

Subject: Agenda Item #3 Development Permit 66.03 - 3735 Capilano Road

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Mayor & Council:

Some of you may have already been actively lobbied by the ownership of the Capilano Suspension Bridge and its supporters to quickly approve the company's Development Permit application for a "tree-top canopy walkway."

No doubt you have probably heard all sorts of wonderful benefits the project will provide and many excuses as to why it was constructed without any building, development, or environmental permits. One of my concerns is that District Staff and/or senior management might somehow be tagged with the blame for the complete lack of proper process followed by the CSB.

At the Feb 11th Public Info meeting sponsored by the CSB, the ownership of the facility stated the reason for them proceeding without necessary permits was because the work was part of their previous development application which they withdrew. This claim is simply not true. Apparently the CSB is now claiming that they were verbally advised by the District to build without permits. Their story keeps changing.

I am in the unique position of having filed a Freedom Of Information request for all documents, letters, e-mails and reports relating to the project. In reviewing all these documents it is evident that the CSB is entirely to blame for the unauthorized construction of the canopy walkways. The ownership was made completely aware in writing by municipal staff (as early as June 11/03) of the requirement to obtain the necessary permits before construction could begin. There is no ambiguity, there was no misunderstanding, and there was certainly no evidence of any "verbal approval" by staff to proceed. The paper trail leaves no doubt about what transpired.

In spite of the clear instructions from District Staff detailing the correct permitting process, the CSB went ahead with the unauthorized construction. They knew what they were doing but got caught. A "stop work order" was issued immediately upon discovery of the structures, which unfortunately were by that time almost 100 percent complete.

The ownership of the CSB likely calculated that they couldn't really lose. They just had to get the elevated walkways built and then worry about the permits afterward. It's always easier to beg forgiveness than ask permission.

The CSB has placed Council in an untenable position. Approve the application and you will be saying to the community that if you can afford the doubling of the permit fees, then flaunting the development permit process with unauthorized construction pays off in the end. Reject the application and the CSB must remove the canopy walkway.

In consideration of the item, I suggest the various details of project itself are irrelevant. The central issue should be the deliberate actions of the Capilano Suspension Bridge to initiate construction without permits. It is easy to make an example out of a homeowner who builds a structure without a permit. It is much harder when a big company deliberately violates municipal permit regulations. In many respects, however, companies should be given less consideration because the professionals working on their behalf know better. The process followed by the CSB must not be rewarded. I suggest you adopt Staff option 'b' and reject the issuance of Development Permit 66.03.

Sincerely,
Brian Platts