AGENDA

PUBLIC HEARING

Tuesday, June 26, 2018
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
PUBLIC HEARING

7:00 p.m.
Tuesday, June 26, 2018
Municipal Hall, Council Chambers
355 West Queens Road, North Vancouver

AGENDA

3428-3464 Mt. Seymour Parkway
Twenty-Nine Unit Townhouse Project

1. OPENING BY THE MAYOR

2. INTRODUCTION OF BYLAW BY CLERK

District of North Vancouver Rezoning Bylaw 1366 (Bylaw 8275)

*Purpose of Bylaw:*

Bylaw 8275 proposes to amend the District's Zoning Bylaw by rezoning the subject site from Single-Family Residential One Acre Zone (RS1) to Comprehensive Development Zone 114 (CD114). The CD114 Zone addresses use and accessory use, density, amenities, setbacks, building and site coverage, height, landscaping, subdivision requirements and parking and storage requirements.

3. PRESENTATION BY STAFF

Presentation: Erik Wilhelm, Development Planner

4. PRESENTATION BY APPLICANT

Presentation: Integra Architecture

5. REPRESENTATIONS FROM THE PUBLIC

6. QUESTIONS FROM COUNCIL

7. COUNCIL RESOLUTION

*Recommendation:*

THAT the June 26, 2018 Public Hearing be closed;

AND THAT “District of North Vancouver Rezoning Bylaw 1366 (Bylaw 8275)” be returned to Council for further consideration.

8. CLOSING
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The Corporation of the District of North Vancouver

Bylaw 8275

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 “District of North Vancouver Rezoning Bylaw 1366 (Bylaw 8275)”.

2. Amendments

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

Section 301(2) by inserting the following zoning designation in numeric sequence:

“Comprehensive Development Zone CD114”

2.2 Part 4B by inserting the following:

“4B114 Comprehensive Development Zone 114 (CD114)

4B114-1 Intent:

The purpose of the CD114 zone is to establish specific land use and development regulations for a 29 unit townhouse development.

4B114-2 Uses:

The following principal uses are permitted in the Comprehensive Development 114 Zone:

(a) Uses Permitted without Conditions:

Not applicable

(b) Conditional Uses:

(i) Residential building, multifamily townhouse

For the purposes of this CD114 Zone, “Residential building, multifamily townhouse” means a building having not more than three residential storeys
with private rooftop deck and consisting of two or more dwelling units with individual, exterior access to grade, all above an underground parkade.

4B114-3 Conditions of Use:

(a) Balcony enclosures are not permitted;

(b) Trellises, pergolas, or similar structures anchored to a building on the rooftop level are not permitted; and

(c) Providing the site is developed in accordance with density provisions permitted in Section “4B114-5 Amenities”, the following outlines the minimum number of unit typologies that must be constructed:

<table>
<thead>
<tr>
<th>Unit Description</th>
<th>Number of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 bedroom</td>
<td>6</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>23</td>
</tr>
</tbody>
</table>

4B114-4 Accessory Use:

(a) Accessory uses are permitted and are limited to:

(i) Home occupations in accordance with the regulations in Section 405 of this Bylaw.

4B114-5 Density:

(a) The maximum permitted density in the CD114 Zone is limited to a floor space ratio (FSR) of 0.45 and a maximum number of 3 dwelling units, inclusive of any density bonus for energy performance; and

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

(i) underground parkades, including: drive aisles, electrical/mechanical rooms, garbage and recycling collection areas, bicycle storage areas, and basement areas on the parkade level; and

(ii) unenclosed balcony areas and rooftop deck areas.

4B114-6 Amenities:

Despite subsection 4B114-5, density in the CD114 Zone is increased to a maximum floor space of 3,408 m² (36,683 sq. ft.) and a maximum number of 29 townhouse units, inclusive of any density bonus for energy performance, if the owner:
1. Contributes $521,274.00 to the municipality to be used for any or all of the following amenities (with allocation to be determined by the municipality in its sole discretion): public art, park, trail, environmental or other public realm improvements; municipal or recreation service or facility improvements and/or affordable housing; and

2. Enters into a Housing Agreement requiring a rental disclosure statement to be filed and prohibiting any strata bylaw or regulation establishing rental restrictions.

**4B114-7 Setbacks:**

(a) Buildings must be set back from property lines to the closest building face, excluding bay windows and small encroachments not to exceed 0.6 m (2.0 ft) in depth, in accordance with the following regulations:

<table>
<thead>
<tr>
<th>Location</th>
<th>Minimum Required Setback</th>
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</thead>
<tbody>
<tr>
<td>North Lot Line</td>
<td>2.39 m (7.84 ft)</td>
</tr>
<tr>
<td>East Lot Line</td>
<td>3 m (9.84 ft)</td>
</tr>
<tr>
<td>South Lot Line</td>
<td>per setbacks within section 4B114-7(b)</td>
</tr>
<tr>
<td>West Lot Line</td>
<td>4.39 m (14.4 ft)</td>
</tr>
</tbody>
</table>

(b) Notwithstanding setbacks stipulated in section 4B114-7 (a), buildings must be set back from property lines to the closest building face in accordance with the following plan, due to road dedication requirements:

(c) The north and south faces of buildings, excluding bay windows and small encroachments not to exceed 0.6 m (2.0 ft) in depth, must be separated by a minimum distance of 9 m (29.5 ft).

**4B114-8 Coverage:**

a) Maximum permitted Building Coverage is 50%; and

b) Maximum permitted Site Coverage is 55%.
**4B114-9 Height:**

a) Maximum permitted height is 12.04 meters (39.5 ft) from finished grade.

**4B114-10 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 or fencing in accordance with an approved landscape plan.

**4B114-11 Subdivision Requirements**

Within the CD114 zone, the minimum lot area for the purposes of subdivision is 2,508 m² (27,000 sq. ft.).

**4B114-12 Motor Vehicle Parking, Bicycle Parking and Storage Regulations:**

Parking, Loading and Drive Aisle regulations within Part 10 of the Zoning Bylaw are applicable to CD114 lands except that:

(a) A minimum of 57 motor vehicle parking spaces shall be provided in an underground parking garage inclusive of visitor parking spaces, small car spaces, and accessible parking spaces;

(b) A minimum of 7 motor vehicle parking spaces shall be provided for the use of visitors;

(c) A maximum of 17 small car spaces shall be permitted;

(d) A minimum of one motor vehicle parking space, with a time duration parking restriction, shall be provided at grade with direct access from the lane;

(e) A minimum of 40 Class 1 bicycle parking spaces (within a secured bike storage area) shall be provided; and

(f) Each dwelling unit shall be provided a minimum of 1 Class 2 bicycle parking space (secure bicycle rack, bollard or post) at ground level within the townhouse complex.”
2.3 The Zoning Map is amended in the case of the lands in Schedule A, by rezoning the land outlined and noted as "site" to Comprehensive Development 114 Zone (CD114).

READ a first time May 28th, 2018

PUBLIC HEARING held

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk
The Zoning Map is amended in the case of the lands in Schedule A, by rezoning the land outlined and noted as "site" from Single-Family Residential One Acre Zone (RS1) to Comprehensive Development 114 Zone (CD114).
May 16, 2018
File: 08.3060.20/033.17

AUTHOR: Erik Wilhelm, Development Planner

SUBJECT: Rezoning Bylaw 8275 and Housing Agreement Bylaw 8276 - 29 Unit Townhouse Development at 3428-3464 Mt. Seymour Pkwy.

RECOMMENDATION:

THAT “District of North Vancouver Rezoning Bylaw 1366 (Bylaw 8275)” to rezone the properties at 3428-3464 Mount Seymour Parkway from “Single-Family Residential One Acre Zone” (RS1) to “Comprehensive Development Zone 114” (CD114) be given FIRST reading;

AND THAT “Housing Agreement Bylaw 8276, 2017 (3428 - 3464 Mount Seymour Parkway)” be given FIRST reading;

AND THAT Bylaw 8275 be referred to a Public Hearing.

REASON FOR REPORT:

The proposed project requires Council’s consideration of:

- Bylaw 8275 to rezone the subject properties; and,
- Bylaw 8276 to authorize a housing agreement to ensure all future owners are eligible to rent their units.

