



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: May 16, 2023

From: Paul Gipps, CAO

File No: DP 22-26

Subject: **DP 22-26; Development Permit with Variances; 3401 Sundance Drive**

Report Prepared By: Jayden Riley, Planner III

RECOMMENDATION to Consider and Resolve:

THAT Council postpone consideration of the proposed multiple family and intensive residential, hillside, and sensitive terrestrial ecosystem development permit with variances (File: DP 22-26) and direct the applicant to revise the following elements of their proposal:

- Include a turnaround and loading space on Ensign Lane;
- Secure legal access for units 53-56 (approx.) on Ensign Lane;
- Reallocate the number of visitor spaces for each laneway to be proportional to the number of units;
- Revise the design of the extended portion of Ensign Lane to include increased safety elements consistent with best practices and the City's Hillside DPA guidelines and demonstrate that turning movements can be reasonably accommodated to any units near its terminus; and
- Clearly provide a location for snow deposition on Ensign Lane.

STRATEGIC AREA(S) OF FOCUS

Pursue Economic Growth and Prosperity – We will work with stakeholders throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

BACKGROUND

The subject property is currently vacant, located in the Shannon Lake neighbourhood between Ensign Quay Lane and Ensign Lane to the south-east and Sundance Drive to the north-west. The property includes steep hillsides, sloping downward from Sundance Drive toward the private laneways, which are currently shared by nine existing residences and the subject property via an access easement.

PROPERTY DETAILS			
Address	3401 Sundance Drive		
PID	028-172-001		
Folio	3641391.497		
Lot Size (m²)	1.29 ha (12,990 m ²)		
Owner	Gatehouse Developments Inc.	Agent	Carlo DiStefano, DiStefano Jaud Architecture
Current Zoning	R4 (Medium Density Multiple Family)	Proposed Zoning	N/A
Current OCP	Low Density Multiple Family	Proposed OCP	N/A
Current Use	Vacant	Proposed Use	58-unit townhouse development
Development Permit Areas	Hillside, Sensitive Terrestrial Ecosystem, Form and Character		
Hazards	Hillside		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES		
North	^	P1 – Parks and Open Space
East	>	R1 – Single Detached Residential
West	<	R4 – Medium Density Residential
South	v	R1 – Single Detached Residential

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Legislative Requirements

Council has the authority under S.490 of the *Local Government Act* to issue a Development Permit. Section 498 of the *Local Government Act* gives Council the authority to issue a Development Variance Permit that varies, in respect of the land covered in the permit, the provision of the Zoning Bylaw.

Proposal

The applicant is seeking a Form and Character, Hillside, and Sensitive Terrestrial Development Permit for a 58-unit townhouse development comprised of 20 units fronting Sundance Drive and 38 units fronting Ensign Quay Lane and Ensign Lane (Figure 1, Attachment 2).

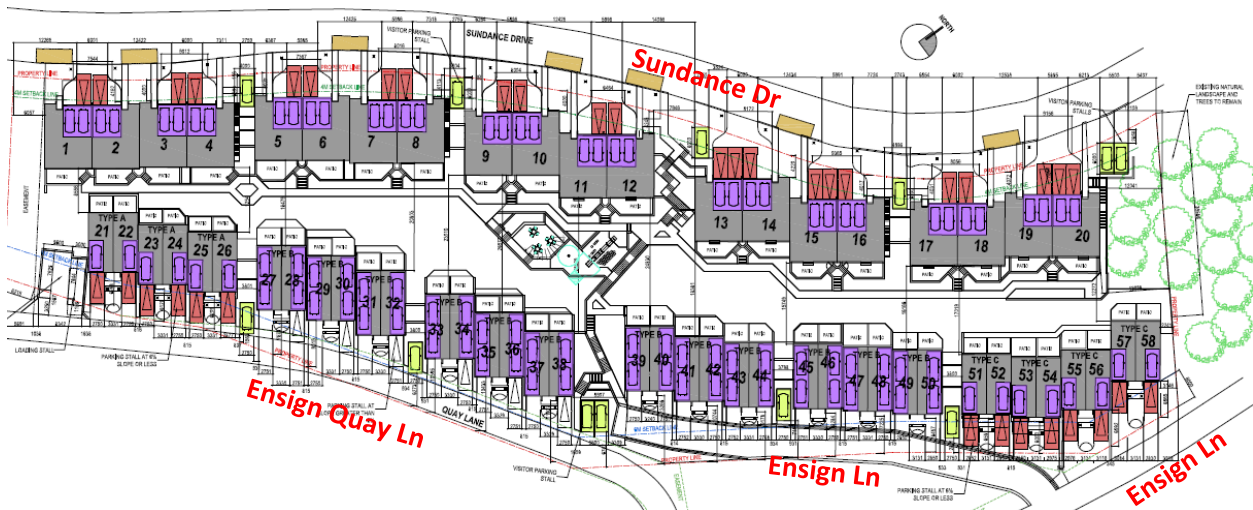


Figure 1: Site Plan

Due to topographical conditions combined with the proposed density, this application contains several variances to accommodate the proposed number of units related to siting, off-street parking, and site circulation. The following variances (7) are included in this proposal:

1. Reduction to the minimum required front parcel boundary setback (Sundance Drive) from 6.0 m to 4.0 m (varies);
2. Reduction to the minimum required setback of loading and visitor parking spaces from the front or exterior parcel boundary from 3.0 m from 0.0 m (varies);
3. Reduction to the minimum required number of loading spaces from 4 to 1 space(s);
4. Reduction to the minimum dimensions of a loading space from 3.0 m x 9.0 m to the dimensions noted on site plan;
5. Increase the maximum height of two retaining walls from 2.5 m to 3.5 m;
6. Increase the width of driveway crossings at the property line from 7.0 m to 9.4 m (varies); and
7. Forgo the requirement to install a turnaround at or near the terminus of a private hillside lane.

