



City of Vancouver *Zoning and Development By-law*

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7344 fax 873.7060

planning@city.vancouver.bc.ca

CD-1 (411)

1220 East Pender Street

By-law No. 8459

(Being a By-law to Amend By-law 3575, being the Zoning and Development By-law)

Effective April 9, 2002

1 Zoning District Plan Amendment

The Zoning District Plan annexed as Schedule D to By-law No. 3575 is amended, and the boundaries and districts shown on it are amended or substituted, according to the amendments, substitutions, explanatory legends, notations and references shown on the plan marginally numbered Z - 521 attached as Schedule A to this By-law, and Schedule A is incorporated into Schedule D to By-law No. 3575.

2 Uses

The area shown included within the heavy black outline on Schedule A will be more particularly described as CD-1(411), and the only uses permitted within the outlined area, subject to such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued, are

- (a) Cultural and Recreational Uses, limited to Artist Studio - Class B;
- (b) Manufacturing Uses, limited to Bakery Products Manufacturing, Brewing or Distilling, Clothing Manufacturing, Dairy Products Manufacturing, Electrical Products or Appliance Manufacturing, Food or Beverage Products Manufacturing - Class B, Furniture or Fixtures Manufacturing, Jewellery Manufacturing, Leather Products Manufacturing, Metal Products Manufacturing - Class B, Miscellaneous Products Manufacturing - Class B, Non-metallic Mineral Products Manufacturing - Class B, Paper Products Manufacturing, Plastic Products Manufacturing, Printing or Publishing, Shoes or Boots Manufacturing, Software Manufacturing, Textiles or Knit Goods Manufacturing, Tobacco Products Manufacturing, or Wood Products Manufacturing - Class B;
- (c) Service Uses, limited to Catering Establishment, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Production or Rehearsal Studio, Repair Shop - Class B, School - Vocational or Trade, or Work Shop;
- (d) Utility and Communication Uses, limited to Radiocommunication Station;
- (e) Wholesale Uses, limited to Wholesaling - Class A or Wholesaling - Class B
- (f) Residential Unit combined with any use listed in subsections (a) to (e) of this section 2, which Residential Unit use will be in an “activity zone” as defined in the Noise Control by-law, and, as a result, will be subject to the noise level permitted in an industrial zone;
- (g) Institutional Uses, limited to Public Authority Use; and
- (h) Accessory Uses customarily ancillary to the above uses.

3 Conditions of Use

- 3.1 In sections 3.2, 3.3, 3.4 and 3.5 of this By-law, “work/live unit” means a Residential Unit and any Cultural and Recreational Use, Manufacturing Use, Service Use, Utility and Communication Use, or Wholesale Use permitted under section 2 of this By-law that comprise one combined unit.
- 3.2 The minimum floor area of the residential component of a work/live unit must be no less than 29.7 m².
- 3.3 The maximum floor area of the residential component of a work/live unit which consists of more than 59.4 m² must be no greater than the lesser of:
 - (a) 50% of the floor area of the work/live unit; and
 - (b) 125 m².
- 3.4 A work/live unit must include, in a manner appropriate and adequate for the type of use proposed and satisfactory to the Director of Planning, door widths and electrical, plumbing, fire separation and ventilation systems.
- 3.5 No more than two persons may occupy the residential component of a work/live unit.

4 Floor Space Ratio

4.1 The floor space ratio must not exceed 3.0.

4.2 The following must be included in the computation of floor space ratio:

- (a) all floors of all buildings including accessory buildings, both above and below ground level, must be measured to the extreme outer limits of the building.

4.3 The following must be excluded from the computation of floor space ratio:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions must not exceed eight percent of the residential floor area being provided;
- (b) patios and roof gardens, for residential purposes only, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space must not exceed 7.3 m in length; or
 - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) storage space associated with an Artist Studio - Class B where the space is provided below the base surface and subject to a maximum exclusion of 20 m² for each Artist Studio - Class B;
- (e) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care provided that:
 - (i) the total area being excluded must not exceed the lesser of 20 percent of the permitted floor space or 100 m²; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the building or in the immediate neighbourhood; and
- (f) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause will not apply to walls in existence prior to March 14, 2000.

