



## FONVCA AGENDA

**Wednesday Sep 18<sup>th</sup> 2013**

**Place:** DNV Hall 355 W. Queens Rd V7N 2K6

**Time:** 7:00-9:00pm

**Chair:** Eric Andersen – Blueridge Community Association

**Tel:** 604-929-6849 **Email:** EricgAndersen@shaw.ca

**Notetaker:** TBD

Regrets: Sharlene Hertz

### 1. Order/content of Agenda

- a. Chair Pro-Tem Suggests:

### 2. Adoption of Minutes of June 20<sup>th</sup>

- a. <http://www.fonvca.org/agendas/may2013/minutes-jun2013.pdf>  
Emails pertaining to draft minutes will be distributed at meeting.
- b. **Business arising from Minutes.**

### 3. Roundtable on “Current Affairs”

A period of roughly 30 minutes for association members to exchange information of common concerns.

- a. **EUCCA:** updates & issue of communications after close of public hearing

<http://metrovanwatch.wordpress.com/learning-centre/legal-opinionuse-of-public-hearing-to-block-communication/>

- b. ...

### 4. Old Business

- a) **Update: “Process” FONVCA Committee**

-Sep 24<sup>th</sup> discussion on BC’s Economy

- SFU free “Evening with Robert Reich” – Oct 3

<http://summitreich-es2.eventbrite.ca/?rank=2>

### 5. Correspondence Issues

- a) **Business arising from 16 regular emails:**  
Distributed with full package and posted on web-site

- b) **Non-Posted letters – 0 this period**  
Distributed with full package but not currently posted on web-site.

### 6. New Business

- a) **BCStats on 2011 Census**

<http://www.bcstats.gov.bc.ca/StatisticsBySubject/Census/OpenData.aspx>

<http://www.bcstats.gov.bc.ca/Files/dab70780-383a-4c93-919e-fa53ddf6e67/2011CensusProfile-BritishColumbiaCensusTractsinCMAsandTractedCAs.xlsx>

- b) **OCP Implementation – concrete vs. jelly**

- adherence to CAC policy

<http://www.dnv.org/article.asp?a=4904>

### 7. Any Other Business

- a) **FONVCA Web Site Hosting – Renewal**

- \$411US paid & invoice submitted to DNV

- b) **Planning in an Aging Population – déjà vu**

<http://www.planning.org/pas/at60/report148.htm>

- c) **Public Participation – “Reality or Rhetoric?”**

[http://www.youtube.com/watch?v=5Kknz100ldLM&feature=player\\_embedded](http://www.youtube.com/watch?v=5Kknz100ldLM&feature=player_embedded)

- d) **Community Engagement Toolkit**

<http://www.sparc.bc.ca/component/rubberdoc/doc/534-community-engagement-toolkit.pdf>

- e) **BC Gov. Analysis of Property Taxation**

[http://www.cscd.gov.bc.ca/lgd/library/revenue\\_source\\_review/An\\_Analysis\\_of\\_Property\\_Taxation.pdf](http://www.cscd.gov.bc.ca/lgd/library/revenue_source_review/An_Analysis_of_Property_Taxation.pdf) see also

<http://www.cscd.gov.bc.ca/lgd/pathfinder-finance.htm#mrsr>

### 8. For Your Information Items

- a) **Non-Legal Issues**

- i. **News-Clips of the month Jul/Aug/Sep 2013**

<http://www.fonvca.org/agendas/jul2013/news-clips/>

<http://www.fonvca.org/agendas/aug2013/news-clips/>

<http://www.fonvca.org/agendas/sep2013/news-clips/>

- ii. **National Survey of Bicyclists and Pedestrian Attitudes and Behavior**

<http://www.nhtsa.gov/Driving+Safety/Research+&+Evaluation/National+Survey+of+Bicyclist+and+Pedestrian+Attitudes+and+Behavior>

- iii. **Urban Forestry**

[http://www.nap.edu/download.php?record\\_id=18370](http://www.nap.edu/download.php?record_id=18370)

- b) **Legal Issues**

- i) **Metro takes Langley to court over rezoning**

<http://www.fonvca.org/agendas/aug2013/news-clips/Metro%20takes%20Langley%20to%20court%20over%20rezoning.pdf>

[http://www.vancouver.sun.com/story\\_print.html?id=8670186&sponsor=](http://www.vancouver.sun.com/story_print.html?id=8670186&sponsor=)

- ii) **LoGo Notebook – Summer 2013 - Stewart McDannold Stuart**

<http://www.sms.bc.ca/issue/?issue=84>

Particularly note that local governments cannot withhold bid and contract information.

- iii) **Municipal Law Reference**

<http://www.fonvca.org/agendas/sep2013/REECE-HARDING-Introduction-to-BC-Local-Government-Law.pdf>

### 9. Chair & Date of next meeting

- a. **October 16<sup>th</sup>**

## FONVCA Received Correspondence/Subject

17 June 2013 → 15 September 2013

LINK	SUBJECT
<a href="http://www.fonvca.org/letters/2013/17jun-to/Michelle_Potts_19jun2013.pdf">http://www.fonvca.org/letters/2013/17jun-to/Michelle_Potts_19jun2013.pdf</a>	Lynn Valley – we are community just as we are!
<a href="http://www.fonvca.org/letters/2013/17jun-to/Doug_Curran_20jun2013.pdf">http://www.fonvca.org/letters/2013/17jun-to/Doug_Curran_20jun2013.pdf</a>	Narrow perspectives on social realities fuel Lynn Valley opposition
<a href="http://www.fonvca.org/letters/2013/17jun-to/Heike_Adams_22jun2013.pdf">http://www.fonvca.org/letters/2013/17jun-to/Heike_Adams_22jun2013.pdf</a>	Lynn Valley Town Centre Development Feedback
<a href="http://www.fonvca.org/letters/2013/17jun-to/Doug_Curran_25jun2013.pdf">http://www.fonvca.org/letters/2013/17jun-to/Doug_Curran_25jun2013.pdf</a>	June 23 <sup>rd</sup> opinion “Growing Pain”...
<a href="http://www.fonvca.org/letters/2013/17jun-to/Doug_Curran_28jun2013.pdf">http://www.fonvca.org/letters/2013/17jun-to/Doug_Curran_28jun2013.pdf</a>	Lynn Valley Town Centre
<a href="http://www.fonvca.org/letters/2013/17jun-to/Doug_Curran_28jun2013b.pdf">http://www.fonvca.org/letters/2013/17jun-to/Doug_Curran_28jun2013b.pdf</a>	Public debate on OCP Lynn Valley Town Center
<a href="http://www.fonvca.org/letters/2013/17jun-to/Margit_Lieder_28jun2013.pdf">http://www.fonvca.org/letters/2013/17jun-to/Margit_Lieder_28jun2013.pdf</a>	Lynn Valley High Rises [ 7 emails combined]
<a href="http://www.fonvca.org/letters/2013/17jun-to/Lyle_Craver_4jul2013.pdf">http://www.fonvca.org/letters/2013/17jun-to/Lyle_Craver_4jul2013.pdf</a>	Lynn Valley Town Centre proposals
<a href="http://www.fonvca.org/letters/2013/17jun-to/Lyle_Craver_5jul2013.pdf">http://www.fonvca.org/letters/2013/17jun-to/Lyle_Craver_5jul2013.pdf</a>	Lynn Valley Town Centre proposals
<a href="http://www.fonvca.org/letters/2013/17jun-to/Doug_Curran_11jul2013.pdf">http://www.fonvca.org/letters/2013/17jun-to/Doug_Curran_11jul2013.pdf</a>	“The next hot neighbourhoods”...
<a href="http://www.fonvca.org/letters/2013/17jun-to/Monica_Craver_11jul2013.pdf">http://www.fonvca.org/letters/2013/17jun-to/Monica_Craver_11jul2013.pdf</a>	Do Mountain Bikes Belong in Our Natural Places?
<a href="http://www.fonvca.org/letters/2013/15jul-to/Wendy_Qureshi_16jul2013.pdf">http://www.fonvca.org/letters/2013/15jul-to/Wendy_Qureshi_16jul2013.pdf</a>	Too much densification too fast
<a href="http://www.fonvca.org/letters/2013/15jul-to/Doug_Curran_30jul2013.pdf">http://www.fonvca.org/letters/2013/15jul-to/Doug_Curran_30jul2013.pdf</a>	Evidence-based discipline
<a href="http://www.fonvca.org/letters/2013/19aug-to/Doug_Curran_22aug2013.pdf">http://www.fonvca.org/letters/2013/19aug-to/Doug_Curran_22aug2013.pdf</a>	Lynn Valley prepares to march boldly forward into the past
<a href="http://www.fonvca.org/letters/2013/19aug-to/Doug_Curran_3sep2013.pdf">http://www.fonvca.org/letters/2013/19aug-to/Doug_Curran_3sep2013.pdf</a>	B.C. municipalities seek property-tax changes
<a href="http://www.fonvca.org/letters/2013/19aug-to/Jerry&amp;Karin_Grootveld_14sep2013.pdf">http://www.fonvca.org/letters/2013/19aug-to/Jerry&amp;Karin_Grootveld_14sep2013.pdf</a>	Lynn Valley Town Centre Implementation Plan

### Past Chair Pro/Tem of FONVCA (Jan 2010-present)

### Notetaker

Sep 2013	Eric Andersen	Blueridge C.A.	? ? ?
Jun 2013	Peter Thompson	Edgemont & Upper Capilano C.A.	Cathy Adams
May 2013	John Miller	Lower Capilano Community Residents Assoc.	Dan Ellis
Apr 2013	Paul Tubb	Pemberton Heights C.A.	Sharlene Hertz
Mar 2013	Dan Ellis	Lynn Valley C.A.	Sharlene Hertz
Feb 2013	Diana Belhouse	Delbrook C.A. & SOS	John Miller
Jan 2013	Val Moller	Woodcroft & LGCA	Sharlene Hertz
Nov 2012	Eric Andersen	Blueridge C.A.	Cathy Adams
Oct 2012	Peter Thompson	Edgemont & Upper Capilano C.A.	Charlene Hertz
Sep 2012	John Hunter	Seymour C.A.	Kim Belcher
Jun 2012	Paul Tubb	Pemberton Heights C.A.	Diana Belhouse
May 2012	Diana Belhouse	Delbrook C.A. & SOS	John Miller
Apr 2012	Val Moller	Lions gate C.A.	Dan Ellis
Mar 2012	Eric Andersen	Blueridge C.A.	John Hunter
Feb 2012	Dan Ellis	Lynn Valley C.A.	John Miller
Jan 2012	Brian Platts	Edgemont & Upper Capilano C.A.	Cathy Adams
Nov 2011	Paul Tubb	Pemberton Heights	Eric Andersen
Oct 2011	Diana Belhouse	Delbrook C.A. & SOS	Paul Tubb
Sep 2011	John Hunter	Seymour C.A.	Dan Ellis
Jul 2011	Cathy Adams	Lions Gate C.A.	John Hunter
Jun 2011	Eric Andersen	Blueridge C.A.	Cathy Adams
May 2011	Dan Ellis	Lynn Valley C.A.	Brian Platts/Corrie Kost
Apr 2011	Brian Platts	Edgemont & Upper Capilano C.A.	Diana Belhouse
Mar 2011	Val Moller	Lions Gate C.A.	Eric Andersen
Feb 2011	Paul Tubb	Pemberton Heights ← Special focus on 2011-2015 Financial Plan	
Jan 2011	Diana Belhouse	S.O.S.	Brenda Barrick
Dec 2010	John Hunter	Seymour C.A. ← Meeting with DNV Staff on Draft#1 OCP	None
Nov 2010	Cathy Adams	Lions Gate C.A.	John Hunter
Oct 2010	Eric Andersen	Blueridge C.A.	Paul Tubb
Sep 2010	K'nud Hille	Norgate Park C.A.	Eric Andersen
Jun 2010	Dan Ellis	Lynn Valley C.A.	Cathy Adams
May 2010	Val Moller	Lions Gate C.A.	Cathy Adams
Apr 2010	Paul Tubb	Pemberton Heights	Dan Ellis
Mar 2010	Brian Platts	Edgemont C.A.	Diana Belhouse
Feb 2010	Special		
Jan 2010	Dianna Belhouse	S.O.S	K'nud Hille

# FONVCA

## Draft Minutes of Regular Meeting June 20<sup>th</sup>, 2013

### At DNV Hall 355 W. Queens Rd, North Vancouver

#### Attendees:

Peter Thompson (Chair pro-tem)	Edgemont & Upper Capilano C.A.
Lesley Brooks	Blueridge C.A.
Corrie Kost	Edgemont & Upper Capilano C.A.
Dan Ellis	Lynn Valley C.A.
Val Moller	Lions Gate N.A. & Woodcroft
Cathy Adams (Notes)	Lions Gate N.A.
Diana Belhouse	Delbrook C.A. & Save Our Shores
John Miller	Lower Capilano Community Res.Assn.

**Regrets:** John Hunter, Seymour C.A., Eric Andersen, Blueridge C.A.  
The meeting was called to order at 7:06 p.m.

### 1. Order/content of Agenda

No changes.

### 2. Adoption of Minutes of May 15<sup>th</sup>

<http://www.fonvca.org/agendas/may2013/minutes-may2013.pdf>

Adopted as circulated.

Business Arising: Item 7a) from May minutes-FONVCA web site hosting costs/possible contribution from DNV Healthy Neighbourhood Fund?

Cathy contacted DNV/Planning Dept. deals with Healthy Neighbourhood Fund applications. Was advised that DNV will now accept applications for funding through the Healthy Neighbourhood Fund through the year. In October, they will determine what is to be supported, and make disbursements.

**Action:** Corrie offered to pay the approximate \$400. cost of the website renewal - good for term of 3 years, contingent on FONVCA either receiving funds from the District at the end of the year to offset the cost, or being reimbursed by members of FONVCA if the Healthy Neighbourhood fund application is not successful. Corrie to make payment in September/Cathy will apply to DNV to meet the October deadline.

### 3. Roundtable on “Current Affairs”

Delbrook C.A. Diana addressed the issue of speaking to an item before council, and the perception many times that input is ignored. Often a lot of work has gone into a presentation, without any acknowledgement/response from Council. Is it/when is it/ worthwhile to give input? Are minds closed? Many examples of concern were given around the table. Notices sometimes don't mention Public Input opportunity-is that because it's not encouraged? Also concern expressed that Council sometimes seems to not pay attention during meeting to a member of the public who is speaking, and rudeness towards those speaking is sometimes the experience.

Lower Capilano C.R.A. John reported on the community's perception that what was proposed for Lower Capilano centre is not what is currently being put forward. “Village” proposed in Larco plan no longer has the retail component promised/100,000 sq ft of new commercial not included. Residential density only. Staff response to question on where shops are in plan was that the retail will primarily be along Cap Road/this is not what was allegedly shown during the OCP process. Members of the OCP Implementation Committee present encouraged this feedback to the committee in written form. Next Meeting of OCPIC - June 26<sup>th</sup>

John reported that standards for sidewalks with new construction on Marine Drive have not been consistently in keeping with standards of the Marine Drive Plan. Lower standards without reference back to the community?

**Dan Ellis** Solid Waste management. Dan reported on Metro discussions at the Lions Gate Public Advisory Committee (LGPAC) level. Late May- Day long meeting was held/lots of information provided/good discussion. Felt to be worthwhile by those on the committee.

**Blueridge** Lesley Brooks reported on Good Neighbour Day, June 9<sup>th</sup>. Bigger than ever/hundreds of people came out. Numbers are increasing each year.

**Woodcroft** Val also reported concern that the “village” aspect had been lost in the Lower Capilano Plan, as shown in the Larco application. Council has given DNV staff the go ahead to look at funding options for Fullerton Avenue improvements.

**Corrie addressed the issue of input at Public Hearings.** There is no check on the veracity of statements made by presenters. There are inherent weaknesses in the PH process – input is late in the approval process/can be confrontational/ no opportunity to work towards consensus. Metro Vancouver waste flow meeting-was last Monday. Audio/video is not good in the DNV committee room. Recorded meetings will move to council chambers until improvements can be made to the committee room.

Garden waste-future ban of kraft bags? 77 litre garbage cans may also be banned-due to weight. DNV is looking at a different system that would require the purchase of multiple containers, and automation for crews. Council has deferred decision on this for 6 months.

**E.U.C.C.A.** Meeting on road closure for the Edgemont seniors living project.

Village refresh plan is going to Phase 2.

There seems to be little appetite for increased height in Edgemont Village. DNV has done a good job of covering input and summarizing issues on DNV website page. See

<http://identity.dnv.org/article.asp?c=1168>

William Griffin-meeting to show designs nextThursday

(see <http://www.dnv.org/article.asp?a=5648> and <http://www.dnv.org/article.asp?a=5576> ).

Funding-sale/lease of Delbrook lands or not is a big question for the future!

**Save our Shores** Diana reported on planning for this year’s Waterfront Walk/June 23<sup>rd</sup>. Notices in the paper/well advertised. This year, for the first time, there will be a water taxi to shuttle participants back to the start. It will run continuously. Sign in is at Cates Park.

## 4. Old Business

### 4.1 Update on “Process” Committee of FONVCA

At last month’s FONVCA meeting, concerns were expressed about the mandate of this committee. The mandate was passed last October. It’s a long term, grassroots effort/the understanding of some at FONVCA may have been different. Committee is working with the mandate and process. More discussion at this meeting on these issues.

