

# AGENDA

*PUBLIC HEARING*

**Tuesday, October 4, 2016  
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



[www.dnv.org](http://www.dnv.org)

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**PUBLIC HEARING**

**7:00 p.m.**  
**Tuesday, October 4, 2016**  
**Municipal Hall, Council Chambers**  
**355 West Queens Road, North Vancouver**

**467 Mountain Highway**  
**6-Storey Mixed Use Building**

**1. OPENING BY THE MAYOR**

**2. INTRODUCTION OF BYLAW BY CLERK**

**The District of North Vancouver Rezoning Bylaw 1342 (Bylaw 8183)**

*Purpose of Bylaw:*

Bylaw 8183 proposes to amend the District's Zoning Bylaw by creating a new Comprehensive Development Zone 94 (CD94) and rezone the subject lands from Light Industrial (I3) to CD94 to permit the development of a six-storey mixed use building.

**3. PRESENTATION BY STAFF**

Presentation: Casey Peters, Planner

**4. PRESENTATION BY APPLICANT**

Presentation: Barry Savage, Savage Development

**5. REPRESENTATIONS FROM THE PUBLIC**

**6. QUESTIONS FROM COUNCIL**

**7. COUNCIL RESOLUTION**

*Recommendation:*

THAT the October 4, 2016 Public Hearing be closed;

AND THAT "The District of North Vancouver Rezoning Bylaw 1342 (Bylaw 8183)" be returned to Council for further consideration.

**8. CLOSING**

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# The Corporation of the District of North Vancouver

## Bylaw 8183

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

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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 1342 (Bylaw 8183)”.

### 2. Amendments

- (a) Part 2A, Definitions is amended by adding CD 94 to the list of zones that Part 2A applies to.
- (b) Section 301 (2) by inserting the following zoning designation:  
“Comprehensive Development Zone 94                      CD 94”
- (c) Part 4B Comprehensive Development Zone Regulations by inserting the following, inclusive of Schedule B:

**“4B94 Comprehensive Development Zone 94    CD 94**

**The CD 94 zone is applied to:**

467 Mountain Hwy  
Lot 2 (Explanatory Plan 15163) Block J District Lot 613 Plan 10064  
(008-067-856);

#### **4B 94 – 1 Intent**

The purpose of the CD 94 Zone is to permit a commercial and residential mixed use development.

#### **4B 94 – 2 Permitted Uses:**

The following *principal* uses shall be permitted in the CD 94 Zone:

- a) Uses Permitted Without Conditions:

Not applicable.

b) Conditional Uses:

The following *principal* uses are permitted when the conditions outlined in Section 4B 94-3 Conditions of Use, are met:

Conditional Uses defined in Part 2	Conditional Uses defined in Part 2A
Artist's studio	Office use
Custom manufacturing establishments	Personal service use
Hobby beer and wine making establishment	Residential use
Liquor store (limit of one per lot)	Retail use
Pet care establishment	
Retail Food Service	
Veterinarian	

**4B 94-3 Conditions of Use**

- a) **All conditional uses:** All uses of land, buildings and structures are only permitted when the following condition of use is met:
  - i) All aspects of the use are completely contained within an enclosed building except for:
    - (1) Parking and loading areas;
    - (2) *Outdoor customer services areas*;
    - (3) The display of goods; and
    - (4) Outdoor amenity areas (play areas and private or semi-private outdoor space).
- b) **Residential:** *Residential uses* are only permitted when the following conditions are met:
  - i) Residential uses are not permitted on the ground floor;
  - ii) Each dwelling unit has access to private or semi-private outdoor space;
  - iii) Each dwelling unit has exclusive access to a private storage space; and
  - iv) Enclosed patios and balconies are not permitted.

**4B 94-4 Accessory Use**

- a) *Accessory uses* customarily ancillary to the principal uses are permitted.
- b) *Home occupations* are permitted in *residential* dwelling units.

#### **4B 94 - 5 Density**

- a) The maximum permitted density is 1.2 *gross floor area*, inclusive of any density bonus for energy performance, and a maximum of 10 residential dwelling units.
- b) For the purpose of calculating *gross floor area* the following are exempted:
  - i. Any areas completely below natural and finished grade
  - ii. Ground level parking up to 136m<sup>2</sup> (1,463 sq ft);
  - iii. Residential and commercial garbage areas up to 45m<sup>2</sup> (479 sq ft);
  - iv. Residential storage rooms up to 185.8m<sup>2</sup> (2000 sq ft) in total on the lot;
  - v. The area of balconies and covered patios.

#### **4B 94-6 Amenities**

- a) Despite Subsection 4B94 – 5, permitted density in the CD 94 Zone is increased to a maximum of 3.5 FSR *gross floor area*, including any density bonus for energy performance, and a maximum of 63 residential dwelling units if the owner:
  - i. Contributes \$705,000 the municipality to be used for any of the following amenities (with allocation and timing of expenditure to be determined by the municipality in its sole discretion): public art; park, trail, environmental, plaza or other public realm improvements; municipal or recreation service facility, or facility improvements; and/or the affordable housing fund.
  - ii. Enters into a Housing Agreement prohibiting any restrictions preventing the owners in the project from renting their units.
- b) For the purposes of calculating FSR the lot area is deemed to be 1,728.2m<sup>2</sup> (18,603 sq ft) being the site size at the time of rezoning.

#### **4B94 – 6 Height**

- a) The maximum permitted height for the building is 23m (75.5 ft).

#### **4B 94 - 7 Setbacks**

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

<b>Setback</b>	<b>Minimum Required Setback</b>
North	0.0 m (0.0 feet)
East (Mountain Hwy)	3.0 m (9.8 feet)
South (Charlotte Rd)	1.5 m (5.0 feet)
West	0.0 m (0.0 feet)

- a) For the purpose of measuring setbacks, measurements exclude:
  - (i) Balconies, canopies, overhangs, architectural elements and awnings.

**4B 94 - 8 Coverage**

- a) Building Coverage: The maximum building coverage is 85%.
- b) Site Coverage: The maximum site coverage is 96%.

**4B 94 - 9 Landscaping and Storm Water Management**

- a) All land areas not occupied by buildings, and patios shall be landscaped in accordance with a landscape plan approved by the District of North Vancouver.
- b) All electrical kiosks and garbage and recycling container facilities not located underground or within a building must be screened.

**4B 94 – 10 Parking, Loading and Servicing Regulations**

- a) Parking and loading are required as follows:

Use	Parking Requirement
<i>Residential</i>	1.1 space/ unit
<i>Residential Visitor Parking</i>	0.1 space / unit
Commercial	1 space/ 40m <sup>2</sup>
Shared commercial and visitor parking	2 of the visitor parking spaces shall available for shared use with commercial uses

- b) Bicycle storage for residents shall be provided on the basis of one space per unit.
- c) Except as specifically provided in 4B94-10 (a) and (b) Parking and Loading shall be provided in accordance with Part 10 of this Bylaw.”



- (d) The Zoning Map is amended in the case of the lands illustrated on the attached map (Schedule A) by rezoning the land from the Light Industrial Zone (I3) to Comprehensive Development Zone CD 94.
- (e) The Siting Area Map section is amended by deleting Plan Section I/2B and replacing it with the attached revised Plan Section I/2B (Schedule B).

**READ** a first time the 26<sup>th</sup> day of July, 2016.

**READ** a second time as amended the 12<sup>th</sup> day of September, 2016.

**PUBLIC HEARING** held

**READ** a third time

Certified a true copy of "Rezoning Bylaw 1342 (Bylaw 8183)" as at Third Reading

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Municipal Clerk

**APPROVED** by the Ministry of Transportation and Infrastructure on

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

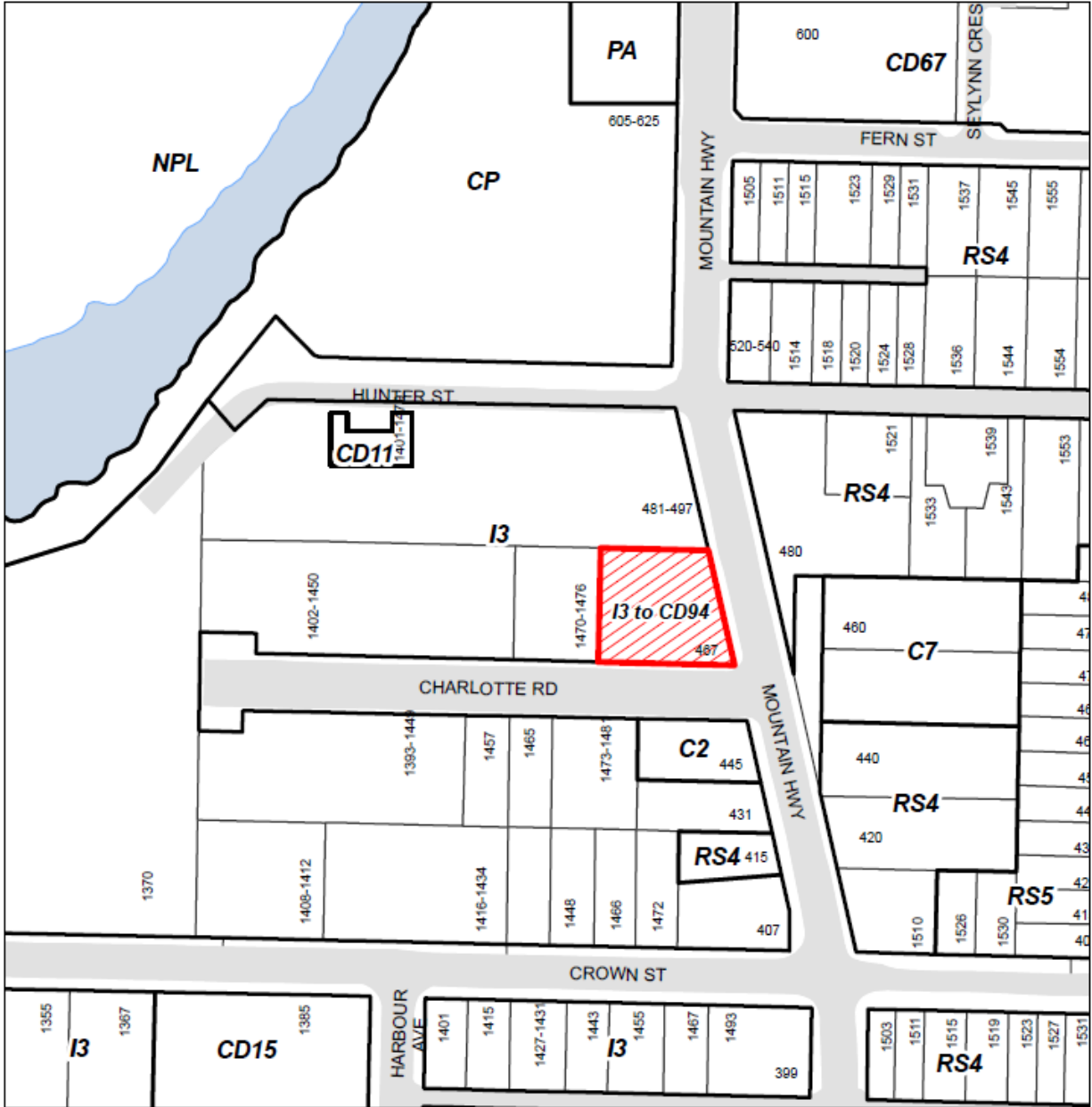
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Municipal Clerk

Schedule A to Bylaw 8183

**BYLAW 8183**

The District of North Vancouver Rezoning Bylaw 1342 (Bylaw 8183)

