

AGENDA

PUBLIC HEARING

Tuesday, June 2, 2015

7:00 p.m.

Council Chamber, Municipal Hall

355 West Queens Road,

North Vancouver, BC

Council Members:

Mayor Richard Walton

Councillor Roger Bassam

Councillor Mathew Bond

Councillor Jim Hanson

Councillor Robin Hicks

Councillor Doug MacKay-Dunn

Councillor Lisa Muri



NORTH VANCOUVER
DISTRICT

www.dnv.org

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PUBLIC HEARING

**7:00 p.m.
Tuesday, June 2, 2015
Municipal Hall, Council Chambers
355 West Queens Road, North Vancouver**

1. OPENING BY THE MAYOR

2. INTRODUCTION OF BYLAW BY CLERK

The District of North Vancouver Rezoning Bylaw 1325 (Bylaw 8103)

Purpose of Bylaw:

Bylaw 8103 proposes to amend the Zoning Bylaw by rezoning 1203-1207 Harold Road from Single-Family Residential 6000 Zone (RS4) to Comprehensive Development 87 (CD87) to allow the development of an 8 unit townhouse project.

3. PRESENTATION BY STAFF

Presentation: Lilian Arishenkoff, Community Planner

4. PRESENTATION BY APPLICANT

Presentation: Integra Architecture Inc.

5. REPRESENTATIONS FROM THE PUBLIC

6. QUESTIONS FROM COUNCIL

7. COUNCIL RESOLUTION

Recommendation:

THAT the June 2, 2015 Public Hearing be closed;

AND THAT "The District of North Vancouver Rezoning Bylaw 1325 (Bylaw 8103)" be returned to Council for further consideration.

8. CLOSING

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The Corporation of the District of North Vancouver

Bylaw 8103

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 1325 (Bylaw 8103)”.

2. Amendments

The District of North Vancouver Zoning Bylaw 3210, 1965 is amended as follows:

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

“Comprehensive Development Zone 87 CD87”

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

“4B87 Comprehensive Development Zone 87 CD87

4B87-1 Intent:

The purpose of the CD87 Zone is to establish specific land use and development regulations for an eight unit townhouse project.

The CD87 Zone is applied to those parts of:

Lot 1 of Lots 1 to 4 Block 3 District Lot 2023 Plan 3511 PID 012-811-475;
Lot 2 of Lots 1 to 4 Block 3 District Lot 2023 Plan 3511 PID 012-811-491; and
Lot 3 of Lots 1 to 4 Block 3 District Lot 2023 Plan 3511 PID 012-817-040.

shown outlined in bold in the plan attached as Schedule “A”.

4B87-2 Permitted Uses:

The following *principal* uses shall be permitted in the Comprehensive Development 87 Zone:

(a) Uses Permitted Without Conditions:

- (i) Residential building, multiple family townhouse.

(b) Conditional Uses:

Not Applicable.

4B87-3 Conditions of Use:

Not Applicable

4B87-4 Accessory Uses:

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

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

4B87-5 Density:

(a) The maximum permitted density in the CD87 Zone is limited to a floor space ratio (FSR) of 0.45, inclusive of any density bonus for energy performance.

(b) For the purposes of calculating floor space ratio, the following areas are excluded:

- (i) Open carports;
- (ii) At grade crawlspaces beneath landings;
- (iii) Specified potential elevator locations on all floors;
- (iv) Roof deck stairs and access areas;
- (v) Grade level waste disposal and recycling room, and electrical room; and
- (vi) Bay window areas.

4B87-6 Amenities:

(a) Despite subsection 4B87-5, density in the CD87 Zone is increased to a maximum floor space of 1372 sq metres (14,764 sq ft), inclusive of any density bonus for energy performance, if the owner:

1. Enters into a Housing Agreement prohibiting any restrictions preventing the owners in the project from renting their units; and
2. Contributes \$55,016 to the municipality to be used for any or all of the following amenities (with allocation to be determined by the municipality in its sole discretion): public art, park, trail, environmental or other public realm

improvements; municipal or recreation service or facility improvements and/or the affordable housing fund.

4B87-6 Height:

The maximum permitted height is 12.2 m (40.0 ft).

4B87-7 Setbacks:

- (a) Buildings shall be set back from property lines to the closest building face as established by development permit and in accordance with the following minimum regulations:

Setback	Buildings (Min Setback)
North Property Line (Harold Rd)	3.0 m (10.0 ft)
East Property Line	1.5 m (5.0 ft)
West Property Line (Baird Rd)	2.6 m (8.5 ft)
South Property Line (Lane)	2.1 m (7.0 ft)

- (b) Projections above ground level are permissible as follows:

Setback	Maximum Setback Reduction
North Property Line (Harold Rd)	0.76 m (2.5 ft)
East Property Line	n/a
West Property Line (Baird Rd)	1.1 m (3.5 ft)
South Property Line (Lane)	0.3 m (1 ft)

4B87-8 Coverage:

- (a) Building Coverage shall not exceed 57%.
- (b) Site Coverage shall not exceed 75%.

4B87-9 Landscaping:

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

4B87-10 Parking, Loading and Bicycle Parking Regulations:

Parking, driveway and loading shall be provided in accordance with Part 10 of the Zoning Bylaw except that:

- (a) Bicycle parking is to be accommodated in private carport and garage. Each carport or garage shall have a minimum of one bike parking space per unit;
- (b) No on-site visitor parking is required; and
- (c) A maximum of 50% of the parking spaces provided are permitted to be small car parking spaces sized in accordance with Part 10 of the Zoning Bylaw.”

2.1.3 The Zoning Map is amended in the case of the lands in Schedule A, by rezoning the land outlined and noted on the attached from Single Family Residential 6000 Zone (RS4) to Comprehensive Development 87 Zone (CD87).

