DISTRICT OF WEST VANCOUVER
750 17th STREET, WEST VANCOUVER, BC V7V 3T3

COUNCIL REPORT

Date: October 7, 2015

From: Lisa Berg, Senior Community Planner

Subject: Development Permit No. 15-049 for Lot 7 of Evelyn by Onni

RECOMMENDED THAT:

1. Proposed Development Permit No. 15-049 regarding Lot 7 of Evelyn by Onni for the development of a 67-unit apartment building, as described in the report dated October 7, 2015 regarding Development Permit Application No. 15-049 (Lot 7 of Evelyn by Onni), be considered at the November 30, 2015 Council meeting; and that the Municipal Clerk give notice of consideration of the proposed development permit.

Purpose

To provide Council with information regarding proposed Development Permit No. 15-049 for Lot 7 of the Evelyn by Onni project (see Appendix A – Context Map). The proposal is for a 67-unit building (62 apartments and 5 townhouses). The proposed development permit will replace DP No. 07-058 for the site, which has expired.

The proposed development permit (Appendix E) is proposed to be considered by Council on Monday, November 30, 2015.

Executive Summary

Evelyn by Onni is a Master Planned residential community located at the base of Sentinel Hill. The 21-acre site is located at the eastern gateway to West Vancouver and is comprised of 349 units including single and two-family (duplex) dwellings, and terraced cluster and apartment buildings. The first two cluster buildings (12 and 26 units) and the first apartment building (71 units) have recently been completed. The third cluster building (23 units), which was rezoned in 2014 to transfer density (floor area and units) from elsewhere on the Lands, is under construction.
Development in the Evelyn Drive area is regulated by the Official Community Plan (OCP), the zoning bylaw, the Evelyn Drive Master Plan and a Master Development Agreement. The area is designated as a Development Permit Area within the OCP to address the form and character of development. Zoning and the Master Plan divides the area into two distinct areas: Area A and Area B. The Master Plan sets up the overall land use concepts, densities and built form while the zoning regulates these and other elements. The development agreement is a legal tool implemented by a covenant that sets out obligations and terms between the developer and the District.

Onni has applied for a development permit to replace Development Permit No. 07-058. It was issued in 2008, but expired. It was renewed in 2010, but again expired. As the Development Procedures Bylaw only allows one renewal of an expired development permit, a new application is required. Proposed Development Permit No. 15-049 is substantially consistent with the expired permit and in essence, would replace it.

The proposal was reviewed by the Design Review Committee (DRC) at its September 17, 2015 meeting and the DRC supported the proposal. Staff has completed a review of the proposal and confirms that it complies with the zoning bylaw and various documents that regulate the Evelyn by Onni project.

The applicant will schedule and host a Development Application Information Meeting to give the public an opportunity to learn more about the proposal prior to Council consideration of the development permit. The development permit is proposed to be considered by Council on November 30, 2015.

Subject to public input, it is recommended that the proposed development permit application be approved.

1.0 **Background**

1.1 Prior Resolutions

At the April 7, 2008 Council meeting Council passed the following motion:

THAT Development Permit No. 07-058 for 800 Evelyn Drive (62 apartment units and 5 town homes) be issued subject to filing, at the Land Title Office, a subdivision plan to create the parcel shown on the plan attached as Schedule A to Development Permit No. 07-058.

At the June 28, 2010 Council meeting Council passed the following motion:

THAT the request for a two year extension of approved Development Permit Nos. 07-055 (for proposed Lot 1), 07-056 (for proposed Lot 2), 07-057 (for proposed Lot 5) and 07-058 (for proposed Lot 7) of the Phase 1 lots of the Evelyn Drive redevelopment project be approved.
1.2 History

Development Permit No. 07-058 was originally approved by Council on April 14, 2008, but lapsed. It was renewed by Council on June 28, 2010 for an additional two years, but again lapsed (Appendix D). Pursuant to the Development Procedures Bylaw, only one renewal application for a development permit can be considered. Any further renewals require a new application. Onni has submitted a new application that is substantially consistent with the previously approved development permit.

