

STAFF REPORT

TO:

Council

MEETING DATE: May 22, 2018

FROM:

Lesley-Ann Staats **Director of Planning**

FILE NO:

[ZA-2017-01]-05

SUBJECT:

Public Hearing Report for Eagleview Heights Zoning Amendment Bylaw

No. 1065-41, 2018 and Third Reading

RECOMMENDATIONS

1. THAT the report titled Public Hearing Report for Eagleview Heights Zoning Amendment Bylaw No. 1065-41, 2018 and Third Reading be received;

- 2. AND THAT Council gives Eagleview Heights Zoning Amendment Bylaw No. 1065-41, 2018 a Third Reading;
- 3. AND FURTHER THAT the following conditions be met before Eagleview Heights Zoning Amendment Bylaw No. 1065-41, 2018 be considered for Adoption:
 - i. A covenant be registered on title to secure the terms of the Development Agreement as outlined in Council Resolution R2018-083; and
 - ii. Approval pursuant to Section 52 of the Transportation Act.

BACKGROUND

The Eagleview Heights development proposal at 464 Eaglecrest Drive was initiated in March 2017. The initial application included an Official Community Plan (OCP) amendment application, which was later withdrawn as per Council direction. The revised plans for the proposal were received by the Town in December 2017.

The purpose of the zoning bylaw amendment is to rezone the property from R-1 to RCL-2 to permit a multi-unit residential development in the form of townhouses and apartments. The bylaw amendment also introduces a definition of floor space ratio.

The Bylaw was given 1st Reading on March 20, 2018. On April 17, 2018, Council adopted Resolution R2018-083 as follows:

THAT the Director of Planning's report titled Eagleview Heights Amendment Bylaw No. 1065-41, 2018 for Consideration of Second Reading and Scheduling of a Public Hearing be received:

AND THAT widening the Stewart Road dedication to the Town's 20 metre road dedication standard be endorsed;

AND THAT the terms of the Development Agreement be endorsed as follows:

- a) Survey and register a blanket statutory Right-of-Way over the greenspace for the purpose of public access prior to issuance of Building Permit. Final Right-of-Ways to be registered after construction and survey of trails prior to occupancy of final dwelling;
- Register a height restriction of 8-metres for all buildings except for two buildings located to the south of the third row, as a condition of rezoning (schedule to be attached);
- c) Provide evergreen screening along the North property line prior to issuing final occupancy of the first dwelling;
- d) Formalize through a Right-of Way, prior to Building Permit, a pedestrian and cycle access that connects Eaglecrest Drive with Stewart Road;
- e) Provide a \$150,000 Community Amenity Contribution prior to issuance of Development Permit;
- f) Provide a \$270,000 contribution to the Affordable Housing Reserve Fund prior to issuance of Development Permit;
- g) Complete recommendations from the Traffic Impact Study completed by Creative Transportation Solutions Ltd. and dated December 2017, as approved by the Director of Infrastructure Services, specifically:
 - a. construct a curb bulb-out in the northwest quadrant and the northeast quadrant of the intersection of Eaglecrest Drive and Inglis Road;
 - b. construction of a crosswalk with sidewalk letdowns on the north side of Eaglecrest Drive;
 - c. connect sidewalk from the site at the lower bench to the existing sidewalk on Winn Road at Abbs Road.

AND THAT "Eagleview Heights Zoning Amendment Bylaw No. 1065-41, 2018", be given a Second Reading;

AND FURTHER THAT a Public Hearing to consider "Eagleview Heights Zoning Amendment Bylaw No. 1065-41, 2018" be scheduled to begin at 7:00 pm on Wednesday, May 9, 2018, at the Gibsons Royal Canadian Legion, located at 747 Gibsons Way, Gibsons.

Notice of Public Hearing was advertised in the Coast Reporter on April 27th and May 4th, 2018, and notices were delivered to home owners and tenants within a 50-metre distance from 464 Eaglecrest Drive on April 25th, 2018.

PURPOSE

The purpose of this report is to provide a summary of the nature of comments that were received at the Public Hearing through verbal and written submissions and outline options for next steps.

PUBLIC HEARING SUMMARY

On May 9, 2018, a Public Hearing was held at the Gibsons Royal Canadian Legion located at 747 Gibsons Way, Gibsons. Approximately 140 people signed in to the Hearing. Minutes from the Public Hearing are enclosed as Attachment A. Written submissions received are in the May 9, 2018, Public Hearing Agenda.

