

HOME

COUNCIL AGENDA/INFORMATION

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<input checked="" type="checkbox"/> Regular	Date: <u>AUG 24, 09</u>	Item # <u>5</u>
<input type="checkbox"/> Info Package	Date: _____	Item # _____
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BSD

 Dept. Manager

BSD

 Director

[Signature]

 CAO

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

August 11, 2009
 File: 3060-20/05.08
 Tracking Number: RCA - RCA2009-00550

ORIGINAL
 3060-20
 File No. 3060-20/05.08
Planning
 Department

AUTHOR: Doug Allan, Community Planner

SUBJECT: 3707-3739 DOLLARTON HIGHWAY – REZONING AND DEVELOPMENT PERMIT

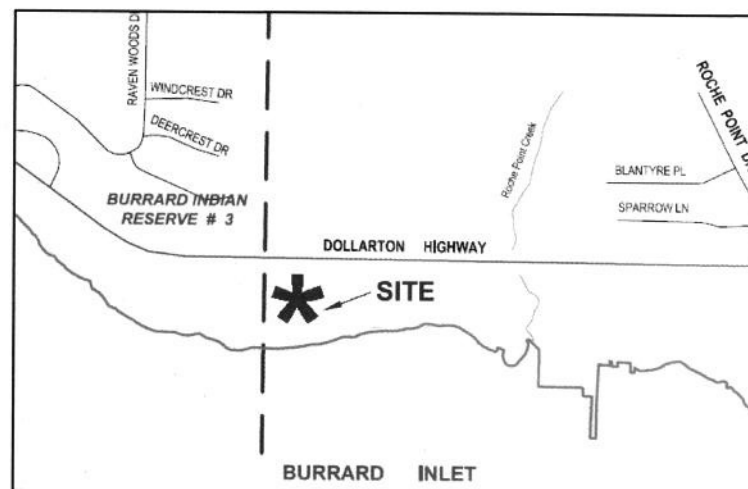
RECOMMENDATION:

It is recommended that:

1. Bylaw 7734, rezoning the properties at 3707-3739 Dollarton Highway from Single-Family Residential One Acre Zone (RS1) to Single Family Residential 7200 Zone (RS3) and Natural Parkland (NPL) be adopted and;
2. Development Permit 05.08 for Protection of the Natural Environment and Streamside Protection be issued for the subdivision of the properties at 3707-3739 Dollarton Highway.

SUMMARY:

The proposal is for the subdivision of 3 large lots to create 1 fee simple lot and 6 bare land strata lots plus a lot located along the waterfront to be transferred to the District. The proposal requires rezoning from Single Family Residential One Acre Zone (RS1) to Single Family Residential 7200 Zone (RS3) and Natural Parkland (NPL). The application also requires a Development Permit for the Protection of the Natural Environment and Streamside Protection and approval of a subdivision plan.



The proposed subdivision is consistent with the policies in the Seymour Local Plan. As the necessary security deposits for off-site engineering and landscaping works and public

SUBJECT: 3707-3739 DOLLARTON HIGHWAY – REZONING AND DEVELOPMENT PERMIT

August 11, 2009

Page 2

art have been submitted, Council may consider the adoption of Bylaw 7734 and issuance of Development Permit 05.08.

EXISTING POLICY:

The District OCP designates the subject property as 'Residential' and as a Development Permit Area for the Protection of the Natural Environment and Streamside Protection. The proposal is consistent with the Seymour Local Plan and specifically, policies relating to the scale and size of redevelopment relative to existing development, the provision of pedestrian linkages, access to the waterfront and rehabilitation of natural systems.

ANALYSIS:

1. Site and Surrounding Area:

The development site is comprised of three large single family lots located on the south side of Dollarton Highway. A small unnamed stream is located near the west property line. A 6.1m (20ft.) wide Metro Vancouver sewer easement crosses the site.

To the west is an unopened District road allowance and the Tsleil-Waututh Nation Reserve. To the north, across Dollarton Highway, are developed single family lots (RS3). To the immediate east is a developed single family lot (RS1) and further east at 3785 Dollarton Highway, is Noble Cove, a recent subdivision of RS3 single family bare land strata lots. The following aerial photograph illustrates the site location and surrounding development.



SUBJECT: 3707-3739 DOLLARTON HIGHWAY – REZONING AND DEVELOPMENT PERMIT

August 11, 2009

Page 4

The following table illustrates the lot dimensions relative to the RS3 standards:

	WIDTH	DEPTH	AREA
RS3 Zone	18m (59ft.)	34m (111.5ft)	660m ² (7104ft. ²)
Fee Simple Lot A	24.3m (79.72ft.)	36.96m	(net) 769.4m ² (8280.8ft. ²)
Strata Lot 1	20.9m (68.57ft.)	32m (105ft.)	708.1m ² (7622ft. ²)
Strata Lot 2	24.3m (79.72ft.)	31.5m (103.3ft.)	783.5m ² (8433.5ft. ²)
Strata Lot 3	15m (49.2ft.)	41m (134.5ft.)	781.8m ² (8415.2ft. ²)
Strata Lot 4	15m (49.2ft.)	39.3m (128.9ft.)	591.1m ² (6362.5ft. ²)
Strata Lot 5	15m (49.2ft.)	36m (118.1ft.)	522.2m ² (5621ft. ²)
Strata Lot 6	24.2m (79.4ft.)	45m (147.6ft.)	(net) 1143.9m ² (12,312ft. ²)

