

DISTRICT OF WEST VANCOUVER ~~11/1/1~~ 4./R-1
 750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

Date:	September 3, 2020
From:	Erika Syvokas, Assistant Planner
Subject:	Replacement Emergency Generator Application (Development Permit Amending a Land Use Contract) for 1495 Esquimalt Avenue
File:	1010-20-20-036

RECOMMENDATION

THAT the proposed Development Permit No. 20-036 to amend the Land Use Contract for 1495 Esquimalt Avenue, which would allow for the installation of a replacement emergency generator, as described in the report dated September 3, 2020, be considered at the October 19, 2020 Council meeting; and that notice be given of consideration of the proposed development permit.

1.0 Purpose

To provide information to Council regarding the proposed Development Permit No. 20-036 that would amend the Land Use Contract for 1495 Esquimalt Avenue. The proposal is for the installation of a replacement emergency generator.

The proposed development permit is proposed to be considered be Council on October 19, 2020.

2.0 Legislation/Bylaw/Policy

As per Section 546 (2) of the *Local Government Act*, a Land Use Contract (LUC) that is registered in a Land Title Office may be amended by development permit if the amendment does not affect the permitted use or density of use of any parcel against which the contact is registered. Where a LUC exists, it replaces or supplements the Zoning Bylaw with respect to the development of a site.

3.0 Official Community Plan

The subject site is located in the Ambleside Apartment Development Permit Area (DPA) under OCP Policy BF-B4. The intent of the DPA is to ensure that new development in the Ambleside Development Area has a high quality of design and is in keeping with surrounding development.

Policy BF-B4 seeks to enhance the quality of streetscapes through the overall design of development and to locate and screen mechanical equipment to minimize visual and acoustical impacts on adjacent properties and the streetscape.

4.0 Financial Implications

Not applicable.

5.0 Background

5.1 History

The site is currently developed with a 10-storey seniors subsidized rental apartment building known as 'Sunnyside Manor', built in 1974 under the terms of a LUC. The LUC (**Appendix A**) established a number of provisions respecting the development of the site including the siting of buildings and structures.

The existing emergency generator was installed at the time of construction in the boiler room located in the basement. The existing natural gas generator does not meet the current building codes. A new generator is required, but with additional ventilation, code and space requirements, the only feasible location for the new generator is outside.

5.2 Previous Decisions

The proposal for the generator relocation was considered by the District's Design Review Committee (DRC) on July 21, 2020. The Design Review Committee reviewed and supported the proposed generator relocation.

6.0 Analysis

6.1 Discussion

The subject property, approximately 1684.3 m² in size, is located at the corner of Esquimalt Avenue and 15th Street (Figure 1).

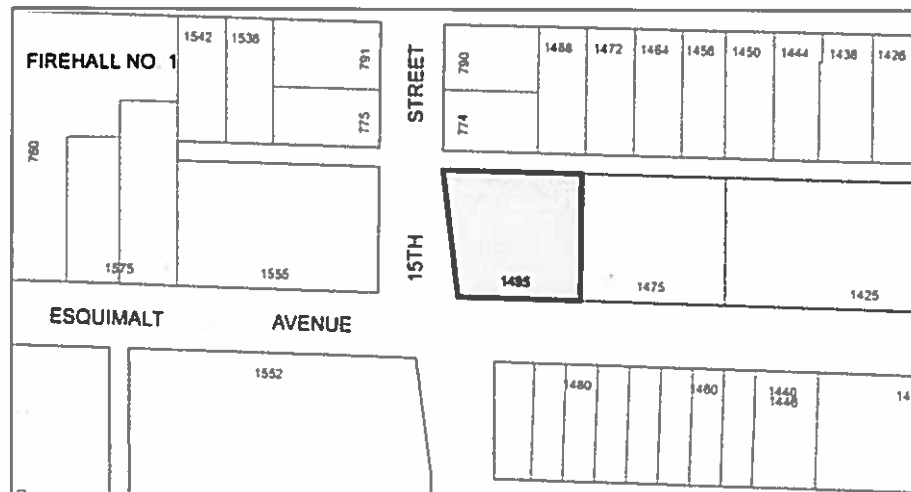


Figure 1: Context Plan

Land Use Contract

The Land Use Contract specifies that *"No building or structure, including screen fences and retaining or other walls, shall be constructed, added to, erected, located or placed until the design and exterior finish thereof shall have been submitted to and approved by the District's Advisory Design Panel"*. The DRC did not have any comments with respect to the proposed generator.

