

AGENDA ADDENDUM

REGULAR MEETING OF COUNCIL

Monday, September 19, 2016

7:00 p.m.

Council Chamber, Municipal Hall

355 West Queens Road,

North Vancouver, BC

Council Members:

Mayor Richard Walton

Councillor Roger Bassam

Councillor Mathew Bond

Councillor Jim Hanson

Councillor Robin Hicks

Councillor Doug MacKay-Dunn

Councillor Lisa Muri



www.dnv.org

THIS PAGE LEFT BLANK INTENTIONALLY



REGULAR MEETING OF COUNCIL

7:00 p.m.
Monday, September 19, 2016
Council Chamber, Municipal Hall
355 West Queens Road, North Vancouver

AGENDA ADDENDUM

THE FOLLOWING LATE ITEMS ARE ADDED TO THE PUBLISHED AGENDA

9. REPORTS FROM COUNCIL OR STAFF

9.2. Development Variance Permit 39.16 – 2133 Floralynn Crescent
File No. 08.3060.20/0005.000

Recommendation:

THAT the September 15, 2016 report of the Planning Assistant entitled Neighbourhood Response to Development Variance Permit Being Considered September 19, 2016 be received for information.

9.5. Highway Road Closure – Lynn Term East Discussion
File No. 09.3900.20/000.000

Recommendation:

THAT the report of the Manager, Real Estate and Properties, dated September 16, 2016 and entitled Information Report – Neighbouring Tenant and property Owner Concerns – Lynnterm East Gate Expansion Project, be received for information.

THIS PAGE LEFT BLANK INTENTIONALLY

AGENDA INFORMATION	
<input type="checkbox"/> Regular Meeting	Date: _____
<input type="checkbox"/> Workshop (open to public)	Date: _____
<input checked="" type="checkbox"/> Addendum	Date: <u>Sept 19, 2016</u>



**The Corporation of the District of North Vancouver
REPORT TO COUNCIL**

File: 3060.20/039.16

September 15, 2016

AUTHOR: Emel Nordin, Planning Assistant

SUBJECT: NEIGHBOURHOOD RESPONSE TO DEVELOPMENT VARIANCE PERMIT BEING CONSIDERED SEPTEMBER 19, 2016

RECOMMENDATION: That Council receive this report for information.

REASON FOR REPORT:

In accordance with Council's request to receive an indication as to the number of residents receiving notification, being in support or in opposition, the following information is submitted for the development variance permit being considered on September 19, 2016.

DISCUSSION:

As of 10:00 a.m. on September 15, 2016:

Development Variance Permit 39.16 – 2133 Floralynn Crescent

- i) 11 notices were sent out to adjacent property owners/residents of the subject property and the Lynn Valley Community Association. No responses were received.

Emel Nordin
Planning Assistant

THIS PAGE LEFT BLANK INTENTIONALLY

AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>SEPT 19. 16</u>
<input type="checkbox"/> Other:	Date: _____



The District of North Vancouver REPORT TO COUNCIL

September 16, 2016
File: 02.0930.20/493.000

AUTHOR: Ryan P. Malcolm – Manager, Real Estate & Properties

SUBJECT: Information Report - Neighbouring Tenant and Property Owner Concerns
- Lynnterm East Gate Expansion Project

RECOMMENDATION:

THAT the report of the Manager, Real Estate and Properties, dated for reference September 16, 2016, and entitled Information Report - Neighbouring Tenant and Property Owner Concerns - Lynnterm East Gate Expansion Project, be received for information.

REASON FOR REPORT:

During the Regular Meeting of Council held on Monday September 12, 2016, Council considered item 9.1 of the Agenda – “Harbour Avenue, Dominion Street and Columbia Street, Highway Closure Bylaw 8190, 2016”. At that meeting, Council directed staff to meet with the neighbouring tenants and property owners located along Dominion St. and Columbia St. as soon as possible to address several concerns about the proposed road closure bylaw.

Staff subsequently met with the neighbouring tenants and property owners Tuesday September 13, 2016 at the DNV Municipal Hall. Port Vancouver, Darwin/TWN and Western Stevedoring representatives also attended this meeting. This report is to inform and summarize for Council the results of the meeting.

SUMMARY:

During the Council discussion of Bylaw 8190 held Monday September 16, 2016, staff was instructed to meet with the neighbouring tenants and property owners to discuss the three main topics raised at the meeting:

1. General concern about the Port Vancouver East Gate Expansion Project.
2. Concerns related to access for the North Shore Off-Road business located at 1440 Columbia St.
3. The possible site contamination of the property where a paint company was once located.

At the conclusion of the meeting the attendees stated that they were generally satisfied with the answers given to them during the meeting. Staff ensured the attendees that there would be opportunities for them to continue to be engaged in the process.

ANALYSIS:

The balance of this report is a summary of responses to the issues raised by neighbouring tenants and property owners:

1. **General Concern about the Road Closure and Port Vancouver Expansion Project**

A number of neighbouring tenants and property owners felt they had not been adequately advised about the Port Vancouver Lynnterm East Gate expansion project. Neighbouring tenants and property owners also expressed concerns about the potential for the future expropriation of their lands in the area.

