

AGENDA

PUBLIC HEARING

Tuesday, March 25, 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

www.dnv.org

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PUBLIC HEARING

7:00 p.m.
Tuesday, March 25, 2014
Municipal Hall, Council Chambers
355 West Queens Road, North Vancouver

1. **OPENING BY THE MAYOR**

2. **INTRODUCTION OF BYLAWS BY CLERK**

Bylaw 8039: The District of North Vancouver Official Community Plan Bylaw 7900, 2011, Amendment Bylaw 8039, 2014 (Amendment 11)
Bylaw 8040: The District of North Vancouver Rezoning Bylaw 1306

Purpose of Bylaw:

The proposed bylaws will allow for redevelopment of four single-family residential lots located between 1561 and 1583 Oxford Street. The proposed development will consist of a 112 unit rental apartment building with commercial space at ground level.

3. **PRESENTATION BY STAFF**

Presentation: Doug Allan, Community Planner

4. **PRESENTATION BY APPLICANT**

Presentation: Mr. Brad Howard, Darwin Properties Ltd.

5. **REPRESENTATIONS FROM THE PUBLIC**

6. **QUESTIONS FROM COUNCIL**

7. **COUNCIL RESOLUTION**

Recommendation:

THAT the March 25, 2014 Public Hearing be closed;

AND THAT "The District of North Vancouver Official Community Plan Bylaw 7900, 2011, Amendment Bylaw 8039, 2014 (Amendment 11)" be returned to Council for further consideration;

AND THAT "The District of North Vancouver Rezoning Bylaw 1306" be returned to Council for further consideration.

8. **CLOSING**

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The Corporation of the District of North Vancouver

Bylaw 8039

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

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

1. Citation

This bylaw may be cited as “The District of North Vancouver Official Community Plan Bylaw 7900, 2011, Amendment Bylaw 8039, 2014 (Amendment 11)”.

2. Amendments

- a. The following amendments are made to the “District of North Vancouver Official Community Plan Bylaw 7900, 2011”:
 - i. Map 2 Land Use: by changing the land use designation of the site, legally described as: Lot B, Block 41, District Lot 204, Plan 1340 (PID: 014-742-764); Lot 12, Block 41, District Lot 204, Plan 1340 (PID: 014-742-578), Amended Lot 13 (see 287863L), Block 41, District Lot 204, Plan 1340 (PID: 014-742-594); Amended Lot 15 (See 161066L), Block 41, District Lot 204, Plan 1340 (PID: 014-742-616) from “**Residential Level 6: Medium Density Apartment**” (RES6) to “**Commercial Residential Mixed Use Level 3 (CRMU3)**” as illustrated on Bylaw 8039 Schedule “A” attached.

READ a first time this the 3rd of March, 2014

PUBLIC HEARING held on this the

READ a second time this the

READ a third time this the

APPROVED by the Ministry of Transportation and Infrastructure this the

ADOPTED this the

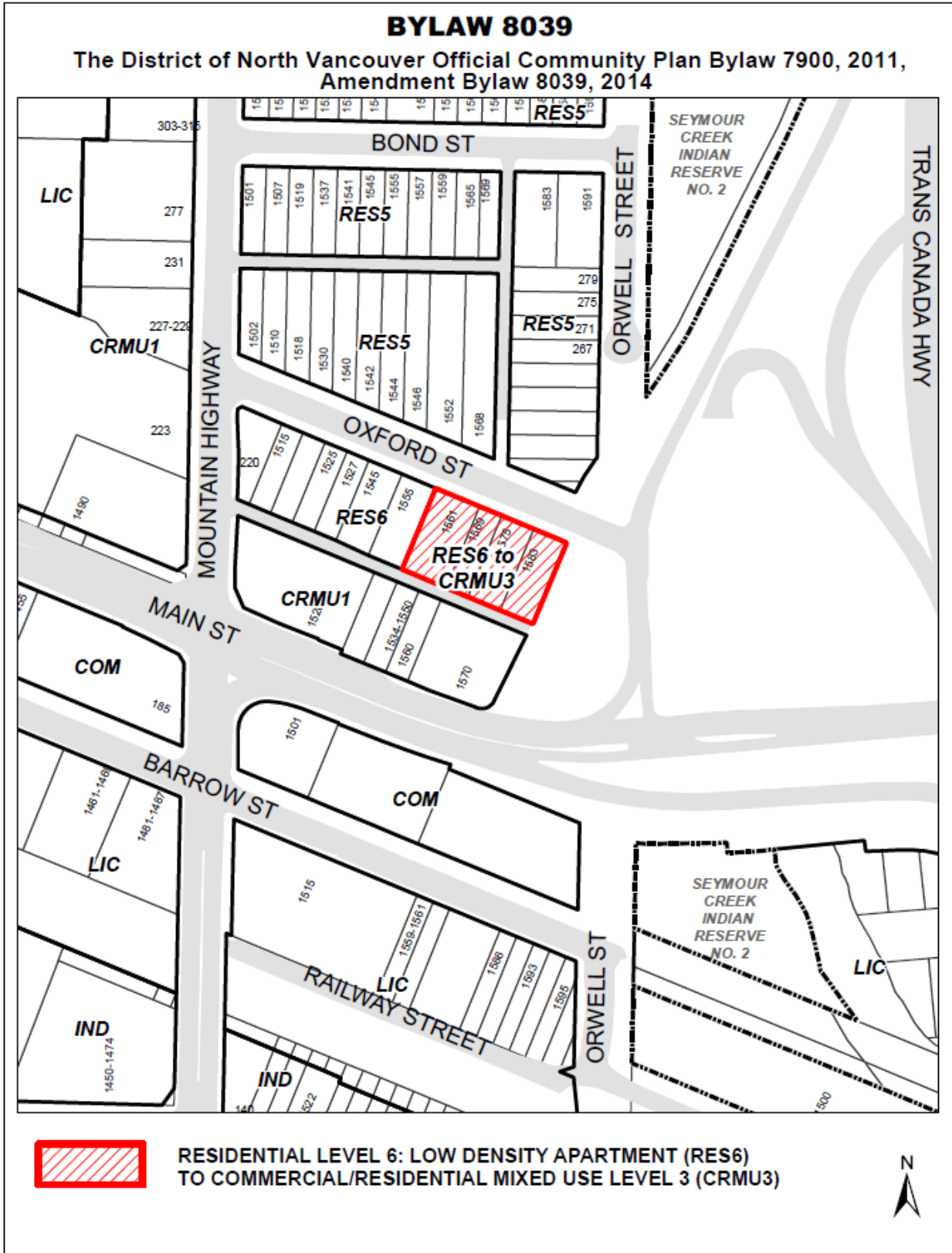
Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

Bylaw 8039 Schedule A: OCP Map



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The Corporation of the District of North Vancouver

Bylaw 8040

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

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

1. Citation

This bylaw may be cited as “The District of North Vancouver Rezoning Bylaw 1306” (Bylaw 8040).

2. Amendments

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

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

“Comprehensive Development Zone 78 CD78”

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

“ 4B78 Comprehensive Development Zone 78 CD78”

4B78-1) Intent:

The purpose of the CD78 Zone is to establish specific land use and development regulations for a 112 unit residential rental apartment building.

4B78-2) Uses:

The following *principal uses* shall be permitted in the Comprehensive Development 78 Zone:

(a) Uses Permitted Without Conditions:

Not Applicable

(b) Conditional Uses:

- (i) Residential rental apartment building pursuant to section 904(3) of the Local Government Act; and
- (ii) Commercial use

4B78-3) Conditions of Use:

- (a) Not more than 1 caretaker suite is permitted;
- (b) commercial use may not exceed 82m² (882.5ft.²) in area.

4B78-4) 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.

4B78-5) Density:

- (a) The maximum permitted density in the CD78 Zone is limited to a floor space ratio (FSR) of 3.32, inclusive of any density bonus for energy performance;
- (b) The maximum number of units in the CD78 Zone is 112;
- (c) For the purposes of calculating floor space ratio, the area of underground parking garages and underground mechanical rooms are exempted and above ground facilities are exempted to a maximum area as follows:
 - electrical/mechanical rooms/recycling container rooms: 49m² (528ft.²);
 - bike storage rooms: 83m² (891ft.²);
 - amenity room: 52m² (552ft.²);
 - parking trellis structure (open to above at a minimum of 70%): 162.6m² (1750ft.²);
 - roof stair enclosure: 17.37m² (187ft.²).

4B78-6) Amenities:

Not Applicable

4B78-7) Maximum Principal Building Size:

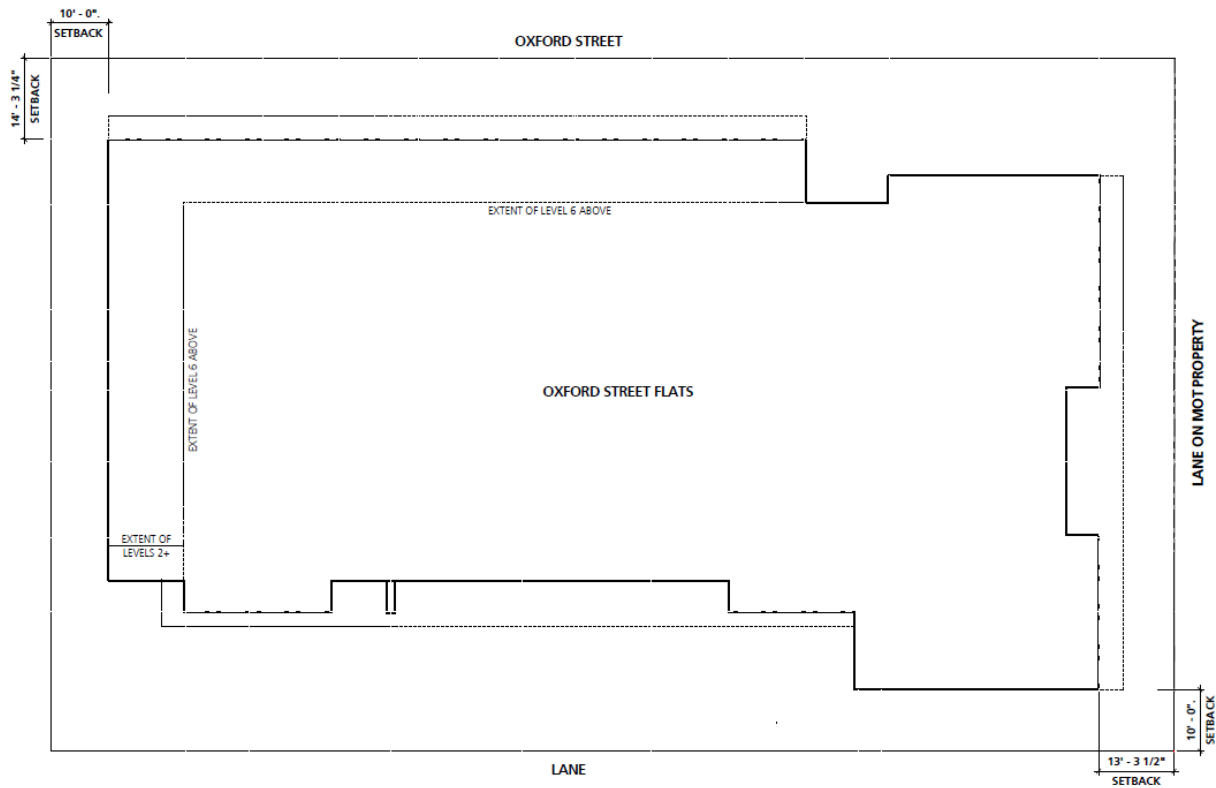
Not applicable

4B78-8) Setbacks:

The building shall meet the following building setbacks as measured from the property lines to the principal building face:

- a) North: 4.34m (14.25ft.);
- b) East: 4.03m (13.25ft.);
- c) South: 3m (10ft.);
- d) West: 3m (10ft.),

as illustrated on the following setback plan:



Building Setback Plan

4B78-9) Building Orientation:

Not applicable

4B78-10) Building Depth and Width:

Not applicable

4B78-11) Coverage:

- (a) Building Coverage, excluding the parking trellis structure when open to above at a minimum of 70%, shall not exceed 75%.
- (b) Site Coverage shall not exceed 93%.

4B78-12) Height:

The maximum permitted height is 19.8m (65ft.) excluding the heights of elevator penthouse and rooftop stairwell enclosure.

4B78-13) Acoustic Requirements:

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

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

4B78-14) Landscaping:

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

4B78-15) Subdivision Requirements:

Not Applicable

4B78-16) Additional Accessory Structure Regulations:

Not applicable.

4B78-17) Parking and Loading Regulations:

- (a) Parking spaces for residential use shall be provided on the basis of 0.75 spaces/unit + 0.01 spaces/unit for designated visitors parking, inclusive of 2 handicapped parking spaces;
- (b) 3 parallel parking spaces are required for the commercial use, 2 of which may be shared in tandem as a loading bay;
- (c) Not more than 39.5% of the spaces may be small car spaces and not more than 9.3% of the spaces may be micro car spaces;
- (d) Parking spaces shall meet the following minimum space sizes:

Parking Space Type	Length	Width	Height
Regular	5.7m (18.7ft.)	2.67m (8.75ft.)	2.1m (6.9ft.)
Disabled	5.7m (18.7ft.)	3.7m (12.1ft.)	2.1m (6.9ft.)
Small Car	4.6m (15.1ft.)	2.47m (8.1ft.)	2.1m (6.9ft.)
Micro Car	3 m (9.9 ft.)	2.3 m (7.6 ft.)	2.1m (6.9 ft.)
Parallel	6.7m (22ft.)	5.7m (8.83ft.)	2.1m (6.9ft.)
Tandem	5.7m (18.7ft.)	2.74m (9ft.)	2.1m (6.9ft.)

- (e) All manoeuvring aisles within the underground parking structure shall meet or exceed a minimum width of 6.8m (22.3ft.); and
 - (f) A minimum of 10 Class 2 bicycle parking spaces are required for the residential and commercial uses.
- (C) The Zoning Map is amended in the case of the lands illustrated on the attached map (Schedule A) by rezoning the land from the Single Family Residential 6000 Zone (RS4) to Comprehensive Development Zone 78 (CD78).

