

COUNCIL AGENDA INFORMATION		
<input type="checkbox"/> Closed	Date: _____	Item # _____
<input checked="" type="checkbox"/> Reg. Council	Date: _____	Item # _____
<input type="checkbox"/> Supplemental	Date: _____	Item # _____

FNS Director	CAO
-----------------	-----

R-1

Public Hearing Date: Jun. 15, 09 # 1

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

~~ON-TABLE~~

COUNCIL REPORT

Date: May 15, 2009 File: 1010-20-06-007
 From: Bob Sokol, Director of Planning, Lands and Permits
 Subject: Rezoning Application No. REZ06-007 (5775 Marine Drive -- Takumi Japanese Restaurant)

RECOMMENDED THAT:

1. Zoning Bylaw No. 2200, 1968, Amendment Bylaw is 4602, 2009 be now introduced and read a first time in short form; and
2. Zoning Bylaw No. 2200, 1968, Amendment Bylaw is 4602, 2009 be considered at a Public Hearing to be held on June 15, 2009 at 7:00PM in the Municipal Hall Council Chamber.
- 3.

Purpose

This report is intended to obtain Council's authorization to set a public hearing for June 15, 2009 on the rezone request to allow for an additional 20 seats at 5775 Marine Drive. A Zoning Bylaw amendment has been prepared to allow for an additional 20 seats in the M.U.5 zone and to change the allowed uses to specifically include restaurants. (Appendix A)

1.0 Background

1.1 Prior Resolutions: Council denied a similar request from a previous owner in February 2001.

In 1996, the owner applied for rezoning to remove the requirement for a gas station use and permit a restaurant use. The approved Zoning Bylaw amendment retained the historical uses of bakeshop and café (these uses had been permitted associated with a gas station that was on the site), but did not allow a restaurant use. At that time, it was noted that the primary means to distinguish between a combined bakeshop/café and a restaurant would be the seating limitation of 40 seats.

1.2 Requested Zoning Bylaw Amendment: The current M.U.5 zoning allows a "combined bakeshop/café" use and restricts total seating at such establishments to a maximum of 40 anywhere on the site. The applicant requests an amendment to the zoning so that they may place 60 seats at their restaurant.

1.3 Site Description

The site is located along Marine Drive at the intersection with Primrose Place in Fisherman's Cove. It is zoned M.U.5, a site specific zone, which only applies to this site. Directly across Marine Drive is the Thunderbird Marina. Across the street from the site on the north and east sides are single family homes.
(Appendix B)

Use: There are two buildings at 5775 Marine Drive: a two-storey building on the west used for office purposes and a one-storey building on the east that houses the restaurant. As stated previously in this report, the main distinction intended in defining the allowed use as a combined bakeshop/café as opposed to a restaurant was the seating limitation of 40 seats. Some concerns were expressed by neighbours with respect to the operation under a previous business owner (e.g. a noisy kitchen fan, keeping the door at the rear closed) and unsightliness of the back of the restaurant, but these issues appear to have been resolved by the current management. A review of complaints to the Bylaw Department indicate no operational complaints over the last five years other than a noise complaint related to power washing in 2006.

Building: The building was under construction prior to the adoption of the Zoning Bylaw amendment in 1996. It has a capacity to seat up to 100 persons and the liquor licence for the restaurant allows seating for up to 60 patrons.

Parking: The M.U.5 zone requires the provision of one parking space for each 350 square feet of development. The two buildings total approximately 7100 square feet, which would require 20 parking spaces. There are currently 28 stalls shared between the two buildings; though many are not sized to meet current zoning bylaw regulations. Some of the spaces encroach on the public boulevard.

Fencing: the Zoning Bylaw requires the provision of a fence where it adjoins a residentially zoned lot. Fencing was installed along the back of the property to provide separation from the adjoining single family property to the north.

1.4 Public Consultation

The applicant hosted a Public Information meeting regarding this proposal on February 26, 2008. Approximately 100 notices were sent to surrounding neighbours living within 200 metres of the site and about 30 attended the meeting. In general, the public that attended was supportive of the proposal, though some neighbours to the east expressed concerns regarding noise from the patio during evening hours. Potential options to mitigate this issue were discussed including the construction of a glass wall on the east side of the patio.

Staff has also met with a neighbour who is very concerned about the possibility of allowing more seating at this site. His stated concerns were noise and parking, should the additional seating be allowed.

