

2.

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
PUBLIC HEARING MINUTES  
MUNICIPAL HALL COUNCIL CHAMBER  
MONDAY, JUNE 1, 2009

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**COUNCIL:**

Acting Mayor S. Walker; Councillors M. Evison, M. Lewis, T. Panz, M. Smith and W.S. Soprovich. Absent: Mayor P. Goldsmith-Jones.

**STAFF:**

G. McRadu, Chief Administrative Officer; B. Leigh, Deputy Chief Administrative Officer; S. Scholes, Municipal Clerk; R. Fung, Director of Engineering and Transportation; R. Laing, Director of Finance; B. Sokol, Director of Planning, Lands and Permits; A. Mooi, Director of Parks and Community Services; and M. Panneton, Recording Clerk.

**1. CALL TO ORDER**

The meeting was called to order at 7:05 pm.

Acting Mayor Walker provided introductory remarks.

**2. PUBLIC HEARING**

**Zoning Bylaw No. 2200, 1968, Amendment Bylaw No. 4579, 2009 (regarding child care regulations); Business Licence Bylaw No. 4455, 2005, Amendment Bylaw No. 4596, 2009 (regarding child care operation requirements) and Proposed Development Variance Permit Policy (regarding guidelines for evaluating applications for development variance permits for child care facilities in residential zones)**

(File: 1610-20-4579 / 1610-20-4596 / 2620-08)

**Applicant:** The District of West Vancouver

**Affected Lands:** The proposed regulations regarding child care uses apply to residential, commercial, mixed use, public assembly and community use zones.

**Purpose:** The proposed Zoning Bylaw amendment updates regulations for child care uses in West Vancouver.

**Proposed Zoning Bylaw Amendment:**

Definitions for child care and related uses are updated and streamlined, and consequential amendments are made to the Zoning Bylaw and inconsistencies removed.

For residential areas, the proposed bylaw reduces the maximum number of children allowed in a child care facility in a single family home from 20 (existing bylaw) to 16 (proposed). The following requirements are also added for Child Care facilities of 9 to 16 children in single family homes:

- (a) on residential lots that are abutting or directly across the street from a community facility site (school, park, community centre, or place of worship):
  - One off-street parking space for every six child care spaces; and
  - Outdoor play structures and equipment for a child care facility must be sited a minimum of four feet from all lot lines in all single family (R.S.) and duplex (R.T.) zones.
- (b) on all other residential lots:
  - One off-street parking space for every four child care spaces;
  - The child care facility must be located a minimum distance of 600 feet from any other existing child care facility of more than eight children in a single family home;
  - The single family home in which the child care facility is operated must be occupied by the operator or a staff person of the child care facility; and
  - Outdoor play structures and equipment for the child care facility must be sited a minimum of four feet from all lot lines in all single family (R.S.) and duplex (R.T.) zones.

For commercial areas, the proposed bylaw provides for child care as an allowed use in commercial areas (not currently allowed in the existing Zoning Bylaw).

The proposed bylaw also:

- allows child care as a use in the common amenity spaces of multifamily buildings;
- updates regulations for child care in public assembly and community use zones and provides consistency across community use zones where child care facilities are allowed.

While not required as part of the public hearing process:

- for convenience as the bylaw amendments are related, all persons who wish to provide comment on the Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 4596, 2009 (which requires neighbour notification and submission of a traffic management plan prior to receiving a business licence for a child care operation of more than 8 children in a single family home) will be given an opportunity to be heard; and
- all persons who wish to provide comment on the proposed Development Variance Permit Policy for child care uses (which provides guidelines for Council consideration of variances to requirements for parking and siting of outdoor play equipment for child care uses of over 8 children in a single family home) will be given an opportunity to be heard.

L. Sexsmith (Community Planner – Social Services) provided a PowerPoint presentation, described the proposed bylaw amendments and provided background information.

Discussion ensued relative to the proposed bylaw amendments and L. Sexsmith and B. Sokol (Director of Planning, Lands and Permits) responded to Council's queries.

### **3. Public Hearing Procedure**

Acting Mayor Walker described the procedure for the Public Hearing.

