
CITY OF KELOWNA
MEMORANDUM

Date: July 16, 2003
File No.: (3060-20/3090-20) **DP03-0044**
To: City Manager
From: Planning & Corporate Services Department
Subject:

DEVELOPMENT PERMIT APPLICATION OWNER: CPAC (LAKESHORE
NO. DP03-0044 GARDENS) INC.

AT: 654 COOK ROAD APPLICANT: PORTER RAMSAY
LAWYERS /
TOM SMITHWICK

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO AUTHORIZE
CONSTRUCTION OF A 6 STOREY, 215 UNIT APARTMENT
HOTEL WITH 518 M² COMMERCIAL SPACE ON GROUND
FLOOR

EXISTING ZONE: C9 – TOURIST COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP03-0044 for Lot A, DL 134, O.D.Y.D., Plan 34182, located on Cook Road, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

5. The registration of appropriate creek dedication for the limited public access along Wilson Creek

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

2.0 SUMMARY

The applicant wishes to construct a new 6 storey, 215 unit apartment hotel with 547 m² commercial space on the ground floor.

2.1 Advisory Planning Commission

The above noted application (DP03-0044) was reviewed by the Advisory Planning Commission at the meeting of May 20, 2003 and the following recommendation was passed:

That the Advisory Planning Commission supports Development Permit Application No. DP03-0044, 654 Cook Road, Lot A, Plan 34182, Sec. 6, Twp. 26, ODYD, by Porter Ramsay (Tom Smithwick) to obtain a Development Permit to authorize construction of a 6 storey, 215 unit apartment hotel with 518 m² of commercial space on the ground floor.

3.0 BACKGROUND

3.1 The Proposal

The subject property was under an application in 1998 to create a Comprehensive Development Zone (CD11) to facilitate the development of a 274 bed (231 unit), seniors housing and care development. The development proposed at that time was envisioned to consist of a "P" shaped, 5 storey building constructed over an under-building parking garage. The building was designed to consist of 80 congregate housing units, 59 independent living units, and 92 care units. The centre part of the "P" configuration was proposed to be heavily landscaped to create a landscaped courtyard feature.

That application proceeded to a successful public hearing on January 12, 1999, after which the zone amending bylaw received 2nd and 3rd readings. The bylaw stayed at 3rd reading until the applicant instructed City staff to close the file. That zone amending bylaw was defeated by Council on January 29, 2001.

In October, 2001, a new development group made application on the subject property for the development of the subject property with a 100 unit apartment hotel, a 151 unit (169 bedroom) congregate housing facility, and a 36 unit seniors care facility constructed as 4 storey buildings over a single storey, under-building parking structure. That proposal considered the use of conventional zoning by using the existing C9 – Tourist Commercial zone for the Apartment Housing component, and the RM5 zone for the congregate housing and seniors care home. That application had a successful public hearing on January 22, 2002, and received 2nd and 3rd reading the same night. That applicant has decided not to proceed with their proposed development.

This current application proposes the construction of a 22,528 m², (41,797 m² Gross Floor area) 6 storey, 215 unit apartment hotel on the subject property. The site plan indicates access to the 2 level under building parking structure coming from Cook Road. The development is designed to yield 9 townhouses (all 2 bedroom units), 206

apartment hotel units (118 - 2 bedroom units, 88 - 1 bedroom units), and 4 retail commercial areas. Twenty four of the units located on the 6th floor have loft areas.

The landscape drawings indicate a substantial amount of landscape plantings along the perimeter of the property and along the adjacent Wilson Creek. The landscape plans also indicate significant amount of landscaping on top of the parking structure to provide an outdoor amenity space for the occupants of the apartment hotel units.

The 2 storey parking structure is surrounded by 2 storey high townhouse units facing Cook Road, and 2 levels of apartment hotel units facing Lakeshore Road, Wilson Creek, and the east side of the property. The portion of the building located adjacent to the corner of Lakeshore and Cook Roads is designed as a single storey commercial area with apartment units above. The apartment hotel units constructed above the parking structure are grouped into 3 blocks which are connected with glazed lobby areas.

The exterior of the proposed building is designed with dominant rectilinear design elements created by the vertical window frames and the horizontal balcony railing features. The roof lines created by the loft areas for the 6th floor units enhance the roof line of the building by introducing a variety of roof heights along the building facades and by accentuating the vertical elements of the balconies and associated window glazing, which breaks up the length of the building facades. These loft areas also incorporate sloped, projecting roof overhangs and bracket details to add more visual interest to the building roof line.

