

**DISTRICT OF NORTH VANCOUVER
PUBLIC HEARING**

**1015-1037 Marine Drive
Zoning Bylaw Text Amendment**

REPORT of the Public Hearing held in the Council Chambers of the Municipal Hall, 355 West Queens Road, North Vancouver, B.C. on Tuesday, March 12, 2019 commencing at 7:04 p.m.

Present: Mayor M. Little
Councillor J. Back
Councillor M. Bond
Councillor M. Curren
Councillor B. Forbes (via telephone)
Councillor J. Hanson
Councillor L. Muri

Staff: Mr. D. Milburn, General Manager – Planning, Properties & Permits
Mr. J. Gordon, Manager – Administrative Services
Mr. E. Iorio, Manager – Revenue & Taxation
Ms. S. Dale, Confidential Council Clerk
Mr. D. Verres, Development Planner

District of North Vancouver Rezoning Bylaw 1385 (Bylaw 8369)

Purpose of Bylaw:

Bylaw 8369 proposes to amend the District's Zoning Bylaw by adding the following principal uses to the Comprehensive Development Zone 21:

- Artist's studio;
- Business/office support services;
- Community facilities;
- Fitness centre;
- Health services purposes;
- Household repair services;
- Pet care establishment;
- School – trade; and,
- Veterinarian.

1. OPENING BY THE MAYOR

Mayor Mike Little welcomed everyone and advised that the purpose of the Public Hearing was to receive input from the community and staff on the proposed bylaw as outlined in the Notice of Public Hearing.

Mayor Mike Little, stated that:

- Each speaker will have five minutes to address Council for a first time and should begin remarks to Council by stating their name and address;
- All members of the audience are asked to be respectful of one another as diverse opinions are expressed. Council wishes to hear everyone's views in an open and impartial forum;

- Council will use the established speakers list. At the end of the speakers list, the Chair may call on speakers from the audience;
- Everyone at the Hearing will be provided an opportunity to speak. If necessary, the Hearing will continue on a second night;
- After everyone who wishes to speak has spoken once, speakers will then be allowed one additional five minute presentation;
- Any additional presentations will only be allowed at the discretion of the Chair; Council is here to listen to the public, not to debate the merits of the bylaw;
- At the conclusion of the public input Council may request further information from staff which may or may not require an extension of the hearing, or Council may close the hearing after which Council should not receive further new information from the public;
- The binder containing documents and submissions related to the bylaw is available on the side table to be viewed; and,
- The Public Hearing is being streamed live over the internet and recorded in accordance with the *Freedom of Information and Protection of Privacy Act*.

2. INTRODUCTION OF BYLAWS BY CLERK

Mr. James Gordon, Manager – Administrative Services, introduced the proposed bylaw, stating that Bylaw 8369 proposes to amend the District’s Zoning Bylaw by adding the following principal uses to the Comprehensive Development Zone 21:

- Artist’s studio;
- Business/office support services;
- Community facilities;
- Fitness centre;
- Health services purposes;
- Household repair services;
- Pet care establishment;
- School – trade; and,
- Veterinarian.

3. PRESENTATION BY STAFF

Mr. Darren Veres, Development Planner, provided an overview of the proposal elaborating on the introduction by the Manager – Administrative Services. Mr. Veres advised that:

- The subject site is approximately 50,000 sq. ft. in size and is located at the corner of Marine Drive and Mackay Road next to the City of North Vancouver boundary;
- It is surrounded by small-scale retail and car-oriented retail uses to the north, a new mixed-use development to the west, light industrial uses to the south and small-scale retail to the east in the City of North Vancouver;
- The site is currently developed with a two-storey commercial building known as Taylor’s Crossing which was built in 2003;
- The building has approximately 45,000 sq. ft. of commercial floor space which is currently leased to a childcare provider, a retail store and a neighbourhood public house with on-site brewing;
- A large portion of the building was previously occupied by Indigo books and is now vacant;

