

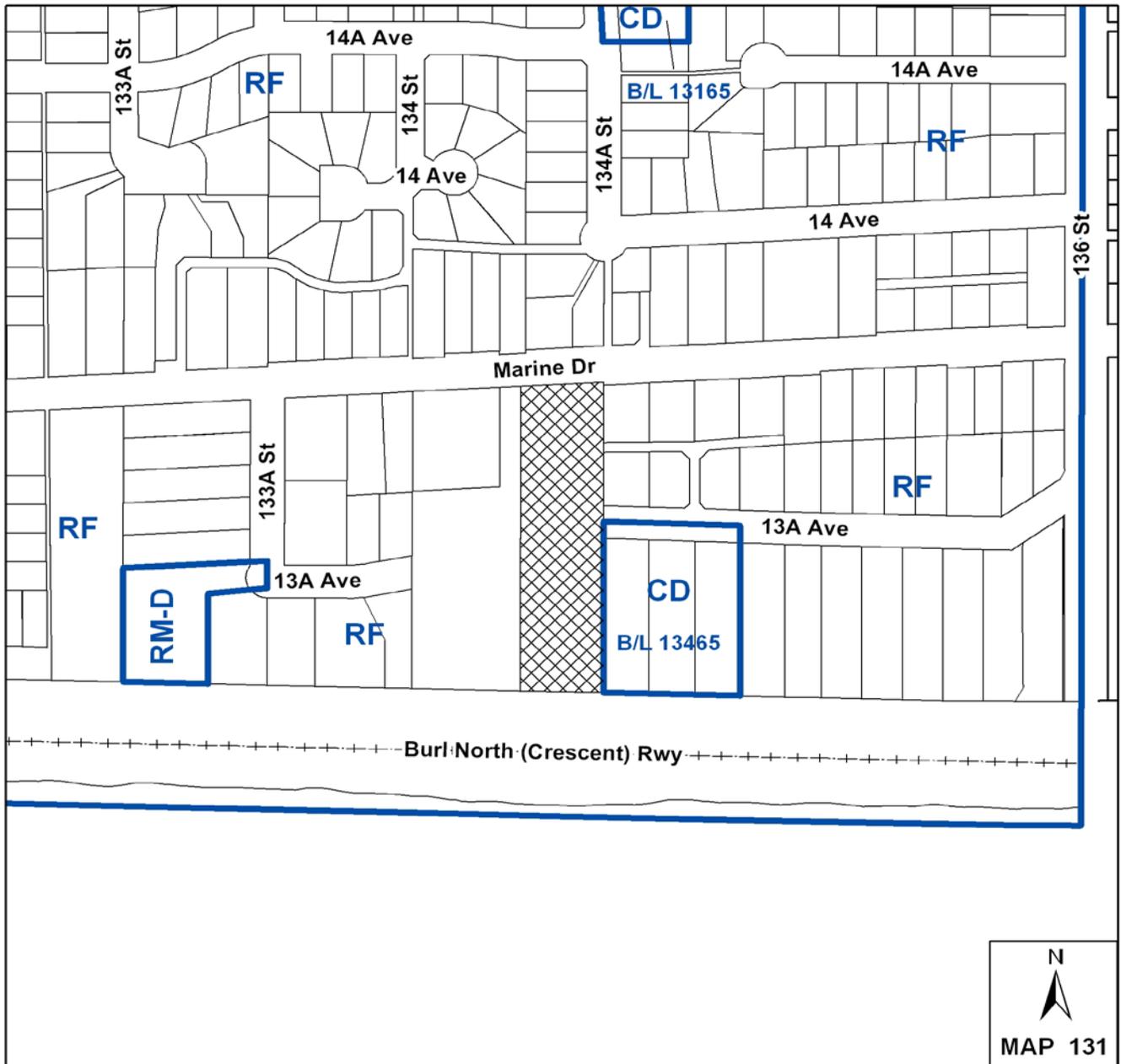
**Proposal:** DVP to adjust the front, rear and side yard setbacks on several proposed lots to allow retention of an existing garage and mature trees.