Site Specific Considerations

The subject property is located upland from existing residences on Ensign Lane and Ensign Quay Lane. Both laneways include a series of private easements for access between the subject and adjacent properties, as well as Statutory Right of Ways for public utilities and emergency access. Subject to Council approval, the laneways would each be shared between the (9) existing residents and the proposed 38 townhouse units by a six-metre-wide drive aisle that does not permit on-street parking. Due to the topography of the site, retaining walls with height variances are required to accommodate a turnaround and loading space on the segment of Ensign Quay Lane and an extension of the physical laneway on Ensign Lane to access proposed units 39-44 (Attachment 2, Figure 1).

Bylaw and Policy Review

Official Community Plan Bylaw No. 0100

Development Permit Areas

The proposed development is subject to three of the City's DPAs: 1) Multiple Family and Intensive Residential, 2) Hillside, and 3) Sensitive Terrestrial Ecosystem.

1. **Multiple Family and Intensive Residential DPA** guidelines ensure that residential development is well designed and appropriately integrated into the community through use of good urban design principles. This includes strong design, amenity space contributions, and architectural focal points. The proposal is found to be generally consistent with the form and character, and building materials guidelines of this DPA; however, the proposal is less consistent with the guidelines in terms of adjacent use considerations, and potential hazards for

vehicle and pedestrian circulation due to disproportionate allocation of visitor parking. More detail is provided in the following sections of this report.

2. The **Hillside DPA** guidelines are applied to address steep slopes to ensure public safety and the protection of environmentally sensitive areas. This includes addressing rockfall hazard mitigation, location of roads and laneways, and setbacks to disturbance zones. The applicant has submitted a geotechnical report that has identified existing site conditions and provides recommendations related to site preparation and foundation design, site grading, rock slopes, drainage, pavement design and utility installation, and has confirmed the development, as proposed, is safe for the intended use. The recommendations of the geotechnical report and memo are included in the attached permit (Attachment 1). The proposal is found to be in general accordance with the DPA guidelines; however, the proposed laneway extension (Ensign Lane) it is not due to the adjacent steep slope, creating a safety hazard. More information is provided in the following sections of the report.

3. The **Sensitive Terrestrial Ecosystem DPA** guidelines are applied to all land as having environmental values. These guidelines ensure that development considers relevant provincial legislation, that site design is consistent with the environmental reporting, and to minimize disturbance to highly sensitive environmental areas. As part of this application, an Environmental Assessment was submitted, noting the area to contain Moderate (ESA 2) and Low (ESA 3) Environmentally Sensitive Areas. Most of the disturbance is proposed within the ESA 3 area. A portion of the ESA 2 area to the north-east is being preserved. Recommendations of the environmental report would be included as part of the permit conditions.

Form and Character Review

The proposal contains a total of 58 townhome units within 11 buildings; this includes 20 units on Sundance Drive (units 1-20), 18 units on Ensign Quay Lane (units 21-38), and 20 units on Ensign Lane (units 39-58). Three colour variations (i.e., dark, medium, light) are proposed to be applied to each grouping of buildings.

Building materials for all buildings include Hardie lap siding, brick – pacific art stone, Hardie plank, Hardie board trim lintel, painted fascia, dual black asphalt shingle roofing, and aluminum railing with glass panels and pickets – full architectural drawings are provided in Attachment 2. A list of additional features unique to each unit type is include below:

- Sundance Drive (Units 1-20):
 - Three storeys, three bedrooms, and double (parallel) garages.
 - Each unit contains an upper (entry) floor with garage, living area and master bedroom, mid-level floor with two bedrooms, living space and balcony, and a lower-level basement with patio.
 - Each unit is accessed by a paired driveway.



Figure 2: Street elevation (Sundance Dr., Units 1-20)



Figure 3: Rear elevation (Sundance Dr., Units 1-20)



Figure 4: Rendering of Sundance Dr. units with colour variation between two buildings, Units 1-20

- Ensign Quay Lane (Units 21-38)
 - Contains both “Type A” and “Type B” units.
 - Type A units are contained in one six-unit building (units 21-26) and include single garages with one required tandem parking space on the driveway in front of each (6) garage.
 - Type B units (units 27-38) are contained in two six-unit buildings and include double (tandem) garages with no driveway parking.
 - Each unit contains a lower (entry)-level with garage and flex room, mid-level living space with rear balcony, and three bedrooms at the top level.



