

PUBLIC HEARING NOTICE

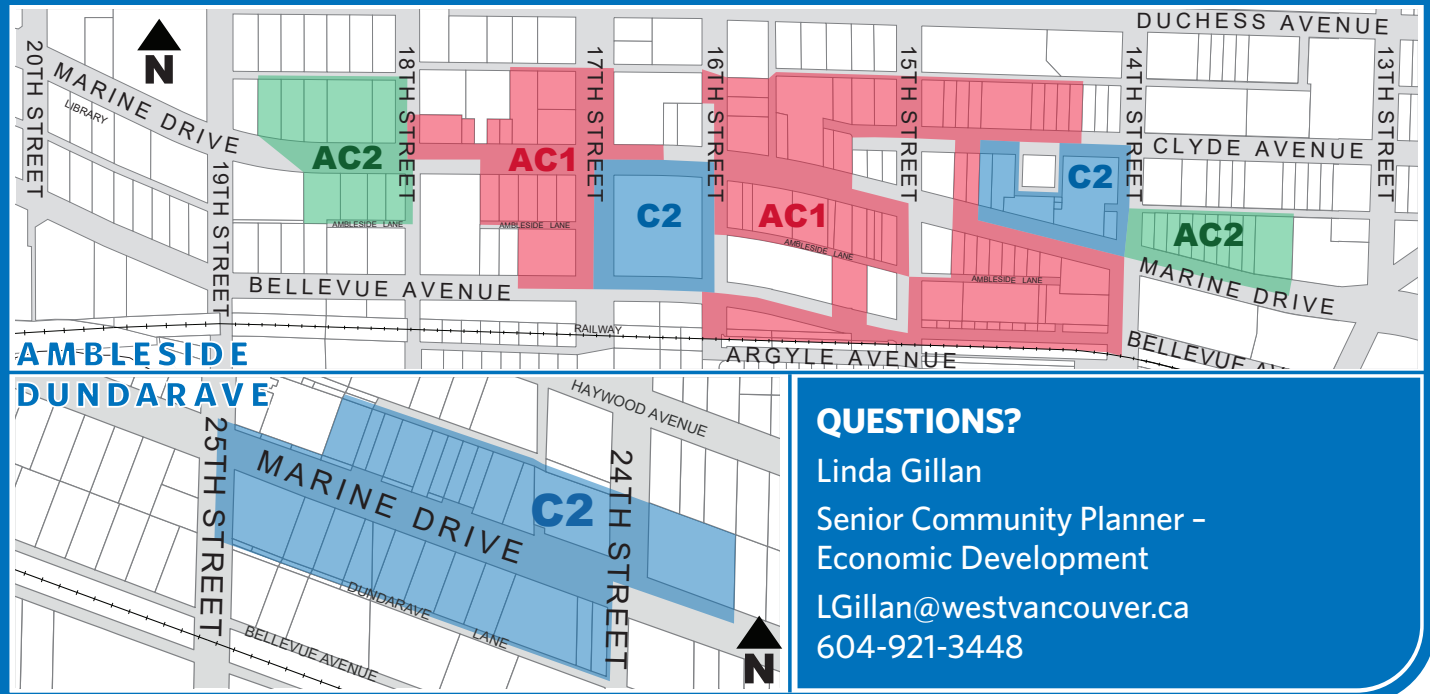
Proposed Zoning Bylaw Amendments to Enhance Retail Diversity

WHAT: A public hearing will be held regarding proposed Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5328, 2024.

WHEN: 7 p.m. on May 6, 2024

WHERE: Municipal Hall Council Chamber, 750 17th Street, and via Webex electronic communication facilities. Attend in-person or via Webex (visit westvancouver.ca/webex); or watch the hearing at westvancouver.ca/cc.

SUBJECT LANDS SHOWN SHADED: AC1 AC2 C2



QUESTIONS?

Linda Gillan

Senior Community Planner -
Economic Development

LGillan@westvancouver.ca

604-921-3448

SUBJECT LANDS: New definitions for “financial services”, “financial institution”, and “vape retail” would apply to all zoned lands where commercial uses are permitted. Proposed bylaw amendments to conditions of use would apply to AC1, AC2, and C2 zoned sites in Ambleside and Dundarave’s commercial areas. The subject lands are shown shaded on the map.

PROPOSED ZONING BYLAW NO. 4662, 2010, AMENDMENT BYLAW NO. 5328, 2024: would enhance retail diversity by amending the zoning bylaw to: 1) introduce definitions for “financial services”, “financial institution”, and “vape retail” uses, and prohibit vape retail in every zone; and 2) amend the AC1, AC2, and C2 zones in Ambleside and Dundarave’s commercial areas, to: add business or commercial school, fitness and body care, health care office, pet care establishment, and veterinary medical clinic to the existing list of uses which, combined, must not occupy more than 20% of the width of the ground (sidewalk level) floor of each block face; limit pharmacy use, including pharmacy in a retail store or health care office, to five locations in Ambleside and one location in Dundarave; and prohibit financial services use from locating on the ground (sidewalk level) floor.