The Approving Officer may approve a bare land strata plan containing strata lots of less than the permitted size provided that the total area of the land in the strata plan, excluding access routes, is not less than the minimum permitted size. In this case, the average lot size of the 6 bare land strata lots (based on the net lot area of Strata Lot 6) is 754.5m² (8121.8ft.²) which exceeds the minimum RS3 standard of 660m² (7104ft.²).

Unlike lot area, the proposed lots must satisfy the minimum width and depth requirements of the RS3 Zone and in this case, Strata Lots 1 and 2 lack the minimum depth and Strata Lots 3-5 lack the required width. Development Permit 05.08 includes variances for these reduced lot dimensions.

b) Waterfront Riparian Area/Public Pathway:

Consistent with the approach taken at the Noble Cove subdivision, a key component of this proposal involves the creation of a riparian area across the bottom of the development site adjacent to the waterfront. The majority of this riparian area, 828.4m² (8917ft.²), representing approximately 12% of the gross development site, will be created as a separate Lot to be transferred to the District.

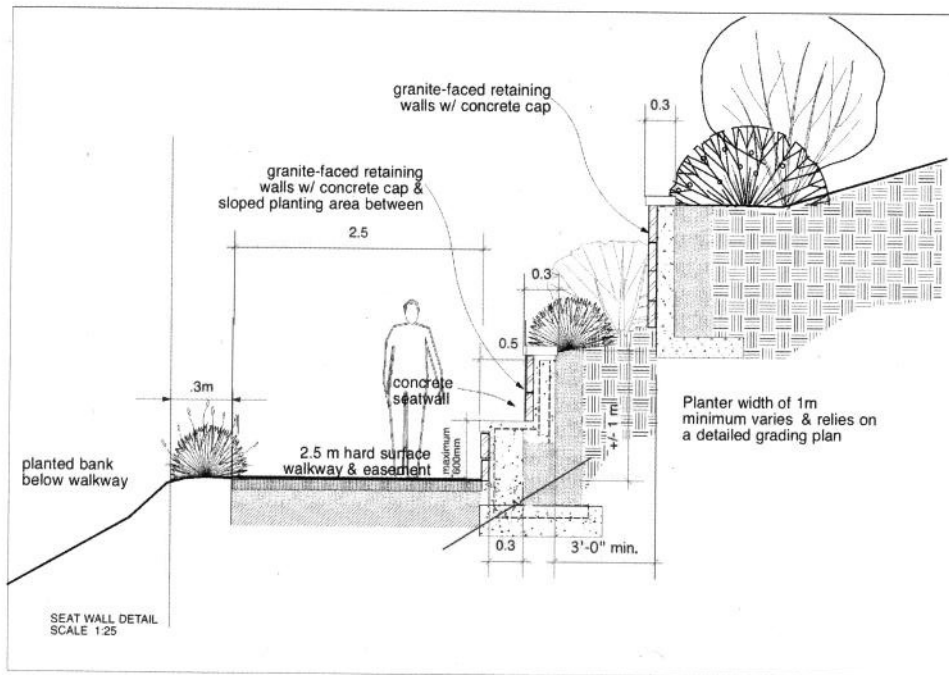
Within that lot, a public pathway will be constructed, including a bridge/viewing platform across the creek. The path then continues up the unopened road allowance to Dollarton Highway.

SUBJECT: 3707-3739 DOLLARTON HIGHWAY – REZONING AND DEVELOPMENT PERMIT

August 11, 2009

Page 5

Within the waterfront riparian area the applicant will construct a series of stepped retaining walls with planting and seating opportunities. The bank area below the pathway will be planted with appropriate vegetation including the retention of two cedar trees. A portion of this riparian area extends onto Strata Lots 3-6 and a covenant is required to ensure the planting above the retaining walls is maintained. The following sketch illustrates the proposed pathway design.



c) Creek Riparian Area:

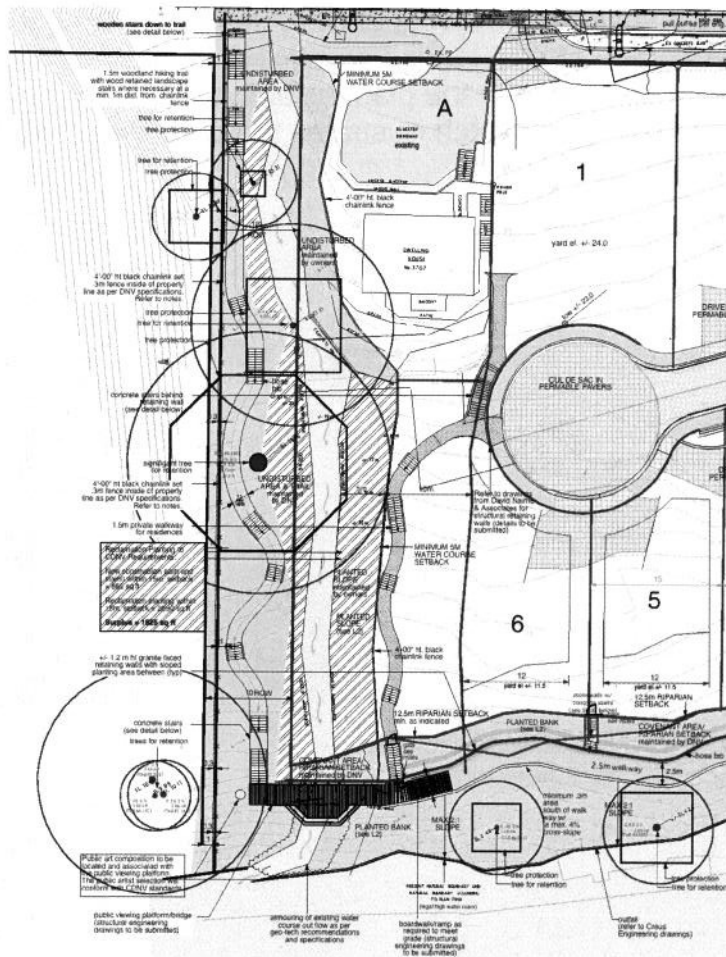
The creek riparian area consists of a fenced, 5m setback over Lot A and Strata Lot 6. On Lot A, adjacent to the existing home, the area will be left undisturbed. On Strata Lot 6, the riparian area will be revegetated with appropriate planting.

The bank immediately adjacent to the west side of the creek will be left undisturbed. The remaining portion of the road allowance will be replanted following construction of the pathway. In order to further protect the creek, the house siting area on Strata Lot 6 is limited to the east side of the lot leaving a separation of approximately 15m (50ft.) from the creek, although the private path linking the upper lots to the waterfront pathway extends through this additional setback area. The following sketch illustrates the creek riparian area treatment.

SUBJECT: 3707-3739 DOLLARTON HIGHWAY – REZONING AND DEVELOPMENT PERMIT

August 11, 2009

Page 6



The Development Permit requires that a covenant be provided prohibiting access into the riparian area and ensuring proper maintenance.

d) Tree Retention:

The arborist report identifies the existing tree resource as a mix of hemlock, maple, red alder and red cedar, interspersed with cherry and apple trees many of which exhibit a variety of defects and are not good candidates for retention. Based on the arborist's assessment, the trees worthy of retention are situated adjacent to the creek and generally along the foreshore and these are protected in accordance with the landscape architect's plans.

SUBJECT: 3707-3739 DOLLARTON HIGHWAY – REZONING AND DEVELOPMENT PERMIT

August 11, 2009

Page 7

e) Public Art:

The applicant has retained a public artist to develop a tile mosaic art installation that will be placed on, or in the vicinity of, the creek bridge/viewing platform. The design of the installation will be developed in conjunction with an artist from the Tsleil-Waututh Nation. The applicant has provided a \$10,500 public art security deposit for the design and installation of the work and a maintenance agreement will be required to ensure the work is properly cared for.

A reduced subdivision plan is included as Attachment A and a letter from the proponent outlining a sustainability and green measures approach to the project is included as Attachment B.

DEVELOPMENT ISSUES:

1. Lot Size Variances:

Although variances of 2m (6.5ft.) and 2.5m (8.2ft.) are required for the depth of Strata Lots 1 and 2, respectively, the variance for Lot 1 is necessitated by the curving lot line around the bulb of the cul-de-sac which projects into the lot. The variance for Strata Lot 2 is due to the alignment of the private driveway which has been designed to utilize the existing crossing and work with the site grades.

The 3m (9.8ft.) variance for the widths of Strata Lots 3-5 is necessitated due to the larger width of Strata Lot 6 required to establish the desired creek protection area. These variances do not impact surrounding development and incorporating several smaller lots will result in a range of house sizes in the project. The Development permit identifies the specific variances.

2. Tsleil-Waututh Nation Comments:

The Tsleil-Waututh Nation has indicated it does not support the creation of a pathway connecting the waterfront trail north to Dollarton Highway through the unopened road allowance as they are concerned about trespass onto the adjacent Reserve lands. While staff have advised that provision of the pathway is a key component of this project we respect the Nation's desire to prevent unauthorized trespass and the applicant will provide a 1.22m (4ft.), chain link fence between the path and the property line to discourage trespass.