Figure 5: Front / lane elevation (units 21-38 and 39-58)



Figure 6: Rear elevation (units 21-38 and 39-58)



Figure 7: Rendering of lane units with colour variation (units 21-38 and 39-58)

- Ensign Lane (Units 39-58)
 - Contains both “Type B” and “Type C” units.
 - Type B units (units 39-50) are contained in two six-unit buildings and include double (tandem) garages with no driveway.
 - Type C units are contained in one eight-unit building (units 51-58) and include single garages with one required tandem parking space on the driveway in front of each (8) garage.
 - Identical to the units on Ensign Quay Lane, each unit contains an entry (lower)-level with garage and flex room, mid-level living space with rear balcony, and three bedrooms at the top level.



Figure 8: Laneway units (combined) streetscape with colour variation (units 21-58)

Landscaping / Amenity Space

A landscape plan was submitted with the application that proposes a common amenity space between the upper (Sundance Dr.) and lower (laneway) units accessible to all owners, providing connectivity through the property (Attachment 3, Figure 9).

The proposed landscaping consists of a mixture of concrete pavers, decorative rocks, dry meadow slope retention hydro-seed, coarse boulder slope retention, composite wood decking, xeriscape shrub beds, as well as a mixture of native trees, shrubs, dwarf conifers, grasses, perennials, and ground covers. The interior amenity area also includes a series of landscape walls and stairs leading to a main boardwalk with handrails, as well as a seating area with trellis and bar tables and a playground area (Figure 9). See Attachment 3 for full details.

The proposed landscaping estimate is \$320,064.72. Subject to Council approval, and in accordance with the City's Development Applications Procedures Bylaw No. 0260, 125% (\$400,080.90) of this amount would be required as a condition of permit issuance – see Alternate Motion and Attachment 1.

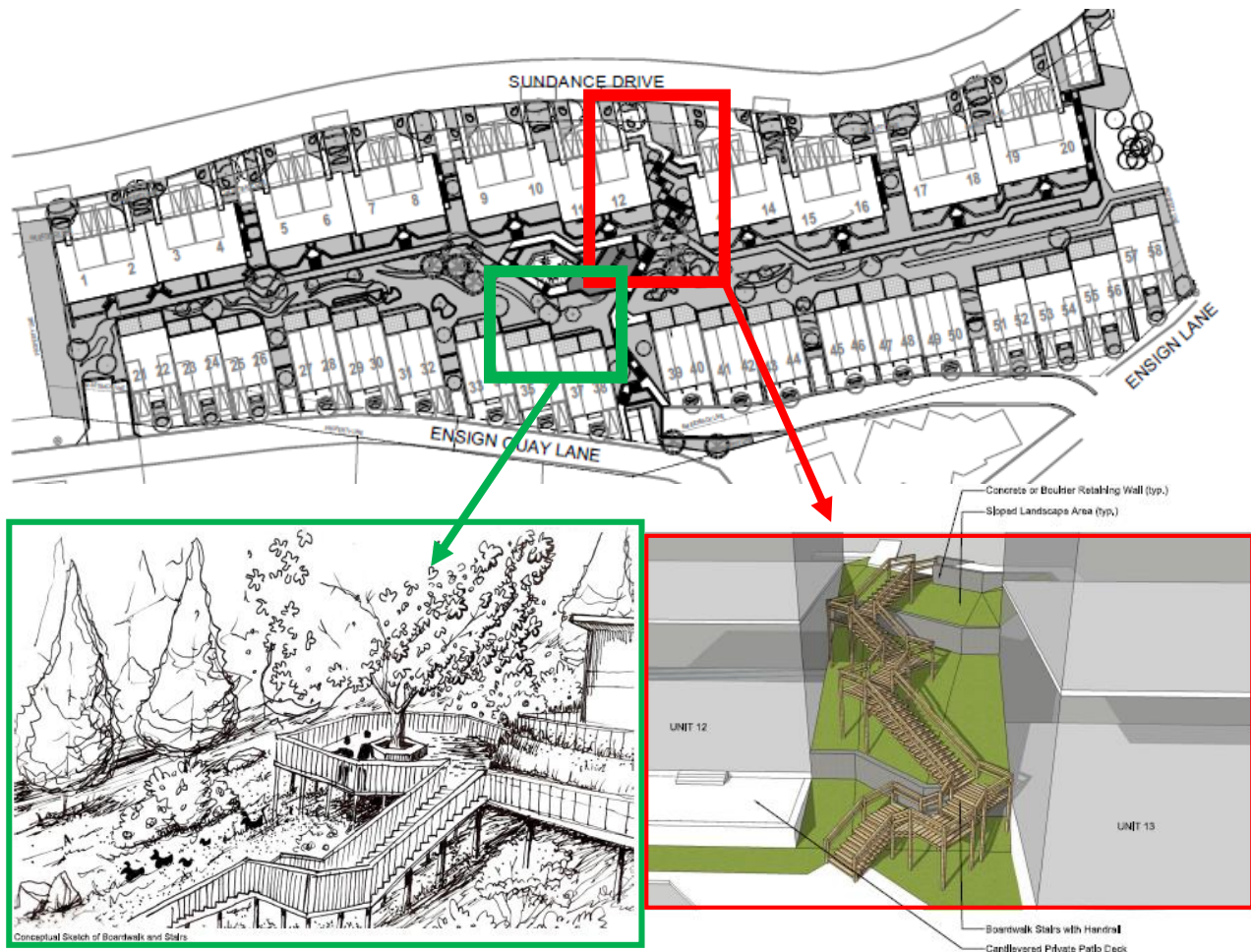


Figure 9: Landscape plan / site plan, rendering, and conceptual drawing.