COUNCIL WELCOMES YOUR INPUT: All persons who believe their interest in property is affected by the proposed bylaw will be given an opportunity to present written submissions and to be heard during the public hearing regarding the proposed bylaw. To participate in person, please attend the Council Chamber at the time listed above. To participate by electronic communication facilities, please call 604-925-7004 on May 6, 2024 to be added to the speakers list. Instructions on how to participate are available at westvancouver.ca/ph.

PROVIDE YOUR SUBMISSION: via email to correspondence@westvancouver.ca; via mail to Municipal Hall, 750 17th Street, West Vancouver BC V7V 3T3; or address to Legislative Services and place in the drop box at the 17th Street entrance of Municipal Hall. Please provide written submissions by noon on May 6, 2024 to ensure their inclusion in the public information package for Council’s consideration. No further submissions can be considered by Council after the public hearing has closed.

DETAILS: The proposed bylaw and other documents that Council may consider in deciding whether to adopt the proposed bylaw may be inspected at westvancouver.ca/news/notices and Municipal Hall, April 19 to May 6, 2024 (8:30 a.m. to 4:30 p.m., Monday to Friday, excluding statutory holidays).

PLANNING & DEVELOPMENT SERVICES

750 17th Street, West Vancouver BC V7V 3T3 | 604-925-7055 | planning@westvancouver.ca | westvancouver.ca


westvancouver

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**District of West Vancouver
Public Hearing on May 6, 2024**

**Re: Proposed Zoning Bylaw No. 4662, 2010,
Amendment Bylaw No. 5328, 2024
(to Enhance Retail Diversity)**

File: 1610-20-5328

REPORTS TO COUNCIL			
REPORT TITLE	REPORT DATED	RECEIVED AT COUNCIL MEETING	#
Enhancing Retail Diversity within Ambleside and Dundarave: Revised Zoning Bylaw Amendments	March 27, 2024	April 8, 2024	R-1

WRITTEN SUBMISSIONS		
SUBMISSION AUTHOR	SUBMISSION DATED	#
Redacted	December 3, 2023	C-1
Redacted	March 4, 2024	C-2

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<i>COUNCIL AGENDA</i>	
Date: April 18, 2024	Item: 151
May 6, 2024 PH	R-1



DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

Date:	March 27, 2024
From:	Linda Gillan, Senior Community Planner – Economic Development
Subject:	Enhancing Retail Diversity within Ambleside and Dundarave: Revised Zoning Bylaw Amendments
File:	1610-20/5328-2024

RECOMMENDATION

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5328, 2024” be read a first time.

RECOMMENDATION

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5328, 2024” be presented at a public hearing on May 6, 2024, at 7 p.m. in the Municipal Hall Council Chamber and via electronic communication facilities (Webex video conferencing software), and that notice be given of the scheduled public hearing.

1.0 Purpose

To initiate Zoning Bylaw amendment procedures for the AC1, AC2 and C2 zones, and to introduce a definition for “financial services” and “financial institution” uses, in response to Council direction on enhancing retail diversity in the Ambleside and Dundarave commercial areas.

2.0 Legislation/Bylaw/Policy

Zoning Bylaw No. 4662, 2010, regulates development of property and buildings.

The *Local Government Act* (LGA) requires that a Public Hearing be held on the proposed Zoning Amendment Bylaw, in accordance with sections 464 through 470. Once a bylaw is under preparation, Section 463 of the LGA allows Council to direct that an application be withheld, if the application may be in conflict with a bylaw in preparation.

3.0 Council Strategic Objective(s)/Official Community Plan

Strategic Plan

Council’s Strategic Plan 2024-2025 contains the following objective, supporting the Local Economy goal, which is to “enhance our vital and vibrant commercial centres”:

Objective 3.3: In coordination with the Ambleside LAP policies, take measures to support vibrancy, diversity, locality, and charm in commercial

centres by amending zoning regulations to limit non-retail businesses from Marine Drive street front locations.

Official Community Plan

Section 2.3 of the Official Community Plan, Local Economy and Employment, outlines policies related to economic development, to strengthen West Vancouver's commercial centres and nodes, support tourism and visitors, and promote opportunities and innovation.

Relevant policy includes:

2.3.8: Encourage compatible economic activities District-wide including, but not limited to, expanded retail and services in local commercial nodes, and home-based businesses.

4.0 Financial Implications

Administration of the recommendations in this report, including review of permit and licence applications in relation to the proposed bylaw amendments, would be undertaken by existing staff.

5.0 Background

5.1 Previous Decisions

Council, at its November 27, 2023 regular meeting, passed the following resolution:

“That staff prepare amendments to Zoning Bylaw No. 4662, 2010 to add business or commercial school, fitness and body care, health care office, pet care establishment, pharmacy, and veterinary medical clinic to the list of uses which, combined, must not occupy more than 20% of the width of the ground (sidewalk level) floor of each block face within the AC1, AC2 and C2 zones in Ambleside and Dundarave.”

