

# AGENDA

## *REGULAR MEETING OF COUNCIL*

**Monday, March 29, 2021**

**7:00 p.m.**

**To be held virtually**

**Watch at <https://dnvorg.zoom.us/j/65345321120>**

**Council Members:**

Mayor Mike Little

Councillor Jordan Back

Councillor Mathew Bond

Councillor Megan Curren

Councillor Betty Forbes

Councillor Jim Hanson

Councillor Lisa Muri



NORTH VANCOUVER  
DISTRICT

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

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## REGULAR MEETING OF COUNCIL

7:00 p.m.

Monday, March 29, 2021

To be held virtually

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## AGENDA

### CLOSED PUBLIC HEARING ITEMS NOT AVAILABLE FOR DISCUSSION

- Bylaw 8262 – OCP Amendment 1923 Purcell Way
- Bylaw 8263 – Rezoning 1923, 1935, 1947 and 1959 Purcell Way
- Bylaw 8423 – Rezoning 904-944 Lytton Street
- Bylaw 8455 – OCP Amendment 220 Mountain Hwy & 1515-1555 Oxford Street
- Bylaw 8456 – Rezoning 220 Mountain Hwy & 1515-1555 Oxford Street
- Bylaw 8472 – Rezoning Single-Family Standards & Regulations
- Bylaw 8476 – Rezoning Single-Family Standards & Regulations

### RESOLUTION TO HOLD PUBLIC MEETING WITHOUT THE PUBLIC IN ATTENDANCE

*Recommendation:*

WHEREAS:

- the Minister of Public Safety and Solicitor General has issued Order M192; and,
- Order M192 requires British Columbia municipalities to use best efforts to allow members of the public to attend open meetings of council in a manner that is consistent with the applicable requirements or recommendations of the *Public Health Act* and Public Health Officer orders; and,
- the District has assessed its ability to allow members of the public to attend open meetings of council in a manner that is consistent with the applicable requirements or recommendations of the *Public Health Act* and Public Health Officer orders; and,
- the District has taken into consideration its Covid-19 Safety Plan as required by Worksafe BC; and,
- the District has determined that, at this time, it cannot safely allow members of the public to physically attend open meetings of council in a manner that is consistent with the applicable requirements or recommendations of the *Public Health Act* or its Covid-19 Safety Plan;

THEREFORE, this meeting of the Council for the District of North Vancouver is to be held virtually and without members of the public, or Council, being physically present;

AND THAT the principles of openness, transparency, accessibility and accountability are being ensured through:

- Providing an online subscription service for residents to sign up and be apprised of upcoming meetings and the post-meeting availability of meeting minutes and meeting videos;
- Providing advance notice of this meeting in accordance with the *Community Charter* and advising the public on how they may participate in the meeting by providing public input;
- Providing the availability of the agenda for this meeting on the District's webpage six days in advance of the meeting;
- The live streaming of this meeting via a link readily available on the District's webpage;
- Maintaining the thirty minute public input opportunity at each regular meeting and the discretionary public input opportunity at each workshop;
- The ability of the public to provide input on agenda items by full two-way audio and video means;
- Adhering the rules of procedural fairness and acting with respect and courtesy at all times when hearing the public;
- Conducting meetings in a manner that resembles in-person meeting as much as possible;

And reminding the public that they may contact Mayor and Council at any time on any topic via its [council@dnv.org](mailto:council@dnv.org) email address.

## **1. ADOPTION OF THE AGENDA**

### **1.1. March 29, 2021 Regular Meeting Agenda**

*Recommendation:*

THAT the agenda for the March 29, 2021 Regular Meeting of Council for the District of North Vancouver is adopted as circulated, including the addition of any items listed in the agenda addendum.

## **2. PUBLIC INPUT**

(limit of three minutes per speaker to a maximum of thirty minutes total)

## **3. RECOGNITIONS**

## **4. DELEGATIONS**

### **4.1. Mr. Adam Corneil, Unbuilders Deconstruction** Re: The Case for Mandating Deconstruction

**p. 13-19**

**5. ADOPTION OF MINUTES**

**5.1. March 11, 2021 Special Council Meeting**

**p. 23-25**

*Recommendation:*

THAT the minutes of the March 11, 2021 Special Council meeting are adopted.

**6. RELEASE OF CLOSED MEETING DECISIONS**

**7. COUNCIL WORKSHOP REPORT**

**8. REPORTS FROM COUNCIL OR STAFF**

With the consent of Council, any member may request an item be added to the Consent Agenda to be approved without debate.

If a member of the public signs up to speak to an item, it shall be excluded from the Consent Agenda.

*Recommendation:*

THAT items \_\_\_\_\_ are included in the Consent Agenda and be approved without debate.

**8.1. Bylaws 8472 and 8476: Standards and Regulations in Single-Family Zones**

**p. 29-107**

File No. 09.3900.20/000.000

Report: Deputy Municipal Clerk, February 25, 2021

Attachment 1: Bylaw 8472

Attachment 2: Bylaw 8476

Attachment 3: Staff Report dated January 28, 2021

*Recommendation:*

THAT "District of North Vancouver Rezoning Bylaw 1404 (Bylaw 8472)" is ADOPTED;

AND THAT "District of North Vancouver Rezoning Bylaw 1405 (Bylaw 8476)" is ADOPTED.

**8.2. Bylaws 8498, 8499, and 8500: Lynn Canyon Pay Parking Pilot Bylaw Amendments**

**p. 109-128**

File No. 09.3900.20/000.000

Report: Deputy Municipal Clerk, February 23, 2021

Attachment 1: Bylaw 8498

Attachment 2: Bylaw 8499

Attachment 3: Bylaw 8500

Attachment 4: Staff report dated February 9, 2021

*Recommendation:*

THAT “District of North Vancouver Street and Traffic Bylaw 7125, 2004 Amendment Bylaw 8498, 2021 (Amendment 23)” is ADOPTED;

AND THAT “Fees and Charges Bylaw 6481, 1992 Amendment Bylaw 8499, 2021 (Amendment 73)” is ADOPTED;

AND THAT “Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8500, 2021 (Amendment 60)” is ADOPTED.

**8.3. Bylaw 8502: 2021-2025 Financial Plan Bylaw** **p. 129-142**  
File No. 05.1780/2021

Report: Section Manager – Financial Planning, March 4, 2021  
Attachment 1: Bylaw 8502

*Recommendation:*

THAT “2021 – 2025 Financial Plan Bylaw” is given FIRST, SECOND, and THIRD Readings.

**8.4. Bylaws 8496 and 8497: Rezoning and Housing Agreement for a** **p. 143-201**  
**Multi-Family Development at 405-485 Marie Place**  
File No. 08.3030.20/052.19

Report: Senior Development Planner, March 9, 2021  
Attachment 1: Architectural and Landscape Plans  
Attachment 2: Bylaw 8496 – Rezoning  
Attachment 3: Bylaw 8497 – Housing Agreement  
Attachment 4: Summary of Virtual Public Information Meeting

*Recommendation:*

THAT “District of North Vancouver Rezoning Bylaw 1409 (Bylaw 8496)” is given FIRST Reading;

AND THAT “Housing Agreement Bylaw 8497, 2021 (405 Marie Place)” is given FIRST Reading;

AND THAT Bylaw 8496 is referred to a Public Hearing.

**8.5. Bylaw 8501: Proposed Highway Closing and Dedication Removal** **p. 203-211**  
**Bylaw 8501 – 400 Block Marie Place Highway Closure**  
File No. 02.0930.20/516.000

Report: Property Services Agent, March 11, 2021  
Attachment 1: Road Parcel to be Closed  
Attachment 2: Bylaw 8501

*Recommendation:*

THAT “400 Block Marie Place Highway Closure Bylaw 8501, 2021” is given FIRST Reading;

AND THAT staff is authorized to publish notification of the road closure for two consecutive weeks as per the provisions in the *Community Charter*.

**8.6. 1510-1530 Crown Street and 420-460 Mountain Highway p. 213-229**  
**Update on Revisions – Rezoning and Development Permit Application**  
File No. 08.3060.20/040.18

Report: Manager – Development Planning, March 11, 2021  
Attachment 1: Project Plans Showing Revisions

*Recommendation:*

THAT staff is directed to prepare bylaws regarding the consideration of this application for rezoning and development permit for a mixed-use development in Lynn Creek Town Centre.

**8.7. Committee Terms of Reference p. 231-243**  
File No.

Report: Councillor Lisa Muri, Chair – Advisory Oversight Committee, February 25, 2021  
Attachment 1: February 16, 2021 Report of the Council Liaison/Support Officer

*Recommendation:*

THAT staff is directed to report back with an amendment to the Council Procedure Bylaw to allow for electronic meeting participation by members of Council advisory committees;

AND THAT staff is directed to report back with amendments to the Municipal Advisory Committee Policy outlining a new standard District of North Vancouver committee Terms of Reference.

**8.8. District of North Vancouver Climate Action Advisory Committee p. 245-251**  
File No.

Report: Councillor Lisa Muri, Chair – Advisory Oversight Committee, February 18, 2021  
Attachment 1: District of North Vancouver Climate Action Advisory Committee proposed Terms of Reference

*Recommendation:*

THAT Council approve the creation of the District of North Vancouver Climate Action Advisory Committee;

AND THAT Council approve the proposed Terms of Reference for the District of North Vancouver Climate Action Advisory Committee.

**8.9. Safe Supply of Opioids - Overdose Crisis p. 253-264**  
File No.

Report: Councillor Jim Hanson, March 11, 2021  
Attachment 1: MSTH Resolution

Attachment 2: December 15, 2020 Kamloops City Council Motion

Attachment 3: December 18, 2020 City of Kamloops Correspondence to UBCM Members

*Recommendation:*

THAT the motion derived from Moms Stop The Harm be endorsed by Council, as follows:

WHEREAS the opioid crisis is one of the largest public health emergencies of our lifetime, with a death on average about every two hours in Canada and a death toll of over 16,360 since 2016 in Canada and 1,716 in British Columbia in 2020 and 46 in the North Shore/Coast Garibaldi in 2020.

WHEREAS other countries have significantly reduced drug-related fatalities with reforms such as legal regulation of illicit drugs to ensure safe supply and decriminalization for personal use.

WHEREAS the federal government has indicated it is premature to discuss these measures until there are comprehensive supports for people to get well.

WHEREAS supports are needed, but measures that save lives are essential if people are to survive and access supports.

WHEREAS the Canadian Association of Chiefs of Police has stated that they agree the evidence suggests “decriminalization for simple possession as an effective way to reduce the public health and public safety harms associated with substance use”, causing the government to indicate that it is now “deliberating” over decriminalization.

WHEREAS the overdose crisis rages, showing few signs abating.

BE IT RESOLVED that the Government of Canada declare the overdose crisis a national public health emergency so that it is taken seriously and funded appropriately.

BE IT ALSO RESOLVED that the Government of Canada immediately seek input from the people most affected by this crisis and meet with provinces and territories to develop a comprehensive, pan-Canadian overdose action plan, which includes comprehensive supports and full consideration of reforms that other countries have used to significantly reduce drug-related fatalities and stigma, such as legal regulation of illicit drugs to ensure safe supply of pharmaceutical alternatives to toxic street drugs.

## **9. REPORTS**

### **9.1. Mayor**

### **9.2. Chief Administrative Officer**

### **9.3. Councillors**

### **9.4. Metro Vancouver Committee Appointees**

- 9.4.1. Housing Committee – Councillor Bond**
- 9.4.2. Indigenous Relations Committee – Councillor Hanson**
- 9.4.3. Board – Councillor Muri**
- 9.4.4. Regional Culture Committee – Councillor Muri**
- 9.4.5. Regional Parks Committee – Councillor Muri**
- 9.4.6. Regional Planning Committee – Councillor Muri**
- 9.4.7. COVID-19 Response & Recovery Task Force – Mayor Little**
- 9.4.8. Liquid Waste Committee – Mayor Little**
- 9.4.9. Mayors Committee – Mayor Little**
- 9.4.10. Mayors Council - TransLink – Mayor Little**
- 9.4.11. Zero Waste Committee – Mayor Little**

## **10. ADJOURNMENT**

*Recommendation:*

THAT the March 29, 2021 Regular Meeting of Council for the District of North Vancouver is adjourned.

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## DELEGATIONS

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## Delegation to Council Request Form

**District of North Vancouver  
Clerk's Department**  
355 West Queens Rd, North Vancouver, BC V7N 4N5

Questions about this form: Phone: 604-990-2311  
Form submission: Submit to address above or email to [gordonja@dnv.org](mailto:gordonja@dnv.org)

**COMPLETION: To ensure legibility, please complete (type) online then print. Sign the printed copy and submit to the department and address indicated above.**

**Delegations have five minutes to make their presentation. Questions from Council may follow.**

Name of group wishing to appear before Council: Unbuilders Deconstruction

Title of Presentation: The case for mandating deconstruction

Name of person(s) to make presentation: Adam Corneil

Purpose of Presentation:

- ☒ Information only  
☐ Requesting a letter of support  
☐ Other – please describe:

Attach separate sheet if additional space is required

Deconstruction is replacing demolition in progressive cities in North America. Not only is it the most sustainable choice, but the benefits are countless. This includes community health, social good, jobs, economic stimulation and the preservation of history and historic materials. This talk will outline these positive impacts, show examples of policy in other regions and why the DNV should mandate deconstruction.

**Note: Delegation requests will not be accepted if they are requesting financial assistance of any kind or are in relation to any potential or current development application with the District.**

Contact person (if different than above): \_\_\_\_\_

Daytime telephone number: 778-996-4011

Email address: adam@unbuilders.com

Will you be providing supporting documentation? ☒ Yes ☐ No

If yes: ☐ Handout ☐ Digital Format ☒ PowerPoint Presentation

**Note: All supporting documentation must be provided 14 days prior to your appearance date.  
This form and any background material provided will be published in the public agenda.**

Presentation requirements: ☐ Laptop ☐ Tripod for posterboard  
☐ Multimedia projector ☐ Flipchart  
☒ Overhead projector

Arrangements can be made, upon request, for you to familiarize yourself with the Council Chamber equipment on or before your presentation date.

## Delegation to Council Request Form

### Rules for Delegations:

1. Delegations must submit a Delegation to Council Request Form to the Municipal Clerk. Submission of a request does not constitute approval nor guarantee a date. The request must first be reviewed by the Clerk.
2. The Clerk will review the request and, if approved, arrange a mutually agreeable date with you. You will receive a signed and approved copy of your request form as confirmation.
3. Only one delegation will be permitted at any Regular Meeting of Council.
4. Delegations must represent an organized group, society, institution, corporation, etc. Individuals may not appear as delegations.
5. Delegations are scheduled on a first-come, first-served basis, subject to direction from the Mayor, Council, or Chief Administrative Officer.
6. The Mayor or Chief Administrative Officer may reject a delegation request if it regards an offensive subject, has already been substantially presented to council in one form or another, deals with a pending matter following the close of a public hearing, or is, or has been, dealt with in a public participation process.
7. Supporting submissions for the delegation should be provided to the Clerk by noon 14 days preceding the scheduled appearance.
8. Delegations will be allowed a maximum of five minutes to make their presentation.
9. Any questions to delegations by members of Council will seek only to clarify a material aspect of a delegate's presentation.
10. Persons invited to speak at the Council meeting may not speak disrespectfully of any other person or use any rude or offensive language or make a statement or allegation which impugns the character of any person.
11. Please note the District does not provide grants or donations through the delegation process.
12. Delegation requests that are non-jurisdictional or of a financial nature may not be accepted.

### Helpful Suggestions:

- have a purpose
- get right to your point and make it
- be concise
- be prepared
- state your request, if any
- do not expect an immediate response to a request
- multiple-person presentations are still five minutes maximum
- be courteous, polite, and respectful
- it is a presentation, not a debate
- the Council Clerk may ask for any relevant notes (if not handed out or published in the agenda) to assist with the accuracy of our minutes

I understand and agree to these rules for delegations

Adam Corneil

March 10, 2021

Name of Delegate or Representative of Group

Date



Signature

### For Office Use Only

#### Approved by:

Municipal Clerk

Deputy Municipal Clerk



Appearance date:

March 29, 2021

Receipt emailed on:

March 12, 2021

#### Rejected by:

Mayor

CAO

\_\_\_\_\_

\_\_\_\_\_

Applicant informed on:

\_\_\_\_\_

Applicant informed by:

\_\_\_\_\_

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 processing this application or request and for no other purpose unless its release is authorized by its owner, the information is part of a record series commonly available to the public, 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 or at 355 W Queens Road, North Vancouver.

# unbuilders



## A New Future For Old Buildings

March 29, 2021

### The Problem - Demolition & Disposal



Construction industry wastes valuable resources, incl. **premium old growth lumber**

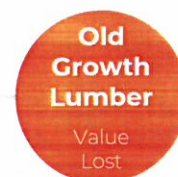
Canadian Construction  
Industry Figures:



**11 Billion m<sup>3</sup> of CO<sub>2</sub>eq** released  
into the atmosphere through  
decomposition



**100%** of which can be  
**salvaged & recycled**



Retails for **4x more**  
than new lumber



## Traditional Demolition

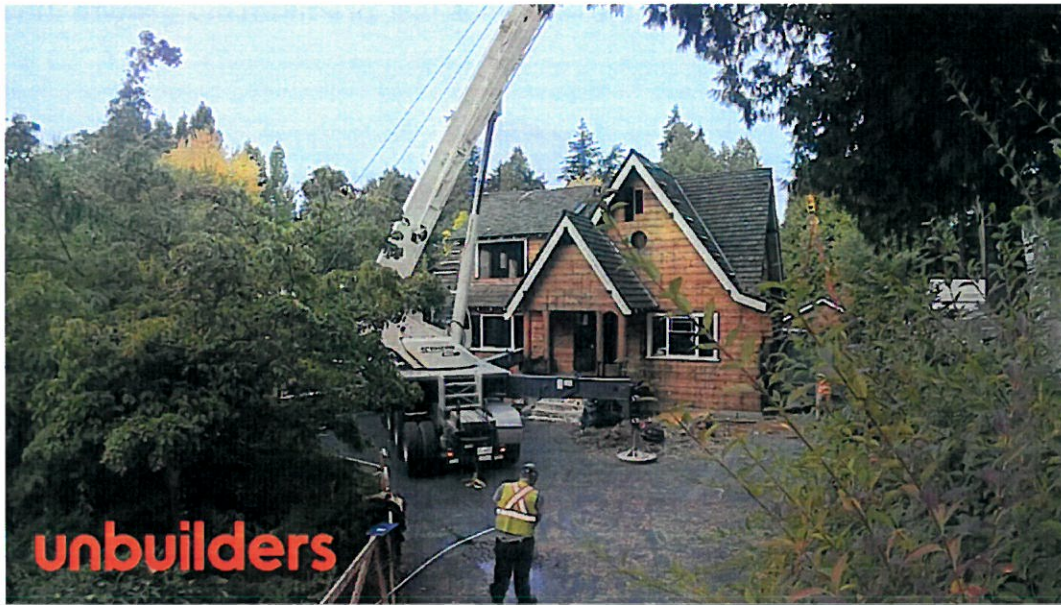
unbuilders  
HERITAGE  
LUMBER



3

## The Solution - Deconstruction

unbuilders  
HERITAGE  
LUMBER



4

## Our Roots – Old Growth Lumber



North Vancouver was founded on logging, deconstruction salvages **our history**

### Old Growth Lumber

- Though our cities may be young, they were built with **ancient trees** - trees up to **2000 years old**
- Used for framing buildings up until 1970
- **Scarce resource**, rarer with every demolition & will not grow back for generations



### Benefits of Old Growth Lumber

- **12 times less embodied carbon & 3 times stronger** than new lumber
- **Most sustainable** building material on the market

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## Deconstruction Economics



Massive job & economic opportunity

### Jobs

- Deconstruction jobs: over **45,000 jobs** in BC alone, **250,000 jobs** nationally
- Likely double that total from the offshoot economic activity & jobs needed:
  - Transportation, material handling
  - Used building material sales
  - Wood workers, carpenters, renovators
  - Designers
  - Recycling streams

### Economics

- Metro Vancouver: **\$3.4 B per year** potential from deconstruction & reclaimed wood product sales
- National: **\$18.8 B per year** potential



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# Deconstruction Impact



Huge positive impact on the environment, health & community

## Environmental

- C&D generates **4 million tonnes** of waste annually - over 1/3 of all solid waste
- **19.9 Million tons of CO<sub>2</sub>eq** released into the atmosphere through decomposition
- Landfills are overflowing

## Health

- Demolition does not remove all hazardous materials - we average 2 call backs per job; every demolition means hazardous material exposure
- Health risks to workers and community
- Contaminating landfills and recycling facilities

## Social Impact

- Better for communities and the preservation of history
- Contributes to the construction of **affordable housing** through partnership with Habitat for Humanity



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# Policy Change



Make deconstruction & material reuse the standard

## Municipalities with bylaws:

- Vancouver
- Victoria (2021)
- Portland, San Francisco, Seattle, Austin, LA, Baltimore, Detroit
- This is not a trend, the industry is shifting and deconstruction will be the standard

## Internally

- Compliance reporting - dedicated staff checking receipts and tonnage
- Deposit & fines for non-compliance - \$30,000

## Industry

- Will adapt, they already have in Vancouver



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It's Not Waste,



It's Just Wasted.



UNBUILT   @unbuilders

@unbuildersdeconstruction 1-833-

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## MINUTES

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**DISTRICT OF NORTH VANCOUVER  
SPECIAL MEETING OF COUNCIL**

Minutes of the Special Meeting of Council for the District of North Vancouver held at 10:02 a.m. on Thursday, March 11, 2021. The meeting was held virtually with participants appearing via video and telephone conference.

**Present:** Mayor M. Little  
Councillor J. Back  
Councillor M. Curren  
Councillor B. Forbes  
Councillor J. Hanson

**Absent:** Councillor M. Bond  
Councillor L. Muri

**Staff:** Mr. J. Gordon, Manager – Administrative Services  
Ms. G. Lanz, Deputy Municipal Clerk  
Ms. S. Dale, Confidential Council Clerk  
Ms. S. Clarke, Committee Clerk

**RESOLUTION TO HOLD PUBLIC MEETING WITHOUT THE PUBLIC IN ATTENDANCE**

**MOVED by Councillor BACK**

**SECONDED by Councillor HANSON**

WHEREAS:

- the Minister of Public Safety and Solicitor General has issued Order M192; and,
- Order M192 requires British Columbia municipalities to use best efforts to allow members of the public to attend open meetings of council in a manner that is consistent with the applicable requirements or recommendations of the *Public Health Act* and Public Health Officer orders; and,
- the District has assessed its ability to allow members of the public to attend open meetings of council in a manner that is consistent with the applicable requirements or recommendations of the *Public Health Act* and Public Health Officer orders; and,
- the District has taken into consideration its Covid-19 Safety Plan as required by Worksafe BC; and,
- the District has determined that, at this time, it cannot safely allow members of the public to physically attend open meetings of council in a manner that is consistent with the applicable requirements or recommendations of the *Public Health Act* or its Covid-19 Safety Plan;

THEREFORE, this meeting of the Council for the District of North Vancouver is to be held virtually and without members of the public, or Council, being physically present;

AND THAT the principles of openness, transparency, accessibility and accountability are being ensured through:

- Providing an online subscription service for residents to sign up and be apprised of upcoming meetings and the post-meeting availability of meeting minutes and meeting videos;
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- Adhering the rules of procedural fairness and acting with respect and courtesy at all times when hearing the public;
- Conducting meetings in a manner that resembles in-person meeting as much as possible;

And reminding the public that they may contact Mayor and Council at any time on any topic via its [council@dnv.org](mailto:council@dnv.org) email address.

**CARRIED**

## **1. ADOPTION OF THE AGENDA**

### **1.1. March 11, 2021 Special Meeting Agenda**

**MOVED by Councillor BACK**

**SECONDED by Councillor HANSON**

THAT the agenda for the March 11, 2021 Special Meeting of Council for the District of North Vancouver is adopted as circulated.

**CARRIED**

## **2. REPORTS FROM COUNCIL OR STAFF**

### **2.1 Appointment of Election Officials for the 2021 School Trustee By-Election**

File No. 01.0115.30/002.000

**MOVED by Mayor LITTLE**

**SECONDED by Councillor HANSON**

THAT James Gordon is appointed Chief Election Officer for the District of North Vancouver for the conduct of the 2021 School Trustee By-election;

AND THAT Genevieve Lanz is appointed Deputy Chief Election Officer for the District of North Vancouver for conduct of the 2021 School Trustee By-election.

**CARRIED**

## **3. ADJOURNMENT**

**MOVED by Councillor BACK**

**SECONDED by Councillor CURREN**

THAT the March 11, 2021 Special Meeting of Council for the District of North Vancouver is adjourned.

**CARRIED**  
(10:16 a.m.)

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Mayor

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Municipal Clerk

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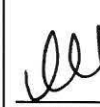
## REPORTS


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**AGENDA INFORMATION**☒ Regular MeetingDate: March 29, 2021☐ Other:

Date: \_\_\_\_\_

  
 Dept.  
Manager

  
 GM/  
Director

  
 CAO

## The District of North Vancouver

### REPORT TO COUNCIL

February 25, 2020

File: 09.3900.20/000.000

**AUTHOR:** Genevieve Lanz, Deputy Municipal Clerk**SUBJECT:** Bylaws 8472 and 8476: Standards and Regulations in Single Family Zones**RECOMMENDATION:**

THAT "District of North Vancouver Rezoning Bylaw 1404 (Bylaw 8472)" is ADOPTED;

AND THAT "District of North Vancouver Rezoning Bylaw 1405 (Bylaw 8476)" is ADOPTED.

**BACKGROUND:**

Bylaws 8472 and 8476 received First Reading on November 23, 2020. A Public Hearing for Bylaws 8472 and 8476 was held and closed on January 26, 2021. Bylaws 8472 and 8476 received Second and Third Readings on February 22, 2021.

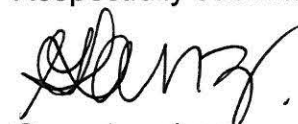
Pursuant to section 52(3)(a) of the *Transportation Act*, Bylaws 8472 and 8476 received approval from the Ministry of Transportation and Infrastructure on February 25, 2021.

The bylaws are now ready to be considered for Adoption by Council.

**OPTIONS:**

1. Adopt the bylaws;
2. Give no further Reading to the bylaws and abandon the bylaws at Third Reading; or,
3. Rescind Third Reading, debate possible amendments to the bylaws and return Bylaws 8472 and 8476 to a new Public Hearing if required.

Respectfully submitted,



Genevieve Lanz  
Deputy Municipal Clerk

**Attachments:**

1. Bylaw 8472
2. Bylaw 8476
3. Staff Report dated January 28, 2021

<b>REVIEWED WITH:</b>		
<input type="checkbox"/> Community Planning _____	<input type="checkbox"/> Clerk's Office _____	<b>External Agencies:</b>
<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 _____	

# The Corporation of the District of North Vancouver

## Bylaw 8472

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:

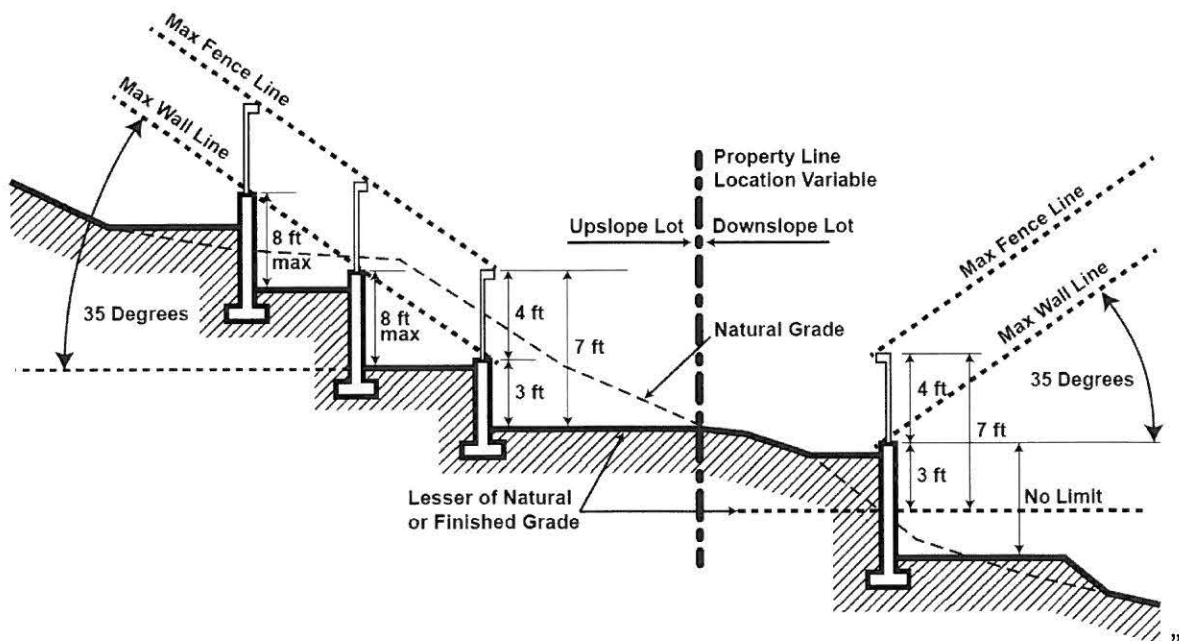
### Citation

1. This bylaw may be cited as "District of North Vancouver Rezoning Bylaw 1404 (Bylaw 8472)".

### Amendments

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended by deleting Section 409(3) and replacing with:

"(3) Retaining walls may be constructed within the required setback area of a lot when the wall or walls do not extend above a line commencing 3.0 feet above the lesser of natural grade and finished grade at the outer face of the outermost wall and subsequent walls do not extend above a line 8.0 feet above the lesser of natural grade and finished grade and projected upward and inward on the lot at an angle of 35° as illustrated by the following diagram:



**READ** a first time November 23<sup>rd</sup>, 2020

**PUBLIC HEARING** held January 26<sup>th</sup>, 2021

**READ** a second time February 22<sup>nd</sup>, 2021

**READ** a third time February 22<sup>nd</sup>, 2021

Certified a true copy of "Bylaw 8472" as at Third Reading

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Municipal Clerk

**APPROVED** by the Ministry of Transportation and Infrastructure on February 25<sup>th</sup>, 2021

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk

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

**Bylaw 8476**

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 1405 (Bylaw 8476)".

**Amendments**

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended by deleting the interpretation of "height" in Part 2 and replacing with:

"height" means:

- (i) with respect to a building or structure in a single family residential zone the greatest vertical distance measured from the building height base line to the topmost part of the building or structure, except that in the case of an accessory building or structure it shall be the vertical distance measured from the floor level to the highest point of the building or structure except in no case shall the floor level of the structure be more than 4 feet above natural grade at any point."

**READ** a first time November 23<sup>rd</sup>, 2020

**PUBLIC HEARING** held January 26<sup>th</sup>, 2021

**READ** a second time February 22<sup>nd</sup>, 2021

**READ** a third time February 22<sup>nd</sup>, 2021

Certified a true copy of "Bylaw 8476" as at Third Reading

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Municipal Clerk

**APPROVED** by the Ministry of Transportation and Infrastructure on February 25<sup>th</sup>, 2021

**ADOPTED**

\_\_\_\_\_  
Mayor

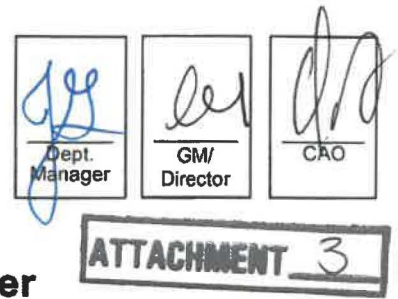
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Municipal Clerk

Certified a true copy

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



AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>February 22, 2021</u>
<input type="checkbox"/> Other:	Date: _____



## The District of North Vancouver REPORT TO COUNCIL

January 28, 2021  
File: 08.3060.20/012.19

**AUTHOR:** Genevieve Lanz, Deputy Municipal Clerk

**SUBJECT:** Bylaws 8472 and 8476: Standards and Regulations in Single Family Zones

**RECOMMENDATION:**

THAT "District of North Vancouver Rezoning Bylaw 1404 (Bylaw 8472)" is given SECOND and THIRD Readings;

AND THAT "District of North Vancouver Rezoning Bylaw 1405 (Bylaw 8476)" is given SECOND and THIRD Readings.

**BACKGROUND:**

Bylaws 8472 and 8476 received First Reading on November 23, 2020. A Public Hearing for Bylaws 8472 and 8476 was held and closed on January 26, 2021.

The bylaws are now ready to be considered for Second and Third Readings by Council.

**OPTIONS:**

1. Give the bylaws Second and Third Readings;
2. Give no further Readings to the bylaws and abandon the bylaws at First Reading; or,
3. Debate possible amendments to the bylaws at Second Reading and return Bylaws 8472 and 8476 to a new Public Hearing if required.

Respectfully submitted,

  
Genevieve Lanz  
Deputy Municipal Clerk

**Attachments:**

1. Bylaw 8472
2. Bylaw 8476
3. Public Hearing report – January 26, 2021
4. Staff report dated September 29, 2020

<b>REVIEWED WITH:</b>		
<input type="checkbox"/> Community Planning _____	<input type="checkbox"/> Clerk's Office _____	<b>External Agencies:</b>
<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 _____	

# The Corporation of the District of North Vancouver

## Bylaw 8472

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:

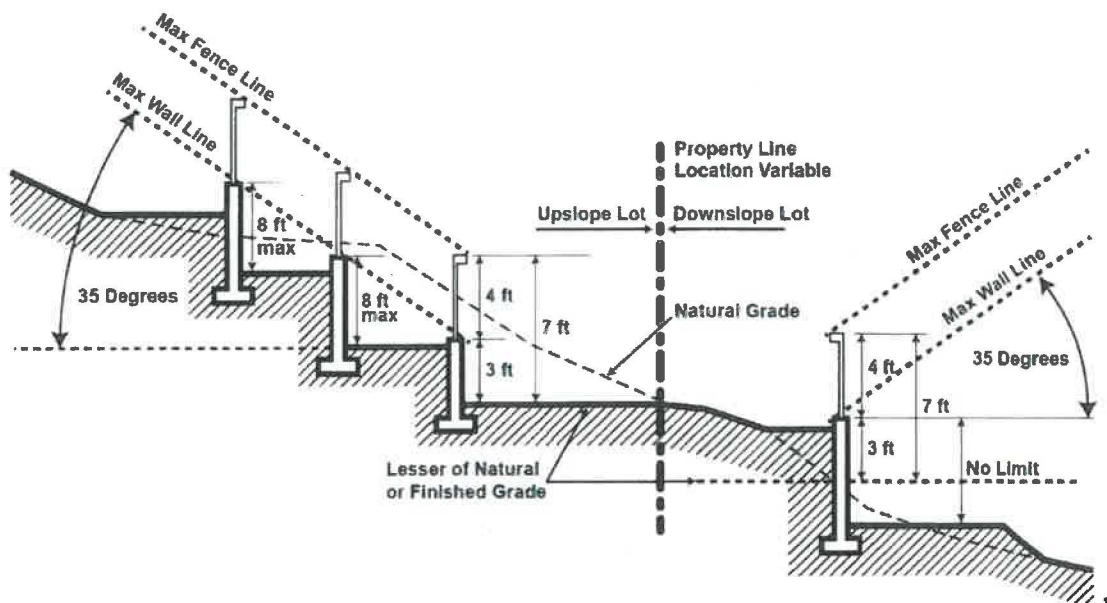
### Citation

1. This bylaw may be cited as "District of North Vancouver Rezoning Bylaw 1404 (Bylaw 8472)".

### Amendments

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended by deleting Section 409(3) and replacing with:

"(3) Retaining walls may be constructed within the required setback area of a lot when the wall or walls do not extend above a line commencing 3.0 feet above the lesser of natural grade and finished grade at the outer face of the outermost wall and subsequent walls do not extend above a line 8.0 feet above the lesser of natural grade and finished grade and projected upward and inward on the lot at an angle of 35° as illustrated by the following diagram:



**READ** a first time November 23<sup>rd</sup>, 2020

**PUBLIC HEARING** held January 26<sup>th</sup>, 2021

**READ** a second time

**READ** a third time

Certified a true copy of "Bylaw 8472" 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

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

**Bylaw 8476**

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 1405 (Bylaw 8476)".

**Amendments**

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended by deleting the interpretation of "height" in Part 2 and replacing with:

"height" means:

- (i) with respect to a building or structure in a single family residential zone the greatest vertical distance measured from the building height base line to the topmost part of the building or structure, except that in the case of an accessory building or structure it shall be the vertical distance measured from the floor level to the highest point of the building or structure except in no case shall the floor level of the structure be more than 4 feet above natural grade at any point."

**READ** a first time November 23<sup>rd</sup>, 2020

**PUBLIC HEARING** held January 26<sup>th</sup>, 2021

**READ** a second time

**READ** a third time

Certified a true copy of "Bylaw 8472" 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

**DISTRICT OF NORTH VANCOUVER  
PUBLIC HEARING**

**Standards and Regulations in Single Family Zones  
Zoning Bylaw Amendments**

REPORT of the Public Hearing held on Tuesday, January 26, 2021 commencing at 7:04 p.m. The meeting was held virtually with participants appearing via video and telephone conference.

**Present:** Mayor M. Little  
Councillor J. Back  
Councillor M. Bond  
Councillor M. Curren  
Councillor B. Forbes  
Councillor J. Hanson  
Councillor L. Muri

**Staff:** Mr. B. Dwyer, Assistant General Manager – Regulatory Review and Compliance  
Mr. J. Gordon, Manager – Administrative Services  
Ms. G. Lanz, Deputy Municipal Clerk  
Ms. S. Dale, Confidential Council Clerk  
Ms. C. Archer, Clerk Typist 3  
Ms. S. Clarke, Clerk Typist 3  
Ms. S. Ferguson, Customer Service Representative

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**1. OPENING BY THE MAYOR**

Mayor Little welcomed everyone and advised that the purpose of the Public Hearing was to receive input from the community and staff on the proposed bylaws as outlined in the Notice of Public Hearing.

He further noted that this Public Hearing is being convened pursuant to Section 464 of the *Local Government Act* and Ministerial Order M192.

This hearing will be held virtually with all participants, including Council, staff, applicant, signed up speakers and observers all doing so by electronic means.

Public participation in this hearing is being accommodated by speakers having signed up in advance, as stated in the Notice of Hearing, as well as being streamed live over the internet. In addition, those observing over the internet who did not sign up in advance to speak but decide to do so once the hearing is underway, may dial-in via telephone to speak. Information on how to do this will be shared over the live stream once we have exhausted the speakers list of first time speakers.

The electronic means being employed for this hearing allow for effective two-way audio communications while those who have signed up in advance will also receive video of the hearing via the Zoom software.



As always, written submissions will be received by the Municipal Clerk, on behalf of, and shared with, Council, at any time up to the time the hearing is closed. These may be submitted to [input@dnv.org](mailto:input@dnv.org)

Therefore, in this manner, all persons who believe that their interest in property is affected by the proposed bylaws will be afforded a reasonable opportunity to be heard and to present written submissions.

Mayor Little stated that:

- We will first go through the established speakers list. At the end of the speakers list, the Chair may call for any other speakers not on the speakers list – these are the dial-in speakers if any;
- You will have 5 minutes to address Council for a first time. Begin your remarks to Council by stating your name and approximate street address;
- After everyone who wishes to speak has spoken once, speakers will then be allowed one additional five minute opportunity;
- Any additional presentations will only be allowed at the discretion of the Chair;
- Please do not repeat information from your previous presentations and ensure your comments remain focused on the bylaws under consideration this evening;
- If you have provided a written submission there is no need to read it as it will have already been seen by Council. You may summarize or briefly reiterate the highlights of your submission but ensure your comments pertain to the bylaws under consideration at this hearing;
- Council is here to listen to the public, not to debate the merits of the bylaws. Council may ask clarifying questions;
- The Clerk has a binder containing documents and submissions related to the bylaws which Council has received and which you are welcome to review. This is available online at [DNV.org/agenda](https://dnv.org/agenda);
- Everyone at the hearing will be provided an opportunity to speak. If necessary, we will continue the hearing on a second night;
- At the conclusion of the public input Council may request further information from staff which may or may not require an extension of the hearing; or, Council may close the hearing after which Council should not receive further new information from the public; and,
- This hearing is being streamed live over the internet and recorded in accordance with the *Freedom of Information and Protection of Privacy Act*.

## **2. INTRODUCTION OF BYLAWS BY CLERK**

Ms. Genevieve Lanz, Deputy Municipal Clerk, introduced the proposed bylaws, stating that Bylaw 8472 proposes to amend the District's Zoning Bylaw to change how retaining wall heights are measured. She further stated that Bylaw 8476 proposes to amend the District's Zoning Bylaw to change how the height of detached accessory buildings, including garages, are measured.

