

AGENDA

REGULAR MEETING OF COUNCIL

Monday, February 3, 2020

7:00 p.m.

Council Chamber, Municipal Hall

355 West Queens Road,

North Vancouver, BC

Council Members:

Mayor Mike Little

Councillor Jordan Back

Councillor Mathew Bond

Councillor Megan Curren

Councillor Betty Forbes

Councillor Jim Hanson

Councillor Lisa Muri



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REGULAR MEETING OF COUNCIL

7:00 p.m.
Monday, February 3, 2020
Council Chamber, Municipal Hall,
355 West Queens Road, North Vancouver

AGENDA

BROADCAST OF MEETING

- Online at <http://app.dnv.org/councillive/>

CLOSED PUBLIC HEARING ITEMS NOT AVAILABLE FOR DISCUSSION

- Bylaw 8262 – OCP Amendment 1923 Purcell Way
- Bylaw 8263 – Rezoning 1923, 1935, 1947 and 1959 Purcell Way
- Bylaw 8400 – Maximum House Size in the Single-Family Residential One Acre Zone

1. ADOPTION OF THE AGENDA

1.1. February 3, 2020 Regular Meeting Agenda

Recommendation:

THAT the agenda for the February 3, 2020 Regular Meeting of Council for the District of North Vancouver is adopted as circulated, including the addition of any items listed in the agenda addendum.

2. PUBLIC INPUT

(limit of three minutes per speaker to a maximum of thirty minutes total)

3. RECOGNITIONS

4. DELEGATIONS

5. ADOPTION OF MINUTES

6. RELEASE OF CLOSED MEETING DECISIONS

6.1. January 13, 2020 Closed Special Meeting of Council File No. 01.0360.20/076.000

6.1.1. Advisory Oversight Committee Recommendations and Appointments

Rental, Social and Affordable Housing Task Force

THAT Derek Holloway be appointed to the Rental, Social and Affordable Housing Task Force for two years with a term ending December 31, 2021.

6.2. December 2, 2019 Closed Special Meeting of Council

File No. 01.0360.20/076.000

6.2.1. Advisory Oversight Committee Recommendations and Appointments

Advisory Design Panel

THAT Carolyn Kennedy be reappointed to the Advisory Design Panel for two years with a term ending December 31, 2021;

AND THAT Andrei Chisinevschi, Eric Tinlup Ng, Nancy Paul, Nathan Shuttleworth and Grace Gordon-Collins be appointed to the Advisory Design Panel for two years with terms ending December 31, 2021.

Municipal Library Board

THAT Valerie Dong and James Mitchell be reappointed to the North Vancouver District Public Library Board for two years with terms ending December 31, 2021;

AND THAT Kulvir Mann and Barbara Lawrie be appointed to the North Vancouver District Public Library Board for two years with terms ending December 31, 2021.

7. COUNCIL WORKSHOP REPORT

8. REPORTS FROM COUNCIL OR STAFF

With the consent of Council, any member may request an item be added to the Consent Agenda to be approved without debate.

If a member of the public signs up to speak to an item, it shall be excluded from the Consent Agenda.

Recommendation:

THAT items _____ are included in the Consent Agenda and be approved without debate.

8.1. Bylaw 8400: Maximum House Size in RS-1 Zone

p. 11-68

File No. 09.3900.20/000.000

Report: Municipal Clerk, January 24, 2020

Attachment 1: Bylaw 8400

Attachment 2: Staff Report Dated November 27, 2019

Recommendation:

THAT “District of North Vancouver Rezoning Bylaw 1389 (Bylaw 8400)” is ADOPTED.

8.2. Cannabis Retailing – Background and Overview **p. 69-81**

File No. 08.3060.01/000.000

Report: Development Planner, January 16, 2020

Attachment A: District of North Vancouver Non-medical Retail Cannabis Policy

Attachment B: Rezoning Process Flowchart

Recommendation:

THAT the January 16, 2020 report of the Development Planner entitled Cannabis Retailing – Background and Overview is received for information.

8.3. Text Amendment to add “Cannabis Retail Store” at 1660 Main Street (Bylaw 8420) **p. 83-97**

File No. 08.3060.20/048.19

Report: Development Planner, January 16, 2020

Attachment A: Bylaw 8420 – Zoning Text Amendment

Attachment B: Non-medical Retail Cannabis Policy

Recommendation:

THAT “District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8420)” is given FIRST Reading;

AND THAT “District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8420)” is referred to a Public Hearing.

8.4. Text Amendment to add “Cannabis Retail Store” at 1520 Barrow Street (Bylaw 8419) **p. 99-113**

File No. 08.3060.20/061.17

Report: Development Planner, January 17, 2020

Attachment A: Bylaw 8419 – Zoning Bylaw Text Amendment

Attachment B: Non-medical Retail Cannabis Policy

Recommendation:

THAT “District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8419)” is given FIRST Reading;

AND THAT “District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8419)” is referred to a Public Hearing.

8.5. Text Amendment to add “Cannabis Retail Store” at 385 North Dollarton Highway (Bylaw 8422) **p. 115-131**

File No. 08.3060.20/051.19

Report: Development Planner, January 17, 2020

Attachment A: Bylaw 8422 – Zoning Bylaw Text Amendment

Attachment B: Non-medical Retail Cannabis Policy

Recommendation:

THAT the application by RH Hospitality Solutions Inc. for a Cannabis Retail Store at 385 North Dollarton Highway is rejected;

AND THAT the Liquor and Cannabis Regulation Branch be informed of this decision.

8.6. Bylaw 8404: Commercial Vehicle Licensing Bylaw Repeal Bylaw p. 133-139
File No. 09.3900.20/000.000

Report: Municipal Clerk, January 22, 2020

Attachment 1: Bylaw 8404

Attachment 2: Staff Report Dated January 7, 2020

Recommendation:

THAT "Commercial Vehicle Licensing Bylaw Repeal Bylaw 8404, 2020" is ADOPTED.

8.7. Housekeeping Amendments to the Bylaw Notice Enforcement Bylaw p. 141-165
File No. 01.0115.30/002.000

Report: Municipal Clerk, January 21, 2020

Attachment 1: Bylaw 8429

Attachment 2: Staff Report Dated October 7, 2019

Attachment 3: Staff Report Dated November 21, 2017

Recommendation:

THAT "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8429, 2020 (Amendment 50)" is given FIRST, SECOND and THIRD Readings.

8.8. 2357 Riverside Drive – Consideration to Withhold Demolition Permit And Issue Heritage Inspection Order p. 167-172
File No. 13.6800.70/012.000

Report: Assistant General Manager – Regulatory Review and Compliance & Community Planner, January 22, 2020

Recommendation:

THAT Council considers the carport located on PID 017-557-828, the property immediately north of 2357 Riverside Drive, may have sufficient heritage value and character to justify its protection;

AND THAT staff is directed to continue to withhold the demolition permit for PID 017-557-828, the property immediately north of 2357 Riverside Drive, in accordance with Section 3.1, 3.2, and 4.1 of the Heritage Procedure Bylaw;

AND THAT pursuant to Section 600 of the *Local Government Act*, Council orders a heritage inspection for PID 017-557-828, the property immediately north of 2357 Riverside Drive, as follows:

- a) To assess the condition and heritage value of the property;

- b) To conduct a heritage inspection in an expeditious manner in cooperation with the homeowner; and,
- c) That the order is to remain in effect until the heritage inspection is completed, or building permits are issued with respect to alteration or redevelopment of the property, or one year after the day on which the heritage inspection was ordered, whichever occurs first.

9. REPORTS

9.1. Mayor

9.2. Chief Administrative Officer

9.3. Councillors

9.4. Metro Vancouver Committee Appointees

9.4.1. Industrial Lands Strategy Task Force – Councillor Back

9.4.2. Housing Committee – Councillor Bond

9.4.3. Indigenous Relations Committee – Councillor Hanson

9.4.4. Board – Councillor Muri

9.4.5. Regional Parks Committee – Councillor Muri

9.4.6. Liquid Waste Committee – Mayor Little

9.4.7. Mayors Committee – Mayor Little

9.4.8. Mayors Council - TransLink – Mayor Little

9.4.9. Performance & Audit Committee – Mayor Little

9.4.10. Zero Waste Committee – Mayor Little

10. ADJOURNMENT

Recommendation:

THAT the February 3, 2020 Regular Meeting of Council for the District of North Vancouver is adjourned.


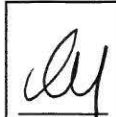

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REPORTS

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: _____
<input type="checkbox"/> Other:	Date: _____

8.1

 Dept. Manager	 GM/ Director	 CAO
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The District of North Vancouver REPORT TO COUNCIL

January 24, 2020
File: 09.3900.20/000.000

AUTHOR: James Gordon, Municipal Clerk

SUBJECT: Bylaw 8400: Maximum House Size in RS-1 Zone

RECOMMENDATION:

THAT "District of North Vancouver Rezoning Bylaw 1389 (Bylaw 8400)" is ADOPTED.

BACKGROUND:

Bylaw 8400 received First Reading on October 28, 2019. A Public Hearing for Bylaw 8400 was held and closed on November 26, 2019. Bylaw 8400 received Second and Third Readings on January 20, 2020.

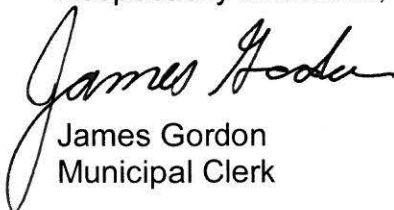
Pursuant to section 52(3)(a) of the *Transportation Act*, Bylaw 8400 received approval from the Ministry of Transportation and Infrastructure on January 24, 2020.

The bylaw is now ready to be considered for Adoption by Council.

OPTIONS:

1. Adopt the bylaw;
2. Give no further Reading to the bylaw and abandon the bylaw at Third Reading; or,
3. Rescind Third Reading, debate possible amendments to the bylaw and return Bylaw 8400 to a new Public Hearing if required.

Respectfully submitted,


James Gordon
Municipal Clerk

Attachments:

- Bylaw 8400
- Staff Report dated November 27, 2019

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

The Corporation of the District of North Vancouver

Bylaw 8400

A bylaw to amend District of North Vancouver Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "District of North Vancouver Rezoning Bylaw 1389 (Bylaw 8400)".

Amendments

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended by:
 - a) inserting into Table 502.2: Maximum Principal Building Size:
"a) RS1 540m² (5,813 sq.ft.)"
and renumbering the remaining items in the table accordingly.

READ a first time October 28th, 2019

PUBLIC HEARING held November 26th, 2019

READ a second time January 20th, 2020

READ a third time January 20th, 2020

Certified a true copy of "Bylaw 8400" as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on January 24th, 2020



ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>January 30, 2020.</u>
<input type="checkbox"/> Other:	Date: _____

ATTACHMENT <u>2</u>		
Dept. Manager	GM Director	CAO

The District of North Vancouver REPORT TO COUNCIL

November 27, 2019
File: 09.3900.20/000.000

AUTHOR: James Gordon, Municipal Clerk

SUBJECT: **Bylaw 8400: Maximum House Size in the Single-Family Residential One Acre Zone (RS1) Rezoning**

RECOMMENDATION:

THAT "District of North Vancouver Rezoning Bylaw 1389 (Bylaw 8400)" is given Second and Third Readings.

BACKGROUND:

Bylaw 8400 received First Reading on October 28, 2019. A Public Hearing for Bylaw 8400 was held and closed on November 26, 2019.

The bylaw is now ready to be considered for Second and Third Readings by Council.

OPTIONS:

1. Give the bylaw Second and Third Readings;
2. Give no further Readings to the bylaw and abandon the bylaw at First Reading; or,
3. Debate possible amendments to the bylaw at Second Reading and return Bylaw 8400 to a new Public Hearing if required.

Respectfully submitted,


James Gordon
Municipal Clerk

SUBJECT: Bylaw 8400: Maximum House Size in the Single-Family Residential One Acre Zone (RS1) Rezoning

November 27, 2019

Page 2

Attachments:

- Bylaw 8400
- Public Hearing report – November 26, 2019
- Staff report dated October 15, 2019, 2019

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

The Corporation of the District of North Vancouver**Bylaw 8400**

A bylaw to amend District of North Vancouver Bylaw 3210, 1965

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"a) RS1 540m² (5,813 sq.ft.)"
and renumbering the remaining items in the table accordingly.

READ a first time October 28th, 2019

PUBLIC HEARING held November 26th, 2019

READ a second time

READ a third time

Certified a true copy of "Bylaw 8400" as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

**DISTRICT OF NORTH VANCOUVER
PUBLIC HEARING**

**Maximum House Size in the Single-Family Residential One Acre Zone (RS-1)
Zoning Bylaw Amendment**

REPORT of the Public Hearing and Public Meeting held in the Council Chambers of the Municipal Hall, 355 West Queens Road, North Vancouver, B.C. on Tuesday, November 26, 2019 commencing at 7:03 p.m.

Present: Mayor M. Little
Councillor J. Back
Councillor M. Bond
Councillor M. Curren
Councillor B. Forbes
Councillor J. Hanson
Councillor L. Muri

Staff: Ms. T. Atva, Manager – Community Planning
Mr. J. Gordon, Manager – Administrative Services
Ms. L. Simkin, Acting Deputy Municipal Clerk
Ms. S. Dale, Confidential Council Clerk
Mr. A. Wright, Community Planner

1. OPENING BY THE MAYOR

Mayor Little welcomed everyone and advised that the purpose of the Public Hearing was to receive input from the community and staff on the proposed bylaw as outlined in the Notice of Public Hearing.

Mayor Little stated that:

- All persons who believe that their interest in property is affected by the proposed bylaw will be afforded a reasonable opportunity to be heard and to present written submissions;
- Council will use the established speakers list. At the end of the speakers list, the Chair may call on speakers from the audience;
- Each speaker will have five minutes to address Council for a first time and should begin remarks to Council by stating their name;
- After everyone who wishes to speak has spoken once, speakers will then be allowed one additional five minute presentation;
- If a written submission has been submitted there is no need to read it as it will have already been seen by Council. It can be summarized, ensuring that the comments are pertaining to these bylaw under consideration at this hearing;
- All members of the audience are asked to be respectful of one another as diverse opinions are expressed. Council wishes to hear everyone's views in an open and impartial forum;
- Everyone at the Hearing will be provided an opportunity to speak. If necessary, the Hearing will continue on a second night;
- Any additional presentations will only be allowed at the discretion of the Chair;

- Council is here to listen to the public, not to debate the merits of the bylaw;
- At the conclusion of the public input Council may request further information from staff, which may or may not require an extension of the hearing, or Council may close the hearing, after which Council should not receive further new information from the public;
- The binder containing documents and submissions related to the bylaw is available on the side table to be viewed; and,
- The Public Hearing is being streamed live over the internet and recorded in accordance with the *Freedom of Information and Protection of Privacy Act*.

2. INTRODUCTION OF BYLAW BY CLERK

Ms. Louise Simkin, Acting Deputy Municipal Clerk, introduced the proposed bylaw, stating that Bylaw 8400 proposes to amend the District's Zoning Bylaw to create a maximum principal building (house) size of 540 m² (5,813 sq. ft.) within the Single-Family Residential One Acre Zone (RS-1). This proposed maximum house size would not include floor space that is commonly exempted (e.g. basements, garages, balconies, small sheds), as long as it complies with existing zoning regulations. No changes are proposed to the floor space exemptions referenced above.

3. PRESENTATION BY STAFF

Mr. Adam Wright, Planner, provided an overview of the proposal elaborating on the introduction by the Acting Deputy Municipal Clerk. Mr. Wright advised that:

- The RS-1 Zone is one of the five standard single-family residential zones in the District and the maximum permitted house size in these zones varies based on lot size, up to a maximum limit;
- Council has expressed concern that the RS1 Zone is the only single-family residential zone that does not currently have a maximum house size in the Zoning Bylaw;
- Staff recommended establishing a maximum house size for the RS1 Zone that aligns with the maximum house size currently permitted in the RS2 Zone, as the RS1 and RS2 Zones generally contain the largest single-family residential lots in the District and have lots comparable in size;
- A maximum house size in the RS1 Zone seeks to support Council's interest in preserving residential neighbourhood character and retaining natural areas including greenspace and tree coverage in the community;
- District staff invited input from RS1 property owners on the proposed maximum house size;
- A total of two hundred and thirty letters were sent to property owners in the RS1 Zone and thirteen responses were received;
- Some respondents noted concerns about potential reductions in property value and restrictions on property rights and some owners also indicated that the proposed maximum house size was too small;
- Staff responded to all enquiries and additional letters were sent to notify property owners that this matter was referred to tonight's public hearing;
- The additional letters also clarified that the proposed maximum house size of 5,813 sq. ft. would not include floor area currently exempted, such as a basement, balcony, parking garage and other accessory structures;

- Staff reviewed properties in the RS1 Zone that could be impacted by the proposed bylaw;
- The proposed maximum house size would only impact lots larger than 15,608 sq. ft. as lots under this size are already limited to a house size less than the maximum being proposed tonight;
- Staff determined that there are approximately fifty-one privately-owned lots that could be impacted by the proposed bylaw;
- Under existing regulations, a 20,000 sq. ft. lot could permit a new house of approximately 7,350 sq. ft. plus currently exempted area, such as a basement; and,
- Under the proposed bylaw, the same 20,000 sq. ft. property could permit a new house of 5,813 sq. ft., plus currently exempted area.

4. REPRESENTATIONS FROM THE PUBLIC

4.1. Mr. Rino Aufiero and Kay Kreuchen, 400 Block Lonsdale Avenue:

- Spoke in opposition to the proposed maximum house size;
- Expressed concern about the possible reduction in property value;
- Commented that there should be a relationship between lot size and house size;
- Opined that large homes should be allowed on the outskirts of urban areas; and,
- Urged Council to reconsider the proposed bylaw.

4.2. Mr. Gordon Zamailo, 4200 Block St. Mary's Avenue:

- Stated that the proposed bylaw is too restrictive;
- Expressed concern that the property value of large lots may be effected; and,
- Commented that the proposed bylaw will limit the ability to tenant family members or caregivers.

4.3. Mr. George McKay, 2700 Block Dollarton Highway:

- Spoke in opposition to the proposed bylaw;
- Opined that more community engagement is needed;
- Suggested looking at other municipalities and how this has been enforced; and,
- Commented on the unique character of these homes.

4.4. Mr. Mitchel Baker, 600 Block Mt. Seymour Drive:

- Expressed concern that there are only fifty-one properties that may be effected by the proposed bylaw and questioned if this is necessary;
- Commented that larger homes allow families to live together and creates more affordable housing options;
- Spoke to the form and character of the current lots; and,
- Opined that subdividing these lots is not aesthetically pleasing.

4.5. Mr. Stephen Cheeseman, 4300 Block Prospect Road:

- Commented that the proposed bylaw is too restrictive when trying to build a home that is unique; and,
- Spoke to the District's Good Neighbour Program.

- 4.6. Mr. George McKay: SPEAKING A SECOND TIME**
- Opined that multi-generational homes create diversity in neighborhoods; and,
 - Spoke to the challenging topography in the District.
- 4.7. Mr. Rino Aufiero and Kay Kreuchen: SPEAKING A SECOND TIME**
- Commented on the natural environmental constraints that limit what can be built on a lot.
- 4.8. Mr. Gordon Zamailo: SPEAKING A SECOND TIME**
- Spoke to the opportunity for multi-generational housing;
 - Commented that if the size of the home is restricted subdivision should be allowed;
 - Expressed concern that the property value of large lots may be effected; and,
 - Urged Council to reconsider the proposed bylaw.
- 4.9. Mr. Mitchel Baker: SPEAKING A SECOND TIME**
- Opined that large homes should be allowed if the lot supports it; and,
 - Expressed concern that the property value of large lots may be effected.
- 4.10. Mr. Stephen Cheeseman: SPEAKING A SECOND TIME**
- Noted that only fifty-one lots are effected;
 - Suggested that larger homes create unique character in neighbourhoods; and,
 - Stated that the proposed bylaw is too restrictive and not necessary.
- 4.11. Mr. William Siu, Riverside Drive:**
- Noted that there will be unusable space on large properties if the house size is minimized.
- 4.12. Mr. Corrie Kost, 2800 Block Colwood Drive:**
- Spoke to the perception of fairness;
 - Commented that subdivision could be challenging and needs to be addressed before restricting house sizes on large property lots; and,
 - Noted that BC Assessment Authority determines property value.

In response to a question from Council, staff advised that there are fifty-one privately-owned lots that could be impacted or affected by the proposal as some properties do not have fire access or engineering services which are likely to prevent them from obtaining a building permit. It was noted that a notice was sent to all property owners within the Single-Family Residential One Acre Zone (RS1).

In response to a question from Council, staff advised that approximately ten properties would be eligible to subdivide.

In response to a question from Council, staff advised that maximum principal building size does not include exempted floor space permitted in the Zoning Bylaw such as basements less than 1.2m (4 ft.) exposed parking structures up to 37.16m² (400 sq. ft.) depending on lot size, balconies and verandas up to 10% of the floor area, accessory structures (e.g. sheds) up to 25m² (269 sq. ft.) and trellises, pergola and other open sided structures up to 18m² (194 sq. ft.).

4.13. 4.13. Mr. Gordon Zamailo: SPEAKING A THIRD TIME

- Commented that the proposed bylaw is too restrictive and that the property owners need to be treated fair.

4.14. Mr. Mitchel Baker: SPEAKING A THIRD TIME

- Commented that the proposed bylaw is unreasonable and the property owners are being penalized.

4.15. Mr. Kay Kreuchen: SPEAKING A THIRD TIME

- Urged Council to not over-restrict these properties.

4.16. Mr. Stephen Cheeseman: SPEAKING A THIRD TIME

- Spoke to the hardship of building on a slope and the challenging topography of the District.

4.17. Mr. George McKay: SPEAKING A THIRD TIME

- Encouraged staff to better engage the community;
- Suggested working with the effected property owners;
- Commented that basements are not good for peoples well-being or the environment; and,
- Noted that residents enjoy having amenities in their homes.

4.18. Mr. George Martins, 4300 Block St. Mary's Avenue:

- Commented that the design of the home has more of an impact on the environment then the size of the home;
- Commented that the proposed bylaw is too restrictive;
- Opined that rezoning and subdivision should be allowed if the house size is limited; and,
- Noted that larger homes provide the opportunity for multi-generation living.

4.19. Mr. William Siu, SPEAKING A SECOND TIME:

- Commented that his home was purchased as an investment and feels like he is being punished.

4.20. Mr. Norman Libel, Lynn Valley Resident:

- Commented that larger homes provides more diverse housing options; and,
- Noted that there are many ways to lessen environmental impacts.

In response to a question from Council, staff advised that information was collected on the number and size of properties and houses in the RS-1 Zone from approved building permits and District mapping information (GIS). Staff reviewed properties in the RS-1 and RS-2 Zones and found that the size of privately owned lots were comparable across the two zones. The average lot size for RS1 and RS2 Zones are estimated at between 25,000-30,000 sq. ft. for privately-owned (non-government owned) lots.

In response to a question from Council, staff advised that this proposal responds to various concerns from Council dating back to October 2015 which include:

- Reducing construction-related impacts to neighbouring residents;
- Preserving greenspace, tree-coverage and environmental features in the community;
- Preserving neighbourhood residential character; and,

- Bringing the RS-1 Zone into alignment with similar regulations for all other single-family residential zones.

In response to a question from Council, staff advised that owners are free to apply for development applications on their property and applications would be considered on a case-by-case basis. The application would consider the specific proposal and site against relevant District regulations.

5. COUNCIL RESOLUTION

MOVED by Councillor HANSON

SECONDED by Councillor MURI

THAT the November 26, 2019 Public Hearing is closed;

AND THAT "District of North Vancouver Rezoning Bylaw 1389 (Bylaw 8400)" be returned to Council for further consideration.

CARRIED

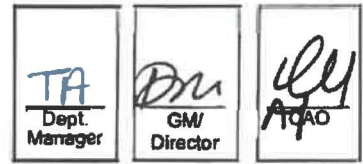
Opposed: Councillors BACK, BOND and FORBES
(8:48 pm)

CERTIFIED CORRECT:



Confidential Council Clerk

AGENDA INFORMATION	
<input type="checkbox"/> Regular Meeting	Date: _____
<input type="checkbox"/> Other:	Date: _____



The District of North Vancouver REPORT TO COUNCIL

October 15, 2019
File: 13.6700.00/000.000

AUTHOR: Adam Wright, Community Planner

SUBJECT: Proposed Maximum House Size in the Single-Family Residential One Acre Zone (RS1)

RECOMMENDATION:

THAT "District of North Vancouver Rezoning Bylaw 1389 (Bylaw 8400)" is given FIRST Reading;

AND THAT "District of North Vancouver Rezoning Bylaw 1389 (Bylaw 8400)" is referred to a Public Hearing.