The LUC refers to the Zoning Bylaw for siting of buildings and structures. As the generator does not comply with the LUC or Zoning Bylaw an amendment to the LUC is required.

Proposal

The applicant is proposing that a new diesel-fired emergency generator be located in the northwest corner of the site (**Appendix B**). The generator is 2.2 m high and will sit on a sub-base fuel tank.

The proposed location is on an existing patio at the back of the building. The patio area, which is rarely used by residents, will be modified to facilitate the generator. The location was selected as it is the furthest away from the adjacent apartment building and the creek to the east and does not impact the Esquimalt Avenue streetscape. The generator will not be visible from 15th Street, as the patio grade is lower than the street level and therefore it would not have any material impact on the pedestrian environment. The generator will be surrounded by a fence for screening and existing trees and dense shrubs surrounding the location are proposed to be retained, further obscuring its visibility from the street and the neighbouring single-family house across the lane to the north.

The generator turns on/runs when there is a power failure and will be turned on for scheduled maintenance (1 hour or less for monthly maintenance and 2 hours for yearly maintenance) during normal business hours. The generator, which has a sound pressure equal to the operation of a vacuum cleaner and is equipped with an internal enclosure silencer, is not considered to result in noise disturbance to neighbouring properties.

6.2 Sustainability

Not applicable.

6.3 Public Engagement and Outreach

In accordance with the *Development Procedures Bylaw, 4940, 2017*, a "notice of consideration" will be mailed to owners and occupants within 100 m (328 ft.) of the proposal.

6.4 Other Communication, Consultation, and Research

Planning staff have consulted with District staff on the application and proposed conditions are included in the draft development permit addressing staff concerns.

7.0 Options

7.1 Recommended Option

That Council set the date for consideration of the application; and that notice be given of consideration of the proposed development permit.

7.2 Considered Options

Council may:

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

8.0 Conclusion

The proposed Development Permit No. 20-036 complies with the guidelines under Policy BF-B4 regarding development within the Ambleside Apartment Development Permit Area. The proposed new emergency generator is at the rear of the property, is screened by vegetation from the street and neighbouring properties, and will not impact the streetscape or surrounding properties. Subject to written submissions to Council and Council consideration, staff recommend that the proposed development permit be approved.

Author:



Erika Syvokas, Assistant Planner

Concurrence:



Michelle McGuire, Manager of Current Planning and Urban Design

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Land Use Contract) for 1495 Esquimalt Avenue

Appendices:

- A- Land Use Contract dated April 4, 1973 and Land Use Contract Approval By-Law No. 2445
- B- Proposed Development Permit No. 20-036 including proposed plans

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enter into this Land Use Contract under the terms and conditions herein set forth and the Council of the District has agreed to the same;

AND WHEREAS the District and the Developer both acknowledge that the Council of the District could not enter into this Land Use Contract until the Council of the District has held a Public Hearing thereon in accordance with the provisions of Section 702A of the Municipal Act;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the premises and the covenants hereinafter set forth the District and the Developer agree as follows:

1. The Developer covenants and agrees that from the date of registration of this Land Use Contract in the office of the Vancouver Land Registration District, no use or development of the said lands shall take place except in accordance with the following:

- (a) No building or structure on the said lands shall be constructed, added to, or used, except in compliance with the provisions of Parts 1 and 2, of By-law 2200 being the Zoning By-law of the District, or any by-law pari materia.
- (b) No building or structure shall be constructed or added to unless such complies with the provisions of the 1970 edition of the National Building Code, the 1970 edition of Canadian Code for Residential Construction, and any and all applicable municipal by-laws, and Provincial legislation and/or regulations.
- (c) No building or structure on the said lands shall be occupied until a Permit to Occupy has been issued therefor by the District's Chief Building Inspector.
- (d) No building or structure shall be constructed except as a senior citizens apartment building developed under the auspices of the Greater Vancouver Regional District in accordance with the British Columbia Housing Act.
- (e) No building or structure shall be added to or used except as a senior citizens apartment building.