PUBLIC HEARING:

At the May 19, 2009 Public Hearing, one issue raised related to the proposed siting of the house on Strata Lot 1. The siting of this house has been determined primarily by the

SUBJECT: 3707-3739 DOLLARTON HIGHWAY – REZONING AND DEVELOPMENT PERMIT

August 11, 2009

Page 8

location of the Metro Vancouver sewer right-of-way which requires that the house be located further up the slope, closer to Dollarton Highway. The applicant has provided a sketch (Attachment C) which illustrates the elevation of this house relative to Dollarton Highway and the home at 3714 Dollarton Highway. Based on surveyed information, the maximum height of the proposed house on Strata Lot 1 will be at an elevation of approximately 34.7m (113.8ft.) whereas the main floor elevation of the house at 3714 Dollarton Highway is at 38.33m (125.8ft.), a difference of 3.6m (12ft.). The sketch also illustrates the height of the house on Strata Lot 6 at an elevation of approximately 23m (75.5ft.), or 15.3m (50.2ft.) below the elevation of the house on Dollarton Highway.

CONCLUSION:

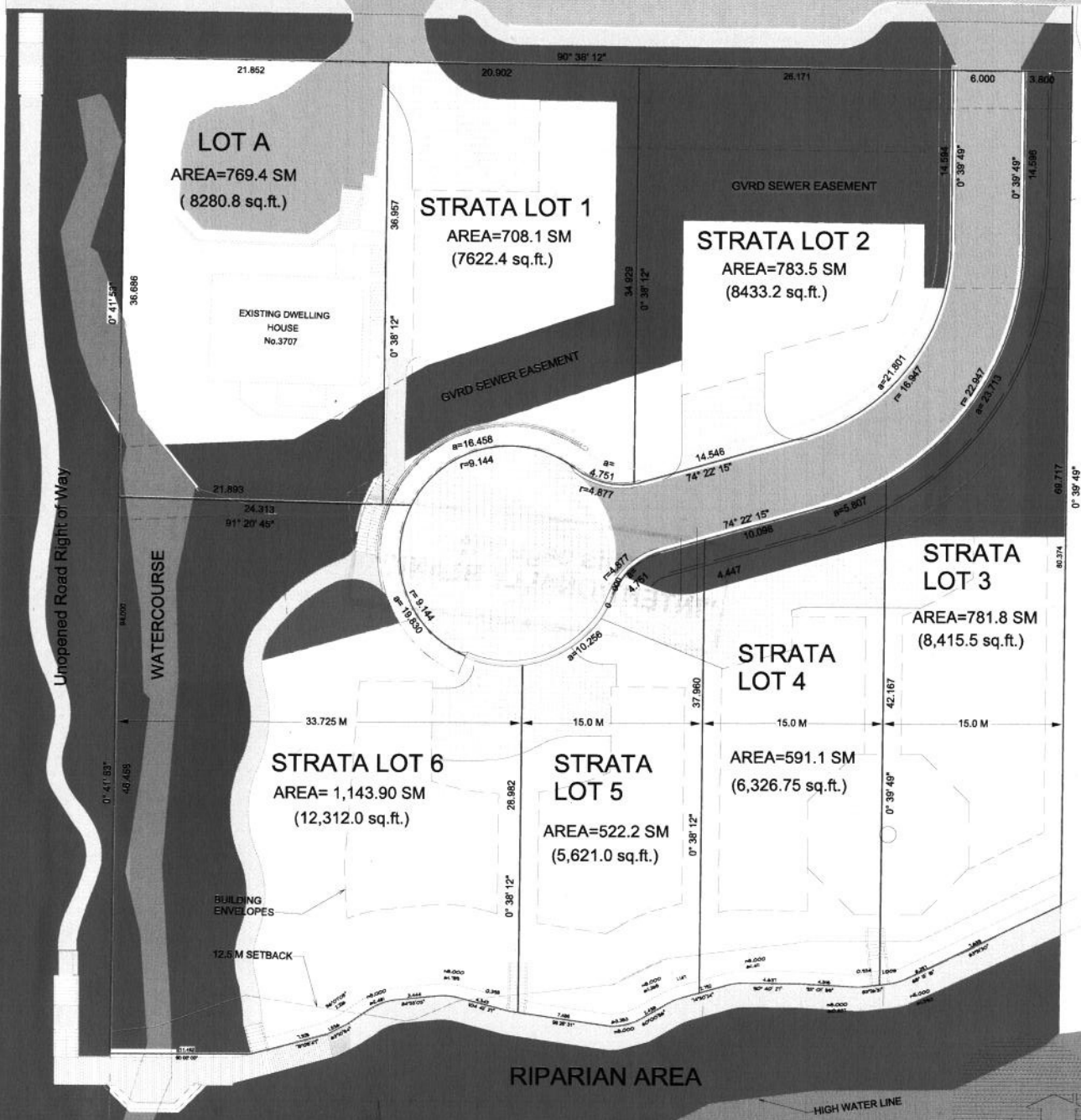
This project is consistent with the directions in the Seymour Local Plan and the recommendations of the Waterfront Task Force. The layout and site development addresses protection of the natural environment and streamside protection. The applicant has provided the necessary security deposits for off-site engineering and landscaping works and the public art installation and therefore, Bylaw 7734 (Attachment D) may be considered for adoption and Development Permit 05.08 (Attachment E) considered for issuance. Once the remaining minor project details are resolved and the necessary legal agreements prepared, the applicant, will submit a subdivision plan for the Approving Officer's signature.



