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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** May 5, 2004  
**File No.:** (3060-20/3090-20) **DP04-0018/DVP04-0019**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION NO. DP04-0018      OWNER: CANADA LANDS CO. CLC LTD.  
DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP04-0019

**AT:** 1153-1157 & 1187 SUNSET DRIVE      **APPLICANT:** THE HULBERT GROUP / MARK HAMILTON

**PURPOSE:** TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE THE CONSTRUCTION OF A MULTIPLE UNIT RESIDENTIAL DEVELOPMENT CONSISTING OF A 20 STOREY TOWER WITH 82 UNITS, AND 7 TOWNHOUSE UNITS.

TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY; MAXIMUM BUILDING HEIGHT FROM 16 STOREYS OR 55M, PERMITTED, TO 20 STOREYS OR 62.8M PROPOSED; DAYLIGHTING STANDARDS VERTICAL ANGLE FROM MAX 65° PERMITTED TO 73° PROPOSED, AND TO VARY THE REAR AND SIDE YARD SETBACKS TO THE PROPOSED PARKING STRUCTURE TO 0.0M

**EXISTING ZONE:** C4 – TOWN CENTRE COMMERCIAL

**PROPOSED ZONE:** RM6 – HIGH RISE APARTMENT HOUSING

**REPORT PREPARED BY:** PAUL McVEY

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0 RECOMMENDATION**

THAT Final Adoption of OCP Amending Bylaw No. 9230 and Zone Amending Bylaw No. 9231 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP04-0018 for a part of Lot 7, District Lot 139, ODYD, Plan KAP68693 except Plan KAP73017 and a part of Lot A, District Lot 139, ODYD, Plan KAP 73017 located on Sunset Drive, 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 registration of a plan of subdivision at Land Title Office in Kamloops to address the lot line adjustment and create the new development site, as well as the registration of a reciprocal access agreement for pending lot 4,
5. 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP04-0019; for a part of Lot 7, District Lot 139, ODYD, Plan KAP68693 except Plan KAP73017 and a part of Lot A, District Lot 139, ODYD, Plan KAP73017, located on Sunset Drive, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

- a) Section **6.1.1(b)&(c) Daylighting Standards** – from the Daylighting Standard Vertical Angle for the east side lot line and the rear lot line of 65° required to 73° proposed,
- b) Section **13.12.6(c)** – High Rise Apartment Housing zone, **Development Regulations**, from the maximum building height of the maximum of 16 storeys or 55 m to 20 storeys or 64.7 m proposed,
- c) Section **13.12.6(e)** – High Rise Apartment Housing zone, **Development Regulations**, from the minimum north & south side yard setback of 4.5 m required to the 0.0 m proposed to the parking structure, and
- d) Section **13.12.6(f)** – High Rise Apartment Housing zone, **Development Regulations**, from the minimum east rear yard setback of 9.0 m required to the 0.0 m proposed to the parking structure.

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

Canada Lands, the owner of the subject properties, currently has applications in stream (OCP04-0001, Z04-0004, S04-0008) for an OCP Amendment, Rezoning, and Subdivision to facilitate a lot line adjustment to move the south property line of the proposed development site back to the original location that was identified in the associated Downtown North Area Structure Plan.

This current application for Development Permit seeks approval of a 82 unit, 20 storey high-rise apartment building and 7 townhouse units. There is also an associated Development Variance Permit to vary the maximum building height from 16 storeys or 55m permitted, to 20 storeys or 62.8m proposed. This DVP application also includes a

variance to the Daylighting Standard Vertical Angle from the maximum 65° permitted to the 73° proposed, as well as a request for reduction of the rear and side yard setbacks to the parking structure which is partially below grade to 0.0m.

