



**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD IN  
THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14<sup>th</sup> STREET,  
NORTH VANCOUVER, B.C., ON **MONDAY, OCTOBER 25, 2004**  
AT **6:00 P.M.****

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**PRESENT:**

**COUNCIL MEMBERS**

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

**ABSENT:**

Councillor R.J. Fearnley

**STAFF MEMBERS**

A.K. Tollstam, City Manager  
B.A. Hawkshaw, City Clerk  
J.M. Rowe, Assistant City Clerk  
F.A. Smith, Director, Community Development  
R.H. White, City Planner  
S. Ono, City Engineer  
E. Schellenberg, Assistant to City Manager  
T. Wilson, Property Use Inspector  
J. Goulden, City Solicitor  
K. Russell, Development Planner  
I. Gordon, Deputy Director of Finance  
L. Orr, Community Planner  
C. Kathler, Community Planner  
P. Melville, Manager, Inspections

The meeting was called to order at 6:02 p.m.

**ADOPTION OF MINUTES**

Moved by Councillor Heywood, seconded by Councillor Clark

**THAT** the following Minutes be adopted as circulated:

1. Regular Council Meeting Minutes, October 4, 2004.
2. In-Camera Committee of the Whole Meeting, October 4, 2004.

**CARRIED UNANIMOUSLY**

**CONSENT AGENDA ITEMS**

{Items \*7, \*8, \*9, \*10, \*11, \*12, \*13, \*14, \*15, \*16, \*17, \*18, \*19, \*20, \*21, \*22,  
\*23, \*24, \*25, \*26, \*27, \*28, \*29 and \*32.}

Moved by Councillor Clark, seconded by Councillor Perrault

**THAT** the resolutions listed within the "Consent Agenda" of October 25, 2004 with the exception of items \*7 and \*25 be approved, as follows:

## **BYLAWS - Reconsideration and Final Adoption**

- \*8. "Ticket Information Bylaw, 1992, No. 6300, Amendment Bylaw, 2004, No. 7634" (Cab Regulation Bylaw).
- \*9. "Ticket Information Utilization Bylaw, 1992, No. 6300, Amendment Bylaw, 2004, No. 7647" (Noise Control Bylaw - Construction Regulation Bylaw).

**THAT** the said Bylaws Nos. 7634 and 7647 be reconsidered.

**(CARRIED UNANIMOUSLY)**

**THAT** the said Bylaws Nos. 7634 and 7647 be finally adopted, signed by the Mayor and City Clerk and sealed with the Corporate Seal.

**(CARRIED UNANIMOUSLY)**

## **CORRESPONDENCE**

- \*10. **Nancy McMillan, Interim Director of Recreation, North Vancouver Recreation Commission, October 4, 2004.**

Re: Sport and Recreation Travel Grants - File: 1670-03-07

**PURSUANT** to the correspondence from the North Vancouver Recreation Commission, dated October 4, 2004, entitled "Sport and Recreation Travel Grants":

**THAT** the Council of the City of North Vancouver support the achievements of Kara Day and Matthew Johnson by awarding a Sport and Recreation Travel Grant of \$50 each.

**(CARRIED UNANIMOUSLY)**

## **REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF**

- \*11. Brent King, Program Manager, Pitch-In British Columbia, October 12, 2004.**

Re: Membership in Pitch-In British Columbia.

**PURSUANT** to the correspondence from Pitch-In British Columbia, dated October 12, 2004, entitled "Membership in Pitch-In British Columbia":

**THAT** the above referenced correspondence be referred to the 2005 Finance Committee.

**(CARRIED UNANIMOUSLY)**

- \*12. Ridgeway Out of School Centre - File: 1665-12**

Report: Community Planner, Community Development, October 4, 2004

**PURSUANT** to the report of the Community Planner dated October 4, 2004, entitled "Ridgeway Out of School Centre":

**THAT** staff be requested to negotiate a commitment from School District No. 44 (North Vancouver) for the City to be a partner in the redevelopment of Ridgeway Elementary School for the purposes of incorporating the Ridgeway Out of School Centre into the elementary school renovations;

**AND THAT** subject to satisfactory results from the negotiations with School District No. 44 (North Vancouver), up to \$100,000 from the Ridgeway Out of School Centre replacement account be allocated to North Shore Neighbourhood House to cover the costs of a portable and its installation to temporarily house the Out of School Centre while Ridgeway Elementary School is being renovated;

**AND THAT** North Shore Neighbourhood House be requested to apply for the maximum provincial capital funding for the Out of School Centre at the appropriate time.

**(CARRIED UNANIMOUSLY)**

**REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF –**  
***continued***

**\*13. Municipal Support for Community Social Services - File: 4230-24-01**

Report: Community Planner, Community Development, October 13, 2004

**PURSUANT** to the report of the Community Planner dated October 13, 2004, entitled “Municipal Support for Community Social Services”:

**THAT** up to \$10,000 funded from Community Development Special Studies Funding be approved for the City of North Vancouver’s share of a review of Municipal support for community social services subject to equal amounts being provided by the District of North Vancouver and the District of West Vancouver.

**(CARRIED UNANIMOUSLY)**

**\*14. Canada-British Columbia Infrastructure Program Revised Application - Victoria Park West Lighting - File: 1155-06-T1-01 / 1040-03-U1-06**

Report: Planner, Engineering, Parks & Environment, October 20, 2004

**PURSUANT** to the report of the Planner, Engineering, Parks & Environment, dated October 20, 2004, entitled “Canada-British Columbia Infrastructure Program Revised Application - Victoria Park West Lighting”:

**THAT** the implementation of the following project be endorsed, pending a successful revised grant application to the Canada-British Columbia Infrastructure Program:

1. City Lighting Master Strategy - Victoria Park West Lighting;

**AND THAT** the Mayor and City Clerk be authorized to sign the necessary documents.

**(CARRIED UNANIMOUSLY)**

**REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF –**  
***continued***

- \*15. 320/322/324 West 13<sup>th</sup> Street Development Proposal, Fariborz Safaei Tehrani / Homeyra Jokar Deris - File: 3345-02 13W 320/322/324**

Report: Planning Technician 1, Community Development,  
October 7, 2004

**PURSUANT** to the report of the Planning Technician dated October 7, 2004, entitled “320/322/324 West 13<sup>th</sup> Street Development Proposal, Fariborz Safaei Tehrani / Homeyra Jokar Deris”:

**THAT** staff be requested to process this text amendment as presented in Option 3, of said report, which will enable the additional floor space to be legalized.

**(CARRIED UNANIMOUSLY)**

- \*16. Official Community Plan and Zoning Amendment Proposal - Holy Trinity School and Church - 128 West 27<sup>th</sup> Street (CJP Architects) - File: 3345-02 27W 128**

Report: City Planner, Community Development, October 13, 2004

**PURSUANT** to the report of the City Planner, dated October 13, 2004, entitled “Official Community Plan and Zoning Amendment Proposal - Holy Trinity School and Church - 128 West 27<sup>th</sup> Street (CJP Architects)”:

**THAT** Community Development be requested to process the subject application as outlined in the October 13, 2004 report;

**AND THAT** the joint use proposal contained in the application be referred to the Joint Use Planning Committee for its recommendation;

**AND THAT** the applicant be directed to survey and hold a public information meeting with the neighbourhood to review the subject proposal, with City staff to attend the meetings;

**AND THAT** the Manager, Lands and the Manager, Parks and Environment, be requested to report on the applicant’s proposals to consolidate their ownership, including the potential transfer of roads and lanes to the applicant, in partial consideration of a joint use agreement and all off-site servicing requirements for this public amenity use.

**(CARRIED UNANIMOUSLY)**

**REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF –**  
***continued***

- \*17. 427/433 West 16<sup>th</sup> Street Revised Development Proposal: Brent Development Ltd./REL Design - File: 3345-02 16W 427/433**

Report: Assistant City Planner, Community Development,  
October 15, 2004

**PURSUANT** to the report of the Assistant City Planner, Community Development, dated October 15, 2004, entitled “427/433 West 16<sup>th</sup> Street Revised Development Proposal: Brent Development Ltd./REL Design”:

**THAT** “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2004, No. 7649” (Brent Development Ltd./REL Design, 427 & 433 West 16<sup>th</sup> Street, CD-487), be considered and referred to a Public Hearing.

**(CARRIED UNANIMOUSLY)**

**BYLAWS - Introduction and First Reading Only**

- \*18.** “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2004, No. 7649” (Brent Development Ltd./REL Design, 427 & 433 West 16<sup>th</sup> Street, CD-487).

**THAT** Bylaw No. 7649 be read a first time in short form, copy of same having been distributed to Council members and read by them.

**(CARRIED UNANIMOUSLY)**

**REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF -**  
***continued***

- \*19. Zoning Bylaw Amendments - Disability Parking Regulations**  
**- File: 3365-20-01/3345-01**

Report: Community Planner, Community Development, October 7, 2004

**PURSUANT** to the report of the Community Planner dated October 7, 2004, entitled “Zoning Bylaw Amendments - Disability Parking Regulations”:

**THAT** “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2004, No. 7650” (Disability Parking Regulations, City of North Vancouver), be considered and referred to a Public Hearing.

**(CARRIED UNANIMOUSLY)**

**BYLAWS - Introduction and First Reading Only** *continued*

- \*20. "Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2004, No. 7650"  
(Disability Parking Regulations, City of North Vancouver).

**THAT** Bylaw No. 7650 be read a first time in short form, copy of same having been distributed to Council members and read by them.

**(CARRIED UNANIMOUSLY)**

**REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF** –  
*continued*

- \*21. **On-Street Disability Parking Policy and Public Access Zones Policy -  
File: 4120-02-02**

Report: Assistant City Engineer, Transportation, October 20, 2004

**PURSUANT** to the report of the Assistant City Engineer, Transportation, dated October 20, 2004, entitled "On-Street Disability Parking Policy and Public Access Zones Policy":

**THAT** staff prepare amendments to the "Street and Traffic Bylaw, 1991, No. 6234", in accordance with the On-Street Disability Parking Policy recommendations provided in Attachment 1 of the October 20, 2004 report;

**AND THAT** staff prepare a Public Access Zone Policy in accordance with the recommendations provided in Attachment 2 of the October 20, 2004 report.

**(CARRIED UNANIMOUSLY)**

**REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF –  
continued**

- \*22. Rezoning Application and Official Community Plan Amendment:  
(Baril Developments Ltd./E. Csutkai Arch. CD-486), 705 West 15<sup>th</sup>  
Street - File: 3345-02 15W 705**

Report: Development Planner, Community Development, October 20,  
2004

**PURSUANT** to the report of the Development Planner dated October 20,  
2004, entitled “Rezoning Application and Official Community Plan  
Amendment: (Baril Developments Ltd./E. Csutkai Arch. CD-486), 705  
West 15<sup>th</sup> Street”:

**THAT** “City of North Vancouver Official Community Plan Bylaw, 2002, No.  
7425, Amendment Bylaw, 2004, No. 7640” (Baril Developments Ltd./E.  
Csutkai Arch., 705 West 15<sup>th</sup> Street), and “Zoning Bylaw, 1995, No. 6700,  
Amendment Bylaw, 2004, No. 7641” (Baril Developments Ltd./E. Csutkai  
Arch., 705 West 15<sup>th</sup> Street, CD-486), be considered and referred to a  
Public Hearing.

**(CARRIED UNANIMOUSLY)**

**BYLAWS - Introduction and First Reading Only continued**

- \*23.** “City of North Vancouver Official Community Plan Bylaw, 2002, No. 7425,  
Amendment Bylaw, 2004, No. 7640” (Baril Developments Ltd./E. Csutkai  
Arch., 705 West 15<sup>th</sup> Street)
- \*24.** “Zoning Bylaw, 1995, No. 6700, Amendment Bylaw, 2004, No. 7641” (Baril  
Developments Ltd./E. Csutkai Arch., 705 West 15<sup>th</sup> Street, CD-486)

**THAT** Bylaws Nos. 7640 and 7641 be read a first time in short form, copy  
of same having been distributed to Council members and read by them.

**(CARRIED UNANIMOUSLY)**



**REPORTS OF COMMITTEES, COUNCIL REPRESENTATIVES AND STAFF -  
continued**

**\*26. Asset Management - Water Service Replacement - File: 4060-04-01**

Report: Assistant City Engineer, October 15, 2004

**PURSUANT** to the report of the Assistant City Engineer dated October 15, 2004, entitled "Asset Management - Water Service Replacement":

**THAT** staff include up to \$240,000 per year of additional funding in the DRAFT Water Utility Ten Year Capital Plan for consideration of Finance Committee to accelerate the replacement rate of aging copper water services commencing in 2005.

**(CARRIED UNANIMOUSLY)**

**\*27. Water Shortage Response Plan Bylaw - File: 4060-04-01**

Report: Assistant City Engineer, October 15, 2004

**PURSUANT** to the report of the Assistant City Engineer dated October 15, 2004, entitled "Water Shortage Response Plan Bylaw":

**THAT** "Water Utility Bylaw, 1994, No. 6417, Amendment Bylaw, 2004, No. 7646" and "Water Shortage Response Bylaw, 2004, No. 7648", be considered.

**(CARRIED UNANIMOUSLY)**

**BYLAWS - Introduction and First Three Readings**

**\*28.** "Water Utility Bylaw, 1994, No. 6417, Amendment Bylaw, 2004, No. 7646"

**\*29.** "Water Shortage Response Bylaw, 2004, No. 7648"

**THAT** Bylaws Nos. 7646 and 7648 be read a first time in short form, copies of same having been distributed to Council members and read by them.

**(CARRIED UNANIMOUSLY)**

**THAT** the said Bylaws Nos. 7646 and 7648 be read a second time in short form.

**(CARRIED UNANIMOUSLY)**

*continued..*

**BYLAWS - Introduction and First Three Readings *continued***

- \*28. "Water Utility Bylaw, 1994, No. 6417, Amendment Bylaw, 2004, No. 7646"
- \*29. "Water Shortage Response Bylaw, 2004, No. 7648"

**THAT** the said Bylaws Nos. 7646 and 7648 be read a third time in short form and passed subject to reconsideration.

**(CARRIED UNANIMOUSLY)**

**COMMITTEE OF THE WHOLE (IN CAMERA) CONFIDENTIAL REPORTS**

- \*32. **Appointment to the North Vancouver City Library Board**  
**- File: 1085-03-N9-01**

Report: City Clerk, October 19, 2004

**PURSUANT** to the report of the City Clerk, dated October 19, 2004, entitled "Appointment to the North Vancouver City Library Board":

**THAT** Mr. Barry Chillibeck be appointed for a partial term to conclude on December 31, 2005 to replace Ms. Andrea Winterbottom who has relocated to the District of North Vancouver and will not be completing the appointed term of January 1, 2004 to December 21, 2005.

**CARRIED UNANIMOUSLY**

**END OF CONSENT AGENDA ITEMS.**

Moved by Councillor Keating, seconded by Councillor Heywood

**THAT** the Policy Committee Meeting scheduled for this evening regarding "Overview of Potential Secondary Suite Zoning and Building Regulatory Changes" be deferred until Monday, November 22, 2004 at 7:00 p.m.

**CARRIED UNANIMOUSLY**

**CONFIDENTIAL REPORTS *continued***

Moved by Councillor Clark, seconded by Councillor Keating

**THAT** the meeting recess to the Committee of the Whole in camera, to consider the item as listed under the Committee of the Whole Section of the Council Agenda, for the following reason:

- 3. Section 90 (1)(i)

**CARRIED UNANIMOUSLY**

The meeting recessed at 6:04 p.m., and reconvened at 6:26 p.m., with the same personnel present and with the addition of \*Councillor Mussatto.

#### **BUSINESS LICENSE REVIEW HEARING**

#### **4. The Shore, 135 West 1<sup>st</sup> Street - File: 3045-03/3345-02 01W 135**

Mayor Sharp gave opening remarks and advised Council that only evidence presented this evening should be considered.

Mr. James Goulden, City Solicitor, reviewed the procedure for the Business License Review Hearing.

Mr. Goulden called the following witnesses for the City of North Vancouver:

- Mr. Tony Wilson, Property Use Inspector, City of North Vancouver (Mr. Wilson showed a short video as part of his evidence)
- Mr. Paul Willis, 805 – 124 West 1<sup>st</sup> Street, North Vancouver
- Mr. Kamran Alam, 1104 – 124 West 1<sup>st</sup> Street, North Vancouver
- Mr. Mehdi Izadnegahdar, 9<sup>th</sup> floor, 124 West 1<sup>st</sup> Street, North Vancouver
- Ms. Geraldene Coates, 212 – 108 West Esplanade, North Vancouver

The witnesses were sworn in by Mr. Goulden. Mr. Goulden then asked each witness a series of questions.

Mr. Baker then cross examined the witnesses.

The witnesses then responded to questions from members of Council.

Mayor Sharp declared a recess at 8:28 p.m.

The meeting reconvened at 8:33 p.m. with the same personnel present.

Mr. Goulden advised that he had called all his witnesses and that he would turn the proceedings over to Mr. Baker.

Mr. Jonathon Baker, Legal Counsel, The Shore, gave a brief opening statement about the choices that Council has to shut down or suspend licenses. Mr. Baker referenced Section 60, Subsection 2, of the Community Charter, the Local Government Act and quoted from the City of North Vancouver “Business Bylaw, 1973, No. 4513”, Sections 408 and 512.

## **BUSINESS LICENSE REVIEW HEARING continued**

Mr. Baker called the following witnesses for The Shore:

- Mr. Tim Buttjes, 704 – 124 West 1<sup>st</sup> Street, North Vancouver
- Mr. George Haddad, 1106 – 124 West 1<sup>st</sup> Street, North Vancouver
- Mr. Marshall Smith, 709 – 155 West 1<sup>st</sup> Street, North Vancouver
- Ms. Barbara Olsen, 408 – 150 West 2<sup>nd</sup> Street, North Vancouver
- Ms. Vivian Kranenburg, representing the Lower Lonsdale Business Association
- Mr. Camile Dubuc, Head of Genesis Security
- Mr. Gregory Royle, Genesis Security staff member

Moved by Councillor Keating, seconded by Councillor Mussatto

**THAT** the requirements of the Procedure Bylaw to terminate the meeting at 10:30 P.M., be waived, and the meeting continue to 11:00 P.M., if necessary.

### **CARRIED UNANIMOUSLY**

- Mr. Derek Pink, Partner, The Shore

Moved by Councillor Mussatto, seconded by Councillor Keating

**THAT** the requirements of the Procedure Bylaw to terminate the meeting at 11:00 p.m., be waived, and the meeting continue after 11:00 p.m., to conclude the Business License Review Hearing and item 6. on the Agenda, only;

**AND THAT** the Public Meeting regarding DVP No. 187, 805 Automall Drive be rescheduled to Monday, November 8, 2004 at 7 p.m.

### **CARRIED UNANIMOUSLY**

- Mr. Chris Childs,
- Mr. David Pink Sr., father of Mr. David Pink and partial owner of several bars in downtown Vancouver

Mr. Pink Sr. submitted a petition to the City Clerk.

The witnesses were sworn in by Mr. Goulden. Mr. Baker then asked each witness a series of questions.

Mr. Goulden then cross examined the witnesses.

The witnesses then responded to questions from members of Council.

**BUSINESS LICENSE REVIEW HEARING continued**

Mr. Goulden gave closing remarks and reminded Council that judgments should be based on what was heard this evening. Mr. Goulden, in his submission, stated that under the City of North Vancouver "Noise Control Bylaw, 1987, No. 5819", Section 302.1 there is reasonable cause that The Shore business license should be suspended.

Mr. Baker gave closing remarks. Mr. Baker's submission is that there is conflict of uses related to the City of North Vancouver "Zoning Bylaw, 1995, No. 6700" and the "City of North Vancouver Official Community Plan, 2002, No. 7425".

Moved by Councillor Clark, seconded by Councillor Keating

**THAT** on the balance of the evidence presented at the Business License Review Hearing of October 25, 2004, with respect to The Shore Cabaret, 135 West 1<sup>st</sup> Street and finding no reasonable cause to suspend or revoke the business license that City Council take no action;

**AND THAT** pursuant to the said Business License Review Hearing that staff be requested to work with the operators of The Shore Cabaret to improve noise abatement and client behaviour measures to address the concerns raised.

A recorded vote was taken on the motion.

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

Voting against: Councillor Perrault

The motion was **CARRIED** by a vote of five to one.

## **BYLAWS - Introduction and First Three Readings**

6. "Financial Plan for the Years 2004 to 2013 Bylaw No. 7574, Amendment Bylaw, 2004, No. 7637" (Revised Financial Plan for the Years 2004-2013).

Moved by Councillor Clark, seconded by Councillor Keating

**THAT** Bylaw No. 7637 be read a first time in short form, copy of same having been distributed to Council members and read by them.

**CARRIED UNANIMOUSLY**

**THAT** the said Bylaw No. 7637 be read a second time in short form.

**CARRIED UNANIMOUSLY**

**THAT** the said Bylaw No. 7637 be read a third time in short form and passed subject to reconsideration and final adoption.

**CARRIED UNANIMOUSLY**

## **ADJOURNMENT**

Moved by Councillor Clark, seconded by Councillor Keating

**THAT** the meeting adjourn.

**CARRIED UNANIMOUSLY**

The meeting adjourned at 12:08 a.m., Tuesday, October 26, 2004