creek is any indication. Is this what council wants for the shores of Nita Lake? All existing owners with homes around the lake will suffer with the noise, destruction of the sensitive lake environment and the visual impact.

The area around Nita Lake already has sensitive riparian areas identified. This parcel also has a riparian area through the property. Whistler has no official Lake Development Plan. " Why when we have no Lakeside policy would Council be willing to give support for such a proposal?

The Whistler Hotel Association is predicting a downturn in tourist visits. This is not the location for nightly rentals. It is too far from the amenities required. Why approve this type of controversial nightly rentals in an area so far from the action when downturn is expected?

If rezoning is required, let's get it right. There are many profitable options available to the developer that will not negatively impact the existing owners on Nita Lake and the health of the lake itself. I am sure Council is well aware of the impact this site will have on the community and I assure you that the opposition has just started.

Sincerely



Paul Wood


[Redacted]

Email: [Redacted]

View from the Cloudraker Skybridge



**E. Marsha Bennetto
David G. Thompson**



September 10, 2019

Mayor Jack Crompton jcrompton@whistler.ca
Executive Assistant: Wanda Bradbury wbradbury@whistler.ca
Councillor Arthur De Jong adejong@whistler.ca
Councillor Cathy Jewett cjewett@whistler.ca
Councillor Duane Jackson djackson@whistler.ca
Councillor Jen Ford jford@whistler.ca
Councillor John Grills jgrills@whistler.ca
Councillor Ralph Forsyth rforsyth@whistler.ca
Resort Municipality of Whistler
4325 Blackcomb Way
Whistler, BC V8E 0X5

Dear Mr. Mayor and Councillors:

**Re: Submission Concerning Rezoning Proposal No. RZ001157
5298 Alta Lake Road/Empire Club Development**

We are writing to express our concerns relating to rezoning proposal No. RZ001157.

Jordan Lane from its junction with Alta Lake Road to the roundabout is now a one lane road by virtue of its use for parking by tenants of the Nita Lake Drive condominiums and townhouses. Greatly increasing traffic on this stretch of road will be very problematic and create safety concerns given the number of small children who live in the Nita Lake Drive complex, the significant number of pedestrians who walk to work from the Nita Lake Drive complex and the significant cyclist traffic in summer months. Notably, a small playground, designed for pre-schoolers, is located on the west side of Jordan Lane on this stretch of road.

If traffic on the Jordan Lane road is to be substantially increased, the road will either have to be widened or all parking on this section of road will, at all times, have to be strictly prohibited. We urge you to visit this section of road.

Like many Whistler residents and tourists, we spend a great deal of time walking and biking on the Valley Trail. The Valley Trail is truly a legacy that contributes to Whistler's attraction as a tourist destination and the enjoyment by Whistler residents.

There would be a public outcry if any development created a significant visual impairment of the Nita Lake area. The skill of the planners involved in the previous developments on the west side of Nita Lake (Nita Lake Estates and the Nita Lake Drive condominiums and townhouses) should be applauded for designing developments that provide views for the residents of these developments and yet have minimal impact on the views of users of the Valley Trail and those who live on the eastern side of Nita Lake.

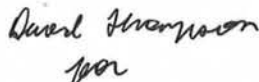
We think that any development plan that has a significant visual impact for the users of Valley Trail would be met with significant adverse reaction from the Whistler community.

We take a keen interest in watching the bears. Based on the substantial bear traffic that we have observed walk through our yard (which is down substantially this year), we are concerned about any development adversely affecting bear access to Nita Lake. A small population of bears regularly access Nita Lake travelling through the bush from Nita Lake approximately on the border of 5200 Jordan Lane and 5241 Jordan Lane through our lot (often up the outside stairs on our lot) en route to and from feeding areas in Nita Lake Estates, on the BC Hydro right away and in the Sproatt Creek and Millar Creek drainages. Because of the cliffs abutting the rail line and the railway station at Nita Lake Lodge, the bears do not commonly access highlands from directly east of 5237, 5233, 5229, 5225 or 5221 Jordan Lane. Because of all the clover grasslands that have been planted in Nita Lake Estates, the bears will always be drawn to Nita Lake Estates.

Access to and from Nita Lake is important for this small population of bears and it is essential that this access is not lost by deforestation. A greenbelt should be preserved so that bears can safely and comfortably travel through the neighbourhood. A greenbelt following the southern property line of 5298 Alta Lake Road would be helpful because the bears are currently using the forest in that area for access to Nita Lake Estates and the highlands above.

