



AGENDA INFORMATION

- Regular Meeting
- Other:

Date: MARCH 29, 2021
Date: _____


Dept.
Manager


GM/
Director


CAO

The District of North Vancouver REPORT TO COUNCIL

March 9, 2021
File: 08.3060.20/052.19

AUTHOR: Casey Peters, Senior Development Planner

SUBJECT: Bylaws 8496 and 8497: Rezoning and Housing Agreement for a Multi-Family Development at 405-485 Marie Place

RECOMMENDATION

THAT the “District of North Vancouver Rezoning Bylaw 1409 (Bylaw 8496)” to rezone the subject site from RS5 to CD135 and Neighbourhood Park (NP) be given FIRST reading;

AND THAT “Housing Agreement Bylaw 8497, 2021 (405 Marie Place)” which authorizes a Housing Agreement to prevent future rental restrictions on the subject property, be given FIRST reading;

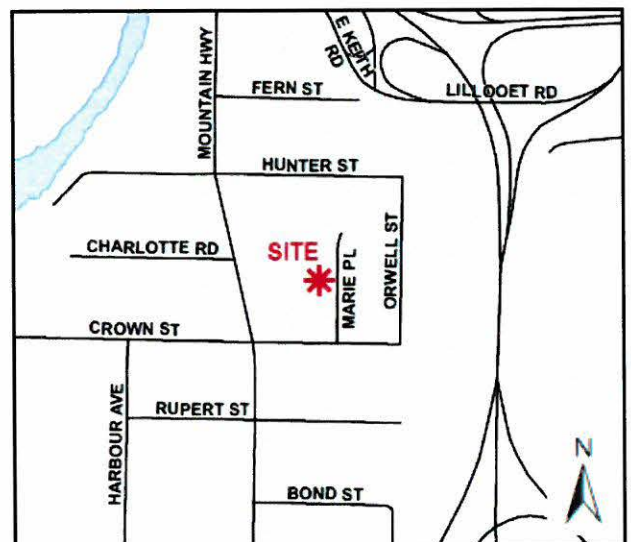
AND THAT Bylaw 8496 be referred to a Public Hearing.

REASON FOR REPORT

Implementation of the proposed project requires Council’s consideration of:

- Bylaw 8496 to rezone the subject properties; and,
- Bylaw 8497 to authorize a housing agreement to ensure all future owners are eligible to rent their units.

The Rezoning Bylaw and Housing Agreement Bylaw are recommended for introduction and the Rezoning Bylaw is recommended for referral to a Public Hearing.



REASON FOR REPORT

Implementation of the proposed project requires Council's consideration of:

- Bylaw 8496 to rezone the subject properties (**Attachment 2**);
- Bylaw 8497 to ensure future owners are eligible to rent their units (**Attachment 3**);
- Issuance of one or more development permits.

The Rezoning Bylaw and Housing Agreement Bylaw are recommended for introduction and the Rezoning Bylaw are recommended for referral to a Public Hearing. Development Permit(s) will be forwarded to Council for consideration if the rezoning proceeds.

SUMMARY

Engage Architecture has applied on behalf of Fairborne CMCC Marie Place GP Ltd. to redevelop eleven existing single-family residential lots to create two six-storey buildings with a total of 140 strata units. The units include a mix of one bedroom, two bedroom, and three bedroom layouts.

ANALYSIS

Site and Surrounding Area

The site is located in the Lynn Creek Town Centre on the west side of Marie Place, north of Crown Street. The development site includes eleven single-family lots totalling 4,136.5 m² (44,525 sq. ft.) in area as well as a 5m wide portion of the Marie Place road allowance that totals 538.8 m² (5,800 sq. ft.) in area. The gross site area is 4,675.3 m² (50,325 sq. ft.)

The proposal includes park dedication of two existing lots of 778.4 m² (8,378 sq. ft.) in area for the expansion of Marie Place Park as well as a road dedication on Crown Street of 52.0 m² (600 sq. ft.). The net site area, including the portion of the Marie Place roadway and discounting the park and road dedication areas is 3,844.9 m² (41,386 sq. ft.)



Surrounding land uses include single-family homes to the north, east, and south and a mix of commercial and single-family uses to the west. The seven lots to the west are owned by the same applicant as the subject site and are currently under application for

rezoning to accommodate a mixed-use development. A new six-storey strata apartment building is located to the southwest.

EXISTING POLICY

Official Community Plan

The Official Community Plan (OCP) designates the site as RES Level 6: Medium Density Apartment (2.5 FSR) which envisions medium rise apartments at a density of up to approximately 2.5 FSR. The proposal is consistent with the land use objectives in the Official Community Plan.

The proposal addresses a number of OCP goals and policies including:

- “Encourage and facilitate a broad range of market, non-market and supportive housing”
- “Encourage and facilitate a wide range of multifamily housing sizes, including units suitable for families with an appropriate number of bedrooms, and smaller apartment units”

Lynn Creek Town Centre:

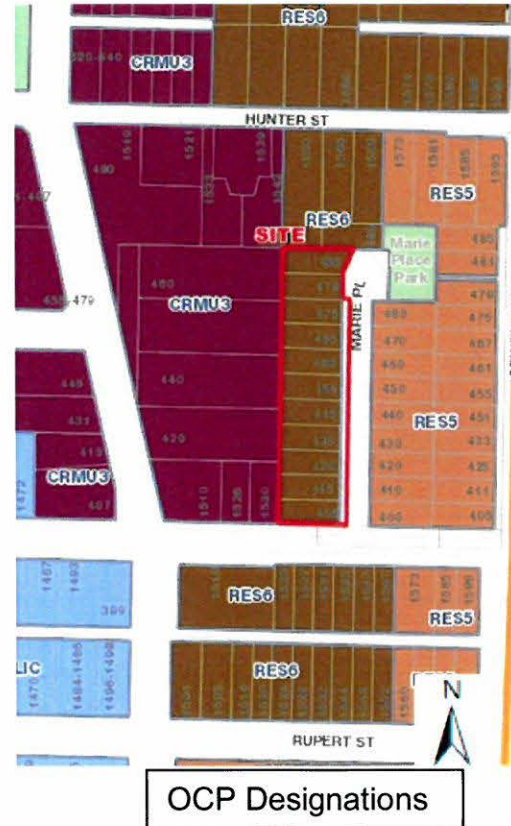
The project has been reviewed against the Lower Lynn Town Centre Implementation Plan (Lynn Creek Plan) and the Lynn Creek Public Realm Guidelines. The Lynn Creek Plan anticipates multi-family residential development in the form of mid-rise apartments on this site, at a height of approximately six storeys. The proposal is consistent with the land use and building heights anticipated for this site.

The proposal addresses the Lynn Creek Plan Concept Planning Principles related to housing choice including:

- Revitalizes the residential neighbourhood and encourages innovative housing forms close to employment, transit, retail and community services.
- Facilitates a mix of housing types and tenures to accommodate people of all ages, abilities and incomes for the next 20 years.

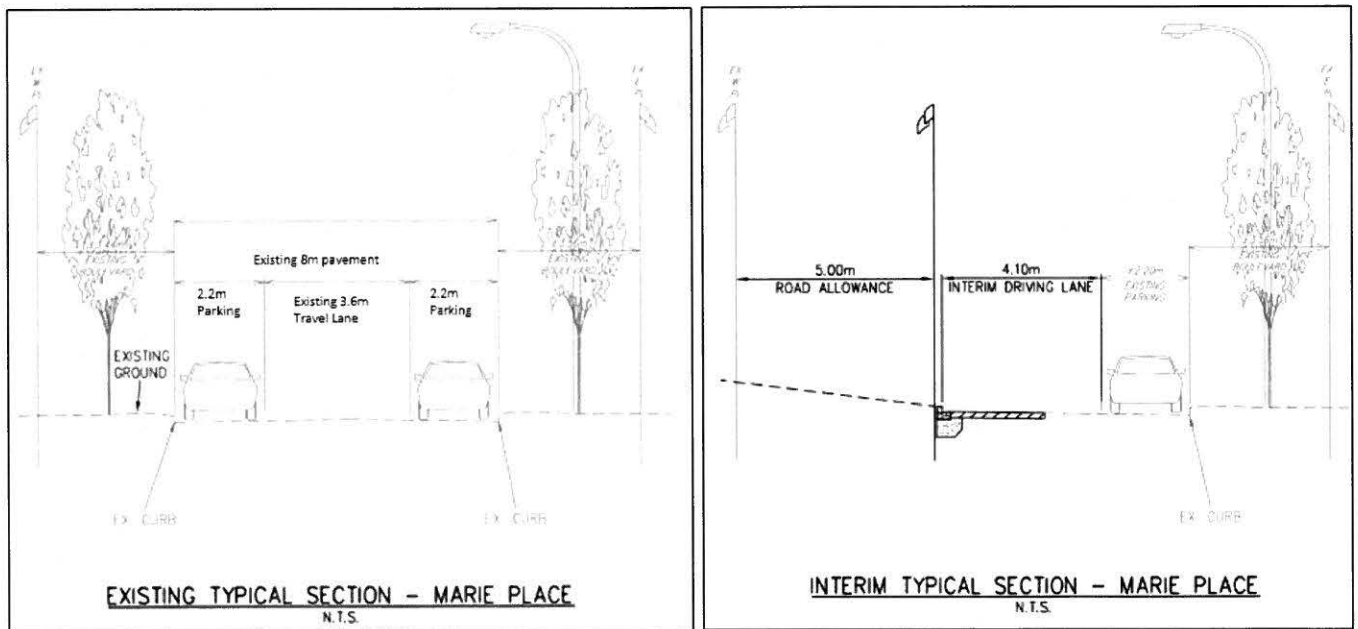
The project would dedicate two existing lots to the municipality to allow for the expansion of Marie Place Park. The project would also provide a financial contribution towards the construction of the future Green Spine linear park which is an important feature within the Lynn Creek Town Centre.

The Lynn Creek Plan anticipates that the eastern 10m of the Marie Place road allowance will be closed and converted to the Green Spine Linear Park when it is no



longer required to service the single family lots on the east side of Marie Place. The western 5m of Marie Place is proposed to be closed and consolidated with the subject site. A Road Closure Bylaw (Bylaw 8501) to close the portion of the existing Marie Place road allowance will be considered by Council as a separate agenda item. The rezoning application includes an analysis of the interim design which will allow continued use of the existing cul-de-sac for vehicle access and services until the eastern lots are redeveloped and construction of the Green Spine linear park commences.

The images below show the existing section of Marie Place (on the left) which includes parking on both sides of the street and a 3.6m wide travel lane. The proposed interim section (on the right) includes a 4.1m travel lane and parking on the east side of the street. No changes are proposed to the location of the curb on the east side of Marie Place.



The proposed interim road design requires that the existing natural gas main along Marie Place be relocated closer to the centre of the roadway. The existing storm, sanitary, water, hydro, and communication utilities are proposed to remain, and are to be protected during construction.

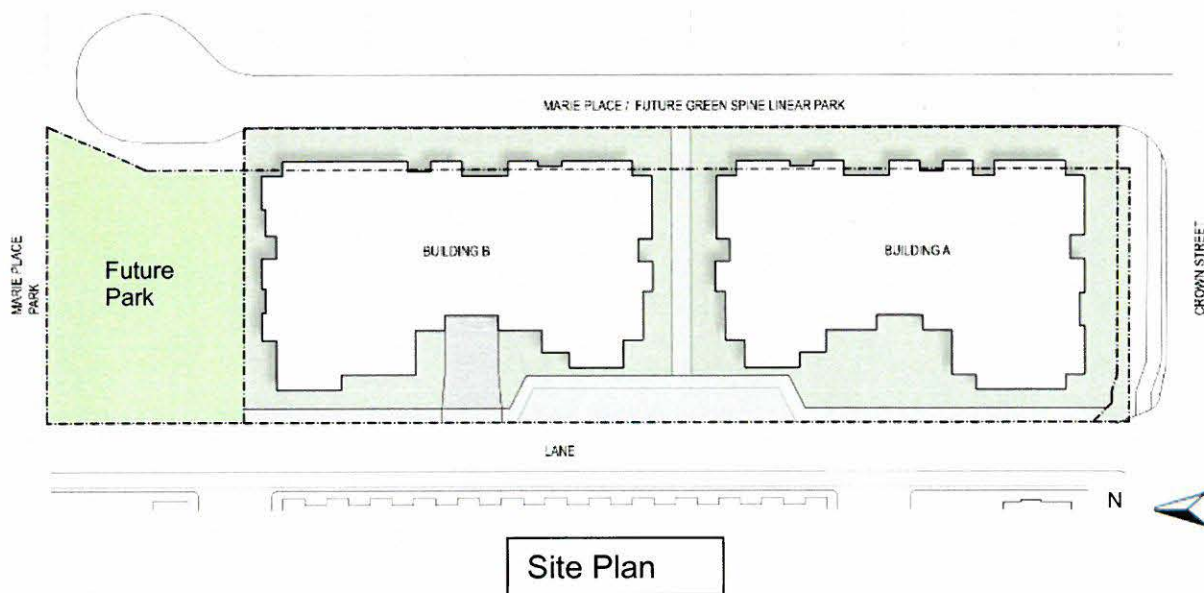
Zoning

The subject properties are currently zoned Detached Residential (RS5) which allows for a maximum FSR of 0.45. Rezoning is required to accommodate the project and Bylaw 8496 proposes to create a new Comprehensive Development Zone 135 (CD135) tailored specifically to this project. The proposed CD135 zone prescribes permitted uses and zoning provisions such as a maximum density of 2.5, height, setbacks, and parking requirements. Bylaw 8496 also rezones the northern two parcels to Neighbourhood Park (NP) to match the zoning of the existing Marie Place Park.

