DISTRIBUTION OF WEST VANCOUVER  
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

Date: November 25, 2015
From: Andrew Browne, Senior Community Planner
Subject: Development Permit No. 14-055, Temporary Use Permit No. 15-088, and Temporary Real Estate Signage Proposal for 2290 Marine Drive
File: 1010-20-14-055 and 1010-20-15-088

RECOMMENDATION

Recommendations to be considered separately and in the order provided.

THAT Development Permit Application No. 14-055 for 2290 Marine Drive, which would allow site redevelopment, regulate the form and character of high-rise residential development, and allow a variance to Zoning Bylaw No. 4662, 2010, be considered at a January or February 2016 Council meeting to be determined at the discretion of the Municipal Clerk; and that the Municipal Clerk give notice of consideration of the proposed development permit.

THAT Temporary Use Permit Application No. 15-088 for 2290 Marine Drive, which would temporarily allow an on-site real estate sales centre, be considered at a January or February 2016 Council meeting to be determined at the discretion of the Municipal Clerk; and that the Municipal Clerk give notice of consideration of the proposed temporary use permit.

AND THAT Council consider the request described in the report titled “Temporary Real Estate Signage Proposal for 2290 Marine Drive” at the same meeting and immediately following the consideration of Development Permit Application No. 14-055 and Temporary Use Permit Application No. 15-088.

1.0 Purpose

The purpose of this report is to provide information to Council on Development Permit Application No. 14-055 and Temporary Use Permit Application No. 15-088 for 2290 Marine Drive, which would allow site redevelopment, regulate the form and character of high-rise residential development, allow a variance to Zoning Bylaw No. 4662, 2010, and allow a temporary on-site real estate sales centre.

At the time of writing, Council has not yet adopted a Council meeting schedule for 2016. Should Council schedule the applications for consideration, the proposed Permits would be considered by Council sometime in January or February 2016. The Municipal Clerk will ensure that sufficient notice is provided.
2.0 Legislation/Bylaw/Policy

Provincial Legislation

Local Government Act (RSBC 1996, Chapter 323)

District Bylaws

Official Community Plan Bylaw No. 4360, 2004 - The Official Community Plan designates the subject lands as within the Ambleside Apartment Area Development Permit Area BF-B4. The objectives of this designation are to promote a high standard of construction, to integrate new development with existing views, circulation, and the character of existing buildings, and to promote an interesting, pedestrian friendly streetscape design and pedestrian linkages.

Zoning Bylaw No. 4662, 2010 - The Zoning Bylaw establishes rules regarding the form and location of development, including floor area, building height, and setbacks. The subject lands are zoned RM2, which provides for multiple unit residential. The zone allows a maximum floor area ratio (FAR) of 1.75 and a maximum building height of 54.9 metres (180 feet) and 20 storeys (whichever is less).

3.0 Background

3.1 Previous Decisions

At the July 27, 2015 Council meeting Council passed the following motion:

THAT all written and oral submissions regarding Development Permit Application No. 14-055 for 2290 Marine Drive up to and including the Council meeting held on July 27, 2015 be received for information.

THAT staff report back to Council regarding submissions received at the July 27, 2015 Council meeting to allow Council to make a determination on Development Permit Application No. 14-055 for 2290 Marine Drive.

THAT consideration of “Temporary Real Estate Signage Proposal for 2290 Marine Drive” be tabled.

3.2 History

Council received for consideration on July 27, 2015 a report (and draft permit) pertaining to the application but did not consider the application at that time. While not specifically set out in the motion, staff understand that Council was not comfortable with the proposed variances to the apartment tower’s maximum building width and the number of required parking stalls.
4.0 Analysis

4.1 Discussion

Context

The subject property is within the Ambleside Apartment Area and is bounded by Marine Drive and Bellevue Avenue to the north and south, respectively, 23rd Street to the west, and an existing low-rise residential development to the east. Single detached dwellings are predominant north of Marine Drive, and north of Bellevue west of 23rd Street. Multiple dwelling residential is otherwise predominant to the south of that boundary, and primarily in high rise form.

The site is currently home to the Seaview Gardens building (a pre-Strata Property Act housing corporation of 47 units), and is already zoned for a high rise apartment building (hence, only a Development Permit is required).