## **3. PRESENTATION BY STAFF**

Mr. Brett Dwyer, Assistant General Manager – Regulatory Review and Compliance, provided an overview of the proposal elaborating on the introduction by the Deputy Municipal Clerk. Mr. Dwyer advised that:



- Bylaw 8472, if adopted, would change the way retaining walls are regulated under the siting exceptions section in the District's Zoning Bylaw.
- The Zoning Bylaw currently limits retaining walls in required setbacks as follows:
  - The first wall is limited to a maximum height of 4';
  - Any subsequent retaining wall must be contained within a height envelope of 45 degrees projected from the top of the first retaining wall; and,
  - There is no height limit on subsequent retaining walls provided they are contained within the 45 degree height envelope;
- If adopted, the revision to the retaining wall siting exception regulation would be as follows:
  - The first wall is limited to a maximum height of 3';
  - Subsequent retaining walls must be contained within a height envelope of 35 degrees projected from the top of the first retaining wall; and,
  - Subsequent retaining walls are limited in height to 8';
- This may result in more requests for variances, particularly on steep cross-sloping lots;
- Bylaw 8476, if adopted, would change the way the height of detached accessory buildings, including detached garages, is regulated in the District's Zoning Bylaw;
- The Zoning bylaw currently does not limit the floor height of detached accessory buildings including garages and this can result in very high foundation wall heights on steeply sloping sites;
- If adopted, the revision to the heights of detached accessory structures and buildings would be as follows:
  - The floor height of accessory buildings could be no more than 4' from natural grade and this may result in more requests for variances, particularly on steeply sloping sites;
- Staff have carried out both the standard statutory public notification procedures for a public hearing and additional public outreach;
- Staff completed outreach by requesting input via a letter, from design professionals (five companies who work in the District);
- Staff sent a letter with information to community associations which also informed them of the public hearing should they, as a community association or as individual members, want to provide input;
- Staff also created a news article with link available on the home page of the District's website;
- Any public input received has been included in the public input section on District's web page containing information about the public hearing. Responses received outlined the following concerns:
  - Results in more variance applications;
  - Additional stress/cost/time on developers and owners of steep sites;
  - Retaining wall change impedes usability of site-substandard yard space and space between walls is unusable;
  - Retaining wall reduced height plane may be challenging to achieve in side yards;
  - Considering the unchanged definitions of maximum eave height and lower floor net area calculations this proposal is counterproductive when considering an intent of reducing visible building bulk;
  - Accessory building change causes issues with negative drainage: increasing the potential chances of water damage and drainage issues. By creating

bylaws that force buildings into the ground with negative slopes, you are increasing maintenance requirements and potential problems;

- Increases the concrete requirement towards the front and side of the accessory building, and for concrete requirement for the retaining walls leading up to the garage doors as it causes issues with cost and access. By installing the concrete retaining walls, the turning circle access to the garage door is significantly affected especially rear lane access only. An additional consideration is that to maintain that concrete curb, excavation for a footing will have to be completed which is not allowed to encroach into the rear lane (public property) further complicating the process;
- Can negatively impact neighbor relationships through DVP/BOV process
- Support was due to safety and esthetics;
- The bylaws are not retroactive and should the bylaws be adopted by Council any retaining wall or accessory structure legally existing at the time of bylaw adoption would be grandfathered under the non-conforming provisions contained in the *Local Government Act* (section 529);
- These provisions allow such structures to be maintained, repaired, extended or altered provided there is no further contravention of the new bylaw;
- Regarding existing permits and approvals, any permit issued, under review or submitted before the date of bylaw adoption would be subject to review and compliance with the existing regulations; and,
- The new regulations would only apply to applications submitted after the date of adoption of the new bylaws.

#### **4. REPRESENTATIONS FROM THE PUBLIC**

##### **4.1. Mr. Peter Teevan, 1900 Block Indian River Crescent:**

- Spoke to the complexity of building a new home;
- Spoke to the lengthy process of obtaining a building permit and its associated costs; and,
- Suggested creating a committee to expedite and delegate the issuance of development variances permits that don't comply with the bylaw without having to come forward to Council.

##### **4.2. Mr. Corrie Kost, 2800 Block Colwood Drive:**

- Spoke in opposition to reducing the height of retaining walls on property lines from 4 ft. to 3 ft.;
- Spoke in opposition to reducing the slope of retaining walls from 45 degrees to 35 degrees; and,
- Questioned how many lots would be effected in the District of North Vancouver.

##### **4.3. Mr. Peter Teevan, SPEAKING A SECOND TIME:**

- Commented that the information presented is technical;
- Questioned how the heights in this regulation match up with the heights of coach houses;
- Expressed concern with water management and flooding, and,
- Spoke to the issue of non-conforming retaining walls.

In response to a question from Council, staff advised that the proposed amendment to the Zoning Bylaw to change how retaining walls are measured apply to front, back and side yard setbacks.

In response to a question from Council, staff advised that properties with challenging topography may have difficulty meeting regulations.

In response to a question from Council, staff advised that an outreach was completed by requesting input via a letter, from design professionals and five companies who work in the District were contacted.

In response to a question from Council, staff advised that a Public Hearing is a statutory process that allow residents to provide their views on the proposed amendment to the Zoning Bylaw and Council cannot debate the merits of the bylaw until second and third readings.

In response to a question from Council, staff advised that approximately ten retaining wall permits were issued in 2020.

In response to a question from Council, staff advised that the *Local Government Act* prohibits the delegation of development variance permits because a notification process is required. It was further noted that there are two methods to seek a variance to a Zoning Bylaw:

- Council can approve a development variance permit; or,
- The Board of Variance committee can order a minor variance to address a hardship related to siting, size or dimensions of a building or structure.

In response to a question from Council, staff advised that there is no current regulation related to exposed foundation wall face between floor elevation and grade resulting from a sloping lot.

In response to a question from Council, staff advised that at the time a new land use regulation bylaw is adopted, if an existing use of land or a building is lawfully used and it does not conform to the bylaw, then it may be continued as legally non-conforming. In most cases, legally non-conforming use cannot be expanded however it can be maintained under certain circumstances. If the use and density of an existing building conforms to a new land use regulation bylaw, but the building's siting, size or dimensions do not, the building may be maintained, extended or altered as long as it does not result in further contravention of the bylaw.

In response to a question from Council, staff advised that the Wedge House and property on Skyline Drive are situated on challenging sites.

In response to a question from Council, staff advised that previous Council's have generally been supportive of issuing development variance permits for retaining wall structures.

In response to a question from Council with regards to water management, staff advised that water would not be attracted from the road and a trench or a cut-off drain can be used.

In response to a question from Council, staff advised that the majority of accessory buildings that are not parking structures are generally at grade.

In response to a question from Council, staff advised that the proposed regulation on retaining walls would not apply to coach houses.

In response to a question from Council, staff advised that the Zoning Bylaw restrict building size, coverage, setbacks, building depth, and upper floor area.

Council expressed concerns regarding the loss of green space and permeable surface area.

In response to a question from Council, staff advised that applications would be considered on a case-by-case basis and would consider the specific proposal and site against relevant District regulations.

**4.4. Mr. Mitchell Baker, 600 Block Mt. Seymour Drive:**

- Expressed concern that very few properties are impacted by the proposed bylaw and questioned if this is necessary;
- Opined that not enough detail was provided in the proposed bylaw;
- Commented on the importance of educating residents; and,
- Suggested that more research needs to be done.

**4.5. Mr. Corrie Kost, SPEAKING A SECOND TIME:**

- Questioned if minor repairs require applying for a building permit; and,
- Suggested any unintended consequences be identified and addressed prior to adoption.

Staff clarified that minor repairs do not require building permits.

**4.6. Mr. Peter Teevan, SPEAKING A THIRD TIME:**

- Commented that new single-family dwelling and retaining walls are expensive and are not affordable housing options; and,
- Encouraged Council to listen to the public's concerns.

**5. COUNCIL RESOLUTION**

**MOVED by Councillor MURI**

**SECONDED by Councillor BACK**

**THAT the January 26, 2021 Public Hearing is closed;**

**AND THAT "District of North Vancouver Rezoning Bylaw 1404 (Bylaw 8472)" be returned to Council for further consideration;**

**AND THAT "District of North Vancouver Rezoning Bylaw 1405 (Bylaw 8476)" be returned to Council for further consideration.**

**CARRIED**  
**(8:21 p.m.)**

**CERTIFIED CORRECT:**

  
\_\_\_\_\_  
Confidential Council Clerk



AGENDA INFORMATION	
<input type="checkbox"/> Council Workshop	Date: _____
<input type="checkbox"/> Finance & Audit	Date: _____
<input type="checkbox"/> Advisory Oversight	Date: _____
<input checked="" type="checkbox"/> Other: <b>SPECIAL MEETING</b>	Date: <b>NOVEMBER 23, 2020</b>

 Dept. Manager	 GM/ Director	 for CAO
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## The District of North Vancouver REPORT TO COUNCIL

November 10, 2020  
File: 13.6700.20/000.000

**AUTHOR:** Brett Dwyer, Assistant General Manager Regulatory Review and Compliance

**SUBJECT:** Standards and Regulations in Single Family Zones

### RECOMMENDATION:

THAT "District of North Vancouver Rezoning Bylaw 1404 (Bylaw 8472)" is given FIRST Reading;

THAT "District of North Vancouver Rezoning Bylaw 1405 (Bylaw 8476)" is given FIRST Reading;

THAT "District of North Vancouver Nuisance Abatement Bylaw 7325, 2002 Amendment Bylaw 8473, 2020 (Amendment 5)" is given FIRST, SECOND, and THIRD Reading;

THAT "District of North Vancouver Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8474, 2020 (Amendment 56)" is given FIRST, SECOND, and THIRD Reading;

THAT "District of North Vancouver Rezoning Bylaw 1404 (Bylaw 8472)" be referred to a Public Hearing;

AND THAT "District of North Vancouver Rezoning Bylaw 1405 (Bylaw 8476)" be referred to a Public Hearing.

### REASON FOR REPORT:

Council has directed staff to bring forward options for changes to District bylaws, policies and regulations to address areas of concern with current single family residential standards and regulations. Staff are now bringing forward recommended bylaw amendments in response to that direction together with requested additional information.

**BACKGROUND:**

At the September 16<sup>th</sup>, 2019, Council Workshop, Council provided direction to staff to explore options for changes to District bylaws, policies and regulations to address concerns and/or issues raised with regards to the following single family residential standards and regulation "target" areas:

1. retaining structures;
2. height of accessory structures (particularly detached garages);
3. nuisance noise;
4. nuisance lighting; and
5. landscape retention and hard surfaces.

At a Council workshop on November 19<sup>th</sup>, 2019 staff presented options for Council's consideration. Council indicated support for some of the options presented and requested information on two additional areas of interests; single family basement floor space exemptions and maximum house sizes.

Background on Single Family Zones in the District:

The District's five single family (RS1–RS5) and 14 neighbourhood zones were created over many years through robust community engagement. This process sought a balance between individual property owners' rights and broad community interests.

Previous Council Workshops on Single Family Home Renewal:

A chronology of previous Council Workshops on single family home renewal is provided as an attachment to this report (Attachment A).

**ANALYSIS:**

For each of the target single family residential standards and regulation areas, staff completed the following research: review of the District's current approach, the legislative authority to regulate, and a municipal scan of other jurisdictions' approaches to regulating these areas. This information was presented in the Report to Committee dated November 6<sup>th</sup>, 2019 (Attachment B).

During the November 19<sup>th</sup>, 2019 Council Workshop, Council expressed interest in some of the options presented by staff. Staff then created recommendations for each target area based on input received from Council and further research completed by staff. In addition, staff completed a municipal scan comparing how the District regulates basement floor space exemptions and maximum house sizes to other municipalities which is included in Attachments G and H.

This report presents the following information and proposed bylaw amendments broken down into each of the five target areas plus the two additional areas of interest; basement floor space exemptions and maximum house sizes. The proposed bylaw amendments and additional information on basement floor space exemptions and maximum house sizes are found in Attachments to this report.

- An amendment to the District's Zoning Bylaw to change to how retaining structures are regulated (Bylaw 1404, Attachment C)

- An amendment to the District's Zoning Bylaw to change to how accessory structures (including garages) are regulated (Bylaw 1405, Attachment D)
- An amendment to the District's Nuisance Abatement Bylaw to change how nuisance lighting is regulated (Bylaw 8473, Attachment E).
- An amendment to the District's Notice Enforcement Bylaw for the purpose of creating new fines to do with regulating nuisance lighting (Bylaw 8474, Attachment F).
- Information on the current steps staff are carrying out to address nuisance noise.
- Information on how the District currently regulates floor space exemptions for basements (Attachment H) and maximum house sizes in comparison to other municipalities (Attachment G).

### **Target Area 1- Retaining Walls**

The District currently regulates the siting and height of retaining walls through the Zoning Bylaw, in the following manner:

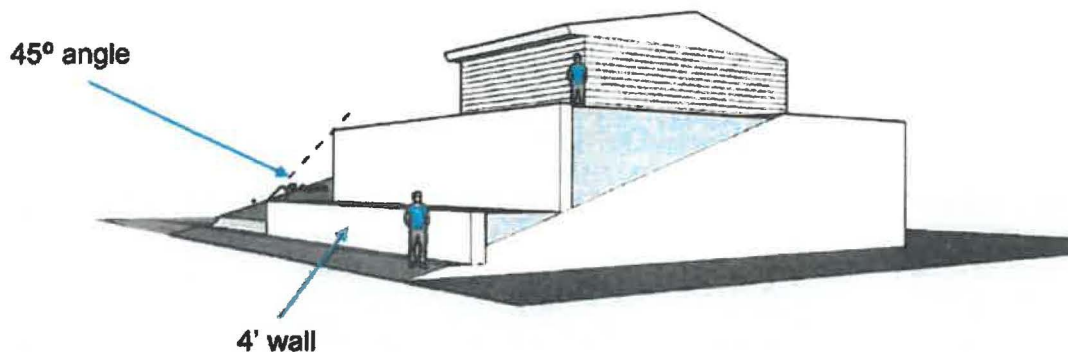
#### *Section 409 Siting Exceptions*

##### **(3) Retaining Walls**

*Retaining walls may be constructed within the required setback area of a lot when the wall or walls do not extend above a line commencing 4.0 feet above the lesser of natural grade and finished grade at the outer face of the outermost wall and projected upward and inward on the lot at an angle of 45°...*

This regulation allows the first retaining wall to be a maximum of 4 ft. in height with subsequent retaining walls to be contained within a height plane of 35° as illustrated below.

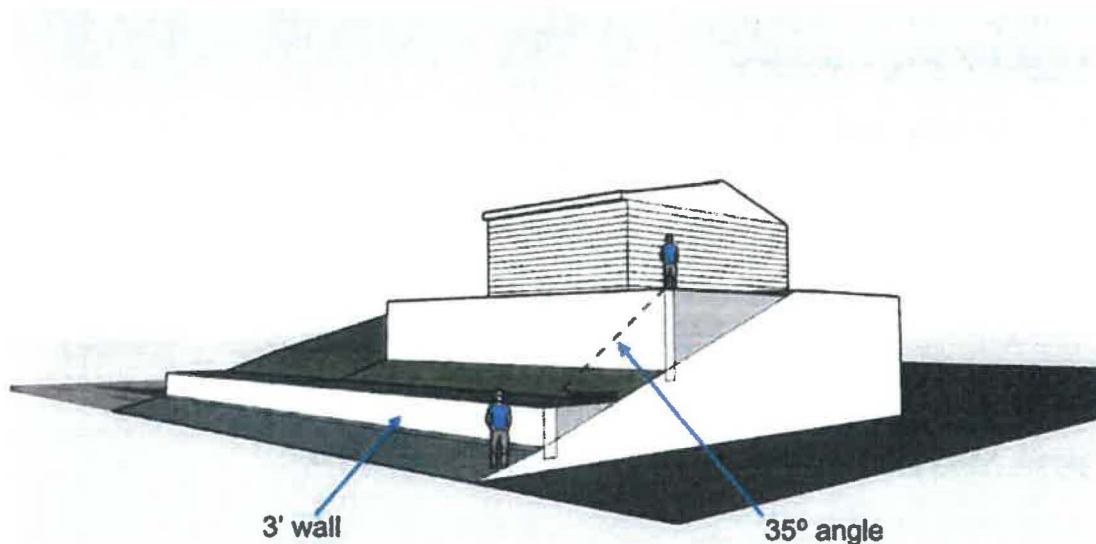
#### Current retaining wall regulation (4' and 45 degree height plane)



Although the District's Zoning Bylaw currently regulates the angle and height of retaining walls, it does not have a maximum height for a secondary or subsequent retaining wall above finished grade. For example, if a secondary retaining wall is set back 4 ft., the wall can be 4 ft. in height, if it is setback 8 ft., it can be 8 ft. in height, and so on. The District's current regulation establishes height from the lesser of natural or finished grade which prevents artificially raising the grade.

Council expressed interest in "Option 1" as presented in the November 6<sup>th</sup>, 2019 Report to Committee (Attachment B). This option proposes to amend the Zoning Bylaw to limit the first retaining wall in a series of retaining walls to 3 ft. in height and subsequent retaining walls to be contained within a height plane of 35° and to a maximum height of 8 ft., in all required setbacks as illustrated below.

Proposed retaining wall regulation (3' and 35 degree height plane)



Staff have prepared a proposed amendment to the Zoning Bylaw which reflects the above direction from Council - "Option 1". This proposed regulation would result in a lower first retaining wall and lower secondary retaining walls setback further from the property lines. The proposed amendment is provided in Attachment C in this report (Bylaw 1404).

**Target Area 2- Height of Detached Accessory Buildings (including garages)**

The District regulates how the height of accessory buildings and structures are measured through the Zoning Bylaw in the following manner:



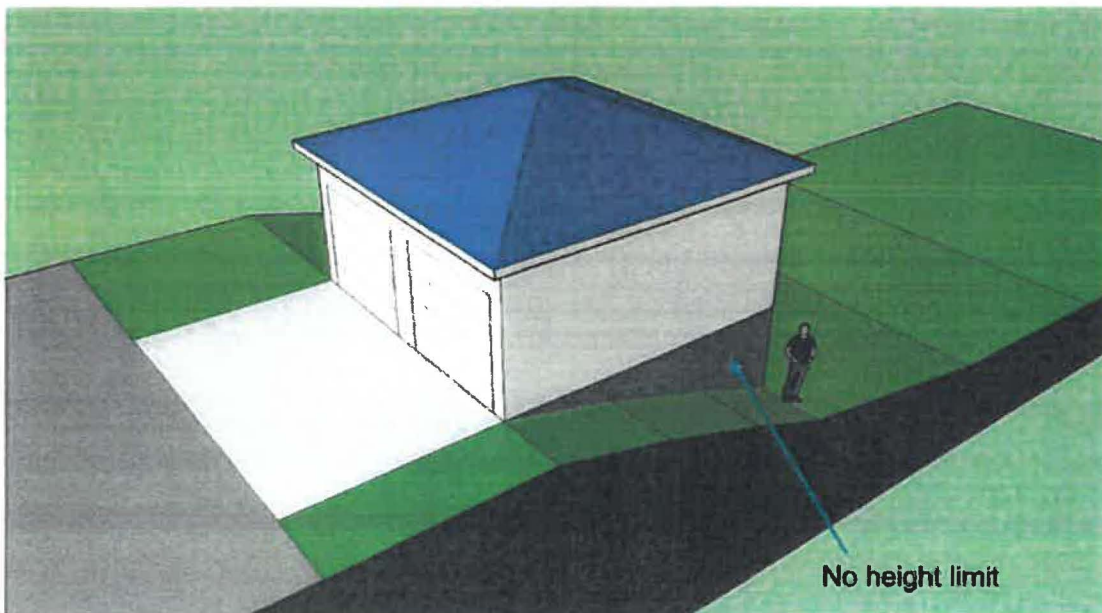
*"height" means:*

- (i) *With respect to a building or structure in a single family residential zone...in the case of an accessory building or structure it shall be the vertical distance measured from the floor level to the highest point of the building or structure;*

This height measurement is used for both detached and attached garages and accessory structures. The District uses top of slab as the floor elevation which is the finished grade at vehicular access. This means that height for accessory buildings is measured from the floor or slab surface regardless of natural or pre-existing grades.

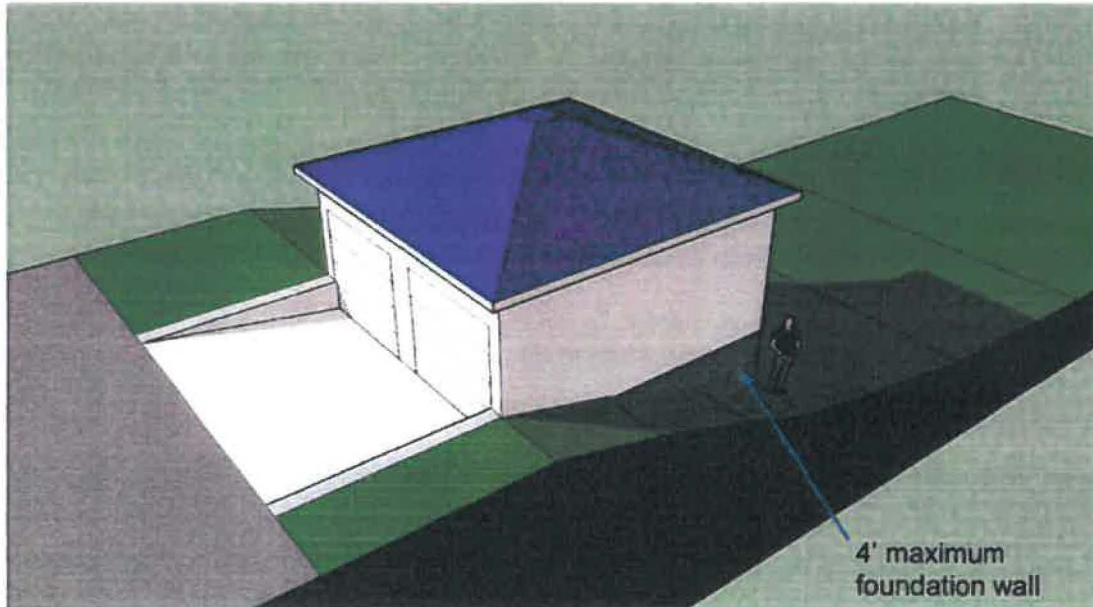
There is no current regulation related to exposed foundation wall face between floor elevation and grade resulting from a sloping lot.

Current regulation on natural grade (no height limit to foundation wall)



Council expressed interest in "Option 1" as presented in the November 6<sup>th</sup>, 2019 Report to Committee (Attachment B). This option amends the Zoning Bylaw to require detached parking structures and other accessory buildings and structures be measured from the floor level to the highest point of the building or structure, but in no case shall the floor level of the structure be more than 4 ft. above natural grade at any point.

Proposed regulation (4' maximum foundation wall height)



In establishing a maximum height of 4 ft. above natural grade for the floor level of accessory buildings this may force these type of structures to be recessed into the ground on sloping sites. As indicated by staff at the previous workshop, this will create an increase in the number of variances that Council and the Board of Variance will see for parking structures, as on steeply sloping lots compliance may be challenging due to limitations of driveway grades.

Staff have prepared a proposed amendment to the Zoning Bylaw which reflects the above direction from Council - "Option 1". The proposed amendment is provided in Attachment D in this report (Bylaw 1405).

**Target Area 3- Nuisance Lighting**

The following general application regulations in the District's Nuisance Abatement Bylaw apply to regulate nuisance lighting:

*"Light Source" means a light bulb, light tube or floodlight lamp;*

*"Outdoor Light" means any Light Source that is not fully enclosed in a building or structure;*

*"Shade" means a non-transparent light shade that does not form part of a Light Source;*

**Prohibitions**

6. d) No person shall allow an Outdoor Light to be placed or lit on a parcel such that the Light Source is visible from a different parcel in a Residential Zone;

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*Requirements*

8. *Without limiting the generality of section 7, every person who is the owner or occupier of Real Property or their agent shall*

*e) ensure that an Outdoor Light on the Property is shielded by a Shade or fixture such that the Light Source is not visible from another parcel located in a Residential Zone.*

9. *The prohibitions in section 6(e) and the requirement in section 8(e) do not apply to the following:*

*a) Christmas or holiday lights between November 15 and January 15;*

In the November 6<sup>th</sup>, 2019 Report to Committee (Attachment B), staff described the enforcement challenges with responding to some nuisance complaints of lighting, that municipal regulation is of general application and such regulations must be easily understood and applied. A lighting professional was contracted to help with understanding the issues and in developing options for consideration.

Council expressed interest in "Options 2 and 3" as presented in the November 6<sup>th</sup>, 2019 Report to Committee (Attachment B). These options amend the Nuisance Abatement Bylaw to limit the hours seasonal/holiday display lighting may be illuminated and for staff to research more options. Seasonal or landscape lighting is generally permitted in other municipalities as this personalized lighting is challenging to regulate with diverse landscaping, personal preferences, family schedules, etc.

Following Council's preferred option, staff have prepared a proposed amendment to the Nuisance Abatement Bylaw and Bylaw Notice Enforcement Bylaw, which reflects the above direction of "Option 2". The proposed amendments adds that in addition to Christmas or holiday lights, Halloween lights are restricted to the number of days they may be displayed, and that both must be turned off nightly by 11:00PM. Christmas or holiday lights are currently restricted to November 15-January 15, and it is proposed that Halloween lights be displayed between October 15 to November 7. In addition to these proposed changes, general housekeeping revisions to the Nuisance Abatement Bylaw are included. The proposed amendments are in Attachment E and Attachment F in this report.

**Target Area 4- Nuisance Noise**

The District currently regulates single family residential outdoor mechanical equipment with the Noise Regulation Bylaw in the following manner:

*Objectionable Noises or Sounds*

5. *Without limiting the generality of section 3, the following noises or sounds are believed by the Council to be objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and are prohibited:*



- (b) *any of the following noises or sounds during the Night, where such noise or sound is audible from Premises other than the Premises from which the noise or sound originates:*
  - (iii) *noise or sound from mechanical equipment, including heat pumps, ventilation equipment, air conditioning systems, vents or pool or hot tub pumps, compactors or other ancillary equipment or vehicles;*
- (f) *any noise that exceeds the Sound Levels set out below:*
  - (i) *any Continuous Sound that exceeds the following Sound Levels at the Point of Reception:*

	<b>Sound Level</b>
a. <i>in a Quiet Zone during the Day</i>	55
b. <i>in a Quiet Zone during the Night</i>	45

Bylaw staff enforce these sound levels generally in response to complaints with the use of sound meters. These provisions are generally not enforced in emergency situations such as during power outages for the operation of equipment such as backup generators.

Staff are currently working with an acoustic consultant to review the District's Noise Regulation Bylaw and present other strategies to minimise and/or address noise issues moving forward. The acoustic consultant has worked with our Noise Regulation Bylaw previously and upon first review they consider the bylaw to be a very sound and well-constructed bylaw. Additional review is being undertaken to compare our bylaw with current industry standards and best practices in acoustical regulation. Should the consultants recommend any revisions to improve the efficacy of the bylaw this will be brought forward to a future Regular Council meeting for consideration of possible amendments.

Additional work that is being undertaken with the acoustic consultant is to develop guidelines and instructional material that will be made available to residents and contractors to assist in understanding the noise related issues with varied mechanical equipment such as backup generators and heat pumps. Material produced will be both proactive in nature to assist prior to installation as well as providing options to reduce noise after installation. Staff will also be engaging the services of the acoustic consultant to provide appropriate refresher training on the taking of noise readings to ensure staff are being consistent and accurate in taking such readings.

#### **Target Area 5- Landscape Retention and Reduction of Hard Surfaces**

The District is currently completing an Integrated Stormwater Management Plan (ISMP) with the primary goal of improving watershed health. Mitigating the impacts of stormwater runoff from single family residential lots will have an important role in helping to achieve the goals of the ISMP.

It is anticipated that the ISMP will be brought forward to Council for consideration early in 2021. Staff believe that this work will inform an appropriate response to regulation regarding the amount of hardscaping and landscaping on single family lots. This will

**SUBJECT: Standards and Regulations in Single Family Zones**

November 10, 2020

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ensure any regulation introduced will be based on scientific study and community feedback.

**CONCURRENCE:**

This report was reviewed with the District Bylaw Enforcement Department, Building Department, and Development Planning Department.

The District of North Vancouver Rezoning Bylaw 1404 (Bylaw 8472) and The District of North Vancouver Rezoning Bylaw 1405 (Bylaw 8476) affects land within 800m of a controlled access intersection and therefore approval by the Provincial Ministry of Transportation and Infrastructure will be required to approve the bylaw.

**CONCLUSION:**

This report presented bylaw amendments and presented further information to address the five target areas identified at the September 16, 2019 Council Workshop and two additional areas of interest.

**OPTIONS:**

1. Give Bylaws 8472 and 8476 First Reading, give Bylaws 8473 and 8474 First, Second and Third Reading, and refer Bylaws 8472 and 8476 to a Public Hearing (staff recommendation);
2. Give a select number bylaws the readings listed in option 1.
3. Provide alternate direction to staff.

Respectfully submitted,



**Brett Dwyer**

Assistant General Manager Regulatory Review and Compliance

Attachment A: Chronology of previous Council Workshops on single family home renewal

Attachment B: Report to Committee dated November 6<sup>th</sup>, 2019

Attachment C: District of North Vancouver Rezoning Bylaw 1404 (Bylaw 8472)

Attachment D: District of North Vancouver Rezoning Bylaw 1405 (Bylaw 8476)

Attachment E: District of North Vancouver Nuisance Abatement Bylaw 7325, 2002, Amendment Bylaw 8473 (Amendment 5)

Attachment F: District of North Vancouver Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8474 (Amendment 56)

Attachment G: Information on floor space exemptions for basements

Attachment H: Information on maximum house sizes

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REVIEWED WITH:					
<input type="checkbox"/> Community Planning	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Planning	_____	<input type="checkbox"/>	_____	<input type="checkbox"/> Library Board	
<input type="checkbox"/> Development Engineering	_____	Communications	_____	<input type="checkbox"/> NS Health	_____
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Finance	_____	<input type="checkbox"/> RCMP	_____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> Fire Services	_____	<input type="checkbox"/> NVRC	_____
<input type="checkbox"/> Parks	_____	<input type="checkbox"/> ITS	_____	<input type="checkbox"/> Museum &	_____
		<input type="checkbox"/> Solicitor	_____	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	_____		

## **Attachment A: Chronology of Previous Workshops**

November 19, 2019 – Staff presented research on Standards and Regulations in Single Family Zones, in four key research areas: nuisance lighting; nuisance noise; retaining structures; and grade for accessory buildings/garages. The fifth topic area, Landscape retention and hard surfaces, was deferred to a future Workshop.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=4151512>

Minutes: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=4208594>

Video: <http://app.dnv.org/council/default.aspx?filename=20191119CR-2&type=MP4&start=0&end=5353>

September 16, 2019 – Council discussed Standards and Regulations in Single Family Zones, directing staff to research five key areas: nuisance lighting; nuisance noise; landscape retention and hard surfaces; retaining structures; and grade for accessory buildings/garages.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=4085524>

Minutes: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=4135503>

Video:

<http://app.dnv.org/council/default.aspx?filename=20190916CR&type=MP4&start=0&end=10042>

July 8, 2019 – Council discussed three areas of interest: nuisance noise; nuisance lighting; size, density, form and character of single family homes. Other topics were deferred to a planned future Workshop in the fall of 2019.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=4005346>

Minutes: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=4041291>

Video: <http://app.dnv.org/council/default.aspx?filename=20190708CC-1&type=MP4&start=0&end=5137> and

<http://app.dnv.org/council/default.aspx?filename=20190708CC-2&type=MP4&start=0&end=4861>

March 19, 2018 - Council discussed options to address four priority issues related to single family home renewal including improving enforcement, erosion and sediment control, preserving landscaping, and regulating the size, form and character of homes.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=3512238>

Minutes: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=3550240>

Video:

<http://app.dnv.org/council/default.aspx?filename=20180319cr&type=MP4&start=0000&end=6716>

September 18, 2017 - Staff presented the results from a survey of Councillors to help prioritize issues related to single family home renewal in order to further define the issues and expand measures to mitigate impacts to the community.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=3333314>

Minutes: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=3374889>

Video:

<http://app.dnv.org/council/default.aspx?filename=20170918cr&type=MP4&start=0&end=3023>

March 6, 2017 - Staff provided an update on District initiatives and received direction from Council to prepare a list of issues to help prioritize future efforts.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=3140512>

Minutes: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=3166532>

Video:

<http://app.dnv.org/council/default.aspx?filename=20170306cr&type=MP4&start=0&end=2588>

June 21, 2016 - Staff presented the results of a public survey on issues and potential solutions related to single family home renewal.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=2913310>

Minutes: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=2931870>

Video:

<http://app.dnv.org/council/default.aspx?filename=160621cc&type=MP4&start=0000&end=9308>

October 5, 2015 - Staff provided a report to Council which summarizes key issues related to single family home renewal as well as policies and tools the District uses to manage these issues, and suggested actions to further mitigate negative impacts to residents.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=2739843>

Minutes and Video: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=2756569>

Document: 4530048



**AGENDA INFORMATION**

- ☐ Council Workshop  
☐ Finance & Audit  
☐ Advisory Oversight  
☐ Other:

Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Dept.  
Manager

\_\_\_\_\_  
GM/  
Director

\_\_\_\_\_  
CAO

## The District of North Vancouver

### REPORT TO COMMITTEE

November 6, 2019  
File: 13.6700.20/000.000

**AUTHOR:** Brett Dwyer, Assistant General Manager Regulatory Review and Compliance

**SUBJECT:** Standards and Regulations in Single Family Zones

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**RECOMMENDATION:**

THAT the report entitled "Standards and Regulations in Single Family Zones" dated November 6, 2019 be received for information;

THAT the proposed options for changes to the single family standards and regulations be considered by Council; and

THAT Council provides direction to staff regarding preferred options.

**REASON FOR REPORT:**

At the September 16<sup>th</sup>, 2019, Council Workshop, the Council Committee provided direction to staff to explore options for making changes to District bylaws, policies and regulations to address concerns and/or issues raised with regards to the following single family residential standards and regulation areas:

1. retaining structures;
2. height of accessory structures (particularly detached garages);
3. nuisance noise;
4. nuisance lighting; and
5. landscape retention and hard surfaces.

This report provides options for Council's consideration in each target area, as outlined under *options for consideration* within each section. Council may determine to provide alternate direction to staff, other than the options provided.

**BACKGROUND:**

Background on Single Family Zones in the District:

The District's five single family (RS1–RS5) and 14 neighbourhood zones were created over many years through robust community engagement. This process sought a balance between individual property owners' rights and broad community interests.

Previous Council Workshops on Single Family Home Renewal:

A chronology of previous Council Workshops on single family home renewal is provided as an attachment to this report (Attachment A).

**ANALYSIS:**

For each of the five target single family residential standards and regulation areas, staff completed the following research: review of the District's current approach, the legislative authority to regulate, and a municipal scan of other jurisdictions' approaches to regulating these areas. Staff have provided options for Council's consideration in the five identified areas.

Background research and supplementary information is included for each target area (Attachments B-F).

**Target Area 1- RETAINING STRUCTURES**

Issue Identification:

Council has identified retaining structures on single family residential lots to potentially cause negative impacts to neighbouring properties and residential streetscapes. Retaining walls, when too high, can cause concerns regarding overshadowing, single family neighbourhood aesthetic quality and character, and sightlines.

It is noted that the District has the authority to regulate siting and height of retaining walls. The District may not regulate retaining wall materials or method of construction beyond that prescribed in the *BC Building Code*. However, these matters may be regulated by the *BC Building Code*, enforced through the Construction Bylaw.

Municipal Comparison:

Retaining wall regulations in Metro Vancouver municipalities with similar topography to the District were surveyed by staff.

The results ranged from having no regulation other than the *BC Building Code* (to address structural integrity only), to a range of permutations in terms of height envelope angles and resulting heights permitted. Final permitted heights depend on factors such as zoning, location on a lot, whether the wall is shared between residential property lines, what grade the measurement is taken from, etc. Heights range from 2 ft. to approximately

11.8 ft. Retaining walls typically require a registered professional and a municipal building permit.

Further details on research can be found in Appendix B.

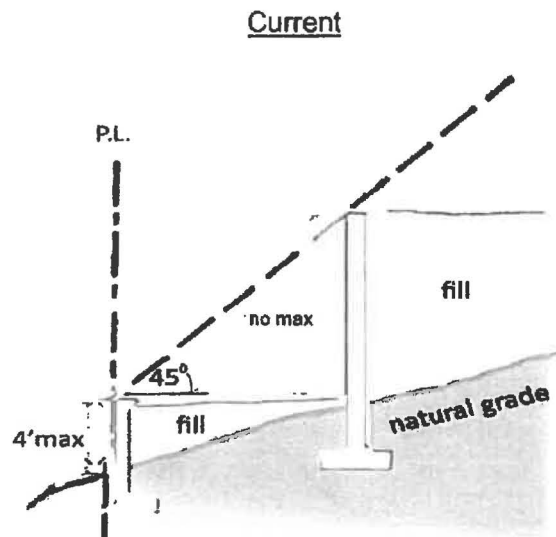
Current Approach:

The District regulates the siting and height of retaining walls through the Zoning Bylaw, in the following manner:

*Section 409 Siting Exceptions*

(3) *Retaining Walls*

*Retaining walls may be constructed within the required setback area of a lot when the wall or walls do not extend above a line commencing 4.0 feet above the lesser of natural grade and finished grade at the outer face of the outermost wall and projected upward and inward on the lot at an angle of 45°...*



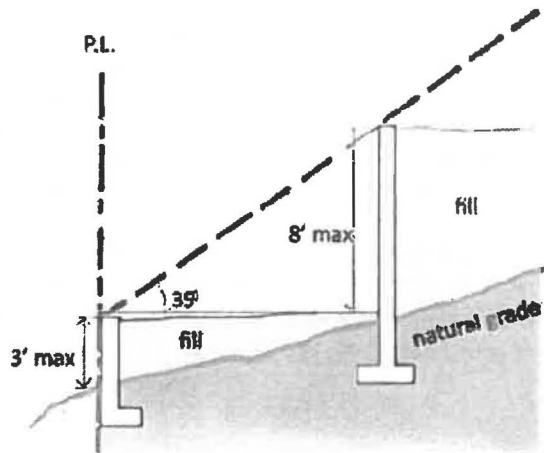
It is worth noting that the District's regulation establishes height from the lesser of natural or finished grade. This is beneficial in terms of managing impacts as it does not enable artificially raising the grade. Although the District's Zoning Bylaw currently regulates the angle and height of retaining walls, it does not have a maximum exposed height above finished grade. For example, if a secondary retaining wall is set back 4 ft., the wall can be 4 ft. in height, if it is setback 8 ft., it can be 8 ft. in height, and so on.

Options for Consideration:

These options are stand-alone options for amendments to the District's Zoning Bylaw.

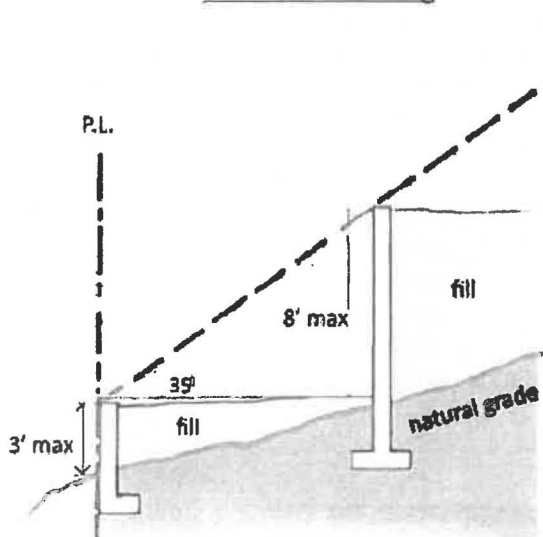
- 1) Amend the District's Zoning Bylaw to limit a retaining wall or the first retaining wall in a series of retaining walls to 3 ft. in height and subsequent retaining walls be limited by a height plane of 35° to a maximum height of 8 ft., in all setbacks.

All Setbacks

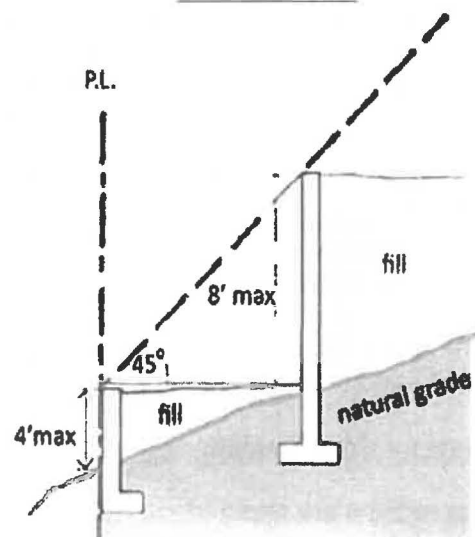


- 2) Amend the District's Zoning Bylaw to limit a retaining wall or the first retaining wall in a series of retaining walls to 3 ft. in height and subsequent retaining walls be limited by a height plane of 35° to a maximum height of 8 ft., in front and flanking required setbacks. For side and rear required setbacks, the existing retaining wall regulation would still apply with no wall having a maximum exposed height greater than 8 ft.

Front and Flanking



Side and Rear



Comparison of Options:

These options would include amendments to the District's Zoning Bylaw and potentially the Construction Bylaw. Zoning Bylaw and Construction Bylaw changes would only apply to new retaining walls and would not retroactively apply to residential properties.

It is noted that existing permitted retaining structures that did not comply with the new regulation would benefit from legal non-conforming status.

Both options reduce visual impact of large wall faces from the front of a property by limiting exposed retaining wall height to 8 ft. In both options, properties with challenging topography may have difficulty meeting regulations, in particular, steeply sloped lots or narrow cross-sloping lots. This challenge may result in an increase of Zoning Bylaw variance applications either to the Board of Variance or Development Variance Permits to Council.

**Option 1:** (all required setbacks 3 ft. for first wall, 35° angle and 8 ft. subsequent max wall height)

- Lots with a significant slope that require retaining walls in the side yards may have difficulty meeting new regulation.
- Buildable area may be reduced more than option 2, for those lots with challenging topography.
- Sloping lots would not be able to achieve the same amount of level yard space.

**Option 2:** (front and flanking required setbacks same as option 1, in side and rear required setbacks 4 ft. for first wall, 45° angle and 8 ft. subsequent max wall height)

- Does less to reduce visual impact for neighbours sharing side or rear yard property lines than option 1 while still introducing a maximum 8 ft. exposed height.
- Potentially less impact to buildable area than option 1, for those lots with challenging topography.
- Potentially less variances than option 1.

**Target Area 2- HEIGHT OF DETACHED ACCESSORY BUILDINGS (INCLUDING GARAGES)**

Issue Identification:

Council has identified that height measurement of detached accessory buildings (including garages) on single family residential lots with sloping topography may result in large lengths of exposed foundation wall between floor or slab elevation and grade. This may cause negative visual impacts to neighbouring and nearby properties. Detached garages having large amounts of exposed foundation walls have been cited to be inappropriate to neighbourhood aesthetic quality and character.

Municipal Comparison:

Accessory structure height regulations in Metro Vancouver municipalities with similar topography to the District were surveyed by staff.

The results ranged from accessory buildings and structures being limited to one storey, measured from finished grade or in the case of detached garages, measured from finished grade at vehicular access. Although some variation was found, detached garages are mostly measured from finished grade at vehicular access. This is the same as the District's current regulation.

Further details on research can be found in Appendix C.

