



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

## COUNCIL REPORT

Date:	November 30, 2022
From:	Linda Gillan, Senior Community Planner – Economic Development
Subject:	Outdoor Patio Program and Dundarave Road Reallocation (2400 Block Marine Drive)
File:	1610.20/5203-2022

### RECOMMENDATION

THAT to support the local economy and the creation of vital and vibrant commercial centres, a new outdoor patio program be approved, with accompanying Outdoor Patio Guidelines, attached as **Appendix A**.

### RECOMMENDATION

Proposed Development Procedures Bylaw No. 4940, 2017, Amendment Bylaw No. 5224, 2022, attached as **Appendix B**, be read a first, second and third time.

### RECOMMENDATION

THAT in connection with the temporary outdoor business area program and Dundarave road space reallocation (eastern portion of the north side, 2400 block of Marine Drive) and any patios permitted thereunder:

- a. Pursue a semi permanent, medium cost “boardwalk platform” option, based on the recommended concept illustrated in **Appendix C**, with Engineering & Transportation staff to report back in the first half of 2023, regarding the detailed design, materials, cost and timeline for the recommended approach; and
- b. Continue the existing road space reallocation until the later of October 31, 2023, or the date by which implementation begins on any Council-approved public realm improvements for the Dundarave road space reallocation.

### RECOMMENDATION

Proposed Fees and Charges Bylaw No. 5199, 2022, Amendment Bylaw No. 5225, 2022, attached as **Appendix D**, be read a first, second and third time.

### Purpose

The purpose of this report is to make recommendations for a new outdoor patio program, with updated application processes, and associated patio guidelines. If approved, this would enable opportunities for sidewalk seating, sidewalk patios, and patios on private property. This program builds on the lessons learned through the COVID-19 pandemic and related temporary outdoor business area (TOBA) program. Enabling

outdoor patios over the longer-term supports the local economy, existing food and beverage businesses, and the District’s goal to create vital and vibrant commercial centres.

The report also makes recommendations for a process to continue the Dundarave road reallocation (eastern portion of the north side, 2400 block Marine Drive), and for Engineering & Transportation staff to report back in the first half of 2023 with further detail on the design, materials and associated project budget. This report would identify potential funding sources, with an outline of capital and maintenance costs, for a Council decision in 2023.

## **1.0 Legislation/Bylaw/Policy**

“Temporary Patio Delegation Bylaw No. 5083, 2020”, adopted June 8, 2020, provides for the delegation of approval authority for TOBAs to staff.

The District of West Vancouver has established fees and charges for the provision of services and information, as authorized under s.194 of the Community Charter. These are specified in Schedules A to H of “Fees and Charges Bylaw No. 5025, 2019” and in the new “Fees and Charges Bylaw No. 5199, 2022” which comes into effect on January 1, 2023. Under this bylaw, all fees payable in connection with TOBAs are set at \$0.00 for the temporary period expiring on March 31, 2023.

BC’s Liquor and Cannabis Regulation Branch (LCRB) regulates liquor in the province. During the COVID-19 pandemic, a temporary expanded service area (TESA) program was established. A TESA authorization allows licensees to temporarily expand their service areas (e.g. for liquor service on a temporary outdoor patio) but does not increase the approved seating capacity of the premises. On April 7, 2022, the LCRB extended existing TESA authorizations to March 31, 2023.

## **2.0 Council Strategic Objective(s)/Official Community Plan**

### Official Community Plan (OCP)

The local economy is recognized as one of five key policy areas in the Official Community Plan (OCP). The OCP seeks to support placemaking through an attractive public realm experience, by encouraging inviting public spaces in village and town centres, and by increasing commercial activities.

## **3.0 Financial Implications**

The temporary outdoor patio program was introduced to facilitate local business compliance with any Provincial health orders, guidelines and requirements relating to the COVID-19 pandemic, and to support local businesses as they continued operations through the pandemic. This program, and the associated removal of fees, will end on March 31, 2023. After this date, applications for new outdoor patios on private property

would be subject to the applicable fees as outlined in Fees and Charges Bylaw No. 5136, 2021.