READ a first time this the 3rd day of March, 2014

PUBLIC HEARING

READ

READ

APPROVED by the Ministry of Transportation and Infrastructure this the

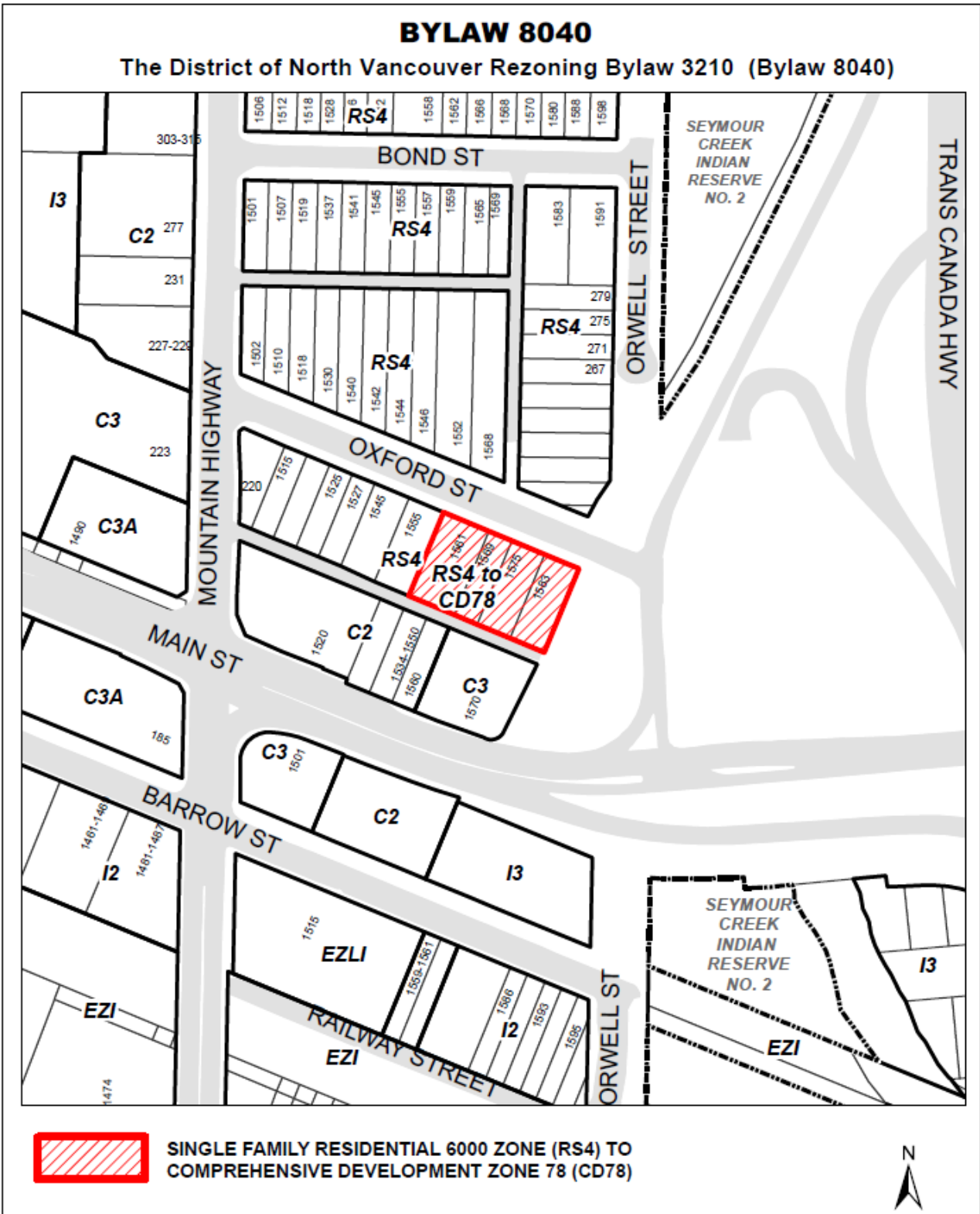
ADOPTED

Mayor

Municipal Clerk


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Bylaw 8040 Schedule A: Zoning Map




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


 Dept.
 Manager


 GM/
 Director


 CAO

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

February 19, 2014
 File: 3060-20/54.13

AUTHOR: Doug Allan, Community Planner

SUBJECT: **BYLAWS 8039, 8040, 8045 and 8048 – OCP AMENDMENT BYLAW, REZONING BYLAW, DEVELOPMENT COST CHARGE WAIVER BYLAW AND HOUSING AGREEMENT BYLAW FOR A RENTAL APARTMENT BUILDING LOCATED AT 1561-1583 OXFORD STREET (DARWIN PROPERTIES)**

RECOMMENDATION:

It is recommended that:

1. **Bylaw 8039, which amends the District of North Vancouver Official Community Plan by changing the land use designation for the subject property from “Residential Level 6: Medium Density Apartment (RES6)” to “Commercial Residential Mixed Use Level 3 (CMRU3)”, be given FIRST Reading;**
2. **Bylaw 8040 which rezones the subject site from ‘Single Family Residential 6000 Zone (RS4) to Comprehensive Development 78 (CD 78) to enable the development of a 112 unit rental apartment building with associated commercial space, be given FIRST Reading;**
3. **BYLAW 8045 which waives the application of development cost charges to that portion of the proposed rental housing building secured as affordable rental units, be given First Reading;**
4. **Bylaw 8048 which authorizes Council to enter into a Housing Agreement to secure the affordable rental units, be given First Reading;**
5. **Bylaws 8039 and 8040 be referred to a Public Hearing;**
6. **Pursuant to Section 879 of the Local Government Act, additional consultation is not required beyond that already undertaken with respect to**



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Bylaw 8039; and

- 7. In accordance with Section 882 of the Local Government Act, Council has considered Bylaw 8039 in conjunction with its Financial and applicable Waste Management Plans.**

REASON FOR REPORT:

To obtain Council's authorization to proceed to Public Hearing with amendments to the District Official Community Plan (Bylaw 8039) and the site's zoning (Bylaw 8040) for the redevelopment of the existing single family residential properties to a development consisting of 112 rental apartment units and associated commercial space.

SUMMARY:

The applicant, Darwin Properties Ltd., proposes to redevelop 4 single family residential lots located from 1561 to 1583 Oxford Street for a 112 unit rental apartment building, including a caretaker suite and commercial retail uses. Reduced plans of the project are included as Attachment A.

Implementation of the project requires: an amendment to the OCP land use designation (Bylaw 8039); rezoning to a new Comprehensive Development Zone (Bylaw 8040); issuance of a development permit; and consolidation of the site. Bylaws 8039 and 8040 are recommended for First Reading and referral to a Public Hearing.

The applicant is working with BC Housing on an agreement to deliver some affordable rental housing units in the project and has requested that Council introduce a bylaw to waive the application of development cost charges for a portion of the total floor space in the building that would be attributable to those units. Bylaw 8045 has been prepared to implement the waiver which is accompanied by Bylaw 8048, authorizing Council to enter into a Housing Agreement for the affordable units which will be supported by a section 219 covenant establishing the affordable rental rate. At this time, an agreement with BC Housing has not been finalized but will be reported on at the Public Hearing. If the applicant is unsuccessful in arriving at an arrangement with BC Housing which staff support, staff will recommend that Bylaws 8045 and 8048 be abandoned and there will be no need for the section 219 covenant.

LAND USE POLICY/ZONING:

Official Community Plan

As illustrated on the map, the subject properties, located immediately west of the Phibbs Transit Exchange on the south side of Oxford Street, are designated as '*Residential Level 6: Medium Density Apartment*' which is "...intended predominantly to provide increased

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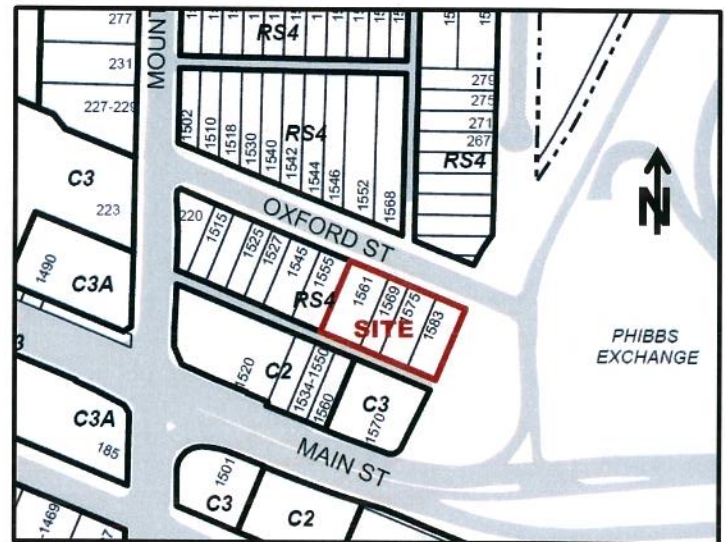
multifamily housing up to approximately 2.5 FSR at strategic locations in centres and corridors. Development in this designation will typically be expressed in medium rise apartments. Some commercial use may also be permitted in this designation.'

Bylaw 8039 (Attachment B), amends the OCP by changing the land use designation from Residential Level 6 (RES6) to Commercial Residential Mixed Use Level 3 up to a maximum FSR of approximately 3.5. The OCP amendment is supportable as the project addresses the OCP Housing objectives to provide options for different ages, needs and incomes, as well as alternatives to home ownership.



Zoning

The subject properties are zoned Single Family Residential 6000 Zone (RS4) as shown on the following map and, therefore, rezoning is required to permit the proposed multi-family project.



Bylaw 8040 (Attachment C) proposes the establishment of a new Comprehensive Development Zone 78 (CD78) tailored specifically to this project which:

- establishes rental apartment and commercial uses as permitted uses;
- proposes an FSR of 3.32 (inclusive of any green building density bonus);
- establishes setback, height and building and site coverage regulations;
- incorporates acoustic requirements; and
- establishes parking and bicycle parking regulations unique to this project.

Development Permit Areas

The subject lots are designated as Development Permit Areas for:

- Form and Character of Commercial and Mixed Use Development;
- Energy and Water Conservation and Greenhouse Gas Emission Reductions; and
- Creek Hazard (possible flooding outcome/establishment of flood construction level).

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

ANALYSIS:

The Site and Surrounding Area:

The site consists of 4 developed single family residential lots located on the south side of Oxford Street, immediately west of the Phibbs Transit Exchange, as illustrated on the accompanying aerial photograph. The site is generally flat and is approximately 2240m² (24,111ft.²) in size.

Surrounding properties consist of developed single family lots (RS4) to the north and west and developed commercial lots to the south, on the north side of Main Street. The adjacent residential lots to the west are designated Residential Level 6: Medium Density Apartment for redevelopment into medium density apartments. To the north, the residential lots are designated Residential Level 5: Low Density Apartment. To the east, is the Phibbs Transit Exchange and land owned by the Ministry of Transportation and Infrastructure.



Project Description:

a) Site Plan/Building Description:

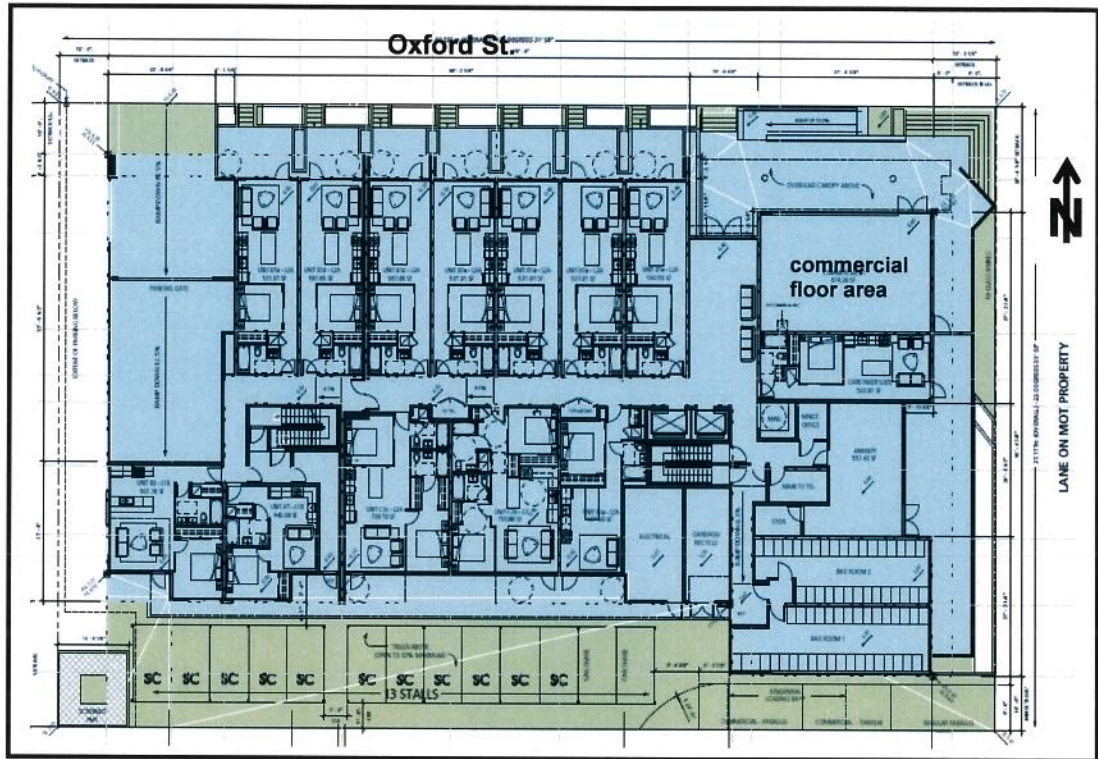
The project consists of a 6 storey building containing 112 rental apartment units and a small accessory commercial use, likely to be a coffee shop, over underground parking. The units range in size from 37.8m² (416.4ft.²) to 89.4m² (962.5ft.²) and the unit mix consists of: 10 studios; 56 one bedroom units; 45 two bedroom units; and 1 three bedroom unit.

The commercial unit, located in the northeast corner of the building, is 82m² (882.5ft.²) in size. The project also includes a resident amenity room south of the commercial unit. The total floor area for FSR purposes, is 7,403.7m² (79,693.17ft.²) which results in an FSR of approximately 3.32.

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Proposed Site Plan

The 6 storey building is 19.3m (63.25ft.) in height. The following images illustrate the north (front) and east elevations of the building.



North (Oxford Street) Elevation

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East Elevation (facing Phibbs)

b) Parking:

The Lower Lynn Town Centre is designated as a Frequent Transit Development Area and the Implementation Plan outlines the potential for a reduction in parking rates for multi-family rental apartment buildings to 0.76 spaces/unit, inclusive of designated visitor parking plus parking for any commercial use. That reduction is contingent upon the implementation of an exemplary trip reduction strategy, including opportunities to increase transit, walking and cycling trips. Using this parking standard would require 85 resident spaces plus 2 commercial spaces for a total of 87 spaces and 86 spaces are provided. Of the 86 spaces, 70 are located underground with access off Oxford Street. The remaining 16 spaces are provided on the surface, accessed off the lane to the south. The parking includes 2 car share spaces and 8 micro car spaces. If the applicant is unable to create an additional parking space to meet the recommended ratio, which is included in the proposed CD78 Zone, a future development permit will contain a variance with appropriate justification to reduce the requirement by 1 space, for Council's consideration.

In support of the parking reduction, the applicant has provided a report which identifies various Transportation Demand Management opportunities. Staff are working with the applicant to finalize a detailed trip reduction plan with different components such as:

- personal travel planning for building residents;
- car-sharing;
- access to transit passes;
- bike and pedestrian facilities improvements; and
- cycling skills training.

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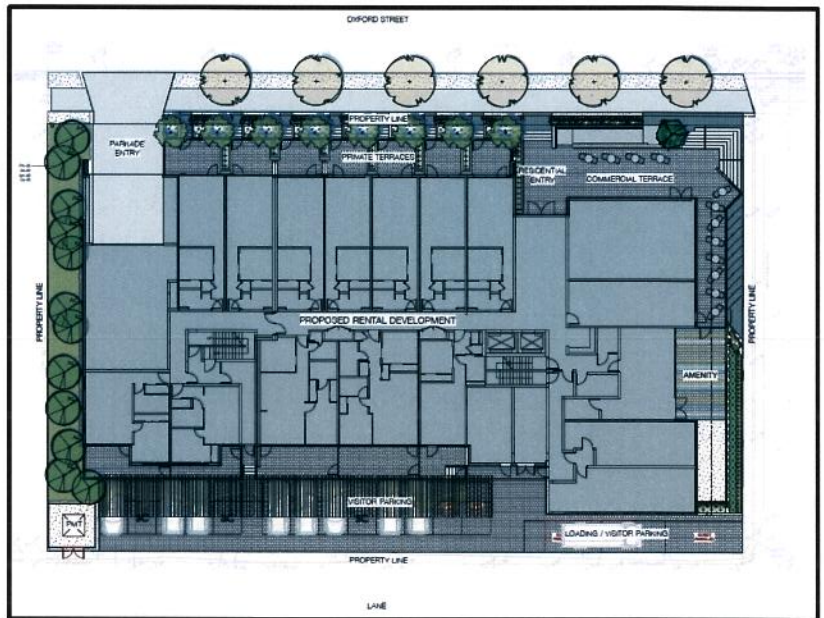
Given the location of the project adjacent to Phibbs exchange and the desire to maximize cycling opportunities, the project incorporates extensive cycling facilities including bike racks over 65 of the underground spaces, 67 bike lockers in two separate rooms on the main level and 10 surface public bicycle parking spaces.

c) Landscaping:

The landscaping plan includes street trees and low retaining walls along Oxford Street which create a separation between the sidewalk and the ground floor units on the north side of the building. The west setback area will be landscaped with trees to create a visual separation between the building and the single family home to the west.