READ a first time May 4th, 2015

PUBLIC HEARING held

READ a second time

READ a third time

ADOPTED

Mayor

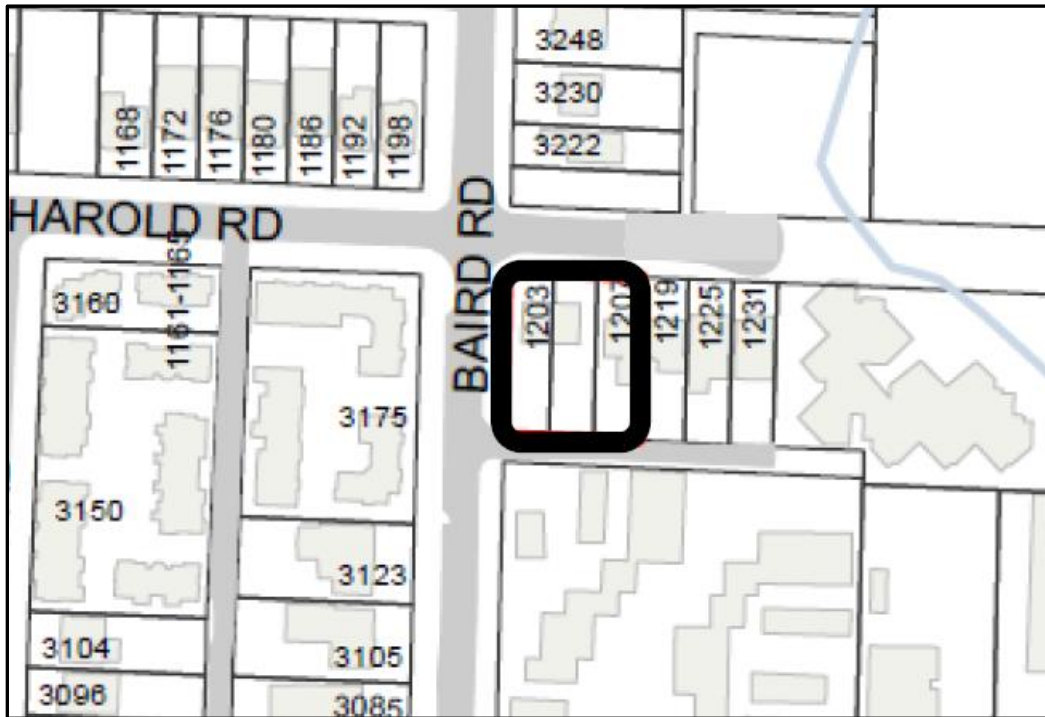
Municipal Clerk

Certified a true copy

Municipal Clerk

Schedule A to Bylaw 8103

Rezone from RS4 to CD87



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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>May 4, 2015</u>
<input type="checkbox"/> Workshop (open to public)	Date: _____


Dept.
Manager


GM/
Director


CAO

The District of North Vancouver REPORT TO COUNCIL

April 23, 2015

File: 3060.20/030.14

AUTHOR: Lilian Arishenkoff, Community Planner

SUBJECT: BYLAWS 8103 AND 8104: REZONING AND HOUSING AGREEMENT FOR AN 8 UNIT TOWNHOUSE PROJECT: 1203 AND 1207 HAROLD ROAD

RECOMMENDATIONS: It is recommended that:

1. Bylaw 8103, which rezones the subject site from Residential Single Family 7200 Zone (RS4) to Comprehensive Development 87 (CD87) to enable the development of an 8 unit residential townhouse project, be given First Reading;
2. Bylaw 8104, which authorizes a Housing Agreement to prevent future rental restrictions, be given First Reading; and
3. Bylaw 8103 be referred to a Public Hearing.

REASON FOR REPORT:

The proposed project requires Council's consideration of:

- Bylaw 8103 to rezone the subject properties; and
- Bylaw 8104 to authorize entry into a Housing Agreement to ensure that future owners are not prevented from renting their units.

SUMMARY:

The applicant, Integra Architecture Inc. proposes to redevelop 3 single family lots located at 1203 – 1207 Harold Road for an 8 unit townhouse project. The proposal requires rezoning and issuance of a development permit. The proposal complies with the Official Community Plan (OCP) designation, the bylaws supporting the project are recommended for introduction and the Comprehensive Development 87 zone is recommended for referral to a Public Hearing.



BACKGROUND:

Official Community Plan

The subject properties are designated as *Residential Level 4: Transitional Multifamily* in the OCP, which envisions a mix of townhouse and apartment multifamily housing up to approximately 1.2 FSR. The density of the proposal is 1.2 FSR and therefore compliant with the Official Community Plan.

The proposed townhouse units are evenly split with four 3 bedroom units and four 2 bedroom units. The mix of units responds to Goal #2 of the OCP to “encourage and enable a diverse mix of housing types...to accommodate the lifestyles and needs of people at all stages of life.”

The Lynn Valley Flexible Planning Framework designates this site with a 2-3 storey building height. The proposed height is three storeys which is in compliance with the Flexible Planning Framework.

Zoning:

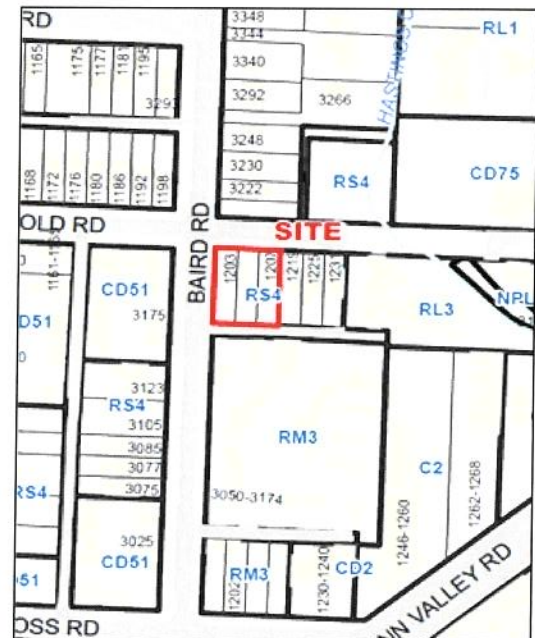
The subject properties are zoned Single Family Residential 6000 Zone (RS4) and therefore rezoning is required to permit this multi-family project. Bylaw 8103 proposes the establishment of a new Comprehensive Development Zone 87 (CD87) tailored specifically to this project (Attachment A).