2.0 Policy

Development in the Evelyn Drive Area is regulated by the Official Community Plan (OCP), the Zoning Bylaw, the Evelyn Drive Master Plan, and a Master Development Agreement, as described below:

2.1 Policy

The Official Community Plan establishes the Evelyn Drive Planning Area under Policy H2, and designates it as the Evelyn Drive Development Permit Area under Policy BF-B12. Proposed Development Permit No. 15-049 is reviewed under the guidelines applicable to this policy.

2.2 Bylaw

Pursuant to Zoning Bylaw No. 4662, 2010 the site is zoned CD1 (Evelyn Drive) and is located within Area B. Apartment and cluster buildings and single and two-family dwellings are permitted uses.

Development Permit No. 15-049 would provide for zoning variances as described in this report.

2.3 Master Plan

The Evelyn Drive Master Plan sets out the overall land use and density for the development of the Evelyn Lands. The proposed development permit is consistent with the Master Plan.

2.4 Master Development Agreement

The Master Development Agreement (MDA) is the legal framework that covenants the developer to fulfill certain obligations for the development of Evelyn, namely density bonusing, allocation of density, and Community Amenity Contribution payments. The MDA sets out additional Master Plan conditions and future covenant templates for housing agreements, storm water management, green building standards, tree retention, etc. The proposed development permit is consistent with the MDA.
3.0 Analysis

3.1 Discussion

*Site Context:*

**Evelyn Drive Development Lands:**

The Evelyn neighbourhood is a 5,611 square metre (21 acre) site. The first two cluster buildings (Lots 1 and 2) and the first apartment building (Lot 5) have been constructed. The third cluster building (Lot 3) is under construction. The development is within walking distance to transit and shopping at Park Royal. Neighbourhood context for Evelyn includes:

- **North** Keith Road with the Sentinel Hill neighbourhood beyond
- **South** Park Royal regional shopping mall
- **East** Taylor Way (Highway 99) with access to Highway 1 to the north and the Lions Gate Bridge to the southwest
- **West** Capilano Indian Reserve No. 9 (Park Royal Towers)

**The Evelyn Lands: Area A and Area B (see map below):**

**Lot 7**

Lot 7 is a 5,992 square metre (0.15 acre) apartment building site within the Evelyn Drive development. It is located in the middle of Area B and is south of Arthur Erickson Place. Adjacent land uses to Lot 7 include:

- **North** Arthur Erickson Place with Lot 9 beyond, a lot for 16 units: 8 single family dwellings and 8 two-family dwelling units (within 4 buildings)
- **South** Park Royal North regional shopping mall
- **East** Parcel 8 (a 118-unit apartment building site\(^1\))
- **West** Evelyn Walk (public access connection to Park Royal), with Parcel 6 beyond (a site zoned for a 10,250 square foot amenity building)

**Evelyn Lots & Density Summary:**

**Area A:** This area includes the lands south of Keith Road and north of Arthur Erickson Place. Area A consists of six lots:

- **Lot 1:** A 12-unit cluster house has been constructed on this lot approved by DP No 07-055.
- **Lot 2:** A 28-unit cluster house\(^2\) has been constructed on this lot approved by DP No. 07-056.

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\(^1\) Master Plan allocates 118 units, development applications vary depending on unit distribution.
Lot 3: A 23-unit cluster house site, under construction.
Lot 9: A site for 16 single and two-family dwellings (eight single family dwellings and eight two-family dwellings in four buildings).
Lot 10: A single family site with 8 houses.
Lot 11: A two-family site (4 units in two buildings).

**Area B:** This area includes the lands south of Arthur Erickson Place and is bounded by Park Royal North to the south. Area B consists of four lots:

Lot 5: A 71-unit apartment building is constructed on this site.
Lot 6: This the project amenity site for the Evelyn development. It is not considered an amenity site for the public at large, but for Evelyn residents only.
Lot 7: The subject site. DP No. 07-058 approved a 67-unit apartment building\(^2\), but has expired.
Lot 8: A 118-unit apartment building site (includes 30 rental units).

The map below shows the existing parcels and the number of units per parcel approved by the Master Plan, totalling 349:

\(^2\) Master Plan allocates 28; Development Permit No. 07-056 was for 26 units.
\(^3\) Master Plan allocates 71 units.
The Proposal:

The proposal is to construct a 67-unit building on Lot 7. The proposed development permit is substantially consistent with the previously approved development permit that has expired. Key features of the proposal are:

- 89,621.5 square feet (plus 4,304.3 square feet exempted amenity areas);
- A building with two wings: an eight-storey west wing and an eight-storey east wing connected with five two-storey townhouses.
- 16 different unit types:
  - Apartment units range in floor area from 750 square feet to 1,587 square feet;
  - Penthouse units in the 1,800 to 2,000 square foot range; and
  - Townhouses of 1,660 square feet each.
- Average unit size of 1,200 square feet.
- Coniferous trees in the courtyard have been changed to larger growing varieties, and the size of the plantings has been increased from 2 metres to 4 metres.
- A dry stream bed has been added to the courtyard to provide visual interest and direct water to an infiltration pond.

Design Review Committee (DRC)

The DRC considered the proposal at its September 17, 2015 meeting. The Committee passed the following recommendation:

THAT the Design Review Committee recommends SUPPORT of the Onni Parcel 7 minor revisions to replace expired Development Permit No. 07-058.

The draft minutes related to the application are attached as Appendix C.

Evelyn Walk

While the DRC did not recommend any changes or adjustments to the development proposal for Lot 7, they were critical of the design of Evelyn Walk.

Prior to occupancy on Lot 7, the applicant is required to construct and landscape the portion of Evelyn Walk that connects Arthur Erickson Place to Park Royal North for pedestrians including the use of strollers and walkers, which is secured through the Master Development Agreement (covenant). While the landscaping for this portion of Evelyn Walk is illustrated on the drawings for Lot 7, it is not part of the development permit as it is off-site.

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4 Average Apartment Unit Area across Area ‘B’ is 1,000 sq ft. While apartment unit areas on Lot 7 are above this average, they will comply with the requirements when smaller units are created on Lot 8.
The Committee felt that the proposed ramp, with its steep incline (8%) and length (almost two football fields), is not truly accessible. The committee suggested that the community would be better served by increasing the landscaping in the area through the elimination of the ramp (and its double-sided hand rails), and keeping the steps. The Committee concurred that this would improve the attractiveness and realistic use of this public walkway.

The District will need to evaluate this suggestion in context of the Master Plan and the Master Development Agreement, and report back to Council with further information. Council may, if it chooses, approve the proposed development permit and consider any changes regarding the development of Evelyn Walk at a future date.

**Building Form & Character**

The primary design elements are consistent with the apartment building constructed on Lot 5 to the west and with the previously approved designs, with strong horizontal banding established by overhanging planters and grade related to the terracing typical of both the cluster and apartment forms.

Since the previous plans were approved, better survey information has been completed and the drawings have been refined to address steep site conditions and in some instances units have been relocated or deleted to improve the overall ‘fit’ of the building on the site.

Similar to Lot 5, the building presents as two 3 and 4-storey apartment ‘wings’ connected with 2-storey townhouses along Arthur Erickson Place. The lowest level contains common amenity areas, storage and two units within the east wing. The second through fifth levels rise directly above each other, with the top three levels stepping dramatically back creating large patio areas on these upper floors, with the roof of the lower unit becoming the patio for the next unit above. All of the patio areas are banded with planters to green the edge and aid with the privacy between the units from above and below.

Access to the connected underground parkade is from the east side of the property. There are three levels of parkade, with separated garages within for the townhouses. Finishing materials are consistent with materials used on Lot 5, being a natural stone veneer, exposed architectural concrete, aluminum rails, gates, handrails and trims, a metal roof in “weathered zinc,” and various spandrel, clear and frosted glazing.