We thank you for your consideration.

Yours truly,



E. Marsha Bennetto
David G. Thompson

CC: Planning Department
planning@whistler.ca

Ross and Kris Clark

[REDACTED]
[REDACTED]
September 8, 2019

Mayor and Council

Resort Municipality of Whistler

4325 Blackcomb Way,

Whistler, B.C. V8E 0X5

Proposed Townhome Development at 5298 Alta Lake Road on Nita Lake

My wife and I reside at [REDACTED] on Nita Lake. We have reviewed the development described above. We have been talking with our neighbours and have very serious concerns about the development.

We feel our community must be extremely careful to preserve to the extent possible its precious lakes. They are a wonder and certainly not commonly found in other ski resorts. Although it is relatively small, Nita Lake is the only lake in the valley with a substantial hotel on its shores. That does not mean that it should get more commercial development, it means the opposite. It is already beyond its limits in supporting hotel and commercial development.

I recall when the redevelopment zoning for 5298 Alta lake Road was granted almost 20 years ago. At that time we did not oppose it because it seemed reasonable and a sincere effort to develop the property in a way that preserved the views and would be compatible with its neighbours. That was before the Nita Lake Lodge was imposed on us. If anything council should be looking at reducing the current density of this property, not increasing it by 67%.

The environmental condition of Nita Lake should be assessed before considering any further development. I know that development has taken its toll on its condition. Care must be taken not to further environmentally erode this lake.

From our perspective Nita Lake is a very attractive part of Whistler. Most of the views are beautiful. The municipality has previously chosen to cut foliage adjacent to the lake so that the views are more easily seen from the Valley Trail which runs along the lake. The last thing I think the community would like to see is a clear cut development on the west side of the lake. A mini "Rainbow", which as I understand was developed by planning and approved by council in accordance with its processes. I have no doubt an effort will be made to hide the development but by the time the clear cutting is done and dangerous or suspect trees are removed I expect the result will be irretrievably disappointing for both guest and citizens. In addition, I expect that as time goes on, the owners of these properties will want to enjoy their views of the lake and we can expect the intervening forest to suffer as a consequence. In short, I do not believe that this property will ultimately contain high density, expensive homes with no view of lake. That will be another promise quickly broken and we will be left with the scars.

As a resident of the lake, I know that Nita lake has always been a relatively quiet part of the valley and that is one of the reasons I appreciate my home. The plans that I viewed showed pods of 5 unit townhouses for both the private and employee housing. Each unit had 2 parking spaces and there was an area for additional guest parking. There was an outdoor swimming pool, a hotel building etc. The owners are allowed to occupy their units for up to 2 months each year with only nightly rentals for the balance. The private portion is a 'motel' development. It will take new 'employees' to operate this hotel. What is the net increase in employee housing. I expect it will be marginal, but the community loss will be great.

It does not take any imagination to conclude that this development will be a source of overflow accommodation for the Nita Lake Lodge and a perfect sight for informal parties after weddings and other events hosted by the Lodge. This property is adjacent to a residential area and on a lake where sound is transmitted extremely well. I thought that activity was to be in the town centre where it can be regulated?

The access road via Alta Lake Road and Nita Lake Drive is inadequate. There is currently a growing need to put in a traffic light at Alta Lake Road and Hwy 99 although the many times the traffic congestion on Hwy 99 would pre-empt the effectiveness of the light. This development will make matters worse. Development on Alta Lake Road should not be considered until the congestion on Hwy 99 is resolved.

Nor is this location suitable for employee housing. Other than being housing for employees it does not meet the criteria established by council for employee housing. It is located too far away from any amenities. Public transportation on Alta Lake Road has been discontinued, presumably because of insufficient use. This is a relatively remote and poorly serviced part of the municipality. Driving will be imperative.

Council recently rejected a proposal for multi-storey employee housing at a site that was also poorly located but it did not possess the natural beauty and visibility of this site.

If there is to be development now, this site should be returned to single family residential homes (as it was with the RR1, now RSE1 zoning), and the new development should be in keeping with the character of the Nita Lake Estates development to the south. If the municipality rezoned the site to RR1 Or RSE1 zoning, it could then increased density to add residential homes to fit into the woods and at the same time bargain for employee housing (located elsewhere in a more suitable location) and other amenities. This should be done so the views from the lake are compatible with the existing Nita Lake Estates development so that it appears to be an extension of that development. This approach avoids further commercial development on the lake, will not materially affect traffic and provides a continuity to the views, all of which is important when development along the lake to the North is considered.

