

COUNCIL AGENDA

Date: January 25, 2016 Item: 8.



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



## COUNCIL REPORT

Date:	January 4, 2016
From:	Lisa Berg, Senior Community Planner
Subject:	Rezoning of 636 Clyde Avenue
File:	1010-20-15-089

### RECOMMENDATION

THAT:

1. Proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4873, 2015" regarding the rezoning of 636 Clyde Avenue be read a first time; and
2. Proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4873, 2015" be presented at a public hearing scheduled for February 22, 2016 at 6:00 p.m. in the Municipal Hall Council Chamber, and that the Municipal Clerk give statutory notice of the scheduled Public Hearing.

#### 1.0 Purpose

To consider a request to amend the Zoning Bylaw to allow an expanded range of business uses for the existing CR1-zoned development located at 636 Clyde Avenue, shown on **Appendix A**.

#### 2.0 Legislation/Bylaw/Policy

##### Legislation

Section 892 (4) to (7) of the *Local Government Act* applies regarding public notification requirements for rezonings.

##### Policy

Policy BF-D2 identifies the site as within the "Clyde Avenue East of Taylor Way" area, which establishes policies to allow for a mix of uses including residential, commercial, offices, hotels and specialized residential facilities. The OCP suggests that land use in this area should change and that commercial activity is anticipated in the future.

An amendment to the Official Community Plan is not required for the proposed rezoning as the proposed uses are consistent with the plan.

##### Bylaw

Pursuant to Zoning Bylaw No. 4662, 2010, the property is zoned CR1 (Commercial Restrictive Zone 1), which allows for a limited amount of commercial operations: hotel, motel, offices, and the assembly and wholesale of electrical lighting fixtures.

### 3.0 Background

The property owner has applied to rezone the site in order to legitimize existing businesses that are operating from the property. In some cases businesses have been operating for many years. The office building on the property was constructed in 1968, a sketch of which from the building permit records is shown in Figure 1.

The property is located within an area with historic zoning from a different era and CR1 was the predominant zone. However, land uses have changed and the CR1 zoned lands have been reduced to just four properties over time.

As the zoning does not allow for some of the businesses and they wish to obtain business licenses, a rezoning is required. Many of the businesses have been operating from the site for many years with no history of complaints. The rezoning does not trigger the requirement for additional parking, and no expansions to the building are proposed.

The rezoning would legitimize those businesses only at 636 Clyde Avenue and would not globally affect the CR1 zone. As no external changes are proposed, a development permit is not required.

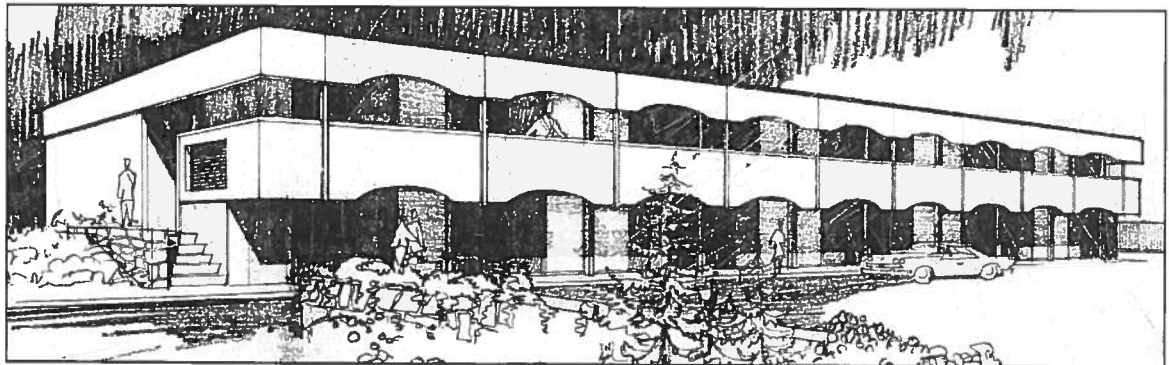


Figure 1: 636 Clyde Avenue, Building Permit Records, c.1968

3.1 Previous Decisions – none.

3.2 History – none.

### 4.0 Analysis

4.1 Discussion

#### Context

636 Clyde Avenue is located east of Taylor Way and is bounded by Clyde Avenue to the north, a residential property to the south, 6th Street to the east, and commercial properties to the west and southwest.