REASON FOR REPORT:

Council has directed staff to prepare a bylaw for Council's consideration that creates a maximum principal building (house) size within the Single-Family Residential One Acre Zone (RS1). This report has been prepared in response to that direction.

SUMMARY:

The RS1 zone is the only single family zone in the District that does not currently have a maximum house size in the Zoning Bylaw. Bylaw 1389 (Bylaw 8400) proposes to amend the Zoning Bylaw to include a maximum house size of 540m² (5,813 sq. ft.) for the RS1 zone (**Attachment 1**, with redline version in **Attachment 2**).

BACKGROUND:

Council has expressed concerns regarding house size in previous workshops on standards and regulations in single family zones. On October 7, 2019 Council passed the following resolutions:

THAT staff be directed to prepare a bylaw to amend the District's Zoning Bylaw 1965 No. 3210 to include a maximum house size in the RS1 Zone of 5,813 square feet;

AND THAT staff submit to Council, any building permit application received after October 14, 2019 for any development on any lot that is zoned RS1 that staff consider is in conflict with the bylaw under preparation, for consideration of a resolution that the

SUBJECT: Proposed Maximum House Size in the Single-Family Residential One Acre Zone (RS1)

15 October 2019

Page 2

building permit be withheld for 30 days under Section 463 of the *Local Government Act*.

Council's additional directions related to single family standards and regulations will be brought forward separately by staff. (**Attachment 3**).

EXISTING POLICY:

Official Community Plan (OCP)

The OCP contains policies to respect residential neighbourhood character and limit growth in these areas. A maximum house size in the RS1 zone would support this objective.

Zoning Bylaw

The District's five general (RS1 to RS5) and 14 neighbourhood single family zones were created over many years through robust community engagement. These zones respond to the unique character of each area by establishing maximum size, density, setbacks, siting, and height limits for houses.

Council Directions 2019-2022

Council has committed to integrating environmental considerations into all of the District's decisions and practices. A maximum house size in the RS1 zone is aligned with Council's interest in balancing environmental and housing needs by preserving green space within the community.

ANALYSIS:

House size in the general single family zones (RS1 to RS5) is calculated based on a maximum permitted floor space ratio that varies with lot size. Each of these zones, except for the RS1 zone, also establishes a maximum principal building (house) size. The table below identifies the current Maximum Principal Building Size regulation from the District's Zoning Bylaw for the RS2 to RS5 zones.

Maximum Principal Building Size	
a) RS2	a) RS2 540m ² (5,813 sq. ft.)
b) RS3	b) RS3 405m ² (4,359 sq. ft.)
c) RS4	c) RS4 280m ² (3,013 sq. ft.)
d) RS5	d) RS5 190m ² (2,045 sq. ft.)

Table 502.2
(Bylaws 7152 & 7618)

Each of the 14 unique neighbourhood single family zones also has a maximum house size. It ranges from 278.7m² (3,000 sq. ft.) in the Single-Family Residential Norgate (RSN) zone to 551.8m² (5,940 sq. ft.) for the Residential Single-Family Queensdale (RSQ) Zone.

SUBJECT: Proposed Maximum House Size in the Single-Family Residential One Acre Zone (RS1)

15 October 2019

Page 3

The RS1 zone is the only single family residential zone that does not currently have a maximum house size. The Zoning Bylaw permits various elements to be excluded from overall floor area in all single family residential buildings.

Proposed Maximum House Size for the RS1 Zone

Bylaw 1389 (Bylaw 8400) proposes to amend the Zoning Bylaw to include a maximum house size of 540m² (5,813 sq. ft.) for the RS1 zone. This size aligns with the maximum house size currently in the RS2 zone.

Other provisions in the Zoning Bylaw that regulate overall building size in the RS1 zone, such as building height, tapered top floor regulations, setbacks, and site coverage, are not proposed to be amended. No change to these permitted exemptions are proposed at this time

Potential Impacts on Properties in the RS1 Zone

Of the 167 privately owned properties in the RS1 zone (e.g. not owned by the District), 51 lots are larger than 1,450m² (15,608 sq. ft.). Lots of this size currently could be permitted homes larger than 540m² (5,813 sq. ft.) according to existing density regulations. Lots below 1,450m² (15,608 sq. ft.) are already limited to smaller house sizes (e.g. smaller than 540m² (5,813 sq. ft.) under other existing regulations.

The proposed maximum house size in the RS1 zone would essentially impact only those properties larger than 1,450m² (15,608 sq. ft.). Some of these properties, however, may not be eligible to obtain a building permit because they lack adequate access for firefighting purposes or engineering services.

The average size of existing houses in the RS1 zone is estimated at 294m² (3,160 sq. ft.). The largest houses in the RS1 zone are estimated to be within the range of 900m² (9,688 sq. ft.) to 950m² (10,226 sq. ft.). Only seven houses are estimated to exceed the proposed maximum house size of 540m² (5,813 sq. ft.). These houses may become legally non-conforming and may be maintained or altered in accordance with section 529 of the *Local Government Act*.

Approximately 90-95% of existing houses in the RS1 zone are estimated to be within the proposed maximum house size of 540m² (5,813 sq. ft.).

INPUT FROM PROPERTY OWNERS

Owners of properties currently zoned RS1 were invited to provide comments on the proposed changes. Letters were sent to the 230 owners of the 167 RS1 zoned properties (not including lots owned by the District). See **Attachment 4**. Input from RS1 property owners was received between September 12, 2019 and October 3, 2019. Thirteen responses were received.

The 13 respondents were largely opposed to the proposed maximum house size noting concerns about a potential reduction in property value and restrictions on property rights.

SUBJECT: Proposed Maximum House Size in the Single-Family Residential One Acre Zone (RS1)

15 October 2019

Page 4

Some owners indicated that the proposed maximum house size was too small and that subdivision could be challenging or costly. Please see attached letters (**Attachment 5**).

TIMING/APPROVAL PROCESS

If the proposed bylaw amendment to the Zoning Bylaw receives First Reading, a Public Hearing would be scheduled. This would provide another opportunity for public input. If the proposed bylaw amendment is adopted, construction, alteration or additions in the RS1 zone would have to comply with the proposed maximum house size of 540m² (5,813 sq. ft.).

CONCURRENCE:

The recommendation in this report has been reviewed with the Development Planning, Building, and Legal departments.

The District of North Vancouver Rezoning Bylaw 1389 (Bylaw 8400) affects land within 800m of a controlled access intersection and therefore approval by the Provincial Ministry of Transportation and Infrastructure will be required to approve the bylaw.

CONCLUSION:

Bylaw 1389 (Bylaw 8400) would establish a maximum house size of 540m² (5,813 sq. ft.) in the RS1 zone. The proposed maximum house size regulation for the RS1 zone would respond to concerns regarding house size and would bring the RS1 zone into alignment with existing regulations in the District's other single family zones.

OPTIONS:

1. THAT "District of North Vancouver Rezoning Bylaw 1389 (Bylaw 8400)" is given FIRST Reading and referred to Public Hearing (Staff recommendation);

OR

2. THAT Council provide staff with alternative direction on establishing a maximum principal building size for properties within the Single-Family Residential One Acre Zone (RS1);

OR

3. THAT Council take no further action on a new maximum principal building size for properties within the Single-Family Residential One Acre Zone (RS1).

Respectfully submitted,


 Adam Wright
Community Planner

SUBJECT: Proposed Maximum House Size in the Single-Family Residential One Acre Zone (RS1)

15 October 2019

Page 5

Attachment 1: District of North Vancouver Rezoning Bylaw 1389 (Bylaw 8400)

Attachment 2: Redline Version of District of North Vancouver Rezoning Bylaw 1389 (Bylaw 8400)

Attachment 3: October 7, 2019, Report to Council – Maximum Permitted House Size RS1

Attachment 4: Letter to Property Owners dated September 12, 2019

Attachment 5: Responses (redacted)

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

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The Corporation of the District of North Vancouver

Bylaw 8400

A bylaw to amend District of North Vancouver Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "District of North Vancouver Rezoning Bylaw 1389 (Bylaw 8400)".

Amendments

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended by:

a) inserting into Table 502.2: Maximum Principal Building Size:

"a) RS1 540m² (5,813 sq.ft.)"

and renumbering the remaining items in the table accordingly.

READ a first time

PUBLIC HEARING held

READ a second time

READ a third time

Certified a true copy of "Bylaw 8400" as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

Redline Version of Bylaw Amendment to District of North Vancouver Zoning Bylaw 3210, 1965

PART 5 RESIDENTIAL ZONE REGULATIONS

Table 502.2

Element	Regulation
Maximum Building Depth	A centre line through the dwelling shall be established using the datum determination points at the front and rear of the house. The exterior walls on either side of this centre line may not exceed a total of 19.8m (65 ft).
Upper Storey Floor Area	Not to exceed either 75% of the total floor area of the largest storey below, excluding attached parking structures, or 92.9m ² (1000 sq ft) whichever is greater, except that this regulation will not apply to single-family dwellings for which a building permit was issued prior to June 19, 2000.
Floor Space Ratio	
a) for lots < or = to 464m ² (5000ft ²)	0.45
b) for lots > 464m ² (5000ft ²)	0.35 + 32.5m ² (350 sq.ft.)
c) in the case of rooms having ceilings greater than 3.66m (12ft) above the level of the floor below	that area above 3.66m (12 ft.) shall be counted as if it were an additional floor level for the purpose of determining the total floor area of a building to be included in the calculation of floor space ratio
Maximum Principal Building Size	
a) RS1	540m ² (5,813 sq.ft.)
b) a) RS2	540m ² (5,813 sq.ft.)
c) b) RS3	405m ² (4,359 sq.ft.)
d) e) RS4	280m ² (3,013 sq.ft.)
e) d) RS5	190m ² (2,045 sq.ft.)

(Bylaws 7152, 7618 & 8400)

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AGENDA INFORMATION	
<input type="checkbox"/> Regular Meeting	Date: _____
<input checked="" type="checkbox"/> Agenda Addendum	Date: <u>OCT 7, 2019</u>



The District of North Vancouver REPORT TO COUNCIL

October 3, 2019
File: 09.3900.01

AUTHOR: Brett Dwyer, Assistant General Manager Regulatory Review and Compliance

SUBJECT: Maximum Permitted House Size for RS1 zone and Withholding Motion

RECOMMENDATION:

It is recommended that:

1. Council direct staff to prepare a bylaw to amend the District's Zoning Bylaw 1965 No. 3210 to include a maximum house size in the RS1 zone of 5,813 square feet.
2. Staff submit to Council, any building permit application received after October 14, 2019 for any development on any lot that is zoned RS1 that staff consider is in conflict with the bylaw under preparation, for consideration of a resolution that the building permit be withheld for 30 days under Section 463 of the *Local Government Act*.

REASON FOR REPORT:

Staff are seeking Council's direction to prepare a bylaw to amend the District's Zoning Bylaw 1965 No. 3210 to include a maximum house size in the RS1 zone of 5,813 square feet.

SUMMARY:

The RS1 zone is the only single family residential zone in the District that does not currently have a maximum house size specified in the Zoning Bylaw. Council has expressed concern regarding house sizes and has expressed support in establishing a maximum house size in the RS1 zone.

Staff are seeking a resolution to move forward with the preparation of a zoning bylaw amendment to establish a maximum house size in the RS1 zone, together with a corresponding withholding motion.

If Council supports the preparation of a zoning bylaw amendment, staff will forward any complete building permit applications which may be contrary to the zoning bylaw amendment received after October 14, 2019 to Council to consider whether to withhold the application, in accordance with the *Local Government Act*.

BACKGROUND:

The District's Zoning Bylaw contains varied regulations establishing how zoned property can be developed. With regard to single-family residentially zoned land, the Zoning Bylaw contains 5 different general residential zones (RS1 to RS5) and 14 unique neighbourhood zones. Each of the zones contain regulations relating to matters such as setbacks, building heights, building coverage, building depth, floor space ratio and accessory buildings.

While there is some variation based on the specific zone and lot size thresholds, generally the permitted house size is established via a calculation of the lot area multiplied by 0.35 plus 350 square feet up to a maximum specified for the zone.

i.e. Maximum permitted floorspace = (lot area x 0.35) + 350sqft.

All single family residential zones also contain an absolute maximum principal building (house) size except for the RS1 zone. Below is the Maximum Principal Building Size regulation from the District's Zoning Bylaw for the RS2 to RS5 zones.

Maximum Principal Building Size	
a) RS2	540m ² (5,813 sq.ft.)
b) RS3	405m ² (4,359 sq.ft.)
c) RS4	280m ² (3,013 sq.ft.)
d) RS5	190m ² (2,045 sq.ft.)

Table 502.2
(Bylaws 7152 & 7618)

Each of the 14 varied neighbourhood zones also have a maximum principal building size ranging from 3000 square feet in the Single-Family Residential Norgate (RSN) zone to 5,940 square feet for the Residential Single-Family Queensdale (RSQ) Zone.

As mentioned, the RS1 zone is the only single family residential zone that does not currently have a maximum principal building (house) size. Staff are seeking a resolution to move forward with the preparation of a zoning bylaw amendment to establish a maximum house size of 5,813 square feet in the RS1 zone, which is equal to the maximum single family house size contained in the RS2 zone.

Withholding Process:

If Council passes a resolution directing staff to prepare a bylaw, Section 463 of the *Local Government Act* allows Council to direct that a building permit application that may be in

conflict with the bylaw under preparation be withheld if that application was submitted more than 7 calendar days from the date of the resolution to prepare the bylaw. The Act provides for an initial withholding period of 30 days, which Council may extend by a further 60 days.

If a bylaw is not adopted within the 60 day period, the owners of the land may be entitled to compensation for damages as a result of the withholding of a building permit.

Options:

The following options are available for Council's consideration:

Option A (staff recommendation):

1. That Council direct staff to prepare a bylaw to amend the District's Zoning Bylaw 1965 No. 3210 to include a maximum house size in the RS1 zone of 5,813 square feet.
2. Staff submit to Council, any building permit application received after October 14, 2019 for any development on any lot that is zoned RS1 that staff consider is in conflict with the bylaw under preparation, for consideration of a resolution that the building permit be withheld for 30 days under Section 463 of the *Local Government Act*.

Option B:

1. That Council specify a different maximum house size for the RS1 zone than Option A and direct staff to prepare a bylaw to amend the District's Zoning Bylaw 1965 No. 3210 accordingly.
2. Staff submit to Council, any building permit application received after October 14, 2019 for any development on any lot that is zoned RS1 that staff consider is in conflict with the bylaw under preparation, for consideration of a resolution that the building permit be withheld for 30 days under Section 463 of the *Local Government Act*.

Option C:

3. That Council receive this report as information and take no further action at this time.

Respectfully submitted,


Brett Dwyer
Assistant General Manager Regulatory Review and Compliance

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 & Environment	<input type="checkbox"/> ITS	<input type="checkbox"/> Recreation Com.
<input type="checkbox"/> Economic Development	<input type="checkbox"/> Solicitor	<input type="checkbox"/> Museum & Arch.
<input type="checkbox"/> Human resources	<input type="checkbox"/> GIS	<input type="checkbox"/> Other:

September 12, 2019

RE: Proposed maximum house size for properties in the RS1 zone

You are receiving this letter because you own property within the Single-Family Residential One Acre Zone (RS1).

The RS1 zone is the only residential zone in the District that does not currently have a maximum house size established in the Zoning Bylaw. District of North Vancouver Council has expressed concern about house sizes and is seeking input from property owners on a proposed maximum house size for properties in the RS1 zone.

Proposed Change:
Establish a maximum house size of 540m² (5,813 sq.ft.) in the RS1 zone

This proposed maximum house size for RS1 is equal to the largest maximum house size currently permitted in any of the District's standard single-family residential zones.

How is maximum house size determined?

Maximum house size is currently limited by existing regulations in the Zoning Bylaw (e.g. maximum floor area based on property size).

House size is determined by adding the area of all floors in a house, but not including certain areas that are exempt such as parking garages and small sheds.

How would this proposed change affect my property?

This proposed maximum house size would apply to all properties in the RS1 zone. Properties under 1,450m² (15,608 sq.ft.) in size would not be affected by this change as maximum house size is already limited under existing regulations.

Please note that any existing houses that are larger than the proposed maximum house size of 540m² (5,813 sq.ft.) may become 'legally non-conforming' and may be maintained, extended, or altered as long the maximum house size is not exceeded, and the proposed work complies with District regulations.

Next Steps

If you would like to provide your comments, or would like further information, please contact Adam Wright via email at wrighta@dnv.org or via telephone at 604-990-3657. The District would appreciate your input on the proposed change by **Thursday, October 3, 2019**.

Comments received from property owners will be taken to inform a recommendation to Council in the fall. If Council decides to proceed with the proposed change to the Zoning Bylaw, a Public Hearing would also be required and would provide another opportunity for public input.

More information on Residential Zoning is available on the District of North Vancouver website:
DNV.org/zoning.

Thank you for your consideration of this matter. We look forward to hearing from you.

District of North Vancouver
Community Planning Department
Staff Contact: Adam Wight, Community Planner
wrighta@dnv.org
604-990-3657

Response 1 of 13

Adam Wright

From: [REDACTED]
Sent: September 13, 2019 2:09 PM
To: Adam Wright
Subject: Proposed Maximum House Size

Hi Adam

My input:

1. No, I don't want regulation on maximum house size.
2. Yes, height should be regulated so that new houses do not block existing lines of site (views).
3. This is SO unimportant compared to the issue of traffic on the north shore. PLEASE DEAL WITH THAT:
 1. Complete moratorium on all construction until we have more roads. Stupid to add density when you can't support the existing density.
 2. Build a 3rd crossing!!!!
 3. Put in skytrain & gondola.
 4. Get on with it. Nothing has been done since before 1970!

Adam Wright

From: [REDACTED]
Sent: September 13, 2019 4:43 PM
To: Adam Wright
Subject: Proposed maximum house size for RS1 zoned properties

Adam:

I am in receipt of a letter dated September 11, 2019 regarding a proposed maximum house size for properties in RS1 zones. This email is a response follow up to the letter requesting input from RS1 property owners specific to Council's concern regarding this issue.

Before commenting, it would be of immense benefit to understand what the concern actually is. It would appear that Council has a concern, but nowhere in the letter does it state what those concerns are. What is it that Council is trying to achieve by imposing such a restriction for properties that can accommodate larger homes?

RS1 zoned properties tend to be above average sized properties. That is, they are larger than most residential properties. Owners of larger properties should be able to develop a residence that is sized appropriate to the land area and their needs/desires. Imposing a restriction, for what I can only determine as being imposed for unfounded reasons only, that limits a building size, is too prescriptive and limiting for properties of this size. The proposed change of a maximum sized house at 5,813 sq. ft. is definitely too restrictive.

Imposing maximum house sizes based on square footage for RS1 zoned properties will likely have the effect of encouraging RS1 zoned properties to be subdivided. The rationale being that such properties would have property space that would be sterilized and not available for any part of a building structure. To realize value, owners would likely subdivide, possibly changing its status to RS2/3. What then would be the point of an RS1 designation?

Larger properties in North Vancouver District are few and far between. Having the option to build a larger home on a larger piece of land, rather than cramming a large home on a smaller piece of land is more aesthetically pleasing and provides a living diversity that Council appears interested in limiting.

One does need to ask the question of Council as to why is a larger home an issue? Most of the remaining RS1 zoned properties are together and don't pose an obstruction issue to neighbouring homes due to their size.

As an owner of an RS1 property where we are currently building a new home that exceeds the proposed limit, I would be astounded at such a limit for RS1 properties and would likely move out of North Vancouver District as a result. I'm sure Council's intent is to not force individuals out of their community, especially for a concern that is undefined. The process of building in the District of North Vancouver is already fraught with way too many restrictions, processes and delayed responses from the District, and has been a source of extreme frustration (not to mention increased costs) in the building of our new home.

Please leave the RS1 zone sizing as is and do not impose yet more restrictions for the sake of restrictions.

Regards,

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Adam Wright

From: [REDACTED]
Sent: September 16, 2019 7:39 PM
To: Adam Wright
Subject: RE: Proposed maximum house size for RS1 zoned properties

H Adam

Thank you for the links, they were informative

It would appear that Councillor Muri is adamant that large homes should not be allowed. Note that the definition of 'large' is somewhat subjective. Her concern appeared to be singularly focused on 3635 Sunnycrest Drive specifically referencing this new build and its garage as having a high wall (from the neighbouring house's point of view), and the retaining wall down the side of the house as being too high. I looked at this house from the street and believe I understand her concern, but frankly, don't see her identified issues as issues at all. They may be issues to the owners of the heritage house next door, but this is not grounds or reasons to change the RS1 building size limits. My rationale is as follows:

It would appear that the side property garage at 3635 Sunnycrest Drive conforms to current District Bylaws and building code. The fact that this garage is located at an elevation higher than that of the neighbouring property creates the issue of a large wall on the north part of the property. This could have been mitigated through the normal planning screening and 'good neighbour' policy that the District employs today. And, perhaps a different design may have resulted from negotiations with neighbours. Either way, this is an issue between a particular situation (high property elevation) and proximity of neighbouring house. As a side note, I doubt very much that the neighbouring heritage house would be allowed today with its massive high wall facing the subject property to the north, regardless if it was designed by Arthur Erickson. The size of that north-facing wall is huge and quite obtrusive...much larger than the garage wall at 3635 Sunnycrest Drive.

Regarding the mentioned retaining wall, if lock blocks are an issue for the neighbouring homeowner, perhaps a solution for architectural shotcrete or hanging foliage could mitigate the sight of such a required structural element. Councillor Muri's issue regarding this shoring method is not related to the size of house, rather the District's own retaining wall policies. Neighbour consultation should allow for a mitigated solution.

Other than those issues identified by Councillor Muri, I did not hear any further points in that video nor in the presentation, that would be reasonable grounds for imposing yet more limitations on building size for RS1 lots, other than personal preference.

Therefore, I would strongly recommend that the District of North Vancouver NOT impose more building restrictions on property owners who would like to enjoy space, privacy and comfort of their own property.

Thanks,

[REDACTED]
[REDACTED]

From: Adam Wright [mailto:WrightA@dnv.org]
Sent: Monday, September 16, 2019 11:53 AM

To: [REDACTED]
Subject: RE: Proposed maximum house size for RS1 zoned properties

Good morning [REDACTED]

Thank you for your input.

I wanted to respond to your enquiry and provide you with some more information for your reference.

Council has expressed concerns related to larger homes primarily in light of other District efforts (e.g. mitigating impacts to neighbouring residents, providing housing, and preserving the environment). You can view a video of Council's discussion at the July 8, 2019 Council Workshop, available [here](#). The discussion on maximum principal building (house) size begins at 56:49 in the video. The staff report and presentation to Council is also available [here](#) for your reference.

Comments received from property owners will be used to inform a recommendation to Council in the fall.

Regards,

Adam

Adam Wright, MSc.
Community Planner

**DISTRICT OF
NORTH
VANCOUVER**

355 West Queens Road
North Vancouver, BC V7N 4N5
wrighta@dnv.org
Direct: 604-990-3657

From: [REDACTED]
Sent: September 13, 2019 4:43 PM
To: Adam Wright <WrightA@dnv.org>
Subject: Proposed maximum house size for RS1 zoned properties

Adam:

I am in receipt of a letter dated September 11, 2019 regarding a proposed maximum house size for properties in RS1 zones. This email is a response follow up to the letter requesting input from RS1 property owners specific to Council's concern regarding this issue.

Before commenting, it would be of immense benefit to understand what the concern actually is. It would appear that Council has a concern, but nowhere in the letter does it state what those concerns are. What is it that Council is trying to achieve by imposing such a restriction for properties that can accommodate larger homes?

RS1 zoned properties tend to be above average sized properties. That is, they are larger than most residential properties. Owners of larger properties should be able to develop a residence that is sized appropriate to the land area and their needs/desires. Imposing a restriction, for what I can only determine as being imposed for unfounded reasons

only, that limits a building size, is too prescriptive and limiting for properties of this size. The proposed change of a maximum sized house at 5,813 sq. ft. is definitely too restrictive.