See Appendix A for a context map.

The Proposal

Cressey Seaview Development Ltd. is seeking a Development Permit to allow site redevelopment, regulate the form and character of a proposed high-rise residential tower, and allow a variance to Zoning Bylaw No. 4662, 2010. Highlights are as follows:

- A 17-storey residential tower comprised of three volumes of varying heights, with three ground-oriented townhouses in the tower base;
- 35 residential units starting at about 2000 sq ft in size;
- Tower floor plates of approx. 7800 sq ft up to Level 9, and 6800 sq ft above it;
- 127 underground parking stalls, bicycle parking within individual unit garages, and garbage and recycling accommodated fully underground;
- Improvement and reconstruction of the Bellevue Avenue and 23rd Street frontages to convert the existing informal, 90 degree gravel parking on Bellevue Avenue to parallel parking with curb and sidewalk, and the provision of parallel and/or angle parking with curb and sidewalk on 23rd Street, for a net increase of approximately three on-street parking stalls when compared with existing conditions; and
- Preservation of the significant stand of trees at the corner of Marine Drive & 23rd Street.

Exterior building materials include light- and dark-coloured natural stone, metal panels, glass windows and curtain wall, wood soffits, and aluminum and glass guardrails. Landscaping elements include pavers, concrete, lawn, planting beds, precast concrete slabs, feature address piers, and water features.
Update from July 2015

At the direction of Council from July 2015, the applicant team has worked to virtually eliminate the previously requested variances:

Parking

- The applicant had originally requested a parking variance of 43 stalls, allowing 86 stalls for the 35 units proposed (2.5 stalls per unit).
- The project is now providing 127 parking stalls, in compliance with the Zoning Bylaw requirement of the greater of 1 stall per unit or 1 stall per 84 square metres (900 sq ft). This represents 3.6 stalls per unit. This has been achieved by eliminating most of the residential storage rooms that had been previously proposed within the underground parking levels.
- While compliant with the Zoning Bylaw, this amount of parking is considered in excess of what current zoning would require elsewhere in West Vancouver – particularly given efforts to prioritize walking, cycling, and transit use. The loss of residential storage space could also be seen as diminishing the livability of the units.

Building Width

- The applicant had originally requested a maximum building width variance of 3.4 metres (11 ft) for the first ten storeys of the building, allowing a maximum building width of 33.8 metres (111 ft) for the first ten storeys of the building.
- The tower footprint has now been revised to comply with a maximum building width of 30.4 metres (100 feet) in all dimensions.
- As the two-storey amenity building is physically attached to the apartment building at its base, it could be interpreted that it should be included in the measurement of building width. Staff does not believe this was the intent of the bylaw, as there are no building width restrictions for townhouses in the RM2 zone (townhouses may be built setback to setback on the property, irrespective of building width).
- On that basis staff is recommending that a variance be granted to clarify that the two-storey amenity building is excluded from the determination of building width for the high-rise apartment tower.
Design Review Committee

The Design Review Committee reviewed the application on December 11, 2014 and passed the following resolution:

THAT the Design Review Committee recommends SUPPORT of the 15 storey residential tower at 2290 Marine Drive; SUBJECT TO further review by staff of the following:

- articulate townhomes and townhome entrances;
- further develop the Marine Drive façade architecturally instead of graphically;
- re-examine the pavilion on Marine Drive with more articulation and revisit materiality;
- consider differentiation of the three building masses;
- encourage the integration of public art;
- consider providing a broader range of unit sizes;
- consider reduction of road width on Bellevue Avenue to enhance the landscape;
- revisit the plant spacing;
- ensure covenant for trees to be protected.

The applicant team revised the townhome entrances, the Marine Drive elevation, and the architectural expression of the amenity pavilion in particular.

Temporary Use Permit for an on-site real estate sales centre

The applicant has requested the ability to provide for a temporary on-site real estate sales centre in order to market the development. Staff has incorporated the implementation details into a Temporary Use Permit – an instrument that was not available for use in July 2015. This is a superior method of considering the request that better protects the District in respect of this aspect of the overall proposal.

