

AGENDA

PUBLIC HEARING

Tuesday, June 17, 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, June 17, 2014
Municipal Hall, Council Chambers
355 West Queens Road, North Vancouver

1. OPENING BY THE MAYOR

2. INTRODUCTION OF BYLAW BY CLERK

Bylaw 8061: The District of North Vancouver Rezoning Bylaw 1310

Purpose of Bylaw:

The proposed bylaw will rezone Grouse Inn and adjacent former gas station site. The proposal includes two residential towers, a restaurant, commercial building, and gateway plaza.

3. PRESENTATION BY STAFF

Presentation: Tamsin Guppy, Community Planner

4. PRESENTATION BY APPLICANT

Presentation: Foad Rafii, Rafii Architects

5. REPRESENTATIONS FROM THE PUBLIC

6. QUESTIONS FROM COUNCIL

7. COUNCIL RESOLUTION

Recommendation:

THAT the June 17, 2014 Public Hearing be closed;

AND THAT "The District of North Vancouver Rezoning Bylaw 1310 (Bylaw 8061)", be returned to Council for further consideration.

8. CLOSING

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The Corporation of the District of North Vancouver

Bylaw 8061

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 “District of North Vancouver Rezoning Bylaw 1310 (Bylaw 8061)”.

2. Amendments

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

- (a) Part 2A, Definitions is amended as follows:

Delete:

Definitions Applicable to the Employment Zones, Village Commercial Zones, Comprehensive Development Zones 65, 67, 68 and 69.

The following definitions apply in the Employment Zones [Sections 750 (EZ-I), 770 (EZ-LI)], Village Commercial Zones [Sections 600-A (VC-G), 600-B (VC-DC)], and Comprehensive Development Zones 65, 67, 68 and 69 [Sections 4B370 to 4B385 (CD65), 4B402 to 4B410 (CD67), (4B411 to 4B418 (CD68) and 4B420 to 4B435 (CD69)] only:

And replace with:

Definitions Applicable to the Employment Zones, Village Commercial Zones, Comprehensive Development Zones 65, 67, 68 and 69 and 81.

The following definitions apply in the Employment Zones [Sections 750 (EZ-I), 770 (EZ-LI)], Village Commercial Zones [Sections 600-A (VC-G), 600-B (VC-DC)], and Comprehensive Development Zones 65, 67, 68, 69 and 81 [Sections 4B370 to 4B385 (CD65), 4B402 to 4B410 (CD67), 4B411 to 4B418 (CD68), 4B420 to 4B435 (CD69) and 4B 81-1 to 4B 81-14 (CD 81)] only:

- (b) Part 2A, Definitions is amended as follows:

The following terms referred to in the Employment Zones and Village Commercial Zones have the meanings given to them in Part 2 of this Bylaw:

And Replace with:

The following terms referred to in the Zones to which the forgoing definitions apply, have the meanings given to them in Part 2 of this Bylaw:

- (c) Section 301 (2) by inserting the following zoning designation:
“Comprehensive Development Zone 81 CD81”
- (d) Part 4B Comprehensive Development Zone Regulations by inserting the following:

4B80 Comprehensive Development Zone 81 CD 81

The CD 81 zone is applied to:

2010 Marine Drive and 1633 Capilano Road, legally known as:

Amended Lot D (Reference Plan 4323) of Lot 1, Block 15, District Lot 764, Plan 7880, LTO (PID 003-920-445)
and

Lot A, Except Part in Explanatory Plan 12555, of Lot 1, Block 15, District Lot 764, Plan 6750, (LTO PID 010-828-303).

4B 81 – 1 Intent

The purpose of the CD 81 Zone is to establish land use and development regulations to permit a mixed use development with commercial and residential uses.

4B 81 – 2 Permitted Uses:

The following *principal* uses shall be permitted in the CD 81 Zone:

- a) Uses Permitted Without Conditions:
No applicable.

- b) Conditional Uses:
The following *principal* uses are permitted when the conditions outlined in Section 4B81 - 3 Conditions of Use, are met:
live-work use;
office use;

personal service;
restaurant use;
retail use; and
residential use.

4B 81-3 Conditions of Use

- a) **All conditional uses:** all uses of land, buildings and structures are only permitted when the following conditions of use are met:
 - i) All aspects of the use are completely contained within an enclosed building except for:
 - (1) Parking and loading areas;
 - (2) Outdoor customer services areas;
 - (3) The display of goods; and
 - (4) Outdoor amenity areas (plazas, balconies, patios, or roof decks).

- b) **Residential, and live-work:** the use of land, buildings and structures for *residential*, and *live-work*, uses are only permitted when the following conditions are met:
 - i) Each dwelling unit has access to private or semi-private outdoor space;
 - ii) Each dwelling unit has access to a private storage space.

- c) **Live-work:** the use of land, buildings and structures for *live-work* use is only permitted when the following condition is met:
 - i) An outside public entrance is provided; or
 - ii) An entrance onto a corridor that is open to the public, as in a commercial building.

4B 81-4 Accessory Use

- a) *Accessory uses* customarily ancillary to the principal uses are permitted.

- b) *Home occupations* are permitted in *residential* dwelling units in this zone.

- c) The production of energy for use on site or as part of a District Energy program is permitted as an *accessory use*.

4B 81 – 5 Density

- a) The maximum permitted density is 1,888 m² (20,318 sq. ft.) and 20 residential units.
- b) For the purpose of calculating *gross floor area* the following are exempted:
 - i) Any areas completely below finished or natural grade;
 - ii) Storage space located on the ground floor of residential buildings permitted in this zone and located in Development Areas A and B as noted in Schedule B, of up to 100 m² (1,076 sq. ft.) gross floor area for each residential tower to a maximum of 200m² (2,152 sq.ft.) gross floor area in total in the CD81 Zone;
 - iii) Bicycle storage located on the ground floor of up to 100 m² (1,076 sq. ft.) gross floor area for each residential tower to a maximum of 200m² (2,152 sq.ft.) gross floor area in total in the CD 81 Zone;
 - iv) The area of balconies and covered patios up to 10% of the total residential floor area for the building they are part of;
 - v) Common amenity areas that are accessory to the residential buildings permitted in this zone and located in Development Areas A and B as noted in Schedule B, of up to 400 m² (4,305 sq. ft.) gross floor area per residential tower to a maximum of 800m² (8,611 sq.ft.) gross floor area in total in the CD 81 Zone;.
 - vi) Retail floor area that is partially below grade, with the finished floor a minimum of 1.2 metres below natural and finished grade up to a maximum of 400 m² (4,306 sq. ft.) gross floor area.

4B 81 – 6 Amenities

- a) Despite Subsection 4B81 – 5, permitted density in the CD 81 Zone is increased to a maximum of 16,449 m² (177,052 sq. ft.) *gross floor area* and 172 units if \$2,828,750 is contributed to the municipality to be used for any of the following amenities benefiting the Lower Capilano Marine Village Centre (with allocation and timing of expenditure to be determined by the municipality in its sole discretion):
 - i) The provision or enhancement of public facilities which may include but are not limited to: the community centre, or a day care centre;
 - ii) Improvements to public parks, plazas, trails and greenways;
 - iii) Public art and other beautification projects; and
 - iv) Affordable or special needs housing.

- b) Despite Subsection 4B81-5 and Subsection 4B81-6 (a), permitted density in the CD 81 Zone is further increased to a maximum of 26,410 m² (284,277 sq. ft.) *gross floor area* and 280 units if an additional \$1,733,750 is contributed to the municipality to be used for the amenities listed in 4B81-6 (a).
- c) The cumulative development in the CD 81 Zone must not exceed 26,410 m² (284,277 sq. ft.) *gross floor area*, inclusive of any density bonus for energy performance.
- d) Of the total permitted *gross floor area*, no more than 24,250 m² (261,026 sq. ft.) may be used for residential purposes.
- e) A minimum of 2,160 m² (23,251 sq. ft.) of the total permissible *gross floor area* must be used for commercial purposes, occurring either singly or in combination in Development Areas A, C and D, as noted in Schedule B, where commercial purposes includes any of the following permitted uses singly or in combination: *office use, personal service use, restaurant use, and retail use.*

4B81 – 7 Height

- a) The maximum permitted height for any building in the CD 81 Zone, shall be regulated as follows, with specific building height provisions based on the Development Areas noted in Schedule B of Bylaw 8061:
 - Development Area A: The maximum permitted height is 71.5 metres (235 feet) and 23 storeys.
 - Development Area B: The maximum permitted height is 59.5 metres (195 feet) and 19 storeys.
 - Development Area C: The maximum permitted height is 15 metres (49 feet) and 4 storeys.
 - Development Area D: The maximum permitted height is 17 metres (56 feet) and 4 storeys.
- b) For the purpose of measuring building height, height is to be measured from average finished grade to the highest point on the roof surface.

- c) In addition to Part 4 General Regulations, Section 407 Height Exceptions, the following height exceptions shall apply in the CD 81 zone: Elevator penthouses, heating, cooling, ventilation and other mechanical equipment required for building operations are permitted above the maximum height limit, provided they are completely screened and integrated into the building’s design and do not extend more than 5.0 metres (16.4 feet) above the highest point of any roof surface.

4B 81 – 8 Coverage

- a) Building Coverage: The maximum building coverage is 50%.
- b) Site Coverage: The maximum site coverage is 60%.

4B 81 – 9 Landscaping and Storm Water Management

- a) All land areas not occupied by buildings, and patios shall be landscaped in accordance with an approved landscape plan.
- b) A 2m (6.6. ft) high screen consisting of a solid wood fence, or landscaping or a combination thereof, with 90% opacity, is required to screen from public view:
 - i) any utility boxes, vents or pumps that are not located underground and/ or within a building; and
 - ii) any surface garbage or loading areas that are not located underground and / or within a building.

4B 81- 11 Parking, Loading and Servicing Regulations

- a) Parking and loading shall be provided in accordance with Part 10 of this Bylaw except that:
 - i) The provision of parking is to be based on the following ratio:

Building Type	Ratio of Parking
Residential unit in a mid rise, low rise, or high rise building	1.4 space/ unit
Townhouse unit	1.5 space/ unit
Residential Visitor Parking	0.1 space / unit
Public parking	Visitor parking, and commercial parking shall all be in a central area and available for shared use

- ii) Bicycle storage for residents shall be provided on the basis of one space per unit.

- (e) The Zoning Map is amended in the case of the lands illustrated on the attached map (Schedule A) by rezoning the land from the Tourist Commercial Zone (C4) and the Marine Drive Zone (C9) to Comprehensive Development Zone CD81.

READ a first time May 26th, 2014

PUBLIC HEARING held

READ a second time

READ a third time

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

Municipal Clerk

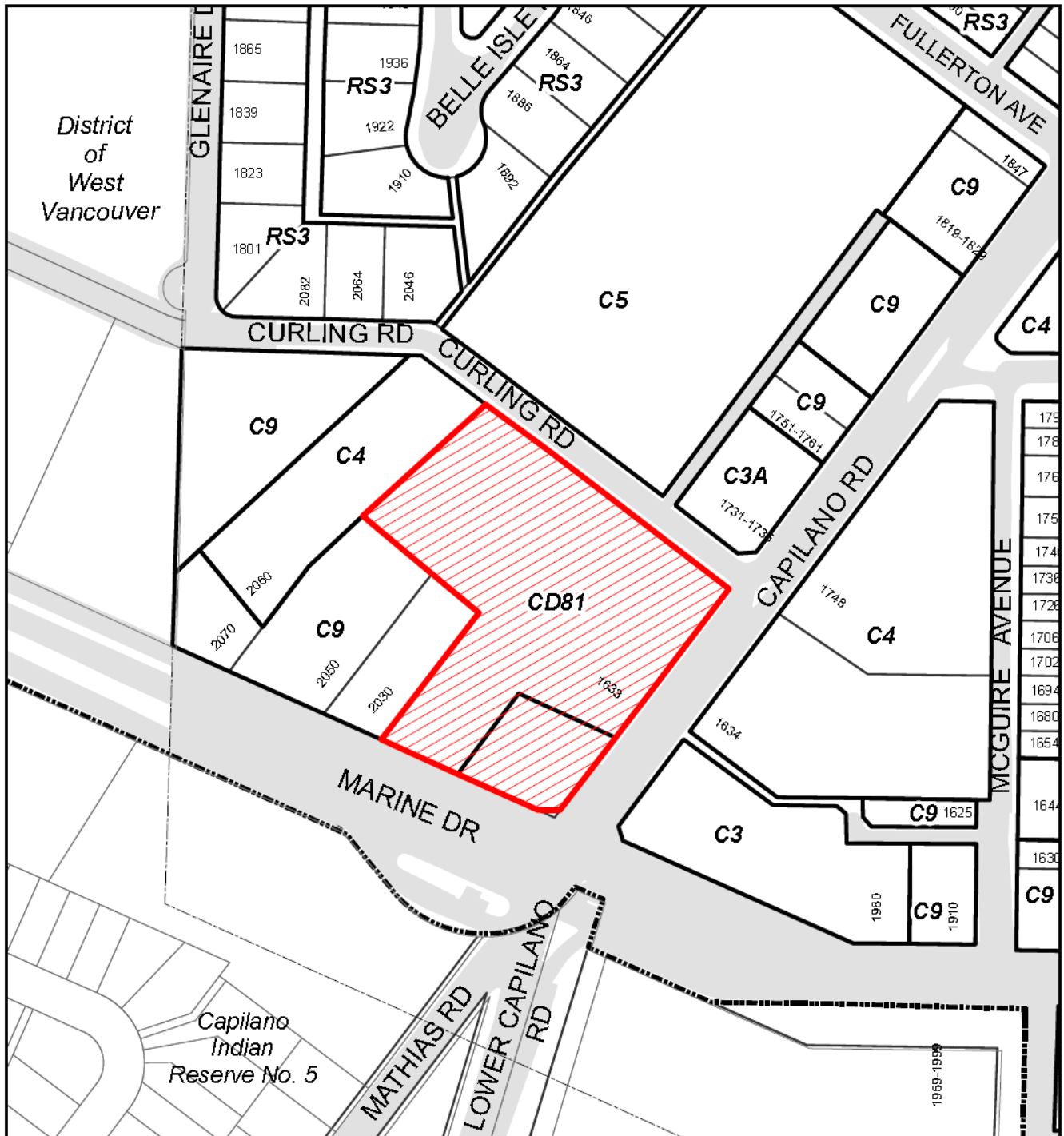
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Municipal Clerk