ANALYSIS:

Site Plan and Project Description

The project consists of two six-storey residential buildings over two levels of underground parking. Access to the garage is located at the west of the site from a new north-south lane to be created on the adjacent property. The creation of this new lane would be secured in the Development Covenant. A pick-up/drop-off area is also proposed off the lane.



Site Plan

A pedestrian pathway is proposed between the two buildings and will provide a public connection between the lane and the Green Spine Linear Park.

The units proposed are a mix of one, two and three bedroom layouts. The units range in size from 51 m² (547 sq. ft.) to 100 m² (1,075 sq. ft.). The buildings are approximately 5,808 m² (62, 515 sq. ft.) and 5,880 m² (63,293 sq. ft.) in floor area.

Rental and Affordable Housing Strategy

The proposed bylaws, if adopted, will permit development of the site for two six-storey residential buildings. This responds to the following goals of the District's Rental and Affordable Housing Strategy (RAHS):

- Goal 1: Expand the supply and diversity of housing.
- Goal 5: Minimizing Impacts to Tenants

Development Permits

The site is in the following Development Permit Areas:

- a) Form and Character of Multi-Family Residential Buildings
- b) Energy and Water Conservation and Greenhouse Gas Emission Reduction
- c) Protection of Development from Hazardous Conditions (Creek Hazard)

a) Form and Character of Commercial, Industrial, and Multifamily Development

The proposal is consistent with the OCP Design Guidelines for Multi-Family Housing.

The application was considered by the Advisory Design Panel (ADP) on February 13, 2020 and the Panel recommended approval of the project subject to resolution of the Panel comments which included a review of the design of the proposed patios and the walkway between the two buildings.

A detailed review of the form and character development permit issues, outlining the project's compliance with the applicable guidelines, will be provided for Council's consideration at the Development Permit stage.

b) Energy and Water Conservation and Greenhouse Gas Emission Reduction

The proposal as designed is consistent with the OCP Guidelines for Energy and Water Conservation and Greenhouse Gas Emission Reduction. In addition, the applicant has considered the District's Community Energy and Emissions Plan (CEEP) and Council's declaration of a Climate Emergency.

The proposal would meet "Step 3" of the BC Step Code, and include a Low Carbon Energy System (LCES), with the LCES having an emission target of less than 3 kgCO₂e/m²/yr. The applicant notes that they intend to install a fossil fuel free mechanical design to minimize the carbon footprint and greenhouse gas for the project and they are working with BC Hydro to verify the servicing requirements to meet the intended mechanical design.

c) Protection from Natural Hazards (Creek Hazard)

The proposal is consistent with the OCP Guidelines for Protection from Natural Hazards (Creek Hazard). A flood hazard assessment report by Keystone Environmental was submitted with the application and the building is designed in accordance with that report.

A detailed review of development permit issues, outlining the project's compliance with the applicable development permit guidelines for all three development permit areas, will be provided for Council's consideration should the application proceed through the rezoning process.

Accessibility

The proposal fulfils the requirements of the District's Accessible Design Policy for Multi-family Housing as 100% of the apartment units meet the 'Basic Accessible Design' criteria and 5% of the apartment units meet the 'Enhanced Accessible Design' criteria. A total of seven units will include 'enhanced accessible design' features.

Vehicle Parking

All parking is proposed in a two level underground garage. Access to the garage is proposed through a new lane to be created on the site to the west.

Typical Zoning Bylaw requirements for parking in the project would indicate the need for 280 parking stalls for residential uses (including visitor parking).

The District's "Alternative Vehicle Parking Rates" Policy was approved in November 2020 and includes base parking rates based on unit mix with opportunities for parking reductions based on location if the proposal includes Transportation Demand Management (TDM) features. The proposal complies with the new policy and results in 1.05 spaces per unit (147 spaces) and 0.1 spaces for visitors (14 spaces) for a total of 161 parking stalls. The proposed TDM features include pedestrian improvements, bicycle parking, and a bicycle maintenance room located on the ground floor of Building B.

The District OCP includes as Section 5.1 (8) the statement that reductions for parking requirements should be considered for new developments in centres well-served by transit to encourage alternate modes of transportation and to increase housing affordability.

The applicant has submitted a Transportation Impact Assessment prepared by Bunt and Associates that supports the proposed parking rate and notes that the site is well-served by transit.

The applicant has proposed to provide energized outlets capable of supporting “Level 2” charging for all of the residential parking spaces. The applicant is actively working with BC Hydro to verify the servicing for this intended proposal.

Staff are supportive of the proposed parking rate as the site is well-served by transit and adjacent to the heart of the Town Centre, and the overall plan for the Lynn Creek Town Centre includes numerous long-term transportation improvements for pedestrians and bicyclists.

Bicycle Parking and Storage

The District’s “Bicycle Parking and End-of-Trip Facilities Policy” proposes the following rates for bicycle parking:

- A minimum of 1.5 spaces for a studio or one-bedroom unit
- A minimum of 2 spaces for a two or more bedroom unit

The Policy would result in 252 bicycle spaces for this project and the proposal exceeds the policy by providing 2.0 spaces per unit (280 bicycle storage spaces) for residents with bicycle spaces provided on each floor of the buildings. Electrical outlets for electrical bicycle charging are proposed for all bicycle storage areas. In addition, a bicycle maintenance room is proposed adjacent to the amenity space in Building B.

A total of 18 visitor bicycle spaces are provided adjacent to the entrances of the buildings. The requirements for the bicycle spaces are secured in the proposed CD135 zone. Overall, the bicycle parking proposed, along with the proximity to transit service, will help to support alternate transportation options for residents and visitors to the project.

Land Dedications

This project would provide substantial land dedications for parks and roadways including:

- Dedication of two parcels totalling 778.4 m² (8,378.3 sq. ft.) towards the expansion of Marie Place Park.
- The creation of a new north-south lane on the adjacent site to the west (if the adjacent development application to the west at 1510 Crown Street does not proceed), which will ultimately connect Crown Street to Hunter Street.
- Road dedication on Crown Street.

Off-site improvements

The application includes a number of off-site improvements:

- Improved street frontages on Crown Street with street tree plantings and streetlight upgrades, including pedestrian lighting, curb, gutter, and paving improvements.

- If the adjacent development application to the west (1510 Crown Street) does not proceed, this project will construct the new north-south lane.

The project would also provide a cash contribution of \$510,908 towards the future construction of the Green Spine Linear Park and the expansion of Marie Place Park.

The estimated total value of off-site works (engineering and landscaping) is approximately \$880,200. This estimate includes the interim road design for Marie Place but does not include the new north-south lane to the west. The cash contribution to the Green Spine Linear Park and Marie Place Park expansion is also in addition to this estimate. This estimate has been provided by the applicant and the full scope (and value) of required off-site construction will be determined through the detailed design work at the Building Permit stage.

Development Cost Charges

The project will pay Development Cost Charges (DCC's) at the applicable rate at the date of Building Permit submission should the rezoning and Development Permit be approved. The estimated District DCC payable at 2020 rates for the 140 units is \$1,290,844.

Community Amenity Contribution

The District's Community Amenity Contribution (CAC) Policy outlines expectations for contribution for projects which result in an increase in density. A CAC of \$2,542,814 will be included in the proposed CD135 Zone.

It is anticipated that the CACs from this development will be directed toward affordable or special needs housing; the provision or enhancement of public facilities which may include but are not limited to: the community centre; childcare; park, plaza, trail, environmental, pedestrian or other public realm, infrastructure improvements; and public art and other beautification projects.

Tenant Relocation Assistance

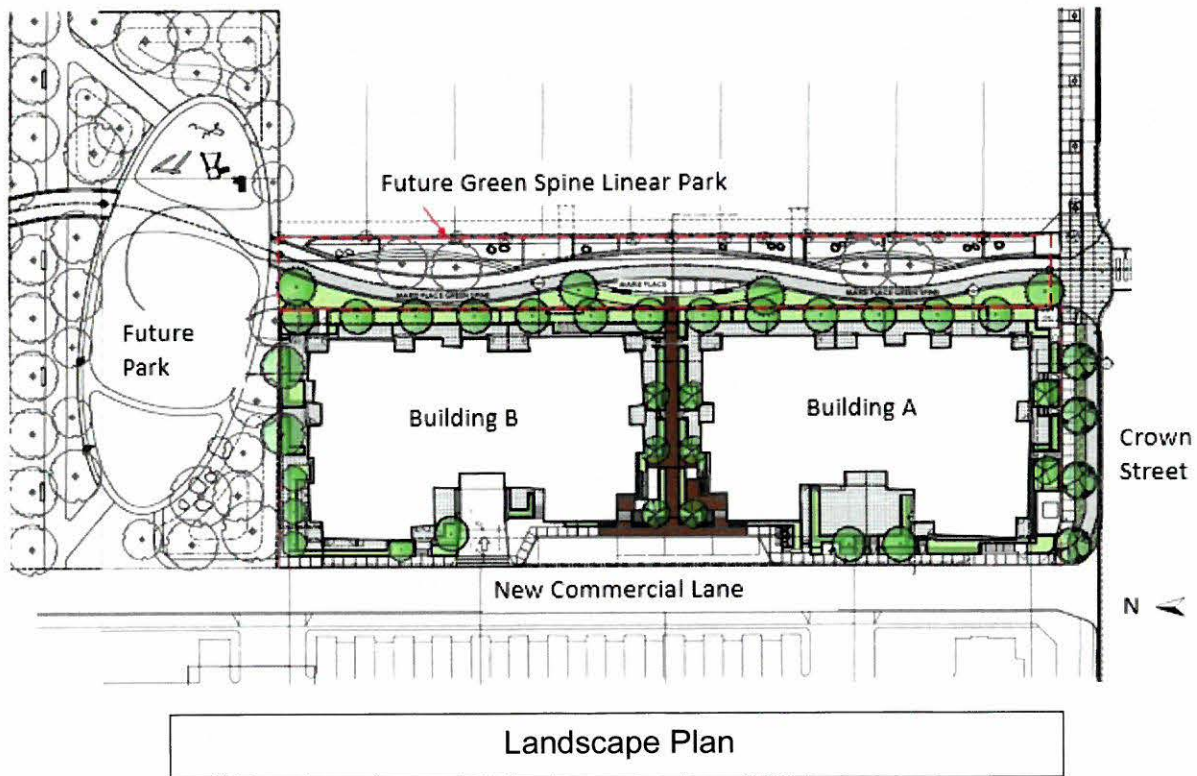
The District's Residential Tenant Relocation Assistance Policy (RTRAP) applies to rezoning applications that require the demolition of any building or combination of buildings containing more than four rental dwelling units, at the time of submission of the detailed application. The policy was amended in March 2018, as the previous policy only applied to purpose-built rental units.

There are 11 existing single family houses on site and two houses are vacant due to the condition of the houses. The remaining nine houses are tenanted and rented at below-market rental rates for short term leases of six to eight months. The tenants are aware

of the intended redevelopment of the site and the owners have retained a property management company to assist tenants and to provide resources to aid tenants in finding new accommodations upon request. As the provisions of the RTRAP apply to this project, the applicant has to date addressed a number of items of the RTRAP and staff are continuing to work with the applicant to ensure that assistance is available to any tenant who needs it.

Landscaping

The District's consultant has prepared a design for the Green Spine and Marie Place Park expansion including a 4m path, stormwater management features and landscaping. A conceptual landscape plan has been submitted with the rezoning application that includes both an interim design and a future design that demonstrates how the proposal works with the District's Green Spine and Park design. The image below shows the ultimate design which would not be implemented until the developments to the east and north proceed. There are currently no active applications under consideration on the sites to the north or east.



Should the rezoning proposal proceed, a more detailed review of landscape issues will be included in the development permit report.