## 2.1 Advisory Planning Commission

The above noted applications (DP04-0018/DVP04-0019) were reviewed by the Advisory Planning Commission at the meeting of March 2, 2004 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP04-0018, for (W of) Ellis Street & 1187 Sunset Drive, part of Lot 7, District Lot 139, ODYD, Plan KAP68693 except Plan KAP73017 & a part of Lot A, District Lot 139, ODYD, Plan KAP73017 by The Hulbert Group (Mark Hamilton) to obtain a Development Permit to authorize construction of a 90 unit residential development consisting of an 82 unit, 20 storey high rise apartment building and 7 townhouse units;

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP04-0019, for (W of) Ellis Street & 1187 Sunset Drive, part of Lot 7, District Lot 139, ODYD, Plan KAP68693 except Plan KAP73017 & part of Lot A, District Lot 139, ODYD, Plan KAP73017 by The Hulbert Group (Mark Hamilton) to obtain a Development Variance Permit to vary the maximum building height from 16 storey's, or the 55 m permitted, to 20 storey's, or 63 m, proposed; and to vary the daylighting angle from a maximum of 63° permitted to the 73° proposed.

## 3.0 BACKGROUND

### 3.1 The Proposal

The subject property is located within the Downtown North Area Structure Plan boundaries (Canada Lands). An Area Structure Plan was commenced in 1996 and adopted by Council in December 2000. In 2001, there had been an application made for a rezoning (Z01-1047) and OCP amendment (OCP01-012) to increase the size of the commercial property located at the corner of Sunset Drive, Clement Ave, and Ellis Street by reconfiguring the north property boundary of that site further to the north in order to provide a larger development site for the Sheraton Hotel proposal that was then active. As this property line was also the zoning boundary between a commercial zone and a high density residential zone, it was also necessary to make applications for both a rezoning and OCP amendment. However, the associated hotel development proposal was never finalized and the development never constructed. There have been applications made to put the zone boundary, the OCP designation, and the property line back to the original locations which existed prior to the Sheraton Hotel development proposal in 2001.

This current application for Development Permit and Development Variance Permit seeks approval for the first phase of the Multiple Unit Residential development portion for the Canada Lands property identified in the "Downtown North Area Structure Plan". The ASP has identified the subject property for RM6 zone uses, and has also provided development guidelines for the area.

The site plan submitted in support of this application shows access coming from Sunset Drive by the use of a driveway located along the pending north west property line of the subject property. This driveway is terminated with a turnaround which is located on the south east side of the driveway. There is an access drive way to the under-building parking structure located on the west side of the turnaround. The underbuilding parking structure is located approximately 6m back from the Sunset Drive frontage, and is generally contiguous with the other property lines of the proposed lot. The cross section though the parking structure indicates that the parking structure is approximately 1.7m below grade, with the top of the structure approximately 1.5m above the sidewalk elevation along Sunset Drive.

The landscape plan provided shows that the area between the parking structure and the back of the Sunset Drive sidewalk is densely planted to provide a substantial buffer between the proposed townhouse units and the adjacent pedestrian sidewalk. The landscape treatment in this area is designed to step down from the top of parkade structure to the back of sidewalk. It is interesting to note that the landscape designer has provided some landscape detail elements in this area that replicate sections of a "railroad" by the use of railroad ties and rails. This detail has been included to provide a historic connection of the development site to the previous use of the area as a rail yard, and to provide a reference to the nearby heritage railway station located at the intersections of Ellis Street, Clement Avenue, and St. Paul Street.

The landscape plan also shows a substantial water feature that is located between Sunset Drive and the proposed high rise apartment building. This water feature is designed to appear to start under the proposed high rise apartment building and flows towards Sunset Drive, where the water drops off of the top of the parking structure in a series of water falls, to fall into a pond feature located at sidewalk grade level. The patio areas of the townhouses located along the east side of the subject property also connect to the water feature by having the deck area project over the water feature. All of the townhouse units have direct access to grade.

The site plan shows the high rise apartment building located south of the driveway turnaround, oriented with the minor building axis facing north-south, and the major building axis running east-west. The ground floor is shown as a lobby area and amenity areas, with floors 2 through 16 are each designed with 5 residential units each. The 17 to 19 floors are each designed with 2 residential units, and the 20 floor is designed with a single penthouse unit.