Bylaw 8061 Schedule A: Zoning Map

BYLAW 8061

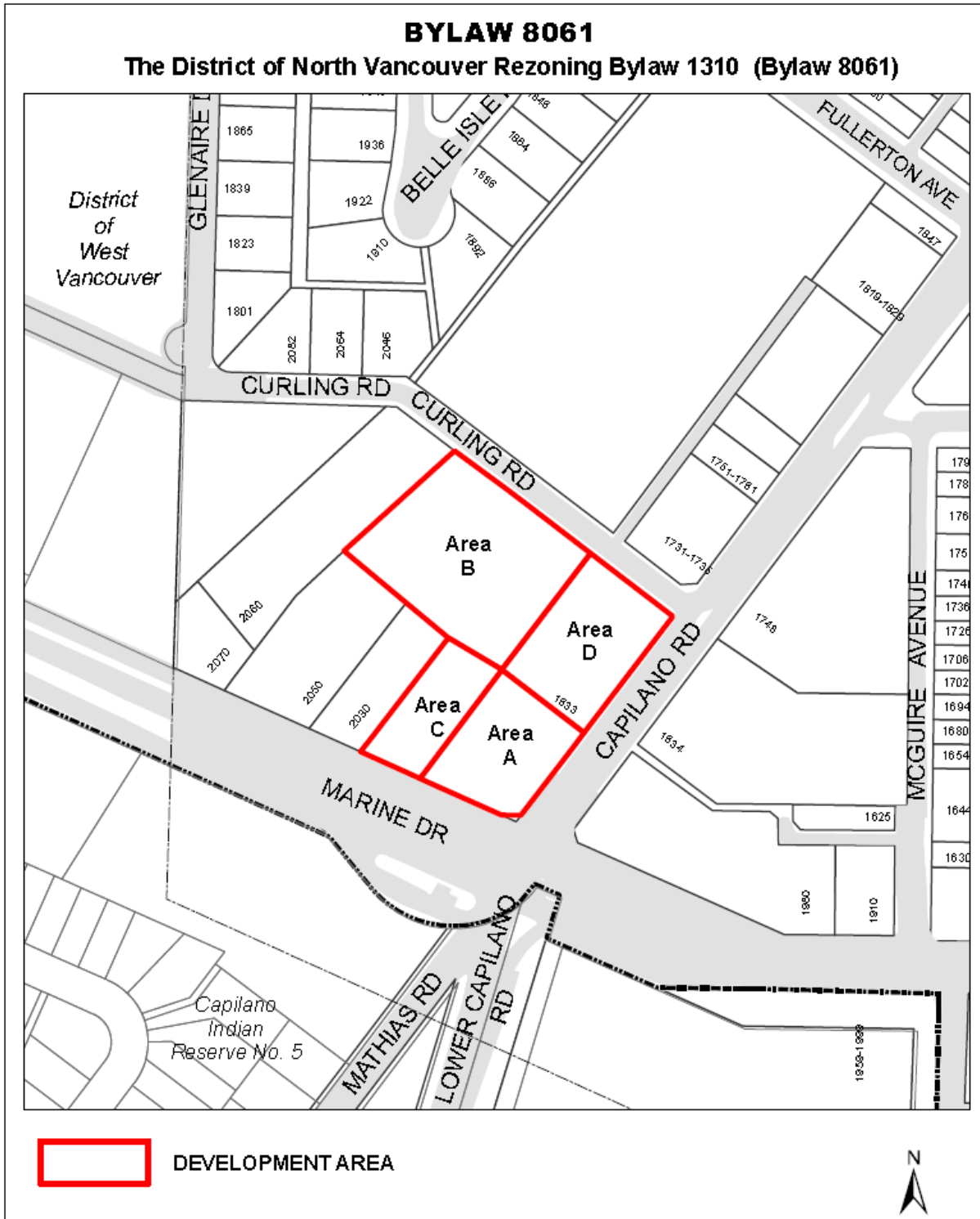
The District of North Vancouver Rezoning Bylaw 1310 (Bylaw 8061)



FROM TOURIST COMMERCIAL ZONE (C4) AND MARINE DRIVE COMMERCIAL (C9) TO COMPREHENSIVE DEVELOPMENT CD81



Bylaw 8061 Schedule B: Zoning Map



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AGENDA INFORMATION

Regular Meeting

Date: May 26, 2014

Workshop (open to public)

Date: _____


Dept.
Manager


GM/
Director


CAO

The District of North Vancouver REPORT TO COUNCIL

May 14, 2014
File: 3060-20-12.14

AUTHOR: Tamsin Guppy, Community Planning

SUBJECT: Rezoning Application - Grouse Inn - Mixed Use Development
2010 Marine Drive

RECOMMENDATION:

It is recommended that:

1. Bylaw 8061, which rezones the subject site from C4 and C9 to Comprehensive Development Zone 81 (CD 81) to enable the development of a commercial-residential mixed use development be given First Reading;
2. Bylaw 8061 be referred to a Public Hearing; and
3. Bylaw 8062, which authorizes Housing Agreement to prevent future rental restrictions, be given First Reading.

REASON FOR REPORT:

To present for Council's consideration the necessary bylaws related to the consideration of a land use change to permit a mixed use development in the Lower Capilano Marine Village Centre.

SUMMARY:

The applicant, Rafii Architects on behalf of Pacific Gate Investments, has applied to rezone the Grouse Inn and adjacent vacant gas station site, to permit the development of a mixed use project. The proposal includes two residential towers, a restaurant, a commercial building, a new gateway plaza, and park dedication.



The proposal is in keeping with the Official Community Plan and the Capilano Village Centre Implementation Plan, and was generally well received when presented to the local community at both the preliminary and detailed application stage.

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2010 Marine Drive**

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The application is for rezoning only and does not include the Development Permit application.

EXISTING POLICY:

After extensive public engagement the *Lower Capilano Marine Village Centre Implementation Plan* was approved by Council on April 29, 2013 (excerpt shown on the right).

The Village Centre Plan designates this site for a mixed use development with density of up to 2.5 FSR.

The Village Centre Plan also requires that the redevelopment of this site include land for a public plaza at the corner of Capilano Road and Marine Drive, and for a portion of the new pocket park proposed on Curling Road.



The Village Centre Plan approved in 2013, shows two high-rises (in blue) on this site.

ANALYSIS:

Subject Site:

The site is approximately 2.6 acres in size and is located at the north-west corner of Capilano Road and Marine Drive. The site includes a former vacant gas station site, and the existing Grouse Inn hotel site.

The Grouse Inn is still open for business, but recent years have seen a decline in business as the hotel buildings become increasingly outdated.



The Proposal:



The proposal is for a mixed use project that includes:

- Residential:
 - A 23 storey residential tower;
 - A 19 storey residential tower;
 - 3 storey townhouse units;
 - A total of 262-280 residential units
- Commercial
 - A 6,000 sq. ft. stand alone restaurant next to the public plaza and Marine Drive;
 - A 4 storey, 31,000 sq. ft. commercial building at Capilano and Curling.

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The total square footage of the project is based on a floor space ratio of 2.5, for a total gross floor area of 284,277 square feet.

Site Design and Layout



The proposed site plan and building layout is in keeping with the vision for the village centre, bringing a mix of housing and commercial services to the community.

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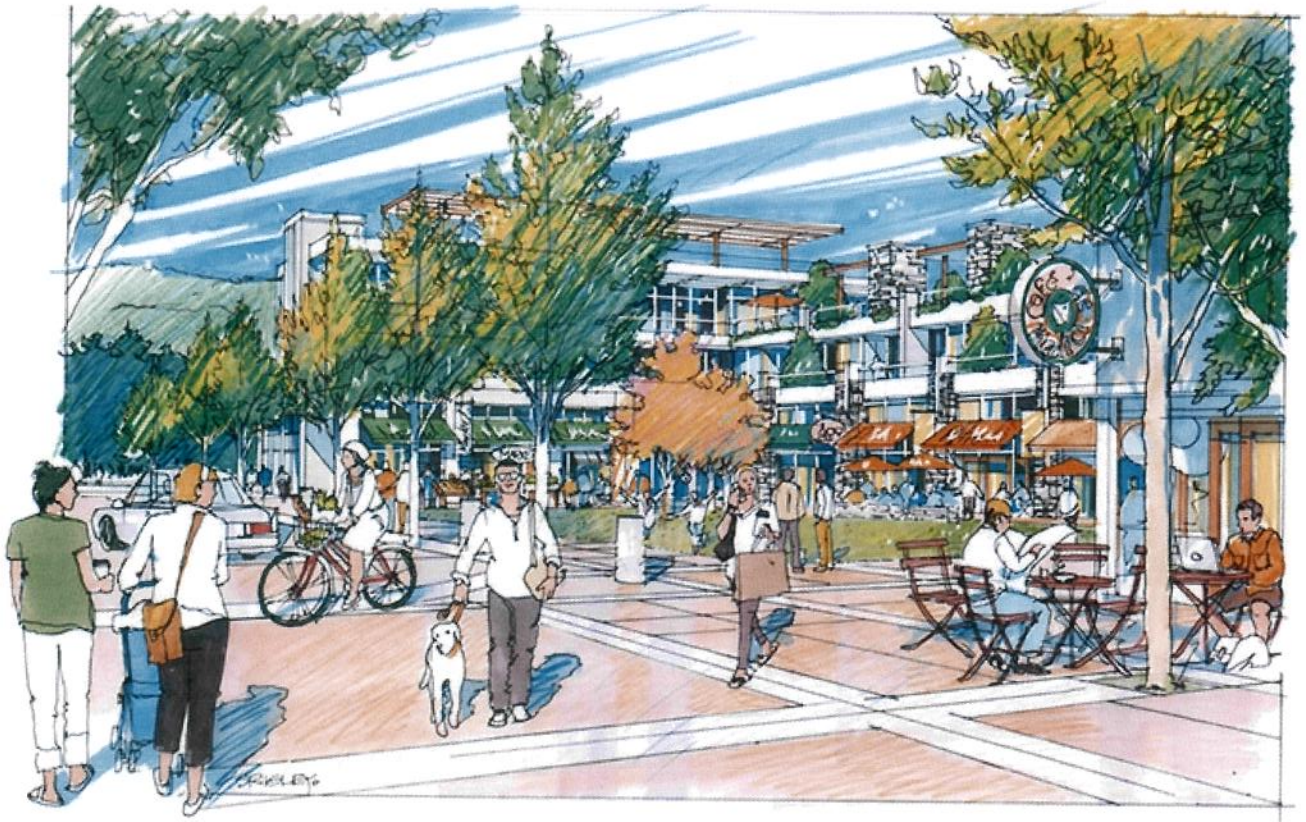
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Commercial activity lines Marine Drive and Capilano Road and extends round the corner at Curling Road and into the pedestrian mews. These commercial spaces include a stand-alone restaurant on Marine Drive, which frames the south end of the site and the west end of the gateway plaza. Commercial retail units are proposed at the foot of the residential tower and the base of the commercial building running along the length of Capilano Road. As the 4 storey commercial building reaches Curling Road, the retail spaces continue and are oriented to both the main streets and the internal pedestrian area.

As the development proceeds along Curling Road it creates a 3 storey building wall with town house units facing the street.

A new road will provide vehicle access to this site and the existing 4 storey office building at 2030 Marine Drive. This new road will enter the site between the residential development and the new pocket park on Curling Road. This road will come into the site and end with a cul-de-sac that provides vehicle access to the commercial building, and creates pedestrian areas as shown in the conceptual sketch below.



While the detailed design work on the streetscape is still ongoing, the applicant team have embraced the community's vision for a pedestrian zone on the internal road network where people come first and residents can enjoy outdoor seating away from the noise of Capilano Road.

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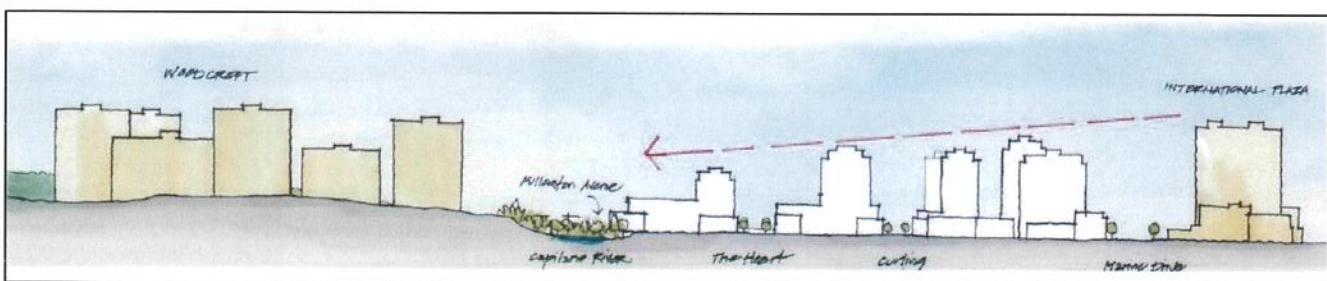
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The applicant team has also recognized the importance of extending this pedestrian connection south to Marine Drive to link up to the gateway plaza and major bus stop. To this end, they have modified their plans to create a strong linkage to the south. Public art, potentially combined with a large scale water feature are proposed for this gateway plaza to both advertise the village centre to all those driving by, and also to help mask the noise of traffic for those enjoying the plaza space or waiting for the bus.



Building Height:

The Village Centre Plan has tower heights stepping down from International Plaza (26 storeys) to the heart of the Village Centre. This site, being the furthest south and closest to International Plaza, has the tallest tower heights under consideration in the Centre Plan of 22 and 20 storeys respectively.



The applicant has proposed a slight modification to these heights to create a greater distinction between the two buildings, by increasing the height of one and decreasing the height of the other.

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height of the other, so that instead of 22 and 20 storeys they are proposing 23 and 19 storeys. These heights have been part of the presentation to the public since the preliminary stage and have been reviewed by the Advisory Design Panel. To date, local residents have not raised concerns with the proposed change in building heights and this minor modification helps shift more of the height and density away from the single family homes and towards the corner of Capilano Road and Marine Drive.

The impact of the tower heights has also been minimized through the design which proposes slim towers with correspondingly small building footprints, thereby reducing the bulk of the buildings. The architect is also proposing “sky gardens” on the buildings that will help create a stepping stone between the new urban village and the District’s more suburban character, by softening the building with landscaping and creating roof decks that residents can enjoy.

For these reasons, staff support the proposed modification in building heights.



The architect is proposing “sky gardens” and roof decks to bring a more lush garden feel to the proposal.

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Rezoning Bylaw 8061

Rezoning Bylaw 8061 establishes the maximum potential development size of 284,277 square feet which is based on the maximum permitted FSR of 2.5 x the lot area of 113,710.6 square feet.

The Bylaw also establishes the maximum square footage which may be used for residential development, thereby protecting a minimum square footage to be used for at-grade commercial but allowing some flexibility as the owners continue to work towards finding the best tenant mix for the site. To this end, the residential use is capped at 261,026 square feet which is approximately 92% of the total permitted square footage. This ensures that the remaining 8% square footage of 23,251 square feet is set aside for commercial uses, and this number is equivalent to the at-grade commercial space currently proposed in this project.



The proposal includes store front retail along Capilano Road shown above, and on Marine Drive shown below.