Development Permit

The subject lots are designated as Development Permit Areas for the following purposes:

- Form and Character of Multi-Family Development (Ground-Oriented Housing); and
- Energy and Water Conservation and Greenhouse Gas Emission Reductions.

A detailed development permit report, outlining the projects' compliance with the applicable DPA guidelines will be provided for Council's consideration at the Development Permit stage should the rezoning advance.



**SUBJECT: BYLAWS 8103 AND 8104: REZONING AND HOUSING AGREEMENT FOR
AN 8 UNIT TOWNHOUSE PROJECT: 1203 – 1207 HAROLD ROAD**

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Strata Rental Protection Policy

Corporate Policy 8-3300-2 "Strata Rental Protection Policy" applies to this project as the rezoning application would permit development of 5 or more residential units. The policy requires a Housing Agreement to ensure that future strata bylaws do not prevent owners from renting their units. Bylaw 8104 is provided to implement this policy and to ensure that the condominium units will not be subject to any future strata corporation rental restrictions (See Attachment B).

ANALYSIS

The Site and Surrounding Area:

The site consists of 3 single family lots currently developed with two houses on the Harold Road cul-de-sac. Adjacent uses consist of single family lots (zoned RS-4) to the east and north, existing townhouses to the west and multifamily residential (zoned RM3) to the south.



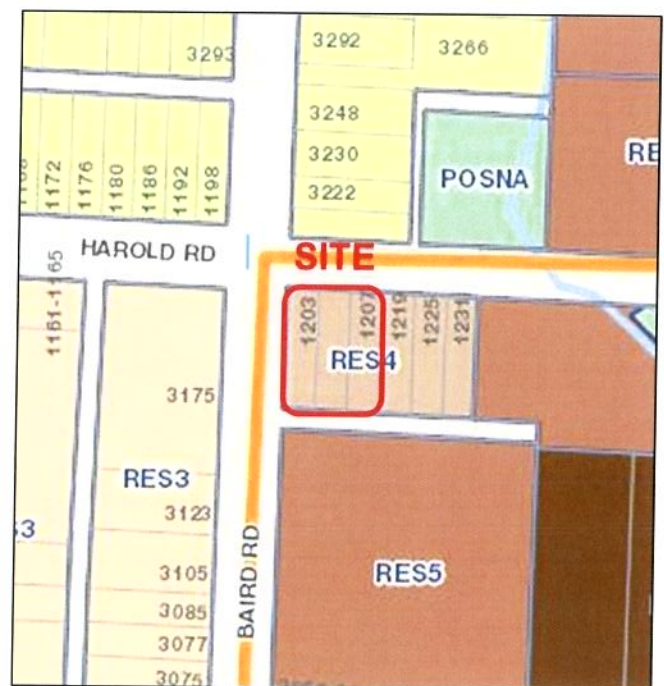
The OCP designates the surrounding area as:

- Residential Level 4: Transitional Multifamily to the east;
- Residential Level 2: Detached Residential to the north;
- Residential Level 3: Attached Residential to the west; and
- Residential Level 5: Low Density Apartment to the south.

Project Description:

Site Plan/Building Description:

The project consists of 8 townhouses in one building arranged around an interior auto courtyard as illustrated on the Site Plan.



**SUBJECT: BYLAWS 8103 AND 8104: REZONING AND HOUSING AGREEMENT FOR
AN 8 UNIT TOWNHOUSE PROJECT: 1203 – 1207 HAROLD ROAD**

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The townhouses are three storeys each with their main doors fronting Harold Road and Baird Street. Each unit has its own at grade parking either in a garage or carport. The carports are accessed off the central auto courtyard with one driveway access to the lane. The units with garages are accessed directly off of the lane. Four of the units have 3 bedrooms and the remaining four units have 2 bedrooms. The units range in size from 137.6m² (1481 sq ft) to 206.2m² (2219 sq ft), excluding the carports. The building is approximately 11.9m (39 ft) in height.

On the east side of the property, the applicants will dedicate a 1.25m strip of land that will be consolidated with a future similar dedication from the remaining three properties to the east along Harold Rd once they redevelop. This future 2.5m pathway will be located at the easternmost section of the Harold Road cul-de-sac in compliance with the Lynn Valley Town Centre section of the OCP Schedule A.

Parking

Vehicle access to the site is off the rear lane. The proposal is to provide 16 parking stalls at 2 spaces per unit. Individual parking in each unit is either in a side by side or tandem arrangement with 2 of the stalls being tandem and there are 8 small car stalls. While there are no visitor parking spaces onsite, the proposal provides more than the required 1.6 parking spaces per unit (townhouse and visitor combined) for this Lynn Valley Town Centre location.

Landscaping

The landscaping is concentrated at the perimeter of the site, including plantings and hedges. Along Harold Street in front of the units there are a series of rain gardens and one bench. The landscape architect has also included two green walls and trellises that separate the project from the property to the east. In addition, the auto court will be made out of permeable pavers.





East Elevation– Baird Road

Accessible Units

In response to the District's "Accessible Design Policy for Multi-Family Housing", the project includes four units where the possibility of future elevator installation has been designed into the units by lining up closets on each floor, creating a future potential elevator shaft. Accessible access to these units would be from the ground level internal autocourt. As required within the accessible design policy, there are certain basic accessible design elements that must be incorporated into the design for each unit (where feasible). At the development permit stage, the developer will be required to submit an "Accessible Multi-Family Housing Design Checklist" which identifies how the entire development attains the requirements of the policy.