If the current proposal is approved, a developer of property along the lake to the north need only ask "what do I have to pay to get more", because the zoning and community interest are irrelevant.

In summary, we feel this is an unacceptable proposal. The real addition of employee housing is marginal. It is completely inconsistent and will create friction with its neighbours, it threatens the views from the Valley Trail and it will further increase our current traffic problems. If approved you will be turning a silk purse into a sow's ear. Surely we can do better.

Thank you for taking the time to read and consider our views,

A handwritten signature in black ink, appearing to read "Ross and Kris Clark". The signature is fluid and cursive, with the first part being a stylized "R" and "C" and the second part being "Kris Clark".

Ross and Kris Clark

From Richard and Sandra Durrans

[REDACTED]

[REDACTED]

[REDACTED]

**Letter to The Mayor and Council
Sept 9th 2019**

Re Development at 5298 Alta Lake Road.

Sandra and I (Richard Durrans) are the owners of [REDACTED] in Nita Lake Estates. We are writing to you about the proposed development at 5298 Alta Lake Road, directly North of our property.

We strongly and vigorously oppose this proposed rezoning and development for many reasons, not only from a personal and strata perspective but also from a Whistler Community perspective. Sandra and I have been residents and taxpayers of Whistler for 30 years and we want to ensure that our neighbourhood is developed in good taste, that our Lakes are protected and also that Whistler remains one of the leading community resorts of the world. Allowing the development at 5298 Alta Lake is not consistent with these standards. It is too controversial and it contains compromises that as a community we do not need to make. We can do much better!

I have carefully reviewed the OCP and would like to applaud the council and the members of staff for a very thoughtful and excellent document that provides a comprehensive and exciting vision for Whistler's future. As residents of Whistler we should all feel comforted that we have such a document to guide us to ensure we remain a leading resort community over the long term. **However, this proposed development at 5298 Alta Lake is inconsistent with the OCP in so many ways** and does not come close to fulfilling the reasonable standards as outlined in the OCP. I have set out some specific comments below.

Also, while I fully understand the need for Employee Housing, this should be developed in the right place and in the right way. **Allowing higher density and a change of use for a few more employee housing units is not the right way. It is questionable from an environmental, moral and potentially legal perspective.**

To be clear, I am not against development and would understand if 5298 Alta Lake is developed, but in a way that is not destructive for Whistler and for our Nita Lake Community.

As current residents and taxpayers we cannot allow developers (who at the end of the day will not be part of our neighbourhood and who are driven by financial incentives) to spoil our community and “push through” inappropriate developments.

It is interesting to note that the OCP Vision Statement states “*We value our relationships and work together as partners and community members*”. The developer has never engaged us or any member of the Strata in discussions and conversation. **By not speaking to members of the local community he clearly has ignored the spirit of the OCP and does not appear interested in the well-being of the community and the residents of the Lake.**

My specific comments are the following:

1. Unusual development for a Lake at Whistler

Lakes are a special part of our community; they are a distinct part of the resort and a big part of why everyone enjoys being in Whistler in the summer and in the winter. Imagine Whistler without our Lakes, it would provide a very different feel. We are fortunate to have spectacular mountains and spectacular lakes to appreciate. Historically, these are the reasons why people originally came to Whistler. Let’s respect and remember our history. Hence, we need to protect these Lakes and to hold them to higher standards for development compared to other areas. In deed in your Community Vision in the OCP you make specific reference to the lakes...*We protect the land – the forests, the lakes and the rivers, and all that they sustain.*

In particular, Nita Lake is a treasure and being the smallest Lake in Whistler needs special attention. Why is it then when I review Schedule A of the OCP (map of zoning), that there is only one pink zone (Visitor accommodation) on any Lake and that is on Nita (5298 Alta Lake Road). All other Lake sides are designated either green spaces or low/medium density residential. **Why is Nita Lake been treated differently and is zoned differently?** There is sufficient Visitor accommodation with Nita Lake Lodge...the Lake does not need more. **Why put high density/concentration housing on Nita Lake when it is on no other lake?** (see comment on density and concentration below. Also, I understand there are town homes on the south end of Alpha Lake, but these were approved and built in a different era and are not the standards we want to replicate today).