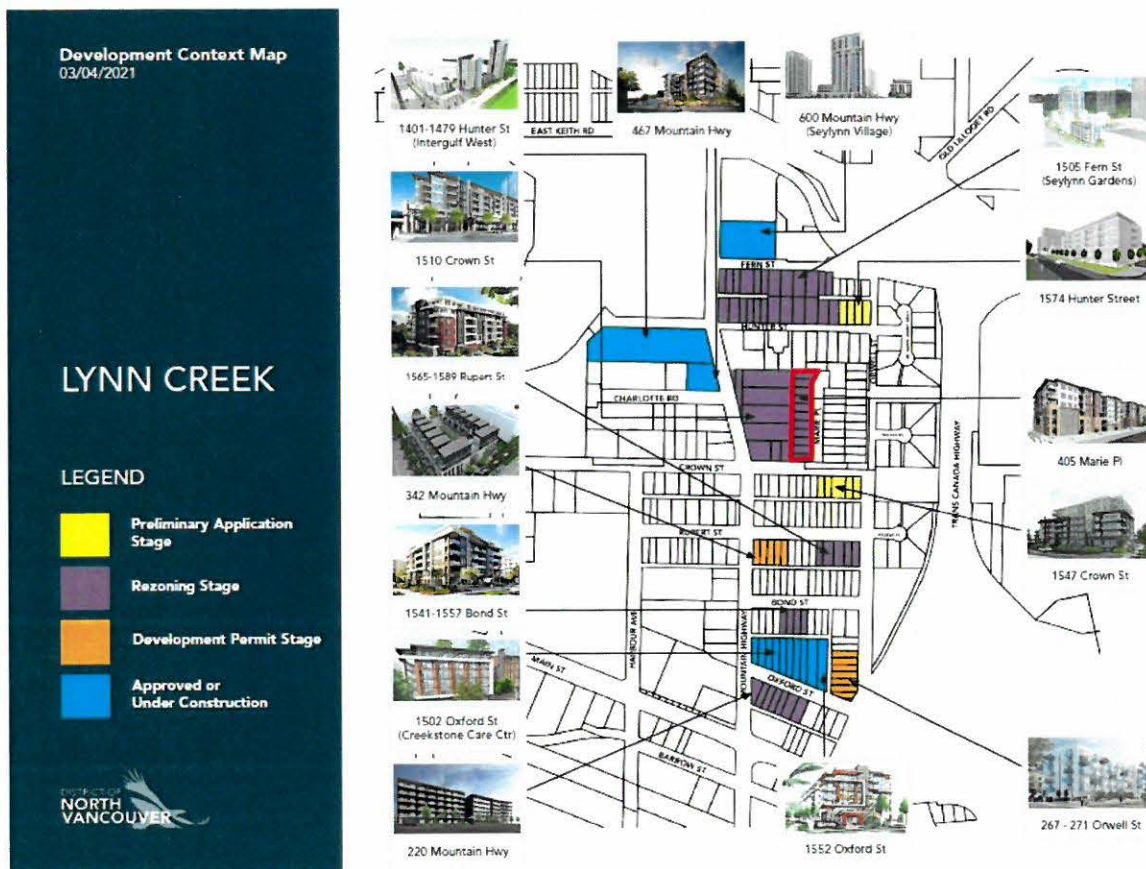
Concurrence:

The project has been reviewed by staff from the Environment, Building and Permits, Legal, Parks, Engineering, Community Planning, Urban Design, Transportation, Fire Services, Real Estate, Finance, and the Arts Office.

The District of North Vancouver Rezoning Bylaw 8496 affects land lying within 800m of a controlled access intersection and therefore approval by the Provincial Ministry of Transportation and Infrastructure will be required after third reading of the bylaw and prior to bylaw adoption.

Construction Traffic Management Plan:

The site is shown in relation to other residential construction projects and potential development projects in the image below.



In order to reduce development's impact on pedestrian and vehicular movements, the applicant is required to provide a Construction Traffic Management Plan (CTMP) as a condition of a Development Permit.

The Plan must outline how the applicant will coordinate with other projects in the area to minimize construction impacts on pedestrian and vehicle movement. The plan is required to be approved by the District prior to issuance of a building permit.

In particular, the Construction Traffic Management Plan must:

1. 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.

Public Input

The applicant held a Virtual Public Information Meeting from October 20 – November 3, 2020.

Notices were distributed to neighbours in accordance with the District's policy on Non-Statutory Public Consultation for Development Applications. Two notification signs were placed: one on the site at the corner of Marie Place and Crown Street, and one at the corner of Mountain Highway and Crown Street to notify passers-by of the meeting. Advertisements were also placed in the North Shore News.

A webpage was established for the Virtual Public Information Meeting on the District's website and included a video and display boards prepared by the applicant as well as information on the District's rezoning process and a context map. The Virtual PIM allowed participants to ask questions which were posted with a response within two business days. Participants were also able to submit a comment form. Of note, the website was viewed by 57 unique IP addresses and the project video was viewed 27 times.

A summary of the Virtual Public Information Meeting, comments received, and the Q&A, is attached (Attachment 4). Key topics raised were associated with construction impacts including impacts on street parking and services for the east side of Marie Place. Support was expressed for the additional park space and questions of clarification were asked on the portion of Marie Place that was proposed to be closed, the timing of the rezoning, and details on the buildings including flood mitigation and grading.

Implementation

Implementation of this project will require a rezoning, road closure, and a Housing Agreement, as well as issuance of one or more development permits and registration of legal agreements.

Bylaw 8496 (Attachment 2) rezones the subject site from RS5 to a new Comprehensive Development Zone 135 (CD135) which:

- establishes the permitted residential uses;
- allows home occupations as an accessory use;
- establishes the maximum permitted floor area on the site;
- establishes setback and building height regulations; and,
- establishes parking regulations specific to this project.

Bylaw 8497, (Attachment 3) authorizes the District to enter into a Housing Agreement to ensure that there will be no future restrictions on renting the units.

A legal framework will be required to support the project and it is anticipated that a development covenant will be used to secure items such as the details of off-site servicing requirements. Additional legal documents required for the project will include:

- subdivision plan showing road and park dedications;
- development covenant to reference the general form and layout of project as well as requirements for off-site servicing, creation of the new north-south lane on the adjacent site, and contribution towards future park construction;
- stormwater management covenant;
- covenant to specify that any "unsold" parking spaces be transferred to strata corporation
- registration of a housing agreement regarding prohibition of rental restrictions for strata units

CONCLUSION:

This project assists in implementation of the District's Official Community Plan objectives and the Lower Lynn Town Centre Implementation Plan (Lynn Creek). The rezoning proposal is now ready for Council's consideration.

Options:

The following options are available for Council's consideration:

1. Introduce Bylaws 8495 and 8497 and refer Bylaw 8496 to a Public Hearing (staff recommendation);
2. Refer the project back to staff for further consideration; or,
3. Defeat the bylaws at First Reading.



Casey Peters
Senior Development Planner

Attachments:

1. Architectural and Landscape Plans
2. Bylaw 8496 – Rezoning
3. Bylaw 8497 – Housing Agreement
4. Summary of Virtual Public Information Meeting

REVIEWED WITH:		
<input type="checkbox"/> Community Planning _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Planning _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Development Engineering _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> NVRC _____
<input type="checkbox"/> Parks _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Environment _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Facilities _____	<input type="checkbox"/> Real Estate _____	
<input type="checkbox"/> Human Resources _____	<input type="checkbox"/> Bylaw Services _____	
<input type="checkbox"/> Review and Compliance _____	<input type="checkbox"/> Planning _____	

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View from Crown Street and Marie Place

**ADVISORY
DESIGN
PANEL
SUBMISSION**

FEBRUARY 6, 2020

MARIE PLACE
405-485 Marie Place, North Vancouver, BC

RENDERINGS

37

ADVISORY
DESIGN
PANEL
SUBMISSION

FEBRUARY 6, 2020

MARIE PLACE
405-485 Marie Place, North Vancouver, BC

RENDERINGS

38



View from New Lane



View of Pedestrian Path between Buildings

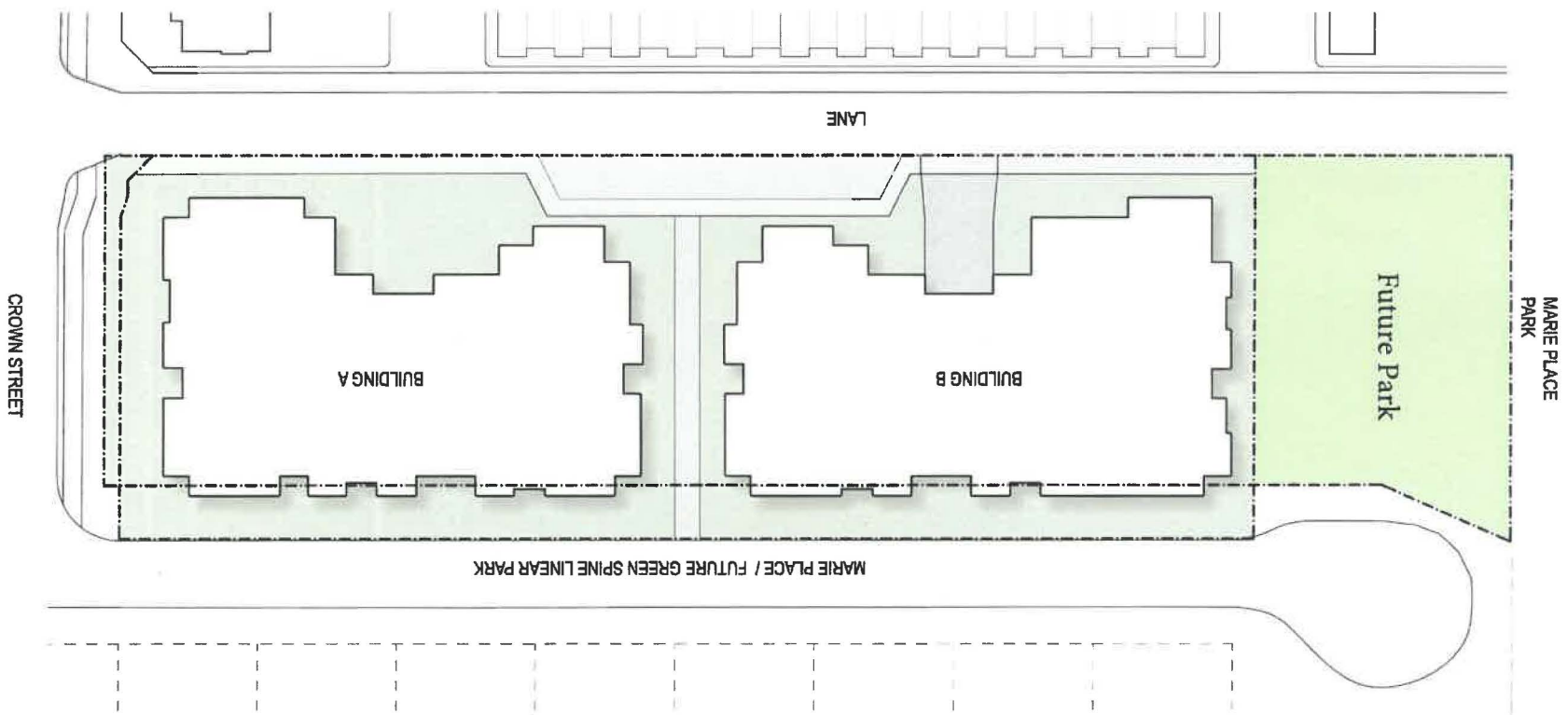
**ADVISORY
DESIGN
PANEL
SUBMISSION**

FEBRUARY 6, 2020

MARIE PLACE
405-485 Marie Place, North Vancouver, BC

RENDERINGS

39



CROWN STREET

BUILDING A

BUILDING B

Future Park

MARIE PLACE
PARK

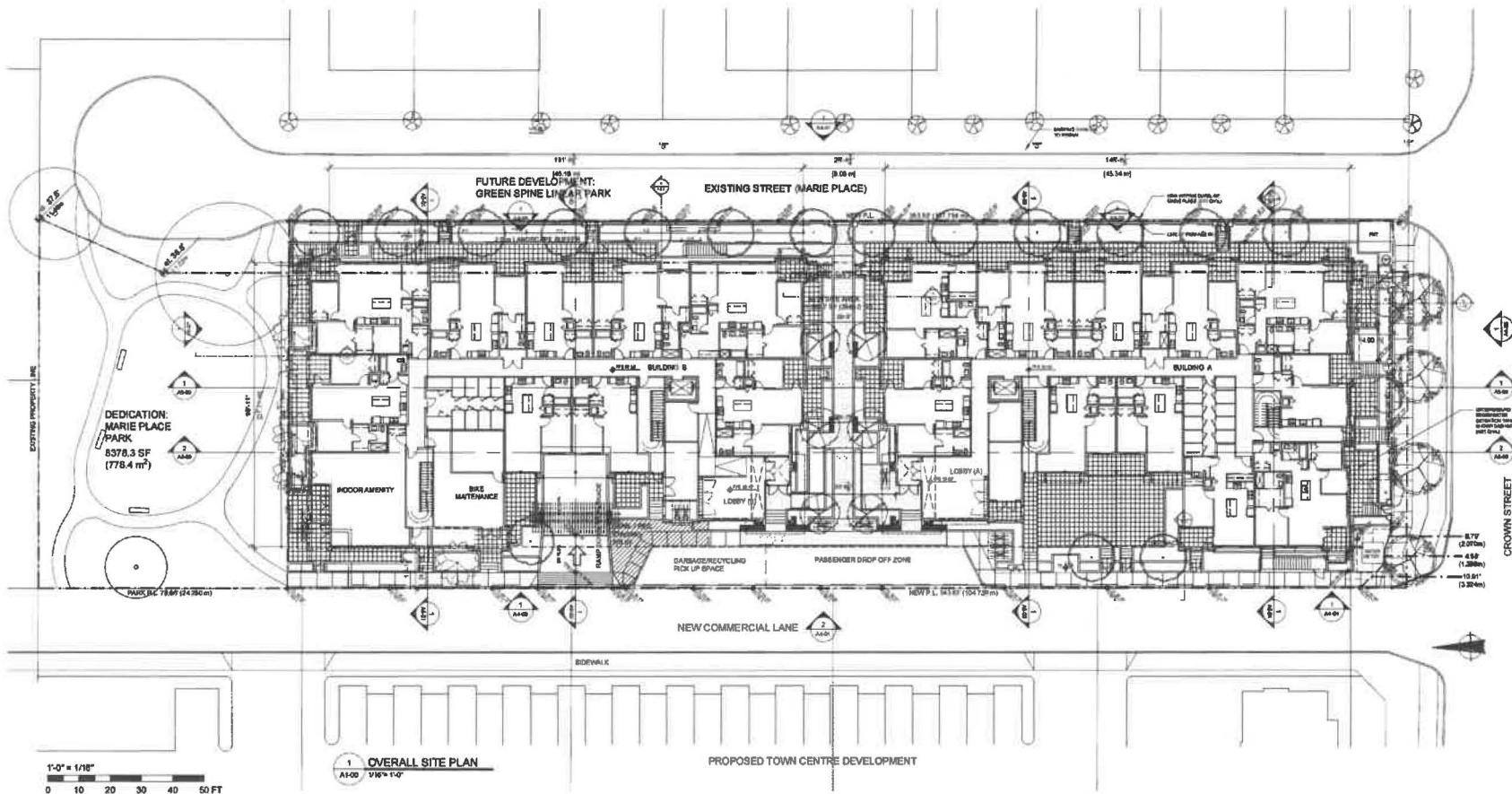
LANE

MARIE PLACE / FUTURE GREEN SPINE LINEAR PARK

**ADVISORY
DESIGN
PANEL
SUBMISSION**

FEBRUARY 6, 2020

MARIE PLACE
405-485 Marie Place, North Vancouver, BC



SITE PLAN

**ADVISORY
DESIGN
PANEL
SUBMISSION**

FEBRUARY 6, 2020

MARIE PLACE
405-485 Marie Place, North Vancouver, BC

ELEVATIONS

9



PROPOSED ELEVATION (MARIE PL.)