The Project Profile is set out in Appendix B, and the proposed plans (architecture and landscaping) are attached to the proposed Development Permit (as Schedule A) in Appendix E.
Zoning Variances

Two variances are requested:

1. Setbacks

As discussed in a staff report to Council in March 2008, variances were anticipated as the parcels are developed. Variances to the yard provisions (setbacks) were anticipated for the apartments to accommodate varied orientation of the buildings along the street frontage, topography conditions, and property depth restrictions. The table below summarizes the previously approved variances and the proposed setbacks:

<table>
<thead>
<tr>
<th>Required Setbacks</th>
<th>2008 Setbacks</th>
<th>Proposed by Onni</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front – 20'</td>
<td>Front – 11'1&quot; to 14'1&quot; (townhouses); 16’6&quot; northeast corner</td>
<td>Front – 11'1&quot; to 15'1&quot; (townhouses); 16’6&quot; northeast corner</td>
</tr>
<tr>
<td>Rear – 20’</td>
<td>Rear – 10'</td>
<td>Rear – 10’</td>
</tr>
<tr>
<td>Side – 20’</td>
<td>West Side – 14'11</td>
<td>West Side – 16'6&quot;</td>
</tr>
<tr>
<td></td>
<td>East Side – 15'1&quot;</td>
<td>East Side – 15'1&quot;</td>
</tr>
</tbody>
</table>

The proposed setbacks equal or improve upon the previously approved setbacks.

2. Site Coverage: from 35% to 35.5%

The design of the terraced apartment buildings create increased site coverage. For comparison, the site coverage for the apartment building on Lot 5 was increased from 35% to 35.39%. A minor adjustment of site coverage is proposed for Lot 7 to allow for the apartment building, in keeping with the signature design seen throughout the project.

3.2 Sustainability

The guiding principles and approach to sustainability for the Evelyn site are detailed in the Master Plan. The Master Plan identifies six areas of focus for the project, including: Community Completeness and Integration; Site, Water and Natural Elements; Energy and Atmosphere; Materials and Waste; Health and Safety; and Economic Efficiency.

The Master Plan sets out the requirement for the development to achieve a high LEED silver equivalency. The applicant will be required to comply with this and also proposes additional measures not recognized by LEED, such as including electric vehicle (EV) charging stations.

3.3 Consultation

The public will be given an opportunity to review the proposal at a Development Application Information Meeting, to be scheduled and hosted by the applicant prior to Council consideration of the development permit.
The proposal and supporting background material is posted on the District website and notice of the Development Application Information Meeting will be posted on the Community Calendar. Notice of the development permit will be delivered to all property owners and residents within 100 metres of the site in keeping with the Development Procedures Bylaw.

3.4 Communications Process – Not applicable.

3.5 Conclusion

The proposed development permit meets the intent of the guidelines for the area. The proposed building is appropriate for the site and context, and relates to the steep slope conditions. Together with the other buildings that have been completed or are under construction, it will contribute to a complete community with an attractive design that promotes a high standard of development and sustainability.

Subject to public input, it is staff's recommendation that the proposed development permit application be approved.

4.0 Options

4.1 At the time of writing this report, Council may:

a) set the date for consideration of this application (recommended); or
b) set the date for consideration of this application and request that additional information (to be specified) be provided and available to assist in consideration of the application; or
c) defer further consideration pending receipt of additional information; or
d) reject the application.

4.2 When the application is considered by Council, Council may:

a) approve issuance of the attached Development Permit No. 15-049; or
b) approve issuance of a modified Development Permit No. 15-049; or
c) request more information; or
d) reject the application.

Author: Lisa Berg, Senior Community Planner

Concurrence Chris Bishop, Manager of Development Planning
Appendices:

A. Context Map
B. Project Profile
C. Draft Design Review Committee Minutes September 17, 2015 (excerpt)
D. Expired Development Permit No. 07-058 (with excerpts of Schedule A)
E. Proposed Development Permit No. 15-049 (includes Schedule A – Architectural Drawings & Landscaping)
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# APPENDIX B – PROJECT PROFILE

at October 7, 2015

<table>
<thead>
<tr>
<th>Project:</th>
<th>Parcel 7</th>
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<tbody>
<tr>
<td>Application:</td>
<td>DP No. 15-049</td>
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<tr>
<td>Applicant:</td>
<td>Onni Taylor Way Properties Ltd.</td>
</tr>
<tr>
<td>Architect:</td>
<td>Robert Ciccozzi Architecture</td>
</tr>
<tr>
<td>Address:</td>
<td>Parcel 7, Arthur Erickson Place</td>
</tr>
<tr>
<td>Legal Description:</td>
<td>Lot 7 Block B District Lots 1040 and 1041 Group 1 New Westminster District Plan BCP50603</td>
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<tr>
<td>PID:</td>
<td>028-828-496</td>
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<tr>
<td>OCP Policy:</td>
<td>Evelyn Drive</td>
</tr>
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<td>Zoning:</td>
<td>CD1</td>
</tr>
<tr>
<td>Community Heritage Register</td>
<td>No</td>
</tr>
<tr>
<td>Previously Before Council:</td>
<td>DP No. 07-058 originally issued by Council on April 7, 2008, but lapsed. It was renewed by Council on June 28, 2010 for an additional two years. Procedures Bylaw only permits one renewal.</td>
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<tr>
<td>Summary:</td>
<td>67-unit apartment building</td>
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</table>