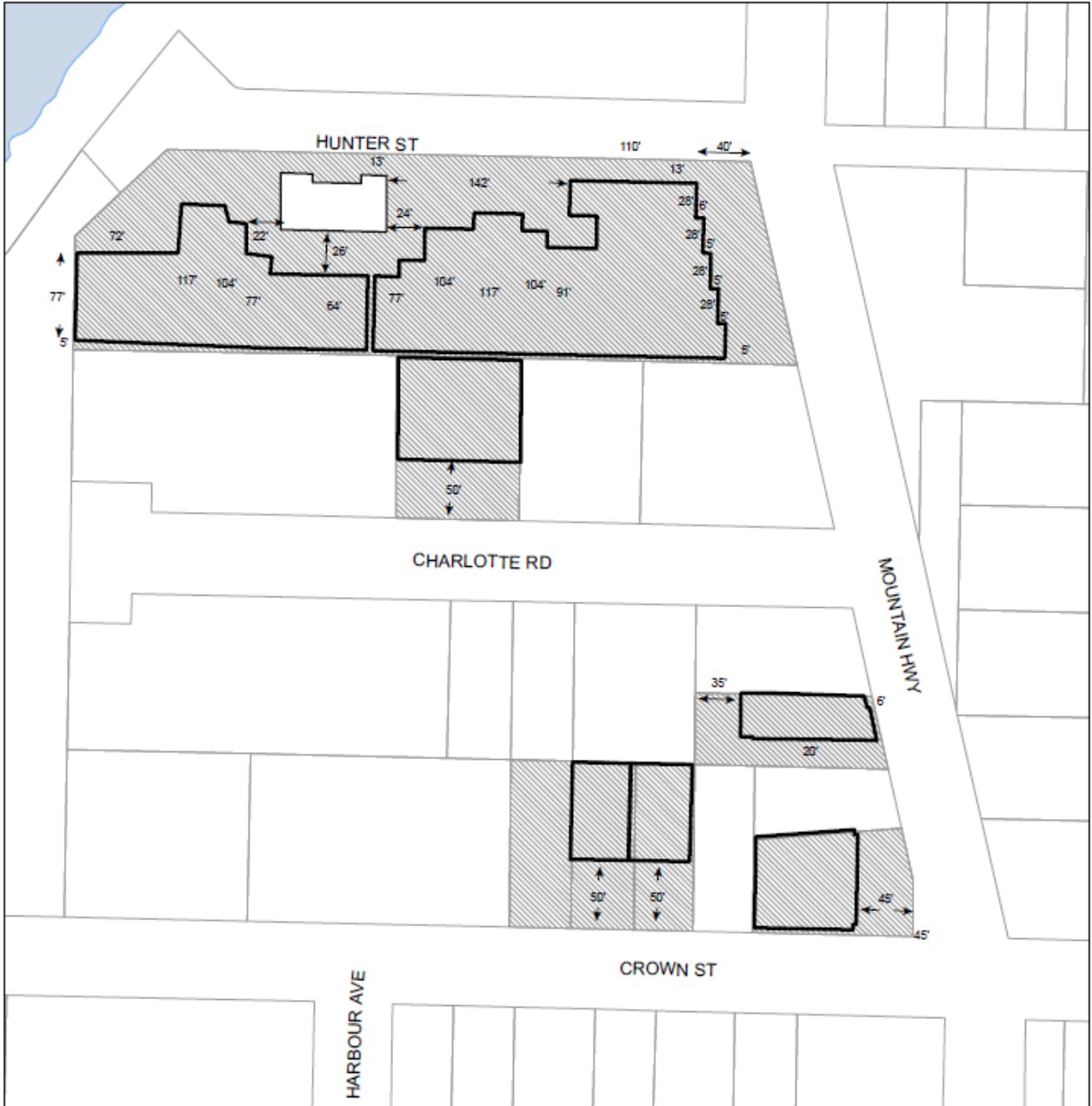


LIGHT INDUSTRIAL ZONE (I3)  
TO COMPREHENSIVE DEVELOPMENT ZONE 94 (CD94)



Schedule B to Bylaw 8183

PLAN SECTION PAGE 1 / 2B



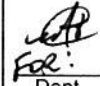
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BYLAWS 4754, 4781, 4974,  
5189, 5253, 5323, 5494, 5956,  
6262, 6336, 6397, 8183

S:\PLANNING DEVELOPMENT\PLANNING MAPS\PUBLIC HEARING\BYLAW8183\_467MTH\HWY\_SCHEDULED.MXD

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>SEPT. 12, 2016</u>
<input type="checkbox"/> Other:	Date: _____

  
 Dept.  
 Manager

  
 GM/  
 Director

  
 CAO

## The District of North Vancouver REPORT TO COUNCIL

August 30, 2016  
 File: 08.3060.20/046.15

**AUTHOR:** Casey Peters, Community Planner

**SUBJECT:** Amendment to Rezoning Bylaw 8183 - 467 Mountain Hwy

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**RECOMMENDATION:**

THAT "District of North Vancouver Rezoning Bylaw 1342 (Bylaw 8183)" be given SECOND Reading, as amended.

**REASON FOR REPORT:**

The reason for this report is to amend the rezoning bylaw as it was presented for First Reading. The proposed amendment will add a "Schedule B" which will remove the subject site from the existing Siting Area Map I/2B.

**BACKGROUND:**

Bylaw 8183 was given First Reading on July 26, 2016. After First Reading was granted staff identified that the site is affected by one of the District's siting area maps within the Zoning Bylaw. The siting area map restricts the footprint of any building on the site to the location of the existing building and would prevent the proposed redevelopment.

To be properly considered at Public Hearing it is recommended that Bylaw 8183 be corrected to address this oversight. Specifically, Bylaw 8183 has been amended to add a "Schedule B" that removes the subject site from the siting area map. This amendment makes no changes to the proposed development that was introduced at First Reading of Bylaw 8183. The Public Hearing has been scheduled to allow a sufficient notice period for the amended bylaw.

**CONCLUSION:**

It is recommended that Council grant Bylaw 8183 Second Reading, as amended, in order to correct a siting area omission, thereby allowing the redevelopment project to proceed to Public Hearing.

**OPTIONS:**

1. THAT "District of North Vancouver Rezoning Bylaw 1342 (Bylaw 8183)" be given SECOND Reading, as amended.
2. THAT no further readings of "District of North Vancouver Rezoning Bylaw 1342 (Bylaw 8183)" be given, thereby defeating the redevelopment project.



Casey Peters  
Community Planner

**Attachments**

- District of North Vancouver Rezoning Bylaw 1342 (Bylaw 8183), as amended
- Staff Report dated July 13, 2016 with attachments

<b>REVIEWED WITH:</b>		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	<b>External Agencies:</b>
<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 _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> NVRC _____
<input type="checkbox"/> Environment _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Facilities _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Human Resources _____	<input type="checkbox"/> Real Estate _____	

# The Corporation of the District of North Vancouver

## Bylaw 8183

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

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### 2. Amendments

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- (b) Section 301 (2) by inserting the following zoning designation:  
"Comprehensive Development Zone 94            CD 94"
- (c) Part 4B Comprehensive Development Zone Regulations by inserting the following, inclusive of Schedule B:

**"4B94 Comprehensive Development Zone 94                    CD 94**

**The CD 94 zone is applied to:**

467 Mountain Hwy  
Lot 2 (Explanatory Plan 15163) Block J District Lot 613 Plan 10064  
(008-067-856);

#### **4B 94 – 1 Intent**

The purpose of the CD 94 Zone is to permit a commercial and residential mixed use development.

#### **4B 94 – 2 Permitted Uses:**

The following *principal* uses shall be permitted in the CD 94 Zone:

- a) Uses Permitted Without Conditions:

Not applicable.

b) Conditional Uses:

The following *principal* uses are permitted when the conditions outlined in Section 4B 94-3 Conditions of Use, are met:

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- (d) The Zoning Map is amended in the case of the lands illustrated on the attached map (Schedule A) by rezoning the land from the Light Industrial Zone (I3) to Comprehensive Development Zone CD 94.
- (e) The Siting Area Map section is amended by deleting Plan Section I/2B and replacing it with the attached revised Plan Section I/2B (Schedule B).

**READ** a first time the 26<sup>th</sup> day of July, 2016.

**READ** a second time **as amended**

**PUBLIC HEARING** held

**READ** a third time

Certified a true copy of "Rezoning Bylaw 1342 (Bylaw 8183)" as at Third Reading

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Municipal Clerk

**APPROVED** by the Ministry of Transportation and Infrastructure on

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

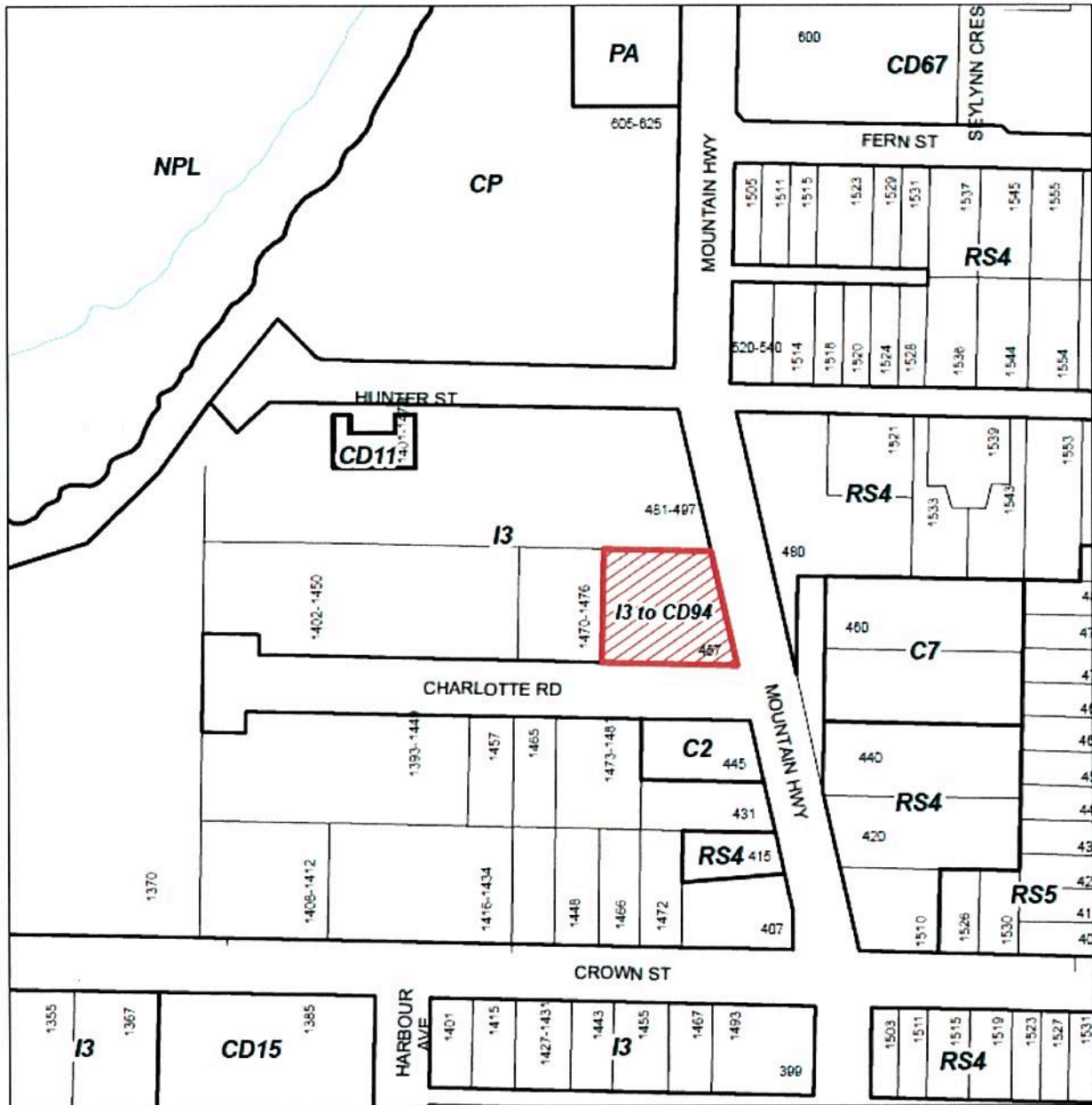
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Municipal Clerk

Schedule A to Bylaw 8183

**BYLAW 8183**

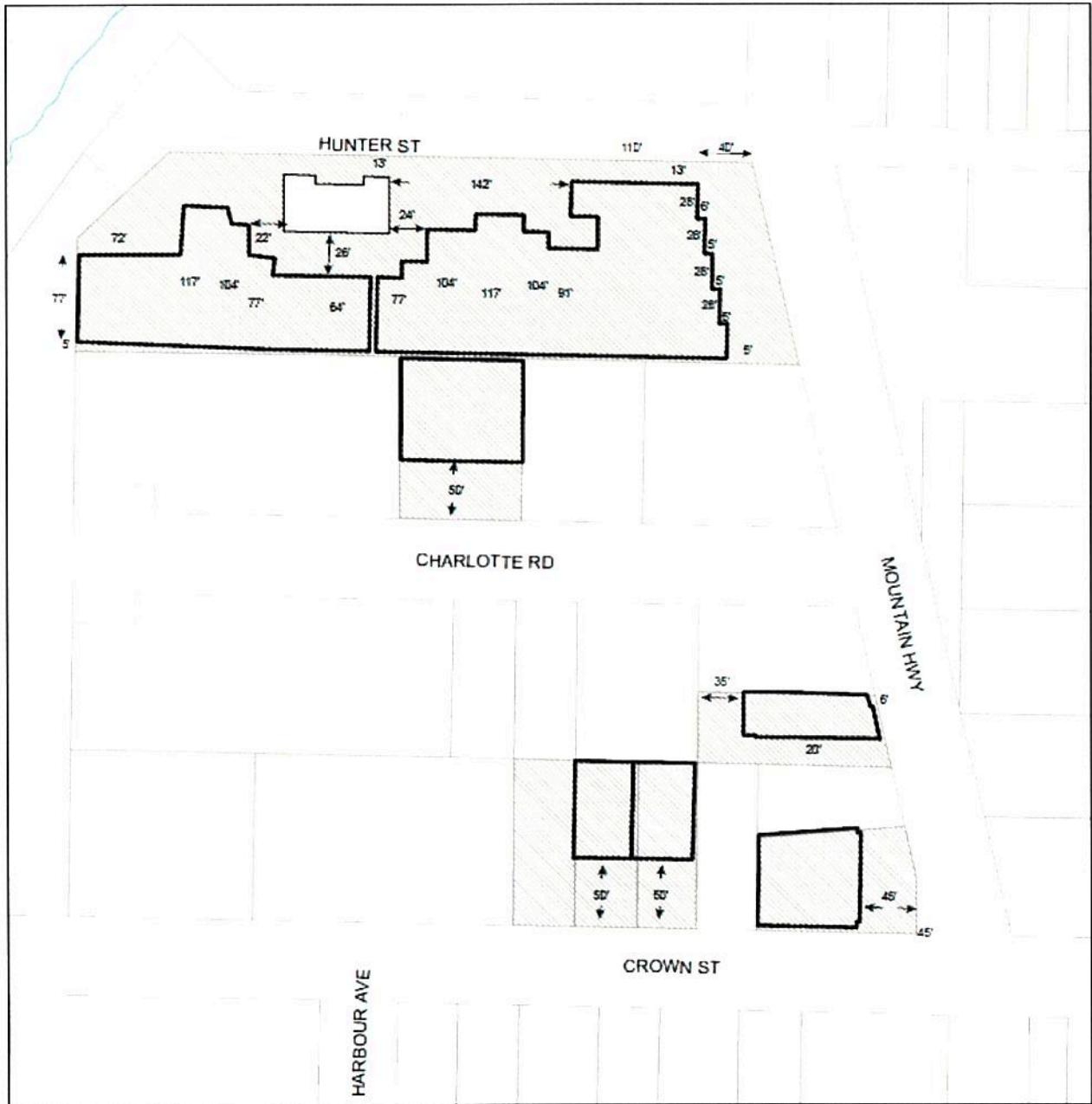
**The District of North Vancouver Rezoning Bylaw 1342 (Bylaw 8183)**