The main entry portal from Cook Road is identified by a 3 storey high glazed area east of the entry that provides space for a lobby area, an amenity area that contains exercise facilities, and a lounge area. The west side of the entry portal is dominated by a glazed vestibule which provides space for an elevator lobby for the entire 6 storey building height. There is a connecting glazed corridor located at the second storey level to connect the lobby area to the elevator lobby on the second floor.

The building exterior is finished with a stucco finish in a variety of colours, that are reminiscent of a playful beachfront resort setting. The first 2 storeys are finished with a "mustard yellow" colour for the townhouse style units. The projecting second floor areas are finished in a "bright yellow" stucco finish. The commercial units area finished with the same "bright yellow" colour finish. The main entry area located on the south side of the building is finished with an "orange" coloured stucco finish. Each of the blocks of 4 storey apartment hotel sections located above the 2 storey parking structure is designed to be finished in either a "brick red" colour for the north west portion of the building, "forest green" for the portion located at the east end, or "dark blue" for the portion of the building facing the corner of Lakeshore Road and Cook Road. The glazed connecting links between the blocks of apartment hotel units are used as the natural break between the wall colours. The selected colours are anticipated to complement the existing Manteo Beach development, which is located across Lakeshore Road from the subject property.

The proposal as compared to the C9 zone requirements is as follows:

CRITERIA	PROPOSAL	C9 ZONE REQUIREMENTS
Site Area (m ²)	17,877 m ²	1,800 m ² min.
Site Width (m)	152 m	30 m min.
Site Coverage (%)	62.%	
Total Floor Area (m ²)	41,796 m ² (gross) 22,528 m ² (net)	Max 26,815 m ² at FAR = 1.5
F.A.R.	1.26	Max. FAR = 0.5 Max. FAR = 1.5 for Hotels and Apartment Hotels
Storeys (#)	6 Storeys	22.0 m or 6 storeys for Hotels and Apartment Hotels
Setbacks (m)		
- Front (Cook Road)	6.0 m	6.0 m min.
- Rear	15.0 m (to creek)	4.5 m min. 15 m min. for hotels
- West Side (flanking)	4.5 m	3.0 m min. 4.5 m min. for flanking streets
- East Side	4.5 m	3.0 m min. 4.5 m min. for flanking streets
Parking Stalls (#)	372 stalls provided	226 stall req'd (311 stalls req'd @ resident rate)
Loading Stalls (#)	1 stall provided	1 stall per 2,800 m ² GFA

Parking calculations; 215 rm Apt. Hotel @ 1.0 stalls per room = 215 stalls
 547 m² @ 2.0 stalls pr 100 m² = 11 stalls
 total parking stalls req'd = 226 stalls