Approximately 249 submissions were received from approximately 173 individuals. Of the 173 individuals, 54% (93 individuals) supported the proposal and 46% (80 individuals) opposed the proposal.

Staff reviewed the submissions and summarized the nature of comments received in Table 1.

Table 1: Summary of comments received from verbal and written submissions

Comments in Support	Comments in Opposition		
Support for housing in Gibsons, the proposal increases housing supply	 Opposition to increased density – traffic and safety concerns 		
Development supports the local economy, creates jobs	 Concerns about loss of views and impacts to property values 		
Development increases the tax revenue	 Environmental concerns – stormwater runoff, fire hazards 		
Support for design	Opposition to design		
Support for amenities	 Opposition to affordable housing contribution 		

Previous staff reports (January 23, 2018 Committee of the Whole, March 6, 2018 Committee of the Whole, March 20, 2018 Council, and April 17, 2018 Council) refer to the density, design, environmental considerations, and affordable housing and community amenity contributions.

NEXT STEPS

The next steps in the rezoning process include:

- Third Reading of the Bylaw
- Covenants registered to secure conditions of the rezoning will be met
- Sign off from the Ministry of Transportation and Infrastructure (MOTI)
- Fourth Reading / Adoption

Council may proceed with the bylaw as written, alter the bylaw, or defeat it.

RECOMMENDATIONS / ALTERNATIVES

Staff's recommendations are on page 1 of this report.

Alternatively, Council could alter the proposed Bylaw or defeat it. If the alteration changes the use or density, this would trigger a requirement to hold a second Public Hearing as per section 470(1)(b) in the *Local Government Act*. Defeating the proposed bylaw would result with the subject property remaining in the R-1 zone.

ATTACHMENTS

Attachment A – Public Hearing Report

Attachment B - Eagleview Heights Zoning Amendment Bylaw No. 1065-41, 2018

Respectfully Submitted,

Lesley-Ann Staats, MCIP, RPP

Director of Planning

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I have reviewed the report and support the recommendations.

Emanuel Machado

Chief Administrative Officer



Public Hearing MINUTES

Wednesday, May 9, 2018, 7:00pm The Royal Canadian Legion 747 Gibsons Way, Gibsons, BC Eagleview Heights Zoning Amendment Bylaw No. 1065-41, 2018

A Public Hearing was held at The Royal Canadian Legion, 747 Gibsons Way, Gibsons, B.C., on Wednesday, May 9th, 2018 – 7:00pm.

PRESENT: Deputy Mayor Silas White

Councillor Stafford Lumley Councillor Charlene SanJenko Councillor Jeremy Valeriote

REGRETS: Mayor Wayne Rowe

STAFF: Emanuel Machado, Chief Administrative Officer

Selina Williams, Corporate Officer

Lesley-Ann Staats, Director of Planning

Dave Newman, Director of Infrastructure Services

Katie Thomas, Planning Assistant

Laurie Mosimann, Administrative Assistant

ATTENDEES: Approx. 140

CALL TO ORDER

Deputy Mayor Silas White called the Public Hearing to order at 7:02pm.

OPENING STATEMENT

Deputy Mayor White stated that Mayor Rowe has chosen to recuse himself from this hearing to seek legal opinion on a residents inquiry as to whether the proposed Stewart Road access to the proposed development is a conflict of interest due to the location of his private residence.

Deputy Mayor White read an opening statement to members of the audience briefly introducing the proposed bylaw and providing rules governing the hearing. He stated all persons present would be given an opportunity to be heard on the matters contained in the proposed bylaw or to present their written submissions to the Corporate Officer for Council to consider.

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INTRODUCTION AND BACKGROUND OF BYLAW

The Director of Planning provided a brief introduction of the proposed bylaw. She noted that:

- The Bylaw was given 1st Reading on March 20, 2018
- The Bylaw was given 2nd Reading on April 17, 2018
- Resolution to hold a Public Hearing on May 9th, 2018 was adopted by Council on April 17, 2018
- Notice of Public Hearing was advertised in the Coast Reporter on April 27th and May 4th, 2018
- Notices were delivered to home owners and tenants within a 50-m distance from the subject property on April 25th, 2018

WRITTEN SUBMISSIONS

Deputy Mayor White asked the Corporate Officer to present written submissions received to date.