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- (f) No building or structure shall contain more than 84 dwelling units.
- (g) No building or structure shall be occupied or used unless ten (10) accessory off-street parking spaces are provided, at surface level with access from the lane, provided however no spaces shall be constructed or located within forty (40) feet from the 15th Street side site-line.
- (h) No parking spaces shall be constructed unless such required parking spaces, including access thereto, are adequately surfaced and suitably marked by means of painted lines, arrows and cross-hatching, to indicate each parking space, direction of vehicle movement, access and egress areas and crossovers within which parking is prohibited.
- (i) No building shall be constructed to a height in excess of eleven (11) storeys including the main floor at grade level.
- (j) No building shall be constructed above grade level which exceeds in width one-half the width of the said lands; frontage of the site shall be considered to be that boundary of the said lands abutting Esquimalt Avenue.
- (k) No building shall be constructed so that any portion of such building to be occupied for dwelling purposes above grade level, but excluding balconies, is closer to the front or rear site lines of the said parcel than twenty-five (25) feet, nor closer to the east site line of the said parcel than thirty (30) feet, nor closer to the westerly boundary of the said lands than forty (40) feet.
- (l) No building or structure, including screen fences and retaining or other walls, shall be constructed, added to, erected, located or placed until the design and exterior finish thereof

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shall have been submitted to and approved by the District's Advisory Design Panel.

- (m) No building or structure shall be occupied or used until a plan of landscaping indicating the location, size and extent of plant material has been submitted to and first approved by both the District's Superintendent of Parks and the District's Advisory Design Panel, nor shall any landscaping be carried out except in conformity with the approved landscaping plan.
- (n) The eventual ownership of the lands and buildings will be in the name of either the Federal Provincial Partnership or the Province of British Columbia. Nothing herein shall be construed to prevent the sale or other disposition of any of the subject lands or buildings, and Central Mortgage and Housing Corporation and/or the Province of British Columbia may sell or otherwise dispose of any such lands and buildings, or both, for such amount and upon such terms and conditions as may be agreed upon by the Corporation and/or the Provincial Minister.
2. The said lands shall not be occupied, except for construction purposes, for any of the objects contemplated by this agreement unless the construction and work to be done, excluding landscaping, as authorized herein has been completed within two years from the date that this agreement is registered in the office of the Vancouver Land Registry District, otherwise this contract shall be void and of no effect; provided that time lost by reason of union strikes, Acts of God, or for any other reason beyond control of the developer shall be excluded in computing the said period of two years.
3. Landscaping shall be completed within six (6) months from the date of approval for occupancy.

4. This Agreement shall be construed as running with the land and shall be registered in the office of the Land Registration District by the District pursuant to the provisions of Section 702A of the Municipal Act.

5. Whenever the singular is used herein, the same shall be construed as meaning the plural where the context or the Parties so require.

6. This Land Use Contract shall inure to the benefit of and be binding upon the Parties hereto, their respective successors, administrators and assigns.

A Public Hearing on this Agreement was held the 22nd day of November, 1972.

This Agreement was approved by By-law of the Council of the District on the 29th day of November, 1972.

IN WITNESS WHEREOF the Parties hereto have duly executed this Agreement the 1st day of April, 1973. *AKK*

THE CORPORATE SEAL OF THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER was hereunto affixed in the presence of:

Art. E. Pangley)
MAYOR)
Althman)
MUNICIPAL CLERK)

THE CORPORATE SEAL OF THE GREATER VANCOUVER REGIONAL DISTRICT was hereunto affixed in the presence of its proper officers:

Robert M. Little)
Mr. [unclear])

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FOR THE SECRETARY OR (OTHER OFFICER)
OF A CORPORATION

I hereby certify that, on the 22nd day of October
19 73, at West Vancouver, in the Province of British
Columbia, RUPERT ARTHUR HARRISON

~~(whose identity has been proved by one of the following)~~

~~whom~~ personally known to me,
appeared before me and acknowledged to me that he is the Municipal Clerk


of The Corporation of the District of West Vancouver,
and that he is the person who subscribed his name to the annexed instrument as
Municipal Clerk of the said Corporation

