



**TRANSCRIPT OF THE POLICY COMMITTEE MEETING OF  
COUNCIL HELD IN THE COUNCIL CHAMBER, CITY HALL, 141  
WEST 14<sup>th</sup> STREET, NORTH VANCOUVER, B.C., ON **MONDAY,**  
**MARCH 17, 2003 AT 6:00 P.M.****

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**PRESENT:**

**COUNCIL MEMBERS**

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

**STAFF MEMBERS**

A.K. Tollstam, City Manager  
B.A. Hawkshaw, City Clerk  
S.E. Dowey, Deputy City Clerk  
R.H. White, City Planner  
T. Christie, Director of Finance  
F.A. Smith, Director, Community Development  
P. Penner, Planner  
F. Caouette, Manager – Special Projects  
C. Rabold, Communications Manager  
C. Kathler, Social Planner

**Councillor C.R. Keating, Chair**

**Re: Auto Retailing Use Along Marine Drive – File: 3380-02-M1**

The meeting was called to order at 6:01 p.m.

**Mr. B.A. Hawkshaw, City Clerk**

Thank you Your Worship. This Policy Committee Meeting is regarding Auto Retailing Use Along Marine Drive; Councillor Keating is the Chair. The Policy Committee of Council will receive representations with respect to the following recommendation endorsed by Council on January 27, 2003:

“**THAT** the topic of prohibiting new and used automobile sales in the Marine Drive area of the City be referred to the Policy Committee for discussion with property owners and tenants in the area and nearby.”

**Councillor C.R. Keating**

Thank you Mr. Hawkshaw. I will begin with the staff presentation, Mr. White!

**Mr. R. White, City Planner**

Thank you, through the Chair. What I would propose to do is make a brief presentation on the background leading up to this discussion tonight, a brief review of the possible approaches, that may be used to deal with the topic. On January 20<sup>th</sup> of this year we were presented with a motion that Council then referred to staff and it read as follows:

“**THAT** City staff be instructed to bring forward bylaw use amendments with the grandfather auto retailing use along Marine Drive but prohibit new auto retail uses.”

We came back to Council with a report and suggested that there should be some discussion about that idea prior to it being implemented and Council directed that this topic be referred to tonight's Policy Committee Meeting.

The City has the authority to prohibit land uses and we have done that in several instances in the past for a specific group of uses or an individual use. The weapons goods and hazardous goods are prohibited throughout the City and we have that authority to ban or control uses through the Local Government Act, Section 903(4). As a result of the instruction or the pending instruction to staff from Council, staff prepared a bylaw, Bylaw 7474, which would have the effect of prohibiting new and used automobile sales uses throughout the City. Council's suggested instruction was to grandfather existing auto retailing uses and that would be provided through the zoning change. Automatically any existing automobile retail uses would have been allowed to continue or grand fathered as a result of the provisions of the Local Government Act, which provides for legal non-conforming uses to continue. A legal non-conforming use is one, which has been previously permitted, and has more recently been prohibited or no longer allowed, for a variety of reasons.

We have prepared a bylaw and brought it back to Council and suggested the Policy Committee review prior to a wholesale elimination, shouldn't use the word wholesale when referring to auto retailing I guess, but a complete auto retailing ban throughout the City. Council and the public will be aware that Council also suggested in their resolution to prohibit auto retailing use along Marine Drive, we suggested in our response to Council that auto retailing should be prohibited throughout the City. There are other zones in the City which allow for auto retailing use and it may not be any more acceptable to Council for that use to be contemplated, along say the 100 block of West 3<sup>rd</sup> Street where CS zoning exists. We have prepared three proposed approaches. One of which would be to introduce Bylaw 7474, which would prohibit auto retailing. As I mentioned it could be prohibited simply in the Marine Drive area, the bylaw would have to be sharpened up, changed somewhat to allow that to happen. The proposal would be to prohibit auto retailing throughout the City, legally non-conforming uses would be exempt from that or Council could sharpen it and prohibit just along Marine Drive.