5 Height

The maximum height of a building must be no more than 18.3 m.

6 Off-Street Parking and Loading

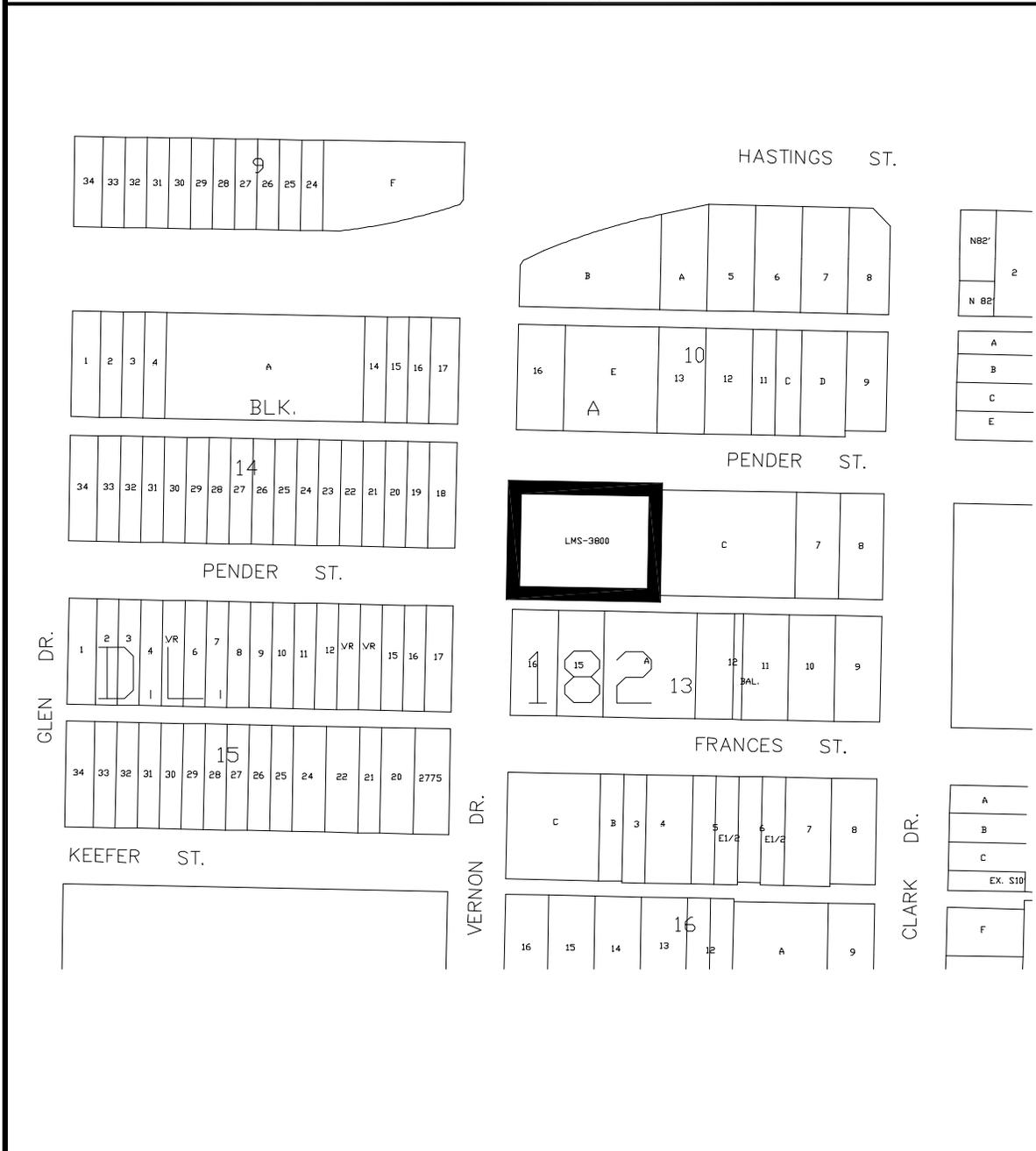
Parking, loading and bicycle spaces must be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law including the provisions for relaxation, exemption, and mixed-use reduction.

