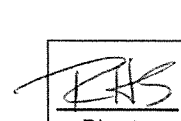
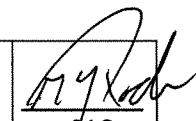


COUNCIL AGENDA/INFORMATION		
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DISTRICT OF WEST VANCOUVER
750 – 17TH STREET, WEST VANCOUVER, BC V7V 3T3

COUNCIL REPORT

Date: October 21, 2010 File: 1060-01 / 3006-01
 From: Bob Sokol, Director of Planning, Lands and Permits
 Subject: **Zoning for Arts Facilities on Argyle Avenue**

RECOMMENDED THAT:

WHEREAS Division 7 of Part 26 of the *Local Government Act* authorizes Council to enact a zoning bylaw through which it may regulate, among other things the use of land;

WHEREAS the District is planning to substantially revise, amend or re-enact its zoning bylaw within the next five years;

AND WHEREAS it has come to Council’s attention that some District-owned properties located on Argyle Avenue that Council believes serve valuable public functions and provide publicly accessible space for arts and cultural uses currently do not conform to the District’s zoning bylaw;

NOW THEREFORE, the Council of the District of West Vancouver, in open meeting assembled, resolves as follows:

1. THAT Council hereby considers that the provision of space and facilities for public arts, culture and non-profit uses is a valuable public use that Council would like to maintain or increase on particular District-owned properties;
2. THAT Council understands that the following District-owned properties are currently not in compliance with the District’s *Zoning Bylaw* No.2200, 1968, as amended, (the “Zoning Bylaw”);

1564 Argyle Avenue, West Vancouver (Music Box on Argyle);
 1570 Argyle Avenue, West Vancouver (Silk Purse Arts Centre); and
 1756/1758 Argyle Avenue, West Vancouver (currently a vacant building),
 collectively, the “Properties”.

3. THAT Council affirms that to further its policy of providing space and facilities for public arts, culture and non-profit uses including limited art sales on District-owned properties, the District will not enforce the Zoning Bylaw in relation to the uses and parking provisions of the Properties and may not enforce the Zoning Bylaw with

respect to any other relevant regulations for the Properties for five years from the date of this resolution or until the District enacts a substantially amended and revised zoning bylaw addressing these issues, whichever is sooner.

Purpose

It has been a long term District policy to encourage art, culture and other public uses on its Argyle waterfront properties. Those uses are not consistent with the current RT1 zoning for those properties. Based upon solicitor advice, Council can pass a resolution for non-enforcement of the use provisions of the zoning bylaw, which will allow for the use of specific properties for public arts, cultural and non-profit uses.

1.0 Background

1.1 History

It has been a long term District policy to encourage art, culture and other public uses on its Argyle waterfront properties. Numerous studies have been completed which seek to encourage these uses to add vibrancy to both Ambleside, in general, and the waterfront. Those uses are not consistent with the current RT1 zoning for those properties. It is not clear on what basis arts and cultural uses were permitted in the existing Music Box and Silk Purse facilities. The District is now considering renovations to the District owned property at 1756/1758 Argyle for arts program and studio space, community arts meeting space and arts office space and potentially other work at the Silk Purse (1564 Argyle Avenue) and the Music Box (1570 Argyle Avenue).

2.0 Policy

2.1 Bylaw

Zoning Bylaw 2200, 1968 ,section 33-200, RT1 zone does not allow for arts program and studio space, community arts meeting space and arts office space which are uses currently in place at the Silk Purse and the Music Box and are planned for 1756/1758 Argyle. In addition, there may be limited arts sales that occur on the site.

3.0 Balanced Scorecard

STRATEGIC INITIATIVES	2010 MILESTONE	2011 MILESTONE
1.42 Implement the Ambleside Town Centre Strategy	Ensure Integration of the waterfront from 13 th to 19 th Streets with the Ambleside Town Centre Strategy	N/A
1.4.6 Develop a waterfront strategy to enliven the waterfront from 25 th to Park Royal	Develop a waterfront implementation strategy to integrate previous studies, strategies and plans.	N/A

4.0 Analysis

4.1 Discussion

The current zoning of the Properties (Music Box, Silk Purse and 1756/1758 Argyle) is RT1, which is a two family residential zone. The proposed use of 1756/1758 Argyle and the current uses of the other Properties are not permitted by the current Zoning Bylaw.

According to the Municipal Solicitor, there is a body of case law that has established that there is no specific duty upon a municipality to enforce a bylaw that it has enacted in the exercise of a discretionary power (as opposed to a statutory duty). At the advice of the solicitor, it is possible for Council to adopt a resolution directing staff to not enforce certain aspects of the zoning bylaw for specific properties. In doing so, the solicitor recommends that Council specifically state the policy reasons why the District is choosing to, for a set period of time, not enforce certain aspects of the Zoning Bylaw for those properties.

4.2 Sustainability

Fostering Arts and Cultural Activities in Ambleside and along the Argyle Waterfront is a key social component of the District's sustainability strategy. In addition, reuse of 1756 Argyle for these uses is a more sustainable approach to the use of District assets than demolishing it and building a new structure.

4.3 Consultation – Manager of the Office of Cultural Affairs and Partnerships; Municipal Solicitor

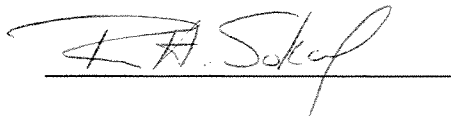
5.0 Options

Council may:

Adopt the resolution as recommended; or

Adopt a revised resolution.

Author:



Bob Sokol

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