**Recommendation:** Approval to Proceed to Public Notification

**Location:** 13444 Marine Drive      **Zoning:** RF

**OCP Designation:** Urban

**LAP Designation:** Urban Res.      **Owner:** Verian Farnsworth



## PROJECT TIMELINE

Completed Application Submission Date: June 7, 2006  
Planning Report Date: November 20, 2006

## PROPOSAL

The applicant is proposing:

- a Development Variance Permit on a proposed subdivision to vary the following by-law regulations:
  - to reduce the minimum front yard setback of the RF Zone from 7.5 metres (25 ft.) to 6 metres (19.7 ft.) for proposed Lots 1 and 2 provided the rear yard and side yard setbacks are increased generally in accordance with the Schedule A in the DVP;
  - to reduce the minimum front yard setback of the RF Zone from 7.5 metres (25 ft.) to 5 metres (16.4 ft.) for proposed Lot 3 provided the rear yard setbacks are increased generally in accordance with Schedule A in the DVP; and
  - to reduce the minimum front yard setback of the RF Zone from 18.0 metres (60 ft.) to 4.4 metres (14.4 ft.) for an existing garage on proposed Lot 5

in order to allow retention of an existing garage and mature trees.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7906-0251-00, (Appendix VIII) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum front yard setback of the RF Zone for principal buildings from 7.5 metres (25 ft.) to 6.0 metres (19.7 ft.) for proposed Lots 1 and 2 provided that the rear yard and side yard setbacks are increased generally in accordance with Schedule A in the DVP;
  - (b) to reduce the minimum front yard setback of the RF Zone for principal buildings from 7.5 metres (25 ft.) to 5.0 metres (16.4 ft.) for proposed Lot 3 provided that the rear yard and side yard setbacks are increased generally in accordance with Schedule A in the DVP; and
  - (c) to reduce the minimum front yard setback of the RF Zone for accessory buildings from 18.0 metres (60 ft.) to 4.4 metres (14.4 ft.) for an existing garage on proposed Lot 5.

2. Council instruct staff to resolve the following issues prior to approval:
- (a) submission of a subdivision layout to the satisfaction of the Approving Officer;
  - (b) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect; and
  - (c) registration of a Section 219 Restrictive Covenant on all lots to establish permitted building envelopes and protect existing trees.

### REFERRALS

Engineering:	The Engineering Department has no objection to the proposed DVP. The applicant will be required to complete the Engineering servicing requirements as identified in the attached (Appendix IV) as a condition of subdivision.
Building Division:	The Building Division has reviewed and accepted the geotechnical report prepared by Levelton Consultants and dated October 12, 2006, as amended (Appendix VI). The report must be registered through a Restrictive Covenant on each of the proposed lots as a condition of subdivision.

### SITE CHARACTERISTICS

- **Existing Land Use** One single family dwelling and garage to be retained on proposed Lot 5.
- **Significant Site Attributes** The site is heavily treed and slopes moderately down from Marine Drive to the south side (bluff side) of the property.
- **East, West and North:** Single family dwellings, zoned RF, designated Urban in the OCP and Urban Residential in the Local Area Plan. Staff have received a subdivision application (No. 7906-0128-00) for 13416 Marine Drive, just to the west, which is at a preliminary stage and has not yet received a Preliminary Layout Approval.
- **South:** Burlington Northern Railway and Semiahmoo Bay, zoned RF, designated Urban in the OCP and Open Space in the Local Area Plan.

### PLAN AND POLICY COMPLIANCE

OCP Designation:	Urban. Complies.
Semiahmoo Peninsula LAP Designation:	Urban Residential. Complies.

## DEVELOPMENT CONSIDERATIONS

### Development Proposal

- The applicant proposes to subdivide the subject property (2.25 acre), which is zoned Single Family Residential (RF), into five (5) single family residential lots. The existing single family dwelling and garage is to be retained on proposed Lot 5, with future redevelopment potential of this lot (Appendix III).
- The proposed development complies with the "Urban Residential" designation in the Semiahmoo Peninsula Local Area Plan (LAP), and will achieve a density of 2 units per acre (5 units per hectare), and the lot sizes will range from 719 m<sup>2</sup> (7,739 ft<sup>2</sup>) to 4,225 m<sup>2</sup> (1.0 acre).
- There were several key constraints identified as part of the potential design of the subdivision of this site. These include the desire by the applicant to retain several existing mature trees on the site, as well as an existing garage, which is in good condition. These constraints require Bylaw relaxations to allow reduced front yard setbacks. As a result, a Development Variance Permit (DVP) application has been requested.

### Proposed Subdivision Pattern

- The site is located near the bluff, in a heavily treed area surrounded by single family subdivisions. The surrounding road patterns have been established, therefore, there are very limited opportunity for radical changes to the development pattern in order to save more trees. Therefore, site/lot specific measures are proposed to address this issue.
- The subdivision pattern is consistent with adjacent developments and will extend 13A Avenue and provide rear lane access to the lots fronting Marine Drive, an arterial road, as required in the City's road concept plan. It should be noted that the City's road concept originally showed the lane to extend east-west across a northern portion of the subject property (Appendix IX). However, it was determined that this configuration would require the removal of a significant stand of trees that could be retained within the lots if the lane did not traverse the site. As a result, staff worked with the applicant to minimize the impact of roadways, and the east-west connection was eliminated. Instead, the applicant proposes a lane extension running north from 13A Avenue, which will provide rear lane access for proposed Lot 1. Proposed Lot 2 will have rear lane access from the existing lane, which abuts the subject property to the east. The Transportation Division supports the proposed road pattern.
- The applicant will also be required to register a Section 219 Restrictive Covenant for "no build" over the westerly 6.0 metres (19.7 ft) of proposed Lot 1 for future consolidation with the panhandle of the adjacent property at 13404/13424 Marine Drive, in order to create a future lot fronting Marine Drive as per the concept plan shown in Appendix III. This requirement will be imposed as part of the subdivision approval process.