Current Approach:

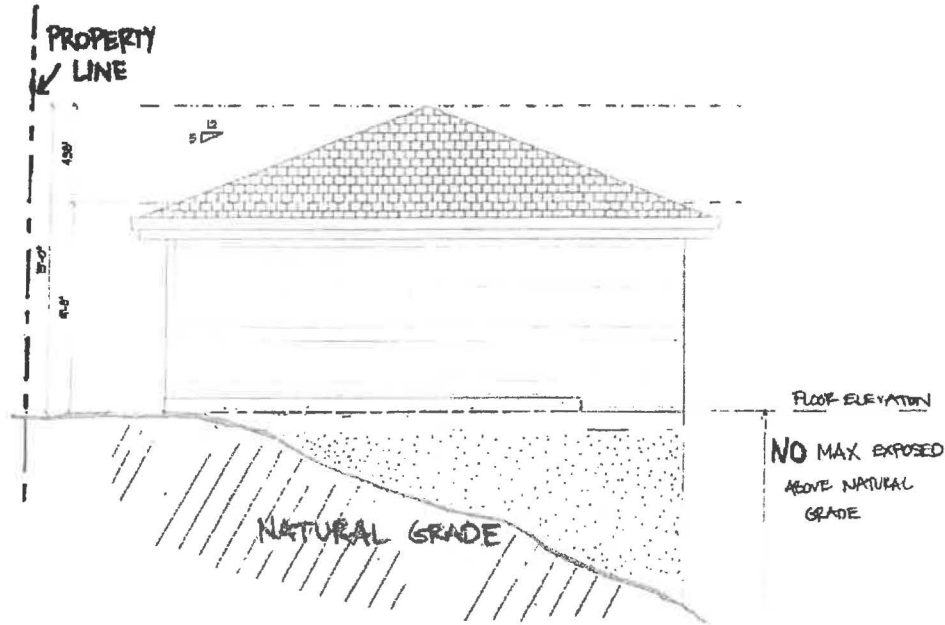
The District regulates how the height of accessory buildings and structures are measured through the Zoning Bylaw in the following manner:

*Part 2 Interpretation*

*"height" means:*

- (i) *With respect to a building or structure in a single family residential zone...in the case of an accessory building or structure it shall be the vertical distance measured from the floor level to the highest point of the building or structure;*

Current



This height measurement is used for both detached and attached garages and accessory structures. The District uses top of slab as the floor elevation which is the finished grade at vehicular access. This means that height for accessory buildings is measured from the floor or slab surface regardless of natural or pre-existing grades.

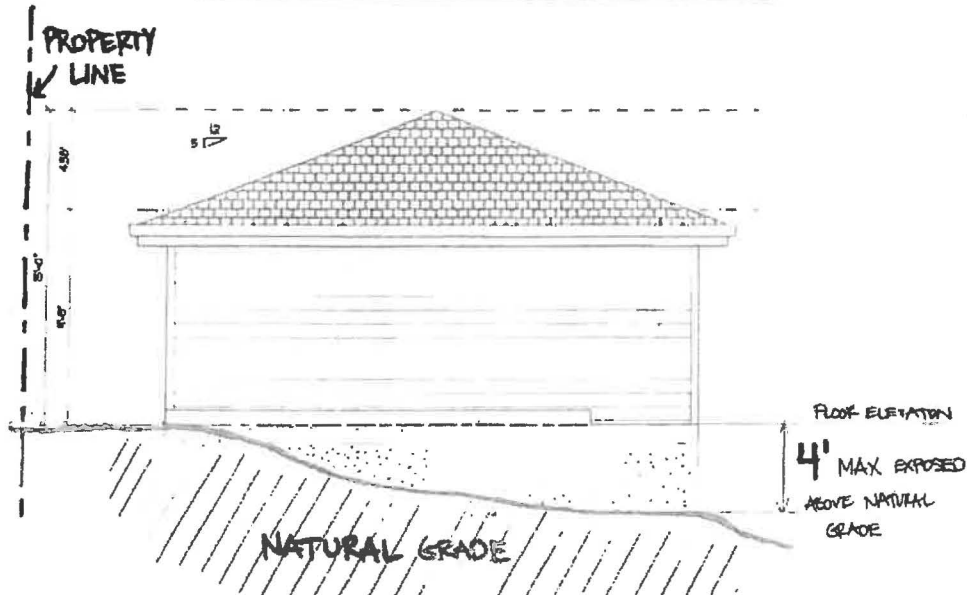
There is no current regulation related to exposed foundation wall face between floor elevation and grade resulting from a sloping lot.

Options for Consideration:

These options are stand-alone options for amendments to the District's Zoning Bylaw.

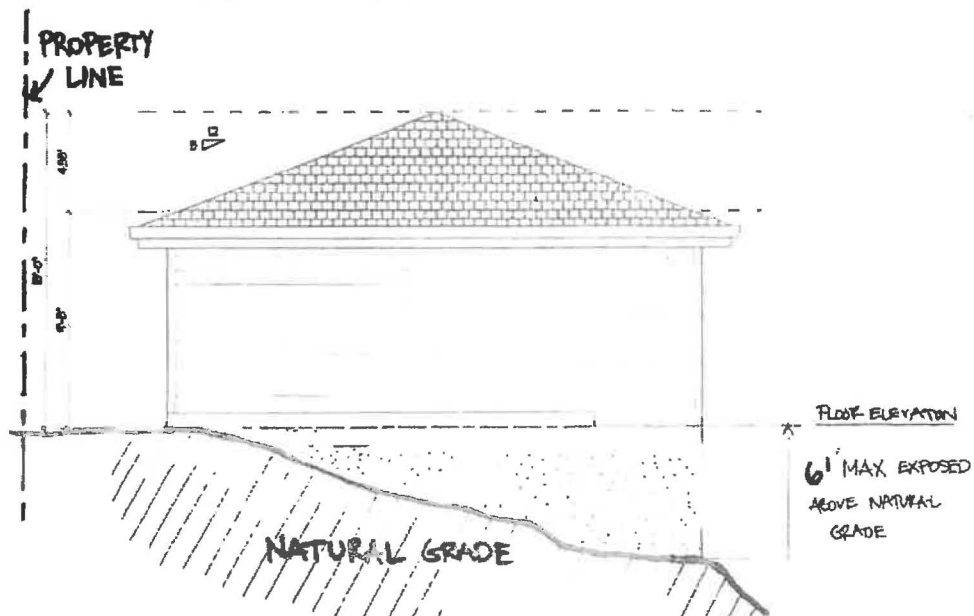
- 1) Amend the District's Zoning Bylaw to require that detached parking structures and other accessory buildings and structures be measured from the floor level to the highest point of the building or structure, but in no case shall the floor level of the structure be more than 4 ft. above natural grade at any point.

4 ft. Max Floor Elevation Above Natural Grade



- 2) Amend the District's Zoning Bylaw to require that detached parking structures and other accessory buildings and structures be measured from the floor level to the highest point of the building or structure, but in no case shall the floor level of the structure be more than 6 ft. above natural grade at any point.

6 ft. Max Floor Elevation Above Natural Grade





Comparison of Options:

These options would require amendment to the District's Zoning Bylaw. Zoning Bylaw changes would only apply to new detached parking and accessory buildings and structures and would not retroactively apply to permitted structures that do not comply with new regulations.

It is noted that existing detached accessory buildings and structures that did not comply with the new regulation would benefit from legal non-conforming status.

New regulation may increase the difficulty in constructing accessory buildings and structures on sloping lots as the buildings will be 'pushed' into the ground to avoid exposed foundation walls. The proposed change may present challenges for lots which are down-sloping and provide vehicular access from a lane or street. This is due to the Development Servicing Bylaw maximum driveway grade. This could result in additional Board of Variance applications or Development Variance Permit applications to Council.

In steeply cross-sloping lots, pushing the structure into the ground may result in the need for more retaining walls; however, these would be 'down' retaining walls rather than 'up' retaining walls meaning visual impacts would be limited.

Option 1: (no greater than 4 ft. exposed foundation wall)

- Will be easier for lots with minimal grade changes to comply than those with steep slopes.
- Provides for better interface with neighbouring properties.

Option 2: (no greater than 6 ft. exposed foundation wall)

- Allows more flexibility than option 1.
- Will likely cause less need for variances than option 1.
- Does less to reduce visual impact for neighbours than option 1 while still creating a modest maximum where one currently does not exist.

**Target Area 3- NUISANCE LIGHTING**Issue Identification:

Council has expressed concern regarding the placement and intensity of outdoor lighting in single family residential areas particularly in relation to new construction of single family homes. This nuisance light may negatively impact residents' quality of life and may have other negative impacts such as to wildlife, dark sky and increased energy consumption.

In the last five years (including 2019 thus far), 21 single family lighting complaints have been received by the Bylaw Department. These complaints each represent an individual property where a complaint about lighting was made. It is noted that multiple complaints may have been received in relation to an individual lighting complaint. Where a subsequent complaint differed in nature, for example, different lights were being complained about, this counted as a separate complaint. This results in an average of approximately four per year.

Lighting Complaints						
Complaints by Type	2015	2016	2017	2018	2019	Total
Recessed	0	0	2	0	0	2
Flood/Spot/Motion	1	5	4	3	0	13
Seasonal	0	1	1	1	0	3
Grouped/Other	1	0	0	1	1	3
Total	2	6	7	5	1	21

Municipal Comparison:

Residential outdoor lighting regulations in Metro Vancouver municipalities were surveyed by staff.

Five Metro Vancouver municipalities have regulation related to outdoor nuisance lighting. Regulations include requiring outdoor lights to be shielded by a shade or fixture and prevention of direct shining into living or sleeping areas of adjacent residential properties. Allowances for holiday lighting is generally permitted. Further details on research can be found in Appendix D.

Current Approach:

The following general application regulations in the District's Nuisance Abatement Bylaw apply to regulate nuisance lighting:

*"Light Source" means a light bulb, light tube or floodlight lamp;*

*"Outdoor Light" means any Light Source that is not fully enclosed in a building or structure;*

**SUBJECT: Standards and Regulations in Single Family Zones**

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*"Shade" means a non-transparent light shade that does not form part of a Light Source;*

*Prohibitions*

6. *d) No person shall allow an Outdoor Light to be placed or lit on a parcel such that the Light Source is visible from a different parcel in a Residential Zone;*

*Requirements*

8. *Without limiting the generality of section 7, every person who is the owner or occupier of Real Property or their agent shall*

*e) ensure that an Outdoor Light on the Property is shielded by a Shade or fixture such that the Light Source is not visible from another parcel located in a Residential Zone.*

9. *The prohibitions in section 6(e) and the requirement in section 8(e) do not apply to the following:*

*a) Christmas or holiday lights between November 15 and January 15;*

This is the current regulation Bylaw Enforcement Staff use to address light complaints caused by a residential house. It is effective to address the direct impact on a neighbour from unshielded fixtures or poorly directed flood lighting. In recent years, installation of purpose based, low output landscape lighting has taken the place of some of these brighter house-mounted fixtures, and staff have seen a decrease in complaints of this type.

In April 2002, the District's Nuisance Abatement Bylaw was amended to include glaring light regulations in residential zones. This amendment described types and wattages of various light sources and placed a maximum bulb wattage in a given light fixture. It also stipulated the length of time an outdoor light may be lit and between what hours. In September 2002, these regulations were removed, as aspects of the bylaw had proved to be difficult to enforce.

Bylaws must be easily understood and applied, enforceable and accomplish the desired goal. Differences in properties such as density and maturity of landscaping, topography, and other factors such as family schedules, lifestyles, individual personal sense of security are factors to also be considered to prevent unintended consequences and challenges to enforcement.

Options for Consideration:

Due to the complexities of measuring and regulating residential lighting, staff have contracted a lighting professional to aid with understanding the issues and developing options for consideration. For light spillage or light trespass typically occurring on residential properties, it can be difficult to determine the source of the light when measuring on the ground. Lighting can originate from several sources including

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landscape lighting, security lighting, decorative lighting and sources from outside the property.

The colour temperature or sometimes called 'temperament' of a particular light can contribute to its perceived intensity or brightness. Colour temperature is measured in degrees Kelvin with the brightest white light (appearing as white-blue) being in the 6000K range, while warmer light is in the 3000K range (appearing as yellowish-orange).

LED lighting can add to impact due to the bright point source of the fixture. The white-blue colour temperature of LED lighting adds to its perceived brightness, whereas the yellowish-orange colour temperature of high pressure sodium lighting is perceived as softer.

Lighting is measured in lux or lumens and there are challenges with setting a maximum lux/lumens level for residential properties. Measuring light output on site would not be accurate as other light sources outside of the property contribute to the readings. Attempting to measure the light level is time consuming, requires some technical training and the equipment can be costly. Attempting to model the light output from a residence is also difficult (for example, at the Building Permit stage), as most fixtures do not have readily available photometric files that are required to undertake digital modelling. In addition, how the light is mounted and orientated impacts the overall light output and distribution.

Having regard to the above, the following options may be used as stand-alone amendments to the District's Nuisance Abatement Bylaw or be used together.

- 1) Amend the District's Nuisance Abatement Bylaw to require that all outdoor single family residential light sources be pointed downwards.**

Staff have identified lighting that is installed to shine up, onto the house as having a potential impact to neighbours. They must also comply with existing regulations that light source is shielded i.e., not visible from a different parcel.

- 2) Amend the District's Nuisance Abatement Bylaw to require that all outdoor holiday/seasonal/decorative lighting must be turned off during certain hours.**

The Nuisance Abatement Bylaw contains regulation to do with holiday lighting based on time of year (November 15 to January 15). This would add a time of day to the bylaw.

- 3) Work with a lighting professional to develop further options.**

This option would include continuing to work with a lighting expert to create alternative solutions.

Comparison of Options:

Depending how these options are drafted, Nuisance Abatement Bylaw changes could retroactively apply to all single family residential properties.

Option 1: (all outdoor lights pointed downwards)

- Creates a similar regulation to that already existing in the Nuisance Abatement Bylaw which staff may visually inspect from the ground.
- May impact ability of residents to have particular types of decorative lighting that cannot be directed downwards such as string lights.

Option 2: (all outdoor seasonal lighting turned off during certain times)

- Will require careful consideration of what is considered decorative/ holiday/ seasonal lighting.
- Will require staff to create parameters for time restrictions.

Option 3: (staff to continue working with a lighting professional to develop further options)

- Would allow staff to work with a lighting expert who can advise on feasibility and technical aspects of regulations.
- Staff must report back to Council on this option.

**Target Area 4- NUISANCE NOISE****Issue Identification:**

Council has expressed concerns regarding nuisance noise originating from outdoor mechanical equipment in single family residential zones in the District. Nuisance noise is cited as having negative impacts to residents' quality of life.

In the last five years (including 2019 thus far), 37 noise complaints have been recorded by District staff to do with outdoor mechanical equipment (air conditioning units, heat pumps, pool equipment, hot tub equipment, and generators). This gives an average of approximately seven per year. Note that one complaint received was repetitive (same complainant against the same property) and so this one complaint has been taken out of the below table.

<b>Equipment Complaint</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>
<b>Air Conditioning Unit</b>	1	3	4	0	3	11
<b>Heat Pump</b>	2	1	1	0	0	4
<b>Pool</b>	2	3	0	0	3	8
<b>Hot tub</b>	0	0	2	2	1	5
<b>Emergency Generator</b>	3	3	1	1	1	9
<b>Total</b>	8	10	8	3	8	37

Noise generating mechanical equipment is often located in side yard setbacks as these side yards provide for limited functional utility to homeowners. This placement, while convenient for home owners, is often in close proximity to an existing neighbouring dwelling.

**Municipal Comparison:**

Residential outdoor mechanical equipment regulations in Metro Vancouver municipalities were surveyed by staff.

Four municipalities were found to have siting regulations for residential outdoor mechanical equipment in their Zoning Bylaws. Some municipalities have general decibel level regulation, which would include this type of outdoor mechanical equipment.

Further details on research can be found in Appendix E.

**Current Approach:**

The District regulates the nuisance of single family residential outdoor mechanical equipment at night with the Noise Regulation Bylaw in the following manner:

**Objectionable Noises or Sounds**

5. *Without limiting the generality of section 3, the following noises or sounds are believed by the Council to be objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and are prohibited:*
- (b) *any of the following noises or sounds during the Night, where such noise or sound is audible from Premises other than the Premises from which the noise or sound originates:*
    - (iii) *noise or sound from mechanical equipment, including heat pumps, ventilation equipment, air conditioning systems, vents or pool or hot tub pumps, compactors or other ancillary equipment or vehicles;*
  - (f) *any noise that exceeds the Sound Levels set out below:*
    - (i) *any Continuous Sound that exceeds the following Sound Levels at the Point of Reception:*

	<b>Sound Level</b>
a. <i>in a Quiet Zone during the Day</i>	55
b. <i>in a Quiet Zone during the Night</i>	45

Bylaw staff enforce these sound levels with the use of sound meters, however, operationally these provisions are generally not enforced during power outages for the operation of equipment such as backup generators in these emergency situations.

**Recommended Options:**

These options may be used as stand-alone amendments to the District's Zoning Bylaw.

- 1) Amend the District's Zoning Bylaw to require that residential outdoor mechanical equipment such as air conditioning units, heat pumps, pool equipment, hot tub equipment and generators are located to the rear of single family homes in single family residential zones.**

This option places outdoor mechanical equipment to the rear of the home.

- 2) Amend the District's Zoning Bylaw to require that residential outdoor mechanical equipment such as generators, heating systems for pools and hot tubs, air conditioning units, etc. are setback from shared lot lines in single family residential zones a minimum of 8 ft.**

This option places outdoor mechanical equipment a minimum distance from all lot lines.



Comparison of Options:

These options would include amendment to the District's Zoning Bylaw. Zoning Bylaw changes would only apply to new mechanical equipment and would not retroactively apply.

It is noted that existing permitted mechanical equipment that did not comply with the new regulation would benefit from legal non-conforming status. Introducing siting regulation for outdoor mechanical equipment may impact design and siting of structures.

Option 1: (siting outdoor mechanical equipment to the rear of the house)

- Reduces noise in the front yard of properties.
- May not reduce impact for neighbours sharing a rear lot line bearing in mind this type of lot configuration provides greater separation.

Option 2: (siting outdoor mechanical equipment a minimum of 8 ft. from shared lot lines)

- Reduces noise between all shared property lines.

**Target Area 5- LANDSCAPE RETENTION AND REDUCATION OF HARD SURFACES**

Issue Identification:

Council has expressed concern regarding an increase of impermeable surface area and a loss of landscaping/greenspace on single family residential lots. These changes may negatively impact neighbourhood aesthetic quality and character and the natural environment through loss of vegetation and reduction in groundwater infiltration.

Municipal Comparison:

Hard surface and landscaping regulations in Metro Vancouver municipalities were surveyed by staff.

Ten Metro Vancouver municipalities have zoning bylaw regulations related to impermeable or permeable surface area coverages in single family residential lots. Two municipalities had regulations applicable to the front yard of a property. Nine municipalities have a definition for landscaping. Some require that areas not covered by structures and other permitted surfaces in a residential front yard be landscaped.

Further details on research can be found in Appendix F.

Current Approach:

The District's Zoning Bylaw regulates the siting of structures on a lot and the portion of a lot that may be covered with structures.

The Zoning Bylaw restricts the percentage of required front yards that may be covered with parking structures and surfaces capable of supporting parking in the RS1-5, RSE, RSCH and RSEW single family residential zones. These percentages differ depending on the zone. The existing language in the Zoning Bylaw may lead to difficulty in preventing more surfaces capable of supporting parking in required front yards than the Zoning Bylaw intended. At times, it has been unclear for staff and applicants which surfaces count towards these maximums, such as with gravel/permeable pavers, etc. or in the case of shared driveway access. For example, it is desirable to limit areas outside paving from having materials such as permeable pavers or gravel in that vehicles could then park on this surface in addition to a paved area. At the same time, allowance should be given for these materials to be used in place of paving. It is recommended that staff revise the existing language surrounding this regulation as a means of limiting front yard hard surfaces and bringing clarification for staff and applicants. This should be done at the same time as the recommended options.

The District is currently completing an Integrated Stormwater Management Plan (ISMP) with the primary goal of improving watershed health. One way to achieve this will be to mitigate the impacts of stormwater runoff from development. Single family residential lots will have an important role in helping to achieve the goals of the ISMP. One option being considered as part of the ISMP is to introduce a maximum impermeable surface area for single family residential lots to align with Metro Vancouver's targets.

Staff recommend to use the ISMP, once completed, to implement appropriate infiltration measures for single family residential lots. This will ensure regulation is introduced which is based on scientific study and community feedback. It is anticipated the ISMP will be completed in 2020.

Options for Consideration:

These options may be used as stand-alone amendments to the District's Zoning Bylaw or be used together.

- 1) Amend the District's Zoning Bylaw to add maximum coverage regulations for front yard coverage (parking-related structures, paving and other buildings) to the eleven single family residential zones without such regulation.**

Establishment of different percentages based on zoning, due to differing lot sizes, will likely be required.

This option should also include clarifying language surrounding which structures, surfaces and paved areas count towards maximums.

**2) Amend the District's Zoning Bylaw to add a definition of landscaping and require this to be applied to the remainder of required front yard areas after permitted coverages are deducted, in single family residential zones.**

This option would include the creation of a definition for landscaping with the intention to focus on including permeable or natural materials/surfaces and decorative features. Further research by staff will be needed to establish an appropriate definition.

Comparison of Options:

These options would include amendment to the District's Zoning Bylaw. Zoning Bylaw changes would only apply to new development and would not retroactively apply to residential properties.

Option 1: (add minimum coverage regulations for front yard coverage to those single family zones currently without)

- Extends regulation restricting required front yard coverages across single family residential zones in the District. This will limit some hard surface in front yards which in turn may help to create permeable or soft landscaped space.
- Provides opportunity to clarify which materials and structures count towards required front yard parking structures, surfaces and paved areas and how this coverage may be calculated.

Option 2: (add a definition of landscaping and require landscaping covers those areas not covered by other surfaces and structures)

- Introduces a method for achieving front yard landscaped area.
- Works to address Council's concern regarding the lack of landscaping.
- May be difficult to enforce, outside of a building permit system linked to single family home redevelopment.

**NEXT STEPS AND PUBLIC ENGAGEMENT:**

Once Council direction is received, staff will work with the District's Communication Department to carry out appropriate public engagement on the changes. The proposed changes have the potential to impact numerous households depending on the nature and extent of the proposed changes. The type of public engagement is expected to differ depending on the selected options.

Staff will then prepare bylaw amendments, as required, and bring these changes with results of the public engagement for consideration at a Regular meeting of Council.

**SUBJECT: Standards and Regulations in Single Family Zones**

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If Council selects options that require amendments to the Zoning Bylaw, a public hearing will also be required.

**CONCLUSION:**

This report outlines options to address the five target areas identified at the September 16, 2019 Council Workshop.

Respectfully submitted,

Brett Dwyer

Assistant General Manager Regulatory Review and Compliance

Attachment A: Chronology of previous Council Workshops on single family home renewal

Attachment B: Retaining structures

Attachment C: Grade for Detached Garages

Attachment D: Nuisance lighting

Attachment E: Nuisance noise

Attachment F: Landscape Retention and Hard Surfaces

Attachment G: Presentation

**REVIEWED WITH:**

☐ Community Planning

☐ Development Planning

☐ Development Engineering

☐ Utilities

☐ Engineering Operations

☐ Parks

☐ Environment

☐ Facilities

☐ Human Resources

☐ Clerk's Office

☐

Communications

☐ Finance

☐ Fire Services

☐ ITS

☐ Solicitor

☐ GIS

☐ Real Estate

☐ Bylaw Services

External Agencies:

☐ Library Board

☐ NS Health

☐ RCMP

☐ NVRC

☐ Museum &  
Arch.

☐ Other:

## **Attachment A: Chronology of Previous Workshops**

September 16, 2019 – Council discussed Standards and Regulations in Single Family Zones, directing staff to research five key areas: nuisance lighting; nuisance noise; landscape retention and hard surfaces; retaining structures; and grade for accessory buildings/garages.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=4085524>

Minutes: [file:///C:/Users/adamsh/Downloads/190916CW.MIN%20\(1\).pdf](file:///C:/Users/adamsh/Downloads/190916CW.MIN%20(1).pdf)

Video:

<http://app.dnv.org/council/default.aspx?filename=20190916CR&type=MP4&start=0&end=10042>

July 8, 2019 – Council discussed three areas of interest: nuisance noise; nuisance lighting; size, density, form and character of single family homes. Other topics were deferred to a planned future Workshop in the fall of 2019.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=4005346>

Minutes: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=4041291>

Video: [http://app.dnv.org/council/default.aspx?filename=20190708CC-](http://app.dnv.org/council/default.aspx?filename=20190708CC-1&type=MP4&start=0&end=5137)

[1&type=MP4&start=0&end=5137](http://app.dnv.org/council/default.aspx?filename=20190708CC-1&type=MP4&start=0&end=5137) and

[http://app.dnv.org/council/default.aspx?filename=20190708CC-](http://app.dnv.org/council/default.aspx?filename=20190708CC-2&type=MP4&start=0&end=4861)

[2&type=MP4&start=0&end=4861](http://app.dnv.org/council/default.aspx?filename=20190708CC-2&type=MP4&start=0&end=4861)

March 19, 2018 - Council discussed options to address four priority issues related to single family home renewal including improving enforcement, erosion and sediment control, preserving landscaping, and regulating the size, form and character of homes.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=3512238>

Minutes: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=3550240>

Video:

<http://app.dnv.org/council/default.aspx?filename=20180319cr&type=MP4&start=0000&end=6716>

September 18, 2017 - Staff presented the results from a survey of Councillors to help prioritize issues related to single family home renewal in order to further define the issues and expand measures to mitigate impacts to the community.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=3333314>

Minutes: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=3374889>

Video:

<http://app.dnv.org/council/default.aspx?filename=20170918cr&type=MP4&start=0&end=3023>

March 6, 2017 - Staff provided an update on District initiatives and received direction from Council to prepare a list of issues to help prioritize future efforts.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=3140512>

Minutes: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=3166532>

Video:

<http://app.dnv.org/council/default.aspx?filename=20170306cr&type=MP4&start=0&end=2588>



June 21, 2016 - Staff presented the results of a public survey on issues and potential solutions related to single family home renewal.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=2913310>

Minutes: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=2931870>

Video:

<http://app.dnv.org/council/default.aspx?filename=160621cc&type=MP4&start=0000&end=9308>

October 5, 2015 - Staff provided a report to Council which summarizes key issues related to single family home renewal as well as policies and tools the District uses to manage these issues, and suggested actions to further mitigate negative impacts to residents.

Agenda: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=2739843>

Minutes and Video: <https://app.dnv.org/OpenDocument/Default.aspx?docNum=2756569>

## **Attachment B: Retaining Structures**

### **Legislative Authority:**

Municipal governments may regulate the siting and height of residential retaining structures under Section 8 of the *Community Charter*.

Municipal governments may not regulate materials, construction standards, etc. that fall under Provincial authority- the *BC Building Act*- or other regulatory standards. Municipalities may enforce the *BC Building Code* through regulation. The District relies on the *BC Building Code*, other regulatory standards and qualified professionals to ensure some types of retaining structures are planned and constructed in an appropriate, safe manner.

### **Municipal Comparisons:**

The relevant Zoning Bylaw sections for the City of Burnaby, City of Coquitlam, City of New Westminster, City of North Vancouver and District of West Vancouver are included below as these municipalities have topographical similarities to the District. Links are included to Zoning Bylaw sections or public handouts.

#### **City of Burnaby**

Permitted retaining wall heights for individual walls range from 3.51 ft. for walls located anywhere on a lot and 5.91 ft. located to the rear of a required front yard. Some differences exist dependant on zoning.

<https://www.burnaby.ca/Assets/city+services/building/Brochures+26+Bulletins/Building+Technical+Information/Fences+and+Retaining+Walls.pdf>

#### **City of Coquitlam**

Permitted retaining wall heights range from 3.28 ft. within 19.69 ft. of an exterior lot corner to 7.87 ft. under certain conditions for individual walls. An individual retaining wall up to 11.8 ft. maximum is permitted between lots sharing a side or rear yard lot line, with two of these walls combined not being permitted higher than 15.75 ft.

[https://www.coquitlam.ca/docs/default-source/zoning-bylaw/Part\\_05\\_-\\_General\\_Regulations.pdf](https://www.coquitlam.ca/docs/default-source/zoning-bylaw/Part_05_-_General_Regulations.pdf)

#### **City of New Westminster**

Permitted retaining wall heights include 2 ft. for walls running along a shared interior or rear lot line, 6 ft. for a window well, 9.84 ft. for bounding pedestrian entrances and 4 ft. for all other retaining walls.

[https://www.newwestcity.ca/database/files/library/Guide\\_Retaining\\_Walls\(2\).pdf](https://www.newwestcity.ca/database/files/library/Guide_Retaining_Walls(2).pdf)

#### **City of North Vancouver**

No regulations found in the Zoning Bylaw, relies on the *BC Building Code*.



## **District of West Vancouver**

**Permitted retaining wall heights are measured by angles, with a requirement of 3.94 ft. in with a 75% slope for front site line or flanking side site lines. 3.94 ft. in with 100% slope is permitted for other site lines. The exposed face of any permitted retaining wall heights may not exceed 7.87 ft. Retaining walls exceeding 3.94 ft. in height must be at least 7.87 ft. from a front or rear site line.**

[https://westvancouver.ca/sites/default/files/bylaws/ZONING BYLAW 4662 SECTION 120 GENERAL REGULATIONS FOR ALL ZONES 2.pdf](https://westvancouver.ca/sites/default/files/bylaws/ZONING%20BYLAW%204662%20SECTION%20120%20GENERAL%20REGULATIONS%20FOR%20ALL%20ZONES%202.pdf)

[https://westvancouver.ca/sites/default/files/bylaws/ZONING BYLAW 4662 SECTION 130 GENERAL REGULATIONS FOR RESIDENTIAL ZONES AND USES ONLY 0 .pdf](https://westvancouver.ca/sites/default/files/bylaws/ZONING%20BYLAW%204662%20SECTION%20130%20GENERAL%20REGULATIONS%20FOR%20RESIDENTIAL%20ZONES%20AND%20USES%20ONLY%200.pdf)

## **Attachment C: Grade for Detached Garages**

### **Legislative Authority:**

Municipal governments may choose the method of measuring height for detached accessory structures under their regulatory bylaws under Section 8 of the *Community Charter*.

Municipal governments may not regulate materials, construction standards, etc. falling under Provincial authority- the *BC Building Act*- or other regulatory standards. The District relies on the *BC Building Code*, other regulatory standards and qualified professionals to ensure buildings are designed and constructed in an appropriate, safe manner.

### **Municipal Comparisons:**

Accessory buildings are typically either measured from finished grade, or finished grade at point of vehicular access.

The relevant Zoning Bylaw section for the City of Burnaby, City of Coquitlam, City of New Westminster, City of North Vancouver and District of West Vancouver are included below as these municipalities have topographical similarities to the District.

#### **City of Burnaby**

##### **Zoning Bylaw Section 6.4(6)- Height of Buildings or Structures**

*The height of a detached accessory building shall be measured from the calculated average natural grade of all sides of the building to the highest point of the structure, subject to the applicable exceptions in subsections (3) and (4), except that the height of a detached garage or carport may be measured from the finished grade at the point used for vehicular access.*

#### **City of Coquitlam**

##### **Zoning Bylaw Section 1001 10(6)- RS-1 One-Family Residential**

*Detached buildings and structures for accessory residential or accessory off-street parking must not exceed a height, measured from finished grade, of:*

*(i) 3.7 metres; or*

*(ii) 4.6 metres, for an accessory building that has a roof with a pitch of 4 in 12 or greater for an area of at least 80% of all roof surfaces.*

#### **City of New Westminster**

##### **Zoning Bylaw Section 310.21- Detached Accessory Building without Detached Accessory Dwelling Unit Regulations**

*Detached accessory buildings that do not contain a detached accessory dwelling unit:*

- (a) shall not exceed one storey, and:*
- (i) in the case of a peaked roof, no portion of the roof shall exceed a height of 4.57 metres (15 feet), or*
- (ii) in the case of a roof having a pitch of 4:12 or less, no portion of the roof shall exceed a height of 3.6 metres (12 feet);*

#### **City of North Vancouver**

##### **Zoning Bylaw Section Part 2- Interpretation**

*"Height" with reference to an Accessory Structure or a Landscape Screen means the vertical distance between the top of such Structure and the highest finished ground elevation within 0.014 metres (3 feet) of such Structure;*

#### **District of West Vancouver**

##### **Zoning Bylaw Section 130.01(3)- Accessory Buildings and Structures**

*An accessory building or structure shall not exceed a height of:*

- (a) one storey plus basement; and*
- (b) 3.7 metres from the lower of the average natural or average finished grade, measured around the accessory building or structure, except on sites which include lands identified in Section 204.14 accessory buildings or structures located entirely in the rear 10 metres of the site shall not exceed a height of 3.7 metres from the elevation of the travelled lane surface directly adjacent the subject site.*

## Attachment D: Nuisance Lighting

### Legislative Authority:

Municipal governments may regulate nuisance caused by illumination under Sections 8(3)(h) and 64(b) of the *Community Charter*.

Municipal governments may not regulate aspects of residential lighting that falls under Provincial authority or other regulatory/manufacturing/safety standards. The District relies on these standards and qualified professionals to ensure lighting is installed in an appropriate, safe manner.

### District Residential Lighting Complaints:

Lighting Complaints	2015	2016	2017	2018	2019	Total
Total	2	6	7	5	1	21

Complaints by Permanence	2015	2016	2017	2018	2019	Total
Permanent	2	5	6	4	1	18
Seasonal	0	1	1	1	0	3
Total	2	6	7	5	1	21

Complaints by Type	2015	2016	2017	2018	2019	Total
Recessed	0	0	2	0	0	2
Flood/Spot/Motion	1	5	4	3	0	13
Seasonal	0	1	1	1	0	3
Grouped/Other	1	0	0	1	1	3
Total	2	6	7	5	1	21

### Municipal Comparisons:

Of the 22 surveyed Metro Vancouver municipalities, and the City of Victoria, approximately five had regulation or policy to do with regulating nuisance lighting on single family residential properties.

The relevant regulations for the City of New Westminster, City of Vancouver, District of West Vancouver, Village of Belcarra and Village of Lions Bay are included below as these municipalities were found to have regulation to do with residential outdoor lighting.

#### **City of New Westminster**

Light Intrusion Bylaw Section 2.

*No owner or occupier of real property shall allow or permit an outdoor light to shine directly into the living or sleeping areas of an adjacent residential property in such a way as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of an occupant of the premises.*

[https://www.newwestcity.ca/database/files/library/7277\\_Light.pdf](https://www.newwestcity.ca/database/files/library/7277_Light.pdf)

## **City of Vancouver**

Following an extensive Outdoor Lighting Strategy public process, the City of Vancouver recently amended the Untidy Premises By-law No. 4548.

A By-law to amend Untidy Premises By-law No. 4548 regarding outdoor lighting practices Section 2

*An owner or occupier of a parcel of real property shall not cause, permit or allow an outdoor light fixture to be placed or lit in such a way that:*

*(a) the light fixture casts light directly onto a window or other opening of a residential structure located across a street, or adjacent to, the real property; and*

*(b) the light unreasonably disturbs the peace, rest, enjoyment, comfort or convenience of the owner or occupier of the neighbouring real property."*

<https://bylaws.vancouver.ca/consolidated/12521.PDF>

## **District of West Vancouver**

Good Neighbour Bylaw

### **5.1.4**

*(f) no Owner may allow an outdoor light to be placed or lit on a parcel of the Owner such that the light source creates a nuisance in any residential zone;*

### **5.3 Exceptions:**

*5.3.1 The prohibitions in section 5.1 and the requirement in section 5.2€ do not apply to the flowing:*

*(a) Christmas or holiday lights between November 15 and January 15;*

<https://westvancouver.ca/sites/default/files/bylaws/4380%20GOOD%20NEIGHBOUR%20BYLAW%204380%202004%20%28CONSOLIDATED%20UP%20TO%20AMENDMENT%20BYLAW%204965%202018%29.PDF>

## **Village of Belcarra**

Good Neighbour Bylaw

Similar to West Vancouver

[https://belcarra.ca/assets/media/2019/05/vob-bylaw-361\\_good-neighbour.pdf](https://belcarra.ca/assets/media/2019/05/vob-bylaw-361_good-neighbour.pdf)

### **Village of Lions Bay**

**Good Neighbour Bylaw**

**Similar to West Vancouver**

<http://files.lionsbay.ca/Bylaw%20412%20-%20Good%20Neighbor.pdf>

### ***Additional Resources***

**International Dark-Sky Association** <https://www.darksky.org/>

**Royal Astronomical Society of Canada** <https://www.rasc.ca/>

Both sites provide public education in the selection of lighting to promote the goal of dark night skies. As noted, some municipalities further restrict the lighting from municipal facilities and new developments in zones directly surrounding an observatory, such as found in Saanich's Zoning Bylaw.

## **Attachment E: Nuisance Noise**

### Legislative Authority:

Municipal governments may regulate nuisance caused by noise under Sections 8(3)(h) and 64(b) of the *Community Charter*.

Municipal governments may regulate the siting of outdoor mechanical equipment through their Zoning Bylaw under Section 8(l) of the *Community Charter*.

Local governments may not regulate aspects of outdoor mechanical equipment falling under Provincial authority or other regulatory/manufacturing/safety standards. Depending on the equipment, the District relies on regulatory standards and qualified professionals to ensure this equipment is installed in an appropriate, safe manner.

### District Residential Noise Complaints:

<b>Equipment Complaint</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>
<b>Air Conditioning Unit</b>	1	3	4	0	3	11
<b>Heat Pump</b>	2	1	1	0	0	4
<b>Pool</b>	2	3	0	0	3	8
<b>Hot tub</b>	0	0	2	2	1	5
<b>Generator</b>	3	3	1	1	1	9
<b>Total</b>	8	10	8	3	8	37

### Municipal Comparisons:

Of the 22 Metro Vancouver municipalities, and the City of Victoria, none were found, except the District, having specific regulation of the listed residential outdoor mechanical equipment in a noise control or regulation bylaw. Some municipalities have general decibel level regulations in these bylaws, which would work to regulate noise levels of outdoor mechanical equipment.

Four municipalities were found to have siting regulations for residential outdoor mechanical equipment in a Zoning Bylaw.

The relevant Zoning Bylaw sections for the City of Coquitlam, City of North Vancouver, City of Pitt Meadows and City of Port Moody are included below as these municipalities were found to have regulation in their Zoning Bylaw to do with the siting of residential outdoor mechanical equipment.

### **City of Coquitlam**

Zoning Bylaw-Current amendment



	<b>Siting Exceptions</b>	<b>Exception Permitted</b>	<b>Additional Requirements</b>
(4)	Exterior heating and cooling equipment and associated venting terminations, Heat pumps, Ancillary swimming pool heating and filtering equipment, Emergency generators	May be sited on any portion of a lot, except as otherwise limited by this or another bylaw.	For one-family residential, two-family residential, triplex residential, quadruplex residential and street-oriented village home residential uses, the subject equipment must be located a minimum of 1.0 metre from the required interior side lot line setback for the zone the building is located in.  Venting terminations for central heating and cooling equipment must be located such that they do not vent into the area of a lot adjacent to an interior side lot line.  Ancillary swimming pool heating and filtering equipment is restricted to a maximum height of 1.3 metres above grade.

### **City of North Vancouver**

#### **Zoning Bylaw Section 421- Noise Mitigation**

*(3) recommends exterior and interior design and construction features and practices including, without limitation, the installation of a mechanical heat recovery ventilation system, to mitigate the impact of external and structure borne sound penetration between:*

- (a) neighbouring industrial, residential, commercial, community, entertainment, traffic, street pedestrian activities and other uses situated on or off the Lands; and*
- (b) the interior space of all residential dwelling units to be constructed on the Lands.*

### **City of Pitt Meadows**

#### **Zoning Bylaw Section 4.15- Mechanical Equipment**

*Mechanical equipment that produces noise, vibration, smoke, dust, heat, glare, electrical interference, or other offence or nuisance is permitted only in a rear or exterior side yard but not closer than 1.2 m to any lot line.*

### **City of Port Moody**

#### **Zoning Bylaw Section 5.2.15- Mechanical Equipment**

Document: 4105804

*Mechanical Equipment For all Residential zones, mechanical equipment located outside of a Building, including but not limited to heat pumps, air conditioners, and pool pumps, shall be located in the Rear Yard or directly adjacent to the rear Building face of the principal Structure with a minimum separation of 1.8m from the Interior Side Lot Line.*

## Attachment F: Landscape Retention and Hard Surfaces

### Legislative Authority:

Municipal governments have the ability to regulate open space on residential lots through Zoning Bylaw regulations to do with lot coverage and siting of structures. Further, residential lots may have impermeable area maximums regulated under a municipal Zoning Bylaw.

Municipal governments have limited ability to regulate landscaping on single family residential lots. Screening and Landscaping to mask or separate uses under Section 527 of the *Local Government Act* may be used to establish minimum screening and landscaping standards for single family homes. However, it is anticipated that outside of a building permit system linked to single family home redevelopment, routine compliance monitoring, and complaint-based enforcement mechanisms would be cost prohibitive for the District and divisive for neighbours.

Municipal governments may use Development Permits under Section 488 to 491 of the *Local Government Act* to protect the natural environment, protect development from hazards, establish objectives for the form and character of commercial, industrial and multi-family development, promoted energy & water conservation, and promote the reduction of greenhouse gas emissions. Legislation does not provide local governments with the authority to require form and character development permits for single family homes. Therefore, development permits provide a very limited opportunity to preserve and protect trees and shrubs that merely provide aesthetic benefits without also being required to achieve some other objective like protecting development from hazardous conditions.

### Municipal Comparisons:

Of the 22 surveyed Metro Vancouver municipalities and the City of Victoria, nine had zoning bylaw regulation to do with impermeable or permeable surface area regulations in single family residential lots. The following table represents the largest maximums for impermeable surfaces areas, permeable area requirements and/or front yard landscaping requirements found in single family residential zones of municipal Zoning Bylaws. Note each municipality may consider different materials permeable/impermeable.

Municipality	% Permeable Required			% Impermeable Maximum			Front Yard Landscaping Requirement
	Front Yard	Back Yard	Entire Lot	Front Yard	Back Yard	Entire Lot	
City of Burnaby						70%	
City of Delta						60%	50%
City of Pitt Meadows						70%	
City of Port Coquitlam			65-70%				
City of Port Moody				50%			
City of Richmond	50-55%						50-55%
City of Vancouver						60%	
District of West Vancouver				50%			
Village of Anmore			30%				
Village of Belcarra			30%				

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The relevant Zoning Bylaw sections for the City of Burnaby and District of West Vancouver are included below as these municipalities share topographical similarities to The District and had regulation related to permeable surfaces/front yard landscaping in their zoning bylaws.