## 5. Correspondence Issues

### 5.1 Business arising from 5 regular emails:

Distributed with full package and posted on web-site

Discussion on one letter, which some felt was in the nature of a personal attack on a member of the public. Letter was in response to letter published in the North Shore News, but the original letter is not available as a reference.

The letter is posted on the FONVCA website-discussion on whether to remove it or not.

Motion-John. 2<sup>nd</sup>-Diana. to remove the posting from the website. Carried.

(Followup-there was later clarification via email on what vetting the letter had, and those present were asked to verify their vote to unpost the letter. Majority of follow-up supported removal. Carried.)

## 5.2 Non-Posted letters – 0 this period

## 6. New Business Council and other District Issues

- a) DNV Annual Report <http://www.dnv.org/annualreport2012>  
Public input coming up on June 24<sup>th</sup>
- b) Recent longboarder injuries see articles at <http://www.fonvca.org/agendas/jun2013/news-clips/>  
Becoming a big topic of discussion/concern for municipalities. It's an issue everywhere.
- c) July/August FONVCA meetings, etc.  
July 17<sup>th</sup> meeting-decide whether to cancel closer to the date. Decide on a summer social get together when polling in July.
- d) OCP Implementation Committee next meeting June 26<sup>th</sup> 5:00 in committee room. The mandate is posted on the dnv website at <http://www.dnv.org/article.asp?a=5515>

## 7. Any Other Business

a) FONVCA website hosting dealt with in business arising in section 2.

b), c) and d) are FYI items. No discussion.

## 8. For Your Information Items No discussion,

## 9. Chair & Date of next meeting:

July 17<sup>th</sup> and August 21<sup>st</sup> are summer dates. September 18<sup>th</sup> is first one in the fall.

Decide via polling of members on whether to hold the summer meetings, as well as whether to have a summer get together. (subsequently **August 21<sup>st</sup> was cancelled and July 17<sup>th</sup> will be a social meeting** at the Northlands Golf Course – 7pm)

Next Chair: Eric Andersen Sharlene Hertz – Notes

**Meeting Adjourned.**

## MetroVanWatch

*Our vision: A truly socially,  
environmentally, agriculturally  
sustainable Metro Vancouver region  
with good governance. At issue: The  
Regional Growth Strategy.*

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### Legal opinion–Use of Public Hearing to block communication

What follows is correspondence with Metro Vancouver Commissioner and CAO Johnny Carline in which he indicates that because of the Public Hearing on the RGS [Note: It was implemented voluntarily by Metro Van], elected officials were not to hear from the public on this matter. But an independent legal opinion (also posted here) says this: ***Unfortunately many Councillors’ refusal to communicate with constituents individually after a public hearing, and even before public hearings, is simply a practice of administrative convenience for their own personal benefit. They do not want to be bothered with endless phone calls and so they blame the law, but as the Court of Appeal made clear in Adler and other decisions as well, it is not the law that says that councillors can not speak to you.***

\*\*\*\*\*

**13-Jan-2011, from Jonathan Baker, Municipal Lawyer, Baker & Baker, to Randy Helten, Coordinator, CityHallWatch** [Bold text is ours for emphasis.]

Randy,

I refer to our telephone conversation in which you asked me to comment on **Mr. Carline’s reasons for withholding your communications from Metro Board Directors.**

**Mr. Carline is correct that the law is complex. He says that there is no explicit prohibition in the Local Government Act relating to communications between Board members and the public. I say, however, that there is no implicit prohibition either. Courts do not prohibit councillors from communicating with their constituents after a public hearing.** What may happen is that a bylaw may be set aside if it is challenged by citizens following communications after a hearing but it depends entirely on the circumstances. The Sechelt case involved a second meeting by council between citizens and the councillors. Where there have been private meetings (as opposed to formally constituted meetings of Council) everything depends on the nature of the communication. **I do not agree that a meeting between yourself and a board member outside of council urging them to hold a further hearing would invalidate the bylaw.**

The case that is on point is *Adler International Investments Ltd. v. Central Okanagan (Regional District)* a decision of our Court of Appeal in 2003. The Court said:

16 British Columbia courts have commented on previous occasions that it is unrealistic to expect municipal councillors to shut themselves off from new information even at a late stage in the by-law approval process. In *Lewis v. Surrey (District)* (1979), 10 M.P.L.R. 123 (B.C. S.C.), Macfarlane J. said the Legislature could not have intended that after the holding of a public hearing, each councillor is required to remain “incommunicado”



with respect to the by-law in question. (at 130.) He continued:

*... that is not to say ... that in every case where an individual alderman has received information outside of a council meeting that the whole legislative process must come to a halt, and a new public hearing be held. If that were so, the system would be so cumbersome as to be incapable of producing practical results. In this case, for instance, a new alderman was given information by the petitioner after the public hearing. Did that require that a new public hearing be held? I think not. [at 131]*

17 More recently, in *Neufeld v. Comox-Stathcona (Regional District)*, [1992] B.C.J. No. 1413 (B.C. S.C.), Hood J. dealt with a very similar situation to that at issue here. Following one public hearing at which the Ministry of the Environment had been told it was “too late” to report, the local council was told that ‘new information’ had been received which, if considered, would necessitate a second public hearing. That information was the Ministry’s report. The Court held as follows:

*While the committee may state, at the end of a public hearing, that no further information or letters will be accepted, I have no doubt that local residents and other persons interested will write to the committee and make further submissions if they believe that to do so will further their cause. While the committee may reject some, or all, of the submissions it does not follow that in the event the committee receives further information or submissions from an interested party, or from any other source, which in its opinion warrants consideration, and creates second thoughts with regard to a previous recommendation, the committee cannot consider the same, provided they act fairly in doing so and, in particular, that a fresh public hearing pursuant to s. 956 is held; and the persons affected by the new information or submissions are given a reasonable opportunity to be heard in opposition to them. [at 13; emphasis added.]*

I respectfully adopt these comments.

18 The case at bar in my view represents the converse of *Lewis v. Surrey (District)*, *supra*. Here, the “new information” concerned the opposition of a key governmental authority whose objections had to be addressed before the by-law could become law. The ALC’s objections had serious implications not only for the Adler proposal, but for the entire region. The District had no real practical alternative but to consider these objections, and therefore to hold another hearing. Whether it did so after rescinding second and third readings is a matter of form only, but since s. 890(2) of the *Act* states that a public hearing must occur before third reading, it appears they had little choice in procedural terms. In any event, as stated by the Court in *Neufeld*, *supra*:

*It is to be remembered that the rule of fairness being focused on is procedural fairness, a rule which is flexible and will vary to some degree with the circumstances, including the function of the particular tribunal ...*

**Unfortunately many Councillors’ refusal to communicate with constituents individually after a public hearing, and even before public hearings, is simply a practice of administrative convenience for their own personal benefit. They do not want to be bothered with endless phone calls and so they blame the law, but as the Court of Appeal made clear in Adler and other decisions as well, it is not the law that says that councillors can not speak to you.**

You have asked whether the bylaw could be challenged on the basis of Metro’s staff refusing to pass your

communications on to Board Members?

I doubt it. Although politicians are not prohibited from talking to constituents they are not required to meet either. The penalty for refusing to answer phone calls is at the ballot box.

There is may be one exception. You tell me that Metro is proposing to delegate zoning powers to BC Transit. I have not read the proposal they would have no power to do this since delegates can't delegate their powers. If it is true that they have done so so you could apply to set aside the regulation. I find it hard to believe however that they would try such a thing without seeking the required legislative changes.

As to the other point I would be happy to discuss your options at your convenience.

**Jonathan Baker, Municipal Lawyer, Baker & Baker**

----- Forwarded message -----

*From: Johnny Carline*

*Date: Wed, Jan 12, 2011 at 5:09 PM*

*Subject: RE: Regional Growth Strategy*

*To: Citizen YVR*

*Dear Mr Helton:*

*With regard to your e-mail of yesterday, the relevant section of the legislation to which I refer is Division 4 of the Local Government Act, (sections 890 to 894) on Public Hearings. **However, when you look at those sections you will not find a direct explicit prohibition on receiving information after public hearings.***

***It is the court interpretation of those provisions that is important.** Court decisions essentially enlarge upon or provide more detail where the legislation may not be clear. **My statement that "elected officials are not supposed to receive further information...is in legislation" was a compression of what is a fairly complex situation which, as you have expressed interest, I will try to explain.***

*Section 890 (3) is a good place to start. It states:*

*"At the public hearing all persons who believe that their interests in property is affected by the proposed by-law must be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw that is the subject of the public hearing."*

*This has led the Courts to say that the process requires procedural fairness. One example of that is a case brought against Pitt Meadows by the Pitt Polder Society where the courts found that failure to disclose significant documents at or before the public hearing impaired the ability of the public to exercise its rights as provided for in this section. Thus, though it is not written in statute, the interpretation expands the statute to now require the disclosure of the significant relevant documents at or before the public hearing.*

*This then spills over into what can happen after a public hearing. Obviously there is no way one can absolutely require a councillor (or in our case a director) to be incommunicado on any*



*subject. Constituents will communicate one way or another, as you have done, and it is impractical to think otherwise. Moreover, councils could not address some of the issues raised in public hearings if they did not receive advice from staff. But the principle is that all the significant information on which a council (or Board) is going to make its decision should be available to the public in advance of the public hearing so the public can exercise their rights. This is implied for example in section 894 (2), which deals with what is expected when a council delegates the conduct of a public hearing to an officer etc. Councillors who were not present for the public hearing cannot vote until and unless they have received a report of the public hearing. The implication is that the information on which they must rely is that submitted at the public hearing.*

*As an example of the courts enforcing this principle, a zoning by law passed by Sechelt to permit a fish processing plant was set aside by the court because the waste management plan was submitted after the public hearing.*

*This places local government officials in a bit of a dilemma. As noted, it is practically impossible to expect them to remain incommunicado. But, as they cannot be expected to know what the content of any communication is prior to receiving it, receiving any communication runs the risk of violating the above principles. This might, therefore, risk either disqualifying them from voting or requiring an entirely new public hearing. To avoid this every local government, as far as I am aware, prohibits further input after a public hearing (look on line for the New Westminster policy as an example). It is how they give effect to the courts' interpretation of procedural fairness as it applies to the above cited sections of the Local Government Act.*

*As you can see it is quite complex, hence my compressed and perhaps not overly precise language in my first e-mail. I hope this further explanation throws some more light on it and explains why the Board will not be receiving further delegations on this matter.*

*Again, I thank you for your interest (it is rare for me to have an interested audience on the intricacies of governance legislation) and however the process moves forward, I hope you feel you can contact me further on this kind of issue.*

*Johnny*

**From:** Citizen YVR

**Sent:** Tuesday, January 11, 2011 11:35 AM

**To:** Johnny Carline

**Cc:** Tricia Bowen

**Subject:** Re: Regional Growth Strategy

*Dear Mr Carline,*

***Further to our previous correspondence, I would like to be informed exactly which section of which piece of legislation you are referring to.***

*Secondly, would you kindly inform me whether individuals or delegations may register to speak at the Board meeting on January 14?*

*Thank you, and best wishes,  
Randy Helten*

\*\*\*\*\*

*On Fri, Jan 7, 2011 at 5:48 PM, Johnny Carline wrote:*

*Dear Mr Helton:*

***I am responding to your e-mail to the Metro Vancouver Board of Directors at the request of the Board Chair. She is rightly concerned that after the close of a public hearing elected officials are not supposed to receive further input from the public. This is in legislation and its purpose is clearly to protect the integrity of the public hearing process from 'lobbying' outside of the public hearing process.***

***As Board members will also likely and rightly feel constrained from responding, because of the public hearing rules cited above, I will respond, not on their behalf because their views may not necessarily coincide with mine, but to indicate to you that your correspondence has not been ignored.***

*Let me first thank you for your input. The Board, my colleagues and I always appreciate citizens being concerned enough to offer comment, even where we may not agree with those comments. So thank you.*

*Now to substance: your e-mail raises two sets of concerns. The first is that the Board is rushing the process and not enough time has been allotted to hear the public or for the Board to consider the proposed plan. The second is a series of concerns about the implications of the plan itself.*

*The review of the existing regional growth strategy began in 2002. It reached the point of producing draft strategy papers in 2007 and since then there have been between forty and fifty meetings to which the public has been invited and have attended in large numbers. The process has involved an evolution of the strategy with iterative drafts. The last draft differed from the previous draft largely in terms of the technical aspects of implementation processes as a result of extended work with local municipal planning officials. The major policy initiatives remain largely unchanged. The public input has been exhaustively documented and made available to the Board of Directors. The Board of Directors has been kept abreast of the changes that have occurred and the final draft provides a 'black line' guide to the final changes made as a result of the public hearing process. On January 14<sup>th</sup>, the Board will have the final draft before them and they have the prerogative to determine whether they are in a position to make a decision or not. My point is that the process has made every attempt to allow the Board members to make an informed decision in a timely manner and it has certainly involved more than four days.*

*The suggestion that the public needed more time was made to the Board's Planning Committee and to the Public Hearing by Ms Elizabeth Murphy on more than one occasion. Similarly every one of the concerns raised in your position paper was raised by Ms Murphy at committee before the draft went to public hearing and again at the public hearing on more than one occasion. I am*

*not certain whether Ms Murphy is a member of your group or not, but certainly if the position paper you circulated contains the concerns you wish the Board to consider, I would respectfully suggest that Ms Murphy has more than amply made the Board aware of these concerns through the several presentations she has made to committee and at the public hearing – all of which were documented, along with staff's response, for the Board's information and consideration.*

*I do understand that not all the concerns raised in your paper, and that were made by Ms Murphy, met with the response from staff that you desired. There is disagreement on a number of these points. But that in itself is not reason to extend the process – otherwise we would reach infinite regress. On January 14<sup>th</sup> the test for the Board will be whether they believe they understand the concerns you have raised and whether they understand the responses made by staff to those concerns. The Board will have the opportunity to examine staff on the concerns raised and on staff's responses to those concerns. At that point I believe they will be in a position to decide whether they can make an informed decision and what that decision is.*

*I am sure that in other circumstances both the Chair and other directors may have wished to respond to you directly. The public hearing process prevents them from doing so. And, again, I do not assert that their views necessarily coincide with mine. But whenever a member of the public feels engaged enough to offer comment to Metro Vancouver, we all feel that they deserve a response to those comments. So, while you may or may not agree with the response I have provided, I trust you will accept that it is offered in the spirit of civic engagement to which we all subscribe.*

*Thank you once again for caring enough about this region to be engaged.*

*Your truly*

*Johnny Carline*

*Commissioner and CAO*

*Metro Vancouver.*

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## One Response to *Legal opinion–Use of Public Hearing to block communication*



**Corrie Kost** says:

May 25, 2011 at 3:53 pm

An interesting article. I just want to note that the District of North Vancouver just completed (closed) a public hearing on their Official Community Plan on May 17/2011. During the public hearing our Mayor & Council never once informed the public that we were not to speak to the already closed Regional Growth Strategy. So it seems that when public hearings collide there are no such (or at least different) constraints.

[Reply](#)

---

**MetroVanWatch**

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## An Evening with Robert Reich

The SFU Public Square  
Thursday, 3 October 2013 from 7:00 PM to 9:00 PM (PDT)  
Vancouver, BC

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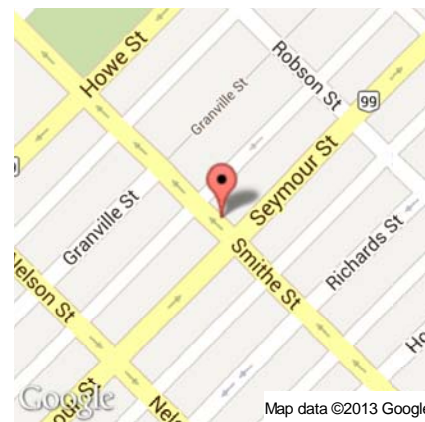
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**The Orpheum Theatre**  
884 Granville Street  
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Thursday, 3 October 2013 from 7:00 PM to 9:00 PM (PDT)

SFU Public Square, in partnership with Vancity, presents **An Evening with Robert Reich**. This event, a part of the 2013 Community Summit: *Charting BC's Economic Future*, is free and open to the public.

Anna Maria Tremonti, of CBC Radio One's **The Current**, will act as moderator for this event.

**Robert Reich** is one of the world's leading thinkers about work and the economy. Now Chancellor's Professor of Public Policy at the University of California at Berkeley, he has served under three national administrations, most recently as Secretary of Labor under Bill Clinton. He also served on President Barack Obama's economic transition advisory board. In 2008, TIME magazine named Reich one of the ten most successful cabinet secretaries of the past century.

Professor Reich is the author of 14 books including *The Work of Nations*, which has been translated into 22 languages, and the best-sellers *Locked in the Cabinet* and *The Future of Success*, which in 2002 was ranked by Business Week magazine as the #2 best-selling business book. His book, *Supercapitalism*, published in 2007, warned of the perils of an under-regulated and over-leveraged financial system. In his 2010 best seller, *Aftershock: The Next Economy and America's Future*, Reich looks at where the economy is heading after the Great Recession and what to expect over the next decade.

Professor Reich has a nationally-syndicated column and he also writes frequently for *The Wall Street Journal*, *The New York Times* and *The Financial Times*. His commentaries are heard regularly on public radio. He is a contributor to CNBC, and a frequent panelist on ABC's *This Week* and other television programs.

In late 2003, Reich was awarded the prestigious Václav Havel prize, in Prague, for his original contributions to economic thinking. In 2008, *The Wall Street Journal* named him one of the nation's top ten thought leaders. His new film, "Inequality for All," which was recently awarded the US Documentary Special Jury Award at the Sundance Film Festival will be opening in theatres on September 27.