GREEN BUILDING MEASURES:

Compliance with the Green Building Strategy is mandatory given the need for rezoning and the project is targeting an energy performance rating of Energuide 80 and will achieve a building performance equivalent to Built Green™ 'Gold'.

IMPLEMENTATION:

Implementation of this project will require consideration of a rezoning bylaw, Bylaw 8103, and a Housing Agreement Bylaw, Bylaw 8104, as well as issuance of a development permit and registration of legal agreements.

Bylaw 8103 (Attachment A) rezones the subject properties from Single Family Residential 6000 Zone (RS4) to a new Comprehensive Development 87 Zone (CD87) which:

**SUBJECT: BYLAWS 8103 AND 8104: REZONING AND HOUSING AGREEMENT FOR
AN 8 UNIT TOWNHOUSE PROJECT: 1203 – 1207 HAROLD ROAD**

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- establishes the multi-family residential use;
- allows home occupations as an accessory use;
- establishes a maximum density FSR (Floor Space Ratio) of 1.2 subject to payment of a **\$55,016.20 CAC** and entering into a housing agreement to restrict future strata rental restrictions;
- establishes setback, height, building coverage and site coverage regulations;
- incorporates acoustic requirements; and
- establishes parking regulations specific to this project.

Bylaw 8104, (Attachment B) authorizes the District to enter into a Housing Agreement to ensure that the proposed units remain available as rental units.

In addition, the following legal agreements will be required prior to zoning bylaw adoption to secure:

- a green building covenant;
- a stormwater management covenant;
- a lot consolidation that shows the required dedications, including the 1.25m parcel; and
- Section 219 Covenant to address the interim maintenance of the 1.25m parcel.

COMMUNITY AMENITY CONTRIBUTION:

The District's Community Amenity Contribution (CAC) Policy requires an amenity contribution for projects including an increase in residential density. In this case, a CAC of \$55,016.20 has been calculated and this amount is included in the proposed CD87 Zone. The CD87 Zone allows the CACs from this development to be used toward public art, park, trail, environmental or other public realm improvements; municipal or recreation service or facility improvements and/or the affordable housing fund.

PUBLIC INPUT:

Public Information Meeting

The applicant held a facilitated a public information meeting on December 11, 2014. This meeting was attended by approximately 15 residents. Several letters were also received.

The comments focused primarily on the landscaping proposed, building materials to be used, anticipated traffic and how the increase in demand for parking will be addressed in the area. Several letters were also received from the public with additional comments regarding construction traffic management and the safety of children walking to school.

The applicant is required to provide construction management which addresses the issues raised and includes a communications plan for the neighbourhood. Onsite parking exceeds the 1.6 stalls per unit envisioned in the parking strategy for Centres. New sidewalks adjacent to the site will improve existing pedestrian conditions.

CONSTRUCTION MANAGEMENT PLAN:

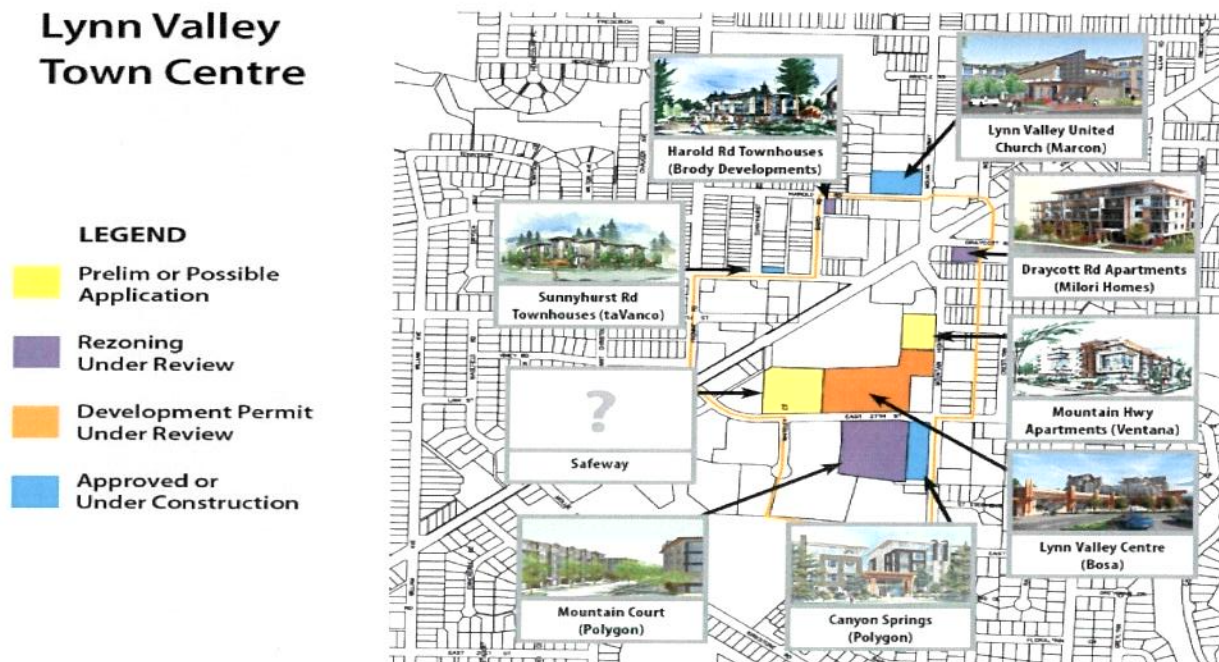
In order to reduce development's impact on pedestrian and vehicular movements, the developer will be required to provide a "Construction Traffic Management Plan" as a condition of a Development Permit. The Construction Traffic Management Plan must minimize construction impacts on pedestrian movement and vehicular traffic along Harold Rd, Baird Road, Mountain Highway and the surrounding streets. The plan is required to be approved by the District prior to issuance of a Building Permit.