**LIGHT INDUSTRIAL ZONE (I3)  
TO COMPREHENSIVE DEVELOPMENT ZONE 94 (CD94)**



# Schedule B to Bylaw 8183

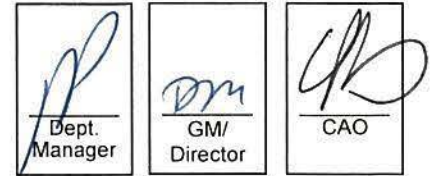


I-3

BYLAWS 4754, 4781, 4974,  
5189, 5253, 5323, 5494, 5956,  
6262, 6336, 6397, 8183

1-PLANNING DEVELOPMENT PLANNING MAPS PUBLIC HEARINGS BYLAWS-10, 40(M)HWY, 50-1(1)EDUBW

AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>July 26 2016</u>
<input type="checkbox"/> Workshop (open to public)	Date: _____



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

July 13, 2016  
File:08.3060.20/046.15

**AUTHOR:** Casey Peters, Community Planner

**SUBJECT:** BYLAWS 8183 AND 8184: REZONING AND HOUSING AGREEMENT FOR A MIXED USE PROJECT: 467 MOUNTAIN HWY

**RECOMMENDATION:**

THAT the “District of North Vancouver Rezoning Bylaw 1342 (Bylaw 8183)”, which rezones the subject site from Light Industrial Zone (I3) to Comprehensive Development 94 (CD94) to enable the development of a mixed use commercial/ residential building, be given **FIRST Reading**;

THAT “District of North Vancouver Housing Agreement Bylaw 8184”, which authorizes a Housing Agreement to prevent future rental restrictions on the subject property, be given **FIRST Reading**; and

THAT “District of North Vancouver Rezoning Bylaw 1342 (Bylaw 8183)”, be referred to a **Public Hearing**.

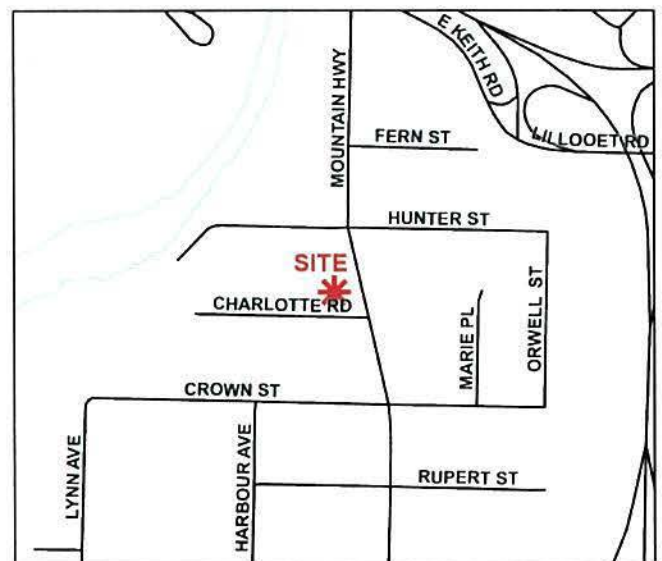
**REASON FOR REPORT:**

The proposed project requires Council’s consideration of:

- Bylaw 8183 to rezone the subject property; and
- Bylaw 8184 to authorize entry into a Housing Agreement to ensure that owners are not prevented from renting their units.

**SUMMARY:**

The applicant proposes to redevelop the existing industrial lot located at 467 Mountain Hwy as a six storey mixed use building



comprising of 63 apartment units and 6 commercial units. Implementation of the project requires a rezoning bylaw (Bylaw 8183), Housing Agreement Bylaw (Bylaw 8184), and issuance of a development permit. The Rezoning Bylaw and Housing Agreement Bylaw are recommended for introduction and the rezoning bylaw is recommended for referral to a Public Hearing. A development permit will be forwarded to Council for consideration if the rezoning proceeds

**BACKGROUND:**

Official Community Plan

The subject property is designated *Commercial Mixed Use Level 3 (CRMU3)* in the District Official Community Plan (OCP). CRMU3 envisions high density uses up to approximately 3.5 FSR at limited appropriate sites in the District’s centres. Development may include residential or commercial uses which encompass retail, office and service uses or a mix of these residential and commercial uses.

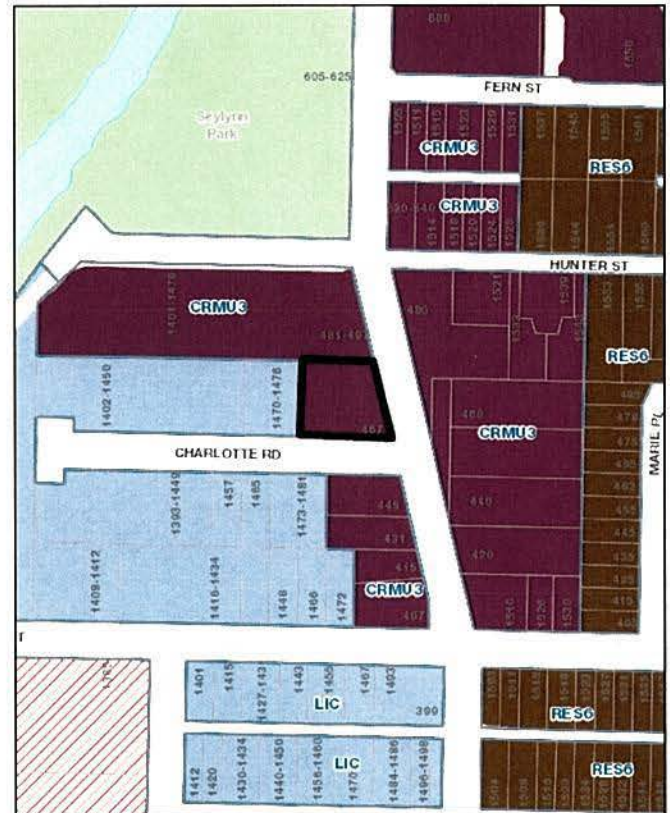
The proposal includes 6 commercial units on the ground floor facing Mountain Hwy with 5 levels of residential units above. There is a private outdoor courtyard on the second level for the use of all residents.

The proposed units are a mix of 1, 2 and 3 bedroom layouts, which will be attractive to individuals, families and downsizers, and as such, the proposal responds to Goal #2 of the OCP to “encourage and enable a diverse mix of housing types...to accommodate the lifestyles and needs of people at all stages of life.”

The Lower Lynn Town Centre Implementation Plan identified this site within the “heart” of the town centre. The Plan identified building heights of approximately 6 storeys and the proposed 6 storey height is in compliance with the Implementation Plan.

Zoning:

The subject property is zoned Light Industrial (I3) which is intended to accommodate a mix of clean, environmentally safe industrial activities and service uses at a 1.2 FSR. Rezoning is required to permit this mixed use project at 3.5 FSR. Bylaw 8183 proposes the establishment of a new Comprehensive Development Zone 94 (CD94) tailored specifically to this project.



### Development Permit

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

- Form and Character of Multi-Family Development (Mixed-Use Buildings);
- Energy and Water Conservation and Greenhouse Gas Emission Reductions; and
- Creek Hazard.

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 rezoning be approved.

### Strata Rental Protection Policy

Corporate Policy 8-3300-2 "Strata Rental Protection Policy" applies to this project as the rezoning application would permit development of more than five units. The policy requires a Housing Agreement to ensure that future strata bylaws do not prevent owners from renting their units and Bylaw 8184 is provided to implement that Policy.



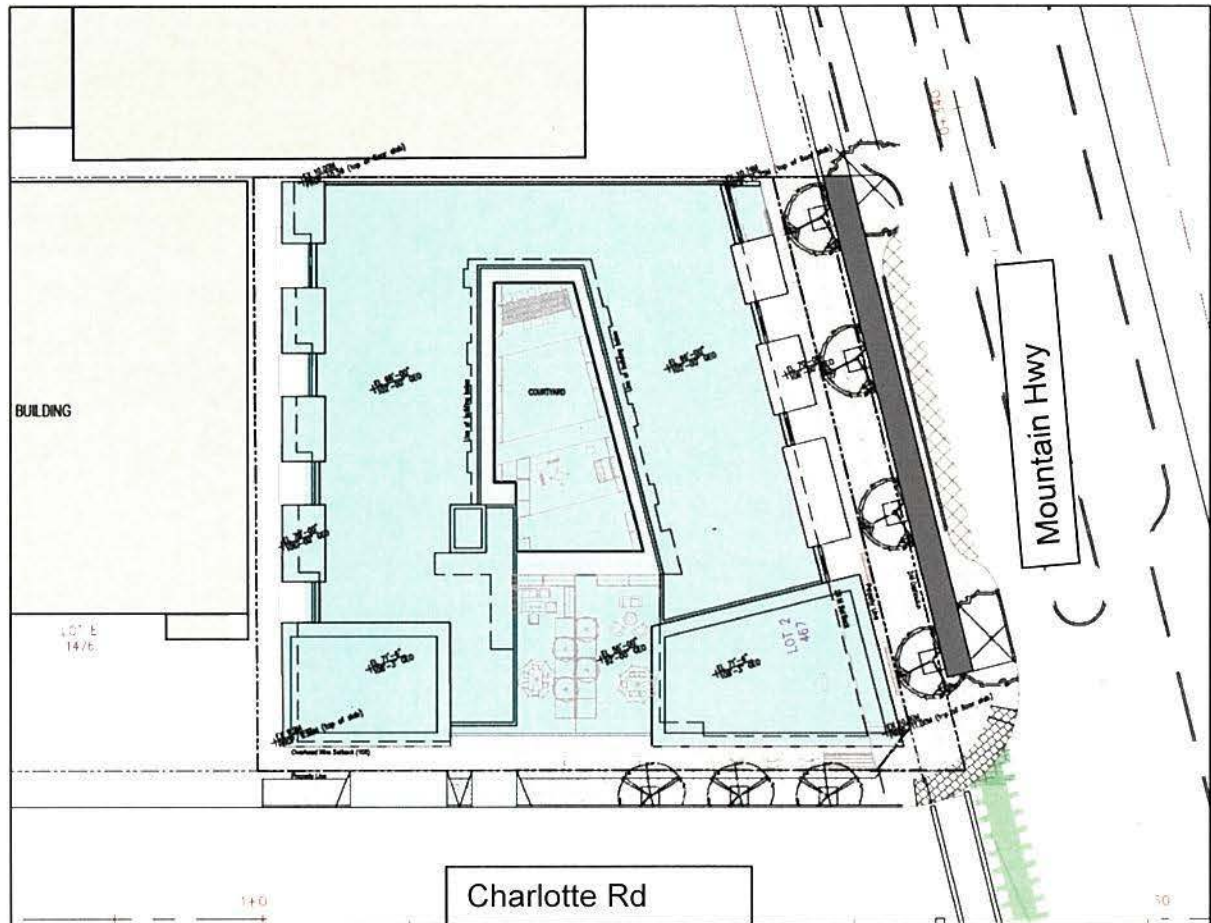
## **ANALYSIS**

### **The Site and Surrounding Area:**

The site consists of an existing light industrial property located at the corner of Mountain Hwy and Charlotte Rd. Adjacent uses consist of industrial to the west, south and north and commercial and single family to the east. The Planning Department is processing an application on the site to the north to redevelop to a mixed use project in conformance with the District's OCP designation.