Adjacent land uses include:

North Clyde Avenue with Amica (seniors' residential housing)  
beyond

South Waters Edge purpose-built rental housing development

East 6th Street with Waters Edge (multifamily development) beyond  
West CR1 (Commercial Restricted 1) zoned land  
Southwest C2 (Commercial Two) zoned land

The surrounding area features a variety of commercial and residential land uses. Zoning in the area is generally CR1 and CR2, C2 and CD zones, as shown in Figure 2.

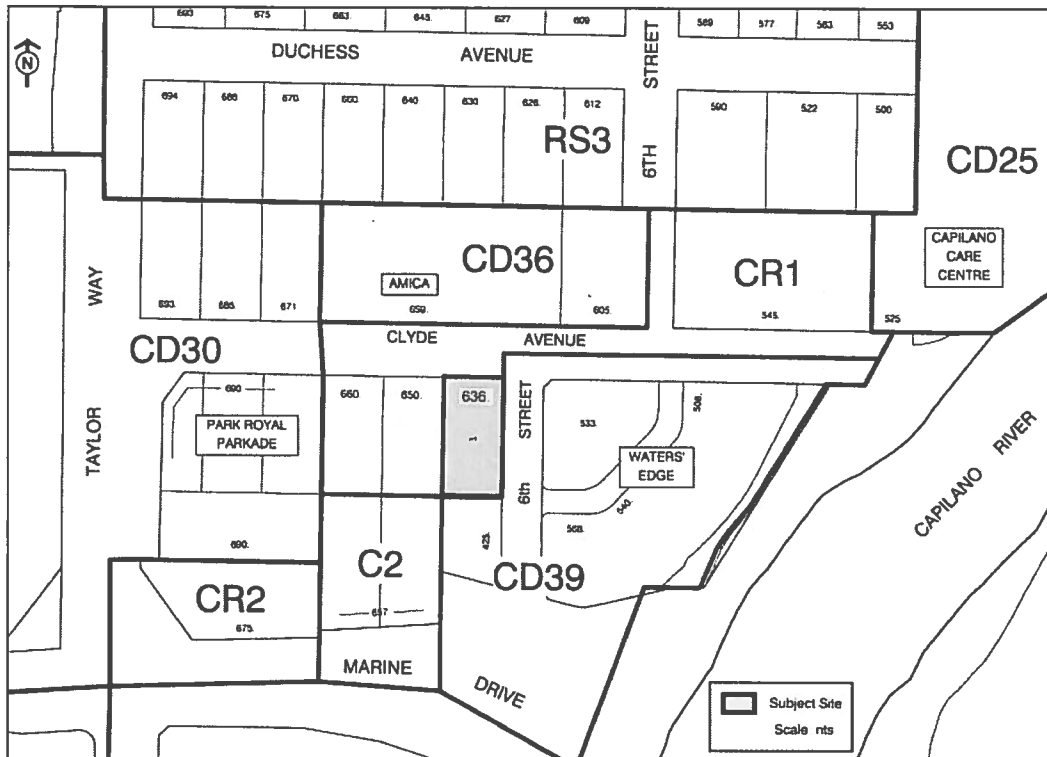


Figure 2: Clyde Avenue Zoning

### The Proposal

The property owner wishes to rezone 636 Clyde Avenue to legitimize existing businesses operating from the property. No new construction is proposed, nor would the rezoning result in increased density.

Proposed general use categories include: retail, personal services and education. For details, refer to the text in of the proposed amending bylaw attached as **Appendix B**. The proposed text amendment is worded so that it would add these additional uses for 636 Clyde Avenue only. Adding these uses would enable all of the businesses operating from the site to apply for and obtain business licenses at this location.

Staff is supportive of the request to expand the range of business uses for the site as they are consistent with the policy direction of the OCP for allowing commercial use in the area.

### Parking

Parking ratios within the CR1 zone are the same for all commercial and office uses<sup>1</sup>: 1 parking space per 37.2 square metres (400 square feet) of gross floor area. The existing parking lot contains 17 spaces and complies with the amount of parking required for the gross floor area of the building.

### Business License History

Business licenses reviews were less formalized in the past and in some instances licenses have been issued for uses that were not aligned with the Zoning Bylaw. Nowadays, licensing reviews have become more formalized, with specialized training to inspect premises and to approve them.

It was through a recent business license evaluation that identified nine out of the 16 businesses operating from the premises are not in compliance with the Zoning Bylaw. Two of the non-conforming businesses have been in operation for 18 and 24 years, others have been in operation for less time: two to four years respectively. It should be noted that some of the businesses were operating before the Bylaw and Licensing Department was created, leading to the licensing errors that are now being discovered.

