



**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD IN
THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14th STREET,
NORTH VANCOUVER, B.C., ON MONDAY, DECEMBER 15, 2003
AT 6:00 P.M.**

PRESENT:

COUNCIL MEMBERS

Mayor B.A. Sharp
Councillor R.C. Clark
Councillor R.J. Fearnley
Councillor R.N. Heywood
Councillor C.R. Keating
Councillor D.R. Mussatto
Councillor B.W. Perrault

STAFF MEMBERS

A.K. Tollstam, City Manager
B.A. Hawkshaw, City Clerk
J.M. Rowe, Assistant City Clerk
G. Penway, Assistant City Planner
C. Amundsen, Executive Assistant to Mayor
T. Christie, Director of Finance
B. Susak, Deputy City Engineer
F.A. Smith, Director, Community Development
F. Caouette, Manager – Special Projects
M. Hunter, Environmental Coordinator
D. Pope, Manager, Environment and Parks
R.H. White, City Planner

The meeting was called to order at 6:00 p.m.

1. ADOPTION OF MINUTES

Moved by Councillor Heywood, seconded by Councillor Perrault

THAT the Minutes of the Regular Council Meeting of December 8, 2003
be adopted as circulated.

CARRIED UNANIMOUSLY

CONSENT AGENDA {Items 9 *(b), 3 *(b), 3 *(c), 3 *(d), 4 *(b), 4 *(c), 6 *(d)(i),
4 *(d), 4 *(e), 4 *(f), 6 *(d)(ii), 6 *(a)(i) and 6 *(a)(ii)}

Moved by Councillor Perrault, seconded by Councillor Clark

THAT the resolutions listed within the “Consent Agenda” of December 15,
2003, with the exception of items 3 *(c), 3 *(d), and 4*(e) be approved, as
follows:

9. CONFIDENTIAL REPORTS

***(b) Advisory Committee on Disability Issues (ACDI) - 2004
Recommended Appointments - File: 1085-03-N17-02**

Report: Planner, Community Development, December 9, 2003

PURSUANT to the report of the Planner, dated December 9, 2003 entitled “Advisory Committee on Disability Issues (ACDI) – 2004 Recommended Appointments”:

THAT Captain Reg Spillman and Mr. Michael Patenaude be reappointed for additional two year terms expiring December 31, 2005.

(CARRIED UNANIMOUSLY)

3. CORRESPONDENCE

***(b) Conference Secretariat, The McGill Institute for the Study of
Canada, Montreal, received December 10, 2003**

Re: Annual Conference of the McGill Institute for the Study of
Canada, re “Challenging Cities in Canada”, February 11 -
13, 2004, Montreal, Quebec - File: 1840-02-01

THAT Council members be authorized to attend the “Challenging Cities in
Canada” conference, February 11-13, 2004, Montreal, Quebec;

AND THAT the costs be paid in accordance with City Policy;

AND THAT the funds be provided from the 2004 Legislative Conventions
and Delegations Account.

(CARRIED UNANIMOUSLY)

4. REPORTS OF COMMITTEES, COUNCIL, AND STAFF

***(b) North Shore Women's Forum Coalition - Emergency Funds Request - File: 1085-03-S11**

Report: Social Planner, Community Development,
November 28, 2003

PURSUANT to the report of the Social Planner dated November 28, 2003, entitled "North Shore Women's Forum Coalition - Emergency Funds Request":

THAT the request from the North Shore Women's Forum Coalition for Emergency Funds in the amount of \$200.00 be approved;

AND THAT said funds be allocated from the General Community Grants Contingency.

(CARRIED UNANIMOUSLY)

***(c) Rezoning Application: 601 Lynnmouth Avenue, Text Amendments to CD-170 (Insurance Corporation of British Columbia/Krahn Engineering Ltd.) - File: 3400-05 LYNNMOUTH 601**

Report: Development Planner, Community Development,
December 5, 2003

PURSUANT to the report of the Development Planner dated December 5, 2003, entitled "Rezoning Application: 601 Lynnmouth Avenue, Text Amendments to CD-170 (Insurance Corporation of British Columbia/Krahn Engineering Ltd.)":

THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7571" (601 Lynnmouth Avenue, Insurance Corporation of British Columbia/Krahn Engineering, Text Amendment to CD-170), be considered and referred to a Public Hearing.

