COUNCIL REPORT

Date: December 4, 2015
From: S. Scholes, Municipal Clerk
File: 1610-20-4851/4852/4853

RECOMMENDATION

1.0 Purpose
To provide a summary of the nature of the representations respecting proposed Official Community Plan Bylaw No. 4360, 2004, Amendment Bylaw No. 4851, 2015, proposed Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4852, 2015, and proposed Phased Development Agreement Authorization Bylaw No. 4853, 2015 (17-unit residential development at 370 and 380 Mathers Avenue) made at the public hearing that was held and closed on November 30, 2015.

2.0 Legislation/Bylaw/Policy
Public Hearings are held pursuant to the Local Government Act.

3.0 Background
3.1 Previous Decisions
Council at its November 2, 2015 regular meeting passed the following motions regarding first reading of the proposed bylaws and setting a date for the public hearing and concurrent public meeting regarding proposed Development Permit No. 12-053 (regarding 370 and 380 Mathers Avenue):

THAT opportunities for consultation on the proposed Official Community Plan amendment, with persons, organizations, and authorities, as outlined in the report from the Senior Community Planner dated October 15, 2015, be endorsed as sufficient consultation for purposes of section 879 of the Local Government Act.

THAT proposed “Official Community Plan Bylaw No. 4360, 2004, Amendment Bylaw No. 4851, 2015” be read a first time.
THAT proposed “Official Community Plan Bylaw No. 4360, 2004, Amendment Bylaw No. 4851, 2015” has been considered in conjunction with the District’s Financial Plan and Regional Waste Management Plan.

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4852, 2015” be read a first time.

THAT proposed “Phased Development Agreement Authorization Bylaw No. 4853, 2015” be read a first time.

THAT proposed “Official Community Plan Bylaw No. 4360, 2004, Amendment Bylaw No. 4851, 2015”, proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4852, 2015”, and proposed “Phased Development Agreement Authorization Bylaw No. 4853, 2015” be presented at a Public Hearing scheduled for November 30, 2015 at 6:00 p.m. in the Municipal Hall Council Chamber, and that the Municipal Clerk give statutory notice of the scheduled Public Hearing which shall include notice of the Public Hearing to the owners and any tenants in occupation of all parcels of land as shown on the proposed “Notification Area Map” attached as Appendix C to the report from the Senior Community Planner dated October 15, 2015 regarding the proposed development of 370 and 380 Mathers Avenue.

THAT proposed “Development Permit No. 12-053” be presented at a Public Meeting scheduled for November 30, 2015 at 6:00 p.m. in the Municipal Hall Council Chamber, to be held concurrently with the Public Hearing scheduled for November 30, 2015 at 6:00 p.m. in the Municipal Hall Council Chamber, and that the Municipal Clerk give notice of the scheduled Public Meeting.

THAT a proposed section 219 Covenant to allocate density and to protect certain trees attached as Appendix I to the report by the Senior Community Planner dated October 15, 2015, be presented as part of the development package.

The notice of public hearing was published in the North Shore News on November 22 and 23, 2015 and the notice was mailed to owners and occupiers within the notification area pursuant to Local Government Act requirements. Copies of the notice were posted to the District’s public notice posting places (external bulletin boards at municipal hall and website).

Pursuant to Council’s resolution, a concurrent public meeting regarding proposed Development Permit No. 12-053 (regarding 370 and 380 Mathers Avenue) was held.

3.2 Summary of the nature of the representations respecting the proposed bylaws that were made at the November 30, 2015 public hearing

The Senior Community Planner provided a presentation and described the application including the proposed bylaws and proposed development permit.

The applicant and 17 members of the public made representations:

- the applicant provided a PowerPoint presentation and spoke relative to project timeline and community consultation.
- Eight members of the public spoke in support of the proposed development including: need for housing diversity and housing options;
affordability; opportunities; design and sustainability features; tree protection; parking; the Official Community Plan; the Community Dialogue on Neighbourhood Character and Housing process; downscaling; density and accessibility; ageing population; demographics; the Housing Action Plan; development controls; form and neighbourhood character; and sustainable development.