In particular, the Construction Traffic Management Plan must:

1. Limit sidewalk closures to those necessary for sidewalk upgrades along Harold Rd and Baird Rd. and include measures to reduce any impacts to traffic and pedestrians;
2. Outline roadway efficiencies (ie. location of traffic management signs and flaggers);
3. Provide a point of contact for all calls and concerns;
4. Provide a sequence and schedule of construction activities;
5. Identify methods of sharing construction schedule information with other developments in the area;
6. Define locations for truck marshalling and trade vehicle parking which are acceptable to the District and minimize impacts to neighbourhoods; and
7. Include a communication plan to notify surrounding businesses and residents.

As noted in the diagram below, the subject site is shown in relation to other residential construction projects and potential development projects in the immediate area. While the Construction Traffic Management Plan needs to take into consideration each of these

**Lynn Valley
Town Centre**



**SUBJECT: BYLAWS 8103 AND 8104: REZONING AND HOUSING AGREEMENT FOR
AN 8 UNIT TOWNHOUSE PROJECT: 1203 – 1207 HAROLD ROAD**

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projects, the closest two, the townhomes at Sunnyhurst and Ross Road and the Lynn Valley United Church apartment project will be well under construction by the time construction starts on the subject site.

Advisory Design Panel

The application was considered by the Advisory Design Panel on October 9, 2014 and the panel recommended approval of the project subject to some detailed refinements. The applicant has modified their plans appropriately to the satisfaction of staff.

CONCURRENCE:

Staff

The project has been reviewed by Building, Environment, Parks, Engineering, Policy Planning, Urban Design, Transportation Planning, Real Estate and Properties, Legal, Fire Department and Arts Office staff. Staff has made recommendations, throughout the development review process, to enhance the proposed development and to address specific concerns to their satisfaction.

CONCLUSION:

This rezoning proposal for 8 townhouse units is in conformity with the Official Community Plan, the Flexible Planning Framework for Lynn Valley Town Centre, and applicable development permit guidelines. Bylaws 8103 and 8104 are ready for Council's consideration.

Options:

The following options are available Council's consideration:

- 1) Introduce Bylaws 8103 and 8104 and refer Bylaw 8103 to a Public Hearing (staff recommendation); or
- 2) Defeat Bylaw 8103 and 8104 at First Reading.



Lilian Arishenkoff
Community Planner

Attachments:

- A – Bylaw 8103
- B – Bylaw 8104

**SUBJECT: BYLAWS 8103 AND 8104: REZONING AND HOUSING AGREEMENT FOR
AN 8 UNIT TOWNHOUSE PROJECT: 1203 – 1207 HAROLD ROAD**

April 23, 2015

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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: _____

The Corporation of the District of North Vancouver

Bylaw 8103

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

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2. Amendments

The District of North Vancouver Zoning Bylaw 3210, 1965 is amended as follows:

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

"Comprehensive Development Zone 87 CD87"

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

"4B87 Comprehensive Development Zone 87 CD87"

4B87-1 Intent:

The purposed of the CD87 Zone is to establish specific land use and development regulations for an eight unit townhouse project.

The CD87 Zone is applied to those parts of:

Lot 1 of Lots 1 to 4 Block 3 District Lot 2023 Plan 3511 PID 012-811-475;
Lot 2 of Lots 1 to 4 Block 3 District Lot 2023 Plan 3511 PID 012-811-491; and
Lot 3 of Lots 1 to 4 Block 3 District Lot 2023 Plan 3511 PID 012-817-040.

shown outlined in bold in the plan attached as Schedule "A".

4B87-2 Permitted Uses:

The following *principal* uses shall be permitted in the Comprehensive Development 87 Zone:

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(a) Despite subsection 4B87-5, density in the CD87 Zone is increased to a maximum floor space of 1372 sq metres (14,764 sq ft), inclusive of any density bonus for energy performance, if the owner:

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4B87-6 Height:

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- (b) Projections above ground level are permissible as follows:

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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

Schedule A to Bylaw 8103
Rezone from RS4 to CD87



RESIDENTIAL SINGLE FAMILY ZONE 4 (RS4) TO
COMPREHENSIVE DEVELOPMENT ZONE 87 (CD87)



AREA TO BE TRANSFERRED TO DNV



The Corporation of the District of North Vancouver

Bylaw 8104

A bylaw to enter into a Housing Agreement (Rental Protection – 1203-1207 Harold)

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 8104, 2015”.

2. Authorization to Enter into Agreement

The Council hereby authorizes a housing agreement between The Corporation of the District of North Vancouver and Brody Development (A & C) Ltd. substantially in the form attached to this Bylaw as Schedule “B” with respect to those parts of:

- i. Lot 1 of Lots 1 to 4 Block 3 District Lot 2023 Plan 3511
PID 012-811-475;
- ii. Lot 2 of Lots 1 to 4 Block 3 District Lot 2023 Plan 3511
PID 012-811-491; and
- iii. Lot 3 of Lots 1 to 4 Block 3 District Lot 2023 Plan 3511
PID 012-817-040.

shown outlined in bold and labelled “Site” on the plan attached hereto as Schedule “A”.