The rear surface parking is partially screened beneath a landscaped trellis structure. A small landscaped roof deck is provided for resident use. An

outdoor seating area is provided in the northeast corner of the building for the commercial use and an outdoor patio is included adjacent to the amenity room on the east side of the building.



Landscape Concept Plan

d) Accessible Units

In response to the District's Adaptable Design Guidelines, 35% of the units will be designed to meet Level 1B, 55% will meet Level 2 and 10% will meet Level 3. The applicant has indicated that while the Level 1B bathrooms will be accessible under the Building Code, they will not meet the wheelchair turning radius specified in the District's Adaptable Design Guidelines. Similarly, some of the Level 2 units with smaller balconies will not be able to meet the wheelchair turnaround standard.

AFFORDABLE RENTAL UNITS:

Darwin Properties Ltd. is in discussions with BC Housing to designate some of the units in the project as affordable rental units and have requested that Development Cost Charges for any affordable units be waived. To this end, staff have prepared Bylaw 8045 (Attachment D) and Bylaw 8048 (Attachment E). A full report on the affordable unit component will be

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presented at the public hearing and should Darwin fail to reach an acceptable agreement then staff would recommend that Council not proceed with Bylaws 8045 and 8048.

TRAFFIC ASSESSMENT:

A Transportation Impact Study was provided which included an identification of traffic estimated to be generated by the project and an intersection operational analysis addressing the impact of the project on several area intersections under the existing conditions and projected in 2018 with and without the proposed project.

The report indicated that the project (based on 116 units as originally submitted) is expected to generate 110 total person-trips (pedestrians, vehicles and bicyclists) in the weekday morning peak hour and 155 total person trips in the weekday afternoon peak hour. Of those total person trips, 32 are associated with vehicle trips during the weekday morning peak hour and 46 are vehicle trips in the afternoon peak hour. Under all scenarios, traffic conditions at the study area intersections are expected to operate at an acceptable level except for the signalized intersection of Mountain Highway and Main Street which will continue to be congested due to traffic accessing the Second Narrows Ironworkers Memorial Bridge, with or without the proposed project. Overall, given the low site-generated traffic (about 1 vehicle per minute in the afternoon peak hour), the surrounding road network is likely to experience little, if any, impact due to the proposed building.

OFF-SITE IMPROVEMENTS:

Aside from improvements to the surrounding roads and the construction of new sidewalks, the applicant's transportation consultant has indicated that there are about 100 pedestrians per hour during the morning and afternoon peak hours walking to and from the Phibbs Exchange and at this point, there are limited pedestrian controls across the southbound Highway 1 off-ramp. Over the next 5 years, the consultant estimates that these volumes will increase to 150 and 170 pedestrians/hour in the morning and afternoon peak hours, respectively and that about 30% of the future volume will be generated by the proposed project. As the Lower Lynn Town Centre continues to develop, these volumes are expected to further increase. As a result, the consultant has proposed that the applicant provide improved signage and pedestrian markings across both Oxford Street and the southbound off-ramp in the interim with the possible future upgrading to a signalized crossing if warranted. The need for additional off-site improvements will be reviewed during the detailed review of the engineering plans if there is Council support for the project.

COMMUNITY AMENITY CONTRIBUTION:

The community amenity contribution negotiated for this purpose-built rental project is \$50,000 to be used for public art. In discussion with the Public Art Coordinator, these funds will be provided to the District and will be used in developing a larger art installation, possibly

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in conjunction with the redevelopment of the Phibbs Exchange, to signal the entry into the Lower Lynn Town Centre.

GREEN BUILDING MEASURES:

Compliance with the Green Building Strategy is mandatory for projects including rezoning. The applicant has provided a BuiltGreen™ checklist indicating that the building will achieve a building performance level equivalent to the 'Gold' standard and will meet at least the baseline energy performance level for Built Green™ projects. As part of the suite of green building measures, the applicant has committed to incorporate a hydronic system for heating and domestic hot water heating. A detailed review of the green building measures will be provided in the development permit report should the project proceed. For reference, the applicant's overarching Sustainability Strategy is included as Attachment F.

DEVELOPMENT COVENANT:

In addition to the required covenant to secure affordable rental units, a Development Covenant will establish requirements to assure that the building remains a rental project in perpetuity, incorporates the accepted adaptable design features and requires the provision of the community amenity contribution for public art. The covenant will require an engineering services agreement and separate covenants for green building, stormwater management and flood hazard.

CONCURRENCE:

Staff

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

Advisory Design Panel

The application was considered by the Advisory Design Panel on October 10, 2013 and the Panel recommended approval subject to the applicant addressing the various aspects of the project design including: the treatment of the rooftop amenity space; landscaping elements; building elevations, colour and materials; and parking, to the satisfaction of staff.

The applicant's design team has been working to address these issues which will be discussed in a development permit report if the project proceeds. An excerpt from the adopted ADP minutes is included as Attachment G.

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PUBLIC INPUT:

Public Information Meeting

The applicant held a Public Information Meeting, hosted by an independent facilitator, on October 30, 2013 which was attended by 28 residents and 6 comment sheets were submitted to staff following the meeting. Questions and comments related to: community security; the scope and timing of changes to Phibbs Exchange; negative impacts of the current park and ride activities and the proposed reduced parking requirement on the community; the height of the building; the need to ensure the building is rental in perpetuity; and the precedent which could be set with the proposed density.

The developer will secure the provision of rental units in perpetuity through a housing agreement and 219 covenant. With respect to the comments related to impacts associated with the operation of the Phibbs Transit Exchange and the existing park and ride, those issues may be addressed with the anticipated reconfiguration of the Exchange layout and changes to bus movements and including the provision of an expanded park and ride area and a kiss and ride drop-off. The parking variance is supported given the location adjacent of the Phibbs Exchange but the developer must establish a complementary trip reduction strategy acceptable to staff. This project with the proposed density increase is supported as it provides a much needed addition to the rental housing stock but otherwise, it is not considered a precedent for future redevelopment applications seeking increases over the density proposed in the Lower Lynn Town Centre.

The Public Information Meeting facilitator's report is included as Attachment H.

In addition, staff received two letters from the North Shore Community Resources Society (Attachment I) and the Community Housing Action Committee (Attachment J). In their letter, North Shore Community Resources commented on the need to secure the proposed units as rental in perpetuity and suggested that savings due to the reduced parking requirement be directed towards some reduced rents for low income renters. Rather than a housing agreement, a development covenant will incorporate the provisions necessary to ensure the project remains rental. In addition, the developer is pursuing the incorporation of an affordable rental housing component in the project.

CONCLUSION:

This project is in keeping with the building form envisioned in the OCP and is seeking an increase in the OCP density to support the development of a rental housing building. It responds positively to the policy directions in the OCP for the provision of a variety of housing types and tenure and ongoing need to increase the stock of purpose-built rental housing units in the DNV generally and Lower Lynn in particular, as suggested in the Implementation Plan's Housing policies.

SUBJECT: BYLAWS 8039, 8040, 8045 AND 8048 – OCP AMENDMENT BYLAW, REZONING BYLAW, DEVELOPMENT COST CHARGE WAIVER BYLAW AND HOUSING AGREEMENT BYLAW FOR A RENTAL APARTMENT BUILDING LOCATED AT 1561-1583 OXFORD STREET (DARWIN PROPERTIES)

February 19, 2014

Page 11

Given that the site is located immediately adjacent to a major transit exchange and incorporates extensive facilities to support the use of bicycles, there is staff support for the reduction in parking as recommended in the Lower Lynn Town Centre Implementation Plan. However, support for the reduction is predicated upon the development of a robust trip reduction strategy. Staff also support the applicant's efforts to incorporate some affordable units, subject to rent restrictions, in the project. The project is now ready for Council consideration.

OPTIONS:

The following options with respect to the OCP amendment and Rezoning Bylaws are available Council's consideration:

- 1) Introduce Bylaws 8039, 8040, 8045 and 8048 and refer Bylaws 8039 and 8040 to a Public Hearing (staff recommendation); or
- 2) Defeat Bylaws 8039, 8040, 8045 and 8048 at First Reading; or
- 3) Introduce Bylaws 8039 and 8040 and refer them to a Public Hearing and defeat Bylaws 8045 and 8048.

Respectfully submitted,



Doug Allan
Community Planner
Attach.

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



OXFORD STREET FLATS

URBAN RENTAL HOUSING TRANSIT-FOCUSED ADJACENT TO PHIBBS EXCHANGE STREET ORIENTED SOCIAL MIXED USE PATHWAY TO THE NEW TOWER VVVV TOWER CENTER

A0.01	PLANNING RATIONALE
A0.02	PLANNING RATIONALE
A0.03	DESIGN RATIONALE
A0.04	PROJECT DATA
A1.00	SURVEYS
A1.01	SURVEYS
A1.02	SITE CONTEXT
A1.03	SITE PLAN
A2.01	LEVEL P1
A3.01	LEVEL 1
A3.02	LEVEL 2-5
A3.03	LEVEL 6
A3.04	ROOF PLAN
A5.01	ELEVATIONS - NORTH
A5.02	ELEVATIONS - EAST & WEST
A5.03	ELEVATIONS - SOUTH
A6.01	SECTIONS
A6.02	SECTIONS
A7.01	MATERIALS
A8.01	SHADOW STUDIES
L1.1	TREE MANAGEMENT PLAN
L2.1	GROUND/FLOOR LANDSCAPE PLAN
L2.2	6TH FLOOR LANDSCAPE PLAN
L3.1	LANDSCAPE SECTIONS
L4.1	LANDSCAPE DETAILS
L4.2	LANDSCAPE DETAILS
L5.1	PRECEDENT IMAGE BOARD
G1	OFFSITE SERVICING PLAN
G2	STORMWATER MANAGEMENT PLAN



SCANNED
Doc # 2243552

RECEIVED
DEC 24 2013
PLANNING DEPT
DISTRICT OF N.VAN.

OXFORD STREET FLATS
1561-1583 OXFORD
RE-ISSUED FOR DEVELOPMENT
PERMIT - 2013-12-17

COVER

DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1/4" = 1'-0"
NO. DRAWING: 1148

A0.00



- MATERIALS LEGEND:**
- 01a NATURAL WOOD - CLEAR
 - 01b NATURAL WOOD - STAIN BED
 - 02 OVERBROOD CANOPY
 - 03 BRUSHED CONCRETE
 - 04 REFER TO LARGO.CAFE
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DARWIN
PROPERTIES (CANBERRA) LTD

REVISIONS

DATE: 2013-12-17
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: [Scale]
JOB NUMBER: 1148

A5.01

OXFORD STREET FLATS
1561-1583 OXFORD
RE-ISSUED FOR DEVELOPMENT
PERMIT - 2013-12-17

ELEVATIONS - NORTH



- MATERIALS LEGEND:**
- 01a NATURAL WOOD - CLEAR
 - 01b NATURAL WOOD - FINISH
 - 01c NATURAL WOOD - STAIN 18D
 - 02 OVERHEAD CANOPY
 - 03 BRICKED CONCRETE
 - 04 FIBRE CEMENT PANEL - MAHJ (COLOR 1 BM 2172-40) STONE GRAY
 - 05 FIBRE CEMENT PANEL - MAHJ (COLOR 2 BM 2172-40) STONE GRAY
 - 06 FIBRE CEMENT PANEL - MAHJ (COLOR 3 BM 2172-20) AMERICAN WHITE
 - 07 METAL PANEL
 - 08 SPANTEL GLASS
 - 09 CLEAR DOUBLE GLAZING
 - 10 CLEAR DOUBLE GLAZING
 - 11 CLEAR DOUBLE GLAZING
 - 12 GALVANIZED WIRE MESH
 - 13 CLEAR LAMINATED ALUMINUM METAL
- ALL FIBRE CEMENT PANEL COMPLETE WITH CONCEALED CUR SYSTEM METAL SECURITY SCREEN BEHIND TO NEVENTRAL EXHAUST VERTS TO VENT AT THE WEST FACADE

OXFORD STREET FLATS
 1561 - 1583 OXFORD
 RE-ISSUED FOR DEVELOPMENT PERMIT - 2013-12-17

ELEVATIONS - EAST & WEST

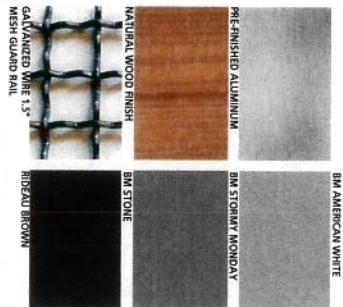
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 NOT FOR CONSTRUCTION

1148

AS.02



DARWIN
 PROPERTIES (CANADA) LTD.
 1000 SHEPPARD AVENUE EAST, SUITE 100
 SCARBOROUGH, ONTARIO M1S 1T5
 TEL: (416) 291-1111
 WWW.DARWINPROPERTIES.COM