Imposing maximum house sizes based on square footage for RS1 zoned properties will likely have the effect of encouraging RS1 zoned properties to be subdivided. The rationale being that such properties would have property space that would be sterilized and not available for any part of a building structure. To realize value, owners would likely subdivide, possibly changing its status to RS2/3. What then would be the point of and RS1 designation?

Larger properties in North Vancouver District are few and far between. Having the option to build a larger home on a larger piece of land, rather than cramming a large home on a smaller piece of land is more aesthetically pleasing and provides a living diversity that Council appears interested in limiting.

One does need to ask the question of Council as to why is a larger home an issue? Most of the remaining RS1 zoned properties are together and don't pose an obstruction issue to neighbouring homes due to their size.

As an owner of an RS1 property where we are currently building a new home that exceeds the proposed limit, I would be astounded at such a limit for RS1 properties and would likely move out of North Vancouver District as a result. I'm sure Council's intent is to not force individuals out of their community, especially for a concern that is undefined. The process of building in the District of North Vancouver is already fraught with way too many restrictions, processes and delayed responses from the District, and has been a source of extreme frustration (not to mention increased costs) in the building of our new home.

Please leave the RS1 zone sizing as is and do not impose yet more restrictions for the sake of restrictions.

Regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

3 of 13

Adam Wright

From: [REDACTED]
Sent: September 17, 2019 8:55 AM
To: Adam Wright
Subject: Re: proposed max house size in the R51 Zone

I own 2 - 1 acre lots ([REDACTED] and the [REDACTED] to this) so I guess I get 2 votes on this issue.

This proposal is totally unacceptable. The market value of a 1 acre lot is almost totally about the size of the house that one can build on it.

I have been paying property taxes for [REDACTED] years based on the market value of being able to build a house approximately 13,000 sq ft and it seems totally unreasonable to cut this in half after all of these years. You refer to this change equalling the largest maximum house size of any of the standard single-family residential zones. However we pay property taxes based on the size of the lot. Are you suggesting the property taxes would be reduced significantly to half the current rate? If it is changed would I receive a 50% refund for all of the taxes I have paid in the last [REDACTED] years?

I use less services [REDACTED] within the District of North Van but pay far more than my neighbours with smaller lots. This whole proposal seems like it is designed to punish those that made good investment decisions who are already being taxed unfairly.

Please explain how this benefits me.

Sincerely

[REDACTED]
[REDACTED]
[REDACTED]

4.1.13

Adam Wright

From: [REDACTED]
Sent: September 17, 2019 9:00 AM
To: Adam Wright
Subject: Fwd: proposed max house size in the RS1 Zone

I am the co-owner of the [REDACTED]

This proposal is totally unacceptable. The market value of a 1 acre lot is almost totally about the size of the house that one can build on it.

I have been paying property taxes for [REDACTED] years based on the market value of being able to build a house approximately 13,000 sq ft and it seems totally unreasonable to cut this in half after all of these years. You refer to this change equalling the largest maximum house size of any of the standard single-family residential zones. However we pay property taxes based on the size of the lot. Are you suggesting the property taxes would be reduced significantly to half the current rate? If it is changed would I receive a 50% refund for all of the taxes I have paid in the last [REDACTED] years?

I use less services [REDACTED] within the District of North Van but pay far more than my neighbours with smaller lots. This whole proposal seems like it is designed to punish those that made good investment decisions who are already being taxed unfairly.

Please explain how this benefits me.

Sincerely

[REDACTED]
|
|

5 of 13

Adam Wright

From: [REDACTED]
Sent: September 18, 2019 9:48 AM
To: Adam Wright
Subject: Proposed Maximum House Size For Properties in the RS1 Zone
Attachments: Proposed Max House Size For RS1 Zone.xls

Hi Mr. Wright,

See attached for a possible RS1 max building size based on extending the Building Size vs Zone curve.
Just a thought. I'm OK with this.

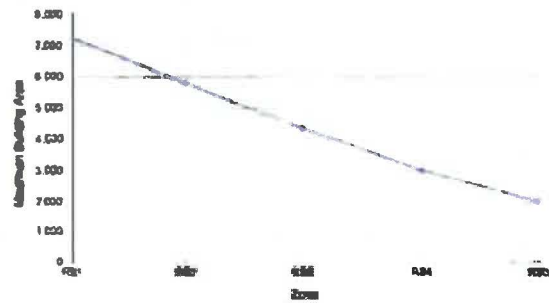
Thanks - [REDACTED]

Zone	Total area (sq ft)
RS1	
RS2	5,813
RS3	4,359
RS4	3,013
RS5	2,045

Current Maximum Areas

Zone	Lot area	Total size of building footprint allowed on lot (sq ft)	Feasible maximum of (sq ft)	Complete building footprint (sq ft)
RS1	< 5000 sq ft	Lot area x .45	No maximum	
	> 5000 sq ft	Lot area x .35 + 350 sq ft	No maximum	
RS2	< 5000 sq ft	Lot area x .45	5,813	
	> 5000 sq ft	Lot area x .35 + 350 sq ft	5,813	
RS3	< 5000 sq ft	Lot area x .45	4,359	
	> 5000 sq ft	Lot area x .35 + 350 sq ft	4,359	
RS4	< 5000 sq ft	Lot area x .45	3,013	
	> 5000 sq ft	Lot area x .35 + 350 sq ft	3,013	
RS5	< 5000 sq ft	Lot area x .45	2,045	
	> 5000 sq ft	Lot area x .35 + 350 sq ft	2,045	

Maximum Building Size vs Zone



6 of 13

Adam Wright

From: [REDACTED]
Sent: September 18, 2019 6:44 PM
To: Adam Wright
Subject: Fwd: RS1 Zone property size

>
> Adam,
>
> Does the proposed limit of 5,813 SF on acre lots include walk out basements?
>
> [REDACTED]
>
>

7 of 13

Adam Wright

From: [REDACTED]
Sent: October 03, 2019 12:28 PM
To: Adam Wright
Subject: Re: Proposed maximum house size in RS1 zone

Adam:

A few more comments.

I was wondering if you know how many homes in RS1 zones will meet the max size recommended. In my area I know of 7 homes that are in RS1 zones and I believe all of them are larger than the suggested max size. The result of this would be that 100% of the homes in my small area are non-conforming. Is this true for all homes in other RS1 zones?

It appears to me that the number chosen is an arbitrary number chosen based on another zone with little consideration given on what is currently built on RS1 zones. I cannot speak for other areas but in my neighbourhood I do not believe placing such a small restrictive max home size is reasonable and fair. All the homes in my area have kept their gardens relatively native and lush, all believe in maintaining a yard that fits into the environment, filled with trees.

Also, one last thing, why will an RS1 zone be restricted to having a home that fills only approximately 10% of the land space when other zones can build a home that fills at least 50% plus of the land space. This does not seem equitable to me.

Sincerely,

[REDACTED]

On Tue, Oct 1, 2019 at 9:28 AM Adam Wright <WrightA@dnv.org> wrote:

Good morning [REDACTED],

Yes this topic has been discussed by previous Council and that has been noted in current Council workshops/discussions

Thank you for your input

Adam

Adam Wright, MSc

Community Planner

**DISTRICT OF
NORTH
VANCOUVER**

355 West Queens Road

North Vancouver, BC V7N 4N5

wrighta@dnv.org

Direct: 604-990-3657

From: [REDACTED]
Sent: September 26, 2019 6:07 PM
To: Adam Wright <WrightA@dnv.org>
Subject: Re: Proposed maximum house size in RS1 zone

Adam:

May I please add that the 13.5 % stated in my email previously assumes the home is a one storey home. If the proposed maximum house size is a 2 storey home than it would cover considerably less of the total lot. The objective to protect our trees, reduce construction related impacts becomes even more ridiculous.

I am wondering if a maximum house square footage for RS1 lots has been discussed by previous councils, can this be determined? If this topic has been discussed by previous councils then this should be noted and included in the current discussion.

Sincerely,

[REDACTED]

On Thu, Sep 26, 2019 at 4:37 PM Adam Wright <WrightA@dnv.org> wrote:

Good afternoon [REDACTED]

Thank you for again for your input on the proposal all comments received will be taken to inform a recommendation to Council

I d be happy to speak over the phone if you have further input or questions

Regards

Adam

Adam Wright,

Community Planner

DISTRICT OF
**NORTH
VANCOUVER**

[355 West Queens Road](#)

[North Vancouver, BC V7N 4N5](#)

wrighta@dnv.org

Direct 604 990 3657

From: [REDACTED]

Sent: September 26, 2019 3:47 PM

To: Adam Wright <WrightA@dnv.org>

Subject: Re: Proposed maximum house size in RS1 zone

Hi Adam:

Thanks for your reply. I still think that the proposed maximum allowable house size in a RS1 acre zone is extremely small. If my numbers are correct, a 1 acre lot is about 43,056 square feet. You are proposing a maximum home size of 5,813 square feet. The proposed home would cover approximately 13.5% of the lot. Indeed restricting the size of a home to such a small number on such a large size lot will protect some trees but it really is such a simplistic view to take and create an unnecessarily negative building environment. Again I will state, that aesthetically I think such a small home on such a large lot looks grotesque, proportionately it doesn't make sense to me. If a maximum home size must be selected please make it one that is a little more realistic and considerate of the environment it surrounds.

I believe there must be other ways to protect our environment and trees, to mitigate construction related impacts and to encourage a positive building environment. For example, limit the amount of driveway, concrete, impermeable surfaces, ensure a percent of space is covered with trees, plants, green space, limit lawn space, provide incentives to plant more trees and improve our land rather than come up with more restrictions.

Restricting home size is only one way to solve the problem and in this case limiting it to such a small number is I don't believe a good solution. Please be more creative.

I am no expert in land rezoning but honestly don't feel that the solution suggested is the right solution, it doesn't really get to the heart of the matter and is just too simplistic. RS1 acre lots are unique and require a unique solution.

[REDACTED]

On Thu, Sep 26, 2019 at 11:29 AM Adam Wright <WrightA@dnv.org> wrote:

Good morning [REDACTED],

Thank you for your email and comments.

I wanted to provide some information for your reference.

Rationale for a proposed maximum house size for the RS1 zone;

Council has expressed concerns related to house size primarily in light of other District efforts such as mitigating construction-related impacts to neighbouring residents and to the environment (e.g. reducing tree loss associated with new construction), as well as encouraging more housing in the community. You can view a video of Council's discussion at the July 8, 2019 Council Workshop, available [here](#). The discussion on maximum principal building (house) size begins at 56:49 in the video. The staff report and presentation to Council is also available [here](#) for your reference.

Rationale for a proposed maximum house size of 5,813 sq. ft.

The maximum house size of 5,813 sq. ft. is being proposed as it is the largest maximum house size that is currently permitted in the other standard single family residential zones (i.e. the maximum house size permitted in the RS2 zone is 5,813 sq. ft.).

Subdivision (and development) in the RS1 Zone

RS1 property owners are welcome to apply for any development (including subdivision). Each application and site is review by staff against relevant policies and bylaws. There can be engineering and safety concerns with development in specific areas of higher elevation and near heavily forested areas (e.g. in wildfire hazard areas) that can make a successful development application in these areas uncertain.

Please let me know if you have further questions or would like to provide further comments.

Thank you again for your input, comments received from property owners will be used to inform a recommendation to Council in the fall.

Regards,

Adam

Adam Wright, MSc

Community Planner

DISTRICT OF
**NORTH
VANCOUVER**

[355 West Queens Road](#)

[North Vancouver, BC V7N 4N5](#)

wrighta@dnv.org

Direct: 604-990-3657

From: [REDACTED]

Sent: September 26, 2019 9:23 AM

To: Adam Wright <WrightA@dnv.org>

Subject: Proposed maximum house size in RS1 zone

Dear Mr. Wright:

I recently received a letter regarding changes to the maximum house size in the RS1 zone. I am not sure why this is being proposed or how the District came up with the maximum house size of 5,813 sq. ft.

Our home, as well as most homes in our area that are on RS1 lots are I believe greater than the proposed maximum house size and do not look out of place on such a large lot. I am worried that the house size being proposed is far to small and would aesthetically look unpleasing, it would just not look right. It would be the opposite of what a large home on a small looks like. I do not have a problem with setting a maximum house size just believe that the size being proposed is much to small.

If the District wishes to propose a house size of 5,813 sq. ft. then I believe it should allow RS1 zones to subdivide. RS1 zones, I currently believe, cannot be subdivided. The maximum house size being proposed would then be much more in proportion to the smaller lot size.

One problem that I do believe some RS1 zones have is that they often seem to have far to much area paved and not left as "green" or vegetated area.

Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

8+9 of 13

Adam Wright

From: [REDACTED]
Sent: September 30, 2019 8:17 AM
To: Adam Wright
Cc: [REDACTED]
Subject: re: Proposed maximum house size for properties in the RS1 Zone
Attachments: Letter Sept 30 2019-final.pdf

Hi Adam,

Please find attached our and our neighbor's letter in response to your September 11, 2019 letter regarding the proposed RS1 zoning changes.

Please acknowledge receipt.

Regards,

[REDACTED]

September 30, 2019

District of North Vancouver
Community Planning Department
355 West Queens Road
North Vancouver, B.C.
V7N 4N5

cc. Mayor Mike Little
mayor@dnv.org

re: Proposed maximum house size for properties in the RS1 zone

Dear Sir or Madam:

We write in response to the District's letter of September 11, 2019 regarding the proposed maximum house size for properties in the RS1 zone.

The undersigned live at [REDACTED] and [REDACTED], respectively. We strenuously object to the proposed change to the zoning bylaws.

The proposed change would:

- significantly decrease the value of our properties;
- unnecessarily restrict use of these properties;
- serve no public purpose with respect to these properties.

Properties

Our properties are accessed via a [REDACTED] Park (see Exhibit 1). The properties are unique in various relevant ways:

- they are the only [REDACTED] properties on [REDACTED];
- there are no neighbors within sight in any direction;
- the properties are both approximately 1 acre in size;
- the houses are largely hidden from view and face Lynn Creek;
- the houses are located on a dead end road with little car traffic;
- neither property is the result of a consolidation.

The location and character of the properties makes concerns about non-conformity with neighbors a non-issue. Large homes could be built on these properties with zero impact on either neighbours or neighbourhood characteristics.

The proposed amendment would reduce the maximum house size which could be built on our properties by approximately 65%, thereby significantly reducing the value of the properties, while serving no public purpose.

The District's September 11, 2019 letter did not provide any explanation as to why this change is needed. We note that the existing floor space ratio rules already establish a maximum houses size for any given property.

We have made significant investments in our homes based on the current bylaws. Zoning changes should not be made which will negatively impact their value unless a clear and critical public need is being addressed. The District has not met this test.

We urge the district to:

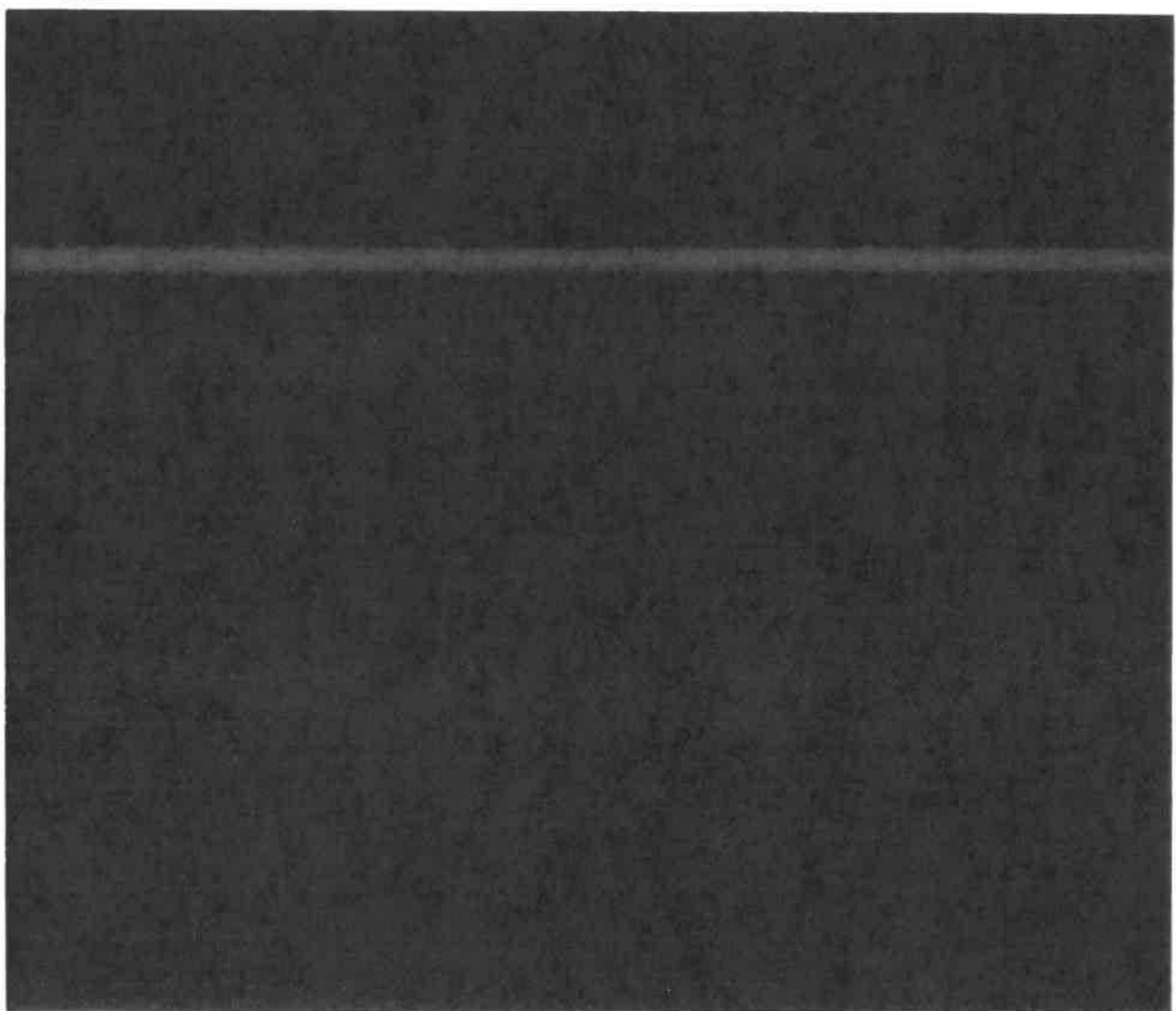
- leave the zoning as-is, or
- amend the zoning in the proposed manner only for future consolidations of properties, so as not to affect current homeowners, or
- exempt the [REDACTED] properties from the changes, due to their unique location and characteristics.

Proceeding as proposed with the zoning change would cause significant financial harm to a small number of homeowners and serve no public purpose.

Regards

[REDACTED]

[REDACTED]



10 of 13

Adam Wright

From: [REDACTED]
Sent: September 30, 2019 10:07 AM
To: Adam Wright
Subject: OCP - RS1 size restriction

Hi Adam,

Following your letter dated Sept. 11, 2019, as property owner, we would like to put on record that we disagree with council's proposal to put a house size restriction on the RS1 zone as described. For our property, a 5,813 sf house on about 600,000 sf land or a site coverage of about 0.10 percent does not make sense. It is not inline with council's theoretical discussion of a 30,000 sf house on 43,560 sf (1 acre) land.

Hence, by adding this restriction, council's action will definitely have a direct and negative impact on our property.

Kindly keep us posted. Thank you.

Regards,
[REDACTED]
[REDACTED]

Adam Wright

From: [REDACTED]
Sent: September 30, 2019 12:13 PM
To: Adam Wright
Cc: [REDACTED]
Subject: Proposed Maximum house size for properties in the RS1 zone

Re: [REDACTED]

Mr. Wright,

I am writing in regard to the proposed change regarding maximum house size in RS1 zone. We own property above with RS1 zoning: the property is approximately 15 acres and we are currently allowed to build 1 (one) house for the property. Given the size of this parcel of land, the proposed house size allowed would be extremely disproportionate. I do appreciate the concerns of the District of North Vancouver Council: perhaps the proposed maximum house size for properties in the RS 1 zone should be limited based on the size of the acreage itself. A maximum house size of 540 meters squared would be fine for acreages of 2 acres or less, but larger acreages should be allowed to have larger houses.

If you have any questions, please let me know,

Regards, [REDACTED]

12 of 13

Adam Wright

From: [REDACTED]
Sent: October 02, 2019 7:53 AM
To: Adam Wright
Subject: Comments

Hi Adam,

In response to the proposed maximum house size for properties in the RSI zone

I am opposed to the changes.

The maximum house size is far to small for the size of our properties . The district will not permit any subdividing of current properties regardless of size .

I am in disagreement with this as well.

Regards

[REDACTED]

13 of 13

Adam Wright

From: [REDACTED]
Sent: October 03, 2019 4:02 PM
To: Adam Wright
Subject: RE: District of North Vancouver Proposed maximum house size for properties in the RS1 zone_11Sep19

Thank you Adam,

I will review this information and other information on the DNV website and come back to you with further thoughts.

Also I will call you if needed to discuss thx.

If possible please keep me informed of any future meetings or public forums where this issue will be discussed. Also in case any further relevant information is published.

Thank you,

[REDACTED]

From: Adam Wright <WrightA@dnv.org>
Sent: Thursday, October 3, 2019 9:29 AM
To: [REDACTED]
Subject: RE: District of North Vancouver Proposed maximum house size for properties in the RS1 zone_11Sep19

Good morning [REDACTED],

Thank you for your email and comments.

I wanted to provide further information and resources for your reference.

Council has expressed concerns related to house size primarily in light of other District efforts such as mitigating construction-related impacts to neighbouring residents and the environment (e.g. reducing tree loss associated with new construction). You can view a video of Council's discussion at the July 8, 2019 Council Workshop, available [here](#). The discussion on maximum principal building (house) size begins at 56:49 in the video. The staff report and presentation to Council is also available [here](#) for your reference.

Any offsetting benefits for RS1 property owners will be up to Council to determine as the proposal is considered.

The RS1 maximum house size that is currently being proposed is the same as that of RS2, but the final decision will be up to Council to determine. The RS1 or RS2 designation do have different minimum lot sizes, this is not currently being reviewed (so is likely remain the same).

Thank you again for your input, comments received from property owners will be used to inform a recommendation to Council in the fall.

I'm happy to speak over the phone if you have further comments.

Regards,

Adam

Adam Wright, MSc
Community Planner

**DISTRICT OF
NORTH
VANCOUVER**

355 West Queens Road
North Vancouver, BC V7N 4N5
wrighta@dnv.org
Direct: 604-990-3657

From: [REDACTED]
Sent: October 02, 2019 2:03 PM
To: Adam Wright <WrightA@dnv.org>
Subject: FW: District of North Vancouver Proposed maximum house size for properties in the RS1 zone_11Sep19

Dear Mr. Wright

I own two RS1 zoned properties in the DNV and recently received the attached letter dated Sept 11/19.

My first reaction is concern that this change desired by the Council would have a negative affect on me both in terms of the ongoing use and enjoyment of my properties, as well as from a current and future capital value perspective (at a time when RS1 values in the DNV are already down significantly over the past 1-2 years).

However, before expressing a strong opinion on this matter I would like to research and think about it further. To start with can you provide information on?

1. Why the Council is thinking to pursue this change? What are their motivations and concerns? What are the issues?
2. If this change were to be enacted would there be any offsetting benefits for RS1 owners such as myself?
3. With this change would there be any practical difference between an RS1 and an RS2 lot? (if not would this initiative in reality be one to make all RS1 lots into RS2 lots (possibly with a new designation for all)?

Although I have not yet thought too deeply about this topic as mentioned, my general feeling so far has been that DNV makes the sub-division/ redevelopment of large RS1 lots in the DNV relatively difficult and expensive to pursue, and that one of the few offsetting benefits for the owner of a large RS1 lot is the ability to build a large to very large house. I had always assumed the DNV must like that concept, given what I think are challenges obtaining approvals for sub-division and/or conversion to multi-family for RS 1 lots.

I think the DNV requires increased residential and commercial density in order for it to remain a vibrant and diverse community with a range of jobs and housing options (at all rent and purchase price points). Therefore I hope that the

Council will think of this matter and all such matters affecting the DCP within this context. Simply being 'anti-development/ anti- construction' will create unintended negative consequences in the fullness of time.

[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Friday, September 27, 2019 6:16 PM
To: [REDACTED]
Subject: District of North Vancouver _Proposed maximum house size for properties in the RS1 zone_11Sep19

FVI.