(CARRIED UNANIMOUSLY)

6. **BYLAWS**

***(d) Introduction And First Reading Only**

- (i) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7571" (601 Lynnmouth Avenue, Insurance Corporation of British Columbia/Krahn Engineering, Text Amendment to CD-170)

THAT Bylaw No. 7571 be read a first time in short form, copy of same having been distributed to Council members and read by them.

(CARRIED UNANIMOUSLY)

4. **REPORTS OF COMMITTEES, COUNCIL, AND STAFF**

***(d) Temporary Patron Participation Entertainment Endorsement - Persepolis Restaurant - 112 West 13th Street - File: 1195-11-L2**

Report: Policy Analyst, Community Development,
December 10, 2003

PURSUANT to the report of the Policy Analyst dated December 10, 2003, entitled "Temporary Patron Participation Entertainment Endorsement - Persepolis Restaurant - 112 West 13th Street":

THAT a Temporary Patron Participation Entertainment Endorsement for Persepolis Restaurant - 112 West 13th Street, until February 17, 2004, be endorsed.

(CARRIED UNANIMOUSLY)

***(f) Rezoning Application: 272 West 5th Street, CD-466 (K. Statham/Formwerks Architectural Inc.) - File: 3400-05 05W 272**

Report: Development Planner, Community Development,
December 3, 2003

PURSUANT to the report of the Development Planner dated December 3, 2003, entitled "Rezoning Application: 272 West 5th Street, CD-466 (K. Statham/Formwerks Architectural Inc.)":

THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7572" (Kenneth & Myra Statham/Formwerks Architectural Inc., 272 West 5th Street, CD-466) be considered and referred to a Public Hearing.

(CARRIED UNANIMOUSLY)

6. BYLAWS

***(d) Introduction And First Reading Only - Continued**

- (ii) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7572" (Kenneth & Myra Statham/Formwerks Architectural Inc., 272 West 5th Street, CD-466).

THAT Bylaw No. 7572 be read a first time in short form, copy of same having been distributed to Council members and read by them.

(CARRIED UNANIMOUSLY)

6. *(a) Reconsideration and Final Adoption

- (i) "Construction Regulation Bylaw, 2003, No. 7390" (A bylaw for the regulation, and administration of Codes, Acts and Regulations pertaining to building construction, plumbing systems, and electrical and gas installations).
- (ii) "North Vancouver Recreation Commission Agreement Bylaw, 2002, No. 7444, Amendment Bylaw, 2003, No. 7570" (January Inaugural Meeting and John Braithwaite Community Centre).

THAT the said Bylaws Nos. 7390 and 7570 be reconsidered.

(CARRIED UNANIMOUSLY)

THAT the said Bylaws Nos. 7390 and 7570 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED UNANIMOUSLY

END OF CONSENT AGENDA ITEMS

9. CONFIDENTIAL REPORTS *continued*

- (a) **Temporary Patron Participation Entertainment Endorsement
- Lonsdale Quay Hotel - 123 Carrie Cates Court
- File: 1195-11-L2**

Report: Policy Analyst, Community Development,
December 2, 2003

Moved by Councillor Clark, seconded by Councillor Keating

THAT Item 9 (a) be deleted from the agenda.

CARRIED UNANIMOUSLY

9. CONFIDENTIAL REPORTS *continued*

Moved by Councillor Clark, seconded by Councillor Keating

THAT the Council recess to the Committee of the Whole In-Camera, to consider the item as listed under Section 9 of the Council Agenda, for the following reason:

9(c) Section 242.2 (1)(j) & (k)

CARRIED UNANIMOUSLY

The meeting recessed at 6:05 p.m. and reconvened at 7:30 p.m. with the same personnel present and with the exception of Councillor D.R. Mussatto.