**Anna Maria Tremonti** has been the host of *The Current* since it first burst onto the airwaves in November, 2002. *The Current* marked her return to radio after 19 years with CBC Television, including two years as a host of the flagship investigative program *the fifth estate*. She was a foreign correspondent for *The National*, and her assignments included coverage of the war in Bosnia, the fall of communism, as well as the Israeli-Palestinian conflict. Prior to that, Anna Maria reported from Parliament Hill, and worked as a reporter in Nova Scotia, New Brunswick and Alberta. She has won two Gemini awards, and a life Achievement Award from Women in Film and Television Toronto.

For more information on the 2013 Community Summit, visit <http://www.sfu.ca/publicsquare/community-summit/2013summit.html>.

Have questions about An Evening with Robert Reich? [Contact The SFU Public Square](#)

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### The SFU Public Square

SFU Public Square, a signature initiative designed to spark, nurture and restore community connections, establishes Simon Fraser University as the go-to convener of serious and productive conversations about issues of public concern.

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**Subject:** Fwd: FW: Lynn Valley - we are community just as we are!

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 19/06/2013 11:32 AM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:**FW: Lynn Valley - we are community just as we are!

**Date:** Wed, 19 Jun 2013 05:53:52 -0700

**From:** Michelle Potts <michellepotts@shaw.ca>

**Reply-To:**<michellepotts@shaw.ca>

**Organization:**Shaw

**To:**<FONVCA@fonvca.org>

Please see the below email.

Regards,  
Michelle

---

**From:** Michelle Potts [<mailto:michellepotts@shaw.ca>]

**Sent:** June-18-13 11:09 PM

**To:** '[rwalton@dnv.org](mailto:rwalton@dnv.org)'; '[rbassam@dnv.org](mailto:rbassam@dnv.org)'; '[rhicks@dnv.org](mailto:rhicks@dnv.org)'; '[mlittle@dnv.org](mailto:mlittle@dnv.org)'; '[dmackay-dunn@dnv.org](mailto:dmackay-dunn@dnv.org)'; '[lmuri@dnv.org](mailto:lmuri@dnv.org)'; '[anixon@dnv.org](mailto:anixon@dnv.org)'

**Subject:** Lynn Valley - we are community just as we are!

Dear Mr. Walton and fellow councillors:

My name is Michelle Potts and my husband and I have been Lynn Valley residents for more than 10 years and we are now raising our young family in Lynn Valley. I am sure you are aware of the meetings the Lynn Valley residents have been having in respect of the Lynn Valley Plans the District of North Vancouver is putting forward in order to better define the current OCP. I want to tell you that I strongly feel there are some fundamental flaws with both the OCP and all the plans being proposed by the District. Development options A, B, C or D are not acceptable due to the increase in density each of them propose. I don't claim to know a lot about what type of growth is sustainable and what amount of density for a certain defined area is appropriate in order for all the residents to live, be comfortable and be happy but I, and other Lynn Valley residents, have been speaking to people who do know a lot about these issues, in fact they are experts at it. An increase in density of this magnitude, over this time frame, is simply not sustainable and is not in the best interests of our community. I propose that the District come back to the residents of Lynn Valley with revised plans that increase the density by 2,000 people at a maximum. That to me is more appropriate.

I firmly believe in exercising my democratic right to vote which right I will be exercising at the next municipal election. My understanding is this will take place in December, 2013. I will not vote for anyone who approves of any of the development plans currently being put forward for consideration. My hope is that you will hear our concerns and truly take them into consideration. This is our home and our livelihood, please remember that.

Sincerely,

Michelle Potts  
[michellepotts@shaw.ca](mailto:michellepotts@shaw.ca)  
604.202.8479

**Subject:** Fwd: Narrow perspectives on social realities fuel Lynn Valley opposition

**From:** Douglas Curran <dougcurran@shaw.ca>

**Date:** 20/06/2013 10:46 AM

**To:** Corrie Kost <corrie@kost.ca>, FONVCA <fonvca@fonvca.org>

Begin forwarded message:

**From:** Douglas Curran <dougcurran@shaw.ca>

**Date:** June 19, 2013 2:31:25 PM PDT (CA)

**To:** [editor@nsnews.com](mailto:editor@nsnews.com)

**Subject:** Narrow perspectives on social realities fuel Lynn Valley opposition

To the editor,

In contradiction to Wendy Quereshi's June 16th letter, Lynn Valley is part of the Metro Regional Growth Strategy which ties municipal land use planning to regional transportation planning. These strategies - along with the direct reference to the DNV's OCP strategy and Translink's mapping of Frequent Transit Development Areas, were central to SFU's June 12th breakfast seminar on the subject.

Ms. Quereshi is one citizen among many, and the requirement remains to address the needs of others, not merely those who claim to exclusively define "our community". In her comment "*the citizen's who live here now*" Quereshi graciously recognizes her own temporal existence and the knowledge that others will come along within the 20 year OCP timeframe. Logic requires that planning and projections anticipate services and needs that differ from the self-defined "our community".

Does Quereshi propose that all whose needs do not match her own physical, social and economic situation, be driven off, as not part of the tribe, for failing to meet or sufficiently embrace this "Lynn Valley character"?

In a similar vein, the "Stop Highrises" meeting June 18th, self-proclaimed its right to speak for all. Topics of the event ranged from global UN-inspired conspiracy theories designed to force urban dwellers from their cars, to those who found even the Lynn Valley Library to be a travesty of height antagonistic to the Lynn Valley character.

The contradiction between maintaining the LV character and appropriate housing options was amply illustrated by one ("I am angry") young man who protested the prices of proposed lower end (below \$300,000) apartments, while still demanding the sole-form dominance of single family homes costing in excess of \$1 million that he himself expressed little hope of ever obtaining. Where will this young man go when he decides that the Lynn Valley housing costs and options no longer meet his needs?

While lamenting the lack of affordable housing, this same "angry" young man noted the multiple water main breaks on his grandfather's street and wondered why the DNV wasn't doing more to replace that 60 year old infrastructure. Where does he imagine the money will come from to replace this piping, other than from already-pressed homeowners, many on fixed incomes like his grandfather. The young man and many in the audience seemed unaware that new developments pay the full costs (DCCs) of all new services required by their projects, new pipes, sewers and sidewalks, costs not paid through general tax revenues.

It is a sobering reflection that many Lynn Valley mall merchants are evaluating their own future potential in Lynn Valley. Unless they can find a business plan that prospers from seniors, without the spending needs and appetite of the younger generations, singles and families, businesses (and their high tax rates) see their prospects diminishing there. Without accepting modest change and options for a portion of their community, Lynn Valley will gradually slide into a high cost neighbourhood with the young seeking to build their lives elsewhere. They are already doing so.

The problem for many aging homeowners is well illustrated by a June 15th Globe and Mail article that points out the dilemma: "*Empty nesters' belief in equity is only based on the idea that there are buyers lined up to buy them. But who are the future buyers of those properties? There isn't a big supply of families in the city who have the money to buy those homes. So how is that equity realized when people decide to tap into it?*"

The preservation of "the Lynn Valley character" will come about not through blind rejection of social and economics realities, but through engaging in wider perspectives of the pressures that increasingly will fall on the DNV. As noted by the author of the Italian classic novel, "The Leopard", "*If we want things to stay as they are, things will have to change*".

sincerely, Doug Curran

Douglas Curran  
2046 Curling Road  
North Vancouver, B.C.  
Canada V7P 1X4

Ph: 604-985-5621  
[www.dougcurranphotos.com](http://www.dougcurranphotos.com)

**Subject:** Fwd: Lynn Valley Town Centre Development Feedback

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 22/06/2013 1:44 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:** Lynn Valley Town Centre Development Feedback

**Date:** Sat, 22 Jun 2013 18:58:54 +0200

**From:** heike adams <seabreeze\_2502@hotmail.com>

**To:** [council@dnv.org](mailto:council@dnv.org) <[council@dnv.org](mailto:council@dnv.org)>, [FONVCA@fonvca.org](mailto:FONVCA@fonvca.org) <[fonvca@fonvca.org](mailto:fonvca@fonvca.org)>

**To The Honourable Council Members of The District of North Vancouver**

**Lynn Valley Village Implementation Plan – Feedback**

My wife, son and I attended 2 of the 4 June open houses for the Lynn Valley Implementation Plan, and felt very let down with what we heard and saw there. We feel that all the options presented so far to the public are disappointing & misleading versions of the same original plan presented a few months ago to build high rise towers.

People have opposed the 22-floor towers format from the start. The Council members of the DNV promised to take people's concerns into consideration. Just days *before* the election, a letter by Mark Sager was circulated stating that a new presentation would be held at Lynn Valley mall to discuss new options. At this presentation, we were told over and over again, that "the towers are out, the architect has been fired". We were shown some nice pictures of Whistler style low-density condos and townhouses for a few weeks; never were the options of 8, 12, 16 or 22 floors mentioned. Then, *after* the election, the open houses are presenting us suddenly with those 4 options and the towers are still very much part of the plan (only they went down from 22 to 12 floors on East 27<sup>th</sup> – which could be just a vague promise); and the option with the lowest floors is still 8, way above what people are willing to accept.

We experienced that this whole project is being presented in a controversial and often contradictory and misleading way; for example: on the feedback form/web, one question is "how important are views to you?" If you rate "very important" because you want to maintain the mountain view of LV walking on the street, automatically the option with the 22-floor tower is pushed as most important to you because you can get nice views if you live on the 22<sup>nd</sup> floor! Also, the survey pushes the 22-floor option continually forward as the best option for public services, parks, transportation etc. Does the DNV realize a few extra buses, and some green spaces plus one daycare are highly insufficient for maintaining the standard of living of at least an additional 5,000 people? Have **real** proven studies been done to research the impact on natural resources, crime, traffic safety, traffic congestion?? Where are the numbers? At the Open House there was a board on traffic, but the only difference we saw was an extra bus stop on East 27 St. It is naïve to believe people will just leave their car at home if there is a bit of increase in public transportation services; any and every city in the world deals with traffic congestion, even if transportation is free; why would people on the North Shore suddenly gladly leave their car at home to hop on the bus; it will not happen. So I ask the DNV to imagine what will happen to roads like Mountain Hwy, Lynn Valley Road, not to even mention the Lions Gate & Second Narrows bridge if you bring thousands of extra people here.

Another huge contradiction in the marketing for this project is that the DNV needs to – aggressively – plan for growth in LV because the population is aging. Well, we invite council members to go for a walk to Lynn Valley plaza on any sunny day, and count the amount of young families with little children who have just moved here; I have never before in my life seen so many young families with babies in one small village; having just started a family I can reassure you the North Shore, and including LV, is baby heaven. So where's the feared exodus? Where is the dominating aging population? West Vancouver is clearly the

dominating aging community on the North Shore, yet I don't see any aggressive plans there to rebuild the community and attract younger people or make housing more affordable for young families. And what does this statement exactly mean that the DNV needs to plan for more affordable housing for the children of LV residents in the future? Does this mean that this new development will: a) Offer preferential buying to people with ties to Lynn Valley and b) How "affordable" are these new apartments going to be so our children and grandchildren can afford to buy them??

Sadly, we are actually now contemplating to move out of LV if this massive development project takes place; we would be saddened by the loss of LV's character of a village, the loss of its beautiful natural views, the increase of stress added traffic and crime would cause by bringing so many people, and the 20 years of continual construction. The plans mention there would only be high rises in the centre and the single family homes neighbourhoods wouldn't be affected, or only by buildings of maximum 4 floors; so families who can afford to buy a house, which according to your marketing are decreasing, would be less affected by the changes, but the young families you so hope to attract would experience all the nuisances of congestion, safety and crime of a city centre. Why not stay in the city then? Vancouver actually has more affordable real estate in most neighbourhoods compared to the North Shore, and you don't have the hassle of crossing the bridges. All our friends who have moved here say they did so for the peacefulness and green space of the North Shore. So is the DNV so convinced their planned investments will really pay off??

We can't believe that the District of North Vancouver continues to stubbornly support a plan that is consistently been rejected by the majority of the local residents. All the people that we have personally spoken with have shown complete opposition to the plan. We are concerned with the argument presented at these open houses that residents supposedly support the new development plans. Where are they? We haven't met any so far. How would they proportionally compare with the residents that oppose the plan? Why a general referendum has not been proposed? Where are the proven data and sources of information that are being used to support this project such as "massive exodus"? We would like to read about it. And why not hold a referendum about such an important matter? What is the DNV afraid of if they really care for people's opinion?

LV residents have repeatedly shown opposition against high rises; what is essential to the local people here is maintaining the **quality of life** and **beauty** of the place. If we don't want towers, it's because we don't want towers. Whether this tower has 22, 12 or 8 floors is not essential to us, we just don't want towers. Town houses and buildings of **maximum 4** floors would be much more beneficial as a whole to everyone, except to the investors of course.

The district of North Vancouver, and in particular the town of Lynn Valley is one of the most beautiful places I have ever seen in my life. I come from a place where uncontrollable densification activities have completely destroyed communities and greatly contributed to the environmental degradation and impoverishment of the overall quality of life of its residents. You have **no idea** what you have here in this corner of the world and you should try as hard as you can to preserve it. I feel truly disappointed with what I thought was a cornerstone of Canadian civilization: progressively maintaining its natural beauty and people's quality of life. However, it seems in this case that particular interests and weaker political will are the perfect opportunity for developers to push through their own particular interests. We are convinced that this plan's only purpose is to maximize the profits of few, and diminishing the quality of life of the majority.

Opposition against this project is rapidly growing in the community. We thank the members of council to take this into consideration.

Thank you for your attention to this matter.

Sincerely,

Miguel Salas

----- Original Message -----

**Subject:** Fwd: June 23rd opinion "Growing Pain" / a few salient facts answers your question

**Date:** Tue, 25 Jun 2013 11:43:22 -0700

**From:** Douglas Curran <[dougcurran@shaw.ca](mailto:dougcurran@shaw.ca)>

**To:** Corrie Kost <[corrie@kost.ca](mailto:corrie@kost.ca)>, FONVCA <[fonvca@fonvca.org](mailto:fonvca@fonvca.org)>

Begin forwarded message:

**From:** Douglas Curran <[dougcurran@shaw.ca](mailto:dougcurran@shaw.ca)>

**Date:** June 25, 2013 10:49:02 AM PDT (CA)

**To:** [editor@nsnews.com](mailto:editor@nsnews.com)

**Subject:** June 23rd opinion "Growing Pain" / a few salient facts answers your question

To the Editor,

Your June 23rd editorial asks that the North Shore municipalities answer a few questions, referred to as "growing pains". More accurately, the growing pains you refer to could be better understood as "adaptation pains" and framed within a few salient facts and demographic and economic trends that any responsible government needs to consider if it is to legitimately hold the name and office.

The OCP frames itself within a range of credible facts, science and projections: climate change, an aging demographic, a younger generation leaving the North Shore, the actual and high cost of the single family home - and its maintenance at the macro/municipal level, our crumbling infrastructure, and finding a populace able to bear the costs of their standard of living.

If one accepts each of those components as factual realities, then our local governments owe it to their public to make plans that mitigate the serious consequences that would arise by failing to plan. For example, for all those opposed to some form of multifamily living, how do they propose to offer decent housing at a cost tolerable to today's younger generation entering their peak earning years, but with far lower earning expectations than their parents?

As the population ages - and it will bloom in numbers in the next few years - will these seniors be able to bear the costs of maintaining their homes, let alone the replacement costs for the many miles of roads, piping, sewers required to service the present low density of the North Shore?

Where will these seniors move to if there are no lower costs housing option available? Many of these aging homeowners are looking to the present value of their homes to finance their next stage of life. Are we to tell them they have to do it somewhere else, other than where they have lived for the past 30 or more years?

In my neighbourhood, the first partial phase of the Lower Capilano Village Centre, part of the OCP 20-year plan, would come on stream no earlier than 2017, with full completion of the Capwest site no earlier than 2020 - nearly halfway through the OCP's plan life. Is this what anyone could rationally consider to be overnight or requiring more time to consider?

Far from the North Shore officials needing to have a bird's eye view, what is needed is for the NS News editors to present insights into the broad social and economic realities ahead, not those formed by the past, an action that can be likened to driving down the highway while using the rear view mirror to navigate the destination ahead.

sincerely, Doug Curran

Douglas Curran  
2046 Curling Road  
North Vancouver, B.C.  
Canada V7P 1X4

Ph: 604-985-5621  
[www.dougcurranphotos.com](http://www.dougcurranphotos.com)



**Subject:** Fwd: Fwd: Re: Lynn Valley Town Center  
**From:** Brian Platts <bplatts@shaw.ca>  
**Date:** 28/06/2013 6:54 PM  
**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:**Fwd: Re: Lynn Valley Town Center  
**Date:**Fri, 28 Jun 2013 13:44:50 -0700  
**From:**Douglas Curran <dougcurran@shaw.ca>  
**To:**Corrie Kost <corrie@kost.ca>, FONVCA <fonvca@fonvca.org>

Begin forwarded message:

**From:** Douglas Curran <dougcurran@shaw.ca>  
**Date:** June 28, 2013 1:41:24 PM PDT (CA)  
**To:** Hazen Colbert <hazencolbert@hotmail.com>  
**Cc:** DNV Council, [editor@nsnews.com](mailto:editor@nsnews.com)  
**Subject:** Re: Lynn Valley Town Center

Hello Hazen,

Thank you for your email. I will review the links in your earlier presentation to DNV Council (below).