The OCP designates the properties to the west as Light Industrial Commercial and the properties to the north, east and south as Commercial Residential Mixed Use Level 3.





Site Plan

**Project Description:**

Site Plan/Building Description:

The project consists of 63 apartment units and 6 commercial units in a six storey mixed use building. The proposal includes a dedication along the Mountain Hwy to widen the existing road cross-section.

Five of the commercial units are accessed from Mountain Hwy and one commercial unit and the residential lobby are accessed from Charlotte Rd. Access to underground parking for commercial and residential uses and for visitors is from on Charlotte Rd.

The proposal includes an outdoor courtyard amenity space on the second floor that allows for an outdoor play space, planting and seating areas for all residents in the building.

The units are a mix of 1, 2 and 3 bedrooms and range in size from 51.8m<sup>2</sup> (558 sq ft) to 125.6m<sup>2</sup> (1352 sq ft). The project proposes 24% 1 bedroom units, 66% 2 bedroom units and 10% 3 bedroom units. The building is approximately 23m (75.5 ft) in height.

District's Council has been working with staff to generate an affordable housing policy framework in the District. The project meets several goals from the OCP including:

- Expand the supply and diversity of housing
- Increase housing supply along frequent transit network
- Expand opportunities for rental of strata units
- Provide a cash CAC which Council can use toward affordable housing and other amenities.



Corner of Mountain Hwy and Charlotte Rd



Charlotte Rd Elevation

Parking

Parking is provided on two levels underground with access from Charlotte Rd. There are 70 parking stalls proposed for residential, 12 for commercial and 6 for visitors. The proposal results in 1.1 stalls per unit and 0.1 for visitor which meets the Lynn Creek Implementation Plan guidelines. The proposed commercial parking rate is a blended rate of 1/40m<sup>2</sup> of commercial space. In addition to the 12 spaces available at the first level of parking there will be two visitor spaces that can be shared between the commercial uses and visitors.

The District's policy for multifamily residential developments in centres proposes 1.1 spaces per unit for apartments in frequent transit development areas and an additional 0.1 spaces for visitors. This proposal complies with the DNV policy.

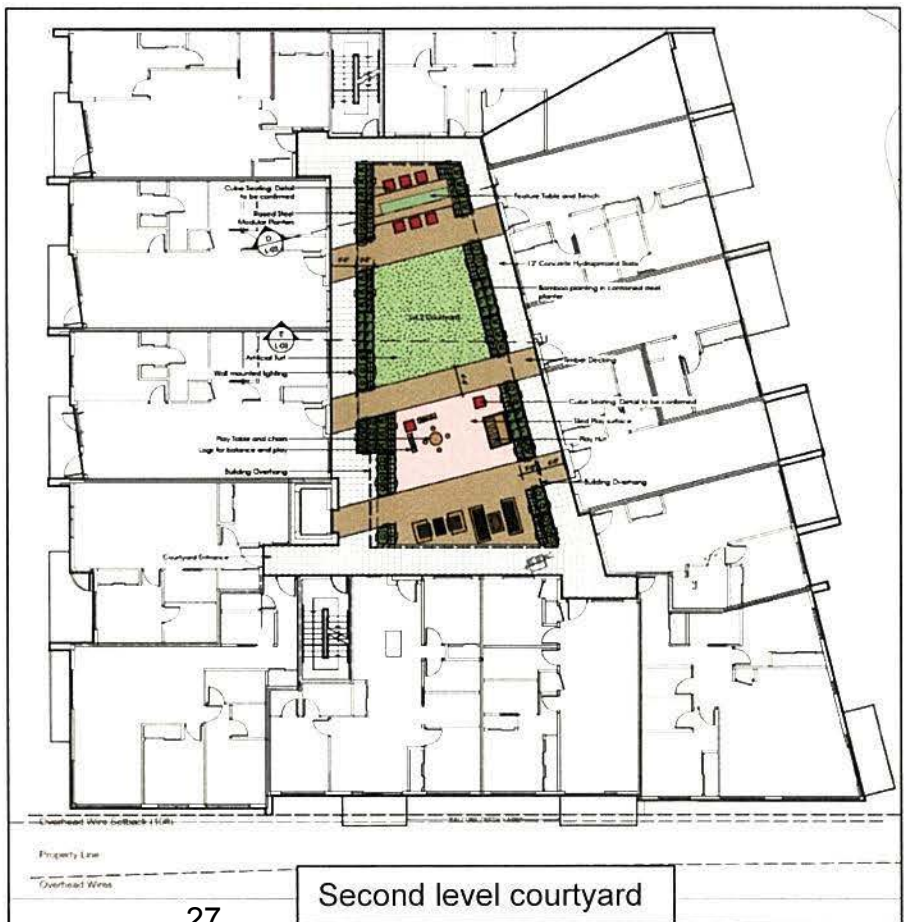
The applicant retained Bunt and Associates to review the proposal in terms of vehicle volumes and parking. Bunt noted that the site is adjacent to Translink's Frequent Transit Network (FTN), is approximately 100m from the closest bus stop, and is well serviced by several bus routes. The Bunt report also notes that the site is located within the Lynn Creek Town Centre and that the area is planned to establish a hub for community services and facilities.

The proposal includes one storage locker for each unit with enough room to store two bikes. Bike racks will also be available near the commercial spaces.

Bunt has noted that the intersection of Charlotte Rd and Mountain Hwy is expected to operate within acceptable standards for peak hours.

Landscaping

The landscaping for the project is found around the perimeter of the site and within the courtyard on the second floor. The streetscape design follows the guidelines for the Lynn Creek Town Centre and includes street trees, boulevard plantings, sidewalks on both street frontages, and a bike path on Mountain Hwy.



The second level includes a courtyard space to serve as an outdoor amenity for the residents of the building. There will be private patios and access to second floor units as well as an open and useable space for play and seating.

#### Flood Hazard

The site has been identified as within the Development Permit area for Creek Hazard. The applicant has submitted a report from Keystone Environmental that details the flood construction level (FCL) and notes that no habitable space and mechanical or electrical equipment may be installed below the FCL. The CD94 zone proposes some exemptions to floor space for garbage and recycling areas and for a portion of the residential storage as these spaces are not able to be located in the underground parkade due to the FCL. The District's Manager for Public Safety has reviewed and accepted the Keystone Environmental report.

#### Acoustic Regulations

The District's residential acoustic regulations for maximum noise levels in the bedrooms, living areas and other areas of the units will be secured with the Development Covenant and the applicant will be required to provide a report from a qualified noise consultant at the Building Permit stage.

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

#### Accessible Units

In response to the District's Adaptable Design Guidelines, 59 units will meet the basic accessible criteria and 4 units will meet the enhanced criteria. In addition, 6 residential parking spaces will be accessible stalls. The proposal meets the Districts Policy in that 100% of the units will meet the basic accessible requirement and 5% will meet the enhanced requirement.

#### **OFF-SITE IMPROVEMENTS:**

The application includes upgrades to Mountain Hwy and Charlotte Road including new sidewalks, street trees, and a new bike lane. A 3.3m dedication is required along Mountain Hwy and the civil works have been designed to meet the Lynn Creek Public Realm guidelines.

#### **GREEN BUILDING MEASURES:**

Compliance with the Green Building Strategy is mandatory given the need for rezoning and the project is targeting Leed™ Gold and an energy performance better than the Model National Energy Code for Buildings. Additional details on how the project meets the Development Permit guidelines for Energy and Water Conservation and Greenhouse Gas Emission Reduction will be provided if the rezoning for the project is approved.

**IMPLEMENTATION:**

Implementation of this project will require consideration of a rezoning bylaw, Bylaw 8183, and a Housing Agreement Bylaw, Bylaw 8184, as well as issuance of a development permit and registration of legal agreements.

Bylaw 8183 (Attachment B) rezones the subject properties from Light Industrial (I3) to a new Comprehensive Development 94 Zone (CD94) which:

- establishes the permitted uses (multi-family residential use and commercial uses);
- allows home occupations as an accessory use;
- establishes a base density FSR (Floor Space Ratio) of 1.2;
- establishes a density bonus to an FSR of 3.5 subject to payment of a \$705,000 CAC and entering into a housing agreement to restrict future strata rental restrictions;
- establishes setback, height, building coverage and site coverage regulations; and
- establishes parking regulations specific to this project.

Bylaw 8183, (Attachment C) authorizes the District to enter into a Housing Agreement to ensure that the proposed residential units remain available as rental units.

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

- Development Covenant
- a green building covenant;
- a stormwater management covenant; and
- a flood hazard covenant

**COMMUNITY AMENITY CONTRIBUTION:**

The District's Community Amenity Contribution (CAC) Policy requires an amenity contribution for projects including an increase in residential density. In this case, a CAC of \$705,000 has been calculated and this amount is included in the proposed CD94 Zone. It is anticipated that the CACs from this development will include contributions toward public art; park, trail, environmental, plaza or other public realm improvements; municipal or recreation services facility, or facility improvements; and/or the District's Affordable Housing Fund.

**CONCURRENCE:**

Staff

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

Advisory Design Panel

The application was considered by the Advisory Design Panel on February 11, 2016 and the panel recommended approval of the project subject to a review of the following items:

- north wall treatment
- relationship with building to the west
- programming of the courtyard
- barrier free access to garbage room and storage rooms
- greater presence of residential lobby

In response to the Panel's motion, the applicant has submitted a redesigned package that includes the following:

- a revised lobby that is more prominent
- relocated garbage rooms to ensure barrier free access
- revised north elevation to introduce bands of different material, size and colour
- Shifted the building to the east to increase the setback to the adjacent property to the west
- Improvements to the usability of the courtyard includes: a lower south façade to increase sun exposure, plantings to ensure buffer to level two units, and low maintenance design features.

Staff have reviewed the changes are continuing to work with the applicant in advance of Development Permit consideration.

**PUBLIC INPUT:**

Public Information Meeting

The applicant held a facilitated early public input meeting at the preliminary application stage and a second facilitated Public Information Meeting on March 9, 2016. The second meeting was attended by approximately 12 residents.

Key issues from the preliminary application had been regarding construction impacts, street parking, traffic problems and the need for affordable housing in North Vancouver. At the Public Information Meeting held at the detailed application the key concerns included a repeated concern regarding traffic issues and a concern regarding the loss of industrial land.

The applicant has submitted a revised report from Bunt & Associates that notes that the project will generate 33 trips in the AM peak hour and 54 trips during the PM peak hour. The intersection at Charlotte Road and Mountain Hwy is expected to operate acceptably for all analysed peak hours and the proposal includes traffic demand management measures including bicycle parking, transit passes and the applicant is continuing to explore participation in a car share program.

While previously designated "Light Industrial" in the Lower Lynn Official Community Plan (1993), the site was designated as Commercial Mixed Use Level 3 (CRMU3) in the District's

OCP (2011). The site is currently used for industrial purposes with one tenant and Bylaw 8183 proposes a mix of commercial and residential uses, in accordance with the property's OCP designation. The long range planning work that was completed in this town centre proposed the creation of a "heart" of the town centre was created as part of the OCP planning work which resulted in the change of this site from Industrial to mixed use.

A copy of the facilitator's report from the Public Information Meeting is attached to this report.

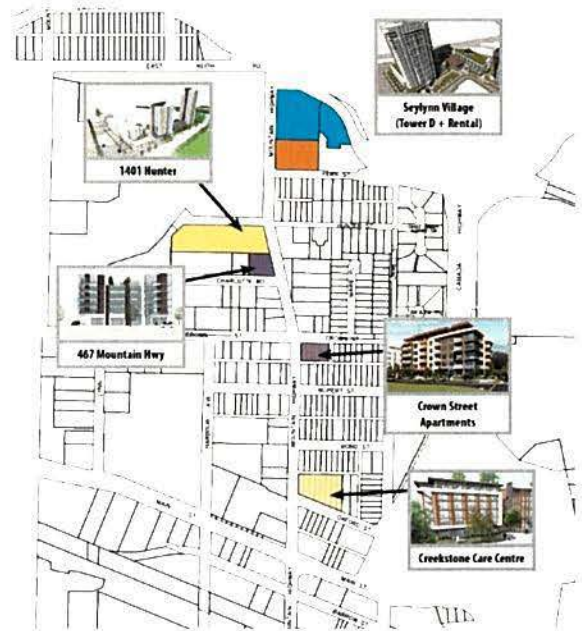
**CONSTRUCTION MANAGEMENT PLAN:**

The map highlights the mix of projects under construction and anticipated within the Lynn Creek Town Centre. The neighbouring development at Hunter St and Mountain Hwy has completed a preliminary planning application for redevelopment to a mixed use project. The applicants for the two projects have already started to coordinate efforts with regards to construction and will continue to do so should their construction periods overlap.