SUMMARY:

The applicant proposes to redevelop four residential lots located at 3428-3464 Mt. Seymour Parkway to allow a 29 unit townhouse development with a Floor Space Ratio (FSR) of 1.2.
Implementation of the project requires a rezoning (Bylaw 8275), and a Housing Agreement (Bylaw 8276). The proposal is in keeping with the Official Community Plan and is consistent with Land Use provisions of the Seymour Local Plan (reference policy document). The rezoning bylaw is recommended to be referred to a Public Hearing (the housing agreement bylaw does not require a Public Hearing).

**SUBJECT PROPERTY:**

The development site is approximately 0.27 hectares (0.66 acres) in area and includes 3 single-family lots and a District owned lot which is currently vacant (see adjacent image). The site is located on the north side of Mount Seymour Parkway west of Parkgate Avenue. Surrounding uses includes unconstructed lane and Northlands Golf Course to the north; single family homes to the west; single family homes (across Mt. Seymour Parkway). Single family homes are located east of the site but a 27 unit townhouse proposal is anticipated to be considered by Council on the four adjacent lots east of the development site.

**EXISTING POLICY:**

**Official Community Plan**

The adjacent map indicates the surrounding OCP designations in the area.

The site is designated “Residential Level 4: Transition Multi Family” in the Official Community Plan. This designation envisions a mix of townhouse and apartment developments in close proximity to centres and corridors with a density of up to approximately 1.2 FSR. The proposed density of 1.2 FSR is in keeping with the OCP density provisions for the site.

The proposal is intended to provide housing to meet the needs of downsizers, the missing middle and families.
ANALYSIS:

Site Plan and Project Description

The project as proposed consists of 29 townhouse units in four separate buildings (see site plan below) with an approximate Floor Space Ratio of 1.2. The secured underground parking area (providing a total of 57 stalls) is proposed to be accessed from the rear lane to the west of Parkgate Avenue. This new lane within the existing dedicated lane area will be constructed by the developer.

All buildings proposed are three storeys in height and all buildings include rooftop decks. The development will provide for twenty-three 3-bedroom townhouse units and six 2-bedroom townhouse units.

The image on the next page depicts the general architectural expression being pursued. The buildings have an orderly presence along the street frontages with a west coast modern architectural character not currently seen along Mt. Seymour Pkwy. All of the buildings incorporate similar colours, materials and building forms yet each building provides for subtle variation. The architectural drawings are attached as Attachment 1.
Development Permits – Development Site

The development site is designated within Development Permit Areas for (1) Form and Character; and (2) Energy and Water Conservation and GHG Emission Reduction.

a) Form and Character:

The proposal complies with the “Design Guidelines for Ground-Oriented Housing” as outlined within the OCP. Further details outlining the project’s compliance with the Form and Character Design Guidelines will be provided for Council’s consideration at the Development Permit stage should the rezoning bylaw proceed.

As noted previously, a 27 unit townhouse proposal is anticipated to be considered by Council on the four adjacent lots east of the development site. The image below provides an indication of the buildings fronting Mt. Seymour Parkway (south elevation). The two developments differ in architectural form and detailing. Both projects were designed to provide front door entrances onto the Parkway and front yard landscaping while still providing building breaks to ensure a continuous street wall is not created.

b) Energy and Water Conservation and GHG Emission Reduction:

In April 2017, the Province adopted the BC Energy Step Code (“Step Code”) which provides an incremental and consistent approach to achieving more energy-efficient buildings beyond the requirements of the base BC Building Code. The “Step Code” has been included with the District’s new Construction Bylaw and mandatory compliance in effect as of July 1, 2018. The development proposal will need to comply with the “Step 3” of the Step Code as the building permit for this project will likely be submitted after July 1, 2018.
Further details outlining the project’s compliance with the Energy and Water Conservation and Greenhouse Gas Emission Reduction DPA will be provided for Council’s consideration at the Development Permit stage should the rezoning bylaw proceed.

Development Permits – Off Site (Northlands Golf Course)

The lands north of the development site, within Northlands Golf Course, are designated within Development Permit Areas for (1) Wildfire Hazard; (2) Streamside Protection; and (3) Protection of the Natural Environment. The development proposal necessitates construction of the rear lane. The lane construction activities will prompt compliance with the previously noted Development Permit Areas and the associated guidelines. Removal of trees and restoration works, necessary for lane construction, within Northlands Golf Course is proposed and will be further identified later in this report.

Advisory Design Panel

The application was considered by the Advisory Design Panel (ADP) on October 11, 2017 and the Panel recommended approval of the project subject to addressing Panel comments. The applicant has addressed the Panel’s comments by improving the architecture to provide more open space between buildings, an enlarged central gathering area with new elevator location/arrival point, improved children’s play area on the eastern side of the site, provision of a rear lane loading space, modified parkade and landscaping on the western edge of the site to provide tree preservation for the adjacent neighbour.

Further design information, responding to the Advisory Design Panel comments and Development Permit Area design guidelines, will be provided when Council considers the required Development Permit should the application proceed through the rezoning process.

Accessibility

As part of the development process, the applicant will submit a checklist which identifies how the development fulfils the requirements of the District’s “Accessible Design Policy for Multi-Family Housing”. In accordance with the policy, 6 ground floor units will provide “basic accessible design elements” and 4 of those units (14%) will also include “enhanced accessible design elements”, to provide a higher level of accessibility. The approach to accessibility exceeds the targets in the District’s policy.

Zoning

The site is currently zoned Residential Single Family One Acre (RS1). To accommodate the development, the site must be rezoned to permit ground-oriented housing and Bylaw 8275 (Attachment 2) creates a new Comprehensive Development Zone 114 (CD114) for this purpose. This new zone establishes the following requirements:
establishes townhouses as a permitted use;
• limits the number of units to 29 townhouses;
• Limits the floor space area to a maximum of 3,408 m² (36,683 sq. ft) which equates to 1.2 FSR;
• establishes a community amenity contribution of $521,274;
• establishes a maximum building height of 12.04 m (39.5 ft);
• sets building coverage at a maximum of 50%;
• sets site coverage at a maximum of 55%;
• requires the provision of a total of 57 off-street vehicle parking stalls, including 7 visitor stalls, and 1 loading/drop-off stall at the rear lane;
• requires a secure shared bicycle storage room (for at least 18 bicycles);
• requires secure individual bicycle storage areas (for at least 22 bicycles); and
• establishes building setbacks.

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 residential units. The policy requires a Housing Agreement to ensure that future strata bylaws do not prevent owners from renting their units. Bylaw 8256 (Attachment 3) authorizes a Housing Agreement to implement this policy.

Traffic Generation & Parking

Traffic:

The developer’s transportation consultant, in conjunction with the development applicant to the east, has submitted a coordinated traffic impact assessment (TIA) report which identifies the potential traffic generated from both development proposals and provides a comprehensive review of the traffic movements in the immediate area. The TIA report reviews existing conditions and forecasts future traffic conditions utilizing projected development as outlined in the OCP. Nearby intersections were reviewed and vehicular movements are expected to function within acceptable parameters and experience limited congestion at peak travel times along Mt. Seymour Parkway or along Parkgate Avenue.

The District’s Transportation Engineering staff has reviewed the submitted TIA report and finds that the proposed development will not unduly affect traffic along Mt. Seymour Parkway or along Parkgate Avenue.

Parking:

Given concerns raised at the Public Information Meeting, the developer was required to provide a comprehensive review of on-street parking conditions along Parkgate Avenue. Despite anecdotal testimonials, Parkgate Avenue was found to have ample on-street parking available throughout the day; however, had increased use during sports and church events taking place further north along
Parkgate Avenue. The applicant proposes at least 57 parking stalls which includes a minimum of 7 visitor stalls and one at grade stall directly accessing from the lane (for quick drop-offs or temporary loading).

The District’s Transportation Engineering staff has reviewed the proposed parking on-site and find that the development will not adversely effect on-street parking along Parkgate Avenue.

**Off-site Improvements:**

**Roads:**

The application includes upgrades to asphalt, sidewalks, boulevard, curb, gutter, and lighting along the Mt. Seymour Parkway frontage. The roadway design will provide for a planted boulevard separating the sidewalk from the curb on Mt. Seymour Parkway (Image 1). A new pull-out (similar to the pull-out shown in Image 2) will be provided on Mt. Seymour Parkway which will be time duration parking for drop-offs or temporary loading.