Council, at its January 22, 2024 regular meeting, deferred consideration of proposed Zoning Bylaw amendments, and at its March 11, 2024 regular meeting, passed the following resolution:

“That staff prepare amendments to Zoning Bylaw No. 4662, 2010 to:

1. introduce a land use definition for "financial services" use, to clarify that this use will include the sale or trading of crypto-assets, including cryptocurrency and non-fungible tokens, in addition to currency, gold or jewellery exchange, mortgage broker, insurance company, income tax services, bookkeeping, financial and investment services provided by a trust company or investment dealer, and similar uses providing financial services to businesses and to the public, but does not include bank or credit union;
2. limit financial services use to above street level (i.e. second storey or above) within the AC1, AC2, and C2 zones in Ambleside and

Dundarave; and

3. limit pharmacy use, including pharmacy located within a retail use, within the AC1, AC2, and C2 zones in Ambleside and Dundarave to a total of:
 - a. five locations within the Ambleside commercial area; and
 - b. one location within the Dundarave commercial area;

AND THAT building permit and business license applications that might conflict with these proposed zoning amendments be brought to Council's attention as soon as possible, so that Council can consider withholding permits and licenses as authorized by section 463 of the Local Government Act.”

6.0 Analysis

6.1 Discussion

West Vancouver's commercial zones include existing conditions of use limiting financial services / institutions, beauty and wellness centres, and real estate offices to 20% of the width of the ground (sidewalk level) floor of each block face, on segments of Royal Avenue in Horseshoe Bay, Marine Drive in Dundarave, and Marine Drive, Bellevue and Clyde Avenue in Ambleside (sites with C1, C2, AC1 and AC2 zoning).

The Ambleside and Dundarave Business Improvement Association (ADBIA) has noted ongoing concerns regarding the business mix in Ambleside and Dundarave, particularly where there is a prevalence of less “active” or vibrant business premises on the ground floor, and related impacts on the street level liveliness of these retail areas.

In response to Council's November 27, 2023 and March 11, 2024 direction on enhancing retail diversity in Ambleside and Dundarave, this report proposes amendments to the Zoning Bylaw, attached as **Appendix A**. If approved, these amendments would change the bylaw in three ways.

Firstly, new definitions for “financial services” and “financial institution” uses would be introduced, to outline the type of business activities covered, and more clearly distinguish between financial services and financial institutions (i.e. banks or credit unions). A new condition of use would limit financial services use to above street level (i.e. second storey or above) within the AC1, AC2, and C2 zones in Ambleside and Dundarave

Secondly, business or commercial school, fitness and body care, health care office, pet care establishment, and veterinary medical clinic would be added to the list of uses which, combined, must not occupy more than 20% of the width of the ground (sidewalk level) floor of each block face. These changes would apply to segments of Marine Drive in Dundarave, and Marine Drive, Bellevue and Clyde avenues in Ambleside (AC1, AC2 and C2 zoned sites).

Thirdly, pharmacy use, including pharmacies located within a retail or medical office use, would be limited to: five locations within the Ambleside commercial area and one location within the Dundarave commercial area. These changes would apply to the AC1, AC2 and C2 zones in these commercial areas.

The intent of these amendments is to support a range of more vibrant uses at street level in Ambleside and Dundarave’s commercial centres, in response to Council direction and feedback from the ADBIA. Existing businesses that do not comply with the proposed conditions of use would become legally non-conforming and would be able to continue operating from their current premises.

6.2 Climate Change & Sustainability

Not applicable.

6.3 Public Engagement and Outreach

In addition to the issues identified by the ADBIA, recent engagement as part of the Ambleside Local Area Plan (LAP) has highlighted community concerns about the lack of business diversity in the neighbourhood’s commercial areas. There is also strong resident interest in seeing lively, walkable and vibrant retail as part of the regeneration of Ambleside’s commercial streets.

Should Council set the date for a Public Hearing, notice would be provided in accordance with *Local Government Act* requirements and District procedures.

6.4 Other Communication, Consultation, and Research

Staff have reviewed the approaches taken by other local governments to defining and regulating commercial uses and have consulted with District staff in Bylaws and Licensing on the proposed amendments.

In response to Council input and discussion at the March 11, 2024 meeting, staff have reviewed local government approaches to regulating “vape retail” use (i.e. speciality stores selling e-cigarettes or vapes). This use is subject to provincial regulations requiring screening, for example frosted or darkened windows, as minors are not permitted to see, access, or hear any advertising for vape products. The “Considered Options” section of this report includes potential bylaw wording, if Council wishes to add vape retail regulations to the proposed amendment bylaw.

7.0 Options

7.1 Recommended Option

That Council give reading(s) to the proposed Zoning Bylaw amendment bylaw and set the date for a Public Hearing.