### **City of Burnaby**

#### **Zoning Bylaw Section 6.24- Impervious Surfaces**

- (1) This section applies only to Lots in R (Residential) Districts for which an application for a building permit has been made after July 1, 2005 for the construction of a new principal building, whether on new or existing building foundations.*
- (2) Not more than 70 per cent of the total area of a lot to which this section applies shall be covered by impervious materials.*
- (3) In this section "impervious materials" include*
  - (a) buildings and structures;*
  - (b) asphalt;*
  - (c) concrete;*
  - (d) grouted pavers;*
  - (e) subject to subsection (f), ungrouted pavers having a surface area on their largest face of more than 0.21 m<sup>2</sup> (2.25 sq.ft)*

*but does not include:*

- (f) ungrouted pavers having a surface area on their largest face of not more than 0.372 m<sup>2</sup> (4 sq.ft.) arranged in a line of single pavers to form a pedestrian walkway with a permeable gap between the pavers;*
- (g) water surfaces of structures designed to retain water, including swimming pools, reflecting pools, and ornamental ponds.*

### **District of West Vancouver**

#### **Zoning Bylaw Section 130.15(7)- Site Landscaping**

*Impermeable surfaces in front yards must not exceed 50% of the area of the front yard as defined in this Zoning Bylaw, provided that in all cases a pedestrian sidewalk with a maximum width of 1.5 m, a driveway with a maximum width of 4.5 m, and a sufficient area for turning passenger vehicles are permitted in the front yard or the flanking yard on a corner flanking site to provide access by impermeable surface from the abutting street to the principal building on the site.*

#### **Zoning Bylaw Section 110- Definitions**

*Impermeable Surface means any consolidated surface such as asphalt or concrete that prevents the absorption of precipitation into the soil, but excludes any area of a lot comprising of exposed bedrock.*

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**READ** a first time

**PUBLIC HEARING** held

**READ** a second time

**READ** a third time

Certified a true copy of "Bylaw 8472" as at Third Reading

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Municipal Clerk

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

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk



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

**Bylaw 8476**

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

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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 1405 (Bylaw 8476)".

**Amendments**

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended by deleting the interpretation of "height" in Part 2 and replacing with:

"height" means:

- (i) with respect to a building or structure in a single family residential zone the greatest vertical distance measured from the building height base line to the topmost part of the building or structure, except that in the case of an accessory building or structure it shall be the vertical distance measured from the floor level to the highest point of the building or structure except in no case shall the floor level of the structure be more than 4 feet above natural grade at any point."

**READ a first time**

**PUBLIC HEARING held**

**READ a second time**

**READ a third time**

Certified a true copy of "Bylaw 8472" as at Third Reading

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Municipal Clerk

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

**ADOPTED**

\_\_\_\_\_  
Mayor

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

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

**The Corporation of the District of North Vancouver****Bylaw 8473****A bylaw to amend Nuisance Abatement Bylaw 7325, 2002**

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

**Citation**

1. This bylaw may be cited as "Nuisance Abatement Bylaw 7325, 2002 Amendment Bylaw 8473, 2020 (Amendment 5)".

**Amendments**

2. Nuisance Abatement Bylaw 7325, 2002 is amended by deleting:
  - a) subsection 6(e)(i) and substituting the following:
    - (i) the owner of the property is in possession of a valid building permit in respect of such Building Materials;
  - b) subsection 9(a) and substituting the following:
    - (a) Christmas or holiday lights between November 15 and January 15, Halloween lights between October 1 and November 7, provided such lighting is turned off by 11:00 p.m. each day and remains off overnight until the following day;
  - c) sections 10 through 22 inclusive and substituting the following and re-numbering the remaining sections accordingly:

**PART X – OFFENCE AND ENFORCEMENT****Entry**

10. Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police are authorized, in accordance with section 16 of the *Community Charter*, SBC 2003, c. 26, as amended or replaced, to enter at any reasonable time onto property to inspect and determine whether the regulations of this bylaw are being complied with.

**Obstruction**

11. A person must not interfere with, delay, obstruct or impede a Bylaw Enforcement Officer or designate or other person lawfully authorized to enforce this bylaw in the performance of duties under this bylaw.

### Violations

12. Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this bylaw will be liable to the penalties hereby imposed and each day that such violation is permitted to exist will constitute a separate offence.

### Penalty

13. Every person who commits an offence contrary to the provisions of this bylaw is liable on summary conviction to a penalty of not more than \$50,000.00 in addition to the costs of the prosecution.

### Designation of Bylaw

14. This bylaw is designated under section 264 of the *Community Charter* as a bylaw that may be enforced by means of a ticket in the form prescribed.

### Designation of Bylaw Enforcement Officer

15. Bylaw Enforcement Officers, park rangers and members of the Royal Canadian Mounted Police are designated to enforce this bylaw by means of a ticket under section 264 of the *Community Charter*.

### Ticketing

16. Pursuant to Sections 264(1)(c) and 265(1)(a) of the *Community Charter*, the table below sets out the designated expressions for offences under this bylaw with the corresponding bylaw section number and fine amount:

DESIGNATED EXPRESSION	SECTION	FINE (\$)
Causing a nuisance	3	300
Permit a nuisance	4	200
Unightly property	5	200
Permitting rubbish to collect	6(a)	200
Depositing rubbish	6(b)	200
Run stationary vehicle	6(c)	100
Outdoor light visible	6(d)	100
Accumulation of building materials	6(e)	200
Unauthorized vehicle storage	6(f)	200
Accumulation of vehicle parts	6(f)	200
Shipping container stored in residential zone	6(g)	200
Fail to remove discarded material/rubbish	8(a)	200
Fail to clear noxious insects	8(c)	200
Fail to clear brush	8(d)	200
Fail to shield outdoor light	8(e)	100
Fail to turn off lighting	9(a)	100
Obstruction	11	300

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk

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# The Corporation of the District of North Vancouver

## Bylaw 8474

### A bylaw to amend Bylaw Notice Enforcement Bylaw 7458, 2004

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

#### Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8474, 2020 (Amendment 56)".

#### Amendments

2. Schedule A of the Bylaw Notice Enforcement Bylaw 7458, 2004 is amended by:
  - a) deleting the contraventions of the Nuisance Abatement Bylaw 7325, 2002 and substituting the following:

Bylaw Section	Description	A1 Penalty Amount	A2 Discounted Penalty: Within 14 days	A3 Late Payment: After 28 days	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	The following fines apply to the contraventions below:					
		(\$)	(\$)	(\$)		
3	Causing a nuisance	200	150	300	NO	N/A
4	Permit a nuisance	200	150	300	NO	N/A
5	Unightly property	200	150	300	NO	N/A
6(a)	Permitting rubbish to collect	200	150	300	NO	N/A
6(b)	Depositing rubbish	200	150	300	NO	N/A
6(c)	Run stationary vehicle	100	75	150	NO	N/A
6(d)	Outdoor light visible	100	75	150	NO	N/A
6(e)	Accumulation of building materials	200	150	300	NO	N/A
6(f)	Unauthorized vehicle storage	200	150	300	NO	N/A
6(f)	Accumulation of vehicle parts	100	75	150	NO	N/A
6(g)	Shipping container stored in residential zone	200	150	150	NO	N/A
8(a)	Fail to remove discarded material/rubbish	200	150	300	NO	N/A
8(c)	Fail to clear noxious insects	200	150	300	NO	N/A
8(d)	Fail to clear brush	200	150	300	NO	N/A
8(e)	Failure to shield outdoor light	100	75	150	NO	N/A
9(a)	Failure to turn off lighting	100	75	150	NO	N/A
11	Obstruction	300	225	450	NO	N/A



- b) deleting the contraventions for the Taxicab Regulation Bylaw 7613, 2006 in their entirety.

**READ a first time**

**READ a second time**

**READ a third time**

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk

## Attachment G: Floor space exemptions for basements

### Current Approach:

The District regulates single family house floor space basements exemptions through the Zoning Bylaw in the following manner:

#### **410 Floor Space Ratio Exemptions**

*The following are excluded from floor space ratio calculations:*

- (1) *For single family residential buildings, exclude:*
- (a) *the floor area contained within that part of buildings and structures having an adjacent exposed perimeter wall of less than 4.0 feet from the floor above to the lesser of natural grade and finished grade as illustrated by the following diagram and formulas*

$$F.S.R. = \frac{A}{\text{Lot Area}}$$

$$A = B + C \left( \frac{p^2}{p^1} \right)$$

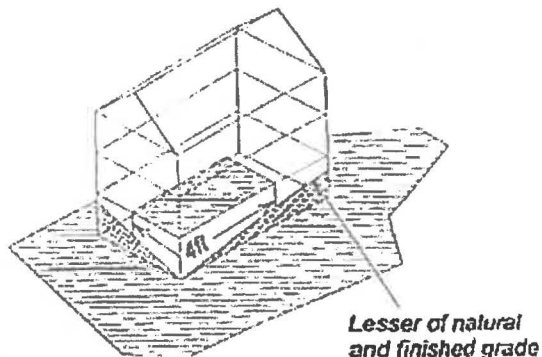
*A - Total floor area to be included in F.S.R. calculation*

*B - Total floor area of all storeys wholly above grade*

*C - Total floor area of all storeys partially below grade*

*p<sup>1</sup> - Total perimeter length of a storey partially below ground*

*p<sup>2</sup> - Length of p<sup>1</sup> exposed 4ft or more from floor above*



This means any portion of a basement no more than 4' above the lesser of natural or finished grade is not counted towards floor space. In circumstances where there is a portion of the basement level more than 4' above the lesser of natural or finished grade the calculation is used to exclude only the portion that is no more than 4' above the lesser of natural or finished grade.

### Municipal Comparison:

Other municipalities differ in their approaches to including basements in floor space calculations. These approaches range from simply including some or all of the space of a basement, to including certain uses or areas within a basement, to not including basements such as the District currently does for those portions fully under grade.

All three North Shore municipalities limit basement exemptions to the area directly below the storey above.

In 2018, the City of North Vancouver began to exclude basements from gross floor area calculations to encourage more liveable space (i.e. more light) for secondary suites in their one and two-unit residential zones. Previously only cellars (level of a house more than 1.52 metres below average grade as defined by the City) were excluded from gross floor area calculations. This encouraged secondary suites to be located in a cellar which has impacts to liveability.

Other municipalities specify certain uses within a basement which may be excluded, such as the City of Burnaby does when excluding carports in single-family residential zones located within a cellar.

<b>Municipality</b>	<b>Basement Excluded from Floor Space</b>
<b>District of North Vancouver</b>	Yes
<b>District of West Vancouver</b>	Yes
<b>City of North Vancouver</b>	Yes
<b>City of Vancouver</b>	No
<b>City of Coquitlam</b>	No
<b>City of Burnaby</b>	No
<b>Village of Lions Bay</b>	No

Basements siting varies between municipalities. When a basement counts towards gross floor area this naturally limits the desired size. Site specific constraints, setbacks from natural features, or roadways, etc. may impact the siting of basements.

Note the municipal scan did not consider crawl spaces which typically are not included in floor space or site-specific constraints which would prevent the construction of a basement. Municipalities might exclude other uses from floor space which, if happen to be in a basement, would not count towards FSR such as a mechanical room. Partially above and partially below grade basements may use a calculation to determine what portion of a basement is excluded.

## Attachment H: Information on maximum house sizes

### Current Approach:

House size in the general single family zones (RS1 to RS5) is regulated by a maximum permitted floor space ratio (FSR) that varies with lot size. Each of the below zones also establishes a maximum principal building (house) size meaning maximum house size is limited to the lesser of the two maximums. The Zoning Bylaw contains several exemptions from floor space, including basements, which would not be counted towards the maximum house size permitted.

The table below identifies the permitted floor space ratio and the maximum principal building size from the District's Zoning Bylaw for each Residential Single Family zone.

Single Family Zone	FLOOR SPACE RATIO (FSR)		Maximum House Size
	Lots ≤ 5,000 sq.ft.	Lots > 5,000 sq.ft.	
RS1	0.45	0.35 + 350 sq.ft.	5,813 sq.ft.
RS2	0.45	0.35 + 350 sq.ft.	5,813 sq.ft.
RS3	0.45	0.35 + 350 sq.ft.	4,359 sq.ft.
RS4	0.45	0.35 + 350 sq.ft.	3,013 sq.ft.
RS5	0.45	0.35 + 350 sq.ft.	2,045 sq.ft.
RS Canyon Heights	0.35 + 350 sq.ft.		4,359 sq.ft.
RS Delbrook	0.43		5,005 sq.ft.
RS Edgemont	0.35 + 350 sq.ft.		3,500 sq.ft.
RS Edgemont West	0.35 + 350 sq.ft.		4,359 sq.ft.
RS Highlands	0.40		4,359 sq.ft.
RS Kilmer	0.55		3,014 sq.ft.
RS Keith Lynn	0.45	0.35 + 350 sq.ft.	3,013 sq.ft.
RS Murdo Frazer	0.45	0.35 + 350 sq.ft.	3,013 sq.ft.
RS Marlborough Heights	0.35 + 1,000 sq.ft.		5,005 sq.ft.
RS Norgate	0.40		3,000 sq.ft.
RS Norwood Queens	0.45	0.35 + 350 sq.ft.	4,359 sq.ft.
RS Pemberton Heights	For Lots < or = 5,000 0.45		
	For lots 5,001 – 11,000 .35 + 350 sq.ft.		3,013 sq.ft.
	For lots > 11,999 .35 + 350 sq.ft.		5,813 sq.ft.
RS Queensdale	The greater of 2,200 sq.ft. or 0.45		5,940 sq.ft.
RS Sunset Gardens	0.35 + 350 sq.ft.		4,359 sq.ft.
All Above	In the case of rooms having ceilings greater than 3.66m (12 ft) above the level of the floor area – that area above 12 ft shall be counted as if it were an additional floor level and included in FSR		

### Municipal Comparison:

The City of North Vancouver, District of West Vancouver and Village of Lions Bay regulate maximum house size via a ratio based on lot size (also one method the District uses). This ensures the principal dwelling is built to an appropriate scale. Other buildings on a lot would typically also count towards a lot's maximum FSR, for example, a coach house.

Municipalities use a range of other regulations besides maximum FSR which also work to control and shape house size and appearance. For example, maximum height, maximum number of floors, maximum site coverage, limits to retaining walls, setbacks (both of house to lot lines and between structures on the lot), permeable area minimums, etc.

The City of Coquitlam takes a different approach to regulating maximum house size. There is no maximum square footage applied via FSR requirements. Rather, the maximum volume of a building is based on a calculation of perimeter wall area and perimeter wall height for each face of the building. This achieves the desired result of staggered wall faces, and as such, greater building articulation and a reduction in overall massing.

The table below displays other north shore municipalities' minimum lot sizes and FSRs. It only contains those zones which are intended for single-family dwellings. Municipalities have differing minimum lot sizes and thus differing maximum house sizes which would be permitted based on FSR.

<b>Municipality</b>	<b>Zone</b>	<b>Minimum Lot Size</b>	<b>Maximum GFA</b>
City of North Vancouver	RS-1: One-Unit Residential 1	N/A (regulated via lot frontage, etc.)	Lessor of 0.3 x lot area + 92.9 m <sup>2</sup> or 0.5 x area
	RS-2: One-unit Residential 2	N/A (regulated via lot frontage, etc.)	Lessor of 0.3 x lot area + 92.9 m <sup>2</sup> or 0.5 x area
District of West Vancouver <sup>1</sup>	RS1: Single Family Dwelling Zone 1	8,094 m <sup>2</sup>	(1) 0.35 of site area maximum, if site area is greater than 677 m <sup>2</sup> ; or  (2) 237 m <sup>2</sup> maximum, if site area is between 474 m <sup>2</sup> and 677 m <sup>2</sup> ; or  (3) 0.5 of site area maximum, if site

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			area is less than 474 m <sup>2</sup>
	RS2: Single Family Dwelling Zone 2	1,858 m <sup>2</sup>	"
	RS3: Single Family Dwelling Zone 3	1,115 m <sup>2</sup>	"
	RS4: Single Family Dwelling Zone 4	836 m <sup>2</sup>	"
	RS5: Single Family Dwelling Zone 5	558 m <sup>2</sup>	"
Village of Lions Bay	RS-1: Residential - Single Detached	8000 m <sup>2</sup> (density may be averaged to 800 m <sup>2</sup> with a 700m <sup>2</sup> minimum parcel area when amenities provided under <i>Community Amenity Contribution Policy</i> )	0.35 FSA


<sup>1</sup> The District of West Vancouver has other residential zones which permit single family use but also permit other residential uses (such as cluster housing). These have not been included in this table.


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**AGENDA INFORMATION**☒ Regular MeetingDate: March 8, 2021☐ Other:

Date: \_\_\_\_\_

  
 Dept.  
Manager

  
 GM/  
Director

  
 CAO

## The District of North Vancouver

### REPORT TO COUNCIL

February 23, 2021

File: 09.3900.20/000.000

**AUTHOR:** Genevieve Lanz, Deputy Municipal Clerk**SUBJECT:** **Bylaws 8498, 8499, and 8500: Lynn Canyon Pay Parking Pilot Bylaw Amendments****RECOMMENDATION:**

THAT "District of North Vancouver Street and Traffic Bylaw 7125, 2004 Amendment Bylaw 8498, 2021 (Amendment 23)" is ADOPTED;

AND THAT "Fees and Charges Bylaw 6481, 1992 Amendment Bylaw 8499, 2021 (Amendment 73)" is ADOPTED;

AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8500, 2021 (Amendment 60)" is ADOPTED.

**BACKGROUND:**

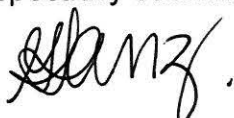
Bylaws 8498, 8499 and 8500 received First, Second and Third Readings on February 22, 2021.

The bylaws are now ready to be considered for Adoption by Council.

**OPTIONS:**

1. Adopt the bylaws;
2. Give no further Readings to the bylaws and abandon the bylaws at Third Reading; or,
3. Rescind Third Reading and debate possible amendments to the bylaws.

Respectfully submitted,



Genevieve Lanz  
Deputy Municipal Clerk

**SUBJECT: Bylaws 8498, 8499, and 8500: Lynn Canyon Pay Parking Pilot Bylaw Amendments**

February 23, 2021

Page 2

**Attachments:**

1. Bylaw 8498
2. Bylaw 8499
3. Bylaw 8500
4. Staff report dated February 9, 2021

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	_____		

# The Corporation of the District of North Vancouver

## Bylaw 8498

A bylaw to amend Street and Traffic Bylaw 7125, 2004

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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 Street and Traffic Bylaw 7125, 2004 Amendment Bylaw 8498, 2021 (Amendment 23)".

### Amendments

2. Street and Traffic Bylaw 7125, 2004 is amended by:

- 2.1. adding the following definitions to section 302 in alphabetical order:

**DNV Resident Pay Parking (DRP) Exemption Pass** means an exemption pass issued in accordance with section 528 of this bylaw;

**DNV Resident Pay Parking (DRP) Exemption Zone** means an area designated by the Municipal Engineer in accordance with this bylaw as being a resident exempt zone such that the holders of DRP Permits are exempted from paying to park a vehicle in such area for a specified period of time;

**Resident Exempt (RE) Permit** means an exemption permit issued in accordance with section 528 of this bylaw;

**Resident Exempt (RE) Zone** means an area designated by the Municipal Engineer in accordance with this bylaw as being a resident exempt zone such that the holders of RE Permits are exempted from the time limits for parking a vehicle in such area;

- 2.2. deleting the definitions of Resident Parking Permit and Resident Parking Zone in section 302 and substituting the following:

**Resident Parking Only (RPO) Permit** means a parking permit issued in accordance with this bylaw which authorizes parking in a Resident Parking Only (RPO) Zone;

**Resident Parking Only (RPO) Zone** means a part of a Highway set apart for the standing, stopping and parking of vehicles that display a Resident Parking Only (RPO) Permit;

2.3. deleting sections 528 through 535 inclusive and substituting the following:

528. The Municipal Engineer may: a) make orders for the designation of Resident Parking Only (RPO) Zones, Resident Exempt (RE) Zones and DNV Resident Pay Parking (DRP) Exemption Zones; b) make orders for the form of applications for RPO Permits, RE Permits, DRP Passes and Resident Guest Passes, the form and terms and conditions of RPO Permits, RE Permits, DRP Passes and Resident Guest Passes and may rescind, revoke, amend and vary such orders.
- 529A. RPO Permits will only be issued to and may only be used by individuals who permanently reside in the dwelling units immediately adjacent to the RPO Zone in which they reside.
- 529B. DRP Passes will only be issued to and may only be used by individuals who permanently reside in the District.
530. Upon receipt of a completed application form and payment of the applicable fees as prescribed in the Fees and Charges Bylaw 6481, the Municipal Engineer may issue an RPO Permit, RE Permit or DRP Pass, as applicable, to the applicant provided the applicant meets all of the requirements for such permit or pass.
531. The holder of an RPO Permit, RE Permit or DRP Pass:
- 531.1 shall affix such permit to the lower front driver's side windshield of that person's vehicle; and
- 531.2 must not use such permit or pass for parking in a zone other than the zone for which the permit or pass was issued.
532. The holder of an RPO Permit, RE Permit or DRP Pass must not transfer or allow the use of that permit or pass by any other person.
533. A person who resides in an RPO and RE Zone that allows for the issuance of a Resident Guest Pass may apply for a Resident Guest Pass for use by that person's guests.
534. A person using a Resident Guest Pass shall display the Resident Guest Pass hanging from the rear view mirror of that person's vehicle at all times while parked in an RPO and RE Zone.
535. A person must not park a vehicle in an RPO Zone:
- 535.1 that does not display, in the manner required, a valid RPO Permit or Resident Guest Pass for that RPO Zone; or

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535.2 which displays a valid RPO Permit but is not a vehicle owned or possessed by the holder of that RPO Permit.

535A. A person must not use an unauthorized, counterfeit, fabricated or imitation permit or pass purporting to be an RPO Permit, RE Permit or DRP Pass.

535B. A person must not park a vehicle in a DRP Zone for longer than the time permitted in that zone.

**READ** a first time February 22<sup>nd</sup>, 2021

**READ** a second time February 22<sup>nd</sup>, 2021

**READ** a third time February 22<sup>nd</sup>, 2021

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk

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

**Bylaw 8499**

A bylaw to amend Fees and Charges Bylaw 6481, 1992

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

**Citation**

1. This bylaw may be cited as "Fees and Charges Bylaw 6481, 1992 Amendment Bylaw 8499, 2021 (Amendment 73)".

**Amendments**

2. Schedule F of Fees and Charges Bylaw 6481, 1992 is amended by:
  - a) Inserting the text "and Resident Exempt Decal" immediately following "Resident Parking Only Decal"; and,
  - b) inserting the following new fee in the table immediately following "Resident Parking Only and Resident Exempt Decal":

DNV Resident Pay Parking Exemption Pass	\$10.00	Per year
---	---------	----------

**READ** a first time February 22<sup>nd</sup>, 2021

**READ** a second time February 22<sup>nd</sup>, 2021

**READ** a third time February 22<sup>nd</sup>, 2021

**ADOPTED**

\_\_\_\_\_  
Mayor

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

Certified a true copy

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



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## The Corporation of the District of North Vancouver

### Bylaw 8500

A bylaw to amend Bylaw Notice Enforcement Bylaw 7458, 2004

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

#### Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8500, 2021 (Amendment 60)".

#### Amendments

2. Bylaw Notice Enforcement Bylaw 7458, 2004 is amended by amending the table of Designated Bylaw Contraventions and Penalties in Schedule A in relation to the Street and Traffic Bylaw 7125 by deleting the violations for sections 531 through 535.2 inclusive and substituting the following:

Street and Traffic Bylaw 7125						
Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount  (\$)	A2 Discounted Penalty: Within 14 days  (\$)	A3 Late Payment: After 28 days  (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
529A	Use of Resident Parking Only Permit by unauthorized person	60	45	90	NO	N/A
529B	Use of Resident Exempt Permit/Pass by unauthorized person	60	45	90	NO	N/A
531.1	Fail to affix permit	60	45	90	NO	N/A
531.2	Permit for incorrect zone	60	45	90	NO	N/A
532	Unauthorized transfer of permit	75	55	115	NO	N/A
535.1	Park in a Resident Parking Only Zone without permit/guest pass	60	45	90	NO	N/A
535.2	Park in a Resident Parking Only Zone displaying permit in a vehicle not owned by holder	75	55	115	NO	N/A
535A	Use unauthorized permit	75	55	115	NO	N/A
535B	Park in DNV Resident Pay Parking Exemption Zone longer than permitted	60	45	90	NO	N/A

**READ** a first time February 22<sup>nd</sup>, 2021

**READ** a second time February 22<sup>nd</sup>, 2021

**READ** a third time February 22<sup>nd</sup>, 2021

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk

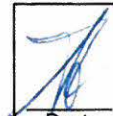
## AGENDA INFORMATION


☐ Regular Meeting

Date: \_\_\_\_\_

☐ Other:

Date: \_\_\_\_\_

  
 Dept.  
Manager

  
 GM/  
Director

  
 CAO

## The District of North Vancouver REPORT TO COUNCIL

February 9, 2021

File: 16.8310.00/000.000

**AUTHOR:** Steve Carney, PEng, PTOE**SUBJECT:** Lynn Canyon Pay Parking Pilot Bylaw Amendments**RECOMMENDATION:**

THAT "District of North Vancouver Street and Traffic Bylaw 7125, 2004 Amendment Bylaw 8498, 2021 (Amendment 23)" is given FIRST, SECOND and THIRD Readings;

AND THAT "Fees and Charges Bylaw 6481, 1992 Amendment Bylaw 8499, 2021 (Amendment 73)" is given FIRST, SECOND and THIRD Readings;

AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8500, 2021 (Amendment 60)" is given FIRST, SECOND and THIRD Readings.

**REASON FOR REPORT:**

To enable DNV Park annual parking pass availability for DNV residents as per January 25, 2021 Council resolution. Timing of bylaw amendment is related to the launch of the Lynn Canyon Pay Parking Pilot Project.

**SUMMARY:**

DNV residents will be eligible to purchase an annual \$10.00 **DNV Resident Pay Parking (DRP) Exemption Pass** for exemption from Lynn Canyon Pay Parking Pilot hourly fees. In order to enable the collection of fees related to the introduction of a DNV Park parking permit system for DNV residents, amendments to DNV Street and Traffic Bylaw, Fees and Charges Bylaw, and Bylaw Notice Enforcement Bylaw are required. Amended bylaws are attached to this report.

**BACKGROUND:**

THAT the plan for the Lynn Canyon Park Pay Parking Pilot is approved by Council for implementation as per January 25, 2021 Council resolution.

**EXISTING POLICY:**

- District of North Vancouver Street and Traffic Bylaw 7125, 2004 Amendment Bylaw 8498
- Fees and Charges Bylaw 6481, 1992 Amendment Bylaw 8499

eDoc 4690490

- Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8500

**ANALYSIS:**

**Timing/Approval Process:**

Endorsement of the proposed bylaw amendments is critical to enabling the availability of DNV Park parking permits for DNV residents for March 2021 as per January 25, 2021 Council resolution.

**Concurrence:**

DNV parks, DNV Finance, DNV Communications, and DNV Bylaws.

**Financial Impacts:**

The cost of implementing the DNV Park permitting system (\$10.00 annual fee) exempting DNV residents from hourly parking fees is largely expected to be cost-neutral. Any cost overruns associated with administering this permitting system will be offset by Lynn Canyon pay parking pilot revenues.

**Conclusion:**

Amendments to DNV Street and Traffic Bylaw, Fees and Charges Bylaw, and Bylaw Notice Enforcement Bylaw are required to enable the collection of fees related to the introduction of a DNV Park parking permit system for DNV residents.

Respectfully submitted,



Steve Carney, PEng, PTOE  
Transportation Section Manager

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	_____		

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

**Bylaw 8498**

A bylaw to amend Street and Traffic Bylaw 7125, 2004

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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 Street and Traffic Bylaw 7125, 2004 Amendment Bylaw 8498, 2021 (Amendment 23)".

**Amendments**

2. Street and Traffic Bylaw 7125, 2004 is amended by:

- 2.1. adding the following definitions to section 302 in alphabetical order:

**DNV Resident Pay Parking (DRP) Exemption Pass** means an exemption pass issued in accordance with section 528 of this bylaw;

**DNV Resident Pay Parking (DRP) Exemption Zone** means an area designated by the Municipal Engineer in accordance with this bylaw as being a resident exempt zone such that the holders of DRP Permits are exempted from paying to park a vehicle in such area for a specified period of time;

**Resident Exempt (RE) Permit** means an exemption permit issued in accordance with section 528 of this bylaw;

**Resident Exempt (RE) Zone** means an area designated by the Municipal Engineer in accordance with this bylaw as being a resident exempt zone such that the holders of RE Permits are exempted from the time limits for parking a vehicle in such area;

- 2.2. deleting the definitions of Resident Parking Permit and Resident Parking Zone in section 302 and substituting the following:

**Resident Parking Only (RPO) Permit** means a parking permit issued in accordance with this bylaw which authorizes parking in a Resident Parking Only (RPO) Zone;

**Resident Parking Only (RPO) Zone** means a part of a Highway set apart for the standing, stopping and parking of vehicles that display a Resident Parking Only (RPO) Permit;

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2.3. deleting sections 528 through 535 inclusive and substituting the following:

- 528. The Municipal Engineer may: a) make orders for the designation of Resident Parking Only (RPO) Zones, Resident Exempt (RE) Zones and DNV Resident Pay Parking (DRP) Exemption Zones; b) make orders for the form of applications for RPO Permits, RE Permits, DRP Passes and Resident Guest Passes, the form and terms and conditions of RPO Permits, RE Permits, DRP Passes and Resident Guest Passes and may rescind, revoke, amend and vary such orders.
- 529A. RPO Permits will only be issued to and may only be used by individuals who permanently reside in the dwelling units immediately adjacent to the RPO Zone in which they reside.
- 529B. DRP Passes will only be issued to and may only be used by individuals who permanently reside in the District.
- 530. Upon receipt of a completed application form and payment of the applicable fees as prescribed in the Fees and Charges Bylaw 6481, the Municipal Engineer may issue an RPO Permit, RE Permit or DRP Pass, as applicable, to the applicant provided the applicant meets all of the requirements for such permit or pass.
- 531. The holder of an RPO Permit, RE Permit or DRP Pass:
  - 531.1 shall affix such permit to the lower front driver's side windshield of that person's vehicle; and
  - 531.2 must not use such permit or pass for parking in a zone other than the zone for which the permit or pass was issued.
- 532. The holder of an RPO Permit, RE Permit or DRP Pass must not transfer or allow the use of that permit or pass by any other person.
- 533. A person who resides in an RPO and RE Zone that allows for the issuance of a Resident Guest Pass may apply for a Resident Guest Pass for use by that person's guests.
- 534. A person using a Resident Guest Pass shall display the Resident Guest Pass hanging from the rear view mirror of that person's vehicle at all times while parked in an RPO and RE Zone.
- 535. A person must not park a vehicle in an RPO Zone:
  - 535.1 that does not display, in the manner required, a valid RPO Permit or Resident Guest Pass for that RPO Zone; or

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535.2 which displays a valid RPO Permit but is not a vehicle owned or possessed by the holder of that RPO Permit.

535A. A person must not use an unauthorized, counterfeit, fabricated or imitation permit or pass purporting to be an RPO Permit, RE Permit or DRP Pass.

535B. A person must not park a vehicle in a DRP Zone for longer than the time permitted in that zone.

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk

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

**Bylaw 8499**

A bylaw to amend Fees and Charges Bylaw 6481, 1992

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

**Citation**

1. This bylaw may be cited as "Fees and Charges Bylaw 6481, 1992 Amendment Bylaw 8499, 2021 (Amendment 73)".

**Amendments**

2. Schedule F of Fees and Charges Bylaw 6481, 1992 is amended by:
  - a) Inserting the text "and Resident Exempt Decal" immediately following "Resident Parking Only Decal"; and,
  - b) inserting the following new fee in the table immediately following "Resident Parking Only and Resident Exempt Decal":

DNV Resident Pay Parking Exemption Pass	\$10.00	Per year
---	---------	----------

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk

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## The Corporation of the District of North Vancouver

### Bylaw 8500

A bylaw to amend Bylaw Notice Enforcement Bylaw 7458, 2004

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

#### Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8500, 2021 (Amendment 60)".

#### Amendments

2. Bylaw Notice Enforcement Bylaw 7458, 2004 is amended by amending the table of Designated Bylaw Contraventions and Penalties in Schedule A in relation to the Street and Traffic Bylaw 7125 by deleting the violations for sections 531 through 535.2 inclusive and substituting the following:

<b>Street and Traffic Bylaw 7125</b>						
<b>Bylaw Section</b>	<b>Description The following fines apply to the contraventions below:</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty: Within 14 days</b>	<b>A3 Late Payment: After 28 days</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
		<b>(\$)</b>	<b>(\$)</b>	<b>(\$)</b>		
529A	Use of Resident Parking Only Permit by unauthorized person	60	45	90	NO	N/A
529B	Use of Resident Exempt Permit/Pass by unauthorized person	60	45	90	NO	N/A
531.1	Fail to affix permit	60	45	90	NO	N/A
531.2	Permit for incorrect zone	60	45	90	NO	N/A
532	Unauthorized transfer of permit	75	55	115	NO	N/A
535.1	Park in a Resident Parking Only Zone without permit/guest pass	60	45	90	NO	N/A
535.2	Park in a Resident Parking Only Zone displaying permit in a vehicle not owned by holder	75	55	115	NO	N/A
535A	Use unauthorized permit	75	55	115	NO	N/A
535B	Park in DNV Resident Pay Parking Exemption Zone longer than permitted	60	45	90	NO	N/A

**READ** a first time

**READ** a second time

**READ** a third time

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk

AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>March 29, 2021</u>
<input type="checkbox"/> Other:	Date: _____

 Dept. Manager	 GM/ Director	 CAO
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## The District of North Vancouver REPORT TO COUNCIL

March 4, 2021  
File: 05.1780/2021

**AUTHOR:** Shirley Young, Section Manager, Financial Planning

**SUBJECT:** 2021 – 2025 Financial Plan Bylaw

**RECOMMENDATION:**

That Bylaw 8502 cited as the “2021 – 2025 Financial Plan Bylaw” is given FIRST, SECOND, and THIRD reading.

**REASON FOR REPORT:**

To adopt the 2021 – 2025 Financial Plan Bylaw based on the draft financial plan with a 3.0% property tax increase.

**SUMMARY:**

Following a series of workshops on the financial plan starting last October, the draft financial plan workbook was introduced to Council and the public on February 8. Public input on the plan closed February 22 and staff were directed to prepare the financial plan bylaw following Council’s financial plan deliberations meeting on March 1.

**EXISTING POLICY:**

The financial plan reflects a 2021 property tax increase of 3% or \$71 on the average residential home. The increase includes 2% to fund municipal operations and 1% to support asset management as the District continues to focus on sustainable service delivery within available financial resources.

The District’s stable and competitive approach to property taxes continues to compare well, reflecting Council’s priorities and a proposed increase amongst the lowest in the region. Staff also continue to pursue municipal finance reforms to reduce structural inequalities within Provincial legislation governing municipalities, including changes to better support business and industry.

The financial plan includes new investments to address both transportation and mobility challenges and affordable and diverse housing needs, and accelerates local actions in response to the global climate emergency. While provincial legislation limits the ways municipalities can respond to the economic impacts of the pandemic, the financial plan does



include emergency provisions. Options to support business (class 6) will be presented at the Property Tax Distribution workshop following adoption of the financial plan bylaw.

**ANALYSIS:**

The 2021-2025 Financial Plan contains the District's proposed 3% property tax increase, approved utility rate increases, operating and capital budgets and highlights of the work program.

The total budget for 2021 is \$327.1 million including \$178.9 million in operations, \$87 million in capital expenditures, \$2.8 million in debt service and \$58.4 million in contributions to reserves. The financial plan is presented in Schedule A of Bylaw 8502. The bylaw also includes a Revenue Disclosure Statement and Capital Plan Appropriations from Reserves in Schedules B and C respectively.

The five-year Capital Plan is \$471.6 million with approximately half invested in existing capital and the other half invested in new capital and initiatives including the following priorities:

- \$32.3 million for walking and cycling connections and transit
- \$41.6 million social and supportive housing (rezoning DNV lands under consideration)
- \$12.5 million for climate adaptation and mitigation
- \$51.2 million for the new Maplewood Fire and Rescue Center (of which \$15.2 million was approved in prior years) including approximately \$8 million to remediate and properly dispose of old landfill material on the chosen site
- \$10.3 million for new sport fields at Inter River Park and Argyle Secondary School (of which \$3.1 million was approved in prior years)
- \$18 million for construction of Lynn Creek Community Centre (of which \$11.7 million was approved in prior years). The new centre will include child care spaces.

The "Five Year Capital Details" section of the financial plan workbook includes the full list of new capital projects. In 2021, the net change in capital reserves after contributions and appropriations is a draw of \$10 million with a projected combined ending balance of \$126.3 million at the end of the year (refer to the last page of Schedule C).

**Timing/Approval Process:**

Financial planning processes in local government follow cycles driven by a variety of events and legislative requirements. All municipalities in BC must have a financial plan (or budget) that is adopted annually, by bylaw, before the annual property tax bylaw is adopted. The financial plan may be amended by bylaw at any time. Generally, the bylaw is amended twice a year: once in spring and once in fall. The bylaw authorizes continued operations until Council adopts the 2022 – 2026 Financial Plan. Early adoption enables earlier procurement thereby securing services and potential cost savings in competitive markets.

The financial plan bylaws must be adopted no later than April 12. The Property Tax Distribution workshop is scheduled for April 19.

**Financial Impacts:**

The Financial Plan bylaw is based on the draft workbook introduced on February 8, 2021.

Respectfully submitted,



Shirley Young  
Section Manager, Financial Planning

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

**Bylaw 8502**

A bylaw to approve the 2021 Financial Plan for the five years ending December 31,  
2025 pursuant to section 165 of the *Community Charter*

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

**Citation**

1. This bylaw may be cited as "2021-2025 Financial Plan Bylaw 8502, 2021".

**Approval of Financial Plan**

2. The 2021-2025 Financial Plan, as set out in Schedule A, for the five years ending December 31, 2025 is approved.

**Reserve Fund Appropriations**

3. The 2021-2025 Financial Plan reserve fund appropriations, as set out in Schedule C, are approved.

**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 8502**  
**District of North Vancouver**  
**2021-2025 Financial Plan**  
**(\$000)**

	2020	2021	2022	2023	2024	2025
<b>Revenue</b>						
Taxation	\$ 111,908	\$ 117,287	\$ 122,073	\$ 128,293	\$ 133,532	\$ 138,235
Sales, Fees, and Other User Charges	98,008	99,160	104,709	109,519	116,566	121,008
Developer Contributions	14,932	11,065	19,487	11,979	13,610	11,259
Grants and Other Contributions	14,330	3,683	3,193	3,351	3,161	2,047
Investment Income	4,963	3,521	4,022	4,597	4,696	4,976
Penalties & Interest on Taxes	825	870	887	905	923	942
	244,966	235,586	254,371	258,644	272,488	278,467
<b>Proceeds from Borrowing</b>	3,625	15,565	23,316	7,631	2,350	5,700
<b>Appropriations from:</b>						
Operating Reserves	7,792	8,782	5,425	3,723	1,414	1,849
Capital Reserves	79,681	67,196	88,284	98,146	65,023	88,797
	87,473	75,978	93,709	101,869	66,437	90,646
<b>Source of Funds</b>	<b>\$ 336,064</b>	<b>\$ 327,129</b>	<b>\$ 371,396</b>	<b>\$ 368,144</b>	<b>\$ 341,275</b>	<b>\$ 374,813</b>
<b>Operating Expenditures</b>						
Community Services	\$ 40,854	\$ 42,608	\$ 43,588	\$ 44,436	\$ 45,478	\$ 46,188
Planning and Development	13,062	13,619	13,091	13,335	13,663	13,837
Protective Services	43,965	45,130	45,970	46,846	47,905	48,918
Transportation and Engineering	9,345	9,167	9,043	9,058	9,306	9,420
Utilities	48,427	49,796	53,856	58,980	65,040	72,034
Governance and Admin	17,415	18,556	17,043	15,042	15,011	15,490
	173,068	178,876	182,591	187,697	196,403	205,887
<b>Capital Expenditures</b>	89,238	87,045	114,181	108,413	69,078	92,864
<b>Debt Service</b>	2,762	2,762	2,942	4,363	4,817	4,817
<b>Contributions to:</b>						
Operating Reserves	9,414	3,272	3,903	6,269	7,592	8,334
Capital Reserves	61,582	55,174	67,779	61,402	63,385	62,911
	70,996	58,446	71,682	67,671	70,977	71,245
<b>Use of Funds</b>	<b>\$ 336,064</b>	<b>\$ 327,129</b>	<b>\$ 371,396</b>	<b>\$ 368,144</b>	<b>\$ 341,275</b>	<b>\$ 374,813</b>



**Schedule B to Bylaw 8502**  
**District of North Vancouver**  
**2021 Revenue Disclosure Statement**

**Revenue from each Funding Source**

The proportion of total revenue to be raised from each funding source in 2021 is shown in the table to the right. Property tax is an indirect tax on wealth and accounts for the greatest proportion of municipal revenues. The system of property taxation is relatively easy to administer and understand. It provides a stable and consistent source of revenue for services that provide general community benefits that can be often difficult to fund on a user-pay basis.

Sales, fees and user charges form the second largest portion of planned revenue. Many municipal services, such as water and sewer usage, can be measured and charged on a user-pay basis. This methodology strives to fairly distribute the costs of a municipal service to those who make use of it. Other services (e.g. recreation) which have both a private and community benefit are funded through both user fees and municipal taxes.

Other sources of revenue include developer contributions, government grants and other external contributions. These sources of revenue are difficult to predict and can fluctuate significantly from year to year. In 2021, government grants and developer contributions in the form of community amenity contributions are expected to decrease.

Proceeds from borrowing make up the last source of funding and is used for asset replacement or acquisition of new assets.