2. Why the substantial increase in Density?

One of the big problems with the proposed development is the increased density and changed use. This plot of land has changed zoning from single family home to a hotel/cabin TA17 zoning with 4,600 sqm build over 10 acres to now the proposed 6,000 sqm build over 7

acres. **This is effectively a 65% increase in density. What is the rationale for an increase in density on such a small Lake?**

If 4,600 sqm was thought to be the appropriate density for this land in 2004, why after significant development around the Lake over the past 15 years, is a higher density now viewed as appropriate. **The Lake and surrounding nature have not suddenly changed to be able to absorb more density. Surely if anything the density should be reduced rather than increased.**

All the other lakes have low to medium density around them (see Schedule A of the OCP) which also means a low level of concentration. The proposed development is for 5 five plexes and 2 six plexes...this creates a level of concentration which has not been developed on other Lakes over the past 20 years. No lake shore has had rows of townhouses developed on them and we should not start now when we have so many other reasonable ways to develop our Lakes.

3. Inconsistent with the OCP.....trying to keep neighbourhoods harmonious.

There are many references in the OCP to support the case that this development is not consistent with your policies and not consistent with the existing neighbourhood.

For example, in the Our community Vision preamble, you state that: *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.*

There is a clear distinction between town and neighbourhoods, which makes lots of sense.

The proposed development will not be hidden by trees (a large portion of the land will be clear cut) and there will be insufficient green space between our Strata and the development. **It seems that the developers are trying to build a “town” like development in an “out of town” neighbourhood. This is not consistent with the OCP.**

Further reference to the OCP shows the following: Chapter 5 Land use and development ...our shared future states that “ *Neighbourhoods have a harmonious relationship with the natural landscape, which remains predominant. And Green buffers between neighbourhoods contribute to neighbourhood identity and livability* and Policy 4.1.1.2 states that “ *...within this corridor maintain a comprehensive network of natural areas, open space and parks that separate and provide green buffers between developed areas”*

So quite rightly the OCP emphasises the need for green spaces.....with this development there will be inadequate green buffer between our development at Nita Lake Estates and the new development. This will have a significant negative impact on the character of our neighbourhood. We all purchased in this neighbourhood to be close to nature, to have beautiful views and to have tranquility away from the village. This development will significantly change all of this.

Respecting neighbourhoods and nature is a fundamental building block for the OCP. This development does not meet these standards.

4. Employee Housing...dealing with it in the right way

I agree with a focus on employee housing as an important way of building our community. It has worked well in our development at Nita Lake Estates and so we are not opposed to more employee housing. However, there is a cost to building employee housing and when you trade use and density for employee housing the cost is not borne by the developer, it is typically borne by the surrounding residents and community. This cost should be recognised and the aim should be to make any “cost” reasonable and fair.

However, why add density on a precious lake in Whistler in order to gain more employee housing? There is no need to do this. This leads to a sub optimal situation. Separate the location of the private housing from the Employee housing because they both have different needs. Put the private housing with the “right” density on Nita Lake and then locate the employee housing consistent with policy 5.1.2.5 *Consider allowing development of employee housing on underdeveloped private lands in residential neighbourhoods with close proximity to jobs, sustainable transportation, amenities and services and consistent with policies and criteria established for evaluation*

You state in the OCP that the Municipality has “*substantial Land bank that is available to be developed*”, so land is not a problem. To help financing, get the developer to put “money in the pot” and so he contributes to funding the employee housing. **In this way the location/development and the financing are kept separate, leading to both these issues being optimised separately.**

5. Overall density and development in Whistler.....time to be selective and careful

As a community we have already reached 90% of our development potential (54,652 bed units built out of maximum 61,513 bed units). I have assumed that the 61,513 is the maximum units that can be developed in Whistler in order that we can remain the healthy, vibrant and livable community that we all want. So we just have 10% more to go. **Let’s be very selective and careful about how we develop this last 10%. They are a precious resource with limited supply. We do not have to approve marginal projects which upset whole neighbourhoods. 5298 Alta Lake is less than a marginal project, it is far too controversial and inconsistent with**

the OCP to warrant taking up part of the precious last remaining 10%. We can afford to be very selective and careful about these last developments.

6. Traffic and noise and safety issues

Along with density, comes traffic problems and noise issues. With 37 new townhomes each with 2 and 3 bedrooms, we can conservatively say there will be another 50 cars in the area (probably more). This creates 4 major problems 1) the Nita Lake Drive cannot handle this amount of traffic – primarily this is a safety issue with families using the road from the employee housing and this road being busy and difficult to navigate in winter conditions. 2) Alta Lake road is windy and steep and not well suited to a significant amount of traffic 3) the intersection at Alta Lake Road and the highway is already difficult to access – this will become a major issue with more traffic 4) the environmental cost of more noise and pollution on the Lake.