Mayor Sharp recessed the meeting at 7:30 p.m. in order to call the Public Hearing, Public Meeting and Policy Committee scheduled for this evening to order.

The meeting recessed at 7:30 p.m. and reconvened at 7:36 p.m. with the same personnel present.

Councillor Mussatto entered the meeting at 7:37 p.m.

PROCLAMATIONS

Nil.

2. DELEGATIONS

- (a) **Mr. Dave Edison, Vice-President, Corporate and Mr. Graham Dallas, Director of External Affairs, CN Rail.**

Re: Partnership and Operating Agreement between the
Provincial Government and CN Rail re BC Rail -
File: 4130-02

Mr. Dave Edison, Vice-President, Corporate introduced Mr. Graham Dallas, Director of External Affairs, CN Rail and gave a brief presentation with regards to the announcement of the recent partnership with BC Rail and quoted from their News Release, dated November 25, 2003, stating "Partnership will benefit the Province's forest products industry, ensure effective rail competition and promote economic development of B.C.'s North."

Mr. Edison then responded to questions from members of Council.

3. **CORRESPONDENCE** *continued*

(a) **Mr. Dave Edison, Vice-President, Corporate and Mr. Graham Dallas, Director of External Affairs, CN Rail, November 25, 2003**

Re: Partnership and Operating Agreement between the
Provincial Government and CN Rail re BC Rail -
File: 4130-02

Moved by Councillor Keating, seconded by Councillor Mussatto

PURSUANT to the correspondence received from Mr. Dave Edison, Vice-President, Corporate and Mr. Graham Dallas, Director of External Affairs, CN Rail, dated November 25, 2003 regarding "Partnership and Operating Agreement between the Provincial Government and CN Rail re BC Rail":

THEREFORE BE IT RESOLVED THAT the impact of job losses and other negative economic effects in the Lower Lonsdale area associated with the Partnership and Operating Agreement between the Provincial Government and CN Rail re BC Rail be referred to the Social Planning Advisory Committee, the Lower Lonsdale Business Association and the North Vancouver Chamber of Commerce for comment;

AND THAT Mr. Edison be thanked for his presentation this evening.

CARRIED UNANIMOUSLY

MAYOR'S REPORT - 1085-01

Mayor Sharp gave a PowerPoint presentation covering her attendance at recent events. The following events were highlighted:

Halloween dress up contest at City Hall, Library, RCMP and Works Yard; The Civic Awards Dinner; the unveiling of the Persian Mosaics at Harry Jerome Recreation Centre; the announcement of the Lonsdale Energy Corporation; the opening of the new IGA Marketplace and Shoppers Drug Mart in Lower Lonsdale; the shelter raising work bee for the North Shore Temporary Shelter and attendance at Fraser Basin Council functions as the GVRD representative.

COUNCIL REPORT OF COMMITTEE WORK - File: 1085-01

Councillor B.W. Perrault

- Advised she is a member of five different committees of Council
- As Chair of the Centennial Theatre Committee, which is an sub-committee of the North Vancouver Recreation Commission reviewing options on how we can inject some new life into Centennial Theatre.

Councillor Mussatto

- Invited everyone to visit the Christmas lights at Park and Tilford Gardens. The lights are open from 4:30 – 9:30 p.m. every night until the New Year
- December 19, 2003 is the soft opening for the new Skateboard Park at 23rd and Lonsdale.

Councillor Heywood

- Advised that the new Police Committee will have its first meeting in January 2004, re RCMP Training and Development.

6. Bylaws continued

(c) Second and Third Readings

- (i) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7566" (Domenico and Cristina Cusano, 784 East 17th Street, RS-2)

Moved by Councillor Keating, seconded by Councillor Clark

THAT Item 6. (c) (i) be deleted from the agenda.

CARRIED UNANIMOUSLY

Moved by Councillor Keating, seconded by Councillor Perrault

THAT the meeting recess to the recessed Public Meeting.

CARRIED UNANIMOUSLY

The meeting recessed at 8:31 p.m. and reconvened at 8:36 p.m. with the same personnel present.