We are convening this Public Hearing in order to consider and receive submissions regarding Zoning Bylaw No. 2200, 1968, Amendment Bylaw No. 4579, 2009 (child care regulations). As the bylaw amendments are related, all persons who wish to provide comment on Business Licence Bylaw No. 4455, 2005, Amendment Bylaw No. 4596, 2009, as well as the proposed Development Variance Permit Policy, will also be given an opportunity to be heard.

Anyone who believes their interest in property is affected by the proposed bylaws and policy will be heard, or may make a written submission respecting the matters contained in these bylaws and policy. No one will be discouraged or prevented from making his or her views heard.

Members of Council may, if they wish, ask questions of you following your presentation but our function tonight is to listen to the views of the public. It is not the function of Council at this time to debate the merits of the proposed bylaws and policy.

After the Public Hearing has concluded, Council may, without further notice, give whatever effect Council believes proper to the representations.

Your only opportunity to comment on the Zoning Amendment Bylaw is during the Public Hearing. Members of Council are not permitted to receive further submissions regarding the Zoning Amendment Bylaw once we have closed the Public Hearing.

We have received documents which may be considered by Council and they are available for your review and discussion. A list of documents, and copies of these may be obtained from the Clerk during the Public Hearing. Written submissions received during the course of these proceedings will be added to these documents so that everyone may examine them.

To maintain order during the Public Hearing and to ensure everyone has an opportunity to be heard, the following rules of procedure have been established:

1. A Speakers' List has been established. Please ensure that you place your name on the list at any time throughout the Public Hearing. If you are speaking from prepared remarks, we would appreciate a copy.
2. Please commence your remarks by stating your name and address. If you are speaking on behalf of some other person or organization, please identify the name of that person or organization.
3. Each speaker is requested to limit their remarks to 5 minutes and a bell will sound with 15 seconds to go.
4. Please limit your comments to the subject of the proposed bylaws and policy. Please do not obstruct the Public Hearing, and be respectful to others. Please ensure that your comments address the specific issue being considered.
5. After everyone has spoken once, you will have an opportunity to speak again if you wish.

Please observe the rules and if you have any concerns about them, address your comments to the Acting Mayor, as the Chair.

#### 4. REPORTS/CORRESPONDENCE

- 1) Reports received up to June 1, 2009:

TITLE	DATE	DATE RECEIVED	NO.
West Vancouver Child Care Regulations - Zoning Bylaw No. 2200, 1968, Amendment Bylaw No. 4579, 2009, Proposed Development Variance Permit Policy, and Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 4596, 2009	April 14, 2009	May 4, 2009	01

2) Correspondence received up to and including June 1, 2009:

NAME	DATE	DATE RECEIVED	NO.
J. McKenna	May 29, 2009	May 29, 2009	C-1
D. Cardwell and A. Wu	May 29, 2009	May 29, 2009	C-2
J. Rohrick on behalf of D. Cardwell and A. Wu	June 1, 2009	June 1, 2009 (submitted at Hearing)	C-3

The Municipal Clerk noted that on May 4, 2009 Council set the date for the Public Hearing, the statutory notice of Public Hearing was published in the North Shore News on May 24 and May 27, 2009, and the submissions received for the public hearing.

5. **PUBLIC INPUT**

Acting Mayor Walker called for public input.

J. Rohrick (representing D. Cardwell and A. Wu) spoke in opposition to the proposed bylaw amendment, referred to his written submission and informed of concerns relative to the number of children allowed on-site, the grandfathering of the existing bylaws and regulatory and enforcement concerns. Mr. Rohrick provided a written submission to Council.

N. Naveretti spoke in support of the proposed bylaw amendments and the need for more childcare spaces in West Vancouver.

Acting Mayor Walker asked three times whether there was anyone further wishing to provide input. There was no response.

6. **CLOSURE OR ADJOURNMENT OF PUBLIC HEARING**

MOVED by Smith, seconded by Evison:

THAT all written and verbal submissions regarding Zoning Bylaw No. 2200, 1968, Amendment Bylaw No. 4579, 2009; Business Licence Bylaw No. 4455, 2005, Amendment Bylaw No. 4596, 2009; and proposed Development Variance Permit Policy, up to and including June 1, 2009, be received and that the Public Hearing be closed.

Discussion ensued relative to the proposed bylaw amendments, including the strategy recommended by the Childcare Services Working Group.

The question was called the on the motion.

**CARRIED**  
**Councillor Soprovich voted in the negative**

The Public Hearing closed at 7:48 pm.

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