7.2 Considered Options

- a. Amend proposed Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5328, 2024 to define “vape retail” and limit this use by adding the following sections to the amending bylaw, in numerical order, prior to first reading:
 - 3.4 Zoning Bylaw No. 4662, 2010, Section 110 (Definitions) is amended by adding a new definition for “Vape retail”, in alphabetical order following “Un-vegetated permeable surface”:
means the use of premises primarily for the sale of electronic nicotine and non-nicotine delivery systems (e-cigarettes or vapes)
 - 3.5 Zoning Bylaw No. 4662, 2010, Section 120 (General Regulations for all Zones) is amended by adding a new section 120.01(7), in numerical order, and renumbering subsequent sections as required:
Vape retail is prohibited in every zone.
- b. Give reading(s) to the proposed Zoning Bylaw amendments and set an alternative date (to be specified) for a public hearing;
- c. Defer consideration pending the receipt of additional information (to be specified);
- d. Provide alternative direction (to be specified); or
- e. Reject the proposed Zoning Bylaw amendments.

4 Conclusion

The proposed amendments to the Zoning Bylaw, if approved, would introduce definitions for “financial services” and “financial institution” and amend conditions of use for commercial spaces in the AC1, AC2 and C2 zones, for sections of Marine Drive in Dundarave, and Marine Drive, Bellevue and Clyde avenues in Ambleside. In response to Council’s direction on enhancing retail diversity at its November 27, 2023 and March 11, 2024 meetings, staff have prepared these bylaw amendments and now recommend the process for their consideration commence.

Author: 
Linda Gillan, Senior Community Planner – Economic Development

Concurrence: 
David Hawkins, Senior Manager, Community Planning & Sustainability

Appendices:

- A. Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5328, 2024

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District of West Vancouver

**Zoning Bylaw No. 4662, 2010
Amendment Bylaw No. 5328, 2024**

Effective Date:

District of West Vancouver

Zoning Bylaw No. 4662, 2010 Amendment Bylaw No. 5328, 2024

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District of West Vancouver

Zoning Bylaw No. 4662, 2010 Amendment Bylaw No. 5328, 2024

A bylaw to update conditions of use conditions of use for ground floor (sidewalk level) commercial spaces in the AC1, AC2 and C2 zones, and to introduce a definition for “financial services” and “financial institution” uses.

Previous amendments: Amendment bylaws 4672, 4677, 4678, 4679, 4689, 4701, 4680, 4710, 4697, 4716, 4712, 4737, 4726, 4736, 4757, 4752, 4767, 4787, 4788, 4784, 4772, 4791, 4805, 4809, 4828, 4854, 4873, 4866, 4895, 4839, 4898, 4927, 4944, 4905, 4974, 4967, 4982, 4962, 4928, 4992, 5001, 5021, 5024, 5028, 5009, 4938, 5044, 5055, 5051, 5068, 5065, 5087, 5069, 5110, 5106, 5132, 5161, 5160, 5013, 5122, 5155, 5169, 5192, 5175, 5171, 5201, 5230, 5081, and 5223.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide an amendment to the Zoning Bylaw to enhance retail diversity in the Ambleside and Dundarave commercial areas;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5328, 2024.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amendment of Regulations

3.1 Zoning Bylaw No. 4662, 2010, Section 110 (Definitions) is amended by:

3.1.1 Adding a new definition for “Financial institution” in alphabetical order following “Fence”:

means the use of premises by chartered banks or credit unions, and may include accessory uses including the provision of investment services and automated teller machines.

3.1.2 Adding a new definition for “Financial services”, in alphabetical order following “Financial institution”:

means the use of premises for the sale or trading of crypto-assets, including cryptocurrency and non-fungible tokens, for a currency, gold or jewellery exchange, mortgage broker, insurance company, income tax services, bookkeeping, financial and investment services provided by a trust company or investment dealer, and similar uses providing financial services to businesses and to the public, but does not include financial institution.

3.2 Zoning Bylaw No. 4662, 2010, Section 350 (Commercial Zones) is amended by:

3.2.1 Deleting section 352.02 (7) in its entirety and replacing it with the following:

On Marine Drive between 14th Street and 17th Street, and between 24th Street and 25th Street:

(a) Bank or credit union, beauty and wellness centre, business or commercial school, fitness and body care, health care office, pet care establishment, real estate offices, and veterinary medical clinic combined must not occupy more than 20% of the width of the ground (sidewalk level) floor of each block face (in each block there is a north and a south block face). This is calculated in aggregate for all such uses on each block face.

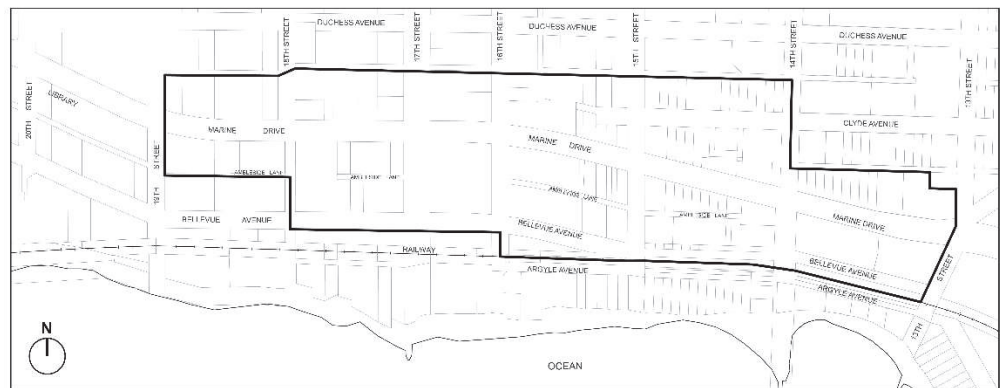
(b) Notwithstanding section 352.02(7)(a), such uses may occupy a greater width of the building if located at the rear of the ground floor, more than 18.2 metres from the Marine Drive property line, or if on the storey above the Marine Drive sidewalk level.