It will take me a couple of days to respond fully, but from the outset, I don't believe that anyone (certainly not myself) has promoted the idea that density would in itself lower municipal taxes. It does present a number of options in terms of resident servicing economies of scale, as well as the opportunity for a degree of infrastructure renewal through Development Cost Charges (DCCs) and CACs - amenities residents desire but are reluctant to pay for themselves through increases in property taxes.

I can agree with you that we live in a time of austerity, although one wouldn't know it from looking at the ranks of newish upper-end cars that have proliferated on DNV streets. This "austerity" needs to be seen within the wider scope of burgeoning health care costs, and downloading of federal and provincial responsibilities. But the idea of austerity does not itself qualify as the basis on which to re-write or eliminate the OCP. The OCP is a measure framed to answer many of the concerns about austerity, the future costs of living in the DNV and how these costs will fall increasingly on those with the fewest resources (both financial and physical) to counter the external forces impacting them.

It would be helpful to know which projections you feel are no longer valid, or are untenable going forward.

Certainly a number of key points of the OCP, including:

- lack of housing accessible to younger people ("affordable" being a highly subjective and relative term)
- the rapid increase of median age/seniors within the DNV
- deterioration of existing infrastructure with very high cost of replacement
- need to address climate change coupled with increased global energy costs

I have grown disappointed and scornful of many of the arguments put forward for defeating the OCP, not to mention the Lynn Valley project itself. The allegations of global conspiracy against car ownership, without reference to the global consequences of unrestricted automobile use does not merit credence, but generated solid applause at the June 18th Stop Highrises meeting.

Many other arguments put forward amount to little more than refusal to consider needs other than one's own, that there might be a moral and compassionate basis on which to accept that a single-family home does not meet everyone's physical needs or financial abilities. The higher levels of government would begin to pay more attention to creative solutions to public service needs if the crowd on the 18th had been rallying against what amounts to mandatory automobile use, with its implicit consequence of waging economic war on those not wanting to spend >25% (average \$9,500) of their [after tax salary on their private car.](#)

I can not comment on the Denna homes cost forecasts, but having reviewed a number of development 'pro formas' I can tell you that a quality concrete building can not be offered on average for much below \$575/sq. ft., once all hard and soft costs and land are factored along with a 15% Return-on-investment. Most of us would not assume the level of risk required against the uncertainty of the market, the economy and the cost of money.

How, Hazen, would you propose lowering the cost of housing? Lower pay rates for workers? Cheaper land costs (currently \$100-110/sq. ft.)? Eliminate community amenity contributions so that taxpayers fully pay for what they say they want? The one certainty we do know is that builders exceed the market's will and ability to pay at their own risk.

There does need to be clear rational perspectives on the matter of where the DNV is going. At the end of the 2030 OCP, left without modest adaptation, my fear is that the DNV will be caught in a systemic financial crunch, economically stagnant, unable to fully provide the services demanded by the expanded ranks of seniors - many of them now demanding no change. They will complain about the high taxes, the broken streets, the lack of affordable home-care workers and there being no suitable housing alternatives north of Burrard Inlet .

All actions have unintended consequences and must be considered and balanced. We need to get out of our own backyard, to see how many of the conditions we will increasingly face are impacting or are being effectively countered by other countries and cities more accepting of change and adaptation.

I have copied this initial reply to others, with the hope that a wider perspective begins to inform the public discourse.

Doug

Douglas Curran  
2046 Curling Road  
North Vancouver, B.C.  
Canada V7P 1X4

Ph: 604-985-5621  
[www.dougcurranphotos.com](http://www.dougcurranphotos.com)

Begin forwarded message:

**From:** Hazen Colbert <[hazencolbert@hotmail.com](mailto:hazencolbert@hotmail.com)>  
**Date:** June 27, 2013 8:39:19 PM PDT (CA)  
**To:** "[dougcurran@shaw.ca](mailto:dougcurran@shaw.ca)" <[dougcurran@shaw.ca](mailto:dougcurran@shaw.ca)>  
**Subject:** Lynn Valley Town Center

Sir

I have read some of your submissions to the North Shore News which may, or may not, have been published.

I like some of your arguments. But we differ on the credibility and projections you reference from the District of North Vancouver's OCP. You wrote, "*The OCP frames itself within a range of credible facts, science and projections.*" That was the case from 2009-2011 when the OCP was written, but some of those "facts" we now know are not facts, and some of the projections simply have not happened.

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There is a debate in Lynn Valley about density & height. I think the debate is a bit of wild goose chase. We need to revisit the OCP.

Some comments below from recent public input to District Council.

Regards,

Hazen Colbert

*Your Worship, Council, Staff & Guests*

*Ten days ago, community consultation engaged Lynn Valley Town Center residents.*

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<http://www.demographia.com/dhi.pdf>

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[http://www.seylynn.ca/images/uploads/NSNWED20130410\\_Seylynn.pdf](http://www.seylynn.ca/images/uploads/NSNWED20130410_Seylynn.pdf)

*Third is a claim that higher density will result in lower municipal property taxes. Not true. The research is again unequivocal. High density is not associated with lower municipal expenditures per capita.*

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*So how do we meet all the goals of the OCP, and get consensus among people who want tall buildings in the District with people who*

*support lower heights, particularly in light of outdated assumptions underlying the OCP process.*

*I suggest we amend the OCP by merging the draft Lynn Valley Town Center implementation plan into the already approved Lower Lynn implementation plan. We add only 6,000 people to all of Lynn Valley rather than 10,000. We allocate high-density and taller buildings to Lower Lynn and make it a hub for economic development and high-value added job creation. We allocate medium-density, but lower height options to the Town Center in support of a village based, mixed-use lifestyle center. And we reduce dependency on Translink by creating our own transportation spine along Mountain Highway, connecting Main Street & Phibbs Exchange in Lower Lynn to the Town Center.*

*It is time to move forward relying on community consultation, evidence based decision making and our own resources to effect change.*

**Subject:** Fwd: Fwd: Public debate on OCP Lynn Valley Town Center  
**From:** Brian Platts <bplatts@shaw.ca>  
**Date:** 28/06/2013 6:54 PM  
**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:** Fwd: Public debate on OCP Lynn Valley Town Center  
**Date:** Fri, 28 Jun 2013 14:58:52 -0700  
**From:** Douglas Curran <dougcurran@shaw.ca>  
**To:** Corrie Kost <corrie@kost.ca>, FONVCA <fonvca@fonvca.org>

Begin forwarded message:

**From:** Douglas Curran <dougcurran@shaw.ca>  
**Date:** June 28, 2013 2:52:12 PM PDT (CA)  
**To:** Hazen Colbert <hazencolbert@hotmail.com>  
**Cc:** editor@nsnews.com, DNV Council  
**Subject:** Re: Public debate on OCP Lynn Valley Town Center

Hi Hazen,

As a matter of fact, several months ago I had proposed an interview style debate to the editors of the North Shore News on the matter, but after several emails and no reply lost hope that they found the matter worthy of more than reactionary positions promoting the supremacy of the "Lynn Valley character".

It is always interesting to contemplate where the point of change should be determined as having reached perfection and any further change superfluous: would it be just after the new LV library was opened, after Mountain Highway was paved, or even - for some - before those pesky Europeans came with their noise, donkey engines, tree cutting and pale skin?

Doug

Douglas Curran  
2046 Curling Road  
North Vancouver, B.C.  
Canada V7P 1X4

Ph: 604-985-5621  
[www.dougcurranphotos.com](http://www.dougcurranphotos.com)

On 28-Jun-13, at 2:10 PM, Hazen Colbert wrote:

Hello Douglas,

Thank you for your response.

My input to District of North Vancouver Council is a matter of public record. I trust that if Council, or the North Shore News, required a debate, they would offer an invitation to speak in a venue appropriately designed for debate, rather than via email.

You have offered an excellent and compelling argument, and hopefully all District stakeholders will have the opportunity for input into how to ensure that the OCP remains a living document as we go forward.

Best regards for the Canada Day long weekend

Hazen

---

CC: ; editor@nsnews.com  
From: dougcurran@shaw.ca  
Subject: Re: Lynn Valley Town Center  
Date: Fri, 28 Jun 2013 13:41:24 -0700  
To: hazencolbert@hotmail.com



Hello Hazen,

Thank you for your email. I will review the links in your earlier presentation to DNV Council (below).

It will take me a couple of days to respond fully, but from the outset, I don't believe that anyone (certainly not myself) has promoted the idea that density would in itself lower municipal taxes. It does present a number of options in terms of resident servicing economies of scale, as well as the opportunity for a degree of infrastructure renewal through Development Cost Charges (DCCs) and CACs - amenities residents desire but are reluctant to pay for themselves through increases in property taxes.

I can agree with you that we live in a time of austerity, although one wouldn't know it from looking at the ranks of newish upper-end cars that have proliferated on DNV streets. This "austerity" needs to be seen within the wider scope of burgeoning health care costs, and downloading of federal and provincial responsibilities. But the idea of austerity does not itself qualify as the basis on which to re-write or eliminate the OCP. The OCP is a measure framed to answer many of the concerns about austerity, the future costs of living in the DNV and how these costs will fall increasingly on those with the fewest resources (both financial and physical) to counter the external forces impacting them.

It would be helpful to know which projections you feel are no longer valid, or are untenable going forward. Certainty a number of key points of the OCP are irrefutable, including:

- lack of housing accessible to younger people ("affordable" being a highly subjective and relative term)
- the rapid increase of median age/seniors within the DNV
- deterioration of existing infrastructure with very high cost of replacement
- need to address climate change coupled with increased global energy costs

I have grown disappointed and scornful of many of the arguments put forward for defeating the OCP, not to mention the Lynn Valley project itself. The allegations of global conspiracy against car ownership, without reference to the global consequences of unrestricted automobile use does not merit credence, but generated solid applause at the June 18th Stop Highrises meeting.

Many other arguments put forward amount to little more than refusal to consider needs other than one's own, that there might be a moral and compassionate basis on which to accept that a single-family home does not meet everyone's physical needs or financial abilities. The higher levels of government would begin to pay more attention to creative solutions to public service needs if the crowd on the 18th had been rallying against what amounts to mandatory automobile use, with its implicit consequence of waging economic war on those not wanting to spend >25% (average \$9,500) of their after tax salary on their private car.

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**Subject:** Fwd: Fwd: Lynn Valley High Rises  
**From:** Brian Platts <bplatts@shaw.ca>  
**Date:** 28/06/2013 6:54 PM  
**To:** Corrie Kost <corrie@kost.ca>

Note: The 7 individual emails to Mayor and Council have been combined into a single file.

----- Original Message -----

**Subject:**Fwd: Lynn Valley High Rises  
**Date:**Fri, 28 Jun 2013 16:25:26 -0700  
**From:**margit lieder <margitlieder@gmail.com>  
**To:**[FONVCA@fonvca.org](mailto:FONVCA@fonvca.org)

----- Forwarded message -----

From: **margit lieder** <[margitlieder@gmail.com](mailto:margitlieder@gmail.com)>  
Date: Fri, Jun 28, 2013 at 4:23 PM  
Subject: Lynn Valley High Rises  
To: [rwalton@dnv.org](mailto:rwalton@dnv.org)

Dear Mayor Walton,

earlier this month I delivered to you a 14 page document discussing Agenda 21 and ICLEI.

I am writing to ask if you support the idea of non-elected bureaucrats dictating concepts to our municipal planners that may not be in our best interest.

Yours sincerely, Margit Lieder

**Subject:** Fwd: Fwd: Lynn Valley High Rises

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 28/06/2013 6:55 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:**Fwd: Lynn Valley High Rises

**Date:**Fri, 28 Jun 2013 16:28:21 -0700

**From:**margit lieder <margitlieder@gmail.com>

**To:**[FONVCA@fonvca.org](mailto:FONVCA@fonvca.org)

----- Forwarded message -----

From: **margit lieder** <[margitlieder@gmail.com](mailto:margitlieder@gmail.com)>

Date: Fri, Jun 28, 2013 at 4:27 PM

Subject: Lynn Valley High Rises

To: [rbassam@dnv.org](mailto:rbassam@dnv.org)

Dear Councillor Bassam

earlier this month I delivered to you a 14 page document discussing Agenda 21 and ICLEI.

I am writing to ask if you support the idea of non-elected bureaucrats dictating concepts to our municipal planners that may not be in our best interest.

Yours sincerely, Margit Lieder

**Subject:** Fwd: Fwd: Lynn Valley High Rises

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 28/06/2013 6:55 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:**Fwd: Lynn Valley High Rises

**Date:**Fri, 28 Jun 2013 16:30:52 -0700

**From:**margit lieder <[margitlieder@gmail.com](mailto:margitlieder@gmail.com)>

**To:**[FONVCA@fonvca.org](mailto:FONVCA@fonvca.org)

----- Forwarded message -----

From: **margit lieder** <[margitlieder@gmail.com](mailto:margitlieder@gmail.com)>

Date: Fri, Jun 28, 2013 at 4:30 PM

Subject: Lynn Valley High Rises

To: [rhicks@dnv.org](mailto:rhicks@dnv.org)

Dear Councillor Hicks,

earlier this month I delivered to you a 14 page document discussing Agenda 21 and ICLEI.

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**Subject:** Fwd: Fwd: Lynn Valley High Rises

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 28/06/2013 6:55 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:**Fwd: Lynn Valley High Rises

**Date:**Fri, 28 Jun 2013 16:33:12 -0700

**From:**margit lieder <[margitlieder@gmail.com](mailto:margitlieder@gmail.com)>

**To:**[FONVCA@fonvca.org](mailto:FONVCA@fonvca.org)

----- Forwarded message -----

From: **margit lieder** <[margitlieder@gmail.com](mailto:margitlieder@gmail.com)>

Date: Fri, Jun 28, 2013 at 4:32 PM

Subject: Lynn Valley High Rises

To: [mlittle@dnv.org](mailto:mlittle@dnv.org)

Dear Councillor Little

earlier this month I delivered to you a 14 page document discussing Agenda 21 and ICLEI.

I am writing to ask if you support the idea of non-elected bureaucrats dictating concepts to our municipal planners that may not be in our best interest.

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**Subject:** Fwd: Fwd: Lynn Valley Highrises

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 28/06/2013 6:55 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:**Fwd: Lynn Valley Highrises

**Date:**Fri, 28 Jun 2013 16:35:05 -0700

**From:**margit lieder <[margitlieder@gmail.com](mailto:margitlieder@gmail.com)>

**To:**[FONVCA@fonvca.org](mailto:FONVCA@fonvca.org)

----- Forwarded message -----

From: **margit lieder** <[margitlieder@gmail.com](mailto:margitlieder@gmail.com)>

Date: Fri, Jun 28, 2013 at 4:34 PM

Subject: Lynn Valley Highrises

To: [dmackay-dunn@dnv.org](mailto:dmackay-dunn@dnv.org)

Dear Councillor MacKay-Dunn

earlier this month I delivered to you a 14 page document discussing Agenda 21 and ICLEI.

I am writing to ask if you support the idea of non-elected bureaucrats dictating concepts to our municipal planners that may not be in our best interest.

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**Subject:** Fwd: Fwd: Lynn Valley Highrises

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 28/06/2013 6:55 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:**Fwd: Lynn Valley Highrises

**Date:**Fri, 28 Jun 2013 16:36:58 -0700

**From:**margit lieder <[margitlieder@gmail.com](mailto:margitlieder@gmail.com)>

**To:**[FONVCA@fonvca.org](mailto:FONVCA@fonvca.org)

----- Forwarded message -----

From: **margit lieder** <[margitlieder@gmail.com](mailto:margitlieder@gmail.com)>

Date: Fri, Jun 28, 2013 at 4:36 PM

Subject: Lynn Valley Highrises

To: [lmuri@dnv.org](mailto:lmuri@dnv.org)

Dear Councillor Muri

earlier this month I delivered to you a 14 page document discussing Agenda 21 and ICLEI.

I am writing to ask if you support the idea of non-elected bureaucrats dictating concepts to our municipal planners that may not be in our best interest.

Yours sincerely, Margit Lieder

**Subject:** Fwd: Fwd: Lynn Valley Highrises

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 28/06/2013 6:55 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:**Fwd: Lynn Valley Highrises

**Date:**Fri, 28 Jun 2013 16:41:11 -0700

**From:**margit lieder <[margitlieder@gmail.com](mailto:margitlieder@gmail.com)>

**To:**[FONVCA@fonvca.org](mailto:FONVCA@fonvca.org)

----- Forwarded message -----

From: **margit lieder** <[margitlieder@gmail.com](mailto:margitlieder@gmail.com)>

Date: Fri, Jun 28, 2013 at 4:40 PM

Subject: Lynn Valley Highrises

To: [anixon@dnv.org](mailto:anixon@dnv.org)

Dear Councillor Nixon,

earlier this month I delivered to you a 14 page document discussing Agenda 21 and ICLEI.

I am writing to ask if you support the idea of non-elected bureaucrats dictating concepts to our municipal planners that may not be in our best interest.

