COUNCIL REPORT

Date: February 6, 2015
From: James Allan, Community Planner
Subject: Proposed Development Permit No. 13-070 for 5051 Howe Sound Lane

RECOMMENDED THAT:

1. The Municipal Clerk give notice that Development Permit Application No. 13-070 for 5051 Howe Sound Lane to allow for subdivision of the property into two new lots, will be considered by Council at its meeting on March 30, 2015.

Purpose

The purpose of this report is to provide information to Council on Development Permit Application No. 13-070 for 5051 Howe Sound Lane to allow for subdivision of the property that contains steep terrain, into two new lots.

The proposed Development Permit will be considered by Council at the meeting on March 30, 2015.

1.0 Background

1.1 Prior Resolutions

n/a

1.2 History

The original house on the subject property was constructed in 1946 with additions constructed in the 1950s, 1970s and 1980s.

2.0 Policy

2.1 Policy

The Official Community Plan designates sites that contain steep topography which are proposed to be subdivided as development permit areas subject to approval by Council.
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 Discussion

The subject property is zoned RS3, is 3775m$^2$ in area and contains an existing two storey house and garage. The property is the one of the largest in the area and is adjacent to Howe Sound Lane to the east, Klootchman Park to the west and a park trail to the north. A number of mature trees are located on the site.

The site slopes up from Howe Sound Lane to a rock knoll on which the existing house is sited, before sloping steeply down to the park to the east and the neighbouring property to the south (at 5037 Howe Sound Lane). Given the very large area of the property, which under the existing zoning regulations would allow for a house of up to 1321m$^2$ in floor area (plus basement and garage exemptions), the owners are proposing to subdivide the property into two new lots, one of which will contain the existing house and driveway.

**Proposed Subdivision**

The proposed subdivision would create two new lots; proposed Lot 'A' would contain the existing house and driveway and proposed Lot 'B' would be vacant. The minimum lot size in the RS3 zone is 1115m$^2$ and even after subdivision, the proposed new lots exceed this. As a result, the owner has agreed to limit the permitted floor area for each lot as shown in Table 1:

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Existing/Proposed Lot Area</th>
<th>Allowable Floor Area$^1$</th>
<th>Proposed Floor Area$^2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing subject property</td>
<td>Existing area: 3775m$^2$</td>
<td>1321m$^2$</td>
<td>n/a</td>
</tr>
<tr>
<td>Proposed Lot 'A' (north lot) – with existing house to be retained</td>
<td>Proposed: 2348m$^2$</td>
<td>822m$^2$</td>
<td>800m$^2$</td>
</tr>
<tr>
<td>Proposed Lot 'B' (south lot)</td>
<td>Proposed: 1427m$^2$</td>
<td>499m$^2$</td>
<td>499m$^2$</td>
</tr>
</tbody>
</table>

$^1$ plus additional floor area exemptions in basement and garage

$^2$ with no exemptions i.e. inclusive of basement and garage
In addition to the proposed floor area restrictions, rock removal will be restricted on the site to 250m$^3$ on proposed Lot 'A' and 200m$^3$ on proposed Lot 'B'. Given the proposed allowable house sizes and expected house footprints on each lots, the proposed restrictions amount to approximately half of the allowable rock blasting/breaking than would normally be permitted on the lots.

With respect to Lot 'B', a future house could be constructed in a complying location, on top of the rock knoll. However, in order to provide for a two-car garage in a complying location on the lot (i.e. 9.1m from the front yard), the topography of the lot would result in the garage being pushed into the rock knoll and almost 200m$^3$ of blasting. As a result, staff worked with the owner to locate a future garage within the front yard, with a 'side access' (i.e. the door faces the side property line, not the front) which requires the following variances:

<table>
<thead>
<tr>
<th>Table 2</th>
<th>Bylaw</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Front Yard to garage</td>
<td>9.1m</td>
<td>1.8m</td>
<td>7.3m</td>
</tr>
<tr>
<td>Minimum Side Yard to garage</td>
<td>3.0m</td>
<td>1.5m</td>
<td>1.5m</td>
</tr>
</tbody>
</table>

A condition of the proposed Development Permit requires landscaping to be installed between the garage and the street. The proposed location of a 'side access' garage and driveway on Lot 'B' with the proposed zoning variances allows:

(a) The required blasting to be reduced to approximately 2m$^3$,

(b) Enough space for two vehicles to park in front of the garage, and

(c) A mature cedar to be retained within the front yard.

With the exception of trees that are located within the proposed building envelopes and approximately 5 trees that need to be removed for the proposed garage and driveway on Lot 'B', all other trees on the site are to be retained.

