

DISCUSSION

Site and Surrounding Uses

The subject property is located at the corner of Gibsons Way and Wyngaert Road, as shown in figure 1. The property contains an existing mixed-use building consisting of three (3) commercial units at grade and three (3) residential units above, and a parking lot for both visitors and residents. Each commercial unit is approximately 1000 square feet. The subject property is currently zoned Upper Gibsons Commercial District 1 (C-1) which permits commercial at grade and apartment use above.



Figure 1: Location of the subject property

The Official Community Plan designates the subject property as “Live/Work”, which intends to allow mixed use development of small sized business units which incorporate living quarters for proprietors. The designation allows a residential use mixed with commercial or light industrial uses, provided the commercial and industrial uses are compatible with the residential uses on site and in adjacent areas.

Table 1 summarizes the existing land uses, zoning and OCP Land Use designations for the surrounding area. Figure 2 shows a map with the surrounding OCP land use designations.

	Existing Land Use	Existing Zoning	OCP Land Use Designation
North	Commercial building, single family home and towing yard	Upper Gibsons Commercial District 1 (C-1), Single-Family and Two-Family Residential 3 (R-3) and Automotive Commercial 3 (C-3)	Live/ Work and Medium Density Residential
South	Single family home	Single-Family and Two-Family Residential 3 (R-3)	Detached Residential
East	Commercial building	Upper Gibsons Commercial District 1 (C-1)	Live/Work
West	Mixed-use commercial building with residential above grade	Upper Gibsons Commercial District 1 (C-1)	Live/Work

Table 1: Surrounding Uses, Zoning and Land Use Designation

Proposal

The applicant has stated that commercial units have been difficult to tenant, and therefore they have applied to change the zoning to allow for the commercial units to have the ability to change use. The applicant proposes to renovate one of the units to become a residential unit which would be attached to the existing tattoo studio. The remaining unit may become a live work unit – with both residential and commercial uses.

The applicant would like to rezone to Live-Work Zone 2.

Zoning Amendment

The Zoning Amendment looks to change the designation of the property from Upper Gibsons Commercial District (C-1) to a new zone- Live-Work Zone 2 (LW-2).

The existing Live-Work Zone 1 (LW) applies more to larger sites with a transition between land uses. The permitted uses of the Live-Work Zone 1 (LW), focusses on more industrial uses, whereas the intent for LW-2 is to reuse the existing buildings and provide for an opportunity for residential uses at grade, which are compatible with the surrounding uses.

The new Live-Work zone 2 (LW-2) has been drafted to apply to existing buildings designated as live-work in the OCP, these properties are focused around the Gibsons Way/Wyngaert area – as shown in figure 2.

A main difference between the LW and LW-2 zones is the fact that apartments are permitted at grade. The permitted uses in the LW-2 are more limited, with a focus on retail and production rather than manufacturing.

Bylaw 1065-61 with Live-Work Zone 2 has been enclosed as Attachment A.

