Date: May 27, 2014
From: James Allan, Community Planner
Subject: Development Permit No. 11-042 (4435 Stone Crescent)

RECOMMENDED THAT:

1. The Municipal Clerk give notice that Development Permit Application No. 11-042 for 4435 Stone Crescent to allow for subdivision of a property into two new lots and a variance for the existing house to be retained on Proposed Lot 2, will be considered by Council at its meeting on July 7, 2014.

Purpose
The purpose of this report is to provide information to Council on Development Permit Application No. 11-042 for 4435 Stone Crescent to allow for:

- a) Subdivision of the subject property into two lots;
- b) A height variance for the existing house on proposed Lot 2; and
- c) Protection and enhancement of the riparian area adjacent to Willow Creek.

The proposed Development Permit will be considered by Council at the meeting on July 7, 2014.

1.0 Background
1.1 Prior Resolutions
In 2000, Council approved a Development Variance Permit to allow an addition to be constructed onto an existing small house with variances to the required in-law suite location and a reduction in the minimum required front yard.

1.2 History
The subject lot (Appendix ‘A’) was created by subdivision in 1956. The subject house was constructed in two stages, with a small house being constructed in 1958 (north portion of existing house) and an addition permitted by a Development Variance Permit constructed in 2001 (south portion of existing house).
2.0 Policy

2.1 Policy
The proposed subdivision requires a Development Permit under two designations in the Official Community Plan:

a) As Willow Creek runs along the eastern side of the property line and the application involves a subdivision and demolition of a house within 15m of top of watercourse bank, the application must address the watercourse protection and enhancement guidelines (see Policy NE 13); and

b) As slopes within portions of the permitted building envelopes exceed 35%, the application must address the steep slope guidelines (see Policy NE 6) to avoid hazardous conditions and protect the natural environment.

2.2 Bylaw
The Zoning Bylaw establishes rules regarding the form and location of development on individual lots, including building siting.

3.0 Analysis

3.1 Description of Site
The subject site is approximately 2219m² in area and zoned RS3. It contains an existing two-storey house with basement and secondary suite. The northern portion of the house (which contains the in-law/secondary suite) is located approximately 2.9m from the front property line and the southern portion is located 7.5m from the front property line (Appendix ‘B’). Two driveways access the property, one to the main portion of the house and one to the secondary suite.

The property slopes down from the road to Willow Creek which runs along the eastern property line. The property and adjacent boulevard contain a number of mature trees and hedges.

3.2 The Proposal
The owner of the subject property is proposing to subdivide the property into two lots. In order to do this, they need to:

a) Demolish the northern portion of the existing house so that it is not located over the new lot line (see Appendix ‘C’); and

b) Obtain approximately 11m² from the neighbour to the south at 4431 Stone Crescent to enable each of the proposed lots to meet the minimum required lot area of 1,115m².

With the northern portion of the existing house demolished, this alters the average grade for the portion to be retained and results in it exceeding the maximum permitted height. As a result, in order to retain the southern portion of the house, it requires the following height variance:

<table>
<thead>
<tr>
<th></th>
<th>Bylaw</th>
<th>Proposed</th>
<th>Variance</th>
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<tbody>
<tr>
<td>Maximum Height</td>
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<tr>
<td>(Existing House on Lot 2)</td>
<td>7.62m</td>
<td>9.85m</td>
<td>2.23m</td>
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It is important to note that as a result of this subdivision and approval of this height variance, the actual physical height of the house will not change, rather the baseline from which the height of the house is measured changes.

3.3 Evaluation

The subject lot is much larger than most of the other lots in the neighbourhood (most lots range from 1088m² to 1455m² in area). As a result, if a subdivision was not permitted, the zoning bylaw would allow for an approximately 776m² (8360 sq. ft.) house plus basement and garage. The proposal results in two lots of 1115m² in area and two houses of approximately 390m² in size which complements the permitted size of other houses in the neighbourhood.

The proposed demolition of the northern portion of the existing house results in the proposed height variance for the existing house on proposed Lot 2. This results from how the zoning bylaw measures the maximum height of a house from an average grade around the house perimeter. As the northern portion of the house is located higher than the southern portion, demolition of it drops the average grade and puts the existing house over height, even though no changes will be made to it.

Any new house that is to be constructed on proposed Lot 1 located within 15m of top of watercourse bank, will need to apply for an environmental development permit and comply with the guidelines in the Official Community Plan. Due to the requirements of the watercourse protection guidelines, a new house on Lot 1 will have to be constructed up near the road, away from the creek. The details on the design and location of that house will be determined by a subsequent Environmental Development Permit.

The proposed development permit also requires retention and protection of all trees with a minimum diameter of 200mm located within the front yard and the boulevard. As a result, approximately eight trees will be retained. This will ensure healthy trees are retained and views of a new house on proposed Lot 1 will be partially mitigated.

In order to help minimize site manipulation and disturbance, the proposed permit also restricts blasting on the lots to a maximum of 0.75 times the footprint of the house to a maximum of 300m³ (this is half the permitted amount under the Districts current rock blasting bylaw).

3.4 Sustainability

The proposed development permit requires any new house on proposed Lot 1 or 2 to meet a minimum Energuide Rating of 90 and install electrical conduit to allow for roof mounted solar and electric vehicle charging.

3.5 Consultation/Communications Process

Consistent with the Development Procedures Bylaw, notification of the application is to be mailed to all owners/occupiers of property within 100 metres of the subject site.