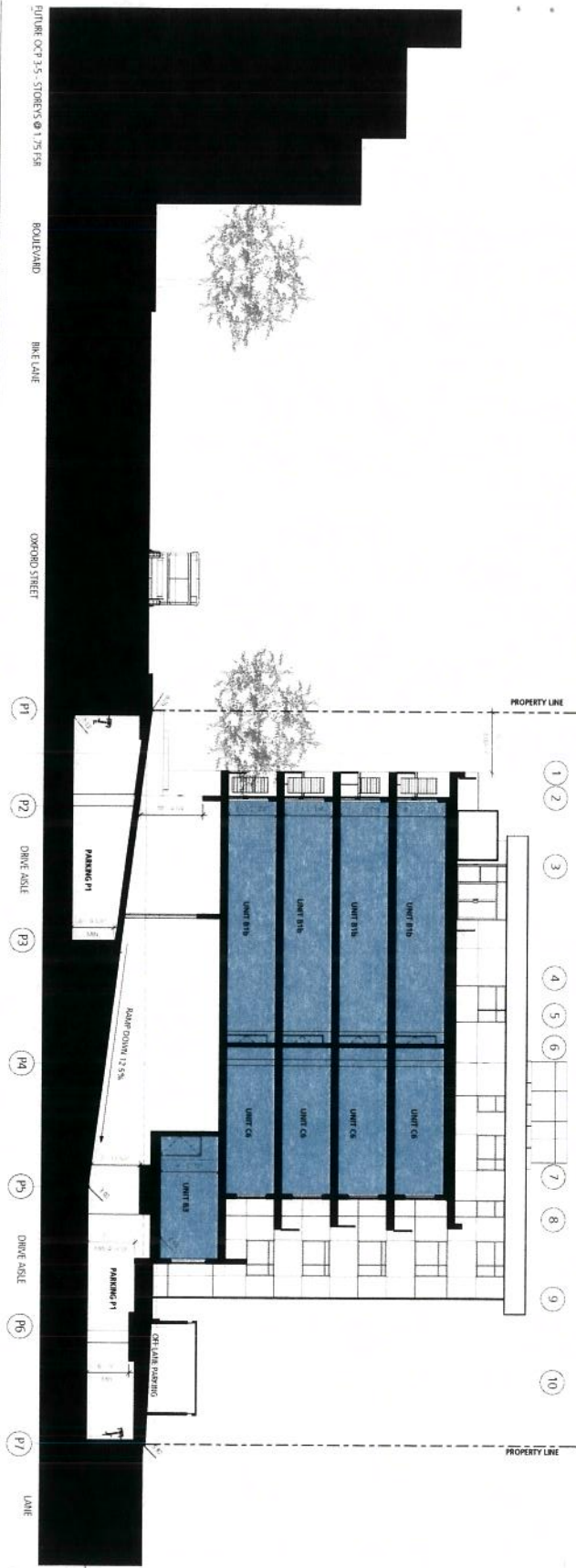
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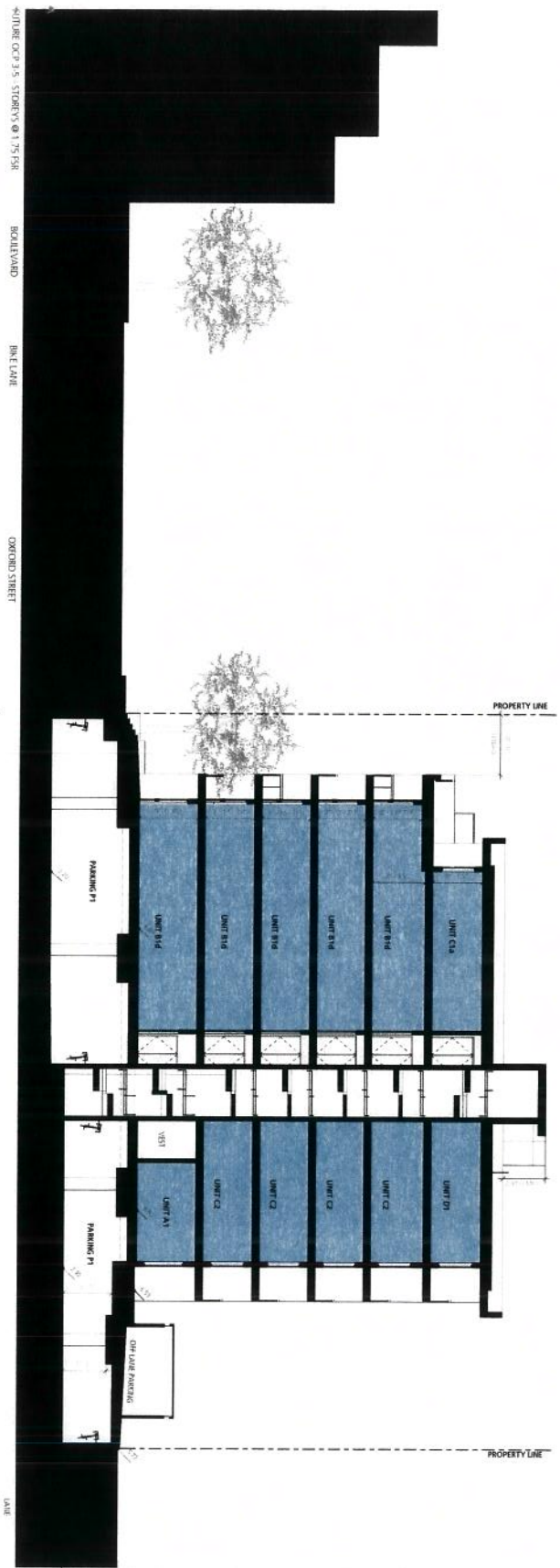
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 NUMBER: 1148

OXFORD STREET FLATS
 1561-1583 OXFORD
 RE-ISSUED FOR DEVELOPMENT
 PERMIT - 2013-12-17
 ELEVATIONS - SOUTH



SECTION AA
1/8" = 1'-0"



SECTION BB
1/8" = 1'-0"

OXFORD STREET FLATS
 1561-1583 OXFORD
 RE-ISSUED FOR DEVELOPMENT
 PERMIT - 2013-12-17

DATE: 11/14/13
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 JOB NUMBER: 1148

SECTIONS

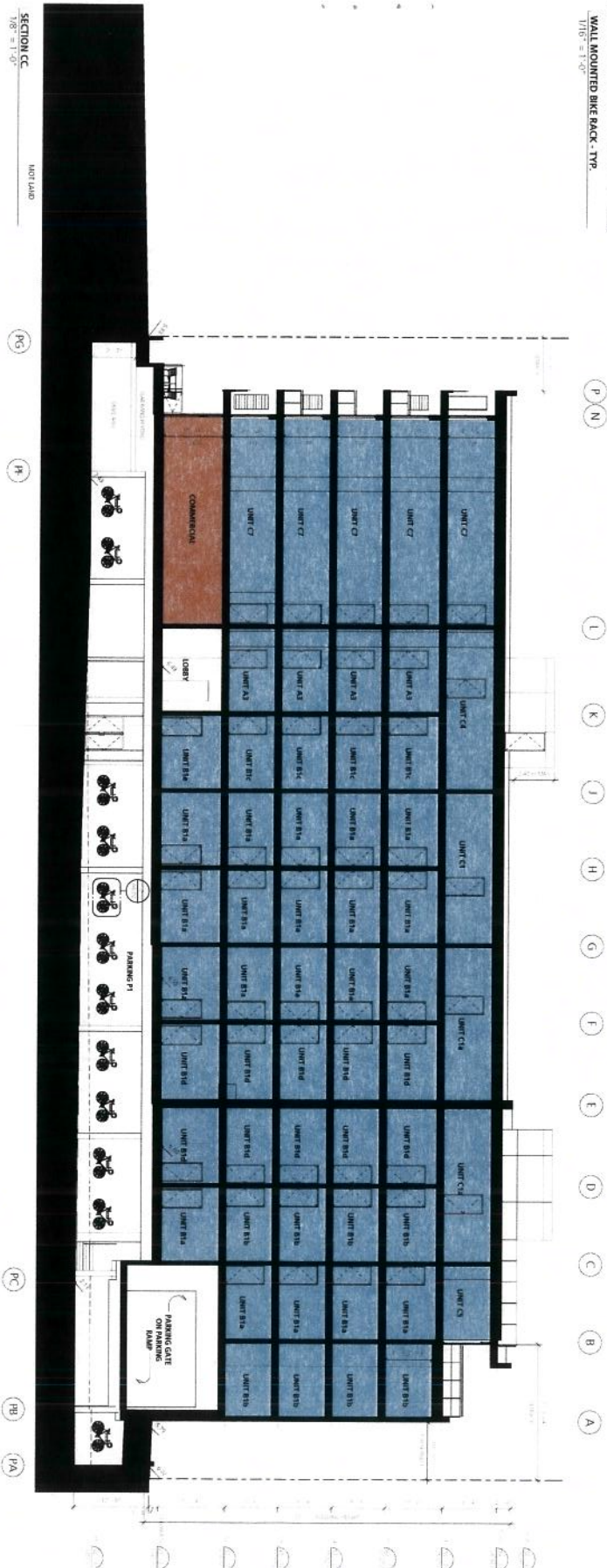
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DARWIN
 PROPERTIES (CANADA) LTD

gBL



WALL MOUNTED BIKE RACK - TYP.
1/16" = 1'-0"



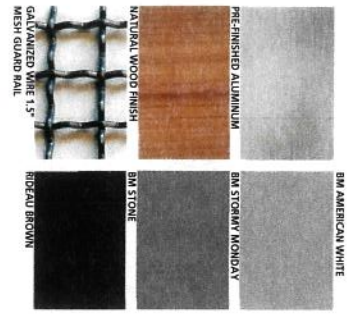
SECTION CC
7/8" = 1'-0"
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OXFORD STREET FLATS
1561-1583 OXFORD
RE-ISSUED FOR DEVELOPMENT
PERMIT: 2013-12-17

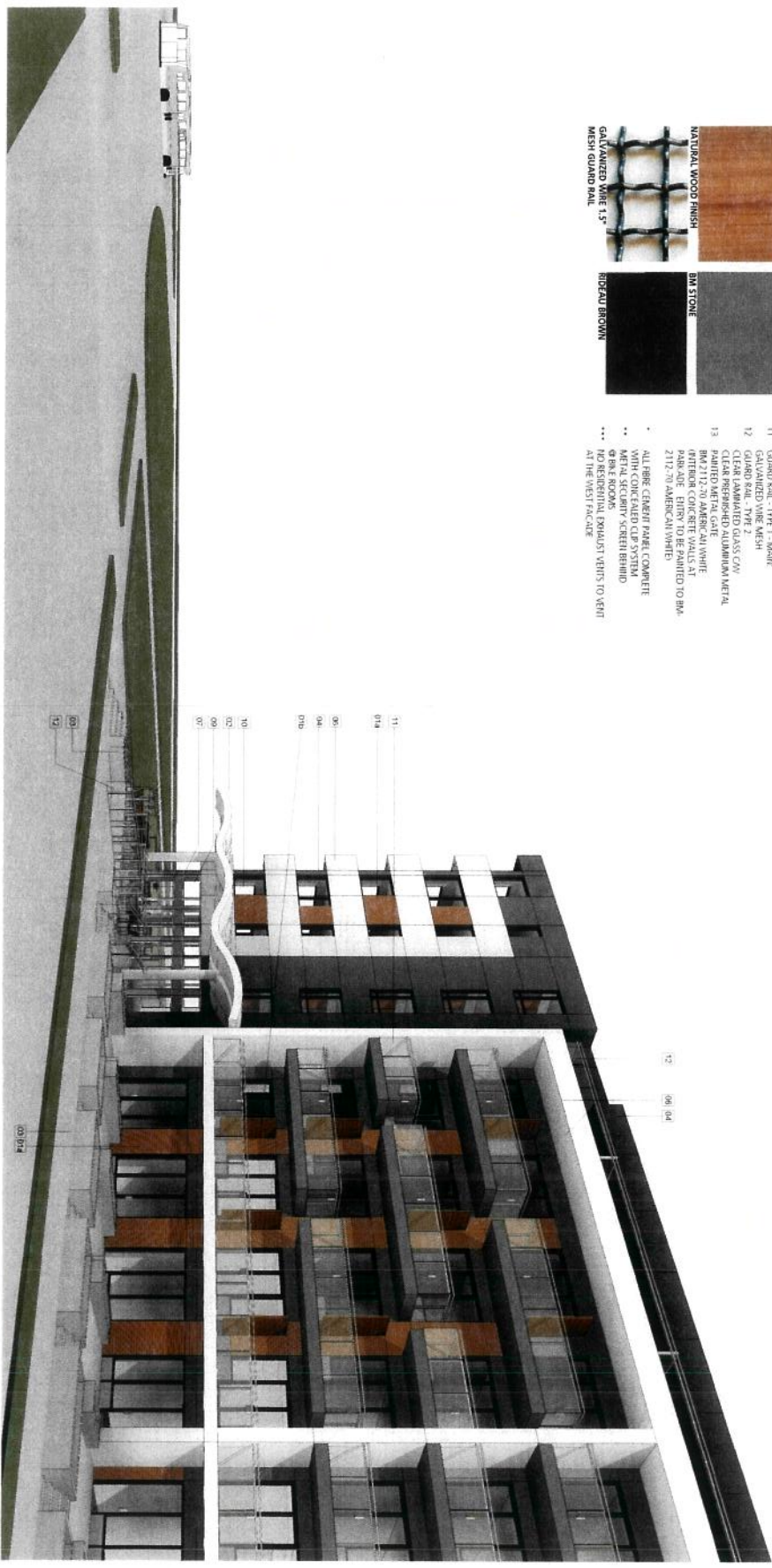
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JOB NUMBER: 1148

SECTIONS
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gBL
PROPERTIES (CANADA) LTD.
DARWIN



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 - 015 NATURAL WOOD FINISH
 - 016 NATURAL WOOD FINISH
 - 02 OVERHEAD CONCRETE
 - 03 BRUSHED CONCRETE (REFER TO LANDSCAPE)
 - 04 FIBRE CEMENT PANEL - MAIN COLOUR 1
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 - 06 FIBRE CEMENT PANEL - MAIN COLOUR 3
 - 07 FIBRE CEMENT PANEL - MAIN COLOUR 4
 - 08 SPANDREL GLASS
 - 09 CLEAR DOUBLE GLAZING
 - 10 CLEAR DOUBLE GLAZING
 - 11 GALVANIZED WIRE MESH
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OXFORD STREET FLATS
1561-1583 OXFORD
RE-ISSUED FOR DEVELOPMENT
PERMIT - 2013-12-17

MATERIALS

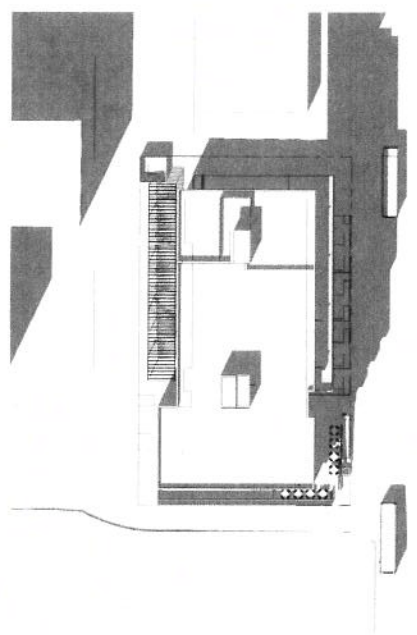
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A7.01

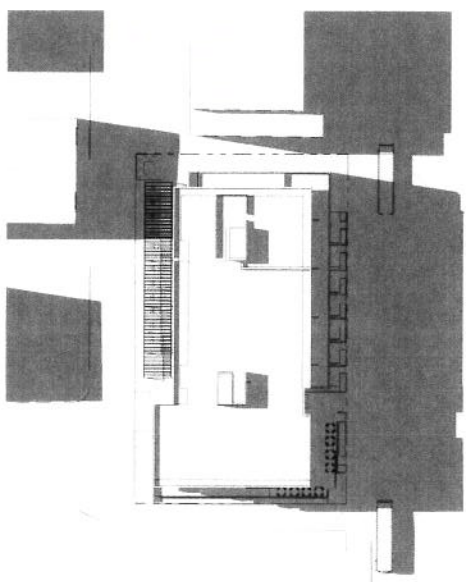


DARWIN
PROPERTIES (CANADA) LTD.