**Lane:**

As originally contemplated within the Seymour Local Plan, the applicant (in conjunction with the applicant to the east) will be required to pave the rear lane to the extent seen below. This lane is eventually slated to link Parkgate Avenue and Gaspe Place to the west; however, the western edge of the lane will have bollards installed and will remain with only a bike/pedestrian/emergency connection in order to minimize traffic disruptions on Gaspe Place. Upon potential redevelopment of the balance of the block and/or Gaspe Place, it would be expected that the lane would be widened to provide full vehicle access. In the interim, the lane will serve only the subject development site and the adjacent townhouse development to the east. The lane egress to Gaspe Place may be used at
times during construction if required to minimize impacts to Parkgate Avenue and Mt. Seymour Parkway.

Tree removal off-site:

Lane construction will necessitate removal of trees within the existing dedicated/unconstructed lane and on the southern edge of Northlands Golf Course. In August of 1996, the golf course lands were dedicated as “park” upon adoption of Bylaw 6904 (Northlands Golf Course Park Dedication Bylaw). Development Engineering and Planning staff have reviewed the lane design and have determined that lane construction is necessary to service the development and to reduce interruptions to traffic, cycling and transit movements on Mt. Seymour Parkway.

The applicant was required to submit an arborist report and environmental review of the area given the potential environmental impact to Northlands Golf Course. The environmental review identified that no significant environmental features are present in the area needed for lane construction activities and further outlined a rehabilitation and restoration planting plan for an area north of lane (with Northlands Golf Course). Parks, Environmental and Development Engineering staff have reviewed the reports submitted by the applicant and concur that 16 trees will need to be removed within the unconstructed lane and 1 tree removed within Northlands Golf Course lands. Additional tree removal may be necessary depending on final tree health and wind firming review closer to construction (should the rezoning bylaw proceed).

Although tree removal is not normally encouraged on public land this development proposal is consistent with the OCP and Seymour Local Plan. Furthermore, the developer has provided all necessary information to understand the tree loss and has provided preliminary restoration plans to
encourage environmental rehabilitation in the area of disturbance. The developer will be required to restore the lands as part of the rezoning process and install an “environmental fence” to discourage disturbance of the restored area north of the lane within Northland Golf Course lands. The restoration works to areas north of the lane will be required prior to start of construction and will be protected with environmental fencing. This will be ensured through covenant in order to limit the time needed to provide the restoration works.

Although this portion of lane construction necessitates less disturbance of Northlands Golf Course lands, golf course staff have identified that tree loss in this area will not adversely affect the golf course operations and tree removal may actually allow more winter time sunlight infiltration to encourage growth and drainage of the nearby green (13th hole).

Further details outlining the project’s compliance with the Development Permit Areas for (1) Wildfire Hazard; (2) Streamside Protection; and (3) Protection of the Natural Environment will be provided for Council’s consideration at the Development Permit stage should the rezoning bylaw proceed.

**On-site Landscaping**

Landscaping on-site is designed to be low-maintenance and to feature native plantings. The courtyards between the buildings will provide a shared walkway and private outdoor amenity areas for each unit. Each unit with rooftop decks will be provided landscaping within planters to improve the spaces and help to create privacy between the roof top decks. A copy of a preliminary landscape plan is provided within Attachment 1.

**Construction Traffic Management Plan:**

The applicant, in conjunction with the adjacent development applicant to the east, has submitted comprehensive and coordinated Construction Traffic Management Plans (CTMP) in order to reduce the development’s impact on pedestrian and vehicular movements in the area.

The adjacent image shows the site in relation to...
other applications in the area along Mt. Seymour Parkway.

Should the rezoning bylaw proceed, in conjunction with the potential development to the east, both applicants will be required to coordinate their construction activities to limit disruption to neighbours. This will be compulsory through registration of a “Construction Traffic Management Covenant” which both developers have agreed to. The covenant will require simultaneous excavation, shoring, concrete installation, and civil works by one contractor. Should one development proceed before the other then the second development will be delayed until the excavation, shoring and concrete installation is completed on the first development in order to limit heavy truck movement conflicts in the area. A final CTMP is required to be approved by the District prior to issuance of a building permit. Further information related to construction traffic management will be provided upon consideration of the Development Permit should the rezoning bylaw proceed.

In particular, the Construction Traffic Management 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. Make provisions for trade vehicle parking which is acceptable to the District and minimizes impacts to neighbourhoods;
4. Provide a point of contact for all calls and concerns;
5. Provide a sequence and schedule of construction activities;
6. Identify methods of sharing construction schedule with other developments in the area;
7. Ascertain a location for truck marshalling;
8. Address silt/dust control and cleaning up from adjacent streets;
9. Provide a plan for litter clean-up and street sweeping adjacent to site; and,
10. Include a communication plan to notify surrounding businesses and residents.

With respect to this specific development site, there should be limited disruption for neighbours given that the rear lane (to be constructed by the developer) will be primarily used for vehicle staging, concrete pours, marshalling and trades parking. Use of the rear lane area for staging activities was successfully implemented on the townhouse project constructed east of the site (at 3508 Parkgate Avenue).

Public Input

a) Public Information Meeting:

The applicant held a facilitated Public Information Meeting (PIM) on September 20, 2017 and the meeting was attended by approximately 18 members of the public. A copy of the PIM “summary report” from the meeting’s facilitator is attached as Attachment 4. Input received includes written submissions focused on construction traffic management, parking, traffic, community amenity...
contributions (CAs), pathways, parks, cost of units, tree removal, access, density, architectural design and privacy.

Seymour Local Plan (2003) Compliance:

The development site was designated “Multi-Family Residential” in the Seymour Local Plan reference policy document. The Seymour Local Plan supported density of between 0.6 and 1.2 FSR along the north side of Mount Seymour Parkway (3200 to 3500 blocks) provided that:

- The housing form is predominantly townhouses
- A minimum of 15,000 square feet (1400 m) is assembled for townhouse development and no “locked in” lots are created
- The development addresses issues of traffic, access, safety, acoustical standards, view and backdrop considerations, community acceptance and design standards
- The development contributes to community objectives

The above noted points have been generally achieved by the development proposal. The Public Hearing will provide an opportunity for the public to comment on the overall “community acceptance” of the development proposal (providing the rezoning application proceeds to a Public Hearing).

COMMUNITY AMENITY CONTRIBUTIONS AND DEVELOPMENT COST CHARGES:

As the subject property requires rezoning, a Community Amenity Contribution (CAC) has been calculated in the amount of $521,274 in accordance with District CAC policy. The CD114 zone specifies this amount in order to achieve the maximum density of 1.2 FSR and outlines projects to which the CAC may be applied, including park, trail, environmental, public art or other public realm improvements, as well as municipal or recreation service or facility improvements, and/or affordable housing. Trail upgrades north of the development site, within Northlands Golf Course, was noted by the Parks Department as a potential nearby CAC priority.

The developer will be required to pay Development Cost Charges prior to building permit issuance in accordance the Development Cost Charge Bylaw applicable at that time.

RENTAL AND AFFORDABLE HOUSING STRATEGY:

In response to the District’s Rental and Affordable Housing Strategy, the applicant has noted that the development will expand the supply and diversity of housing within the Parkgate Area. As stated within the strategy: “Increased supply of housing in centres will add diverse multi-family housing choices (type, tenure, unit sizes etc.) for District residents, and encourage competitive pricing for homes.” The homes proposed in the subject development will be suitable for families and provide a more affordable alternative to detached single-family homes.
CONCURRENCE:

Staff:

The project has been reviewed by the following District Departments: Building, Parks, Environment, Legal, Development Engineering, Urban Design, Community Planning, Real Estate and Properties, Public Art, and Fire Prevention. Recommendations from individual departments have been incorporated to improve the development project and to advance public and District interests.

CONCLUSION:

This project assists in implementation of the District's Official Community Plan objectives. Primarily, the townhouse proposal creates a choice of housing suitable for families. The rezoning proposal is now ready for Council's consideration.

