



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

5.

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.

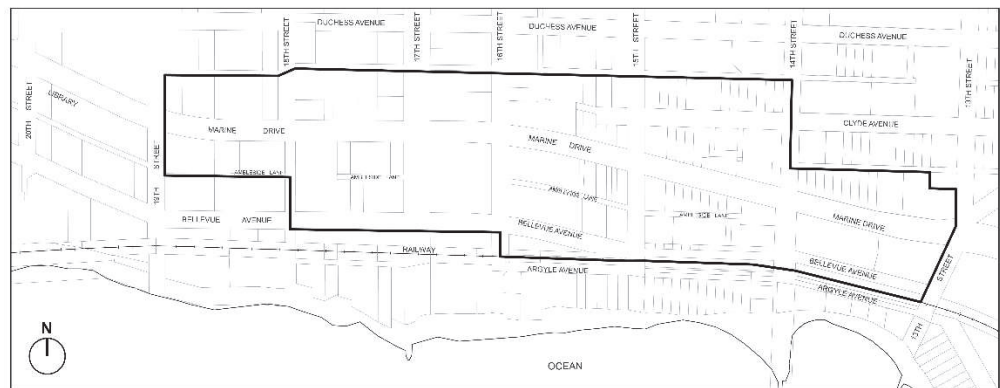
(b) Notwithstanding section 352.02(7)(a), such uses may occupy a greater width of the building if located at the rear of the ground floor, more than 18.2 metres from the Marine Drive property line, or if on the storey above the Marine Drive sidewalk level.

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

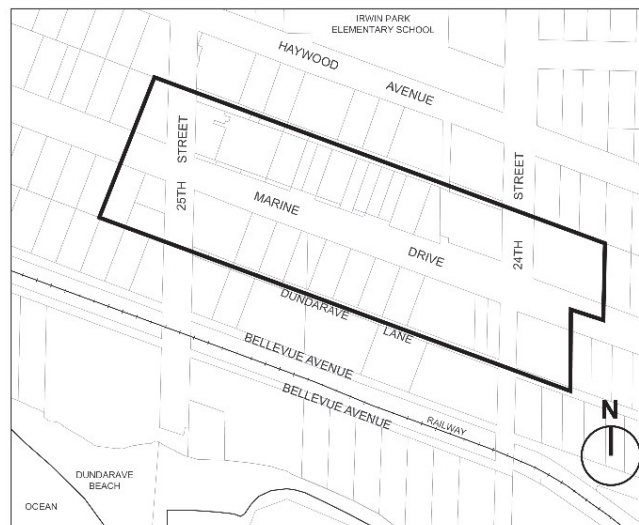
Within the area outlined on the Ambleside and Dundarave maps below:

- (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:

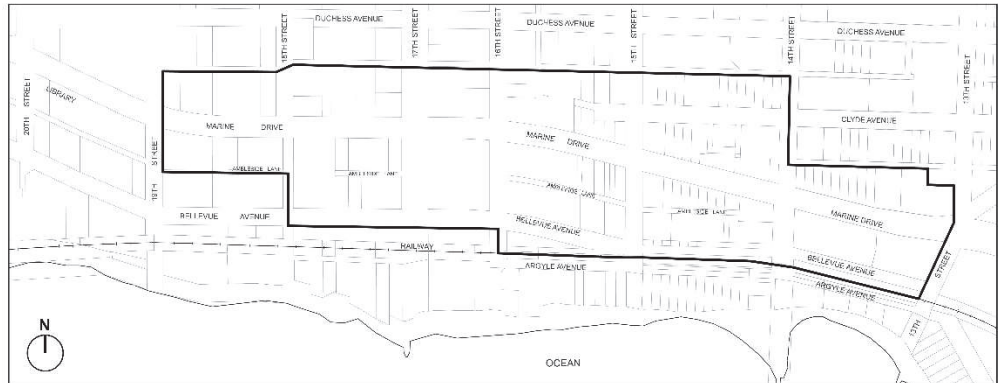
Between 14th Street and 18th Street:

- (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:

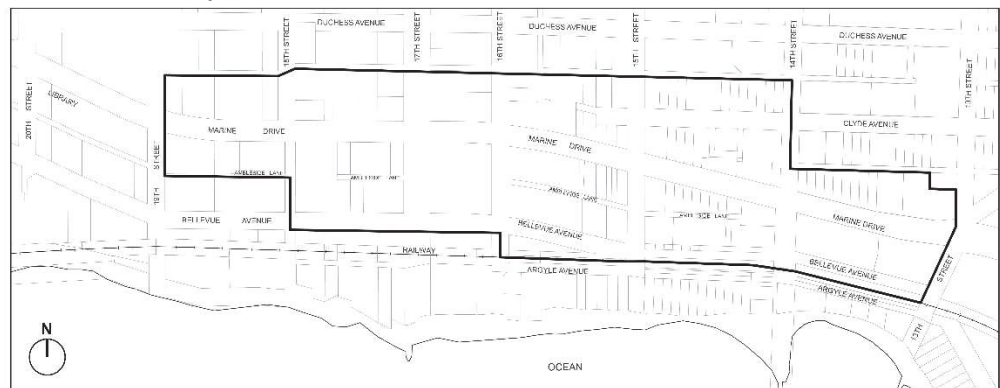
- (a) Beauty and wellness centre, business or commercial school, financial institutions, fitness and body care, health care office, pet care establishment, real estate offices, and veterinary medical clinic combined must not occupy more than 20% of the width of the ground (sidewalk level) floor or each 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



READ A FIRST TIME on

PUBLICATION OF NOTICE OF PUBLIC HEARING on

PUBLIC HEARING HELD on

READ A SECOND TIME on

READ A THIRD TIME on

ADOPTED by the Council on

Mayor

Corporate Officer