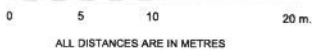
Doug Allan
Community Planner
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REVIEWED WITH: <input type="checkbox"/> Communications <input type="checkbox"/> Env. Protection <input type="checkbox"/> Human Resources <input type="checkbox"/> Eng. Public Works <input type="checkbox"/> Eng. Admin. <input type="checkbox"/> Eng. Parks	REVIEWED WITH: <input type="checkbox"/> Finance <input type="checkbox"/> Fire Services <input type="checkbox"/> Legislative Services <input type="checkbox"/> Land <input type="checkbox"/> Permits & Licenses <input type="checkbox"/> Planning <input type="checkbox"/> Social Planning	REVIEWED WITH: External Agencies: <input type="checkbox"/> Recreation Commission <input type="checkbox"/> Library Board <input type="checkbox"/> Health Dept. <input type="checkbox"/> RCMP <input type="checkbox"/> Other: _____	Advisory Committees: <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____
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DOLLARTON HIGHWAY



LOT PLAN



Burrard Inlet

Bill Curtis & Associates Design Ltd.
 Phone 604-986-4550
 Fax 604-986-4555
 51 Louisa Avenue
 North Vancouver, BC V7N 2E5

Drawing: **LOT PLAN**
 Drawn By: BC Date: SEPT. '08
 Scale: 1:200
 Project:

PROPOSED DEVELOPMENT OF
 3707, 3715 & 3739 DOLLARTON HWY,
 NORTH VANCOUVER

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3707–3739 Dollarton Highway, North Vancouver Sustainability and Green Measures Approach

OVERVIEW

The proposed subdivision located at 3707–3739 Dollarton Highway is intended to meet the District's goals for sustainable development. The project owners and consultant team are committed to incorporating optimal sustainability measures throughout the project based on sound principles and measurable goals.

PROJECT PRINCIPLES

Principles have been developed to guide the design, construction, and occupancy of the finished project to address the environmental, economic, and social aspects of sustainability, and are categorized as follows:

- Energy;
- Site planning;
- Transportation;
- Environmental protection;
- Water;
- Materials and Waste Management; and
- Community.

MEASURABLE GOALS

The project team has developed a two-part system for measuring sustainability commitments as follows:

1. A Sustainable Site – all outside the building envelope commitments; and
2. Green Building Approach – for all housing.

As the team progresses through the detailed design process, we will work with the District of North Vancouver staff on confirming, refining, and committing to the Green Building Measures that can be achieved and finalize a formal commitment.

PRELIMINARY SITE SUSTAINABILITY COMMITMENTS

Based on the site (outside the building envelopes) for the proposed subdivision development, the consultant team has completed a review of sustainability commitments achievable by this project.

The project owners are committed to the project achieving the following sustainability initiatives:

- Site selection does not include ALR, floodplain, rare and endangered habitat, wetland and parkland;
- Proposed development is located on a previously developed site and is adjacent to existing developments to the north and east;
- Site is within 750m of existing water service lines and sewer service lines;

- Erosion and sediment control plan during construction;
- At least 70% of the site (not including area under roof) will be permeable, consisting of vegetative landscape (grass, trees, and shrubs). Impermeable surfaces are designed to ensure all runoff is directed toward permanent infiltration features (vegetated swales);
- Pedestrian linkages connecting to trails and Cates Park (approximately 500m to the east);
- Site is within 400m of public transportation (TransLink bus #212);
- High-density homes will be built with an average housing density of 7 units per acre of buildable land, which reduces ecological footprint;
- Retention of existing trees where possible;
- Revegetate riparian area along watercourse and Burrard Inlet. No invasive plants will be introduced to the landscape;
- Reduce light pollution by shielding exterior lighting; and
- Hazmat surveys will be completed on existing onsite buildings prior to demolition to ensure any hazardous substances identified are disposed of properly.