OPTIONS:

The following options are available for Council's consideration:

1. Introduce Bylaws 8275 and 8276 and refer Bylaw 8275 to a Public Hearing (staff recommendation); or,

2. Defeat the Bylaws at First Reading.

Erik Wilhelm, MCIP, RPP
Development Planner

Attachments:

1. Architectural and Landscape Plans
2. Bylaw 8275 – Rezoning Bylaw
3. Bylaw 8276 – Housing Agreement Bylaw
4. Public Information Meeting Facilitator Summary Report
### REVIEWED WITH:

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<th>Sustainable Community Dev.</th>
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<th>External Agencies:</th>
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<td>Human Resources</td>
<td>Real Estate</td>
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</table>
12'-8" 1'-0" PROPOSED LANE
LOADING (3m x 9m)
AREA · SHORT TERM PARKING ONLY
PARING RAMP BUILDING 4
BUILDING 2 BUILDING 4

PROPERTY LINE

MOUNT SEYMOUR PARKWAY

BUILDING COVERAGE (INCL. BUILDING AREA, LOADING OVER 5'-0" & 4'-9"
PROPERTY LINE

Integra ARCHITECTS INC.
3800 E. 18th Ave., #600
Vancouver, BC V5N 4T4
www.integraarch.com

ALLAIRE

AU.AIRE GROUP / HEADWATER PROJECTS
MOUNT SEYMOUR TOWNHOMES

PROPERTY LINE

BUILDING COVERAGE

SCALE 1:100

1'-0" = 1'-0"
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Lane Perspective Looking South-West
The Corporation of the District of North Vancouver

Bylaw 8275

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 "District of North Vancouver Rezoning Bylaw 1366 (Bylaw 8275)."

2. Amendments

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

Section 301(2) by inserting the following zoning designation in numeric sequence:

"Comprehensive Development Zone CD114"

2.2 Part 4B by inserting the following:

"4B114 Comprehensive Development Zone 114 (CD114)"

4B114-1 Intent:

The purpose of the CD114 zone is to establish specific land use and development regulations for a 29 unit townhouse development.

4B114-2 Uses:

The following principal uses are permitted in the Comprehensive Development 114 Zone:

(a) Uses Permitted without Conditions:

Not applicable

(b) Conditional Uses:

(i) Residential building, multifamily townhouse

For the purposes of this CD114 Zone, "Residential building, multifamily townhouse" means a building having not more than three residential storeys
with private rooftop deck and consisting of two or more dwelling units with individual, exterior access to grade, all above an underground parkade.

4B114-3 Conditions of Use:

(a) Balcony enclosures are not permitted;

(b) Trellises, pergolas, or similar structures anchored to a building on the rooftop level are not permitted; and

(c) Providing the site is developed in accordance with density provisions permitted in Section “4B114-5 Amenities”, the following outlines the minimum number of unit typologies that must be constructed:

<table>
<thead>
<tr>
<th>Unit Description</th>
<th>Number of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 bedroom</td>
<td>6</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>23</td>
</tr>
</tbody>
</table>

4B114-4 Accessory Use:

(a) Accessory uses are permitted and are limited to:

(i) Home occupations in accordance with the regulations in Section 405 of this Bylaw.

4B114-5 Density:

(a) The maximum permitted density in the CD114 Zone is limited to a floor space ratio (FSR) of 0.45 and a maximum number of 3 dwelling units, inclusive of any density bonus for energy performance; and

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

(i) underground parkades, including: drive aisles, electrical/mechanical rooms, garbage and recycling collection areas, bicycle storage areas, and basement areas on the parkade level; and

(ii) unenclosed balcony areas and rooftop deck areas.

4B114-6 Amenities:

Despite subsection 4B114-5, density in the CD114 Zone is increased to a maximum floor space of 3,408 m² (36,683 sq. ft.) and a maximum number of 29 townhouse units, inclusive of any density bonus for energy performance, if the owner:
1. Contributes $521,274.00 to the municipality to be used for any or all of the following amenities (with allocation to be determined by the municipality in its sole discretion): public art, park, trail, environmental or other public realm improvements; municipal or recreation service or facility improvements and/or affordable housing; and

2. Enters into a Housing Agreement requiring a rental disclosure statement to be filed and prohibiting any strata bylaw or regulation establishing rental restrictions.

**4B114-7 Setbacks:**

(a) Buildings must be set back from property lines to the closest building face, excluding bay windows and small encroachments not to exceed 0.6 m (2.0 ft) in depth, in accordance with the following regulations:

<table>
<thead>
<tr>
<th>Location</th>
<th>Minimum Required Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Lot Line</td>
<td>2.39 m (7.84 ft)</td>
</tr>
<tr>
<td>East Lot Line</td>
<td>3 m (9.84 ft)</td>
</tr>
<tr>
<td>South Lot Line</td>
<td>per setbacks within section 4B114-7(b)</td>
</tr>
<tr>
<td>West Lot Line</td>
<td>4.39 m (14.4 ft)</td>
</tr>
</tbody>
</table>

(b) Notwithstanding setbacks stipulated in section 4B114-7 (a), buildings must be set back from property lines to the closest building face in accordance with the following plan, due to road dedication requirements:

(c) The north and south faces of buildings, excluding bay windows and small encroachments not to exceed 0.6 m (2.0 ft) in depth, must be separated by a minimum distance of 9 m (29.5 ft).

**4B114-8 Coverage:**

a) Maximum permitted Building Coverage is 50%; and

b) Maximum permitted Site Coverage is 55%.
4B114-9 Height:

a) Maximum permitted height is 12.04 meters (39.5 ft) from finished grade.

4B114-10 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 or fencing in accordance with an approved landscape plan.

4B114-11 Subdivision Requirements

Within the CD114 zone, the minimum lot area for the purposes of subdivision is 2,508 m² (27,000 sq. ft.).

4B114-12 Motor Vehicle Parking, Bicycle Parking and Storage Regulations:

Parking, Loading and Drive Aisle regulations within Part 10 of the Zoning Bylaw are applicable to CD114 lands except that:

(a) A minimum of 57 motor vehicle parking spaces shall be provided in an underground parking garage inclusive of visitor parking spaces, small car spaces, and accessible parking spaces;

(b) A minimum of 7 motor vehicle parking spaces shall be provided for the use of visitors;

(c) A maximum of 17 small car spaces shall be permitted;

(d) A minimum of one motor vehicle parking space, with a time duration parking restriction, shall be provided at grade with direct access from the lane;

(e) A minimum of 40 Class 1 bicycle parking spaces (within a secured bike storage area) shall be provided; and

(f) Each dwelling unit shall be provided a minimum of 1 Class 2 bicycle parking space (secure bicycle rack, bollard or post) at ground level within the townhouse complex."
2.3 The Zoning Map is amended in the case of the lands in Schedule A, by rezoning the land outlined and noted as "site" to Comprehensive Development 114 Zone (CD114).

READ a first time

PUBLIC HEARING held

READ a second time

READ a third time

ADOPTED

__________________________________________
Mayor                                              Municipal Clerk

Certified a true copy

__________________________________________
Municipal Clerk
The Zoning Map is amended in the case of the lands in Schedule A, by rezoning the land outlined and noted as "site" from Single-Family Residential One Acre Zone (RS1) to Comprehensive Development 114 Zone (CD114)."
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 8276, 2017 (3428 - 3464 Mount Seymour Parkway)”.