The applicant has provided construction sequencing information demonstrating that the temporary on-site real estate sales centre can be provided on site without undue disruption to the existing parking on Bellevue Avenue. The proposed Temporary Use Permit establishes both a maximum term (24 months) and the requirement for security to be provided for the removal of the temporary sales centre from the site (so that the District can remove the temporary building at no risk to taxpayers should the landowner fail to do so).
Analysis & Conclusion

The architect has designed a contemporary apartment building, complete with street-oriented townhouses, that fits into the neighbourhood context while at the same time improving the standard of site planning and street treatment compared with historical practice in the area.

Staff consider the proposed form and character of development and the requested variance to be consistent with the development permit guidelines and the intent of the Zoning Bylaw, respectively, and recommend Council approve issuance of the Development Permit.

The applicant team has advised that after an extensive search they have been unable to locate suitable commercial premises within West Vancouver for a real estate sales centre, including in Dundarave, Ambleside, and Park Royal. Should Council wish to approve issuance of the Temporary Use Permit, the terms provide sufficient protection to the District.

4.2 Sustainability

Additional, modern housing supply within the Ambleside Apartment Area makes it possible for West Vancouver residents to stay within the community if they are seeking forms of housing other than single detached dwellings. This contributes to social sustainability. In addition, a modern building is more energy efficient and contributes favourably to municipal property tax revenue (contributing to environmental and economic sustainability, respectively).

4.3 Public Engagement and Outreach

An open house for neighbouring residents and property owners was held by the applicant team on January 22, 2015, and was very well attended (District staff present at the open house estimate on the order of 50 attendees). Notifications were mailed to residents and property owners within 100 metres of the site.

A public information meeting (prior to Council's scheduled consideration of the application on July 27, 2015) for neighbouring residents and property owners was held by the applicant team on July 22, 2015 on site in the building lobby at 2290 Marine Drive. The mailed statutory notifications included information about the public information meeting in addition to the formal consideration of the Permit at Council.

Consistent with the Development Procedures Bylaw No. 3984, 1996, notification of the application being considered by Council will be provided to property owners and occupants within 100 metres of the subject property. Staff do not consider a second public information meeting to be necessary as the application is largely identical except that the previously requested variances to the Zoning Bylaw have been virtually eliminated.
4.4 Other Communication, Consultation, and Research

The District's Engineering Division and Development Engineering Department reviewed the conceptual designs for the urbanization of Bellevue Avenue and 23rd Street; detailed review will occur when construction drawings are available.

5.0 Options

5.1 Recommended Option

At the time of consideration of this report, Council may:

a) set the date for consideration of the applications (recommended); or

5.2 Considered Options

b) set the date for consideration of the applications and request that additional information (to be specified) be provided and available to assist in consideration of the applications; or

c) defer further consideration pending receipt of additional information; or

d) reject one or both of the applications.

6.0 Conclusion

Staff recommend approval of the Development Permit and advise that the terms of the proposed Temporary Use Permit provide sufficient protection to the District should Council wish to approve the request.