7 Force and Effect

This By-law comes into force and takes effect on the date of its enactment.

8 *[Section 8 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signatures to pass the by-law and certify the by-law number and date of enactment.]*

By-law No. 8459 being a By-law to amend By-law No. 3575
 being the Zoning & Development By-law



The property outlined in black () is rezoned:
 From I-2 to CD-1

Z-524

RZ - 1220 East Pender Street

map: 1 of 1
 scale: 1:2000



City of Vancouver



CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

NOVEMBER 8, 2001

A Special Meeting of the Council of the City of Vancouver was held on Thursday, November 8, 2001, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Heritage and Zoning and Development By-laws and to enter into a Heritage Revitalization Agreement.

PRESENT: Councillor Don Lee, Deputy Mayor

Councillor Fred Bass
Councillor Jennifer Clarke
Councillor Daniel Lee
Councillor Tim Louis
Councillor McCormick
Councillor Gordon Price
Councillor Sam Sullivan

ABSENT: Mayor Philip Owen (Civic Business)

Councillor Lynne Kennedy (Civic Business)
Councillor George Puil (Leave of Absence)

CITY CLERK'S Tarja Tuominen, Meeting Coordinator
OFFICE:

COMMITTEE OF THE WHOLE

MOVED by Councillor Clarke
SECONDED by Councillor McCormick

THAT this Council resolve itself into Committee of the Whole, Deputy Mayor Don Lee in the Chair, to consider proposed amendments to the Heritage and Zoning and Development By-laws and to enter into a Heritage Revitalization Agreement.

CARRIED UNANIMOUSLY

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
- (i) make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for:
 - (1) dedication of existing explanatory plan # 17467 (existing 3.048 m by 3.048 m right of way) for road purposes; and
 - (2) clarification of all charges registered in the Land Title Office against title to the lands (a charge summary, including copies of all charges, must be provided) and modification, extension or release of any charges deemed necessary by the Director of Legal Services;
 - (ii) make arrangements for all electrical and telephone services to be undergrounded within and adjacent the site from the closest existing suitable service point.

B. THAT traffic implications for Granville Street and noise levels at the site be reviewed in a year's time after opening of the new operation.

CARRIED
(Councillor Louis opposed)

3. Rezoning: 1220 East Pender Street

An application by Eric Klokstad was considered as follows:

Summary: The proposed rezoning from I-2 to CD-1 would permit residential uses in conjunction with manufacturing, communications and utilities, wholesaling and service uses.

The Director of Current Planning recommended approval, subject to the conditions set out in the agenda of the Public Hearing.

Staff Comments

Dave Thomsett, Senior Planner, reviewed the application, noting the applicant proposes to combine Residential Unit in conjunction with selected I-2 uses. Staff have achieved a workable solution with the applicant, addressing fire and life safety concerns, unit size and required parking standards. The applicant has offered one strata unit as a community amenity to the City to be used as a Community Policing Centre. Staff have agreed to the conveyance of an unit containing the Community Policing Centre, at no cost to the City, as a condition of rezoning. However, the intent would be for Real Estate to continue with the existing arrangement where the Police Office pays no rent with the exception of operating costs. The Police Office would also be expected to pay the monthly strata fee.

Applicant Comments

Randy Olafson, representing the applicant, advised the applicant supports staff's comments and the proposed conditions. However, he requested the deletion of Section 3.5 in the Conditions of Use in the draft by-law, which limits the number of persons who may occupy the residential component of a work/live unit to two.

Mr. Thomsett advised the clause limiting the number of persons is a standard provision

for all artist live/work buildings. However, the City's Legal Department has advised the clause is difficult to enforce. Staff would be agreeable to removing it.