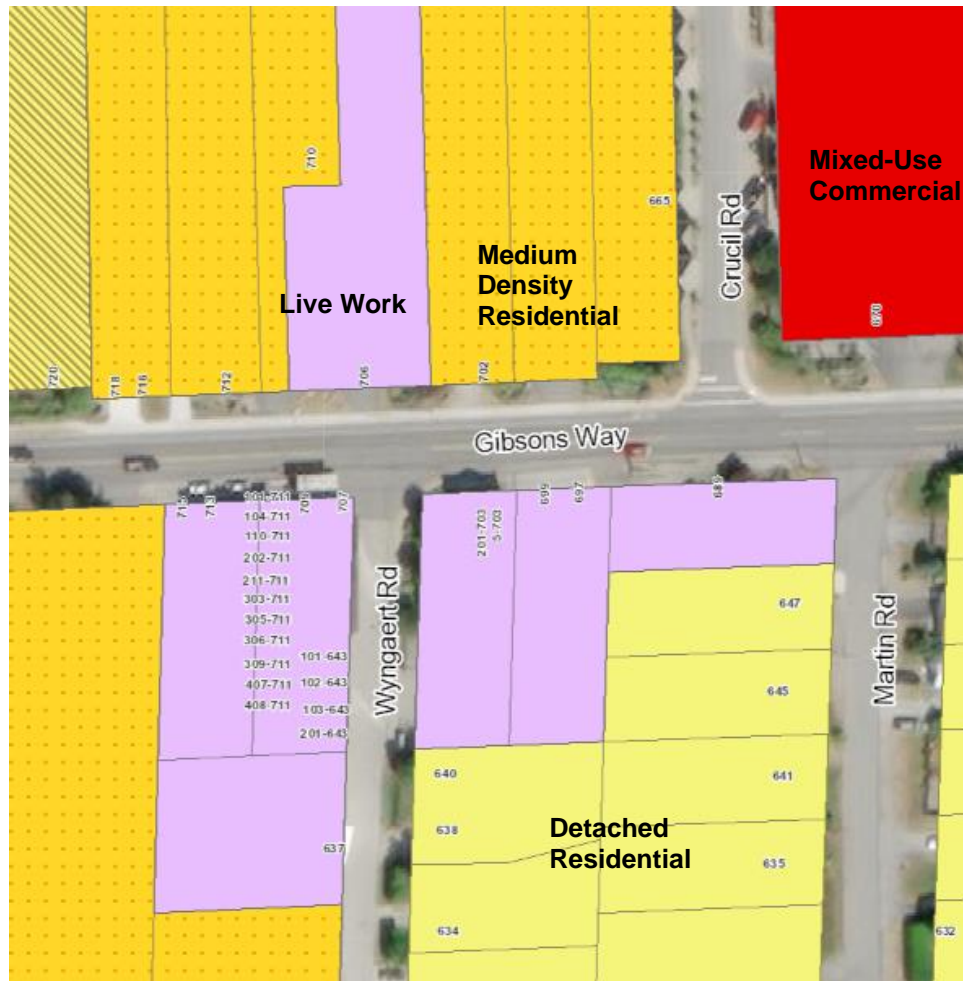


Figure 2: Surrounding OCP Land Use Designation

POLICY / PLAN IMPLICATIONS

Official Community Plan

The Official Community Plan provides support for rezoning the subject property with the following policies:

- 10.2.4 Prevent the dispersal of commercial activity along North Road and the Section of Gibsons Way east of School Road by limiting commercial development to the areas designated as Mixed-Use Commercial on North Road and to the existing neighbourhood commercial centre (Seaview Plaza area) on Gibsons Way.
- 10.2.5 Support the redevelopment of the existing commercially zoned properties within the North Road and Gibsons Way (east of North Road) areas to multi-unit housing, but also consider supporting limited types of commercial uses and live-work uses which provide small scale shops or services clearly of benefit to the surrounding residential neighbourhood.

Financial Plan Implications

The Finance Department provided the following comments:

From a property taxation point of view, a change in the property assessment classification from Commercial (Class 6) to Residential (Class 1) will result in the property being taxed the Class 1 rate which is lower than the Class 6 rate.

From a utility billing administration point of view, a conversion of a commercial unit into a residential unit will require a reconfiguration of the utility billing for the commercial unit to enable it to be billed as a residential unit.

COMMUNICATION

The application was referred to the following agencies and Departments for comment:

- Squamish Nation
- Gibsons and District Volunteer Fire Department
- Ministry of Transportation and Infrastructure
- Town of Gibsons Finance Department
- Town of Gibsons Infrastructure Services
- Town of Gibsons Building Department

Comments received are shown in table 2 below.