Author: A. Browne, Senior Community Planner

Concurrence: Chris Bishop, Manager of Development Planning

Appendices:
A – Context map
B – Project data sheet
C – Proposed Development Permit No. 14-055 (with drawing booklets)
D – Proposed Temporary Use Permit No. 15-088
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<table>
<thead>
<tr>
<th>§</th>
<th>Regulation (for an apartment building)</th>
<th>Required</th>
<th>Provided</th>
<th>Variance</th>
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<tbody>
<tr>
<td>302.03(1)</td>
<td>Site area</td>
<td>1,115 m² min</td>
<td>5,465 m²</td>
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<tr>
<td>302.04(1)</td>
<td>Site width</td>
<td>30.2 m min</td>
<td>in excess of 90 m</td>
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<tr>
<td>302.05(1)</td>
<td>Floor area ratio</td>
<td>1.75 max (max 9563 m² floor area)</td>
<td>(9563 m² floor area)</td>
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<td>302.06(1)</td>
<td>Site coverage</td>
<td>Max 30% of the unoccupied portion of the site may be devoted to driveways, access, or exit aisles</td>
<td>approx. 22%</td>
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<td>302.07(2)</td>
<td>Front yard (Marine)</td>
<td>7.6 m min</td>
<td>7.6 m to the two-storey amenity building; approx. 12 m to the high-rise tower</td>
<td>-</td>
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<td>302.07(2)</td>
<td>Front yard (Bellevue)</td>
<td>7.6 m min</td>
<td>approx. 14 m to the high-rise tower; approx. 11 m to balconies</td>
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<tr>
<td>302.07(2)</td>
<td>Front yard (23rd)</td>
<td>7.6 m min</td>
<td>7.6 m (with permitted balcony projections per § 302.16(1))</td>
<td>-</td>
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<tr>
<td>302.08(1)(b)</td>
<td>Rear yard (shared property line with neighbor to the east)</td>
<td>9.1 m min</td>
<td>approx. 9.1 to 14.7 m to the two-storey amenity building; over 20 m to the nearest corner of the high rise tower</td>
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<td>302.10(1)</td>
<td>Building width</td>
<td>Lesser of half the width of the site or 30.4 m</td>
<td>30.4 m max width for any dimension of the footprint of the high-rise tower; 51.3 m and 35.8 m max dimension if including the extent of the two-storey amenity building</td>
<td>That the two-storey amenity building not be considered in the calculation of building width for the apartment building</td>
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<td>302.11(1)</td>
<td>Building height</td>
<td>54.9 m max</td>
<td>54.9 m</td>
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<td>302.12(1)</td>
<td>Number of storeys</td>
<td>20 max</td>
<td>17</td>
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<tr>
<td>302.13(1)</td>
<td>Off-street parking</td>
<td>Greater of 1 parking space for each dwelling (35 stalls) or 1 parking space for every 84 m² of gross floor area (127 stalls)</td>
<td>127 stalls (including 12 visitor stalls)</td>
<td>-</td>
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</table>
Appendix C

District of West Vancouver
Development Permit No. 14-055

Registered Owner: CRESSEY SEAVIEW DEVELOPMENT LTD.
See attached Schedule A for full ownership information.

This Development Permit applies to:
Civic Addresses: 2290 Marine Drive, West Vancouver, BC
Legal Description: LOTS A AND B BLOCK 2 EAST PART OF DISTRICT LOT 554 PLAN 8593
See attached Schedule A for full legal descriptions and PIDs.
(the "Lands")

1.0 This Development Permit:
(a) imposes requirements and conditions for the development of the Lands, which are designated by the Official Community Plan as the Ambleside Apartment Area Development Permit Area; and subject to Policies BF-B1, BF-B2, and BF-B4, and Guidelines BF-B4 specified in the Official Community Plan; and

(b) is issued subject to the Registered Owner's compliance with all of the Bylaws of the District applicable to the Lands, except as varied or supplemented by this Permit.

2.0 The following requirements and conditions shall apply to the Lands:
2.1 Zoning Bylaw No. 4662, 2010, as amended, Section 302.10(1), is varied to exclude the two-storey amenity building fronting Marine Drive, as shown on Schedule B, from the measurement of building width for the high-rise apartment tower, as shown on Schedule B.

2.2 Buildings, structures, on-site parking, driveways, and site development must be developed in accordance with Schedule B.

2.3 All balconies, decks, and patios on the Lands shall at all times remain fully open, uncovered, and unenclosed.

2.4 Existing mature trees on site identified in Schedule B shall be protected.

2.5 Parking and storage of bicycles shall be permitted and provided in the underground parking garage and individual private garages.

2.6 Wood burning fireplaces must not be installed, constructed or otherwise permitted on the Lands or in any building on the Lands.

2.7 Sprinklers must be installed in all areas of the building as required under the Fire Protection and Emergency Response Bylaw No. 4366, 2004.

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2.8 On-site landscaping must be installed at the cost of the Owner in accordance with the attached Schedule B.

2.9 Sustainability, green building, and energy efficiency measures and commitments must take place in accordance with the attached Schedule B.

2.10 If Council approves a Temporary Use Permit for this purpose, in addition to the development authorized in Section 2.2, a temporary real estate sales centre, as shown in Schedule C, may be constructed on site for the marketing and sale of the development of the Lands authorized in this permit, subject to the terms of any Temporary Use Permit for that purpose. For the purpose of Section 4.0, construction of the temporary real estate sales centre does not serve to prevent this Development Permit from lapsing with respect to the proposed development described in Schedule B.