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Provision of Land for Public Use

In accordance with the Village Centre Plan and the Transportation Plan, the application includes substantial provision of land for public use, through dedication, air space parcels and rights of way (see plan below which shows public areas in orange).

This land is being provided to accommodate:

- The Gateway Plaza;
- A portion of the Curling Road pocket park;
- Road improvements on all three frontages;
- A new internal road system; and
- And new pedestrian connections through the site.



The proposal will be setting aside large portions of the site for public use as shown in orange on this plan.

Parking:

This site and the Village Centre falls within a frequent transit development area which has some of the best transit service in the region and as such parking requirements are expected to be lower for residential units in this location. The Village Centre Implementation Plan recommends consideration of parking reductions for residential use down to 1.1 spaces per unit, when a robust traffic study is provided.

At this stage in the project, residential parking is proposed at 1.5 stalls per unit and the CD 81 Zone includes this requirement as outlined in the table below:

Building Type	Ratio of Parking
Residential unit in a mid rise, low rise, or high rise building	1.4 space/ unit
Townhouse unit	1.5 space/ unit
Residential Visitor Parking	0.1 space / unit
Public parking	Visitor parking, and commercial parking should all be in a central area and available for shared use

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This parking rate is still higher than is likely to be needed. Once the project proceeds to Development Permit stage a more detailed transportation demand management plan will be provided that will include strategies for car sharing, location of electric vehicle charging stations, and methods for encouraging transit use. Based on a robust transportation demand management plan, a reduction in residential parking rates may be warranted. If that is the case, the Development Permit will include a discussion of the proposed parking and if warranted a recommendation for a parking variance.

At this time, the application includes 540 parking spaces over 3 levels of underground parking, with P1 being for visitors and commercial parking and accommodating taller vehicles, while P2 and P3 are for residential use.

Also under discussion at this time, for consideration at the Development Permit stage, are methods of encouraging the use of the underground parking areas, through improved way-finding, and bringing day-light and visual connections to the underground parking area. One example is extending retail space to the underground parking area so it is immediately visible how one connects to the retail area, like this example from the new Loblaws in the City of North Vancouver. To facilitate these discussions in the future, a minor FSR exemption is proposed that would exempt a small retail area that is sunken and at a lower grade and could provide a link or connection to the parkade.



Some supermarkets are creating lobbies with display areas at the parking level to make it easier for customers to navigate the parking lot.

These spaces also add to the feeling of safety and connection in the parkade.

Transportation

Background:

Prior to the District moving forward with approval of the Village Centre Plan, the District worked with CTS Traffic Engineers to review the long term build-out for the village centre and confirmed that the local road network will accommodate the added vehicle load of the proposed change in land use.

Traffic Volumes:

The applicant undertook a traffic study which delves further into the impacts of this specific development and reconfirms that the existing road network will continue to work and that the site generated trips are a very small portion of the expected traffic volumes.

Network Improvements

The project includes substantial road dedication to enable the existing roads to be widened to accommodate safety and operational improvements on the road network as well as improved pedestrian and cyclist facilities.

To address safety and improve traffic flow, the proposal includes road dedications to accommodate the introduction of a new dedicated southbound left turn pocket on Capilano Road at Marine Drive, right-sized travel lanes on Capilano Road, and left turn pockets on the northbound and eastbound legs of the future intersection at Curling Avenue. In addition, the removal of the existing driveways will reduce conflict zones, improve intersection operations, and help ensure the Marine Drive bus lane works to its maximum capacity.

To improve conditions for walking and cycling, the proposal includes road dedications for wider sidewalks buffered by street trees and lush plantings and improvements for cyclists on Capilano Road, Marine Drive and Curling Avenue.

The Municipal Engineer will require that a signal be installed at the intersection of Capilano Road and Curling Road prior to work proceeding on any of the new Village Centre projects that rely on this intersection for access by construction vehicles.

The traffic study prepared by Bunt and Associates indicates that peak hour traffic from this site will generate 1.6 cars per minute leaving the site and moving through the intersection of Curling Road and Capilano Road and 1.7 cars per minute arriving.

A detailed Construction Management Plan will be a requirement of this proposal. As there is substantial land dedication along the roadways, it is anticipated that the bulk of the construction would be setback at least 15 feet from the current Capilano Road alignment and 13 feet from the Marine Drive alignment, thereby enabling construction to take place with minimal impact to the existing roads and sidewalks adjacent to this site.

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Community Amenity Contribution

In keeping with the Village Centre Plan, this project will be contributing towards community amenities that benefit the Village Centre. The Community Amenity Contribution will have a value of \$4,562,500. The amenity contribution will go towards amenities listed in the Village Centre Plan including:

- The provision or enhancement of public facilities which may include, but are not limited to: the community centre, or a day care centre;
- Improvements to public parks , plazas, trails and greenways;
- Public art and other beautification projects; and
- Affordable or special needs housing.

Bylaw 8061, rezoning the site, is an amenity bylaw that links the permitted density to the provision of amenities. The amenity contribution will be phased with the development with the first phase including approximately 62% of the development potential and accordingly, 62% of the amenity contribution, and the final or second phase including the remainder of both the development potential and community amenity contribution.

Phase	Maximum Density in that Phase	Amenity Contribution
Phase One	177,052 square feet and 172 units	\$2,828,750
Phase Two	284,277 square feet and 280 units	\$1,733750
Total	284,277 square feet and 280 units	\$4,562,500

Additional Community Benefits:

In addition to the Community Amenity Contribution this development will also provide the following benefits to the community

Feature or Benefit	Monetary Value (Where Applicable)
Community Amenity Contribution (as above)	\$4,562,500
Public Plaza (4,250 sq. ft.)	Public plaza constructed
Public Park (portion of) (6,108 sq. ft.)	Land improved for park use
Road Improvements (Marine Drive, Capilano Road and Curling Road) (14,406 sq. ft.)	\$1,360,000 (construction costs) and land provided
Development Cost Charges	\$2,365,000

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Housing Mix

The project includes the following mix of unit types, which is considered a reasonable blend of unit sizes to accommodate a demographic mix:

Unit Style	Percentage of Units
One Bedroom	15%
One Bedroom with Den	21%
Two Bedroom	58%
Three Bedroom	6%

A development covenant will ensure that the minimum number of one bedroom and three bedroom units does not drop below 15% and 6% respectively, to ensure that the unit mix is maintained.

Adaptable Housing

The application is being processed under the existing Adaptable Housing Guidelines and as such it is required to provide:

- 50% of the units Level 1B (suitable for aging in place);
- 40% Level 2 (suitable for aging in place and for future conversion to wheel chair access); and
- 10% at Level 3 (wheelchair accessible).

The District's Adaptable Guidelines are currently under review, as current applications are grandfathered when policies change, if a new standard is adopted this project will have the option of applying the existing or the new policy.

Green Building

In keeping with the District's Green Building Policy, the applicant is proposing to meet the LEED © Gold rating and energy baseline requirement of six credits in the energy and atmosphere category.

Advisory Design Panel

Advisory Design Panel reviewed this application at the preliminary stage and again on May 1st, 2014, at the Detailed Rezoning Stage. Generally, there was support for this proposal and particularly of the elegant, slim lines of the towers, and of their small building footprints.

The Panel recommended support of the project, and suggested that when the project proceeds to the detailed design and development stage, more thought be given to how the open spaces work and in particular how to bring more trees and landscaping into the pedestrian areas.

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Public Input:

A facilitated public information meeting was held on April 5th, 2014, and approximately 80 people attended the meeting. The notification area included the Village Centre and Woodcroft towers, with over 1500 flyers delivered. In the month following the delivery of the flyers, a total of 19 comment sheets were submitted of which 8 were in support, one was neutral and 10 were opposed. Of the comments received the following key topics were raised:

- 5 comments were in support of local commercial activity;
- 7 comments were concerned about traffic; and
- 4 comments were concerned about view impacts (all from residents of Woodcroft who look across the subject site).

To illustrate for residents of Woodcroft the degree to which their views might change, the architect provided the following illustration, which highlighted for some residents the distance to the site, and the relatively limited impact the project would have on existing views.



VIEW OF PROPOSED DEVELOPMENT AS SEEN FROM 20TH FLOOR OF ONE OF THE WOODCROFT TOWERS

With regards to traffic, again many of the concerns were raised by Woodcroft residents who have expressed concerns with traffic during the Official Communit Plan process and subsequent Village Centre process. Many of the Woodcroft residents would like a more direct route into West Vancouver, from the rear of their property directly onto Keith Road. District staff have followed up with West Vancouver and understand that Woodcroft would need to apply directly to West Vancouver to secure this new access.

With regards to general concerns about traffic and parking, the transportation studies have shown that the improved road network can accommodate the anticipated growth and that this project is only a small portion of that growth.

IMPLEMENTATION:

The implementation of this project will require consideration of:

- Rezoning Bylaw 8061; and
- Housing Agreement Bylaw 8062.

Anticipated legal documents for the project include:

- Subdivision plan to consolidate the site and dedicate roads and park land;
- Statutory rights of way;
- Covenants to ensure the following issues are addressed to the District's satisfaction:
 - All off-site and on-site servicing (engineering) requirements;
 - Development is in keeping with the proposed rezoning package;
 - Allocation of development rights;
 - Phasing of the project;
 - Traffic management;
 - Adaptable Housing;
 - Green Building requirements;
 - District Energy requirements for building hydronic ready;
 - Ensuring unsold parking spaces are turned over to each respective strata;
 - Ensuring visitor and public parking are combined and easy to access;
 - Provision of electric vehicle charging stations; and
 - A Storm Water covenant.

Conclusion:

The Grouse Inn team have worked to address issues raised by staff and the community and have presented a strong application that is in accordance with the Village Centre Plan and has a high quality design package. The applicant team is continuing to work to secure a small grocery store or other retail uses that will support the Village Centre.

Bylaw 8061 proposes the mix of land uses and densities that is in keeping with the Village Centre Plan and would permit this development to move forward, and for that reason staff recommend Bylaw Introduction and Referral to a Public Hearing.

**SUBJECT: Rezoning Application - Grouse Inn - Mixed Use Development
2010 Marine Drive**

May 14, 2014

Page 16

Options:

- A) It is recommended that:
1. Bylaw 8061, which rezones the subject site from C4 and C9 to Comprehensive Development Zone 81 (CD 81) to enable the development of a mixed use development with 262 residential units be given First Reading;
 2. Bylaw 8061 be referred to a Public Hearing; and
 3. Bylaw 8062, which authorizes Housing Agreement to prevent future rental restrictions, be given First Reading (staff recommendation); or
- B) Defeat Bylaws 8061 and 8062 at First Reading.

Respectfully submitted,


Tamsin Guppy
Community Planning

Attachments:

- a) Project Plans
- b) Facilitator's Report on the Public Information Meeting
- c) Bylaw 8061 Rezoning Bylaw CD 81
- d) Bylaw 8062 Housing Agreement

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: _____

M A R I N E D R & C A P I L A N O R D

REZONING
APPLICATION

DISTRICT OF
NORTH VANCOUVER

M A R C H 2 0 1 4

Attachment A



SOUTH EAST VIEW



SOUTH WEST VIEW



MARINE DR. & CAPILANO RD.
PACIFIC GATE INVESTMENTS Ltd.

April 1, 2014 Sept

PROPERTY DESCRIPTION

The subject lands comprise 113,710 square feet and occupy a strategic, highly visible gateway location in the District of North Vancouver, at the intersection of two major streets, Marine Drive and Capilano Road.

Adjacent uses include a 4 storey strata office building to the west; the Squamish Nation residential community to the south; the 26 storey International Plaza complex to the south-east; low density highway retail, restaurant and motel uses along Marine Drive and Capilano Road; and the proposed redevelopment of the North Shore Curling property to the north.

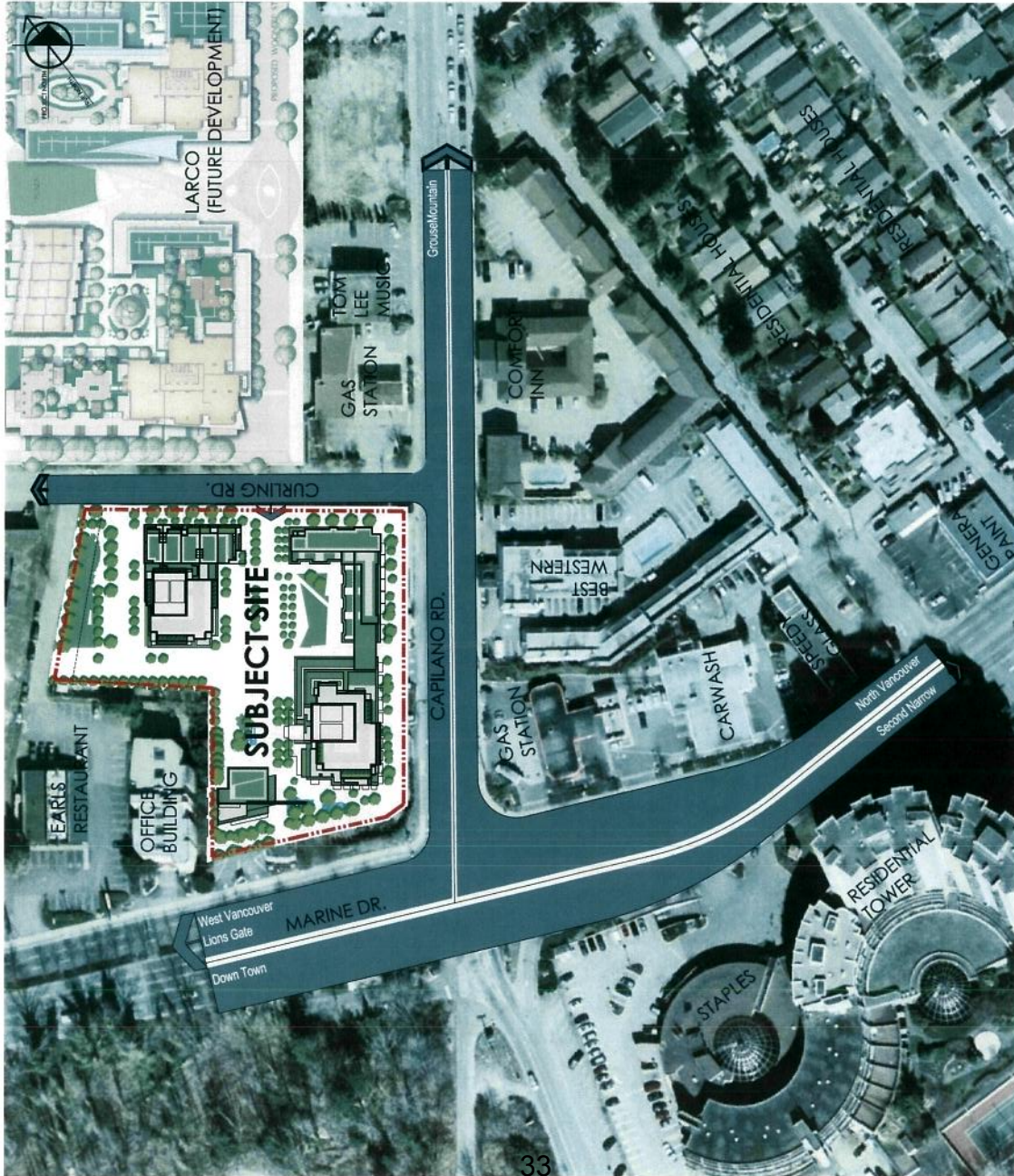
Vehicular and pedestrian access is currently provided by three flanking streets, Marine Drive to the south; Capilano Road to the east; and Curling Road to the north.