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 Allaire Headwater (Seymour) Residences Ltd. (Inc. No. BC1108300) substantially in the form attached to this Bylaw as Schedule “A” with respect to the following lands:

   a) PID 012-602-591 Lot 15 of Lot 6 Blocks 1 to 4 DL 622 Plan 2866
   b) PID 013-370-073 Lot 16 of Lot 6 Blocks 1 to 4 DL 622 Plan 2866
   c) PID 006-788-467 Lot 17 of Lot 6 Blocks 1 to 4 DL 622 Plan 2866
   d) PID 013-370-090 Lot 18 of Lot 6 Blocks 1 to 4 DL 622 Plan 2866

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 8276

SECTION 219 COVENANT – HOUSING AGREEMENT

THIS AGREEMENT is dated for reference the ____ day of __________, 20____

BETWEEN:

ALLAIRE HEADWATER (SEYMOUR) RESIDENCES LTD. (Inc. No. BC1108300) a company incorporated under the laws of the Province of British Columbia having an office at 245 – 9600 Cameron Street, Burnaby, BC V3J 7N3

(the “Developer”)

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”)

WHEREAS:

1. The Developer is the registered owner of the Lands (as hereinafter defined);

2. The Developer wishes to obtain development permissions with respect to the Lands and wishes to create a condominium development which will contain residential strata units on the Lands;

3. Section 483 of the Local Government Act authorises the District, by bylaw, to enter into a housing agreement to provide for the prevention of rental restrictions on housing, and provides for the contents of the agreement; and

4. Section 219 of the Land Title Act (British Columbia) permits the registration in favour of the District of a covenant of a negative or positive nature relating to the use of land or a building thereon, or providing that land is to be built on in accordance with the covenant, or providing that land is not to be built on except in accordance with the covenant, or providing that land is not to be subdivided except in accordance with the covenant;

NOW THEREFORE in consideration of the mutual promises contained in it, and in consideration of the payment of $1.00 by the District to the Developer (the receipt and sufficiency of which are hereby acknowledged by the Developer), the parties covenant and agree with each other as follows, as a housing agreement under Section 483 of the Local Government Act, as a contract and a deed under seal between the parties, and as a covenant under Section 219 of the Land Title Act, and the Developer hereby further covenants and agrees that neither the Lands nor any building constructed thereon shall be used or built on except in accordance with this Agreement:
1. **DEFINITIONS**

1.01 Definitions

In this agreement:

(a) "Development Permit" means development permit No. 33.17 issued by the District;

(b) "Lands" means land described in Item 2 of the Land Title Act Form C to which this agreement is attached;

(c) "Owner" means the Developer and any other person or persons registered in the Lower Mainland Land Title Office as owner of the Lands from time to time, or of any parcel into which the Lands are consolidated or subdivided, whether in that person’s own right or in a representative capacity or otherwise;

(d) "Proposed Development" means the proposed development containing not more than 29 units to be constructed on the Lands in accordance with the Development Permit;

(e) "Short Term Rentals" means any rental of a Unit for any period less than 30 days;

(f) "Strata Corporation" means the strata corporation formed upon the deposit of a plan to strata subdivide the Proposed Development pursuant to the Strata Property Act;

(g) "Unit" means a residential dwelling strata unit in the Proposed Development; and

(h) "Unit Owner" means the registered owner of a Dwelling Unit in the Proposed Development.

2. **TERM**

This Agreement will commence upon adoption by District Council of Bylaw 8276 and remain in effect until terminated by the District as set out in this Agreement.

3. **RENTAL ACCOMODATION**

3.01 Rental Disclosure Statement

No Unit in the Proposed Development may be occupied unless the Owner has:

(a) before the first Unit is offered for sale, or conveyed to a purchaser without being offered for sale, filed with the Superintendent of Real Estate a rental disclosure statement in the prescribed form (the “Rental Disclosure Statement”) designating all of the Units as rental strata lots and imposing at least a 99 year rental period in relation to all of the Units pursuant to the Strata Property Act (or any successor or replacement legislation), except in relation to Short Term Rentals and, for greater certainty, stipulating specifically that the 99 year rental restriction does not apply to a Strata Corporation bylaw prohibiting or restricting Short Term Rentals; and
given a copy of the Rental Disclosure Statement to each prospective purchaser of any Unit before the prospective purchaser enters into an agreement to purchase in respect of the Unit. For the purposes of this paragraph 3.01(b), the Owner is deemed to have given a copy of the Rental Disclosure Statement to each prospective purchaser of any Unit in the building if the Owner has included the Rental Disclosure Statement as an exhibit to the disclosure statement for the Proposed Development prepared by the Owner pursuant to the *Real Estate Development Marketing Act*.

### 3.02 Rental Accommodation

The Units constructed on the Lands from time to time may always be used to provide rental accommodation as the Owner or a Unit Owner may choose from time to time, except that this section 3.02 does not apply to Short Term Rentals which may be restricted by the Strata Corporation to the full extent permitted by law.

### 3.03 Binding on Strata Corporation

This agreement shall be binding upon all Strata Corporations created by the subdivision of the Lands or any part thereof (including the Units) pursuant to the *Strata Property Act*, and upon all Unit Owners.

### 3.04 Strata Bylaw Invalid

Any Strata Corporation bylaw which prevents, restricts or abridges the right to use any of the Units as rental accommodations (other than Short Term Rentals) shall have no force or effect.

### 3.05 No Bylaw

The Strata Corporation shall not pass any bylaws preventing, restricting or abridging the use of the Lands, the Proposed Development or the Units contained therein from time to time as rental accommodation (other than Short Term Rentals).

### 3.06 Vote

No Unit Owner, nor any tenant or mortgagee thereof, shall vote for any Strata Corporation bylaw purporting to prevent, restrict or abridge the use of the Lands, the Proposed Development or the Units contained therein from time to time as rental accommodation (other than Short Term Rentals).

### 3.07 Notice

The Owner will provide notice of this Agreement to any person or persons intending to purchase a Unit prior to any such person entering into an agreement of purchase and sale, agreement for sale, or option or similar right to purchase as part of the disclosure statement for any part of the Proposed Development prepared by the Owner pursuant to the *Real Estate Development Marketing Act*. 

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Document: 3360789
3.08 Release of Covenant [optional clause]

The District agrees that if the District of North Vancouver Rezoning Bylaw 1366 (Bylaw 8275), is not adopted by the District’s Council before [date], the Owner is entitled to require the District to execute and deliver to the Owner a discharge, in registrable form, of this Agreement from title to the Land. The Owner is responsible for the preparation of the discharge under this section and for the cost of registration at the Land Title Office.

4. DEFAULT AND REMEDIES

4.01 Notice of Default

The District may, acting reasonably, give to the Owner written notice to cure a default under this Agreement within 30 days of delivery of the notice. The notice must specify the nature of the default. The Owner must act with diligence to correct the default within the time specified.

4.02 Costs

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

4.03 Damages an Inadequate Remedy

The Owner acknowledges and agrees that in the case of a breach of this Agreement which is not fully remediable by the mere payment of money and promptly so remedied, the harm sustained by the District and to the public interest will be irreparable and not susceptible of adequate monetary compensation.

4.04 Equitable Remedies

Each party to this Agreement, in addition to its rights under this Agreement or at law, will be entitled to all equitable remedies including specific performance, injunction and declaratory relief, or any of them, to enforce its rights under this Agreement.

4.05 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 District’s rights and remedies under this Agreement are necessary to ensure that this purpose is carried out, and the District’s rights and remedies under this Agreement are fair and reasonable and ought not to be construed as a penalty or forfeiture.

4.06 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.

5. LIABILITY

5.01 Indemnity

Except if arising directly from the negligence of the District or its employees, agents or contractors, the Owner will indemnify and save harmless each of the District and its board members, officers, directors, employees, agents, and elected or appointed officials, and their heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, actions, loss, damage, costs and liabilities that all or any of them will or may be liable for or suffer or incur or be put to any act or omission by the Owner or its officers, directors, employees, agents, contractors, or other persons for whom the Owner is at law responsible, or by reason of or arising out of the Owner’s ownership, operation, management or financing of the Proposed Development or any part thereof.

5.02 Release

The Owner hereby releases and forever discharges the District, its elected officials, board members, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors and assigns from and against all claims, demands, damages, actions or causes of action by reason of or arising out of advice or direction respecting the ownership, operation or management of the Proposed Development or any part thereof which has been or hereafter may be given to the Owner by all or any of them.

5.03 Survival

The covenants of the Owner set out in Sections 5.01 and 5.02 will survive termination of this Agreement and continue to apply to any breach of the Agreement or claim arising under this Agreement during the ownership by the Owner of the Lands or any Unit therein, as applicable.

6. GENERAL PROVISIONS

6.01 District’s Power Unaffected

Nothing in this Agreement:

(a) affects or limits any discretion, rights, powers, duties or obligations of the District under any enactment or at common law, including in relation to the use or subdivision of land;

(b) affects or limits any enactment relating to the use of the Lands or any condition contained in any approval including any development permit concerning the development of the Lands; or

(c) relieves the Owner from complying with any enactment, including the District’s bylaws in relation to the use of the Lands.
6.02 Agreement for Benefit of District Only

The Owner and District agree that:

(a) this Agreement is entered into only for the benefit of the District:

(b) this Agreement is not intended to protect the interests of the Owner, any Unit Owner, any occupant of any Unit or any future owner, occupier or user of any part of the Proposed Development, including any Unit, or the interests of any third party, and the District has no obligation to anyone to enforce the terms of this Agreement; and

(c) The District may at any time terminate this Agreement, in whole or in part, and execute a release and discharge of this Agreement in respect of the Proposed Development or any Unit therein, without liability to anyone for doing so.