- The proposed lots will require front yard relaxations to enable an existing garage and mature trees to be retained. These are discussed in the DVP section below. Increased rear yard setbacks will be required on these lots to achieve this reduction. Additionally, Restrictive Covenants will be required to be registered to limit building envelopes to ensure tree retention as a condition of the issuance of the proposed DVP.

### Geotechnical Assessment & Lot Grading

- The property is moderately sloped from Marine Drive to the oceanfront edge along southern boundary. A geotechnical assessment report (Appendix VI), prepared by Levelton Consultants Ltd. and dated October 12, 2006, confirmed that the soil and groundwater conditions of this site are suitable for the proposed development. The recommendations of this report will be further be tied to the proposed lots through a Section 219 Restrictive Covenant as a condition of subdivision to ensure that any improvements made on the site comply with the recommendations made in this report.
- The Geotechnical Report recommends that the re-use of native soils and existing fill for site grading be limited to a maximum of 300 mm in thickness and be nominally compacted to limit post-construction settlement.
- A preliminary Lot Grading Plan, prepared by H.Y. Engineering and dated August 2006, confirms that the new homes will be able to achieve in-ground basements without any significant filling. This Plan has been reviewed by staff and deemed acceptable.
- It should also be noted that the proposed lots are located within the northern portion of the site and no changes are proposed on the bluff side of the property where the existing house and garage will be retained.

### Tree Preservation

- Norman Hol of Arbortech Consulting Ltd. prepared the Arborist Report and Tree Preservation/Replacement Plans for this development. This information has been reviewed by the City's Landscape Architect and deemed acceptable.
- The Arborist Report identifies 98 protected trees on the subject property, including a mix of species, growing in a forested condition, including Western Red Cedar (48), Grand Fir (27), Douglas Fir (6), and Big Leaf Maple (17). The Arborist determined that approximately 50% of these trees are in fair or better condition, and the remainder in poor or worse condition.
- All measures have been taken to protect trees, however, certain constraints have shaped the opportunities for tree retention:
  - There is an established development pattern in this neighborhood;
  - The extension of 13A Avenue, and rear lane access are required, particularly for lots fronting Marine Drive, which is an arterial road. The lane, however, will not traverse the site;
  - Large lots (RF) proposed which exceed the minimum lot width, depth and area of the zoning requirements;
  - Building envelopes have been shifted based on the proposed variances; and

- Restrictive Covenant(s) will be required to restrict the building envelopes and maximize tree retention and replacement opportunities.
- As a result, the Arborist recommends 75 trees to be removed, including 1 tree declared hazardous, and 23 trees to be retained (Appendix VII). In addition, the Arborist recommends 20 replacement trees to be planted throughout the development site.
- Despite efforts made to retain 23 significant trees noted above, the proposed number of replacement trees is in deficit of the 2:1 replacement ratio by 128 trees. The applicant has agreed to address this shortfall through a financial contribution of \$33,750.00 to the City Green Fund and approximately \$5,000 in increased upsizing of replacement trees, for a total of approximately \$38,000.00 of compensation as a condition of final subdivision approval.

### Building Design

- The applicant has retained Carolyn Stewart as the Design Consultant. The Design Consultant conducted a character study of the surrounding homes and based on the findings of the study, proposed a set of building design guidelines (Appendix V). A Building Scheme shall be registered on the title of each lot as a condition of subdivision in order to ensure that the homes are compatible with the emerging character of the surrounding neighborhood.
- The new homes will be consistent in design with the emerging residential character of the neighborhood. Design styles proposed include Neo-Traditional and Neo-Heritage, and will incorporate the following key elements:
  - no rancher or basement-entry style dwellings will be permitted, only two storey dwellings;
  - tree preservation will determine the dwelling design,
  - balanced massing, particularly on the front facades;
  - high trim and detailing standard;
  - earth/grey tones, off-white, black and complimentary colors on the exterior;
  - combination of materials such as stucco, cedar, cementitious siding (woodgrain look), cultured brick and stone;
  - roof pitch variations from 3:12 to 12:12; and
  - roof materials consisting of either cedar, concrete or duroid roof tiles in shake profile.
- Secondary suites are prohibited in this development.
- Access to lots fronting Marine Drive will be from the existing and proposed rear lane.