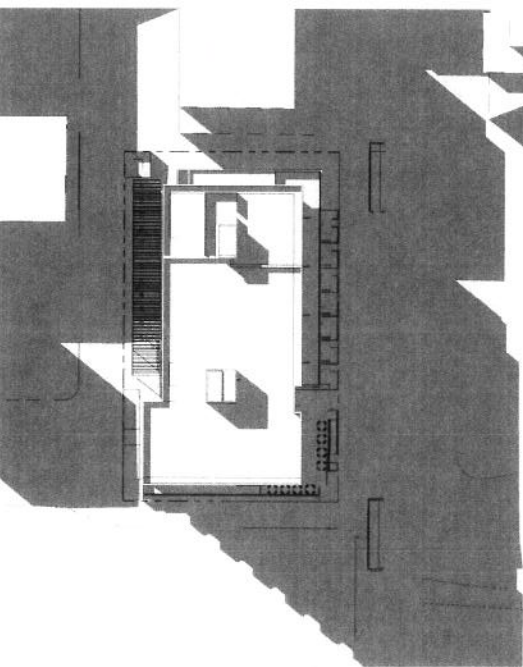
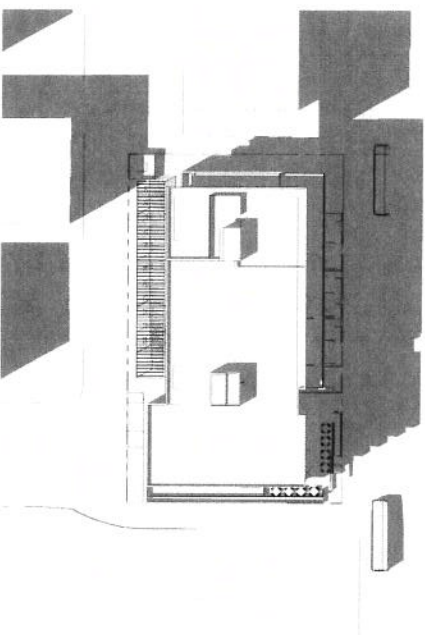
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SEPT. 21 & MAR. 21 @ 10
SEPT. 21 & MAR. 21 @ 12

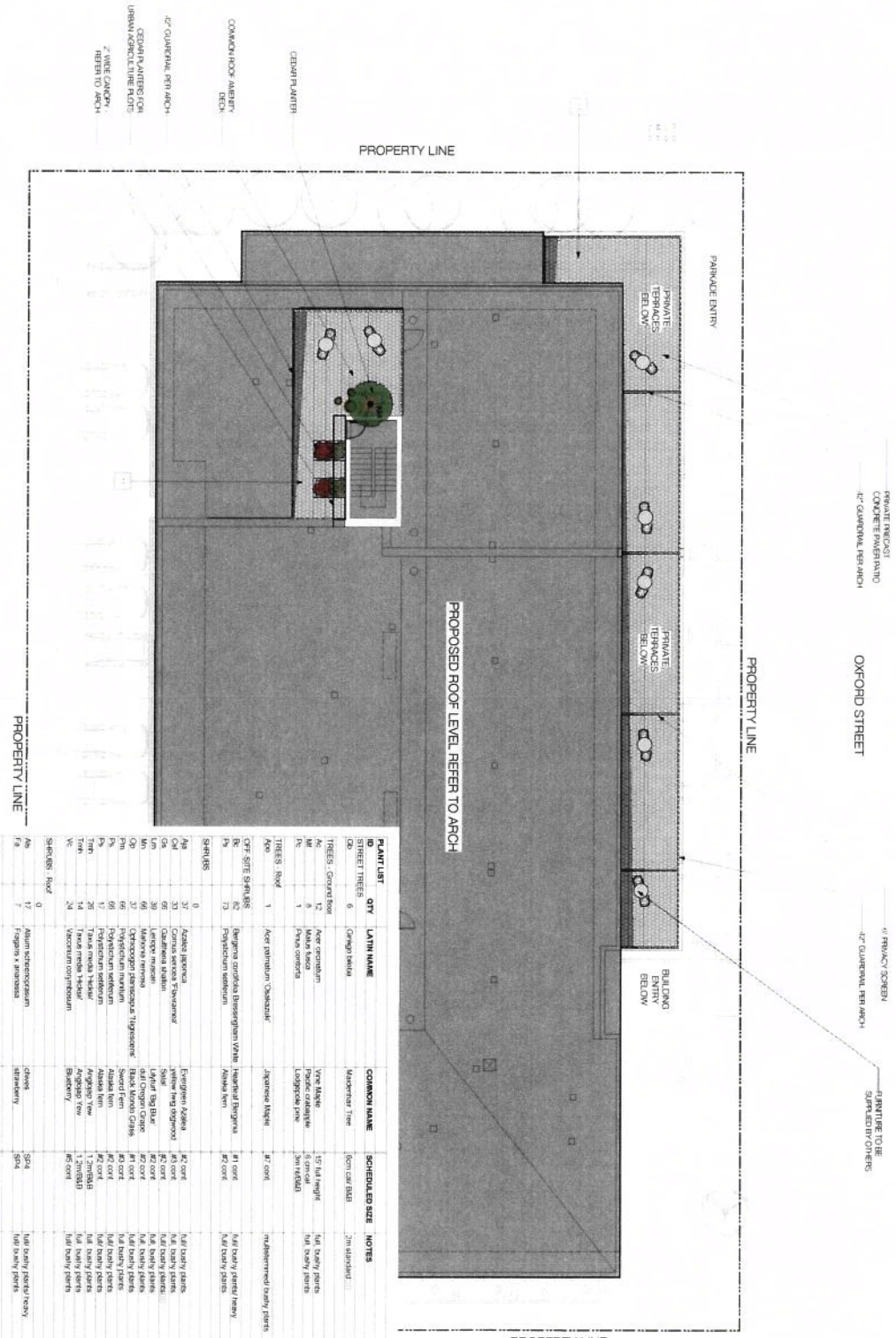


SEPT. 21 & MAR. 21 @ 2
SEPT. 21 & MAR. 21 @ 4



OXFORD STREET FLATS
1561-1583 OXFORD
RE-ISSUED FOR DEVELOPMENT
PERMIT - 2013-12-17
SHADOW STUDIES
DATE: 2013-12-17
DRAWN BY: [unintelligible]
SCALE: 1/4" = 1'-0"
DRAWING NO: 1148
DATE: 2013-12-17
A8.01

6TH FLOOR LANDSCAPE



NOTE: ALL LANDSCAPE TO CONFORM TO THE LANDSCAPE STANDARDS THE ED. FOR LEVEL 1. (CONCRETE LANDSCAPE TREATMENT IN THE EVENT OF A DISCREPANCY BETWEEN THE FLIGHT DATA AND THE PLANNING PLAN, THE PLANNING PLAN TAKES PRECEDENCE.)

PLANT LIST	QTY	LATIN NAME	COMMON NAME	SCHEDULED SIZE	NOTES
STREET TREES	6	Carya alba	White Bark	2m standard	
TREES - Ground floor					
M	1	Quercus robur	Common Oak	1.5m standard	1st floor
P	1	Prunus serotina	Blackthorn	1.5m standard	1st floor
TREES - Roof	1	Quercus robur	Common Oak	1.5m standard	1st floor
SHRUBS					
A	37	Abies balsamea	Christmas Tree	1.5m standard	1st floor
C	37	Cornus sericea	Spicebush	1.5m standard	1st floor
L	37	Lonicera xylosteum	Hebe	1.5m standard	1st floor
U	37	Ulmus glabra	Field Elm	1.5m standard	1st floor
M	66	Magnolia grandiflora	Evergreen Magnolia	1.5m standard	1st floor
C	37	Chamaecyparis stricta	Japanese Cypress	1.5m standard	1st floor
P	66	Prunella vulgaris	Common Blackberry	1.5m standard	1st floor
P	66	Prunella vulgaris	Common Blackberry	1.5m standard	1st floor
T	37	Taxus media	Common Yew	1.5m standard	1st floor
W	37	Wisteria sinensis	Chinese Wisteria	1.5m standard	1st floor
SHRUBS - Roof					
A	7	Abies balsamea	Christmas Tree	1.5m standard	1st floor
F	7	Fragaria vesicaria	Raspberries	1.5m standard	1st floor
L	7	Lonicera xylosteum	Hebe	1.5m standard	1st floor

OXFORD FLATS
Rental Development
1501 & 1555 OXFORD STREET
North Vancouver, BC

Project Title
6TH FLOOR LANDSCAPE PLAN

Client
eta 37

Project No.
1501-1555-06-0001

Revision
1.2.2

Date
02/28/2013

Scale: 1:50

North Arrow

Legend

Private Enclosure Concrete Pavement 4" Quarter Round

Private Terraces Below

Building Entry Below

Private Enclosure 4" Quarter Round

Furniture to be Supplied by Others

The Corporation of the District of North Vancouver

Bylaw 8039

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

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

1. Citation

This bylaw may be cited as “The District of North Vancouver Official Community Plan Bylaw 7900, 2011, Amendment Bylaw 8039, 2014 (Amendment 11)”.

2. Amendments

- a. The following amendments are made to the “District of North Vancouver Official Community Plan Bylaw 7900, 2011”:
 - i. **Map 2 Land Use:** by changing the land use designation of the site, legally described as: Lot B, Block 41, District Lot 204, Plan 1340 (PID: 014-742-764); Lot 12, Block 41, District Lot 204, Plan 1340 (PID: 014-742-578), Amended Lot 13 (see 287863L), Block 41, District Lot 204, Plan 1340 (PID: 014-742-594); Amended Lot 15 (See 161066L), Block 41, District Lot 204, Plan 1340 (PID: 014-742-616) from “**Residential Level 6: Medium Density Apartment**” (RES6) to “**Commercial Residential Mixed Use Level 3 (CRMU3)**” as illustrated on Bylaw 8039 Schedule “A” attached.

READ a first time this the

PUBLIC HEARING held on this the

READ a second time this the

READ a third time this the

APPROVED by the Ministry of Transportation and Infrastructure this the

ADOPTED this the

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8040

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

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

1. Citation

This bylaw may be cited as “The District of North Vancouver Rezoning Bylaw 1306” (Bylaw 8040).”

2. Amendments

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

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

“Comprehensive Development Zone 78 CD78”

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

“4B78 Comprehensive Development Zone 78 CD78”

4B78-1) Intent:

The purpose of the CD78 Zone is to establish specific land use and development regulations for a 112 unit residential rental apartment building.

4B78-2) Uses:

The following *principal uses* shall be permitted in the Comprehensive Development 78 Zone:

(a) Uses Permitted Without Conditions:

Not Applicable

(b) Conditional Uses:

- (i) Residential rental apartment building pursuant to section 904(3) of the Local Government Act; and
- (ii) Commercial use

4B78-3) Conditions of Use:

- (a) Not more than 1 caretaker suite is permitted;
- (b) commercial use may not exceed 82m² (882.5ft.²) in area.

4B78-4) 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.

4B78-5) Density:

- (a) The maximum permitted density in the CD78 Zone is limited to a floor space ratio (FSR) of 3.32, inclusive of any density bonus for energy performance;
- (b) The maximum number of units in the CD78 Zone is 112;
- (c) For the purposes of calculating floor space ratio, the area of underground parking garages and underground mechanical rooms are exempted and above ground facilities are exempted to a maximum area as follows:
 - electrical/mechanical rooms/recycling container rooms: 49m² (528ft.²);
 - bike storage rooms: 83m² (891ft.²);
 - amenity room: 52m² (552ft.²);
 - parking trellis structure (open to above at a minimum of 70%): 162.6m² (1750ft.²);
 - roof stair enclosure: 17.37m² (187ft.²).

4B78-6) Amenities:

Not Applicable

4B78-7) Maximum Principal Building Size:

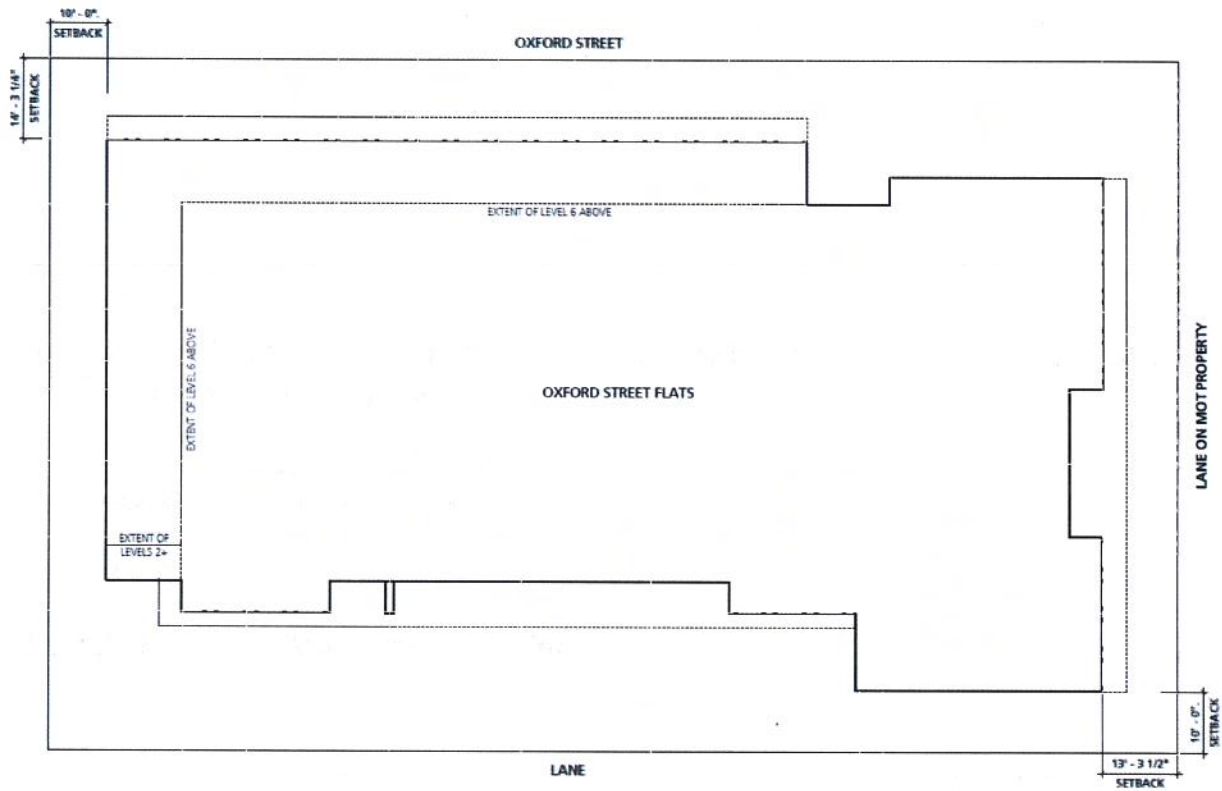
Not applicable

4B78-8) Setbacks:

The building shall meet the following building setbacks as measured from the property lines to the principal building face:

- a) North: 4.34m (14.25ft.);
- b) East: 4.03m (13.25ft.);
- c) South: 3m (10ft.);
- d) West: 3m (10ft.),

as illustrated on the following setback plan:



Building Setback Plan

4B78-9) Building Orientation:

Not applicable

4B78-10) Building Depth and Width:

Not applicable

4B78-11) Coverage:

- (a) Building Coverage, excluding the parking trellis structure when open to above at a minimum of 70%, shall not exceed 75%.
- (b) Site Coverage shall not exceed 93%.

4B78-12) Height:

The maximum permitted height is 19.8m (65ft.) excluding the heights of elevator penthouse and rooftop stairwell enclosure.

4B78-13) Acoustic Requirements:

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

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

4B78-14) Landscaping:

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

4B78-15) Subdivision Requirements:

Not Applicable

4B78-16) Additional Accessory Structure Regulations:

Not applicable.

4B78-17) Parking and Loading Regulations:

- (a) Parking spaces for residential use shall be provided on the basis of 0.75 spaces/unit + 0.01 spaces/unit for designated visitors parking, inclusive of 2 handicapped parking spaces;
- (b) 3 parallel parking spaces are required for the commercial use, 2 of which may be shared in tandem as a loading bay;
- (c) Not more than 39.5% of the spaces may be small car spaces and not more than 9.3% of the spaces may be micro car spaces;
- (d) Parking spaces shall meet the following minimum space sizes:

Parking Space Type	Length	Width	Height
Regular	5.7m (18.7ft.)	2.67m (8.75ft.)	2.1m (6.9ft.)
Disabled	5.7m (18.7ft.)	3.7m (12.1ft.)	2.1m (6.9ft.)
Small Car	4.6m (15.1ft.)	2.47m (8.1ft.)	2.1m (6.9ft.)
Micro Car	3 m (9.9 ft.)	2.3 m (7.6 ft.)	2.1m (6.9 ft.)
Parallel	6.7m (22ft.)	5.7m (8.83ft.)	2.1m (6.9ft.)
Tandem	5.7m (18.7ft.)	2.74m (9ft.)	2.1m (6.9ft.)