Figure 10: Playground area (proposed for centre of subject property), rendering and sample image.

Zoning Bylaw No. 0265

The subject property is zoned Medium Density Multiple Residential (R4). The proposed development is generally consistent with the siting regulations of the R4 zone except for the front parcel boundary setback (Sundance Drive), but otherwise meets maximum coverage (50%) and height (12.0 m up to max. three storeys). However, the proposal does contain seven variances, with the majority related to the Bylaw's off-street parking regulations. An overview of the proposed variances is provided below.

Proposed Zoning Bylaw Variances:

1. S.10.11.4(g)(i) – Reduce the minimum required front parcel boundary setback (Sundance Drive) from 6.0 m to 4.0 m (varies), in accordance with the site plan (Attachment 2, Figure 1 and 11). This variance affects all five buildings located on Sundance Drive. Recent amendments to the Bylaw allowing for setback measurements to be taken from the back of a curb or sidewalk were not added to the R4 Zone.

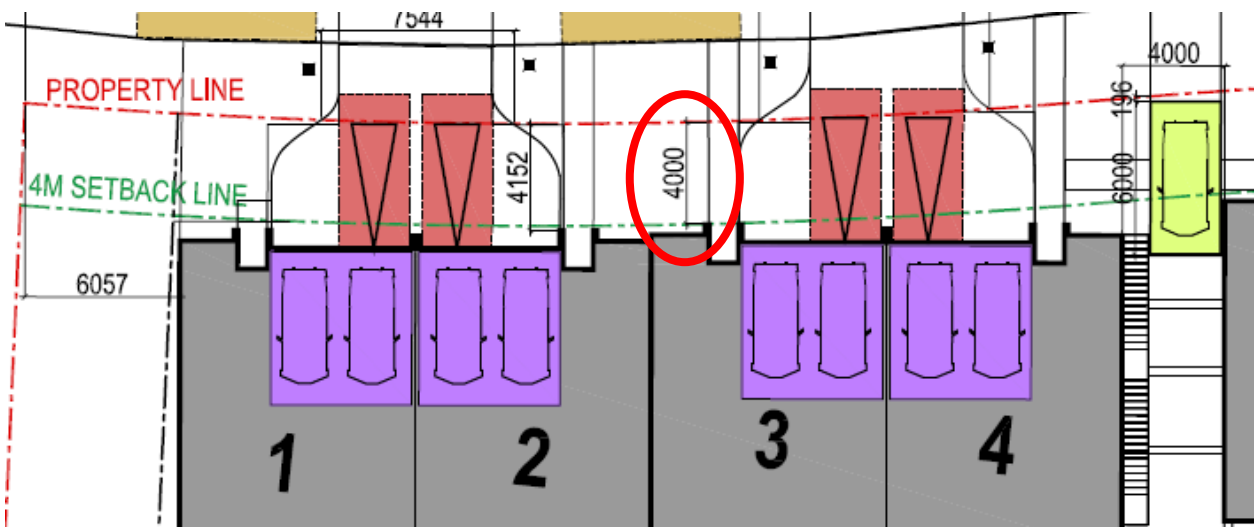


Figure 11: Setback variance for Sundance Units (1-20) – example of Building 1, units 1-4.

Since the Sundance Drive Right of Way will accommodate 3-4 metres of driveway from the curb to the property line, plus the additional 4 m setback (minimum) from

the property line to the buildings, vehicle overhang into the physical roadway is not anticipated. Staff support this variance.

2. S.4.3.2(b) – Reduce the minimum required distance between the required parking, loading and visitor parking spaces to the front or exterior parcel boundary from 3.0 m from 0.0 m (varies), in accordance with the site plan (Attachment 2, Figure 12).



Figure 12: Site plan, parking setback variances with insert.

This proposed variance affects nine of 12 visitor spaces, one (and sole) loading space, and 13 required townhouse parking spaces proposed in front of the garages for the Type A and C units located on the laneways (i.e., units 21-26, 51-56, and 58).

Staff have concerns about the potential impact of these variances, specifically in regard to the laneway and site circulation.

The intent of this bylaw regulation is to provide a buffer between more intensive multiple-family surface parking areas and public or private roadways, typically via landscaping. In this circumstance, the regulation is applied due to required parking being proposed in tandem with, and in front, of the single garages adjacent to the laneway. While this particular application of the parking regulation was not specifically considered with its original intent, it does reflect overall site design

challenges to accommodate the overall density and does have the potential to contribute toward site circulation challenges and periodic obstruction of the laneway.

3. S.4.10.1(a) – Reduce the minimum required number of loading spaces from four to one space(s), subject to a variance in the dimensions of the loading space (see Variance No. 4, Figure 13).

The number of loading spaces is proposed to be reduced from four to one space(s) to maximize the number of units on the site. The proposal includes a single loading space near the terminus of Ensign Quay Lane, adjacent to a proposed emergency vehicle turnaround. No loading space is proposed on the segment of Ensign Lane, and no loading spaces are proposed from Sundance Drive.