2.0 Policy

2.1 Official Community Plan

Policy LE 1 Plan for a hierarchy of commercial areas that serve a variety of roles in the community: ...Retain existing smaller local commercial sites to provide convenience retail and service;...

2.2 Community Dialogue on Housing and Neighbourhood Character

Though not adopted policy, the Working Group recommendation 4.1 states:

Examine opportunities for...enhancing "village nodes or neighbourhood service centres.... This should include:

- Strategies to revitalize and enhance existing small-scale service nodes and commercially –zoned sites (e.g. Cypress Park,...., Fishermen's Cove)

3.0 Analysis

According to the operator, the existing 40-seat limitation at 5775 Marine Drive is inadequate for the purposes of the current business and this was also a stated concern of previous operators as well. There has been significant turnover of businesses at this site. A number of local residents have expressed their support for this restaurant and wish to encourage its viability by supporting an increase in the number of seats. Some neighbours have also expressed concerns, particularly noise from the patio.

The restaurant is already in operation, though at a reduced level due to the current seating limitation. Increasing the allowed seating may increase the noise from the patio when weather allows outdoor eating; however, such an increase may have minimal marginal neighbourhood impacts since the restaurant is already operating and currently uses the patio in the summer.

Though no parking on site would be added to accommodate additional seating (the parking spaces are determined by the square footage, which will not change, not the number of seats), the peak use of the restaurant on evenings and weekends occurs at times when other uses on the site are closed and are not creating parking demand. This enables the vast majority of the 28 spaces to be available for restaurant users during peak periods and these spaces should be adequate. As part of this rezone, it would be beneficial to formalize this private use of the boulevard through an encroachment permit.

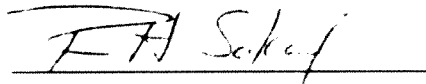
Date: May 15, 2009
From: Bob Sokol, Director of Planning, Lands and Permits
Subject: **Rezoning Application No. REZ06-007 (5775
Marine Drive -- Takumi Japanese Restaurant)**

Page 4

4.0 Recommendations

Staff recommends that Council schedule the public hearing on this zoning bylaw amendment for June 15, 2009. Depending upon any new information coming to light at the hearing, staff recommends that Council approve Zoning Bylaw No. 2200, 1968, Amendment Bylaw is 4602, 2009.

Author:



A handwritten signature in black ink, appearing to read "F.A. Sokol", is written over a horizontal line.

Appendixes:

- A. Zoning Bylaw No. 2200, 1968, Amendment Bylaw is 4602, 2009.
- B. Context Map

Appendix A

District of West Vancouver



**Zoning Bylaw No. 2200, 1968
Amendment Bylaw No. 4602, 2009**

Effective Date –

District of West Vancouver

**Zoning Bylaw No. 2200, 1968
Amendment Bylaw No. 4602, 2009**

Table of Contents

	Page #
Part 1 Citation.....	3
Part 2 Severability	3
Part 3 Amendment.....	3

District of West Vancouver

Zoning Bylaw No. 2200, 1968 Amendment Bylaw No. 4602, 2009

A bylaw to amend the Zoning Bylaw to revise the allowed uses within the Multiple Use Zone 5 (M.U.5) zone

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

AND WHEREAS the Council wishes to provide for a comprehensive residential development;

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. 2200, 1968, Amendment Bylaw No. 4602, 2003".

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

Zoning Bylaw 2200, 1968 Part 3, Division 5 (M.U.5 – Multiple Use Zone 5), is hereby amended by deleting the following from Section 81-502 Uses Permitted:

"- one or more bakeshops or confectioneries, whose products are sold retail on the premises, and/or combined bakeshop/cafes. The capacity for any combination of these uses on any parcel shall not exceed 40 seats and not more than 40 patrons, at any time in total. This patron capacity does not include patrons entering premises for the sole purpose of purchasing goods for use or consumption off the property. The validity of this provision permitting bakeshop,

confectionery, and/or a combined bakeshop/café use on any site in this zone is contingent upon the validity of the above provisions restricting patron capacity”.

b) in Part 8, Division 1, Subdivision 5 (M.U.5 – Multiple Use Zone 5) by submitting the following in Section 81-502 Uses Permitted:

“- one or more bakeshops or confectioneries, whose products are sold retail on the premises, and/or restaurants. The capacity for any combination of these uses on any parcel shall not exceed 60 seats and not more than 60 patrons, at any time in total. This patron capacity does not included patrons entering premises for the sole purpose of purchasing goods for use or consumption off the property. The validity of this provision permitting bakeshop, confectionery, and/or a restaurant use on any site in this zone is contingent upon the validity of the above provisions restricting patron capacity”.