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 _____, 2015

READ a second time _____, 2015

READ a third time _____, 2015

ADOPTED _____, 2015

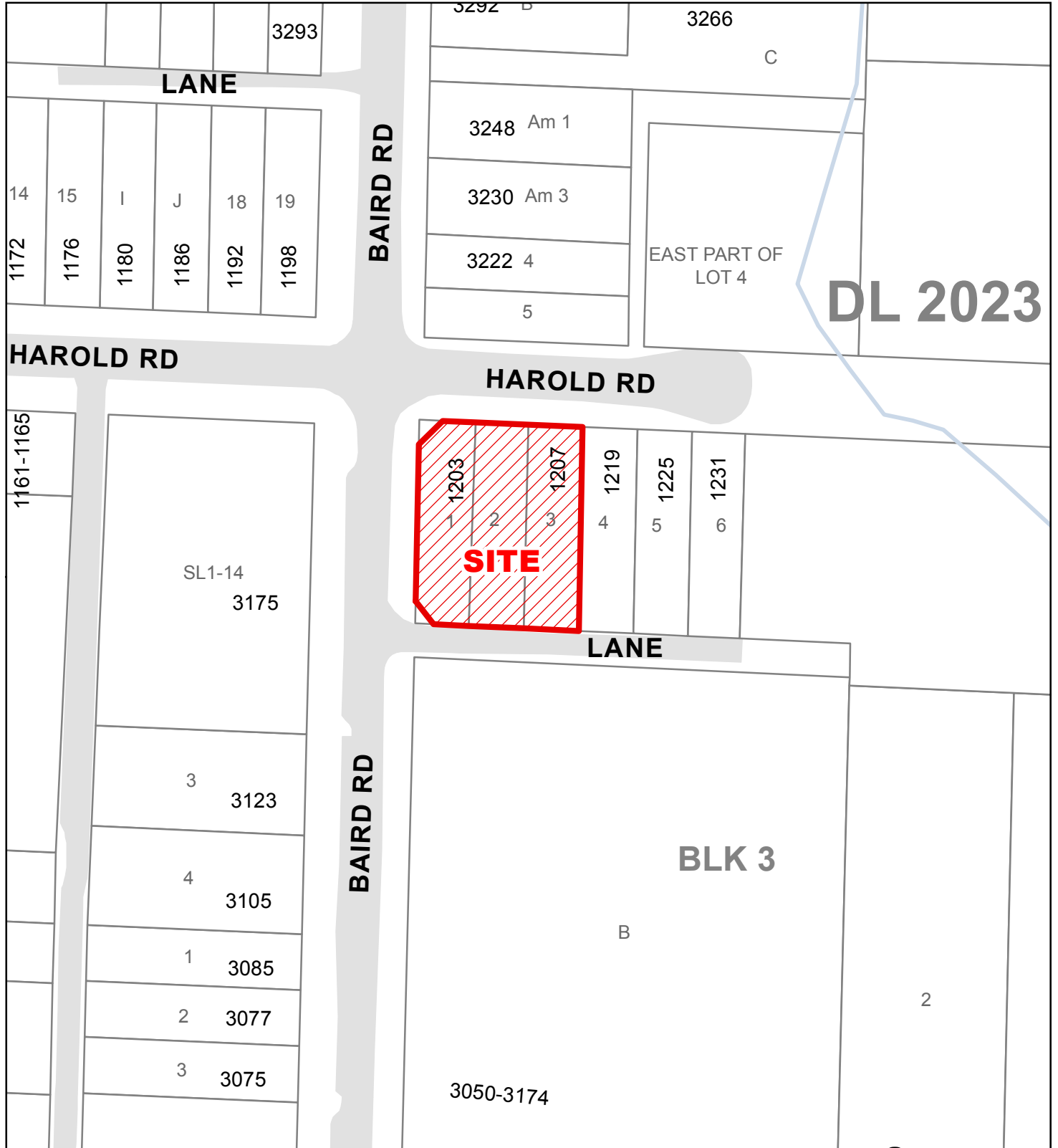
Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

Schedule A to Bylaw 8104



SITE



Schedule B to Bylaw 8104

SECTION 219 COVENANT (Rental Protection)

THIS COVENANT dated for reference the __ day of _____, 2015, is

BETWEEN:

BRODY DEVELOPMENT (A & C) LTD. (Incorporation No. BC1033479) a corporation incorporated under the laws of the Province of British Columbia with an office at 1060 14th St W, North Vancouver, BC V7P 3P3

(the "**Owner**")

AND:

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

(the "**District**")

RECITALS:

- A. The Owner is the registered owner in fee simple of land in the District of North Vancouver legally described in item 2 of Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement (the "**Land**");
- B. The Owner has agreed to grant and the District agrees to accept the Section 219 Covenant contained in this Agreement over the Land; and
- C. Section 219 of the *Land Title Act* (R.S.B.C. 1996, c. 250) provides that there may be registered as a charge against the title to any land a covenant in favour of a municipality in respect of the use of land or the use of a building on or to be erected on land or that land is or is not to be built on or is not to be subdivided except in accordance with the covenant.

NOW THEREFORE in consideration of \$2.00 and other good and valuable consideration paid by the District to the Owner, the receipt and sufficiency of which are hereby acknowledged, the Owner covenants and agrees with the District under section 219 of the *Land Title Act* of the Province of British Columbia as follows:

1. USE

The Land must not be used or developed except in strict accordance with this Agreement.

2. DEFINITIONS

- (a) "**Director**" means the General Manager of Planning, Permits and Bylaws and his or her designate;
- (b) "**Owner**" means the Owner and any other person or persons registered in the Lower Mainland Land Title Office as owner of the Land from time to time, or of any parcel into which the Land is consolidated or subdivided, whether in that person's own right or in a representative capacity or otherwise;
- (c) "**Proposed Development**" means the proposed development to be constructed on the Land;
- (d) "**Unit**" means a residential dwelling strata unit in any building in the Proposed Development; and
- (e) "**Unit Owner**" means the registered owner of a Unit in any building in the Proposed Development.