- Five members of the public spoke in opposition to the proposed development including: development processes including past processes; density; destructive plan; petition in opposition signed by the surrounding neighbours; project magnitude and scale; the Official Community Plan; other church sites; single-family development preferred; the siting of existing multi-family developments; community amenity contribution; housing policy; neighbourhood plan; the Housing Action Plan; need for proper planning and clear policy; spot zoning; size of the project; requested that Council send this project back to the planning table; and requested Council consideration of cancelling the development and consider single family homes.

- Four members of the public commented regarding the proposed development including: the Community Dialogue on Neighbourhood Character and Housing; housing options; addresses neighbourhood concerns; community amenity contribution; keep maximum .35 floor area ratio; privacy; small units and affordability; downscaling; differences in elevations; and tree protection.

17 written submissions were received for the public hearing at or following the November 2, 2015 Council meeting at which Council set the date for the November 30, 2015 public hearing:

- One submission dated November 19, 2015
- Two submissions dated November 24, 2015;
- Eight submissions dated November 25, 2015;
- Two submissions dated November 26, 2015;
- Two submissions dated November 29, 2015; and
- Two submissions dated November 30, 2015.

Additionally, 42 written submissions were received prior to the November 2, 2015 Council meeting at which Council set the date for the November 30, 2015 public hearing.
4.0 Conclusion

A public hearing regarding proposed Official Community Plan Bylaw No. 4360, 2004, Amendment Bylaw No. 4851, 2015, proposed Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4852, 2015, and proposed Phased Development Agreement Authorization Bylaw No. 4853, 2015 (to allow for a 17-unit residential development at 370 and 380 Mathers Avenue) was held and closed on November 30, 2015 and a public meeting regarding proposed Development Permit No. 12-053 (regarding 370 and 380 Mathers Avenue) was held and closed concurrently. 17 members of the public made representations at the public hearing, 17 written submissions were received for the public hearing, and 42 written submissions were received prior to the November 2, 2015 Council meeting at which Council set the date for the November 30, 2015 public hearing.

The unadopted minutes of the November 30, 2015 public hearing are attached as Appendix A.

Certified as being fair and accurate:

________________________
S. Scholes, Municipal Clerk
December 4, 2015

Appendices:
- Appendix A: Unadopted minutes of November 30, 2015 public hearing
COUNCIL:

STAFF:
N. Leemhuis, Chief Administrative Officer; S. Scholes, Municipal Clerk; J. Bailey, Director, Planning and Development Services; R. Fung, Director, Engineering and Environment Services; I. Gordon, Director, Financial Services; A. Mooi, Director, Parks, Culture and Community Services; M. Chan, Director, Corporate Services; and M. Panneton, Deputy Clerk.

1. CALL TO ORDER
The public hearing was called to order at 6:00 p.m.

2. PUBLIC HEARING
Applicant: Matrix Architecture & Planning Inc. (for the owners)
Subject Lands: 370 and 380 Mathers Avenue
Purpose: The proposed bylaws and proposed development permit would facilitate the redevelopment of 370 and 380 Mathers Avenue to allow for a 17-unit residential development (known as the Residences on Mathers).

Proposed Official Community Plan Bylaw Amendment: If adopted, proposed Official Community Plan Bylaw No. 4360, 2004, Amendment Bylaw No. 4851, 2015 would enable the rezoning of the subject lands for the proposed residential development and place the site within a Development Permit Area.

Proposed Zoning Bylaw Amendment: If adopted, proposed Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4852, 2015 would rezone the subject lands to “CD52 – Comprehensive Development Zone 52 (370 and 380 Mathers Avenue)”.

Proposed Phased Development Agreement Authorization Bylaw: If adopted, proposed Phased Development Agreement Authorization Bylaw No. 4853, 2015 would secure a voluntary community amenity contribution and provide zoning certainty for a period of five years.

A public meeting was held concurrently to allow members of the public to make representations to Council regarding proposed Development Permit No. 12-053 (370 and 380 Mathers Avenue).

Proposed Development Permit: If approved, proposed Development Permit No. 12-053 would control the form and character of the development of the subject lands including: 17 units consisting of nine single family dwellings and four two-family
dwellings; 39 parking spaces; tree protection (secured by a covenant); and new landscaping.