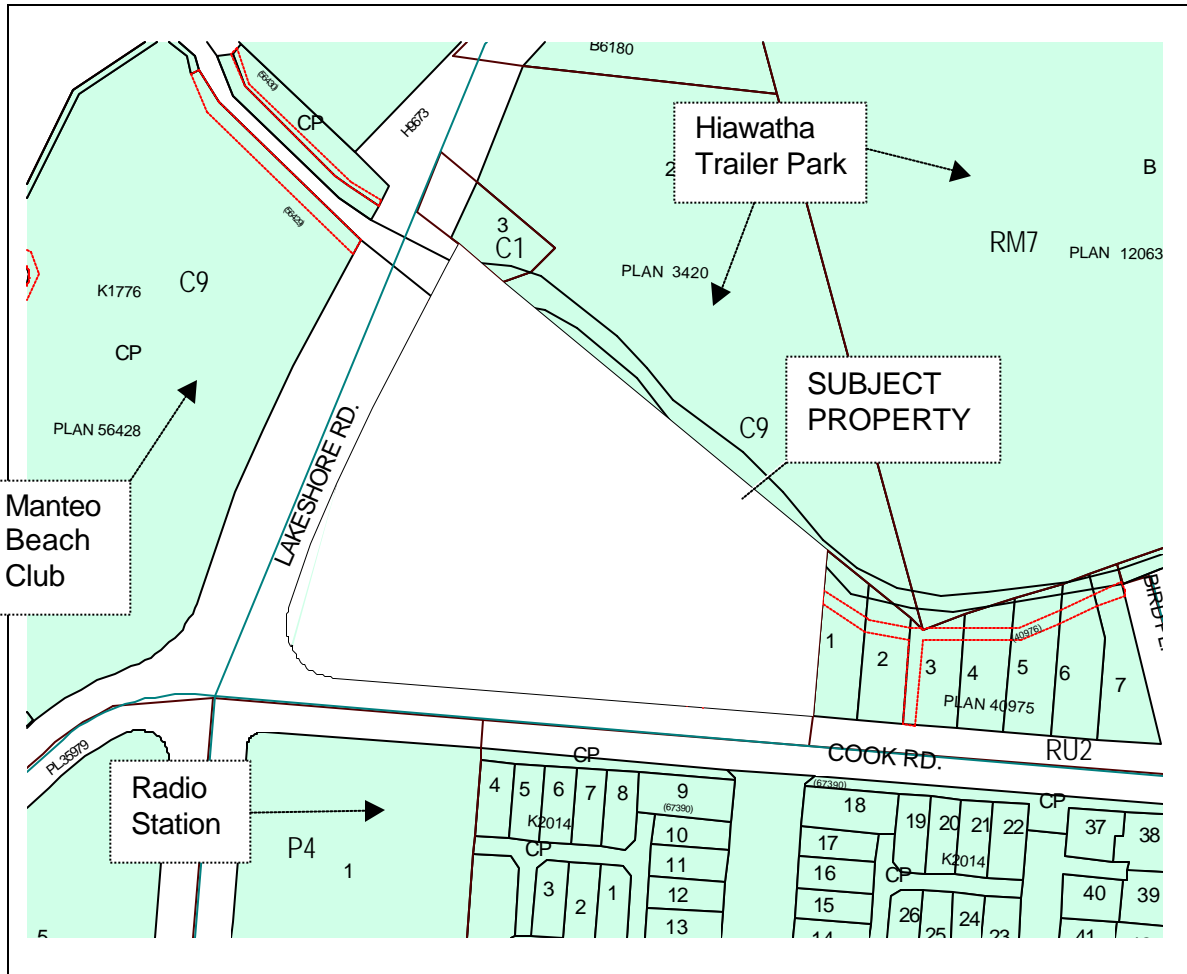
(at residential rates) 127 2 br units @ 1.5 stalls each = 190 stalls
 88 1 br units @ 1.25 stalls each = 110 stalls
 547 m² @ 2.0 stalls per 100 m² = 11 stalls
 calculated at **residential** rates **311 stalls**

3.2 Site Context

Adjacent zones and uses are, to the:

- North - C1 – Local Commercial / Hiawatha Campground Store
- C9 – Tourist Commercial / Hiawatha Campground
- East - RU2 – Medium Lot Housing / single family housing
- South - P4 – Utilities / Cook Road, Radio Station, single family housing
- CD4 – Concept Development 4 zone (Sommerville Corner)
- West - C9 – Tourist Commercial / Lakeshore Rd, Manteo Beach resort

SUBJECT PROPERTY MAP



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the subject property as “Mixed Residential Commercial” future land use. This designation supports development for the sale of goods and services located on the lower storeys or fronting main roads and townhouses, garden apartments and apartments, above or adjacent to commercial uses.

3.3.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the Urban Form objectives of the Kelowna Strategic Plan which seeks to “develop a more compact urban form by increasing densities through infill and re-development within existing urban areas...”

3.3.3 South Pandosy/KLO Sector Plan

The South Pandosy / KLO Sector Plan designates the subject property as “Mixed Commercial Residential” future land use.

The South Pandosy / KLO Sector Plan also includes the following policy statements;

1. Strongly encourage all development to contain both commercial and residential components within the Mixed Commercial Residential designation,
2. Generally encourage commercial uses to locate near major roadways and on the lower floors with residential uses located further from major roadways and on upper floors,
3. Ensure that the commercial and residential components of the entire contiguous area designated as Mixed Commercial and Residential are comprehensively planned to relate positively to each other and the surrounding areas.