The property is 10 minutes from downtown Vancouver and 30 minutes from the recreational amenities of Grouse Mountain.

There is good public transit in the area, and this is expected to improve as a new transit centre is proposed for lands to the east of Capilano Road.

The site offers excellent views in all directions, towards the mountains, the water and the cityscape of Vancouver.

A number of significant natural features along the Capilano River and a Regional Park trail system are nearby.



CONTEXT PLAN (AERIAL PHOTO)

SCALE 1:1500



Retail Uses

Approximately 17,200 square feet of retail space is proposed with a variety of commercial retail units (CRUs) along Capilano Road, and fronting onto the new public plaza and a portion of Curling Road. Some of the spaces are 'double-fronted' and open up onto a commercial courtyard to help animate the space. Proposed uses include cafes, restaurants, and various neighbourhood retail uses including a bank, dry cleaners, hair salon, and other uses to be determined by the community.

A two-storey restaurant pavilion along Marine Drive, accessed from the interior courtyard comprises approximately 6,000 square feet.

Office Uses

While realtors have expressed concerns about the economic viability of new office space in this location, in response to requests from staff and the community, approximately 13,900 square feet of neighbourhood office space is proposed above the Capilano Road retail units and in a four storey building along a portion of Curling Avenue. It is hoped that this will attract professionals and others, some of whom might live in the area.

Residential Uses

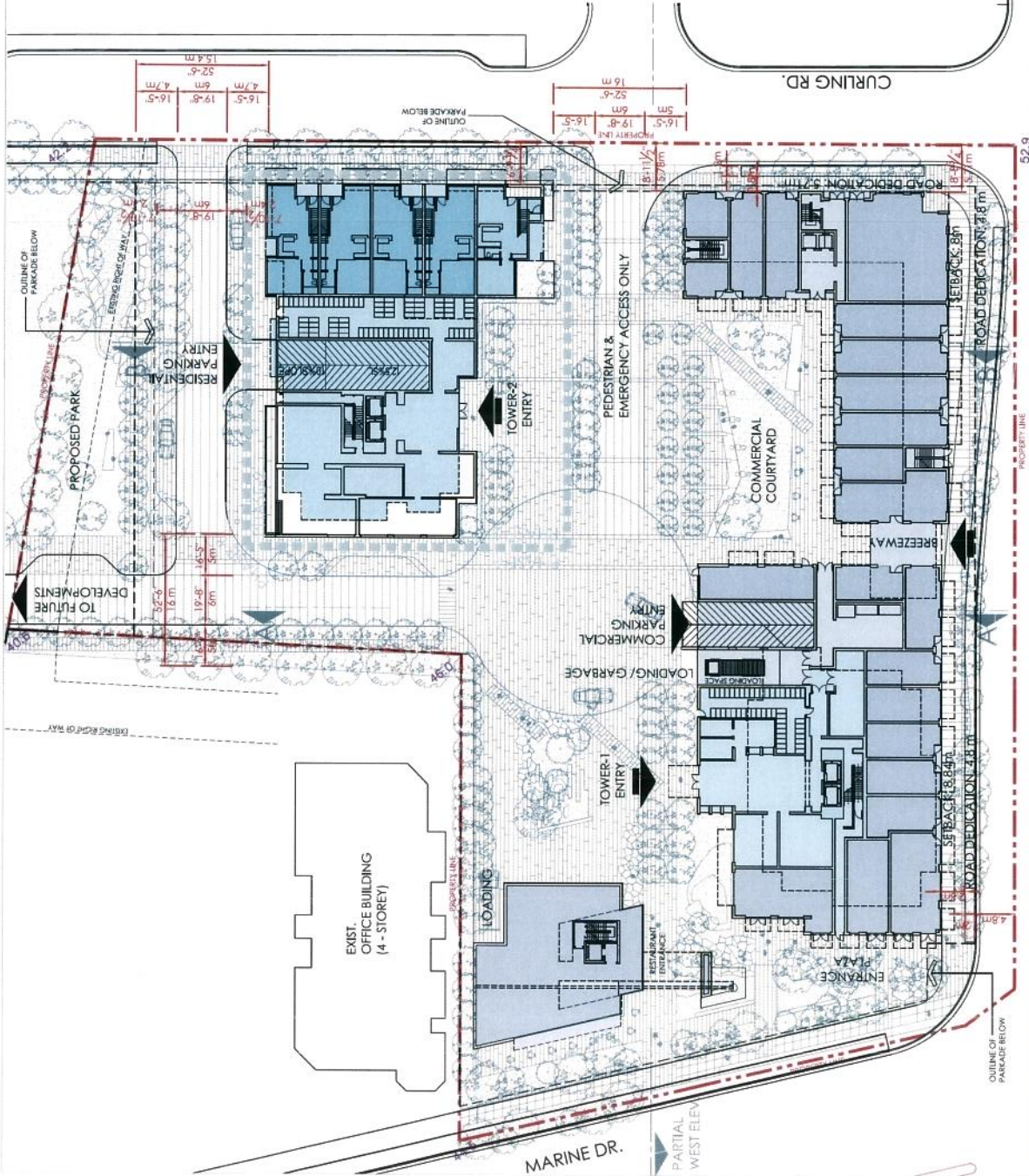
Tower 1 near the corner of Marine Drive and Capilano Road comprises approximately 140,000 square feet in 23 storeys with 154 one, two and three bedroom suites ranging in size from 543 to 982 square feet. Tower 2 comprises approximately 102,700 square feet in 19 storeys and offers approximately 98 one, two and three bedroom units with unit sizes ranging from 633 to 1,369 square feet. The 10 stacked townhouse units along Curling Road comprise 12,470 square feet.

FSR, Site Coverage and Height

The total of 292,200 square feet equates to an FSR of 2.57 which is just slightly more than the 2.5 FSR limit set out in the OCP. This is considered appropriate given the amount of retail and office space being proposed. The building coverage is 31%. The maximum height is 230 feet which is comparable to that of the 26 storey International Plaza development along the south side of Marine Drive.

- Residential
- Commercial

CAPILANO RD.



MAIN LEVEL

SCALE 1:500



MIXED USE BUILDINGS

SOCIAL GATHERING OPPORTUNITIES



TOWER EXPRESSIONS

SEMI PUBLIC OPEN SPACES

SKY GARDENS

BASE OF RESIDENTIAL BUILDINGS



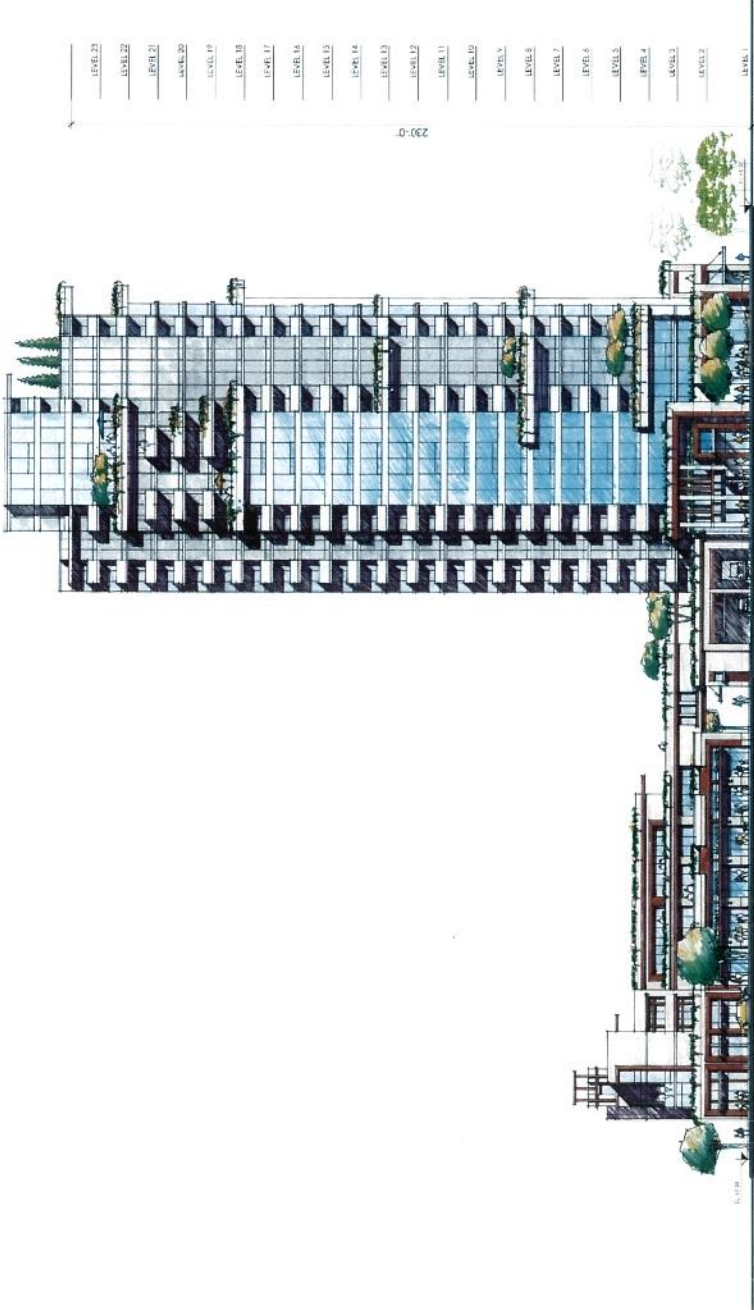
PUBLIC REALM

LANDSCAPED TERRACES

PUBLIC REALM

TOWNHOUSES

ARCHITECTURAL CHARACTER IMAGES



TOWER 1 AS VIEWED FROM WOONERF STREET
SCALE 1:500



COMMERCIAL PODIUM AS VIEWED FROM WOONERF STREET
SCALE 1:250

Architectural Design

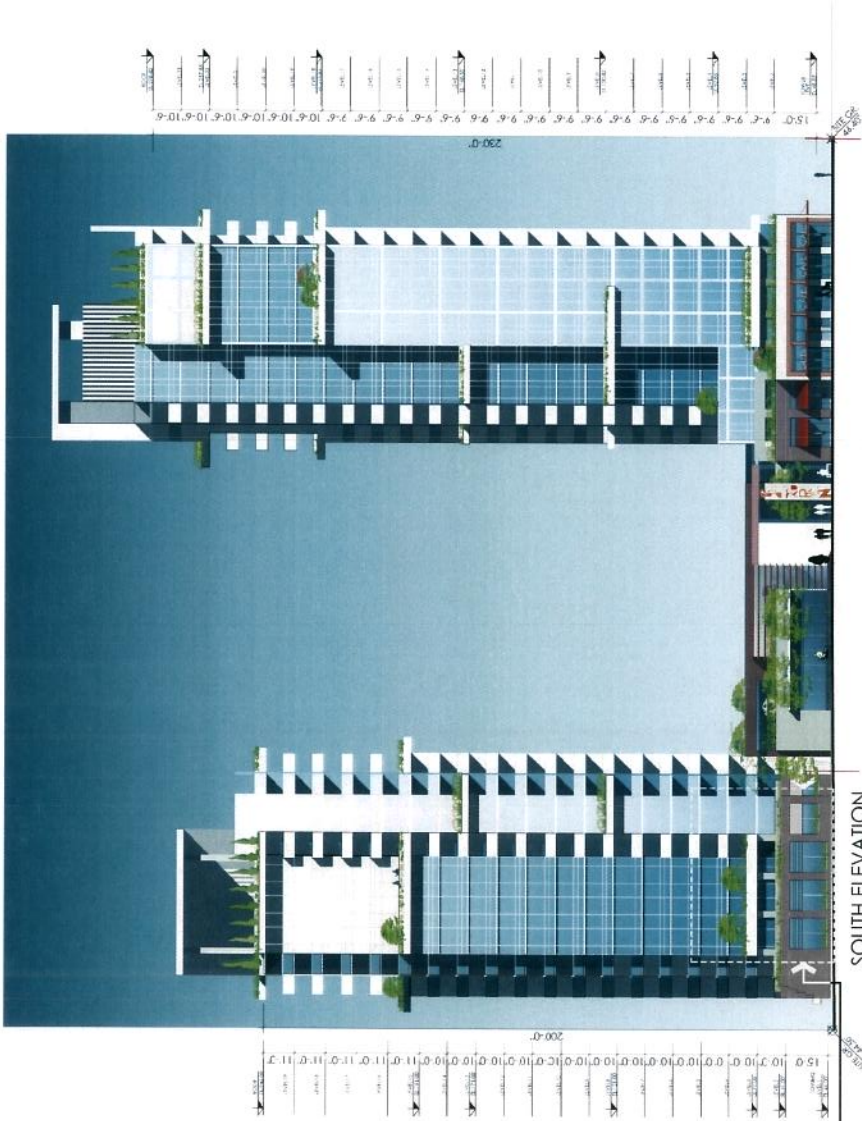
Careful consideration has been given to developing a project design that respects and fits with its natural surroundings. This has been achieved with a design concept that combines extensively landscaped terraced low-rise buildings, combined with two slender towers.

A unique feature of the towers is a series of 'Sky Gardens' located at different levels to be maintained as part of the common area of the buildings. This is in response to the community dialogues that took place during the planning process at which local residents and staff both expressed a desire that this not be another 'Yaietown' development.

The design concept has been further reinforced by the selection of natural materials: stone, wood, glass and concrete.

The highly articulated retail frontages along Capilano Road and Curling Road are designed to reinforce the 'village character' for the neighbourhood. Continuous weather protection is provided by various canopy designs. There is an extensive use of 'Prodemia Cladding Wood Veneer panels that offer the warmth of natural wood but with long term durability.