- A portion of this space is currently being renovated to accommodate a personal service fitness business on the second floor and the remainder is available for general retail and it is vacant at the moment;
- In the Official Community Plan (OCP), the site is designated Commercial Residential Mixed-Use Level 1 which permits mixed-use development up to a density of approximately 1.75 FSR;
- The property was rezoned from Tourist Commercial to CD21 in 2000. This zoning was developed specifically for the proposal of the day and permits commercial development up to a density of approximately 1.0 FSR but does not permit residential uses. The existing building has a density of 0.86 FSR and is consistent with the provision of CD21;
- One hundred and eleven parking stalls have been provided and this supply of parking is anticipated to meet needs of existing and proposed uses;
- The majority of commercial properties along Marine Drive were rezoned to a new Marine Drive Commercial Zone known as C9 in 2007. The C9 Zone was intended to accommodate mixed-use developments with an emphasis on pedestrian friendly retail, office and complementary uses at street level and residential uses on the upper floors. Automotive uses are not a permitted use in the C9 Zone and the intent was to phase out this type of use along the Marine Drive Corridor. The C9 Zoning did not add additional density to these commercial properties and some lots got less density depending on their size;
- The subject site was not included in the Marine Drive rezoning in 2007 because it's previous use was a hotel site;
- The addition of the proposed uses are consistent with the commercial uses along the Marine Drive corridor and allow for a greater range of commercial uses while maintaining compatibility with nearby properties;
- The proposal is consistent with the OCP and adjacent uses;
- Residential uses or extra density are not proposed and nothing is changing on this property except for the list of permitted principal uses;
- Neighbor notification letters were distributed to owners and occupants within one hundred meters of the site and to the City of North Vancouver in accordance with District Notification Policy;
- No concerns to the proposal were received and the City of North Vancouver confirmed this proposal is consistent with their OCP and the vision for the Marine Drive corridor as a mixed-use, transit supportive environment;
- Questions were raised regarding the roof top mechanical system, parking provision and potential future tenants and all questions were answered by staff;
- Although it may appear that office and health-type uses are prevalent, retail use is still very present along Marine Drive; and,
- It is important that the zoning is flexible enough to be able to accommodate changes in the market.

Mr. Elio Iorio, Manager – Revenue & Taxation, advised that the Small Business Property Tax Working Group is working with the Province to understand what changes to legislation could be considered to provide a more fair and efficient assessment system for the affected classes in the context of real estate market pressures.

4. REPRESENTATIONS FROM THE PUBLIC

4.1. Ms. Andrea Nold, 1000 Block Marine Drive:

- Expressed concern with noise issues;
- Thanked Hungerford Properties for resolving issues with the HVAC unit;
- Expressed concern that noise levels will rise with the 24-hour gym proposed on the upper floor of the building;
- Proposed the erection of a sound barrier fence to properly shield all noise; and,
- Urged the managing company of the building to continue mitigating noise issues.

4.2. Ms. Tegan Smith, Hungerford Properties:

- Advised that noise testing has occurred and is in compliance with the District's Noise Regulation Bylaw;
- Noted that issues with the HVAC unit have been resolved;
- Commented that the proposed amendment will expand opportunities for small businesses;
- Advised that there is no change in density;
- Acknowledged that tenants would like to see an expanded range of uses which could improve the vibrancy of the area; and,
- Mentioned that a traffic and parking study has been completed.

4.3. Mr. Corrie Kost, 2800 Block Colwood Drive:

- Expressed concern that the District did not consult with the public;
- Questioned if the proposed C9 Zone will have a residential component; and,
- Expressed concern with noise issues.

In response to a question from Council, staff advised that a fitness centre is a permitted use under the current CD21 Zone.

In response to a question from Council, staff advised that the District's Zoning Bylaw defines a fitness centre as land, buildings and structures for active physical recreation, generally in a gymnasium type setting where patrons are participants and which may include the accessory sale of associated equipment and clothing. Typical uses would include: racquet clubs; weight training gyms; climbing gyms; aerobic or similar studios; and, batting cages. This use class does not include: dance studios intended to teach various types of dance; bowling alleys; and, dance halls.