For businesses with TOBAs in the reallocated road space in Dundarave, staff recommend a continued extension of the removal of street occupancy fees until the later of October 31, 2023, or the date by which work begins on any public realm improvements in the area. Subject to Council approval of the recommended public realm improvements, and once construction has been completed, sidewalk patios would be subject to the commercial occupancy and application fees specified in Fees and Charges Bylaw No. 5136, 2021.

Engineering & Transportation staff will report back in the first half of 2023 with additional detail on the budget for improvements to the Dundarave road space reallocation. Staff have explored a range of approaches to creating new public space in this part of Dundarave, and through this report a medium-cost option is recommended. This would involve construction of two platforms level with – and extending – the sidewalk. A higher-cost option was also explored, involving construction of a new curb and sidewalk in the former parking lane. This approach is not recommended due to the anticipated higher project cost and financial implications for the District.

## **4.0 Background**

### **4.1 Previous Decisions**

Council, at its June 8, 2020 meeting passed a series of resolutions endorsing the creation of an outdoor patio program, including eating/drinking areas and outdoor retail space.

Council, at its June 22, 2020 meeting adopted an amendment to the Fees and Charges By-law to remove fees payable in connection to temporary outdoor patios (temporary outdoor business areas, or TOBAs).

Council, at its September 14, 2020 meeting, passed a series of resolutions extending the TOBA program for one year to October 31, 2021, and directing staff to prepare guidelines and procedures for “winterizing” TOBAs during the colder and wetter months.

Council, at its November 2, 2020 meeting, directed staff to temporarily reallocate road space on the northern side of the 2400 block of Marine Drive, by converting the existing parking lane to a TOBA.

Council, at its April 26, 2021 meeting, directed staff to continue the temporary reallocation of road space on the northern side of the 2400 block of Marine Drive until October 31, 2021, and to report back in Quarter 4 of 2021 with a review of the approach and recommendations on whether to continue with the reallocation.

Council, at its October 18, 2021 meeting, directed staff to continue the TOBA program, modification and temporary reallocation of a portion of road space on the northern side of the 2400 block of Marine Drive until

October 15, 2022. Direction was also provided to report back before October 15, 2022 with opportunities to formalize the TOBA program and Dundarave road space reallocation.

Council, at its April 25, 2022 meeting, directed staff to continue the TOBA program until March 31, 2023. Direction was also provided to report back in the fourth quarter of 2022 with recommendations to formalize the temporary patio program, focusing on opportunities for patios on private property. Staff were also directed to report back with details on budget and infrastructure implications of continuing the Dundarave road space reallocation over the long term.

## 5.0 Analysis

### 5.1 Discussion

Over the years, the District has approved sidewalk seating and patios on private property on a case-by-case basis. Like many municipalities in BC, the District introduced a successful TOBA program to support businesses and help them to meet public health regulations through the COVID-19 pandemic.

Creating a formal outdoor patio program provides an opportunity to build on the District's previous experience with patios on private and public space. This program also responds to business and resident interest in seeing more opportunities for outdoor dining in West Vancouver.

If approved, the outdoor patio program would formalize and streamline the process for businesses to create space for outdoor dining. The proposed Outdoor Patio Guidelines, attached as **Appendix A**, provide a consolidated set of directions for patios on public and private property. This will allow business owners to assess the feasibility of adding a patio to their premises. Staff will establish an inter-departmental review team, anticipating there may be several businesses looking to transition from a temporary to longer-term patio in 2023.

The proposed outdoor patio program includes three types of patio:

- (1) Sidewalk seating (public space): enabling small-scale outdoor seating areas, with café tables and chairs, with no fence or perimeter barrier;
- (2) Sidewalk patios in Dundarave (public space): limited to the eastern portion, north side of 2400-block Marine Drive, these outdoor patios may include a fence or perimeter barrier and could therefore serve alcohol if licenced through LCRB; and
- (3) Private property patios: may be considered through a development permit or development permit exemption process, based on the application and context. These patios may include a fence or perimeter barrier and could therefore be eligible to serve alcohol if licenced through LCRB.

