

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

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## COUNCIL REPORT

Date: February 11, 2014 File: 1010-20-13-066  
 From: Andrew Browne, Senior Community Planner  
 Subject: Proposed amendment to the CD32 zone to allow for an expanded range of commercial land uses at 1763/65/67 Marine Drive

### RECOMMENDED THAT:

1. Proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4787, 2014" be read a first time;
2. Proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4787, 2014" be presented at a Public Hearing scheduled for March 31, 2014 at 7 p.m. in the Municipal Hall Council Chamber, and that the Municipal Clerk give notice of the scheduled Public Hearing;
3. Pending the outcome of Council's consideration of the proposed amending bylaw, the District temporarily not enforce section 632.01 of the Zoning Bylaw in relation to the use of land for the commercial premises located at 1763 and 1767 Marine Drive for any of the uses that would be permitted by the proposed "Zoning Bylaw No. 4662, 2010 Amendment Bylaw No. 4787, 2014".

### Purpose

To consider a request to amend the Zoning Bylaw to allow an expanded range of commercial land uses, consistent with the AC1 zone, for the existing CD32-zoned development located at 1763/65/67 Marine Drive, shown on Appendix A.

### **1.0 Background**

#### 1.1 History

The existing development was constructed in or about 1994.

### **2.0 Policy**

#### 2.1 Plans & Policies

The Official Community Plan designates the subject lands as within the Ambleside Village Centre Development Permit Area. The objectives of this designation are to:

- enhance the area's main street character and promote the area's role as a village centre;
- provide for a scale and massing of buildings that that promotes an enjoyable living, pedestrian, working, shopping, and service experience;
- use appropriate architectural features and detailing of buildings and landscapes to define area character;
- improve existing streets and sidewalks to promote alternative transportation;
- facilitate pedestrian movement into and within the area; and,
- promote construction of new buildings and structures that are compatible with the character of these areas, recognize established amenities and contribute to business viability and economic growth.

As no physical work is proposed, no Development Permit is required.

## 2.2 Bylaw

The lands are presently zoned CD32 and allow for a more restricted range of commercial land uses than afforded by the surrounding zoning.

## 3.0 **Analysis**

### 3.1 Discussion

#### Context

The existing development is located on the north side of the 1700 block Marine Drive, and is configured as a mixed-use panhandle lot. The development has a conventional 10 metre (33 foot) frontage on Marine Drive, with a large level fenced courtyard at the street; the building's two commercial units are located starting approximately 6 metres (20 feet) back from the property line. Behind this the lot widens to 35 metres (115 feet), where the residential portion of the building is located (16 units).

The surrounding area features a variety of commercial, residential, and mixed use buildings. Zoning in the area is generally AC1 or AC2, with some CD zoning for certain developments (e.g. Hollyburn Plaza, Hollyburn Medical).

#### The Proposal

The landowner for one of the two commercial units in the building has applied for an amendment to the CD32 zone to allow the same range of commercial uses permitted elsewhere in Ambleside under the AC1 and AC2 zoning. At present the commercial units on site are limited to food-centric uses such as bakeries, delis, and restaurants. The landowner has found it difficult to lease the space, and it remains vacant most of the time (with negative implications for Ambleside).

District staff have spoken with representatives for the commercial landowner and the strata management firm for the residential section of the building, and understand that the residential strata council is (a) aware of the request by the commercial landowner, and (b) most likely supportive of the request in order to provide for business types that are not strictly food-related (less opportunity for nuisance from odour and noise).

Proposed general use categories include: retail, office, personal and business services, education, restaurant, child care, et al. For details refer to the text of the bylaw in Appendix B. Staff is supportive of the request to amend the Zoning Bylaw to allow a broader range of uses consistent with the surrounding area.

A temporary resolution of non-enforcement with respect to the presently permitted land uses is recommended in order to provide some peace of mind to an existing commercial tenant that could otherwise face enforcement actions while the bylaw is being considered.

#### Community Amenity Contribution

District policy is to seek a Community Amenity Contribution (CAC) to fund amenities relating to the impacts of site specific rezoning (among other circumstances). The CAC is typically based on a 75% share of the uplift in land value of a property resulting from the change in zoning. While it is likely that there is some modest increase in land value attributable to the broadened range of permitted commercial land uses, staff do not recommend that a CAC be required in this instance for the following reasons:

- Prior history of the site in question (staff have been told that at the time of original zoning approval the developer contributed a commercial unit in-kind to the District for use by community service groups and that the District subsequently sold this unit on the market).
- 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.

3.2 Sustainability n/a

3.3 Consultation

In accordance with the *Local Government Act*, amendments to the Zoning Bylaw require a Public Hearing before they can be adopted. Notification will take place in accordance with District bylaws, including mailed notices and newspaper advertisements. An information package will be made available on the District's website. In addition, Planning staff will be mailing non-statutory notices to the building's unit owners in advance of first reading to ensure they are aware of and understand the proposed bylaw amendments.

It is the recommendation of District staff that a public information meeting not be required in this instance due to the minor nature of the proposal.