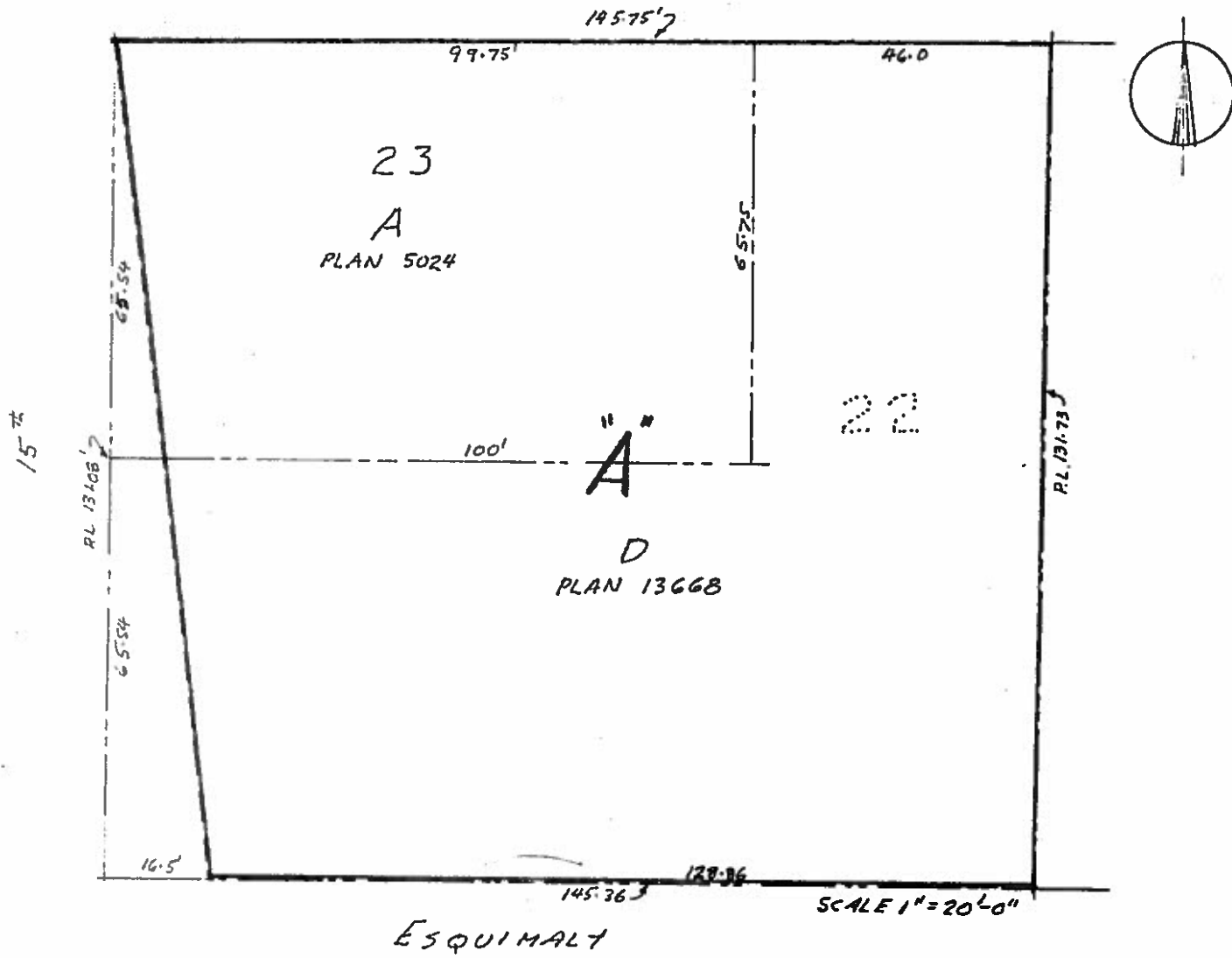
and affixed the seal of the said

Corporation to the said Instrument, that he

was first duly authorized to subscribe his name as aforesaid, and affix the
said seal to the said Instrument, and that such corporation is legally entitled
to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY WHEREOF I have hereunto set my Hand and Seal
of Office, at West Vancouver in the Province
of British Columbia, this 22nd day of October
in the year of our Lord one thousand nine hundred and
seventy-three.


~~Secretary Public Office of the Province of~~
~~British Columbia.~~
A Commissioner for taking affidavits within
British Columbia.





