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THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
REGULAR COUNCIL MEETING MINUTES
MUNICIPAL HALL COUNCIL CHAMBER
MONDAY, JUNE 19, 2017

COUNCIL:

Mayor M. Smith; Councillors M. Booth, C. Cameron, C. Cassidy, N. Gambioli, and P. Lambur. Absent: Councillor W. Soprovich.

STAFF:

N. Leemhuis, Chief Administrative Officer; S. Scholes, Municipal Clerk; J. Bailey, Director, Planning and Development Services; I. Gordon, Director, Financial Services; A. Mooi, Director, Parks, Culture and Community Services; M. Chan, Director, Corporate Services; and A. Marut, Acting Deputy Clerk.

F. Marzari, Municipal Solicitor, Young Anderson Barristers and Solicitors, was also present (6:04 p.m. to 8:15 p.m.)

CALL TO ORDER

1. The meeting was called to order at 6:04 p.m.

Mayor Smith informed, with regret, of the passing yesterday of Dolly Cartwright, a long-time resident and volunteer. Mayor Smith informed that Dolly was an active member of the community throughout her life, a strong advocate for seniors, volunteered on the North Shore for over 50 years including with North Shore Volunteers for Seniors, Lionsview Seniors Planning Society, North Shore Adults at Risk, Canadian Legion Ladies Auxiliary, and the Red Cross, and described her District volunteer work, the awards she received including 2006 Citizen of the Year, 2009 BC Community Achievement Award, and the 2012 Diamond Jubilee Medal. Mayor Smith noted that Dolly's outstanding volunteer leadership improved the lives of many, and that all of Council extends their deepest sympathy to Dolly's family and friends.

APPROVAL OF AGENDA

2. Approval of June 19, 2017 Regular Council Meeting Agenda

MOVED by Gambioli, seconded by Cameron:

THAT the June 19, 2017 regular Council meeting agenda be amended by:

- adding to Item 3, June 5 and June 7, 2017 council meeting and public hearing minutes, and public hearing summary;
- withdrawing Item 4; and
- adding to Items 5, 8, and 10 additional information.

CARRIED

ADOPTION OF MINUTES

3. Adoption of Council Meeting Minutes

MOVED by Cameron, seconded by Booth:

THAT

1. the minutes of the June 5, 2017 special and regular Council meetings and public hearing and the June 7, 2017 special Council meeting be adopted as circulated; and
2. the summary of the June 5, 2017 public hearing be approved.

CARRIED

PRESENTATIONS

4. Recognizing Youth Leadership in Sustainability (File: 0332-01)

Withdrawn.

DELEGATIONS

5. North Shore Community Resources' Community Housing Action Committee and Landlord BC, regarding Membership of all Landlords in the New Landlord Registry (File: 0055-01)

D. Peters (Chair, Community Housing Action Committee) and D. Hutniak (Chief Executive Officer, Landlord BC) provided a PowerPoint presentation, described and spoke relative to the new Landlord Registry, and responded to Council questions.

MOVED by Lambur, seconded by Cassidy:

THAT the delegation from North Shore Community Resources' Community Housing Action Committee and Landlord BC regarding Membership of all Landlords in the New Landlord Registry be received for information, with thanks.

CARRIED

REPORTS

6. 2016 Annual Report (File: 0907-01)

Staff provided a PowerPoint presentation and responded to Council questions.

MOVED by Cassidy, seconded by Booth:

THAT as described in the report dated May 31, 2017, the 2016 Annual Report be approved.

CARRIED

7. 2016 Statement of Financial Information (File: 0907-01)

Staff responded to Council questions.

MOVED by Booth, seconded by Cameron:

THAT

1. as described in the report dated May 31, 2017, the 2016 Statement of Financial Information be approved for submission to the Ministry of Community, Sport and Cultural Development, and
2. the 2016 Statement of Financial Information be made available for public information.

CARRIED

8. Remedial Action Requirement – 872 Sinclair Street (File: 1010-20-15-094)

Staff provided background information regarding the unpermitted bridge at 872 Sinclair Street and the recommendation in the report regarding Remedial Action Requirement – 872 Sinclair Street, dated May 17, 2017.

V. Molby (Owner, 872 Sinclair Street) provided a presentation relative to: construction of a bridge on her property at 872 Sinclair Street; her understanding of District communications and procedures regarding construction, inspection and safety of the bridge, permits and the permit process and requirements, the *Community Charter* section 57 notice on title, and District staff and Council actions regarding the bridge; the listing of her house at 872 Sinclair Street for sale earlier this year; the environmental development permit, and her June 2017 building permit application and described her progress regarding meeting permit requirements; her belief that the remedial action requirement should not proceed and should be adjourned while her building permit application is currently being reviewed by the Building and Planning departments; and asked Council not to support the proposed remedial action as a permit has been applied for and she is in the process of meeting permit requirements. V. Molby and staff responded to Council questions and comments.

H. Mersey (772 20th Street, and member of West Vancouver Streamkeepers Society) spoke relative to damage, and the bridge built without a proper permit, in the riparian area at 872 Sinclair Street on the banks of Lawson Creek, and spoke in support of removing the bridge.

G. Calder (1788 Gordon Avenue) spoke relative to the bridge at 872 Sinclair Street including: a covenant registered against the title of the property restricting development in the rear yard; required permits and requirements for construction of a bridge over a creek; the bridge was constructed without a permit; and spoke in support of removing the non-compliant bridge, and restoration of the damaged riparian area.

MOVED by Gambioli, seconded by Cameron:

WHEREAS Division 12 of Part 3 of the *Community Charter* authorizes Council for the District of West Vancouver ("Council") to impose a Remedial Action Requirement on the owner of a building or other structure, including a requirement to remove or demolish the structure, alter it, bring it up to a standard specified by bylaw, or otherwise deal with it in accordance with the directions of Council, where Council declares the structure is in or creates an unsafe condition, or contravenes the Provincial building regulations or a District building bylaw;

AND WHEREAS Vesna Molby is the registered owner (the "Owner") of PID 013-601-202, Lot H, Block N, District Lot 775, Plan 22198, located at 872 Sinclair Street, West Vancouver (the "Property");

AND WHEREAS the Owner constructed a bridge on the Property across Lawson Creek (the "Bridge"), without a building permit as required by the District of West Vancouver Building Bylaw No. 4400, 2004;

NOW THEREFORE Council in open meeting assembled resolves as follows:

1. That Council hereby considers that the Bridge across Lawson Creek on the Property contravenes the District of West Vancouver Building Bylaw No. 4400, 2004, within the meaning of section 73 (2) (b) of the *Community Charter*;
2. That Council considers that the Bridge is in or creates an unsafe condition;
3. That Council hereby requires pursuant to its remedial action powers under Part 3, Division 12 of the *Community Charter* that the Owner demolish and remove the Bridge in its entirety, in accordance with all requirements of District of West Vancouver Development Permit No. 16-050, by July 28, 2017;
4. That the District advise the Owner that:
    a) she may request that Council reconsider the Remedial Action Requirement by providing the District written notice within fourteen (14) days of the date on which notice under section 77 of the *Community Charter* was sent; and
    b) that if any or all of the actions required by the Remedial Action Requirement are not completed by July 28, 2017, the District may take action in accordance with section 17 of the *Community Charter* and undertake any or all of the actions required by the Remedial Action Requirement without further notice to and at the expense of the Owner.

Council members commented.

The question was called on the motion.

CARRIED

9. Official Community Plan Review: Progress Report (File: 2517-02)

Staff provided a PowerPoint presentation and responded to Council questions.

Mayor Smith left the meeting at 7:34 p.m., Councillor Gambioli assumed the Chair, and Mayor Smith returned to the meeting at 7:36 p.m.

MOVED by Cameron, seconded by Booth:

THAT

- the report titled "Official Community Plan Review: Progress Report" dated June 2, 2017 be received for information; and
- the next steps for the Official Community Plan Review outlined in the report be endorsed.

CARRIED

10. 733 20th Street - Community Charter, Section 57 Notice on Land Title (File: 2410-01)

Staff provided background information regarding the recommendation in the report regarding 733 20th Street - Community Charter, Section 57 Notice on Land Title, dated May 31, 2017.

P. Dobson (2051 Esquimalt Avenue) informed that he was also speaking for another adjacent neighbour, conveyed concerns regarding the water issues on the property at 733 20th Street including ground and surface water problems and the water that all ends up on the two adjacent properties, and requested that it be noted that there is a water problem to be dealt with.

Staff and F. Marzari, Municipal Solicitor, Young Anderson Barristers and Solicitors responded to Council questions. Discussion ensued.

MOVED by Cassidy, seconded by Cameron:

THAT Council direct the Municipal Clerk to file in the Land Title Office pursuant to section 57 of the *Community Charter* a notice on title to that property legally described as PID 011-724-935, Lot 12, Block 6, District Lot 775, Plan 4155, which notice shall state that a resolution relating to that land has been made under this section and that further information about it may be inspected at Municipal Hall.

Council members commented.

The question was called on the motion.

CARRIED

F. Marzari, Municipal Solicitor, Young Anderson Barristers and Solicitors, left the meeting at 8:15 p.m.

11. Brissenden Park (File: 0510-03-01)

Staff provided background information regarding the recommendation in the report regarding Brissenden Park dated June 5, 2017 and responded to Council questions.

C. Reynolds (Editor, West Van Matters) spoke on behalf of P. Miller, Chair of the North Shore Heritage Preservation Society, conveyed his support for retaining the house in Brissenden Park, referred to concerns raised in opposition to the proposal as described in letters from the public to Council, and that he urged Council to consider the views described in the letters.

P. Hundal (994 15th Street) referred to his letter to Council, spoke in opposition to the proposal to vary the terms of the Brissenden trust, conveyed concerns including: information provided to the public that was part of the consultation process; the park has not been opened to the public; terms of the Brissenden trust; no other neighbourhood park is in the area; and disagreed with the suggestion that Brissenden Park is unlikely to be used as a park.

S. Slater (1730 Duchess Avenue) spoke in opposition to the proposal, spoke relative to historical documents regarding Brissenden Park, the Brissenden bequest, and conveyed concerns regarding the proposal, including breaking the Brissenden trust.

J. Chow (2485 Shamrock Place) spoke relative to intent of the Brissenden site specific trust, and conveyed concerns including losing the benefits of the park for the neighbourhood, the park's ecosystem, and giving up the park to support a regional amenity, and requested widening the definition of park.

C. Reynolds (Editor, West Van Matters) commented in agreement with points raised by the earlier speakers this evening regarding the proposal, spoke relative to intent of the trust and obligation of the trust for the park, many reasons for Council to keep the trust and park, suggested leasing the park and using the funds to fix it up, and requested Council to keep the trust and the park.

J. Elwick (1285 22nd Street) informed that Mr. Harry Bell-Irving is also present, that he and Mr. Bell-Irving were partners in the law firm Douglas Symes and Brissenden and that Mr. Pearly Brissenden Q.C was the firm's senior counsel; and spoke relative to, and in support of the proposal including: the Brissendens gifted their property to the District for public park purposes; earlier this year they became aware of the District's proposal, discussed the proposal with other former partners of Mr. Brissenden and conveyed their support for the proposal in a letter from Mr. Bell-Irving, himself, and other former partners, to Council in February 2017.

C. Riddell (2470 Shamrock Place) referred to his letter to Council, spoke relative to concerns regarding the proposal including loss of trees in the subject area and suggested retaining the forested area on the eastern part of the property.

R. Thomson (4747 Pilot House Road) spoke in support of the proposal, and spoke relative to the lot's potential for development, retaining West Coast architecture in the area, and suggested building a sound block to mitigate noise from the highway since tree removal may affect noise levels in the area.

H. Mersey (772 20th Street) spoke relative to concerns including: the proposal to vary the legal trust for the Brissenden property to be used for park purposes; Brissenden park was never developed into a park; setting precedent by changing the terms of a trust agreement; the need for more green space and suggested perhaps a referendum is in order before losing valued green space and looking at other options to finance the waterfront plan.

T. Wardell (2222 Bellevue Avenue) described the subject property and that it has not been used as a park, and spoke in support of the proposal.

MOVED by Booth, seconded by Cameron:

WHEREAS the Brissendens in 1990 donated land at 2519 and 2539 Rosebery Avenue (known as "Brissenden Park") to the District;

WHEREAS the land at Brissenden Park is subject to a legal trust providing that the land be used for public park purposes;

WHEREAS section 184(2) of the *Community Charter* provides that if a Council determines that a trust is no longer in the best interests of the municipality, a Council may apply to the Supreme Court to vary the trust;

WHEREAS after conducting public consultation, considering the views of the public up to and including all submissions made at the June 19, 2017 Council Meeting, and considering the information set out in the report dated June 5, 2017 titled "Brissenden Park".

THAT Council considers that the terms of the trust with respect to Brissenden Park are no longer in the best interests of the municipality;

THAT Council considers that the land at Brissenden Park is not currently, and unlikely in the future, to be well used as a public park due to, among other things, its location and topography;

THAT Council considers a variation of the trust would allow the land at Brissenden Park to be put to a better use to serve the interest of the overall community; and

THAT pursuant to section 184(2) of the *Community Charter*, Council commence a Court application to vary the terms of the trust with respect to Brissenden Park, in order to:

- retain the northern approximate 50% of the property as park, and allow disposition of the southern approximate 50% of the property;
- use all of the proceeds of disposition to purchase the waterfront properties at 1444 and 1448 Argyle Avenue as additional more accessible waterfront park land for the community; and

THAT the name "Brissenden Park" be retained at the existing location, that the District further recognize the contribution of the Brissendens by naming the area of the Argyle properties "Brissenden Waterfront Park", and by installing signage and plaques at both the existing Brissenden Park and at the future Brissenden Waterfront Park.

CARRIED
Councillor Cassidy voted in the negative

At 9:32 p.m. Mayor Smith declared a short recess, and reconvened the meeting at 9:34 p.m. with the same Council members and staff present.

12. North Shore Immigrant Inclusion Partnership 2016-2017 Action Implementation Update (File: 1900-07)

J. Benedict, Director, West Vancouver Memorial Library introduced E. Jones (Executive Director, North Shore Multicultural Society and co-chair of the North Shore Immigrant Inclusion Partnership Table). A. Dudley (Coordinator, North Shore Immigrant Inclusion Partnership Table) provided a PowerPoint presentation and J. Benedict and A. Dudley responded to Council questions.

MOVED by Lambur, seconded by Booth:

THAT the report dated June 1, 2017 titled "North Shore Immigrant Inclusion Partnership 2016-2017 Action Implementation Update" be received for information.

CARRIED

At 9:53 p.m. it was:

MOVED by Booth, seconded by Cameron:

THAT the meeting be extended past 10 p.m.

CARRIED

13. Proposed Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4928, 2017, and Development Permit 15-026 (**Proposed New Duplex at 6478 Bay Street)** (File: 1610-20-4928 / 1010-20-15-026)

Staff provided a PowerPoint presentation and responded to Council questions.

MOVED by Gambioli, seconded by Booth:

THAT proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4928, 2017" be read a first time.

CARRIED

MOVED by Gambioli, seconded by Booth:

THAT proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4928, 2017" be presented at a public hearing on July 10, 2017 at 6:00 p.m. in the Municipal Hall Council Chamber, and that statutory notice be given of the scheduled public hearing.

CARRIED

MOVED by Gambioli, seconded by Booth:

THAT proposed Development Permit No. 15-026 be presented at a public meeting scheduled for July 10, 2017 at 6:00 p.m. in the Municipal Hall Council Chamber, to be held concurrently with the public hearing scheduled July 10, 2017 at 6:00 p.m. in the Municipal Hall Council Chamber, and that notice be given of the scheduled public meeting.

CARRIED

BYLAWS

14. Proposed Official Community Plan Bylaw No. 4360, 2004, Amendment Bylaw No. 4937, 2017 (Marine Drive Local Area Plan and Design Guidelines) (File: 1610-20-4937)

MOVED by Cameron, seconded by Booth:

THAT proposed "Official Community Plan Bylaw No. 4360, 2004, Amendment Bylaw No. 4937, 2017" be adopted.

CARRIED
Councillors Cassidy and Lambur voted in the negative

15. New Business (File: 0120-01)

No items.

CONSENT AGENDA ITEMS

16. Consent Agenda Items

MOVED by Cassidy, seconded by Cameron:

THAT the Consent Agenda items, with the exception of Item 16.2 excluded for debate, be approved:

- Item 16.1 regarding Proposed Amendment 17-028 to Approved Development Variance Permit 15-016 (3742 Marine Drive) (To set date for consideration); and
- Item 16.3 regarding Correspondence List.

CARRIED

The following Consent Agenda Item 16.2 was excluded from the Consent Agenda for debate.

16.2. Proposed Development Permit 16-087 (1327 Marine Drive)
(File: 1010-20-16-087)

THAT proposed Development Permit No. 16-087 regarding 1327 Marine Drive to allow for a mixed commercial and residential building with variances, as described in the report dated May 24, 2017 regarding Development Permit Application No. 16-087 (1327 Marine Drive), be considered at the July 24, 2017 Council meeting; and that notice be given of consideration of the proposed development permit.

Staff responded to Council questions regarding proposed Development Permit 16-087 for 1327 Marine Drive.

S. Slater (1730 Duchess Avenue) commented and queried regarding the interim policy passed by Council in February and proposed consideration of Development Permit 16-087 (1327 Marine Drive).

. MOVED by Cassidy, seconded by Booth:

THAT Item 16.2 regarding proposed Development Permit 16-087 (1327 Marine Drive) be approved.

CARRIED

The following items were approved in the Consent Agenda.

16.1. Proposed Amendment 17-028 to Approved Development Variance Permit 15-016 (3742 Marine Drive) (File: 1010-20-15-016/17-028)

THAT proposed amendment to approved Development Variance Permit No. 15-016 for 3742 Marine Drive, as described in the report dated May 25, 2017 regarding proposed amendment to approved Development Variance Permit No. 15-016 (3742 Marine Drive), be considered at the July 10, 2017 Council meeting; and that notice be given of consideration of the proposed development variance permit amendment.

16.3. Correspondence List (File: 0120-24)

THAT the correspondence list be received for information.

Council Correspondence Update to May 26, 2017 (up to 10 a.m.)

Referred for Action

No items.

Referred for Action from Other Governments and Government Agencies

No items.

Received for Information

(1) Committee and Board Meeting Minutes – Audit Committee meeting December 12, 2016; Memorial Library Board meeting April 12, 2017

(2) 4 submissions, May 23-24, 2017, regarding Proposed Official Community Plan Bylaw No. 4360, 2004, Amendment Bylaw No. 4937, 2017 (Marine Drive Local Area Plan and Design Guidelines) (Referred to June 5, 2017 public hearing)

(3) May 25, 2017, regarding “Whyte Lake Dock”

(4) Special Olympics British Columbia, May 24, 2017, regarding “Invitation to Law Enforcement Torch Run West Vancouver” (June 7, 2017)

(5) North Shore Keep Well Society, undated, regarding Invitation to Keep Well Annual Volunteer Appreciation Event and Lunch (June 21, 2017)

(6) Ambleside Dundarave Business Improvement Association, May 24, 2017, regarding Invitation to Board Member Reception (June 15, 2017)

(7) HUB Cycling, May 25, 2017, regarding “What are you doing on Monday?” (Bike to Work Week May 29 - June 4, 2017)

Received for Information from Other Governments and Government Agencies

No items.

Responses to Correspondence

No items.

Council Correspondence Update to June 2, 2017 (up to 10 a.m.)

Referred for Action

(1) May 26, 2017, regarding “Resident disturbed by construction noise yet again, outside of permitted hours.” (Referred to Manager of Bylaw and Licencing Services for consideration and response)

(2) May 28, 2017, regarding “OCP - June 5, 2017 Public Hearing” (Proposed Official Community Plan Bylaw No. 4360, 2017, Amendment Bylaw No. 4937, 2017) (Referred to June 5, 2017 public hearing) (Referred to Director of Engineering and Transportation Services for consideration and response)

(3) May 29, 2017, regarding “Proposal for Taylor Way and Marine Drive” (Proposed Official Community Plan Bylaw No. 4360, 2017, Amendment Bylaw No. 4937, 2017) (Referred to June 5, 2017 public hearing) (Referred to Director of Engineering and Transportation Services for consideration and response)

Referred for Action from Other Governments and Government Agencies

No items.

Received for Information

(4) HUB North Shore Committee, May 26, 2017, regarding “Bike Day in Canada” (June 1, 2017)

(5) May 27, 2017, regarding “Whyte Lake Dock”

(6) Wood WORKS! BC, May 27, 2017, regarding Invitation to Nominate a Civic Building for the 2017 Community Recognition Awards

(7) 25 submissions, May 28 - June 2, 2017, regarding Proposed Official Community Plan Bylaw No. 4360, 2017, Amendment Bylaw No. 4937, 2017 (Marine Drive Local Area Plan and Design Guidelines) (Referred to June 5, 2017 public hearing)

(8) May 30, 2017, regarding “WV Budget and Taxes” (Condition of Roads and Sidewalks)

(9) Lower Mainland Local Government Association (LMLGA), May 31, 2017, regarding “LMLGA 2017 Resolutions Disposition”

(10) HUB Cycling, June 1, 2017, regarding “Log Your Trips + You’re Invited to the Bike to Work Week BBQ” (June 2, 2017)

Received for Information from Other Governments and Government Agencies

(11) P. Goldsmith-Jones, M.P. (West Vancouver-Sunshine Coast-Sea to Sky Country), May 24, 2017, regarding Bill C-323, An Act to Amend the Income Tax Act (Rehabilitation of Historic Property)

Responses to Correspondence

No items.

Council Correspondence Update to June 6, 2017 (up to 4:30 p.m.)

Referred for Action

(1) June 2, 2017, regarding Permit Number BP114445 Retaining Wall (Referred to Director of Planning and Development Services for consideration and response)

Referred for Action from Other Governments and Government Agencies

No items.

Received for Information

(2) 59 submissions, June 2 - June 5, 2017, regarding Proposed Official Community Plan Bylaw No. 4360, 2017, Amendment Bylaw No. 4937, 2017 (Marine Drive Local Area Plan and Design Guidelines) (Received up to the close of the June 5, 2017 public hearing)

(3) June 4, 2017, regarding “Spirit Trail on Raleigh/Chatham Streets”

Received for Information from Other Governments and Government Agencies

No items.

Responses to Correspondence

(4) Director of Parks, Culture, and Community Services, May 30, 2017, response regarding “SEAWALL OFF-LEASH DOG USE AND SENIOR’S PROGRAMS”.

OTHER ITEMS

17. No Items.

REPORTS FROM MAYOR AND COUNCILLORS

18. Reports from Mayor and Councillors

Deferred to June 26, 2017 Council meeting.

PUBLIC QUESTIONS AND COMMENTS

19. Public Questions and Comments

C. Reynolds (Editor, WV Matters) commented relative to the Brissenden Park proposal including: using funds from the land sale might be a way to get the art CAAD on the waterfront; the trust agreement; heritage house on the Brissenden property; heritage advisory committee; Klee Wyck; and Brissenden park not used as a park.

ADJOURNMENT

20. Adjournment of June 19, 2017 Council Meeting

MOVED by Booth, seconded by Cameron:

THAT the June 19, 2017 Council meeting be adjourned.
(10:11 p.m.)

CARRIED

[Original signed by Mayor]

MAYOR
[Original signed by Municipal Clerk]

MUNICIPAL CLERK