## 4.0 Options

At the time of consideration of this report, Council may:

***(recommended)***

- (a) give the proposed bylaw first reading, set the date for the Public Hearing, direct the Municipal Clerk to give statutory notice, and approve a temporary resolution of non-enforcement;

***(or, alternatively)***

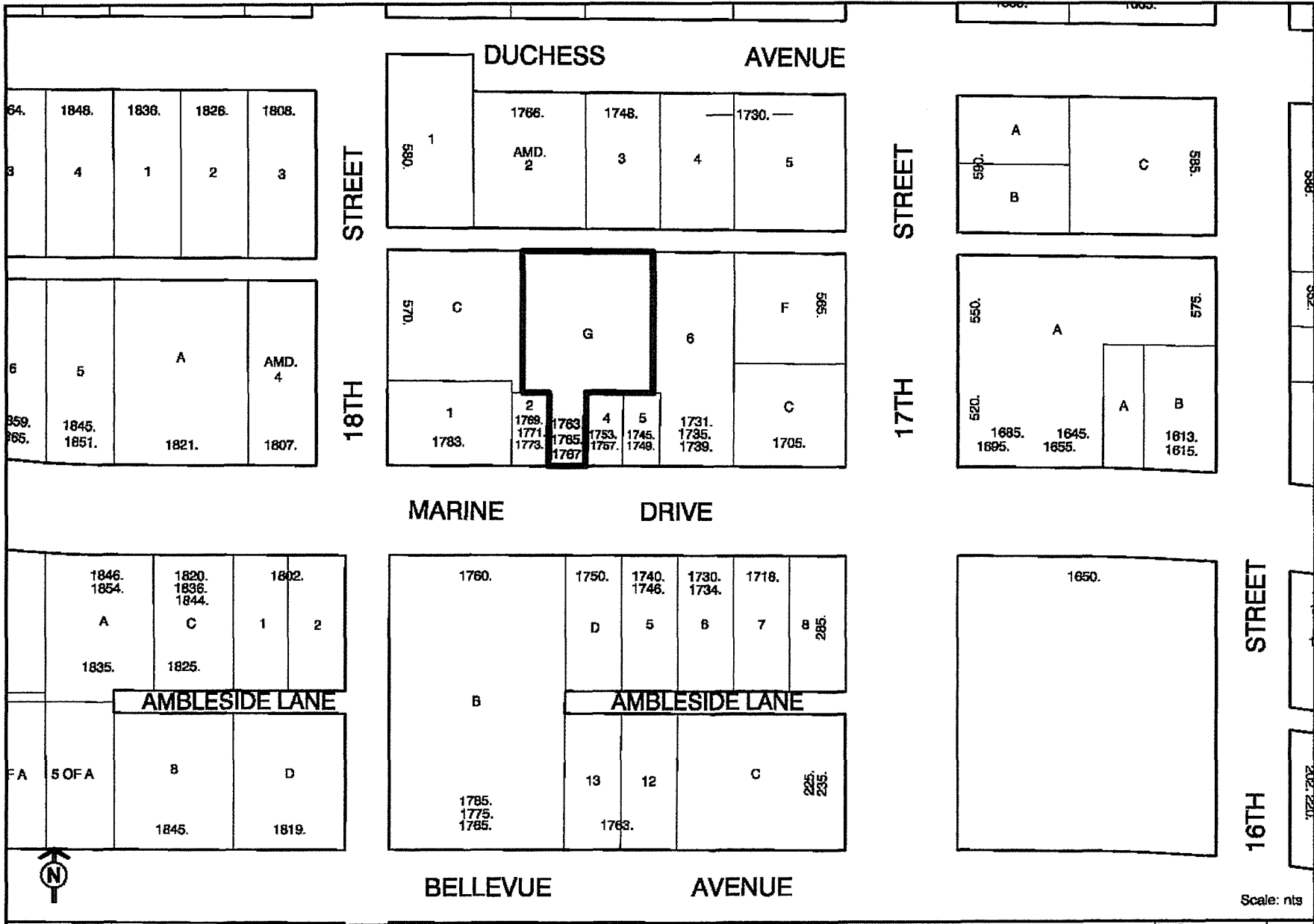
- (b) give the proposed bylaw first reading, set the date for the Public Hearing, direct the Municipal Clerk to give statutory notice, and reject a temporary resolution of non-enforcement;
- (c) give the proposed bylaw first reading and request additional information (to be specified) be provided and available to assist in consideration of the bylaw, set the date for the Public Hearing, direct the Municipal Clerk to give statutory notice, and approve a temporary resolution of non-enforcement;
- (d) give the proposed bylaw first reading and request additional information (to be specified) be provided and available to assist in consideration of the bylaw, set the date for the Public Hearing, direct the Municipal Clerk to give statutory notice, and reject a temporary resolution of non-enforcement;
- (e) defer the proposed bylaw pending receipt of additional information (to be specified); or,
- (f) reject the proposed bylaw and direct that the application be closed.

Author:

A. Browne  
Andrew Browne

Appendix A – Context map

Appendix B – Proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4787, 2014”



	<b>CONTEXT PLAN</b>		DATE: FEB.19/14	REV: 0
	TITLE: 1763,1765,1767 Marine Drive		FILE: DP13-066	

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District of West Vancouver

**Zoning Bylaw No. 4662, 2010  
Amendment Bylaw No. 4787, 2014**

Effective Date –

# Zoning Bylaw No. 4662, 2010 Amendment Bylaw No. 4787, 2014

A bylaw to amend the Zoning Bylaw to allow an expanded range of commercial land uses in the CD32 zone.

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

NOW THEREFORE, the Council 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. 4787, 2014”.

## **Part 2 Amends Zoning Bylaw, Section 632.01– Permitted Uses**

2.1 Zoning Bylaw No. 4662, 2010, Section 632.01 – Permitted Uses is hereby amended by deleting subsections (a) through (h), inclusive, and replacing them with the following:

(a) all uses permitted within section 701.01 of the Zoning Bylaw, except that subsection 701.01(11)(iii) shall not apply

## **Schedules**

*none*

READ A FIRST TIME on

PUBLIC HEARING HELD on

READ A SECOND TIME on

READ A THIRD TIME on

ADOPTED by the Council on

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk