

AGENDA

PUBLIC HEARING

**Tuesday, April 8, 2014
7:00 p.m.**

**Council Chamber, Municipal Hall
355 West Queens Road,
North Vancouver, BC**

Council Members:

Mayor Richard Walton
Councillor Roger Bassam
Councillor Robin Hicks
Councillor Mike Little
Councillor Doug MacKay-Dunn
Councillor Lisa Muri
Councillor Alan Nixon



NORTH VANCOUVER
DISTRICT

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PUBLIC HEARING

7:00 p.m.
Tuesday, April 8, 2014
Municipal Hall, Council Chambers
355 West Queens Road, North Vancouver

1. **OPENING BY THE MAYOR**

2. **INTRODUCTION OF BYLAWS BY CLERK**

Bylaw 8024: The District of North Vancouver Official Community Plan Bylaw 7900, 2011, Amendment Bylaw 8024, 2013 (Amendment 8)

Bylaw 8025: The District of North Vancouver Rezoning Bylaw 1301

Purpose of the Bylaws:

The bylaws would allow the redevelopment of four industrial lots located at 3829 and 3919 Dollarton Highway. The proposed development will consist of a ninety-five unit mixed apartment/townhouse project.

3. **PRESENTATION BY STAFF**

Presentation: Doug Allan, Community Planner

4. **PRESENTATION BY APPLICANT**

Presentation: Mr. Keith Hemphill, Rositch Hemphill Architects

5. **REPRESENTATIONS FROM THE PUBLIC**

6. **QUESTIONS FROM COUNCIL**

7. **COUNCIL RESOLUTION**

Recommendation:

THAT the April 8, 2014 Public Hearing be closed;

AND THAT "The District of North Vancouver Official Community Plan Bylaw 7900, 2011, Amendment Bylaw 8024, 2013 (Amendment 8)" be returned to Council for further consideration;

AND THAT "The District of North Vancouver Rezoning Bylaw 1301" be returned to Council for further consideration.

8. **CLOSING**

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The Corporation of the District of North Vancouver

Bylaw 8024

A bylaw to amend The District of North Vancouver Official Community Plan Bylaw 7900, 2011

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

1. Citation

This bylaw may be cited as “The District of North Vancouver Official Community Plan Bylaw 7900, 2011, Amendment Bylaw 8024, 2013 (Amendment 8)”.

2. Amendments

- a. The following amendment is made to the “District of North Vancouver Official Community Plan Bylaw 7900, 2011”:
 - i. Map 2 Land Use: by changing the land use designation of the site, legally described as: Lot 1, Blocks A and D, District Lot 230, Plan 12037 (PID: 008-965-358); Lot 2, Blocks A and D, District Lot 230, Plan 12037 (PID: 008-965-404); the east 66 feet of the west 1/3 of Lot A (Reference Plan 757), District Lot 230, Group 1, New Westminster District (PID: 015-994-937); and, the centre 1/3 of Lot A (Reference Plan 757), District Lot 230, Group 1, New Westminster District (PID: 015-994-902) from “**Commercial Residential Mixed Use Level 1 (CRMU1)**” to “**Residential Level 4: Transition Multi-Family (RES4)**” as illustrated on Bylaw 8024 Schedule “A” attached, with the exception of any part of said lands that are dedicated as highway pursuant to section 107 of the Land Title Act.

READ a first time this the 6th day of January, 2014

PUBLIC HEARING held on this the

READ a second time this the

READ a third time this the

ADOPTED this the

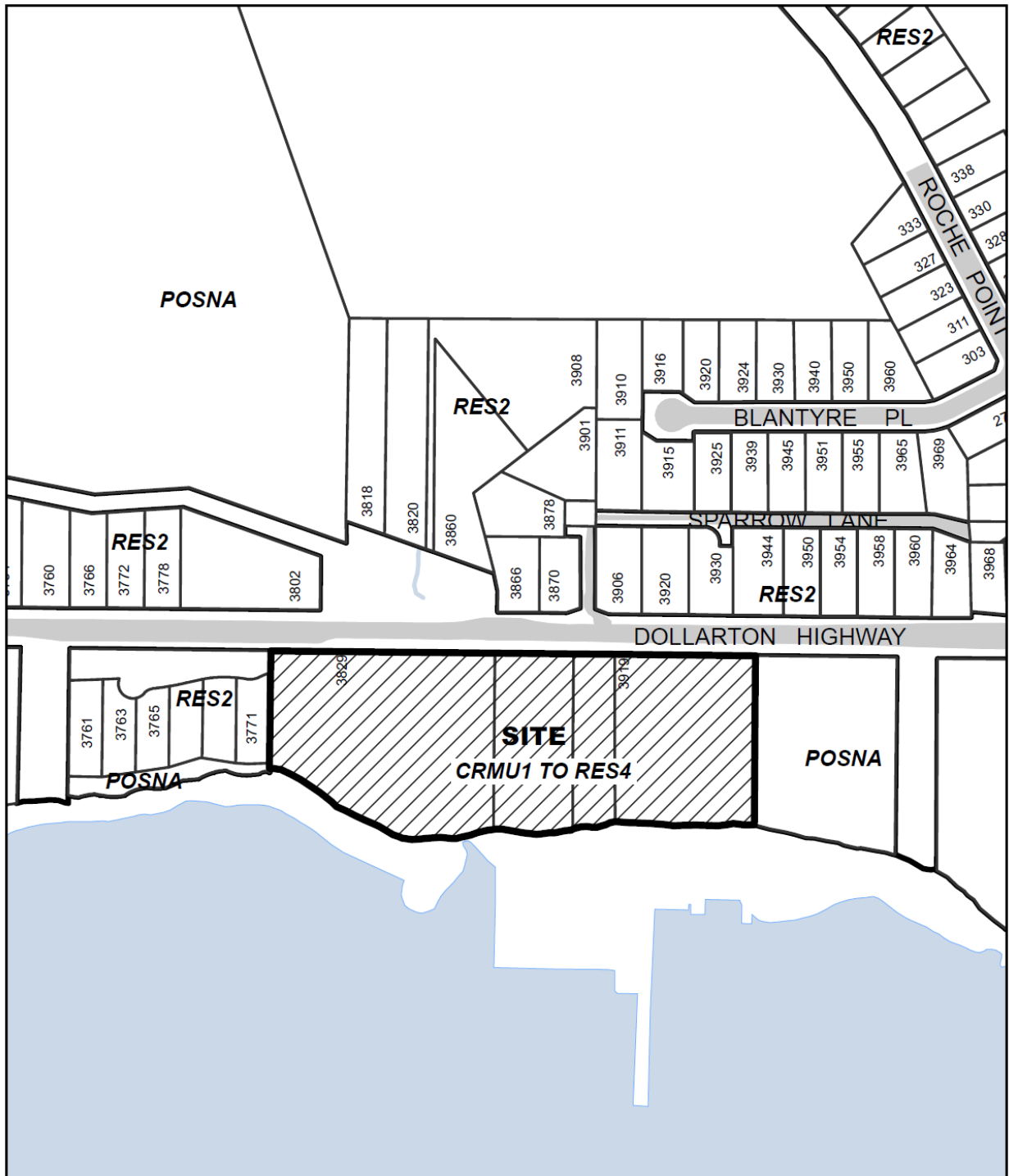
Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

BYLAW 8024 SCHEDULE A: OCP MAP



Commercial/Residential Mixed Use Level 1 to Residential Level 4: Transitional Multi-Family (RES4)



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The Corporation of the District of North Vancouver

Bylaw 8025

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

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

1. Citation

This bylaw may be cited as “The District of North Vancouver Rezoning Bylaw 1301” (Bylaw 8025).

2. Amendments

The following amendments are made to the “District of North Vancouver Zoning Bylaw 3210, 1965”:

(A) Section 301(2) by inserting the following zoning designation:

“Comprehensive Development Zone 77 CD77”

(B) Part 4B Comprehensive Development Zone Regulations by inserting the following:

“ 4B77 Comprehensive Development Zone 77 CD77”

4B77-1) Intent:

The purpose of the CD77 Zone is to establish specific land use and development regulations for a 95 unit mixed apartment and townhouse project.

4B77-2) Uses:

The following *principal uses* shall be permitted in the Comprehensive Development 77 Zone:

(a) Uses Permitted Without Conditions:

- (i) Residential building, low rise apartment; and
- (ii) Residential building, multiple-family townhouse

(b) Conditional Uses:

Not Applicable

4B77-3) Conditions of Use:

Not Applicable

4B77-4) Accessory Uses:

(a) *Accessory uses* are permitted and may include but are not necessarily limited to:

- (i) Home occupations in accordance with the regulations in Section 405 of the Zoning Bylaw, 1965

4B77-5) Density:

- (a) The maximum permitted density in the CD77 Zone is limited to a floor space ratio (FSR) of 0.3, inclusive of any density bonus for energy performance;
- (b) For the purposes of calculating floor space ratio, the area of underground parking garages, underground mechanical rooms, underground garbage and recycling collection areas, underground storage areas and above ground electrical/mechanical rooms, is exempted.

4B77-6) Amenities:

Despite subsection 4B77-5, density in the CD77 Zone is increased to a maximum floor space ratio of 0.9 FSR, inclusive of any density bonus for energy performance, if the owner:

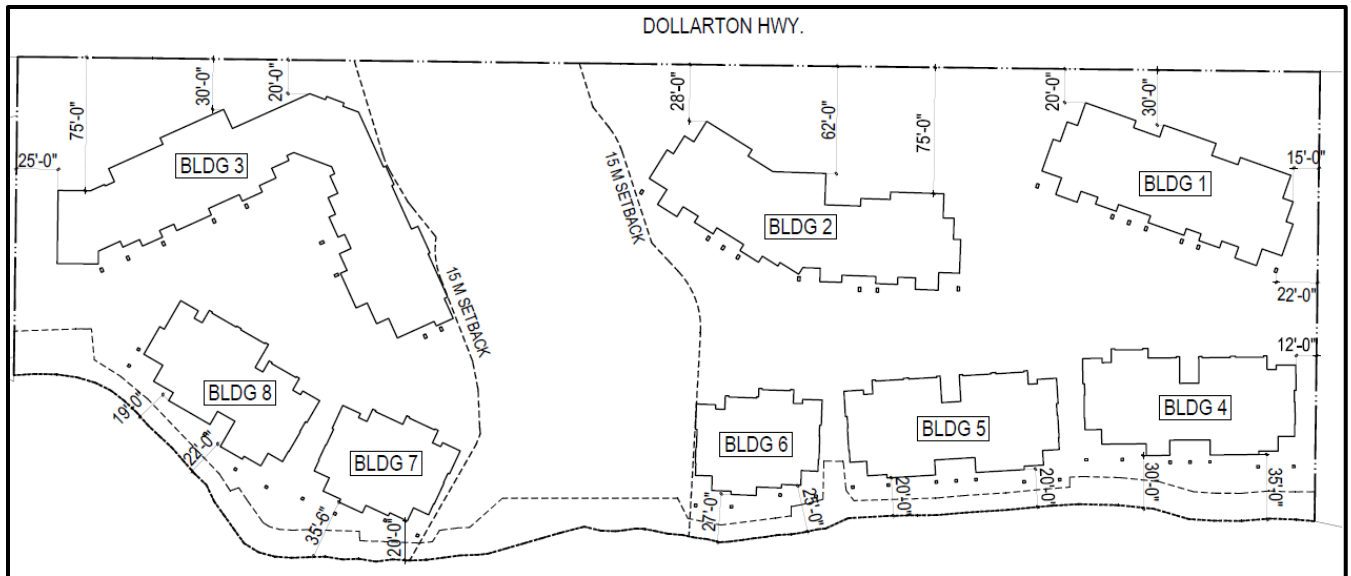
1. Enters into a Housing Agreement requiring a rental disclosure statement to be filed and prohibiting any strata bylaw or regulation rental restrictions; and
2. Contributes \$1,863,720 to the municipality to be used for any or all of the following amenities (with allocation to be determined by the municipality in its sole discretion): public art; park, trail, environmental or other public realm improvements; municipal or recreation service or facility improvements; and/or the affordable housing fund.

4B77-7) Maximum Principal Building Size:

Not applicable

4B77-8) Setbacks:

Buildings and structures shall be set back from property lines to the principal building face in accordance with the following setback plan:



4B77-9) Building Orientation:

Not applicable

4B77-10) Building Depth and Width:

Not applicable

4B77-11) Coverage:

- (a) Building Coverage shall not exceed 42%.
- (b) Site Coverage shall not exceed 60%.

4B77-12) Height:

The maximum permitted height for each building type is:

- (a) Apartment building: 16.2m (53ft.);
- (b) Townhouse building: 9.9m (32.5ft.).

4B77-13) Acoustic Requirements:

In the case of residential purposes, a development permit application shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurements, demonstrating that the noise levels in those portions of the dwelling listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units:

Portion of Dwelling Unit	Noise Level (Decibels)
Bedrooms	35
Living and Dining rooms	40
Kitchen, Bathrooms and Hallways	45

4B77-14) Landscaping:

- (a) All land areas not occupied by buildings, structures, parking spaces, loading spaces, driveways, manoeuvring aisles and sidewalks shall be landscaped or finished in accordance with an approved landscape plan; and
- (b) All electrical kiosks and garbage and recycling container pads not located underground or within a building shall be screened with landscaping.

4B77-15) Subdivision Requirements:

Not Applicable

4B77-16) Additional Accessory Structure Regulations:

Not applicable.

4B77-17) Parking and Loading Regulations:

- (a) Parking spaces shall be provided on the basis of 2 spaces/unit inclusive of designated visitor and parking for persons with disabilities;
 - (b) All regular, small car and handicapped parking spaces shall meet the minimum width and length standards established in Part 10 of this Bylaw;
 - (c) All manoeuvring aisles shall meet the minimum width standards established in Part 10 of this Bylaw; and
 - (d) A minimum of 16 Class 2 bicycle parking spaces are required for the apartment units.”
- (C) The Zoning Map is amended in the case of the lands illustrated on the attached map (Schedule A) by rezoning the land from the Waterfront Industrial Zone (I1) to Comprehensive Development Zone 77 (CD 77), with the exception of any part of the said lands that are dedicated as highway pursuant to section 107 of the Land Title Act.

READ a first time this the 6th day of January, 2014

PUBLIC HEARING

READ

READ

ADOPTED

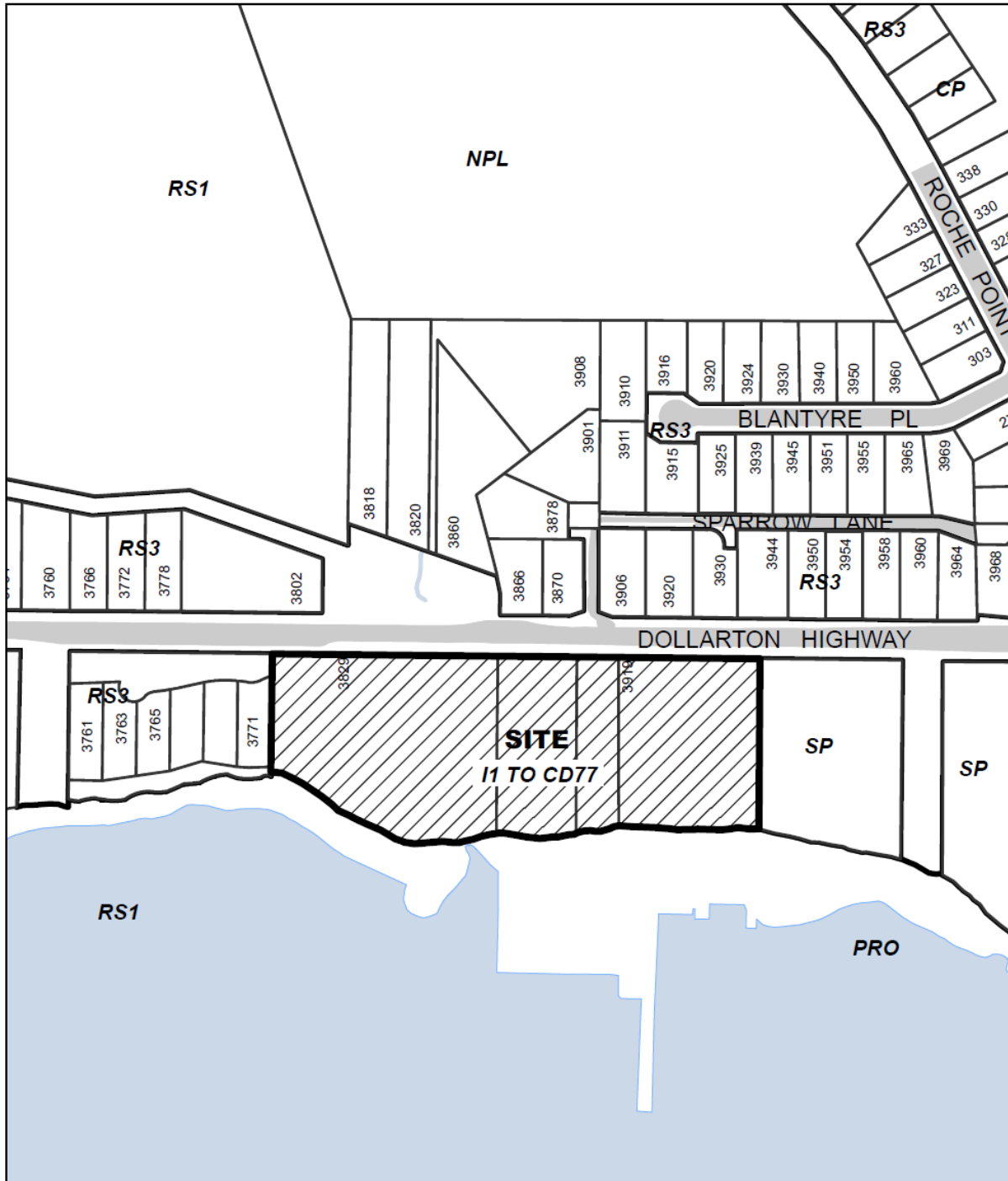
Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

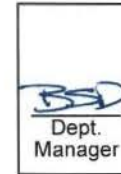
BYLAW 8025 SCHEDULE A: ZONING MAP



Waterfront Industrial (I1) to
Comprehensive Development Zone 77 (CD77)



AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>JAN 6, 2014</u>
<input type="checkbox"/> Workshop (open to public)	Date: _____



**The District of North Vancouver
REPORT TO COUNCIL**

December 13, 2013
File: 3060-20/28.13

AUTHOR: Doug Allan, Community Planner

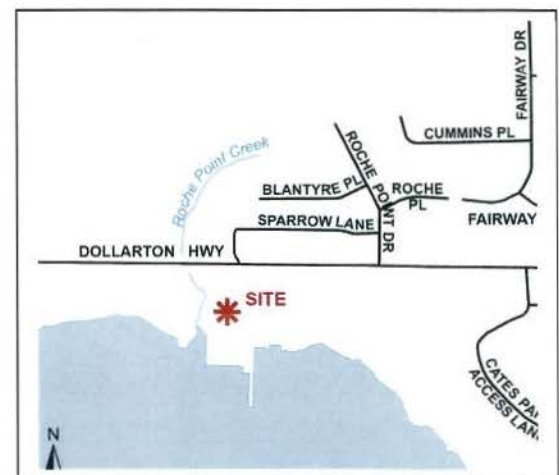
SUBJECT: **BYLAWS 8024, 8025 AND 8030: OFFICIAL COMMUNITY PLAN AMENDMENT, REZONING AND HOUSING AGREEMENT BYLAWS FOR A 95 UNIT APARTMENT/TOWNHOUSE PROJECT AT 3829/3919 DOLLARTON HIGHWAY**

RECOMMENDATION:

It is recommended that:

1. Bylaw 8024, which amends the District of North Vancouver Official Community Plan by changing the land use designation for the subject property from "Commercial Residential Mixed Use Level 1" to "Residential Level 4: Transition Multi-Family", be given **FIRST Reading**;
2. Bylaw 8025 which rezones the subject site from 'Waterfront Industrial' (I1) to Comprehensive Development 77 (CD 77) to enable the development of a 95 unit apartment/townhouse project, be given **FIRST Reading**;
3. Bylaw 8030, which authorizes a Housing Agreement to prevent future rental restrictions, on the subject property be given **FIRST Reading**;
4. Bylaws 8024 and 8025 be referred to a Public Hearing;
5. Pursuant to Section 879 of the Local Government Act, additional consultation is not required beyond that already undertaken with respect to Bylaw 8024; and
6. In accordance with Section 882 of the Local Government Act, Council has considered Bylaw 8024 in conjunction with its Financial and applicable Waste Management Plans.

REASON FOR REPORT:



To obtain Council's authorization to proceed to Public Hearing with amendments to the District Official Community Plan (Bylaw 8024) and the site's zoning (Bylaw 8025) for the redevelopment of the existing industrial properties to a development consisting of 80 condominium apartment units and 15

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townhouses. Associated with the OCP Amendment and Rezoning bylaws is a Housing Agreement to prevent future rental restrictions.

SUMMARY:

The applicant, Polygon Development 270 Ltd., proposes to redevelop 4 industrial lots located at 3829 and 3919 Dollarton Highway for a 95 unit mixed apartment/townhouse project. Implementation of the project requires an amendment to the OCP land use designation, rezoning, issuance of a development permit and subdivision, to consolidate the site and dedicate a portion of the site along the waterfront as 'Road' for a public pedestrian path. The OCP amending bylaw, Bylaw 8024; the rezoning bylaw, Bylaw 8025; and the Housing Agreement Bylaw, Bylaw 8030, are recommended for First Reading and Bylaws 8024 and 8025 are recommended for referral to a Public Hearing.

EXISTING POLICY:

Official Community Plan

As illustrated on the following map, the subject properties, located immediately west of Cates Park/Whey-au-Wichen, are designated as *Commercial Residential Mixed Use Level 1* which is "...intended predominantly for general commercial purposes, such as retail, service and offices throughout the District. Residential uses above commercial uses at street level are generally encouraged. Development in this designation is permitted up to approximately 1.75 FSR."



Seymour Local Plan Reference Document:

Under the Seymour Local Plan reference document, the site was designated as *'Future Mixed Use Residential'* and the Plan indicated that the site was suitable for a mix of local or community level

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retail, office, service uses or a mix of these uses with a minimal residential component. Plan Policy 6.3.5. indicated that "Any future re-development of the McKenzie Barge/Noble Towing site west of Cates Park should be treated as a comprehensive development focusing on the arts, culture, economic and tourism opportunities for the site. Such future comprehensive development could include 25 or fewer residential units..."

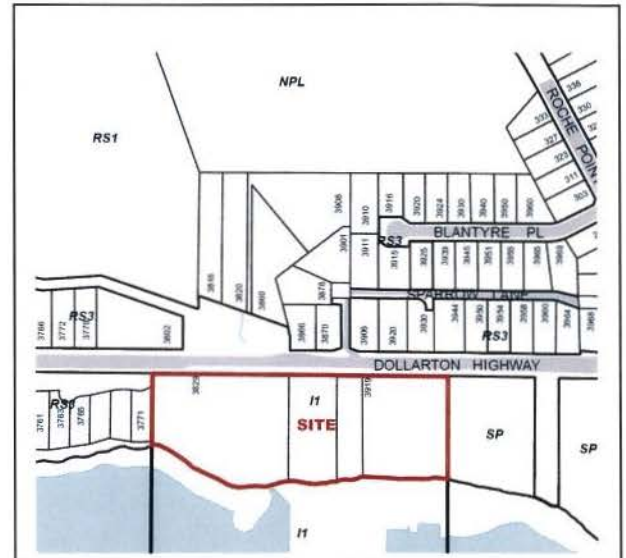
Zoning

The subject properties are zoned Waterfront Industrial (I1) as shown on the accompanying map and, therefore, rezoning is required to permit this multi-family project. Bylaw 8025 proposes the establishment of a new Comprehensive Development Zone 77 (CD77) tailored specifically to this project.

Development Permit Areas

The subject lots are designated as Development Permit Areas for:

- Form and Character of Commercial and Mixed Use Development; and
- Energy and Water Conservation and Greenhouse Gas Emission Reductions.



In addition, the westerly lot is designated as a Development Permit Area for Streamside Protection purposes and portions of this lot adjacent to the foreshore are identified as a potential tsunami hazard area. A detailed development permit report outlining the project's compliance with the applicable DPA guidelines, will be provided for Council's consideration at the Development Permit stage should the OCP amendment and rezoning advance.

Strata Rental Protection Policy

Corporate Policy 8-3300-2 ("Strata Rental Protection Policy") applies to this project as the rezoning application would permit development of more than five units. The policy requires a Housing Agreement to ensure that future strata bylaws do not prevent owners from renting their units and, therefore, Bylaw 8030 is provided to implement that Policy.

ANALYSIS:

The Site and Surrounding Area:

The site consists of 4 industrial lots located on the south side of Dollarton Highway, immediately west of Cates Park/Whey-au-Wichen as illustrated on the following aerial photograph. The site is currently occupied by Noble Towing (Dollarton Shipyard) and McKenzie Barge and Marineways and has been historically used for ship building/repair purposes. The gross site area is approximately 1.92ha (4.74 acres) and the net area, less the creek area, land over 50% slope and a strip of land for waterfront

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path, is 1.62ha (4.01 acres). The lots slope down from Dollarton Highway to the foreshore property line by 13.4m (44ft.) and 18.3m (60ft.) at the west and east property lines, respectively.



As shown, portions of both businesses extend onto filled foreshore lands owned by Port Metro Vancouver under waterlot leases. The lower reach of Roche Point Creek exits a culvert beneath Dollarton Highway and flows in a narrow, vegetated channel under a concrete deck and the foundation of the Dollarton Shipyard building, discharging to Burrard Inlet.

Aside from Cates Park/Whey-au-Wichen to the east, surrounding properties consist of developed single family lots (RS3). Burrard Inlet adjoins the site on the south.

The following images illustrate the current industrial development on the properties.

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Dollarton Shipyard



McKenzie Barge and Marineways

Project Description:

a) Site Plan/Building Description:

As shown on the following site plan, the project consists of 95 multi family units: 80 condominium units in three, 4 storey apartment buildings; and, 15 townhomes in five blocks containing 2 to 4 units, arranged along the waterfront.

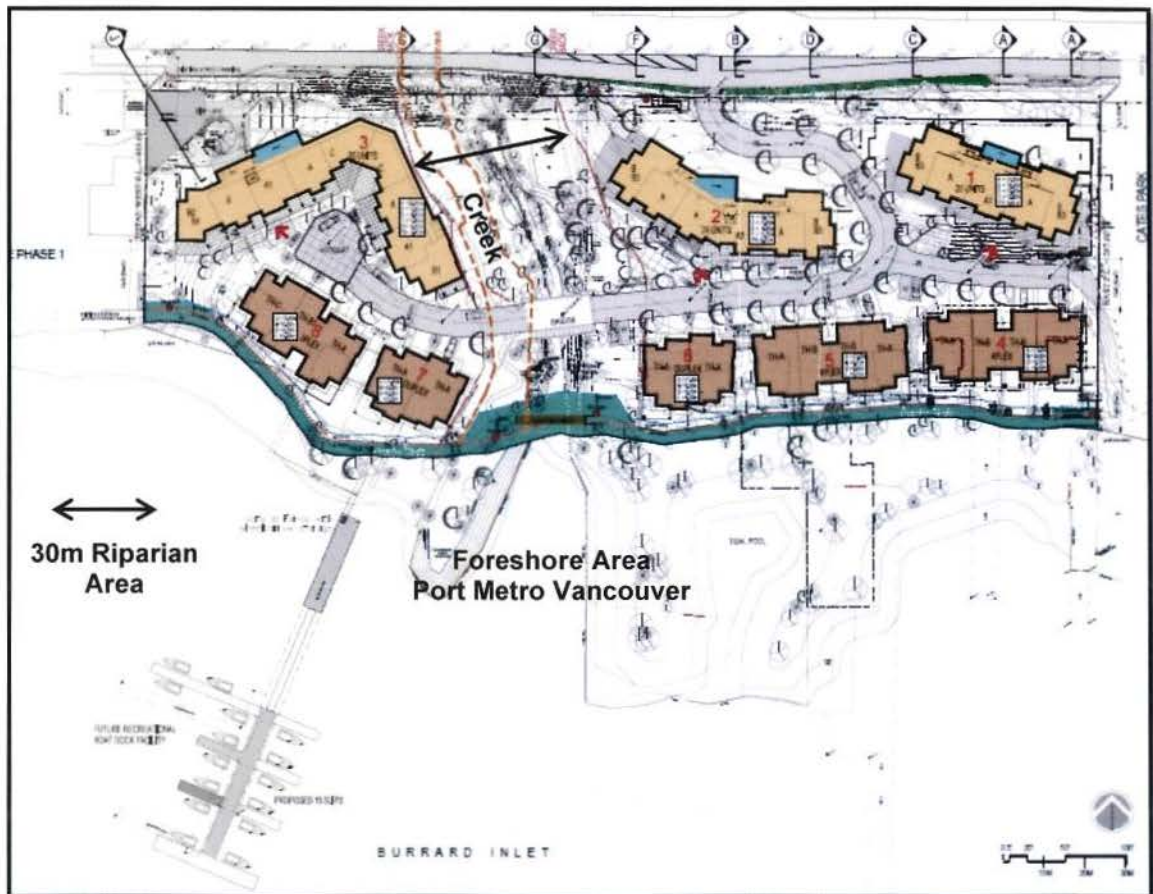
The site layout and building arrangement has been influenced by the need to maintain a 15m riparian area setback on each side of Roche Point Creek. The applicant has also tried to address and minimize the loss of view from the uphill single family lots on the north side of Dollarton Highway as much as possible which has impacted the location, shape and height of the apartment buildings.

The apartments are all 2 bedroom suites ranging from 92.6m² (997ft.²) to 132.5m² (1426ft.²) in size. The townhomes are 3 bedroom units, from 253.4m² (2728ft.²) to 279.5m² (3008ft.²) excluding the double garages. The total floor area is 14,222.3m² (153,088ft.²) which based on the net site area, results in an FSR of approximately 0.9.

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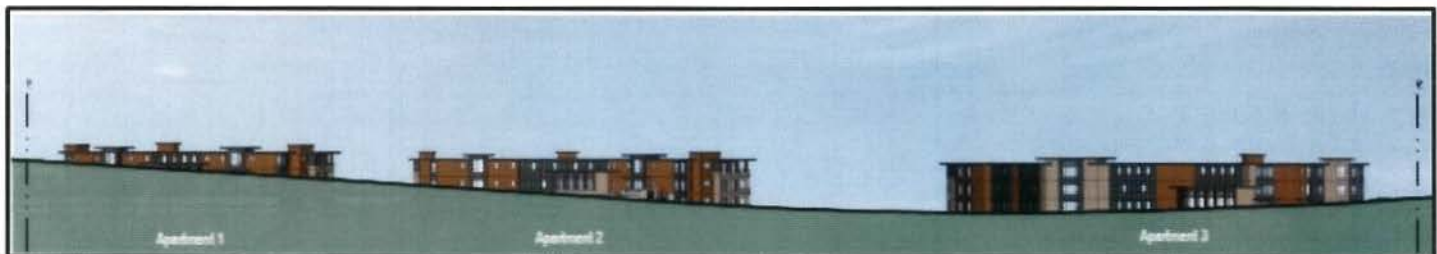
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Proposed Site Plan

The apartment buildings vary between 9.75m-16.2m (32-53ft.) in height. The townhouses are three storey units with a height of approximately 5.2m-9.75m (17-32ft.). The range of building heights for each type is due to the differences in average grade at the individual building locations. While the apartment buildings are 4 storeys in height, the site grades are such that the full building height is not visible from Dollarton Highway. The following image illustrates those portions of the buildings which will be visible above the grade of Dollarton Highway.



Height Of Apartments Relative To Grade of Dollarton Highway

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The following images illustrate examples of the apartment and townhouse designs, the relationship between the buildings taking into account the grade of the site and the view east along the internal driveway.



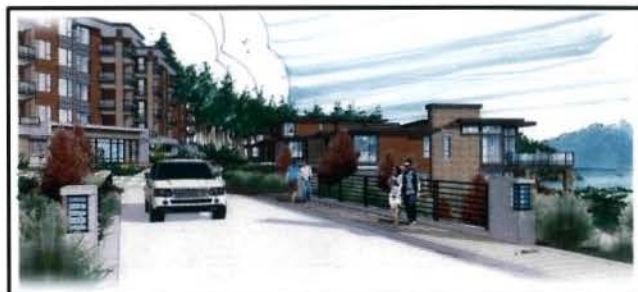
South (Internal) Elevation of Apartment 2



South Elevation of 4 Unit Townhouse Block

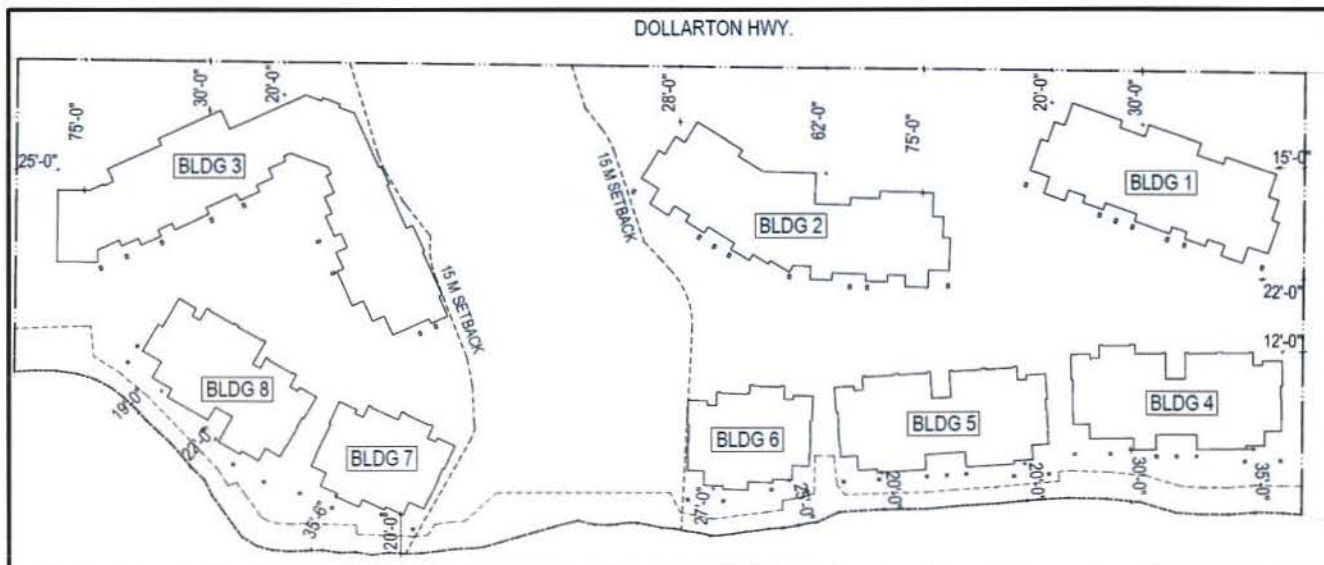


Typical Section Through Site



East View Along Internal Driveway from Bridge

The following plan illustrates the setbacks from the property lines and Roche Point Creek.



Setback Plan

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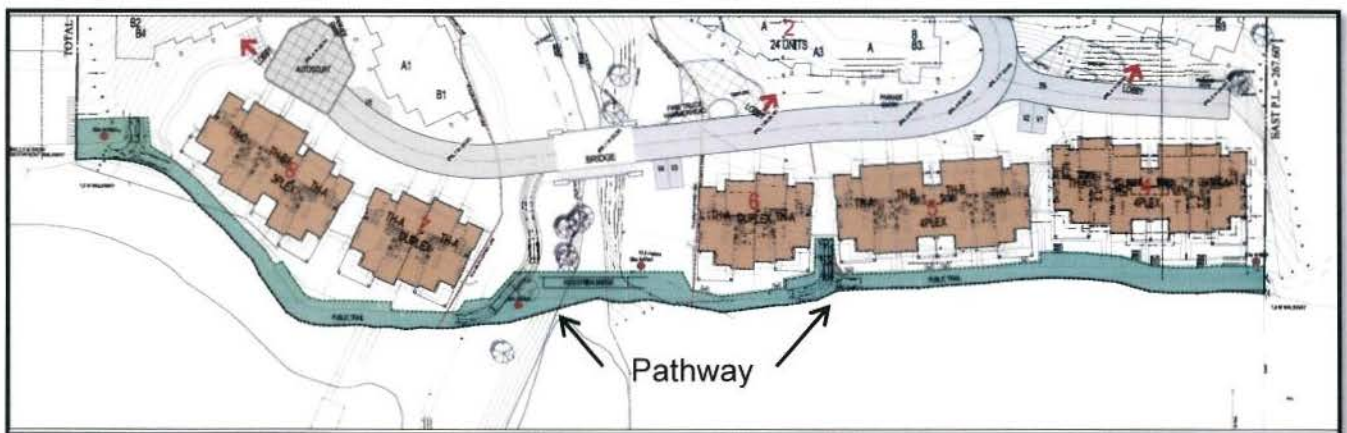
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b) Parking/Access:

A total of 190 parking spaces, inclusive of designated visitor parking are required in accordance with the Zoning Bylaw requirements. The proposal meets that requirement and the applicant has provided 5 additional surface visitor spaces for a total of 195 spaces. All of the apartment parking is provided on 1 or 2 underground levels beneath each building with access off the internal driveway. Two garage spaces are provided for each townhouse.

c) Waterfront Pathway:

A key public amenity to be provided with this project is a public path along the waterfront which will connect the existing path to the west with the path system in Cates Park/Whey-au-Wichen. The waterfront pathway land will be dedicated to the municipality as 'Road' on a plan of subdivision and will be a minimum of 3.1m (10.2ft.) wide, including the path, retaining wall/fence along the south property line and a landscaped buffer on the north side. A pedestrian bridge will connect the path across Roche Point Creek. The following image illustrates the general alignment of the path and the area to be dedicated. The pathway also includes two hammerheads between Blocks 5 and 6 east of the creek and at the west end of the site, to enable maintenance vehicles to turn around.



Should the project proceed, a Development Covenant and development permit will require that the applicant, staff and the Tsleil Waututh Nation establish the alignment of the path from the site to connect with the existing trail system in Cates Park/Whey-au-Wichen, to avoid any areas of cultural significance in the park.

d) Landscaping and Courtyard:

The landscaping concept is illustrated on the following plan. The landscape concept consists of several different elements, including:

- street trees and lawn areas, creating a more formal planting appearance along the interior driveway and around the drive entry courts at each apartment building;
- shrub planting in front of and between the townhouse units and separating the rear (south facing) yards;

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- open lawn areas behind each apartment building;
- more naturalized, informal planting around the perimeter of the site;
- street tree planting along Dollarton Highway; and
- re-use of existing industrial artifacts.