The second approach could be to receive more public input prior to any changes being made and a third approach would be to receive and file and take no direction at this time. I am available for any questions that may come up but that is a brief review. Also on the wall I have the Marine Drive area described both in an aerial photograph as well as plan that shows the areas and each of the existing auto dealers in the Marine Drive area is referenced. I can use that if there are any particular questions as well. Thank you.

## **Councillor Keating**

Thank you very much Mr. White. I would now turn to the section of the agenda, which invites representations from the public. I would invite anyone who wants to make a representation to come down to the front row and get ready to speak to the microphone. I would only ask that you state your name and address in the City of North Vancouver or elsewhere, before you make your comments, as this will be recorded for public broadcast later. Mr. White once again will be available to answer any questions that members of the public might have. If anybody has anything they want to say please come down to the microphone.

## **Representations from the Public**

### **Mr. Tyke Babalos, West Vancouver**

My name is Tyke Babalos; I am a resident of West Vancouver and property owner on Marine Drive in this area and I do not have retail uses that are selling cars, new or used. Indirectly affected but not directly. I come here a little bit sheepish. I was telling Richard, a couple of days ago we ran into each other on the sidewalk, that when I raised the issue of residential on Marine Drive months ago this seems to have stirred the pot a little bit and I think this is part of the result. I would like to stand back and look at the issue of automobile retailing. When you look at it, it is a phenomena that and I can understand where you are coming from in terms of why you want it not to be there but it is a matter of time. It will fade away. The automobile retailers cannot afford the land costs as the land price increases. I witness Broadway as an example, in fact now you have Staples slapping their sign on top of the old BowMac sign. You have ..... Coop in the old Zephyr Mercury and there are a number of used car dealers that were in that area, and they are gone. That is what is going to happen on Marine Drive. It is not going to happen tomorrow, it may not even happen during your term of office in the next 2½ years, but it is going to happen.

It is going to happen slowly and I think that you should stand back and look at the issue as an overall plan, including the residential, and that will give you an idea of where the market is today in that area. When I was here at the meeting a month and a half ago and I counted the votes, so to speak, basically residential politically is not going to work south of Marine Drive. We are not going to get industrial south of Marine Drive because the costs are out of line. What have you got left? You have got retail/commercial and you have office. Office right now and that is all you build when build brand new, the vacancy rate is over 20%. It is actually between 22 and 24%. There is something like 200,000 square feet of office space, out of an inventory of about 900 A class offices. B and C the vacancy rate is lower but you can't afford to build new B and C. We have also got new office space being planned on the Versatile lands, so that vacancy rate before it comes down is going to get higher. The reality right now is the only uses you have got that are going to work on Marine Drive, that they are going to be able to get through the approval process, that are going to work in the market are retail/commercial. The reality is that the majority right now is automobile service. I guess I would want you people to stand back and look at it from an overall planning.

Your objective is correct it is going to happen, I guarantee you, but it is not going to happen tomorrow. It is going to take some time and that is sort of my message. Thank you.

**Councillor Keating**

Anybody else care to make a presentation?

**Mr. Phil Mansfield, West Vancouver**

My name is Phil Mansfield; I live in West Vancouver. The Mansfield family, one of the properties we own is in the 700 block Marine Drive, actually 721-725 West 14<sup>th</sup> Street, next to the Regency Nissan Dealership. We are kind of in the lane not quite on Marine Drive.