Referral Agency	Comment
Skwxwú7mesh Úxwumixw	The Squamish Nation has no concerns about this administrative change.
Gibsons and District Volunteer Fire Department	Interests unaffected
Ministry of Transportation and Infrastructure	Preliminary Approval is granted
Town of Gibsons Finance Department	Comments found under Financial Plan Implications
Town of Gibsons Infrastructure Services Department	No comments provided
Town of Gibsons Building Department	No concerns

Table 2: Referral comments

NEXT STEPS

A Zoning Amendment must undertake public consultation as legislated by the Local Government Act. This includes notice to neighbouring properties within 100m, notice in two consecutive newspapers and a statutory Public Hearing.

Staff recommend that the Bylaw to be given first and second readings and that a Public Hearing be scheduled for July 20, 2021, starting at 6:00pm, before Council breaks for August.

Staff recommend that the report recommendations be forwarded straight to tonight's Council meeting in order to provide enough time to advertise for the July 20 Public Hearing.

RECOMMENDATIONS / ALTERNATIVES

Staff recommendations are listed on page 1 of this report. Alternatively, Council may request changes to the proposed bylaw amendment.

Attachments

- Attachment A – Bylaw 1065-61, 2021

Respectfully Submitted,




Katie Thomas
Planner II



Lesley-Anne Staats, MCIP, RPP
Director of Planning

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I have reviewed the report and support the recommendation(s).



Mark Brown
Chief Administrative Officer

TOWN OF GIBSONS

BYLAW NO. 1065-61, 2021

A Bylaw to amend *Town of Gibsons Zoning Bylaw No. 1065, 2007*

WHEREAS the Council for the Town of Gibsons has adopted *Town of Gibsons Zoning Bylaw No. 1065, 2007*;

AND WHEREAS the Council deems it desirable to amend the Zoning Bylaw;

NOW THEREFORE the Council, in open meeting assembled, enacts as follows:

- 1) This Bylaw may be cited as the *Zoning Amendment Bylaw No. 1065-61, 2021*.
- 2) The *Town of Gibsons Zoning Bylaw No. 1065, 2007* is amended by:
 - a) Altering the zoning designation for 703 Gibsons Way, legally described as:
 - i) STRATA LOT 1 DISTRICT LOT 686 GROUP 1 NEW WESTMINSTER DISTRICT STRATA PLAN EPS1973 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V, PID: 029-315-832
 - ii) STRATA LOT 2 DISTRICT LOT 686 GROUP 1 NEW WESTMINSTER DISTRICT STRATA PLAN EPS1973 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V, PID: 029-315-841
 - iii) STRATA LOT 3 DISTRICT LOT 686 GROUP 1 NEW WESTMINSTER DISTRICT STRATA PLAN EPS1973 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V, PID: 029-315-859
 - iv) STRATA LOT 4 DISTRICT LOT 686 GROUP 1 NEW WESTMINSTER DISTRICT STRATA PLAN EPS1973 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V, PID: 029-315-867
 - v) STRATA LOT 5 DISTRICT LOT 686 GROUP 1 NEW WESTMINSTER DISTRICT STRATA PLAN EPS1973 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V, PID: 029-315-875
 - vi) STRATA LOT 6 DISTRICT LOT 686 GROUP 1 NEW WESTMINSTER DISTRICT STRATA PLAN EPS1973 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V, PID: 029-315-883

from the existing Upper Gibsons Commercial District 1 (C-1) to Live-Work Zone 2 (LW-2) as shown on Schedule "A" attached to and forming part of this bylaw.

- b) Inserting Live-Work Zone 2 (LW-2) regulations to Part 12 as follows

LIVE-WORK ZONE 2 (LW-2)

12.47 Application and Intent

The regulations of this zone shall apply to the use of land, buildings, and structures within the Live-Work Zone 2, as shown on the map attached to this Bylaw as Schedule A. The intent of this zone is to allow for mixed-use development of small sized business units which may incorporate living quarters of proprietors. This zone is intended to provide flexibility and support for small and/or starting businesses if uses are compatible with residential uses on site and in adjacent areas.

The zone allows for the re-use of existing commercial or industrial buildings.