BY-LAW VARIANCES AND JUSTIFICATION

## (a) Requested Variance:

- To relax the front yard setback, in the RF Zone, to the principal building, from 7.5 metres (25 ft) to 6.0 metres (19.7 ft) for proposed Lots 1 and 2 (Appendix VIII); and
- To relax the front yard setback, in the RF Zone, to the principal building, from 7.5 metres (25 ft) to 5.0 metres (16.4 ft) for proposed Lots 3 and 4; and

## Applicant's Reasons:

- The reduced front yard setbacks on proposed lots 1 to 4 will enable the retention of several trees in the rear yards of these lots;

## Staff Comments:

- The subject property is heavily treed, so the reduced front yard setbacks on proposed lots 1 to 4 will enable the retention of a significant stand of trees eight (8) trees, including four Cedar and four Fir trees, ranging in size from 51 cm – 1.28 m diameter at chest height; and
- The applicant's Arborist and Design Consultant have confirmed that the proposed variance, and increased rear yard and side yard setbacks (generally in accordance with Schedule A in the DVP), will directly improve tree retention within the development and still provide sufficient building envelopes within the lots.
- Additionally, a Section 219 Restrictive Covenant will be required to be registered on lots 1 to 4 to establish permitted building envelopes and protect these trees.
- The relaxations on the front yard setback are contingent upon increased rear yard and side yard setbacks, generally in accordance with Schedule A in the DVP.

## (b) Requested Variance:

- To relax the front yard setback, in the RF, to the existing garage from 18.0 metres (60 ft) to 4.4 metres (14.4 ft) on proposed Lot 5 (Appendix VIII).

## Applicant's Reasons:

- The reduced front yard setback on proposed Lot 5 will enable the retention of an existing garage.

## Staff Comments:

- The applicant has demonstrated that the existing garage is in good condition, and the design consultant has confirmed that the garage will be compatible with the character of the new homes constructed on Lots 1 to 4; and

- The variance applies only to the existing garage. If removed, any new structures on this lot must be built in accordance with the Bylaw requirements.

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Contour Map
Appendix III.	Proposed Subdivision Layout
Appendix IV.	Engineering Summary
Appendix V.	Building Design Guidelines Summary
Appendix VI.	Geotechnical Report
Appendix VII.	Summary of Tree Survey and Tree Preservation
Appendix VIII.	Development Variance Permit No. 7906-0251-00
Appendix IX.	Existing Road Concept Plan

### INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated November 8, 2006.
- Building Scheme dated October 6, 2006.
- Neighbourhood Character Study dated October 6, 2006.
- Tree Survey Plan dated October 2, 2006.
- Arborist Report dated October 2, 2006.
- Lot Grading Plan dated August 2006.
- Geotechnical Study prepared by Levelton Engineering Solutions dated October 12, 2006.
- Soil Contamination Review Questionnaire prepared by Michael von Hausen dated June 5, 2006.

How Yin Leung  
Acting General Manager  
Planning and Development

LCR/kms

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## SUBDIVISION DATA SHEET

**Proposed Zoning: RF**

Requires Project Data	Proposed
<b>GROSS SITE AREA</b>	
Acres	2.25 acres
Hectares	0.91 ha
<b>NUMBER OF LOTS</b>	
Existing	1
Proposed	5
<b>SIZE OF LOTS</b>	
Range of lot widths (metres)	22.4 m (73.5 ft.) - 46.6 m (152.9 ft.)
Range of lot areas (square metres)	719 m <sup>2</sup> (7.739 sq.ft.) - 4,225 m <sup>2</sup> (1,0 acre)
<b>DENSITY</b>	
Lots/Hectare & Lots/Acre (Gross)	2 upa (5 upha)
Lots/Hectare & Lots/Acre (Net)	
<b>SITE COVERAGE (in % of gross site area)</b>	
Maximum Coverage of Principal & Accessory Building	34%
Estimated Road, Lane & Driveway Coverage	17.8%
Total Site Coverage	51.8%
<b>PARKLAND</b>	
Area (square metres)	
% of Gross Site	
	<b>Required</b>
<b>PARKLAND</b>	
5% money in lieu	YES
<b>TREE SURVEY/ASSESSMENT</b>	
	YES
<b>MODEL BUILDING SCHEME</b>	
	YES
<b>HERITAGE SITE Retention</b>	
	NO
<b>BOUNDARY HEALTH Approval</b>	
	NO
<b>DEV. VARIANCE PERMIT required</b>	
Front Yard Setbacks	YES
Works and Services	NO
Building Retention (Front Yard Setback)	YES
Others	NO

CONTOUR MAP FOR SUBJECT SITE