3.2.2 Adding a new section 352.02 (10) in numerical order:

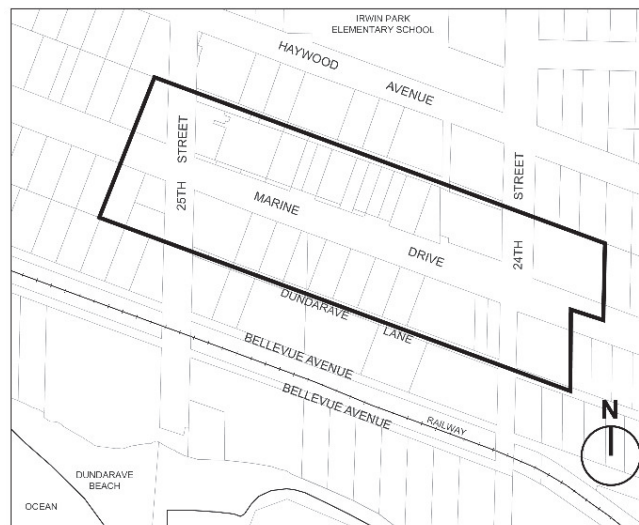
Within the area outlined on the Ambleside and Dundarave maps below:

- (a) Financial services use is not permitted where the premises has a sidewalk level frontage.
- (b) Pharmacy use, including both principal and accessory pharmacy use, is limited to:
 - (i) Five locations within the Ambleside area; and
 - (ii) One location within the Dundarave area.

Ambleside Map



Dundarave Map



3.3 Zoning Bylaw No. 4662, 2010, Section 700 (Ambleside Centre Zones) is amended by:

3.3.1 Deleting section 701.02(1) and replacing it with the following:

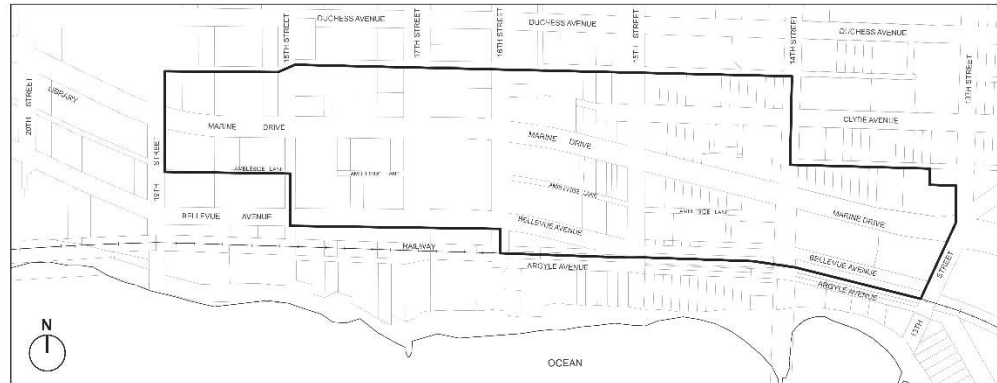
Between 14th Street and 18th Street:

- (a) On Marine Drive, the portion of the second storey facing Marine Drive must be used for commercial purposes.
- (b) On Marine Drive, Bellevue Avenue, and Clyde Avenue, beauty and wellness centre, business or commercial school, financial institutions, fitness and body care, health care office, pet care establishment, real estate offices, and veterinary medical clinic combined must not occupy more than 20% of the width of the ground (sidewalk level) floor of each block face (in each block there is a north and a south block face). This is calculated in aggregate for all such uses on each block face.
- (c) Notwithstanding section 701.02(1)(b), such uses may occupy a greater width of the building if located at the rear of the ground floor, more than 18.2 metres from the property line, or if on the second storey above the sidewalk level.

3.3.2 Adding a new section 701.02 (5) in numerical order:

Within the area outlined on the Ambleside map below:

Ambleside Map



- (a) Financial services use is not permitted where the premises has a sidewalk level frontage.

- (b) Pharmacy use, including both principal and accessory pharmacy use, is limited to five locations within the Ambleside area.