Figure 13: Site plan with loading space

Staff have concerns with a variance to reduce the required number of loading spaces, due to potential circulation and safety impacts to Ensign Lane. Ideally, the proposal would include a loading space on each segment of laneway for each grouping of townhome buildings (for example, units 21-38 and 39-58). In this case, only units 21-38 are served by a loading space. Without a loading space on Ensign Lane, it is anticipated that moving vehicles would temporarily block the laneway and would need to reverse in or out. Staff do not support this variance and recommend that a loading space is provided on Ensign Lane.

The lack of a loading space on Sundance Drive is not anticipated to create significant impacts due to the additional driveway depth between the property line and the curb and availability of on-street parking.

4. S.4.10.2(a) – Reduce the minimum required dimensions of a loading space from 3.0 m x 9.0 m to 7.8 m x 3.0 m (Attachment 2, Figure 14).

Related to Variance No. 3 above, the single loading space proposed on Ensign Quay Lane cannot be adequately accommodated on the subject property (Figure 14).

The construction of the loading space must also occur within the easement boundary contained on the adjacent property. The access easement permits maintenance of the physical laneway. The easement boundary also widens at this point of the laneway, so vehicles using the loading space are not anticipated to obstruct the pass or repass of vehicles. Staff support the proposed variance.

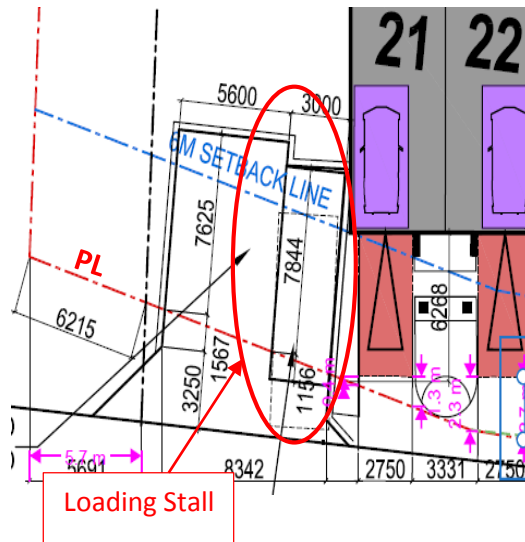


Figure 14: Loading space dimensions.

5. S.3.14.1 – Increase the maximum height of two retaining walls from 2.5 m to 3.5 m (Figures 15-18).

The proposal includes two over-height retaining walls up to a maximum 3.5 m. The first retaining wall (Figure 15) is proposed to accommodate the emergency turnaround at the terminus of Ensign Quay Lane. Staff are supportive of this variance, given the challenging topography of the site, the critical purpose of the turnaround, and the limited impacts to adjacent properties.

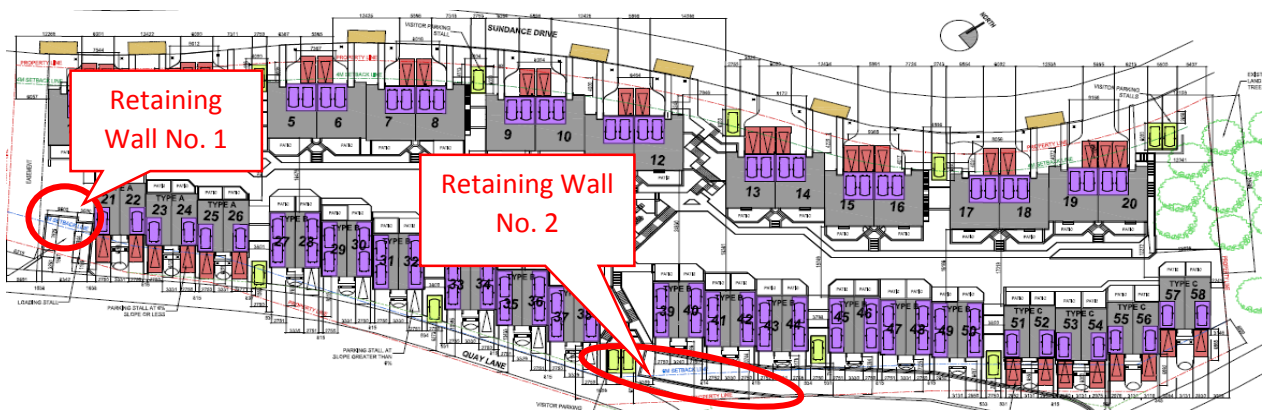


Figure 15: Over-height retaining walls (2)

The second over-height retaining wall (Figure 15-18) is proposed to extend the existing physical laneway on Ensign Lane to accommodate vehicle access/egress to units 39-44, as the existing site topography is steep at this location. The wall is

proposed to be located adjacent to the easement boundary but not encroach within it or the adjacent property.

Staff have do not have concerns with the height of the wall, but do have concerns due to its location and the proximity of the extended portion of laneway to the units near its terminus as it relates to on-site circulation and safety. Proposed units 39 and 40 are likely to encounter challenges with egress from their tandem garages given the minimal space available for turning. Where turning is possible, the wall results in an immediate 3.5 m drop in elevation to surrounding steep slopes and visitor parking spaces. Winter conditions and snow storage at the terminus of the lane is also likely to further exacerbate this hazard.