5. MOTIONS AND NOTICES OF MOTION

- (a) **Development Variance Permit Application Nos. 181 and 182: Paul Sampson and Lori A. Sampson, Lots 2 and 3 respectively, of Block 35, D.L. 552, Plan 4184 located at 1021 West Keith Road - File: 3358-03 KEI W 1021 Lots 2 & 3**

Moved by Councillor Clark, seconded by Councillor Keating

THAT Development Variance Permit No. 181 and 182 be issued to Paul Sampson and Lori A. Sampson, respectively, in accordance with Section 922 of the Local Government Act;

AND THAT the Mayor and City Clerk be authorized to sign and seal Development Variance Permit Nos. 181 and 182.

CARRIED UNANIMOUSLY

Moved by Councillor Mussatto, seconded by Councillor Clark

THAT the meeting recess to the recessed Policy Committee.

CARRIED UNANIMOUSLY

The meeting recessed at 8:37 p.m. and reconvened at 9:03 p.m. with the same personnel present.

2. DELEGATIONS - Continued

(b) Mr. Robert Savage, Co-Owner, Rusty Gull Neighbourhood Pub

Re: Rusty Gull Neighbourhood Pub - Extension of Hours of
Liquor Service File: 1195-11-L2-02-03

Mr. Robert Savage gave a brief overview of the history of the Rusty Gull and its present operating hours. Mr. Savage advised that he was seeking an extension of hours for the Rusty Gull Neighbourhood Pub, until 1 a.m. Sunday to Thursday and 2 a.m. on weekends, in keeping with the changes made by the Liquor Control and Licensing Branch. Mr. Savage further advised that he thought The Rusty Gull was the only pub left on the North Shore that closed at midnight and that his customers leave his establishment to seek entertainment elsewhere for the rest of the evening.

Mr. Savage then responded to questions from members of Council.

4. REPORTS OF COMMITTEES, COUNCIL, AND STAFF *continued*

(a) Rusty Gull Neighbourhood Pub - Extension of Hours of Liquor Service File: 1195-11-I2-02-03

Report: Policy Analyst, Community Development,
December 10, 2003

Moved by Councillor Mussatto, seconded by Councillor Keating

PURSUANT to the report of the Policy Analyst dated December 10, 2003, entitled "Rusty Gull Neighbourhood Pub - Extension of Hours of Liquor Service":

THAT the request for an extension of the liquor license hours for the Rusty Gull Neighbourhood Pub License Number 38406 be approved, as follows:

- closing at 12:00 a.m. Sunday to Wednesday;
- closing at 1:00 a.m. Thursday, Friday, and Saturday

on the proviso that the Owner's provide noise mitigation measures, at the time of construction on the property to the south, acceptable to City Council;

AND THAT a copy of the resolution be forwarded to the Liquor Control and Licensing Branch.

CARRIED UNANIMOUSLY

3. **CORRESPONDENCE** *continued*

(c) **Mr. David Sprague, West Coast Projects Ltd., December 11, 2003**

Re: Co-occurrence of Permits: Silva (131 West 16th Street) and Aberdeen Block (78-90 Lonsdale Avenue)
- File: 3400-05 16W 131 & LONS 78-90

PURSUANT to the correspondence dated December 11, 2003, received from West Coast Projects Ltd., regarding “Co-occurrence of Permits: Silva (131 West 16th Street) and Aberdeen Block (78-90 Lonsdale Avenue)”:

THAT permission be granted for the Silva development (131 West 16th Street) construction to proceed up to the 2nd storey level in conjunction with the Aberdeen Block development (78-90 Lonsdale Avenue) proceeding to the completion of its foundation level.

Moved by Councillor Fearnley, seconded by Councillor Clark

THAT consideration of the motion be deferred pending some investigative measures to mitigate the effects.

DEFEATED

Moved by Councillor Fearnley, seconded by Councillor Clark that the motion be amended to add the following wording:

“**THAT** staff be requested to identify and implement mitigation measures.”

Moved by Councillor Perrault, seconded by Councillor Mussatto

THAT the developer, Mr. Ng, be heard at this time.