Summary of Correspondence

Council was advised the following correspondence was received since the date the application was referred to Public Hearing:

one letter in support of the application

Speakers

Deputy Mayor Don Lee called for speakers for and against the application.

Dave Mills, representing Johnstone Boiler Tank Ltd., expressed concerns with the proposed work/live project. His business is located next door to the project; operates all hours of the day, seven days a week; and will, at some times of the year, be moving heavy equipment late at night, between 2 and 5 a.m. The company has operated at the present location for 30 years, and will, at certain times of the year, be working on projects which will generate noise up to 80 decibels. The company has significant concerns about future residents, who may not fully realize the noise impacts of the area, moving next door.

The following spoke in support of the application:

Ken Drushka
Carey Speck
George Pratt
Guy Campbell
Ilka Riemann
Janet Forsyth
Geoff Willits
Jan Lovekin
Mark Budgen
Andy Blick
Fergus Prentice
Jack Lee
Milan Basic

The foregoing speakers supported the applications based on one or more of the following points:

the application is a good initiative;
the area will benefit from the proposal;
current residents who have lived in the area for several years, are not bothered by the noise from the boiler makers;
the proposal will generate continued improvement in the area;
the residents in the proposed building will be noise generators also.

Council Decision

During discussion, Council was divided on the issue of limiting the number of residents living in one unit. Some felt that as a matter of equity, Council should require the regulation to be consistent with previously approved work/live projects. Others felt that

since the regulation was difficult to enforce, it should not be required.

MOVED by Councillor Bass

THAT Section 3.5, under Conditions of Use, in the draft By-law, be removed.

LOST

(Councillors Clarke, Daniel Lee, McCormick, Price, Sullivan and the Deputy Mayor opposed)

MOVED by Councillor McCormick

THAT an application by Eric Klokstad to rezone 1220 East Pender from I-2 to CD-1 to permit residential uses in conjunction with manufacturing, communications and utilities, wholesaling and service uses, be approved, subject to the following conditions:

- (a) THAT the form of development be approved by Council in principle, as prepared by Hadfield & Turner Architecture, and stamped, "Received Planning Department May 21, 1997" and as approved by DE 402194.
- (b) That in the approval of development applications, the Director of Planning in consultation with the Chief Building Official shall have particular regard for the following:
 - i) design development to include where feasible, features specifically suited to the proposed use including: appropriate door widths, firewall separation, electrical, plumbing and ventilation systems, and other mitigating features to address risks associated with explosions, toxicity (long term and short term exposure), noxious chemicals, occupational exposure, environmental health, hazardous materials, etc.
- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
 - i) obtain acceptance of an equivalency to permit work/live units from the Chief Building Official; and
 - ii) make arrangements to the satisfaction of the Director of Legal Services for conveyance of Strata Lot 6 of Strata Plan LMS 3800 to the City, and such conveyance to include the rights to a parking stall at a location satisfactory to the City. The premises shall be finished to the satisfaction of the Director of Facilities Development and the Director of Real Estate Services prior to conveyance and such finishing to include a kitchen, adequate heating, lighting, ventilation and finishings, all to the typical standard of market work/live units.

FURTHER THAT the following conditions be added:

- (a) THAT, at the development permit stage, consideration be given to permanently posted clear notification within the building warning that the building is located within an industrial district where noisy businesses will be operating.
- (b) THAT, prior to enactment of the CD-1 By-law, the registered owner will make arrangements to the satisfaction of the Director of Legal Services for the registration on title of all the strata units warning that the building is located within

an industrial district where noisy businesses will be operating and where Noise By-law standards for Activity Zones will apply.

CARRIED
(Councillor Sullivan opposed)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Clarke

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Clarke
SECONDED by Councillor McCormick

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

The Special Council adjourned at 10:00 p.m.

* * * *



Comments or questions? You can send us email.