Staff are recommending that Council direct the applicant to revise the design of the extended portion of Ensign Lane to include increased safety elements consistent with best practices and the City's Hillside DPA guidelines and demonstrate that turning movements can be reasonably accommodated to any units near its terminus.

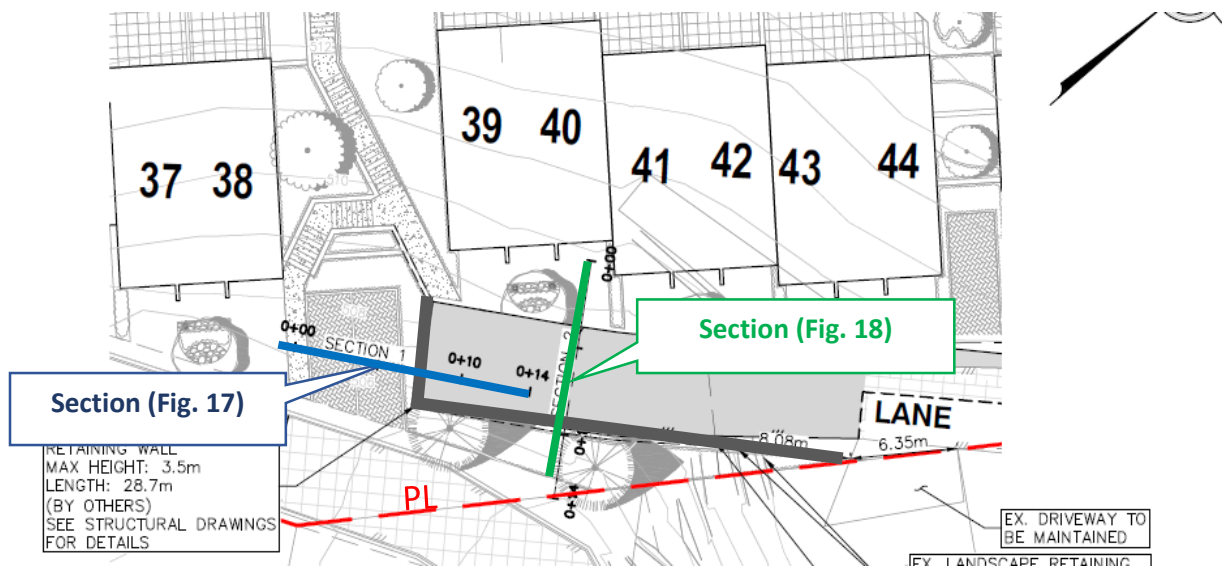


Figure 16: Over-height retaining wall No. 2.

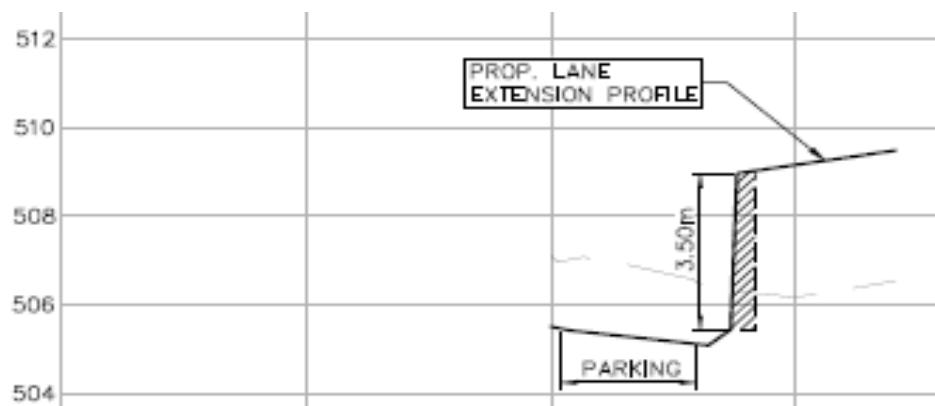


Figure 17: Over-height retaining wall No. 2, section drawing (blue).

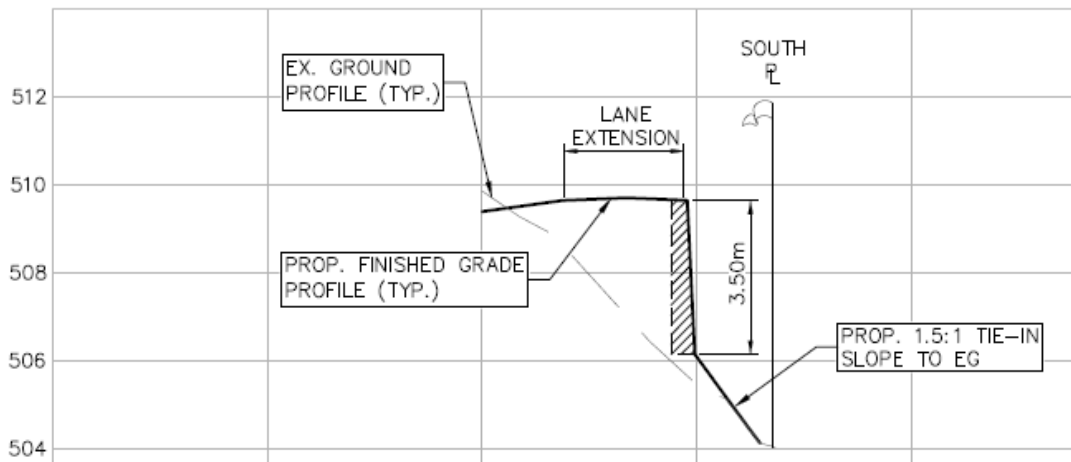


Figure 18: Over-height retaining wall No. 2, section drawing (green).