- (e) All manoeuvring aisles within the underground parking structure shall meet or exceed a minimum width of 6.8m (22.3ft.); and
 - (f) A minimum of 10 Class 2 bicycle parking spaces are required for the residential and commercial uses.
- (C) The Zoning Map is amended in the case of the lands illustrated on the attached map (Schedule A) by rezoning the land from the Single Family Residential 6000 Zone (RS4) to Comprehensive Development Zone 78 (CD78).

READ a first time this the day of , 2014

PUBLIC HEARING

READ

READ

APPROVED by the Ministry of Transportation and Infrastructure this the

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

The Corporation of the District of North Vancouver

Bylaw 8045

A bylaw to waive Development Cost Charges

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

1. Citation

This bylaw may be cited as “Oxford Street Affordable Rental Housing Development Cost Charge Waiver Bylaw 8045, 2014”.

2. Waiver

2.1 Development Cost Charges shall be reduced in relation to the development to be constructed on the lands shown on the attached plan (the “Lands”) by multiplying the Development Cost Charges otherwise payable for the said development by a factor the numerator of which is the total gross floor area of the affordable rental units in the said development and the denominator of which is the total gross floor area of the entire development, to a maximum of \$9,000.00 per affordable rental unit.

2.2 For the purpose of this Bylaw:

(a) “affordable rental units” means the rental units in a building on the Lands not exceeding 6 storeys for which rent is restricted pursuant to a housing agreement under section 905 of the *Local Government Act* entered into between the registered owner of the Lands and the District, and pursuant to a section 219 covenant in form and substance approved by the District and registered in favour of the District against title to the Lands in priority to all financial charges; and

(b) “gross floor area” has the meaning given to it in the District’s zoning bylaw.

READ a first time this the

READ a second time this the

READ a third time this the

ADOPTED this the

Mayor

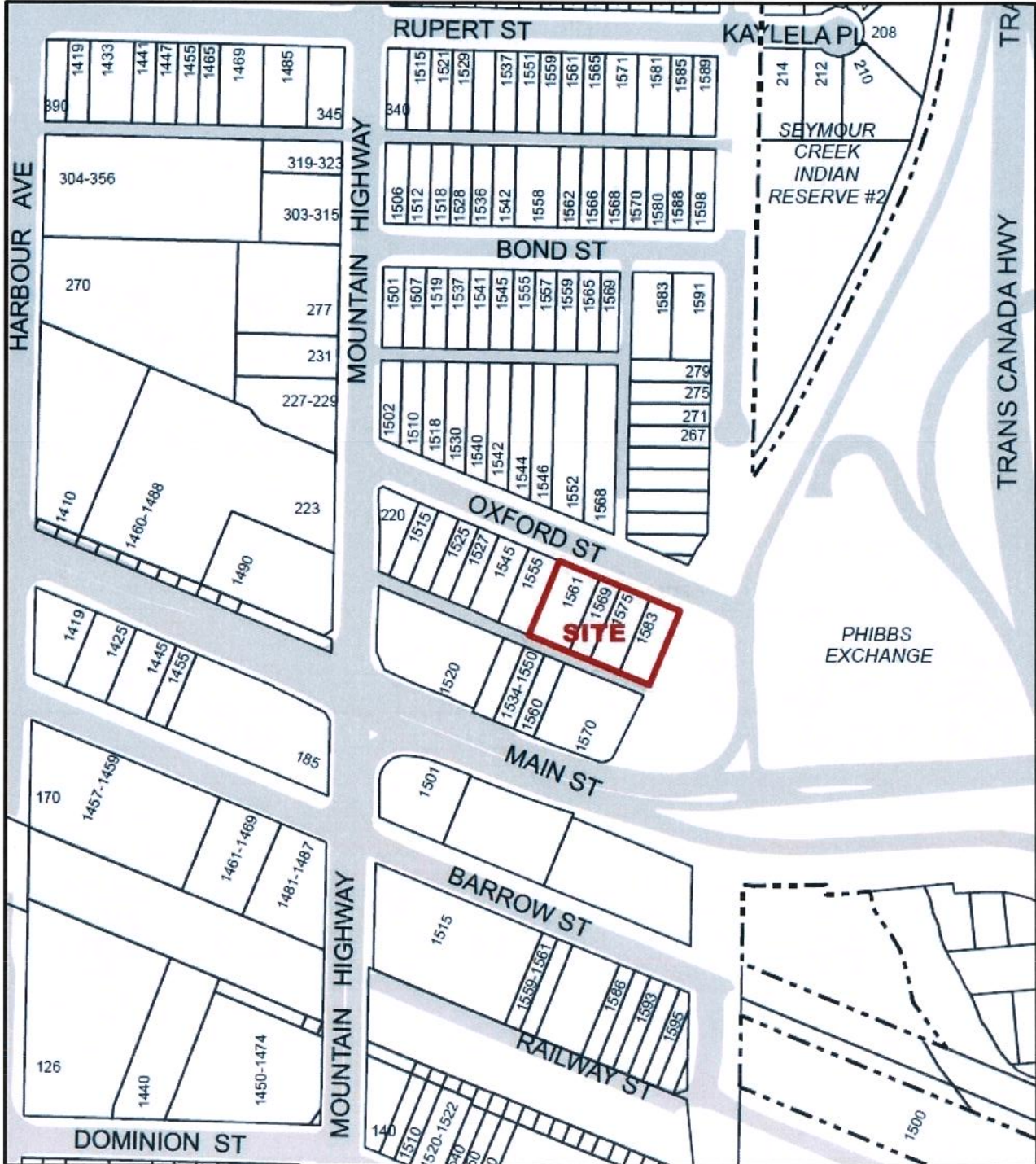
Municipal Clerk

Certified a true copy

Municipal Clerk

Schedule A to Bylaw 8045

(the 'Lands')



The Corporation of the District of North Vancouver

Bylaw 8048

A bylaw to enter into a Housing Agreement (1561, 1569, 1583 Oxford Street)

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 8048, 2014".

2. Authorization to Enter into Agreement

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

- a) Lot B, Block 41, District Lot 204, Plan 1340 (PID: 014-742-764);
- b) Lot 12, Block 41, District Lot 204, Plan 1340 (PID: 014-742-578);
- c) Amended Lot 13 (see 287863L), Block 41, District Lot 204, Plan 1340 (PID: 014-742-594); and
- d) Amended Lot 15 (See 161066L), Block 41, District Lot 204, Plan 1340 (PID: 014-742-616)

3. Execution of Documents

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

READ a first time this the

READ a second time this the

READ a third time this the

ADOPTED this the

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

Schedule A to Bylaw 8048

HOUSING AGREEMENT

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

BETWEEN:

DARWIN PROPERTIES LTD. of _____

(the "Owners")

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 "Municipality")

WHEREAS:

- A. The Owner is the registered owner of the Lands (as defined herein);
- B. The Owner wishes to obtain development permissions with respect to the Lands and wishes to create a rental apartment development which will contain rental housing units on the Lands;
- C. Section 905 of the *Local Government Act* permits the Municipality to enter into a housing agreement with an owner of land, which agreement may include terms and conditions regarding the occupancy, tenure and availability of dwelling units located on the Land; and
- D. The Owner and the Municipality wish to enter into this Agreement to restrict the use of, and construction on, the Land on the terms and conditions of this agreement, to have effect as a housing agreement under section 905 of the *Local Government Act*,

NOW THEREFORE in consideration of the sum of \$10.00 now paid by the Municipality to the Owner and other good and valuable consideration, the receipt and sufficiency of which the Owner hereby acknowledges, the parties covenant and agree pursuant to Section 219 of the *Land Title Act* (British Columbia) as follows:

1. DEFINITIONS

1.01 Definitions

In this agreement:

- (a) “*Affordable Rental Units*” means the residential Dwelling Units identified in the Section 219 Covenant each having a Gross Floor Area stipulated in the Section 219 Covenant;
- (b) “*Director*” means the Municipality’s General Manager of Planning, Properties and Permits and his or her designate;
- (c) “*Dwelling Unit*” means a residential dwelling unit in the Proposed Building, as defined in the District’s Zoning Bylaw 3210, 1965, as amended and consolidated from time to time;;
- (d) “*Eligible Person*” means a Person meeting the income and other criteria set out in the Section 219 Covenant;
- (e) “*Gross Floor Area*” has the meaning given to it in the Municipality’s Zoning Bylaw 3210, 1965, as amended and consolidated from time to time;
- (f) “*Lands*” means the following parcels:
 - (i) Lot B, Block 41, District Lot 204, Plan 1340 (PID: 014-742-764);
 - (ii) Lot 12, Block 41, District Lot 204, Plan 1340 (PID: 014-742-578);
 - (iii) Amended Lot 13 (see 287863L), Block 41, District Lot 204, Plan 1340 (PID: 014-742-594); and
 - (iv) Amended Lot 15 (See 161066L), Block 41, District Lot 204, Plan 1340 (PID: 014-742-616)
- (g) “*LTO*” means the Lower Mainland Land Title Office and any successor of that office;
- (h) “*Proposed Building*” means the proposed multi-family building containing not more than 112 Units to be constructed on the Lands as described in the Section 219 Covenant;
- (i) “*Section 219 Covenant*” means the section 219 covenant registered under number _____ at the LTO against the Owners title to the Lands in favour of the Municipality; and
- (j) “*Subsidized Rental Rate*” means the maximum monthly rent to be charged in respect of the first and any subsequent resident in actual occupation of an Affordable Rental Unit as set out in the Section 219 Covenant.

2. THE AFFORDABLE RENTAL UNITS

2.01 Owner’s Covenants

The Owner covenants and agrees with the Municipality that:

- (a) the Lands will not be developed for residential purposes and no residential building or structure will be constructed on the Lands unless as part of the construction and development of any such building or structure, the Owner also designs and constructs to completion, in accordance with a building permit issued by the Municipality and in accordance with the Section 219 Covenant and a development permit issued by the Municipality, the Affordable Rental Units;
- (b) the total number of Dwelling Units on the Lands, including the Affordable Rental Units will not exceed 112;
- (c) the Affordable Rental Units must be designed and constructed to the same standard, in terms of layout, workmanship and materials, as the balance of the Dwelling Units in the Proposed Building on the Lands; and
- (d) the accessibility features set out in the Section 219 Covenant or equivalent features acceptable to the Director, will be incorporated in each of the Affordable Rental Units.

2.02 Affordable Rental Housing

The Affordable Rental Units may not be used for any purpose whatsoever save and except for the purposes of rental housing for Eligible Persons pursuant to arm's length month-to-month residential tenancy agreements or arm's length residential tenancy agreement with terms not exceeding three (3) years in duration (including all periods in respect of which any rights or renewal, contingent or otherwise have been granted).

2.03 Occupancy Restriction

No Affordable Rental Unit may be occupied except by the following:

- (a) an Eligible Person pursuant to a residential tenancy agreement that complies with section 2.02; and
- (b) other individuals, not Eligible Persons, who are living in a single domestic unit with an Eligible Person referred to in section 2.03(a) above.

2.04 Rental Rate Restriction

In addition to the occupancy restrictions in section 2.03, the Owner shall not suffer, cause or permit occupancy of an Affordable Rental Unit except pursuant to a residential tenancy agreement that:

- (a) does not require payment of rent or the provision of any other consideration that exceeds the Subsidized Rental Rate;
- (b) does not require the rent to be prepaid at an interval greater than monthly; and

- (c) prohibits the tenant from subletting the Affordable Rental Unit or assigning the tenancy agreement for rent greater than the Subsidized Rental Rate.

2.05 Housing List and Guidelines

The Owner must:

- (a) prepare guidelines, criteria and procedures for determining eligibility for occupancy of an Affordable Rental Unit;
- (b) accept applications for Affordable Rental Units from those Eligible Persons who satisfy the guidelines, criteria and procedures established by the Owner under subsection 2.05(a)(i);
- (c) maintain a housing list of Eligible Persons from whom the Owner has accepted applications for residential occupancy of an Affordable Rental Unit and who have been denied an Affordable Rental Unit as a result of a lack of availability of Affordable Rental Units;
- (d) where an Affordable Rental Unit becomes available for occupancy, offer the Affordable Rental Unit to a person on the housing list in the order in which the application was made, unless the person is no longer an Eligible Person or no longer meets the guidelines and criteria for occupancy, or the Owner on reasonable grounds otherwise does not consider that person to be an acceptable candidate for occupancy of the Affordable Rental Unit; and
- (e) make the housing list available to the Municipality upon request.

2.06 Compliance with Laws

The Owner will at all times ensure that the Affordable Rental Units are used and occupied in compliance with all statutes, laws, regulations, and orders of any authority having jurisdiction and without limiting the generality of the foregoing all bylaws of the Municipality and all federal, provincial, municipal or local laws, statutes or ordinances relating to environmental matters, including all rules, regulations, policies, guidelines, criteria or the like promulgated under or pursuant to any such laws.

2.07 Statutory Declaration

Within three days after receiving notice from the Municipality, the Owner must deliver to the Municipality a statutory declaration, substantially in the form attached as Schedule "D", sworn by the Owner under oath before a commissioner for taking affidavits in British Columbia, containing all of the information required to complete the statutory declaration.

3. DEFAULT AND REMEDIES

3.01 Notice of Default

The Municipality 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.

3.02 Costs

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

3.03 Damages

The Owner acknowledges that the Municipality requires Eligible Persons housing for the benefit of the community. The Owner therefore agrees that for each day the Land is occupied in breach of this Agreement, the Owner must pay the Municipality \$100.00, as liquidated damages and not as a penalty, due and payable at the offices of the Municipality on the last day of the calendar month in which the breach occurred. The Daily Amount is increased on January 1 of each year by the amount calculated by multiplying the Daily Amount as of the previous January 1 by the percentage increase between that previous January 1 and the immediately preceding December 31 in the Consumer Price Index. The Owner agrees that payment may be enforced by the Municipality in a court of competent jurisdiction as a contract debt.

3.04 Specific Performance

The Owner agrees that, without affecting any other rights or remedies the Municipality may have in respect of any breach of this Agreement, the Municipality is entitled to obtain an order for specific performance of this agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement. The Owner agrees that this is reasonable given the public interest in restricting occupancy of the Land in accordance with this Agreement.

3.05 No Penalty or Forfeiture

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

3.06 Cumulative Remedies

No reference to nor exercise of any specific right or remedy under this Agreement or at law or at equity by any party will prejudice, limit or preclude that party from exercising any other right or remedy. No right or remedy will be exclusive or dependent upon any other right to remedy, but any party, from time to time, may exercise any one or more of such rights or remedies independently, successively, or in combination. The Owner

acknowledges that specific performance, injunctive relief (mandatory or otherwise) or other equitable relief may be the only adequate remedy for a default by the Owner under this Agreement.

4. LIABILITY

4.01 Indemnity

Except for the negligence of the Municipality or its employees, agents or contractors, the Owner will indemnify and save harmless each of the Municipality 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 Affordable Rental Units or any part thereof, or the use and occupancy of the Affordable Rental Units by anyone.

4.02 Release

Except to the extent such advice or direction is given negligently, the Owner hereby releases and forever discharges the Municipality, 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 Building or any part thereof which has been or hereafter may be given to the Owner by all or any of them.

4.03 Survival

The covenants of the Owner set out in Sections 4.01 and 4.02 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 Dwelling Unit therein, as applicable.