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CITY OF VANCOUVER

REGULAR COUNCIL MEETING MINUTES

APRIL 9, 2002

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, April 9, 2002, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT:

- Mayor Philip Owen
- Councillor Fred Bass
- Councillor Jennifer Clarke
- Councillor Lynne Kennedy
- Councillor Daniel Lee
- Councillor Don Lee
- Councillor Tim Louis
- Councillor Sandy McCormick
- Councillor Gordon Price

*Councillor George Puil

CITY MANAGER'S OFFICE:

- Councillor Sam Sullivan
- Judy Rogers, City Manager

CITY CLERK'S OFFICE:

- Syd Baxter, City Clerk
- Tarja Tuominen, Meeting Coordinator

*Denotes presence for a portion of the meeting.

PRAYER

The proceedings in the Council Chamber were opened with a prayer read by the City Clerk.

ANNOUNCEMENT

One Book, One Vancouver

9. A By-law to amend Zoning and Development By-law No. 3575 (1220 East Pender Street) (By-law No. 8459)

MOVED by Councillor McCormick
SECONDED by Councillor Daniel Lee

THAT the By-law be introduced and read a first time.

CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the by-law open for discussion and amendment.

There being no amendments, it was

MOVED by Councillor McCormick
SECONDED by Councillor Daniel Lee

THAT the By-law be given second and third readings and the Presiding Officer and City Clerk be authorized to sign and seal the By-law.

CARRIED UNANIMOUSLY
(Mayor Owen and Councillors Kennedy and Puil excused from voting)

1220 East Pender Street

BY-LAW NO. 8459

**A By-law to amend
Zoning and Development By-law No. 3575**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

Zoning District Plan Amendment

1. The Zoning District Plan annexed as Schedule D to By-law No. 3575 is amended, and the boundaries and districts shown on it are amended or substituted, according to the amendments, substitutions, explanatory legends, notations and references shown on the plan marginally numbered Z - 524 attached as Schedule A to this By-law, and Schedule A is incorporated into Schedule D to By-law No. 3575.

Uses

2. The area shown included within the heavy black outline on Schedule A will be more particularly described as CD-1(411), and the only uses permitted within the outlined area, subject to such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued, are:

- (a) Cultural and Recreational Uses, limited to Artist Studio - Class B;
- (b) Manufacturing Uses, limited to Bakery Products Manufacturing, Brewing or Distilling, Clothing Manufacturing, Dairy Products Manufacturing, Electrical Products or Appliance Manufacturing, Food or Beverage Products Manufacturing - Class B, Furniture or Fixtures Manufacturing, Jewellery Manufacturing, Leather Products Manufacturing, Metal Products Manufacturing - Class B, Miscellaneous Products Manufacturing - Class B, Non-metallic Mineral Products Manufacturing - Class B, Paper Products Manufacturing, Plastic Products Manufacturing, Printing or Publishing, Shoes or Boots Manufacturing, Software Manufacturing, Textiles or Knit Goods Manufacturing, Tobacco Products Manufacturing, or Wood Products Manufacturing - Class B;
- (c) Service Uses, limited to Catering Establishment, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Production or Rehearsal Studio, Repair Shop - Class B, School - Vocational or Trade, or Work Shop;
- (d) Utility and Communication Uses, limited to Radiocommunication Station;

- (e) Wholesale Uses, limited to Wholesaling - Class A or Wholesaling - Class B;
- (f) Residential Unit combined with any use listed in subsections (a) to (e) of this section 2, which Residential Unit use will be in an “activity zone” as defined in the Noise Control By-law, and, as a result, will be subject to the noise level permitted in an industrial zone;
- (g) Institutional Uses, limited to Public Authority Use; and
- (h) Accessory Uses customarily ancillary to the above uses.

Conditions of Use

3.1 In sections 3.2, 3.3, 3.4 and 3.5 of this By-law, “work/live unit” means a Residential Unit and any Cultural and Recreational Use, Manufacturing Use, Service Use, Utility and Communication Use, or Wholesale Use permitted under section 2 of this By-law that comprise one combined unit.