**Lynn Creek**

**LEGEND**

- Preliminary Application Stage
- Rezoning Stage
- Development Permit Stage
- Approved or Under Construction



The applicant has submitted a draft construction management plan and will be required to provide a finalized construction management plan prior to issuance of a building permit and this plan must:

1. Provide safe passage for pedestrians, cyclists, and vehicle traffic;
2. Outline roadway efficiencies (i.e. location of traffic management signs and flaggers);
3. Provide a point of contact for all calls and concerns;
4. Provide a sequence and schedule of construction activities;
5. Identify methods of sharing construction schedule and coordinating activities with other developments in the area;
6. Ascertain a location for truck marshalling;
7. Develop a plan for trade vehicle parking which is acceptable to the District and minimizes impacts to neighbourhoods;
8. Address silt/dust control and clean-up;
9. Provide a plan for litter clean-up and street sweeping adjacent to the site; and
10. Include a communication plan to notify surrounding businesses and residents.

**CONCLUSION:**

This project is consistent with the directions established in the OCP and the Lower Lynn Implementation Plan. It addresses OCP housing policies related to the provision of a range of housing options. The project is now ready for Council's consideration.

**Options:**

The following options are available Council's consideration:

- 1) Introduce Bylaws 8183 and 8184 and refer Bylaw 8183 to a Public Hearing (staff recommendation); or
- 2) Defeat Bylaw 8183 and 8184 at First Reading.



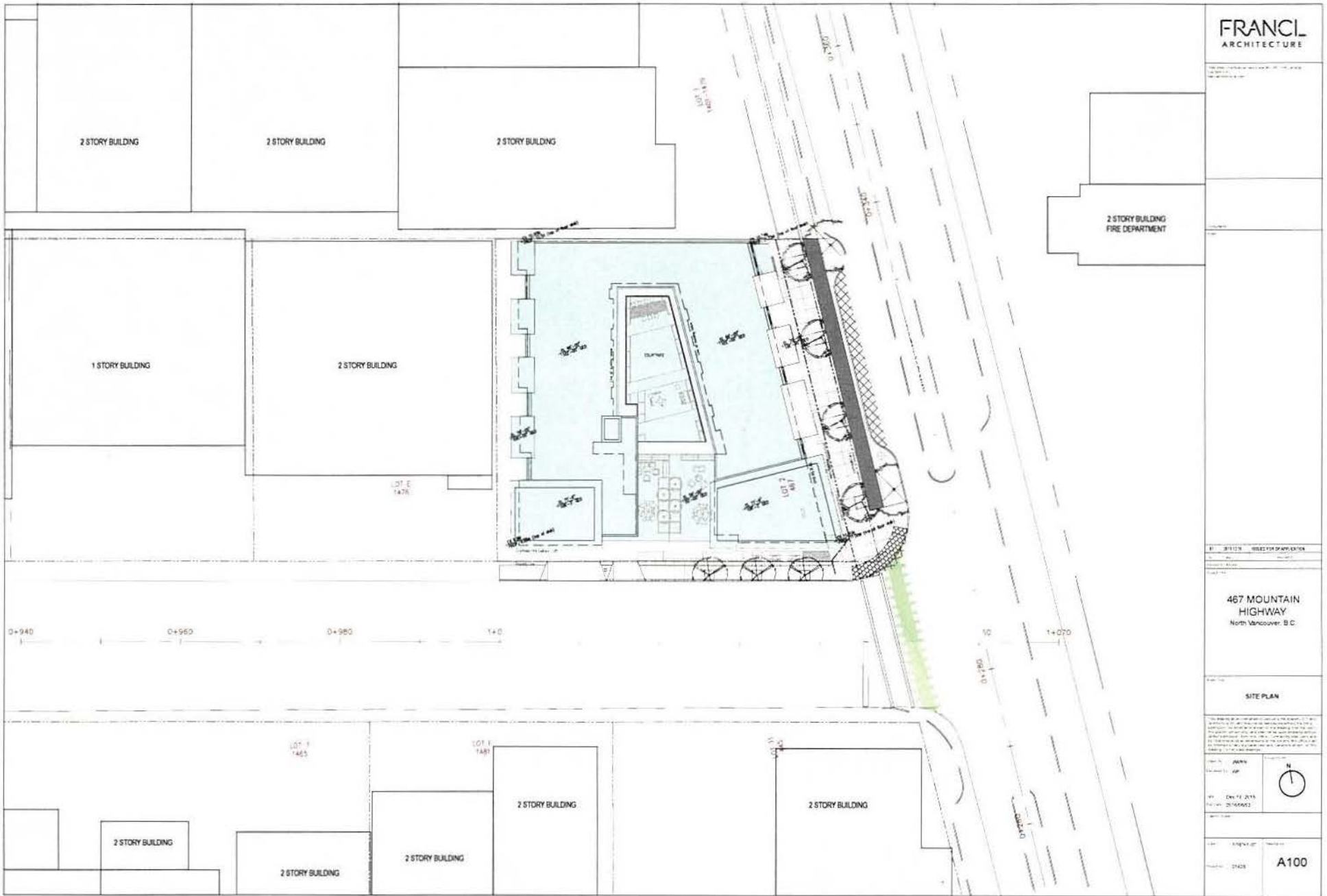
Casey Peters  
Community Planner

**Attachments:**

- A – Reduced project plans
- B – Bylaw 8183
- C – Bylaw 8184
- D – Public Information Meeting Facilitator's Report

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: _____







VIEW FROM THE CORNER OF MOUNTAIN HIGHWAY AND CHARLOTTE ROAD



VIEW FROM CHARLOTTE ROAD



VIEW FROM MOUNTAIN HIGHWAY

PROJECT: 467 MOUNTAIN HIGHWAY  
DATE: 2019  
DRAWN BY: J.P.P.

467 MOUNTAIN  
HIGHWAY  
North Vancouver, B.C.

PERSPECTIVE VIEWS

This drawing is a perspective view of the proposed building. It is intended to provide a visual representation of the building's appearance and its relationship to the surrounding context. The drawing is not to scale and is for illustrative purposes only. It is not intended to be used for construction or other purposes.

DATE: 2019  
DRAWN BY: J.P.P.



DATE: 2019

NO. 219

A008

PROJECT: 467 MOUNTAIN HIGHWAY  
DATE: 2015-10-10  
DRAWN BY: JLN



VIEW FROM CHARLOTTE ROAD 02

FRANCL ARCHITECTURE  
1000 WEST 10TH AVENUE  
VANCOUVER, BC V6H 2G6  
TEL: 604-275-1234  
WWW.FRANCLARCHITECTURE.COM

PROJECT: 467 MOUNTAIN HIGHWAY  
DATE: 2015-10-10  
DRAWN BY: JLN

467 MOUNTAIN  
HIGHWAY  
North Vancouver, B.C.

PERSPECTIVE VIEWS

THIS DRAWING IS A PERSPECTIVE VIEW OF THE PROPOSED DEVELOPMENT. IT IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DOCUMENTATION. THE ARCHITECT ASSUMES RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE CLIENT IS ADVISED THAT THIS DRAWING IS NOT A CONTRACT DOCUMENT AND SHOULD NOT BE USED AS SUCH.

DATE: 2015-10-10  
DRAWN BY: JLN  
CHECKED BY: JLN



PROJECT: 467 MOUNTAIN HIGHWAY  
DATE: 2015-10-10  
DRAWN BY: JLN

A010

1000 Ave. 24, North Vancouver, B.C. V7P 3K6  
Tel: 604.273.4444  
www.francl.ca



COURTYARD VIEW 01



COURTYARD VIEW 02



STREET PERSPECTIVE - CHARLOTTE ROAD



STREET PERSPECTIVE MOUNTAIN HIGHWAY

1000 Ave. 24, North Vancouver, B.C. V7P 3K6

Tel: 604.273.4444

www.francl.ca

**467 MOUNTAIN  
HIGHWAY**  
North Vancouver, B.C.

**PERSPECTIVE VIEWS**

This drawing is a perspective view of the project. It is not a site plan or a floor plan. It is a rendering of the proposed building design. It is not a final design. It is a conceptual drawing. It is not a final design. It is a conceptual drawing.

Drawn by: JARIN  
Checked by: JARIN  
Date: Dec 13, 2019  
File name: 2019-02-09



Scale: 1/8" = 1'-0"

Sheet No.: 21420

A009



- MATERIALS**
- 1 PAINT - GRAY
  - 2 SAND
  - 3 BLACK
  - 4 WINDOW
  - 5 GRAY
  - 6 BRICK
  - 7 5/8" FAC. CONCRETE S. DEK
  - 8 PAINT - CONCRETE
  - 9 VINYL WINDOW - BLACK
  - 10 ALUMINUM WINDOW KILL - BLACK
  - 11 SPANISH TILE - GRAY
  - 12 STOREFRONT ALUMINUM WINDOW SYSTEM - BLACK
  - 13 WOOD/GLASS/WOOD PANEL
  - 14 GLASS
  - 15 WOOD CLADDING
  - 16 WOOD CLADDING / VINYL CLADDING WITH WOOD ALTERNATE
  - 17 VETL. GRAY
  - 18 VETL. OLIVE
  - 19 ALUMINUM WINDOW
  - 20 HANDY SCREEN
  - 21 ELEVATOR OVERLAY



- MATERIALS**
- 1. BRICK PANEL
  - 2. BRICK
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  - 100. BRICK

**FRANCL**  
ARCHITECTURE

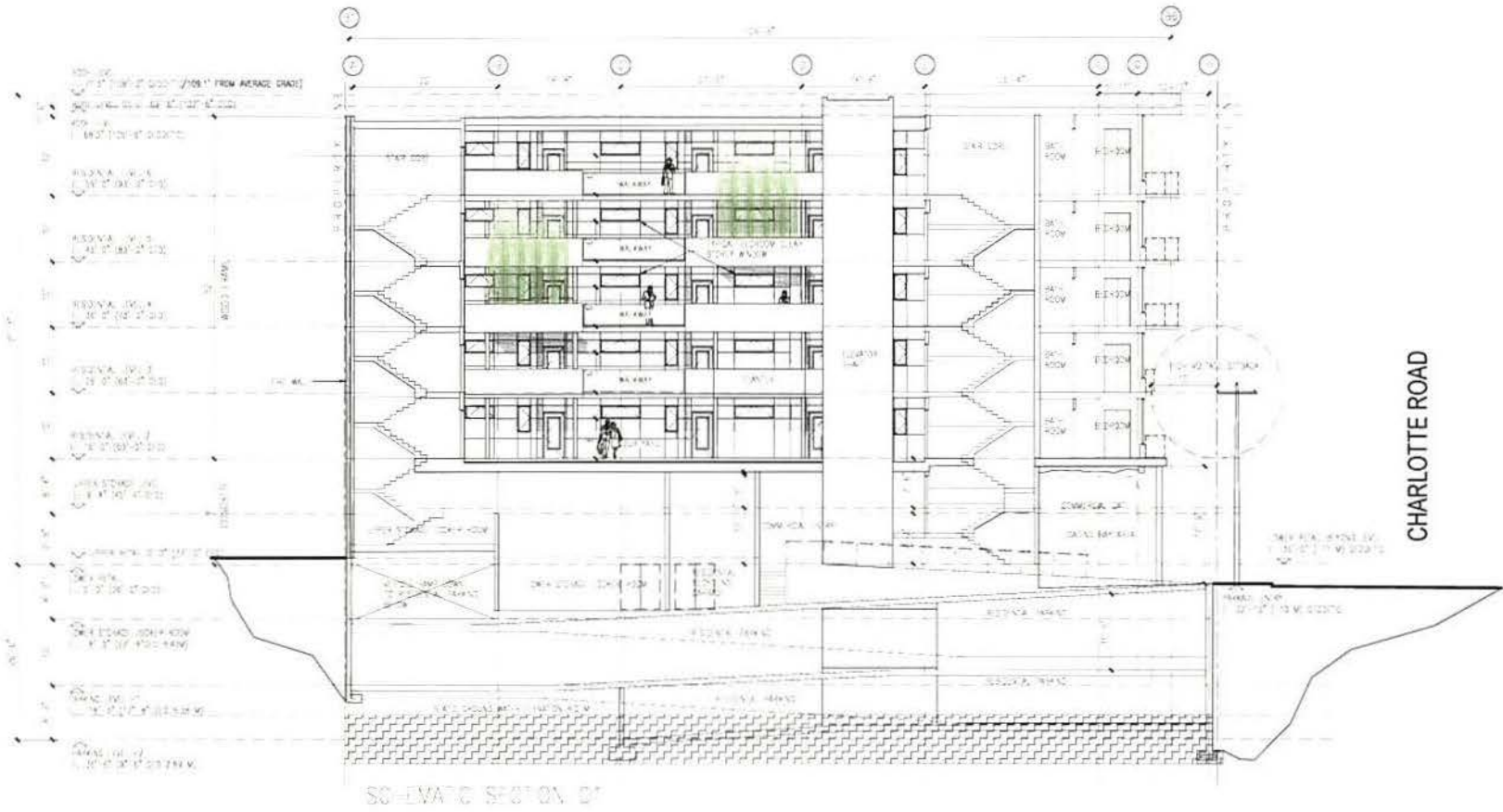
Project Name: 467 Mountain Highway  
 Project No: A201  
 Date: Dec 11, 2013  
 Revision: Nov 21, 2013

**467 MOUNTAIN HIGHWAY**  
 North Vancouver, B.C.

**ELEVATIONS**

Scale: 1/8" = 1'-0"  
 Date: Dec 11, 2013  
 Revision: Nov 21, 2013

Sheet No: **A201**



**467 MOUNTAIN  
HIGHWAY**  
North Vancouver, B.C.

**SCHEMATIC SECTION 01**

DATE: 08/04/15  
DRAWN BY: JPB  
CHECKED BY: JPB  
DATE: Dec 15 2015  
DATE: Dec 18 2015



DATE: 08/15/15  
PROJECT: 21429 **A300**

100-1007 The Baker Building, P.L. 100-1007  
467 Mountain Highway  
North Vancouver, BC

DATE:

BY: 2019.12.19 ISSUES FOR APPLICATION

PROJECT: 467 Mountain Highway

DATE: Dec 19, 2019

PROJECT NO: 2019.03.018

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

PROJECT NO: 21428

PROJECT NO: A006

467 MOUNTAIN HIGHWAY  
North Vancouver, B.C.

**SHADOW STUDY**

This drawing shows the shadow study of the proposed building at the site. The shadows are cast from the building onto the surrounding site. The shadows are cast from the building onto the surrounding site. The shadows are cast from the building onto the surrounding site.