In terms of on-site pedestrian connectivity, a public path is provided from Dollarton Highway, along the east side of the creek riparian area to the internal drive leading to a second connection down to the waterfront trail.



Landscape Concept Plan

e) Riparian Area

The lower reach of Roche Point Creek within the site is contained in a narrow vegetated corridor. At one time, the creek provided spawning and rearing habitat for trout and salmon and trout currently exist in the creek upstream of Dollarton Highway. However, the culvert beneath Dollarton Highway acts as a barrier to upstream migration of salmon.

In addition to establishing a 15m wide riparian area setback on each side of the creek, the applicant is proposing a range of instream and riparian habitat restoration measures to enhance the creek channel, including:

- removing all existing structures;
- building up the streambed to the level of the culvert to allow upstream fish access;
- adding baffles to the culvert to aid in fish passage;

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- creating undercut banks and adding boulders, spawning gravel and woody debris;
- daylighting a portion of the creek currently located under the Dollarton Shipyard building;
- removing invasive plant species and developing a long term invasive species management plan for the entire site; and
- introducing appropriate native plant species within the riparian area.

The suggested restoration directions are supported and the Development Covenant will require a detailed restoration plan and restrictive covenant for maintenance and monitoring.

During the Preliminary Application review, staff indicated that the Roche Point Creek watershed provided habitat that could support the Pacific Water Shrew (PWS), an endangered species under the Federal Species at Risk Act and is a red-listed species Provincially. A habitat assessment of the creek corridor was undertaken to assess potential habitat suitability for this species. The results indicated that the habitat suitability was high upstream but it was low within the site. While restoration of the creek channel and the enhancement of the riparian areas with planting and the placement of woody debris can provide an improved habitat for the PWS, the consultant suggested that the potential for the shrew to utilize new habitat is likely low but it still a worthwhile undertaking.

f) Foreshore Lands:

As a component of the project, but outside of the District's jurisdiction, the Port requires that the industrial foreshore lands be rehabilitated with the removal of the existing industrial buildings and structures and the implementation of a habitat compensation plan prepared by Polygon for the Port's approval and implementation by the developer.

This approach to the foreshore restoration will restrict public access below the proposed waterfront path and it represents a significant departure from the urbanized waterfront treatment suggested in the Preliminary Application that generated public support.

To partially compensate for that lost opportunity, the waterfront pathway will incorporate two enhanced viewing/seating areas, one on either side of the creek. The developer also proposes to reconfigure the existing pier located south of the Dollarton Shipyard building for private moorage for approximately 15 boats. It is also proposed that the upper section of the pier will be designed to allow for public viewing. The public will also be afforded access to the bottom of the ramp to enable residents and the public to launch kayaks and canoes. However, any changes to this pier are within the jurisdiction of the Port and do not require District approval.

Access to the white sand beach in the southwest corner of the site adjacent to the Dollarton Shipyard building was requested during the public information meeting but this area will be part of the Port's habitat compensation package and is not accessible during periods of high tide.

g) Accessible Units

In response to the District's Adaptable Design Guidelines, approximately 70% of the apartment units will be designed to meet Level 1B and 30% of the units will meet Level 2. The townhouses will all meet the Level 1A guidelines.

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Reduced copies of site, architectural and landscape plans are included as Attachment A for Council's reference.

OFF-SITE IMPROVEMENTS:

The application includes the extension of the sidewalk from the west across the site, along with a new landscaped boulevard and two on-street parking pockets. In addition, based on staff requirements, the applicant will reconfigure the lane marking on Dollarton Highway to create a westbound left turn lane into the site.

SITE CONSTRAINTS:

Site Contamination

Given the heavy industrial nature of uses on the subject lots, the site has been identified on the Province's Contaminated Sites Registry, as a high risk site. A Detailed Site Investigation has been submitted to the Province for review. Based on the information submitted, the Province has provided a letter (Attachment B) authorizing Council to consider the OCP amending and rezoning bylaws and issuance of a development permit.

Based on the consultant's Summary of Findings, contaminants are predominantly shallow metals related to paints and blasting grit, creosote and fuels and lubricants in the soil and foreshore sediment. The consultant also confirmed that impacts on groundwater quality are localized.

Contaminants were also found on the Port Metro Vancouver filled foreshore south of Cates Park; in intertidal and subtidal sediments south of the waterlot lease areas and in front of Cates Park and close to the surface on about 100m² of land in Cates Park immediately adjacent to the McKenzie Barge property. The consultant advised the District that the contaminants in Cates Park exceed the applicable Contaminated Sites Regulation Parkland Standard. Since Cates Park/Whey-au-Wichen is subject to a joint management agreement with the Tsleil Waututh Nation, both the District and TWN need to be consulted on a remediation approach. If the project is to proceed, the Development Covenant and the Development Permit will require the approval of a remediation plan prior to the issuance of a building permit for any proposed structures.

The consultant has proposed a remediation approach to be undertaken in tandem with site preparation and construction, consisting of:

- further site investigation in areas currently occupied by buildings and structures during the decommissioning and demolition process;
- excavation and off-site disposal of:
 - a pocket of creosote-contaminated soil near the northeast corner of the Noble Towing building adjacent to Roche Point Creek;
 - fill on Port Metro Vancouver lands south of Cates Park and east of the McKenzie Barge marine way; and
 - surface materials under building decking;
- the removal of the structures on the Port Metro foreshore lands;
- the excavation of the tidal marsh and channel;
- the removal of contaminated soils from the affected area of Cates Park;

**SUBJECT: BYLAWS 8024, 8025 AND 8030: OFFICIAL COMMUNITY PLAN
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DOLLARTON HIGHWAY**

December 13, 2013

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- the capping of contaminated soil on the freehold lands that can remain in place with either buildings, asphalt or a minimum of 1m of clean fill; and
- the preparation of risk-based remedial goals for the foreshore sediments and capping or dredging of those sediments requiring management.

The public pedestrian pathway lands are expected to have a mix of both uncontaminated soil and contaminated soils capped with a minimum of 1m clean fill.

Coastal and Creek Hazards:

In support of the application, the developer has provided several reports which address the potential for coastal impacts and the potential for flooding of Roche Point Creek.

The report on coastal impacts indicates that the site is exposed to fluctuating water levels, wind- and boat-generated waves and tidal currents. Removal of the existing structures on the foreshore, which will return the foreshore to a natural state, could also increase the potential for wave related erosion and impact shoreline stability in front of the site.

Based on an analysis of sea level rise, wave analyses and an assessment of tsunami potential, the consultants have established a minimum flood construction level of 5.3m, inclusive of a 0.6m freeboard. The consultant also developed a bank armoring design to provide protection for the development and create a more stable foreshore to reduce the potential for erosion. The report also concludes that the removal of the foreshore structures, could lead to increased waves and erosion along the shoreline of Cates Park and that monitoring should be considered.

The applicant has also provided a flood hazard assessment of Roche Point Creek which takes into account, the proposed reconfiguring of the channel. The report concludes that the channel improvements will have the capacity to contain the 200 year design flood return event and confirms the recommended flood construction level. It does, however, identify a small area in the northeast corner of Apartment 3, west of the creek where the existing grades are less than the creek grade and therefore, it will be necessary to build up the ground level to the FCL.

The development covenant will require a separate flood hazard covenant to ensure the project is constructed in accordance with the consultant's FCL recommendations.

Archaeology

In support of the Preliminary Application, Polygon submitted an Archaeological Impact Assessment (AIA) to:

- identify, record and assess archaeological sites located with the development site;
- identify and evaluate possible impacts to archaeological sites due to the proposed development; and
- recommend viable options for managing potential adverse impacts to any identified sites.

Based on the results of both background historical research and field testing, several buried middens were uncovered adjacent to Roche Point Creek. However, the archaeologist recommended leaving them in place as they are located within the creek riparian area.

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Recognizing that cultural resources may be uncovered during the site preparation and construction process the applicant has provided an additional report which sets out a process to be followed in that event.

Traffic:

A transportation assessment was provided which projected the expected morning and afternoon peak hour traffic volumes. The study concluded that, for left out/right out turns in the morning and afternoon peak hours, the driveway intersection with Dollarton Highway would operate at a Level of Service 'C' which represents good operating conditions; and, overall, the intersection would operate at a Level of Service 'A' or generally free flowing, in the peak hours. The study also concluded that the addition of the westbound left turn lane will enhance traffic operations and provide a measure of safety by allowing the storing of left turning vehicles without impacting westbound through traffic.

IMPLEMENTATION:

Implementation of this project will require consideration of: an OCP amendment (Bylaw 8024); rezoning (Bylaw 8025); a Housing Agreement Bylaw, (Bylaw 8030); issuance of a development permit; subdivision to consolidate the 4 lots into one parcel and dedicate 'Road' along the waterfront for the public path; and, registration of a Development Covenant and other legal agreements.

Bylaw 8024 (Attachment C), amends the OCP by changing the land use designation from Commercial Residential Mixed Use Level 1 to Residential Level 4: Transition Multi-Family. The OCP amendment is supportable as it will tailor the designation to more accurately reflect the proposed residential use on the site. The proposed residential designation also lowers the maximum floor space ratio permitted on the site from 1.75 to 1.2.

Bylaw 8025 (Attachment D) rezones the subject properties from Waterfront Industrial (I1) to a new Comprehensive Development 77 Zone (CD77) which:

- establishes low rise apartment and multiple family townhouses as permitted uses;
- allows home occupations as an accessory use;
- establishes a base density (Floor Space Ratio) of 0.3;
- requires a housing agreement and a community amenity contribution to support an FSR increase to 0.9 (inclusive of green building density bonus);
- establishes setback, height and building and site coverage regulations;
- incorporates acoustic requirements; and
- establishes parking and bicycle parking regulations unique to this project.

Bylaw 8030 (Attachment E) authorizes the District to enter into a Housing Agreement to ensure that the proposed units remain available as rental units.

A Development Covenant will be required prior to the adoption of the bylaws and will include requirements for:

- a green building covenant;
- a stormwater management covenant;
- a creek restoration and maintenance covenant;

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- a flood hazard covenant;
- preparation and implementation of a remediation plan to remove the contaminants in Cates Park; and
- a public art maintenance agreement.

COMMUNITY AMENITY CONTRIBUTION:

The District's Community Amenity Policy requires an amenity contribution for projects including an increase in density. As this project is not located in an OCP Growth Centre, the CAC is based on \$15.00/sq.ft. of floor area for the apartments and \$5.00/sq.ft for the townhouses for a total contribution estimated at approximately \$1,863,720.

The community amenity contribution has been included as part of the density bonus provisions in the proposed CD77 Zone and the zoning provisions note that the District may use the CAC funds at its discretion.

The applicant has provided a letter of commitment to provide public art as a component of the project. The applicant has advised that, in discussion with the Public Art Coordinator, the intention is to utilize approximately 50% of the public art funds for a First nations-influenced installation that may include a welcoming pole adjacent to Dollarton Highway and Cates Park as well as interpretive elements along the waterfront path. The remainder of the funds will be used for the installation of 'medallions' within the pathway to continue the theme established on the pathway to the west of the site and pathway benches. A public art plan is tentatively scheduled to be considered by the Public Art Advisory Committee at the January 2014 meeting. The public art component of the CAC is estimated to be about \$250,000 based on 1% of the anticipated cost of construction.

GREEN BUILDING MEASURES:

Compliance with the Green Building Strategy is mandatory for projects including rezoning. The project is targeting an energy performance rating 33% better than the Model Nation Energy Code for Buildings and will achieve a building performance equivalent to Built Green HD™ 'Gold' for both building forms. A detailed review of the green building measures will be provided in the development permit report should the project proceed.

CONCURRENCE:

Staff

The project has been reviewed by staff from Environment Services, Permits, Parks, Engineering, Policy Planning, Urban Design Planning, Transportation Planning, the Fire Department and the Arts Office.

Advisory Design Panel

The application was considered by the Advisory Design Panel on June 13, 2013 and the Panel passed the following motion:

**SUBJECT: BYLAWS 8024, 8025 AND 8030: OFFICIAL COMMUNITY PLAN
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THAT the ADP has reviewed the proposal and commends the applicant for the quality of the proposal and recommends **APPROVAL** of the project **SUBJECT** to addressing the following items to the satisfaction of staff:

- Further exploration of articulation of roofs with consideration of materials, colour and treatment of appurtenances;
- Consider greater variety of colour selections;
- Explore opportunities for enhancement of public realm with specific attention to Dollarton Highway frontage;
- Review of public pathway from Dollarton Highway to explore options for improving accessibility; and
- Explore opportunities for preserving or reflecting existing building elements and artifacts on site in the proposed development.

The applicant's design team has been working with staff to address these issues and will be discussed in a report on the development permit. An excerpt from the adopted minutes is included as Attachment F.

PUBLIC INPUT:

Public Information Meeting

The applicant held a Public Information Meeting, hosted by an independent facilitator, on June 11, 2013 at the Seymour Golf Club which was attended by between 60 and 70 residents. The initial open house was followed by presentations from the project team and a facilitated question and answer session. Questions related to:

- the potential loss of views from uphill lots;
- the potential widening of Dollarton Highway at the entry;
- design of the vehicle bridge to accommodate the weight of a fire truck;
- the provision of a traffic signal on Dollarton Highway at the entry;
- compliance with the Green Building Strategy;
- incorporation of geothermal heating;
- potential cost of the apartment and townhouse units;
- loss of industrial lands;
- public access to water;
- will there be a coffee shop/restaurant;
- potential for street trees to eventually block views from the north side of Dollarton Highway;
- the number of parking spaces proposed;
- provision of an eastbound right-turn lane into the project;
- inclusion of accessibility measures.

The facilitator's report is included as Attachment G.

**SUBJECT: BYLAWS 8024, 8025 AND 8030: OFFICIAL COMMUNITY PLAN
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Comments to the District

In addition to the questions at the public information meeting, the Planning Department also received a number of comment sheets and emails. Positive comments related to:

- removal of the existing buildings and clean up the site;
- environmental enhancements to the creek;
- site remediation;
- opportunities for new views of the waterfront and public access to the foreshore;
- foreshore pedestrian connection to Cates Park; and
- a reduction in negative industrial impacts (noise, etc.)

On the negative side, concerns included:

- potential loss of views from some residences across Dollarton Highway;
- the proposed parking variance for the apartment units and the suggestion that residents and visitors will park on surrounding streets. This concern is due, to resident experiences with overflow parking from Cates Park during summer months;
- increased traffic volumes;
- the proposed density of development;
- the desire by some for a small commercial space;
- the loss of waterfront industrial land; and
- the inability for the public to access the foreshore waterfront as suggested in the Preliminary Application.

With respect to the reference to the parking, the applicant was initially seeking a variance for the apartment parking but has since revised the project to comply with current requirements. It was also suggested that the project contain a small amount of commercial space to accommodate a coffee shop or other type of retail food service. The developer commissioned a retail feasibility study which concluded that, given the limited residential population in the area, and the physical location of the site, a retail use would not be a viable component of the project.

Seymour Community Association and Seymour Local Plan Monitoring Committee

The proposal was circulated to the Seymour Community Association and the Seymour Local Plan Monitoring Committee and their comments are included as Attachments H and I, respectively. It should be noted that the Community Association's comments were those provided at the Preliminary Application stage and that since comments from both groups were prepared, aspects of the project have been revised (eg. parking for the apartment units).

Tsleil Waututh Nation

Upon application, the initial proposal, and subsequently, the Detailed Site Investigation, were forwarded to the Tsleil Waututh Nation for comment and to date, no comments have been provided. However, Band staff indicated that comments may be forthcoming prior to a public hearing on the OCP and Rezoning bylaws.

SUBJECT: BYLAWS 8024, 8025 AND 8030: OFFICIAL COMMUNITY PLAN AMENDMENT, REZONING AND HOUSING AGREEMENT BYLAWS FOR A 95 UNIT APARTMENT/TOWNHOUSE PROJECT AT 3829/3919 DOLLARTON HIGHWAY

December 13, 2013

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Port Metro Vancouver

The project was also referred to Port Metro Vancouver for comment and the Port provided a response included as Attachment J. However, staff anticipate receiving additional comments from Port staff based on their discussions between the Port and Polygon on the rehabilitation plan for the foreshore lands.

CONCLUSION:

Aside from the change in the land use designation, this project addresses various OCP directions, in particular, those related to the protection of aquatic systems and the applicable development permit area guidelines related to form and character of multi-family development, energy and water conservation and greenhouse gas emission reductions and streamside protection. The project is now ready for Council consideration.

OPTIONS:

The following options are available Council's consideration:

- 1) Introduce Bylaws 8024, 8025 and 8030 and refer Bylaws 8024 and 8025 to a Public Hearing (staff recommendation); or
- 2) Defeat Bylaws 8024, 8025 and 8030 at First Reading.

Respectfully submitted,



Doug Allan
Community Planner

REVIEWED WITH:					
<input type="checkbox"/> Sustainable Community Dev.	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Services	_____	<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board	_____
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Finance	_____	<input type="checkbox"/> NS Health	_____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> Fire Services	_____	<input type="checkbox"/> RCMP	_____
<input type="checkbox"/> Parks & Environment	_____	<input type="checkbox"/> ITS	_____	<input type="checkbox"/> Recreation Com.	_____
<input type="checkbox"/> Economic Development	_____	<input type="checkbox"/> Solicitor	_____	<input type="checkbox"/> Museum & Arch.	_____
<input type="checkbox"/> Human resources	_____	<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:	_____

Dollarton Rezoning

3829 & 3919 Dollarton Highway, North Vancouver B.C.



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1 604.669.1091
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ISSUED FOR: 30 APRIL 2013
 1. REZONING / D.P.A. 11 SEPT 2013
 2. RESPONSE DWS

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 11 SEPT, 2013

NO. REVISION DATE
 1. [Blank] [Blank]
 2. [Blank] [Blank]
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 9. [Blank] [Blank]
 10. [Blank] [Blank]

ARCHITECTURAL SEAL



PROJECT: DOLLARTON REZONING
 3829 & 3919 Dollarton Highway,
 NORTH VANCOUVER, B.C.

DRAWING TITLE: COVER PAGE AND STATISTICS

DATABASE: 1033-00.dwg
 SCALE: N/A
 PLOT DATE: 10 SEPT 2013
 DRAWN: RN
 CHECKED: KSH

PROJECT NO. 1033



D.P.A. No. 1

PROJECTS STATISTICS

PROJECT DESCRIPTION
 1 - 4 STOREY APARTMENT-RESIDENTIAL BLDG WITH 14 TOWNHOUSE UNITS WITH PARKING
 1 - 2 STOREY TOWNHOUSE BLDG WITH 14 TOWNHOUSE UNITS WITH PARKING
 1 - 2 STOREY TOWNHOUSE BLDG WITH 14 TOWNHOUSE UNITS WITH PARKING
MUNICIPAL ADDRESS
 3829 & 3919 DOLLARTON HWY
 NORTH VANCOUVER, CANADA
LEGAL DESCRIPTION
 LOT 2 DISTRICT 10527 Plan 0100 191/205 3829 & 3919 DOLLARTON HWY, The North District
 The North District of the City of North Vancouver, B.C. (the "City")
 in the Plan of 14 Lots of 1/4 of Section 10527, 191/205 3829 & 3919 DOLLARTON HWY, The North District of the City of North Vancouver, B.C.
PROPOSED ZONE R1
LOT AREA
 2,500.00 SQ M
 2,500.00 SQ M (624,630 SQ FT)
 NET SITE AREA 1,739.00 SQ M (428,461 SQ FT)
 6 PROPOSED TOWNHOUSE UNITS & 14 TOWNHOUSE UNITS
BUILDING HEIGHT
 4 STOREY - 4 STOREY UNITS TO BE 14.0 METERS MAX
 4 STOREY - 4 STOREY UNITS TO BE 14.0 METERS MAX
SETBACKS
 FRONT 3.0 METERS
 NORTH 3.0 METERS
 WEST 3.0 METERS
 SOUTH 3.0 METERS
 EAST 3.0 METERS
FIRE PROTECTION
 WEEDS AND OTHER FIRE PROTECTION

PROJECT DIRECTORY:

OWNER: POLYGON GROUP INC.
 1010 WEST 11TH AVENUE
 VANCOUVER BC V6H 3T6
CONTACT: PAMELA GIBSON
 604-689-1010
 pgibson@polygon.com
ARCHITECT: RESTITCH HEMPHILL ARCHITECTS
 410 COWAN STREET
 VANCOUVER BC V6C 1R5
CONTACT: ANDREW HEMPHILL
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 ahemphill@rharchitects.com
ENGINEER: HILSON ENGINEERS
 1210 WEST 10TH AVENUE
 VANCOUVER BC V6H 3T6
CONTACT: ANDREW HILSON
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LANDSCAPE ARCHITECT: VISION + REIMAGINE
 SUITE 310 100 WEST 10TH AVE
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CONTACT: ANDREW HILSON
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 ahilson@visionandreimagine.com

DENSITY / UNIT STATISTICS:

Unit Type	Unit Area (Sq Ft)	Units	Density (Units/Sq Ft)
1-Bedroom - Single	1,158	2	0.17
2-Bedroom - Single	1,675	1	0.06
2-Bedroom - Duplex	1,628	2	0.12
3-Bedroom - Duplex	1,625	2	0.12
Total	5,086	7	0.14

Unit Type	Unit Area (Sq Ft)	Units	Density (Units/Sq Ft)
1-Bedroom - Single	918	3	0.33
2-Bedroom - Single	1,158	1	0.09
2-Bedroom - Duplex	1,980	1	0.05
2-Bedroom - Duplex	1,428	3	0.21
2-Bedroom - Duplex	1,125	2	0.18
Total	6,509	10	0.15

Unit Type	Unit Area (Sq Ft)	Units	Density (Units/Sq Ft)
A - 2 Bedroom - Single	1,158	2	0.17
A1 - 2 Bedroom - Duplex	1,379	2	0.14
B1 - 2 Bedroom - Duplex	1,388	1	0.07
B2 - 2 Bedroom - Duplex	1,291	1	0.08
B4 - 2 Bedroom - Duplex	1,283	1	0.08
C - 2 Bedroom - Duplex	991	2	0.20
Total	9,511	13	0.14

Unit Type	Unit Area (Sq Ft)	Units	Density (Units/Sq Ft)
1-Bedroom - Single	1,158	2	0.17
2-Bedroom - Single	1,379	2	0.14
2-Bedroom - Duplex	1,388	1	0.07
2-Bedroom - Duplex	1,291	1	0.08
2-Bedroom - Duplex	1,283	1	0.08
2-Bedroom - Duplex	991	2	0.20
Total	8,511	13	0.15

PROJECT STATISTICS:

SUMMARY

Dollarton Shipyards - Gross Site Area	34,474 Sq Ft	2.168 Acres
McKenzie Barge Site - Gross Site Area	112,015 Sq Ft	2.572 Acres
Total Gross Site Area	206,489 Sq Ft	4.740 Acres
LESS (Site over 50% Over Zone & 50% of 100' Setback Total)	29,854 Sq Ft	0.672 Acres
Total Net Lot Area	176,635 Sq Ft	4.128 Acres

Density:

Apartments - Gross Floor Area	159,819 Sq Ft	0.817 F.S.R. (Net Site)
Townhouses - Gross Floor Area (Excluded)	43,250 Sq Ft	0.241 F.S.R. (Net Site)
Total Gross Floor Area (NPA)	203,069 Sq Ft	1.058 F.S.R.
F.S.R. (On Net Lot Area)	0.74	
F.S.R. (On Net Lot Area)	0.85	

Proposed Zone CD (Comprehensive Development)

Apartments - NPA	93,899 Sq Ft	1.176 of Allowance (Net Site Area)
Townhouses (Single Units Excluded)	43,250 Sq Ft	2.889 of Allowance (Net Site Area)
Total Net Floor Area (NPA)	137,149 Sq Ft	

Apt Unit Count 80 Units
TH Unit Count 16 Units
Total Number of Units 96 Units

Proposed Site Coverage:

Apartments - Building Coverage	37,342 Sq Ft	18%
Townhouses - Building Coverage	26,524 Sq Ft	17%
Road, Driveways, Existing House and Visitor Parking	20,749 Sq Ft	15%
Total Site Coverage (Overall)	104,615 Sq Ft	60%

Parking:

Required Parking (per 100 sq ft of floor area, of lot area, of 100' setback)	188	Units
Parking Provided	188	Units
Apprentices (1 space per unit)	10	Units
Homebased (1 space per unit)	9	Units
Surface Visitor's Parking	5	Units
Total Parking Provided	192	Units

Bicycle Requirements:

Apartment - 10/250 sq ft unit	15	Bikes/Space
Apartment - 11/300 sq ft unit	8	Bikes/Space/Provided
Total	23	Bikes/Space

Apartment Enhanced Livability Units

Level / Typical Layout	Units	Count	%
Level 1	15	20	20%
Level 2	15	10	10%
Level 3	15	5	5%
Level 4	15	5	5%
Level 5	15	5	5%
Level 6	15	5	5%
Level 7	15	5	5%
Level 8	15	5	5%
Level 9	15	5	5%
Level 10	15	5	5%
Level 11	15	5	5%
Level 12	15	5	5%
Level 13	15	5	5%
Level 14	15	5	5%
Level 15	15	5	5%
Total	180	225	125%



1. Apartment 1 Perspective View
2. Apartment 2 Main Lobby View Looking East
3. Apartments Main Entry Lobby



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REVISED	DATE
L. REZONING / D.P.A.	30 APRIL 2013

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30 APRIL 2013

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PROJECT:
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DRAWING TITLE:
CHARACTER IMAGES

DATABASE: 1033-A0.0.dwg
SCALE: N/A
PLOT DATE: 30 APRIL 2013
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PROJECT NO.
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DWG. NO.
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PROJECT NO. 1033

DWG. NO. A0.2

D.P.A. No.:



1



3



2

1. Townhouse Duplex Side View
2. Townhouse 4Plex Rear Perspective View
3. Townhouse Middle Units Entry

E:\V\1033\033\1033_DPA\1033_A0.1.DWG

NOBLE COVE PHASE 1



E:\MCA028\2010\1033\1033_DPA\1033_A1.dwg



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DRAWING TITLE:
SITEPLAN

DATABASE: 1033-A1.0.dwg
SCALE: 1/32" = 1'-0"
PLOT DATE: 13 SEPT 2013
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PROJECT NO:
1033

DWG. NO.
A1.0

D.P.A. No.:
S.P.A. No.:



3 WEST P.L. ELEVATIONS
A4.0.1 SCALE: 1"=20'-0"



2 EAST P.L. ELEVATIONS
A4.0.1 SCALE: 1"=20'-0"



1 DOLLARTON HIGHWAY - STREETSCAPE
A4.0.1 SCALE: NTS



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CLIENT:
POLYGON
1000 Burrard Street, Vancouver, BC
V6C 2K6

PROJECT:
DOLLARTON REZONING
3829 & 3919 Dollarton Highway,
NORTH VANCOUVER, B.C.

DRAWING TITLE:
STREETSCAPE

DATABASE: 1033-A4.0.2.dwg
SCALE: 1/8"= 1'-0"
PLOT DATE: 10 SEPT 2013
DRAWN: LB
CHECKED: KSH

PROJECT NO. **1033**

DWG. NO. **A4.0.2**

D.P.A. No.:
S.P.A. No.:



1 SOUTH ELEVATION
A4.1 SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
A4.1 SCALE: 1/8" = 1'-0"



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RESPONSE**
11 SEPT, 2013

NO. REVISION: DATE:
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ARCHITECTURAL SEAL:

CLIENT:
POLYGON
DOLLARTON REZONING PROJECT

PROJECT:
DOLLARTON REZONING
3829 & 3919 Dollarton Highway,
NORTH VANCOUVER, B.C.

DRAWING TITLE:
**APARTMENT #1
SOUTH & EAST
ELEVATIONS**

DATABASE: 1033-A4.1.dwg
SCALE: 1/8" = 1'-0"
PLOT DATE: 10 SEPT 2013
DRAWN: LB
CHECKED: KSH

PROJECT NO. **1033**

DWG. NO.
A4.1

D.P.A. No.:
E.P.A. No.:

E:\ACAD\08\2010\1033\033_A4.1.dwg



Rositch Hemphill Architect

120 Powell Street, Unit 10
Vancouver, BC Canada
V6A 1G1

1 604.669.6002
1 604.669.1091

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ISSUED:	DATE:
1. REZONING / D.P.A.	30 APRIL 2013
2. RESPONSE OWS	11 SEPT 2013

ISSUED FOR
**STAFF REPORT
RESPONSE**
11 SEPT, 2013

NO REVISION:	DATE:
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ARCHITECTURAL SEAL:

CLIENT:
 POLYGON
Suite 100, 555 West Broadway, Vancouver, BC
V6C 2E6

PROJECT:
DOLLARTON REZONING
3829 & 3919 Dollarton Highway,
NORTH VANCOUVER, B.C.

DRAWING TITLE:
**APARTMENT #1
NORTH & WEST
ELEVATIONS**

DATABASE: 1033-A4_1.dwg
SCALE: 1/8" = 1'-0"
PLOT DATE: 10 SEPT 2013
DRAWN: LB
CHECKED: KSH

PROJECT NO. 1033

DWG. NO.
 A4.1.1
D.P.A. No.:
S.P.A. No.:



1 NORTH ELEVATION
A4.1.1 SCALE: 1/8" = 1'-0"



2 WEST ELEVATION
A4.1.1 SCALE: 1/8" = 1'-0"

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1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
SCALE: 1/8" = 1'-0"



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ISSUED: 30 APRIL 2013
1. REZONING / D.P.A.
2. RESPONSE DWG. 11 SEPT 2013

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ARCHITECTURAL SEAL:



CLIENT:
PROJECT:
DOLLARTON REZONING
3829 & 3919 Dollarton Highway,
NORTH VANCOUVER, B.C.

DRAWING TITLE:
APARTMENT #2
SOUTH & EAST
ELEVATIONS
DATABASE: 1033.A4.2.dwg
SCALE: 1/8" = 1'-0"
PLOT DATE: 10 SEPT 2013
DRAWN: LB
CHECKED: KSH

PROJECT NO. 1033

DWG NO. A4.2
S.P.A. No.:
R.P.A. No.:

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ARCHITECTURAL SEAL:



PROJECT:
DOLLARTON REZONING
3829 & 3919 Dollarton Highway,
NORTH VANCOUVER, B.C.

DRAWING TITLE:
**APARTMENT #2
NORTH & WEST
ELEVATIONS**

DATABASE: 1033-A4.2.DWG
SCALE: 1/8" = 1'-0"
PLOT DATE: 10 SEPT 2013
DRAWN: LB
CHECKED: KSH

PROJECT NO. **1033**

DWG. NO.
A4.2.1

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1 SOUTH ELEVATION
A4.3 SCALE: 1/8" = 1'-0"



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DATE: 30 APRIL 2013
11 SEPT 2013

ISSUED FOR
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RESPONSE**
11 SEPT. 2013

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ARCHITECTURAL SEAL



CLIENT:
DOLLARTON REZONING
3829 & 3915 Dollarton Highway,
NORTH VANCOUVER, B.C.

PROJECT:
**APARTMENT #3
SOUTH & EAST
ELEVATIONS**

DRAWING TITLE:
DATABASE: 1033-A4.3.dwg
SCALE: 1/8" = 1'-0"
PLOT DATE: 10 SEPT 2013
DRAWN: LB
CHECKED: KSH

PROJECT NO:
1033

DWG. NO.
A4.3

D.P.A. No.:
S.P.A. No.:



2 EAST ELEVATION
A4.3 SCALE: 1/8" = 1'-0"

E:\MCD\080\2010\1033\1033_DPA\1033_A4-3.DWG



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ISSUED:
1. REZONING / O.P.A. 30 APRIL 2013
2. RESPONSE DWG. 13 SEPT 2013

ISSUED FOR
**STAFF REPORT
RESPONSE**
13 SEPT, 2013

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ARCHITECTURAL SEAL:



CLIENT:
POLYGON
3829 & 3919 Dollarton Highway, North Vancouver, B.C.

PROJECT:
**DOLLARTON REZONING
APARTMENT #3
NORTH & WEST
ELEVATIONS**

DRAWING TITLE:
DATE: 10 SEPT 2013
SCALE: 1/8" = 1'-0"
DRAWN: LB
CHECKED: KSH

PROJECT NO:
1033

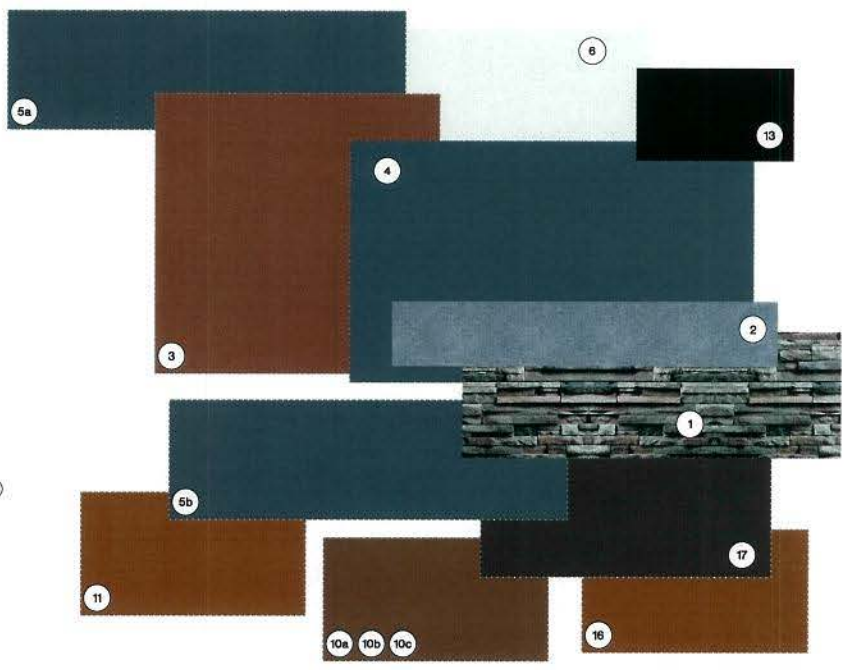
DWR. NO.
A4.3.1
D.P.A. No.:
S.P.A. No.:

E:\ACAD\08\2010\1033\1033-DPA\1033-A4.1.DWG





Materials Board



MATERIALS	APARTMENTS	TOWN-HOUSES
1 CULTURED STONE	BORG STONE PRODUCTS 'CHROGNANT'	BORG STONE PRODUCTS 'CHROGNANT'
2 ARCHITECTURAL STONE TRIM (WATERFALL / SILU CARPENTERS)	PRO-FIT ALPINE LODGESTONE	PRO-FIT ALPINE LODGESTONE
3 CEMENTITIOUS HORIZONTAL BOARD (7' EXPOSURE)	GRAY	GRAY
4 CEMENTITIOUS PANELS & TRIM	BENJAMIN MOORE AF-205 'WASDAQ'	BENJAMIN MOORE AF-205 'WASDAQ'
5a WOOD OR CEMENTITIOUS BOARD	BENJAMIN MOORE CC-644 'YVESCOAT'	BENJAMIN MOORE CC-644 'YVESCOAT'
5b WOOD OR CEMENTITIOUS BOARD	BENJAMIN MOORE CC-644 'YVESCOAT'	BENJAMIN MOORE CC-644 'YVESCOAT'
6 WOOD OR CEMENTITIOUS BOARD	BENJAMIN MOORE CC-644 'YVESCOAT'	BENJAMIN MOORE CC-644 'YVESCOAT'
7 BALCONY FASCIA / TRIM BOARD	BENJAMIN MOORE CC-644 'YVESCOAT'	BENJAMIN MOORE CC-644 'YVESCOAT'
8 DOUBLE GLAZED VINYL WINDOWS/DOORS	WHITE FRAME - SFT	WHITE FRAME - SFT
9 RESIDENTIAL MAIN ENTRY DOOR	BLACK FRAME - EXT	BLACK FRAME - EXT
10 RESIDENTIAL STOREFRONT WINDOWS	WOOD STAINED COOR	NA
10a BUILT-UP ROOFING	T.B.C	T.B.C
10b MAIN ENTRY SOFFIT	1 1/2" T&G CLEAR STAINED CEDAR	1 1/2" T&G CLEAR STAINED CEDAR
10c ROOF SOFFIT	BEADED VINYL SOFFIT	1 1/2" T&G CLEAR STAINED CEDAR
11 BALCONY SOFFIT	BEADED VINYL SOFFIT	1 1/2" T&G CLEAR STAINED CEDAR
12 WOOD CLAD COLUMNS & BEAMS	EXPOSED CONCRETE	COLORABLE PAINT SEMI-TRANS STAIN
13 EXPOSED ARCHITECTURAL CONCRETE	COLORABLE PAINT SEMI-TRANS STAIN	COLORABLE PAINT SEMI-TRANS STAIN
14 ALUMINUM GLAZED AL IN TEMPERED GLASS PANELS	BENJAMIN MOORE CC-1 'TODAY' WHITE	BENJAMIN MOORE CC-1 'TODAY' WHITE
15 PRIVITY PARTITIONS	GLOSSY BLACK	GLOSSY BLACK
16 IN TEMPERED PROTECTED GLASS PANELS	GLOSSY BLACK	GLOSSY BLACK
17 LIGHT FIXTURE	BLACK	BLACK
18 TOWNHOUSE MAIN ENTRY DOOR	NA	WOOD OR COMPOSITE 1 1/2"
19 TOWNHOUSE GARAGE DOOR	NA	BENJAMIN MOORE AF-114 'TRENCH PRES'
20 OPEN AIR GRILLE OR GARAGE DOOR	BLACK	NA



Rositch Hemphill Architect

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ISSUED: 30 APRIL 2013
DATE: 30 APRIL 2013

1. REZONING / D.P.A.

ISSUED FOR
DETAILED REZONING / D.P.A.
30 APRIL 2013

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ARCHITECTURAL SEAL



PROJECT:
DOLLARTON REZONING
3829 & 3919 Dollarton Highway,
NORTH VANCOUVER, B.C.

DRAWING TITLE:
MATERIALS & COLOURS TOWNHOUSES

DATABASE: 1033-A4.0.1.dwg
SCALE: 1/8" = 1'-0"
PLOT DATE: 30 APRIL 2013
DRAWN: LB
CHECKED: KSH

PROJECT NO. 1033

DWG. NO. **A4.0.1**
D.P.A. No. B.P.A. No.