I bought this property many years ago, failed miserably as a Hyundai dealer ten years, suffered it with ..... losses, tried to rent it for whatever. The only success I have had in renting this building is to automotive related businesses. Primarily present with Discount Rent A Car and a used car operation, my service bays, at the back, are now used by Regency Nissan. I have had vacancies for the past ten years and the only people that have shown interest in that building is automotive retailing. I think the first speaker was right, I think the timing is wrong for the Council to address this issue. I think down the road, five, ten, fifteen, maybe twenty years the changes need to be made. Highest and best use presently, I think, for this property and all properties that are presently car retail is car retail. When that is no longer a reality it will change naturally without being forced. I read in the North Shore News some weeks ago that some Council member had stated that retailers were moving back from the AutoMall to Marine Drive. That isn't the case. I don't think one has moved back there is nowhere to move to. What has happened is space has become vacant; there has been movement within the industry and more dealerships, particularly in the form of Pattison KIA, where Pattison Hyundai was, where Pattison Toyota used to be but besides that I don't think there is any move back.

As another example of difficulty in renting automotive buildings to other than automotive industry is the building that is presently vacant for the BMW dealership, has been vacant since BMW move to the Mall. Tremendously difficulty renting it to other than an automotive business so I think the timing is not right at this time and if you were to force my family to vacate the rental of our building to the automotive industry I don't know whom, at this time, we would rent our building to. Thank you.

**Councillor Keating**

Are there any other members of the public who wish to make comments or ask questions at this time? Seeing none at this time Your Worship I would like to go to members of the Policy Committee. Councillor Mussatto!

## **Discussion by members of the Policy Committee of Council**

### **Councillor D.R. Mussatto**

Thank you very much Chair Keating. I had a question through you to staff if I could? Mr. White I have been thinking about this and it seems to me that one of the issues that comes up is that it is not so much that we are opposed to auto dealerships, because we certainly do support auto dealerships, it is an economic function that the City does well with but it is almost the appearance of auto dealerships. Is there a way that we could maybe enact bylaws or encourage new or perhaps even existing dealerships not to look so much like an auto dealership? I know that in other areas they do, do that. Down in Yaletown you come across an auto dealership that is a building that sells cars and it looks like an ordinary building. Is there a way that we could explore that idea?

### **Mr. White**

If I may, through the Chair, I think that has a lot of potential. We have a limited number of examples to look at. There is going to be a limited interest in auto retailing along Marine Drive; some sites aren't going to be suited for it at all. There have been examples of auto sales within malls, within buildings. I think you are referring to the mini dealership, which is in Yaletown, which is an old converted brick multi storey, I am sure was an industrial building many years ago now, converted into retail and office space. I think we could easily as part of our design guideline process for Marine Drive come up with more and better design regulations for auto dealerships. The CS-1 zoning, which is the typical zoning in that area, doesn't have any restrictions or limitations at all when it comes to outdoor display of automobiles. One of the attractive features I would say of the North Shore AutoMall is that there were design guidelines put in place before it was adopted. We could use that as a benchmark perhaps. Come back to Council with ideas in that regard.

### **Councillor Mussatto**

Thank you Mr. Chair and I know I heard some chuckles there about my proposal. We were provided some information by Mr. Shandler about different ways that automobiles are displayed in terms of for retail sale and it seems that there is, looks like probably a growing market for this boutique size auto dealership that maybe dealerships that are not as big as the big three auto makers; Ford or Chryslers or whatever, the big lots, that they are changing their focus a little bit. It seems to me that it would be a little bit remiss if we were to exclude those types of things along Marine Drive just because we don't want auto dealerships there. If we could sort of .... up guidelines, like I hear Mr. White saying, there might be an opportunity for us to explore design guidelines so they don't look so much as a big lot with a little whack of cars but we have a viable business, that selling autos that is pedestrian friendly or at least fits in with the municipality. I would be more in favour of exploring that rather than an outright ban on automobile sales on Marine Drive.

### **Councillor Keating**

Councillor Clark!