6. S.4.4.3(ii)(b) – Increase the width of driveway crossings at the property line (Sundance Drive) from a maximum 7.0 m to 9.4 m (varies), in accordance with the site plan (Attachment 2, Figure 19).

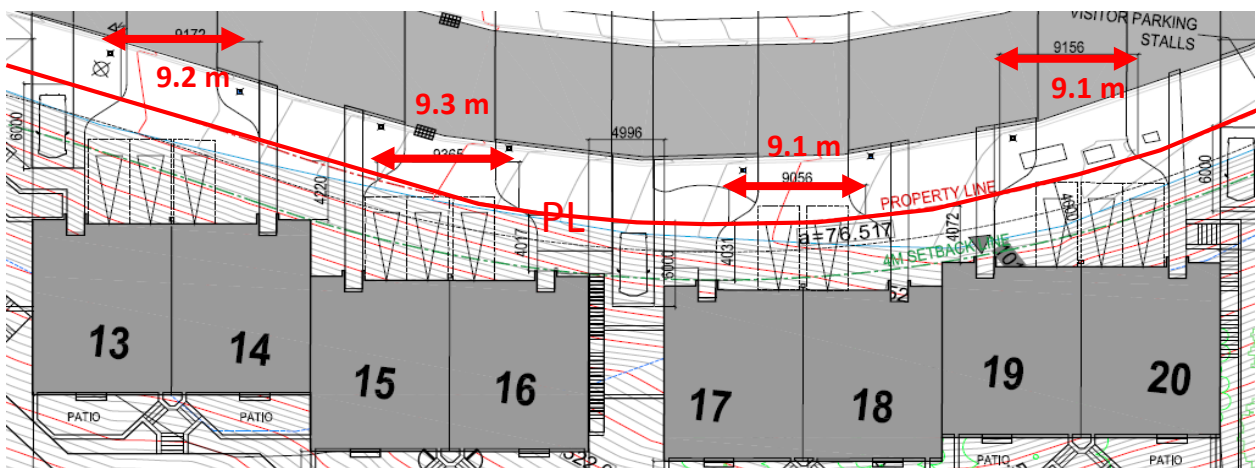


Figure 19: variance to the width of driveway crossings (4 of 8 crossing over 7.0 m shown here).

A variance to the maximum width of driveway crossings is to accommodate double driveways for the units on Sundance Drive. This variance applies to eight of 10 paired driveway crossings. Staff do not anticipate impacts from the paired driveways and support the variance.

Works and Services Bylaw No. 0249 Variance

7. S.8.2.2: To forgo the requirement to install a turnaround at or near the terminus of private hillside lane (Figure 20).

The City's Works and Services Bylaw requires private hillside lanes to include a turnaround at or near their terminus. This is for the purpose of improving vehicular

circulation, particularly with emergency or service vehicles (snow clearing, delivery, waste management). In the absence of a turnaround, it is anticipated that larger vehicles would need to turnaround on private driveways or reverse in or out of the laneway. This variance applies to Ensign Lane only, as a turnaround is proposed on Ensign Quay Lane.

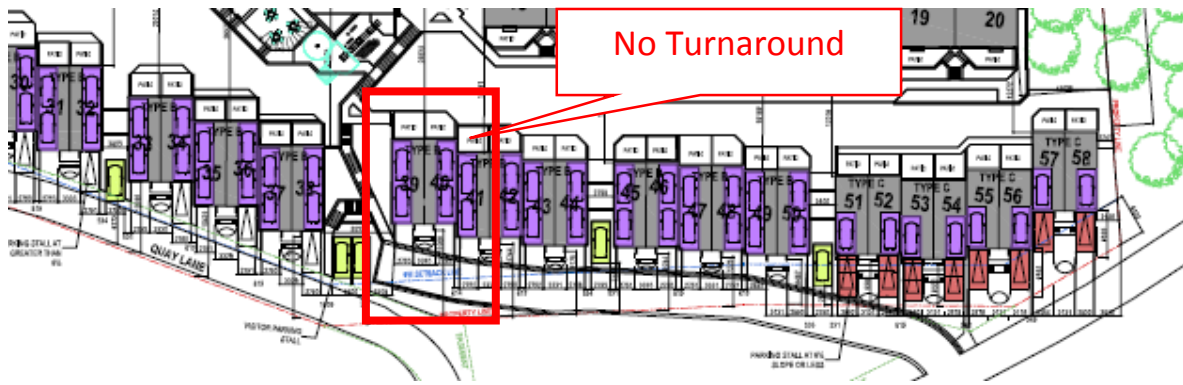


Figure 20: Variance to forgo turnaround on Ensign Lane

Although the City's Fire Department has confirmed they do not oppose the variance, the City's Engineering Department has stated that the turnaround is important for vehicle circulation and safety. In the absence of a turnaround, service and emergency vehicles would potentially be obstructed or obstruct the laneway. Passenger vehicles are also anticipated to have challenges turning around, given that the laneway contains only two visitor spaces and short driveway apron depths for units 39-50. Also, units 51-58 include only single garages; while consistent with the Zoning Bylaw regulations for off-street parking, including required parking in front of the garages adjacent to the laneway may exacerbate anticipated access and circulation challenges.