District of West Vancouver Development Permit No. 20-036

CURRENT OWNER: PROVINCIAL RENTAL HOUSING CORPORATION, INC.
NO.52129

THIS DEVELOPMENT PERMIT APPLIES TO:

CIVIC ADDRESS: 1495 ESQUIMALT AVENUE, WEST VANCOUVER

LEGAL DESCRIPTION OF "THE LANDS": PID 007-697-350
LOT 1 BLOCKS 23 AND 24 SOUTH WEST ¼ OF DISTRICT LOT 1054 PLAN 15070

1.0 This Development Permit:

- (a) imposes requirements and conditions for the development of the Lands: which are designated by the Official Community Plan as the Ambleside Apartment Area Development Permit Area to promote a high standard of construction, to integrate new development with existing views, circulation and the character of existing buildings, and to promote an interesting, pedestrian friendly streetscape design and pedestrian linkages; and subject to Guidelines BF-B4 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 and foreshore, except as varied or supplemented by this Permit; and

2.0 The following requirements and conditions shall apply to the Lands:

- 2.1 Land Use Contract registration number A77767 shall be varied to allow for the siting of mechanical equipment per Schedule A.
- 2.2 The works shall take place in accordance with the attached Schedule A.
- 2.3 On-site landscaping shall be installed at the cost of the Owner in accordance with the attached Schedule A.
- 2.4 Notwithstanding Conditions 2.2 and 2.3 above, the Director of Planning and Development Services may determine that minor changes to the proposal still comply with the Development Permit plans where proposed changes do not materially affect the intent of the plans attached to this Development Permit.

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

THE COUNCIL OF WEST VANCOUVER APPROVED THIS PERMIT BY RESOLUTION
PASSED ON _____.

MAYOR

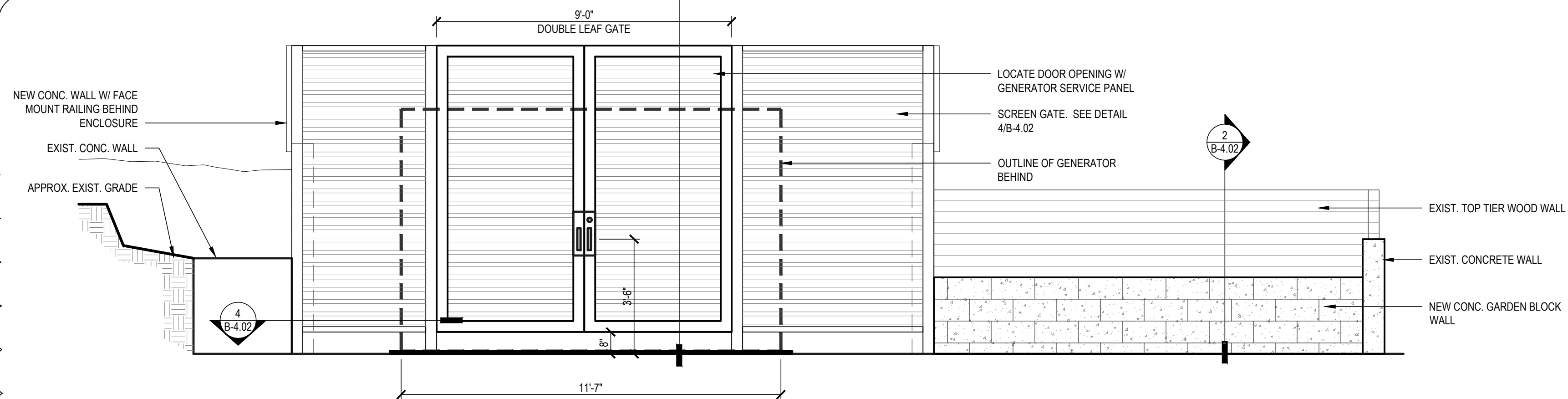
CORPORATE OFFICER

FOR THE PURPOSES OF SECTION 504 OF THE *LOCAL GOVERNMENT ACT*, THIS
PERMIT IS ISSUED ON _____.