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P+A

Perry + Associates Ltd. 200-112 West Avenue
 Vancouver, B.C. V6V 1R2
 1-800-776-6118
 www.perryandassociates.com

2 Staff Report Response 9/11/13
 1 Issue for Rezoning/DP 05/01/13
 Revision No. Date

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Client:

Polygon Development

Project Title: **Noble Cove**

Drawing Title: **Site Plan**

Project North: Down By: **NW**
 Checked By: **MB**

Scale: 1:800 Job No: 10-077
 Sheet No:

L0.0



2 Staff Report Response
 1 Issue for Rezoning/DP
 Revision No. 05/01/13
 Date
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Polygon Development

Noble Cove

Landscape Plan

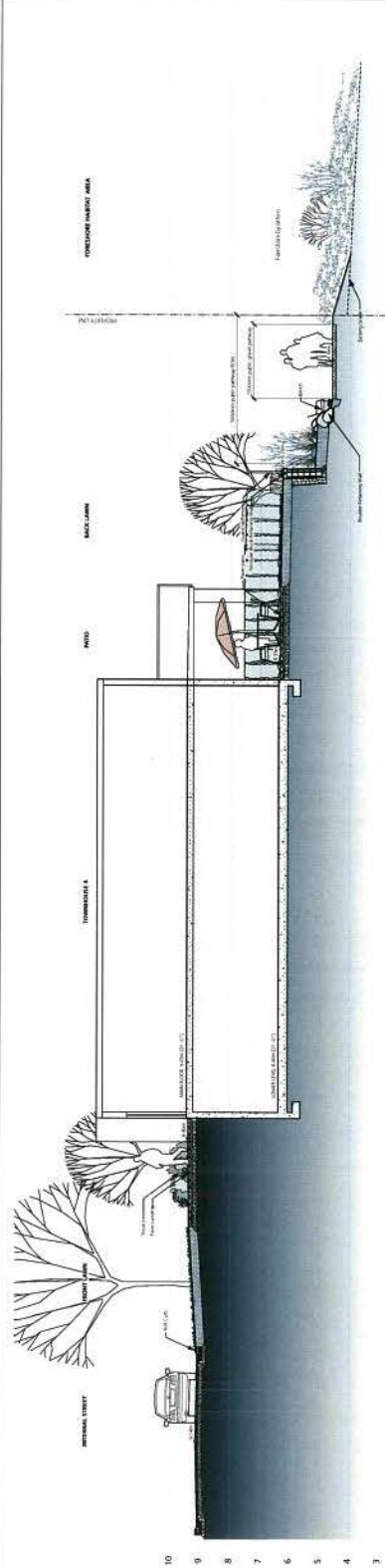
Project No. 1200
 Drawn By: RW
 Checked By: RB
 Date: 12/08/12
 Sheet No. 10-077

L1.1

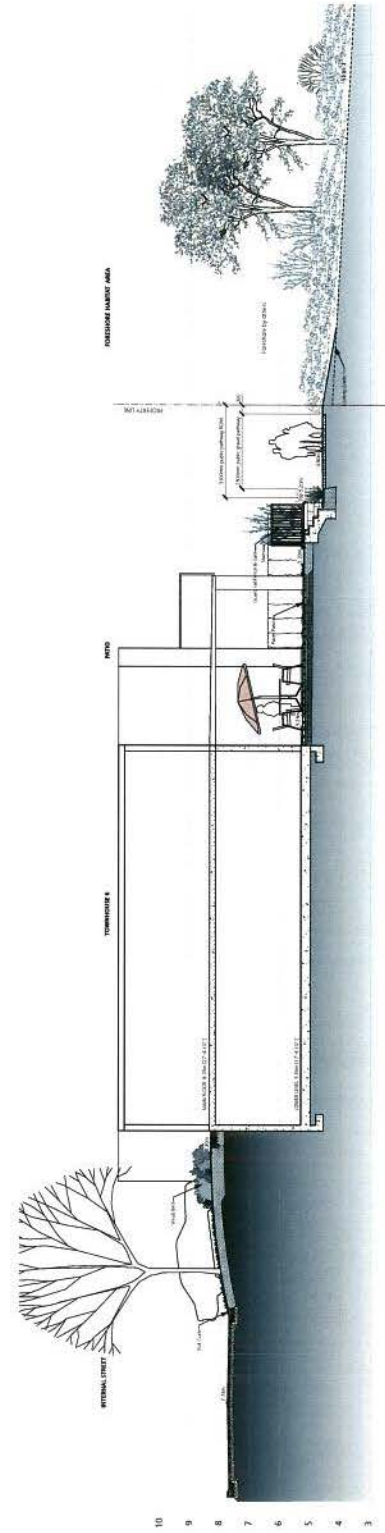


Legend:

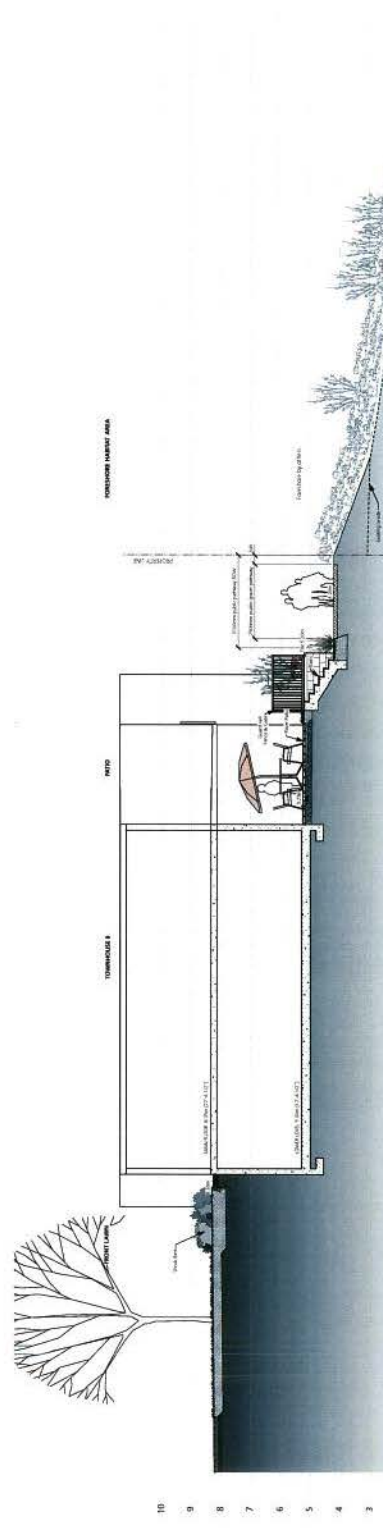
FFE 8.35	Finish Floor Elevation
+FG 4.30	Finish Grade
+TW 8.35	Top of Wall Elevation
+BW 7.35	Bottom of Wall Elevation
ra	Lawn Basin
%	Bollard Light
—	Step Light
—	Modular Block Wall
—	Boulder Wall
—	Guardrail
—	Hydrated Slab Ratio
●	Site Artifact
●	Bike Rack



SECTION A - TOWNHOUSE A TO PROPERTY LINE
 1.3.9 1.7.5



SECTION B - TOWNHOUSE B TO PROPERTY LINE
 1.3.9 1.7.5



SECTION C - TOWNHOUSE C TO PROPERTY LINE
 1.3.9 1.7.5

2 Staff Report Response 9/11/13
 1 Issue for Reconsideration 05/01/13
 Revision No. Date
 COMMENTS: This drawing is intended for use as a conceptual design only. It is not intended to be used for construction. The client is responsible for obtaining all necessary permits and approvals. The client is also responsible for providing all necessary information and data. The client is also responsible for providing all necessary information and data. The client is also responsible for providing all necessary information and data.

Polygon Development

Project Title: Noble Cove

Existing Title: Landscape Sections

Project Name:	Noble Cove
Client:	BB
Scale:	1/7.5
Sheet No.:	16-07

L3.0

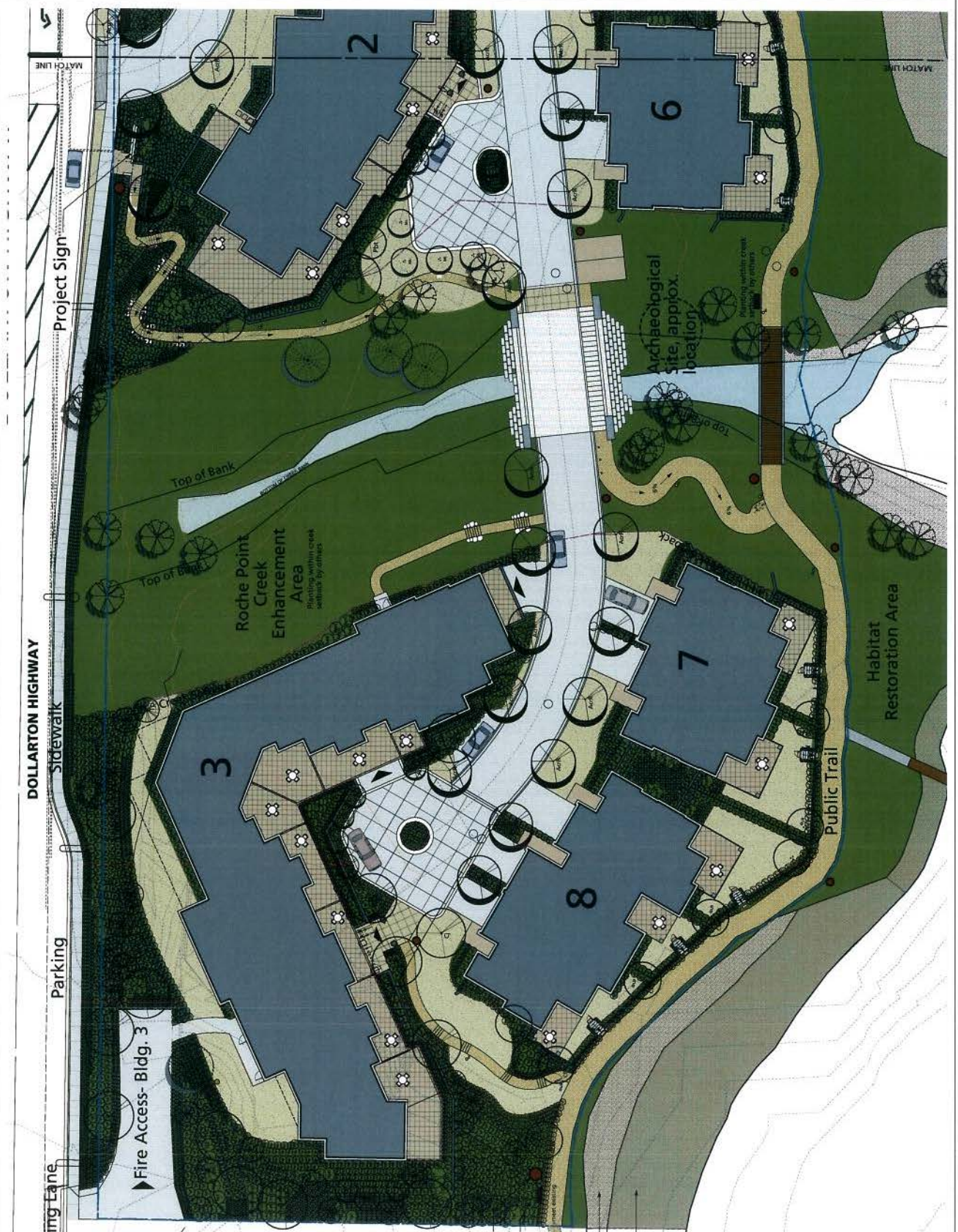
2: Staff Report Response
 1: Issue for Reconsideration
 Revision No. 000013
 Date
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 C:\P\

Polygon Development

Project Title
 Noble Cove

Planting Plan

Project No. 13000
 Drawn By: JW
 Checked By: RB
 Job No.: 100.077
 Sheet No.: L2.0



2 Staff Report Response
 Issue for Reopening
 981113
 05/07/13
 Date

Polygon Development
 Project Title
Noble Cove

Planting Plan
 Drawing Title

Project No: 1200
 Job No: 19.077
 Sheet No: L2.1



Plant List	Symbol	City Botanical Name	Common Name	Sci. Size	Remarks
1		<i>Abies balsamea</i>	Blue Spruce	20-30'	
2		<i>Thuja occidentalis</i>	Green Cedar	6-8'	
3		<i>Juniperus horizontalis</i>	Creeping Juniper	2-3'	
4		<i>Thuja occidentalis</i>	Green Cedar	20-30'	
5		<i>Thuja occidentalis</i>	Green Cedar	20-30'	
6		<i>Thuja occidentalis</i>	Green Cedar	20-30'	
7		<i>Thuja occidentalis</i>	Green Cedar	20-30'	
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96		<i>Thuja occidentalis</i>	Green Cedar	20-30'	
97		<i>Thuja occidentalis</i>	Green Cedar	20-30'	
98		<i>Thuja occidentalis</i>	Green Cedar	20-30'	
99		<i>Thuja occidentalis</i>	Green Cedar	20-30'	
100		<i>Thuja occidentalis</i>	Green Cedar	20-30'	

ATTACHMENT B

19 November, 2013

Victoria File: 26250-20/3412 and 14456
 Regional File: 26250-20/3412
 SITE: 3412 and 14456

VIA FAX ONLY: 604 682-3497 and 604 984-9638

Pottinger Gaherty Environmental Consultants Ltd.
 Suite 1200, 1185 West Georgia Street
 Vancouver, B.C. V6E 4E6
Attention: David Bell

District of North Vancouver
 355 West Queens Road
 North Vancouver, B.C.
Attention: Richard Boase

Dear David Bell and Richard Boase:

**Re: Release Request – Zoning, Subdivision and Development Permit Applications
 3829 and 3919 Dollarton Highway, North Vancouver
 PIDs: 008-965-358, 008-965-404, 015-994-937 and 015-994-902**

This letter is to acknowledge receipt of the proponent's request for release of the above-referenced zoning, subdivision and development permit applications. According to our records, there is an outstanding requirement for a detailed site investigation for the subject site as outlined in our site profile decision letters dated 9 October, 2012. Investigation of all environmental media must be conducted until the full extent of contamination is determined at the site and which has migrated from the site. Section 58 and 59 of the Contaminated Sites Regulation describe the requirements for the conduct of preliminary and detailed site investigation and the content of reports based on those investigations.

The ministry has received the following information in support of a release request for the above-referenced application(s):

1. Written opinions from Duncan MacDonald, Approved Professional, dated 29 October, 2013 and from Marc Cameron, Approved Professional, dated 31 October, 2013 with the site investigation reports and remediation plan and schedule attached, confirming that:
 - (a) the parcel is a high risk site;

Ministry of Environment

Environmental Protection Division
 Environmental Management Branch
 Land Remediation Section

Mailing/Location Address:
 Second Floor
 10470 152 Street
 SURREY BC V3R 0Y3

Telephone: (604) 582-5200
 Facsimile: (604) 584-9751
<http://www.env.gov.bc.ca>

- 2 -

- (b) all contamination at and migrating from the proponent's parcel has been delineated on the proponent's parcel and neighbouring parcels;
 - (c) remediation of all contamination at the proponent's parcel to applicable standards is achievable prior to occupancy; and
 - (d) once remediation is complete, the proponent's parcel will meet applicable environmental quality standards and criteria in the Regulation and will be eligible for a Certificate of Compliance.
2. A commitment in writing from Cynthia Melosky, Polygon Development Ltd., dated 28 October, 2013 indicating that the parcel will be remediated in accordance with the remediation plan.

Based on the information provided, we are prepared to provide the necessary release so that the District of North Vancouver may proceed with approval of the zoning, subdivision and development permit applications. To that end, please accept this letter as notice pursuant to the *Local Government Act* (section 946.2(2)(e)) and *Land Title Act* (section 85.1(2)(e)), that the District of North Vancouver may approve the zoning, subdivision and development permit applications under this section because the Director has received and accepted a notice of independent remediation with respect to the site.

As a condition of the release and pursuant to section 54(3)(d) of the *Environmental Management Act* (Act), the Director imposes the following requirements on the proponent with respect to the site:

1. Remediation, including monitoring, inspections and maintenance of any works, undertaken on the parcel being developed must be completed in the manner specified in the remediation plan reports entitled "Stage 2 Preliminary Site Investigation, and Detailed Site Investigation 3829 to 3919 Dollarton Highway, North Vancouver, BC" and "Preliminary Problem Formulation 3829 to 3919 Dollarton Highway, North Vancouver, BC", prepared by Pottinger Gaherty Environmental Consultants Ltd., dated October 2013 for as long as the project proceeds, or as agreed by the Director in response to an acceptable request for modification.
2. Remediation must be completed within five years of the date of issue of this letter.
3. Additional reporting requirements are included in the ministry letter issued to Polygon Developments Ltd. for SITE 14456 dated 19 November, 2013.
4. Remediation must be confirmed in accordance with applicable legislation and ministry guidance. Within 90 days of completing remediation, a report summarizing confirmation of remediation must be prepared in accordance with section 49 (2) of the Contaminated Sites Regulation and submitted to the Director.
5. Immediately notify a Director and register a covenant under section 219 of the *Land Title Act*, incorporating the contents of the remediation plan, if the property is sold to

- 3 -

someone other than Polygon Development Ltd. before completion of the proposed development.

Please be advised of the following:

- The ministry recommends that the proponent review all aspects of the government's contaminated sites legislation and supporting guideline documents and protocols to ensure that all required information is collected and documented during investigation and where necessary, remediation of the site;
- Those persons undertaking site investigations and remediation at contaminated sites in British Columbia are required to do so in accordance with the requirements of the Act and its regulations. The ministry considers these persons responsible for identifying and addressing any human health or environmental impacts associated with the contamination;
- In cases of site demolition, we recommend that a survey of building materials and equipment be undertaken to identify any materials that require special management;
- Under the authority of the Act, all applications eligible under Protocol 6 must be submitted by an Approved Professional via the Contaminated Sites Approved Professional Society. For further clarification of application eligibility please see Protocol 6, "Eligibility of Applications for Review by Approved Professionals";
- Fees are applicable for the ministry's contaminated sites services, pursuant to section 9 of the Contaminated Sites Regulation. Information on the government's contaminated sites legislation and supporting guideline documents and protocols as well as a Contaminated Sites Services Application Form can be obtained from the ministry's Land Remediation web page located at: <http://www.env.gov.bc.ca/epd/remediation/>; and
- Penalties for noncompliance with the contaminated sites requirements of the Act and Regulation are provided in section 120(17) of the Act.

Decisions of a Director may be appealed under Part 8 of the Act.

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Please contact the undersigned at 604 582-5377 if you have any questions about this letter.

Yours truly,



Vincent Hanemayer
for Director, *Environmental Management Act*

vch\

cc: Cynthia Melosky, Polygon Development Ltd. Fax: 604 876-1258

The Corporation of the District of North Vancouver

Bylaw 8024

A bylaw to amend The District of North Vancouver Official Community Plan Bylaw 7900, 2011

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

1. Citation

This bylaw may be cited as “The District of North Vancouver Official Community Plan Bylaw 7900, 2011, Amendment Bylaw 8024, 2013 (Amendment 8)”.

2. Amendments

- a. The following amendment is made to the “District of North Vancouver Official Community Plan Bylaw 7900, 2011”:
 - i. Map 2 Land Use: by changing the land use designation of the site, legally described as: Lot 1, Blocks A and D, District Lot 230, Plan 12037 (PID: 008-965-358); Lot 2, Blocks A and D, District Lot 230, Plan 12037 (PID: 008-965-404); the east 66 feet of the west 1/3 of Lot A (Reference Plan 757), District Lot 230, Group 1, New Westminster District (PID: 015-994-937); and, the centre 1/3 of Lot A (Reference Plan 757), District Lot 230, Group 1, New Westminster District (PID: 015-994-902) from “**Commercial Residential Mixed Use Level 1 (CRMU1)**” to “**Residential Level 4: Transition Multi-Family (RES4)**” as illustrated on Bylaw 8024 Schedule “A” attached, with the exception of any part of said lands that are dedicated as highway pursuant to section 107 of the Land Title Act.