Funding Source	% Revenues	
	2020	2021
Taxation		
Property Value Taxes	45.0%	47.1%
Parcel Taxes	0.0%	0.0%
Sales, Fees and User Charges	39.4%	41.1%
Other Sources	14.1%	5.5%
Proceeds From Borrowing	1.5%	6.3%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>

**Property Tax Burden**

The property tax burden for each property class is shown in the table on the right. The tax distribution detailed for 2021 is consistent with the current tax strategy approved by Council in 2009 that aligns the District tax rates with the average for Metro Vancouver, or the capped rate (if applicable) and relevant Ports Property Tax Act impacts. This strategy considers some shifting of the tax burden between classes if the tax base for a property class is not sufficient to be corrected by investment alone. It is expected that the competitiveness of the municipality as a place to do business will benefit from this policy. Ensuring policy objectives continue to support the taxpayers, the District continues to work with the Province to achieve solutions to inequalities presented in Provincial Port regulations as well as attaining workable solutions to assessment valuation issues affecting the success of select small businesses. Council's tax strategy is based on the principles of equity, fairness, and responsiveness to community goals. Proportionate relationships between property classes can be affected by Council's economic policies, provincially legislated tax incentive programs and new permissive and statutory exemptions.

Property Class	% Property Tax	
	2020	2021
Residential	71.7%	71.8%
Utilities	0.2%	0.2%
Major Industry	10.2%	10.1%
Light Industry	0.9%	0.9%
Business	16.7%	16.7%
Recreation	0.3%	0.3%
<b>TOTAL</b>	<b>100.0%</b>	<b>100.0%</b>

**Permissive Tax Exemptions**

Permissive tax exemptions represent approximately \$445,109 in foregone tax revenues. Council grants permissive tax exemptions based on Section 224 of the Community Charter on “use of property” not based upon the charitable status of the organization as a whole. Organizations that contribute to the well-being of citizens within the municipality by improving their quality of life and effectively enhancing community services are eligible.



**Schedule C to Bylaw 8502**  
**District of North Vancouver**  
**2021 Capital Plan Reserve Fund Appropriations**  
**(\$000)**

Program	Cost	EXISTING CAPITAL			LAND AND HOUSING		NEW CAPITAL			DEVELOPMENT			OTHERS		SURPLUS
		Infrast. Reserve	Fleet & Equipment	Utilities	Land	Housing	Transp. & Mobility	Community Health & Safety	Climate and Innovation	Develop. Cost Charges	Community Amenity Contrib.	Offsite/ Private	Borrowing	Grants	General Surplus
NEW CAPITAL AND INITIATIVES															
Civic Facilities & Equipment															
Operations Facilities & Equipment															
Fire Truck Replace / Upgrade	1,400	-	1,400	-	-	-	-	-	-	-	-	-	-	-	-
Operations Centre Study & Minor Upgrades	740	740	-	-	-	-	-	-	-	-	-	-	-	-	-
Climate Adaptation, Mitigation & Natural Hazards															
Adaptation															
Culvert Upgrades - Marion Road 2021	355	-	-	178	-	-	-	-	-	-	-	178	-	-	-
Flood Protection - Maplewood and Upper Mackay Creek	1,470	18	-	1,144	-	-	-	-	-	158	-	-	-	150	-
Panorama Creek - Channel Upgrades	480	-	-	240	-	-	-	-	-	-	-	240	-	-	-
(Equipment Phase 1& 2, Provincial Program)	1,129	-	-	-	-	-	-	979	-	-	-	-	-	150	-
Mitigation															
Corporate Emissions - Audit Top Emitters	265	-	-	-	-	-	-	-	265	-	-	-	-	-	-
Electric Vehicle Charging Stations (RCMP)	22	22	-	-	-	-	-	-	-	-	-	-	-	-	-
Community Facilities, Arts & Culture															
Community Facilities															
Lynn Creek Community Centre	6,247	6,247	-	-	-	-	-	-	-	-	-	-	-	-	-
Old Delbrook Community Centre Decommission	300	-	-	-	-	-	-	300	-	-	-	-	-	-	-
Seymour / Maplewood Community Hub	105	20	-	-	-	-	-	55	-	-	30	-	-	-	-
Community Plazas															
Plazas – Developer contributed	2,500	-	-	-	-	-	-	-	-	-	-	2,500	-	-	-
Library, Archives & Exhibits															
Electric Vehicle	50	-	-	-	-	-	-	-	-	-	-	-	-	-	50
Book Carts Replacement and Upgrade	70	35	-	-	-	-	-	35	-	-	-	-	-	-	-
Website Redesign	120	-	-	-	-	-	-	120	-	-	-	-	-	-	-
Facility Upgrades Phase 2 - Planning	100	80	-	-	-	-	-	20	-	-	-	-	-	-	-
Public Art & Heritage															
Lynn Creek Public Art	800	-	-	-	-	-	-	-	-	-	800	-	-	-	-
Lynn Valley Public Art	400	-	-	-	-	-	-	-	-	-	400	-	-	-	-

**2021 Capital Details and Reserve Appropriations, continued (000s)**

Program	Cost	EXISTING CAPITAL			LAND AND HOUSING		NEW CAPITAL			DEVELOPMENT			OTHERS		SURPLUS
		Infrast. Reserve	Fleet & Equipment	Utilities	Land	Housing	Transp. & Mobility	Community Health & Safety	Climate and Innovation	Develop. Cost Charges	Community Amenity Contrib.	Offsite/Private	Borrowing	Grants	
<b>Parks &amp; Open Spaces</b>															
Community Parks															
Lynn Valley Kirkstone Pathways and Lighting upgrades	250		-	-	-	-	-	-	-	30	220	-	-	-	-
Myrtle Park Multi-Purpose Sports Box	600	600													
Parks Fleet Addition - Field Arborist	50	-	-	-	-	-	-	50	-	-	-	-	-	-	-
District Level Parks															
Gates Park Facilities Expansion	200	-	-	-	-	-	-	200	-	-	-	-	-	-	-
Sport Fields															
Argyle Artificial Turf Field	3,500	-	-	-	-	-	-	1,750	-	-	-	-	1,750	-	-
Delbrook Park Fieldhouse	200	176	-	-	-	-	-	-	-	24	-	-	-	-	-
Sport Field Minor Upgrades & Safety Standards	133	83	-	-	-	-	-	50	-	-	-	-	-	-	-
William Griffin Artificial Turf Field - Structural	300	300	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Public Safety</b>															
Fire & Rescue															
Maplewood Fire & Rescue Facility & Site Remediation	12,672	-	-	-	-	-	-	-	-	-	-	-	12,672	-	-
Operations Facilities & Equipment															
Fire Fleet Addition - Decontamination System	26	-	-	-	-	-	-	26	-	-	-	-	-	-	-
Fire Technology Improvements	40	-	-	-	-	-	-	40	-	-	-	-	-	-	-
Minor Fire Facility & Equipment Improvements	150	-	-	-	-	-	-	150	-	-	-	-	-	-	-
Deep Cove Camera & Weather System	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Social &amp; Supportive Housing</b>															
Social Housing															
Capilano / Marine - West 16th Supportive Housing	960	-	-	-	-	960	-	-	-	-	-	-	-	-	-
Lynn Valley - Kiwanis Seniors Living	1,346	-	-	-	-	1,346	-	-	-	-	-	-	-	-	-
<b>Technology</b>															
Fibre Optic Network															
Network Extensions (LG, Lower Lynn, Maplewood)	200	-	-	-	-	-	-	200	-	-	-	-	-	-	-

**2021 Capital Details and Reserve Appropriations, continued (000s)**

Program	Cost	EXISTING CAPITAL			LAND AND HOUSING		NEW CAPITAL			DEVELOPMENT			OTHERS		SURPLUS	
		Infrast. Reserve	Fleet & Equipment	Utilities	Land	Housing	Transp. & Mobility	Community Health & Safety	Climate and Innovation	Develop. Cost Charges	Community Amenity Contrib.	Offsite/Private	Borrowing	Grants	General Surplus	
Transportation																
Active Transportation																
Cycling - Equipment	150	-	75	-	-	-	75	-	-	-	-	-	-	-	-	-
Cycling Routes																
CNV border-Harbour Ave (Main St Cycle Link)	150	-	-	-	-	-	-	-	-	-	-	-	150	-	-	-
Edgemont - Queensdale	350	-	-	-	-	-	350	-	-	-	-	-	-	-	-	-
Lions Gate Village-CNV Border	420	-	-	-	-	-	300	-	-	-	-	-	-	120	-	-
Lynn Valley TC - Lynn Creek TC (East)	150	-	-	-	-	-	150	-	-	-	-	-	-	-	-	-
Lynn Valley TC - Lynn Creek TC (West)	1,400	-	-	-	-	-	700	-	-	-	-	-	-	700	-	-
West Van border - Tatlow Ave (Marine Dr Cycle Link)	250	-	-	-	-	-	-	-	-	-	-	-	63	188	-	-
Safety & Mobility																
Safety & Active Transportation	287	177	-	-	-	-	45	-	-	65	-	-	-	-	-	-
Safety & Traffic Calming	450	-	-	-	-	-	200	-	-	-	-	-	250	-	-	-
Emergency Response Facilities	75	-	-	-	-	-	75	-	-	-	-	-	-	-	-	-
Sidewalks																
Upper Capilano - Montroyal Blvd (South)	50	-	-	-	-	-	50	-	-	-	-	-	-	-	-	-
Lynn Valley - Frederick (North)	300	-	-	-	-	-	-	-	-	-	-	-	300	-	-	-
Seymour - Dollarton (North) 2021	330	-	-	-	-	-	-	-	-	-	-	-	330	-	-	-
Urban Trails																
Fairmont Park	125	-	-	-	-	-	125	-	-	-	-	-	-	-	-	-
Spirit Trail (Eastern Segment)	200	-	-	-	-	-	100	-	-	-	-	-	50	50	-	-
Roads & Bridges																
Road Upgrades - Centres	3,000	-	-	-	-	-	-	-	-	-	-	3,000	-	-	-	-
Street Lighting Upgrade	600	300	-	-	-	-	300	-	-	-	-	-	-	-	-	-
Traffic Safety & Monitoring - Railway Crossings	455	-	-	-	-	-	455	-	-	-	-	-	-	-	-	-
Transit																
MOTI Partnership Project - Lower Lynn Connectivity	900	-	-	-	-	-	400	-	-	-	500	-	-	-	-	-
Upgrades to Transit Shelters, Transit Stops	300	-	-	-	-	-	300	-	-	-	-	-	-	-	-	-
Utilities																
Storm Water Utility																
Culvert Replacements	3,250	-	-	2,860	-	-	-	-	-	390	-	-	-	-	-	-
Utility Mains																
Sewer Main Upgrades Town Centers	900	-	-	9	-	-	-	-	-	891	-	-	-	-	-	-
Storm Main Upgrades Town Centers	550	-	-	4	-	-	-	-	-	547	-	-	-	-	-	-
Waste Management																
Waste Management Equipment	250	-	250	-	-	-	-	-	-	-	-	-	-	-	-	-
Contingency																
Capital Plan Contingency	1,300	500	100	-	-	-	200	200	-	-	-	300	-	-	-	-
New Capital and Initiatives Total	53,372	9,297	1,825	4,434	-	2,306	3,825	4,175	265	2,105	1,950	6,218	15,565	1,358	-	50

**2021 Capital Details and Reserve Appropriations, continued (000s)**

Program	Cost	EXISTING CAPITAL			LAND AND HOUSING		NEW CAPITAL			DEVELOPMENT			OTHERS		SURPLUS
		Infrast. Reserve	Fleet & Equipment	Utilities	Land	Housing	Transp. & Mobility	Community Health & Safety	Climate and Innovation	Develop. Cost Charges	Community Amenity Contrib.	Offsite/Private	Borrowing	Grants	
EXISTING CAPITAL															
Civic Facilities & Equipment															
General Provision - All Facilities															
Facility Maintenance Block Funding	1,609	1,609	-	-	-	-	-	-	-	-	-	-	-	-	-
Operations Facilities & Equipment															
DNV Municipal Hall	440	440	-	-	-	-	-	-	-	-	-	-	-	-	-
Facility Maintenance Block Funding				-	-	-	-	-	-	-	-	-	-	-	-
Fleet Services	1,228	260	968		-	-	-	-	-	-	-	-	-	-	-
Garbage Compacting Containers	50	-		50	-	-	-	-	-	-	-	-	-	-	-
Operations Centre	584	584	-	-	-	-	-	-	-	-	-	-	-	-	-
Overhead	542	542	-	-	-	-	-	-	-	-	-	-	-	-	-
Store Improvement	40	40	-	-	-	-	-	-	-	-	-	-	-	-	-
Community Facilities, Arts & Culture															
Community Facilities															
Deep Cove Cultural Centre	10	10	-	-	-	-	-	-	-	-	-	-	-	-	-
Lynn Valley Preschool	15	15													
Lynnmoor Jaycee House	30	30	-	-	-	-	-	-	-	-	-	-	-	-	-
Mollie Nye House	8	8	-	-	-	-	-	-	-	-	-	-	-	-	-
Museum Equipment	14	14	-	-	-	-	-	-	-	-	-	-	-	-	-
Pemberton Community Centre	46	46													
Recreation Equipment	217	217	-	-	-	-	-	-	-	-	-	-	-	-	-
Recreation Facilities	1,118	1,118	-	-	-	-	-	-	-	-	-	-	-	-	-
Recreation Technology	133	133	-	-	-	-	-	-	-	-	-	-	-	-	-
Library, Archives & Exhibits															
Library Collection	593	593	-	-	-	-	-	-	-	-	-	-	-	-	-
Library Facilities & Equipment	130	130	-	-	-	-	-	-	-	-	-	-	-	-	-
Library Technology	228	228	-	-	-	-	-	-	-	-	-	-	-	-	-
Museum Facilities	84	84	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Art & Heritage															
Public Art	50	50	-	-	-	-	-	-	-	-	-	-	-	-	-
Lands & Real Estate															
Other Lands															
Commercial Buildings Provision	30	30	-	-	-	-	-	-	-	-	-	-	-	-	-
Lynn Valley Village	5	5	-	-	-	-	-	-	-	-	-	-	-	-	-

**2021 Capital Details and Reserve Appropriations, continued (000s)**

Program	Cost	EXISTING CAPITAL			LAND AND HOUSING		NEW CAPITAL			DEVELOPMENT			OTHERS		SURPLUS
		Infrast. Reserve	Fleet & Equipment	Utilities	Land	Housing	Transp. & Mobility	Community Health & Safety	Climate and Innovation	Develop. Cost Charges	Community Amenity Contrib.	Offsite/Private	Borrowing	Grants	General Surplus
<b>Parks &amp; Open Spaces</b>															
Community Parks															
Deep Cove Canoe & Kayak Centre	13	13	-	-	-	-	-	-	-	-	-	-	-	-	-
Lynn Canyon Park	50	50	-	-	-	-	-	-	-	-	-	-	-	-	-
Overhead	152	152	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Golf	876	876	-	-	-	-	-	-	-	-	-	-	-	-	-
Road Network - Other	19	19	-	-	-	-	-	-	-	-	-	-	-	-	-
Urban Parkland	1,825	1,825	-	-	-	-	-	-	-	-	-	-	-	-	-
Natural Parkland & Alpine Trails															
Natural Parkland	495	495	-	-	-	-	-	-	-	-	-	-	-	-	-
Overhead	34	34	-	-	-	-	-	-	-	-	-	-	-	-	-
Sport Fields															
Overhead	5	5	-	-	-	-	-	-	-	-	-	-	-	-	-
Sport Fields	189	189	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Public Safety</b>															
Fire & Rescue															
Fire Facilities & Equipment	622	397	225	-	-	-	-	-	-	-	-	-	-	-	-
Police Services															
Police Facilities & Equipment	150	150	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Technology</b>															
Applications & Hardware															
Application Enhancements	750	750	-	-	-	-	-	-	-	-	-	-	-	-	-
Business Systems Specialists	330	330	-	-	-	-	-	-	-	-	-	-	-	-	-
Corporate Hardware Refresh	500	500	-	-	-	-	-	-	-	-	-	-	-	-	-
Digital Transformation	750	750	-	-	-	-	-	-	-	-	-	-	-	-	-


**2021 Capital Details and Reserve Appropriations, continued (000s)**


Program	Cost	EXISTING CAPITAL			LAND AND HOUSING		NEW CAPITAL			DEVELOPMENT			OTHERS		SURPLUS
		Infrastr. Reserve	Fleet & Equipment	Utilities	Land	Housing	Transp. & Mobility	Community Health & Safety	Climate and Innovation	Develop. Cost Charges	Community Amenity Contrib.	Offsite/Private	Borrowing	Grants	
<b>Transportation</b>															
Active Transportation															
Sidewalk	500	500	-	-	-	-	-	-	-	-	-	-	-	-	-
Roads & Bridges															
Overhead	454	454	-	-	-	-	-	-	-	-	-	-	-	-	-
Road Network - Other	227	227	-	-	-	-	-	-	-	-	-	-	-	-	-
Road Network - Paving	4,525	4,195	-	-	-	-	-	-	-	-	-	-	-	330	-
Road/Utility Development Opportunities	300	300	-	-	-	-	-	-	-	-	-	-	-	-	-
Street Lighting	190	190	-	-	-	-	-	-	-	-	-	-	-	-	-
Traffic Operations	270	270	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Utilities</b>															
Storm Water Utility															
Overhead	205	-	-	181	-	-	-	-	-	24	-	-	-	-	-
Special Watercourses	2,260	-	-	2,003	-	-	-	-	-	257	-	-	-	-	-
Storm Main	430	-	-	379	-	-	-	-	-	51	-	-	-	-	-
Utility Mains															
Equipment	75	-	-	75	-	-	-	-	-	-	-	-	-	-	-
Overhead	1,000	-	-	881	-	-	-	-	-	119	-	-	-	-	-
Sewer Main	1,850	-	-	1,630	-	-	-	-	-	220	-	-	-	-	-
Lift Stations	420	-	-	370	-	-	-	-	-	50	-	-	-	-	-
PRV Stations	140	-	-	123	-	-	-	-	-	17	-	-	-	-	-
Pump Stations	1,130	-	-	996	-	-	-	-	-	134	-	-	-	-	-
Water Reservoirs	70	-	-	62	-	-	-	-	-	8	-	-	-	-	-
Water Main	5,655	-	-	4,983	-	-	-	-	-	672	-	-	-	-	-
<b>Overhead</b>															
Unallocated Overhead	7	7	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Existing Capital Total</b>	<b>33,673</b>	<b>18,865</b>	<b>1,193</b>	<b>11,733</b>	-	-	-	-	-	<b>1,552</b>	-	-	-	<b>330</b>	-
<b>2021 Capital Budget</b>	<b>87,045</b>	<b>28,162</b>	<b>3,018</b>	<b>16,167</b>	-	<b>2,306</b>	<b>3,825</b>	<b>4,175</b>	<b>265</b>	<b>3,657</b>	<b>1,950</b>	<b>6,218</b>	<b>15,565</b>	<b>1,688</b>	<b>50</b>
<b>2021 Projected Opening Reserve Balances</b>	<b>136,283</b>	<b>33,019</b>	<b>2,919</b>	<b>35,690</b>	<b>8,213</b>	<b>2,604</b>	<b>3,953</b>	<b>6,203</b>	<b>536</b>	<b>26,780</b>	<b>16,366</b>				
Add: Contributions and Interest	55,168	22,878	1,994	17,920	2,376	555	2,396	341	460	4,688	1,560				
Less: Appropriations															
Operating	681	-	-	120	-	-	-	-	561	-	-	-	-	-	-
Capital	63,525	28,162	3,018	16,167	-	2,306	3,825	4,175	265	3,657	1,950	-	-	-	-
Debt Repayment/Stabilization	990	990	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>2021 Projected Closing Reserve Balances</b>	<b>126,255</b>	<b>26,745</b>	<b>1,895</b>	<b>37,323</b>	<b>10,589</b>	<b>853</b>	<b>2,524</b>	<b>2,369</b>	<b>170</b>	<b>27,811</b>	<b>15,976</b>				

Note: 2021 Projected Opening Reserve Balances are updated from the Draft Financial Plan numbers based on current available information.



AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>MARCH 29, 2021</u>
<input type="checkbox"/> Other:	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;

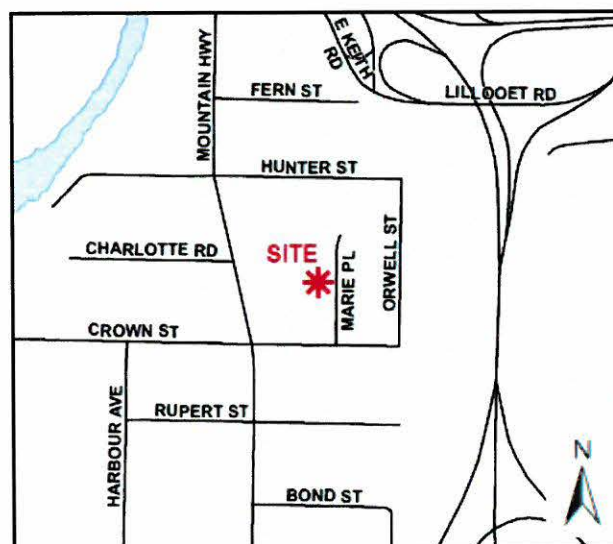
AND THAT Bylaw 8496 be referred to a Public Hearing.

### 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 m<sup>2</sup> (44,525 sq. ft.) in area as well as a 5m wide portion of the Marie Place road allowance that totals 538.8 m<sup>2</sup> (5,800 sq. ft.) in area. The gross site area is 4,675.3 m<sup>2</sup> (50,325 sq. ft.)

The proposal includes park dedication of two existing lots of 778.4 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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:

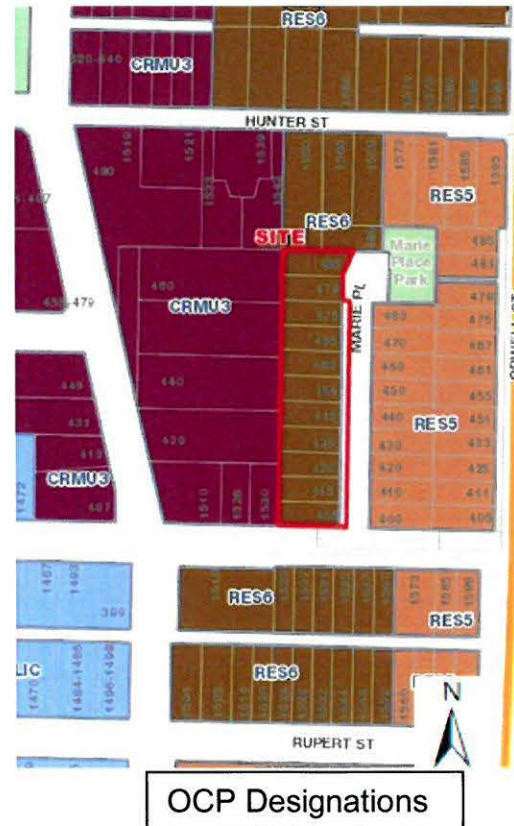
The project has been reviewed against the Lower Lynn Town Centre Implementation Plan (Lynn Creek Plan) and the Lynn Creek Public Realm Guidelines. The Lynn Creek Plan anticipates multi-family residential development in the form of mid-rise apartments on this site, at a height of approximately six storeys.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

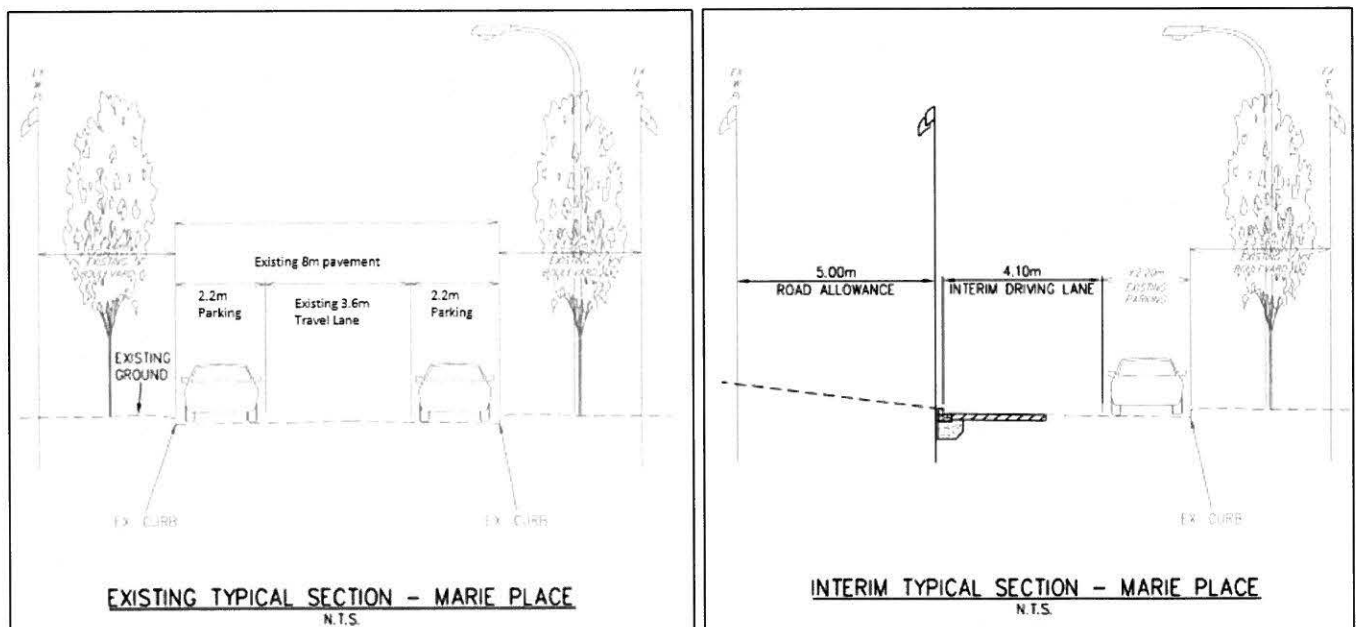
The project would dedicate two existing lots to the municipality to allow for the expansion of Marie Place Park. The project would also provide a financial contribution towards the construction of the future Green Spine linear park which is an important feature within the Lynn Creek Town Centre.

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.



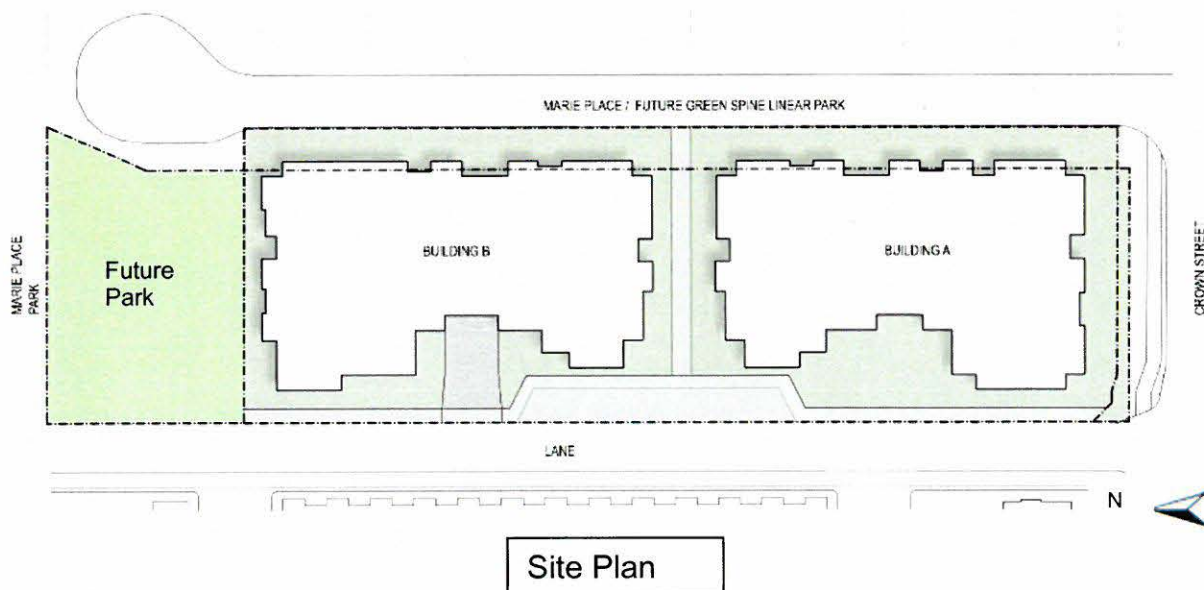
## Zoning

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 m<sup>2</sup> (547 sq. ft.) to 100 m<sup>2</sup> (1,075 sq. ft.). The buildings are approximately 5,808 m<sup>2</sup> (62, 515 sq. ft.) and 5,880 m<sup>2</sup> (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 kgCO<sub>2</sub>e/m<sup>2</sup>/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 m<sup>2</sup> (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

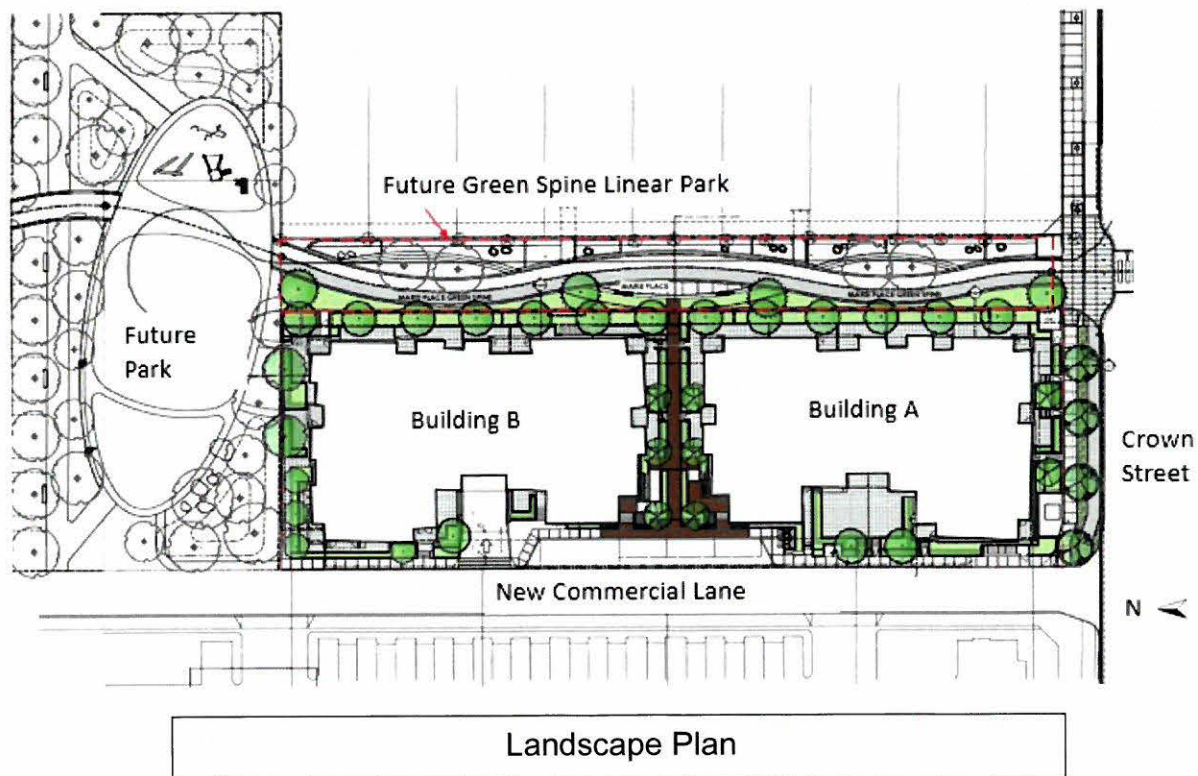
The District's Residential Tenant Relocation Assistance Policy (RTRAP) applies to rezoning applications that require the demolition of any building or combination of buildings containing more than four rental dwelling units, at the time of submission of the detailed application. The policy was amended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



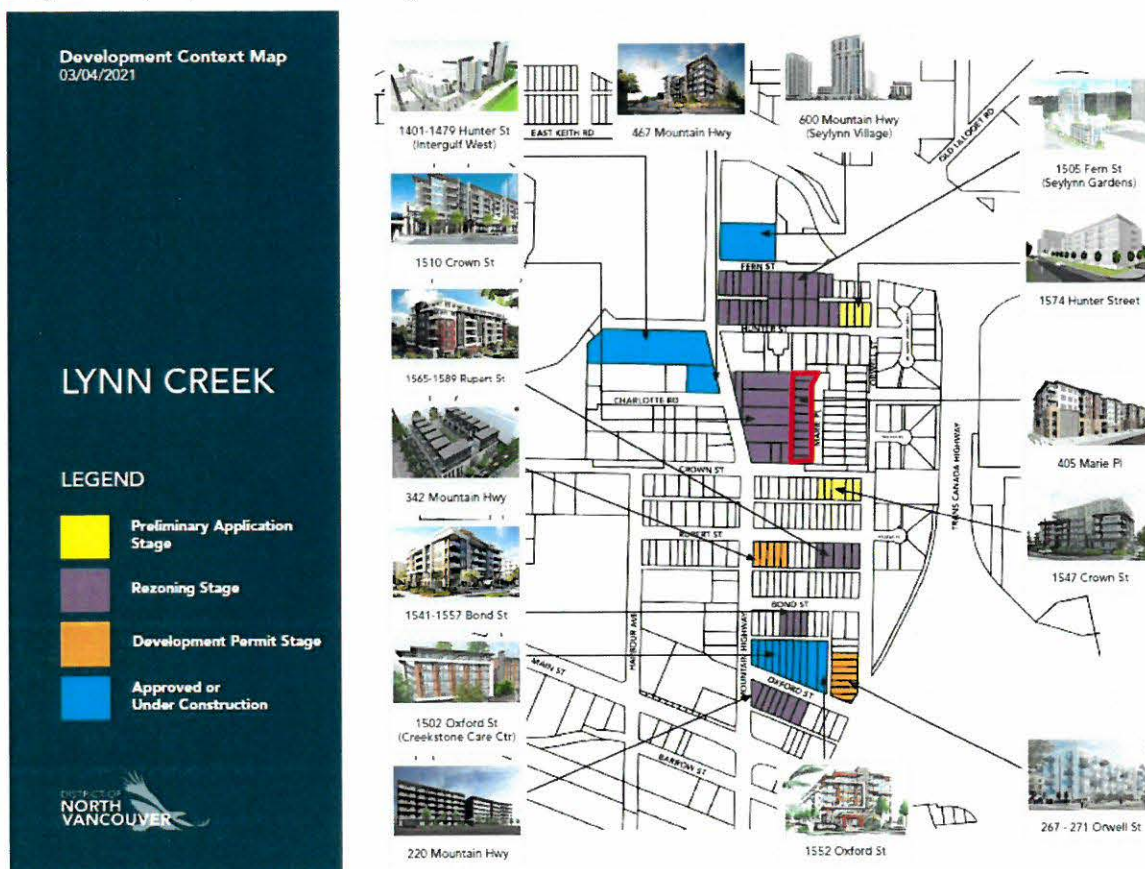
Concurrence:

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

**SUBJECT: Bylaws 8496 and 8497: Rezoning and Housing Agreement Bylaw for  
405-489 Marie Place**

**March 9, 2021**

**Page 15**

<b>REVIEWED WITH:</b>					
<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	_____
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<input type="checkbox"/> Review and Compliance	_____	<input type="checkbox"/> Planning	_____		



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View from Crown Street and Marie Place

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PANEL  
SUBMISSION**

FEBRUARY 6, 2020

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

**RENDERINGS**

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Attachment 1

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FEBRUARY 6, 2020

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

RENDERINGS

38



View from New Lane





View of Pedestrian Path between Buildings

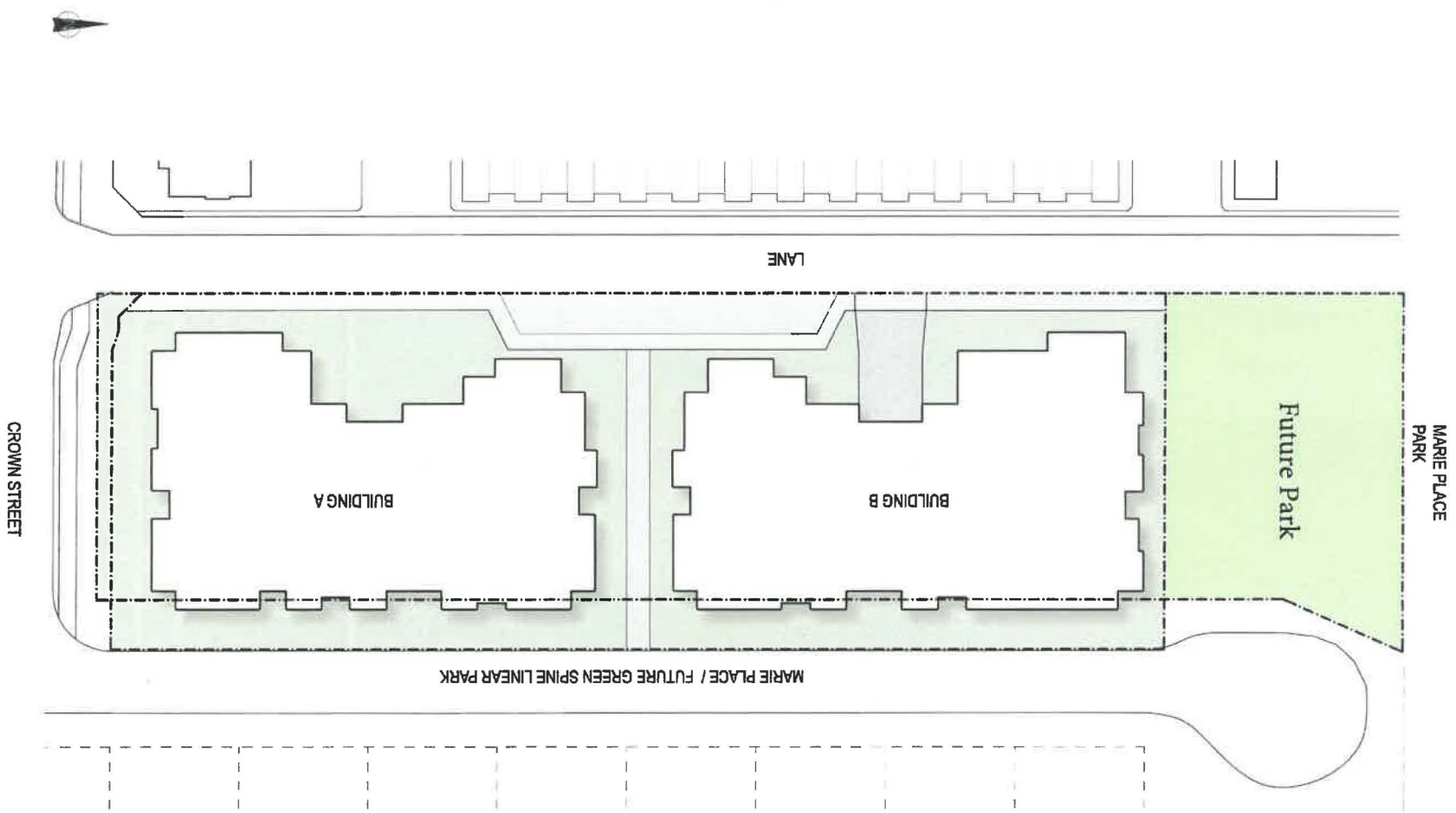
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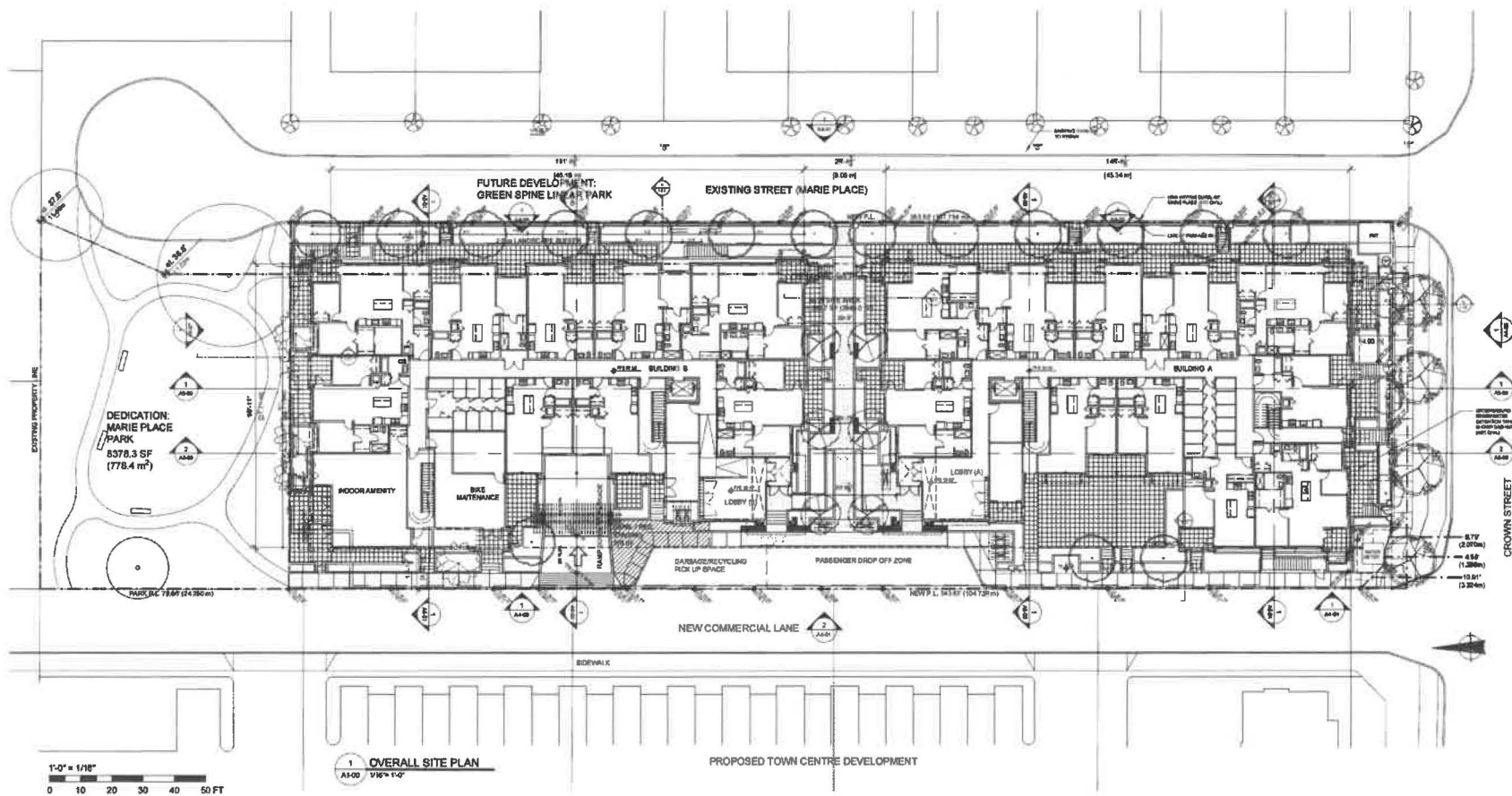
FEBRUARY 6, 2020

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

**RENDERINGS**

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FEBRUARY 6, 2020

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

SITE PLAN

7



**ADVISORY  
DESIGN  
PANEL  
SUBMISSION**

FEBRUARY 6, 2020

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

**ELEVATIONS**

9

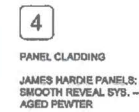
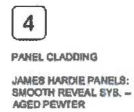


PROPOSED ELEVATION (MARIE PL.)