3.3.3 Deleting section 702.02(2) and replacing it with the following:

Between 13th Street and 19th Street on Marine Drive:

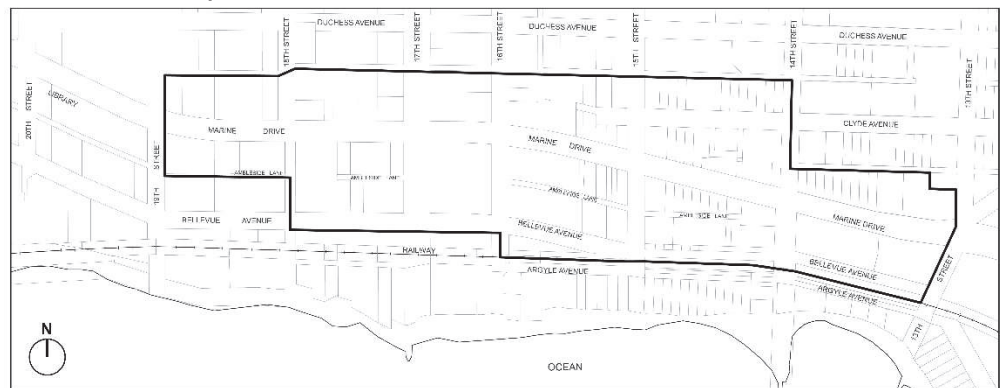
- (a) Beauty and wellness centre, business or commercial school, financial institutions, fitness and body care, health care office, pet care establishment, real estate offices, and veterinary medical clinic combined must not occupy more than 20% of the width of the ground (sidewalk level) floor or each block face (in each block there is a north and a south block face). This is calculated in aggregate for all such uses on each block face.
- (b) Notwithstanding section 702.02(2)(a), such uses may occupy a greater width of the building if located at the rear of the ground floor, more than 18.2 metres from the property line, or if on the second storey above the sidewalk level.

3.3.4 Adding a new section 702.02 (4) in numerical order:

Within the area outlined on the Ambleside map below:

- (a) Financial services use is not permitted where the premises has a sidewalk level frontage.
- (b) Pharmacy use, including both principal and accessory pharmacy use, is limited to five locations within the Ambleside area.

Ambleside Map



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PUBLIC HEARING HELD on

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ADOPTED by the Council on

Mayor

Corporate Officer

From: [REDACTED] s. 22(1)
Sent: Sunday, December 3, 2023 12:10 PM
To: Mark Sager; Christine Cassidy; Linda Watt; Nora Gambioli; Peter Lambur; Scott Snider; Sharon Thompson; correspondence
Subject: Restricted occupancies on Marine Drive, Bellevue Avenue, and Clyde Avenue, in the 1300 to 1800 blocks of those streets.

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Re: In commercial zones AC1, AC2, &c., in the Zoning Bylaw additions to restricted occupancies at street level frontage on Marine Drive, Bellevue Avenue, and Clyde Avenue, in the 1300 to 1800 blocks of those streets, and elsewhere in the District.

Your Worship and Councillors:

Councillor Cassidy has prompted Council to instruct Planning to examine the potential expansion of the list of occupancies (retail services and sale of products) to achieve what she characterises as providers of services and sellers of goods that are "...businesses [that] aren't the kind that encourage people to linger and breathe life into commercial areas." [North Shore News, "West Van wants limits on doctors and dentists, vets and fitness studios in street-level storefronts", Dec. 2nd, 2023, byline: Jane Seyd; retrieved on 2023/12/3 from BLOCKEDnsnews[.]com/local-news/west-van-wants-limits-on-doctors-and-dentists-vets-and-fitness-studios-in-street-level-storefronts-7908136BLOCKED]

The Director of Planning is apparently instructed to undertake a study of the impact/desirability of restricting such business services and goods to 20% of the street front length on the north and south sides of commercial zone blocks fronting Marine Drive, Bellevue Avenue, and Clyde Avenue.

The criterion established by Councillor Cassidy (mover) to restrict the store frontage of businesses that are deemed to undesirable because, in the words of Councilor Cassidy "...aren't the kind that encourage people to linger and breathe life into commercial areas."

It is evident that the Planner will have to objectively examine, first, the attributes of businesses that "encourage people to linger and breathe life into commercial areas[.]", and, then, second, whether the list of business services and goods that Councillor Cassidy has deemed to be businesses that do not "encourage people to linger and breathe life into commercial areas[.]" do indeed discourage people from lingering and breathing life into commercial areas.

It is not clear that dentists' offices or doctors' offices at street level discourage people from visiting other nearby businesses in the commercial areas that doctors' and dentists' office are located in at street-front retail levels either before or after those people have

attended their appointments. The Planner will have to delve into that in some detail by surveying patients' visits and their subsequent movements in and about the the subject commercial areas.

I, for one, do combine doctors' and dentists' appointments in commerical areas with shopping and occasional purchases from cafes and shops selling hardware, software, groceries, banks, and books and clothing, along with visits to pharmacies and real estate offices as the need arises. If the dentists and doctors are no longer present in a commercial area then I will go where the dentists and doctors are, and I will not visit those other shops which I would otherwise likely visit because I tend to prefer combining trips in order to save travel time and fuel costs or transporation costs during these days of inflated prices.

If the bylaw amendment that restricts certain services provided by private business in commercial areas causes those services to relocate elsewhere in the District or outside the District, then my purchasing power will move from Ambleside commercial area to those other commercial areas in the pursuit of economic efficiency.