3.6 Conclusion

Subject to additional comments or concerns being raised on the project at the Council meeting, staff support the proposal for the following reasons:
• The proposed subdivision results in lot sizes (and the resulting house sizes) that are consistent with existing properties in the neighbourhood compared to the existing lot;
• The proposed subdivision will not further impact the riparian area or steep slopes compared to redevelopment of the existing lot;
• The proposed development permit reduces the permitted rock blasting volume on both lots compared to the allowances for the existing property;
• Invasive species will be removed from the site and the disturbed areas replanted with native riparian plant species;
• Existing trees located within the front yard of proposed Lot 1 and boulevard are to be protected. The existing hedge will be protected as much as possible while still allowing for a new driveway to proposed Lot 1.

4.0 Options

4.1 At the time of consideration of 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 Application No. 11-042; or
(b) approve issuance of a modified Development Permit Application No. 11-042; or
(c) request more information; or
(d) reject the application.

Author: [Signature]

Concurrence ______________________

Appendices:
A: Context Plan
B: Site Plan of existing lot and house
C: Site Plan with proposed lots and partial house demolition
D: Proposed Development Permit No. 11-042 including proposed subdivision plan
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District of West Vancouver
PROPOSED
Development Permit No. 11-042

Current Owner: Susan Richardson

This Development Permit applies to:

Civic Address: 4435 Stone Crescent

Legal Description: 009-681-400
Lot 6 Block E District Lot 582 Plan 9350
(the ‘Lands’)

1. This Development Permit:
   (a) imposes requirements and conditions for the development of the Lands: which are designated by the Official Community Plan as Development Permit Areas to avoid hazardous conditions, ensure greater environmental compatibility of development on sloping sites, protect the natural environment on difficult terrain, minimize site disturbance, and protect and enhance watercourses within the Existing Neighbourhood’s; and are subject to Guidelines NE6 and NE13 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. The following requirements and conditions shall apply to the Lands:

2.1 The Lands may only be subdivided and developed in accordance with the plans attached as Schedule ‘A’ and ‘B’. Notwithstanding, the Approving Officer may determine that the subdivision plan conforms to the Development Permit plan if there is a minor difference between the Development Permit plan and Subdivision Plan that does not materially affect the intent of the plans attached to this Development Permit or is a technical requirement of the subdivision.

2.2 The Zoning Bylaw No. 4662, 2010, as amended, Section 203.10 (Building Height) is varied to allow the existing house on proposed Lot 2, to be 9.85m in height.

2.3 All trees of a diameter at breast height of at least 200mm, located within 9.1m of the front property line or within the boulevard adjacent to the Lands, must be retained and protected unless
approval in writing is provided by the Director of Planning, Land Development and Permits.

2.4 A new driveway to Lot 1 shall be located to avoid removal of existing trees and minimize removal of existing hedges.

2.5 On-site landscaping shall be installed at the cost of the Owner in accordance with the attached Schedule B.

2.6 The following works shall be provided, generally in accordance with Schedule B, at the cost of the Owner:

(a) All new required services to the lots; and

(b) All riparian area remediation and replanting.

2.7 Prior to commencing site work or Building Permit issuance, whichever occurs first, the Owner shall:

(a) provide and implement a plan for traffic management during construction, to the satisfaction of the Manager of Development Engineering;

(b) submit a tree protection plan for all trees to be protected under 2.2 above to, and obtain approval from the Environmental Protection Officer;

(c) submit an Erosion and Sediment Control Plan to, and obtain approval from, the Environmental Protection Officer; and

(d) install the measures approved under 2.7 above.

2.8 Prior to Building Permit issuance:

(a) A landscaping plan for the boulevard adjacent the lands must be submitted to, and approved by, the Director of Planning, Land Development and Permits and shall:

(i) provide for retention and protection of existing trees and hedges; and

(ii) complement the existing character of the boulevard within Stone Crescent.

(b) the owner shall provide a report and plans from a Registered Professional Biologist addressing:

(i) removal of invasive species on the Lands; and

(ii) remediation and replanting of the area within 15m of top of watercourse bank with native riparian plants.

(c) a Section 219 Covenant shall be placed on the property requiring:

(i) That for new houses, or significant renovations to existing houses that result in more than 75% of the structure above foundations being replaced on either Lot 1 or 2, the owner shall:
a. install electrical conduit to allow for roof mounted solar and electric vehicle charging;

b. achieve a minimum Energuide Rating of 90 or equivalent standard at the time of building permit application.

(ii) An audit report from a qualified professional confirming the Energuide Rating be provided to the Director of Planning, Land Development and Permits prior to final inspection of a new or renovated house confirming the post construction Energuide Rating of the building.

(iii) That the maximum rock blasting and breaking limit for both Lots is a maximum of 0.75 the house footprint to a maximum of 300m³.

2.9 The landscape plan approved under 2.8 (a) shall be installed prior to final inspection of any building located on the Lands.

2.10 security for the date and proper completion of the on-site landscaping and environmental protection set forth in Section 2.8 of this Development Permit shall be provided in the amount of $20,000 to the District in the form of cash or an unconditional, irrevocable auto-renewing letter of credit issued by a Canadian chartered bank or credit union and shall be maintained for a minimum of one year after installation of the landscaping, and not prior to the date on which the District authorizes in writing the release of the security.

3. This Development Permit lapses if the work authorized herein is not commenced within 12 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 3, THIS PERMIT IS ISSUED ON _____________.

Schedules:

A – Subdivision Plan prepared by Chapman Land Surveying Ltd dated May 1, 2013