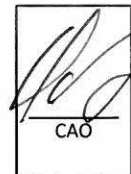
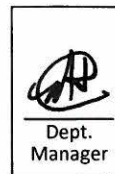
Best Regards

[REDACTED]

AGENDA INFORMATION

☒ Regular Meeting
☐ Other:

Date: FEB. 3, 2020
 Date: _____



The District of North Vancouver

REPORT TO COUNCIL

January 16, 2020

File: 08.3060.01/000.000

AUTHOR: Ashley Bellwood, Development Planning

SUBJECT: Cannabis Retailing – Background and Overview

RECOMMENDATION:

THAT this report be received by Council for information.

REASON FOR REPORT:

The purpose of this report is to provide Council with an update on the application process and current status of applications for Cannabis Retail Stores in the District of North Vancouver.

BACKGROUND:

Federal Legislation

On October 17, 2017, federal legislation legalized the sale of non-medical cannabis in Canada. Under this legislation, each province has the authority to regulate certain aspects of the sale, supply and possession of cannabis products.

Provincial Legislation

Following federal legalization, the Province enacted the *Cannabis Control and Licensing Act* (the Act) to control the sale, supply, and possession of non-medical cannabis, and to establish licensing procedures for private retailers. The licensing process for private retailers is managed by the Provincial Liquor and Cannabis Regulation Branch (LCRB).

The Act provides municipalities the authority to regulate cannabis retail stores by:

- Imposing restrictions in zoning bylaws regarding the location of cannabis retail stores;
- Regulating businesses by limiting business hours or imposing other conditions such as signage specifications; and
- Collecting application fees for assessment of an application.

Under the Act, local governments have the opportunity to provide input on a cannabis retail store application within its municipal boundaries. If a local government chooses to provide comments and a recommendation on an application:

- The local government must gather the views of residents;
- A recommendation by the local government to deny an application means that the LCRB may not issue the license; and
- A recommendation in favour of an application by the local government allows the LCRB discretion on whether or not to issue a license, but it must consider the local government's recommendation.

In making a recommendation on the location of a proposed retail store, a municipality must request input from residents in the area. Opinions of residents may be gathered by using one or more of the following:

- Receiving written comment in response to a public notice of the application;
- Conducting a public hearing for the application;
- Holding a referendum; or
- Using another method the local government considers appropriate.

District of North Vancouver Policy

Based on federal and provincial legislation, as well as the input received during community consultation in 2018 and 2019, staff prepared the Non-medical Retail Cannabis Policy (the Cannabis Policy) which was adopted by Council on July 22, 2019 and amended on October 7, 2019 (see Attachment A).

The Cannabis Policy specifies that a proposal for a retail cannabis store in the District of North Vancouver may be considered through a rezoning application process, which includes an assessment of the proposal in meeting locational guidelines and other evaluation criteria. The additional evaluation criteria address issues related to access, operation, hours, and the exterior appearance of the store.

As per the Cannabis Policy, rezoning applications are to be processed using a first-come-first-served model, based on the date and time the application was forwarded to the District from the LCRB.

On October 7, 2019, the Cannabis Policy was amended to include a requirement that in order to be considered based on the date of the LCRB referral, rezoning applications must be submitted within 15 days of the date of the referral. If an application is received by the District more than 15 days from the date of the LCRB referral, then the rezoning application will be considered based on the date that the rezoning application is received by the District.

On December 2, 2019, Council adopted bylaw amendments to the District of North Vancouver Zoning Bylaw, Business License Bylaw, Fees and Charges Bylaw, and Bylaw Notice Enforcement Bylaw to create the framework to allow for implementation of the Cannabis Policy.

PROCESS:

In order for a proposed cannabis retail store to be considered in accordance with the Cannabis Policy, interested applicants must submit a rezoning application to the District. A flowchart showing the general steps in the rezoning process is included as Attachment B.

Following the submission of a rezoning application, a notice is mailed to owners and occupants within a minimum 100 m (328 ft.) radius of the location of the proposed cannabis retail store, and a sign is posted on the site for a two week period to provide an opportunity for public input on a proposal. A rezoning bylaw and Report to Council is prepared, including a summary of public input received. Should Council choose to refer a rezoning bylaw to a Public Hearing, the hearing will provide an additional opportunity for residents to share their input on an application.

STATUS:

Since adoption of the Cannabis Policy on July 22, 2019, the LCRB has referred eight cannabis retail license applications to the District for consideration and eight rezoning applications have been submitted to the District. Of these rezoning applications, the applications at 1093 Marine Drive and 4720 Capilano Road have been withdrawn by the respective applicants, and the remaining six applications are currently being processed. A summary of the current applications is provided below:

Lynn Creek Town Centre:

Address	Referral Date	Application Date	Processing Order
1560 Main Street	July 24, 2019	September 5, 2019	1
1520 Barrow Street	July 31, 2019	October 3, 2017 (application placed on hold pending creation of District policy. Application re-activated July 31, 2019)	2

Outside Key Growth Centres:

Address	Referral Date	Application Date	Processing Order
385 N Dollarton Highway	August 1, 2019	September 9, 2019	3

Lions Gate Village and Marine Drive Corridor:

Address	Referral Date	Application Date	Processing
1074 Marine Drive	August 23, 2019	August 23, 2019	4
1629 Marine Drive	August 26, 2019	October 23, 2019	5
1199 Marine Drive	September 5, 2019	October 10, 2019	6

There have been no referrals received from the LCRB for applications in Lynn Valley Town Centre or Maplewood Village Centre.

The six rezoning applications under review will be brought forward for Council's consideration in accordance with the Non-medical Retail Cannabis Policy.


Respectfully submitted,



Ashley Bellwood
Development Planning

Attachments:

- A. District of North Vancouver Non-medical Retail Cannabis Policy
- B. Rezoning Process Flowchart

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

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The Corporation of the District of North Vancouver

CORPORATE POLICY

Title	Non-medical Retail Cannabis Policy
Section	Development and Social Planning

POLICY

It is the policy of Council that the approval of a retail cannabis business in the District of North Vancouver may only be considered through a rezoning application that meets the guidelines, criteria and processing requirements set out in this policy.

Policy approved on: July 22, 2019

Policy amended on: October 7, 2019

PROCEDURE

The following procedure is used to implement this policy but does not form part of the policy. This procedure may be amended from time to time at the discretion of the Chief Administrative Officer.

DEFINITIONS

“Council” means the Council for the District of North Vancouver.

“District” means the District of North Vancouver.

“Liquor & Cannabis Regulation Branch” means the Provincial branch which regulates British Columbia’s liquor industries and private retail non-medical cannabis industries (formerly Liquor Control and Licensing Branch).

“Cannabis Retail Store” means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.

REASON FOR POLICY

To provide locational and evaluation criteria to guide decisions on permitting the retail sale of non-medical cannabis in the District.

PREAMBLE

The District has taken the approach of considering retail cannabis businesses through an individual rezoning process considered on a case-by-case basis. Applications for a retail cannabis business should comply with the locational guidelines and other criteria contained in this policy and will be subject to public consultation requirements of the District's Development Procedures Bylaw and the statutory provisions of the *Local Government Act*.

APPLICATION

1. This policy applies to applications for rezoning to operate a retail cannabis business in the District of North Vancouver.
2. Administration of this policy is handled through the processing of rezoning applications and preparation of bylaws for Council consideration. Compliance with this policy does not guarantee development approval from Council.
3. Applicants who apply to the Liquor and Cannabis Regulation Branch (LCRB) for any retail cannabis business licence must submit a rezoning application to the District after the application is referred to the municipality for input by the LCRB. Rezoning applications will only be considered after the date of approval of this policy.

LOCATIONAL GUIDELINES

The following locational guidelines will be used to assess the suitability of a site for a retail cannabis business when an application for rezoning for such a use has been submitted to the District:

A retail cannabis business may be located on a site that:

1. Is currently zoned to permit a liquor store use;
2. Is located at least 200 metres from any elementary or high school property;
3. Does not exceed a maximum of one (1) business per each of the following key growth centres identified in the Official Community Plan*:
 - a. Maplewood Village Centre;
 - b. Lions Gate Village Centre and Marine Drive Corridor;
 - c. Lynn Valley Town Centre;
 - d. Lynn Creek Town Centre.

*Additional businesses outside of Town and Village Centres may be given consideration on a case-by-case basis, subject to a review of the merits of the application.

4. Complies with all of the requirements of the Provincial *Cannabis Licensing Regulation*.

OTHER EVALUATION CRITERIA

In addition to the above locational guidelines, the following criteria will be considered in evaluating a rezoning application for a retail cannabis business use:

1. Access for vehicles, including potential traffic impacts and parking availability;
2. Access for pedestrians and cyclists, including proximity to public transit;
3. A proposed interior layout that does not accommodate product sampling;
4. A proposed exterior design that is sensitive to the design and character of the respective Town and Village Centre in which it is located and is consistent with all applicable guidelines that regulate the exterior appearance of all residential and commercial properties within that Centre to the extent possible that it complies with the Provincial *Cannabis Control and Licensing Act*;
5. Design of signage that is in accordance with the District of North Vancouver Sign Bylaw;
6. Operating hours that do not exceed 9am – 9pm;
7. Store security requirements that meet the Provincial Cannabis Retail Store Licence Terms and Conditions Handbook.

NON-MEDICAL CANNABIS APPROVAL PROCESS

All retail cannabis businesses must undergo a site-specific rezoning process before the retail sale of non-medical cannabis is permitted. This will include opportunities for public consultation.

All applicants interested in establishing a retail cannabis business shall submit the following applications:

1. An application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a cannabis retail store license prior to submitting an application for rezoning to the District;
2. An application to the District for a rezoning of the parcel to permit a retail cannabis business, once the application has been referred from the Provincial Liquor &

Cannabis Regulation Branch to the District for input. Applications for rezoning will be processed using a first-come-first-served model based on the date and time the application was forwarded to the District from the LCRB. Applications should be submitted to the District within 15 days of a referral from the LCRB. If an application is submitted more than 15 days after the referral from the LCRB, then it will be processed on a first-come-first-served model based on the date that the complete application is accepted by the District.

3. In the case of a Provincial store, the date that an application is submitted to the District will be considered the date of referral.
4. An application to the District for a development permit as required by the District;
5. An application for a District business licence, upon successful adoption of a rezoning bylaw and a positive recommendation from the District to the LCRB; and
6. Additional permit applications as required by the District, including but not limited to a building permit and/or sign permit applications.

PUBLIC CONSULTATION

1. Rezoning to permit a retail cannabis business will require public consultation as specified in District bylaws and policies (e.g. Development Procedures Bylaw) and statutory procedures set out in the *Local Government Act* (e.g. Public Hearing).
2. A summary of the public consultation will be included in a Report to Council for the rezoning application.

CONDITIONS OF REZONING

Council may require that one or more of the following conditions must be met prior to the adoption of a rezoning bylaw for a retail cannabis business:

1. The applicant may be required to submit details regarding on-site signage.
2. The applicant may be required to submit details on how potential odour that may be emitted from the premises will be controlled. A Section 219 covenant, or other means, may be used to secure any required odour mitigation measures.
3. The warehousing of cannabis as an accessory use shall not be permitted.
4. Any other conditions as may be required by Council.

SMOKING REGULATIONS SIGNAGE

1. A minimum of two signs shall be posted within the interior of the building and a minimum of one sign on the exterior of the building, with all signs having dimensions of at least 12" x 18". The signage shall detail the restrictions for smoking within 6 metres of any openings to the building, including doors and windows that open and any air intake, as outlined in section 6(a) of the Smoking Regulation Bylaw.

COUNCIL DISCRETION

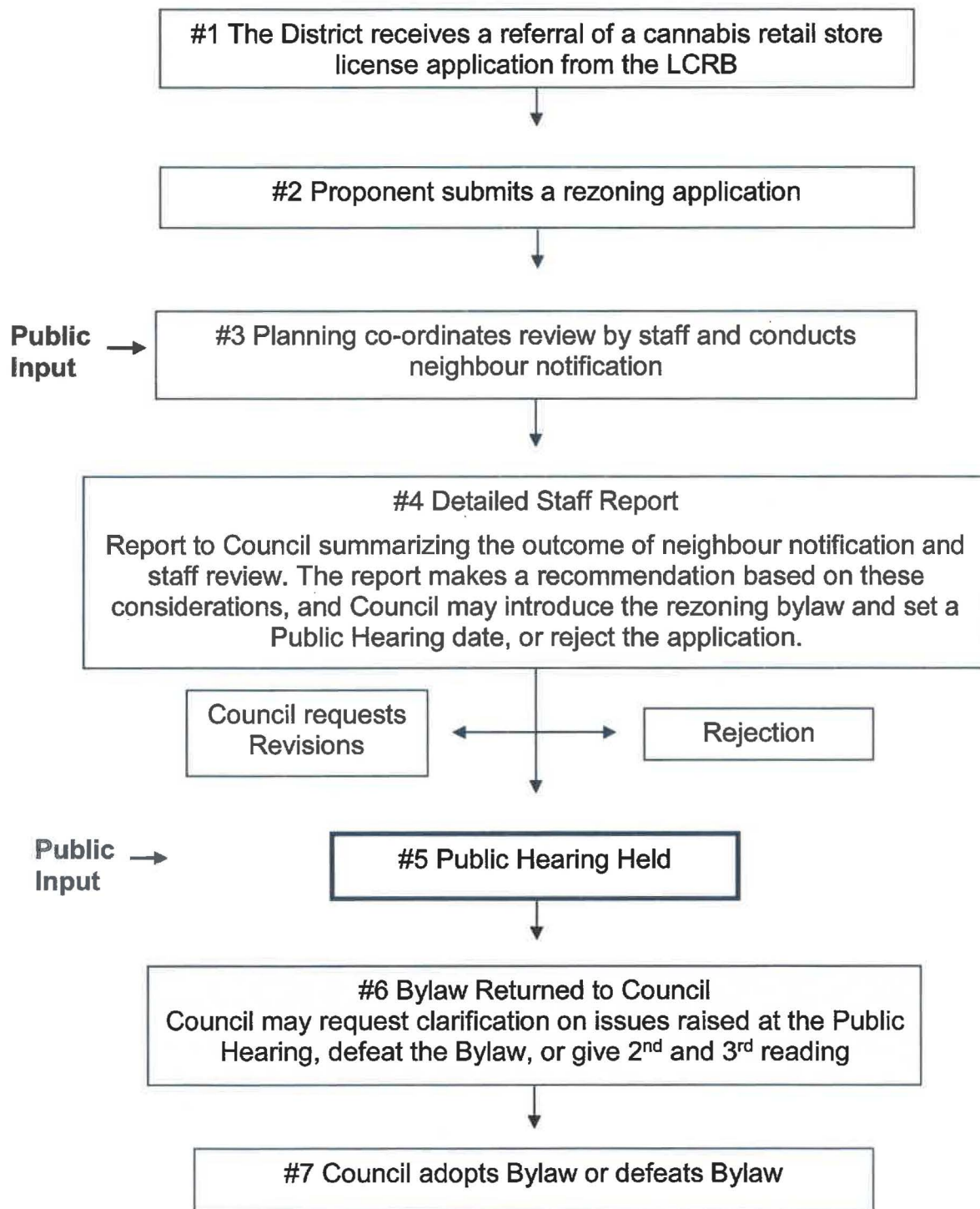
While this policy is intended to establish a framework which would apply to all rezoning applications for retail cannabis uses, Council maintains full discretion to allow or reject any application for a retail cannabis use and may, in its sole discretion, exempt applications from all or any part of this policy.

AUTHORITY TO ACT

Provincial legislation, including the *Community Charter*, *Local Government Act*, and the *Cannabis Control and Licensing Act*, authorizes the District to regulate locational aspects of retail cannabis businesses and to establish procedures to assess and approve such businesses.

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**APPLICATION PROCESS FOR CANNABIS RETAIL STORES
THE DISTRICT OF NORTH VANCOUVER**




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AGENDA INFORMATION

☒ Regular Meeting
☐ Other:

Date: FEB. 3, 2020
 Date: _____


 Dept.
 Manager


 GM/
 Director


 CAO

The District of North Vancouver

REPORT TO COUNCIL

January 16, 2020

File: 08.3060.20/048.19

AUTHOR: Ashley Bellwood, Development Planning

SUBJECT: Text Amendment to add “Cannabis Retail Store” at 1560 Main Street (Bylaw 8420)

RECOMMENDATION

THAT “District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8420)” is given FIRST Reading;

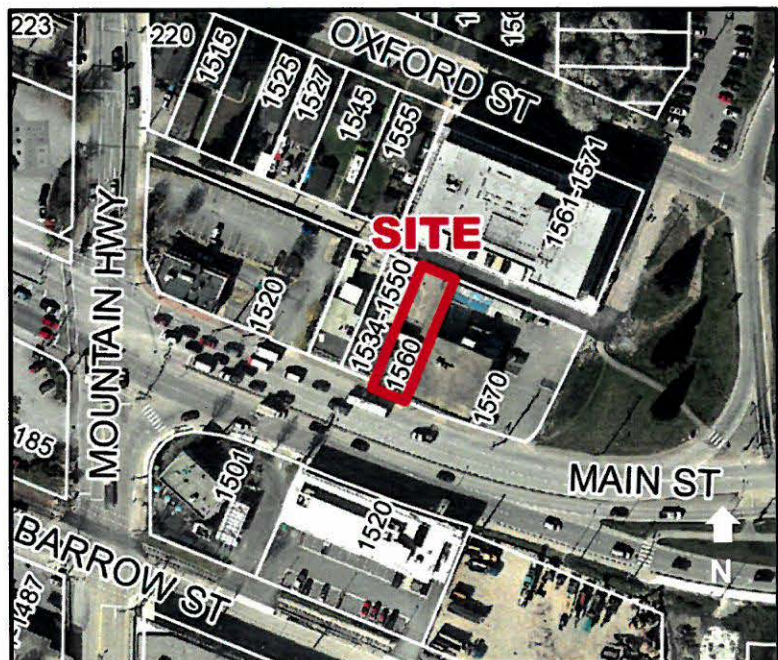
AND THAT “District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8420)” is referred to a Public Hearing.

REASON FOR REPORT

The applicant proposes to amend the Zoning Bylaw to add “Cannabis Retail Store” as a permitted use for the property located at 1560 Main Street.

Implementation of the proposed amendment requires Council’s consideration of Bylaw 8420 to amend Section 405B (1) of the Zoning Bylaw to allow a cannabis retail store as a permitted use at this location.

The Rezoning Bylaw is recommended for introduction and referral to a Public Hearing.



SUMMARY

An application has been submitted to the District of North Vancouver for a text amendment to add

“Cannabis Retail Store” as a permitted use for the property located at 1560 Main Street. The subject property is currently improved with a two-storey building zoned for commercial use.

Prior to the issuance of a cannabis retail store licence, the Provincial Liquor and Cannabis Regulation Branch (LCRB) requires confirmation of a positive recommendation from the District of North Vancouver. If Bylaw 8420 is adopted, the District will forward to the LCRB an indication of Council’s support for a cannabis retail store license on this property.

EXISTING POLICY

Official Community Plan

The Official Community Plan (OCP) designates this site as “Commercial Residential Mixed-Use Level 1” (CRMU1) which are areas intended for predominantly general commercial purposes, such as retail, service and office uses with residential above. The site is within the Lynn Creek Town Centre.

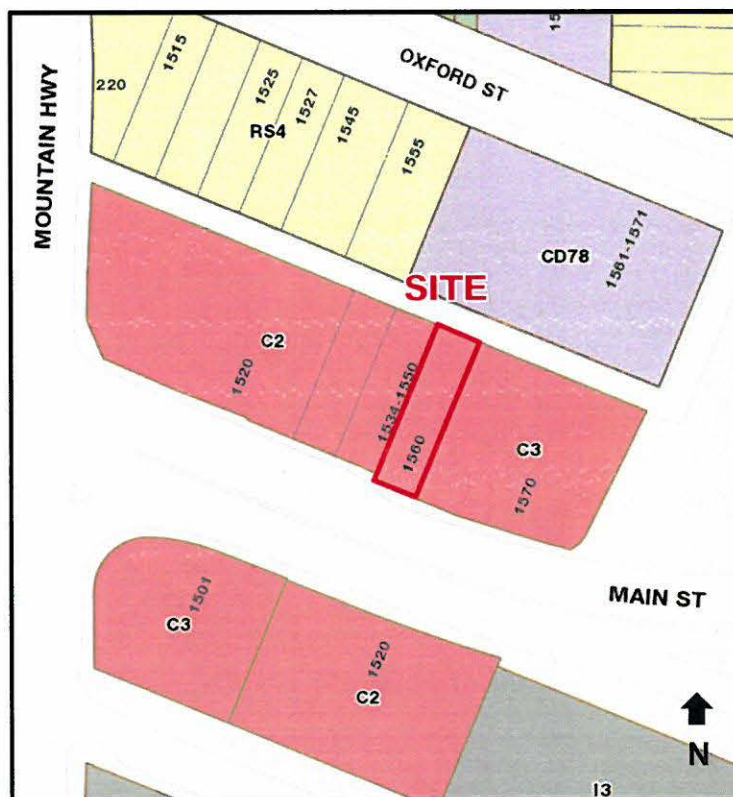
Zoning

The subject property is zoned “General Commercial Zone 2” (C2). The C2 zone permits the “Cannabis Retail Store” use when the subject property is included on the table in Section 405B (1) of the Zoning Bylaw. Bylaw 8420 (Attachment A) proposes to amend Section 405B (1) by adding 1560 Main Street to the list of properties permitting one cannabis retail store.

ANALYSIS

Site and Surrounding Area

The proposed cannabis retail store is to be located in an existing two-storey building at 1560 Main Street that is currently vacant. The ground floor would be used for the retail store and second floor for their office space. Surrounding properties include commercial to the east, south, and west of the site; and multi-family and single family residential (slated for future development) to the north across the lane.



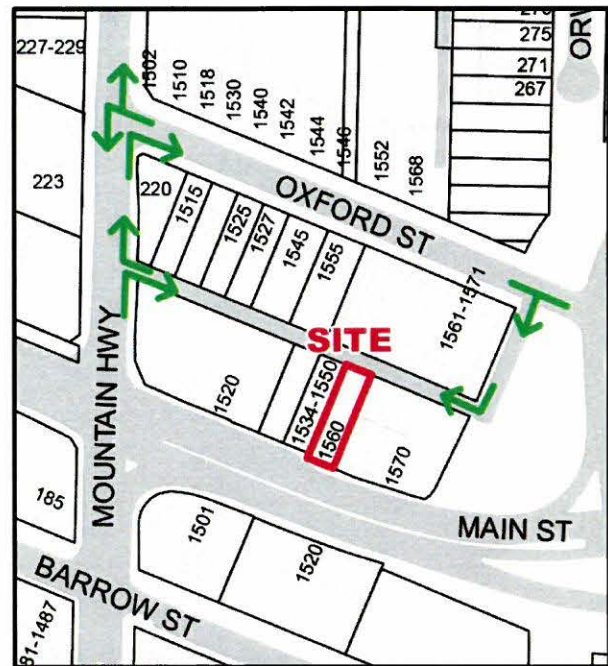
Non-medical Retail Cannabis Policy

The proposed use of the site has been evaluated against the District’s “Non-medical Retail Cannabis Policy” (the Cannabis Policy).

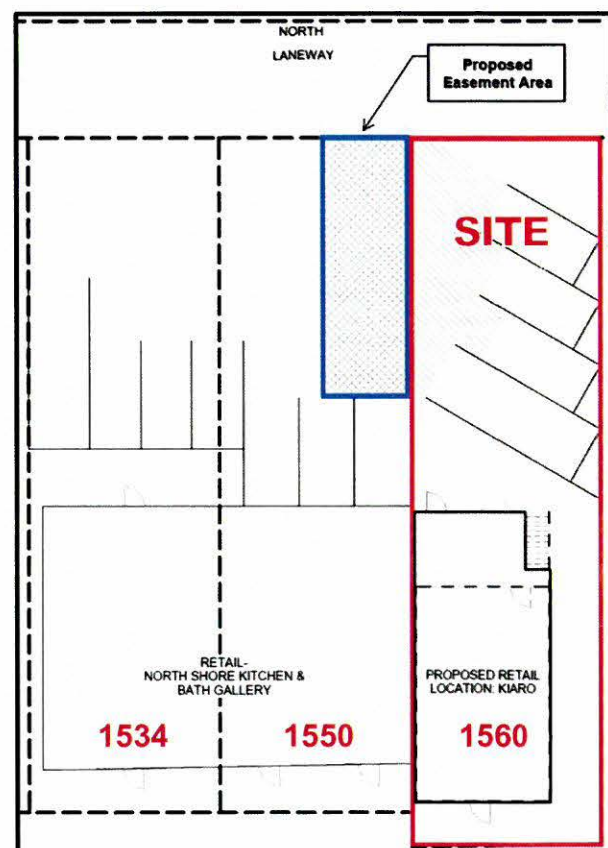
One of the Cannabis Policy’s guidelines addresses access for vehicles, potential traffic impacts and parking availability. Parking for the site is proposed at the rear of the property and access is only available from the rear lane. The map to the right demonstrates access and egress for the site. As there is a median on Mountain Highway, only “right-in” and “right-out” vehicle movements are permitted at this location. Vehicles unable to directly access the lane from Mountain Highway can enter the lane at the east end of Oxford Street.