The exterior of the high rise apartment building is designed to be finished with exposed concrete, prefinished metal panels, and blue tinted glazing in aluminium framing. The residential character of the building is expressed to the exterior of the building by the use of horizontal concrete elements at each floor level to indicate the location of each storey. The residential character is reinforced by the provision of balconies at various locations for each level. The main pedestrian entrance is identified by an entry feature that is flanked on either side by large stone finished columns. The balconies are proposed to be finished in the same blue tinted glazing as the remainder of the window glazing.

As part of this Development Permit application, there has also been an application made for a Development Variance Permit to vary the building height from the maximum 16 storeys or 55 m permitted by the zoning bylaw to the proposed building height of 20 storeys, 64.7m. Also included with this variance application is a request to vary the Daylighting Standard vertical angle from the maximum vertical angle of 65° permitted to the daylighting vertical angle of 73° proposed. As well, there is a request to vary the rear

and both side yard setbacks to 0.0m to the parkade structure, as it is anticipated that the parkade structure will project greater than 0.60m above the grade of the adjacent properties, and will have to be considered for the side and rear yard setbacks to that portion of the proposed building. The residential buildings constructed on top of the parking structure do comply to the required setbacks identified in the RM6 zone. When the neighbouring properties are filled to an appropriate finished grade elevation, the parking structures will then be less than 0.60 m above grade, and then the setbacks will not apply to that portion of the parking structure.

The proposal as compared to the RM6 zone requirements is as follows:

CRITERIA	PROPOSAL	RM6 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> ) (proposed lot)	5,900 m <sup>2</sup>	1,700 m <sup>2</sup>
Site Width (m)	92.4 m	30.0 m
Site Depth (m)	76.112 m	35.0 m
Site Coverage (%)	19.3% buildings 39.6% bldgs & pvmt	50% max. bldg, structures, parking areas and driveways
Total Floor Area (m <sup>2</sup> )	12,241.55 m <sup>2</sup> gross 10,562.64 m <sup>2</sup> net	
F.A.R.	1.8	Base FAR = 1.5 + bonuses
Storeys (#)	20 storeys (64.7 m) ❶	16 storeys or 55 m max.
Setbacks (m)		
- Front (Sunset Dr.)	6.0 m	6.0 m min.
- Rear to building to parking structure	20.9 m 0.0 m ❷	9.0 m min.
- Northwest Side to building to parking structure	18.0 m 0.0 m ❸	4.5 m min.
- East Side to building to parking structure	6.0 m 0.0 m ❹	4.5 m min.
Private Open Space	Balconies 1,149 m <sup>2</sup> Open space 1,101 m <sup>2</sup>	76 - 2 br @ 18 m <sup>2</sup> = 1,368 m <sup>2</sup> 14 - 3 br @ 18 m <sup>2</sup> = 252 m <sup>2</sup> 1,620 m <sup>2</sup> open space req'd
Parking Stalls (#)	146 stalls provided	76 - 2 br @ 1.5 = 114 14 - 3 br @ 2.0 = 28 142 stalls required
Bicycle Parking Stalls (#)		Class I 90 x 0.5 = 4.5 Class II 90 x 0.1 = 9

Notes;

FAR = 1.5 base + 0.10 bonus open space + 0.20 under building parking = 1.8 FAR

Variances requested;

- ❶; vary building height from 16 storeys, and 55m permitted, to 20 storeys and 64 m proposed,
- ❷; Vary rear yard from the 9.0 m required to 0.0 m to parkade structure
- ❸; Vary northwest side yard from the 4.5 m required to 0.0 m to parkade structure
- ❹; Vary east side yard from the 4.5 m required to 0.0 m to parkade structure

Vary the Daylighting Standards from a vertical angle of 65° permitted to 73° proposed