The noise issue goes much further than traffic generated noise; with over a 100 more people on the lake, most of them renting this will be a major noise concern at weekends. Already the noise issues at Nita Lake Lodge are creating problems for the neighbourhood. **Everyone around Nita Lake purchased in this community to be away from the noise and business of the town, and to be closer to the peace of nature.**

Lastly, the council must be concerned with a lot of short term rentals and access to the proposed park, that there is a safety issue with the railway line as people will inevitably try to access the Lake.

7. Setting an unfortunate precedent

The council needs to keep in mind that whatever happens on 5298 Alta Lake is likely to set a precedent for lands to be developed around it. It is more than likely that over the coming years Tyrol lodge will be re developed and then there are the lands to the North of 5298 Alta Lake that also have zoning for building. If the zoning and density get changed on 5298 Alta Lake, why should it not be changed on neighbouring lands. **The implications of this ripple effect for the Nita Lake environment are very troublesome.**

Summary and the Way forward.

We are very concerned property owners and very concerned residents of the Whistler community. We want to ensure that as taxpayers and long standing residents that any development occurs in keeping with the long term beauty and health of our community.

Adding density, creating further traffic problems, providing inadequate separation and green space between neighbours and clear cutting much of the land are not consistent with the goals of creating *neighbourhood identity and livability*, as stated in your OCP. In addition, development around our lakes need to be held to higher standards.

As current residents and tax payers we cannot allow developers (who at the end of the day will not be part of our community and who are driven by financial incentives) to spoil our community and “push through” inappropriate developments.

The right development for this property is to build single family residential homes (as originally envisioned for this property) together with appropriate green spaces and separation. Employee housing may or may not be part of this development, but as stated above such housing is probably more efficiently located closer to amenities etc.

We and the residents of Nita Lake feel very strongly about getting the right development and we look forward to working with the council and the Muni to find a solution that works for our neighbourhood as well as for the Whistler Community

Thank you for your consideration

With kind regards

Richard and Sandra Durrans

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Rob Follows

[REDACTED]

[REDACTED]

September 9, 2019

To: Mayor and Council
Resort Municipality of Whistler

Dear Mr. Mayor and Councillors:

Re: Submissions from the Nita Lake Estates Strata
On Rezoning Proposal No. RZ001157
5298 Alta Lake Road
Empire Club Development

I am writing to convey my serious concerns with the Rezoning Proposal for 5298 Alta Lake Road in its current form.

My wife and I purchased our home in Nita Lake Estates because of the tranquil and natural setting where we are surrounded by 250-year-old cedar and fir trees. While not a full-time resident, our young family spends a significant amount of time here in the summer and winter. Our community is a safe place for the children to play and ride a bicycle. We could have bought elsewhere but wanted to be away from the noise, crowds and tourists that are found in the village. The currently proposed development at 5298 Alta Lake Road is about to change all of this and is substantially different than the existing zoning on the property. There is no longer the ambience of small cabins nestled amongst the trees on a beautiful small lake, preserving a natural setting. This area will be clear cut to make room for these townhomes. The sensitive lake environment will be compromised.

The proposed development is not in keeping with the character of the established neighbourhoods on the lake. The increased density of the proposed development is unacceptable, especially with the entire development squished into the south end of the property with limited or no green buffers between the market rental townhouses and our strata homes. Nightly rentals will bring a lot of noise to our peaceful setting. No other lake in Whistler has commercial and nightly rentals. Why increase the commercial activity on Nita Lake?

Nita Lake Drive is a narrow one-way street in the winter that is a risk for anyone driving or walking. The road will not be able to handle the increased traffic. Access to Highway 99 will become worse (if that is possible).

It is my understanding that the existing proposed development under the TA17 zoning could not be built today. The developer requires rezoning to proceed. This is an opportunity for the RMOW to make a difference to the residents of Whistler and keep the encroachment on nature to a minimum. It is understood there is a need for more affordable housing in Whistler but is this the right location, the right type of employee housing?

We request that you send this rezoning application back for revision. Let's not be in a haste to destroy this wonderful lake area. Let's create zoning that is consistent with neighbourhoods already located on the west side of the lake. Finally, let's ensure the right kind of development on this lake front site to maintain this beautiful asset for the future.

Sincerely,

Rob Follows

[REDACTED]

[REDACTED]

September 10, 2019

Mayor and Council

Resort Municipality of Whistler

4325 Blackcomb Way

Whistler, BC

Dear Mayor and Council Members,

Proposed Townhome Development at 5298 Alta Lake Road on Nita Lake

I and my family have a home in Whistler, at [REDACTED]. We are writing to express our concerns about the proposed development at 5298 Alta Lake Road on Nita Lake.