Yours sincerely, Margit Lieder

**Subject:** Fwd: Lynn Valley Town Center proposals

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 05/07/2013 12:27 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:** Lynn Valley Town Center proposals

**Date:** Fri, 5 Jul 2013 09:09:29 -0700

**From:** Lyle Craver <lcraver@shaw.ca>

**To:** Councillor Alan Nixon <[anixon@dnv.org](mailto:anixon@dnv.org)>, Councillor Doug MacKay-Dunn <[dmackay-dunn@dnv.org](mailto:dmackay-dunn@dnv.org)>, Councillor Lisa Muri <[lmuri@dnv.org](mailto:lmuri@dnv.org)>, Councillor Mike Little <[mlittle@dnv.org](mailto:mlittle@dnv.org)>, Councillor Robin Hicks <[rhicks@dnv.org](mailto:rhicks@dnv.org)>, Councillor Roger Bassam <[rbassam@dnv.org](mailto:rbassam@dnv.org)>, Mayor Richard Walton <[rwalton@dnv.org](mailto:rwalton@dnv.org)>

**CC:** Corrie Kost <[kost@triumf.ca](mailto:kost@triumf.ca)>, FONVCA <[fonvca@fonvca.org](mailto:fonvca@fonvca.org)>

I've finally gotten around to doing my LV Town Center feedback and I came away feeling totally drained by the experience.

We've had several public processes on the Town Centre going at least as far back as the 2007 4-day charette. That forum came forward proposing nothing over 6 stories. (My wife did the full 4 days - I was planning on doing likewise but was in Hong Kong on business that week)

Then we had the much more ambitious OCP process which went through 2011 and mandated a limit of 2500 units in the Lynn Valley Town Center core area which I note includes both the Lynn Valley United Church property and Bosa's mall as well as the strip malls on the west side of LV Road. Having attended about 80% of the OCP meetings in 2009-2011 I am firmly convinced that the OCP limit of 2500 units was considerably more than Lynn Valley people were prepared to accept in the OCP and I frequently heard the "Council wants to do WHAT to Lynn Valley?!?!?" message at several of the OCP meetings.

Nevertheless the final OCP said 2500 units and 2500 it was.

In most municipalities unit calculations are done on a basis of 2.0 residents per unit though Councils are under pressure from the development community to do the calculation based on 1.8 or 1.6 since most OCPs in the Vancouver area are based on numbers of people not on numbers of units and a lower ratio means they can build more units. District has chosen to go on units so 2500 units essentially means 5000 new residents.

The fundamental problem with the current Lynn Valley Town Center consultation is that the map shows the study area to be not the entire LVTTC but only a portion of it - specifically the area of the LV Centre Mall and the areas west of Lynn Valley Road (which includes the United Church lands) are excluded. Nevertheless, all 4 of the options presented show the ENTIRE project population growth confined to the limited area of the study area - which is absolutely not the OCP's definition of the town center area.

Unless Council is planning on rejecting the United Church proposal AND to tell Nat Bosa that he won't be able to build any units on the mall site - neither of which I really believe nor want - adding 5000 new residents to the limited area of the current study goes far beyond the OCP.

Again - even getting to 2500 units / 5000 new residents in the OCP was a stretch for the vast majority of Lynn Valley residents I talked to in the preparation of the OCP. Let us be stone-cold clear on that.

A more honest approach to the current consultation would have been either to include the entire OCP's Lynn Valley Town Center as the study area -OR- alternately to say "These 4 proposals are based on a projected population of 3000 with our best guess on Bosa's and other plans outside our study area being about 2000 new residents"

But to put these 4 conceptual plans forward all 4 of which max out the \*\* entire town center's \*\* OCP quota while leaving large and important chunks out whose growth is expected to be a big part of growth in the OCP's town center area is unfair to the public since there are really only two options: (1) either inviting public input on a plan that no one plans ever to see realized. (2) To consign the OCP that so many people worked so hard on to the dumpster and instead adopt higher limits on density than the OCP limits that were already well beyond what the public would accept in 2007 or 2011. And shredding the OCP is not something I'm ready to support.

I have no use at all for the "No HighRises in Lynn Valley" crowd - for one thing they haven't done their homework. Unlike them I've been doing my homework on this for more than 10 years at Council and 10+ years with the Lynn Valley Community Association - and all of you know that.

For years I have mocked many Seymour residents on their unit quotas in the Seymour Local Area Plan which I do think were set artificially low - but I am coming around to the view that the much higher limits for Lynn Valley (in the District OCP) are going to have to be fought for if they are to mean anything at all and I am looking for assurances that District and the Planning Department in particular do in fact take the Lynn Valley portion of the OCP seriously. I see little sign of that at the moment.

Specifically I have no time for developers who feel entitled to come forward with any scheme they choose treating Official Community Plans - every last one of which are hard-fought community compromises - as merely a first offer that they can go beyond at their pleasure expecting easy OCP amendments to be granted by Councils simply by offering not all that valuable "amenities" that make the area even less affordable than now.

I would definitely like to see some answers on these points and most particularly when the so-called "preferred option" arising from this consultation comes forward because they ARE important points that need to be discussed and worked out before there is any thought of any project going to public hearing in the Lynn Valley Town Center area - which again I remind you is much bigger than the area of the current consultation.

Lyle Craver  
4797 Hoskins Road

**Subject:** Fwd: Lynn Valley Town Center proposals

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 05/07/2013 12:27 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:** Lynn Valley Town Center proposals

**Date:** Fri, 5 Jul 2013 09:09:29 -0700

**From:** Lyle Craver <lcraver@shaw.ca>

**To:** Councillor Alan Nixon <[anixon@dnv.org](mailto:anixon@dnv.org)>, Councillor Doug MacKay-Dunn <[dmackay-dunn@dnv.org](mailto:dmackay-dunn@dnv.org)>, Councillor Lisa Muri <[lmuri@dnv.org](mailto:lmuri@dnv.org)>, Councillor Mike Little <[mlittle@dnv.org](mailto:mlittle@dnv.org)>, Councillor Robin Hicks <[rhicks@dnv.org](mailto:rhicks@dnv.org)>, Councillor Roger Bassam <[rbassam@dnv.org](mailto:rbassam@dnv.org)>, Mayor Richard Walton <[rwalton@dnv.org](mailto:rwalton@dnv.org)>

**CC:** Corrie Kost <[kost@triumf.ca](mailto:kost@triumf.ca)>, FONVCA <[fonvca@fonvca.org](mailto:fonvca@fonvca.org)>

I've finally gotten around to doing my LV Town Center feedback and I came away feeling totally drained by the experience.

We've had several public processes on the Town Centre going at least as far back as the 2007 4-day charette. That forum came forward proposing nothing over 6 stories. (My wife did the full 4 days - I was planning on doing likewise but was in Hong Kong on business that week)

Then we had the much more ambitious OCP process which went through 2011 and mandated a limit of 2500 units in the Lynn Valley Town Center core area which I note includes both the Lynn Valley United Church property and Bosa's mall as well as the strip malls on the west side of LV Road. Having attended about 80% of the OCP meetings in 2009-2011 I am firmly convinced that the OCP limit of 2500 units was considerably more than Lynn Valley people were prepared to accept in the OCP and I frequently heard the "Council wants to do WHAT to Lynn Valley?!?!?" message at several of the OCP meetings.

Nevertheless the final OCP said 2500 units and 2500 it was.

In most municipalities unit calculations are done on a basis of 2.0 residents per unit though Councils are under pressure from the development community to do the calculation based on 1.8 or 1.6 since most OCPs in the Vancouver area are based on numbers of people not on numbers of units and a lower ratio means they can build more units. District has chosen to go on units so 2500 units essentially means 5000 new residents.

The fundamental problem with the current Lynn Valley Town Center consultation is that the map shows the study area to be not the entire LVTC but only a portion of it - specifically the area of the LV Centre Mall and the areas west of Lynn Valley Road (which includes the United Church lands) are excluded. Nevertheless, all 4 of the options presented show the ENTIRE project population growth confined to the limited area of the study area - which is absolutely not the OCP's definition of the town center area.

Unless Council is planning on rejecting the United Church proposal AND to tell Nat Bosa that he won't be able to build any units on the mall site - neither of which I really believe nor want - adding 5000 new residents to the limited area of the current study goes far beyond the OCP.

Again - even getting to 2500 units / 5000 new residents in the OCP was a stretch for the vast majority of Lynn Valley residents I talked to in the preparation of the OCP. Let us be stone-cold clear on that.

A more honest approach to the current consultation would have been either to include the entire OCP's Lynn Valley Town Center as the study area -OR- alternately to say "These 4 proposals are based on a projected population of 3000 with our best guess on Bosa's and other plans outside our study area being about 2000 new residents"

But to put these 4 conceptual plans forward all 4 of which max out the \*\* entire town center's \*\* OCP quota while leaving large and important chunks out whose growth is expected to be a big part of growth in the OCP's town center area is unfair to the public since there are really only two options: (1) either inviting public input on a plan that no one plans ever to see realized. (2) To consign the OCP that so many people worked so hard on to the dumpster and instead adopt higher limits on density than the OCP limits that were already well beyond what the public would accept in 2007 or 2011. And shredding the OCP is not something I'm ready to support.

I have no use at all for the "No HighRises in Lynn Valley" crowd - for one thing they haven't done their homework. Unlike them I've been doing my homework on this for more than 10 years at Council and 10+ years with the Lynn Valley Community Association - and all of you know that.

For years I have mocked many Seymour residents on their unit quotas in the Seymour Local Area Plan which I do think were set artificially low - but I am coming around to the view that the much higher limits for Lynn Valley (in the District OCP) are going to have to be fought for if they are to mean anything at all and I am looking for assurances that District and the Planning Department in particular do in fact take the Lynn Valley portion of the OCP seriously. I see little sign of that at the moment.

Specifically I have no time for developers who feel entitled to come forward with any scheme they choose treating Official Community Plans - every last one of which are hard-fought community compromises - as merely a first offer that they can go beyond at their pleasure expecting easy OCP amendments to be granted by Councils simply by offering not all that valuable "amenities" that make the area even less affordable than now.

I would definitely like to see some answers on these points and most particularly when the so-called "preferred option" arising from this consultation comes forward because they ARE important points that need to be discussed and worked out before there is any thought of any project going to public hearing in the Lynn Valley Town Center area - which again I remind you is much bigger than the area of the current consultation.

Lyle Craver  
4797 Hoskins Road



----- Original Message -----

**Subject:**Fwd: "The next hot neighbourhoods" The death and rebirth of the mall. You don't drive there, you live there - The Globe and Mail / July 11

**Date:**Thu, 11 Jul 2013 12:23:08 -0700

**From:**Douglas Curran <[dougcurran@shaw.ca](mailto:dougcurran@shaw.ca)>

**To:**Corrie Kost <[corrie@kost.ca](mailto:corrie@kost.ca)>

**CC:**FONVCA <[fonvca@fonvca.org](mailto:fonvca@fonvca.org)>

Begin forwarded message:

**From:** Douglas Curran <[dougcurran@shaw.ca](mailto:dougcurran@shaw.ca)>

**Date:** July 11, 2013 12:18:59 PM PDT (CA)

**To:** Susan Haid <[haid@dnv.org](mailto:haid@dnv.org)>, Brian Bydwell <[Brian\\_Bydwell@dnv.org](mailto:Brian_Bydwell@dnv.org)>, Tamsin Guppy <[guppyt@dnv.org](mailto:guppyt@dnv.org)>

**Cc:** DNV Council

**Subject:** "The next hot neighbourhoods" The death and rebirth of the mall. You don't drive there, you live there - The Globe and Mail / July 11

Hi Susan,

In case you missed the article, today's Globe and Mail (Page L3) has an excellent article "[The next hot neighbourhoods](#)" on the refashioning of malls, that should be mandatory reading for the "Stop Highrises" contingent. Looking at mall redevelopment projects from across Canada and the U.S., the reporter outlines the increasing number of failures of malls and the impact on energy use, services and transit that can be achieved by integrating the mall from a single to a multi-purpose living environment.

Although it is not news to you and DNV Planning, the article summarizes, "*Creating higher density, mixed-use neighbourhoods that are easily walkable is in everyone's best interests, especially when you look at the toll on health and the environment that the old model of driving to the mall has taken.*" The article further notes, "*This should not be about snobbery between urbanism and suburbanism. What this is about is the true cost of things.*"

<http://www.theglobeandmail.com/life/home-and-garden/architecture/the-death-and-rebirth-of-the-mall-you-dont-drive-there-you-live-there/article13117671/>

cheers, Doug

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THE GLOBE AND MAIL 

July 10, 2013

## The death and rebirth of the mall. You don't drive there, you live there

By DAVE McGINN

*As city dwellers seek alternatives to car culture, shopping centres are undergoing a fundamental shift*

Honeydale Mall sits at the back of an oceanic parking lot, about as far from the street as it is from current urban-design thinking. A so-called "dead mall," most of this shopping centre in Etobicoke, on Toronto's west side, is practically empty. The giant space that Walmart once occupied has been vacant for a decade, as are the majority of the smaller retail spaces inside. Only a dentist's office, nail salon and electronics store are still in business.

Customers have moved on. So has time. Opened in 1973, Honeydale, like so many other shopping centres, was designed to cater to a car culture. But the mall's owners hope to modernize the site and revive its economic fortunes. Azuria Group has applied to have the 16-acre site rezoned and plans to add shops closer to the street, as well as residential and green space, creating a mixed-use community centred on a new and improved retail.

Many other malls across Canada and the United States have similar plans, or have recently undergone such a transformation, especially shopping centres with plenty of land and sagging economic fortunes. They've attracted better retail thanks to the addition of residential and, often green space.

For anyone who grew up in suburbia, the mall has almost always been a far-off place surrounded by a giant parking lot that you drove to, bought what you needed, and then drove back home. But with urban planners now making higher-density, walkable neighbourhoods a priority, and people looking for more convenient – not to mention environmentally friendly – alternatives to the car culture, shopping centres in Canada and the United States are undergoing a fundamental shift, being reborn as the anchors of communities, places you don't drive to, but live above.

"It's really about the fact that cities are moving from a car-dominated thinking to a multimobile way of thinking," says Brent Toderian, president of the Council for Canadian Urbanism.

The trend is growing quickly in the U.S., says Ellen Dunham-Jones, who teaches architecture at the Georgia Institute of Technology and is the author of *Retrofitting Suburbia: Urban Design Solutions for Redesigning Suburbs*. Green Street Advisors, which specializes in real estate analysis, has forecast that 10 per cent of the enclosed shopping malls in the U.S. will fail by 2022. Often, this trend, referred to as the "urbanization of malls," sees parking lots scrapped for residential towers at so-called dead malls, defined as economically failing shopping centres with sales less than \$150 per square foot.

In Canada, many malls have had to seek out non-traditional tenants to fill space, Dunham-Jones points out. City Plaza, in London, Ont., is home to a public library. Hamilton City Centre is home to government offices.

Making malls the centre of communities has demographics on its side, Toderian says.

"Both aging boomers and the millennials support more compact, walkable living, transit, walkable shopping," he says.

Cities, too, are often looking to get more out of a space than just a sprawling piece of retail. Calgary, for instance, plans to redevelop the Stadium Shopping Centre, a strip mall built in the 1960s, to include a 400-unit high-rise residential tower.

At more successful malls, however, parking can still be king. One parking spot at Yorkdale Shopping Centre in Toronto supports 15 shoppers a day, on average, equalling approximately 45,000 visits a year. A 400-unit condo building that holds 800 residents who shop three times a month at a mall, which is average, equals just 30,000 visits, according to Michael Kitt, executive vice-president of Oxford Properties Canada, the company that manages Yorkdale.

The better that public transit systems become, the easier it is to urbanize malls, he adds.

Several mall urbanization projects under way in British Columbia show how this might be a new workable model for urban living, where people can eat, do errands and go shopping all in one localized spot.

The owners of Brentwood Town Centre in Burnaby have proposed a plan to include 11 high-rise residential towers, two office towers and a public plaza on the site. The redevelopment of the Station Square shopping centre, also in Burnaby, will include five residential towers ranging from 35 to 57 storeys. The Oakridge Centre in Vancouver is the biggest Canadian example of the trend, and perhaps the most interesting given that it is a very successful shopping centre.

"The idea is to create a complete community on the site," says Matt Shilito, a city planner.

The redevelopment calls for doubling the size of the mall, to almost 1.4-million square feet of retail space, from 600,000 square feet. The plan adds approximately 300,000 square feet of office space to the site and introduces about 2.7 million square feet of residential space, mostly in the form of mid- and high-rise apartments. There are also plans to build a civic centre, library, daycare and community centre.

"What we're doing here is more than simply putting towers in a parking lot or on the edge of the mall. We're actually integrating these towers into the fabric of the mall itself," says Graeme Silvera, vice-president of western region retail development for Ivanhoe Cambridge, which owns the mall.

There also will be 11 acres of green space on top of the mall, three storeys above street level, that will boast a half-acre jogging track, reflecting pool, community gardens and a wedding pavilion. Such redevelopment is really only possible thanks to the success of the Canada Line, a rapid transit line that opened in 2009, Silvera says.

People still drive to the mall, of course, but many arrive on transit. Eventually, people will arrive by elevator.

To anyone who thinks of the term "the mall" pejoratively, the idea of living and playing on top of one, or getting married on top of one for that matter, is probably hard to swallow. And there is perhaps something unsettling in structuring our lives so that we are primarily consumers.

But Toderian cautions against such thinking. Creating higher density, mixed-use neighbourhoods that are easily walkable is in everyone's best interests, especially when you look at the toll on health and the environment that the old model of driving to the mall has taken.

"This should not be about snobbery between urbanism and suburbanism," he says. "What this is about is the true cost of things."

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**Subject:** Fwd: Do Mountain Bikes Belong in Our Natural Places?

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 11/07/2013 2:54 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:** Do Mountain Bikes Belong in Our Natural Places?