Technical Review

Servicing

A Functional Servicing Report (FSR) has been provided that concludes the property is well suited for this development and can be developed for the intended use. The property is noted to be connected to community water, storm, and sanitary sewer services. Access is accommodated by the public road, Sundance Drive, and two private laneways – one of which requires a variance to forgo a turnaround (see variance No. 7, Figure 20).

Construction Management Plan

A Construction Management Plan (CMP) was submitted with the application (Attachment 4). The CMP outlines the phasing of the proposed development and steps to mitigate impacts to adjacent properties. Primary site access is proposed from Sundance Drive, with the lanes to the south used only in case of emergency and as needed to conduct construction activities otherwise not feasible from Sundance Drive. Construction is proposed to occur in five phases in the sequence noted in Figure 21.



Figure 21: Construction phasing (Construction Management Plan)

Work is anticipated to occur on the laneways to extend and tie-in utilities to existing city infrastructure. A variety of mitigation measures are noted in the CMP, including those that address erosion and sediment, dust, traffic, trade parking, and noise. The CMP is also intended to be attached as a schedule to the permit to ensure construction follows the noted phasing and mitigation measures.

Snow-Clearing

Ensign Lane and Ensign Quay Lane are both private lanes. Snow-clearing and maintenance of the physical laneways are managed by the subject property and those existing residences/properties located to the south-east of the laneway. Snow storage locations for the site have not been confirmed and have the potential to cause circulation challenges, specifically on Ensign Lane due to the retaining wall and lack of turnaround or loading space. Based on this, it is recommended that additional consideration be put into snow storage.

Garbage / Recycling Collection

Due to the proposed variances to the turnaround requirement on Ensign Lane, staff have been in contact with the RDCO to confirm serviceability related to garbage and recycling collection. The RDCO confirmed that due to the size of the large collection vehicles, narrow width of the laneway, and lack of turnaround, the townhouse units (21-58) are not serviceable. In providing this information to the applicant, they have stated that private

garbage/recycling collection has been confirmed possible through the use of smaller trucks for ease of access in the area.

Referrals

The application was referred to multiple external agencies and internal departments. Staff have been working with the applicant to reduce the number of variances as much as possible, with the priority being the mitigation of potential impacts to existing and proposed residences along the laneways and related circulation and safety. Detailed review comments were provided to the applicant for their consideration in advance of their request to move the application forward to Council as presented.

Public Notification

In accordance with the *Local Government Act*, a notice has been mailed to residents and tenants within 100 m of the subject property advising them how to make a submission for Council's consideration, as it relates to the proposed variances. Notice of Application signage has also been installed on the subject property in accordance with the City's Application Procedures Bylaw No. 0260. At the time of writing this report, one submission has been received.

During the notification period, staff were advised of a small area of land that would require an access easement to support access for approximately four units (53-56) proposed on Ensign Lane. This issue has been included in the recommended motion to be addressed prior to the application returning to Council for consideration. Alternatively, should Council otherwise be supportive of the variances and the proposal as presented, registration of an access easement will be included as a condition of permit issuance – see Alternate Motion.

CONCLUSION

While staff are generally supportive of the additional housing units, form and character, building materials and many of the variances, individually, there are concerns with the collective impacts of the variances related to off-street parking and circulation. When considered collectively, their anticipated impact creates a situation that may compromise the safety and circulation of site traffic and visitors to the site, as well as service and emergency vehicles, particularly on Ensign Lane.

Staff recommend that Council postpone consideration of this application and direct the applicant to revise the following elements of their proposal without resulting in further variances:

- Include a turnaround and loading space on Ensign Lane;
- Secure legal access for units 53-56 (approx.) on Ensign Lane;

- Reallocate the number of visitor spaces for each laneway to be proportional to the number of units;
- Revise the design of the extended portion of Ensign Lane to include increased safety elements consistent with best practices and the City's Hillside DPA guidelines and demonstrate that turning movements can be reasonably accommodated to any units near its terminus; and
- Clearly provide a location for snow deposition on Ensign Lane.

Alternate Recommendation to Consider and Resolve:

1. Authorize Issuance of Development Permit (DP 22-26)

THAT Council authorize the issuance of a multiple family and intensive residential, hillside, and sensitive terrestrial ecosystem development permit with variances (File: DP 22-26) to accommodate a 58-unit townhome development, in accordance with the attached permit (Attachment 1), subject to:

- submission of a landscape security in the amount of \$400,080.90; and
- registration of an easement for legal access to units 53-56 (approx.) proposed on Ensign Lane.

2. Deny Application

THAT Council deny Development Permit (DP 22-26).

Council may wish to deny the application and have the applicant redesign the proposal in accordance with the City's Official Community Plan Development Permit guidelines. If the proposal was revised, the Development Permit would require further consideration by Council.

REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft Development Permit (DP 22-26)
2. Architectural Submission (Site Plan, Elevations, Floor Plan, Renderings)
3. Landscape Plan
4. Construction Management Plan
5. Submission
6. Delegation Request – Ryan Jones