6.03 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 Unit after the date of this Agreement.

6.04 Release

The covenants and agreements on the part of the Owner and any Unit Owner and herein set forth in this Agreement have been made by the Owner and any Unit Owner as contractual obligations as well as being made pursuant to Section 483 of the Local Government Act (British Columbia) and as such will be binding on the Owner and any Unit Owner, except that neither the Owner nor any Unit Owner shall be liable for any default in the performance or observance of this Agreement occurring after such party ceases to own the Lands or a Unit as the case may be.

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

6.06 Agreement to Have Effect as Deed

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

6.07 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.
6.08 **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.

6.09 **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.

6.10 **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.

6.11 **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 or by personal service, to the following address for each party:

If to the District:

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

Attention: Planning Department

If to the Owner:

Allaire Headwater (Seymour) Residences Ltd.
245 – 9600 Cameron Street
Burnaby, BC V3J 7N3

If to the Unit Owner:

The address of the registered owner which appears on title to the Unit at the time of notice.

Service of any such notice, demand, or request will be deemed complete, if made by registered mail, 72 hours after the date and hour of mailing, except where there is a postal service disruption during such period, in which case service will be deemed to be complete only upon actual delivery of the notice, demand or request 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.

6.12 Further Assurances

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

6.13 Enuring Effect

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

7. INTERPRETATION

7.01 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.

7.02 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.

7.03 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.

7.04 Terms Mandatory

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

7.05 Statutes

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

7.06 Entire Agreement

(d) This is the entire agreement between the District and the Owner concerning its subject, and there are no warranties, representations, conditions or collateral agreements relating to this Agreement, except as included in this Agreement.
(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 District Council of a bylaw to amend Bylaw 8276.

7.07 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.
GRANT OF PRIORITY

WHEREAS ________________ (the “Chargeholder”) is the holder of the following charge which is registered in the Land Title Office:

(a) _____________________(the “Charge”);

AND WHEREAS the Chargeholder agrees to allow the Section 219 Covenant herein to have priority over the Charge;

THIS PRIORITY AGREEMENT is evidence that in consideration of the sum of $1.00 paid by THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER (the “District”) to the Chargeholder, the receipt and sufficiency of which are hereby acknowledged, the Chargeholder covenants and agrees to subordinate and postpone all its rights, title and interest in and to the lands described in the Form C to which this Agreement is attached (the “Lands”) with the intent and with the effect that the interests of the District rank ahead of the Charge as though the Section 219 Covenant herein had been executed, delivered and registered against title to the Lands before registration of the Charge.

As evidence of its Agreement to be bound by the above terms, as a contract and as a deed executed and delivered under seal, the Chargeholder has executed the Form C to which this Agreement is attached and which forms part of this Agreement.
3428 - 3464 Mount Seymour Townhomes Development Application

Public Information Meeting Summary Report

Event Date: September 20, 2017
Time: 7:00pm – 8:30pm
Location: Parkgate Community Centre
Attendance: 18 members of the public signed in.
Comments: 4 comment sheets

Meeting Purpose:
1) To present development application materials to neighbours
2) To provide an opportunity for the public to ask questions about the development
3) To provide an opportunity for neighbours to comment on the proposal.

Notification:
In accordance with District of North Vancouver policies:

Invitation Brochures
Invitations and informational packages were delivered to 207 addresses within a 100m radius from the site, meeting District requirements. Appendix A includes a copy of this package and a map of the distribution area.

Newspaper Ad
A newspaper ad was placed in the North Shore News on Wednesday, September 13 and Friday, September 15, 2017. A copy of the ad is included in Appendix A: Notification.

Attendance:
18 members of the public signed in for the meeting. Copies of the sign-in sheets are included in Appendix B.

The following District staff and project team members were in attendance:

District of North Vancouver:
  • Erik Wilhelm, Planner

Project Team presenters included:
  • Steve Watt, Integra Architecture
  • Alyssa Semczyszyn, Jonathan Losee Landscape Architecture

Facilitators:
  • Steven Petersson, Petersson Planning Consulting
  • Kathleen Heggie, Petersson Planning Consulting
Overview:
The meeting was held in an Open House format. Meeting participants could browse the display boards and engage with the project team and the District Planner directly. The facilitator listened for questions and comments and noted them on a flip chart for all to see.

A planned presentation and facilitated question and answer period took place part way through the meeting. Many participants chose to spend significant time at the meeting to review and discuss the project. The facilitator heard many questions and comments about the project.

The participants were invited to submit written comments to the facilitator or to the municipal planner. Comment sheets are attached in Appendix C.

The key themes of the evening were traffic, privacy, protection of green space and existing local character, construction impacts, as well as District policies and processes.

Public Dialogue:
(Q = Question, A = Answer, C=Comment, and the number is to track the dialogue)

C1 We're totally against this. I've lived here for a long time, and I'm worried about traffic, noise, and crime. There are already way too many cars, and all of this will have negative impacts on the existing population.

C2 Looking at the other nearby projects too, it seems like there is no limit to density. This concerns me with the number of cars and units in this area.
A2 (EW) The Official Community Plan sets the maximum density. This area has a maximum FSR of 1.2, which this project complies with.

Q3 While I'm glad this isn't a high-rise, we need more development so young people can live here. Your proposed landscaping should be coordinated with neighbouring projects.

Q4 How many other proposals active development proposals are nearby?
A4 (EW) Currently two.

Q5 I'm mostly concerned with traffic on Mt. Seymour Parkway. What will happen with the very large trees to the north of the site, by the golf course?
A5 Some trees will be lost for the proposed laneway.
A5 (EW) All nearby developers are required to help fund pathway renewal, invasive species removal, and tree planting.

C6 My Dad built 4 side-by-side homes in this area, and we’re not selling. We want to protect our heritage homes and green spaces. The District has contradicted its own policies and is allowing over-development. This is too much, too fast. It will worsen traffic. Infrastructure is already insufficient. All other nearby projects on Mt. Seymour Parkway will bring the units to double what was originally allowed. Plus, we're not considering all of the other nearby development such as the towers in Lower Capilano, and what's happening in the City of North Vancouver and...
West Vancouver. The community can’t absorb that much. I strongly object to this project and the DNV’s policies and procedures (e.g. meeting during holidays). My family has been negatively affected by the inethical practices of realtors and the DNV’s lack of development management. Old growth trees will be lost, some of which are on District lots that should be held in trust. I don’t support the sale of DNV land.

Q7 We need an audience to listen to the critiques of District procedures. Shouldn’t the DNV planning staff and council hear us, just as the developers of this project have to?
A7 A DNV staff member is here, and a report of this meeting will go to DNV staff and Council. The public can also speak at Council meetings and, should Council refer it to Public Hearing, at the Public Hearing.
C7 We all need opportunities to have our voices heard. This project is a microcosm of larger issues.

C8 I live on Gaspe Place. I hope neighbours’ privacy is protected from over-looking from the proposed rooftop patios.
A8 Privacy issues can be mitigated by pulling the patios back from the edge of the roof, as well as possibly the parkade and decks.
Q8 Will there by restrictive covenants to stop tenants from partying on the roofs?
A8 The strata corporation would regulate this.

C9 I’m happy that a walkway will connect to Gaspe Place.
A9 (EW) If Gaspe Place is eventually redeveloped, there will likely be a road connection to Parkgate Avenue.

Q10 Will any green building measures be included?
A10 Yes, we’re aiming for gold standards. Wiring will be available for electric vehicle charging stations.

Q11 How much devastation to greenery will this cause?
A11 Trees in the lane right-of-way will have to be removed, and the arborist will work to minimize tree removal in the adjacent greenway. For any one tree removed, the developer will have to plant one new one.
C11 Removing trees and their root systems can lead to flooding and affect nearby homes.

Q12 Does this accommodate people with accessibility challenges?
A12 Yes, the parking is accessible, as are some of the units.

C13 I live on the other side of Parkgate Avenue. How will construction traffic be managed, with two projects underway simultaneously?
A13 (EW) Both projects have submitted traffic reports and preliminary construction traffic plans. The DNV will strive to ensure that all workers park in the laneway and not on the roads, especially not on Mt. Seymour Parkway.