Site Area = 64,500.1 sq ft (0.599 ha/5,990 sq m)

<table>
<thead>
<tr>
<th>BYLAW CD1</th>
<th>PROPOSED</th>
<th>VARIANCE</th>
<th>COMMENTS/NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Floor Area, Area B</td>
<td>355,042 sq ft</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Pcl 7 Floor Area*</td>
<td>89,985 sq ft</td>
<td>89,621.5 sq ft</td>
<td>no</td>
</tr>
<tr>
<td>Height Envelope (from Keith Rd)</td>
<td>As described in CD1 zone</td>
<td>complies</td>
<td>no</td>
</tr>
<tr>
<td>Number of Storeys</td>
<td>North side: 6</td>
<td>North side: 4</td>
<td>South side: 8</td>
</tr>
<tr>
<td>No. of Units*</td>
<td>67</td>
<td>67</td>
<td>n/a</td>
</tr>
<tr>
<td>Average Unit Floor Area</td>
<td>1,000 sq ft</td>
<td>1,200 sq ft</td>
<td>no</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>35%</td>
<td>35.39%</td>
<td>yes</td>
</tr>
</tbody>
</table>

Setbacks – Noted in March 2008 that yard variances would be required

- Front Yard (North, A, Erickson Pl.) | 20 ft | 11.1 to 16.5 ft | yes | Closest point to townhomes |
- Rear Yard (South) | 20 ft | 10 ft | yes |
- Side Yard (East) | 20 ft | 15.1 ft | yes |
- Side Yard (West) | 20 ft | 16.5 ft | yes |

Parking: Greater of: 1.5 spaces per unit + 10% visitor or 1 space per 900 sq ft GFA + 10% visitor

- Resident | 90 | 122 | no | Complies |
- Visitor | 10 | 10 | no | Complies |
- Total | 100 | 132 | no | Complies |
- Bike Parking | n/a | 53 | none |

*Development Covenant Schedule B. Exempt areas include: East and West Building Lobby, all Amenity Area (must be common to entire building), Parkade, service rooms & shafts, townhouse parking level.

5 Source: Information provided by applicant
Date: October 7, 2015
From: Lisa Berg, Senior Community Planner
Subject: Development Permit No. 15-049 for Lot 7 of Evelyn by Onni

Planning:
LUC/DAA No
DPA Yes: Evelyn Drive Development Permit Area BF-B12
Heritage No
ROWs BB4042585
Easements BB4042590 (over Lot 8)
Covenants BB4042578
          BB4042592

Engineering:
Rock Removal unknown
Max Driveway Slope 20%
Roads Arthur Erickson Place
Sanitary ROW
Storm Water District land between Evelyn & Park Royal North
Water District land between Evelyn & Park Royal North

Legal Document Summary:

<table>
<thead>
<tr>
<th>Legal Notation</th>
<th>Particulars</th>
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</thead>
<tbody>
<tr>
<td>ROW BB4042585</td>
<td>District waterworks, sewage works and drainage works within the ROW area.</td>
</tr>
<tr>
<td>Easement BB4042590</td>
<td>Easement with a Sec 219 (see below) for driveway access across Lot 8 to Lot 7 (to allow for Lot 7 parkade access which starts on Lot 8, as the development is finalized, the area can be refined).</td>
</tr>
<tr>
<td>Covenant BB4042578</td>
<td>Master Development Agreement.</td>
</tr>
<tr>
<td>Covenant BB4042592</td>
<td>Covenant to go with easement above; same document.</td>
</tr>
</tbody>
</table>
APPENDIX C – DESIGN REVIEW COMMITTEE

Minutes Excerpt September 17, 2015

ONNI PARCEL 7 – MINOR REVISIONS TO REPLACE EXPIRED DEVELOPMENT PERMIT 07-058

Background:
Lisa Berg advised that the Development Permit approved in 2008 had lapsed and was renewed in 2010 but has since lapsed again. The Procedures Bylaw only allows renewal of Development Permits once. Further renewals require a new application, including further consideration by the DRC and Council. The application is substantially in accordance to what was previously approved, with some modifications to the design.