PROPOSED ELEVATION (LANE)

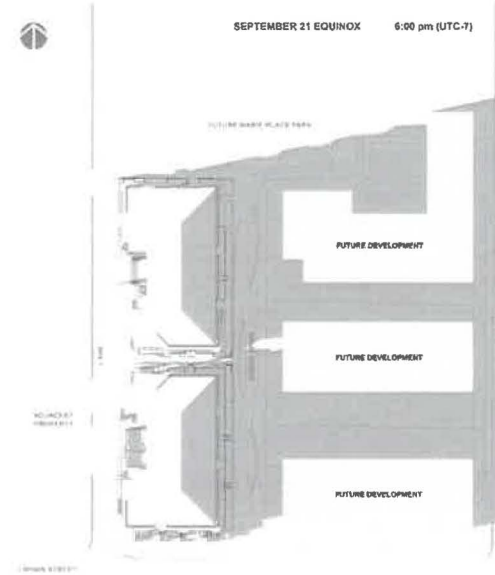
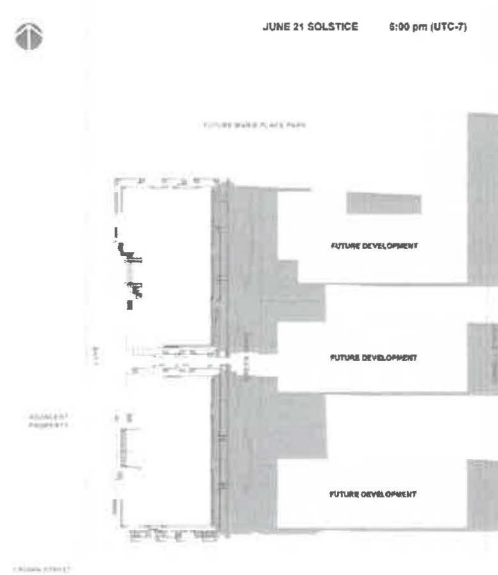
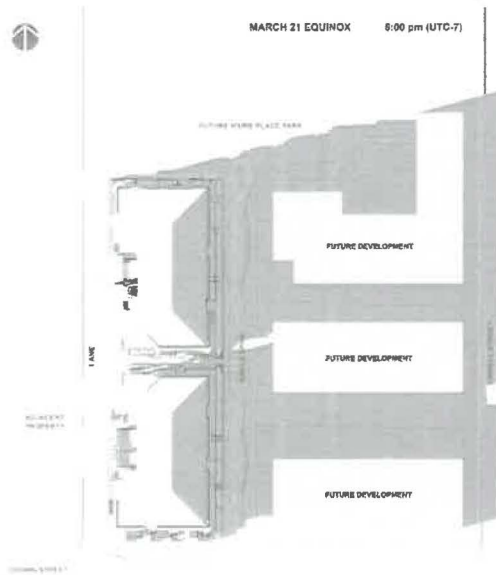
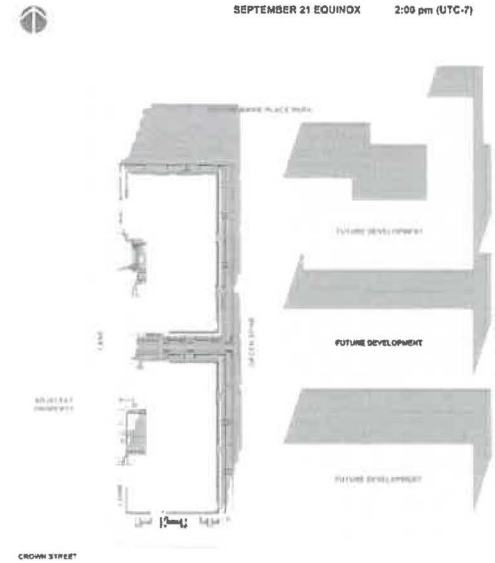
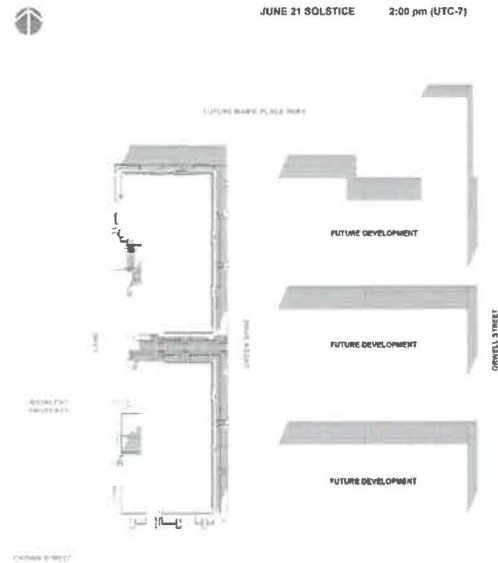
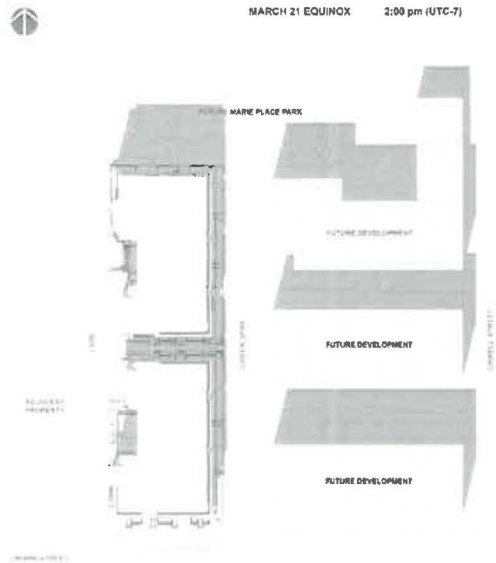




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<p>ADVISORY DESIGN PANEL SUBMISSION</p> <p>FEBRUARY 6, 2020</p>
<p>MARIE PLACE</p> <p>405-485 Marie Place, North Vancouver, BC</p>
<p>SHADOW ANALYSIS</p>
<p>40</p>





**ADVISORY  
DESIGN  
PANEL  
SUBMISSION**

FEBRUARY 6, 2020

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

**SHADOW  
ANALYSIS**

41



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)

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NO.	DATE	REVISIONS
1	SEP 15, 2019	ISSUED FOR PERMIT APPLICATION

PROJECT NAME	405 ~ 485 MARIE PLACE
CLIENT	FAIRBORNE
ARCHITECT	engage architecture
DATE	SEP 15, 2019

PROJECT NAME	405 ~ 485 MARIE PLACE
CLIENT	FAIRBORNE
ARCHITECT	engage architecture
DATE	SEP 15, 2019

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ARCHITECT	engage architecture
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ARCHITECT	engage architecture
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ARCHITECT	engage architecture
DATE	SEP 15, 2019

PROJECT NAME	405 ~ 485 MARIE PLACE
CLIENT	FAIRBORNE
ARCHITECT	engage architecture
DATE	SEP 15, 2019





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	REVISED FOR 100% CONSTRUCTION

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

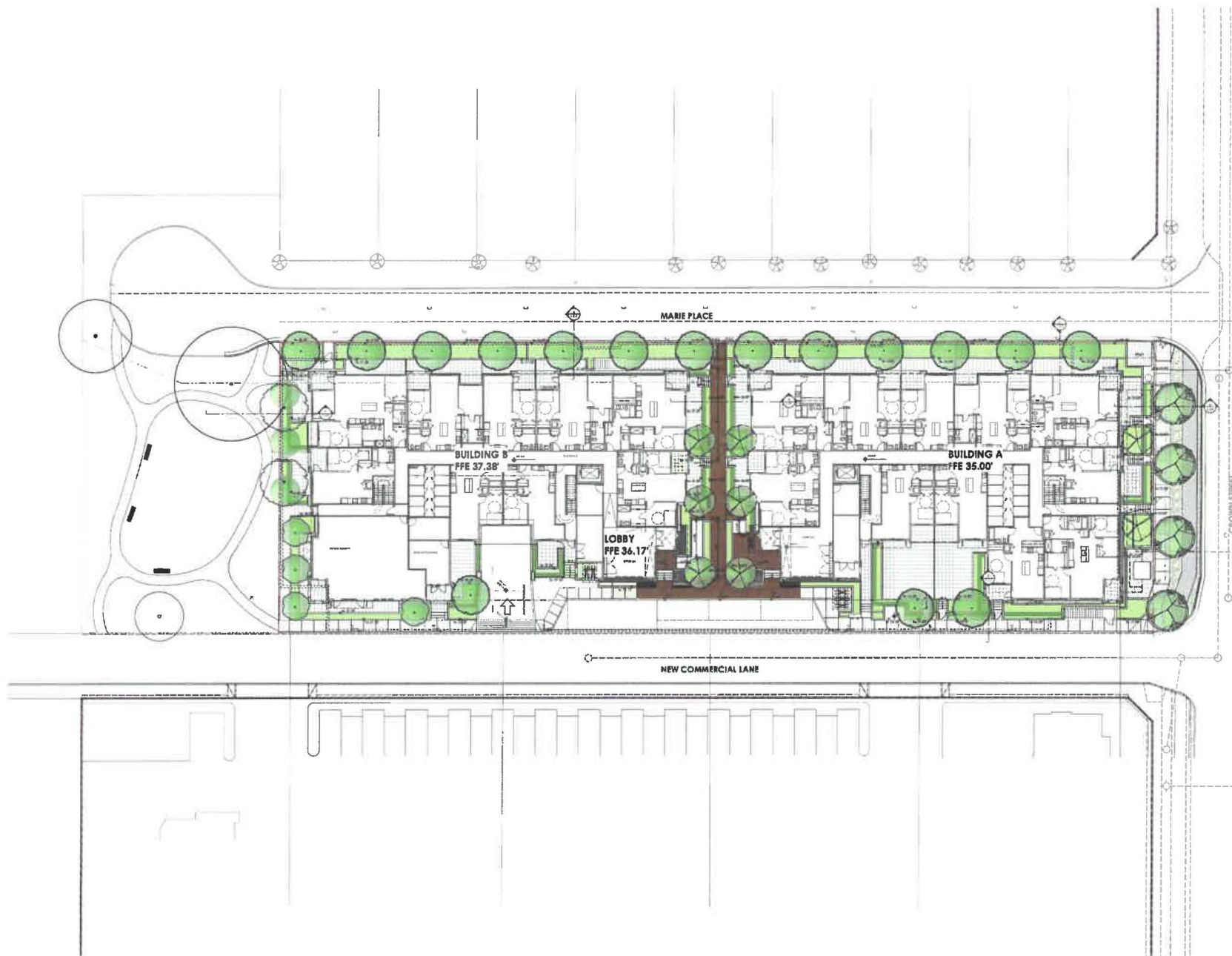
PROJECT # 18.32

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

RENDERINGS  
& PERSPECTIVES

KS DEP  
SEP 17, 2019 N.T.B.

A9-02



1 Sept 17, 2019 Issued for DP  
 no: 101011  
 date: 10/10/19



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

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 Checked by: PGE  
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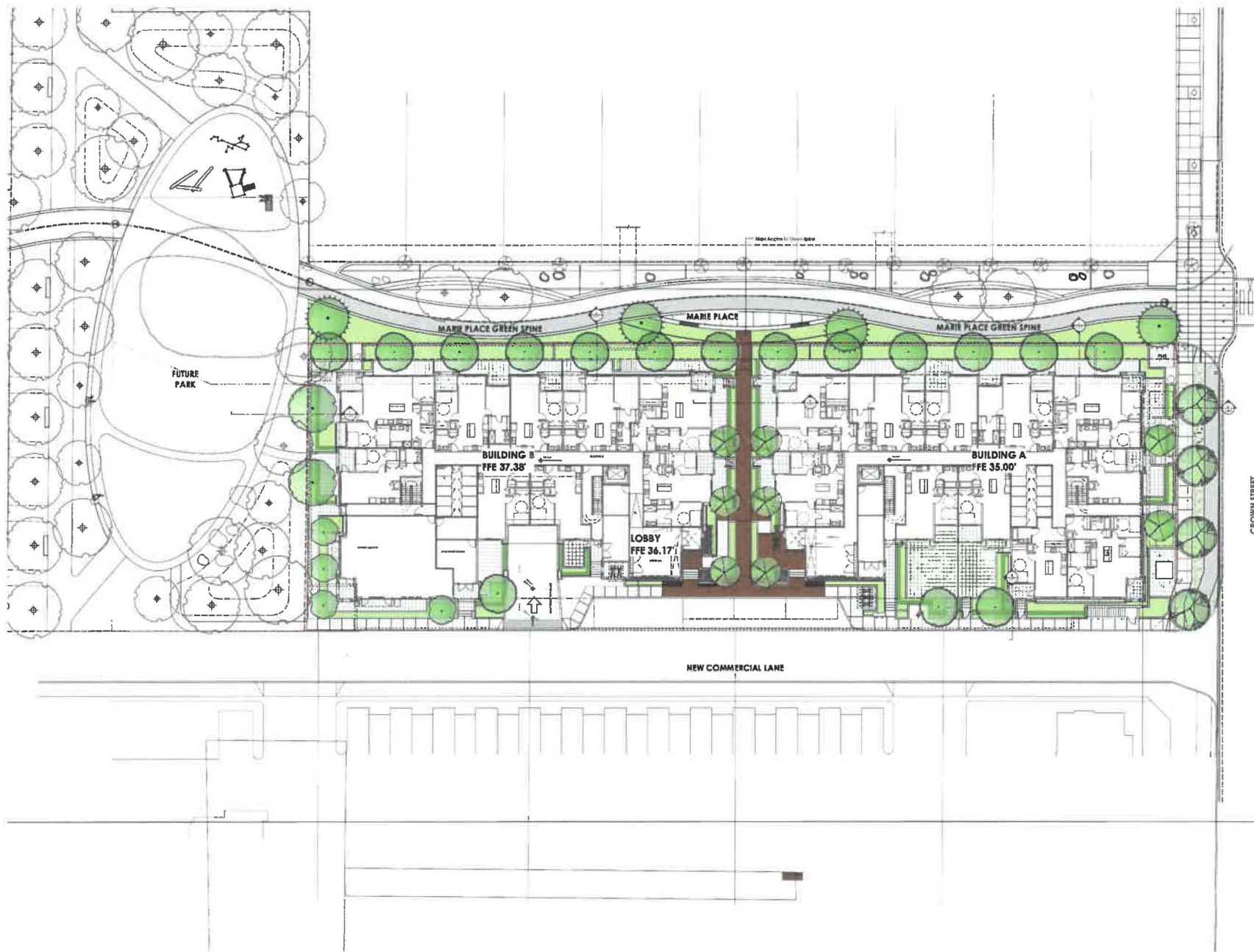
**Interim Condition  
 Overall Landscape Plan**

Project No:  
**19025**

Sheet No:

**L-1.2**





1 Sept 17/2019 Issued for DP  
 No. 19025 Date: 17/09/2019  
 Revision:



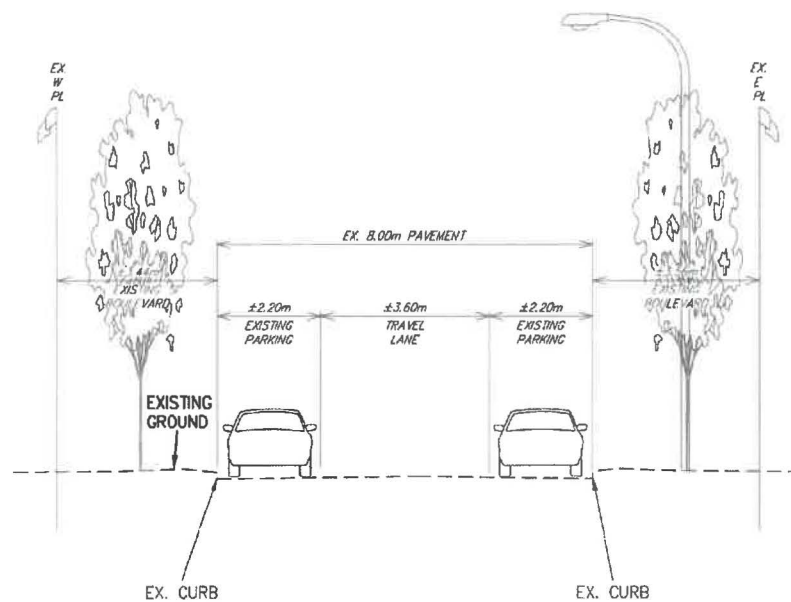
Project:  
**405 - 485 MARIE PLACE  
 DISTRICT OF  
 NORTH VANCOUVER**

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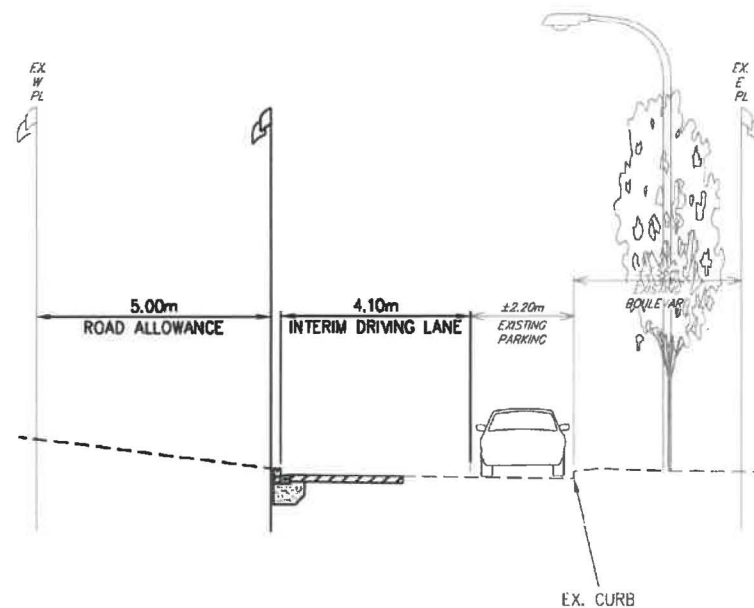
Drawing Title:  
**Final Condition  
 Overall Landscape Plan**

Project No.:  
**19025**  
 Sheet No.:


L-1.1



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	0 TITLE :  405-485 MARIE PLACE MARIE PLACE TYPICAL SECTION - EXISTING & INTERIM	DATE : 2021-03-03	
					DWG. No. : 18-1087-TYP-MP	
					SCALE : NOT TO SCALE	
	2021-03-03	1	FOR DISCUSSION		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 m<sup>2</sup> (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 m<sup>2</sup> (1,722 sq. ft.)
- (iii) Floor areas with a ceiling height exceeding 3.66 m (12.0 ft.) to a maximum of 35 m<sup>2</sup> (377 sq. ft.);

- (iv) Above grade bicycle storage to a maximum of 480 m<sup>2</sup> (5,167 sq. ft.);
  - (v) Mechanical and Electrical equipment spaces to a total maximum of 95 m<sup>2</sup> (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 m<sup>2</sup> (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 m<sup>2</sup> (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:

<b>Setback Location</b>	<b>Minimum Required Setback</b>
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:

<b>Use</b>	<b>Parking Requirement</b>
Residential Dwelling Unit	1.05 spaces per unit
Residential Visitor Parking	0.1 spaces per unit

- b) Bicycle parking is required as follows:

<b>Use</b>	<b>Bicycle Parking Requirement</b>
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

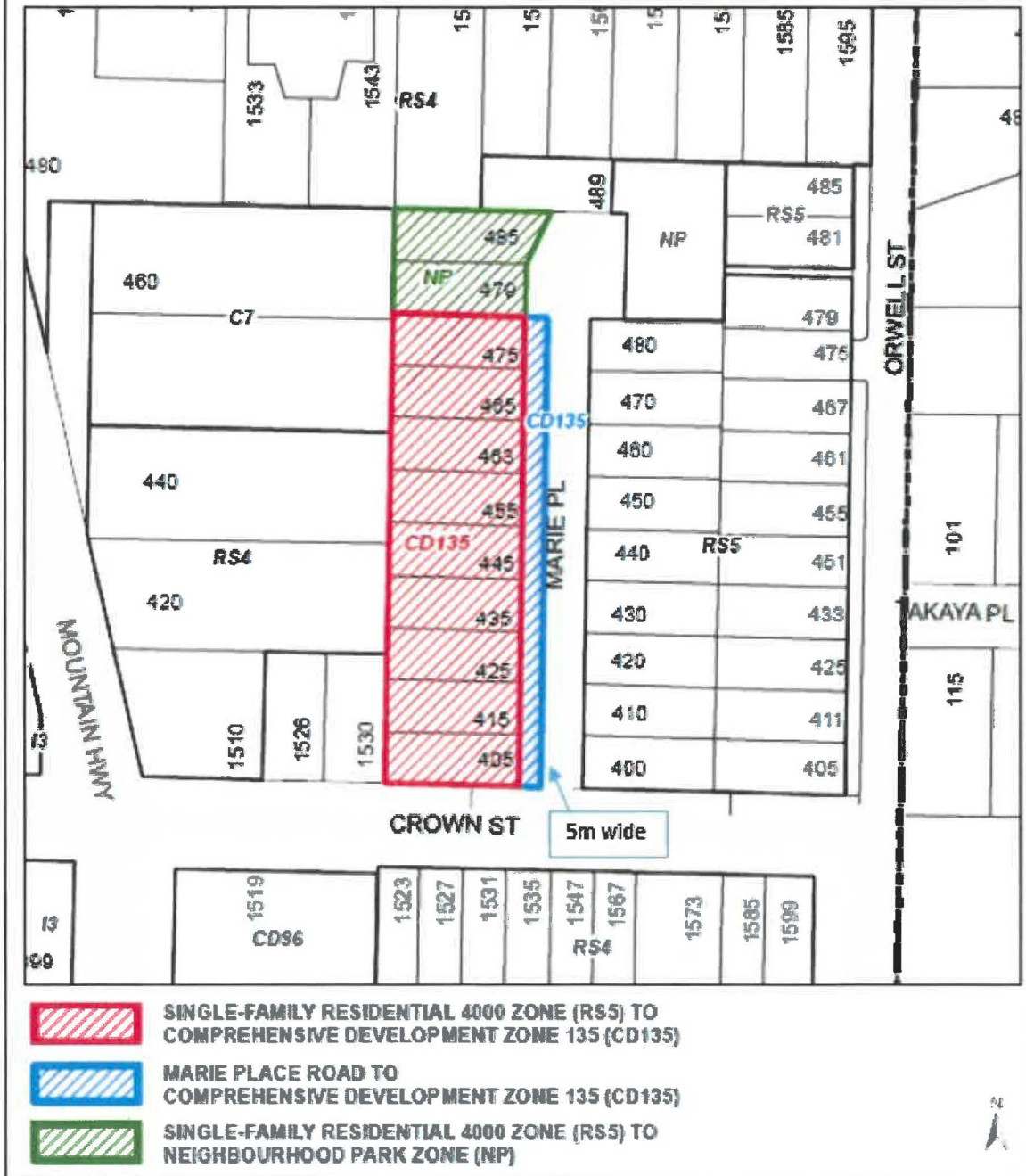
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Municipal Clerk

## Schedule A to Bylaw 8496

### BYLAW 8496

#### District of North Vancouver Rezoning Bylaw 1402 (Bylaw 8496)



**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.

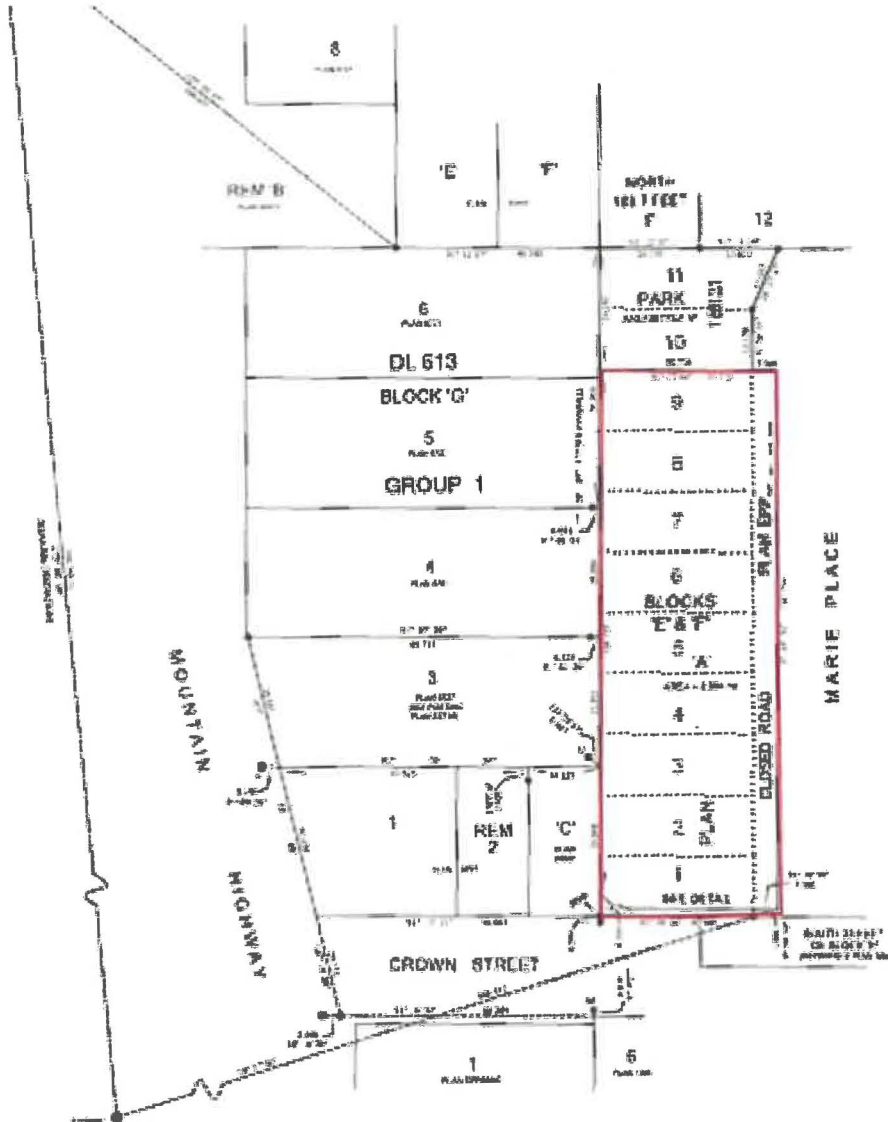
7.07 Governing Law

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**

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**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

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### **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.

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**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 Highway ....if 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.**

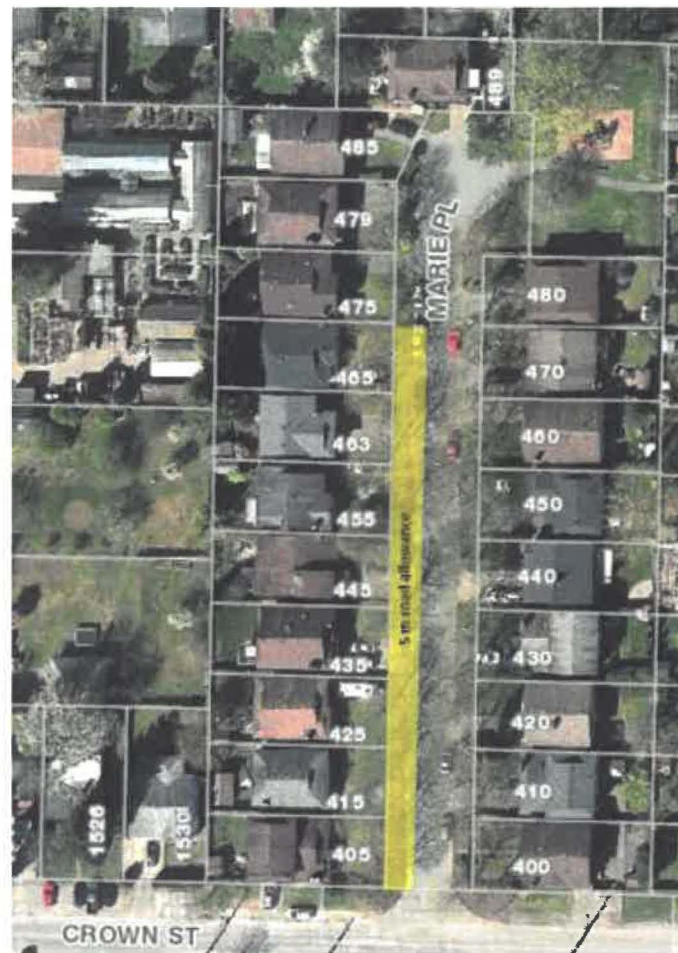
This area is designated within a Development Permit Area for Protection from the Natural Environment (Creek Hazard). New development is required to be constructed to meet a required "Flood Construction Level". If there are concerns regarding the current state of the street please provide details to Casey Peters at [petersc@dnv.org](mailto: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](mailto: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 effects 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?**

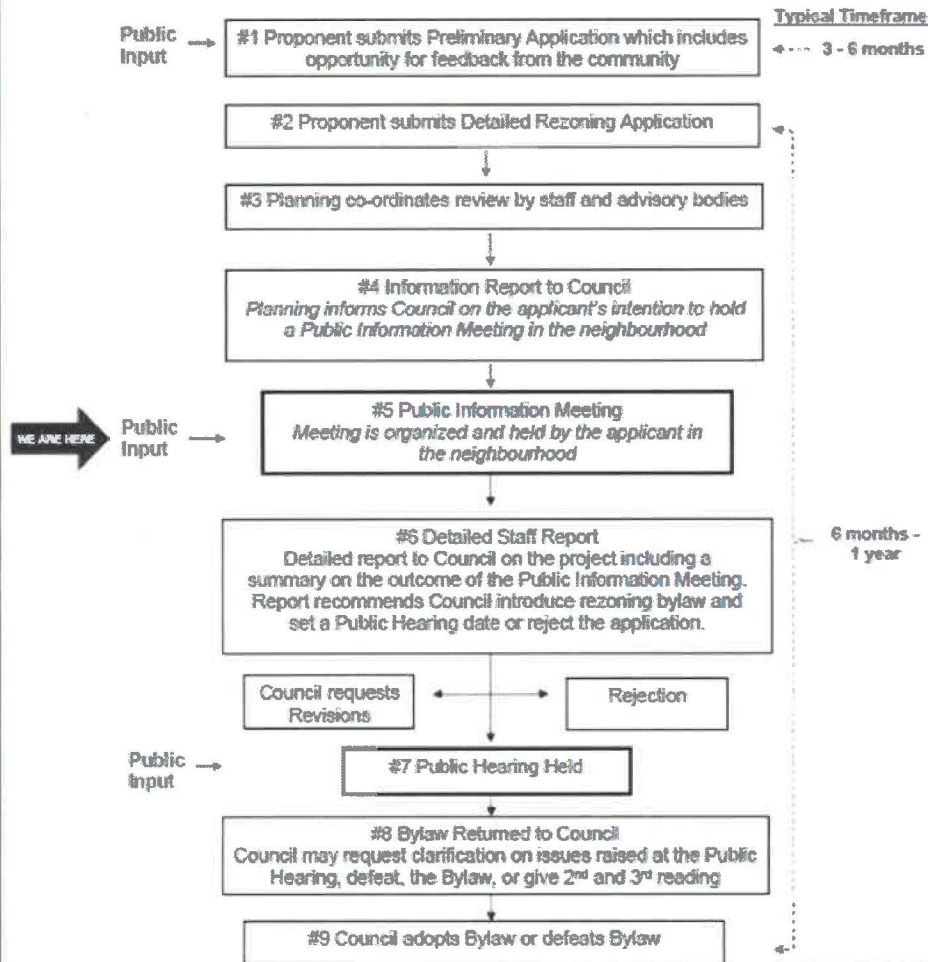
Our construction team will abide by the District of North Vancouver's Noise Bylaw and take measures to minimize impacts to the community. Construction times will be between 7:00am to 8:00pm Monday to Friday, as needed on Saturday (not to exceed 9:00am to 8:00pm) and no work on Sunday and statutory holidays.

**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



Should you wish to contact District Council, they can be reached at: [council@dnv.org](mailto:council@dnv.org)

\*Time requirements can vary due to the specifics of individual projects.

Document: 2181034

## 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.

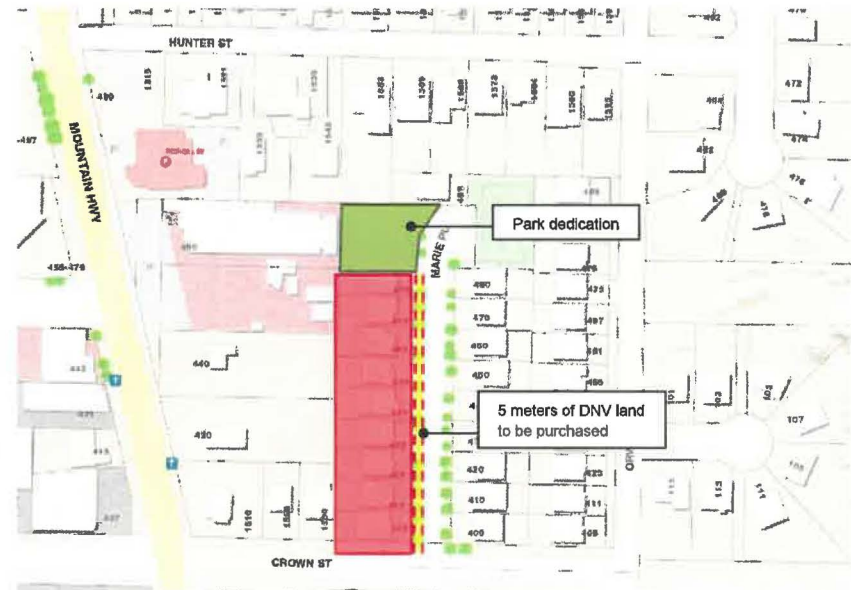
### ***For further information please contact:***

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





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

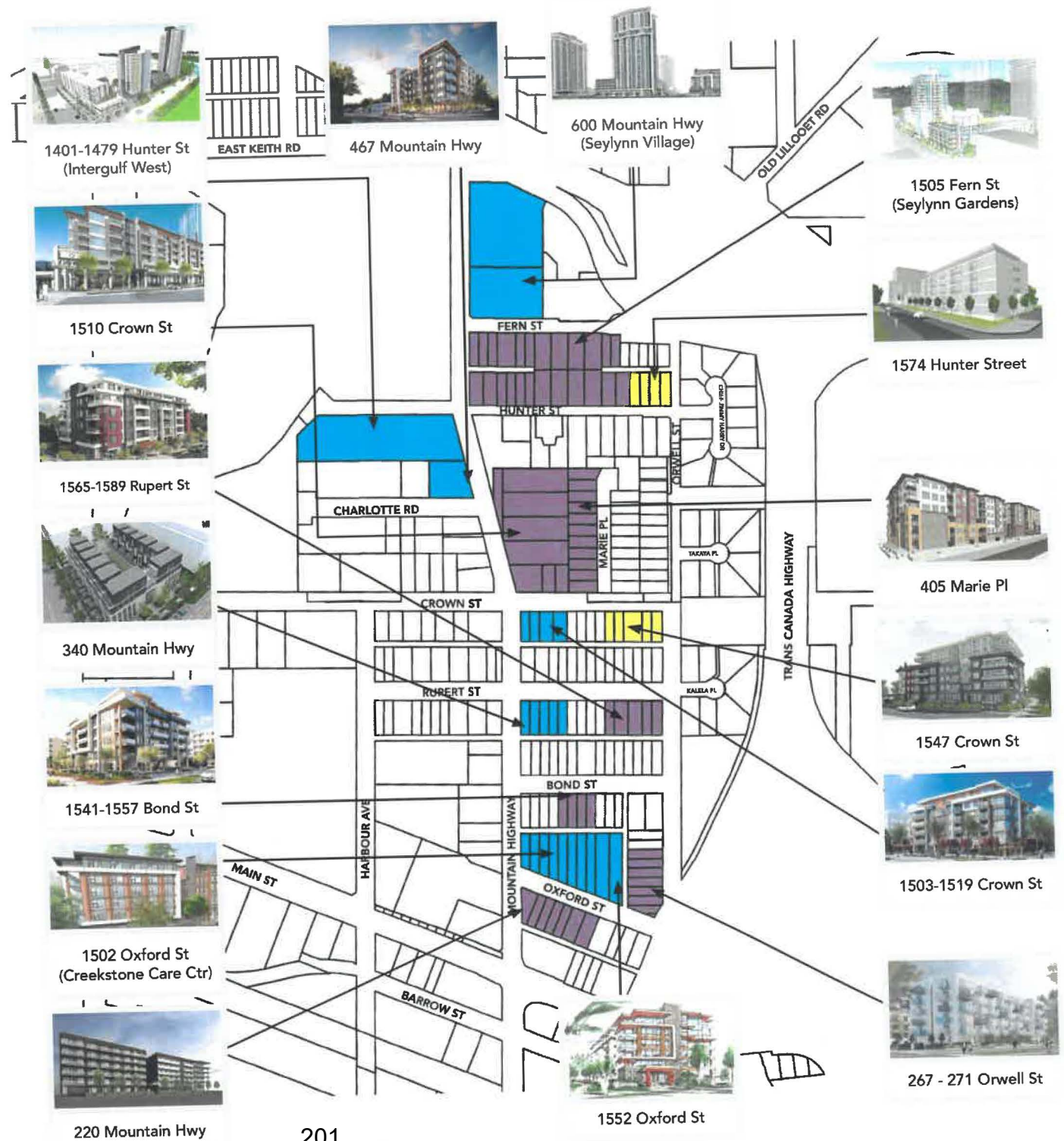
Karen Smith  
604-428-6259  
karen@engagearchitecture.ca

*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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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: March 29, 2021
<input type="checkbox"/> Other:	Date: _____

 Dept. Manager	 GM/ Director	 CAO
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## The District of North Vancouver REPORT TO COUNCIL

March 11, 2021  
File: 0930.20/516

**AUTHOR:** Christine Brooks – Property Services Agent

**SUBJECT:** **Proposed Highway Closing and Dedication Removal Bylaw 8501 –  
400 Block Marie Place Highway Closure**

### RECOMMENDATION:

THAT “400 Block Marie Place Highway Closure Bylaw 8501, 2021” is given FIRST READING; and

THAT staff is authorized to publish notification of the road closure for two consecutive weeks as per the provisions in the Community Charter.

### REASON FOR REPORT:

To obtain the First Reading of the “400 Block Marie Place Highway Closure Bylaw 8501, 2021” to authorize the closure and the raising of title to 5,800 square feet (538.8 square metres) of municipal road allowance adjacent to 405-475 Marie Place (the “Road Parcel”) (**see Attachment 1**), which will authorize the subsequent transfer of the Road Parcel to Fairborne CMCC Marie Place GP Ltd. (“Fairborne”) for the purpose of consolidation with the adjacent properties for a multi-family development.

### SUMMARY:

The District has entered into an Agreement of Purchase and Sale with Fairborne for the disposition of the Road Parcel for the appraised value of \$2,790,000.

The Agreement of Purchase and Sale is conditional on the adoption of a bylaw to close traffic and remove the dedication of this Road Parcel as set out in the proposed bylaw 8501 (**see Attachment 2**) and adoption of rezoning bylaws.

### EXISTING POLICY:

Section 26 and 40 of the *Community Charter*, governs road closures and dispositions of municipal land. A road closure survey plan has been submitted by the applicant and forms part of the road closure bylaw.

**ANALYSIS:**

**Timing/Approval Process:**

In accordance with Section 40 and Section 94 of the *Community Charter* Council must provide a two week public notification period regarding its intention to close a portion of road allowance for the purpose of disposition. Council must then provide an opportunity for persons who consider they are affected by the proposed bylaw to make representations at a subsequent Council meeting.

**Concurrence:**

The proposed road closure has been reviewed by Planning, Finance and Transportation departments

As the subject property is within 800 metres of an arterial highway, Ministry of Transportation and Infrastructure approval is required.

**Financial Impacts:**

The District will receive the appraised market value of \$2,790,000 from Fairborne upon completion of the sale, road closure and subsequent transfer of title. The proceeds of the disposition of this Road Parcel will be placed in to the Land Reserve Fund.

**Public Input:**

As per the provisions within the Community Charter, the public will have an opportunity for persons who consider they are affected by the road closure bylaw to make representations to Council.

**Conclusion:**

Staff recommends that Council give proposed Bylaw 8501 first reading, and directs staff to publish notice of the road closure and disposition in accordance with the *Community Charter*. The proposed bylaw is subject the adoption of a bylaw to close traffic and remove the dedication of the Road Parcel and Council's adoption of rezoning bylaws.

**Options:**

1. Council to give proposed Bylaw 8501 first reading and direct staff to publish notice of road closure in accordance of the *Community Charter*
2. Council does not give proposed Bylaw 8501 first reading.

Respectfully submitted,



Christine Brooks  
Property Services Agent

<b>REVIEWED WITH:</b>		
<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 checked="" 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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**ATTACHMENT 1**

**Road Parcel to be Closed**



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**ATTACHMENT 2**

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

**Bylaw 8501**

A bylaw to close and remove highway dedication.

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WHEREAS under the *Community Charter* the Council may close to traffic and remove the dedication of a highway; and,

WHEREAS the Council has posted and published notices of its intention to close the highway referred to in this Bylaw and remove its dedication, and has provided an opportunity for persons who consider they are affected to make representations to the Council; and,

WHEREAS the Council does not consider that the closure will affect the transmission or distribution facilities or works of utility operators;

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

**1. Citation**

This bylaw may be cited as "400 Block Marie Place Highway Closure Bylaw 8501, 2021".

**2. Bylaw to close and remove highway dedication**

2.1 The portions of highway dedicated by Plan 18621 shown in the attached plan hereto as Schedule "A" are closed to all types of traffic and the dedication as highway is removed.

2.2 The Mayor and Clerk are authorized to execute and deliver such transfers, deeds of land, plans and other documents as are required to effect the aforesaid closure and removal of highway dedication.