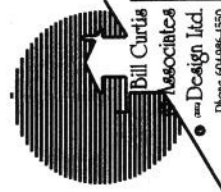
PRELIMINARY SUSTAINABILITY COMMITMENTS FOR WOOD-FRAME HOMES

For the wood-frame homes, the consultant team is committed to using a Green Building approach and has completed a preliminary review of sustainability commitments achievable for the project as follows:

- Employ strategies that reduce potable water use by using high-efficiency fixtures (e.g., lavatory faucets, shower heads, and dual-flush toilets);
- Install windows that meet or exceed requirements for ENERGY STAR labelled windows (or windows with equivalent performance specifications);
- Install at least three ENERGY STAR labelled light fixtures or ENERGY STAR labelled compact fluorescent light bulbs in high-use rooms (kitchen, dining room, living room, family room, hallways);
- Install ENERGY STAR labelled refrigerator;
- Install motion sensor controls on outdoor light fixtures;
- Optimize use of framing material by not wasting more than 10% (by cost);
- Use building materials that are produced locally/regionally (within 750km);
- Divert 25% or more of the total materials taken off the construction site from landfills and incinerators (by weight or cost);
- Install a carbon monoxide (CO) monitor on each floor;
- Zero use of CFCs, Halons, and HFCs in refrigeration and fire-suppression equipment;
- Provide controllable window and lighting systems, perimeter areas; and
- Provide daylight views for 90% of all regularly occupied areas.

Prepared by Pottinger Gaherty Environmental Consultants, Development Planning Strategies, Forma Design Inc., Bill Curtis & Associates Design Ltd., Diamond Head Consulting Ltd., and Webster Engineering Ltd.

February 2008

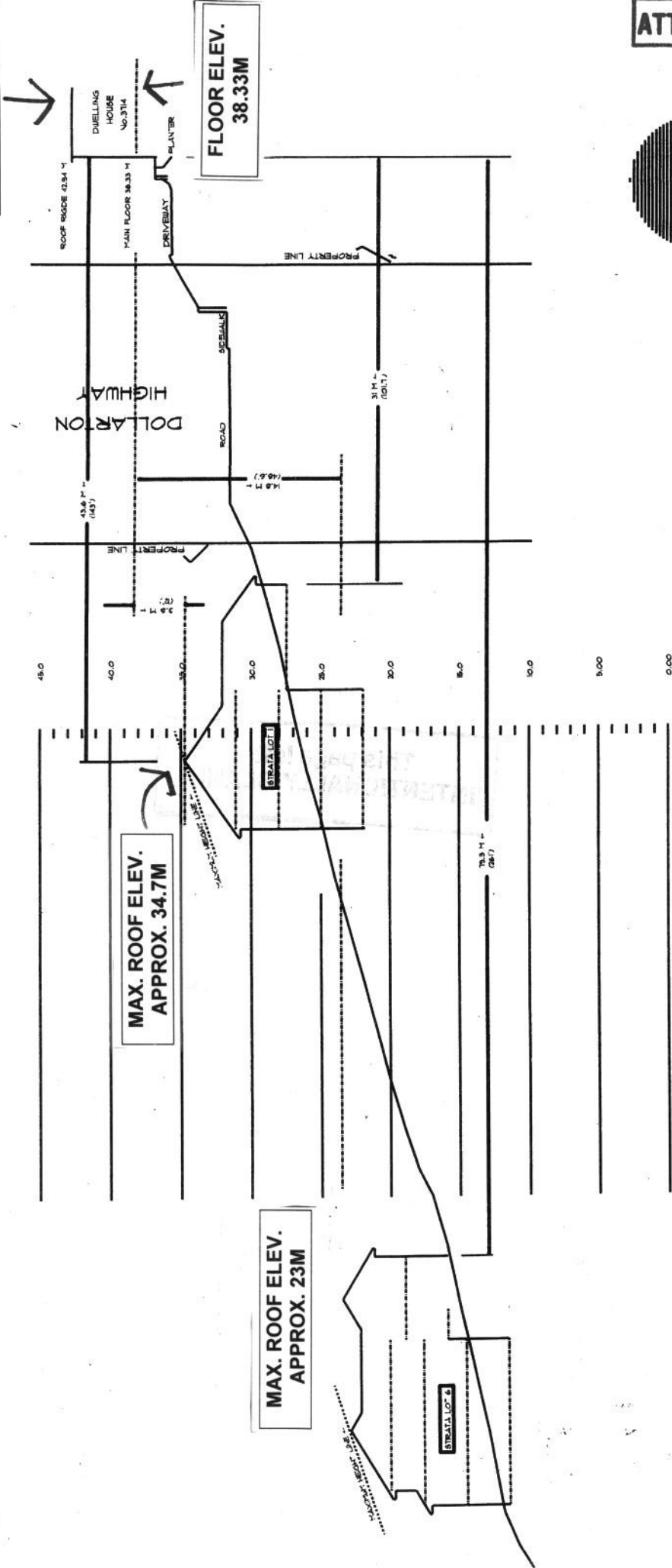


Quality Residential Design
Bill Curtis Associates Inc.
Design Ltd.
 Phone: 604-986-4750
 Fax: 604-986-4755
 31 Lonsdale Avenue
 North Vancouver, BC V7H 2E7

Drawn By: BC
 Title: MAY 08
 Date: 11-000 METRIC
 Drawn By: BC
 Title: MAY 08
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PROPOSED DEVELOPMENT OF
 3701, 3715 & 3719 DOLLARTON HWY.,
 NORTH VANCOUVER

3714 DOLLARTON HWY.



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The Corporation of the District of North Vancouver

BYLAW 7734

A bylaw to amend the "District of North Vancouver Zoning Bylaw, 1965" (Bylaw 3210)
(3707, 3715 and 3739 Dollarton Highway)
(3060-20/005.08)

The Council for The Corporation of the District of North Vancouver, having observed the relevant provisions of the Local Government Act, enacts the following:

1. Citation

This bylaw may be cited as "**BYLAW 7734, REZONING BYLAW 1238**".