Staff have worked in collaboration with the Ambleside and Dundarave Business Improvement Association (ADBIA) and businesses to identify potential options for continuing the Dundarave road space reallocation. Three approaches were explored, as outlined and illustrated in **Appendix C**.

This report recommends the medium-cost “boardwalk platform” option, which includes improving the public realm through the construction of two platforms level with the existing sidewalk. This approach creates new public space that could include placemaking and beautification projects – for example, street furniture or planters – and opportunities for outdoor patios.

This approach is recommended to address the need for improved traffic safety, operations and accessibility over the existing configuration. Permanent changes are not required to the existing curb and sidewalk on the 2400-block of Marine Drive. This provides a greater degree of flexibility for any future Council direction on transportation.

If supported by Council, staff would continue to work collaboratively with the ADBIA and businesses to further refine this concept, with a report back to Council in the first half of 2023 on the materials, detailed design, and associated budget.

## 5.2 Sustainability

If approved, the recommendations would contribute to the economic sustainability of the District, by supporting existing local businesses and enabling a streamlined, longer-term approach to outdoor patios on public and private land.

## 5.3 Public Engagement and Outreach

Community interest in outdoor patios has been highlighted through the “Imagine Ambleside” survey, conducted in 2020, by the ADBIA, with results published as part of a January 2021 report. Survey respondents indicated a desire for more diverse and lively business mix, including more restaurants with patios. Public feedback received in 2021, through the fourth phase of the Horseshoe Bay Local Area Plan process, highlighted a similar interest in seeing more opportunities for outdoor dining and an enhanced pedestrian experience.

Outreach to representatives of the business community included providing updates and seeking input from the ADBIA and Horseshoe Bay Business Association on the temporary and proposed outdoor patio program, and engagement and updates to individual West Vancouver restaurant and café owners.

Should Council approve the recommendations in this report, there will be opportunities for public feedback on individual outdoor patio applications requiring a development permit application. Where sidewalk seating or a sidewalk patio is proposed, there will also be notification to adjoining businesses with the opportunity to provide feedback. Staff will continue to work in collaboration with businesses and the ADBIA on a detailed design for the Dundarave road space reallocation.

#### 5.4 Other Communication, Consultation, and Research

Staff have been in ongoing communication with other municipalities in the region to identify best practices, lessons learned, and ultimately inform a West Vancouver-specific approach to an outdoor patio program.

Planning staff have consulted with District staff in Engineering & Transportation, Permits & Inspections, and Bylaw & Licensing Services on the proposed patio program, and with LCRB staff to ensure integration with provincial liquor licensing processes.

In March 2022, staff presented an update on the temporary patio program to the North Shore Advisory Committee on Disability Issues (ACDI). ACDI provided input on how to build on the District's "Temporary Outdoor Business Areas – Guidelines" and enable more accessible patio spaces through a longer-term patio program.

## 6.0 Options

### 6.1 Recommended Option

Approve the creation of a new outdoor patio program and related guidelines (attached as **Appendix A**); continue the Dundarave road space reallocation, with Engineering & Transportation staff to report back in the first half of 2023, with a detailed design, materials, and associated budget for Council's consideration at that time; and give readings to the proposed Development Procedures and Fees and Charges amendment bylaws.

### 6.2 Considered Options

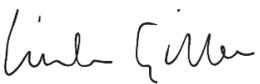
- a) For the Dundarave road space reallocation, two other options were considered, as shown in **Appendix C**:
  - i. Continue with the existing temporary condition and traffic barriers over the longer term (not recommended – would not address the District's safety or accessibility goals, does not support new opportunities for beautification or placemaking);
  - ii. Extend the curb and add new sidewalk to fill the reallocated road space (not recommended – highest cost option, and involves permanent change to the Marine Drive road right-of-way);

- b) Defer consideration pending the receipt of additional information (to be specified);
- c) Provide alternative direction (to be specified); or
- d) Reject the proposed bylaw amendments, outdoor patio program, and guidelines, in which case the existing temporary outdoor business area program will end on March 31, 2023 without a consolidated patio program to replace it.