The Corporate Officer stated that the original agenda published on Friday, May 4th, 2018, included submissions from 13 individuals. Between the time the agenda was published and the statutory deadline of 12 noon today an additional 149 submissions were received and have been added to the agenda for your consideration. That brings the total number of submissions to 162 from a total of 149 individuals. Of those, 65 individuals wrote in opposition to the proposal and 84 wrote in support of the proposal. Individuals present may choose to present written submissions up to the close of the hearing. Those submissions will be collated tomorrow and added to the agenda for your consideration.

PUBLIC INPUT

Deputy Mayor White called a first time for presentations from the public and asked if there was anyone wishing to speak to the proposed bylaw.

1	Tony Browton	 1556 Jonson Rd – in Support Downsizing option of one level living with a view Increases housing supply for families and renters 	
2	Julia Campbell	 831 Oceanmount Blvd - Opposed Density is beyond the scope of the OCP Lack of contributions to the Town Loss of lifestyle for neighbourhood Developer should resubmit a plan fitting with OCP guidelines 	
3	Bill Campbell	 831 Oceanmount Blvd - Opposed Inadequate Affordable housing contributions Deforestation of the Charman Creek forest 	

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Need a "locals first" policy

· Lack of sidewalks in the neighborhood is unsafe Cost of infrastructure · Loss of public park land Misinformation provided regarding berm 4 442 Stewart Rd - Opposed Susan Propas Access road on Stewart Rd Loss of rural setting Development on the steep slope 5 **Lonnie Propas** 442 Stewart Rd - Opposed Lack of geotechnical approval of steep slope Impact on infrastructure, parks and trails Need improvements to Stewart Rd 6 Dorothy Riddle 396 Stewart Rd – Opposed Slope of Winn Rd to lower bench access Opposed to proposed design Impact on wastewater treatment plant 7 Valerie Ward 396 Stewart Rd - Opposed Stewart Rd access to lower bench Increase in density Set back variances · Lack of green infrastructure 8 Bill Foley 845 Inglis Rd - Opposed Lack of Councils understanding of neighbourhood concerns · Increase in density Increase of traffic on Inglis Rd Profits to developer and non-locals Impact on lifestyle 9 Russell Crum 5985 Beachgate Ln – in Support Change is inevitable Need for development and cluster housing Quality development 10 Darren Kopeck 872 Oceanmount Blvd - in Support • Past contentious development is now well accepted Density is needed Job creation now and in future John Ridd 1631 Grady Rd - in Support 11 Reasonable density for site size

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	Opportunity for small businessesIncrease in tax baseJob creationBeautiful project
12 David Marmorek	 504 Abbs Rd – Opposed Not a sustainable development Developers profit at expense of the Town Increase in density Environmental concerns Infrastructure concerns
13 Jack Stein	735 Park Rd - OpposedOCP should not be amended
14 Marian Williamso	 481 Eaglecrest Dr - Opposed Increase in density Lack of sidewalks causes safety concerns Increased traffic in neighbourhood Does not fit OCP guidelines Middle bench is unstable
15 Corinne Thorsell	 748 Maplewood Ln – Opposed Insufficient affordable housing contribution To many concessions for the developer
16 Ian Macdonald	 5531 Brooks Rd – in Support Need for rental housing Thoughtful approach to higher density
17 Lesley Horat	 372 Stewart Rd - Opposed Destruction of natural beauty Traffic increase on Stewart Rd unsafe Should be developed to the needs of the locals
18 Lyndon Bradford	 455 Eaglecrest Dr – Opposed Unacceptable loss of view from property Councils lack of commitment to community Design does not fit Eaglecrest Dr Traffic concerns for Shaw Rd Loss of real-estate value for existing properties in neighbourhood
19 Sue Ann Linde	 469 Abbs Rd – in Support Developer addressed neighbours concerns in design Town benefits from added amenities

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20 Al Beaver 837 Oceanmount Blvd - Opposed Incorrect calculation of floor space ratio Too much impervious lot coverage • Lack of access and egress makes high risk fire smart plan Lack of affordable housing contribution William Baker 21 833 Oceanmount Blvd - Opposed • On behalf of over 300 Oceanmount area residents asks that bylaw be rejected Development is not affordable for working families Density is too high, should be scaled back Developers lack of cooperation with neighbourhood Council should put community first 22 **Bob Burdett** 481 Eaglecrest Dr – Opposed Traffic impact on neighbourhood Increase in density with other future build out in neighbourhood Lack of sidewalks Should stay within OCP guidelines 23 Jesse Bowen 2828 Lower Rd - in Support Not concerned with lack of sidewalks Need for housing Job creation Infrastructure issues can be dealt with More density on one site means less deforestation 24 Mike Hein 863 Inglis Rd - Opposed View impacts to neighbourhood Better suited for a location closer to amenities Traffic impact to Shaw Rd Will decrease property value Janice Schuks 25 605 Gower Point – Opposed Traffic flow impact to bay area • Density impact on wastewater treatment plant and water supply Unknown cost of units · Emergency response vehicle access 26 Adam Major 1076 Welington, North Van – in Support Increase in housing supply Increase in tax base Good for local businesses