When leaving the site, vehicles can exit the lane directly onto Mountain Highway via a right-hand turn, or via Oxford Street which provides access to Mountain Highway (north and south) and to Main Street to the south.

The proposed parking can comply with the Zoning Bylaw, subject to registration of a reciprocal access easement with the neighbouring property at 1550 Main Street to provide sufficient manoeuvring aisle width (as shown adjacent). Through review of the proposal, staff note that improvements to access and parking are required at 1560 Main Street and 1550/1534 Main Street. The owner of the three properties has acknowledged this and has confirmed that the required access easement over 1550 Main Street will be provided should the rezoning be approved. As a condition of rezoning, a covenant to ensure access is available for all properties during opening hours of each business will be required to be registered on title at 1560, 1550, and 1534 Main Street.



1560 Main Street - Site Access and Egress



Proposed Parking Layout and Easement Area

A complete review of the Cannabis Policy’s ‘Locational Guidelines’ and ‘Other Evaluation Criteria’ is outlined in the table below.

Locational Guidelines	
Zoned to permit a liquor store	Liquor store is listed as a Principal Use
Located at least 200 m from any school	Complies
Does not exceed one business per OCP key growth centre	Site located within Lynn Creek Town Centre; no cannabis retail store businesses currently exist in this centre. The subject proposal was the first LCRB referral but the second rezoning application to be received within this grown centre.
Complies with all Provincial Cannabis Licensing Regulations	Security plan provided to satisfy provincial and federal legislative requirements Confirmation of compliance and issuance of license by the LCRB, should the rezoning be approved by Council.
Other Evaluation Criteria	
Access for vehicles, potential traffic impacts and parking availability	Parking provided at the rear of the property with access available only through the rear lane. On-site parking can comply with Zoning Bylaw requirements subject to registration of an access agreement.
Access for pedestrians and cyclists	Excellent access for pedestrians, cyclists and those using alternate modes of transportation. Site is located adjacent to Phibbs Exchange and on a RapidBus route with a dedicated shared bus and bike lane
Store layout that does not accommodate sampling	Complies
A proposed exterior design that is consistent with applicable design guidelines and that complies with provincial requirements	Upon approval, minor improvements to renew the façade would be completed. To comply with provincial requirements, opaque window coverings will be installed. Final storefront to be finished similar to the applicant’s Vancouver location (shown on the following page).
Signage in accordance with the District of North Vancouver Sign Bylaw	Proposed signage is generally consistent with the Sign Bylaw. A sign permit will be required prior to installation of any signs.
Operating hours that do not exceed 9 am – 9 pm	Complies



1560 Main Street - Existing Store Frontage



Storefront of Applicant's Vancouver Location

Concurrence

The project has been reviewed by staff from the Building, Engineering, Property Use, Community Planning and Fire Departments. No objections to the proposal were noted.

The North Vancouver RCMP has reviewed the proposal and indicated that there are no objections to the proposed cannabis retail store at this location.

The LCRB Senior Licensing Analyst has confirmed that the LCRB has completed their suitability assessment as required by the *Cannabis Control and Licensing Act*.

The site is located within 800 m of a controlled access intersection and therefore approval by the Provincial Ministry of Transportation and Infrastructure will be required prior to adoption of a rezoning bylaw, should the proposal proceed.

Public Input

Notices were distributed to neighbours within a 100 m (328 ft.) radius of the property and a sign was placed on the property in accordance with the District's policy on “Non-Statutory Public Consultation for Development Applications.” A total of 283 notices were delivered and three responses were received, all opposed. One respondent commented that improvements to the building would be positive. Comments received by topic area are as noted below:

- Concern with exposure of children and teenagers to cannabis.
- Concerns regarding traffic and parking, including the potential for patrons to be parking on adjacent properties.

- Potential for smoking and other nuisances in the vicinity of the property.
- General concerns regarding negative neighbourhood impacts.

Implementation

Implementation of this proposal requires a text amendment to the Zoning Bylaw to allow for a cannabis retail store on the property at 1560 Main Street.

Bylaw 8420 (Attachment A) amends Section 405B (1) of the Zoning Bylaw by adding 1560 Main Street to the list of properties permitted to have one cannabis retail store.

CONCLUSION

The proposal for a cannabis retail store on the property generally complies with the Cannabis Policy. The Zoning Bylaw text amendment is now ready for Council’s consideration.

OPTIONS

The following options are available for Council’s consideration:

1. Give Bylaw 8420 First Reading and refer Bylaw 8420 to a Public Hearing. (staff recommendation);
2. Return Bylaw 8420 to staff to negotiate changes to the proposal as directed by Council; or
3. Reject the application and inform the Liquor and Cannabis Regulation Branch of this decision.

Respectfully submitted,



Ashley Bellwood
Development Planning

Attachments:

- A. Bylaw 8420 – Zoning Bylaw Text Amendment
- B. Non-medical Retail Cannabis Policy

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

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The Corporation of the District of North Vancouver**Bylaw 8420**

A bylaw to amend District of North Vancouver Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "District of North Vancouver Rezoning Bylaw 1393 (Bylaw 8420)".

Amendments

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended as follows:
 - a) Part 4 "General Regulations" is amended by adding the following into the first empty row of the table in Section 405B (1):

003-950-808	1560 Main Street	Lynn Creek Town Centre	Bylaw 8420
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READ a first time

PUBLIC HEARING held

READ a second time

READ a third time

Certified a true copy of "Bylaw 8420" as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk



The Corporation of the District of North Vancouver

CORPORATE POLICY

Title	Non-medical Retail Cannabis Policy
Section	Development and Social Planning

POLICY

It is the policy of Council that the approval of a retail cannabis business in the District of North Vancouver may only be considered through a rezoning application that meets the guidelines, criteria and processing requirements set out in this policy.

Policy approved on: July 22, 2019

Policy amended on: October 7, 2019

PROCEDURE

The following procedure is used to implement this policy but does not form part of the policy. This procedure may be amended from time to time at the discretion of the Chief Administrative Officer.

DEFINITIONS

“Council” means the Council for the District of North Vancouver.

“District” means the District of North Vancouver.

“Liquor & Cannabis Regulation Branch” means the Provincial branch which regulates British Columbia's liquor industries and private retail non-medical cannabis industries (formerly Liquor Control and Licensing Branch).

“Cannabis Retail Store” means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.

REASON FOR POLICY

To provide locational and evaluation criteria to guide decisions on permitting the retail sale of non-medical cannabis in the District.

PREAMBLE

The District has taken the approach of considering retail cannabis businesses through an individual rezoning process considered on a case-by-case basis. Applications for a retail cannabis business should comply with the locational guidelines and other criteria contained in this policy and will be subject to public consultation requirements of the District's Development Procedures Bylaw and the statutory provisions of the *Local Government Act*.

APPLICATION

1. This policy applies to applications for rezoning to operate a retail cannabis business in the District of North Vancouver.
2. Administration of this policy is handled through the processing of rezoning applications and preparation of bylaws for Council consideration. Compliance with this policy does not guarantee development approval from Council.
3. Applicants who apply to the Liquor and Cannabis Regulation Branch (LCRB) for any retail cannabis business licence must submit a rezoning application to the District after the application is referred to the municipality for input by the LCRB. Rezoning applications will only be considered after the date of approval of this policy.

LOCATIONAL GUIDELINES

The following locational guidelines will be used to assess the suitability of a site for a retail cannabis business when an application for rezoning for such a use has been submitted to the District:

A retail cannabis business may be located on a site that:

1. Is currently zoned to permit a liquor store use;
2. Is located at least 200 metres from any elementary or high school property;
3. Does not exceed a maximum of one (1) business per each of the following key growth centres identified in the Official Community Plan*:
 - a. Maplewood Village Centre;
 - b. Lions Gate Village Centre and Marine Drive Corridor;
 - c. Lynn Valley Town Centre;
 - d. Lynn Creek Town Centre.

*Additional businesses outside of Town and Village Centres may be given consideration on a case-by-case basis, subject to a review of the merits of the application.

4. Complies with all of the requirements of the Provincial *Cannabis Licensing Regulation*.

OTHER EVALUATION CRITERIA

In addition to the above locational guidelines, the following criteria will be considered in evaluating a rezoning application for a retail cannabis business use:

1. Access for vehicles, including potential traffic impacts and parking availability;
2. Access for pedestrians and cyclists, including proximity to public transit;
3. A proposed interior layout that does not accommodate product sampling;
4. A proposed exterior design that is sensitive to the design and character of the respective Town and Village Centre in which it is located and is consistent with all applicable guidelines that regulate the exterior appearance of all residential and commercial properties within that Centre to the extent possible that it complies with the Provincial *Cannabis Control and Licensing Act*;
5. Design of signage that is in accordance with the District of North Vancouver Sign Bylaw;
6. Operating hours that do not exceed 9am – 9pm;
7. Store security requirements that meet the Provincial Cannabis Retail Store Licence Terms and Conditions Handbook.

NON-MEDICAL CANNABIS APPROVAL PROCESS

All retail cannabis businesses must undergo a site-specific rezoning process before the retail sale of non-medical cannabis is permitted. This will include opportunities for public consultation.

All applicants interested in establishing a retail cannabis business shall submit the following applications:

1. An application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a cannabis retail store license prior to submitting an application for rezoning to the District;
2. An application to the District for a rezoning of the parcel to permit a retail cannabis business, once the application has been referred from the Provincial Liquor &

Cannabis Regulation Branch to the District for input. Applications for rezoning will be processed using a first-come-first-served model based on the date and time the application was forwarded to the District from the LCRB. Applications should be submitted to the District within 15 days of a referral from the LCRB. If an application is submitted more than 15 days after the referral from the LCRB, then it will be processed on a first-come-first-served model based on the date that the complete application is accepted by the District.

3. In the case of a Provincial store, the date that an application is submitted to the District will be considered the date of referral.
4. An application to the District for a development permit as required by the District;
5. An application for a District business licence, upon successful adoption of a rezoning bylaw and a positive recommendation from the District to the LCRB; and
6. Additional permit applications as required by the District, including but not limited to a building permit and/or sign permit applications.

PUBLIC CONSULTATION

1. Rezoning to permit a retail cannabis business will require public consultation as specified in District bylaws and policies (e.g. Development Procedures Bylaw) and statutory procedures set out in the *Local Government Act* (e.g. Public Hearing).
2. A summary of the public consultation will be included in a Report to Council for the rezoning application.

CONDITIONS OF REZONING

Council may require that one or more of the following conditions must be met prior to the adoption of a rezoning bylaw for a retail cannabis business:

1. The applicant may be required to submit details regarding on-site signage.
2. The applicant may be required to submit details on how potential odour that may be emitted from the premises will be controlled. A Section 219 covenant, or other means, may be used to secure any required odour mitigation measures.
3. The warehousing of cannabis as an accessory use shall not be permitted.
4. Any other conditions as may be required by Council.

SMOKING REGULATIONS SIGNAGE

1. A minimum of two signs shall be posted within the interior of the building and a minimum of one sign on the exterior of the building, with all signs having dimensions of at least 12" x 18". The signage shall detail the restrictions for smoking within 6 metres of any openings to the building, including doors and windows that open and any air intake, as outlined in section 6(a) of the Smoking Regulation Bylaw.

COUNCIL DISCRETION

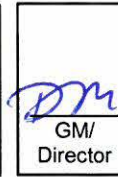
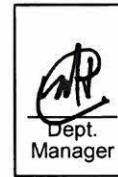
While this policy is intended to establish a framework which would apply to all rezoning applications for retail cannabis uses, Council maintains full discretion to allow or reject any application for a retail cannabis use and may, in its sole discretion, exempt applications from all or any part of this policy.

AUTHORITY TO ACT

Provincial legislation, including the *Community Charter*, *Local Government Act*, and the *Cannabis Control and Licensing Act*, authorizes the District to regulate locational aspects of retail cannabis businesses and to establish procedures to assess and approve such businesses.

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>FEB. 3, 2020</u>
<input type="checkbox"/> Other:	Date: _____



The District of North Vancouver

REPORT TO COUNCIL

January 17, 2020
File: 08.3060.20/061.17

AUTHOR: Emel Nordin, Development Planner

SUBJECT: Text Amendment to add "Cannabis Retail Store" at 1520 Barrow St (Bylaw 8419)

RECOMMENDATION

THAT "District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8419)" is given FIRST Reading;

AND THAT "District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8419)" is referred to a Public Hearing.

REASON FOR REPORT

The applicant proposes to amend the Zoning Bylaw to add "Cannabis Retail Store" as a permitted use for the property located at 1520 Barrow Street.

Implementation of the proposed amendment requires Council's consideration of Bylaw 8419 to amend Section 405B (1), of the Zoning Bylaw to allow a cannabis retail store as a permitted use at this location.

The Rezoning Bylaw is recommended for introduction and referral to a Public Hearing.



SUMMARY

An application has been submitted to the District of North Vancouver for a text amendment to add "Cannabis Retail Store" as a permitted use for the property located at 1520 Barrow Street. The subject property is currently improved with a two storey commercial building.

Prior to the issuance of a cannabis retail store licence, the Provincial Liquor and Cannabis Regulation Branch (LCRB) requires confirmation of a positive recommendation from the District of North Vancouver. If Bylaw 8419 is adopted, the District will forward to the LCRB an indication of Council’s support for a cannabis retail store license on this property.

EXISTING POLICY

Official Community Plan

The Official Community Plan (OCP) designates this site as “Commercial” (COM) which are areas intended predominantly for a variety of commercial and service type uses, where residential uses are not generally permitted.

The site is within the Lynn Creek Town Centre.

Zoning

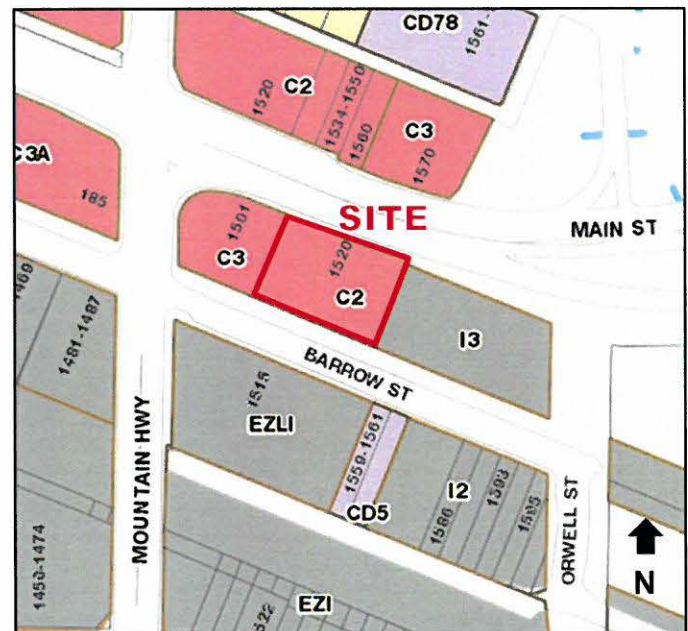
The subject property is zoned “Commercial Zone 2” (C2). The C2 zone permits “Cannabis Retail Store” use when the subject property is included on the table in Section 405B (1). Bylaw 8419 (Attachment A) proposes to amend Section 405B (1) of the Zoning Bylaw by adding 1520 Barrow Street to the list of properties permitting one cannabis retail store.

ANALYSIS

Site and Surrounding Area

The proposed cannabis retail store is to be located in a vacant ground floor retail space on the east side of the existing two-storey commercial building. The development permit for this building was approved by Council in 2013. Existing tenants within the building are Kinetic OHS Services Ltd (a consulting business) and i-works Enterprises Inc (a technology business) on the second storey and Toby’s Liquor Store, located in the west portion of the ground floor.

The site is located mid-block east of Mountain Highway, fronts Barrow Street to the south and Main Street to the north, and is located immediately west of the south-bound on-ramp to the Ironworkers Memorial Bridge. Surrounding properties include a commercial use (car wash) to the west; a temporary heavy machinery use on a light industrial property to the east, a light industrial development to the south, and commercial uses to the north across Main Street.



Non-medical Retail Cannabis Policy

The proposed use of the site has been reviewed against the District’s Non-medical Retail Cannabis Policy (“the Cannabis Policy”). A review of the ‘Locational Guidelines’ and ‘Other Evaluation Criteria’ is outlined in the table below.

Locational Guidelines	
Zoned to permit a liquor store	Complies
Located at least 200 metres from any school	Complies
Does not exceed a maximum of one business per OCP key growth centre	Site located within Lynn Creek Town Centre; no cannabis retail store businesses currently exist in this centre. The subject proposal was the second LCRB referral but the first rezoning application to be received within this grown centre. Compliance with this guideline will be informed by Council’s decision on the other rezoning application in Lynn Creek Town Centre (1560 Main St.)
Complies with all Provincial Cannabis Licensing Regulations	Security plan provided to satisfy provincial and federal legislative requirements. Confirmation of compliance and issuance of a licence by the LCRB will be required should the rezoning be approved by Council.
Other Evaluation Criteria	
Access for vehicles, potential traffic impacts and parking availability	Existing vehicle access is provided via two driveways from Barrow Street, and no traffic impacts are anticipated. The existing 26 surface parking spaces on the property meet the minimum parking requirement of the Zoning Bylaw.

Access for pedestrians and cyclists	Excellent access for pedestrians, cyclists and those using alternate modes of transportation. Site is located on a RapidBus route and in close proximity to Phibbs Exchange. Barrow Street has a marked east-west cycling route with direct access to Ironworkers Memorial Bridge and on-site bicycle parking is available.
Store layout that does not accommodate product sampling	Complies
A proposed exterior design that is consistent with all applicable design guidelines and complies with provincial requirements	A Development Permit was issued for this relatively new building in 2013 and no major façade changes are proposed. The windows are to be obscured with decorative film, in accordance with provincial requirements.
Signage in accordance with the District of North Vancouver Sign Bylaw	Proposed signage on the north and south elevations is generally consistent with the Sign Bylaw. A sign permit will be required prior to installation of any signs.
Operating hours that do not exceed 9 am – 9 pm	Complies.



Proposed Exterior Design and Signage

Concurrence

The project has been reviewed by staff from the Building, Engineering, Property Use, Community Planning and Fire Departments. No concerns have been expressed.

The North Vancouver RCMP has reviewed the proposal and indicated that there are no objections to the proposed cannabis retail store at this location.

The LCRB Senior Licensing Analyst has advised that the LCRB has not yet completed their suitability assessment of the applicant as required by the *Cannabis Control and Licensing Act*. A completed suitability assessment will be required prior to adoption of Bylaw 8419.

The site is located within 800m of a controlled access intersection and therefore approval by the Provincial Ministry of Transportation and Infrastructure will be required prior to the adoption of a rezoning bylaw, should the proposal proceed.

Public Input

Notices were distributed to neighbours within a 100 m (328 ft) radius of the subject property and a sign was placed on the property in accordance with the District’s policy on “Non-Statutory Public Consultation for Development Applications.” A total of 293 notices were delivered, and 5 responses were received. Of those responses, 3 were in support and 2 were opposed.

Positive comments received include:

- Small businesses should be supported with the recent legislative changes regarding sale of cannabis
- The proposed cannabis retail store would be a good addition to the neighbourhood

Comments expressing concerns include:

- Potential for sales to occur to minors
- Impacts on the neighbourhood and concern regarding prevalence of pubs, breweries and similar uses in area
- General concerns regarding the legalization of cannabis and the health impacts of cannabis use

Implementation

Implementation of this proposal will require a text amendment to the Zoning Bylaw to allow for a cannabis retail store on the property at 1520 Barrow Street.

Bylaw 8419 (Attachment A) amends Section 405B (1) of the Zoning Bylaw by adding 1520 Barrow Street to the list of properties permitted to have one cannabis retail store.

CONCLUSION

The proposal for a cannabis retail store on the property generally complies with the Cannabis Policy. The Zoning Bylaw text amendment is now ready for Council's consideration.

OPTIONS

The following options are available for Council's consideration:

1. Give Bylaw 8419 First Reading, and refer Bylaw 8419 to a Public Hearing (staff recommendation); or
2. Reject the application and inform the Liquor and Cannabis Regulation Branch of this decision.

Respectfully submitted,



Emel Nordin
Development Planner

Attachments:

- A. Bylaw 8419 – Zoning Bylaw Text Amendment
- B. Non-medical Retail Cannabis Policy

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

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The Corporation of the District of North Vancouver**Bylaw 8419**

A bylaw to amend District of North Vancouver Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8419)".

Amendments

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended as follows:
 - a) Part 4 "General Regulations" is amended by adding the following into the first empty row of the table in Section 405B (1):

028-681-711	1520 Barrow Street	Lynn Creek Town Centre	Bylaw 8419
-------------	--------------------	------------------------	------------

READ a first time

PUBLIC HEARING held

READ a second time

READ a third time

Certified a true copy of "Bylaw 8419" as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk



The Corporation of the District of North Vancouver

CORPORATE POLICY

Title	Non-medical Retail Cannabis Policy
Section	Development and Social Planning

POLICY

It is the policy of Council that the approval of a retail cannabis business in the District of North Vancouver may only be considered through a rezoning application that meets the guidelines, criteria and processing requirements set out in this policy.

Policy approved on: July 22, 2019

Policy amended on: October 7, 2019

PROCEDURE

The following procedure is used to implement this policy but does not form part of the policy. This procedure may be amended from time to time at the discretion of the Chief Administrative Officer.

DEFINITIONS

“Council” means the Council for the District of North Vancouver.

“District” means the District of North Vancouver.

“Liquor & Cannabis Regulation Branch” means the Provincial branch which regulates British Columbia’s liquor industries and private retail non-medical cannabis industries (formerly Liquor Control and Licensing Branch).

“Cannabis Retail Store” means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.

REASON FOR POLICY

To provide locational and evaluation criteria to guide decisions on permitting the retail sale of non-medical cannabis in the District.

PREAMBLE

The District has taken the approach of considering retail cannabis businesses through an individual rezoning process considered on a case-by-case basis. Applications for a retail cannabis business should comply with the locational guidelines and other criteria contained in this policy and will be subject to public consultation requirements of the District's Development Procedures Bylaw and the statutory provisions of the *Local Government Act*.

APPLICATION

1. This policy applies to applications for rezoning to operate a retail cannabis business in the District of North Vancouver.
2. Administration of this policy is handled through the processing of rezoning applications and preparation of bylaws for Council consideration. Compliance with this policy does not guarantee development approval from Council.
3. Applicants who apply to the Liquor and Cannabis Regulation Branch (LCRB) for any retail cannabis business licence must submit a rezoning application to the District after the application is referred to the municipality for input by the LCRB. Rezoning applications will only be considered after the date of approval of this policy.

LOCATIONAL GUIDELINES

The following locational guidelines will be used to assess the suitability of a site for a retail cannabis business when an application for rezoning for such a use has been submitted to the District:

A retail cannabis business may be located on a site that:

1. Is currently zoned to permit a liquor store use;
2. Is located at least 200 metres from any elementary or high school property;
3. Does not exceed a maximum of one (1) business per each of the following key growth centres identified in the Official Community Plan*:
 - a. Maplewood Village Centre;
 - b. Lions Gate Village Centre and Marine Drive Corridor;
 - c. Lynn Valley Town Centre;
 - d. Lynn Creek Town Centre.

*Additional businesses outside of Town and Village Centres may be given consideration on a case-by-case basis, subject to a review of the merits of the application.