**READ** a first time

**NOTICE** given under Section 94 of the *Community Charter* on \_\_\_\_\_ and \_\_\_\_\_

**OPPORTUNITY** for representations to Council provided in accordance with Section 40 of the *Community Charter* on \_\_\_\_\_

**READ** a second time

**SUBJECT: Proposed Highway Closing and Dedication Removal Bylaw 8501**  
March 11, 2021 Page 6  
**READ** a third time

---

Certified a true copy of "Bylaw 8501" as at Third Reading

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

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

\_\_\_\_\_  
Mayor

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

Certified a true copy

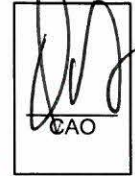
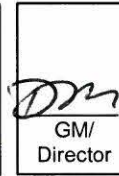
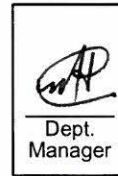
\_\_\_\_\_  
Municipal Clerk

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>MARCH 29, 2021</u>
<input type="checkbox"/> Other:	Date: _____



## The District of North Vancouver REPORT TO COUNCIL

March 11, 2021

File: 08.3060.20/040.18

**AUTHOR: Michael Hartford, Manager - Development Planning**

**SUBJECT: 1510-1530 Crown Street and 420-460 Mountain Highway  
Update on Revisions – Rezoning and Development Permit Application**

### RECOMMENDATION

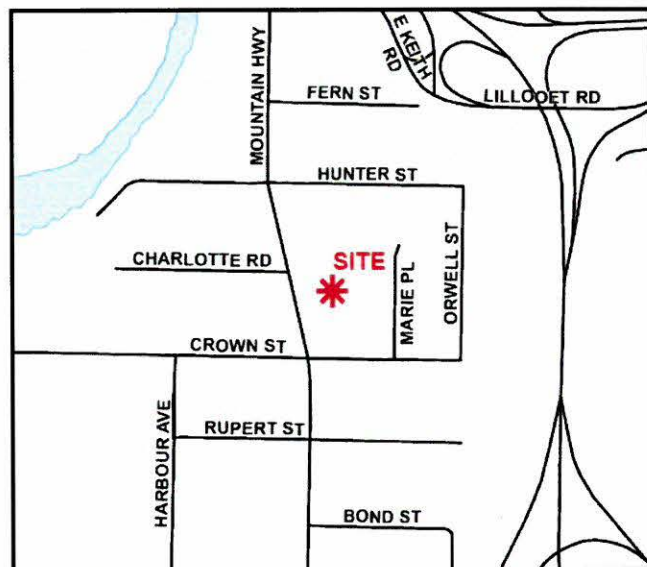
THAT Council direct staff to prepare bylaws regarding the consideration of this application for rezoning and development permit for a mixed-use development in Lynn Creek Town Centre.

### REASON FOR REPORT

On November 2, 2020, Council reviewed the proposed rezoning application and referred the project back to staff for further discussion with the applicant.

Since that time, staff have worked with the applicant team to review possible adjustments to the project, and the applicant has made a number of revisions.

The purpose of this report is to highlight for Council the project changes, and to request direction to prepare the necessary bylaws to allow the rezoning for the project to be considered by Council.



**SUBJECT: 1510-1530 Crown Street and 420-460 Mountain Highway  
Update on Project Revisions**

March 11, 2021

Page 2

**BACKGROUND:**

Due to the size of the Report to Council considered at the November 2, 2020 meeting, the document is provided via a direct link below, rather than as a physical attachment:

<https://app.dnv.org/OpenDocument/Default.aspx?docNum=4552493>

The same information is also available through the Council Agenda webpage at Agenda Item 8.7. The full November 2, 2020 Council meeting agenda package is available at the link below:

<https://app.dnv.org/OpenDocument/Default.aspx?docNum=4553043>

Council member comments from the “early input” review included a number of topic areas. For reference, these topics and comments have been summarized below:

- **Housing Mix:** An appreciation was noted for the mix of market and non-market rental units in the project, but concern was indicated that the proposed housing mix included too much strata housing.
- **Building Height:** Some concern was expressed with the height of the 29-storey high-rise building.
- **Vehicle Parking:** Concern was expressed regarding the amount of parking provided (total of 473 parking stalls) and the number of parking levels (a mix of at-grade spaces and a two-level underground parking garage).
- **Commercial Space:** The idea of a grocery store at the site was supported and generally viewed as a benefit to the community. Concern was expressed that the size of the commercial units might be too large and smaller units could be considered to help encourage independent business.
- **Outdoor Open Space:** Support was noted for the outdoor open spaces and plazas but concern was expressed regarding the lack of greenspace in the project due to the commercial podium design.
- **Green Building Measures:** Concern was expressed regarding the potential for the use of fossil fuels in the project and embodied carbon in the concrete used to construct the tower. Interest was expressed in the potential for a district energy system sourced with renewable energy.
- **Impact on Adjacent Site Development Potential:** Concern was expressed regarding the impact of the future plaza space on the development potential of the District-owned site to the north.



**SUBJECT: 1510-1530 Crown Street and 420-460 Mountain Highway**  
**Update on Project Revisions**

March 11, 2021

Page 3

## ANALYSIS

### Site and Surrounding Area

The 2.4 acre (0.97 ha) site is located on the east side of Mountain Hwy., north of Crown St., and comprises the existing “Dykhof Nurseries” commercial operation (shown in blue) and five single family lots (shown in yellow).

The site includes a small portion of the existing District Fire Hall #2 property (shown in green) and part of the Mountain Hwy. road allowance (shown in purple). Both of these land areas are proposed to be purchased from the District and any sale of these lands will follow the typical District process, including required public notification

Surrounding properties include the District’s Fire Hall #2 and District-owned single family lots to the north, single family lots to the east (under application for redevelopment to multi-family residential), multi-family residential to the south, and mixed-use and industrial uses to the west.

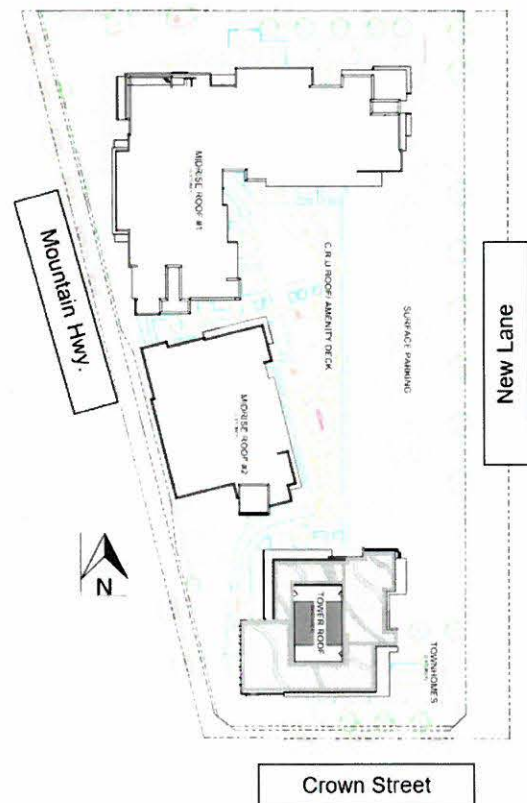


## PROPOSAL

### Project Description:

IBI Architects has applied on behalf of Fairborne CMCC Lynn Creek Limited Partnership to redevelop five single family lots and a commercial property to create a mixed-use development with a total of 404 units, including 197 strata units, 162 market rental units, 45 non-market rental units, and ground floor commercial space, all in a mix of buildings ranging from 7 to 25 storeys in height.

The proposal includes a mixed-use commercial-residential element in the north portion of site with approximately 2,777 m<sup>2</sup> (29,895 sq. ft.) of commercial space on the ground floor, and two mid-rise residential buildings above: a 7-storey building and an 8-storey building. The two mid-rise buildings would house 162 market rental



**SUBJECT: 1510-1530 Crown Street and 420-460 Mountain Highway**  
**Update on Project Revisions**

March 11, 2021

Page 4

units and 45 non-market rental units. The south portion of the site includes a 25 storey building with 193 strata apartment units. Four strata townhouse units are located at the base of the high-rise building.

Project Evolution:

Originally formatted as a 349 unit development with 309 strata units and 40 units of non-market rental, the project has been revised to a 404 unit development including 45 non-market rental units, 162 market rental units, and 197 strata units.

The latest revisions propose an increase in overall unit count, but with more rental housing and a smaller proportion of strata units.

The table below summarizes the unit mix of the original development application as submitted, the unit mix reviewed by Council in November of 2020, and the revised unit mix as currently proposed. The proportion of each unit type has been provided for the project as currently proposed:

	<b>Original Application</b>	<b>Proposal at "Early Input"</b>	<b>Current Proposal</b>	<b>Proportion of Units</b>
Non-market Rental	40	45	45	11%
Market Rental	0	105	162	40%
Strata	309	222	197	49%
<b>Total Unit Count</b>	<b>349</b>	<b>372</b>	<b>404</b>	<b>100%</b>

The commercial component of the project has been reduced slightly to 2,777 m<sup>2</sup> (29,895 sq. ft.) This commercial floor area includes a space intended as a childcare with a floor area of approximately 931 m<sup>2</sup> or 10,025 square feet.

Project Updates by Topic Area:

Key changes to the proposal following the review by Council in November of 2020 are noted by topic area below.

**Housing**

The adjustments to the project result in an additional 57 market rental units above those proposed in the project in November of 2020 for a total of 162 market rental units. The number of non-market rental units remains the same at 45. The total of 207 rental units constitutes just over 51% of the housing units in the project.

The approach to the 45 rental units to be provided at non-market rates has not changed. The non-market units are comprised of 15 one-bedroom units, 25 two-bedroom units, and 5 three-bedroom units. The applicant is targeting rents for the non-



**SUBJECT: 1510-1530 Crown Street and 420-460 Mountain Highway**  
**Update on Project Revisions**

March 11, 2021

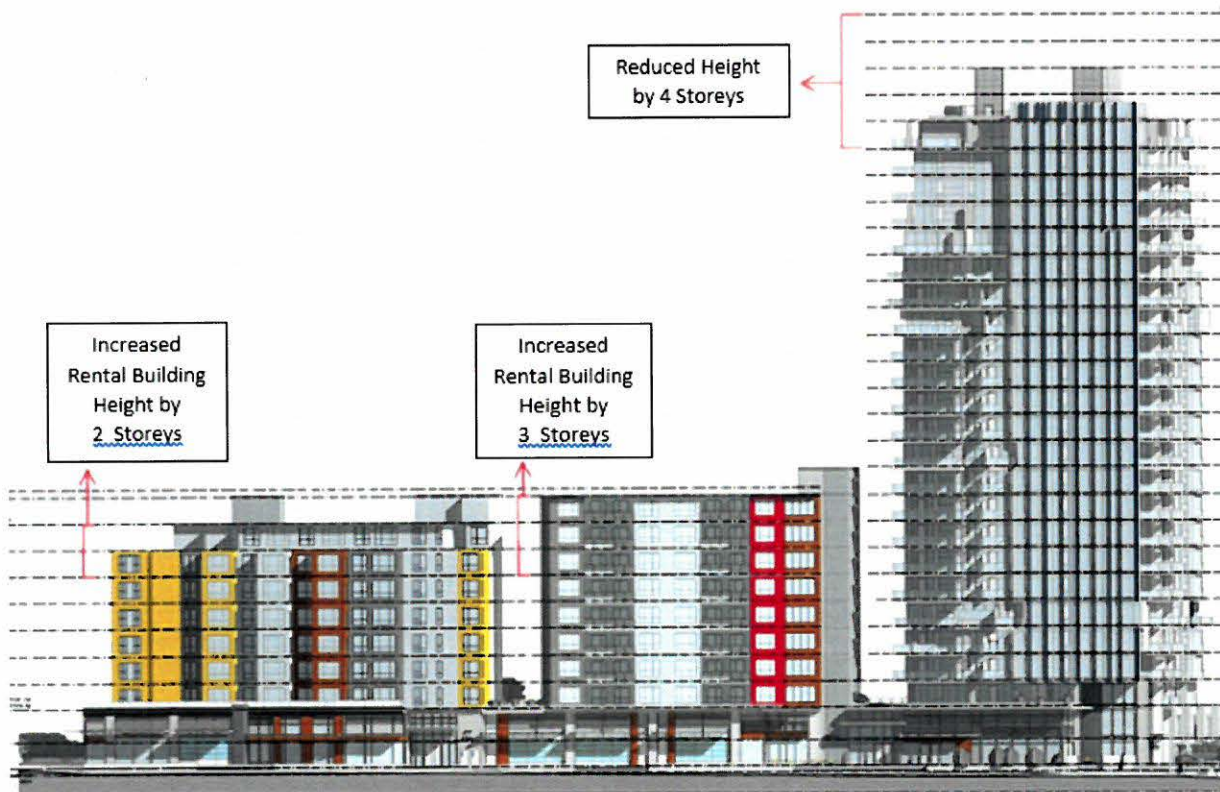
Page 5

market units either matching, or at up to 8.9% below the Metro Vancouver median rents as published in the CMHC Rental Market Survey (2020).

The creation of 207 rental units at a mix of market and non-market rents represents an opportunity to significantly increase the supply of purpose-built rental stock in the District

### **Building Heights**

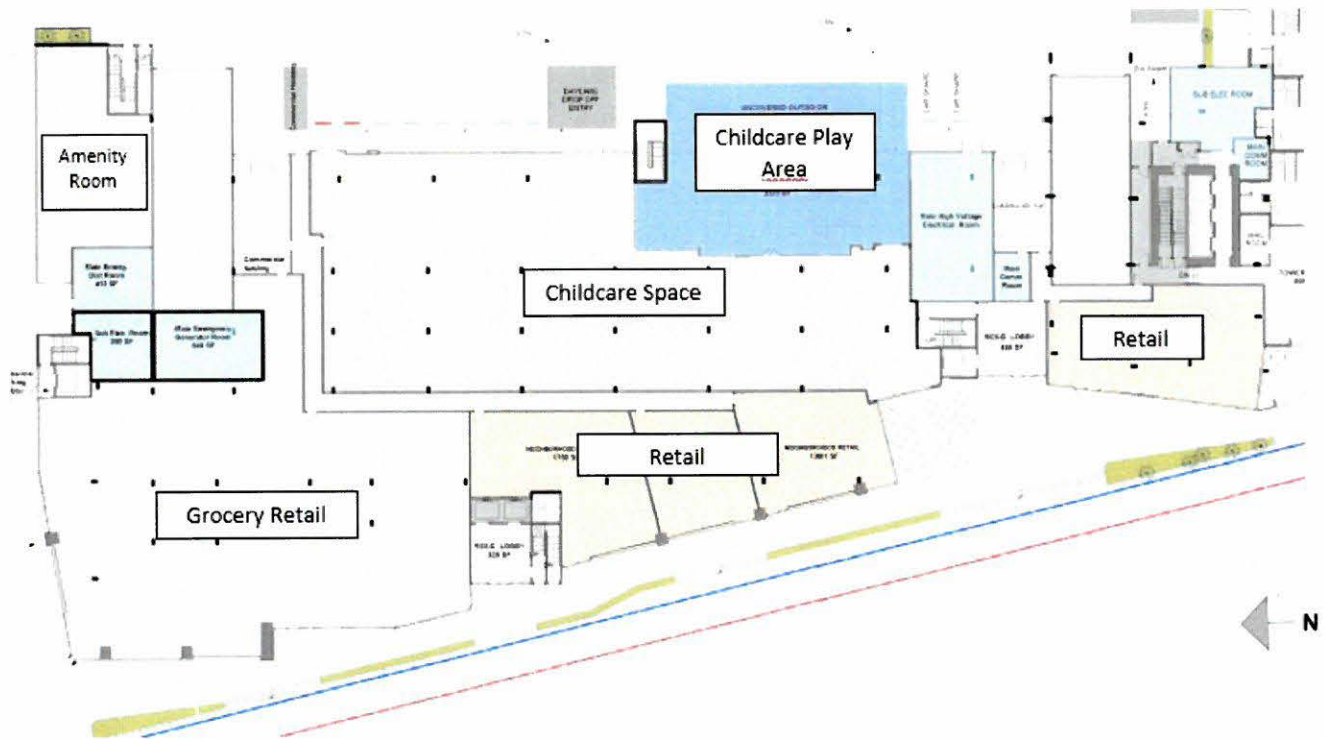
The proposed change in building heights is shown in the image below of the revised project format, as viewed from Mountain Highway. Moving from south (Crown Street) to north, the tower element has been decreased from 29 storeys in height to 25 storeys, the middle mid-rise building has been increased from 5 storeys to 8 storeys, and the northerly mid-rise building has been increased from 5 storeys to 7 storeys.



Building heights in the project have been considered in the context of the approved Lower Lynn Implementation Plan which identifies a mix of building heights of up to 12 storeys (north portion of site) and up to 28 storeys (south portion of site). The proposal is generally consistent with the heights anticipated for this site, with a mix of lower building forms in the north portion of the site (7 and 8 storeys proposed in contrast to up to 12 storeys anticipated) and a high-rise form in the south portion of the site (25 storeys proposed and up to 28 storeys anticipated).

## Commercial Space

The approach to the commercial space has not changed significantly. The layout of the ground floor includes a mix of commercial spaces, including a larger space designed to accommodate a local grocery store, a large childcare space, and a range of smaller commercial spaces that could be considered for independent retailers.



The provision of a grocery store is specifically noted as an objective in the Lower Lynn (Lynn Creek) Town Centre Implementation Plan:

*Section D. Economic Vitality*

*Commercial Uses: Policy 1*

*"Encourage and integrate local commercial uses, including a new grocery store, in the Town Centre to allow local access to retail services."*

Council's recently approved Childcare Action Plan notes that there is a need over the next ten years for approximately 150 additional childcare spaces (for all age groups) in the Lynn Creek Town Centre area. The proposed childcare space of approximately 929 m<sup>2</sup> (10,000 sq. ft.) has the potential to provide for a range of 114 to 130 of those childcare spaces, depending on the age group(s) served.



**SUBJECT: 1510-1530 Crown Street and 420-460 Mountain Highway**  
**Update on Project Revisions**

March 11, 2021

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Minor refinements have been made to the site layout and ground floor plan, with a reduction in surface parking and the relocation of a common amenity space to the north-east corner of the site to take advantage of the location facing the eventual walkway connection to Marie Place Park to the east.

## Phasing

In order to ensure that the elements of the project with the greatest public benefit, namely the market and non-market rental housing, the childcare, and the commercial space are constructed first, the applicant has committed to construction of the project in two phases as shown below:

### Phase 1:

- Commercial space (including childcare)
- market rental housing
- non-market rental housing

### Phase 2:

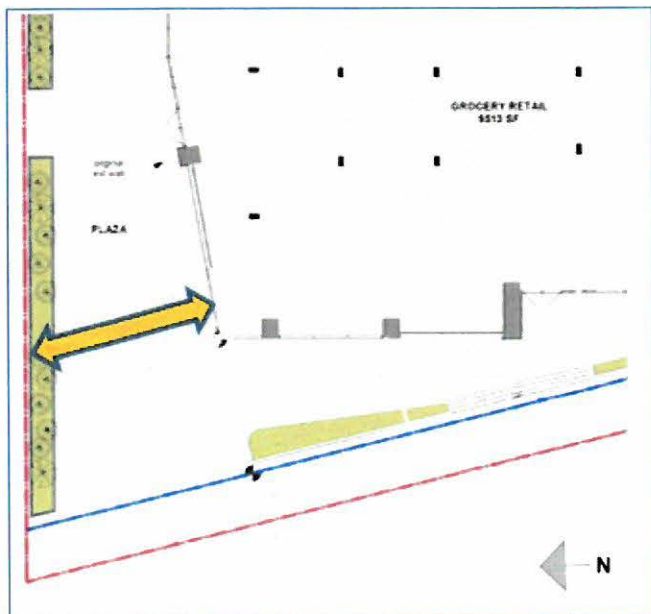
- Strata condominium high-rise building

This phasing approach will also assist in resolving an approach to construction management that reduces impacts on the neighbourhood, as the high-rise construction on the south side of Hunter Street, to the north-west of the subject site, would be anticipated to be complete by the time high-rise construction might begin at this site.

## Plaza and North Edge of Site

The revisions to the project include an increase in the setback of the building from the north property line with the setback increasing from a minimum of approximately 3.37 m (11 ft.) to the currently proposed 8.36 m (27.4 ft.)

This increased setback can assist in providing an improved pedestrian connection from the Mountain Highway frontage at the west and the eventual, expanded Marie Place Park to the east. The increase in the setback also reduces shadowing onto the mews/plaza and in conjunction with the reconfiguration of the adjacent commercial space to provide for greater width of the plaza space where it fronts Mountain Highway, this helps to reduce the amount of land needed for plaza or open space on the District's property to the north.





**SUBJECT: 1510-1530 Crown Street and 420-460 Mountain Highway  
Update on Project Revisions**

March 11, 2021

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In the longer term, the expectation would be to see the creation of some form of complementary space on the property to the north, even if smaller, to assist in fulfilling one of the public realm objectives of the implementation plan for Lynn Creek Town Centre.



### **Construction Materials**

Concern was expressed with the use of concrete as a construction material in the project. With the change in building heights proposed for the mid-rise buildings, code requirements stipulate that as these buildings are more than six-storeys in height, they cannot be constructed in a wood-frame format.

The applicant has considered the option for “mass timber” construction (permissible in the District of North Vancouver for up to 12 storeys in height since the fall of 2020) but as the commercial podium space and high-rise building would still need to be constructed in concrete, has chosen a different approach to reducing environmental impacts. To off-set the impacts of the proposed construction materials in both the mid-rise and high-rise components of the project, the applicant has committed to using “fly ash concrete” in the project. Fly ash concrete is an alternative to traditional concrete that uses recycled materials to replace some of the more carbon-intensive components in a typical concrete mix. Fly ash is a fine powder that is a by-product of burning pulverized coal and can be used as a substitute for some of the cement powder in concrete – cement that is typically produced by firing limestone and clay together at high temperatures in a kiln. Fly ash concrete has a smaller carbon footprint and a lower level of embodied energy compared to traditional concrete, and according to the Canadian Ready-mix Association (the Canadian authority on embodied carbon in concrete products) can reduce emission impacts by up to 90 kg of CO<sub>2</sub> per cubic meter of concrete.

### **Sustainability Approach**

Concern was expressed during Council’s review regarding the sustainability approach and the potential for the use of fossil fuels in the project.

The District’s Construction Bylaw has been amended to update the District’s approach to Energy Step Code and Greenhouse Gas Intensity (GHGI) Targets, with an implementation date of July 1, 2021. The update includes a two-tiered system that

**SUBJECT: 1510-1530 Crown Street and 420-460 Mountain Highway**  
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requires all Part 3 Residential new construction to meet either Step 4 under the BC Step Code, or meet Step 3 and include a Low Carbon Energy System (LCES), with the LCES having an emission target of less than 3 kgCO<sub>2</sub>e/m<sup>2</sup>/yr (kilograms carbon dioxide equivalent, per square meter, per year).

Commercial new construction is required to meet either “Step 3” of the BC Step Code, or meet “Step 2” with a Low Carbon Energy System.

The applicant has considered the District’s Community Energy and Emissions Plan (CEEP) and Council’s recent declaration of a Climate Emergency and has updated their mechanical approach for the project to commit to the project components:

- A “fossil fuel free” mechanical design incorporating electric baseboard heating for the two mid-rise residential buildings and a heat pump approach for the high-rise
- Electric domestic hot water systems for all residential units
- Electric cooking appliances for all residential units
- A high performance building envelope (roof, walls, windows)
- Energy efficient lighting
- Exhaust air heat recovery (to capture heat from exhausted air)

It is anticipated that the project will achieve a reduction of 50% in GHGI compared to a project meeting the minimum Construction Bylaw requirement for a “Step 3” project with a Low Carbon Energy System” and an 80% reduction compared to the GHGI of a conventionally-designed project meeting “Step 3” which relies on the use of fossil fuels.

In accordance with the Construction bylaw, the commercial spaces within the project would comply with “Step 3” of the Step Code. These spaces may include the use of some natural gas components, such as restaurant cooking appliances.

Other “green building” project elements intended to assist in energy and resource conservation are noted below:

- “Energy Star” appliances
- Low flow and low flush plumbing fixtures
- Rainwater detention facilities
- Drought resistant landscape selections to reduce outdoor water usage
- Programmable thermostats
- Transportation Demand Management Strategies to reduce reliance on vehicles
- Roadway improvements including new pedestrian and bicycle infrastructure

## **Vehicle Parking**

Parking is proposed in a mix of at-grade spaces and a two-level underground parking garage, with both the surface and underground parking areas accessed from the new lane proposed to the east of Mountain Highway.



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**Update on Project Revisions**

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The applicant has reviewed the parking needs for the project and considered the District's recently-adopted policy regarding alternative vehicle parking rates, which would recommend a total of 445 parking spaces for this project.

The applicant has revised their parking proposal to include 355 parking stalls for residential purposes, 33 stalls for visitors, and an additional 73 stalls for commercial purposes for a total of 461 stalls. Some additional modifications are being explored which would reduce the number of parking spaces proposed at grade to allow for an enhanced drop-off area for the childcare space.

Overall, the residential parking ratio proposed (including visitor parking) has decreased from just over one parking space per dwelling unit to 0.96 spaces per unit, or just under one parking space per dwelling unit. The table below summarizes the changes to parking in the project and includes the total dwelling unit counts for reference:

Type of Parking	Proposal at "Early Input"	Total Dwelling Unit Count	Current Proposal	Total Dwelling Unit Count
Residential	364	372	355	404
Visitor	23		33	
Commercial	86		73	
<b>Total Parking</b>	<b>473</b>		<b>461</b>	

The applicant has proposed providing energized outlets capable of supporting "Level 2" charging for all of the residential parking spaces.

### **Bicycle Parking and Storage**

The approach to bicycle parking has not changed, and includes a ratio of 2 bicycle parking spaces per residential unit, a total of 808 spaces for residential use.

Additional bicycle parking would be provided for the use of employees and customers of the commercial spaces.

### **Summary:**

Changes to the project include adjustments to the height of the proposed buildings, the total number of units and mix of housing types by tenure, the site configuration at the north property line, a modest reduction in parking, mechanical systems to significantly reduce reliance on fossil fuels, and a commitment to use fly ash concrete.

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

- "Concentrate new retail, service and major office development in the Town Centres to maximize transit and pedestrian access for employees and customers"
- "Encourage and facilitate a broad range of market, non-market and supportive housing"

**SUBJECT: 1510-1530 Crown Street and 420-460 Mountain Highway  
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- “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”
- “Focus a higher proportion of affordable housing in designated growth areas”
- “Require, where appropriate, that large multifamily developments contribute to the provision of affordable housing by, but not limited to: including a portion of affordable rental or ownership units as part of the project”

As well the application responds to the District’s “Rental and Affordable Housing Strategy” by addressing the following two goals:

- Goal 1: Expand the supply and diversity of housing.
- Goal 2: Expand the supply of new rental and affordable housing

**CONCLUSION**

The applicant for this proposed mixed-use development has considered the comments made by Council during the November 2, 2020 “early input” review of the proposal. A number of adjustments have been made to the proposal to bring it into better alignment with Council’s priorities, particularly with regard to housing tenure (and an increase in market and non-market rental housing) and climate action responses (with a removal of reliance on fossil fuels from the residential components of the project). The project as amended assists in the implementation of the District’s Official Community Plan objectives as well as the Lower Lynn Implementation Plan (Lynn Creek) and includes a mix of housing types, including market rental, non-market rental, and strata.

The information in this report has been prepared to present the application revisions to Council and to seek Council’s direction on how to proceed with Council consideration of this application.

**Options:**

The following options are available for Council’s consideration:

1. Direct staff to prepare bylaws regarding the consideration of this application for rezoning and development permit for a mixed-use development in Lynn Creek Town Centre.
2. Refer the project back to staff for further discussion with the applicant.

Respectfully submitted,



Michael Hartford  
Manager, Development Planning

Attachment:

1. Project Plans Showing Revisions

**SUBJECT: 1510-1530 Crown Street and 420-460 Mountain Highway  
Update on Project Revisions**

March 11, 2021

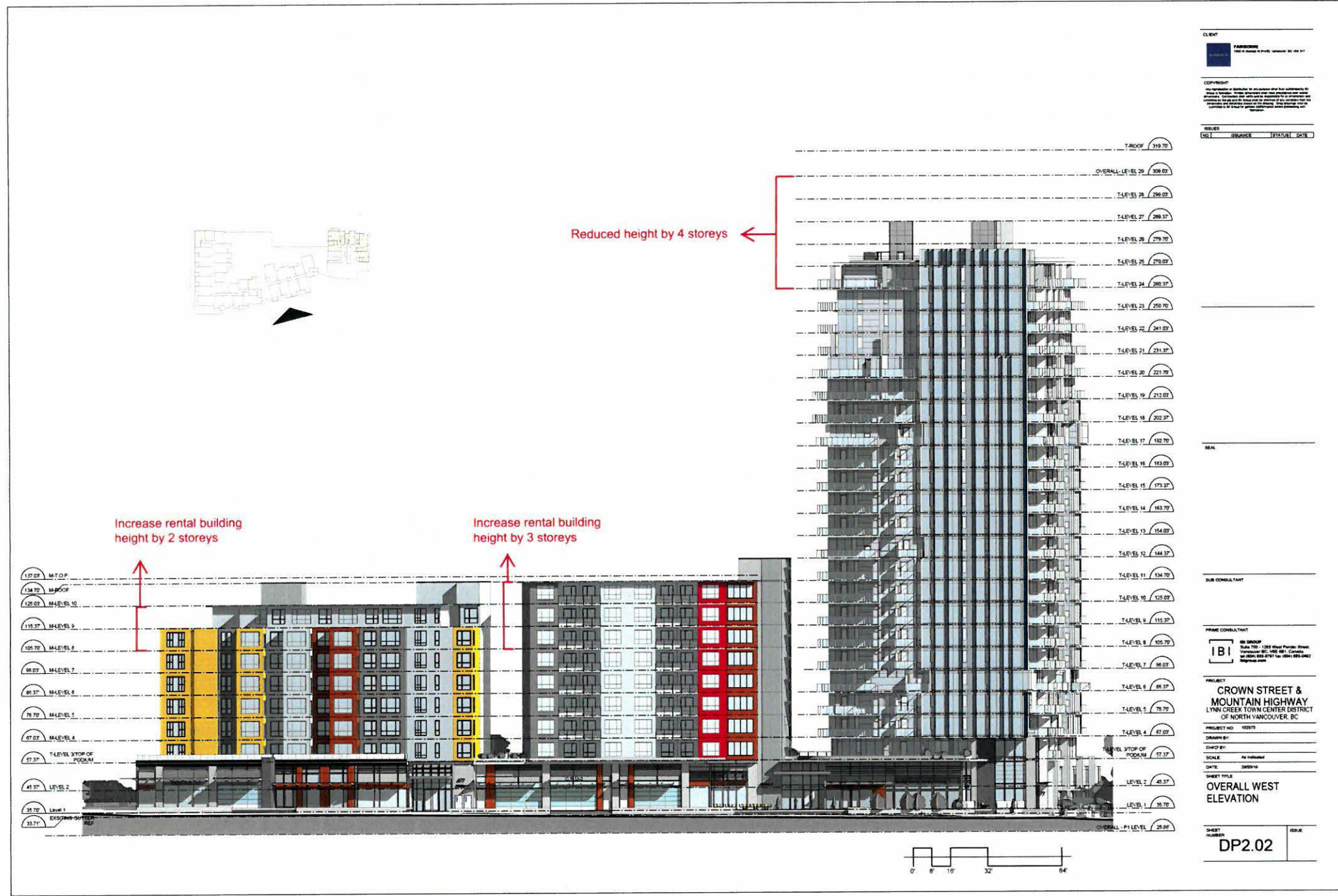
Page 12

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<input type="checkbox"/> Review and Compliance	_____	<input checked="" type="checkbox"/> Planning	_____		





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NO.	REVISION	DATE	BY
1	ISSUED FOR PERMIT	2023-10-10	AD

SEAL

SUB CONSULTANT

PRIME CONSULTANT  
**IBI GROUP**  
 Suite 1100 - 1180 West Pender Street  
 Vancouver BC, V6E 2R6, Canada  
 Tel: (604) 683-8787 Fax: (604) 683-0462  
 ibigroup.com

PROJECT  
**CROWN STREET & MOUNTAIN HIGHWAY**  
 LYNN CREEK TOWN CENTER DISTRICT  
 OF NORTH VANCOUVER, BC

PROJECT NO. 100973

DRAWN BY: [Signature]

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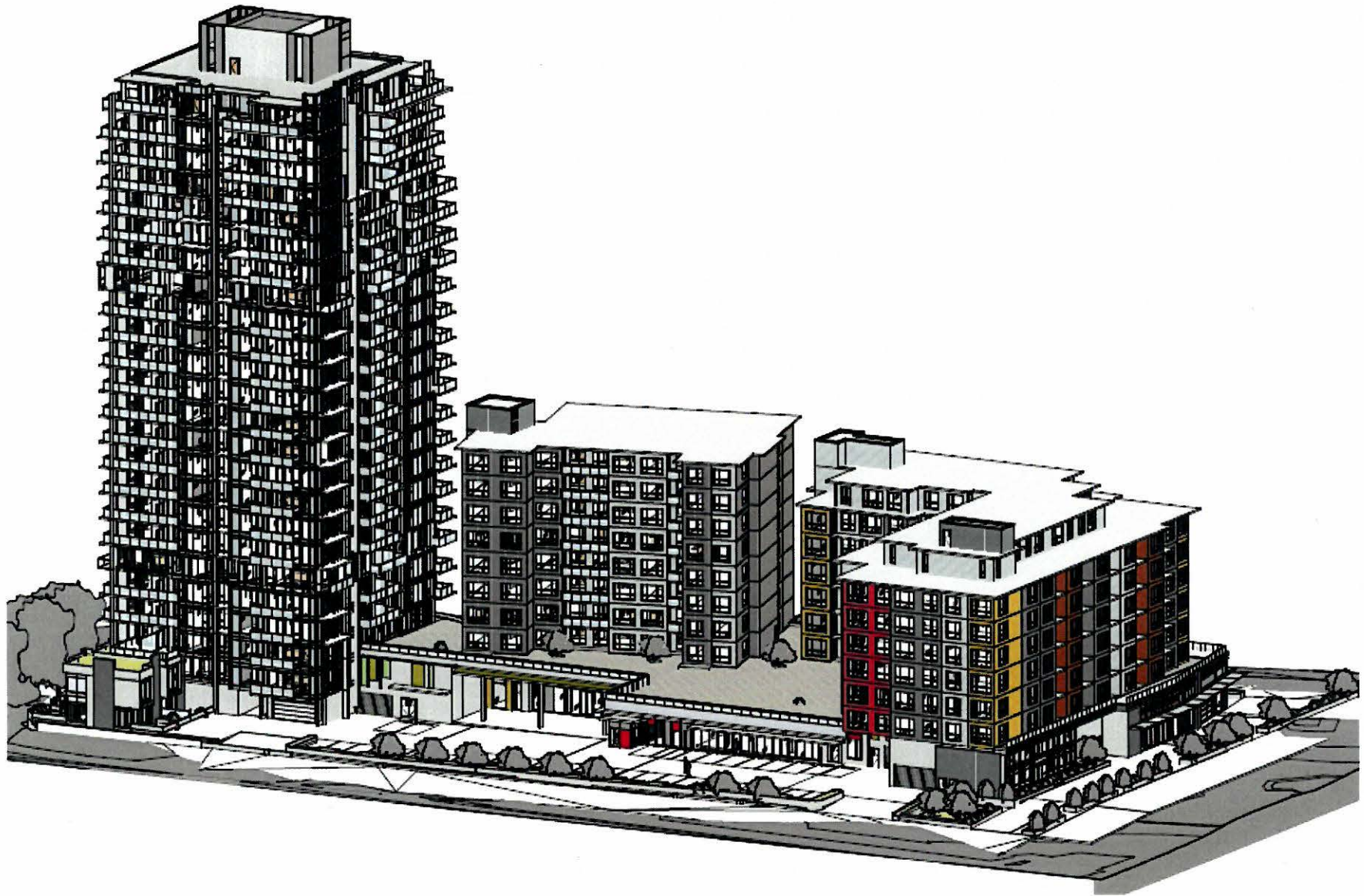
SCALE: As Indicated

DATE: 2023-10-10

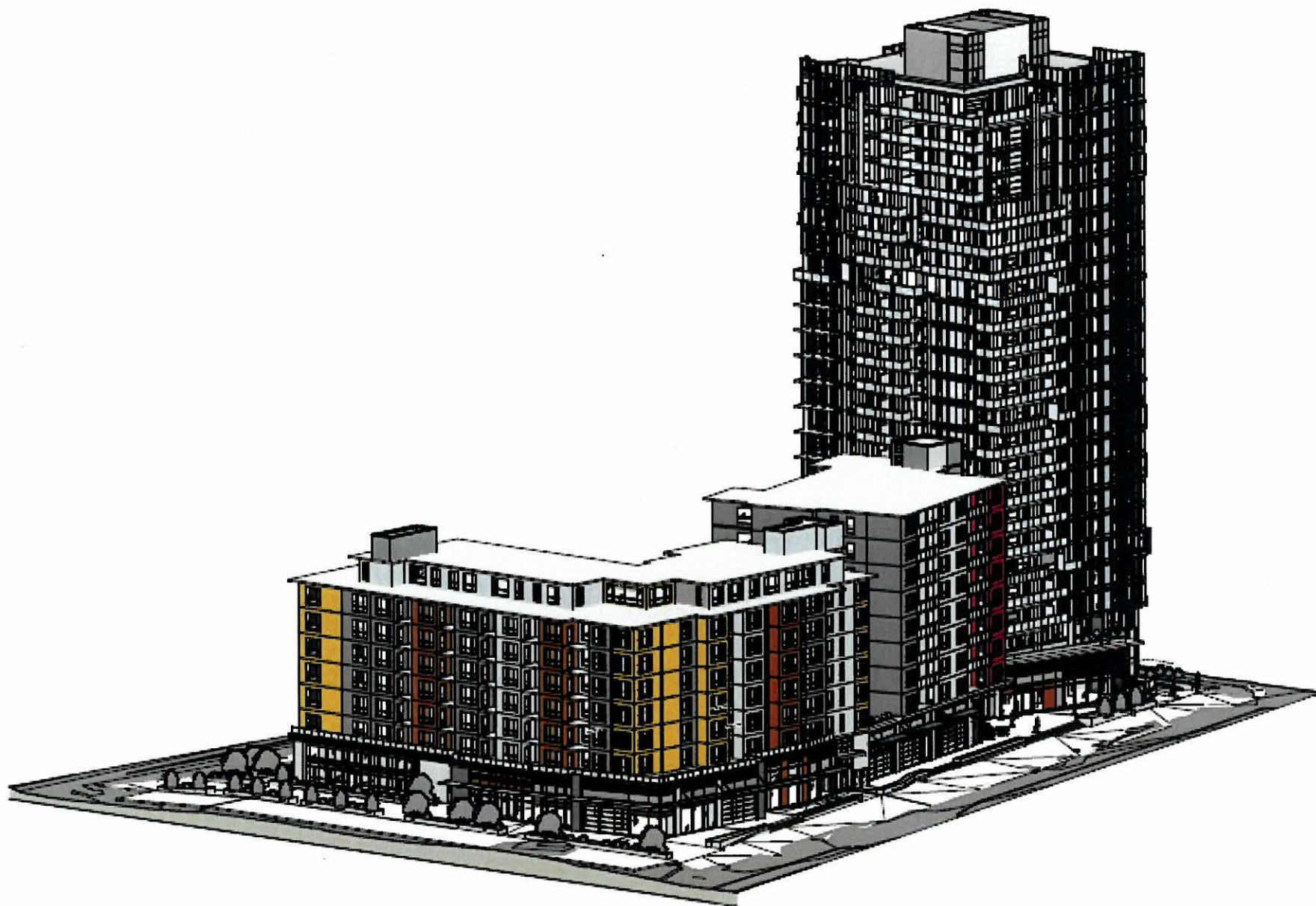
SHEET TITLE  
**OVERALL WEST ELEVATION**

SHEET NUMBER	ISSUE
DP2.02	





View of Revised Project Looking West



View of Revised Project Looking South-east





Rendered Image of Revised Project Looking East

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Dept. Manager	GM/ Director	CAO

## The District of North Vancouver REPORT TO COUNCIL

February 25, 2021

File:

**AUTHOR:** Lisa Muri, AOC Chair

**SUBJECT:** Committee Terms of Reference

**RECOMMENDATION:**

THAT staff is directed to report back with an amendment to the Council Procedure Bylaw to allow for electronic meeting participation by members of Council advisory committees;

AND THAT staff is directed to report back with amendments to the Municipal Advisory Committee Policy outlining a new standard District of North Vancouver committee Terms of Reference.

**REASON FOR REPORT:**

The Advisory Oversight Committee (AOC) met on February 25, 2021 and discussed the February 16, 2021 report of the Council Liaison/Support Officer entitled Analysis of Terms of Reference for DNV (Attachment 1). The report addressed a recommended standardized Terms of Reference to allow for electronic and telephone participation, promote an increase in volunteer recruitment and to require annual reporting to Council.

The AOC discussed the items at length and moved the following recommendation:

THAT the Advisory Oversight Committee recommends that Council direct staff to report back with an amendment to the Council Procedure Bylaw to allow for electronic meeting participation by members of Council advisory committees;

AND THAT the Advisory Oversight Committee recommends that Council direct staff to report back with amendments to the Municipal Advisory Committee Policy outlining a new standard DNV committee Terms of Reference.

**EXISTING POLICY:**

The existing policies that would require amendments are the Municipal Advisory Committees Policy (included in Attachment 1) and Council Procedure Bylaw [Council Procedure Bylaw | District of North Vancouver \(dnv.org\)](#).

**Conclusion:**

The AOC endorses that changes be made to the Council Procedure Bylaw to allow for committee members to participate in meetings electronically, in an effort to increase volunteerism. It also recommends that the Municipal Advisory Committees Policy be updated to allow for other options, such as annual reporting requirements to Council, ideal committee composition and representation, and term limits.

