

# AGENDA ADDENDUM

## *REGULAR MEETING OF COUNCIL*

**Monday, November 9, 2015**

**7:00 p.m.**

**Council Chamber, Municipal Hall**

**355 West Queens Road,**

**North Vancouver, BC**

**Council Members:**

Mayor Richard Walton

Councillor Roger Bassam

Councillor Mathew Bond

Councillor Jim Hanson

Councillor Robin Hicks

Councillor Doug MacKay-Dunn

Councillor Lisa Muri



NORTH VANCOUVER  
DISTRICT

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## REGULAR MEETING OF COUNCIL

7:00 p.m.  
Monday, November 9, 2015  
Council Chamber, Municipal Hall  
355 West Queens Road, North Vancouver

### AGENDA ADDENDUM

#### THE FOLLOWING LATE ITEMS ARE ADDED TO THE PUBLISHED AGENDA

#### 9. REPORTS FROM COUNCIL OR STAFF

##### 9.6. Development Variance Permit 53.14 – 170 East Osborne Road

File No. 08.3060.20/053.14

Please note: Joint report submitted for items 9.6 and 9.7.

*Recommendation:*

THAT Development Variance Permit 53.14, to enable subdivision of 170 East Osborne Road, is ISSUED.

##### 9.7. Development Variance Permit 34.15 – 3623 Sunnycrest Drive

File No. 08.3060.20/034.15

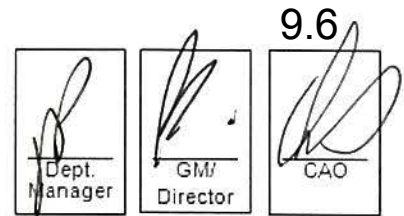
Please note: Joint report submitted for items 9.6 and 9.7.

*Recommendation:*

THAT Development Variance Permit 34.15, to allow for an addition to the existing house at 3623 Sunnycrest Drive, is ISSUED.

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AGENDA INFORMATION	
<input type="checkbox"/> Regular Meeting	Date: _____
<input type="checkbox"/> Workshop (open to public)	Date: _____
<input checked="" type="checkbox"/> Addendum	Date: <u>Nov. 9, 2015</u>



## The Corporation of the District of North Vancouver REPORT TO COUNCIL

File: 3060.20/053.14  
3060.20/034.15

November 5, 2015

**AUTHOR:** Erik Wilhelm, Community Planner

**SUBJECT:** NEIGHBOURHOOD RESPONSE TO DEVELOPMENT VARIANCE PERMITS BEING  
CONSIDERED NOVEMBER 9, 2015

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**RECOMMENDATION:** That Council receive this report for information.

**REASON FOR REPORT:**

In accordance with Council's request to receive an indication as to the number of residents receiving notification, being in support or in opposition, the following information is submitted for the development variance permits being considered on November 9, 2015.

**DISCUSSION:**

As of 10:00 a.m. on November 5, 2015:

Development Variance Permit 53.14 – 170 East Osborne Road

- i) 40 notices were sent out to property owners/residents within a 75 metre radius of the subject property. No responses were received.

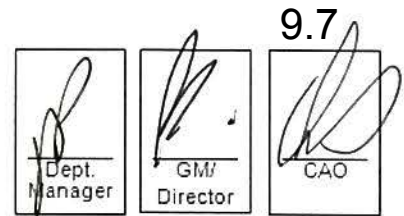
Development Variance Permit 34.14 – 3623 Sunnycrest Drive

- i) 6 notices were sent out to adjacent property owners/residents and the Edgemont Community Association. No responses were received.

Erik Wilhelm  
Community Planner

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AGENDA INFORMATION	
<input type="checkbox"/> Regular Meeting	Date: _____
<input type="checkbox"/> Workshop (open to public)	Date: _____
<input checked="" type="checkbox"/> Addendum	Date: <u>Nov. 9, 2015</u>



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November 5, 2015

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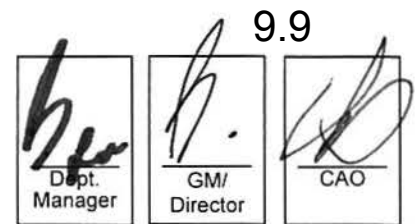
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Erik Wilhelm  
Community Planner

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AGENDA INFORMATION	
<input type="checkbox"/> Regular Meeting	Date: _____
<input type="checkbox"/> Committee of the Whole	Date: _____



## The District of North Vancouver REPORT TO COUNCIL

November 4, 2015  
File: 06.2210.01/000.000

**AUTHOR:** Doug Allan, Community Planner

**SUBJECT: ZONING BYLAW AMENDMENTS RE: HEIGHT EXCEPTIONS FOR INDUSTRIAL STRUCTURES AND EZ-I ZONE INDUSTRIAL DEVELOPMENT REGULATIONS**

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### RECOMMENDATION:

It is recommended that this report be received for information.

### REASON FOR REPORT:

Staff are seeking Council's direction to prepare amendments to the Zoning Bylaw related to height exceptions for specific types of industrial structures and to the development regulations in the EZ-I Zone. Included as Attachment A is a potential motion to withhold any complete building permit applications for any EZ-I zoned lot that is on, or within 250 meters of the foreshore of Burrard Inlet which may be in conflict with the proposed Zoning Bylaw amendment.

### SUMMARY:

Staff are concerned that the current height exceptions for different types of industrial structures, typically located on waterfront properties, may result in significant impacts upon adjacent uses, in particular, residential uses. Staff are also concerned that the current development regulations in the EZ-I Zone may not be sufficient to adequately regulate development in this zone.