4. Complies with all of the requirements of the Provincial *Cannabis Licensing Regulation*.

OTHER EVALUATION CRITERIA

In addition to the above locational guidelines, the following criteria will be considered in evaluating a rezoning application for a retail cannabis business use:

1. Access for vehicles, including potential traffic impacts and parking availability;
2. Access for pedestrians and cyclists, including proximity to public transit;
3. A proposed interior layout that does not accommodate product sampling;
4. A proposed exterior design that is sensitive to the design and character of the respective Town and Village Centre in which it is located and is consistent with all applicable guidelines that regulate the exterior appearance of all residential and commercial properties within that Centre to the extent possible that it complies with the Provincial *Cannabis Control and Licensing Act*;
5. Design of signage that is in accordance with the District of North Vancouver Sign Bylaw;
6. Operating hours that do not exceed 9am – 9pm;
7. Store security requirements that meet the Provincial Cannabis Retail Store Licence Terms and Conditions Handbook.

NON-MEDICAL CANNABIS APPROVAL PROCESS

All retail cannabis businesses must undergo a site-specific rezoning process before the retail sale of non-medical cannabis is permitted. This will include opportunities for public consultation.

All applicants interested in establishing a retail cannabis business shall submit the following applications:

1. An application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a cannabis retail store license prior to submitting an application for rezoning to the District;
2. An application to the District for a rezoning of the parcel to permit a retail cannabis business, once the application has been referred from the Provincial Liquor &

Cannabis Regulation Branch to the District for input. Applications for rezoning will be processed using a first-come-first-served model based on the date and time the application was forwarded to the District from the LCRB. Applications should be submitted to the District within 15 days of a referral from the LCRB. If an application is submitted more than 15 days after the referral from the LCRB, then it will be processed on a first-come-first-served model based on the date that the complete application is accepted by the District.

3. In the case of a Provincial store, the date that an application is submitted to the District will be considered the date of referral.
4. An application to the District for a development permit as required by the District;
5. An application for a District business licence, upon successful adoption of a rezoning bylaw and a positive recommendation from the District to the LCRB; and
6. Additional permit applications as required by the District, including but not limited to a building permit and/or sign permit applications.

PUBLIC CONSULTATION

1. Rezoning to permit a retail cannabis business will require public consultation as specified in District bylaws and policies (e.g. Development Procedures Bylaw) and statutory procedures set out in the *Local Government Act* (e.g. Public Hearing).
2. A summary of the public consultation will be included in a Report to Council for the rezoning application.

CONDITIONS OF REZONING

Council may require that one or more of the following conditions must be met prior to the adoption of a rezoning bylaw for a retail cannabis business:

1. The applicant may be required to submit details regarding on-site signage.
2. The applicant may be required to submit details on how potential odour that may be emitted from the premises will be controlled. A Section 219 covenant, or other means, may be used to secure any required odour mitigation measures.
3. The warehousing of cannabis as an accessory use shall not be permitted.
4. Any other conditions as may be required by Council.

SMOKING REGULATIONS SIGNAGE

1. A minimum of two signs shall be posted within the interior of the building and a minimum of one sign on the exterior of the building, with all signs having dimensions of at least 12" x 18". The signage shall detail the restrictions for smoking within 6 metres of any openings to the building, including doors and windows that open and any air intake, as outlined in section 6(a) of the Smoking Regulation Bylaw.

COUNCIL DISCRETION

While this policy is intended to establish a framework which would apply to all rezoning applications for retail cannabis uses, Council maintains full discretion to allow or reject any application for a retail cannabis use and may, in its sole discretion, exempt applications from all or any part of this policy.

AUTHORITY TO ACT


Provincial legislation, including the *Community Charter*, *Local Government Act*, and the *Cannabis Control and Licensing Act*, authorizes the District to regulate locational aspects of retail cannabis businesses and to establish procedures to assess and approve such businesses.


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AGENDA INFORMATION

☒ Regular Meeting
☐ Other:

Date: FEB. 3, 2020
 Date: _____


 Dept.
 Manager


 GM/
 Director


 CAO

The District of North Vancouver

REPORT TO COUNCIL

January 17, 2020

File: 08.3060.20/051.19

AUTHOR: Emel Nordin, Development Planner

SUBJECT: Text Amendment to add "Cannabis Retail Store" at 385 North Dollarton Highway
 (Bylaw 8422)

RECOMMENDATION

THAT the application by Rebecca Hardin for a Cannabis Retail Store at 385 North Dollarton Highway is rejected;

AND THAT the Liquor and Cannabis Regulation Branch be informed of this decision.

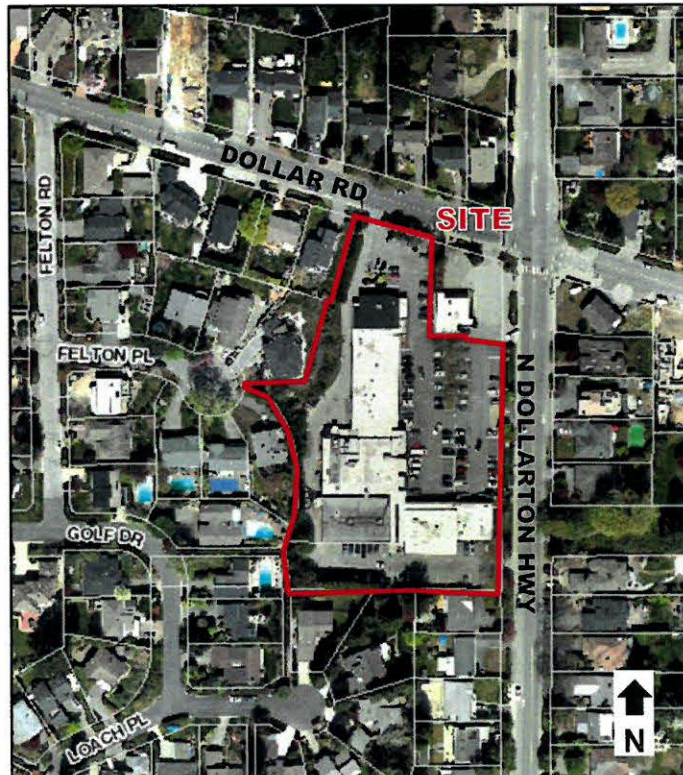
REASON FOR REPORT

The applicant proposes to amend the Zoning Bylaw to add "Cannabis Retail Store" as a permitted use for the property located at 385 North Dollarton Highway in the Dollarton Village Shopping Plaza.

Implementation of the proposed amendment requires Council's consideration of Bylaw 8422 to amend Section 405B (1), of the Zoning Bylaw to allow a cannabis retail store as a permitted use at this location.

As the property is outside of a key growth centre and the proposal has attracted significant negative comment from nearby residents, staff recommend that the application be rejected.

Bylaw 8422 is however available for Council's consideration, should they wish to grant First Reading, and refer the bylaw to a Public Hearing.



SUMMARY

An application has been submitted to the District of North Vancouver for a text amendment to add “Cannabis Retail Store” as a permitted use for the property located at 385 North Dollarton Highway, within the Dollarton Village Shopping Centre.

Prior to the issuance of a cannabis retail store licence, the Liquor and Cannabis Regulation Branch (LCRB) requires confirmation of a positive recommendation from the District of North Vancouver. If Bylaw 8422 is adopted, the District will forward to the LCRB an indication of Council’s support for a cannabis retail store license on this property.

The site is located outside of a key growth centre and significant concern has been raised by adjacent neighbours regarding the proposed cannabis retail store.

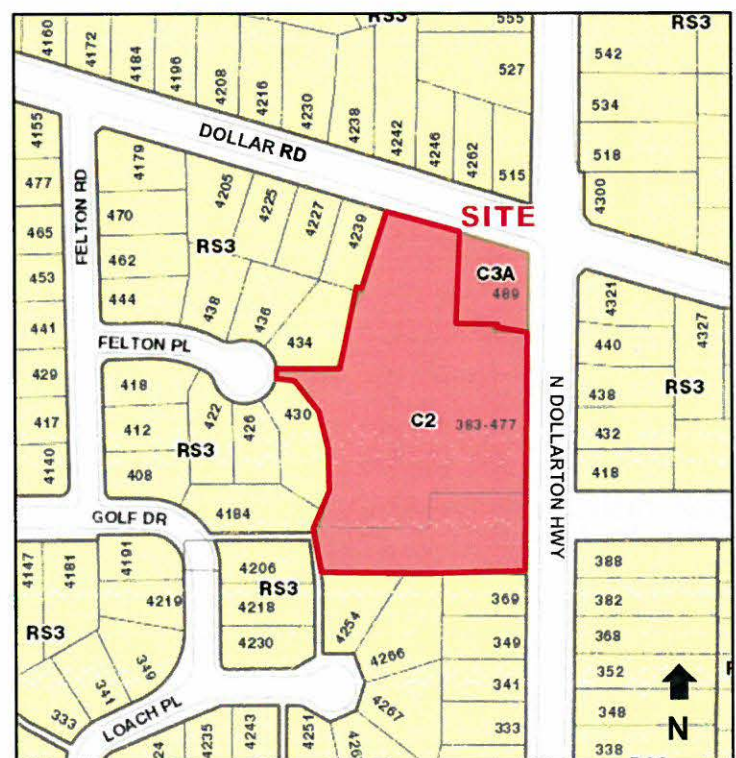
EXISTING POLICY

Official Community Plan

The Official Community Plan (OCP) designates this site as “Commercial Residential Mixed-Use Level 1” (CRMU1) which are areas intended predominantly for general commercial purposes, such as retail, service and offices. The site is outside of a key growth centre.

Zoning

The subject property is zoned “Commercial Zone 2” (C2). The C2 zone permits “Cannabis Retail Store” use when the subject property is included on the table in Section 405B (1). Bylaw 8422 (Attachment A) proposes to amend Section 405B (1) by adding 385 North Dollarton Highway to the list of properties permitting one cannabis retail store.



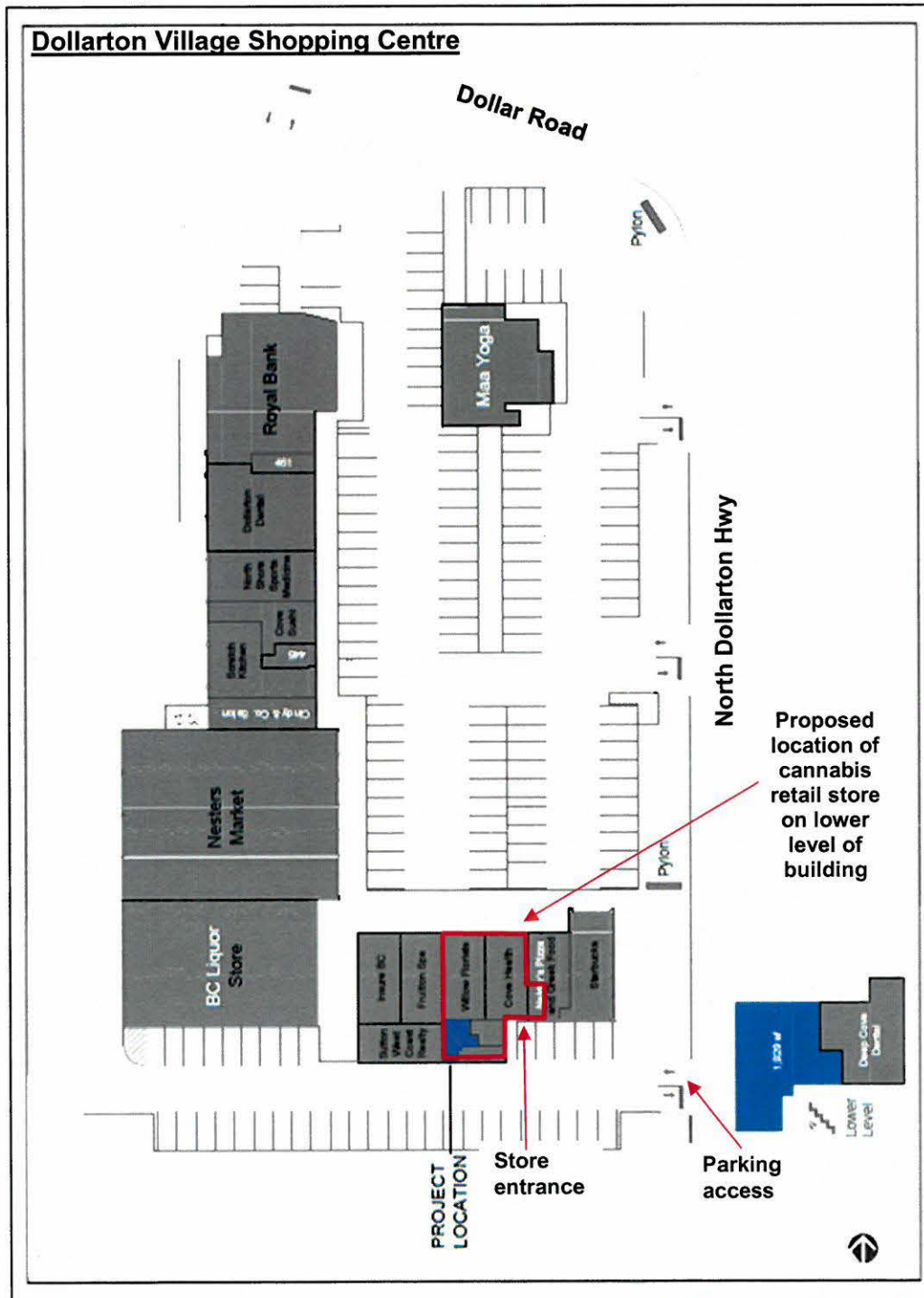
ANALYSIS

Site and Surrounding Area

The proposed cannabis retail store is to be located in a ground floor retail space in the existing two-storey building located at the south end of the Dollarton Village Shopping Centre.

Dollarton Village Shopping Centre is located at the southwest corner of North Dollarton Highway and Dollar Road. The proposed retail location is accessed from North Dollarton Highway via a driveway providing access to the parking lot at the south (rear) of the building. The front entrance to the proposed cannabis retail store is accessed from this parking lot.

The site is located within a residential neighbourhood with single-family residential properties located to the north, east, south and west.



Non-medical Retail Cannabis Policy

The proposed use of the site has been reviewed against the District’s Non-medical Retail Cannabis Policy (“the Cannabis Policy”). The proposal does not comply with the policy as its location is outside an OCP key growth centre. A review of the ‘Locational Guidelines’ and ‘Other Evaluation Criteria’ is outlined in the table below.

Locational Guidelines	
Zoned to permit a liquor store	Liquor store listed as a Principal Use
Located at least 200 metres from any school	Complies - site is approximately 240 metres from Sherwood Park Elementary School.
Does not exceed a maximum of one business per OCP key growth centre	Site is <u>not located</u> within an OCP key growth centre.
Complies with all Provincial Cannabis Licensing Regulations	Security plan provided to satisfy provincial and federal legislative requirements. Confirmation of compliance and issuance of a licence by the LCRB will be required should the rezoning be approved by Council.
Other Evaluation Criteria	
Access for vehicles, potential traffic impacts and parking availability	Existing vehicle access is provided via a driveway from North Dollarton Highway to the south parking lot, and no traffic impacts are anticipated. Existing 157 surface parking spaces meet Zoning Bylaw requirement.
Access for pedestrians and cyclists	Good access for pedestrians, cyclists and those using alternate modes of transportation. Site is located on a bus route with a bus stop adjacent to the proposed store location.
Store layout that does not accommodate product sampling	Complies
A proposed exterior design that is consistent with all applicable design guidelines and complies with provincial requirements	No major façade changes proposed. Windows are to be obscured with decorated opaque film, in accordance with provincial requirements.
Signage in accordance with the District of North Vancouver Sign Bylaw	Proposed signage on south elevation is generally consistent with the Sign Bylaw. A sign permit will be required prior to installation of any signs.
Operating hours that do not exceed 9 am – 9 pm	Complies



Proposed Exterior Design and Signage

Concurrence

The project has been reviewed by staff from the Building, Engineering, Property Use, Community Planning and Fire Departments. No concerns have been noted.

The North Vancouver RCMP has reviewed the proposal and indicated that there are no objections to the proposed cannabis retail store at this location.

The LCRB Senior Licensing Analyst has advised that the LCRB has not yet completed their suitability assessment of the applicant as required by the *Cannabis Control and Licensing Act*. A completed suitability assessment will be required prior to adoption of Bylaw 8422.

Public Input

Notices were distributed to neighbours within a 100 m (328 ft.) radius of the subject property and a sign was placed on the property in accordance with the District's policy on "Non-Statutory Public Consultation for Development Applications." A total of 197 notices were delivered and 50 comments and 3 petitions were received in response. A summary of the responses and petitions is indicated below:

- 47 responses opposed
- 2 responses in support
- 1 response with a mix of questions and concerns
- A petition in support with 105 signatures

- A petition in opposition with 126 signatures
- A petition in opposition with 14 signatures

Positive comments received include:

- The proposed cannabis retail store would add to the vibrancy of the neighbourhood and serve residents well
- A cannabis store would be a complementary use to the existing recreation/wellness-oriented services on the property
- Impressed by experience at the applicant’s existing cannabis retail store, MUSE, on South Granville in Vancouver
- The proposed unit has separate parking and standalone storefront from other tenants, which is a positive
- Patrons visiting Dollarton Village Shopping Centre can access every store without having to walk or drive by the proposed cannabis store or have sightlines to it from the main parking lot

The table below summarizes the key concerns received by topic area:

Comment	Policies and Applicant Response
Impacts on single-family neighbourhood, families with young children; not suitable location and does not reflect nature of the community	<ul style="list-style-type: none">• Location is not within an OCP key growth centre
Proximity to Sherwood Park Elementary School and student walking path; influence on students who visit the shopping centre at lunch hour as they will be able to see the store	<ul style="list-style-type: none">• The proposed location slightly exceeds the Cannabis Policy’s 200 m minimum distance requirement• Employees must ID any guest who appears to be under the age of 25 years upon entry to the store• Windows will be obscured with film that restricts visual access from the exterior• Exterior signage will state “No minors permitted at any time”
Proximity of cannabis store to liquor store	<ul style="list-style-type: none">• Cannabis retail stores are permitted in commercial zones that permit liquor stores• Complies with provincial regulations

Security and increased criminal activity	<ul style="list-style-type: none">• Security plan submitted in accordance with provincial regulations, including locked display cases• Retail environment is proposed to be well lit
Hours of operation too long/late	<ul style="list-style-type: none">• Complies with the Cannabis Policy hours of operation which allows operation between 9 am and 9 pm, seven days a week
Potential for odour and/or smoke	<ul style="list-style-type: none">• Display of product will comply with provincial requirements• All retail product is delivered and stored in pre-sealed containers• The applicant’s existing cannabis store in Vancouver has had no complaints regarding odour
Parking and traffic impacts	<ul style="list-style-type: none">• The existing 157 on-site surface parking spaces meet the Zoning Bylaw parking requirements for the property; the separate south parking lot provides parking immediately adjacent to the proposed store location
Noise and loitering	<ul style="list-style-type: none">• Applicant has a policy that no queuing and/or loitering may occur outside the cannabis retail store• Applicant is proposing additional exterior signage to indicate “No Loitering / No consumption on premises”

Implementation

Implementation of this proposal will require a text amendment to the Zoning Bylaw to allow for a cannabis retail store on the property at 385 North Dollarton Highway.

Bylaw 8422 (Attachment A) amends Section 405B (1) of the Zoning Bylaw by adding 385 North Dollarton Highway to the list of properties permitted to have one cannabis retail store.

CONCLUSION

The proposal for a cannabis retail store at 385 North Dollarton Highway complies with some aspects of the Cannabis Policy, however the site is located outside of a key growth centre. Significant concern has been raised by nearby neighbours regarding the addition of a cannabis retail store within this primarily single-family residential neighbourhood, particularly due to the proximity to Sherwood Park Elementary School.

The Zoning Bylaw text amendment is now ready for Council’s consideration.

OPTIONS

The following options are available for Council's consideration:

1. Reject the application and inform the Liquor and Cannabis Regulation Branch of this decision (staff recommendation);
2. Return Bylaw 8422 to staff to negotiate changes to the proposal as directed by Council; or
3. Give Bylaw 8422 First Reading, and refer Bylaw 8422 to a Public Hearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emel Nordin".

Emel Nordin
Development Planner

Attachments:

- A. Bylaw 8422 – Zoning Bylaw Text Amendment
- B. Non-medical Retail Cannabis Policy

SUBJECT: Text Amendment to add "Cannabis Retail Store" at 385 North Dollarton Highway
(Bylaw 8422)

January 17, 2020

Page 9

REVIEWED WITH:		
<input checked="" type="checkbox"/> Planning	<input type="checkbox"/> Clerk's Office	External Agencies:
<input type="checkbox"/> Permits and Licences	<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	

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The Corporation of the District of North Vancouver

Bylaw 8422

A bylaw to amend District of North Vancouver Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "District of North Vancouver Rezoning Bylaw 1395 (Bylaw 8422)".

Amendments

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended as follows:
 - a) Part 4 "General Regulations" is amended by adding the following into the first empty row of the table in Section 405B (1):

005-479-533	385 N Dollarton Hwy	n/a	Bylaw 8422
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READ a first time

PUBLIC HEARING held

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

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The Corporation of the District of North Vancouver

CORPORATE POLICY

Title	Non-medical Retail Cannabis Policy
Section	Development and Social Planning

POLICY

It is the policy of Council that the approval of a retail cannabis business in the District of North Vancouver may only be considered through a rezoning application that meets the guidelines, criteria and processing requirements set out in this policy.

Policy approved on: July 22, 2019

Policy amended on: October 7, 2019

PROCEDURE

The following procedure is used to implement this policy but does not form part of the policy. This procedure may be amended from time to time at the discretion of the Chief Administrative Officer.

DEFINITIONS

“Council” means the Council for the District of North Vancouver.

“District” means the District of North Vancouver.

“Liquor & Cannabis Regulation Branch” means the Provincial branch which regulates British Columbia’s liquor industries and private retail non-medical cannabis industries (formerly Liquor Control and Licensing Branch).

“Cannabis Retail Store” means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.

REASON FOR POLICY

To provide locational and evaluation criteria to guide decisions on permitting the retail sale of non-medical cannabis in the District.

PREAMBLE

The District has taken the approach of considering retail cannabis businesses through an individual rezoning process considered on a case-by-case basis. Applications for a retail cannabis business should comply with the locational guidelines and other criteria contained in this policy and will be subject to public consultation requirements of the District's Development Procedures Bylaw and the statutory provisions of the *Local Government Act*.

APPLICATION

1. This policy applies to applications for rezoning to operate a retail cannabis business in the District of North Vancouver.
2. Administration of this policy is handled through the processing of rezoning applications and preparation of bylaws for Council consideration. Compliance with this policy does not guarantee development approval from Council.
3. Applicants who apply to the Liquor and Cannabis Regulation Branch (LCRB) for any retail cannabis business licence must submit a rezoning application to the District after the application is referred to the municipality for input by the LCRB. Rezoning applications will only be considered after the date of approval of this policy.

LOCATIONAL GUIDELINES

The following locational guidelines will be used to assess the suitability of a site for a retail cannabis business when an application for rezoning for such a use has been submitted to the District:

A retail cannabis business may be located on a site that:

1. Is currently zoned to permit a liquor store use;
2. Is located at least 200 metres from any elementary or high school property;
3. Does not exceed a maximum of one (1) business per each of the following key growth centres identified in the Official Community Plan*:
 - a. Maplewood Village Centre;
 - b. Lions Gate Village Centre and Marine Drive Corridor;
 - c. Lynn Valley Town Centre;
 - d. Lynn Creek Town Centre.

*Additional businesses outside of Town and Village Centres may be given consideration on a case-by-case basis, subject to a review of the merits of the application.

4. Complies with all of the requirements of the Provincial *Cannabis Licensing Regulation*.

OTHER EVALUATION CRITERIA

In addition to the above locational guidelines, the following criteria will be considered in evaluating a rezoning application for a retail cannabis business use:

1. Access for vehicles, including potential traffic impacts and parking availability;
2. Access for pedestrians and cyclists, including proximity to public transit;
3. A proposed interior layout that does not accommodate product sampling;
4. A proposed exterior design that is sensitive to the design and character of the respective Town and Village Centre in which it is located and is consistent with all applicable guidelines that regulate the exterior appearance of all residential and commercial properties within that Centre to the extent possible that it complies with the Provincial *Cannabis Control and Licensing Act*;
5. Design of signage that is in accordance with the District of North Vancouver Sign Bylaw;
6. Operating hours that do not exceed 9am – 9pm;
7. Store security requirements that meet the Provincial Cannabis Retail Store Licence Terms and Conditions Handbook.