2. Amendment

The Zoning Map is amended in the case of the lands legally described as:

- 1) That part of Lot 1 lying west of a line drawn parallel to the west boundary thereof and which line bisects the north boundary of said lot, Block K, District Lot 230, Plan 7990 (PID: 010-290-826); and
- 2) Lot 1, except that part lying west of line drawn parallel to the west boundary thereof and which line bisects the north boundary of said lot, Block K, District Lot 230, Plan 7990 (PID: 010-291-741); and
- 3) Lot 2, Block K, District Lot 230, Plan 7990 (PID: 010-291-938),

by rezoning the land from Single-Family Residential One Acre Zone (RS1) to Single-Family Residential 7200 (RS3) Zone and Natural Parkland (NPL) as illustrated on the attached map.

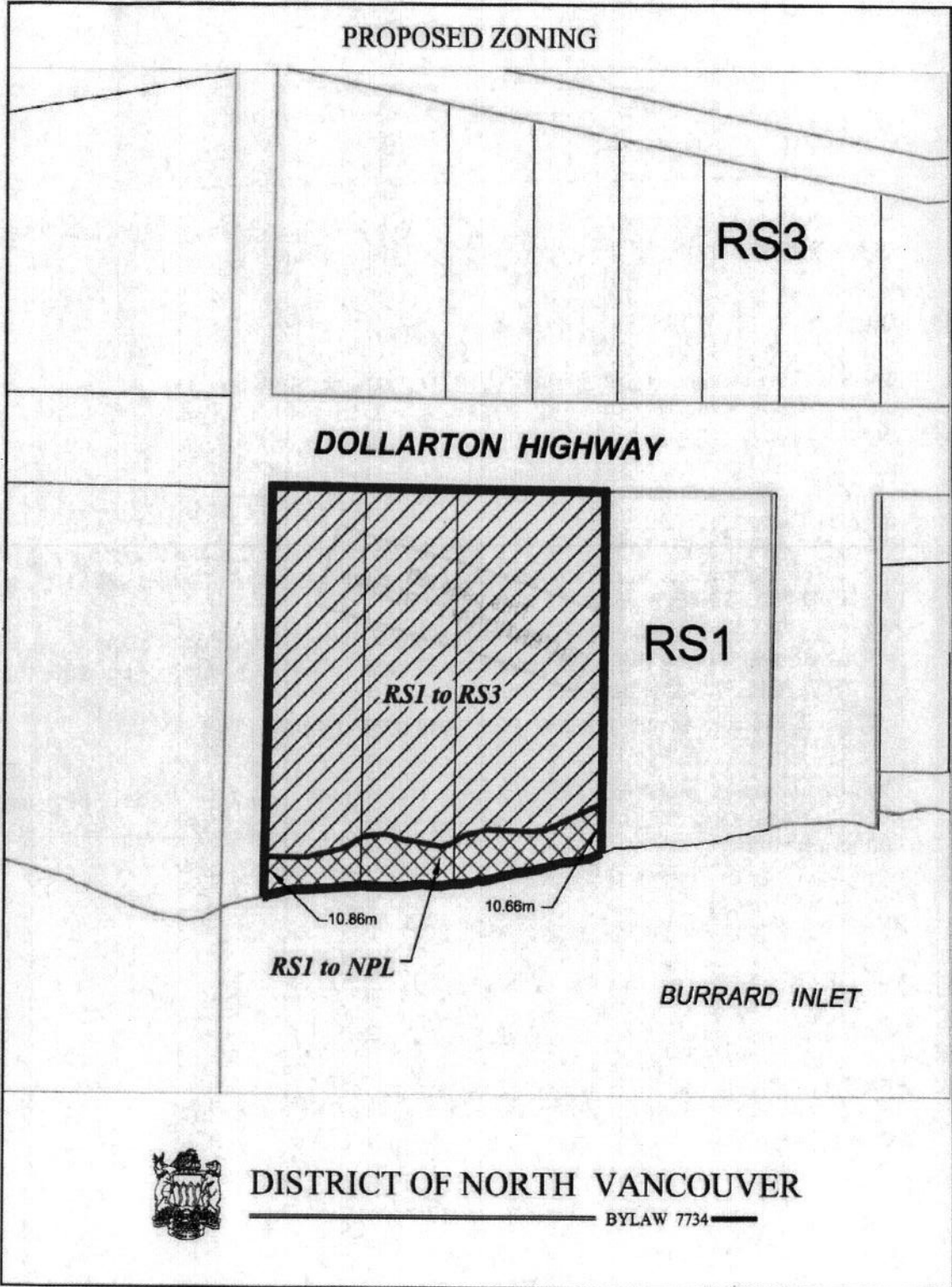
READ a first time this the 20th day of April, 2009.

