

Appendix I.

After considering the report and related applications, Council adopted the following resolution:

"That:

- 1. the Comprehensive Development By-law be amended by removing the 14th floor;*
- 2. the Development Variance Permit be amended to remove the variance permitting an increase in the size of the copy on the signs; and*
- 3. the mezzanine floor be retained".*

DISCUSSION

Based on Council's resolution, staff issued a revised building permit for the project that included the mezzanine addition within the first (ground) floor, but directed the developer to remove the 14th floor from the building. The developer advised that the structural beams on which the roof of the 14th floor was placed were necessary to support the parapet walls around the top of the building on which the fascia signs would be placed and, as such, the columns and beams could not be removed. The applicant's structural engineer forwarded certification to this effect to the City. On this basis, Building Division staff directed that the "q-deck" metal material that was attached to the beams and formed the roof over the 14th floor be removed from the building. Further, a Restrictive Covenant was registered on the title to the subject property that contains the following:

"The Covenantor (Northland Properties Corporation) understands and agrees that the said columns and beams may only remain to support the parapet walls and that no additional space shall be constructed between the level of the thirteenth (13th) floor or above the level of the said beams and columns located above the 13th floor, nor shall this area be enclosed nor shall any use be made of this area except for the purposes of accessing the roof and HVAC systems."

"The Covenantor (Northland Properties Corporation) agrees that no areas above the thirteenth (13th) floor of the Building shall be altered or enclosed in any way so as to permit access to the roof for dining or any other purposes, nor shall dining or any other purposes be permitted in the area above the thirteenth (13th) floor of the Building."

The developer has continued construction on the building and has recently requested that the City's Building Division issue a Provisional Occupancy Permit to allow the first 10 floors of the 13-floor (including the mezzanine) building to be occupied. In reviewing the file, staff determined that there were several issues that would need to be addressed before such Provisional Occupancy could be issued and informed the developer of these issues. A Building Inspector also attended at the building site to confirm that the roof of the 14th floor had been removed in accordance with Council's decision. It was determined that a majority of the "q-deck" roofing material had been removed from off the structural beams except for a 2 to 3 foot width around the perimeter adjacent to the parapet wall that the applicant claimed was necessary as weather protection for the inside of the parapet walls. Staff has requested confirmation of this from the developer's structural engineer. However, the "q deck" material that had been removed from the roof of the 14th floor was piled on the new roof of the 13th floor and had not been removed from off the building. Upon making this discovery, the Building Inspector requested that the "q-deck" metal roof material be removed off the building and stated that this would need to be completed before a Provisional Occupancy Permit would be issued.

The developer objected to this request and advised City staff by way of a letter as follows:

"we (he) think(s) that it is unfair of the City to require that the q deck to be removed prior to issuance of a partial occupancy permit. While we (he) think(s) it unlikely, we (he) still wishes to retain the right to approach Council in the future and request permission to enclose the roof area for meeting space. In the meantime, we (he) have (has) no place to store this material (other than to throw it away) and it isn't hurting anyone by being stored safely on the roof as it presently is".

The developer's position was reviewed with the Deputy City Solicitor who has advised that the City has the right to

require the removal of the "q-deck" roof material from off the roof of the building and should not issue any form of Occupancy Permit until the "q deck" roof material is removed from the building due to risk and liability reasons.

This was information was conveyed to the developer who continues to insist that he be allowed to leave the "q-deck" roof material in a pile on the new roof of the 13th floor and insists that the Building Division issue a Provisional Occupancy Permit to allow the use of the first 10 floors of the building.

Staff notes that there is some suspicion that the developer is already using part of the building to accommodate hotel guests without any authorization from the City.

CONCLUSION

It is recommended that Council direct staff not to issue either a Provisional or Final Occupancy Permit for the subject building until the metal "q-deck" roof material that was removed from the roof of the unauthorized 14th floor of the Sandman Inn at 10608 151A Street, but which remains piled on the new roof of the 13th floor of the same building is removed completely off

the building and all other necessary conditions for each of Provisional and Final Occupancy have been properly satisfied respectively by the developer before each of the respective Occupancy permits is issued.

Murray Dinwoodie
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Planning and Development

MDD:saw

Attachment

Appendix I May 28, 2002, Planning Report Regarding Application 7902-0128-00
(Sandman Inn)