CARRIED UNANIMOUSLY

Mr. Ng then responded to questions from members of Council.

The amendment to the motion was then **CARRIED UNANIMOUSLY**

continued...

3. (c) **Mr. David Sprague, West Coast Projects Ltd., December 11, 2003 continued**

The motion as amended now reads in its entirety:

PURSUANT to the correspondence dated December 11, 2003, received from West Coast Projects Ltd., regarding “Co-incidence of Permits: Silva (131 West 16th Street) and Aberdeen Block (78-90 Lonsdale Avenue)”:

THAT permission be granted for the Silva development (131 West 16th Street) construction to proceed up to the 2nd storey level in conjunction with the Aberdeen Block development (78-90 Lonsdale Avenue) proceeding to the completion of its foundation level;

AND THAT staff be requested to identify and implement mitigation measures.

A recorded vote was then taken on the motion, as amended

Voting in favour: Councillor Fearnley
Councillor Mussatto
Councillor Keating
Councillor Perrault
Councillor Heywood
Councillor Clark
Mayor Sharp

Voting against: Nil

The motion as amended was **CARRIED UNANIMOUSLY**

(d) **Peter D. Leitch, Vice President & General Manager, Lionsgate Studio, November 26, 2003**

Re: Film industry and Provincial Sales Tax - File: 3510-01

Moved by Mayor Sharp, seconded by Councillor Perrault

WHEREAS The British Columbia Film Industry is facing serious declines in business in 2004 as a result of the increasing value of the Canadian dollar relative to the U.S. dollar and aggressive competition from other provinces and globally;

AND WHEREAS one of the most pressing issues is the application of Provincial Sales Tax on films produced for export;

AND WHEREAS this tax structure places the British Columbia industry at a competitive disadvantage with other provinces;

continued...

3. **CORRESPONDENCE - Continued**

- (d) **Peter D. Leitch, Vice President & General Manager, Lionsgate Studio, November 26, 2003 *continued***

AND WHEREAS immediate action is required to level the playing field for this industry that employs 50,000 British Columbians;

THEREFORE BE IT RESOLVED THAT a letter be forwarded to the Honourable Gary Collins, Minister of Finance, from Mayor Sharp and Councillors, requesting immediate removal of Provincial Sales Tax on films produced for export.

AND FURTHER THAT this resolution be circulated to all UBCM member municipalities, local MLA's Dan Jarvis, Katherine Whittred and Ralph Sultan as well as to Premier Gordon Campbell.

CARRIED UNANIMOUSLY

4. **REPORTS OF COMMITTEES, COUNCIL, AND STAFF *continued***

- (e) **Lower Lonsdale Planning Study - Mid-Term Report
- File: 3380-02-L4-01**

Report: City Planner, Community Development, on behalf of
the Lower Lonsdale Team, November 27, 2003

Moved by Councillor Clark, seconded by Councillor Heywood

PURSUANT to the report of the City Planner dated November 27, 2003, entitled "Lower Lonsdale Planning Study - Mid-Term Report":

THAT the subject of "Lower Lonsdale Planning Study - Mid-Term Report" be referred to a Workshop of Council for a presentation and discussion on the subjects raised in said report.

CARRIED UNANIMOUSLY

4. (g) **Rezoning Application: William Clark/Besharat Friars Architects - 239 West 5th Street, CD-464 - File: 3400-05 05W 239**

Report: Development Planner, Community Development,
December 10, 2003

Moved by Councillor Mussatto, seconded by Mayor Sharp

PURSUANT to the report of the Development Planner dated December 10, 2003, entitled "Rezoning Application: William Clark/Besharat Friars Architects - 239 West 5th Street, CD-464":

THAT "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7561" (William Clark/Besharat Friars Architects, 239 West 5th Street, CD-464), as revised to respond to the November 17, 2003 Public Hearing, be considered and referred to a new Public Hearing.

CARRIED UNANIMOUSLY

6. **BYLAWS - Continued**

(c) **Second Reading (only)**

Moved by Councillor Mussatto, seconded by Mayor Sharp that

- (ii) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7561" (William Clark/Besharat Friars Architects, 239 West 5th Street, CD-464)

be read a second time in short form.