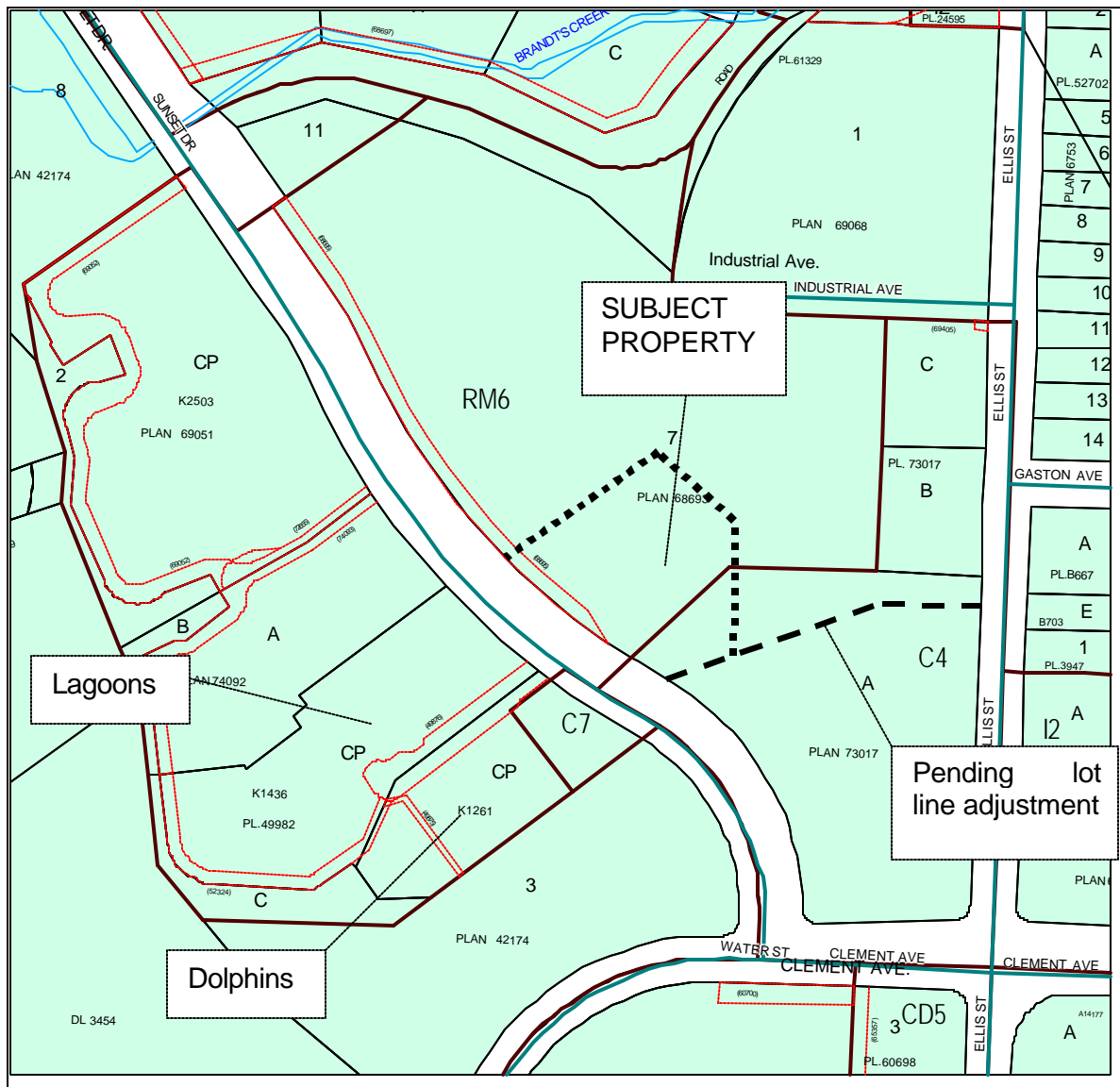
### 3.2 Site Context

The subject property is located within the former rail yard that was located on the east side of Sunset Drive, north of the commercial designated sites. The site is generally flat and level

Adjacent zones and uses are, to the:

- North - RM6 – Highrise Apartment Housing/vacant
- East - C4 – Town Centre Commercial/vacant
- South - C4 – Town Centre Commercial/vacant
- West - RM6 – Highrise Apartment Housing/Sunset Dr – “Lagoons”

#### SUBJECT PROPERTY MAP



### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the area of the subject property as a “Multiple Family Residential – high density” and “Commercial” future land use. There has also been an application (OCP04-0001) to change the future land use designation from “Commercial” to “Multiple Family Residential – high density” for a portion of the subject property located at the south of the development which has been made as part of an associated rezoning application (Z04-0004).