## 7.0 Conclusion

The purpose of this report is to make recommendations for a new outdoor patio program, with updated application processes, and associated patio guidelines. If approved, this would enable opportunities for sidewalk seating, sidewalk patios, and patios on private property. This program builds on the lessons learned through the COVID-19 pandemic and related TOBA program. Enabling outdoor patios over the longer-term supports the local economy, and existing food and beverage businesses, as well as the District's goal to create vital and vibrant commercial centres.

The report also makes recommendations on a process for continuing the Dundarave road reallocation (eastern portion of the north side, 2400 block Marine Drive), and for Engineering & Transportation staff to report back in the first half of 2023 with further detail on the design, materials and associated project budget.

Author:   
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Concurrence:   
David Hawkins, Senior Manager, Community Planning and Sustainability

Concurrence:   
Jenn Moller, Director of Engineering and Transportation

### Appendices:

- A. Outdoor Patio Guidelines
- B. Proposed Development Procedures Bylaw No. 4940, 2017, Amendment Bylaw 5224, 2022
- C. Dundarave Road Space Reallocation Options
- D. Proposed Fees and Charges Bylaw No. 5199, 2022, Amendment Bylaw No. 5225, 2022, 2022

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## 1.0 Introduction

- 1.1 West Vancouver has had the chance to try new types of patios in response to local business and resident demand, leading to the need for a new, consolidated set of patio guidelines.
- 1.2 These guidelines ensure that patios are safe, accessible, and contribute to the vibrancy and attractiveness of West Vancouver's commercial areas.
- 1.3 They are also intended to help business owners assess the feasibility of adding a patio to their premises and understand the process involved.

## 2.0 Eligibility

- 2.1 Patio applications may be considered accessory to the following uses: restaurant (includes cafés and coffee shops); microbrewery, winery and distillery; and liquor primary licensed premises.
- 2.2 Eligible businesses must have a valid business license.
- 2.3 Where the applicant is a tenant, they must have consent from the landlord or designated owner's representative (for example, the commercial property manager) before adding a patio to the premises.

## 3.0 Patio Options & Application Process

- 3.1 Outdoor patios must comply with applicable District of West Vancouver bylaws, including but not limited to the Business License Bylaw, Noise Control Bylaw, Official Community Plan Bylaw (including applicable policies and guidelines for development permit areas), Sign Bylaw, Traffic and Parking Bylaw, Tree Bylaw, and Zoning Bylaw.
- 3.2 Patios located on public property (e.g. a sidewalk) must comply with the terms of any Licence of Occupation or Street Occupancy Permit issued by the District for use of that space.
- 3.3 Liquor service is permitted where a business has approval from the Province's Liquor and Cannabis Regulation Branch (LCRB) to serve alcohol within the patio area.

- 3.4 Three types of outdoor patio may be considered, all of which may be seasonal or year-round:

Patio Type	Summary	Application Process
Sidewalk seating <i>(public space)</i>	For a restaurant or café that doesn't serve liquor, sidewalk seating and tables are an option. Small-scale outdoor seating area, next to the business premises, with no fence or perimeter barrier.	Development permit exemption (DPE) application, followed by a license to occupy.
Sidewalk patio <i>(public space, limited to the eastern portion, north side of 2400-block Marine Drive in Dundarave)</i>	Provides an option for patios in public space in part of the Dundarave commercial area. Permanent structures (e.g. roofs) are not permitted, but a fence or perimeter barrier may be included.	Street occupancy permit application.
Private property patio	Patio space on private property. May include patios on space used for off-street parking, subject to approval of a minor development permit with parking variance.	Minor development permit application, or development permit exemption (DPE), followed by a building permit application

#### 4.0 Fees & Insurance

- 4.1 Fees for permit and license applications are as outlined in the Fees and Charges Bylaw.
- 4.2 Patios on public property will be required to provide a certificate of insurance, with comprehensive liability coverage of at least \$5 million, and the District listed as an additional insured.
- 4.3 For patios where alcohol is served, proof must be provided to the District of a minimum of \$5 million in host liquor liability insurance.