The South Pandosy / KLO Sector Plan also includes the following policy statements for the “Resort Village Centre”;

- Encourage the use of bright and varied colours for building finished in the precinct, reminiscent for warm water, ocean-front, beach resort developments,
- Require alignment of building fronts close to Lakeshore Road. Require parking internally on sites, preferably in back yard or side yard, and not between the building and Lakeshore Road,
- Encourage “landmark” building architecture at the intersection of Lakeshore Road and Cook Road, and adjacent to and across from rotary Beach.

3.3.4 Crime Prevention Through Environmental Design

Natural Surveillance

- dumpsters should not create blind spots or hiding areas, particularly when located in lanes;
- recessed doorways, alcoves or other dark niches should be not be created or should be removed to eliminate hiding places for potential assailants, vandals or other criminal activity;
- lighting should be even to avoid casting shadows where people can hide; using numerous low wattage lights accomplishes this better than a few high wattage lights;
- loading areas should not create hiding places;

- signs placed within windows should cover no more than 15% of the window area, to ensure that natural surveillance of the street is maintained;
- interior shelving and displays should be no higher than five feet (1.5 metres) for increased visibility;
- the lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- parking areas should be clearly visible from the building or street;
- paths in commercial areas should be provided in locations with good surveillance, not blocked in by blank walls and dense landscaping;
- exterior of buildings should be well-lit;
- wherever it is appropriate, a mix of uses should be encouraged to increase natural surveillance at different times of the day; placement of residential uses above commercial is a good example of this;
- windows should face rear parking lots for increased visibility;
- clear visibility should be maintained from the store to the street, sidewalk, parking areas and passing vehicles;
- lanes should be well-lit and should have windows overlooking them;
- all entrances should be under visual surveillance or monitored electronically.

Territorial Reinforcement

- public events, such as festivals and outdoor concerts help to increase activity and community ownership, thereby reducing the opportunities for crime;
- property boundaries, where possible, should be marked with hedges, low fences or gates;
- private and semi-private areas should be easily distinguishable from public areas;
- shops should be identified by wall signs for those parking in the rear;
- awnings should be installed over rear doors and windows;
- lanes should be well-maintained with pavement treatment and landscaping, wherever possible;
- entrances onto lanes and use of the space in the lane (e.g. shopping entrances or outdoor cafes), increases public ownership and safety of the lane;
- blank walls should be avoided, but can be improved by the installation of windows, vertical landscaping (e.g. ivy), non-paint-able surfaces, or the use of mural art; which all discourage graffiti;
- all public and semi-private areas should be well-maintained to convey pride and ownership, which discourage negative activity;
- benches should be placed in public spaces and along paths or sidewalks to provide a resting place, particularly for seniors or those with disabilities; elevated seating positions allow for broad observation and give users a greater sense of control.

Natural Access Control

- cash registers should be located in front of the store, near the main entrance;
- public paths should be clearly marked;
- signs should direct patrons to parking and entrances;
- there should be no easy access to the roof;
- entrances to dwellings within a commercial building should be separate from the commercial entrance to enable distinction of residential visitors from those frequenting businesses;

- wall treatments, such as climbing plants or trellises, should not provide a means to climb the wall;
- rear access to shops should be provided from rear parking lots.

Management

- operating hours should coincide with those of other neighbouring businesses;
- pay phones should be call-out only and under surveillance at all times;
- interior space should be well-lit.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Aquila Networks Canada

Will provide underground electrical service to this development.

4.2 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law.

Engineered fire flows are required.

It is unclear as to where access to each building is?

Ladder staging areas will be required to the non-accessible areas.

4.3 Inspection Services Department

As this is a very complicated building, it is hard to evaluate without a code analysis. Talks with the Consultants are ongoing. There are no specific concerns at this time.

4.4 Ministry of Water, Land and Air Protection

The following comments are provided by Flood Plain Management in response to your letter of May 1, 2003. Please be advised Ecosystems Section of Environmental Stewardship Division may be providing their comments under separate letter.

The Floodplain Management Provisions include minimum setback and elevation requirements to protect future development from damages due to flooding and erosion. The above mentioned property contains areas which we consider maybe subject to flooding or erosion from Wilson Creek/Okanagan Lake.

Covenant V51858 is presently registered against the above mentioned property and requires that any building or mobile home be constructed such that any area used for habitation, business, or storage of goods damageable by flood waters be located at an elevation such that the underside of the floor system or concrete slab be no less than 343.67 metres geodetic Survey of Canada datum, or 0.6 metres above adjacent Lakeshore Road, whichever is the higher elevation.