PROPOSED ELEVATION (LANE)



BUILDING A - PARTIAL NORTH ELEVATION



1
ASPHALT SHINGLE ROOF
MALARKEY LEGACY
NATURAL WOOD



2
STAINED WOOD BRACKETS,
SOFFITS AT LOBBIES, WOOD
STAIN
SICO: EXT. TRANSLUCENT
WOOD COATING
TRADITIONAL CEDAR



3
PAINTED WOOD SIDING,
TRIMS AT BALCONIES,
ROOF FASCIA, &
PAINTED STEEL DOORS
JAMES HARDIE PANELS:
SMOOTH REVEAL SYS. --
IRON GREY



4
PANEL CLADDING
JAMES HARDIE PANELS:
SMOOTH REVEAL SYS. --
AGED PEWTER



10
VINYL WINDOWS & ALUMINUM
CURTAIN WALL AT LOBBY /
AMENITY
EXTERIOR: BLACK
INTERIOR: WHITE
ALUM. GUARDRAIL: BLACK



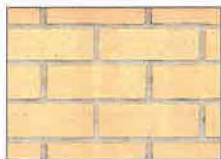
11
VINYL WINDOWS
EXTERIOR: WHITE
INTERIOR: WHITE



12
CONCRETE WINDOW SILL &
POST CAPS
CLEAR & SMOOTH FINISH



5
PANEL CLADDING & PAINTED
ALUMINUM SCREENS
JAMES HARDIE PANELS:
SMOOTH REVEAL SYS. --
ARCTIC WHITE



6
PANEL CLADDING
JAMES HARDIE PANELS:
SMOOTH REVEAL SYS. W/
COLOURPLUS TECH. --
BAKED CLAY

8
BRICK VENEER
MUTUAL MATERIALS
MISSION: WHEAT



BUILDING B - PARTIAL SOUTH ELEVATION



1
ASPHALT SHINGLE ROOF
MALARKEY LEGACY
NATURAL WOOD



2
STAINED WOOD BRACKETS,
SOFFITS AT LOBBIES, WOOD
STAIN
SICO: EXT. TRANSLUCENT
WOOD COATING
TRADITIONAL CEDAR



3
PAINTED WOOD SIDING,
TRIMS AT BALCONIES,
ROOF FASCIA, &
PAINTED STEEL DOORS
JAMES HARDIE PANELS:
SMOOTH REVEAL SYS. --
IRON GREY



4
PANEL CLADDING
JAMES HARDIE PANELS:
SMOOTH REVEAL SYS. --
AGED PEWTER



10
VINYL WINDOWS & ALUMINUM
CURTAIN WALL AT LOBBY /
AMENITY
EXTERIOR: BLACK
INTERIOR: WHITE
ALUM. GUARDRAIL: BLACK



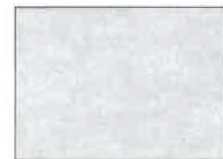
7
PANEL CLADDING
JAMES HARDIE PANELS:
SMOOTH REVEAL SYS. W/
COLOURPLUS TECH. --
619 FLAX



9
BRICK VENEER
MUTUAL MATERIALS
MISSION: BURGUNDY



11
VINYL WINDOWS
EXTERIOR: WHITE
INTERIOR: WHITE



12
CONCRETE WINDOW SILL &
POST CAPS
CLEAR & SMOOTH FINISH

The Owner may not be liable. The General Contractor shall verify all dimensions, details and levels prior to commencement of work. All work and materials to be installed shall comply with the Building Code and standards to which all work shall not be exempted without the written permission of the Architect. Copyright Reserved. These drawings and the design are, and all of their contents, the intellectual property of the Architect, and cannot be used, copied or reproduced without the written consent of the Architect, which consent the Architect may give from time to time as the Architect.

NO.	DATE	DESCRIPTION
1	SEP 17, 2019	ISSUED FOR PERMITS APPLICATION

NO.	DATE	DESCRIPTION

NO.	DATE	DESCRIPTION

FAIRBORNE
Fairbairn CMCC Marie Place Ltd Partnership
1450 - 1000 W. George Street
Vancouver BC V6E 3V7

engage
ARCHITECTURE
402 - 602 W. HASTINGS ST.,
VANCOUVER, B.C., V6A 1A4
(604) 428-8259
www.engagearchitecture.ca

PROJECT # 18.32

405 - 485 MARIE PLACE
RESIDENTIAL DEVELOPMENT
DISTRICT OF NORTH VANCOUVER, B.C.

BUILDING COLOUR
& MATERIALS

NO.	NAME	FINISH
10	KS	HF
DATE	SCALE	1/8" = 1'-0"
SEP 17, 2019		

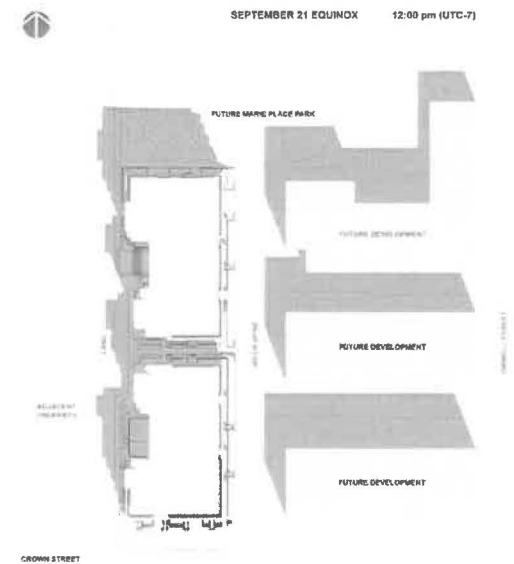
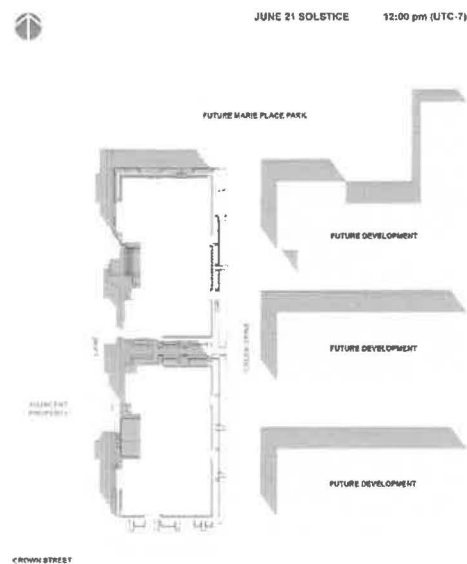
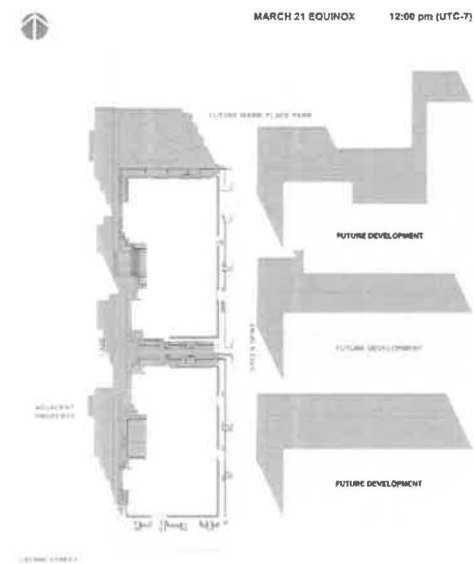
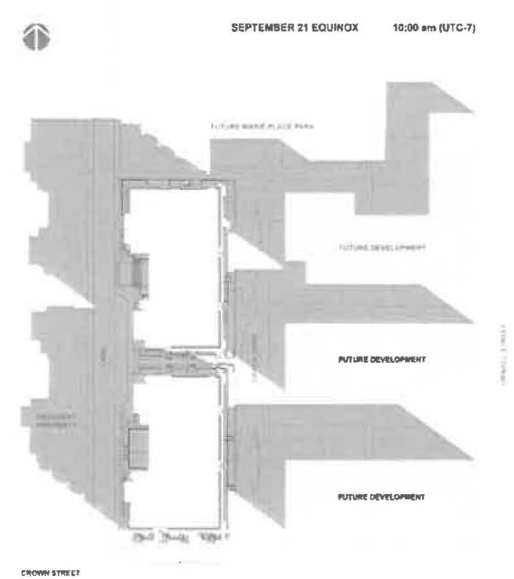
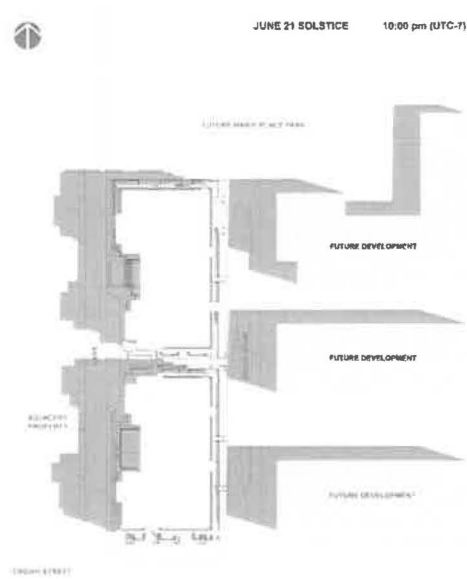
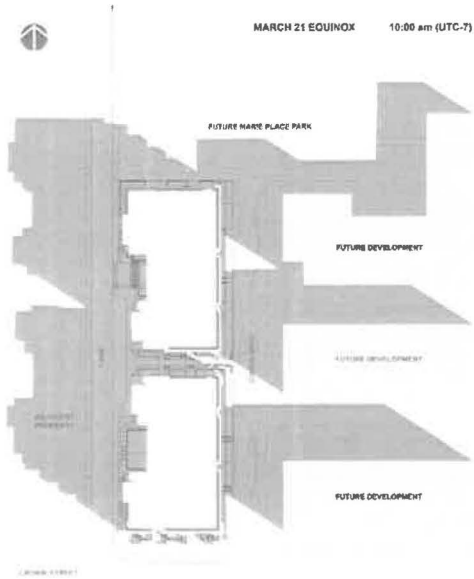
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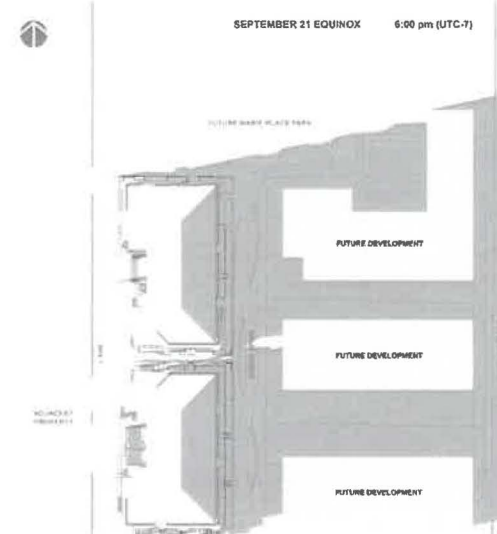
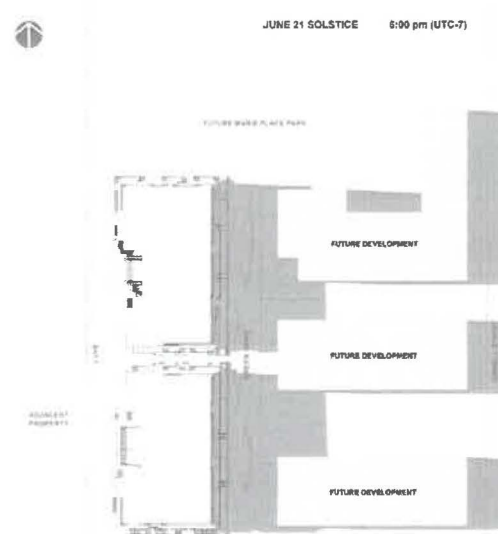
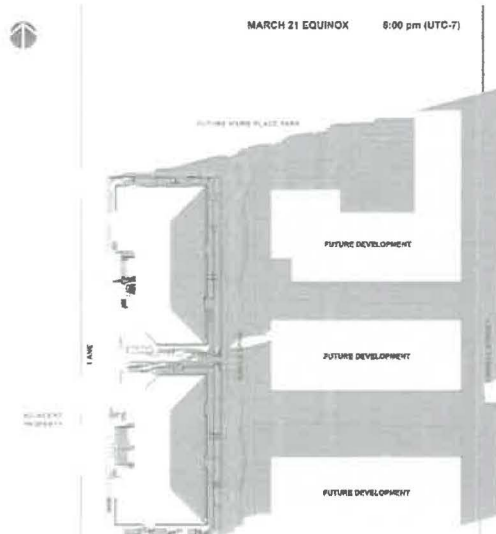
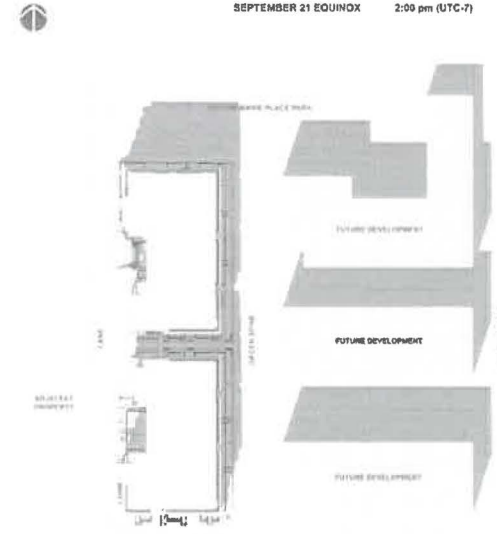
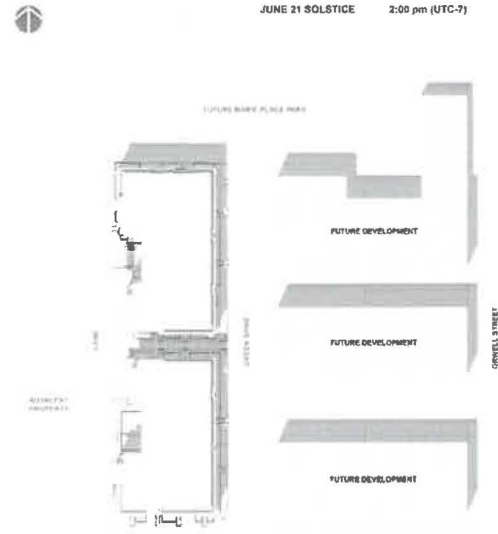
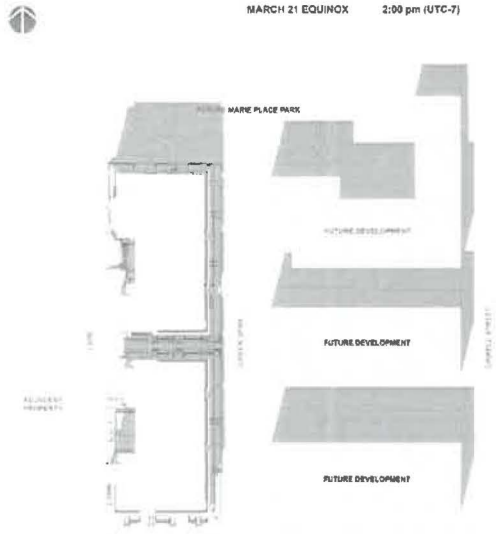
FEBRUARY 6, 2020