12.48 Permitted Principal Uses

- (1) retail use, limited to not more than 1000.0 m² (10,763.0 ft²) of gross floor area in a single business conducting retail use or retail uses combined with other permitted commercial uses;
- (2) office use;
- (3) service commercial use;
- (4) apartment use;
- (5) studios for audio recording, television and movie production;
- (6) production studios of artists and artisans;
- (7) pre-school facilities;

12.49 Permitted Accessory Uses

- (1) accessory off-street parking and loading;
- (2) accessory buildings as permitted by Section 4.13 -4.20

12.50 Prohibited Uses

The following uses are prohibited:

- (1) the conduct of any permitted use outside of a building;
- (2) the outdoor storage of goods and things;

12.51 Density

- (1) The maximum base density for residential use is 6 *dwelling units* per lot.
- (2) A bonus density to permit a maximum FSR of 1.0 is permitted subject to providing a Community Amenity Contribution based on an economic analysis, which would be conducted at the applicant's expense, to calculate the land value created by the proposal beyond the land value under the base density to identify justifiable Community Amenity Contribution levels while maintaining project economic viability.

12.52 Minimum Lot Area

The minimum lot area is 600 m² (6457.8 ft²).

12.53 Minimum Lot Width

The minimum lot width is 15 m (50 ft).

12.54 Minimum Lot Depth

The minimum lot depth is 30 m (100 ft).

12.55 Setbacks

- (1) The minimum setbacks are:
 - a) front lot line: 0 m (0 ft);
 - b) interior side lot line: 3 m (9.8 ft)
 - c) exterior side lot line: 3 m (9.8 ft);
 - d) rear lot line : 6 m (19.7 ft);
- (2) Notwithstanding 1255 (1) above, except where abutting a C-1, C-1A, C-2, C-3, C-4, C-5, C-6, C-7, C-8, I-1, LW and LW-2 zone, the minimum setbacks are:
 - a) interior side lot line: 0 m (0 ft);
 - b) exterior side lot line 0 m (0 ft);
 - c) rear lot line: 4.5 m (14.8 ft);

12.56 Maximum Lot Coverage

The maximum lot coverage is 80%.

12.57 Maximum Height of Buildings

- (1) The maximum height of principal buildings is 12.0 m (39.4 ft);
- (2) Notwithstanding 12.57 (1), where an owner has provided a Community Amenity Contribution in which case the maximum height 15.0 m (49.34 ft).

12.58 Off-Street Parking and Loading

- (1) Off-street parking and loading spaces must be provided and maintained in accordance with Part 6.
- (2) Despite any provision of this Bylaw visitor parking requirements for residential uses shall be reduced to 0 provided visitor parking is shared with commercial use parking and provided an equivalent amount of commercial spaces are clearly marked as “commercial or visitor parking”.

12.59 Landscaping and Screening

- (1) All portions of a lot not covered by buildings, structures and paved areas must be landscaped and maintained as required by Sections 4.5 and 6.14;
- (2) A 2.0 m (6.6 ft) high fence, landscaping, or combination thereof, must be provided to screen all garbage and recycling container pads; and,
- (3) Parking areas containing more than ten spaces in one row must incorporate raised landscape planters not less than 1.0 m (3.3 ft) in width and 5.7 m (18.7 ft) in length and at least every ten spaces.

b) Making such consequential alterations and annotations as are required to give effect to this amending bylaw, including renumbering of subsequent provisions of the Bylaw.

READ a first time the	XX	day of MONTH,	202X
READ a second time the	XX	day of MONTH,	202X
PUBLIC HEARING held the	XX	day of MONTH,	202X
READ a third time the	XX	day of MONTH,	202X
APPROVED pursuant to Section 52(3)(a) of the <i>Transportation Act</i> the	XX	day of MONTH,	202X
ADOPTED the	XX	day of MONTH,	202X

William Beamish, Mayor

Rebecca Anderson, Corporate Officer