The Official Community Plan also contains the following statements as they relate to multiple units residential development;

##### **Objectives for Multiple Unit Residential Development:**

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

##### **Guidelines for Multiple Unit Development:**

In issuing conditions relating to a development permit the City will specify how development permit objectives can be satisfied. This should include consideration of the following guidelines, as examples of how to meet the objectives:

##### **Relationship to the Street**

- The principle front entranceway should be clearly identified and in scale with the development.

##### **Building Massing**

- Developments should be sensitive to and compatible with the massing and rhythm of the established streetscape.
- Sub-roofs, dormers, balconies, and bay windows should be encouraged.

##### **Walls**

- End walls visible from a public street or residential lot should be finished to provide an attractive appearance. Blank or solid walls (without glazing) should not be longer than 5 m. Walls longer than 5 m should incorporate wall detailing that will provide visual interest.

##### **Views**

- View corridors should, wherever possible, be preserved.

##### **Crime Prevention**

- Guidelines for Crime Prevention Through Environmental Design Guidelines (CPTED) should be followed.

##### **Amenities**

- Appropriate high quality public spaces, which provide links to surrounding areas and open space relief within the development should be encouraged.

**Parking**

- Underground parking is encouraged.

3.3.2 City of Kelowna Strategic Plan (1992)

The project is consistent with the Urban Form objectives of the Strategic Plan which encourages a “more compact urban form by increasing densities through infill and redevelopment within existing urban areas...”.

3.3.3 North End Neighbourhood Structure Plan

North End Neighbourhood Structure Plan identifies the subject property as part of a “mixed use district”.

3.3.4 Downtown North Area Structure Plan

The Downtown North Area Structure Plan identifies the area of the subject property as for “Multiple Unit Residential – high density”.

The Downtown North Area Structure Plan also contains the following statements as they relate to multiple units residential development;

**General;**

Development as a urban village will provide for;

- A range of housing types, unit sizes, and affordability,
- Architectural integrity in which facades will use consistent details, materials, and massing to give building human scale and a character that is rooted in the area's history,
- A non vehicular linkage system to unify Downtown North and integrate it with the city as a whole.

**Materials**

Walls should be designed with an appearance of strength using materials such as masonry or wood, which have natural load-carrying abilities. Alternatively, walls can be made more transparent (with combinations of windows) if support is provided by sturdy regularly spaced piers of materials like stone or timber.

**Residential – Development Area No. 5**

The residential development in this area will provide a variety of housing forms from multi-storey (high-rise) to townhouses. Housing should take advantage of view lines to Lake Okanagan and provide an enjoyable, upscale living environment.

**Parking and Loading**

- Resident parking within the building is recommended,
- Each development should be permitted to have only one driveway entrance from Sunset Drive, and in general, paving should be kept to a minimum.
- Access drives should be designed to minimize interruption of the pedestrian streetscape along Sunset Drive.



### **Building Envelope and Character**

#### **Maximum height of buildings**

Along sunset drive the maximum height should be 12.0 m or 3 storeys, whichever is less, for development fronting the roadway

#### **Volume and Massing**

- High rise housing (1.5 FAR) should account for approximately 25% of the total development
- View lines to Lake Okanagan should be maintained where possible
- Building massing and volume should be stepped or cascaded down towards the Brandt's Creek Linear Park to minimize shadow effects
- High Rise Tower Option
- Terraces balconies, porches, and patios overlooking landscaped areas are encouraged

#### **Textures and Detailing**

- Ground floor units facing Sunset Drive should have access from both sides of the dwelling wherever possible and residences should have front yards and/or rear amenity spaces from Brandt's Creek linear park.
- Buildings should create a definite street edge with entrances and gateways controlling access to the internal areas of the proposed residential development
- All vehicular entrances into the residential complexes should have similar landscape treatment , fencing and signage, and should conform to the City of Kelowna standards for sight lines, dimensioning, and turning radii.

### **Landscaping**

#### **Streetscape**

- Streetscape landscaping should define public and private spaces
- Pockets of specialty planting and use of historic materials and elements should be added to visually connect Sunset Drive's pathway with the overall site.