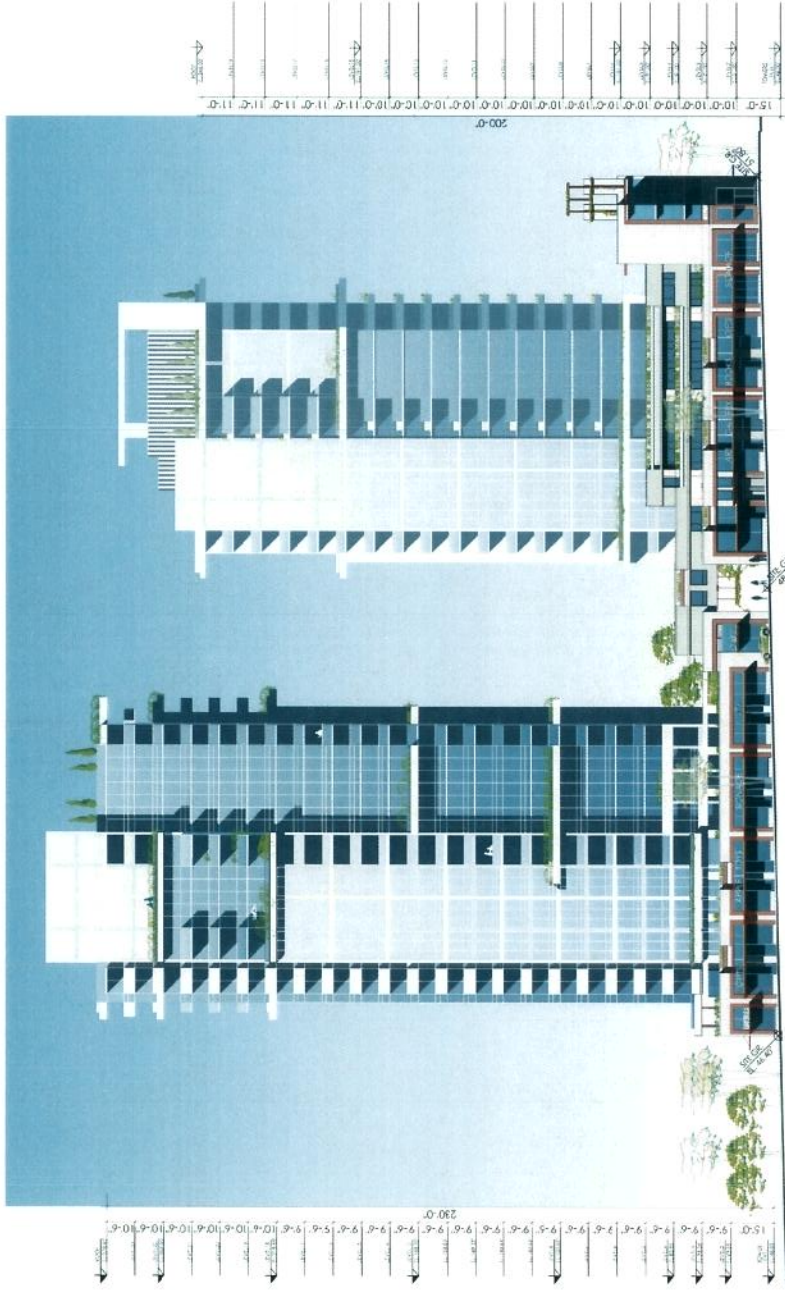
The design of the public plaza at Marine Drive and Capilano Road offers a mix of urban and natural design elements, which relate closely to the Public Realm design approach prepared by the District and its landscape consultants. The result will be a visually attractive space at this important intersection, which celebrates the significant gateway location of the properties.



ENLARGEMENT OF PODIUM LEVEL
SCALE 1:250

SOUTH ELEVATION
SCALE 1:500

SOUTH ELEVATION (MARINE DR.)
1:500, 1:250



EAST ELEVATION
SCALE 1:500



ENLARGEMENT OF STREET LEVEL PODIUM
SCALE 1:250

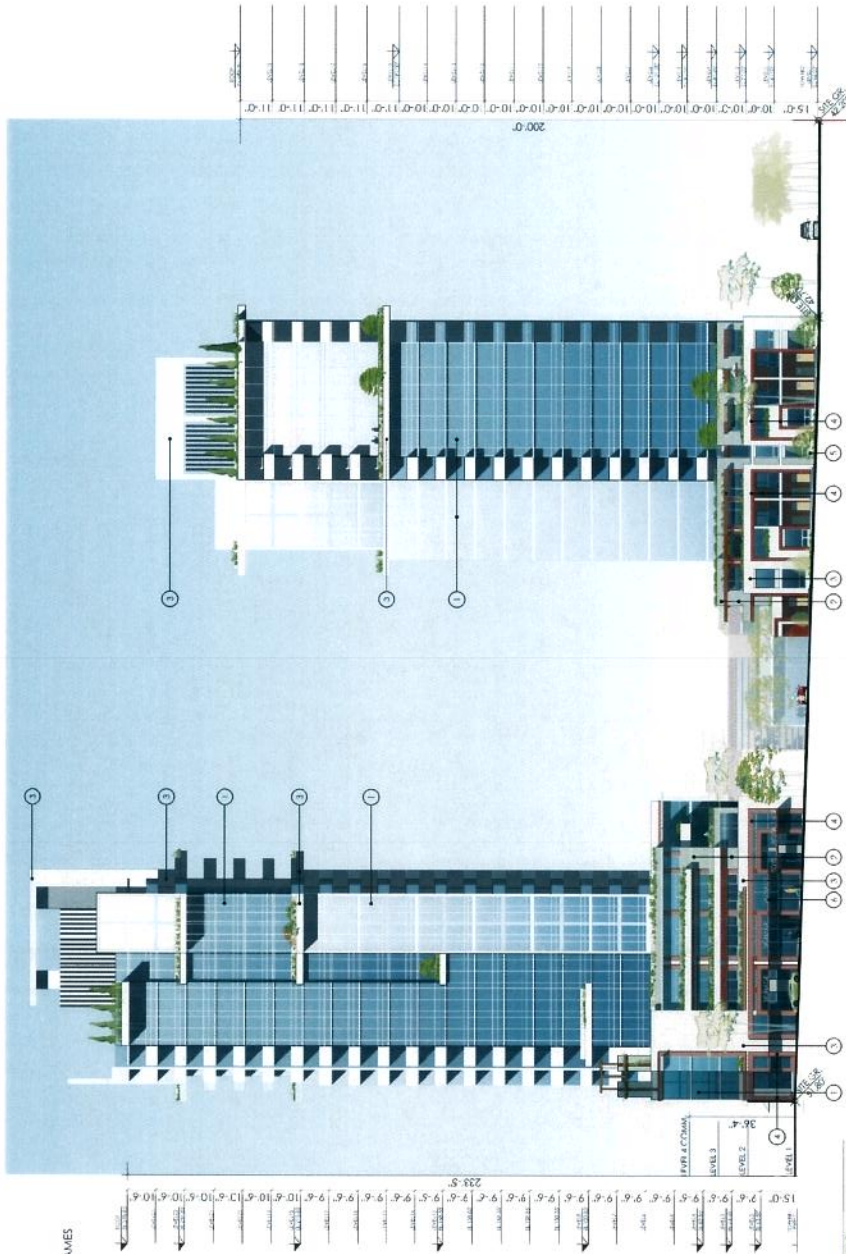
MARINE DR. & CAPILANO RD.
PACIFIC GATE INVESTMENTS Ltd.

EAST ELEVATION (CAPILANO RD.)

1:500 | 1:250

MATERIAL FINISHES

- ① CLEAR LOW 'E' GLASS AND OFF WHITE SPANDREL IN ALUM. WINDOW FRAMES
- ② COATED ARCHITECTURAL CONCRETE WALL
- ③ COATED ARCHITECTURAL CONCRETE WALL
- ④ PROGRAM CLADDING WOOD VENEER PANELS
- ⑤ STONE
- ⑥ ZONE CANOPY (STONE)
- ⑦ GLASS AND ALUMINUM CANOPY



NORTH ELEVATION
SCALE 1:500

ENLARGEMENT OF CURLING RD. STREETSCAPE
SCALE 1:250



NORTH ELEVATION
1:500, 1:250



VIEW OF PROPOSED DEVELOPMENT AS SEEN FROM 20TH FLOOR OF ONE OF THE WOODCROFT TOWERS



AERIAL PHOTO SHOWING WOODCROFT TOWER VIEWPOINT



PAVING
 Effects engaging courtyards & spaces
 Pattern repeat: regular stone pattern recall the natural landscape, introducing of natural form and linear paving pattern
 Layered features and grades, sense of movement



ENTRANCE PLAZA FEATURES
 Social / public seating or bottom corner edges
 Kar-water harvesting feature - linear seating walls & water feature
 Pedestrian bridge over parking & water feature buffer
 Stepping stones in water feature
 Assembled & Boulevard
 ANZLE STREET FURNITURE

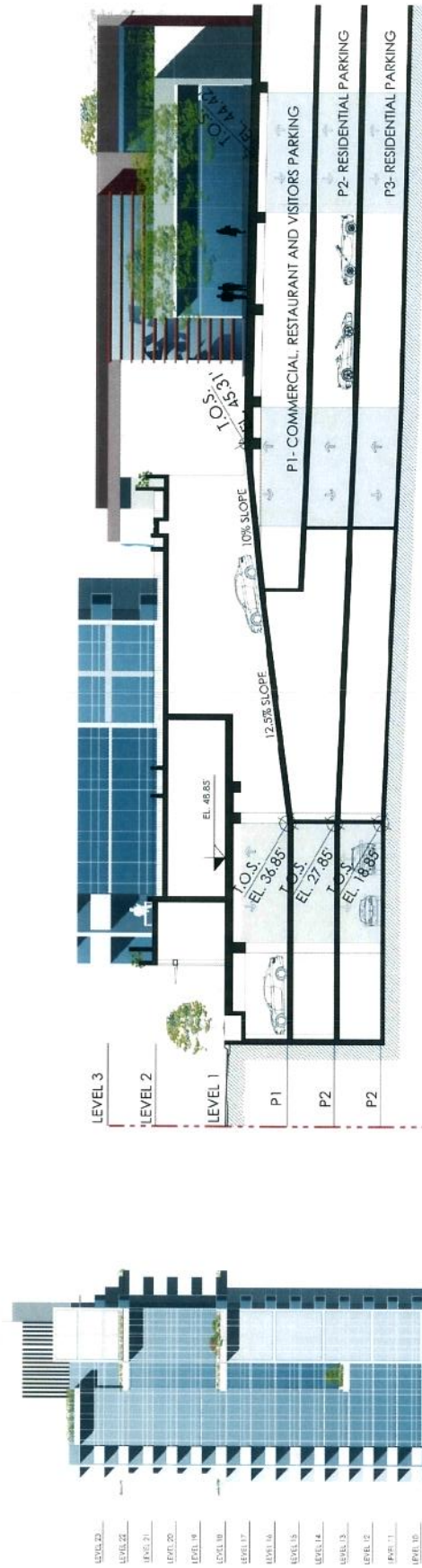


PEDESTRIAN PROMENADE
 Primary pedestrian circulation element
 Tree-lined walkway with seating & gathering areas
 Linear seating walls & water feature
 Pedestrian bridge over parking & water feature buffer
 Layered rocks & street
 Variety of rock textures - Combined with water feature & street

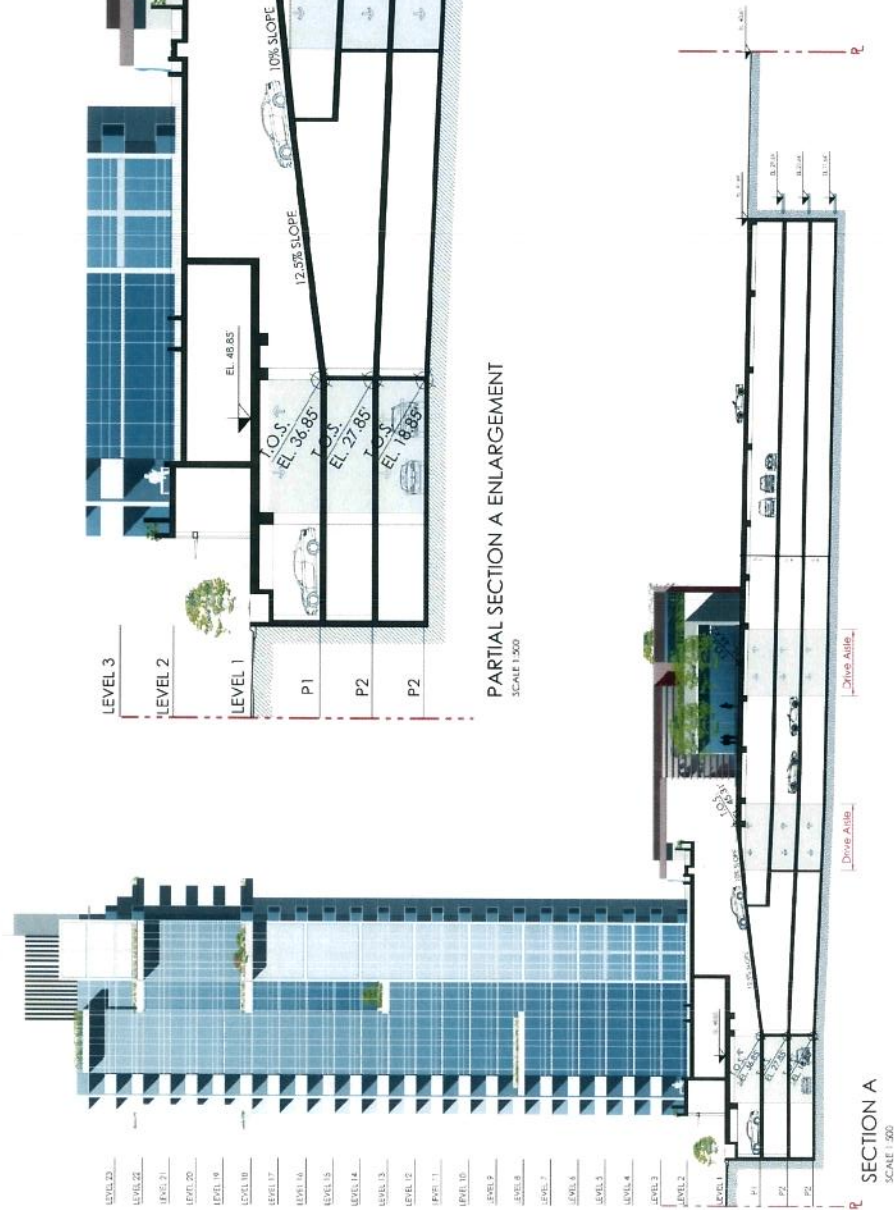


THE MEADOW
 Linear seating walls & water feature
 Pedestrian bridge over parking & water feature buffer
 Layered rocks & street
 Variety of rock textures - Combined with water feature & street
 Children's play
 Play spaces mirroring the river edge