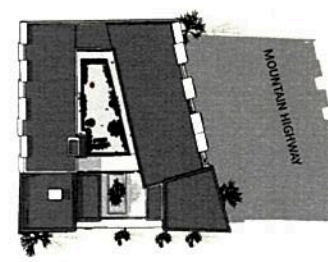
DATE: Dec 19, 2019

PROJECT NO: 2019.03.018

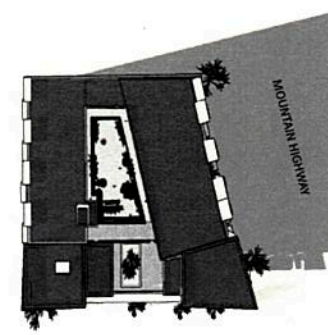
SCALE: 1/8"=1'-0"

PROJECT NO: 21428

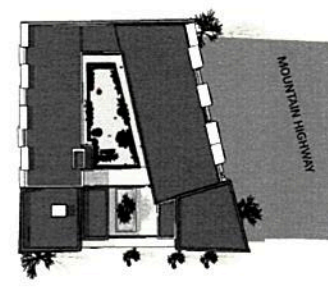
PROJECT NO: A006



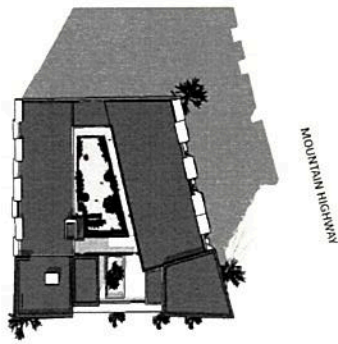
CHARLOTTE ROAD  
MARCH 21ST, 6 PM



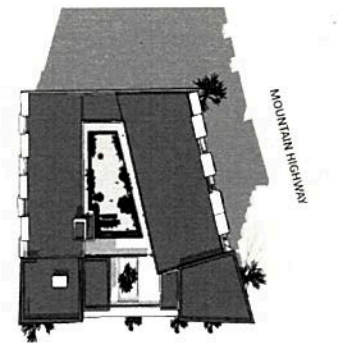
CHARLOTTE ROAD  
SEPTEMBER 21ST, 6PM



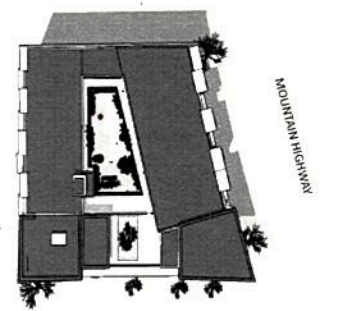
CHARLOTTE ROAD  
JUNE 21ST, 6PM



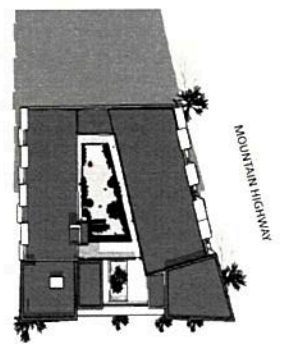
CHARLOTTE ROAD  
MARCH 21ST, 2 PM



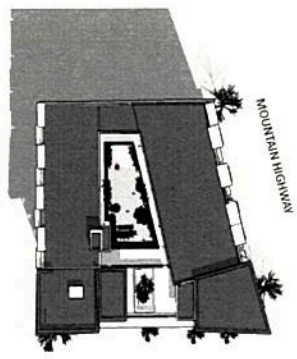
CHARLOTTE ROAD  
SEPTEMBER 21ST, 2 PM



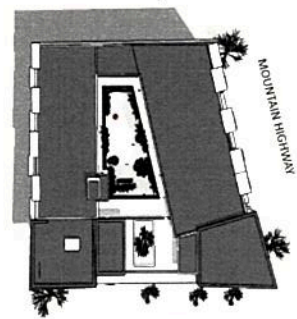
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JUNE 21ST, 2PM



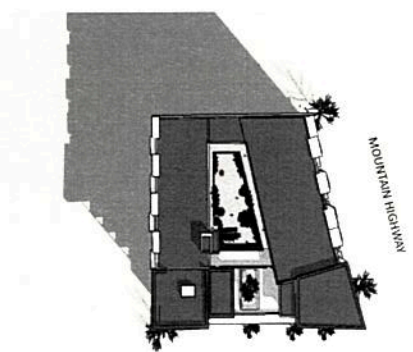
CHARLOTTE ROAD  
MARCH 21ST, 12 PM



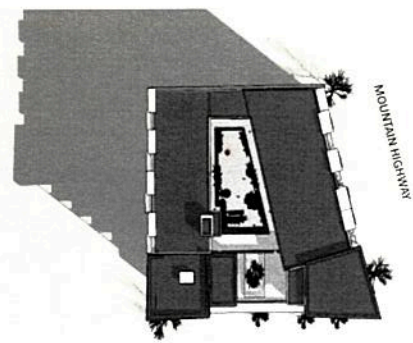
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SEPTEMBER 21ST, 12 PM



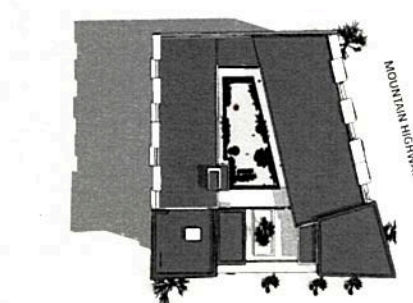
CHARLOTTE ROAD  
JUNE 21ST, 12PM



CHARLOTTE ROAD  
MARCH 21ST, 10 AM



CHARLOTTE ROAD  
SEPTEMBER 10 AM



CHARLOTTE ROAD  
JUNE 21ST, 10 AM



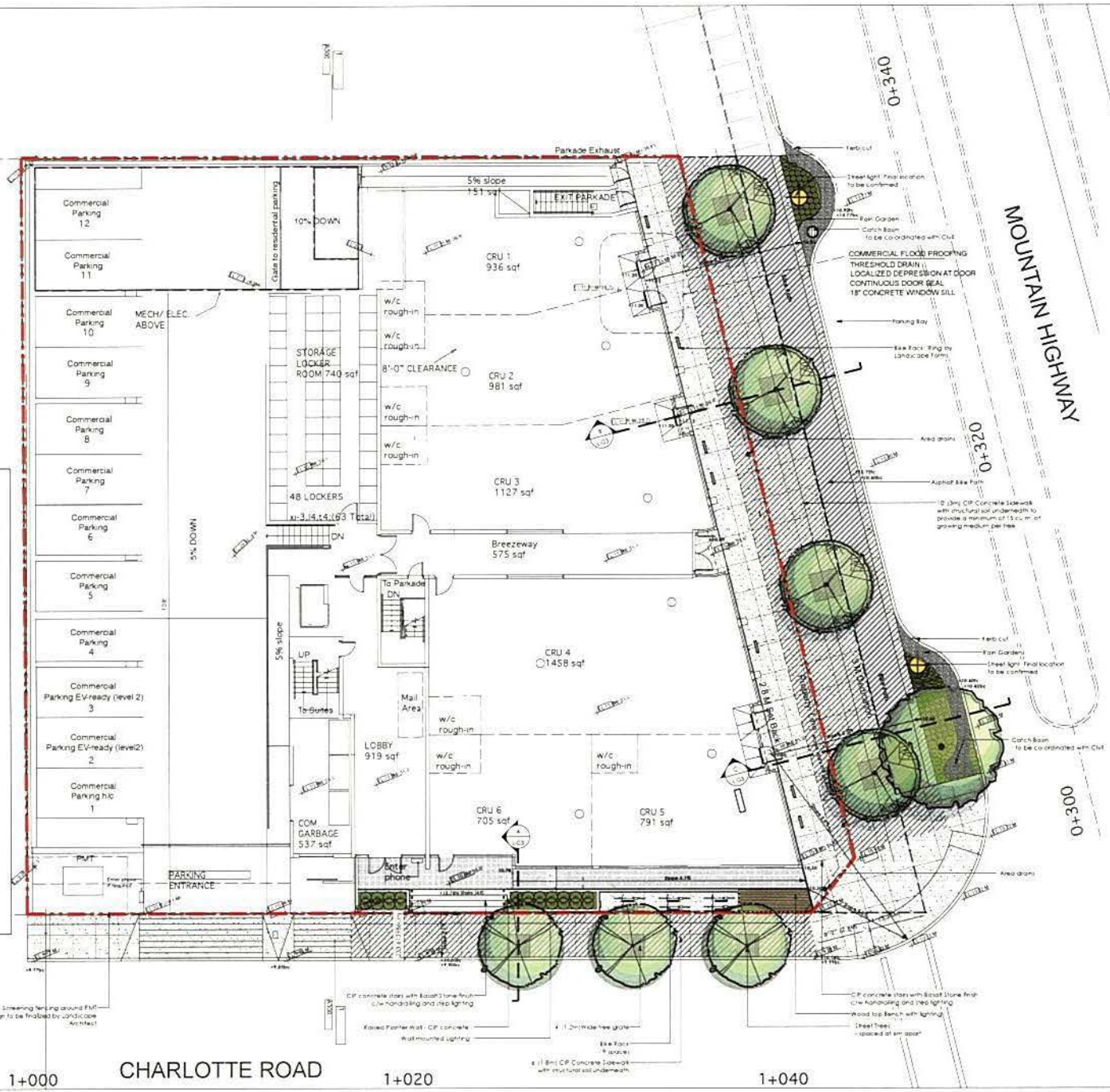
- LEGEND**
- CP concrete sidewalk
  - Concrete Unit Paved - 24' x 12' x 4" thick Charcoal colour
  - Paving to match lobby
  - Shrub and Ground cover planting
  - Custom Bench built on a wall
  - Bike Rack - Ring by Landscape Form

1. The District of North Vancouver is responsible for the on-going maintenance of the street trees on off-site areas. The on-going maintenance of shrubs / ground cover on off-site areas (where boulevard) is the responsibility of the future property owner.
2. The District of North Vancouver has the right to refuse any or all of the selected plant material if it does not meet current BCNA standards. To be inspected by a representative from the DNV.
3. Final approval / selection of all site street trees / site furniture to be made by DNV staff - phone Devlin Samuels 604-990-2445 (samuelsd@dnv.org).

- LIGHTING LEGEND**
- Wall mounted light / step light
  - LED strip light mounted to underside of bench

ITEM SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
	1	FRAXINUS	White Birch	100-120	Street tree
	1	QUERCUS	White Oak	100-120	Street tree
	1	FRAXINUS	White Birch	100-120	Street tree
	1	FRAXINUS	White Birch	100-120	Street tree
	1	FRAXINUS	White Birch	100-120	Street tree
	1	FRAXINUS	White Birch	100-120	Street tree
	1	FRAXINUS	White Birch	100-120	Street tree
	1	FRAXINUS	White Birch	100-120	Street tree
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	1	FRAXINUS	White Birch	100-120	Street tree
	1	FRAXINUS	White Birch	100-120	Street tree

- Irrigation Notes**
1. Irrigation is to be provided to all planting areas using a drip system designed for high efficiency.
  2. A smart controller is to be installed for on site and off site.
  3. Provide an isolation valve for off-site irrigation.
  4. Provide a sleeve under all hard surface areas.