Provided that any development within this property meet these requirements, any floodplain hazard management concerns will have been considered addressed.

We advise that if any change to the location or nature of any watercourse (stream, swamp, lake, river or creek) is contemplated, then an Approval, or Notification under

Section 9 of the Water Act is required. For information, please contact Land & Water BC Inc., in Kamloops at (250)377-7000 or Ecosystem Section of the Ministry of Water, Land and Air Protection in Penticton at (250)490-8200. Please be aware that work in a watercourse is normally limited to a period of time called a “work window”. These windows have been established to minimize the impact of development activities on the fisheries resource. The windows vary from stream to stream, may be brief (often one month), and are typically in the summer period. Application for authority to do work in a watercourse should be submitted well in advance of the applicable work window to ensure that adequate time is available for adjudication.

4.5 Parks Manager

1. The Parks Division requires a 10 m road right of way for a future linear park along Wilson Creek starting from the top of bank (high water mark)
2. We recommend that the development delineate the 15 m setback line along Wilson Creek with a fence and gate or screening to prevent encroachment into the riparian area.

Planting Selection

3. The Parks Division has concerns regarding the selection of plant material.
 - a. In riparian area, we recommend substituting the Okanagan native Scouler's Willow (*Salix scouleriana*) for the proposed Golden Willow (*Salix alba* 'Vitelina'),
 - b. In riparian area, we recommend substituting Okanagan native Interior Douglas Fir (*Psuedotsuga menziesii* var. *glauca*) for the proposed White Spruce (*Picea glauca*),
 - c. We do not accept the planting of Amur Maple (*Acer ginnala*) near riparian area due to its prolific seeding habits. Substitute with another tree i.e. Red Maple (*Acer Rubum*).
 - d. We suggest substitute the Okanagan native Ponderosa Pine (*Pinus ponderosa*) for the proposed Red Pine (*Pinus resinosa*).
4. All trees on City property such as the road right of ways and the riparian area that are proposed for removal need to be confirmed on site with the Parks Division.

Boulevard Landscaping

1. All entry feature signs for the proposed development to be located on private property and not on City Blvd. This includes any landscape treatment.
2. The Parks Division requires confirmation that the development will provide a 1.5 m concrete sidewalk in the road right-of-way blvd. adjacent to Lakeshore Road and Cook Road
3. The following applies for all boulevard (BLVD) landscape on City ROW and is standard information required on a landscape plan:
 - a. Planting plan to include a plant materials list
 - i) Latin name
 - ii) Common name
 - iii) Size at planting
 - iv) plant symbol key
 - v) indicate existing trees
 - vi) indicate existing trees to be removed
 - b. Minimum plant material specification for BLVDs as follows:
 - i) Deciduous Trees – caliper @ 300mm above rootball (min. 60 mm)
 - ii) Coniferous Tree – height (min. 2.5 m)
 - iii) Seed/Sod mix according to location and proposed activity use

- c. Shrub beds require plastic edge beside all area abutting a city sidewalk or city land to prevent migration of mulch.
 - d. Scale of plan and north arrow clearly indicated on plan
 - e. Planting plan to indicate all u/g utility locations in BLVD
- 4. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. Shrubs are not normally permitted for planting in the boulevard. All materials located in BLVD to meet city standard for size and method of installation
 - 5. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded area) is the responsibility of the owner/occupant.
 - 6. BLVD tree maintenance is the responsibility of Parks Division. However the adjacent owner is responsible for watering and replacement of trees during the establishment permit, for at least two years after planting.
 - 7. All trees planted in sidewalk and not in grass BLVD will require a vault and barriers beside concrete infrastructure.

4.6 Public Health Inspector

Subject to water & sewer. Swimming pools to be approved by Public Health Engineer.

4.7 Shaw Cable

Owner/developer to supply and install an underground conduit system as per Shaw Cable drawings and specification.

4.8 Telus

TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.

4.9 Works and Utilities Department

The Works & utilities Department has the following comments and requirements associated with this application for the proposed 6 storey, 215 unit apartment hotel with 518 m2 of commercial space. The existing parcel is zoned C-9. The road and utility upgrading requirements outlined in this report are provided for information purposes.