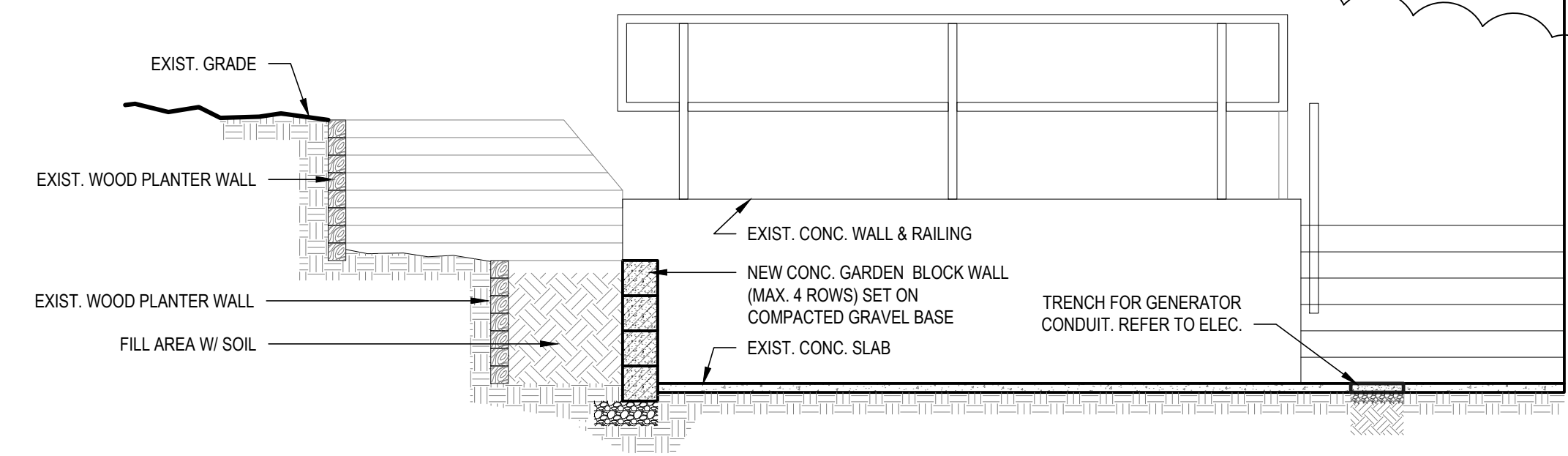
Schedules:

- A. Submission Package, consisting of Site Plan B-2.01 and Generator Area and Generator Gate Section and Details B-4.02.

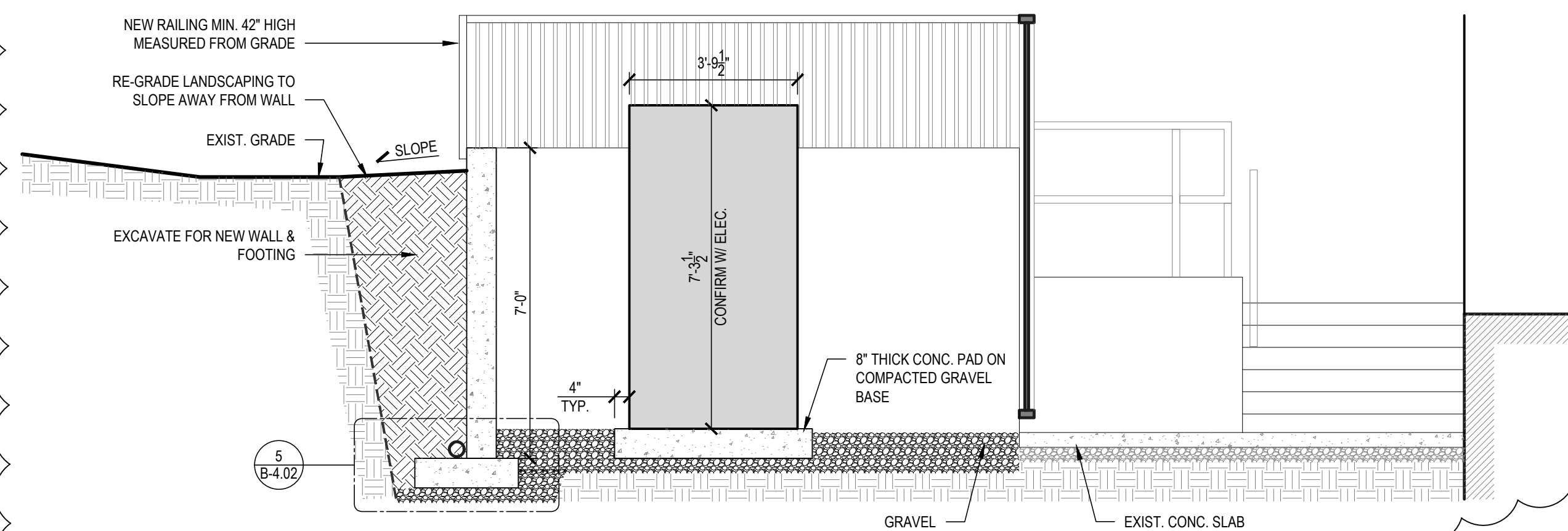
PROVIDE FOLLOWING GATE HARDWARE:
- HINGES: CORROSION RESISTANT COMMERCIAL GRADE WITH STAINLESS STEEL FINISH. (APPROVED MANUFACTURER: STANLEY, MCKINNEY OR APPROVED EQUAL).
- STOPS: HEAVY DUTY CANE BOLT ON INACTIVE LEAF. GATE STOPS W/ INTEGRATED RUBBER BUFFER (TWO PER GATE).
- LOCKS: HIGH GRADE DEADBOLT C/W 6-PIN CYLINDER.
- HANDLE: HEAVY DUTY PULL HANDLE WITH FACE PLATE IN STAINLESS STEEL FINISH. BACK TO BACK ON BOTH LEAF.