North

0+340  
0+320  
0+300

MOUNTAIN HIGHWAY

0  
1+000  
1+020  
1+040

Charlotte Road

1. June 06, 2014 Issued for Pre-File  
2. Dec 11, 2013 Issued for CP  
No. 10486  
Revision:

**ok** Dunrite Tree & Land Ltd  
122 - 1637 West 3rd Avenue Vancouver BC  
V6L 1H6  
Tel: 604-684-4411  
Fax: 604-684-0577  
www.okbc.ca

Project:  
467 Mountain Highway

Drawn by: RJC  
Checked by: JCV  
Date: 2013/12/05  
Scale: 1/8"=1'-0"  
Drawing Title:  
Landscape Plan - Ground Level

Project No:  
15014  
Sheet No:  
L-2

**LEGEND**

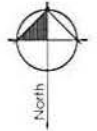
	1/2" Concrete Hydroseeded Grass
	Planting See Plan L01
	Mass Hedge between Units 1, 2 or high min. 5.0m
	Rubber Safety Surface
	Densifying Recycled Plastic
	Artificial Turf
	Balance Log
	Hole Balls
	Cube Seating - Detail to be confirmed
	Play Table See design detail, final design to be confirmed
	Proposed Multi-Function Bench See Plan L01



BALANCE LOGS



METAL MODULAR PLANTER



02 June 04 2014 Issued for Proc to  
 01 Dec 09 2015 Issued for CP  
 No. | Date | Issued for CP  
 | | | |

Company  
 Dunlop Hux (UK)  
 102 - 143 West St  
 Avenue, Johannesburg, J.C.  
 011 114  
 P 024 684 4411  
 F 024 684 0277  
 www.dk.co.za

Project  
 467 Mountain Highway

Drawn by: RDC  
 Checked by: SVC  
 Date: 2015-12-08  
 Scale: 1/8" = 1'-0"

Drawing Title  
 Landscape Concept Plan -  
 Courtyard Level 2

Project No.  
 15014  
 Sheet No.

L-3

CHARLOTTE ROAD

CHARLOTTE ROAD

MOUNTAIN HIGHWAY



02 June 04, 2018, Issued for Proc. To  
 01 Dec. 04, 2018, Issued for DP  
 No. 15014 Item



Project  
 467 Mountain Highway

Drawn by: FVC  
 Checked by: FVC  
 Date: 2/15/12 04  
 Scale: 1/8"=1'-0"  
 Drawing Title

Landscape Concept Plan -  
 Roof

Project No.  
 15014  
 Sheet No.

L-4

# The Corporation of the District of North Vancouver

## Bylaw 8183

A bylaw to amend 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 1342 (Bylaw 8183)”.

### 2. Amendments

- (a) Part 2A, Definitions is amended by adding CD 94 to the list of zones that Part 2A applies to.
- (b) Section 301 (2) by inserting the following zoning designation:  
“Comprehensive Development Zone 94                      CD 94”
- (c) Part 4B Comprehensive Development Zone Regulations by inserting the following, inclusive of Schedule B:

**“4B94 Comprehensive Development Zone 94                      CD 94**

#### **The CD 94 zone is applied to:**

467 Mountain Hwy  
Lot 2 (Explanatory Plan 15163) Block J District Lot 613 Plan 10064  
(008-067-856);

#### **4B 94 – 1 Intent**

The purpose of the CD 94 Zone is to permit a commercial and residential mixed use development.

#### **4B 94 – 2 Permitted Uses:**

The following *principal* uses shall be permitted in the CD 94 Zone:

- a) Uses Permitted Without Conditions:

Not applicable.

b) Conditional Uses:

The following *principal* uses are permitted when the conditions outlined in Section 4B 94-3 Conditions of Use, are met:

Conditional Uses defined in Part 2	Conditional Uses defined in Part 2A
Artist's studio	Office use
Custom manufacturing establishments	Personal service use
Hobby beer and wine making establishment	Residential use
Liquor store (limit of one per lot)	Retail use
Pet care establishment	
Retail Food Service	
Veterinarian	

**4B 94-3 Conditions of Use**

- a) **All conditional uses:** All uses of land, buildings and structures are only permitted when the following condition of use is met:
- i) All aspects of the use are completely contained within an enclosed building except for:
    - (1) Parking and loading areas;
    - (2) *Outdoor customer services areas*;
    - (3) The display of goods; and
    - (4) Outdoor amenity areas (play areas and private or semi-private outdoor space).
- b) **Residential:** *Residential uses* are only permitted when the following conditions are met:
- i) Residential uses are not permitted on the ground floor;
  - ii) Each dwelling unit has access to private or semi-private outdoor space;
  - iii) Each dwelling unit has exclusive access to a private storage space; and
  - iv) Enclosed patios and balconies are not permitted.

**4B 94-4 Accessory Use**

- a) *Accessory uses* customarily ancillary to the principal uses are permitted.
- b) *Home occupations* are permitted in *residential* dwelling units.

#### **4B 94 - 5 Density**

- a) The maximum permitted density is 1.2 *gross floor area*, inclusive of any density bonus for energy performance, and a maximum of 10 residential dwelling units.
- b) For the purpose of calculating *gross floor area* the following are exempted:
  - i. Any areas completely below natural and finished grade
  - ii. Ground level parking up to 136m<sup>2</sup> (1,463 sq ft);
  - iii. Residential and commercial garbage areas up to 45m<sup>2</sup> (479 sq ft);
  - iv. Residential storage rooms up to 185.8m<sup>2</sup> (2000 sq ft) in total on the lot;
  - v. The area of balconies and covered patios.

#### **4B 94-6 Amenities**

- a) Despite Subsection 4B94 – 5, permitted density in the CD 94 Zone is increased to a maximum of 3.5 FSR *gross floor area*, including any density bonus for energy performance, and a maximum of 63 residential dwelling units if the owner:
  - i. Contributes \$705,000 to the municipality to be used for any of the following amenities (with allocation and timing of expenditure to be determined by the municipality in its sole discretion): public art; park, trail, environmental, plaza or other public realm improvements; municipal or recreation service facility, or facility improvements; and/or the affordable housing fund.
  - ii. Enters into a Housing Agreement prohibiting any restrictions preventing the owners in the project from renting their units.
- b) For the purposes of calculating FSR the lot area is deemed to be 1,728.2m<sup>2</sup> (18,603 sq ft) being the site size at the time of rezoning.

#### **4B94 – 6 Height**

- a) The maximum permitted height for the building is 23m (75.5 ft).

#### **4B 94 - 7 Setbacks**

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

<b>Setback</b>	<b>Minimum Required Setback</b>
North	0.0 m (0.0 feet)
East (Mountain Hwy)	3.0 m (9.8 feet)
South (Charlotte Rd)	1.5 m (5.0 feet)
West	0.0 m (0.0 feet)

- a) For the purpose of measuring setbacks, measurements exclude:
- (i) Balconies, canopies, overhangs, architectural elements and awnings.

**4B 94 - 8 Coverage**

- a) Building Coverage: The maximum building coverage is 85%.
- b) Site Coverage: The maximum site coverage is 96%.

**4B 94 - 9 Landscaping and Storm Water Management**

- a) All land areas not occupied by buildings, and patios shall be landscaped in accordance with a landscape plan approved by the District of North Vancouver.
- b) All electrical kiosks and garbage and recycling container facilities not located underground or within a building must be screened.

**4B 94 – 10 Parking, Loading and Servicing Regulations**

- a) Parking and loading are required as follows:

Use	Parking Requirement
<i>Residential</i>	1.1 space/ unit
<i>Residential Visitor Parking</i>	0.1 space / unit
Commercial	1 space/ 40m <sup>2</sup>
Shared commercial and visitor parking	2 of the visitor parking spaces shall available for shared use with commercial uses

- b) Bicycle storage for residents shall be provided on the basis of one space per unit.
- c) Except as specifically provided in 4B94-10 (a) and (b) Parking and Loading shall be provided in accordance with Part 10 of this Bylaw.”

- (d) The Zoning Map is amended in the case of the lands illustrated on the attached map (Schedule A) by rezoning the land from the Light Industrial Zone (I3) to Comprehensive Development Zone CD 94.

**READ** a first time

**PUBLIC HEARING** held

**READ** a second time

**READ** a third time

Certified a true copy of "Rezoning Bylaw 1342 (Bylaw 8183)" as at Third Reading

\_\_\_\_\_  
Municipal Clerk

**APPROVED** by the Ministry of Transportation and Infrastructure on

**ADOPTED**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

Certified a true copy

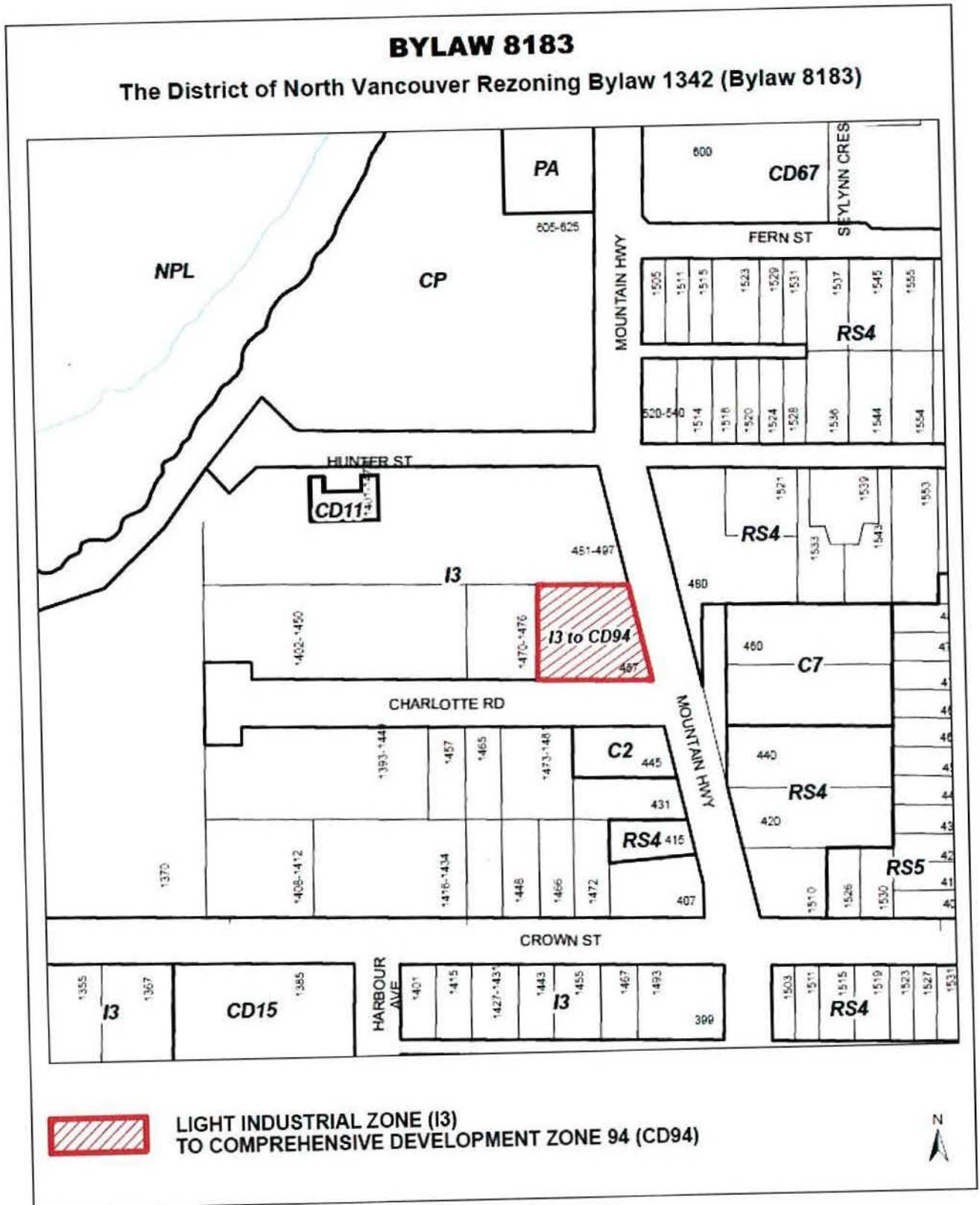
\_\_\_\_\_  
Municipal Clerk



Schedule A to Bylaw 8183

**BYLAW 8183**

**The District of North Vancouver Rezoning Bylaw 1342 (Bylaw 8183)**



**LIGHT INDUSTRIAL ZONE (I3)  
TO COMPREHENSIVE DEVELOPMENT ZONE 94 (CD94)**



**The Corporation of the District of North Vancouver**

**Bylaw 8184**

A bylaw to enter into a Housing Agreement (467 Mountain Highway)

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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 8184, 2016 (467 Mountain Highway)".