MARIE PLACE
405-485 Marie Place, North Vancouver, BC

SHADOW
ANALYSIS

40





**ADVISORY
DESIGN
PANEL
SUBMISSION**

FEBRUARY 6, 2020

MARIE PLACE
405-485 Marie Place, North Vancouver, BC

**SHADOW
ANALYSIS**

The drawings must not be copied, reproduced, or otherwise used in any manner without the written consent of the architect. All dimensions, materials and methods are to be interpreted as shown, and any variations or substitutions to such shall not be permitted without the written permission from the architect. Changes to the drawings are the responsibility of the architect, and the contractor shall not be responsible for any errors or omissions in the drawings, which shall be the responsibility of the contractor.

REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMIT APPLICATION

DATE: 09/17/2019

FAIRBORNE

Fairborne CMDC Marie Place Ltd Partnership
 1450 - 1090 W. Georgia Street
 Vancouver BC V6E 3V7

engage
 ARCHITECTURE

402 - 602 W. HASTINGS ST.,
 VANCOUVER, B.C. V6A 1A4
 (604) 428-8259
 www.engagearchitecture.ca

PROJECT # 18.32

405 ~ 485 MARIE PLACE
 RESIDENTIAL DEVELOPMENT
 DISTRICT OF NORTH VANCOUVER, B.C.

RENDERINGS
 & PERSPECTIVES

KS	CEP
SEPT. 17, 2019	N.T.B.

A9-01



VIEW AT CROWN STREET & LANE (FACING NORTHEAST)



VIEW AT CROWN STREET & MARIE PLACE (FACING NORTHWEST)



VIEW AT LANE & DEDICATED MARIE PLACE PARK (FACING SOUTHEAST)



VIEW AT MARIE PLACE & DEDICATED MARIE PLACE PARK (FACING SOUTHWEST)



BIRD'S EYE VIEW AT MARIE PLACE (FACING NORTHWEST)



VIEW AT BUILDING ENTRIES AT LANE (FACING NORTHEAST)



VIEW OF BUILDING AND PARKADE ENTRIES AT LANE (FACING SOUTHEAST)



BIRD'S EYE VIEW AT LANE (FACING NORTHEAST)

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#	DATE	REVISIONS
1	SEP 17, 2019	ISSUED FOR PERMITS

DATE: 17/09/2019
 TIME: 10:00 AM
 PROJECT: 405-485 MARIE PLACE
 DRAWING: A9-02

FAIRBORNE
 Fairborne CMCC Marie Place Ltd Partnership
 1450 - 1080 W. Georgia Street
 Vancouver BC V6E 3V7

engage
 ARCHITECTURE
 402 - 602 W. HASTINGS ST.,
 VANCOUVER, B.C., V6A 1A4
 (604) 428-6250
 www.engagearchitecture.ca

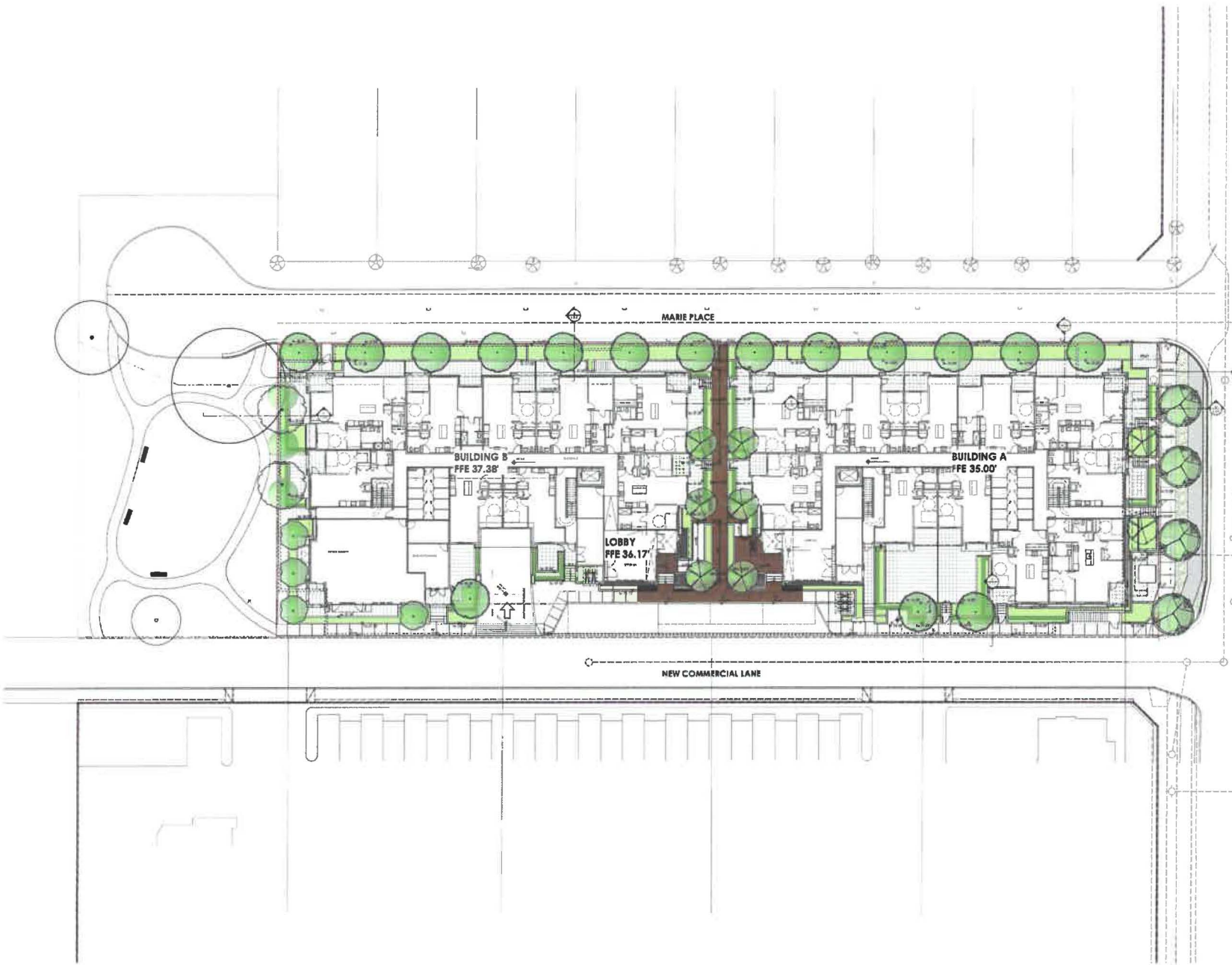
PROJECT # 18.32

405 - 485 MARIE PLACE
 RESIDENTIAL DEVELOPMENT
 DISTRICT OF NORTH VANCOUVER & C.

RENDERINGS
 & PERSPECTIVES

DATE	BY	CHECKED	DATE
SEP 17, 2019	K.S.	C.S.P.	N.T.B.

A9-02



1 Sept 17, 2019 Issued for DP
 no: 1 date: Plans
 #463486

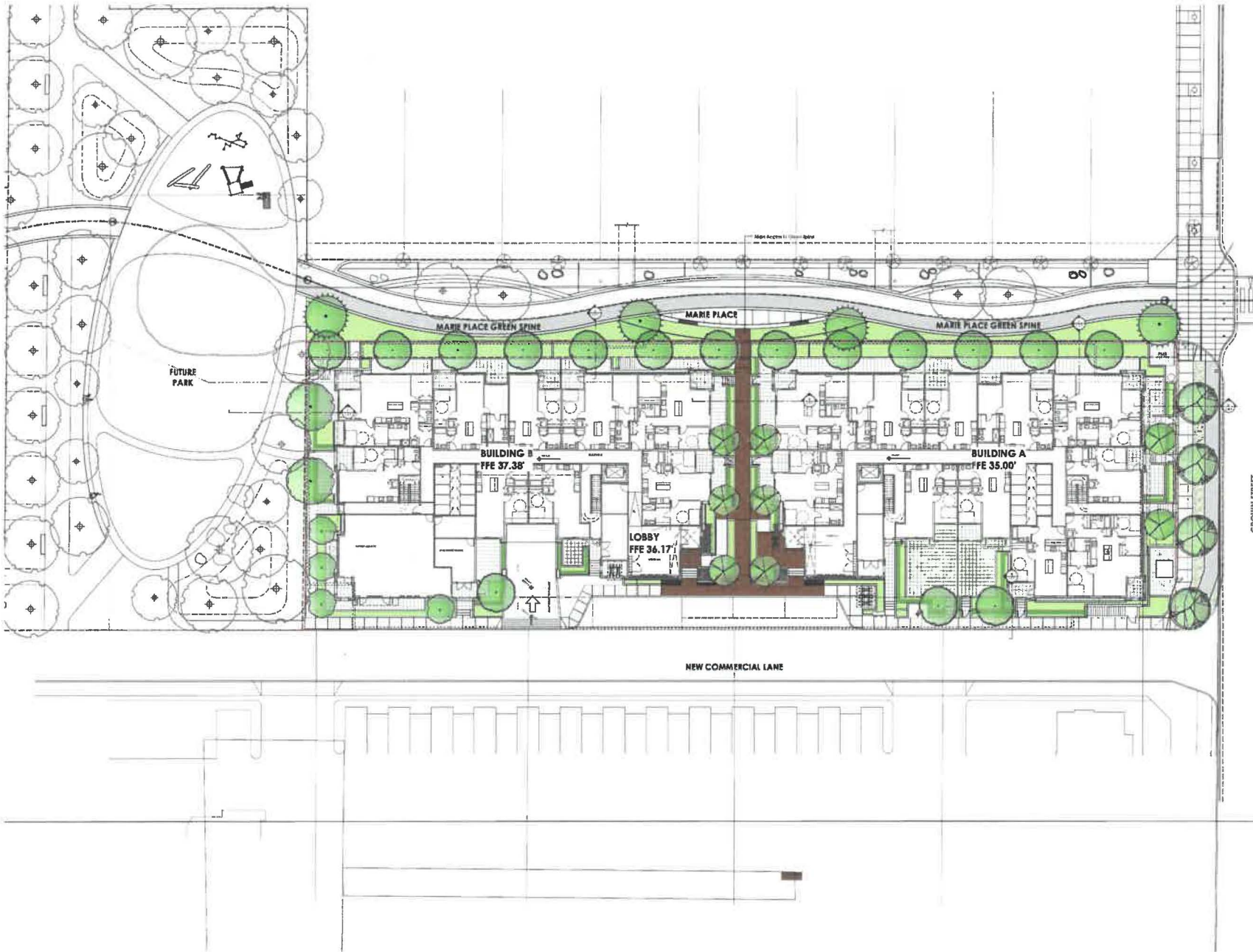


Project:
**405 - 485 MARIE PLACE
 DISTRICT OF
 NORTH VANCOUVER**

Drawn by: EL
 Checked by: PGC
 Date: Sept 17, 2019
 Scale: 1/16" = 1'
 Drawing Title:

**Interim Condition
 Overall Landscape Plan**

Project No.:
19025
 Sheet No.:



1 Sept 17, 2019 Issued for DP
 Rev: 01/19
 Revision



CROWN STREET

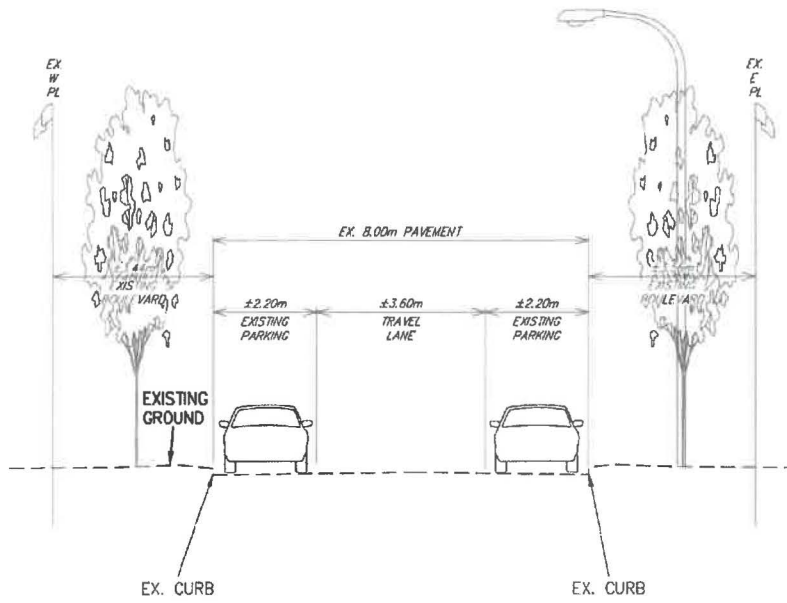
Project:
**405 - 485 MARIE PLACE
 DISTRICT OF
 NORTH VANCOUVER**

Drawn by: EI
 Checked by: PGK
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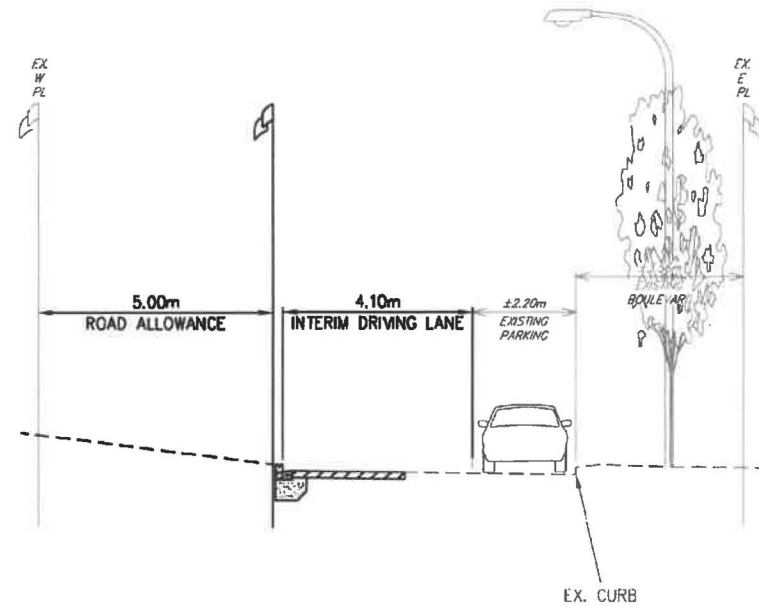
Drawing Title:
**Final Condition
 Overall Landscape Plan**

Project No.:
19025
 Sheet No.:


NOTES: 05/18/21 08:45:13 11.04.11.04 USER: C:\BENJAMIN
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EXISTING TYPICAL SECTION - MARIE PLACE
N.T.S.



INTERIM TYPICAL SECTION - MARIE PLACE
N.T.S.

 The people behind your infrastructure. TEL 604 420 1721 BINNIE.com	DATE	REV.	DESCRIPTION	TITLE : 405-485 MARIE PLACE MARIE PLACE TYPICAL SECTION - EXISTING & INTERIM	DATE : 2021-03-03
	2021-03-03	1	FOR DISCUSSION		DWG. No. : 18-1007-TYP-UP
					REV. 1

The Corporation of the District of North Vancouver

Bylaw 8496

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

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

Citation

1. This bylaw may be cited as "District of North Vancouver Rezoning Bylaw 1409 (Bylaw 8496)".

Amendments

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

(a) Part 2A, Definitions is amended by adding CD135 to the list of zones that Part 2A applies to.

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

"Comprehensive Development Zone 135 CD135"

(c) Part 4B Comprehensive Development Zone Regulations by inserting the following, inclusive of Schedule B:

"4B 135 Comprehensive Development Zone 135 CD135"

The CD135 zone is applied to:

- i) Lot 1 Blocks E and F District Lot 613 Plan 18621 (PID: 007-154-933);
- ii) Lot 2 Blocks E and F District Lot 613 Plan 18621 (PID: 007-154-968);
- iii) Lot 3 Blocks E and F District Lot 613 Plan 18621 (PID: 007-154-992);
- iv) Lot 4 Blocks E and F District Lot 613 Plan 18621 (PID: 006-280-323);
- v) Lot 5 Blocks E and F District Lot 613 Plan 18621 (PID: 007-155-026);
- vi) Lot 6 Blocks E and F District Lot 613 Plan 18621 (PID: 004-026-667);
- vii) Lot 7 Blocks E and F District Lot 613 Plan 18621 (PID: 007-155-042);
- viii) Lot 8 Blocks E and F District Lot 613 Plan 18621 (PID: 007-155-069);
- ix) Lot 9 Blocks E and F District Lot 613 Plan 18621 (PID: 007-155-085);
- x) Lot 10 Blocks E and F District Lot 613 Plan 18621 (PID: 007-155-107);
- xi) Lot 11 Blocks E and F District Lot 613 Plan 18621 (PID: 004-231-961);
and
- xii) The portion of road allowance as shown on Schedule A.

4B 135 – 1 Intent

The purpose of the CD135 Zone is to permit a medium density residential development.

4B 135 – 2 Permitted Uses:

The following *principal* uses shall be permitted:

a) **Uses Permitted Without Conditions:**

Not applicable.

b) **Conditional Uses:**

The following *principal* uses are permitted when the conditions outlined in Section 4B 135-3 Conditions of Use, are met:

residential use.

4B 135 – 3 Conditions of Use

a) **All conditional uses:** All uses of land, buildings and structures are only permitted when the following conditions of use are met:

- (i) Each dwelling unit has access to private or semi-private outdoor space;
- (ii) Balcony and deck enclosures are not permitted.

4B 135 – 4 Accessory Use

a) *Accessory uses* customarily ancillary to the principal uses are permitted.

b) *Home occupations* are permitted in *residential* units.

4B 135 – 5 Density

a) The maximum permitted density is 2,104 m² (22,647 sq. ft.) and 11 residential units.

b) For the purpose of calculating *gross floor area* the following are exempted:

- (i) Any floor areas below finished grade;
- (ii) Amenity space and bicycle maintenance room to a total maximum of 160 m² (1,722 sq. ft.)
- (iii) Floor areas with a ceiling height exceeding 3.66 m (12.0 ft.) to a maximum of 35 m² (377 sq. ft.);

- (iv) Above grade bicycle storage to a maximum of 480 m² (5,167 sq. ft.);
 - (v) Mechanical and Electrical equipment spaces to a total maximum of 95 m² (1,023 sq. ft.); and
 - (vi) The floor area of balconies and covered patios.
- c) For the purposes of calculating floor space ratio the lot area is deemed to be 4,675.3 m² (50,324.6 sq. ft.) being the site size at the time of rezoning.
- d) Balcony and deck enclosures are not permitted.

4B 135 – 6 Amenities

- a) Despite Subsection 4B 135 – 5, permitted density in the CD135 Zone is increased to a maximum of 11,700 m² (125,938 sq. ft.) *gross floor area* and 140 units if the owner:
- i. Enters into a Housing Agreement prohibiting any restrictions preventing the owners in the project from renting their units;
 - ii. Contributes \$2,542,814 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):
 1. Affordable or special needs housing;
 2. The provision or enhancement of public facilities which may include but are not limited to: the community centre, or a childcare centre;
 3. park, plaza, trail, environmental, pedestrian or other public realm, infrastructure improvements; and
 4. Public art and other beautification projects.

4B 135 – 7 Setbacks

- a) Buildings shall be set back from property lines to the closest building face (excluding any partially exposed underground parking structure) as established by development permit and in accordance with the following regulations:

Setback Location	Minimum Required Setback
North Property Line	2.0 m (6.6 ft.)
East Property Line	4.0 m (13.1 ft.)
West Property Line	4.0 m (13.1 ft.)
South Property Line	4.0 m (13.1 ft.)

- b) Decks and patios are excluded from the setback requirement.

4B 135 – 8 Height

The maximum permitted height is as follows:

a) Multi-family apartment building: the height of buildings shall not exceed 22.25m (73 ft.), inclusive of the 15% bonus for sloping roofs.

4B 135 – 9 Coverage

a) Building Coverage: The maximum building coverage is 60%.

b) Site Coverage: The maximum site coverage is 65%.

4B 135 – 10 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) A 2m (6.6 ft.) high screen consisting of a solid wood fence, or landscaping or a combination thereof, with minimum 90% opacity, is required to screen from view:

- i) any utility boxes, vents or pumps that are not located underground and/or within a building; and
- ii) any solid waste facilities (garbage, recycling, compost with the exception of temporary, at-grade staging areas) that are not located underground and/or within a building.

4B 135 – 11 Parking, Loading and Servicing Regulations

a) Parking and loading are required as follows:

Use	Parking Requirement
Residential Dwelling Unit	1.05 spaces per unit
Residential Visitor Parking	0.1 spaces per unit

b) Bicycle parking is required as follows:

Use	Bicycle Parking Requirement
Residents	2.0 spaces per unit
Visitors	18 spaces

c) The minimum drive aisle width is: 6.79 m (22.3 ft).

d) Except as specifically provided in 4B135 -11 (a), (b), and (c) parking 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 Single Family Residential 4000 Zone (RS5) to Comprehensive Development Zone 135 (CD135) and Neighbourhood Park (NP).

READ a first time

PUBLIC HEARING held

READ a second time

READ a third time

Certified a true copy of "BYLAW 8496" 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 8496

BYLAW 8496

District of North Vancouver Rezoning Bylaw 1402 (Bylaw 8496)



-  SINGLE-FAMILY RESIDENTIAL 4000 ZONE (RS5) TO COMPREHENSIVE DEVELOPMENT ZONE 135 (CD135)
-  MARIE PLACE ROAD TO COMPREHENSIVE DEVELOPMENT ZONE 135 (CD135)
-  SINGLE-FAMILY RESIDENTIAL 4000 ZONE (RS5) TO NEIGHBOURHOOD PARK ZONE (NP)



The Corporation of the District of North Vancouver

Bylaw 8497

A bylaw to enter into a Housing Agreement

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

Citation

1. This bylaw may be cited as "Housing Agreement Bylaw 8497, 2021 (405 Marie Place)".

Authorization to Enter into Agreement

2. The Council hereby authorizes a housing agreement between The Corporation of the District of North Vancouver and Fairborne CMCC Marie Place GP Ltd., Inc. No. BC1156308 substantially in the form attached to this Bylaw as Schedule "A" with respect to the following lands:

- a) Lot 1 Blocks E and F District Lot 613 Plan 18621 (PID: 007-154-933);
- b) Lot 2 Blocks E and F District Lot 613 Plan 18621 (PID: 007-154-968);
- c) Lot 3 Blocks E and F District Lot 613 Plan 18621 (PID: 007-154-992);
- d) Lot 4 Blocks E and F District Lot 613 Plan 18621 (PID: 006-280-323);
- e) Lot 5 Blocks E and F District Lot 613 Plan 18621 (PID: 007-155-026);
- f) Lot 6 Blocks E and F District Lot 613 Plan 18621 (PID: 004-026-667);
- g) Lot 7 Blocks E and F District Lot 613 Plan 18621 (PID: 007-155-042);
- h) Lot 8 Blocks E and F District Lot 613 Plan 18621 (PID: 007-155-069);
- i) Lot 9 Blocks E and F District Lot 613 Plan 18621 (PID: 007-155-085); and
- j) The portion of road allowance as shown on Schedule B.

Execution of Documents

3. 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 8497
SECTION 219 COVENANT – HOUSING AGREEMENT

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

BETWEEN:

a company incorporated under the laws of the Province of British
Columbia having an office at

(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. _____ 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 _____ 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 8424 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

- (b) 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*.