**Councillor R.C. Clark**

Thank you Mr. Chair. As the author of the motion that we are discussing or at least the original Notice of Motion I have great interest in the topic. First off to just address a couple of the presenters, I know Mr. Mansfield from the Hospital Board years ago, no one is talking about restricting auto related businesses at all. What the motion, as I understand it and what I certainly intended, is that auto retailing in the City be restricted. I point out that way back in 1993 I was the original proposer of a North Shore AutoMall and that happened subsequently and I would suggest to you that the City's commitment to auto retailing cannot be questioned. We have an AutoMall where no one else on the North Shore does. What I suggest is that our commitment to auto retailing is sufficient with the AutoMall. We have a horrendous piece, a very nice piece of property, which we dedicated to the retailing of autos; we allowed that to happen, we encouraged it to happen. Why therefore should we not, as I proposed in 1993, restrict automobile selling along the Marine Drive corridor to facilitate redevelopment. Mr. Shandler, as Councillor Mussatto has alluded to, has very wisely pointed out that maybe we don't want to restrict it entirely but we certainly want to scale it down. I don't want to see another Dave Buck Ford along Marine Drive. It is just not appropriate given the fact that we have other auto retailing facilities in the City of North Vancouver. We are only five square miles, we have an AutoMall, no one can question the fact that we support the auto industry and the retailing of automobiles. The real benefit to restricting auto retailing use along Marine Drive and somehow staff has expanded my original intention, which was to only address Marine Drive. If there are other areas in the City, I can't think of any off hand, that may be appropriate for auto retailing use fine, let's entertain it, I am not specifically looking to ban auto retailing use anywhere else in the City other than the AutoMall. If there are other places fine, let's have a look at them. Along the Marine Drive corridor I would certainly like to see us restrict auto retailing use to say 1,200 square feet, which would give you the boutique style that everyone is referring to and Mr. Shandler has referred to in his information to us. That briefly is my thoughts on the matter.

This has been kicking around for some time and quite honestly I think Council missed the opportunity to address this question when the AutoMall went in. I think it was a two shoes drop in. When the AutoMall went in the other shoe to drop should have been at that time to restrict automobile use, retailing, along Marine Drive. Here we are years later trying to close the barn door after the horse has bolted, somewhat. I don't agree that this thing is going to happen by itself over a period of time. The whole reason we have bylaws is to facilitate development in accordance with our own plans and my plan for Marine Drive certainly does not continue to support the giant acreage size of auto retailing uses that we see there now.

With respect to a comment made that I had suggested that people were moving back off of the AutoMall back on to Marine Drive; I didn't say that. Quite honestly what I said was that the Pacific Honda site has been taken over by another auto retailing use so our ability to restrict that is only by way of a grandfathering clause. I want to restrict everything that is there now so that anybody who sells and is an auto retailer cannot put in another auto retailing facility. Again, just to reiterate I am not intending at all to restrict other auto retailing uses along there. I quite support the business community and understand that a renter is a renter and if it is an auto retailing related, pardon me an auto service related business, hey more power to them. Thank you.

**Councillor Keating**

Thank you Councillor Clark. Councillor Fearnley!

**Councillor R.J. Fearnley**

Thank you Councillor Keating. I think that perhaps we have shot ourselves in the foot a bit by not defining what we really meant here. I personally think that what we were looking for was to restrict automobile dealerships from moving into that section of Marine Drive that is west of Mosquito Creek. There is a section east that has for example Mr. Mansfield's business and also Hilton Shandler's business. I think that probably we could leave that alone but we were hoping that we were going to attain something of an entrance to the City along that first stretch of Marine Drive. I think that is really what we meant and I don't know if the rest of Council will buy into this but perhaps we should redefine this area, not just Marine Drive but just that area west of Mosquito Creek. We are obviously looking for a mixture of some residential, we are looking for an upgrade in the retail buildings along there and I think that probably if we went with that definition we might get a little further. I would love to hear from some of the bigger dealerships that are currently down there and see what they think. I don't know if the economic rent of those properties is really going to support going into new dealerships, it is probably going to go to some other types of uses.

**Councillor Keating**

Thank you. Councillor Perrault!