3.0 Prior to issuance of a Building Permit for any building or structure on the Lands:

3.1 Engineering civil drawings detailing the storm water management measures, road works, on-street parking, and service connections, encompassing both on- and off-site works, must be submitted to and approved by the District's Manager of Development Engineering.

3.2 Existing Statutory Right of Way VAP4642RX on the Lands shall be modified or replaced to the satisfaction of the District's Manager of Development Engineering to reflect the reconfigured street-oriented as shown on page 25 of Schedule B. Alternatively, dedication of the Lands utilized for the reconfigured street-oriented parking as shown on page 25 of Schedule B, or some combination of dedication of the Lands and modification or replacement of the existing Statutory Right of Way, may be considered, but in any case must be to the satisfaction of the District's Manager of Development Engineering.

3.3 Section 219 Covenant(s) shall be placed on the Lands to:

(a) require that all balconies, decks, and patios remain fully open, uncovered, and unenclosed;

(b) provide for the long-term protection of the trees identified on page 77 of Schedule B;

(c) prohibit the owner(s) and/or future strata corporation from preventing the storage of bicycles within the underground parking garage and individual private garages; and

(d) prohibit wood burning fireplaces.
3.4 Security for the due and proper completion of the on-site landscaping set forth in Section 2.8 of this Development Permit must be provided in the amount of $[ESTIMATE] (the “Landscaping Deposit”) to the District in the form of cash or an unconditional, irrevocable auto-renewing letter of credit issued by a Canadian chartered bank or credit union and:

(a) a minimum 20% of the initial value of the Landscaping Deposit shall be retained by the District for one year after installation of the landscaping, as a warranty deposit to ensure successful installation of the landscaping; and

(b) the initial value of the Landscaping Deposit may only be reduced to the warranty level and the warranty shall only be released when the registered member of the BCSLA for the project provides a field report to the District confirming successful installation of the on-site landscaping in accordance with Schedule B to this Development Permit.

4.0 This Development Permit lapses if the construction authorized herein is not commenced within 24 months of the date this Development Permit is issued. Construction of the temporary real estate sales centre referenced in Section 2.10 does not constitute commencement of the construction authorized herein and does not serve to prevent this Development Permit from lapsing.

In the event the Owner is delayed or interrupted or prevented from commencing or continuing the development by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the Owner, the time for the completion of the work shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that the commercial or financial circumstances of the Owner shall not be viewed as a cause beyond the control of the Owner.

THE COUNCIL OF WEST VANCOUVER APPROVED THIS PERMIT BY RESOLUTION PASSED ON [date].

__________________________________________
MAYOR

__________________________________________
MUNICIPAL CLERK
THE REQUIREMENTS AND CONDITIONS UPON WHICH THIS PERMIT IS ISSUED ARE ACKNOWLEDGED AND AGREED TO. IT IS UNDERSTOOD THAT OTHER PERMITS / APPROVALS MAY BE REQUIRED INCLUDING PERMITS / APPROVALS FOR BUILDING CONSTRUCTION, SOIL AND ROCK REMOVAL OR DEPOSIT, BOULEVARD WORKS, AND SUBDIVISION.

Owner: Signature  Owner: Print Name above  Date

FOR THE PURPOSES OF SECTION 4, THIS PERMIT IS ISSUED ON [date].

Schedules:
A – Legal descriptions, PIDs, and land ownership information
B – Drawing booklet for the proposed development
C – Drawing booklet for the proposed temporary real estate sales centre

*Appendix C to be read in conjunction with Temporary Use Permit No. 15-088 and subject to Council approval of the same.*
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<tr>
<th>Legal Description</th>
<th>PID</th>
<th>Registered Owner</th>
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<tr>
<td>LOT A BLOCK 2 EAST</td>
<td>010-009-752</td>
<td>CRESSEY SEAVIEW DEVELOPMENT LTD., INC. NO. BC1005648 200-555 WEST 8TH AVENUE</td>
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<td>PART OF DISTRICT LOT 554 PLAN 8593</td>
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<td>LOT B BLOCK 2 EAST</td>
<td>010-009-779</td>
<td>CRESSEY SEAVIEW DEVELOPMENT LTD., INC. NO. BC1005648 200-555 WEST 8TH AVENUE</td>
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District of West Vancouver

Temporary Use Permit No. 15-088

Registered Owner: CRESSEY SEAVIEW DEVELOPMENT LTD.