**Date:** Thu, 11 Jul 2013 14:37:57 -0700

**From:** Monica Craver <mecraver@shaw.ca>

**To:** DNV Mayor and Council <council@dnv.org>

**CC:** <fonvca@fonvca.org>

Dear Mayor and Council: Do mountain bikes belong in our natural places. My answer, and those of others, is an emphatic NO! After several years, more people are finally waking up to the sordid truth about mountain biking. The growing evidence of damage from mountain biking on our natural places is finally being seen! The mtb sport has never changed its renegade colours. Too many public land managers enable it.

On the North Shore, alone, we are seeing too many damaging mountain bike races, rain or shine (the NSMBA Toonie Races, for instance, with up to 80 reckless racers bombing down the slopes -- rain or shine!) We are seeing too many NEW trails and accompanying abusement park structures being built, and older trails being eroded beyond repair. We are seeing more damaged and diseased trees, damaged drainage, silting of streams and ponds, damaged aquifers, vernal pools and natural seeps being plugged up and rock armoured. We are now seeing more mountain biking related deaths -- someday a child will die on one of those cuckoo mountain bike structures built to "challenge" the bikers.

So many children are being signed up to those loco "mtn. bike camps" by their parents, soon to become hyper mountain bike addicts, squealing down our slopes and our streets, and using our sidewalks as another "trail" to conquer. Is there no place I can walk safely without dodging all these adrenaline hyped bikers? Two bike camps with at least a dozen children, apiece, have exited Mountain View Park, while I have been writing this email. The little rugrats were all wearing body armour and full-face helmets, learning to conquer nature. Thanks for this sordid mtb legacy, Mayor Walton and company. Two deaths have already occurred on the North Shore from uncontained and little enforced free ride mountain biking.

And yet, in some convoluted way, DNV continues to tell us mountain biking to be "sustainable" on our Mt. Fromme and Seymour slopes, while pouring more public money into appeasing it. **Enough, already!** People are not stupid, you know. And more are beginning to speak out against this wicked sport akin to motorized off-road dirt biking. Mountain biking is a renegade, yahoo off-road thrillsport in our midst. That fact has never changed.

## Bikes bad for nature?

**City streamkeeper doesn't think bike race should be held in conservation area**

<http://www.burnabynow.com/technology/Bikes+nature/8618925/story.html>

*(as usual, the Burnaby defends mountain biking races as benign to nature. Go figure, eh? Oh right, DNV does the same thing...)*

plus,

**Do Mountain Bikes Belong in Alpine Meadows?** *(ie. Whistler, Mt. Hood)*

<http://earthfix.kcts9.org/land/article/do-mountain-bikes-belong-at-mount-hoods-timberline/>

and

# Do Mountain Bike Trails Belong In The Cascade Mountains?

<http://www.nwpr.org/post/do-mountain-bike-trails-belong-cascade-mountains>

plus, another juicy [summertime mountain biking story](#) to warm the cockles of your heart...Yummy...

**Down but not out — A cautionary mountain tale**

<http://www.piquenewsmagazine.com/whistler/down-but-not-out-a-cautionary-mountain-tale/Content?oid=2464365>

The bad news about mountain biking keeps on coming....stay tuned for the next bit of news that paints mountain biking as a destructive sport in our midst, to be strictly contained and enforced, not given the "Keys to our Forests" (which DNV seems to have given the NSMBA). <sigh> Protect Mountain View Park wetland and upland area and BAN mountain biking from it. Thank you.

--Monica Craver--

North Vancouver, V7K 2R3

\*\*\*\*\*

**Subject:** Fwd: Too much densification too fast

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 16/07/2013 12:36 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

Subject: Too much densification too fast

Date: Tue, 16 Jul 2013 00:03:33 -0700

From: Wendy Qureshi <wendyqureshi@shaw.ca>

To: North Shore Outlook <[editor@northshoreoutlook.com](mailto:editor@northshoreoutlook.com)>, North Shore News <[editor@nsnews.com](mailto:editor@nsnews.com)>

CC: [fonvca@fonvca.org](mailto:fonvca@fonvca.org)

Dear Editor,

I watched with dismay the regular meeting of North Vancouver District council tonight. In one meeting council has accepted thousands of more cars into our community.

The acceptance of the Seniors' high density building in Edgemont by a 4 to 3 vote is beyond contempt. Councillors spoke against the proposal and then voted in favour.

A 60 unit townhouse in Seymour was also approved for public hearing.

What is really scary is the densification of the Maplewood Mud Flats. Again, Council refers to the OCP which was not democratically approved. It should have gone to referendum on the 2011 municipal ballot.

Councillor Lisa Muri spoke about the fact that all this densification is taking place throughout the North Shore at the same time. Yet, every single development proposal is approved by DNV council.

What about the shortage of skilled labourers, i.e. carpenters, plumbers, electricians, that is a fact in B.C. What is going to happen when all these developments are slated to be built at the same time? Where are the people who will build them? China?

The projection of the ill-conceived OCP is for 2030. Why does everything have to be built now?

Wendy Qureshi

North Vancouver

604-980-1885

**Subject:** Fwd: Evidence-based discipline / Re: Press Release - NORTH SHORE ALLIANCE FOR SUSTAINABLE GROWTH

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 30/07/2013 12:44 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:** Evidence-based discipline / Re: Press Release - NORTH SHORE ALLIANCE FOR SUSTAINABLE GROWTH

**Date:** Tue, 30 Jul 2013 11:34:03 -0700

**From:** Douglas Curran <dougcurran@shaw.ca>

**To:** Hazen Colbert <hazencolbert@hotmail.com>, david@twisters.ca, glenn544@gmail.com  
[DNV.Council@atl4mhib01.myregisteredsite.com](mailto:DNV.Council@atl4mhib01.myregisteredsite.com), chair@metrovancover.org,

**CC:** [msmith@westvancouver.ca](mailto:msmith@westvancouver.ca), [sunnewstips@vancouver.sun.com](mailto:sunnewstips@vancouver.sun.com), Eric Miuri <president@lvca.ca>, Dan Ellis <ellis7880@shaw.ca>, [jane.thornthwaite.mla@leg.bc.ca](mailto:jane.thornthwaite.mla@leg.bc.ca), [tabtips@theprovince.com](mailto:tabtips@theprovince.com), [editor@nsnews.com](mailto:editor@nsnews.com), Dave Stuart <dstuart@dnv.org>, FONVCA <fonvca@fonvca.org>

Hello Hazen,

In reviewing your press release (below) and the attached "Frequently Asked Questions" I was caught by what I perceived as a lack of clarity and "evidenced-based discipline" advanced as a central pillar in your press release and attached FAQ.

The subject line reads "Alliance for Sustainable Growth", but this differs from the later use of the word "Sensible". The two words are not properly interchangeable. The totality of "The Community of the Municipality of the District of North Vancouver" would seem to imply full and complete agreement of all DNV residents to your positions, although neither I or my neighbours have not been consulted on this matter. This is one area where rigorous "evidence-based discipline" and the "true community consultation" desired by NSASG could profitably be employed.

The FAQ presented, are in most cases, not facts, but opinion, but here too, there is a lack of demonstrated, qualified evidence or attribution to any statement.

For example, "The carbon footprint of towers is massive."; does this refer to office towers, residential towers, towers built 20 years previous or current DNV standards LEED buildings? Is the "massive" referred to on a per living unit basis, ie; a 3,000 sq.ft. single family home of 40 years, compared to a new 1,000 sq.ft 2 bdrm. apartment? Accurate direct comparisons are important if the goal is properly inform, not merely provoke.

Similarly, your statement, "The District has not promised to lower taxes." is likely true. I don't believe any such promise was ever made or contemplated by anyone. However, the critical point is that DNV residents will face greatly increased taxes if it lacks both the tax base to replace critical infrastructure and the ability to house its growing ranks of seniors, not to mention those whose are unable to generate the >\$170,000 annual household income (DNV Planning 2011 statistic) required to purchase the average DNV single-family home.

NSASG's narrow perspective is indicated by the incomplete information provided regarding "**does the land owner have to pay the District money for the value increase?**" The short answer is yes,". A more complete description would be that 75% of the uplift in land value arising from development is paid directly to DNV to offset the cost of community amenities. This is another way of saying, "Developers pay significant sums on top of construction and related costs to offset amenities and services that taxpayers are reluctant to pay for themselves through higher taxes. Through CACs, existing residents effectively obtain (or participate if you will) in the financial upside of development." Again, what needs to be made more "transparent" and less "open to much interpretation" is the true basis of CACs and the full cost of the lifestyle that DNV residents say that they want.

I look forward to seeing a more balanced and direct relationship between your positions, and the evidentiary basis of those comparisons. Lastly, we need to have a both longer and wider perspective of the consequences - both intended and unintended - of adaptation made in reaction to changes requiring global perspectives of local conditions.

I await further clarification of what exactly constitutes "their unique form of political expression".

sincerely, Doug

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[www.dougcurranphotos.com](http://www.dougcurranphotos.com)

**From:** Hazen Colbert [<mailto:hazencolbert@hotmail.com>]

**Sent:** Monday, July 29, 2013 02:39 PM

**To:** Hazen Colbert <[hazencolbert@hotmail.com](mailto:hazencolbert@hotmail.com)>

**Cc:** Mike Little; Alan Nixon; Lisa Muri; Roger Bassam; Doug MacKay-Dunn; Richard Walton, Mayor; [chair@metrovancover.org](mailto:chair@metrovancover.org) <[chair@metrovancover.org](mailto:chair@metrovancover.org)>; [raymond.louie@vancouver.ca](mailto:raymond.louie@vancouver.ca) <[raymond.louie@vancouver.ca](mailto:raymond.louie@vancouver.ca)>; Darrell Mussatto; [msmith@westvancouver.ca](mailto:msmith@westvancouver.ca) <[msmith@westvancouver.ca](mailto:msmith@westvancouver.ca)>; [jane.thornthwaite.mla@leg.bc.ca](mailto:jane.thornthwaite.mla@leg.bc.ca) <[jane.thornthwaite.mla@leg.bc.ca](mailto:jane.thornthwaite.mla@leg.bc.ca)>; [sunnewstips@vancouver.sun.com](mailto:sunnewstips@vancouver.sun.com) <[sunnewstips@vancouver.sun.com](mailto:sunnewstips@vancouver.sun.com)>; [president@lvca.ca](mailto:president@lvca.ca) <[president@lvca.ca](mailto:president@lvca.ca)>; [tabtips@theprovince.com](mailto:tabtips@theprovince.com) <[tabtips@theprovince.com](mailto:tabtips@theprovince.com)>; Newsroom, North Shore News; David Stuart; Karen Rendek; CBC Newsroom; [ellis7880@shaw.ca](mailto:ellis7880@shaw.ca) <[ellis7880@shaw.ca](mailto:ellis7880@shaw.ca)>; [glenn544@gmail.com](mailto:glenn544@gmail.com) <[glenn544@gmail.com](mailto:glenn544@gmail.com)>; [david@twisters.ca](mailto:david@twisters.ca) <[david@twisters.ca](mailto:david@twisters.ca)>

**Subject:** Press Release - NORTH SHORE ALLIANCE FOR SUSTAINABLE GROWTH

To: Lower Mainland Print & Broadcast Media  
District of North Vancouver Mayor and Council  
Metro Vancouver Chair & Vice Chair  
Provincial MLA  
District of North Vancouver Staff



District of North Vancouver Implementation Committee  
Lynn Valley Community Association

For immediate release:

**NORTH VANCOUVER, BRITISH COLUMBIA** (July 29, 2013). The Community of the District Municipality of North Vancouver is pleased to announce the launch of the **North Shore Alliance for Sensible Growth (NSASG)**. **NSASG** is committed to bringing evidence- based discipline to local government decision making and returning local accountability to all North Shore municipal matters such as Official Community Plan policy involving building height, population density and transportation issues.

A full press release is attached along with FAQs and contact information.

Hazen S. Colbert

Vice Chair, Communications & Government Relations

North Shore Alliance for Sensible Growth

[hazencolbert@hotmail.com](mailto:hazencolbert@hotmail.com)

778-340-1345

<Press ReleaseJuly29.docx>

**Subject:** Fwd: Fwd: Lynn Valley prepares to march boldly forward into the past

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 22/08/2013 12:56 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:**Fwd: Lynn Valley prepares to march boldly forward into the past

**Date:** Thu, 22 Aug 2013 10:48:33 -0700

**From:** Douglas Curran <dougcurran@shaw.ca>

**To:** Corrie Kost <corrie@kost.ca>, FONVCA <fonvca@fonvca.org>

Begin forwarded message:

**From:** Douglas Curran <dougcurran@shaw.ca>

**Date:** August 22, 2013 10:40:31 AM PDT (CA)

**To:** editor@nsnews.com

**Subject:** Lynn Valley prepares to march boldly forward into the past

Letter to the Editor,

It has been alarming to hear the reactions that have marked the strident - and often unbalanced - positions presented against the redevelopment of the Lynn Valley Town Centre. Many of the views opposing the redevelopment have emanated from limited perspectives that are narrow and backward-focused, without regard to major demographic, social economic and fiscal realities. Presented in terms of a polished perfect past, these bromides leave not just Lynn Valley, but the whole of the DNV marching proudly but unheedingly into the past.

"Nostalgia ain't what it used to be." goes the saying, and similarly the past is particularly unsuitable for planning for the future, which is surely to arrive somewhat before we arrive at the past. In her new book, "[The End of Suburbia](#)", Fortune magazine editor Leigh Gallagher argues that powerful social, economic, environmental and demographic forces are converging to end a half-century of suburban growth in the US.

The forces acting on the U.S. suburban landscape are no different than those emerging in Canada, in the DNV, and which lay behind the 2030 OCP; aging populations with low occupancy rates for large homes, decaying infrastructure, rising energy costs and a younger population with things on their mind other than lawn care.

Much of the rhetoric surrounding the "Stop Highrises" group has been focused through the perspectives of baby boomers fortunate to have flowed through a magical confluence of peace, economic prosperity and burgeoning health care that has inured them from the unpredictability of nature and the world, although nature and the world now show signs of catching up.

It would have been encouraging to hear positions from the "Stop Highrises" group that promoted housing options that address the needs of seniors and young people, while at the same time realizing that we need to look at resolving a lifestyle and building form that effectively creates mandatory automobile use for everyone. It would have served the debate well to hear some recognition of the fact of climate change and ways of slowing rates of GHG emissions and carbon use.

Key considerations need to be given to terms such as "*everyone*", "*mandatory*" and "*options*". There is a need for elected officials to balance the needs of **all**, not just those of the comparatively well-off. There is a need to allow diversity, for accessibility, for choice. The narrow perspective that fails to see that another strip of highway is no less offensive to nature - possibly more so - than a 15 storey highrise amounts to an intolerance for the needs and choice for others. It becomes a stance of absolutism, aesthetic totalitarianism and entitlement.

In not too many years it is easy to imagine many of these same voices rejecting the Town Centre development decrying the DNV's lack of services, its high taxes and the limited options for housing that meets their physical needs and financial capability. They will likely do so from somewhere south of the Fraser River, where on most days one can still glimpse the North Shore mountains.

sincerely, Doug Curran

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**Subject:** Fwd: Fwd: B.C. municipalities seek property-tax changes - The Globe and Mail, Sept 2, 2013

**From:** Brian Platts <bplatts@shaw.ca>

**Date:** 03/09/2013 2:19 PM

**To:** Corrie Kost <corrie@kost.ca>

----- Original Message -----

**Subject:**Fwd: B.C. municipalities seek property-tax changes - The Globe and Mail, Sept 2, 2013

**Date:**Tue, 3 Sep 2013 13:23:06 -0700

**From:**Douglas Curran <dougcurran@shaw.ca>

**To:**FONVCA <fonvca@fonvca.org>

Begin forwarded message:

**From:** Douglas Curran <dougcurran@shaw.ca>

**Date:** September 3, 2013 1:03:17 PM PDT (CA)

**To:** Hazen Colbert <hazencolbert@hotmail.com>

**Cc:** DNV Council

**Subject:** B.C. municipalities seek property-tax changes - The Globe and Mail, Sept 2, 2013

Hello Hazen,

The link below will take you to Frances Bula's news story on the new study by the Union of BC Municipalities, on the inadequacies of the current property tax system for municipal funding. In her article, Bula writes, "It notes that cities are looking at having to spend billions in the next 15 years for projects required by provincial and federal governments. These will force property taxes up and to levels where the weaknesses of the property-tax system will make the cost unacceptable for many British Columbians."

The coming financial crunch arising from the current municipal funding model will be increasingly hit the DNV and its rapidly increasing ranks of seniors living on fixed incomes, along with climbing costs for maintaining their homes. It is exactly this situation that the recent OCP was adopted; to retain opportunities for both "aging-in-place" and accommodating the full range of resident financial needs and capability going into a financially constrained future.

This article is a useful backgrounder that should be referenced in any developing discussions regarding building forms and redevelopment for both Lynn Valley and other parts of the DNV.

<http://www.theglobeandmail.com/news/british-columbia/cities-seek-property-tax-changes/article14076883/>

cheers, Doug

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The Corporation of the District of North Vancouver

ADMINISTRATIVE POLICY MANUAL

Section:	Land Administration	8
Sub-Section:	Development	3060
Title:	Community Amenity Policy	2

1. OBJECTIVE:

To create policy guidance for the provision of community benefits and community amenities achieved through new development.

2. INTERPRETATION:

“Community Benefit” means the overall contribution or improvement that a new development could make to the community.

“Community Amenity” means any public amenity or benefit that improves the quality of life of a community, over and above the new development itself and over and above the Community Benefits listed in Section 3.1 (a) to (e) of this Policy, and may include any of the amenities listed in 3.8 of this Policy.