NON-MEDICAL CANNABIS APPROVAL PROCESS

All retail cannabis businesses must undergo a site-specific rezoning process before the retail sale of non-medical cannabis is permitted. This will include opportunities for public consultation.

All applicants interested in establishing a retail cannabis business shall submit the following applications:

1. An application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a cannabis retail store license prior to submitting an application for rezoning to the District;
2. An application to the District for a rezoning of the parcel to permit a retail cannabis business, once the application has been referred from the Provincial Liquor &

Cannabis Regulation Branch to the District for input. Applications for rezoning will be processed using a first-come-first-served model based on the date and time the application was forwarded to the District from the LCRB. Applications should be submitted to the District within 15 days of a referral from the LCRB. If an application is submitted more than 15 days after the referral from the LCRB, then it will be processed on a first-come-first-served model based on the date that the complete application is accepted by the District.

3. In the case of a Provincial store, the date that an application is submitted to the District will be considered the date of referral.
4. An application to the District for a development permit as required by the District;
5. An application for a District business licence, upon successful adoption of a rezoning bylaw and a positive recommendation from the District to the LCRB; and
6. Additional permit applications as required by the District, including but not limited to a building permit and/or sign permit applications.

PUBLIC CONSULTATION

1. Rezoning to permit a retail cannabis business will require public consultation as specified in District bylaws and policies (e.g. Development Procedures Bylaw) and statutory procedures set out in the *Local Government Act* (e.g. Public Hearing).
2. A summary of the public consultation will be included in a Report to Council for the rezoning application.

CONDITIONS OF REZONING

Council may require that one or more of the following conditions must be met prior to the adoption of a rezoning bylaw for a retail cannabis business:

1. The applicant may be required to submit details regarding on-site signage.
2. The applicant may be required to submit details on how potential odour that may be emitted from the premises will be controlled. A Section 219 covenant, or other means, may be used to secure any required odour mitigation measures.
3. The warehousing of cannabis as an accessory use shall not be permitted.
4. Any other conditions as may be required by Council.

SMOKING REGULATIONS SIGNAGE

1. A minimum of two signs shall be posted within the interior of the building and a minimum of one sign on the exterior of the building, with all signs having dimensions of at least 12" x 18". The signage shall detail the restrictions for smoking within 6 metres of any openings to the building, including doors and windows that open and any air intake, as outlined in section 6(a) of the Smoking Regulation Bylaw.

COUNCIL DISCRETION

While this policy is intended to establish a framework which would apply to all rezoning applications for retail cannabis uses, Council maintains full discretion to allow or reject any application for a retail cannabis use and may, in its sole discretion, exempt applications from all or any part of this policy.

AUTHORITY TO ACT

Provincial legislation, including the *Community Charter*, *Local Government Act*, and the *Cannabis Control and Licensing Act*, authorizes the District to regulate locational aspects of retail cannabis businesses and to establish procedures to assess and approve such businesses.

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: February 3, 2020
<input type="checkbox"/> Other:	Date: _____

Dept. Manager	GM/ Director	CAO
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The District of North Vancouver REPORT TO COUNCIL

January 22, 2020
File: 09.3900.20/000.000

AUTHOR: James Gordon, Municipal Clerk

SUBJECT: Bylaw 8404: Commercial Vehicle Licensing Bylaw Repeal Bylaw

RECOMMENDATION:

THAT "Commercial Vehicle Licensing Bylaw Repeal Bylaw 8404, 2020" is ADOPTED.

BACKGROUND:

Bylaw 8404 received First, Second and Third Readings on January 20, 2020.

The bylaw is now ready to be considered for Adoption by Council.

OPTIONS:

1. Adopt the bylaw;
2. Give no further Readings to the bylaw and abandon the bylaw at Third Reading; or,
3. Rescind Third Reading and debate possible amendments to the bylaw.

Respectfully submitted,


James Gordon
Municipal Clerk

Attachments:

- Bylaw 8404
- Staff report dated January 7, 2020

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

The Corporation of the District of North Vancouver

Bylaw 8404

A bylaw to repeal Commercial Vehicle Licensing Bylaw (Bylaw 5682)

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Commercial Vehicle Licensing Bylaw Repeal Bylaw 8404, 2020".

Repeal

2. Commercial Vehicle Licensing Bylaw (Bylaw 5682) is hereby repealed.

READ a first time January 20th, 2020

READ a second time January 20th, 2020

READ a third time January 20th, 2020

ADOPTED

Mayor




Municipal Clerk

Certified a true copy

Municipal Clerk

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>January 20, 2020</u>
<input type="checkbox"/> Other:	Date: _____

 Dept. Manager	 GM/ Director	 CAO
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The District of North Vancouver REPORT TO COUNCIL

January 7, 2020
File: 09.3900.20/000.000

AUTHOR: James Gordon, Municipal Clerk

SUBJECT: Bylaw 8404: Commercial Vehicle Licensing Bylaw Repeal Bylaw

RECOMMENDATION:

THAT "Commercial Vehicle Licensing Bylaw Repeal Bylaw 8404, 2020" is given FIRST, SECOND and THIRD Readings.

BACKGROUND

The Commercial Vehicle Licensing (CVL) program ended on December 31, 2019. This program was established by the provincial government in 1906 to provide a source of revenue for municipalities to offset the costs related to the use of local roads by commercial vehicles.

The Union of British Columbia Municipalities (UBCM) has administered this program since 1987 through an agreement with the province. In 2018 UBCM conducted a review of the CVL that considered a range of topics, including the distribution of licensing revenue, licensing requirements, and feedback provided by the six largest municipalities contributing to the program. Member feedback identified the following:

- the revenue generated was insufficient to meet program intent when disbursed among the participants;
- the program required significant resources to administer;
- the program was not enforced in many jurisdictions; and,
- the program design distributed funds in disproportion to the actual commercial vehicle licensing that is occurring in communities.

The review concluded that the program had ceased to fulfil its original intent. UBCM engaged the province in a round of discussions concerning potential amendments to legislation. In the end, the province agreed to remove UBCM as the administrator of program. At the present, there is no plan to develop a replacement program.

As a result, the District's Commercial Vehicle Licensing Bylaw (Bylaw 5682) is no longer enforceable and must be repealed. The attached Bylaw 8404 repeals Bylaw 5682.

SUBJECT: Bylaw 8404: Commercial Vehicle Licensing Bylaw Repeal Bylaw

January 7, 2020

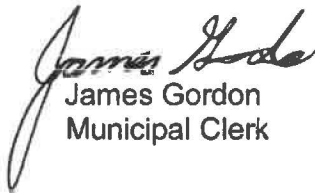
Page 2

OPTIONS:

The options available to Council with respect to Bylaw 8404 are:

1. Give the bylaw First, Second and Third Readings (staff recommendation);
2. Give no Readings to the bylaw; or,
3. Debate possible alternative to repealing the Commercial Vehicle Licensing Bylaw.

Respectfully submitted,



James Gordon
Municipal Clerk

Attachment: Bylaw 8404

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

The Corporation of the District of North Vancouver

Bylaw 8404

A bylaw to repeal Commercial Vehicle Licensing Bylaw (Bylaw 5682)

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Commercial Vehicle Licensing Bylaw Repeal Bylaw 8404, 2020".

Repeal

2. Commercial Vehicle Licensing Bylaw (Bylaw 5682) is hereby repealed.

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>February 3, 2020</u>
<input type="checkbox"/> Other:	Date: _____

 Dept. Manager	 GM/ Director	 CAO
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The District of North Vancouver REPORT TO COUNCIL

January 21, 2020
File: 01.0115.30/002.000

AUTHOR: Jim Gordon, Municipal Clerk

SUBJECT: Housekeeping Amendments to the Bylaw Notice Enforcement Bylaw

RECOMMENDATION:

THAT Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8429, 2020 (Amendment 50) is given FIRST, SECOND and THIRD Readings.

REASON FOR REPORT:

The reason for this report is to provide Council an opportunity to correct two miscellaneous errors in the Bylaw Notice Enforcement Bylaw:

1. When it was recently amended to prohibit smoking in District of North Vancouver parks and trails; and,
2. To remove an offence that was not deleted when the Radio Amplification Bylaw was amended in 2017.

BACKGROUND:

In late 2019 Council directed staff to prohibit smoking in District of North Vancouver parks and trails. To do so required amendments to the Park Regulation Bylaw, the Smoking Regulation Bylaw and the Bylaw Notice Enforcement Bylaw. Amendments to each of the two regulatory bylaws (Parks and Smoking) required a corresponding amendment in the ticketing bylaw (Bylaw Notice Enforcement).

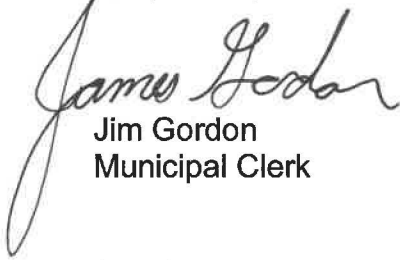
The amendment to the Smoking Regulation Bylaw and its corresponding amendment in the Bylaw Notice Enforcement Bylaw were made accurately. While the Park Regulation Bylaw amendment was accurately made, the wording of the corresponding amendment to the Bylaw Notice Enforcement Bylaw did not match exactly – rather than deleting subsections 2.4(d) and (e), subsections 2.4(e) and (f) were deleted. This small oversight needs to be corrected and Bylaw 8429 will remedy this.

In December 2017, the Radio Amplification Bylaw was amended to delete subsection 2.6. The corresponding offence in the Bylaw Notice Enforcement Bylaw was not concurrently deleted at that time. This oversight is also corrected in Bylaw 8429.

CONCLUSION:

It is recommended that Council proceed with Bylaw 8429, otherwise an inconsistency will exist between the Park Regulation Bylaw and the Bylaw Notice Enforcement Bylaw that will hinder staff's ability to effectively enforce the prohibition on smoking in District of North Vancouver parks and trails. The housekeeping matter of removing an offence that was deleted from the Radio Amplification Bylaw will also be completed at the same time.

Respectfully submitted,



Jim Gordon
Municipal Clerk

Attachments:

- Bylaw 8429
- Staff report dated October 7, 2019
- Staff report dated November 23, 2017

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

The Corporation of the District of North Vancouver

Bylaw 8429

A bylaw to amend Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8429, 2020 (Amendment 50)".

Amendments

2. Schedule A to Bylaw Notice Enforcement Bylaw 7458, 2004 is amended by:
 - a) Deleting in the section for violations under the Park Regulation Bylaw 8310, 2018 subsection 2.4(d) "Smoke during fire ban" and replacing with a new subsection 2.4(d) as follows:

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount (\$)	A2 Discounted Penalty: Within 14 days (\$)	A3 Late Payment: After 28 days (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.4(d)	Dispose of coals improperly	300	225	450	NO	N/A

- b) Deleting in the section for violations under the Radio Amplification Bylaw 8272, 2017 subsection 2.6 "Failure to install amplification system that meets guidelines".

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk



Certified a true copy

Municipal Clerk

AGENDA INFORMATION	
<input type="checkbox"/> Regular Meeting	Date: November 4, 2019
<input type="checkbox"/> Other:	Date: _____



The District of North Vancouver REPORT TO COUNCIL

October 7, 2019

File: 09.4020.20/007.000

AUTHOR: Susan Rogers, Parks Manager
Carol Walker, Chief Bylaw Officer

SUBJECT: Prohibiting Smoking in District Parks and Trails

RECOMMENDATION:

THAT "Park Regulation Bylaw No. 8310, 2018 Amendment Bylaw 8411, 2019 (Amendment Bylaw 1)", "Smoking Regulation Bylaw 7792, 2010 Amendment Bylaw 8409, 2019 (Amendment 2)" and "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8410, 2019 (Amendment 49)" is given FIRST, SECOND and THIRD reading.

REASON FOR REPORT:

On June 17, 2019 at the regular Council meeting, Council passed the following resolution: "THAT staff bring back amending bylaws to Bylaw 7792 (Smoking Regulation) to ban smoking in all DNV parks & trails."

SUMMARY:

Council provided direction to staff to expand the areas of the District parks where smoking is prohibited and include trails. Existing regulations in the Smoking Regulation Bylaw prohibited smoking in prescribed areas within District parks such as near playgrounds, picnic areas, beaches, playing fields and at public events where people congregate. The proposed amendments seeks to include and clarify that smoking will be prohibited in all parks, trails outside of parks, including those that link residential neighbourhoods and forested recreational areas.

BACKGROUND:

Currently, the Smoking Regulation Bylaw bans smoking in the following areas of a park:

Smoking in Parks and other Municipal Property

4. A person must not smoke in or within 6 metres:

(a) children's play equipment or a playground, playing field (if other persons are present), Swimming Beach, food concession, picnic area or skateboard park in a Park;

- (b) any part of a Park or other municipal property that is being used for any public event or activity that the District has authorized by the issuance of a permit;
- (c) the grounds of any municipal Building used for public recreation; or
- (d) Lynn Valley Village or Maplewood Farm.

The Fire Bylaw and powers of the Fire Chief can declare a fire ban during high hazard periods in the summer. This amendment prohibits smoking in parks and trails throughout the year.

Under the Parks Regulation Bylaw, smoking during a fire ban and discarding smoking materials are prohibited. As this will now be in the Smoking Regulation Bylaw, the amending bylaw removes this duplication.

Communication Plan:

Staff are developing an implementation plan, which includes a communication and enforcement strategy and updated signage to educate the public of the new regulations.

Enforcement:

Peer pressure can be effective method to curb smokers from lighting up in prohibited areas. Additional signage and other means of communication will help support enforcement efforts where the resources can be challenged by the large number and size of District parks and trails and isolated locations. Resources will be prioritized by problem areas. The fines have been increased (ex: from \$25 to \$100) for smoking where prohibited.

Environmental Impact:

The bylaw will reduce litter associated with discarded cigarette butts, in combination with a fire reduction risk connected to discarded cigarettes.

Concurrence:

Under the *Public Health Bylaws Regulation* s. 2(2)(a), a council may not adopt a bylaw under 8(3) (i) of the *Community Charter* until a copy is deposited with the minister. This will occur before the bylaw is returned for adoption.

Conclusion:



Council directed staff to amend the Smoking Regulation Bylaw to ban smoking on trails and parks.

Options:

1. THAT "Park Regulation Bylaw No. 8310, 2018 Amendment Bylaw 8411, 2019 (Amendment Bylaw 1)", "Smoking Regulation Bylaw 7792, 2010 Amendment Bylaw 8409, 2019 (Amendment 2)" and "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8410, 2019 (Amendment 49)" is given FIRST, SCOND and THIRD reading.
2. Direct Staff to take other action.


Susan Rogers,
Parks Manager


Carol Walker,
Chief Bylaw Officer

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

The Corporation of the District of North Vancouver

Bylaw 8411

A bylaw to amend Park Regulation Bylaw No. 8310, 2018

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Park Regulation Bylaw No. 8310, 2018 Amendment Bylaw 8411, 2019 (Amendment 1)".

Amendments

2. Park Regulation Bylaw No. 8310, 2018 is amended by:
 - a) deleting subsections (d) and (e) from section 2.4 and re-numbering the remaining subsections of section 2.4 accordingly;
 - b) deleting subsections (d) and (e) of section 2.4 from the table in section 6.9 and re-numbering the remaining subsections of section 2.4 accordingly.

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8409

A bylaw to amend Smoking Regulation Bylaw 7792, 2010

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Smoking Regulation Bylaw 7792, 2010 Amendment Bylaw 8409, 2019 (Amendment 2)".

Amendments

2. Smoking Regulation Bylaw 7792, 2010 is amended by:

- (a) adding the following definitions to section 2 in alphabetical order:

"Fire Chief" means the person appointed as the Chief of the District Fire Department or an authorized designate;

"Highway" means the area of every public right of way lying between two property lines title to which area is vested in the District and which is designated or intended for or used by the general public for the passage of vehicles or persons and means the area of every public right of way lying within any District Park title to which area is vested in the District and which is designated or intended for or used by the general public for the passage of vehicles;

"Trail" means any footpath or other pathway in a Park and includes footpaths and other pathways on Unopened Road Allowances whether inside or outside a Park;

"Unopened Road Allowance" means any dedicated highway that has not been opened and improved by the District or that has been closed by the District;

- (b) deleting the definition of Park in section 2 and substituting the following:

"Park" means any real property owned, occupied or controlled by the District and used by the public for pleasure, recreation or other community purposes, including but not limited to dedicated parks, beaches, District-controlled water lots, forested recreation areas, conservation areas, Maplewood Farm, Lynn

Canyon Ecology Centre, Murdo Frazer Pitch and Putt, and the Northlands Golf Course, but does not include any municipal land leased to a third party;

- (c) deleting the definition of "Swimming Beach" in section 2;
- (d) moving "or" at the end of subsection 3(e) to the end of subsection 3(f);
- (e) inserting the following as subsection (g):
 - (g) in any area which is the subject of a fire ban pronounced by the Fire Chief.
- (f) inserting the following as section 3A immediately following section 3:

3A. A person must not discard, throw, place or dispose of any lighted or extinguished cigarette, cigar, match, smoking or vaporizing equipment or other burning substance except into a garbage container or other container designed for such disposal.
- (g) deleting "Swimming Beach" from subsection 4(a) and substituting "beach";
- (h) deleting "part of a Park or other" from subsection 4(b);
- (i) moving "or" from the end of subsection 4(c) to the end of subsection 4(d);
- (j) adding the following as subsection 4(e):
 - (e) any Park, Trail or Unopened Road Allowance;
- (k) deleting the table in section 14 and substituting the following:

Section	Designated Expression	Fine
3	Smoking where prohibited	\$100
3	Smoking where prohibited – subsequent offence	\$200
3A	Throw extinguished cigarette	\$100
3A	Throw lit cigarette	\$300
4	Smoking where prohibited in a park	\$100
4	Smoking where prohibited in a park – subsequent offence	\$200
5	Responsible person allow smoking where prohibited	\$200
6	Responsible person fail to display sign	\$200
8	Person remove or deface sign	\$100
10	Obstruction	\$200

READ a first time

READ a second time

READ a third time

Certified a true copy of "Bylaw 8409" as at Third Reading

Municipal Clerk

DEPOSITED with the Minister of Health on

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8410

A bylaw to amend Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8410, 2019 (Amendment 49)".

Amendments

2. Schedule A to Bylaw Notice Enforcement Bylaw 7458, 2004 is amended by:
 - a) deleting the violations for the Smoking Regulation Bylaw 7792 and substituting the following:

Smoking Regulation Bylaw						
Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty: Within 14 days	A3 Late Payment: After 28 days	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
		(\$)	(\$)	(\$)		
3	Smoking where prohibited	100	75	150	NO	N/A
3	Smoking where prohibited – subsequent offence	200	150	300	NO	N/A
3A	Throw extinguished cigarette	100	75	150	NO	N/A
3A	Throw lit cigarette	300	225	450	NO	N/A
4	Smoking where prohibited in a park	100	75	150	NO	N/A
4	Smoking where prohibited in a park – subsequent offence	200	150	300	NO	N/A
5	Responsible person allow smoking where prohibited	200	150	300	NO	N/A
6	Responsible person fail to display sign	200	150	300	NO	N/A
8	Person remove or deface sign	100	75	150	NO	N/A
10	Obstruction	100	75	150	NO	N/A

- b) deleting the violations for subsections (e) and (f) of section 2.4 of the Park Regulation Bylaw 8310, 2018 and re-numbering the remaining subsections of section 2.4 accordingly.

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor




Municipal Clerk

Certified a true copy

Municipal Clerk

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>DEC 4, 2017</u>
<input type="checkbox"/> Other:	Date: _____

ATTACHMENT 3		
 Dept. Manager	 GM/ Director	 CAO

The District of North Vancouver REPORT TO COUNCIL

November 23, 2017
File: 09.3900.01

AUTHOR: Brett Dwyer, Manager Development Services

SUBJECT: Amendment to Radio Amplification Bylaw 8272, 2017

RECOMMENDATION:

1. THAT Third Reading of "Radio Amplification Bylaw 8272, 2017" is rescinded.
2. THAT "Radio Amplification Bylaw 8272, 2017" is amended by:
 - a. deleting the words "this section 1.5" in section 1.6 and replacing them with the words "section 1.7";
 - b. deleting section 2.6 in its entirety, renumbering the remainder of section 2 accordingly and consequentially amending any section number references as necessary; and,
 - c. deleting the following line from the table in section 7.4:

Failure to install amplification system the meets guidelines	2.6	200
---	-----	-----

3. THAT "Radio Amplification Bylaw 8272, 2017" is given Third Reading as amended.

REASON FOR REPORT:

The reason for this report is to update "Radio Amplification Bylaw 8272, 2017" given that new information has been made available that necessitates an amendment to the bylaw.

BACKGROUND:

"Radio Amplification Bylaw 8272, 2017" was given First, Second and Third Readings on November 6, 2017. The bylaw was drafted in consultation with the Fire Department and North Shore Emergency Management (NSEM). Since then the District has received some additional feedback from E-Comm, the emergency communication service provider for Southwest British Columbia. That feedback indicated that there are no current "standards and methods of installation" for amplification systems and installations should be based on the recommendations of the engineer of record for any particular project. It is subsequently recommended that section 2.6 of the bylaw which references "standards and methods of

installation" for amplification systems be deleted. By deleting section 2.6 a further amendment to the table is section 7.4 is also required and is included in the recommendation.

Finally, one "housekeeping" amendment is also made to section 1.6 to clarify an inaccurate reference in the original bylaw.

In order to amend the bylaw as recommended it will need to have Third Reading rescinded and Third Reading given again as amended.

The bylaw as it presently sits at Third Reading is attached for reference as is the proposed bylaw for Third Reading as amended.

Respectfully submitted,


Brett Dwyer

Manager Development Services

Attachments: 1. Radio Amplification Bylaw 8272, 2017 as currently at 3rd Reading
2. Radio Amplification Bylaw 8272, 2017 as amended

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 _____	

The Corporation of the District of North Vancouver

Bylaw 8272

A bylaw for the Regulation of Radio Amplification

WHEREAS a need exists for certain buildings and structures to have internal communications infrastructure systems which support the uninterrupted operation of the District's fire services, law enforcement and other emergency services radio communications essential to public safety and emergency response;

AND WHEREAS building design which incorporates multiple levels of underground and/or high-rise occupancy, or construction materials including concrete, low-emissivity glass, metal studs and flooring, metal-coated insulation and other attenuating materials all contribute to the interruption of emergency services communications networks;

AND WHEREAS radio support and amplification systems within buildings or structures can overcome the interruption of emergency communications networks and are vital to the delivery of public safety and emergency services in the District;

NOW THEREFORE the Council of the District of North Vancouver, in open meeting assembled, enacts as follows:

1. INTERPRETATION

Citation

1.1 This bylaw may be cited as "**RADIO AMPLIFICATION BYLAW 8272, 2017**".

Purpose and Application

1.2 It is not contemplated nor intended that this bylaw will provide, nor will this bylaw be interpreted as:

- (a) providing protection to owners, builders, constructors or any other persons from economic loss;
- (b) for ensuring the compliance by any owner, agent of an owner or any employees, builders, constructors or designers retained by an owner, with the requirements of this bylaw;
- (c) providing a warranty to any person of design or workmanship or materials with respect to any building, structure or part thereof for which a permit or occupancy certificate is issued under this bylaw;
- (d) providing a warranty or assurance to any person that construction or installation undertaken pursuant to this bylaw is free from any defects, whether patent or latent.

- 1.3 This bylaw applies to:
- (a) the design, construction and occupancy of new buildings and structures; and
 - (b) the alteration, reconstruction or renovation of existing buildings which add more than 20% in gross floor area to an existing building or structure.
- 1.4 This bylaw does not apply to:
- (a) any single and two family dwelling;
 - (b) any building or structure constructed of wood frame and without metal cladding;
 - (c) any building less than 5,000 square metres; or
 - (d) any building or structure less than 12 metres in height to the top of the roof.
- 1.5 The owner of any building or structure referred to in section 1.3 above which is constructed using reinforced concrete or structural steel, metal cladding, studs and/or flooring, reflective or low-emissivity glass, or other attenuating materials, and which:
- (a) has a gross floor area of more than 5,000 square metres;
 - (b) is over 12 metres in height to the top of the roof;
 - (c) has more than 1,000 metres of basement floor space; or
 - (d) has a basement more than 10 metres below the lowest street level of the building
- must install and maintain radio amplification systems which will function with the area-wide public safety communications service provider to support uninterrupted radio network communications for public safety and emergency responders within the District.