#### 5.0 Public Notification & Engagement

- 5.1 Where a development permit application is required, public consultation will be required as outlined in the Development Procedures Bylaw No. 4940, 2017.
- 5.2 For sidewalk seating and sidewalk patios, adjacent business owners must be notified of potential changes to the sidewalk area.

- 5.3 Additional public notification may be required by the LCRB as part of a liquor license application.

## **6.0 Design, Accessibility & Location**

- 6.1 All patios should include a high quality of materials and finishes, compatible with the streetscape and surrounding commercial area.
- 6.2 Businesses are encouraged to make their patios universally inclusive. Patios should be accessible for people using mobility devices – including wheelchairs, scooters, or walkers - either directly from the public sidewalk or from the interior of the business premises.
- 6.3 Ramps may be used and must be hard-surfaced, slip-resistant, and at least 1.2m (4 ft.) wide. Patio exits/entrances must be a minimum of 1.2 m (4 ft.) wide to accommodate people using mobility devices, or those may be travelling with strollers.
- 6.4 A clear path of travel at least 1 m (3.2 ft.) wide should be provided, with a turning radius of at least 1.5 m (5 ft.), to accommodate people using mobility devices, and provide space for internal circulation (e.g. staff serving or clearing tables, as well as patio customers).
- 6.5 The design and placement of patio furniture should allow people using mobility devices to sit alongside fixed seating, or where tables are provided, to pull up to each table. High-top tables are not accessible for most people using mobility devices.
- 6.6 Any fencing or perimeter barrier should include at a minimum a 2 inch lip at the bottom, for a cane to hit, so that blind or partially sighted people will know where to stop.
- 6.7 Any umbrellas, awnings, canopies or similar temporary weather shelter:
- 6.7.1 Should be located entirely within the boundaries of the patio area;
  - 6.7.2 Must not fully enclose the patio area and must allow for ventilation;
  - 6.7.3 Should be safely anchored and secured so that they do not flap, blow away, or create a hazard; and
  - 6.7.4 Need to be flame spread rated in accordance with the BC Fire Code.
- 6.8 Free-standing propane heaters may be permitted.
- 6.9 Patios may not include outdoor kitchens, food preparation facilities, or bars.

- 6.10 Lighting may be used to add to the character and function of the patio space, and the design of any lighting should coordinate with patio furnishings and building design. Any lighting should comply with District bylaws and Electrical Code.
- 6.11 Landscaping is not required, but can help to create an attractive patio space. The addition of planters and landscaping is encouraged, but must be easily removeable where the patio is on public space.
- 6.12 All patios on public property:
  - 6.12.1 Are limited to the area immediately adjacent to the premises, unless otherwise agreed to by the District;
  - 6.12.2 May not extend in front of neighbouring premises, unless agreed to in writing by the occupier and owner of neighbouring premises, and subject to approval by the District;
  - 6.12.3 May not include structures requiring a building permit;
  - 6.12.4 May be required to be removed by the applicant at the District's discretion, upon 24 hours notice to the applicant, or as outlined in the applicable Licence of Occupation or Street Occupancy Permit; and
  - 6.12.5 Patios cannot obstruct sidewalk space and must allow people, including those using mobility devices, to pass through the space easily and safely. A minimum of 1.8 m (6 ft.) clear sidewalk width is required, and this area may not include any patio elements (e.g. planters, fencing, supports for weather protection, etc.) and must be free of any obstructions (e.g. street trees, signs, fire hydrants, street furniture etc.) on the sidewalk.
- 6.13 Sidewalk seating:
  - 6.13.1 Must be located immediately abutting the building, at the same grade as the public sidewalk, unless site conditions or the District dictate otherwise;
  - 6.13.2 Tables within the public right-of-way should be a maximum of 0.9 m (3 ft.) in diameter or, if rectangular, 0.9 m (3 ft.) on the longest side; and
  - 6.13.3 May not include a fence or perimeter barrier on public property.