C14 Our kids won’t be able to afford these homes – they won’t be affordable. It has been these same types of projects that have wiped out heritage homes and farms that were here.
There will be a traffic issue on Parkgate. We had a terrible time with construction worker parking when an earlier development was going up. I can't imagine that all workers will be able to fit into the laneway. Why should we have to suffer from that?

I live in one of those new condos on Parkgate, and if it wasn't for this type of multi-family development, we wouldn't be able to afford to live there. Affordable units are needed.

This will be absolutely crippling. It's totally unacceptable that the DNV allows this type of development and uses this process.

Why have these two projects side-by-side, when the 3500 block of Mt. Seymour Parkway hasn't been touched yet? We have to honour the plan.

It would be nice to see local amenities improved before this kind of development, which will bring many more families (e.g. daycare). Are there any requirements for this?

Development Cost Charges are set by bylaw, which mainly fund things like roads, parks, sewer. Community Amenity Contributions (CACs) are a tool for the DNV to obtain money from developers for local amenities.

How is it decided what CAC money is spent on?

We can sometimes try to direct this money towards local projects, based on community input. The CAC hasn't been agreed upon yet for this project, but the rezoning won't go through without it.

How big will the setbacks be, so the units don't have privacy issues, as well as impact neighbours to the west?

We try to limit windows on walls facing bigger roads. We'll also use plantings as a buffer.

Mature trees are already there, though, and are being removed for this project. They should be used for privacy.

People are talking like this project is already happening when it's still up in the air. We'll do whatever we can to stop it.

What about the intrinsic value of the mature trees? Can't they be repurposed somehow if not protected?

What is the unit size range?

The smallest is 2-BR at 1,130 sq.ft., and the largest is 1,570 sq.ft.

Comment Sheet and Email Summary
Participants were invited to submit comments for a two-week response period after the meeting. Four comment sheets were submitted.
One respondent was concerned about the impacts of construction on the neighbourhood, such as parking for labourers and construction traffic. A second respondent opposed density increases on Mount Seymour Parkway until further investments in public transit infrastructure are made. A third respondent opposed any density increase in the neighbourhood. The fourth respondent suggested that each unit be provided with wiring to charge electric vehicles.

**Conclusion**

The purpose of this public meeting was to present to neighbours the proposed development concept, and provide them with an opportunity to ask clarifying questions and comment on the proposal. 207 invitations were mailed to the community, and eighteen community members signed in. Two newspaper ads notified the community of the meeting, and a sign was posted on the property.

The public could participate in this process in three ways:
- browsing boards
- talking to the project team and District Planner
- submitting written comments.

The meeting length and format was sufficient to provide all participants an opportunity to learn more, ask questions, and make the comments they wished to provide that evening. Participants asked the development team and District planner a variety of specific questions, mostly related to traffic, privacy, protection of green space and existing local character, construction impacts, as well as District policies and processes. There was fulsome discussion and the community was given ample opportunity to express their views of the proposal.
PUBLIC INFORMATION MEETING

A redevelopment is being proposed for 3428-3464 Mt. Seymour Parkway, to construct a 29 unit townhouse project. You are invited to a meeting to review and discuss the project.

Date: Wednesday, September 20th, 2017
Time: 7:00 – 8:30pm
Location of Meeting: Parkgate Community Centre – 3625 Banff Court, North Vancouver, BC

The applicant proposes to rezone the site from a single family zoning to a comprehensive development zone to permit a 29 unit ground oriented townhouse project. The project is made up of both 3 bedroom and 2 bedroom and den units that range between approximately 1,100 and 1,400 square feet in size and includes 52 residential parking stalls and 7 visitor stalls accessed through a new laneway at the rear of the development.

Information packages are being distributed to residents within a 100 meter radius of the site. If you would like to receive a copy or if you would like more information, please contact Erik Wilhelm of the Community Planning Department at 604.990.2360 or Marc Allere, Applicant Representative from Allere Headwater Residences at 604.422.8718 or bring your questions and comments to the meeting.

*This is not a public hearing. District of North Vancouver Council will receive a report from staff on the issues raised at the meeting and will formally consider the proposal at a later date.

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Petersson Planning Consulting
PUBLIC INFORMATION MEETING

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Information packages are being distributed to residents within a 100 meter radius of the site. If you would like to receive a copy or if you would like more information, please contact Erik Wilhelm of the Community Planning Department at 604.990.2360 or Marc Allaire, Applicant Representative from Allaire Headwater Residences at 604.472.8718 or bring your questions and comments to the meeting.

*This is not a public hearing. District of North Vancouver Council will receive a report from staff on the issues raised at the meeting and will formally consider the proposal at a later date.
Developer's Public Information Meeting

Proposal:
29 unit townhouse project at
3428-3464 Mt. Seymour Pkwy.

Wednesday, September 20th, 2017
7:00pm – 8:30pm Parkgate Community Centre
3625 Banff Court, North Vancouver, BC

Allaire Headwater Residences
604.422.8718

This meeting has been required by the District of North Vancouver as part of the regulatory process.
3428 – 3464 Mt. Seymour Parkway Development Application: Public Information Meeting Summary Report

Notification Flyers

Meeting Agenda:
Doors Open: 7:00pm
Open House: 7:00 - 7:30pm
Presentation: 7:30pm – 7:45pm
Question and Answer: 7:45 - 8:30pm

For further information please contact:
Marc Allaire
Allaire Headwater Residences
604.422.8718

Erik Wilhelm
District of North Vancouver, Planning Department
604.990.2360

Notice of a Public Information Meeting in Your Neighborhood

Allaire Headwater Residences is hosting a Public Information Meeting to present the development proposal for a 29 unit town house project at 3428-3464 Mt. Seymour Pkwy.

The information package is being distributed to the owners and occupants within 100 meters of the proposed development site in accordance with the District of North Vancouver policy.

Meeting time and Location:
Wednesday, September 20th, 2017
7:00pm – 8:30pm
Parkgate Community Centre
3625 Banff Court
North Vancouver, BC
The Proposal:

Allaire Headwater Residences proposes to construct a three storey townhouse development at 3428-3464 Mt. Seymour Parkway between Gaspe Place and Parkgate Avenue.

The proposal is for 29 townhouse units which will include 23 three bedroom units and 6 two bedroom and den units. The units will be built within 4 separate buildings oriented around an internal landscaped courtyard with internal/external walkways.

The site will be accessed from a rear driveway off of Parkgate Avenue. Parking will be located in the underground garage. 52 parking spaces will be provided for the residents with 7 visitor parking spaces.

This proposal also includes upgrades to the adjacent public path, where a new trail will be provided as this project's community amenity contribution.
Appendix B: Sign-in Sheets

### Sign-In Sheet

3428-3464 Mt Seymour Parkway Development Application  
Public Information Meeting September 20, 2017

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>EMAIL (optional)</th>
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<tbody>
<tr>
<td></td>
<td>3428 Mt Seymour Parkway</td>
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<td>S464 Mt Seymour Parkway</td>
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<td>3464 Mt Seymour Parkway</td>
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The personal information collected on this form is done so pursuant to the Community Charter and/or the Local Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The personal information collected herein will be used only for the purpose of this public consultation process unless its release is authorized by its owner or is compelled by a Court or an agent duly authorized under another Act. Further information may be obtained by speaking with The District of North Vancouver’s Manager of Administrative Services at 604-990-2207.
### Sign-In Sheet

#### 3428-3464 Mt Seymour Parkway Development Application

**Public Information Meeting September 20, 2017**

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
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Appendix C: Public Comments: Written Submissions

DISTRICT OF
NORTH
VANCOUVER

COMMENT SHEET
District of North Vancouver

PROPOSAL: 29 Unit Townhouse Development on Mt. Seymour Pkwy.
PROPOSAL ADDRESS: 3428-3464 Mount Seymour Parkway
DEVELOPER: Allaire Headwater Residences

Please provide us with any input you have on this project and feel free to attach additional sheets to help the District of North Vancouver understand neighbourhood concerns and views:

As an owner, we are very concerned about the construction process itself. It is possible that there would be two skeleton cars carrying the equipment and workers, and fear to park their vehicles beside us. When going to park, there is a Parkade Ave. The last time we had the townhouse development being built on the corner, there were close-ups of the construction vehicles, contractors, delivery trucks, etc. Consequently, we are going to be facing both adaptation for having them be here and to accommodate those people from the developers and contractor. We also need to drop off the children at the church or the treach of young people parents and coaches who use the park at the end of the street.