We take issue with this development for a few reasons:

- Damage to the surrounding environment
- Lake frontage is at a premium in Whistler, and should be preserved for “no development” or carefully designed development which will minimize the damage to the shorelines
- Noise pollution
- Increasing capacity on an already overloaded infrastructure in the area

As a resident of the lake, I know that Nita lake has always been a relatively quiet part of the valley and that is one of the reasons we purchased our home here. The plans that I viewed showed pods of 5 unit townhouses for both the private and employee housing. Each unit had 2 parking spaces and there was an area for additional guest parking. There was an outdoor swimming pool, a hotel building etc. The owners are allowed to occupy their units for up to 2 months each year with only nightly rentals for the balance. The private facility more closely resembles a ‘motel’ development. It does not take any imagination to conclude that it will be a source of overflow accommodation for the Nita Lake Lodge and a perfect sight for informal parties after weddings and other events hosted by the Lodge. This property is adjacent to a residential area and on a lake where sound is transmitted extremely well.

This development will further damage the shoreline of Nita Lake, which is already a small lake in the Whistler area.

It will have negative impact on the lake environment and the eco-habitat that exists in the area. This area is a delicate environment which houses not only vast trees and beauty, but the many fish and other living organisms in the area. With increased people in the vicinity, it will have non-reversible damage to this ecosystem. In my business I and my employees ensure our company is run with the environment in mind, and sustainability is our philosophy. I would think that Whistler, a global tourist destination for its beauty, is focused on the same. This

development flies in the face of that, and quite frankly I'm embarrassed the town I love is even considering it. This type of reckless development could bring a very negative light to Whistler from the environmental groups perspectives, which could damage the reputation of the town.

I also do not think this location is suitable for employee housing. Other than being housing for employees it does not meet the criteria established by council for employee housing. It is located too far away from any amenities, like grocery shopping. Public transportation on Alta Lake Road has been discontinued, presumably because of insufficient use. It is quite frankly in a relatively remote and poorly service part of the municipality. Driving will be imperative. Council recently rejected a proposal for multi-storey employee housing at a site that was also poorly located and did not possess the natural beauty and visibility of this site.

The access road via Nita Lake Drive is inadequate. There is currently a growing need to put in a traffic light at Alta Lake Road and Hwy 99 although the many times the traffic congestion on Hwy 99 would pre-empt the effectiveness of the light. This development will make matters worse. Development on Alta Lake Road should not be considered until the congestion on Hwy 99 is resolved.

So this development overloads our existing infrastructure, and with the increased number of people, it will also increase the noise pollution in the area which is one of the few "quiet" districts left in Whistler. This will drive many people away, which are the exact people Whistler wants to have to drive the local economy.

If there is to be development now, this site should be returned to single family residential homes (as it was with the RR1, now RSE1 zoning) , and the planned development should be in keeping with the character of the 14 unit Nita Lake Estates development to the south. We agree the RMOW should change the zoning back to a single family residence (as it was before). It could then increased density to add residential homes to fit into the woods and at the same time bargain for employee housing (located elsewhere in a more suitable location) and other amenities. This should be done so the views from the lake should be compatible with the existing Nita Lake Estates development so that it appears to be an extension of that development. This is an approach which avoids further commercial development on the lake and provides a continuity to the views which is important, particularly when development to the North is considered. It also ensures the environment and infrastructure are not further damaged.

Kind Regards,

Craig and Kristen Langdon

Home Owners and Lovers of Whistler

Mayor and Council
Resort Municipality of Whistler
11 September, 2019

Dear Mayor and Council :

Re: New Market Residential Development and Tourist Accommodation

One of core principles of the OCP that most needs to be preserved and protected is that of Limits to Growth. In 1970, when the Municipality did not have access to any free land, a practice was adopted of granting approval of private residential market development in exchange for a significant portion of the subject lands being conveyed to the municipality at no cost for the development of Restricted Employee Housing (eg. Lorimer Ridge, Brio and Millar's Pond).

At that time there were sufficient bed units within the Limit to Growth to afford this. However, now that we have reached the Limit to Growth, and the Municipality has other free lands available to it (e.g. Cheakamus Crossing) this practice is no longer appropriate if Limits to Growth are to be preserved.