#### 6.14 Patios on private property:

6.14.1 May be considered in space used for surface parking, subject to approval of a development permit with a parking variance, as required, if space for safe vehicle circulation can be provided. There must be no reduction in the amount of loading space or accessible parking.

### 7.0 Operations & Maintenance

- 7.1 Businesses are encouraged to work with their neighbours to minimize disturbances to nearby residents and adjoining businesses. This includes monitoring and managing the patio to ensure patrons are not negatively impacting neighbouring properties.
- 7.2 Patios must comply with Noise Control Bylaw No. 4404, 2005. The use of speakers, amplified sound systems or live music is not permitted.
- 7.3 Patios may include lighting to support the character, function, and safety of the patio area, but excessive lighting levels, glare or overspill to neighbours should be avoided.
- 7.4 Patios must be kept tidy and free of garbage. Businesses are expected to dispose of any waste or recyclables through their commercial garbage, recycling, and organics collection service providers; disposal within public realm receptacles is not permitted
- 7.5 Snow and ice removal from patio areas is the responsibility of the business. Regulations for snow, ice and debris removal in the Traffic and Parking Bylaw extend to patios located in public space (e.g. on a sidewalk).

### 8.0 Resources

#### 8.1 For more information:

8.1.1 District of West Vancouver patio webpage:  
[westvancouver.ca/patios](http://westvancouver.ca/patios)

8.1.2 Planning & Development Services general enquiries:  
[planningdepartment@westvancouver.ca](mailto:planningdepartment@westvancouver.ca) or 604-925-7055

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District of West Vancouver

**Appendix B**

**Development Procedures  
Bylaw No. 4940, 2017,  
Amendment Bylaw No. 5224, 2022**

Effective Date:

District of West Vancouver

**Development Procedures  
Bylaw No. 4940, 2017,  
Amendment Bylaw No. 5224, 2022**

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District of West Vancouver

# **Development Procedures Bylaw No. 4940, 2017, Amendment Bylaw No. 5224, 2022**

A bylaw to amend the Development Procedures Bylaw.

Previous amendments: Amendment bylaws 5127, 5156, and 5109.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to consider accessory patios to restaurant, microbrewery, winery and distillery, or liquor primary licensed premises in commercial areas through the minor development permit application process;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

## **Part 1 Citation**

- 1.1 This bylaw may be cited as Development Procedures Bylaw No. 4940, 2017, Amendment Bylaw No. 5224, 2022.

## **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 of Regulations**

- 3.1 Development Procedures Bylaw No. 4940, 2017, Part 4 Definitions, is amended by inserting the following, in alphabetical order, to the definition for "Minor Development Permit":
  - Accessory patio to a restaurant, microbrewery, winery and distillery, or liquor primary licensed premises in Commercial Areas BF-C3, BF-C5, BF-C8, BF-C9 and BF-C10;

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ADOPTED by the Council on

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Mayor

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Corporate Officer

### Dundarave Road Space Reallocation Options

#### Introduction

This appendix provides an overview of the background, process and high-level options explored for continuing the temporary reallocation of road space in Dundarave.

Staff were directed by Council in October 2020 to temporarily reallocate road space on the northern side of the 2400 block of Marine Drive, by converting the existing parking lane to a temporary outdoor business area. This provided space for adjoining businesses to safely continue operating through the COVID-19.

Based on Council direction, the Dundarave road reallocation has been extended with the potential to explore a longer-term approach. This could include infrastructure improvements to create new public space, including opportunities for outdoor patios.

#### Options for Evaluation

Staff have explored three options at a high level, working with input from businesses and the ADBIA. These options were evaluated with the following objectives in mind, in addition to the potential capital cost:

- Allow for a more safe, attractive, and lively streetscape that enhances the character of Dundarave’s commercial area;
- Allow for future flexibility in transportation options to/through Dundarave; and
- Address seasonal drainage issues and minimize cost of ongoing maintenance.