If Council supports the preparation of a bylaw to introduce zoning amendments for waterfront industrial properties, staff will forward to Council, any complete building permits which may be contrary to the bylaw under preparation.

Proposed amendments, supplemented by existing development permit area guidelines for the Form and Character of Industrial and Business Park Development, will provide a measure of protection for neighbouring residential uses without reducing the development

**SUBJECT: ZONING BYLAW AMENDMENTS RE: HEIGHT EXCEPTIONS FOR INDUSTRIAL STRUCTURES AND EZ-I ZONE INDUSTRIAL DEVELOPMENT REGULATIONS**

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potential of industrial lands. These amendments will apply to all waterfront industrial properties zoned Employment Zone – Industrial (EZ-I).

It should be noted that, regardless of the proposed amendments, where warranted, Council may consider variances to the industrial development regulations on a case by case basis through a development permit or a development variance permit process.

**EXISTING ZONING REGULATIONS:**

**1. Height Exceptions**

Section 407 of the Zoning Bylaw states:

“Notwithstanding any other height provisions of this Bylaw, the following buildings, structures or portions thereof shall not be subject to height limitation:

*Cooling, fire and hose, observation, floodlight, distillation, transmission, ski-lift, warning device and water towers; bulkheads, tanks and bunkers, domestic radio and television antennae, masts and aerials; monitors; church spires; belfries and domes; monuments; chimney and smoke stacks; flag poles; cranes; grain elevators; and, gas holders.*

*Elevator penthouses, heating, cooling, ventilation and mechanical equipment provided they are completely screened and do not extend more than 2.4 metres above the highest point of any roof surface;*

*Solar collectors and associated mechanical components, subject to compliance with the regulations in Part 4C.*

**2. Section 750 - Employment Zone – Industrial (EZ-I)**

The intent of the EZ-I Zone is to accommodate port-oriented uses and general manufacturing and other industrial activities on lands adjacent to the Port and rail corridor.

While the EZ-I Zone limits the height of principal and accessory buildings and structures to 25 m (82 ft.) unless they are excepted under Section 407, there are no other development regulations governing buildings and structures in this Zone and as such, negative impact on adjacent uses could arise.

**WITHHOLDING PROCESS**

If Council passes a resolution directing staff to prepare a bylaw, Section 929 of the *Local Government Act* allows Council to direct that a building permit application that Council considers is in conflict with the bylaw under preparation be withheld if that application is

**SUBJECT: ZONING BYLAW AMENDMENTS RE: HEIGHT EXCEPTIONS FOR INDUSTRIAL STRUCTURES AND EZ-I ZONE INDUSTRIAL DEVELOPMENT REGULATIONS**

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submitted at least 7 calendar days after the date of the resolution to prepare the bylaw. The Act provides for an initial withholding period of 30 days, which Council may extend by a further 60 days. If a bylaw is not adopted within the 90 day period, the owners of the land may be entitled to compensation for damages as a result of the withholding of a building permit.

Complete building permit applications submitted within the 7 day window will be reviewed under the current regulations.

## **CONCLUSION**

The height exceptions under Section 407 of the Zoning Bylaw and the limited regulations within the EZ-I Zone may permit development in that zone in a form that may have a significant impact upon neighbouring uses, and in particular, residential uses. This could include negative impacts upon views due to the height, size or siting of buildings and structures.

Staff's ability to address those negative issues through the development permit process is limited. To encourage development in a manner which is compatible with surrounding uses, staff recommend that amendments to the Zoning Bylaw be prepared to revise the permitted height exceptions in Section 407 and to incorporate additional development regulations in the EZ-I Zone.

Where warranted, Council may continue to vary the development regulations through a development permit or development variance permit process on a case by case basis.

Withholding of complete building permit or business licence applications on EZ-I zoned lands for any of the types of structures proposed to be deleted from Section 407, while the bylaw is under preparation, all in accordance with the *Local Government Act*, is recommended.

## **OPTIONS**

The following options are available for Council's consideration:

1. It is recommended that this report be received for information (staff recommendation); or,
2. It is recommended that Council consider a withholding motion for waterfront industrial properties as outlined in Attachment A to this report.

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INDUSTRIAL STRUCTURES AND EZ-I ZONE INDUSTRIAL  
DEVELOPMENT REGULATIONS**

November 4, 2015

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Respectfully submitted,

  
Doug Allan  
Community Planner

Attachment A - Proposed Withholding Motion

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

**SUBJECT: ZONING BYLAW AMENDMENTS RE: HEIGHT EXCEPTIONS FOR  
INDUSTRIAL STRUCTURES AND EZ-I ZONE INDUSTRIAL  
DEVELOPMENT REGULATIONS**

November 4, 2015

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**ATTACHMENT A**

**Draft withholding motion:**

It is recommended that:

1. Council direct staff to prepare a bylaw to amend the zoning bylaw to address negative impacts to views resulting from industrial development on the waterfront, and in particular, to:
  - (a) remove the height exemption in section 407 for bulkheads, tanks and bunkers, chimney and smoke stacks, permanent cranes, grain elevators and gas holders; and
  - (b) introduce regulations in the Employment Zone - Industrial (EZ-I) Zone relating to building orientation, the depth and width of buildings and structures, and building coverage.
2. Staff submit to Council, any complete building permit application received on or after November 17, 2015 for any lot that is zoned EZ-I and is on, or within 250 meters of, the foreshore of Burrard Inlet that staff consider are in conflict with the bylaw under preparation, for consideration of a resolution that the building permit or business licence be withheld for 30 days under Section 929 of the *Local Government Act*.

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