**J. Bailey** (Director, Planning and Development Services) introduced the proposed bylaws and proposed development permit. A PowerPoint presentation regarding “Residences on Mathers” was provided and **L. Berg** (Senior Community Planner) described the proposed development and spoke relative to presentation slides: Purpose; Bylaws; History & Current Proposal; Housing; Public Information Meeting; and Conclusion. A PowerPoint presentation was provided regarding the proposed development and **Q. Webbe** (President, Darwin Construction) spoke relative to project timeline and community consultation.

3. **PUBLIC HEARING PROCEDURE**

On behalf of Mayor Smith, **S. Scholes** (Municipal Clerk) described the procedure for the public hearing:


A public meeting will be held concurrently with the public hearing to receive submissions regarding proposed Development Permit No. 12-053 for 370 and 380 Mathers Avenue. Anyone who believes their interest in property is affected by the proposed bylaws and/or the proposed development permit will be heard, and/or may make a written submission. No one will be discouraged or prevented from making his or her views heard.

Council members may ask questions of you following your presentation but Council’s function tonight is to listen to the views of the public, not to debate the proposed bylaws and proposed development permit.

After the public hearing and concurrent public meeting have concluded, Council may, without further notice, give whatever effect Council believes proper to the representations.

Your only opportunity to comment on the proposed bylaws is during the public hearing. Council is not permitted to receive further submissions once Council has closed the public hearing.

Council has received documents which are available for your review. A list of documents and copies of these may be obtained from the Municipal Clerk during the public hearing and concurrent public meeting. Written submissions received during the course of these proceedings will be added to these documents so that everyone may examine them.

To maintain order and to ensure that everyone has an opportunity to be heard here are Council’s rules of procedure:

1. A Speakers’ List has been established. You may place your name on the list at any time throughout the public hearing and concurrent public meeting. If you are speaking from prepared remarks, Council would appreciate a copy.

2. Council requests that you please begin your remarks by stating your name and address or name and whether you are a West Vancouver resident. If you are speaking on behalf of some other person or organization, Council requests that you please identify the name of that person or organization.
3. Please limit your remarks to 5 minutes (a bell will sound with 15 seconds to go) and to the subject of the proposed bylaws and proposed development permit. Please be respectful to others.

4. After everyone has spoken once, you will have an opportunity to speak subsequent times to provide additional information, if you wish.

If you have any concerns about the rules of the hearing, please address your comments to Mayor Smith, as the Chair.

4. REPORTS/WRITTEN SUBMISSIONS

1) Reports received up to the close of the public hearing on November 30, 2015:

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<tr>
<th>REPORT TITLE</th>
<th>REPORT DATED</th>
<th>RECEIVED AT COUNCIL MEETING</th>
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<tr>
<td>Official Community Plan Amendment, Rezoning and Development Permit No. 12-053 for 370 and 380 Mathers Avenue (Residences on Mathers)</td>
<td>October 15, 2015</td>
<td>November 2, 2015</td>
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<td>Official Community Plan Amendment, Rezoning and Development Permit Application No. 12-053 for 370 and 380 Mathers Avenue (Unitarian Church site)</td>
<td>September 4, 2013</td>
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<td>Official Community Plan Amendment, Rezoning and Development Permit Application No. 12-053 for 370 and 380 Mathers Avenue</td>
<td>March 7, 2013</td>
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2) Written submissions received up to the close of the public hearing on November 30, 2015:

Written submissions listed below were received at or following the November 2, 2015 Council meeting at which Council set the date for the November 30, 2015 public hearing.

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S. Scholes (Municipal Clerk) informed that on November 2, 2015 Council set the date for the public hearing, that the statutory notice of public hearing was published in the North Shore News on November 22 and November 25, 2015, noted the total number of staff reports and written submissions received to date and included in the agenda package and the public information binder, and informed that the reports and written submissions are available for public inspection throughout the hearing.

5. **APPLICANT’S PRESENTATION**

The applicant’s presentation was provided during Item 2.

6. **PUBLIC INPUT**

Mayor Smith called for public input.

B. Hemingway (5220 Keith Road) informed that he is a member of the Unitarian Church and spoke in support of the proposed development including: housing diversity; affordability; and opportunities.

B. Izat (2227 Gordon Avenue) spoke in support of the proposed development including: design and sustainability features; tree protection; housing options; and parking.