Definitions

- 1.6 In the absence of specific definition in this section 1.5, the words used in this bylaw have the meaning, if any, given to them by definition in the *Community Charter*, S.B.C. 2003 c. 26, as amended or replaced.
- 1.7 In this Bylaw, unless the context otherwise requires:
- “agent of an owner” includes a person, firm or corporation representing the owner by designation or contract and includes a hired tradesman or contractor for the owner;
- “building” means a structure or portion thereof, which is used or intended to be used for supporting or sheltering any use or occupancy;
- “Building Code” means the current edition of the British Columbia Building Code as adopted by the Minister responsible under provincial legislation, as amended, re-enacted or repealed and replaced from time to time;

"building official" means the Chief Building Official and the building inspectors, plan checkers, plumbing inspectors, mechanical inspectors and electrical inspectors designated or appointed by the District;

"Chief Building Official" means the person designated or appointed to that position by the District and any person named by the Council to act in place of the Chief Building Official;

"construct" or "construction" includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, with respect to a building or structure;

"Council" means the elected council of the District;

"District" means the Corporation of the District of North Vancouver;

"E-Comm" means Emergency Communications for Southwest British Columbia Incorporated and all the features and functions of the trunked public safety radio telecommunications systems, including microwave and VHF/UHF radio systems, provided by E-Comm to fire services, law enforcement and other emergency services;

"Fire Chief" means the person appointed to that position by the District and any person named by the Council to act in place of the Fire Chief;

"occupancy permit" means an occupancy permit issued by the District pursuant to the Construction Bylaw 8271, 2017;

"owner" means the person who is the owner as defined in the Building Code or an agent of that person;

"permit" means a permit issued to authorize construction regulated by the Construction Bylaw 8271, 2017, including a building permit, electrical permit, mechanical permit or occupancy permit as those terms are defined in the Construction Bylaw 8271, 2017.

"shadowed area" means an area that is subject to attenuation or obstruction of radio signals to or from the areas as a result of the interposition of all or any part of the building or structure in the radio signal path (line of sight) between the area and the transmitting/receiving site of the area-wide public safety communications service provider.

2. GENERAL PROHIBITIONS

Adequate Radio Coverage

- 2.1 Except as otherwise provided, no person shall erect, construct, change the use of or provide an addition of more than 20% in square footage to any building or structure or any part thereof, or cause the same to be done, which fails to support adequate radio coverage for the area-wide public safety communications service provider, including but not limited to fire services and law enforcement personnel.
- 2.2 For the purpose of section 2.1, "adequate radio coverage" means system access and "Delivered Audio Quality" (DAQ) of 3.4 or better (speech understandable with repetition rarely, some noise or distortion may be present) for communication between a portable (handheld) radio using a simple flexible whip antenna and both the area-wide public safety

communications service provider and the District radio communications network(s) transmitting/receiving sites:

- (a) within the building, for a minimum of 90% of the area of each floor of the building, including underground areas such as for parking;
- (b) within the building, for 100% of fire command centres, stairwells, protect-in-place areas, lobby refuge areas, equipment rooms and high-hazard areas; and
- (c) in areas that are in the Shadow Area of the building, in 90% of all areas where DAQ 3.4 could be achieved before the erection, construction or modification of the building or structure.

As an aid to system design, DAQ 3.4 has been measured by NTIA (U.S. Department of Commerce, National Telecommunications and Information Administration) to be approximately equivalent to 22 dB SINAD (Signal-to-Noise And Distortion ratio) for analogue signals modulated with a 1 kHz tone at 1.5 kHz deviation, and to 2% BER (Bit Error Rate) for P25 digital signals. It may also be approximately equivalent to a received signal level of -95 dBm in the absence of other signals that may affect the receiver. Good design should provide a margin of not less than 10 dB to allow for uncontrolled variables. Based on the foregoing, the design target for indoor coverage should be -85 dBm.

- 2.3 The radio frequency ranges to be supported are any frequencies used by the area-wide public safety communications service provider. If signal amplifiers are used, they must include filters that will protect the amplifiers from overload and the system from interference by out-of-band signals.
- 2.4 In the event that active amplification is required to meet the foregoing communication quality requirements in the building including Shadowed Area of the building, coordination with the public safety communications service provider and the District's communications network provider is required to ensure that its outdoor radio communication performance is not degraded. Where a decision must be made regarding the maintenance of either service provider's outdoor radio communication performance and restoration of signal strength in the building and Shadowed Area, the trade-off decision shall be made by the public safety communications service provider(s) and communicated to the Fire Chief and Officer in Charge of the North Vancouver RCMP detachment by the building owner.

Amplification Systems Allowed

- 2.5 Where a building or structure is required to provide an Amplification System to achieve adequate radio communication coverage, such system must include any of the following that are sufficient to achieve the required coverage:
 - (a) passive antenna systems or radiating cable systems;
 - (b) distributed antenna systems with uni-directional or bi-directional amplifiers (BDAs) as needed;
 - (c) voting receiver systems; or

- (d) any other system accepted and approved by the Fire Chief and Police Chief, as signified in writing on a case by case basis.
- 2.6 To prevent interference and operational interruption to the area wide public safety radio system, any amplification system installed under this bylaw must meet the guidelines and installation standards as described in the "Standard and Methods of Installation" as provided by the area-wide public safety communications service provider.
- 2.7 If any part of the installed Amplification System contains an electrically powered component, the system must be equipped to operate on an independent "Uninterruptible Power Supply" (UPS), using a battery and/or generator system, for a period of at least four (4) hours without external input or maintenance. All amplifiers and electronics required by the system must be protected by NEMA type 4 enclosures with physical security. The UPS must automatically charge the batteries in the presence of external power. The UPS must provide a monitored alarm signal to indicate failure of primary power, failure of the UPS system power output, and/or discharge of the batteries. Silencing of this alarm is the responsibility of the person maintaining the equipment.
- 2.8 A system summary alarm, consisting of a relay contact closure or equivalent, must be provided to the building fire panel via a hard wired connection.
- 2.9 Radio equipment must only be selected from the ISED Radio Equipment List and all active systems must be licensed by the federal regulator, Innovation, Science & Economic Development Canada (ISED), and must comply with the applicable Standard Radio Systems Plan (SRSP). Any license required must be renewed annually by the building owner and the cost of the licensing borne solely by the building owner.

3. PROCEDURES TO VERIFY AND MAINTAIN COMPLIANCE

- 3.1 Tests and measurements to verify and maintain compliance must be made at the sole expense of the building owner. The procedures used must be developed by the owner, subject to acceptance by the Fire Chief, and in compliance with the following guidelines:

(a) Acceptance Test Procedure

- 3.1.1 Acceptance tests and measurements must be performed after completion of installation of the Amplification System. Tests must be performed using radio frequencies assigned to the area-wide public safety communications service provider and the District, after proper coordination with an agent for that system and with the Fire Chief.
- 3.1.2 If queuing occurs on the radio system while testing is underway, testing must be terminated immediately and resumed only when traffic levels on the system reach a level where queuing no longer occurs.
- 3.1.3 For all tests, a pre-defined "Harvard" sentence should be used, such that the listeners are not aware of the sentence in advance on each test. A different recorded sentence should be used at each location.

- 3.1.4 Where the Shadowed Area or the floor plate area of a building is greater than 4,500 m², the area must be divided into a uniform grid of not more than 15 m on a side, or if the floor area is smaller than 4,500 m², it shall be divided into a uniform grid of approximately 20 equal areas to a minimum of 9 m², and measurements shall be taken in each grid area. The size of the grids must also be reduced, or the number of grids increased, upon recommendation of the Fire Chief or building official in areas where special construction or other obstruction may significantly affect communications. Tests must also be performed in fire command centres, stairwells, protect-in-place areas, lobby refuge areas, equipment rooms, and high-hazard areas.
- 3.1.5 Tests must first be made using a portable (handheld) radio of the type used by the District's Fire or Police service personnel, carried at chest level and using a simple flexible antenna, and will be deemed satisfactory if DAQ 3.4 or better (speech understandable with repetition only rarely, some noise or distortion may be present) can be achieved for a five-second test transmission in each direction. If system access is not reliable, or if DAQ 3.4 for five seconds cannot be achieved at any location, the test operator may move a maximum of 1.5m in any direction inside of the grid and repeat the test. If system access continues to be unreliable, or if DAQ 3.4 still cannot be achieved, or if there is any doubt about whether it can be achieved, a failure shall be recorded for that location.
- 3.1.6 A maximum of two (2) non-adjacent grid areas on a floor or in a shadow will be allowed to fail the test. In the event that three (3) or more areas on a floor or in a shadow fail the test, the floor or Shadowed Area may be divided into 40 approximately equal areas to a minimum of 4 m², and the tests repeated. In such event, a maximum of four (4) non-adjacent grid areas will be allowed to fail the test. If the Amplification System fails the 40-area test, the building owner shall have the system altered to meet the 90% coverage requirement, otherwise the Amplification System will not be accepted.
- 3.1.7 If the Amplification System fails to provide acceptable communication in any fire command centre, portion of a stairwell, protect-in-place areas, lobby refuge areas, equipment rooms, or high-hazard areas, the building owner must have the system altered to meet the 100% coverage requirement for these areas, otherwise the Amplification System will not be accepted.
- 3.1.8 Backup batteries and power supplies must be tested under full load by generating communication traffic automatically for a duration of at least one (1) hour. If within this period the battery shows any symptom of failure or impending failure, the test shall be continued for additional one-hour periods to determine the integrity of the battery. The battery must not fail within a four (4) hour continuous test period.
- 3.1.9 Backup batteries and power supplies must be tested under full load by generating communication traffic automatically for a duration of at least one (1) hour. If within this period the battery shows any symptom of failure or impending failure, the test shall be continued for additional one-hour periods to determine the integrity of the battery. The battery must not fail within a four (4) hour continuous test period.

- 3.1.10 The gain values of all amplifiers must be measured, using a service monitor that has been calibrated by a certified laboratory within the past 12 months, and the results must be kept on file by the building owner for future verification and monitoring of performance. The gain records file must have multiple back-ups and be stored in more than one location.

(b) Annual Tests

- 3.1.11 At least annually, the building owner must test all active components of the Amplification System, including but not limited to amplifiers, power supplies and back-up batteries, and must keep a record of such tests as part of the Fire Safety Plan for inspection by the Fire Chief or a building official. Amplifier gain must be adjusted if necessary to re-establish the gain recorded upon acceptance testing, and batteries and power supplies must be tested under full load by generating communication traffic for a period of at least one (1) hour to verify that they will function properly during a power outage.
- 3.1.12 Additional tests or inspection of records may be conducted from time to time by the Fire Service at the discretion of the Fire Chief, after giving reasonable notice to the building owner. If communications within the building or within the Shadowed Area appear to have degraded, or if the tests show unacceptable communications performance, the owner of the building or structure is required to remedy the problem and restore the Amplification System in a manner consistent with the original acceptance criteria, unless the owner can demonstrate conclusively that the degradation is solely the result of external changes not under his or her control.

(c) Qualifications of Testing Personnel and Test (Measurement) Equipment

- 3.1.13 Tests must be performed by or under the direct supervision of a professional engineer registered in the Province of British Columbia and qualified in radio communications. Test reports must bear the seal of the engineer.
- 3.1.14 Portable radios used must be of a size and type as may be in use by the District Fire and Police services at the time and programmed to operate on an analogue test channel and on a digital test band channel as designated by the Fire Chief. SINAD, BER and signal strength measurements must be made using appropriate instrumentation acceptable to the Fire Chief and/or Officer in Charge of the North Vancouver RCMP detachment. Radios and measurement equipment must have been tested for conformance to design specifications within twelve months prior to the conduct of Amplification System acceptance tests or re-tests.

4. PERMIT AND OCCUPANCY CONDITIONS

- 4.1 A permit or occupancy permit will not be issued for any building or structure until the requirements of this bylaw have been met to the satisfaction of the Fire Chief.

5. RIGHT OF ENTRY

- 5.1 Every owner or occupant of a building must, at all reasonable times, permit building official or Fire Chief (or their designates) to enter into and inspect any building or structure to ascertain whether the regulations and provisions of this bylaw are being obeyed and any person who refuses entry shall be in violation of this bylaw and shall be liable to the penalties hereby imposed.

6. DEEMED NUISANCE

- 6.1 The construction or erection of a building or structure which interferes with the District's fire services, law enforcement or other emergency related telecommunications networks shall constitute a nuisance because it threatens the health, safety and welfare of the residents and visitors to the District of North Vancouver. In addition to any other remedies or enforcement procedures provided herein, the District may seek an injunction to restrain such a nuisance.

7. OFFENCES AND PENALTIES

- 7.1 Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this bylaw shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.

Enforcement by Ticket

- 7.2 This bylaw is designated pursuant to section 264 of the Community Charter as a bylaw that may be enforced by means of a ticket in the form prescribed.

Bylaw Enforcement Officers

- 7.3 Bylaw Enforcement Officers are designated to enforce this bylaw by means of a ticket pursuant to section 264 of the Community Charter.

Ticketing

- 7.4 The words or expressions listed below in the "Designated Expression" column are authorized to be used on a ticket issued pursuant to section 264 of the Community Charter to designate an offence against the respective section of this bylaw appearing opposite in the "Section" column. The amounts appearing in the "Fine" column below are the fines set pursuant to section 264 of the Community Charter for contravention of the respective section of this bylaw appearing opposite in the "Section" column.

COLUMN 1	COLUMN 2	COLUMN 3
DESIGNATED EXPRESSION	SECTION	FINE
		\$
Erect, construct, change use or add to building without adequate radio coverage	2.1	200
Failure to install amplification system the meets guidelines	2.6	200
Failure to permit entry of inspector	5.1	200

READ a first time November 6th, 2017

READ a second time November 6th, 2017

READ a third time November 6th, 2017

ADOPTED

Mayor




Municipal Clerk

Certified a true copy

Municipal Clerk

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: Feb 3, 2020
<input type="checkbox"/> Other:	Date: _____

<div style="text-align: center;">  Dept. Manager </div>	<div style="text-align: center;">  GM/ Director </div>	<div style="text-align: center;">  CAO </div>
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8.8

The District of North Vancouver REPORT TO COUNCIL

January 22, 2020
File: 13.6800.70/012.000

AUTHOR: Brett Dwyer, Assistant General Manager, Regulatory Review and Compliance
Nicole Foth, Community Planner

SUBJECT: 2357 Riverside Drive – Consideration to Withhold Demolition Permit and Issue Heritage Inspection Order

RECOMMENDATION:

THAT Council considers the carport located on PID 017-557-828, the property immediately north of 2357 Riverside Drive, may have sufficient heritage value and character to justify its protection;

AND THAT Council direct staff to continue to withhold the demolition permit for PID 017-557-828, the property immediately north of 2357 Riverside Drive, in accordance with Section 3.1, 3.2, and 4.1 of the Heritage Procedure Bylaw;

AND THAT pursuant to Section 600 of the *Local Government Act*, Council orders a heritage inspection for PID 017-557-828, the property immediately north of 2357 Riverside Drive, as follows:

- a) To assess the condition and heritage value of the property;
- b) To conduct a heritage inspection in an expeditious manner in cooperation with the homeowner; and
- c) That the order is to remain in effect until the heritage inspection is completed, or building permits are issued with respect to alteration or redevelopment of the property, or one year after the day on which the heritage inspection was ordered, whichever occurs first.

SUMMARY:

On October 17, 2019, the property owner submitted an application to demolish the detached carport on the lot (PID 017-557-828), which is immediately north of 2357 Riverside Drive. The property located at 2357 Riverside Drive is listed on the District's Community Heritage Register, and the detached carport, which is located on a separate but unaddressed lot, is referenced in the description. Both properties are owned by the applicant. In order to determine the heritage value and character of the carport, it is recommended to:

- Withhold issuance of the demolition permit, as per the District's Heritage Procedure Bylaw;
- Continue to withhold the issuance of the demolition permit until a building permit and any other necessary approvals have been issued with respect to the alteration or redevelopment of that property, as per the District's Heritage Procedure Bylaw; and
- Order a heritage inspection, pursuant to Section 600 of the *Local Government Act*.

BACKGROUND:

The Kovach Residence is included in the District's Community Heritage Register and was designed by architect Ron Thom and interior designer Rudy Kovach in 1960. The detached carport, also mentioned on the Community Heritage Register, is located on the adjacent property to the north (Figure 1). The carport, shown in Figure 2, was built in 1967 and is described in the Community Heritage Register as the "original square-plan garage, with its pyramidal roof and sculpted finial". In 1991, the owner completed a subdivision of one property into two with the heritage house on the south lot. Site plans prior to the 1991 subdivision of the lot indicate that the carport may be encroaching on the adjacent property.

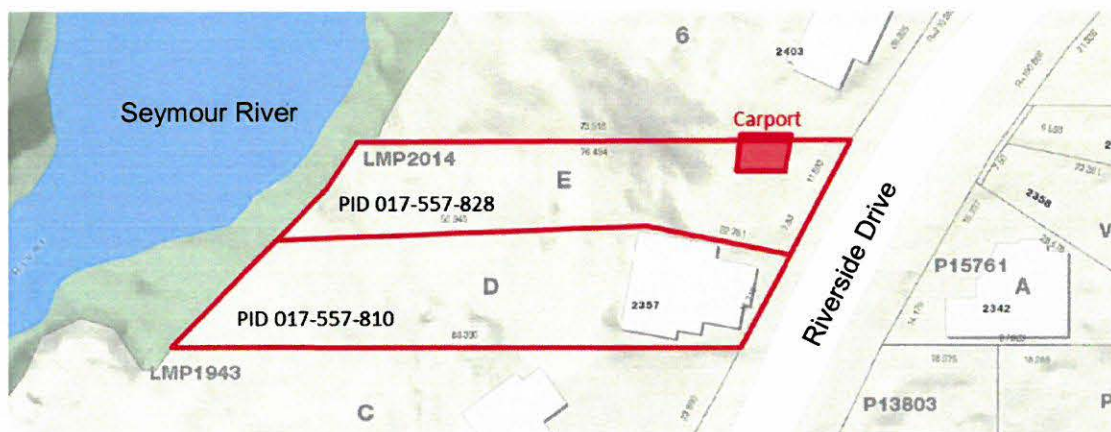


Figure 1: Location of property PID 017-557-828. Property owner owns both lots highlighted.



Figure 2: Photos of carport on PID 017-557-828.

On October 17, 2019, a permit application was received to demolish the carport on the lot adjacent to the Kovach Residence. Both properties have the same property owner. The Community Heritage Register contains properties with heritage value and character, however it does not provide permanent legal protection. Currently, the District does not have a

Statement of Significance for 2357 Riverside Drive or the adjacent carport on the unaddressed northern lot.

EXISTING POLICY:

Conservation of heritage properties is governed at both the municipal, provincial, and federal levels of government.

In accordance with the *Local Government Act*, Section 604 allows local governments to, authorize the officers or employees to withhold the issuance of any approval for an action that would alter any of the following:

- a) Protected heritage property;
- b) Property subject to temporary heritage protection under another section of the Act; and
- c) Property identified as heritage property in a community heritage register.

The District of North Vancouver Heritage Procedure Bylaw provides authority to the Chief Building Official to withhold the issuance of a permit or other approvals with respect to any building or structure identified in the Community Heritage Register where, in the opinion of the Chief Building Official, the work authorized by the permit or approval would result in a significant adverse impact on the heritage value of the building or structure.

Further, the Chief Building Official must withhold the issuance of a demolition permit with respect to property identified in the Community Heritage Register until a building permit and any other necessary approvals have been issued with respect to the alteration or redevelopment of the property. Furthermore, the bylaw directs that the matter be forwarded to Council for their consideration.

ANALYSIS:

The applicant has applied for a demolition permit for the carport structure located the property immediately north of 2357 Riverside Drive. The applicant previously met with District staff to discuss potential redevelopment ideas for his two lots. These ideas included an interest in potential subdivision (e.g. from two lots into three) and construction of a new house on the northerly lot, with retention of the carport, if possible. The owner was advised that redevelopment of the lots would entail resolution of geotechnical, access, and other issues, along with further discussion related to the lots' heritage characteristics and potential heritage value conservation.

No applications for redevelopment or a heritage revitalization agreement have been received to date.

The District's Heritage Strategic Plan encourages the retention of properties and landscapes that have heritage or cultural value in the District. As such, efforts to identify and retain properties identified as having significant heritage value are taken where possible.

Pursuant to Section 600 of the *Local Government Act*, Council may choose to order a heritage inspection to assess the heritage value of a property. The order must require the

inspection to be carried out in an expeditious manner and specify how long the order is to remain in effect.

The inspection will help determine if the carport has heritage value, and its extent. If it is determined that the carport has limited or no heritage value, it may be appropriate to remove it from the Community Heritage Register and issue the demolition permit.

If heritage value for the carport is confirmed upon inspection, the demolition permit would continue to be withheld until necessary approvals have been issued with respect to the alteration or redevelopment of the property. Additional measures, such as Council issuance of a temporary protection order, may also be considered.

By withholding the permit and conducting the heritage inspection, it is anticipated that these actions would lead to further discussion with the applicant regarding his redevelopment ideas and how these may support heritage retention of the house and detached carport, if appropriate.

Timing/Approval Process:

As per Section 4.1 of the Heritage Procedure Bylaw, the Chief Building Officer is authorized to withhold the demolition permit until a building permit and any other necessary approvals have been issued with respect to the alteration or redevelopment of the property.

Should Council order a heritage inspection, the order is to remain in effect until the heritage inspection is completed, or building permits are issued with respect to alteration or redevelopment of the property, or one year after the day on which the heritage inspection was ordered, whichever occurs first.

Concurrence:

The Community Heritage Advisory Committee discussed the application for a demolition permit at their January 22, 2020 meeting. The Committee did not make a motion regarding the application, and requested more information about the carport.

Environmental Impact:

The property is characterized by steep slopes and is located in several Development Permit Areas (DPAs) which would impact the location and extent of development on both sites. In addition, there is a covenant registered on title for the unaddressed lot immediately north of 2357 Riverside Drive (PID 017-557-828), restricting the location of development on the lot in accordance with a geotechnical report. If the applicant is successful in obtaining the demolition permit for the carport and seeks to redevelop the lot under the current zoning, the following DPAs would apply:

- Creek Hazard;
- Slope Hazard;
- Streamside Protection; and
- Wildfire Hazard.

Conclusion:

Staff recommend that the demolition permit for the detached carport continue to be withheld in accordance with the District's Heritage Procedure Bylaw until such time as a building permit application and other necessary permit applications are received for the property. A heritage inspection order is also recommended in order to obtain the information necessary to assess the heritage value and character of the structure. Redevelopment options, as presented by the owner, will continue to be discussed and reviewed by staff.

Options:

Option 1 is recommended by staff.

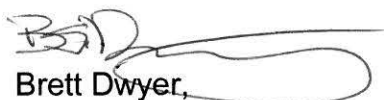
- 1) THAT Council considers the carport located on PID 017-557-828, the property adjacent to 2357 Riverside Drive, may have sufficient heritage value and character to justify its protection;

AND THAT Council direct staff to continue to withhold the demolition permit for PID 017-557-828, the property adjacent to 2357 Riverside Drive, in accordance with Section 3.1, 3.2, and 4.1 of the Heritage Procedure Bylaw;

AND THAT pursuant to Section 600 of the *Local Government Act*, Council orders a heritage inspection for PID 017-557-828, the property adjacent to 2357 Riverside Drive, as follows:

- a) To assess the condition and heritage value of the carport;
 - b) To conduct a heritage inspection in an expeditious manner in cooperation with the homeowner; and
 - c) That the order is to remain in effect until the heritage inspection is completed, or building permits are issued with respect to alteration or redevelopment of the property, or one year after the day on which the heritage inspection was ordered, whichever occurs first.
- 2) THAT Council direct staff to discontinue the withholding of the demolition permit for the carport structure located on PID 017-557-828 pursuant to the Heritage Procedure Bylaw, and remove the carport structure located on PID 017-557-828 from the Community Heritage Register.

Respectfully submitted,



Brett Dwyer,
Assistant General Manager,
Regulatory Review and Compliance



Nicole Foth,
Community Planner

SUBJECT: 2357 Riverside Drive – Consideration to Withhold Demolition Permit and Issue
Heritage Inspection Order

January 22, 2020

Page 6

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