LANDSCAPE IMAGES



PARTIAL SECTION A ENLARGEMENT
SCALE: 1/320

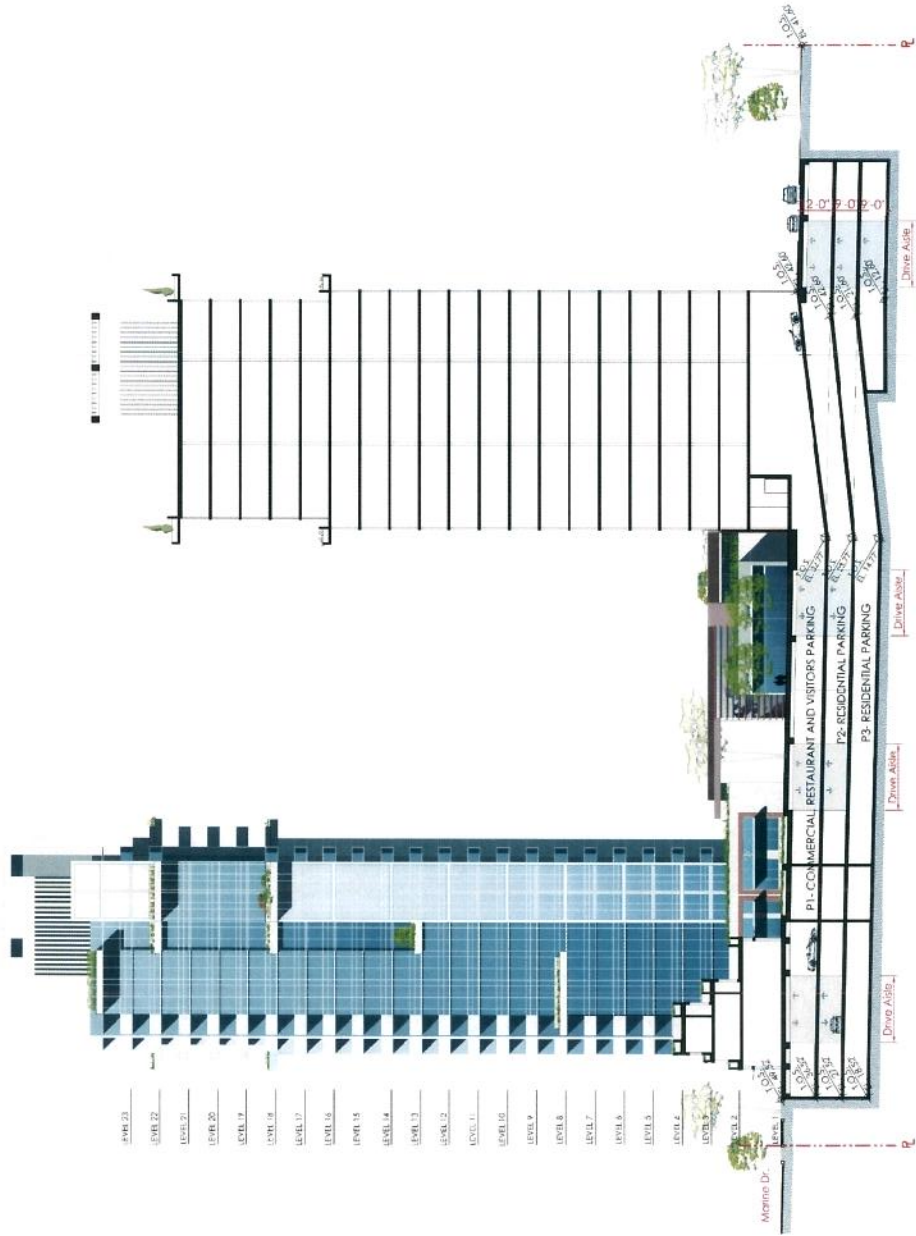


SECTION A
SCALE: 1/500

SECTION A

SCALE: 1/500 / 1/250

A.4



LEVEL 23
LEVEL 22
LEVEL 21
LEVEL 20
LEVEL 19
LEVEL 18
LEVEL 17
LEVEL 16
LEVEL 15
LEVEL 14
LEVEL 13
LEVEL 12
LEVEL 11
LEVEL 10
LEVEL 9
LEVEL 8
LEVEL 7
LEVEL 6
LEVEL 5
LEVEL 4
LEVEL 3
LEVEL 2
LEVEL 1
LEVEL 0
LEVEL -1
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LEVEL -20
LEVEL -21
LEVEL -22
LEVEL -23

SECTION B
SCALE: 1/500



KEY PLAN
SCALE: 1/500

SECTION B
SCALE: 1/500
A.5

MARINE DR. & CAPILANO RD.
PACIFIC GATE INVESTMENTS Ltd.



12:00 PM



4:00 PM



10:00 AM



2:00 PM

SHADOW STUDY MARCH 21

SCALE: NTS

A.6



12:00 PM



4:00 PM



10:00 AM



2:00 PM



12:00 PM



4:00 PM



10:00 AM



2:00 PM

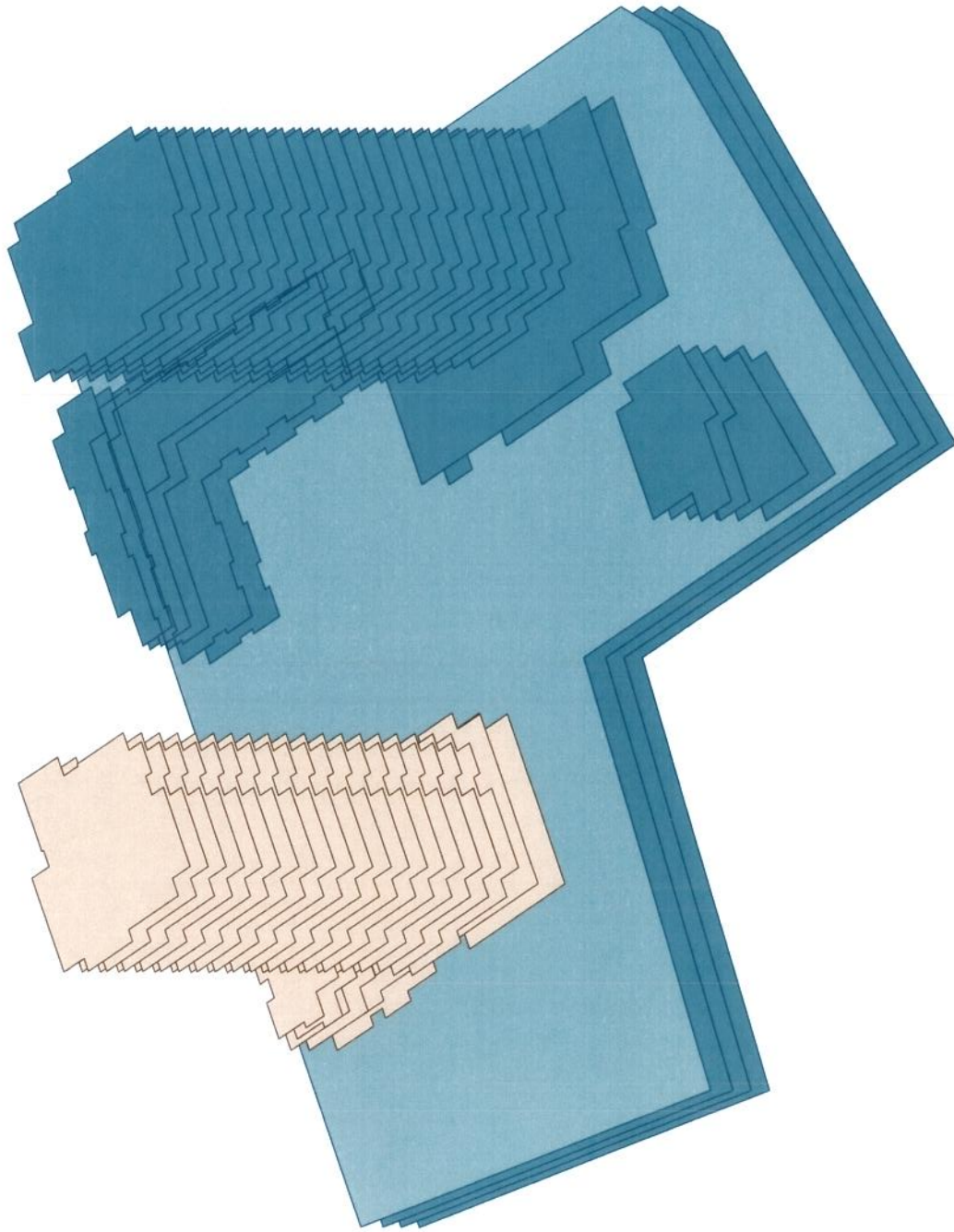
SHADOW STUDY SEPTEMBER 21

SCALE: NTS

A.8



PHASE 1
PHASE 2



A.14 PHASING PLAN
SCALE: NTS

ROCKANDEL&ASSOCIATES

*Building Success Through Process Facilitation,
Community & Organizational Engagement
Partnership Planning*

**PUBLIC INFORMATION
MEETING SUMMARY REPORT**

To: Foad Rafii, Rafii Architects E:foad@rafiichitects.com
Michael Geller, Geller Group E: geller@sfu.ca
Tamsin Guppy, Community Planner, District of N. Van E: tguppy@dnv.org

From: Catherine Rockandel, IAF Certified Professional Facilitator, Rockandel & Associates
Tel: 1-604-898-4614 E: cat@growpartnerships.com

Re: Public Information Meeting Summary for Pacific Gate Investments Ltd

I. EVENT DETAILS

Event Date: Saturday, April 5, 2014
Time: 10:00 am to 12:00 pm
Location: Grouse Inn, Meeting Room, 1633 Capilano Road
Attendees: 68 people signed in. A count of the room indicated approximately 80 people not including District staff and team members.

Notification

Flyer Invitation

An invitation package consisting of the development flyer, a District of North Vancouver fact sheet, comment sheet, and a sheet that outlines the process for applications requiring rezoning was hand delivered to 1500 homes in the Lower Capilano Village Centre as per DNV requirements. The proponent also delivered to the Woodcroft Complex.

Site Signs

There were two (2) site sign notifying the community of the meeting.

Team in Attendance:

Fareed Momen, Pacific Gate Investments Ltd
Foad Rafii, Architect, Rafii Architects
Jane Farquharson, Transportation Engineer, Bunt & Associates

District of North Vancouver

Tamsin Guppy, Community Planning Department,

Facilitator

Catherine Rockandel, Rockandel & Associates

II. PUBLIC INFORMATION MEETING PROGRAM

The purpose of the Public Information Meeting was for citizens to provide input on the proposal by Pacific Gate Investments Ltd., to construct a comprehensive commercial – residential development on the Grouse Inn and former Esso property at the north- west corner of Capilano Road and Marine Drive. The proposal includes neighbourhood retail and office space: 262 residential units ranging in size from one to three bedrooms in 23 and 19 storey residential towers, 4 storey townhouses/stacked townhouses, a public plaza, restaurant and park space.

Citizens were invited to review presentation boards set up in an Open House format from 10:00 to 10:30am. At 10:30am the facilitator welcomed participants, provided an overview of the process and participation guidelines for the session. Foad Rafii from the project team provided a presentation, which was followed by a facilitated Q&A. The main issues raised during the Q&A related to traffic and congestion.

III. PUBLIC/RESIDENT COMMENTS: Q & A (Q: Questions C: Comment A: Answers)

Q1: How much parking is being allowed for each suite?

A1: The current requirement is 1.7, which we have allowed for. Our understanding is that the DNV is revising its parking requirements for the Lower Capilano Marine Drive plan encourages lower parking supply rates. We will be looking at parking rates

C2: Always we are talking about traffic within project, but if you add lanes to Capilano Road this will increase traffic on Marine Drive and Lions Gate Bridge. I have lived in North Van for 23 years. There has been a lot of talk about third crossing, tunnels, but we have a 196,000 population and we pay three councils, three mayors from Horseshoe Bay to Deep Cove of course there is no money. I am concerned about traffic

Q3: The DNV has no requirements for over height vehicles, what happens if a tenant has an over height vehicle?

A3: There are three levels of underground, p1 has higher ceiling so that could accommodate over height vehicles

Q4: Is the nature of the public realm, how it connects to neighbourhood. There has been a suggestion of a roundtable group of developers, planners, and residents to create a woonerf street, where people on bikes and foot have access to the whole street along with cars. Would you be willing to participate in this working group?

A4: Yes

Q5: I am a resident on Bowser Avenue, I ride through this area each day on my bike on the way to the City. How are you connecting this bike lane through to the Lions Gate Bridge, because it is an effective way of getting to the bridge? How are you improving of the walkability or lack thereof of this part of Capilano Road which at the moment is not a nice place to be? How are

you integrating within the site the principles of low impact development so you are conscious of green house gas, site impacts ground water, etc?

A5: In terms of the bike lane connections to the Lions Gate Bridge, we have thought about what is happening on our site but what is happening beyond our site is beyond our. We are responding to the District's transportation plan for this area, which includes connections for bike lanes and pedestrian walkways. The transportation plan includes 4.3 metre wide travel lanes on Curling Road, which will allow vehicles and cyclists to ride side by side. This will connect with the bike lane to Lions Gate Bridge via Marine Drive. The plan allows the bike lanes to go south to Marine Drive and the plan is to have a full bike lanes next to the bus lane on Marine Drive. The developer is dedicating the land to allow that to happen.

In terms of low impact development impacts, we have made a commitment to the District that the development will be at least LEED silver. This includes not using baseboard heaters but using hydronic and working with District Energy Corporation may be ready by the time this development is being built, green roofs, sky gardens, giving land for a future park, the footprint of the paved area has been reduced, over all site coverage is less than 38%

C6: Positive side of proposal is construction of commercial space. We don't have facilities. The dedication of land around the perimeter of property for public use is positive. On negative side bringing 260 residential units means about 700 cars in an area that has bad traffic. The transportation infrastructure does not support increase in cars. To drive from Fell Avenue to Capilano and Marine can take close to one hour in heavy rush hour. I am also concerned about the height and density of this plan is too much and should be low rise town houses.

A6: The DNV has developed comprehensive land use plan for this area. This development is entirely consistent with the density and number of units for this area. The DNV Council has approved the land use plan. A comprehensive transportation plan by the DNV looks at the wider traffic and transportation impacts and the City and District of North Vancouver and West Vancouver are coming up with plans to deal with the anticipated growth over the coming years. For this site, weekday peak commuter traffic, we expect a trip generation of 120 vehicles per hour from this site (updated volume from our on-going work is in the order of 200 vehicles per hour). There are currently developments on this site so the net impact when you remove the Grouse Inn and other uses, the net impact is expected to be less than 120 (updated volume indicates the net impact to be less than 200 vehicles) vehicles per hour. For context, during weekday peak hours currently the intersection of Marine Drive and Capilano carries about 5,000 vehicles per hour.

Q7: Is it safe to build three levels of underground parking and two towers on reclaimed creek bed?

A7: Tamsin Guppy, Planner, District of North Van said that she had read the geotechnical report on this project. Everything in this area is on a reclaimed creek bed because of the Capilano River. This does not mean you can't build on it, you have to learn how to build on it safely. The municipality before it issues building permits makes sure we have the appropriate geotechnical information.

C8: Transportation is an issue. I ride my bike, catch the bus or drive, riding my bike is not easy. We pay two zones for two stops. Driving the congestion is a lot worse.