#### **Screening and Fencing**

- Private patio and open spaces should be defined and separated from the public uses of Brandt's Creek parkway by screening of minimum 1.2 m height.
- Fencing styles should be based on the historic motif

### **3.3.5 Crime Prevention Through Environmental Design**

#### **Natural Surveillance**

- building entrances and exterior doors should be clearly visible from the street or by neighbours;
- all doors that open to the outside should be well-lit;
- all four facades of a building should have windows;
- visitor parking should be designated;
- the lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- parking areas should be visible from windows and doors;
- parking areas and pedestrian walkways should be well-lit;
- dumpsters should not create blind spots or hiding areas;

- elevators and stairwells should be clearly visible from windows and doors;
- shrubbery should be no more than three feet (one metre) high for clear visibility;
- buildings should be sited so that the windows and doors of one unit are visible from another;
- stairwells should be well-lit and open to view; not behind solid walls.

#### **Territorial Reinforcement**

- property lines should be defined by landscaping or fencing which does not create a visual barrier;
- low shrubbery and fencing should allow visibility from the street;
- building entrances should create a strong sense of identity and presence on the street with the use of architectural elements, lighting and /or landscaping;
- balconies should be large enough to provide a useable activity area for residents, thereby increasing influence over the adjacent neighbourhood;

#### **Natural Access Control**

- balcony railings should never be a solid opaque material;
- entrances into parking lots should be defined by landscaping, or architectural design;
- dead end spaces should be blocked by a fence or gate;
- hallways should be well-lit;
- where feasible, no more than four apartments should share the same entrance;
- elevators and stairwells should be centrally located;
- access to the building should be limited to no more than two points.

#### **Target Hardening**

- cylinder dead bolt locks should be installed on all exterior doors;
- where necessary, entrances to parking lots may be monitored by a guard;
- common building entrances should have locks that automatically lock when the door closes;
- common doorways should have windows and be key-controlled by residents;

### **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 u/g electrical service.

#### **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.

Hydrant required within 45m of fire department connection.  
Contact FPO for preferred location(s) of new hydrant(s) and/or Fire Dept. connection.

#### 4.3 Inspection Services Department

1. Variance required for parking structure sited on property line.
2. The parking structure is located below the water table. How will the building be water proofed?
3. Exit travel distance through the lobby exceeds the 15 m permitted.
4. Access for fire fighters from driveway to townhouses on the south side exceeds 45 m, access required from Sunset Dr.
5. A building code analysis should be forwarded to the Inspection Service for review.

NOTE; There will be opportunity to address the noted concerns during the Building Permit application review process

#### 4.4 Parks Manager

The Landscape Plan and Planting List is acceptable to Parks. Please note there may be some difficulty for local nurseries to supply Ponderosa Pine in large sizes. Check with local nurseries for details.

BLVD maintenance (irrigation, shrubs, ground cover, sod including grass mowing, and the sidewalk) is the responsibility of owner/occupant.

An existing irrigation system has been installed in the BLVD by Stantec Consulting. As each of the lots on the Canada Lands develops, ensure the property owner/occupant assumes responsibility and ties into the irrigation system. See Charlie Higgins, P.Eng, Branch Manager at Stantec Consulting for detail drawings and as-builts (250)860-3225.

BLVD tree maintenance is the responsibility of Parks Division. However, the adjacent owner is responsible to replace any trees that are damaged during the construction process.

All entry feature signs for the proposed development will be located on private property and not on City BLVD.

Shrub beds require plastic edge beside all areas abutting a city sidewalk or city land to prevent migration of mulch.

All trees in the boulevard will require the use of root shield barriers (min. 18" depth).

All turf areas will be sodded not seeded.

Site areas with public access will be lit in keeping with the principals of crime prevention through environmental design and require site lighting as is necessary to encourage pedestrian safety and allow casual surveillance from adjacent buildings and streets of parking areas and walkways..

#### 4.5 Shaw Cable

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

#### 4.6 Telus

Will provide u/g facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

#### 4.7 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit, but are outlined in this report for information only.

##### 1. Domestic Water and Fire Protection

- (a) The existing water main on Sunset Drive fronting this development is 250mm diameter in size.
- (b) The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development, and establish if the existing 200mm service can be utilized or if a larger service is required. Decommissioning of any unused water services and the installation of all new services will be at the applicant's cost.
- (c) 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.

The developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

##### 2. Sanitary Sewer

- (a) A 530mm-diameter sanitary sewer main fronts this development and is sufficient to support this proposed development.
- (b) The developer must engage a consulting mechanical engineer to determine the requirements of this development, and establish if the existing 200mm service can be utilized, or if a larger service is required. Unused services must be decommissioned at the applicant's cost, and if a larger service is required it will be installed at the applicant's cost.

##### 3. Storm Drainage

- (a) A 1050mm-diameter AC storm sewer main fronting this property is sufficient to support the proposed development.
- (b) It must be understood that the storm drainage systems in this vicinity are relatively shallow as the level of Okanagan Lake influences drainage. The drainage systems are inundated in water at times of high lake levels.

- (c) The developer's consulting civil engineer will be required to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual and the engineer will determine if the existing 250mm service can be utilized, or if a larger service is required. Unused services must be decommissioned at the applicant's cost, and if a larger service is required it will be installed at the applicant's cost.

4. Road Improvements

- (a) It is anticipated that the new concrete driveway access to Sunset Drive will be utilised for this development. Modifications to the access, if required, will be at the applicant's cost and a servicing agreement will be required.
- (b) Sunset Drive has been recently paved with a final lift of asphalt. Care must be taken to avoid asphalt scaring as well as curb, sidewalk and landscaping damage. Replacement of damaged works and restoration will be at the developer's expense. The extent of the restoration works will be determined by the City Engineer once construction is completed

5. Road Dedication and Subdivision Requirements

- (a) Grant statutory rights of way if required for utility services.
- (b) Register a statutory right-of-way over the fire truck access lane.

6. Electric Power and Telecommunication 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. 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.

8. Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements etc.

- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

A comprehensive geotechnical report was provided at the time of subdivision creating lot 7 and extensive soil remediation was carried out. Additional geotechnical survey may be necessary for building foundations, etc.

9. 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.

10. Development Permit and Site Related Issues

- (a) Perimeter access must comply with the BC Building Code.
- (b) 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.
- (c) We have no objection to the variance to allow the additional 4 floors to the total allowable building height.

11. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

These applications for a development permit and development variance permit represent a reasonable form of high rise apartment housing, a use supported for the site in the Downtown North Area Structure Plan. The proposed development combines a number of townhouse units at grade which have a direct pedestrian access to the adjacent sidewalks. As well, the landscape plan indicates that there are well developed private deck areas to each of the townhouse units that project over the surface of the large water feature located between the high rise apartment building and Sunset Drive.

The high rise apartment building has a slender cross-section, to minimize impact on adjacent view corridors of both the lake and hillside views. Each of the residential units has outdoor balcony areas to provide private open space areas for each of the building

residents. The upper storeys of the proposed building have a reduced number of dwelling units and larger deck areas, as a result of a reduced building cross section.

The applicant has provided a pre-plan of proposed development of the remainder of the site to indicate the general proposed lot configuration, access, and proposed building locations. The lot configuration submitted differs somewhat from the proposed subdivision plan created in the Area Structure Plan document. However, this proposed configuration seems to demonstrate that the proposed layout works to provide a functional lot layout.

The proposed building form and character does differ somewhat for the guidelines provided with the Area Structure Plan. The resulting building design does create a visually interesting form and character. While this building design is not the same as the existing and proposed building designs located on the south-east side of Sunset Drive, the resulting design is an angular and simple design that replicates elements of railroad construction, such as the exposed steel beams and the flagstone wall areas that would have been used as part of railroad bridge construction. The difference in the proposed form and character to the existing development is that the proposed development does not invoke the same sense of traditional housing form to the proposed development.

The applicant has indicated that one of the exterior finishes will be exposed concrete. While there has been past concern with this material as an exterior finish, in this case it will be a minimal exposure and should act as a complement to the metal and glass finishes that will form the majority of the exterior finishes.