READ A FIRST TIME on

PUBLIC HEARING on

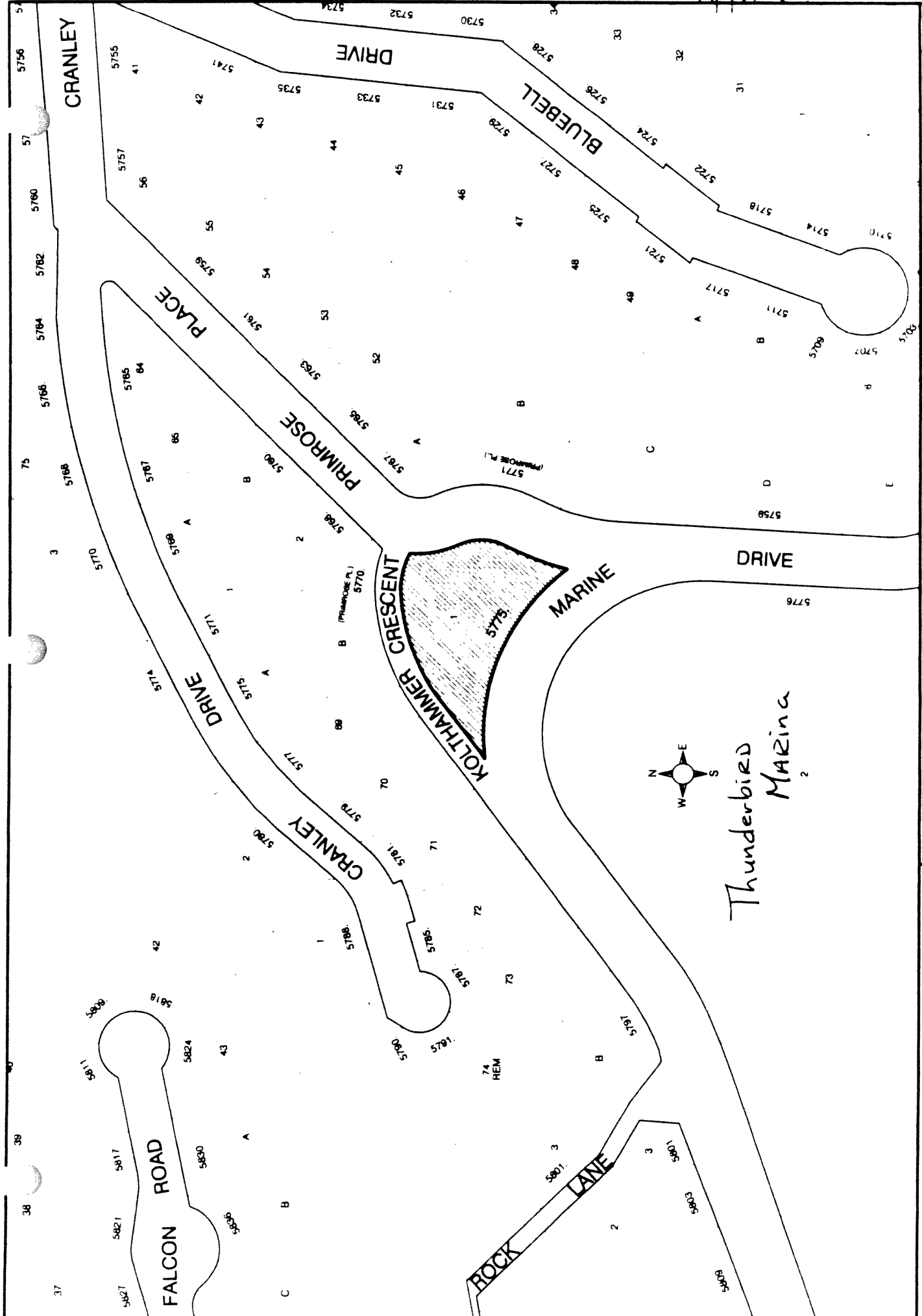
READ A SECOND TIME on

READ A THIRD TIME on

ADOPTED by the Council on

Mayor

Municipal Clerk



DATE Feb 21 06 REV 0

SK-1

CONTEXT PLAN
5775 Marine Drive

DISTRICT OF WEST VANCOUVER
THE WATERFRONT COMMUNITY

This page intentionally left blank

This page intentionally left blank