**Options:**

1. THAT staff is directed to report back with an amendment to the Council Procedure Bylaw to allow for electronic meeting participation by members of Council advisory committees;

AND THAT staff is directed to report back with amendments to the Municipal Advisory Committee Policy outlining a new standard District of North Vancouver committee Terms of Reference; or,

2. That no further action be taken.

Respectfully submitted,



Lisa Muri  
Councillor & Chair, AOC

**Attachments**

Attachment 1: February 16, 2021 Report of the Council Liaison/Support Officer

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	_____
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<input type="checkbox"/> Review and Compliance	_____	<input type="checkbox"/> Planning	_____		

_____ Dept. Manager	_____ GM/ Director	_____ CAO
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## The District of North Vancouver

### REPORT TO COMMITTEE

February 16, 2021

File:

**AUTHOR:** Adriana Reiher, Council Liaison/Support Officer

**SUBJECT:** Analysis of Terms of Reference for DNV

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#### RECOMMENDATION:

THAT the February 16, 2021 report of the Council Liaison/Support Officer entitled Analysis of Terms of Reference for DNV is received for information.

#### REASON FOR REPORT:

At the November 26, 2020 Advisory Oversight Committee (AOC) meeting, it was requested that staff provide a report to the AOC with:

- A recommended standardized Terms of Reference (ToR), allowing for:
  - Electronic and telephone participation;
  - Promote an increase in volunteer recruitment; and,
  - Require annual reporting to Council; and,
- A review of existing ToR for DNV Committees.

#### SUMMARY:

The DNV currently has a standardized ToR that is part of the Municipal Advisory Committees Policy (Attachment 1). This was added to the policy in August 2011 and all committees from 2011 onwards have used the standardized ToR as a model for their own ToR. This has allowed some uniformity and general guidelines for DNV committees from 2011 onwards.

The policy states under the heading 'Procedure', section 2, "The standardized Terms of Reference in Schedule A is intended to bring consistency to the creation of, appointment to, and functioning of various categories of advisory committees employed from time to time by the District of North Vancouver. Some customization is allowed in order to reflect the uniqueness of each advisory group. Terms of Reference are subject to the approval of the Advisory Oversight Committee".

Currently, Municipal Advisory Committees fall into six different categories, including:

- Standing Advisory Committees;
- Statutory Committees;
- Joint External Advisory Committees;
- Working Groups;
- Community Advisory Committees; and,
- External Advisory Groups.

The last amendment to the Municipal Advisory Committees Policy was approved at the Regular Council meeting on July 10, 2017.

### **ANALYSIS of Standardized ToR:**

#### *Allowing Electronic and Telephone Participation:*

The standardized ToR outlined in section 2 of the Municipal Advisory Committee Policy does not include a section on participation options, which could potentially allow for electronic meeting participation by committee members. It should be noted that at the last AOC meeting, this was mentioned as an important feature to further promote and retain volunteers for DNV committees. Currently, committees may conduct meetings through electronic means as they are subject to the *Procedure Bylaw* and Ministerial Order M192. Following the conclusion of the COVID-19 pandemic and the repeal of M192, Council may amend its *Procedure Bylaw* to allow for increased electronic meeting participation, this would apply to all committees of Council.

#### *Promote an Increase in Volunteer Recruitment:*

The matter of volunteer recruitment and the selection of committee members can be addressed by including a section in the ToR describing the ideal committee composition and representation but also allowing for flexibility at the AOC discretion related to the suitability of an applicant if those applicants are not received by assessing a combination of skills, experience and other factors. If term limits were added, they would be made effective from the original committee member appointment date.

#### *Require Annual Reporting to Council:*

The requirement for annual reporting to Council can be added to the ToR, and each committee would be invited to attend on a specific meeting date spread throughout the year in order to accommodate regular business of Council and to provide consistency to scheduling. This would allow each committee the opportunity to present to Council while also limit competing time with other committees.

#### *Review of Existing ToR for DNV Committees*

The Council Liaison/Support Officer has undertaken a high-level review of DNV committee ToR which can be found on the District webpage: [Find a committee | District of North Vancouver \(dnv.org\)](https://dnv.org). As mentioned in the Municipal Advisory Committee Policy, it was noted that many of these are customized to the committees themselves; however, general uniformity was observed.

Of the six categories of Municipal Advisory Committees, the AOC may not have the purview to change the ToR of committees that are established by bylaw or those that are statutory bodies. Committees established by bylaw include:

- Advisory Design Panel;
- Board of Variance;
- North Vancouver District Public Library Board;
- North Vancouver Museum and Archives Commission;
- North Vancouver Recreation and Culture Commission; and,
- Parcel Tax Roll Review Panel.

### **Conclusion:**

It would be beneficial for the AOC to recommend that Council direct staff to amend the Council Procedure Bylaw to allow for electronic meeting participation by members of Council advisory committees and subsequently amend the Municipal Advisory Committees Policy to standardize ToR to include amendments that allow electronic meeting participation, update the section on volunteerism for further flexibility when assessing applicant suitability, and require annual reporting of DNV committees to Council. Should the amendments proceed, the AOC may also request that the Clerk provide options on communicating to the existing committees about the amended standardized ToR, and how they may update their existing ToR.

### **Options:**

1. THAT the Advisory Oversight Committee recommends that Council direct staff to report back with an amendment to the Council Procedure Bylaw to allow for electronic meeting participation by members of Council advisory committees;

AND THAT the Advisory Oversight Committee recommends that Council direct staff to report back with amendments to the Municipal Advisory Committee Policy outlining a new standard DNV committee Terms of Reference.

2. THAT the February 16, 2021 report of the Council Liaison/Support Officer entitled Analysis of Terms of Reference for DNV is received for information.

Respectfully submitted,

*Adriana Reiher*

Adriana Reiher  
Council Liaison/Support Officer

### **Attachments:**

Attachment 1 – Municipal Advisory Committees Policy

REVIEWED WITH:		
<input type="checkbox"/> Community Planning	_____	<input type="checkbox"/> Clerk's Office
<input type="checkbox"/> Development Planning	_____	<input type="checkbox"/> Communications
<input type="checkbox"/> Development Engineering	_____	<input type="checkbox"/> Finance
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External Agencies: <input type="checkbox"/> Library Board _____ <input type="checkbox"/> NS Health _____ <input type="checkbox"/> RCMP _____ <input type="checkbox"/> NVRC _____ <input type="checkbox"/> Museum & Arch. _____ <input type="checkbox"/> Other: _____		





## The Corporation of the District of North Vancouver

### CORPORATE POLICY MANUAL

Section:	Administration	1
Sub-Section:	Committees and Commissions/Meetings - General	0360
Title:	MUNICIPAL ADVISORY COMMITTEES	3

## POLICY

From time to time as deemed necessary, the District of North Vancouver may have **Municipal Advisory Committees** which fall into the following categories:

- **Standing Advisory Committees;**
- **Statutory Committees;**
- **Joint External Advisory Committees;**
- **Working Groups;**
- **Community Advisory Committees; and,**
- **External Advisory Groups.**

## REASON FOR POLICY

Municipal Advisory Committees provide expert and/or community advice to Council, senior management, and/or staff on a variety of topics, issues, projects and initiatives. The changes represented in this policy provide for greater clarity, flexibility, and responsiveness with respect to the use of advisory committees. The changes will also ensure that valuable community and staff resources are utilized in the most effective and efficient manner possible by focusing on meaningful and well defined goals and tasks to better meet District needs.

## PROCEDURE

### 1. Definitions

#### **Standing Advisory Committees**

These are committees established by the Mayor for matters the Mayor considers would be better dealt with by committee. This category may also include certain other bodies generally considered to serve an ongoing, permanent function. The Mayor makes the appointments to standing advisory committees. At least half of the members of a standing committee must be Council Members. Appointments may be specified in legislation, bylaw, or terms of reference.

#### **Statutory Committees**

These are committees required by, or prescribed by, legislation. The bodies in this category either conduct independent statutory duties, advise Council, or manage major District assets. Members of Council may or may not be required, or permitted, on these committees. Appointments to these Committees are made by Council.

#### **Joint External Advisory Committees**

These are committees or commissions that are either bi- or tri-municipal in nature and either jointly manage cross-community assets and services or monitor issues of significant community interest on an ongoing basis. The composition of, appointment to, and operation of these bodies is prescribed in legislation, bylaws, or agreements.

### **Working Groups**

These are formed when Council or staff identify a specific issue or initiative and seek input from a cross-section of residents. Working Groups exist for a limited duration sufficient to complete the assigned task and work directly with staff who in turn report on the issue to Council. Generally, Councillors are not appointed to any working group except where a liaison role is deemed appropriate and appointments are made by the Advisory Oversight Committee.

### **Community Advisory Committees**

These are formed when staff identify issues that require ongoing or periodic community input or involve a particular user group whose input, guidance, or feedback is deemed necessary or desirable for the better delivery of a DNV service. Groups work with staff who in turn use the information as input for staff reports to Council. There is generally no formal Council involvement with the groups and appointments are made by staff but ratified by the Advisory Oversight Committee.

### **External Advisory Groups**

These are committees, working groups, advisory bodies, etc. created by organizations or agencies other than the DNV where the DNV has no control over the terms of reference of the body. DNV staff are involved as invited participants subject to the relevance of the body and our resources to sustain such participation.

## **2. Standardized Terms of Reference**

The standardized Terms of Reference in Schedule A is intended to bring consistency to the creation of, appointment to, and functioning of various categories of advisory committees employed from time to time by the District of North Vancouver. Some customization is allowed in order to reflect the uniqueness of each advisory group. Terms of Reference are subject to the approval of the Advisory Oversight Committee.

## **3. Advisory Oversight Committee**

The Advisory Oversight Committee is a Standing Committee of Council that has been delegated the authority to appoint, or confirm staff recommendations to appoint, appropriately qualified citizens and professionals to all Working Groups and Community Advisory Committees and to certain Joint External Advisory Committees and External Advisory Groups. The Mayor retains the statutory obligation to appoint Standing Committees members. Council appoints to certain Statutory Committees and Joint External Advisory Committees upon recommendation of suitable appointees by the Advisory Oversight Committee (see Schedule B).

## **4. Creation of New Advisory Committees**

New advisory committees will be created, as needed, within the definitions set out in section 1. The nature of the task to be performed, the authority for undertaking it, the time estimated to complete the task, and nature of the expertise/opinion needed will be considered in determining which the five types of committee the new one will be. Terms of Reference for the new committee will be largely based on the standard in Schedule A.

## **5. Appointment Procedure**

Appointments to any advisory committee will be made in accordance with Schedule B.

Approval Date:	November 20, 1995	Approved by:	Executive Committee
Amendment Date:	December 11, 1995	Approved by:	Regular Council
Amendment Date:	April 22, 1996	Approved by:	Regular Council
Amendment Date:	April 14, 1997	Approved by:	Regular Council
Amendment Date:	April 27, 1998	Approved by:	Regular Council
Amendment Date:	October 05, 1998	Approved by:	Regular Council
Amendment Date:	November 28, 2000	Approved by:	Regular Council
Amendment Date:	May 28, 2007	Approved by:	Regular Council
Amendment Date:	August 29, 2011	Approved by:	Regular Council
Amendment Date:	July 10, 2017	Approved by:	Regular Council

## **Schedule A**

### **Standardized Terms of Reference**

<b>Name</b>	What will the body be called?
<b>Purpose</b>	What is the body's specific purpose?
<b>Delegated Authority</b>	Precisely describe the scope of any delegated authority.
<b>Origin of Work</b>	Who may assign the primary task, subsequent tasks, or modify assigned tasks?
<b>Membership</b>	How many members will there be? Will they represent interest groups or specific segments/areas of the community? Will there be one or more Councillors included as members?
<b>Member Emeritus</b>	Is there a certain individual that staff or Council would like to honour? This individual has provided significant value to the committee and their historical perspective and insight can continue to inform the committee. The member emeritus would be non-voting, and would be an advisor to the committee. Committees are not required to have a member emeritus. The member emeritus is for a one year term; and is renewable. Only one member emeritus per committee. There are no minimum attendance requirements for this position.
<b>Appointment</b>	
<b>Qualification</b>	What are the prerequisites that qualify a person to be a member?
<b>Recruitment and Selection</b>	How will potential members be recruited and what will be the selection process?
<b>Appointment</b>	Who or what body will make the appointment of members?
<b>Term</b>	What is the term of appointment? Ensure that no more than half of the body turns over each year.
<b>Revocation of Appointment</b>	Ensure that it is clear that the person or body making the appointment also has the power to revoke the appointment.
<b>Vacancy</b>	Specify that any vacancy created is filled by a new appointee for the remainder of the term of the person being replaced.
<b>Chair</b>	Will the Chair be selected by the body from amongst its members or will it be appointed by person or body appointing members?
<b>Duties</b>	What kind of work will be assigned?
<b>Work Plan</b>	Will a work plan be required? Where required, it must cover the term over which the assigned duties will take place and address what will be accomplished, within what time frame, and requiring what resources. If the body is a standing one, an annual work plan should be required.

<b>Budget</b>	What is the assigned budget, if any, for the period or duties? If a budget and work plan are required, they should be interrelated. The budget should reflect the true and complete cost of the body's duties including staff time dedicated to supporting the body.
<b>Meeting Schedule</b>	How frequently will the body meet? It may be a prescribed minimum or left to the call of the Chair.
<b>Procedures</b>	What procedures will the body adhere to? Statutory bodies may have prescribed rules, others may be required to conform to the Council Procedure Bylaw, while others may use Robert's Rules of Order. A set of procedures should be specified in order to bring certainty to the conduct of proceedings, such as defining quorum.
<b>Reporting</b>	To whom and at what intervals will the body report? How will the body be dissolved upon its final report?
<b>Staff Support</b>	Will there be staff resources designated to support the activities of the body? If so, specify the scope of this support and identify minimum and maximum levels. Ensure this is addressed in the budget of the body.
<b>Remuneration</b>	Appointees will receive no remuneration for their service on such bodies. It is reasonable that expenses incurred in the conduct of business be reimbursed.
<b>Conflict of Interest</b>	Appointees are required to be vigilant for issues of real or perceived conflict of interest and take appropriate action. District staff (Clerk, Directors, CAO) are available to discuss issues of conflict of interest with a potentially affected appointee.
<b>Code of Ethics</b>	Appointees will be required to sign a statement saying that they have read, understood, and will conform to the District's Code of Ethics. This will be required immediately upon appointment.
<b>Dissolution</b>	How and when will the body be dissolved?



## Schedule B

### Appointing Body

Committee	Category	Recommended by	Confirmed by
Advisory Design Panel		Staff <sup>2</sup>	Council
Advisory Oversight Committee		Mayor	Mayor
Board of Variance		Staff <sup>2</sup>	Council
Child Care Grants Committee		Staff <sup>1</sup>	AOC <sup>3</sup>
Community Advisory Panel (chemical companies)		Staff	Staff
Community Heritage Advisory Committee		Staff <sup>1</sup>	AOC <sup>3</sup>
Community Monitoring Advisory Committee		Staff <sup>1</sup>	AOC <sup>3</sup>
Community Services Advisory Committee		Staff <sup>1</sup>	AOC <sup>3</sup>
Finance & Audit Committee		Mayor	Mayor
Golf Facilities Strategic Working Group		Staff <sup>1</sup>	AOC <sup>3</sup>
Highway 1 Interchange Design Working Group[		Staff <sup>1</sup>	AOC <sup>3</sup>
Joint Police Committee		Mayor	Mayor
Joint Use of Public Facilities Planning Group		Staff	Staff
Lynn Valley Village Working Group		Staff <sup>1</sup>	AOC <sup>3</sup>
Major Infrastructure Projects Advisory Committee		AOC <sup>2</sup>	Council
Municipal Library Board		Staff <sup>2</sup>	Council
Museum & Archives Commission		Staff <sup>1</sup>	AOC <sup>3</sup>
North Vancouver Recreation Commission		AOC	Council
NS Advisory Committee on Disability Issues		Staff <sup>1</sup>	AOC <sup>3</sup>
NS Emergency Management Office		Bylaw	Bylaw
NS Substance Abuse Working Group		Staff <sup>1</sup>	AOC <sup>3</sup>
NS Waterfront Liaison Committee		Staff	Staff
OCP Implementation Monitoring Committee		Staff <sup>1</sup>	AOC <sup>3</sup>
Parcel Tax Roll Review Panel		Council <sup>2</sup>	Council
Parks and Natural Environment Committee		Staff <sup>1</sup>	AOC <sup>3</sup>
Public Art Committee		Staff <sup>1</sup>	AOC <sup>3</sup>
Transportation Consultation Committee		Staff <sup>1</sup>	AOC <sup>3</sup>

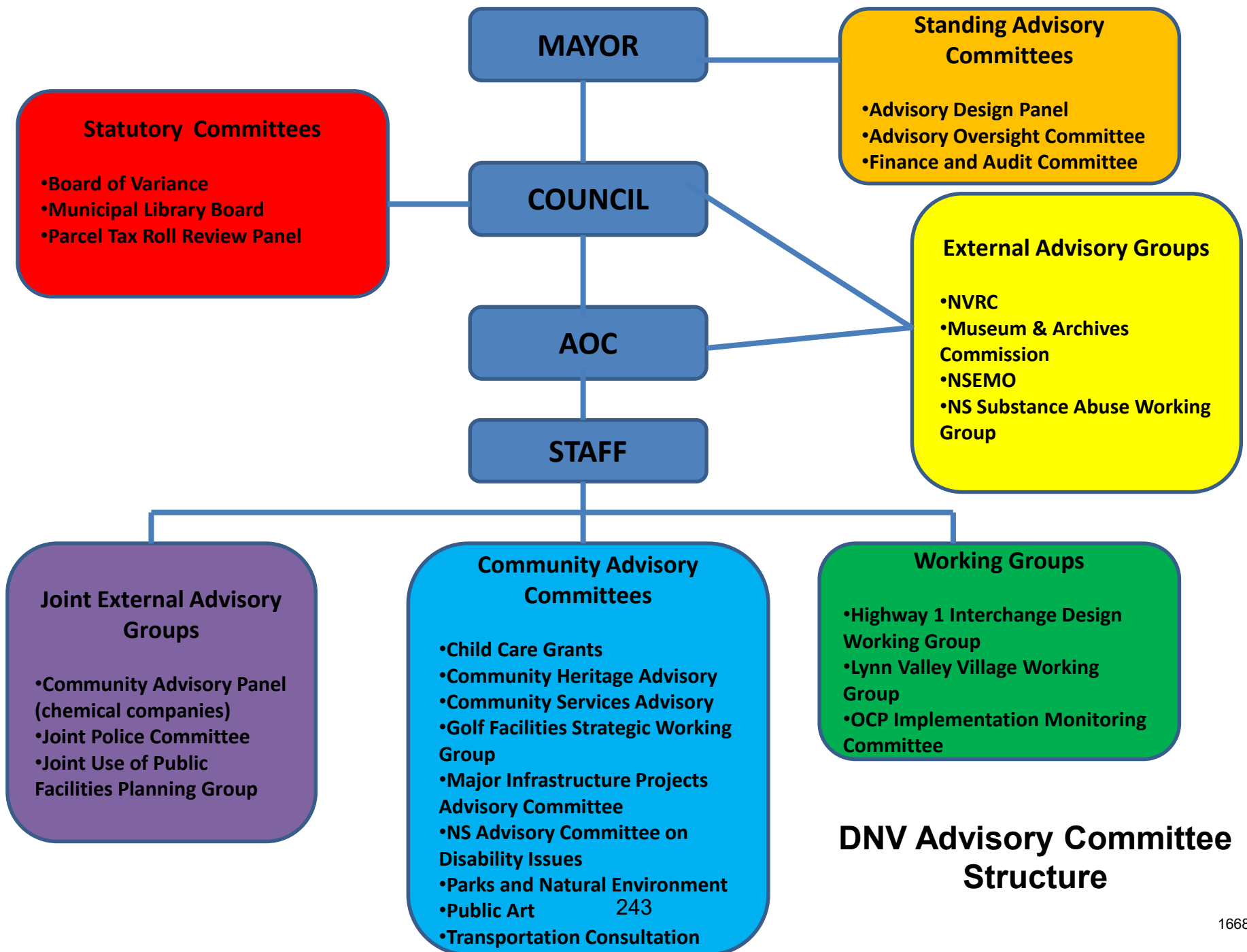
	Standing Advisory Committees
	Statutory Committees
	Joint External Advisory Committees
	Working Groups
	Community Advisory Committees
	External Advisory Groups

Notes:

<sup>1</sup>staff appointments ratified by Advisory Oversight Committee

<sup>2</sup>staff will prepare background information for Council or AOC

<sup>3</sup>Advisory Oversight Committee acting on behalf of Council (appointment(s) to be circulated to Council for information/comment prior to being confirmed)



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Dept. Manager	GM/ Director	CAO

## The District of North Vancouver REPORT TO COUNCIL

February 18, 2021

File:

**AUTHOR:** Councillor Lisa Muri, Chair, Advisory Oversight Committee

**SUBJECT:** District of North Vancouver Climate Action Advisory Committee

**RECOMMENDATION:**

THAT Council approve the creation of the District of North Vancouver Climate Action Advisory Committee;

AND THAT Council approve the proposed Terms of Reference for the District of North Vancouver Climate Action Advisory Committee.

**REASON FOR REPORT:**

At the July 8, 2019 Regular Council meeting, Council resolved to form a committee responsible for climate action and biodiversity and at the November 10, 2020 Advisory Oversight Committee meeting, members discussed the creation of a new Climate Action Advisory Committee. This report provides Council with the proposed Terms of Reference for the new District of North Vancouver Climate Action Advisory Committee and recommends that Council approve the creation of the new District of North Vancouver Climate Action Advisory Committee and its proposed Terms of Reference.

**Options:**

1. THAT Council approve the creation of the District of North Vancouver Climate Action Advisory Committee;

AND THAT Council approve the proposed Terms of Reference for the District of North Vancouver Climate Action Advisory Committee.

2. Return the proposed Terms of Reference to the Advisory Oversight Committee for further refinement as directed by Council.
3. Receive the report dated February 18, 2021 from the Chair of the Advisory Oversight Committee entitled District of North Vancouver Climate Action Advisory Committee for information.

Respectfully submitted,



Councillor Lisa Muri  
Chair, Advisory Oversight Committee

**Attachment:**

Attachment 1 - District of North Vancouver Climate Action Advisory Committee proposed Terms of Reference

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	_____		



**DRAFT****District of North Vancouver  
Terms of Reference****District of North Vancouver Climate Action Advisory Committee**

---

<b>Name</b>	District of North Vancouver Climate Action Advisory Committee
<b>Purpose</b>	The purpose of the Climate Action Advisory Committee (the Committee) is to provide advice and community perspective on issues related to reducing greenhouse gas (GHG) emissions, minimizing energy consumption, advancing climate change resiliency strategies, and preserving and enhancing biodiversity and healthy ecosystems for a healthier and more sustainable community.
<b>Delegated Authority</b>	There is no delegation of authority to the Committee.
<b>Origin of Work</b>	Work assignments, consistent with the purpose of the Committee, will come through the Manager – Climate Action, Natural Systems & Biodiversity or designate in consultation with the Chair of the Committee.
<b>Membership</b>	The Committee will be comprised of nine members appointed by Council based on recommendations from the Advisory Oversight Committee.
<b>Appointment</b>	
<b>Qualification</b>	<p>Committee members selected will represent the broad geographic and demographic characteristics of the municipality and will be residents of the District of North Vancouver. An exception to residency requirements may be made for individuals with unique qualifications and backgrounds.</p> <p>Committee members will ideally have experience and professional accreditation or expertise in one or more of the following categories:</p> <ul style="list-style-type: none"> <li>• Community energy and emissions reduction policy and strategies;</li> </ul>

- Fuel switching technologies and incentive opportunities;
- Zero emission and active transportation;
- Building energy efficiency and renewable energy;
- Waste Management (e.g. collection/disposal, zero waste, circular economy, etc.);
- Water management and conservation;
- Climate change adaptation and resilience;
- Nature-based solutions (e.g. green technologies, building with nature, green infrastructure, natural asset management);
- Habitat conservation and ecological restoration;
- Environmental non-profit work;
- Climate and social equity and justice; and
- Environmental communications, outreach and education.

The Committee will also include:

- at least one high school or university student ideally of a relevant academic field; and
- up to one community member at large

**Recruitment and Selection**

The Clerk's Office will undertake a process of advertising for qualified persons interested in volunteering to sit on the Committee. Names of interested persons will be received and reviewed by the Manager – Climate Action, Natural Systems & Biodiversity who will recommend appointees to the Advisory Oversight Committee.

**Appointment**

The Advisory Oversight Committee will recommend appointments to be ratified by Council.

**Term**

Members will be appointed for a one year term. Members may reapply for subsequent terms, but may not serve more than five consecutive terms.

	<p>If a member misses three consecutive meetings without giving reasonable cause to the Chair in advance, they will be deemed to have resigned.</p>
<b>Revocation of Appointment</b>	<p>Council retains the ability to revoke an appointment as may be deemed necessary.</p>
<b>Vacancy</b>	<p>Any vacancy created will be filled by a new appointee for the remainder of the term of the person being replaced.</p>
<b>Chair</b>	<p>The Chair and Vice Chair will be elected by the Committee at its first meeting each year. If both are absent from a meeting, an Acting Chair will be chosen from the members present.</p>
<b>Duties</b>	<p>The Committee mandate and duties include:</p> <ol style="list-style-type: none"> <li>1) Identify and explore innovative solutions to educate the public, build local awareness and promote climate action and environmental stewardship within the community;</li> <li>2) Review and provide advice on the District's policies, plans and implementation strategies related to: <ul style="list-style-type: none"> <li>▪ Reducing GHG emissions;</li> <li>▪ Reducing energy consumption;</li> <li>▪ Building resiliency and adapting to climate change; and</li> <li>▪ Enhancing natural areas, preserving ecosystems, and increasing biodiversity.</li> </ul> </li> <li>3) Research and recommend innovative approaches and best practises to assist the District in achieving the goals and actions identified within the scope of <i>Impact 2050 - Community Energy &amp; Emissions Plan</i> and related plans and strategies.</li> <li>4) Recommend specific topics for consideration by other District Advisory Committees where there may be overlapping areas of interest and where shared knowledge and expertise would be of benefit to advancing the District's climate action and related goals.</li> </ol>

- 5) Review and provide advice on regional, provincial and federal environmental initiatives that may have impact or influence within the District.
- 6) Provide advice on climate and social equity and justice when reviewing the District's climate action related plans, policies, and initiatives.

**Work Plan**

A work plan to cover the one-year term will be prepared jointly by the Committee and the Manager – Climate Action, Natural Systems & Biodiversity. The work plan will provide focus and direction for achieving the Committee's purpose and mandate.

Additional work plan items may arise during the course of the year as recommended by Council, staff, or the Committee itself.

**Budget**

The Manager, Climate Action, Natural Systems & Biodiversity will maintain a modest budget sufficient to support the Committee's work plan.

**Meeting Schedule**

The Committee will meet a minimum of four times per year. The schedule for the year will be established at the first meeting of the year. Additional meetings may be called throughout the year to assist with special projects or priority topics. Additional meetings will be scheduled at the call of the Chair upon recommendation of the Manager – Climate Action, Natural Systems & Biodiversity.

**Procedures**

A quorum will be five members of the committee.

Decisions of the Committee will be determined by a simple majority of members present.

All other procedural points will be decided and determined in accordance with Robert's Rules of Order.

**Reporting**

Oversight of the Committee will be provided by the Manager – Climate Action, Natural Systems and Biodiversity or designate.

The Committee will provide an update report to Council at the end of each annual term, and may otherwise be asked to report to Council throughout the term on specific topics as they arise.

**Staff Support**

Staff support will be provided by the Manager – Climate Action, Natural Systems & Biodiversity or designate.

Professional advice will be provided by staff, consultants or guest speakers retained by the District.

**Remuneration**

Appointees will serve with no remuneration.

**Conflict of Interest**

Appointees are required to be vigilant for issues of real or perceived conflict of interest and take appropriate action. District staff (CAO, General Managers, and District Clerk) are available to discuss issues of conflict of interest with a potentially affected appointee.

**Code of Ethics**

Appointees will be required to sign a statement saying that they have read, understood, and will conform to the District's Code of Ethics. This will be required immediately upon appointment.

**Dissolution**

The committee will terminate after one year from the date that at least a quorum of members is appointed.

**Attendance at  
Committee Meetings  
by Members of  
Council**

Subject to a maximum of three attending at any one time, any member of Council may attend any meeting of the Committee as an observer. Members of Council in attendance may take part in discussions as an additional resource to the Committee, but are not permitted to vote and may not count towards a quorum.

Approved by Council:



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Dept. Manager	GM/ Director	CAO

## The District of North Vancouver REPORT TO COUNCIL

March 11, 2021

File:

**AUTHOR:** Jim Hanson

**SUBJECT:** Safe Supply of Opioids - Overdose Crisis

**RECOMMENDATION:**

THAT the motion derived from Moms Stop The Harm be endorsed by Council, as follows:

WHEREAS the opioid crisis is one of the largest public health emergencies of our lifetime, with a death on average about every two hours in Canada and a death toll of over 16,360 since 2016 in Canada and 1,716 in British Columbia in 2020 and 46 in the North Shore/Coast Garibaldi in 2020.

WHEREAS other countries have significantly reduced drug-related fatalities with reforms such as legal regulation of illicit drugs to ensure safe supply and decriminalization for personal use.

WHEREAS the federal government has indicated it is premature to discuss these measures until there are comprehensive supports for people to get well.

WHEREAS supports are needed, but measures that save lives are essential if people are to survive and access supports.

WHEREAS the Canadian Association of Chiefs of Police has stated that they agree the evidence suggests “decriminalization for simple possession as an effective way to reduce the public health and public safety harms associated with substance use”, causing the government to indicate that it is now “deliberating” over decriminalization.

WHEREAS the overdose crisis rages, showing few signs abating.

BE IT RESOLVED that the Government of Canada declare the overdose crisis a national public health emergency so that it is taken seriously and funded appropriately.

BE IT ALSO RESOLVED that the Government of Canada immediately seek input from the people most affected by this crisis and meet with provinces and territories to develop a comprehensive, pan-Canadian overdose action plan, which includes comprehensive supports and full consideration of reforms that other countries have used to significantly reduce drug-

related fatalities and stigma, such as legal regulation of illicit drugs to ensure safe supply of pharmaceutical alternatives to toxic street drugs.

### **REASON FOR REPORT:**

Canada is facing an opioid overdose crisis and it is the responsibility of local governments in British Columbia to take an active role in lobbying for change. In November 2020, Mom Stop the Harm (MSTH) asked Municipalities and Indigenous Communities across Canada to pass a resolution (Attachment 1) on the overdose crisis. As of March 2021, the following are BC municipalities that have passed the MSTH resolution and forwarded it to The Honourable Patty Hajdu, Minister of Health, Government of Canada ([Actions — Moms Stop The Harm](#)):

- District of Squamish;
- City of Kamloops;
- Village of Salmo;
- City of Victoria;
- District of Lake Country;
- White Rock;
- District of Central Saanich;
- District of Saanich; and,
- City of Powell River.

The following are BC Municipalities that have passed part of the MSTH resolution or who have taken other actions, as of March 2021:

- City of Delta – Mayor George V. Harvie sent a letter and local report about the overdose crisis to the Minister of Health, Patty Hajdu. The letter urges “the Federal government to recognize the overdose crisis as a national public health emergency and work with the provinces to develop a comprehensive plan to address this issue”. [patty-hajdu\\_min-of-health\\_drug-overdose-crisis\\_dec-18-2020.pdf \(delta.ca\)](#)
- City of Burnaby – Mayor Mike Hurley submitted a Notice of Motion regarding the overdose crisis, calling on the Federal Government to declare an overdose crisis a national public health emergency and decriminalize possession of opioids. The Council passed a motion that included a portion of the MSTH resolution on February 8, 2021. [FileStream.ashx \(escribemeetings.com\)](#)
- Town of Oliver – Council passed their own version of part of the MSTH resolution at their council meeting on February 22nd. Their resolution stated “That Council direct staff to draft correspondence to the Federal Government expressing concern regarding drug poisoning deaths being a Canadian Public Health Emergency.” [D1DC55C8FAF94DFDB67435D0085AF4E3-February\\_22\\_Correspondence\\_Report.pdf \(civicweb.net\)](#)

### **BACKGROUND INFORMATION:**

#### **City of Kamloops**

##### **High Points:**

- On December 15, 2020 Council members passed a motion in support of the decriminalization of simple possession of drugs (Attachment 2) and forwarded a letter to all UBCM members (Attachment 3).

## **District of Squamish**

### **High Points:**

- Carried correspondence with MSTH, as mentioned below, at December 1, 2020 Meeting of Council.
- Squamish's first overdose prevention site opens on February 22, 2021.

### **Relevant Links:**

- [Moms Stop The Harm Report](#)
- [Meeting Minutes](#)

## **City of Vancouver**

### **High Points:**

- On November 24, 2020, the City of Vancouver Council passed a motion to work with senior governments to address the overdose crisis which was unanimously endorsed.
  - THAT Council direct the Mayor to consult with the VCH Chief Medical Health Officer and then write to the federal Ministers of Health, Public Safety and Emergency Preparedness, and Justice and Attorney General to request a federal exemption from the Controlled Drugs and Substances Act to decriminalize personal possession of illicit substances within the City's boundaries for medical purposes, in order to address urgent public health concerns caused by the overdose crisis and COVID-19;
  - FURTHER THAT the Mayor write to all other B.C. local governments urging them to consider pursuing a federal exemption from the Controlled Drugs and Substances Act to decriminalize personal possession of illicit substances within their municipal boundaries;
  - AND FURTHER THAT the Mayor write to the Union of BC Municipalities and the Federation of Canadian Municipalities seeking their support for decriminalizing personal possession of illicit substances.

### **Relevant Links:**

- [Motion to Work with Senior Governments to Address the Overdose Crisis](#)
- [Minutes - Council: 2020 Nov 24 \(vancouver.ca\)](#)

## **District of Sechelt**

### **High Points:**

- On January 10, 2021, Mayor and Council acknowledged letter for call for action from the City of Kamloops received on December 18, 2020.
  - City of Kamloops request that the Government of Canada declare overdose a national public health emergency; immediately seek input from people most affected by the crisis to develop a plan for reducing drug-related fatalities and stigma, explore opportunities to ensure safe supply of pharmaceutical alternatives and decriminalize for public use; and forward motion to other BC municipalities to request they make a similar motion to ask the Government of Canada to address overdose crisis.
  - Acknowledged.

**Relevant Links:**

- [Meeting Minutes](#)

**City of Powell River****High Points:**

- On February 4, 2021, carried motion, per letter for call for action from the City of Kamloops, to:
  - Declare the overdose crisis a national public health emergency and fund appropriately; and further,
  - Seek input from the people most affected by this crisis and meet with provinces and territories to develop a comprehensive, Pan-Canadian overdose action plan which includes comprehensive supports and full consideration of reforms that other countries have used to significantly reduce drug-related fatalities and stigma; such as legal regulation of illicit drugs to ensure safe supply of pharmaceutical alternatives to toxic street drugs and decriminalization for personal use.

**Relevant Links:**

- [Meeting Minutes](#)

**City of Surrey****High Points:**

- Mitigating the opioid crisis is a big part of other the Surrey City Centre Response Plan, an identified hotspot for overdoses and opioid-related death, mostly concerning its ties with the influx of homelessness in the area.
- Three key initiatives include:
  - Initiation of Surrey Outreach Team (2017), 12 RCMP officers who are on site 24/7
  - SafePoint - Safe Injection Site (2017)
  - Creation of housing for 200 people (2018)

These initiatives reduced opioid-related deaths in the Surrey City Centre Response Plan area hotspot, however further monitors beyond these 3 indicators will be ongoing.

**Relevant Links:**

- [Opioid Overdose Intervention \(May 2019\)](#)

**City of Coquitlam****High Points:**

- SHARE family and community services has undertaken work with the Fraser Health authority to establish Opioid Response Team Roundtable to best address the opioid crisis. City staff can report back their findings once it is established. Currently undergoing gap analysis.

**Relevant Links:**

- [Meeting Minutes – Council-In-Committee](#)



## **City of New Westminster**

### **High Points:**

- Fire and Rescue Service's work with Fraser Health to gather information during the opioid crisis is ongoing, though there is a lag between findings and working with real-time data. There are ambitions to overcome this and respond to spikes in death rates and other problematic areas related in real time.
- To examine address the ongoing opioid crisis, the New Westminster Overdose Community Action Team prepared an Asset and Gap analysis, to identify existing assets and service gaps for users of these overdose prevention services.

### **Relevant Links:**

- [NWOCAT Asset and Gap Analysis Summary Report](#)

### **Conclusion:**

The current state of the Opioid Crisis in Canada can be considered a national public health emergency that requires the allocation of resources and funding on a large scale, including the legislative ability for all levels of government to respond to the ongoing crisis in a comprehensive and timely manner. It is the responsibility of local governments to act on behalf of their residents to lobby for support to address the opioid overdose crisis.

### **Options:**

1. That the motion, as presented, be endorsed;
2. That the item be forwarded to a Council Workshop; or,
3. That the item, as presented, not be supported.

Respectfully submitted,



Jim Hanson  
Councillor

### **Attachments:**

Attachment 1: MSTH Resolution

Attachment 2: December 15, 2020 Kamloops City Council motion

Attachment 3: December 18, 2020 City of Kamloops correspondence to UBCM members

<b>REVIEWED WITH:</b>					
<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	_____		

**Here is a copy of our Letter:**

**Petition to Municipalities on the Overdose Crisis**

**Whereas** the opioid crisis is one of the largest public health emergencies of our lifetime, with a death on average about every two hours and a death toll of over 17,602 (January 2016 to June, 2020).

**Whereas** other countries have significantly reduced drug-related fatalities with reforms such as legal regulation of illicit drugs to ensure safe supply and decriminalization for personal use.

**Whereas** the federal government has indicated it is premature to discuss these measures until there are comprehensive supports for people to get well.

**Whereas** supports are needed, but measures that save lives are essential if people are to survive and access supports.

**Whereas** the Canadian Association of Chiefs of Police has stated that they agree the evidence suggests “decriminalization for simple possession as an effective way to reduce the public health and public safety harms associated with substance use”, causing the government to indicate that it is now “deliberating” over decriminalization.

**Whereas** the overdose crisis rages, showing few signs of abating.

**Be it resolved** that the Government of Canada declare the overdose crisis a national public health emergency so that it is taken seriously and funded appropriately.

**Be it also resolved** that the Government of Canada immediately seek input from the people most affected by this crisis and meet with provinces and territories to develop a comprehensive, pan-Canadian overdose action plan, which includes comprehensive supports and full consideration of reforms that other countries have used to significantly reduce drug-related fatalities and stigma, such as legal regulation of illicit drugs to ensure safe supply of pharmaceutical alternatives to toxic street drugs, and decriminalization for personal use.

**MAILING INFORMATION**

Please send your resolution to Patty Hajdu, Minister of Health, Health Canada, Address Locator 0900C2, Ottawa, Ontario, K1A 0K9

Please send a copy of your resolution to:

- 1) Moms Stop the Harm at [info@momsstoptheharm.com](mailto:info@momsstoptheharm.com) or 5-6038 Willow Street, Vancouver, British Columbia, V5Z 3S6
- 2) Your local member of Parliament (MP). You can get your MP’s contact information by calling 1-800-463-6868 or going to <https://www.ourcommons.ca/en>

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**CITY OF KAMLOOPS**

RESOLUTION FROM THE MINUTES OF A REGULAR MEETING OF THE MUNICIPAL COUNCIL OF THE CITY OF KAMLOOPS, HELD IN THE VALLEY FIRST LOUNGE, SANDMAN CENTRE, 300 LORNE STREET, KAMLOOPS, BC

---

RESOLVED:

That Council:

- a) request that the Government of Canada:
  - i) declare the overdose crisis a national public health emergency so that it is taken seriously and funded appropriately
  - ii) immediately seek input from the people most affected by this crisis and meet with provinces and territories to develop a comprehensive, Pan-Canadian overdose action plan, which includes comprehensive supports and full consideration of reforms that other countries have used to significantly reduce drug-related fatalities and stigma, such as legal regulation of illicit drugs to ensure safe supply of pharmaceutical alternatives to toxic street drugs, and decriminalization for personal use
- b) forward this motion to other BC municipalities and request they make a similar motion to ask the Government of Canada to address the overdose crisis

CARRIED.

---

I HEREBY CERTIFY that this is a true copy of a resolution from the minutes of a meeting of the Kamloops City Council held on the 15th day of December, 2020.

Dated at Kamloops, BC, this 18th day of December, 2020.



---

M. Mazzotta  
Corporate Officer

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December 18, 2020

All UBCM Members  
via email

Dear Colleagues:

**Re: Overdose Crisis and Call for Overdose Action Plan**

At the December 15, 2020, Regular Council meeting, Council passed the following resolution:

*WHEREAS the opioid crisis is one of the largest public health emergencies of our lifetime, with a death about every two hours on average and a death toll of over 16,360 since 2016 (January 2016 to March 2020);*

*AND WHEREAS other countries have significantly reduced drug-related fatalities with reforms such as legal regulation of illicit drugs to ensure safe supply and decriminalization for personal use;*

*AND WHEREAS the federal government has indicated it is premature to discuss these measures until there are comprehensive supports for people to get well;*

*AND WHEREAS supports are needed, but measures that save lives are essential if people are to survive and access supports;*

*AND WHEREAS the Canadian Association of Chiefs of Police has stated that they agree the evidence suggests "decriminalization for simple possession as an effective way to reduce the public health and public safety harms associated with substance use", causing the Federal Health Minister to indicate the government is now "deliberating" over decriminalization;*

*AND WHEREAS the overdose crisis rages, showing few signs of abating;*

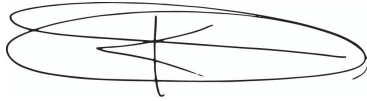
*THEREFORE BE IT RESOLVED that Council:*

- a) request that the Government of Canada:
  - i) declare the overdose crisis a national public health emergency so that it is taken seriously and funded appropriately
  - ii) immediately seek input from the people most affected by this crisis and meet with provinces and territories to develop a comprehensive, Pan-Canadian overdose action plan, which includes comprehensive supports and full consideration of reforms that other countries have used to significantly reduce drug-related fatalities and stigma, such as legal regulation of illicit drugs to ensure safe supply of pharmaceutical alternatives to toxic street drugs, and decriminalization for personal use

- b) forward this motion to other BC municipalities and request they make a similar motion to ask the Government of Canada to address the overdose crisis*

On behalf of Council, thank you for your consideration in this regard.

Yours truly,

A handwritten signature in black ink, consisting of a large, loopy 'K' followed by a vertical line and a horizontal stroke, all contained within a large, horizontal oval.

Ken Christian, Mayor  
City of Kamloops

/cg

attachment