3.08 Release of Covenant [*optional clause*]

The District agrees that if the District of North Vancouver Rezoning Bylaw ____ (Bylaw ____), 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:

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

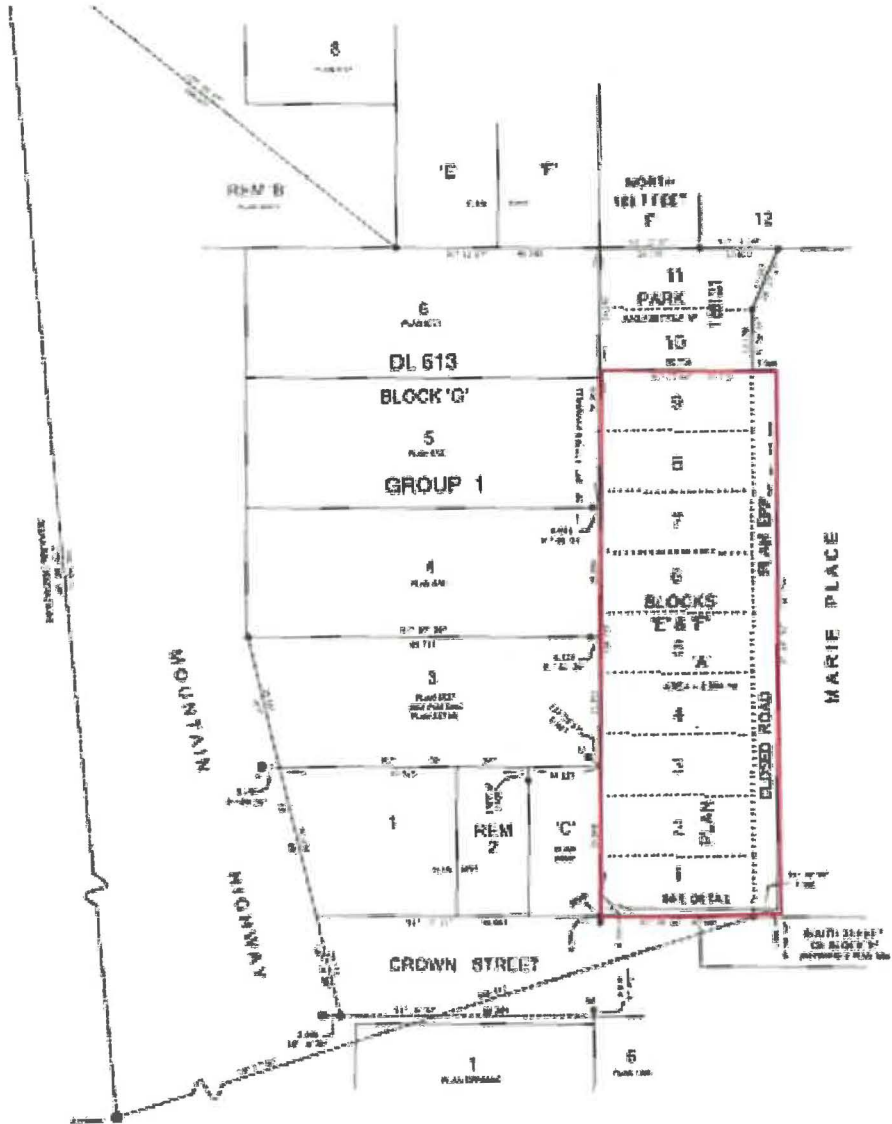
- (d) This is the entire agreement between the District and the Owner concerning its subject, and there are no warranties, representations, conditions or collateral agreements relating to this Agreement, except as included in this Agreement.
- (e) This Agreement may be amended only by a document executed 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 8264.

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.

**Schedule B to Bylaw 8497
Sketch Plan**





355 West Queens Road
North Vancouver, BC V7N 4N5
604-990-2311

DNV.org

Date: January 25, 2021
Case: PLN2019-00052
File: 08.3060.20/052.19

From: Casey Peters, Senior Development Planner
To: Project File
Subject: 405 – 485 Marie Place – Virtual Public Information Meeting Summary

Event Details

Applicant: Engage Architecture
Webpage: DNV.org/public-meeting
Event: October 20 – November 3, 2020

Project Summary

Engage Architecture has applied on behalf of the owners, Fairborne CMCC Marie Place GP Ltd., to redevelop the existing 11 single family lots on the west side of Marie Place. The proposal is for two six-storey buildings with a total of 140 strata apartment units.

Format

Due to Covid-19, the standard in-person Public Information Meeting (PIM) format was not possible for this project and a virtual PIM was held in its place. The format of the virtual PIM included a webpage with details on the application, visual materials (in lieu of display boards), and a short video prepared by the applicant team (in lieu of an in-person presentation).

The virtual PIM was “live” from **October 20 – November 3, 2020**. During this period of time, comments were accepted and a Q&A was posted on the webpage in lieu of the standard in-person discussion.

Summary of Engagement

The project website was visited by 57 unique IP addresses and the project video was viewed 27 times (includes repeated views).

Copies of all the comments received during the event period (Attachment A) and the Q&A document (Attachment B) are attached for reference.

Notification

Notification Flyer: A notification flyer sent to owners and occupants within 100 metres (328 ft) of the development site (Attachment C);

Site Signs: Two notification signs erected: one on the site at the corner of Marie Place and Crown Street, and one at the corner of Mountain Highway and Crown Street; and

Newspaper Ads: A newspaper advertisement placed in two editions of the North Shore News.

Respectfully submitted,

Casey Peters

Attachments:

- A. Comments Document
- B. Question and Answer Document
- C. Flyer Invitation

Comments from Residents

405-485 Marie Place development application

This document contains comments submitted by residents. The number below refers to the resident and each response may include multiple comments.

Responses are unchanged unless noted otherwise.

-
1. Construction impact on residents of Marie Place East will be huge. Shadow effect from buildings, traffic flow and construction parking (parking is already an issue here)...and service disruption to accommodate construction of buildings. How will these problems be dealt with. The information video is very vague.
 2. Great to see this project progress. The land dedication to Marie Place Park is a good idea, and will help setup this community for the future and add to the walkability and sustainability of the neighbourhood. Utilising vertical space on the site with a 6 storey building will help provide much needed housing in the area.

The style of the building is fitting for the neighbourhood, and overall North Shore, however I think the colours could be improved. The brick is a nice material, however the white and "pinkish" siding colours could be better.
 3. This project should provide a large percentage of affordable rental units. That is what our community is lacking and what the planners need to address.
 4. I like the green park besides the project. It gives the neighborhood a refresh look.

As a young family looking for our future house, we notice there are more high rise condo in this area but not a lot of low rise building for sale. We would like to see more low rise and family orientated apartment building.
 5. It's a great design, and especially love the bike lane part.

Questions from Residents

405-485 Marie Place development application

This document contains answers to questions submitted by residents. If you leave a question for the applicant or for a District planner while you are completing the survey, we will post your answer here in about two business days.

Responses are provided by a DNV planner unless noted otherwise.

Q. How will Marie Place be reconciled as single family residential on East side and Apartments on West side? Utilities are currently shared. The project shows front access by lane....does this lane not back on to the proposed project on Mountain Highwayif so...the image presented of entrance ways and the lane are misleading.

The applicant has submitted a design that reviews the servicing of the lots on the east side of Marie Place. This design is under review by District Staff.

The existing storm, sanitary, water, hydro and communication utilities on Marie Place are proposed to remain and protected during construction. Existing established trees and street lighting located along the east side of Marie Place are proposed to remain as well. New site service for the project will be provided from Crown Street. The continued use of Marie Place (the existing cul-de-sac) will continue until the east side of Marie Place is redeveloped and the Green Spine Linear Park is constructed.

The Lynn Creek Town Centre Implementation Plan conceptualizes a new lane on the west side of the site extending from Hunter St. to Crown St. This proposed lane includes an 8.00 m allowance to be improved with streetlight and sidewalk, and will serve as the main access to the project as well as access for the proposed project at 1510-1530 Crown St/420-440 Mountain Hwy, which is also in progress of application.

Q: As an owner and resident of Marie Place East I have concerns re: the relocation of utilities when this development begins. Marie Place East and West share the underground utilities and I am sure there will have to be some service disruptions to residents of the east side in order to demolish the existing houses on Marie West. I was told that the developer had a plan for the sharing of utilities but that it had not yet been approved. Is this the case? If so....how can the developer put forth information in a public meeting the impact of which could potentially cause anxiety and stress to the remaining residents.

As noted in the earlier response, the applicant has submitted a design that reviews the servicing of the lots on the east side of Marie Place which is under review by District Staff.

Q: We have other issues of concern surrounding this project' ie: street access, during construction, as well as noise, debris and dust. which will have a huge impact on us since we are so close to the construction site.

The Applicant has submitted a Construction Traffic Management Plan to address items during construction including access. In addition, the District has a Noise Bylaw that regulates noise from construction.

Q: The public information meeting chart indicates we are at the middle of the development process with 6 months to 1 year remaining before development can begin....is this a realistic timeline?

Regarding the timing, our process is taking longer than what is reflected on that the flowchart so the 6 months-1year estimate will not be accurate for this project. The application was submitted in September 2019 and will not be forwarded to Council for consideration of bylaws until 2021.

Q: I would also like clarification on the 5 meter purchase by the developer as part of the plan. Does this 5 meters include what we would call the boulevard property (bordered by the maple trees that line the street on both sides) or does it begin at the actual street curb, and if so, does the future plan for Marie Place (with Marie Place East remaining as single family residential property) include provision for street parking for residents of Marie Place east or will the remaining road be parking free.

The 5m dedication includes the boulevard on the east side of Marie Place as well as land currently occupied by on-street parking. The proposed plan would result in the existing parking along the east side of Marie Place retained, and the existing parking along the west side removed. The existing turning circle will remain unchanged. The removal of the existing parking along the west side of Marie Place will result in a wider drive aisle that will maintain or improve traffic flow as street parking will be limited to east side of the street only. As well, the vehicle movements required to allow oncoming traffic to pass will be decreased. Access to the existing properties on the east side of Marie Place will not be impacted. This design is still under review by District Staff.

Q: Our properties are in a flood zone/hazard according to district documents. If so, please ask to have our street cleaned to avoid possible flooding.

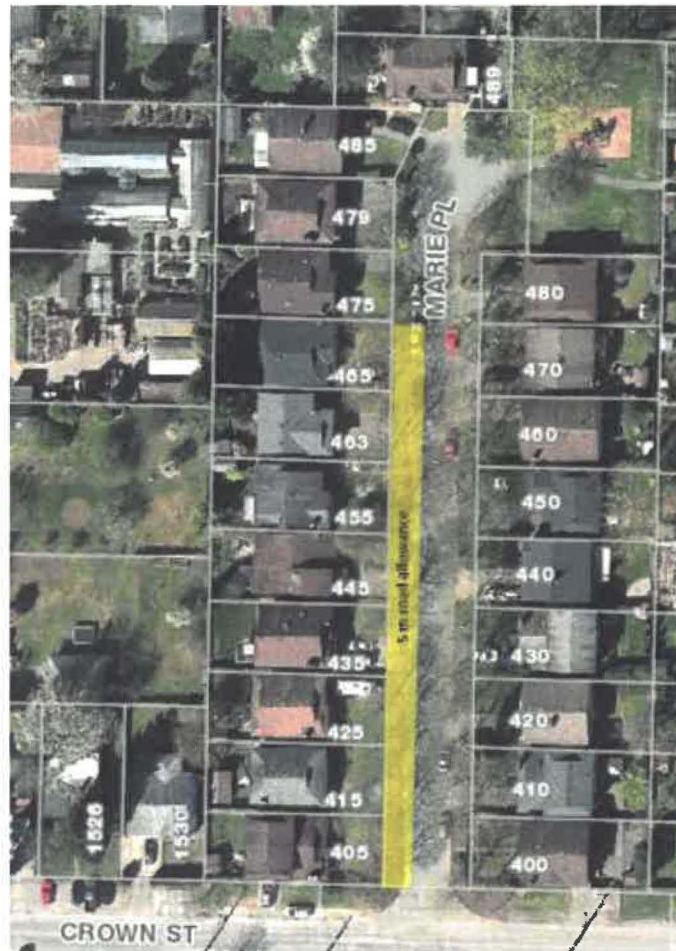
This area is designated within a Development Permit Area for Protection from the Natural Environment (Creek Hazard). New development is required to be constructed to meet a required "Flood Construction Level". If there are concerns regarding the current state of the street please provide details to Casey Peters at petersc@dnv.org and your concern will be passed along to the appropriate staff.

Q: Although a couple of Fairbourne renters have made an effort to clean the street side of their properties, there still has been no attempt to remove shopping carts, tarps, coolers, cabinets and junk from the others.... yard maintenance is non existent.

The applicant has worked and will continue to work with the tenants to address concerns regarding maintenance of the rental homes. Please contact Casey Peters at petersc@dnv.org if your concern has not been addressed.

Q: In Fairbourne's plan, the district sold some property (5 meters). Please supply a photo of where it ends on the street and have staff install markers of this new property line.

The applicant has provided this image to clarify the approximate location of the 5m land sale. Of note, the District has an agreement with the Developer but the land has not been sold at this time. It will only be sold if the Rezoning is approved by Council.



Q: Will my family and guests have room to park in front of my house after completion and during construction?

The proposal at this time includes parking retained on the east side of a Marie Place both during and after construction. As previously noted, this plan is still under review by District Staff.

Q: We touched on density ratios in our conversation a while back and I would like to pursue making the 'east side' more attractive to possible buyers.

The east side of Marie Place is currently designated in the District's Official Community Plan (OCP) as "Residential Level 5" which permits density up to 1.75 FSR. For reference, the west side of Marie Place is designated "Residential Level 6" which permits up to 2.5 FSR. At this time staff are not proposing to amend the OCP designations. Should an application be made on the east side of Marie Place that proposed an amendment to the OCP it would be reviewed on its merits and Council would ultimately decide whether to support the additional density.

Q: Will there be any grade differential between the green spine, and ground floor units? Will the ground floor units have patios that look out onto the green spine? Good opportunity for indoor/outdoor connection, however homeowner safety should be considered.