Allowing any further market residential development or tourist accommodation simply requires the allocation of further bed units, creates pressure on Limits to Growth and creates further demand for additional employee housing even beyond the demand that currently exists. A policy needs to be adopted by Council in this regard.

Respectfully Submitted,

Garry Watson

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████████████████████
████████████████

September 10, 2019

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

To Mayor and Council:

Re: Re-zoning application, 5298 Alta lake Road

We wish to express our concern over the proposed re-zoning application for 5298 Alta Lake Road, which is being presented to Council on September 17, requesting permission to proceed.

Having lived on the eastern shore of Nita Lake for the past 30 years, we are concerned that the re-development proposal is inconsistent with the surrounding neighbourhood, that it will have a significant (negative) environmental impact, and that it will not accomplish Council's goals of providing additional employee housing, as the staff requirements for operating such a large "hotel" may likely exceed the number of housing units proposed.

We recognize that the western shore of Nita lake is currently zoned for development, and that it will eventually be developed. But, the current re-zoning application involves a tripling of buildable space in massive configurations, all for the sake of 8 additional employee units on a site which does not comply with guidelines established for such purposes.

We hope that Council will NOT grant permission to proceed with the existing re-zoning application, and that the developers be required to consult with the local community to develop a more acceptable proposal that will not increase the amount of tourist accommodation or market housing currently permitted on this site, thereby minimizing impact on the tranquil beauty of Nita Lake and its surrounding community.

The following is a summary of our concerns, with some potential alternative strategies:

1. Deviation from existing TA17 zoning:

The intent of the current zoning is for **site sensitivity**, permitting tourist and employee housing in **cabins** (maximum permitted gross floor area of 120 square meters, or 1,292 square feet). A maximum permitted gross floor area for tourist cabins of 1,400 square meters allows for **12 tourist cabins**. A maximum permitted gross floor area for employee housing cabins of 800 square meters permits **7 cabins**. Combined, this represents a total of **19 "cabins"**.

The re-zoning application is for 22 tourist townhouses of 200 square meters (2,153 sq. ft) each, for a total of 4,398 sq. m. (47,361 sq. ft), which is **three times** the existing permitting gross floor area, not including two parking spaces per unit! The massing of these large townhouses into 4 clusters of 5 or 6 three-storey row houses is not "site sensitive".

The current application also increases the number of employee units from 7 to 15, reducing the size of each unit from 120 sq. m. to an average of 106 sq. m., for a total of 1,590 sq.m., **double** the existing permitted floor area for employee housing, in a location not close to public transit, services, or places of work (unless they happen to be working in the hotel, see below).

2. Do we really need more tourist accommodation?

It is frequently cited that Whistler has an excess of hotel rooms, driving various strategies to increase hotel occupancy, leading to growing problems of traffic, carbon emissions, etc. The proposed “hotel”, with at least 22 large units, will require a significant number of employees to manage it, possibly even more than the 8 additional employee units proposed.

The re-zoning application refers to additional buildings for recreational facilities, hotel check-in and recycling. Current zoning includes a hotel building of 2,100 sq. m. (in addition to the 10 permitted cabins), but it is not clear whether this will include additional hotel rooms.

3. Environmental Impact and Hotel Operating studies

While we understand that there is a 25 meter tree preservation set-back from the railway tracks, we have not seen any other environmental impact study relating to other trees, traffic, lake usage, or the number of employees that will be required to operate the hotel. One wonders if the latter will actually exceed the number of employee housing units, thereby actually exacerbating our current employee housing shortage!

Our question to Council is why would you even consider permitting this proposal to proceed, when:

- it triples the density of tourist accommodation when its questionable if the community/resort even needs more tourist accommodation,
- tripling the size of individual units will also triple the bed units. Where do these come from, given the community’s limits to growth?
- it calls for a massing of row houses that is insensitive, not only to the tranquil beauty of Nita Lake, but to the character of the neighbouring community,
- operating a hotel may increase staffing beyond the proposed employee housing units,
- the Mayor’s Task Force on Employee housing identified the need for 1,000 units of employee housing by 2023, with a process in place to achieve this goal,
- all of the above provides a mere 8 additional, small employee housing units in a poor location.

We encourage you to not permit this proposal to proceed in its current state, but to require the developers to meet with affected parties and return with a more site sensitive proposal supported by detailed environmental and hotel operating studies. We also suggest that placing certain restrictions on massing and tree preservations would be appropriate.