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27	Donald Klan	 459 Ealgecrest – Opposed Will not be affordable for blue collar worker Will not attract young people Follow OCP and scale back development Density is too high 			
28	Chris Lekakis	 503 Eaglecrest – Opposed Concerned with increase in traffic Follow OCP and scale back development 			
Deputy Mayor White called a second time for presentations from the public and asked if there was anyone wishing to speak to the proposed bylaw.					
29	Dorothy Riddle	 396 Stewart Rd – Opposed Not priced to attract young people to community Increase in taxes collected will not all go to the Town Developer should build affordable housing units Council should support quality of life 			
30	Kathleen Vance	 301 Headlands Rd – Opposed Concerned with stormwater runoff Concerned with increase of density Unaffordable for locals 			
31	Chris Hergeshcheimer	Roberts Creek – in Support • Increase in housing may open up affordable housing elsewhere			
32	Bob Burdett	 481 Eaglecrest Dr - Opposed Will not solve the affordable housing problem Concerned with stormwater runoff Needs further geotechnical study 			
33	David Kipling	Bayview Heights Rd – Opposed • OCP is cumbersome and out dated • Council should stipulate number of maximum units			
34	William Baker	 833 Oceanmount – Opposed Development has caused neighbourhood stress OCP needs to be clearer for all development Developers promises have been broken Concerned with accuracy floor space ratio calculations 			

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Bill Campbell 831 Oceanmount Blvd - Opposed 35 Developer refuses to disclose cost of units to Council Required Smart Plan is for zoning amendment that Council rejected • Smart Plan contains falsehood regarding steep slopes Referrals from Fire Chief are not provided for accesses and green roofs Stanley Yasin 464 Eaglecrest Dr - in Support 36 Recreated the design as per Council direction within OCP guidelines Have followed cluster housing calculations in the **OCP** • 87 units consistent with OCP, current zoning allows 45 houses with secondary suites Design maintained view corridors on Eaglecrest Never promised to maintain existing berm A stormwater management plan will be completed Rob Chetner 464 Eaglecrest Dr - in Support Wanted to create unique homes Aware that these is an unfair and bias campaign against development Project does fit the OCP Al Beaver 837 Oceanmount Blvd - Opposed Developer mentioned retaining existing berm in may documents Tim Ankerman 39 464 Eaglecrest Dr - in Support Have consulted with Fire Chief regarding access Fire sprinkling exceeds Building Code Development conforms to OCP density Location of berm has not been changed and will be vegetated Geotechnical study has been done and will be supplemented with other studies Stormwater system was designed with Town staff Addresses requests of single level housing Donald Klan 459 Ealgecrest - Opposed Potential for secondary suites only increases density

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41	Julia Campbell	 831 Oceanmount Blvd – Opposed Concerns with controversy over berm Requests reduction in scale Need to contribute more to affordable housing Density should be lowered Does not conform to the OCP 		
42	Jesse Bowen	2828 Lower Rd - in Support • Green roofs provide habitat and are eco friendly		
43	Jack Stein	 736 Park Rd – Opposed Water shortages should be taken into account Concern with access 		
•		third time for presentations from the public and shing to speak to the proposed bylaw.		
44	William Baker	833 Oceanmount – Opposed • Turn down the bylaw amendment and have developer reapply with better consultation		
45	Rob Chetner	 464 Eaglecrest Dr – in Support Pricing is not available yet Berm was fill and nothing natural Cannot control cost to build DCC contributions will be in excess of 1 million dollars 		
46	Bob Burdett	 481 Eaglecrest Dr - Opposed Previous speaker said look at long term, I hope you do look at the long term, it will change the town 		
47	Dolf Vermeulen	 733 Courtney Rd – in Support Meets demand for more housing Developer wants to build a quality project Developer has created local employment Development will be an economical benefit 		
48	Stanley Yasin	 464 Eaglecrest Dr – in Support Doubts can be clarified if package on record is reread 		
49	Bill Campbell	 831 Oceanmount Blvd – Opposed Concern with green roofs being a fire hazard during water restrictions 		