3.2 The minimum floor area of the residential component of a work/live unit must be no less than 29.7 m².

3.3 The maximum floor area of the residential component of a work/live unit which consists of more than 59.4 m² must be no greater than the lesser of:

- (a) 50% of the floor area of the work/live unit; and
- (b) 125 m².

3.4 A work/live unit must include, in a manner appropriate and adequate for the type of use proposed and satisfactory to the Director of Planning, door widths and electrical, plumbing, fire separation and ventilation systems.

3.5 No more than two persons may occupy the residential component of a work/live unit.

Floor Space Ratio

4.1 The floor space ratio must not exceed 3.0.

4.2 The following must be included in the computation of floor space ratio:

- (a) all floors of all buildings including accessory buildings, both above and below ground level, must be measured to the extreme outer limits of the building.

4.3 The following must be excluded from the computation of floor space ratio:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions must not exceed eight percent of the residential floor area being provided;
- (b) patios and roof gardens, for residential purposes only, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space must not exceed 7.3 m in length; or
 - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space must not exceed 7.3 m in length;
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- (e) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care provided that:
 - (i) the total area being excluded must not exceed the lesser of 20 percent of the permitted floor space or 100 m²; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the building or in the immediate neighbourhood; and
- (f) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause will not apply to walls in existence prior to March 14, 2000.

Height

5. The maximum height of a building must be no more than 18.3 m.

Off-Street Parking and Loading

6. Parking, loading and bicycle spaces must be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law including the provisions for relaxation, exemption, and mixed-use reduction.

Force and effect

7. This By-law comes into force and takes effect on the date of its enactment.

ENACTED by Council this 9th day of April, 2002.

(Signed) Philip W. Owen
Mayor

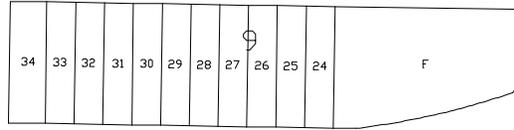
(Signed) Syd Baxter
City Clerk

I hereby certify that the foregoing is a correct copy of a By-law passed by the Council of the City of Vancouver on the 9th day of April, 2002, and numbered 8459.

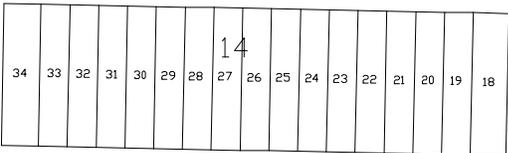
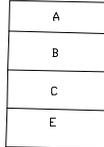
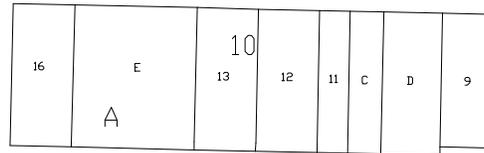
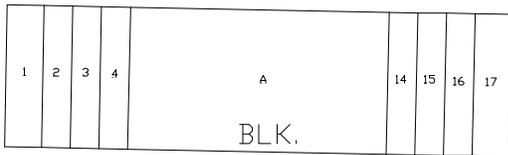
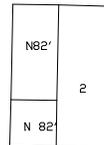
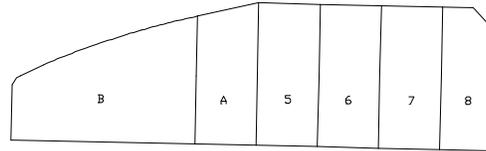
CITY CLERK

By-law No. 8459 being a By-law to amend By-law No. 3575

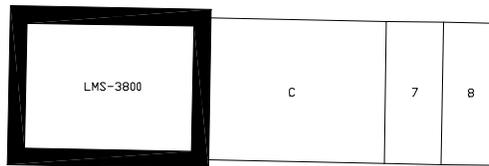
being the Zoning & Development By-law



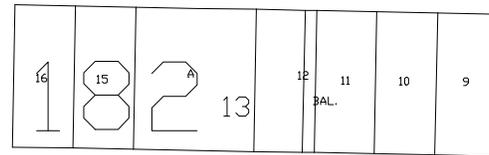
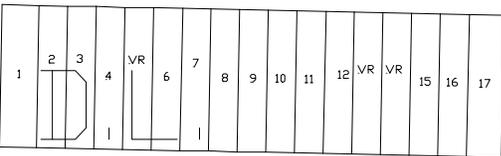
HASTINGS ST.