Q9: How much money is being generated by community amenity contributions and what specific amenities

A9: The development is giving 44% of its land, in addition a contribution of between 4.0 to 4.5 million dollars (amount is related to construction costs) is being negotiated that would be used towards a variety of amenities in the neighbourhood such as a community centre, parks, plazas, public art, child care, etc that could be paid for by developer dollars.

C10: Our house is in way of park but it is included in all the planning, so I hope the District will have enough money to buy our house. I also agree that two slim towers are better than a fat building that block more views for neighbourhood.

Q11: I heard someone mention district energy program, is that the Lonsdale Energy Corporation?

A11: No this is not the Lonsdale Energy Corp, the District of North Van is looking into the provision of a new energy centre for new developments.

C12: The District and City and West Van are all growing. It would be nice to see the three municipalities working more together with Translink and Vancouver Coastal Health to plan improvements to infrastructure in advance of growth. It is not in sync right now. I would recommend you consider a private transportation system. Also consider the amount of density going into this area and that there are no new or expanded schools.

C13: I have lived in neighbourhood for 30 years, we support these concepts as long as pedestrian friendly, access to trails, with meeting places. Is this space bigger than Larco? I would prefer the density of two towers is southeast corner and the north-east corner with the buildings.

A13: The Larco site is larger

C14: traffic is a concern. I have been to Larco presentation. Traffic is considered in isolation, we need to talk about it in the whole 20-year re-development of this area and how much traffic is being generated. It is going to be chaos

A14: The Lower Marine Capilano Transportation study that the District completed a year ago accounts for all this traffic. It is available on the District's website. This developer is completely consistent with the long-range plan that has been articulated in this document. The dedications that this developer is providing allows for 3 or 4 key aspects of this plan to be realized.

C15: This project brings good amenities for our neighbourhood and will encourage young people to stay on the north shore. I support the project

C16: I live in this area and use the bus to go downtown. There needs to be a pull out and extended bus lanes so people in this neighbourhood can get downtown.

C17: I live on Glenair Drive. I can't get out of my home unless I go up Fullerton to Capilano

Road. My concern about the traffic and three traffic lights up to and including Fullerton I don't see how this is going to improve traffic.

A17: The signal lights are not currently synchronized. In the future the signals will be coordinated so that people get a green light all the way past Fullerton to maximize thru put. The southbound direction is so heavy that all the exits get blocked by vehicles going onto the bridge. These signals break up southbound traffic holding it back and allowing people at Glenaire to get out at a signalized location. The road network has been carefully planned to allow multiple exit points.

C18: I don't understand why there has to be high density in this area. I would like the District to revisit its decision to dedicate this area as high-density village area.

C19: I think you could lower density but all these amenities we are getting means what are we willing to give up if we remove density. We can't have it all.

C20: During construction I am concerned about staging of trucks and excavation vibration affect on neighbouring residents and cracked slabs. I would ask that you consider this.

A20: We are planning to stage fully from within the site with only trucks going in and out via Curling Road.

C21: Larco has made a public commitment to stage on their own site with no pile driving.

C22: I think the issue is traffic congestion at peak hours in this area.

C23: I am in favor of the development. I am concerned as a pedestrian that in the past sidewalks have been closed for months while construction is ongoing. I would h

A23: We will push contractors to maintain access for pedestrians.

Q24: Will the two buildings be air conditioned, and will you be able to open windows and what will be window sound proofing?

A24: We are studying the need for air conditioning. The smaller building to ensure affordability is likely to not be air conditioned, but they will have opening windows. The buildings will have the state of art of soundproofing for windows.

IV: COMMENT SHEETS (R: Respondent #)

R1: We support this project fully as we feel it will add a lot diversity, flavor and beauty to this community. We need more younger crowd in this community and this project will help to accomplish this.

R2: On the whole I see this development as "positive" for the area. The bigger issues is how the District will handle the ever increasing traffic that is arising from the constant development in an area with limited gaining narrow insufficient roads and infrastructure.

R3: Expansion of Curling Road, wider walkway both sides to traffic light with left arrow, possible

expansion of Capilano Road.

R4: On behalf of our household of four adults – the proposal conforms to the planning process I have participated in from the onset. I am pleased. No going back – please! Traffic concerns for me are minimal. I am satisfied that traffic plan address these. Gold environmental standard would be great, appreciate gardens, etc.

R5: I am supporting this project because our area will be more beautiful and more safe to live and walk through, but I heard a lot about traffic and more cars coming in even the traffic planner explain clearly what they will do about it. I think there is one positive point behind the coming traffic, which will encourage people to not use the car daily instead use the public transportation more and more. This will help the environment and reduce the gas and pollution. I hope you will start soon and appreciate your giving more than 1.45 of the land to the community in many ways.

R6: Concern re: 1. traffic – local addition 2. Traffic passing gridlock during rush hour especially on hockey nights 3. Traffic – construction 4. Dust, vibration during construction

R7: I would like to support the development of Grouse Inn project and think that will substantially improve the area in all aspects

R8: Almost no green zones for this high about of people. Find long term solution traffic connection Vancouver Lions Bridge has 98% saturation plan it for 25 years and pay for the plan. Solution.

R9: This project is in a prime location to benefit our community in a great impactful way. This community will surely benefit from the impact grant that is given by developers.

R10: For 23 floors the dedication and sidewalk should be at least 20.0 m. Please keep a corridor around high streets. Marine Drive and Capilano Road at least 20.0 m. This is place (area) just for one building with 8 to 12 floors.

R11: Overall great to see improvements and redevelopment in this area. Please consider and incorporate the following aspects:

- Low Impact Development principles beyond LEED to also consider innovative ways to reduce water and energy consumption within units and also within the landscape design and management. We need to consider how we can improve stormwater management to utilize it as a resource rather than a 'waste'.
- Improved walkability and connections for pedestrians to areas beyond this site (eg: East of Capilano Road)
- Improved bus service – transit is already over capacity at peak times and beyond. Please work with Translink to address this!!!!
- Community gathering space and urban gardens
- Really important point re: schools and child care in the area – if it is expected that new residents will include young families having/providing access to schools and early childhood care is essential to the community fabric and livability of the area. I would like DNV to consider how the community amenity contribution can be allocated to

- improving access to ECE and public School District 44 facilities
- Consideration of private provision of transit for residents to access key sites. Edgemont to Vancouver and Lonsdale to West Van
- Consider how commercial sites are going to be occupied and what type of service/product residents require. All the new commercial space along Marine is vacant and is not bringing any benefits to residents.

V. CITIZEN LETTER SUBMITTED

1. The proposal for the construction of commercial and service buildings greatly benefits the neighborhood because the neighborhood lacks such facilities.
2. The proposal for the construction of 260 residential units adversely affects the neighborhood because it implies the addition of approximately 500 more cars to an already traffic clogged area. The current transportation infrastructure network can not tolerate such increase of numbers of cars.
Heavy traffic already clogs Marine Drive, Lions Gate Bridge and Capilano Road. Currently at rush hours it takes close to 1 hour to travel by car or bus from Fell Avenue to Capilano Road.
Traffic jams impede our access to the bridges, hospitals, educational institutions and other public and social institutions.
3. The proposed of 2 high density towers will negatively impact the residents of Woodcroft and Plaza complexes by blocking their present views. Approximately 40% of the residents living in the two complexes will be impacted.
4. For the reasons outlined, I suggest that rezoning of the proposed development land should be conservative and limited to town houses, P+3 residential buildings and commercial/services buildings but not for high density residential towers.

The Corporation of the District of North Vancouver

Bylaw 8061

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 “District of North Vancouver Rezoning Bylaw 1310 (Bylaw 8061)”.

2. Amendments

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

- (a) Part 2A, Definitions is amended as follows:

Delete:

Definitions Applicable to the Employment Zones, Village Commercial Zones, Comprehensive Development Zones 65, 67, 68 and 69.

The following definitions apply in the Employment Zones [Sections 750 (EZ-I), 770 (EZ-LI)], Village Commercial Zones [Sections 600-A (VC-G), 600-B (VC-DC)], and Comprehensive Development Zones 65, 67, 68 and 69 [Sections 4B370 to 4B385 (CD65), 4B402 to 4B410 (CD67), (4B411 to 4B418 (CD68) and 4B420 to 4B435 (CD69)] only:

And replace with:

Definitions Applicable to the Employment Zones, Village Commercial Zones, Comprehensive Development Zones 65, 67, 68 and 69 and 81.

The following definitions apply in the Employment Zones [Sections 750 (EZ-I), 770 (EZ-LI)], Village Commercial Zones [Sections 600-A (VC-G), 600-B (VC-DC)], and Comprehensive Development Zones 65, 67, 68, 69 and 81 [Sections 4B370 to 4B385 (CD65), 4B402 to 4B410 (CD67), 4B411 to 4B418 (CD68), 4B420 to 4B435 (CD69) and 4B 81-1 to 4B 81-14 (CD 81)] only:

- (b) Part 2A, Definitions is amended as follows:

The following terms referred to in the Employment Zones and Village Commercial Zones have the meanings given to them in Part 2 of this Bylaw:

And Replace with:

The following terms referred to in the Zones to which the forgoing definitions apply, have the meanings given to them in Part 2 of this Bylaw:

- (c) Section 301 (2) by inserting the following zoning designation:
"Comprehensive Development Zone 81 CD81"
- (d) Part 4B Comprehensive Development Zone Regulations by inserting the following:

4B80 Comprehensive Development Zone 81 CD 81

The CD 81 zone is applied to:

2010 Marine Drive and 1633 Capilano Road, legally known as:

Amended Lot D (Reference Plan 4323) of Lot 1, Block 15, District Lot 764, Plan 7880, LTO (PID 003-920-445)

and

Lot A, Except Part in Explanatory Plan 12555, of Lot 1, Block 15, District Lot 764, Plan 6750, (LTO PID 010-828-303).

4B 81 – 1 Intent

The purpose of the CD 81 Zone is to establish land use and development regulations to permit a mixed use development with commercial and residential uses.

4B 81 – 2 Permitted Uses:

The following *principal* uses shall be permitted in the CD 81 Zone:

- a) Uses Permitted Without Conditions:
No applicable.

- b) Conditional Uses:

The following *principal* uses are permitted when the conditions outlined in Section 4B81 - 3 Conditions of Use, are met:

live-work use;

office use;

*personal service;
restaurant use;
retail use; and
residential use.*

4B 81-3 Conditions of Use

- a) **All conditional uses:** all uses of land, buildings and structures are only permitted when the following conditions of use are met:
 - i) All aspects of the use are completely contained within an enclosed building except for:
 - (1) Parking and loading areas;
 - (2) Outdoor customer services areas;
 - (3) The display of goods; and
 - (4) Outdoor amenity areas (plazas, balconies, patios, or roof decks).
- b) **Residential, and live-work:** the use of land, buildings and structures for *residential*, and *live-work*, uses are only permitted when the following conditions are met:
 - i) Each dwelling unit has access to private or semi-private outdoor space;
 - ii) Each dwelling unit has access to a private storage space.
- c) **Live-work:** the use of land, buildings and structures for *live-work* use is only permitted when the following condition is met:
 - i) An outside public entrance is provided; or
 - ii) An entrance onto a corridor that is open to the public, as in a commercial building.

4B 81-4 Accessory Use

- a) *Accessory uses* customarily ancillary to the principal uses are permitted.
- b) *Home occupations* are permitted in *residential* dwelling units in this zone.
- c) The production of energy for use on site or as part of a District Energy program is permitted as an *accessory use*.

4B 81 – 5 Density

- a) The maximum permitted density is 1,888 m² (20,318 sq. ft.) and 20 residential units.

- b) For the purpose of calculating *gross floor area* the following are exempted:
 - i) Any areas completely below finished or natural grade;
 - ii) Storage space located on the ground floor of residential buildings permitted in this zone and located in Development Areas A and B as noted in Schedule B, of up to 100 m² (1,076 sq. ft.) gross floor area for each residential tower to a maximum of 200m² (2,152 sq.ft.) gross floor area in total in the CD81 Zone;
 - iii) Bicycle storage located on the ground floor of up to 100 m² (1,076 sq. ft.) gross floor area for each residential tower to a maximum of 200m² (2,152 sq.ft.) gross floor area in total in the CD 81 Zone;
 - iv) The area of balconies and covered patios up to 10% of the total residential floor area for the building they are part of;
 - v) Common amenity areas that are accessory to the residential buildings permitted in this zone and located in Development Areas A and B as noted in Schedule B, of up to 400 m² (4,305 sq. ft.) gross floor area per residential tower to a maximum of 800m² (8,611 sq.ft.) gross floor area in total in the CD 81 Zone;.
 - vi) Retail floor area that is partially below grade, with the finished floor a minimum of 1.2 metres below natural and finished grade up to a maximum of 400 m² (4,306 sq. ft.) gross floor area.

4B 81 – 6 Amenities

- a) Despite Subsection 4B81 – 5, permitted density in the CD 81 Zone is increased to a maximum of 16,449 m² (177,052 sq. ft.) *gross floor area* and 172 units if \$2,828,750 is contributed to the municipality to be used for any of the following amenities benefiting the Lower Capilano Marine Village Centre (with allocation and timing of expenditure to be determined by the municipality in its sole discretion):
 - i) The provision or enhancement of public facilities which may include but are not limited to: the community centre, or a day care centre;
 - ii) Improvements to public parks, plazas, trails and greenways;
 - iii) Public art and other beautification projects; and
 - iv) Affordable or special needs housing.

- b) Despite Subsection 4B81-5 and Subsection 4B81-6 (a), permitted density in the CD 81 Zone is further increased to a maximum of 26,410 m² (284,277 sq. ft.) *gross floor area* and 280 units if an additional \$1,733,750 is contributed to the municipality to be used for the amenities listed in 4B81-6 (a).
- c) The cumulative development in the CD 81 Zone must not exceed 26,410 m² (284,277 sq. ft.) *gross floor area*, inclusive of any density bonus for energy performance.
- d) Of the total permitted *gross floor area*, no more than 24,250 m² (261,026 sq. ft.) may be used for residential purposes.
- e) A minimum of 2,160 m² (23,251 sq. ft.) of the total permissible *gross floor area* must be used for commercial purposes, occurring either singly or in combination in Development Areas A, C and D, as noted in Schedule B, where commercial purposes includes any of the following permitted uses singly or in combination: *office use, personal service use, restaurant use, and retail use.*

4B81 – 7 Height

- a) The maximum permitted height for any building in the CD 81 Zone, shall be regulated as follows, with specific building height provisions based on the Development Areas noted in Schedule B of Bylaw 8061:
 - Development Area A: The maximum permitted height is 71.5 metres (235 feet) and 23 storeys.
 - Development Area B: The maximum permitted height is 59.5 metres (195 feet) and 19 storeys.
 - Development Area C: The maximum permitted height is 15 metres (49 feet) and 4 storeys.
 - Development Area D: The maximum permitted height is 17 metres (56 feet) and 4 storeys.
- b) For the purpose of measuring building height, height is to be measured from average finished grade to the highest point on the roof surface.