See attached Schedule A for full ownership information.

This Development Permit applies to:

Civic Addresses: 2290 Marine Drive, West Vancouver, BC

Legal Description: LOTS A AND B BLOCK 2 EAST PART OF DISTRICT LOT 554 PLAN 8593

See attached Schedule A for full legal descriptions and PIDs.

(the “Lands”)

1.0 This Temporary Use Permit:

(a) permits the use of the Lands for the purposes of a temporary real estate sales centre (the “Temporary Use”) pursuant to s. 921 of the Local Government Act and Zoning Bylaw No. 4662, 2010, as amended, subject to the conditions set out in this Permit; and

(b) is issued subject to the Registered Owner’s compliance with all of the Bylaws of the District applicable to the Lands, except as may be modified by this Permit.

2.0 The following conditions shall apply to the Temporary Use of the Lands:

2.1 The general hours of operation of the Temporary Use are limited to between 10:00 a.m. to 6:00 p.m. Monday to Friday, between 11:00 a.m. to 5:00 p.m. Saturday, and between 12:00 p.m. to 4:00 p.m. Sunday, except that individual sales appointments between the Registered Owner and a buyer may be accommodated between 9:00 a.m. and 8:00 p.m. For clarity, a series of appointments with different individual buyers should occur within the general hours of operation noted above, and these do not benefit from the 9:00 a.m. to 8:00 p.m. individual sales appointment hours.

2.2 A single temporary structure (the “Temporary Structure”) may be constructed on the Lands for the purposes of the Temporary Use, subject to all building and development permit requirements. The specifications of the Temporary Structure and works relating to driveways, parking, and interim site development shall be in accordance with Schedule B.

2.3 Sprinklers must be installed within the Temporary Structure in all areas as required under the Fire Protection and Emergency Response Bylaw No. 4366, 2004.
2.4 No wood burning fireplaces shall be installed, constructed or otherwise permitted on the Lands or within the Temporary Structure.

2.5 On-site landscaping shall be installed at the cost of the Owner in accordance with Schedules B and C.

3.0 Expiry of Permit

3.1 This Permit expires, and the Temporary Use and Temporary Structure is no longer permitted, 2 years from the date of issuance of this Permit, unless this Permit is renewed pursuant to s. 921 of the Local Government Act, in which case this Permit shall expire on the date specified in the renewal of the Permit.

3.2 On or before the date that this Permit expires:

(a) The Temporary Structure must be removed from the Lands;

(b) The Temporary Structure shall be recycled or repurposed and all associated infrastructure, landscaping, etc. shall be recycled or repurposed where possible; and

(c) The Lands shall be remediated, restored, landscaped, graded, and finished as shown on Schedule C.

4.0 Prior to commencing site work or Building Permit issuance, whichever occurs first, the Owner must:

4.1 Obtain all necessary development permit approvals for the Temporary Use and Structure, and on-site landscaping;

4.2 Provide and implement a plan for traffic management during construction of the Temporary Structure to the satisfaction of the District's Manager of Development Engineering; and

4.3 Provide a site and building lighting plan for the Temporary Use and Temporary Structure, to the satisfaction of the District's Manager of Development Engineering, to ensure that lighting does not constitute a nuisance to the public and/or neighbours.

5.0 Security

5.1 Prior to issuance of this Permit, security for the due and proper completion of the removal of the Temporary Structure, and the remediation, restoration, landscaping, grading, and finishing as shown on Schedule C (the "Works"), shall be provided in the amount of $[ESTIMATE] (the "Security Deposit") to the District in the form of cash or unconditional, irrevocable auto-renewing letter of credit issued by a Canadian chartered bank or credit union.
5.2 Following completion of all Works shown on Schedule C and upon receipt of a certified letter or report by a Landscape Architect in good standing with the British Columbia Society of Landscape Architects to the District that:

(a) The Temporary Structure has been removed in compliance with this Permit and the Works have been installed substantially in accordance with Schedule C; and

(b) Clearly identifies any variations that may have been undertaken to the Works set forth in Schedule C together with a clear rationale for those variations and a statement that they do not substantially effect the function and appearance of the Lands as shown on Schedule C, including but not limited to:

i. any adjustments to retaining walls,

ii. changes to the mixture or sizes of any plant materials or trees,

iii. completion of any off-site or boulevard works,

iv. any areas that received alternative treatment,

v. any paving changes, or

vi. any other additions, omissions, or alterations; and

the District will release 80% of the initial value of the Security Deposit.