The Planner will also need to examine the economics of a business, e.g., selling pastry bakery goods made on site in a retail storefront leasehold at triple-net lease agreement in the Ambleside business area compared to operating the same business activity elsewhere in the District or outside the District. The economics of the business type (service and/or goods retail), depends in part on foot-traffic and in part on parking availability and the duration of parking allowed by traffic signals (parking signs), and other transportation facilities, as well as the type of service or goods offered by the business. The Planner will want to examine how many restaurants, of what type (cuisine, ethnicity, &c.), can be supported in the Ambleside commerical area. And the Planner will be expected to repeat that examination for each of the types of retail operation that Council Cassidy and other councillors prefer as businesses which encourage "...people to linger and breathe life into the Ambleside commercial area."

Furthermore, the Planner will undoubtedly point out to Council that amending a bylaw to restrict occupancies that Council finds offensive either alone or in total within a zone, does not stop existing occupancies from continuing in place even if the property housing the offensive occupancy is sold to new owners or the leasehold is transferred to new operators.

In other words, Councillor Cassidy and others who share her sentiments, are unlikely to see a wholesale turnover of business occupancies simply because the zoning bylaw governing commercial-zoned properties is amended to exclude businesses that "...aren't the kind that encourage people to linger and breathe life into commercial areas."

Top-down fiat-like decisions of Council, like those of the provincial government, are not likely to result in a change in commercial occupancies or residential occupancies in the expected term in office of any one or more councillors in the District, or in other Districts, particularly in those commercial zones where redevelopment opportunities are discouraged by bylaw provisions and by the preferences of current owners for steady reliable revenue streams over speculative investment. The Planner will want to examine that aspect of the question put to the Planner by Council on the motion moved by

Councillor Cassidy, as well.

Sincerely,

s. 22(1)

s. 22(1)

, West Vancouver,

s. 22(1)

s. 22(1)

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From: [REDACTED] s. 22(1)
Sent: Monday, March 4, 2024 5:18 PM
To: Mark Sager; Christine Cassidy; Linda Watt; Nora Gambioli; Peter Lambur; Scott Snider; Sharon Thompson; correspondence
Subject: arch 4, 2024, Regular Council Meeting Agenda item #10 "Memorandum" dated 2/23/2024 and addressed to Council from Councillors Cassidy and Snider -- re: Notice of Motion regarding Amendments to Zoning Bylaw # 4662-2010

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Your Worship and Council,

The observations and remarks following pertain to the March 4, 2024, Regular Council Meeting Agenda item #10 "Memorandum" dated 2/23/2024 and addressed to Council from Councillors Cassidy and Snider -- re: Notice of Motion regarding Amendments to Zoning Bylaw # 4662-2010

Item #10, Proposes to add "a land use definition for 'financial services' use", specifically, 'Financial services' "will include the sale or trading of crypto-assets, ..., in addition to currency, gold or jewellery exchange, mortgage broker, insurance company, income tax services, bookkeeping, financial and investment services provided by a trust company or investment dealer, and similar uses providing financial services to businesses and to the public, but does not include bank or credit union;... " relating to: Bylaw # 4662 (2010) at Sec. 352 - "C2 - Commercial Zone 2" states at ss. 352.02, "Conditions of Use", para. (7)

"On Marine Drive between 14th Street and 17th Street, and between 24th Street and 25th Street: (a) Bank or credit union, financial services, real estate offices, and beauty and wellness centre combined must not occupy more than 20% of the width of the ground (sidewalk level) floor of each block face (in each block there is a north and a south block face). This is calculated in aggregate for all such uses on each block face."

The above paragraph was added pursuant to amendment bylaw # 5175 (ref. Nov. 27, 2023, Notice of Motion, Regular Council Meeting). The purpose of the amendment bylaw # 5175, as stated by the Mover during the council meeting was to increase or add "vibrancy" to the Ambleside and Dundarave commercial zones by limiting the type of business occupancy or use described in the amendment bylaw are allegedly detracting from the "vibrancy" of the street-level ambience in zones AC1, AC2, and C2. Neither the Mover (Cllr. Cassidy) nor the Seconder (Cllr. Thompson) defined the term "vibrancy" in the context of the commercial zones AC1, AC2, or C2 during the Nov. 27, 2023 Regular Council Meeting. Instead, the Mover provided anecdotal examples which related to a favourite shop that on being displaced from its leased premise in Ambleside could not find suitable replacement premises in the Ambleside commercial area and consequently relocated to Edgemont Village commercial area in the District of North

Vancouver. The Mover stated that the business owner now operating out of premises in Edgemont Village will not be returning to Ambleside Village. Two representatives of two separate retail business associations in West Vancouver noted the proliferation of the business occupancies now restricted by the language of Bylaw 4662 (2010) Sec. 352, ss. 352.02, para. (7) and stated that their association members and/or executive officers supported the motion moved by the Mover, claiming that it will result in an improvement in the commercial business retail areas covered by the bylaw. No other member of the public spoke to the motion during the Nov. 27, 2023, Regular Council Meeting.

