

## Re: 2077 Garibaldi Way rezoning application

Dear Mayor Crompton and Councillors:

First of all, I would like to say that we were very surprised to see this new format for the Notice of Online Public Information Meeting and Input Opportunity Regarding Rezoning Application RZ1144, out of the blue after over a year.

I drive down Garibaldi Way and turn left at Whistler Rd many times every week. The Rezoning information sign was very visible for years and I drove into the cul-de-sac numerous times to check it out, but I have not seen it in a very long time and thought hopefully this proposal had been shelved for now. We actually went to the site today to check for a sign. The only thing we could see, hidden way down behind trees, was the original 3 apartment proposal (undated but likely Dec 2017). So as of June 28, 2020, the developer has not updated the requirement for public notification as part of the development planning processes and has moved the signage so it is not visible for public viewing. See photos.

We did receive the Notice of Online Public Information and Input Opportunity in the mail. It is not dated so not sure when it was sent. I know of only one other person who received it.

I think in these unprecedented times with everyone conducting business in a very different and uncharted way, and considering the signage has not been updated to reflect the new proposal to the most importantly affected neighbours, that the allowable time for letters to be submitted must be extended to the end of July in order to get a true representation of informed parties. We will certainly do our best to get this information out to every member of our strata, not just those within 100 meters, and also connect with other nearby homeowners.

**WHISTLER**

Whistler, BC Canada V0N 1B4  
www.whistler.ca

TF 1 866 932 5535  
FAX 604 935 8109

### INFORMATION SIGN REQUIREMENTS

Applications are subject to the Resort Municipality of Whistler Land Use Procedures and Fees Bylaw No. 2019, 2012 information sign requirements.

1. An information sign is required to be posted for all rezoning, development permit and development variance permit applications.
2. The applicant must prepare and post an information sign on the land that is the subject of the application within 7 days of making the application and notify the municipal planner that the sign has been posted via an email containing a photo of the installed sign.
3. The information sign must conform generally to the specifications on page 2 of this handout and must state:
  - a. The type of application and application number
  - b. The applicant's name
  - c. The legal description and civic address of the affected property
  - d. A brief description of the proposal including proposed uses, floor areas and building heights in metric units, number of dwelling units, number of parking stalls
  - e. For a Development Variance Permit Application also list all requested variances (eg. reduction in building setbacks)
  - f. The text indicating the phone number of the Resort Municipality contact department for more details
4. Notification signs must be placed in a conspicuous location, be clearly legible from adjoining streets, and not be obstructed by vegetation or structures on the land.
5. The applicant must keep the notification sign posted and in good repair until the application has been approved or refused by the Council or its delegate.
6. Failure to comply with these requirements will delay the processing of the application.



While a number of revisions have been made to the original plans, we still have many concerns for our community on Aspen Ridge regarding the new proposal for 2077 Garibaldi Way. The proposed changes will still substantially affect the immediate and close-by property owners and will have lasting consequences to nearby property use and enjoyment. The voice of Aspen Ridge should be heard and listened to. As a permanent resident of Aspen Ridge, I encourage the planning staff under guidance of elected municipal council will find acceptable solutions to all affected parties.

We are not sure who was invited to the two meetings initiated by the developer and his team, as described in the May 5, 2020 report, but certainly would have liked to be part of it. These two meetings can hardly be considered as neighbouring input and consultation. There are many important details of the proposed re-zoning that have still not been fully addressed. These two meetings disregarded important input and consultation of neighbouring property owners.

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

**1. PRIVACY OF SURROUNDING PROPERTIES** was adversely affected since the property was clear cut. The access to and through the Aspen Ridge property became easier despite and in spite of assurances from the Developer that it would not. Immediately Aspen Ridge residents noticed increased people traffic over our privately and strata-owned land. That hasn't changed, will not change and exacerbated trespassing over the Aspen Ridge property is still used as a short cut from Garibaldi Way to Whistler Creek and vice versa. Aspen Drive is a private road and it should be used exclusively by strata owners and their visitors. The Aspen Drive roadway is maintained, 100% paid for and looked after by Aspen Ridge strata owners. The general public must not be encouraged to use it regularly as a defacto feature of their new development. No Aspen Ridge strata owners are happy with the increased people 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. We are expecting commitment from the developer for construction and establishment of the natural tree shrubbery Green Buffer zone as a barrier to curtail any trespassing to the private property of Aspen Ridge.

**2. THE GREEN BUFFER ZONE** on the property lines bordering Aspen Ridge 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. These trees are dying because the developer incorrectly backfilled around these trees. None of the removed trees have been 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, May 5, 2020:

**"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 and Unacceptable.** 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. The 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.

Inconsistent and contrary Developer's submissions: Raising the site ground level by another couple of meters will place the 3rd floor and the roof of the Building C above the 2nd floor of the Aspen Drive triplex that only has two floors and not three as quoted. Their views and sun exposure will be severely changed and obstructed. Likewise, the views of the duplex on Aspen Drive will also be compromised. This is Unacceptable.

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

**"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 neighbors, with limited on views or solar access."**

Appendix B – Administrative report to council, May 5, 2020:

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

Maximum Building Height Permitted for the proposed re-zoning is 7.6 M (RS-E1) yet the development proposal is designed for 10.7M (RM). This is a substantial difference that will have the buildings just as high as the two neighbouring residents which will take away from the enjoyment of the neighbourhood. Why is the proposal being designed for 10.7M?

**4. PROPOSED DESIGN** of the new buildings does not complement the design of existing properties. Almost all 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.

Page 6 - Administrative report to council, May 5, 2020:

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

Page 6 - Administrative report to council, May 5, 2020: **"Roof design must establish effective snow management and have a sloped appearance.....Building material, colors and façade modulation shall be consistent with the mountain character."**

## **5. Parking and Traffic:**

The traffic study shows that "the wait time for the South bound turn movement is currently performing below a desirable level of service! It is unacceptable to proceed with this rezoning without making any changes to Highway access or ponder it at a later date as a separate issue. The Developer quoted from council's package: "the proposed development is expected to have a very insignificant impact"! This is with planning for 40 vehicles in the new plan, The development as proposed with 30% market and 70% WHA/Employee has all units developed with 3 bedrooms and 3 bathrooms. Therefore in reality a good percentage of these 3 bedroom units will likely have roommates, sharing living costs for affordability, with additional vehicle parking pressure on the complex. As a result, the allocation of 2 vehicles per unit (tandem) and only 3 additional spaces will be a problem. You only need to view the results



of Cheakamus Crossing for parking to see how current or previous parking plans have always been underestimated. All of this additional traffic is being crammed into a small cul de sac, where already there are daily 5 vehicles parked in it!

Without significant changes to access to Hwy 99 Southbound and Northbound, the developers being transparent about their process of traffic study and neighborhood consent application cannot be approved by any council member. Nor can council condone so few parking spots for so many beds when there is significant evidence elsewhere such as in Cheakamus Crossing regarding how significantly it was underestimated for parking and bed units.

Conclusion:

I acknowledge that 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. But none of these scenarios compare to the listing description of the property in 2010 (and years previous) **2.18 Acres. Build 5000 plus sq ft estate home in a park like setting. Cul-de-sac.**



**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 with strict

transparency from the Developer is needed to ensure that the input of neighboring tax paying residents is recognized and considered. Previous commitments by the developer must be met again following strict discipline and transparency.

Lynne and Rick Hume

2239 Aspen Drive

Whistler, B.C.

June 28, 2020



# Diagrams – Site Cross Sections