Conclusion

Subject to additional correspondence received by Council, staff support the proposed subdivision as:

a) The lot is one of the largest in the area and the proposed subdivision results in lot sizes (1427m$^2$ and 2348m$^2$) that better align with those of the established lot areas around the subject site (approximately 1100m$^2$ to 2837m$^2$),

b) The proposed variances to allow a garage to be located within the front yard of proposed Lot 'B' reduces site disturbance and rock removal from that of a complying garage location; and

c) The proposed reduction in rock removal and permitted house size result in better integration of future houses into the neighbourhood and less site disturbance.
3.2 Sustainability

The proposed development permit requires any new house on proposed Lot ‘A’ or ‘B’, or a significant renovation of the existing house on Lot ‘A’, to meet a minimum Energuide Rating of 90 and install electrical conduit to allow for roof mounted solar and electric vehicle charging.

3.3 Consultation

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.

3.4 Communications Process

See Consultation under 3.3 above.

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 the proposed Development Permit No. 13-070; or
(b) approve issuance of a modified Development Permit No. 13-070 (to be specified); or
(c) request more information (to be specified); or
(d) reject the application.

Author: [Signature]

Concurrence

Appendices:
A: Context Plan
B: Proposed Development Permit No. 13-070 including proposed plan of subdivision
District of West Vancouver
PROPOSED
Development Permit No. 13-070

Current Owners: Tadeusz and Monika Van Wollen
5051 Howe Sound Lane
West Vancouver BC V7W 1L3

This Development Permit applies to:

Civic Address: 5051 Howe Sound Lane

Legal Description: 011-306-891
Lot 3 Block 3 District Lot 811 Plan 4763
(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 a Development
       Permit Area to avoid hazardous conditions, ensure greater environmental
       compatibility of development on sloping sites, protect the natural environment
       on difficult terrain and minimize site disturbance; and are subject to
       Guidelines NE6 specified in the Official Community Plan; and
   (b) varies and supplements the District's Zoning Bylaw No. 4662, 2010 as
       follows and on the conditions set out below; and
   (c) 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. Zoning Bylaw No. 4662, 2010 is varied in:
   (a) Section 203.07 (Front Yard) and Section 203.09 (Side Yard) to allow the a
       garage to be located on Lot 'B' in the location labelled "Concept Garage"
       with a front yard of 1.8m and a side yard of 1.5m.

3. The following requirements and conditions shall apply to the Lands:

   2.1 Subdivision of the Lands shall take place in accordance with the
       attached Schedule 'A'. 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 owner shall modify the deck on the existing house to be located
       on proposed Lot 'A', so that it complies with the required side yard to
       the new lot line as shown in Schedule 'A'.

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2.3 All trees greater than 200mm DBH located outside the building envelope and not identified for removal as shown in Schedule 'A' shall be retained. Any proposed tree removal or modification, beyond general maintenance, must be submitted in writing to the Director of Planning, Land Development and Permits. The Director may approve or not the application at their sole discretion.

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

(a) Submit to, and receive written approval from the Environmental Protection Officer, a Tree Protection Plan for all trees and significant vegetation to be protected per 2.3 above.

(b) Install the Tree Protection Measures approved under 2.4 (a) to the satisfaction of the Environmental Protection Officer.

2.5 The Tree Protection Measures may only be removed upon the written approval the District Environmental Protection Officer.

2.6 Prior to Building Permit issuance:

(a) a Section 219 Covenant shall be placed on the property at the cost of the Owners:

(i) Requiring all buildings to be located within the building envelopes as shown in Schedule 'A', except a garage on Lot 'B' must be located within the front yard in the area labeled as "Concept Garage" and a driveway generally in the location as shown in Schedule 'A'.

(ii) Rock blasting and breaking shall be limited to 250m³ on Lot 'A' and 200m³ on Lot 'B', unless a greater quantity is deemed necessary by the Manager of Development Engineering, in order to allow adequate driveway access.

(iii) New houses on either Lot A or B, or a significant renovation of the existing house on Lot A consisting of replacement of more than 75% of the existing structure above foundation, shall:

a. achieve a minimum Energuide Rating of 90; and
b. Install electrical conduit to allow for electric vehicle charging and roof mounted solar infrastructure.

(iv) The permitted floor area for all buildings on Lot 'A' shall be limited to 800m² inclusive of basement and vehicle parking areas.

(v) The permitted floor area for all buildings on Lot 'B' shall be limited to 500m² inclusive of basement and vehicle parking areas.

(vi) The Owners shall install and maintain non-invasive landscaping a minimum of 1.2m in height on the east elevation of a garage (between the garage and Howe Sound Lane) located within the front yard of Lot 'B'.
3. This Development Permit lapses if the proposed subdivision authorized herein is not commenced within 12 months of the date this permit is issued.

In the event the Owners are 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 Owners, 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 Owners shall not be viewed as a cause beyond the control of the Owners.

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.

Owners:  Signature   Owners:  Print Name above   Date

FOR THE PURPOSES OF SECTION 3, THIS PERMIT IS ISSUED ON

Schedules:

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