The three options are:

- a) Continue with existing condition.  
Continue “as-is” with the existing temporary condition and traffic barriers over the longer-term. This would allow opportunities for patios on reallocated road space, but doesn’t provide additional public space that is level with the sidewalk.
- b) New boardwalk platform.  
Improve the public realm through the construction of two platforms level with the existing sidewalk. This approach creates new public space that could include placemaking and beautification projects – for example, street furniture or planters – with opportunities for outdoor patios.
- c) New curb and extended sidewalk.  
Extend the curb and add new sidewalk to fill the reallocated road space. This would result in a permanent increase in the sidewalk area for this part of Dundarave, with opportunities for new public space and outdoor patios.

High-level concept illustrations and evaluations are included on the following page.

## Concept Illustrations and Evaluation

No changes are proposed for the south side of Marine Drive in Dundarave (i.e. to east bound travel lanes or parking). The three options all involve:

- Continuing with a single traffic lane and parking lane on the eastern portion, north side of Marine Drive (i.e. adjacent to 2403-2453 Marine Drive);
- Retention of two existing accessible parking stalls; and
- Retention of existing commercial loading at the eastern end of the block.

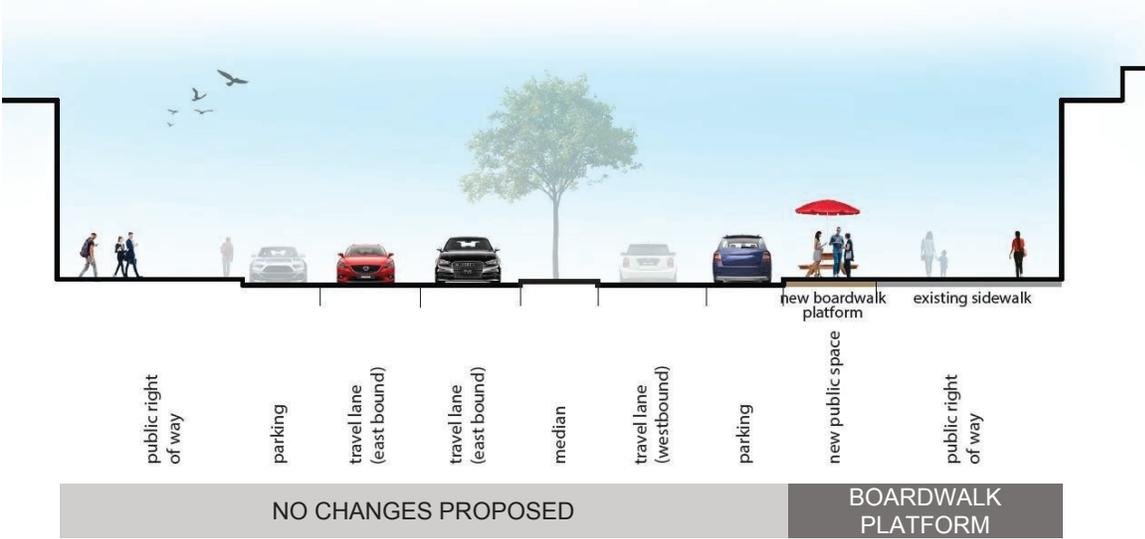
The concept illustrations for options B and C are high-level, not to scale, and do not reflect detailed design or final material selections.