“Community Amenity Contribution” or “CAC” means a community amenity contribution as set out in Sections 3.4 through 3.7 of this policy.

“OCP” means the District Official Community Plan.

3. POLICY:

PROVISION OF COMMUNITY BENEFITS:

3.1 New development must meet the goals set out in the District of North Vancouver’s Official Community Plan and provide the following community benefits:

- a) Works and services required to accommodate the development and works and services to the centreline of abutting streets;
- b) Development Cost Charges as specified in the District of North Vancouver Development Cost Charge Bylaw;
- c) Mitigation actions, works and measures to address negative impacts on the community;
- d) Subdivision requirements as applicable;
- e) Any required road dedications;
- f) In certain circumstances, as outlined in Section 3.3 below, new development should provide community amenities or a financial contribution to cover the cost of a specified Community Amenity or a portion thereof sufficient that the District can make provision toward the specified Community Amenity.

3.2 The requirements for basic works and services, development cost charges and mitigation measures will be determined through the development review process and in accordance with any applicable statutory requirements and District bylaws and policies. The requirement for Community Amenity Contributions should be determined as specified in the balance of this policy.

## PROVISION OF COMMUNITY AMENITY CONTRIBUTIONS:

- 3.3 Community Amenity Contributions should be required for rezonings that involve an increase in density in accordance with:
- Section 3.4 for sites within the Lower Lynn, Lynn Valley, Lower Capilano or Maplewood OCP designated town centres or village centres;
  - Section 3.5 for residential development sites outside a designated town centre or village centre for which the OCP contemplates an increase in density;
  - Section 3.6 for sites where the increase in density is not contemplated in the OCP.

3.4 The OCP or other adopted town or village centre policy will guide decisions related to Community Amenity Contributions for sites within an OCP designated town centre or village centre. Where a developer is seeking an increase in density for a site within an existing or a proposed town centre or village centre prior to adoption of an amenity strategy for the town centre or village centre, the CACs should be negotiated on a case specific basis.

3.5 For sites within an area contemplated for increased density in the OCP but outside of a town centre or village centre, CACs should be required and should be calculated as follows: \$5 per square foot of increased residential gross floor area for townhouse, duplex, triplex or similar development; and \$15 per square foot of increased residential gross floor area for apartment development. For the purpose of this section 3.5, the increase in gross floor area should be calculated on the basis of the proposed gross floor area for the subject site requested by the developer minus the total gross floor area permitted on the site under the “base density”, where “base density” means the floor area ratio for the site calculated in accordance with “Schedule 1”.

While the above formula is intended to be applicable in the majority of circumstances, there may be rezoning applications where the District or the Developer identifies the formula to be inappropriate and in those cases, the CACs should be negotiated outside the above formula. Where the CACs are negotiated outside the above formula, the total value of the CAC should be equivalent to 50% of the estimated increase in the market value of the land attributable to the density increase.

3.6 For sites that are being rezoned to permit an increase in gross floor area over and above that which is contemplated in the OCP, CACs should be negotiated on a case by case basis and the value of the CACs should be equivalent to 50% to 75% of the estimated increase in the market value of the land attributable to the density increase.

3.7 For the purpose of estimating the increase in the market value of land attributable to a proposed density increase, the base market value of the subject land (not necessarily equal to acquisition cost) should be calculated on the basis of the applicable zoning as at the date of the formal application for the increased density.

3.8 When considering the inclusion of a specific amenity rather than cash-in-lieu, the District’s OCP or other Council direction or policy may provide guidance as to the type of Community Amenity Contributions that may be provided and if there are no such policies applicable to a proposed new development, then the following list should be used as a guide for determining the type of Community Amenity Contribution(s) (in no particular order of priority):

- Land for, or provision of, affordable, rental or special needs housing;
- Community, cultural, school, library or recreation facility or facility improvements;
- Seniors care, seniors day care or seniors wellness facility or facility improvements;
- Child care facility or facility improvements;
- Youth, children or family facility or facility improvements;
- Heritage conservation;
- Public Art in accordance with established policy;
- Provision of park land or park improvements;
- Extraordinary pedestrian, cycling, streetscape, public plaza or other public-realm linkages and improvements beyond those required by District bylaws and design guidelines;

- Environmental, or sustainability measures beyond the normal environmental development permit requirements;
- Contribution toward amenity maintenance, for example contribution into a long term maintenance fund to offset future maintenance costs of community amenities;
- Other Community Amenities as identified by the District of North Vancouver to meet established community goals, policies or needs.

3.9 Negotiation of CAC's, as above, will be directed by senior staff and reported to Council.

3.10 CAC's should be a cash payment in-lieu of specific Community Amenities unless the District requires the inclusion of a specific Community Amenity. If specific Community Amenities are required, they should be valued in accordance with Section 3.4, 3.5 or 3.6 as applicable.

3.11 Where CAC's are being negotiated, the developer should be required to pay the District's costs of the negotiation including the District's cost to engage a qualified consultant for the purposes of such negotiation.

3.12 In the case where policy objectives in the OCP or other established policies are inconsistent with this policy, the CAC should be negotiated with the aim of achieving Council's priority objectives in relation to the particular rezoning proposal being applied for.

**4.0 SECURING COMMUNITY AMENITY CONTRIBUTIONS:**

4.1 The provision of Community Amenities Contributions may be secured through one or more of the following methods:

- A phased development agreement, under Section 905.1 of the *Local Government Act*, as may be amended from time to time;
- Zoning for amenities and affordable housing, under Section 904 of the *Local Government Act* as may be amended from time to time;
- A housing agreement for affordable and special needs housing, under Section 904 and/or 905 of the *Local Government Act* as may be amended from time to time;
- As articulated in the terms of a sale agreement for projects involving the disposition of an interest in land owned by the District; or
- Other methods as recommended by the Municipal Solicitor.

**5.0 REASON FOR POLICY**

To ensure that the community obtains benefits from new development through a fair and equitable approach and to provide opportunities to achieve community improvements and innovation through development.

**6.0 PROCEDURE**

Planning staff are directed to implement the community amenity policy as part of development application processing and to include a summary of the community benefits when new development requires a report to Council.

This policy should be reviewed at the staff level every two years.

**7.0 AUTHORITY TO ACT**

Senior staff will negotiate appropriate amenities which will then be referred to Council for final approval.

<i>Approval Date:</i>	<u>December 13, 2010</u>	Approved by:	<u>Chief Administrative Officer</u>
<i>1. Amendment Date:</i>		Approved by:	
<i>2. Amendment Date:</i>		Approved by:	
<i>3. Amendment Date:</i>		Approved by:	



## SCHEDULE 1: DEEMED DENSITIES IN DNV ZONING DISTRICTS

ZONING CATEGORY			
RESIDENTIAL	ZONE	Building Form	Deemed Density
<b>Single Family Residential (RS)</b>			
	RS1	Single Family	0.45
	RS2	Single Family	0.45
	RS3	Single Family	0.45
	RS4	Single Family	0.45
	RS5	Single Family	0.45
	Neighbourhood Zones		0.45 – 0.55 As specified in zone
<b>Multi-Family Residential (RM)</b>			
	RM1	Single Family	0.45
	RM1	Townhouse	0.45
	RM2	Single Family	0.45
	RM2	Townhouse	0.6
	RM2	Low-rise Apartment	0.6
	RM3	Townhouse	0.75
	RM3	Low-rise Apartment	0.75
	RM5	Townhouse	0.45
	RM6	Townhouse or Low-rise Apt.	0.80
	RM7	Townhouse or Low-rise Apartment	0.80
<b>Low-rise Residential (RL)</b>			
	RL1	Townhouse	1.0
	RL1	Low-rise Apartment	1.0
	RL2	Low-rise Apartment	1.2
	RL3	Low-rise Apartment	1.25
	RL4	Low-rise Apartment	1.3 FSR
<b>High-rise Residential (RH)</b>			
	RH2	High-rise Apartment	1.75
<b>COMMERCIAL</b>	<b>ZONE</b>	<b>Building Form</b>	<b>Deemed Density</b>
General Commercial Zone 1	C 1		1.75
Local Commercial Zone 1A	C 1A		0.55
Corner Store Commercial Zone 1B	C 1B		0.55
General Commercial Zone 1L	C 1L		1.75
General Commercial Zone 2	C 2		1.75 except 1.0 in Edgemont Village
General Commercial Zone 3	C 3		1.75 except 1.0 in Edgemont Village
General Commercial Zone 3A	C 3A		1.75 except 1.0 in Edgemont Village
Tourist Commercial Zone	C 4	Tourist Accommodation	1.2 for commercial use (Change in use would trigger negotiated process)
Entertainment Commercial Zone	C 5		2.4 for commercial use (Change in use would trigger negotiated process)
Entertainment/Outdoor Tourist Attraction	C 5A	Suspension Bridge	0.35 for commercial use (Change in use would trigger negotiated process)
Public House Commercial Zone 6	C 6	Neighbourhood Pub	1.75 for commercial use (Change in use would trigger negotiated process)
General Commercial Zone 7	C 7	Garden Centre	0.5 (Change in use would trigger negotiated process)
Commercial Business Zone 8	C 8		1.0 (Change in use would

			<b>trigger negotiated process)</b>
Marine Drive Commercial Zone	C 9		1.0 for lots less than 1,100 m <sup>2</sup> 1.75 for lots = to or greater than 1,100 m <sup>2</sup>
Commercial Business Zone 10	C 10		1.75 (Change in use would trigger negotiated process)
<b>COMPREHENSIVE DEVELOPMENT ZONES (CD)</b>	<b>ZONE</b>	<b>Building Form</b>	<b>Deemed Density</b>
	CD-1 through CD-61+	Varies by zone	<b>Refer to Zone</b>

# Municipal Revenue Sources Review An Analysis of Property Taxation



August, 2012



Ministry of  
Community, Sport and  
Cultural Development

## Property Tax in British Columbia

Municipalities use property taxation as their primary source of funding to provide services that have been requested by their taxpayers. Roughly half of all municipal revenue in the Province of British Columbia (Province) is collected through property taxation. The remaining half is mainly collected through user fees and developer contributions with minor revenue collected from senior government transfers.

Of total municipal property taxes, approximately 95% are collected as property value tax and grants-in-lieu of taxes. The remaining 5% is collected as parcel tax.

### Property Value Tax and Grants-in-Lieu of Taxes

A property value tax (also called an ad valorem tax) is a tax levied on the assessed value of land and improvements on a property. Land means physical land, including land covered by water. Improvements are buildings, fixtures and structures placed on or in the land, excluding chattels and production machinery.

A grant-in-lieu of taxes is similar to a property value tax but is collected from provincial and federal governments and their associated agencies and Crown corporations. Since senior governments are exempt from property taxation under section 125 of the *Constitution Act*, they pay annual grants instead of property value taxes; however, the methodology is quite similar.

### Property Tax Formula

The formula for determining property value tax revenue is as follows:

$$\text{Tax Revenue} = \text{Taxable Assessment} \times \text{Tax Rate}$$

### Taxable Assessment

Taxable assessment represents the assessed value of land and improvements on which a municipality may levy property taxes. The determination of taxable assessment is done by an independent Crown corporation called British Columbia Assessment (BCA). With some minor exceptions, appraisers with BCA must annually value the land and improvements of all property in the Province (both rural and municipal). Each individual property is referred to as a folio and assigned a unique identification code by BCA.

### Valuation Approaches

The Province, like most jurisdictions across Canada and the United States, uses actual or market value as the standard method of valuing properties. The method used to determine market value varies depending on the nature of the property and sufficient availability of market evidence but is based on:

- **Sales Comparison Approach** – market value is based on the sale price of comparable properties. This valuation method works best for properties that are frequently bought and sold such as residential housing.
- **Income Approach** – market value is based on the capitalized value of current rents and leases. This valuation method works best for properties that sell less frequently but have an active rental or lease market such as commercial office space.

- **Cost Approach** – market value is based on the replacement cost of a property (taking into account depreciation of buildings and other improvements). This valuation method works best for properties that are neither sold nor rented frequently such as industrial properties.
- **Prescribed Approach** – market value is based on prescribed costs set by regulation or policy. This valuation method works best for properties that cannot easily be valued using any of the other approaches such as ski hills and linear assets like rail tracks.

It is also common practice to value land based on its highest and best use, meaning the reasonable and optimal legal use of property which is both physically possible and financially feasible. For example vacant downtown land may be valued at its development potential rather than existing use. BCA will consider many factors when determining highest and best use, including: zoning, official community plans, and recent development trends.

#### Classes of Property

In addition to assessing a value, BCA assigns properties (or portions of properties) to a specific class based on its type or use. Currently in British Columbia, there are nine classes of property prescribed by the Lieutenant Governor in Council. Those classes are:

- **Class 1 – Residential** – Land and improvements used for residential purposes including: single family dwellings, apartments, condominiums, and manufactured homes.
- **Class 2 – Utilities** – Land and improvements used or held for rail transport, pipelines, telecommunications, closed circuit TV and electricity.
- **Class 3 – Supportive Housing** – Special needs housing for people at risk. Each property is assessed at a nominal amount of \$2.
- **Class 4 – Major Industry** – Land and improvements used for mining, processing, manufacturing, extraction, smelting, refining, and marine transport. Most properties in this class are involved in coal and mineral mining and manufacturing wood products and pulp and paper.
- **Class 5 – Light Industry** – Land and improvements used for extraction, processing, manufacturing, and transportation as well as associated storage and warehousing that is not included in Classes 2 or 4.
- **Class 6 – Business and Other** – All land and improvements not included in any of the other classes. This class is primarily made up of commercial property like office and retail space.
- **Class 7 – Managed Forest Land** – Land that is being used for the production and harvesting of timber.
- **Class 8 – Recreation/Non-Profit** – Land used for recreational activities (e.g. golf, skiing, tennis, swimming, etc.) and land and improvements used as places of public worship or for fraternal meetings.

- **Class 9 – Farm** – Land used for farming.

The critical purpose behind the different classes of property lies in the setting of tax rates. For each local government and public authority, tax rates may vary between different classes of property (e.g. between Class 1 and Class 2) but not within a class of property (e.g. all Class 2 property is taxed at the same rate). Taxes are discussed in greater detail in the second half of this paper.

The 2012 assessment roll contains entries for over 1.9 million properties valued at approximately \$1.1 trillion. Approximately 87.7% of all properties contain a residential component (Class 1), equating to approximately \$850 billion of the total value on the assessment roll. Class 6 properties are the next most common property type, making up 6% of all properties and \$177 billion of the total roll value.

### Tax Rates

Property tax rates are expressed as a rate per \$1,000 of assessment.

### General Municipal Taxation

Every year, each municipality in the Province must adopt a property tax bylaw. The tax bylaw must be adopted after the annual financial plan (budget) for the municipality as the financial plan determines the service level, spending and revenue requirements of a municipality for the current fiscal year. Based on the tax revenue requirements in the financial plan, the municipality will set its municipal tax rates to raise the appropriate revenue from the nine different classes of property.

Municipalities generally have very broad authority to set their tax rates. While they cannot vary tax rates within a class of property, they can vary tax rates between different classes. Setting different tax rates for different property classes is often referred to as a “variable rate” taxation system.

There are some specific restrictions on municipal taxing authority:

- **Utilities** — under section 199 of the *Community Charter*, Cabinet can make regulations prescribing limits on tax rates and the relationships between tax rates. A relationship between tax rates (also referred to as a tax ratio), is the ratio of the tax rate between two classes. For example, if the tax rate for Class 1 (Residential) is \$2 per 1,000 and for Class 6 (Business and Other) is \$10 per 1,000; the ratio of Class 6 to Class 1 is 10:2 (or 5:1).

This regulatory authority is currently used to set a maximum tax rate and ratio on Class 2 (Utilities). The maximum tax rate that can be levied by any municipality is the greater of \$40 per 1,000 or 2.5 times the Class 6 (Business and Other) tax rate.

- **Ports** — marine port property is a sub-category of Class 4 (Major Industry). In 2003, the Province launched the Ports Property Tax Initiative. One result of this initiative was a cap on municipal property taxes levied on port terminals. Under the *Ports Property Tax Act*, the cap was set at \$27.50 per 1,000 on existing land and improvements and \$22.50

per 1,000 on new investment. The Province provided affected municipalities, offsetting funding for the imposition of the cap.

- **New Municipalities or Boundary Extension** – incorporation of new municipalities or boundary extensions to existing municipalities are done through letters patent. In some cases, the letters patent will restrict the tax rate a municipality can levy on a specific property or class of property. Usually the restricted rate is based on the rural area tax rate levied under the *Taxation (Rural Area) Act*.

#### Taxation for Other Public Bodies

In addition to levying taxes for its own purposes, each municipality also levies taxes for other public authorities. Each year the municipality levies and collects the taxes, then remits the revenue to the appropriate public authority. The principal authorities are:

- **British Columbia Government (School Tax)** —school tax rates are set annually by Order-in-Council. A province-wide rate is set for each non-residential class including a nominal rate for Supportive Housing. The residential rate varies between school districts based on population and assessment base.
- **British Columbia Government (Police Tax)** — larger municipalities over 5,000 people, pay for most of their police costs. In smaller communities under 5,000 people and in rural areas, the Province sets tax rates to recover a portion of police costs. These tax rates are based on provincial tax ratios.
- **Regional District** — the regional district will annually requisition a dollar amount from member municipalities for regional services. Depending on the taxing rules for each service, which are set in the establishment bylaws, the municipality has the option of setting tax rates based on provincial tax ratios (set by regulation) or municipal ratios (based on relationship between General Municipal Taxes for different classes of property in the current year).
- **Hospital District** —in cooperation with regional health authorities, hospital districts determine the annual contributions from municipalities for health-related capital costs. Hospital districts will requisition amounts from each municipality who will then set the tax rates based on provincial tax ratios to raise the necessary revenue.
- **Translink (in Metro Vancouver only)** — Translink is the regional transportation authority in Metro Vancouver. Within the municipalities of Metro Vancouver, Translink levies two distinct property value taxes.
  1. The first tax is for core operations and capital and is levied on all property classes. This tax is based on an initial historical bylaw set by Translink and sets different rates for each class. Subsequent increases to these historical tax rates cannot exceed provincial ratios (for the increase portion only).
  2. The second tax is a special replacement tax only levied on the following classes: Residential, Utilities, Major Industry, Light Industry, Business and Other. The maximum amount of revenue this tax can generate per year is \$18 million.