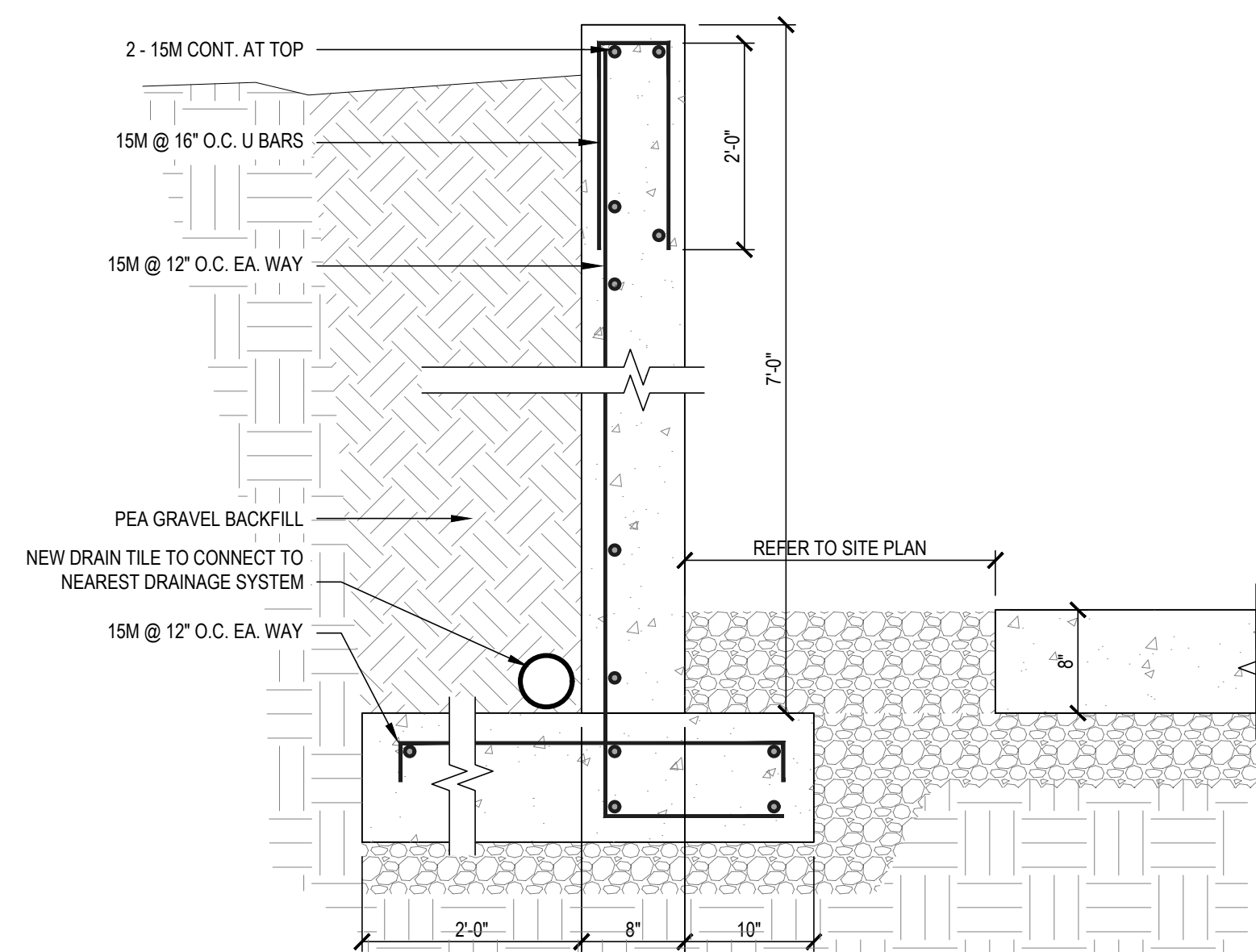
1 GENERATOR AREA
SCALE: 3/8" = 1'-0"