**Councillor B.W. Perrault**

Yes, through the Chair, I have a question for staff. Mr. White under the No. 1 option for consideration on page 3 where it says "eliminate auto retailing as a permitted use in the City. This is the option contemplated in the resolution as proposed by Councillor Clark." I think I misunderstood that because I assumed that the existing auto dealerships, the lands that have been used for auto dealerships, that that would not exclude them. I understood this motion to read that there simply wouldn't be further expansion. I wonder Mr. White if you could elaborate on that?

**Mr. White**

If I may, through the Chair, what you would create if you prohibited auto retailing use along Marine Drive you would prohibit the expansion across a lot line of auto retailing. So you couldn't add it into another property. You could expand on your own site as long as the zoning provided for that. So, if you had an auto dealership, Dave Buck Ford site for instance now called Cam Clark Ford, it could be maintained on that site. You couldn't stop them from maintaining that use or expanding that use within the site. I mentioned earlier about the legal non-conforming status that would be created for anything that is already there and the original resolution was to grandfather. The other point I should make is Councillor Clark's suggestion initially was to have auto retailing use prohibited along Marine Drive. Councillor Fearnley mentioned west of Mosquito Creek along Marine Drive. Staff are suggesting that it be prohibited anywhere in the City to make it as broad in its applicability as possible but that may not be Council's intention. What we were trying to do was to maintain as broad a regulation as we could so that it wouldn't be viewed in any way as being discriminatory.

**Councillor Perrault**

Through the Chair, when you say throughout the City well the AutoMall is in the City. You are not saying that we are going to start excluding there?

**Mr. White**

Through the Chair, the AutoMall use we would make sure that was exempt from the zoning category. We would provide for it specifically in the AutoMall case. As a parallel example I was going to make a reference to we now prohibit uses larger than 40,000 square feet, of a retail nature, anywhere in the City but Sears and WalMart, which are both larger than that can continue.

**Councillor Perrault**

Thank you Mr. White. I have some concerns about this. Initially I thought when I first heard Councillor Clark that is what I assumed he meant but I am not hearing that now. I am concerned about the fact that I think that these businesses have been in existence on Marine Drive. Yes, many auto dealerships did move down to the AutoMall but those properties that had existent dealerships in my view should continue to be just that; they are zoned for that and the market will look after itself.

I am not, after due consideration and listening to people that have been here this evening, I am inclined to think that Council should receive and file this and let's see what evolves in the next five to ten years and let it play out itself. If indeed what happens, as Mr. Babalos said, that the property is going to become so valuable they won't be able to afford to put extensive car lots that are paved, that will take care of itself. I am inclined to think we should say just receive and file.

**Councillor Keating**

Thank you Councillor Perrault. Just before Councillor Heywood gets in Mr. White has a clarification.

**Mr. White**

Through the Chair I should make one other point along the lines of what Councillor Perrault's debate was. Should an existing legally non conforming use become vacate for a period of time, if it is vacant for six months or a year, it cannot then be re occupied. The intent of a change in zoning is to get rid of a particular type of use in the long term, even if a use is grand fathered in for a period of time, should the use become vacant then once it is vacant for a period of time it cannot be re occupied except in accordance with the Zoning Bylaw. That is another point to make as well.

**Councillor Perrault**

Confusion here, through the Chair, is Mr. White saying that if we were to proceed with Option No. 1 that that would be the case or if we proceed with Option No. 3 receive and file and the property is vacant for six months to a year that it couldn't be rezoned?

**Councillor Keating**

I believe Mr. White is saying that Option No. 1 that situation would apply.

**Councillor Perrault**

That is what I need to know. Thank you.

**Councillor Keating**

Councillor Heywood!