The proposed variances to the parking structure are necessary at this time, as the adjacent sites are not under application for development. When the adjacent sites are filled to an appropriate grade, there will be no difference in elevation between the subject site and the adjacent properties.

In light of the above, the Planning and Development Services Department supports this application for a Development Permit and Development Variance Permit, and recommends for positive consideration by Council.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion ☐

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

PMc/pmc  
Attach.

**FACT SHEET**

- |  |  |
|--|--|
| <b>1. APPLICATION NO.:</b>   | DP04-0018/DVP04-0019   |
| <b>2. APPLICATION TYPE:</b>  | Development Permit<br>Development Variance Permit  |
| <b>3. OWNER:</b><br>· <b>ADDRESS</b><br>· <b>CITY/POSTAL CODE</b>  | Canada Lands Co. CLC Ltd.<br>#1500 – 200 King St. W.<br>Toronto On M5H 3T4   |
| <b>4. APPLICANT/CONTACT PERSON:</b><br>· <b>ADDRESS</b><br>· <b>CITY/POSTAL CODE</b><br>· <b>TELEPHONE/FAX NO.:</b>  | The Hulbert Group / Mark Hamilton<br>2429 Marine Dr. W.<br>West Vancouver, BC V7V 1L3<br>(604)926-7511/(604)926-6218                   |
| <b>5. APPLICATION PROGRESS:</b><br>Date of Application:<br>Date Application Complete:<br>Servicing Agreement Forwarded to Applicant:<br>Servicing Agreement Concluded:<br>Staff Report to Council: | February. 12, 2004<br>February. 13, 2004<br>N/A<br>N/A<br>May 5, 2004  |
| <b>6. LEGAL DESCRIPTION:</b>   | A part of Lot 7, District Lot 139, ODYD, Plan KAP68693 except Plan KAP73017 and a part of Lot A, District Lot 139, ODYD, Plan KAP73017 |
| <b>7. SITE LOCATION:</b>   | East side of Sunset Drive, north of Clement Ave.   |
| <b>8. CIVIC ADDRESS:</b>   | 1153–1157 & 1187 Sunset Dr.  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  | 0.59 Ha.   |
| <b>10. TYPE OF DEVELOPMENT PERMIT AREA:</b>  | General Multiple Family Residential DP Area  |
| <b>11. EXISTING ZONE CATEGORY:</b>   | C4 – Town Centre Commercial  |
| <b>12. PROPOSED ZONE CATEGORY:</b>   | RM6 – High Rise Apartment Housing  |



**13. PURPOSE OF THE APPLICATION:**

To Seek A Development Permit To Authorize A Multiple Unit Residential Development Consisting Of A 20 Storey Tower With 82 Units, And 7 Townhouse Units.

To Seek A Development Variance Permit To Vary; Maximum Building Height From 16 Storeys Or 55m, Permitted, To 20 Storeys Or 62.8m Proposed; Daylighting Standards Vertical Angle From Max 65° Permitted To 73° Proposed, And To Vary The Rear And Side Yard Setbacks To The Proposed Parking Structure to 0.0m

**14. DEVELOPMENT VARIANCE PERMIT VARIANCES:**

To Vary:

- a) Section **6.1.1(b)&(c) Daylighting Standards** – from the Daylighting Standard Vertical Angle for the east side lot line and the rear lot line of 65° required to 73° proposed,
- b) Section **13.12.5(c)** – High Rise Apartment Housing zone, **Development Regulations**, from the maximum building height of the maximum of 16 storeys or 55 m to 20 storeys or 64.7 m proposed,
- c) Section **13.12.5(e)** – High Rise Apartment Housing zone, **Development Regulations**, from the minimum side yard setback of 4.5 m required to the 0.0 m proposed to the parking structure, and
- d) Section **13.12.5(f)** – High Rise Apartment Housing zone, **Development Regulations**, from the minimum rear yard setback of 9.0 m required to the 0.0 m proposed to the parking structure.

**15. DEVELOPMENT PERMIT MAP 6.2 IMPLICATIONS**

N/A

Attachments

Subject Property Map  
Schedule A, B & C (6 pages)  
12 pages of floor plans and detail diagrams