READ a first time this the

PUBLIC HEARING held on this the

READ a second time this the

READ a third time this the

ADOPTED this the

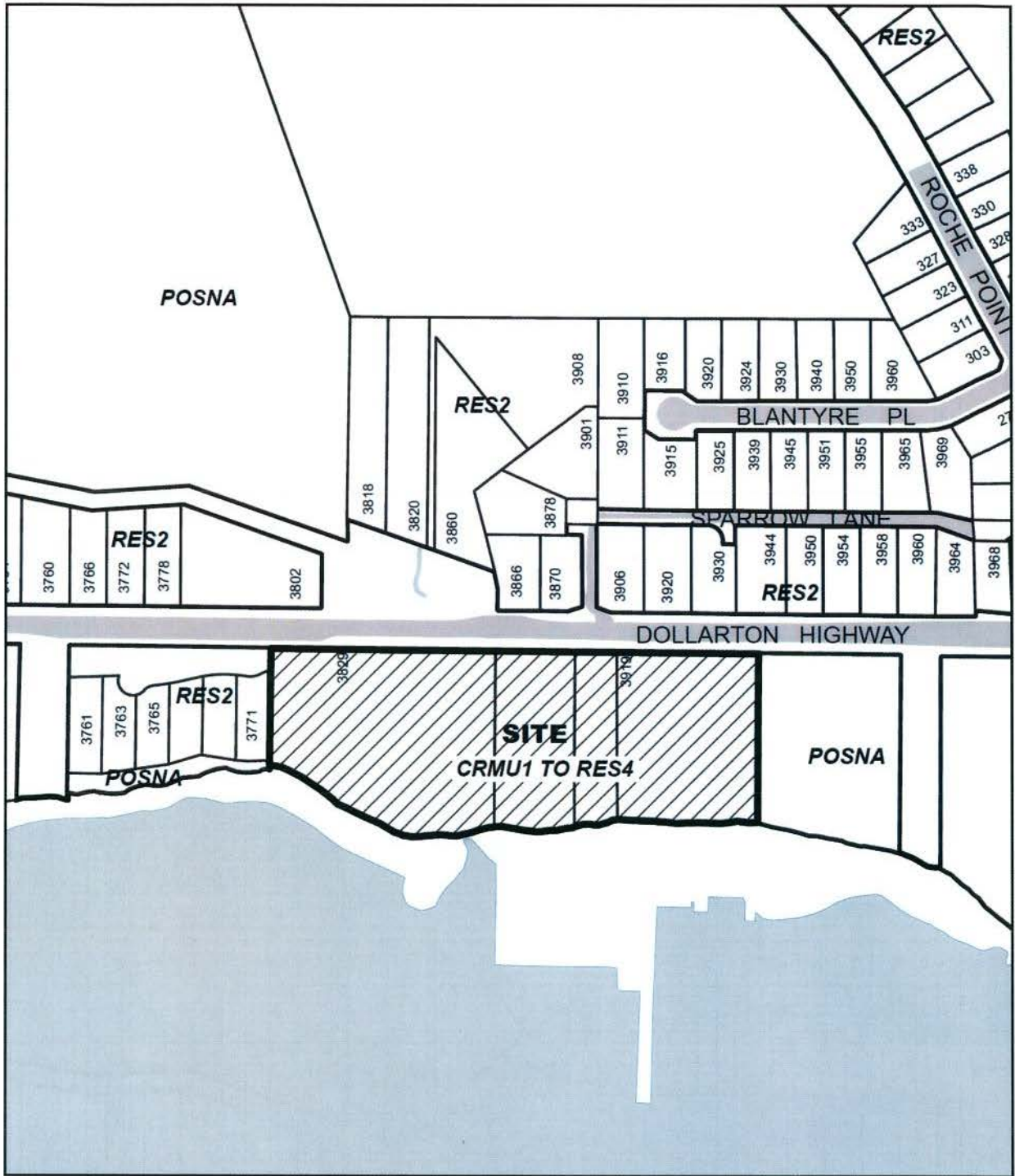
Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

BYLAW 8024 SCHEDULE A: OCP MAP



Commercial/Residential Mixed Use Level 1 to Residential Level 4: Transitional Multi-Family (RES4)



The Corporation of the District of North Vancouver

Bylaw 8025

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

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

1. Citation

This bylaw may be cited as “The District of North Vancouver Rezoning Bylaw 1301” (Bylaw 8025”).

2. Amendments

The following amendments are made to the “District of North Vancouver Zoning Bylaw 3210, 1965”:

(A) Section 301(2) by inserting the following zoning designation:

“Comprehensive Development Zone 77 CD77”

(B) Part 4B Comprehensive Development Zone Regulations by inserting the following:

“ 4B77 Comprehensive Development Zone 77 CD77 ”

4B77-1) Intent:

The purpose of the CD77 Zone is to establish specific land use and development regulations for a 95 unit mixed apartment and townhouse project.

4B77-2) Uses:

The following *principal uses* shall be permitted in the Comprehensive Development 77 Zone:

(a) Uses Permitted Without Conditions:

- (i) Residential building, low rise apartment; and
- (ii) Residential building, multiple-family townhouse

(b) Conditional Uses:

Not Applicable

4B77-3) Conditions of Use:

Not Applicable

4B77-4) Accessory Uses:

(a) *Accessory uses* are permitted and may include but are not necessarily limited to:

- (i) Home occupations in accordance with the regulations in Section 405 of the Zoning Bylaw, 1965

4B77-5) Density:

- (a) The maximum permitted density in the CD77 Zone is limited to a floor space ratio (FSR) of 0.3, inclusive of any density bonus for energy performance;
- (b) For the purposes of calculating floor space ratio, the area of underground parking garages, underground mechanical rooms, underground garbage and recycling collection areas, underground storage areas and above ground electrical/mechanical rooms, is exempted.

4B77-6) Amenities:

Despite subsection 4B77-5, density in the CD77 Zone is increased to a maximum floor space ratio of 0.9 FSR, inclusive of any density bonus for energy performance, if the owner:

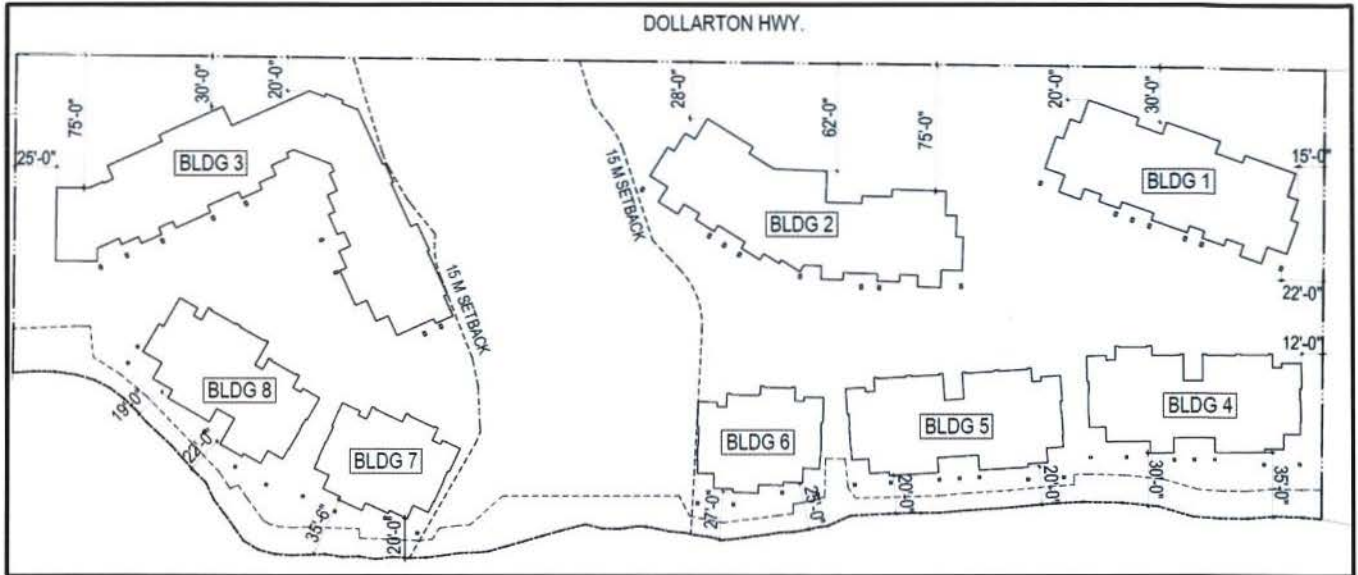
1. Enters into a Housing Agreement requiring a rental disclosure statement to be filed and prohibiting any strata bylaw or regulation rental restrictions; and
2. Contributes \$1,863,720 to the municipality to be used for any or all of the following amenities (with allocation to be determined by the municipality in its sole discretion): public art; park, trail, environmental or other public realm improvements; municipal or recreation service or facility improvements; and/or the affordable housing fund.

4B77-7) Maximum Principal Building Size:

Not applicable

4B77-8) Setbacks:

Buildings and structures shall be set back from property lines to the principal building face in accordance with the following setback plan:



4B77-9) Building Orientation:

Not applicable

4B77-10) Building Depth and Width:

Not applicable

4B77-11) Coverage:

- (a) Building Coverage shall not exceed 42%.
- (b) Site Coverage shall not exceed 60%.

4B77-12) Height:

The maximum permitted height for each building type is:

- (a) Apartment building: 16.2m (53ft.);
- (b) Townhouse building: 9.9m (32.5ft.).

4B77-13) Acoustic Requirements:

In the case of residential purposes, a development permit application shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurements, demonstrating that the noise levels in those portions of the dwelling listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units:

Portion of Dwelling Unit	Noise Level (Decibels)
Bedrooms	35
Living and Dining rooms	40
Kitchen, Bathrooms and Hallways	45

4B77-14) Landscaping:

- (a) All land areas not occupied by buildings, structures, parking spaces, loading spaces, driveways, manoeuvring aisles and sidewalks shall be landscaped or finished in accordance with an approved landscape plan; and
- (b) All electrical kiosks and garbage and recycling container pads not located underground or within a building shall be screened with landscaping.

4B77-15) Subdivision Requirements:

Not Applicable

4B77-16) Additional Accessory Structure Regulations:

Not applicable.

4B77-17) Parking and Loading Regulations:

- (a) Parking spaces shall be provided on the basis of 2 spaces/unit inclusive of designated visitor and parking for persons with disabilities;
 - (b) All regular, small car and handicapped parking spaces shall meet the minimum width and length standards established in Part 10 of this Bylaw;
 - (c) All manoeuvring aisles shall meet the minimum width standards established in Part 10 of this Bylaw; and
 - (d) A minimum of 16 Class 2 bicycle parking spaces are required for the apartment units.”
- (C) The Zoning Map is amended in the case of the lands illustrated on the attached map (Schedule A) by rezoning the land from the Waterfront Industrial Zone (I1) to Comprehensive Development Zone 77 (CD 77), with the exception of any part of the said lands that are dedicated as highway pursuant to section 107 of the Land Title Act.

READ a first time this the day of

PUBLIC HEARING

READ

READ

ADOPTED

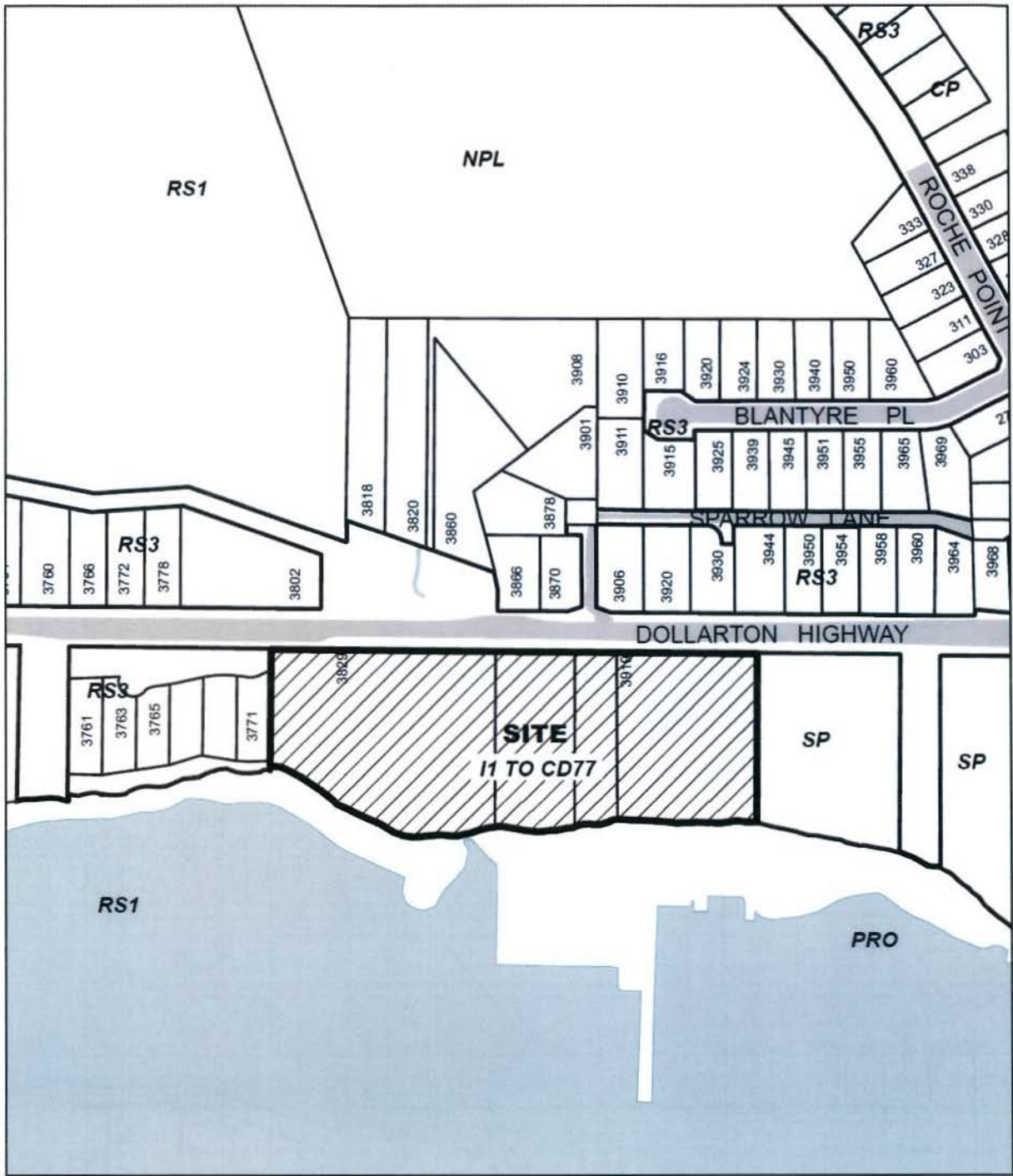
Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

BYLAW 8025 SCHEDULE A: ZONING MAP



Waterfront Industrial (I1) to
Comprehensive Development Zone 77 (CD77)



The Corporation of the District of North Vancouver

Bylaw 8030

A bylaw to enter into a Housing Agreement (3829 and 3919 Dollarton Highway)

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

1. Citation

This bylaw may be cited as "Housing Agreement Bylaw 8030, 2014".

2. Authorization to Enter into Agreement

2.1 The Council hereby authorizes the agreement, substantially in the form attached to this Bylaw as Schedule "A", between The Corporation of the District of North Vancouver and Polygon Development 270 Ltd. with respect to the following lands:

- a) Lot 1, Blocks A and D, District Lot 230, Plan 12037 (PID: 008-965-358);
- b) Lot 2, Blocks A and D, District Lot 230, Plan 12037 (PID: 008-965-404);
- c) the east 66 feet of the west 1/3 of Lot A (Reference Plan 757), District Lot 230, Group 1, New Westminster District (PID: 015-994-937); and,
- d) the centre 1/3 of Lot A (Reference Plan 757), District Lot 230, Group 1, New Westminster District (PID: 015-994-902)

3. Execution of Documents

The Mayor and Municipal Clerk are authorized to execute any documents required to give effect to the Housing Agreement.

READ a first time this the

READ a second time this the

READ a third time this the

ADOPTED this the

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

Schedule A to Bylaw 8030

SECTION 219 COVENANT – HOUSING AGREEMENT

This agreement dated for reference the ____ day of _____, 20__ is

BETWEEN:

POLYGON DEVELOPMENT 270 LTD. of _____

(the “Owner”)

AND:

THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER, a municipality incorporated under the *Local Government Act*, R.S.B.C. 1996, c.323 and having its office at 355 West Queens Road, North Vancouver, BC V7N 4N5

(the “District”)

WHEREAS:

- A. The Owner is the registered owner of the Lands;
- B. The Owner wishes to obtain development permissions with respect to the Lands and wishes to create a condominium development which will contain housing strata units on the Lands;
- C. Section 905 of the *Local Government Act* authorises the District, by bylaw, to enter into a housing agreement to provide for the prevention of rental restrictions on housing and provides for the contents of the agreement; and
- D. A covenant registrable under Section 219 of the *Land Title Act* may include provisions in respect of the use of land, the use of a building on or to be erected on lands; that land is to be built on in accordance with the covenant, is not to be built on except in accordance with that covenant or is not to be built on; that land is not to be subdivided unless in accordance with the covenant or is not to be subdivided.

NOW THEREFORE in consideration of the mutual promises contained in it, and in consideration of the payment of \$1.00 by the District to the Owner (the receipt and sufficiency of which is acknowledged by the Owner), the parties covenant and agree with each other as follows, as a housing agreement under Section 905 of the *Local Government Act*, and as a contract and a deed under seal between the parties and the parties hereto further covenant and agree that the Lands shall not be used or built on except in accordance with this Covenant as follows:

1. DEFINITIONS

1.01 Definitions

In this agreement:

- (a) “*Development Permit*” means development permit No. _____ issued by the District;
- (b) “*Lands*” means land described in Item 2 of the *Land Title Act* Form C to which this agreement is attached;
- (c) “*Proposed Development*” means the development on the Lands contemplated in the Development Permit containing not more than 95 Units;
- (d) “*Unit*” means a residential dwelling strata unit in the Proposed Development; and
- (e) “*Unit Owner*” means the registered owner of a Dwelling Unit in the Proposed Development.

2. TERM

This Agreement will commence upon adoption by District Council of Bylaw 8030 and will remain in effect until terminated by the District.

3. RENTAL ACCOMODATION

3.01 Rental Disclosure Statement

No Unit in any building on the Lands that has been strata title subdivided under the *Strata Property Act* may be occupied unless the Owner has:

- (a) before the first Unit in the said strata subdivision is offered for sale, or conveyed to a purchaser without being offered for sale, filed with the Superintendent of Real Estate a Rental Disclosure Statement designating all of the Units in the said strata subdivision as rental strata lots and imposing at least a ninety-nine (99) year rental period in relation to all of the Units pursuant to the *Strata Property Act* (or any successor or replacement legislation); and
- (b) given a copy of the Rental Disclosure Statement to each prospective purchaser of any Unit in the said strata subdivision before the prospective purchaser enters into an agreement to purchase in respect of the Unit.

3.02 Rental Accommodation

Every Unit constructed on the Lands from time to time may always be used to provide rental accommodation as the Owner or a Unit Owner may choose from time to time.