Project Presentation:
Using Power Point presentation Eric Hughes, Development Manager for Onni Development provided a history of the current development and where they are at with the phases of construction. Architect Robert Ciccozzi went on to address the changes to the original application. He noted that the proposal is similar to what was originally approved with no changes to building size, location and unit type. Some of the refinements include adding a 4,300 sq.ft. amenity building on lower level which will bring glazing and animation to what was previously a concrete wall. West building has 4-storeys facing Arthur Erickson Way and east building 3-storeys facing street, building materials same as approved for Parcel 5, committed to high LEED silver sustainability in design.

Landscape Architect Peter Kreuk advised that the landscape approach is similar to Parcel 5 with ornamental planting and water features on patios facing Arthur Erickson Way and south facing slope to be planted more naturally with native drought tolerant planting. Pathway system allows residents access to seating and serves as emergency exit down to Park Royal. The pond shown in the lower area for storm water infiltration is to be tied into civil infrastructure.

Committee Questions and Comments:
The Committee went on to question and comment on the presentation, with the applicant’s response in italics:

- When site rezoned felt too prescriptive with location of various components, most of density of this project had to be below Evelyn Drive which feels a bit heavy. Think project could be helped, especially from below, if some verticality with decent size trees to break up the mass of the complex.
- Is the courtyard fenced and gated space or is it open to public? It is open pathway accessible and stair access to courtyard space. Not saving trees in courtyard? No with steepness of slope and construction found saving trees difficult, so will replant.
- Omitted the rain water cisterns - why? Took out the recirculating water feature because found it difficult to keep clean because of steepness and erosion and felt better to put money into a pathway system which made access easier.
- Long steep ramp on west side is it used? Something requested by Staff under separate agreement for the linkage system it is at 8% grade. It is a large expense and not accessible, feel a lost opportunity to create a nice natural area leaving existing trees.
APPENDIX C – DESIGN REVIEW COMMITTEE

Minutes Excerpt September 17, 2015

- Does the District feel this is a missed opportunity to not require Park Royal to address the back of the mall with some urban interface at the back of the mall? *Not sure if opportunity to get a double sided face on the mall, from an economic perspective feel Park Royal’s hands are tied with long term tenants.*
- Ramp will only be used by skateboarders.
- Think a shame the density is weighted down the hill, too chunky for the site, think still the possibility to tune up what hasn’t been built yet. Find an odd relationship between townhouses and larger apartment buildings, uneasy connection between these two masses and townhouses have odd relationship with grade and landscape opportunity to have connectivity. Not convinced by roof treatment seems foreign to building itself maybe look at a green roof give more cohesion to design. Treatment of entry façade with ornamental canted angled stone walls suggest something calmer and simpler more in vocabulary of the townhouses themselves, Parcel 5 has more modest treatment. Agree with comment of ramp and potential skateboard ramp; feel courtyard will be a positive space.
- Ramp is an illustration of what unreasonable demand looks like, if can find a way to naturalize the slope as completely unnaturally graded no one will use it and doesn’t work. Infiltration pond is there any way bring water up to seating area? *Technically doable like a dry stream bed.*
- Evelyn Drive streetscape works well in other parcel, scale feels nice up there. Plant list could include larger growing trees in courtyard. Stair is useful but ramp not working.
- The mass as built could be broken down with landscape at this stage and live in a forest setting.
- As this was submitted previously feel uncomfortable with us completely rethinking whole project at this stage, not really something can pursue in this submission.
- Councillor Soprovich cautioned applicant that don’t think seven parking spots for 67 units will work, visitor parking needs to be increased to comply with bylaw. Staff noted that the plans would be relabeled to reflect this.