- c) In addition to Part 4 General Regulations, Section 407 Height Exceptions, the following height exceptions shall apply in the CD 81 zone: Elevator penthouses, heating, cooling, ventilation and other mechanical equipment required for building operations are permitted above the maximum height limit, provided they are completely screened and integrated into the building's design and do not extend more than 5.0 metres (16.4 feet) above the highest point of any roof surface.

4B 81 – 8 Coverage

- a) Building Coverage: The maximum building coverage is 50%.
- b) Site Coverage: The maximum site coverage is 60%.

4B 81 – 9 Landscaping and Storm Water Management

- a) All land areas not occupied by buildings, and patios shall be landscaped in accordance with an approved landscape plan.
- b) A 2m (6.6. ft) high screen consisting of a solid wood fence, or landscaping or a combination thereof, with 90% opacity, is required to screen from public view:
 - i) any utility boxes, vents or pumps that are not located underground and/ or within a building; and
 - ii) any surface garbage or loading areas that are not located underground and / or within a building.

4B 81- 11 Parking, Loading and Servicing Regulations

- a) Parking and loading shall be provided in accordance with Part 10 of this Bylaw except that:
 - i) The provision of parking is to be based on the following ratio:

Building Type	Ratio of Parking
Residential unit in a mid rise, low rise, or high rise building	1.4 space/ unit
Townhouse unit	1.5 space/ unit
Residential Visitor Parking	0.1 space / unit
Public parking	Visitor parking, and commercial parking shall all be in a central area and available for shared use

- ii) Bicycle storage for residents shall be provided on the basis of one space per unit.
- (e) The Zoning Map is amended in the case of the lands illustrated on the attached map (Schedule A) by rezoning the land from the Tourist Commercial Zone (C4) and the Marine Drive Zone (C9) to Comprehensive Development Zone CD81.

READ a first time

PUBLIC HEARING held

READ a second time

READ a third time

ADOPTED

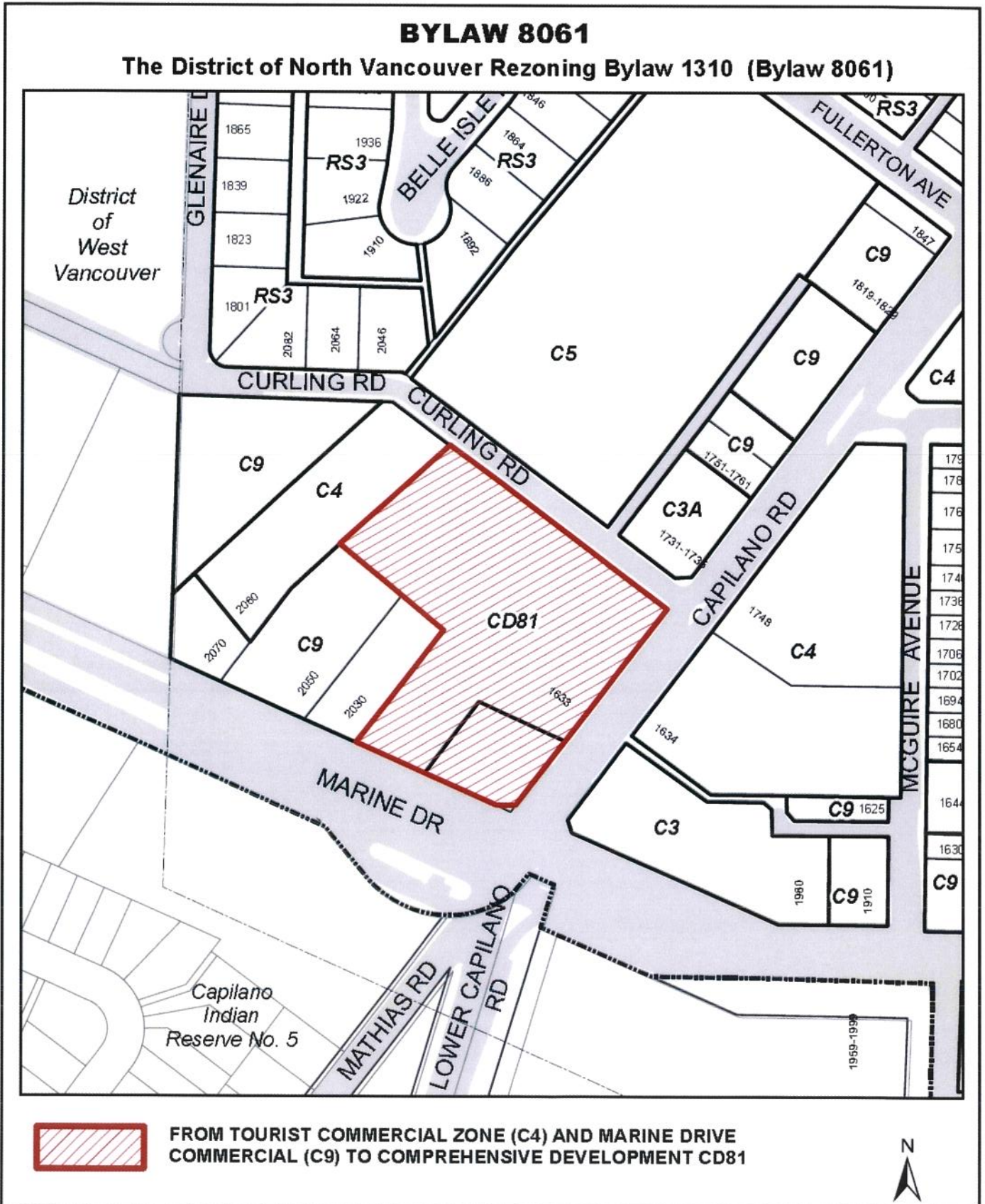
Mayor

Municipal Clerk

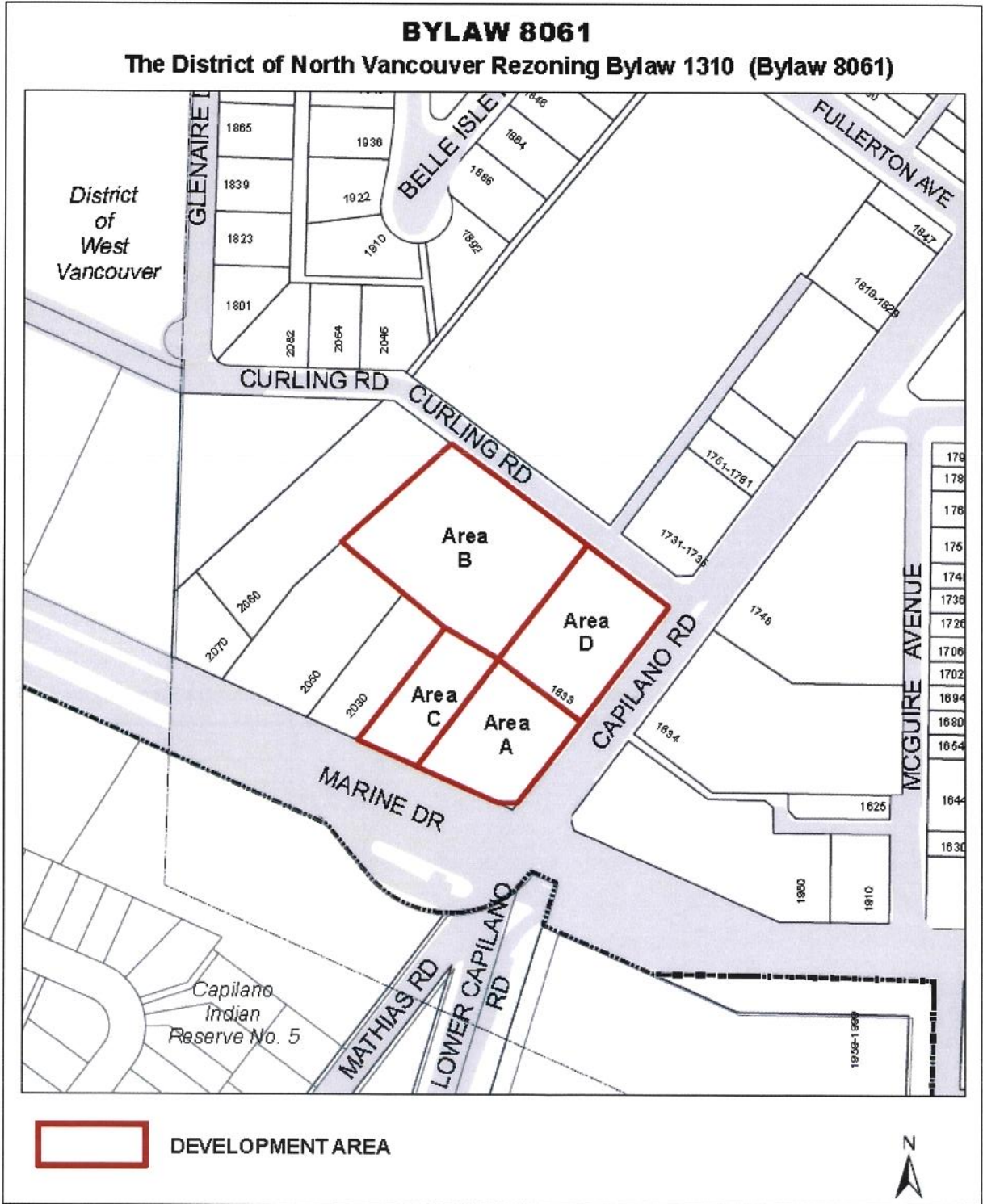
Certified a true copy

Municipal Clerk

Bylaw 8061 Schedule A: Zoning Map



Bylaw 8061 Schedule B: Zoning Map



The Corporation of the District of North Vancouver

Bylaw 8062

A bylaw to enter into a Housing Agreement (2010 Marine Drive)

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 8062, 2014".

2. Authorization to Enter into Agreement

The Council hereby authorizes a housing agreement between The Corporation of the District of North Vancouver and Marine Land Development Ltd. and Pacific Gate Investments Ltd. substantially in the form attached to this Bylaw as Schedule "A" with respect to the following lands:

- a) Lot A, Except Part in Explanatory Plan 12555, of Lot 1, Block 15 District Lot 764 Plan 6750 (PID: 010-828-303); and
b) Amended Lot D (Reference Plan 4323) of Lot 1 Block 15 District Lot 764 Plan 7880 (PID: 003-920-445)

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

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

Schedule A to Bylaw 8062

SECTION 219 COVENANT – HOUSING AGREEMENT

This agreement dated for reference the ____ day of _____, 2014 is

BETWEEN:

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")

AND:

PACIFIC GATE INVESTMENTS LTD. (Inc. No. 091050) 801 – 100 Park Royal, West Vancouver, BC V7T 1A2

(the "Developer")

WHEREAS:

- A. The Developer is the registered owner of the Lands or has a right to purchase the Lands;
- B. The Developer 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 herein, and in consideration of the payment of \$1.00 by the District to the Developer (the receipt and sufficiency of which is acknowledged by the Developer), 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

Definitions

1.01 In this agreement:

- (a) *“Development Covenant”* means the covenant under section 219 of the *Land Title Act* dated for reference _____, 2014 granted by the Developer to the District and registered at the Lower Mainland Land Title Office against the Lands under number _____;
- (b) *“Lands”* means land described in Item 2 of the *Land Title Act* Form C to which this agreement is attached;
- (c) *“Owner”* means the Developer and any other the person or persons registered in the Lower Mainland Land Title Office as owner of the Lands from time to time, or of any parcel into which the Lands is consolidated or subdivided, whether in that person’s own right or in a representative capacity or otherwise;
- (d) *“Proposed Development”* means the proposed development to be constructed on the Lands in accordance with the Development Covenant;
- (e) *“Unit”* means a residential dwelling strata unit in any building in the Proposed Development; and
- (f) *“Unit Owner”* means the registered owner of a Dwelling Unit in any building in the Proposed Development.

2. TERM

2.01 This Agreement will commence upon adoption by District Council of Bylaw _____ and remain in effect until terminated by the District as set out in this Agreement.

3. RENTAL ACCOMODATION

Rental Disclosure Statement

3.01 No Unit in a building in the Proposed Development may be occupied unless the Developer has:

- (a) before the first Unit in the building 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 building as rental strata lots and imposing a 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 building before the prospective purchaser enters into an agreement to purchase in respect of the Unit.

Rental Accommodation

- 3.02 The Units 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.

Binding on Strata Corporation

- 3.03 This agreement shall be binding upon all strata corporations created upon the strata title subdivision of the Lands pursuant to the *Strata Property Act* or any subdivided parcel of the Lands, including the Units.

Strata Bylaw Invalid

- 3.04 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.

No Bylaw

- 3.05 The Strata Corporation 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.

Vote

- 3.06 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.

Notice

- 3.07 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

Notice of Default

- 4.01 The District may, acting reasonably, give to the Owner written notice to cure a default under this Agreement within 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.

Costs

- 4.02 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.

Damages an Inadequate Remedy

- 4.03 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.

Equitable Remedies

- 4.04 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.

No Penalty or Forfeiture

- 4.05 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.

Cumulative Remedies

- 4.06 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**

Indemnity

5.01 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.

Release

5.02 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.

Survival

5.03 The agreements 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**

District's Power Unaffected

6.01 Nothing in this Agreement:

- (a) affects or limits any discretion, rights, powers, duties or obligations 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.

Agreement for Benefit of District Only

6.02 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.

Agreement Runs With the Lands

6.03 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.

Release

6.04 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.

Priority of this Agreement

6.05 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, including any amendments to this Agreement as may be required by the Land Title Office or the District to effect such registration.

Agreement to Have Effect as Deed

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

Waiver

- 6.07 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.

Time

- 6.08 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.

Validity of Provisions

- 6.09 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.

Extent of Obligations and Costs

- 6.10 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.

Notices

- 6.11 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 Developer:

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.

Further Assurances

- 6.136.12 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.

Enuring Effect

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

7. **INTERPRETATION**

References

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

Construction

- 7.02 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.

No Limitation

7.03 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.

Terms Mandatory

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

Statutes

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

Entire Agreement

7.06 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.

7.07 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 8054.

Governing Law

7.08 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.

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PUBLIC HEARING

2010 Marine Drive Grouse Inn

- What:** Public Hearing for the proposed development of Grouse Inn and adjacent former gas station site. The proposal includes two residential towers, a restaurant, commercial building, and gateway plaza.
- When:** 7 pm, Tuesday, June 17, 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 an amendment to the Zoning Bylaw.
- When can I speak?** We welcome your input **Tuesday, June 17, 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?** Relevant background materials and copies of the bylaw 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?** Tamsin Guppy, Community Planner, tguppy@dnv.org or 604-990-2387.

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