5.3 The remaining 20% of the initial value of the Security Deposit shall be retained by the District as a warranty deposit (the "Warranty Deposit") to ensure successful installation of the landscaping.

After a minimum of a one-year period following certification that the Works required on Schedule C have been completed, and upon final certification by a Landscape Architect in good standing with the British Columbia Society of Landscape Architects, the District will release the Warranty Deposit, less any costs incurred by the District.

In the event that the Temporary Structure is not removed, or the Works are not completed as provided for in this Permit, the District may, at its option, retain the Security Deposit, or enter upon, carry out and complete the removal of the Temporary Structure and the Works so as to satisfy the terms of the Temporary Use Permit, and may recover the costs of doing so from the security deposited, including an additional 10% of the cost of the work to offset the District’s costs in administering and enforcing the terms of the Permit.

6.0 Runs with Land

6.1 The terms of this Permit are binding on all persons who acquire an interest in the Lands.

7.0 Lapse of Permit

7.1 This Temporary Use Permit lapses if the work authorized herein is not commenced within 12 months of the date this permit is issued.
THE COUNCIL OF WEST VANCOUNVER APPROVED THIS PERMIT BY RESOLUTION PASSED ON [date].

________________________________________
MAYOR

________________________________________
MUNICIPAL CLERK

THE REQUIREMENTS AND CONDITIONS UPON WHICH THIS PERMIT IS ISSUED ARE ACKNOWLEDGED AND AGREE TO. IT IS UNDERSTOOD THAT OTHER PERMITS / APPROVALS MAY BE REQUIRED INCLUDING PERMITS / APPROVALS FOR BUILDING CONSTRUCTION, SOIL AND ROCK REMOVAL OR DEPOSIT, BOULEVARD WORKS, AND SUBDIVISION.

Undertaking to Remove and Restore

The undersigned, being the Permittee identified in this Temporary Use Permit, solemnly undertakes to remove the Temporary Structure from the Lands, and to restore the Lands in the vicinity of the location of the Temporary Structure in accordance with this Permit. The undersigned acknowledges that, if the Temporary Structure is not removed or the Lands not restored in accordance with this undertaking to the satisfaction of the District, the District by its own forces or those of a contractor may, on two business days' notice given by posting the notice on the Temporary Structure, enter on the Lands, remove and dispose of the Temporary Structure, and restore the Lands to the condition specified in this Permit.

The undersigned acknowledges that the District may at its discretion apply the security described in Section 6 of this Permit to the actual cost of the work, plus 10% of the cost of the work to offset the District's costs in administering and enforcing the terms of the Permit.

________________________________________
Owner: Signature

________________________________________
Owner: Print Name above

Date

FOR THE PURPOSES OF SECTION 8, THIS PERMIT IS ISSUED ON [date].

1018006v1
Schedules:
A – Legal descriptions, PIDs, and land ownership information
B – Drawing booklet for the proposed temporary real estate sales centre
C – Excerpts from the drawing booklet for the proposed site redevelopment relating to final site plan, grading, and landscaping
## Schedule A to Temporary Use Permit No. 15-088
### District of West Vancouver

<table>
<thead>
<tr>
<th>Legal Description</th>
<th>PID</th>
<th>Registered Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT A BLOCK 2 EAST PART OF DISTRICT LOT 554 PLAN 8593</td>
<td>010-009-752</td>
<td>CRESSEY SEAVIEW DEVELOPMENT LTD., INC. NO. BC1005648 200-555 WEST 8TH AVENUE VANCOUVER, BC V5Z 1C6</td>
</tr>
<tr>
<td>LOT B BLOCK 2 EAST PART OF DISTRICT LOT 554 PLAN 8593</td>
<td>010-009-779</td>
<td>CRESSEY SEAVIEW DEVELOPMENT LTD., INC. NO. BC1005648 200-555 WEST 8TH AVENUE VANCOUVER, BC V5Z 1C6</td>
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</tbody>
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