In response to a question from Council, staff advised that the District's Zoning Bylaw health service purposes is defined as land, buildings and structures used for the provision of physical and mental health services on an out-patient basis. Services would be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling nature and would typically include: medical and dental offices; x-ray laboratories; physiotherapy and chiropractor clinics; and, counselling services.

In response to a question from Council, the applicant advised that there is a strong desire to fill vacancies with more varied uses.

In response to a question from Council, the applicant advised that rent for the lower unit is undetermined.

In response to a question from Council, staff advised that the CD21 Zone does not contain minimum commercial unit size requirements or regulations preventing the property owner from dividing the main floor space into smaller commercial units. However, given the property has a change in grade and stairs are needed to access the main floor, it may be difficult to divide the space into smaller units with individual doorways onto Marine Drive. In addition, any modifications would need to comply with the British Columbia Building Code.

In response to a question from Council, staff advised that the parking rate for the property is one space per 37m² (398 sq. ft.) of gross building area regardless of the type of use, this rate results in a total of one hundred and eleven parking spots for the entire building.

In response to a question from Council, staff advised that the District does not have any bylaws regarding the hours of business operation.

In response to a question from Council, staff advised that in the District's Zoning Bylaw business/office support services is defined as land and buildings used to provide support services to businesses which are characterized by one or more of the following features: the use of mechanical equipment for printing, duplicating or photographic processing; the provision of office custodial, maintenance or security services; the sale, rental or servicing of office equipment furniture; the provision of clerical, secretarial employment or telephone answering services which may include training. Typical uses would include: printing and photographic processing establishments; janitorial and security firms; office equipment sales, servicing and repair establishments; and, clerical services.

Councillor BOND left the meeting at 7:53 pm and returned at 7:54 pm.

In response to a question from Council, staff advised that, as defined in the District's Zoning Bylaw, personal service shop means land, buildings and structures used for the provision of services related to the care and appearance of the body or the cleaning and repair of personal effects. This use class includes: dry cleaning depots and laundromats; tanning salons; hairdressing salons; barber shops; tailors and dressmakers; and shoe repair shops. This use class does not include household repair establishments or health service purposes.

In response to a question from Council, staff advised that a pet store would be permitted under retail purposes which is an existing permitted use in the CD21 Zone. The definition of Retail Purposes refers to land, buildings and structures used for the retail sale of products.

4.4. Mr. Corrie Kost, 2800 Block Colwood Drive: SPEAKING A SECOND TIME

- Suggested that the Public Hearing be adjourned so Council can receive new information;
- Questioned if the main floor could be a restaurant and if there would be sufficient parking;
- Opined that the proposed uses are not easy to interpret; and,

- Commented on the importance of filling vacant units.

4.5. Ms. Andrea Nold, 1000 Block Marine Drive: SPEAKING A SECOND TIME

- Commented on the importance of communication between business owners and residents;
- Mentioned that she is unable to use her den during the day because of noise issues; and,
- Questioned which HVAC units have been tested.

4.6. Mr. Tobias Petschke, 1000 Block Marine Drive:

- Expressed concern with noise issues.

In response to a question from Council, staff advised that the Noise Regulation Bylaw (Bylaw 7188) regulates or prohibits the making of certain noises in the District and includes information on objectionable noises or sounds, exclusions, enforcement, penalty and ticketing.

6. COUNCIL RESOLUTION

MOVED by Councillor BOND

SECONDED by Councillor BACK

THAT the March 12, 2019 Public Hearing be closed;

AND THAT "District of North Vancouver Rezoning Bylaw 1385 (Bylaw 8369)" be returned to Council for further consideration.

CARRIED

Opposed: Councillor MURI
(8:17 pm)

CERTIFIED CORRECT:



Confidential Council Clerk