The following information was provided by the representatives of the DNV, Port Vancouver, Western Stevedoring and Darwin/TWN to the neighbouring tenants and property owners:

- A high-level overview of the related sites and projects including the proposed G3 Grain Terminal and Port Vancouver Lynnterm East Gate expansion project to facilitate Western Stevedoring's consolidated operations. Meeting attendees were further advised that the existing East Gate lands are not large enough to accommodate Western Stevedoring's needs, therefore ten neighbouring properties were acquired and that the adjacent municipal roads are also need to facilitate expansion project.
- Confidentiality agreements between the various parties including Port Vancouver and Western Stevedoring, Darwin/TWN, and property owners has limited the amount of information that could be shared until the public road closure bylaw process. This was done to protect all parties' interests in the negotiation process prior to the finalization of the purchase and sale agreements.
- Port Vancouver will commence their public engagement process once they have acquired the subject lands.
- The Port Vancouver representative explained that the Port does not have any authority or ability to expropriate property. All 10 properties were purchased by Darwin/TWN and all dealings between Port Vancouver and Darwin/TWN are arm's length. Finally, no future expropriations are contemplated by the Port.

The neighbouring tenants and property owners stated that they were generally satisfied with the above explanations concerning the recent history of the project and identifying all of the stakeholders involvements in the projects. They expressed a desire to be kept informed of the project going forward.

**SUBJECT: Information Report - Neighbouring Tenant and Property Owner
Concerns - Lynnterm East Gate Expansion Project**

September 14, 2016

Page 3

2. North Shore Off-road Letter – Access Concerns

The tenants of 1440 Columbia St., North Shore Off-Road, submitted a letter (dated for reference September 12, 2016), expressing the following concern, "The proposed road closing would result in our having no public road access to the Property."

The DNV and the owners of North Shore Off-Road have received assurances from both Darwin/TWN and Port Vancouver that access will not be hindered once the roads have been closed and sold. Please see **Attachment 1**.

3. Potential Site Contamination

A concern about possible contamination on one of the properties acquired by Darwin/TWN was raised by an adjacent land owner. In response to this concern, the Port of Vancouver has provided the following, "VFPA uses a combination of remediation and risk management approaches to address sites that have been contaminated through past activities. Depending on the condition and expected future use of the site, affected sites are treated with a variety of remedial techniques that may include on-site treatment, removal and disposal of contaminants at appropriate facilities, or containment on-site. Port tenants are required to appropriately maintain their sites to prevent contamination by employing best practices for their operations. Environmental testing at the beginning, end and at other times during a tenant's lease, when appropriate, ensures sites are monitored for contamination and that any contamination is addressed to meet regulatory and additional Port requirements."

Public Input:

This report will be shared with the neighbouring tenants and property owners who attended the September 13th meeting and provided in Council's public Agenda.

Conclusion:

This report responds to the concerns raised by neighbouring tenants and property owners. The neighbouring tenants and property owners attended a meeting on September 13, 2016, and were advised of the Lynnterm East Gate expansion project details, confidentiality constraints regarding past communications, and future public engagement opportunities. District staff have also obtained responses from Darwin/TWN regarding the continued access to 1440 Columbia St., and received a response from the Port of Vancouver regarding the contaminated site concern expressed to Council.



Ryan P. Malcolm
Manager – Real Estate & Properties

**SUBJECT: Information Report - Neighbouring Tenant and Property Owner
Concerns - Lynnterm East Gate Expansion Project**

September 14, 2016

Page 4

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Parks _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> NVRC _____
<input type="checkbox"/> Environment _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Facilities _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Human Resources _____	<input type="checkbox"/> Real Estate _____	

**SUBJECT: Information Report - Neighbouring Tenant and Property Owner
Concerns - Lynnterm East Gate Expansion Project**

September 14, 2016

Page 6

ATTACHMENT 1

Darwin Letter to North Shore Off-road
Regarding Access Concerns

DARWIN PROPERTIES (CANADA) LTD.

September 15, 2016

North Shore Off-Road Centre Inc.
1440 Columbia Street
North Vancouver, BC V7J 1A2

Attention: Mr. Glen Schatroph

**RE: 1440 Columbia Street North Vancouver, B.C. (the "Property") and
Lease in your favour of the Property dated July 16, 2012, as amended (the
"Lease"), Proposed Partial Highway Closing and Dedication Removal Bvlaw
8190**

Further to our recent discussions, we are writing regarding your concerns over access to the Property after our acquisition from the District of North Vancouver (the "DNV") of certain roads, including Columbia Street and the Lane directly behind the Property (collectively, the "**Roads**") behind the Property.

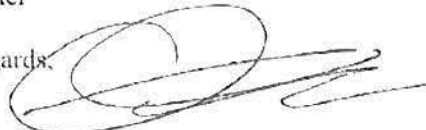
Pursuant to Article 6 of the Lease, the Landlord covenants to provide you, the Tenant, with quiet enjoyment of the Property. We acknowledge that such quiet enjoyment includes access to and from the Property from the Roads, during the Term of the Lease.

For greater certainty, such access will remain as it currently exists off the Roads, regardless of the closure of the Roads by the DNV.

We confirm that upon any disposition of the Property by us to any party, including any disposition to the Port Metro Vancouver/Western Stevedoring (the "PMV"), we represent that we will make it a condition of such disposition that the transferee(s) agrees to provide you with continued access to the Property from the Roads during the Term of the Lease.

We hope this addresses the concerns expressed in your letter dated September 12, 2016. Please do not hesitate to call me should you have any further questions relating to this matter

Regards,



Oliver Webbe
President

Cc: Ryan Malcolm (District of North Vancouver) & Nathan Nottingham (Port Metro Vancouver)

THIS PAGE LEFT BLANK INTENTIONALLY