3. RENTAL ACCOMODATION

- 3.01 No Unit in a building in the Proposed Development may be occupied unless the Owner 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 pursuant to the *Strata Property Act* (or any successor or replacement legislation) a Form J Rental Disclosure Statement (the "**Form J**") designating all of the Units in the building as rental strata lots and imposing a minimum 99 year rental period in relation to all of the Units; and
 - (b) given a copy of the Form J 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. For the purposes of this paragraph 3.01(b), the Owner is deemed to have given a copy of the Form J to each prospective purchaser of any Unit in the building if the Owner has included the Form J as an exhibit to the disclosure statement for the Proposed Development prepared by the Owner pursuant to the *Real Estate Development Marketing Act* (the "**Disclosure Statement**").
- 3.02 The Units constructed on the Land from time to time may always be used to provide rental accommodation as the Owner or a Unit Owner may choose from time to time.
- 3.03 This agreement shall be binding upon all strata corporations created upon the strata title subdivision of the Land pursuant to the *Strata Property Act* or any subdivided parcel of the Land, including the Units.

- 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.
- 3.05 The Strata Corporation shall not pass any bylaws preventing, restricting or abridging the use of the Land, the Proposed Development or the Units contained therein from time to time as rental accommodation.
- 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 Land, the Proposed Development and the units contained therein from time to time as rental accommodation.
- 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.

4. GENERAL PROVISIONS

- 4.01 The Owner shall comply with all requirements of this Agreement at its own cost and expense.
- 4.02 The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
- 4.03 This Agreement shall restrict use of the Land in the manner provided herein notwithstanding any right or permission to the contrary contained in any bylaw of the District.
- 4.04 Forthwith after registration of a strata plan (the "**Strata Plan**") under the *Strata Property Act* (British Columbia) to stratify the building on the Land, or any part thereof, and in any event before the first conveyance of any of the strata lots created by said Strata Plan (the "**Strata Lots**"), the Owner will cause the strata corporation (as hereinafter defined) to assume the Owner's obligations hereunder to the same extent as if the strata corporation had been an original party to this Agreement by executing and delivering to the District an assumption agreement in all material respects in the form attached hereto as Schedule "B". If the Owner fails to comply with this section 4.04, then the Owner will remain liable for the performance of the obligations hereunder notwithstanding the strata subdivision.
- 4.05 The strata corporation shall not enact any bylaw or make any rules or regulations in respect of the Strata Lots or the Land which are inconsistent with this Agreement.

- 4.06 For the purposes of this Agreement "**strata corporation**" means the strata corporation established pursuant to the *Strata Property Act* (British Columbia) upon registration of the Strata Plan to create the Strata Lots.
- 4.07 The covenants herein shall charge the Land pursuant to Section 219 of the *Land Title Act* and shall run with the Land and bind the Land and every part or parts thereto, and shall attach to and run with the Land and each and every part into which the Land may be divided or subdivided, whether by subdivision plan, Strata Plan or otherwise. The covenants set forth herein shall not terminate if and when a purchaser becomes the owner in fee simple of the Land or any part thereof, but shall charge the whole of the interest of such purchaser and shall continue to run with the Land and bind the Land and all future owners of the Land and any portion thereof, including all Strata Lots thereon. If the Land or any part thereof or any building or buildings on the Land are subdivided by means of a Strata Plan then the obligations of the Owner hereunder will be the obligations of the owners of Strata Lots in accordance with the *Strata Property Act*.
- 4.08 The rights given to the District by this Agreement are permissive only and nothing in this Agreement imposes any duty of any kind of the District to anyone or obliges the District to perform any act or to incur any expense for any of the purposes set out in this Agreement. Where the District is required or permitted by this Agreement to form an opinion, exercise a discretion, make a determination or give its consent, the Owner agrees that the District is under no public law duty of fairness or natural justice in that regard and agrees that the District may do any of those things in the same manner as if it were a private party and not a public body.
- 4.09 The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any enactment or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches which occur while the Owner is the registered owner of any of the Land and only to the extent that the Owner is the registered owner of any of the Land.
- 4.10 This Agreement does not:
- (a) affect or limit the discretion, rights, duties or powers of the District under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) affect or limit any enactment relating to the use or subdivision of the Land; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.
- 4.11 Nothing in this Agreement affects any obligations of the Owner to pay all property taxes, rates, charges and levies payable under any enactment on or in respect of the Land.
- 4.12 The Owner agrees that this Agreement is intended to be perpetual in order to protect the Land as set out in this Agreement. In view of the importance of protecting the Land for

ecological and other reasons, the Owner agrees not to seek a court order modifying, discharging or extinguishing this Agreement under the *Property Law Act* (British Columbia), any successor to that enactment, any other enactment or at common law.

- 4.13 Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s.219 of the *Land Title Act* in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land are consolidated.
- 4.14 The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending at the time of application for registration of this Agreement
- 4.15 An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
- 4.16 If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, 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.
- 4.17 This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.
- 4.18 By executing and deliver this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.
- 4.19 This Agreement shall not be modified or discharged except in accordance with the provisions of section 219 of the *Land Title Act*.
- 4.20 The Owner shall do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurance which may be reasonably necessary to give proper effect to the intent of this Agreement.
- 4.21 Time is of the essence of this Agreement.
- 4.22 Whenever the singular or masculine or neuter is used herein, the same shall be construed as including the plural, feminine, and body corporate or politic unless the context requires otherwise.
- 4.23 This Agreement shall be interpreted according to the laws of the Province of British Columbia. Where there is a reference to an enactment of the Province of British Columbia in this Agreement, that reference shall include a reference to any subsequent enactment of the Province of British Columbia of like effect, and unless the context

otherwise requires, all statutes referred to herein are enactments of the Province 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 Office Form C which is attached hereto and forms part of this Agreement.

- END OF DOCUMENT -



**Brody Development
Public Information Meeting
December 11, 2014**

Summary Report

Presenters:

Mike Brody: Brody Development
Duane Siegrist: Project Architect, Integra Architecture
Bill Harrison: Landscape Architect, Forma Design

Q & A:

All presenters and:
Rhys Leitch: Integra Architecture
Casey Peters: Planner, District of North Vancouver

Facilitator: Brenda Chaddock, Odyssey Leadership Centre

The evening opened at 7 p.m. with refreshments, an informal viewing of the boards and conversation with the project consultants.