To deal with the non-conforming businesses, the property owner has two options: 1) comply with the Zoning Bylaw (thus seeing the elimination of nine businesses); or 2) apply for and successfully rezone the property in order to bring them into compliance. The property owner has applied for a rezoning, given that he does not want to see the loss of long-standing successful business tenants.

### Implications/Issues for Clyde Avenue in this Area

Three other properties are zoned CR1 along this portion of Clyde Avenue (see Figure 2). One property has businesses that are operating in compliance with the Zoning Bylaw. The other two properties have been identified as having non-conforming uses occurring.

The District encouraged those property owners with non-conforming uses to submit a joint rezoning application in order to collectively deal with the non-conforming issues; however, the other property owners did not join this application or bring forward a similar rezoning proposal.

It was clearly identified by the District to the other property owners that if they had any non-conforming uses occurring on their premises, that business licenses could not be issued and that it would be expected that property owners comply with the Zoning Bylaw.

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<sup>1</sup> Except Hotel and Motel use, where 1 space per room is required. This use is not occurring on the property.

### Rezoning and Non-Conforming Business Example

In April 2014, Council approved a rezoning for 1763, 1765 and 1767 Marine Drive. In this instance, it was identified that the CD32 zone, which is surrounded by Ambleside AC1 zoning, did not allow commercial uses occurring at the site but for which licenses had been issued. Again, it was through the more formalized and scrutinized licensing process that identified the issue. Given the site was surrounded by a commercial area and had no negative impacts to the surrounding area, the zone was amended to expand the commercial uses at the site.

### Community Amenity Contribution (CAC)

It is District policy to undertake an evaluation of the lift in land value resulting from the rezoning of land to fund amenities relating to the impacts of site specific rezonings. The CAC is typically based on a 75% share of the uplift in land value of a property resulting from the change in zoning. Staff do not recommend that a CAC be required for the following reasons:

- There is no increase in density or new land development; and
- There is an inadequate link between the request to broaden the permitted commercial land uses and a corresponding impact to be offset, compensated, or ameliorated by way of community amenity projects.

#### 4.2 Sustainability

Legitimizing the nine non-conforming businesses at the property will allow them to continue contributing to the economic fabric of West Vancouver.

#### 4.3 Public Engagement and Outreach

Should Council set the date for a public hearing, notice of the proposed bylaw amendment will take place in accordance with District bylaws and procedures. The public will be given an opportunity to learn about the rezoning prior to the public hearing at a Development Application Information Meeting. An information package will be made available on the District's website.

#### 4.4 Other Communication, Consultation, and Research

As the property is located within 800 metres of a Controlled Access Highway<sup>2</sup>, ministry approval will be required on the rezoning bylaw.

## **5.0 Options**

### 5.1 Recommended Option

- a) Council give first reading to the proposed rezoning bylaw and set the date for a public hearing.

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<sup>2</sup> Highway 99 (Taylor Way) is a provincially controlled highway.

Subject to public input, this is the recommended course of consideration as the rezoning would allow existing businesses to obtain business licenses. The proposed business uses are aligned with other commercial uses occurring in the neighbourhood, and given that they are existing, would not negatively impact the area in terms of intensity or parking.

## 5.2 Considered Options

- a) give first reading to the proposed rezoning bylaw and set the date for a Public Hearing; or
- b) give first reading to the proposed rezoning bylaw and set an alternative date (to be specified) for a public hearing; or
- c) defer consideration pending the receipt of additional information (to be specified) be provided and available to assist in consideration of the application; or
- d) reject the application.

The above-options are presented for consideration should Council desire to give first reading to the proposed rezoning bylaw, set a date for a public hearing, request additional information or reject the application.

## 6.0 Conclusion

Subject to public input, staff recommends that the proposed rezoning be given first reading and a date for a public hearing be scheduled as:

- the proposed business uses are consistent with similar business operations in the area;
- the businesses, in some instances, have been operating for many years without complaints;
- no new buildings or construction will result;
- no additional parking is required, nor would any additional floor area (density) result; and
- there will be minimal negative impact to the surrounding residential and commercial neighbourhood.