Neither the Mover nor the Secunder of the motion presented during the Regular Council Meeting held on Nov. 27, 2023, provided concrete evidence that affected commercial areas were lacking "vibrancy", but the Mover wished to see more "wine bars" and "restaurants" in the AC1, AC2 and C2 zoned areas of the Ambleside and Dundarave villages. The inference that the Mover intended the public and council to draw is simply this: the paucity of "wine bars" and "restaurants" is indicative of a want of "vibrancy" in the targeted commercial areas.

No study was commissioned by Council or requested of the Planning Department. Council and staff assumed that the business case had been made by the Mover, and no further investigation was needed or called for. No factual information was provided by the Mover, or asked for by other members of Council.

The Mover and a different Secunder now propose to embellish the definition of the class of restricted business occupancies that come under the Bylaw 4662 (2010) Sec. 352, ss. 352.02, para. (7) "Conditions of Use" under the broad category of "financial services". Once again, the Mover does not offer a cogent rationale for the restriction or the broader definition or compass of the restriction under the category. Nor is there data to support the contention that the presence of the restricted business occupancies diminish or fail to enhance the "vibrancy" of AC1, AC2, or C2 commercial zones in Ambleside and Dundarave villages.

The undersigned wishes to throw some light on this development at this time. He will add further observations at a later date, but to commence the following observations are offered in an effort to fill in the blanks left by the Mover and Secunder of the Motion that gave rise to the amendment to the zoning bylaw sections relating to zones AC1, AC2, and C2.

To understand what makes a commercial area successful, one must comprehend the factors that draw custom to the commercial businesses and the area in general. For that one would look, for example, to the writings of Ms. Jane Jacobs (dec.), O.C., such as her book "The Death and Life of Great American Cities", (c) 1961, (c) 1989, Vintage Books Edition December 1992, Random House Inc., NY, NY. By all outward appearances, both the Ambleside Village and Dundarave Village commercial areas meet the Ms. Jacobs criteria "[to] generate exuberant diversity in a city's streets and districts,..." The criteria are:

- "1. The district, and indeed as many of its internal parts as possible, must serve more than one primary function; preferably more than two. These must ensure the presence of people who go outdoors on different schedules and are in the place for different purposes, but who are able to use many facilities in common.

"2. Most blocks must be short; that is, streets and opportunities to turn corners must be frequent.

"3. The district must mingle buildings that vary in age and condition, including a good proportion of old ones so that they vary in the economic yield they must produce. This mingling must be fairly close grained.

"4. There must be a sufficiently dense concentration of people, for whatever purposes they may be there. This includes dense concentration in the case of people who are there because of residence." Op. Cit., pp. 150-151.

Ambleside Village and Dunderave Village fill all four criterion, in this observer's opinion. Reinforcement is provided by a recent letter to the Editor of the North Shore News which was published online at [BLOCKEDnews\[.\]com/local-news/BLOCKED](https://www.blockednews.com/local-news/BLOCKED) on February 18th, 2024. The article, titled "Letter: West Van beauty business spotlighted for act of kindness. A small, honest gesture went a long way for one West Vancouver resident" URL: [BLOCKEDnews\[.\]com/local-news/letter-west-vancouver-8324963BLOCKED](https://www.blockednews.com/local-news/letter-west-vancouver-8324963BLOCKED) . The letter writer described what Ms. Jane Jacobs would likely have identified as a typical situation for a vibrant community -- a resident who regularly patronizes shops in Ambleside visited a beauty parlor for a manicure (a regular but not prearranged appointment by the letter writer who prefers to "drop in"). In the course of the manicure, the letter-writer removed a ring and placed on sidetable, but forgot to retrieve it when her manicure was completed. She left the establishment minus the ring. Some days later, as she was walking down the sidewalk abutting the manicurist's shop she was startled to hear the manicurist call out to her saying that she, the manicurist, had her ring and would she please come into the store and identify it. In this way the letter writer was re-united with her ring which she had not realized she had lost.

What this episode demonstrates is the vitality that shopkeepers who identify strongly with the community, its residents, and their custom, and values which we commonly call "neighbourliness", bring to the District's commercial areas in Ambleside and Dunderave, and the benefits their small independent businesses contribute to the community that make even the restricted business occupancies enumerated in Bylaw 4662 (2010), Sec. 352, ss. 352.02 para. (7) attractive to residents and visitors alike. By restricting the number of such business entities, or excluding those entities from store front locations at street level, zoning conditions such as Bylaw 4662 (2010), Sec. 352, ss. 352.02 para. (7) go against the grain of Ms. Jane Jacob's four criterion quoted above. We, the residents of West Vancouver, can only be the losers in such restrictive bylaw language. Fortunately, for the time being, the affected businesses and stores can continue to operate as if the zoning bylaw #4662 (2010) did not include ss. 352.02, para. (7). For this, we must properly acknowledge the wisdom of the provincial authorities and the Local Government Act.

Will Council and/or staff of the Corporation of The District of West Vancouver ever consider the ramifications of their impulses to legislate restrictions on organic growth and diverse ("exuberant diversity") vibrant neighbourhoods? Only time will tell.

Your Servant,

s. 22(1)

West Vancouver,

s. 22(1)

