

**From:** David E. Anderson [<mailto:danderson@mbalawyers.ca>]

**Sent:** Wednesday, June 24, 2020 11:06

**To:** Council <[Council@whistler.ca](mailto:Council@whistler.ca)>; Mayor's Office <[mayorsoffice@whistler.ca](mailto:mayorsoffice@whistler.ca)>; Planning <[planning@whistler.ca](mailto:planning@whistler.ca)>

**Cc:** [REDACTED]

**Subject:** FW: Your Scan File Is Attached

Dear Mayor and Council ,

I have read and fully endorse [REDACTED] plea that your office proceed cautiously and pay careful attention to the neighbours' concerns regarding the proposed rezoning of 2077 Garibaldi . My wife and I own a unit in the triplex situate at 2150 Whistler Road . In addition to the concerns being expressed by [REDACTED] we are particularly concerned with respect to the increased traffic that the proposed development will surely bring . Whistler Road is already busy and we fear that **your office and your planning department have done NOTHING to improve the access off of Whistler Road entering on to Highway 99 . There is no traffic light and it is very difficult to turn left to head south on Highway 99 . WILL IT TAKE A SERIOUS CRASH TO SHINE A LIGHT ON THIS PROBLEM ?**

Your attention to our and our neighbours concerns is expected . Thank you .

Regards,

*David E. Anderson*

Partner

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## **RE: 2077 Garibaldi Way rezoning application**

Dear Mayor Crompton and Councillors:

While this proposal has been somewhat revised, it still raises many concerns for our community. It is expected that any substantial changes would have the most impact on immediate and close-by property owners. Their voice should be heard and listened to. It happens often that, when the number of concerns narrows down and has less impact on the wider general public, we forget that the changes will have lasting consequences to nearby property use and enjoyment.

Hopefully the planning staff under guidance of elected municipal council will help find acceptable solutions to all affected parties.

The two meetings initiated by the developer and his team to gather the input from a very limited number of Nordic residents were welcomed. It has to be said that the discussions are still ongoing and important details of the proposed re-zoning have not been addressed. These discussions can hardly be used as a neighbouring input and consultation

### **AREAS OF ONGOING CONCERN TO NEIGHBOURS:**

**1. PRIVACY OF SURROUNDING PROPERTIES** was adversely affected since the property was clear cut and the access to and through the property became easier. Immediately we noticed increased traffic over privately and strata-owned land. That hasn't changed, and trespassing over the property is still used as a short cut from Garibaldi Way to Whistler Creek and the other way around. Aspen Drive is a private road and it should be used almost exclusively by strata owners and their visitors. It is also looked after and maintained by Aspen Ridge strata owners. The general public shouldn't be encouraged to use it regularly. Neither are Aspen Ridge strata owners happy with the increased traffic for purpose of shorter or more convenient access, dog walking or biking. The future owners of the 2077 Garibaldi Way will be in exactly the same position and will not like trespassing to occur on their private or common areas.

**2. THE GREEN BUFFER ZONE** on the property lines is increasingly disappearing. Trees that were left on the edges of the subject property are dying and will have to be replaced in order to have any significant green buffer as noted and promised numerous times by the developer. Just recently, there were a number of trees removed as they were leaning toward homes on Aspen Drive and also on the east side toward town homes on Garibaldi Way. None of the removed trees was replaced. Looking at proposed plans there will be even more trees removed where additional parking is proposed. We clearly need the developer's commitment to create a substantial green buffer between the neighbouring properties and not just on the highway side.

Appendix D - Administrative report to council from May 5, 2020 quotes:

**"The development will have natural elevation and vegetation buffers to protect the current enjoyment of those properties."**

**3. ADDITIONAL INCREASE IN SITE ELEVATION** is extremely concerning. From the beginning of 2077 re-zoning proposals, the developer assured that the buildings would be lower in natural elevation compared to surrounding properties. Neighbouring properties' natural views,

sun exposure and noise intensity would not be affected at all. Recent proposal indicates that the ground level of 2077 Garibaldi Way (see the blue line on the plan sketch attached) will be raised to the level of Aspen Drive properties. There will be no advantage in the natural elevation providing additional buffer to neighbouring properties.

Raising the site ground level by another couple of meters will place the 3<sup>rd</sup> floor and the roof of the Building C above the top / 2<sup>nd</sup> floor of the Aspen Drive Triplex. The triplex's views and sun exposure will be severely changed and obstructed. Likewise, the views of the Duplex on Aspen Drive will also be compromised.

Appendix D - Administrative report to council from May 5, 2020 quotes:

**"The property is significantly lower and relatively isolated from adjacent properties. The lower elevation in relation to neighboring properties means that any new buildings on this site would be constructed at a lower elevation relative to the neighbours, with limited on views or solar access."**

**4. PROPOSED DESIGN** of the new buildings does not complement the design of existing properties. Most of the buildings have sloped roofs and visual impact makes the buildings look smaller. Impact of the proposed flat roof with a maximum allowable height will be overpowering and will look larger than any of the homes around.

- All Buildings are 3 storey (10.6 m) with flat roofs


#### **Appendix B**

**HEIGHT Maximum Height: 7.6 m PERMITTED (RS-E1) 10.7m PROPOSED (RM)**

#### **CONCLUSION:**

The revised proposal RZ1144 for Rezoning 2077 Garibaldi presented to Council on May 5, 2020 is an improvement to earlier submissions. Lower density is more compatible with the surrounding neighbourhood. Owner-occupied units instead of strictly rental units also better reflects neighbouring use of the properties.

Serious concerns remain: The current status of the developer proposal does not effectively address concerns regarding privacy, access and maintenance of a promised green buffer zone. The proposed design of the development does not meet the promised lower elevation of construction, nor does it complement the design of buildings in the neighborhood. Continuing discussion is needed to ensure that the input of neighboring residents is recognized and considered. Also, previous commitments by the developer must be met.

  
Name and signature

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2150 WHISTLER ROAD, JUNE 24/20  
Whistler address and date