



## **EXPLANATORY MEMO**

### **COMMERCIAL USES ZONING BYLAW UPDATE**

### **ZONING BYLAW AMENDMENT No. 203, BYLAW No. 3280**

#### **PURPOSE:**

Bylaw No. 3280 proposes to amend the City's Zoning Bylaw to incorporate a 400 metre separation distance between specific commercial uses. This responds to a February 2024 letter (attached) from the Downtown Langley Business Association (DLBA).

The DLBA letter identifies a high concentration of 'day cares', specifically child care centres, in the Downtown core area, and requests that Council further regulate these uses to maintain a balanced business environment and variety of restaurants, retail shops, services and offices, which is consistent with Official Community Plan (OCP) land use policy for the Downtown. The Zoning Bylaw includes 400 metre separation distances between other specific commercial uses, to prevent over-concentration of these uses and maintain a variety of businesses as per the OCP, and this approach is now being proposed to apply to child care centres within a specific area of Downtown.

#### **POLICY:**

Commercial properties within Downtown Langley are designated as a 'Historic Downtown Core', 'Transit Oriented Core', 'Transit Oriented Residential' and 'Mixed Use' land uses in the OCP, enabling a variety of commercial and residential uses. The majority of these properties are zoned C1 'Downtown Commercial Zone', which permits retail store, office, restaurant, personal service, and other uses such as child care.

The OCP's land use and design policies aim to 'retain a lively shopping destination and fine grain retail ground floor', 'focus specialty retail, entertainment, pedestrian-oriented restaurants, and civic uses in the Historic Downtown Core area', and 'strongly encourage specialty and pedestrian-oriented retail, restaurants and café uses on the ground floor of buildings.' These policies are based upon the Downtown Master Plan.

These policies also encourage the ground floor of street-fronting buildings to be 'active' and designed to include clear 'see-through' windows, doors and openable storefronts. This approach is necessary for supporting pedestrian-oriented and high volume foot traffic streetscapes that include outdoor seating areas, patios, cafes and retail displays, window-shopping opportunities (i.e. people can see the products and activities inside the storefront, from the sidewalk and vice versa, which engages pedestrians and also provides for 'eyes on the street' from inside the storefront).

## COMMENTS/ANALYSIS:

### ***Context: Properties in the Historic Downtown Core and Child Care Centres***

Most lots in the Historic Downtown Core OCP land use (along the Fraser Highway one-way) and south of Douglas Crescent between 204 St. and Park Avenue were created many decades ago, prior to wide-spread use of the automobile. These lots are typically small and narrow and covered by buildings, resulting in little or no space available for off-street parking or loading (drop-off/pick-up) spaces, and thus these lots rely on on-street parking located on the Fraser Highway one-way, 204 St. and Douglas Crescent.

In considering the prospect of more child care centres on lots within the Historic Downtown and south of Douglas Crescent, the general lack of adequate off-street parking and loading spaces on these small and narrow lots will likely create parking and drop-off/pick-up conflicts with other users as the number of child care centres increases over time. The lack of open space on these lots will also likely result in more child care centres relying on Douglas Park for their outdoor play space, which over time will result in increasing competition for park space by different user groups. Child care centres also have opaque storefront window glazing and/or opaque window coverings to maintain privacy. A high concentration of these opaque storefronts could reduce pedestrian interest and activity in the pedestrian oriented Historic Downtown.

Conversely the C1 zoned lots and areas in general surrounding the Historic Downtown Core/south of Douglas Crescent are better suited to accommodate child care centres, as they are larger and provide more space for 'on-site' parking, drop-off/pick-up areas and outdoor play areas. The opaque window coverings on child care centres in these locations also have a lower impact on pedestrian activity, as they primarily cater to automobile-based 'drive-up' traffic compared to 'walk-by and walk-up' foot traffic.

### ***Proposed Bylaw No. 3280 and Rationale***

Based on the DLBA request and above policy and context, Bylaw 3280 proposes to limit new child care centres from locating on lots within the Historic Downtown Core and south of Douglas Crescent (between 204 St. and Park Avenue), by requiring a 400 metre separation between child care centres within the area outlined on the map in the attached Bylaw. A 400-metre separation between child care centres will reduce parking and traffic conflicts and pressure on Douglas Park to host multiple child cares, and also limit the presence of opaque storefronts within the Historic Downtown.

Bylaw 3280 supports the land use intent of the OCP and Downtown Master Plan to focus specialty retail, restaurants and a variety of commercial uses in the Downtown core, and will help to maintain pedestrian-oriented streetscapes in the Downtown.

However, Bylaw 3280 will not prevent new child care centres from locating in the City, outside of the outlined area on the Bylaw map. There is significant demand for new child care spaces in the City, and the City's Child Care Action Plan and OCP policy supports the creation of more child care spaces. The Zoning Bylaw Update, currently underway, is also considering the expansion of child care centres to more land uses and areas within the City to respond to the need for more child care spaces. This

approach will provide more opportunities for child care space creation, and help to promote a more dispersed pattern of child care centres in the City over time.

***Effect of Bylaw: Existing Businesses Remain as Legal Non-Conforming Uses***

If this proposed Bylaw is adopted by Council, and similar to previous amendments (i.e. 400 metres between pharmacies, thrift stores, tattoo and body art establishments, vape stores), it will not impact existing child care centres within the outlined area on the map attached to the proposed Bylaw. Given that these businesses were in existence prior to Bylaw adoption, they can continue to operate as 'legal non-conforming uses'.

However, if a non-conforming use is discontinued for 6 months on a property any subsequent use will be subject to Zoning Bylaw regulations, including separation distances. Non-conforming uses also cannot expand beyond what is in place prior to the amendment, and cannot relocate to a new site without being subject to the new separation distances.

**SUMMARY**

Bylaw 3280 aims to support business variety and pedestrian-oriented streetscapes as set out in the OCP and Downtown Master Plan. It will also not impact existing businesses and may also provide additional stability for these businesses. This Bylaw will also not prevent new child care spaces in the City, outside of the Bylaw map area.

**BUDGET IMPLICATIONS:**

None.

Attachments