Author:



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Lisa Berg, Senior Community Planner

Concurrence



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Chris Bishop, Manager of Development Planning

Date: January 4, 2016  
From: Lisa Berg, Senior Community Planner  
Subject: Rezoning No. 15-089 for 636 Clyde Avenue

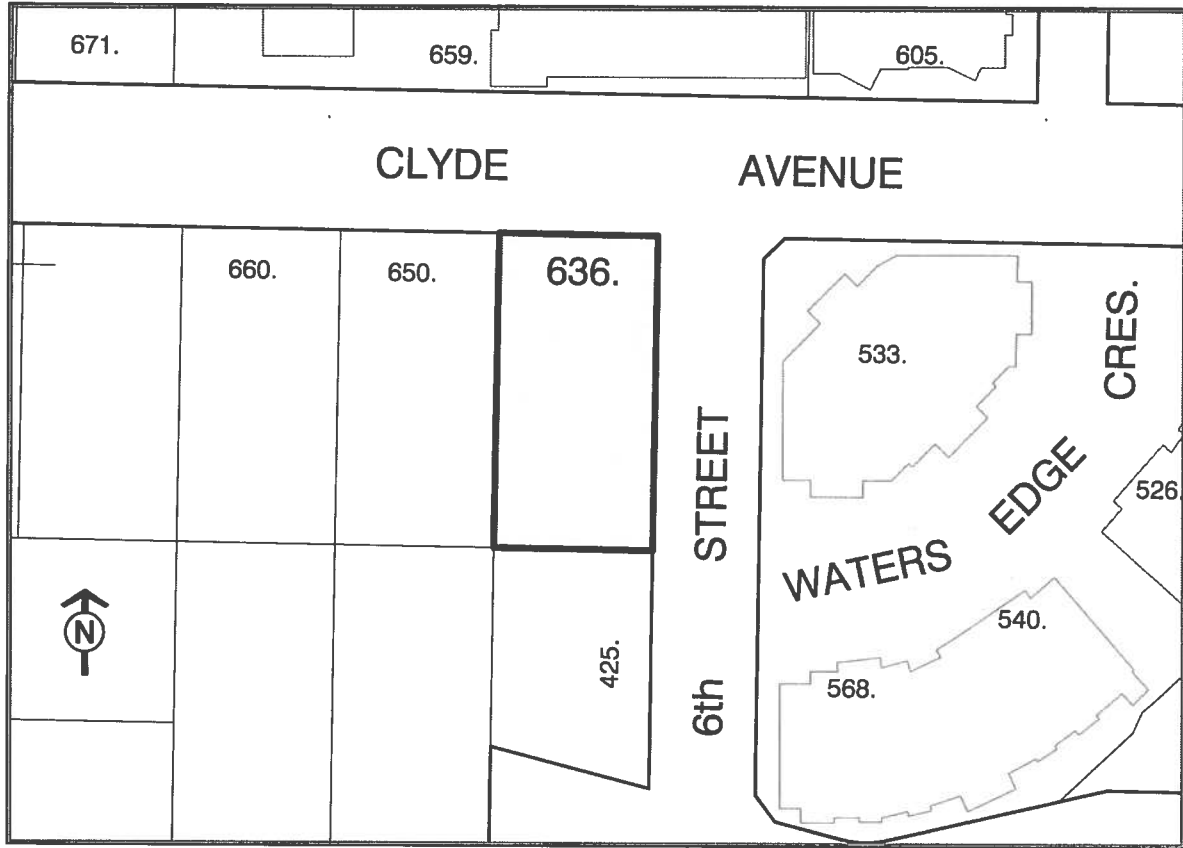
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Appendices:

- A. Context Map
- B. Proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4873, 2015

# APPENDIX A – CONTEXT MAP







District of West Vancouver

**Zoning Bylaw No. 4662 2010,  
Amendment Bylaw No. 4873, 2015**  
(636 Clyde Avenue)

Effective Date:

District of West Vancouver

## **Zoning Bylaw No. 4662 2010, Amendment Bylaw No. 4873, 2015**

A bylaw to amend the CR1 zone.

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, and 4854.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for amendments to the Zoning Bylaw;

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. 4873, 2015.

### **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 Amends the CR1 Zone**

- 3.1 Zoning Bylaw No. 4662, 2010, Schedule A, Section 400 "Specialized Commercial Zones", Section 401.01 "Permitted Uses" is amended by adding the following:
- 3.1.1 For Lands described as Lot 46 District Lot 1039 Plan 2127 (located at 636 Clyde Avenue), the following additional uses are permitted:
- (a) Personal services including beauty parlour, fitness and body care

- (b) Education including business or commercial school, including tutoring, remedial training, music, dance or art academy
- (c) Retail use including the sale or rental of goods or services

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

APPROVED by the Ministry of Transportation and Highways on

ADOPTED by the Council on

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Mayor

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Municipal Clerk