5. GENERAL PROVISIONS

5.01 Municipality's Power Unaffected

Nothing in this Agreement:

- (a) affects or limits any discretion, rights or powers of the Municipality 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 Municipality's bylaws in relation to the use of the Lands.

5.02 Agreement for Benefit of Municipality Only

The Owner and Municipality agree that:

- (a) this Agreement is entered into only for the benefit of the Municipality;
- (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 Building including any Dwelling Unit; and
- (c) The Municipality may at any time execute a release and discharge of this Agreement in respect of the Proposed Building or any Dwelling Unit therein, without liability to anyone for doing so.

5.03 Agreement Runs With the Lands

This Agreement burdens and runs with the Lands and any part into which any of them may be subdivided or consolidated, by strata plan or otherwise. All of the covenants and agreements contained in this Agreement are made by the Owner for itself, its successors and assigns, and all persons who acquire an interest in the Lands or in any Dwelling Unit after the date of this Agreement.

5.04 Section 905 Housing Agreement

The covenants and agreements on the part of the Owner and herein set forth in this Agreement have been made by the 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, except that the Owner shall not be liable for any default in the performance or observance of this Agreement occurring after the Owner ceases to own the Lands or the Affordable Dwelling Units.

5.05 Priority of this Agreement

The Owner will, at its expense, do or cause to be done all acts reasonably necessary to ensure this Agreement is registered against the title to each Dwelling Unit in the Proposed Building, including any amendments to this Agreement as may be required by the LTO or the Municipality to effect such registration, subject to the discharge provisions contained herein.

5.06 Agreement to Have Effect as Deed

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

5.07 Waiver

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

5.08 Time

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

5.09 Validity of Provisions

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

5.10 Extent of Obligations and Costs

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

5.11 Notices

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

If to the Municipality:

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

Attention: Clerks Department
Facsimile: (604) 984-9637

If to the Owner:

Attention:
Facsimile: (604)

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.

5.12 Further Assurances

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

5.13 Enuring Effect

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

6. INTERPRETATION

6.01 References

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

6.02 Construction

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

6.03 No Limitation

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

6.04 Terms Mandatory

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

6.05 Statutes

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

6.06 Entire Agreement

- (d) This is the entire agreement between the Municipality 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.
- (e) 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 Municipality Council of a bylaw to amend Bylaw 7956.

6.07 Governing Law

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

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

CONSENT AND PRIORITY AGREEMENT

GIVEN THAT:

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

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

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

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

Sustainability Overview

1561 – 1583 Oxford St.

Darwin Properties has a long history of creating quality projects in Greater Vancouver, and is committed to creating a socially, economically and environmentally sustainable project at this exciting District of North Vancouver site. We believe the site location provides an opportunity to create a livable, dense, urban experience.

We are currently aiming for a Built Green Silver equivalent community onsite, which would be tied in to the Maplewood District Energy System. The project is also aiming to meet the District of North Vancouver's energy performance requirements and the guidelines in Bylaw 7828 where feasible.

Environmental Sustainability

Site Planning

- The project will utilize integrated designing and planning throughout, including a kick-off meeting to create and align all team members to the sustainability goals of the project.
- Urban infill densification is inherently sustainable, promoting development in existing areas and diverting development pressures from Greenfield sites and environmentally sensitive areas, including wilderness and other ecologically important areas such as agricultural land.
- Infill and mixed-use density of existing neighborhood means that site will provide for a high degree of walkability and bus accessibility through Phibbs Exchange literally just steps away for future residents and decrease single-occupant vehicle trips.
- Site will retain high degree of walkability to ensure easy local walking and cycling access to amenities. Well connected to bike routes on Mountain Highway, Main St. and Lynmouth Park.
- A stormwater management plan will be developed for the project to minimize demand on municipal systems by restricting post development stormwater flows to predevelopment levels.
- Trees removed from the site will be replaced at a ratio of three to one.



Transportation

- Efforts to reduce the reliance on single-occupant vehicles will be a priority in the new development.
- Circulation and pedestrian access will be the backbone of the new site's layout, enabling intuitive and simple access for residents and visitors.
- The site will be a Transit-oriented development, served by multiple bus routes and literally just steps away from Phibbs Exchange.



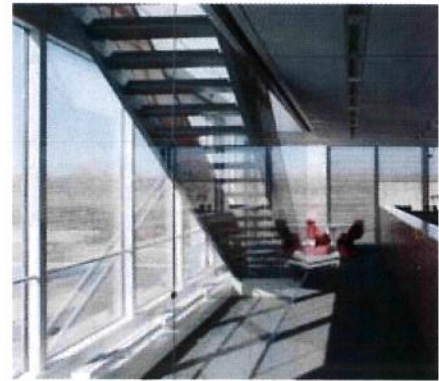
- A transit pass program will be provided for residents.
- The site is near priority bike routes on Mountain Highway, Main St. and Lynmouth Park.
- Access to bike parking for visitors and secure storage for residents will improve the biking experience for those visiting, working and living in the new complex (exact space and location to be determined following final Engineering design).
- Improvements to Oxford Street are envisioned by the DNV for both pedestrians and cyclists.
- At least two spaces will be provided with plug-ins for electric vehicles.



Energy

The project will minimize the energy intensity of the buildings and building systems by working with the Maplewood District Energy system.

- The project will be designed to reduce energy use to meet the District of North Vancouver's Green Building Strategy.
- Darwin will work with the City and its engineering team to integrate the project into the Maplewood District Energy system, which is intended to reduce reliance on fossil fuels and CO2 output.
- Efficient energy production. Hot water heat is created three times more efficiently than electrical heat produced by thermal generation. One small mini-plant can serve several buildings.
- Electricity savings. Hot water heat reduces demands on electricity; greatly increases the efficiency of energy supply.
- Flexibility. Maplewood District Energy is designed to use a variety of fuels, including emissions-free solar energy, and waste energy so that other energy sources can be considered when it becomes economical to do so.
- Dependability. Maplewood District Energy can switch between mini-plants to ensure energy is always available. Long-term efficiency is not hampered by aging equipment.
- Visual advantages. Mini-plants are contained within buildings and underground.
- Daylighting strategies will be employed throughout the residential and retail spaces to reduce reliance on electric lighting.
- Low-energy lighting systems will be employed in all public areas throughout the project.
- Horizontal lumen cutoff fixtures relevant to an urban, mixed-use project will be employed on all outdoor lighting to reduce light pollution.



- HVAC systems will not use ozone-depleting chemicals outlawed by the Montreal Convention and will seek to limit those with negative effects on climate change.
- Electricity metering for each unit.
- Energy Star rated windows, refrigerators, clothes washers and dishwashers throughout.
- Less than 40% window to wall glazing ratio.
- Operable windows and consideration for individual heat recovery ventilators for all units.
- Solar shading on the south side of the building by 6' +/- projected balconies above or a 6' +/- roof overhang. Few windows located looking westward therefore needs for sun shading will be minimal.
- Trees removed from the site will be replaced at a ratio of three to one, providing shade, storing carbon, and reducing heat build-up for the building, parking areas and surrounding properties.
- High albedo roofing material will be installed to reduce the heat island effect of the building's roof.
- Project designed to be solar ready with at least 10% of the total roof area designed for future solar collectors as well as the inclusion of a solar thermal conduit
- Energy modelling will be employed to ensure the building design will enable the project to achieve its energy performance target

Materials & Resources

- Recycling will be seamlessly incorporated into the project, both in the construction and final design of the property.
 - A minimum of 25% of construction waste material will be re-used or recycled;
 - Recycling facilities will be accessible to all users of the property.
- Low-VOC products will be used throughout the project, including paints and coatings, adhesives, sealants, and binding materials to improve the indoor air quality for residents and visitors.
- The project will incorporate materials with recycled content, enabling the market for pre- and post-consumer materials to grow. Minimum recycled content targets include: doors (15%), cement (25%), and exterior trim (50%).
- The project will also source materials from local or regional sources wherever feasible, reducing embedded CO2 in materials and fostering local industries.
- Consideration will be given to durability when selecting materials.
- Low-mercury lighting will be used throughout the project, reducing reliance on base minerals as well as toxicity in the waste stream.

Water

- Water consumption will be reduced over code standards through the use of low-flow flow fixtures and restroom facilities, including dual-flush toilets, and faucets with a maximum flow rate of 1.9 litres per minute for bathrooms and 5.7 litres per minute for kitchens.
- Use drought tolerant landscaping to reduce the need for irrigation by at least 50%.
- Use automated control systems for any mechanical irrigation systems.
- Reduce the use of lawn/turn to less than 50% of landscaped areas.

Economic Sustainability

- Intensification of residents will improve the tax base for the City and provide an increased commercial tax base, which is a large net gain to the provision of services within the community.
- Hundreds of temporary construction & consulting jobs created over the multi-year development timeline. Income from these jobs filters into the community through basic daily consumption of goods and services.
- Sourcing of construction materials and development services from local suppliers and trades will further contribute to the local economy.



Social Sustainability

- Mixed-use housing variety and size provide for opportunities for an assortment of socio-economic distinctions and a demographically diverse community.
- Provides housing opportunities for young families and downsizing empty nesters/ retirees
- Variety in unit sizing and housing forms, including 1, 2 and 3-bedroom units, allows for socio-economic diversity
- At least 40% of the units will meet Level 2 of the District's Adaptable Design Guidelines and the remainder will meet Level 1 B criteria, allowing for aging in place and adaptability of the housing for a variety of users
- Various unit layouts provide opportunities for economic participation from home – through telecommuting and home based businesses.
- Small, efficient units support the OCP's goal of securing attainable rental housing for people of all ages and income levels.



**EXCERPT FROM THE ADOPTED MINUTES OF THE OCTOBER 10, 2013 MEETING
OF THE ADVISORY DESIGN PANEL**

1. NEW BUSINESS

- a. 1561-1583 Oxford Street – Detailed application for OCP Amendment, Rezoning and Development Permit for a 6 storey market rental apartment building of 116 units.**

The Chair invited the Panel members to view the physical model provided by the applicant.

Mr. Doug Allan of the District Planning Department then gave a brief review of the application and noted that the Panel had reviewed the project on April 11, 2013 at the preliminary application stage.

Mr. Allan reviewed the surrounding development and land use designations for the area and noted that the site is designated in the Official Community Plan (OCP) as part of the Lower Lynn Town Centre, with a land use designation of Residential Level 6 - Medium Density Apartment, allowing an FSR of up to approximately 2.5. It was noted that the proposed density at just over 3.3 FSR is higher than this figure and as a result, an amendment to the OCP is required in conjunction with rezoning and development permit issuance.

Mr. Allan pointed out the undedicated vehicle connection along the east side of the site, noting that this is owned by the Ministry of Transportation. Translink is working with District staff to redesign Phibbs Exchange, and preliminary features may possibly include a larger park and ride, multi-use pathway, a small commercial operation, the elimination of vehicle access from Oxford Street to the rear lane, and the creation of a new connection to and from Main Street.

Mr. Allan noted that District staff generally support the proposed rental tenure and since the preliminary application stage, has been working with the applicant on project revisions to allow the development to meet District objectives for the site.

Mr. Allan concluded by asking for the Panel's input on the following issues:

- setbacks and the relationship to Oxford Street;
- size of the balconies;
- massing of the northeast corner of the building;
- treatment of the surface parking;
- design of the underground parking entrance;
- treatment of the east elevation;
- roofline design;
- size of the roof-top amenity space; and
- material and colour choices.

Following Mr. Allan's presentation, the Panel asked if the height and density proposed in the project are similar to those existing at the preliminary application stage. Mr. Allan confirmed that they are, but noted that some changes to the project, such as the removal of the proposed enclosed balconies, have affected the floor space ratio calculation.

The Chair thanked Mr. Allan, welcomed the applicant team to the meeting, and outlined the procedure to be followed in reviewing the proposal.

The applicant, Mr. Brad Howard of Darwin Properties Ltd., introduced the design team to the Panel and spoke about the public art amenity, noting that for many reasons, it has been deemed best to provide a financial contribution towards a community public art feature, rather than to undertake an installation at the site.

Ms. Kelly Riopelle of GBL Architects Ltd., reviewed the items outlined in the Panel's motion at the preliminary application review:

- The provision of drawings to demonstrate the fit of the building in its context in relation to the Lower Lynn Town Centre plan
- Further evolution of the colour and finish palette
- Further exploration of the east façade and the relationship to the adjacent land
- Exploration of options for site planning to provide increased green space along the proposed commercial frontage and along Oxford Street, rather than along the lane
- Provision of a physical massing model to show the project's relationship to OCP implementation.

Ms. Riopelle reviewed the massing and shadow studies for the project, and explained the massing of anticipated future buildings for surrounding sites.

Ms. Riopelle pointed out a number of design modifications in the project, including the creation of one main entrance in the north-east portion of the site that will be used by both the commercial unit and the residential apartment occupants. Additional changes include an increase in the setback at the east side of the property to allow for a wider walkway and more landscaping. The design team also has stepped-back the building façade to reduce shadowing and improve the streetscape, and has adjusted the balcony design to include staggering, to help avoid the balconies appearing too linear.

Three principal materials have been chosen for the project, including a blue wire mesh for the balcony railings. Prefinished aluminum panels will be used on wall surfaces, as well as wood feature accents.

A 150 sq.ft. amenity patio has been added to the roof for the use of building residents. Bike storage and bike repair rooms have been enlarged, and now include added security features.

Ms. Riopelle reviewed the reduced parking ratio proposed in the project, and noted that the rental tenure proposed as well as the site's location adjacent to Phibbs Exchange suggests that this is a suitable location in which to implement a parking reduction.

The project landscape architect, Mr. Gerry Eckford, outlined the landscape approach to the site and noted that the high water table has greatly affected the design, including a change in the proposed location of the garage ramp.

Mr. Eckford noted that more adjustments will likely be made to the landscape approach as more information is provided regarding improvements at Phibbs exchange.

Mr. Eckford reviewed that project elements and pointed out the proposed artificial turf area outside of the amenity room. On the south side of the development, planters, wood trellis structures and permeable paving surfaces will be installed between the private unit outdoor areas and the surface parking area. At the west property line, the plan includes a rain garden which will receive water from the building's roof leaders.

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

Questions of clarification were asked on the following topics:

Small size of roof deck area and whether this was driven by RCMP concerns? Answer: Roof deck size is driven by code issues related to a single exit.

Lack of elevator access to the roof deck area? Answer: It is difficult to provide space for the mechanical room to allow access, but the project team will continue to review the options to allow access to the roof for all residents.

Material, size, and plant heights for the planters along the Oxford Street frontage? Answer: the planters are approximately three feet in height and five feet wide, constructed of architectural concrete with hedging plants to be up to 48 inches tall.

Width of the stairs from Oxford Street to the ground floor units? Answer: Stair width is approximately five feet.

Will the planters installed adjacent to the surface parking area allow for vines to grow onto the trellis over the parking spaces? Answer: Yes, that is the intention.

Will there be parking at grade available for disabled visitors? Answer: none is currently shown at grade, but a space can be incorporated.

Will glazing run floor to ceiling? Answer: No, the plan is for wall surfaces to be approximately 40% glazing with metal filler panels above and below the glazed areas.

Does the spatial separation at the east side of the property comply with code? Yes, the revised setback is larger, so the separation will be compliant along this property line.

The Chair thanked the applicant team and staff for their clarifications and asked for comments from the District Urban Design Planner, Mr. Alfonso Tejada, to provide his comments on this project.