3.03 Binding on Strata Corporation(s)

This agreement shall be binding upon all strata corporations created upon the strata title subdivision of the Lands or any building on the Lands pursuant to the *Strata Property Act*.

3.04 Strata Bylaw Invalid

Any strata corporation bylaw which prevents, restricts or abridges the right to use any of the Units as rental accommodations shall have no force or effect.

3.05 No Bylaw

The strata corporation(s) shall not pass any bylaws preventing, restricting or abridging the use of the Lands, the Proposed Development or the Units contained therein from time to time as rental accommodation.

3.06 Vote

No Unit Owner, nor any tenant or mortgagee thereof, shall vote for any strata corporation bylaw purporting to prevent, restrict or abridge the use of the Lands, the Proposed Development and the units contained therein from time to time as rental accommodation.

3.07 Notice

The owner will provide notice of this Agreement to any person or persons intending to purchase a Unit prior to any such person entering into an agreement of purchase and sale, agreement for sale, or option or similar right to purchase as part of the Disclosure Statement for any part of the Proposed Development prepared by the Owner pursuant to the *Real Estate Development Marketing Act*.

4. DEFAULT AND REMEDIES

4.01 Notice of Default

The District may, acting reasonably, give to the Owner written notice to cure a default under this Agreement within thirty (30) days of receipt of notice. The notice must specify the nature of the default. The Owner must act with diligence to correct the default within the time specified.

4.02 Costs

The Owner will pay to the District on demand by the District all the District's costs of exercising its rights or remedies under this Agreement, on a full indemnity basis.

4.03 Damages an Inadequate Remedy

The Owner acknowledges and agrees that in the case of a breach of this Agreement which is not fully remediable by the mere payment of money and promptly so remedied,

the harm sustained by the District and to the public interest will be irreparable and not susceptible of adequate monetary compensation.

4.04 Equitable Remedies

Each party to this Agreement, in addition to its rights under this Agreement or at law, will be entitled to all equitable remedies including specific performance, injunction and declaratory relief, or any of them, to enforce its rights under this Agreement.

4.05 No Penalty or Forfeiture

The Owner acknowledges and agrees that it is entering into this Agreement to benefit the public interest in providing rental accommodation, and that the District's rights and remedies under this Agreement are necessary to ensure that this purpose is carried out, and the District's rights and remedies under this Agreement are fair and reasonable and ought not to be construed as a penalty or forfeiture.

4.06 Cumulative Remedies

No reference to nor exercise of any specific right or remedy under this Agreement or at law or at equity by any party will prejudice, limit or preclude that party from exercising any other right or remedy. No right or remedy will be exclusive or dependent upon any other right to remedy, but any party, from time to time, may exercise any one or more of such rights or remedies independently, successively, or in combination. The Owner acknowledges that specific performance, injunctive relief (mandatory or otherwise) or other equitable relief may be the only adequate remedy for a default by the Owner under this Agreement.

5. LIABILITY

5.01 Indemnity

Except for the negligence of the District or its employees, agents or contractors, the Owner will indemnify and save harmless each of the District and its elected officials, board members, officers, directors, employees, and agents, and their heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, actions, loss, damage, costs and liabilities, which all or any of them will or may be liable for or suffer or incur or be put to by reason of or arising out of any act or omission by the Owner, or its officers, directors, employees, agents, contractors, or other persons for whom at law the Owner is responsible or the Owner's ownership, operation, management or financing of the Proposed Development or any part thereof.

5.02 Release

Except to the extent such advice or direction is given negligently, the Owner hereby releases and forever discharges the District, its elected officials, board members, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors and assigns from and against all claims, demands,

damages, actions or causes of action by reason of or arising out of advice or direction respecting the ownership, operation or management of the Proposed Development or any part thereof which has been or hereafter may be given to the Owner by all or any of them.

5.03 Survival

The covenants of the Owner set out in Sections 5.01 and 5.02 will survive termination of this Agreement and continue to apply to any breach of the Agreement or claim arising under this Agreement during the ownership by the Owner of the Lands or any Unit therein, as applicable.

6. GENERAL PROVISIONS

6.01 District's Power Unaffected

Nothing in this Agreement:

- (a) affects or limits any discretion, rights or powers of the District under any enactment or at common law, including in relation to the use or subdivision of land;
- (b) affects or limits any enactment relating to the use of the Lands or any condition contained in any approval including any development permit concerning the development of the Lands; or
- (c) relieves the Owner from complying with any enactment, including the District's bylaws in relation to the use of the Lands.

6.02 Agreement for Benefit of District Only

The Owner and District agree that:

- (a) this Agreement is entered into only for the benefit of the District;
- (b) this Agreement is not intended to protect the interests of the Owner, any Unit Owner, any occupant or any future owner, occupier or user of any part of the Proposed Development including any Unit; and
- (c) The District may at any time execute a release and discharge of this Agreement in respect of the Proposed Development or any Unit therein, without liability to anyone for doing so.

6.03 Agreement Runs With the Lands

This Agreement burdens and runs with the Lands and any part into which any of them may be subdivided or consolidated, by strata plan or otherwise. All of the covenants and agreements contained in this Agreement are made by the Owner for itself, its successors

and assigns, and all persons who acquire an interest in the Lands or in any Unit after the date of this Agreement.

6.04 Release

The covenants and agreements on the part of the Owner and any Unit Owner and herein set forth in this Agreement have been made by the Owner and any Unit Owner as contractual obligations as well as being made pursuant to Section 905 of the *Local Government Act* (British Columbia) and as such will be binding on the Owner and any Unit Owner, except that neither the Owner nor any Unit Owner shall be liable for any default in the performance or observance of this Agreement occurring after such party ceases to own the Lands or a Unit as the case may be.

6.05 Priority of This Agreement

The Owner will, at its expense, do or cause to be done all acts reasonably necessary to ensure this Agreement is registered against the title to each Unit in the Proposed Development in priority to all charges and encumbrances which are registered, or pending registration, against title to the Lands in the Land Title Office, save and except those as have been approved by the District or have been granted in favour of the District.

6.06 Agreement to Have Effect as Deed

The District and the Owner each intend by execution and delivery of this Agreement to create both a contract and a deed under seal.

6.07 Waiver

An alleged waiver by a party of any breach by another party of its obligations under this Agreement will be effective only if it is an express waiver of the breach in writing. No waiver of a breach of this Agreement is deemed or construed to be a consent or waiver of any other breach of this Agreement.

6.08 Time

Time is of the essence in this Agreement. If any party waives this requirement, that party may reinstate it by delivering notice to another party.

6.09 Validity of Provisions

If a Court of competent jurisdiction finds that any part of this Agreement is invalid, illegal, or unenforceable, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

6.10 Extent of Obligations and Costs

Every obligation of a party which is set out in this Agreement will extend throughout the Term and, to the extent that any obligation ought to have been observed or performed prior to or upon the expiry or earlier termination of the Term, such obligation will survive the expiry or earlier termination of the Term until it has been observed or performed.

6.11 Notices

All notices, demands, or requests of any kind, which a party may be required or permitted to serve on another in connection with this Agreement, must be in writing and may be served on the other parties by registered mail, by facsimile transmission, or by personal service, to the following address for each party:

If to the District:

District Municipal Hall
355 West Queens Road
North Vancouver, BC V7N 4N5

Attention: Planning Department
Facsimile: (604) 984-9683

If to the Owner:

Attention:
Facsimile: (604)

If to the Unit Owner:

The address of the registered owner which appears on title to the Unit at the time of notice.

Service of any such notice, demand, or request will be deemed complete, if made by registered mail, 72 hours after the date and hour of mailing, except where there is a postal service disruption during such period, in which case service will be deemed to be complete only upon actual delivery of the notice, demand or request; if made by facsimile transmission, on the first business day after the date when the facsimile transmission was transmitted; and if made by personal service, upon personal service being effected. Any party, from time to time, by notice in writing served upon the other parties, may designate a different address or different or additional persons to which all notices, demands, or requests are to be addressed.

6.12 Further Assurances

Upon request by the District, the Owner will promptly do such acts and execute such documents as may be reasonably necessary, in the opinion of the District, to give effect to this Agreement.

6.13 Enuring Effect

This Agreement will enure to the benefit of and be binding upon each of the parties and their successors and permitted assigns.

7. **INTERPRETATION**

7.01 References

Gender specific terms include both genders and include corporations. Words in the singular include the plural, and words in the plural include the singular.

7.02 Construction

The division of this Agreement into sections and the use of headings are for convenience of reference only and are not intended to govern, limit or aid in the construction of any provision. In all cases, the language in this Agreement is to be construed simply according to its fair meaning, and not strictly for or against either party.

7.03 No Limitation

The word “including” when following any general statement or term is not to be construed to limit the general statement or term to the specific items which immediately follow the general statement or term similar items whether or not words such as “without limitation” or “but not limited to” are used, but rather the general statement or term is to be construed to refer to all other items that could reasonably fall within the broadest possible scope of the general statement or term.

7.04 Terms Mandatory

The words “must” and “will” are to be construed as imperative.

7.05 Statutes

Any reference in this Agreement to any statute or bylaw includes any subsequent amendment, re-enactment, or replacement of that statute or bylaw.

7.06 Entire Agreement

- (a) This is the entire agreement between the District and the Owner concerning its subject, and there are no warranties, representations, conditions or collateral agreements relating to this Agreement, except as included in this Agreement.
- (b) This Agreement may be amended only by a document executed by the parties to this Agreement and by bylaw, such amendment to be effective only upon adoption by District Council of a bylaw to amend Bylaw 8030.

7.07 Governing Law

This Agreement is to be governed by and construed and enforced in accordance with the laws of British Columbia.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the *Land Title Act* Form C that is attached hereto and forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

GIVEN THAT:

- A. _____ (the "Owner") is the Registered Owner of the Land described in Item 2 of Page 1 of the Form C (the "Land");
- B. The Owner granted _____ (the "Prior Chargeholder") a Mortgage and Assignment of Rents registered against title to the Land in the Lower Mainland Land Title Office (the "LTO") under Nos. _____, as extended by _____ and _____, as extended by _____ (together, the "Prior Charge");
- C. The Owner granted to THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER (the "District") a Covenant attached to this Agreement and registered against title to the Land in the LTO immediately before registration of this Agreement (the "Subsequent Charge"); and
- D. Section 207 of the *Land Title Act* permits the Prior Chargeholder to grant priority over a charge to the District as Subsequent Chargeholder.

THEREFORE this Agreement is evidence that in consideration of \$1.00 and other good and valuable consideration received by the Prior Chargeholder from the District (the receipt and sufficiency of which the Prior Chargeholder acknowledges):

1. The Prior Chargeholder consents to the granting and registration of the Subsequent Charge and the Prior Chargeholder agrees that the Subsequent Charge shall be binding upon their interest in and to the Land.
2. The Prior Chargeholder grants to the District, as a Subsequent Chargeholder, priority for the Subsequent Charge over the Prior Chargeholder's right, title and interest in and to the Land, and the Prior Chargeholder postpones the Prior Charge and all of their right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charge.

As evidence of its agreement to be bound by the terms of this instrument, the Prior Chargeholder has executed the Land Title Office Form C to which this Agreement is attached and which forms part of this Agreement.

- END OF DOCUMENT -

EXCERPT FROM THE MINUTES OF THE JUNE 13, 2013 MEETING OF THE ADVISORY DESIGN PANEL

a. 3829-3919 Dollarton Highway – Detailed Application for 95 unit apartment/townhouse project.

Mr. Doug Allan of the Planning Department provided a brief review of the application and the site context. It was noted that the proposal is a detailed application that involves the redevelopment of 4 ship repair properties to a mixed apartment and townhouse project involving 80 apartment units and 15 townhomes. The apartment units are located in three, four-storey buildings each with underground parking. The townhouses are in five blocks arranged along the waterfront.

It was noted that this project has a number of development issues that the design team have taken into consideration, including impacts on neighborhood views, site contamination, creek restoration, wildlife protection, flood construction levels, public access to the foreshore, and archeological impacts.

The Chair thanked Mr. Allan for his presentation and welcomed the applicant team to the meeting. The Chair outlined the procedure to be followed in presenting the proposal and for the review by the Panel.

Mr. Keith Hemphill of Rositch Hemphill Architects made some opening comments and reviewed the proposal. Mr. Hemphill commented that the site includes a number of constraints which the design team has taken into consideration. It was noted that the site planning is derived by the contours of the site, with the taller buildings tucked into the slope and the townhomes near the waterfront. Walkways and driveways have been designed to provide for ease of accessibility by pedestrians, visitors and emergency vehicles.

Existing views of residents on the north side of Dollarton Highway were consulted and the impacts on their views modeled. The project's height and preferred flat roof design are outcomes of this consultation.

Mr. Hemphill reviewed the colour and material choices for the development.

Mr. Rob Barnes from Perry and Associates Landscape Architecture spoke to the landscaping plans noting the intention to create a sustainable landscape using native materials and plantings, pathways with permeable surfaces, and clean-up and enhancement of the waterfront. As part of the development, the existing stream that crosses the site is proposed to be rehabilitated to improve its usefulness as fish habitat.

Many of the industrial artifacts from the prior shipbuilding businesses are planned to be used as public art throughout the development.

Pedestrian access is proposed from Dollarton Highway down to the waterfront. The proposal includes a waterfront pathway to allow easy access along the waterfront, which will connect to the trail fronting Cates Park. The townhome patios facing south will be slightly elevated to improve the relationship the public pathway. Discussions are

currently underway with Port Metro Vancouver to allow for 14-15 boat slips for the use of the homeowners.

The Chair thanked the project team for the presentation and asked if there were any questions of clarification from the Panel members.

Questions of clarification were asked on the following topics:

Proposed boat slips for private or public use? Private.

Has the provision of boat slips at the existing pier been reviewed, including potential for public use? As the structure extends a water lot lease, Port Metro Vancouver has jurisdiction and will be reviewing this component of the project. While the applicant views this as a private dock for the benefit of the project residents, the District would like to discuss with the applicant and Port Metro Vancouver the opportunity of accommodating some public access to the proposed dock.

Type of roof and material? Flat roofs, with centralized exhaust air ducting to reduce the number of vent perforations. The roof material has not been finalized, and it is possible that some form of pattern or texture may be incorporated.

Paving material of road? Asphalt will be used with some feature paving elements to be used at the entrance to each apartment building.

Stormwater management? Drainage is proposed into the ocean but will be bio-filtered in creek riparian areas.

Lighting plans? Low impact street lighting is intended and finalized approach will balance the intent to reduce light levels with the need for safe vehicle movements.

Sustainability target? Built Green Gold.

Approved fire access locations? Main entrance and secondary emergency access on the west end of the property. It was noted that fire truck ladders can access the roofs of all three buildings apartment buildings from Dollarton Highway.

Clarification on stone trim material? The use of a high quality cultured stones in warm earth tones is proposed.

Clarification on panel material and installation? Grey or brown Hardi-plank is proposed with exposed fasteners.

Consideration of green roof elements? Have not been considered as green roofs create design and certification challenges on wood frame buildings.

Fence proposed along Dollarton Highway? No, the area at the entrance is very steep so access is clearly defined.

Has accessible parking been clearly identified? Yes, there will be visitor stalls and marked accessible parking stalls in the underground parking garages.

Will underground parking entrance allow for access by special needs vans? Yes, garage has been designed to accommodate these vans.

Is the proposed stone element related to any visible natural stone in the environment? There is not much visible stone in this area but the intent is to use a type of stone that occurs elsewhere in BC.

The Chair thanked the applicant team and staff for their clarifications and asked for comments from the District Urban Design Planner, Mr. Alfonso Tejada.

Mr. Tejada made some comments with regard to the relationship of the project to the homes to the north on Dollarton Highway and how these homeowners will perceive the development. Mr. Tejada suggested that the relationship could be improved by creating some minor variations in the proposed flat roofline, particularly to reflect the fact that not all of the existing homes have the same view of the proposed development.

It was noted that the appearance of proposed "building two" and "building three" are each very long (in excess of 45 meters). Further, the north and south elevations of all of the apartment buildings is somewhat lacking in articulation or variation in colour.

Mr. Tejada concluded his comments by suggesting that some attention be paid to the pedestrian path from Dollarton Highway with a suggestion that the entrance area should be highlighted and made more accessible, with exploration of an opportunity to extend the central pedestrian spine to the water's edge.

The Chair thanked Mr. Tejada for his input and invited comments from the Panel.

The Panel members thanked the applicant for their presentation and remarked on the applicant's positive effort with a very challenging site.

Panel members echoed many of Mr. Tejada's comments regarding the large expanses of flat roofs. Suggestions were made that the project would appear ideal for a green roof approach, but it was recognized that the wood frame construction presents challenges.

Panel members suggested that the applicant consider adding some variation to the roofs, minimize the dark color, and reduce the roof overhang. Also offered, was a suggestion that the design team provide a stepback at the fourth floor levels of each of the apartment buildings to help break up the roof lines.

It was noted that the project could benefit from a warmer and more varied colour palette and the use of cedar siding instead of Hardi-plank. It was also suggested that the elevator penthouses could be finished in a more neutral colour to avoid drawing attention to them. It was further suggested that thinner design for the window frames would help achieve a cleaner result.

Some concerns were expressed as to whether the proposed apartment buildings would be considered as five-storey buildings with regard to fire code compliance, and that this issue, as well as the need for fire walls, should be explored carefully.

Panel members noted some concern with a lack of gathering spaces for residents could gather, and it was suggested that the creek crossing seemed like a good location for these types of activities. Further, it was noted that some pedestrian presence on Dollarton Highway would be positive, and related to this, an opportunity for improved wayfinding, perhaps through the use of different materials.

Some discussion took place regarding the history of the area and while Panel members noted an appreciation for the various artifacts to be placed at the site, it was felt there could be more opportunity to reflect the history of the area.

The Panel commented that a physical model would have been very helpful in understanding the site challenges. It was noted that the horizontal elements highlighted in the project at the preliminary application stage could be further accentuated in the current design of the project.

The Chair thanked the Panel for their comments and invited the project architect to respond to the comments made by the Panel.

Mr. Keith Hemphill of Rositch Hemphill Architects thanked the Panel for the comments and input and noted that the design team will take these comments into consideration.

The Chair thanked the project architect and invited the Panel to compose a motion.

MOVED by Cedric Burgers and **SECONDED** by Kevin Hanvey.

THAT the ADP has reviewed the proposal and commends the applicant for the quality of the proposal and recommends **APPROVAL** of the project **SUBJECT** to addressing the following items to the satisfaction of staff:

- Further exploration of articulation of roofs with consideration of materials, colour and treatment of appurtenances;
- Consider greater variety of colour selections;
- Explore opportunities for enhancement of public realm with specific attention to Dollarton Highway frontage;
- Review of public pathway from Dollarton Highway to explore options for improving accessibility; and
- Explore opportunities for preserving or reflecting existing building elements and artifacts on site in the proposed development.

MOTION CARRIED
(1 opposed)



**Proposed Project
Polygon Development 270 Ltd.
3829 – 3919 Dollarton Hwy
District of North Vancouver
Public Information Meeting
Tuesday, June 11, 2013**

Summary Report of the Evening

Duration of Event 7:00 p.m. to 8:30 p.m.
Location: Seymour Golf and Country Club

District of North Vancouver:
Doug Allan – Community Planning Department

Project Consultant Team:
Cynthia Melosky, VP Development, Polygon
Keith Hemphill, Rositch Hemphill Architects
Rob Barnes, Perry + Associates, Landscape Architects
Fred Ciambrelli, Creus Engineering Ltd.
Brian Wallace, BWW Consulting Ltd.
Bruce Nidle, Pottinger Gaherty Ltd.
Will Gaherty, Pottinger Gaherty Ltd.