At 7:30 the formal presentation began. There were 15 people in attendance, 12 signed in. Mike Brody gave an overview of the project which was then followed by Duane and Bill covering the building and landscape plans in greater detail.

Questions and Comments:

Q: How will rainwater be contained?

R: Bill – There will be containment tanks in the courtyard adjusted for volume and peak flows, then to the sewers and then to the creek. The water will be absorbed and dispersed slowly. It is a bit complicated.

Q: Will there be new plantings? Will the replacement trees be designed to absorb water runoff to be used for watering?

R: Bill –Yes, there will be new trees and the canopy of trees will hold some water. Then the strategy is roof to ground runoff.

Q: Where will the water be directed?

R: Mike - Both the northeast corner and the laneway in the southwest corner.

Q: Are the trees deciduous or coniferous?

R: Bill – they will be mixed. There will be a living green wall with a trellis at the edge and back of the courtyard.

Q: Will there be trellises or hedges?

R: Bill – Trellises rather than hedges, as they are less dense and easier to maintain.

Q: Are shadow cast studies being done?

R: Duane – Yes, public documents have been submitted and are accessible from DNV.

Q: What about the elevation of the buildings? I am concerned about the height. Can they be lowered?

R: Duane: The townhouses will be built to grade. Reducing the elevation would jeopardize the access of cars to the garage and livability of the lower floors.

Q: Regarding the easement – is it gated at both ends?

R: Bill - It is closed at one end with plants.

Casey - There are plans for a future path on District owned property.

Q: There is a high density of traffic in this area. There are concerns in several places. What about both pedestrian and vehicle congestion and safety?

R: Casey – we have heard comments of students walking to and from school. This project required sidewalks on Baird and Harold and longer term plans are in process. The project is designed per the DNV transportation plan and direction for higher density developments in this area.

The plans for parking include 2 stalls per unit (by-law) and there is an ongoing effort to create a walkable community to the town centre. A traffic study for Lynn Valley is accessible on the DNV web site.

Q: Has the District governed the plan?

R: Casey – DNV does not dictate growth. It is following a community plan and detailed process for development.

Q: Is the District ever going to be satisfied with the number of people living in Lynn Valley?

R: Casey – Your concern will be taken back to the District.

Q: Regarding street parking – can it be designated resident only?

R: Casey – This is a frequent question. The District does not favour this approach as that this only tends to create a different type of problem. A transportation study suggested time restricted parking.

Comment: I haven't thought of this – not a bad idea.

Q: To architects... How green is this development?

R: Duane – The roof and central area for cars will be of materials that are durable, incorporating a sustainable use of wood. The roof is a membrane system, and the perimeter is protected with pavers. The roof decks will have potted gardens – urban agriculture. The pavers are porous and the perimeters green.

Q: What is the change in demographic? Who are you bringing in to our neighborhood?

R: Mike - The units are larger with focus on space and amenities. This will be a market for single families. Elevators are planned for elder and handicapped access. The architecture is extremely detailed and very high quality.

Q: What about student safety on the road?

R: Casey – There is a focus by the District on a continuous sidewalk network.

Q: Baird is a dead end and people will walk in the road. Is there a possibility of a speed bump to slow traffic?

R: Casey – There is currently a comprehensive review and screening process for speed bumps.

Q: The wood panels – are they fixed or sliding?

R: They are sliding and need to be structured for safety and flexibility (swelling and shrinking).

Q: On the east side of the building – what about privacy for the upper floors?

R: Duane – ‘Overlook’ is a very important part of the design to ensure privacy between neighbors.

Rhys – The materials and slat variation reinforces this design.

Q: What about bedroom to bedroom?

R: Mike - There is extra soundproofing plus party walls. In 25 years there have been no complaints in any of our developments.

Q: Will there be trees on Baird Road?

R: Bill – yes they will be maples, younger than the current trees.

Q: Will the sidewalks be the same as the west side of Baird?

R: Casey – They will be curb and gutter. The District prefers this to porous sidewalks.

Q: What is the timeline for construction?

R: Mike – the public process will take 3 – 6 months. We anticipate construction will commence in fall of 2015 with occupancy in June of 2016.

The evening adjourned at 8:30 p.m. and participants lingered for further viewing of the boards and informal conversation.

Generally there were several comments complimenting the design of the project.

Submitted by:

Brenda Chaddock, Odyssey Leadership Centre

PUBLIC HEARING

1203 - 1207 Harold Road

8 unit townhouse project

What: A Public Hearing for a proposed amendment to the Zoning Bylaw to enable the development of an 8 unit townhouse project.

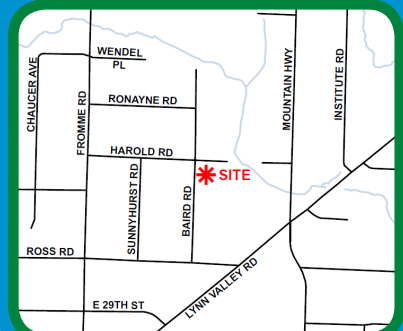
When: 7 pm, Tuesday, June 2, 2015

Where: Council Chambers, North Vancouver District Hall,
355 West Queens Road

Proposed*



Site Map



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

What changes? Bylaw 8103 proposes to amend the Zoning Bylaw by rezoning 1203-1207 Harold Road from Single-Family Residential 6000 Zone (RS4) to Comprehensive Development 87 (CD87) to allow the development of an 8 unit townhouse project.

When can I speak? We welcome your input **Tuesday, June 2, 2015 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 material and copies of the bylaw are available for review at the Municipal Clerk's Office or online at dnv.org/public_hearing. Office hours are Monday to Friday 8 am to 4:30 pm.

Who can I speak to? Lilian Arishenkoff, Community Planner, at 604-990-2317 or arishenkoffl@dnv.org



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