Ground floor units will have patios that are situated above the green spine grades to allow for privacy and overlook to the green spine, and will be gated for security. In addition, the Lynn Creek Town Centre is designated within the District's Development Permit Area for Protection from Natural Hazards (Creek Hazard) and the proposed buildings are required to meet a Flood Construction Level. Flood risk analysis has been undertaken to establish the construction level to protect habitable space and minimize potential flood risk. When the green spine is constructed in the future, patios will have direct connection to the green spine. A 2 meter landscape buffer is also proposed for some separation to the future green spine.

Q: Fairbourne and Marie Place What is not present in any of your documentation is the disclosure of how the completed units affect the sun's ability to reach the ground on the east side of Marie Place. Computer simulations of one full year, with projected time losses, is a must. No sun equals poorer health and higher utility costs.

Shadow studies for different times and days of the year have been analyzed and reviewed by the District and the Advisory Design Panel. Times of the day at 10:00am, 12:00pm, 2:00pm and 6:00pm on spring equinox (March 21), summer solstice (June 21) and autumn equinox (September 21) were studied and the only time which the project overshadows across Marie Place is at 6:00pm in all scenarios. The building form and siting is designed with considerations to maximize the benefits of sunlight and minimize the impacts of overshadowing. The top floor of the buildings are set back to minimize overshadowing to the surrounding properties and the future Marie Place Park.

Q: Based on your geotechnical results, will there be pilings installed to support/firm up the building(s)? If so, will your insurance cover unforeseen damages to the east side properties from earth tremors caused by the pile driving technique?

Shotcrete and anchors are anticipated to be used during the excavation and shoring stage of construction and the buildings are expected to have regular footings based on geotechnical investigations. Any potential impacts to Marie Place residents will be carefully considered and reviewed.

Q: The hours and days of the week for construction is what?

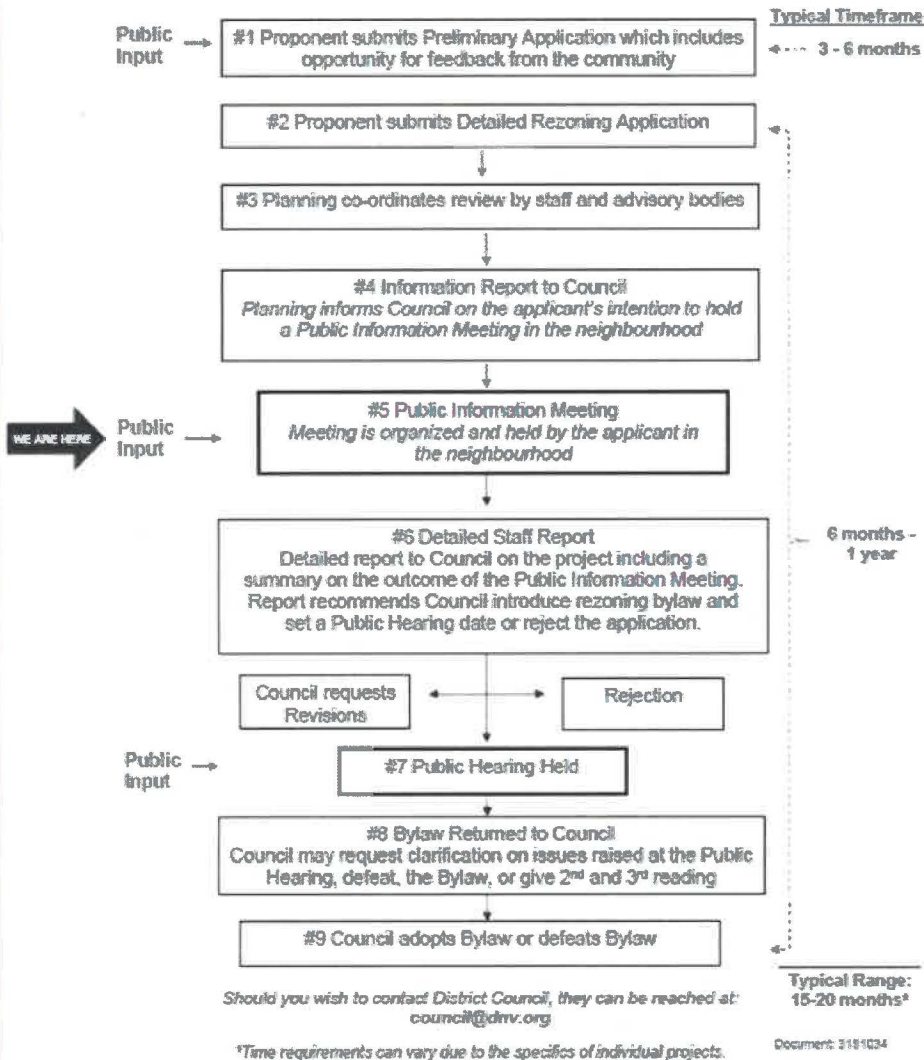
Our construction team will abide by the District of North Vancouver's Noise Bylaw and take measures to minimize impacts to the community. Construction times will be between 7:00am to 8:00pm Monday to Friday, as needed on Saturday (not to exceed 9:00am to 8:00pm) and no work on Sunday and statutory holidays.

**Q: During construction, will there be any impediments to parking along the east side of Marie Place?
There will be an expectation that no construction employee shall be permitted to park on Marie Place
24/7**

The proposed plan currently under District's review is to remove parking along the west side and retain the existing parking along the east side of Marie Place during and after construction. The removal of the existing parking along the west side and limiting street parking to only the east side of Marie Place will result in a wider drive aisle that will maintain or improve traffic flow along Marie Place. All access for new residents of the project will be from a new lane on the west side of the project site.

A Construction Impact Mitigation Strategy have been developed for the Lynn Creek Town Centre to provide a communication framework and propose traffic mitigation measures. Mitigation strategies and traffic management plans will be further refined prior to construction start. District of North Vancouver Noise Bylaw will be abided to and best efforts will be utilized to minimize impacts of construction and disruption to the existing residents of Marie Place and the neighbourhood. Designated traffic controllers and warning signage will be in place to maintain the safety of all vehicle, pedestrian and cyclist along Marie Place and Crown St during all phases of construction.

**PROCESS FOR APPLICATIONS REQUIRING REZONING
THE DISTRICT OF NORTH VANCOUVER**



NOTICE OF VIRTUAL PUBLIC INFORMATION MEETING

Engage Architecture is hosting a Virtual Public Information Meeting to present the development proposal for 405-485 Marie Place.

The applicant proposes to rezone the site from single family zoning to a new comprehensive development zone, to permit 140 units in two 6-storey wood frame buildings in accordance with the Official Community Plan for the Lynn Creek Town Centre. The proposal includes land dedications for the future expansion of Marie Place Park, and the purchase of 5 meters of District of North Vancouver land along Marie Place to be included into the development.

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

Please visit the Virtual Public Information Meeting from October 20 to November 3 at

[DNV.org/public-meeting](https://dnv.org/public-meeting)

Virtual Public Information Meeting opens Oct. 20

Virtual Public Information and Q & A period from Oct. 20 to Nov. 3

The Proposal

Engage Architecture proposes to construct two 6-storey wood frame mid-rise buildings located at 405-485 Marie Place, at the corner of Crown Street and Marie Place.

The proposal is for 140 residential units which will include 47 one-bedroom units, 74 two-bedroom units and 19 three-bedroom units.

Vehicular access to the site will be from a new commercial lane off of Crown Street. Parking will be located in the underground parking garage and at-grade accessed from the lane. 161 parking spaces are provided for the residents including 14 visitor parking spaces.

The proposal includes land dedications for the future expansion of Marie Place Park, and the purchase of 5 meters of District of North Vancouver land along Marie Place to be included into the development.

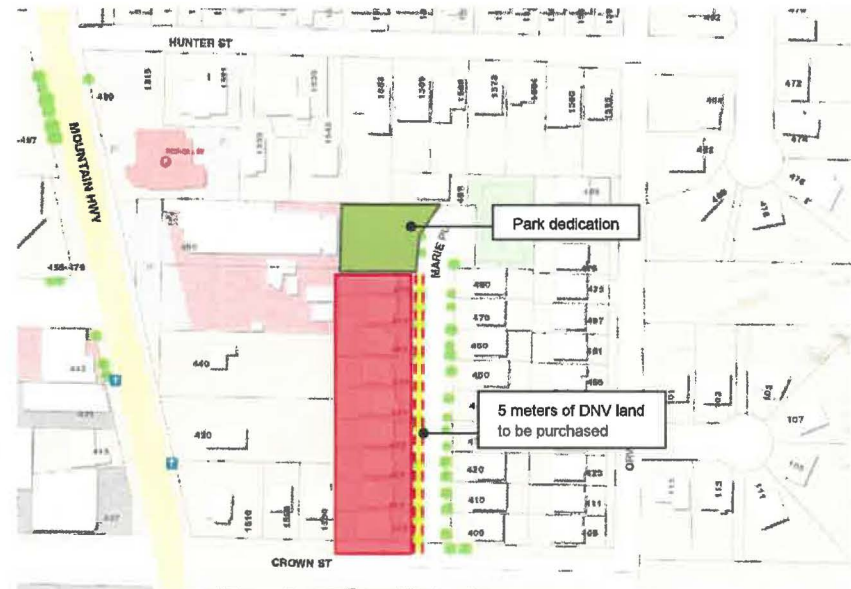
For further information please contact:





Casey Peters
604-990-2388
petersc@dnv.org

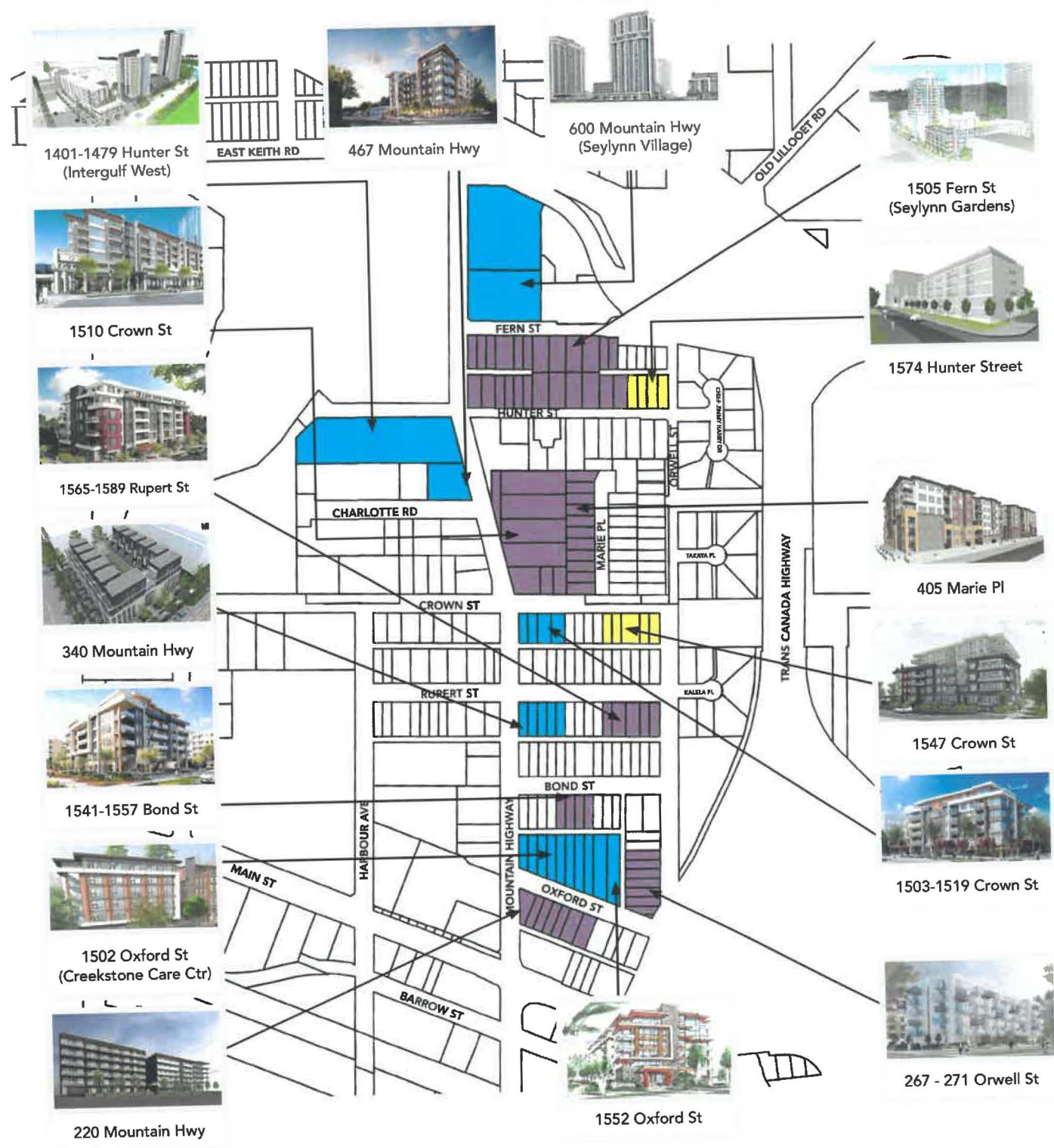
District of North Vancouver
Development Planning
355 West Queens Road
North Vancouver, BC, V7N 4N5

Karen Smith
604-428-6259
karen@engagearchitecture.ca

Engage Architecture
402-602 W. Hastings Street
Vancouver, BC, V6B 1P2



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



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