Moved by Councillor Mussatto, seconded by Mayor Sharp

THAT Bylaw No. 7561 be amended at second reading by:

1. striking out Clause 2 in its entirety;
2. striking out Clause 3 in its entirety and replacing it with a clause 2 which reads "(2) The Principal Building shall not exceed a Gross Floor Area of **0.73** times the Lot Area, of which, a **maximum 0.60** times the Lot Area of Gross Floor Area shall be **permitted above** the Basement or Cellar. For purposes of CD-464, storage, mechanical and electrical areas up to a maximum of **0.06** times the Lot Area located in the Basement or Cellar, with no exterior glazing, and the attached Parking Garage up to a maximum **0.058** times the lot area, shall be exempt from Gross Floor Area calculations";

continued..

6. **BYLAWS continued**

(c) **Second Reading (only)**

- (ii) "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2003, No. 7561" (William Clark/Besharat Friars Architects, 239 West 5th Street, CD-464) *continued*
3. striking out Clause 4 in its entirety and replacing it with a clause 3 which reads:
“(3) The Principal Buildings shall be sited not less than:
(a) **8.08 metres (26.5 feet)** from the Front Lot Line, except that an Unenclosed porch can project into this setback up to **2.14 metres (6.5 feet)**;
(b) **16.6 metres (53.0 feet)** from the Rear Lot Line;
(c) **2.29 metres (7.5 feet)** from the east Interior Side Lot Line, **except that a portion of the building, 24 feet in length, used for the purpose of parking, may be sited 5.0 feet from the east property line;**
(d) 1.677 metres (5.50 feet) from the west Interior Side Lot Line;
4. striking out Clause 5 in its entirety and replacing it with a Clause 4 which reads: “(4) The Principal Building shall not exceed a Height Envelope of **4.877 metres (16.0 feet)**, which may increase at an inward angle of 45 degrees to the horizontal to reach a maximum 9.144 metres (30.0 feet):
5. renumbering Clauses 6, 7 and 8 to read Clauses 5, 6 and 7, respectively.

CARRIED UNANIMOUSLY

The motion on 2nd Reading of Bylaw No. 7561, as amended, was **CARRIED UNANIMOUSLY**

5. **MOTIONS AND NOTICES OF MOTION** *continued*

(b) **Low “E” Glass in all New and Retrofit Development in the City**
File: 3310-01

Councillor Mussatto briefly left and returned to the meeting.

Moved by Councillor Clark, seconded by Councillor Keating

WHEREAS the use of low “E” glass benefits new development by reducing heat gain and the use of heating/cooling energy;

AND WHEREAS the use of low “E” glass supports the City’s sustainable community principles;

THEREFORE BE IT RESOLVED THAT staff be requested to report to Council on the impacts and costs/benefits of legislating the use of low “E” glass in all new and retrofit development in the City.

CARRIED UNANIMOUSLY

6. **BYLAWS** - Continued

(a) **Reconsideration and Final Adoption – Continued**

Moved by Councillor Perrault, seconded by Councillor Heywood that

- (iii) “Street and Traffic Bylaw, 1991, No. 6234, Amendment Bylaw, 2003, No. 7564” (Panhandling).

be reconsidered.

CARRIED

Councillor Keating and Councillor Mussatto are recorded as voting contrary to the motion.

Moved by Councillor Perrault, seconded by Councillor Heywood

THAT the said Bylaw No. 7564, be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

CARRIED

Councillor Keating and Councillor Mussatto are recorded as voting contrary to the motion.

7. **COUNCIL INQUIRIES (Questions of Council Members)**

Nil.

Recess – Public Question Period

Mayor Sharp recessed for the public question period at 10:19 p.m. and reconvened the meeting at 10:22 p.m.

8. **ANY OTHER BUSINESS**

(a) Councillor Keating wished everyone a Merry Christmas.

10. **ADJOURNMENT**

Moved by Councillor Mussatto, seconded by Councillor Perrault

THAT the meeting adjourn.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:23 p.m.