In closing, we would like to state that our concerns are not simply “Nimbyism”, as some might think, given that we reside immediately across Nita Lake from the proposed development. We have known for many years that some form of development would eventually take place. Nor are our concerns a statement of opposition to employee housing in general. But in the interest of protecting the beautiful chain of lakes which are one of Whistler’s most valuable amenities, and in the interest of sustaining

them for future generations, we urge you to consider our concerns. Permitting this re-zoning application to proceed would set a most unfortunate precedent for future development.

Respectfully submitted,

Anne Popma

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Garry Watson

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Guy Lever [REDACTED]
Sent: Wednesday, September 11, 2019 8:59 AM
To: corporate <corporate@whistler.ca>
Subject: Proposed Development: Nita Lake

Mayor & Members of Council,

My wife and I reside at [REDACTED]. After being made aware of this development and discussion with neighbours, we are concerned with a number of issues. Whistler is and should remain one of the leading all year resorts in the World and one where the community & tourists live in harmony.

I have attached a link for your perusal of a similar tourist community south of Munich in the Bavarian Alps, please consider examples of how lakes are protected and developed in other parts of the World. The chain of lakes in Whistler are unique and your stewardship could be a turning point for the future of Whistler altogether.

I will be attending your September 17th meeting and hope to raise a question asking the RMOW to consider a Resolution that will ensure any and all future development of Lakefront properties within the community, adhere to an established policy based on consultation regarding the unique needs of Lake & Lakeside properties in Whistler.

Sincerely,

Diane & Guy Lever

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

<https://www.bavaria.by/accessible-tourism/accessible-offers/a-tegernsee-schliersee-wendelstein-bavaria-germany>

Bavaria- Alpine region: Lakes Tegernsee and Schliersee

The Alpine region of the Tegernsee and Schliersee Lakes lies only one hour south of the Bavarian state capital of Munich. The glittering lakes and mountains of the Alpine foothills create fantastic scenery. Openly upheld customs and traditions reflect this region's unique attitude towards life. If you want to scale the heights, the Wendelstein can offer you wonderful views of the mountain range of the Alps and the green valleys of the surrounding area.

Our excursion tips:

On the Wendelstein

An excursion to one of the most beautiful panoramic mountains of the Alps is a must. Up we go to the Wendelstein, enthroned high above Bayrischzell and the Leitzachtal valley. A trip with the Wendelstein Funicular from Osterhofen near Bayrischzell is something to be experienced. A ramp makes it easier to get into the funicular and the trip alone is an experience in itself. At a height of more than 1,700m, spectacular views which extend to Munich in the north and as far as the Alps in the South await you.

Your excursion should of course not omit the opportunity to turn into the large terrace at the summit of the mountain.

Experience the lakes

A hiking trail which is suitable for wheelchair users leads around the picturesque Suttensee Lake above Rottach-Egern. Situated in an idyllic setting at over 1,000m in the midst of high Alpine peaks, Suttensee Lake is an insider tip. If you prefer to travel by bike, the Tegernsee circular trail is just what you are looking for: one lap of the lake with your hand bike takes you to a height of over 20 km – dream-like views and famous sights are all part of the package. If the weather is not playing ball, it is well-worth making a visit to the Bad Wiessee Waterpark which is equipped with a lift which will deposit you safely in the indoor pool. Bath chairs are also provided here upon request.

Culture and enjoyment

Culture and enjoyment in the Alpine region of the Tegernsee and Schliersee Lakes – whether you are sampling schnapps or enjoying a visit to a museum: The Lantenhammer distillery in Hausham produces the finest brandies and fruity liqueurs – here you can experience this skill at first hand in this Distillery of Discovery. You can immerse yourself in the world of distillates, glean a lot of interesting facts about the production process and the flavours or take part in a tasting or tour. Go back in time with historical carriages and sledges in the Museum in the Gsothhaber Farmhouse in Rottach-Egern. Here you can find out all sorts of interesting things about farming customs or professions which have now almost died out such as those practised by saddlers or blacksmiths. After so much culture, you will definitely want some refreshment in Café Gäuwagerl in the museum.

Further excursion tips:

Waitzinger Keller
Rundweg am Spitzingsee
Olaf-Gulbransson-Museum

Information & Service:

TI Gmund
TI Bad Wiessee
TI Rottach-Egern
TI Schliersee

The Huber Taxi Company in Schliersee provides wheelchair-friendly taxis which are available if required.
Telephone: 08026 4607

Tips for overnight stays

[Best Western Hotel Bayerischer Hof Miesbach](#)

Ferienwohnungen Concordia
Gästehaus Gritscher
Ferienwohnungen Schneider
Ferienwohnungen Krenn