



**PRESENTED:** February 04, 2020 **REPORT:** 20-013  
**FROM:** Resort Experience - Planning **FILE:** CM121  
**SUBJECT:** CM121 – 7409 TREETOP LANE - COVENANT MODIFICATION

**That** the recommendation of the General Manager of Resort Experience be endorsed.

**That** Council approve the modification of Covenant BP030199 and Covenant BP030209, both for 7409 Treetop Lane, to permit modifications to the building envelope and tree preservation area, as per the Site Plan, and Elevation labelled A-01 and A-06, both dated January 17, 2020, prepared by Progressive Concept Design, and attached as Appendix “B” to this, Council Report No. 20-013; and

**That** the following matter be completed to the satisfaction of the General Manager of Resort Experience prior to registration of the covenant modification:

- ## REFERENCES

## PURPOSE OF REPORT

This report seeks Council's approval of Covenant Modification Application CM121, an application to amend covenant BP030199, and BP030209, both applicable to 7409 Treetop Lane, to modify the shape of the Building Envelope and Tree Preservation Area to allow development of a proposed single family dwelling.

## **DISCUSSION**

### **Background**

The subject property is located at 7409 Treetop Lane in the Nesters Hill neighbourhood, as shown on the Site Location Map attached as Appendix “A”. All of the properties on this street are subject to covenants for tree preservation, building envelopes, preferred driveway locations, re-vegetation areas, and maximum geodetic elevations for the second storey of the building. These were established at the time of original subdivision. Subsequently a number of these agreements have been modified to permit slightly higher second storey elevation, to alter the tree preservation areas, and to alter the building envelopes.

As shown on the proposed Site Plan (Appendix “B”) the rear third of the subject parcel slopes steeply up to the west. This hillside is forested with a mix of mature and young trees, and is unaffected by the proposed modifications. The existing tree preservation covenant includes this forested hillside and also extends onto the level area below to cover approximately half of the lot; the current building envelope is limited to the front portion of the property.

The tree preservation covenant requires only that no trees be removed, and does not specifically limit development in the area. The development covenant establishes the building envelope as coincidental with the tree preserve boundary, and limits dwellings to being constructed within the envelope. The agreement also sets out further restrictions in relation to maximum second storey elevations, re-vegetation areas, and specifies that existing trees and vegetation in the tree preservation area shall not be removed or have building foundations within 3 metres of them.

### **CM121 Proposal**

This proposal seeks to extend the building envelope farther to the rear of the parcel, adjust the tree preservation area boundary to align with the extended building envelope, and permit at grade patio improvements in a portion of the tree preservation area, all as shown on the site plan attached as Appendix “B”. At the same time the applicants wish to create additional areas of tree preservation that equal the area given over to the modified building envelope. This re-allocation will result in an extended building envelope but no net loss of tree preserve area.

Staff note that there are currently no trees in the area proposed for the modified building envelope, nor are there any trees within 3 metres of the proposed foundation in the modified building envelope. Although no trees will be affected by the modification, the applicant proposes to plant a total of 3 trees in a portion of the existing tree preserve area, and 8 more in one of the re-allocated tree preserve areas, which will result in a net gain of trees on the site. It is noted that the proposed plantings are deciduous species thus they are supported under FireSmart principles and are consistent with the Wildfire DP guidelines in the draft OCP.

### **Analysis**

The extended building envelope allows the development of a dwelling with a main floor area that accommodates ‘single storey living’; accordingly, while the floor will be accessed via a set of stairs from the front door, once on the main floor one can access bedrooms, kitchen and living room, as well as the back patio without having to navigate another set of stairs. This is consistent with creating flexible and adaptable homes to suit a variety of types of resident and/or evolving family needs.

The proposal does not seek to modify the other aspects of the covenants such as floor elevations. The proposal includes a suite for employee housing, as required by covenant. The proposal is considered to be consistent with the regulations under the zoning bylaw and does not require any variances.

As shown in the three dimensional reference images attached as Appendix “C”, the proposed development of the lot is consistent with the adjacent properties with respect to building height and massing, and maintains a portion of the level area at the rear of the building envelope to create roughly 3-4 metres of separation from the base of the hillside and to enable a level yard and patio space.

## WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	<p>Building design and construction and operation is characterized by efficiency, durability and flexibility for changing and long-term uses.</p> <p>Continuous encroachment on nature is avoided.</p> <p>Landscaped areas consist of native plant species that eliminate the need for watering and chemical use.</p>	<p>With respect to flexibility for changing and long-term uses, the proposed modification is driven by a desire to construct a home with a main floor that accommodates single floor living.</p> <p>The proposed dwelling also includes the mandatory employee suite, as per one of covenants on title.</p> <p>The portion of the tree preservation area that is to be modified has no trees on it.</p> <p>The applicant is proposing to dedicate an equivalent area as new tree preserve area, consequently there is no net loss of tree preserve overall.</p> <p>Also, the applicant is proposing to plant suitable tree species in some of the new tree preserve area, resulting in a net increase of trees on the site.</p>
Natural Areas	<p>A policy of no net loss is followed and no further loss is preferred.</p>	<p>The proposed planting plan and reconfiguration of the tree preserve area will result in no net loss of tree preserve, and in a new increase in trees on the site.</p>

CM121, a proposal to modify the building envelope and tree preservation areas, does not move our community away from any of the adopted Whistler2020 Descriptions of Success.

## OTHER POLICY CONSIDERATIONS

The proposed modifications to the building envelope and tree preserve area are consistent with RMOW Zoning and Parking Bylaw No. 303, 2015, and other municipal policies.

## BUDGET CONSIDERATIONS

There are no budget considerations.

## COMMUNITY ENGAGEMENT AND CONSULTATION

There are no consultation requirements for this type of application.

## **SUMMARY**

This report seeks Council's approval to amend covenants BP030199 and BP030209, both applicable to 7409 Treetop Lane, to modify the building envelope and tree preserve area to facilitate the proposed development of a dwelling, including hardscaping in an available portion of the tree preserve area. The proposed development is in keeping with the character of the street, allows a dwelling to be built that accommodates one-floor living, and results in no net loss of tree preservation area.

Respectfully submitted,

Tracy Napier  
PLANNER

for

Jan Jansen  
GENERAL MANAGER OF RESORT EXPERIENCE

## Site Location Map



Subject Property

7409 Treetop Lane

CM121 - Covenant Modification  
February 4, 2020  
Appendix B

PROPOSED REPLANTING LIST	
6 BIRCH	
3 TREWELING ASPEN	
2 JAPANESE MAPLE	

AREA REMOVED FROM T.P.A. 730.8 SF (67.89 SM)  
NEW T.P.A. AREA "A" 365.0 SF (33.90 SM)  
NEW T.P.A. AREA "B" 365.0 SF (33.90 SM)  
NO NET LOSS TO T.P.A.

TREE PRESERVATION  
PLAN LMP-44926

NEW TREE PRESERVATION  
REPLANT ZONE "A"  
365.0 SF (33.9 SM)

PROPOSED REVISED  
TREE PRESERVATION AREA

AREA REMOVED  
FROM EXISTING  
TREE PRESERVATION  
730.8 SF (67.89 SM)

TREE PRESERVATION  
PLAN LMP-44926

PROPOSED REVISED BUILDING ENVELOPE

PROPOSED REVISED  
TREE PRESERVATION AREA

PROPOSED  
HARDSCAPE  
AREA IN T.P.A.

NEW TREE PRESERVATION  
REPLANT ZONE "B" 300.0 SF  
2 BIRCH  
1 JAPANESE MAPLE

SITEPLAN  
SCALE: 1/8" = 1'-0"

NOTE: ALL ASPECTS OF CONSTRUCTION SHALL CONFORM  
WITH THE CITY OF DENVER, COLORADO, AND  
OCCUPANCY RESIDENTIAL "C"

7409 TREETOP LANE  
SITEPLAN

SEAN ANDERSON

DATE: JANUARY 17, 2020  
DRAWN BY: E.A.  
SCALE: 1/8" = 1'-0" U.N.C.

REVISIONS

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THIS PLAN IS THE PROPERTY OF SEAN ANDERSON  
AND SHALL REMAIN HIS PROPERTY  
UNLESS OTHERWISE NOTED  
BY THE CLIENT

A-01  
DRAWING NUMBER

7409 Treetop Lane – Proposed Dwelling

Three Dimensional Reference Images of Proposal