**2. Authorization to Enter into Agreement**

2.1 The Council hereby authorizes a housing agreement between The Corporation of the District of North Vancouver and Wanson (Lynn Creek) Development Ltd., Inc No. BC1028348 substantially in the form attached to this Bylaw as Schedule "A" with respect to the following lands:

- a) Lot 2 (Explanatory Plan 15163) Block J District Lot 613 Plan 10064 (008-067-856)

**3. Execution of Documents**

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

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

---

Mayor

---

Municipal Clerk

Certified a true copy

---

Municipal Clerk

**Schedule A to Bylaw 8184**

**SECTION 219 COVENANT – HOUSING AGREEMENT (Rental Protection)**

THIS COVENANT dated for reference the \_\_\_\_ day of \_\_\_\_\_, 2015, is

BETWEEN:

**WANSON (LYNN CREEK) DEVELOPMENT LTD.**, Inc No. BC1028348 a corporation incorporated under the laws of the Province of British Columbia with an office at 950 – 1200 W. 73<sup>rd</sup> Avenue, Vancouver, BC V6P 6G5

(the "**Owner**")

AND:

**THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER**, a municipality incorporated under the *Local Government Act*, RSBC 2015, c. 1 and having its office at 355 West Queens Road, North Vancouver, BC V7N 4N5

(the "**District**")

RECITALS:

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

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

1. **USE**

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

2. **DEFINITIONS**

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

3. **RENTAL ACCOMODATION**

- (a) No Unit in a building in the Proposed Development may be occupied unless the Owner has:
- (i) before the first Unit in the building is offered for sale, or conveyed to a purchaser without being offered for sale, filed with the Superintendent of Real Estate pursuant to the *Strata Property Act* (or any successor or replacement legislation) a Form J Rental Disclosure Statement (the "**Form J**") designating all of the Units in the building as rental strata lots and imposing a minimum 99 year rental period in relation to all of the Units; and
- (ii) given a copy of the Form J to each prospective purchaser of any Unit in the building before the prospective purchaser enters into an agreement to purchase in respect of the Unit. For the purposes of this paragraph 3(a)(ii), the Owner is deemed to have given a copy of the Form J to each prospective purchaser of any Unit in the building if the Owner has included the Form J as an exhibit to the disclosure statement for the Proposed Development prepared by the Owner pursuant to the *Real Estate Development Marketing Act* (the "**Disclosure Statement**").

- (b) The Units constructed on the Land from time to time may always be used to provide rental accommodation as the Owner or a Unit Owner may choose from time to time.
- (c) This agreement shall be binding upon all strata corporations created upon the strata title subdivision of the Land pursuant to the *Strata Property Act* or any subdivided parcel of the Land, including the Units.
- (d) Any Strata Corporation bylaw which prevents, restricts or abridges the right to use any of the Units as rental accommodations shall have no force or effect.
- (e) The Strata Corporation shall not pass any bylaws preventing, restricting or abridging the use of the Land, the Proposed Development or the Units contained therein from time to time as rental accommodation.
- (f) No Unit Owner, nor any tenant or mortgagee thereof, shall vote for any strata corporation bylaw purporting to prevent, restrict or abridge the use of the Land, the Proposed Development and the units contained therein from time to time as rental accommodation.
- (g) The Owner will provide notice of this Agreement to any person or persons intending to purchase a Unit prior to any such person entering into an agreement of purchase and sale, agreement for sale, or option or similar right to purchase as part of the Disclosure Statement.

#### 4. **GENERAL PROVISIONS**

- (a) The Owner shall comply with all requirements of this Agreement at its own cost and expense.
- (b) The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
- (c) This Agreement shall restrict use of the Land in the manner provided herein notwithstanding any right or permission to the contrary contained in any bylaw of the District.
- (d) Forthwith after registration of a strata plan (the "**Strata Plan**") under the *Strata Property Act* (British Columbia) to stratify the building on the Land, or any part thereof, and in any event before the first conveyance of any of the strata lots created by said Strata Plan (the "**Strata Lots**"), the Owner will cause the strata corporation (as hereinafter defined) to assume the Owner's obligations hereunder to the same extent as if the strata corporation had been an original party to this

Agreement by executing and delivering to the District an assumption agreement in all material respects in the form attached hereto as Schedule "A". If the Owner fails to comply with this section 4(d), then the Owner will remain liable for the performance of the obligations hereunder notwithstanding the strata subdivision.

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

- (ii) affect or limit any enactment relating to the use or subdivision of the Land;  
or
  - (iii) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.
- (k) Nothing in this Agreement affects any obligations of the Owner to pay all property taxes, rates, charges and levies payable under any enactment on or in respect of the Land.
- (l) The Owner agrees that this Agreement is intended to be perpetual in order to protect the Land as set out in this Agreement. In view of the importance of protecting the Land for ecological and other reasons, the Owner agrees not to seek a court order modifying, discharging or extinguishing this Agreement under the *Property Law Act* (British Columbia), any successor to that enactment, any other enactment or at common law.
- (m) Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s.219 of the *Land Title Act* in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land are consolidated.
- (n) The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending at the time of application for registration of this Agreement
- (o) An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
- (p) If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
- (q) This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.
- (r) By executing and deliver this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.
- (s) This Agreement shall not be modified or discharged except in accordance with the provisions of section 219 of the *Land Title Act*.



SCHEDULE "A"

**ASSUMPTION AGREEMENT**

THIS AGREEMENT is dated for reference \_\_\_\_\_

BETWEEN:

**THE OWNERS, STRATA PLAN** \_\_\_\_\_

(the "Strata Corporation")

AND:

**THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER**, a municipal corporation, having offices at 355 West Queens Road, North Vancouver, British Columbia, V7N 4N5

(the "District")

AND:

(the "Owner")

WHEREAS:

A. On the date that application was made to the Vancouver Land Title Office for deposit of Strata Plan \_\_\_\_, the Owner was the registered owner of the freehold estate in the land shown on the Strata Plan (the "Lands");

B. The owner has granted to the District a Housing Agreement to prohibit rentals which said housing agreement is registered in the Vancouver Land Title Office as a section 219 covenant against title to the Lands under number \_\_\_\_\_ (the "Housing Agreement");

C. It is a condition of the Housing Agreement that the Strata Corporation enter into this Assumption Agreement in respect of the Owner's covenants and obligations as set out in the Housing Agreement,

NOW THEREFORE IN CONSIDERATION of the premises and the sum of \$10.00 paid by each of the Owner and the District to the Strata Corporation and for other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged by the Strata Corporation), the Strata Corporation hereby covenants and agrees as follows:

1. The Strata Corporation covenants and agrees that as of the date hereof the Strata

Corporation will assume, be bound by and observe and perform all of the Owner's covenants, conditions, restrictions and agreements contained in the Housing Agreement (collectively, the "Obligations").

2. The Strata Corporation agrees that the District is entitled to obtain an order for specific performance or a prohibitory or mandatory injunction in respect of any breach by the Strata Corporation of the Obligations. The Strata Corporation agrees that this section is reasonable given the public interest in compliance with the Obligations.
3. This Agreement will enure to the benefit of and will be binding upon the parties hereto and their heirs, executors, administrators, successor and assigns.
4. To evidence its agreement, the Strata Corporation has executed this Assumption Agreement as of the date set out above.

THE OWNERS, STRATA PLAN \_\_\_\_ by its )  
authorized signatory: )  
 )  
\_\_\_\_\_) C/S  
Authorized Signatory )  
 )  
 )



**Wanson Development  
Public Information Meeting  
Holiday Inn  
March 9, 2016**

**Summary Report**

**Presenters:**

Barry Savage, Savage Development  
Walter Francl, Francl Architecture  
Stephen Vincent, DKL Landscape

**Q & A Responders:**

All presenters plus:  
Daniel Fung, Bunt & Associates, Traffic Consultant  
Casey Peters, District of North Vancouver Community Planner

Also attending: Rosie Cindrich- Wanson Development

**Facilitator:** Brenda Chaddock, Odyssey Leadership Centre

The evening opened at 6:30 p.m. with refreshments, an informal viewing of the boards and personal conversation with the project consultants. There were displays around the room

At 7:00 Brenda opened the formal portion of the evening, introducing the Presentation Panel and going over the agenda.

She reminded the group that there are a variety of ways in which they can have questions answered and communicate their thoughts, concern and opinions.

These include:

- Ability to have questions answered verbally with the panelists / consultants within the evening
- The meeting is being recorded by several note takers
- There are Comment Sheets available for people who choose to put their words in writing

- Casey Peters, the Community Planner at the District of North Vancouver on this project welcomes calls to provide more information
- The public is welcome to attend the Public Hearings and the presentation to Council

There were approximately 12 people in attendance.

After the presentations by Barry, Walter and Stephen, the floor was opened to questions.

## **Q & A**

**Q:** After the development is complete, what is the plan for maintenance over time given the impact of weather?

**A:** Walter: This should not be difficult. The materials used are relatively free of care. All external materials are considered carefully for durability and ease of maintenance. The maintenance of the exterior and the walkways will be done by a maintenance company.

**Q:** What is the access to the courtyard?

**A:** Walter – The access is designed to be ‘semi-private – open’. This means that there is no access to the public, only to the residence.

**Q:** What is the arrangement for managing noise between residences and commercial / industrial businesses?

**A:** Casey – A Restrictive Covenant (“nuisance covenant”) will be required as a condition of approval of the development that informs potential impact from adjacent businesses.

Walter – due to the awareness of the project developers around traffic noise from Mountain Hwy. there has been attention to insulation particularly in sleeping rooms.

**Q:** Why did DNV rezone this area mixed industrial now?

**A:** Casey – The DNV completed extensive planning work in advance of adopting the 2011 Official Community Plan and further planning work to complete the Lower Lynn Implementation Plan. That work resulted in the creation of a “heart” for this town centre and the proposal is located within that “heart”. There is a small amount of industrial land available for redevelopment under the OCP but the majority of the industrial land is proposed to remain.

**Q:** Has there been any consultation with Port. There is a concern about businesses closing as residential building increases. There may be as many as 250 businesses lost.

**A:** Casey. We cannot speak for what may occur on land that is under Port jurisdiction.

Q: What is the price range of these condos?

A: Barry- can't say at this time

Q / Comment: Green spaces are insufficient for the increasing density

A: Casey – there are nice, safe play spaces both in the condo development and at a nearby park. There are also plans for 'town centres' designed for 'live, work, play'

Q: What about rental of condo units?

A: Casey – It is a requirement for all new developments to have housing agreements that prevent future stratas from restricting owners from renting their units. Staff has heard that 10 – 20% are typically made available for rental

Q: What about pets?

A: Casey – There are no restrictions by the DNV  
Barry – the Strata can make a decision on this

Q: What studies have been done on the angle of sunlight for the courtyard?

A: Walter – this has been considered in the design. The structure has been dropped one story on the south side to increase sunlight.

Q: What is the length of the courtyard?

A: Barry – 69 ft.

Q: What is the consideration for parking? It doesn't seem enough.

A: Barry – There are 2 levels of parking. There cannot be a third level due to the technical issue of the water table.

Daniel. – We are also working on encouraging car share and leveraging transit pass subsidies. Parking is planned per DNV requirements.

Comments: This last issue had several participants commenting that Seylynn parking is insufficient and gave other examples.

Q: what the plans for growth strategy?

A: Metro Vancouver governs the growth strategy for the Lower Mainland and each municipality is given their portion of that commitment. The District of North Vancouver adopted an Official Community Plan in 2011 that proposes to where to direct growth

The evening adjourned and some participants remained to have more personal conversation with the consultants and DNV

Submitted by:  
Brenda Chaddock, Odyssey Leadership Centre

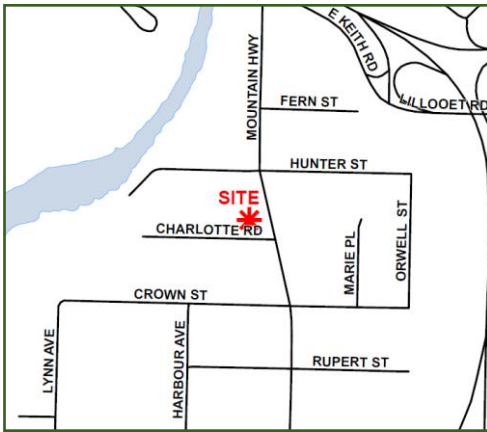
# PUBLIC HEARING

## 467 Mountain Highway 6-Storey Mixed Use Building

**What:** A Public Hearing for Bylaw 8183, a proposed amendment to the Zoning Bylaw to permit the development of a six-storey mixed use building at 467 Mountain Highway.

**When:** 7 pm, Tuesday, October 4, 2016

**Where:** Council Chambers, District of North Vancouver Municipal Hall, 355 West Queens Road, North Vancouver, BC



Proposed\*



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

### What changes?

Bylaw 8183 proposes to amend the District's Zoning Bylaw by creating a new Comprehensive Development Zone 94 (CD94) and rezone the subject lands from Light Industrial (I3) to CD94 to permit the development of a six-storey mixed use building.

### When can I speak?

We welcome your input Tuesday, October 4, 2016, 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](mailto:input@dnv.org) or by mail to Municipal Clerk, District of North Vancouver, 355 West Queens Road, North Vancouver, BC, V7N 4N5, before the conclusion of the hearing.

Please note that Council may not receive further submissions from the public concerning this application after the conclusion of the public hearing.

### Need more info?

Relevant background material and copies of the bylaw are available for review at the Municipal Clerk's Office or online at [dnv.org/public\\_hearing](http://dnv.org/public_hearing) from July 27 to October 4. Office hours are Monday to Friday 8 am to 4:30 pm, except statutory holidays.

### Who can I speak to?

Casey Peters, Community Planner, at 604-990-2388 or [petersc@dnv.org](mailto:petersc@dnv.org)



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