- **Victoria Regional Transit Commission (in the Capital Regional District (CRD) only)** — this Commission is governed under the *British Columbia Transit Act* and provides transit services within the CRD. The Commission sets tax rates based on provincially prescribed tax ratios.
- **British Columbia Assessment (BCA)** — BCA is responsible for assessing all property values in the Province. The revenue required to cover operating and capital costs of BCA is raised through a property value tax. BCA levies a province-wide tax through an annual bylaw. Cabinet can place restrictions, including limiting tax rates and ratios, on BCA's taxing authority by regulation. To date, Cabinet has imposed no such regulation.
- **Municipal Finance Authority of British Columbia (MFA)** — the MFA is the local government banker and raises long-term debt from the bond markets to finance municipal infrastructure. The revenue to cover operating and capital costs of the MFA are raised through a property value tax. The MFA levies a province-wide tax through an annual bylaw. The tax rates are restricted by provincially set ratios.

<b>Prescribed Tax Rates and Ratios for Other Public Authorities (2011)</b>							
<b>Class</b>	<b>Title</b>	<b>School Tax Rates</b>	<b>Translink Tax</b>	<b>Translink Replacement Tax</b>	<b>BCA Tax Rates</b>	<b>Provincial Ratios*</b>	<b>Victoria Transit Commission Tax Ratios</b>
1	Residential	Variable	0.3349	0.0151	0.0621	1.0 : 1.0	1.0 : 1.0
2	Utility	14.10	2.5440	0.1632	0.5114	3.5 : 1.0	5.4 : 1.0
3	Supportive Housing	0.10	1.4527	-	0.0621	1.0 : 1.0	1.0 : 1.0
4	Major Industry	6.60	2.1027	0.1665	0.5114	3.4 : 1.0	5.4 : 1.0
5	Light Industry	6.60	1.8150	0.1476	0.1896	3.4 : 1.0	5.4 : 1.0
6	Business & Other	6.60	1.4735	0.1351	0.1896	2.45 : 1.0	5.4 : 1.0
7	Managed Forests	2.00	-	-	0.2953	3.0 : 1.0	5.4 : 1.0
8	Recreation/Non-Profit	3.40	0.3059	-	0.0621	1.0 : 1.0	1.0 : 1.0
9	Farmland	6.80	0.3543	-	0.0621	1.0 : 1.0	1.0 : 1.0

\* used for regional districts, regional hospital districts, police tax, increases to the Translink Tax, and MFA tax  
**Note:** for police tax, the Supportive Housing rate (Class 3) is capped at \$0.100/1000

### Tax Exemptions

Every property owner in the Province must pay property taxes unless specifically exempted by provincial statute. Statutory exemptions are listed in both the *Community Charter* and the *Taxation (Rural) Area Act*. Local governments may also grant permissive (discretionary) exemptions under the *Community Charter* and the *Local Government Act*.

### Statutory Exemptions

Statutory exemptions are automatic exemptions from property tax provided by federal or provincial statute; municipalities have no discretion in this matter. In fact, statutory exemptions are assigned by BCA (not municipalities) and based on ownership and use of property. Usually these are properties that



address a broad public interest or provide a public service. Statutory exemptions are found in multiple provincial acts. Most are highly specific exemptions relevant to a small segment of properties, for example:

Exempt Property	Exempting legislation	Exempting Section
Hospitals and health facilities	<i>Health Authorities Act</i>	Section 15
Universities	<i>University Act</i>	Section 54
Colleges, BCIT, other Institutions	<i>College &amp; Institute Act</i>	Section 58
Public Schools	<i>School Act</i>	Section 129

In addition to these specific exemptions, there are also broader statutory exemptions that apply to properties located within a municipal boundary. These exemptions are provided in the Sections 220 to 223 of the *Community Charter* and cover properties like libraries, cemeteries, places of public worship, and municipal property. There are also parallel provisions for rural properties found in the *Taxation (Rural Area) Act* (Section 15) and *Local Government Act* (Section 809(1)).

A statutory exemption triggers an exemption from all property taxes including municipal taxes and taxes for other public authorities (e.g. school, hospital, regional district, etc).

Please note that provincial and federal Crown properties are exempt under the federal Constitution but pay a grant-in-lieu of taxes.

#### Permissive Exemptions

Permissive exemptions are discretionary in nature and each municipality has the ability to set their own policies on what permissive exemptions they want to allow for each taxation year. Permissive exemptions are granted by municipal bylaw under sections 224 to 226 of the *Community Charter*.

- 1. General Exemptions - Section 224** — this section provides the authority for general permissive exemptions. A municipal council may offer exemptions for periods of up to 10 years to a wide range of properties, including property owned or held by another local government, or a charitable, philanthropic or not-for-profit organization. A general permissive exemption triggers an exemption from all property taxes, including municipal taxes and taxes for other public authorities (e.g. school, hospital, regional district, etc).
- 2. Partnering, Heritage, Riparian, and other Special Exemptions - Section 225** - this section provides the authority to exempt eligible property for any period set out in the exempting bylaw. Eligible property includes property under a partnering agreement plus heritage, riparian, or golf course property. Land held for a future cemetery or mausoleum may also be eligible for an exemption under this section.

The key to these exemptions is the ability to make agreements with property owners respecting the extent of the exemption and the conditions under which it will be offered. These agreements may require owners to satisfy conditions, such as placing a restrictive covenant on the property or repaying the exemption amount under specified circumstances.

A municipal exemption in relation to heritage and riparian properties triggers an automatic exemption from taxes for other public authorities (e.g. school, hospital, regional district, etc). However, in relation to cemeteries, golf courses and partnering agreements, this type of municipal exemption does not trigger an automatic exemption from taxes for other public authorities. In order to trigger these other exemptions, a municipality must request a Cabinet regulation in accordance with the Section 131 of the *School Act*. Cabinet will weigh the individual merits of each request when making its decision about granting a broader exemption.

3. **Revitalization Tax Exemptions - Section 226** - this section provides the authority to exempt land, improvements, or both from the municipal property value taxes for the purposes of encouraging various types of economic, social, or environmental revitalization within a community.

Revitalization tax exemption programs may apply broadly or narrowly to different:

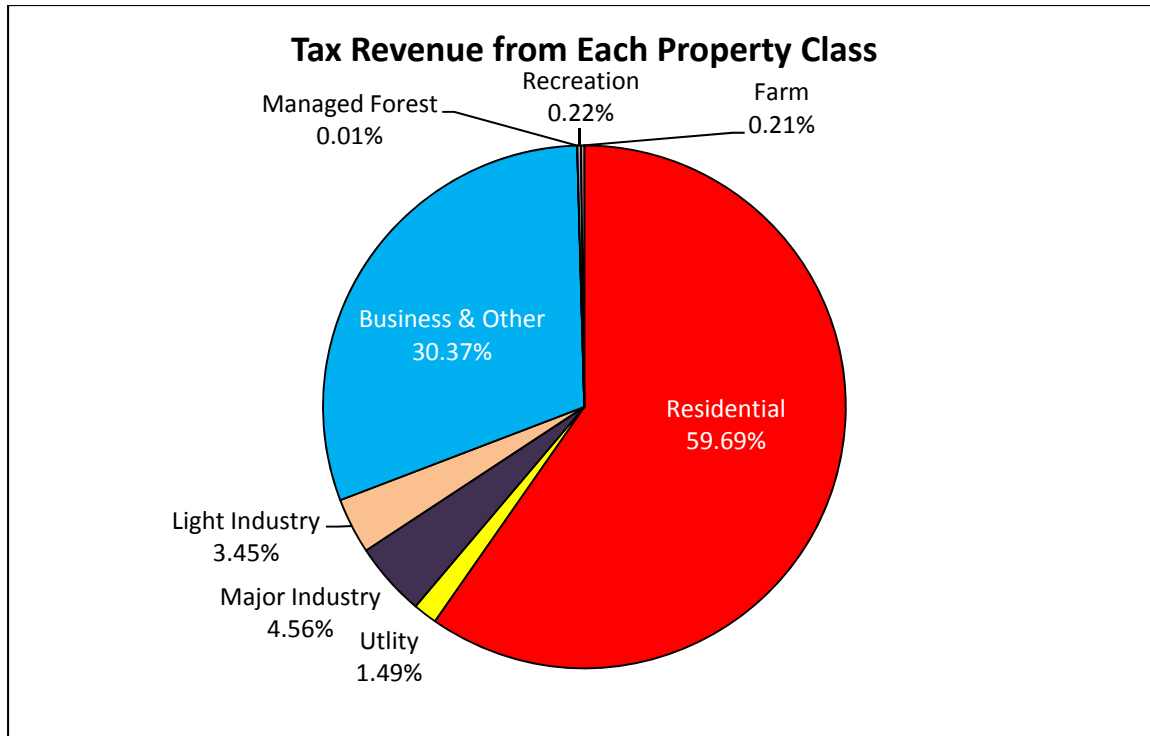
- geographic areas;
- types of property; or
- activities or circumstances related to a property.

Municipal revitalization tax exemptions do not qualify for exemptions from taxes for other public authorities (e.g. school, hospital, regional district, etc).

In addition to the above listed municipal permissive exemptions, there are parallel permissive exemptions for regional districts in sections 809 to 812 of the *Local Government Act*, which are generally applied in rural areas of the regional district.

### Distribution of Tax Between Classes

In 2011, approximately 90% of all municipal property taxes in the Province were collected from Class 1 - Residential (60 %) and Class 6 – Business (30%). The remaining 10% was divided between Classes 2, 4 and 5 (Utilities, Major and Light Industry). Classes 3, 7, 8 and 9 (Supportive Housing, Managed Forests, Recreation/Non-Profit and Farm) are immaterial for most municipalities so they will not be discussed in this section.



Over the past decade there has been a trend to shift some of the municipal tax burden off the non-residential classes to the residential class. Residential has gone from representing 55% of the total municipal tax burden in 2002 to 60% in 2011, while non-residential taxes have dropped from 45% to 40%. This shift has been consistent across municipalities of all sizes and areas.

### **Historic Tax Issues (Residential versus Major Industry)**

Several studies over the last two decades have focussed on the property tax ratio between Residential (Class 1) and Major Industry (Class 4). Often these studies indicate a growing gap in the tax rates between these two classes as Major Industry rates increase relative to Residential rates. Over the past decade the ratio of Major Industry to Residential tax rates has increased from 5.5:1 to 7.1:1, with Major Industry tax rates reaching in excess of \$50 per 1,000 in 18 British Columbia municipalities. However, other studies point out that an examination of tax rates and ratios alone is only telling half the story. As discussed earlier in this paper, tax revenue is based on the following formula:

$$\text{Tax Revenue} = \text{Taxable Assessment} \times \text{Tax Rate}$$

A thorough study of tax revenue should examine both tax rates/ratios and property assessment. As discussed earlier in this paper there are multiple methods of assessing property. Residential properties are assessed on the basis of comparable sales, whereas industrial properties are assessed based on depreciated replacement costs. These replacement costs are based on industrial cost manuals

maintained by BCA called Major Industrial Properties (MIPS) Manuals. As facilities age, they depreciate. Standard depreciation rates for different types of industrial facilities are set by provincial regulation. Over the last two decades, residential properties values have increased dramatically, while industrial assessment has remained relatively static. Between 2000 and 2011 assessment for an average residential property increased by over 100% in 109 out of 154 British Columbia municipalities, including all the municipalities of Metro Vancouver and the CRD. Average residential assessments tripled in some major municipalities like Vancouver, Burnaby, Richmond and Victoria.

Between 1988 and 2011, the total size of the Major Industry assessment base for all British Columbia municipalities increased from \$3.4 billion to \$4.2 billion (or 25%); whereas, over that same period of time, the residential assessment base increased from \$71 billion to \$690 billion (or 866%). The residential increase is due to a mix of price increases and new construction, whereas the industrial increases are almost exclusively due to new construction because existing buildings and improvements all depreciate (according to regulation).

Thus, the residential assessment base is dramatically increasing and the industrial base is declining. To recover the same amount of tax revenue for a rapidly increasing assessment base, a municipality would need to reduce its tax rate. Thus, residential tax rates have been declining while the actual tax burden has not.

The opposite is true for a declining assessment base. To recover the same revenue from a declining base, a municipality would need to increase its tax rate. Thus, industrial tax rates have been increasing while the total industrial tax burden has actually been declining.

As industrial tax rates increase and residential tax rates drop, the ratio between the two tax rates will increase substantially because the tax ratio is simply the increasing industrial rate divided by the decreasing residential rate. Over the last decade, the Major Industry tax ratio increased from 5.5 to 7.1. This yields the paradox of increasing industrial tax ratios despite the tax burden falling increasingly upon the residential class. Between 2000 and 2011, the total portion of municipal taxes collected from Major Industry dropped from 7% to 4.6%, while the residential tax burden increased from 55% to 60%.

In fact, the average municipal tax rate for Major Industry has marginally dropped from approximately \$31 per \$1000 of assessment in 2002 to \$29 per \$1000 of assessment in 2011.

This is not to say there are no problems. There are pockets of extremely high tax rates in the Province; however, the general trend has been towards a declining tax burden for Major Industry.

### **Critical Risk to Small Resource Communities with Major Industry**

There are a number of communities that have become increasingly reliant on a few industrial properties to provide a large portion of their tax revenue. This poses potential risks for the community should the industry suffer a severe economic downturn resulting in a partial or total shut down. When this occurs, it can result in two concurrent shocks: dramatic reduction in the municipal tax base and large-scale layoffs.

When a municipality is too reliant on a single industry, it can be very difficult to reallocate the lost taxes onto the other property classes as it would result in substantial tax increases to residents and business owners, many of whom have likely been economically affected by the shut down.

This problem has become quite prevalent in the last few years with the forest product industry downturn. As a result, some communities are beginning to diversify their tax base by slowly shifting the tax burden away from Major Industry and onto other classes. Although it is a very slow process, this is an effective way to mitigate some of the risks associated with potential consequences of an industry slowdown.

Recently there have been many studies that have looked at the property tax ratio between residential property and industry, often indicating that there is a growing 'gap' between the tax rates that is causing industry to be over-taxed. In order to understand why there is a 'gap' in the tax rate ratios you must first look at how the assessment structures of both the residential and industrial classes differ.

Residential properties are assessed using market value and both the number of properties and their value have been steadily growing. In 2002, total residential assessment within municipal boundaries was \$250 billion representing 81% of the total tax base. In 2011, residential assessment has grown to be \$689 billion, now representing 85% of the total municipal tax base. On the other hand, industrial properties only have their land value assessed at market value, while the improvements (the largest part of the assessment) are assessed at cost less a prescribed rate of depreciation of between 2% and 6% per year. Besides, when new investment occurs, industrial property assessments are always declining. In 2002, major industrial assessment within municipal boundaries was \$3.5 billion representing 1.1% of the total tax base. In 2011, major industry assessments have grown to \$4.2 billion, but their share of the total tax base has dropped to only 0.5%.

The difference in assessment movement between the residential and industrial class means the tax rates needed to collect the same amount of revenue from each class and also move conversely. Keeping all other factors equal, with residential assessment rising, the residential tax rate would need to decline, whereas the industrial tax rate would need to be increased yearly to compensate for the depreciating assessment. Over time, this has allowed a gap to grow between the rates, even though the amount of taxation revenue, or the portion of taxation revenue coming from each class, would remain unchanged.

This can be seen by looking at the provincial average rates and ratios from 2002 to 2011. In 2002, the average residential tax rate was \$5.61 per 1,000 of assessment. By 2011, that rate had dropped to \$4.01 despite the increase in the amount of tax burden residential property is paying. For major industry, the provincial average tax rate went from \$30.87 in 2002 to \$28.62 which is consistent with a tax shift away from non-residential. The interesting thing to note is that over the same period the tax ratios between these two classes went from 5.50 to 7.14 which is a 30% increase in the ratio 'gap' in only 10 years. This isn't to say that there is something wrong with the current assessment system, but to simply explain how the underlying factors of the current assessment and taxation system work.

### **Recent Events Affecting Distribution**

There have been a number of communities that, over the years, have become increasingly reliant on a few industrial properties to provide a large portion of their tax revenue. This poses a high level of risk for the community in the event that industry suffers an economic downturn. When a community's main industrial taxpayer shuts down, it can cause their assessment to plummet and the municipality's ability to raise tax revenue can dramatically diminish. When a municipality is too reliant on that industry, it can be very difficult to reallocate the lost tax burden onto the other classes as it would result in very high tax increases for their citizens and business owners. This problem has become very prevalent in the last few years with the forest product industry downturn and it seems many communities have begun, or are beginning, to better diversify their tax base by slowly shifting the tax burden onto other classes. Although it is a very slow process, this is an effective way to reduce both their reliance on industry and risk.