### Option A: Continue with Existing Condition (*Not recommended as a long-term approach*)



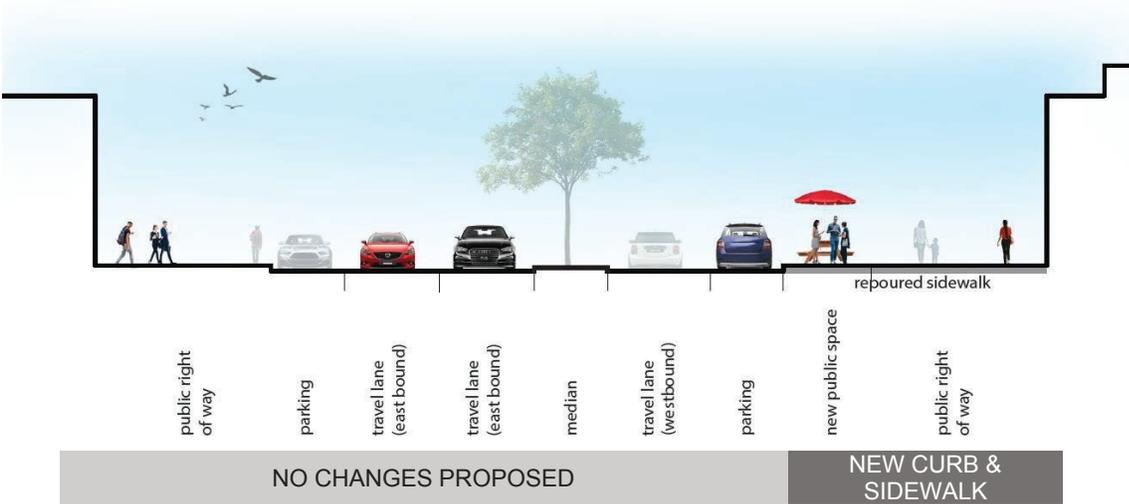
This would not address the District’s safety or accessibility goals and does not support new, long-term opportunities for beautification or placemaking.

**Option B: New Boardwalk Platform  
(Recommended)**



This would address the need for improved safety and accessibility. By “filling in” spaces between the patios with a new boardwalk platform, this option would create new public space and opportunities for a livelier streetscape.

**Option C: New Curb and Extended Sidewalk  
(Not recommended)**



This option provides the same benefits as Option B (boardwalk platform) and could provide a long-term solution to seasonal draining issues in the area. However, Option C involves the highest capital cost, with a permanent change to the Marine Drive road right-of-way before any updated transportation or network planning for the area.

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District of West Vancouver

**Appendix D**

**Fees and Charges Bylaw No. 5199, 2022,  
Amendment Bylaw No. 5225, 2022**

Effective Date:

# **Fees and Charges Bylaw No. 5199, 2022, Amendment Bylaw No. 5225, 2022**

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District of West Vancouver

## **Fees and Charges Bylaw No. 5199, 2022, Amendment Bylaw No. 5225, 2022**

A bylaw to amend the Fees and Charges Bylaw.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to set fees payable in connection with temporary outdoor business areas, to support local economic recovery, and to establish street occupancy fees for outdoor patio space;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

### **Part 1 Citation**

- 1.1 This bylaw may be cited as Fees and Charges Bylaw No. 5199, 2022, Amendment Bylaw No. 5225, 2022.

### **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 of Regulations**

- 3.1 Fees and Charges Bylaw No. 5199, 2022 is amended by:
  - 3.1.1 In Schedule G – Engineering & Transportation, under “Temporary Street and Laneway Occupancy Fees (Non-refundable)” the description of “Commercial Occupancy” is deleted and replaced with the following:

Vehicles, trailers, equipment, materials, or outdoor patio space.

- 3.1.2 In Schedule H – Temporary Outdoor Business Areas, the second introductory paragraph is deleted and replaced with the following:

The following fees apply only during the period commencing on the date of adoption of Amendment Bylaw 5203, 2022 and expiring on March 31, 2023. After this date, all such fees will be as set out elsewhere in this bylaw, except that a license fee or street occupancy fee of \$0.00 for a Temporary Outdoor Business Area located in reallocated road space in Dundarave (eastern portion of the north side, adjacent to 2403-2453 Marine Drive) will apply until the later of October 31, 2023 or the date by which implementation begins on any Council-approved public realm improvements for the Dundarave road space reallocation.

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READ A SECOND TIME on

READ A THIRD TIME on

ADOPTED by the Council on

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Mayor

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Corporate Officer

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