1. Domestic Water and Fire Protection

- (a) Domestic water and fire protection for this development can be provided from a watermain on Lakeshore Road and or, alternatively from Cook Rd.
- (b) The lot is presently serviced from Cook Road with a 100mm-diameter water service, which will likely need replacing.
- (c) The developer's consulting mechanical engineer will determine the domestic and internal fire protection requirements of this proposed development and establish the required size of the new service. The disconnection and removal of existing small diameter water services and

the tie-in of the new service will be by City forces at the developer's expense.

- (d) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.
- (e) The boulevard irrigation systems must be integrated with the on-site irrigation system.

2. Sanitary Sewer

- (a) Sanitary sewer services for this development will be provided from a sanitary sewer main from Lakeshore Road. or, alternatively from Cook Rd.
- (b) The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size of the new service. The existing 100mm diameter sanitary service will need replacing.
- (c) Removal and capping of unused existing sanitary services and the tie-in of the new service must be by City crews and will be at the applicant's cost.

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service. A direct pipe discharge to the creek is not permitted
- (b) The subject development must include the design of a drainage system for Lakeshore Road in front of the subject lot, including catch basins for curb and gutter construction. The cost of the work was included in the road design calculations.
- (c) Storm drainage systems and overflow service(s) for the site will be reviewed and approved by Engineering when a site servicing design is submitted.

4. Road Improvements

- (a) Lakeshore Road must be upgraded to a full urban standard (SS-R11) along the full frontage of this proposed development, including curb and

gutter, separate sidewalk, storm drainage system including catch basins, manholes / dry-wells and pavement widening. Also required is a landscaped boulevard complete with underground irrigation system, street lighting required and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost for this construction for budget purposes is \$64,600.00. Not included in the estimate are costs for pole relocations and modifications to the existing traffic control signalization system.

- (b) Existing trees within the city right-of-way on Lakeshore Road **can not** be removed without prior written approval from the city.
- (c) There is an existing bus stop on Lakeshore Road near the southwest corner of this property. The bus stop will still be required.
- (d) Cook Road has been upgraded to an urban standard, but it is necessary to install a monolithic sidewalk for the full length of this parcel and the landscaped boulevard must be complete with an underground irrigation system. Re-location or adjustment of utility appurtenances will also be required to accommodate the construction.
- (e) The existing access to Cook Road will need modification. This work will require curb and gutter and ramp removal and replacement. The work must be constructed to City of Kelowna Standards. Re-locate utility appurtenances if required to accommodate this construction.
- (f) Tree removal is **not permitted** within the Cook Road right-of-way without prior written approval from the city.
- (g) The cost of this construction for bonding purposes is \$22,400.00. Not included in the estimate are costs for pole relocations and modifications to the existing traffic control signalization system.
- (h) Provide Street Sign, Markings and Traffic Control Devices Drawings. The City will install or modify the required signs and traffic control devices at the developer's expense.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) A 15-meter wide "leave strip" is required adjacent to Wilson Creek through this property. This leave strip should be registered as a Road right-of-way.
- (b) Grant Statutory Rights Of Way if required for utility services.

6. Electric Power and Telecommunication Services

The existing overhead electrical and telecommunication distribution wiring on Lakeshore Road fronting this development must be relocated to an approved offset within the proposed boulevard area. The developer may choose to have the wiring installed in an underground duct system, and have the buildings connected by underground services.

It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Street Lighting

Ornamental street lighting including underground ducts must be installed on Lakeshore Road fronting on the proposed development. The cost of this requirement is included in the roads upgrading item. If the electrical source for the street lighting is on the west side of Lakeshore Road, this source must be in underground ducts.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

9. Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands in accordance with the Subdivision, Development and Servicing Bylaw, Schedule 4 Sanitary Item 2.18.

- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.
- viii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- ix) Recommendations for items that should be included in a Restrictive Covenant.
- x) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- xi) Any items required in other sections of this document.
- xii) Recommendations for erosion and sedimentation controls for water and wind.
- xiii) Recommendations for roof drains and perimeter drains.
- xiv) Recommendations for construction of detention or infiltration ponds if applicable.

10. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

11. Development Permit and Site Related Issues

- (a) A site grading plan, a site servicing plan and a storm drainage plan are a requirement of this application. Site servicing issues and road access will be further reviewed and comments related to site development will be addressed when a detailed site development design or building permit application is received.
- (b) A landscape plan must also be submitted depicting proposed vegetation treatment within this 15m “leave strip”. Upon review and acceptance by City staff, a bonding amount will be determined.
- (c) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.
- (d) A bike rack must be provided in accordance with current bylaws and policies.
- (e) Access and Manoeuvrability

- (i) Locate the proposed access onto Cook Road further west so that the headlights of the vehicles leaving the site do not project into the front windows of the homes across the road.
- (ii) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.
- (iii) Perimeter access must comply with the BC Building Code.

12. Bonding and Levy Summary

(a) Bonding

Lakeshore Road Frontage Improvements	\$64,600.00
Cook Road Frontage Improvements	\$22,400.00
<u>Total</u>	<u>\$87,000.00</u>

NOTE: The bonding amount shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to or issuance of a building permit.

(b) Levies

No levies are applicable. Off-site service connection costs will be included in the servicing agreement.

13. Administration Charge

An administration charge is applicable to this development in the amount of 3% (+ GST) of the total off-site servicing costs. The administration charge will be assessed and must be paid prior to release of any security deposits.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

While the proposed development may not strictly comply with the "Mixed Commercial & Residential" designation of the South Pandosy/KLO Sector plan, in combination with the associated text amendment (TA03-0001), the proposed development meets the intent of the designation as follows;

"Town centre commercial, tourist commercial combined with Multiple Family residential uses. The two types of uses should be combined together in this designation".

The proposed development does utilize commercial space on the ground floor and apartment hotel units above, so the function of the proposed building does meet the intent of the definition above by providing both a commercial use on the ground floor and what is essentially a residential use above.

The applicant has also made application for a Text Amendment (TA03-0001) which proposes to remove the time limit on length of stay in an apartment hotel unit to 240 days. This text amendment has received a favourable Public Hearing and is currently at 3rd reading. This text amendment will provide the applicant with the opportunity to have investors purchase the individual units to have them placed in a rental pool for tourist accommodation, while giving the owners the chance to live in the units full time in the future is they desire.

The exterior finishes and colour of stucco are expected to generate some criticism of the proposed development. However, the existing guidelines contained in the South Padosy / KLO Sector Plan, while very general, do provide direction to use "bright and varied colours".

In light of the above, the Planning and Corporate Services Department supports this a proposal, and recommends for positive consideration by Council.

Andrew Bruce
Manager of Development Services

Approved for inclusion

☐

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Community and Corporate Services

PMc/pmc
Attach.

FACT SHEET

- | | |
|---|--|
| 1. APPLICATION NO.: | DP03-0044 |
| 2. APPLICATION TYPE: | Development Permit |
| 3. OWNER: | CPAC (Lakeview Gardens) Inc.
Inc. 578858 |
| . ADDRESS | #800 – 885 West Georgia St. |
| . CITY | Vancouver BC |
| . POSTAL CODE | V6C 3H1 |
| 4. APPLICANT/CONTACT PERSON: | Porter Ramsay Lawyers
Tom Smithwick |
| . ADDRESS | #200 – 1465 Ellis St. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 2A3 |
| . TELEPHONE/FAX NO.: | 763-7646/763-9960 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | April 30, 2003 |
| Date Application Complete: | April 30, 2003 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | July 16, 2003 |
| 6. LEGAL DESCRIPTION: | Lot A, DL 134, O.D.Y.D., Plan 34182 |
| 7. SITE LOCATION: | North East Corner of Cook Road and
Lakeshore Road |
| 8. CIVIC ADDRESS: | 854 Cook Road |
| 9. AREA OF SUBJECT PROPERTY: | 17,890 m ² |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | General Commercial DP Area –
Lakeshore Road |
| 11. EXISTING ZONE CATEGORY: | C9 – Tourist Commercial |
| 12. PURPOSE OF THE APPLICATION: | To Obtain A Development Permit To
Authorize Construction Of A 6 Storey,
215 Unit Apartment Hotel With 518 M ²
Commercial Space On Ground Floor |
| 13. DEVELOPMENT VARIANCE PERMIT
VARIANCES: | N/A |
| 14. VARIANCE UNDER DEVELOPMENT
PERMIT: | N/A |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

Attachments

Subject Property Map
Schedule A, B & C (9 pages)
12 pages of site elevations / diagrams