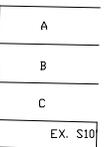
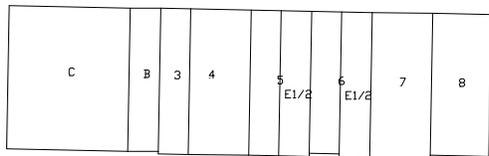
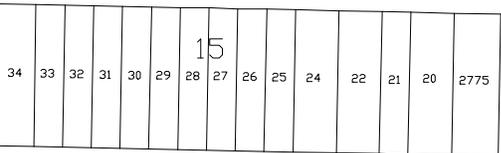
PENDER ST.



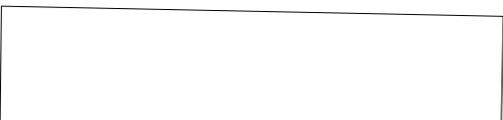
PENDER ST.



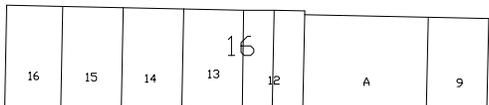
FRANCES ST.



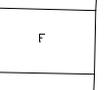
KEEPER ST.



VERNON DR.



CLARK DR.



The property outlined in black () is rezoned:

From I-2 to CD-1

Z-524

RZ - 1220 East Pender Street

map: 1 of 1

scale: 1:2000



1. Sign By-law Text Amendment: 1220 East Pender Street 1401-44/5307

An application by the Director of Current Planning was considered as follows:

Summary: The proposed amendment to the Sign By-law would assign the previously applicable district schedule (I-2) for sign purposes to this CD-1 site which was rezoned on April 9, 2002. The amendment will assign category B (I-2) to the site. The Director of Legal Services had been instructed to bring forward the amendment at the time of enactment of the CD-1 By-law but has advised the amendment must be dealt with at a public hearing.

The Director of Current Planning recommended approval.

Staff Comments

Lynda Challis, Planner, briefly introduced the application and offered to answer any questions.

Summary of Correspondence

No correspondence was received on this item.

Speakers

The Mayor called for any speakers and none came forward.

Council Decision

MOVED by Councillor Don Lee

THAT the Sign By-law be amended generally as set out in Appendix C of the Policy Report dated September 18, 2001, to assign category B (I-2) to the site at 1220 East Pender Street.

CARRIED UNANIMOUSLY

18. A By-law to amend Sign By-law No. 6510 (1220 East Pender Street) (By-Law No. 8497)

MOVED by Councillor Kennedy
SECONDED by Councillor Don Lee

THAT the By-law be introduced and read a first time.

CARRIED UNANIMOUSLY
(Councillor Clarke absent for the vote)

The By-law was read a first time and the Presiding Officer declared the by-law open for discussion and amendment.

There being no amendments, it was

MOVED by Councillor Kennedy
SECONDED by Councillor Don Lee

THAT the By-law be given second and third readings and the Presiding Officer and City Clerk be authorized to sign and seal the By-law.

CARRIED UNANIMOUSLY
(Councillor Clarke absent for the vote)

1220 East Pender Street

BY-LAW NO. 8497

A By-law to amend Sign By-law No. 6510

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Amend Schedule E to By-law No. 6510 by adding:
"1220 East Pender Street CD-1 (411) 8459 B (I-2)"
2. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 11th day of June, 2002.

(Signed) "Philip W. Owen"
Mayor

(Signed) "Syd Baxter"
City Clerk

I certify that this is a true copy of By-law No. 8497 enacted by the Council of the City of Vancouver on June 11, 2002.

CITY CLERK