Facilitator: Brenda Chaddock, Odyssey Leadership Centre

Attendees: Approximate estimate of attendees is between 60 and 70. Some arrived early and left during the meeting and others arrived later.

6:30 : Gathering of attendees. Refreshments and informal review of project display boards with informal conversations with the Consultant Team members.

7:00 pm. Welcome by Cynthia Melosky, on behalf of Polygon

Brenda Chaddock provided an overview of the agenda, introduced the Consultant Team and their roles, including formal presenters of information on the development plan and those acting as resources for

specific areas of inquiry. Brenda also introduced Doug Allan, Community Planner who attended both as an observer and to provide clarification on applicable processes and policies.

Presentations:

Keith Hemphill opened with a comprehensive summary of the development plan using projected drawings to illustrate various aspects of the proposed project and referred to the plans displayed around the room.

Rob Barnes described the landscape plans including the intention of using as many indigenous plants / trees as possible.

Bruce Nidle spoke to the Habitat Enhancement plan for Roche Point Creek and **Will Gaherty** acknowledged the potential for contamination and described the site investigation process as a precursor to developing a specific remediation plan.

7:30 p.m.: Questions and Responses:

Q: Were the sight lines from the streets above Dollarton Highway considered?

R: Keith – In addition to meeting with residents at their homes, opposite the development site on Dollarton Highway, he visited residences individually on Sparrow & Blantyre.

Q: Will Dollarton Highway be widened at the entrance to the complex?

R: Keith –The existing apron will be added to Dollarton Hwy and a left hand turn lane for west bound traffic has been provided at the request of the District.

Q: Does the fire department have sufficient access and are there any concerns regarding the ability of the bridge to carry the weight of the fire truck . The speaker also inquired as to whether a fire truck would drive over any of the apartment building underground parking structures. (It was later learned that this questioner was a fireman who had experiences with damage to bridges).

R: Keith – Assured that the bridge capacity is sufficient to handle the weight of the fire trucks. Access is from the main road and via the separate fire access road to the west.

Q: Is the project being built with LEED Green standards?

R: Keith - Yes, LEED Green standards will be followed including water management, lighting, heating and ventilation.

Q: Will the project incorporate a geothermal heating system?

R: No

Q: Will there be a traffic light at the entrance?

R: Brian – No. The traffic density will be approximately one vehicle per minute during commute hours and it has been determined that a signal is not warranted.

Q: Has the issue regarding the walking trail been resolved with Tsleil-Waututh?

R: Keith – Yes

Q: How much will the units cost?

R: Cynthia – Apartments will be \$650,000 to \$850,000. The townhouses will be roughly \$1.5 million. These are approximate projections as pricing will be driven by the market at the time

Q: Is access affected by District land ownership (lease)?

R: Cynthia – All land is freehold except for the foreshore which is Ports Metro Vancouver land.

Comment: Industry is being eliminated by this project

Q: Does this fit with the OCP?

R: Doug Allan -The site is currently designated as Commercial Residential Mixed Use Level 1. As the project is for residential uses only, an amendment to the OCP is required if the project is to move ahead.

Q: Will there be public access to the water?

R: Keith – As designed, the public will be able to approach the waterfront but only on the proposed waterfront walkway. Port Metro Vancouver is the owner of the foreshore lands and in discussions with the applicant have advised that they do not see the public being able to access this area which is intended as an area to be used for habitat compensation. The interior trail from Dollarton Highway towards the foreshore is public but the intention is to prohibit any public access to the proposed dock which is to be a private facility for the future residents. However, it remains to be determined how residents with kayaks or canoes will be able to launch their craft if there is no access to the Port's foreshore lands.

Q: Will there be a coffee shop / restaurant?

R: Cynthia -This has been previously explored and is not in the current plan as it is not deemed to be economic.

Q: Can this topic be re-opened for consideration?

R: Cynthia - The application is for rezoning to residential with no commercial component.

Note: Regarding this topic, there were several opinions expressed both for and against, including the current distance to a coffee shop at Dollarton Village, which was seen to be an increasing challenge to aging residents. Others felt commercial business was not appropriate nor of benefit.

Comment: Concern about trees growing too tall and obscuring view of uphill residents, and attendee made recommendations regarding what types of trees to avoid.

R: Rob – Thanked the respondent and agreed to review the choice of street trees.

Comment: Sight lines are deceiving as the existing buildings only block a small portion of the view.

R: Keith – We will be happy to show the three dimensional model as observed from the residents of the uphill houses. These illustrations can be ready for staff and Council's consideration.

Q: Is the land at the foreshore public land and is it accessible to the public?

R: Bruce –The foreshore lands are owned by Port Metro Vancouver and the plan is to utilize these lands for habitat compensation. Several speakers requested that Polygon discuss this issue with the Port as expanded public access towards the water was seen as a benefit to the project and community.

Q: How many parking spaces are proposed?

R: Keith – 167 spaces are proposed for both the apartment and townhouse units but the project would entail that staff and Council consider a reduction in the total number of spaces.

Comment: There was a concern that reducing the parking for the apartment units was not appropriate as there is an assumption that many of the residents will be two-car families and there is limited transit service in the area.

Q: Will there be an eastbound right turn in lane off Dollarton Hwy (The speaker was concerned that people wishing to enter the site will slow down to make the turn in which could affect eastbound through traffic).

R: Brian – The road and driveway are designed to comply with typical exits of this traffic volume and impacts on eastbound traffic had not been identified as an issue.

Q: Are units designed for accessibility by the handicapped?

R: Keith – the design has three levels of accessibility (in different units) as per the District's adaptable design guidelines.

8:28 Formal question period was concluded and attendees were assured that the communication pathways continue to be open through the comments sheets, e-mail & telephone. Independent notes of this meeting were recorded.

Informal conversation after the formal meeting continued which allowed participants to discuss aspects of the project with the presenters.

Note about venue:

This venue (room) was not quite sufficient to accommodate the number of attendees, with a number people standing at the sides and back of the room through the meeting.

Attendees had difficulty hearing the presenters due in part to noise coming through the wall to the dining room and voices from front of room not being able to project sufficiently.

There is accommodation for a microphone set up in the room and this should be considered in the future.

Brenda Chaddock
Odyssey Leadership Centre
June 12, 2013

JUL 30 2013

Community Services Dept.
District of North Vancouver

**Re: Seymour Local Plan Monitoring Committee Comments
Polygon Development Proposal for
South Side of Dollarton Highway (Dollarton Shipyard & McKenzie Barge)**

The SLP Monitoring Committee (SLP MC) would like to thank The Planning Department for the opportunity to submit comments and a recommendation on the Polygon project proposal for the Dollarton Shipyard site. The SLP MC discussed the proposed development at a recent meeting and makes the following comments:

THAT Council take into account the specific comments of the SLP MC listed in the Discussion Sections below, which are referenced to the Seymour Local Plan, before proceeding with further consideration of the development proposal. The SLP MC specifically urges Council to **reject** the Polygon proposal as presented.

1. Recreational Access to the Waterfront

In the SLP, Policy 3.2.3 (pg 5) is to "Promote environmental objectives by managing recreational access to and use of Seymour's trails, wilderness areas and **waterfront**." (emphasis added)

As well, Objective 7.6 of the SLP (pg 37) is "Increase public access to the Waterfront." Under that objective, Implementation 7.6.1.7 says, "Any future re-development of the McKenzie Barge/Noble Towing site will provide for waterfront access, views between Dollarton Highway and the waterfront and linkages to Cates Park and other neighbourhood destinations (see also 9.2.5)."

The Polygon proposal, although it provides a path to the waterfront, misses the opportunity to provide real public access to the waterfront; rather, the developers' representatives at the most recent public meeting stated they would discourage the public from leaving fairly high-level paths to approach the actual waterfront.

We do acknowledge that several of the implementation steps set out under Policy 3.2.3 have been undertaken – although without the desired result of improving real public access.

2. Re-development of the McKenzie Barge Site

Policy 6.3.5 of the SLP (pg 26) is "Any future re-development of the McKenzie Barge/Noble Towing site west of Cates Park should be treated as a comprehensive development focusing on the arts, culture, economic and tourism opportunities for the site. Such future comprehensive development **could include 25 or fewer residential units**, to be incorporated into the conceptual phasing strategy detailed in Section 4.0" (emphasis added)

It should be clear that the intention of the SLP was that re-development of the subject site might include *some* housing as an incidental part of the project; however, the Polygon proposal has housing as its sole objective, and **does not include any** of the arts, culture, economic and tourism opportunities which were intended. Moreover, when challenged on this point at the recent public meeting, the Polygon representative made it clear Polygon had no intention of including those other opportunities because "they do not fit the Polygon economic model", and that she felt confident District Council would accept that view.

It has been suggested to Polygon that the development might include at least a community coffee shop (as has been hugely successful at Parkgate) and some community amenity space (for meetings, art displays and the like); but those suggestions have been flatly rejected by Polygon.

3. Possible Alternative use for the Site

In the SLP under Policy 7.3.2 (pg 34) Implementation 7.3.2.10 says, "Investigate the demand for and possible future location of a new public marina outside of the Deep Cove area; e.g., the McKenzie Barge site." We have seen no evidence of such investigation – development of a public marina or a similar endeavour might also tie in very well with Objectives 4.6 and 4.7 (pg 13) of the SLP for increased recreational and tourism opportunities and increased economic and employment opportunities in

Seymour. Such development could provide an ongoing opportunity for the whole community rather than a one-shot opportunity for a developer.

4. Economic Development

Aside from Maplewood and Deep Cove, there are very few areas east of the Seymour River available for economic development. The McKenzie Barge site is one of those few areas, as recognized by the discussion in Section 9.0 of the SLP, beginning on pg 49. On pg 49 there is the statement, "Currently, Seymour has approximately 202,052 square feet of commercial (retail, service) space and minimal industrial activity on the McKenzie Barge-Noble Towing site on Dollarton Highway (approximately 4.2 net acres). ***The Plan anticipates that any future commercial needs can be met on this site with redevelopment from industrial to mixed commercial use, with a strong public component and minimal residential use.***" (emphasis added)

The SLP goes on in the following paragraph to say, "***The Plan*** encourages current waterfront and wilderness recreation and tourism activities such as rentals, lessons and services and also ***supports a comprehensive tourism strategy***, which balances opportunities with local area impacts. Plan policies also support growth in home-based business for its benefits in utilizing local skills and reducing commuting, while acknowledging the need to mitigate negative impacts on neighbours." (emphasis added)

5. Plan Map Designations

In the SLP, Section 12.0 (pp 57-59) there are several land use designations, including COMMERCIAL which is applied to "existing and proposed sites suitable for a range of local or community level retail, office, service or a mix of these uses. A separate designation for the McKenzie Barge/Noble Towing site – *Future Mixed Use* – indicates its suitability for a mix of such uses with a ***minimal*** residential component." (emphasis added)

6. Non-SLP Issues

Aside from issues specifically related to the SLP, members of the Monitoring Committee have commented on the following issues:

- There is an apparent lack of enough above-ground parking in the development – although perhaps adequate to serve day visitors, it does not allow for the inevitable presence of service vehicles for such as contractors working for residents, nor for longer-term parking by out-of-town guests of residents.
- In view of the aging population in Seymour, it would appear that only 10% of the total units are Level 3 Adaptable, which is considered rather paltry for the suggested project.

Conclusion

Although we recognize that with the adoption of the current OCP the "unit count" limitations of the SLP no longer apply, we also are aware that in its closed meeting of March 4, 2013, Council reaffirmed the status of the SLP as a reference policy document "to help inform land use decisions". It is on that basis that the Monitoring Committee now respectfully brings to the attention of Council some specific policies and objectives with respect to land use as set out in the SLP.

We would particularly like to emphasize the point that the McKenzie Barge site is the last remaining site in Seymour with the real potential for mixed use (which does not preclude *some* residential development). We believe it would be very short-sighted to succumb to the lure of immediate totally residential development and thus lose the ability to provide long-term economic and employment opportunities in Seymour for all time.

In light of the stated policies and objectives set out in the SLP and of the very obvious and determined inability or unwillingness of Polygon to abide by those policies and objectives in their proposal to develop the McKenzie Barge property, we do hereby urge Council to reject the Polygon proposal as presented.

Submitted by:
Seymour Local Plan Monitoring Committee
July 26, 2013



The Seymour Community Association

ATTACHMENT I

3802 Brockton Crescent, North Vancouver, B.C. V7G 1R6
604-929-7957(T) 604-929-1913 (F)

August 3rd, 2012

Mr. Doug Allan
Planning Department
District of North Vancouver
355 West Queens Road
North Vancouver, BC V7N 4N5

Dear Mr. Allan:

Re: Polygon Developments' request for Noble Cove OCP Amendment & Rezoning Application

Thank you for the package on the above proposed development. We have reviewed the proposal from the Community Association perspective, and one of our members, John Hunter, has made some comments from the perspective of a resident living near the site.

Polygon has undertaken a fairly extensive consultation process with local residents, and we are not aware of any significant opposition to the project, in fact, just the opposite, with many residents expressing varying levels of approval over the removal of what they consider to be an eyesore.

The SLP Monitoring Committee will no doubt be making their own comments to you with regard to unit counts and zoning. We would however like to provide a couple of comments that might overlap with theirs, and that is with regard to current zoning which envisages some commercial component on the site. We note from the proposal that Polygon intends to retain an existing house and turn it into a storage facility for boats and other marine gear for residents in the development. Given the proximity to the road and the topography, we wonder if the upper floor of this building might be converted into a coffee shop or similar that could be accessed from Dollarton Highway by a footbridge. This would provide a bit of a gathering place for area residents, both existing and potential. We also wonder if the amenity space in the first building might be made available to area residents as a rented boardroom, or similar, as there is very little in East Seymour currently available for this purpose.

Listed below are John Hunter's (paraphrased) comments sent to us prior to him leaving on vacation. Although some of his concerns have been addressed in the development proposal, we forward them to you so they are on record.

- Environmental Remediation: Ensure that the District is not responsible for any of the costs of cleaning up the existing environmental contamination, expected to be significant.

- Visitor Parking: Is it sufficient, especially on weekends when residents are more likely to have guests. If not, where will they park? The parking along the south side of Dollarton is often near full and is limited as to number of spaces.
- Increased traffic: The added volume on Dollarton Highway from 95 units is potentially 190 vehicles. John Hunter drove onto the site of the new houses above the shipyards and then tried to exit, turning left onto Dollarton, during afternoon rush hour. The cars parked along the south side of Dollarton block the view of eastbound cars coming down the hill (often well above the 50 KPH speed limit), making an exit dangerous. Perhaps the base plan should be a stoplight at this location, timed to allow exit based on a pressure pad or “electric eye” that only stops Dollarton traffic when someone wants to exit the project. We dislike more stoplights, but that may be a suitable base plan to be implemented if and when problems arise when the project is complete.
- Effects of Construction: Dollarton Highway has only two lanes at this point. Heavy equipment coming and going during construction will very likely block the flow of traffic for significant periods. Construction is also a dirty business, especially during site preparation and excavation. How does the developer intend to mitigate these concerns?
- Lack of any commercial component. This is contrary to the intended use of this site in the new OCP. Dollar Shopping Centre is heavily utilized with the parking lot often completely full. A convenience store included in the plans would benefit new and existing area residents alike.
- Is there some plan for a marina? A restrictive covenant should be placed on the property to ensure that this is not added in the future. Boats are noisy and oil/fuel spills are a risk.

These comments are a bit overdue, and we apologize for that. We look forward to further communication from you as this development application progresses.

Yours truly,



Board of Directors
Seymour Community Association

Copy to: Mayor and Council
Seymour Local Plan Monitoring Committee



August 2, 2013

VIA E-MAIL & MAIL

Doug Allan
 District of North Vancouver
 355 West Queens Road
 North Vancouver, BC V7N 4N5

Dear Mr. Allan,

**Re: Preliminary Application – Mixed Apartment/Townhouse Project
 3829/3919 Dollarton Highway (Polygon Development 270 Ltd.)**

Thank you for your letter of June 4, 2013, regarding a preliminary application by Polygon Development for the redevelopment of 4 legal lots at 3829 and 3919 Dollarton Highway with 95 multi-family residential units. As described in your letter, a key component of the project involves the development of a public amenity and recreational area along the foreshore, some of which is land under the jurisdiction of Port Metro Vancouver (PMV). PMV staff have reviewed the material provided and have the following preliminary comments.

In general, Port Metro Vancouver encourages the retention of industrial lands, which are a critical resource not just for the port but for the regional as whole. In this particular case, consideration of non-industrial uses as proposed presents an opportunity to rehabilitate a valuable waterfront site and address other important issues related to the riparian area and, potentially, public access to the waterfront, though in the broader context, PMV would like to ensure that there is no net loss to industrial land. Part of this would involve remediation of any site contamination arising from historic industrial uses to standards appropriate for the intended use.

It would be important to ensure that future residents of the new development be fully aware of the on-going industrial activity in the working port, including the noise and other potential impacts. This can be addressed through a variety of means, including project marketing, disclosure statements on title, etc.

The development is associated with a separate proposal for redevelopment of the (currently industrial) foreshore area for public access and recreational use. This portion of the overall development would have to be carefully designed to allow public access and activity and ensure the protection of riparian and habitat values. Considerable discussion between the District, project proponents and Port Metro Vancouver will be required on matters of tenure, use and associated conditions for the foreshore area. We look forward to continued productive dialogue between the parties in this regard.

...2.

100 The Pointe, 999 Canada Place, Vancouver, B.C. Canada V6C 3T4

100 The Pointe, 999 Canada Place, Vancouver, C.-B. Canada V6C 3T4

portmetrovancover.com

District of North Vancouver
August 2, 2013
Page 2

Thank you for the opportunity to comment on this proposal. We would appreciate further opportunities to provide input to this proposal as it proceeds. If you have any questions or concerns, please do not hesitate to contact Colleen Wickstrom at 604-665-9047 or colleen.wickstrom@portmetrovanouver.com.

Sincerely,



PORT METRO VANCOUVER

Colleen Wickstrom for
Sarah Farina
Planner

Cc: Christine Eriksen, Property Administrator, PMV
Greg Yeomans, Manager, Planning, PMV
Cari St. Pierre, Planner, PMV

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NORTH VANCOUVER
DISTRICT

PUBLIC HEARING

3829 and 3919 Dollarton Highway Redevelopment of four industrial lots

- What:** A Public Hearing about redevelopment of four industrial lots located at 3829 and 3919 Dollarton Highway. The proposed development will consist of a ninety-five unit mixed apartment/townhouse project.
- When:** 7 pm, Tuesday, April 8, 2014
- Where:** Council Chambers, North Vancouver District Hall,
355 W. Queens Road

Proposed*



Site Map



* Provided by applicant for illustrative purposes only. The actual development, if approved, may differ.

- What changes?** This proposal requires amendments to the Official Community Plan and Zoning Bylaws.
- When can I speak?** We welcome your input **Tuesday, April 8, 2014 at 7 pm**. You can speak in person by signing up at the Hearing or you can provide a written submission to the Municipal Clerk at input@dnv.org or by mail before the conclusion of the Hearing.
- Need more info?** All relevant background materials and copies of the two bylaws are available for review at the Municipal Clerk's Office, Monday to Friday 8 am to 4:30 pm or online at dnv.org/public_hearing.
- Questions?** Doug Allan, Community Planner, at dallan@dnv.org or 604-990-2357.



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