PUBLIC HEARING held this the 19th day of May, 2009.

READ a second time this the 1st day of June, 2009.

READ a third time this the 1st day of June, 2009.

ADOPTED this the day of 2009.



THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

DEVELOPMENT PERMIT 05.08

This Development Permit 05.08 is hereby issued by the Council for The District of North Vancouver to Mr. N. Ebrahim and Ms. A. Thobani to allow for a subdivision containing 1 fee simple lot, 6 bare land strata lots and 1 lot to be transferred to the District of North Vancouver, on the 3 parcels at 3707-3739 Dollarton Highway, legally described as:

1. That part of Lot 1 lying west of a line drawn parallel to the west boundary thereof and which line bisects the north boundary of said Lot, Block K, District Lot 230, Plan 7990 (PID: 010-290-826);
2. Lot 1, except that part lying west of a line drawn parallel to the west boundary thereof and which line bisects the north boundary of said Lot, Block K, District Lot 230, Plan 7990 (PID: 010-291-741); and
3. Lot 2, Block K, District Lot 230, Plan 7990 (PID: 010-291-938),

subject to the following terms and conditions:

- A. The following Subdivision Regulations in Section 309 of the Zoning Bylaw are varied under Section 920(2)(a) of the Local Government Act:
 1. The minimum lot widths of Strata Lots 3, 4 and 5 are varied from 18m (59ft.) to 15m (49.2ft.); and
 2. The minimum lot depth of Strata Lot 1 is varied from 34m (111.5ft.) to 32m (105ft.) and the minimum lot depth of Strata Lot 2 is varied from 34m (111.5ft.) to 31.5m (103.3ft.), respectively.
- B. The following requirement is hereby imposed under subsection 926(1) of the Local Government Act:
 1. Substantial construction shall commence within two years of the date of this permit, as determined by the Manager of Development Services, or the permit shall lapse.
- C. The following requirements s hereby imposed under subsections 920(1), (8) & (9) of the Local Government Act:
 1. The site shall be developed in accordance with the attached site and engineering plans (Appendices 05.08 A – 05.08 W).
 2. The site shall be developed in accordance with the recommendations of the geotechnical consultant as contained in the report by Puar Engineering Consultants Inc. dated October 8, 2008.

3. Prior to the submission of a subdivision plan for the Approving Officer's signature, the following shall be submitted to:

(a) Development Services:

- (i) a finalized landscape plan for acceptance of the Director of Planning, Permits and Bylaws;
- (ii) a completed "Permission to Enter" agreement to provide evidence that a Landscape Architect has been retained to supervise the installation of the landscape works and the written authorization for the District or its agents to enter the premises and expend any or all of the deposit monies to complete the on and off-site landscape works in accordance with the final approved landscape plan;
- (iii) the following draft legal documents:
 - 1. Section 219 Development Covenant;
 - 2. Parkland Encroachment Easement Agreement;
 - 3. Pedestrian Access Easement Agreement;
 - 4. Section 219 Covenant for stormwater management;
 - 5. Section 219 Covenant for building design guidelines;
 - 6. Section 219 Covenant and Easement for the future connection of the driveway serving 3753 Dollarton Highway to the Common Property driveway;
 - 7. Section 219 Covenant and cross easements for storm drainage over the Strata Lots;
 - 8. Section 219 Covenant for the management and maintenance of riparian areas;
 - 9. Statutory rights-of-way/easements for all services as needed; and
 - 10. Easement for pedestrian access across Strata Lot 6 in favour of Lot A and Strata Lots 1 and 2;

(b) Engineering Design:

- (i) Detailed structural and geotechnical information for:

1. the boardwalk/creek bridge structure;
 2. all retaining walls; and
 3. all pathway base structure (profile/build-up) details;
4. Prior to the Approving Officer signing the subdivision plan, the following are required:
- (a) all required legal agreements shall be signed and submitted to the District for execution, including all necessary agreements to transfer the title of 'Lot C' to the District of North Vancouver;
 - (b) an executed Engineering Services Agreement;
 - (c) all required District and Greater Vancouver Sewerage and Drainage District Development Cost Charges; and
 - (d) a Permission to Enter Agreement to enable the applicant to enter onto District lands to construct the pathway and landscaping.

D. The following requirement is hereby imposed under subsections 925(1) & (2) of the Local Government Act:

1. A security deposit equal to the greater of 125% of the estimated cost of all on-site landscaping, in accordance with the approved cost estimate, or 10% of the construction value accepted on the building permit application. The deposit will be held as security for landscaping, building and environmental works.
2. An engineering security deposit, in an amount specified in the Engineering Services Agreement, to cover the construction and installation of all off-site engineering and landscaping requirements.

Mayor

Municipal Clerk

Dated this day of , 2009.

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