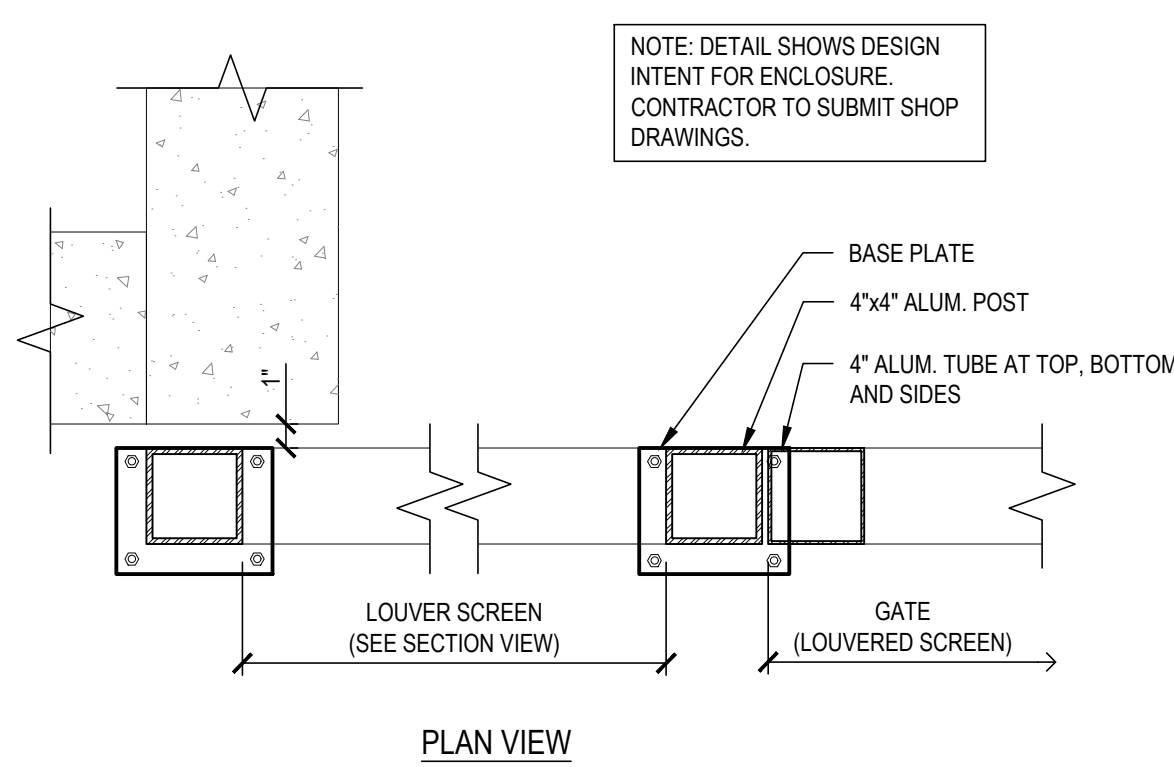
2 SECTION THROUGH PLANTER AREA
SCALE: 3/8" = 1'-0"



3 SECTION THROUGH GENERATOR AREA
SCALE: 3/8" = 1'-0"



5 CONCRETE WALL FOOTING DETAIL
SCALE: 1" = 1'-0"



4 GENERATOR ENCLOSURE DETAILS
SCALE: 1 1/2" = 1'-0"

3	NOT USED	-
2	PROPOSED GENERATOR FOR LUC AMENDMENT	2020-01-19
1	ISSUED FOR DISTRICT'S DESIGN REVIEW COMMITTEE	2020-02-13
-	ISSUED FOR CLIENT REVIEW	2019-09-27
NO.	DESCRIPTION	DATE
ISSUED AND REVISION		
SEAL		

PROJECT TITLE
**SUNNYSIDE MANOR
BUILDING ENVELOPE REMEDIATION
AND ENERGY CONSERVATION
IMPLEMENTATION**
1495 ESQUIMALT AVE., WEST VANCOUVER, BC
DRAWING TITLE
**GENERATOR AREA
AND GENERATOR GATE
SECTION AND DETAILS**

PROJECT NUMBER VAN-00250042-A0		
DRAWN GG	DESIGN DPC	CHECKED DPC
DESIGN DATE APRIL 1, 2019	DRAWING SCALE AS NOTED	
DRAWING NUMBER		

B-4.02