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50	Rob Chetner	 464 Eaglecrest Dr – in Support Developed with standards that conform to life safety 	
51	David Kipling	Bayview Heights – Opposed • Amendment sets precedence for other larger developments	
52	Pat Mostovich	 897 Davis Rd and 865 Inglis Rd – Opposed Should consider the OCP when you purchase a property Concerned with traffic flows and safety Concerned with emergency vehicle access 	
53	Stanley Yasin	464 Eaglecrest Dr – in SupportCurrent proposal is under OCP guidelines	
54	Bob Burdett	 481 Eaglecrest Dr – Opposed OCP is vague Development is not within the spirit of the OCP 	
55	Al Beaver	837 Oceanmount Blvd – OpposedStick to R-1 zoning and it's done	
56	William Campbell	 831 Oceanmount Blvd – Opposed Concerned with accuracy of floor space ratio calculation Need to clarify the term "generally" in the OCP 	

ADJOURNMENT

Being no further input, Deputy Mayor White adjourned the Public Hearing at 9:26pm.

Selina Williams, Corporate Officer

TOWN OF GIBSONS

BYLAW NO. 1065-41

A Bylaw to amend Town of Gibsons Zoning Bylaw No. 1065, 2007

WHEREAS the Council for the Town of Gibsons has adopted Zoning Bylaw No. 1065, 2007;

AND WHEREAS the Council for the Town of Gibsons deems it desirable to amend *Town of Gibsons Zoning Bylaw No. 1065, 2007*;

NOW THEREFORE the Council for the Town of Gibsons, in open meeting assembled, enacts as follows:

- 1. This bylaw may be cited as "Eagleview Heights Zoning Amendment Bylaw No. 1065-41, 2018."
- 2. Town of Gibsons Zoning Bylaw No. 1065, 2007, is amended as follows:
 - a. Altering the zoning designation of Block 9 Except: Firstly; Part in Reference Plan 18037, Secondly; Part Subdivided by Plan LMP21605, District Lot 1328 Group 1 New Westminster District Plan 4014 from Single-Family Residential Zone 1 (R-1) to Cluster Residential Zone 2 (RCL-2) on Schedule A to Bylaw No. 1065 as shown in Schedule A, attached to and forming part of this bylaw;
 - b. Inserting Cluster Residential Zone 2 (RCL-2) regulations in appropriate alphabetical and numerical order under Part 9 as follows:

"CLUSTER RESIDENTIAL ZONE 2 (RCL-2)

Application and Intent

The regulations of this zone shall apply to the use of land, buildings, and structures within Cluster Residential Zone 2 (RCL-2), as shown on the map attached as Schedule A to this bylaw. The intent of the RCL-2 zone is to permit multi-unit housing in a single-detached form, while preserving open space.

Permitted Principal Uses

- (1) Apartment use;
- (2) Townhouses;
- (3) In conjunction with townhouses, one secondary suite per townhouse unit permitted by Section 809 of this Bylaw;

Permitted Accessory Uses

- (1) Off-street parking and loading;
- (2) Accessory buildings permitted by Sections 413-420;
- (3) A community care use licensed as a day care for children;
- (4) Home Occupation permitted by Section 805 of this Bylaw.

Density

- (1) The minimum floor space ratio is 0.6;
- (2) The maximum floor space ratio is 0.75;
- (3) The maximum number of dwelling units in an apartment building is six (6).

Minimum Lot Area

(1) The minimum lot area shall be 2000.0 m² (21,527 ft²).

Minimum Lot Width

(1) The minimum lot width shall be 15.0 m (49.2 ft), or 20.0 m (65.6 ft) if not served by a rear lane.

Setbacks and Other Siting Regulations

(1) Except as otherwise permitted or required by Sections 403, 413-420 and Part 5, the following minimum setbacks apply:

(a) front lot line: 3.0 m (9.8 ft);
 (b) interior side lot line: 3.0 m (9.8 ft);
 (c) exterior lot line: 3.5 m (11.5 ft);
 (d) rear lot line: 3.5 m (11.5 ft);

(2) The minimum distance between apartment buildings shall be 3.5 m (12 ft).