W. McMillan (1215 Braeside Street) spoke in support of the proposed development including: the Official Community Plan; the Community Dialogue on Neighbourhood Character and Housing process; downsizing; and need for housing diversity.

G. Loren (5235 Keith Road) spoke in support of the proposed development including: density and accessibility; downsizing; and housing options.

M. Roseland (2538 Kings Avenue) informed that he is a friend of the Unitarian Church congregation and spoke relative to the proposed development including: the Community
Dialogue on Neighbourhood Character and Housing; housing options; addresses
neighbourhood concerns; and the community amenity contribution.

M. Gibbons (5340 Kew Road) spoke in support of the proposed development including:
ageing population; downsizing; and housing options.

D. Lust (323 Mathers Avenue; and on behalf of the Hugo Ray Neighbourhood
Committee) spoke in opposition to the proposed development including: process for a
proposed seniors highrise in the 1990s; development process; density; destructive plan;
petition in opposition signed by surrounding neighbours, and requested that Council send
the project back to the planning table.

J. O'Toole (315 Lawson Avenue) spoke in opposition to the proposed development
including: magnitude and scale; the Official Community Plan; other church sites; and
requested Council consideration of cancelling the development and consider single
family homes.

S. Fitzpatrick (4992 The Dale) spoke in support of the proposed development including:
demographics; housing options; the Housing Action Plan; downsizing; and affordability.

S. Given (315 Mathers Avenue) spoke in opposition to the proposed development
including: development process; single-family development preferred; siting of existing
multi-family developments; and community amenity contribution.

C. Reynolds (Editor, West Van Matters) spoke relative to the proposed development
including: keep maximum .35 floor area ratio; tree protection; privacy; small units and
affordability.

L. Groday (1550 Kings Avenue) spoke in support of the proposed development including:
development controls; form and neighbourhood character, housing diversity, affordability,
sustainable development; the Housing Action Plan; and tree protection.

Mayor Smith queried if there was anyone further wishing to speak at the public hearing.

M. Slater (1058 Keith Road) spoke in opposition to the proposed development including:
housing policy, neighbourhood plan and the Housing Action Plan; need for proper
planning and clear policy; spot zoning; and the Official Community Plan.

Mayor Smith queried if there was anyone further wishing to speak at the public hearing.

T. Page (Esker Lane) spoke relative to the proposed development including: the Official
Community Plan; downsizing; difference in elevations; and tree protection.

Mayor Smith queried if there was anyone further wishing to speak at the public hearing.

T. Hrynychuk (402 Hadden Drive) spoke in opposition to the proposed development
including size of the project.

Mayor Smith queried if there was anyone further wishing to speak at the public hearing.

J. Renfer (4957 Marine Drive) spoke in support of the proposed development including:
downsizing; and affordable housing and housing options.

Mayor Smith queried if there was anyone further wishing to speak at the public hearing.

K. Willcock (Esker Lane) spoke relative to the proposed development including tree
protection.

Mayor Smith queried three times if there was anyone further wishing to speak at the
public hearing and there was no response.
Council members commented and queried relative to the proposed development including: development controls; LEED building standards; construction and traffic management; tree protection and retention; community amenity contribution and the property appraisal; site utilities; coach houses and secondary suites; and density and floor area ratio. L. Berg (Senior Community Planner), J. Bailey (Director, Planning and Development Services), R. Fung (Director, Engineering and Transportation), N. Leemhuis (Chief Administrative Officer) and O. Webbe (President, Darwin Construction) responded to queries of Council.

7. **CLOSURE OF PUBLIC HEARING**

MOVED by Lewis, seconded by Soprovich:

THAT all written and oral submissions regarding proposed Official Community Plan Bylaw No. 4360, 2004, Amendment Bylaw No. 4851, 2015, proposed Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4852, 2015, proposed Phased Development Agreement Authorization Bylaw No. 4853, 2015, and proposed Development Permit No. 12-053 for 370 and 380 Mathers Avenue up to and including the November 30, 2015 public hearing and concurrent public meeting be received and that the public hearing and concurrent public meeting be closed.

CARRIED

The public hearing was closed at 7:18 p.m.

Certified Correct:

__________________________

MAYOR

__________________________

MUNICIPAL CLERK