**Councillor R.N. Heywood**

Thank you Councillor Keating. I think and I wouldn't want to presume what Councillor Clark was thinking of when he raised the motion but it seems to me that it is to prevent the large retail operations from retaining a presence on Marine Drive and what is to stop right now somebody moving into the former GM place and opening up a dealership? I don't know of anything that would prevent that right now, if somebody would pay the price or whatever it would take to open up that place as another dealership and occupy that whole lot. By the same token Cam Ford could be sold to another car dealership and that could continue as a car dealership. I think the intention of creating the AutoMall was to eventually move those big dealerships off of Marine Drive so that other types of development could occur there.

I don't know that we need to go to a total ban on dealerships. It seems to me that we need to go to some restrictive covenant or whatever could be done in terms of these large pieces of property, to restrict those from becoming car dealerships again and that might solve the problem. That would allow for boutique type operations to still exist or occupy any of the buildings in the area because I think there is a whole lot of auto support industry in that area and they would probably like to see some of these boutique type distributorships survive there; it would be good for their business. I think that is not a bad idea.

Maybe I could ask a question to staff, is there a way to draft some sort of a bylaw that would just limit the reuse of the larger pieces of property being returned or again used as auto dealership?

**Mr. White**

Through the Chair, I think that is possible. It is not contemplated with the work we have done so far but just as we have a bylaw that prohibits retail uses in excess of 40,000 square feet we could have a similar type of regulation put in that no auto retailing use may occupy a lot of 'x' square footage and we could come back with options in that regard. As I mentioned earlier in response to another question we could establish guidelines for their development as well, so you might have less open space, car lot type space, than you would otherwise see perhaps in an unregulated environment. Those types of refinements as to how we allow auto retailing use is certainly something we could do as well.

**Councillor Keating**

Councillor Heywood!

**Councillor Heywood**

Thank you.

**Councillor Keating**

I will just make a few concluding remarks in my own capacity Your Worship. I guess I sort of tend to follow the line that Mr. Babalos has laid out. At the end of the day I think I agree with Councillor Clark in terms of long-term vision of this area. Of course, as members of Council will know, I am a great advocate of letting the flea market do what it will. I tend to think in this situation that there is a good example of that, that Mr. Babalos is right, that at the end of the day what I worry about is if we go out and at this point restrict these kinds of use or reuses along that corridor we could end up with another result that these lots sit vacant for some substantial period of time. I am not sure exactly that that is what we want either. I think ultimately we are beginning, through the Official Community Plan and other mechanisms to create the conditions in which, as Mr. Mansfield said the highest and best use of these properties will not remain auto retailing uses but will begin to transform at some point in time. What I am open to consideration of some design changes I'd even at this stage wouldn't want to put that restriction on, I think that too will come eventually and I think it is where Council wants to go and I think it is where the citizens want to go.

I just worry that at this stage that if we intervene too quickly and seek to create some restriction of this nature we could end up with a result that is somewhat unexpected, many things happen today, might turn out that way.

At this stage I am more than prepared to receive and file at this stage although I certainly share the vision that Councillor Clark ultimately has for this. I am prepared to take recommendations. Councillor Perrault!

**Councillor Perrault**

I move receive and file Option 3 on page 3.

**Councillor Keating**

Seconded by Councillor Mussatto.

**Councillor Keating**

Poll vote Mr. Hawkshaw!

**Recommendations from Policy Committee**

Moved by Councillor Perrault, seconded by Councillor Mussatto

**THAT** Auto retailing use along Marine Drive be received and filed.

A recorded vote was taken on the motion.

Voting in favour:     Councillor Mussatto  
                              Councillor Perrault  
                              Councillor Keating  
                              Mayor Sharp

Voting against:       Councillor Fearnley  
                              Councillor Heywood  
                              Councillor Clark

The motion was **CARRIED** by a vote of four to three.

**ADJOURNMENT**

Moved by Councillor Mussatto, seconded by Councillor Heywood

**THAT** the meeting adjourn.

**CARRIED UNANIMOUSLY**

The meeting adjourned at 6:35 p.m.