Maximum Lot Coverage for Impermeable Surfaces

- (1) For the purposes of calculating lot coverage, underground parking structures are deemed to be impermeable surfaces in this zone and therefore constitute lot coverage, unless they are covered with at least 450 mm of topsoil.
- (2) The maximum lot coverage shall be 50%.

Maximum Height of Buildings

(1) Except as otherwise permitted or required by Part 5, a principal building must not exceed a building height of 8.5 m (27.9 ft);

(2) For the purpose of calculating building height, elevator and stair access from the street for two buildings per lot shall be exempt from building height calculations provided that such structures occupy no more than 18% of the surface of the roof and do not exceed a height of 3.0 m (9.8 ft) as measured from the centreline of the travelled surface of the abutting street or lane.

Off-Street Parking and Loading Spaces

(1) Off-street, parking and loading spaces must be provided and maintained as required by Part 6.

Landscaping

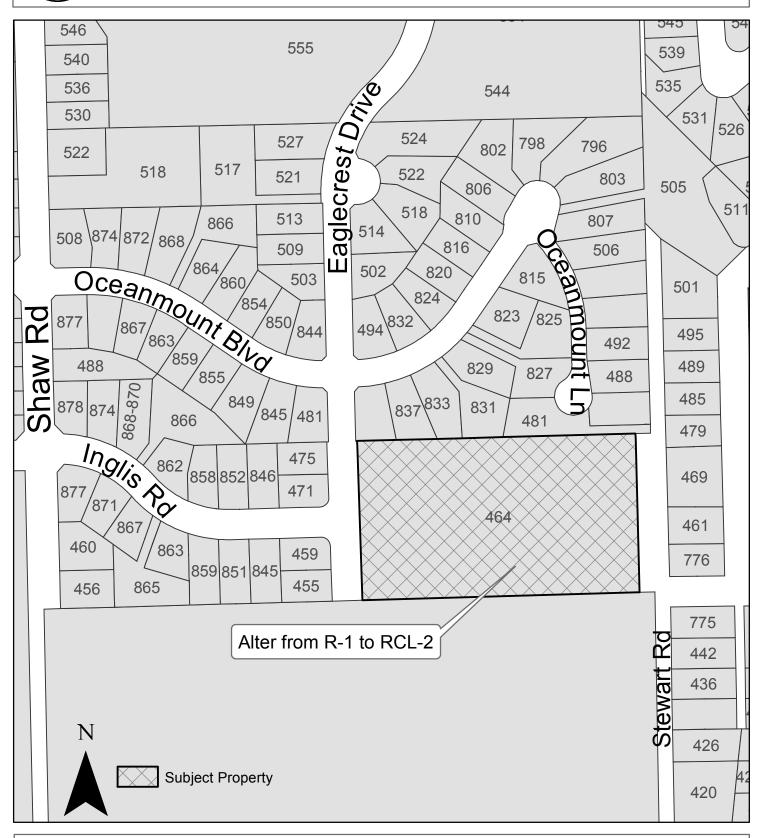
- (1) All portions of a lot not covered by buildings and paved surfaces must be landscaped and maintained as required by Section 405."
- c. Adding the following definition to Section 201 in alphabetical order:
 - "FLOOR SPACE RATIO" means a ratio calculated by gross floor area of buildings divided by the lot area upon which the buildings are located.
- d. Making such consequential alterations and annotations as are required to give effect to this amending bylaw, including renumbering of the Zoning Bylaw.

READ a first time the	20	day of MARCH,	2018
READ a second time the	17	day of APRIL,	2018
PUBLIC HEARING held the	9	day of MAY,	2018
READ a third time the	####	day of MONTH,	YEAR
APPROVED PURSUANT TO SECTION 52 OF THE TRANSPORTATION ACT the	####	DAY OF MONTH ,	YEAR
ADOPTED the	####	DAY OF MONTH ,	YEAR
Wayne Rowe, Mayor	Selina, Wi	lliams, Corporate Officer	

TOWN OA GIBSON®

Schedule A

Eagleview Heights Zoning Amendment Bylaw No. 1065-41, 2018



Altering the zoning designation of Block 9 Except: Firstly; Part in Reference Plan 18037, Secondly; Part Subdivided by Plan LMP21605, District Lot 1328 Group 1 New Westminster District Plan 4014 from Single-Family Residential Zone 1 (R-1) to Cluster Residential Zone 2 (RCL-2)