It was Moved and Seconded:
THAT the Design Review Committee recommends SUPPORT of the Onni Parcel 7 minor revisions to replace expired Development Permit 07-058.

CARRIED
District of West Vancouver
Proposed
Development Permit No. 15-049

Current Owner: ONNI TAYLOR WAY PROPERTIES LTD.

This Development Permit applies to:

Civic Address: Lot 7, Arthur Erikson Place

Legal Description: 028-828-496
LOT 7 BLOCK B DISTRICT LOTS 1040 AND 1041 GROUP 1 NEW WESTMINSTER DISTRICT PLAN BCP50603
(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 Evelyn Drive Development Permit Area to promote a high standard of development that responds appropriately to slope conditions, minimizes visual impact to surrounding properties and encourages a visually attractive development at this entry to West Vancouver, and subject to Guidelines BF-B12 specified in the Official Community Plan; and

(b) is issued subject to the 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, shall be varied to allow the building detained in the attached Schedule A as follows:

(a) Section 601.05(1) (Site Coverage) is increased for the apartment building from 35% to 35.5%;

(b) Section 601.7 (Yards) are reduced for the apartment building from 6.1 metres to: 3.3 metres (front), 3.0 metres (rear), 5.0 metres (west side), and 4.6 metres (east side).

2.2 Building, structures, on-site parking, driveways and site development shall take place in accordance with the attached Schedule A.

2.3 Sprinklers must be installed 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 in any building on the lands.

2.5 On-site landscaping shall be installed at the cost of the Owner in accordance with the attached Schedule A.
2.6 Sustainability measures and commitments shall take place in accordance with the attached Schedule A.

2.7 All balconies, decks and patios are to remain fully open and unenclosed and the weather wall must remain intact.

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

3.1 Provide and implement a plan for traffic management during construction to the satisfaction of the District’s Manager of Development Engineering.

3.2 Install tree, vegetation and/or hedge protection measures as required to the satisfaction of the District’s Environmental Protection Officer.

3.3 Submit a “Sediment and Erosion Plan” to the District’s Environmental Protection Officer for approval, and the owner shall be responsible for maintaining, repairing and implementation of the sediment control measures.

4.0 **Prior to Building Permit issuance:**

4.1 Provide engineering civil drawings detailing works, including but not limited to:

(a) storm water management measures;

(b) site service connections;

(c) new boulevard plan along the frontage of the site including curbs, sidewalk and grading plan; and

(d) repaving of Arthur Erikson Place along the frontage of the Lands, must be submitted for acceptance, and security provided for the due and property completion of the engineering works, all to the satisfaction of the District’s Manager of Development Engineering.

5.0 **Security for Landscaping**

5.1 Prior to building permit issuance, security for the due and proper completion of the landscaping set forth in section 2.4 of this Development Permit shall be provided in the amount of $688,000 (the “Landscape 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 **Release of the Landscape Deposit:**

(i) Following installation of the landscaping set forth in section 2.4 of this Development Permit 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 landscaping has been installed substantially in accordance with section 2.4 of this Development Permit; and

b. any variations that may have been undertaken to the landscaping set forth in section 2.4 of this Development Permit are clearly identified, 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 additional or omitted plantings or alterations,
together with a clear rationale and explanation thereof and that a final review with the landscape contractor has been completed and provision of the date when this final review was completed on, and that it is noted if there are any outstanding landscape items that need attention, and confirm that the installed landscape is complete, the District will release 80% of the initial value of the Landscape Deposit. The remaining 20% of the initial value of the Landscape Deposit shall be retained by the District as a warranty deposit (the “Warranty Deposit”) to ensure successful installation of the landscaping.

(ii) After a minimum of a one-year period following certification that the landscaping set forth in section 2.4 has 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.

(iii) In the event that the landscaping is not completed as provided for in this Permit, the District may, at its option, enter upon, carry out and complete the landscaping so as to satisfy the terms of the Development Permit, and recover the costs of doing so from the security deposited, including the costs of administration and supervision.

6.0 This Development Permit lapses if the work authorized herein is not commenced within 24 months of the date this permit is issued.

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 ____________________.

__________________________________________
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 6.0, THIS PERMIT IS ISSUED ON ____________________.

Schedules:
A – Architectural plans and landscaping.