Mr. Tejada commented that as the first development to occur in this area, the building will help to establish the scale and character precedents for Oxford Street. Mr. Tejada noted a number of issues for consideration in the review of the project:

- On the Oxford street edge, the appearance of the planter box framing the step to the level of the dwelling units could have a more integrated scale and help to create a sense of a wider sidewalk. This could be achieved by stepping the front

of the planters in a manner similar to what is shown for the east side of the same element.

- Use of brick or stone elements in the planters as an accent, such as a top cap, would contribute to a residential character and an improved connection with the future redevelopment on the north side of the street.
- The proposed edge along the east side of the project appears to create a barricade to uses at the Oxford Street corner. The location of the handicap access ramp and the solid continuous edge create a disconnection from the pedestrian activity in the public realm. These elements should be reconsidered.
- The proposed canopy feature over the front entrance is very linear and it could instead serve as a more playful and unique element with a softer treatment.
- The south elevation of the building will be visible from Main Street and from some distance, accordingly, this elevation should try to create some more interest at the upper (and more visible) levels of the building.
- The building parapet has a very solid and heavy-looking presence and would benefit from a revised approach with a less solid appearance.
- Use of lighter tones and avoidance of darker colours is encouraged.
- More information and research into the durability of the proposed blue steel mesh balcony rail material would be beneficial.

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

Panel members thanked the applicant for their thorough presentation and their effort to address the issues raised at the preliminary application stage. There was general appreciation expressed for the changes made to the project.

One member suggested that features currently shown on the north elevation could be used on the south elevation as a way to provide an improved response to solar exposure.

While the challenges of the site's high water table were noted as well as the subsequent need to elevate the slab, it was noted that the planter walls proposed around the "edges" of the site were contributing to an unfriendly and formidable relationship to the public realm. Panel members recommended that the proposed planters be reduced in size, include stepping to reduce their impact, and incorporate a more residential material than architectural concrete.

It was noted that the parking garage ramp as currently proposed was contributing to a sense of harshness on Oxford Street.

The differentiation between public and private landscaped areas along Oxford Street was noted as a positive feature, and something that might have merit for further exploration along the east elevation of the building.

It was suggested there might be merit in using more plantings along the south-east portion of the building in particular to allow the proposed amenity space to be more pleasant for users.

There was general agreement that there would be merit in the design team reviewing the proposed types of materials and their execution, suggesting the current approach may create some potential for water penetration and staining. It was also noted that the blue

painted steel mesh balcony railings will likely weather over time, and there may be some merit in using a galvanized steel mesh instead.

As the proposed building is likely to be highly visible when entering into the District of North Vancouver, some Panel members expressed a desire for adjustments to the proposed colour scheme. It was suggested that the use of more vibrant colors could help to make the project more welcoming.

One Panel member expressed concerns that this building will be significantly larger than what may surround it in the neighbourhood. It was further noted that the north and south-facing elements of the east end of the building appeared to be unresolved.

Some comments were made regarding the appearance of the east elevation of the building and that this appeared somewhat formidable.

The Panel commented that the roof deck amenity is too small and has no wheelchair access. It was suggested that this element should be adjusted to address these issues, or consideration should be given to the removal of the roof deck amenity.

The location of the handicap access ramp as proposed was mentioned as a significant improvement but it was noted that the ramp design should be reviewed for compliance with the building code.

The Panel commented on the need for more options for bike storage on the site, as well as consideration of allotted space and charging facilities for mobility scooters.

A Panel member noted that as the project is requesting an increase in floor area above that permitted by the OCP, there may be merit in the project meeting a higher standard of design.

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

Ms. Kelly Riopelle thanked the Panel for their comments and input and noted that the design team will take this into consideration as the design evolves.

It was noted in particular that the team was still exploring options for improvements to the Oxford Street façade, as well as different colour options for the project. It was noted that the proposed steel mesh balcony material is being examined, and that a substitution to an aluminum mesh may help address concerns with weathering.

The Chair thanked the applicant team and invited the Panel to compose a motion.

MOVED by Kevin Harvey and **SECONDED** by Eric Sandberg.

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

1. Design exploration and development to review the following:
 - a. amenity space;
 - b. concrete planters along Oxford Street frontage;
 - c. parking entry ramp;

- d. north and south flanking elevations of six-storey building mass;
 - e. proposed colour palette with a view to greater liveliness reflecting the location and visibility of the building;
 - f. detailing and finishing of metal mesh balcony rails;
 - g. landscape elements to soften appearance of east side of building;
 - h. hardscape elements in landscape to include elements of colour;
2. Consideration of facilities for mobility scooters, including charging stations;
 3. Provision for over-height parking at grade level.

MOTION CARRIED

(One Opposed)

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

**PUBLIC INFORMATION
MEETING SUMMARY REPORT**

To: Doug Allan, Planner, District of North Vancouver E: dallan@dnv.org
Brad Howard, Darwin Properties Ltd. E: brad@darwin.ca
From: Catherine Rockandel, IAF Certified Professional Facilitator, Rockandel & Associates
Tel: 1-604-898-4614 E: cat@growpartnerships.com
Re: Public Information Meeting Summary for 1561, 1569, 1575 &1583 Oxford Street, NV
Date: October 31, 2013

Event Date: Wednesday, October 30, 2013
Time: 7:00 PM – 8:30 PM
Location: Holiday Inn, 700 Old Lillooet Road, North Vancouver
Attendees: Twenty-eight (28) citizens
Comment Forms: The comment forms and sign in sheets were provided to Doug Allan, Senior Planner, District of North Vancouver

Notification

Flyer Invitation

An invitation letter was hand delivered to homes to a minimum of 75 metres of the site

Site Signs

There was one (1) site sign erected on the site notifying the community of the meeting.

Newspaper Advertisement

Advertisements were placed in the North Shore News on Wednesday, October 23 and Friday, October 25, 2013

Attendees: A total of 28 residents including several families and business owners from the local area attended the meeting. In addition, the following project team members, District of North Vancouver staff and one Councilor were in attendance.

District of North Vancouver

Doug Allan, Community Planner
Tegan Smith, Transportation Planner
Mike Little, Councilor

Project Team

Property Owner: Darwin Properties Ltd.
Oliver Webbe, Principal
Brad Howard, Senior Development Manager

Architect: GBL Architects
Stu Lyon, Principal, GBL Architects
Kelly Riopelle, GBL Architects

Landscape Architect:
Gerald Eckford, Principle, ETA, Landscape Architects

Transportation Planning:
Becky Pui Kiu Lai, Analyst, MMM Group

Car Co-op Representative:
Phil Baudin, Modo Car Co-op

Facilitator
Catherine Rockandel, Rockandel & Associates

PUBLIC COMMENT: Q & A (Index: Q: Questions C: Comment A: Answers)

C1: This is a good project. I like the six storeys. We live on Premier Street and I think this will improve safety at Phibbs Exchange. Also, I think rental is needed for workers in area.

Q2: I am concerned about safety related to transient renters that might impact local neighbourhood. What steps are you taking to enhance security?

A1: The design has taken this into consideration with units facing the street on the lower level to create more eyes on the street. Also, with a café being open later, that will contribute to more eyes on the street. Darwin will have an active management role in the rental building to ensure that safety issues are addressed for the benefit of its tenants. Also, the design has incorporated CPTED (crime prevention through environmental design) principles.

Q3: When was the Phibbs Exchange built and when will it be rebuilt?

A3: Tegan Smith, DNV responded that it was built some time in the 70s. DNV is working with Translink on a redesign of the exchange to create more efficient bus movements and a much larger park and ride area. The next step is to confirm the funding arrangement.

Q4: Will there be a drop off zone in the new design as people currently use Oxford Street as the drop off zone and this may be eliminated with the new development?

A4: Tegan Smith, DNV responded, yes, a drop off zone is considered in the new park and ride design.

Q5: Where will people park who live in the building? The number of parking stalls is much less than the number of units.

A5: Darwin's studies indicate that because the project will be rental and located next to a transit exchange, we believe fewer people will have cars and require parking. Darwin will retain ownership in the building after construction, so we are comfortable with the number of parking stalls we are proposing. Building too many stalls (surplus) will require us to charge higher rent. We are also motivated to build minimum number to attract quality tenants. We also propose to incorporate car sharing in this project to reduce parking demand (Modo and Car2go).

Q6: The building has an FSR of 3.34 if you had to scale back to the DNV current OCP zoning of 2.5 FSR would you build rental?

A6: No, because the development would not be economically feasible.

Q7: What is FSR?

A7: FSR or floor space ratio is the term used for the ratio of a building's total floor area (Gross Floor Area) to the size of the piece of land upon which it is built. The higher the number, the greater the density.

C8: I live on the south side of the street and am not sure I am comfortable with six storeys versus four.

A8: A height limit of six storeys is contemplated in the DNV Official Community Plan.

Q9: Is your plan to develop down the block?

A9: Darwin is always interested in new opportunities that are feasible. We would certainly consider this.

C10: The parking stall ratio of .66 seems low to me.

A10: The representative from Modo Cars responded that in some buildings in Vancouver they are seeing buildings with 1 parking space per 10 units. In a building in Chinatown there are only 3 spaces. This has also been the case in Burnaby and other municipalities. (See also A5).

Q11: We can't park on Orwell because people park on both sides of the street for to use the park and ride. It also makes it difficult to get a full sized vehicle down the street, which I need to run my two businesses in North Vancouver.

A11: Tegan Smith stated that the DNV has a parking bylaw that makes it mandatory for residents to have on-site parking so that street parking can serve the public good.

Q12: I have contacted the DNV on numerous occasions because there is a parking sign that limits the amount of time that people can park but it is never enforced. Why can't you issue resident parking permits?

A12: Tegan Smith said that she would pass that comment along to Bylaw Enforcement staff. The reason we can't issue parking permits relates to the bylaw and that on street parking is a public good.

Q13: Is this building always going to be rental?

A13: The proposed zoning will dictate rental in perpetuity.

Q14: Will this application set a precedent for increased FSR for other applications currently under consideration by the DNV?

A14: Mike Little responded: No, it does not set a precedent as Council considers each application independently within the context of local area plans such as Lower Lynn.

Q15: Does the piece of the property across the street from your development that is used for parking disappear when you develop?

A15: We do not own the property and our project will not impact it.

Q16: Is the building pet friendly?

A16: Yes, it will be.



Mayor and Council
District of North Vancouver
355 West Queens Rd.
North Vancouver, BC
V7N 4N5

November 14, 2013

Dear Mayor and Council:

Re: 1561-1583 Oxford St. North Vancouver

As you may remember, the Community Housing Action Committee (CHAC) wrote to you on January 10 (letter attached) in support of this proposal by Darwin Properties to develop a 107-unit, rental apartment building at this location. In our discussion in December, 2012, with the principals of Darwin, we noted its many strengths, chiefly its excellent location within the Lower Lynn community (near transit, elementary schools, shopping, services), an area very much in need of re-development.

In that letter to you, we recommended that this rental be secured in perpetuity via a housing agreement- a key requirement for CHAC's support. When we met with Darwin again, on October 31, were pleased to learn from them that now there would indeed be such an agreement, which would mean a net permanent gain in rental stock for the District of North Vancouver.

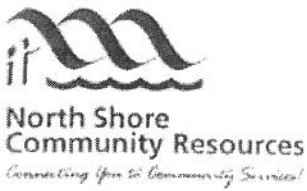
We remain hopeful that the proposed rents (for example: \$1540 for two BR) may yet be eased, to be actually affordable to say, students commuting to Capilano University, to many workers in nearby commercial areas, and even to modest-income families generally. We note that a rent of \$1540/month would require a household income of just under \$52,000-which is likely at the upper range of average rents in North Vancouver District (Statistics Canada, 2006)

However, we note also that these units are very small, especially the two-bedroom units (at 650 sq.ft.) and we wonder if reduced parking savings might be directed to reduced rents for lower-income renters.

We understand that the public consultation period is coming to a close and that the District expects to go to Public Hearing sometime in January, 2014.

Yours truly

Don Peters
North Shore Community Resources



Mayor and Council
District of North Vancouver
North Vancouver, BC

January 10, 2013

Re: 1561-1583 Oxford St. North Vancouver

Dear Mr. Mayor and Council:

The Community Housing Action Committee, a long-standing North Shore housing advocacy group, has met with Darwin Properties Ltd. to consider their application to develop this site for rental apartments. We understand district staff are presently reviewing this application. We make the following observations.

CHAC sees this project to be providing some much-needed rental stock to the important Lower Lynn neighbourhood in the district, one close to the light industrial /commercial area of Main Street and the crucial Phibbs Exchange hub-which should further encourage transit use. Purpose-built rental buildings are a rarity indeed these days, reason enough to give serious consideration to a proposal such as this, which, at six storeys, does not seem to present view issues for its neighbours.

In fact, it is likely that surrounding property values would be lifted: new, modern building, location, increased neighbourhood vitality, landscaping improvements. These 107 units would appear to be attractive to singles, university students, and workers-even small families-given the mix of studio, one-and-two bedroom apartments (some with balconies). In-suite laundry, gym, bike stalls, rental parking, LEED Silver sustainability all seem to us to be important features provided in this project.

However, we have some serious concerns regarding the affordability of the proposal. First, while the \$900/month rent for the Darwin studio apartments seems to be right at the DNV average, their one-bedroom and two-bedroom rents would be significantly higher than those for both DNV purpose-built rental (\$1027/ one BR) and \$1287/2 BR); and for DNV strata-rental (\$1242 and \$1409, respectively-at least according to October 2012 CMHC rent figures if the same dollar per square foot value was applied to the larger units. Another comparison would be with rents at Seylynn Village: \$1130 (one BR) and \$1540 (two BR). As we understand that the provision of the rental units will be the community amenity we would expect these rents to be as low as possible and preferably below those to be offered at Seylynn Village. We do need rental, given that less than 20% of housing units in DNV are rental, but we do need it to be reasonably affordable. And, as we need these rentals to be such in perpetuity, CHAC believes this rental project should be secured via a special housing agreement.

Secondly, CHAC recommends that the developer address the accessible design of these unit by considering use of the new SAFERhomes program to provide universal adaptability to 100% of the units' interiors and the District's Adaptable design Guidelines in the rest of the building (the lobby, entryway, etc.)

We look forward to the progress of this application.

Respectfully

Don Peters
Community Housing Action Committee

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NORTH VANCOUVER
DISTRICT

PUBLIC HEARING

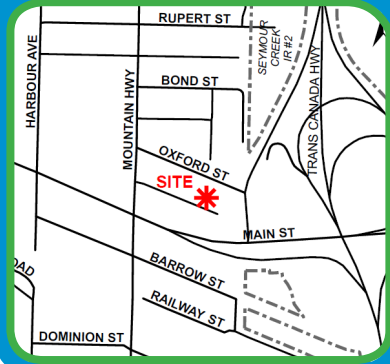
1561-1583 Oxford Street Redevelopment of four single-family lots

- What:** A Public Hearing about the redevelopment of four single-family residential lots. The proposed development will consist of a 112 unit rental apartment building with commercial space at ground level.
- When:** 7 pm, Tuesday, March 25, 2014
- Where:** Council Chambers, North Vancouver District,
355 W. Queens Road

Proposed*



Site Map



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

- What changes?** This proposal requires amendments to the Official Community Plan and Zoning Bylaws.
- When can I speak?** We welcome your input **Tuesday, March 25, 2014 at 7 pm.** You can speak in person by signing up at the Hearing or you can provide a written submission to the Municipal Clerk at input@dnv.org or by mail before the conclusion of the Hearing.
- Need more info?** All relevant background materials and copies of the two bylaws are available for review at the Municipal Clerk's Office, Monday to Friday 8 am to 4:30 pm or online at dnv.org/public_hearing.
- Questions?** Doug Allan, Community Planner, at dallan@dnv.org or 604-990-2357.



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