Your Name: (Redacted)
Street Address: 103-11281 Parkgate Ave

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Please insert your comment sheet into the comment box provided at the Public Information Meeting; or alternatively, mail or email your comment sheet (no later than October 6, 2017) to:
c/o Erik Wilhelm, Development Planner
District of North Vancouver - Community Planning Department
355 West Queens Road, North Vancouver, BC V7N 4N5

Email: ewilhelm@dnv.org

Peterson Planning Consulting
PROPOSAL: 29 Unit Townhouse Development
PROPOSAL ADDRESS: 3428-3464 Mount Seymour Parkway
DEVELOPER: Allaire Headwater Residences

Please provide us with any input you have on this project and feel free to attach additional sheets to help the District of North Vancouver understand neighbourhood concerns and views:

[Commentary continues on the sheet]

Your Name [Redacted] Street Address [Redacted]

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Please insert your comment sheet into the comment box provided at the Public Information Meeting; or alternatively, mail or email your comment sheet (no later than October 6, 2017) to:

c/o Erik Wilhelm, Development Planner
District of North Vancouver - Community Planning Department
355 West Queens Road, North Vancouver, BC V7N 4N5

Email: ewilhelm@dnv.org
COMMENT SHEET

PROPOSAL: 29 Unit Townhouse Development on Mt. Seymour Pkwy.
PROPOSAL ADDRESS: 3428-3464 Mount Seymour Parkway
DEVELOPER: Allaire Headwater Residences

Please provide us with any input you have on this project and feel free to attach additional sheets to help the District of North Vancouver understand neighbourhood concerns and views:

Your Name: [Space for Name]
Street Address: [Space for Address]

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Please insert your comment sheet into the comment box provided at the Public Information Meeting; or alternatively, mail or email your comment sheet (no later than October 6, 2017) to:

c/o Erik Wilhelm, Development Planner
District of North Vancouver - Community Planning Department
355 West Queens Road, North Vancouver, BC V7N 4N5

Email: ewilhelmn@dnv.org
PROPOSAL: 29 Unit Townhouse Development on Mt. Seymour Pkwy.
PROPOSAL ADDRESS: 3428-3464 Mount Seymour Parkway
DEVELOPER: Allaire Headwater Residences

Please provide us with any input you have on this project and feel free to attach additional sheets to help the District of North Vancouver understand neighbourhood concerns and views:

Your Name: ___________________________ Street Address: ___________________________

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Please insert your comment sheet into the comment box provided at the Public Information Meeting; or alternatively, mail or email your comment sheet (no later than October 6, 2017) to:

c/o Erik Wilhelm, Development Planner
District of North Vancouver • Community Planning Department
355 West Queens Road, North Vancouver, BC V7N 4N5

Email: ewilhelm@dnv.org
Dear Mr. Wilhelm:

Please accept the attached pages signed by owners at 1281/1283 Parkgate Place with regard to the 29 Unit Townhouse Development proposal at 3428-3464 Mount Seymour Parkway.

We know that this is past the due date but we are hopeful that you can add our voices and comments to your presentation to the Council when it comes time to approve this proposal. As you can see by the comments we are very concerned about the lack of consideration of the current infrastructure and the ability to handle the construction and owner traffic for this and any future proposals for this part of the Seymour Parkway.

Thank you for your consideration.
We, the undersigned owners at Parkgate Place, 1281-1283 Parkgate Avenue, North Vancouver, do NOT approve of the proposal to develop the 3428-3464 Mt. Seymour Parkway lots into a complex of 29 townhouses.

<table>
<thead>
<tr>
<th>Name</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Judith Cochrane</td>
<td>Concerned about lack of infrastructure to accommodate the additional traffic</td>
</tr>
<tr>
<td>Nancy Platt</td>
<td>Agree with the above comment</td>
</tr>
<tr>
<td>Barbick Donn</td>
<td>Traffic already incredibly bad</td>
</tr>
<tr>
<td>Nathan van Willert</td>
<td>Increased traffic a big concern</td>
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<tr>
<td>Karissa Salie</td>
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<tr>
<td>John Kongs</td>
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<td>Bill &amp; Helen Kelly</td>
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<tr>
<td>Gret Stade</td>
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<td>Jason Galld</td>
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<td>Oleg Gromb</td>
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<td>Cec Dill</td>
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<td>Caroline Stewart</td>
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<td>Anne Hansen</td>
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<td>John Mcnabu</td>
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<td>Grace Gil</td>
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</table>

Your Name: Parkgate Place  
Street Address: 1281-1283 Parkgate Av.
We, the undersigned owners at Parkgate Place, 1281-1283 Parkgate Avenue, North Vancouver, do NOT approve of the proposal to develop the 3428-3464 Mt. Seymour Parkway lots into a complex of 29 townhouses.

Name: Diane Winstrom
Comments: Lack of infrastructure to support development.

Name: Gord Ellwyn
Comments: Poor traffic conditions need to be better addressed.

Name: Rula Davison
Comments: Too many units not enough parking. 6 parking spots per unit.

Name: Anne Marie Cathcart
Comments: No support for future infrastructure.

Name: Eunice Findlay
Comments: Why not for new townhouses should be for cars. Jasper Place & Seymour Pky is getting too busy. It is not enough. It is not enough. What happens to our walking trail?

Name: Christian & Jane Proctor
Comments: RITA 4 STEPHAN GILL. No lack of parking & infrastructure!

Name: Mary Brooks
Comments:
PROPOSAL: 29 Unit Townhouse Development on Mt. Seymour Pkwy.
PROPOSAL ADDRESS: 3428-3464 Mount Seymour Parkway
DEVELOPER: Allaire Headwater Residences

Please provide us with any input you have on this project and feel free to attach additional sheets to help the District of North Vancouver understand neighbourhood concerns and views:

RITONNA CHURCH

Your Name
Street Address

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Please insert your comment sheet into the comment box provided at the Public Information Meeting; or alternatively, mail or email your comment sheet (no later than October 6, 2017) to:

c/o Erik Wilhelm, Development Planner
District of North Vancouver - Community Planning Department
355 West Queens Road, North Vancouver, BC V7N 4N5

Email: ewilhelm@dnv.org
Public Hearings

When: 7 pm, Tuesday, June 26, 2018
Where: Council Chambers, District of North Vancouver Municipal Hall, 355 West Queens Road, North Vancouver, BC

Two public hearings will occur consecutively in the order noted below.

### 3428-3464 Mt. Seymour Pkwy.
**29 Unit Townhouse Project**

**What:** A Public Hearing for Bylaw 8275, a proposed amendment to the Zoning Bylaw, to permit the development of a twenty-nine unit townhouse project.

**What changes?**
Bylaw 8275 proposes to amend the District’s Zoning Bylaw by rezoning the subject site from Single-Family Residential One Acre Zone (RS1) to Comprehensive Development Zone 114 (CD114). The CD114 Zone addresses use and accessory use, density, amenities, setbacks, building and site coverage, height, landscaping, subdivision requirements and parking and storage requirements.

### 3468, 3472, 3484 & 3490 Mt. Seymour Pkwy.
**27 Unit Townhouse Project**

**What:** A Public Hearing for Bylaw 8254, a proposed amendment to the Zoning Bylaw, to permit the development of a twenty-seven unit townhouse project.

**What changes?**
Bylaw 8254 proposes to amend the District’s Zoning Bylaw by rezoning the subject site from Single-Family Residential One Acre Zone (RS1) to Comprehensive Development Zone 108 (CD108). The CD108 Zone addresses use and accessory use, density, amenities, setbacks, building and site coverage, height, landscaping, subdivision requirements and parking and storage regulations.

### Questions?
Erik Wilhelm, Development Planner
604-990-2360 or wilhelme@dnv.org

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When can I provide input?
We welcome your input Tuesday, June 26, 2018, 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 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 bylaws are available for review at the Municipal Clerk’s Office or online at dnv.org/public_hearing from June 12 to June 26. Office hours are Monday to Friday 8 am to 4:30 pm, except statutory holidays.
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